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1 Tuesday, 1 September 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 9.05 a.m.

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

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

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

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

14 Today is Tuesday. I would like to greet Mr. Praljak, their
15 counsels, Mr. Pusic, Mr. Stojic, Mr. Petkovic, and Prlic. I would also
16 like to greet Mr. Stringer as well as Mr. Ferrara, and I would like to
17 greet their associates. I would also like to greet everyone in the
18 courtroom helping us in this case.

19 We are going to carry on with the cross-examination, and I give
20 the floor to Mr. Stringer.

21 WITNESS: SLOBODAN PRALJAK [Resumed]

22 [The witness answered through interpreter]

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

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

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

2 Q. General, good morning.

3 A. Good morning, Mr. Stringer.

4 Q. General, you should have the binder with you that we were working
5 on yesterday, which was binder number 7, and we were looking at
6 Exhibit P01187. And yesterday, when we left off, we were talking about
7 the Vance-Owen Peace Plan, and if I recall correctly, you and I had
8 agreed that -- first of all, that in early January of 1993, Mate Boban
9 had signed off on the entire -- the entirety of the Vance-Owen Peace
10 Plan. Correct?

11 A. Yes, that's correct, I think that was agreed sometime before the
12 new year, that is to say, 1992, and that Mate Boban, on behalf of the
13 Croatian delegation, signed everything that the international community
14 placed on the table in the way of a peace agreement for
15 Bosnia-Herzegovina.

16 Q. And then also in January, and it's, I believe, the 10th,
17 Mate Boban -- excuse me, Alija Izetbegovic signed off on the
18 constitutional framework or the constitutional principles of Vance-Owen,
19 but did not sign the map. Do you recall that to be the case?

20 A. Well, it seems to me that this was a little different. He signed

21 for the provinces which had a Croatian majority, or Muslim -- or Bosniak,
22 rather, population majority, later on they were called Croatian and
23 Muslim, but they were the majority provinces. And that there was some
24 contentious details with respect to the separation and corridor through
25 Posavina, as far as the Serb side was concerned. And as far as I

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1 remember, he said that he had signed the maps, but for a certain period
2 of time, to force the Serbs to sign, too. And if they failed to sign,
3 then I think they would start from scratch. That's what he said.

4 Q. Okay. Now, if you'll go to paragraph 8 of this document that
5 we're all looking at now, this relates to the resumption of the talks in
6 Geneva on the 10th of January. And I'm going to move down to about
7 halfway through that paragraph, and it's talking about the chairman, and
8 that's, I believe, Vance and Owen, and it says:

9 "They noted that Mr. Mate Boban of the Bosnian Croat side had
10 accepted and signed the two agreements. President Alija Izetbegovic of
11 Bosnia and Herzegovina had accepted the constitutional principles and the
12 agreement dealing with the observance of a cessation of hostilities. He
13 had not accepted, however, certain of the proposed provincial
14 boundaries."

15 And then it continues on to say that Radovan Karadzic of the
16 Bosnian Serb side had deferred expressing his views. So, General, that's
17 how it stood as of the 10th of January; correct?

18 A. Yes, Mr. Stringer, precisely what I said, some of the proposed

19 boundaries. So with the Croats, there was no misunderstanding, and the
20 separation and boundaries between the provinces or cantons with the
21 majority Muslim population or Croatian population, there was no
22 misunderstanding on that score.

23 Q. Well, that's not in the record, is it? I mean, you know, it's
24 all or none on the boundaries, I would suggest to you. He didn't sign
25 off on anything concerning boundaries; isn't that how it was?

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1 A. Yes, it says that exactly. He didn't agree to some of the
2 boundaries. He accepted others. So if he didn't accept all of them and
3 didn't accept some of them, he did others. And I claim that he agreed to
4 what was agreed between the Croats and Muslims, and as we know, there
5 were negotiations and so on, and during those talks, and we have the
6 transcript of the 15th of January with Vance-Owen, where the question was
7 discussed; that is to say, the corridor or corridors were discussed
8 mostly.

9 Q. And then just to round this off, this being an agreement that was
10 intended for three sides, we have no agreement whatsoever on the Bosnian
11 Serb side. I think that we can agree on that, can't we?

12 A. At this point in time, they quite simply wanted a break and some
13 time to state their views. So at that point in time, they didn't sign
14 the agreement, but it wasn't an obstacle to continuing good cooperation
15 between the Croats and Bosniaks. And let me mention once again that
16 Mate Boban says, We're not in favour of war. We're not for war, he says.

17 Q. Thank you. Now, the next document is the plan itself. That's
18 P09852.

19 A. Which document is that again?

20 Q. 9852. General, this is the UN Security Council report of the
21 Secretary-General. I should clarify, actually. This is the report of
22 the UN Secretary-General on the activities of the
23 International Conference on the former Yugoslavia, and it talks about the
24 developments in Geneva during -- it's dated the 6th of January, 1993.
25 And what I want to do is take you to some parts of this. And, General,

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1 you're not going to find the translation in Croatian in there. This is
2 -- being one of the UN official documents, it's not a document that we've
3 had translated, but we're not going to spend a lot of time on this.

4 On page 2 of this, General, in paragraph 11, there's a reference
5 to the draft map, constitutional principles --

6 JUDGE PRANDLER: I'm sorry. I'm sorry, Mr. Stringer. Are you
7 now in binder 8?

8 MR. STRINGER: No, we're in binder 7, Your Honour.

9 JUDGE PRANDLER: I do not find it. Anyway, it's my fault.

10 MR. STRINGER: It's probably toward the middle of the binder.
11 It's one that I skipped over yesterday during the earlier part. 9852.

12 JUDGE PRANDLER: Thank you.

13 MR. STRINGER:

14 Q. So, General, on page 2 of this, in paragraph 11, it's just a

15 reference to the draft map and the constitutional principles, and it's
16 referring to those as annexes. And then on the next page, in
17 paragraph 16, again there's a reference to an introductory part and
18 annexes on the following points, and there are seven points there.

19 Number 1 is:

20 "Measures for achievement of an unconditional cessation of
21 hostilities.

22 "Measures for the restoration of infrastructure.

23 "Measures on opening of routes.

24 "Arrangements on the separation of forces."

25 The fifth is:

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1 "Demilitarisation of Sarajevo."

2 The sixth is:

3 "Measures for monitoring borders of BiH."

4 Number 7 is:

5 "Return of forces to designated provinces."

6 Now, General, I want to talk briefly about a couple of those. If
7 you turn to one of the annexes, and this is on page 31 of the document,
8 there's a sequence of events, and this is part of Annex 4 on the
9 separation of forces. And the sequence of events there provides -- is
10 laid out as follows:

11 "A cease-fire, under the aegis of the overall cessation of
12 hostilities."

13 And let's just talk about these briefly as we go through them.

14 An overall cessation of hostilities. Now, we know that Boban and
15 Izetbegovic had signed off on the cease-fire, the cessation of
16 hostilities, as of the 10th of January, 1993. But can we agree, General,
17 that there was no overall cessation of hostilities because the Bosnian
18 Serbs had not signed; correct?

19 A. Well, yes, that's correct. The Bosnian Serbs, I don't know what
20 they were doing at that point in time, but they didn't sign the document.
21 And I don't know if they signed a cease-fire.

22 Q. All right. Now, the next one is:

23 "Establishment and patrol of the demarcation line by the UN
24 Protection Force personnel."

25 Now, that aspect was not in place either, was it, by mid-January

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1 of 1993?

2 A. No. As far as I know, they needed to change the general function
3 of the UN forces so that they could perform this job, and I know that
4 Croatia, as far as Croatia is concerned, and the HVO too, they always
5 sought assistance. And later on you saw this in Mostar. And if a truce
6 was signed, that the third side should control and see that the
7 cease-fire was adhered to and see who would violate it. Unfortunately,
8 the mandate of the United Nations was not such that they could actually
9 do this.

10 Q. And then the third element of the sequence of events is:

11 "Withdrawal of designated weapons systems of all parties."

12 And by mid-January of 1993, that had not been achieved either;
13 correct?

14 A. That's right, that wasn't achieved.

15 Q. Now, I'm going to skip the last two elements of the sequence, and
16 then I'm going to move to page 36 of this document. This is annex
17 number 7 of the Vance-Owen Peace Plan from January 1993, and it says:

18 "To enable the process of return to normalcy, and as a direct
19 follow-on from the cessation of hostilities and the separation of forces,
20 a return of forces to designated provinces will be conducted. This can
21 start as part of the withdrawal of heavy weapons, but given the winter
22 weather conditions, it is hard to fix a definite date for the completion
23 of this process. We should, however, aim to achieve the return of forces
24 within 45 days.

25 "This stage will be coordinated with an agreed demobilisation of

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1 forces in being.

2 "United Nations Protection Force/ECMM will monitor the withdrawal
3 of these forces in conjunction with national and provincial authorities."

4 So, General, according to the Vance-Owen Plan from January of
5 1993, a return of forces to designated provinces was contemplated, but it
6 was only contemplated to take place within approximately 45 days after
7 the agreement was signed by everyone, and that would take place as part
8 of an agreed demobilisation under the monitoring of the UN. So my

9 question, General, is to put to you that when the HVO HZ-HB, when
10 Bruno Stojic, when Brigadier Petkovic, issued those orders and decisions
11 we talked about yesterday on subordination and withdrawal of forces to
12 designated provinces, they were actually jumping the gun because none of
13 the conditions under Vance-Owen were in place for any of that to occur.
14 Isn't that true?

15 A. No, it's not, Mr. Stringer. Let me repeat. It was signed with
16 Mr. Izetbegovic or, rather, agreed, and what was envisaged here was what
17 they did; that the forces that came from outside to certain provinces or
18 cantons should go back to their original locations, and there was no
19 reason for the plan, which was supported by the Croats and Muslims,
20 should not be put into practice. And I remember that sometime on the
21 11th of May, the Bosnia-Herzegovina Assembly adopted the Vance-Owen Plan.
22 And as far as the Bosniak or Muslim side is concerned, they failed to act
23 upon it, but launched offensive actions.

24 Q. Thank you, General.

25 A. Unfortunately, they weren't able to vanquish the Serbs. But,

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1 anyway, everything was in conformity with these demands and agreements
2 and signatures under the auspices of the UN.

3 Q. Well, General, what you're telling us, then, is that the decision
4 and the orders on subordination and withdrawal of forces that we looked
5 at yesterday, those were issued not pursuant to anything under the
6 Vance-Owen Plan, but you're saying that was issued pursuant to an oral

7 agreement reached in Zagreb with Mr. Izetbegovic; is that what you're
8 telling us?

9 A. I described in very precise terms how that agreement came about,
10 and what I do know is that it was within the frameworks of the things
11 that had been signed, as far as the Vance-Owen Plan is concerned. So
12 there was no reason for that part of the plan, whether the Serbs wished
13 to sign or not - it was important for the international community and the
14 development of the war and internal relations between the Croats and
15 Muslims - that that portion of the plan, which was not contentious
16 between the Muslims and Croats, should be put into effect, and that's
17 logical, and that's how it should have been.

18 Q. But what I'm asking you is, since we know that Izetbegovic only
19 signed the constitutional principles and the cease-fire, what we know is
20 that he did not, under the Vance-Owen Plan, sign off on a separation of
21 forces agreement; correct?

22 A. Sir, he agreed to the document which his defence minister
23 published later on, Mr. Bozo Rajic. That's all I can say in answer to
24 that question. And I don't agree that he didn't sign --

25 Q. So, again --

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1 A. -- with respect to the cantons, the Muslim-Croat or Croat-Muslim
2 majority cantons.

3 Q. All right, well, let's move on, then - you've made a reference to
4 it already - to the transcript, the presidential transcript from the 15th

5 of January, 1993, P01158.

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

7 Mr. Praljak, it had failed [as interpreted] to my attention, and
8 I would like to thank the Prosecutor to put once again the stress on the
9 Vance-Owen Plan. We have before us a document from the UN Security
10 Council which is binding, because it's the report from the
11 Secretary-General to the Security Council. It is an official document,
12 and one cannot argue about those sorts of documents. In Annex 1 of this
13 document, I see the composition and the various delegations, and I see
14 that Mate Boban was accompanied by Mile Akmadzic and by Mr. Petkovic, and
15 you have other delegations, of course.

16 While listening to you, I seem to understand, but it only agreed,
17 the penny only dropped a couple of seconds ago. Your version seems to be
18 the following: You say that delegations signed documents, Izetbegovic
19 and Mate Boban included, and you say the Serbs did not sign, but that's
20 their problem. And you say that given that two delegations have signed,
21 they are bound by those documents. And you are also adding that despite
22 provincial or constitutional problems, it was stipulated in those
23 documents that forces had to be subordinated to those that would be
24 granted the monitoring or the management of provinces, and therefore it
25 made sense that the HVO, where it had majority, controlled the BiH, and

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1 when the BiH was acknowledged as having the majority, take over the HVO.

2 THE INTERPRETER: Or control the HVO. Correction from the

3 interpreter.

4 JUDGE ANTONETTI: [Interpretation] So this is happening in early
5 January, which would explain the document that -- Mr. Prlic's document
6 that was characterised as an ultimatum by the Prosecution, and this would
7 explain why Mr. Prlic is implementing what had been signed.

8 Is that a fair summary of your position?

9 THE WITNESS: [Interpretation] Yes, entirely. It was a wonderful
10 example for the two sides that had nothing contentious with respect to
11 constitutional provinces, or the demarcation between the provinces and
12 the Bosniak and Croatian majority cantons, to provide the basis for the
13 international community to bring pressure to bear upon the Serbs. And
14 anybody who wanted to join the plan seriously had to implement it fully,
15 and that's how that document came into being. On the basis of this, the
16 talks with Alija Izetbegovic, he accepted the document. I know there was
17 a Jeddah conference, and I know how that was reneged. They sent a sort
18 of ultimatum to the UN and said that unless they did this, acted upon
19 it -- well, it's politics, but nobody's asking me about politics, so I
20 won't go into that. Anyway, my answer to your question is, yes, you have
21 understood it correctly.

22 JUDGE ANTONETTI: [Interpretation] Very well.

23 So to summarise all this, the documents from the 15th of January,
24 addressed to everyone, stating that some units had to be re-subordinated,
25 according to you everything was cast in stone before the 15th of January,

1 wasn't it?

2 THE WITNESS: [Interpretation] Correct. And let's not forget the
3 contents, operative subordination of units, proportionality, mirror
4 images, and everything else that it says there. No ultimatum and no
5 desire to rule. You see that the 4th Corps says, Operatively, I accept
6 Petkovic as being the HVO. There's no problem there.

7 JUDGE ANTONETTI: [Interpretation] Very well.

8 Mr. Stringer.

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

10 Q. But just to clarify, General, when we talk about what Izetbegovic
11 signed in Geneva, he did not sign off on the separation of forces,
12 number 1, isn't that true, in Geneva?

13 A. I don't know what he signed in Geneva. I know what it says he
14 signed in Geneva.

15 Q. All right, thank you.

16 A. And part of that included the separation of forces.

17 Q. Well, that's not true, General. You're just making that up now.
18 He signed off on the constitutional principles and the cease-fire.
19 That's what the official documents tell us, and you don't know any
20 differently, do you?

21 A. I do know that in Zagreb, they agreed upon a paper, and that
22 includes separation of forces and establishing relations between the HVO
23 forces and the BH forces and so on, and the negotiations went on for two
24 days at the Hotel Esplanade.

