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1 Thursday, 1 October 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness takes the stand]

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

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

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

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

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

14 This is Thursday, and I welcome our witness. Then I also greet  
15 Mr. Prlic, Mr. Stojic, Mr. Praljak, Mr. Petkovic, and Mr. Pusic, and, of  
16 course, Mr. Coric also. I welcome the Defence counsels, Mr. Kruger,  
17 Mr. Stringer, and their case manager, and everyone helping us.

18 We will resume. Mr. Kruger has 20 minutes left. But I first  
19 need to give the floor to the Registrar for some IC numbers.

20 THE REGISTRAR: Thank you, Your Honour.

21 The Stojic Defence has submitted their objections to the list of  
22 documents tendered for admission by 3D through Witness Slobodan Praljak.

23 This list shall be given Exhibit IC1064. The Petkovic Defence has also  
24 submitted their response to the Prosecution objections to documents  
25 tendered through Witness Zvonimir Skender. This list shall be given

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1 Exhibit IC1065. Thank you, Your Honours.

2 JUDGE ANTONETTI: [Interpretation] Very well. Thank you,  
3 Registrar.

4 Before giving the floor to Mr. Kruger, I have two questions to  
5 put after the documents we'd seen yesterday. You know that a good  
6 night's sleep is excellent, and overnight I've thought about a couple of  
7 questions.

8 WITNESS: ZRINKO TOKIC [Resumed]

9 [The witness answered through interpreter]

10 JUDGE ANTONETTI: [Interpretation] So the first document, could  
11 the Registrar please put document 3D00796, the document we saw yesterday.

12 We have the document on the screen now.

13 Witness, please, could you please read the document in your own  
14 language. Read out loud the third paragraph, please, or read the third  
15 paragraph. I don't know if it's out loud or not.

16 THE INTERPRETER: Could you please read out loud, interpreter's  
17 correction.

18 JUDGE ANTONETTI: [Interpretation] The third paragraph of this  
19 document, starting with "na sastanku," something like that. Please read  
20 it out loud. Read it out loud so that the interpreters can translate it.

21 THE WITNESS: [Interpretation] Good morning, Your Honours. Good

22 morning to everyone in the courtroom.

23 Paragraph 3 or item 3 --

24 JUDGE ANTONETTI: [Interpretation] I'm not asking you to read the  
25 bullet point number 3. I would like you to read the third paragraph from

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1 the beginning of the text.

2 THE WITNESS: [Interpretation] "The following conclusions have  
3 been unanimously adopted at the meeting, precisely the demands of the  
4 Government of the HR-HB, as well as these of Ministry of Defence of the  
5 Croatian Republic of Herceg-Bosna, the Main Staff of the Croatian Defence  
6 counsel, and municipal governments and political structures within the  
7 HR-HB."

8 JUDGE ANTONETTI: [Interpretation] Very well. I asked you to read  
9 this paragraph out loud because yesterday the Prosecutor focused on the  
10 fact that this letter had been sent to Mate Boban, Mate Boban, the  
11 minister of defence and the commander of the HVO, but he did not mention  
12 the fact that the municipal governments also received this letter.

13 Witness, could you please tell us why you thought it was also  
14 useful to inform the governments of municipalities of these problems?

15 THE WITNESS: [Interpretation] Your Honours, we thought that the  
16 municipal government were controlling substantial economic and financial  
17 resources that could considerably improve the material status of the  
18 soldiers deployed in our units and could partly reassure the mobilisation  
19 of resources in the possession of either citizens or socially-owned or  
20 state-owned work organisations, as they used to be called at the time.

21 JUDGE ANTONETTI: [Interpretation] Very well. Now, at the end of  
22 the document, you will note that the municipal government were not in  
23 copy of this document. Is it because they were forgotten to be placed on  
24 the CC list or was it deliberate?

25 THE WITNESS: [Interpretation] Your Honours, as a brigade

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1 commander was present at the meeting, I endorsed these conclusions.  
2 However, as for the process of dispatching this document, it was not up  
3 to me to decide.

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

5 Could the Registrar please display Exhibit P01653. It's a  
6 document you wrote on March 11, 1993.

7 Witness, could you please read out loud the beginning of the  
8 first paragraph, and read it slowly, please.

9 THE WITNESS: [Interpretation] Your Honours:

10 "Having realised what happened on the territory of our mother  
11 country Croatia during the war against the Serb Chetnik armada, the  
12 Croatian population in the area of the Croatian Community of Herceg-Bosna  
13 organised themselves and made preparations for the defence of their  
14 territory."

15 JUDGE ANTONETTI: [Interpretation] We can stop here. So you are  
16 writing, at least in your own words:

17 "Having realised what happened on the territory of our mother  
18 country Croatia ..."

19 So there's something I don't understand here. Gornji Vakuf is

20 part and parcel of the Republic of Bosnia-Herzegovina, so any simple mind  
21 would draw the following conclusion: When you live in Gornji Vakuf, your  
22 mother country is the Republic of Bosnia-Herzegovina, but you are writing  
23 the mother country, the homeland, is Croatia. So the same simple mind  
24 could very -- infer from this that what you're writing, actually, is that  
25 the municipality of Gornji Vakuf is attached to Croatia as its homeland.

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1 So could you please explain what you meant? Did you just make an error  
2 when you were writing or did you write this without paying attention?  
3 What exactly did you mean when you wrote this, because these are your own  
4 words. I believe you drafted it, unless one of your officers drafted it  
5 for you and you just signed it. I don't know. So what does this  
6 sentence mean? What do you mean when you say "our motherland, Croatia"?

7 THE WITNESS: [Interpretation] Your Honours, we simply recognised  
8 the fact that both Croatia and the BH were proclaimed independent states  
9 after the break-up of Yugoslavia. **The majority of Croats, no matter**  
10 where they were living in, in the US, here in the Netherlands, or in  
11 Bosnia-Herzegovina, saw the state of Croatia to be as their own state as  
12 well. Being aware that I was a resident of Bosnia-Herzegovina and that I  
13 have dual citizenship of both the Republic of Croatia and  
14 Bosnia-Herzegovina, I can rightly call both these states my homeland.

15 JUDGE ANTONETTI: [Interpretation] I think I understand what you  
16 said. What you're telling us is the following: As a Croat, whether you  
17 live in the Republic of Bosnia-Herzegovina, in the Netherlands, in the  
18 US, or anywhere, you remain a Croat, and your mother country is Croatia,

19 which is why you're telling us that you have dual citizenship. Did I sum  
20 up your answer correctly?

21 THE WITNESS: [Interpretation] Your Honour, you have summed it up  
22 very well.

23 JUDGE ANTONETTI: [Interpretation] Very well. This helps  
24 understand how to interpret this paragraph, because I hadn't really  
25 caught that. Thank you.

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1 JUDGE TRECHSEL: As Judges started with questions, I would like  
2 to come back also to the previous document, 3D00796. You don't actually  
3 need the document to answer my question.

4 What strikes me with this document is the very fact that  
5 commanders meet amongst themselves, discuss common problems, and then  
6 address a letter with the result of their discussion to authorities. In  
7 my experience with the military, this is very unusual. The normal thing  
8 would be that such issues are discussed in the presence and under the  
9 direction of the commander of the army, which at that point, I think, was  
10 Mr. Praljak, the accused Praljak. I hesitate about an explanation. One  
11 possibility is that it denotes the fact that your commanders did this  
12 with the exclusion of your boss, betrays a certain lack of confidence in  
13 the commander, but that might be completely wrong. I would like you to  
14 explain. How come this was the method used by commanders?

15 THE WITNESS: [Interpretation] Your Honours, I agree that this is  
16 not the usual method of communication between commanders and the civilian  
17 authorities, but one has to bear in mind the context of the time when

18 this was being written. The BH forces were mounting offensive  
19 activities, and we were facing considerable problems on all defence  
20 lines. Due to that, we requested additional actions and measures to be  
21 undertaken that would ensure that we have full strength of manpower, that  
22 we have financial and material means at our disposal, so as to enable us  
23 to carry out our defence tasks of the territory and the Croatian  
24 population that we were entrusted as part of our mandate.

25 JUDGE TRECHSEL: Thank you. You have not addressed what was my

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1 main query. Why is General Praljak absent in this?

2 THE WITNESS: [Interpretation] Your Honours, you may have noticed  
3 in the letterhead this has to do with the North-Western Herzegovina  
4 Operation Zone and brigade commanders from that particular area of  
5 responsibility, so this is one level lower beyond or below the  
6 Main Staff. And for that reason, the commander of the Main Staff was not  
7 included. However, he was supposed to receive both the letter and the  
8 conclusions that were reached.

9 JUDGE TRECHSEL: Yet the normal line of command would be that you  
10 address the general, and the general then would deal with civil  
11 authorities, yet you have bypassed him. If I say "you," I do not mean  
12 Mr. Tokic. I mean the group of commanders; Mr. Siljeg, I think, in the  
13 first place. Why not go the normal way via the commander?

14 THE WITNESS: [Interpretation] Your Honours, in wartime commanders  
15 come to briefing sessions, and this took place after the working meeting  
16 or the daily briefing were finished. All these officers attended the

17 working briefing session that took place after they discharged their  
18 daily duties. This happened most often at around 8.00 or 9.00 p.m. So  
19 to shift the officers around in order to convene some themed meetings  
20 during the offensive that is being carried out by the BH Army forces  
21 would be foolish and would put us at risk by not being where the focus of  
22 our task was, and that was to defend the territory in which we were  
23 commanding our units.

24 JUDGE TRECHSEL: This, in my understanding, does not explain why  
25 you did not seize, with this letter, your commander, whose task it would

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1 then have been to deal with the civil authorities, but I will not insist.  
2 If you want to add something, you're welcome. If not, the floor is to  
3 Mr. Kruger of the.

4 JUDGE ANTONETTI: [Interpretation] Just a minute.

5 Witness, I'd like to follow up on what my fellow Judge just  
6 asked. I also have some experience in military business because I went  
7 through the Military Academy for one year, so I am fairly versed in  
8 military matters.

9 We've already studied this document with another witness, and I  
10 had also asked this other witness the same questions that my fellow Judge  
11 just put to you. I wondered at the time whether this document didn't  
12 reveal a couple of things; first, that there was unease within the HVO,  
13 within the army of the HVO, where the chain of command was actually  
14 challenged, or whether this -- rather, given all the topics addressed in  
15 this document, wouldn't it be sort of a quasi-putsch of the commanders of

16 operational zones who are showing their hierarchy that they don't agree  
17 on a number of points?

18 So any Judge must wonder, when looking at this document and when  
19 placing this document back in the context of all the other evidence  
20 heard, a Judge must absolutely wonder why in this document you've got a  
21 list of everything that needs to be done, even though Mr. Praljak is  
22 absent from this meeting, and the fact that this document is sent to  
23 Mr. Praljak as well as to his superiors. So we would really like to know  
24 whether this document doesn't demonstrate that the policy and the  
25 measures implemented and triggered by Mate Boban is being challenged.

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1 So you were there, you discussed all this with your colleagues,  
2 you signed the document, so you have a point of view. Were you happy  
3 with the way things were going? But if that's the case, why write this  
4 document? And if you were unhappy, then maybe there was a reason for  
5 this document that you could tell us about. So what's your take on this?

6 THE WITNESS: [Interpretation] Your Honours, this document does  
7 not challenge the chain of command in any way whatsoever. When writing  
8 this document, we were thinking as commanders do, and that is that we  
9 should highlight certain problems, because we, as commanders, were not  
10 responsible for that and were not authorised to deal with these issues.

11 The situation was such that the municipality of Bugojno had  
12 fallen, including part of Novi Travnik, Fojnica, and parts towards  
13 Uskoplje, and that the BH Army forces from these areas were exerting  
14 pressure on the HVO, so we were simply supposed to put aside or just

15 forget about any comfortable living outside of the war zones and that we  
16 should mobilise all our efforts and forces to effect the defence. That  
17 was the fundamental premise on which we, the commanders, worked when we  
18 drafted this appeal, but at the same time we were prepared, with the  
19 forces that we had at the disposal, to carry out any task given to us by  
20 the Main Staff and President Boban.

