

1 Monday, 19 May 2008

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.15 p.m.

5 JUDGE ANTONETTI: [Interpretation] Please call the case,

6 Mr. Registrar.

7 THE REGISTRAR: Good afternoon, Your Honours. Good  
afternoon,

8 everyone in and around the courtroom. This is case number IT-04-74-  
T,

9 the Prosecutor versus Prlic et al. Thank you, Your Honours.

10 JUDGE BONOMY: Thank you.

11 Today is Monday, 19th of May, 2008. Let me greet the

12 Prosecution, including Mr. Stringer, who is back with us after  
having

13 left us for quite some time; and good afternoon also to the Defence

14 counsel, to Mr. Khan, it's a pleasure for me to see him again here

15 because we had missed him these past few weeks; let me also greet  
the

16 accused and everyone assisting us in and around this courtroom.

17 I'm first going to give the floor to the registrar, he has  
to  
18 give us some IC numbers following a number of filings for submission  
of  
19 exhibits by the parties.

20 THE REGISTRAR: Thank you, Your Honour. Some parties have  
21 submitted list of documents to be tendered through Witness Damir  
Zoric.

22 The list submitted by 1D shall be given exhibit number IC 00791.  
The

23 list submitted by the OTP shall be given exhibit number IC 00792.  
The

24 list submitted by 3D shall be given exhibit number IC 00793. And  
the

25 list submitted by 4D shall be given exhibit number IC 00974. Thank  
you,

**Page 28129**

1 Your Honours.

2 JUDGE ANTONETTI: [Interpretation] Thank you.

3 I believe that Mr. Scott wants to take the floor.

4 MR. SCOTT: Good afternoon, Mr. President, each of Your  
Honours,

5 counsel, all those in and around the courtroom who are assisting us.

6                   Your Honour, I need to raise with the Chamber, and I hope we  
can

7           take it rather briefly because I'm hoping that there won't be -- in  
light

8           of the circumstances there won't be any objection to this, in fact.  
In

9           the past several days the Prosecution has received - and again I  
thank

10          the Defence for providing it - but has received a large volume of

11          material that's either just been translated or not translated yet at  
all.

12          Since approximately Friday of last week we've received this much

13          material, and, Your Honour, again I'm not saying anything more than

14          that's what we've received. I'm not saying anything about good or  
bad

15          faith. I do appreciate counsel providing it to us.

16                    But the bottom line, Your Honour, is that the Prosecution is  
once

17          again in a position where we cannot possibly prepare to cross-  
examination

18          this witness this week. There's just simply too much material that  
we've

19 received for the first time and we will ask -- we do ask the Chamber  
to

20 postpone cross-examination to a future date so that we can study  
this

21 material and obtain it in translation. Thank you.

22 MR. KARNAVAS: If I may be heard for the record, Mr.  
President.

23 On Thursday we provided the Prosecution with a report that was  
prepared

24 by Mr. Rebic a couple of years ago, and it was only until Thursday  
that I

25 saw it in translation, that's the report entitled: "My Report at  
the

**Page 28130**

1 Office for Displaced Persons and Refugees." So they received it the  
same

2 time that I received it to work from it, number one.

3 Number two -- and that's 1D 02921. Everyone has been  
provided

4 with it.

5 Number two, if you will see, in the very last line of  
paragraph 1

6       it says that this report was done -- the last sentence says was done  
from

7       his diary, which consists of around 200 pages. When I saw that I  
asked

8       that Mr. Rebic bring his diary over here in the event the  
Prosecution

9       wanted it, unlike other UN agencies, for instance, which have  
appeared

10      before here and have refused to provide their written notes, we are

11      willing to provide all of this to the Prosecution and to everyone  
else.

12      Those notes -- and I believe that's 1D 02922.

13                 Those notes we are not tendering in as evidence. They were

14      provided merely in the event the Prosecution wanted to check what's  
in

15      the notes to see whether the notes are consistent with this  
particular

16      report that Mr. Rebic did a couple of years ago. So it was out of

17      courtesy. I could have easily have deleted this line and not  
requested

18      the notes and nobody would have been the wiser of it. And I am  
saying

19 that because at times it appears in this courtroom that our  
integrity is

20 being questioned and I won't say by whom. I'm not suggesting that  
it's

21 Mr. Scott, but it is a touchy issue with us.

22 So in any event, we -- I have not looked at these 200 pages  
of

23 notes because they're in Croatian; I cannot read them. Now, I  
understand

24 the Prosecution's dilemma. I would say that it would be highly

25 inconvenient for Mr. Rebic to come here and the Prosecution was  
provided

**Page 28131**

1 with this document.

2 Next I would say that I find it rather alarming that it's --  
this

3 is raised now, on Monday, when for instance had I been contacted on

4 Saturday - and I'm making this comment henceforward so everybody can

5 say - and I don't want to set a precedent for the other Defence, but  
I

6 have absolutely no problem with the Prosecution meeting with our

7 witnesses in The Hague

3       Persons." This document was prepared by Mr. Rebic. In the English  
4       version this document has 36 pages to be precise. If you are  
familiar  
5       with this case, it should not be tremendous amount of work to read  
these  
6       36 pages.

7               Furthermore, I believe that during the examination-in-chief  
the  
8       Defence through Mr. Karnavas will raise a number of issues developed  
in  
9       that report. Furthermore, we have a second document, it's a much  
longer  
10       document, it's Exhibit 1D 02922. These are notes, personal notes,  
11       written in B/C/S, they have not been translated, and it's a total of  
213  
12       pages. These are notes that have been handed over to the Defence  
13       counsel, who can't speak B/C/S, during the proofing of the witness.  
14       Mr. Karnavas who, since I've known him for two years now, has always  
15       demanded that witnesses hand over their personal notes; that's why  
he's  
16       now -- he has submitted these personal notes for the Prosecution to  
be

17 aware of them. But Mr. Karnavas has added that he would not tender  
18 document 2922. That's the way things stand at the moment. The  
Chamber  
19 will consider the request of the Prosecution to decide whether the  
20 Prosecution will conduct the cross-examination or not.

21 But without further ado, we'll have the witness brought in.

22 Yes, Mr. Scott.

23 MR. SCOTT: Thank you, Your Honour. I do want to before the  
24 Chamber deliberates on the point, first off I have been very  
careful.

25 Everyone in the courtroom, of course, is sensitive to their good  
name,

### Page 28133

1 reputation, and good faith, and the Prosecution is no different in  
that

2 respect than everyone else. And I was once again very careful not  
to

3 base any of this on any allegation of bad faith. But be that as it  
may,

4 it doesn't change the bottom line in that the Prosecution has been

5 provided information that it cannot -- it cannot reasonably deal  
with in



6 the short amount of time that it has now to prepare. I emphasize  
this,

7 Your Honour, in light of other issues that we've previously brought  
to

8 the Chamber's attention, and I will briefly remind the Chamber not  
to

9 consider this issue in isolation.

10 We have a situation where we have been receiving, and

11 Mr. Karnavas knows that he and I have been engaged in ongoing  
dialogue

12 about this, what the Prosecution continues to consider insufficient  
Rule

13 65 ter summaries. They're general. Again, I understand the  
difficulties

14 of getting with these witnesses and getting the information, but  
again

15 the bottom line is Rule 65 ter (g) requires meaningful summaries of  
the

16 facts that the witness is going to put forward to be summarized and

17 provided to both the Chamber, not just the Prosecution but to the

18 Chamber. It is not simply a listing of topics, of positions that  
the

19 witness has held, or the topics that will be explained. It is the

20 evidence of the witness. It is a summary of the evidence of the  
facts of

21 the witness that will be put forward. Both the Chamber is at a  
22 continuing disadvantage and the Prosecution is at a continuing  
23 disadvantage when we do not have adequate summaries.

24 Now, compound that with the fact that for most of these  
25 witnesses, many of these witnesses, we also do not have any prior

**Page 28134**

1 statement of the witness, unlike the Prosecution witnesses in which  
2 statements of these witnesses -- of our witnesses were provided  
sometimes

3 years, literally years in advance, unlike here. So now we have a  
4 situation where we're getting in our view, respectful submission,  
5 inadequate summaries, no statements, and then trying to prepare and  
then

6 we get this much material on short notice. And again, I appreciate  
7 Mr. Karnavas sending it to us in various pieces over the last couple  
of

8 days, I appreciate that, but the bottom line, Your Honour, is it  
does not

9 provide the Prosecution an adequate opportunity to review this  
material.

10 It is not -- it is simply the rules -- the rules are the rules, and  
I

11 made the point the other day that if there are rules that apply to  
12 everyone, that applied to the parties and apply to the Chamber. The  
13 rules require a certain process to be followed in terms of  
disclosure,

14 and this is not -- this is not the process. It is not up to the

15 Prosecution to scramble, to put the burden on us to scramble when  
parties

16 don't meet the rules. And so that is the bottom line. We cannot do

17 this, Your Honour, it's not fair. Whenever this happened in the

18 Prosecution case, what the Chamber consistently did was defer the

19 cross-examination until all the material could be studied,  
translated and

20 studied, and the Chamber did that consistently during the  
Prosecution

21 case, and I'm sure the Chamber will not treat the Prosecution  
different

22 than it treated the Defence.

23 MR. KARNAVAS: If I may just briefly respond because I do  
wish to

24 get on with the testimony. When it comes to personal notes, the

25 Prosecution obviously could not compel certain witnesses, albeit  
they

**Page 28135**

1 came in from certain organizations where you would expect there to  
be

2 some sort of transparency, he could not compel them to turn over  
their

3 notes very well. Here there is no rule that I have to turn over

4 handwritten notes to anyone, and I could have easily not done so and  
we

5 wouldn't be in this discussion. However, in fairness because the

6 gentleman indicated that this report was made from his handwritten  
note

7 or his diary I thought, you know, it would be best to turn it over.

8 I received -- when I received this diary was on Thursday,  
this

9 Thursday, when I received it in English. Without even reading it, I

10 basically glanced at it, my first reaction was: Turn it over.

There's

11 no prejudice to the Prosecution in my opinion. Have they read this,  
they

12 would see, for instance, if they wanted any particular incident they

13 could then go to the note, they have B/C/S speakers. So it's not at

14 their disadvantage, that's number one.

15           Number two, I know that there's an ongoing dialogue and to  
the

16 extent the Prosecution wishes additional information, we do provide  
it.

17 For instance, there was one witness, I won't mention his name  
because

18 he's a protected witness, but they asked for additional  
information. I

19 brought it to their attention that, number one, the OTP took a  
statement

20 from that particular witness in 1996. That statement in and of  
itself

21 covers the entire testimony. OTP statement taken from a witness  
over a

22 period of two days in 1996. That witness also testified and Mr.  
Scott

23 was the one that cross-examined the witness. So how can that --  
what

24 more do they need? He's going to be speaking about the events. The

25 events are locked into a particular set of time, time frame. With  
this

1 particular witness let's be realistic also. Mr. Zoric testified,  
2 Mr. Zoric was the number two. If you look at the documents that we  
3 intend to go through with Mr. Rebic, many, many, many of them have  
4 already gone through -- we've gone through Dr. Zoric. The subject  
matter  
5 is the same. So there's -- there are no real surprises.

6 Now, I understand as a matter of principle, the Prosecution  
is

7 laying down their marker for future purposes. I leave it to the  
Court's

8 discretion, but at some point enough is enough. We have to decide.

9 We're not -- you -- and I just want to say this and I say it with  
the

10 utmost respect, I know I have my disagreements with some members of  
the

11 Trial Chamber, but I'll be very, very blunt: This Trial Chamber  
cannot

12 compel me to provide a statement from a witness. It cannot do so.  
It's

13 not called for in the Statute, it's not for in the rules, and it  
would be

14 ultra vires for this Trial Chamber to do so against Dr. Prlic or  
anyone

15 else in this courtroom at the exclusion of everybody else who has  
come

16 before this Tribunal. It's an adversarial system. I chose not to  
go

17 into the mechanics, but Mr. Khan did so in a very eloquent way, but

18 basically this is the way it is. And so I do provide whatever I'm

19 required to provide. If they need additional information, I do. I  
do so

20 in a timely fashion to the extent that is possible.

21 Now, had I received this document earlier, I would have  
turned it

22 over earlier, but I understand -- and again, it's not -- this is not

23 directed towards Mr. Scott, but there seems to be an impression  
that's

24 being created that somehow we are being less than forthright with  
the

25 parties and the Court. And I want to make sure that at least to the

**Page 28137**

1 extent that I am aware of the Prlic Defence, every single member of  
the

2 Prlic Defence is extremely professional, ethical, and honest and if  
there

3 is an error I take full responsibility. But in this instance, when  
I get

4 it I turn it over. And like I said, I saw the 200 pages and my  
first

5 reaction was my God, now I've got to turn it over. And my second

6 reaction was to my colleague is the Prosecution is more likely than  
not

7 going to ask for a continuance of the cross-examination because I  
know

8 what their position is going to be.

9 So I leave it to -- I leave it to Your Honours. But I would  
say

10 before you hear -- before you make a decision perhaps we should hear  
the

11 direct examination, and then I would also urge that we go forward,  
at

12 least with some cross, so that the gentleman doesn't have to come  
back.

13 He's very old. He's had heart surgery. He has an extremely busy

14 schedule. It's very difficult for me to meet with him, and I don't  
think

15 it's convenient for me to be telling every one of my witnesses  
you're



16 going to have to come back because this is a good way for me to lose  
17 witnesses.

18 JUDGE ANTONETTI: [Interpretation] The Chamber will  
deliberate on

19 this.

20 We've just spent 20 minutes dealing with this, and I have  
two

21 things to say. First of all - and this is my own personal opinion -  
as

22 the Presiding Judge I have to say this. We have a document here  
that's

23 216 pages long. It's a document in B/C/S. Of course that can be

24 problematic, but when I turn my eyes to the Prosecution desks I see  
here

25 that we have four representatives of the OTP and one is enough, the

**Page 28138**

1 others could very well meet with a staff member of the OTP who can  
speak

2 B/C/S and during the examination-in-chief they could work on these  
216

3 pages to find out if there's anything of importance in these 216  
pages.

4                    Secondly, this problem is likely to occur time and time  
again.

5                    I've had a look at Mr. Prlic's witness list until the 3rd of July.  
I've

6                    noted that a number of prominent persons will come and testify.  
They

7                    probably have personal notes, and we run the risk of being faced  
with

8                    this situation time and time again. If a witness arrives and  
submits his

9                    personal notes to Mr. Karnavas, 200, 400, 1.000 pages of notes, then  
the

10                   Prosecution will tell us, We can't cross-examine. This situation  
may

11                   occur time and time again because the witnesses we are going to have  
in

12                   the near future are not victims; they are people who held high  
positions.

13                   And if these witnesses come here with their personal notes, we might  
be

14                   faced with documents in B/C/S counting hundreds of pages. We can't  
in

15                   every case postpone the cross-examination. These are inherent

16 constraints we have here. We have to take this into account.

17 Let me remind you that the burden of proof rests on the

18 Prosecution, and based on this principle the Defence is not  
obligated to

19 anything. The only thing the Defence has to do is when calling its  
own

20 witnesses to provide a list of the exhibits and to provide  
summaries.

21 These are the obligations of the Defence based on the Rules of  
Procedure

22 and Evidence.

23 What concerns me is about the following witnesses - I'm not  
going

24 to give their names, some of them may be protected - but I'm  
concerned

25 that we might find ourselves in the same situation time and time  
again.

**Page 28139**

1 Let me add that anybody who is familiar with this case is in a  
position

2 and has to be able to deal with any document. What do the Judges do  
when

3 they arrive at the hearing? Well, they receive three binders and  
they

4 have to be ready to work with these binders; otherwise, they could  
say,

5 Oh, we have to stop for two weeks and we'll postpone the hearing for  
two

6 weeks. But why not? But then the trial would go on for about 20  
years.

7 Each and every one of us has to make an effort here. Of course some  
8 requests are legitimate, but there comes a time when we shouldn't go  
too  
9 far.

10 Mr. Scott.

11 MR. SCOTT: Your Honour, with the greatest respect I must  
say

12 that I'm shocked by the Chamber's -- by the President's comments  
just

13 now. What I've just heard the Chamber say is: We don't have time  
to

14 enforce the rules and if the rules can't be complied with so be it.  
I

15 will not be put on the defensive on this issue, I will not have the

16 Prosecution put on the defensive this issue. There are rules to be

17 enforced.

18 JUDGE ANTONETTI: [Interpretation] Mr. Scott --

19 MR. SCOTT: I will stop and then I will continue, Your  
Honour.

20 JUDGE ANTONETTI: [Interpretation] -- there must be a mistake  
in

21 the translation. I've never said that -- you always interrupt me  
when I

22 speak, but before you do so check what I've said. I've never said  
what

23 you've just told us about the Rules. I've said that as part of the  
Rules

24 of Procedure and Evidence the only obligation of the Defence is to

25 provide the list of the exhibits and the summaries. That's what I  
said.

**Page 28140**

1 I didn't say anything more. You are interpreting my words. Of  
course

2 there might be a mistake in the translation, and that's why you may  
have

3 not quite understood what I was talking about.

4 MR. SCOTT: No, Your Honour, again with great respect what I  
was

5 referring to was your comments just a few meant moments ago when you  
were

6 concerned that this same procedure, this same situation, can develop  
in

7 the future and that if it happened it would result in delaying the  
trial.

8 That is my concern. And what the Chamber has -- excuse me, not the

9 Chamber, Mr. President, what you were then saying is that because it

10 would delay the trial we can't follow the Rules and that is  
fundamentally

11 inconsistent as I was beginning to say when I deferred back to the

12 President. Your Honour, I will not be put in the defensive -- on  
the

13 defensive on this issue. I will not have the Prosecution put on the

14 defensive on this issue. The Prosecution is doing its job. There  
are

15 rules to be followed here. I did not accuse Mr. Karnavas of any bad

16 faith, but the bottom line is the rules have to be enforced and  
there are

17 disclosure rules and they have not been followed, perhaps in good  
faith,

18 they have not be satisfied in this case. I will not be the one in  
this

19 courtroom to be put on the defensive when I am the one that's only  
just

20 now received this material, and it is not up to my staff to stand up  
all

21 night trying to read 213 pages of untranslated B/C/S material just  
so

22 this trial can go forward when people don't comply with the rules.

23 And I am shocked. I am shocked by the President's  
statements. I

24 hope the rest of the Chamber will have a more reasoned view and that  
the

25 Chamber will do what it's done in the past and there will be an

**Page 28141**

1 opportunity for the Prosecution to have this material in ample time

2 translated to be able to prepare for cross-examination which is its  
right

3 to do.

4 MR. KHAN: Your Honour --

5 JUDGE ANTONETTI: [Interpretation] Mr. Khan, I can't let Mr.  
Scott

6 say that.

7 Mr. Scott is shocked. He's very easily shocked. I don't  
know

8       why. He's shocked hearing me say that when I look at the table of  
9       witnesses who will come and testify until the 3rd of July I find  
that

10       there are a lot of witnesses who may, who may, bring personal notes  
when

11       they come to The Hague

8       the rules." He's very adamant the rules are the rules, that I  
agree.

9       Well, in that case my learned friend is a lawyer and I do -- I do  
have to

10       say with the greatest respect, one should refer to the rules and say  
in

11       what respect is there non-compliance. Of course the duties of the

12       Prosecution under 66 and 68 are specific, they are different to the

13       obligations of the Defence because they emanate from the burden of  
proof

14       and their responsibility to bring a case and to prove it. Your  
Honour,

15       in this instance of course we don't have, to use that awful phrase,  
and

16       we don't have a dog in this fight, but in relation to 1D 02922  
there's no



17 obligation on the Defence to produce documents that they're not  
seeking

18 to use. If my learned friend has produced a document over and  
beyond the

19 call of the Rules simply to let my learned friend have a view of the

20 case, but is not seeking to use that document, I don't see for the  
life

21 of me how a party that has no right to such document can be said to  
be

22 prejudiced.

23 But, Your Honour, be that as it may, I think it only  
behooves us

24 to be rather disciplined as lawyers in our approach to all matters,  
legal

25 submissions and responses, but unless we, you know, grasp this  
nettle

**Page 28144**

1 these are going to be very painful proceedings and much longer than  
they

2 should otherwise be.

3 Your Honour, I do apologise to my learned friend for  
interrupting

4 him. It is with a spirit of cooperation. Of course he can respond  
to

5 whatever I have said that may have merit or not have merit and of  
course

6 to what Mr. President said earlier with their leave. I'm grateful.

7 JUDGE ANTONETTI: [Interpretation] Well, Mr. Scott, for the  
8 umpteenth time you have the floor to reply.

9 MR. SCOTT: Well, Your Honour, that's really not necessarily  
10 either, with all respect.

11 I am quite confident that if the -- that if anyone who cares  
to

12 take the time to analyse the amount of time spent on procedural  
matters

13 in this case, I am a hundred per cent confident that the Chamber  
would

14 find the Prosecution has spent a hugely small, incontestably small

15 percentage of that time. I will not apologise. I will not  
apologise for

16 raising issues which I believe that I'm professionally obligated to  
raise

17 in the interests of the Prosecution, in the interests of the victims  
and

18 the international community which we represent. I will not  
apologise for

19 that if I think that I'm doing my job, and again I think we have  
used our

20 time, the record will show, quite sparingly.

21 Now, I did not expand our position except to answer the  
questions

22 that Mr. Karnavas has raised and then, Your Honour, points that you  
made.

23 I was speaking in direct response to that.

24 We believe that these are important matters, Your Honour,  
and

25 it's because I agree with you that this could arise with future  
witnesses

**Page 28145**

1 that it can be dealt with. If that's the case then Mr. Karnavas  
knows

2 who his witnesses are, and these materials can be obtained in  
advance in

3 a timely way and submitted for translation. Now, why -- you know,  
he

4 knows which witnesses are coming between now and July, there is a

5 telephone, he can call them up, have you made prior statements, are  
there

6 additional documents that you provided to us, did you keep a diary,  
and

7 if so it can be provided. But, you know, it's not my fault. Maybe  
it's

8 not Mr. Karnavas's completely fault, but it's certainly not the

9 Prosecution's fault that we only received this material just now and  
the

10 remedy is not to ignore it. The remedy is not to dismiss the

11 Prosecution's concerns. The remedy is indeed to enforce the rules  
about

12 disclosure and fair conduct. Fair conduct.

