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1 Tuesday, 29 September 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 --- Upon commencing at 9.01 a.m.

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

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

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

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

13 This is Tuesday, September 29th, 2009, and I greet the accused,  
14 members of the -- the counsel for Defence, all members of the OTP, and  
15 everyone helping us.

16 I believe that the Registrar has an IC number for us.

17 THE REGISTRAR: Thank you, Your Honour.

18 Some parties have submitted lists of documents to be tendered  
19 through Witness Zvonimir Skender. The list submitted by 3D shall be  
20 given Exhibit IC1055, the list submitted by 2D shall be given Exhibit  
21 IC105 -- sorry, the previous number is actually 1053, and the list  
22 submitted by 2D shall be given Exhibit IC1054, and the list submitted by

23 the OTP shall be given Exhibit IC1055.

24 If I can take that again, the list submitted by 3D shall be given  
25 Exhibit IC1053, and the list submitted by 2D shall be given

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1 Exhibit IC1054, while the list submitted by the OTP shall be given  
2 Exhibit IC1055.

3 Thank you, Your Honours.

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

5 Let's bring the witness into the courtroom. Could the usher  
6 please go and get him.

7 [The witness entered court]

8 JUDGE ANTONETTI: [Interpretation] Good morning, sir.

9 THE WITNESS: [Interpretation] Good morning.

10 JUDGE ANTONETTI: [Interpretation] Could you please give us your  
11 last name, first name, and date of birth.

12 THE WITNESS: [Interpretation] My name is Zrinko Tokic, and I was  
13 born on the 18th of October, 1960.

14 JUDGE ANTONETTI: [Interpretation] What is your current  
15 occupation?

16 THE WITNESS: [Interpretation] I am a professor of defence.

17 JUDGE ANTONETTI: [Interpretation] Where do you work?

18 THE WITNESS: [Interpretation] That's the profession I once did.  
19 I was in school, I taught at school, but I'm retired now and receive a  
20 military pension.

21 JUDGE ANTONETTI: [Interpretation] You receive a military pension.

22 Could you tell us what your rank was when you left -- before you retired?

23 THE WITNESS: [Interpretation] Yes, that's right, Your Honour. I  
24 retired as a brigadier in 2001.

25 JUDGE ANTONETTI: [Interpretation] Have you already testified in

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1 court or is this the first time you're testifying?

2 THE WITNESS: [Interpretation] Your Honour, this is the first  
3 time.

4 JUDGE ANTONETTI: [Interpretation] Could you please read the  
5 solemn declaration on the card.

6 THE WITNESS: [Interpretation] I solemnly declare that I will  
7 speak the truth, the whole truth, and nothing but the truth.

8 WITNESS: ZRINKO TOKIC

9 [The witness answered through interpreter]

10 JUDGE ANTONETTI: [Interpretation] Thank you. You may sit down.

11 You have been called by the Defence, and you will be answering  
12 questions put to you by the Defence counsels first. Please try and be  
13 very specific in your answers. If you do not understand a question, just  
14 ask the person putting it to you to reformulate it. The four Judges on  
15 the Bench can also ask questions. It will all depend of -- on your  
16 answers and also mainly of documents that we will be shown. And then  
17 after the examination-in-chief, we'll have the cross-examination by the  
18 Prosecution. After that, there might be some redirect.

19 You have been scheduled to be testifying all week, until  
20 Thursday. You have taken the oath. You're now a witness of justice.

21 You're not supposed to contact the Defence any longer, so for the few  
22 evenings that you'll spend in The Hague, please be very silent and do not  
23 tell anyone what you've been testifying about, especially not to the  
24 media. Of course, you can talk with your relatives to tell them that --  
25 to tell them what's going on, but don't contact the media.

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1 I wanted to say all this to make sure that this hearing would run  
2 as smoothly as possible.

3 For some technical reasons, we break every hour and a half for 20  
4 minutes, usually. Of course, if at any moment you feel poorly, just  
5 raise your hand and we'll have a break.

6 I see that Ms. Alaburic has her lectern, she's ready, so we'll  
7 give her the floor immediately.

8 MS. ALABURIC: [Interpretation] Good morning, Your Honours. Good  
9 morning to you, too, Mr. Tokic. Good morning to the Prosecutor and  
10 everybody else in the courtroom.

11 Examination by Ms. Alaburic:

12 Q. Mr. Tokic, during the proofing session we discussed your life,  
13 your CV, and we'd like to place on the ELMO your curriculum vitae. And  
14 I'd like to ask the usher's help for us to do that.

15 The Trial Chamber has your CV, and I've handed a copy over to the  
16 Prosecutor, and I think we'll save some ten minutes if we put it on the  
17 ELMO and are able to look through it quickly.

18 Mr. Tokic, tell us, you've seen your CV. Just tell us whether it  
19 corresponds to the basic information you provided us about your

20 education, career, and other aspects of your life.

21 A. Counsel, this CV is completely accurate and corresponds to what I  
22 told you.

23 Q. Would you then sign the documents and place today's date there,  
24 which is the 29th of September, 2009.

25 And I'd like an IC number for the document after that, please.

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1 Thank you.

2 If you have a pen, you can sign the paper to your right.

3 A. [Marks]

4 MS. ALABURIC: [Interpretation] And an IC number now, please.

5 JUDGE ANTONETTI: [Interpretation] Registrar, please.

6 THE REGISTRAR: Yes, Your Honour. The witness's CV shall be  
7 given Exhibit IC1056. Thank you, Your Honours.

8 MS. ALABURIC: [Interpretation]

9 Q. Mr. Tokic, I'm just going to ask you some brief questions about  
10 your CV. It says here that in December 1997, you performed the duties of  
11 commander of the HVO for the Military District of Tomislavgrad, and my  
12 question to you is: Is it the same HVO that existed in 1992 and 1993?

13 A. Yes, that's right. During my professional career, in 1997 I was  
14 appointed commander of the Tomislavgrad Military District, as a component  
15 part of the Croatian Defence Council, in the army of the federation.

16 Q. You mean the Federation of Bosnia-Herzegovina; right?

17 A. Yes.

18 Q. It also says here that from October 2005 you were deputy chief,

19 then chief of the municipality of Gornji Vakuf-Uskoplje. Can you tell us  
20 who appointed you to that post?

21 A. After I had completed my professional career as a soldier, an  
22 opportunity presented itself for me to work in the Uskoplje-Gornji Vakuf  
23 municipality, and quite simply, as the OHR saw to the integration of two  
24 municipalities, Uskoplje and Gornji Vakuf, I was appointed in 2001 to the  
25 position of deputy chief, and Mr. Zero [phoen] Dragisa was appointed

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1 chief, but we rotated and took up that position every year.

2 Q. The abbreviation you mentioned was not recorded. It was OHR,  
3 right, the abbreviation you mentioned? Can you tell us whether the OHR  
4 appointed you to that post?

5 A. No. The transitional municipal council for the  
6 Gornji Vakuf-Uskoplje municipality, with 39 councillors, and this  
7 transitory municipal council had 23 Bosniaks, 16 -- and 16 Croats. And  
8 by general acclamation, that is to say, unanimously, they lifted up their  
9 hands to vote me in for that position.

10 Q. Tell us, please, did the representatives of the Bosniaks vote for  
11 you too?

12 A. Yes, all 23 councillors from the Bosniak people voted to have me  
13 elected.

14 Q. Can you just tell us briefly, Mr. Tokic, what OHR stands for?  
15 What is OHR?

16 A. It is the Office of the High Commissioner, who, in Bosnia and  
17 Herzegovina, coordinated, quite simply -- coordinated within

18 Bosnia-Herzegovina when the domestic politicians were not able to resolve  
19 something. Then the high commissioner had supreme authority and was able  
20 to make the decision.

21 Q. Tell us, please, is that the representative of the international  
22 community; is that what you mean?

23 A. Yes, he is a representative of the international community.

24 Q. Thank you. Now, tell us, please, Mr. Tokic, during the conflict  
25 with the BH Army in 1993, did you attend a celebration of the BH Army of

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1 some kind on the territory of Gornji Vakuf?

2 A. After the January conflict, at the invitation of  
3 Mr. Okrakin [phoen] Agic and Fikret Musa for Army Day, which was the 15th  
4 of April, 1993, I was present at the cultural centre for these  
5 festivities and for commemorating Army Day, and I addressed everybody  
6 present on behalf of the HVO, everybody present in the hall, and I  
7 congratulated them on Army Day and said what their duties would be in the  
8 period to come.

9 Q. All right, fine. Thank you. Now, in your CV, Mr. Tokic, you say  
10 that you were never prosecuted. Now, do you have any knowledge that at  
11 the present time in Bosnia-Herzegovina there are criminal proceedings  
12 against you with respect to the events of January 1993 in the area of  
13 Gornji Vakuf?

14 A. Well, with respect to communication with my soldiers and friends  
15 from the Bosniak people, with my communications with them, I have  
16 information that investigators are investigating my role in those events,

17 the events of 1993, but for the moment I haven't had any official  
18 confirmation of that. But that is what I heard.

19 Q. Mr. Tokic, you did not seek any protective measures to testify  
20 here in The Hague. **Can you explain to us why that is?**

21 A. Well, I have no need to ask for protective measures. Everything  
22 I did, as an officer of the Croatian Defence Council, I did in conformity  
23 with the rules and regulations, so I have nothing to be ashamed of or to  
24 be afraid of, and for those reasons I consider that I don't need  
25 protection of any kind.

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1 Q. Thank you. So we see once again from your CV that already in  
2 1992, you were the commander, first of all, of the Municipal Staff of the  
3 HVO and then of the brigade, of a brigade. Can you tell us, Mr. Tokic,  
4 how the army was organised, the HVO army was organised at that time?

5 A. Well, the army, the HVO, was organised at the beginning into  
6 municipal staffs pursuant to a decision of the Croatian Community of  
7 Herceg-Bosna dated the 8th of April, 1992. And after receiving orders  
8 for the establishment of brigades, the brigades were, indeed,  
9 established, and that was -- that whole process was to be completed by  
10 September 1992.

11 Q. According to what principle?

12 THE INTERPRETER: Could the speakers kindly slow down and pause  
13 between question and answer. Thank you.

14 THE WITNESS: [Interpretation] The brigade was organised according  
15 to the territorial principle.

16 MS. ALABURIC: [Interpretation]

17 Q. Can you explain, taking the example of Gornji Vakuf, what that  
18 means in practice?

19 A. It meant that for the Gornji Vakuf-Uskoplje municipality, the  
20 Dr. Ante Starcevic Brigade is the brigade covering that territory, and it  
21 has its mobilisational deployment and is made up of military conscripts  
22 from the Gornji Vakuf area.

23 THE INTERPRETER: Kindly slow down for the record. Thank you.

24 MS. ALABURIC: [Interpretation]

25 Q. In line 19 -- yes, everything is there, the full name of the

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1 brigade. Now, take a look at the next document, please. It is an  
2 excerpt from the Territorial Division of Bosnia-Herzegovina. It is a  
3 Prosecution document, and we're interested in the Gornji Vakuf  
4 municipality for the time being.

5 Can you, Mr. Tokic, tell us, in 1992, what area of Gornji Vakuf  
6 municipality was your brigade active in and what did it do there?

7 A. The Dr. Ante Starcevic Brigade held the defence line facing the  
8 Army of Republika Srpska on Mount Radus **so that it organised the**  
9 front-line in such a way as to ensure that Radus and the Rama Brigade, to  
10 its left, and its neighbouring Eugen Kvaternik Brigade on the right,  
11 acted along that line.

12 Q. That second brigade that you mentioned, you said Eugen Kvaternik  
13 Brigade; right?

14 A. Right.

15 Q. Eugen, E-u-g-e-n, Kvaternik, K-v -- et cetera, we'll put that  
16 right later on. But, Mr. Tokic, could you draw on that map where the  
17 line was, the line held by your brigade in 1992?

18 A. [Marks]

19 Q. No, you're drawing in the line at Bugojno.

20 A. I apologise, but my brigade, in 1992, held part of the line in  
21 Gornji Vakuf-Uskoplje municipality and part of the line in the Bugojno  
22 municipality area.

23 Q. Sir, what about the border between Gornji Vakuf and Kupres, the  
24 one that you marked now? Was that an area in which your brigade was  
25 active, the relatively short border, Gornji Vakuf-Kupres?

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1 A. Yes, that's right. I directly deployed my brigade along the  
2 defence line covering the border area between Gornji Vakuf, Uskoplje, and  
3 Kupres municipality.

4 Q. And in addition to the front-line, itself, did your brigade have  
5 an area of combat activity in Gornji Vakuf town, itself, or anywhere  
6 deeper into the territory of Gornji Vakuf municipality?

7 JUDGE PRANDLER: Mr. Tokic, let me interrupt you. You have  
8 already been asked by the interpreters and also by Maitre Alaburic that  
9 you have to wait after the questions and you have to wait for the  
10 interpreters, and then to start with your answer. Please kindly  
11 cooperate on this matter. Thank you.

12 MS. ALABURIC: [Interpretation]

13 Q. Mr. Tokic, my question was: What about deeper into the territory

14 of Gornji Vakuf and Gornji Vakuf town, itself, back in 1992. Was that to  
15 an area in which your brigade was carrying out combat activities back in  
16 1992?

17 A. My unit was defending the front-line. The front-line is what it  
18 says, the front-line, as well as settlements deeper into the territory  
19 behind the front-line. When we soldiers use that expression, when we say  
20 "a task to be carried out deeper into the territory," we normally mean  
21 about three kilometres' deep. The line to the light [as interpreted] was  
22 Raduski Kamen, to the right Srpski Brdo, and then further into the  
23 territory, the Voljice settlement.

24 Q. Mr. Tokic, can you please mark today's date on this map and sign  
25 the map, please.

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1 And if we can please have a number for the map as well.

2 A. [Marks]

3 JUDGE ANTONETTI: [Interpretation] Mr. Registrar.

4 THE REGISTRAR: Your Honour, the map just marked by the witness  
5 shall be given Exhibit IC1057. Thank you, Your Honours.

6 MS. ALABURIC: [Interpretation]

7 Q. The next map, Mr. Tokic --

8 JUDGE TRECHSEL: Excuse me. I would like you, Mr. Tokic, to  
9 clearly answer the question of counsel. Did you have troops of your  
10 brigade in Gornji Vakuf, itself, or not?

11 THE WITNESS: [Interpretation] The command post of my brigade,  
12 Your Honour, was in Gornji Vakuf-Uskoplje, only elements of command. All

13 my units in defensive activities were brought to the front-lines facing  
14 the Army of Republika Srpska.

15 JUDGE TRECHSEL: And I would suppose you had a small group of  
16 soldiers for the protection of the command post; is that correct?

17 THE WITNESS: [Interpretation] Your Honour, there was a security  
18 platoon at the command post, a solid security unit, for the purposes of  
19 the command.

20 JUDGE TRECHSEL: Thank you.

21 MS. ALABURIC: [Interpretation]

22 Q. Mr. Tokic, another question about this.

23 THE INTERPRETER: Interpreters note: Could counsel please move  
24 closer to the microphone. We can't hear her properly. Thank you.

25 MS. ALABURIC: [Interpretation]

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1 Q. In 1993 -- it appears that someone else's microphone is on, not  
2 being used.

3 Mr. Tokic, let us try to be specific about this and tell the  
4 Chamber what our position is, what your position is, regarding the area  
5 of combat activity of your brigade in January 1993, during the clashes  
6 with the BH Army. Where was the front-line at the time during those  
7 clashes?

8 A. The Dr. Ante Starcevic Brigade was at the time holding a defence  
9 line facing the VRS from two different directions along which logistical  
10 assistance was arriving. One of them was Raduski Kamen-Oglavak-Nisan,  
11 and logistical assistance was arriving down the

12 Gornji Vakuf-Doljica [phoen]-Radus line. The other line was  
13 Humac-Vukova Glava-Skrtsko Brdo, down the depth, down the depth,  
14 Jazvenik. The logistical assistance was arriving from Gornji Vakuf,  
15 Uskoplje, Gracanica, Kordici, Jazvenik.

