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1 Monday, 31 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 2.15 p.m.

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

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

12 JUDGE ANTONETTI: [Interpretation] Very well. This is the last
13 day of August, and I would like first and foremost to greet Mr. Praljak,
14 Mr. Pusic, Mr. Petkovic, Mr. Prlic, and Mr. Petkovic, and Mr. Coric. I
15 also want to greet Mr. Coric.

16 I welcome our Defence counsels, Mr. Stringer and his assistants,
17 and everyone helping us.

18 I would like the Registrar to move us to closed session for a
19 minute, please.

20 [Private session]

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

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11 Page 44039 redacted. Private session.

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9 (redacted)

10 (redacted)

11 (redacted)

12 [Open session]

13 THE REGISTRAR: We're back in open session, Your Honours.

14 JUDGE ANTONETTI: [Interpretation] We can now pursue the

15 cross-examination in open session. I now give the floor to Mr. Stringer,

16 whom I greet once again.

17 MR. STRINGER: Thank you, Mr. President. Good afternoon again to

18 you and Your Honours, Counsel, and to everyone else.

19 WITNESS: SLOBODAN PRALJAK [Resumed]

20 [Witness answered through interpreter]

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

22 Q. Good afternoon, General.

23 A. Good afternoon, sir.

24 Q. General, at the conclusion of the trial session last week, we
25 were just starting to work on a group of documents from -- relating to

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1 the period of January 1993, in relation to the area of the municipality
2 around Gornji Vakuf, so I want to continue with those questions today. I
3 think when we left -- when we completed last week, we were looking at
4 P00460, which was from October 1992, and which was a document of
5 Colonel Siljeg.

6 Now, you don't need to go to that document, General, because I've
7 finished that. I'm going to move to the next one. But before I do, I
8 want to recall some of your prior testimony in relation to the events
9 that led up to the conflict in Gornji Vakuf in January. And this is your
10 testimony on page 40580 of the transcript from 21st of May, 1999.

11 General, you were talking about escalation and the rising tensions in
12 Gornji Vakuf, and you made a reference to the -- you asserted that the
13 ABiH had closed off or blocked some roads in the region, and this
14 required the HVO commander, Mr. Tokic, to actually get an UNPROFOR escort
15 to reach his headquarters. Do you recall that testimony?

16 A. Yes. It wasn't just about the roads but involved also all the

17 elevations in and around the town.

18 Q. Now, it's true, General, isn't it, that at the same time, early
19 January 1993 at least, the HVO itself was cutting off roads or block --
20 blocking roads in the Gornji Vakuf area, and this also contributed to the
21 rising tensions? Isn't that correct?

22 A. I'm not familiar with that. I knew about these things earlier on
23 when I was there as far as the BH Army actions were concerned. Of course
24 it is quite possible that there was some form of HVO response. This is a
25 cause-and-effect principle that we see at work here.

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1 Q. Now, take a look at the next document in your binder which is
2 P01068.

3 JUDGE ANTONETTI: [Interpretation] General Praljak, just a minute.
4 The Prosecutor is talking about the blocking off of roads. During the
5 four last years we've talked about this almost every day, you know, this
6 blocking of roads. It seems that according to some military experts,
7 blocking off roads would be part of the active defence strategy. It
8 seems -- I haven't checked this yet. However, in the American -- in the
9 US military doctrine this is part and parcel of strategy. So when the
10 HVO or the ABiH is blocking off a road, according to you is this a
11 defensive action or is this an offensive action? Or maybe you don't
12 know.

13 THE WITNESS: [Interpretation] Yes, I do know. The blocking of
14 roads, isolating the brigade commander and taking all the significant

15 elevations and trig points in Gornji Vakuf, in my opinion, can only
16 constitute an open active aggression.

17 JUDGE ANTONETTI: [Interpretation] Very well. Thank you. It's on
18 the transcript.

19 MR. STRINGER:

20 Q. General, the next exhibit is P01068, and it is from the
21 6th of January, 1993, a milinfosum of the British Battalion that was
22 based in the area, and I'm going to take you to a couple parts of this.
23 The first part is in the second paragraph, and it says that a CS from
24 Gornji Vakuf was approaching an HVO check-point, and it gives it grid
25 coordinate. When the HVO sentry fired his weapon in the air, the CS

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1 withdrew back to Gornji Vakuf.

2 "Comment: There is an earthwork barrier at this check-point in
3 order to force the Muslim population of Hare to travel to Prozor and not
4 Gornji Vakuf. Obviously tensions are rising in the area, which is
5 reflected by an HVO presence at the check-point." End of comment.

6 Now, General, recognising that you weren't there at the time, did
7 you subsequently find out when you did arrive that the HVO, as indicated
8 here, had erected barriers, at least -- at least at this check-point in
9 order to prevent the Muslim population from travelling into Gornji Vakuf?

10 A. I know nothing about this.

11 Q. All right. Thank you.

12 A. I stand by my previous assertion about what went on in

13 Gornji Vakuf months before.

14 Q. Now, the next paragraph continues on, and it says: At
15 approximately 1500 hours, on Monday afternoon, the HVO raised an Ustasha
16 flag in the town. The Muslims reacted, and a Bosnian army soldier
17 attempted to remove the flag. An HVO policeman then fired at the Bosnian
18 army soldier in question, resulting in a sharp rise in tensions in the
19 town.

20 And then it goes on to talk about how the commanders managed to
21 defuse the situation.

22 Now, we saw the same thing in Prozor, General. We don't need to
23 go back to the exhibit, but it was P00608, the Markesic report from
24 October talking about rising tensions in Prozor after the Croatian flag
25 was raised there.

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1 Were you aware of this, General, that at least on this one
2 occasion the Croatian flag or an Ustasha flag, whatever you want it call
3 it, was raised by HVO soldiers in Gornji Vakuf and that this also
4 contributed to the rising tensions there in advance of the conflict?

5 A. I was not aware of that incident. In the English report and the
6 Croatian, one should point out that the word "Ustasha" is under quotation
7 marks, which is the difference between speaking and writing. One must
8 point out that in both the Croatian report and the Croatian translation
9 the word "Ustasha" is under quotation marks, suggesting that this is no
10 real Ustasha flag but, rather, the authentic historical flag of the

11 Croatian people.

12 I do wish to point out that during the elections in Bosnia and
13 Herzegovina this flag was hoisted whenever there was any kind of
14 political rally. The flags of the Muslim people, the crescent one, and
15 the Croatian flag were often associated as a token of friendship and
16 often seen together.

17 I would not exactly call this a sign of rising tensions, because
18 if there was a side over there that minded even the -- catching sight of
19 the Croatian flag, then this would have constituted a problem for that
20 group, because any tension arising from that would have been tantamount
21 to imposing the will of one people on the other.

22 Q. Right. So you're suggesting that the raising of the Croatian
23 people's flag in Gornji Vakuf was intended to be a token of friendship?
24 Is that what you're suggesting to us?

25 A. I'm suggesting that during the elections in Bosnia and

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1 Herzegovina there were dozens of places, and these locations were
2 photographed and I can actually produce the photographs. The Croat's
3 flags and the Bosniak's flags would be actually bound together by a
4 single knot and shown around as a token of friendship between the two
5 peoples. The flags were together, meaning the two peoples would stand
6 united against any form of aggression.

7 JUDGE TRECHSEL: A new day in court has started and a new week,
8 and maybe some of the things that the Bench has told you over and over

9 again has faded. You are invited to answer the question. The answer --
10 the question was: Is it your point that this raising of a flag was a
11 gesture of friendship, and it can be answered by yes or no, and you would
12 much assist the Court if you stuck to that and would answer yes or no to
13 a simple question.

14 MR. STRINGER:

15 Q. General, let me suggest, with the Court's permission, a third
16 answer that you should consider, which is the fact that since you weren't
17 there, you don't know whether the raising of the Croatian flag was
18 offered as a token of friendship. So it's yes, no, or you don't know.

19 A. I don't know, and I don't think this is a question that can
20 possibly be answered. I can only tell you that it is an inherent right
21 of the Croatian people to raise their flag. It is a right.

22 Q. And since you weren't there, General, and since you've told us
23 you don't know, then you have no reason to challenge the conclusion of
24 the writer of this report, the British Battalion, that in fact this
25 incident resulted in a sharp rise in tensions in the town; correct?

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1 You're not in a position to dispute that?

2 A. I do dispute that particular inference. I dispute its very
3 essence. The raising of a flag belonging to a sovereign people can --
4 you're welcome.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, I will look at
6 this document but from another angle. We've already seen this document,

7 it's no surprise to us, but as the trial is advancing, any reasonable
8 trier of fact starts to see things more and more clearly. So the British
9 Battalion is observing what is happening on the field and is reporting
10 this so-called flag incident.

11 We've heard some witnesses from UNPROFOR who told us that before
12 arriving on the field they were trained, and they were given information
13 on the situation at hand. So they weren't coming without any knowledge.
14 They had been told about the ins and outs of the situation. At least
15 this is what witnesses told us. And when reading this report, I note
16 that at first this is a very factual report giving the facts. In this
17 report there is no mention that this incident might, and I say might,
18 might be in line with what the HVO is doing or would be doing if it was
19 undertaken a joint criminal enterprise. If there had been an enterprise,
20 you create an incident, you raise the flag. Because of this you get a
21 reaction from the Muslims, and that gives you an excuse to launch some
22 kind of military action.

23 However, I have noted that in a number of UNPROFOR reports there
24 is a paragraph on comments, but here I see no analysis of the situation.
25 Thus in July [as interpreted] it seems that an incident occurred, but it

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1 seems to be an isolated incident.

2 Now, please, could you tell us, as far as you're concerned,
3 whether you think what happened in Gornji Vakuf was an isolated incident
4 or whether this illustrates an incident that does not date back to

5 January 1993 but which -- whose roots can be found in 1992 or even
6 earlier in 1991.

7 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, based
8 on what I just said, the flags were regular during the elections. The
9 peoples had their flags. I don't see how the raising of any of these
10 flags should bother any of the other sides. That means there is
11 something that isn't working properly with one of these other sides.

12 Secondly, one of my tasks, both in 1992 and 1993, and during my
13 time as commander, was to continually make possible +for weapons to go
14 through and eventually reach the BH Army. You asked me what I was doing.
15 One of my tasks was in a way to keep this secret, even without the
16 soldiers knowing, to allow the weapons to go through and reach the
17 BH Army. A lot of my energy was dedicated to that. For Merhamet's
18 trucks, five or six of those, concealing the BH Army weapons, allowing
19 them to pass through the positions held by my soldiers and me, and then
20 those weapons were used against us the very next day. Any criminal
21 enterprise would have stopped this sort of traffic all together. The HVO
22 was strong enough to simply take those areas, round the whole thing off,
23 and finish the whole story in October/November 1992.

24 I will never justify myself before this court or any other court
25 why I raised the Croatian flag in a country in which I was a member of a

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1 constituent people.

2 JUDGE ANTONETTI: [Interpretation] I'm not asking for

3 justification. I was -- asked a very specific question, surgically
4 precise, if I could say so. And the further -- you know, as we go on, I
5 will be more and more specific. I really wanted to know whether this
6 so-called flag incident was just an isolated incident or whether this was
7 part of a plan at all. It's crystal clear. And you're not answering my
8 question.

9 THE WITNESS: [Interpretation] As far as I know there was no plan.
10 This was a man who raised this flag. Another man reacted. What happened
11 happened. There was no order to raise this flag. There was no
12 speculation, Let's go and raise a flag here and then there will be a
13 reaction by them. It was nothing like that. This was an isolated
14 incident and tensions were allayed immediately because the commanders
15 jumped in to calm the situation down.

16 JUDGE ANTONETTI: [Interpretation] Very well.

17 MS. ALABURIC: [Interpretation] If I may, a correction of the
18 transcript. I think there is a mistake sneaking in there when the
19 Honourable Judge's question was being interpreted. Page 9, line 22. It
20 reads July as the month in which the incident happened that the Judge was
21 asking a question about; whereas I think the Judge said the January
22 incident, which the next paragraph records properly. Thank you.

23 JUDGE ANTONETTI: [Interpretation] Very well. I thank you,
24 Mrs. Alaburic. I could have seen it myself, but when I put a question,
25 I -- I'm always watching Mr. Praljak, and I can't see the screen at the

1 same time. Professionally, I always want to look -- look at the person
2 I'm talking to, and I can't check the screen at the same time,
3 unfortunately.

4 Thank you for -- counsel of Defence for creating the transcript.

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

6 Q. General, the document next document in the binder is P01107.

7 It's somewhat long. It's an order of Colonel Siljeg. We've seen it any
8 number of times. I'm not going to ask you about it in great detail
9 except for two parts.

10 First of all, as we see in the preamble, and this is dated the
11 12th of January, 1993, he notes a deterioration in the relation between
12 Croats and Muslims. He says the BH Army is attempting to take over key
13 buildings in Gornji Vakuf which are under the control of the HVO, and
14 given the incident that are present at all times, such as taking down the
15 Croatian flag in the centre of town, arresting certain individuals on
16 both sides, arrival of BH Army forces, et cetera, and the failure of
17 civilian authorities to function, and in particular because of the
18 attempt by the BH Army to eliminate the HVO in Gornji Vakuf, and then he
19 issues this order.

20 And my question, General, is -- is at the -- if you turn to the
21 very end, we can -- I don't want to go through it. I don't want to take
22 the time to go through this. He's talking about the attack forces,
23 objectives, taskings of the various units, various brigades, use of
24 artillery in paragraph 3, et cetera.

25 And then in item 6 at the end of the document, he says:

1 "Be prepared for combat immediately, which is to be started when
2 I give the order."

3 General, my question simply is whether we can call this a
4 preparatory attack order or a preparatory combat order.

5 A. That's right. This is something that a commander must do. He
6 must prepare, and then he says preparedness right now. The attack shall
7 commence depending on my later order.

8 Q. All right.

9 A. Depending on how the situation evolves. And then there were
10 attempts --

11 Q. Thank you. You gave me the answer I was looking for, General.
12 And the next question on this would be whether -- as I understand it, you
13 arrived in this area, that is Prozor-Gornji Vakuf, if I can put it that
14 way, on the -- late on the 15th or early on the 16th of January. Is that
15 correct?

16 A. The morning of the 16th. I can't say really. That morning,
17 before noon.

18 Q. After you arrived on the morning of the 16th of January, did you
19 become aware at that time or subsequently that Siljeg had issued this
20 preparatory combat order?

21 A. I didn't know that he issued this, but on the 16th the fighting
22 was already going on.

23 Q. All right.

24 A. The fighting started on the 16th, actually.

25 Q. The next document is P01132, and we're going to take a moment to

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1 see what's being said on the other side. This is a document of the
2 Army of Bosnia-Herzegovina, dated the 14th of January, 1993, and this is
3 Mr. Hadzihasanovic writing to the Supreme Command, and he's talking
4 about -- he says one of the most complex problems -- this is at the
5 beginning:

6 "One of the most complex problems the command corps has
7 encountered since the corps' establishment to this day is the relation
8 between ARBiH units and HVO units. Such relations culminated in the
9 HVO's armed attack on Gornji Vakuf, resulting in huge material damage,
10 the wounding of civilians," et cetera, and he goes on.

11 And I want to move down to the bullet points that are at the end
12 of the next paragraph. He first lays out a conclusion that the latest
13 conflict is a well-thought out, planned policy, planned -- excuse me,
14 well-thought out and planned activity on the part of HVO extremists and
15 part of the HVO policy with the chief aim of an open conflict between the
16 Croat and Muslim people.

17 Now, this is Hadzihasanovic making this assessment and sending it
18 to the Supreme Command of the ABiH. And in support of that conclusion he
19 cites these facts, he says:

20 "Civilians bodies of authorities, where the HDZ ostensibly won,
21 are creating a state set-up in the state of so-called Herceg-Bosnia.

22 Muslims as well as those who do not recognise the laws of so-called
23 Herceg-Bosnia are being removed from the bodies of authority."

24 He continues to say that:

25 "Parallel bodies of authority within -- with the so-called HB's

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1 legislature are created in territories the HVO considers its own ..."

2 Then skipping down, he continues by saying:

3 "... the HVO units are confiscating weapons, equipment,
4 foodstuffs, other means intended for the ARBiH, as well as that of
5 humanitarian organisations."

