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1 Tuesday, 12 May 2009 2 [Open
session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 [The witness takes the stand]

6 --- On resuming at 9.02 a.m.

7 JUDGE ANTONETTI: [Interpretation] Registrar, kindly call the
8 case.

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

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

13 Thank you, Your Honours.

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

15 Today is Tuesday, 12th of May, 2009. Good morning to Mr. Stojic,
16 to Mr. Petkovic and Mr. Pusic. Good morning to you, Mr. Praljak. Good
17 morning to the Defence counsel, to Mr. Stringer and his associates, and
18 to all the people assisting us.

19 The examination-in-chief is going to be continued. Mr. Kovacic,
20 you may proceed.

21 WITNESS: SLOBODAN PRALJAK [Resumed]

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

24 Q. [Interpretation] General, I suggest we move on to the next
25 document, the next copy of "Hrvatski Vojnik," 3D0120 -- 01280, and it is

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1 dated the 14th of August, 1992.

2 A. Good morning, Your Honours, and good morning to everybody else in
3 the courtroom.

4 Judge Trechsel, after yesterday's comments from you, during the
5 night I tried to put myself in a position whereby I would be able to
6 differentiate the less important from the more important, and I might
7 have gone into some subjects at length, so I have tried to summarise and
8 make a precis and reduce the number of copies of the "Hrvatski Vojnik" or
9 "Croatian Soldier" that I want to display here, and I'll try to follow
10 your guide-lines and instructions. So some of it might not be as
11 relevant as other portions, but I always feel that I have to defend the
12 policy and politics to which I belonged.

13 So, anyway, here we have a "Croatian Soldiers in Holland." What
14 page is it?

15 Q. 3D3604407, and it is Exhibit 3D01280. Perhaps -- well, on
16 page 2, line 12, the general said the "policy and army that I belonged
17 to," or "politics and army that I belonged to," so that might have caused
18 some difficulty there.

19 A. I think that there are two important points in this particular
20 article, and that is in 1992, that is to say, before August 1992, the

21 Croatian Army was a participant in the display in Holland where armies
22 from 46 countries took part, and it says how they were received there.
23 But I'd like to mention that in paragraph 3 of the original text, it says
24 that a colonel of the Dutch Army, Mr. Willy Van Noort, voluntarily joined
25 the Croatian Army, and therefore he was a member of that army and trained

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1 some of our units. And I had contacts with him -- or, rather, I liaised
2 with him. Of course, we didn't take in everybody who wanted to join, but
3 we considered that it was a particular honour and privilege to have a
4 colonel of the Dutch Army join us.

5 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, could you please
6 bring the microphones closer to you, because the interpreters find it
7 hard to hear you.

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

9 THE INTERPRETER: Could all the microphones not in use be
10 switched off, please. Thank you.

11 THE WITNESS: [Interpretation] So that's another example of the
12 openness of the Croatian Army, and how it behaved, and what its conduct
13 was.

14 THE INTERPRETER: Microphone for counsel, please.

15 MR. KOVACIC: [Interpretation]

16 Q. The next document is 3D01281. Go ahead.

17 A. This is a seminar on war law or a workshop on war law. It is
18 e-court page 3D29-0532, and in English --

19 Q. Let me repeat the number. It wasn't recorded fully. It's
20 3D29-0532, and in English it is 3D360532. And the number of the document
21 is 3D01281.

22 A. I mentioned yesterday -- well, this is "Hrvatski Vojnik," dated
23 the 8th of May, 1992, it's that edition, and I mentioned that immediately
24 upon my arrival as assistant minister for IPD, we did what we could to
25 ensure that every member of the Croatian Army became acquainted with the

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1 war law, and as you can see a seminar was held to that end from the 21st
2 to the 23rd of April in the Officers' Centre. And the head of the
3 delegation of the International Red Cross attended, and his name was
4 Pierre Andre Cornod, and the seminar was run by Mr. Thomas Bollinger, a
5 Swiss Army captain, and Tomas Rudin, an expert on the law of war. And
6 towards the end, it says that Mr. Pierre Andre Cornod emphasised -- and
7 let me say in passing that the seminar, it says here, was to be held
8 after Zagreb in Split, Karlovac, and Osijek, and Mr. Cornod emphasised,
9 among other things, that the holding of this seminar is proof of the
10 consciousness of the Croatian Army. And he expressed the hope that
11 this -- that what was said at the seminar would be applied in practice,
12 and he also said that the International Red Cross Committee, from the
13 beginning of the war on the territory of Croatia, testified to the
14 suffering of the population of Croatia and that he was happy with the
15 fruitful and close cooperation between the Croatian Army and the ICRC.

16 Now, when Cornod used the word "pucanstvo," which is the Croatian

17 word for population and inhabitants, he doesn't only mean the Croats,
18 because the same suffering was experienced by the Hungarians from Zletovo
19 [phoen] and Ernestinovo, and the Czechs, and Slovaks, and the Ukrainians,
20 that is to say, the minorities with a long tradition -- longstanding
21 tradition in Croatia. And in the lower portion of the article, we have
22 the basic rules of international law applicable in armed conflicts set
23 out as illustrations and examples.

24 Q. This latter was English page 3D36-0533. Go ahead, please,
25 General Praljak. We have another article that you wanted to comment on?

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1 A. Yes, on military courts, the need -- the requirements of the
2 time, where it says that at the end of last year, that is to say, at the
3 end of 1991, by decree of the president of the Republic of Croatia,
4 Croatia received a military court and military prosecutors office, and in
5 paragraph 2 it says that thus far the Military Court of Zagreb received
6 142 cases to deal with and that investigation had just begun, and 94
7 criminal cases on which investigation had been completed, and an
8 indictment raised, or a motion to indict submitted, and that about 20
9 cases had been dealt with and resolved until that time. And it goes on
10 to say that the court is inundated with a lot of cases and work. Mention
11 is made of four judges, the difficulties they had with premises and
12 finding a building. And towards the end of that article, it goes on to
13 say that the military courts and prosecutors office will have branches in
14 the Croatian Army and they will be energetic in preventing and punishing

15 theft, attacks against civilians and damage
16 to property, and that war profiteers would end up before the courts,
17 people who had taken over other people's homes and houses, et cetera.

18 Q. Just a moment, General. Let me read out the number. It is
19 3D01281. That's the number of the article, on page 3D29-533, and in the
20 English it is 3D360534 and 0535.

21 Go ahead, General.

22 A. Well, just briefly. I'll skip over the next portion. But,
23 anyway, the Croatian Army, to summarise, had a priest, Monsignor Jura
24 Jezerinac, who was assistant to the bishop of Zagreb and who dealt with
25 the courts and the army, and on page 2 of the Croatian text, towards the

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1 end - it's on page 12 of my copy, but you can read out the page of "The
2 Croatian soldier."

3 Q. In electronic court, it is 3D290535, and in English it begins
4 3D360535 and goes on 0536, 0537, 0538, and 0539.

5 A. Mr. Jezerinac says on the 17th of March, when there was a feast
6 day and holiday, a holy mass was attended at the request of the
7 officers -- foreign officers who were serving in Croatia, and there was
8 good cooperation with everyone from other countries. And towards the
9 end, Mr. Jezerinac is sending out a message to the soldiers, themselves,
10 and says that he hopes that they will all return to their homes as soon
11 as possible, alive and well, not only physically but in the moral sense
12 as well, because he says that war -- every war brings with it deep trauma

13 and upsets mental health and spiritual health. And he says one should
14 always try to remain honourable, because that is a sign of brave men.
15 And he says towards the end that lies and hatred never prevail and never
16 win out, but it is truth and love which do. And then he says that
17 nothing else was ever said to the soldiers of the Croatian Army but that
18 their fight had to be moral, in keeping with the law and the rules. So
19 that's what I'd like to say about that.

20 Now I'd like to go to the national minority question which was
21 raised in the "Hrvatski Vojnik," because the general impression is that
22 it is only the Croats who suffered and laid down their lives and that it
23 was only the Croats who defended Croatia.

24 Q. That is on 3D29-0537 on the electronic court records, and in
25 English 3D36-0540. And ends with 0541.

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1 Go ahead, General.

2 A. So ethnic minorities, and there is a discussion with Mirjana
3 Domini, research assistant at the Institute for Migration and Ethnicities
4 at the University of Zagreb, and she for many years dealt with national
5 minorities and research into ethnic minorities, and she says that it is a
6 fact that among the first places to be attacked and destroyed was where
7 the ethnic minority concentration was greatest, and she quotes, by way of
8 example, and says among the first houses hit in Vukovar, you had a
9 building which housed the office of the Ukrainian and Ruthenian Alliance,
10 the Hungarian villages in Croatia, which were mostly inhabited by

11 Hungarians, that is, and they were the Hungarian villages of Laslovo,
12 Koroc, Ernestinovo and others, which were attacked at the start of the
13 war, and then in Ilok, which was of course was attacked and was inhabited
14 by the Slovaks. There were Czechs in Daruvar and Italians in Plostina.
15 And she says that it is difficult to enumerate all the towns and villages
16 which came under enemy attack and which were inhabited by members of the
17 various ethnic minorities, ethnicities.

18 And then she goes on to enumerate everything that was destroyed,
19 and says defending Croatia as their own homeland, we had Czechs together
20 with Germans, Slovaks, Hungarians, and members of ethnic minorities whose
21 parent peoples lived on the territory of the former Yugoslavia. They
22 found themselves together on the ramparts of Croatia, defending their
23 homeland.

24 And apart from taking direct part in the war, the members of the
25 minorities coordinated or individually sent out appeals for assistance

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1 from the international community to their mother states, their countries
2 of origin, and other international institutions, asking them to do
3 something to stop the aggression against Croatia. Of course, it helped
4 Croatia. And in the end, and this is very important, at the beginning of
5 the aggression against Croatia the minorities formed their coordinating
6 body. There was some thinking about establishing their own separate
7 units, units that would be composed of the members of the ethnic
8 minorities, but it was decided not to do that because there was a

9 conclusion, which turned out to be a correct one, that this was a war
10 waged to -- for democracy and freedom and not for one own's ethnic group.
11 Ethnicity had nothing to do with that.

12 Your Honours, this fact that it is impossible to set up sperate
13 ethnic units -- ethnically-based units for these reasons, and there was
14 even some proposals that a Serb brigade should be set up, a separate
15 brigade comprising Serbs who lived in Croatia, that was my decision. In
16 fact, it was my decision that we should not get divided along ethnic
17 lines, but whoever wanted to join the Croatian Army could do so. I think
18 I have a document to that effect somewhere. I saw it, at any rate, in my
19 possession or in your possession. It was my decision. So that would be
20 it.

21 Q. Thank you.

22 A. Now we'll skip some and we'll move on to the next document.

23 Q. This is document - could you please check - 3D01283?

24 A. We'll skip all that. We'll move on to "Truth is the Most
25 Powerful Weapon," something about journalists.

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1 Q. In e-court, that would be 3D29-0544 in Croatian. I'll read the
2 English reference later.

3 General, could you please start with your answer so that we don't
4 waste any time?

5 A. Well, I would just like to deal with the beginning of this
6 article. It's about how reporters were covering the events, and here I

7 have to say that the politics and the Croatian Army won, undoubtedly, and
8 journalists/reporters played a major role in this victory. And proof of
9 that is an interview by a noted French Slavic languages expert who said
10 that the younger generations of the French people who are not burdened by
11 the prejudice of the past, opted for Croatia because Croatia was under
12 attack, and the youth, as Mr. Garde says, decide on the basis of
13 principles and not alliances or sympathies. So he's talking about the
14 prejudices and the sympathies from the past which definitely did affect
15 the choices of the great powers and the outcome of the war in Yugoslavia.

16 And then it goes on to say the [indiscernible] told the
17 journalists that were killed in Croatia up until that time, it's a
18 substantial number, and there is nothing more about that.

19 Q. In e-court, the English reference is 3D36-0545, and it goes on to
20 page 0546 and ends at page 0547.

21 A. The next one is "Desires and Reality." I can only this: that
22 "Hrvatski Vojnik" and the Croatian press in general objectively covered
23 the presence of the Blue Helmets in the Republic of Croatia, and here we
24 have an article that deals with who these people are and where they are.

25 MR. STRINGER: I apologise for the interruption.

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1 We are still with Exhibit 3D01283, because in e-court the English
2 translation does not go beyond page 0541. So this last part is not in
3 e-court in translation, from what I'm seeing. I'm not going to object,
4 but I'm just --

5 JUDGE TRECHSEL: What one sees in e-court, on the right-hand
6 side, is page 3D36-0547, actually.

7 MR. STRINGER: Well, I'll sort it out. I'm not getting that.
8 Thank you.

9 JUDGE TRECHSEL: It's here.

10 MR. KOVACIC: [Interpretation] The article, "Wishes and Reality,
11 that the general started to deal with is in document 3D01283. It's the
12 document that we've been dealing with. In e-court, it's 290545, the next
13 page 0546. In the English version, the e-court reference is 3236 -- or,
14 rather, 3D36-0547, and it goes on to 0548, ending in page 0549.

15 Q. What do you have to say about that?

16 A. Well, I will just confirm that the journalist from
17 "Hrvatski Vojnik" and the rest of the Croatian media objectively reported
18 about the problems and people who were in charge of the Blue Helmets with
19 some degree of sympathy; visiting them, talking to them. And so we had
20 good relations, we were on good terms with them. That's all I had to say
21 about that.

22 Q. General, I don't know which ones did you skip. Could you please
23 give me the page reference?

24 A. 3D01284, and that's a "Hot Hello With the
25 Enemy."

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1 Q. It's 3D290549. In the English translation, that's 3D36-0413,
2 0414, and there are just a couple of lines on page -- on the next page.

3 And my colleague warns me that the number is not correct. That's
4 3D29 -- or, rather, in the English version -- just a key number, it's
5 3D01284.