16 Q. Can you tell us briefly, without detailed place names, what the  
17 front-line was facing the BH Army?

18 A. The front-line facing the BH Army was the entire area of  
19 Gornji Vakuf-Uskoplje municipality, where the forces of the  
20 Dr. Ante Starcevic Brigade were deployed.

21 Q. Mr. Tokic, at the time the entire municipality, in a way, became  
22 an area of combat activity. You, as the commander of the municipal  
23 brigade, would have assumed the powers normally associated with civilian  
24 authorities; would that have been the case?

25 A. Most certainly not.

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1 Q. Fine. I would now like to go back to this chart regarding the  
2 position of Gornji Vakuf. Could you please tell us what the significance  
3 of Gornji Vakuf was, in terms of traffic connections, if any?

4 A. Geographically speaking, Gornji Vakuf-Uskoplje municipality  
5 constituted a link between Central Bosnia and Herzegovina. Many people  
6 say that the area constitutes a gate to Central Bosnia. For that reason,  
7 it has an exceptional significance for all people living in Central  
8 Bosnia.

9 Q. All right. Can we move on to the next map, please.

10 The map shows the Gornji Vakuf-Uskoplje municipal territory, the

11 situation as it was on the 8th of January, 1993. Marked in blue, we see  
12 the territory held by the Croats, and marked by green the territory held  
13 by the Muslims, which to a large extent tallied with the population in  
14 these two respective areas. Mr. Tokic, was this map drawn based on your  
15 instructions? Were you, essentially, the person who drew this map?

16 A. Madam, while preparing my evidence here, I produced this map.

17 Q. Fine. I think we best just explain to the Chamber right away  
18 about the portions that are important to us. Next to place names  
19 mentioned in the indictment, we have the village of Zdrimci **on this and**  
20 map marked in green, meaning it was BH Army held. The BH Army was in  
21 that village. Would that be right, Mr. Tokic?

22 A. Madam, Zdrimci is a mixed village with both Croats and Bosniaks  
23 living there. Right in the middle of the village, there is simply a  
24 higher concentration of Bosniak population.

25 Q. We need to spell the name correctly, since it's important and

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1 it's mentioned in the indictment. Zdrimci.

2 Mr. Tokic, were there any BH Army units in that village or not?

3 JUDGE TRECHSEL: Excuse me, Ms. Alaburic. I cannot help noticing  
4 that the spelling on the map is different from the one that we have on  
5 the transcript. It is Zdrimci with an M like "Maria" and not an N, like  
6 "Nicholas"; is that correct?

7 MS. ALABURIC: [Interpretation] The letter is M, but we've tried  
8 to correct the name several times and we failed, so we simply took down  
9 the reference to get it corrected later on. Z-d-r-i-m-c-i. The first

10 letter is a Z, like "Zagreb," yes, actually "zh," which doesn't exist in  
11 the English language.

12 Be that as it may, the name on the map is correct, and we find  
13 the same name on the indictment. Therefore, there is no problem with  
14 that.

15 All right. And now the same question in relation to the villages  
16 of Dusa and Uzricje, and Uzricje. That's right, fine, it's been entered  
17 correctly.

18 Were there any BH Army units in those villages?

19 A. In those villages, too, there were organised BH Army units.

20 Q. Mr. Tokic, could you please indicate Hrasnica on the map?

21 A. Hrasnica, in relation to Gornji Vakuf municipality, is eight  
22 kilometres towards Bugojno.

23 Q. Were there any BH Army units in that area as well?

24 A. In Hrasnica itself, there were some organised BH Army units?

25 Q. The Hrasnica area, if we looked closely at it, we see that the

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1 area controlled by the Croats is cut across by a BH Army-held corridor.

2 Could you tell us which road runs through that area from Uskoplje towards  
3 the north?

4 A. Madam counsel, the road connecting Gornji Vakuf, Uskoplje, and  
5 Bugojno, this is M-62, and it runs just there.

6 Q. Mr. Tokic, could you underline the Hrasnica area? Just circle  
7 it. It doesn't matter what it ends up looking like.

8 A. [Marks]

9 Q. Fine. Can you please mark the road to Bugojno, cut across by  
10 this Muslim-controlled corridor?

11 A. [Marks]

12 Q. You'll be given a better marker.

13 JUDGE TRECHSEL: Excuse me. I would like to ask a question.

14 Witness, you made this map, and in the map there is a no-man's  
15 zone, as it were, in my view, the white area. Counsel, however, says  
16 that that area was Muslim no -- yes, Muslim controlled, I think. Could  
17 you clarify, if counsel is right, why, then, did you leave it this white?

18 THE WITNESS: [Interpretation] Your Honour, when units go to the  
19 field, they take up certain lines within this area, and there is an area  
20 of firing -- small-arms firing within that area. For that reason, any  
21 army approaching a position there would very much make sure they didn't  
22 put their men in harm's way. This was a buffer zone that was created for  
23 that reason.

24 JUDGE TRECHSEL: As a buffer zone, wouldn't it be controlled, in  
25 a way, by -- from both sides?

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1 THE WITNESS: [Interpretation] I do agree, Your Honour.

2 JUDGE TRECHSEL: Thank you.

3 MS. ALABURIC: [Interpretation]

4 Q. Mr. Tokic, tell us, please, this area coloured green that I  
5 referred to, so it is the green area that cuts across the  
6 Gornji Vakuf-Bugojno line, was that territory that was Muslim held?

7 A. Counsel, you're absolutely right, that was the area controlled by

8 the Bosniaks.

9 MS. ALABURIC: [Interpretation] May I just give an explanation to  
10 Judge Trechsel.

11 My question referred to the area which is coloured in, not the  
12 area which is left without colour. And that would have been my next  
13 question, but the witness has already told us that it was a buffer zone.

14 Q. Now, Mr. Tokic, could you sign this map, too, with today's date,  
15 and then I'd like to ask for an IC number for the map.

16 A. [Marks]

17 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, can we have an  
18 IC number, please.

19 THE REGISTRAR: Yes, Your Honour. The second map just marked by  
20 the witness shall be given Exhibit IC1058. Thank you, Your Honours.

21 MS. ALABURIC: [Interpretation]

22 Q. And now, Mr. Tokic, the last little map that we have prepared for  
23 you and that you were shown during the proofing session, it shows the  
24 area of the town of Gornji Vakuf, itself. It's an old map, so it does  
25 not show all the buildings and facilities that were built after this map

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1 was compiled 30 years ago. Anyway, Mr. Tokic, it serves its purpose.

2 Did you draw this map in preparation for your testimony here  
3 today?

4 A. Yes, I did draw this map.

5 Q. On this map, we have a group of facilities and buildings and the  
6 MUP building, because these are mentioned separately in the indictment.

7 So, Mr. Tokic, I'm first of all going to ask you about these factories in  
8 the industrial zone. When did the HVO and your brigade come into  
9 possession of those facilities?

10 A. Counsel, the Dr. Ante Starcevic Brigade took control of these  
11 facilities in the second conflict on the 23rd of October, 1992.

12 Q. Tell us, please, how long were these facilities under the control  
13 of your brigade?

14 A. We based -- were based in these facilities until the 27th of  
15 October, 1992.

16 Q. Do I understand you correctly, that's four days?

17 A. That's right.

18 Q. Tell me, please, was there any fighting going on with the BH Army  
19 over those facilities at all?

20 A. Counsel, we didn't need to fight for those facilities because my  
21 units -- the men in my units live next to these factories, so we didn't  
22 have to fight for them with anyone.

23 Q. And did the BH Army have any units of its own in those factories?

24 A. The BH Army never had any of its units in those factories.

25 Q. Tell us, please, the MUP building, how did the HVO come to

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1 control the MUP building?

2 A. The Ante Starcevic Brigade's units, in a conflict on the 24th of  
3 October, managed to take control of the MUP building.

4 Q. When you say "took," what do you mean? It implies some combat,  
5 does it not, if you take a building?

6 A. When the clash broke out between the BH Army and the  
7 Dr. Ante Starcevic Brigade in the municipality of Gornji Vakuf, and that  
8 was in October 1992, what happened then was that the units of the  
9 Ante Starcevic Brigade reached this position, the building, to stop the  
10 further advance of the BH Army towards the area where the Dr. Starcevic  
11 Brigade was organised.

12 Q. Tell us, please, was the building empty or were there BH Army  
13 soldiers inside, or some civilians, perhaps, or anybody else?

14 A. There was nobody in the building. The facility -- well, we took  
15 control of the facility without any fighting.

16 Q. All right, thank you. We've completed that introductory part,  
17 but let's just round it off.

18 There's an incident mentioned with a flag in the indictment at  
19 the beginning of January 19 -- can you tell us, Mr. Tokic, what flag,  
20 whose flag? What was this flag which led to this armed incident?

21 A. Counsel, it was the flags of the Croatian nation in  
22 Bosnia-Herzegovina, and those flags were hoisted for Christmas, the  
23 biggest Catholic religious feast.

24 Q. I apologise for interrupting you, but the date was January 1993?  
25 I'm not asking about Christmas 1992, but the incident which led to an

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1 armed intervention of this kind. It didn't have any major consequences,  
2 but just tell us who hoisted what flag which led to the incident breaking  
3 out.

4 A. In January 1993, members of HOS, H-O-S, on a lamp post in the

5 street, raised a HOS flag.

6 Q. And was it that flag which gave rise to the incident that  
7 followed?

8 A. Yes, that's right, the flag caused the incident.

9 MS. ALABURIC: [Interpretation] Thank you, and I'd like to thank  
10 the usher, too. We're done with the maps, and we'll move on to  
11 documents.

12 I do apologise. I need a number for the document, so would you  
13 sign your name there, too, please, with today's date, and then may we  
14 have an IC number for this document. And I'd like to thank Mr. Kovacic,  
15 my colleague, for reminding me of that.

16 THE WITNESS: [Marks]

17 JUDGE ANTONETTI: [Interpretation] Registrar, please.

18 THE REGISTRAR: Yes, Your Honour.

19 The third map just marked by the witness shall be given  
20 Exhibit IC1059. Thank you, Your Honours.

21 MS. ALABURIC: [Interpretation]

22 Q. Let's now try, Mr. Tokic, to get through the documents as quickly  
23 as possible, and I'll probably reduce the list.

24 The first document that you have, in my set of documents, is  
25 4D1667. It is a command -- an order from Zeljko Siljieg, dated September

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1 1992. Tell us, please, Mr. Tokic, are you familiar with the document?  
2 Did you receive it in 1992?

3 A. Madam, I am familiar with this document, and I did receive it on

4 the date specified.

5 Q. Mr. Siljeg mentions a possible attack by the Chetniks on Bugojno.  
6 Tell us, please, in September 1992 were there, indeed, battles with the  
7 Army of Republika Srpska or the Chetniks, or whatever we want to call  
8 them? So what I'm asking you is: Is what it says in the document  
9 correct?

10 A. Counsel, a little before this document was written, an attack was  
11 stopped against our defence lines, and this document is a warning to us,  
12 telling us that the Army of Republika Srpska wants to continue attacking  
13 our lines.

14 Q. Very well, thank you. Now, in point 3 of this document,  
15 Colonel Siljeg is asking for cooperation between the HVO and the TO or,  
16 rather, the BH Army. Tell us, please, did the HVO and BH Army cooperate  
17 and join forces in fighting a common enemy when this order was issued?

18 A. Counsel, when this order was issued, along the defence lines  
19 facing the Army of Republika Srpska, the lines were jointly held by the  
20 Dr. Ante Starcevic Brigade and the 317th Brigade of the BH Army.

21 Q. Let's move on to the next document, which is 4D --

22 JUDGE ANTONETTI: [Interpretation] I would like to discuss the  
23 fourth paragraph that is before us. On reading it, one has the feeling  
24 that according to a number of reports coming from the intelligence  
25 services, the Serbs would have infiltrated some troops who would be

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1 working to generate a conflict between the HVO and the Territorial  
2 Defence, and the Territorial Defence is represented here by the Muslims.

3 I tried to visualise the following situation: If the Serbs sent some of  
4 their men in depth who are dressed in camouflage uniforms and who, over  
5 night, infiltrate the ABiH lines and shoot at the HVO, the HVO may  
6 believe that Muslims are firing at them, or vice versa -- or, vice versa,  
7 the Serbs infiltrate the HVO lines and fire at the Muslims, and the  
8 Muslims have every reason to believe that the HVO are firing at them.  
9 This situation, i.e., infiltration by the Serbs, was this something you  
10 actually witnessed with your own eyes?

11 THE WITNESS: [Interpretation] Your Honour, may I be allowed to  
12 explain and say that in June 1992, the 8th of June, in actual fact, there  
13 was an ambush along the approach to Raduski Kamen, and in that ambush my  
14 assistant -- artillery assistant, Hajrudin Salihovic, was killed, and the  
15 chief of my operations department, [indiscernible], too, the commander of  
16 the 120th, too, and the line linking the HVO and Bugojno municipality,  
17 Gornji Vakuf-Uskoplje, Marko Juric.

18 For a long time, there were suspicions that this was carried out  
19 by members of the Patriotic League. It was only when they entered Kupres  
20 in 1994 was the situation clarified, and for that reason there was the  
21 fear that the Serbs might use this misunderstanding on our part and that  
22 we might be included in conflicts, but what we really needed to do was to  
23 strengthen our lines and defend Gornji Vakuf and Uskoplje.

24 JUDGE ANTONETTI: [Interpretation] Witness, according to my  
25 assumption, you explained that in June 1992, you had some of your

1 comrades who were killed, and you believed for a long time that these

2 were Muslims, and you discovered in 1994, when you entered Kupres, that,  
3 in fact, these were Serbs. Is that what you are telling us?

4 THE WITNESS: [Interpretation] Your Honour, that's what I wanted  
5 to say, yes.

6 JUDGE ANTONETTI: [Interpretation] Thank you.

7 MS. ALABURIC: [Interpretation]

8 Q. Mr. Tokic, in the meantime my colleagues have told me that one of  
9 your answers was not recorded, so I'll repeat the question and ask you to  
10 repeat your answer.

11 The question referred to the village of Zdrimci, **Z-d-r-i-m-c-i**,  
12 Zdrimci, and the question was whether, in that village, there were any  
13 members of the BH Army. So could you repeat your answer, please?

14 A. Counsel, in the village of Zdrimci, **an infantry company was**  
15 organised there of soldiers belonging to the BH Army.

16 Q. Very well. Now let's look at the next document, which is 4D399,  
17 399. It's a document dated November 1992. It is an order from  
18 Brigadier Milivoj Petkovic, and towards the end of that order he is  
19 instructing that they come into contact with the BH Army Command in  
20 Gornji Vakuf in order to overcome the mistrust, and to send units to the  
21 defence lines in Bugojno. Did you receive an order to that effect?

22 A. Yes.

23 Q. Tell us, please, did you carry it out?

24 A. Yes, in full. I acted upon it and ensured that the order was  
25 carried out.

1 Q. At that time, who was the commander of the BH Army in  
2 Gornji Vakuf?

3 A. The commander of the BH Army in Gornji Vakuf was Fahrudin Agic.

4 Q. Is that November 1992?

5 A. I'm not 100 per cent certain, but I think that in November  
6 Mr. Agic came and took up that post. But until October, it was  
7 Mr. Fikret Musa.

8 Q. If you were to compare those two men, looking at their will to  
9 cooperate with the Croats and the HVO, who would you say was more  
10 cooperative?

11 A. Well, Fikret Musa, certainly, who, together with me, solved all  
12 the problems and incidents that broke out in the field.

13 Q. All right, thank you. Let's look at the next document briefly,  
14 please, P778. This is an exhibit already. I would like to briefly draw  
15 your attention to the following. It was a document produced by you,  
16 Mr. Tokic, about, as it says, a beastly murder of a Muslim citizen. In  
17 this letter, you address your colleagues from the BH Army to express your  
18 condolences, to apologise, and to point out that steps will be taken or  
19 have already been taken, judicial steps, against the perpetrator of this  
20 gruesome murder.