25 Q. We'll get to that, but I'm talking about Geneva.

1 A. I wasn't in Geneva.

2 Q. We also know, based on the documents that we've just looked at,
3 that any separation of forces under the Vance-Owen Plan was only
4 envisioned to take place when there was overall agreement among the three
5 sides, that there would be monitoring involved by the UN, that it
6 wouldn't be envisioned for at least 45 days because of the winter
7 conditions, and so that really there is no separation of forces
8 envisioned or in the works as between Croats and Muslim forces as of
9 January 1993 under the terms of the Vance-Owen Plan; correct?

10 A. I don't agree with that. Forty-five days was the dead-line,
11 which didn't mean that they shouldn't begin. Now, of course, somebody
12 who wrote about that knows -- anybody who wrote about that knows that you
13 need time for certain things, but you start anyway and then carry them
14 out within a 45-day dead-line. Now, what the Serbs were going to do here
15 was immaterial. What was important was to decide upon what was signed,
16 and that was the agreement signed by the Croats and the Bosniaks.

17 Q. And so when we were talking about Gornji Vakuf and the HVO's
18 demands on subordination or departure of ABiH units, in the case of
19 Gornji Vakuf they were given five days, which is wholly unrealistic,
20 isn't that true, even if the ABiH were inclined to do it?

21 A. No, sir. The situation was already calm down there, and it
22 wasn't that the BH Army was asked to withdraw, but according to this
23 agreement, just the brigade from Jajce, which according to that same

24 agreement later on did leave the area and returned to another province.

25 Q. Let's look at the presidential transcript here, P01158. And I

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1 want to take you to some remarks beginning with President Izetbegovic on
2 page 48 of the transcript. He starts off by saying:

3 "I will just take the floor ..."

4 And just for the record, as I think everyone knows, this is a
5 meeting in Zagreb at the Presidential Palace on the 15th of January.

6 Tudjman, Izetbegovic, Boban, Susak, as well as Vance and Owen are present
7 at this meeting. And on page 48, Alija Izetbegovic begins by saying:

8 "I will just take the floor once more, and I won't take it again.

9 I would say I agree with President Tudjman, that this discussion should
10 be finished. But I think it is necessary to resolve a misunderstanding
11 here because I think it may be at the core of the fighting that has now
12 happened in Gornji Vakuf, a misunderstanding, perhaps a misinterpretation
13 of these documents."

14 And moving down, I'm going to skip over a few sentences, he's
15 talking about interpretation, and he says:

16 "Mr. Boban said he understood from these papers that the
17 armies -- that each army should withdraw to their territories. That's
18 not how I understood the papers, and I don't know whether this was the
19 intention of these documents.

20 "Because I do not see that they define who has what territories,
21 whose armies these are, you know. So I'm afraid what is now going on in

22 Gornji Vakuf may have been caused by a misunderstanding of this item of
23 these agreements.

24 "I am not sure I understood Mr. Boban correctly, but he seems to
25 have understood that, say, now that the Bosnian Army should withdraw from

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1 the region, from the Travnik provinces now, and the HVO should take it
2 over completely. I did not understand these papers like this."

3 And then President Tudjman asks a question about the Serbs.

4 Izetbegovic continues, and he basically indicates that, yes, there will
5 be such moves at some time in the future, but the moment for that has not
6 yet been set. He says:

7 "I'm afraid that such a reading of these papers or this
8 provision, and Mr. Boban, that such a reading may have caused the clashes
9 in Gornji Vakuf because he wants the Army of Bosnia-Herzegovina to
10 withdraw from there now, but since it is not doing so, then it should be
11 driven out."

12 And Boban says:

13 "No, that's not how things are set up."

14 Izetbegovic says:

15 "I think because you, Mate, said it a few moments ago, hasn't
16 withdrawal been foreseen?"

17 And Boban says:

18 "I said you should sign the document. Tell your people that
19 provinces 10 and 13 have been agreed on between the Croat and the

20 Muslims, and there won't be any problems for you to do it like I did on
21 TV."

22 And he continues.

23 Izetbegovic:

24 "I don't think this was foreseen in any of these proposals. It
25 was not foreseen that the Army of Bosnia and Herzegovina should leave

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1 either the Travnik province or Mostar. That's not how I understood these
2 papers. I'm not sure that's what is written there. It seems to me, I'm
3 sorry, Mate, that is how you understood it.

4 "If that's now how you understood it," Boban says, "that's how I
5 understood it."

6 THE INTERPRETER: Interpreter's note: We don't have the right
7 page displayed on screen. Could the document read please be put on the
8 screen so we could cite interpret.

9 [Technical difficulties]

10 JUDGE ANTONETTI: Yeah, It's okay.

11 [Interpretation] Okay, we'll start again.

12 Mr. Stringer.

13 MR. STRINGER: Thank you.

14 Q. And for the record, in the transcript I just finished reading
15 from page 50, and now we're going to move to page 51, if the technical
16 people could move us to page 51 so the interpreters can read along.

17 And then Gojko Susak makes a statement, and we can all read the

18 first paragraph. He's talking about areas where there are predominantly
19 Muslim troops, or dividing the command, and then in the second paragraph
20 it says:

21 "I cannot understand what's now contentious in this, to have a
22 common interest to defend ourselves against our common enemy. Isn't that
23 the part we have achieved? I sat with you in the room, in the hotel,
24 here, at the Esplanade, when we made a gentlemen's agreement that you
25 would work on this. I don't see what's contentious if, in Gornji Vakuf,

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1 no matter if there are more Muslims or fewer Croats there, but it is in
2 the territory controlled by the HVO, if orders now coming from Sarajevo
3 are contradictory to orders from Mostar. Well, you're killing
4 yourselves, then the Serbs do not need to fight you any longer.

5 "Thank you very much."

6 And just to continue a little bit longer, I'm going to move down
7 to the remarks of David Owen. He says:

8 "I think this has been a very useful discussion, although we have
9 not reached any definite conclusions. I think the one and only real way
10 to reach any solution is by discussing these issues.

11 "With regard to individual provinces, I said, while explaining
12 the system, that the Serbian military forces would withdraw to the
13 provinces of Banja Luka, Bijeljina, and Eastern Herzegovina.

14 "I did not make any suggestions about the others, but I think I
15 mentioned that this was an issue for the BH Army and the HVO to discuss

16 together.

17 "In any case, the discussion we have just attended is a good
18 illustration of the urgency of reaching agreement together. I understand
19 that commanding or the command should be determined according to majority
20 representation."

21 Now, I'm going to stop there, General, and just put a couple of
22 questions to you based on this. Because isn't it true that what this --
23 well, first of all, in terms of the timing, this is the 15th of January,
24 1993; this is a discussion that's taking place at 1550 hours in the
25 afternoon, almost 4.00 in the afternoon. So this discussion's taking

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1 place, General, after you've already left Zagreb and are heading down to
2 Mostar with the text of this alleged oral agreement or gentlemen's
3 agreement that you've been telling us about; correct?

4 A. Yes, that's right.

5 Q. But what we see in this discussion is that, in fact, there is no
6 agreement on this text, and the closest that we get to an agreement is
7 what we learn from Gojko Susak; that there was a gentlemen's agreement
8 that Izetbegovic would work on it. Now the fact is, General, that no
9 president, not even Izetbegovic, who I know you are critical of in many
10 ways, no one's going to agree to such a broad sweeping agreement on
11 subordination, separation of forces based upon an oral gentlemen's
12 agreement that's made in a hotel. Isn't that true?

13 A. No, that's not true. For the most part, agreements were reached

14 in hotels because that was where Izetbegovic was based. Gojko Susak over
15 in Esplanade Hotel says, We agreed on this as human beings, and you
16 should work on it; we agreed that this should be implemented. And it's
17 quite correct what Mr. Izetbegovic is saying here -- there is no
18 interpretation.

19 [Technical difficulties]

20 -- Break taken at 9.55 a.m.

21 --- On resuming at 10.15 a.m.

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

23 Mr. Stringer.

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

25 Q. General, we've gone through this text. I've read a lot of it

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1 out. We can all read it. We can draw our own conclusions from what's
2 being said. Let me just, to round this off, put a couple of points to
3 you.

4 First of all, what the text tells us here, General, is that as of
5 the late afternoon hours -- the late afternoon hours of the 15th of
6 January, this so-called agreement, this text that you claim existed or
7 was reached with President Izetbegovic, in fact, was no agreement because
8 clearly parties here are talking about something other than an agreement;
9 they're talking about negotiations, et cetera. So that's number 1, there
10 was no agreement, as you claim.

11 MR. KARNAVAS: Your Honour, is this a question or is this a

12 statement?

13 MR. STRINGER: I'm putting it to the general to --

14 Q. Simply that as is indicated, after reading this, General, the
15 fact is, I'm putting to you, that despite what you claim, there was no
16 agreement on separation of forces reached at the Esplanade Hotel. Isn't
17 that true?

18 A. No, there was an agreement that was reached there. Gojko clearly
19 says, We agreed on that as human beings. Lord Owen agreed with that
20 understanding of command and minority -- a majority representation. What
21 General Petkovic said in Travnik and elsewhere at the levels of brigades
22 and operative zones of the BH Army brought 60 per cent of the manpower to
23 the front-lines, it had a 60 per cent share in the command --
24 80 per cent -- 80 per cent share. Separation of forces, that's what it's
25 about. It's not about separation of forces on a 45-day dead-line between

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1 the BH Army and the HVO, but rather the VRS, on the one hand, and the
2 BH Army and the HVO, on the other, and it's not about leaving the BH Army
3 but, rather -- the BH Army units, but rather leaving those units that
4 came to certain areas from a different area, causing unrest. Everything
5 is crystal clear. This was a perfect example of the fair attempts to put
6 a stop to the conflict and to reach an agreement between the Croats and
7 the Muslims on the Croatian part, and I hope the honourable Judges will
8 go through all of this transcript in its entirety in order to make sure
9 and see clearly who was in favour of peace and who was in favour of

10 fighting on. I agree with nothing whatsoever that you have just put
11 forward, Mr. Stringer. That is not what the document says.

12 Q. Let's see if we can agree on one final point on this.

13 Any head of state -- or I should say no head of state, not even
14 Alija Izetbegovic, would agree to such a broad, sweeping, and important
15 agreement and its implementation without signing off on a written version
16 of it; isn't that true?

17 A. The written version was signed by his army minister, Bozo Rajic.

18 Q. That's the Bozo Rajic who testified earlier in this case as a
19 Defence witness? Oh, no, I apologise, that's -- I'm wrong on that. This
20 is Bozo Rajic, who was a Croat member of the Presidency of the Republic
21 of Bosnia-Herzegovina? Let me try a third time.

22 We're all having a bad day in this courtroom, Mr. President.

23 This is Bozo Rajic, who was a Croat. He was the minister of
24 defence of the Republic of Bosnia-Herzegovina at the time?

25 A. That's right. I don't think I'm having a particularly bad day,

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1 myself, come to speak of it.

2 Q. And you invoked Lord Owen here. And just again to clarify his
3 remarks, what he said here about a separation of forces is that he
4 suggested, and I'm looking at page 52 of the transcript, he says that --
5 while explaining the system that the Serbian military forces, Serbian
6 military forces would withdraw, he says:

7 "I did not make any suggestions about the others."

8 And so, again, just to clarify, we don't have any agreement or
9 suggestion by Lord Owen that there's any agreement on a separation of
10 forces as between HVO and ABiH; correct?

11 A. He says, I've not put forward any suggestions. Rather -- and I
12 think he means, I noted that this was a question to be resolved by the
13 BH Army and the HVO. There is nothing being said about the separation of
14 forces. Rather, on page 53 he realises that command -- or, rather, the
15 command must be determined based on the principle of majority
16 representation. He is speaking here of military representation, of
17 course. Go to the front-line, gentlemen, fight if you like, and then, if
18 you like, you can go on and take all of the commands in their entirety
19 under your control.

20 MR. STRINGER: Mr. President, I'm ready to move to the next
21 binder, unless there are questions from the Chamber on this.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, let me return
23 to this Vance-Owen Plan.

24 Earlier, I summed up your position, which you have developed at
25 length. The Prosecutor asked you a few questions on that also, and you

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1 maintained your position. Now, my difficulty is as follows: When
2 talking about an agreement or a plan that was signed, I don't have it
3 here at hand, so there's these plans and discussions held in Geneva that
4 were eventually signed? General Petkovic will come and testify, and we
5 can revisit the question at that time, because he was there and he can

6 tell us exactly. I hope, at least, he can tell us exactly what happened.
7 But since I don't really know which documents were signed, well, in the
8 document shown by the Prosecutor on the meeting that was held after the
9 Geneva conference, document P9852, we have Annex 7, and I wish -- maybe
10 it would be good to have it on the screen. And Annex 7 is on the return
11 of forces in designated provinces. This is an official document, it is
12 Annex 7, it is part and parcel of the negotiations, and it stipulates
13 that as of -- well, there's going to be a sequence with three steps.
14 First step, cessation of hostilities. Second step, according to the
15 document, separation of forces. Third step, return of forces. And if I
16 understood things correctly, returning the forces to designated provinces
17 will lead to re-subordination.

18 Now, I would like to know whether the document you claim to have
19 been signed is Annex 7. Is it that; yes or no? I don't know. Whatever
20 the case, Annex 7 is a document that is annexed to the plan, and everyone
21 can take a look at it.

22 Now, here are my questions, General Praljak: According to you,
23 was this the sequence of events: cessation of hostilities; second,
24 separation of forces; thirdly, return of forces to designated provinces?
25 Was that the sequence of events planned, because this is what I have on

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1 Annex 7.

2 THE WITNESS: [Interpretation] Based on the information I had at
3 the time, yes, that was exactly what was envisaged. The 45-day period

4 was in relation to the Serbs, and the return of the forces was also about
5 the Serbs. What they took they had to give back, based on the maps that
6 were tabled. The BH Army and the HVO had this agreement about setting up
7 a joint command at the levels of operative zones and brigades, based on
8 the proportions of soldiers along the lines.

9 JUDGE ANTONETTI: [Interpretation] In the binder, we see a
10 document that Mr. Stringer did not mention. Maybe he wanted to use it,
11 but he didn't have enough time. The document has already been tendered,
12 and I would like to talk about it. I would like to see it on the screen.
13 It's 3D00320. The spokesman of the conference is having a press
14 conference in order to explain what exactly was signed.

15 Registrar, could we please have this document on the screen,
16 3D00320.

17 MR. STRINGER: Mr. President, just to inform you, I deliberately
18 skipped over that one. The plan was to come back to it because it
19 relates to March. In any event, I'm going to come back to it later.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 This is not the document. You must have made a mistake,
22 Mr. Registrar. This is not the document that I have under 3D00320.

23 MR. STRINGER: Mr. President, if I can assist, 3D00320 is a very
24 large document, and if you can just give me a moment, I can direct the
25 Registrar to the page -- the specific pages that would have been placed

1 in the binder.

2 JUDGE TRECHSEL: If this means that there is a short break, I
3 would like to use it to come back to the last answer you have given,
4 Mr. Praljak.

5 With regard to Annex Number 7, you seem to have said that this
6 withdrawal/return of forces only applied to the Serbs. Could you confirm
7 that that's what you meant, and if so, could you explain how come?
8 What's the reasons for this restriction?