6 General, please go ahead.

7 A. As soon as the cease-fire was signed on the 3rd of January, 1992,
8 one of the things that we managed to do was to set up the hotlines
9 between the warring factions in the Republic of Croatia, so communication
10 was set up with the commanders from the opposite side because it was well
11 known that there would be problems, naturally, with the elements that
12 were out of control, so to speak, in particular on the Serb side. And
13 here, right at the beginning, there is mention of an incident when the
14 European Monitors, going back from their visit to Petrinja, which was
15 occupied, as I say, and they fell into Chetnik hands, although their
16 arrival there was announced properly, and it happened in Cesko Selo,
17 halfway between Petrinja and Sisak. And they made some demands,
18 threatening that they would keep them as hostages until Croatia releases
19 the father of one of the assailants from prison in Sisak. The Croatian
20 Army headquarters in Sisak learned about that, phoned the Petrinja
21 Garrison Command, and the problem was dealt with. And it says here that
22 this was all done in the presence of the representatives of the European
23 Community Monitoring Mission, representatives of the Croatian Post, the
24 Serbian PTT, because they had control over the post and
25 telecommunications in the occupied parts of Croatia. And the former

1 secretariat of the Federal Secretariat for Traffic, Transport and
2 Communications. And those hotlines were set up between Osijek and Dalj,
3 with Sid, Bella Monastir [phoen], between Sisak and Petrinja, between
4 Zadar and Benkovac, and Sibenik was linked with Drnis and Knin. Zadar
5 was linked with Benkovac, Zadar with Benkovac, and Sibenik with Drnis and
6 Knin, and Split was also linked with Knin. Sid, yes, Sid. Sid is in
7 Serbia, yes. That was in the same army. It was a joint army. And it
8 was also agreed that those phones should always be manned by an officer
9 on both sides of the line. And here at the end we say that at one point,
10 some hundred shells hit Osijek, and the duty officer in Osijek demanded
11 an immediate cessation of those activities, saying that our forces would
12 retaliate, and the response was:

13 "Please do not retaliate. We are in the process of determining
14 who actually opened fire. All we know at the moment is that those are
15 renegade units and drunken individuals."

16 And it is quite clear that on the other side, there were people
17 who did their job honorably and in line with the rules, but there were so
18 many drunken brigands and renegade units. And that would be it.

19 Let us move on to the next issue of "Hrvatski Vojnik."

20 Q. The next one is 3D01285. There are several articles here. I
21 didn't know which one you wanted to comment on first.

22 A. Well, "National Defence Council Established." And it lists the
23 members thereof here, but right at the end it is important to note that
24 in the introductory remarks, Dr. Tudjman proposed, inter alia, that the
25 Ministry of Defence should, as soon as possible, submit to the National

1 Defence Council its proposals for the reorganisation of the Croatian Army
2 for its peacetime setup.

3 Q. In Croatian, that would be 3D29-0552 in e-court, and in English
4 it would be 3D36-0417.

5 Please go ahead.

6 A. Well, so there is a discussion about peace, the reduction of
7 forces. We constantly reduced the number of personnel in our army, and
8 this caused a great deal of upset, of course, and there was some
9 resistance to it, because the policy was that everything could be dealt
10 with peacefully. And also there was a question, what the Croatian
11 government could actually aspire to if it is constantly reducing its
12 armed forces. Dr. Tudjman goes on to say, But the readiness must be
13 there for the establishment of the full constitutional and legal order in
14 the whole of the territory of the Republic of Croatia. If the provisions
15 of the Vance-Owen Plan that had been accepted are not implemented, then
16 the council also discussed the international obligations undertaken by
17 Croatia at the London conference, and the compliance with the resolutions
18 of the UN Security Council, and the observance of the arms embargo.

19 Q. General, just one follow-up question here. Mention is made of
20 the Vance Plan. Is this the Vance Plan that pertains to
21 Bosnia-Herzegovina or to Croatia?

22 A. No, it has nothing to do with Bosnia-Herzegovina. The Vance Plan
23 that is discussed here is the one that pertains to Croatia. It is the

24 cease-fire signed with the Serbs. That actually resulted in the
25 deployment of the Blue Helmets in the territory of the Republic of

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1 Croatia.

2 Q. Thank you very much.

3 A. Now we move on to the next issue of "Croatian Soldier."

4 Q. That's 3D01286. The date is the 23rd of October, 1992, which is
5 the first article that you want to deal with here.

6 A. "The Strategy of Darkness."

7 Q. "The Strategy of Darkness" in e-court would be 3D29-0559 and in
8 the English version it's 3D36-0426, 0427, 0428.

9 General, please go ahead.

10 A. Here, too, Vlatko Cvrtila, whom I mentioned earlier and said was
11 the best sociologist dealing with war and everything surrounding war, in
12 my opinion, and here in the "Hrvatski Vojnik" he says how the principles
13 of war law are not being adhered to and that this has resulted in
14 destruction and civilian casualties, through this failure to abide by the
15 principles of the law. And then towards the end of the article, he says:

16 "Terrorism today, regardless of what we think and feel, is not
17 selective. What is done is more important than the targets of an
18 attack."

19 That is to say, the photographs of persons killed and massacred,
20 and the destroyed towns and villages, should reach the areas where there
21 has been no war. And then he goes on to speak about the massacre in

22 Borovo Selo and says that the terror is the fulcrum of Serbian military
23 strategy, the main feature, and goes on to say that by killing the
24 massacring or mutilating the civilian population, and destroying civilian
25 facilities, cultural monuments and the like, what is wanted is to destroy

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1 the social and cultural identity of the Croatian people. And the
2 important point here is that by depicting images from the battle-fields
3 and the stories told by displaced persons, they intend to portray the
4 opponent as powerful and the Croatian authorities as weak. And then it
5 goes on to say:

6 "Here you have authorities that are incapable of defending you,
7 that are incapable of performing the functions for which they were
8 established in the first place. They are unable to protect the citizens
9 and the state system."

10 And he goes on to say that in this way, what is so wanted is to
11 distrust vis-a-vis the authorities and to cause the citizens to rebel.

12 Now, for a state in war, phenomena of this kind can have more
13 destructive consequences more devastating than military operations on the
14 battle-field. So that's that.

15 We'll skip 3D01287, we'll skip that next issue.

16 THE INTERPRETER: Microphone for counsel, please.

17 MR. KOVACIC: [Interpretation]

18 Q. The next document is 3D01288, and I'm sure you're going to look
19 at the article titled "The Future is in Our Hands," which is in e-court

20 3D29-0569. And the English version on e-court is 3D40-0789 and the
21 following couple of pages.

22 A. Well, I'd like to highlight the journalist's question about the
23 fact that part of the territory of the internationally-recognised state
24 of Croatia was still under occupation and that they were under UNPROFOR
25 supervision, and he asks President Tudjman when this will be completed.

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1 And he says that it is quite true that the Vance Plan is lagging behind,
2 but that it is nearing completion. And then he goes on to say that the
3 problem is how to withdraw weapons while the war is flaring in Bosnia,
4 and that's something we've discussed here. And then he goes on to say
5 that some UNPROFOR units are not finding their way, but he goes on to say
6 that there is dissatisfaction among the Croatian soldiers and displaced
7 persons, and goes on to say that unfortunately the situation was
8 contributed to by some ill-advised steps made on our side in the field
9 and the fact that certain commanders were acting on their own, and the
10 Serb side could pick up on that.

11 There were certain operations in which rosy zones were set up,
12 pink zones were set up; that is to say, some of the territory was
13 liberated, they had to withdraw from those territories, and then apart
14 from the UNPA zones, the pink zones were established, as they were
15 called. We had the separation lines, and UNPROFOR was positioned between
16 the two sides. So in those areas, the rebel Serbs and the Croatian Army
17 didn't come face to face. There was this buffer zone created. And then

18 President Tudjman goes on to say that the Croatian Army will still have
19 an important role to play, in the sense of safe-guarding the borders, and
20 the territorial integrity of the country, and the constitutional order of
21 the Republic of Croatia. And that is all I have to say on that subject.

22 Q. I assume that the next article --

23 A. No, we'll skip the next article, which just says that the
24 president of Croatian Caritas also spoke about honour and moral decency
25 and moral integrity which was necessary for both civilians and soldier --

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1 the civilians and soldiers of Croatia.

2 Q. The next "Croatian Soldier" is 3D01 --

3 JUDGE ANTONETTI: [Interpretation] You skipped a document which
4 might be of interest, the one on the interview of Brigadier Mate Lausic
5 on military police.

6 THE WITNESS: [Interpretation] Your Honours, I skipped that one
7 only because I'm not quite sure what I could tell you about that, because
8 I put everything in there. I do accept -- well, in this text, in this
9 article, I didn't come across anything that in my opinion would be linked
10 to the indictment, as Judge Trechsel's guide-lines were, but it says what
11 the Croatian police should do, how it should work and function, that it
12 was separate from the army and came under the Ministry of Defence. It
13 was a sort of parallel structure and system which we established in order
14 to break up what the Yugoslav People's Army had; that is to say, that one
15 person was the commander and be all and end all of everything, the god of

16 gods, which created problems in communication, but we considered it to be
17 essential that we have a parallel control system and not to have one man
18 be in a position to take decisions which would be fateful.

19 And if you want to ask me about it, I'm quite ready to respond,
20 but it's rather a lengthy article so I thought that we would skip it.
21 And it doesn't mention anywhere anything that would be linked to the
22 indictment. That's why I decided to skip it. But if you so desire,
23 I can go into it and answer questions about it.

24 MR. KOVACIC: [Interpretation] Just for the record,
25 Judge Antonetti's question referred to 3D01287. The electronic page

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1 would be 3D29-0563, and in the English version the same article starts on
2 3D36-0644. The title is "Military Police - An Organisation for Wartime
3 and Peacetime," and this is a conversation with Brigadier Mate Lausic,
4 the chief of the Administration of the Military Police of the Croatian
5 Army.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a great
7 number of questions to put to you, but I will do this later. But as of
8 now, I have one question for you.

9 Brigadier Mate Lausic says that there is no army without a
10 police -- let me repeat, because I see that the English translation does
11 not say what I said.

12 The Brigadier Lausic says there is no army without a police.

13 THE WITNESS: [Interpretation] That's true, Your Honour.

14 JUDGE ANTONETTI: [Interpretation] What do you think of this?

15 THE WITNESS: [Interpretation] Can I provide a bit lengthier
16 answer, a broader answer? In the Yugoslav People's Army, there was the
17 so-called singleness of command. In other words, a military commander
18 or, rather, the army staff had under its control all of its elements,
19 including the military police. In the Croatian Army, we were of the
20 position that the military police had to be separate from the commander.
21 We thought then, and I believe that this is the case in many other
22 militaries, since we did not have the possibility to check every single
23 man, we were in the process of being organised, we were afraid that
24 somebody who would not be a good commander would still be put in such a
25 position and thus have, on their hand, the security service and the

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1 military police, which would then allow him to accuse somebody he didn't
2 like and send the military police to arrest that person, and that would
3 have been fatal, of course. That's why the prevalent opinion, supported
4 by President Tudjman, was that a military commander should be in command,
5 should be able to summon the military police, but the military police
6 would have its tasks, and one of its tasks would be to do the policing
7 job; to detect, if possible, and then pursuant to a commander's request,
8 to bring somebody in. However, the commander should provide a written
9 explanation as to why he is demanding for somebody to be brought in, what
10 violation or offence underlie his request, and then that person would
11 either be disciplined or handed over to the military prosecutor for

12 crimes.

13 The military does not want the civilian police to prosecute
14 military personnel. The military is very sensitive to that, and like
15 anywhere else in the world, the military wanted a military police to deal
16 with crimes committed by the military personnel.

17 Ours was an army of volunteers. There were a lot of problems,
18 lots of offences, lots of crimes and punishable acts, more than in the
19 civilian world, and in that sense the military police had to perform the
20 tasks that the civilian police normally do, or, rather, the organs of
21 prosecution as you would call them in the civilian world.

22 In Sunja, I went through a period without any military police,
23 and I was the one who had to bring people in and punish them. I didn't
24 have a detention unit, and I designated a house, and I would tell my
25 soldiers, You are now in custody, I have remanded you in custody. And

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1 they would remain there, sitting in that house, without any guards. They
2 understood that they were punished.

3 I will also use an example to explain what could happen when the
4 military police came and started playing the role of social services, of
5 sorts. I will illustrate it, how bad that can be.

6 JUDGE ANTONETTI: [Interpretation] Very well. So from what you
7 said, one must infer that the Croatian Army, and I'm not talking about
8 the HVO because this is the Republic of Croatia, so it decided to change
9 the system in the JNA. In the JNA, there is a single chain of command

10 which integrates the military police, and you are telling us now that in
11 the Republic of Croatia, you wanted to have a different chain of command
12 to make sure that brigade commanders could not, on their own volition,
13 take action, notably in case of incompetence, which is why you needed a
14 military police that would act in parallel and that could, at the same
15 time, provide information on what was happening, provide information to
16 the authorities. The system here is very different from the system we
17 had in the JNA. Here, there are two lines of command?

18 THE WITNESS: [Interpretation] Yes, that's correct, Your Honour.
19 The IPD was also a parallel system. My men were duty-bound to report on
20 commanders who were not performing their duty properly. The military
21 police had the right to do that. The SIS had the right to do that, i.e.,
22 the security service in the army. Those were their
23 rights and obligations.

24 At the same time, we tried to create parallel systems in order to
25 reinforce the control. We didn't want to have the system that JNA had,

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1 because there was a peril that they would take too much power.

2 If a military is in place for 30, 50, or 100 years, and when all
3 the internal mechanisms of control were developed, that may be different.
4 However, under our circumstances the best solution was to create parallel
5 control systems; the military police control, which controls the IPD and
6 the SIS, and everybody controls everybody, and everybody monitors
7 everybody and reports on everybody if something goes wrong.

8 JUDGE ANTONETTI: [Interpretation] One last question before the
9 break.

10 When you were in command of the HVO from July to November 1993,
11 at that time at HVO level, did you apply the exact same principle?

12 THE WITNESS: [Interpretation] From the month of July 1993 --
13 well, yes, Your Honour, the same principle applied there as well. The
14 military police was not part of the Main Staff. Like here, it was
15 affiliated to the ministry. There, it was affiliated to the Department
16 of Defence.

17 It is also true that due to a heavy offensive on the part of the
18 BiH Army, I requested from Mate Boban, and then from Bruno Stojic as well
19 as a body of the second instance, for one part of the military police to
20 be placed at disposal and participate in defence. They still remained
21 military police officers, but in the operative part I was their
22 commander.

23 It was also true, and you are going to see that from the
24 document, that by doing that, I had weakened the work of the military
25 police in the execution of the tasks that they were supposed to do.

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1 After a certain while, of course, because it prevented him from
2 potentially doing a better job, Mr. Coric wanted his units back.

3 However, in a situation where there was a danger that you might be
4 defeated, then the priority is to defend yourself, although one notes
5 that the withdrawal of the military police from their duties, and

6 assigning them combat tasks, would increase the activities of criminal
7 groups and weaken the work of the police.

8 One cannot have a different way of thinking about it. I cannot
9 reckon "I am going to let the military police catch a murderer or a
10 criminal but I'll lose the war in process". That was a dilemma, and I
11 don't see myself responsible for the decision that I made. In any case,
12 the military police down there had the same organisation, because their
13 rules were copied from the rules of the Croatian Army.