6 Now, General I'm not going to go back to the documents but, when
7 we were talking about lead-up to the conflict in Prozor in 1992, we
8 looked at a few of the documents related to the HVO's political takeover
9 of Prozor municipality. Do you remember that? Do you remember the
10 document we looked at where Dario Kordic signed on behalf of Mate Boban
11 appointing people to the municipal HVO in Prozor?

12 A. According to all my information the HVO did not take over
13 political power in Prozor, but at meetings it shared the power and
14 authority on the basis of the election results. That's my information
15 when I was up there.

16 Q. I asked a different question which was whether you remember the
17 document where Dario Kordic signed on behalf of Mate Boban appointing
18 individuals to the municipal HVO. If you don't remember it, just tell me
19 and we'll move on.

20 A. Yes, I do remember that document, and that's all I can tell you
21 about that document.

22 Q. All right. And now what we see now a couple of months later in
23 Gornji Vakuf is the same sort of reference or a reference to the same
24 sort of activity, that is the appointment, the creation of parallel
25 civilian or political authorities in these areas under HVO control. And

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1 the ABiH people here are concluding that that, in fact, is part of an HVO
2 policy that's going to lead to open conflict between Croat and Muslim
3 people. And isn't that indeed the case, that the establishment of these
4 separate HVO bodies, parallel structures, is in large part what led to
5 the military conflict between the HVO and the ABiH in Gornji Vakuf?

6 A. No, that's not correct. In Gornji Vakuf, complete power and
7 authority -- or, rather, parallel authority was created by two people,
8 Topcic or whatever the man's name was, and none of these points that
9 Hadzihasanovic is setting out here is correct, not a single one.

10 Q. General - excuse me - the next exhibit is P01146, and this is one
11 that we've seen a lot, and it's one of a series, and so let's just go
12 through the series and then we'll talk about this issue of the -- the
13 ultimatum or the position of the HVO in more detail.

14 General, P01146 is a decision of the HVO HZ HB that was made or
15 issued at its extraordinary session held on the 15th of January, 1993, in
16 Mostar. And we see in this decision, and we've seen it many times
17 already in this trial, the decision providing or directing that in

18 Vance-Owen canton 3, 8, and 10, the HVO is -- well, the ABiH is going to
19 be subordinated to the HVO, and in Vance-Owen cantons 1, 5, 9, the HVO is
20 going to be subordinated to the ABiH, and in the documents to come, we'll
21 see how this decision moved down the chain of command.

22 Before we do that, General, this is the 15th of January, and
23 you've told us that it was on the morning of the 15th of January, 1993,
24 when you left Zagreb and made your way down to Mostar with the text that
25 we find in this decision; is that correct?

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1 A. Correct.

2 Q. And you're saying that the text of -- of what's in this
3 decision --

4 A. On the 15th, before noon.

5 Q. Right. And if I understand correctly, you're tell us that this
6 text was text that was agreed upon in Zagreb in meetings that were held
7 with you, Mr. Izetbegovic, Gojko Susak, and others; correct?

8 A. I took part in one or two meetings. They lasted for a day or
9 two. I can't remember all the names, but Boban, Izetbegovic, Susak, yes,
10 and some others, and I myself were there. I think I was at two meetings,
11 not the whole of the meetings.

12 Q. And I asked you about this last week, and you said that the
13 agreement on this text was an oral agreement, that is, that Izetbegovic
14 and his people did not sign off on a text. Rather, it was an oral
15 agreement; correct?

16 A. No, that's not what I said. The document was compiled. It
17 wasn't signed because the minister in the government of
18 Bosnia-Herzegovina was supposed to make it public first. Bozo Rajic, he
19 was the defence minister at the time. And I see no reason why it should
20 be signed and initialed if the minister was going to make it public.

21 Anyway, the text was drawn up, and they agreed upon it.

22 Q. So neither Boban nor Izetbegovic signed off on this text, but
23 it's your testimony that it was going to be made public as an agreement
24 nonetheless?

25 A. Mr. Stringer, the text was written, dovetailed, and handed over

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1 to the minister in the government of Bosnia-Herzegovina, to the defence
2 minister, in fact. That's all. And I think he made it public on the
3 16th, and I think we've already seen the text of that during these
4 proceedings.

5 Q. Coming back to this exhibit, P01146, this extraordinary session
6 that was held on the 15th of January, 1993, in Mostar, were you present?

7 A. No.

8 Q. Now, the text of this decision, since it came from you, did you
9 arrive in Mostar, give the text to the membership of the HVO HZ HB, and
10 then they went in and had their extraordinary session? Is that how it
11 worked?

12 A. I'm not the author of the text. I took part in elaborating this
13 document. So to be an author and to take part are two different things.

14 I brought the text, that's true, and I handed it over to the
15 gentlemen there, Mr. Prlic, Stojic, and Petkovic.

16 Q. And, so then my question is: After you handed the text over to
17 them, is that when they went into this extraordinary session and passed
18 this decision, or do you know?

19 A. I don't know.

20 Q. Okay. So you don't know how this decision came about?

21 A. How it came about? Yes, I do know that.

22 Q. No -- go ahead. I'm sorry, I didn't mean to cut you off. Go
23 ahead, please.

24 A. I don't know when was meeting was. I don't know when they signed
25 it. All I know is that I brought it as a finished decision, something

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1 that we were very happy to have put down on paper and that we would have
2 reciprocity, and that this could stop any possible conflicts that arose
3 from minor issues and that were more and more difficult to mitigate.

4 Q. All right. Now, in paragraph --

5 JUDGE TRECHSEL: Excuse me, Mr. Stringer.

6 The translation, Mr. Praljak, reads, "I don't know when they
7 signed it," plural. I have only found one signature on the document.
8 Why do you use the plural here?

9 THE WITNESS: [Interpretation] Because a similar decision with
10 very minor differences was signed by Mr. Stojic and Mr. Petkovic. So
11 that's why I used the plural. I know of this decision. And then

12 afterwards there were two orders, and we have seen those two orders here.

13 MR. STRINGER: Your Honour Judge Trechsel, the subsequent ones
14 from Mr. Stojic and the others are coming so --

15 JUDGE TRECHSEL: I have seen that. I have seen that. It will be
16 interesting to know how they relate to each other, because at first look
17 it seems a bit strange that one would have three identical, if they are
18 identical, orders signed by different members of government. Thank you.

19 MR. STRINGER:

20 Q. General, I just wanted to take you to paragraph 1 of this. It
21 says:

22 "All units of the Army of Bosnia and Herzegovina which at this
23 moment are stationed in provinces 3, 8 and 10, which have been declared
24 Croatian provinces in the Geneva accords, shall be subordinated to the
25 command of the Main Staff of the HVO armed forces."

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1 General, now, are you asserting that Alija Izetbegovic agreed to
2 that language that Vance-Owen provinces 3, 8 and 10 had been declared
3 Croatian provinces?

4 A. Yes. In that respect, an agreement had already been reached, and
5 Mr. Izetbegovic agreed with it. And it was always emphasised that this
6 decision, decision number four, was considered a provisional decision and
7 would be in force until the final Geneva agreements were signed. So it
8 didn't jump the gun in any way. It just made sense in one aspect. The
9 fighting in Vakuf had already begun. I was asked to go down there and to

10 try and assist the people to calm the situation down, and -- yes, very
11 well.

12 Q. So -- and again when you talk about this agreement with
13 Izetbegovic, you're talking about an oral agreement. You don't have
14 President Izetbegovic's signature on this text anywhere, do you?

15 A. Mr. Stringer, we have this decision here and the order, and it's
16 signed by his minister in the government, Bozo Rajic. You asked me this
17 ten times --

18 Q. General --

19 A. -- as if you think I'm stupid and --

20 Q. No, I'm actually asking you a different question which is, just
21 to confirm for us, you do not have Alija Izetbegovic's signature on this
22 text anywhere, do you?

23 A. That is correct.

24 Q. Let's move to the next document as we follow this down the chain,
25 P01140. And this is dated the same day, the 15th of January, 1993, and

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1 this is the document, General, that you referred to a moment ago that
2 bears the signature of Bruno Stojic, head of the Defence Department. And
3 he's issuing this order, which is pursuant to the HVO decision that we
4 just looked at, and this is an order from the head of the Defence
5 Department. We see it goes to the Main Staff of the HVO. It appears to
6 be going to some command of the army of the -- command of the Army of
7 Bosnia-Herzegovina, minister of defence, Bosnia-Herzegovina military

8 police.

9 In this one Mr. Stojic orders -- I'm not going to read it all but
10 it is similar to, although not identical to, the text that we just were
11 reading in the previous document. Ordering the establishment of direct
12 contact with the Army of Bosnia-Herzegovina in the various Vance-Owen
13 cantons in order to achieve an implementation of the decision that we
14 just referred to.

15 In number 2 he directs that the HVO is going to subordinate
16 themselves to the command of the ABiH or leave the territory.

17 And then he essentially says the same thing in paragraph 3. He
18 says:

19 "Members of the units of the armed forces of the HVO and the
20 Army of Bosnia-Herzegovina ... who do not leave the territory of the
21 province and do not wish to subordinate themselves to the relevant
22 command shall be treated as members of paramilitary units who shall be
23 disarmed and taken into custody."

24 Now, General, would you agree with me that this reference to
25 treating units as paramilitaries is not something that's found in the

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1 text of the original HVO decision that we looked at in the previous
2 document?

3 A. Well, the government is obviously making a decision, and the
4 minister, on the basis of that government decision, is issuing an order.

5 Q. Well --

6 A. He elaborates on the situation in such a way -- in a way that's
7 quite logical.

8 Q. The question was a simple one. Can you agree with me that the
9 reference to the paramilitary units here is not something that's
10 contained in the original text that's found in the HVO decision? It's a
11 yes or no.

12 A. Well, we would have to take the original text of Bozo Rajic's to
13 see what it says there.

14 Q. No. I'm asking you about the text that's in the HVO decision
15 that we just talked about in the previous document, P01146.

16 A. There is a difference.

17 Q. And since the HVO decision, which is P01146, is the text that you
18 brought from Zagreb, then this reference to paramilitary units is
19 something new that Mr. Stojic added, isn't it?

20 A. I don't know, because I didn't say that I'd brought this document
21 passed by the government but that I was bringing in a document that had
22 been dovetailed and coordinated, and the original was published by
23 Bozo Rajic. Now, it was you who said that I brought in this document
24 issued by the government. I didn't. I brought the document that had
25 been dovetailed, the one that was published by Bozo Rajic.

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1 Q. Well, you're telling us something different now, General. A
2 couple of minutes ago you told us that you carried the text to Mostar and
3 that you handed it to Dr. Prlic and Mr. Stojic and the others.

4 Now, are you changing your testimony?

5 A. No, but I didn't say that the document that I brought was signed
6 by Prlic. My logic is quite clear. I brought a document, and that
7 document is the document that was published by Bozo Rajic. The --

8 Q. So --

9 A. -- differences or --

10 Q. When did you give it to Bozo Rajic? This is new.

11 A. I didn't hand it to Bozo Rajic. Bozo Rajic received it from one
12 of the participants at the meeting. Now, who gave it to him, whether it
13 was Boban or Izetbegovic or both of them, I don't know.

14 Q. All right, General. I want to skip down to paragraph 8 of this
15 document where Bruno Stojic orders that:

16 "The Chief of the Main Staff of the armed forces of the HVO and
17 the chief of the HVO military police administration shall be responsible
18 to me for implementation of this order."

19 Now, given that this in your view, General -- well, let me start
20 over again. What this document purports to do, General, is to provide
21 for the military implementation on the ground of a political agreement
22 that you claim was reached; correct?

23 A. Correct. And point 5 is particularly important, which speaks
24 about the very proper conduct on the Croatian side. So I don't think you
25 should skip that one.

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1 Q. And in paragraph number 8, then, since we see military

2 implementation on the ground of a political agreement, it's appropriate
3 then that it would be the head of the Defence Department as the highest
4 ranking -- or most direct civilian authority over the Main Staff to issue
5 such a decision, isn't it? Civilian control over the military is what
6 this shows, doesn't it?

7 A. I'm not sure I understood you correctly. I do apologise, but I'm
8 not quite clear on what you're asking.

9 Q. I'm looking at item number 8 where Bruno Stojic directs that the
10 chief the Main Staff, who at the time was Brigadier Petkovic; correct?

11 A. Yes.

12 Q. And the chief of the HVO Military Police Administration -- at
13 that time it was Valentin Coric; correct?

14 A. Yes.

15 Q. He holds them responsible to report to him on the implementation
16 of this order. And so what this tells us, General, is that the head of
17 the Defence Department had the authority to direct the military and the
18 military police in matters involving implementation of political party --
19 or political policy or political agreements; correct?

20 A. That would follow quite obviously from item 8. After political
21 agreements had been reached, it is quite obvious that in that respect,
22 and looking at item 8, it follows that he has the right to ask that the
23 Main Staff implement a political decision of that nature.

24 Q. All right. Now and in fairness, you mentioned item 5 so I'll
25 come back to it. I take it General, that you wanted to point out here

1 that the Stojic order provides that there is to be proportionate
2 representation in the command structures based upon the -- the proportion
3 of soldiers on the front line; correct?

4 A. Correct. And a consistent implementation of item 5, in view of
5 the fact that the BH Army soldiers were more numerous and they were up at
6 the front lines towards the Serbs, and if they were there they could take
7 over command of the brigades in the operative zones and in the provinces
8 in which allegedly the HVO had been given the right to command. So item
9 5 speaks about the very proper conduct. Let's have soldiers up at the
10 front, and proportionate to the soldiers fighting the Army of
11 Republika Srpska, in proportion you should take the command of the
12 brigades in the operative zones. And I don't think you could have any
13 more proper guidelines than that.

14 Q. Then the next -- the next step in this chain or in this process
15 is the next document, General, P0 --

16 JUDGE TRECHSEL: Excuse me. Excuse me, Mr. Stringer. I would
17 like to ask a question regarding number 6 here, where Mr. Stojic "forbids
18 the engagement," I'm quoting, "of officers of the Army of BH who have
19 influenced the breakdown of relations between the Croatian and Muslim
20 people in their previous work."

21 Mr. Praljak, what does that mean? What kind of officers are
22 referred to there? Is it everyone who fought against the HVO, or is
23 there a special criterion?

24 THE WITNESS: [Interpretation] No. I don't think that that's it.

25 I don't know what it is exactly, but up until then there was just the

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1 conflict in Rama. They weren't fighting against the HVO up until that
2 time, but then there was some information about some people like Paraga,
3 for example, in Vakuf, and other people mentioned there. It was obvious
4 looking at that that a certain number of people in the BH Army, some of
5 them who had come from the Yugoslav People's Army, and we had every
6 indication that in fact they were working within the frameworks of KOS,
7 K-O-S, and that they were working to disrupt any agreement between the
8 BH Army and the HVO and a Joint Command, that those people shouldn't
9 become members of any joint commands or joint staff because they would do
10 what in fact they succeeded in doing later on.

11 JUDGE TRECHSEL: Thank you. That's -- okay.

12 MR. STRINGER:

13 Q. General, the next document is P01139, also dated the
14 15th of January, this one over the signature of Brigadier Petkovic, who
15 was the chief of the HVO Main Staff.

16 So here we see in the -- P01139. Do you have it now?

17 A. Yes, sir.

18 Q. This is same date, 15 January 1993, and here Brigadier Petkovic
19 makes a reference first to the decision of the HVO of the HZ HB, and with
20 the document reference numbers we can -- we can confirm that he's
21 referring here to the decision of the HVO HZ HB that we looked at a few
22 minutes ago, P01146. And then he also makes a reference to the order of

23 the chief of the Defence Department, and with that reference number we
24 can see that he's referring to P01140, which is the Stojic order. So now
25 he's taken the Stojic order, and pursuant to the Geneva agreements, he

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1 issues this order. And again, this is simply passing down the chain of
2 command the terms or the provisions of the text that we've been talking
3 about with the other documents on subordination of units based on which
4 canton they were found in.

5 And here we see in item 4 that the reference to the paramilitary
6 units that appears in the Stojic order is repeated, then, in the order of
7 General Petkovic, providing that:

8 "Units which do not submit to the appropriate commands should
9 leave the province where they do not belong. Otherwise, they will be
10 treated as paramilitary units and disarmed."