21 Mr. Tokic, is this a document that you produced?

22 A. Yes, that's right.

23 Q. I will now be asking you several questions about raising combat  
24 readiness.

25 To begin with, can we please look at 4D416, 4D416.

1           This is an order by Colonel Siljeg, dated 9th of January, 1993,  
2 sent to all the operation zones' brigades. Mr. Tokic, did you, too,  
3 receive this order?

4           A.    Yes.

5           Q.    Item 1 is about combat readiness being raised, having received  
6 information that the Chetniks had brought reinforcements to certain  
7 sectors. Does that claim tally with what you knew at the time,  
8 Mr. Tokic?

9           A.    Yes, fully.

10          Q.    In the introductory part of this order, Colonel Siljeg invokes an  
11 order by the Main Staff, numbered 33; is that right, Mr. Tokic?

12          A.    Yes, that's right. It says: "Pursuant to 01-33."

13          Q.    Let's try to cross-reference this and find out what the document  
14 actually is. It's P1087, 1087, the Main Staff document, an order by  
15 Brigadier Petkovic, Chief of the Main Staff, dated the 9th of January.  
16 The filing number is the same; right?

17          A.    Yes.

18          Q.    Based on this document, what is your conclusion? Was it  
19 dispatched to all the operative zones or was it only dispatched about the  
20 incidents in Gornji Vakuf or the developments in Gornji Vakuf?

21          A.    If we look closely, it was, in fact, dispatched to all operative  
22 zones.

23          Q.    All right. The next one up is 4D1403, the document issued by  
24 Arif Pasalic, the commander of the BH Army's 4th Corps. The date is the

25 3rd of January, 1993. If we look at the main body of the order, which is

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1 quite lengthy, we see that the BH Army has information indicating that  
2 the VRS is planning certain combat activities. For this reason, they are  
3 raising their own combat readiness and preparing for certain activities.  
4 We'll be looking at another document before I ask you a question about  
5 this.

6 The next document is 4D394, again an Arif Pasalic document. The  
7 date is the 6th of January, 1993, taking measures to ensure maximum  
8 combat readiness in relation to the Geneva **talks. In the penultimate**  
9 paragraph, the document says it is to be expected that the aggressor will  
10 continue to try and score a military success, in relation to the talks,  
11 and also be stepping up combat activities. And then there are references  
12 to particular front-lines there.

13 Mr. Tokic, what would seem to follow from this: Who is the  
14 aggressor, the VRS or another army?

15 A. Madam counsel, it is very clear, based on these documents, that  
16 the aggressor here is the VRS.

17 Q. Did you have any information indicating that the BH Army in  
18 Gornji Vakuf at the time were also stepping up their combat readiness  
19 because they expected activity on the part of the VRS?

20 A. I was all the time in touch with Mr. Agic. We knew about that,  
21 and we issued a joint order about what was to be done along the  
22 front-lines.

23 Q. Let us try to briefly run through a couple of documents about --

24 JUDGE ANTONETTI: [Interpretation] Witness, I have a technical  
25 question.

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1 The documents we saw show that the Serbs were listened -- were  
2 listened to by the HVO and the BH Army, because it's thanks to tapping  
3 that we learn that the Serbs probably intend to carry out an action in  
4 the Sector number 32, and obviously the HVO doesn't really know what  
5 "Sector 32" means. So given this, I'm wondering the following: I want  
6 to know whether you, in the HVO, were also eavesdropping on the BH Army  
7 and whether the BH Army was also tapping the HVO.

8 THE WITNESS: [Interpretation] Your Honour, that was technically  
9 possible. Nevertheless, neither we, nor the army, were listening to each  
10 other. We were occupying a joint position along the front-line facing  
11 the VRS instead.

12 JUDGE ANTONETTI: [Interpretation] You're telling us that there  
13 was a technical possibility, but you did not do it, neither the HVO, nor  
14 the BH Army, because the both -- the both of you were siding against the  
15 Serbs; is that it?

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

17 JUDGE ANTONETTI: [Interpretation] Very well.

18 MS. ALABURIC: [Interpretation]

19 Q. Mr. Tokic, let's try and go back to 4D352 to check out two  
20 specific elements. This is a report from your own operative zone, the  
21 Gornji Vakuf. In the second sentence, we see the following:

22 "Situation in the town in relation to the allies is still tense."

23 Can you tell us who the reference is to, when the document says  
24 "the allies in Gornji Vakuf"?

25 A. Madam counsel, the BH Army units and no one but the BH Army

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1 units.

2 Q. The next sentence reads:

3 "The BH Army continues to deploy members of the BH Army from  
4 Jajce at several locations in the municipality."

5 Mr. Tokic, was that actually the case?

6 A. Yes.

7 Q. Can you tell us whether these developments to do with the Jajce  
8 Brigade affected the relations between the HVO and the BH Army in Vakuf?

9 A. Yes, to a large degree.

10 Q. All right. Next one up, P1090, 1090, a collective --

11 JUDGE ANTONETTI: [Interpretation] Witness, earlier you told us  
12 that the HVO and the BH Army were both facing the Serbs. I took due note  
13 of this. But this document, 4D452 [as interpreted] show that on the HVO  
14 side, there's concern. The HVO is finding out that the BH Army is  
15 deploying its troops in a number of settlements in this municipality, and  
16 the HVO, which has very good information, quotes three settlements,  
17 Voljevac, Podvode [phoen] and Voljice, where the BH Army deployed a  
18 number of men. For example, in Voljevac, there's 50 to 61 men led by a  
19 man known as Herman, a man who was already well known because he'd been  
20 involved in some kind of shady business earlier in 1983 or 1984, so  
21 there's elements for concern.

22 Now, I'd like to know whether this was concerning enough to  
23 decide to take some steps against the BH Army, or whether these were just  
24 questions that the HVO had and nothing more at the time.

25 THE WITNESS: [Interpretation] Your Honour, this was a worrisome

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1 trend. I put in a word with the commander of the 317th Brigade, saying  
2 that the units were not originally from Gornji Vakuf and Uskoplje and  
3 that they could not be deployed in the area.

4 JUDGE ANTONETTI: [Interpretation] And what did your counterpart  
5 tell you?

6 THE WITNESS: [Interpretation] He told me that this was the 305th  
7 Jajce Brigade, commanded by Mr. Delic, and that about 600 of their men  
8 would be deployed in Croat-only areas and that they would not be sending  
9 200 of them into Voljice until further notice. That was his plan,  
10 because Croats and Bosniaks were living together there.

11 JUDGE ANTONETTI: [Interpretation] Thank you.

12 MR. KOVACIC: [Interpretation] Your Honours, it might be a good  
13 idea to set the record straight immediately. We might be going back to  
14 that document.

15 Page 27, line 9, that's one of your questions, you referred to  
16 4D352, whereas the transcript reflects "4D452." So lest there be any  
17 confusion at a later stage.

18 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, you're right.

19 MS. ALABURIC: [Interpretation]

20 Q. Mr. Tokic, briefly on a number of other documents. P1090, a

21 collective -- a consolidated report. The third paragraph from the bottom  
22 up reads, about your operative zone: Could you please comment on that?

23 "On the part of the BH Army command staff, a warning arrived," a  
24 warning to the command of the HVO, "that no forces should be moving in  
25 motor vehicles around Gornji Vakuf municipality without previously

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1 obtaining approval from the 3rd Corps Command of the BH Army."

2 Mr. Tokic, does this report tally with what you knew about the  
3 developments on the ground at the time?

4 A. Madam counsel, yes, it does, fully.

5 Q. The next one up, 4D354, 4D354, which is an order by  
6 Brigadier Milivoj Petkovic on the 11th of January, 1993, dispatching it  
7 to you, Mr. Tokic, requesting a report on the situation in Gornji Vakuf.  
8 Mr. Tokic, did you receive this order?

9 A. Yes.

10 Q. Did you send back a report, pursuant to this order?

11 A. Yes.

12 Q. So what about the word "ally" in this document? Who is that a  
13 reference to?

14 A. The BH Army units.

15 Q. The next one up, 4D355, a report from your brigade, the 11th of  
16 January, sent to the Main Staff. Is that the report that was prepared  
17 based on Mr. Petkovic's order?

18 A. Yes.

19 Q. The next one up is P1101, 1101, likewise a consolidated report.

20 The part that we're looking at is the one in relation to your own  
21 operative zone. It reads:

22 "The commander of the Ante Starcevic Brigade received  
23 instructions to talk to the commanders," or, rather, "the commander of  
24 the BH Army for Gornji Vakuf, Agic, in order to try and allay the  
25 tensions and separate the warring sides, the flashing sides. Should he

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1 be unable to do that and as the situation dictates, he should move on  
2 with active defence activities."

3 Mr. Tokic, did you really receive an order like this?

4 A. Yes.

5 Q. Would you look at the next document, please, P1115, P1115, an  
6 order by Brigadier Petkovic dated the 13th of January, 1993, saying that  
7 incidents should be avoided. The order was sent to Gornji Vakuf. My  
8 question, Mr. Tokic: Did you receive this order?

9 A. Yes.

10 Q. Did you act on it?

11 A. Fully.

12 Q. Next document, 4D356, 356, an interim report by Colonel Siljeg.  
13 The second part of the report says:

14 "Passing through Vakuf and entering Vakuf, all blocked, they  
15 sealed off the Prozor-Bugojno road in the Drazov Dolac area,  
16 Duradbegov Dolac, Drasce, along the entrance to Gornji Vakuf, and our  
17 forces in the sectors of Humac, Pajic Polje, Mackovac, Hasici."

18 Mr. Tokic, is the report accurate? Was this really the case on

19 the 13th of January?

20 A. Yes.

21 Q. All right. P --

22 JUDGE ANTONETTI: [Interpretation] Witness, when reading this  
23 document, I note that a meeting was held in Gornji Vakuf between yourself  
24 and the commander of the BH Army, but there were also representatives of  
25 UNPROFOR. Do you remember this meeting attended also by representatives

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1 of UNPROFOR?

2 THE WITNESS: [Interpretation] Your Honour, I do remember this  
3 meeting, and the meeting was, indeed, held at the UNPROFOR base in  
4 Gornji Vakuf-Uskoplje.

5 JUDGE ANTONETTI: [Interpretation] So the UNPROFOR was present.  
6 According to what you know, do you think that the UNPROFOR was trying to  
7 find out who was at the source of the incident, whether it was you or  
8 them? Did you feel monitored, did you feel like they were watching you,  
9 and that if you were doing something wrong, UNPROFOR would automatically  
10 find out -- find it out and tell everyone about it?

11 THE WITNESS: [Interpretation] Your Honour, I did not have the  
12 feeling that I was being watched. I thought it was their duty to help  
13 us, and we truly wanted to resolve the whole situation in a peaceful way.

14 JUDGE ANTONETTI: [Interpretation] Very well.

15 MS. ALABURIC: [Interpretation] The next document, P1131, is what  
16 I'd like to look at now. It's a report which was drafted by Miro Andric  
17 and Zeljko Siljeg, as well as Dr. Sandrk.

18 Q. From this report, which is already an exhibit, I'd just like to  
19 ask you to clarify one point. It says here:

20 "Upon leaving Prozor, we were taken over by UN representatives  
21 and taken, in an APC, to the UN headquarters in Gornji Vakuf."

22 Can you explain to us, Mr. Tokic, what this is all about?

23 A. Counsel, here it says -- well, none of the population or members  
24 of the HVO were able to enter Gornji Vakuf-Uskoplje in any other way,  
25 from the direction of Prozor, but in an armoured personnel carrier

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1 belonging to the UN. That was the only way you could do it.

2 Q. Can you explain to us when that became the situation and why?

3 A. Well, it was like that since the 9th of January because of the  
4 check-points that had been erected by the members of the BH Army by the  
5 fire brigade tower. Paraga, commander of the Green Berets, had simply  
6 blocked the main road, the M-16-2 main road at that point.

7 Q. Can you tell us what year that was? The 9th of January, but what  
8 was the year?

9 A. 1993.

10 Q. Let's look at the next document now, 4D343.

11 JUDGE ANTONETTI: [Interpretation] Witness, this document states  
12 that an UNPROFOR soldier was killed by the sniper. Do you remember this?

13 THE WITNESS: [Interpretation] Yes, I do, Your Honour, and the  
14 Croatian Defence Council units -- well, we don't know how it actually  
15 happened, but, anyway, they simply sent their condolences to Major Jones  
16 and Colonel Stewart.

17 JUDGE ANTONETTI: [Interpretation] Yes. But beyond the  
18 condolences, we still have an UNPROFOR soldier killed, and, a priori, he  
19 was killed by either one of the three parties, either the HVO, the  
20 BH Army, or the Serbs. As far as you know, could you tell us whether  
21 UNPROFOR was able to find out who -- where the shot came from, and, if  
22 they managed to do so, did they know who held that sector?

23 THE WITNESS: [Interpretation] Your Honour, as far as I know, they  
24 didn't succeed in establishing with any certainty what happened here. I  
25 exclude the Army of Republika Srpska here because the incident took place

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1 on the bridge in the center of town, across the River Vrbas, at the  
2 separation line between the BH Army units and the Croatian Defence  
3 Council.

4 JUDGE ANTONETTI: [Interpretation] If I understand you correctly,  
5 the shot either came from the HVO or from the BH Army.

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

7 JUDGE ANTONETTI: [Interpretation] Fair enough.

8 MS. ALABURIC: [Interpretation]

9 Q. Mr. Tokic, tell us, was the HVO interested in having an  
10 investigation conducted and did it call for an investigation?

11 A. Counsel, the HVO did call for an investigation, and we offered to  
12 have some of our people included in that investigation.

13 Q. Was the proposal accepted?

14 A. The proposal was accepted. However, the result -- the results of  
15 the investigation are not known.

16 Q. Let's look at the next document now, please, which is 4D343, and  
17 it's a combat report by the man on duty from your operative zone, and it  
18 refers to your brigade. It says:

19 "In the area of responsibility of the Ante Starcevic Brigade,  
20 yesterday an agreement was reached on a cease-fire."

21 And this is how that was put in place. There was sporadic fire  
22 from small arms throughout the night, and after the HVO stopped firing,  
23 the BH Army started regrouping its troops in several locations, along  
24 several axes, and other locations are mentioned where the most intensive  
25 regrouping was noticed.

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1 Does this description of events, to the best of your knowledge,  
2 Mr. Tokic, correspond to the situation on the ground or not?

3 A. Yes, it does fully comply with the situation.

4 MS. ALABURIC: [Interpretation] Now let's look at the next  
5 document -- Your Honour, it seems that it's time for the break, so might  
6 we take the break now?

7 JUDGE ANTONETTI: [Interpretation] It's 10.30. We will break for  
8 20 minutes.

9 --- Recess taken at 10.29 a.m.

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

11 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic.

12 MS. ALABURIC: [Interpretation]

13 Q. The next document, Mr. Tokic, is P1153, 1153. It's a set of  
14 instructions for further action which, on the 15th of January, 1993, was

15 sent by Milivoj Petkovic to Gornji Vakuf.

16 Tell me, Mr. Tokic, did you receive these instructions on the  
17 15th of January, 1993?

18 A. Yes.

19 Q. In your opinion, these instructions, can they be considered to be  
20 an order for attack?

21 A. Counsel, this can in no way be considered to be an order for  
22 attack.

23 Q. Can you tell us, in the reference log-book, under what number was  
24 this order issued?

25 A. The reference number is 01-67/93.

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1 Q. Now look at the next document, which is P1139. It's an order  
2 from Brigadier Petkovic of the same day. The document is well known to  
3 everybody here in the courtroom. We know it as the order on  
4 re-subordination.

5 Now, Mr. Tokic, did you receive this order?

6 A. I never received an order like this.

7 Q. Can you tell us under what number this order was issued? What's  
8 the reference number there?

9 A. The reference number for this order is 01-70/93.

10 Q. Now, Mr. Tokic, we're going to discuss the matter of how the  
11 conflict was stopped. I'm skipping the conflict, itself, because  
12 General Praljak will be dealing with that - that was our agreement - but  
13 I'm going to show you three orders, first of all, all three, and then

14 I'll ask you some questions.

15 The first document is 1211, P1211 is the document number. It's  
16 an order from Mate Boban, dated the 19th of January, 1993, on forbidding  
17 any offensive action in Gornji Vakuf.