13 I'm a little bit -- I'm a little bit, I have to say I'm a  
little

14 bit - what should the word should I use? - perturbed, concerned  
when I

15 say, Well, the Rules don't require. Well, I'm sure that everyone in  
the

16 courtroom -- well, presumably everyone in the courtroom wants to  
conduct

17 themselves in a fair way and not do the bare minimum, the bare  
minimum

18 that may perhaps the Rules require. And that's the position, Your  
19 Honour.

20 So let me be very clear with the greatest respect to the  
Chamber,

21 and I have great respect for all four of you. But in all fairness I  
am

22 not apologetic for our position. I will not be defensive about it.

23 There are rules about disclosure, we have just received it, and we  
will

24 insist in the future, and if it happens again, Your Honour is  
absolutely

25 right, I will be on my feet again. And if it means doing it every  
time

**Page 28146**

1 I'll do it every time for the Rules to be enforced in a fair and  
2 reasonable way. That's all that the Prosecution has asked for.  
Thank

3 you.

4 JUDGE ANTONETTI: [Interpretation] Very well.

5 Let's have the witness brought in.

6 The Trial Chamber recalls that it has granted four hours for  
the

7 examination-in-chief.

8 [The witness entered court]

9 JUDGE ANTONETTI: [Interpretation] Good afternoon, sir. Let  
me

10 first check that you can hear me. If you can hear me, please say  
so.

11 THE WITNESS: [Interpretation] Good afternoon to everyone.

12 JUDGE ANTONETTI: [Interpretation] Very well.

13 Could you please, sir, state your name, first name and date  
of

14 birth.

15 THE WITNESS: [Interpretation] I'm Adalbert Rebic, the 23rd  
of

16 January, 1937.

17 JUDGE ANTONETTI: [Interpretation] I am under the impression  
that

18 I can't hear the French booth, but I see that you were born on the  
23rd

19 of January, 1937. Can you tell me if you have a current occupation?

20 THE WITNESS: [Interpretation] I have retired from the Zagreb

21 university where I used to teach at its faculty of theology.

Partially,

22       however, I'm still busy as the director of Krscansk Sadasnjost which  
is a

23       publishing house.

24               JUDGE ANTONETTI: [Interpretation] Sir, have you had an

25       opportunity to testify before a national or international court as  
to the

**Page 28147**

1       events that took place in the former Yugoslavia or is this the first  
time

2       you're going to testify?

3               THE WITNESS: [Interpretation] This is the first time I  
appear

4       before this Tribunal.

5               JUDGE ANTONETTI: [Interpretation] Please read out the solemn  
6       declaration.

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

9                               WITNESS: ADALBERT REBIC

10                              [Witness answered through interpreter]

11               JUDGE ANTONETTI: [Interpretation] Thank you, sir. Please be  
12       seated.

13 THE WITNESS: [Interpretation] Thank you.

14 JUDGE ANTONETTI: [Interpretation] Some brief explanations on  
my

15 part. Mr. Karnavas is the counsel you're bound to have met,  
probably he

16 told you the same thing, but I'd rather say it again. This is a  
trial of

17 Anglo-Saxon type, if I may say, and you are to answer, first,  
questions

18 put to you by Mr. Karnavas, who's on your left. He is going to ask

19 questions of you and submit documents to you.

20 You have four Judges in front of you. They too, based on  
the

21 documents or based on your answers, can ask questions in order to  
shed

22 light on specific parts of your answers. The Prosecutor is sitting  
on

23 your right. As part of the cross-examination - it may be this week  
or

24 later, the Trial Chamber will decide later - the Prosecutor will ask

25 questions as part of the cross-examination. But the counsel  
representing



1 other accused because Mr. Karnavas is the representative of Mr.  
Prlic but

2 there are other accused, their counsel can after Mr. Karnavas has  
3 completed his examination-in-chief ask questions as part of the  
4 cross-examination carried out by other accused.

5 You are a professor, so you know better than anyone that you  
are

6 supposed to answer briefly, whilst the questions put to you may be  
very

7 complex and complicated. So do endeavour to highlight the most  
relevant

8 parts in your answers because everything you are about to say is  
going to

9 be recorded. This is the reason why you have on the screen before  
you

10 our words as they have been interpreted.

11 If you do not understand the meaning of a question, do not  
12 hesitate to ask the one putting the question to you to reformulate  
it.

13 As a matter of a rule we have a break every an hour and a half and  
they

14 last 20 minutes. But if at any time you do not feel, you want to  
have a

15 break, if you need a rest, there again do not hesitate to say so and  
I

16 shall call for a break.

17 We're supposed to be sitting in the afternoons until  
Thursday.

18 On Thursday we will finish at the latest around 6.30 in the  
afternoon,

19 6.25 or 6.30. You have just made a solemn declaration; therefore,  
you

20 are a witness of the Court and you're not supposed to have any  
contact

21 with Defence counsel or with the Prosecutor, otherwise your  
testimony

22 would not have the same value. If at any point in time you feel a  
need

23 to ask a question of the Judges, we're here to answer any question  
you

24 may have.

25 This being said, I'm now going to give the floor to Mr.  
Karnavas.

**Page 28149**

1 He has - and I'm looking at the watch - he has four hours.

2 MR. KARNAVAS: Good afternoon again Mr. President, Your  
Honours.

3 Good afternoon, everyone in and around the court.

4 Examination by Mr. Karnavas:

5 Q. Good afternoon, Mr. Rebic.

6 A. Good afternoon.

7 Q. With the Court's permission and unless there are objections  
from

8 the Prosecution I would ask some leading questions regarding the

9 gentleman's background, just the background, to save some time.

10 As I understand it, Dr. Rebic, you hold a doctorate degree  
in

11 theology or philosophy; is that correct?

12 A. It is correct.

13 Q. You got your Ph.D. in the Gregorian institute or the  
Gregorian

14 Papal University in Rome?

4 that they use there and I have a certain degree of difficulty

5 understanding it since one needs to be immersed into it to be able  
to

6 understand it fully.

7 Q. All right. And as I understand it you've published over 20  
8 books, and you've written over 20 books, and you have also  
translated  
9 over 35; is that correct?

10 A. That is right.

11 Q. And with respect to your testimony here today and for the  
rest of

12 the week, from 1991 to 1996 you were the head of the Office for  
Displaced

13 Persons and Refugees for the Republic of Croatia at the time; correct?

12 carving up of Bosnia and Herzegovina?

13 A. Dr. Tudjman was a historian; as such, he knew very well that  
14 Croats and Serbs before World War II had agreed to provide greater  
15 autonomy to Croats. In that regard, Croatia was created, the so-called  
NDH. As a historian who was concerned

25 aggression, the Serbian aggression caused Bosnia-Herzegovina not  
only to

**Page 28152**

1 come under attack but also to break up. When the peoples of

2 Bosnia-Herzegovina decided to become independent, much the same the

3 Croatian and Slovenian citizens had done before them, it was then  
that

4 Dr. Tudjman, who by that time had become the president of the  
Republic of

5 Croatia was the first, if I'm not mistaken, to recognise the

11 had been expelled from their homes and as early as 1991, towards the  
end

12 of that year, we had around 400.000 displaced persons. When the  
conflict

13 or the aggression directed at the Republic of Bosnia-Herzegovina  
took

14 place, from Bosnia-Herzegovina itself, numerous refugees came who  
were

15 citizens of Bosnia-Herzegovina seeking refuge in the Republic of  
Croatia, and that is only the refugees.

11 anyone. That would be playing a very dirty trick upon the Croatian  
state

12 and its people.

13 Q. Let me interrupt. I'm going to ask you a series of  
questions,

14 rather short answers, and then I can follow up. Okay.

15 Now, first of all, again general questions. Displaced

16 persons/refugees, to your understanding did your office make a  
17 distinction between, you know, as far as treatment - we understand  
the  
18 legal difference, what a displaced person is and what a refugee -  
but did  
19 your office make a distinction with respect to treatment, whether it  
be  
20 accommodation, whether it be food, whether it be education? Can you  
21 comment on that?

22 A. To the extent possible for us, there was no distinction in  
terms  
23 of the treatment of those two categories. To me personally these  
people  
24 were people in plight who needed help.

25 Q. All right. Now, what about accommodation, because we heard  
one

**Page 28155**

1 particular witness come here, Azra Krajsek, who had quite a few  
2 complaints, allegations I should say, but let's talk about  
accommodation.  
3 Did your office reserve, say, the better accommodation for displaced  
4 Croats and then say refugees of Croatian origins from Bosnia-  
Herzegovina,

5 and then sort of gave the Muslims or Serbs or whoever else whatever  
was

6 left over? What was the procedure?

7 A. In principle, the procedure applied the same way to  
everyone, the

8 displaced persons and the refugees from Bosnia-Herzegovina.  
However, one

9 needs to know that Croatia. During 1991 these people were being

**Page 28156**

1 vacation spots for workers --

2 JUDGE ANTONETTI: [Interpretation] Witness, excuse me, I have  
a

3 problem with the end of your answer. I'd like you to shed some more  
4 light on this. You make a distinction between the Serb aggression  
and

5 the -- later the war in Bosnia-Herzegovina. Can we stay with the  
Serb

6 aggression first of all. I'd like to know when this Serb  
aggression, as

7 you qualify it, took place apparently in 1991. At that time was  
there an

8 influx of refugees or displaced persons towards Croatia from BiH?  
Or you

9 gave a figure of 400.000 people, line 20, page 27, did those people  
10 arrive only when there was a conflict in BiH?

11 To sum it up, I'd like to know the following: Were there  
12 refugees from BiH during the aggression by the Serbs, regardless of  
the  
13 conflict later on in BiH?

14 THE WITNESS: [Interpretation] Your Honour, when talking  
about the  
15 aggression, I mean to say that it was done by the Yugoslav People's  
Army  
16 who was controlled at the time by the Serbs and various Serb  
paramilitary  
17 units who attacked Croatia, the area of the Banovina, Knin, and where they.

7 Croatian citizens also fled to Austria. After  
8 January 1992 when a truce was achieved and the tensions calmed down,  
some  
9 people began returning to the previously occupied territories from  
10 Slovenia

12 In 1992 when the aggression against Bosnia-Herzegovina took  
13 place, from one week to the next we had a sharp increase of refugees  
from



14 Bosnia-Herzegovina. We had accommodated our displaced persons, our  
own

15 citizens, during 1991 and we were doing the same thing when it came  
to

16 the citizens of the Republic of Bosnia-Herzegovina, irrespective of  
their

17 ethnicity, irrespective of whether they were Croats, Serbs, or  
Bosniaks.

18 There was no difference for us. We accommodated them at such  
locations

19 that we had at our disposal. We urgently requested the Ministry of

20 Defence to put large barracks at our disposal which had been used by  
the

21 Yugoslav People's Army. These barracks held good infrastructure and  
were

22 fit to accommodate a large number of people from Bosnia-  
Herzegovina. We

23 also accommodated them in various tourist facilities --

24 JUDGE ANTONETTI: [Interpretation] Witness, let me interrupt  
you

25 because I'm sure that the Defence counsel will deal with that. I'm

1 interested in what you've said at line 11. You are saying that in  
1992

2 when the aggression against Bosnia-Herzegovina took place there was  
a

3 sharp increase of refugees from Bosnia-Herzegovina, and I'd like to  
know

4 the following because here we are dealing with the heart of the  
matter.

5 From that period on, did you see Muslims arrive in Bosnia and

6 Herzegovina came from the eastern parts of Bosnia-Herzegovina, from, and from  
Eastern Herzegovina. At the time the majority population

22 Herzegovina

14 terms are concerned about Western Herzegovina, but so far we have  
seen

15 various approaches and numbers there according to the percentage of

16 Croats and Muslims, Bosniaks, and Serbs. So therefore, I wonder if  
the

17 96 per cent relates to a territory which could be a bit closely --  
in a

18 more closer way to say which territory you had in mind, Dr. Rebic,  
about

19 the Western Herzegovina as having 96 per cent of Croats.

20 THE WITNESS: [Interpretation] Well, I will tell you some of  
the

21 towns in that area Medjugorje, which is well-known as the place of  
the

22 apparition of the blessed Virgin Mary, and the people there are all

23 Catholics; Capljina, is another town; Tomislavgrad, although some  
people

24 think Tomislavgrad is in Bosnia from Bosnia-Herzegovina, would it be we  
gave them refuge, and that was.

15 calculate there were 50 people per bus, there were about 400 people  
who

16 arrived from Sarajevo

22 perhaps you could no longer sustain any more refugees. My question  
now

23 is: Did the Republic of Croatia, go around, go to Slovenia, go to  
Hungary because we have too many already?

5 that whole period of time, we never closed the borders to refugees  
from

6 Bosnia-Herzegovina, and never did we send anyone back to

7 Bosnia-Herzegovina. That would have meant sending them back to  
their

8 death. As for other countries, under the Geneva Convention we could  
not

9 and were not allowed to force these refugees to go to neighbouring  
10 countries because under that convention Croatia is the first  
neighbouring

11 country which is obliged to protect these refugees and take care of  
them.

12 Had we sent them to Slovenia

16 they had to turn back and we accommodated them in Croatia.

17 One should also bear in mind that throughout this time we  
were

18 working together with international humanitarian organizations and  
with

19 the UNHCR. We always consulted the representatives of the UN, that  
is,

20 of the UNHCR, we consulted them daily. We had good relations with  
them,

21 we took their advice, and in my view their advice was always the

22 following: You take them in, you keep them here, and we will help  
you

23 and then later on we will see which countries are willing to receive

24 those refugees you are unable to accommodate.

25 At one point in time in a certain period of time, I think it  
was

1 in August and September 1992, and later on in 1993 also, large waves  
of

2 refugees, numerous refugees, from Bosnia-Herzegovina, arrived in  
Croatia

3 and our government sent an appeal to the neighbouring countries  
asking

4 for help in accommodating these refugees.

5 We received help from Germany, the country I'm in now, sent trains to  
Karlovac to take part, Denmark

11 any. Spain where in 1993 there were

16 into further details, I won't weary the Chamber, but our office  
regularly

17 drew up reports on this. On three occasions we carried out a census  
of

18 the displaced persons and refugees; we were prompted to do this by  
the

19 UNHCR which provided us financial assistance to do so. The first  
such

20 census was carried out in April, May, and June 1992 when we listed  
all

21 the displaced persons and refugees --

22 Q. Let me just stop you here and I'm going to have to interrupt  
you

23 occasionally so we can keep your answers a little bit shorter. Of

24 course, we do have some statistics that Hungary as well was very  
generous

25 in taking in large amounts of refugees.

**Page 28165**

1 A. Yes, that's correct.

2 Q. Whereas as I understand, Slovenia, and we'll get into it,

3 Slovenia received a large number of Croats and area. They accommodated them  
very well,

12 THE INTERPRETER: In Hungary

15 activity these people all started to come back. So in late 1992  
only 3

16 or 4.000, those who were from Vukovar and eastern Slavonia remained  
in

17 Hungary, I have to mention with gratitude that at first, we even had refugees from  
Zagreb in Slovenia, it was only some 40 kilometres away from Zagreb

23 every day we heard the detonations. You could hear them very well  
in

24 Zagreb

**Page 28166**

1 activity outside the occupied areas ceased these people came back  
and

2 only about 20.000 Croatian refugees remained in Slovenia and we  
gradually

3 had to take them back to the Republic of Croatia, at that point, did they  
deny entry to any Muslims

2 A. At the time that you mentioned, we continued taking in  
refugees

3 from Bosnia-Herzegovina without discriminating in any way but  
accepting

4 Muslims in the same way as Croats from Bosnia. And then we started  
using

5 higher-category hotels on the Makarska Riviera, that is when we  
started

6 using these hotels because we simply had no other possibilities. As  
the

7 head of the Office of Displaced Persons and Refugees I asked the  
head of

8 the government of the Republic of Croatia a large Jewish community was  
transported

15 A. In principle, both the refugees and displaced persons had,

16 according to the Geneva Conventions, had the right to education.

For

17 Croatian citizens who were displaced from occupied areas, this was a  
18 right that was easier to exercise. As for the citizens of  
19 Bosnia-Herzegovina who were refugees from Bosnia-Herzegovina, this  
right  
20 was somewhat more difficult to exercise for various reasons. The  
first  
21 would be the fact that these people fled their areas in the middle  
of the  
22 school year and more often than not they hoped that they would soon  
23 return and continue education in their own midst. The second reason  
was  
24 that they were accommodated in such refugee centres where there was  
no  
25 systematic education, i.e., there was no school for them.

**Page 28170**

1 So let me put it this way, in principle everybody had the  
right  
2 to be educated. We had cases, for example, in Gasinci where refugee  
3 children attended school in Djakovo and according to some data the  
number  
4 of students completed secondary education in Djakovo either in a  
5 technical school or in some other schools in Djakovo. Likewise, in



6 Zagreb. They have remained in Zagreb. I still

13 where there were schools available if they so wanted, and I  
emphasize, if

14 they wanted to continue education, they could do so. However, since  
a

15 number of these refugee centres were located outside the urban  
areas,

16 schooling was possible, we supported that, we organized that, we  
would

17 establish extra-territorial schools. Among refugees there were also

18 teachers and professors who got involved in the education process,  
thus

19 we could establish those extra-territorial schools in the refugee  
centres

20 all over Croatia. Could you tell us while you were the head of the Office of

6 JUDGE ANTONETTI: [Interpretation] One moment, Mr. Karnavas.  
You

7 can ask your question later. I thought you were going to go into  
the

8 answer provided by the witness which you didn't do.

9 Witness, I was going to say Professor, we've had witnesses  
here

10 who spoke about various curricula. I'm not interested in university  
11 curricula; I'm interested in primary and secondary school  
education. You  
12 get a high number of refugees come into Croatia, you said so and  
other  
13 witnesses did too; we're aware of the problem. However, say pupils  
from  
14 elementary school or adolescents in high school, when they arrived  
in  
15 your country, did you set up special classes or curricula that would  
take  
16 into account their own curricula in their country of origin or - and  
I  
17 don't have any information about that - was there a general  
curriculum in  
18 the former Yugoslavia was occupied and faced with war. The economy was in  
15 if they so wished, could continue their education in the Republic of  
16 Croatia is the same that is used by the  
22 and Croatian. It has to be emphasized that the language that we now  
call  
23 Croatian, since the language has become independent, has its  
features

24 which are typical of the Croatian language. In the former  
Yugoslavia, both Muslims and Croats, speak a language that they

5 primarily in the vocabulary. There are no grammatical differences  
so

6 that no changes were required to the curriculum in that way.

7 As the general curriculum is concerned, I've already said  
that it

8 was the same across the board and it could easily be adapted. When  
it

9 comes to the extra-territorial schools that were organized in  
refugee

10 centres, we would supply them with textbooks that were funded by the

11 Office for Refugees or the Ministry for Education. It was within  
the

12 purview of the Ministry of Education, but we mutually helped each  
other

13 by way of me providing the Ministry of Education with information  
and

14 data and they would then act accordingly.

15 In a nutshell in principle, education, particularly primary  
and

16 secondary education, was possible; however, in the given situation  
in

17 some refugee centres it was not very practical or almost impossible  
to

18 organize that. We did as best as we could. When we couldn't  
organize

19 education it was not because of the lack of will to do so.

20 [Microphone not activated]

21 THE INTERPRETER: The witness's microphone is off.

22 THE WITNESS: [Interpretation] But rather, because of the  
lack of

23 funds, the lack of teachers, the lack of school room, and so on and  
so

24 forth. If that refugee crisis had lasted for any longer time,  
obviously

25 we would have been able to deal with this in a more systematic way.

**Page 28174**

1 I would like to point at this moment that in the Republic of

2 Croatia. Is that so?

14 and it would take me a long way back if I wanted to explain and tell  
you

15 about the history of the language. However, in the former  
Yugoslavia we had a sort of cultural independence, we had

**Page 28175**

1 spoke the same language as was spoken in Croatia, but the Serbs  
managed

2 to push their Serb variance a bit more in Bosnia and Herzegovina and

3 mostly this refers to the vocabulary and the syntax which is a bit

4 different between the Croatian and Serbian. Today that -- we are

5 independent in the Republic of Croatia. As for Bosnia and Herzegovina,  
the case is that influence

19 then used in the former Yugoslavia government, did they do everything that  
was

24 And together with him I visited some refugee centres which  
accommodated

25 Muslims. I visited Varazdin 1 and 2 with him as well as the refugee

### **Page 28177**

1 centre in Pula, and everywhere else where there was a

17 in Germany

19 me say that as a professor in the former Yugoslavia every summer I  
would

20 spend my summer holidays partly in France with the Carmelite Nuns in

21 St-Germain Anglais Paris, and the other part of the summer I would  
spend

22 in the Perha [phoen] parish south of Munich where I replaced the  
local

23 priest. I would usually spend a month there.

24 Q. Yeah, and just again because the issue of religion came up  
in

25 from what I understand it would appear that you are a man that  
believes

**Page 28178**

1 in religious tolerance, is it not a fact that you also teach  
comparative

2 religion and you have studied the various religions, not just

3 Christianity but also Islam, Judaism, Buddhism, Hinduism; is that

4 correct?

5 A. Correct. I have taught at the school of theology Hebrew,  
Aramaic

6 and Arabic languages, and my main subject was the interpretation of  
7 biblical texts of the old testament, their analysis and synthesis,  
the

8 biblical theology of the old testament. As for the electives, I  
would

9 offer my students the Judaism, the teachings, rights, and customs,  
the

10 rabbi literature from the first to the fourth century A.D. and the

11 relationship between Jewish people and Christians throughout  
history. I

12 have also published a book on that so that the others can also read  
about

13 their relationship between Christians and Jewish people. Sometimes  
they

14 were good, sometimes they were bad, but this should be known so that  
the

15 evil may be avoided.

16 JUDGE ANTONETTI: [Interpretation] Witness, I've just found  
out

17 that you're a Catholic priest. It's something I didn't quite catch  
at

18 the beginning of this hearing. When you became the head of the  
office

19 you had a double function. You -- is that the case, were you both a

20 priest and the head of this office or were you seconded to the  
office,

21 did you take leave of your religious duties whilst you were the  
director

22 of the office?

