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1 Wednesday, 30 September 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not]

5 [The witness takes the stand]

6 --- Upon commencing at 9.00 a.m.

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

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

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

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

14 This is Wednesday, September 30th, 2009, and I greet Mr. Prlic,
15 Mr. Stojic, Mr. Praljak, Mr. Petkovic, and Mr. Pusic. I also greet
16 Mr. Coric, who is not with us for the moment. Let me also greet the
17 Defence counsels, the eminent members of the OTP, Mr. Kruger and
18 Mr. Stringer, as well as their case manager. And I also greet everyone
19 helping us.

20 Let me first give the floor to our Registrar. He has two IC
21 numbers for us.

22 THE REGISTRAR: Thank you, Your Honour.

23 The Praljak Defence has submitted its response to the
24 Prosecution's objections to documents tendered through Witness
25 Slobodan Praljak. This list shall be given Exhibit IC1062. And the

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1 Prosecution has submitted its objections to the list of documents
2 tendered for admission by 4D through Witness Zvonimir Skender. This list
3 shall be given Exhibit IC1063.

4 Thank you, Your Honours.

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

6 I have two oral decisions to render, and of course I also greet
7 our witness, because I'd forgotten to welcome him.

8 First oral decision on the motion to tender evidence through
9 Witness Alojz Arbutina.

10 The Praljak Defence filed a motion for the admission of evidence
11 placed on list IC1050 through Witness Alojz Arbutina, who testified on
12 September 22nd, 2009, according to Rule 92 ter.

13 The Trial Chamber notes that neither the Prosecution nor any
14 Defence team -- any other Defence team filed any motion to tender
15 evidence through this witness and that no objection was raised against
16 the Praljak motion. The Trial Chamber thus decides to admit
17 Exhibit 3D03699, tendered through the IC list, on the grounds that it
18 seems to have sufficient probative value, relevance, and reliability,
19 since it is the written statement of Rule 92 ter Witness Alojz Arbutina,
20 statement.

21 Second oral decision. This decision relates to the motion filed

22 by the Praljak Defence to be granted leave to file a response.

23 On 23rd of September, 2009, the Praljak Defence has filed a
24 request with a view to seeking leave to respond. A preliminary response
25 was filed by the Prosecution on the Praljak Defence's request to have

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1 written statements tendered into evidence pursuant to Rule 92 bis of the
2 Rules of Procedure and Evidence. The Praljak Defence would like to file
3 its response within 7 days as of the 28th of October, 2009, onwards.

4 In its decision of the 22nd of September, 2009, the Trial Chamber
5 granted all the parties an extension of time until the 29th of October,
6 2009, to reply to the request on admission filed by the Praljak Defence
7 on the 14th of September, 2009.

8 The Trial Chamber recalls that the responses are only permitted
9 insofar as the moving party specifies and states that the circumstances
10 are sufficiently compelling and exceptional for the Trial Chamber to
11 grant this request. Consequently, the Trial Chamber holds that the Trial
12 Chamber, as well as the Praljak Defence, must have been made aware of all
13 the potential responses filed by the parties at the request of the
14 Praljak Defence of the 14th of September, 2009, to assess whether or not
15 a response is needed. Therefore, the request to reply to the Praljak
16 motion is premature at this stage.

17 The Trial Chamber asks the Praljak Defence to seize the Trial
18 Chamber of a single motion to seek leave to file a consolidated response
19 to all potential responses by the 29th of October, 2009.

20 In addition, with a view to upholding judicial economy, the Trial

21 Chamber invites the Prosecution to file a single consolidated response in
22 which it will include all the arguments submitted in its preliminary
23 response. The Trial Chamber and all the other parties will only consider
24 this second consolidated reply filed by the Prosecution.

25 This oral decision is a very long decision, but, in short, the

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1 Prosecution is being asked to file a single consolidated response, and
2 after that the Praljak Defence, if it deems it is necessary, will file a
3 motion with a view to being granted permission to reply, and the Trial
4 Chamber will rule on the matter with all the elements at hand.

5 The initial request to be granted leave to reply is, as it
6 stands, dismissed.

7 Mr. Kovacic, have you understood me well?

8 MR. KOVACIC: [Interpretation] Thank you, Your Honour, for your
9 decision. We have fully understood it, and I'm sure you understand why
10 we had to file this motion at this early stage. So now this decision
11 covers it.

12 However, I feel -- and just if we look at page 3, line 18, there
13 seems to be a mistake in the translation there. It's only in the last
14 portion that you mention that you summarise the decision, and that makes
15 it clear now. But from the previous paragraph, it follows, and I'll read
16 it:

17 [In English] "The Trial Chamber asks the Praljak Defence to seize
18 the Trial Chamber of a single motion to seek to file a consolidated
19 response to all potential responses by the 29 October."

20 This is obviously some mistake, because we cannot do it on that
21 day because other parties has -- but from the last paragraph, where you
22 summarise everything, I think it is now clear. Thank you.

23 JUDGE ANTONETTI: [Interpretation] I shall read this part again.
24 The mistake stems from the fact that the interpreters did not have the
25 document in question, the decision, which explains why there might be a

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1 mistake.

2 Let me read this out slowly.

3 The Trial Chamber invites the Praljak Defence to seize the
4 Chamber of a single request to be permitted to file a consolidated
5 response to all potential responses after the 28th of October, 2009,
6 after the 28th of October, 2009.

7 MR. KOVACIC: [Interpretation] Thank you, Your Honour. There are
8 no more dilemmas. Everything is crystal clear. Thank you.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stewart, I'd like to greet
10 you once again. I haven't heard you for a long time, and I was beginning
11 to miss that.

12 MR. STEWART: Well, I'm very delighted to hear that, Your Honour,
13 and of course it's reciprocated.

14 And, Your Honour, wherever I sit in the courtroom, I always seem
15 to be a disembodied pillar, as far as Judge Prandler is concerned. My
16 apologies to Judge Prandler for that, but I know he's there.

17 Your Honour, I have a very brief application on behalf of the
18 Stojic, Praljak and Petkovic Defences. Your Honours gave us leave to put

19 in a reply in relation to a motion which we'd filed for further
20 disclosure under Rule 68. Your Honour, it's ready to file, but it's at
21 around approaching 1800 words. Your Honour knows -- Your Honours know
22 that the word limit is 1500. It's not, I believe, in the discursive
23 style at the moment, Your Honour, so I do ask for an extension by 300
24 words, and then we are, for practical purposes, ready to file.

25 MR. STRINGER: Excuse me, Mr. President. Could we be heard on

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1 this, because it was quite a lengthy motion that was filed initially, and
2 if I recall correctly, the Trial Chamber granted all of the Defence teams
3 leave to file an initial motion that exceeded by several hundred the word
4 limit, and now we're going over by several hundred more words again on
5 the reply. So there's a lot of information and a lot of content that
6 appears to be coming in, much more so that's envisioned under the Rules.

7 Once we see this, and I'm not going to take a position on whether
8 the Trial Chamber should grant the requested extension or not, but it may
9 be that based on the very large volume of information that's come in, the
10 Prosecution might request to file some sort of a surrebuttal to this,
11 because, really, it's something that is now quite excessive, in terms of
12 the Rules.

13 Thank you.

14 MR. STEWART: Just call it -- briefly, I don't want to get into a
15 big squabble, I appreciate Mr. Stringer's position. Your Honour, he --
16 no doubt, he can reserve his position on this. We just make the point
17 that the number of words is really a separate issue from whether it is

18 genuinely a reply, and so far as the points in the reply are genuinely a
19 matter of reply, then there wouldn't be any real room for any further
20 filing in relation to this matter. But, Your Honour, it's pointless.
21 Like Mr. Stringer, I'd say let's then see what happens and see what
22 application he might make.

23 [Trial Chamber confers]

24 JUDGE ANTONETTI: [Interpretation] The Trial Chamber, after having
25 deliberated, grants the request filed by Mr. Stewart and accords you 180

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1 words -- 1.800 words.

2 MR. STEWART: Thank you, Your Honour.

3 JUDGE ANTONETTI: [Interpretation] 1.800 words.

4 MR. STEWART: So I understood. Thank you, Your Honours.

5 THE INTERPRETER: Microphone, Your Honour, please.

6 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, I'd like to greet
7 you once again.

8 Let me remind you that you have 16 minutes left.

9 WITNESS: ZRINKO TOKIC [Resumed]

10 [The witness answered through interpreter]

11 MS. NOZICA: [Interpretation] Good morning, Your Honours, and good
12 morning to everybody else in the courtroom.

13 Cross-examination by Ms. Nozica: [Continued]

14 Q. [Interpretation] Good morning, Witness. I'm going to try, within
15 my time-limit, to complete my cross-examination, but I might need a
16 little more time to finish this document, and I agree to that time being

17 deducted from the time allotted to me.

18 And I wanted to ask the usher, yes, for his help. Thank you.

19 MS. ALABURIC: [Interpretation] Your Honour, I apologise, but with
20 respect to what my colleague Ms. Nozica just said, so that it goes down
21 in the record, I'd like to present the Petkovic Defence's position.

22 Since during the Defence of Mr. Bruno Stojic, for an additional
23 second of examination of the witness, we needed to file a special request
24 and explain the reasons for which we were requesting additional time.
25 I'd just like it to go down on the record that any other decision and any

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1 other rules during the Petkovic -- during the Petkovic Defence we will
2 consider to be an upset in the equality of rights at this trial.

3 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, can you tell us why
4 you need some extra time? Could you detail this for us, please?

5 MS. NOZICA: [Interpretation] Yes, Your Honour, I can explain in
6 greater detail, but I'd like to ask the usher to provide the new binder
7 of documents to the Court.

8 I just need the additional time because of an answer given by the
9 witness yesterday, the answers related to mobilisation in Gornji Vakuf,
10 in actual fact. There are documents which speak differently to the
11 answer given by the witness yesterday, so I have prepared documents which
12 speak of the existence of an administration and office in Gornji Vakuf.
13 And yesterday's answers by this witness were the reason why I requested
14 additional time.

15 I will do my very best to make use of the 16 minutes I have at my

16 disposal wisely, but I'd just like to mention that regardless of the
17 position taken by the Petkovic Defence team - I cannot object, everybody
18 has the right to raise an objection - but I think that with all the
19 witnesses so far in the Praljak Defence, the Praljak Defence, including
20 the Petkovic Defence, did receive additional time if they needed it from
21 the overall time they were allotted.

22 Now, if we're going to change the rules again, I am going to
23 adhere to that, and every time I'm going to explain in great detail why I
24 need extra time. I'm doing this today because yesterday the answers
25 given by the witness gave rise to the necessity for an additional five

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1 minutes of examination.

2 Thank you.

3 THE INTERPRETER: Could the speakers kindly be asked to slow
4 down. Thank you.

5 JUDGE ANTONETTI: [Interpretation] We have understood. At least I
6 have understood.

7 JUDGE TRECHSEL: Ms. Nozica, unfortunately, during my studies I
8 did not pay full attention to accounting, but you probably will be in a
9 state of telling us how much your reserve is in time. How much time
10 allotted to you have you not yet exhausted?

11 MS. NOZICA: [Interpretation] Your Honour, I think at least seven
12 hours.

13 JUDGE TRECHSEL: Well, thank you very much. That's the issue.
14 You will not get additional time. No one got any so far. And that's

15 fine, then. Please go ahead.

16 JUDGE ANTONETTI: [Interpretation] Ms. Nozica.

17 MS. NOZICA: [Interpretation] Thank you, Your Honour.

18 Q. Mr. Tokic, I showed you a document yesterday. It was 4D308, and
19 it's in that larger binder that we were dealing with yesterday. 4D308 is
20 the number, and I said yesterday that it was also 3D796. Therefore, it
21 has two numbers, and it was under the latter number that it was made an
22 exhibit. It's a report from a meeting of commanders from the Military
23 District of North-West Herzegovina of the 26th of October, 2003.

24 Have you found the document?

25 A. No.

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1 Q. What did you say?

2 A. Yes, I have found the document.

3 Q. Yes. We discussed it yesterday. Anyway, in point 2,
4 mobilisation is discussed, and in point 4, deserters are mentioned.

5 Now, Mr. Tokic, from this text, and you can read through it, it
6 says to deal with the status of deserters and, in that connection,
7 elaborate uniform criteria which will be applied to all military
8 conscripts who fled or who are still avoiding their responsibilities in
9 the homeland war.

10 Now, Mr. Tokic, from this text, we can conclude that those
11 participating in the meeting, you among them, considered deserters to be
12 military conscripts who failed to respond to the mobilisation call-up.

13 Am I right in saying that?

14 A. Counsel, allow me to say good morning to Their Honours and
15 everybody else in the courtroom first.

16 But you're not right, it does not refer to military conscripts
17 who were not mobilised. It refers to those military conscripts who were
18 members of units and later on left the area of Gornji Vakuf-Uskoplje of
19 their own free will.

20 Q. I don't know whether there's an error in the transcript, but I
21 was told that I said it was document 4D308, whereas it is document 3D803.
22 So I got that wrong. Thank you.

23 Now, you know what I don't understand here? It's this -- 803 is
24 the number, 4D803. That's right.

25 Now, in point 4, it says:

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1 "Military conscripts who are still avoiding to comply with their
2 responsibilities."

3 That is why I thought you referred to the latter. Now,
4 Mr. Tokic, tell me, please, following a request from the brigade, the
5 Administration for Mobilisation mobilises a soldier and sends him to a
6 unit, and he is given a military ID and becomes a full-fledged member of
7 the brigade. If, after that, that person deserts, isn't it the brigade
8 command which is supposed to take the necessary steps to take him into
9 custody through the brigade military police, and if they fail to do so,
10 then that they should file a criminal report against him? Wasn't that
11 the procedure?

12 A. Counsel, from my conduct as a commander, and you see that there

13 were 279 persons who -- against whom criminal reports were filed, now,
14 the problem that a commander has when he's in the field is when he
15 contacts the military police or the security service of the military
16 police, the military conscript already at that time is not in the area of
17 Gornji Vakuf-Uskoplje, he is inaccessible, they can't reach him. And for
18 us, who were soldiers, regardless of our assignments and posts, that was
19 a difficult situation, and that is why we asked that the authorities of
20 the Croatian Republic of Herceg-Bosna should take steps to prevent people
21 being able to escape through a border that was as hollow as a Swiss
22 cheese.

23 Q. Thank you. I just wanted us to clear that up. That is to say,
24 it was the command of the unit that decides on these matters. You've
25 just explained that.

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1 Can we now take a look at document P6017 again, please.

2 JUDGE ANTONETTI: [Interpretation] One moment.

3 Witness, please, if you will allow me, we will continue looking
4 at document 4D803. I would like you to look at paragraph 11, please.

5 Registrar, could you show us paragraph 11, please, because for
6 the time being we can only see paragraph 6 in English, paragraph 8 in
7 B/C/S.

8 So we've got paragraph 11 in English. I'd like to see
9 paragraph 11 in B/C/S as well, please. In your language, you can see
10 paragraph 11 now.

11 This meeting which was held, which you attended, since your name

12 is mentioned here, as well as Siljeg's, Glasnovic, Suskar [phoen],
13 Sikic [phoen], Tokic, you, Pavlovic, Djeric, and two other people, you
14 are asking for the Government of the Republic of Croatia to hand out no
15 more refugee cards to the conscripts who have left the municipalities in
16 Herceg-Bosna. They could then return to the brigades. You are saying
17 that it is important for the Croatian government to stop handing out
18 refugee cards. When I saw this mentioned in the text, I set this against
19 the backdrop of a notion which you are familiar with and which the
20 lawyers and the Prosecution have in mind; that is, that of the JCE, the
21 joint criminal enterprise.