21 JUDGE ANTONETTI: [Interpretation] If I understood correctly, you  
22 were calling out for help.

23 THE WITNESS: [Interpretation] That is correct, Your Honours.

24 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

25 MR. KOVACIC: Your Honour --

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1 [Interpretation] Good morning to everyone. I wouldn't like to  
2 intervene, but I gather, from your questions, how much importance you  
3 attach to this document. Therefore, every word uttered by this witness  
4 is equally important. In that context, towards the end of this answer,  
5 the witness said that this meeting was a cry for help addressed to higher  
6 instances. This word "cry for help" is the key word. Originally, it has  
7 been translated as an appeal.

8 JUDGE TRECHSEL: I'm sorry, Mr. Kovacic. What are you doing,  
9 commenting on what the witness says, explaining the document? I think  
10 that's what you are doing, and that's not correct, Mr. Kovacic.

11 MR. KOVACIC: Your Honour, I'm now really confused. I don't  
12 understand why you are attacking me. I'm simply discussing the word, the  
13 translation. The witness said "vapaj," and I'm kindly asking the

14 interpreters to interpret. It was translated as "appeal." It is  
15 general, it is not "vapaj." The Croatian word "vapaj," I'm kindly asking  
16 the interpreters to translate what does it mean. This is a cry for help.  
17 As I see, it is now -- I'm sorry, Your Honour, for --

18 JUDGE TRECHSEL: I'm sorry, I may have mis-reacted. Please do  
19 not take it against me.

20 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, I'm sure you  
21 understood -- you found out that I had noticed this, because in my answer  
22 [as interpreted] I said this document is a cry for help, and my question  
23 actually said, In this document, you were calling out for help? And the  
24 witness, on the transcript, answered by saying, That is correct.

25 No need to worry. I had preempted all this. But you are right.

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1 In the English translation, the word was "appeal," which is a bit  
2 different from "cry for help." So you're right to point this out. But I  
3 had noticed it, which is why I put it in my question, in my summary  
4 question, Was this a cry for help?

5 MR. KOVACIC: [Interpretation] Thank you, Your Honour. Precisely  
6 because of that, I went back to this portion because I understood that it  
7 was a significant thought and that it must be recorded in the transcript.  
8 You obviously thought the same and raised the question.

9 I apologise to Judge Trechsel once again, but I wasn't sure what  
10 we were talking about, so I thought it might be due to the  
11 interpretation. Thank you.

12 JUDGE TRECHSEL: May I?

13           When I was asking a question to the witness, I noticed that  
14 Mr. Praljak very loudly - I could hear it also - communicated with  
15 counsel. What did you say, Mr. Praljak? Do you remember?

16           THE ACCUSED PRALJAK: [Interpretation] Yes, Your Honour, I do  
17 remember. The question about this meeting, how the meeting came into  
18 being, at whose initiative, and whether I was there, and on page 70, line  
19 21-29 [as interpreted] on 2009, there was a question there, and I told  
20 counsel to find these facts and information so that I could ask him what  
21 he's already said or, rather, whether he agrees with what he's already  
22 said, because I don't think he fully understood the intentions and the  
23 lines of which your question was asked, and then to refer to the  
24 transcript.

25           So I asked counsel to provide me with the page of the transcript,

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1           the page number, and the witness's answer to the question of who  
2 initiated the meeting, who convened the meeting, and whether I attended  
3 the meeting.

4           JUDGE TRECHSEL: I can understand that there is a problem with  
5 communication between client and counsel in this room. You do it  
6 normally with little paper slips, and it is not always correct. But it  
7 is not -- it is not correct at all to do it in the way you did it because  
8 you -- the witness can also hear it, and there is then a danger that he  
9 may be in some way influenced. I just would invite you not to do this  
10 again, and close the debate on this issue therewith.

11           THE ACCUSED PRALJAK: [Interpretation] Yes, Judge Trechsel. I

12 didn't mention any information to counsel. I just asked for the number,  
13 the page number where the question was asked.

14 And, secondly, we use -- well, the guards can't -- aren't allowed  
15 to take notes to counsel. Counsel can't get up and send notes. So I  
16 can't keep sending the Pusic Defence on errands like that. It's not my  
17 fault that the courtroom functions in that way.

18 I didn't mention any other piece of information. I just wanted  
19 to know what page in the transcript the question was asked on.

20 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the rights of the  
21 Defence hadn't escaped me. During the break, I had asked the Registrar  
22 whether the accused would be entitled to sit next to their counsel, like  
23 it is the case in the USA, but for security reasons I was told that it  
24 was not possible. Since nobody has called this into question, I had  
25 tried to find a solution that would be acceptable to all. Now, if you

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1 want to communicate, if you send small slips of paper, your counsel can  
2 then respond likewise.

3 If, at the inception of this Tribunal, people had thought about  
4 what criminal cases are all about, the accused would have sat next to  
5 their counsel, like that is the case in a great number of countries,  
6 where the lawyers can talk to their clients. If you look at the videos  
7 and the films on Nuremberg, the accused could talk to their counsel  
8 directly, but these were other times, Mr. Praljak.

9 And we shall close the debate on this issue now.

10 THE ACCUSED PRALJAK: [Interpretation] Perhaps we could have

11 someone to fetch and carry those notes, because I can't keep asking  
12 Defence counsel from another Defence team to ask them to carry our notes  
13 in the courtroom. The guards aren't allowed to do this, and it's really  
14 become a big problem.

15 JUDGE ANTONETTI: [Interpretation] Since the Registrar is keeping  
16 track in realtime of everything that is going on, I'm sure the Registry  
17 will tell us what the best way of easing the communication between  
18 counsel and accused will be, since there are a number of people working  
19 in the Registry. And since these are all smart people, I'm sure they  
20 will come up with a workable solution.

21 Mr. Kruger, you have 20 minutes left. We have spent a lot of  
22 time on these matters, but it was necessary.

23 MR. KRUGER: Thank you.

24 Good morning, Your Honours. Good morning, everybody in and  
25 around the courtroom.

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

2 Q. Mr. Tokic, good morning to you.

3 We only have 20 minutes. I'm going to show four documents to  
4 you, maybe a fifth one.

5 The first topic is just going to conclude with a topic that we've  
6 already been discussing this morning. If you can go, from where you are  
7 in your binder, three documents further on; that is, document P03475,  
8 P03475.

9 Now, sir, this document, dated the 15th of July, 1993, is from

10 you, as Dr. Ante Starcevic Brigade commander, and by Mr. Zvonko Katovic,  
11 chief of SIS. What I'd like to ask you about is, if you look at the list  
12 of addressees at the top, this is addressed to the HZ-HB Defence  
13 Department, personally to Mr. Bruno Stojic, Mr. Milivoj Petkovic,  
14 Mr. Mate Boban, Mr. Jadranko Prlic. Now, sir, the only question I have  
15 on this: The fact that you've addressed this communication to these  
16 persons, three of which are in the courtroom today, you did that because  
17 you recognised these people as your leader. You, as an HVO Brigade  
18 commander, they were your leaders?

19 A. In any case, I thought that the people responsible were those who  
20 could make good-quality decisions.

21 Q. Okay. Sir, let's turn two documents previously, two documents  
22 before the document you're looking at now, I think it's two, and that is  
23 document P0 --

24 JUDGE ANTONETTI: [Interpretation] Witness, I have just looked at  
25 the document in your language because I also look at the documents in

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1 your language. We talk about an order here. Mr. Stojic, Mr. Petkovic,  
2 Mr. Boban, Mr. Prlic. Was this an order which you wanted to convey or  
3 was this done by chance? Had I been Mr. Boban, I wouldn't have been  
4 happy about this, because if I were Mate Boban at the head of the armed  
5 forces, to be on the list after Mr. Petkovic, well, this would have been  
6 a problem for me. Did you know nothing about these people's positions?  
7 Was this just a random order, or if there is any logic behind it, what  
8 kind of logic is it?

9 THE WITNESS: [Interpretation] Your Honour, this document was  
10 compiled by a security officer, and I have to mention, in this regard,  
11 how this document came into being, the reason for it being written.

12 JUDGE ANTONETTI: [Interpretation] Witness, you're not answering  
13 my question. You are giving me the reasons. What I would like to know  
14 is --

15 THE WITNESS: [Interpretation] Your Honour, I knew the disposition  
16 and positions within the authorities in the HR-HB, and as to the order of  
17 the addressees, I said that this was done by the Security Service, and I  
18 agreed to sending Vinko Zuljevic away from this area or, rather, to leave  
19 him in the area.

20 JUDGE ANTONETTI: [Interpretation] So you're saying that you were  
21 not the person who prepared the document. That satisfies me. Thank you.

22 Mr. Kruger.

23 MR. KRUGER: Thank you, Your Honour.

24 Q. Now, sir, if we can turn to document P02486, and it's the  
25 document two documents prior to the one we've just looked at. P024 --

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1 no. Before, sir, to the front of your -- thank you, Mr. Usher.

2 If you can find the original version. There you go.

3 Now, sir, this is a letter dated the 22nd of May, 1993. It's  
4 "Top secret, confidential." Subject: "Delivery of information in  
5 reference to your letter of 19 of May." Now, if you look at the end of  
6 the document, we see that it's signed by the commander of the  
7 Dr. Ante Starcevic Brigade. And is that your signature?

8 A. Yes.

9 Q. Now, sir, just to orient us all to what this is about, if we  
10 look, and this is in the English version on page 2, and in the original  
11 version it's -- in the B/C/S version, it's the last page, about 11 lines  
12 from the top, and it says:

13 "Mr. Ante Kartalic was sent to Germany and other West European  
14 countries as an envoy of our brigade and the HVO. His mission is to  
15 witness the session of the clubs and pass them the latest information  
16 related to events in Gornji Vakuf as well as in our border area ."

17 Sir, is it correct that this letter was provided to  
18 Mr. Ante Kartalic and this was basically addressed to the club of Croats  
19 in Stuttgart to inform them of events in Gornji Vakuf?

20 A. Mr. Prosecutor, it is correct.

21 Q. Thank you. If we look at the very first paragraph of the letter,  
22 it says that:

23 "The Croat population has been waging a war against the Serbs for  
24 quite some time and has been at war with Muslim forces during the past  
25 several months."

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1 And then what I'd like to ask you about:

2 "The aim of the war is clear to us, who are in the command of the  
3 brigade, as well as to our soldiers in the brigade. That aim is to  
4 defend the existence of Croat people in this area, to defend material  
5 goods owned by the Croat people, to fight for the Croatian Community of  
6 Herceg-Bosna or a province with a Croatian prefix, which we are certainly

7 going to achieve either by political or by military-type actions. We  
8 must not give up these sacred goals ... I'm afraid that this kind of  
9 historic opportunity won't be given to us again."

10 Sir, the thoughts that you're expressing here, they're not your  
11 own ideas; these thoughts are in line with the thoughts of the leadership  
12 of the HVO?

13 A. Sir, this document was compiled in the command and headquarters  
14 of the Dr. Ante Starcevic Brigade and quite simply reflects my opinion,  
15 as the commander, and the officers who helped to conceive this document.

16 Q. Yes. But if you talk about "our" or "these sacred goals," these  
17 aren't just your goals; these are the goals of the Bosnian Croat people  
18 and as developed by your leadership?

19 A. Sir, I repeat, these are the words which I, together with the  
20 command, compiled. Now, I don't know what the concept and platform of  
21 the leadership of the Croatian Community of the HR-HB was.

22 Q. And, sir, if we go down, then, further, it says, and this is  
23 about in the middle of page 1 in the English version, and it's the same  
24 paragraph further way down:

25 "It doesn't matter to us whether our victory will be accomplished

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1 in political or military way, but it will largely depend on the choice of  
2 the Muslim side."

3 Now, sir, this is the second time that you refer, in this  
4 communication, that the goals, the sacred goals, will be achieved either  
5 through military means or through military means. Is it correct, sir,

6 that if the Vance-Owen Peace Plan, which you knew about, was implemented,  
7 that would have achieved those goals via the political means; is that  
8 correct?

9 A. No.

10 Q. But, sir, isn't it so that you had mentioned that you knew that  
11 Gornji Vakuf was supposed to be included within the HZ-HB, and if we look  
12 at the province -- provinces of the Vance-Owen Peace Plan, that would  
13 basically have entailed the same thing; Gornji Vakuf would have been  
14 included in the territory assigned to the Bosnian Croats?

15 A. I do know that through the Vance-Owen Plan, Gornji Vakuf-Uskoplje  
16 was supposed to be within the territory where there was a majority  
17 Croatian population.