14 JUDGE ANTONETTI: [Interpretation] We still have 30 minutes before
15 the break. It's only 10.00. Let me give the floor back to Mr. Kovacic
16 so he can proceed.

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

18 Q. General Praljak, since you have tackled the issue of the
19 temporary use of the military police units in the HVO due to a particular
20 combat situation, you have shortened your sentence quite a lot and it did
21 not come out clear. Does that mean that the military police units in
22 such a case were subordinated to a commander in well-defined terms? Was
23 it a temporary assignment, an assignment for a particular operation? How
24 was that defined?

25 A. When I was down there in that part, it was defined by a decision

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1 issued by Mr. Mate Boban, signed by Mr. Bruno Stojic, and pursuant to
2 that decision certain units of the military police were placed at my
3 disposal for military operative tasks. And this was in place until the

4 moment it was withdrawn and annulled. This decision was in place all
5 that time.

6 Towards the end of the Muslim offensive in the second part of
7 October 1993, when the Muslim offensive subsided a little, I believe that
8 they returned, but I'm not sure of that.

9 Q. We have clarified this part and --

10 A. And those units obviously were assigned to the commander of a
11 certain area, be it the city of Mostar, the commander of the zone, and
12 those commanders were in command of them in operative terms.

13 Q. Just one more thing to clarify things even further. When the
14 units of the military police were assigned to a zone commander, for
15 example, and when they were under his operative command, at that moment
16 those units -- am I correct in understanding that at that moment, it was
17 no longer important that they were military police? At that moment, did
18 they become members of the army, when that happened?

19 MR. STRINGER: I think counsel is venturing close to leading on
20 what's a very important issue. I'd like to look again at the text, but
21 when he suggests that is he correct in understanding something, I think
22 counsel's trying to lead, and I think he could ask the question
23 differently. Thank you, Your Honours.

24 JUDGE ANTONETTI: [Interpretation] Yes. Mr. Kovacic, as was just
25 said by the Prosecutor, rightly so, when you tackle an important topic,

1 do try to be as least leading as possible.

2 MR. KOVACIC: [Interpretation] I agree. As my learned friend
3 said, I was bordering on leading. I will rephrase.

4 Q. General, what do you think about the topic that we have just
5 tackled, from the aspect of operative command, from the aspect of a
6 commander who has such a unit under his command?

7 A. I know that. A group in this case does not exclude another
8 group, in mathematical terms. A military policeman who is being used by
9 the army is no longer -- does not stop being a policeman. While on the
10 front-line, he's on the front-line. However, on the front-line, like
11 anywhere else, he has to behave as a military policeman. In his
12 structure of the personnel policy, he does not belong to the military
13 part of the HVO or the HV; he's still under the control, in that sense,
14 in the sense of the personnel, by the chief of the military police.

15 Q. Thank you very much. This is exactly what I wanted --

16 A. Namely --

17 JUDGE TRECHSEL: Excuse me. I do not quite understand this.
18 What's the purpose of sending MPs to the front, and then what does it
19 mean that they should continue to be MPs? I would have supposed that
20 they were sent there in order to fight, along with the other troops, and
21 become infantryists [sic], probably. What does a military policeman --
22 military police do, as a military policeman at the front? He will not be
23 able to arrest the enemy, will he?

24 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, I shall
25 say this once again with a little bit more precision.

1 Why did I ask for some of the battalions of the military police
2 to be sent to the front-line? The reason was that I didn't have enough
3 men and the offensive was underway, and it was a very serious offensive
4 and we were going to be defeated. That's one reason.

5 Second of all, when a military police is on the front-line, he
6 can shoot, he can defend himself, and he performs the duty of any other
7 soldier. I said very precisely that such a use of the military police
8 will significantly decrease the ability of the military police to perform
9 their tasks, their normal tasks, and that for that reason, there will be
10 an increase in the rate of general crime, and there will also be a
11 decrease in the number of those who will be arrested for those crimes.

12 Pursuant to a decision by Mate Boban, I took from Mr. Coric some
13 of the men that were used to do that. However, when the military police
14 are on the front-line in Mostar and anywhere else, and if they spotted
15 somebody engaged in a crime, a military policeman is at the same time a
16 soldier and a military police, and if he's not otherwise engaged, he has
17 to intervene as a military policeman. This means that he -- by becoming
18 a soldier, he did not stop being a military policeman, and he had to
19 still perform his military policing duties as much as he could.

20 And I'd like to add to this Mr. Coric requested his military
21 policemen to be returned to him, and there are documents to that effect,
22 because he could not perform his job properly without them. However, my
23 estimate was that I was going to lose the war and that I would be
24 defeated by the BiH Army, and I was commander.

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1 bit. Around page 24, there were some things that were not quite clear,
2 but this has clarified. I expect that we will hear more about this,
3 which I really think is a very relevant aspect.

4 Please, Mr. Kovacic, excuse me for interrupting.

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

6 Q. General Praljak, I suggest we move on to the next document, the
7 next issue of "Hrvatski Vojnik"?

8 A. No. We have 3D01289 now, and let me just say we have joint defence
9 of the homeland and the role of the Czech national minority or ethnicity
10 in the homeland war. I'd just like to take note of that. I needn't go
11 into it in any detail. "Common Defence of the Homeland" is the title.

12 Q. On e-court, it is 3D29-0574, and in English, 3D40-0782. Go
13 ahead, please, General.

14 A. Here we have an article by Dr. Franjo Tudjman, where he says that
15 the army is a vital factor of state policy.

16 Q. Before you go ahead, let's give some document numbers. On
17 e-court, it is 3D29-0578, and in English on e-court, it is 3D40-0786, is
18 the beginning, and goes on to the following page. Thank you.

19 A. Yes. I'll say very briefly what Franjo Tudjman says. "The Army
20 is a Key Factor of State Politics" is the title, and he says that the
21 democratic forces won the democratic war in Croatia. He says that at the
22 outset. And then it says that the aggressor was routed and that

23 international recognition was gained. And he goes on to say that in
24 order for that to be achieved, that there had to be discussions with the
25 countries of the world. And then he says the war in Croatia could

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1 absolutely have been avoided had we given up on our objective; that is,
2 the creation of an independent and democratic Croatian state. And then
3 he goes on to say that - down the page - the war could not have been
4 avoided, but that everything was done to avoid it. And he goes on to say
5 that many did not understand us when we proposed that the Yugoslav state
6 crisis be resolved without a war by turning the Federation, which was
7 unacceptable to everyone alike, into a confederation; an alliance of
8 sovereign states, in other words. So a whole series of negotiations that
9 went on at length and was undertaken by Croatia in order to avoid the
10 war. Franjo Tudjman negotiated this, negotiated making -- turning the
11 federation into a confederation. Of course, he was accused by Croats
12 from Croatia as well that he wanted to retain Yugoslavia and form a sort
13 of third Yugoslavia, but he says that a confederation would be a good
14 solution if it were to function properly to the satisfaction of one and
15 all.

16 If not, then a peaceful solution could be found to step down from
17 the federation without a war, as was done by the Czech Republic and
18 Slovakia and the whole of the Soviet Union, ultimately, and so he says
19 that the problem could have solved peacefully and democratically and that
20 that is one of the reasons for which Europe and the world recognised

21 Croatia relatively speedily, because they found that it was a consistent
22 policy. And of course he had in mind all the republics, including
23 Bosnia-Herzegovina, Slovenia, Croatia, Macedonia, all those former
24 republics that asked to step down from Yugoslavia.

25 And, furthermore, he goes on to say, in response to the third

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1 question put to him by the journalist, that the circumstances were such
2 that we had to establish a police force and an army, and that a portion
3 of the public lacked an understanding for this and why we negotiated with
4 Belgrade. Talks with Milosevic and Kadijevic were held with that aim in
5 mind, that is, to avoid a war.

6 Q. A little slower, please, because we don't have that portion in
7 the translation.

8 A. It's on page 12 of the Croatian text of "Hrvatski Vojnik." Let
9 us not forget that at that time, he goes on to say, many international
10 factors in Europe and the world advocated the view that a "constructive,"
11 in inverted commas, military intervention in Croatia and Slovenia would be
12 advisable and desirable so as to prevent a separatist movement. He goes
13 on to say that the negotiations with Serbia and the so-called JNA were
14 something he conducted, because he says that "I was conscious of the fact
15 that a general unity of sorts existed between Serbia and the so-called
16 JNA, but that at that time it was still not complete.

17 Kadijevic and the group of generals around him were prone to some
18 sort of Yugoslav solution, which means, in a certain sense, a confederal

19 solution as opposed to the markedly Greater Serbian Chetnik solution.

20 And then he goes on to develop this and says the political
21 position adopted by the international community at the time was to
22 support democratic processes, without separating Croatia from Yugoslavia.

23 And he goes on to say what he did to avoid a war, all the steps
24 he took. And then on page 13 of "Hrvatski Vojnik," he goes on to say the
25 following:

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1 "We received the officers cadre of the former Yugoslav People's
2 Army on the basis of a
3 general programme with which we created Croatia because we knew that
4 98 per cent of the Croatian population wished consciously to become
5 involved in the creation of the Croatian state in all areas, including
6 the military area."

7 And he goes on to speak about the depoliticisation of the army
8 and says that it mustn't be a party in character, that it must be a
9 legally-elected leadership, and must follow the state policy of such an
10 elected leadership.

11 And then he goes on to clarify what I was saying earlier on in
12 response to the next question that he was asked, and says there was a
13 certain lack of clarity in building up the Ministry of Defence and the
14 Main Staff, and even attempts to separate the Main Staff from the
15 ministry. However, in talks with responsible officers, I let it be
16 known -- I told them that the Main Staff was only a part of the Ministry

17 of Defence for operations and training, and similarly just as we have the
18 existence of the IPD service, the military police, the
19 counter-intelligence service, and so on and so forth. All these are
20 component parts of the ministry as a whole. And then he goes on to say
21 that that is the case in any democratic system, and that for building up
22 the armed forces as a whole, it is the minister of defence who is
23 responsible to the president of the republic, the government and the
24 Sabor or the Parliament.

25 So that's what I would have to say on that subject and that

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1 issue.

2 Q. Very well. Let's move on now to the next number, which is
3 3D01290. I assume you wish to say something about the first article
4 there.

5 A. No. Just a moment, sir.

6 Q. Yes, go ahead.

7 A. All right. Well, there's a text entitled "Repression Leads To
8 Destruction," and it addresses the question of repression in Yugoslavia.
9 But we can skip that, the problems of the Hungarians in Vojvodina
10 province and so on and so forth. Well, it's just the Balkans.

11 Q. Let's return to 3D01290, the document we mentioned a moment ago.
12 3D01290 is the number of the next issue, and I assume you want to say
13 something about the first article.

14 A. No, I don't.

15 Q. All right. So we can skip that one, too.

16 A. Well, in this second article --

17 Q. Can you give us the title?

18 A. "Doing Military Service."

19 Q. In Croatian on e-court, it is 3D29-0584, 0584, 29-0584. In

20 English, it is 3D36-0583 and the following two pages. Thank you.

21 A. Well, I'm not going to adhere to the article. I just want to say

22 the following: The head -- the chief of the Administration for Military

23 Service and Mobilisation was Colonel Bekir Dedic. He was a Muslim. And

24 I say that only because continuous accusations are being made to the

25 effect that the Croatian Army pursued a nationalistic policy, whereas I

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1 claim that the Croatian Army and the HVO, as we have seen, was a

2 multi-ethnic setup without any barriers to ethnicity, whether it came to

3 Dutchmen or others. So that's what I have to say on that subject.

4 THE INTERPRETER: Microphone for counsel, please.

5 MR. KOVACIC:

6 Q. [Interpretation] Let's move on, then, to the next number, which

7 is 3D0129.

8 A. Just a moment, please. Just hold on a moment, please. We are

9 going to skip the next article, which relates to "Balkan Storm," that's

10 the title, and Cvrtila once again thinks about how NATO -- the NATO

11 scenario could be played out. So could I just look at the end of that?

12 Could we just look at the end of that article?

13 Q. Let's state the page. 3D -- on e-court, 3D29-0592. So we're
14 back to document 3D0120 [as interpreted]. The number of the document,
15 let me repeat for the record, is 3D01290, 01290, page 3D29-0592.

16 A. In this article, certain models of possible intervention are
17 discussed, and I'd just like to look at the very end of the text, where
18 he says that the regime in Belgrade, judging by the continuation of
19 violence in Bosnia-Herzegovina, has not fully understood the messages
20 sent out by the world. And it goes on to say that possible preparations
21 are under way in Serbia.

22 We know full well that there was no intervention and that the
23 Serbs, from 1992 to 1995, continued doing what they were doing, and all
24 the other stories were futile because they just said that nobody was
25 going to undertake anything unless a people under attack were to defend

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1 themselves.

2 Q. For the record, English e-court page is 3D36-0599, 0600, 0601,
3 0602, right up to 606.

4 General, before we go on to the next article, it's a minute to
5 the break, so I suggest that we take the break now. Is this a good time,
6 Your Honours?

7 JUDGE ANTONETTI: [Interpretation] Yes. It is 10.30. We're going
8 to have our 20-minute break, to resume at 10 to 11.00.

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

10 --- On resuming at 10.54 a.m.

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

12 The Trial Chamber is going to read an oral decision, so could we

13 please move to private session, Mr. Registrar.

14 [Private session]

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

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11 Page 39955 redacted. Private session.

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1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 [Open session]

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

9 JUDGE ANTONETTI: [Interpretation] In public session, I will now
10 give the floor to Mr. Kovacic for the rest of his questions.

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

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

13 JUDGE MINDUA: [Interpretation] Mr. Kovacic, I am sorry to ask
14 this question, but, Mr. Witness, I have a question on the document we
15 looked at just before the break, 3D01290.

16 In this document, there are a few pictures, and I would like to
17 refer to page 3D29-0588. Here we have a picture and the text in the
18 Croatian language, and I think that there is a translation. It says "Why
19 is There the Federal Republic of Yugoslavia?" That's the title. Do you
20 see this?

21 THE WITNESS: [Interpretation] Yes.

22 JUDGE MINDUA: [Interpretation] So am I -- what we see here really
23 drew my attention. The document is titled "Federal Republic of
24 Yugoslavia," I believe, and then there's a drawing. There's a skull or
25 something like a skull and some insignias. Could you please explain

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1 this? What exactly does this depict? Is this a military map, are those
2 military insignia, is this emblems?

3 THE WITNESS: [Interpretation] It's a caricature, Your Honour.

4 JUDGE MINDUA: [Interpretation] Do you know who drew this and what

5 it means?