23 THE WITNESS: [Interpretation] I continued performing my  
religious

24 duties in the Zagreb Cathedral because I have been given an  
apartment

25 from the Zagreb Cathedral, which means that I live in a church  
apartment

**Page 28179**

1 and I have to serve in the Cathedral in return for that. I used to  
do

2 that while I was leading the Office for Refugees and Displaced  
Persons,

3 but every time I had to pay for a stand-in person. All this time I  
was a

4 priest and I worked in the office with the permission of my  
superior,

5 Cardinal Franjo Kuharic. Without his permission I could not have  
become

6 the head of the government's Office for Refugees and Displaced  
Persons,

7 and I remained with the office until the end with his permission,  
and

8 when I resigned it was upon the express wish of Cardinal Kuharic who  
9 asked me to return to the university and to place my time fully at  
the

10 disposal of university because he believed and I believed that once  
the

11 war was over somebody else could have performed those duties.



12 JUDGE ANTONETTI: [Interpretation] In 1995 when you were a  
13 minister without portfolio, were you a priest then?

14 THE WITNESS: [Interpretation] I was still priest with the  
15 permission of Cardinal Kuharic and the papal minister, who was then  
16 in  
the Republic of Croatia.

6 resources or money and at the end of the day it was the  
responsibility of

7 the state and that's how the state finally organized this Office for  
8 Refugees and Displaced Persons.

9 JUDGE ANTONETTI: [Interpretation] Please proceed, Mr.  
Karnavas.

10 MR. KARNAVAS:

11 Q. As I understand it, it was then that you were asked to  
organize

12 this office?

13 A. That is correct. It was in November, towards the end of  
that

14 month, when I was asked to organize, together with Mr. Damir Zoric  
and

15 some others, the office itself. We started from scratch. There was  
no

16 legislation in place before that and we certainly had no  
experience. We

17 learned as we went and we have to thank Mr. Comkulato, who was the  
first

18 UNHCR representative in Zagreb in 2002. It contains about 1200 pages rich in

### **Page 28182**

1 Comkulato beginning with a C just for the record.

2 Your question is in place. There were many humanitarian

3 organizations that came to Croatia is. When the war in began they were  
sensitive to our problems. They exhibited great

22 daily.

23 Q. Okay. Let me stop you here for a second. I had posed a  
question

24 earlier and you were interrupted and that had to do with visiting  
the

25 various centres, and I had asked you if you had visited the various

### **Page 28183**

1 centres while you were the head of the office. Of course, we're  
most

2 interested in Gasinci and Obonjan because there have been some

3 allegations that there was discrimination against the Muslim  
refugees

4 that were being kept there. So I will ask you to what extent were  
you

5 visiting centres and did you ever visit those particular two  
centres?

6 A. I toured all refugee centres as well as the centres where  
our

7 Croatian citizens were accommodated. Of course I did not do that  
very

8 frequently. We had system or structure of subordination in place.  
In

9 the Republic of Croatia more or less corresponding to the borders of the  
counties in the

6 the refugee settlements in Kruge, in Spansko, and elsewhere. As for

7 Obonjan, so that everyone would know what we are talking about, it  
is a

8 beautiful island close to Sibenik. On that island, before that war,

9 there were scouts who would spend summers there. The island had

10 infrastructure. There were also youth meetings, international  
meetings

11 there, and the name of the island in popular terms was the island of

12 youth. When the refugee crisis occurred we asked the Ministry of  
Tourism

13 and the city of Sibenik and Stobrec for a short while until we were

5 centre but in a different centre I arrived there with an  
international

6 delegation we came across piles of food that had been wasted. That  
is

7 understandable as well.

8 Obonjan had a doctor, an out-patient clinic, a dentist, a  
mosque,

9 an extra-territorial school, it had everything. There was also a  
ferry

10 at the disposal of the refugees, for example, for situations which

11 required other assistance, say, women in labour or people in need of

12 medical -- urgent medical assistance, then they would be transferred  
to

13 Sibenik by that ferry since it took it only about 20 to 30 minutes  
to

14 arrive there. In that regard Obonjan was covered as well.

15 There were also doctors coming from abroad who served as

16 volunteers. There was also a young French NGO, they worked with  
children

17 and the youth. Anyone with good intentions was free to come and  
assist,

18 of course after gaining our permission. We wanted to know who was  
going

19 to the centres and with what intentions. This is what I can tell  
you

20 about Obonjan in short.

21 Q. Now, did you ever receive any complaints from, say, the  
UNHCR

22 that your office or the Government of the Republic of Croatia when  
the refugee centre was

15 we've seen them before, but there's been an exchange of documents  
where

16 Azra Krajsek and to some extent Turkovic, who was the ambassador at  
the

17 time, was sending letters to you. And of course we're going to go

18 through them in detail. But could you please tell us whether they  
ever

19 came to your office, in particular Azra Krajsek who was, as we will  
see,

20 was writing to her ministry without copying you -- at least that's  
what's

21 indicated in the letters. Did she ever come to your office and

22 concretely explain to you what the problems were in either Gasinci  
or

23 Obonjan?

24 A. Ms. Azra Krajsek came to Zagreb today or in any of the tourist resorts  
during

25 situation of local refugees because there were organizations such as

**Page 28190**

1 Caritas on site? Was the Catholic church involved in these  
operations?

2 THE WITNESS: [Interpretation] It is good that you put this  
3 question since it needs to be clarified as well. The Catholic  
church in

4 Croatia, was Brussels with Madam Ogata, and I also attended

17 Mrs. -- Sommaruga. On two occasions I was in Geneva together with

18 Mrs. Ogata. On one occasion this had to do with abolishing refugee

19 status so that the humanitarian organizations and the ICRC and the  
UNHCR

20 and all the ones that have their headquarters in Geneva were well

21 informed of the refugee and displaced person crisis in the Republic  
of

22 Croatia or Switzerland and be accommodated as refugees and

10 the permission of the Office for Displaced Persons and Refugees  
persons

11 under the protection of the UNHCR who intend to go to a third  
country may

12 stay in the Republic of Croatia as refugees?

25 Germany because they said it was better in Croatia than in Turkey

12 They said Croatia was. They were somewhere west of Istanbul near the  
border with

15 complained that they were accommodated in tents and so on.

16 Well, it's understandable because that country also had  
numerous

17 refugees. And Mr. Demeril told me so himself, and a minister of his  
when

18 we visited Stobrec in Split and now were calling you. Do you

13 one. And number two is: What did you do? Did you say, Stay there

14 because we have already enough of you, or did you bring them back?

15 A. They were Muslims because the Bosnian embassy, as a rule,  
did not

16 look after Croat refugees. They always said, Well, that's for the

17 Republic of Croatia

21 would be better off there. However, these people called me up on  
the

22 telephone and said they were not better off there. Allow me to say  
that

23 even Israel and they were accommodated in Jerusalem, and it was very

5 to go to Israel on the subject of genocide. On that occasion I visited these

10 want to fly to Tel-Aviv and Jerusalem Bosnia you feel better than  
when

13 you are far from Bosnia, did you receive them, did the

19 A. My answer to those persons was: If you succeed in  
organizing

20 transport to Croatia

24 Bosnia-Herzegovina had tried to resolve. So that looking back now I

25 can't really remember how the story ended, but as for countries like

### Page 28199

1 Slovenia

3 until they went back to Bosnia-Herzegovina.

4 Q. Okay. Now, speaking of returning, and this is sort of the  
last

5 topic before we get to the documents. With respect to returning  
refugees

6 from Croatia deliberately revoked someone's status as a refugee and deported,  
Denmark, for example, or remember when and then with the help of the state



2 were sending back our own citizens to the places they had fled from  
when

3 the situation quietened down, we did the same with refugees from

4 Bosnia-Herzegovina.

5 As soon as an area of the Republic of Bosnia-Herzegovina was  
safe

6 from war and the threat of war, the Office for Displaced Persons and

7 Refugees issued a decree revoking refugee status so that people  
could go

8 back. And the territories, the towns and places, were clearly  
designated

9 to which they could go back. So we never sent them back just  
anywhere in

10 Bosnia-Herzegovina, but to precisely designated places. As the head  
of

11 the Office for Displaced Persons and Refugees, I issued instructions  
to

12 the regional offices that they could revoke refugee status only for  
those

13 refugees from Bosnia-Herzegovina who could go back, whose houses had  
not

14 been destroyed, who were not in peril in the areas where they had to  
go

15 back, who were not sick, whose children were in school.

16 So my instructions were quite clear. There were instances  
where

17 these refugees could not be sent back. There was some lack of  
clarity

18 there in their office and in the regional offices, which is why  
Bisera

19 Turkovic, Azra Krajsek, Tadic, Raguz and I met and we discussed the  
issue

20 and agreed. And then again I sent instructions to all the regional

21 offices and social welfare centres as to how they were to proceed,  
what

22 refugees had to be sent back, what refugees must not be sent back,  
what

23 refugees had to have their status prolonged, extended. And after  
that

24 there were no more tensions because you can always solve everything  
by

25 talking.

**Page 28201**

1 Q. All right. Now, you did indicate that there were refugees  
that

2 had left from Croatia, and what have you. Were you -- did the Republic of ever  
come under any pressure at any time to take back its

7 A. No. Those people simply came back to Croatia. Many of them  
8 didn't even ask our office whether they were allowed to go back or  
not.

9 They simply came back to Croatia and others because Germany  
18 refugees out of Germany  
20 to Croatia, Sweden

8 Germany because these people's point of departure to Germany  
11 Croatia

13 minister and other responsible persons -- the minister of the  
interior,

14 that is, and I signed a document with them on the return of all  
Croat

15 refugees to Croatia. And we had to give them a

8 time we were accused from all sides, either rightfully or  
wrongfully,

9 that we did make some differences. She asked me why we made a  
10 difference, and I said, Mrs. Merkel, it's not us that we make any  
11 differences. We do not treat Muslims any differently than we do

12 Catholics from BosniaGermany. Germany

22 provided what we could under the circumstances, but nobody received  
milk

23 and honey, to put it that way.

24 JUDGE ANTONETTI: [Interpretation] We are going to take a  
break

25 now unless you have a question, Mr. Karnavas.

**Page 28204**

1 MR. KARNAVAS: Just one follow-up question because I just  
want to

2 make sure that the entire Bench is clear.

3 Q. Did the Republic of Croatia on page 4 and I do not want to hide that I  
20 representatives together with at that time the minister of interior,  
21 Mr. Petar Buros [phoen], and the minister of foreign affairs, Mr.  
Geza  
22 Jesenski, and others.

23 Now here there is one small issue which I would like to  
raise

24 that during this very first part of this sitting and hearing you  
have

25 mentioned that only 2.500 refugees remained in Hungary, but I  
believe the

1 correct number is that -- when you mentioned that out of that  
number,

2 that is the number coming from Croatia, so not remained but returned I

8 the High Commissioner for refugees. And you mentioned there that  
you met

9 there Mr. Cornelius Sommaruga, then president of the ICRC, and  
visited

10 Ms. Sadako Ogata. Now, of course I mean, it is my question that  
Hungary

11 arranged at that time several visits by President Sommaruga, among  
other

12 things, to try to have talks which were held in Hungary at that time

13 between the relevant representatives of Croatia and Serbia and then  
Federal Republic of Yugoslavia,

22 THE WITNESS: [Interpretation] Your Honour, first of all I'd  
like

23 to use this opportunity to thank you as a Hungarian and to thank  
Hungary

24 for everything it did for Croatia and Croatia

2 issues between the two countries. As regards your question, I was

3 indirectly involved in it. When I say that I mean to say that for  
the

4 prisoners, Croatian prisoners that were exchanged, or rather,  
released by

5 the authorities of the Federal Republic of Yugoslavia, were  
subsequently

6 taken care of our Office for Displaced Persons and Refugees and were

7 given the status of displaced persons. If I'm not mistaken, there  
were 3

8 or 400 of them.

9 I was tasked with receiving them, organizing a meal, and  
10 accommodation for them. I remember it well. It took place on the  
14th

11 of August, just before the Assumption of Our Lady religious holiday,  
and

12 I ascribed that to the blessed Virgin Mary, and to my mind it was a  
13 miracle since it took place just the evening before our great  
religious

14 holiday. It is another topic that we will probably touch upon later  
and

15 I am probably anticipating, but I just wanted to say something that  
has

16 to do with those who were transferred from Bosnia-Herzegovina having  
been

17 prisoners before that time.

18                   We were received in the Republic of Croatia in the interim while  
the UNHCR was working to visit a. Was it also the case in Slovenia and was it

10           and Refugees working along similar lines as yours?

11                   THE WITNESS: [Interpretation] Your Honour, let me clarify  
one

12           thing first. The Office for Displaced Persons in Hungary was not  
our

13           office, it was an office of the Hungarian government. It was  
organized

14           along the same lines and following the same principles as ours was.

15           Slovenia, they received food, health care, and

9           tripartite meeting. You mentioned Mr. Molnaj from the Ministry of

10           Foreign Affairs in charge of humanitarian issues. We discussed the  
whole

11           day how to help and accommodate refugees and displaced persons.  
Hungary

12           also came to our assistance on that occasion particularly.

13                   Unfortunately, such tripartite meetings did not take place

14           afterwards. The humanitarian aid arriving from the neighbouring

15           countries was done more or less on an ad hoc basis and somewhat

16           chaotically. But upon the Croatian and Hungarian initiative to meet  
with

17 the UNHCR, that meeting took place and it showed itself to be quite  
18 useful.

19 JUDGE ANTONETTI: [Interpretation] One last very quick  
question.

20 We know, because last -- the witness told us so last week and  
because we

21 saw a number of documents with -- in line with this that there were  
more

22 than 1.8 million refugees in your country. And reading these  
documents

23 we find that these refugees went to Germany. This was a major problem.  
Don't you think that. There was

9 there was Mr. Mendeluce. He arrived there with a single set of  
clothes

10 because he managed to flee Sarajevo.

15 January. That is when Croatia. That meant that all our refugees from, and  
Austria

22 those cities, they went anywhere to save their hides. You must  
remember

23 that Zagreb itself.

10 And, Your Honours, I had to make some re-arrangements of the  
documents so



11 they're not quite in the order of which I will be dealing in your  
12 binders. I'll be referring to the numbers but they're not in the  
exact  
13 order because I'm trying to be as efficient as possible.

14 Q. We're going to start with binder 1. Binder 1 for you, Dr.  
Rebic,

15 if we could get some assistance. Just -- and I'm going to be asking  
16 your -- I'm going to be asking Dr. Rebic to ever be so kind to give  
me

17 short answers, short, so that we can go through these documents.  
Nothing

18 causes me more anxiety than the time spent going through documents.

19 A. [In English] Thank you very much. You can break me always.

20 Q. All right. Just for some technical matters to get out of  
the

21 way. If you look at 1D 02584, 1D 02584, that's the very first  
document

22 in your binder, sir, we see that this is a decision appointing you  
as the

23 Office of the Displaced Persons and Refugees 11 December -- it says  
1891

24 but obviously that must be a mistake, right, it must be 1991;  
correct?

25 A. Correct.

**Page 28212**

1 Q. Okay.

2 A. But the datum is not correct.

3 Q. Okay.

4 A. The datum 1891 I see now.

5 Q. Okay. All right --

6 A. It should be corrected.

7 Q. Now, it's based on this document that you became the head?

8 A. Yes. Yes.

9 Q. And then if we look at the next document 1D 02632, we see  
that

10 this is a decision to relieve you -- to relieve of duty the head of

11 Office for Displaced Persons and Refugees, Dr. Adalbert Rebic, 2  
February

12 1996. This must have been -- this is the document that relieved  
you;

13 correct?

14 A. [Interpretation] That is correct. And again, in the  
Catholic

15 church it is another holiday concerning the blessed Virgin Mary.

16 Q. All right. And I take it this was sort of a happy day for  
you

17 because you wanted to get back to your occupation?

18 A. Mr. Karnavas, you are quite correct.

19 Q. Okay. All right. If we -- now I want to go to the -- the  
next

20 section will be dealing with a few documents related to the laws,  
the

21 legislation that was -- that we've looked at last week. But again I  
just

22 want to make some -- get some confirmation. First document is 1D  
02632,

23 2632. We see here it's a decree on establishing the Office for  
Refugees

24 of the Republic of Croatia<sup>30</sup> August 1991. Were

13 dated 22 November 1991. I am familiar with this document.

24 ask you to comment slightly on this, it's 1D 02634, 2634, we see  
it's 11

25 December 1991 and this is a decision to appoint president, deputy

**Page 28214**

1 president, and members of the steering council of the Office for

2 Displaced Persons and Refugees. Of course I believe you did make a

3 comment earlier about one of the individuals on this steering  
council,

4 but very briefly could you please tell us what was this steering  
council

5 and how was it related to what you were doing?

6 A. Mr. Karnavas, the steering committee was a supervisory body  
in

7 charge of our Office for Displaced Persons and Refugees; that is to  
say,

8 they supervised the work of the office. The members of the  
committee met

9 every two or three months or, if need be, more frequently if there  
was a

10 problem at hand.

11 The committee was comprised of Bernardo Jurlina, who was the  
12 minister for social welfare and family issues. It took care of the  
13 displaced persons and refugees on behalf of the office; however,  
since

14 the number of refugees and displaced persons was too great for the  
15 ministry to deal with because by that time the numbering went over  
16 300.000, the government established a separate office. Then there  
was

17 Mr. Skrabalo who was in charge of cooperation between the World  
Health

18 Organization and the Republic of Croatia. **Most of them were in Germany.**  
Then there was

3 composition all these people were professionals, competent and  
4 responsible people overseeing the work of the office.

5 Q. Now, to your knowledge, was this steering council in  
existence

6 throughout the period while you were head of the Office for  
Displaced

7 Persons and Refugees?

8 A. That is correct, yes, the entire time.

9 Q. All right. Thank you. If we go on to the next document,  
it's 1D

10 02588, 2588. We see that this is a decree that's dated 27 October  
1992.

11 It's a decree on status of displaced persons and refugees. And my  
first

12 question is: Are you familiar with this decree; and if so, how so?

13 A. Yes, I am familiar with this decree. In relation to the  
first

14 decree promulgated a year earlier, it became law because the  
Croatian

15 parliament ratified it and it is signed here by the deputy prime  
minister

16 Ivan Milas. This made the decree a law of the Republic of Croatia --  
it's a law, I'm sorry, it's a

22 Q. Yes, it's the law, I apologise. And were you familiar with  
this

23 document?

24 A. [Interpretation] Yes, I am. It was signed by the president  
of

25 the Republic of Croatia, and I was bound by this law.

24 of schooling.

25 Q. All right. May I ask, why was it that you needed to ask the  
--

**Page 28218**

1 another ministry for that data? Why was it that your office, the  
Office

2 of Displaced Persons and Refugees, did not have that data readily

3 available?

4 A. Because it was the Ministry of Culture and Education that  
was in

5 charge of schooling, and only it could provide precise information  
on

6 those attending school in the Republic of Croatia. Mostly, however, the  
refugee centres and the

22 my conversations with them extra-territorial schools were frequently

23 mentioned. They functioned well in some places, worse in others,  
they

24 were well-structured in some places, less-well-structured in others,  
and

25 it all depended on the people we were working with.

**Page 28219**

1 Q. All right. And finally just one last issue to make sure  
that we

2 are on the same page, if we could look at --

3 MR. KARNAVAS: This is not in the binders, Your Honour, but  
it's

4 in the e-court system, it's 4D 01232.

5 Q. You don't have it, it's not in your binder, but it should  
pop up

6 on the screen. Dr. Rebic, Dr. Rebic, it should pop up on your  
screen.

7 This was a document that was shown last week. It's the Law on  
Movement

8 and Stay of Foreigners.

9 A. Yes, I see it.

10 Q. 28 June 1991 on the 28th of June, 1991, before there were any  
refugees from

17 time. It was the other way around. Because at that time the JNA  
had not

18 yet perpetrated aggression there. So this law did not concern those  
who

19 were coming from the Republic of Bosnia-Herzegovina,

22 refugees in Croatia

19 necessary permissions and recommendations for implementation of the

20 research have been obtained from Mr. Adalbert Rebic."

21 A. Yes, that's correct.

22 Q. Could you tell us a little bit about what was it that you  
did

23 that enabled PULS, PULS agency, to conduct this particular survey?

24 A. The PULS agency first needed permission from the Office for

25 Displaced Persons and Refugees to conduct their opinion poll, the

**Page 28222**

1 opinions of individual refugees, displaced persons, and other people  
in

2 the Republic of Croatia



16 humanitarian organizations, in your opinion, help more Muslim or  
Croatian

17 refugees or they help them both equally." Both equally.

18 [Interpretation] 69 per cent, 69 per cent, said "both equally."  
This

19 shows our citizens responded to refugees and displaced persons. So  
just

20 as the office did not draw distinctions between refugees and  
displaced

21 persons but provided the same assistance to both groups, the public  
did

22 the same.

23 Q. Very well. If we go on to the next document --

24 MR. KARNAVAS: Yes.

25 JUDGE TRECHSEL: I'm sorry.

**Page 28223**

1 To know what this means it would be important to know who  
were

2 the persons questioned? It's the answers of what kind of a sample?  
It's

3 probably somewhere in the document, but the witness probably knows.

4 MR. SCOTT: Top of page 5, Your Honour.

5 JUDGE TRECHSEL: Thank you. Thank you.

6 THE WITNESS: [Interpretation] Yes, the methodology is  
there. The

7 document had its methodology. This agency was active at the time in  
8 conducting various opinion polls on political issues, social issues,  
9 national issues. It was very active agency. It was by no means a  
10 pro-government agency. It was non-governmental, and they adhered  
11 strictly to the principles they held. They say 335 cases of refusal  
and  
12 so on and so forth. One must simply read these pages because it is  
in  
13 these pages that everything is explained --

14 MR. KARNAVAS:

15 Q. Okay, Dr. Rebic. Thank you for pointing that out to us. I  
don't

16 mean to cut you off or be rude, but we need to move on so I hope you  
will

17 accept my apologies. If we could look at the next document --

18 A. Thank you very much. I do accept them.

19 Q. Okay. 1D 02627. It's in binder 1 for the Judges. 1D  
02627.

20 Do you have it, sir?

21 A. [In English] Yes, yes, I have found it.

22 Q. Okay. And here we see that this is from the Government of  
the

23 Republic of CroatiaRepublic of Croatia compiled this report. It is the

7 and July, there was a second census when we listed all the refugees  
from

8 the Republic of Bosnia-Herzegovina. This now is the third census in  
1994

9 when we took a census of all of them together, both displaced  
persons and

10 refugees.