18 Q. Sir, but you were thinking of the Vance-Owen Peace Plan, because  
19 just about two lines below that, it says:

20 "The events that took place in Gornji Vakuf from 13 May to 16 May  
21 1993 clearly show that the Muslims are not content with the political  
22 option offered in the Vance-Owen Peace Plan" or "Vance-Owen's plan."

23 So, sir, yesterday you already told us that the Muslims in  
24 Gornji Vakuf weren't pleased with the inclusion of Gornji Vakuf in the  
25 HZ-HB. Here you admit or you say they are not pleased with the

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1 Vance-Owen Peace Plan, so, sir, that only leaves the military option over  
2 to achieve the sacred goals that you're referring to; isn't that correct?

3 A. Sir, no, that is not correct. In addition to the  
4 Vance-Owen Plan, there were other plans, and political negotiations

5 continued. Under all the conditions and circumstances, the final  
6 instance is resorting to having the military solve the problem. And  
7 yesterday I said that most of the Muslims in Gornji Vakuf-Uskoplje did  
8 not accept the Vance-Owen Plan.

9 Q. Sir, I put it to you that from this letter, we can see that your  
10 attitude, and I put it to you that this is not just your attitude, this  
11 is the attitude of the HVO at large, was that the sacred goals of the  
12 Bosnian Croats was the only thing that mattered, and what the Muslims  
13 wanted or desired didn't matter, and you would push through your will,  
14 the Bosnian Croat will, at all costs. Isn't that correct?

15 A. Absolutely incorrect, because everything I did, as a brigade  
16 commander, I did quite simply -- well, I did everything to prevent a  
17 conflict, to give enough space to the politicians to decide upon the  
18 setup and organisation of Bosnia-Herzegovina.

19 Q. Sir, let's step off this topic. I'd first like to show you a  
20 further document just to --

21 JUDGE TRECHSEL: May I cut in?

22 MR. KRUGER: Certainly, Your Honour.

23 JUDGE TRECHSEL: Sorry. I just would like to make an observation  
24 regarding the translation of the document.

25 In the first line, we read the expression "Croatian province

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1 Herceg-Bosna," which struck me, but I think it is Croatian unity, it is  
2 nothing else than HZ-HB; is that correct, Witness?

3 THE WITNESS: [Interpretation] Yes. In the original document,

4 Your Honour, it said "Hrvatska Zajednica," "Croatian Community."

5 JUDGE TRECHSEL: Thank you.

6 JUDGE ANTONETTI: [Interpretation] Witness, I have read this  
7 letter. I have listened to the questions put by the Prosecutor. First  
8 of all, your letter dated the 22nd of May answers the letter of the  
9 19th of May, 1993, which we don't have. Since I don't have this letter,  
10 I find it difficult to interpret your letter, since I don't have the  
11 original letter dated the 19th of May. That said, I realise that you  
12 describe the situation in your letter, and then at the end of the letter  
13 you address the following fact: You explain that the brigade has sent  
14 Ante Kartalic to tour the clubs, whether they be in Stuttgart or in  
15 Austria or in Switzerland, for what reason? You explain in the letter  
16 that there are people working abroad who have not returned to come and  
17 fight, and you say since the 1st of January, 1992, they can be considered  
18 to be deserters and proceedings can be initiated against them. This is  
19 written in the document. In addition, you add that the list of these  
20 deserters could be published in newspapers.

21 So these Croatian workers abroad have been told what their status  
22 is quite clearly. These are deserters. And then you continue and you  
23 say the salaries are not being paid out, if the people who don't get  
24 their salaries are unhappy and morale is low, we need 100 Deutchemarks  
25 for a T-55, and you total this, and you say what is needed is 1.450.000

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1 Deutchemark. So on looking at this letter, what I feel is this: Wasn't  
2 it with a view to collecting funds, a form of racketeering to bring money

3 back into the country?

4 We have heard witnesses. We have seen evidence which indicated  
5 that the military budgets at the time was being set up, that aid money  
6 was coming in from the Croats who were sending money in. We have a lot  
7 of proof for this. Despite this and despite the system set up by the  
8 HVO, a brigade commander sends somebody to go and collect some funds. So  
9 it -- was this attitude approved by the civilian authorities of the HVO,  
10 who would have encouraged you to do this, or was this something that you  
11 did on your own bat, for whatever reason you decided to bring some money  
12 back into the country, because you felt somewhat autonomous vis-a-vis the  
13 HVO?

14 Can you explain to me what the purpose of this letter is? The  
15 Prosecutor has his view on the letter. On looking at the purpose of this  
16 letter, I see that it has to do with money matters. Can you explain to  
17 us what this is about, please?

18 THE WITNESS: [Interpretation] Your Honour, yes, I will explain.

19 The HVO -- the local HVO and, later on, the Croatian  
20 government -- when I say "Croatian government," I mean the Croatian  
21 Republic in Herceg-Bosna, introduced a requirement by which workers,  
22 working abroad, should give contributions, who had permanent work permits  
23 abroad from the 1st of January, 1992. So that applied to that  
24 population. And if I remember correctly it was to the tune of 300 German  
25 marks, a one-time donation, and this applied to all the countries of

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1 Western Europe where there were Croatian guest workers. And this

2 responsibility and duty was implemented by the local HVO. Clubs were  
3 formed in Western Europe, and the monies were collected in those clubs,  
4 and then the money was forwarded to the local HVO right up until the time  
5 when, for reasons unknown to me, they -- there was an argument that broke  
6 out as to who was responsible for this and who would be given the money.  
7 The situation culminated in an event which took place in Mannheim, when a  
8 group of HVO representatives arrived in Germany, took over the money, and  
9 set out for Gornji Vakuf-Uskoplje. Somebody called from  
10 Gornji Vakuf-Uskoplje, and the president of the Mannheim club came to the  
11 railway station and asked that the money be returned. The gentleman who  
12 took the money returned the money.

13 After that, having reached an agreement with the HVO, my  
14 assistant for security went out into the field. His name was  
15 Zvonko Katovic, that is to say, he went to -- he travelled to Germany and  
16 Austria, as well as Mr. Ante Kartalic, and all this was agreed with  
17 Mr. Ivan Saric, and they were given the possibility for those financial  
18 resources to go to the brigade treasury directly and to be used to pay  
19 out the salaries and to improve the material conditions and circumstances  
20 of the brigade.

21 And it is for those reasons -- and by way of a proclamation, it  
22 was asked that everybody working without the official papers and had fled  
23 to Western countries should either come back home and join or place  
24 themselves at the disposal of the HVO, because otherwise they would be  
25 considered deserters.

1 JUDGE ANTONETTI: [Interpretation] Witness, let me stop you here  
2 because your answer is very lengthy. But in a nutshell, according to  
3 you, at the local level in Gornji Vakuf in the municipality, you're  
4 talking about Mr. Saric and the commander of the brigade, you had to get  
5 money because you needed money? Basically, that's your answer?

6 THE WITNESS: [Interpretation] That is right, because the people  
7 in Germany organised themselves and they were willing to send the money  
8 for defence in Gornji Vakuf-Uskoplje.

9 JUDGE ANTONETTI: [Interpretation] Very well.

10 JUDGE TRECHSEL: Witness, these clubs, were they clubs of Croats  
11 from Gornji Vakuf or generally clubs of Croats?

12 THE WITNESS: [Interpretation] In most cases, those were Croat  
13 clubs, but they were not strictly linked to the Croats from Gornji Vakuf.  
14 It gathered Croats working in Stuttgart, Vienna, and other European  
15 cities. If we appealed to them, then we would most often ask the  
16 Dr. Ante Starcevic Brigade in Gornji Vakuf.

17 JUDGE TRECHSEL: How, if you know, did other brigades react? It  
18 looks to me a bit like you went to a pot of cream, which was cream for  
19 all Croats, and you took -- there, you tried to get as much as you could  
20 for you, your brigade being a relatively small part of the whole defence  
21 effort. It's not a problem that is addressed by the indictment, I  
22 accept, but it's an ethical question.

23 THE WITNESS: [Interpretation] Your Honours, you may have noticed  
24 yesterday the document which says that around 1.100 people had permanent  
25 working permits from Gornji Vakuf and Uskoplje abroad, and those were the

1 people on whom we were concentrated most. But all other people of  
2 goodwill provided money and -- for raising the funds. The other brigades  
3 had a much more widespread diaspora. I will mention that only Livno has  
4 40.000 emigres and --

5 THE INTERPRETER: Interpreter's correction, Tomislavgrad has  
6 40.000 emigres.

7 THE WITNESS: [Interpretation] -- and Livno had 30.000 emigres,  
8 so -- and they live in European countries and other countries outside of  
9 Bosnia and Herzegovina. Therefore, both Tomislavgrad and Livno were able  
10 to raise considerably more funds than we.

11 JUDGE TRECHSEL: Thank you.

12 JUDGE ANTONETTI: [Interpretation] Mr. Kruger.

13 MS. NOZICA: [Interpretation] Your Honour, if you allow me, I  
14 would like to draw your attention that the witness is talking about  
15 document 56017, and it's P61 -- 56 -- P6017, P6017.

16 JUDGE ANTONETTI: [Interpretation] Mr. Kruger.

17 MR. KRUGER: Thank you, Your Honour.

18 THE ACCUSED PRALJAK: [Interpretation] Your Honours, I don't know  
19 how it's recorded correctly. The witness said "Saric," and I heard in my  
20 headphones "Coric," and I think this mistake should be rectified.

21 JUDGE ANTONETTI: [Interpretation] He did say "Saric." Coric has  
22 nothing to do with this.

23 MR. KRUGER: Thank you, Your Honour.

24 Q. Now, sir, I think we have time for two more documents. If you go

25 forward in your binder two documents, you will find document P01433

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1 earlier in your binder. Do you have the document? P01433.

2 Now, sir, all that I want to point to you -- point out to you in  
3 this document, it's by Mr. Mile Curic on the 7th of February to the HVO  
4 Mostar Main Staff and the operational zone -- or the Zone of Operations  
5 Tomislavgrad. It's a regular combat report. The only thing I draw your  
6 attention to is, in the second paragraph, the second-last sentence, it  
7 says:

8 "Our side continued to burn buildings, Uzricje, Zdrimci, Dusa,  
9 Kupra."

10 Now, I'd like you to bear that in mind for our next topic, and  
11 for that I want you to turn to just the document in front of this one,  
12 which is document P01351. Just in front of that document, P01351.

13 Now, before looking at the document, in your statement, on  
14 page 12 in the English version, and you needn't look at it, but you refer  
15 there, and this relates to the end of January 1993 in Gornji Vakuf:

16 "I recall there was one commission whose purpose was to establish  
17 how many tractors or cars was a person missing."

18 Do you recall that there was such a commission established at the  
19 end of January in Gornji Vakuf?

20 A. Yes, I do. This commission was set up on the UNPROFOR base in  
21 Gornji Vakuf, and it was supposed to visit the whole area where combat  
22 operations were being conducted.

23 Q. Okay. Now, with that, let's look at the document which is a

24 document by Mr. Zeljko Siljeg of the 28th of January, 1993, and it's the  
25 report on the situation in Gornji Vakuf on January 28, 1993. And

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1 interesting to note, once again, the persons who this is addressed to,  
2 the Presidency of the HVO of the HZ-HB, the Government of the HVO HZ-HB  
3 Mostar, the Defence Department of the HVO HZ-HB Mostar, and the  
4 General Staff of the HVO HZ-HB Mostar. But let's turn in this document,  
5 which we've looked at before during your testimony, and we'll turn to  
6 page 3 of the English version, and in the B/C/S version it is the second  
7 page, and the first half of the page:

8 This relates to the record of the commission in establishing the  
9 factual state on the occasion of combat operations on the terrain  
10 Uzricje, Duse, Trnovaca, Luzani, and Gornja Ricica, and it starts with a  
11 report on Uzricje. And if we look at what this -- what the commission,  
12 or sub-commission, as it's referred to, has recorded, it says, for  
13 Uzricje -- and if you turn to item 5, it says:

14 "Looted two tractors and luxury cars."

15 But just in front of that, item four, it says:

16 "A total of 24 houses was destroyed (22 torched and 2 shelled)."