11 So item 8 then provides that this order is to be carried out by
12 the 20th of January, 1993.

13 A. Excuse me, what is the question in relation to item 4? Am I here
14 to answer your questions or do you plan to just read on? Item 4 reads:

15 "Members of" --

16 THE INTERPRETER: Interpreter's note: Could all the unnecessary
17 microphones be switched off, please. Thank you.

18 THE WITNESS: [Interpretation] If you're about going to go on
19 reading this document, then you hardly require my presence here, do you?

20 MR. STRINGER:

21 Q. Well, I'm finish reading it, General.

22 JUDGE TRECHSEL: Mr. Praljak, a bit of respect, please, for the
23 Prosecutor as for everyone else.

24 MR. STRINGER:

25 Q. I'm trying to get through it as quickly as I can while being fair

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1 to you about the parts I'm going to ask you about. Okay?

2 A. Thank you very much for that, but what I'm trying to say is this:
3 You're talking about paramilitaries units. No, that is not true. What
4 this document is saying is that units, BH units or HVO units, that are
5 not resubordinated again, that this will be another mirror image. If
6 these units don't obey, be it HVO or BH Army units, such units will of
7 course be considered as paramilitary units because they refuse to obey
8 orders.

9 Q. Okay. This reference to paramilitaries, let's apply it, then, to
10 the situation in Gornji Vakuf.

11 As applied to the situation in Gornji Vakuf, since Gornji Vakuf
12 was within Vance-Owen canton number 8, then the ABiH units present in
13 Gornji Vakuf at this time would either have to submit to the command of
14 the HVO there or they would have to leave. And if they didn't leave
15 Gornji Vakuf, then they would be considered by the HVO to be
16 paramilitaries.

17 Isn't that a correct interpretation of this?

18 A. In Gornji Vakuf the only unit that was there was the

19 Jajce Brigade, and then Petkovic here again says in proportion to the
20 number of soldiers on the battlefield, if in Gornji Vakuf there are more
21 Muslim soldiers who will reach the line facing the Army of
22 Republika Srpska, they will be getting greater proportion in command in
23 the operation zones and brigades as well.

24 Q. You're not answering my question. I'm asking you about the
25 status of ABiH units in Gornji Vakuf that do not submit to the command of

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1 the HVO. And isn't it true that such units would be considered to be
2 paramilitaries by the HVO after the 20th of April -- excuse me,
3 20th of January, 1993?

4 A. That follows from the order and decision approved by
5 Alija Izetbegovic.

6 Q. All right. The decision again, and the decision approved by
7 Alija Izetbegovic, this is text that was not the text that you handed
8 over to Dr. Prlic in advance of the HVO meeting, right? Because we don't
9 see that language about paramilitaries in the HVO decision, do we?

10 A. Mr. Stringer, I'm just trying to make sure we have an
11 understanding on this.

12 I brought along a document, I'm not sure what it looks like
13 exactly, but the original is with Bozo Rajic. If you show me that
14 document, I will tell you, to the best of my recollection, this is what
15 was involved in, involved.

16 Q. All right, General. We'll come to that.

17 Now, I want to take you to the next exhibit, which is P01186.
18 Now, General, this is the 18th of January, 1993. It's a couple of days
19 before the 20 January deadline that is contained in the Petkovic order we
20 just looked at, and this is a communication from Arif Pasalic, commander
21 of the ABiH 4th Corps, and he's referring to -- we can tell by the
22 reference number in the first sentence that he's referring to P01139,
23 which is the -- the order we just looked at that was issued by
24 General Petkovic, and he's talking about the establishment of the
25 4th Corps in November of 1992. He says -- he continues in paragraph 1

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1 that throughout the time that the 4th Corps was established, he says:

2 "Your staff and command of the operative zone did not express any
3 interest in the questions, what command it was, its purpose and command
4 structure."

5 He goes on to say that on several occasions he'd been orally
6 informed by the chairman of the Defence Department about it, but he
7 reacted disparagingly and said, "What corps? Where is that corps?"

8 Now, here we see, then, that he is writing to Petkovic, and in
9 item 5 he says that:

10 "I cannot carry out item 2 in your order due to the fact that the
11 4th Corps of the Bosnian Army and its units are not under your command
12 regarding such decisions and their execution."

13 I'm going to move back up to paragraph 3. He says:

14 "I am informing you that I do recognise, I do recognise the HVO

15 Main Staff as a superior command for coordination of activities on front
16 lines and combat actions -- operations against the enemy, Chetniks and
17 the remnants of the former JNA."

18 So here -- and he continues on. He concludes by asking Petkovic
19 to rescind his order.

20 Here we have a direct statement from the ABiH side that this
21 order coming from the HVO HZ HB through Stojic, Petkovic on subordination
22 is not going to be respected or carried out by the ABiH; correct? They
23 were not going to subordinate themselves to the HVO in Gornji Vakuf.

24 A. No.

25 Q. Now --

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1 A. Mr. Pasalic had nothing to do with the Gornji Vakuf command.
2 Secondly, Mr. Pasalic claims that he believes the Main Staff to be his
3 superior in terms of coordination, which is precisely what Petkovic's and
4 Stojic's document, the previous one, refers to. Thirdly, Petkovic says,
5 "Start talks."

6 That document marked the beginning of the talks between the
7 commands of the HVO, the brigades, and the operation zones about how
8 joint commands should be established in order to keep incidents, minor
9 incidents, petty incidents, individual incidents, group incidents such as
10 this one, from occurring, leaving the army commands in a very unpleasant
11 situation.

12 Q. Well -- yeah. Let's just continue on, then, with the events that

13 follow, General. I'm going to skip ahead in the binder a little bit, and
14 I'm going to take you to P01168. 1168. Because you say -- you've
15 indicated that Pasalic was not -- well, you said he had nothing to do
16 with the Gornji Vakuf command, so let's see if we can get more from the
17 ABiH on their position.

18 A. No, no. I said Pasalic did not command the BH Army in Vakuf.
19 What could he have had to do with that? That's a different story
20 altogether. The 4th Corps did not have any Gornji Vakuf units under its
21 command.

22 I would like to see some precision and let's not use
23 diplomatic language when it comes to the army.

24 Q. Pasalic was based in Mostar; correct?

25 JUDGE ANTONETTI: [Interpretation] General Praljak, do not talk to

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1 the Prosecutor asking for more accuracy. If you believe that the
2 question is not well formulated or not specific enough, just ask him for
3 specifications, but don't give any orders. He's just here to put
4 questions to you. The question might be formulated a specific way. You
5 might not like it. If you believe that in terms of military jargon it's
6 not correct, well, just be more specific in your answer.

7 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, what I
8 said what Arif Pasalic was in command of Mr. Stringer changed slightly,
9 and then I said that's not what I said. I didn't say he had no
10 influence; I said the units in Gornji Vakuf were not under the command of

11 Arif Pasalic, just that.

12 Q. It might be that there was an interpretation issue. It's a bit
13 nuanced. I read from the transcript. We were told initially that you
14 said that Arif Pasalic had nothing to do with Gornji Vakuf. So let me
15 try to clarify it.

16 Pasalic was in Mostar; correct?

17 A. Yes.

18 Q. Now, this order -- I'm not going to call it an ultimatum. You
19 know the Prosecution's position is that this is in fact an ultimatum that
20 was not carried out by the ABiH, and that's what resulted in the outbreak
21 of conflict on or about the 20th of January. You know that's our
22 position. For our discussion purposes, I'll refer to it as "this order."

23 The fact is that this order on subordination not only applied in
24 Prozor or Gornji Vakuf, it also applied in other parts such as Mostar.
25 Isn't that true? It also was applied in Pasalic's area of responsibility

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1 down in Mostar; correct?

2 A. Correct.

3 Q. Okay. Now if you'll go to P01168. This is the 16th of January,
4 and this is Sefer Halilovic, Chief of Staff of the Supreme Command of the
5 ABiH armed forces, and he's sending this out to commands of all the
6 corps.

7 MR. KOVACIC: [Interpretation] I do apologise to my learned
8 friend, just in order to forestall any potential problems in

9 Mr. Praljak's binder, maybe not. This document we only have page 1,
10 11 -- P1168. When I look at the English I see that it has page 2 and
11 page 3, and then I'm looking at the English the translation shows who the
12 signatory is. The original document in the Croatian does not have
13 page 2. There is only one page. There seems to be an error there. Not
14 in ours. Not in ours. It might be an error. It might be a photocopying
15 error. There you go.

16 I'm talking about ERN 8979, last four digits.

17 MR. STRINGER: Mr. President, I think I can clarify it. What we
18 have in the English --

19 MR. KOVACIC: [Interpretation] I hope there are no problems.

20 MR. STRINGER: I don't think there are. Well, in the original
21 language version we have the page 8979, which counsel's just referred to,
22 which ends at paragraph number 7 or item number 7, and then the following
23 page that everyone should have is -- got some handwriting on it with the
24 stamp -- it's got the stamp of Halilovic's signature and then handwriting
25 under it. And if we look at the English translation, we see that it's

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1 indicated there that after Halilovic's signature on the stamp, then the
2 rest of it is handwritten text and it's indicating the distribution of
3 the document, the dates and the times that it was all sent out. So I
4 think it's all there.

5 MR. KOVACIC: [Interpretation] All right. I mean, maybe I wasn't
6 clear. I said in my binder it doesn't appear to be there. If

7 General Praljak has it, if you have it, it's all right. He can go on
8 discussing, but now that we've lost time on this document, I do have to
9 say it doesn't tell me anything. This page 2, that is really page 2 of
10 this document, but let's just let that rest. I don't think it matters
11 right now.

12 MR. STRINGER: Well, I can give counsel the second page which has
13 the stamp and the handwriting on it if you don't have that.

14 MR. KOVACIC: [Interpretation] We've got it. It's been given to
15 us by our learned friends. I think that's a different thing, but if you
16 say so, the ERN number is there, then perhaps that just might be the
17 case. Thank you.

18 MR. STRINGER:

19 Q. Okay. General, you've had a moment or two to look over the
20 document. This is Halilovic sending out a command on relations with
21 HVO HZ HB. It's an order, as he puts it, to commands of all the corps.
22 Then he talks about the January 15th, how they were informed about the
23 decision of the HVO HZ HB and the command of the unit commander of the
24 Defence Department in Mostar, and he goes on to describe again this order
25 or the document sent out on subordination of units in the various

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1 Vance-Owen cantons. And the first command is that the ABiH must not
2 accept or act upon decisions of the HVO.

3 He goes on ordering combat readiness be lifted. He orders, in
4 paragraph 3, that within the zone of responsibility measures are to be

5 taken to realise further cooperation with the HVO and to prevent any
6 conflicts between HVO and ABiH army.

7 He goes on to order that behaviour -- extreme behaviour has to be
8 dealt with.

9 In item 4 he talks -- he orders that they estimate the current
10 situation and possible conflict situations in relation to HVO. Make a
11 plan of measures for preventing them.

12 So -- and all of this goes out. And then the indications in the
13 handwritten part are that this is all -- this is sent out to Mostar,
14 16 January, Bihac, 1 K, I'm not sure what that is. So we've got pretty
15 widespread distribution to the corps of an order that, although they're
16 not to comply with this subordination order, they are to look for ways to
17 cooperate and to avoid conflict.

18 General, the fact is that as of 16 January 1993, the HVO really
19 was the only party that was looking for conflict, if necessary, to
20 enforce the terms of this decision on subordination. Isn't that true?

21 A. No, it's not true. The decisions discussed the beginning of
22 talks. Mr. Halilovic refuses to agree. He discards everything. Some
23 days after that it was also discarded by Mr. Alija Izetbegovic. On the
24 20th, he made it null and void, the order adopted by his own defence
25 minister, and then the whole thing was placed on the back burner.

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1 Q. Well, just to stay with this let's look at the next exhibit which
2 is dated the same day, 16 January 1993, 8.00 in the evening. P01162. We

3 looked at this document during your earlier part of your
4 cross-examination, General. This is a report of Colonel Siljeg to the
5 Main Staff in Mostar, and at the very end -- well, bottom of page 2 of
6 the English he says:

7 "Tonight at Gornji Vakuf, Colonel Siljeg and Colonel Andric
8 negotiated with BH Army representatives. There were no results. Unless
9 there is an agreement, Gornji Vakuf, southern strongholds," and they're
10 all listed there, "will be taken and our line strengthened."

11 He says:

12 "General Praljak sent them a message that they will be
13 annihilated if they do not accept the decisions of the HZ HB."

14 Now, General, this is the 16th of January. We've got two things
15 happening here. We've got Sefer Halilovic sending out an order to all
16 his corps telling them to avoid conflict with the HVO but not to accept
17 the decision on subordination. And on the same day, we've got
18 General Praljak in the area informing the ABiH that they will be
19 annihilated, they'll run over, however you want to call it, if they do
20 not accept the decisions of the HZ HB.

21 So I'll put my question to you again, General. As of the 16th of
22 January, it was only the HVO that was looking for conflict, military
23 conflict, and that it would do so if this decision on subordination was
24 not accepted by the ABiH; correct?

25 A. Not correct. About the outbreak of clashes in Gornji Vakuf. The

1 cause of the clashes and their continuation have nothing to do with what
2 you're saying, that being any agreement that was reached and then
3 annulled on how the joint commands of the BH Army should be established.
4 The clashes in Gornji Vakuf broke out on the 11th, and they continued.
5 Praljak did not say this. I didn't go there to impose any ultimatum on
6 anyone. You will see later documents about making suggestions to Siljeg
7 and Andric where they would say during the talks it had nothing to do
8 with any ultimatum. It was only about them moving out of these
9 strongholds around the town, the strongholds that they had taken for no
10 reason at all.

11 Q. And when it says here that they'll be annihilated or overrun if
12 they do not accept the decisions of the HZ HB, that's a reference to the
13 decision on subordination that was issued by the HVO of the HZ HB;
14 correct?

15 A. Mr. Stringer, I'm challenging the suggestion that I said this
16 during those talks. Regardless of what Siljeg reported, that wasn't the
17 line of action that I took during those talks. You will see the
18 transcripts of those talks and the items discussed. It was no ultimatum
19 stemming from the 15th and so on and so forth. What was discussed there
20 was lifting the full blockade of the HVO in Gornji Vakuf and putting an
21 end to the clashes in such a way that the BH Army didn't block the roads,
22 which was, as I said in response to the question by Judge Antonetti, a
23 classic act of military aggression.

24 MR. STRINGER: I'm going to stay with this specific issue a bit
25 longer, Mr. President, but it appears to me it's time for the break.

1 JUDGE ANTONETTI: [Interpretation] Yes, it's time for the break,
2 so we'll break for 20 minutes.

3 --- Recess taken at 3.44 p.m.

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

5 JUDGE ANTONETTI: [Interpretation] We shall resume our hearing,
6 Mr. Stringer.

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

8 Q. General, before the break we were talking about Gornji Vakuf and
9 the events involving the order or decision on subordination that was
10 issued by Mr. Stojic and the others, and I believe that we were looking
11 at your -- I should say at the report of Colonel Siljeg in which he
12 attributes to you a statement that was sent to the ABiH that they would
13 be annihilated if they do not accept the decisions of the HZ HB, and I
14 understand that you deny having sent such a message.

15 Now, we can move to the next exhibit, which is P01174, and this
16 is the same date as the Siljeg report that we were just looking at,
17 although this is a report on ABiH side from Dzermal Merdan and
18 Enver Hadzihasanovic for the attention of the chiefs of the
19 Supreme Command Staff.

20 A. This one's the 16th, and the other one's the 17th.

21 Q. You're right. You're right. Indeed P01174 is the 17th. And it
22 makes reference to the commission for negotiations to resolve the
23 conflict in Gornji Vakuf, and that's dated Gornji Vakuf, 16 January 1993,

24 at 1845 hours.

25 Now, General, you were present there during this period of time.

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1 Maybe not in Gornji Vakuf, but in the area. This commission that's
2 referred to here, do you recall, General, that this was a commission at
3 which ABiH and HVO representatives were talking, internationals were
4 present in order to try to find a way to defuse the tensions in
5 Gornji Vakuf?

6 A. Correct. Those were the demands -- or, rather, the
7 recommendations that between the HVO and BH Army, along with the
8 international community, the problem of the conflict in Gornji Vakuf
9 should be resolved that began on the 11th of January, 1993.