9 THE WITNESS: [Interpretation] Because based on the
10 Vance-Owen Plan, the Serbs were supposed to withdraw from large portions
11 of the territory that they had previously taken. Their forces from those
12 territories that they had taken were supposed to go and join the
13 majoritarian [as interpreted] Serb forces, based on the Vance-Owen Plan.
14 As far as the BH Army is concerned, only those units that came as the
15 Jaganjac Brigade were supposed to go back to their own original position.
16 Therefore, all the BH Army unit positions in Mostar would remain the
17 same, as well as in Konjic, Jablanica, and everyone else, same as applied
18 to the HVO in Tuzla, and so on and so forth.

19 JUDGE TRECHSEL: Well, I just look at the document, and I find
20 nothing of what you have now said in Annex Number 7. It's simply not
21 there, and I wonder where you take this information. You have stressed
22 that you have not been in Geneva, as we know. I don't understand why we
23 should -- why we should accept this explanation of yours.

24 THE WITNESS: [Interpretation] That's the explanation that I know
25 was the reality. Only the Serbs could have withdrawn. We did not take

1 control of any territory from which we were to -- should withdraw,
2 according to the maps and the Vance-Owen agreement.

3 JUDGE TRECHSEL: I could have imagined that you would say the
4 ABiH would have to withdraw from Gornji Vakuf.

5 THE WITNESS: [Interpretation] No, no.

6 JUDGE TRECHSEL: And why not?

7 THE WITNESS: [Interpretation] Well, because we're proposing a
8 joint command, and if the BH Army has units up at the positions, then in
9 Gornji Vakuf they will have as much command as they have units, and
10 that's crystal clear in the proposal; reciprocity with respect to the
11 number of soldiers that the BH Army or HVO have on the ground. And had
12 that been implemented consistently, then the BH Army would have been in
13 command of the Bosnian canton, Travnik and so on, because it had more
14 soldiers, had it positioned them up at the front-line facing the Serbs.
15 And that follows quite clearly from Mr. Stojic's and Mr. Petkovic's
16 texts. That was the agreement that was reached.

17 JUDGE TRECHSEL: I am talking about Annex Numeral 7 to the
18 Vance-Owen Plan, which presupposes, first, follow a cessation of
19 hostilities, if there's a cessation of hostilities. And that, of course,
20 refers also to Serbs, that's not only meant between Muslims and Croats.
21 Then I don't see why the Muslims should not withdraw from Gornji Vakuf
22 and so forth.

23 JUDGE ANTONETTI: [Interpretation] I support what my colleague is
24 saying. The question that my colleague asked, I could have asked it

25 myself.

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1 This text of Annex 7 applies to all three parties, and not
2 especially to the Serbs. This is how we read this text. And,
3 General Praljak, you seem to say it only applies to the Serbs. This
4 document does not state that.

5 THE INTERPRETER: Could all the unnecessary microphones be
6 switched off, please.

7 THE WITNESS: [Interpretation] I am saying how the document was
8 interpreted, Your Honours. How can you propose a joint command if the
9 forces are going to withdraw? I just don't see it. I don't see the
10 logics of a joint command in Mostar if we say that the BH Army should
11 leave Mostar. That wasn't the intention. The BH Army and the HVO were
12 two -- or, rather, one army with two components.

13 JUDGE ANTONETTI: [Interpretation] Okay, this your interpretation.

14 I would like to go back to the document, and Mr. Stringer wanted
15 to help me by giving me the document 3D028-0825; isn't that the right
16 number for this document?

17 MR. STRINGER: Yes, Mr. President. The page numbers for the
18 English -- I don't have the document in the court with me because I took
19 it out of my own papers for later, but I believe we're at 3D -- this the
20 page number of the document now, 3D28-0325 for the English.

21 JUDGE ANTONETTI: [Interpretation] Yes, very well.

22 MR. STRINGER: For the general's version, it would be page

23 3D12-0239. That's in the B/C/S version.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 General Praljak, on the 25th of March, 1993, two months after

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1 January, the spokesperson makes the following statement. He says that
2 President Izetbegovic and Boban signed together this document; namely,
3 the map and the agreement on temporary power. So this is the
4 spokesperson doing that. And then we learn that the delegation, headed
5 by Karadzic for the Serbs of Bosnia-Herzegovina, had not signed the plan
6 and had gone back home.

7 And when you turn the page, you see that there is a statement
8 made by the delegation of Bosnia-Herzegovina, reiterating that they have
9 signed this, but that their signature would only be valid if some
10 conditions were met. So this is not very clear. We are aware that some
11 parts were signed, but others are put back into question.

12 So my question is the following, General Praljak: Did you know
13 that the spokesperson had made this statement?

14 THE WITNESS: [Interpretation] I read this statement in the
15 papers, and it was generally discussed. I knew about it.

16 JUDGE ANTONETTI: [Interpretation] Very well.

17 I would like to go back to P1158, which is this meeting of the
18 15th of January in Zagreb. This document may be interesting because all
19 participants were there, but on top of that we have Lord Owen, and we
20 have Cyrus Vance, so all stakeholders were there, and what they're going

21 to say will be very interesting indeed. This is why I would like to have
22 on display page 20 of the English version, please. Page 25, correction,
23 page 25, and Lord Owen is taking the floor on this page. Page 25.

24 Lord Owen is going to take the floor, following an intervention
25 from Mr. Izetbegovic, on the fact that some zones or areas were subject

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1 of ethnic cleansing during the conflict, so he's mentioning this. And we
2 seem to understand that Mr. Izetbegovic is asking himself some questions,
3 because he seemed to say, when you read his statement, that one cannot
4 accept that just because some territories were won through ethnic
5 cleansing, they should be retained. So Lord Owen is taking the floor on
6 this very important topic, and on page 25 it starts with, first of all,
7 he's going to talk about a plan for the withdrawal of forces. And what
8 I'm saying to myself is that if he's mentioning this, it means that there
9 is a plan for the withdrawal of forces, because this is mentioned on the
10 15th of January. He's not going to state that out of the blue. So he
11 says that there is a plan for withdrawal of forces.

12 So, General Praljak, what Lord Owen is saying here, do you think
13 that he is actually talking about those agreements that you've just
14 mentioned?

15 THE WITNESS: [Interpretation] According to all my information,
16 based on my talks about it, that's what that was about.

17 JUDGE ANTONETTI: [Interpretation] Very well. So according to
18 you, he's mentioning those agreements. Very well.

19 So if you allow me, we will move to page 37 of the same document.
20 And on this page, we see that Mate Boban is taking the floor. Mate Boban
21 is mentioning what Lord Owen has just said. He talks about clashes
22 between the Muslim and Croatian armed forces, and he says the following:
23 The answer to all this is in signing a general package.

24 General Praljak, Mate Boban talks about the signature of the
25 package. I was wondering whether he includes all the sequence of events;

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1 the cessation of hostilities, separation of forces, return of forces in
2 designated provinces, and re-subordination according to the majority
3 rule. The word used in English is "package." I'm not sure what it says
4 in your own language. I was wondering whether it included the entirety
5 of the sequence of events.

6 THE WITNESS: [Interpretation] According to the talks that I
7 participated in at the time, and according to the text that was written,
8 it is precisely as you have interpreted it, to the best of my knowledge
9 then and now.

10 JUDGE ANTONETTI: [Interpretation] Well, I'm suggesting an
11 interpretation. I'm not saying that it is my own interpretation. It's
12 an assumption I submit. I put that to you.

13 I will conclude with page 53 of the same document. David Owen
14 summarises the discussion, and he says that the ABiH and the HVO should
15 carry on talking to each other. But what I find rather interesting is
16 that he talks about President Tudjman. It says: "Perhaps President

17 Tudjman ...," and so on and so forth. And Mr. Owen says that
18 President Tadjman could actually be a middle person in this. And this
19 caught my attention, because it says that President Tadjman could serve
20 as an arbiter, and in a debate that includes Boban and Izetbegovic, it
21 seems that the choice of an arbiter would be Tadjman, and he points out
22 the various grounds for this. He says that it's a man of considerable
23 experience, so he seems to want President Tadjman to play a role in
24 solving all this.

25 So according to you, are you rather surprised or not, first of

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1 all, that President Tadjman would serve as an arbiter and, secondly, that
2 President Tadjman could solve the problem while Mr. Izetbegovic is also
3 there? Why do you think Mr. Owen is choosing Tadjman as an arbiter?
4 This is an assumption, because of course the sentence starts with
5 "Perhaps." But I'm sure that when he's saying this, he's obviously
6 making a position.

7 THE WITNESS: [Interpretation] Your Honours and Judge Antonetti,
8 because Franjo Tadjman, in political terms, had a political relationship
9 towards Bosnia and Herzegovina, both towards Muslims and Croats, he
10 behaved the same way, he approached them in the same way, both with
11 respect to the distribution of weapons, taking in the wounded,
12 recognising Bosnia-Herzegovina. And we see an understanding of the
13 problem on the previous pages. He understands that there were one and a
14 half million Serbs there in Bosnia-Herzegovina, that there were another

15 500.000 Serbs in Croatia, and he says to Alija Izetbegovic, Don't continue
16 waging a war; you'll destroy yourselves and you'll destroy Croatia, and
17 we don't want to vanquish the Serbs, actually, we just want to arrive at
18 a just solution. So you have to read this document in its entirety and
19 other documents, too, to see that the position taken by Franjo Tudjman,
20 as far as Bosnia-Herzegovina is concerned, was not on the side of the
21 HVO, but a just solution to the problem, which was a very complex one.

22 JUDGE ANTONETTI: [Interpretation] Very well. I will conclude,
23 because the question of my colleague on Gornji Vakuf is an important one
24 and I would like to go back to it in order to understand this very
25 clearly.

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1 My assumption is the following: Let's take any given province or town,
2 and this province is controlled, militarily speaking, by the opposite
3 side. According to the Vance-Owen Plan, this province, still speaking
4 from a military point of view, would be ruled by the side that was in an
5 inferiority position because it had to surrender. According to you, does
6 that mean that the Vance-Owen Plan would mean that those who have won
7 must leave and those who lost should stay because they were the majority?

8 THE WITNESS: [Interpretation] Correct. They asked that
9 24 per cent of the territory, to begin with - and that is stated in the
10 transcript earlier on - that the Serbs -- well, the Serbs were required
11 to withdraw from 24 per cent of the territory that they had control of
12 until then, and even more.

13 JUDGE ANTONETTI: [Interpretation] General Praljak, you're talking
14 about the Serbs. I'm talking about the Croats and the Muslims. I'm
15 leaving the Serbs aside for the time being.

16 I give you the example of a region which is occupied, say, by the
17 HVO, but this region, according to the Vance-Owen Plan, should be managed
18 by the Muslims. Does that mean that the HVO has to withdraw, has to
19 leave, and that the army on the ground will be the ABiH, and does that
20 mean that the military units of the HVO will be subordinated to the ABiH?
21 Is it how things have to happen, or does that mean, as you said, that
22 there will be a joint command of forces on the ground?

23 THE WITNESS: [Interpretation] No, they didn't need to leave,
24 neither the HVO forces from the majority Muslim provinces nor members of
25 the BH Army from the Croatian majority provinces, but to set up a joint

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1 command proportionately. So nobody needed to send the HVO forces from
2 Tuzla, Zepce, and so on, or vice versa. They should remain there and
3 were to remain there, as they did do, in fact, until the end of the war,
4 under the command of the Army of Bosnia-Herzegovina.

5 JUDGE ANTONETTI: [Interpretation] Very well. But you're adding
6 another concept. Every time, there's something new that crops up.

7 You have just said that it's a joint command, but with
8 proportionality. This is what you just said, isn't it?

9 THE WITNESS: [Interpretation] Correct. Crystal clear, that's
10 what it says, proportionate. As many soldiers one component has and

11 takes to the front-line, in this case facing the aggressor, the Army of
12 Republika Srpska, let them take an equal number from the brigade command
13 and so on. That's very fair, very just, and very clear. That's what the
14 American Army did, for example, when it liberated France. That's how
15 armies act today; proportionate command.

16 JUDGE ANTONETTI: [Interpretation] Very well. Your position will
17 be in the transcript.

18 THE WITNESS: [Interpretation] [Previous translation continues]...
19 now entered NATO, it said precisely which of its men should hold what
20 NATO positions for it to be viable, and that's how it's always done.

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

22 Mr. Stringer, I have no further questions regarding this
23 document. But as you understood, I am eagerly waiting Mr. Petkovic to
24 touch upon those issues once again.

25 MR. STRINGER:

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1 Q. General, just to stay with the document that the President has
2 gone to, I was going to do this later, but since we have the document in
3 front of us, let's do it now. This is, again for the record, 3D00320,
4 and so again this is not January 1993 now. We've moved ahead to early
5 March of 1993. I'm sorry, the 25th of March, 1993.

6 And, General, I want to direct your attention to document
7 number 103 as part of this, which is the next document, obviously, in the
8 English version, the next page of the document in e-court. And, General,

9 do you have document 103 there?

10 A. Yes.

11 Q. And in your version -- or the original language version, could
12 you read out for us the title of document 103?

13 A. "Vance-Owen Plan: The conditions set by Alija Izetbegovic for
14 signing the Vance-Owen Plan -- the Vance-Owen Peace Plan. New York. The
15 25th of March, 1993."

16 Q. "The conditions." Now, just for the record, General, your people
17 forgot to translate the rest -- or the full description of the document
18 number 103. In the English version, it's listed as simply
19 "Vance-Owen Plan," and it does not have the rest of the part about the
20 conditions. And so I think that's an important correction that should be
21 made.

22 MS. PINTER: [Interpretation] I agree with my learned friend
23 Mr. Stringer, but I have to say that the translation of these documents
24 was done by the CLSS, the official service, and not by the
25 Praljak Defence and his team.

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1 MR. STRINGER:

2 Q. Now, General, looking at these conditions, I want to direct your
3 attention to item number 2, where they say that:

4 "Our signatures on the proposed document will become invalid, and
5 we shall consider them void if the following conditions are not met: If
6 all sides, and especially the aggressor, do not sign the proposed

7 documents without any amendments or conditions within a reasonable
8 time-frame ..."

9 And then it continues. The reference to the international
10 community and, thirdly, if the aggression continues.

11 So, General, can we agree that, in fact, all sides did not sign
12 the Vance-Owen Peace Plan, it never happened, and that the Serbs had a
13 referendum -- the Vance-Owen Peace Plan failed and the Serb side never
14 signed the agreement; correct?

15 A. Yes, I am aware of that. However, the Croats did sign, and --

16 Q. Well, we know that. And so according to this, then, the
17 signature from the Muslim side, then, would have been invalid, in that
18 the Serbs did not agree to the plan within any reasonable period of time;
19 correct?

20 A. Those were the conditions which they say should be accomplished
21 in the future. And what the future looked like, well, the Prlic Defence
22 has presented that here in court. I know that the BH Assembly, on the
23 11th of May, adopted the Vance-Owen Plan, and that in order to defeat the
24 aggressor, firm military agreements had to be reached with the Croats, as
25 with the Republic of Croatia, like in 1995, to attack the Army of

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1 Republika Srpska, and not the Croats along the Western borders, as
2 Sefer Halilovic put it.

3 Q. And then in item 3, another condition states that:

4 "None of the provisions of the signed documents can be

5 interpreted or understood as deviating from the sovereignty of BH as an
6 independent and indivisible state entity."

7 Now, General, wouldn't that interpretation of Vance-Owen be
8 contrary to the establishment of an autonomous Croatian area that you
9 wanted?