17 And that's correct, isn't it? In Uzricje, there was quite a  
18 destruction of houses? You don't dispute this?

19 A. No, I don't, but these were Croatian. However, for the most  
20 part, they were Bosniak.

21 Q. Sir, let's go a little bit further. I will discuss that in a  
22 moment. And let's look at what it says for Dusa. Dusa, it's page 3 at

23 the top in the B/C/S version, and in the English version, if we turn to  
24 page 5, right at the bottom, it says a total of 18 houses and sheds were  
25 destroyed, of which 16 were torched and two houses were destroyed by

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1 shelling. And if we turn to Trnovaca, just the next item, this says that  
2 a total of four houses were destroyed or torched.

3 Now, sir, all that I want to put to you here is: Isn't it  
4 correct, despite what you've just said now, that the majority of houses  
5 that were destroyed in these villages was, in the first place, destroyed  
6 by torching and not shelling?

7 A. It is true that the majority of houses were destroyed by fire.

8 Q. And, sir, this Court has heard evidence that the bulk of this  
9 torching occurred after these villages had been taken over by the HVO, in  
10 actual fact; isn't that correct?

11 A. Well, I should say that two-thirds of the houses were devastated  
12 or destroyed after the military operations were over.

13 Q. And, sir, isn't it also correct that the bulk of the properties  
14 that were destroyed in these villages were actually Muslim properties?

15 A. Yes, I said so, the majority.

16 Q. Thank you. Now, sir, if we can turn to page --

17 JUDGE ANTONETTI: [Interpretation] Mr. Kruger, you have to finish  
18 because you're running out of time. One last question, one last  
19 document.

20 MR. KRUGER: Thank you.

21 Your Honour, if I may finish on this document. It's nearly

22 finished. If we, on the same document, turn to page 7 of the English,  
23 and, it's in the B/C/S, page 3, towards the bottom. And here it reports  
24 that some crimes are being reported; and I'll just refer you to:

25 "They have no arguments for them, and they want the following

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1 cases to be investigated."

2 I suppose that this is that the -- the Muslim side wants the  
3 following cases to be investigated. First:

4 "Pavo Posavac, from the village of Duse, allegedly fired from a  
5 recoilless gun on the house of Enver Sljivo, in which his wife and  
6 children were killed.

7 "I have already referred to the case of Branko Sapina."

8 And then it's reported the case of Vlatko Rajic, who we've of  
9 heard previously, decapitated a Muslim, and then it ends with:

10 "Rezo mistreated prisoners in Trnovaca."

11 Sir, here we have crimes being reported, and these crimes are  
12 being reported right up to the very top of the HVO pyramid leadership  
13 structure. My question is: What came -- what became of this? Were  
14 these crimes investigated? We know about Vlatko Rajic, but what about  
15 these others? What happened?

16 A. Mr. Prosecutor, we have here listed the names of people who in  
17 any way could not have been involved in any acts barred by the  
18 international law. Let's start with Ivan Saric, the president of HVO and  
19 HDZ. He was a civilian who was not involved in any acts. Ivan Kraljevic  
20 was my assistant for propaganda and information. Pero Mejdandzic was my

21 assistant for --

22 Q. Sir, if I could --

23 THE INTERPRETER: Could the witness please slowly give us the  
24 names and the function.

25 MR. KRUGER:

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1 Q. Sir, if I may interrupt you. I'm sorry. The basic question is:  
2 Were there any investigations or prosecutions which came out of this  
3 request for these cases to be investigated?

4 A. For all those individuals for whom it had been established that  
5 had maltreated prisoners, my assistant for security, in cooperation with  
6 the military police, launched an investigation. As for the men I just  
7 listed, it has never been established that they did anything in violation  
8 of the International Laws of War.

9 MR. KRUGER: Your Honour, may I ask one question on just the  
10 Trnovaca issue? It's literally one question, and then I am finished.

11 JUDGE ANTONETTI: [Interpretation] Yes, go ahead if it's your last  
12 question.

13 MR. KRUGER:

14 Q. Sir, the last incident mentioned refers to a prisoner in  
15 Trnovaca. In your statement, you mentioned that 217 detained prisoners  
16 were held in a Trnovaca furniture factory, and these were being held, I  
17 take it, by the Dr. Ante Starcevic Brigade. My question to you, the last  
18 one, is: Once your HVO -- or members of your HVO unit had taken these  
19 people into custody, was it also your responsibility or the HVO

20 military's responsibility to feed these people while they were in your  
21 custody?

22 A. All the soldiers or military conscripts captured by the HVO were  
23 secured in accordance with what was available to us, and we also provided  
24 shelter with running water, and we also provided food, but it all  
25 depended on the resources that we had available. Therefore, we took care

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1 of all the people in custody. And I would like to note that at the time  
2 in Gornji Vakuf-Uskoplje, there was no electricity. Neither the Croats,  
3 nor the Bosniak, nor my soldiers had ideal conditions for personal  
4 hygiene and other necessities and needs, for the reasons that I mentioned  
5 earlier.

6 Q. So from what you're saying, it was your responsibility to take  
7 care of these people once they were in your custody?

8 A. Yes, yes. Through the Home Guard Battalion, our brigade  
9 undertook obligation to provide proper shelter and accommodation for  
10 these people in the facilities around the factory of furniture for  
11 civilians and for soldiers inside the factory and inside the cafeteria.

12 MR. KRUGER: Thank you very much, sir. I have no further  
13 questions.

14 Sorry for running over a few minutes, Your Honours. Thank you.

15 JUDGE ANTONETTI: [Interpretation] Very well.

16 Now, redirect. We know that Mr. Kovacic and Ms. Alaburic have  
17 questions. This will be deducted, of course. The only question is the  
18 time for Mr. Kovacic. Will you take this on your own time credit or on

19 Mr. Petkovic's time credit?

20 MR. KOVACIC: [No interpretation]

21 JUDGE ANTONETTI: [Interpretation] On your own time. Very well,  
22 then, please go ahead.

23 MR. KOVACIC: [Interpretation] If we are going to start before the  
24 break, I would first like to give the floor to Mr. Praljak, who has a  
25 couple of questions. Thank you.

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1 THE ACCUSED PRALJAK: [Interpretation] Your Honours, we only have  
2 seven minutes before the break, and I will take more than seven minutes,  
3 so therefore I would prefer that we first go on break.

4 JUDGE ANTONETTI: [Interpretation] Very well. Let's break for 20  
5 minutes.

6 --- Recess taken at 10.21 a.m.

7 --- On resuming at 10.43 a.m.

8 JUDGE ANTONETTI: [Interpretation] Very well.

9 Mr. Praljak.

10 THE ACCUSED PRALJAK: [Interpretation] Good morning, Your Honours.

11 Further cross-examination by Mr. Praljak:

12 Q. [Interpretation] Good morning, Mr. Tokic.

13 A. Good morning.

14 Q. Let us just try to clarify a few things.

15 The meeting of the 26th of October, 1993, in the first part I  
16 asked you, and that's on page 70, line 21, whether this meeting was  
17 agreed during previous discussions and was it me who initiated this

18 meeting. You responded by saying, Yes. Do you stand by your statement,  
19 and do you rely on your memory about who initiated it?

20 A. I stand by my statement that you, General, were the one who  
21 initiated this meeting.

22 Q. My second question is: Do you recall that at the briefing about  
23 the military issues that preceded this meeting, that I was at that  
24 meeting as well?

25 A. With all due respect, I cannot remember.

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1 Q. A few questions why this meeting, that you qualified as a cry for  
2 help, was necessary.

3 Tell me, when was it that the BH Army attacked the HVO in Bugojno  
4 and captured the town, with all the consequences that stemmed from that?

5 A. General, as far as I can remember, that took place in early July,  
6 but I think that Bugojno finally fell on the 12th of July, 1993.

7 Q. Thank you. Tell me, right away, prior to that moment, were the  
8 relations between the HVO and ABiH in Bugojno were at an enviable level;  
9 there were no clashes and no conflicts, at a relatively enviable level?

10 A. They were proud of their relationship, and they said that all the  
11 others should follow their example and maintain this kind of a  
12 communications.

13 Q. Do you know whether the HVO of Bugojno, in view of such  
14 relationships, was preparing itself for any possible attack by the ABiH?

15 JUDGE TRECHSEL: It seems I have to recall all the time the same  
16 things. Wait after Mr. Praljak has ended his question, because the

17 interpreters have not yet finished translating. Then start speaking.

18 Otherwise, you overlap and it's very difficult for the interpreters to do  
19 their job.

20 Please start your answer again.

21 THE WITNESS: [Interpretation] I apologise, Your Honours.

22 General, the Bugojno HVO was totally unprepared for an attack by  
23 the ABiH, and for that reason Bugojno fell in such a short time.

24 THE ACCUSED PRALJAK: [Interpretation]

25 Q. After this event, the ABiH, did they launch an attack along the

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1 axis Uskoplje-Rama and further on? From that moment on, were the ABiH in  
2 your area launching offensives in that region?

3 A. General, the ABiH attacked HVO units on the 24th of June, 1993,  
4 in the area of the village of Voljice, **micro-location Kute, and their**  
5 task was to take control of Podravina, and from that moment on the  
6 conflict in Gornji Vakuf-Uskoplje started and continued until the signing  
7 of the Washington **Agreement.**

8 Q. Did you and your brigade in that period ever have rotation on  
9 lines or were all your soldiers compelled to be in the trenches and on  
10 the lines all the time, without the possibility of a replacement?

11 A. In this last clash, the Dr. Ante Starcevic Brigade, from June  
12 until February 1994, was constantly on the line without any possibility  
13 for my troops to be rotated.

14 Q. After such long tours of service, do you know if your soldiers

15 were totally physically and mentally exhausted?

16 A. My soldiers were both physically and mentally exhausted, and I  
17 might even say that they wished to sustain some slight injuries in order  
18 to shorten their stay on the battle-field at Uskoplje.

19 Q. From the moment that I arrived up there as commander of the  
20 Main Staff, and we've already discussed that and established that, did I  
21 force you to go to the front-line and to fight most of your time as  
22 brigade commander?

23 A. General, sir, as brigade commander I had to set an example and I  
24 had to lead the soldiers in the execution of their duties, which meant  
25 that I had to be up at the front-line all the time, and not infrequently

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1 I held the line and positions with -- together with my soldiers.

2 Q. To the best of your recollections, what about Siljeg; did he take  
3 his whole command, the command of the operative zone, and did he have to  
4 go to the front-line as well, in view of the number of men that we had at  
5 our disposal?

6 A. General, sir, because there was a general shortage of manpower up  
7 at the front-line on the Uskoplje front, the Command of North-West  
8 Herzegovina and the Tomislavgrad Operative Zone had to hold our positions  
9 at Crni Vrh.

10 Q. Do you know that I did that too?

11 A. Yes, I did know that, General, sir.

12 JUDGE TRECHSEL: I'm sorry. Witness, you did not at all answer  
13 the previous question, which related to Siljeg.

14 THE WITNESS: [Interpretation] Your Honour, I did say that the  
15 Operative Zone of North-West Herzegovina, whose commander was Siljeg,  
16 together with the command, held our defence lines at Crni Vrh. So  
17 Colonel Siljeg, but Colonel Siljeg was not up at the front-line.  
18 However, most of the command was.

19 JUDGE TRECHSEL: Thank you. This is an answer.

20 THE ACCUSED PRALJAK: [Interpretation]

21 Q. Tell the Trial Chamber, please, how many dead and wounded your  
22 brigade had during the war.

23 A. General, sir, the Dr. Ante Starcevic Brigade, from the beginning  
24 of the war, that is to say, from 1992, up until the end of the war,  
25 suffered casualties to the tune of 149 dead and 406 wounded.

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1 Q. Faced with a situation like that, was it -- was one of the basic  
2 problems that you faced with the soldiers the question of deserters? Was  
3 that a fundamental problem that you were confronted with?

4 A. One of the basic problems was the replenishment of troops, and so  
5 the people who fled and whom we called deserters, for the simple reason  
6 that they'd fled from their units and thereby avoided carrying out their  
7 assignments.

8 Q. Did they flee to Croatia, and did they flee abroad?

9 A. Mostly to Croatia or to other countries of Western Europe.

10 JUDGE ANTONETTI: [Interpretation] Mr. Kruger.

11 MR. KRUGER: Your Honour, I object to this line of questioning.

12 This doesn't really seem to be questions that comes from any  
13 cross-examination. This is just taking up new --

14 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, to make sure that  
15 you don't run into any problems, and you started correctly because you  
16 quoted some page numbers and line numbers, but you should say, During the  
17 cross-examination, you said this or that to the Prosecutor, and I would  
18 like to put a few questions to you regarding your answers.