22 What I would like to know from you, Witness, is this: Is it
23 logical in any way that the Croatian government let's the Croatian
24 deserters come in, give them refugee cards, when, on the other hand, the
25 Croatian government is helping the Community of Herceg-Bosna by providing

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1 them with soldiers? Does this make sense to you?

2 If you don't understand my question, I can rephrase it.

3 THE WITNESS: [Interpretation] Yes, please, Your Honour, could you
4 rephrase that?

5 JUDGE ANTONETTI: [Interpretation] Let me rephrase my question.

6 We have a situation in which the soldiers, the conscripts, are
7 deserting and go to the Republic of Croatia. In the Republic of Croatia,
8 they're handed out refugee cards. In other words, they don't come back
9 again. And in addition, we are being told that the Republic of Croatia
10 is helping the forces of Herceg-Bosna directly. I would like to know

11 from you whether there is not a contradiction here.

12 THE WITNESS: [Interpretation] Your Honour, when we discuss the
13 situation as commanders, we address the government first of the Croatian
14 Republic of Herceg-Bosna, with the task of undertaking the necessary
15 measures. We ask them to take the necessary measures so that the
16 out-flow of military conscripts from Bosnia-Herzegovina, who were
17 soldiers in the units of the Croatian Defence Council, should be stopped.
18 At the same time, we asked them to act as mediators to see that the
19 Government of the Republic of Croatia, when they see these people coming
20 in without the necessary papers and procedure, does not provide them and
21 accord them refugee status. That is what soldiers can do and must do so
22 as to retain the number of conscripts necessary for the units, which
23 guarantees that they will be able to fulfill their tasks as a unit.

24 Now, when it comes to the second half of your question, what
25 I can say is this: I don't know that the Republic of Croatia helped us

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1 by sending their soldiers to us in Bosnia-Herzegovina. I don't know that
2 they offered that assistance. So you asked me to conclude whether it's
3 contradictory. I really can't say. I know what I signed and subscribed
4 to, as a commander, and who I contacted in that regard.

5 JUDGE ANTONETTI: [Interpretation] Very well. The second question
6 now.

7 When you were fighting, since you were a commander, at some point
8 did you have the feeling or the proof that the Croatian government out of
9 Zagreb was controlling your military operation?

10 THE WITNESS: [Interpretation] No, absolutely not.

11 JUDGE ANTONETTI: [Interpretation] Very well.

12 Ms. Nozica.

13 MS. NOZICA: [Interpretation]

14 Q. Mr. Tokic, let us look again at document P6017. This is the data
15 breakdown per municipalities, and I'm going to ask you to look at this
16 portion that refers to Uskoplje municipality. That's page 3 in Croatian
17 and page 5 in English.

18 It says here, Mr. Tokic, that Uskoplje municipality had 10.700
19 inhabitants, that there were 1.020 military conscripts in operative
20 units, there were 273 of them in home guards, and it also said that 256
21 criminal reports had been filed. Yesterday, in response to my question
22 whether you can confirm this data, you said yesterday that you were not
23 sure whether these figures are correct.

24 Mr. Tokic, in your statement given to Mr. Praljak's Defence in
25 2005, November 2005, you said something different about this subject, and

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1 that was the underlying reason for all my questions relating to
2 mobilisation. So, therefore, let us look at this portion from your
3 statement, which is document 3D3712. It's a new binder that I've given
4 you today. It's on page 28, and I'm going to read only this specific
5 portion, page 28, the very top of it, and I'm talking about the Croatian
6 version, and in the English it's page 26. I'm going to read only this
7 particular portion:

8 "At one point, the mobilisation rate of this unit was

9 18.6 per cent. We, in the army, say that the standard mobilisation rate
10 is 10 per cent. If you apply this to 10.700 Croats, according to the
11 census, 10 per cent is 1.070, and our unit had 1300 men, a brigade, plus
12 military police, plus MUP, plus the battalion of Bruno Basic."

13 So in total around 1600.

14 Mr. Tokic, as we can see from this statement of yours, all this
15 information stated in the document presented by me to you, which is
16 document P6017, are identical. It says here that there was a total of
17 10.709 inhabitants, and the total of operational units and home guard
18 units makes 1300 men. That was actually the reason why I asked you
19 yesterday whether, in your municipality and your brigades, the
20 mobilisation was successful. That was, by the way, my conclusion.

21 Let me first ask you this: Did you prepare and did you make this
22 statement?

23 A. Yes, that's my statement.

24 Q. And you stand behind this particular paragraph? I'm insisting on
25 that.

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1 A. Yes, I do.

2 Q. All the figures that you provided in 2005, in November, are
3 almost identical to those given in document P6017?

4 A. I have to clarify this. When we were conducting mobilisation,
5 there was no Defence office of Uskoplje. The mobilisation was carried
6 out by the HVO.

7 Q. Mr. Tokic, we'll come to the office. What I am focused here

8 on --

9 A. So that was the situation at the time --

10 Q. I apologise to the interpreters, but I had to intervene. I only
11 asked you about this particular portion which I found somewhat confusing
12 when you said that you were not sure about the veracity of this
13 information. On the other hand, I found identical information in your
14 statement. As to when the office was set up and how it started working
15 is a different matter.

16 My question was whether the information provided by you, in your
17 statement, is almost identical to the information contained in the
18 document that I showed to you. One could have gained an impression that
19 I'm showing you something that was incorrect or something that you were
20 not familiar with.

21 A. Madam counsel, if I may answer and provide clarification. I was
22 one of those who took part in the meeting of the North-West Operation
23 Zone. My views are known. However, certain municipalities had more
24 serious problems than my municipality. I described the situation in my
25 municipality, and I said that I was dissatisfied how those who left the

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1 units of their own volition were treated and who were not accessible to
2 my military police.

3 THE INTERPRETER: Could the speakers please pause between
4 questions and answers. Thank you.

5 MS. NOZICA: [Interpretation] This is exactly the clarification
6 that I needed.

7 JUDGE PRANDLER: I'm really ashamed that I have to say this again
8 and again and again, but I would like to draw your attention to the fact
9 that the interpretation asked you and, of course, the witness to slow
10 down, number 1, and then to hold a pause between the question and the
11 answer, as number 2. Please kindly follow this. I know that you are
12 pressed by time pressure, but, anyway, please try to comply with this
13 request.

14 Thank you.

15 MS. NOZICA: [Interpretation] Thank you, Your Honour. I apologise
16 to the Chamber. You can only imagine, honourable Judge, how shameful it
17 is for me to be reminded by you so many times, but this is a problem that
18 stems from the fact that we speak the same language. It goes well when
19 we have slow speak, but when it comes to some clarifications, it creates
20 problems.

21 Q. Sir, another question concerning mobilisation. You said that you
22 were not aware of the existence of the Defence office in Uskoplje. They
23 were established there and they were in charge of conducting
24 mobilisation. I'm going to show you a number of documents who are also
25 in this new binder, and we shall see whether you remember whether this

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1 office really existed.

2 For that purpose, could you please look at document P700. That's
3 a proposal made by Mr. Bruno Stojic to adopt a decision on the number and
4 the seats of Defence offices. On the other side -- on the other page,
5 you see the Tomislavgrad Administration, and under 8, within Tomislavgrad

6 Administration, you can see which area it covers. This decision was
7 taken on the 18th November 1992, at the meeting of the HVO HZ-HB, and
8 that's P700.

9 Let us just look now at the final document, which is P767, so
10 that's the minutes of the HVO meeting, 767. And please look at document
11 2D3055.

12 Have you found it? You can find it in this additional binder
13 that you received, and it's the last document. You did. Thank you.

14 Here, Mr. Brano Matijanic has been appointed by Mr. Stojic, the
15 chief of the Office for Defence in Gornji Vakuf. Were you familiar with
16 this gentleman and did you know that he was working at this office? I
17 would just like to refresh your memory about this issue.

18 A. Yes, I did. He had an office in Pidris.

19 Q. That was the Defence office of Uskoplje municipality?

20 A. Yes, with one member of staff only.

21 Q. Yes. But, nevertheless, a Defence office?

22 A. Yes, but you can see and judge for yourself whether one person
23 could have done the job.

24 Q. Mr. Tokic, in the statement of yours that I read out to you, this
25 job was done very satisfactorily, because a high percentage of citizens

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1 were mobilised to your unit?

2 A. I have to tell this to you for the second time. Mobilisation was
3 carried out by the Municipal Staff of the HVO.

4 Q. But the Defence office was part of that staff?

5 A. No, it wasn't.

6 Q. Okay, let's move to another topic.

7 Can we now go back to document 4D803. I would just like to
8 address two items from this document. And the next one we're going to
9 look at is item 7.

10 You say here:

11 "Create a single disciplinary book to comply with the
12 conditions --"

13 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, if I understand
14 correctly, you are no longer talking about mobilisation. Is that it?

15 MS. NOZICA: [Interpretation] No, Your Honours, I have only two
16 topics to ask this witness about regarding this meeting.

17 JUDGE ANTONETTI: [Interpretation] Very well. But do these
18 questions still address mobilisation?

19 MS. NOZICA: [Interpretation] No, not about mobilisation.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 Witness, I have a follow-up question regarding mobilisation. I
22 know that you are a professor and that you teach defence matters, so you
23 obviously seem to be a specialist in this area.

24 In the interview you gave, you explained that there were 1.070
25 Croats, and with a 10 per cent mobilisation you should end up with about

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1 1.000, but altogether you ended up being 1.600, whereas the others in the
2 TO were 2.100, and you seem to be fairly satisfied with the situation.

3 However, when I look at all this and when I note that during war you can

4 only mobilise 10 per cent of the troops, I can only draw from this that
5 there must be a huge problem. If I compare this with other conflicts,
6 for example, modern conflicts like World War I, mobilisation was almost
7 100 per cent of troops, at least in some countries, but here, in your
8 conflict, you only ended up with 10 per cent. I can only draw from this
9 that there must have been reasons for this. So is it that these
10 so-called conscripts who deserted just deserted because they thought it
11 wasn't their war, they didn't want to wage this -- they didn't want to
12 fight for this cause, or was it because there was no state and that they
13 didn't feel that they were soldiers of a specific state; that they felt
14 that if they were conscripted, they were more like private militiamen and
15 it was not their war? Were they afraid of the Serbs, maybe, because the
16 Serbs were a daunting force and they thought that the war was lost before
17 even being waged?

18 These are all reasons I'm giving you. You know, there might be
19 others, but can you tell us how you can explain that you only ended up
20 with this 10 per cent ratio, when it came to mobilisation, that only
21 10 per cent of the men actually volunteered and that the others were very
22 hard to mobilise? Were there any far-reaching reasons behind this, and
23 if so, could you tell us which ones?

24 THE WITNESS: [Interpretation] Your Honours, speaking about
25 mobilisation, I was familiar with some of the aspects of this particular

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1 area. I'm not saying that I'm an expert, but the fact is, quite simply,
2 that in the area of Gornji Vakuf and Uskoplje municipalities, of the

3 10.700 potential military conscripts, about 18 per cent of them were
4 mobilised. What we tried to do was to make maximum effort, because a
5 number of our soldiers were out of actions as a result of military
6 operations that we had had, a number of soldiers --

7 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, is there a
8 problem?

9 THE ACCUSED PRALJAK: [Interpretation] No, there's no problem.
10 What I would like to tell you, Your Honour Judge Antonetti, with all due
11 respect, that your information about 100 per cent success mobilisation is
12 wrong. There is no single war that one can achieve that high percentage
13 of mobilisation.

14 JUDGE ANTONETTI: [Interpretation] Fair enough. I note this down.
15 Could you please continue, Witness.

16 THE WITNESS: [Interpretation] Now, speaking about the efforts
17 that we were making in the municipality where I was the commander, it
18 proved to be satisfactory, at least in theoretical terms. The problem
19 was with the additional reinforcements, and this is where the Defence
20 office comes into play.

21 When a unit asks for additional manpower, according to the
22 assignment, then the Defence office should provide new conscripts,
23 provided they have them ready on the field, but with that you have to
24 take into account a supposition that they might flee, because we say only
25 fools are not afraid of death and war. Some people managed to control

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1 their fear better, some didn't.

2 JUDGE ANTONETTI: [Interpretation] Very well.

3 MR. KOVACIC: [Interpretation] Your Honour, I think there was a
4 mistake. So not to elaborate further, perhaps you could ask the witness
5 was the interpretation wrong or did I hear wrong, but at the beginning,
6 in response to your question, on page 20, line 24, he said that in
7 Uskoplje, out of 10.700 potential military conscripts, about 18 per cent.
8 So obviously this figure, 10.700, refers to the number of inhabitants,
9 the population. So there's some short-circuit there, some
10 misunderstanding, because the mistakes can multiply if we let that go.

11 JUDGE ANTONETTI: [Interpretation] Very well.

12 Witness, when you said that there were 10.700 potential soldiers,
13 you know, when I made reference to countries where mobilisation was at
14 100 per cent, it was only potential soldiers. Of course, you're not
15 going to mobilise the sick, the mad-men, those who are in hospital, and
16 so forth. So when I talk about the potential soldiers, those who are
17 able-bodied -- so when you talked about 10.700 potential conscripts, were
18 you referring to the population, as a whole, or only to the able-bodied
19 men who could have borne a weapon?

20 THE WITNESS: [Interpretation] Your Honour, I was referring to the
21 overall population.

22 JUDGE ANTONETTI: [Interpretation] Very well. So you're talking
23 about the entire population. Very well.

24 Ms. Nozica, you may resume.

25 MS. NOZICA: [Interpretation] Thank you, Your Honour.

1 Q. I'd just like to confirm something. I was going to do this at
2 the end, but I'd like to do it now.

3 In document 3D3712 - it is a statement, the statement by
4 Mr. Tokic, in fact - and in document P6017, is it right that the number
5 there is 10.700 Croats, it says, so the overall population? There was no
6 mention of the number of potential military conscripts, just to make that
7 point clear.

8 Now, Mr. Tokic, I asked you something related to point 7 of
9 document 803, and that is it reads:

10 "Make universal disciplinary book for the units ..."

11 Now, you know that there was a book of rules on discipline in the
12 HZ-HB HVO; you knew that, did you not?

13 A. Yes.

14 Q. So can we look at the document? It is P293 in your binder.

15 I think it's the next document in line. And in those rules on discipline
16 adopted by Mr. Mate Boban, president of the HZ-HB, from Article 101 we
17 have the wartime situation.

18 Now, can you remember why, at the meeting, this conclusion was
19 made whereby a uniform rules of military discipline should be passed?
20 Because we see that this is one, one it says that should be in line with
21 wartime conditions. Now, were there any comments made about that at the
22 meeting or why this observation was made, if you can remember? If not,
23 we can move on.

24 A. I can't remember, but, in principle, these -- these rules on
25 military --

1 JUDGE TRECHSEL: Witness, did you listen when Judge Prandler
2 spoke? He said, Wait until the question is translated. You have shot
3 along long before that. Please start your answer again, and please keep
4 this in mind.

5 THE WITNESS: [Interpretation] Yes, I will bear that in mind, and
6 I do apologise, Your Honour.

7 MS. NOZICA: [Interpretation] Yes. Let me repeat the question.

8 Q. I asked you whether you could remember why this conclusion on the
9 rules governing military discipline were passed at this meeting and
10 adopted at this meeting.

11 A. Because the units, quite simply, did not receive any book of
12 rules in the field, so we couldn't apply it if we didn't have it in the
13 first place in sufficient copies and distributed to those to whom it
14 referred, and the role to implement rules goes from company commanders
15 onwards.