18 The next document is P1238, 1238. It is also an order signed  
19 jointly by Milivoj Petkovic and Arif Pasalic, on the 20th of January,  
20 1993, once again relating to a general cease-fire in Gornji Vakuf  
21 municipality.

22 And the third document in that set is P1237, and that's an order  
23 from the Operative Zone of North-West Herzegovina, which follows on from  
24 the previous order signed by Pasalic and Petkovic.

25 Now, tell us, Mr. Tokic, whether you received any of those three

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1 orders.

2 A. Yes.

3 Q. Which?

4 A. I received the order sent by Mr. Boban, and I received an order  
5 sent by Mr. Arif Pasalic and Brigadier Milivoj Petkovic.

6 Q. I see, fine. Now, tell us, did you act upon that order, did you  
7 carry it out?

8 A. Yes, fully.

9 Q. And what about the BH Army, did it carry out Arif Pasalic's  
10 order?

11 A. Partially.

12 Q. Can you explain what you mean when you say "partially"?

13 A. The brigade commander, Mr. Agic, said that his troops, the troops  
14 that he commanded, accepted the order, but that there were certain forces  
15 that he was not in command and that he couldn't ensure that in such a  
16 short space of time the order is implemented.

17 Q. Now let's look at another set of orders on the same subject, and  
18 I'm going to show you three orders once again.

19 JUDGE ANTONETTI: [Interpretation] I have a very short question of  
20 a technical nature.

21 We have seen documents that ordered a cease-fire. At the head of  
22 the brigade, I assume that each soldier, perhaps not all of them had, but  
23 they all had a gun with ammunition. When there is a cease-fire, does the  
24 ammunition have to be handed back or are the soldiers entitled to keep  
25 their gun and their ammunition?

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1 THE WITNESS: [Interpretation] Your Honour, the soldiers keep both  
2 their weapons and their ammunition.

3 JUDGE ANTONETTI: [Interpretation] All the time?

4 THE WITNESS: [Interpretation] That is always the case, yes.

5 JUDGE ANTONETTI: [Interpretation] When an offensive is launched,  
6 one has a very reason to believe that enough and a large quantity of  
7 ammunition is needed. In that case, does the brigade command send out an  
8 order to say that each soldier needs to have enough ammunition or needs  
9 to have additional ammunition?

10 THE WITNESS: [Interpretation] If it's simply a case of  
11 preparation for some military action or defence, and if the unit does not

12 have sufficient quantities of ammunition, then additional ammunition must  
13 be supplied.

14 JUDGE ANTONETTI: [Interpretation] When you supplement the  
15 ammunition, is an order sent out verbally or orally?

16 THE WITNESS: [Interpretation] Your Honour, everybody  
17 communicating with the brigade commander must state their needs and  
18 requirements, and at the brigade headquarters all this is summarised and  
19 sent to the command for reinforcement and replenishment, because the  
20 brigade command does not have a logistics base.

21 JUDGE ANTONETTI: [Interpretation] As far as the logistical base  
22 is concerned that handles all the ammunition, there must be traces of  
23 when a given quantity of ammunition has been given to a given brigade,  
24 for instance?

25 THE WITNESS: [Interpretation] The command line makes sure there

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1 are records of how munition is used up, and then invoices  
2 [as interpreted] are signed, and based on this they know how much  
3 ammunition they distributed to each of the units on the ground.

4 JUDGE ANTONETTI: [Interpretation] My last question. As far as  
5 military techniques are concerned, if one wants a proof of an offensive,  
6 all one needs to do is look at the records of the logistical base to see  
7 whether such and such a unit has received additional ammunition; yes or  
8 no?

9 THE WITNESS: [Interpretation] No.

10 JUDGE ANTONETTI: [Interpretation] Why not?

11 THE WITNESS: [Interpretation] Because ammunition is used up  
12 equally for both attacking and defending.

13 JUDGE ANTONETTI: [Interpretation] All right.

14 MR. KOVACIC: [Interpretation] My apologies.

15 Your Honours, while this is still on the screen, I think we  
16 should correct this. Page 37, line 21, it reads "and then invoices are  
17 signed." I think the witness said receipts, documents confirming  
18 receipt, but maybe the witness should tell us, himself.

19 JUDGE ANTONETTI: [Interpretation] Yes, you're right. Witness,  
20 these are receipts, aren't they?

21 THE WITNESS: [Interpretation] Yes, Your Honour.

22 MS. ALABURIC: [Interpretation]

23 Q. Mr. Tokic, can we now please go to the next set of documents on  
24 how the clashes were stopped. The first one is P1286, which is an order  
25 by Brigadier Petkovic dated the 24th of January, 1993, from Geneva, on

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1 putting a stop to the clashes in Gornji Vakuf.

2 The next document is P1300, an order by Colonel Siljeg, dated the  
3 25th of January, on a cease-fire between the HVO and the BH Army.  
4 Colonel Siljeg invokes earlier instructions on the cease-fire, which we  
5 have discussed and which are referred to in the introductory part of the  
6 order.

7 The fourth document is 4D346, the 25th of January, 1993,  
8 Colonel Siljeg. It's the same order for all HVO units to stop at the  
9 lines they had reached already, to continue to fortify their positions,

10 and not to open fire first.

11 Mr. Tokic, did you, at the time, receive any of these documents?

12 A. Yes.

13 Q. Which one?

14 A. I received all of these orders.

15 Q. Did you act on them?

16 A. Fully.

17 Q. Thank you. Mr. Tokic, let's talk a little --

18 JUDGE ANTONETTI: [Interpretation] In the last document, we see  
19 that groups of infantry infiltrated the area of Makljen. Who are these  
20 groups that infiltrated in Makljen?

21 MS. ALABURIC: [Interpretation] If I may give the witness a hand,  
22 this is the end of paragraph 2 of 4D346.

23 THE WITNESS: [Interpretation] Your Honour, these are elements of  
24 BH Army units that simply tried to infiltrate themselves behind the lines  
25 of the Dr. Ante Starcevic Brigade units, their objective being to take

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1 the Makljen Pass and "ugrize" [as interpreted], the command post at  
2 Pidris.

3 JUDGE ANTONETTI: [Interpretation] Ms. Nozica [as interpreted],  
4 you have something like six to seven minutes left.

5 MS. ALABURIC: [Interpretation] Thank you very much, Your Honour.  
6 We're moving on now to a subject that will probably cause the greatest  
7 amount of interest on your part. I have to go through my documents  
8 swiftly.

9 Can you please look at P1226, 1226. This document, the 3rd Corps  
10 commander, towards the very end of the document, says the population from  
11 the village of Uzricje **moved out of their own volition, in part, and**  
12 arrived in Gornji Vakuf, whereas the population of the village of  
13 Hrasnica was evacuated to Grnica. Does this report tally with the actual  
14 situation on the ground?

15 A. Yes, it does.

16 Q. Now on to P1210, another document by the BH Army. Paragraph 1  
17 reports that the BH Army has lost the village of Uzricje, Dusa, and the  
18 lower part of Hrasnica.

19 Mr. Tokic, based on your knowledge, was the HVO fighting the  
20 BH Army in the localities invoked in this report?

21 A. Yes.

22 Q. Next document, P1333, a document that you issued on the 27th of  
23 January, 1993, Mr. Tokic. Am I right?

24 A. Yes, it's one of my documents.

25 Q. In this document, you invoke two categories of men: soldiers and

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1 civilians. Two categories of persons, if you like: soldiers and  
2 civilians. In which of these two would you place the military recruits,  
3 specifically Muslim ones?

4 A. Madam counsel, under the JNA doctrine they would be categorised  
5 at soldiers.

6 Q. You refer to the JNA doctrine. Which doctrine, exactly, do you  
7 have in mind?

8 A. Quite simply, the All-People's Defence doctrine from the previous  
9 state, the Socialist Federative Republic of Yugoslavia.

10 Q. That's what you studied and taught at secondary school; right?

11 A. Yes, that's right.

12 Q. The next one, P1636, 1636, 1636. This is a list of prisoners  
13 released from the Prozor Detention Unit. Could you tell us, by looking  
14 at their names, which unit these men belonged to?

15 A. These soldiers belonged to BH Army units.

16 Q. Thank you. The next document, P1351, which is an exhibit;  
17 therefore, I will merely summarise what my question is about in relation  
18 to the villages that are important to us. Uzricje, it says, in relation  
19 to that village, these citizens are trying to remain in their own  
20 village, while refugee families are requiring to be evacuated. The  
21 village of Dusa, 70 civilians are there. They are no prisoners, and they  
22 wish to remain in their own village. Nevertheless, they first want to  
23 confer with their husbands, who are captured.

24 I've just read out to you what the commission found. Do their  
25 findings tally with what you knew to be the situation that prevailed?

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1 A. Yes, that was the case.

2 Q. Can you please look at P1373. I hope that this is not a  
3 classified document. Unfortunately, we have not been able to check,  
4 specifically. In relation to the third village, there is some  
5 information in this document. This is an UNPROFOR document, the village  
6 of Zdrimci. There are about 100 Muslims in the village, for the most

7 part the elderly men, women, and children, all of them wishing to leave.

8 Based on your information, would that be accurate in relation to  
9 Zdrimci village?

10 A. Yes, entirely accurate.

11 Q. The next document, P134 --

12 JUDGE ANTONETTI: [Interpretation] This document, P1373, it says  
13 that the Muslim families that were forced to leave the area, well, that  
14 this was due to ethnic cleansing. This is what this UNPROFOR battalion  
15 states. What do you have to say to this?

16 THE WITNESS: [Interpretation] Your Honour, I was personally  
17 present there on the ground with Mr. Agic, the commander. In order to be  
18 able to speak more freely, he spoke to all of the Bosniaks who were there  
19 at the time. Following these conversations, he said that, quite simply,  
20 most of the population was ready to leave the village. The HVO, he said,  
21 show allow them to simply leave. Therefore, I, as a unit commander, did  
22 not make that decision. I was not the one to decide whether they would  
23 stay or leave the village. All those who wanted to stay received every  
24 guarantee from us that they would be allowed to stay on and be safe. But  
25 I must repeat the decision was theirs and theirs alone.

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1 JUDGE ANTONETTI: [Interpretation] All right.

2 Ms. Alaburic, you have no time left, but just finish with your  
3 documents.

4 MS. ALABURIC: [Interpretation] Your Honour, I'm not Senka Nozica.  
5 My name is Vesna Alaburic.

6 Q. About this question put by Judge Antonetti, Mr. Tokic, based on  
7 what he has just read out to you, it would seem to follow that this was a  
8 BH Army report to the effect that people were being forced to leave?

9 A. Madam counsel, please allow me to repeat. We did not force  
10 anyone to leave. Quite the contrary, we encouraged them to stay on and  
11 guaranteed their safety. Their decision was simply to leave the area.

12 Q. I have only two documents left to show you --

13 JUDGE TRECHSEL: I'm sorry, Witness. I still have a question on  
14 this document, and it relates to the last paragraph on the previous page,  
15 the last three lines:

16 "The local BiH command were reported to be demanding compensation  
17 in cash for all the Muslim families who have been forced to move as a  
18 result of ethnic cleansing."

19 Are you saying that this is wrong, that the UNPROFOR report here  
20 is lying?

21 THE WITNESS: [Interpretation] I do not wish to say that the  
22 UNPROFOR report is lying. This report is based on requests made by the  
23 BH Army units, but it really depends on how the request was formulated.  
24 This is certainly not an UNPROFOR position officially on this issue.

25 JUDGE TRECHSEL: Thank you.

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1 MS. ALABURIC: [Interpretation]

2 Q. That is precisely what I was trying to ask you, Mr. Tokic. The  
3 wording here is by the BH Army and not an unbiased UNPROFOR report. But  
4 you just answered that question, which makes it even better.

5           The next one is 1344, document 1344, instructions signed by  
6   Brigadier Petkovic and dispatched to Colonel Siljeg to capture and arrest  
7   all Croatian extremists, and then further instructions follow on how to  
8   put the situation under control in order to ensure there was peace and  
9   order.

10           Did this set of instructions ever reach you, Mr. Tokic?

11           A.    Yes.

12           Q.    All right. Now I think this is your last document in the binder,  
13   P2259. A single village remains for us to deal with in that  
14   municipality, but no documents have so far been provided in relation to  
15   that village. I'm talking about Hrasnica. This document is an agreement  
16   signed on the 10th of May, 1993. You are listed here as one of the  
17   co-signatories. Mr. Tokic, is that a fact?

18           A.    Yes.

19           Q.    In this document, we read that the inhabitants of Hrasnica are  
20   free to go about their farming work and that guarantees would be provided  
21   by both commanders in terms of the safety and protection of these  
22   citizens. Two policemen will be seconded from each, the BH Army and the  
23   HVO ranks, to protect these citizens. What about the part of Hrasnica  
24   known as Gurici? Who was constantly in control of that area and who was  
25   it who was keeping their units there throughout?

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1           A.    Madam counsel, I do need to clarify one thing. This document was  
2   created as a result of an incident committed by the BH Army on the road  
3   following the railway line to Pajic Polje. Nefir [phoen], himself, is

4 saying that they were about to seal this road off. After the HVO men  
5 captured two members of the BH Army, I informed the BH Army commander  
6 about this, sent the two soldiers back to him, after which the agreement  
7 was reached. This is a fact.

8 As for Hrasnica, or Gurici, as the area is marked on some maps,  
9 effective control was retained by the BH Army throughout, and there were  
10 Bosniaks living there.

11 Q. Mr. Tokic, and in point 2, when mention is made of the locals of  
12 Hrasnica, what ethnicity does that have in mind?

13 A. It means persons of both ethnicities, both Bosniaks and Croats.

14 Q. Now, Mr. Tokic, finally, could you tell us, at the end of the  
15 conflict, the Croatian-Muslim conflict in March 1994, what was the total  
16 number of Croats expelled [as interpreted], and how many Muslims were  
17 expelled in total?

18 A. It's very difficult today, from this vantage point, to go back in  
19 time and remember all the pointers, but in these conflicts 4.900 Croats  
20 were expelled and somewhere around 1.760, to the best of my  
21 recollections, that is, because I dealt with these figures while I was  
22 head of the municipality.

23 Q. When you say "1.760," you omitted to tell us what ethnicity those  
24 people were. So could you tell us now who were those 1.760?

25 A. 1.760 persons of Bosniak ethnicity, and 4.900 persons of Croatian

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1 ethnicity.

2 Q. Now, if you place these figures and compare them to the overall

3 population of Croats and Muslims, could you give us the percentages, what  
4 percentage of people who left were Croatian and what percentage Muslim?

5 A. Well, there were about 25 per cent Croats and approximately  
6 12 per cent Bosniaks.

7 MS. ALABURIC: [Interpretation] Thank you, Mr. Tokic.

8 That completes my examination-in-chief, Your Honours.

9 JUDGE ANTONETTI: [Interpretation] Before I give the floor to the  
10 Praljak Defence, one last follow-up question.

11 The last document you signed, I see that the international  
12 representatives, Mr. Binns and Watkins, also signed the document. Do you  
13 remember how this all happened? Did you and your counterpart ask them to  
14 initial the document, or did they tell you that they had initialled the  
15 document? Do you remember how this happened?

16 THE WITNESS: [Interpretation] Your Honour, two soldiers of the  
17 BH Army were captured, and I informed the commander of the 317th,  
18 Mr. Emil Zejnilagic, about that. After that, we agreed that we should  
19 have a lasting, permanent document to secure peace in the area, and that  
20 those who wanted to could cultivate their land freely.

21 As we, ourselves, did not wield sufficient authority with the  
22 other side, that is to say, I with the Bosniaks and he with the Croats,  
23 didn't have enough clout, we asked for somebody to act as mediator,  
24 somebody who enjoyed that authority, and we agreed that that kind of  
25 authority was vested in UNPROFOR, and we asked that a meeting of this

1 kind be convened.

2 JUDGE ANTONETTI: [Interpretation] All right.

3 MS. ALABURIC: [Interpretation] Your Honours, may I just intervene  
4 with respect to the transcript, and I thank Ms. Tomanovic for drawing our  
5 attention to that.