11 It was done on a very detailed sample about. About 100  
pieces of

12 information were taken from each and every person, some more  
important

13 some less, including their economic situation, whether they had had  
a

14 house in Bosnia-Herzegovina that they left, was their house burnt  
down,

15 and so on and so forth. There is a list of all the persons who  
worked on

16 this census. The agency that did it is called VIP. It was owned by

17       Jakov Binenfeld, a wealthy citizen of Zagreb of Jewish origin, who  
at

18       that time had the best developed information technology service in

19       Zagreb and Croatia

24       best-developed and the most reliable information technology agency.

The

25       report is elaborated in great detail. You will see in it how many

**Page 28225**

1       displaced persons and refugees there were.

2           Q.    Okay. Now, the Judges may have some questions, but before  
they

3       pose any if I could focus your attention on page 20 at the bottom of  
the

4       page on page 20, the English version. And in Croatian, because it  
may

5       assist you, because there is some -- in Croatia it's --

6           MR. KARNAVAS: If we could get Madam Usher to assist us very

7       quickly to --

8           Q.    But if you could look at page 20 in English and I'll give  
you the

9       Croatian version. And I'm most interested in focusing your --

10       A.    I'm familiar with this text.

11 Q. Okay. I'm not so much interested in the numbers where we  
see

12 refugees in 1993, 269.000; and then in 1994, 183, I'm not interested  
in

13 that. I'm interested in the paragraph that follows, and of course

14 there's some handwritten notes. But perhaps can you tell us what  
exactly

15 does this report say in this section? And we only have about three

16 minutes so you need to limit your answer to three minutes, please.

17 A. Mr. Karnavas, this report deals with the numbers of  
displaced

18 persons and refugees and it compares various years. In 1992 there  
were

19 247.000 displaced persons, in 1994 there were 196.000; so there were

20 fewer which means that between those two years many displaced  
persons

21 were able to return to the liberated areas and there is a list of  
all the

22 places where they were able to return, Osijek and other places. As

23 regards refugees in 1993 there were 269.000 refugees, and in 1994  
there

24 were 183.000. And the difference is again explained here. The

25 difference is due to the fact that some refugees from Bosnia-  
Herzegovina

**Page 28226**

1 returned to Bosnia-Herzegovina, both Bosniaks and Muslims. They  
returned

2 to the liberated areas, the safe areas, which were no longer  
threatened

3 by war, such as Zenica, Tuzla

8 course we sent them back also because they were able to go back to  
safe

9 areas. If the areas in question were unsafe, we did not send them  
back.

10 I added a note here saying that 40 to 50 persons per week  
were

11 being sent back from Sweden or to send them on to

16 brief.

17 Q. Okay. Thank you very, very much, and I believe it's 7.00  
so,

18 Dr. Rebic, we will need to pick up tomorrow where we left off today.

19 A. [In English] Thank you very much.

20 Q. Thank you.

21 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, I think you  
have

22 used about two hours, so you have about another two hours tomorrow.

23 MR. KARNAVAS: [Microphone not activated]

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 Witness, have a good evening. We shall reconvene tomorrow  
at

**Page 28227**

1 2.15. Thank you.

2 THE WITNESS: [Interpretation] Thank you, Your Honours.

3 --- Whereupon the hearing adjourned at 7.01  
p.m.

1 Tuesday, 20 May 2008

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.16 p.m.

5 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please call  
the

6 case.

7 THE REGISTRAR: Good afternoon, Your Honours. Good  
afternoon,

8 everyone in and around the courtroom. This is case number IT-04-74-  
T,

9 the Prosecutor versus Prlic et al. Thank you, Your Honours.

10 JUDGE ANTONETTI: [Interpretation] Very well. Today's the  
20th of

11 May, 2008. Good afternoon, Witness.

12 Good afternoon, Defence counsel.

13 My greetings to the accused and to all the people helping us  
out.

14 And my greetings to the Prosecution as well.

15 I'm going to read out three oral rulings, they are numbered.



16 Ruling number one, in relation to the status of the statement by  
Accused

17 Prlic. On 6th of May, 2008, the Prosecution asked the Trial Chamber  
to

18 lift the confidentiality of Exhibit P 09078, the statement made by  
the

19 accused Prlic. It was admitted by the Trial Chamber on the 22nd of  
20 August, 2007. There was no objection from the Defence teams.

21 In as much as the Trial Chamber has never ordered the said  
22 exhibit to be under seal, the request is moot. The Trial Chamber  
will

23 ask the registrar to make sure that in the e-court database Exhibit  
24 P 09078 is, indeed, a public exhibit.

25 Ruling number two, oral ruling in relation to the  
application by

**Page 28229**

1 the Prosecution regarding 65 ter (G) summaries. On the 6th and on  
the

2 19th of May, 2008, the Prosecution firstly asked for the Prlic  
Defence to

3 provide written statements of Defence witnesses. Secondly, that the

4 summaries provided further to Rule 65 ter (G) be completed. The  
Prlic

5 Defence objected. Firstly, the Trial Chamber recalls that unlike  
the

6 Prosecution, the Defence is under no obligation to obtain written  
7 statements from witnesses it plans to call for their Defence case.

8 Further to Rule 67 (A), the only obligation for the Defence  
is to

9 disclose statements it has in its possession. Therefore, the  
10 Trial Chamber denies the first application.

11 With regard to summaries under Rule 65 ter (G), the Trial  
Chamber

12 points out that the Prosecution had an opportunity to make  
submissions

13 during the pre-Defence Conference on the 21st of April, 2008. It  
recalls

14 that the Prosecution offered an agenda for specific items to be  
discussed

15 that were connected with the filing of Rule 65 ter (G) lists  
without,

16 however, raising the issue of which the Trial Chamber has now been  
17 seized.

18 The Trial Chamber also points out that the quality of the

19 summaries differs from one witness to the other. Therefore, there  
is no

20 need to ask for further information on a systematic basis with  
regard to

21 all or any statements provided under Rule 65 ter (G). The Trial  
Chamber

22 therefore denies the second application.

23 This being said, the Trial Chamber will on a case-by-case  
basis

24 require further information and additional information in relation  
to

25 summaries if it so deems necessary, which is going to be the case in

**Page 28230**

1 ruling number three.

2 Oral ruling related to Witness Zdravko Sancevic and requests  
for

3 further information to be obtained from the Prlic Defence. In view  
of

4 the testimony on the 26th to the 29th of April -- of May, 2008, the

5 Trial Chamber examined the summary of the testimony by Zdravko  
Sancevic,

6 a Prlic Defence witness. The Trial Chamber is of the view that some  
of

7 the information provided in the summary is vague and lack  
precision. For

8 instance, the summary says that the witness moved from Medjugorje to  
9 Sarajevo,

**Page 28233**

1 absolutely sure that it was also copied to UNHCR. As soon as UNHCR  
found

2 out that there was a report of that sort they would ask for it, so I

3 assume that they would be copied. When it comes to the official  
sending

4 of the report, it was done to the first three addressees that I  
mentioned

5 because they were the ones most concerned.

6 Q. Okay. And then yesterday we touched upon this, but who paid  
for

7 this report to be done? Was this money from the government or did  
you

8 get also money from outside agencies, if you recall?

9 A. This report was done by the Office for Refugees and  
Displaced

10 Persons in which there were persons who compiled it who were on the

11 payroll by the Government of the Republic of Croatia

15 Q. All right. Thank you. Now if we go to the next document,  
16 1D 02628, 2628, that's the very next document in your binder, do you  
17 recognise this document, sir?

18 A. I recognise it, Mr. Karnavas. This is a document that was  
19 published in our gazette, that we occasionally published. It was  
done  
20 other annually or twice every year, and this gazette was dispatched  
to  
21 all humanitarian organizations, to the media, and to all the  
government  
22 offices. It was a public document featuring data to inform our  
general  
23 public as to what we were doing, how we were doing it, how many  
refugees  
24 and displaced persons we had, and how much it all cost and how the  
costs  
25 were borne by the Government of the Republic of Croatia; is that correct?  
21 the latter part of the or the middle of the report and I'll just  
read  
22 these -- I guess it's an ERN number, it's 1D 34 and it's 0596, so  
the  
23 last four numbers, Your Honours, 0596, where we see at the top --  
we'll

24 have to turn the document over.

25 Usher, if we could have the assistance of the usher and  
we'll be

**Page 28235**

1 requesting your assistance throughout the afternoon. So if you  
could --

2 but we have it here for the -- because of the time constraints, I

3 appreciate your assistance.

4 If we see at the top it says -- if we turn it over -- turn  
it

5 around: "Number of registered displaced persons and refugees since  
the

6 beginning of 1995."

7 And on this very same page we see 1993 and we have broken it  
down

8 into months. So we're able to see displaced persons, refugees, and  
the

9 total number.

10 My first question regarding this, Dr. Rebic, is: Where do  
these

11 numbers come from?

12 A. These numbers, Mr. Karnavas, come from the different  
censuses of

13 refugees and displaced persons done on various years. We had a  
census in  
14 1992, 1993, and 1994. Our regional offices and centres for social  
15 welfare regularly sent data every month to the central office at the  
16 government so that we knew exactly how the numbers of refugees and  
17 displaced persons changed from one month to another. We published  
that.  
18 First we informed the government and the ministry that we cooperated  
with  
19 on these issues, but then we also provided the data to the media and  
to  
20 the general public.

21 Q. All right. Thank you. And I point this out for Your  
Honours so  
22 you can trace whether the borders were closed and to see the in-flow  
of  
23 refugees and what have you. Unless there are any questions I'm  
going to  
24 move on to other documents.

25 JUDGE ANTONETTI: [Interpretation] I do have a follow-up  
question,

**Page 28236**

1 Witness. Please look at this chart just pointed out to us by

2 Mr. Karnavas, the ERN number ends with 0596. We see the chart for  
1992,  
3 1993, and then 1994 and 1995. It's a very interesting chart because  
it  
4 sums up the situation with regard to displaced persons and refugees.  
5 Indeed, we have a column devoted to displaced persons and another to  
6 refugees. Look at the refugee column, that's what I'm interested  
in,  
7 because if you go by the definition of a refugee it is a person  
who's not  
8 of Croatian nationality and enters the territory of Croatia., Austria  
17 Denmark  
24 the Bosnian refugees started going back home so that towards the end  
of  
25 1994 the number of refugees stabilized around 180 or 190.000 and  
that

**Page 28238**

1 number remained constant up to the Operation Storm as of September  
and

2 October 1994.

3 JUDGE ANTONETTI: [Interpretation] Let me stop you here.  
I've had



4 a look at tables 1994 and 1995, and apparently there is a stock of,  
a  
5 minimum of 100.000 to 200.000 refugees because in June 1995 we have  
6 188.606, that's roughly 200.000 people. If we deduct that from the  
7 period at the heart of the indictment, from January to December  
1993,  
8 with a stock of roughly 300.000, if we assume that there is a stock,  
9 basic stock, of 200.000 and refugees of -- amounting to 270.000 to  
10 300.000 people, does it mean that in 1993 we have 100.000 refugees  
who  
11 came to Croatia again, and that's where we had to accommodate them, in the

22 And finally, the number stabilized somewhat around the  
180.000

23 mark in 1994, in the month of August, that was displaced persons;  
and

24 296.000 was the number of refugees, and those numbers remained  
constant

25 up to Operation Storm in August 1995.

### **Page 28239**

1 After Operation Storm a huge number of both refugees and  
2 displaced persons managed to return home.

3 JUDGE ANTONETTI: [Interpretation] All right. We'll stop  
here

4 because we could spend hours on these tables. I just wanted you to  
5 confirm for us that in 1993 the number of refugees gradually  
decreased.

6 Mr. Karnavas.

7 MR. KARNAVAS: Thank you, Mr. President.

8 Q. Now, picking up from that, during that period were refugees  
and

9 displaced persons also leaving from the Republic of Croatia to third

21 In 1993 UNHCR also helped people in the Republic of Croatia.  
At that time we

2 other documents. We've seen them last week with Mr. Zoric, but I  
just

3 want some confirmation from you.

4 MR. KARNAVAS: And these documents, I'm going to read them  
and

5 then we're going to go just very briefly with one or two questions.

6 Q. It's 1D 02585, if you could just look at that to start  
with. Do

7 you recognise this document? We see your name at the bottom,  
although by

8 now all of us will be able to recognise that this is not your  
signature.

9 A. Mr. Karnavas, that is correct. I recognise the document.  
The

10 document was signed by the secretary of the Office of Refugees and  
11 Displaced Persons, Mr. Josip Esterajher, who himself was a displaced  
12 person from Vukovar, a journalist by trade. In the Office for  
Refugees

13 and Displaced Persons he was dealing with informing and acted as a  
14 liaison officer with the media. From time to time he also reported  
15 the -- to the media about the situation concerning refugees and  
displaced

16 persons, especially their numbers, how many they are, where they are  
17 accommodated, in which county, in which towns, and so on and so  
forth.

18 Q. Thank you. Now, let's go to the next document, 1D 02590.  
And

19 the first thing I would like you to do is go to the third page, page  
20 number 3. You will see at the end of the text, the typed text,  
there

21 seems to be something handwritten. Do you recognise that, what's  
22 handwritten on page 3? It looked like initials.

23           A.    I recognise, this is a facsimile of my name and family name  
which

24           I usually used when I signed the students' books.  Instead of always

25           signing by hand I had a facsimile of my signature that I used to  
sign my

**Page 28241**

1           students' books with.  I'm familiar with the document.  This must  
have

2           been part of my report or a presentation, and it deals with the  
issues of

3           welfare and looking after refugees and displaced persons.

4           Q.    Now, we don't have a date for this document, but if I could  
focus

5           your attention on the first paragraph on page 1, we see that it  
relates

6           to August 14th to September 23, we admitted 21.000 refugees from BH  
and

7           FRY, F-R-Y.

8                    Now, based on that --

9           A.    Yes.

10          Q.    Because FRY stands for the Federal Republic of Yugoslavia,  
can

11       you give us an approximation what year might this document was  
generated?

12           A.    This document was probably compiled towards the end of 1992.

13           Q.    Okay. Thank you. If we go to the next document --

14                   MR. SCOTT: Excuse me, Your Honour, but just counsel could -  
- the

15       document itself on the first page refers to 1994. So I'm not sure  
how it

16       could be written in 1992. In 1994 390.000, 9 per cent information,

17       that's -- I'm not sure how the document could have been created in  
1992

18       if that assists the witness or he can assist us further.

19                   MR. KARNAVAS:

20           Q.    In the paper -- that's in the third paragraph, but with  
relation

21       to the first paragraph I guess these figures are related too -- this

22       would be 1992, the first paragraph, that is, these figures because  
we're

23       talking about FRY.

24           A.    That's correct.

25           Q.    Okay.

1 A. Obviously the year is mentioned here [In English] 1992.

2 Q. All right. If we go to the next document, 1D 0 --

3 A. [Interpretation] But you are right, sir, there's also  
reference

4 made to 1993 and 1994. So this is a summary which I suppose must  
have

5 been compiled in 1994, you're right. Since there is no date, this  
was

6 not an official document which may be seen from my signature and  
which I

7 only used to confirm that this was my document and the document was

8 probably used during my -- one of my lectures. I often appeared on  
TV,

9 on radio, I appeared at various conferences and congresses abroad,  
and I

10 would take one of these reports with me that I had compiled and that  
I

11 then kept in my private files. So from the integrity of the report  
one

12 can conclude that this was the end of 1994, but the document  
concerns the

13 entire duration of the refugee crisis starting with the beginning of  
1992

14 to the end of 1994.

15 JUDGE ANTONETTI: [Interpretation] Witness, something came to  
my

16 mind listening to you. We have a large number of refugees were

17 accommodated in various centres. Did the media have access easily  
to

18 these refugees? Were they interviewed? Were they able to tell  
their

19 stories? Or did the office or the Government of the Republic of  
Croatia

20 restrict access by the media to refugees, or did the media have  
access to

21 the refugees without any problem?

22 THE WITNESS: [Interpretation] The media were supposed to  
have a

23 permit from our office to go and visit refugee camps and do  
interviews

24 there. It would, however, happen every now and then that they went  
there

25 without such a permit. We did not create any problems as a result  
of

1 that, and that's how some media would do similar interviews that  
would

2 then create certain tensions in the press, be it Croatian or foreign

3 press, because sometimes they would interview those refugees or  
those

4 displaced persons who were particularly vulnerable, particularly  
stressed

5 out, and such persons - I've had experiences of that sort myself -  
such

6 persons would provide not only subjective statements about the  
situation

7 but also they would paint a whole picture in very negative colours.

8 I can give you a number of examples of the experiences that  
I had

9 with my own co-citizens, refugees, they would complain about soup  
not

10 being good, bread being hard, meat being of not good quality. This  
is

11 all very much understandable when you know that you are dealing with

12 people who are stressed out and who had had negative experiences  
before

13 they first arrived there.

14 JUDGE ANTONETTI: [Interpretation] Yes, but I was not talking



15 about any restrictions with respect to their life in Croatia. My  
16 question related to what could have happened to them in Bosnia and  
17 Herzegovina  
25 Herzegovina during the Tito era when the press was censored to  
7 trust and we let them choose whether they would paint a favourable  
8 picture or a negative one. We never put any conditions before them  
or  
9 asked them to do anything.

10 Q. All right. You indicated yesterday that you often went  
abroad  
11 and on some occasions you had visited sites where refugees were  
being  
12 held, such as in Hungary, be it in situations when I visited Slovenia,  
19 understandable. And in such cases I usually received an escort,  
without  
20 which I wouldn't have been able to enter any refugee centres. I  
always  
21 had an escort with me and they would explain to me how they went  
about  
22 taking care of the people, and I find it only logical.

23 Q. Now, yesterday also, just one last follow-up question on  
this

24 whole topic, yesterday you indicated that there were times when you  
25 visited centres in the Republic of Croatia  
7 you could paint a rosy picture?"

8 Now, that is clearly argumentive, there's no reason for it.  
If I

9 have to object every time, then that's what I'll do, Your Honour.

10 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, to avoid  
11 objections, you should have asked -- with respect to the visits by  
12 foreign officials, you should have asked whether foreign officials  
had  
13 visited these centres with the witness, he would have said, and then  
you  
14 moved on to something else. Please proceed.

15 MR. KARNAVAS: Very well, Mr. President.

16 Q. Let's go on to the next series of documents -- I'm told that  
we  
17 are -- we should get an answer from the witness.

18 Can you please tell us, I know you said yesterday, but can  
you  
19 re-tell us, did foreign dignitaries visit centres in the Republic of  
20 Croatia or

9 I showed her the buildings there. And finally she told me, Now I  
would

10 like to address some people, to talk to them, but I want to choose  
the

11 bungalow and I want to speak to whoever I want to. And she picked  
one

12 bungalow and went inside.

13 In that particular bungalow we had displaced persons  
alongside

14 some refugees. She accidentally came upon a Vukovar family. There  
was

15 an elderly lady there with a son of hers who was about 40 years old  
and

16 had suffered severe stress. Ms. Ogata asked that old lady whether  
she

17 hated the Serbs for what they had done to her, and she said, Ma'am,

18 definitely not. I pray that my son will never find it necessary to

19 revenge his father's and his brothers' death so that I can face God  
with

20 a clean conscience. I also remember Mr. Zimmerman, who was the US

21 ambassador to the former Yugoslavia as refugees. Do you remember receiving  
that type of

13 hospitalised for a short period of time. Of course hospital care  
was

14 free of charge for displaced persons as well as refugees.

15 JUDGE ANTONETTI: [Interpretation] In other words, you were  
made

16 aware of some cases of this type?

17 THE WITNESS: [Interpretation] I am aware of some such cases,  
18 especially when it comes to persons from Bosnia-Herzegovina and the  
19 occupied part of Croatia. It is a rather lengthy

20 The first -- it's -- the first page in B/C/S.

21 A. I don't have that page.

22 Q. You don't have it. It's not in English, but you have it,  
it's

23 just very difficult to find. If you could just look at that. This  
is

24 the first page to the document in the original language.

25 A. Yes, I can see it now. This is not our office's document,

**Page 28253**

1 judging by the cover page, which is of course very important. It  
can

2 tell you something more about who put that data together. That data  
is

3 probably based upon the information provided by our office to the  
public

4 and to the media as well as to other humanitarian organizations.  
But the

5 report as such was not drafted by our office.

6 Q. Okay. Can you tell from looking at the front page who  
drafted

7 the report?

8 A. I can see here that it was done by Mr. Slobodan Praljak.

9 Q. Now -- excuse me, let me just -- I'm going to lead you  
through

10 this. Did General Praljak ever come to you asking for archival  
material

11 in order to put this report together?

12 A. Mr. Karnavas, Mr. Slobodan Praljak came to me after having  
called

13 me by telephone. We talked and he asked me to give him any  
documents I

14 might have on the activities of our office in terms of data and  
numbers.

15 I told him I had such documents and that I was willing to hand them  
over

16 that day. He sent another person to my office to whom I handed over  
many

17 files and documents. It was a pile this high. Mr. Praljak studied  
all

18 the papers I had given him, and they were only a part of the large  
19 archives we had at our office, and I mostly gave him copies. I told

20 Mr. Praljak to go to the Office for Displaced Persons and Refugees  
where

21 in addition to the papers I had given him he can find much more  
data.

22 Mr. Praljak did, indeed, go to the office and I asked the  
head to

23 provide him with the documents --

24 Q. Let me stop you there. There may be an objection.

25 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Scott.

**Page 28254**

1 MR. SCOTT: [Microphone not activated]

2 THE INTERPRETER: Microphone for Mr. Scott.

3 MR. SCOTT: My apology.

4 Once again, Your Honour, if we could first of all, number  
one,

5 get a date for when these conversations with Mr. Praljak occurred.  
I'll

6 start with that and then I have a follow-up.