16 Q. Now, this meeting, Mr. Tokic, was held on the 26th of October,
17 1993, and you now say that the commanders didn't have this set of rules.
18 Did you apply the rules, yourself, while you were commander, even before
19 this meeting was held?

20 A. Counsel, there were several guide-lines and instructions, and we
21 applied them, but this book of rules just consolidated all those
22 guide-lines and instructions.

23 Q. This was passed on the 3rd of July, 1992, Witness. It could not
24 consolidate anything. It was a basic act and was passed and adopted on

25 the 3rd of July, 1992.

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1 But let's move on to the next document, which is 5D2022, and
2 that's a letter signed by the deputy commander of the military district,
3 Mr. Ante Govorusic, and he refers to an order there from the commander of
4 the Main Staff, dated the 17th of September, 1993, with respect to
5 implementing the disciplinary measures taken, and here against a member
6 of the armed forces of the HZ-HB on the basis of the rules governing
7 military discipline and the mistakes made, and that these measures of
8 custody will be enforced if Dretelj prison.

9 THE INTERPRETER: Could counsel kindly slow down. It is not
10 possible to interpret at this rate. Thank you. And a reference to where
11 the counsel is reading from.

12 MS. NOZICA: [Interpretation] Yes. The number of the document is
13 right, 5D5022.

14 Q. So on the 23rd of September, 10 days before this meeting, each
15 and every commander in the field received this order, which speaks of the
16 way and where the perpetrators of misdemeanors and crimes will serve
17 their sentence. Do you agree with me that at least at that time all the
18 commanders knew about this and that there was a set of rules, and they
19 knew how those rules should be implemented; right?

20 A. I don't know whether the -- if the other commanders knew about
21 this, but I received this order, myself, and I applied these rules.

22 Q. Thank you. I'm now going to ask, in closing, to broach just one
23 topic referring to the meeting. It is 4D803, the document I'd like to

24 refer to once again, 4D803, the conclusions from your meeting. And we're
25 going to take a look at conclusion number 13 there, the last line. It

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1 says:

2 "To determine authorisation and manner in which appointments are
3 to be proposed, and the establishment of SIS, itself."

4 Now, Mr. Tokic, you, as a commander, did you know in what way the
5 officers of SIS in your brigade are proposed and appointed?

6 A. No, I did not know the manner in which this was done, what the
7 procedure was.

8 Q. What about you, yourself, Mr. Tokic? Did you propose any members
9 for SIS from your brigade? Did you put them forward, did you take part
10 in the selection process?

11 A. Could you be more specific? Could you give me some names of the
12 SIS person? In the case of Zvonko Katovic, yes, I did.

13 Q. Could you explain to the Trial Chamber in what way you did this?
14 In what way did you go about it?

15 A. We were asked our opinion. The commander of the unit was asked
16 his opinion about somebody, whether they had the necessary qualifications
17 for the job and other necessary knowledge for them to be -- become a
18 member of the Security Department.

19 Q. And who asked for this information?

20 A. It was the Security Service that required that information,
21 itself.

22 Q. While you were the commander, did you ever receive a decision to

23 appoint somebody, Mr. Katovic, or anybody else, for that matter? Did you
24 see the process of somebody being appointed and a document to that
25 effect? But just wait for me to finish and then you can continue with

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1 your answer. Thank you.

2 A. I received a decision on paper for Mr. Josip Sen [phoen].

3 Q. And who signed that decision?

4 A. I can't remember whose signature was on the document.

5 Q. Well, what institution, then?

6 A. The institution was the Security Service from the Ministry of
7 Defence.

8 Q. Very well. The Administration for Security, in actual fact.
9 That's what it was called, I think. Thank you.

10 Now, I've prepared two more documents. I'll show the first one,
11 which is 2D567. It is a decision on the internal establishment of the
12 Defence Department, and you need not have been fully informed about that,
13 but it, too, speaks of the manner in which people were elected and
14 forces, and it says the assistant commanders of the brigades for security
15 are appointed by the head of the Defence Department. That is to be found
16 in item 4, at the proposal of the assistant head for security. And it
17 says for all other operatives and officials in the Sector for Security,
18 it is the assistant head for security who disposes of them, along with
19 previous agreement from the representative of the Defence Department or
20 an individual whom he authorises.

21 Now, since you said that you received a decision of that kind on

22 paper, it was probably a decision signed by the head of the department,
23 the administration, so you knew how this worked in practice. Now we have
24 the next decision, which is slightly amended, but we won't go into that.

25 And now linked to the situation of how people proposed

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1 individuals from the ground, from the field, the last document we'll look
2 at is 2D3053. It's a report dated the 5th of November, 1993, and it is
3 signed precisely by Mr. Katovic, as you told us. It is sent by GSRHB,
4 Ivan Lucic, or, rather, the Main Staff of the Croatian Republic of
5 Herceg-Bosna personally to Ivan Lucic, and it says here that the SIS in
6 the brigade does not have a single heavy-duty vehicle, or any other
7 vehicle, and it was difficult to inspect the defence lines, but they did
8 their best to tour the defence lines and talk to the soldiers there.
9 This was done by members of SIS in their part of the terrain, and it says
10 the touring of the terrain was carried out by the brigade commander, he
11 inspected the terrain.

12 Now, what I'm interested here is whether the situation was as it
13 is described here, that you had a shortage of vehicles and everything
14 else, as it says here.

15 A. Counsel, the unit plans its tasks and assignments, and if it can
16 do -- carry out a number of them with just one vehicle, then it does so,
17 and the vehicle is provided by the Logistics Department. There's usually
18 one vehicle, and everybody else, if they need more, have to apply for
19 more vehicles.

20 Q. Thank you. So the answer is that this situation was correctly

21 described here.

22 Now, going on to the next paragraph, it says:

23 "I, as head of SIS in the brigade, was taken up with negotiations
24 with the Muslim side, discussing the exchange of bodies and soldiers
25 killed."

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1 And then the next paragraph goes on to say with the departure of
2 Ivica Crnov to the brigade's 1st Battalion, there was no SIS member for a
3 month because nobody wanted to take up that duty, and those who did want
4 to were not suitable -- were not found suitable by the brigade commander,
5 Zrinko Tokic, or the president of the HVO, Ivan Saric.

6 Now, Mr. Tokic, is that what you were telling us? Is that what
7 you were saying, that you were asked to provide your opinion as to
8 whether somebody was suitable or not?

9 A. Well, yes, we were asked for our opinion. That's true.

10 Q. All right, fine. Now, it goes on to say that the SIS clerk in
11 the brigade, Zdravko Alvir, was late on his return from a private trip to
12 Zagreb, so the brigade commander ordered that he be reassigned to the
13 infantry, and nobody replaced him, so that this made the work of the
14 service impossible. Do you remember that?

15 A. This is an -- is a lie.

16 Q. You mean the last sentence is not correct?

17 A. Yes, that's right.

18 Q. Now let's move on to page 2 of that same document. Do you
19 remember -- it says:

20 "I, as chief of SIS in the brigade, have been asked to move to
21 the Rama SIS Centre, and although I received an oral approval from the
22 brigade commander and the president of the HVO, both oral and written
23 approvals, I still have not taken up my duties there because the two
24 aforementioned men cannot agree who to choose to become the SIS chief in
25 the brigade, and so this makes the work of the service even more

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1 difficult."

2 Is that correct, sir? Do you remember? Do you remember that you
3 gave your oral approval?

4 A. As a rule, when any officer was to be promoted, you would give
5 approval.

6 Q. Thank you. And now I come to my last question.

7 When your brigade -- when it came to your brigade, then this
8 conclusion wouldn't have been made, right, because obviously you knew the
9 way in which --

10 JUDGE ANTONETTI: [Interpretation] Before Ms. Nozica's last
11 question, and this will be deducted from her time, anyway, because she
12 ran over her 45-minute allotment, I have a question.

13 On this document, we see that in order to appoint an SIS -- a
14 person for the SIS, the brigade commander had to intervene, as well as
15 the HV [as interpreted] president, the local HV [as interpreted]
16 president, and here it was Mr. Ceric.

17 Now, this is what I would like to know. In exercising your
18 military command, were you constrained by a control coming from the HVO

19 president or were you fully independent and did you only report to the
20 commander of the HVO in the operational zone, or was there some kind of
21 supervision exercised by the political -- municipal political authority
22 of the HV [as interpreted]?

23 THE WITNESS: [Interpretation] Your Honours, a brigade commander
24 in the hierarchy is responsible to the commander of the West Herzegovina
25 Operation Zone. However, within the brigade there are sections that sent

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1 out reports along different channels, and I'm talking about the security
2 section and the information and propaganda section. These two operated
3 outside of the remit of the commander, but, however, in order to provide
4 good-quality communication they should have provided information
5 horizontally, that is to say, to the commander as well, but they also
6 were requested to send reports to their superiors as well. So there was
7 a certain kind of supervision imposed on a commander.

8 JUDGE ANTONETTI: [Interpretation] Witness, you haven't answered
9 my question. My question was an extremely precise question. I'm asking
10 you this: As you exercised your command, I wanted to know if in any way
11 you were controlled, supervised, by the political authority in the
12 municipality. This is an extremely precise question, and you are telling
13 me that in the brigade there were units, there were various channels.
14 You quote Information and Propaganda. If that's the case, you should
15 have told me that this depended on the president of the local HVO. And
16 you are giving us a speech. I'm wanting you to answer my question.

17 My question is extremely precise, and when I put a question, it

18 is because it is an important question. I don't put a question for the
19 sake of putting a question, and I set it against the backdrop of this
20 entire case.

21 THE WITNESS: [Interpretation] Your Honours, speaking about the
22 appointment of these officers, this was more within the responsibility of
23 the president of the local HVO and all the command duties were in the
24 hands of a commander.

25 JUDGE ANTONETTI: [Interpretation] So in your answer, you say when

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1 it came to choosing some of the officers, the local president gave his
2 advice, but as far as exercising the command was concerned, this came
3 under the responsibility of the military authorities? This is exactly
4 what you're telling us?

5 THE WITNESS: [Interpretation] That's right, Your Honours.

6 JUDGE ANTONETTI: [Interpretation] Fine, thank you.

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

8 I have finished my cross-examination. Nevertheless, I would like
9 to ask one more question in regard to his last answer.

10 Q. The heads of SIS and the IPD, were they within the scope of your
11 command? You said that they provided information. I'm only asking you
12 whether they were part of the command of your brigade.

13 A. They were my assistants, and they were part of the chain of
14 command.

15 MS. NOZICA: [Interpretation] Thank you. I have no further
16 questions.

17 Thank you, Your Honour.

18 JUDGE ANTONETTI: [Interpretation] I was about to put a question
19 to Mr. Karnavas, but my colleague would like to take the floor.

20 JUDGE TRECHSEL: Witness, I have a question regarding this same
21 document.

22 At one point, the passage regarding Zdravko Alvir was put to you,
23 a person who returned belatedly and then was ordered to serve in the
24 infantry. The report here says that, therefore, the work Alvir was
25 supposed to do, the clerk work, was not done by someone else, and this

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1 hindered the work of SIS. You have simply brushed this away by saying
2 it's a lie. That's not really, in itself, convincing.

3 Could you be more precise? What do you mean, "is a lie"? Is it
4 a lie that Zdravko Alvir was late on his return from a private trip? Is
5 that a lie?

6 THE WITNESS: [Interpretation] Your Honours, if you allow me to
7 give you an explanation.

8 Zdravko Alvir --

9 JUDGE TRECHSEL: I asked you a very precise question, a yes-or-no
10 question. When you said this is a lie, does this refer to the fact that
11 Zdravko Alvir returned belatedly; yes or no?

12 THE WITNESS: [Interpretation] Your Honours, I cannot answer this
13 question with yes or no. You have to allow me to explain why
14 Zdravko Alvir was transferred to the infantry.

15 JUDGE TRECHSEL: Normally, the rules here are is that someone

16 puts a question and the witness is invited to answer that question. I do
17 not think it is impossible to answer this question. I will go on. It's
18 not the only question, but it seems that your answer is negative. You
19 say it is not a lie that Zdravko Alvir returned late?

20 THE WITNESS: [Interpretation] That's not a lie.

21 JUDGE TRECHSEL: Okay, thank you.

22 Then is it a lie that you ordered him to be reassigned to
23 infantry? And here I allow you to give an explanation, why you did so,
24 if you did.

25 THE WITNESS: [Interpretation] Thank you, Your Honour.

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1 Zdravko Alvir was in the brigade staff during combat operations
2 on the line in the town between the post office and MUP and bus depot.
3 Since I had received information that BH Army units were deployed in two
4 positions or, actually, broke through these lines in two places, I asked
5 a security officer to take certain direction in order to survey the
6 situation at the post office feature, and that the focus of defence, I
7 decided as a brigade commander, would be to go on. After having
8 consolidated the defence line, I tried -- started looking for reasons why
9 Zdravko Alvir failed to go into the direction that he had been ordered to
10 go. He said that he didn't dare do that because he had never been in
11 town while shooting was on. After that, I decided that because he was
12 late and he performed poorly on the line, to transfer him to the
13 infantry, and that is the truth.

14 JUDGE TRECHSEL: Thank you. Then there is a last limb of this

15 chain of information in the paragraph to be answered.

16 The report says that the fact that Zdravko Alvir was removed from
17 his work for SIS, I quote, "seriously impaired" the work of the service.

18 Is that a lie?

19 THE WITNESS: [Interpretation] This is the assessment made by this
20 officer.

21 JUDGE TRECHSEL: So you are not saying that the assessment is
22 wrong, or are you?

23 THE WITNESS: [Interpretation] I'm not saying it's wrong.

24 JUDGE TRECHSEL: Well, thank you. I think that has brought some
25 clarity in this. Thank you.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you had 15
2 minutes.

3 MR. KARNAVAS: I'm going to use them, Your Honour. I'm going to
4 use them, and this last demonstration by Judge Trechsel sort of gives us
5 a good impression as to why sometimes explanations need to be given after
6 a yes or no or a very brief answer, such as, It's a lie, because it may
7 contain lots of information.

8 Cross-examination by Mr. Karnavas:

9 Q. Sir, I want to just discuss with you very briefly the events in
10 general, because I'm not sure that we really have been able to, at least
11 from your point of view, develop the narrative of the events that were
12 unfolding starting, say, from the spring to -- late spring or early
13 summer of 1992 onwards in that particular area.

14 So if you could take a couple of minutes and please describe to
15 us what was the atmosphere like in that area, because the follow-up
16 question to that is going to be, and I'll just put it to you right now,
17 is: Looking back now on the events, would it have been possible at the
18 time to do things differently to avoid any conflicts between the Muslims
19 and the Croats living in that area?

20 A. Counsel, if I may start with the conflict which took place in
21 June 1992. After that, we signed an agreement on the 27th of June, 1992,
22 and quite simply pulled out our units from any combat contact. We
23 established communication lines with the command of the BH Army in order
24 to create conditions for them to return to the positions that they had
25 abandoned on Radusa Hill facing the Army of Republika Srpska. We have

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1 linked up check-points of military police set up at the entry point to
2 the town from Prozor and Novi Travnik respectively, as well as from the
3 direction of Bugojno. I managed to reassure the army commander that he
4 should as well take out his unit by the end of July to the defence line
5 in the area of Bugojno municipality, facing the Army of Republika Srpska
6 on the positions Humac, Jazvenik, and Skrtsko Brdo. So we did everything
7 possible in order to normalise the situation.