6 On page 45, line 11, the term "expelled" was used, which can lead  
7 to misunderstandings over the meaning of my question, because I wanted to  
8 use neutral terms without entering into any violent expulsion concepts or  
9 whatever. So I was talking about people who left the territory of  
10 Gornji Vakuf, because at that point I didn't find it necessary to examine  
11 the conditions and circumstances under which the people left  
12 Gornji Vakuf.

13 Thank you.

14 JUDGE ANTONETTI: [Interpretation] Very well. We have a question.

15 JUDGE MINDUA: [Interpretation] Witness, Witness Tokic, regarding  
16 document P1373, which addresses the ethnic cleansing that -- ethnic  
17 cleansing, when you answered Judge Trechsel's question you said that the  
18 report was a bit biased because it had been drafted upon a request of  
19 authorities of the BH Army. I would like to know whether you, on your  
20 side, could also ask a report from the UNPROFOR, therefore obtaining  
21 biased reports.

22 Let me explain. If the UNPROFOR drafted reports which did not  
23 reflect the truth, when asked by the other side, wouldn't the same apply  
24 to you?

25 MS. ALABURIC: [Interpretation] Your Honour, I can't see you, but

1 perhaps we could explain the witness's answer, make it clearer.

2 The witness said that UNPROFOR was conveying a request from the  
3 BH Army, just as UNPROFOR conveyed requests made by the HVO, if there  
4 were any such requests, because their role was to inform and to carry the  
5 various sides' requests. The witness did not say at any point that this  
6 was an original UNPROFOR report, that that was the source, drafted by  
7 UNPROFOR, and that it was biased to the advantage of the BH Army. It was  
8 just that it helped convey the requests of the BH Army, and I think that  
9 is clear from the report, itself. But just to avoid any  
10 misunderstanding, I wanted to make that clear.

11 JUDGE ANTONETTI: [Interpretation] Witness, could you please  
12 answer the question put to you by Judge Mindua?

13 THE WITNESS: [Interpretation] Your Honour, on the subject of this  
14 report, I said at the beginning of my answer that I'm not questioning or  
15 challenging the legitimacy of UNPROFOR, when it comes to UNPROFOR's  
16 mission in Bosnia-Herzegovina. This report was the result of a request  
17 made by the BH Army Command so that based on the buildings destroyed,  
18 material recompense should be made. The term "expelled person" was used,  
19 but I don't think that anything is contentious here in this document, and  
20 we established already before that, as far as their areas were concerned,  
21 they left those areas of their own free will, making their own decision  
22 to leave.

23 JUDGE MINDUA: [Interpretation] Thank you.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 Mr. Praljak, you have 45 minutes.

1 THE ACCUSED PRALJAK: [Interpretation] Thank you, Your Honours.

2 We don't have much time, but that's how things stand.

3 Cross-examination by Mr. Praljak:

4 Q. [Interpretation] Good afternoon, Mr. Zrinko Tokic.

5 A. Greetings, General.

6 Q. Would you please open that set of documents that you received  
7 from me, and it's document 2D00211, 2D00211. Have you found it?

8 A. Yes.

9 Q. Although there's no signature there, do you remember the document  
10 and did you draft it?

11 A. Yes, I remember this document, and, yes, it was drafted in my  
12 headquarters.

13 THE ACCUSED PRALJAK: [Interpretation] Now, could the witness be  
14 provided with a map? Here you are.

15 Q. And I'd like to draw your attention to the following: You've  
16 been provided with a document, so tell Their Honours now, please, whether  
17 that was the first conflict between the BH Army and the HVO.

18 A. Yes, it was, General, sir.

19 Q. Now, did you make a special plan or concrete plan of armed  
20 conflict with the BH Army at the time? And I'll ask you about later on  
21 later.

22 A. In my command, we never drew up a plan according to the  
23 requirements of the BH Army.

24 Q. Furthermore, on the basis of the Green Berets' conduct, you say

25 here that their behaviour towards civilians, in buildings and on the

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1 streets, had elements of the Chetnik way of behaving. Do you still  
2 maintain that parts of the BH Army, that is to say, the Green elements,  
3 behaved in similar fashion to the Army of Republika Srpska, or the  
4 Chetniks, as you refer to them?

5 A. General, let me explain. In this conflict, the Green Berets  
6 blocked the entrance at the fire brigade tower. All Croats moving around  
7 were placed in the basin, and all the Croat population they placed in  
8 basements and cellars, and then somebody shot above their heads.

9 Q. Now, this man, Hanefija Prijic, nicknamed Paraga, did he, until  
10 the end - well, I don't know when - 1993, 1994, continuously cause  
11 conflicts and that this resulted in killings not only of Croats but  
12 Italians, too, and that he was beyond anybody's control, or appeared to  
13 be?

14 A. Yes.

15 Q. Mr. Tokic, look at the map, please. It's a map that we have  
16 drawn, and it shows the dispersion of forces at the end of June 1992.  
17 Let's start from the left-hand side. The red is the Army of Republika  
18 Srpska, the blue is the HVO, the green is the BH Army.

19 Now, from the border towards Croatia, in the area of Livno, we  
20 have the Petar Kresimir the 4th Brigade there, and then in Tomislavgrad  
21 the Kralj Tomislav Brigade, and then the Rama Brigade, and then the  
22 Eugen Kvaternik Brigade. Did they hold 80-odd per cent of the territory  
23 facing the Army of Republika Srpska?

24 A. We can see that from this map, yes.

25 Q. Do you have any other information that would deny and challenge

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1 the correctness of this map?

2 A. No, General, sir, I do not.

3 Q. Now, in the area of Uskoplje, we have the green and the blue, but  
4 that is not the deployment of forces; it denotes the majority and  
5 minority population, although the population was mixed. But look at that  
6 general area, and do you agree that this is what the situation looked  
7 like, roughly, that the population was like that, the Muslims and Croats,  
8 in those villages, as indicated on this map here?

9 A. Yes, I agree with that, General, sir, and this is on the basis of  
10 the 1991 population census.

11 Q. Mr. Tokic, on the 20th -- or between the 20th and 21st of June,  
12 1992, during the conflict in Vakuf, did the BH Army leave the line, the  
13 green arrow there, leave the line at Raduski Kamen, facing the Army of  
14 Republika Srpska, and quickly moved into town?

15 A. That is a fact, an established fact.

16 Q. Tell me, please, Mr. Tokic, the HVO, regardless of future  
17 conflicts and the January conflict, but this attack by the BH Army in  
18 1993, after the fall of Bugojno, did the HVO ever leave its positions up  
19 at the front-line facing the Army of Republika Srpska in your area,  
20 Raduski Kamen, towards the south?

21 A. The Dr. Ante Starcevic Brigade never left its positions up at the  
22 front-lines facing the Army of Republika Srpska.

23 Q. Regardless of how difficult the situation was, say, in 1993, when  
24 the BH Army, after Bugojno, launched an all-out attack towards  
25 Gornji Vakuf? Did you hold the line then, too, at Raduski Kamen, facing

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1 the Army of Republika Srpska?

2 A. Yes, I kept my units up at the Raduski Kamen facing the Army of  
3 Republika Srpska even then.

4 Q. Would you sign the map and place today's date there, please?

5 MR. KOVACIC: I think it is not necessary, but we have to state  
6 for the record that this is 3D3763, so it does have the number. And it  
7 is also in the folder you got. It is on the end of the folder.

8 [Trial Chamber and registrar confer]

9 JUDGE ANTONETTI: [Interpretation] We will not give it a number  
10 because the witness did not mark the map, just confirmed a number of  
11 statements. This is document 3D3763.

12 THE ACCUSED PRALJAK: [Interpretation]

13 Q. Before you look at this map, Mr. Tokic, tell me, as of June,  
14 based on your knowledge, were there not two vectors all the time, one  
15 that was trying to cause a rift between the BH Army and the HVO, and the  
16 other trying to keep this conflict from occurring?

17 A. General, sir, before I answer this question, if I may be allowed  
18 a clarification.

19 Your Honours, the Dr. Ante Starcevic Brigade units, in early  
20 April 1992, were at this position, constantly talking to Musa, Fikret,  
21 the BH Army commander, but it wasn't before the 2nd of June, 1992, that I

22 had managed to persuade the BH Army units to go out and reach these  
23 lines. Having left these lines, they started doing fortifying work  
24 within their own villages and set up their own defence in these villages  
25 behind my back. Therefore, I was in a position where I had to travel

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1 through their villages, and I often saw my motor vehicle, my Caterpillar,  
2 taken away from me, and then as talks continued I tried to get these back  
3 and send the engineers back to the Logistics Unit, where their work was  
4 required.

5 Q. To follow up on that question and in relation to the map that  
6 we're about to look at, what about the HVO, the Ante Starcevic Brigade,  
7 and you, as its commander; did you ever, anywhere, dig trenches behind  
8 the lines facing the VRS? Did the HVO, at any point in any village  
9 inhabited by Croats, dig trenches or, indeed, set up any sort of defence  
10 line facing anyone at all?

11 A. General, the answer is no.

12 Q. As early as 1992, when, if at all, did trenches begin to be dug  
13 behind the lines far away from Radusa? By the way, what is the distance  
14 between Uskoplje and Raduski Kamen, the positions facing the VRS, as the  
15 crow flies?

16 A. In my opinion, about 15 kilometres, sir.

17 Q. When did this begin, when did this continue, and when was the  
18 pace sort of stepped up in terms of the trench-digging done by the  
19 BH Army in predominantly Muslim villages and at the elevations around the  
20 area?

21 A. This began in June 1992, and continued on an ongoing basis for  
22 the duration of the clashes between the HVO and the BH Army.

23 Q. Were there not ongoing talks between the BH Army and you, as the  
24 initiator, about this, how to put a stop to this, saying that, in a way,  
25 this was leaving the HVO in an entirely impossible position, with lines

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1 behind their backs, behind their own positions? Were there talks, and on  
2 how many occasions?

3 A. There were dozens of occasions where this was discussed. We  
4 failed to convince the BH Army members, but then we tried to get UNPROFOR  
5 in on these talks. Major Jones appointed Captain Nick to mediate and  
6 have the trenches filled, but it was because of UNPROFOR and security  
7 reasons that Captain Nick was unable to carry out this mission.

8 Q. Based on your information, in December 1992 did those talks not  
9 become stepped up to the effect that digging up these trenches was an act  
10 of aggression against the HVO, and so on and so forth?

11 A. Yes, certainly. A basic plan was there, and we had begun  
12 preparations to reconnoiter in the direction of Kupres, and we did not  
13 like to see the situation in the town, itself, de-stabilised like this.  
14 In my capacity as a commander, each of my soldiers have families and  
15 they're are afraid both -- for the destiny of their families. At the  
16 same time, I am putting their life -- their lives in harm's way along the  
17 front-line facing VRS.

18 Q. Mr. Tokic, do you not know that during those talks in December,  
19 there were you, there was Siljeg, there was Andric, but do you know that

20 I was in the area, too, and do you know that, particularly in relation to  
21 these two men, I drove them on to have further talks in order to resolve  
22 that situation?

23 A. Yes, I do know about that, General. I even received an order to  
24 get in touch with the Bosniak side in order to try and convince them to  
25 work with us in order to neutralise this engineering work that was being

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1 done and to join forces to work against the Serbs and advance on Kupres.

2 Q. Do you agree with me that the repeater and Krc were two essential  
3 elevations, two important hilltops, and whoever had them under control  
4 had Uskoplje, itself, under a degree of total military control?

5 A. Speaking of the town, itself, these are features that provide  
6 anyone in possession of these features with an enormous strategic  
7 advantage. If there was someone on these hilltops with a weapon, it was  
8 impossible to move about freely in any part of town.

9 Q. So who dug the trenches, when, and what quality were those  
10 trenches? I'm talking about these two elevations.

11 A. General, sir, the trenches were prepared by the BH Army. They  
12 were simply dug up and then certain approach paths were cemented.  
13 Bunkers were built, too, in order to make sure the fortifications could  
14 not be penetrated by the enemy's 120-millimetre mortar shells.

15 Q. During the clashes that I refer to as a necessary  
16 defence - what's the word, active defence - in January 1993, did the HVO  
17 units take these two prominent elevations, and a number of others, too,  
18 previously occupied by the BH Army?

19 A. On the 18th and the 21st of January, both these features were  
20 under the control of the HVO.

21 Q. Even so, on the 23rd, or the 22nd, the evening of the 22nd, was  
22 there a definite agreement that the HVO would at no cost be taking  
23 Uskoplje, but rather that they would comply with the orders that had  
24 arrived from Geneva?

25 A. Most certainly, that was the case, General, sir.

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1 Q. Mr. Tokic, was this a simple communication to make to the HVO  
2 units at the time who had both suffered under all forms of mistreatment  
3 for months before, and many of them had been killed and wounded by the  
4 BH Army? You, as a commander, and me, as the mediator, was this a simple  
5 thing to achieve, regardless of an order actually being written?

6 A. This was not a professional army. They weren't active-service  
7 soldiers. Hence, it was very difficult to explain a thing like that to  
8 the soldiers there, to explain that the combat was now over and that the  
9 situation on the ground meant we would all be going back to our barracks  
10 and continuing our mission vis-a-vis the VRS.

11 Q. Mr. Tokic, following the cease-fire, when did the BH Army go to  
12 the trenches at Krc repeater again?

13 A. General, sir, this occurred in April 1993.

14 JUDGE TRECHSEL: A technical question.

15 Could you allow the witness to sit down again? I think it would  
16 be more normal, and he's not working with the map anymore. You need him  
17 on the map? Okay, then, maybe you don't forget that it's also better for

18 the microphone when he's sitting. Thank you.

19 THE ACCUSED PRALJAK: [Interpretation] Thank you very much,  
20 Your Honour. The person before us is a soldier. He can remain standing  
21 for as long as you like.

22 Q. Mr. Tokic --

23 JUDGE TRECHSEL: I don't think that that is the decisive  
24 criterion. Normally, our witness sit there, and if it's necessary that  
25 he stands, let him stand as long as it's necessary, and then he should

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1 sit again.

2 THE WITNESS: [Interpretation] I would prefer to remain standing,  
3 Your Honours, if that's all right.

4 JUDGE TRECHSEL: No, you will have to sit again because of the  
5 microphone and everything. Witnesses sit.

6 THE ACCUSED PRALJAK: [Interpretation]

7 Q. Mr. Tokic, after Bugojno, when the offensive got off the  
8 ground -- well, in Bugojno, too, ongoing, did the BH Army -- were they  
9 not just there, but also deeper into the territory?

10 THE INTERPRETER: The interpreter did not get the name of the  
11 location.

12 THE ACCUSED PRALJAK: [Interpretation]

13 Q. -- and so on and so forth?

14 A. General, sir, the BH Army fell out somewhere in that area, so  
15 they took the general Mackovac area, including Sivanska Livadar [phoen].

16 Q. Quite right, there was this insistence on the cease-fire, and you

17 allowed for all of this to happen without fighting back; is that right?

18 A. Yes, that's right, General. I had to shift the focus forward to  
19 the lines. I was facing problems taking people there, who were feeling  
20 unsafe after the clashes, taking them through the Muslim territories to  
21 Voljice and Gracac.

22 Q. Thank you very much. Can we now go back to the map, please. It  
23 was based on P01102.

24 While we're waiting for the document, I'm not going to be showing  
25 you any photographs with the trenches that were filled up, because we

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1 have already shown the Chamber those photographs and the Chamber knows  
2 about those.

3 Please look at the map now. To the best of your knowledge, was  
4 the BH Army -- well, it's green and the HV is blue, and then was it --

5 A. General, sir, let us just take a minute to find the map.

6 Q. No, no, the document. The map is right there. Look at the map  
7 first.

8 MR. KOVACIC: [Interpretation] Your Honours, while they're  
9 searching for the document, perhaps I should use this opportunity. This  
10 is 3D03764. You have it in the folder.

11 THE INTERPRETER: The interpreters could not hear counsel. There  
12 are too many microphones on all the time. Thank you.