19 Now, as to the question of the deserters, we already mentioned  
20 it. You should have recalled that it had been mentioned during the  
21 cross-examination.

22 Ms. Alaburic.

23 THE ACCUSED PRALJAK: [Interpretation] I do remember that,  
24 Your Honour.

25 JUDGE ANTONETTI: [Interpretation] Yes.

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1 MS. ALABURIC: [Interpretation] I have the page number which I can  
2 give you. In yesterday's transcript, on page 11, the Stojic Defence  
3 question about deserters was recorded, and what the brigade command could  
4 do and what anybody else could possibly do. So that was a topic that was  
5 broached and prepared by the Petkovic Defence as well.

6 THE ACCUSED PRALJAK: [Interpretation] I did not include anything  
7 that was not mentioned in the cross-examination, but I will refer to  
8 that.

9 Q. Now, Judge Antonetti asked about deserters, and you asked the  
10 following, Your Honour: Did you consider deserters to be those Croats in

11 Germany who were normally working there, temporarily employed abroad, as  
12 was the euphemism and term used for people who had left earlier, or did  
13 you consider deserters to be only those who, after the beginning of the  
14 conflict, fled in order to avoid their military duties?

15 A. General, sir, deserters are people who fled when the war in  
16 Bosnia-Herzegovina began and who simply fled from their units or from the  
17 territory of Gornji Vakuf-Uskoplje, whereas workers who found themselves  
18 abroad, working abroad, before the conflict broke out were not considered  
19 to be deserters.

20 Q. Thank you. Let's go back in time. The document is 4D01667. You  
21 don't have to look at the document, but I'm just referring to that. The  
22 5th Column is mentioned in that document, and you were asked by  
23 Judge Antonetti, on page 20-18 to 25, something about the 5th Column.  
24 Tell us, please, Mr. Tokic, after the JNA aggression started and the  
25 aggression by the Army of Republika Srpska, on the ground were there

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1 people who had previously been included in the various intelligence  
2 services and secret services of the former Yugoslavia, and did they  
3 disseminate all manner of rumours; for example, who was fighting -- who  
4 was against who, who was preparing to attack whom, what kind of  
5 characteristics one man had and another man had, and so on?

6 A. General, sir, we had to take care of this kind of activity all  
7 the time, people who wanted to set the Muslims up against the Croats, and  
8 those were the vestiges of the State Security Service in the former  
9 Yugoslavia, because it was impossible to target precisely the Croatian

10 part of town and the Bosniak part of town from their positions at Kupres  
11 without having reconnaissance work. I don't think their crews were  
12 well -- sufficiently well trained to be able to target places just  
13 looking at maps, so reconnaissance work was needed.

14 Q. And I'd like to refer to another case that bears that out, the  
15 case of Mr. Tole, Chief of the Main Staff, later on his arrival in Vakuf  
16 and up at the front-line. And how did it come about that he was captured  
17 in Bugojno in the way that he was?

18 A. General, sir, General Zarko Tole arrived in Gornji Vakuf-Uskoplje  
19 at the beginning of May in 1992, and in the Radusa Hotel he held a joint  
20 meeting with 25 representatives of the Bosniak people and 25  
21 representatives of the Croatian people, mostly key figures in the  
22 management of the Gornji Vakuf-Uskoplje municipality, among whom were we,  
23 the commanders. And at that meeting, he offered up a proposal. He said  
24 that together we should advance towards the Army of Republika Srpska and  
25 set up units together, and that his mandate was -- and that he had

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1 reached an agreement whereby he would be the commander of this  
2 newly-established command. I have to say that we all accepted this  
3 proposal, and when the meeting was over, both the Croats and Bosniaks  
4 welcomed this with general applause.

5 And two or three days later after the meeting was held, in  
6 Bugojno, in unexplained circumstances, General Zarko Tole was captured by  
7 the Army of Republika Srpska, or he was handed over to the Army of  
8 Republika Srpska. Anyway, they used him as a human shield, and they

9 managed to pull out of Bugojno and advance to Kupres.

10 Q. And how long did Zarko Tole spend in detention, in captivity?

11 A. I don't think I know the answer to that question, but more than a  
12 year.

13 Q. Yes, that's right, that's good. Now, the Prosecutor asked you  
14 several questions about when I was in the area in January, and he kept  
15 mentioning the territory of Uskoplje. **So could you tell us, please, on**  
16 **what day was it that you were no longer able to leave Uskoplje and move**  
17 **towards Rama? What day were you not able to leave, and when were you**  
18 **able to leave Uskoplje and go to Rama?**

19 A. General, sir, during my testimony here I said that on the 11th of  
20 January, after my deputy was captured, commander of the 1st Battalion and  
21 the commander of the 120th Battery, **that members of the BH Army went down**  
22 **on their knees and tried to capture me and to place me under the**  
23 **supervision of the BH Army. And from that day onwards, that is to say,**  
24 **the 11th, I was no longer able to leave Gornji Vakuf-Uskoplje.**

25 Q. Until when?

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1 A. 1992. No, 1993. I beg your pardon. And for as long as the HVO  
2 forces were not able to take control of the road between Gornji Vakuf,  
3 Uzricje, and Pidris, and the BH Army forces were in the village.

4 Q. But could I have been in Vakuf at all then, and did you ever --  
5 could you ever meet me -- come across me in Rama?

6 A. As I was not able to go, except for meetings, I couldn't have  
7 seen you up there. And as I wasn't able to move around and move through

8 that territory, you certainly couldn't have come to Gornji Vakuf-Uskoplje  
9 either.

10 Q. Judge Trechsel asked you --

11 MS. ALABURIC: [Interpretation] Just a moment, please. I  
12 apologise, but I don't think the interpretation was right there.

13 Mr. Tokic, let me tell you how your answer was translated:

14 "... as I was not able to go except for meetings, I couldn't have  
15 seen you up there."

16 [Interpretation] From which it would follow that you were able to  
17 go to meetings. So could you clarify that?

18 THE WITNESS: [Interpretation] Thank you, Your Honours. I said  
19 that because of the blockade at the fire brigade tower, set up by the  
20 BH Army in the part of town where the majority population was Bosniak, I  
21 couldn't attend briefings to IZM Prozor, nor was I able to move around  
22 freely among my units, so I couldn't have seen General Praljak either at  
23 the forward command post, IZM, or in the Gornji Vakuf-Uskoplje area  
24 because he couldn't move around either and go down there, except in an  
25 APC -- UNPROFOR APC.

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1 THE ACCUSED PRALJAK: [Interpretation] Thank you.

2 Q. Now, Judge Trechsel asked you the following: When your soldiers  
3 returned from the front-line, when they would come back from the  
4 front-line and go home to farm the land and so on before they were called  
5 up again, in that kind of status when they were at home and when they,  
6 for example, stole a tractor or a cow or engaged in a brawl or anything

7 like that, was it then your duty or the military police duty to intervene  
8 or was it the duty of the civilian police to intervene?

9 A. It's very difficult to answer that question, General, sir,  
10 because that person would be a soldier on furlough, but he would not be  
11 the subject of my interest, as a commander, because I would devote my  
12 attention to the front-line exclusively, whereas the civilian police and  
13 military police are there to secure public law and order in the town of  
14 Gornji Vakuf-Uskoplje, outside the area where combat was taking place.

15 Q. And the last topic that I'd like to deal with is this: Tell me,  
16 please -- we heard mention of the fact that flying a Croatian flag, the  
17 national and historical flag or banner, could be taken to be provocation,  
18 so I have a few short questions for you.

19 We saw where the front-line facing the Army Republika Srpska was.  
20 Now, do you remember that Paraga's -- Prijic's unit was ever up at the  
21 front-line facing the Army of Republika Srpska, for instance?

22 A. General, sir, as I dealt with most of the rotations, troop  
23 rotation, and when the BH Army -- we had consultations, the Green Berets  
24 were never engaged on Mount Radus. **Now, whether they were deployed along**  
25 **some other line, I don't know, but I say with full responsibility that**

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1 facing the Army of Republika Srpska up on Mount Radus, they were never  
2 there.

3 Q. Now, purely from a military aspect, tell me this: When a joint  
4 army or friendly army, an army and troops to defend the country together,  
5 when they were stationed in the area of, say, Makljen and started

6 digging, is that military provocation and a military threat? Is that  
7 tantamount to that?

8 A. Absolutely. Any engineering work on the territory for purposes  
9 of defence, outside of the official lines which threaten the  
10 Gornji Vakuf-Uskoplje area, is considered to be a direct threat. That is  
11 to say, the people doing the digging are seen to be preparing themselves,  
12 whether through active defence or through an attack.

13 Q. Thank you. Now, do you remember the problem, once again staying  
14 with relations and possible provocations and so on, when before the fall  
15 of Jajce the HVO unit set out to assist the unit led by Prkacin, what  
16 happened to the unit, and was it logical that this HVO unit was not able  
17 to go to Jajce as reinforcement, and were there military provocations and  
18 the clear sign of anything? Could you explain that to us a little,  
19 please?

20 A. General, sir, I personally received an order telling me to escort  
21 the unit through my territory, through my area of responsibility, and  
22 that I should do that by maintaining communication with the BH Army and  
23 HVO Bugojno. And I agreed on this with the Commander Senad Dautovic on  
24 the BH Army side and Zdravko Babic on the HVO side. And at  
25 Ravno Rostovo, where I sent my military policemen - I wasn't there

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1 myself, personally - to the Mujahedin camp, of course, it's a ski area  
2 today, anyway, everybody was expelled, was taken out of the motor  
3 vehicles. They had to put their hands up in the air. There were two  
4 hours of negotiation, and Zdravko Babic arrived in the area, and Senad

5 Dautovic. The Senad Dautovic unit was sent back without being given  
6 permission to pass through.

7 Q. When a joint army is unable to pass through joint territory, is  
8 that a kind of occupation? Would that be a sort of occupation of that  
9 territory, and would you consider the other army to be hostile and an  
10 enemy army?

11 A. At all event, this unit at that same location -- well, that's  
12 where Colonel Miro Andric was taken prisoner. He was stripped, all his  
13 possessions confiscated, and sent back to Bugojno. So that is a threat,  
14 first of all, to Croats in Central Bosnia, that they are not welcome  
15 there.

16 Q. And now my last question relates to something that the Prosecutor  
17 asked you, and it is this: Units who came into the Uskoplje area from  
18 outside, did they upset the BH Army side? Well, can you tell me whether  
19 those units came in before the beginning of the conflict, to provoke a  
20 conflict, or once the conflict had been going on for many days already?

21 A. General, sir, the conflict in Gornji Vakuf-Uskoplje started on  
22 the 11th of January, and regardless of all the efforts made by the  
23 negotiators, it went on continuously until the 25th of January, 1993,  
24 with more or less intensity. And I said that the forces of the BH Army,  
25 through the 305th Jajce Brigade, upset the balance of peace or the

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1 balance of fear, whichever you'd like to call it, because after that we  
2 see the arrival of some military police, which gave rise to the amassment  
3 of forces both of the BH Army and the HVO.

4 THE INTERPRETER: Microphone, please. Microphone.

5 THE WITNESS: [Interpretation] The HVO led its forces only once  
6 the conflict had broken out, except for those 60 military policemen who  
7 arrived on the 7th of January.

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

9 Thank you, Your Honours, for the time accorded me. I thank you  
10 all, and I have no further questions.

11 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

12 MR. KOVACIC: Thank you, Your Honour.

13 Further cross-examination by cross Mr. Kovacic:

14 Q. [Interpretation] Witness, during Mr. Nozica's examination and the  
15 Prosecutor's questions you were shown your own statement, the statement  
16 given to this Defence team. Do you remember that?

17 A. Yes, I do.

18 Q. Now, that statement is 3D03712, for the record. You expressly  
19 answered -- or, rather, confirmed, asked by Ms. Nozica, that that was,  
20 indeed, your statement and that you stand by it, although it was just  
21 limited -- the question was just limited to an excerpt from your  
22 statement. What I'm going to ask you now is this: Did you give that  
23 statement of your own free will, on the basis of your own decision, to  
24 the investigators of the General Praljak Defence team?

