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1                                      Thursday, 3 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 9.00 a.m.

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

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

12                                      JUDGE ANTONETTI: [Interpretation] Thank you, Registrar. This is  
13                                     Thursday, September 3, 2009, and I greet Mr. Praljak, our accused, the  
14                                     Defence counsels, Mr. Stringer and everyone helping him, as well as all  
15                                     the people helping us around the courtroom.

16                                      I think I understood that a few counsels wanted to take the floor  
17                                     for a number of issues, so I'll give the floor to Ms. Alaburic first.

18                                      MS. ALABURIC: [Interpretation] Your Honours, good morning to you  
19                                     and everybody else in the courtroom. The Petkovic Defence has an oral  
20                                     request to make, so may I have two minutes to explain, and that request  
21                                     relates to the documentation and topics of the crimes committed by the  
22                                     BH Army against the Croats on the territory of Bosnia-Herzegovina and

23 specifically in the areas which we call the Croatian Community of  
24 Herceg-Bosna in these proceedings.

25 Thus far in the proceedings it was -- permission was not granted

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1 to discuss those topics, and the explanation given was that they are  
2 issues of quid pro quo and that the alleged crimes of the HVO can't be  
3 justified by the alleged crimes committed by the BH Army. And the  
4 Chamber refused to accept documents proving that certain individuals of  
5 the BH Army had committed crimes against the Croats in  
6 Bosnia-Herzegovina. And that was something that has been the practice in  
7 this courtroom since the trial began, and on the basis of that position  
8 taken by the Trial Chamber, the Defence teams prepared their witnesses  
9 for their defence case, in line with that.

10 In the Gotovina trial, Gotovina et al., before this Tribunal, the  
11 Trial Chamber, on the 7th of August, 2009, made a ruling by which it made  
12 it incumbent upon the Prosecution to provide the Defence teams with all  
13 the documents related to the crimes that the army of the then-Krajina,  
14 Srpska Krajina, on the territory of Croatia committed against the Croats  
15 in the period between 1991 to the beginning of Operation Storm, and that  
16 was August 1995.

17 The Trial Chamber, in its statement of reasons said the following  
18 in item 11, and I'm going to quote in English:

19 "[In English] The Chamber further notes that evidence showing  
20 that the alleged physical perpetrators of the crimes alleged in the

21 indictment committed those crimes out of a motivation for revenge and  
22 retribution for the crimes committed by Serbs against Croatian civilians  
23 could be potentially relevant to the determination as to whether crimes  
24 were committed within the scope and as part of the implementation of the  
25 JCE in which the accused have allegedly participated. Such evidence may

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1 offer a reasonable alternative to the Prosecution's allegation of JCE."

2 [Interpretation] In item 13 the Trial Chamber goes on to  
3 emphasise that existence of evidence [In English] "could be of potential  
4 support to the revenge thesis and may serve the Defence in preparing the  
5 presentation of its case." [Interpretation] Would be fundamental for the  
6 realisation of the rights to a fair trial.

7 The Prosecution of this Tribunal did not appeal the decision  
8 taken by the Trial Chamber, and as we heard from our colleagues in the  
9 Gotovina case, the OTP started providing the Defence with that material.  
10 We feel that it is case law of this Tribunal, and on the basis of that  
11 case law, we would like to propose to the Honourable Trial Chamber to  
12 make a similar ruling in this trial and by request of the Prosecution to  
13 take from the Halilovic trial, Delic, and Hadzihasanovic trials the  
14 material and provide the Defence with all the documentations on the  
15 crimes committed against the Croats.

16 Secondly, that if the Prosecution has in its possession documents  
17 outside those three trials dealing with the same topic, that it should  
18 also be required to provide the Defence with those documents.

19 And thirdly, in conformity with the Trial Chamber decision taken  
20 in Gotovina, we would agree that the Prosecution is not duty-bound to  
21 provide documents mentioned in the judgements, because it is a public  
22 document and, therefore, the Defence in conformity with their rules of  
23 due diligence procedure have accessed that documentation, but that this  
24 duty applies to every other document, including those protected under  
25 Rule 70 of this Tribunal.

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1 Thank you, Your Honours.

2 JUDGE ANTONETTI: [Interpretation] Very well. Let me give the  
3 floor to Mr. Stringer in a minute. Well, first of all, I'll give the  
4 floor to Mr. Stringer right away, and I'll consult with my colleagues  
5 later on.

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

7 Your Honours, counsel, and everyone in and around the courtroom. I don't

8 know why we need to waste court time on this issue. It's a complicated

9 one to say the least. We suggest the Trial Chamber order the

10 Petkovic Defence to file a written motion. The Prosecution will respond,

11 and the Trial Chamber can issue its ruling. Of course the Trial Chamber

12 is not bound by any decision of another Trial Chamber. So that's how we

13 propose to proceed.

14 [Trial Chamber confers]

15 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, the Trial Chamber  
16 took due note of what you are asking, but it believes that you have to

17 make a written submission regarding this. So please file a motion given  
18 the importance of this topic, and then the other Defence will either  
19 associate themselves with your motion or write their own motion, the  
20 Prosecution will reply and give us its point of view, its position, and  
21 the Trial Chamber will rule on this issue. Thank you. And please do  
22 this as quickly as possible.

23 MS. ALABURIC: [Interpretation] Thank you, Your Honour, for that  
24 decision. We will endeavour to complete our written submission by  
25 Monday. We would just like to have the deadlines reduced for a response

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1 so that we can have the Trial Chamber's decision as soon as possible.

2 MR. STRINGER: We'd oppose that request. Here, how many years  
3 into this trial? There's no fair reason to minimise any time that the  
4 Prosecution is entitled to under the rules to file its response within  
5 the 14 days. So we'd oppose any shortening for this particular topic.

6 MR. KARNAVAS: First of all, Mr. President, I want to make sure  
7 that we're on record that we join in this request by the Petkovic team.  
8 In fact, we discussed this prior to this, and in fact the decision says  
9 nothing other than what we have been saying all along throughout this  
10 trial. So it validates, and I feel vindicated that at least one  
11 Trial Chamber has taken on board the comments that I have repeatedly made  
12 on the record in this particular case.

13 That said, I do think that if the Prosecution in a previous case  
14 has taken a position which they believe is right and honourable as that

15 stated by the Trial Chamber, and if this particular Prosecution takes a  
16 different point of view, I think it behooves this Trial Chamber to ask  
17 the Prosecutor himself as to what his position is, because I don't think  
18 that we can have a Prosecution in an international tribunal of this type  
19 where in one case individuals enjoy more rights than accused will enjoy  
20 in another case. The Prosecution has to speak with one voice. They have  
21 to be consistent. So while Trial Chambers may differ, the Prosecution  
22 cannot use an al a carte approach, if I may borrow one of my -- one of  
23 Mr. Stringer's comments from yesterday.

24 So I would request that the Trial Chamber write to the -- the  
25 Prosecutor himself and ask for his position as opposed to having the

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1 Prosecution teams willy-nilly decide how they're going to handle these  
2 sorts of matters which obviously affect the rights of every single  
3 accused being tried before this institution.

4 MR. STRINGER: Mr. President, the Prosecution rejects the remarks  
5 of counsel. Every case is different. The fact that a Prosecution team  
6 might take a position in one case certainly doesn't mean that a different  
7 Prosecution team has to take the same position on an entirely different  
8 case. So I don't know again why we need to waste court time on this sort  
9 of grandstanding and speech-making. Let's just get the motion filed.  
10 We'll file a response and the Trial Chamber can rule on it.

11 JUDGE ANTONETTI: [Interpretation] Very well. Let's wait for the  
12 motions. Once the motions will be filed, according to the rule the

13 Prosecution has 14 days to answer. That is the procedure, and we will  
14 stick to the procedure.

15 Ms. Nozica.

16 MS. NOZICA: [Interpretation] Thank you, Your Honour. Just for  
17 the record, I'd like to state that the Stojic Defence, both during its  
18 case and in proposing documents, it has put forward a series of documents  
19 along the lines proposed by the Petkovic Defence, and for that reason I  
20 would like to say that I fully agree to the proposal, and I'd like to say  
21 this in public, in open session, and I shall be sending in a written  
22 submission to that effect as well. Thank you.

23 JUDGE ANTONETTI: [Interpretation] Does anyone else wanted to take  
24 the floor?

25 MS. PINTER: [Interpretation] Your Honours, the Defence of

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1 General Praljak, throughout this discussion, presented material along  
2 those lines and wanted to indicate that nothing happens of its own  
3 accord, and that is why we consider that the oral motion made by our  
4 colleague Mrs. Alaburic is absolutely acceptable, and we will state our  
5 views in that regard in a written motion fully agreeing with her.

6 JUDGE ANTONETTI: [Interpretation] Very well.

7 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours, just for  
8 the record, on behalf of the Coric Defence we agree with what the  
9 previous Defence counsel have said.

10 JUDGE ANTONETTI: [Interpretation] All the counsels took the

11 floor, all those who wanted to take the floor, anyway.

12 Yesterday when we were running out of time, we only had a few  
13 minutes left, a question was put to the accused by -- by Judge Trechsel,  
14 and when I read the French translation, I had a problem understanding, so  
15 I said that I would look at the transcript. The English version is also  
16 quite fuzzy, actually, so I believe the best would be for Judge Trechsel  
17 to put his question again to the witness and everything will be clear.

18 JUDGE TRECHSEL: Thank you, Mr. President. I have re-read the  
19 question. I agree that it is lacking clarity, and I will try to put it  
20 in a -- in as clear way as I'm able.

21 WITNESS: SLOBODAN PRALJAK [Resumed]

22 [Witness answered through interpreter]

23 JUDGE TRECHSEL: The background to the question are two  
24 documents, one an order given by Mate Boban and addressed both, as far as  
25 we're interested here, both to the Ministry of Defence and to the

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1 General Staff.

2 MR. STRINGER: I apologise for the interruption, Judge. Just for  
3 the record, perhaps, since we're onto a new day, I can say that we're  
4 talking about P05104, which is the Boban document, and then P05188, which  
5 is the subsequent order from General Praljak, just for the record.

6 JUDGE TRECHSEL: Thank you. It's very helpful, and it's only  
7 fair that you interrupt me. I have interrupted you a number of times  
8 too.

9           So we had first this Boban order, and then we have an order  
10          signed by you, Mr. Praljak, which goes on to the operation zone, to the  
11          bodies under your command.

12           You have told us that you handed on the order by Mr. Boban not in  
13          its entirety but excluding, in particular, the third point which refers  
14          to prisoners, yet you have attached the Boban order in its entirety to  
15          your order. You have not redacted it. And in your own order you have  
16          made specific comments on, at least, number 5 of Boban's order but not  
17          any others. So if you say that you did not hand on the order number 3,  
18          this is something which we cannot verify at the -- on the documents. The  
19          documents do not show this.

20           I have interpreted you, understood you as telling us, "Although I  
21          have handed on the full order by Mate Boban, as a matter of course,  
22          because of the limitations of the competencies of the army, I did not  
23          really hand on the order to the extent that it relates to prisoners," and  
24          I think one must also assume that it is your view that those who received  
25          your order together with that of Mate Boban understood that number 3 is

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1          not for them. So it was implicitly excluded.

2          Did I understand that correctly?

3          THE WITNESS: [Interpretation] Correct.

4          JUDGE TRECHSEL: Thank you.

5          THE WITNESS: [Interpretation] Might I just add. In item 1 I say  
6          to inform -- be informed of the contents of the Boban order. So I

7 considered it then to be proper for me to leave the Boban order as it was  
8 so that people could get to know about its contents, could become  
9 informed of its contents, but in my order, in item 3 I say -- and we're  
10 dealing with items 5 and 6 which means to enable and so on and so on as  
11 it says in item 5 and 6, and in that respect the officials might -- must  
12 be informed in writing of their assignments before being sent on duty.

13 So to read the Boban order as it was written, and in my order taking from  
14 the Boban order that portion that relates to the army. And as far as I  
15 understood what you have just said, you have interpreted that correctly.

16 MS. PINTER: [Interpretation] For everyone in the courtroom, I'd  
17 like to draw your attention to 3D000915. That is a document from the  
18 state archives of Croatia from which it is evident that there was another  
19 order which contains and which was -- to which the Boban order was added.  
20 This order was send by General Praljak, and from that we can see, because  
21 there was a question raised yesterday as to whether Mate Boban's order  
22 existed attached to the Slobodan Praljak order.

23 Now, everybody in the courtroom can verify --

24 JUDGE TRECHSEL: Ms. Pinter, we do not have this document before  
25 us. I think it is a befitting document for redirect, the question.

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1 MS. PINTER: [Interpretation] Thank you, Your Honour. That's  
2 fine, but I just wanted to clear the situation up now when we're  
3 discussing the matter and not have to come back to it later.

4 JUDGE TRECHSEL: Well, we -- oh, I accept your good intention,

5 thank you, but I think we should now give the floor back to Mr. Stringer.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, a question. I  
7 thank my fellow Judge for this question, which was perfectly clear, and I  
8 fully understood your answer also. Therefore, I have no specific  
9 problems with this issue any more. But while listening to you, this is  
10 what I understand: Mate Boban draws up an order that you receive, and  
11 you relay this order as well as your own order. You transmit these two  
12 orders. And normally on lower echelons, the people are supposed to read  
13 all documents that they receive. Is that it?

14 THE WITNESS: [Interpretation] That's right.

15 JUDGE ANTONETTI: [Interpretation] But in your own order, why is  
16 it that in item 5 you say that the commanders who were directly  
17 subordinated are directly responsible for carrying out this order that  
18 you just issued? Does this mean that since Mr. Boban is the supreme  
19 commander he could also directly contact the brigade commanders, or was  
20 he supposed to go through the chain of command at all times?

21 THE WITNESS: [Interpretation] The supreme commander can issue an  
22 order directly to the brigades, but it is customary that it goes down the  
23 chain of command, that he issues the order to the Main Staff, and then  
24 the Main Staff to the operative zones, the operative zones down the line  
25 of the brigades, and so on and so forth; that's customary. But he does

1 have the right to issue an order skipping military hierarchy.

2 JUDGE ANTONETTI: [Interpretation] Well, thank you.

3                   Mr. Stringer.

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

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

6                   Q. General, I've got some video footage I want to show you, and then  
7 after we look at it, I'll ask you some questions.

8                   This is P00977, for the record.

9                   [Video-clip played]

10                  THE INTERPRETER: "[Voiceover] Four of them were shot. On 31st,  
11 they were hungry, they were thirsty, and they had to survive --"

12                  MR. STRINGER: Let's start it over again from the beginning and  
13 maybe we can get more interpretation. I believe the text is in the  
14 booths.

15                  THE INTERPRETER: Thank you. We found the text.

16                  [Video-clip played]

17                  THE INTERPRETER: "[Voiceover] ... north of Mostar in Muslim  
18 zone. Earlier when the people were released, the Croat captors amused  
19 themselves by forcing them to run under rifle fire. Four people got  
20 killed on that occasion. Their skinny body bear witness to the horrible  
21 treatment they underwent, and their statements reveal bestialities.

22                  Packed in warehouses, starved, unbearably thirsty, in order to survive,  
23 they had to drink their own urine.

24                  "Detention in the Dretelj and Gabela camps confirm again the  
25 daily horrors that reign in detention camps in Bosnia. According to the

1 testimony collected by the UNHCR, they were constantly beaten or burned  
2 with cigarettes. Some of them died immediately. Croatian soldiers  
3 amused themselves by opening fire from automatic rifle on warehouses  
4 where they were kept when they were drunk. Thirty of them got wounded in  
5 that way. In addition to physical harm they were also under mental  
6 torture. They had to sing the songs that were derogatory for Muslims.  
7 UNHCR employees claimed that these people are nowadays desperate and  
8 humiliated. In the Dretelj camp there are allegedly two to two and a  
9 half thousand detainees."

10 MR. STRINGER:

11 Q. All right. Now, General, obviously it's for the Trial Chamber to  
12 decide whether the various allegations and things that are said about the  
13 conditions were actually true. My question is a bit different. This --  
14 the very beginning of the text indicates -- this is from 31 August. And  
15 we know from the other evidence that there was a release of prisoners  
16 from the Dretelj camp. Now, the order from Boban here is dated  
17 15 September 1993, which is a couple weeks after this. And this is where  
18 he's saying that the prisoners of war -- or the conditions have to be  
19 brought to accordance with international standards.

20 General, yesterday I asked you about the Mazowiecki report,  
21 whether you were aware of that, and whether you did anything to follow up  
22 on looking into the conditions in the camps. Now, this is more media  
23 coverage. I think -- I suggest it was a fairly big, well-known media  
24 event. Did you see this sort of footage? Did you hear about the  
25 condition of these men that had been released from Dretelj?

1           A. No, sir. All I can do is to repeat what I said, that on that day  
2 or I don't know when this video was taken, I wasn't watching television  
3 during those days nor did I have the time or possibility to do so. All I  
4 can say is that on the 1st of September, as far as I know, I allowed a  
5 ZDF television crew. I gave permission for them to enter a camp.  
6 Whether it was Dretelj or the other one, I don't know.