13 MR. KOVACIC: [No interpretation] [Interpretation] 01102. Thank  
14 you.

15 THE ACCUSED PRALJAK: [Interpretation]

16 Q. The map was based on that document, and this is how the conflict  
17 evolved, which began -- well, actually, even before -- well, in actual  
18 fact, the 11th of January, 1992, and kept evolving until the 22nd, when  
19 it came to a final stop. Do you agree, therefore, that -- well, then,  
20 back in 1993, that the BH Army was at Makljen, that it actually was at  
21 Crni Vrh, that it infiltrated and that it had the desire to infiltrate  
22 the Neretvica Brigade along this access towards our artillery positions,  
23 and were these, roughly speaking, the confrontation lines early in  
24 January 1993?

25 A. General --

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1 THE INTERPRETER: Interpreters note, the interpreter cannot hear  
2 the witness. There is far too much background noise and the witness is  
3 standing far too far away from the microphone. Thank you.

4 JUDGE ANTONETTI: [Interpretation] Witness, the interpreters can't  
5 hear you, so please try and speak between the two microphones that are  
6 lit up in front of you.

7 THE WITNESS: [Interpretation] I'll try to oblige, Your Honour.

8 THE ACCUSED PRALJAK: [Interpretation]

9 Q. Can you repeat my answer -- can you repeat your answer?

10 A. General, this was the disposition before the clashes in January  
11 1993.

12 Q. Can you please look at the map first and look at the location of  
13 the artillery positions marked to the left, where the Neretvica Brigade  
14 of the BH Army emerged near Dobros, and then answer, to the best of your

15 knowledge? And down there, you can see some markings in the lower left  
16 corner, the 130-millimetre gun positioned. Is the map accurate, to the  
17 best of your knowledge? Is this what we -- what the HVO, after the  
18 outbreak of clashes, dragged over into the area, so to speak, in order to  
19 defend from the territory of Uskoplje **that was under full military**  
20 control by the BH Army by then?

21 A. General, the artillery was there, and at the beginning its only  
22 purpose was to coordinate with our forces along the defence lines facing  
23 the VRS. Therefore, the artillery pieces were not moved towards  
24 Gornji Vakuf.

25 Q. All right. So can you look at this 120-millimetre mortar at

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1 Dobros? What about this mortar right there? Does it have a range that  
2 is sufficient to target Vakuf and Uskoplje town?

3 A. General, sir, there is no way Gornji Vakuf could be within its  
4 range from this position.

5 Q. What about the T-55 tank that's marked to the left and the  
6 120-millimetre mortar at the very top of Makljen? What about their  
7 range, what about a visual line of sight? Could they target Uskoplje in  
8 any way?

9 A. General, from this location there is no open line of sight. You  
10 can't see the town, nor can you use these weapons to pound the town from  
11 this position.

12 Q. What about the T-30 gun, what about its position? Was it not  
13 supposed to be targeting the VRS or some of its units, as opposed to

14 being part of the preparations to do anything about Uskoplje further down  
15 to the left?

16 A. General, sir, although the range happens to be 30 kilometres for  
17 this gun, if you see its position, it becomes perfectly clear that  
18 Gornji Vakuf and Uskoplje are much further up.

19 Q. Mr. Tokic, could you please tell me whether it is obvious, based  
20 on this, based on the positions of the artillery, that at no point during  
21 the attack or back then was there any military desire or activity to use  
22 the artillery and the guns to pound the town? The only thing that was  
23 there was -- yes, I'll reformulate that question.

24 MR. KRUGER: Your Honour, yes, I'm objecting to the forms of  
25 these questions.

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1 THE ACCUSED PRALJAK: [Interpretation] I'll reformulate that.

2 Q. So the artillery deployed in that way, and you're a professional  
3 so you know about these things, does that mean that they wanted to target  
4 the town or does it mean that they wanted to target the axis along which  
5 the BH Army units were coming in to reinforce and assist the others?

6 A. General, this deployment does not ensure targeting the town  
7 because it's out of the range, but what they wanted to target, the people  
8 who deployed the artillery know about that. They can target the axes  
9 into town, but they cannot reach the town, itself. That would be beyond  
10 its range.

11 THE ACCUSED PRALJAK: [Interpretation] Thank you, Mr. Tokic.

12 Now, despite this, Your Honour, despite the fact that we have

13 these maps in this particular form, when we want to look at -- when you  
14 want to look at something on them, I'm not sure you'll be able to find  
15 your way on small maps, so I would like both maps to be signed by  
16 Mr. Tokic so that you can have them at your disposal, because you can't  
17 have a small-scale A4 format map if you want to see the lie of the land  
18 properly.

19 JUDGE ANTONETTI: [Interpretation] If the Trial Chamber needs  
20 these maps, we shall return to them, but I have said for a long time  
21 already now that we should have had on the walls of this courtroom  
22 large-scale maps, like this was the case during the Nuremberg trial,  
23 because a lot of these cases involve military issues, and working on  
24 these matters without these military maps is rather difficult. So we do  
25 as best we can. The people that designed this Tribunal, unfortunately,

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1 did not think of that at the time.

2 Please proceed.

3 THE ACCUSED PRALJAK: [Interpretation] The next map is -- well,  
4 shows both sides in 1993, on the 22nd of January. It's map number 3. I  
5 still think that it would be a good idea for the witness to sign the  
6 maps.

7 Q. Mr. Tokic, take a look at this map, please, and put right  
8 anything that needs to be put right on the map. It's for the 22nd of  
9 January, 1993, so it's what I managed to compile based on the documents I  
10 had at my disposal and what I knew about.

11 A. Your Honours, I need a felt-tipped pen in order to be able to do

12 that, please.

13 THE ACCUSED PRALJAK: [Interpretation] Yes, he'll correct the map  
14 and sign it.

15 MR. KOVACIC: [Interpretation] During this break, perhaps we can  
16 observe that it is number 3D03766 that we're dealing with here, and  
17 obviously the witness will be making certain markings, and then we'll ask  
18 for it to be tendered with an IC number.

19 THE WITNESS: [Interpretation] When it comes to this map and  
20 deployment on that particular day, there is an error made in this  
21 area [indicates], Dolac and Hrasnica, because the BH Army forces had  
22 taken complete control of the main road, the M-16-2 main road, but also  
23 the local road when the railway line was abolished and a macadam road  
24 constructed, so that to Pavic, Polje, and Humac, the road there was cut  
25 off.

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1 THE ACCUSED PRALJAK: [Interpretation]

2 Q. Could you mark that on the map, please?

3 A. [Marks]

4 Q. And sign your name there, sir. Put the date and your signature.

5 A. [Marks]

6 JUDGE ANTONETTI: [Interpretation] Since this map bears something  
7 in writing by the witness, we shall give it an IC number.

8 THE REGISTRAR: Yes, Your Honour. The document, the map -- the  
9 map, the version of 3D0376 as just marked by the witness, shall be given  
10 Exhibit 1060. Thank you, Your Honours.

11 MS. ALABURIC: [Interpretation] Your Honour, for better  
12 understanding of the witness's testimony, I think we ought to correct  
13 something that I think was a mistake in the record, in the transcript, at  
14 line 11. The localities the witness mentioned wasn't correctly noted,  
15 when he said that the road was cut off in that area, so could you tell us  
16 the names of the locations again?

17 JUDGE ANTONETTI: [Interpretation] Witness, can you please give us  
18 the exact names of these localities?

19 THE WITNESS: [Interpretation] Your Honour, the place names that  
20 we used as defence positions and as blocking the areas were  
21 Duradbegov Dolac settlement and the Hrasnica settlement. And there were  
22 two roads, and one was a main road and is referred to even today as  
23 M-16-2, it's an asphalt road, and the other is the old railway line that  
24 was abolished in 1971. It's a macadamised road surface which the locals  
25 use as an alternative road to take them from Gornji Vakuf and Uskoplje to

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1 Voljice Polje or Humac.

2 THE ACCUSED PRALJAK: [Interpretation] Thank you.

3 Q. Open document 4D00351 now, please.

4 A. May I ask for the usher's assistance? I can't find the document.

5 Q. It's 4D00351, but you have it on your screen.

6 A. Yes, I can see it on my screen.

7 Q. Sir, do you know who the head was, Ivan Majic?

8 A. General, sir, Ivan Majic was the head of the

9 Intelligence Department in the Command of the Operative Zone of

10 North-West Herzegovina.

11 Q. Tell us, please, sir, lowering the flag, was it an insult against  
12 the dignity of a nation, whether Bosniak or Croat?

13 A. Absolutely correct. And if I may be allowed to explain, General,  
14 sir.

15 In 1990 and 1991, the flags were connected, the Muslim and  
16 Croatian people's flag. The Croatian flag, the historical Croatian flag,  
17 with the Croatian coat of arms, and the other flag with the golden lily  
18 or lilies, we linked them up, and -- or, rather, we displayed them  
19 together and adorned the town that way in 1990 and 1991, and it never  
20 happened that one ethnic group took offence to the other ethnic group's  
21 flag being raised. And this, what happened -- this is something that  
22 happened for the first time. On the 26th of December, the police  
23 returned three of the flags and one flag was set fire to, was burnt.

24 Q. Another question. So there was a conflict in Rama. Now, the  
25 BH Army units --

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1 JUDGE ANTONETTI: [Interpretation] It took me a few seconds to  
2 analyse all of this, but I believe you just mentioned an important event.  
3 You said that in 1990 and 1991, i.e., two years prior to that, in  
4 Gornji Vakuf the Croatian flag and the Bosniak flag were side by side and  
5 there was no problem. These two flags were there for a number of years.  
6 Is this what you've just said?

7 THE WITNESS: [Interpretation] I said it -- put it a little  
8 differently. What I said was this: I said that at certain festivities,

9 those two flags would appear together, and that in town, the Bosniaks,  
10 for Bajram, would raise their own flag, and for Christmas, we would raise  
11 our flag.

12 JUDGE ANTONETTI: [Interpretation] If I understand correctly,  
13 these flags had a religious connotation?

14 THE WITNESS: [Interpretation] No.

15 JUDGE ANTONETTI: [Interpretation] Why do you say, "No," when you  
16 have just said that these flags were hoisted when there were religious  
17 festivities for Christmas and during Bajram?

18 THE WITNESS: [Interpretation] Your Honour, because the Croats,  
19 for the most part, were Catholics, 100 per cent, and for them Christmas  
20 and Easter are their greatest -- biggest religious holidays, and so these  
21 were festivities and a ceremony, and for those festivities they wanted to  
22 have the best they could offer to their people, which was the symbol of  
23 their nation, of their people, in the place where they live, hung up on  
24 the family home or some other vantage point. So in addition to the  
25 Christmas tree and the lights, there was the flag, too.

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1 JUDGE ANTONETTI: [Interpretation] All right.

2 THE ACCUSED PRALJAK: [Interpretation]

3 Q. Mr. Tokic, but the Croatian people or the Bosniak people, did  
4 they have at the time any state holiday to celebrate?

5 A. General, sir, at the time we didn't have any state holiday, no.

6 Q. Well, there was state holidays of the former state that nobody  
7 wanted to observe; right?

8 A. Yes, the holidays of the previous state were left behind, and  
9 there was no law on new state holidays.

10 Q. And what about the flags, the flags of the Bosniak and Croatian  
11 people? They were linked together and displayed together as a mark of  
12 communality and togetherness, vis-a-vis the cataclysm that was being  
13 prepared; is that what you wanted to say?

14 A. Yes, precisely, that's what I wanted to say.

15 Q. Thank you. Now let's look --

16 THE ACCUSED PRALJAK: [Interpretation] How much more time do I  
17 have, Your Honour, so that I can make a selection of all this vast  
18 material that I have here in front of me?

19 JUDGE ANTONETTI: [Interpretation] I don't know, something like 20  
20 minutes. The Registrar will tell us.

21 You have had 34 minutes so far, so you should have 11 minutes  
22 left. I was generous when I talked about 20 minutes. You should have 11  
23 minutes left.

24 THE ACCUSED PRALJAK: [Interpretation] Oh, dear, oh, dear.

25 Q. Now, let's look at this document. Well, we've seen that

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1 document.

2 Let's look at 5D0116 [as interpreted], please, 5D01126. It's a  
3 document dated the 11th of January, 1993. Is that your document,  
4 Mr. Tokic?

5 A. Yes, yes, it's my document from my headquarters and command.

6 Q. Right. And you say here that they captured the deputy commander

7 of the 1st Battalion, a captain or commander of a company, and that the  
8 situation at present is calm, that communications have been blocked.  
9 Now, at that point in time, were efforts still being made to calm the  
10 situation down?

11 A. Just an explanation, General, sir.

12 On the 11th, when I went to work, they captured two cooks, female  
13 cooks, working in my headquarters, and a quarter-master working with  
14 meat. Now, after the morning meeting, my officers came back -- were  
15 coming back from the meeting and were captured, but the problem is that I  
16 went by that way, too, and they tried to capture me, too; that is to say,  
17 the members of the BH Army. But they knelt down on the road, cocked  
18 their rifles, and I had to make a decision. I had to decide whether to  
19 stop or to continue. I decided to continue, and they didn't shoot at me.

20 Q. Let's look at 5D01124 now, please.

21 A. Can someone please give me a hand? I'm trying to find this  
22 document.

23 Q. Look at the screen, Mr. Tokic. It's right there in front of you.

24 A. All right, I have it on my screen now.

25 Q. Mr. Tokic, first of all, and this is something that can be

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1 checked in your documents, you keep writing "Republic of  
2 Bosnia-Herzegovina, the Croatian Community of Herceg-Bosna, the Croatian  
3 Defence Council," and so on and so forth. All the time you are the  
4 commander of that brigade, did you believe yourselves to be the Army of  
5 the Republic of Bosnia-Herzegovina?

6 A. General, sir, we believed ourselves to be the Army of the  
7 Republic of Bosnia and Herzegovina, then and after.

8 Q. Just like your soldiers, did you not believe yourself to be  
9 defending Bosnia and Herzegovina, including the Croats there, as well as  
10 all the other ethnic groups and citizens?

11 A. Yes, absolutely. That was our mission, and we were honoured to  
12 do it.

13 Q. Look at this document that you sent both to Siljeg and on to  
14 Mostar. Siljeg says:

15 "Can I please have an urgent reply on what to do next?"

16 Rather, you're asking him about any further actions to be taken.  
17 This is probably Siljeg's handwriting over there. He wants to know what  
18 this is about, and so on and so forth. At this point in time, are you  
19 still preparing any sort of offensive against the BH Army at all or, on  
20 the 11th, you are still trying to bring the conflict to an end?

21 A. General, the mission of a commander is such that he has to try  
22 everything out to prevent a conflict from erupting, and all our work was  
23 about that, trying to keep the clashes from happening.

24 Q. Can we look at 3D00525, please. Have you got that?

25 A. Yes.

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1 Q. This is the 12th of January, 1993. You say here as follows:

2 "The forces were spontaneously alerted, and our forces, too."

3 There was shooting. Communications broke down. And then you say  
4 the municipality was shelled by the Chetniks. Is it not true that at the

5 time the VRS, too, was targeting Uskoplje?

6 A. Yes, that's true, General.

7 Q. But you had some information, and you go on to state this: You  
8 had received warnings that there would be shelling, and you conveyed this  
9 to the BH Army Command. On the 12th of January, 1993, you are still  
10 forwarding information regarding the intentions of VRS to the BH Army  
11 Command; right?

12 A. Yes. That's because the situation in the town was not very good,  
13 and we did not want it -- we did not want to leave them in a situation  
14 where they might draw the wrong conclusion.

15 Q. Based on that, can we infer that on the 12th there was still  
16 attempts being made to put an end to the clashes, and there were no plans  
17 to attack Uskoplje or the BH Army?

18 A. Certainly, that is the correct inference. We were doing  
19 everything within our power to keep the clashes from erupting.

20 Q. You also state here that there was sporadic shooting by  
21 individuals and groups on both sides. Was it possible to control  
22 something like that? Someone opens fire somewhere and then there is an  
23 exchange. Was this something that the brigade commander or the operative  
24 zone commander could possibly have control?

25 A. General, sir, had this been a professional army, perhaps that

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1 would have been possible, but all we had there was recruits who happened  
2 to be there, and an army was built up over a very short period of time  
3 during the homeland war. It wasn't always possible to make sure orders

4 were followed. Quite simply, platoon commanders and squad commanders  
5 sometimes had a very hard time establishing effective control over their  
6 units.