10 Q. Now, in this report, Merdan and Hadzihasanovic are reporting
11 about negotiations that occurred during the night of 15 to 16 January, it
12 appears. In the second paragraph they say:

13 "Around 1730 hours, the HVO representatives, Colonels Miro Andric
14 and Zeljko Siljeg arrived. The preceding night, at around 2200 hours,
15 they had gone to Prozor for consultations with General Slobodan Praljak."

16 Now, is that correct, General, that in fact although you were not
17 yet present in Gornji Vakuf, you were nonetheless consulting with
18 Miro Andric and Colonel Siljeg in respect of negotiations and talks
19 underway at the commission?

20 A. Correct. They came to see me. I think it was the 16th, because
21 the dates are a bit mixed up. On the 15th and 16th there was sporadic

22 artillery fire, but I think it was the 16th at 2200, or whatever. Yes,
23 they had consultations with me, that is correct.

24 Q. And so is that correct if it indicates that you were in Prozor at
25 2200 hours on the 16th?

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1 A. I think that that is correct, yes.

2 Q. And now here Merdan and Hadzihasanovic are passing up -- or
3 reporting on the various --

4 JUDGE TRECHSEL: Excuse me. I have a little problem, probably
5 something I didn't understand.

6 This is referring to negotiations that happened on the
7 16th January. On the 16th January, I think, they say that around
8 1730 hours HVO representatives came, and that they said that the previous
9 night they had consulted with Mr. Praljak. So either they get the dates
10 wrong here, or Mr. Praljak got them wrong, because the previous day for
11 the 16th is usually -- usually it's the 15th.

12 MR. STRINGER: Yes, Your Honour. I think it's safe to assume
13 that in this case the 15th preceded the 16th.

14 JUDGE TRECHSEL: No generalisation, of course.

15 MR. STRINGER: I wish I could shed more light on it. I don't
16 know that the General can either. I think the General's indicated that
17 to the best of his recollection --

18 Q. You were in Prozor --

19 A. On the 16th. This must have been the 16th at 2200 hours. Now,

20 what the date was then, it's on the 17th.

21 Q. All right. All right. Well, maybe if we can just at least focus
22 not perhaps on the date of the document but on -- on the negotiations
23 that took place after you met with Siljeg and Miro Andric here, because
24 what's being reported is the HVO demands that they then brought back to
25 the negotiations after meeting with you, and we can see them all on the

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1 document:

2 "The HVO decision on the organisation of provinces is a temporary
3 decision based on reciprocity."

4 General, would you agree with me that the HVO decision referred
5 to here is the decision of the HZ HB, HVO, emanating from Dr. Prlic and
6 the government of the HVO that we looked at earlier?

7 A. I think that they received the decision of General Petkovic as
8 far as the army's concerned. I think that one arrived, reached them.
9 It's the decision which I still think was reciprocity and that all armies
10 behave that way if they wish to cooperate with other armies. During
11 World War II or after World War II or whenever.

12 Q. Is this -- can we safely say that the reference to the HVO
13 decision here is a reference to the decision on subordination that came
14 from Mr. Stojic and Mr. Petkovic?

15 A. What I'm saying is that it was probably -- well, Mr. Andric was a
16 deputy, Mr. Petkovic's deputy, and the commander of the operative zone
17 was Siljeg, so I believe that General Petkovic's decision reached them.

18 That would be logical.

19 Q. And I'm not going to read it all, but just moving down this we --
20 we see the various other items that are set out in this report, and the
21 one I want to read next is:

22 "Equality will be respected in all areas although the armed
23 forces must be subordinated to the HVO, and their direct commander will
24 be the HVO commander."

25 So, General, is it safe to say that at least as of 10.00 p.m. on

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1 the 16th when you met with Siljeg and Andric, the HVO position was that
2 the ABiH had to agree to the terms of the Petkovic order on subordination
3 and that they must be subordinated to the HVO in those areas falling
4 within Vance-Owen cantons 3, 8 and 10?

5 A. Yes, I can agree with you there, along with respect for equality
6 and reciprocity, and in the operative sense too. So the commander
7 regulating everything -- well, the BH Army remained separate with its
8 command. Its operative subordination as NATO functions, as UNPROFOR
9 functioned in Bosnia-Herzegovina, so also all the armies function in this
10 way. In the operational sense, they have one command. You can't do it
11 better than that if you wish to avoid a conflict.

12 Q. And we see additional requirements of the HVO as reflected in
13 this report, and one of which says, and this is again Merdan and
14 Hadzihasanovic reporting about the HVO position, they say:

15 "They demand a denial over the radio that they have torched

16 mosques, massacred civilians and soldiers and killed civilians. It
17 should also be added that a civilian was killed, the driver of an
18 ambulance wounded, a soldier butchered, and another soldier killed as he
19 was assisting in carrying the wounded soldier into the ambulance."

20 And then it continues:

21 "Unless these requirements are carried out, they shall not be
22 responsible for any consequences of a refusal to meet these demands which
23 are intended to lessen tension, halt the conflict, and introduce law and
24 order in the area in which disturbances have emerged."

25 So, General, all of these requirements of the HVO, these are all

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1 requirements that were issued by you in your meeting with Colonel Siljeg
2 and Miro Andric; is that correct?

3 A. No, it isn't correct. I talked about all these terms with two
4 people. One was a deputy of the Main Staff. The other was a deputy of
5 the main operative zone commander. And I agreed I had nothing against
6 that because, among other things, propaganda was a major source or reason
7 for bitterness among people, and so it's normal to ask for false
8 propaganda to be refuted and denied, because when people hear things like
9 that over the radio, they become very angry.

10 Q. So, General, would you agree with me, then -- well, let me
11 suggest to you that in your meeting with Siljeg and Andric in advance of
12 this negotiation with the ABiH, you were meeting with them in your
13 capacity as someone sent by President Tudjman to calm the situation. You

14 were an assistant minister of defence of the Republic of Croatia and also
15 a major-general in the Croatian army. So those were the positions that
16 you held at the time of your meeting with Siljeg and Andric here;
17 correct?

18 A. I was sent by President Tudjman and Mr. Alija Izetbegovic. I
19 perform my duties, the ones you enumerated, and I agreed that what -- the
20 terms here for calming the conflict were logical, taking them one by one,
21 that there should be a mixed composition of policemen, proportionate,
22 that there were to be no people with long-arms except for mixed patrols
23 and so on and so forth. I had no criticisms to make, no objections to
24 make with respect to what they would put before the BH Army in order to
25 calm the situation down. Everything was correct, logical, proper.

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1 Q. And in fact, they consulted with you in advance and presented
2 these demands to the ABiH after you approved of them. Isn't that true?

3 A. Sir, they didn't need me to approve something or not approve it.
4 I merely agreed. They were the commanders.

5 Q. Now, was it your view at the time that demanding the ABiH
6 subordinate itself to the HVO in Gornji Vakuf or be declared a
7 paramilitary unit was a demand that would calm the situation there?

8 A. No. As you can see, that was not discussed here. It was a work
9 in progress, a decision that needed time to be put into practice, whereas
10 the situation in Gornji Vakuf was different, and this defines precisely
11 what they're talking about.

12 Q. Well, let's continue with the next passage after the one I just
13 read --

14 JUDGE PRANDLER: Mr. Stringer. Mr. Stringer, I'm sorry to
15 interrupt you. Let me ask you again and again, both of you to slow down,
16 please, and to have a pause between questions and answers. I would be
17 very pleased if you could follow this. Thank you.

18 MR. STRINGER: Thank you, Your Honour. I apologise for that.

19 Q. General, you just said that this was a work in progress, a
20 decision that needed time to be put in practice, whereas the situation in
21 Gornji Vakuf was different. So continuing with the text from where I
22 left off, Merdan and Hadzihasanovic report:

23 "This envisages that everything must be completed by tomorrow.
24 If it is clear that these demands will not be carried out by tomorrow at
25 around 2400 hours, or if there is no desire to carry them out, they will

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1 not wait for the following day."

2 So the HVO was not only demanding that the ABiH subordinate
3 itself to the HVO, but that it do so within a very short period of time
4 here, 24 hours or less; correct?

5 A. No, that's not correct. Gornji Vakuf was a completely isolated
6 case. General Petkovic clearly states there: "Contact and begin
7 negotiations for joint commands," and so on. Here it says: "Leave the
8 trenches, the repeater station," and so on.

9 So this is quite a different situation, and it's about something

10 that we've discussed here umpteen times. The HVO here was engaged in
11 active defence after what the BH Army had been doing for several months,
12 that is to say, preparing to cut off all communications with
13 Central Bosnia and placing HVO -- the HVO in Gornji Vakuf in a completely
14 impossible military situation.

15 Q. Now, skipping down two paragraphs, they continue. They say:

16 "Irrespective of their interpretation that these demands" --

17 JUDGE TRECHSEL: Excuse me to interrupt you, Mr. Stringer. I
18 would like to add a question to the previous paragraph that you spoke
19 about.

20 There in the last two sentences they speak of borders:

21 "The borders are closed, and the army is already prepared to
22 move, and the borders will not be opened," et cetera.

23 Which borders, according to you, does this refer to, Mr. Praljak?

24 THE WITNESS: [Interpretation] I have no absolutely no idea,
25 Judge Trechsel, what borders this refers to and what Hadzihasanovic is

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1 referring to there. There were no borders. I assume he means the border
2 between the Republic of Croatia and Bosnia-Herzegovina. Now, which army
3 is ready to move, I have no idea once again.

4 JUDGE TRECHSEL: I'm raising it because normally the limits of
5 municipalities are not called borders, and therefore, your point that
6 this is limited to Gornji Vakuf is a bit weakened, I think. If the word
7 for borders in Croatia would be state borders also.

8 THE WITNESS: [Interpretation] Well, Judge Trechsel, Your Honour,
9 that's precisely what I said. The only border would be the border
10 between the Republic of Croatia and Bosnia-Herzegovina. I don't know
11 what Hadzihasanovic is alluding to here, what he has in mind. I have no
12 idea what borders he means here.

13 JUDGE TRECHSEL: Thank you. Excuse me, Mr. Stringer.

14 MR. STRINGER:

15 Q. General, skipping down to the third paragraph from the end,
16 they're reporting that:

17 "Irrespective of their interpretation that these demands do not
18 represent an ultimatum but a categorical position, I consider the demand
19 an ultimatum and believe they are prepared to use force if we do not
20 accept their demands, since they have already grouped their forces from
21 the direction of Prozor and have carried out preparatory combat
22 activities on this axis."

23 Now, General, the preparatory combat activities referred to here,
24 would that be a result of the preparatory combat order of Colonel Siljeg,
25 P01107, that we looked at a few minutes ago that was issued on the

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1 12th of January?

2 A. No, or partially. Mr. Siljeg envisaged a broader plan of action
3 over there. However, in talking to me -- or talks between myself and
4 them, the situation in Bugojno was completely calm. It had been quelled.
5 So there that broad plan had nothing to do with anything here. Bugojno

6 was quite calm, negotiations were underway of some kind. As I say, the
7 situation was calm in Bugojno, and it was just a matter of the
8 Gornji Vakuf situation.

9 Q. Well, then, in Gornji Vakuf at the very least, wasn't the HVO
10 preparing for combat activities in the event that the ABiH did not accept
11 these demands on subordination?

12 A. Mr. Stringer, there were no demands for resubordination.
13 Here it was exclusively a question of the fact that the BH Army had taken
14 control of all the elevations, and we've been saying this for 50 times
15 now. Let's be quite clear. The HVO had the right to resolve an
16 unfavourable military situation of this kind by threat. And there's a
17 categorical position taken here. It says dig in the trenches. Let's
18 pull the units out of the town, and so on and so forth.

19 So let me tell you my role.

20 Q. Excuse me, General. I'm going to ask you more questions on this.

21 MS. PINTER: [Interpretation] I apologise, Mr. Stringer, but on
22 page 46, line 19, the answer that General Praljak gave was not recorded
23 as General Praljak said, loud and clear. It was a response to your
24 question whether -- of whether the HVO was preparing for military
25 activities if the BiH were not to accept the demands for subordination.

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1 Now, can you repeat your answer. You started by saying,

2 "Mr. Stringer."

3 THE WITNESS: [Interpretation] No. The conflicts began on the

4 11th of January. So they had nothing to do -- the isolated situation in
5 Gornji Vakuf had nothing to do with this text that Mr. Stringer says is
6 an ultimatum, whereas I claim that it is a very honest approach to what
7 was agreed with Alija Izetbegovic, a very proper approach to setting up
8 two armies which wished to fight together. Everything else -- well, the
9 11th. This arrived on the 15th or the 16th of January, and we're dealing
10 with the situation in Gornji Vakuf as it was. And we've discussed this
11 with various witnesses, and we'll continue discussing it.

12 MR. STRINGER:

13 Q. Well, General, the fact is that despite what you're telling us
14 here, the report of Dzemal Merdan and Enver Hadzihasanovic here clearly
15 indicates that the subordination is among the demands that are being
16 issued by the HVO. Isn't that true? And this is perfectly consistent
17 with the other orders we've seen coming from the HVO HZ HB, Stojic,
18 Petkovic, right down the chain of command. Isn't that true?

19 A. No. The decision here speaks about the establishment of the
20 provinces. It says it's provisional, temporary, and not important for
21 this meeting. And then it says if there are changes in the Geneva
22 agreement, the Croats will adhere to that, but the demand of the HVO
23 vis-a-vis the BH Army is precisely as follows: The specific demand
24 related to the positions of the BH Army in Gornji Vakuf, which were
25 aggressive.

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1 Q. Let's go to the next exhibit on this point, which is P01163.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a
3 follow-up question. I haven't taken the floor for about an hour, and I
4 follow very carefully the questions and your answers, and I'm trying to
5 see clearly through all this, and I have to confess that I do not see
6 very clearly in all this.

7 There is a document, the Prosecutor has mentioned it -- well,
8 first of all, we've seen all those documents before. Those documents
9 have been looked into through various witnesses, hence the need to see
10 this very clearly now.

11 We have a first document, P1107. On the 12th of January, 1993,
12 Colonel Siljeg prepares an action on Gornji Vakuf and Bugojno, and in
13 this order the objective is to take control of roads and perhaps also of
14 towns since Gornji Vakuf is mentioned. So the order is rather detailed,
15 but I can also see that in this order there is no starting point for the
16 action. In other words, we do not know whether the order was executed or
17 not.

18 And then we have the last document showed by the Prosecutor, and
19 he looked into this document at length. It's P1174 [Realtime transcript
20 read in error "P1147"], and as far as I'm concerned, I believe this
21 document is very interesting, because from the outset, in the first
22 paragraph, it states that during the night from the 15th to the 16th of
23 January, there were artillery fire, but a reason is also given to that,
24 namely, because the troop movement of the ABiH towards Crni Vrh, point
25 1303 had been detected. And this document coming from the ABiH states

1 that they had moved themselves, that the movement had been detected,
2 hence artillery fires. And the Prosecutor, but that's his case, linked
3 the ultimatum of the 15th of January based on the document issued by
4 Mr. Prlic, links this to those events.

5 Any reasonable Judge could ask himself whether those events are
6 all linked between each other or whether there is no concomitance of
7 several events.

8 In the last document you do play a role, because it is stated in
9 this document. In other words, in this document it says that Miro Andric
10 and Siljeg came to see you in Prozor. And then thereafter, they meet
11 with the ABiH, which will lead to Merdan's report, and during this meet
12 the HVO position is clearly defined, and it is detailed very clearly.
13 And Colonel Merdan makes an assessment of the situation. We don't know
14 whether it's Merdan or Hadzihasanovic, because we can assume -- but we
15 can assume that it was Merdan who was cosigned by Hadzihasanovic. Merdan
16 makes an assessment of the situation by stating that the HVO had come to
17 express a position, but as far as Merdan is concerned, it's an ultimatum,
18 and according to him, this would mean that should the conditions of the
19 HVO not be met or executed, the HVO could attack because they have put
20 all their forces together within Prozor.

21 So what I'm interested in is the fact that you were in Prozor.
22 We have seen it already last week. Your task was to be an advisor,
23 but -- that's the first theory, but we could also think that you are
24 managing all this, that you are preparing all this, and that you are

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1 So I'm faced with two options. You are pulling the strings. You
2 are preparing everything. You are sending your associates to meet with
3 Merdan and to explain what you want or what your demands are, and they
4 have to be met, or the other option is that you are in Prozor to try to
5 defuse the tension given the events of Gornji Vakuf, and in that case
6 there is no link between the events in Gornji Vakuf, the ultimatum,
7 and -- well, basically that is what I've tried to summarise here.