7           Anyway, as far as I'm concerned, I did this having been requested  
8 to do so. We saw what we saw, not only here when they were exchanged but  
9 over there too. I did not know, I had no information, and I told you  
10 what my duties were under the law, rather, the provisions governing the  
11 armed forces and the situation on the battle-field at the time.

12          Q. I want to take you back, General, to your testimony in this trial  
13 from the 25th of June, 2009. And this is on page 41999 of the  
14 transcript. And you're looking at a document, and in the document  
15 Alija Izetbegovic is being asked some questions. And in the document  
16 Alija Izetbegovic denied knowing about a camp called the Pogorelica camp.  
17 And he said in the document:

18            "I did not know of the Pogorelica camp. I heard about it in  
19 Rome when the media reported about SFOR entering the camp."

20           Now, you commented on that statement of Izetbegovic in your  
21 testimony, General, and this is what you said. You said:

22            "Now, how is it possible that this camp could be operating with  
23 all of these services, conducting all of these affairs, with agencies

24           that are under Izetbegovic's control, and he not know about this camp?

25           "It's impossible -- it's absolutely impossible --"

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1           Actually, I should -- let me correct what I just said. The  
2       question to you was:

3           " ... how is it possible that the camp could be operating with  
4       all of these services, conducting all of these affairs, with agencies  
5       that are under Izetbegovic's control, and he not know about this camp?"

6           That's what you were asked, General.

7           And your answer was:

8           "It's impossible. It's absolutely impossible. Fifty per cent of  
9       the population of Bosnia-Herzegovina knew about that camp. It was almost  
10      a public secret."

11          General, I'm going to put it to you that the same thinking  
12       applies in respect of your knowledge of the HVO camps. It was a public  
13       secret. It was a notorious public secret. Everybody knew what was going  
14       on down there with these camps; the media were all over of it. And when  
15       you claim to have no knowledge, the fact is that's not true. Isn't that  
16       so?

17          A. No, Mr. Stringer, and your comparison is not good. The time is  
18       not good. Nothing is correct, in fact.

19          First of all, the position of Mr. Izetbegovic and my position  
20       were not the same. Mate Boban knew about Gabela.

21          Secondly, the Pogorelica camp was not a detention camp; it was a

22 Mujahedin camp. And that camp continued to exist after the war ended.  
23 So it was a Mujahedin camp where the al-Qaeda terrorists were trained,  
24 those very same terrorists that would go on to participate in those acts  
25 of destruction in America. There was no war at the time, and all the

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1 newspapers reported it. So first of all, my position and  
2 Mr. Izetbegovic's position is not the same. Secondly, it's not the same  
3 time period. And thirdly, Pogorelica was not a detention camp. I would  
4 not go as far as to say that Mr. Izetbegovic was aware of all the camps  
5 that the BH Army held and were -- detained Croats, and there were dozens  
6 of them, I have evidence of all that. And if you admit it into evidence  
7 you will see how many of those camps there were and how many people were  
8 killed in those camps. So your comparison is not good. The time period  
9 is not the same. And my position and Mr. Izetbegovic's position are not  
10 the same. And later on it transpired that the Dretelj camp existed in  
11 September. And as far as I was able to learn, the camps were dissolved  
12 because everybody realised what was going on in there.

13 I think that a very small number of people knew what was going on  
14 there, and those were mostly people on the inside in the camps. They  
15 knew about that, but this was not broadcast. It's not something that you  
16 go talking to people about, about the crimes.

17 Q. But when Mate Boban ordered that the camps be brought into  
18 accordance with international standards, you personally did nothing to  
19 make that order come to pass. You did nothing to implement Boban's order

20 on the camps; correct?

21 A. Well, Mr. Stringer, services have their jurisdictions, their  
22 purviews. The commander of the Main Staff couldn't do anything about it,  
23 because he was not -- he did not have the power, and it was not his duty,  
24 and he did not have all the elements that he needed to do anything.

25 Q. And if I recall correctly your testimony from yesterday, sir,

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1 you're telling us that you do not know who or what body did have  
2 jurisdiction. Is that your testimony?

3 A. That's correct. I'm not sure what body had the jurisdiction.

4 Well, you discussed the issue here in court, so you perhaps might want to  
5 pursue that to its conclusion.

6 Q. We will.

7 General, the next exhibit is P09258 --

8 JUDGE ANTONETTI: [Interpretation] General Praljak, I would like  
9 to come back to the video briefly. Since I put questions to you for six  
10 days, if you remember, I was wondering whether I was going to put this  
11 video footage to you, and if you remember at the very beginning I put  
12 some questions to you regarding prisoners, and then when you said that it  
13 was not under your responsibility, it had nothing to do with you, I did  
14 not insist any more. I wasn't actually going to show you that video  
15 footage, but Mr. Stringer put the video to you, and you saw, you noticed  
16 that it's a programme from TV 5, which is a French-speaking station, and  
17 it's from the HTV, actually. It's a Croatian -- it's a Croatian -- it's

18 a TV station from Croatia, no?

19 THE WITNESS: [Interpretation] Yes.

20 JUDGE ANTONETTI: [Interpretation] Very well. I can understand  
21 that you were on the front line and that you were not able to see that  
22 programme. I understand that. But a Croatian station shoots these --  
23 this footage which is broadcast all over the world, because TV 5, of  
24 course, covers the entire world.

25 Now, Croatian Information Services were looking at what was going

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1 on in the conflict, or checking the conflict. And it's just a thesis,  
2 it's my own thought, I have no certainty, I cannot make an affirmation,  
3 but I wonder if in Croatia when people saw that programme, were people  
4 not wondering - Mr. Bobetko, Susak, and others - were they not wondering,  
5 we see people who are so skinny, what happened? They're released, the  
6 reporter is explaining, they shot at them, they opened fire on them, four  
7 people were killed. And of course this is a problem. Mr. Tudjman at the  
8 time, could he have not requested through the military hierarchy of the  
9 army to see what was going on and what had happened? So my question is  
10 the following: At the time, nobody called you to tell you, We just saw a  
11 programme. Nobody called you to tell you that they had seen something  
12 like that on TV?

13 THE WITNESS: [Interpretation] No, Your Honour. Well, first of  
14 all, from what we've heard here in court and based on what I know,  
15 Franjo Tudjman reacted promptly. Mate Granic was dispatched and meetings

16 were convened. People learnt about this after those images were  
17 broadcast. Well, the very next day the ZDF showed up, and they asked for  
18 permission to film it. I gave them the permission. They did some more  
19 footage, and people were astonished. I said quite clearly in the 1995  
20 interview that I as a Croat am ashamed of it. In another interview I  
21 labelled it a crime. And then there was another reported and Vulliamy  
22 asked -- well, as a human being, not as somebody who is responsible for  
23 it, I issued a laissez-passer because I didn't want to cover anything up.  
24 On the other hand when Granic came in and so on, the services that are in  
25 charge it started doing their job, and I did my job pursuing an offensive

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1 to defend the territory night after night. So officially, and believe  
2 me, temporally in terms of -- well, what can I tell you? At that time  
3 one is involved in organising the Muslim -- the release of the Muslim  
4 wounded from East Mostar, helicopters. I don't know how to explain it,  
5 but I didn't know. I learned later on as time went by, bit by bit, but  
6 meetings were held, I think in Makarska. There was a great to-do about  
7 it, and then this whole thing started being resolved. And in the end, it  
8 was resolved.

9                    JUDGE ANTONETTI: [Interpretation] Very well. So if I understand  
10                 correctly, this is the chronology: First Tudjman noticed that, then he  
11                 sent Granic there. And after that, after the arrival of Granic, a whole  
12                 series of events unfolded, and you said yourself that ZDF came to ask you  
13                 for an authorisation which you granted. You gave them that

14 authorisation. Is that right? Is that the right sequence of event?

15 THE WITNESS: [Interpretation] That's correct, but to be quite

16 frank, I realised later on that the HDZ people were the first -- or,

17 rather, HZ-HB, not HDZ, that they saw that things were going on

18 differently than they had thought. I can only tell you that I let first

19 one and then another and yet another reporter in, and that's all. And

20 from the 10th of September until the 15th of October, I was waging a war,

21 again with the wounded, helicopters. Well, we have to put all the

22 documents together, and in this respect I really --

23 JUDGE ANTONETTI: [Interpretation] Very well.

24 MR. STRINGER:

25 Q. General, at page 17, line 2, you said that based on what you

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1 know, Franjo Tudjman reacted promptly, Mate Granic was dispatched, and

2 meetings were convened.

3 A. As far as I knew -- oh, I'm sorry. I'm sorry.

4 Q. Those are the first names that you've given us in connection with

5 this issue. I've been asking you who was responsible, who had

6 jurisdiction. Are you telling us, General, that it was Tudjman and

7 Granic who had jurisdiction? They seem to be the only people who were

8 reacting to any of this.

9 A. No, that's not what I said, sir. I said that as I learned things

10 at a later stage and based on what I heard here in court, I said that

11 based on what I had learned and what I have learned here in court and as

12 the meetings went on, I realised that Tudjman responded. But I don't --  
13 Which doesn't mean that Prlic, Stojic, etc. did not react. So please  
14 don't apply this false logic to it.

15 Q. Well, I'm simply asking you, General. Tudjman reacted; he  
16 responded. Granic, he dispatched Granic down. So what you're telling  
17 us, General, is it was Tudjman and Granic who had the authority or the  
18 obligation to deal with the problem of the camps?

19 A. No, that's not what I said. I said precisely what I said, that  
20 based on my knowledge, which was mostly after the time, because at that  
21 time I was not following their movements and where they met. I realised  
22 that the response ensued after the TV cameras showed what the situation  
23 was really like. And after that time there was a general alert because  
24 everybody realised that things were going on and -- well, things that I  
25 have already given you my view of.

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1 Q. And Tudjman had to dispatch Granic down to Herceg-Bosnia to deal  
2 with it, because neither you nor anyone else on the HZ HB political side  
3 was going to do anything to fix the camps. Isn't that true?

4 MS. ALABURIC: [Interpretation] Your Honour, I object to this  
5 question. I have not risen because I have thought that the questions  
6 would take a different tack.

7 General Praljak spoke about Tudjman because His Honour  
8 Judge Antonetti asked the question about when, how, and where  
9 President Tudjman did anything, and it is really inappropriate to link

10           this question and that answer with the actions by the Herceg-Bosna  
11           officials.

12           Thank you very much.

13           MR. STRINGER: Well, I respectfully disagree with my learned  
14           friend. It was the general here who just was talking about Tudjman and  
15           dispatching Granic. This is an appropriate follow-up question.

16           JUDGE ANTONETTI: [Interpretation] In fact, the Trial Chamber  
17           believes that the Prosecutor can put follow-up questions regarding the  
18           knowledge that Mr. Praljak knew about the roles that people played.

19           MR. STRINGER:

20           Q. And, General, in fact the camps that were closed were in fact  
21           closed because Granic and Tudjman wanted them to be closed; correct?

22           A. No, sir. I cannot agree with you. You put it to me that they  
23           dealt with it and that we didn't. If I let the reporters and TV crews in  
24           to show what's going on, then at least on the basis of my signature, you  
25           can see that I'm not trying to cover up anything and that if there's

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1           anything going on I wanted the world to know about it, and I wanted the  
2           problem to be solved. That's what I'm telling you. I also told you what  
3           I had learned at -- subsequently, even here in this court based on some  
4           testimony that the international community learnt about it, that  
5           President Tudjman learnt about it, and that efforts were made to solve  
6           it, but those efforts bypassed me because I --

7           Q. Let's look at some of your remarks made in your BBC interview.

8 We showed you part of this yesterday when we were talking about the order  
9 to disarm the Muslims. And just for completeness, we're going to start  
10 at that point again. But we're going to let the film run longer to hear  
11 what you have to say about the issue of camps.

12 MR. STRINGER: And for the record, this is the clip we showed  
13 yesterday. It's from P09258, and this is pages 8 and 9 of the English  
14 translation.

15 [Video-clip played]

16 THE INTERPRETER: "[Voiceover] Interviewer: The second question  
17 is about detention centres. On 17th of July, 1993, the news about the  
18 existence of those centres was published, which provoked a lot of  
19 pressure" -- inaudible.

20 "Praljak: Yes, it is somewhat difficult for me to talk about  
21 that, because as a Croat I feel ashamed because of the existence of such  
22 things. I am ashamed because they existed. I cannot accept that we  
23 consider that a normal thing. There has never been a war or an army  
24 which, if they had to put somebody in a detention camp, did not set up  
25 such camps. That's not unusual. You have to put your prisoners of war

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1 somewhere. If there are many of them, and Herceg-Bosna was not prepared  
2 to have prisoners of war, nor did it think that there would be a conflict  
3 with the Muslims, nobody was rationally fully prepared for it. At one  
4 point, we had to react very quickly because it was literally a matter of  
5 hours as to who would disarm whom.

6                 "If you are faced with a situation at one point in which you can  
7 either react by disarming your enemy or be disarmed and thus really lose  
8 everything - I do not think that we would recover from that so well - I'm  
9 prepared to accept responsibility for the decision to disarm them. Once  
10 it all started, there was no more trust left, and it was too dangerous to  
11 wait and risk it. So I'm prepared to take responsibility for the  
12 decision on disarming in Livno, Prozor, Vakuf, and so on, even ... but  
13 I'm not prepared to accept responsibility for what the camps looked  
14 like."

15                 MR. STRINGER: If you could just give us a second, Mr. President.  
16 The intention is to continue.

17                 Okay. We're going to come back to the part that is evading us  
18 now, Mr. President. But what I'm going to do in the meantime is to move  
19 to a different BBC video where this conversation is continuing P09470.

20                 [Video-clip played]

21                 THE INTERPRETER: "[Voiceover] Praljak: So when it comes to  
22 disarming, when the camps started, when people had to be put somewhere, I  
23 said as I was leaving there was a short interregnum when I was not there,  
24 I remember that I said to Mr. Bruno Stojic, who was the defence minister:  
25 'Bruno, take good care not to do something we would be ashamed of.' He

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1 told me that as regards -- prison, the prison at Heliodrom, which was  
2 under my jurisdiction, I could be sure that they would do everything  
3 possible to prevent anything unpleasant. Of course, one -- one knew that

4 some unpleasant things would happen, because we were not able very much  
5 to control things, although it could, and that was done there. It was  
6 not under military control, and it was simply a civilian part. That is  
7 how they were set up. Upon my return, I understood from what the people  
8 had started saying already that the camps looked bad. Fortunately,  
9 Mr. Sakota came and he used his personal authority to oppose some local  
10 bosses and ensure those people were treated like human beings. In other  
11 words, he prevented ... I think that those people were grateful,  
12 although ... I personally issued orders as regards the other one in  
13 Dretelj ... one was in Dretelj and the other in Gabela. I -- I asked  
14 that they ...

15 "Interviewer: Could you please repeat the last part. You said  
16 that you personally" -- inaudible.

17 "Praljak: Yes, I personally demanded that the camp in Gabela be  
18 properly organised with straw mattresses, water, bathing, food to put  
19 those people ... those camps in the kind of state required by the laws of  
20 war. In that period several news teams were waiting to be allowed to  
21 film there. Of course, one could already feel that people were afraid  
22 they would see the same thing we had seen in Serbian camps.

23 "I ordered that the journalist teams be allowed in. After all,  
24 I, myself, have been a journalist in my previous life, and I know that  
25 whatever you do it, it's better and more correct to admit that we did it,

2 this was not the way we think about things. We did not wish this to be  
3 our attitude towards the Muslims. This was simply a kind of madness and  
4 a mistake which happened after many of our boys were killed in the attack  
5 on the northern camp. Many of them were butchered. The blood boils to  
6 such a point that you don't think about things enough, and then you set  
7 up a camp that you should be ashamed of as a man and as a Croat. But we  
8 can still do something about it if we say this is so. And to show this  
9 is so, we will let the journalists film what they see. And, gentlemen,  
10 let the journalists in; let them film what they see. We cannot escape is  
11 this. We did it; we are ashamed of it. But if there's anything we can  
12 do, it is to show what we did, which would be the only way to prevent it  
13 from happening again. And journalists filmed it, and we survived ...

14 "However, I cannot accept the accusations that we or I -  
15 although I did not do it - destroyed the Old Bridge and attacked Mostar.  
16 We must really accept fact that the two camps represented an ugly stain  
17 on the face of the Croatian Defence Council and our face as a people.  
18 But what we can do is to say at least that this is so."

19 MR. STRINGER:

20 Q. All right, General your words here raise a number of issues I  
21 want to ask you about.

22 General, during the very first part you said that during the  
23 disarmament process, when the camps were started, people had to be put  
24 somewhere, and you said that as you were leaving, you had a conversation  
25 with Mr. Stojic, and you told him, "Bruno, take good care not to do

1 something we would be ashamed of."

2 Now, General, the reason that you spoke to Bruno Stojic about  
3 this is because the defence ministry did indeed bear responsibility or  
4 some responsibility for the setting up and the treatment to be given  
5 prisoners in the camps. Isn't that true?