7 MR. KARNAVAS: If I could -- I haven't left the topic.

8 MR. SCOTT: Well, Your Honour --

9 MR. KARNAVAS: It may be --

10 MR. SCOTT: Excuse me then, if that's the case, Mr.  
Karnavas, let

11 me continue to respond to what --

12 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, if you  
haven't

13 left the topic, ask the witness to tell you on what day Mr. Praljak  
came

14 because that's important.

15 MR. KARNAVAS: Well, there are a series of other questions  
that I

16 was about to ask and I'm getting interrupted. It seems a bit  
premature.

17 But let's hear the rest of the objection so maybe I can deal with  
all of

18 them at once.

19 MR. SCOTT: Well, it appears to me, Your Honour, and based  
on

20 this situation I'm acting, admittedly, since we don't have any data

21 information -- haven't been provided data information, but I'm  
required

22 at this point to engage in a certain amount of conjecture, which I  
prefer

23 not to do, if we could just simply get a date. But it appears to me

24 likely just looking at some of the material this is a document which  
was

25 prepared by Mr. Praljak specifically for the purposes of this  
litigation.

**Page 28255**

1 It's his own self-serving expert report, apparently, that's what it  
looks

2 like; if I'm wrong, I'll be corrected, that's what it looks like.  
And I

3 would object to the examination of it -- of the witness. If Mr.  
Praljak

4 wants to take the stand and defend his own work and be subject to

5 cross-examination, then that might be one way to do it; but for

6 Mr. Praljak to create a self-serving "expert report" and then have  
this



7 witness opine about it I think is objectionable. And that's our  
8 objection, and my question about the timing stands.

9 MR. KARNAVAS: Now, just to -- first of all, the document  
has

10 already been admitted, that's number 1. Number two, as far as I

11 understand it has been admitted on previous occasions or at least  
it's

12 been referenced. Number two, the question is whether the gentleman  
who

13 generated this particular document came and got certain information  
that

14 is now in the document itself. Now, we have Dr. Rebic, who  
indicated at

15 one point General Praljak came to him and asked for archival  
material.

16 So I don't know whether General Praljak is going to testify and  
whether

17 he's going to go into this report. I'm merely asking this  
particular

18 gentleman because there's a follow-up question in addition to this  
19 report, which I'll get to in a moment.

20 Q. Let me ask you, Dr. Rebic, do you recall about what time was  
it,

21 what period was it, that Dr. -- that General Praljak came to see  
you,

22 asking for documents so he could prepare the report that -- or the  
book

23 that he prepared? Do you recall a year?

24 A. Mr. Karnavas, I cannot recall the year because a lot of time  
has

25 passed. It could have been four or six years ago, but I can't tell  
you

**Page 28256**

1 any precise dates.

2 Q. Okay. Now, there are two photographs in this report. Maybe  
we

3 can put them on the ELMO. The ERN number is 3D 260191 and 192, 191  
and

4 192. If you could page through the report and we can put this on  
the

5 ELMO, it may be quicker for everyone unless you have it on the e-  
court.

6 I'm labouring under severe time pressures. Okay.

7 Now, do you recognise -- this should be on the screen. Do  
you

8 recognise this photograph?

9           A.    Mr. Karnavas, I do have the photo on the screen and before  
me in

10          the binder.  These are the archives of our Office for Refugees and  
11          Displaced Persons.

12          Q.    All right.

13          A.    There are a lot of documents contained in there, a lot of  
data,

14          all the first names and family names of all the refugees and  
displaced

15          persons who have ever been registered in our office.

16          Q.    If we could look at the next document which would be 3D  
0260192,

17          that's the very next page, we'll see another photograph.  Now, it's  
on

18          the screen.  Now, do you see this?  Do you recognise what's in this  
19          photo?

20          A.    I recognise it.  Again, this is the same place, the archives  
of

21          the Office for Refugees and Displaced Persons.  This place is really  
22          huge.  A few people could spend a lot of time, years maybe, in  
studying

23          the situation that we had with refugees and displaced persons in our

24 country.

25 Q. All right. Well, indeed you indicate in your report, the  
report

**Page 28257**

1 that you made yesterday, Dr. Rebic, if I could get your attention.  
Don't

2 worry about the binder, sir, don't worry about it. I just want to -  
- in

3 your report, in your report that we went through yesterday --

4 MR. KARNAVAS: Mr. Usher, could you kindly assist us.

5 Q. Yesterday we looked at your report, 1D 02921. We don't need  
to

6 look at it, but on page 25 it does indicate that early September you  
7 received a delegation from ICTY in The Hague, and this would have  
been

8 September 1994. And you describe a Mr. Antonius Kempenaars, head of  
the

9 delegation, and you gave them all the data the office disposed of.  
Is

10 that correct, sir, that as early as 1994 the ICTY had a delegation  
which

11 had access to all of this data of which you've been talking about?

12 A. Correct.

13 Q. Okay. Thank you.

14 MR. KARNAVAS: Now, Your Honours, in light of the -- and I'm

15 going into another topic, it might be good if we can take a break at  
16 this

17 point, otherwise I can go on. It doesn't matter to me. I can go on  
18 for

19 another ten minutes. Okay.

20 MR. SCOTT: Sorry, Your Honour, while we're at a pause then,  
21 on

22 the last document that we were talking about before, and I didn't  
23 want to

24 interrupt before Mr. Karnavas was finished with that document, I'm

25 referring for the record 3D 01030, our record -- just so the record  
is

clear, our records show that there were three pages, three  
individual

pages of that document which appear to have been admitted to date.

3D 26-0211, 3D 26-0256, and 3D 26-0258. The date information that  
we've

been provided - and all I can say is that's what we've been

**Page 28258**

1 provided - was the document was created on the 15th of June, 2007  
was doing with the refugees and displaced

20 on this.

21 Witness, you said it yourself, the OTP went in 1994, and you  
said

22 that they could access all the documents. Here's my question: Did

23 Mr. Praljak come after or before the OTP?

24 THE WITNESS: [Interpretation] After.

25 JUDGE ANTONETTI: [Interpretation] After.

**Page 28259**

1 THE WITNESS: [Interpretation] Yes, after, yes.

2 MR. SCOTT: Well, Your Honour, there's no good reason for

3 Mr. Karnavas's argument. I simply was trying to assist the Chamber  
and

4 provide the Chamber with as much information as possible. I've  
asked for

5 date information repeatedly. I don't think there's anything  
improper

6 about that, and I just simply -- and the representation was also  
made

7 about admission, and I simply wanted to provide the Chamber with as  
much

8 information as possible as to the three pages that had previously  
been

9 admitted and with the date associated with the document which is  
10 according -- as far as we can tell was June 2007, which does tend to  
11 confirm what I indicated to the Chamber was my belief a few minutes  
ago;

12 and that is, this is a document that was apparently prepared by  
13 Mr. Praljak for the purposes of this litigation. And I just want  
the  
14 record to reflect that. That's all.

15 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Praljak, since  
you've

16 been named, what do you have to say?

17 THE ACCUSED PRALJAK: [Interpretation] A distinction should  
be  
18 made between the time when the document was compiled and when it was  
19 issued. Those are two different times. There's one time when the  
20 document was compiled and another time when the publisher found the  
funds  
21 to actually publish it and put it on the market.

22 JUDGE ANTONETTI: [Interpretation] Well.

23 MR. KARNAVAS: Your Honours, if the Prosecution continues to  
24 engage in these sorts of tactics, I do reserve the right to also  
engage

25 in these tactics as well. I know how to be combative in court. I  
don't

**Page 28260**

1 want to give the impression that simply because I'm being rather  
kind and

2 comforting to the Prosecutor today that I will continue to be -- to  
do so

3 in the future.

4 Q. If we go on to the next set of documents. Now, if we could  
go to

5 1D 02587, 2587, and if you could look at this document and there's a

6 series of documents that we will be going through, basically it's  
the

7 same topic, the topic as we will see deals with guarantees. This  
one --

8 I'm sorry, this one deals with the financing, this set of topics.  
Are

9 you familiar with Mr. Jozo Martinovic? I believe he's passed away  
since.

10 A. Mr. Karnavas, I'm familiar with Mr. Jozo Martinovic. He was  
the

11 minister of finance at the time when I was appointed the head of the

12 Office for Refugees and Displaced Persons.



13 Q. Okay.

14 A. And since he was involved with finances, we had a lot of  
15 contacts; and yes, you're right, in the meantime he has died.

16 Q. There was a question -- do you recognise, first of all, this  
17 document?

18 A. I recognise the document. This was the Crisis Staff for  
19 Bosnia-Herzegovina which received \$30 million US from the Republic  
of  
20 CroatiaBosnia."

7 A. Correct. This is another one-time financial assistance  
which was

8 given in February 1993 to the refugees from Bosnia and Herzegovina,  
Office

2 MR. KARNAVAS: Very well. Very well. This would be a good  
time.

3 JUDGE ANTONETTI: [Interpretation] Very well. We're going to  
have

4 a break. In terms of time, I believe you have another hour and 15  
5 minutes.

6 --- Recess taken at 3.44 p.m.

7 --- On resuming at 4.06 p.m.

8 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.

9 MR. KARNAVAS: Thank you, Mr. President, Your Honours.

10 Q. Dr. Rebic, very very quickly, very quickly, we're going to  
11 go

12 through some documents because we need to get to the second binder -  
13 - or

14 my next binder, but the next document is 1D 02625, 2625. Over here  
15 this

16 document -- first of all, do you recognise this document?

17 A. 625 [In English] Government of the Republic of Croatia

18 [Interpretation] I recognise the document. This was compiled by the

19 government and it was sent to the Ministry of Finance, the Ministry  
20 of

21 Tourism, and the Office for Refugees and Displaced Persons. This

22 document was compiled by the government in order to define how much  
the

office should pay for the care of refugees and displaced persons in

23 different types of accommodation, including hotels and others. This  
24 sets

25 the price per person at 6.7 German marks for a whole day board and

26 lodging in the hotel and this is further broken down.

23 Q. Thank you. If we look to the next document -- I don't mean  
to

24 rush you, sir, but just -- we're under tremendous time pressures  
here,

25 2589. We see your name at the bottom. Do you recognise this  
document

**Page 28264**

1 and very briefly what is this document?

2 A. I recognise the document. This is my authentic signature.  
This

3 is payment of financial reimbursement, refugees from Vojvodina and  
Bosnia

4 and Herzegovina, they were also for their temporary use.

19 As you have rightly told us, this document is an agreement  
or a

20 letter of understanding as to how we would distribute the \$30  
million

21 that the UNHCR provided for refugees and displaced persons. This  
was

22 assistance to the families that looked after the refugees and  
displaced

23 persons and also other programmes that need not be mentioned in any

24 particular details because all the details are provided herein. So

25 whoever is interested in learning about them may avail themselves of  
the

**Page 28265**

1 document.

2 Q. All right.

3 JUDGE TRECHSEL: May I just inquire for a clarification. We  
had

4 a document where \$30 million, exactly the same sum here, was  
promised by

5 the Croatian government to the ODP. I would assume it is something  
6 entirely different as compared to this sum, but maybe you can  
explain.

7 THE WITNESS: [Interpretation] Your Honour, there are two  
things

8 at stake. The 30 million that we mentioned just a while ago was a  
gift

9 by the Croatian government to the Crisis Staff which was supposed to  
help

10 the Republic of Bosnia-Herzegovina. The

16 enough.

17 Mr. Karnavas.

18 MR. KARNAVAS: Thank you.

19                   And, Your Honours, you will have noticed that the first  
document

20           that you made reference to which is 1D 02587, the date is May 13th,  
1992,

21           whereas this one is in 1993.

22           Q.    Now, if we could go to -- August of 1993.  It's February,  
I'm

23           sorry, February 1993.

24                   Now, if we could go to the next document, 1D 02592, and we  
look

25           at the second page of this document we see your signature, and this  
is

**Page 28266**

1           addressed to Mr. Mouchet.  Do you recognise this document?

2           A.    I recognise the document.  It was signed by myself.  The  
3           signature is absolutely authentic.  This is a letter that I wrote to  
4           Mr. Jacques Mouchet with regard to the humanitarian aid to Croats in  
5           Bosnia and Herzegovina which was provided at the request of Cardinal  
6           Vinko Puljic, the Archbishop of Sarajevo

17           through the long-lasting care of refugees and DPs, and is  
unfortunately

18 no longer able to cover the refugees' organized accommodation  
costs."

19 Then if we skip a paragraph we see that there is a summary  
with

20 respect to some camps, some centres and a hotel, but we also see --  
I

21 want to draw everyone's attention to Obonjan and Gasinci. And if we  
look

22 at the next page --

23 Q. If you could just look at this and please tell us what this  
is

24 because these are -- those two particular centres have been  
mentioned by

25 a Ms. Azra Krajsek as being troublesome centres where the Muslims  
were

**Page 28268**

1 apparently not being treated in a very favourable manner. So can  
you

2 comment on that?

3 A. As regards the issue of whether the treatment was equal for  
4 everyone, the treatment of refugees and displaced persons was more  
or

5 less the same. However, there were instances in which displaced  
persons

6 were accommodated in a better way or sometimes in a worse way than  
7 refugees. It is difficult, however, to say something for each of  
the

8 refugee centres individually. However, you can see here as regards  
9 Obonjan that in the first seven months of 1994, \$345.000 USD were  
spent.

10 As regards Gasinci, during this same period, the first half  
of

11 1994, \$3 million and almost \$500.000 USD were spent. You can see  
from

12 there that Gasinci was the most expensive centre to maintain. We  
wanted

13 the refugees there to be taken care of in as good way as possible  
under

14 the circumstances. Then we see all the other centres which housed  
15 refugees as well.

16 Q. All right. And the purpose of that document was to show the  
17 transparency involved. Now, if you flip the page you'll see there's  
18 another document, and it is not numbered but by accident it was  
attached

19 to this, and this is dated September 6th, 1994. --

20 JUDGE TRECHSEL: May I just ask a little complementary  
question

21 to the previous list.

22 Can you give us indications, sir, on the number of refugees  
and

23 displaced persons that were accommodated in Gasinci and Obonjan?

24 THE WITNESS: [Interpretation] Your Honour, at this moment I  
25 cannot remember any precise figures, therefore I will approximate.  
In

**Page 28269**

1 Gasinci at the time the figure was around 4.000 refugees, up to 4  
and a

2 half thousand. In Obonjan there were less. On the island at the  
time

3 there were between 2 and 2 and a half thousand refugees. I don't  
think

4 we ever exceeded that number; however, at times there were less  
refugees.

5 This is a -- sort of a general piece of information that I can  
recall off

6 the cuff.

7 JUDGE TRECHSEL: Thank you very much.



8

MR. KARNAVAS:

9 Q. And attached to this document is another document which is  
rather

10 separate and probably deserves a separate number but it's been  
attached

11 to it. And I just want confirmation, this is September 6th, 1994.  
We

12 see your name but we don't see a signature under your name. We do  
see a

13 signature for a Dr. Maja Kurent, but it looks like somebody signed  
for

14 this individual. Do you recognise this document? It's the last --  
yes,

15 yes, that one.

16 A. I recognise the document. I did not sign it, however, it  
was

17 signed by Maja Kurent, who is a physician by profession, and she  
would

18 usually sign Dr., D-r, although she held a master's degree in  
medical

19 science. She had the right to sign documents on my behalf  
concerning

20 UNHCR issues.

21 Q. That's fine. All right. Now we're going to switch to  
another

22 topic and we probably need to get you the next binder, if you could  
be

23 assisted, and we're going to focus on something different. The  
document

24 that we're going to be -- that I will refer you to is P 00336. We  
see

25 this document, it's a Prosecution document, commonly referred to as  
a

**Page 28270**

1 presidential transcript, it's 21 July 1992. And it would appear, if

2 question go to page 3 of this document, which is 3 of 184 pages,  
that you

3 would have been present there, your name being mentioned, Dr. Rebic,

4 chief of the Main Staff of the Croatian -- I mean secretary of the  
Office

5 for Refugees, Dr. Rebic. Do you see that?

6 A. I do.

7 Q. Have you had a chance to review this document?

8 A. I can see my name there, and I recall the discussion which  
took

9 place on that occasion and I also remember the document.

10 Q. All right. Now, I don't want to go into the substance  
because we

11 can all read this and we've had other witnesses, but very briefly if  
you

12 could tell us if you remember the occasion and if you can give us an

13 impression of what transpired, what was the atmosphere like during  
this

14 rather lengthy discussion of 184 pages?

15 A. Mr. Karnavas, it was a meeting between a Croatian  
governmental

16 delegation headed by the president of the republic, Dr. Franjo  
Tudjman,

17 and a Bosnia-Herzegovina delegation headed by Dr. Izetbegovic. The

18 meeting was held on the 21st of July, 1992, in the office of the

19 president. I remember it was a very long discussion, it lasted from  
noon

20 until 10.00 p.m. as an independent country could

21 Prosecution document, we've seen it before, and you've just  
mentioned

22 that an agreement was signed and indeed we have this dated 21 July  
1992.

23 And if I could just focus your attention to paragraph number 3.

Okay.

24 Do you have it?

25 A. Yes, I do.

**Page 28272**

1 Q. Okay. Where it talks -- we can see the state delegation of  
2 Bosnia-Herzegovina expresses their gratitude to the Republic of  
Croatia

3 for having received and provided for refugees -- have you found that  
4 passage?

5 A. I have, it is item 3 [In English] "Bosnia-Herzegovina  
express

6 their gratitude to the Republic of Croatia **beyond the**  
10 entire next paragraph, but if you look at the last sentence of the  
next

11 paragraph, it talks about a separate protocol on cooperation will be  
12 signed for the purpose," and it talks of -- and if we read the  
entire

13 paragraph it talks about the purpose for providing for humanitarian  
14 assistance, financial aid, construction of refugee centres. Do you  
see

15 that?

16 A. [Interpretation] I do, that is correct.

17 Q. All right.

18 A. And this is what the gist of the document was. I could only  
wish

19 that all the sides implemented the document in full. The war would  
have

20 been over much sooner, and when I say "all the sides involved," I  
mean

21 the third side as well which was the JNA and unfortunately it was  
not one

22 of the signatories.

23 Q. And to your knowledge did the Republic of Croatia as regards the

6 helped by the UNHCR, I have to say that, but most of the expenses  
were

7 paid for by the Government of the Republic of Croatia 22 July 1992

15 First of all, do you know who will Jure Pelivan is?

16 A. I do, Mr. Karnavas. I know who Jure Pelivan is. He was the

17 then-president. He signed it on behalf of the Government of the  
Republic

18 of Bosnia-Herzegovina, the same as Franjo Greguric who signed the

19 document on behalf of the Croatian government. I met Mr. Jure  
Pelivan

20 for the first time in late January 1992, when together with Minister

21 Jurlina I went to Bosnia-Herzegovina to visit our Croatian refugees  
who

22 were then accommodated in Bosnia-Herzegovina, since by that time we  
were

23 at war with the JNA. First there was the aggression against Croatia  
as part of the Friendship and

12 the Government of the Republic of Bosnia-Herzegovina and

15 new refugees, who will not be taken care of in Bosnia-Herzegovina.

The

16 Government of the Republic of Croatia

19 Now, does this accurately reflect the situation as it was  
back

20 then?

21 A. Mr. Karnavas, it does reflect the situation precisely as it  
was

22 at the time and as it was about to become. Bosnia and Herzegovina,  
agreed on Croatia

24 terms of accommodation for the refugees from Bosnia-Herzegovina.

Since

25 Croatia on to third countries or after some time in Croatia

17 Q. All right. Now, let's go through a series of other  
documents

18 that are related somewhat to what we just talked about. The next  
19 document is 1D 02008, 2008. We see it's dated 21 November 1992, and  
if  
20 you just look through this document, please tell us whether you know  
21 anything about what's contained in this document. We know that your  
22 document was --

23 JUDGE TRECHSEL: [Microphone not activated]

24 MR. KARNAVAS: We all are, Your Honour, we all are, trust  
me.

25 Q. -- we see that Mate Granic attended a particular meeting.  
Can

**Page 28276**

1 you please tell us whether you recognise this document, what's  
contained

2 inside the document.

3 A. I am familiar with the contents of the document, and the  
4 information of Mate Granic when he returned from the meeting in  
5 Bosnia-Herzegovina where he visited Grude to meet some  
representatives of  
6 the Bosnian and Herzegovinian government as well as local Croatian  
7 authorities. The discussion they held concerned the problems which  
came

8 about towards the end of 1992 in Bosnia-Herzegovina. The Republic  
of

9 Croatia

13 Herceg-Bosna, it is necessary to resolve as soon as possible the  
issue of

14 military conscripts located in Croatia

16 Can you comment on this? Why was it necessary?

17 A. I know well that we in the Republic of Croatia, that is

24 males who can take part in the defence. It was also asked from us  
on

25 occasion by the Embassy of the Republic of Bosnia-Herzegovina. It  
was a

**Page 28277**

1 matter of cooperation and friendship between the Republic of Croatia

16 Croatia

19 And then it continues: "The only possibility is transit to  
other

20 countries."

21 Now my question is, Dr. Rebic, is the following: First of  
all,

22 to which street -- or which kind of people refers to in that very  
much in



23 that paragraph, is it only about, let's say men or those who are  
likely

24 to also discussed a few minutes ago in paragraph 6, that is the  
military

25 conscripts, et cetera, or does it mean a general confirmation or

**Page 28278**

1 acceptance that no more refugees could be allowed to go to Croatia  
for some other countries?

15 the moment. When you ask me about the number, I can tell you that  
at

16 that moment there were approximately 250.000 refugees from

17 Bosnia-Herzegovina residing in Croatia

20 similar office to the one in Croatia or third countries.

5 and I believe that you understood the scope of the problem. And  
that's

6 why Prlic was asked -- or Prlic offered or asked Granic himself to  
help

7 with the work of such an office, and this was also done for the  
Bosniak

8 Muslim side.

9 At that time, Mrs. Omersoftic arrived in Sarajevo -- from

10 Sarajevo was provided with very detailed instructions as

2       whether they were capable at the time of having such refugees there  
3       during the winter months.