10 A. First of all, an autonomous Croatian area is already contained in
11 the constitutional provisions about the cantons. But with the signing of
12 the Vance-Owen Plan, the disintegration of Bosnia-Herzegovina began,
13 or -- and you have my talk with Mr. Jaganjac, where I say the HZ-HB, with
14 the signing of the Vance-Owen Plan, no longer existed. So let's set in
15 order what we can within the frame the Vance-Owen Plan, and that was the
16 politics followed by Franjo Tudjman and Prlic, who took part in the
17 creation of -- well, the political background, but unfortunately
18 Alija Izetbegovic slowed that down and obstructed it.

19 MR. STRINGER: I'm ready to move to the next binder of documents
20 now, Mr. President. This is binder number 8.

21 If I could have just a moment, Mr. President.

22 Q. General, I want to ask you -- I want to follow up a little bit on
23 something we talked about briefly during an earlier phase of your
24 cross-examination.

25 General, you're aware that in late June of 1993, General Petkovic

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1 issued an order requiring that all Muslim men -- military-aged Muslim men
2 within the zones of responsibility of the North-West and South-East

3 Herzegovina Operative Zones be arrested and detained?

4 MS. ALABURIC: [Interpretation] Your Honours, I object to that
5 question. The order that Mr. Stringer has prepared clearly indicates
6 that it relates to the South-East Herzegovina Operative Zone, so I'd like
7 you to interpret that order as an order sent from the north-west,
8 North-West Herzegovina.

9 MR. STRINGER: I'll rephrase the question.

10 Q. General, are you aware that throughout July and August of 1993,
11 HVO forces, armed forces, in the North-West and the South-East
12 Herzegovina Operative Zones arrested and detained large numbers of Muslim
13 men of military age?

14 A. Yes, that was done over a period of two months, that's what you
15 say. I can't agree with that. When I arrived on the 24th, I don't know
16 that there was any disarmament of the Muslims.

17 Q. So, General, you're telling us that prior to the 24th of July,
18 you had no knowledge of this?

19 A. No direct knowledge, none. I knew certain things; that there had
20 been an act of treason and so on and so forth, but I didn't know anything
21 else because I spent that time in Boksevica, and after that in Zagreb,
22 and after that I dashed off into the fighting in Vakuf, and the whole
23 story was beyond the boundaries of my mind and time back then.

24 MS. PINTER: [Interpretation] Thank you, Mr. Stringer.

25 Correction for the transcript. Page 18, line 18, the general

1 said, Mr. Stringer, you reduced that to a two-month period, and not that
2 it was done over a two --

3 THE INTERPRETER: Interpreters note: One speaker at the time,
4 please. Thank you.

5 MR. STRINGER:

6 Q. And, General, based on what you told us already, when
7 General Petkovic handed over command of the HVO Main Staff to you on the
8 24th, he didn't tell you anything about the arrests of Muslim men
9 throughout both of the operative zones, North-West and South-East
10 Herzegovina; is that your testimony?

11 MS. ALABURIC: [Interpretation] Your Honours, objection about the
12 way the concept "Muslim men" was used here. The order makes this
13 perfectly clear. These are HVO soldiers of Muslim ethnicity, and Muslims
14 of military age. I think to generalise like this is entirely erroneous.

15 MR. STRINGER: Well, I think -- I believe the question is a fair
16 question. I think the documents and the evidence that we're going to go
17 through don't distinguish between Muslims who are members of the HVO and
18 Muslim men of military age who were civilians. All were arrested,
19 without distinction. That's our position, and that's what I'm going to
20 be putting to the general.

21 Q. General, getting back -- well, let me just read, to bring us back
22 to your testimony from before, on the 25th of August. I said:

23 "At the time you took command of the HVO Main Staff on the 24th
24 of July, General Petkovic didn't tell you about any of that?"

25 I'm asking you about an order to remove Muslims who had been

1 members of the HVO and disarmament. And you said:

2 "No, we did not have any time to talk about that."

3 A. That's right.

4 Q. Let's look at the first document on this, which is P03019.

5 Before we do, let me ask you, though, General, about the period after the
6 24th of July, 1993.

7 After the 24th of July, were Muslim members of the HVO disarmed
8 and imprisoned based on your orders or based on a continuation of an
9 order issued by General Petkovic?

10 A. I did not issue an order like that. I am not aware of any such
11 incident later on. I didn't know, I don't know.

12 Q. So if the HVO was arresting Muslim -- if the HVO was arresting
13 Muslim members of the HVO and putting them in prison after the 24th of
14 July, you're telling us you didn't know about that?

15 A. That's right.

16 Q. And if the HVO was arresting Muslim men between the ages of 16
17 and 60, even if they were not members of the HVO, were you aware that
18 that was taking place after the 24th of July?

19 A. I don't know that.

20 Q. And you didn't know it at the time?

21 A. No.

22 Q. Okay. The first document is P03019. This is dated the 30th of
23 June, 1993, and this is General Petkovic, in item 8, paragraph 8:

24 "As chief of the HVO Main Staff, orders that in units where you
25 still have Muslim soldiers, disarm and isolate them. Isolate all

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1 able-bodied men in Muslim-inhabited villages in your area of
2 responsibility and leave women and children in their houses and
3 apartments."

4 So, General, you're telling us that you were not aware of this
5 order on or about the 30th of June, 1993?

6 A. No, but I would like to set the record straight. He is not
7 saying that Muslim soldiers should be arrested, but rather Bojovnici,
8 which means HVO soldiers of Muslim ethnicity, that they should be
9 disarmed and isolated. All able-bodied men shall be isolated, that's
10 what it says.

11 Q. Well, actually, one could interpret this as addressing three
12 categories of people, couldn't it? The first category being Muslims who
13 were members of the HVO, they have to be disarmed and isolated; and then,
14 secondly, another category would be all able-bodied men in
15 Muslim-inhabited villages should be isolated; and then the third category
16 would be the women and children who should be left in their houses and
17 apartments. But we'll leave that for another day, in terms of the
18 interpretation, because we recognise you didn't write this order,
19 General. I'm asking you: You didn't know about it on the 30th of June
20 or in the days and weeks that followed the 30th of June?

21 A. No. I was in Boksevisa, and later I left for Zagreb.

22 Q. And, again, General Petkovic never brought this order or this to
23 your attention at the time he handed over the command to you on the
24 24th of July?

25 A. The problems we were facing on the 24th of July were far too

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1 great for us to be dealing with something that had occurred twenty-four
2 days earlier. We were facing far too great problems in order to avoid
3 losing everything after Bugojno all the way up to the western borders
4 based on Sefer Halilovic's plan.

5 Q. So if the HVO was isolating and detaining Muslim men throughout
6 the South-East Herzegovina Operative Zone, that wasn't something that was
7 important enough to get on your radar screen when you took command; is
8 that what you're telling us?

9 A. No, I'm telling you the problems we were facing on the 24th were
10 so great that an order like this warranted not much attention or time.
11 There was no need to discuss it. Anyway, it is my personal view that if
12 that's what you're trying to say, from a military perspective, I think
13 General Petkovic's order is perfectly fair following the treason and
14 everything else that happened in Eastern Herzegovina Operative Zone,
15 everything that the Muslims within the HVO did there. That is what the
16 military rules dictate you must do.

17 Q. And we're going to talk about the places where all these people
18 were detained later in the next binder. But, General, then given the
19 fact that this is a large number of people who are going to be isolated

20 and detained, doesn't this raise a very important issue for you, as
21 commander of the HVO Main Staff, in respect of the detention facilities
22 and the treatment of all of these people who are being detained on the
23 orders of General Petkovic?

24 A. Mr. Stringer, I'm telling you I didn't know. And then you go
25 telling me, Okay, so then you knew, so well then -- and then I'm telling

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1 you again I didn't know. And then again your next question has no -- I
2 was not aware of the development or, indeed, the numbers of men involved.

3 Q. Well, based on what you learned later, it's true, isn't it, that
4 when General Petkovic handed over the command of the Main Staff to you,
5 he also handed over to you thousands of Muslim prisoners, didn't he?

6 MS. ALABURIC: [Interpretation] Your Honours, objection. It
7 contains the presumption that the prisoners were under the jurisdiction
8 of the chief of the Main Staff, about which we have not seen a single
9 shred of evidence in this courtroom that --

10 THE INTERPRETER: The interpreters did not understand the last
11 part of Ms. Alaburic's objection.

12 MR. STRINGER: Let me --

13 JUDGE ANTONETTI: [Interpretation] Very well. Please repeat the
14 last part of your -- what you said, because it was not recorded on the
15 transcript.

16 MS. ALABURIC: [Interpretation] My objection is about the
17 presumption contained in my learned friend Mr. Stringer's question to the

18 effect that General Petkovic, as chief of the Main Staff, had some powers
19 over thousands of Muslim prisoners and could, therefore, go to
20 General Praljak, as the new commander of the HVO Main Staff, those
21 prisoners. Therefore, this presumed fact has not been backed by a single
22 shred of evidence during this trial so far. That is why I believe the
23 question to be irregular.

24 Thank you.

25 MR. STRINGER: Mr. President, I'll deal with this issue during

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1 the course of the cross-examination. Needless to say the Prosecution
2 position is that when prisoners are arrested on the orders of the
3 military commander, he can't just pass off responsibility for them to
4 others without ensuring that his responsibilities are being discharged.

5 MS. ALABURIC: [Interpretation] Your Honours, if I may say, if I
6 may, I believe it a valuable thing that the OTP should put forward their
7 position, but may I please be allowed to present our Defence position?
8 There is a difference between isolating a person and imprisoning a
9 person. There is also a difference between that and monitoring the
10 prisons. Powers over these activities can be attributed to various state
11 authorities or organs in this case of Herceg-Bosna. The presumption
12 expressed by the OTP is, therefore, neither logical nor, indeed, well
13 founded.

14 Thank you.

15 JUDGE ANTONETTI: [Interpretation] This had not escaped me. I had

16 intended to ask a question on this, on this word "izolirati" in Croatian.
17 I will deal with this later on when Mr. Stringer is done with the
18 document.

19 Mr. Stringer, you have the floor.

20 MR. STRINGER: Thank you, Mr. President. What I would like to do
21 is move to the next document and then perhaps suggest that --

22 JUDGE ANTONETTI: [Interpretation] Before then, General Praljak, I
23 would like to study this order by General Petkovic. It's not yours; we
24 know that. We know it was General Petkovic's order, but I have a
25 question, a linguistic question first.

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1 In your own language, when you start a sentence by the letter U,
2 at point 5, "U," and so forth, what does this mean, this "U"? What does
3 it mean, this "U"?

4 THE WITNESS: [Interpretation] It means that those people in the
5 units, so an HVO in that area comprises Croats and Muslims. They are in
6 those units.

7 JUDGE ANTONETTI: [Interpretation] Earlier, the Prosecutor told
8 you of three situations, starting with paragraph 8, and I see a fourth
9 situation that was not mentioned by Mr. Stringer. The first situation is
10 that of Muslim members of the HVO; they are to be disarmed and isolated.
11 The second situation, able-bodied men -- able-bodied Muslim men, they are
12 also supposed to be isolated. And then children and women that are
13 supposed to stay home. But what about a fourth category; older Muslim

14 men over 60 years old, or 70 or 80 - I don't know what the age limit
15 was - those who cannot be mobilised, these older people, what is their
16 fate? Are they supposed to be arrested also?

17 THE WITNESS: [Interpretation] No, that's why it reads "all
18 able-bodied men." In military-speak, "able-bodied men" are those who are
19 potential military conscripts, who fall under an obligation to do
20 military service. So if they are not able-bodied in relation to the
21 army, that would imply that they are either women or children.

22 JUDGE ANTONETTI: [Interpretation] Let me now come to
23 Ms. Alaburic's objection.

24 You know, when I have a document in front of me, I look at it
25 from beginning to end. Maybe this is why I spend a lot of time putting

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1 questions later on. But it did strike me that we did have this word
2 "isolated." They are not detained; they're isolated. So I was wondering
3 why this term "izolirati" was used. Is this just used as any other word,
4 or does this have a very specific legal meaning? So in Croatian, when
5 someone uses this word, "izolirati," what exactly does it mean?

6 THE WITNESS: [Interpretation] In my view, and that is strictly my
7 interpretation, it means to make it impossible for them to move, to move
8 about. People are placed in a certain place or left back in their own
9 homes, and one makes sure they can't move around.

10 For example, after what happened in Uzdol, I isolated the Muslim
11 religious official from the area in order to prevent any acts of

12 retaliation and keeping from getting himself killed, so I isolated him.
13 Even when you have large gatherings of statesmen, they have to be
14 isolated, and these statesmen, when meeting at the highest possible
15 level, are not allowed to move around anywhere they like. It's a
16 security issue, after all.

17 JUDGE ANTONETTI: [Interpretation] Very well. One last question.

18 I always look at the dates on documents because I believe that
19 context is essential. You absolutely have to place a document back into
20 the context, because otherwise you might run into misunderstandings. So
21 could you please tell us what had happened prior to June 30th regarding
22 Muslim units of the HVO, either prior to that date or on that date, and
23 could you be very specific so this is recorded on the transcript?

24 THE WITNESS: [Interpretation] The summary would be as follows:

25 Let us assume that we here are a single army and we have weapons. On the

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1 30th of June, I turn my weapon on you, honourable Judge Antonetti, be it
2 in order to arrest you, or in order to kill you, or in order to take you
3 to prison. I take over control over the lines in their entirety, and
4 that's what the HVO soldiers did on the 30th of June in the broader
5 Mostar area, facing their erstwhile fellows, Croat fighters. This is an
6 act of treason, and in any normal army these people would have been shot
7 on the spot.

8 MR. KOVACIC: [Interpretation] I think there's something wrong
9 with the interpretation or the transcript, or maybe the general misspoke.

10 Can he please repeat this key sentence. What happened on the 30th of
11 June? Which soldiers did what on the 30th of June?

12 THE WITNESS: [Interpretation] The HVO soldiers of Muslim
13 ethnicity or, rather -- or, well, yes.

14 MR. KOVACIC: [Interpretation] Thank you very much.

15 JUDGE ANTONETTI: [Interpretation] Judge Mindua has a question.

16 JUDGE MINDUA: [Interpretation] Mr. Praljak, throughout the
17 conflict, as you told us often, the problem of troops was important to
18 you, was a shortage of troops, so it was very important. You know,
19 able-bodied men were important. When you took over command of the HVO,
20 did you ever compare your -- the number of troops you had with what you
21 had before, maybe? Did you ever say, Well, at first I had so many troops
22 and now I only have this many left? So did you ever make a comparison
23 between the numbers of troops you had at one point in time with what you
24 had before? Did you ever check whether there was any attrition in the
25 number of fighters? And here I'm thinking about the Muslim members of

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1 the HVO. And did you ever look into their fate, what had happened to
2 them?

3 THE WITNESS: [Interpretation] At the moment, no. Right there and
4 then, I had to be off to Gornji Vakuf. You did see the document, about
5 15 days later on, when I demanded that the exact number of soldiers be
6 ascertained, not based on any lists that were blown out of all proportion
7 for all sorts of reasons, but rather the real number of men who were

8 prepared to fight. The discrepancy between the lists that were being
9 floated around and the actual number was quite considerable.

10 In my own area, as you've seen already, I made my own estimate
11 with those words at the end, and I'm not repeating those words, the words
12 expressing some sort of resignation, desperation, if you like,
13 desperation at the miserably small number of splintered units. They were
14 great, they did a great job fighting, but it was difficult to have such a
15 small number of units, between 20 and 100 people, and defend such a broad
16 front in Gornji Vakuf. It was then that I started to realise what the
17 actual number of men were who were prepared to go to the front-lines and
18 not those who were just trying to escape, who were hiding somewhere, who
19 were wounded, who had lost the mental ability to fight, so on and -- or
20 the physical ability, and so on and so forth.