8 On the 15th of August, 1992, when the Army of Republika Srpska
9 launched an attack on our lines in Gornji Vakuf, Uskoplje, and Bugojno,
10 we acted in concert and repelled this attack. My scouting company, along
11 with the Anti-Sabotage Detachment of the Bugojno Brigade, defended Rusac
12 and managed to stop the Serbian attack on the line facing Crvena Zemlja.

13 However, a situation emerged in which HVO units and the army units
14 clashed in Prozor. This all put us back in the old positions when we
15 were looking at each other with mistrust.

16 Q. Let me stop you right here. Why did the clash occur? Because
17 it's important for us to have context. I mean, you have a common enemy,
18 but now two allied forces or peoples are clashing among themselves, so
19 what is happening, why it's happening? Please explain that to us, who
20 were not there and don't know the dynamics at that period of time.

21 A. It is very difficult to know the details of the context in which
22 it happened. In most cases, the situation in the neighbouring
23 municipalities reflected and had its impact on the situation in
24 Gornji Vakuf and Uskoplje. We were bound, along the chain of command, to
25 carry out the task given to us by superior commands. Therefore, Mr. Agic

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1 asked me to let through an anti-sabotage Detachment commanded by Goran
2 Cizic [phoen] from the staff in Gornji Vakuf and Uskoplje and allow it to
3 link up with the 2nd Battalion simply in order to provide defence of
4 Pridvorci and Crni Vrh, or that is how he put it. I had to respond by
5 saying that I couldn't do that and I wouldn't allow that. After that,
6 they put their units on full combat readiness.

7 Q. Let me stop you right here, because again you indicated that
8 there was some mistrust in your previous answer, and now you're being
9 asked specifically what would appear, at least to some of us, to be a
10 reasonable request, and you respond rather unreasonably at the time.
11 That's the impression that one might get. So if you could explain, why

12 was there this mistrust between the Muslims and the Croats at that time,
13 in that area, and why you, in effect, would deny access which then
14 caused, you know, the ABiH to go on full alert?

15 A. Probably the fundamental misunderstanding lies in the structure
16 of Bosnia-Herzegovina and the position of the three peoples living there.
17 And in military terms, because I was performing military duties of a
18 commander, and that is something that I had to do, and it is not normal
19 for a commander to let through his combat lines somebody who can
20 jeopardise or even effectively cause losses to the units of the Rama
21 Brigade.

22 Q. But, again, let me stop you here. Why would -- I mean, assuming
23 that you're both working in conjunction with each other, coordinating
24 your efforts against a common enemy, why would you then -- why are you
25 saying what you just told us, that you're worried that they may even

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1 cause -- or jeopardise or cause losses? I mean, this is something that
2 we need to understand.

3 A. On the 22nd of October, you had the conflict in Rama, and that
4 was a conflict in which the BH Army forces and the HVO forces took part.
5 Now, other people taking part in the conflict was the 2nd Battalion,
6 forces from outside of the 317th Brigade, for example, from
7 Gornji Vakuf-Uskoplje. The commander assessed that the 2nd Battalion
8 troops weren't sufficient for him to carry out his assignment. Now, I
9 couldn't block the forces of the 2nd Battalion because I -- they were
10 outside the area in which I was organised and my men, so for that reason

11 it is clear that the conflict could flare up and spill over into another
12 municipality, regardless of what I did or Mr. Agic did.

13 So on that day, too, we were in the hotel together with 22 other
14 citizens or intellectuals, if you will, from the Croatian and Bosniak
15 side. We were sitting there and organising a peace march. But it did
16 not bear fruit, and on the 23rd, the shooting started. So that simply is
17 something that the army was not able to resolve on its own.

18 The problem didn't lie with the army. The army was established
19 and set up to take up its positions in that given area and, first of all,
20 to put up an active defence in defending the Gornji Vakuf-Uskoplje area
21 from the Army of Republika Srpska.

22 Q. Well, if the army isn't responsible -- we might want to take the
23 break at this point, and I'll pick up from there. And I believe I do
24 have about seven or eight minutes left, Your Honours, but I will pick up
25 from that point.

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1 [Trial Chamber confers]

2 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you have five
3 minutes left, but I think the best is to finish now, before the break,
4 and then we'll have the break once you're done.

5 MR. KARNAVAS: Fine.

6 JUDGE TRECHSEL: I would have liked to be put back in the
7 picture, as it were.

8 Your initial question, Mr. Karnavas, as I recorded it, was: What
9 was the atmosphere in late spring/summer of -- now we are in October, and

10 I just wonder whether this is in the line you were asking or --

11 MR. KARNAVAS: It is. What I'm trying -- what I wish to do is
12 paint a picture of what is happening throughout -- because there is a
13 continuum, and then we'll get to the point that he is testifying, so --

14 JUDGE TRECHSEL: Go ahead.

15 MR. KARNAVAS: -- I don't want to give any answers or suggestions
16 to the witness.

17 Q. But you've indicated that the army wasn't the problem, and, very
18 briefly, because they were told to go there and take up these positions.
19 If the army wasn't the problem, who was the problem, then?

20 A. Counsel, I didn't say that in the Gornji Vakuf-Uskoplje area the
21 army was the problem. We cooperated on a local level.

22 Q. Excuse me, you said that it wasn't the problem, that it was not
23 the problem, and I'm asking you: If the army was not the problem, who
24 was, or what caused the problem?

25 A. I tried to answer by saying that there were different

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1 expectations with respect to Bosnia-Herzegovina's establishment and that
2 this was reflected in the field, on the ground, and that it was a
3 problem. It was a problem of how to position the municipality of
4 Gornji Vakuf-Uskoplje.

5 Q. I think I understand where you're going because I've been in the
6 case for four years, but we need concrete answers. So you're talking --
7 let's say you're talking to somebody who doesn't know the events. What
8 does that answer mean? Give me, specifically, what is the problem, who

9 is the problem, who's causing the problem? You're saying the expectation
10 of Bosnia-Herzegovina. That's a dissertation. That's worth 10 hours of
11 discussion. Give me, concretely, what do you think was the problem at
12 that point in time in that area?

13 A. Well, Counsel, the problem at the time was this: There was a
14 conflict between the HVO and BH Army in Prozor municipality, and it spilt
15 over into Gornji Vakuf-Uskoplje. And taking part in that conflict were
16 units of the 2nd Battalion, the 317th Mountain Brigade, in actual fact,
17 and if we had a map before us, you would be able to see that this is the
18 settlement of Voljevac, Pridvorci, et cetera, and that they were
19 attacking along the axis of Najnik [phoen] and Jurici, together with the
20 units from Konjic.

21 Q. Thank you. That gets us -- that helps us. Now, we're in
22 October. I only have a couple of minutes. From late October, we go into
23 January. What's happening there? And tell us exactly when is it that
24 the conflict in January begins, because the Prosecution has the theory,
25 we've presented evidence to the contrary, but you can tell us, very

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1 briefly, what happens during that short period of time and when the
2 conflict begins in earnest.

3 A. The conflict began in January, towards evening on the 11th, in
4 fact, the 11th of January, 1993, a little before 7.00 p.m.

5 Q. And why did it begin? Because you have October, things calm
6 down, and then from October to January, things pick up again. Why --
7 what's happening in that area in Gornji Vakuf? And then the last

8 question that goes with that is if you could tell us when the HVO
9 civilian government actually begins to function.

10 A. When it comes to the reasons for the conflict beginning in
11 January, the BH Army brought in 305 members of the Jajce Brigade, and
12 from December onwards they deployed these men along the Gornji Vakuf
13 area. After that, there was the Christmas break and the Christmas
14 holidays, and we decorated the part of town inhabited by the Croats, and
15 the Croats, on their houses, put up the Christmas decorations.

16 Q. Let me stop you right there.

17 A. Now, some people didn't --

18 Q. Was that done specifically to provoke and to initiate a war,
19 because we had a Prosecutor here just only a couple of days ago saying
20 that the Croats were looking for a war and were pursuing a war? Is that
21 the reason, yes or no?

22 A. Absolutely not.

23 Q. And, finally, we have to take the break. When did the civilian
24 government begin to function in earnest in that area?

25 A. I'm not quite sure, but I think that right up to -- well,

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1 Zdravko Batinic, as president of the Municipal Assembly, went on the 11th
2 to take up his duties, so that means that in January the Croats were
3 still in the bodies of power and authority in the Gornji Vakuf
4 municipality, as it was at the time.

5 Q. We're talking about the HVO. When you say that -- when he was --
6 when Batinic was president of the Municipal Assembly, but that was not --

7 it had nothing to do with the HVO; correct?

8 A. The Croatian Defence Council was set up by a decision of the 8th
9 of April, 1992.

10 Q. I understand, but I'm asking you when it began to function as a
11 government, because the impression that you may be leaving is that as of
12 that date, there was a Croatian HVO government in place in Gornji Vakuf,
13 throughout that period, functioning as a government.

14 A. No, no. Counsel, I said that the Croats were present in the
15 joint bodies of authority in Gornji Vakuf up until January 1993.

16 MR. KARNAVAS: Thank you. I have no further questions.

17 I want to thank you very, very much for coming here to give your
18 evidence.

19 Thank you, Your Honours, and I thank the interpreters for their
20 extra time and effort.

21 THE INTERPRETER: You're welcome.

22 JUDGE ANTONETTI: [Interpretation] Very well. We'll break for 20
23 minutes, and then after the break we will give the floor to Mr. Kruger
24 for further cross-examination.

25 --- Recess taken at 10.41 a.m.

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1 --- On resuming at 11.06 a.m.

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

3 I welcome Mr. Scott, who's with us.

4 Before giving the floor to Mr. Kruger, the Trial Chamber would
5 like to ask Mr. Stringer to confirm that for the last two witnesses of

6 the Praljak Defence, that for his cross-examination he wants two hours
7 for each of these witnesses. Is that it, Mr. Stringer? These are
8 Witnesses Juric and Witness Curcic?

9 MR. STRINGER: Yes, that's correct, Mr. President. I apologise
10 if the letter wasn't clear on that. The Prosecution is requesting two
11 hours for each of them, so it would be two hours for Juric and then two
12 hours for Curcic.

13 JUDGE ANTONETTI: [Interpretation] Very well, the Trial Chamber
14 will render its decision.

15 Ms. Alaburic.

16 MS. ALABURIC: [Interpretation] Your Honour, thank you.

17 I would just like to take this opportunity to inform the Trial
18 Chamber that the Petkovic Defence will have a request for additional time
19 to examine Witness Curcic because we consider that he has some very
20 relevant knowledge of benefit to the Trial Chamber and everyone. And if
21 that is important for the planning and scheduling of the courtroom, I
22 wanted to inform you of that. And we assume that 45 minutes, up to an
23 hour, would be the time we needed, that the Petkovic Defence will need.
24 We don't think he is a hostile witness, and we do believe that it would
25 be fair to deduct that time from the overall time allotted to the

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1 Petkovic Defence.

2 Thank you.

3 JUDGE ANTONETTI: [Interpretation] Very well. Your request is
4 noted down on the transcript.

5 Mr. Kruger.

6 MR. KRUGER: Thank you, Your Honour.

7 Good morning, Your Honours. Good morning, colleagues, everybody
8 else in and around the courtroom.

9 Your Honour, if I could just make certain that the Coric Defence
10 weren't going to use their 15 minutes.

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

12 I have already said that I'm not going to use those 15 minutes,
13 and I have already stated that if there's no need, then I won't be
14 conducting a cross-examination. And as I see now, I'll stand by that.

15 MR. KRUGER: Thank you, Your Honour.

16 Cross-examination by Mr. Kruger:

17 Q. Good morning, Mr. Tokic. Sir, I'd first like to ask you a few
18 general questions about General Praljak.

19 During January 1993, is it correct that General Praljak was
20 referred to in Gornji Vakuf by the name of Brada?

21 A. Mr. Prosecutor, yes, it's true that General Praljak was called
22 "Brada," among other things.

23 Q. Thank you. Now, in January, from your evidence thus far, it's
24 clear that you were aware of the presence of General Praljak in the
25 Gornji Vakuf region or Uskoplje region; is that correct?

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1 A. Yes.

2 Q. You were aware at that stage, I suppose, that General Praljak was
3 not officially a member of the HVO.

4 A. I was not aware of that, no.

5 Q. Isn't it correct that he only became commander of the Main Staff
6 in July of 1993?

7 A. As for those details, I really don't know.

8 Q. You were aware, of course, that in January 1993, General Petkovic
9 was the Chief of the Main Staff?

10 A. Yes.

11 Q. Be that as it may, General Praljak, you did not doubt his
12 authority, in January 1993, to also issue orders and commands to you and
13 your unit?

14 A. Mr. Prosecutor, the commander of the Military District of
15 Tomislavgrad issued orders to me. In this case, that was Mr. Siljeg.

16 Q. Did you have anything to do with General Praljak, personally,
17 during January 1993? I recall that you and he issued a joint command at
18 some stage.

19 A. Sir, when I went to attend the briefings at the forward command
20 post of the operative zone in Prozor, that is, I would see
21 General Praljak.

22 Q. And these briefings that you attended, was that in January 1993?

23 A. In part, yes, up until the 13th, while I was able to move around
24 freely along the Gornji Vakuf-Uskoplje area.

25 Q. Now, we'll get to those briefings in a moment. From your

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1 statement -- I'd just like to refer you to your statement, and it's, in
2 the English version, on page 27. Unfortunately, I didn't check in which

3 part it is in your section, but I will read to you what you stated. And

4 I would just like you to confirm whether this is actually accurate:

5 "He would get to --" talking about General Praljak, this is:

6 "He would get to know how things were at the front. He would
7 survey the terrain, and he would personally go to see the defence
8 facilities, so I don't think that any of the Uskoplje soldiers or
9 commanders could have anything negative to say about communication with
10 the general."

11 Do you agree with that? Is that -- do you stand by what you said
12 in your statement?

13 A. Yes, I stand fully by what I said in my statement.

14 Q. You also said in your statement - I think it's the same page -
15 you say:

16 "I, being commander of a unit, would have to go to daily
17 briefings, and I had to come either to the forward commanding post of
18 Tomislavgrad gathering place at Dekorativ or to the forward command post
19 here at Pidris. Anyway, during those briefings led by General Praljak,
20 all unit commanders that had been engaged in actions at Uskoplje front or
21 at Rama front were present at those briefings. So when it comes to that
22 kind of communication, it was immediate in terms of superiors to
23 subordinates as well."

24 What you're referring to here would be the daily briefings you
25 already referred to a few moments ago; is that correct?

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1 A. No, I meant the briefings convened by Colonel Siljeg.

2 MR. KOVACIC: [Interpretation] I would suggest that the witness be
3 provided with a copy of the text in Croatian, because both with this
4 question and the previous question, the relevant element of the
5 time-period is in question. So from the quotations, we can't gain an
6 insight into what period of time is being referred to.

7 Thank you.

8 MR. KRUGER: Thank you.

9 Your Honour, for reference purposes, this is contained -- and the
10 statement, if we can provide it - I think the witness actually has it -
11 is numbered as Exhibit 3D03712, and it's in the binder that Ms. Nozica
12 has provided to the Chamber, the second binder from her.

13 MS. PINTER: [Interpretation] May I help? It's page 28/29 in the
14 B/C/S, if I've got it right. But I would also like to suggest that the
15 time of the briefing be established.

16 MR. KRUGER: Thank you very much for that help, to Ms. Pinter.

17 Q. Witness, do you have the place in the statement; it's page 28 and
18 29? I'd just like to return to what you say:

19 "Anyway, during those briefings led by General Praljak ..."