8 I have not formed an opinion yet, because everything is very
9 complex, but I would like to know what is your point of view, and I would
10 like to know whether -- (A), whether you were pulling the strings; and
11 (B), whether, if it's not the case, whether there was not a concomitance
12 of events which means that the Prosecutor could feel that this was an
13 ultimatum.

14 My apologies for being very long, but since last week I said that
15 I had to be very cautious because we in the heart of what is at stake
16 here, namely, your responsibility. I have to put on the table, as it
17 were, all the documents, all the hypotheses, and to ask for your point of
18 view, since I have not really formed an opinion yet, as I said.

19 THE WITNESS: [Interpretation] Your Honour Judge Antonetti,
20 whatever the case may be, on the 15th of January, 1993, the documents
21 issued by Prlic, Stojic, and Petkovic cannot -- because it must have been
22 sometime that evening or late in the evening, that cannot have anything

23 to do with the BH Army moving its units towards Crni Vrh. That is
24 entirely impossible. Certainly that document saw the light of public day
25 and the army in Bosnia-Herzegovina on the 16th when Bozo Rajic's document

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1 came. That's number one.

2 Number two, the clashes started on the 11th for an entirely
3 different set of reasons. In this limited area of Gornji Vakuf, it had
4 nothing to do with that.

5 Number three, I was not the one who orchestrated this. I was
6 merely an advisor. I am saying before this Trial Chamber this: I
7 approved -- or, rather, I agreed, not in terms of actually granting
8 approval, but during talks I agreed with Mr. Andric's and Mr. Siljeg's
9 explanation to the effect that the situation faced by the HVO in
10 Gornji Vakuf, having taken the elevations and blocked the roads to
11 Bugojno and to Prozor, left it virtually cut off from any and all forms
12 of communication. They had the right to deal with the situation by
13 military action.

14 Again, I agreed that this situation that the HVO had been made to
15 face, starting with October, November 1992, December 1992, because those
16 talks with the BH Army did not commence then, these two men, even earlier
17 on when I was in the area, I sent them to conduct talks with the English
18 over in -- and over in Gornji Vakuf several times to tell them about the
19 situation, draw their attention to the behaviour of the BH Army to make
20 it clear that that was not allowed and that there would have to be a

21 response sooner or later. Again, I agreed with that. I agreed the HVO
22 had the right to use military means to lift the blockade of their
23 positions in Gornji Vakuf, get the BH Army off all the elevations in
24 town, the two principal ones stated here, the repeater, Krc and so on and
25 so forth. Everything that we've shown already here, but also that

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1 Bugojno had to be left in peace and that as soon as this limited
2 operation was completed there would be no entering Gornji Vakuf, no
3 conquering anything, no nothing.

4 Proposals were made to the BH Army to keep this from happening.
5 They were told to leave those positions of their own accord, to close the
6 trenches, to make a joint military position, to move all the soldiers out
7 of town and leave the town free of unarmed -- free of armed men.

8 I agreed with that, Your Honours, and whatever the responsibility
9 is that is at stake, I'm still saying that any army in that situation
10 would do the same, made to face the same situation that the HVO was made
11 to face by the BH Army in Gornji Vakuf. It's something that we call
12 active defence in military-speak.

13 As soon as this was done I got in touch with General Petkovic,
14 who was in Geneva on the 20th. The orders came for the cease-fire and
15 then the trenches were closing and everything else, and then there was
16 nothing there would be unclear about my role, and I'm speaking publicly
17 about exactly what my role was. So on the 23rd I managed, based on
18 orders that came up there, to stop. And mind you, it's not easy to stop

19 an army. The army had suffered great losses, as you've seen, to the
20 effect that there would be no entering Vakuf, that the operation must
21 stop, and that the agreement that had been signed now had to be
22 implemented.

23 JUDGE ANTONETTI: [Interpretation] Very well. Very well. Your
24 answer, your very comprehensive answer, does somewhat meet my -- what I
25 had -- what I was wondering, but my fellow Judge has a question.

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1 JUDGE TRECHSEL: A mere technical matter. On page 48, line 24,
2 the document referred to by the President is P1147, whereas in fact he
3 said and meant P01174. Thank you.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

6 Q. One last question on this document, General, that I should have
7 asked you earlier. In the second paragraph here where they're writing
8 about the discussion with Miro Andric and Zeljko Siljeg at the
9 negotiations, they say that at the negotiations they, that's Andric and
10 Siljeg, they were accompanied by Mr. Ivica Lucic, Ivica Lucic, from the
11 information bureau of the Croatian Community of Herceg-Bosna.

12 Now, just for the record, is that a reference to Mr. Lucic who
13 was the head of the SIS?

14 A. Quite certainly not because I didn't see him over there. I don't
15 know who they're talking about.

16 Q. All right. To stay with this negotiation but to move on to the

17 next exhibit, General, in the binder, P01163. And this is again another
18 one of the milinfos from the British Battalion.

19 JUDGE TRECHSEL: Excuse me. Excuse me. The last question and
20 answer, you said whether Ivica Lucic was the SIS chief. Mr. Praljak says
21 no, but he would have seen him. I'm not aware that Mr. Praljak was
22 present at the meeting that is at issue here.

23 As I read this text, they say that Ivica Lucic was accompanying
24 Miro Andric and Zeljko Siljieg when they came to -- to talk to them, but
25 Mr. Praljak was not there, as I interpret this document. So how can you

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1 say that it is impossible that Mr. Lucic was there, Mr. Praljak? Wasn't
2 there an error in your conception of the question?

3 THE WITNESS: [Interpretation] I said I did not see
4 Mr. Ivica Lucic over there. That is why I assumed that he didn't
5 actually attend these talks. It is stated here specifically that there
6 was a man who misrepresented himself there or made a false introduction.
7 That's one thing. And thirdly, there were several men called
8 Ivica Lucic. So my answer, for my part, was in fact quite specific.

9 JUDGE TRECHSEL: It was specific, but it's not logical. How does
10 it make -- how can you say, "I did not see him," when you were not there
11 in the first place?

12 THE WITNESS: [Interpretation] I'm not talking about the meeting.
13 I'm talking about the preparation for those talks, not at the meeting
14 that I didn't attend, just that I didn't see Ivica Lucic, and probably he

15 would have got in touch. I was talking about the probabilities -- the
16 certainty that I didn't see him in Rama and then the probability that he
17 didn't go to attend any meeting. And thirdly, they say this is the false
18 representation or misrepresentation, that someone falsely introduced
19 himself and they hadn't found out before the end of that meeting.

20 JUDGE TRECHSEL: Well, that's a mere assumption of yours. You
21 cannot say this with certainty as you have pretended.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, I had looked
23 at this document, and this is what I understood, and if I'm wrong, please
24 correct me. I accept to be corrected whenever I make mistakes, of
25 course.

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1 You -- in Prozor you meet Miro Andric and Siljeg. That's
2 absolutely sure, because it's written down. You meet them around
3 10.00 p.m. the night before. So it must have been on January 16th. So
4 you, Praljak, meet Siljeg and Andric. Then the next day, on
5 January 17th, those two meet Merdan, but in addition, there's another
6 person who says that he is Mirko Radic, and Merdan, after the meeting,
7 discovers that in fact it is Ivica Lucic.

8 Two conclusions can be drawn. First, when you met them at
9 10.00 p.m., maybe you also met Lucic. Or second conclusion, at the
10 meeting on the next day, Lucic came to that meeting, even though he
11 wasn't with you the day before, and pretends to be Radic.

12 Now, maybe there are other assumptions possible, other hypotheses

13 possible. At least there you have two.

14 What is your take on these?

15 THE WITNESS: [Interpretation] I wish to say the Ivo Lucic, who
16 headed the SIS, I didn't see him. The talk here is about Ivica Lucic
17 from the information bureau. I have no idea about the existence of such
18 a person. I'll refrain from everything else, because as Judge Trechsel
19 suggests, I do not have absolute certainty. I wasn't at that meeting. I
20 did not see Ivo Lucic, the one from the SIS, in the area at the time.
21 There's another man over there, I think, whose name was Ivica Lucic. I'm
22 sure in fact. I can't remember off the bat what that man was doing
23 there. There.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 MR. STRINGER:

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1 Q. Well, General, just let me ask one last question on that. Even
2 though you weren't present at the negotiations, to your knowledge, did
3 Mr. Lucic, the head of SIS, participate in negotiations at this
4 commission on Gornji Vakuf? Do you know?

5 A. According to any information that I had, no.

6 Q. Very well. All right. Now, the next exhibit is the British
7 Battalion milinfosum from the 16th of January, 1993, P01163. General, I
8 want to refer you to page 4 at the top of your version in Croatian. And
9 the English is on page 3, starting at the middle of the page and it says
10 here under paragraph E:

11 "Colonel Andreivitch, the HVO ops zone commander, read the
12 following message from his commander, a general in Mostar."

13 Now, this is again in reference to the negotiations that are
14 taking place at the commission. General, I'm going to put this to you
15 that the Andreivitch that's referred to here by the British Battalion is
16 actually Mr. Andric, but let's read the quote, the message that's
17 contained in this.

18 "At the Geneva conference it was agreed that all provinces would
19 be administrated by the leading ethnic group, in this area the Croats.
20 The HVO and Croats fully attend to abide by this agreement."

21 And then it continues on to say that:

22 "The HVO formally requests ABiH units to return to their normal
23 locations, withdraw the units from Jajce ... in return, the Croats and
24 the HVO guarantee nothing will happen to the Muslim population unless
25 those suspected of, or accused of war crimes. The Muslim population will

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1 be given full equality, but the BiH must be subordinate to the HVO."

2 It goes on to say:

3 "All troops must leave, fill in the trenches, dismantle the
4 barricades."

5 Continuing down toward the bottom of the English version, page 3:

6 "The Bosnian media is to report the following in its bulletins, a
7 list of demands that it should be reported that the HVO shelled no one,
8 shot no one, and did not burn any houses, and that all these actions were

9 carried out by the Muslims. With immediate effect, the land border with
10 Croatia is closed."

11 A. That's right.

12 Q. Then it makes reference to two HVO brigades in Prozor, supported
13 by tanks and artillery, ready to advance on Gornji Vakuf:

14 "You will have until tomorrow to agree to all demands and put
15 them into action or face the consequences. You are to send your reply
16 via UNPROFOR. Comment: BH have stated that they cannot agree to all the
17 demands. The HVO do not appear to be willing to negotiate their demands.
18 Therefore an escalation seems inevitable."

19 Now, General, this statement here of the HVO on its demands, this
20 text is in fact the position of the HVO that was approved by you in your
21 consultations with Siljeg and Andric. Isn't that true?

22 A. The discussion here is about -- well, first of all, the person
23 writing this document can't recall the fact that Andric's name is not
24 Andrejevic and Prija [phoen] is not Prijic. And by the way, this was all
25 outside the UNPROFOR mandate, any observations they made, dispatching

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1 things like these they find it impossible to differentiate what
2 Judge Antonetti believes they weren't properly trained and their reports
3 are entirely deficient.

4 Mr. Merdan conveyed relatively well what they'd asked for. It --
5 there's no need to -- I don't know. If that's what it says, then, well,
6 why would I comment what this report says? It was copied with quite a

7 number of errors.

8 What two brigades at Rama? Based on just what do they see that,
9 and who says they can close down the border with Croatia? Some commander
10 in Vakuf. All these are things that -- well, they're just stories.

11 Q. That's one of the points, isn't it, General, that you're the only
12 person in the area on the Croat side who has the authority to talk about
13 closing land borders with the Republic of Croatia. Isn't that true? I
14 mean, you're the only person that would have the authority to issue such
15 a demand. Correct?

16 A. Entirely incorrect. Based on what are you saying that, that an
17 assistant defence minister can close down the borders of the Republic of
18 Croatia. That is nonsense, inaccurate. Just to caught this short,
19 entirely inaccurate. False. Absurd if you like.

20 Q. Actually there is a high degree of consistency between this
21 report of the British Battalion and the report of Merdan and
22 Hadzihasanovic that we've just been looking at, and the fact is, General,
23 that both of these documents accurately set out the HVO position on
24 Gornji Vakuf. Isn't that true?

25 A. Mr. Merdan's position is approximately accurate, except he

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1 believes this to be an ultimatum, and it wasn't an ultimatum. It was
2 just a very categorical position as -- as he claims he had been told. I
3 would not like to comment on this document, because ...

4 Q. Let's move on then. The next exhibit is --

5 JUDGE ANTONETTI: [Interpretation] General Praljak, this document
6 is of importance, because it does coincide with documents we've seen and
7 it does talk about documents we have seen. And you're right, of course,
8 there are some mistakes like Andric or Andrejevic, and so forth and so
9 on, but still, the document says the following. We don't know what
10 sources are used, maybe it's from observations, but in the document it is
11 stated that two brigades are in Prozor, and I wondered immediately which
12 brigades were mentioned. The Prozor Brigade, and maybe people from
13 Ljubuski, those who were supposed to come. So that then we would have
14 two brigades. And in this document there's also mention of tanks. But
15 this document states that the forces are ready for action, and in the
16 document they add that - we don't know where they got the
17 information - they add that the borders with Croatia are closed. We do
18 not know where they obtained the information, but that is what is stated.
19 And the comment is very interesting, because according to the British
20 Battalion, an escalation of the conflict seems inevitable.

21 This is what is stated. We would like to know exactly what their
22 sources are, where they got their sources for a number of facts, but as
23 far as their assessment is concerned, it's obvious it -- they are sure
24 there will be a conflict. Of course, you had no knowledge of this
25 document at the time.

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1 So what can you say about this conclusion that they draw, the
2 fact that conflict was now inevitable? Are they right? Are they wrong?

3 THE WITNESS: [Interpretation] Again, they're talking here about
4 the inevitable conflict, about the positions of the BH Army and moving
5 the units towards here or towards there. Clashes would break out. They
6 were right. And I said that a number of times. The HVO had the right to
7 take action, having very fairly made proposals as to how the conflict
8 might be avoided.

9 Given the fact that the BH Army not only refused to withdraw from
10 those hills whereby they were blocking the HVO, but also move their units
11 towards Crni Vrh, the clashes were inevitable.

12 Look at page 2 of the English -- or, rather, the Croatian. What
13 big weapon was it that the HVO had? Look at the number of Croats killed
14 in the clashes up to that point. HVO eight, BH Army three, and so on and
15 so forth. Wounded, HVO 20, BH Army 0. That tells you who was attacking
16 whom and who was facing what kind of situation.

17 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

18 MR. STRINGER:

19 Q. General, the next exhibit is P01194. Just a brief question.
20 We've already touched on this. This is a report of the
21 Spanish Battalion.

22 MR. STRINGER: It's under seal, Mr. President, so I don't think
23 it can be shown on the monitors outside the courtroom.

24 Q. Page 3. General, for you this is going to be under paragraph 3,
25 "Situation in Mostar and Jablanica." Do you see that?

1 A. Yes.

2 Q. "According to the Malaga Tactical Force in the zones of Mostar
3 and Jablanica, there has also been an ultimatum from the HVO to the
4 Muslims. While the deadline set by the HVO for Mostar seems to be the
5 20th, it is not clear whether any time limit has been fixed for the
6 withdrawal of Muslim forces from Jablanica."

7 So, General, this just confirms what you told us a little while
8 ago, that this order or decision on subordination that was to come into
9 effect on the 20th did not just apply in the Gornji Vakuf area, but it
10 was intended to apply throughout, at least, the Mostar and Jablanica
11 areas as well; correct?

12 A. No. Not in Gornji Vakuf. Nothing to do with Gornji Vakuf.
13 Talks are to be started. The HVO was prepared to make 20.000 of its
14 soldiers available to the nine or ten brigades under the command of the
15 BH. I believe that was the only way for the conflict to cease, the
16 conflict that was later to erupt between the HVO and the BH Army. This
17 reflects a deep misunderstanding of what it actually says. The only
18 thing you should do is go back and re-read what it says. It's entirely
19 fair. It's reciprocal. There's a mirror-image principle at work there,
20 and it's in keeping with all the military standards according to which
21 all the armies in the world operate.