21 JUDGE MINDUA: [Interpretation] I was waiting for the end of the
22 translation.

23 So you never tried to find out where those missing soldiers had
24 gone or what had become of them?

25 THE WITNESS: [Interpretation] Your Honour, I never wondered, to

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1 be quite frank. I hadn't found out before the 1st of September,
2 obviously, that there was a problem, to begin with. When Ms. Ivanisevic
3 came, I gave her a pass. I keep saying this. If we forget the amount of
4 aggression being carried out by the BH Army at this point in time, then
5 it's very difficult to understand what a certain person did. All these

6 questions are very neat, but I never got as far as asking myself these
7 questions. I had to evacuate the wounded, the wounded of the BH Army
8 from Mostar, and then arming Central Bosnia by helicopters, Zepce,
9 evacuating the wounded, and I don't know if anybody at all can understand
10 the amount of problems being faced by a commander facing such aggression,
11 with as many men available to him as were available to me, and trying to
12 keep myself from getting defeated, and that was my principle task. Let's
13 not forget about that.

14 JUDGE MINDUA: [Interpretation] Thank you.

15 MR. STRINGER: Thank you.

16 Q. Well, General, just looking at the last part of your answer to
17 Judge Mindua's question here, where you're talking about the many things
18 that you were involved in, evacuating wounded, wounded of the BH Army
19 from Mostar, arming Central Bosnia by helicopters, Zepce, evacuating the
20 wounded, I mean, the fact is that you're involved in a tremendous number
21 of things at the same time when you claim to have no knowledge of the
22 detention or the isolation of thousands of Muslim men right in your own
23 back yard. Now, that's not believable, is it?

24 A. Not to you. To me, it is perfectly believable. These were my
25 military commitments. It is a very important thing that a wounded

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1 person, or soldier, should be seen to. That is an obligation for me, a
2 military one. If this person remains alive, they have to be seen to.
3 And the same thing applied to the four groups of wounded of the BH Army

4 who were evacuated. What you appear to be thinking, that I had the time
5 to do this or that, or I didn't have the time to do this or that, I
6 fought in the hills of Mostar, in the north, in the south, and during the
7 lulls there were the military problems that had to do with organising for
8 the survival of Tihomir Blaskic's operative zone, the survival of Zepce,
9 and so on and so forth.

10 Q. In order to look after the Central Bosnia Operative Zone, Zepce,
11 which was quite a distance removed from your own location, you had to be
12 well informed of the events in all of those areas, didn't you?

13 A. What events? That they were running out of ammunition, that the
14 BH Army was attacking them, that I was supposed to violate the weapons
15 embargo, yes, that was the kind of information, in addition to everything
16 else.

17 Q. You had to know the situation on the ground in all of those
18 areas; correct?

19 A. The military situation, yes. What exactly do you mean when you
20 say "know the situation"? The military situation, I knew the military
21 situation in that area.

22 Q. Then maybe that's why we're not -- we're not together. Let me
23 put this to you: It seems to me, sir, that what you're suggesting is
24 that in respect of Muslim prisoners or detainees, people isolated, that
25 did not fall within one of your military commitments.

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1 A. No, that didn't come within my military commitments.

2 Q. So you neither -- you neither knew about them, and even if you
3 did know about them, they did not fall within your responsibility; is
4 that your evidence?

5 A. I did not know that. But you could say that even if I did know,
6 if a prisoner had been handed over, he is no longer the responsibility of
7 the Main Staff. Prisons did not come under the authority of the
8 Main Staff.

9 Q. The prisons came under the authority -- well, let's be clear what
10 we're talking about. When you say "prisons," what prisons do you have in
11 mind?

12 A. I didn't say which prisons I had in mind. I didn't know which
13 prisons existed, except that I knew that there was the prison at
14 Heliodrom, and I did know that there was a prison in Dretelj. I did in
15 September, but I thought it was a prison and it was a prison, and I asked
16 that they -- that those members of the HVO who had committed infractions,
17 not crimes but infractions, should be put there, so misdemeanors,
18 et cetera. And I think you saw that in the documents, which on the 25th
19 or 20th of September, I issued. And as far as I was concerned, that was
20 a prison, and I asked that everybody be put in one place. So those
21 members of the HVO who had been punished by a commander because of
22 infractions of some kind, they were sent there.

23 Q. Yeah, I do -- yes, I do remember that exhibit, General. In
24 respect of Muslim prisoners or detainees held at Dretelj, if you're
25 claiming they were not the responsibility of the Main Staff, are you

1 saying that they were the responsibility of the Defence Department?

2 A. I stand by what I said, the fact that the prisons did not come
3 under the responsibility of the Main Staff in any way during the time
4 that I was down there, and that's a fact, that's the truth.

5 Q. My question is this: If they did not fall under your
6 responsibility, did they fall under the responsibility of the
7 Defence Department, Mr. Stojic?

8 A. I don't know.

9 Q. What about the military police? Were they the responsibility of
10 the military police?

11 A. I don't know. You had a man here from the other legal area, so
12 you could have cleared that up with him. I'm not an expert in the area,
13 nor was it in my job description as commander of the Main Staff of the
14 Croatian Defence Council during the material time when I performed that
15 duty.

16 JUDGE PRANDLER: Excuse me, Mr. Stringer.

17 You mentioned your job description, Mr. Praljak. Could you
18 produce a copy of your job description? If yes, then I would be pleased
19 to see it. Thank you.

20 THE WITNESS: [Interpretation] Your Honour Judge Prandler, all
21 documents on establishment for the HVO have already been shown here, and
22 they've been given a number and were admitted, and it says precisely who
23 did what in the HVO, whether in the civilian or the military section.
24 They're already an exhibit, as far as I remember, in these proceedings.

25 JUDGE PRANDLER: Yes, thank you. I then -- I will try, then, to

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1 get it and to read it, and I will also check what you claimed, that there
2 was nothing written about those issues which we talked about it during
3 the last couple of minutes. Thank you.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, I've already
5 asked you questions regarding those prisoners, and you had replied by
6 saying they did not fall under your responsibility, and you have
7 mentioned this again to the Prosecutor. I will look at it from another
8 point of view or from another angle.

9 You are the HVO commander, and during some fights it could be
10 that some prisoners were taken. Yesterday, we saw that 23 HVO soldiers
11 were detained or were held prisoner - we saw that yesterday - in
12 Gornji Vakuf. We also know that the ABiH was detaining HVO prisoners.
13 We're also aware that the HVO was also holding some military prisoners
14 from the ABiH. And through the evidence, we know that there was an
15 office in charge of prisoner exchanges. These are facts that we have
16 before us.

17 Based on all this, as a commander, the fact that you have
18 prisoners could come into play regarding the morale of the troops, and in
19 fact I saw this morning that you're going to have an expert who is going
20 to talk about psychological problems that could have some consequences on
21 soldiers. This will be interesting, and I suppose that we're going to
22 touch on these issues again. But as HVO commander, you know that there

23 are some soldiers that are held by the enemy, and you know that exchanges
24 can be made. I was wondering whether you were not dealing at all with
25 this aspect of things.

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1 I've already asked this question and you've already answered, but
2 I insist on this, once again, because as part of your duties as
3 commander, this was something to take into account, the morale of the
4 troops. And if you knew that amongst the soldiers maybe some had a
5 father or a brother that was detained by the enemy, it plays on the
6 morale of the troops. And you seem to say that you were not dealing at
7 all with this, so what is your take on this?

8 THE WITNESS: [Interpretation] The problem of exchanges is quite
9 another matter, and I couldn't deal with that either at the time,
10 although it's an important issue. Unfortunately, I was not able to deal
11 with that type of thing, but I did know that at the level of the HVO
12 there were daily negotiations underway on the exchange of prisoners and
13 that Mr. Pusic, whom I had heard was doing this kind of job, was doing it
14 well.

15 Now, the wounded, the BH Army wounded, well, at the time I was
16 involved in an agreement for boosting morale, that we would enable all
17 wounded BH Army soldiers to be pulled out from Mostar, from East Mostar,
18 and that they would enable us to have reciprocal treatment.
19 Unfortunately, I agreed four times, to do that kind of thing four times,
20 whereas they withheld their reciprocity, and then some people ambushed

21 the helicopters that we talked about because they expected if we comply,
22 that they would comply and that their sons would be returned. So these
23 were rebellious people who took the helicopters. And I wouldn't have
24 avoided that problem, given the time, but as I say, it was a very
25 difficult situation during the war, and if we gave way, we would become

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1 involved in other matters.

2 JUDGE ANTONETTI: [Interpretation] Judge Mindua.

3 JUDGE MINDUA: [Interpretation] Witness Praljak, I would like to
4 ask questions on this topic. As you have noticed, the topic of prisoners
5 is very important.

6 You said that HVO Muslim soldiers who turn their weapons against
7 their brothers of the HVO should be set aside. And you added that,
8 generally speaking, soldiers of that kind are executed or shot. And I
9 believe you're right, it is the case in a lot of armies. This is the
10 situation that is provided for in a lot of military laws.

11 I would like to come back to the question that I asked before
12 regarding the number of troops or what we talk -- what we call military
13 establishment plans. Every morning we check on troops, and I'm sure that
14 it is even more important in a wartime setting. Following this order,
15 when we are asking to set aside soldiers or to isolate soldiers that are
16 subject to treason, a commander who is in charge takes into account the
17 morale of the troops. They make sure that they eat well, and so on and
18 so forth. A commander who likes his troops and who sees that some have

19 been traitors and could be shot on the spot, and this is what you said,
20 once those soldiers have been separated from the group, a commander who
21 usually likes his troops is no longer interested. So what I was
22 wondering is as soon as a soldier has come out of the ranks, that's it,
23 you do no longer care whether they are shot on the spot, executed, sent
24 to prison, given to animals? You do not care; is that what you just
25 said?

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1 THE WITNESS: [Interpretation] After that, as far as I know, is
2 when -- well, what happens next is not up to the commander. He has to do
3 two things; to isolate the people, not to carry on with the damage
4 they've done and, secondly, isolation is put in force so that retaliation
5 should not be against them, because they might have killed their
6 colleagues or whatever. So retaliation and revenge is a very real
7 possibility, and you have to isolate the people to avoid that from
8 happening. And then the military police takes over, and military police
9 procedure, and then the commander no longer has -- at least as far as I
10 know and as far as I'm concerned, and I do know about this, there are the
11 court organs that raise an indictment, that investigate, that launch an
12 inquiry, and everything else that is customary in other armies as well.

13 If I've answered your question, so an HVO soldier hands over a
14 prisoner to the military police.

15 JUDGE MINDUA: [Interpretation] I understood very well,
16 Witness Praljak. I was waiting for the end of the interpretation.

17 So according to what you're saying, as soon as the soldiers were
18 no longer part of the troops, that was it, you were forgetting about them
19 fully. That's very clear.

20 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

21 MR. STRINGER:

22 Q. General, I want to try to expand this just a little bit to make
23 sure we understand precisely your position.

24 We've been talking about, well, different categories, and going
25 back to the order that we looked at from General Petkovic, the Muslims

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1 who were members of the HVO and who were disarmed and who were placed in
2 isolation, let's say that they are -- they are isolated at Dretelj. Now,
3 is it your position that those individuals are not part of the
4 responsibility of the Main Staff?

5 A. Yes.

6 Q. Now, another category was Muslim men, able-bodied, not members of
7 the HVO, but who are detained and isolated. Are those individuals also
8 not part of the responsibility of the Main Staff, in your view?

9 A. If they were incarcerated after that, they are not. If they are
10 isolated, then one day that isolation period will cease when the danger
11 passes for which they are placed in isolation in the first place. But
12 you'll have General Petkovic, so he can tell you about that. But all
13 this is -- the hypotheses are quite in order.

14 Q. Well, let's talk about something maybe that you know more about.

15 You've been telling us about the ABiH offensive that took place
16 in -- after you became commander of the HVO Main Staff, and that you were
17 up fighting in Gornji Vakuf and the Prozor area; correct?

18 A. Yes, but the offensive didn't take place after I came -- became
19 commander of the Main Staff. It came about much earlier, starting from
20 Konjic, which ended as it ended, and especially Bugojno, which was well
21 before I arrived, and I had to confront the situation of 1.500 -- 2.000
22 soldiers and a large force of the BH Army launching itself on
23 Gornji Vakuf.

24 Q. Let's say that in August of 1993, in Gornji Vakuf, the HVO
25 captures some ABiH soldiers, who then become prisoners of war. Are those

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1 prisoners of war then under the responsibility of the Main Staff?

2 A. No.

3 Q. So the Main Staff, in your view, has not -- has no
4 responsibilities in respect of any of those -- those prisoners that we've
5 been talking about. Are there any prisoners of the HVO that the
6 Main Staff does have responsibility for?

7 A. Prisoners of the HVO, you say?

8 Q. Are there any prisoners of the HVO for which the Main Staff is
9 responsible?

10 A. Well, Mr. Stringer, I don't understand what this means, prisoners
11 of the HVO. What? Yes, yes, I understand.

12 Q. Let me try to rephrase.

13 A. I'll answer, I'll answer, I'll answer.

14 The HVO -- well, soldiers who would capture enemy soldiers are
15 responsible for that prisoner until they hand him over to the military
16 police. At that point in time, that very moment, their responsibility
17 ceases, as far as prisoners are concerned.

18 Q. So any prisoners handed over to the military police then, it then
19 it becomes the responsibility of the military police to ensure that those
20 prisoners are treated properly? Is that what you're telling us?

21 A. That's not what I said. That's another aspect, and you had
22 people dealing with legal issues here. Now, what happened next? What
23 happens afterwards? Who interviews them? Who appoints commanders,
24 wardens of prisons or whatever? You had other people to ask those
25 questions about. And you're asking me this, but I don't want to

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1 speculate.

2 A soldier is handed over to the military police. What the
3 procedure is after that, I don't know, and I don't want to speculate. No
4 matter how much you try to make me do so, you're not going to succeed in
5 that, Mr. Stringer. We're here to establish the following: that an HVO
6 soldier is duty-bound to hand over a prisoner to the military police.
7 That's his duty.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, you said to
9 the Prosecutor that there are some areas where you do not want to answer.
10 I would like to remind you, General Praljak, that you said that you

11 wanted to testify and tell the truth. And the Rules and Regulations say
12 that you cannot answer a question if you feel that they are incriminating
13 questions. The Rules are very well drafted, because they do not take
14 into account the fact that an accused witness is always border-line and
15 that at the end of the day he or she could be led to answer incriminating
16 questions, but you have the possibility to say to the Prosecutor, I do
17 not want to answer this question because I feel that this question is
18 incriminating. And there is nothing that we can do, even if the
19 Rules say that we can ask you to answer, but we give you immunity, which
20 would be paradoxical, which is why there is a slight flaw in the
21 Regulations in the Rules.

22 Whatever the case may be, the Prosecutor is asking you questions
23 on prisoners, and it's not a new question because I asked you this
24 question as well. And you say, It is not my responsibility, and you stop
25 here. Why are you now saying to Mr. Stringer that you do no longer want

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1 to answer this question? This is what I don't understand. So perhaps
2 there is a mistake in the interpretation.