6 A. Sir, first of all, that's not what was said here, and of course  
7 what I'm saying -- well, that's correct and accurate, and I still stand  
8 by it.

9 First of all, this is an interview, and here I'm presenting  
10 arguments, and I'm --

11 Q. [Overlapping speakers]... General, you're not answering my  
12 question.

13 A. Please, please, allow me. Very well. No. So my response to you  
14 is no. It's obvious that Bruno Stojic says, according to this, well, I  
15 can't really. He says, no, Heliodrom is under mine, and the other two  
16 are not. And that means that I don't know who is in charge, who's  
17 responsible. I spoke to Bruno. He told me Heliodrom was under our  
18 control and nothing else, and this is what it says here quite clearly.

19 Q. All right. So everything you've been telling us so far about  
20 responsibility of Heliodrom has not been the truth. In fact, as you have  
21 just said, you and Bruno Stojic were responsible for the Heliodrom;  
22 correct?

23 A. Well, I'm not responsible for Heliodrom. But, now, whether  
24 Bruno Stojic is, well, he tells me that there -- well, under that

25 agreement -- now, I don't know whether he was responsible or not, but

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1 based on what I am saying, it's obvious that I was not responsible. And  
2 this is the return from Boksevica, so this is an interview with the man  
3 who is going back home.

4 Q. And what you said here is in fact that: "As regards our prison  
5 at Heliodrom which was under my jurisdiction, I could be sure that they  
6 would do everything possible to prevent anything unpleasant."

7 So what you're saying there, General, is, in fact, the Heliodrom  
8 was a military investigative prison of the HVO; we all know that. It was  
9 under your jurisdiction; correct?

10 A. It was not under my jurisdiction. An interview of this kind  
11 where I'm asked to explain some things, where I give those explanations,  
12 well, this is not an investigation. An interview of this kind, it's not  
13 part of the court proceedings. In an interview of this kind a person  
14 says some things that might not correspond with the facts. I'm not under  
15 investigation in this interview. I'm trying to explain on behalf of  
16 everyone what happened in my opinion, and I stand by what I said.

17 Q. All right. You stand by what you said here in this interview.

18 A. Mr. Stringer, I stand by the fact of explaining matters and not  
19 in court proceedings. The interview was not court proceedings. It was  
20 not a trial to establish what was exactly so. I'm explaining certain  
21 things.

22 Q. Right. Are you explaining them truthfully in this interview, or

23 are you not telling the truth to the journalist?

24 A. I say in that interview am saying a vital truth, but it's  
25 possible that I don't give the factual truth. In interviews of this kind

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1 things like that are skipped over. I am talking about a vital truth, the  
2 attitude towards camps, what we should be ashamed of, do the essence of  
3 the truth. Now, the factual truth in matters of this kind you don't  
4 always say. For me to enumerate things, it's not an investigation  
5 inquiry. It's just what I think about certain matters, and those are two  
6 different things.

7 Q. All right. So the vital truth --

8 MS. PINTER: [Interpretation] Mr. Stringer, could you show me  
9 where in the transcript it says -- the General says that Heliodrom is  
10 under his -- comes under his jurisdiction in the interview? Could you do  
11 that, please? I've been reading it, and I can't find that particular  
12 passage.

13 MR. STRINGER: If counsel's looking at the English translation of  
14 P09470, and in the bottom right-hand corner you see the page numbers 1,  
15 2, 3, and it continues, and this would be at the top of page 2, which  
16 also has a handwritten number 30 at the bottom middle part.

17 THE WITNESS: [Interpretation] Could I see that, too, please, and  
18 could you tell me what page in the Croatian text that is to be found.

19 MR. STRINGER:

20 Q. Let's just play the video again. You can listen to yourself say

21 it again.

22 [Video-clip played]

23 THE INTERPRETER: "[Voiceover] Praljak: When the camps started,  
24 when people had to be put somewhere, I said I was leaving - there was a  
25 short interregnum when I was there - I remember that I said to Mr. Bruno

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1 Stojic, who was the Defence minister, I said: 'Bruno, take good care not  
2 to do something we would be ashamed of.' He told me that as regards our  
3 prison at Heliodrom which was under my jurisdiction I could be sure they  
4 would do everything possible to prevent anything unpleasant. Of course  
5 one knew that some unpleasant things would happen, but we were not able  
6 very much to control things, although it could ... and what was down  
7 there was not under military control. It was simply a civilian part.  
8 That is how they were set up.

9 MR. STRINGER:

10 Q. All right. So here on Heliodrom, General, you're talking about a  
11 conversation with Bruno Stojic that took place during this disarmament  
12 process when the camps started. You make a reference to a short  
13 interregnum, and in terms of the time-frame, General, let me suggest to  
14 you that this interregnum is the period beginning on -- around the 11th  
15 of July, 1993. We talked about that the other day. When you left  
16 Boksevica, you came down to Mostar. You met with Mr. Boban. You had  
17 lunch, I think, with General Petkovic. You took a bath and may have  
18 spent the night at Bruno Stojic's. This would have been around the 11th

19 of July, just as the arrests, the disarming was taking place. And then  
20 you left and stayed gone until the 24th of July, when you came back to  
21 take command of the Main Staff.

22 So the interregnum period here where you're having this  
23 conversation with Bruno Stojic would have been around the 11th of July,  
24 correct?

25 MS. ALABURIC: [Interpretation] Your Honours, I apologise, but I

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1 don't think we've clarified the position of the Prosecution with respect  
2 to the objection made by my colleague Mrs. Nika Pinter on the contents of  
3 this interview. And now comparing the Croatian version and the English  
4 version and what we heard said on the tape, I can see that it was taken  
5 down from the tape wrongly, because General Praljak in this video was  
6 actually quoting Mr. Bruno Stojic, who said, "Don't worry. At Heliodrom  
7 this won't happen because Heliodrom is under my jurisdiction." But those  
8 words were not written down as reported speech in the transcript -- or,  
9 rather, as being Bruno Stojic's -- in direct speech. So that from what  
10 is lacking in this transcript, it came out as Heliodrom being under the  
11 authority of Slobodan Praljak, which is not correct, and so the  
12 transcript is not a correct representation of what was said on the tape  
13 and that's --

14 Q. Well, Mr. President, I'd like to respond to that.

15 THE WITNESS: [Interpretation] That's true.

16 MR. STRINGER: I'm sure he says that's true now that he's been

17 fed that answer by General Petkovic's counsel. Now we've played this  
18 video twice for the General, and he said that he was giving the virtual  
19 truth even if he wasn't giving the factual truth. He's had two  
20 opportunities to clarify or to take back the words that are attributed to  
21 him. And so I think what is happening here is improper.

22 MS. ALABURIC: [Interpretation] Your Honours, would you now  
23 compare the Croatian version -- just a moment, please.

24 THE WITNESS: [Interpretation] Mr. Stringer could not hear what  
25 was said because he does not understand Croatian. All he could do was

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1 follow the translation.

2 MS. ALABURIC: [Interpretation] Your Honours, you all know  
3 Croatian well enough for us to be able to compare the Croatian and  
4 English text. In page 1 of pages 8 in the Croatian text at the very  
5 beginning, in the upper corner says: "When it comes to disarmament," and  
6 the English text that we had is page 30 in the middle --

7 THE INTERPRETER: The interpreters note that we don't have that  
8 portion of the text.

9 MS. ALABURIC: [Interpretation] And if you look at what  
10 Bruno Stojic said -- or, rather that Praljak said -- Bruno Stojic said  
11 [overlapping speakers] [Previous translation continues] ... Just a  
12 minute, we have to clarify this Your Honours, we have to.

13 JUDGE TRECHSEL: Sorry, everyone.

14 THE INTERPRETER: Microphone, Your Honour, please.

15                   MR. STRINGER: Mr. President, if we're going to have this  
16                   discussion, we should have it out of the presence of the witness.  
17                   Because what's happening here is the witness is being suggested answers  
18                   and ways to evade the words that are being attributed to him in this.  
19                   Let's have this discussion outside the presence of the witness, and then  
20                   we can sort it out.

21                   MS. ALABURIC: [Interpretation] As far as I'm concerned, I agree.  
22                   No problem there. I don't mind us continuing without General Praljak,  
23                   but I think it's very simple.

24                   MR. STRINGER: [Overlapping speakers] [Previous translation  
25                   continues] ...

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1                   MS. ALABURIC: [Interpretation] We can see the English translation  
2                   is not --

3                   MR. STRINGER: [Overlapping speakers] [Previous translation  
4                   continues]... from the Trial Chamber on this request.

5                   JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I had noticed  
6                   what was said; of course it didn't escape. Me the question is to know  
7                   who is saying under my jurisdiction? Is it Stojic who said that, or is  
8                   it Praljak who said that? That's the whole crux of the question, and we  
9                   have the answer in the interview given at the time, not in what  
10                  Mr. Praljak would say today. He might very well be prompted by  
11                  Ms. Alaburic, I don't know. But the answer to the question is in the  
12                  video and the footage that was shot at the time. So the best is to look

13 at the video once again, and we'll draw our own conclusions.

14 Mr. Stringer, could we please play the footage once again, and  
15 then we'll see what Mr. Praljak is saying in Croat. This will be  
16 translated by the interpreters' booth.

17 Just a minute.

18 [Trial Chamber confers]

19 THE WITNESS: [Interpretation] Nika, ask for a new interpretation.

20 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, please leave the  
21 courtroom for a few minutes where you can rest a little bit, but of  
22 course you're supposed to stay in the grounds, on the premises, please.

23 [The witness stands down]

24 JUDGE ANTONETTI: [Interpretation] And we'll take a look at the  
25 footage once again in the meanwhile.

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1 JUDGE TRECHSEL: If I may. If I may be allowed to react to what  
2 we have heard. I can't help noticing that there are, in fact,  
3 differences in the transcripts. The Croatian transcript, as Ms. Alaburic  
4 says, presents the words of -- the words as from "Sto se tice ovog naseg  
5 zatvora koji ja imam pod inerencijom," which is himself saying that he  
6 has the authority. This is, of course, only a transcript, and the person  
7 transcribing this has put in the quotation marks. The quotation marks  
8 are not in the interview, and it may be delicate to find out whether --  
9 whether this quotation mark corresponds to what Mr. Praljak is actually  
10 saying there, and perhaps we should listen -- all listen to it in

11 Croatian also, because that might give us an idea of whether it is  
12 convincing to have the quotation marks or not.

13 [Video-clip played]

14 THE INTERPRETER: "[Voiceover] When -- about disarmament, when  
15 the camps came into being, I know that I was leaving. It was the  
16 interregnum when I wasn't down there. And I remember that I said to  
17 Bruno Stojic, who was Defence minister, I said: Bruno take great care.  
18 Don't do something that we're going to be ashamed of. And he said to me,  
19 As far as this prison of ours is concerned that I have authority over,  
20 you can be sure that we'll do everything to avoid any ugly things  
21 happening. Of course it's obvious to everyone that there are bound to be  
22 some bad things because our powers of control weren't that too grate.  
23 But we could do something, whereas down there it wasn't under military  
24 control; it was the civilian part. That's how they were set up. Now,  
25 when I went back down there I understood from everything that was being

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1 said - and it was being said that those camps --"

2 MR. KOVACIC: [Interpretation] Your Honours, when Mr. Praljak  
3 comes back into the courtroom, and he asked where this portion was in the  
4 Croatian translation, I propose that we give him that page, we provide  
5 him with the page. We've identified it. So give him the Croatian  
6 version. Perhaps you're going to say that I'm testifying now, but what  
7 he said -- and it's my mother tongue. There's no doubt. There's no  
8 doubt about it, and this discussion does not hold water. It is clear in

9       that sentence that Praljak says, "Bruno told me that," and that's how  
10      it's been transcribed in the transcript. That's what it says. That  
11      whole sentence is under quotation marks. And there's absolutely no  
12      doubt, not the least bit of doubt, no shred of doubt.

13           MS. NOZICA: [Interpretation] Your Honours, I apologise. Now,  
14      Croatian is also my mother tongue, and I absolutely cannot see clearly  
15      that there should be quotation marks there. I consider that the English  
16      translation is good, that it's been well-translated, because when  
17      Mr. Praljak says, "I told him," and then he quotes what he told him, and  
18      further on the text there's no quotation, and further on when he speaks  
19      about prisons under military control and those not under military  
20      control, I consider that the military text is correct. And ultimately  
21      let's ask Mr. Praljak what he thinks and who said under -- in quotation  
22      marks, "our control." If Mr. Stojic used the word "our," then it meant  
23      Praljak's and his own. Or did Praljak say under quotation marks "our"?  
24      But let us ask Mr. Praljak and allow him tell us what he means. And I  
25      consider that the English translation is wholly correct.

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1           JUDGE ANTONETTI: [Interpretation] I wanted to add something on  
2      the transcript. In the French translation the interpreter who translates  
3      from Croatian directly into French without going into -- through the  
4      English booth says the following, says, Stojic is talking about "our  
5      prisons." This is what Stojic told the -- General Praljak, but then  
6      General Praljak says, "our prison which is under my jurisdiction." So in

7 the French translation, the French interpretation, Mr. Praljak does  
8 recognise that the prison is under his own jurisdiction. This is what we  
9 get from the French booth. For what it's worth, that is exactly the  
10 words we get from the interpreter.

11 Mr. Stringer, could we ask Mr. Praljak to come back into the  
12 courtroom. You asked him to be sent out for a minute.

13 MR. STRINGER: Just before that, and I wish I could say I speak  
14 Croatian, so that I could give my opinion, but of course, I'm in the  
15 hands of the interpreters and everyone else. And maybe it's  
16 inappropriate to suggest this, but I don't whether the interpreters or  
17 the CLSS can -- as sort of a neutral party is in a position -- it may be  
18 clear from the way he's speaking, the tone of his voice, the inflection,  
19 I don't know. All I have is -- is a translation that's in front of me,  
20 and it's one that we double checked before we came into court today. I  
21 can assure the Trial Chamber that, because these are important matters.

22 You know, whether the interpreters see this as something that is  
23 not controversial, it might be useful to know, but I don't know whether  
24 it's appropriate to put them in the hot-seat.

25 JUDGE ANTONETTI: [Interpretation] The Trial Chamber fully agrees

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1 with this idea and is asking the Registry to please ask the competent  
2 services to translate the words uttered by Mr. Praljak during this  
3 interview in this video footage we just saw.

4 Mr. Kovacic.

5 MR. KOVACIC: [Interpretation] Your Honours, for the record I  
6 wanted to say that I completely, wholly agree with the these -- this  
7 suggestion. We have the Croatian on the tape. It's a very good -- a  
8 very good quality. We can hear it well. And we have the written  
9 transcription in Croatian, which our opinion is absolutely correct. It's  
10 been taken down absolutely correctly. So if we have three professional  
11 translators or interpreters, and if they listen to those couple of  
12 sentences we'll get a definitive answer. Thank you.

13 MS. NOZICA: [Interpretation] Your Honours, I apologise, but I'd  
14 like to say that we agree absolutely with that proposal, and we shall  
15 accept a definitive, professional answer by the translators,  
16 interpreters, having listened to the tapes and looked through the  
17 material again.

18 JUDGE ANTONETTI: [Interpretation] Well, for once everyone agrees  
19 and we can only be very happy about this. Shall we bring Mr. Praljak  
20 back into courtroom? Yes. Very well.

21 [The witness takes the stand]

22 MR. STRINGER: Mr. President, I'm just going to move -- I'm going  
23 to pass that, pass over this -- [French on English channel]

24 JUDGE ANTONETTI: [Interpretation] General Praljak, the Prosecutor  
25 is going to move on to another topic, but let me tell you, while you were

3                   Mr. Stringer, we have ten minutes left before the break.

4                   JUDGE TRECHSEL: If I may add a point. I think we need not just  
5                   the translation, but also a new transcription to see whether they hear  
6                   the quotation marks.

7                   MR. KARNAVAS: If I may pipe in a little bit. The best evidence  
8                   is what he uttered, not what's written down, and if -- in -- my  
9                   respectful submission is rather than having them write some dissertation  
10                  on what they interpret is for them come here and then -- or from the  
11                  booth, and they can utter to us exactly their interpretation, because  
12                  they're listening. This is not a written text. This is an oral text.  
13                  So the best evidence is what was uttered through the witness's mouth at  
14                  the time, and they can discern exactly what was meant based on the  
15                  inflections. That's how it -- at least in the common law practice,  
16                  that's how it would be handled.

17                  JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, I believe the  
18                  translation service will listen to the tape, and they will translate.  
19                  There's B/C/S; there 's English. So I believe that more than one  
20                  translator or interpreter is going to take a look at this. Normally  
21                  that's the way it should be, anyway. Let's see what happens. Let's wait  
22                  and see.

23                  Mr. Stringer.

24                  MR. STRINGER:

25                  Q. General, I want to -- I want to talk about -- well, I just want

1 to continue, actually, from where I think I was when we -- we got  
2 side-tracked.