6 THE WITNESS: [Interpretation] I don't know who the author is, but
7 I do know what it means. It means that after what happened in Croatia
8 and in Bosnia and Herzegovina, the author wants to say that the state
9 that existed on the basis of -- that was founded on repression led to
10 complete ruin and collapse of the system in a bloody war. As we have
11 shown, all non-Serb populations suffered a great deal, Croats, Muslims,
12 Czechs, Hungarians, so this was not just a war only against Croatia or
13 against Bosnia-Herzegovina but against the peoples and communities living
14 in areas that Serbs considered as their own ethnic area. And the author
15 thought that instead of the coat of arms, because here where you see the
16 skull, normally the coat of arms consists of torches burning together,
17 signifying brotherhood and unity, the song was "Five Torches are Aflame"
18 to tell everyone that in Yugoslavia there are five peoples -- there were
19 five peoples in the beginning and then six. So until 1974, there were no
20 Muslims. They did not have their own torch. They were only recognised
21 as a nation -- as a people in Yugoslavia because there were more than
22 five million of them.

23 JUDGE TRECHSEL: There are two crosses, on S before R, and
24 between C and R. Am I correct in assuming that it is the F, "Federalna,"
25 that is crossed out to show that this is not accepted anymore as a

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1 federal Yugoslavia?

2 THE WITNESS: [Interpretation] The F is crossed out not to show

3 that this is not accepted, but to show that this was not a federal state
4 at all. Yugoslavia was not a federal state. Had it been a federal
5 state, in the true sense of the word, it would have been able to come
6 apart peacefully, had Serbs seen Yugoslavia as a federal state, but they
7 did not. They saw it as a Greater Serbia, that they ruled in all the
8 major segments of social life and social system.

9 JUDGE MINDUA: [Interpretation] Thank you.

10 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

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

12 Q. General Praljak, now we have come to document 3D01291. Again,
13 it's an issue of "Hrvatski Vojnik." The date is the 11th of September,
14 1992. We have only one article here. It's an interview with you,
15 yourself, so your statements, your opinions, are expressed here. I would
16 like you to comment on it.

17 But for the benefit of the Trial Chamber in electronic court,
18 it's 3D29-0598, it's the Croatian version, and the English page reference
19 is 3D41-0661 through 0665?

20 A. Well, in this interview, having reread it, I in fact expressed
21 the key thoughts about the war, and I hope that the Judges will ask me
22 any follow-up questions. I would not change a single word in this
23 interview today. And let me start with the first question, because the
24 journalist asked me straight away about whether there was any Croatian
25 Army presence in Bosnia and Herzegovina. And here I explain that then

1 and now, only one truth has to be told, for a very simple reason, because
2 truth is the best defence.

3 Even at that time, there were some false reports and false
4 accusations that the Croatian Army troops were fighting in the territory
5 of Bosnia and Herzegovina, although I thought that if peoples are
6 attacked in this manner, they should all defend together because the war
7 logic was completely different than the one that would apply had there
8 been borders of states at stake here. And I say here that I went to
9 Herzegovina because I hailed from there, my parents lived there, my mom
10 lived there, my sister and her husband and her two children lived in
11 Sarajevo, and when nobody wanted to defend the country, I thought it was
12 my natural right. And I still maintain that to this day, that one should
13 respond to aggression. In other words, nobody is going to kill my mom in
14 Mostar, and I am not going to just stand there in Zagreb and do nothing.
15 We will not see the same thing that we saw in Sotin and in Uborak. She
16 would not be one among the 110 people who were killed or slaughtered, and
17 nobody's going to fire on Mostar with all the fire-power in the name of
18 God knows what right. We're talking about Perisic and the Yugoslav
19 People's Army. And I say that I cannot understand any right that would
20 negate my right to defend myself, regardless of any interpretation given
21 to it by anyone. And I would do the same thing today, and I would do the
22 same thing a million times.

23 And I still maintain that 99 per cent of the people who went as
24 elements of the Croatian Army or as individuals there, that they were
25 of -- or they were originally from there, and there may be some small

1 groups of people, and I explained yesterday what this was all about, and
2 I explained that they lived in Croatia, but they still had links. After
3 all, they had dual citizenship, and they still have dual citizenship.
4 They have the right to claim two states as their own, and a double right
5 to defend themselves.

6 I don't know what else to add. I could never understand, and I
7 never understand -- I will probably never be able to understand how you
8 can let people get killed without allowing them to defend themselves, to
9 impose an arms embargo. And when they get some more weapons so that
10 they're no longer bare-handed and they can defend themselves, I cannot
11 see how that can be a crime of any sort.

12 If we had not defended ourselves, we would have seen an exodus
13 with tens of thousands of dead, and you could -- you would probably have
14 three accused more sitting here in the dock, but that would be a scant
15 solace to me. If somebody had killed me mother, to have somebody be held
16 responsible here, that would not be any solace to me. I think I had the
17 moral obligation. I think I also had the legal obligation, but I care
18 much less about that, to tell you the truth, because if law is at odds
19 with my morality, I will always go with my moral sense, and then if
20 somebody says that I am guilty, then let them do so.

21 Furthermore, I speak about the problem of the fact that the
22 Muslims were not prepared for the war because they had been trying to
23 negotiate with Serbs, but we will deal with that later, and that only the

24 Chetnik cleansing and everything they did to them, the expulsions and so
25 on, brought them to their senses finally.

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1 Then I speak about UNPROFOR in the manner which was the same --
2 my position was the same as the official policy, that this would be a
3 contribution to peace, that there are some problems.

4 Your Honours, there were some voices in Croatia to the effect
5 that the Croatian Army should attack and so on, and those were always the
6 people who did not actually fight in the war. Those were the people who
7 wanted to have 10.000 lads go out there and get killed to satisfy some
8 base of passions with war victories. The president of the Republic of
9 Croatia, Dr. Franjo Tudjman, had been in another war, and he knew what
10 wars are all about, and he was very much in favour of any peaceful
11 solution. And I, myself, saw what war was like, and I really found it
12 hard, when each of my lads were killed, and I am a reasonable enough man
13 to know that all mothers weep for their sons in the same -- they mourn
14 their sons in the same way, and this is why Croatia's policy was to use
15 every last vestige of a chance there was to avoid fighting and to achieve
16 full sovereignty over the whole of the territory of the Republic of
17 Croatia with peaceful means.

18 I am being asked how I see Croatia in the light of the London
19 Conference, and I repeat that this was good because it led to stability
20 in Croatia, Croatia gained some renown, and it was treated in the same
21 manner under the law as other states. Croatia is a state, and it never

22 had any aspirations towards anything apart from having equal rights.

23 And I am being asked what I would do after the war. It's at the
24 end of the interview, and I say I don't know, that the job is not done.

25 And once all is said and done, I will see what is left in me, but at any

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1 rate I have enough time to think all this over here, and it is important
2 for you to understand what my attitude was in general towards the
3 position, rank, glory. I say, to the best of my ability, I will work at
4 any post that I'm assigned to. If I have to carry chairs around, that's
5 what I'll do. If I need to serve drinks, and I'm referring to this
6 diploma that I got as a waitress [as interpreted] in Germany, then I will
7 serve drinks. If I have to clean toilets, that's what I'll do. And I
8 will not feel that it impinges on my qualities as a human being. That's
9 what I thought, and that's how I acted in the war. I did every job, and
10 I put my nose into anything where I thought that I could do some good and
11 prevent some evil.

12 And here I talk about the war and I say that many people got
13 killed. I say that it is really a very -- it's terrible to think about
14 the war, because you can see faces and people you loved as your brothers
15 or sons and they are gone or disabled, and this is the worst part of
16 one's life, and the only thing that gives any sense to it then, that
17 pushes you beyond all the suffering, is that you get your homeland, your
18 state, and some day people will be able to live there normally and we
19 will feel that we are human beings, living in our own land, breathing our

20 own air, without this terrible feeling that we are being controlled, that
21 you're a stranger in your own home. This is the only thing that is
22 greater than all those lives. This is the reason why we fight, and
23 everything else is just an endless ordeal.

24 Now, if, Your Honours, you have any questions, I'm at your
25 disposal, and I say again that I stand behind every word that I said, and

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1 I would not change a single word that I uttered here.

2 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I have no question
3 of substance regarding your interview. However, I believe it was a lady
4 reporter who asked you the question about Bosnia-Herzegovina. She
5 wondered whether Bosnia-Herzegovina wouldn't have defended itself better
6 if it had accepted the Croatian offer of a military alliance. It's quite
7 a complicated question that's put to you, and you answer by saying this
8 is a technical question, and then you explore a number of avenues. But I
9 feel, and you might enlighten me, I feel that when she is putting this
10 question to you, she is referring to some information that we do not have
11 and that we do not get in your answer, which is that there might have
12 been a planned military alliance. So what exactly did the journalist
13 have in mind when she put this question to you?

14 THE WITNESS: [Interpretation] Your Honour, Croatia, even before
15 that agreement in 1992, in June, about limited military cooperation,
16 offered -- well, I'll be demonstrating this when Franjo Tudjman offered
17 military cooperation, put that on the table to the president of the

18 Presidency of Alija Izetbegovic. I have that prepared, so we'll see that
19 in due course. But, anyway, that is what happened in Croatia as well.

20 Now, it would have been far better had that hand of cooperation
21 been accepted, and you will see text to bear that out. However, as far
22 as war is concerned, it's equally important to have psychological
23 preparation, that is to say, the desire and wish to target your
24 moral/political goals and everything else. So if somebody gives you
25 weapons, provides you with weapons, and you're not ready, you're not

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1 ready to accept that quantity of weapons because you're not ready to do
2 so in organisational terms or whatever, then, in Bosnia-Herzegovina, not
3 a lot better would have happened for the simple reason that
4 Mr. Izetbegovic, with the best intentions in the world -- I'm not talking
5 about intentions here, but he for a long time wanted to enter into a
6 dialogue with the Serb side in order to avoid the war. He
7 procrastinated, but he must have seen -- any idiot could have seen what
8 was going to happen there, and I saw what was afoot. And despite that,
9 just two days before bombing of Sarajevo, he still went on saying, "There
10 is not going to be any war here. You need two to tango here, this not
11 our war," and so on, and so forth. So the people who he represented,
12 this led to complete confusion in their minds. People viewed this and
13 listened to it all and didn't know what it was all about. So you need to
14 have psychological preparations, psychological preparations for something
15 that was obvious and was obvious for many years before. So that's why

16 I'm saying all this.

17 The Croats in Bosnia-Herzegovina, if I can make myself very
18 clear, it -- they realised what was going on far earlier, and they were
19 psychological ready and undertook it upon themselves to defend Bosnia and
20 Herzegovina at the start. Now, luckily this Herceg-Bosna was set up as a
21 defence mechanism for Bosnia-Herzegovina. The Croatian people, of
22 course, but also all the other ethnicities living together with the
23 Croats in that area, on that territory, that's why that was set up.

24 Now, in today's Republika Srpska, there are not 200.000 Croats
25 there, there are no Muslims, they would have wiped us out. That's

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1 crystal clear. And so this psychological preparation and this fault in
2 the way people thought, well, you can have the best intentions in the
3 world, and I don't question President Izetbegovic's intentions.
4 Everybody wants peace. Children want peace, and people analyse all the
5 details particularly when it comes to war.

6 Switzerland, for example, who has not been touched by anybody for
7 centuries, has its own army. And I don't know whether Judge Trechsel
8 himself has a responsibility to become an army member if somebody were to
9 attack Switzerland.

10 Now, he claimed the Yugoslav People's Army would be there to
11 preserve the stability of Bosnia-Herzegovina. You can't utter a more
12 stupid sentence than that, I mean "stupid" in the sense that it was
13 contrary to reality, not in any bad sense of the word "stupid."

14 JUDGE ANTONETTI: [Interpretation] Very well.

15 Mr. Kovacic.

16 MR. KOVACIC: [Interpretation] Thank you.

17 Q. General, I propose that we now move on to the next document, the
18 next edition of "Croatian Soldier," 3D01292.

19 A. "An Alliance Against The Aggressor" is the title here.

20 Q. On e-court in the Croatian version, it is 3D29-0604, and in the
21 English version it is 3D36-0703 and the following page, 0704.

22 A. "An Alliance Against the Aggressor." Zeljko Buksa is the author
23 of the text, and it says that for Croatia and Bosnia-Herzegovina, which
24 were attacked by Serbia, and therefore it was completely natural that
25 countries which were victims of the aggression should coordinate their

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1 defence efforts, and it goes on to say that an agreement was concluded,
2 an addendum to the initial agreement on cooperation with BiH, and that
3 Croatia proposed that already in July.

4 Now, it wasn't signed at the time, the agreement wasn't signed at
5 the time, and the reason was that probably the president, when the
6 agreement was being drawn up, he wanted to avoid all speculation in the
7 world media about the desires of official Zagreb to carve up
8 Bosnia-Herzegovina. But at the same time, Tudjman did not withhold the
9 right of the leaders of the Croatian Community of Herceg-Bosna to decide
10 for themselves on internal relations in Bosnia-Herzegovina and its future
11 organisation, so later on I'm going to demonstrate when the proposals

12 began to be made, who they were sent to, that is to say, President
13 Tudjman's proposals to Alija Izetbegovic that Croatia,
14 Bosnia-Herzegovina -- and it was Slovenia, Croatia, and
15 Bosnia-Herzegovina should form a military -- joint military alliance and
16 act as one bloc vis-a-vis the international community, that that would
17 have been far simpler, because had that been done you wouldn't have this
18 separation of three states stepping down from Yugoslavia. However, that
19 was rejected. And here it is said once again very clearly once again
20 that the Croats in Bosnia-Herzegovina are a constituent people, they have
21 their legitimate representatives, and they can decide as to what the
22 internal setup of Bosnia-Herzegovina is going to be.

23 And now these discussions about the internal organisation of
24 Bosnia-Herzegovina is something that all the world media broadcast as
25 being a division of Bosnia-Herzegovina. It was not a division of

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1 Bosnia-Herzegovina. In hundreds of articles, they used the word
2 "division," and then they thought that it was Croatia who wanted to
3 divide Bosnia-Herzegovina. I say, no, no, and no again, what was meant
4 by this was its internal setup and organisation, from Cutilleiro onwards,
5 how the state was going to be organised to the satisfaction of all three
6 ethnic groups so that they can survive, because only that is a basic
7 condition for peace and law and order in a multi-national community,
8 stemming from Switzerland and other examples. If you don't do that in
9 the proper way, then you've done nothing, you've achieved nothing. So

10 there we have it in a nutshell.