22 Q. And it's all contingent on the ABiH subordinating itself to HVO
23 command in Vance-Owen cantons 3, 8, 10; correct? Whether it's
24 Gornji Vakuf, Mostar, Jablanica, or elsewhere, if it's in
25 Vance-Owen 3, 8 or 10, it's all conditioned upon ABiH subordination;

1 correct?

2 A. Not the way you put it. I have nothing to add to what it says.
3 It's very specific. On the 20th the whole thing was discarded. The
4 solution to the problem in Gornji Vakuf was not to resubordinate --

5 Q. All right.

6 A. -- or indeed to chase the BH Army away from the area. It was
7 just about them leaving the positions from which they were cutting off
8 the HVO entirely and isolating the HVO. I have nothing further to add.

9 Q. The -- the next exhibit, General, is P01183.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, I was looking
11 at the Spanish version, because I speak Spanish, and I was looking at the
12 text and the message of the Spanish Battalion to its authorities issued.
13 There's a lot of stamps. They are very well organised.

14 You have the situation in Gornji Vakuf, and according to the ABiH
15 and to the HVO, well, it looks like they're going to fight or to clash,
16 but it is also said they strongly condemn this action, and they feel that
17 everyone is responsible. So they're not taking sides either for the ABiH
18 or for the HVO. They just realised that there is a situation on the
19 ground. They are not stating who they feel is responsible for the
20 situation, but as a precautionary measure they condemn any action that
21 would be instigated as a result of the situation.

22 Given the information that you had available, I was wondering
23 whether when we talk about the Spanish Battalion could we say that they

24 were strictly neutral or not, because, as you know, unfortunately they
25 will be hit very severely by the death of one of their officers.

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1 THE WITNESS: [Interpretation] The Spanish Battalion had nothing
2 to do with Gornji Vakuf, with the exception of generic stories saying
3 nobody wanted war and all, that this was merely amounting to copying
4 something that was already a copy, everybody pushing their own agenda and
5 dispatching back to their own government or back to base anything at all
6 just to make sure that something was being sent back in writing.

7 The entire meaning of this was reflected in our requests, our
8 requests that the UNPROFOR should have what is called a possibility or a
9 mandate to maintain a peace that is once agreed. They didn't get that,
10 and then instead of making sure humanitarian aid got through, they spent
11 their days just moving around and writing reports.

12 They did some good things, too, and if you ask me, SpaBat was
13 very fair in the Mostar area when it came to the wounded, the
14 transport-related issues. The relations were good as far as I was
15 concerned. Anything we could do we did in that respect. They did their
16 job. They wrote down what they wrote down and dispatched it to whoever,
17 although that was not their job.

18 JUDGE PRANDLER: I believe, Mr. Praljak, that the question was
19 not for you to describe how the Spanish Battalion acted, but it was only
20 asked what is your view about their neutrality, and I believe that it is
21 the crux of the matter, and it would be better for you not to describe or

22 make certain comments about the Spanish Battalion. Thank you.

23 THE WITNESS: [Interpretation] They told me that themselves.

24 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Stringer.

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

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1 Q. General, the next one is P01183. This is now the
2 18th of January, 1993. This is a Paket communication that appears to
3 have been issued or sent at about 1.30 in the afternoon, and it's Siljeg
4 to the Eugen Kvaternik Brigade in Bugojno. He's responding to their
5 request for an evacuation, and he says:

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

9 And then, General, just turn to the next exhibit. We'll talk
10 about these, dated the same day, 18th of January. This is a document
11 that I believe you have indicated someone signed on your behalf. Is that
12 correct?

13 JUDGE TRECHSEL: Could you please identify it for the record?

14 MR. STRINGER: I'm sorry. P01202. 1202.

15 Q. General, is this your order, P01202?

16 A. Well, Mr. Stringer, I certainly didn't sign this.

17 Q. No, I'm not asking you if you signed it. I'm asking you if you
18 issued the order.

19 A. I can't remember with any certainty that I asked for five MGLs,

20 but I would have nothing against having asked for this myself. And if I
21 didn't, I can state that I wouldn't have minded asking this to be sent,
22 and then perhaps somebody wrote this order and signed my name. So I
23 consider this -- even if I didn't ask for this, I could have done. And
24 then someone translated this request of mine into an order.

25 Q. Well, we're in Sanction. I just want to put up on the screen for

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1 a moment the transcript from your testimony on the 23rd of June,
2 page 41882. Maybe it will refresh your memory on this.

3 On that day, Judge Antonetti was looking at this document with
4 you, and he asked you whether you issued the order, and you said: "Yes."

5 And then you continued on to say:

6 "... Your Honour, I didn't sign this document, just to make it
7 clear. I said, Okay, fine, use my authority, and we'll ask for those
8 three pieces to be returned by the Kralj Tomislav Brigade, but somebody
9 else signed it."

10 So again, General, apparently you're not willing -- your
11 recollection is not as good when you answer my questions. It's better
12 when you answer Judge Antonetti's questions. So does that help you
13 remember that, in fact, this is your order, even though someone else
14 signed it for you?

15 A. Sir, I don't question that I gave that answer to Judge Antonetti
16 in response to his question. However -- now, whether in that number of
17 documents and the facts, a request for three MGLs doesn't come under my

18 recollections for me to be able to say 100 per cent yes, if my answer
19 satisfies you. I can't write an order, but probably, most probably,
20 highly likely I requested something like that.

21 Q. Now, General, these two documents together, P01183 and P01202,
22 these pretty much confirm for us, don't they, that the HVO began combat
23 operations against ABiH units in Gornji Vakuf on the 18th of January;
24 correct?

25 A. Mr. Stringer, I don't know -- well, from the 11th of January

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1 onwards, along with the negotiations, the HVO started some actions, and I
2 don't challenge that. I don't question that at all, because the BH Army
3 units had taken Makljen, too. Now, what were they doing up on Makljen
4 which is between Gornji Vakuf and Prozor? What were they doing there in
5 the first place? But I'm not questioning --

6 Q. All right. So we agree, then, that the HVO launched an attack on
7 Gornji Vakuf from the direction of Makljen as is indicated in the report
8 or this document from Colonel Siljeg. We agree on that, then, don't we?
9 On the 18th of January.

10 A. In response to an attack. No, we don't agree that it started
11 this attack from scratch, just like that. You want to say that they were
12 sleeping, they were quiet, and now you, the aggressors, want to attack.
13 No, that's not true. I don't agree with that.

14 There was an active defence in Gornji Vakuf, and you can go on
15 about that until kingdom come. That's what the documents show and that's

16 how it was. It is true that the HVO launched an active defence from 11
17 January onwards.

18 Q. All right. And this active defence operation was launched
19 because the ABiH refused to accept the decision, and the ultimatum of the
20 HVO that the ABiH, among other things, subordinate its units to the HVO
21 in this area; correct?

22 A. Incorrect. That they should move away from the positions they had taken
23 control of and that they should free the roads and engage in combat with the
24 Army of Republika Srpska and to enable the commander of the brigade to come
25 to his HQ in Vakuf rather than be escorted by UNPROFOR, that has nothing to

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1 do with the ultimatum in Vakuf, and I've repeated this for 28 times.

2 Q. Let's talk a little bit about some of the HVO units that were
3 involved in the -- in the military operations.

4 JUDGE TRECHSEL: I think there's a problem with channels. I suddenly get
5 French, which I don't mind, but it's not the one that should be there.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, I wanted to
7 know, between Tomislavgrad and Prozor, how many kilometres are there?

8 THE WITNESS: [Interpretation] Twenty-five to Lipa, for instance.
9 Tomislavgrad -- perhaps some 40 kilometres.

10 JUDGE ANTONETTI: [Interpretation] Thank you. About
11 40 kilometres.

12 The document that we have before us, which you have signed,
13 please look at the seal or the stamp. First of all, is that your

14 signature?

15 THE WITNESS: [Interpretation] No.

16 JUDGE ANTONETTI: [Interpretation] Okay. It's not your signature.

17 Now let's look at the stamp. There's a number 1, and it says:

18 "North-west Operational Zone or area."

19 I was wondering, in military terms, this document is asking for

20 large-sized grenades. Any reasonable Judge could draw the conclusion

21 that in Prozor you are heading the forward command post, and you are in

22 charge of the entire operational zone, because the stamp is the number 1

23 stamp. So we carried this stamp 40 kilometres -- we travelled

24 40 kilometres, and so you are pulling the string. You are managing

25 everything, and you go as far as to those details in order to have three

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1 rocket launchers. And as far as I could understand, you were there as an

2 advisor to try and do some PR, but in fact, you do intervene in a

3 military action. But I have to agree that it is not your signature. It

4 might be someone who signed on your behalf, but I would like to know how

5 you explain that this stamp, which represents this command structure,

6 moved 40 kilometres to reach Prozor.

7 THE WITNESS: [Interpretation] The commander, if that were me,

8 wouldn't have asked for five MGLs. Quite obviously -- well, if we assume

9 that I'm the commander, then the commander doesn't deal with three MGLs.

10 They're not any rocket launchers. They're this other type of weapon with

11 some small bombs that it releases, bomblets.

12 I don't know -- well, since I know what I was doing there,
13 somebody asked me, "Go on. Ask them." And then I probably called
14 someone up and asked them to send this in, and then they wrote this
15 order. I never wrote this order, but it is highly probable that I did
16 request them to send them this.

17 Now, who signed me, where the stamp came from, I don't know. It
18 was the forward command post, so possibly it was Siljeg who took the
19 stamp, or his staff took the stamp with them. It wasn't that somebody
20 brought this particular stamp for that occasion from Tomislavgrad, but
21 40 kilometres with the road as it is, you'd have to drive for three or
22 four hours to cover that distance.

23 JUDGE ANTONETTI: [Interpretation] Very well. We will stop here,
24 but I was wondering if there was no contradiction with the document where
25 General Petkovic was making you play a role. But at the same time, we

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1 could draw the conclusion that you were not part of a command chain. You
2 were an advisor, and you were bringing on board your knowledge, but with
3 this document you are issuing orders, and this is what I'm trying to
4 understand.

5 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, I
6 didn't sign this order, and I couldn't have issued an order. Well, only
7 if my failure to act would create great evil did I violate some rules.
8 This wasn't that case.

9 Now, who wrote this, well, probably my request for these pieces

10 to be sent, somebody probably took me up on that and wrote this. I
11 didn't issue this order. I didn't sign it at that point in time, and I
12 don't know which of General Petkovic's orders you're referring to now.

13 JUDGE ANTONETTI: [Interpretation] Very well. One last question.
14 Could you please look at the document. You will see that at the top it
15 says "18.01.93," it's handwritten, and it says 1900 hours. And in your
16 language -- well, it was translated into English as "sent," and it says
17 something like Pescano [phoen]. Is this your writing, your handwriting?

18 A. No, Your Honour, it isn't. I don't have nice handwriting, but I
19 certainly don't write like this. And it says the Main Staff of Mostar to
20 the commander of the operative zone. I have no idea how anybody from the
21 Main Staff of Mostar could send this to the commander, and then this
22 person asking Tomislavgrad to do -- no. With the best will in the
23 world --

24 JUDGE ANTONETTI: [Interpretation] So it's not you. Very well.

25 MR. STRINGER:

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1 Q. General, the next document, I believe, is P01198. Just a quick
2 question on this. I don't know that you would have seen this. It's a --
3 it's a report from Gornji Vakuf, 18th of January, by an Ivan Kraljevic,
4 Assistant IDP Commander, and he's talking about the day's events in
5 Gornji Vakuf, various combat activities, and in the third paragraph he
6 says:

7 "It was reported that two members of the Convicts Battalion were

8 killed in the village of Uzricje today."

9 Now, General, this is January of 19 --

10 A. It doesn't say "battalion" anywhere. It just says the
11 convicts -- well, I've never seen this document, and I can't comment on
12 it.

13 Q. Do you know if the members of the Convicts Battalion, under the
14 command of Mario Hrkac, fought as part of the -- the combat in Gornji
15 Vakuf in January 1993?

16 A. I think so, yes. I think so.

17 Q. Okay.

18 A. Part of them were under Hrkac and were up there.

19 Q. And they would have come from Siroki Brijeg?

20 A. Probably.

21 Q. The next document, and this relates also to units involved in the
22 Gornji Vakuf operation, P03090.

23 General, this is a report on the work of the HZ HB military
24 police for the period January to June 1993. It's dated July 1993, over
25 the signature of Valentin Coric. And, General, in your version if you

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1 turn to the Croatian version page ending with the numbers 6216, 6216.

2 MR. STRINGER: It's pages -- page 6 of the English,

3 Mr. President.

4 Q. And for you, General, ends with 6216 of the ERN number. Do you
5 have that?

6 MR. STRINGER: Mr. President, before we start with this document,
7 perhaps it's time for the break. I think the General's indicated that
8 he'd like to take a break now.

9 JUDGE ANTONETTI: [Interpretation] No problem. We can have a
10 break now. We'll have a 20-minute break.

11 --- Recess taken at 5.32 p.m.

12 --- On resuming at 5.55 p.m.

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

15 MR. STRINGER: [Interpretation] Thank you, Your Honour.

16 [In English] Your Honour, before I begin, perhaps I should inform
17 the Trial Chamber and the other Defence teams what I just informed
18 Ms. Pinter about so that everyone knows about sort of the pace of what
19 may be left. We're on our list seven, now, binder number seven, and I
20 think that the way it's looking is there will be three more binders, and
21 I think they're all going to be in the smaller-sized binders. Not the
22 big fat ones but the smaller, so indicating a smaller number of
23 documents, and after those three I think there is going to be a very
24 small amount of just loose-end documents that I'm going to come back to,
25 but my hope is that certainly by the end of this week we're very close to

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1 the end. Maybe that's too ambitious or unrealistic for me, but that's
2 my -- that's my wish anyway. So we're sort of working our way through.
3 I think there's going to be three more binders and then a little bit of

4 loose ends and then we'll be finished.

5 JUDGE ANTONETTI: [Interpretation] Thank you very much.

6 MR. STRINGER:

7 Q. General, the next document here is P03090, which is this work
8 on -- report on the work of the military police for the first -- first
9 half of 1993. Do you have that one?

10 A. Yes, sir.

11 Q. And are you at page 6216 of your version?

12 A. Yes.

13 Q. Okay. And this is page 6 of the English. And we don't need to
14 get into this in depth, but this report describes the role and activities
15 of military police units that were a part of the Gornji Vakuf operation.
16 And I'm not going to read all of it, because we all have it in front of
17 us.

18 The fourth full paragraph on the English version says -- first
19 it's talking about units. Well, it talks about the overall attack
20 launched by newly arrived HVO units and HVO military police units. This
21 is on the 18th of January at 0400 hours. Do you see that? It says:

22 "On 18 January, 1990" --

23 A. Yes, yes.

24 Q. The question simply is this: General, it makes a reference to
25 newly arrived units and HVO military police units. Are you able to tell

1 us which HVO units arrived from elsewhere and participated in the

2 operations on the 18th of January?

3 A. No, I'm not. I have seen some of Siljeg's orders here in this
4 courtroom specifying how many men came and from where. I think that is
5 indisputable. The documents that I've seen specified that, the number of
6 men and where they came from.

7 Q. All right. So we agree, then, that there are HVO units that
8 arrived in -- as -- that participated in the Gornji Vakuf action that
9 came from other parts, although you can't remember which units. Is that
10 a fair summary?

11 A. Sir, I've seen the same documents as you. I cannot agree to
12 anything other than that's what the documents say.

13 Q. All right. Now -- and the military police units here that
14 arrived, the next paragraph says:

15 "The military police units were commanded by the 1st Light
16 Assault Battalion commander and Military Police 2nd Battalion commander."

17 Do you know if Zlatan Mijo Jelic is one of those commanders that
18 is referred to? Did he command military police units in the Gornji Vakuf
19 operation?

20 A. I don't know.

21 Q. Okay. And while the military police units were in the
22 Gornji Vakuf theatre taking part in these combat operations, were they
23 subordinated to the operative zone commander, Colonel Siljeg?

24 A. Not as far as I know. They talk about cooperation. I can't
25 answer the question accurately, but I don't think there was any

1 resubordination. At least I don't think so.

2 Q. Because we've talked about this a number of times, about whether
3 military police units would, for operational purposes, be subordinated to
4 the operative zone command. You do recall that subject; correct?