20 So is it correct that General Praljak also led certain briefings
21 or conducted certain briefings for the commanders in your area?

22 A. Mr. Prosecutor, General Praljak, and I'm speaking on the basis of
23 my recollections, began to hold briefings after the January conflict,
24 when I was able to communicate with the forward command post of the
25 military district in Prozor, and the location was Dekorativa, which was a

1 textile factory, the premises of a textile factory, and that's where the
2 headquarters were put up. So that the answer to that is when I was able
3 to leave Gornji Vakuf-Uskoplje sometime after the 20th, those briefings
4 were presided over by General Praljak.

5 Q. And were these daily briefings at that stage?

6 A. The briefings were with the unit commanders, and they were mostly
7 a summary of the daily activities.

8 Q. Now, until when did these briefings basically last that you're
9 referring to? If you could just give the Court an idea of the time
10 range.

11 A. These briefings started sometime on the 10th of January, 1993,
12 and ended sometime in early March.

13 Q. Okay. And those conducted by General Praljak, did they also go
14 straight through to the period in early March?

15 A. I think that General Praljak joined these briefings after the
16 25th of January, and I don't know if it was him who chaired the
17 briefings. For the most part or most often, it was done by Colonel
18 Siljeg, the commander of the military district.

19 Q. Okay. But in your statement, you say:

20 "Anyway, during those briefings led by General Praljak --"

21 JUDGE ANTONETTI: [Interpretation] Just a minute, Mr. Kruger.

22 A follow-up question, Witness. You said that you went to these
23 briefings. I would like to know whether these briefings were headed by
24 Siljeg and whether -- and Mr. Praljak was sitting aside, or whether the
25 briefing was headed by Mr. Praljak and Siljeg was just attending, if you

1 see the difference between the two situations. Could you tell me which
2 one prevailed as to who headed these meetings, these briefings?

3 THE WITNESS: [Interpretation] I believe that it was
4 Colonel Siljeg who chaired the majority of the briefings.

5 JUDGE ANTONETTI: [Interpretation] Where was General Praljak
6 sitting; on his right or just anywhere?

7 THE WITNESS: [Interpretation] Well, he would be sitting next to
8 some of the commanders on the right-hand side [as interpreted].

9 JUDGE ANTONETTI: [Interpretation] If I understood you correctly,
10 Colonel Siljeg was chairing the meetings.

11 THE WITNESS: [Interpretation] Yes, Colonel Siljeg conducted the
12 briefings.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 JUDGE TRECHSEL: Excuse me. I'm sorry. You are slightly
15 changing your testimony. First you said you believe -- you believe that,
16 which cannot be understood in any other way than you're not quite sure.
17 Now you have been affirmative. Are you quite sure or you still believe?

18 THE WITNESS: [Interpretation] I am sure that Colonel Siljeg
19 conducted the briefings, but quite simply General Praljak was in the room
20 starting from after the 20th of January, if I remember correctly.

21 MR. KOVACIC: [Interpretation] Your Honours, I have an objection
22 to the translation or the record.

23 When Your Honour, on page 48, lines 20-21, is the answer -- when
24 you asked the witness, he said:

25 [In English] "Well, he would be sitting next to some of the

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1 commanders on the right-hand side."

2 [Interpretation] The witness actually said:

3 [In English] "He would be sitting next to some of the commanders
4 or on the right-hand side," obviously referring to your question of
5 Siljeg right side. But perhaps that would be cleared. And somehow that
6 reflects also in that recent response of the Prosecutor on the additional
7 question of Judge Trechsel, but maybe it should be checked.

8 JUDGE ANTONETTI: [Interpretation] Mr. Kruger.

9 MR. KRUGER:

10 Q. Now, Mr. Tokic, General Praljak's presence at those briefings,
11 did he participate in those briefings, also impart information, give
12 instructions?

13 A. I think that he did join in into the briefings, and I think he
14 was a good motivator. And he also would come up with proposals, to put
15 it simply.

16 Q. And a good motivator, in the sense of inspiring you, as
17 commanders?

18 A. No. He quite simply encouraged us to gain strength and not to
19 make unreasonable requests, and that we should approach our tasks as
20 professional soldiers and responsible soldiers.

21 Q. In your statement, I think it's the second statement that you
22 made, in the English version it is page 34, and I think it is actually
23 the last page of that statement, you're referring -- you were asked about

24 General Praljak's style of communication, and I think that this refers to
25 a meeting in October 1993, and you say: "Look --" do you have that

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1 question where you were asked about General Praljak's style of
2 communication? Let me read to you:

3 "Look, it's very hard to extract details from that meeting and
4 say how General Praljak behaves in such conditions. The fact is
5 General Praljak has a very specific way of communicating, he is sharp,
6 curses a lot while he communicates. I don't think that meeting or
7 communication was much different."

8 Does this describe, to your mind, General Praljak's style of
9 communication? Do you stand by that?

10 A. Yes, I stand by what I said.

11 MS. PINTER: [Interpretation] For your information only, pages 8
12 to 9, this is 3D --

13 THE INTERPRETER: Could counsel please repeat the number of the
14 document.

15 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, you're saying "3D,"
16 but what 3D?

17 MS. PINTER: [Interpretation] 3D42-5351.

18 MR. KRUGER: Your Honour, if I may perhaps help. I think the
19 exhibit number referred to is 3D03712, and I think Ms. Pinter has given
20 the page number, if I'm not mistaken.

21 Q. Sir, I have only one more question at this stage regarding
22 General Praljak's communication, and that refers to your statement.

23 On page 18 of the English version, and I don't know if Ms. Pinter
24 can help us to identify exactly where in the B/C/S version it is, but
25 you're commenting on the 1st of August, 1993, where General Praljak

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1 issues a command for units to return to Uskoplje from the front-lines,
2 and I'll just read to you very briefly:

3 "On July 31, part of the HVO units retreated from
4 Gornji Vakuf-Uskoplje county, that is, from ...," and then certain
5 locations are mentioned. "In the morning hours of August 1, all of these
6 units were on the territory of Pidris. In that moment, General Praljak
7 issued a command for units to return to Uskoplje front-lines."

8 Now, my first question to you is: Do you recall receiving such
9 an order from General Praljak which you mentioned in your statement?

10 A. Sir, General Praljak climbed the tank and said, Follow me to
11 Uskoplje.

12 Q. I think you've answered my second question. I wanted to ask:
13 How was this order issued, written or verbally? But it seems that it was
14 verbally and by example; is that correct?

15 A. Yes, orally and by example.

16 Q. Now, when General Praljak issued an order, they were obeyed? You
17 had no qualms about obeying an order which came from General Praljak; is
18 that correct?

19 A. Sir, this took place on the 1st of August, 1993, and within all
20 this mayhem and chaos, any commander with the rank of general would be
21 obeyed who was willing to risk his own life. Any general who would climb

22 a tank and, by example, call the army and the troops to follow him, that
23 would be abided by.

24 Q. Okay. So you did not question his authority?

25 A. Sir, a commander, at a tactical level, never asks his superiors

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1 whether they have the appropriate authority for command and control.

2 That's rule number 1. It is simply accepted as such on the ground.

3 Q. So let's step on to another topic.

4 I'd now like to explore with you the relations between you and
5 Mr. Fahrudin Agic, and then perhaps also more broadly you -- or, sorry,
6 the HVO and the Territorial Defence, or later the armija of the ABiH.

7 Now, before starting on that, the Chamber has heard evidence
8 already that a hot-line existed at UNPROFOR connecting the HVO and the
9 ABiH units in Gornji Vakuf. Are you aware of that? Sir, I'm not
10 referring to any document yet, so you needn't look in the binder yet.

11 A. Mr. Prosecutor, between myself and the commander of the
12 1317th [as interpreted] Brigade, Mr. Agic, was a wire connection, and we
13 were able to talk to each other.

14 Q. And this capability of talking to each other, did that serve to
15 also diffuse situations during that period, tensions between the two
16 sides, or did it contribute to it, at least?

17 A. We have established this communication line in order to exchange
18 information and inform each other about all the events taking place in
19 the area of Gornji Vakuf-Uskoplje municipality.

20 Q. Now, let's move on. First, just look at something very general,

21 and I'm referring to your statement once again. And in the English
22 version, it's page 25 of your statement. I'll just read to you, and you
23 needn't look at that. You can leave it.

24 You were asked, in your statement, about whether it was difficult
25 to maintain discipline, and I think this was with reference to the period

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1 surrounding October 1992, and your answer to this, what you responded
2 was:

3 "Yes, yes, because lower-ranking officers, to start with, they
4 didn't want to run afoul of their neighbours with whom they lived just
5 yesterday. They didn't want to take responsibility for construction of a
6 system."

7 Now, sir, is that correct, what you stated there, that in the
8 ABiH units, comprised of local people from Gornji Vakuf, and in the HVO
9 unit, comprised of locals from Gornji Vakuf, these people had previously
10 been neighbours and friends?

11 A. Sir, you either don't have a proper translation here or you are
12 trying to say something that I never said in my statement. My statement
13 referred to my low-ranking officers who were in command of adjacent units
14 in HVO and were unwilling to report them, so that higher-ranking officers
15 would take disciplinary measures against them. And the rule book,
16 disciplinary rule book, stipulates that the lowest-ranking officer that
17 can impose disciplinary measures, such as detention or transfer, was
18 company commander; therefore, I never mentioned anywhere my Bosniak
19 neighbours.

20 Q. Thank you. I now understand that.

21 Let's move on to, then, you --

22 JUDGE TRECHSEL: Excuse me, Mr. Kruger.

23 There is one element which makes me doubt about your answer,
24 Witness. It's true that this passage does not speak of Muslims, but it
25 speaks of neighbours, friends, "with whom they lived just yesterday."

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1 Now, if this were referring to their own men, the "yesterday" would not
2 make sense, because they are still living, of course, with the men. They
3 were supposed to report if they were undisciplined. Could you explain
4 that, or is that a mistake of translation, the "yesterday"?

5 THE WITNESS: [Interpretation] Your Honours, I'm talking about
6 discipline in my units, and my commanders of squad platoons and companies
7 are requested to carry out their tasks. They're also requested to
8 implement, both on their neighbours and their troops, the Rules of
9 Service, and if they fail to do so, they should suffer consequences. And
10 this is what my statement is about.

11 JUDGE TRECHSEL: I fail to understand something. Why are they
12 requested to implement Rules of Service on their neighbours? On their
13 troops, yes, but why on their neighbours? That's what the translation
14 says.

15 THE WITNESS: [Interpretation] Your Honours, bearing in mind the
16 time-frame that we are talking about, my units were engaged in
17 implementing orders on the front-line facing the Army of Republika
18 Srpska. Each time when I have to carry out the rotation or replacement

19 of my troops, I issue an order which regulates the terms, saying that 48
20 hours prior to being sent out to carry out tasks, the troops, who are at
21 the moment in civilian clothes and working the land, should be served a
22 written summons to come and carry out the tasks. This is followed then
23 by lining the men up, counting them, a medical examination to confirm
24 whether they are fit or not fit for carrying out these tasks, checking
25 the medical certificates, et cetera. Only the company commander is

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1 entitled to justify an absence of a soldier, but without, by doing so,
2 diminishing the capability of the unit for carrying out the specific
3 tasks. Everything else is simply subject to disciplinary measures. You
4 either bring your troops for interview -- and in order to bring the
5 soldier for interview, he has to be reported to the battalion commander
6 who was being tasked with carrying out the rotation of troops, and in
7 that context I'm talking about discipline in units.

8 There were incidents in which a company commander or a platoon
9 commander failed to report a soldier who never appeared because the
10 soldier was his relative, a friend, or a neighbour.

11 JUDGE TRECHSEL: So what you are saying, if I understand you
12 correctly, is that the Rules of Service apply also to persons who at a
13 certain moment are at home, milking their cows, ploughing their fields,
14 whatever, if they are susceptible to come back to service. The Rules of
15 Service also apply to civilians who are not soldiers at the moment, but
16 potential and previous soldiers?

17 THE WITNESS: [Interpretation] Your Honours, let me make it clear.

18 A brigade has its mobilisation schedule, more than
19 300 [as interpreted] soldiers. We have no barracks where we can keep the
20 soldiers in training and preparation. We have a front-line facing the
21 Army of Republika Srpska for which, for one shift, we needed up to 350
22 troops. We are keeping a smaller number of troops on standby in the
23 event of a sudden attack by the enemy on the front-line. Over
24 50 per cent of these soldiers were engaged in their regular daily work in
25 the field or on the farm or in a private business. That is why they are

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1 called up 48 hours in advance, so that it would give them ample time to
2 receive information about the impending task.

3 JUDGE TRECHSEL: Thank you.

4 MR. KRUGER:

5 Q. Now, Mr. Tokic --

6 MR. KOVACIC: Maybe just a transcript correction. Page 56, line
7 6, the witness said, if I'm not wrong - this is what I heard - 1.300
8 soldiers, total number of members in the brigade, and the transcript
9 reflects only 300. So ...

10 MR. KRUGER:

11 Q. Now, Mr. Tokic, just before stepping off this idea, the notion,
12 however, of neighbours and friends having an impact on the relationship
13 between the two conflicting parties or the atmosphere in Gornji Vakuf,
14 I'd just like to ask you, the fact -- it is a fact that Muslims and
15 Croats had been living harmoniously in Gornji Vakuf for some time prior
16 to 1992 and 1993; isn't that correct?

17 A. Yes, that's a fact, and that still is a fact up to this date.

18 Q. And that being a fact, it means that probably many Muslims had
19 Croat friends and many Croats had Muslim friends prior to that, to 1992
20 and 1993, and they even have these friends until now, and neighbours, for
21 that matter; isn't that also correct?

22 A. That is correct.

23 Q. So when a conflict broke out in Novi Travnik and in Prozor at a
24 later stage, isn't it also safe to say, then, that the local Croats and
25 the local Muslims in Gornji Vakuf, they weren't very keen on fighting

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1 each other?

2 A. Well, we were in constant communication when we were talking
3 about this region, and we were talking to each other all the time. I
4 also had a number of Muslims in my unit as well.

5 Q. Let's look at a document which we've already looked at previously
6 during your evidence. And if you go to the Prosecution document binder,
7 it's Exhibit P00778. You'll see tabs along the side of the binder, and
8 if you go to P000778, the second document, you'll see that it starts with
9 the English version, but you can look at the original language version
10 which will appeared second.

11 Now, sir, this is your letter to the Gornji Vakuf Territorial
12 Defence, and it's the letter concerning the gruesome murder of citizen
13 Salih Grizic. That's the case or the incident where a soldier,
14 Vlatko Rajic, had beheaded a Muslim, and this is of the 19th of November,
15 1992. Now, what I'd like to refer you to is the -- in your first

16 paragraph -- well, it's only the second paragraph, then, and a few lines
17 down, you say:

18 "We sincerely sympathise with the relatives, acquaintances and
19 friends of the late Salih Grizic."

20 And further down you say:

21 "We address all Muslims and members of the Territorial Defence in
22 Gornji Vakuf municipality, hoping and wishing that this murder will not
23 be used to further widen the gap that appeared between Croatian and
24 Muslim people in the territory of Gornji Vakuf. Those who are trying to
25 use this murder as a political means with the purpose of stirring up

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1 hatred between Croats and Muslims are not doing a favour to Croats or
2 Muslims."

3 Now, my first question to you is: When you wrote these words and
4 sent this letter, were you absolutely sincere in your hope that the
5 conflict between Croats and Muslims, that that gap would not further
6 widen? And we're speaking about the gap between Croat and Muslim people
7 in Gornji Vakuf.