25 A. Counsel, I did give the statement of my own free will. And to

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1 demonstrate that, I initialled every single page and signed it. And I  
2 stand by my statement.

3 MR. KOVACIC: [Interpretation] Thank you. Thank you, Witness. I  
4 have no further questions.

5 Your Honours, we are going to place Mr. Tokic's statement on our  
6 IC list, although it was not our intention to use it because we thought  
7 that we could obtain everything we wanted to through the testimony. But  
8 since the other side raised the statement, then we'll put it on our IC  
9 list. Thank you.

10 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic.

11 MS. ALABURIC: [Interpretation] Your Honour, good morning to you,  
12 Mr. Tokic, and everybody else in the courtroom.

13 First of all, some information about the intentions of the  
14 Petkovic Defence with respect to additional questioning. We have a few  
15 short questions on two areas discussed during the cross-examination  
16 conducted by my learned friend Mr. Kruger, a short question from the  
17 cross-examination of the Stojic Defence on a topic that was touched upon  
18 in the examination-in-chief as well, and our redirect would be focused on  
19 the Stojic Defence team's about topics not encompassed during the  
20 examination-in-chief. We consider that the Trial Chamber, in allowing  
21 these questions to go -- to be asked, will also allow new topics to be  
22 broached, so we'd like to explain some of those topics. Let me tell you  
23 what this is about.

24 JUDGE ANTONETTI: [Interpretation] No, no. Ms. Alaburic, the  
25 Trial Chamber is very flexible. I was about to say even too tolerant.

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1 The redirect should have a direct connection, and this is stated by the

2 Appeals Chamber, to the questions put by the Prosecutor, and the redirect  
3 must be closely linked to this. Remember that on such and such a page,  
4 the Prosecutor has stated this and that, and then you put your question.  
5 Redirect does not mean an examination-in-chief all over again. You must  
6 keep this in mind.

7 I'm very surprised that you come back with a whole series of  
8 documents. If these documents have something to do with Mr. Kruger's  
9 questions, fine. Otherwise, no, this is not an examination-in-chief.  
10 You should have put your questions during the examination-in-chief. So  
11 please abide by the procedure. I will only listen to those questions  
12 which have a direct connection with what Mr. Kruger has said and with  
13 what the Judges have said. This is what Mr. Praljak has done. We have  
14 scrutinised all this, we have looked at the questions he raised, and the  
15 same applies to you.

16 There is no question of addressing a new topic. I hope this is  
17 clear.

18 MS. ALABURIC: [Interpretation] Your Honours, you have completely  
19 misunderstood me.

20 Not a single of my questions is going to refer to any of the  
21 subjects that were not raised during examination-in-chief.

22 JUDGE ANTONETTI: [Interpretation] In that case, needless to make  
23 a statement. Just put your question.

24 MS. ALABURIC: [Interpretation] I'd like to correct the  
25 transcript. Were not raised during examination-in-chief, but rather

1 during cross-examination, primarily by Bruno Stojic's Defence team, and  
2 the General Petkovic's Defence team is not going to use even as much time  
3 as General Praljak consumed for his redirect. And I honestly don't  
4 understand why this attempt on my part to explain to you the structure of  
5 redirect provoked such a reaction. I really don't understand.

6 MS. NOZICA: [Interpretation] I apologise to the Chamber and to my  
7 learned friend. I would just like to say that the cross-examination of  
8 the Bruno Stojic's Defence team went beyond the limits of direct --  
9 examination-in-chief. I can only surmise that this refers to parts of  
10 cross-examination of Stojic's Defence, and I would like to say that none  
11 of the questions raised were outside of the documents put to Mr. Tokic.  
12 The majority of questioning referred to document 3D796, which Mr. Praljak  
13 showed during direct examination and again today during redirect. Thank  
14 you.

15 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, put your  
16 questions, and we will see whether this is part of the scope of questions  
17 or not.

18 Further re-examination by Ms. Alaburic:

19 Q. [Interpretation] Mr. Tokic, yesterday, in response to the  
20 questions put by my learned friend Mr. Kruger on page 68 of the record,  
21 the question was whether Gornji Vakuf could have been part of the  
22 Herceg-Bosna in view of the fact that the majority of population were  
23 Muslims, my question to you, Mr. Tokic, is as follows: According to the  
24 Vance-Owen Plan, Gornji Vakuf was allocated to what we simply call the  
25 Croatian province?

1 A. According to the Vance-Owen Plan, Gornji Vakuf-Uskoplje was  
2 supposed to become part of the Croatian province.

3 Q. You spoke about war prisoners when you were asked by my learned  
4 friend the Prosecutor, the prisoners who were housed in a factory. Can  
5 you tell us for how long these prisoners were kept in this factory?

6 A. The war prisoners housed in this factory remained there until the  
7 end of combat operations, when conditions were ripe for them to return to  
8 the areas where they had been living before the conflict started.  
9 Therefore, I would say about 10 days.

10 Q. Mr. Tokic, were the war prisoners released immediately after the  
11 combat operations or were some of them transferred to Prozor? Can you  
12 clarify this a little bit more? I'm talking solely about war --  
13 prisoners of war.

14 A. When we talk about the POWs from the BH Army, those for whom  
15 evidence was collected that indicated that they should be subjected to  
16 additional investigation, they were transferred to the area around  
17 Prozor, because I'm not sure about the specific location.

18 Q. Mr. Tokic, had you heard that one of the POWs named Hasan Behlo  
19 sustained bodily injury while in captivity?

20 A. Yes, I've heard about that incident. I was informed about it.

21 Q. Can you tell us, after the cessation of combat operations, was  
22 any proceeding instituted against the person who inflicted these injuries  
23 on Mr. Behlo?

24 A. Yes, yes. The military police and the Security Department

25 instituted proceedings against members of -- a member of HOS. I think

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1 that his name was Kristo, last name, probably Stipo, first name, and I'm  
2 quite sure that the proceedings were set in motion, and this prisoner was  
3 taken care of in the infirmary of the 1st Battalion and an ambulance took  
4 him to Rumboci for further treatment.

5 Q. In continuation, Mr. Tokic, I'm going to ask you questions  
6 relating to examination-in-chief by Bruno Stojic's Defence. The first  
7 question refers to deserters, page 11 of yesterday's transcript.  
8 Actually, I have only one question relating to this topic.

9 If the military conscripts from Gornji Vakuf left the area of the  
10 municipality, could the brigade command or anyone from the municipality  
11 do anything to locate these conscripts and bring them back to Vakuf?

12 A. As a brigade commander, as well as the civilian institutions in  
13 Uskoplje, had no jurisdiction over these matters, if a military conscript  
14 felt [as interpreted] the area of the municipality, he was deemed  
15 inaccessible.

16 Q. My next question refers to --

17 JUDGE ANTONETTI: [Interpretation] Witness, you are saying that he  
18 was no longer accessible, but this should come under the jurisdiction of  
19 the military prosecutor; do you agree?

20 THE WITNESS: [Interpretation] I said that I and the authorities  
21 of Gornji Vakuf-Uskoplje, he was not accessible. However, he may have  
22 been accessible to higher authorities.

23 JUDGE ANTONETTI: [Interpretation] All right, thank you.

24 MS. ALABURIC: [Interpretation]

25 Q. Was that precisely the reason for you, at the meeting held on the

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1 26th of October, 1993, you made requests that you have passed on to the  
2 authorities of Herceg-Bosna?

3 A. I said today as well that that was the ultimate cry for help that  
4 we made in order to gain more troops and more equipment in order to  
5 enable us to carry out our mission, which was the protection of  
6 Gornji Vakuf-Uskoplje as well as the protection of property and people's  
7 lives.

8 Q. Bruno Stojic's Defence asked you about item 7 from document  
9 3D796, 3D796, and these are conclusions from the meeting held on the 26th  
10 of October. This particular item contained a request for drafting a  
11 single disciplinary rule book that would be appropriate for wartime. The  
12 this question was on page 24, and there were also Judges' questions on  
13 the same topic.

14 Mr. Tokic, you told us that the rule book was not distributed  
15 on -- in the field but that there were guide-lines issued directing the  
16 troops how to implement this rule book. I would just like to draw your  
17 attention to some of the elements of this rule book in order for us to be  
18 able to define and determine why one of these appeals and cries for help  
19 you formulated at this meeting referred to the rule book of --  
20 disciplinary rule book as well.

21 In the documents that you have in your file, look at the document  
22 P293, military disciplinary rule book. Just briefly, for the Judges to

23 get a rough picture of why you posed these requests, look at Article 6.

24 In Article 6, it is said that:

25 "Disciplinary errors shall be milder breaches of rules or other

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1 regulations, whereas -- as well as breaches of other enactments."

2 Have you seen it?

3 A. Yes.

4 Q. Look at Article 10 now, which reads:

5 "Certain disciplinary measures can be imposed and pronounced for  
6 those who commit minor disciplinary breaches."

7 My assistant is telling me that what I said about Article 6 was  
8 not entered into the record.

9 Article 6 says that disciplinary errors are to be considered as  
10 milder breaches of discipline and that disciplinary breaches --  
11 disciplinary offences shall be gross breaches of rules and discipline.  
12 From this, it derives that there are two possible ways of breaching  
13 discipline; milder and more serious. Is that correct?

14 A. Yes.

15 Q. In Article 10, it says that for the minor breaches of discipline,  
16 the following disciplinary measures shall be pronounced. And in  
17 Article 11, that for disciplinary offences -- that is to say, for more  
18 serious breaches of discipline, disciplinary punishment can be  
19 pronounced. The book of rules, therefore, distinguishes two different  
20 sanctions for milder breaches of discipline and punishments for serious  
21 breaches of discipline; is that correct, Mr. Tokic?

22 A. Yes, it is.

23 Q. Let's look at Chapter 3 now. I beg your pardon, Chapter 2 of  
24 this book of rules, which speaks about punishments for milder breaches of  
25 discipline. I'm going to paraphrase, and the Chamber can -- Trial

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1 Chamber can see for themselves. And it says that military commanders are  
2 entitled to impose disciplinary measures for milder breaches.

3 Mr. Tokic, were you aware of the fact that military commanders  
4 were eligible and entitled to impose such measures for the breaches of  
5 discipline of a milder nature?

6 A. Yes, I was.

7 Q. Now, let's look at Chapter 3 of these rules. It refers to the  
8 decision-making and deliberating on more serious breaches of discipline.

9 JUDGE TRECHSEL: Ms. Alaburic, it would be easier to find the  
10 place if you gave a number of an article rather than the chapter.

11 MS. ALABURIC: [Interpretation] I will do so, and I'm sorry that I  
12 didn't think of that myself.

13 Chapter 3 begins with Article 51. This chapter refers to the  
14 sanctions to be imposed for more serious breaches of discipline, and it  
15 is stipulated here that these measures shall be decided by military  
16 disciplinary courts.

17 Q. Is that correct, Mr. Tokic?

18 A. Yes, it is.

19 Q. From what we have just glanced at, it turns out that military  
20 commanders were not authorised to impose disciplinary measures on their

21 troops for serious breaches of discipline; is that correct?

22 A. Yes, that's how it was.

23 MS. NOZICA: [Interpretation] Your Honours, I apologise. I just  
24 have an objection to these questions being leading. This is not a  
25 cross-examination, this is direct examination, so in order not to get up

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1 all the time I would just like to make this objection.

2 JUDGE ANTONETTI: [Interpretation] We're in a non-identified  
3 procedure zone, so please try and avoid -- refrain from putting leading  
4 questions.

5 MS. ALABURIC: [Interpretation] I will do so, and I apologise,  
6 Your Honours.

7 Q. Mr. Tokic, at the meeting of the 26th of October, 1993, when you  
8 asked for disciplinary rules to be compiled, a single book of rules, did  
9 you ask to expand the authority of military commanders when it comes to  
10 punishing the perpetrators?

11 A. We, among other things, asked for more authority for the military  
12 commanders, but also we asked for the system acts more efficiently in  
13 order for us to gain access to those who were inaccessible.

14 Q. In that context, Judge Trechsel asked you whether these powers  
15 referred both to the soldiers who were not on duty, and I think you  
16 answer that when asked about that by General Praljak. But let me just  
17 draw your attention to one of the rules from the book of rules just to  
18 see to whom it refers.