7 Q. Look at 3D00513, please. The date is the 13th of January,  
8 3D00153 [as interpreted]. The Republic of Bosnia-Herzegovina. You  
9 signed this. Is this your document?

10 A. I haven't got it yet.

11 Q. 3D00513. Look at the screen, please.

12 A. All right, I see it.

13 Q. Is this one of your documents?

14 A. Yes.

15 Q. In the last sentence, you say:

16 "The material damage at this point is unestimatable. The city  
17 and some villages are on fire, since certain buildings are burning."

18 Does this apply to both sides, both then and later? Whenever  
19 there was shooting on both sides with incendiary bullets and all that,  
20 was it possible for you to ascertain at the time who exactly set fire to  
21 a particular house in the town?

22 A. General, this would have constituted mission impossible. When  
23 you use incendiary bullets, the first thing you target was the stables,  
24 and then uninhabitable houses. Sometimes the windows were hit or the  
25 curtains caught fire, and then there would be a huge fire all of a

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1 sudden.

2 Q. Thank you very much. Now, towards the end, 3D00796, it's an

3 exhibit.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, let me tell  
5 you that you've run out of time.

6 THE ACCUSED PRALJAK: [Interpretation] I have two or three  
7 documents left, Your Honour, which I can't afford to skip. If I may have  
8 a couple of minutes, please.

9 Q. Were you at this meeting mentioned in this document?

10 A. Yes, I was.

11 Q. Mr. Tokic, what about the problems raised at this meeting? Is  
12 this not something that we discussed all the time over the previous  
13 months at meetings and briefings that I held when in Rama?

14 A. Yes, that's right.

15 Q. Who initiated this meeting?

16 A. It was you, the reason being we, the commanders, asked to have a  
17 meeting like this convened simply because the soldiers were slowly  
18 draining away.

19 Q. And now P02451 -- P02415, the 16th of May, 1993. You've got that  
20 on your screen, Mr. Tokic. It's on the screen, so let's just try to use  
21 these two minutes to the best effect.

22 A. Yes, I see it, General.

23 Q. This is a letter that you wrote to the 2nd Brigade of the  
24 Croatian Army to leave your officer, Mate Kunkic; is that right?

25 A. Yes, General, that's right.

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1 Q. What about Mate Kunkic; was he not a native of Uskoplje or a

2 village nearby?

3 A. Mate Kunkic was from Uskoplje, born at Palic, near Uskoplje. He  
4 went to university in Zagreb and then he reported for duty to the 2nd  
5 Guards Brigade. He came to me as a volunteer, and he was the commander  
6 of Visnjica Sapnija [phoen].

7 Q. So here you're actually asking a favour. It's not that you can  
8 issue an order for them -- for the brigade to leave him there, because  
9 you needed him; right?

10 A. Yes, that's right. I produced this entire document and signed  
11 it.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, to help you,  
13 the Trial Chamber will stop at 20 to 1.00. You have three minutes left.

14 THE ACCUSED PRALJAK: [Interpretation] Thank you very much, Your  
15 Honours.

16 Q. What about the Uskoplje area while you were there; to your  
17 knowledge, were there any regular soldiers of the Croatian Army present  
18 in the area or were they just volunteers?

19 A. In the zone of responsibility of my brigade in Gornji Vakuf and  
20 Uskoplje, there were only men there Uskoplje who volunteered to me or  
21 other persons I assigned to be there, men who volunteered to become a  
22 part of my unit. I can point out the example of Chris Wilson, who was a  
23 British man and for a while was in command of my reconnaissance company.

24 Q. The second-to-last document is 3D03067, 3D03067.

25 A. Yes, I see it on the screen.

1 Q. Is this my signature to the left? You remember that we wrote  
2 this one together, didn't we?

3 A. General, that's your signature.

4 Q. Can you tell the honourable Chamber what was your material  
5 situation, your brigade, in relation to, for example, the Tomislavgrad  
6 Brigade?

7 A. General, sir, Your Honours, if I may, I would like to clarify  
8 this.

9 My unit relied on the supplies from Gornji Vakuf and Uskoplje.  
10 The logistics wasn't working properly or never fully. My soldiers  
11 received next to no salaries at all. We would sometimes be able to give  
12 our soldiers 100 German marks for three-month periods of service, but  
13 there was a war on and they wanted to have a systematic solution to deal  
14 with this situation, the reason being I was unable to keep my soldiers  
15 under control. They would be off for a weekend. They would realise,  
16 when they were elsewhere, that people were having good lives in these  
17 other areas, whereas back home there was a war on.

18 Q. P00259 -- P02259. Paragraph 4 -- it's on the screens now.

19 Paragraph 4, that's all that I want to be looking at :

20 "All MTS must be collected and returned to BH Army members, as  
21 well as HVO resources," there's another agreement there, "especially the  
22 resources which were taken from Colonel Miro Andric."

23 What about Colonel Miro Andric; was he not the deputy Chief of  
24 the Main Staff, and that at the time was Brigadier Milivoj Petkovic;  
25 right?

1 A. General, I think so. I'm almost positive.

2 Q. All right. Now, tell me, to the best of your recollection, was  
3 he also a member of the recently-established Joint Command of the BH Army  
4 and the HVO for Central Bosnia?

5 A. He was with me at the command. I know that he had a mission like  
6 that.

7 Q. So what happened in Ravni Rostov?

8 A. General, we were on our way back from Travnik, where we had held  
9 talks with the BH Army. On our way back to the command, what by this  
10 time was the 7th Corps, at Ravni Rostov, near the ski resort, there was a  
11 camp -- a Mujahedin camp. He was arrested, taken out of his vehicle,  
12 mistreated, stripped naked, and sent to Bugojno.

13 Q. From the 24th on, when I came there -- last question, last  
14 question, last question. Just one question, just one.

15 JUDGE TRECHSEL: You are -- you are abusing, Mr. Praljak --

16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, it's 20 to.

17 JUDGE TRECHSEL: -- we have given you generous extra time. We do  
18 not normally do it. We made an exception in your favour, but then there  
19 must be limits to that also. I'm sorry.

20 THE ACCUSED PRALJAK: [Interpretation] I'm not abusing anything,  
21 Your Honour Judge Trechsel, I'm not abusing anything. It is my wish to  
22 ask another question, but don't term that abuse, because that would imply  
23 that I'm cheating, which is certainly not something that I'm trying to  
24 do. I just wanted to ask another question. I can't. Well, that's all

25 right, I'll settle for that, too.

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

2 THE ACCUSED PRALJAK: [Interpretation] Thank you very much,

3 Mr. Tokic.

4 --- Recess taken at 12.41 p.m.

5 --- On resuming at 1.02 p.m.

6 JUDGE TRECHSEL: After the break, I would like first to tell

7 Mr. Praljak -- can you hear me? No, no, remain seated. I am -- I do not

8 see that I spoke about abusing or abuse, and that was certainly not my

9 intention at all, to accuse you of abuse. It may be a misunderstanding.

10 So, please, if there would be reason to apologise, I would apologise. I

11 did not want to say that you abused anything. Okay.

12 JUDGE ANTONETTI: [Interpretation] The Trial Chamber had allocated

13 one hour to all other Defence teams. Let me put the question, but I

14 believe that our Registrar first had an IC number, so I'll give him the

15 floor first.

16 THE REGISTRAR: Thank you, Your Honour.

17 The Petkovic Defence has submitted its list of documents to be

18 tendered through Witness Zvonimir Skender. This list shall be given

19 Exhibit IC1061. Thank you, Your Honours.

20 JUDGE ANTONETTI: [Interpretation] Very well. I see that

21 Ms. Nozica is ready. The Trial Chamber had allocated one hour to all

22 other Defence teams, D1, D2, D5 and D6.

23 MS. NOZICA: Good afternoon, Your Honours. Good afternoon,

24 Mr. Tokic. Good afternoon to all Your Honours.

25 The Defence teams have decided that the Prlic Defence would be

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1 the first to cross-examine the witness. I do have to note, though, that  
2 there is another microphone in this courtroom that appears to be on, so  
3 if we could deal with that first, please. All right, thank you.

4 I think it might be fair to see whether any other Defence teams  
5 have any cross-examination for this witness so I can take a position in  
6 relation to that. Thank you.

7 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas.

8 MR. KARNAVAS: Good morning, Mr. President. Good morning, Your  
9 Honours. Good morning to everyone in and around the courtroom. At  
10 this -- or good afternoon, I'm told.

11 At this point in time, we don't anticipate cross-examination.  
12 However, we are not willing to give our time away in the eventuality that  
13 we may have to cross-examine.

14 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Coric.

15 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

16 Given the questions raised and topics broached in-chief, the  
17 Coric Defence at this point in time has no intention of cross-examining  
18 this witness. Nevertheless, should any issues arise that were not within  
19 the scope of the chief by any of the remaining parties, which is  
20 something that has occurred before in this courtroom, including the OTP,  
21 in keeping with the guide-lines, paragraph 2, we received from the  
22 Chamber, we would like to reserve the right to cross-examine, and then

23 that time would be deducted from the time allotted to us, as has been the  
24 case so far. Thank you.

25 JUDGE ANTONETTI: [Interpretation] Mr. Ibrisimovic for Mr. Pusic.

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1 MR. IBRISIMOVIC: Thank you very much, Mr. President. The Pusic  
2 Defence has no intention of cross-examining this witness.

3 JUDGE ANTONETTI: [Interpretation] Ms. Nozica.

4 MS. NOZICA: [Interpretation] Thank you, Your Honours.

5 Given what my learned friend Mr. Karnavas has said, based on what  
6 my other colleagues have said, I think I have 45 minutes, and I'm quite  
7 certain that I can conclude my cross-examination by the close of business  
8 today.

9 Could the usher please distribute the binders. Thank you.

10 Cross-examination by Ms. Nozica:

11 Q. [Interpretation] Mr. Tokic, during your chief you were shown a  
12 document about the Vlatko Rajic unit members and the murder of  
13 Salih Grizic. This is a prominent incident that occurred. Can we please  
14 go together through a number of documents, and then you can comment and  
15 tell us what you know about that development.

16 Could you please go to the first document in my binder. I'll be  
17 following the order of documents as set out. The first document is P768.  
18 This is a record of a known crime on-site investigation. The document  
19 was produced by the first-instance court in Bugojno. The first paragraph  
20 shows that the military police informed the Court of the murder of  
21 Salih Grizic which occurred at Vladimira Nazora Street, number 15. The

22 Court then sent out investigators to study the crime scene, and an  
23 on-site investigation was carried out.

24 Mr. Tokic, did you know about this?

25 A. Yes, I did.

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1 Q. The next document is P -- it's an exhibit, and it refers to the  
2 same event. We'll take it in order. The number is P778. May we have  
3 your brief comments, because this is your document sent to the Municipal  
4 Staff of the TO, and you say there that it deals with "Vlatko Rajic, a  
5 member of our unit," who committed the murder. You say that in keeping  
6 with the article governing the Armed Forces of the Croatian Community of  
7 Herceg-Bosna, you took the man to the Military Prosecutor's Office in  
8 Mostar, and that court proceedings will be taken against him. You  
9 apologise here, and just like a real commander, you go on to explain the  
10 facts as you knew them at the time. Am I right?

11 A. Yes.

12 Q. And from this document, you see that you have already received a  
13 letter. We see that in the first paragraph. You're responding to  
14 something that you received; is that right?

15 A. Yes.

16 Q. Now let's look and see what happened to this member of your unit,  
17 Vlatko Rajic. And in order to do that, we'll look at 2D3051, the next  
18 document.

19 Have you found it?

20 A. Yes.

21 Q. Let me just ask you whether you know whether he was taken to  
22 court, and do you know how the proceedings ended?

23 A. As far as I know, the person was convicted to a prison term of  
24 five years. How much time he spent in jail, I don't know.

25 Q. Very well. We'll see what happened on the basis of these

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1 documents. Perhaps it was a little different. But, anyway, you do know  
2 that criminal proceedings were taken against him; right?

3 A. Yes, I do.

4 Q. It says at the top "The Republic Public Prosecutor in Mostar."

5 This is very important for all of us in the courtroom. Is the republic  
6 there mentioned the Republic of Bosnia-Herzegovina?

7 A. Yes, it is the Republic of Bosnia-Herzegovina.

8 Q. It says "The department in Mostar," and this is a letter from the  
9 deputy public prosecutor, Tomislav Zelic. The date is the 8th of April,  
10 1993; right?

11 A. Yes.

12 Q. Does it follow from this document, and I know that you are not a  
13 lawyer yourself, so if you don't know, just say so, but from this  
14 document does it follow quite clearly that this particular department of  
15 the republic public prosecutor in Mostar is, in fact, an organ which  
16 belongs to the Republican Public Prosecutor's Office of  
17 Bosnia-Herzegovina?

18 A. I'm not a lawyer and I don't want to speculate.

19 Q. Thank you. But that's what it says in the document; right?

20 A. Yes.

21 Q. Now, with respect to the contents of the document, I wish to say  
22 that on the 8th of April, 1993, as it says here, Vlatko Rajic was in  
23 detention, and he was in detention before that. We see that he appealed  
24 to his detention period and that the deputy republican public prosecutor  
25 is proposing that his appeal be rejected and that the decision on his

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1 detention be extended. Is that what it says?

2 A. That's what it says in this document.

3 Q. Mr. Tokic, did you know that this accused and convicted,  
4 Vlatko Rajic, as it says here, was he indeed in detention; did he spend  
5 time in detention?

6 A. Yes, I do know that he did.

7 Q. Okay. Now, look at the next document, please, which is 2D889,  
8 the next one in my binder. And this is a first-instance judgement from  
9 the District Military Court in Livan [as interpreted] on the 9th of  
10 September, 1993, finding Rajic, Vlatko, guilty of the event we spoke  
11 about, and the judgement was that he had to undergo compulsive treatment  
12 in a health institution. This document is already an exhibit, and from  
13 the statement of reasons we see that the person was deemed mentally  
14 unsound at the time that he committed the offence. Is this the first  
15 time you see this document?

16 A. Yes.

17 Q. But, anyway, this document shows that proceedings were taken,  
18 that he was proclaimed guilty, and that everything was done in conformity

19 with the laws of the day; right?

20 A. Yes.

21 Q. Thank you. And now the next document, staying with that topic,  
22 it is 2D3052. 3052 is the document number. Yes, that's right. Once  
23 again, it says at the top "Supreme Court of BH, Bosnia-Herzegovina,  
24 Department of Mostar." It is the minutes about voting on the 13th of  
25 November, 1993, and the contents -- from the contents of the minutes, we

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1 see that against this first-instance judgement the accused appealed,  
2 through counsel. The appeal was partially approved, with specifications  
3 about security measures, but everything was confirmed. And we can read  
4 that from the record; right, Mr. Tokic?

5 A. Yes, we can see that from this record, certainly.

6 Q. Thank you. I'm now going to show you two more documents dealing  
7 with some of your activities with respect to some criminal acts which --

8 JUDGE ANTONETTI: [Interpretation] Just a minute.

9 Witness, the documents state that the procedure was made -- that  
10 the procedure was satisfied if this person was -- for this person who  
11 committed a crime by beheading an inhabitant of Gornji Vakuf. I,  
12 however, have a problem. The document P765, here's the competent  
13 authority seized was the civilian authority of Bugojno. So according to  
14 the law, seemingly, the HVO arrested the perpetrator and the  
15 investigating magistrate carried out his investigation, and there we have  
16 a report, P778, where you relate the entire case, but after the fact it  
17 seems that it is the military authorities who are to be seized because it

18 is the Mostar military prosecutor which is going to carry out the  
19 procedure, even though the Bugojno tribunal seemed to be competent. Now,  
20 I would like to know something.

21 I know you're not a legal expert, but I'd like to know the  
22 following. When a military person commits a crime against a civilian, in  
23 a case that has to do with private business, because beheading someone  
24 has nothing to do with a military order, according to you, who is  
25 competent? Is it the civilian authorities, the civilian tribunal in

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1 Bugojno, or the military tribunal in Mostar?