8 A. Mr. Prosecutor, I wrote this letter at the time this happened,
9 and in my letter I express my feelings and sentiments, emotions, and my
10 wishes to prevent the situation from becoming politicised, and I went on,
11 on internal television, together with Mr. Agic, with this information,
12 and we wanted to clarify this by means of direct communication. So,
13 quite simply, my intentions were sincere.

14 Q. And what you do express here, that would be pretty representative

15 of the view generally held by the local Croats and the local Muslims
16 residing in Gornji Vakuf; would you agree?

17 A. Look, only somebody who does not wish goodwill to himself would
18 be happy to see a conflict break out. We all wanted to prevent a
19 conflict, and that was true of every soldier, every inhabitant of our
20 municipality.

21 Q. Now, we'll look in a few moments about who the people were who
22 were then fostering the conflict or fanning the flames, but you mentioned
23 that you and Mr. Agic, that you then went on the local TV to appeal to
24 the people to calm down, the people of Gornji Vakuf.

25 Now, we had the evidence before the Court of Colour Sergeant

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1 Andrew Williams who was the information officer with the Cheshire
2 Regiment. That was BritBat. Did you know or do you recall Mr. Williams,
3 Andrew Williams?

4 A. Major James, and with all due respect to the person, I don't
5 remember him and the captain.

6 Q. Okay. I'd just like to read you a short excerpt from his
7 testimony, and this is an excerpt he testified on the 6th --

8 A. Just a moment, please. What document number is that? I don't
9 seem to have it.

10 Q. This won't be a document. This was just evidence that has been
11 presented in court.

12 Just for the record, it's the transcript of the 16th of October,
13 2006, and it's transcript page 8448 from lines 3 to 10. The witness

14 said:

15 "Initially, during the early part --" he's referring to October
16 and then later January. "Initially, during the early part of our tour, a
17 tour such as this particular -- such as this particular moment in time,
18 the local commanders used to sort it out between themselves with the
19 assistance of Major Roux. They were -- both of the local commanders knew
20 each other and tried -- whenever their soldiers were starting to become a
21 problem, they did actually try to stop it. Very rarely did they have to
22 at this stage, did they ever ask a higher level or were constrained by a
23 higher level in what --" and this is an error in the transcript, "in what
24 they did or said."

25 Now, sir, this essentially confirms that you and your counterpart

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1 were often involved in diffusing potential conflict between the two
2 sides; is that correct?

3 A. Well, Mr. Agic and I had to intervene very frequently. I would
4 go into the field and he would mostly stay in his office.

5 Q. Did the two of you trust each other?

6 A. Well, I'm not sure that we trusted each other, but we cooperated
7 mutually.

8 Q. Okay. Now, sir, if we can move on to an exhibit in the
9 Prosecution binder, Exhibit 1D00947.

10 Do you have the document?

11 A. Would you repeat the number, please?

12 Q. Certainly. It's 1D00947. It's in the last third of your binder.

13 Now, sir, this is a report of the 6th of November by
14 Mr. Ivan Saric on events in Gornji Vakuf from the 19th to the 31st of
15 October, 1992. And the first question: Did you know Mr. Saric?

16 A. Yes. Mr. Ivan Saric was the president of the Croatian Defence
17 Council in Gornji Vakuf-Uskoplje municipality.

18 Q. Now, in the second paragraph, in the middle of that paragraph, it
19 says:

20 "On Monday, 19 October 1992, a member of Gornji Vakuf HVO had a
21 conversation with the commander of BiH Army and the president of SDA for
22 Gornji Vakuf, when it was concluded that the events in Novi Travnik must
23 not and would not spread ... and that the situation would be manageable."

24 The report then goes on to describe some tensions in
25 Gornji Vakuf, and with well-armed HVO and ABiH soldiers present in every

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1 part of town, and then it says that Mr. Agic ascribes the tension to the
2 movement of an HVO unit through Gornji Vakuf from Prozor to Novi Travnik.

3 On page 2 in the English, it then says:

4 "In agreement with the commander of the HVO Gornji Vakuf armed
5 forces, they convened a meeting of all responsible people in the
6 municipality of Gornji Vakuf."

7 And then this bit:

8 "The mere announcement of the meeting in a composition like this,
9 and the knowledge thereof, gave hope to many, restored peace and even
10 prevented possible conflict on that day."

11 So, sir, from this -- well, first of all, the commanders being

12 referred to of the HVO Gornji Vakuf, that would be you?

13 A. No, that wouldn't be me.

14 Q. Who was that?

15 A. It doesn't say that the commander convened it, but the president
16 of the HVO.

17 Q. My question, however, it doesn't matter whether you were present
18 at that meeting or not, but it concerns this part:

19 "The mere announcement of the meeting in a composition like this
20 and the knowledge thereof gave hope to many."

21 Would you agree that this confirms what we've been talking about
22 earlier, that the locals in Gornji Vakuf, they weren't out for a fight,
23 they didn't want to fight each other, they wanted peace in Gornji Vakuf?

24 A. Mr. Prosecutor, I can't give you a yes-or-no answer. We know
25 from before that Mr. Saric and Mr. Abdulah Topcic, for all intents and

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1 purposes, did not communicate well and that, quite simply, they were
2 obstructing command and control of the commanders of units, especially
3 when it came to the BH Army. Mr. Agic, for instance, always made a
4 pretext and said that the Patriotic League units, which already on the
5 10th of May, 1992, had taken control of the hotel, were not under his
6 supervision, nor were the Green Berets who were commanded by
7 Hanefija Prijic. So the question now arises as to who was in command of
8 these units, so that if you looked at the document, you'll probably have
9 seen that Mr. Topcic did not actually want to attend that meeting because
10 Mr. Saric had convened it, and he didn't recognise Mr. Saric or the HVO,

11 so he didn't want to come.

12 Q. That's correct. We'll be looking at the -- or exploring --

13 JUDGE ANTONETTI: [Interpretation] Witness, early this morning I
14 asked you what the relationship was between the army and the political
15 authorities, and you answered by saying the army was doing its job and
16 the political authorities were doing other things, and now you're saying
17 exactly the opposite. So I have a hard time reconciling this. Either
18 you did not understand my question correctly, which is a possibility, of
19 course, but now you're telling us that Mr. Saric interfered in the
20 control and command of the army, which is exactly what I was trying to
21 elicit this morning. But this morning, you said, No, but now you're
22 saying, Yes. I'm having a hard time with your answers.

23 Mr. Kruger.

24 THE WITNESS: [Interpretation] Your Honour, with your permission,
25 may I provide an explanation?

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1 You asked me about the relationship between the commander of the
2 HVO and a BH Army commander. You didn't ask me about communications
3 between the political structures, between Mr. Topcic and Mr. Saric, for
4 instance. The communication between me and Commander Agic was good.
5 However, their communication was not functioning properly.

6 JUDGE ANTONETTI: [Interpretation] Yes, you had not understood my
7 question. My question dealt with the relationship between you, as
8 commander of the HVO, so a military man, and Mr. Ceric, president of the
9 municipality. This is what I wanted to know about this morning, and you

10 answered by saying, I was do what I had to do. And I drew the conclusion
11 that there was no interference whatsoever, and now it seems that there
12 were, so I'm trying to understand. I'm just noting this down. I'm not
13 drawing any conclusions.

14 MR. KARNAVAS: Your Honour, I would appreciate a direct answer to
15 that question, because I understand Mr. Saric at one point was -- not
16 only was he deposed, but also he was put on the front-line by the HVO,
17 which clearly shows that if he was any person of authority, certainly he
18 would not be on the front-line, dodging bullets. So I would appreciate
19 an answer to this question.

20 JUDGE ANTONETTI: [Interpretation] Can you answer?

21 THE WITNESS: [Interpretation] Your Honour, Mr. Saric had no
22 authority in terms of control and command, command and control.

23 MR. KRUGER: Thank you, Your Honour.

24 Q. Sir, let's look, in the same document, page 2, the third
25 paragraph, also in your version the third paragraph, I think. And here

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1 it reports that:

2 "According to the commander of the army, Fahrudin Agic, he had
3 issued an order for his units to be in a state of readiness and to take
4 the previously-determined points in and around the town because of the
5 passage of the HVO unit going from Prozor towards Novi Travnik. On the
6 other side, Zrinko Tokic, the staff commander, in his own words, had to
7 respond to that with similar moves in order to prevent possible
8 unpleasant surprises. In that way, the units found themselves in a

9 stalemate situation, the situation of tension and anticipation, which
10 could be turned into a destructive avalanche by anyone or anything."

11 Now, sir, doesn't this actually sum up quite nicely the situation
12 in Gornji Vakuf, that there's no real reason for conflict, but the ABiH
13 feels threatened and then they take certain measures, defensive posturing
14 measures, and then you, on the HVO side, have to respond thereto, or
15 thought you had to respond thereto?

16 A. Mr. Prosecutor, feelings are subjective, but according to
17 military principles, 3.000 members of the BH Army and 1.700
18 members [as interpreted] of the HVO in Gornji Vakuf-Uskoplje, do they
19 have the same force, and which side should be concerned and fearful of
20 their position?

21 MS. TOMANOVIC: [Interpretation] I apologise, but I think we
22 should correct the transcript on page 65, line 5. It says that the HVO
23 had 1.700 members or, rather, soldiers. Can the witness put that right?
24 I think it would be a good idea.

25 THE WITNESS: [Interpretation] Yes, thank you. 1.700 HVO members.

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1 THE INTERPRETER: Interpreters note: [B/C/S spoken], "1.700"
2 [realtime transcript read in error "2.700"].

3 MR. KRUGER:

4 Q. Sir, in short, the sides were watching each other very closely,
5 and each side thought it had to respond the other side's actions, in
6 short, without judging the right or wrong of it at this stage?

7 Okay, I see you're kind of shaking your head. You agree with

8 that -- or you don't disagree, at least, with that statement?

9 A. I agree that both sides, quite simply, were on the alert.

10 Q. On page 3 of the English -- I'm sorry, page 2 of the English
11 version, right at the bottom -- sorry, my mistake. Page 3 of the English
12 version, and it would be probably the fifth or the sixth-to-last
13 paragraph in the B/C/S version, just briefly, it says:

14 "Owing to the HVO staff commander and probably the ABiH staff
15 commander for Gornji Vakuf, the conflict did not spread to the
16 surrounding villages, except for ..."

17 So once again you and Mr. Agic, you solved the problem or
18 diffused the tension; correct?

19 A. Well, Mr. Prosecutor, I did have direct communication with
20 Mr. Agic over the wire, but when we had to go out into the field, I was
21 in the field, myself, to all intents and purposes, and Mr. Agic would
22 send a battalion commander or somebody else.

23 MR. KOVACIC: [Interpretation] I apologise for stepping in, but
24 after Ms. Tomanovic intervened and raised the question of the record and
25 "1.700," now we have a worse situation according to which the witness

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1 confirmed that the number was 1.700 HVO members, and afterwards the
2 interpreter's note was -- the record says "2.700." I think that's a
3 mistake in the transcript. Which figure did the witness say, and what
4 did the interpreter say, and were they all his soldiers or not? Because
5 now we have a confusion.

6 JUDGE ANTONETTI: [Interpretation] Witness, can you specify?

7 THE WITNESS: [Interpretation] Your Honour, yes, I can. The
8 Ante Starcevic Brigade numbered approximately 1.300, [B/C/S spoken]. The
9 home guards had about 270. The MUP members of the military police and
10 military conscripts who were in the Bruno Busic Brigade, now, when you
11 add all that up, you should get 1.700, [B/C/S spoken]. They were
12 domicile members from Gornji Vakuf-Uskoplje.

13 MR. KRUGER: Thank you for clearing that up.

14 Q. Now, sir, remaining with this document, you've already referred
15 to Mr. Topcic, Mr. Abdulah Topcic, who was the president of the SDA, and
16 at the end of this report excerpts from Mr. Topcic's speech are reported,
17 and this is the fourth-last paragraph of the document and, it says here,
18 are examples from his speech. And then quotation marks:

19 "What the gentleman and that imbecile Boban have in mind will not
20 come true. We do not recognise the Croatian Defence Council. We won't
21 be part of the HZ-HB," or the Croatian Community of Herceg-Bosna. "We
22 won't be Croats with Muslim religion. We will get prepared and we will
23 fight against HZ-HB until the last man."

24 Now, on this -- oh, sorry, let me just go a little bit further:

25 "We note that other representatives of the Muslim people did not

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1 affirm his words, but they did not condemn him either."

2 Now, on this I'd like to ask you: The Court has heard evidence,
3 so you don't disagree, that Gornji Vakuf was being claimed as part of the
4 HZ-HB or the Croatian Community of Herceg-Bosna; the intention was to
5 include it in the HZ-HB?

6 A. As far as I know, that's a fact.

7 Q. And you knew it at that stage as well? We're talking about
8 October 1992.

9 A. I knew in October 1992 as well.

10 Q. So if we look at what Mr. Topcic is saying, basically, it was
11 also known in October 1992 that at least some of the Muslims were not
12 pleased with the idea of including Gornji Vakuf within the HZ-HB. Would
13 you agree?

14 A. Well, I agree that most of the Muslims saw the organisation for
15 Gornji Vakuf-Uskoplje municipality in Bosnia-Herzegovina differently.

16 Q. And it's also correct that the Muslims were actually in the
17 majority in Gornji Vakuf, so it was unlikely that the aim could be
18 achieved of including Gornji Vakuf in the HZ-HB?

19 A. The 1991 population census showed that 56 per cent were Bosniaks
20 and 43 per cent were Croats.

21 Q. Okay. Would you agree with the notion that to include
22 Gornji Vakuf within the Croatian Community of Herceg-Bosna, given its
23 reluctant Muslim majority, that it wasn't going to happen, it wouldn't be
24 possible? Would you agree with that?

25 A. It's very difficult for me, as a commander, to make political

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1 assessments as to what is possible and what is not possible. There were
2 two different conceptions, places and positions, Gornji Vakuf-Uskoplje
3 within the state of Bosnia-Herzegovina, and each side, in the political
4 sense, advocated its own concept.

5 Q. Okay, we'll come back to that point at a later stage.

6 I think the next document I'm leaving.

7 Sir, just very briefly, if you could look at document -- I had a
8 few other documents in here which also tracks the cooperation or the
9 efforts by you and Mr. Agic to diffuse situations, but have a look for a
10 moment at 3D00508. This is a joint order by Mr. Siljeg, and signature --
11 the other signature is illegible. It's dated the 30th of January. Do
12 you have it? You're looking at the wrong document. 3D --

13 A. Would you tell me again?

14 Q. 3D00508. Right, now you have it.

15 The 30th of January, a joint order from Mr. Siljeg, and then the
16 other signature is illegible. Would you know who the other signee is,
17 the one on the right-hand side? Do you recognise that signature?

18 A. Well, as chance would have it, I do know who the person who
19 signed there is. I think it's Mr. Emir Bijedic.

20 Q. This is to the HVO Gornji Vakuf Command and the BH Army
21 Gornji Vakuf Command, and it says:

22 "Pursuant to the existing situation in the area of Gornji Vakuf
23 municipality, after the combat actions, in order to avert consequences
24 and normalise life of citizens, we order to both HVO and BH Army:

25 "To form joint expert teams to restore ..."

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1 Point 1, electricity; number 2, water; number 3 would be garbage
2 cartage, et cetera. Number 5:

3 "As responsible men for the realisation, I appoint Fahrudin Agic

4 and Zrinko Tokic."