19 Let us look at Article 4, Mr. Tokic, which reads that these rules

20 shall be applicable to military servicemen and civilians employed in the  
21 armed forces. And in Article 21, it says that military servicemen are  
22 defined in a more precise manner by saying that they include soldiers,  
23 reserve soldiers, officers, and non-commissioned officers. According to  
24 your knowledge, with the exception of these four categories, was there  
25 any category of servicemen?

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1 A. Speaking about the doctrine of the All People's Defence, it  
2 recognises the methodology by stating that the preparation for defence  
3 and participation in defence is realised by serving in active duty units  
4 than in reserve units, than by serving in civilian protection units, by  
5 serving in surveillance and early-warning system units. This was also  
6 stipulated as work obligation for the citizens, who should ensure that  
7 the production of food, ammunition, and everything else should go on.  
8 And, finally, there is an obligation of providing material support. That  
9 referred to the assets belonging to the citizens who, at the request of  
10 the defence office, give their personal car, their tractor, their lorry,  
11 or livestock for the use of the army.

12 Q. Mr. Tokic, now let's move on to a new area, and that area is SIS,  
13 S-I-S. Now, the questions and answers recorded in yesterday's transcript  
14 range from pages 25 onwards, and what I'm interested in covers some 10  
15 pages of that record.

16 Now, I'll just remind you of some of the elements. You were  
17 shown a number of documents. Questions were asked about them. And on  
18 page 26, you were asked the following: Whether the commander from the

19 SIS Administration asked you about your opinion about the appointment of  
20 his SIS assistant. And on page 29 of the record, you were asked about  
21 your oral approval whereby the assistant SIS person for your brigade  
22 should be appointed in the SIS centre. And you were shown a document  
23 alongside the question, so would you please look at that now. It is  
24 2D567. It is the decision on the internal establishment and organisation  
25 of the Defence Department, dated the -- dated 1992. And the Stojic

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1 Defence asked you to focus on item 4 of that decision. And I'm now going  
2 to summarise what it says here on the subject of appointments.

3 Appointments from the first three lines of this item is done by  
4 the head of the Defence Department, at the proposal of the assistant head  
5 for security, and further down in the text it goes on to say that the  
6 operatives and lower-level employees are deployed directly by the  
7 assistant for security, along with prior approval from the head of the  
8 Defence Department.

9 Now, my question to you, Mr. Tokic, is this: From this decision,  
10 I do not see that in this procedure -- that this procedure provided for  
11 the fact that the brigade commander should give -- state any opinion or  
12 state his agreement and approval with respect to the appointment of any  
13 person working in SIS, so can you explain to us now this discrepancy  
14 between the rules and regulations and practice?

15 A. Counsel, it is true that I in no way was consulted when it came  
16 to appointing Zvonko Katovic, my assistant for security, nor did he ask  
17 me for any kind of approval, prior approval.

18 Q. Mr. Tokic, I apologise for interrupting you, but can you just  
19 tell us what, in your opinion, was the reason for which the procedure on  
20 appointment was stipulated in one way in the rules and regulations,  
21 whereas it worked differently in practice, which the Stojic Defence, in  
22 the presentation of its case, showed us? Can you just tell us what the  
23 reason for that was, the reason for this discrepancy and divergence?

24 MR. KHAN: Mr. President, Your Honours, I do hesitate to rise,  
25 but I would ask -- there's been very long questions that have taken on

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1 the characteristic of almost narratives rather than direct questioning,  
2 and I would ask that particular attention be given by my learned friend  
3 not to lead. There's no rule, of course, that allows leading questions  
4 or suggestion in re-examination. The usual rules of evidence must apply,  
5 and I'd ask that my learned friend adhere to those rules.

6 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, please  
7 reformulate.

8 MS. ALABURIC: [Interpretation] I just put to the witness what was  
9 stated during the cross-examination by the Stojic Defence, and my  
10 question is a simple one. Does the witness know why, in the decision,  
11 the procedure governing appointments is set up in one way, whereas things  
12 happened in quite a different way in practice? Perhaps the witness knows  
13 what the reason for that was; perhaps he doesn't.

14 THE WITNESS: [Interpretation] When it comes to Zvonko Katovic,  
15 Luka Markovic, as the head of the SIS centre, came to have a cup of  
16 coffee with me together with Zvonko Katovic, and when asked whether I

17 agreed that Zvonko Katovic should move over to -- right in the SIS  
18 centre, I said that I did agree, that I gave my approval. Now, further  
19 procedure, as brigade commander, I did not know what the subsequent  
20 procedure was.

21 MS. ALABURIC: [Interpretation]

22 Q. Mr. Tokic, in reading item 4 here, if you read it carefully, all  
23 it deals with is the question of appointment, appointment for SIS  
24 workers, whereas there's not a single word about --

25 MR. KHAN: I do object. Once again, my learned friend is

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1 interposing, with a question, her own interpretation of a document. This  
2 is inappropriate, so that's one of the grounds of the objection. The  
3 other, Your Honour, is that I would ask that my learned friend, when she  
4 wishes to ask further questions, in order to assist the Chamber, gives  
5 the reference as to the portion of my learned friend Ms. Nozica's  
6 questioning, and so she can say that, On page X, on line so-and-so, you  
7 were asked this, and so it's very clear what the re-examination is said  
8 to arise out of.

9 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, you put a very  
10 specific question to the witness. You asked him whether he knew why, in  
11 the text, there was a procedure and that the practice was different.  
12 He's telling you -- well, actually, he's mentioning two cases, the  
13 Luka Markovic and Zvonko Katovic, where he was asked -- about whom he was  
14 asked his advice, and the rest he doesn't know. Well, then that's it,  
15 there's no need to continue.

16           What more do you want? He's just told you that he doesn't know.  
17           Isn't that enough? And the text is very clear. The text does show that  
18           these people were not appointed on an intervention from the brigade  
19           commander.

20           You're wasting time. What more do you want? You're not adding  
21           anything, you're not adding any value. I could cut you off right now.  
22           I'm too lenient, you know, so I let you go on, but it's pointless.  
23           You're wasting your time, it's fruitless, plus you're raising problems  
24           with other Defence teams.

25           On a legal case, you know, we have a document that says this is

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1           the procedure, this is what happens in practice. He just gives us his  
2           opinion, and it can't go on any further. So now that we are done with  
3           this subject, you know, move on to something else. There's no need to,  
4           you know, to flog a dead horse.

5           MS. ALABURIC: [Interpretation] Your Honour, I have an objection  
6           at this point in time as to how these proceedings are being conducted.

7           When the Stojic Defence raised questions that were not raised  
8           during the examination-in-chief, you did not utter a single word to say  
9           that they were additional questions or areas, and you never said a single  
10          word that, in keeping with your rules, that you couldn't ask questions --  
11          you couldn't ask leading questions to new -- on new topics. Now, the way  
12          in which you're reacting to the Stojic Defence team, I really do consider  
13          that it is an infringement of the right to a fair trial, and I consider  
14          that as far as General Milivoj Petkovic is concerned, with conducting the

15 proceedings in court in this way, I really do feel --

16 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, don't speak  
17 nonsense. You have a text. You want to know whether the SIS people are  
18 appointed with the advice of the brigade commander. I understand your  
19 point. You're defending Mr. Petkovic. I understand your purpose. You  
20 put the question to the witness. He answered, saying that as far as he  
21 was concerned, he was asked -- his opinion was asked just once, but he  
22 can't say anything more, so that's it. Why talk about a fair -- fair  
23 proceedings and so forth?

24 I understood. We have a document, there is a specific procedure.  
25 That's it. What are you trying to prove? I don't understand your point.

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1 How is talking about a fair trial -- fair trial, fine. I want to  
2 understand your questions, but they have to have a purpose. If they go  
3 against your own interest, I will warn you and tell you that you're  
4 wasting your time.

5 MS. ALABURIC: [Interpretation] Your Honour, I do apologise, but  
6 may I just be allowed to respond to His Honour Judge Antonetti.

7 Judge Antonetti, Your Honour, my last question related to the  
8 topic of dismissal of SIS personnel, dismissing them of their duties. Up  
9 until that time, we were talking about appointments. And if you want to  
10 understand document 3D796 properly, then you would have to try and  
11 understand why the military commanders, in item 13 of that document,  
12 wrote that the authorisation and remit of the manner of putting forward  
13 appointments should be established for the SIS service.

14 Now, what I want to demonstrate was, first of all, that the  
15 regulations and procedure on appointment was set up in one way, whereas  
16 practice was different, it functioned differently in practice. And if  
17 you will allow me, Judge Antonetti, in continuation of my examination,  
18 I'll focus on other elements which are important to understand why it was  
19 that the military commanders made this conclusion in the first place.

20 And I consider that in this courtroom, it is also very vital --  
21 it is also important to note the tone used by the Trial Chamber and the  
22 tone used in addressing each of the Defence teams, and if there is a  
23 difference in the way in which the Trial Chamber addresses the various  
24 Defence teams, or if certain counsel, Defence counsel, are regularly --  
25 on a regular basis interrupted in their examination, whereas others are

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1 allowed to go on and for umpteen minutes, whether they have something to  
2 say or not, I consider that to be an infringement of my right to a fair  
3 trial, and I consider it my duty to indicate this and, if necessary, that  
4 steps be taken to redress that.

5 Now, I cede the floor to Mr. Khan, if he wishes to add something.

6 JUDGE ANTONETTI: [Interpretation] Mr. Khan.

7 MR. KHAN: Mr. President, I'm most grateful.

8 With the greatest of respect, I deprecate any innuendo or  
9 suggestion of unfairness that's raised by my learned friend, and, of  
10 course, I'm sure it was not the case that any threat was being raised.  
11 If there is any unfairness in these proceedings, that unfairness that is  
12 alleged can be rectified at an appropriate stage before the

13 Appeals Chamber. In my respectful submission, Your Honours have  
14 endeavoured to put forward, within the constraints that you're operating  
15 under, a fair trial to all parties.

16 But with the greatest of respect, the submission of my learned  
17 friend is nonsense, absolute and utter nonsense, and in due course,  
18 Your Honour, we will be inviting Your Honours to give less weight to the  
19 testimony of a witness -- any witness where there is movement in  
20 re-examination, where, as in the present case, my learned friend has not  
21 only sought to reply to an objection, but has given a road map to the  
22 witness, who's in the courtroom, as to what she seeks to get from that  
23 witness. That is a gross liberty, in my respectful submission, which can  
24 only affect the credibility of a witness that you have to assess when you  
25 are assessing the evidence that is elicited.

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1 Your Honour, my learned friend raised the objection initially, at  
2 page 56, that the Defence for Bruno Stojic raised questions that were not  
3 raised in examination-in-chief. I am most perplexed by that proposition.  
4 Of course, the questions put forward by my learned friend Ms. Nozica was  
5 cross-examination, and the Rules make it very clear that questioning in  
6 cross-examination is not confined to evidence led in-chief, but is led --  
7 can extend to any evidence that is relevant. But that's not only the  
8 case. The cross-examination that was put forward by Bruno Stojic  
9 directly arose out of Defence -- out of examination-in-chief.

10 Your Honour, this document, 3D796, is a document that was put  
11 forward by General Praljak, and if one looks at paragraph 14, Your Honour

12 will see that the questioning of my learned friend -- sorry,  
13 paragraph 13, paragraph 13, you'll see that the questioning of my learned  
14 friend and the Defence for Mr. Stojic arises directly -- directly out of  
15 the evidence that was put forward by General Praljak. So the proposition  
16 or the assertion that's being bandied about, that there's been some  
17 extravagant lenience that's been given to the Defence for Mr. Stojic, is  
18 singularly without a scintilla of merit, in my respectful submission.

19 Your Honour, I would ask, without wasting further time, that my  
20 learned friend simply gets on with re-examination and confines it to  
21 issues that have arisen out of cross, and she should be quite specific as  
22 to why she says it's relevant, and should ask it in a non-leading,  
23 non-suggestive format.

24 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, please refrain  
25 from putting leading questions.

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1 You wanted to highlight two things: That there's on the one  
2 thing, the appointment, and the dismissal. So if you absolutely wish to  
3 talk about the dismissal, please put your question, but be brief.

4 MS. ALABURIC: [Interpretation] Your Honour, I will speak about  
5 dismissals, because that was the topic of the document that was shown by  
6 the Stojic Defence, and it is document 2D3053. And I will get to that in  
7 due course. This is just an introductory question.