4           A.    You mean the Republic of Bosnia-Herzegovina?

5           Q.    No, I'm saying in -- we're back to 20 November 1992.  Dr.  
Prlic

6       is meeting with Dr. Granic.

7           A.    Yes.

8           Q.    With respect to paragraph number 1, we see that the Republic  
of

9       Croatia for summer vacation.  It was very difficult to was largely occupied and  
cared could do the same, although it was occupied in large

6       Republic of Bosnia and Herzegovina in relation to the education of  
7       refugees, health protection, and opening logistical centres for  
8       humanitarian aid."

9           Now, could you comment on that.

10          A.    Yes.  Based on the letter of understanding signed between  
the

11       Republic of Croatia

14       health care, and that it will provide Bosnia and Herzegovina with  
15       logistical centres for humanitarian aid, and these centres were  
indeed

16 organized in Croatia, we're moving in a chronological order,

21 this is for the establishment of logistic centres in the Republic of

22 Croatia we ensured the logistical support for

humanitarianSarajevoSarajevoSarajevo

17 individuals are travelling towards Split and they are not going to leave

BiH, and

4 could be wrong. But in any event, could you please tell us a little  
bit

5 about this, about letters of guarantee and what have you. Did your

6 office have anything to do with issuing letters of guarantee for  
citizens

7 of Bosnia-Herzegovina to go to third countries through Croatia?

8 A. When it came to transfer to third countries through Croatia  
and

14 passport or any other document, to enter the Republic of Croatia or  
friends in Croatia

20 You have to know that a lot of citizens of Croatia, of the

21 Republic of Croatia

23 Herzegovina

25 and Herzegovina

22 Republic Croatia to allow them to cross the border between Bosnia

3 Herzegovina

6 In other words, the police, the Croatian police, had to have a  
document

7 from our office at the border in order to allow them to cross the  
border

8 and to be sure that the Office for Refugees and Displaced Persons

9 guaranteed to provide them with care and that the office would bear  
the

10 cost of their living if they remained in Croatia or if they left for

11 third countries then it would be some third country who would bear  
the

12 expenses of their stay there.

13 Q. All right. So once they came in, they would be your

14 responsibility, your office's responsibility?

15 A. Correct.

16 Q. Okay. Now, if we look at the next document --

17 JUDGE ANTONETTI: [Interpretation] Witness, let me return to  
this

18 document, it's a document of some importance. According to this

19 document, 500 persons from Mostar will not enjoy refugee status.

They

20 will have to leave for a third country. Furthermore, these persons  
will

21 be on board buses and will be escorted by the police. How long did  
it

22 take you to process 500 files, the 500 files of these persons? The  
date

23 is the 16th of July 1993 from

7 that they would proceed travelling towards third countries. Based  
on

8 that, these persons were provided with temporary accommodation in  
Gasinci

9 near Djakovo and in some other centres, because a number like that  
could

10 not have been accommodated in Gasinci alone. And some of them  
obviously

11 found accommodation with friends and family, and then after a  
certain

12 while they would ask UNHCR or some other international organization  
or

13 embassy to provide them with documents to go to a third country and  
ask

14 for temporary accommodation there. Most often those were people who  
had

15 friends or family members in Germany--

20 the UNHCR, and if I understand correctly you were in charge of  
logistics.

21 And if I understand correctly, the UNHCR was in charge of the entire

22 operation. What you did was just provide accommodation before these

23 people finally left, but you had absolutely no responsibility when  
it

24 came to what would happen to them later because that was the remit  
of the

25 UNHCR and of other countries. Is that the way I should understand  
your

**Page 28287**

1 testimony?

2 THE WITNESS: [Interpretation] No, no. As soon as they were  
taken

3 into our care by our refugee centres, whether they got official  
papers on

4 their status or not, as soon as these persons were in refugee  
centres

5 ipso facto they were in our care. For as long as they stayed in the

6 Republic of Croatia

13 read in the third paragraph of the document. You have told us that  
all

14 this was happening under the control of the UNHCR that took care of  
the

15 reception in third countries, of letters of guarantee, and so on and  
so

16 forth. I'm quite ready to accept your explanation, but that would  
mean

17 that your office only has a logistical role to play, your only  
function

18 is to accommodate these refugees for a short period of time. That's  
an

19 interpretation, a possible interpretation, of this document. But if  
we

20 assume that the UNHCR does not play any role because these 500  
persons

21 have managed to go to a third country of their own accord, and if  
the

22 UNHCR does not play any role here, then I wonder about the role  
played by

23 the ODPD because you are supposed to be in charge of refugees and

24        apparently you were not ready to grant refugee status to these  
persons.

25                    THE WITNESS: [Interpretation] Under the assumptions that you  
have

**Page 28288**

1        just presented, although I myself did not write that letter, but I  
assume

2        that based on that letter the office was also supposed to take these

3        people in its care. But again - and I assume again because I was  
not

4        privy to any such case, I know that there were such cases - those  
were

5        people who already at the border stated that they wanted to proceed

6        towards third countries and that they only asked for temporary stay  
in

7        Croatia. If it so happened that such

10       cases - then the office would issue them with a certificate on the

11       refugee status that they would then enjoy. There were such cases.

12                    In other words, I would say that this is more an anomaly  
than a

13       rule and it could not be used to draw a conclusion that the Office  
of



14 Refugees refused to take in such persons only because those people  
had

15 stated for various reasons that they want to proceed towards third  
16 countries.

17 JUDGE ANTONETTI: [Interpretation] Yes, but we have 500  
persons

18 coming from Mostar. It's an important event and that should have  
caught

19 your attention.

20 THE WITNESS: [Interpretation] Certainly, yes.

21 JUDGE ANTONETTI: [Interpretation] So it caught your  
attention.

22 But now we find that these 500 persons have only received an  
23 authorisation for entry and temporary stay in Croatia; in other  
words,

24 these persons are not going to stay in Croatia. It's obvious, and  
you

25 stress that by adding that they will not obtain refugee status --

**Page 28289**

1 although some of these people may have wanted to remain in Croatia.  
Those

12 receive the status of refugee in the Republic of Croatia until they left  
for third

**Page 28290**

1 refugee status, then these persons did not have the right to ask for  
a

2 permanent refugee status. It would be a deceit on the part of these

3 persons, if they received such false status.

4 I believe I was clear. We had to respect the rights of  
those

5 refugees. We could not force them to stay if they didn't wish to do  
so;

6 we had to rather allow them and help them in their intention to  
proceed

7 towards third countries. Croatia had an obligation imposed on it by third  
countries. So one can

11 longer time. They wanted to use Croatia, that person would have been

8 JUDGE TRECHSEL: Excuse me, Witness. That is not at all an

9 answer to my question. My question was: These persons were not

10 refugees. I'm not interested in whether they could have been or not

11 been, and there is another request in that respect too. The  
question is:

12 Was there a legal basis for your office taking charge of a third  
category

13 of persons or was it done ad hoc, perhaps out of a warm heart?

14 THE WITNESS: [Interpretation] Our office acted within the  
legal

15 framework. If in this case the people concerned were refugees, they  
had

16 the right to the status of a refugee. Today I cannot remember  
exactly

17 whether these were 500 refugees or 500 tourists --

18 JUDGE TRECHSEL: Mr. Rebic, Mr. Rebic, I have to stop you.  
I

19 must simply note that you do not want to ask [sic] the question that  
I

20 put to you but go into another hypothesis. But I leave it at that.  
I

21 don't want to insist.

22 I'm sorry, Mr. Karnavas.

23 MR. KARNAVAS: Maybe I can assist --

24 JUDGE TRECHSEL: I'm sorry, the question was to the witness  
and I

25 don't think counsel should testify.

1 MR. KARNAVAS: I'm not testifying, Your Honour, but  
obviously you

2 seem to lack a certain understanding. These people, 500 of them,  
cannot

3 go to Hungary without going -- they were not flying. So the question is:

6 facts.

7 JUDGE TRECHSEL: Which, could you be more precise? What  
facts

8 as --

9 MR. KARNAVAS: That they don't have a status, that they  
don't

10 have status.

11 JUDGE TRECHSEL: It says so expressly in the document, it  
says

12 they are not refugees and they are certainly not displaced persons,  
so

13 they are something else.

14 MR. KARNAVAS: Well, Your Honour, if I have to go through a  
15 country where I have to make a stop and I'm in transit, it appears  
that

16 they're in transit. Croatia

19 Q. Now --

20 MR. KARNAVAS: I beg your pardon. Is there another  
objection?

21 MR. SCOTT: Yes, Your Honour, there is.

22 MR. KARNAVAS: And for the record, the gentleman did try to  
23 answer your question, Judge Trechsel, and you interrupted him  
several

24 times. So there is perhaps something in there that he was trying to  
25 explain, albeit maybe he was taking a longer time to get to it.

**Page 28293**

1 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

2 MR. SCOTT: Just to point out for the record, Your Honour,  
3 there's been a number of references to assumptions just in the last  
4 couple of lines of the transcript. Just so the record is clear, the  
5 entire last 15 or 20 minutes of the witness's testimony has been  
based on

6 assumption. This whole thing started out by saying: "Assuming  
there was

7 an agreement with the UNHCR, assuming, assuming, assuming. We have  
no

8 basis. He apparently doesn't know, doesn't understand, or doesn't  
want

9 to answer Judge Trechsel's question, but it's been assumption,  
10 assumption, assumption, and no one seems to have picked up on that,  
but

11 it's gone off on these rabbit trails as if they are facts in  
evidence and

12 they're not. There is no evidence in the record that there was any  
13 agreement with UNHCR, and to assume that UNHCR had any role here is  
pure

14 assumption.

15 MR. KARNAVAS: We're not suggesting in this particular  
case. But

16 let me ask this question, Dr. Rebic, and far be it from me to be  
17 testifying as I have been accused of by the Bench on numerous  
occasions.

18 Q. If the 500 people here on this list, if all of them had  
arrived

19 and requested refugee status, whatever the status might have been,  
20 travellers, visitors, tourists, if they had come to the border and  
asked

21 for refugee status, what would you have done? What would the office  
have

22 done? What would Croatia would

2 received it in the Republic of Croatia was flooded with refugees.

However, we would have

6 countries.

7 Q. Now, assuming somebody was coming over land from Bosnia OR  
Hungary

9 conditions could they go without going through Croatia? We're  
talking

10 about going over land, not flying. Because this is important for  
those

11 of us who don't know the terrain and the circumstances.

12 A. In no case could refugees from Bosnia-Herzegovina or people  
from

13 Bosnia-Herzegovina go to third countries without passing through the

14 territory of the Republic of Croatia

17 them to do so; however, we could not force them to receive refugee  
status

18 if they did not want that for any reason whatsoever --

19 Q. Let me stop you here --

20 A. -- say that they had secured passage and means to get to any  
21 third country.

22 Q. Yesterday -- again I just want to --

23 JUDGE ANTONETTI: [Interpretation] One moment, Mr. Karnavas.

24 MR. KARNAVAS: But, Your Honour, can I finish this line of

25 questioning -- direct examination --

**Page 28295**

1 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, Mr. Karnavas

--

2 MR. KARNAVAS: Very well, very well, very well --

3 JUDGE ANTONETTI: [Interpretation] My question is in keeping

--

4 MR. KARNAVAS: I've asked for five hours, you've given me  
four,

5 and now I'm being interrupted. I need to finish this line of  
thought.

6 I'm being prevented. And then you take the witness in another  
direction,

7 it makes it virtually impossible for me to focus back. So that's  
why --

8 what I'm insisting, I have one more question to this line, I think I

9 should be given deference from the Court. Take as much time as you  
want,

10 Mr. President, but I think that I'm on my direct examination. There  
are



11 some accusations that are being lodged at this point; I need to  
clarify

12 them.

13 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you will  
have

14 enough time, do not worry, because of course the time taken by my

15 question will not -- will be deducted from your time.

16 Secondly, what I'm saying is in keeping with what you're  
saying

17 yourself, and it is also in line with the issue addressed by my  
fellow

18 Judge earlier on.

19 Witness, let's assume we have someone transiting through  
your

20 country. In this particular case they were people from Mostar, but  
they

21 could have been people from China

25 Judges have is the following. What's the role of your office in the

**Page 28296**

1 transit of these persons? Why is the Ministry of the Interior not  
taking

2 care of these people? Why isn't it the social affair ministry? Why  
is

3 the ODPB, an office with a very specific role outlined by  
legislation,

4 why is the ODPB taking care of these persons? Because these persons  
were

5 in transit only and they could have been dealt with by other  
6 institutions.

7 THE WITNESS: [Interpretation] Your Honour, I don't see how  
anyone

8 else could have dealt with such great numbers of those people.  
There was

9 no possibility to accommodate them for short intervals. Only the  
ODPB

10 had that ability. It was presumed that those people were refugees.  
They

11 went on to third countries as refugees. They were free to stay in  
12 Croatia, and we never --

17 answered my question. You've told us who else should have taken  
care of

18 them. I take note of this.

19 Mr. Karnavas, I hope I have not obstructed your  
examination. My

20 question was a follow-up question.

21 MR. KARNAVAS:

22 Q. Let's assume somebody comes into Croatia and now is declared  
a

23 refugee. Can you then just deport that person to, say, Slovenia or

24 Hungary

4 those days by land.

5 A. Mr. Karnavas, as I said, the Republic of Croatia refused to take  
them in; it was impossible. Had the 500

11 third countries, Croatia. We see your name at the

22 attached list," and here we have a list of 14, "will be relocated by  
the

23 UNHCR to the Kingdom of Denmark

25 JUDGE TRECHSEL: Sorry, Mr. Karnavas, just to assist, it is

**Page 28298**

1 document 1D 01710, and it's not quite correctly in the record here.

2 MR. KARNAVAS: Okay. It's 1710.

3 JUDGE TRECHSEL: Yeah.

4 MR. KARNAVAS:

5 Q. This was -- are you familiar with this kind of a document?

And I

6 think if you look at it -- if you look at the original one we see  
your

7 signature or what appears to be your signature.

8 A. Mr. Karnavas, this is my signature, it is authentic. The  
text of

9 the request is correct. Upon request by the UNHCR, I provided my

10 agreement for transit of foreign nationals through the territory of  
the

11 Republic of Croatia or in Strasbourg, at the request of the United

24 1994, at the request of the United Nations High Commissioner for

25 Refugees. Then we go to again 31 October 1994, this is document 1D

**Page 28300**

1 02595. And lastly we see 2 November 1994, as well as Mr. Hajker Hajnan  
[phoen], who was

4 THE INTERPRETER: Says the witness.

5 THE WITNESS: [Interpretation] -- through our territory they  
need

6 to ask permission through the embassy of Bosnia-Herzegovina,  
whereupon I

7 would issue permission for transit. This document proves --

8 MR. KARNAVAS:

9 Q. Let me stop you here because I want to go slowly step by  
step.

10 Paragraph number 2, let's focus here for a second. It says:  
"Namely,

11 due to the frequent complaints from the Bosnian and Herzegovinian  
12 authorities, claiming that this office together with international  
13 humanitarian organizations is helping the Serbians in the 'ethnic  
14 cleansing' of Bosnia-Herzegovina, and in accordance with the Embassy  
of  
15 Bosnia and Herzegovina in Zagreb, international humanitarian  
16 organizations must submit with the request for acquiring permits for  
17 transit through the Republic of Croatia

19 Why was that necessary?

20 A. It was necessary in order to avoid such misunderstandings as  
the

21 ones we could just see concerning the ODP. Thanks to the Embassy  
of

22 Bosnia-Herzegovina and their complaints and in cooperation with  
them, we

23 acted upon it. As much as we could, we tried to control the  
citizens of

24 Bosnia-Herzegovina transiting through Croatia on to third  
countries. I

25 can say that there were many people who were doing it without our

**Page 28302**

1 knowledge, and at the border our police would stop such people  
whereupon

2 I had to intervene in order to either allow them transit or to keep  
them

3 in the Republic of Croatia, for instance, there were

7 Q. And if we look at -- if we skip --

8 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, we'll have  
to

9 have a break.

10 MR. KARNAVAS: I just need one question and then the break.

11 JUDGE ANTONETTI: [Interpretation] Okay.

12 MR. KARNAVAS:

13 Q. If we skip one paragraph: "We would like to point out that  
it

14 would also be necessary as it has been up to now that you submit a  
valid

15 letter of guarantee for each person individually as well as pay the

16 administrative tax."

17                   Why was that necessary, for him to submit a valid letter of  
18                   guarantee?

19           A.    It was necessary so that the office would know who should be  
20           paid

21           expenses since there were many people appearing who asked the office  
22           to

23           pay for certain expenses without the office knowing who they were.  
24           That

25           is why this was asked for.

26           Q.    Had there been abuses as far as letters of guarantees, in  
27           other

28           words, phoney ones? Had there been that had come to your attention?

29           A.    Unfortunately, there had been abuses. There were forgeries.

**Page 28303**

1           There was one person from the ODPR whom I fired because that person

2           worked with an institution in Banja Luka. He or she forged my  
3           signature

4           and illegally used the stamp; therefore, I had to fire that person.

5           I

6           was sorry to do that, but that person acted illegally.

7           Unfortunately,

8           there were abuses which were difficult to deal with. On occasion,

6       however, we sometimes succeeded.

7           Q.    And so just one final point.  If the letter of guarantee was  
8       forged, then it would mean that once they came into Croatia, Croatia  
had to take them in and take care of

14                               --- Recess taken at 5.46 p.m.

15                               --- On resuming at 6.05 p.m.

16                   JUDGE ANTONETTI: [Interpretation] The hearing's resumed.

The

17       registrar is telling me that you have 27 minutes left.  So failing  
any

18       procedural matters or over-lengthy questions by the Judges, you may  
be

19       able to complete your direct today.

20                   MR. KARNAVAS:  I believe so, Mr. President.

21           Q.    If we could go to binder number 3 for you, sir, and I'm  
looking

22       at P 03765, P 03765.  And in order to fully appreciate this,  
everyone

23       should be looking also -- should look at or glance at P 03708, which  
is

24       what is being referred to in the letter by Ms. Turkovic.  Focusing  
on



25 P 03765, she indicated to you, she says in the third paragraph:

**Page 28304**

1 "Mr. Rebic, you are reproaching me that, I as Ambassador Of the  
Republic

2 of Bosnia-Herzegovina, did not show any interest in Croat people  
expelled

3 from the Lasva valley, whereby you again used wrong information.

4 "With regard to that, I would like to stress that  
immediately

5 after the arrival of refugees from the Central Bosnia, I went to  
Poljud

6 to visit them, I issued order to secure supplies for those people  
from

7 the Logistic Centre in Split

9 Now, with respect to the expelled people, the Croats that  
were

10 expelled from the Lasva valley, to your knowledge and understanding,  
is

11 Ms. Turkovic correct when she said she had visited them?

12 A. Mr. Karnavas, I don't remember that Ms. Bisera Turkovic,  
with

13 whom I had a very good relationship, was ever in Split to receive  
these

14 refugees from Lasva valley, but I know well that I had to urgently  
take a

15 flight -- a private flight on a Croatian army aircraft to Split in  
order

16 to deal with the issue of these refugees.

17 To cut a long story short, they had been expelled from Lasva

18 valley in the Republic of Bosnia and Herzegovina and arrived in  
Split they did not want to take accommodation that was offered to

21 of defence to provide us with a military accommodation there, and  
they

22 gave us a military holiday resort called Perma [phoen] on the  
peninsula

23 of Peljesac. They didn't want to go there, they wanted to remain in

24 Split, but there was no room in Split instead of going to Perma. I appealed  
to his

7 Ms. Bisera Turkovic, so there was no way for me to know that she had  
been

8 down there. And I have serious doubts about the fact that she may  
have

9 been.

10 Q. And how far is the place where they went from Split?

11 A. By ferry it takes approximately three-quarters of an hour,  
45

12 minutes approximately, depending on weather conditions. By road it  
takes

13 a bit longer because you have to go from Split towards Dubrovnik and  
the journey lasts about an

16 illustration to show that sometimes people were dissatisfied with

17 accommodation irrespective of their origin. I had occasional  
problems

18 with both Muslims and Croats, refugees from Bosnia and Herzegovina of

12 Minister Mr. Kostovic and other responsible persons, including  
myself.

13 And this document is actually a request to register a representative

14 office of the Office for Expelled Persons and Refugees of the  
Croatian

15 Republic of Herceg-Bosna. Darinko Tadic requested that in order to

16 register a representative office of the Office for Expelled Persons  
and

17 Refugees of the Croatian republic of Herceg-Bosna. We see  
correspondence from Turkovic and her associate Krajsek

**Page 28307**

1 registered. The Office for Expelled Persons and Refugees with the

2 Government of the Republic of Croatia. In other words, I helped both

8 Therefore, they were accommodated in other refugee centres, in

9 Bjelolasica, Lipovljani, and Klana near Rijeka, and Selce, and in  
Pineta,

10 as you said it yourself.

11 Q. [Microphone not activated]

12 THE INTERPRETER: Counsel's microphone is off.

13 MR. KARNAVAS:

14 Q. Was there ever a problem with the refugees that were staying  
in

15 Pineta?

16 A. Mr. Karnavas, there was a problem, a rather big one for the  
17 refugees themselves, the problem that made the refugees very nervous  
and

18 was a constant source of stress. The Slovenian company asked us to  
move

19 the refugees out from that holiday complex so that their guests  
could be

20 accommodated there as tourists. I would reply to the Slovenians,  
telling

21 them that I wasn't able to do that because there was no other way  
for me

22 to accommodate these people. Pineta was my only solution. I  
proposed

23 that they should take the refugees over and accommodate them in  
Slovenia

24 and look after them there, but they were adamant in saying, No, no  
way.

25 Then I asked them to help us build something as a temporary solution  
and

**Page 28309**

1 then they refused that as well. I asked what then? They said, Move  
them

2 out. I said, How can I move them out? I can't just have them end  
up in

3 the street. That was the problem in Pineta.

4 Q. All right. Well, let me stop you here. If I understand it

5 correctly, this is a private enterprise owned by private  
individuals, not

6 the Government of Slovenia ever intervene on behalf of the enterprise to get the

17 asking them to take steps. I received a proposal by the Government  
of

18 the Republic of Slovenia, that's what it says. Do you recall receiving this

19 Herceg-Bosna could not provide for such a large number of people,  
and in

20 that case if they could not care for the people they would send them  
to

21 us and we were supposed to look for them because we were the first

22 country point where they sought protection and we were obliged to  
provide

23 it to them.