5 At that stage, were you and Mr. Agic serious and sincere in your
6 intention to perform this order?

7 A. Not only that we were serious, but we did, indeed, carry out this
8 order.

9 Q. Right. Now, sir, if we could go to Exhibit 4D00421. It's
10 further on from where you are now, about three documents further on.
11 4D00043 -- sorry, it's -- no, the next. It's 4D00421. It's the
12 third-last document in your binder.

13 Now, this is an order from Mr. Arif Pasalic on the 14th of
14 January, and it's an ABiH order which goes to the 1st Mostar Brigade and
15 then a few other ABiH addressees as well. And just to confirm, you were
16 aware that Mr. Pasalic was the counterpart of General Petkovic at this
17 stage in January?

18 MS. ALABURIC: [Interpretation] Just one minor objection.

19 I think that my learned colleague made a small mistake. I don't
20 think that they were at the same line of command. Pasalic was
21 counterpart of Mr. Siljeg, just in order to avoid any confusion.

22 MR. KRUGER: Thank you for that. I won't pursue this point in
23 any case.

24 Q. What I'm interested in is this order of Mr. Pasalic, and it
25 says -- and if we go to the second paragraph:

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1 "Establish close cooperation with HVO brigade commands in the
2 joint planning, carrying out of large-scale combat activities, especially

3 along the axis of ...," and then it gives certain locations.

4 Point 3:

5 "Avoid conflicts with the HVO at any cost, regardless of the
6 attempts of extremist factions, doing everything to ensure that the
7 relations between Muslims and Croats deteriorate."

8 Now, sir, my question to you is: Based on this order of the 14th
9 of January, would you agree that is an indication that the ABiH was
10 actually trying to be reasonable in Gornji Vakuf? This isn't an
11 aggressive posture being taken?

12 JUDGE PRANDLER: Mr. Kruger, I'm sorry to interrupt you, but I
13 believe that my question, which I would like to ask from the witness, is
14 about the same thing which you tried to ask him about, and it is about
15 point 1 of the order. And I would like to ask the witness if the
16 reference to enemy territory in the first line, of what does it mean, in
17 his view? And let me quote the first point:

18 "Intensify sabotage activities deeper inside enemy territory, at
19 the KM/command post, at the artillery's VP/firing positions, in rear
20 services," et cetera.

21 Do I take it that the "enemy territory" in this case would have
22 meant actually Serbian or Republika Srpska territory? Because otherwise
23 the rest of the paragraphs are not very convincing, because actually from
24 the second paragraph there is an important -- "appear for close
25 cooperation with the HVO brigade," et cetera, et cetera. So what is your

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1 view about the "enemy territory" question? In your view, to which

2 territory does it refer?

3 Thank you.

4 THE WITNESS: [Interpretation] Your Honours, allow me to note that
5 this, Arif Pasalic's order, commander of the 4th Corps, does not refer in
6 any way to Gornji Vakuf-Uskoplje municipality and the ABiH units because
7 these were directly commanded by the 3rd Corps with headquarters in
8 Zenica. If you allow me to respond to your question, then I believe that
9 under item 1, reference is being made to the Army of Republika Srpska.

10 JUDGE PRANDLER: Thank you very much. It is what I also felt.
11 Thank you. Thank you.

12 MR. KRUGER: Thank you, Your Honour.

13 Q. Sir, if I could just clarify. The 4th Corps, which Mr. Pasalic
14 is referring to, what was their area of responsibility? It's just that I
15 don't mislead you here.

16 A. It ended with Prozor municipality, due north.

17 Q. Okay. So when there is talk about "establish close cooperation
18 with HVO brigade commands in the joint planning," this "HVO brigade
19 commands," would that include your brigade?

20 A. No, this was North-Eastern Herzegovina Operations Zone -- I
21 apologise, South-Eastern Herzegovina.

22 Q. Let's not -- and then -- waste further time on this document.
23 I'd like to return to the -- to the flag incidents which we've heard
24 about over the Christmas period.

25 Now, you mentioned or you also testified yesterday that a HOS

1 flag was hoisted on a pole or a post, but I'd just like to explore with
2 you whether there weren't more flag incidents and that we don't get them
3 all mixed up.

4 First of all, if I can refer to your statement on page 7, and
5 that's your first statement. And then just for the record, that's
6 Exhibit 3D03712, and the B/C/S version should appear on your screen,
7 hopefully. But I'd like to read to you. You state:

8 "And this relates to Christmas 1992 in villages of Voljice,
9 Drazev, Duradbegovic Dolac, Ivica, and Planinica," and you say that these
10 villages were 90 per cent Muslim. And then I'll quote:

11 "Catholic Croats, according to their tradition, decorate their
12 towns, and there was some problems regarding the decorating of the towns
13 and showing Croatian flags or flags of the Croat people."

14 Now, you don't disagree with this, because you already testified
15 to this, about the custom of decorating and why flags were used.

16 However, what I'd like to ask you, and it bodes on what Mr. Karnavas
17 asked you, whether this was a provocation, these villages which you are
18 referring to, you say were 90 per cent Muslim, so a very small number of
19 Croats, raising -- oh, and at this stage, if we can add, it seems that
20 the situation or the relationships were very sensitive in Gornji Vakuf
21 between the various groups. There was a lot of tension. Now, sir, under
22 those circumstances, isn't the mere fact of raising a Croat flag more
23 than only a Christmas celebration; doesn't it have also a political
24 signal?

25 A. Sir, when we talk about this portion that you have quoted, this

1 refers to the defence line facing the Army of Republika Srpska, where my
2 units were in the process of carrying out their tasks. Passing through
3 these villages and defending these villages populated by Muslims, or
4 90 per cent populated by Muslims, when it comes to decorating the town
5 for Christmas, this is an ancient tradition of the Croatian people
6 elsewhere, including Bosnia-Herzegovina, and we used to do that back in
7 1990, 1991, et cetera, and nobody was bothered by that. Only in 1992
8 did -- a few people came forward and said that they had a problem with
9 that. In a document, it is stated that the MUP or, rather, the police of
10 the army have found three flags and they put them back. So we were
11 cooperating with the army on this particular issue. Obviously, they
12 didn't mind seeing the flags hoisted.

13 JUDGE ANTONETTI: [Interpretation] Mr. Kruger, we shall have the
14 break now because it's time for the break, and the break will last 20
15 minutes.

16 --- Recess taken at 12.34 p.m.

17 --- On resuming at 12.58 p.m.

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

19 Mr. Kruger, you've had one hour so far. You've been granted two
20 hours. If you make an effort and try and be efficient in your time
21 management, and if there is not much redirect, we will be able to finish
22 today, which would mean that the witness could go back home today. This
23 is what I have to tell you, Mr. Kruger.

24 Mr. Kovacic.

25 THE INTERPRETER: Microphone, please.

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1 MR. KOVACIC: [Interpretation] Thank you, Your Honours.

2 Before we lose this page from our screens, I'm talking about
3 page 73, the sentence in line 20. The witness said, as it reads here:

4 [In English] "In the document, it is stated that the MUP, or,
5 rather, the police of the army have found ..."

6 [Interpretation] The witness said "the military police" rather
7 than "the police of the army." That can have multiple meanings. And the
8 last sentence in line 23, the witness said, as it is recorded:

9 [In English] "Obviously, they didn't mind seeing the flags
10 hoisted."

11 [Interpretation] But after that, he added "but the other's
12 minded." The others thought that it was not a small matter; that the
13 army, obviously they didn't mind seeing the flags hoisted, but others
14 did.

15 [Interpretation] And I can take this opportunity to draw the
16 witness's attention to something that the interpreters told us during the
17 break, is that you be careful when you use the terms "vojska" and
18 "armija." We understand that when you say "armija" this normally refers
19 to the ABiH, but when we say "vojska," any army would mean that, and we
20 would specify which particular army you had in mind, and this is actually
21 the root of this mistake.

22 JUDGE ANTONETTI: [Interpretation] Mr. Kruger.

23 MR. KRUGER: Thank you, Your Honour.

24 Q. Now, Mr. Tokic, just before the break we were talking about the
25 flag incident, and you mentioned - it was also previously in your

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1 evidence, it's also in your statement - about a flag that was taken -- or
2 three flags that were taken down, and then they were returned. They were
3 returned by your MPs and put back in -- or they were returned by the TO,
4 and these flags were then put in place again. And I think they were
5 thereafter taken down again, but not returned. Do you recall that
6 evidence? That's basically correct, or my paraphrasing of it?

7 A. Sir, I said that they had first been taken down, then returned,
8 then taken down again. And after that, we had no feedback information as
9 to what happened with them.

10 Q. Okay. Now, sir, this incident, if I'm not mistaken, was on the
11 23rd and 24th of December, 1992; correct?

12 A. These incidents took place between the 24th and 27th of December,
13 1992.

14 Q. Would you -- you wouldn't disagree that the fact that the
15 Territorial Defence or the TO returned those flags the first time they
16 were taken down, that was a very conciliatory gesture on their part?

17 A. I said that the TO or, rather, the ABiH looked benevolently at
18 the Croatian flags, but there were other extremists who didn't see this
19 issue in the same way.

20 Q. Okay. Now, the fact that these flags were being taken down, and
21 the fact that the flag had now been returned, it must have been clear to
22 Croats in Gornji Vakuf that the whole issue of a flag -- putting up a

23 flag is sensitive. So under those circumstances, do you still stick with
24 your story that it was not a provocation to put those flags up again?

25 A. There was absolutely no provocation.

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1 Q. Now, just before moving on, in the bit of your statement that I
2 quoted to you, you mentioned that it was decorating of the town and
3 showing Croatian flags or flags of the Croat people. Could you tell us,
4 what are -- what's the difference between this? What is a Croatian flag?

5 A. The flag of the Croatian people in Bosnia is a tricolour, red,
6 white and blue, with the Croatian coat of arms, without the crown, if I
7 may call it the crown on the flag, which symbolises the counties and the
8 regions in the Republic of Croatia.

9 Q. Okay. But what, then, would the second category be, flags of the
10 Croat people?

11 A. It would be a flag, in red, white and blue, with the ancient
12 historical Croatian coat of arms in the middle.

13 Q. Would this be the flag of the Republic of Croatia or not? Is
14 that a different flag?

15 A. No.

16 Q. Sir, having spoken about that flag incident, there was a flag
17 incident on the 4th of January, 1993, which resulted in a Muslim shooting
18 at or over the flag and then, in turn, being shot, himself. And there
19 was testimony before this Court on that once again from Andrew Williams
20 from the Cheshire Regiment, and he testified about the events, and he
21 said:

22 "Afterwards, on diffusing the situation," and this is his
23 transcript on the 16th of October, 2006, transcript page 8447 from line 8
24 onwards, the question is:

25 "And what was Mr. Tokic's reaction to this incident, because I

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1 presume you sat around a table again with the local commanders to diffuse
2 the situation?"

3 And the answer of Mr. Williams was:

4 "Again, there was a meeting with the two local commanders and
5 Major Roux, and again they managed to stop the situation spiraling out of
6 control."

7 Now, he put you -- according to his evidence, you were
8 knowledgeable of this incident, but now I'd just like to take you a
9 little bit earlier in his evidence, when he's talking about the
10 situation, and his testimony is that this flag was being raised at a
11 school in Gornji Vakuf which was being used as an HVO barracks, and he
12 testified that a Croatian television crew had come to film the event, and
13 on that he eventually said:

14 "You would not expect a TV crew from a foreign country to come
15 and watch the raising of a flag outside a school."

16 Now, sir, my question is: Is it correct that on the 4th of
17 January, there was a flag-raising at a school being used as an HVO
18 barracks which resulted in the shooting incident mentioned?

19 A. Sir, in my statement and testimony, I precisely describe both the
20 flag and the place where it happened. That was a HOS flag, the flag of

21 the Croatian Armed Forces which is a small unit which operated in the
22 area of Gornji Vakuf-Uskoplje municipality and had the strength of a
23 platoon. This particular flag was hoisted up on a lighting pole -- a
24 street lighting pole in front of Radusa Hotel. When members of the
25 Bosniak ethnic community tried to pull the flag down, one soldier or more

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1 soldiers - I'm not sure - fired shots above the heads of these soldiers,
2 which made them flee in all directions. So what you mentioned about the
3 elementary school and the incident, itself, I know nothing about that.

4 Q. Okay. Now, sir, let's move to another document, P01653.

5 MR. KOVACIC: My dear colleague, I'm awfully sorry, but maybe
6 that could cause a problem. It is the question of the transcript.

7 Page 77, line 24, the witness said:

8 "That was a HOS flag, the flag of," as it is written in the
9 transcript "the Croatian armed forces." I don't believe that the witness
10 said such a thing. I didn't get it in original language, but that simply
11 can be -- I think that he said "Croatian forces." But, anyway, whatever,
12 I think that should be clarified, because this could mean many other
13 things.

14 MR. KRUGER: Thank you, Your Honour.

15 Q. Witness, you've heard that. Could you clarify what your
16 reference was?

17 A. HOS was simply a small unit of some 30-odd troops that was formed
18 in the area of Gornji Vakuf-Uskoplje municipality. It was attached to
19 the 113th Battalion. I was not in command of that unit, and that was the

20 banner of that particular unit.

21 Q. Now, sir, when other units caused problems, were you also called
22 upon to solve those problems with Mr. Agic -- yes, Mr. Agic, or were the
23 commanders of those units actually then called upon to solve this
24 problem?

25 A. In most cases, we endeavoured to resolve this through direct

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1 contacts with Mr. Agic. Sometimes we would call the commanders of those
2 concrete units.

3 Q. Okay. And just to be clear, this HOS unit of about 30 men,
4 platoon strength, they were subordinated or part of the HVO, in essence?

5 A. They were not part of my brigade. They had their own battalion
6 that was commanding them directly from Tomislavgrad, and I have no
7 information about whether they were incorporated into the HVO or not.

8 Q. Okay. Now, let's turn to the document that I was referring to,
9 P01653. You have the document roughly in the middle of your binder,
10 1653.

11 Now, sir, this document is a report by you, dated the 11th of
12 March, 1993. It seems you have it now. It's a report by you, 11th of
13 March, 1993, and it reports on events in Gornji Vakuf between 18 June
14 1992 and 13 January 1993. In the last paragraph, in the middle, there we
15 see you're reporting on exactly the flag incidents in December 1992, but
16 what I'd like to refer you to is in the second paragraph, towards the end
17 of the second paragraph, after the reference to Mr. Abdulah Topcic and
18 the criminal Salih Cajdin. It says:

19 "On 11 July 1992, four members of the Garavi Sabotage Unit came
20 from Bugojno to Gornji Vakuf to the coffee bar in Odvudac [phoen] and a
21 fight broke out with guests of Muslim ethnicity."

22 Now, sir, my question to you is: The Garavi unit, what unit was
23 this?

24 A. Sir, the unit with that name was active within the brigade called
25 "Elgin Kvaternik" from Bugojno, and it was -- it specialised in sabotage,

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1 diversionary, and reconnaissance work.

2 Q. And to which army did this unit originally belong?

3 A. It belonged to the Croatian Defence Council unit, the
4 Dr. Elgin Kvaternik Brigade, in actual fact.

5 Q. This Garavi unit, is it correct that they continued -- or they
6 continued to have a presence in Gornji Vakuf into 1993 as well?

7 A. They lived -- or most of them lived on the territory of the
8 Gornji Vakuf-Uskoplje municipality in the various settlements around
9 Plavic [phoen] Polje.

10 Q. And, sir, is it also correct that -- well, you've already
11 mentioned about another unit from Tomislavgrad which was also present on
12 the territory, but what other HVO units were present on the territory of
13 Gornji Vakuf, apart from the Ante Starcevic Brigade?