3 THE WITNESS: [Interpretation] I didn't say I did not want to
4 answer. I said I don't want to speculate. I don't want to rattle on
5 about things that I don't know about; who appoints a warden, who provides
6 security, who replaces whom, who examines and questions, who raises an
7 indictment. I know something about those things, but my knowledge is
8 insufficient for me to be able to hold forth here.

9 So it's not that I don't want to answer. I don't know about
10 these things well enough. And you had prison wardens, you had military
11 policemen who were witnesses, you had legal experts, without Praljak, you
12 discussed these issues without Praljak, and now you expect me to talk
13 about these things. But when I don't know something, I say, I don't
14 know. My lack of knowledge is vast, but my knowledge is also vast. So I
15 give precise answers where I can. When I'm asked to speculate and talk
16 about things I'm not sure about, I don't wish to do that.

17 JUDGE ANTONETTI: [Interpretation] Very well. If I understand
18 correctly, you said you were prepared to answer questions, all questions
19 that will be asked, but there are some areas that go beyond your skills
20 or your competence, and you have named a few, such as those appointing
21 prison wardens and so on. Mr. Stringer is going to take that into
22 account.

23 THE WITNESS: [Interpretation] Could we perhaps take a break now?
24 I have to --

25 JUDGE ANTONETTI: [Interpretation] Let's have a 20-minute break.

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1 --- Recess taken at 11.52 a.m.

2 --- On resuming at 12.12 p.m.

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

4 Mr. Stringer.

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

6 Q. General, the next document in the binder is P03026, 3026.

7 General, this is a communication from Colonel Siljeg to the
8 Defence Department, attention Bruno Stojic, and also to the Main Staff,
9 attention Major Milivoj Petkovic, 30th of June. And just for the record,
10 General, the 30th of June being the date of the ABiH attack on the
11 Southern Barracks in the Mostar area. And what Siljeg says at the
12 beginning of this, is he says:

13 "Brada was familiarised with the report from Mostar, with the
14 conversation between Pasalic and Halilovic and with the command issued by
15 the head of the Defence Department and the president of the HVO HZ-HB."

16 General, just before we go any farther, would you agree with me
17 if I suggested to you that the Brada who Siljeg is referring to here is
18 you?

19 A. I don't know. I was at Boksevica, and I don't know -- I've read
20 this document. How could I have known about these orders and what this
21 was about, for me to give instructions from Boksevica? I don't think
22 that could be correct, because I know exactly what I was doing on the
23 30th of June.

24 Q. Well, let me put it to you, General, that in fact this is a
25 reference to you and that you were in communication with Siljeg, as he's

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1 indicated here, and that based on his conversation with you, Siljeg did
2 issue -- or that Siljeg did make these three requests that are indicated.
3 So, General, my question is, though you probably already answered it: On
4 the 30th of June, you were in communication with Siljeg, and you were

5 briefed on the events that had occurred on that day, at least, about the
6 ABiH attack and the command issued by Mr. Stojic and Prlic that's
7 referred to here?

8 A. I can't remember that, sir. I repeat, if someone wants me to,
9 I can describe exactly what the fighting on Dreznica looked like. I
10 would not like to confirm that this was about me issuing instructions of
11 this type. That is simply not possible. I was just a fighter over
12 there, and you will see people say that. A man will appear here to
13 testify about that, so no.

14 Q. The fact is that there's no other Brada who would -- who Siljeg
15 would be conferring with about these very important topics on the 30th of
16 June; isn't that true? The only Brada he could be referring to is you.

17 A. There is another reference to another name -- to another man
18 named Brada. I don't know who that was in reference to. Again, I find
19 it entirely unclear that I might be issuing instructions to Obradovic to
20 take Blagaj, and to Petkovic as to what he should do in the situation as
21 it was. This is nonsense. I'm looking at this report by Mr. Siljeg, and
22 I have to say I don't think it was created based on a conversation that
23 he actually had with me.

24 Q. All right. Let me turn to the next exhibit, then, P03234. Now,
25 General, this is another document from Siljeg. This one's dated the 6th

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1 of July, 1993, and he orders that:

2 "In accordance with the current situation in the area of

3 Rama-Prozor municipality, I hereby order:

4 "Arrest and detain all Muslim men aged between 16 and 60.

5 "The following are responsible for the carrying out of this
6 order: the military police and the SIS of the Rama Brigade."

7 Now, General, this is the 6th of July. I know, or you've
8 indicated you were in Boksevica at the time. Did you become aware of
9 this order at any time on or after the 6th of July, 1993?

10 A. No, Mr. Stringer.

11 Q. The next exhibit, then, is P03380. Now, this is the 11th of
12 July, and this is a report from Luka Markesic. And it says:

13 "On the basis of the order of the commander of the
14 2nd Operative Zone number 1489/93, dated 6 July ..."

15 And by the reference numbers, General, we know that that's a
16 reference to the Siljeg order that we just looked at:

17 " ... and further instructions of the above-named officer, the
18 following persons of Muslim nationality are to be sent to the Ljubuski
19 Military Prison."

20 They are to be sent to the Ljubuski Military Prison. And then
21 this has a list. And, General, I've learned that the translation -- this
22 is the translation we have in e-court, but it's not -- it's clearly not a
23 complete one, and so I want to ask you if you can just tell us some
24 things based upon your reading of the original language version just so
25 that we can get that on the record and get this translation fixed,

1 because on the last page of the English you'll see that Markesic says:

2 "We hereby inform you that 237 members of Muslim nationality
3 (military conscripts) have been sent from Rama-Prozor, escorted by
4 military police."

5 So now, General, looking at the original language version of
6 this, just to make sure we've got it correct, this is a list of
7 237 Muslim prisoners, or persons, I should say, who are being sent to
8 Ljubuski Military Prison. Isn't that what's indicated here?

9 A. I don't have the translation of the previous one at all, no
10 translation. I have a list, but no translation of the Luka Markesic
11 document, unfortunately.

12 Q. I see that you're looking at the document I'm looking at.

13 Let's --

14 A. Yes.

15 Q. So -- and if you turn to the third page of that, then, you'll see
16 that it ends with number 237.

17 A. Yes, I see that. I've got that.

18 MR. STRINGER: Now, the text that follows after the person whose
19 name is typed there as number 237, I don't know that that text,
20 Mr. President, found its way into the translation, so I'd like to ask the
21 general to read that out loud for us.

22 Q. General, can you read the text that follows after number 237?

23 A. "We hereby note that the persons listed above are no POWs;
24 rather, these are persons who have been detained for security reasons.
25 The persons listed above will be escorted by the following military

1 policemen."

2 And then a list of nine persons that follows.

3 Q. And then just to complete this, could you read the passage that
4 follows, that ends with the number 9.

5 A. The list ends with number 9: "On behalf of the Security Service,
6 Luka Markesic."

7 Q. And then, General, would you agree with me that what appears next
8 to that is a stamp of the HVO Main Staff, dated the 11th of July, 1993?

9 A. This is an incoming stamp, but there is no Main Staff stamp. He
10 dispatched this to the SIS Mostar Administration and the operative zone
11 SIS. That's as much as I can tell from looking at page 1. I don't know
12 why this document would be received by the Main Staff. It was never
13 dispatched to the Main Staff, to begin with.

14 Q. But, in fact, the stamp tells us that for some reason it was
15 received at the Main Staff on the 11th of July, 1993; correct?

16 A. I can't answer that question, whether it was received or not or
17 why, indeed, the information is there.

18 Q. Okay. Now --

19 MR. KOVACIC: [Interpretation] I would just like to draw the
20 Chamber's attention, and I think we have been tendering evidence about
21 that as well, there will be more about that later on, the incoming stamp
22 on the last page of the original shows no more than this: The document
23 was processed through a packet communications system belonging to the

24 Main Staff, and then we have a different book, another book --

25 JUDGE TRECHSEL: I think there's --

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1 THE INTERPRETER: Microphone for Your Honour, please.

2 MR. STRINGER: I apologise to interrupt, Mr. President, but
3 I think we'd object to counsel making arguments about what the document
4 does or doesn't show. That's for a later time. And what the witness has
5 just said is that it's an incoming stamp at the Main Staff.

6 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, you are making us
7 waste time because this question has already been touched upon by you or
8 your colleagues. I can remember this. I do not have the transcripts,
9 but I have quite a good memory. You have all said that the receiving
10 stamp means a certain thing; namely, that it is registered where the
11 stamp arrived -- where the document arrives, but it doesn't mean that the
12 HVO commander, or number 1, or number 2, or number 3, were made aware of
13 this. So you've said that before. So if it reaches the Main Staff, we
14 do not know where it goes thereafter, and we assume that it has arrived
15 at the Main Staff. That's all. So you've already said it, so why say it
16 again, Mr. Kovacic? We are not stupid. You know full well that Judges
17 follow this very closely, second by second, everything that is being
18 said, everything that is put to us. So what you said, it has already
19 been taken on board.

20 MR. KOVACIC: [Interpretation] Thank you, Your Honour.

21 That wasn't the gist. I know you know that; I know we've spoken

22 about that. It was just by way of introduction that I was trying to
23 explain about this, the point being, though, the Prosecutor cannot show a
24 document and put it to a witness that this was received at the
25 Main Staff. It wasn't. It's precisely what you were saying now and what

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1 we know. This merely confirms that it was received by the communications
2 hub, the communications centre.

3 My only objection is about this: When a question is being asked,
4 one cannot be putting things to a witness that don't follow from the
5 document being presented. But it's done and dusted now, unfortunately,
6 now, so now that I'm taking up your time, the translation of this
7 document, you see you've got in your binder, there are two translations
8 of two documents. The first consistent with the original, consistent
9 only up to 216, number 216 of the list, and there is nothing further
10 there. The translation is entirely incomplete. I assume that was why my
11 learned friend asked the witness to -- and then there's another
12 translation, a two-page document, with no original attached. It appears
13 to have ended up here by mistake, or at least that's what I assume.

14 Perhaps it might be a good idea for the OTP to attach a full
15 translation, because this one is marked as a draft translation, a full
16 translation, pages 1 to 4.

17 JUDGE ANTONETTI: [Interpretation] Very well. What you said is on
18 the transcript.

19 As Judge Mindua said, most Judges did their national service, so

20 they know all this. You know, they did their military service. I,
21 myself, was in the Transmission Department when I was in my military --
22 when I was doing my military service, so I was filling in these kind of
23 documents. You know, I know exactly all this. And we all know that it's
24 not because some NCO is going to fill in the case and so that this
25 rectangle, you know, that everyone will know at the chain of command.

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1 You've said this over and over again. Okay, you want this on the
2 transcript, well, it is noted on the transcript now, but we already knew
3 it.

4 Now, as far as translation was concerned, I believe Mr. Stringer
5 had something to say.

6 MR. STRINGER: Well just to inform the Chamber and everyone, we
7 looked into this, there was an earlier translation that did not contain
8 all of the names of the Muslim arrestees. And then, of course, we have
9 this translation, which is the one in e-court, which we work with. It's
10 our impression -- I'm not sure, but this might be one of the documents
11 where the Trial Chamber asked that it be fully translated to include all
12 of the names of the prisoners, because there have been times when the
13 Trial Chamber has asked to get all the names listed. So we think that
14 the translation was sent across to be modified and then it just ended up
15 being the way it is, which is incomplete.

16 So it's -- if I could just finish, and then I'll yield to my
17 learned friend.

18 We just discovered this the other day. It's in e-court, and so
19 we can't change it. And so my way of dealing with it was to bring it to
20 everyone's attention and to ask the witness to address the parts that are
21 not found in the translation while we get the translation corrected.

22 MR. KHAN: Your Honour, one observation, with your leave.

23 This appears, in my respectful submission, to be an example of a
24 lack of adherence to the most basic of procedural rules, opening up a
25 hornet's nest, because when one party -- I know there was a comment from

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1 the Chamber. When one party in effect gives evidence, of course it
2 leaves the door wide open for other parties to do that. And in the end
3 all that happens is that a considerable amount of court time is wasted.
4 And I would urge, Your Honours, that all parties exercise discipline in
5 separating testimony from the Bar table to questions which -- and
6 objections which, of course, are matters that can be raised in court.
7 Evidence should be led in the normal manner, not be given by counsel.

8 JUDGE ANTONETTI: [Interpretation] Absolutely. Let's try and save
9 some time.

10 Notably, when a counsel is addressing a question that has already
11 been mentioned, if it's new, fine, but if -- you just tell us. But if
12 you're revisiting an issue, please refrain from it.

13 JUDGE TRECHSEL: I just want to say that I'm not aware that we --
14 and no one has said the Chamber -- a member of the Chamber, as has been
15 said, asked for all the names to be copied, because that's not

16 translation, that's copying. And we have numerous lists from all sides
17 in this Chamber where we had long lists of names, and we had the first
18 and the last names, and then it was said we have so many in between, and
19 that's exactly what we have in the first translation. So I think the
20 second one is really made for the waste paper basket and of no use at
21 all, and the first one is completely satisfactory, as far as I'm
22 concerned.

23 MR. KOVACIC: Your Honour, this is exactly the case. I agree
24 100 per cent. The only problem is that the first one finishes with
25 number 216 and with no -- with no two sentences which are in original --

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1 so basically now we have all the translation in two documents, still
2 without some persons listed, which is not important. But we have to go
3 in two documents to see the translation. It's complicated. But I think
4 there is no need to discuss that. The Prosecution clearly said that they
5 will -- that they will submit complete translations.

6 JUDGE TRECHSEL: Just to avoid misunderstandings, what you refer
7 to as the first document in my binder is the second one, and I think that
8 it is completely enough to have the document which has the first name,
9 then says so-and-so many other names, and the last name, and then all the
10 rest is complete. So it's the one you have referred to with the 216
11 names that I think is for the waste paper basket, or the shredder, if you
12 prefer.

13 JUDGE ANTONETTI: [Interpretation] Following what my fellow

14 Judge Trechsel just said, I believe that Mr. Stringer has an excellent
15 memory. I'm not really sure that this is the document in question, but I
16 know that there was a document where the Trial Chamber asked for the
17 translation of the names who were on the list. I can't really remember
18 what the reason was for this, and Mr. Stringer reminded us of this, and
19 that's it. So unless he suddenly is suffering from memory loss, I think
20 that's what he said, and that's why he said it. But our legal officer
21 will make some research. But I think it was a request by Judge Trechsel
22 to have for this translation. That's all I remember about this at the
23 moment.

24 JUDGE TRECHSEL: [Previous translation continues]... react with
25 the last words -- with the last words of "Some Like It Hot;" namely,

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1 nobody's perfect.

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

3 For the record and because of the comment made by Judge Trechsel,
4 the translation of this document is -- P00380, the document we're
5 discussing, does not have all the names, but just the first and last
6 sentence. This is incomplete; it's an incomplete translation of the
7 document. Therefore, the document must be read along with the
8 transcript, when General Praljak read into the transcript the missing
9 sentences, the sentences saying about these person lists, that these were
10 no POWs, but rather these persons were detained for security reasons.
11 Detained, yes, that's what it says. Therefore, that portion, too, should

12 be included in the final translation of the document. Once you get down
13 to analysing this document, you need to have the full text in front of
14 you, and that's why our proposal was, in e-court, with the Court's leave,
15 to have there a new translation and a full translation.