3 Without talking about the conversation itself with Stojic and who  
4 said what, I was asking you about the time-frame on the short interregnum  
5 that you made a reference to here. When you were leaving, it was during  
6 this disarmament process when the camp started, and you were not there,  
7 and so I was suggesting to you, General, that that interregnum period  
8 would have been sometime around the 11th of July, 1993, when you'd left  
9 Boksevica, spent some time with Mr. Stojic, took a bath, and then went  
10 back to Zagreb.

11 Would that be the time-frame of this conversation that you're  
12 referring to?

13 A. Well, I'm mentioning the time-frame, the period of time, but an  
14 interregnum is something else. That could indicate something with  
15 respect to duties. I was at Boksevica, and on the 11th I think I set out  
16 for Zagreb after I had a bath at Mr. Stojic's, had dinner, and I returned  
17 on the 24th. So as to where I was when -- and we know what I was doing  
18 up at Boksevica and what I did after the 24th.

19 Q. But it just seems to me, General, that you're talking about the  
20 disarmament process, which we know began in early July 1993. You say  
21 when the camp started, you said, I quote:

22 "I said as I was leaving there was a short interregnum when I was  
23 not there."

24 General, I'm suggesting to you that that period of time when you  
25 were not there is this period from about the 11th of July to the 24th of

1       July. Would you agree with that?

2           A. It's true that I wasn't there, but not as an interregnum or not  
3           having authority.

4           Now, let me add. In this interview I'm being asked -- or,  
5           rather, I'm explaining, I'm putting forward my moral position. It is not  
6           a factual recounting but an expression of a moral position, of a possible  
7           explanation of what it was like, so that's the kind of interview it was,  
8           where what was asked for was --

9           Q. And then I'm going to move down a little bit in the text. You  
10          say:

11           "Upon my return, I understood from what the people had started  
12          saying already that the camps looked bad."

13           Now, General, this would be the 24th of July, 1993, when you took  
14          command, and what you're telling us here, General, is in fact even upon  
15          your return you had knowledge that things were not proper in those camps  
16          that you discussed with Stojic before you left. Isn't that true? Or at  
17          least one camp.

18           A. That's not correct, Mr. Stringer. If you look at what it says  
19          later on, I don't say after my return -- well, you know what I said. And  
20          I go on to say that I allowed the journalists through. Then we learnt  
21          that -- and I think I remember after seeing this text appear in Globus, I  
22          called up someone in Capljina because they needed blankets. And I rang  
23          them up and said, Take them some blankets. I can't remember now exactly.

24        But anyway after my return does not mean the next day, tomorrow. It  
25        means --

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1            Q.     All right.

2            A.     Well, the journalists were allowed through. We had to show them  
3        regardless. And I think if the translation is a good one, then apart  
4        from making possible factual mistakes, because I wasn't asked that then  
5        or did I know about all the facts at the time over there, I'm explaining  
6        my position around all this here.

7            Q.     And you said here:

8            "I personally issued orders as regards the other one, in Dretelj.  
9        One was in Dretelj, and the other in Gabela. I asked that they --" and  
10      then the interviewer interrupted you. And you said, "Yes. I personally  
11      demanded that the camp in Gabela be properly organised with straw  
12      mattresses, water, bathing, et cetera. Those camps in that kind of state  
13      required by the laws of war. In that period several new teams were  
14      waiting to be allowed to film there. Of course, one could already feel  
15      that people were afraid that they would see the same things there that we  
16      had seen in Serbian camps."

17           So, General, despite what you have been telling us in your  
18      testimony, what you're saying here is that you were aware that the  
19      situation, the conditions in Gabela were not in accordance with the  
20      standards and that you issued orders for Gabela to be brought up to  
21      standards. True?

22        A. No, your interpretation isn't correct. If you were watching the  
23        footage, when he asked me -- I can't remember. Gabela. Well, oral  
24        speech and the transcription of speech are two different things, and if  
25        you look at the image, I'm trying to remember whether it was Gabela or

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1        Dretelj, because I don't know that at that point in time. Possibly I  
2        did, but only after information received from the journalists about what  
3        had happened in Gabela, what was going on in Gabela.

4           Q. All right. Well, actually what's indicated here is you ordered  
5        them to clean up the camp because there were news teams waiting to be  
6        allowed to get in. So you ordered the camp to be cleaned up so that the  
7        media wouldn't see what was really going on in there. Isn't that how it  
8        was?

9           A. No, sir. You will see from Mrs. Ivanisevic's testimony that she  
10        called me in Citluk and that I faxed back the approval which worked. And  
11        she was able to go into the camp. I couldn't say anything to the effect,  
12        Clean it up, newspaper -- a team of reporters is coming in. She called  
13        me in Citluk, and I sent a fax to her. I had signed it. You will see  
14        that from her testimony. You cannot interpret this interview as  
15        containing the accurate fact, precise facts. You can see that I'm  
16        rubbing my forehead trying to remember what the camps are called. In  
17        this interview, I'm just trying to explain what had been going on, and  
18        I'm also making clear what my attitude is.

19           Q. Last question before the break. So, General, when you said in

20       this interview, "I personally demanded that the camp in Gabela be  
21       properly organised," are you telling us that you were not telling the  
22       truth in that interview, that that's false?

23       A.     No, neither is true. I'm telling you that it's possible -- well,  
24       I remembered at the time probably. I can't remember now. It's possible  
25       that I demanded from the Capljina barracks to send some mattresses, but

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1       after the newspapers showed what the situation was like. Well, not  
2       newspapers, but it was the Globus magazine. Five or six days or six or  
3       seven days after the journalists had been there, I saw it, and that's  
4       what I said here.

5           MR. STRINGER: Mr. President, we can take the break.

6           JUDGE ANTONETTI: [Interpretation] It's time for the break. We'll  
7       break for 20 minutes.

8           --- Recess taken at 10.30 a.m.

9           --- On resuming at 10.55 a.m.

10          JUDGE ANTONETTI: [Interpretation] Very well. We're back in  
11       session.

12          Mr. Stringer.

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

14          Q.     General, I want to now move over to the second bit of BBC video  
15       of an interview that -- the part we weren't able to bring up before. And  
16       this is a continuation of the part we showed you yesterday when you were  
17       talking about disarming. And so we're going to play more of it now,

18 although we're not going to start again at the very beginning. And this  
19 is P09258. This is bottom of page 8 of the English, and I believe that  
20 we are somewhere on page 11 of the translation, the B/C/S.

21 [Video-clip played]

22 THE INTERPRETER: "[Voiceover] You have to react very quickly,  
23 because it was literally a matter of hours as to who would disarm whom.

24 "And if you are faced with a situation in which you can either  
25 react by disarming your enemy or be disarmed and thus really lose

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1 everything, I do not think that we would recover from that so well. I'm  
2 prepared to accept responsibility for the decision to disarm them, once  
3 it all started, because there was no more trust left, and it was much too  
4 dangerous to wait and risk it. So I'm prepared to take responsibility  
5 for the decision on disarming in Livno, Prozor, Vakuf, and so on,  
6 even ... but I'm not prepared to accept responsibility for what the camps  
7 looked like. And I would like to stress another thing here;  
8 unfortunately, it was not the army who ran those camps. The army had a  
9 prison. Let us not use that ugly word "camp." A prison at Heliodrom.  
10 And that prison on was checked by the international and humanitarian  
11 organisations within acceptable limits, give or take some problems, and  
12 it satisfied the required conditions. Let us be realistic: Of course  
13 there were incidents there, that is for sure. People were beaten and so  
14 on. One could not expect us to have enough strength to organise  
15 everything in such tumultuous times. However, whatever we could, we

16 tried to prevent and did prevent, but" -- inaudible. "And I don't know,  
17 obviously some things that were not good happened there so that the camp  
18 looked like ... at the moment I went there, and I was missing there. We  
19 should check the dates. But when I got there I did everything, and I  
20 demanded that the camps be brought in the condition that is required by  
21 the international laws of war, that reporters -- reporters be allowed in  
22 even though they looked bad, because it was worse not to let them in,  
23 because the conditions, however bad, could not be as bad as what they  
24 could depict it if you did not let them in. I demanded that the  
25 journalist teams be allowed in even though I knew, and we had to accept

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1 this because this is how it was, that the journalists would report it and  
2 that we would have to pay a price, but also that we would resolve it  
3 faster that way under pressure from the international public and by  
4 ourselves, I think that it was then resolved. Of course, I cannot  
5 justify what happened, but whatever I could do or we could do from the  
6 military side, we did. I think that you should look for those  
7 responsible outside the army.

8 "Reporter: Did you visit any of they centres?"

9 THE INTERPRETER: Interpreter's note: The tape is hardly  
10 audible.

11 THE INTERPRETER: "[Voiceover] Praljak: No I visited Heliodrom,  
12 and it looked all right. I went down there, when they told me I was to  
13 be frank, the danger of losing territories of an escalation of the war

14 was so great that I decided -- that I dedicated most of my time to the  
15 war. I've already said something about this question. I could have  
16 dedicated myself to the camps, which would have solved the problem  
17 faster, but I would have lost territory. Where would we be there?"

18 MR. STRINGER:

19 Q. Now, General, yesterday under oath you told us that you never  
20 went to the Heliodrom in 1993, that you were only there once in 1992  
21 during the summer. Does this refresh your recollection, General, that,  
22 in fact, you did visit the Heliodrom and found that, in your view, it  
23 looked to be okay?

24 A. No, sir. I stand by the fact that I did not go to Heliodrom.  
25 And let me repeat here, it's a TV programme called "The Death of

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1 Yugoslavia." I was told I would be speaking about general issues, and  
2 I'm here speaking on behalf. I'm trying to explain on behalf of everyone  
3 in a way acting as a front. I'm trying to explain how I -- how I  
4 understood the situation subsequently.

5 I was not in Heliodrom in 1993.

6 Q. All right. So when you said -- because you're talking about  
7 Heliodrom. You're talking about other camps. And so when you said here  
8 that you visited the Heliodrom and it looked all right, you were not  
9 being truthful with the journalist who was interviewing you; correct?

10 MS. NOZICA: [Interpretation] Your Honour, I apologise. An  
11 objection to the question. Based on what we saw, Mr. Praljak said that

12 Heliodrom was a military investigative prison. He didn't say it was a  
13 camp. And now in this question it is being put to him -- well, the  
14 question is from Heliodrom and other camps, as if Mr. Praljak had said  
15 that Heliodrom was also a camp. So I have an objection as to the  
16 precision of the wording, because we've all seen how Mr. Praljak  
17 described Heliodrom in his interview.

18 THE WITNESS: [Interpretation] Well, I cannot deny what is  
19 indicated here as my words, but I don't say the year at the time. I was  
20 not in Heliodrom in 1993, not at a single point in time. You can go  
21 through my stay there from the 24th of September day by day following my  
22 stay there through orders and various combat actions.

23 MR. STRINGER:

24 Q. You know, we can start this over from the very beginning, which  
25 we played yesterday and earlier --

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1 A. Well, yes, you can.

2 Q. -- because this all begins with a question about detention  
3 centres, and then the reporter, the interviewer, makes a reference to  
4 17 July 1993, news about the existence of these centres is published, and  
5 then you go on talking about the decision on disarming the Muslims. So  
6 clearly the whole context of this is that you're talking about the HVO,  
7 ABiH conflict during 1993. Isn't that true? You're not talking about  
8 1992 here.

9 A. Well, Mr. Stringer, here I use the pronoun "we," so my subsequent

10 knowledge about something -- he's asking me what I know about that, and I  
11 explain to him that given the situation, the escalation of hatred and of  
12 conflict -- well, what is said here? And I say at one point to the  
13 journalist, one should determine the dates exactly, which means that I  
14 don't know the dates --

15 Q. All right.

16 A. -- and I'm saying, well, I'm not under investigation. I'm not  
17 presenting facts. I'm trying to explain the sense of it all.

18 Q. General, you say here: "The army had a prison. Let us not use  
19 the ugly word 'camp,' a prison at Heliodrom." All right? The army had a  
20 prison at Heliodrom.

21 Now, General, what you're telling us here, in fact, that the  
22 Heliodrom prison was within the competence of the army; correct?

23 A. No, that's not correct. That's not correct. The term "army,"  
24 well, when I use it, I mean the extended meaning of the term, because who  
25 was in charge in Gabela and down there, well, I don't think that it has

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1 been ascertained. You should have started from the bottom and go up.

2 Q. Let's start at the top and work down. Let's stay with Heliodrom.  
3 You're talking about the extended --

4 A. Well, you might as well.

5 Q. The extended army, are you making a reference here to perhaps the  
6 military police? The military police had a prison at Heliodrom?

7 A. Well, a military investigative prison, sir, has its explanation.

8 Who, how, what, where? When I say the army, I mean the military  
9 investigative prison. It's part of that organisation, not -- it is not  
10 under the Main Staff. So let me repeat. It's not under the Main Staff,  
11 but I can't really tell you under whom it was.

12 Q. General, tell the truth. Stop protecting your colleagues. Tell  
13 us the truth. What part of the army was responsible for the military  
14 investigative prison at the Heliodrom?

15 A. Mr. Stringer, I'm not protecting anyone. You've seen me use the  
16 term "we" in a way assuming some distant moral guilt for everything that  
17 happened. I explain what the situation was like. I'm saying that I'm  
18 ashamed as a human being, as a Croat, in any which way you like. I'm not  
19 protecting anyone, but protecting someone and accusing someone on the  
20 basis of unverified facts or facts that you're not certain of, these are  
21 two different things. In this interview I'm completely truthful, fair,  
22 and I stand by what I said there. Now you're asking me to assist you  
23 with your job and to accuse my colleagues based on facts that I'm not  
24 sure about. I was the commander of the Main Staff. I am responsible for  
25 my acts, my documents before this Tribunal. And please show me what you

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1 want to show me, and then I will tell you what I know about it.

2 Q. General --

3 A. I will answer to the Judges and to you to the questions that you  
4 ask me to the best of my knowledge without trying to protect anyone.

5 Q. When you said the army had a prison at Heliodrom, you tell us,

6       then, what you had in mind. What part of the army had a prison at the  
7       Heliodrom?

8           A.     The military investigative prison is part of the army. Now, who  
9       appoints the warden? Who at what time? Well, I don't know for God's  
10      sake, Mr. Stringer. You do understand what "I don't know" means, but I  
11      do know that it was not the Main Staff.

12          Q.     General, I'm going to move down to the last sentence before the  
13      next question from the reporter. You say:

14                "I think that you should look for those responsible outside the  
15      army."

16               Now, here, this is the bottom. I think you're --

17          A.     I'm not saying a little bit. I'm saying unqualified. "You  
18      should." You can play it again and you will then hear what I said  
19      precisely. I did not say "You should look a little bit for those  
20      responsible outside of us," I mean the defence system, but --

21          Q.     Maybe we had a little misunderstanding or there was an  
22      interpretation issue. I think - you can correct me if I'm wrong - you're  
23      referring to Dretelj and Gabela here, and for those who say -- "I think  
24      that you should look for those responsible outside the army." Do you see  
25      that?

1           A.     Could we please play this bit again? I need to look at it again,  
2       because it appears to me that I did not say "a little bit." We need to  
3       replay it.

[Video-clip played]

5           THE INTERPRETER: "[Voiceover] Secondly, I really don't know, bad  
6       things obviously happened there so that that camp looked ... at the  
7       moment I went there, because I was missing there for a while, you should  
8       check the dates precisely, as soon as I arrived there I did everything,  
9       and I demanded that everything be -- possible be done to put the camps in  
10      the kind of condition required by international laws of war, that  
11      reporters be allowed in even though they looked bad."

12           MR. STRINGER:

13           Q.     Okay. General, maybe it would be easier for us just to walk  
14      through this. And then we'll play all the rest of it. So on this part  
15      that you've just talked about, General, again you're making a reference  
16      to the fact that you'd been away for a while, and then you returned, and  
17      you said:

18           "At the moment I went back there, I had again been absent for a  
19      while. I should check the dates precisely. As soon as I arrived there,  
20      I did everything, and I demanded that everything possible be done to put  
21      the camps in the kind of condition required by international laws of  
22      war ..."

23           Now, General, again, I'm going to put it to you, what you're  
24      saying here is that when you arrived on the 24th of July to take command  
25      of the HVO Main Staff you knew the situation of the camps, and you're

2 Isn't that true?

3 A. No. At the time when I went down there, when I arrived, when I  
4 was missing from that area for a while, that means that I was in a war, I  
5 was fighting. And now I said we should check the dates. I'm telling the  
6 journalist I don't have the dates at my fingertips. I don't have the  
7 facts of that kind at my fingertips. This is not the subject of this  
8 interview. I was in Vakuf. I was trying to let the convoy go through.  
9 There was some fighting. This is what I mean when I say I was missing  
10 from this area. And then the journalists came, so we're trying to  
11 determine dates here, while in the interview I'm talking about completely  
12 different things. So don't try -- because I say to the journalist, "We  
13 should determine the dates exactly."

14 Q. All right. Well --

15 A. And now you are drawing some totally --

16 Q. Very well. If you refer to the reporters, then, I know that  
17 you've talked about the reporter that came to you on, I believe, the  
18 5th of September. So is that the time-frame you're talking about here?