5 A. The subject was discussed in terms of me during my time as
6 commander of the Main Staff, and the Light Assault Battalion of the
7 police, those units, not the regular military police, but those police
8 units were trained for military activity. Those were subordinated to me
9 for a certain amount of time for specific missions in specific areas.

10 Q. So, General, for Gornji Vakuf, January 1993, you do not know who
11 was in direct command of the HVO units that came into Gornji Vakuf and
12 fought there?

13 A. I don't know. It says what it says. I'm unable to comment
14 anything beyond that.

15 Q. All right.

16 A. Cooperation was established, and the commanders exercised command
17 over their units --

18 Q. All right.

19 A. -- in the way specified here.

20 Q. The next exhibit --

21 JUDGE ANTONETTI: [Interpretation] General Praljak, I was looking
22 at this report from the military police. This is how I read the
23 document: According to this document, the conflict started on
24 January 7th. This is written in the document in black and white.

25 It says that the local military police had 50 people and was

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1 reinforced with 92 members of the 2nd Battalion and by 40 members of the
2 1st Assault Battalion. If I add all this, I end up with 172 military
3 policemen. Then after the fighting on January 11th it seems that another
4 99 members of the military police of the 2nd Battalion arrived as
5 reinforcement, as well as 53 members of the 1st Light Assault Battalion.
6 And when you add all this up, you end up with close to 300 military
7 policemen fighting on the field, which is a huge number of policemen.
8 Obviously the fighting was fierce.

9 On January 18th, the fighting is still going on and will actually
10 continue until about January 22nd. It's still going on on January 23rd
11 and on January 24th.

12 In the English version, on page 7, we see that 10 military
13 policemen were killed and 63 wounded.

14 A few months ago, maybe a few years ago, I was quite surprised at
15 the number of casualties in the military units -- military police units,
16 and here we have a confirmation of this. So it seems that there's
17 fights, combat going on leading to a great number of people being killed
18 or wounded.

19 When reading this document, I note that sometimes the fighting
20 starts at 4.00 a.m. Everything seems to be very organised. However,
21 what's missing here is to know what happened exactly on January 7th.

22 Why is it that so many military policemen were brought together

23 in the field? I -- you know, I end up with 300 of them. It seems that
24 it was a large-scale operation.

25 Now, you were in Prozor. Were you aware of the presence of all

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1 these military policemen that were sent over there to end up being -- to
2 end up being a force of 300?

3 THE WITNESS: [Interpretation] I was aware of members of the
4 battalions of the military police and the Light Assault Battalion
5 participating in the fighting. I didn't know specifically about the
6 numbers, but they didn't all arrive on the 7th. On the 11th, the severe
7 clashes started, and then obviously, as it says, another 99 policemen
8 came, and 33 members of the Light Assault Battalion. And then it goes on
9 to say that all the prominent elevations around the town were being held
10 by members of the BH Army.

11 I think another thing that's noteworthy here is reinforcements
12 came to form a ring around the BH Army positions being held surrounded by
13 the HVO, who happened to be there at the beginning of the clashes. It's
14 precisely what I've been saying throughout. The prominent elevations
15 around the town were being held by the BH Army and the HVO was being
16 surrounded, as well as the military police, in town when they found
17 themselves there, and that's when the HVO began with these other data.

18 Your Honour Judge Antonetti, on the 24th there are no further
19 clashes. There is only talk here of the 23rd, when they launched another
20 attack. On the 22nd, Siljeg and I agreed or, rather, we conveyed an

21 order that had arrived for all activities to cease, all military
22 activities, and that Vakuf was the -- no longer to be attacked.

23 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak,
24 you pre-empted my next question almost. I was trying to find out why
25 there's such a high casualty list. The combat must have been fierce, but

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1 maybe it's because of the terrain also. You've told us that the ABiH had
2 dug up trenches, almost bunkers, you know, and that they had to be
3 captured, which makes plain why there's such a high casualty list.

4 So was this a close combat? Why do we end up with so many killed
5 and wounded?

6 THE WITNESS: [Interpretation] Your Honours, on the 22nd I looked
7 at some of the bunkers over near the -- over near the repeater and Krc,
8 and I assure you they were awfully -- and I have shown photographs here,
9 20 years later, those same bunkers, those were fortifications that can
10 hardly be seen anywhere else. To take that sort of thing would have
11 taken an exceptional military feat, and that's why this resulted in an
12 incredibly high number of wounded and killed. The bunkers took months to
13 build at these prominent features and elevations. You saw those
14 documents from later on. The commander walking around with UNPROFOR and
15 then saying, We'll close this one and that one, and then they were saying
16 no. There they stood up to him, they wouldn't be closing that, and it
17 was a bit like that. So in terms of fortifications, this was done by the
18 book. They were perfect excellent bunkers. There was very -- they were

19 very difficult to take, and the fighting was obviously very severe

20 but ...

21 JUDGE ANTONETTI: [Interpretation] Very well.

22 THE WITNESS: [Interpretation] Taking a bunker is a very difficult
23 thing, a fortified bunker like that. No mean feat.

24 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

25 MS. PINTER: [Interpretation] Thank you, Your Honours. Just for

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1 the transcript, page - just a minute - 74, line 11 to line 14. We see
2 your question there following up on the reading of that document and your
3 statement concludes: "This was written in the document black and white,
4 and it starts with the fact that the conflict started on January the
5 7th." Nevertheless, that is not what the document states. Obviously
6 this caused a problem with the interpretation.

7 Before the beginning of the conflict between the BH Army and the
8 HVO in Gornji Vakuf on the 7th, and we can't see the number there, of
9 1993, in Gornji Vakuf. The 7th of January is not when the conflict
10 erupted. This is just for the transcript, for this to be verified.

11 And then if we go on reading the text it shows that after the
12 clashes broke out on the 11th of January, 1993, and so on and so forth.

13 Since General Praljak's statement will be analysed in detail, we
14 just want to make sure there are no discrepancies between his evidence
15 and --

16 THE INTERPRETER: Interpreter's note: Could you slow down,

17 please. Thank you.

18 Interpreter's note: Could the speakers please not overlap.

19 Thank you.

20 MS. ALABURIC: [Interpretation] Correction of the transcript. On
21 page 76, lines 1 through 4, General Praljak spoke about who was being
22 held surrounded by whom, and if I understood correctly, he said that the
23 HVO was keeping the units -- or, rather, the members of the BH Army
24 surrounded, and then those members of the BH Army were keeping the
25 members of the HVO surrounded, which would imply that these were actually

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1 two rings, whereas the transcript reflects something entirely different.

2 If you believe that to be relevant, perhaps we should ask the General to
3 repeat this for our benefit. Thank you.

4 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, did you actually
5 say that the HVO was encircling members of the ABiH, but that they had
6 already encircled members of the HVO?

7 THE WITNESS: [Interpretation] That's why the HVO action was
8 launched, because the BH Army had been keeping the HVO units and military
9 police in town surrounded for a month, and then the units that were
10 entering the fray formed the outer ring and were taking elevation by
11 elevation in order to free the HVO from its isolation. That's what it
12 says, and that's what I've been saying throughout. Not just me, mind
13 you.

14 JUDGE ANTONETTI: [Interpretation] Very well. Thank you,

15 Mrs. Alaburic. This cleared the situation.

16 Mr. Stringer.

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

18 Q. General, I'm going to skip ahead to go to Exhibit P01293. Now,
19 General, this does not appear to be a document with a date. It's a
20 handwritten document from Geneva and from Brigadier Petkovic in Geneva.
21 Do you recognise this document, or did you see it during roughly the
22 period we've been talking about, the third week of January 1993?

23 A. I didn't see the document, but I knew that an order had arrived
24 from General Petkovic. I think this is -- I think this document is in
25 reference to the 23rd, possibly the 24th of January. Why? Because on

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1 the 23rd of January, that morning, having visited the wounded commander
2 Andric in hospital near Prozor, in Rumboci, I left for Mostar.

3 Q. And as indicated in item 3 of this document, then, Petkovic
4 directed Colonel Siljeg to report urgently to you and to send a report on
5 the situation in Gornji Vakuf directly.

6 Do you recall what Siljeg was to report -- well, let me back up.
7 When Siljeg's to urgently to Brada in Mostar, is that a reference to you,
8 "Brada"?

9 A. Yes.

10 Q. And did Siljeg continue to report to you about the situation in
11 Gornji Vakuf?

12 A. It doesn't say that Siljeg would forward the report to me. It

13 just says that he would be getting in touch with me. He would be sending
14 a sitrep on Gornji Vakuf to the HVO Main Staff in this sentence, to get
15 in touch with me and send a report. It's not to send a report to me but
16 to get in touch with me, yes. That's true. Yes, and then -- well, then
17 I will not go further into that.

18 Q. Do you know what he was supposed to get in touch with you about?

19 A. Yes.

20 Q. What is that?

21 A. Despite the cease-fire that had been signed, the BH Army
22 continued to stage acts of provocation. Siljeg was a commander
23 surrounded on all sides by dead and wounded, and he was in command of
24 that army. It was difficult for him to simply put an end to the attack,
25 but an order had arrived from Mate Boban and Alija Izetbegovic. I was

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1 supposed to tell Siljeg, The orders have arrived, stop at all costs.

2 Q. Then related to this is the next exhibit, P01277.

3 JUDGE ANTONETTI: [Interpretation] The Prosecutor seems to move
4 quickly to another document. I would like to stay on this document that
5 is coming from Mr. Petkovic. It is handwritten by Mr. Petkovic, and this
6 document seems to be important, because it is written "Urgent" three
7 times.

8 As far as I can understand this document, Mr. Petkovic, from
9 Geneva, is writing directly to Siljeg, asking him to stop all operations,
10 and then he's asking him to contact you and then to draw a report. So

11 this document is rather surprising.

12 We could wonder whether General Petkovic had wind of what was
13 going on, which would mean that he was not aware of what was going to
14 happen. That's the one possibility. The other possibility is that he
15 was aware of it and the international community said that it was
16 unbearable and that everything had to be stopped, and that's the reason
17 why he's sending this document.

18 My question is the following: When did you get to know
19 General Petkovic's position from Geneva? In other words, when did you
20 hear that he wanted to stop everything?

21 THE WITNESS: [Interpretation] Your Honours, I managed to go
22 through Gojko Susak -- or, rather, his secretary, and get in touch with
23 Geneva. I asked that orders be sent through on the cessation of all
24 activity. It arrived. I think Mate Boban signed on the 19th, and
25 Petkovic on the 20th. I don't believe Mr. Petkovic was privy to every

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1 single detail over in Geneva at the time.

2 Orders arrived on the cessation. As you know, a military
3 operation is not something you can put an end to just like that, blowing
4 out a candle.

5 On the 22nd, an agreement was drawn up in Gornji Vakuf, as far as
6 I remember. Siljeg stopped the whole thing.

7 What this is about, obviously, is that Siljeg was facing a far
8 more difficult situation than Petkovic over in Geneva and everyone else.

9 He was still facing all these provocations on the ground and cease-fire
10 violations by the BH Army. Nevertheless, regardless of the fact that
11 there was sniping activity still ongoing, as far as I remember, killing
12 our lads, the operation needed to be stopped.

13 JUDGE ANTONETTI: [Interpretation] You say that Mate Boban reached
14 an agreement with the other side on the 19th, and the order comes on the
15 20th to stop all activity, and General Petkovic has sent this message so
16 that everyone is aware of this, but in the previous document what do I
17 notice? Well, I notice that on the 22nd of January, namely, two or three
18 days later, at 4.00 a.m., an attack is launched against the Rincigav
19 [phoen] village, and I don't understand.

20 You say it's very difficult to hold a military operation, and
21 you're right, but when orders are coming from Mate Boban, they are also
22 coming from Geneva via Mr. Petkovic and, and Mr. Siljeg is also informed.
23 I was wondering how it is possible that on the 22nd of January, at
24 4 a.m., this attack was launched.

25 THE WITNESS: [Interpretation] It is possible, Your Honours, the

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1 reason being the order had been sent to the other side too. You should
2 bring those commanders here and ask them who was still attacking and what
3 the response was.

4 On the 23rd, obviously there was a small-scale action, no more
5 than that. It was started and not finished. Perhaps it was provoked.
6 It's not for me to say. But it is not possible to end a military

7 operation on a five-minute notice. All the units are still on the
8 ground. You need to tour the units. You need to inform everyone.
9 Someone is in the middle of a combat operation. If you just put an
10 abrupt stop to it, you face heavy losses.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, I do not want
12 to put you in a difficult position, but you know the three-C rule,
13 control, communication and command, and I'm sure you're aware of all the
14 rules, which means that from the private up to the head of the military
15 operation there must be communication. And if the order is coming from
16 Geneva to stop all operations, I find it difficult to believe that on the
17 22nd of January some activities were still going on. So you give us an
18 explanation and you say, and I'm sure you're right, that one would have
19 to find out under which conditions and who attacked first. I agree with
20 you. But you also have to agree with me that it took several days for
21 the orders to reach the ground from Geneva.

22 THE WITNESS: [Interpretation] That's right. You need to go to
23 each and every position. We're talking about communication,
24 communication between Geneva, Mostar, Siljeg, and each of the units on
25 the ground.

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1 This was not the kind of communication that is not familiar to a
2 modern-day army, unfortunately. I do know everything about the three
3 golden rules in the military, but you know, there is army and army. The
4 communications in that area were exceptionally poor. Poor. What am I

5 saying. Every time there was some line of communication it was
6 constantly disrupted by the other side, by the enemy, and that is the
7 best I can say.

8 JUDGE ANTONETTI: [Interpretation] Very briefly, I think that it
9 was the pre-trial brief from the Prosecution where it says that a double
10 game was played. You say one thing, and you do something else.
11 General Petkovic could say, Do this, but then say, We all agree that we
12 are going to do the opposite. What is your take on this?

13 THE WITNESS: [Interpretation] My take on this, Your Honours,
14 Judge Antonetti, is this: The HVO positions in Gornji Vakuf on the
15 22nd of January were such that I'm putting it to you that Gornji Vakuf
16 could be taken in its entirety in a single day, but no, that was not the
17 objective. I conveyed those orders staking my own authority on it
18 despite the large number of dead and opposition from my soldiers who
19 might as well have refused to fight the next day. They were professional
20 soldiers having suffered large-scale casualties, and knowing that they
21 were under attack, they would obey and still be there in the ranks
22 tomorrow. That is a higher level of skill. If I may use foul language,
23 they might just as well have told me to sod off, left the area all
24 together and I couldn't have possibly done anything to them. This was
25 not the US army, this was not the French army, a fully professional army

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1 where I had full control. These were people who ...

2 MR. STRINGER:

3 Q. General, I want to take you to the next exhibit now, which is
4 P01278. This is one of the British Battalion milinfo documents dated
5 23 January 1993, and section 1 is about Vitez. Section 2 is about
6 Kakanj, and then I want you to look at section 3 on Gornji Vakuf.

7 Now, this is the report, Vakuf, and then we're going to move down
8 to about halfway through this paragraph where first they say that they
9 dropped off ICRC medical supplies at BiH and HVO medical posts in the
10 town. Do you see that? And then it continues --

11 A. Yes.

12 Q. "Talks occurred between HVO and BiH and a truce agreed from 2318
13 hours and 241200 hours when further negotiations will take place. At
14 1635 hours the village of Bistrica came under rocket attack from an
15 HVO" -- some form of weapon is indicated there, BM 21. "The houses in
16 the village were reported to be burning fiercely. Company 1 Cheshire,"
17 this is a regiment of the British Battalion, I should add, "is keen to
18 stress that this is definitely ethnic cleansing by Croats on a Muslim
19 village. At 1910 hours, fighting was continuing within the town. There
20 is no cease-fire being implemented by either side."

21 Now, General, this is the 23rd of -- were you aware that
22 Colonel Siljeg and HVO forces were engaged in ethnic cleansing of Muslim
23 village Bistrica as is indicated here?

24 A. No, I can't accept that for the simple reason that ethnic
25 cleansing cannot be carried out with a rocket attack. If the HVO units

1 were in the village of Bistrica, then you can't shoot at that village
2 with a multiple-barrel rocket launcher. And if you use a multiple-barrel
3 rocket launcher, then houses cannot be aflame because that's not what
4 that -- those weapons produce. So this is quite unclear militarily
5 speaking, that you could use one charge of 12 rockets or 21 rockets,
6 anti-infantry weaponry, to cause ethnic cleansing and to have houses
7 burst into flame in this way. And that speaks of the level of knowledge
8 that the person who compiled this has.