11 An Iranian plane is mentioned there, and I can give you ample
12 information about that. It was earmarked for Bosnia-Herzegovina, and
13 then it was seized because we violated the embargo. And then, you know,
14 Your Honours, there were many people who understood this embargo as being
15 a bad thing, so with that aeroplane we only destroyed part of the
16 weapons, but that other weapons remained -- they said it had been
17 destroyed, but it hadn't. And people saw that to allow someone to be a
18 clay pigeon for the opposite side that was armed goes against the grain
19 of elementary concepts of morale. So from this aeroplane we were able to
20 save at least 60 per cent of the weapons, which were then distributed to
21 Bosnia-Herzegovina and further on.

22 And finally there was another call for energetic action on the
23 part of the international community and that it was a call -- direct call
24 for military intervention in Bosnia-Herzegovina, another appeal. And it
25 goes on to say that Croatia and Bosnia-Herzegovina will found a joint

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1 committee to coordinate the defence efforts until the aggression is
2 completely halted.

3 And then it goes on to define mutual military obligations between
4 Zagreb and Sarajevo, so not between Zagreb and Mostar or Zagreb and
5 Grude, and avoidance of misunderstandings which had been detrimental to
6 the efficiency of the defence against a common adversary up until then.

7 Q. Thank you. Now, if there are no further questions, we can move

8 on to the next document, which is 3D01293. It's the next issue of
9 "Hrvatski Vojnik" from November 1992, and the first article is entitled
10 "A Free South Croatia" or "Southern Croatia Liberated." It is 3D29-0606,
11 or in translation, 3D36-0705, up to page 0707.

12 A. I'd like to read out a brief excerpt from Franjo Tudjman's speech
13 at a display of the Croatian Army in the Dubrovnik port of Gruz, and I
14 quote:

15 "We didn't wish for war. We gained a victory, but after victory
16 we want peace and the construction of the country, reconstruction of
17 everything that the barbers of the 20th century destroyed -- barbarians
18 of the 20th century destroyed. Croatia does not have any imperialistic
19 aspirations in any areas within its borders, but it is not going to give
20 up a single -- an inch of its territory, an inch of its land. We proved
21 this on this battle-front, when the opponents and international factors
22 wanted, at Prevlaka, the UN flag to be the only one, but we said no.
23 This is Croatian land, we said, and the Croatian flag must fly there."

24 I'm going to show Your Honours where Prevlaka is. It's this tiny
25 piece of land bordering on Montenegro and it's this promontory facing

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1 Boka Kotorska, the bay of Kotor and Montenegro, where the moderators
2 wanted to proclaim this as being territory under the protection -- well,
3 it wasn't defined as being Croatian territory, the Croatian border there
4 had not been defined, and I claim, Your Honours, the more cooperative you
5 were, the weaker they thought you were, and they kept exerting pressure

6 on those who were cooperative because it was important to end the war,
7 regardless of international law, war law, and moral norms.

8 And so the policy pursued by Franjo Tudjman, with all this desire
9 for peace and negotiations and talks, and, We'll give way here and we'll
10 give way there, led to the fact that they said, All right, this area is
11 where the United Nations are going to be, and you Croats won't be able to
12 access it. Now, we should have said, No, it's enough; you can be the
13 moderators of peace, but it's Croatian territory and we won't give up our
14 land. However, Croatia did not have any imperialistic desires and
15 aspirations in any of its territory towards the borders, nobody ever had
16 that in mind, and that's the fact that I'll be repeating again and again,
17 because I took part in all this, and I'm willing to repeat it as much as
18 is necessary.

19 Now we're going to skip over an issue, if nobody wants to have a
20 look at it. Anton Tus, General Anton Tus, speaks about this in his
21 interviews. He explains the situation, so we can move on to the next
22 issue.

23 Q. And the next issue is "Hrvatski Vojnik" under 3D01294, which is
24 the 20th of November, 1992. There are several articles. Which article
25 would you like to look at?

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1 A. I'd just like to tell the Judges about one article, which is
2 "Peruca: A Catastrophe Looming," just by way of information for the
3 Judges.

4 THE INTERPRETER: Microphone, please, Counsel.

5 MR. KOVACIC: [Interpretation]

6 Q. It is an article in Croatia, 3D29-0623 for e-court, and the
7 English version there is 3D36-0730 and 0731.

8 Go ahead, General.

9 A. The rebel Serbs, or what was left of Mladic's units, the
10 stragglers, put up a great dam at Peruca. You have a big lake there, and
11 it says how much water there is. They placed 15 tonnes of explosives in
12 the galleries of the dam and wanted to mine the whole damn. So this
13 would have created ecocide, an ecological disaster, but luckily not all
14 the explosives blew up. The damn was destroyed, it toppled, but not all
15 the explosives blasted, so that the catastrophe wasn't as big as it might
16 have been. But nevertheless, there were many casualties on the part of
17 the Croatian soldiers, and it was a great disaster, a great catastrophe.

18 Well, that's all I wanted say about that. I just wanted to
19 inform the Court about everything that went on.

20 3D01295 is the next article, and we're going to look at Mr. Stipo
21 Mesic's text. "We're Going to Continue Waging a Reasonable Policy," the
22 title of that article is.

23 Q. 29-626 is the number for the Croatian version on e-court. Carry
24 on, General. I can't find the equivalent for the English just now.

25 A. Anyway, he says we now have been criticised by the citizens once

1 again, why we don't opt for the military option and solve the problem.

2 So that's a sort of objection, a complaint, a criticism. People wanted
3 to see some military victory and things like that, especially when it is
4 not their children who are being killed, and when they're sitting in
5 offices, and many intellectuals, too, or those who call themselves
6 intellectuals, wanted to solve -- resolve the situation, but always at
7 the expense of others, when it is other people being killed. And he
8 says, We are for a well-balanced policy, and we have waged that kind of
9 policy up until now, and I think that we will continue to pursue it in
10 the future.

11 Q. That is on page 3D36-0553 for the English. Go ahead, please.

12 A. Well, he goes on to say that it was for this reason that we
13 signed an agreement, called in the international forces as soon as we
14 were able to do that, and over the many years of fighting and struggles,
15 where nothing bore fruit, we finally gained the right, with Operations
16 Flash and Storm, to liberate two areas of occupied Croatia. And once the
17 opportunity arose for Eastern Slavonia to follow suit, this area
18 here [indicates], to have Eastern Slavonia peacefully come under the
19 authority of Croatia. Franjo Tudjman agreed, and General Klein, together
20 with the Croatian leadership, performed the task, and I think the United
21 Nations can be proud of the first such successful operation in its
22 history, although there were calls to undertake military action to
23 liberate the area, to make up for Vukovar, if I can put it that way, or
24 to show that we were able to bring Vukovar back to the fold in this way.
25 But, anyway, if something could be done peacefully, then that was the

1 option. We were never for a military option, and that includes me.

2 Q. Thank you very much.

3 A. And here I would like to provide a piece of information to the
4 Trial Chamber. We're talking of the pre-historical spirit, about
5 destruction in Croatia. On page 22 of "The Croatian Soldier," it says
6 here that there were 854 settlements in Croatia that came under attack,
7 and around 5.000 individual monuments, historical edifices, and monuments
8 and historical settlements were destroyed. And what follows is a list of
9 all of that. It was not only Croatian settlements and monuments that
10 were destroyed, but also the Czech, the Ukraine, and the Hungarian
11 culture and historical monuments as well, and nothing remains of them.

12 Q. We are moving to 3D01297. That's the next document that I would
13 like to discuss, under the title "Let's Win With the Good." In Croatian,
14 this is 3D29-0642, and the English version number is -- I can't find it
15 at the moment. Please proceed, Mr. Praljak. I'll come back to it later.

16 A. The author is Zvonko Knezovic, a psychologist employed at the
17 IPD. There were hundreds of psychologists who educated the Croatian Army
18 in stress prevention and other things that were relevant for them. One
19 of them was Mr. Knezovic. I would like to demonstrate the
20 ideology behind our thoughts on war.

21 He says that Croats should not fall into the trap of those who
22 want to humiliate them by induced Ustasha movement; in other words, many
23 who listened about Yugoslavia as an excellent country. And the fifth is
24 simply use the media to transform Croats, including myself, into some

25 sort of Ustasha, and that's how this was received. And in this text, he

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1 simply says, Let's use good to win. We mustn't be like them. And he
2 says that's the position of the whole department through which hundreds
3 of psychologists were employed to work all over Croatia in all the
4 battle-fields and battle-fronts.

5 MR. KOVACIC: [Interpretation] Your Honours, I apologise. There
6 must have been a technical hiccup. We have not been able to locate the
7 translation of this page. Something has occurred, and I can't display
8 the page. I apologise.

9 However, can the General please proceed?

10 MR. STRINGER: Counsel, I think, actually, I've got it. We're
11 looking at an article by General -- well, I'm looking at something called
12 "Discipline, A Mighty Weapon." Maybe I'm in the wrong place. What's the
13 name of the article?

14 MR. KOVACIC: [Interpretation] The article that you're looking at
15 is "Let's Win Through Goodness." The article that you're looking at is
16 the translation of the previous article that General Praljak has not
17 commented upon. What he is commenting upon now is "Let's Win Through
18 Goodness," and the author is Zvonko Knezevic. You will find his name in
19 the right upper-hand corner. I'm not able to find the translation, which
20 doesn't exclude --

21 THE WITNESS: [Interpretation] But I believe that I provided the
22 gist of the text, and you will subsequently provide the number. Let's

23 move on.

24 MR. KOVACIC: [Interpretation] This is exactly what I was going to
25 say. Let's move on, and we'll come back to the number of this text in

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1 English later on.

2 THE WITNESS: [Interpretation] I would like to move on to 3D01299.
3 That's the next article that I would like to discuss.

4 MR. KOVACIC: [Interpretation]

5 Q. What is that?

6 A. The title is "Why Did Serbia Accept a Cease-fire."

7 Q. And this is 3D29-0650 in e-court, the English version -- the
8 Croatia version, and the English version is 3D36-0758 through 0761.

9 Go on, General, sir.

10 A. The general is -- Davor Butkovic is the author, and he mentions a
11 few things here. The first one is that Serbia accepted a cease-fire
12 under the conditions that it did not find suitable. The acceptance of
13 the cease-fire is contrary to their goals and their fall-back position to
14 these goals. Further on, he says that the cease-fire affected the rebels
15 and insurgents, which is corroborated by Milan Babic's reaction. Milan
16 Babic was surprised to see that Cyrus Vance did not want to talk to them,
17 and they claim that the arrival of peacekeeping forces in crisis areas
18 was not acceptable.

19 Obviously, Hadzic, who was the ruler around Vukovar, harboured
20 different political options, and he goes on to say that Croatia waged and

21 won the war on two different levels; the first one was a diplomatic
22 level, and the other one was a military level. And I quote:

23 "Through clever and patient negotiation, Dr. Franjo Tudjman
24 managed to re-establish complete and undeniable Croatian statehood after
25 900 years, thereby creating a precondition for the cease-fire."

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1 And he goes on to say that the Croatian Army takes credit for
2 that, for having repelled the attacks. It demonstrated that it was
3 impossible to defeat a people that was defending itself.

4 Further on, he says that the Yugoslav Army, before the all-out
5 conflict, was a hundred times more powerful than the Croatian units at
6 the time. Towards the end of the paragraph, it says here we did not have
7 tanks, we did not have heavy artillery, we did not have anti-aircraft
8 defence systems, and so on and so forth, there was very little
9 ammunition, and most of our soldiers were members of the police forces,
10 where their commanders were often Serbian spies.

11 He goes on to speak about the personnel policy pursued by
12 Franjo Tudjman and says that there are three reasons why the Croatian
13 Army was established so quickly: first of all, after the aggression
14 against Slovenia, which marked the end of any sort of Yugoslavia, a lot
15 of the best officers of the Yugoslav People's Army crossed over to our
16 side. The Yugoslav Army at that moment did not have a single officer,
17 save for General Kadijevic; a war criminal, General Mladic, whose
18 military abilities were on par with those of General Tus, Spegelj,

19 Stipetic, Agotic, or Brigadiers Gorinsek and Jezercic, and he believes
20 that this is especially important to point out, and I agree with him. It
21 is indeed very important to point out that Gorinsek is a Slovenian and
22 Jezercic a Serb. I don't know whether Mr. Imre Agotic, the commander of
23 the Croatian Air Force, is Hungarian or not. I'm not sure about that.

24 JUDGE PRANDLER: If I may say the following, that "Imre" is a
25 Hungarian name, but of course the family name is not Hungarian. Thank

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1 you.

2 THE WITNESS: [Interpretation] Your Honour, they are only my
3 observations. I know the gentleman very well. However, we never
4 asked -- I never asked him. I knew for some, but I don't know for him, I
5 can't be sure of that.

6 So this is more or less everything that merits mentioning from
7 this article. There is a reference to the morale of the soldiers and all
8 the factors that had a bearing on all of that.

9 Can we now move on to the following one?

10 MR. KOVACIC: [Interpretation]

11 Q. The following is 3D01300. I suppose that you have not given up
12 on the idea to present the first article, "Defence in the Service of the
13 Civilian State." In e-court this is 329-0654.

14 THE INTERPRETER: Could the counsel please repeat the number.

15 MR. KOVACIC: [Interpretation] In English, it is 3D36-0765 through
16 0770.

17 THE WITNESS: [Interpretation] This is an interview with the
18 minister of defence, dated 28 January 1992. The title itself says that
19 the defence of the state is in the service of a civilian state, which is
20 very indicative. I'm going to skip the parts that concern the
21 predictions of Mr. Susak with regard to the Blue Helmets, and I'm moving
22 on to the part dealing with Bosnia and Herzegovina to question --

23 JUDGE TRECHSEL: If I may just make an observation with regard to
24 the transcript. The title of the article, as reproduced on page 53,
25 lines 11 and 12, is: "Defence in the Service of the Civilian State in

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1 Electronic Courtroom," and that sounds very strange and must -- may well
2 be something erroneous. Can we be told what the -- whether it is
3 correct?

4 MR. KOVACIC: [Interpretation] The part about the electronic
5 courtroom is superfluous. The title consists of just the initial few
6 words. "Defence in the Service of the Civilian State" is the title.

7 JUDGE TRECHSEL: Thank you.

8 THE WITNESS: [Interpretation] The journalist here asks about the
9 possible continuation of a war in Bosnia and Herzegovina. As a large
10 contingent of the JNA arrives in Bosnia-Herzegovina from Slovenia and
11 Croatia, the international community had permitted them to do so, and it
12 says here that the situation in that Republic of the former Yugoslavia is
13 getting worse. And he asks how will the Croatian defence react in case
14 there's a conflict breaking out in Bosnia-Herzegovina. The minister says

15 that he is very worried, that Bosnia-Herzegovina is his original

16 homeland, and he uses the following sentence:

17 "We respected the requests of the international community about
18 the non-violability of the borders and the sovereignty of
19 Bosnia-Herzegovina and all the other states which wish to be sovereign.
20 We are not advocating the breakup or the carving up of
21 Bosnia-Herzegovina. Muslims, Serbs, and Croats are the constituent
22 peoples of that republic. We respect their right to decide on their
23 destiny themselves."