14 A. Sir, apart from the Ante Starcevic Brigade in
15 Gornji Vakuf-Uskoplje, there was also the -- well, a battalion -- well,
16 it was called a battalion, but it had up to 60 men, from the Bruno Basic
17 Regiment, and then the military police, and then there was a platoon-size

18 unit from HOS, the brigade police, which was under my composition. They
19 were units which had a mobilisation establishment and schedule and was
20 made up of men from Gornji Vakuf.

21 Q. Okay. The presence of units and men not from the area of
22 Gornji Vakuf, did that raise or cause tensions or increase -- let's say
23 contribute to the tensions in the municipality between Muslim and Croat?

24 A. Well, the presence of the 305th Brigade of the BH Army, and later
25 on part of the HVO units from the Tomislavgrad Military District, could

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1 significantly, well, raise tensions and lead to incidents in town, and
2 the population could look upon this with anxiety.

3 Q. Yes. And what about HVO units or elements of the HVO coming from
4 Tomislavgrad, for instance; would that also raise tensions amongst
5 Muslims or concerns amongst Muslims, for instance?

6 A. I think so, yes.

7 Q. And as we've seen from this document, the members of the Garavi
8 unit, they also caused problems?

9 A. In this particular incident, yes.

10 Q. Now, sir, a lot of what we've talked about was focused on the
11 local Muslims, the local Croats, in Gornji Vakuf actually wanting to
12 avoid conflict, but the conflict was not avoided. Yesterday, you told
13 us -- apologies. Yesterday, you told us, inter alia, that Serbs also
14 provoked and -- or utilised the tensions to promote conflict, it seems
15 that outside units promoted conflict, and then we have some extremists
16 taking down flags, which also raises the tension. But let's look at some

17 other factors which could also contribute to the raising of the tensions.

18 And now I'd like to refer you to Exhibit P01184. It's earlier in
19 your binder. Do you have the document? It's about the tenth document
20 in, 1184. Do you have the --

21 MR. KRUGER: Could I ask the usher to perhaps assist the witness
22 in finding the document, please. Thank you, sir.

23 Q. Now, sir, this is a letter by Dr. Jadranko Prlic, and it is
24 from -- if you look at the stamp, there's a date of the 18th of January,
25 so it's around about the 18th of January, 1993. It's titled

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1 "Gornji Vakuf," and it's addressed to the Croatian Defence Council of the
2 municipality and to the Croatian population of the Gornji Vakuf
3 municipality. And the second paragraph reads:

4 "From the report of the Defence Section of the HVO of the
5 Croatian Community of Herceg-Bosna, then from the contacts with your
6 officials and officers, as well as on the basis of reports of objective
7 media, it's obvious that the Muslim forces are intending to take over the
8 rule, to enable HVO defensive activities --" or "disable --" sorry, or
9 "to enable HVO defensive activities, and then, by applying terror, to
10 cause an exodus of the Croat people from that area."

11 Now, sir, in the light of what we've been talking about, what
12 you've testified yesterday and today about attempts to calm the
13 situation, avoid tension, cooperate -- the both sides are to cooperate
14 with each other, wouldn't you agree that this, stating it's obvious that
15 the Muslim forces are intending to take over the rule, it's not obvious

16 at all, is it?

17 A. Sir, the concentration of forces and the balance of forces speaks
18 of intentions, and as a commander it is my duty to assess the forces
19 being concentrated around the area of Gornji Vakuf and Uskoplje. And for
20 those reasons, the presence of the 305th Brigade from Jajce is an obvious
21 attempt to change the balance of forces in Gornji Vakuf-Uskoplje
22 municipality. And as a soldier, I have to express my concern and ask my
23 colleague, Mr. Agic, to have those forces sent back to where they came
24 from.

25 Q. Okay. That may be so, but isn't it true that there wasn't an

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1 intention to take over the whole of Gornji Vakuf? This was all about the
2 access routes to Central Bosnia, wasn't it?

3 A. As in Gornji Vakuf-Uskoplje, there are no barracks, there were no
4 barracks, and if they wanted to use the barracks, then they would have
5 used the one in Travnik. So here, obviously, the intention was to deploy
6 the units in such a way as to place Gornji Vakuf-Uskoplje under their
7 control.

8 Q. Looking at the statement, where it says that the -- referring to
9 the ABiH, that what they want to do is, by applying terror, to cause an
10 exodus of the Croat people from that area, isn't it obvious to you that
11 this is an over-statement? There wasn't an intention to chase Croats
12 from this area, not amongst the local people?

13 A. Sir, I testified here and said that members of the Green Berets,
14 in October 1992, maltreated Croats in the buildings they lived in or in

15 an area which was 90 per cent Bosniak, and they all fled to the Croatian
16 part of town after that.

17 Q. Okay. Now, sir, I put it to you that in view of the fact that
18 the local Muslims, the local Croats, in Gornji Vakuf, that as you've
19 admitted, they were not keen on a conflict, they simply wanted peace and
20 to coexist, I put it to you that what Dr. Prlic is writing here is aimed
21 at stoking up the tensions.

22 MR. KARNAVAS: I'm going to object at this point, Your Honour.
23 It's not Dr. Prlic who's writing, even though he signed the document.
24 It's rather unclear --

25 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, I don't know what

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1 you were going to say, but the Prosecutor is putting a question to the
2 witness, using a document that was written by your client, so let the
3 witness answer, and then you'll -- because you are intervening, you're
4 taking the floor in the midst of the question, and you're exerting
5 pressure on the witness, and any reasonable trier of fact will
6 immediately notice that you are interfering. The Prosecutor is just
7 asking a question, so let the witness answer, and then you can say the
8 Prosecutor did not put the question correctly.

9 MR. KARNAVAS: Very well, Your Honour. I will allow the
10 question, and then I will show that you are incorrect in your
11 admonishment, because I'm trying to correct something.

12 JUDGE ANTONETTI: [Interpretation] I'm not admonish -- I didn't
13 admonish you. I just said that the Prosecutor is putting a question and

14 we want to have the answer from the witness, and then you can take the
15 floor and say that the Prosecutor instrumented the question or what not,
16 but later.

17 Witness, before Mr. Karnavas takes the floor, how did you want to
18 answer the Prosecutor's question?

19 THE WITNESS: [Interpretation] Could the Prosecutor repeat his
20 question, please, because I'm not quite sure of the specifics.

21 JUDGE ANTONETTI: [Interpretation] Very well.

22 MR. KRUGER: Thank you, Your Honour.

23 Q. Witness, the question is that: You've said today -- you've
24 admitted that essentially the local Croats, the local Muslims, in
25 Gornji Vakuf didn't want a conflict; they wanted to -- they wanted peace.

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1 Now, I'm putting it to you, in that context, seeing a letter like this in
2 the name of Dr. Jadranko Prlic, which mentions Muslims wanting to take
3 over the rule in Gornji Vakuf and to apply terror to cause an exodus of
4 Croatian people, I put it to you that this is actually stoking the
5 tensions.

6 A. Sir, I think that this goes in support of the Croatian
7 population; that is, that they should stay and live in their homes and
8 that they stay up there, in spite of the terror, and that the Government
9 of the Croatian Republic of Herceg-Bosna guarantees their safety and
10 security.

11 Q. Okay. Now, looking a little bit further -- well, the next line,
12 next paragraph, it says --

13 JUDGE ANTONETTI: [Interpretation] Just a minute.

14 Mr. Karnavas, do you want to take the floor? You have the floor,
15 of course.

16 MR. KARNAVAS: The only point I wanted to make, Mr. President, is
17 as follows: The implication is that this is a letter from Dr. Prlic, and
18 clearly that is a misstatement and a mis-characterisation of the
19 document. If you look very closely, it's from the HVO HZ-HB. The fact
20 that Dr. Prlic is the one that signs it, it's not his letter. And so I
21 understand the need to attribute power and authority to Dr. Prlic alone,
22 but this is a communication that is being made on the basis of a meeting
23 that was held by the HVO HZ-HB. There is a big difference. I understand
24 I'm dealing with professional judges, but be that as it may, I do feel
25 the need to bring that to the Court's attention and to make my record.

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1 That's all. I don't want to suggest anything else from that. The
2 witness is clear -- can answer whatever other questions.

3 Thank you.

4 JUDGE ANTONETTI: [Interpretation] Very well. Thank you.

5 MR. KRUGER: Thank you.

6 Q. Now, sir, reading the second paragraph of this letter, it says:

7 "Giving support to resisting such intentions, the Croatian
8 Defence Council of the Croatian Community of Herceg-Bosna is determined
9 to provide you with any form of help, including the force and combat
10 readiness of the armed forces of the HVO."

11 Now, sir, at that stage did you know what the HVO of HZ-HB was,

12 the Croatian Defence Council of the Croatian Community of Herceg-Bosna?

13 A. I did know, yes.

14 Q. And you knew that Dr. Prlic was, as president, basically the most
15 senior person or, shall I say, the -- to use a colloquial term, the
16 prime minister of that body or the chair?

17 A. I knew that he was president of the Croatian Defence Council of
18 the Croatian Community of Herceg-Bosna. Now, whether he was
19 prime minister or not, I don't know.

20 Q. It doesn't matter. Did you also know that Mr. Stojic was a
21 member of that body?

22 A. I know that Mr. Stojic was the defence minister.

23 Q. Okay. So this letter, did you see this letter at that stage in
24 January 1993?

25 A. No.

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1 Q. Okay. If you had seen this letter in January of 1993 and read
2 this, would this have surprised you, would it have seemed out of the
3 ordinary, or would you have accepted that, yes, this body does have the
4 authority to make such a promise, that it will provide us with help,
5 including the force and combat readiness of the armed forces?

6 A. Sir, I think that when a commander receives a letter of this
7 kind, the letter allays his concern for the fate of the territory which
8 is under his charge and gives him hope that if the BH forces attack him,
9 that he won't stand alone.

10 Q. Yes. But from what you're saying now, I gather that you would

11 have had no doubt in your mind that the HVO of the Croatian Community of
12 Herceg-Bosna, they possessed the necessary authority to back up a promise
13 like this.

14 A. Sir, I'm not in a position to judge whether they had the
15 necessary authority to be able to put into practice things like this. It
16 was sufficient for me to know that I wouldn't be alone if the BH Army
17 were to attack Gornji Vakuf.

18 Q. Okay. So this would have assured you or reassured you. Sir, if
19 I can quickly show or refer to a document which was shown yesterday and
20 today, and it's document 3D00796, and I think it should be towards the
21 end of your binder, about the seventh or the eighth document from the
22 end. This is the document of 26 October 1993. And just for the record,
23 it was also presented today under the number of 4D00803.

24 Do you have the document, 3D --

25 A. May I just take a moment, please? And may I have some

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1 assistance?

2 Q. Now, sir, you've got the document. You remember we've spoken at
3 length about this document. This is the one where various commanders of
4 the HVO in your operational zone address an appeal to the government
5 for -- to address and to look into certain problems to keep you going.
6 What I'm interested in is the final page of the document, and it says,
7 above the signees, it says: "Deliver to ..." You have that? "Deliver
8 to the president of the HR-HB, the president of the HR-HB government, the
9 minister of defence of the HR-HB, and the head of the General Staff of

10 the HVO."

11 Now, sir, this is 26 October 1993. Could I ask you, the fact
12 that this letter is addressed to this group within the government, does
13 that signify that you and the other signees viewed these people as the
14 leadership with the authority to address your problems of the HVO
15 military?

16 A. Sir, we simply considered that these were competent individuals
17 able to solve our problems.

18 Q. And was that based on your experience during the previous year,
19 basically, the whole of 1993?

20 A. No, we didn't have such experience, absolutely not.

21 Q. The president of the HR-HB, that would be Mr. Boban?

22 A. Sir, this is the first time that the commanders sat down and
23 directly addressed the president and representatives of the authorities
24 and government in the Community of Herceg-Bosna with respect to the
25 problems listed in these items here.

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1 Q. Sir, our time is nearly finished, but just if we can try and
2 finish on this specific point. The president of the HR-HB that you're
3 addressing here, that's Mr. Boban, Mate Boban?

4 A. That's right.

5 Q. The president of the HR-HB government, who was that? Is that
6 Mr. Prlic?

7 A. I assume so, although at that point in time I didn't need to
8 communicate. Later on, I knew.

9 Q. And the minister of defence of the HR-HB, that's Mr. Stojic?

10 A. That's right.

11 Q. And the head of the General Staff at that stage, was that
12 Mr. Petkovic or Mr. Praljak that you were addressing?

13 A. Based on my recollections, it was Mr. Petkovic.

14 Q. Okay. Addressing the president of the HR-HB government, was that
15 to him, in his personal capacity, judging from this?

16 A. We addressed him as president of the Croatian Republic of
17 Herceg-Bosna, as direct person in command of the armed forces of the HVO.

18 Q. Okay. And just to conclude on this point, these were the people
19 at that stage, and had been throughout the course of that year, who were
20 responsible and, in the military chain of command, basically at the top?

21 A. In the operative sense, the chain of command does not go via the
22 government and the Ministry of Defence.

23 Q. It would go via the head of the Main Staff, would it?

24 A. Via the Main Staff of the operative zones and the brigades, the
25 independent battalions, and directly to the president.

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1 Q. Okay. But ultimately the question stands that: You, as one of
2 these HVO commanders, you addressed this letter to these people because
3 they were the people with the necessary authority to address your
4 problems?

5 A. These people controlled sufficient resources and had the
6 possibility, in our opinion, of solving the problems, quite simply, which
7 are listed here.

8 JUDGE ANTONETTI: [Interpretation] Mr. Prlic.

9 THE ACCUSED PRLIC: There is something in transcript. This is
10 line 18, page 89. The Prosecutor asked -- addressed him as -- addressing
11 the president of HR-HB government, was it to him, in his personal
12 capacity, judging from this, and the witness has answered meaning
13 president of Croatian Community of Herceg-Bosna, so I think that the
14 witness didn't answer the question or said something which wasn't asked.
15 It's not clear for me at all.

16 JUDGE ANTONETTI: [Interpretation] Very well.

17 MR. KRUGER:

18 Q. Witness, you've heard the question or the comment. The reference
19 to president of the HR-HB government in your response, when I asked you
20 was this addressed to the president, personally, in his personal
21 capacity, could you just repeat your answer?

22 A. Mr. Prosecutor, as commander from the field, I came to attend the
23 meeting. I signed this document. Now, as the distribution went, to
24 whom, in what capacity, and all the rest of it, I simply don't have to
25 know that.

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1 MS. TOMANOVIC: Can I -- sorry.

2 [Interpretation] I'd just like to be of assistance to the
3 Prosecutor. I think the witness is mixing up the functions. Perhaps the
4 Prosecutor, when stating a function or position, could name a name, and
5 then the witness would understand exactly what the Prosecutor was asking
6 him.

7 Thank you.

8 MR. KRUGER: Do we have time to complete that one now,
9 Your Honour?

10 JUDGE ANTONETTI: [Interpretation] We can continue tomorrow, but
11 we could also finish right away if the Defence has no redirect and if
12 you're finished, of course.

13 MR. KOVACIC: [Interpretation] Your Honour, the Defence will have
14 some questions in redirect, so we won't be able to finish.

15 JUDGE ANTONETTI: [Interpretation] Very well. Then we will resume
16 tomorrow.

17 We'll adjourn, and we'll meet again tomorrow at 9.00.

18 [The witness stands down]

19 --- Whereupon the hearing adjourned at 1.47 p.m.,
20 to be reconvened on Thursday, the 1st day of
21 October, 2009, at 9.00 a.m.

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