16 JUDGE ANTONETTI: [Interpretation] The Trial Chamber will
17 deliberate on this, because I believe there's a problem.

18 MR. STRINGER: Mr. President, could I just make one -- I
19 apologise.

20 The Prosecution agrees with the comments of Ms. Pinter. The
21 sentence that we asked the general to read about the distinction between
22 prisoners of war and people being detained for security reasons we think
23 is a significant one, and it doesn't appear in the translation that is in
24 e-court. And so it's a CLSS translation which the OTP cannot fix. It's
25 in e-court, so the OTP can't change what's in e-court, and so we would

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1 join in the suggestion of Ms. Pinter that the original language version
2 of this document be resubmitted to CLSS to make sure that it is full and
3 complete.

4 JUDGE ANTONETTI: [Interpretation] Very well. We will deliberate
5 on this.

6 [Trial Chamber confers]

7 JUDGE ANTONETTI: [Interpretation] The Trial Chamber has
8 deliberated on this and notes that both parties believe that it's
9 necessary for the document to be fully translated, and is thus -- the

10 Trial Chamber is thus asking the CLSS to translate the document in full.

11 And the Trial Chamber will then ask the OTP to download this

12 newly-translated document into e-court.

13 MR. STRINGER: Okay.

14 Q. General, just a last question, getting back to this document

15 we've been talking about. This is the 11th of July, 1993, which I

16 understand it is just about the time that you left from Boksevica and

17 headed back out to Zagreb. Is that correct?

18 A. The 11th of July, I was in Zagreb then.

19 Q. Well, let's talk about that. So I take it, then, that these 237

20 Muslim people who were to be sent to the Ljubuski Prison, you didn't know

21 about this at the time?

22 A. No. No, I didn't know. Now, as to whether --

23 Q. Now, General, I'm looking at your testimony from the 26th of May,

24 and you were talking about Boksevica, and you said -- that's page 40777,

25 line 11:

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1 "I spent 11 or 12 days there until the 9th of July, 1993."

2 And then you talk about the situation there in Boksevica. And

3 then I'm turning the page to the next page of the transcript. You say --

4 you say:

5 "It was impossible to hold Boksevica any longer, and we'll

6 abandon those positions there, too."

7 And then you said:

8 "Then I went to see Mate Boban. I discussed the whole situation
9 with him. I think I had a brief meeting with Mr. Petkovic, or, rather,
10 that's not what I think; I know that we met. We talked a while, as
11 normal people."

12 And I'm going to skip down a couple lines. And then you said:

13 "And in the evening -- well, I spoke to Mr. Stojic, and in the
14 evening, I believe it was the 10th or something like that, the 10th of
15 May -- sorry, the 10th of July, 1993, I came to his place to take a bath
16 and to eat something because the food up there, well, there was nothing
17 up there."

18 And then I'm skipping down. You say:

19 "I took a bath, and the next morning I went to Zagreb for private
20 reasons, because my father was very ill."

21 Now, that would indicate, General, that as you've indicated, on
22 the 11th of July, you left for Zagreb. My question is this: In your
23 discussions, your meetings, the time you spent with Mr. Boban,
24 Mr. Petkovic, Mr. Stojic, in Mostar on the 9th or 10th of July, did they
25 inform you at all about the arrests and the isolation of Muslim men that

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1 was taking place?

2 A. No, sir. I informed them about Boksevica alone, not the other
3 way around. I told them what had happened, how many people were pulled
4 out, and precisely the way I said it, although you could put everything
5 forward by a day. Those were very brief talks with Mate Boban, not more

6 than ten minutes, because he thought that we could still hold control of
7 Boksevica. I refuted that and was angry because I knew exactly what was
8 happening up there.

9 Now, with Mr. Stojic, I think I finished with him that very same
10 evening. I stank like a skunk, so I had a bath. I was hungry and
11 thirsty. It's cold on the mountain. And then I went to Zagreb.

12 Q. If you would turn -- I'm going to skip one document, General, and
13 ask you to go to P03455. This is from the 14th of July, 1993. And
14 recognising that you were in Zagreb at the time, this is a communication
15 from General Petkovic to Colonel Siljeg, and it's about a number of
16 different topics. I'm interested in item number 12, where Petkovic says:

17 "I have given you permission for the Muslims. Transfer them from
18 the area."

19 And then let me just --

20 A. Where is that?

21 Q. It's item number 12.

22 A. Well, it's a very poor copy. I can't read it. I can't read
23 those two lines or part of a line, so I don't actually know what it says
24 here exactly because my copy is a very poor one; it's illegible.

25 MR. STRINGER: Possibly if the Registrar could take that part and

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1 make it bigger or blow it up in e-court.

2 THE WITNESS: [Interpretation] Yes, I've read item 11 now. You
3 mean item 11?

4 MR. STRINGER: No, item 12.

5 THE WITNESS: [Interpretation] Right. Yes, I see that.

6 MR. STRINGER:

7 Q. And then we'll come back to it, but let's first look at the next
8 document, which is P03498.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, are you going to
10 come back to this document; yes or no?

11 MR. STRINGER: Yes, Mr. President. I'm going to link this
12 document to the next one, which is P03498, or I'm going to try to link
13 it.

14 Q. Now, General, this is 16 July 1993, so it's two days after the
15 preceding -- the communication from Petkovic to Siljeg. And this is a
16 report of, again, Luka Markesic, and here he's listing 155 persons of
17 Muslim nationality who are being sent to military prison, and this is on
18 the basis of the 6th of July order that we looked at a little while ago
19 from Colonel Siljeg. So two days after the communication from
20 General Petkovic, then we see these individuals being sent.

21 General, the question is now, because we're getting close -- this
22 is just eight days before you take command of the HVO Main Staff, and,
23 General, I'm going to challenge you. The fact is, General, that you did
24 know about all of these Muslim people who were being sent off to military
25 prison from the Prozor area. You learned about it when you came back and

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1 took command of the HVO Main Staff. Isn't that true?

2 A. No, it's not.

3 Q. So Siljeg then -- not only General Petkovic, but Colonel Siljeg
4 never told you about these Muslims who were being sent to the military
5 prisons, then, throughout the time that you were in Prozor?

6 A. No, he didn't.

7 Q. General, the next exhibit -- I apologise, Mr. President. Yes.

8 JUDGE ANTONETTI: [Interpretation] Just a marginal detail because,
9 you know, I scrutinize these documents. Of course, I listened to the
10 Prosecution's case, but I also try to take on board other angles.
11 There's 155 detained -- 135 detained people, prisoners, who are sent to
12 the prison. We have a list, and at the very end of the document I see
13 that these people are going to be escorted with two -- there are two
14 names being listed, but there's only one military policeman,
15 Marko Bosnjak. Given this, we have 155 prisoners escorted with only one
16 single military policeman, or maybe two at the most. This seems to show
17 that the mindset of these prisoners was such that they were not much of a
18 security issue, they weren't going to escape or anything, obviously.

19 Of course, General Praljak, you have no elements at hand - at
20 least that's what you're saying. But I'm looking at things from another
21 angle. When you have 155 prisoners escorted by only one or two
22 policemen, military policemen, what does this mean? What can this mean?

23 THE WITNESS: [Interpretation] Well, if I might be allowed to
24 speculate. What this is about here is that they are being transferred
25 for security reasons, if I understand this correctly, so security reasons

1 and considerations. And can I expand and say I think you saw a document
2 of mine from October, when the situation was calm around Uzdol and when
3 there was no retaliation, and then the offensive started. But for
4 security reasons I issued an order on that particular occasion to put the
5 Muslims in one place. Now, when you understand that you cannot protect
6 some people from retaliation, 15,000 refugees, and soldiers and so on,
7 perhaps it would be logical to move these people to another place,
8 because you cannot ensure their security, so you have to choose. You
9 always have to choose between the bad and the even worse. It's bad to
10 transfer people, but it's even worse if you're powerless to protect them
11 from somebody retaliating, somebody being killed, raped, or whatever. So
12 you have to choose between a rock and a hard place, and that was it.

13 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

14 MR. STRINGER:

15 Q. Well, General, the fact is that if you're interested in looking
16 after the security of the Muslim population, you would have moved all of
17 them, not just the men of military age; correct?

18 A. Well, now you're making me guess, or you're guessing. When I
19 transferred people for some reason, I transferred everyone, so don't move
20 into the realm of over-speculation. I can tell you what I did and why,
21 and if you want to ask me more, then I'll give you a precise answer, The
22 reason for my decision was such and such. I'll be able to do that for
23 each of my decisions, if you ask me.

24 Q. And the fact that in these documents we're looking at, where only

25 Muslim men of military age are being moved, that tells us that this is

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1 not about doing it for their own security, but rather this is a security
2 measure done to protect the HVO; correct?

3 A. Sir, you're asking me to guess, to speculate about a document
4 compiled by one person, implemented by another, and so on and so forth.
5 I think you're asking me too much. I don't suppose you want me to guess
6 and speculate and so on, because I have already been asked questions
7 which range from history to all manner of areas, but I don't know what
8 you want me to do. I was in Zagreb, so who thought what and how you
9 could interpret what, I leave that to the Judges. They're here to
10 interpret and to decide. I can tell you about my documents, and what I
11 took a part in, and so on.

12 JUDGE TRECHSEL: Mr. Praljak, your reaction is a bit surprising,
13 because a short while ago you have told us that this was done for the
14 security of these people. Now, the Prosecutor puts it to you that it's
15 not very convincing. Would you say that you also speculated before, or
16 would you make a difference?

17 THE WITNESS: [Interpretation] Well, I was guessing. I said,
18 Hypothetically, perhaps, maybe, if that was recorded in the translation,
19 the interpretation. I was asked to say something, Judge Antonetti, and I
20 speculate, I put forward a theory, I say, Maybe, possibly. That's what
21 it should have said.

22 MS. PINTER: [Interpretation] On page 56, line 17 -- or the word

23 appears in line 18 --

24 THE WITNESS: [Interpretation] And then you want to lead me on
25 from one set of speculations to another, to a third, and so on.

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1 MS. ALABURIC: [Interpretation] Your Honours, in this context,
2 might I be allowed to say that on page 57, line 13, it was clearly
3 recorded that General Praljak was talking about transferring people from
4 those areas and not the fact of their isolation. So then those two
5 actions, I think Mr. Stringer mixed them up, and I think it was between
6 isolation and transference. And that's why I think Judge Trechsel
7 misunderstood General Praljak.

8 THE WITNESS: [Interpretation] I was answering a precise question
9 from Judge Antonetti, precisely, as a possibility, as a hypothetical.
10 Now, on the basis of one possibility, to turn it into a fact and
11 conclusion, that is simply not in order, logically speaking, and I don't
12 agree with that.

13 MR. STRINGER:

14 Q. Okay, General. The next exhibit is a video-clip. It's from the
15 interview that you gave to the BBC. It's not in the binder. We've
16 looked at a few of these already. This is P09258, and hopefully the
17 technology will not fail us this time, and we can listen to this part of
18 your interview.

19 [Video-clip played]

20 THE INTERPRETER: [Voiceover] "The second question is about

21 detention centres. On the 17th of July, 1993, the news about the
22 existence of those centres was published, which provoked a lot of
23 pressure.

24 "Praljak: Yes. It is somewhat difficult for me to talk about
25 that, because as a Croat, I feel ashamed because of the existence of such

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1 things. I am ashamed because they existed. I cannot accept that we
2 consider that a normal thing. There has never been a war or an army
3 which, if they had to put somebody in a detention camp of some kind, not
4 to set such camps up. That is something that exists. You have to put a
5 prisoner of war somewhere, if there are many of them. And Herceg-Bosna
6 was not preparing to have any prisoners of war, nor did it think that
7 there would be a conflict with the Muslims, nobody was rationally
8 prepared for it. At one point, we had to react very quickly, because it
9 was literally a matter of hours as to who would disarm whom. And if
10 you're faced with a situation in which you can either react by disarming
11 your enemy or be disarmed, and thus really lose everything, I do not
12 think that we would recover from that so well. I am prepared to accept
13 responsibility for the decision to disarm them once it all started,
14 because there was no more trust left, and it was too dangerous to wait
15 and risk -- take the risk. So I am prepared to take responsibility for
16 the decision on disarming in Livno, Prozor, Vakuf, et cetera. But I'm
17 not prepared to accept responsibility for what the camps were like."

18 MR. STRINGER:

19 Q. Okay, General, we're going to talk about the camps later. I want
20 to focus on the passage here, where here you've accepted responsibility
21 for the decision to disarm them once it all started.

22 So, General, the fact is that you did know of and approve of the
23 decision to disarm, at the very least, HVO Muslim members after the
24 events of 30 June, correct, despite what you've been telling us?

25 A. No. This is 1995. I was informed about the facts as they

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1 occurred, and in an explanation of the overall situation to a journalist,
2 I say to him I could accept, and I was speaking on behalf ultimately of
3 the people sitting there and the HZ-HB, using the conditional tense. And
4 I go on to explain exactly what I mean; that as a Croat, I was ashamed
5 and I am ashamed about what happened over there. And said that here,
6 too. I told you that here, too, and that we can accept
7 General Petkovic's decision under such circumstances to isolate people,
8 given the circumstances and the situation. And then to the best of my
9 knowledge in 1995, because that's the year we're talking about, 1995,
10 that in those detention centres things happened which one can be ashamed
11 of. But I don't see how I could take on responsibility, as far as my
12 subsequent work. So I stand by my words there, I confirm them, with the
13 proviso of the fact that it was 1995, and I always -- I was always
14 talking to the journalist. I said, In the name of everybody, on behalf
15 of everybody. I can't say, Look at this document, look at that. That's
16 that kind of programme, it's that kind of broadcast.

17 Yes, I apologise for rushing on like that.

18 Q. All right.

19 A. But you interpreted it wrongly. The facts are as I have
20 described them, and I stand by the words that I've uttered here. They
21 are proper, correct, humane. The only thing is that I'm not naming
22 names, but I use the conditional tense and speak in the name of
23 everybody; what can be accepted, and why, and so on.

24 MR. STRINGER: I'm going to move to the next exhibit, unless
25 there are questions.

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1 JUDGE ANTONETTI: [Interpretation] Yes, I had a question.

2 I would like to go back to document P3455.

3 So we have this document before us. General Praljak, I'm going
4 to put to you another question, not dealing with prisoners. It is a
5 document from Mr. Petkovic from the 14th of July. We know that you are
6 not there, so I have this in mind. And I would like you to look at the
7 first paragraph. Petkovic is talking to Siljeg and is asking to urgently
8 give targets to XY. I would like to know, in military terms, how you
9 understand or analyse this.

10 THE WITNESS: [Interpretation] Your Honour, I can't see that
11 sentence. It's completely illegible. I cannot read what it says there.

12 JUDGE ANTONETTI: [Interpretation] Indeed, you are right. In your
13 language, it doesn't appear, and in the English version, it does appear,
14 so I don't quite know how translators have managed. So I withdraw my

15 question because it is true that on the document I can see that it is
16 very difficult for you to see anything. And now it's all black, so I
17 don't think that we see any better.

18 Mr. Stringer, you can move on. Thank you.

19 MR. STRINGER:

20 Q. General --

21 MS. PINTER: [Interpretation] I apologise for getting up,
22 Mr. Stringer, but I have to ask how this document was translated if the
23 Croatian text is illegible. That can only mean one of two things: either
24 that there is a legible copy, that there was a legible copy which was not
25 put up on e-court, or that the first sentence was composed, fabricated.

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1 But I believe that there was probably a legible copy which we did not
2 get.