8 Q. Anyway, on this -- in this decision on internal establishment,  
9 can you find a provision which deals with the dismissal of SIS employees?

10 A. With all due respect, Madam Counsel, I cannot see that dismissals

11 are governed here.

12 Q. Very well. Can you please now look at the next document  
13 previously shown to you by Stojic's Defence, which is 2D3053. Asking  
14 questions about this document, Bruno Stojic's Defence counsel said, which  
15 is on page 28 and onwards on page -- 27 and 28:

16 [In English] "It is sent by the Main Staff of the Croatian  
17 Republic of Herceg-Bosna personally to Ivan Lucic."

18 [Interpretation] My first question is: Mr. Tokic, can you tell  
19 us who sent this report?

20 A. This report was sent by my assistant for security,  
21 Mr. Zvonko Katovic.

22 Q. Do you know who was the head of SIS in Herceg-Bosna?

23 A. Yes, I do, Madam Counsel.

24 Q. Tell us his name.

25 A. That was Mr. Ivan Lucic.

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1 Q. Can you please look at page 1 of this document. Was this  
2 document sent to Mr. Ivan Lucic?

3 A. Yes, it was. On page 1, you see: "Main Staff of the Croatian  
4 Republic of Herceg-Bosna. Attention: Mr. Ivan Lucic."

5 Q. So was Mr. Ivan Lucic with the Main Staff or with the Defence  
6 Ministry; do you know?

7 A. As far as I know, he should be with the Ministry of Defence.

8 Q. Can you explain to us how come that your assistant for security  
9 doesn't know where number 1 person in SIS is stationed or where he works?

10 A. It is difficult for me to give you an answer to that. I said  
11 that I knew that he was with the Ministry of Defence, and why Katovic  
12 said "Main Staff," probably a clerical error.

13 Q. Now, the next person -- the next recipient of this document was  
14 Luka Markesic. Mr. Tokic, did you, too, receive this report?

15 A. Absolutely not, because this service had a special packaged radio  
16 communication which was hidden away from the commander, and the commander  
17 saw it for the first time yesterday in this courtroom.

18 Q. Yesterday, Mr. Tokic, you said that your assistant for security  
19 was within your chain of command?

20 A. That's right, he was my assistant for security.

21 JUDGE ANTONETTI: [Interpretation] Witness, I understand that  
22 communications coming from your SIS assistant were sent without you  
23 knowing about it, but you said that this was a packet-switching system.  
24 And when I look at this in your own language, I see that this document  
25 has been signed, so these are sent by packet-switching system, and here

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1 we have a handwritten signature. So this must have been sent via mail.

2 I don't know. There's a signature here. Katovic has signed.

3 THE WITNESS: [Interpretation] Your Honours, allow me to explain.

4 My assistant for security in the Dr. Ante Starcevic Brigade,  
5 Zvonko Katovic, was not using my line of reporting to the military  
6 district or operations zone. He had a separate modem and a separate  
7 computer, and even I, as the commander, could be unaware of some  
8 information that he was sending. And I categorically claim that this

9 document that I'm holding in my hand now, I saw it for the first time  
10 yesterday in this courtroom.

11 JUDGE ANTONETTI: [Interpretation] Witness, I agree with what  
12 you've said, but the problem doesn't come from there. The fact is that  
13 the communication wasn't sent by modem, or via computer, or through  
14 electronic means, because the letter is signed, so this must have been  
15 placed in an envelope and, I don't know, perhaps a courier or postman  
16 brought it, or maybe a pigeon, perhaps. But this wasn't sent through  
17 electronic means.

18 THE WITNESS: [Interpretation] May I explain?

19 The SIS centre in Rama, due to security issues from the area of  
20 Rama municipality, was placed in Gornji Vakuf-Uskoplje. Luka Markesic  
21 was operating from Gornji Vakuf-Uskoplje, and this report was probably  
22 taken by Luka Markesic -- or, rather, sent by courier, in a car, and  
23 delivered to Mr. Ivan Lucic at the Ministry of Defence, and this could be  
24 the explanation for the signature. But this document was probably sent  
25 also through packet radio communication.

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1 JUDGE ANTONETTI: [Interpretation] Very well.

2 Ms. Alaburic.

3 MS. ALABURIC: [Interpretation] [Previous translation  
4 continues]... now we have the explanation.

5 I would just like to say that one word is missing in the record.  
6 Before the question asked by Judge Antonetti, the witness gave an  
7 affirmative answer.

8 Q. Now, in this document, it is described in what way you dismissed  
9 and transferred a SIS desk clerk to infantry. I'm going to ask you about  
10 this issue, the following: As the head of SIS, did Ivica Lucic annul  
11 this decision on transfer to the infantry?

12 A. Madam Counsel, nobody from the Security Service reacted to my  
13 decision, and as far as I can remember, after that this official probably  
14 left the area of Gornji Vakuf-Uskoplje and went to undergo surgery in  
15 Zagreb.

16 Q. According to what you know, Mr. Tokic, as the head of SIS,  
17 immediately after having learned about this incident, did Mr. Lucic  
18 appoint a new desk clerk to your brigade?

19 A. No, he didn't.

20 Q. Did anyone from the Ministry of Defence intervene with regard to  
21 this incident?

22 A. No.

23 Q. Mr. Tokic, when, at the meeting of the 26th of October, 1993, the  
24 military commanders asked the civilian authorities to pass the rule  
25 governing the authority with respect to dismissals and appointments of

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1 SIS personnel, what was their intention? What did they hope to achieve?

2 A. They wished, first of all, for this procedure to be defined in a  
3 manner that everyone can understand and that should be based on the  
4 qualifications and skills of those persons rather than to be directed  
5 against the so-called whistle-blowers, and that would be something that  
6 this person can freely pass without giving an opportunity to a commander

7 to clear his name.

8 JUDGE ANTONETTI: [Interpretation] [Previous translation  
9 continues]... tell you that because of the tapes that we should, normally  
10 speaking, have a break around quarter past 12.00, 20 past 12.00. You  
11 have already had 30 minutes for your redirect, which is a fair amount of  
12 time. Maybe it would be a good idea to finish now.

13 MR. STRINGER: Excuse me, Counsel, for the interruption. I  
14 apologise, Mr. President, and to counsel for the interruption.

15 The Prosecution will have a very brief submission to make, which  
16 we'd like to do today at some point before we finish for the week.

17 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic.

18 MS. ALABURIC: [Interpretation] Your Honours, I have a feeling  
19 that everyone is eager to complete this session today as soon as  
20 possible. Let me just check this report on SIS personnel.

21 Q. On page 3, that's in English the middle of page 4, Mr. Katovic  
22 says as follows:

23 "There are personnel problems in the brigade because the brigade  
24 commander has not been appointed."

25 It turns out, Mr. Tokic, that at that point you were not the

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1 commander of the Dr. Ante Starcevic Brigade. Can you offer any  
2 explanation for that?

3 A. Madam Counsel, what was going on in the domain of personnel  
4 issues and what personnel documents said, I didn't care much about that  
5 at the time. I had much more important duties to do and to carry out my

6 mission, and the procedure for my appointment was not within the scope of  
7 my considerations.

8 Q. I'm going to ask you only one more document, which is P4211,  
9 P4211. Please look at Article 5, which reads as follows:

10 "The checks and the supervision of the legality of the operation  
11 of SIS shall be ensured and implemented by the head of the Defence  
12 Department and the person appointed by the president of the HZ-HB."

13 Mr. Tokic, were you aware that these institutions were entrusted  
14 with supervising the operation of SIS?

15 A. Unfortunately, I didn't read these rules during the war in great  
16 detail. As a commander in wartime, I had my own obligations, and I knew  
17 how to act. Therefore, I was not aware of these measures.

18 MS. ALABURIC: [Interpretation] Your Honours, thank you for  
19 granting me additional time.

20 Thank you, Mr. Tokic. And for the benefit of further successful  
21 completion of this session, I will refrain from asking any further  
22 questions.

23 JUDGE ANTONETTI: [Interpretation] Witness, I would like to thank  
24 you for having come to testify at the request of the Praljak and Petkovic  
25 Defence teams. I shall ask the usher to escort you out of the courtroom.

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1 [The witness withdrew]

2 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

3 MR. STRINGER: Thank you, Mr. President, and good afternoon to  
4 you and to Your Honour Judge Trechsel and all counsel.



4 Perhaps I should just note that.

5 But on the substance of the matter which is now being canvassed  
6 by Mr. Stringer, and he did mention it yesterday, Your Honour, the  
7 reply -- and Your Honours now have it. It was filed yesterday. The  
8 reply very specifically, point by point, deals with specific matters  
9 raised by reference to paragraphs in the Prosecution response. It is  
10 well within the normal ambit of a reply.

11 The skepticism to which Mr. Stringer refers is not in any way any  
12 innuendo of any lack of good faith on the part of the Prosecution. If  
13 Your Honours have had an opportunity or do have an opportunity to look at  
14 our reply, it's just a skepticism as to how the process would actually  
15 work when one looks at what everybody's obligations are.

16 Your Honour, if this most unusual step is going to be taken, then  
17 it ought to be presented to Your Honours more specifically than this,  
18 rather than just mention a point in our reply by reference to  
19 "skepticism" and then ask for some general leave to put in a further  
20 filing. It's incumbent upon the Prosecution, we suggest, to say very  
21 specifically what it is that they wish to take up, and confine any  
22 further document very specifically to that matter, if indeed it is  
23 justified at all.

24 So in our submission, Your Honour, this application needs to be  
25 more directly and specifically made to Your Honour and not in those

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1 rather general terms.

2 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I have just

3 consulted my colleague on the Bench. Before we grant you leave to reply,  
4 we would like to know on what points you would like -- specifically you  
5 would like to respond to the Defence's reply.

6 The Trial Chamber acknowledges that an extremely important point  
7 has been raised by the Defence motion, so we need all the information we  
8 can get. A lot of written submissions have been filed so far, and before  
9 we grant you leave to respond, because this would be an exceptional case,  
10 we would like to know what specific points you would like to focus on in  
11 your reply, based on the Defence written submissions. And I think you  
12 could specify this.

13 JUDGE TRECHSEL: We are a bit limited in our possibilities to  
14 deliberate within the reduced Chamber. The idea I think we agreed upon  
15 was that you would, as is often done with a request to file a reply, file  
16 your request for re-reply together with the re-reply, which would give  
17 the Chamber the possibility to look at it and then decide whether to  
18 accept it or not. As you have said that you would file it tomorrow, we  
19 suppose that you are ready, anyway.

20 MR. STRINGER: Well, it hasn't been written, Your Honour, but it  
21 will be, and it certainly can and would be filed tomorrow. I think the  
22 suggestion by Your Honour Judge Trechsel is certainly one that is  
23 appropriate, and we will do that. We will file this as a request to file  
24 a reply to the reply, and we will identify the specific points, and then  
25 the Trial Chamber, obviously, can accept or reject that.

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1 JUDGE ANTONETTI: [Interpretation] Very well.

2 MR. STEWART: Obviously, there has to be some limits to this  
3 process, but may I simply say that naturally we would wish to reserve our  
4 position. And I am, I believe, speaking on behalf of the three Defences  
5 who filed the reply which has triggered off this particular discussion.

6 JUDGE ANTONETTI: [Interpretation] Now, to understand more clearly  
7 what all this is about, let's look into the request for leave to reply,  
8 which will be filed by the Prosecution tomorrow.

9 Next week, we shall be hearing an expert witness. This has been  
10 planned. Mr. Kovacic, your witness will be there on Monday, will he?

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

12 No, we have no problems. We have been informed that the witness  
13 is coming in as planned. We'll have a proofing session over the weekend,  
14 but otherwise he ought to be here, unless something unforeseen happens  
15 like him falling down some steps in the hotel and breaking his leg or  
16 anything of that kind.

17 JUDGE ANTONETTI: [Interpretation] Very well. We hope that this  
18 person will be on his two feet on Monday. I hope everybody will be on  
19 his or her feet on Monday, and I will have the pleasure of meeting you  
20 again on Monday at a quarter past 2.00.

21 The Court stand adjourned.

22 --- Whereupon the hearing adjourned at 12.21 p.m.,  
23 to be reconvened on Monday, the 5th day of October,  
24 2009, at 2.15 p.m.

25