2 THE WITNESS: [Interpretation] Your Honour, since I lived in the  
3 Gornji Vakuf-Uskoplje area before, I know that the Court in Bugojno  
4 covers our municipality, too, and that there are days when it works in  
5 the Gornji Vakuf-Uskoplje area. But as we're dealing with a soldier  
6 here, then I think, and this is my personal opinion -- I don't know what  
7 the legal side of it is, but as it was a soldier involved, then I think  
8 it is the military police and Military Prosecutor's Office that would  
9 have been the relevant authority.

10 JUDGE ANTONETTI: [Interpretation] Very well. On the transcript.

11 Ms. Nozica.

12 MS. NOZICA:

13 Q. Yes, Mr. Tokic. In your letter, and I'm going to state that  
14 again - document P778 is the number - you state that it's a member of  
15 "our unit," that is to say, a soldier, and then it says that after the  
16 investigation, all the activities and steps were taken by the Military

17 District Prosecutor's Office, et cetera, because we're dealing with a  
18 soldier; right?

19 A. Right.

20 Q. Now look at P366, please, the next document. 366, yes. This is  
21 a report -- let me refresh your memory. If we look at the stamp, we can  
22 see that the date is the 6th of August, 1992, because there's no date at  
23 the top. It says:

24 "We inform you that on the 5th of August, in the village of  
25 Zdrimci, a serious incident occurred whereby a member of the HVO from

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1 Gornji Vakuf, Marko Vukadin, while drunk, fired a grenade from -- a  
2 rocket propelled grenade in the direction of the Muslim village of Vrse,  
3 which nearly caused a conflict. We are sending the above-mentioned  
4 person to Grude prison in order for him to be prosecuted."

5 So that is how you dealt with a soldier who committed a criminal  
6 act, an act which could have led to an armed conflict; am I right?

7 A. Yes.

8 Q. Thank you. One more document, staying with the same topic. It  
9 is P5096.

10 Have you found the document? You mention -- 5D5096. When you  
11 said the agreement was signed with the BH Army, you said that there was a  
12 situation whereby some prisoners had gone missing. Am I right?

13 A. I have to read this document first.

14 Q. Go ahead, please.

15 A. It's not the case that I mentioned earlier on in this courtroom.

16 It's a different case.

17 Q. Very well. Let's see what this one's about. It says on the 22nd  
18 of May, 1993, you send this letter to the military police of the 2nd  
19 Battalion commander, the brigade military police, the judge of the  
20 Bugojno Municipal Court, delegated to take charge of the affairs of this  
21 brigade. The subject is "Conduct of the Investigative Procedure on the  
22 Disappearance of two Members of the BH Army of the 307th Motorised  
23 Brigade."

24 Now, here you go on to explain what happened; that there was an  
25 exchange, that you learned about this exchange, and that seven members of

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1 the BH Army were arrested on the 19th of May, that five of them were  
2 released, and as for two of them, nobody knew what happened to them.  
3 Have I pressed that properly?

4 A. Yes, you have interpreted what it says here in this letter.

5 Q. Yes, precisely. Now, the last paragraph, you say that you  
6 propose that the above-mentioned individuals -- that all the relevant  
7 facts be established linked to this case, and depending on the findings,  
8 that they should inform the public military prosecutor, and "we propose  
9 interviews and examinations." And you see that the reference here is a  
10 SIS officer in the 1st Battalion and so on.

11 Now, I'm interested in hearing your explanation of this  
12 situation. It can seem a little strange, and I'm not quite clear on it,  
13 because you're sending it to the lady judge of the Bugojno Municipal  
14 Court delegated to be in charge of affairs concerning this brigade, so

15 can you explain to us who that was? And we're dealing with the 22nd of  
16 May, 1993. Is it the same thing as when you say that in Bugojno there  
17 was that Court?

18 A. Counsel, I don't know what status Judge Nevinka Zeko was in, what  
19 status she enjoyed, but when I asked that an investigation be conducted,  
20 she was working in the company of the military police in  
21 Gornji Vakuf-Uskoplje. Whether she was there on Court business or  
22 whether she'd left the Court and had become employed in the military  
23 police, I really don't know. I don't know what her status was at the  
24 time.

25 Q. All right, okay. But, anyway, we see that as soon as you learnt

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1 that something untoward had happened with two members of the BH Army, you  
2 acted as you saw fit. You acted in keeping with the regulations and in  
3 the most effective way. Am I right?

4 A. I do believe I respected military ethics and the ethics of a  
5 commander, in general.

6 Q. Very well. Now I'd like to move on to a completely different  
7 area and discuss a meeting held on the 26th of October, 1993. And you  
8 were asked about this by General Praljak, and it's the next document in  
9 my binder, the number of which is 4D803, and it is, in fact, a 3D -- the  
10 same document, 3D796, the same document with different numbers, and it's  
11 an exhibit under that latter number, so we don't need to tender it into  
12 evidence.

13 Mr. Tokic, in response to a question from General Praljak, you

14 said that you did have a meeting and that you presented certain views  
15 which, in your opinion, related to things that had been omitted, that  
16 were not done and did not meet the requirements of the HVO units  
17 mentioned here. We have your signature on the last page, which means  
18 that without a doubt you attended the meeting. Anyway, you say in  
19 paragraph 3 that the participants unanimously adopted the following  
20 conclusions; that is to say, they asked the Government of the HZ-HB, the  
21 Ministry of Defence and Main Staff, and the municipal government's  
22 political structures, to answer the questions that you set out below.  
23 I'm just going to deal with just some of these issues to see whether you  
24 agree and whether they were properly recorded and properly interpreted,  
25 or whether they were exaggerated.

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1 So let's look at point 2. It says:

2 "For the purpose of establishing mobile brigades, it is necessary  
3 to establish criteria to carry out mobilisation that would be uniform  
4 over the whole territory of the HZ-HB, and that categories be established  
5 for mobilisation."

6 And then you say the composition of the soldiers based on age,  
7 then civilian protection, and so on, and you go on to say that this  
8 applies to persons living abroad and other categories.

9 Now, under point 4, you say:

10 "Resolve the status of deserters and, in that regard, establish  
11 universal criteria and norms towards all conscripts who have avoided and  
12 still avoid their obligations ..., " et cetera.

13 Now, Mr. Tokic, let me first ask you, as far as your unit is  
14 concerned, was mobilisation put into effect and what was your position  
15 linked to mobilisation? Did you have any remarks to make, comments? And  
16 I'm just referring to your unit now, so staying with your unit.

17 A. I can't give you a yes-or-no answer, Counsel, so may I be allowed  
18 to expand and explain?

19 Since the area of the Gornji Vakuf-Uskoplje municipality was an  
20 area which was overtaken by war with the Army of Republika Srpska, and  
21 later on the entire municipality was quite simply in an isolated state  
22 when there was the conflict between the BH Army and the HVO, I had  
23 exhausted all my resources. In other words, I no longer had anybody to  
24 mobilise, and I was faced with a situation where a unit had to be brought  
25 in to replace the existing troops, and instead of having 150 new soldiers

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1 come in, only 10 arrived. So it was for this reason that we commanders  
2 considered that the burden should be equally distributed. And the fact  
3 that I was born in Gornji Vakuf-Uskoplje and appointed commander over  
4 there did not mean that I had to sleep in a trench for eight months,  
5 whereas in other parts, where you had a Croatian population, Croats  
6 dealing in -- had various business activities, that they went to war in  
7 shifts or didn't go that often anyway.

8 Q. Mr. Tokic, you are a soldier by vocation. Am I right in  
9 concluding that what you're talking about is not just a mobilisation  
10 problem, but the problem of other people coming to this area in which  
11 clashes were going on? You didn't have a mobilisation problem, as such,

12 in your own area?

13 A. I did. There is another document showing that I, in my capacity  
14 as commander -- or, rather, my personnel officers had to prepare, and I'm  
15 talking based on my recollection; therefore, I must express the following  
16 reservation. Out of 10, I might get one wrong, but we had 270 criminal  
17 reports for men leaving their units without any form of authorisation.

18 Q. Sir, can we look at the following document, please, because  
19 that's exactly what it talks about, an analysis like that. I'll be  
20 asking whether you knew of this information. It talks about the  
21 possibility of analysis and filing criminal reports, which is exactly  
22 what you've been telling about and which is another thing that was  
23 discussed in paragraph 4. Let's see if that was the thing that was done.

24 Several days later, no more than that, four days after this  
25 meeting, the Defence Department drew up an analysis on the possibility of

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1 enlisting military recruits. Number 1, the Tomislavgrad Defence  
2 Administration, and then there is -- I'm sorry, I'm sorry, you're quite  
3 right. I'm keeping my eyes on the clock.

4 P6017. An analysis was drawn up. This is an exhibit, too.  
5 First we have the Tomislavgrad Defence administration and then  
6 Tomislavgrad municipality, and again we see this all over, how many of  
7 them were mobilised and the number of criminal reports that were filed.  
8 Here, we have just that.

9 Did you have a chance -- Uskoplje municipality is 1.6. In your  
10 version, page 3, it reads here "Operative unit" such and such a number,

11 and then the Home Guard people, and then it reads "279 unjustified  
12 absences." A total of 256 criminal reports were filed. Is that what you  
13 were talking about?

14 A. Yes, that's right.

15 Q. At the end of this report, there is a remark that I want us to  
16 look at. Page 12, the last page of the document in the Croatian, it  
17 reads that those in charge of the mobilisation plan, and then it says the  
18 commands in the units must, as soon as possible, draw up a proposal for a  
19 plan to bring up manpower levels in all the units, must prioritise in  
20 terms of the necessary supplies, as well as the age category of military  
21 recruits for all individual units to ensure that each military recruit is  
22 given an appropriate war assignment, RR, in keeping with their personal  
23 military specialty. Is this something that the units actually did,  
24 Mr. Tokic?

25 A. This is not something for the units to do.

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1 Q. It says those in charge of the mobilisation plan, in line 1, the  
2 commands and the units. What about the commands and the units; did they  
3 make any proposals regarding plans to bring up manpower levels?

4 MS. ALABURIC: [Interpretation] I believe my learned friend  
5 misread the first word. It is not "rukovodioci," but "rukovaoci."

6 MS. NOZICA: [Interpretation] My learned friend is quite right,  
7 that's what it says, but the gist remains the same.

8 Q. At the level of your command and to do with mobilisation issues,  
9 did you draw up a plan around this time, prior to this meeting or after

10 this meeting, a plan to bring up manpower levels in your own unit?

11 A. Madam, this is an ongoing task for any command. Each command has  
12 an establishment structure, it's encoded in a book, and then we go and  
13 talk to the appropriate defence office in order to bring up the manpower  
14 levels. This is the command administration that does this, but the  
15 commander, as such, has nothing to do with that. He is given a soldier,  
16 a soldier has a personal military specialty, and then after that the  
17 personnel takes over, they make proposals for this soldier to be assigned  
18 to a particular unit in which his presence was required. Any commander  
19 should be amnestied from an activity like this.

20 In relation to the establishment that I was given, I was always  
21 suffering from a shortage of manpower. My brigade had less men than the  
22 number envisaged.

23 Q. Let me try to frame my question in this way, sir: If you look at  
24 this document, P6107, could we then conclude that, in terms of  
25 mobilisation within the HZ-HB, whatever was necessary was eventually

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1 done, or one had to do what one had to do?

2 A. Yes, if you want my opinion as a commander, everything was  
3 insufficient.

4 Q. But you had a shortage of people, and if you look at the  
5 information in relation to the municipality of Uskoplje, **do you perhaps**  
6 find that there was another area or more room for mobilisation, based on  
7 this information? Rather, do you agree with this information as  
8 presented here?

9 A. I'm not sure the information is accurate.

10 Q. Having received this information from, as you said, the  
11 Administration Office and the Defence Department, did you double-check  
12 whether the information was true?

13 A. I've never seen this information before. I'm looking at it now  
14 for the very first time.

15 Q. All right. Let's not dwell on that. I just wanted to show that  
16 the conclusion that you made, under items 2 and 4, starting out with the  
17 fact that nothing at all was done regarding mobilisation, can we now  
18 conclude that that was insufficient, in your opinion, at least?

19 A. Yes, I believe that was --

20 THE INTERPRETER: Interpreters note: Pause between questions and  
21 answers. Thank you.

22 MS. NOZICA: [Interpretation]

23 Q. I have one preliminary remark. Talking about defence offices,  
24 was this part of Uskoplje municipality, a defence office in the Uskoplje  
25 municipality that did work regarding mobilisation.

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1 A. I think it was the Tomislavgrad Defence Administration that was  
2 in charge. Was there another office elsewhere on the ground for Uskoplje  
3 municipality? I'm quite positive that there wasn't an office like that,  
4 but I do have to express a slight reservation there.

5 Q. Can we please look at the next document. I'm not going into the  
6 structure, itself. You're not quite certain about it. You think you  
7 don't know enough.

8 "Draw up a consolidated discipline book to apply to units in  
9 wartime conditions."

10 Mr. Tokic, are you aware of a well-defined set of regulations, in  
11 terms of discipline, that applied to the HZ-HB?

12 A. Yes.

13 Q. And then we can go on and move --

14 JUDGE TRECHSEL: For the record, in your speed you did not give  
15 the number of the document. Later, when one reads the record, one will  
16 not have the file and find it.

17 MS. NOZICA: [Interpretation] Thank you, Your Honours. Yes,  
18 you're quite right, I was going back to 4D803. It's the meeting that we  
19 talked about and that I will keep going back to. This is a meeting which  
20 Mr. Tokic attended, where certain conclusions were adopted, and I was  
21 taking this item by item or paragraph by paragraph. So conclusion  
22 number 7 of 4D803, that's what I'm talking about. It says:

23 "Make a universal disciplinary book for the units which is to be  
24 suitable for war conditions."

25 Mr. Tokic knows that this book was adopted. Can we please look

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1 at it? It's P293?

2 Q. Mr. Tokic, given the conclusion that we see there, you say you  
3 knew that this book of rules was adopted. Why does it say, then, "make a  
4 consolidated disciplinary book"? We see Mr. Boban there, in his capacity  
5 as the president of the HVO and HR-HB on the 3rd of July, 1992. You  
6 personally, and I'm asking you, if you remember the discussion at the

7 meeting, did you have anything to say against this book being adopted?

8 Did you consider it to be unfair in some way or not good enough? Why was  
9 this conclusion adopted at the meeting?

10 A. Madam counsel, it's very difficult to go back in my mind. The  
11 fact remains we had a document which the civilian authorities were not  
12 implementing. We would have a military recruit sent over to us, and when  
13 it was possible for us to prove that a military recruit left a unit  
14 without proper authorisation, we never received feedback on any steps  
15 being taken in that respect in order to bring that soldier back, simple  
16 as that, or for some bodies of the Croatian Republic of Herceg-Bosna **to**  
17 start taking steps about that.

18 Q. I'm sorry, I'm sorry, I'm sorry, Mr. Tokic, I'm sorry but this  
19 answer has nothing to do with the military disciplinary book. Now you're  
20 telling us about what happens to soldiers leaving their units without  
21 proper authorisation.

22 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, it's time to stop.  
23 You can resume tomorrow. I don't know what the time is, but -- I don't  
24 know how much time you have left, but we shall resume tomorrow.

25 You've had 29 minutes so far. Since you had been granted 45

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1 minutes, you have 16 minutes left, so you may continue tomorrow. Make  
2 sure that you use these 16 minutes appropriately and not be caught by the  
3 time factor.

4 It's now quarter to 2:00. I'd like to thank everyone.

5 Witness, remember to come back to this courtroom tomorrow morning

6 at 9.00. In the meantime, do not contact anyone. Have you understood me  
7 well?

8 THE WITNESS: [Interpretation] Your Honour, I fully understand.

9 JUDGE ANTONETTI: [Interpretation] The Court stands adjourned for  
10 today. We shall meet again tomorrow.

11 [The witness stands down]

12 --- Whereupon the hearing adjourned at 1.45 p.m.,  
13 to be reconvened on Wednesday, the 30th day of  
14 September, 2009, at 9.00 a.m.

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