24 There are talks about a possible referendum. He says at that
25 moment he was not sure whether a referendum will be possible or not, and

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1 he goes on to say this:

2 "The international community should be more involved in the
3 territory of Bosnia and Herzegovina. If all three peoples in
4 Bosnia-Herzegovina vote in favour of a sovereign and independent state,
5 the Republic of Croatia will fully respect that."

6 He goes on to say that obviously we will cooperate in economic,
7 cultural and other terms, and everything else that goes with that.

8 Another option would be to have cantons, to have a confederation.

9 However, the general position of Croatia is that whatever is agreed in
10 Bosnia-Herzegovina, Croatia will respect that, it will respect its
11 territorial integrity. And he says as well if it comes to the worst, you
12 have to have an "if" in politics. So if the Serbs take the position that

13 Bosnia-Herzegovina must be carved up, and then if the Muslims also adopt
14 that position, then the Croats will have to look after their own
15 interests and make a decision accordingly.

16 These "ifs" were misinterpreted in so many cases, although it is
17 so clear, it is crystal clear, that if the Serbs take a position, if the
18 Muslims take a position, it is only normal that Croats as well would take
19 a position, but we will not be the first one to take such a position.
20 The first position is the one that is discussed at all levels. I have a
21 book showing what the government said at the time, what the parliament
22 said at the time, and they all said the same thing.

23 And he goes on to say this:

24 "Croatia will not do anything to incite such an outcome. We want
25 all three nations in Bosnia and Herzegovina to express their wishes

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1 democratically as to what kind of a state they wish to live in."

2 What kind of a state, not which state. They can't opt to live in
3 Croatia. They have to express a wish to live in Bosnia and Herzegovina,
4 but they also have to say what kind of Bosnia and Herzegovina they want
5 to live in. He goes on to consider possible options.

6 Your Honours, we simply knew, when the story was completed and
7 when the indictment was on the table against Bosnia-Herzegovina which did
8 nothing to the effect of the secession, the force of America says, Okay,
9 we will give the Republika Srpska, which had done what it had done, which
10 now lacks about half a million people who were not Serbs, here you had a

11 state of your own. In Croatia, which pursued such a peaceful policy,
12 together with its President Franjo Tudjman, they prepared the Plan Z-4 in
13 which they offered the insurgent Serbs, after all the destructions and
14 expulsions of all non-Serbs, in this Plan Z-4, America, France, England
15 and Germany proposed for the Serbs in the occupied areas, as you can see
16 them here [indicates], to be given a parliament -- their own tender,
17 their own police. The only thing that they wouldn't have would be
18 a ministry of foreign affairs and a military.

19 The position was simply to put pressure on the weaker one and the
20 more cooperative one and then charge him with all the evil. And finally
21 the political options of foreigners were what they were. I can't deal
22 with that at any great length. What I can say, that those political
23 options were not moral, they were rather amoral, and my opinion will not
24 be swayed in any direction in that sense.

25 Q. General, when you started talking about this article, you did not

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1 state the time.

2 A. I did, I did state the time. The 28th of January, 1992.

3 Q. Fine.

4 A. So I can answer the question. And Susak, who went to study in
5 Rijeka after completing high school, and he was persecuted by the regime
6 because he shared the same -- we were classmates for six years, and we
7 were close friends as children. We sat in the same -- at the same desk
8 for two or three years. He then emigrated to Canada a long time ago, and

9 then he came back as a man who -- well, he simply speaks about the
10 possible policy that might be pursued by the USA. He speaks about the
11 impact of the US business sphere, and he says it is the misfortune of
12 small peoples, including Croatia, that their fate depends on such
13 policies. And then he goes on to say this is not the first time that
14 they supported dictators up until the very last moment, and then
15 overnight they reversed their policies. I mean -- I'm talking about
16 Cuba, Somosa, the Iranian Shah. I'm not going to talk about morality of
17 the world politics, but the world politics and the international
18 community and their policies should not bring us here under this
19 indictment, because there's something terribly wrong here.

20 So that's it about this article. Now we move on to the next one.

21 Q. The next issue of "Hrvatski Vojnik" is from February 1992.

22 JUDGE ANTONETTI: [Interpretation] General, let me come back to
23 Mr. Susak. I believe his interview could be looked at through the
24 premise of the JCE.

25 In this interview, he addresses the question of the Republic of

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1 Bosnia-Herzegovina, and he seems to say that there are two possible
2 solutions, two options, the first one being the following:
3 Bosnia-Herzegovina, after a referendum, could become a state, with its
4 three constitutive people, Muslims, Serbs and Croats, so he mentions this
5 very clearly, and then he says there's a second possibility for solving
6 the problem would be to set up a confederation, and then he addresses the

7 problem of a confederation.

8 So there's two options that are dealt with. Was this shared by
9 all members of the government, by those who voted for the HDZ, or was his
10 personal opinion?

11 THE INTERPRETER: HDZ, interpreter's correction.

12 THE WITNESS: [Interpretation] Well, Your Honour, I think that
13 this is not his view, what he would like to do. He says, We are going to
14 accept everything that the peoples down there agree to.

15 I will now speak very calmly. From this sentence, where it says,
16 We depend on the solutions that will be brought up by the great powers,
17 this is our fate, we always tried to divine what the intentions of the
18 great powers were, and we tried to adapt to their proposals. So if they
19 say a referendum, then we say, Okay, we'll have a referendum. If they
20 say federation, we agree. And if they say cantons, we agree. If they
21 say confederation, we agree.

22 What I felt we could not agree to was that Bosnia and Herzegovina
23 to become part of Serbia. I, personally - I'm now speaking for
24 myself - I would not be able to accept this kind of solution, regardless
25 of the consequences.

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1 Here we have some examples of what it looks like. I'm not going
2 to be offering any value judgements here. So when Milosevic rescinded
3 the autonomy of Kosovo and Vojvodina, the autonomy where a large number
4 of Hungarians participated in in Vojvodina, nobody said a word from the

5 international community. He tore down the constitution of the state, he
6 tore down the constitution of the state, because at that time they were
7 interested in keeping Yugoslavia together. Fifteen years later, or ten
8 years later, when Kosovo rebelled - I'm not going to say that I'm against
9 Kosovo separating - America said, Well, we're not interested in the fact
10 that you're a state and that there is a resolution of the UN Security
11 Council guaranteeing your territorial integrity - now I'm talking about
12 Serbia - we're going to launch air-strikes and we're going to grant
13 Kosovo its independence.

14 So this policy changed in the course of ten years, and we simply
15 don't know what was cooking there. So this is not what we want. We are
16 keeping a finger on the pulse. We know what we wanted. We wanted to
17 have cantons. Well, apart from the basic prerogatives of the state, to
18 have a high degree of decentralisation. Our main model was Switzerland,
19 Switzerland, Switzerland. So there are three peoples, three religions.
20 Let us come up with a model that would function seamlessly. Let us
21 simply copy that model. Why should we invent a new model? That was our
22 position, the position taken by Minister Susak.

23 JUDGE ANTONETTI: [Interpretation] General Praljak, in the
24 indictment and in the preliminary brief, the Prosecutor writes the
25 following in the pre-trial brief. He says that Tudjman and all those who

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1 took part in the JCE were playing a double game, if I could say so, which
2 means that, on the one hand, they were saying that they respected the

3 borders, that they respected the decisions made by the international
4 community while pursuing their objective, which is annexation. This is
5 at least what is alleged in the pre-trial brief, as well as in the
6 indictment. I'm sure that during the cross-examination, he will come
7 back to this issue.

8 Well, in Mr. Susak's interview, he says the following, and I
9 would like to shed some light on this in regards to the indictment. He
10 says, We're not able to influence the politics of the other republics,
11 notably the politics of Serbia. We can -- we do not claim the territory
12 of the other republics where Croats actually live. This is very clear.
13 He is saying that there is no territorial claim regarding the other
14 republics. He mentions two examples, the city of Subotica.

15 Very well. So this could be part of this double game. Here,
16 very clearly, he states that the Republic of Croatia does not intend to
17 annex anything or anyone, and then he continues by saying it's finally up
18 to the Croats, if need be, to move from where they are, it's up to them
19 to do this.

20 Now, here's my question: You know Mr. Susak. You were
21 schoolmates with him.

22 THE INTERPRETER: That's what you told us, interpreter's
23 correction.

24 JUDGE ANTONETTI: [Interpretation] I'd like to know whether he was
25 able to actually use this double language. I'm talking here about

1 Mr. Susak and not yourself, of course.

2 THE WITNESS: [Interpretation] I reject -- I rule out any
3 possibility, first of all, because I know him personally. And secondly,
4 Your Honours, let us go back to real life. How can -- how can one
5 think -- this is what I've already said. Well, we would have had to be
6 total idiots, divorced from any kind of rational mindset, to sign -- for
7 this government to sign all the resolutions of the UN Security Council,
8 to let the UN in, to sign all the agreements, yes, to get into all this
9 trouble about these territories, and then we were supposed to cheat the
10 English, the French, the Americans, the Germans, and all the others.

11 I really can't -- I have this problem here to keep the last
12 vestiges of my rational mindset here. I really don't mind the trial, I
13 don't mind the detention. My problem here is that I have to be an idiot.
14 How can we -- how can we sign -- be admitted into the United Nations,
15 sign all the conventions at the London Conference? I've said this 100
16 times. How can we take it, from whom, with what army? We are disarming,
17 we are reorganising our armed forces. I simply cannot even conceive how
18 somebody could say that. What kind of a double game? What would
19 Gojko Susak take, with what? We are still trying to fight over whether
20 we are going to -- we're going to -- we have to quarrel whether we're
21 going to put the Croatian flag up at Prevlaka. First of all, it's simply
22 not correct to assist the state, to take in so many people.

23 What kind of a double game? I simply don't understand. Well,
24 you're saying let's put a hypothetical question. Let's take this as a
25 hypothesis: I want to play a double game and Gojko Susak wants to play a

1 double game. Now, I want somebody to tell me what cards should I play,
2 what documents, what instruments, what armed forces. I want somebody to
3 tell me. I want somebody to tell me what should this single step be that
4 we should take.

5 Let me repeat, Your Honours. Franjo Tudjman agreed to this Z-4
6 plan. The proposal was for the Glina district and for the Knin district
7 to be autonomous district with a Serb majority. I do apologise. They
8 should have their own police. They should be autonomous within Croatia.
9 We will go back -- we will go back to those texts a little while later.

10 So within Croatia, he agrees to this, plan Z-4, where this
11 area -- this area here and this area there [indicates] are to be
12 considered as a single whole inhabited by Serbs, who should have their
13 own police, their own money. Z-4 was put forward by Galbraith, France,
14 England and Germany, and Martić was the one to reject it because that was
15 too little for him. And now this politician and this policy that is
16 pursued within Croatia regarding the areas from which Croats were
17 expelled, now -- these politicians should now play a game that would aim
18 at the separation of these areas as well. I really can't understand it.
19 I am really struggling to keep my rationality here.

20 That's all I can say.

21 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

22 MS. TOMANOVIĆ: [Interpretation] Just a moment. General Praljak
23 spoke too fast, and the last sentence got lost in translation. At

24 page 62, lines 10, 11, and 12, Mr. Praljak said that:

25 "Now this kind of state is supposed to have as its goal the

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1 separation of parts -- or the secession of parts of Bosnia and
2 Herzegovina and not of Croatia inhabited by Serbs."

3 Perhaps he should repeat it.

4 THE WITNESS: [Interpretation] Yes, I will do so. I will be a
5 little bit calmer, and I have to apologise to Your Honours for being
6 emotional.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, one last
8 question before the break. You spoke about the Z-4 plan. You said that
9 in this plan, President Tudjman would accept, more or less, that part of
10 the Croatian territory would be inhabited by Serbs, who would have their
11 own lists and so on. Could you tell us what was the impact of the Z-4
12 plan among the population? Did people think it was normal or was it a
13 subject of debate?

14 THE WITNESS: [Interpretation] Your Honours, President Tudjman
15 accepted the Z-4 plan. He accepted the Z-4 plan, which contained the
16 provisions that the occupied parts of the Republic of Croatia, from which
17 Serbs had expelled the non-Serb populations, destroyed non-Serb houses,
18 and killed 600 civilians in that area while UNPROFOR was deployed there,
19 and in spite of all that four countries, America, Germany, France and
20 England, put Tudjman in front of a fait accompli to give to those
21 areas -- Martić and Babić the kind of autonomy where they would have

22 everything except for the foreign policy and the armed forces. They
23 would have government, money, the police force and so on.

24 I was desolate, I have to say. I was really dismayed, and I did
25 not agree with this decision by President Tudjman. There you have it.

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1 But I want to say that leniency went that far. In my case, I thought it
2 was too much. I was opposed to it. But then if you have this man who
3 accepted that -- and Gojko Susak and the government accepted all that.
4 To accuse him that he's trying to play some games behind the scenes
5 against this powerful international community in order to carve up Bosnia
6 and Herzegovina, well, that's -- really, that goes beyond any kind of
7 rational thought, the kind of rational thinking that I have. But in my
8 testimony, I will show why this was the case.

9 The Serbs were offering that. They were saying, Franjo, You can
10 have Western Herzegovina and you can give us the rest and these parts
11 here, [indicates], and then everything is going to be peaceful and quiet,
12 and that's -- Alija Izetbegovic was also offering, You can take Western
13 Herzegovina with you and then we will deal with the Serbs, we will deal
14 with them.

15 These were the proposals, and I will show that beyond any doubt
16 these were the proposals made by the Serb and the Muslim side. That was
17 the way that Bosnia was being destroyed and carved up. Never, ever -- I
18 will show statements by the highest officials by the international
19 community confirming that I am telling the truth, including General Klein

20 and all the others. Alija Izetbegovic personally told him he had made
21 those proposals to Franjo Tudjman, and this is, in logical terms, a swap
22 of the premises. Never, ever, Your Honours. This was not on the table
23 at all. This was out of the question. But I will show later who
24 proposed the reallocation of the population. We'll show that. That's
25 why I wanted to take up so much of my time to testify here before the

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1 Tribunal.

2 JUDGE ANTONETTI: [Interpretation] Let's break. It's 20 after
3 12.00, and we'll break for 20 minutes.

4 --- Recess taken at 12.22 p.m.

5 --- On resuming at 12.46 p.m.