3 MR. STRINGER: We'll see if we can provide a more legible copy to
4 all parties, Mr. President.

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

6 MR. STRINGER:

7 Q. General, the next exhibit in the binder is P03794. It's from the
8 29th of July, 1993, so now we've moved into the period of time after
9 you've taken command of the HVO Main Staff. And here, this is a report
10 submitted by the assistant chief for security, Mr. Tucak, and this report
11 is going to the chief of the military police, Mr. Coric, personally. And
12 it's about his inspection of the Dretelj Barracks on the 27th of July, at

13 which time there were 1.699 detainees in the prisons within the barracks
14 compound, 53 being held separately because they were taken prisoner
15 during an attack on HVO units, 6 religious officials. Security is
16 satisfactory. It says the conditions are rather good for wartime
17 conditions. It says five prisoners have died in the prison. Three were
18 killed while trying to break down the entrance door, and the other two
19 died of natural causes, probably a heart attack.

20 General, now, at this period, 29 July, I take it from what you've
21 said before that you did not have knowledge that there were 1.699
22 detainees held at the Dretelj Barracks. Correct?

23 A. That's right.

24 Q. General Petkovic never told you about this when he handed over
25 the command to you on the 24th?

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1 A. General Petkovic, also to the best of my knowledge, had nothing
2 to do with the detention centres. And this wasn't sent to
3 General Petkovic, either.

4 Q. That's not my question. My question is whether General Petkovic
5 informed you of detainees at Dretelj.

6 A. Well, I assume that Petkovic knew --

7 MS. ALABURIC: [Interpretation] I have an objection.

8 Mr. Stringer is putting forward a question of which he
9 presumes -- to which he presumes the answer.

10 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

11 MR. STRINGER:

12 Q. General, did you ever learn about these prisoners from Mr. Coric?

13 A. No.

14 Q. Did you ever discuss any prisoners with Mr. Coric during the time
15 you were commander of the HVO Main Staff?

16 A. No.

17 Q. Coric never -- well, did you have any meetings or discussions
18 with Mr. Coric about other matters during the time that you were
19 commander of the HVO Main Staff?

20 A. I did not manage, unfortunately, to attend any such meetings for
21 the reasons I have stipulated here. I don't know whether that was
22 discussed at the meetings or not. I do not know whether there were any
23 meetings in the first place.

24 Q. You talked about this issue on subordination of military police
25 units to the Main Staff, on your request, in order to respond to the ABiH

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1 offensive. In connection with that issue, did you have any discussions
2 with Mr. Coric?

3 A. No. And apart from that, just the Light Assault Battalion was
4 subordinated to me and part of the military police, not the main portion,
5 the basic part, but the part of the military police of the operative
6 battalion who were trained for dealing with a serious disruption [as
7 interpreted] of law and order.

8 Q. General, the next exhibit is P04260.

9 A. I don't seem to have that document, Mr. Stringer.

10 Q. That's my mistake. I've just lost my place in the outline. We
11 were just looking at 3794. The next exhibit would be 3831, 3831, and
12 this is 31 July 1993. This is a Markesic report to the SIS,
13 Operative Zone North-Western Herzegovina commander, North-West
14 Herzegovina Rama Brigade. And in the second paragraph, he writes:

15 "The Rama Brigade SIS is taking certain measures that fall within
16 its domain, and, in accordance with an order from a higher level, is
17 taking into custody all men of Muslim ethnicity aged between 16 and
18 60 years. As a result, a large number of them were taken to prisons in
19 Ljubuski and Capljina, while 174 of them remained in the Prozor Prison
20 and are being used for work in the field (fortification of defence lines
21 and the like)."

22 Now, General, this is now a week after you've taken command of
23 the HVO Main Staff. Do you know what the order from a higher level is
24 that Mr. Markesic is referring to?

25 A. I don't.

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1 Q. You were aware, or were you not, that at this time they were
2 taking into custody all Muslim -- all men of Muslim ethnicity between
3 ages 16 and 60?

4 A. I had no information in that regard, none at all. You see how
5 many people arrived from Bugojno, what the elevations were that had
6 fallen, and then the BH Army nearly smashed the command facility to

7 smithereens. As you see towards the end of the document, two tanks were
8 destroyed. I'm telling you about military issues. As for anything else,
9 I had no information on that.

10 Q. It says that -- well, you said that once you took command of the
11 HVO Main Staff, you raced up to Gornji Vakuf because the situation in
12 that area was -- required your attention; correct?

13 A. Correct.

14 Q. So you were physically present within the North-West Herzegovina
15 Operative Zone; correct?

16 A. The North-West Herzegovina Operative Zone has 200 kilometres of
17 line from Livno on, and I was along the lines near Gornji Vakuf, going
18 from one -- the focal point of the fighting to the other, which the
19 report reflects. How close were the BH Army and what their artilleries
20 was -- are -- they destroyed a system and two tanks outside the
21 Rama Command, a military policeman was killed. Now you should know what
22 the military situation was like.

23 Q. And we know that you spent a good deal of your time during August
24 and September of 1993 in the Prozor-Rama area; correct? That was the
25 focus for you, based on the division of labour you've told us about with

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1 General Petkovic, Brigadier -- or General Tole; correct?

2 Prozor-Gornji Vakuf was your area of responsibility or your primary
3 focus?

4 A. Primarily, yes, but by no means the only one.

5 Q. So the prison that's referred to here, where was that?

6 A. I don't know.

7 Q. So you don't know about any prisons in Prozor?

8 A. No.

9 Q. The next exhibit is 3958, P03958, dated the 5th of August, 1993.

10 This is a different place. This relates to the Dretelj prison facility.

11 Again, General, I think I know what the answer is, but would it

12 be your testimony that you were not aware of 1.835 detainees at the

13 military police barracks in Dretelj, as is indicated here?

14 A. I was not aware of that.

15 Q. And this report is directed to the Knez Domagoj Brigade. You see

16 that?

17 A. Yes, I see that.

18 Q. And the Knez Domagoj Brigade is a part of the chain of command of

19 the Main Staff, correct, falling within the South-East Herzegovina

20 Operative Zone?

21 A. Yes, it's in the chain; the Main Staff, the operative zone, the

22 brigade. Why did the brigade ask to have a report delivered to it? I

23 don't know. Why they needed that, I don't know. Who it was dispatched

24 to, I don't know. One thing is certain, I received no word on that. And

25 reports are fundamental, who is responsible to whom, who is doing what,

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1 and to what extent information is being distributed.

2 Q. Okay, General, I want to take a little more time today to talk

3 about some other events that were taking place during this period of
4 time. We're now in August of 1993.

5 The next exhibit is P09933.

6 And for the record, Mr. President, this is a Rule 92 bis
7 statement that's been admitted into evidence partially, and I'm only
8 going to refer to the parts that have been admitted.

9 [Prosecution counsel confer]

10 MR. STRINGER: Yeah, the witness's name needs to be removed from
11 the screen. It's a protected witness with a pseudonym.

12 JUDGE ANTONETTI: [Interpretation] Registrar, we need an order.

13 No problem.

14 MR. STRINGER: But I'm informed that the statement itself is not
15 confidential, so that we can refer to this in open session,
16 Mr. President.

17 Q. General, I just want to use this as a basis to ask you about your
18 knowledge of events that were happening in the Capljina-Stolac area
19 during August of 1993. And just to get into this, if you could look at
20 paragraph 19 of this, which is on page 5, page 5 of your version,
21 General, paragraph -- it's the first full paragraph on page 5. Do you
22 have that? The witness begins by saying: "On 23 August 1993 ..."

23 A. Yes, yes, I've got that.

24 Q. She says:

25 "On 23 August 1993, a day I'll never forget, at around

1 1300 hours, a civilian covered truck and three civilian cars of varying
2 colours drew up near our building. A man in civilian clothes with a
3 megaphone got of the cars. Using it, he announced that all of the Muslim
4 citizens had to leave their apartments and collect near the lorry in the
5 courtyard."

6 And, again, this is in Capljina. And then in this statement, the
7 witness goes on to describe what happened. The people were transported
8 by lorry to the silos, a place she calls the silos, this is in
9 paragraph 23: "... where there was already a mass of people." She said
10 she recognised a lot of people from Capljina. And then the statement
11 continues on. The people had to give up their money. They were then --
12 she says, and this is paragraph 28 -- and I know yours is not numbered,
13 General. I'm going to go to the paragraph that begins with the words:

14 "I got together all my belongings in my bags."

15 Do you see that?

16 A. Yes.

17 Q. "... and in going outside, passed near to the boxes, but didn't
18 put anything inside. Outside, there was a line of lorries and buses
19 stretching from the silos as far as the Pajdina [phoen] Restaurant, and
20 that is several hundred metres. There were both civilian and military
21 vehicles, and amongst them I recognised a lorry with a red cabin which
22 belonged to a man from Tasavici [phoen]."

23 And it continues on, and it basically talks about how all these
24 people were loaded on all these trucks, and they were then taken out of
25 Capljina on all of these buses.

1 So, General, this is a fairly significantly-sized logistical
2 operation, getting a lot of trucks and lorries together, moving the
3 Muslim population out of Capljina. Were you aware of this taking place
4 on or about the 23rd of August, 1993?

5 A. No. It talks here about the civilians who came and all of that.
6 No, I know nothing about this development. I have no information
7 indicating who organised this --

8 Q. And --

9 A. -- how it came about in the town.

10 Q. Now, you've told us during an earlier part of your testimony that
11 you and Mr. Stojic were in Capljina or Stolac on the 15th of August,
12 1993; is that correct?

13 A. That is not what I said, and it's not correct. I said that on
14 the 15th of August, I was involved in the fighting in the south of
15 Mostar, around Blagaj, on two different hills. The names are of no
16 consequence. On the 15th, I was with Mr. Stojic after I had returned and
17 after we had succeeded in, for the most part, regaining the positions
18 previously occupied by the BH Army. On account of those attacks, there
19 was a serious obstacle to the delivery of humanitarian aid to Mostar.
20 Mr. Stojic collapsed right in front of me. This was on the 15th of
21 August, the Vela Gospa, the religious festivity in Croatia, the holiday.
22 I tried to sprinkle some cold water to freshen him up, but I think he was
23 then taken to hospital, as far as I remember, simply because he felt

24 sick.

25 Q. So in mid-August, you were -- what is precisely the location

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1 where you were with Mr. Stojic?

2 A. We were in Citluk, in the Main Staff building. I was back from
3 the front-line, and Mr. Stojic came to that room, my room or someone's
4 room. It's not like I had a room of my own there.

5 Q. And during this period in August of 1993, you did go down to the
6 command post at Citluk; isn't that true?

7 A. Yes, just as I said, on the 15th -- on the 15th, for a while.
8 Whether I was still there an hour later, that's got nothing to do with
9 it. I described this particular event on the 15th. It could have been
10 on or about noon that day, right about midday. I was back from the
11 front-line position, and Mr. Stojic came. I told you the rest, didn't I?

12 Q. And we know that throughout this period of August, I'm going to
13 put to you, the Muslim population, the women and children, because the
14 men had already been arrested and taken away, the remaining Muslim
15 population in Stolac and Capljina were, as is indicated here for
16 Capljina, rounded up by the HVO and evicted from their homes. Isn't that
17 what happened in August of 1993?

18 A. I don't know. But, sir, what it says here is two persons in
19 civilian clothes came, and then, likewise, it says that the persons who
20 came in civilian clothes -- and then a man got out of a car, again three
21 civilian cars. Capljina was under civilian control. The front-lines

22 facing the Serbs were in Stolac, and whatever went on in Capljina had
23 nothing to do with the responsibility of the Main Staff, unless some
24 renegade members did something or other. But that was certainly a matter
25 for the civilian police, the mayor of that town, the military police if

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1 they were soldiers. But I'm not aware of anything like that going on.

2 Q. In fact, for there to be lorries and trucks extending a couple of
3 hundred metres, as the witness indicates here, it's not just a small
4 operation, as you've indicated, renegade members. In fact, this would
5 have to be a well-organised logistical operation in order to remove all
6 of those Muslims from Capljina. Isn't that true?

7 A. I don't know what that would have required. The document says
8 what it says. It started, apparently, with some civilians who did what
9 this lady describes they did. I am unable to comment because I don't
10 know. But I can set the record straight on what you are suggesting.
11 She's talking about civilians, first and foremost, and then she goes on
12 to refer to some --

13 Q. All right, General. Well, the fact is that during your watch,
14 during the time that you were commander at the HVO Main Staff, the Muslim
15 population in Stolac was entirely evicted and cleansed out of Stolac;
16 isn't that true? Stolac went from a relative majority Muslim
17 municipality to a municipality where there were no Muslims living there
18 by the time of October of 1993?

19 A. Mr. Stringer, I had no idea about any developments in Stolac

20 throughout my time as commander, the simple reason being Stolac was not a
21 priority in terms of BH Army attacks. I'm not aware of the fact that,
22 except for the town of Stolac itself -- I think Stolac had maybe a small
23 percentage of Muslims, but -- now that you come to mention these terms
24 such as "majority" and "minority," but I never received any information
25 on those developments for the reasons that I mentioned. Stolac could not

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1 have been the focus of my attention or time or passion or energy that I
2 needed to expend for other more pressing issues.

3 Q. General, I want to move you to another exhibit in the binder,
4 P10958. This is an interview that you gave, 10958. General, this is an
5 interview that you gave that was published in "Novi List" on the 4th of
6 April, 2004 [Realtime transcript read in error "1994"], and you're
7 talking about the allegations that are contained in the indictment in
8 this case that had been just made public. And I want to direct you to
9 some comments you made about Stolac. This is page 5 of the English, and
10 in your version, General, it's in the box that says:

11 "In Stolac, some things I sign, but some not."

12 Do you see that?

13 MS. PINTER: [Interpretation] I do apologise, Mr. Stringer, but
14 the transcript reflects that this is an interview given on the 4th of
15 April, 1994. If you look at the document, it is clear that we're talking
16 about 2004.

17 MR. STRINGER: Thanks for the correction. This is obviously --

18 or I misspoke, obviously. It's 4th of April, 2004.

19 THE WITNESS: [Interpretation] I can't find that.

20 MR. STRINGER:

21 Q. It says:

22 "In Stolac, some things I sign, but some not."

23 And you're talking about Stolac.

24 A. I can't find that.

25 MR. STRINGER: I'm looking at this. It may be that we've got a

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1 bad copy of this, Mr. President.

2 All right, I'm going to come back to this, then, General.

3 MS. PINTER: [Interpretation] It's illegible, Mr. Stringer,
4 because we're talking about this box over here [indicates].

5 MR. STRINGER: We'll get -- we'll find a better copy and come
6 back to that.

7 Mr. President, I'm just about ready to move to the next binder,
8 but we will need to distribute those, and what I'd propose is perhaps
9 I can -- if we could break early today by ten minutes. I could find a
10 better copy of this article, and we could start with that tomorrow and
11 then continue with the next binder.

12 JUDGE ANTONETTI: [Interpretation] Very well, very well,
13 especially since there's a sitting after us, and so we have to lug two
14 binders. That's heavy enough. I don't think we want to lug a third one.
15 That might be a bit too much for us.

16 So we'll resume tomorrow. You will be talking about binder 8,
17 because we still have one outstanding document in this one, and then
18 we'll start with the next one. Is that it? Yes, thank you.

19 Well, we will resume tomorrow at 9.00 a.m., and I wish you all a
20 pleasant afternoon.

21 [The witness stands down]

22 --- Whereupon the hearing adjourned at 1.37 p.m.,
23 to be reconvened on Wednesday, the 2nd day of
24 September, 2009, at 9.00 a.m.

25