24 Q. I see. Okay. Now, do you recall whether they -- these  
folks

25 came to the Republic of Croatia **in Pineta, on** Mount Bjelolasica

4 other refugee centres depending on the available accommodation. We  
had

5 one in Pula

13 and the release of all prisoners on the territories under the  
control of

14 the armies of BiH and HVO, immediately and not later than September  
21,

15 1993, at 12.00 noon

17 And if we could go to the last page for everyone's attention

18 because the issue has been raised as to why certain individuals were

19 involved, we see here the President, Dr. Franjo Tudjman, had  
appointed

20 for his commissioner, Dr. Mate Granic, Vice-President of the  
government

21 and minister of foreign affairs of the Republic of Croatia. I visited  
refugee centres, Klaka and Varazdin are

22 line 1 and 2. Did you ever visit Dretelj? Did you visit Dretelj  
23 yourself?

24 A. I did once.

25 Q. And when was that?

**Page 28313**

1 A. That may have been -- I should actually consult my agenda,  
but

2 this must have been in September 1993.

3 Q. All right. And was this in connection with the joint  
4 declaration?

5 A. Yes, this was a serious attempt on the part of the Republic  
of

6 Croatia and would be

3 return situation and there's been an allegation that --

4 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you are  
aware

5       that the other Defence teams will have two hours and that the  
Prosecution

6       will have four hours. Considering procedural incidents that are  
very

7       numerous and considering Judges' questions, the witness is likely to  
have

8       to come back next week. That's the problem here. That's the risk.

9               MR. KHAN: Your Honour, if it's any assistance, I can say  
that

10       there would be no cross-examination on behalf of Bruno Stojic. I  
don't

11       know if that helps the Court in its scheduling.

12               MS. ALABURIC: [Interpretation] Your Honours, I can tell you  
that

13       General Petkovic's Defence will have a few questions for this  
witness,

14       but very few, so we will not use all of our time. So if it's of any  
15       assistance to the Defence of Mr. Prlic, we will only be glad to give  
him

16       our time.

17               MR. KOVACIC: [Interpretation] Your Honour, in order to avoid  
any



18 dilemmas, General Praljak's defence will need 15 minute, not more,  
unless

19 something else crops up and this will be our cross-examination.

20 MS. TOMASEGOVIC TOMIC: [Interpretation] Mr. Coric's Defence  
will

21 not have any questions for this witness. Thank you very much.

22 MR. IBRISIMOVIC: [Interpretation] Mr. President, Mr. Pusic's

23 Defence does not intend to examine this witness.

24 JUDGE ANTONETTI: [Interpretation] Fine.

25 I see that the other Defence teams will need 20 to 25  
minutes.

**Page 28315**

1 If you are granted 20 additional minutes, the Prosecution will have  
four

2 hours and 20 minutes to cross-examine the witness, but I'll ask my  
fellow

3 Judges if they agree.

4 [Trial Chamber confers]

5 JUDGE ANTONETTI: [Interpretation] The time you're going to  
use

6 now will also be granted to the Prosecution in addition to the four  
hours

7 they had in the beginning.

8 MR. KARNAVAS: That's fine. That's fine, Mr. President. We  
9 never objected to the Prosecution having all the time they need.

10 Q. If we go to 1D 02735 --

11 JUDGE ANTONETTI: [Interpretation] My fellow Judge has a  
question.

12 JUDGE PRANDLER: Mr. Karnavas, I know that we are pressed by  
13 time, but the -- since I do not want to ask a question about a  
document

14 which was just penultimate question asked by you, therefore I would  
like

15 to ask Dr. Rebic about the following.

16 You presented him with document 1D 01320 which was written,  
I

17 believe, by Ivo Komsic, I mean the whole book, but you referred to a

18 joint declaration in that document, a joint declaration by  
Izetbegovic

19 and Tudjman, that is between President Izetbegovic and President  
Tudjman,

20 on September 14, 1993 and there was no mentioning -- there is no mentioning of

24 questions why they are involved, we see a joint declaration and  
that's

25 the purpose of this. And of course we're connecting it with 1D  
01936

**Page 28317**

1 because it does say that Mr. Rebic's -- Dr. Rebic's involvement in  
2 Dretelj was in connection with the application of the joint  
declaration.

3 Q. And if I can just now turn to the next document, 1D 02735,  
we see

4 this is a copy of a newspaper article dated 26th September 1993, it  
says:

5 "Prisoners become refugees."

6 Are you familiar with -- we see that you're mentioned. Are  
you

7 familiar with this article and does this article more or less  
comport

8 with the facts?

9 A. I am familiar with it. This article reflects the facts.  
This

10 has to do with the people who were in Dretelj through UNHCR  
mediation and

11 with the assistance of the ICRC they were transferred to Croatia.  
We

12 received them and accommodate them in Korcula and on the island of

13 Badija. We granted them refugee status immediately and we treated  
them

14 as refugees.

15 Q. Okay. Thank you. Now, if we go to the final chapter is --  
deals

16 with returns. And if you could tell us again what the policy was as  
far

17 as returning refugees back from the Republic of Croatia

19 A. The process was in keeping with the Geneva Conventions and  
in

20 agreement with the UNHCR when individual areas, be it in the  
Republic of

21 Croatia

19 Urs Betschart Swiss, deputy minister for refugees, and Peter  
Haeller, his

20 associate. They requested that Croatia and 10.000 refugees from Bosnia-  
Herzegovina because they had

25 from Croatia. In that particular case

5 had to take care of its citizens, i.e., of those to whom it had  
issued

6 passports, irrespective of whether they were Christians or Muslims,  
or

7 that is to say whether they were Bosniak Muslims or Croatians from  
8 Bosnia ever inquire as to how possible was it for those individuals

15 Bosnian refugees with Croatian passports would get back to  
16 Bosnia-Herzegovina?

17 A. They left it to the Republic of Croatia,  
22 to go through several documents rather quickly. This is a letter to  
the  
23 Bosnian and Herzegovinian embassy in Zagreb and it's a report on the  
24 implementation of the programme for the return of refugees and  
expelled

25 persons from the Kingdom of Denmark was visited by

14 they were citizens of Bosnia-Herzegovina, they were to continue  
their

15 travel onwards to that country. If unable to return there, they  
were to

16 stop in Croatia.

25 and Herzegovina

7 impossible.

8 Q. Okay. Now, if we could look at the next three documents  
very

9 quickly, I just want you to look at them and then I'll have one or  
two

10 questions.

11 JUDGE TRECHSEL: Um --

12 MR. KARNAVAS: Yes.

13 JUDGE TRECHSEL: Just a little precision again. The witness  
14 spoke of 35 refugees and that's what's in the record. If one looks  
at

15 the document one finds the figure six -- five pages from the bottom  
of

16 35.000 refugees.

17 MR. KARNAVAS: That's what I thought I heard.

18 THE WITNESS: [Interpretation] That is correct, I said  
35.000,

19 35.000.

20 MR. KARNAVAS: The transcript will be corrected.

21 JUDGE TRECHSEL: It's page 92, line 14.

22 MR. KARNAVAS: Right.

23 JUDGE TRECHSEL: You find 35 refugees.

24 MR. KARNAVAS: I've heard 35.000 and sometimes --

25 JUDGE TRECHSEL: I heard 35 --

1 MR. KARNAVAS: Okay. If we could look at -- and I  
appreciate

2 that, Judge Trechsel.

3 Q. 1D 02620, and then with that if you look at 1D 02621 and 1D  
4 02619, if you just look at them very quickly, in relation to your  
5 previous answer you had indicated, as I understand, that the  
agreement

6 was that locations that had been designated as safe areas from those  
--

7 refugees from those areas could be returned on a gradual basis. Is  
that

8 correct?

9 A. It is.

10 Q. And could you tell us for the record what these documents  
11 reflect, that is, 1D 02620, 2621, and 2619?

12 A. This is the list of all places and settlements that was sent  
to

13 all regional offices, all 21 of them, and to all centres for social  
14 welfare of which there were over 200. The list contains the names  
of all

15 places to which return was possible. That is why the regional  
offices

16 and centres for social welfare had to abide by it. They were  
supposed to

17 send only those DPs and refugees who hailed from these locations  
which

18 were free at the time. It was in October 1995.

19 Q. Dr. Rebic, I want to thank you very, very much for your  
testimony

20 and for coming here and thank you for being honest and forthright.  
We

21 would ask that you would do so with the Prosecution and with anyone  
else

22 asking you any questions while you're here in The Hague. Thank you  
very,

23 very much.

24 MR. KARNAVAS: That concludes my direct examination, Your

25 Honours.

**Page 28323**

1 THE WITNESS: [Interpretation] Thank you as well. Thank you  
as

2 well, Professor Karnavas.

3 JUDGE ANTONETTI: [Interpretation] Fine.





1 Wednesday, 21 May 2008

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 2.20 p.m.

6 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please call  
the

7 case.

8 THE REGISTRAR: Good afternoon, Your Honours. Good  
afternoon

9 everyone in and around the courtroom. This is case number IT-04-74-  
T,

10 the Prosecutor versus Prlic et al. Thank you, Your Honours.

11 JUDGE ANTONETTI: [Interpretation] Thank you. Today is  
Wednesday,

12 21st of May, 2008. Good afternoon to the witness, to the Defence

13 counsel, to the accused, to everyone assisting us in this courtroom,  
and

14 to the Prosecution.

15 We are going to proceed with the cross-examination of the

16 witness. We'll start with the Defence counsel, and I believe that  
17 Mr. Kovacic will be the first one.

18 MR. KOVACIC: [Interpretation] Thank you, Your Honour. Good  
19 afternoon to everybody in the courtroom.

20 WITNESS: ADALBERT REBIC [Resumed]

21 [Witness answered through interpreter]

22 Cross-examination by Mr. Kovacic:

23 Q. Good afternoon, Dr. Rebic.

24 A. Good afternoon to you too.

25 Q. As you have told yesterday, I'm going to put a few questions  
to

**Page 28325**

1 you. All of them in connection with the topics that were raised in  
your

2 examination-in-chief, and I'm talking only about very short three  
topics.

3 In your testimony so far -- I apologise. Have you received  
a

4 document? Now you're going to receive it I can see.

5 In your testimony so far, on the first day, on page 95, line

7 -

6 I'm stating this just for the record - you mentioned a person by the  
name

7 of Jakov Binenfeld. You said that he was the owner of the VIP  
agency and

8 that agency performed a job for you, and the job in question was the  
9 third census of refugees and displaced persons.

10 Dr. Rebic, let me remind you that my cross-examination is  
going

11 to differ from the examination in -- so far. We speak the same  
language,

12 and in order to make the lives of the interpreters easier, we should  
make

13 a short break between my questions and your answer.

14 My first question is this: Did you have an occasion to meet  
this

15 person, Binenfeld, in person?

16 A. Yes.

17 Q. Dr. Rebic, according to what you know about him, would that  
be a

18 person of high moral standards, enjoying a high reputation in  
society?

19 A. According to what I know, this person has high professional

20 qualities, a capable businessman at the time. At the time he had  
his own

21 agency, the name of the agency was VIP. It was the best agency at  
the

22 time in the Republic of Croatia Jewish community?

12 this had nothing to do with my decision to choose his agency for the  
13 census.

14 Q. I'm not interested in that part of your decision. I have no  
15 doubt about your right to choose whomever you want based on whatever  
16 information you have. I'm more interested in Binenfeld himself.

17 Did you have an occasion to learn that the same gentleman,  
Jakov

18 Binenfeld, had organised, i.e., had carried out the organisation of  
the

19 humanitarian convoys in the course of 1992 and 1993. And like all  
the

20 other humanitarian convoys, those convoys were of twofold nature.  
One of

21 the purposes was to take people from occupied Sarajevo, and second

22 purpose was to bring humanitarian aid to Sarajevo and in Bosnia and  
Herzegovina in general. He

10 Jews out of occupied Sarajevo, i.e., to the office of the refugees and displaced

12       whom 25.000 in primary schools and 6.000 in secondary schools. This  
13       number -- these numbers correspond to the numbers brought by the  
Office  
14       for Refugees and Displaced Persons in their reports based on the  
15       registration for refugees.

16       Q.    Okay. In order to avoid wasting time you have now read item  
1 of

17       this letter. You started talking about numbers here and this  
confirms

18       what you said yesterday not only with regard to the figures but also  
with

19       regard to the system. It says here that the children were included  
in

20       the regular school system. That's what we're interested in. Is  
that

21       correct?

22       A.    Yes, it is.

23       Q.    Thank you very much. Would you then agree that this is an  
24       authentic document?

25       A.    Yes. This is an authentic document.

1 Q. Thank you very much. And now I will move on to another  
topic

2 that was raised by you. On two occasions during your testimony so  
far

3 you've mentioned in broader terms the cooperation with your --  
between

4 your office and the Ministry of Defence of the Republic of Croatia?

10 accommodating refugees and organising refugee centres. This is all  
the

11 help that we received from the MOD, logistical support.

12 Q. Thank you very much. Within the MOD did you have any  
cooperation

13 with the information and propaganda department? Do you remember?

14 A. No. As far as I can remember, I did not have any contacts  
with

15 them. They could receive information from our office if they asked  
for

16 it, because our information was public and accessible to all.

17 Q. During your contacts with the Ministry of Defence did you  
ever

18 meet General Praljak in person?

19 A. I met General Praljak and I remember that meeting. It was  
very

20 early on. I may not remember the exact date, but I believe that it  
was

21 in February or March 1992 when we had some problems at the office.  
So

22 together with Mrs. Rukavina -- I believe that was her name.

23 Mrs. Rukavina was the head of the regional office for refugees and

24 displaced persons in the city of Zagreb, because this is not very far from  
Zagreb for that matter.

2 Let me just try and jog your memory and tell you that that  
hotel

3 at the time accommodated refugees from Vukovar, and when they were  
told

4 that they would be moved or at least there was an intention to do  
so,

5 they rebelled. They didn't want to move, and if I remember the  
whole

6 incident well and the papers that I read about the incident, the  
then

7 mayor, Marina Matulovic Dropulic, intervened and the whole situation  
was

8 compounded because the city had proposed the refugees from Vukovar  
to be

9 accommodated in the 7th -- 7 secretaries of SKOJ facility, the whole



10 thing escalated, and then the army proposed some of the hospital  
11 facilities in the old Vlaska street in Zagreb. Is that the incident  
that  
12 you had in mind when you said that there were some problems?

13 A. Not particularly that one, but I do remember that particular  
14 incident. Unfortunately, this happened on Christmas, and it was  
really a

15 very sad thing that refugees from Vukovar whom the Serbs had  
expelled

16 from their own Croatian homes and killed many of them, all these  
people

17 were very stressed out. They were already accommodated in the  
facility

18 before the office, my office, was established, because they had had  
been

19 expelled from Vukovar in the course of the month of September,  
October,

20 and November 1991. And then these facilities were required by the  
army,

21 which means that the refugees from Vukovar had to be moved from that  
22 facility.

23 Both refugees and displaced persons were very sensitive, and  
they

24 did not respond to any such attempt to move them lightly. And then  
25 Mr. Granic got involved because the Office for Refugees Displaced  
and

**Page 28334**

1 Persons had started functioning only before Christmas. That's why

2 Mr. Granic played a somewhat bigger role. He personally spoke to  
all

3 these people and an agreement was reached for them to be  
transferred,

4 some of them to Vlaska Street or to the premises of the former  
military

5 hospital, and the others were moved to Kozhnice. This is what you

6 mentioned under the name of 7 secretaries of SKOJ. In Kozhnice they  
had

7 very good facility, very good accommodation.

8 I don't know -- I don't remember now whether this was a  
military

9 facility or whether this was a facility that belonged to the city of  
10 Zagreb. In any case, it was in good order, and later on we did not have

19 A. No, it was 1991.

20 Q. 1991?

21 A. Yes, 1991, because Vukovar fell in 1991 towards the end of

22       October, on the 21st of October.

23           Q.    And also you mentioned the hospital in Vlaska Street in  
Zagreb gained independence --

6       hand over a large part of that facility to the refugees from  
Vukovar.

7           Q.    Can we now summarise and say that in light of all these  
contacts

8       with the Ministry of Defence, their help and their property, could  
you

9       please just briefly in two sentences, because we don't have any more  
10      time, could you briefly tell us whether the overall cooperation with  
the

11      Ministry of Defence concerning the displaced persons and later on  
12      refugees, was it good? Was the Ministry of Defence willing to  
cooperate?

13           A.    The cooperation was good. It was very useful to our office  
and

14      to refugees and displaced persons, and if the Croatian army had not  
15      helped us, we would have had much more difficulties when it came to  
16      looking after refugees and displaced persons.

17           Q.    Thank you. Just one more question. Referring to the  
incident

18 concerning the displaced persons from Vukovar, do you remember that  
at

19 one point General Praljak became directly involved in the attempt to

20 convince these people from Vukovar that they should cooperate and  
that

21 they should move as they were asked to do? Did you have any  
information

22 about this?

23 A. No, I don't remember that because on that occasion I didn't  
visit

24 the facility myself. It was Deputy Prime Minister Granic who  
visited it.

25 That's why I don't remember, because I wasn't actually there.

**Page 28336**

1 Q. Thank you very much, Dr. Rebic. Those were all my questions  
for

2 you.

3 A. Thank you, too.

4 MR. KOVACIC: [Interpretation] Your Honour, with respect to  
my

5 calculation of time, I wish to add to my previous arguments that  
refugees

6 from Sarajevo issued a decision on the publication of

9           succession a party to the follow international agreements, and under  
10           number 35 it mentions the convention on the status of refugees of  
1951,  
11           and under item 37 the protocol on the legal status of refugees from  
1967.

12                     Dr. Rebic, could you please confirm to us -- well, can you  
first

13           of all tell us what this date, the 8th of October, 1991, refers to?  
Why

14           is that the date when Croatia, and there were even

22           the decision that Croatia. This made it

8           interrupt. Following what you said, for your information, sir, I  
would

9           just like to mention that the Trial Chamber went to Bosnia-  
Herzegovina,

10           and I have personally been there on many occasions, so this is just  
for

11           your personal information.

12                     Please proceed, Ms. Alaburic.

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

14                     MS. ALABURIC: [Interpretation]

15 Q. Dr. Rebic, please look at the following: On the -- at the  
bottom

16 of the page it also says that copies were sent to the Ministry of  
the

17 Interior, the migration unit; is that correct?

18 A. Yes, quite understandably because the document was sent to  
the

19 border police.

20 Q. Please tell us, as this document was addressed to the  
police,

21 does this mean, in fact, that the police addressed your office and  
asked

22 your opinion on the request of these 500 persons to enter Croatia  
and to

23 gain temporary residence in Croatia **without this**

7 the approval for their entry and temporary residence. Is that  
correct?

8 A. The Office for Displaced Persons and Refugees gave its  
agreement

9 and also gave its agreement that for a time these refugees, until  
such

10 time as the third entity, this was evidently the UNHCR, could  
accommodate

11       them in the countries to which they wanted to go.

12           Q.    Are you aware under Croatian legislation, or maybe you can  
13       see it

14       from this document, after the granting of approval for the entry and  
15       --

16       or, rather, was it the Ministry of the Interior which granted  
17       approval

18       for these persons to enter the country with your agreement?

19           A.    No, it was not the Ministry of the Interior.  It was the  
20       office

21       that decided on this, and we informed the ministry of that, because

22       refugees came under the authority of the Office for Displaced  
23       Persons and

24       Refugees not under the authority of the Ministry of the Interior as

25       happens in some other countries.

26           THE INTERPRETER:  Could there be a pause between question  
27       and

28       answer.

29           THE WITNESS:  [Interpretation]  Yes, because they didn't want  
30       to

31       take them in.

32           MS. ALABURIC:  [Interpretation]

1 Q. We'll come to that. So these persons did not have refugee  
2 status; is that correct?

3 A. Yes.

4 Q. It follows from this document that these persons had the  
status

5 of refugees staying in Croatia had to provide them with Croatia as  
12 foreigners based on temporary residence permit, and they were  
13 accommodated in the camp in Gasinci; is that correct?

14 A. Yes.

15 Q. Are there grounds to conclude then that you participated in  
the

16 issuing of this document, because these persons were being taken  
care of

17 in a refugee centre?

18 A. Yes, that's correct. And there was an UNHCR office in  
Gasinci.

19 JUDGE TRECHSEL: I'm sorry. About three times the  
interpreters

20 have asked to make a pause after you've spoken. Perhaps you've not  
heard



21 it, but it's really very trying on them, and it will be very nice if  
you

22 could try to comply. I very well know how difficult it is. I have  
all

23 the understanding, but please.

24 MS. ALABURIC: [Interpretation] Thank you. In our language  
we

25 didn't hear -- on our channel we didn't hear these interpreter

**Page 28342**

1 interventions. Thank you.

2 Q. Mr. Rebic, I'm not taking for granted that you're familiar  
with

3 Croatian legislation and regulations, but I do have to ask you the

4 following: Under Article 22, and you don't have this document  
before

5 you, of the Croatian law on the movement and stay of refugees, I  
have it

6 translated for Their Honours, and if they wish to see it in English  
it's

7 ready to be distributed. For the purposes of my cross-examination,  
it

8 will be sufficient for me to say, and this document was used in e-  
court

9 during the examination-in-chief, 4D 01232.

10 In Article 22, Mr. Rebic, please listen, the Croatian law  
states

11 that a foreigner can stay in Croatia with the permission of our office,  
which

25 A. Yes, that's correct.

**Page 28343**

1 Q. A person could also stay in Croatia based on another legal ground?

9 Q. I'll go back to this document now, 10048. That's P 10048,  
and

10 you will see it on your screen. It's to do with the persons  
arriving

11 from Mostar. And in the introduction it says in the preamble that  
these

12 persons are arriving in Croatia

15 this" -- look at the last line, and I emphasise "Pursuant to this  
these

16 persons do not have the right to request or obtain refugee status."