19 A. No, sir. On the 1st of September I got a call from a  
20 representative of the ZDF team in Capljina -- from Capljina. She called  
21 me in Citluk, and I faxed the approval from Citluk to her. I think that  
22 on the 4th or on the 5th a journalist from Globus came. On the 9th  
23 Vulliamy came. I think we all heard about that.

24 My position is quite clear. Let the journalists in, let them  
25 see, and then do everything. So please don't now confuse some knowledge

1       that was based on subsequent facts with those facts.

2           Q.     And the approval that you issued from Citluk related to the  
3                   Dretelj camp, granting access to the Dretelj camp, or facility.

4           A.     I don't know, sir, whether it was Dretelj or Gabela. We have a  
5                   statement by Ms. Ivanisevic. You can call her, the Trial Chamber can  
6                   call her, and let her explain how this conversation proceeded and the  
7                   approval and so on, everything else.

8           Q.     Well, when you said here that the camps or the facilities were  
9                   something for the Croat people to be ashamed of, are you referring to the  
10                  Dretelj and Gabela facilities?

11          A.     Well, I don't know. I said that I as a Croat was ashamed. I was  
12                  talking about myself, and I was referring to the fact that I saw up until  
13                  1995 -- not 1993 but until 1995. Up until 1995 I managed to learn some  
14                  things. And in this interview, I claim that as a Croat and as a human  
15                  being I was ashamed of all those things.

16          Q.     And then when you say that in terms of those responsible, you  
17                  said:

18                  "I think you should look for those responsible outside the  
19                  army."

20                  Who were you referring to then, the people outside the army who  
21                  are responsible?

22          A.     To look for something means that that's what you do. You look  
23                  for something, to seek. And it follows from this that the army was not  
24                  responsible, and you should go and look for who is responsible outside of

25 it. It's up to the investigative organs to do that. It's not my job.

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1 MS. NOZICA: [Interpretation] Your Honour, I waited for the  
2 question to finish. My learned friend started replaying the videotape --  
3 perhaps -- well, I'm insisting on it to be replayed because we have a  
4 mistake, because the English version states to look for someone outside  
5 of the army. And in the Croatian version you can hear that Praljak says,  
6 "You can look for those responsible outside of us." The word "army" is  
7 not used. So this is a discrepancy between the original and the  
8 translation, but we should listen to it again.

9 MR. STRINGER: We'll play the rest it have now through to the  
10 end, and this part counsel has just referred to is at the end.

11 [Video-clip played]

12 THE INTERPRETER: "[Voiceover] Because it's worse not to let the  
13 journalists in because the conditions, however bad, could not be as bad  
14 as what they could write if you did not let them in. I demanded that the  
15 journalist teams be allowed in even though I knew, and we had to accept  
16 this because that is how it was, that the journalists would report it and  
17 that we would have to pay a price, but also that we would resolve it  
18 faster that way under pressure from the international public and by  
19 ourselves. I think that it was then resolved. Of course, I wouldn't  
20 want to justify everything that happened, but whatever I could do or we  
21 could do from the military side, we did. I think that you should look a  
22 little bit for those responsible outside of us."

23 THE WITNESS: [Interpretation] Yes, it does say "a little bit  
24 outside of us," but it's a difference between speech and written text.  
25 When I say, "Well, the army did something, but look for those responsible

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1 a little bit outside of us," it's a difference between the subtlety of  
2 speech and the cold nature of language, and that's why every text must  
3 always be authorised and that's always a problem with the transcripts and  
4 the intonation. When I say "a little bit outside of us," it's quite  
5 clear, but unfortunately those who don't speak Croatian can't hear it.

6 MR. STRINGER: Mr. President, I've completed my questions on this  
7 videotape, so we can move on unless there is something --

8 JUDGE ANTONETTI: [Interpretation] Yes. In fact, I have a few  
9 technical questions regarding the video.

10 I noticed that your watch was showing five to 12.00. Do you  
11 remember if the interview started at that time? When did it start? Do  
12 you remember?

13 THE WITNESS: [Interpretation] Well, it was in day time.  
14 Unfortunately, they came with a bad camera and with a microphone that was  
15 turned towards me and you could hardly hear the reporter. It was in day  
16 time. That's what I'm sure, Your Honour Judge Antonetti, but I can't  
17 really tell you the exact time.

18 JUDGE ANTONETTI: [Interpretation] Very well. You have seen this  
19 footage. Do you believe that it faithfully reflects everything that you  
20 said, or did they edit it because they maybe didn't want to broadcast

21 some topics? Or is it completely as it weapon from A to Z? Is it  
22 complete?

23 THE WITNESS: [Interpretation] Well, Your Honour, we spoke for a  
24 long time. I think there are at least two hours of video footage, if not  
25 more. The essence of our interview was to explain how Yugoslavia broke

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1 down. So I dealt with political sociological issues, how the war spilt  
2 over from one area to the next, how hatred escalated. The focus was not  
3 on facts, on the dates.

4 JUDGE ANTONETTI: [Interpretation] Very well.

5 When we look at the footage, we are under the impression that you  
6 are in a very small office. We see that your military jacket is hanging  
7 on a hook and the office seems small. Can you confirm that to us? Was  
8 the office indeed very small?

9 THE WITNESS: [Interpretation] It's a very small office.

10 JUDGE ANTONETTI: [Interpretation] Very well. So you were there.  
11 There was a person who was filming and the reporter putting questions.  
12 But I also noticed on a few occasions in the video you're looking at the  
13 reporter, you're looking at him, and from time to time you look somewhere  
14 else. We see your eyes move in another direction. I was just wondering  
15 if somebody else was there as well during the interview.

16 THE WITNESS: [Interpretation] No. I think that a secretary came  
17 in once or twice, and I said to her, Beti, you don't have to be here.  
18 Maybe the lighting guy. My -- I was -- the light source was behind me,

19 so you couldn't -- you couldn't be -- you couldn't see my face unless  
20 there was some light source.

21 JUDGE ANTONETTI: [Interpretation] Very well, so under oath you  
22 are telling me that nobody was controlling what you were saying? Nobody  
23 was there to tell you what to say?

24 THE WITNESS: [Interpretation] I can confirm absolutely that I  
25 spoke freely.

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1 JUDGE ANTONETTI: [Interpretation] Very well.

2 MR. STRINGER:

3 Q. General, do you still have the video on the screen in front of  
4 you? Because just to point out -- Mr. President, I know that nothing  
5 escapes you, nothing escapes our case manager either.

6 General, are you wearing the same tie today that you were wearing  
7 in the interview?

8 A. Well, as you can see, things last. Things in my possession last  
9 for centuries, and the only difference is that I'm older and my hair is  
10 greyer. Also, I have the suit still, the one in the video.

11 Q. General, I'm going to move on. I'm going to skip a few documents  
12 in the binder, and I'm going to move to the -- what I think is the second  
13 to last document, P06729, 6729. And you're going to see, General, this  
14 relates to the period of time after you had left the command of the  
15 Main Staff and had returned to Zagreb. This is a report of the SIS and  
16 military police sector, in a relation to the work of the prisoner of war

17       shelters at Gabela and Heliodrom, and this is to Colonel Biskic  
18       personally. And, General, what's happening here, this report to Biskic,  
19       the person that's writing this report, Mr. Cvitanovic is giving this  
20       report to Biskic on the basis of a verbal order of Biskic. And on the  
21       basis of this order, he went to these two -- or these two facilities and  
22       -- to look into the situation there and then reported back to Biskic.  
23       And I'm not going to go through all of this. He talks about Gabela first  
24       of all.

25           According to this period of time, there are about 300 POWs in

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1       each of the said facilities. There are currently 1.268 prisoners of war.  
2       All prisoners of war are persons of Muslim nationality, male. There are  
3       some of them who are under 18 and some who are older than 60.  
4           He says: "In brief personal contacts with prisoners of war, the  
5       impression is that many of them have been brought to the shelter from  
6       their homes, street, or workplaces while the rest have been captured  
7       during combat operations.

8           "Although there are no precise numbers for these categories, the  
9       fact is that so far nothing has been done to separate, provide  
10      accommodation, and apply all other criteria to these two so-called  
11      categories of persons housed on the premises of the shelter."

12          And he goes on talking about the conditions. Again, I'm not  
13      going to go through this. It's rather lengthy.

14          At the Heliodrom, this is on page 5 of the English, he talks

15 about 2.600 prisoners of war who are of the same category as the  
16 prisoners of war in the previous shelter.

17 Now, General, if you recall from his testimony when he came and  
18 testified in this case, Marijan Biskic testified that he arrived in  
19 Bosnia-Herzegovina on the 8th of November and that General Roso gave him  
20 an assignment by which he was Roso's security assistant and assistant for  
21 military police. Now, General, I'm going to put --

22 MS. ALABURIC: [Interpretation] Your Honours, objection, because  
23 my learned friend Mr. Stringer didn't fully explain what the witness  
24 Marijan Biskic said. Witness Marijan Biskic said that General Roso  
25 appointed him to the post that Mr. Stringer mentioned because at that

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1 point in time a new post was being opened in the -- a new position in the  
2 defence ministry and that he stayed for two or three weeks in the  
3 Main Staff, he remained there, and once the papers were completed, he was  
4 appointed assistant minister for security. And if we're going to quote  
5 what Marijan Biskic said about his functions in Herceg-Bosna, we ought to  
6 explain this fully.

7 MR. STRINGER:

8 Q. I'm looking at the transcript page 15040. Obviously the  
9 Trial Chamber can recall or will find what Biskic's position and  
10 responsibilities are.

11 He was asked on the 5th of March, 2007, this question:

12 "And when you arrived in Bosnia and Herzegovina on 8 November

13        1993, were you assigned to any specific duties?"

14            And the answer is:

15            "General Roso gave me an assignment by which I was his security  
16            assistant and assistant for the military police. He conveyed this to me  
17            orally."

18            That's what I've got with me. The document we're looking at is  
19            from the 18th of November, so ten days after this oral appointment  
20            Biskic, by General Roso.

21            Now, General, my question to you is this: During the entire time  
22            that you were commanding the HVO Main Staff, did you request any reports  
23            be made about conditions in Heliodrom, Dretelj, or Gabela?

24            A.     Mr. Stringer, you can ask reports from people who are  
25            subordinated from you because they come up the chain of command -- or

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1            down the chain of command. So I can't ask anybody to send me reports who  
2            is not under my command.

3            Q.     So it's your testimony, General, that during the time you were  
4            commander of the HVO Main Staff you did not have authority to request or  
5            to order that reports on camps or prisons be provided to you?

6            A.     That's precisely what I'm saying.

7            THE WITNESS: Now, Judge Antonetti Your Honour, I have taken a  
8            look at the image, a reflector was there because I say its reflection on  
9            one of the hangers, the coat hangers. Referring to the footage, the  
10          reflector was to the right of the camera because I saw that it was

11 reflected, its light was reflected on the lacquered coat hanger. I  
12 apologise for that intervention.

13 Q. I'm going to come back to the testimony of Mr. Biskic on the 5th  
14 of March, 2007. Well, let's first do this. Let's go to the next  
15 document, General, P06805. Now, this one's dated the 22nd of November,  
16 1993, and this is from the chief of military police administration. It  
17 appears to be -- or maybe Mr. Lavric -- well, the copy is not the best.  
18 And in this -- again, this is a report on the case of prisoners of war,  
19 and I'm not going to go through all of its terms. Rather, I want to take  
20 you to the testimony of Marijan Biskic, and I'm going to put something to  
21 you, because Biskic was talking about this exhibit, and this is page  
22 15087 of the transcript. Biskic says in regard to this exhibit, 6805, he  
23 says:

24 "It's a document whereby the acting head of the military police  
25 administration, Mr. Lavric, is responding to an order from me and the

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1 questions raised with respect to the collection centres or prisons or  
2 centres or POWs."

3 And Biskic is asked more questions about the document. And then  
4 he's asked on page 15088:

5 "Now, Mr. Biskic as a result of this initial information that you  
6 received in November 1993, what steps, if any, did you take with respect  
7 to the collection centres or centres for prisoners of war on the  
8 territory of Herceg-Bosna?"

9 And he says:

10 "Well, I've already mentioned that once the first information was  
11 received, I informed Minister Jukic, and the Chief of the Main Staff of  
12 the Croatian Defence Council, General Roso. The result of that report  
13 was that General Roso issued an order disallowing any detainees to be  
14 taken out and saying that they should be returned. And Mr. Jukic issued  
15 an order or gave a task to the other -- to the assistant minister for the  
16 sector of health, telling him to establish a team of physicians to visit  
17 all the collection centres -- or, rather, the places where detainees were  
18 being held."

19 And I'm going to skip a couple lines. He says:

20 "At the same time, I proposed that these problems that were noted  
21 should be resolved, and this I did at the meetings held in the Main Staff  
22 and the Ministry of Defence of the Croatian Republic of Herceg-Bosna."

23 Now, General, here we are about two weeks after you've left the  
24 HVO Main Staff. And what we see, General, first of all, is that there  
25 are strong efforts being made to report the situation on the camps.

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1 Those reports are going right up to the Chief of the Main Staff of the  
2 HVO, General Roso. Isn't that true?

3 A. We're going back to the same thing, that it says what it says  
4 there. I wasn't there any more. And it says this about Roso, although  
5 to be quite frank, from what I have seen, 80 per cent of the situations  
6 had already been resolved while I was listening and while I -- when they

7 arrived in October.

8 Q. The fact is, General, that within two weeks after replacing you,  
9 General Roso and the people he put in place knew infinitely more about  
10 the conditions and the situation on the camps than you ever did. Isn't  
11 that true?

12 A. No. No, I don't believe they knew more, and I don't think they  
13 dealt with things like that. These are papers. You have to see who  
14 actually did what and not to see whether somebody wrote down some papers  
15 in haste and appointed someone but what these people actually did  
16 afterwards, on what grounds, and how successful they were in doing what  
17 they did. It's not only a question of writing it down on a piece of  
18 paper. There was a lot of paper writing generally.

19 Q. What Biskic says -- what Biskic says is that these were discussed  
20 at the Main Staff and the Ministry of Defence. And the fact is that's  
21 because the Main Staff and the Ministry of Defence are the bodies that  
22 are responsible for these prison camps and detention facilities. Isn't  
23 that true? They're both responsible.

24 A. That's not true. What Roso and Biskic are going to do, it's up  
25 to them. It's their problem. When they're going to do, how successful

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1 they're going to be in what they do. And anyway, at that time the war --  
2 rather, a conflict or the BH Army attack was already almost completed.

3 Q. Thank you. It was their problem. Yeah.

4 A. You're welcome.

5 Q. Let's move on, unless there are questions from the Trial Chamber,  
6 to the next binder. This is binder number ten.

7 MR. STRINGER: Mr. President, as I've indicated, this is the last  
8 sort of real binder --

9 [The witness stands down]

10 MR. STRINGER: There's going to be some additional exhibits after  
11 this one, but it's not going to be a real binder, if I can put it that  
12 way, just a smaller collection.

13 [The witness takes the stand]

14 MR. STRINGER:

15 Q. General, we're going to -- we're going to now talk about -- or  
16 focus on the town of Mostar, mostly during the period time that you were  
17 commanding the HVO Main Staff, and the first exhibit would be P03983  
18 [Realtime transcript read in error "P03893"], from the 6th of August,  
19 1993. And what we see here, General, is Brigadier Tole, he appoints Mijo  
20 Jelic as commander of the defence of the town of Mostar. And then in  
21 item number 5 it says that the HVO Main Staff is to take over the command  
22 of the defence of Mostar.

23 General, were you aware of this at or about the time?

24 A. I later became aware of this order -- or, rather, appointment,  
25 and Zarko Tole did have -- well, since I said a moment ago we had

3 should be appointed whereas later on in the next sentence it says the  
4 Main Staff takes this on, probably him. But anyway, it's his order, he  
5 had the right to say this, and I didn't stop it in any way. Let that be  
6 understood.

7 Q. So we've seen earlier some documents about Mr. Jelic. He had  
8 been part of the military police structure. Isn't that true?

9 A. Yes. He was the commander of the Light Assault Battalion of the  
10 military police.

11 Q. So then what's happening here, General, and you will correct me  
12 if I'm wrong, the Main Staff takes over the command of the defence of  
13 Mostar, and then it places Mijo Jelic in charge of that command. Is that  
14 how this order is working?

15 A. Well, it's unclear militarily speaking. I'm reading the same  
16 thing you're reading, but the defence of the town of Mostar is in the  
17 operative zone. Mr. Mijo Jelic, and it is Brigadier Lasic who is in  
18 command, and then Tole and the Main Staff, or whatever you want to call  
19 it.

20 Q. Well, actually what this tells us is the Main Staff is taking  
21 responsibility for the defence of Mostar out of the operative zone.  
22 Isn't that true? Defence of Mostar is going to be a responsibility now  
23 of the Main Staff. Isn't that what this says?