9 Q. Well, let's talk about the damage from another source that you
10 might consider to be more reliable. If you would turn to P01351. 1351.

11 Now, this, General, is a report of Colonel Siljeg, report on
12 situation in Gornji Vakuf on 28 January 1993. And he's reporting to the
13 Presidency of the HVO of the HZ HB, the government of the HVO HZ HB
14 Mostar, Defence Department, and the Main Staff. And I want to take you
15 to page 3 of the English version, and this is where he's talking about a
16 sub-commission that toured villages per requests and determine the
17 situation in those sectors. This is a report of the commission on
18 establishing the factual state of the occasion. Combat operations in
19 these various areas.

20 Now, the first village that's referred to here is a place called
21 Uzricje, and it talks about persons taken away, persons who had been
22 killed. There are references to houses being torched, and this continues
23 for other villages as well, property that's looted, again imprisoned
24 soldiers. I'm looking at page 5 now of the English. Killed civilians.
25 This is in Duse. A total of 18 houses and sheds destroyed, 16 of which

1 were torched. Trnovaca is the next village, number 3. Again, four
2 houses destroyed, torched, looted. And this continues on. And then on
3 page 7 of the English, there's a reference to Bistrica, which is the
4 village we were just talking about in the previous document. Do you see
5 that, General?

6 A. Yes, I see that. Bistrica. Bistrica is the most critical point
7 it says.

8 Q. "... and we have to calm it down on our side, and when a global
9 solution is found, then we know what we shall do in Bistrica and in other
10 places."

11 And then -- first of all, General, recognising that you probably
12 did not -- well, did you ever see this report of Colonel Siljeg?

13 A. No.

14 Q. And these villages that he's reporting about, is -- do they
15 appear, can you tell or do you know whether they appear to be Croat or
16 Muslim villages? Or mixed?

17 A. Well, it says here exactly what it is, but you're not giving me
18 enough time for me to read through this and to comment, nor do I know
19 from this point in time how mixed they were, which is which. I can't
20 comment really.

21 This is a document that was signed by Mr. Siljeg on the 28th, and
22 I had played my role a long time ago, and I described what that role was.
23 I was no longer in Bosnia-Herzegovina at the time. It is a commission

24 report. Obviously he's writing what he is setting out. Whether it's
25 correct, how far it is correct, I don't know, I can't say, but quite

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1 obviously the commission has signed -- has described all this, everything
2 that was destroyed, what was looted, and so on and so forth.

3 Q. Well, General, that leads to my next -- excuse me, my next
4 question, because we know that you were present in Gornji Vakuf at least
5 from the 16th to the 23rd.

6 A. No, I wasn't. I was in Rama.

7 Q. All right. You were in Prozor meeting with Siljeg and
8 Miro Andric from the 16th. Did you stay in Prozor until the 23rd when
9 you left?

10 A. Yes. I left on the 23rd in the morning.

11 Q. So you never went to Gornji Vakuf?

12 A. I did once. I did go to an elevation to the left of
13 Gornji Vakuf, in the direction of Krc and the repeater station there.

14 Q. And so throughout this period of time, 16th to the 23rd of
15 January, General, you were consulting with and, in fact, you were issuing
16 orders to Colonel Siljeg, and then, as you say, you left.

17 Now, are you claiming that by leaving the territory you're
18 excused from any responsibility of what happened in Gornji Vakuf if, in
19 fact, you were holding a command position there during the time of the
20 16th to the 23rd?

21 A. No, I wasn't holding a command position, Mr. Stringer. I came

22 with a specific assignment, and I told you what I did. I told you when I
23 left, and I don't feel responsible.

24 Q. But the fact is that Siljeg, Miro Andric, consulted with you
25 about the HVO policy and its demands which were rejected. Conflict

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1 resulted. You think you bear no responsibility for what happened up
2 there simply because you left on the 23rd of January?

3 A. It's not true that the conflict arose because, as you say, there
4 was an ultimatum. That is not correct. Now, whether I should feel
5 responsible or not responsible for having left on the 23rd, that's not
6 correct either. It's not correct that I issued an order, and I'd like to
7 ask Their Honours where I'm asked a question -- well, could you please
8 establish whether I was in command. Now, if I answer the question, am I
9 answering everything that the Prosecutor uttered earlier on. So please
10 break up this question and ask, "Were you in command?" Then your next
11 question. You're making five assertions and after five assertions you're
12 asking one single question and I can't answer that question because it
13 would mean that I answer in the affirmative to all your previous
14 questions, which I don't agree with.

15 Q. Well, I'll break it down and I'll put it to you this way.
16 General, isn't it true that the documents we've been discussing today
17 clearly show that you did hold a command position or you held command
18 authority in respect of Gornji Vakuf even though you did not hold an
19 official military rank or position in the HVO? Isn't that true?

20 A. No, not true, incorrect. None of the documents point that out.

21 Q. And that you knew that in these various military operations
22 Muslim houses were shelled, torched, burned, civilians were ethnically
23 cleansed, as the British Battalion says, throughout that period, and that
24 despite having this command authority, you did nothing to prevent it or
25 to cause, order any investigation or prosecution --

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1 JUDGE TRECHSEL: Mr. Stringer, you have just said that you are
2 going to break down, but now you're really putting question over
3 question, and in my mind I can see a whole network of which goes right
4 and left and then on -- I think it will be good if you took it piece by
5 piece.

6 MR. STRINGER:

7 Q. General, did you ever order an investigation or do anything to
8 prevent the crime that were committed against Muslims in Gornji Vakuf
9 during 16 to 23 January, 1993?

10 A. I did not have a function which would require me to order an
11 investigation about what happened in Gornji Vakuf. And apart from that,
12 Siljeg writes and says what happened in Gornji Vakuf.

13 Now, apart from the fact that he says what happened in
14 Gornji Vakuf, he doesn't say who the culprits are, who did what, when.
15 This is an observation of the situation, the state of affairs, whereas an
16 investigation comes after that. And it was his duty as commander of the
17 operative zone, or, rather, of all the other structures dealing with

18 this, the prosecutor, the civilian authorities, the police and so on and
19 so forth. It's their job.

20 Q. So I know you've said this before. We should just -- I want to
21 come back to this. Your position, General, is that you and Siljeg,
22 unless you actually know the name of a -- of a particular perpetrator,
23 have no obligation to prevent or to order an investigation. Is that your
24 position?

25 A. No, sir, that's not what I said. You talked to Siljeg, and you

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1 resolved that with him. You're now dealing with my role in those events,
2 and I've described that role in very precise terms. Siljeg here, within
3 the frameworks of the commission and a good commander, is making an
4 observation of the state of affairs. Afterwards, he will take the steps
5 in his power to uncover the possible perpetrators of those acts.

6 Q. All right. General, a few questions, probably for the rest of
7 the day, on the Vance-Owen Peace Plan, which of course is looming largely
8 in the context, in the background, when we discuss Gornji Vakuf. So --

9 JUDGE ANTONETTI: [Interpretation] Before discussing the
10 Vance-Owen Peace Plan, I have a few questions. I'm still looking at the
11 document.

12 Colonel Siljeg is reporting, and he seems to be very frank about
13 the facts that he has been told about in his report. As far as
14 Gornji Vakuf is concerned, he mentions the case of Vlatko Rajic who
15 abused and decapitated an invalid. Now he doesn't say whether he,

16 Colonel Siljeg, actually reported this to the military or civilian
17 prosecutor.

18 Secondly, he's also talking about the case of Branko Sapina. We
19 discovered that the brother of Branko Sapina was killed, and because of
20 this Branko Sapina is going to separate two civilians from others and is
21 going to kill them, you know, with a pistol in front of all the
22 inhabitants.

23 What did Siljeg do? Did he report this to the civilian or
24 military prosecutor? Well, we don't know. But Colonel Siljeg does
25 report a number of facts, facts that require some follow-up, and there

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1 might have been a follow-up, I don't know, but this is the situation as
2 it stands.

3 According to you, did Colonel Siljeg behave properly? Should he
4 have drafted a report saying, "I will report this to the competent
5 authorities in order for the perpetrators of all this to be prosecuted"?

6 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, in
7 this report he does not need to mention that, but he did. He said a name
8 and surname, and it's quite certain that he had to set this into
9 motion -- or, rather, to report this. I don't know about Sapina, but I
10 think Vlatko Rajic was a mentally disturbed person. I don't know about
11 this other man, Sapina. But I learnt about this case later on, I think,
12 or at this Tribunal. He ended up at the psychiatric ward as mentally
13 disturbed, and he could not have been tried. But once you name names and

14 mention events, which Mr. Siljeg does very properly, then of course the
15 next step would be -- the next thing would be -- well, otherwise he'd
16 skip the names and skip the event. And as a well-trained policeman from
17 before, how would he not report this to the military investigators to
18 deal with the person who was the perpetrator?

19 As far as I can see, Siljeg has not hidden anything here.
20 Everything he learnt and everything that he observed is noted here. Of
21 course, an investigation then begins to protect a certain area, to take
22 statements and so on. The procedure that we've discussed here was
23 unleashed, and we looked into who should have done what and so on.

24 JUDGE ANTONETTI: [Interpretation] Very well. One last question.
25 It seems that after the combat there were 132 members of the ABiH

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1 captured by the HVO, and 23 members of HVO were captured by the ABiH.

2 As far as you know, the 23 prisoners, HVO prisoners, were they
3 eventually exchanged? What happened to them? Do you know?

4 THE WITNESS: [Interpretation] As far as I was able to see at this
5 Tribunal and some documents, it was an exchange all for all, on an
6 all-for-all basis.

7 JUDGE ANTONETTI: [Interpretation] Very well. There's ten minutes
8 left, Mr. Stringer.

9 MR. KOVACIC: [Interpretation] If my colleague will allow me for
10 the record to help everybody out, this man mentioned, Vlatko Rajic, now,
11 three documents have been admitted into evidence about the fact that this

12 man Vlatko Rajic was prosecuted. I can -- yes, I see him nodding. It is
13 2D008899 [as interpreted]. I think that is the judgement. Then there's
14 another court document from those proceedings which is 1D00946. Those
15 are the relevant documents and numbers. And there's another one which I
16 think is a certificate on the sentence served, and it is 1D00945. The
17 first number is 2D00889. Thank you. I repeated that first number. So I
18 hope I have been of assistance.

19 JUDGE TRECHSEL: It may be helpful for the purposes of the
20 understandability of the record that we recall the crime committed by
21 this Mr. Rajic. I think it was the murder of a young girl early in the
22 morning when the family was told to move from the house. Is that
23 correct? Is that the case?

24 MS. PINTER: [Interpretation] The event was in Vakuf, and a throat
25 was slit, a young man's throat was slit, head cut off.

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1 JUDGE TRECHSEL: Thank you. I mixed it up with another case
2 where also the perpetrator had been prosecuted, and also he was a
3 psychiatric case and dealt with by psychiatric treatment.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

6 MS. PINTER: [Interpretation] I do apologise, Mr. Stringer. But
7 that was Ante Bunoza, and it concerned Capljina, and it was the killing
8 of that girl. Her name was Kaplan, and he was sentenced to prison term
9 of five years but he didn't undergo psychiatric treatment. He did, in

10 fact, spend time in prison.

11 JUDGE TRECHSEL: Thank you.

12 MR. STRINGER: Mr. President, my intention is to round off the
13 Vance-Owen Peace Plan in the next six minutes.

14 JUDGE TRECHSEL: Do you, in fact, say that you would prefer to
15 start tomorrow morning?

16 MR. STRINGER: No. Actually, I was trying to make a joke,
17 Judge Trechsel, but --

18 JUDGE TRECHSEL: We'd never have guessed.

19 MR. STRINGER: I could ask a few preliminary questions maybe to
20 set the stage for tomorrow.

21 Q. General, Vance-Owen Peace Plan. Can we agree that very early in
22 January of 1993, Mate Boban, on behalf of the Bosnian Croat side, signed
23 off on all of the components of the plan? Agreed to it in its entirety.

24 A. Correct.

25 Q. Can we agree that the Vance-Owen Peace Plan, as it existed in

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1 January of 1993, consisted of different parts, different annexes? There
2 was a part on the constitutional framework. There was the proposed map
3 with the cantons. There was a cease-fire agreement. There were various
4 components of the Vance-Owen Peace Plan. Is that correct, based on what
5 you know -- on what you knew at the time?

6 A. Yes, that is correct. I knew that there were constitutional
7 frameworks, that they had proposed maps, corridors linking up certain

8 provinces or cantons, and that there was an agreement about moving out
9 the heavy weapons and so on and so forth. But the constitutional
10 solutions to Bosnia and Herzegovina, that was certainly there, and the
11 maps were proposed for the territorial set-up of Bosnia-Herzegovina
12 internally.

13 Q. And would you agree with me if I suggested to you that on the
14 10th of January, 1993, Alija Izetbegovic signed off on the constitutional
15 framework part of the Vance-Owen Plan?

16 A. Yes, he did sign the constitutional part, and I think -- well, I
17 don't know for sure, but I think he also signed up to the separation and
18 delineation with some examples, the corridor through Posavina, and he had
19 some other objections and provisos and asked the international community
20 to prevail upon the Serb side to sign too.

21 Q. Can we agree that on the 10th of January he did not sign off on
22 or agree to the proposed map?

23 A. I think he lay down certain conditions, but I can't say with
24 certainty. I think he signed conditionally. He signed and then wanted
25 to have it fine-tuned during the negotiations.

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1 Q. We'll get to this probably tomorrow. I think that on the
2 conditions you might be referring possibly to events in March of 1993.

3 Maybe just in the very little time that's left, let me just read
4 from one of the exhibits and we'll see if we can agree as to what was the
5 situation on the 10th of January.

6 This is P01187, and, General, I don't think we have this
7 translated into Croatian. It's among those UN-type documents that we
8 don't have to have translations for.

9 JUDGE TRECHSEL: Mr. Stringer, am I correct in assuming that you
10 are now turning to another binder --

11 MR. STRINGER: No.

12 JUDGE TRECHSEL: -- which is not distributed.

13 MR. STRINGER: I apologise, Judge. It's in the binder that we've
14 been working on. It's just earlier. P01187.

15 JUDGE TRECHSEL: Got it.

16 MR. STRINGER: I skipped over this earlier.

17 JUDGE PRANDLER: I'm sorry, Mr. Stringer. I apologise. Since
18 you spoke about the binders, I wonder if I may ask you to give us
19 instructions. Which binders should we carry and take to them my office
20 and then it bring it to tomorrow to conference room 1, because I believe
21 that is why we have -- we have to remove -- I believe that list 6 and 7,
22 but you may tell us otherwise.

23 MR. STRINGER: Judge Prandler, since we're really at the end of
24 the day, we are binder number 7, which is the binder we've been in, and I
25 can inform everyone what the exhibits are going to be on this so that

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1 they can look at them tonight if they want. It's P01187, which actually
2 we do have a translation into Croatian. And then P09852. Those two
3 exhibits are in binder number 7, which we have -- or which everyone

4 already has. So those are the only two documents that we're going to be
5 using to talk about Vance-Owen. Probably also we'll go to Presidential
6 Transcript, P01158, which is also in binder 7. And then after that we'll
7 be finished with binder 7 and we'll go to binder 8, which we'll be
8 distributing before court tomorrow morning.

9 JUDGE ANTONETTI: [Interpretation] Very well. As you've
10 understood, for some kind of reason, some undetermined reason, we're
11 moved to Courtroom I. Gotovina case is going to sit in Courtroom III.
12 Sometimes they sat in Courtroom II, and II is free tomorrow, but they're
13 moving to III. I don't know what Registry did but if they knew the
14 amount of binders we have to move with us, they probably wouldn't have
15 told us to go to Courtroom I. But Judges, we'll take binder number 7,
16 and we'll leave the courtroom with this binder to make sure that our
17 assistants don't have to do this work of lugging volumes and volumes of
18 documents all around the Tribunal. And tomorrow we'll have the great
19 pleasure of inaugurating binder number 8, but it will be in Courtroom I.
20 So tomorrow we meet at 9.00, Courtroom I. Have a nice evening.

21 --- Whereupon the hearing adjourned at 7.01 p.m.,
22 to be reconvened on Tuesday, the 1st day
23 of September, 2009, at 9.00 a.m.

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