6 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

7 MR. KOVACIC: [Interpretation]

8 Q. General, let's go to 3D01301 now, please, and there's an article
9 there about Daidza. It was mentioned several times during these
10 proceedings, "Daidza Defends the Homeland," and perhaps we can use this
11 opportunity to explain who the individual is. E-court number is
12 3D29-0657, and the translation is 3D36-771 to 773.

13 Go ahead, Mr. Praljak.

14 A. Mr. Daidza emigrated to America straight away, I believe 1945,
15 and he returned, as he said, in February 1991. Now, regardless of the
16 fact that his name, first name is Mato, he's in fact a Muslim, and he was
17 the commander of Krajl Tomislav unit, which was in the HVO, and you'll be

18 able to see from the documents that he had a whole series of meetings and
19 talks with Mr. Izetbegovic, and Mr. Izetbegovic in fact was -- sent some
20 orders to that unit. At the beginning of the war, it was a unit manned
21 by more Croats than Muslims, but as the war in Bosnia-Herzegovina
22 intensified, he let people from his unit go, or rather weapons too, or
23 rather he sent the Muslims fight where the danger from the Yugoslav
24 Peoples' Army was worse. But I want to stress something he says, and he
25 says that he gathered together a number of young people, young men around

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1 him - that's in response to the first question - and there were more and
2 more volunteers with each passing day. So it was the volunteers who
3 joined up as the war intensified. And he says, We had neither weapons,
4 nor equipment, and the young men kept coming and brought with them
5 weapons that they had procured themselves. He goes on to say that he
6 trained the fighters illegally and that an attack on Dubrovnik was not
7 expected. And he goes on to say that the unit took part in the fighting
8 on the whole theatre of operation in Southern Dalmacija theatre of war,
9 Osojnik, Cepikuce, Ston, the hills around Konavle, and so on. And he
10 says that there weren't many professionals, that there was a lot of fear,
11 that they hadn't been prepared properly, and he says, How are you going
12 to send a child of 19 out there, dress him in a uniform and put boots on
13 his feet, and send him out to man some positions in the evening?

14 And then he comes to something important and says that they were
15 attacked by the Chetniks and that they were looting all over the place,

16 and he says that the fighters took this badly, of course, and wanted to
17 advance on Trebinje. And he became a general of the Croatian Army later
18 on and he says, I prevented this, it's not something that existed in our
19 parts, blood-feud and taking revenge. There were mistakes, there were,
20 of course, heroes who found me tedious with all my preaching. And then
21 he goes on to say that everybody who knew what the situation looked
22 like -- well, he says too much blood was shed, there are too many graves,
23 that he would often criticise his soldiers and then kiss them and embrace
24 them, and that you had to be a father to the troops as well when you had
25 such young men in your midst, and that he viewed every soldier as his

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1 very own son. And he says that he would have been happiest had they been
2 able to fight using just pens and computers.

3 So on the Croatian side, there were generals and officers --
4 well, nobody wanted to go to war for its own sake. They went to war just
5 because they couldn't allow anybody to trample their country and dignity.

6 Q. Now, General, was he also one of those people who first fought in
7 Croatia and then later on went to Bosnia, because that's not contained in
8 this article, but was that the case with him?

9 A. Yes. He was involved over there, and when the plan to lift the
10 siege of Sarajevo was put in place, he was appointed commander.
11 Mr. Izetbegovic appointed him commander, in fact. He was in command of
12 operations against the Chetniks throughout the Neretva River valley.

13 Q. All right, thank you. I think that we can move on now to the

14 next document of "Hrvatski Vojnik." 3D01302 is the number, and I think
15 you wanted to tell us something about the first article entitled "The
16 Winner is the Croatian People." 3D29-0659 is the number, and in English
17 it is 3D36-774 and 775.

18 A. This is a meeting between the supreme commander and the Croatian
19 Army officers. Dr. Franjo Tudjman here is speaking about -- well, he's
20 informing the officers of how they'll be trained and educated, and he
21 told them of the arrival of the international forces, and how they were
22 to be welcomed, and the duties they were to perform. And at the end, it
23 says that the president drew the attention for need for the arrival of
24 the Blue Helmets or international forces, and he advocates their arrival.
25 And I know for certain that he always advocated that. He was happiest if

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1 the Blue Helmets arrived and deployed along Croatia's borders. He didn't
2 succeed in that, and he says the adversary still has strong weapons at
3 his disposal and can do a lot more damage. And he says that Croatia
4 would not have received international recognition had we not agreed to
5 the peace efforts, but he also says that if all else fails, we must be
6 ready to achieve peace through our own forces. And that's what happened.
7 The Z-4 failed and all other attempts failed, and then with the political
8 action underway, we gained the right to liberate certain parts of Croatia
9 by a police and military operation.

10 And here it's important to note that the president says that he
11 has decided to demobilise, first of all, 20.000 HVO members, HVO

12 soldiers, and that in the second stage of the demobilisation the
13 remaining half be halved. So 20.000 to begin with, and then as soon as
14 that was done, that the remaining number should be halved again. And he
15 goes on to say that to continue the war, we will not need such a large
16 army, and that it is an unbearable burden placed on the Croatian economy.

17 Q. You meant the HV?

18 A. Yes, the HV. So these are clear-cut messages about Croatian
19 policy, through an explanation given by someone who was the number-one
20 man, and that was Dr. Franjo Tudjman.

21 We can move on.

22 Q. For the record, on page 68, line 2, it says "HVO members" twice.
23 The general is expressly talking about HV, the Croatian Army here.

24 Now, General, the next document is 3D01303, and that is the first
25 article -- well, the first article follows on from the topic that you

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1 mentioned, the deployment of the UN forces in Croatia and so on, so on
2 the eve of their deployment. And the date is the 8th of April, 1992, of
3 this particular edition.

4 A. Well, I don't have anything much to add, just to say that this
5 article gives the correct overview as to the deployment of the United
6 Nations peacekeeping forces in Croatia and which areas were considered
7 north, east, south and west, Sector North, Sector South, et cetera. And
8 then he mentions the commands of the international forces. So that's
9 what that's about.

10 Q. General, just one question in this regard. You referred a number
11 of times to the map behind you. Now, those zones are covered by the
12 areas that you demonstrated on the map; right? For the record, I'm
13 referring to the article that begins on 3D29-0661, and in English,
14 3D36-1050 to 1053.

15 We can move on to the next document, which is 3D01304,
16 "Hrvatski Vojnik," dated the 5th of June, 1992, and I think you might
17 want to comment on this article titled "The Croatian Army - The Pillar of
18 the Croatian State-Building Idea." In e-court, it is 3D29-0664, and in
19 English it is 3D36-0776 to 779.

20 Go ahead, General.

21 A. This is the solemn oath-taking before Dr. Franjo Tudjman, the
22 supreme commander, that was taken only then by the Ministry of Defence
23 and the Main Staff, and the officers of the Croatian Army and Air Force,
24 and I'd like to stress here -- they pledged their allegiance, and I'd
25 like to stress the part of the article where the president says that once

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1 again they found that the will of the people cannot be quashed, a people
2 who have, who are fully conscious that the historical moment has come for
3 them to gain their full independence and liberty. And he once again
4 underlines the importance of international relations, and I quote:

5 "By becoming a member of the United Nations organisation, with
6 its admission to membership of the United Nations, Croatia has become an
7 equal member of the free, sovereign and independent states of the world,

8 and from these foundations it will be easier for us to finish the war
9 which was imposed on us, also in terms of international law and not just
10 in military terms. It is upon these foundations that we shall be able to
11 devote ourselves to building our homeland as of tomorrow."

12 So the man who had already experienced a war and who was a
13 historian, and knew exactly what it meant to be a member of the United
14 Nations, what it meant to sign the international covenant and agreement.
15 So even the smallest -- minutest possibility can be refuted that he would
16 do something in the background to divide Bosnia-Herzegovina, that's
17 something that is absolutely inconceivable of a man like that, just as
18 inconceivable as if you were to say that the green tangent is singing.

19 Next he goes on to say that we must be wise and build up an army,
20 the kind of army that we really need and meets our requirements, not to
21 burden the Croatian economy.

22 And in another excerpt, he said that we should demobilise a
23 significant portion -- well, even the largest portion of the Croatian
24 Army, bearing in mind, at the same time, the interests of the state and
25 the economy as a whole, but that we should leave behind professional,

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1 capable military units. So the overall leadership already at that time
2 was turned towards peace. They had their eyes on peace, demobilisation,
3 the prevention of the country's further destruction, et cetera, the
4 development of the economy.

5 And that's what I have to say about that article.

6 THE INTERPRETER: Microphone for counsel, please.

7 MR. KOVACIC: [Interpretation]

8 Q. The next article in the same issue is under the title "Croatia
9 Surrounded by the World." 3D29-0666 is the number of the article, and in
10 English it is 3D36-779 to 781. The author is Davor Butkovic. Do you
11 wish to address that?

12 A. Yes.

13 Q. Go ahead, please.

14 A. Well, first of all, the editors say here that before the last issue
15 went to print, 757 Security Council resolution was passed imposing strict
16 sanctions against the SFRY-SRY, the Socialist Republic of Yugoslavia, and
17 that this news confirms the assertions set out in this article. And
18 here -- that's from the editorial board, and here's what Mr. Butkovic
19 says in his article: He is writing the article at the time they were
20 celebrating the entry of the Tigers, the 1st Brigade of the Croatian
21 Army, into Dubrovnik, whereby the process of liberating the occupied
22 parts of the country had finally begun, and he says that this did not
23 reverberate in the public, that not enough publicity was given to the
24 visit of several representatives from the International Monetary Fund and
25 World Bank who discussed how to provide financial aid to Croatia with the

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1 government and national bank officials. They did not receive much public
2 attention. He says that loans could be expected, financial aid in
3 general, and he considered that this was equally important, as was the

4 liberation of Dubrovnik, and shows the full importance of Croatia's
5 admission into the United Nations.

6 And further down the text, he makes an analysis of relations with
7 the MMF, UNESCO and so on and so forth -- IMF and UNESCO, et cetera, and
8 everything that was being done in that area for the integration of
9 Croatia into international institutions, and says that as far as
10 Croatsians are concerned, and I quote:

11 "For Croatia, membership into the United Nations laid the
12 foundations and prerequisites for the successful use of otherwise
13 favourable international opinion and international climate, which will
14 best benefit a depleted economy."

15 He analyses the problems very well and looks at how Yugoslavia,
16 before Croatia was accepted into UN membership -- well, Croatia did not
17 sign anything before it was received into the United Nations family, and
18 that is why it is in a far better position simply because the occupied
19 territories in UN -- in the focus of UN attention were in Croatia's
20 possession, and for the fact that Croatia need not strike any agreement
21 in which the status of those areas is determined negatively, as far as
22 our state interests are concerned.

23 Up until Croatia's membership and admission to the United
24 Nations, Yugoslavia was the only country that had the right to sign a
25 state agreement with that world organisation, which means that it made

1 decisions on the status of the occupied territories. That is now legally

2 and formally impossible.

3 And he goes on to say that the other tactical advantage that
4 Croatia had, which was key after being admitted into the United Nations,
5 is the fact that it had the possibility of being invited to the 7th
6 Chapter -- or, rather, the protection that the world organisation
7 provides to countries exposed to attack, and says, and I quote:

8 "All further UN resolutions on Bosnia-Herzegovina and Croatia
9 will be taken probably within the context of Chapter 7."

10 Once again, it was brought to light that Croatia, by requesting
11 admission into all international institutions, recognises the
12 international order and hopes that that international order, and here we
13 have Chapter 7 mentioned, will be used as aid and assistance both to
14 Croatia and to Bosnia-Herzegovina so that the imposed war can be resolved
15 with the help of the United Nations. Unfortunately, the aid and
16 assistance that we had expected to receive was found short, which then
17 led to all the things that happened and that we know about. The war
18 continued, chaos continued, nobody was able to tackle the chaos, and then
19 individual crimes that were committed during that same war.

20 That's all for me on that subject.

21 Q. If we can move to 3D01 -- there's a question coming from one of
22 the Judges.

23 JUDGE PRANDLER: I would only simply like to say that of course
24 it is a very interesting article which was written by Davor Butkovic, and
25 I followed it with interest and read it. On the other hand, of course, I

1 have to say that it was a bit -- a rosy interpretation of what happened
2 when -- it was, of course, very important that Croatia has become a UN
3 member, and it should be underlined. On the other hand, of course,
4 Chapter 7 of the United Nations Charter, as we all know, I believe, could
5 only be evoked and utilised if the Security Council itself is going to
6 make a determination that there was a fact which would threaten
7 international peace and security, because the whole meaning of Chapter 7
8 is based on that very notion.

9 So, therefore, I think as the -- firstly, as the events showed
10 themselves at a later stage as well, although the admission of Croatia to
11 the UN was a very important step indeed, on the other hand I would say
12 that it didn't solve all the problems, as we all know, and therefore the
13 reference to this editorial or to this article is although important, but
14 again I would say that it was not the final panacea for Croatia. On the
15 other hand, it is also true that the Resolution of the Security Council
16 757, which is also referred to in this article, it was very important
17 because it really imposed strict sanctions against, at that time, the
18 Federal Republic of Yugoslavia.

19 Thank you, Mr. Kovacic.

20 MR. KOVACIC: [Interpretation] Thank you.

21 Q. General, we can go back to the number that I just called, 3D01 --

22 A. I thank you, Your Honour. I believe that he expresses his hope
23 in the article. It was not an assertion, but rather a hope. He didn't
24 know, as we didn't know, what would happen. He -- that's why he

25 expresses his hope.

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1 Go on, you can proceed, Counsel.

2 Q. Let's deal with 3D01305. I suppose that you wanted to say
3 something about this short article. In e-court, the number is 3D29-0669,
4 and in English it is 3D36-782.

5 A. There is a number of text that I wanted to comment. However, I
6 don't have the time. I just wanted to list them, I'm going to read their
7 titles, and you're going to provide us with the numbers.

8 It says here that Croatia supports war crimes investigations. In
9 the following text -- this is said by Mate Granic, who was the minister
10 of foreign affairs and vice-president of the government at the time. In
11 the following text, an explanation is provided as to the nature of war
12 crimes. It is provided in somewhat greater detail.

13 And then the following text says that a new Nuremberg trial is in
14 the offing, and it is also said that a special commission of the United
15 Nations, before the end of January 1993, will submit to the
16 Secretary-General a whole file with the war crimes that had been
17 investigated.

18 In the following text, it says that --

19 MR. STRINGER: Excuse me. I apologise for the interruption.

20 I'm having trouble following, and I'm not sure whether the
21 general's moving on to subsequent exhibits that have different exhibit
22 numbers, with the intention to come back to the numbers later, but it's

23 hard to follow and I'm a bit lost, I guess. And if we could give the
24 number at the time he's talking about a specific exhibit, it would be
25 helpful, I think, just not for me but for the record as well.