24 A. That's what it says in item 5, although judging by subsequent  
25 reports I know that that's not how things stood, but the command over

1       that portion and the commander was Mr. Mico Lasic, and Mr. Jelic was a  
2       commander. He was a good combatant, a good organiser, and all the  
3       information I had, and Mr. Zarko Tole, obviously. That was ...

4           Q. Well, then, this would suggest that at least as of this time  
5       Mr. Jelic is a direct subordinate of the Main Staff, and he's no longer a  
6       direct subordinate of the military police administration. Can we agree  
7       on that?

8           A. In the sense of the command of the defence of the town, yes. In  
9       the sense of that kind of commanding, he was responsible for the  
10      operative zone regardless of what it says in item 5. I don't know. I  
11      can't really comment what Tole had in mind at the time because I wasn't  
12      there. I probably appeared on the -- or 10 or 12 days later.

13           MR. STRINGER: And for the record, Mr. President, I think that  
14      the transcript is wrong. This is P03983, 3983.

15           Q. General, the next exhibit on this --

16           JUDGE ANTONETTI: [Interpretation] General Praljak, this document  
17      from Tole is quite surprising for a number of reasons. Appointing the  
18      commander of the defence of the town of Mostar is a very important  
19      action. Who commanded the defence of the town of Mostar before Jelic?

20           THE WITNESS: [Interpretation] I don't think there was the defence  
21      of Mostar as a separate part. The operative zone was divided into  
22      Sector South, Sector North, as far as I remember, and in command there  
23      was the commander of the operative zone, Mr. Mico Lasic, and continued to  
24      command there. Now, who were his subordinates in the individual sectors,  
25      I can't seem to remember just now.

1           JUDGE ANTONETTI: [Interpretation] You say that it was the  
2        commander of the operational zone, Mr. Lasic, who was in charge. Very  
3        well.

4           In the chain of command, this document states, and it's written  
5        down, that the Main Staff is now going to take over the command of the  
6        defence of Mostar. This is on paragraph 5.

7           Now, in this framework what happens to Mr. Lasic?

8           THE WITNESS: [Interpretation] Well, that would mean that to the  
9        left of Mostar and the right of Mostar Lasic was in command and that  
10      Mijo Jelic was then responsible to the Main Staff.

11        Now, Your Honour, it says what it says here, but it has no  
12      military logic, and I don't think it was put into practice that way.  
13      While -- why Tole write that down in that way, I don't know. It's the  
14      number three man in the hierarchy. He has the right to do that because  
15      it was under his purview, but this has no military logic. I think --  
16      well, never mind.

17        JUDGE ANTONETTI: [Interpretation] This document dates August 6,  
18      and you're the commander of HVO at the time. So how can you explain that  
19      you did not sign this document given the very important consequences this  
20      has on Mostar as far as the chain of command is concerned? Why is it  
21      that Mr. Tole decides to write this order without your knowing, because  
22      you're telling us that you were not aware of it. We're a bit surprised  
23      at this.

24           This does back the case that you're developing, according to  
25        which there were three of you and that you had divided the geographical

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1        zones among the three of you, Tole, Petkovic, and yourself, and each of  
2        you only took care of a specific geographical zone.

3           THE WITNESS: [Interpretation] Correct, Your Honour. Given the  
4        situation, the defence couldn't have been conducted from one place, one  
5        locality. Of the three Cs, control, command, and communication, we  
6        didn't have the levers to be able to do that in the customary way, that  
7        is to say to sit in the Main Staff, to stay there and issue orders that  
8        way. And I've explained that. So the commanders had to go into the  
9        field. I went to Gornje Vakuf; Tole was given the south. And in my view  
10      they couldn't have broken through there. And General Petkovic was  
11      supposed to continue to negotiations. I informed General Morillon that  
12      Mr. Petkovic will continue on behalf of the HVO to negotiate and that  
13      they should deal as much as possible with Kiseljak, Vares, and so on, so  
14      that we should not lose our positions up there. That's how things stood.

15           It couldn't have been any different. Because you can't pretend  
16      you've got something if you haven't.

17           JUDGE ANTONETTI: [Interpretation] This distribution of competence  
18      on the field had been done according to -- with Mate Boban's approval or  
19      without his knowing?

20           THE WITNESS: [Interpretation] No. Approval wasn't requested, and  
21      it wasn't behind his back either, without his knowing. It's his

22 commander, his chief of Main Staff, three officers that sit down, take  
23 stock of the situation and say, "Here's what we're going to do."

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 Mr. Stringer.

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1 MR. STRINGER:

2 Q. General, the next one is P04719. So now this document is a little over  
3 three weeks later in time now. This is the 1st of September, 1993. 4719.

4 General, we looked at this one during an earlier part of your  
5 cross-examination when I was asking you about all of those units that are  
6 listed in paragraph 1. I want to move to a different part of this now.

7 In the second section there, page 2 of the English, under the  
8 heading of "Mission." And just for the record, General, this is your  
9 order of 1st September 1993, on organisation of the command structure and  
10 offensive/defensive operations in South-east Herzegovina operative zone.

11 A. Yes, I do have the document. I have it, yes.

12 Q. You recognise this as your order?

13 A. Yes, I signed it. It's a document that I signed.

14 Q. Now, under the section on mission, item number 3 says: "Mission:  
15 To clear Mostar of MOS forces (the right bank) and in subsequent  
16 offensive operations to take control of Mostar and be Bijelo Polje."

17 And then next is item 2. You say:

18 "The South-east Herzegovina operative zone is to be divided into  
19 three sectors, Sector South, Sector Mostar Defence, and Sector North."

20 So, General, before we move on, would you agree that this  
21 suggests that as of the 1st of September, 1993, among the possible goals  
22 or objectives of the HVO armed forces would be to clear the right bank of  
23 Mostar of the ABiH or MOS forces, and then subsequently through offensive  
24 operations to take control of the entire town of Mostar and Bijelo Polje?

25 A. Correct, Mr. Stringer. One of the possible tasks of the HVO was

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1 that, too, a counter-offensive to capture or, rather, to rout the then-  
2 enemy of the BH Army, and to clean up Mostar of MOS forces. And that is  
3 why this word "to clean up" is always wrongly interpreted. In other  
4 words, of MOS forces. These were regular preparations for - only  
5 preparations, of course, to jolt them out of...

6 Q. All right.

7 A. This was just preparation to --

8 Q. And then we were just talking a moment ago about the Tole order  
9 appointing Jelic. Let's talk a little bit more about the Sector Mostar  
10 Defence, because moving down to paragraph 2(2), if you see that, you're  
11 describing this Sector Mostar Defence. Do you see that, General?

12 A. Yes.

13 Q. And you say that:

14 "Sector Mostar Defence shall comprise the 2nd Brigade and the  
15 current complement of the Mostar defence - without 1/3 brigade." The  
16 translation is a bit unclear on this.

17 You lay out the zone of responsibility of the Sector Mostar

18 Defence. And then -- now at the top of page 3 of the English you say:  
19 "Commander Mijo Jelic Sector staff to be made up of the Mostar defence  
20 staff and a number of officers of the 2nd Brigade, Command post: Mostar."

21 So, General, just now looking at this order, your order -- well,  
22 let me continue on to the next one, and then we can round it all off. If  
23 you look at the next one which is P04777, this one's dated the 3rd of  
24 September, 1993, and this is an order over the signature of  
25 Miljenko Lasic. And at the top, General, I think we can agree,

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1 General -- or General Lasic -- Colonel Lasic -- Brigadier Lasic, he's  
2 referring to your order that we just looked at. We can tell from the  
3 reference numbers. So that would you agree with me, General, if I  
4 suggested to you that in the Lasic document what we see is he is  
5 implementing your order and sending it down the chain of command?

6 A. That's correct. We can agree on that, but what I said earlier  
7 still stands that Miljenko Lasic is ordering. And on the 1st of  
8 September you can see that I divided the defence within the operational  
9 zone. You can see the south of Mostar, and there's no mention of the  
10 command of the Main Staff. Miljenko Lasic is the commander, and he is in  
11 command of three sectors as they have been -- had been divided up.

12 Q. All right. So that was my question, to clarify what was the  
13 status or where the Mostar defence fell within the chain of command as of  
14 this period of time.

15 So, General, are you saying that the defence of Mostar remained

16 under the operative zone command?

17 A. Yes, that's correct. You can see that from both those documents.

18 Q. But that Mijo Jelic was the commander, nonetheless, of the  
19 Mostar sector.

20 A. That's correct. It says here that he's the commander of the  
21 Mostar sector.

22 Q. All right. So that part of the Tole order remained in effect,  
23 whereas the other part about putting the defence directly under the  
24 Main Staff seems to have been set aside.

25 A. Well, it simply didn't function that way, and it couldn't be

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1 acceptable to me. A part of the --

2 THE INTERPRETER: Interpreter's note, could the witness please  
3 repeat what he has just said. He's speaking much too fast.

4 Q. General, you were speaking a little bit fast there, and the  
5 interpreters have asked if you could say again your last few sentences.

6 You were saying -- you said:

7 "Well, it simply didn't function that way, and it couldn't be  
8 acceptable to me," and then you were going on to say, "a part of the..."  
9 And that's where they lost you. I don't know if you want to continue  
10 from that part or not.

11 A. Yes. Well, it's not that I couldn't accept some things because I  
12 was not aware of Tole's -- well, I knew that he appointed me or Jelic,  
13 but that he resubordinated that to the Main Staff, I didn't know that.

14 Well, this is how it should be in military terms, Mijo Jelic is the  
15 commander of the 1/3 of the south-eastern operational zone, and he is  
16 subordinated to Mr. Miljenko Lasic who is the commander, who is in turn  
17 subordinate to the Main Staff. That's how it was, and that's how it was  
18 supposed to be.

19 Q. Now, I take it, General, that as of this period of time you were  
20 satisfied with this chain of command in respect of the defence of Mostar.

21 A. Yes, sir. They didn't lose, so I had no reason to be  
22 dissatisfied by the fact that they repelled quite successfully the  
23 attacks by the BH Army.

24 Q. All right. I'm going to move to the next exhibit unless there  
25 are questions.

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1 General, P04420.

2 MR. STRINGER: And this is an ECMM report that's a confidential  
3 document, Mr. President. I think we can talk about it, but it can't be  
4 shown on the screens outside the courtroom.

5 Q. General, recognising that you weren't receiving these reports at  
6 the time, this is an ECMM report dated the 22nd of August, 1993. This is  
7 from the Regional Coordination Centre of the ECMM in Zenica - it's going  
8 out to Zagreb - and it regards the desperate humanitarian situation in  
9 Mostar. It says:

10 "This regional centre has reported regularly," this is  
11 paragraph 1, "the dramatic deterioration of the humanitarian situation in

12 the sieged part of Mostar. The Muslim east part of the city has about  
13 55.000 persons stuck under constant fire since the 9th of May, i.e., more  
14 than 3 months, with no humanitarian convoy since the 2nd of June ..."

15 Now, General, first of all, would you agree with the statement  
16 here that there was a dramatic deterioration of the humanitarian  
17 situation in East Mostar at this time, August 22nd, 1993?

18 A. I wouldn't agree.

19 Q. What do you -- and what's the basis for that conclusion? Did you  
20 acquaint yourself with the facts and the conditions in East Mostar and  
21 make your own determination?

22 A. On the basis of the reports and conversations with my assistant  
23 for VOS about what the situation was like on the enemy side and also the  
24 situation in general, no information to this effect had come in and --  
25 indicating that the situation was dramatic at all. So the fact that

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1 there was shooting that started on the 5th of May, what this gentleman is  
2 writing -- well, I'm not going to say his name because he's protected.  
3 But this is just some kind of general -- well, there was no shooting of  
4 that kind at the time. He doesn't specify who attacked whom. He doesn't  
5 say what kind of weapons the BH Army has. He doesn't say that on the  
6 30th of June -- well, you have seen here and you can look at other  
7 footage from the international organisations depicting people in  
8 East Mostar. You will see that they look quite well and they are -- they  
9 all have clothes and things.

10 Q. Now, General, it says here, and this is the beginning paragraph  
11 2, there's a reference to the convoy led by Cedric Thornberry that  
12 entered East Mostar yesterday, which would have been the 21st of August,  
13 1993.

14 Now, General, Mr. Thornberry came and testified in this trial.  
15 Perhaps you'll remember. The fact is that in order to reach East Mostar,  
16 Mr. Thornberry and that convoy had to get the agreement of the HVO.  
17 Isn't that true? Because it was impossible to drive into East Mostar  
18 without moving through HVO-held territory.

19 A. Mr. Stringer, convoys had HVO approval regardless of what you  
20 take the HVO to mean. The problem of convoys entering the area was  
21 caused by the aggression of the BH Army with them opening fire on the  
22 road. That's number one --

23 Q. General, you're not answering my question.

24 A. -- over a short period of time.

25 Q. The question was whether these convoys would have to have the

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1 approval of the HVO to enter East Mostar because they have to pass  
2 through HVO-held territory. Yes or no?  
3 A. No.  
4 Q. So in order for a humanitarian convoy to reach East Mostar,  
5 you're saying that it could drive into East Mostar without moving through  
6 any HVO-held territory?  
7 A. That makes no sense. They had to pass through a territory that

8 was not held by the HVO but by a road, and according to all the orders  
9 issued by myself, Petkovic, Mate Boban, they had every right not to be  
10 stopped. And now at times, 1 or 2 per cent of the convoys did not pass,  
11 well, we explored the issue here.

12 Q. But the roads they would have to use in order to cross over into  
13 East Mostar, those roads were controlled by the HVO; correct?

14 A. No. The roads were controlled by the BH Army up north; and in  
15 the eastern area, they were controlled by the VRS; and to the south, on  
16 the 15th of August, they were under the control of the BH Army in Blagaj.  
17 So let's look at the maps and then we'll be able to talk. Here --

18 Q. So --

19 A. -- the implication seems to be --

20 Q. So your testimony is that this convoy could have driven directly  
21 into East Mostar, all the trucks with flour and all the other goods, all  
22 of that could have driven directly into East Mostar from Jablanica  
23 without passing through any HVO-held territory or check-points. Is that  
24 your evidence?

25 A. That's correct. They could come in from Jablanica until the

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1 second -- the other part of the Bjelica Bridge was destroyed by the  
2 BH Army. This whole road was controlled by the BH Army up until the  
3 actual entrance into the town of Mostar; that's what I'm telling you.

4 Q. Okay. And then at the entrance to the town of Mostar, what  
5 happened there?

6           A.    What entrance, southern or northern?

7           Q.    Northern.

8           A.    The northern part of Mostar and Bijelo Polje, too, and the  
9           Bijela Bridge, and the road to Jablanica was controlled by the BH Army.

10          The HVO was on the other bank of the Neretva River, and the road is quite  
11          some distance away. Well, it's far away -- enough far away from those  
12          positions so that it was passable.

13          Q.    General, the next document is P04470. P04470. Do you recognise  
14          this document, General?

15          A.    Yes.

16          Q.    And this is a pass that you issued to Ms. Sally Becker so that  
17          she could move across to the left bank?

18          A.    Correct.

19          Q.    Now, it says here, and this is 24th of August, 1993, two days  
20          after this ECMM report we just looked at. So do you remember -- did you  
21          speak to Ms. Becker personally? Did she come to you, or did you hear  
22          about her? Did others tell you she wanted this pass?

23          A.    I really can't remember any more to be quite frank. So many  
24          events occurred. I think I met her, but let's leave the matter open.

25          Q.    Do you recall if Ms. Becker ever talked to you about the

1          humanitarian situation in East Mostar?

2          A.    Sir, if I can't remember whether I talked to her at all, I  
3          certainly can't remember what we talked about.

4 Q. Okay. Did you ever read her book that she wrote about her  
5 experiences after -- her experiences in Bosnia-Herzegovina?

6 A. No.

7 Q. Now, General, if -- if somebody could just drive right into  
8 East Mostar from Jablanica, then why did Ms. Becker have to come to you  
9 for a pass to move across HVO check-points to the left bank?

10 A. Mr. Stringer, the road from Jablanica goes through Konjic,  
11 Tarcin, Visoko. What would Sally Becker -- how would she be able to go  
12 through there? She came from Split. She wants to pull out a child; she  
13 asks. And if you want to see how a commander behaves, we say, We  
14 approve. I approve. And a commander of the Main Staff acted precisely  
15 as he should have done, whereas you're pulling sentences out of context  
16 and assuming things.

17 Q. Well, I'm just asking you, General. She doesn't need to move  
18 through HVO check-points to get to -- well, let me -- let me clarify  
19 then. You're saying that she came from Split. So you're saying that the  
20 HVO controlled access to East Mostar from the south?

21 A. Not only from the south. We have lines, and the control of the  
22 road from the -- from the south was maintained by the HVO on the  
23 left-hand side; and on the right, the BH Army. You should take a map and  
24 determine the distances between the soldiers and these lines. I'm in  
25 command of the HVO soldiers, and I say, You're going to do such and such.

2 It was a war. We were an army first and foremost, and I'm telling my  
3 soldiers, We, as an army, are going to let through --

4 Q. Well, we've just been talking about access to East Mostar from  
5 the north. And if I understand your testimony correctly you say that  
6 anybody could drive into East Mostar from Jablanica and that they would  
7 not have to pass through any HVO-held territory; correct? From the  
8 north.

9 A. That is completely correct.

10 Q. Now, to come into East Mostar from the south. Are you saying  
11 that somebody could drive into East Mostar from the south and also could  
12 reach East Mostar without passing through any HVO-controlled territory?

13 A. Sir, let's take this one by one. From Metkovic to the Croatian  
14 border, the area is controlled by Croatian forces. From there to the  
15 beginning of the Mostar valley, river valley, at Blagaj, those could have  
16 been the HVO check-points, the military police or whoever. From that  
17 point in time or from that position, from Blagaj, the 7 or 8 kilometres  
18 that are left to Mostar on the right-hand side, you have the HVO in part.  
19 On the left-hand side the BH Army, and up on the hills the Serbs or the  
20 Army of Republika Srpska. Who is going to shoot?

21 Q. So if I understand you correctly --

22 A. And then 2 kilometres before you enter East Mostar, you had the  
23 BH Army.

24 Q. So if I understand correctly, in order to get to East Mostar from  
25 the south, one would need to pass through both HVO- and ABiH-held areas.

1 Is that how it was?

2 A. No. The road along those 2 kilometres to the entrance, just he  
3 road was controlled by the HVO. But the BH Army units - once again we  
4 need a map - were very close by the hills, the hillocks, in fact, to the  
5 right of the road leading into Mostar. And then on the higher hills was  
6 the Army of Republika Srpska and its artillery. And then 2 kilometres  
7 before you enter Mostar, the HVO stops and the BH Army starts. And I  
8 brought in the convoy up and to that point that is mentioned here with  
9 the man's name, the other convoy. Right up to the check-point, the  
10 entrance controlled by the BH Army.

11 Q. General, let's look at more of your statements in your  
12 BBC interview. This time you're talking about Mostar.

13 A. Let's see them.

14 MR. STRINGER: For the record, this is P09258. This is the  
15 beginning -- or at the bottom of page 6 of the English.

16 [Video-clip played]

17 THE INTERPRETER: "[Voiceover] As far as Mostar is concerned, to  
18 be honest, if the war develops further, I had a plan how to take the left  
19 bank, although there, too, because of the enormous international pressure  
20 and the accusation that we were doing in Mostar the same thing the Serbs  
21 were doing in Sarajevo, we were forbidden to plan an operation to take  
22 Mostar in a way which would be successful. Personally, I was -- I did  
23 not deal with Mostar.

24 "Interviewer: You said you were forbidden to do it, by whom?

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1 asked us not to touch Mostar. We could wage war outside Mostar, but the  
2 town itself, because of pressure from international circles and the  
3 public was so huge, and they claimed -- and I think it was totally  
4 unjustified. I had to let the convoy pass. Well, that was a decision  
5 that I implemented. You see, we tried to be soldiers in the proper  
6 sense. A political decision was given absolute priority over a military  
7 decision. You cannot conduct the creation of a state from 20 different  
8 centres but from one. And the others, who have the right to ask and to  
9 comment, to suggest, must implement the decision that has been taken,  
10 regardless of whether it is against the feelings of the army at that  
11 particular moment and so on. And I think that the boys -- that the guys  
12 and I did it properly, fully aware of the fact that an order had to be  
13 carried out. In this case the order came either from Mate Boban -- well,  
14 but definitely from President Tudjman. By and large, that is. I don't  
15 want to say that he was responsible for everything that happened, but it  
16 was clearly a policy that protected overall Croatian national interests."

17 MR. STRINGER:

18 Q. General, during the time that you were commander of the HVO  
19 Main Staff, is it true that it was President Tudjman who was setting  
20 military policy in respect of Mostar?

21 A. No, sir. You must understand this in the proper way here. I'm  
22 referring to Mate Boban and a meeting attended by Mate Boban where we --

23 where Franjo Tudjman was saying -- well, of course you have to understand  
24 each of the points made here; pressure from the international community;  
25 pressure on the Croats, that is; and of course on Croatia, on

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1 Franjo Tudjman, was very great. It was completely false, ill-placed,  
2 wrong.

3 Q. Excuse me, General.

4 A. Please. We're dealing with interpretations here. If you don't  
5 want me to tell you about the facts and what this is about, if you keep  
6 interrupting and cutting me off, we'll never get anywhere.

7 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, allow the  
8 Prosecutor to put questions to you. And if it seems that the questions  
9 should be developed, you will be able to do so, but at least let the  
10 Prosecutor put his questions, show what he wants to say, and then you can  
11 contest it if you want.

12 MR. STRINGER:

13 Q. General, we looked a few moments ago at your order in which it  
14 was envisioned there was preparation for eventually taking all of  
15 Mostar town. What you're telling us here is that you were never able to  
16 do that because President Tudjman would not permit that. Isn't that  
17 true?

18 A. No, it's not true. Mate Boban -- well, the strategic decisions  
19 such as an attack on Mostar. Let me go back to the order. It says  
20 there: "Prepare there and bring to me for signing." They did not

21 prepare anything.

22 Q. General --

23 A. Well, General, General, General. You haven't read the item where  
24 I see, "Bring it to me to review and sign." So there's no plan, no  
25 insight into the general subject matter, no signature. You can't take

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1 part of an order without looking at the other part. It's preparations  
2 for -- secondly --

3 Q. Excuse me, General, I'm going to put my questions to you.

4 MR. STRINGER: Mr. President, I believe it's time for the break;  
5 correct? Now would be a good time.

6 JUDGE ANTONETTI: [Interpretation] Yes, indeed. Let's take a  
7 20-minute break, and we'll get back in this courtroom at ten to 1.00.

8 --- Recess taken at 12.29 p.m.

9 --- On resuming at 12.51 p.m.

10 JUDGE ANTONETTI: [Interpretation] Court a back in session.

11 MR. STRINGER:

12 Q. General, just before the break we looked at the video-clip from  
13 P09258 on Mostar. What you said here, General, what you indicated, you  
14 made a reference to a convoy. And it is the top of page 7 of the  
15 English. General, do you have the transcript, paragraph that begins  
16 "President Tudjman asked us in fact not to touch Mostar"? Do you see  
17 that?

18 This is top of page 7 of the English. And I think it's --

19 JUDGE TRECHSEL: Page 8, at the bottom.

20 MR. STRINGER: Bottom.

21 THE WITNESS: [Interpretation] Yes, yes.

22 MR. STRINGER:

23 Q. And moving down a few lines you say:

24 "At one point I had to let that convoy pass. After all, it was a  
25 decision, and I implemented it."

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1 Now, General, when you're talking about that convoy, you're  
2 talking about the convoy that we've seen in the video where you got on  
3 the tank and told people to move out of the way. Is that the convoy that  
4 you were referring to?

5 A. That's correct.

6 Q. And so what you're saying here is that the reason why you  
7 forcefully -- acted forcefully to get that convoy into East Mostar was  
8 not to improve the humanitarian situation there. Rather, you were doing  
9 it because you had been commanded to do it by Tudjman.

10 A. No.

11 Q. Because it was in the political interests of Croatia to be seen  
12 to allow or to facilitate the movement of humanitarian aid into  
13 East Mostar. Isn't that true?

14 A. No. I let the convoy pass through after the failure of a  
15 representative on international community, Mate Granic and Mr. Prlic, to  
16 do so, and then Mr. Prlic approached me and asked me, Can you do it? And

17 I said, Well, yes, I can. Let's give it a try. Why was it so? Because,  
18 yet again, the people stopped it. It's a political problem, but you  
19 can't solve it with political issues. It's impossible to fire at people,  
20 to make them disperse, and that's why I used the -- well, made use of my  
21 ability to do it, to organise it, and to do it as quickly as possible.  
22 The convoy was allowed to pass through for humanitarian reasons, because  
23 that was also the position of the politicians and all the structures,  
24 that convoys should be allowed to pass through, that they shouldn't be  
25 stopped. And Franjo Tudjman has nothing to do with it.

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1 Q. Then why are you referring to President Tudjman in your interview  
2 here? You're the one who's invoking the name of President Tudjman in  
3 reference to Mostar, and I suggest to you in respect of this issue on the  
4 convoy. It was a political decision which you accepted and you  
5 implemented in order to get that convoy into East Mostar; correct?

6 A. No. Franjo Tudjman is not here at all. Franjo Tudjman came into  
7 it after a meeting in Split in late October 1993. We have a transcript  
8 of that meeting which was a meeting of general nature, and now if we can  
9 talk about the political will, we can talk about Prlic's political will  
10 and my political will and the political will of some other people, but I  
11 at that time had to take part in something that was not a military issue.

12 Passing the convoys through in Cetinje, well, that's not something that  
13 the army should do. But since nobody else could do it, and Praljak, by  
14 happenstance, can do it, then Praljak will do it. That's all. So

15 Praljak was supposed to implement the political will, but not of  
16 Franjo Tudjman but of Prlic. And he had failed to do that, but not  
17 because he didn't have the political will but because he simply didn't  
18 have the power to do it.

19 Q. And when you said here that a political decision has an absolute  
20 priority over a military decision, what you said there is that it is the  
21 duty of the military to carry out the political decisions; correct? The  
22 policies made by the politicians.

23 A. Well, the army's not there to implement political decisions that  
24 just occur to anyone, but the political decision of Mate Boban as the  
25 supreme commander and the president of the Croatian Community of

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1 Herceg-Bosna deals with strategic decisions of a military type. That's  
2 what I've already explained.

3 Q. All right.

4 A. So defence is one thing, but, for instance, the approval for a  
5 counter-offensive in Mostar, in that case the Main Staff must plan and  
6 implement it, and can do it. But it is approved by the politicians, the  
7 supreme commander.

8 Q. All right. And in this case, as you've said, not only Supreme  
9 Commander Boban, but it was Tudjman who prohibited, who was opposed to  
10 any operations to take Mostar; correct?

11 A. Sir, you have to take into account the date, first of all the  
12 date. The request that -- the explanation why not did come from

13 Franjo Tudjman. So the explanation, the insistence, the request, because  
14 the international community was pushing him, twisting his arm for no  
15 reason at all. So first of all you had the spin, the moderators of war  
16 first fabricate information, and then they twist their arm, and any  
17 attempt to say, well, this is not how it is -- yes.

18 Q. And when you say at the end here that it was clearly a policy  
19 that protected overall Croatian interests, what that means is that  
20 Tudjman didn't want you to attack Mostar, East Mostar, because the  
21 international reaction would be -- would have a negative consequence for  
22 Croatia. Isn't at that true?

23 A. Well, they always linked the situation in Croatia with Bosnia and  
24 Herzegovina. Because you can see as far as Mostar is concerned, to be  
25 quite frank, if the war goes on, I had a plan how to take the left bank.

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1 And then I go on to say about -- to speak about the international  
2 pressure, because in 19 -- because for the international community Uzdol,  
3 Grabovica, and the Offensive 93 did not exist. You cover up some  
4 information, you push to the front some other information, and then you  
5 twist Franjo Tudjman's hand. He comes down there begging -- and then you  
6 lose. We were the hostages of the pressure that was exerted on Croatia  
7 through us. We were hostages. We couldn't wage the war in the same way  
8 that the BH Army could because of some false reports.

9 Q. That's right, General. I think we agree on that. The military  
10 goals and objectives of the HVO were limited, and the limitations were

11 coming from Zagreb, because, ultimately, it was Croatia's national  
12 interest that had to carry the day. Isn't that true?

13 A. No, that was not so. When an army attacks me and wants to reach  
14 its western borders, it is a duty and the right of the commander, of the  
15 supreme commander, in every war to respond to the offensive by launching  
16 a counter-offensive, in particular, when the enemy, the enemy army, has  
17 done everything to inflict -- defeat on you. And once they lost, they  
18 were very weak, very weak. And to be quite frank, had we acted as they  
19 had, a political decision would be made, and I would have been in a  
20 position to take the east -- eastern part of Mostar. But the political  
21 decision, the request of Franjo Tudjman and the decision of Mate Boban  
22 was, No, no, don't do it. Peace. Let's have peace. Yet again, peace.  
23 And peace was always established when Muslims were losing. When they  
24 were launching an action to defeat us, then everybody just kept quiet.

25 Q. I'm going to move to the next exhibit, P10963. 10963.

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1 General, do you recall giving an interview sometime in the fall  
2 of 1993, while you were still in command of the HVO Main Staff, do you  
3 recall giving an interview to Roy Gutman? He was a writer for "Newsday,"  
4 a European correspondent.

5 A. Yes, I remember. Yes.

6 Q. Because what you have here is the article that was published in  
7 December, on the 21st of December, 1993, by Mr. Gutman based on his trip  
8 to Mostar and a discussion with you. And I'm not going to cover all of

9 it. He's talking about the situation in East Mostar. And at the very  
10 bottom of the first page of the original language version, and this would  
11 be toward the top of the second page of your version, General, it says:

12 "Commander Slobodan Praljak justified the destruction of the  
13 Old Town on the grounds that Britain levelled Dresden during World War II  
14 and the United States used the atomic bomb on Hiroshima and Nagasaki.  
15 'The Western countries have no grounds to claim moral superiority.'"

16 Now, General, that's a quote that's attributed to you. He says  
17 he attributes to you the following, he says:

18 "He made no apologies for severing land routes into  
19 Central Bosnia, leaving more than a million civilians in a desperate  
20 struggle against starvation and winter. 'I did it,' the Chief of Staff  
21 said in an interview shortly before he was ousted last month. 'War is  
22 war. Civil war is always a total war.'"

23 General, are these your words, "War is war. Civil war is always  
24 a total war"?

25 A. No. Mr. Stringer, after awhile, after some time passed, some

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1 months after I received the text from this man Gutman, I responded to him  
2 in a letter where I indicated that it is entirely incorrect, that his  
3 interpretation of my words was entirely incorrect. And I particularly  
4 remember that he attributed to me the words about the Croatian  
5 Lebensraum, which is a reminiscent of the use of the term by the Nazis.  
6 And I said that I find it strange, and it is not clear how a professional

7 can twist my words to fit his political options. And I think that I  
8 could be even -- be able to locate my response. So at any rate, this is  
9 incorrect.

10 Q. All right. Well, then, just to finish this off, and I understand  
11 that you challenge this, I'm going to move down five paragraphs to the  
12 part that you've just referred to. Gutman writes:

13 "Praljak defended the siege of Mostar and the entire war against  
14 Muslims as a 'kampf fur Lebensraum,' German for "battle for living  
15 space," a phrase not heard in Europe since Adolf Hitler's Third Reich.  
16 He was referring to the ethnic balance caused by the flood of mainly  
17 Muslim refugees from Serb conquered Northern and Eastern Bosnia into  
18 regions Croats had dominated for centuries."

19 So, General, I understand your position. You dispute having used  
20 the phrase "Lebensraum" in your interview with Mr. Gutman?

21 A. Well, sir, when you're talking about the imbalance that was  
22 created, and what I've told you dozens of times, and when this gentleman  
23 here uses the term "Lebensraum," and when he says that this was not heard  
24 in Europe since Hitler and then he attributes this to me, I am still  
25 ashamed for this man. It makes me feel embarrassed. And I did not get a

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1 response from him. I cannot see how a journalist who won the  
2 Pulitzer Prize is able to twist somebody's words in this manner,  
3 attributing Hitler to me and Ustashas and saying that we wanted to take  
4 some areas, when what is written down there is about the minimum of the

5 ethnic balance, which was at our detriment -- to our detriment, so  
6 please.

7 MR. STRINGER: I'm going to move on to the next exhibit,  
8 Mr. President, unless there are any questions.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a  
10 question on this document. You know, and this is no surprise to you,  
11 that I would say that when a journalist is putting something in quotation  
12 marks, it's because these words were actually said, uttered. Otherwise,  
13 this goes against the ethics of journalism. I don't know this person,  
14 Roy Gutman. You said that he was awarded a Pulitzer Prize. You're  
15 probably right. But he is putting words in your mouth. So he says that  
16 you did say a number things, and there is this so-called Nazi sentence --  
17 phrase that is mentioned, and he puts it in quotation mark. I remember  
18 that you've lived in Germany, and you know German. So maybe because you  
19 know Germany, you know the German language, and you know German history,  
20 that might have uttered these words. But now you are under oath, and you  
21 are challenging everything that is in quotation marks in this text.

22 THE WITNESS: [Interpretation] No, Your Honour. We had a long  
23 conversation, a long conversation. And when out of a long  
24 conversation -- well, let me tell you. Mr. Gutman discovered Manjaca,  
25 and he won the Pulitzer Prize for that, and he is a big name in

1 journalism. That's beyond that. So if you sit down for two hours with a  
2 journalist of his calibre and -- well, allow me to say that I know how to

3 carry a conversation, and when he pulls out some terms -- I may have used  
4 "Lebensraum" at one point. But I provided an explanation. Not  
5 Lebensraum, we will expel the French, the Ukrainians, the Polish because  
6 we are the chosen people, well that explanation was, We are now defending  
7 the last bits and pieces of the territory that we used to have in  
8 Bosnia-Herzegovina against Serbs and Muslims alike. And here he says,  
9 Well, he used the term "Lebensraum," and a phrase that hadn't been heard  
10 since Hitler. So for God's sake, he's talking about the siege of Mostar.  
11 How can I tell him about the siege of Mostar when there was no siege of  
12 Mostar? And so on and so forth. So this is an unprofessional, an ugly  
13 thing that he did. I responded to him. I asked my daughter to translate  
14 my response into English. You can speak to her on the phone. She can  
15 come here to testify, to confirm that I said that he should be  
16 embarrassed for writing something like that, a journalist of his calibre,  
17 and I never received any answer from him.