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1 MR. KOVACIC: [Interpretation] I would like to thank my learned
2 friend. We are still dealing with the same exhibit, which is 3D01305.
3 And after the first article that you must have seen on the screen, the
4 general wants to proceed and list the titles found in the document
5 dealing with the same subject. The number is 3D36-0783 and the page
6 after -- the pages that follow. I can give you their numbers.

7 THE WITNESS: [Interpretation] Let's take things at a time.

8 "What are War Crimes" is the first one.

9 MR. KOVACIC: [Interpretation] I'm going to read. We will read
10 much faster if I read all the numbers.

11 The next one is 3D40-0911. This is the English version.
12 3D40-0912, 3D40-0913, and then through 0920. And we're going to hear
13 only the titles from the general, who wants to show that what Mr. Granic
14 is saying in the first article makes all the sense in the world.

15 THE WITNESS: [Interpretation] Thank you.

16 MR. KOVACIC: [Interpretation]

17 Q. Go ahead, General.

18 A. The following text explains the nature of war crimes, what they
19 are, indeed. At least that's how I read the article, or at least that's
20 the perception of the author. The Geneva Conventions are referred to in

21 here, and so on and so forth.

22 In the following text, it says that a new Nuremberg trial is in
23 the offing, and a reference is made to the existing trial, the trial that
24 we are sitting at here today, which would try for war crimes committed
25 during the war. And information is provided as to what is going on.

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1 And the following text says that a quest was launched for -- or,
2 rather, a hunt was launched for war criminals, and you can see that there
3 are pictures of Milosevic, Karadzic, Mladic, Arkan, and Seselj. Also, it
4 says that a decision was issued by the Security Council to establish a
5 commission for war crimes in the former Yugoslavia, and that it
6 immediately embarked upon collecting documentation about war crimes.

7 And the following text says that there is a mounting body of
8 evidence about war crimes, and it says here that British Television faced
9 Arkan with some of the witnesses' testimonies and the photos of his
10 atrocities. And the representative of the French government, after
11 having toured the Serb concentration camps in Bosnia and Herzegovina,
12 claims that he already has the names of 11 Serb war crimes. At the end
13 of that article, we see this text, the recognition of Serbian war crime,
14 and it says that Borislav Herak admitted to an American journalist that
15 he, himself, had killed 29 people and testified to -- witnessed the
16 killing of 250 men, that he participated in torture, rape, and plunder,
17 and that he -- and that that was published by journalist Barnes in "The
18 New York Times," and the title of that article was "A Story of a Murderer."

19 The following article explains that genocide is the gravest of
20 crimes, and again there is a discussion about a Greater Serbia and its
21 borders along the Karlobag-Karlovac-Sisak-Virovitica line, and that
22 Vojislav Seselj was one of the key players who supported that idea.

23 And then the following page provides a list of what is going on.
24 Italians and French supported the establishment of an international
25 tribunal is one of the things that is happening. And then what Giuliano

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1 Amato, the Italian prime minister, stated in London. And then it says
2 that a centre of human rights was established in Zagreb. Again,
3 reference is made to that centre, which shouldn't close its eyes before
4 the Serbian crimes committed in Croatia and Bosnia and Herzegovina.
5 There is also official data about the crimes committed in Croatia. It
6 says here that Clinton is also in favour of a new Nuremberg trial.

7 MR. KOVACIC: [Interpretation] I believe that my learned friend
8 was now able to follow, or if not, a majority of the English translations
9 are enclosed with 3D01993. It's the -- it is the same issue of
10 "Hrvatski Vojnik." The translations are there, and I apologise if you
11 had problems following.

12 Q. General, the following is 3D01 --

13 A. We're going to skip that.

14 Q. You want to go to 994; okay.

15 A. Yes.

16 Q. This is what I meant. I thought that you might want to skip that

17 one.

18 JUDGE ANTONETTI: [Interpretation] General, I have a follow-up
19 question.

20 You have just read out the article that mentions crimes and
21 announces that there may be, in the future, a tribunal. Earlier on, you
22 spoke about Resolution 757, which gave my fellow Judge the opportunity to
23 intervene. I hesitated because I was waiting for the right moment to do
24 so, and the right moment is now with this document.

25 As you know, and you demonstrated this, you read the resolution

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1 which is but the follow-up of Resolution 752 which was not implemented,
2 therefore there was a need for a new resolution, which asked the states
3 to comply with resolutions. It was, among other things, asked of the
4 Army of Croatia that it should leave the territory of the Republic of
5 Bosnia and Herzegovina. It was also asked of the neighbours of the
6 Republic of Bosnia-Herzegovina not to interfere within the boundaries of
7 the Republic of Bosnia and Herzegovina.

8 So at the very moment when the resolutions were adopted, at the
9 very moment when Chapter 7 was mentioned, at the level of the Croatian
10 Army, was there an assessment of the situation in order to see in what
11 field the Croatian Army was to criticise itself or investigate itself so
12 that some day it would avoid falling under a resolution that would
13 criticise or condemn specific types of behaviour?

14 You were a general, among other generals of the Croatian Army.

15 Did you assess the situation? Did you see whether there was a potential
16 risk that one day you might have to respond, answer to crimes that you
17 could be charged with, or did nobody take that into account? You were
18 one of the key players at the time. Therefore, it might be interesting
19 to hear you on this issue.

20 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, Your
21 Honours, from the very arrival you've seen, and you will see from my
22 behaviour in Sunja, from the very outset I tried to teach them about
23 everything that is contained in the International Law of War. We
24 continuously, in continuum, without any interruptions, educated every
25 Croatian soldier as to what they could do and what they shouldn't do, and

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1 this did not stop for a single moment. When I complete this, I'm going
2 to show you a text that I, myself, sent to the Croatian Army from the IPD
3 Department. In that text, I tell them this: Gentlemen, you will not be
4 exculpated from a single crime you may commit, be it looting or something
5 else. You will not be tried less because of the fact you are Croatian
6 soldiers. You will be tried even more.

7 You will see the document. It was not on the list because it was
8 not translated on time.

9 I also deal with the law, and I quote from the Penal Code and
10 tell them how much they can expect for each of the crimes they may
11 commit. I tell them also, Gentlemen, we are fighting for a state with a
12 rule of law, and you can rest assured that you will be convicted.

13 There is the document there [indicates]. This is the one that
14 I'm discussing, if I may be provided the document.

15 Not for a single moment, therefore. And you have also seen this
16 from the Prosecutor's submission, how many people were actually
17 processed.

18 JUDGE ANTONETTI: [Interpretation] Just a minute. Usher, please,
19 your help is required.

20 THE WITNESS: [Interpretation] How many people were processed, how
21 many people had criminal proceedings instituted against them.

22 Your Honours, we were absolutely convinced that we would be able
23 to process not everybody; certain things will remain unpunished.

24 However, our instinct was to process everybody. As far as the part
25 concerning the withdrawal of the Croatian Army from Bosnia and

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1 Herzegovina, that resolution was passed based on incorrect, false, and
2 propaganda thesis that were proposed by the Serbs, by some members of the
3 international community, and Mr. Alija Izetbegovic.

4 There were no members of the Croatian Army in Bosnia-Herzegovina,
5 save for those that I already mentioned. I know that. I know those who
6 came by name. I knew all the volunteers by name and by face, each and
7 every one of them. When I come to that, when I start explaining the
8 situation down there, I'm going to give you their names, their family
9 names, where they hailed from, what their mothers and fathers did for a
10 living. I can tell you that about most of the people who came down there

11 to fight on the side of the Croatian Army.

12 There was a story going around about several brigades, maybe five
13 or six, of the Croatian Army in Central Bosnia, and at one point
14 Mr. Alija Izetbegovic accused Franjo Tudjman, but that was a pure and
15 simple propaganda lie. There were no Croatian soldiers in Central
16 Bosnia; maybe there were 10 or 12 volunteers from the Croatian Army, and
17 that's all.

18 But let me go back to the document dated 1 October 1992.

19 MR. KOVACIC: [Interpretation] 65 ter 3D03316. This has not been
20 translated. It was on our last submission to be added to the 65 ter
21 list. However, it was turned down, together with many others, because
22 they were not translated.

23 THE WITNESS: [Interpretation] We'll find a way. The text is
24 long. I signed it myself.

25 MR. STRINGER: If it's not on the 65 ter list, if it's not

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1 translated, then we object to it's being used. Thank you.

2 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you might use this
3 document later on, when it will be translated. You've heard the
4 objection from Mr. Stringer. I'm sure later on you'll have the
5 opportunity to come back to this, and when we all have that document
6 translated it will be better. It's not that we don't trust you, but it's
7 much easier for each and every one to have the translated document at
8 hand.

9 THE WITNESS: [Interpretation] If I may, just two short parts from
10 the beginning, very short parts, just to --

11 MR. STRINGER: Excuse me. The Prosecution objects and asks that
12 the witness follow the Trial Court's ruling.

13 JUDGE ANTONETTI: [Interpretation] Next time, Mr. Praljak.

14 THE WITNESS: [Interpretation] Very well.

15 Let us move on, then. 3D001995. It's a text about the third
16 anniversary of the first convention of the HDZ. "Every Drop of Croatian
17 Blood is Sacred." Mr. Kovacic, could you please just read the reference
18 for the English version?

19 MR. KOVACIC: [Interpretation] Unfortunately, it appears that
20 there is some confusion with the English documents. We have another
21 English document attached to this one, and I don't have it here. In
22 Croatian, that would be 3D30-0122. That's the Croatian version.

23 Q. Perhaps, General, we can skip this one and leave it for tomorrow,
24 because we have to verify what's happened.

25 A. Very well. But we have this "One Year of the Military

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1 Prosecutors Office."

2 Q. Yes, this one has a translation. It's 3D40-0801. That's the
3 English translation. Please go ahead.

4 A. Well, here we have a brief text about the military public
5 prosecutors -- military prosecutors office. And here we can see what has
6 been done, and I note that the military prosecutor, Colonel Mirsad

7 Baksic, is a Muslim. And it is important to note that nobody will get
8 away with impunity, and nobody who has done something will go unpunished,
9 and the Croatian judiciary does not blame ethnic communities as wholes
10 for crimes. And this is the only way that the functioning of the legal
11 system in Croatia will be guaranteed is through vigorous prosecution.
12 That's all I have about that.

13 Q. That's "One Year of Military Prosecutors Office." It's
14 3D31-0024, that's the Croatia version, and 3D40-0801, that's the English
15 version. Thank you very much.

16 MR. STRINGER: Just for the record, the exhibit number for that
17 was --

18 MR. KOVACIC: Exhibit number was 001995. Yes, I'm sorry, one 0
19 too much. That was 019955.

20 Q. [Interpretation] The next document, General, is "Hrvatski Vojnik"
21 from March 1993, 3D01996. Which articles did you want to speak?

22 A. "The Second Chamber of the Croatian Parliament Set Up."

23 Q. That's 3D31-0026, that's the Croatia version in e-court, and the
24 English version is 3D40-0803 and the pages that follow.

25 A. Well, I would like now to focus once again to the address by

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1 President Dr. Franjo Tudjman, and I would start from where it says:
2 "Serbs and UNPROFOR," where he again speaks about the role and what we
3 sought from the international community, and how UNPROFOR came to be
4 deployed, and he says that about 22 per cent of the Croatian territory is

5 still held by the insurgents. And he says, according to the 1991 census,
6 there were 520.000 Serbs living in Croatia or some 10 per cent of the
7 population, and in their key districts, Glina and Knin -- Knin and Glina,
8 which covered 12.55 per cent of the Croatian territory, there was a total
9 of 4 per cent of the Croatian population living there. Furthermore, from
10 the overall number of Serbs in Croatia before the aggression, in the area
11 covered by the present districts, 24.8 per cent of Serbs lived there. So
12 a bit less than a quarter of all Serbs lived in those districts.

13 So the aggression that was launched was not launched solely to
14 protect Serbs, because most of the Serbs in Croatia lived in Zagreb, in
15 Rijeka, in Istria and so on. They simply wanted to carve the state of
16 Croatia up in an area where only 24 per cent of the overall number of
17 Serbs lived. The remaining Serbs in Croatia lived as Croatian citizens,
18 they served in the Croatian Army, they did their jobs, and they suffered
19 the same fate as everybody else.

20 Dr. Franjo Tudjman goes on to say, in an effort to avoid further
21 war victims, the Croatian policy wants to garner the aid of the
22 international community to achieve an end to the Serbian aggression
23 against Croatia. He goes on to say that the population living in those
24 areas find their lives unbearable, the conditions of life for most people
25 living there are intolerable, and the ringleaders of the insurgency do

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1 not have the right to speak on behalf of the majority of the Serbs living
2 in other areas in Croatia. And he goes on to say that it is encouraging

3 that numerous initiatives are cropping up on the Serb side in UNPA areas.
4 Of course, Dr. Franjo Tudjman had one man, Slavko Degoricija, in the
5 government, who was in charge of the talks with the Serbs, and I think
6 that he had more than 150 meetings with him. In particular, the talks
7 with this area around Okucani and Gracanica were fruitful, and I have to
8 say that the Serb leaders in this area are today, and in fact immediately
9 after the liberation of that area, became members of the Croatian
10 Parliament, so those people who created this state within a state in
11 Croatia, they today sit in the Croatian Parliament. They were not tried,
12 they were not punished because they had not committed any war crimes.
13 Croatia did not try to impose any kind of collective blame, as the
14 military prosecutor noted, and as soon as things were back to normal they
15 rejoined the normal political life in Croatia.

16 Furthermore, Franjo Tudjman says that they will persevere in
17 pursuing this policy, that all loyal citizens of Croatia will have their
18 civil and human rights guaranteed. The right to local self-government
19 according to the highest standards in Europe and the developed world will
20 be guaranteed. So offering all political preconditions for the
21 normalisation of the relations, we have to draw the attention to the fact
22 that we will also persevere on holding responsible under the law those
23 who committed war crimes and those who continue committing war crimes and
24 atrocities and ethnic cleansing.

25 JUDGE ANTONETTI: [Interpretation] It's 1.45 and we have to put an

1 end to this today. I'm sure we'll continue tomorrow with the same
2 document, if Mr. Kovacic still has questions to put on this document.

3 As you know, we're sitting in the morning at 9.00. I adjourn for
4 the day. I wish you a fine afternoon, and we'll reconvene tomorrow at
5 9.00 a.m.

6 [The witness stands down]

7 --- Whereupon the hearing adjourned at 1.45 p.m.,
8 to be reconvened on Wednesday, the 13th day of May,
9 2009, at 9.00 a.m.

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