18 JUDGE ANTONETTI: [Interpretation] Very well.

19 JUDGE TRECHSEL: Again, or still with regard to this text, it is  
20 here reported that you had compared the -- I think he says the  
21 destruction of the Old Town of Mostar with what the British had done to  
22 Dresden. Does that ring a bell? Do you think you have said that?

23 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, the  
24 Spanish Battalion counted each and every shell that fell on the eastern  
25 side fired either from the Serbs or from the HVO, a total of shells that

1 impacted there. Well, I didn't destroy Mostar. It's impossible.

2 JUDGE TRECHSEL: I read what Mr. Gutman wrote. It's on the first  
3 page, the last paragraph:

4 "Commander Slobodan Praljak justified the destruction of the  
5 Old Town on the grounds that Britain levelled Dresden during World War II  
6 and the United States used the atomic bomb on Hiroshima and Nagasaki."

7 End of my quote here.

8 THE WITNESS: [Interpretation] Incorrect. Incorrect. Incorrect.

9 I probably opposed his moral superiority, and I spoke in conditional  
10 terms. I did not destroy Mostar. The smallest possible number of shells  
11 was fired on my orders. The town was not destroyed by Croats but by  
12 Serbs. You've seen the photographs. This is a lie, and it's utter  
13 nonsense.

14 JUDGE TRECHSEL: I take it that you did probably not say, "I  
15 destroyed Mostar." That, I absolutely believe you. But hypothetically,  
16 it seems to me that the comparison with Dresden or Hiroshima and Nagasaki  
17 is a bit in the line you sometimes argue here. When there's a prison,  
18 then you speak of Abu Ghraib or Guantanamo. Do you recall having made  
19 such a comparison, even hypothetically? I don't want you to admit here,  
20 Yes, I have destroyed Mostar. That's not my question. But the  
21 comparison with Dresden, Hiroshima, Nagasaki?

22 THE WITNESS: [Interpretation] I could have only in juxtaposition  
23 to his moralistic superiority. Those people came as if nothing else had  
24 ever happened in history. And now they suddenly appear -- and now  
25 suddenly you have these very evil Croats who are waging the first war

1 ever, having the first conflicts ever, and I said, Well, there's -- I  
2 don't want to listen to you telling me what I should do in moral terms.  
3 So -- so I don't want him to tell me what I should do. I conducted that  
4 war in very proper terms given the situation we were in. And compared to  
5 other wars, and I'm ashamed of what happened. That one -- well, people  
6 invested a great deal of effort to reduce the quantity of things that  
7 every war brings with it, whether we wish to acknowledge that or not.

8 JUDGE TRECHSEL: Thank you.

9 THE WITNESS: [Interpretation] Thank you, Your Honour

10 Judge Trechsel.

11 MR. STRINGER:

12 Q. General, let's look at a bit more video. This is from P06365.

13 This is the documentary that was made by Jeremy Bowen. I believe the  
14 record indicates that this footage is from September of 1993.

15 [Video-clip played]

16 "It gets no better at night. Five hundred Muslims have just been  
17 robbed and thrown out of their homes in West Mostar by the Croats. They  
18 had to cross the river Neretva to get to comparative safety on a bridge  
19 made of rope and planks."

20 MR. STRINGER: I may have moved a bit fast. I don't know if the  
21 interpreters had time to get the papers together, so let's start it again  
22 and maybe just to make sure the interpretation's going out for everyone.

23 THE INTERPRETER: Could you give us a reference, please, thank

24 you.

25 MR. STRINGER: The reference -- well, it's P06365. It's my

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1 understanding that the specific pages are in the booths.

2 THE INTERPRETER: Yes, we have it. Thank you.

3 MR. STRINGER: Okay. Okay. Let's --

4 [Video-clip played]

5 "It gets no better at night. Five hundred Muslims have just been

6 robbed and thrown out of their homes in West Mostar by the Croats. They

7 had to cross the river Neretva to get to comparative safety on a bridge

8 made of rope and planks. Bosnian soldiers told them which way to go.

9 The Croats were shooting at the people they just made refugees. Only a

10 few hours before several Croat gangs had come for them and forced them

11 over the front line. They thought they were safe. They had been

12 settling down for the night. The Croat machine-guns didn't let up, and

13 the refugees kept on coming. They were trying to kill old men and women,

14 mothers and their children. She was so frightened she could barely walk,

15 but she tried to calm her sons. Each new family has to be fed and

16 housed. This is a war crime with a cold purpose to increase the purpose

17 on the military authorities in East Mostar. The brutality of the

18 expulsions drives home the message that compromise with Croat extremists

19 is neither possible nor desirable. The refugees spent their first night

20 in East Mostar in a bombed-out theatre. In one evening all of them had

21 lost their homes and possessions. They took to persecution, rape, and

22 murder.

23 "We were driven to a small wood. My sons were pulled out of a  
24 car. They were taken into that wood. I was told their throats were  
25 slit. I only live because I have to. Only because I have to. What sort

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1 of life is this?"

2 MR. STRINGER:

3 Q. General, what did you do to put an end, put a stop to the  
4 evictions of Muslims from West Mostar such as we've just seen here?

5 A. First of all, what we see here is the crossing of certain group  
6 of people, not more than ten different individuals. This story about  
7 500, there's no -- nothing to bear that out in the document. I don't  
8 know why they were crossing.

9 Everything that the army was supposed to do was that there were  
10 8.000 Muslims in Mostar. Now, whether most probably there were  
11 individual expulsions, but when you have 8.000 people living in an area  
12 after an offensive and so on and so forth, that speaks of an attitude, a  
13 position, the quantity of power which is not absolute.

14 Q. General --

15 A. So whether somebody from some house was -- I couldn't do  
16 anything -- yes. These were illegal actions, not planned and approved  
17 actions. I couldn't stop it because I didn't know it was happening.

18 Q. You didn't know this was happening. This is in Mostar, the  
19 Mostar defence sector that's been established under your order that we

20 were just looking at. The fact is, General, that like the camps and like  
21 the arrests and like all the rest of it, you were fully aware that this  
22 was happening on a systematic scale in East Mostar. You just didn't  
23 care. Isn't at that true?

24 A. No. What you're saying is not true, not in any of the details or  
25 in any of the facts. Here we just have some images of a crossing. We

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1 have no proof of expulsion, no names, no nothing. And the person who  
2 came to take this intended to take footage of the BH Army. That's what  
3 he wanted to do when he came in September.

4 JUDGE PRANDLER: I was waiting for the translation, and again and  
5 again, and I'm really embarrassed to do so so often, but I with like to  
6 ask you, Mr. Praljak, to speak slowly. Sometimes also, as I used to say,  
7 Mr. Stringer should also speak slowly, because also you are carried away  
8 with your arguments. But again and again for your interest, for both of  
9 your interests, it is really better to speak slowly and to stop at the  
10 questions and the answers, as the case may be. Thank you.

11 THE WITNESS: [Interpretation] Thank you, Judge Prandler,  
12 Your Honour. Please believe me when I say that I do have your words in  
13 my head, but then my thoughts run away with me and I speed up. I've  
14 already been here 52 days, so -- and then when you hear things  
15 that you don't agree with, it's difficult. I can't separate my emotions  
16 and my body from the rational. Unfortunately, I can't do that. That's  
17 just not possible.

18                   MR. STRINGER:  
19                 Q. I'm going to move to the next exhibit. In the binder, General,  
20                 it's P04495.

21                   General, this is a report dated the 25th of August, 1993, from  
22                 Mladen Knezovic, mixed-rocket artillery regiment, Siroki Brijeg,  
23                 reporting to the Main Staff. And right at the beginning there it says:  
24                 "Combat operations.

25                 "From the early morning hours of the preceding day, fire was

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1                 directed at targets in Mostar. Intensive operations against targets in  
2                 Mostar lasted until 1500 hours. T" -- It says "T-30." I think that  
3                 should be "T-130 tanks were primarily used to fire from several firing  
4                 positions."

5                 And it goes on to describe more about this.

6                 General, is it correct that reports were issued by the  
7                 appropriate units to the Main Staff regarding their use of artillery and  
8                 firing at targets in Mostar? This was an issue that was among the  
9                 reports that were sent to Main Staff.

10                A. Yes, for a period of time, and that mostly stayed with the  
11                 operative zone, but then the number of -- amount of ammunition would be  
12                 for 10 days, 15 days. You would have different reports about the amount  
13                 of ammunition used, and that reached the Main Staff, too, yes. That's  
14                 right.

15                Q. Was it the Main Staff, then, that would have to coordinate the

16 amounts of ammunition, allocate amounts of ammunition, that sort of  
17 thing, to determine where the ammunition would be used, how it would be  
18 used?

19 A. The chief of the artillery of the Main Staff controlled the  
20 amount of ammunition used, how much ammunition there was left in the  
21 depots. So there's the chief of artillery, and in the operative zone in  
22 the Main Staff who takes care about that, and of course he reports on the  
23 situation either to me or somebody else in the Main Staff.

24 Q. All right.

25 A. How many munitions left and so on.

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1 Q. And on the same topic, the next exhibit is P04520, 4520.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, if I look at  
3 the document, I see that the -- the T-30 tank artillery, some members  
4 were injured, and then if you look later it talks about the deployment of  
5 weapons. And it would seem that there are other tanks, one in Orlovac.  
6 I guess that's where some members were injured. And then you see Kozica,  
7 Tepcici, Debelo Brdo, Planinica. So if I understood correctly, there  
8 were at least five tanks there.

9 THE WITNESS: [Interpretation] No, Your Honour, T-130 is a cannon.  
10 It's not a tank; it's a cannon, a gun. And it speaks about military  
11 targets here, and also it says that the tank crew, who were quite far  
12 off, so the BH Army's artillery -- well, you see the people who were  
13 wounded, and there was an exchange of fire between -- and it says at the

14 end Orlovac, which is a 130 cannon, and it says that military targets  
15 were observed. So they observed the target. They found the target.  
16 They hit the target, and here's what happened. No tanks are mentioned  
17 here at all.

18 JUDGE ANTONETTI: [Interpretation] General.

19 THE ACCUSED PRLIC: There is clearly mistake in translation. In  
20 Croat language it is written, I am quoting:

21 [Interpretation] "Cannon crew, gun crew, cannon crew."

22 [In English] I am quoting: "The tank crew." This is clearly  
23 mistaken in translation.

24 JUDGE ANTONETTI: [Interpretation] Very well. In fact, yes,  
25 that's the case.

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1 THE WITNESS: [Interpretation] Yes, it says here that  
2 Mr. Marko Stojicic was the chief of the -- of the cannon crew and --

3 JUDGE ANTONETTI: [Interpretation] Very well.

4 THE WITNESS: [Interpretation] And the exchange of artillery fire.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, thanks to  
6 Mr. Prlic I understand better. When it says T-130, it's a gun and not a  
7 tank; whereas in the English version of this report, it said tank crew.  
8 But it's a gun, and not a tank.

9 THE WITNESS: [Interpretation] That's what I said, yes.

10 JUDGE ANTONETTI: [Interpretation] Very well. Very well. 130  
11 is -- when we see 130, it's 130 millimetres; is that right?

12

THE WITNESS: [Interpretation] Correct.

13

MR. STRINGER:

14 Q. General, the next exhibit is P04520. This one's dated on the  
15 following day, the 26th of August, 1993. And this is a report that  
16 appears to be signed or made on behalf of the operative zone commander  
17 Miljenko Lasic. And in item number 1, he's talking about the operation  
18 in Rastani and the use of anti-aircraft defence weapons. And so what  
19 he's doing is to describe the firing positions of the anti-aircraft  
20 defence weapons used during the operation in Rastani. And then in item  
21 number 2, you'll see, he makes a reference to the PAM 14.5 positioned  
22 from Crne Stijene towards Kucejko, tasked with firing on Brana and  
23 targets in Vrapcici, and support for Tuta's men in the assault operation  
24 on Rastani.

25 General, is it true that the HVO's artillery or these particular

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1 weapons were deployed in support of Tuta's men in the operation on  
2 Rastani?

3 A. Well, the artillery, the anti-aircraft gun, 14.5 millimetres,  
4 well, that's not the artillery in the classical sense of the word. It's  
5 a machine-gun of slightly greater calibre than the 7.9, which is the  
6 classical one that infantrymen carry with them. And I have no reason to  
7 doubt the report of Mr. Mico Lasic because it's a comprehensive report.  
8 It says what the targets are and so on and so forth in very precise  
9 terms. So ...

10 Q. Now, the next -- or skipping down a bullet point, there's a  
11 reference to the PAM 14.5 at the graveyard firing position at Orlac. Do  
12 you see that?

13 A. No. No, I don't see that.

14 Q. Well, going back to the one -- going back to the one we were just  
15 at that -- under number 1 there's a couple different bullet points, and  
16 if you look at the fourth bullet point under paragraph 1.

17 A. Yes, I found it. Yes.

18 Q. "The PAM 14.5 at the graveyard firing position at Orlac is a new  
19 south-east Herzegovina operative zone weapon that arrived from the HV,  
20 Croatian Army, through pilot Bato Sunjic, who is one of Orlovac Company."

21 General, were you aware that the HV Croatian Army was supplying  
22 weapons to the South-east Herzegovina operative zone that it was using in  
23 its military operations during this period of time?

24 A. This wasn't sent by the Croatian Army. It came from the  
25 Croatian Army, and obviously the pilot Sunjic brought it. What was done,

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1 that is correct, Mr. Stringer, that people tried to come by weapons in  
2 all manner of ways. So if you say that this is -- that somebody in the  
3 Croatian Army ordered that weapons be given, that certainly was not true.  
4 But that Sunjic happened to bring in an anti-aircraft gun,  
5 14.5 millimetres, that is obviously correct. And it was used at targets.

6 Q. All right.

7 A. So that's it. But --

8 Q. So you don't know how he got this from the Croatian Army?

9 A. No. No.

10 Q. And then skipping down another three bullet points, this is the  
11 third bullet, the top of page 2, there's a reference to the  
12 20/1 Oerlikon Pact, and it said that this one fired on facilities in the  
13 north camp. Do you see that?

14 A. Yes. It acted at the military position Kop. And then north  
15 camp, it is a 20-millimetre gun with one barrel. You have one barrels,  
16 two barrels, four barrels. This one obviously has one barrel.

17 Q. And it says, going on, that this weapon was received by the  
18 operative zone from the Croatian Army through Mr. Ivica Mandic, commander  
19 of the Pula military post who provided a PAT crew commanded by Mr. Revic,  
20 all of this agreed with Mr. Mijo Jelic and Mr. Cule.

21 So again, General, would it be correct to say that you don't know  
22 actually how they obtained this weapon, but it appears the weapon was  
23 obtained in some way from the Croatian Army?

24 A. No, it was not obtained from the Croatian Army. When you  
25 Croatian Army, obtained from the Croatian Army, then that means that

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1 somebody issued an order to that effect, that weapons belonging to the  
2 Croatian Army, et cetera, et cetera. That's what it means. Now, whether  
3 this was a private contact that led to this or not, I don't know. But  
4 this is how both the BH Army and the HVO procured weapons in all possible  
5 ways. I assume that's clear to you by now.

6 Q. All right.

7 MR. KHAN: Your Honour, before my learned friend poses his next  
8 question, may I just remind the Registrar that my learned friend asked  
9 for five minutes to address Your Honours before we end.

10 JUDGE ANTONETTI: [Interpretation] Yes, of course. So maybe we  
11 should stop him now, because I see that it's already 20 to 2.00. We can  
12 continue on Monday, Mr. Stringer. We'll have plenty of time for that.

13 So I will hand the floor now to the person who wished to  
14 intervene. I believe it was Ms. Nozica. Is that right?

15 MS. NOZICA: [Interpretation] Yes, Your Honour. Thank you very  
16 much. May we move into private session for the request I have to make?

17 JUDGE ANTONETTI: [Interpretation] Mr. Registrar.

18 [Private session]

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

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11 Pages 44413-44414 redacted. Private session.

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1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 [Open session]

10 THE REGISTRAR: Your Honours, we're in back in open session.

11 Thank you.

12 JUDGE ANTONETTI: [Interpretation] Very well. So now that we're

13 back in open session, I would like to mention that we will resume on

14 Monday at 2.15 p.m., and I wish you all a good evening.

15 --- Whereupon the hearing adjourned at 1.48 p.m.,

16 to be reconvened on Monday, the 7th day of

17 September, 2009, at 2.15 p.m.

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