17 That was the reason I asked whether one legal ground  
excluded the

18 others. So these two words, "Pursuant to this," or "In accordance  
with

19 this," these persons do not have the right to ask for refugee  
status, and

20 the reason is that their residence in Croatia has already been  
granted on

21 another legal basis, which is temporary residence; is that correct?

22 A. Yes.

23 MR. SCOTT: Excuse me, Your Honour. Just again so the  
record is

24 clear on this, and I think just now is a perfect illustration of the

25 problem, we continue to object to leading questions in this context.

**Page 28344**

1 This is a friendly witness, a witness entirely friendly to Ms.  
Alaburic.

2 He has given no adverse evidence to her client, and the Defence has  
been

3 given an unfair advantage by being able to put leading questions,

4 subjective direct questions to the witness just as the one just  
given.

5 I ask the Chamber to look at the transcript, look at the

6 question. That is a clearly leading question being put to a non-  
adverse

7 witness, and Prosecution continues to object to this practice. As  
the

8 Chamber may know we've filed a -- we've made a written motion --  
filed a

9 written motion on this topic today, and this illustrates the point  
very

10 well. Thank you.

11 MR. KHAN: Your Honour, of course this matter has been  
subject to

12 a motion filed by the Prosecution. It's trite to say, however, that  
the

13 proposition put forward by the Prosecution is entirely novel or very

14 largely novel at least, at the very least, in this Tribunal.

15 Your Honour, it's a matter for --

16 JUDGE TRECHSEL: I'm sorry if I interrupt, but this is now

17 pending before us and the Defence will have a chance to answer. I  
do not

18 think it conducive to any good if we discuss it now. The Chamber  
has

19 taken note of the objection, and I think we leave it at that. I  
would

20 suggest that we do not take more time for a discussion that could go  
on

21 for a long time, appreciating your -- what you're saying. It's not  
that

22 it's wrong, but I think it is not conducive to our work at this  
time.

23 MR. KHAN: Your Honour, so be it. We will respond in  
writing.

24 JUDGE ANTONETTI: [Interpretation] Very well. And I would  
like to

25 inform everyone that the witness told us that he was going to Israel  
based on some other legal grounds, and in

2 another kind of request.

3 A. The Office for Refugees and Displaced Persons had a say in  
that

4 and they decided that in keeping with the situation that brought the

5 person to Croatia, then that person would be granted that

9 had a place to stay in a third country, then we had no reason not to

10 respect the person's will and granted a temporary stay. We did not  
force

11 such a person to stay in Croatia, a

16 Great Britain, France, or was there a rule that regulated that

17 differently?

18 A. In practical terms somebody who enjoys -- enjoyed refugee  
status

19 in Croatia they did --

22 Germany they did

25 that person would have dual refugee status, but it was of no use  
because

**Page 28347**

1 they could not enjoy benefits in both countries.

2 MS. ALABURIC: [Interpretation]

3 Q. Well, in that case we're talking about manipulation. Tell  
me,

4 please, was it not the rule that the refugee status could only be  
enjoyed

5 in one country, and if the status is obtained, for example, in  
Croatia with an intention to

17 were not as developed as they are today. There was no e-mails,  
postal

18 services, and after all, it was war. There were a lot of refugees  
who

19 moved all the time from one state to another. They would go. They  
would

20 come back. There was a lot of movement.

21 Q. Under the assumption that the documentation is in order,  
that it

22 was very hard to conceal any information, would it be logic --  
logical

23 for a person leaving for a third country and applying for the  
refugee

24 status there to only pass through Croatia, for instance, is going to grant  
him a

19 THE WITNESS: [Interpretation] I would say that most often it  
was

20 the refugees themselves who organised their own departure through  
third

21 countries, for example, Denmark did not organise such departures to third

2 JUDGE ANTONETTI: [Interpretation] Very well. I understand  
that a

3 situation was quite complex, but let's suppose that we have a person  
who

4 comes from Mostar. That person no longer has any papers for  
whatever

5 reason. That person comes to your office, is taken care of by your

6 office because -- and he does not have any papers. He does not have  
a

7 passport of Bosnia and Herzegovina, but let's say he has to take the

8 plane to go to London, for instance?

15 such a person would receive documents that we used to call transit  
visas,  
16 and based on those documents such person would be received by third  
17 country, for example, Denmark. That person did not have any other documents  
25 on them. They just presented themselves as persons without any

**Page 28350**

1 documents.

2 JUDGE ANTONETTI: [Interpretation] Fine. Mr. Scott, you have  
four

3 hours and 15 minutes, or four hours and 20 minutes, but we have  
another

4 question from the Bench.

5 JUDGE MINDUA: [Interpretation] Witness, I have a follow-up  
6 question -- or two follow-up questions after the President's  
question.

7 Please try to be very concise when answering.

8 Which minister did your -- did your office depend on? Were  
you

9 under the Minister of Foreign Affairs or another ministry, or were  
you

10 under direct responsibility of the head of the government?

11 THE WITNESS: [Interpretation] Your Honour, the Office for



12 Refugees and Displaced Persons was established by the government of  
the

13 Republic of Croatia

22 respect, only apply to those individuals who were already in Croatia  
essentially at its inception; is that right?

5 Q. And we're just touching on the relationship with the  
Croatian

6 government. Do I understand correctly, sir, that in terms of a  
superior,

7 if the person who we might consider in colloquial terms your boss,  
is it

8 correct that that would have been Mate Granic who, at that time, I

9 believe was both the Minister of Foreign Affairs and Deputy Prime

10 Minister of the Republic of Croatia through Mrs. Omersoftic. Mrs.

**Omersoftic arrived**

9 in displaced persons and refugees.

10 Q. Thank you. Doctor, just as Mr. Karnavas did, with my  
apology in

11 advance, there may be times when I will unfortunately interrupt you

12 because of the time limitations that we have to operate under. Let  
me

13 restate my question. Perhaps it wasn't clear.

14 I was not talking about the agency to deal with displaced  
persons

15 of the government of Bosnia and Herzegovina. My question to you

16 concerned the Office of Displaced Persons and Refugees that was set  
up by

17 the HVO, the Croatian Defence Council, in Mostar, and my question to  
you,

18 who among your office in Zagreb where the Croatian Republic of Herceg-  
Bosna

22 started operating a little later than the similar office in Sarajevo,  
to

3 such an office on the territory controlled by the HVO. This was  
done,

4 and they just like Mrs. Omersoftic came to obtain the basic  
information

5 and instructions on how to go about setting up such an office and  
then

6 they set one up in Herceg-Bosna.

7 Q. Excuse me, sir. Let me thank you for that. Let me ask my

8 question again a third time. Who, who -- the people in your office,

9 yourself perhaps, Mr. Cepin, Dr. Zoric, who in your office in ODPR

10 Croatia. When necessary, Zoric or Boris Cepin had contacts with

24 succeeded Mr. Tadic.

25 Q. All right. And Mr. Tadic, that was Darinko Tadic, and I  
take it

**Page 28356**

1 he was the head of ODPR HVO --

2 A. Yes.

3 Q. -- prior to Mr. Rebic. You'll have to give a --

4 A. That's correct, yes.

5 Q. Thank you. Now let me ask you a somewhat different  
question,

6 sir. You've mentioned a couple of occasions perhaps since you began  
7 testifying earlier this week, but can you tell the Judges  
8 approximately -- during the period, let's say from the middle of  
1992,

9 roughly July 1992, until mid-1994, perhaps we can say again July  
1994,

10 during that approximate two-year period how often did you go to,  
11 physically, Herceg-Bosna?

12 A. As Herceg-Bosna was not within my remit in any way, it was  
very

13 rarely, I think maybe only once or, if my memory serves me well,  
twice,

14 that I visited that office in Herceg-Bosna. There was no need for  
our  
15 office or members of our office to go there, because they were quite  
16 independent in their activities. They were not our extended arm, so  
17 there was no reason for us to go there, because we had no competence  
over  
18 that office.

19 Q. All right. Can I ask you if you can be provided -- this  
will be  
20 in one of the Defence binders I believe you were shown the document  
by  
21 Mr. Karnavas, we may need the assistance of the usher, if you can  
please  
22 look at Exhibit 1D 02008.

23 I'm told -- I don't know this, but I'm told by my very good  
24 colleague that that could be number 12 in the binder, one of the  
binders  
25 that people have been using.

**Page 28357**

1 Do you have it, Doctor?

2 A. No, no.

3 Q. We'll have it for you in just a moment.

4 A. I'll get it now, yes.

5 Q. Thank you, Counsel.

6 A. [In English] Thank you.

7 Q. Now, this is a document that we saw previously, that you  
looked

8 at the other day. According to the information that we were  
provided,

9 Dr. Rebic, this is a document that you're familiar with. You had  
10 indicated that Dr. Granic, who you identified as your boss, he  
informed

11 you about this document and talked to you about it. There had been  
a

12 meeting between Mr. Granic and Mr. Prlic because Mr. Granic indeed  
wanted

13 to define the relations between Croatia **had requested.**

16 take measures themselves to look after their displaced persons, and  
we

17 would help them where they were unable to do this on their own if  
they

18 were overwhelmed by the numbers of displaced persons.

19 Q. Thank you, Doctor. If you'd look at point number 7.  
Perhaps you

20 can help us with this since you were the head of the agency in  
Croatia

21 and working closely with Mr. Granic. Perhaps you can assist us.

22 Point 7 says: "When contacting the Office of the UN High

23 Commissioner for Refugees, ensure centralised access. The contact  
should

24 be made only at the HVO HZ HB level, in other words, through an  
office

25 set up by the HVO."

**Page 28359**

1 Now, why in your experience, drawing on your experience as  
head

2 of the ODPH Croatia, why would you want access centralised and  
limited

3 only at a senior level?

4 A. As I understand point 7, the Croatian side insisted that in

5 Herceg-Bosna also conditions should be put in place assisted by the  
High

6 Commissioner for Refugees, and Croatia in operating the Mostar university; is  
that correct?

24 assistance for the founding of Mostar university so that both Croats  
and

25 Bosniaks in Mostar could become independent in this respect also  
rather

**Page 28360**

1 than arriving in Zagreb

4 still go to teach in Mostar.

5 MR. SCOTT: Your Honour, it may be a good time for the  
break.

6 Thank you.

7 JUDGE ANTONETTI: [Interpretation] Very well. Let's take a

8 20-minute break, and we will resume in 20 minutes' time.

9 --- Recess taken at 3.45 p.m.

10 --- On resuming at 4.08 p.m.

11 JUDGE ANTONETTI: [Interpretation] Very well. The  
Prosecution has

12 the floor again.

13 MR. SCOTT:

14 Q. Dr. Rebic, just on the topic of one of the accused in this  
case,

15 Mr. Prlic, if you could just confirm my understanding, and again  
this is

16 based on what I -- the information I've been given, if I can just  
confirm

17 that with you for purposes of the record, you believe that you --  
that

18 Dr. Prlic visited Dr. Granic about a month before the fighting began  
in

19 the Posavina, sometime after the war started with the JNA; is that  
20 correct?

21 A. Yes. That was when I first met Mr. Prlic in Mr. Granic 's  
22 office. Mr. Granic was then the deputy prime minister.

23 Q. Can you assist us, please, with any other -- I know it's  
some

24 time ago, but if you can, can you give us any further information  
about

25 the approximate date of that, your first meeting with Mr. Prlic?

**Page 28361**

1 A. I can't recall the date. It might have been in the summer  
of

2 1992, maybe even a bit later in the autumn, towards the autumn. It  
was

3 not an official meeting between me and Mr. Prlic. I happened to be  
in

4 Mr. Granic's office. I had come to see the deputy prime minister  
about

5 something we needed. I can't remember what. And in the break I met



6 Mr. Prlic and had a brief conversation with him.

7 Q. Let me, in the interests of time, let me just indicate that  
again

8 the information that I've been given is that during the time -- if  
we can

9 say before or during the war, I'm not talking about -- I'm not  
talking

10 about 1995 or anytime after that, but before and during the war you  
can

11 recall meeting Dr. Prlic twice; is that correct?

12 A. Once I'm certain about. Whether it was twice I can't be  
13 absolutely sure. I did attend some meetings which were held between  
14 representatives of the government of the Republic of Bosnia-  
Herzegovina

15 and Croatia mosque. On that occasion Mr. Mouchet called me up.

25 because we are receiving everyone who comes every day regardless of

**Page 28362**

1 whether they are Bosnian Muslims or Bosnian Croats. He said to me  
that

2 there were -- well, he said there were 800 of them in the mosque.  
There

3 weren't that many, actually, as far as I can recall, and then I sent

4 Mrs. Bozena Les who was then the head of the regional office to go  
to the

5 mosque urgently and take a look and inform me of this.

6 MR. KARNAVAS: Your Honour, I would insist on the gentleman  
being

7 allowed to complete his answer. It is part of the question that was

8 being asked of him, and so I think he's entitled to give a full  
answer.

9 MR. SCOTT: No, Your Honour I'm entitled to a responsive  
answer

10 and that is the conversation with Mr. Prlic. If the Chamber wants  
to

11 give me more time then I'll be happy to do that, but my time is very

12 limited. My question was very specific. I don't need the whole  
story.

13 I want to know about his dealings. He mentioned he  
volunteered a

14 phone conversation with Mr. Prlic concerning 150 Bosnian Muslims at  
the

15 Zagreb from other countries during the war. We can use -- we

21 census was in April, May, and June of 1992, and can I suggest to  
you,

22 sir, that that would have been -- that would have been the second  
census

23 in 1993, not in 1992?

24 A. That's correct. That's what I said. In 1992, that was the  
first

25 census, and it concerned displaced persons in Croatia. In 1993  
there was

**Page 28365**

1 the second census -- or, rather, it was the first census of refugees  
from

2 Bosnia-Herzegovina, whereas the third census concerned both  
displaced

3 persons and refugees and it took place in 1994. If I'm correct, it  
was

4 sometime in June or July. So there were three censuses in all, one  
after

5 the other.

6 Q. Sir, there was a census in February 1993. Isn't at that  
correct?

7 And in fact, wasn't that the first census? That was the first  
census,

8 wasn't it?

9           A.    That's correct, yes.  No, no.  In -- there was a later one  
in  
10       February.  The first one in 1992 was in April and May and it ended  
in  
11       June.  I'm using the Croatian language.  I'm not looking at the  
12       transcript to see what the interpreter said.  It was April, May, and  
13       June.

14           Q.    So April, June, 1992 was the first survey -- or census.  
Then in  
15       February 1993 was the second?

16           A.    That's correct.  At about the same time, yes.  The same  
months  
17       that is.  A little later.  I think it was completed in June, because  
the  
18       logistics were better, and the people knew better how to do it.  It  
was  
19       done faster.

20           Q.    Well, sir, the document, sir, the documentation and Dr.  
Zoric who  
21       testified here said that that survey took place in February of 1993.  
22       February.  So might you be mistaken?

23           A.    I don't think so.  You can check it in the documents.  It's  
easy

24           to check.  I don't think I'm wrong.  In 1993 there couldn't have  
been a

25           census in February.  In 1993, the census could have been taken in  
April,

**Page 28366**

1           May, and June, the same months as the first one more or less.  
February,

2           I think, is a little too early as far as I can recall.  However, it  
can

3           be checked in the documents.

4           Q.    Now, moving to another date that I would just like to  
correct if

5           we can, or clarify.  You also mentioned in your testimony on Monday  
a

6           meeting with, I think, Azra Krajsek and Mr. Tadic and perhaps Mr.  
Raguz

7           as well, said there was a meeting to sit down and discuss a number  
of

8           things and you said that meeting had taken place on the 11th of  
April,

9           1993.  Can I suggest to you -- would you recall that in fact that

10 meeting -- if you think about that particular meeting, that actually  
was

11 in April 1994?

12 A. That's correct. That's what I said, unless there was some  
13 confusion.

14 Q. Perhaps it was -- perhaps it was some of our confusion.  
That's

15 why I needed to ask and clarify.

16 A. Yes, yes. So it might have been a misinterpretation.

17 Q. All right. April 1994. All right. Thank you for that.

18 Let me ask you about some relationships with Franjo Tudjman  
since

19 you were asked some questions about him. Again if I can focus your  
20 attention primarily on the period -- well, for this -- for this  
purpose

21 1991, 1994.

22 Can you tell the Judges, please, how many times do you think  
you

23 had any sort of face-to-face dealings, conversations, meetings with  
24 President Tudjman?

25 A. Not as often as one might expect, because with reference to  
the

**Page 28367**

1       refugee and displaced person situation, the president of the  
Republic of

2       Croatia when relations between the two countries

20       which we would like to, of course, accommodate you.

21               So so far you've told us about two meetings. So during 1991  
to

22       1994, you had two meetings with President Tudjman?

23       A.    There were others. I was interrupted.

24       Q.    Well, sir, how many? I just -- please answer my question.  
I'm

25       going to become increasingly -- I'm going to interrupt you because I

**Page 28368**

1       don't need all your belong answers all the time, with my apology.  
My

2       question is how many. You don't need to describe them. Do you

3       understand? Two, four, ten? How many times did you meet with  
President

4       Tudjman?

5       A.    Well, face-to-face only with once -- or twice. Excuse me,  
twice.

6       Once with reference to refugees and their accommodation, and  
secondly

7       when I resigned and he asked me to come and see him to try to -- and  
he

8       tried to persuade me to remain at the head of the ODFR, and I told  
him

9       no, I was definitely resigning.

10               If you have questions about these two meetings, I will  
answer.

11       Q.    Did you ever during this 1991 to 1994 time period meet with  
12    Mr. Susak, the Minister of Defence?

13       A.    Yes, I did.  Not face-to-face, but together with other  
persons in

14    connection with accommodating and securing displaced persons.  Once  
I

15    went to see him with the minister of health, Dr. Hebrang, and

16    Dr. Kostovic, the Deputy Prime Minister, and Doctor -- what was his  
name?

17    He was a Doctor too.  I can't recall his last name right now.  That  
was

18    just before Operation Storm.

19       Q.    So let me ask you, sir, how many times, how many times, a



20 number -- what I'm asking you for is a number. How many times did  
you --

21 A. Once.

22 MR. KARNAVAS: Just for the record, Your Honour, we're  
talking

23 face-to-face, four eyes, four ears. That's what the gentleman is  
talking

24 about, so we don't have confusion about how many times he was in the  
room

25 where discussions were being held.

**Page 28369**

1 MR. SCOTT: I'm not saying that.

2 MR. KARNAVAS: I want to make sure that we're clear on the  
3 record.

4 MR. SCOTT: Well, thank you for that, Counsel.

5 Q. I'm not talking about just one-on-one meetings where it was  
just

6 and Mr. Tudjman or you and Mr. Susak, but times when you had face-  
to-face

7 dealings, there may have been other people in the meeting. So so  
far

8 you've had two with President Tudjman and one with Dr. Susak?

9 MR. KARNAVAS: That's incorrect. Again he's using "face-to-  
face

10 meetings," and I'm saying that the way you -- you're shaking your  
head,

11 Judge Trechsel, but hear me out, please. When the gentleman is  
saying

12 face-to-face, he's talking one to one, nobody else in the room.

13 MR. SCOTT: How does Mr. Karnavas know that?

14 MR. KARNAVAS: I do know that. Because I do know that. Now  
--

15 now -- now.

16 MR. STEWART: Michael, Michael.

17 MR. KARNAVAS: Part of it has to do with the language. Now,  
the

18 question needs to be rephrased. When he's talking about face-to-  
face,

19 that's what's throwing the gentleman off.

20 MR. STEWART: Michael. Michael. I'm going to make a  
genuine

21 attempt to calm things down.

22 MR. KARNAVAS: I apologise, but you don't need to calm  
things

23 down.

24 MR. STEWART: Michael --

25 MR. KARNAVAS: We need precision in the courtroom, and the

**Page 28370**

1 gentleman is entitled to have precise questions. I appreciate your

2 candour and you want to help, but the issue here is: In his own  
language

3 what does face-to-face mean, and it's interpreted differently in  
Croatian

4 than it is, say, in English. So he's talking about meetings. I  
think we

5 need to make a distinction.

6 MR. STEWART: Mr. Karnavas, don't start on me.

7 Ms. Alaburic and I discussed exactly this point. This is

8 precisely what we were trying to help with. Ms. Alaburic has  
explained

9 to me what the witness has been saying in his own language. There  
is a

10 very simple but repeated and understandable issue which comes up in  
the

11 interpretation which is that face-to-face in English is less apt  
than the

12 phrase one to one or one on one. Face-to-face in English doesn't  
just

13 mean just two people together, it means as opposed to on the  
telephone,

14 for example. It means physically present. Probably, and I'm as

15 complimentary as anybody about the interpretation here, but probably

16 whatever phrase the witness is using in his own language, as  
explained by

17 my learned leading counsel, is better translated as one-to-one  
rather

18 than face-to-face and that would avoid the confusion.

19 JUDGE ANTONETTI: [Interpretation] Very well. This is  
obviously a

20 semantical problem. Mr. Stewart thinks it's better to say one to  
one

21 while the interpreters were saying face-to-face. And Mr. Scott,  
please

22 try to perhaps be a little bit more precise.

23 MR. SCOTT: Well, Your Honour --

24 JUDGE TRECHSEL: Just for the clarity, if you look at page  
45,

25 line 6, the witness in answering the question of the Prosecutor,  
which

1 was to the meetings said, "I did meet Mr. Susak not face-to-face but  
2 together with other persons." So he gave a clear answer, I think.

And

3 then the question was whether this was more than once.

4 MR. STEWART: Your Honour is absolutely right. That's what  
5 alerted us to the fact that there was clearly this confusion which  
we've

6 tried to help clear up.

7 JUDGE TRECHSEL: Thank you, it's appreciated.

8 MR. KARNAVAS: But the issue goes to President Tudjman as  
well,

9 and you have to look at page 43, 44, and then if you look at the way  
the

10 question is being phrased, and there's no ill-intention on the part  
of

11 the Prosecution. However, something is being lost in translation.

And I

12 understand the line of questioning. In other words, you haven't met  
him

13 therefore you can't opine on what the gentleman was thinking.

That's the

14 line of questioning, but I think we need to be fair because the  
gentleman

15 indicated that he was present in the room. So the follow-up  
question

16 might be, Well, how often were you present in the room where things  
were

17 being discussed?

18 JUDGE ANTONETTI: [Interpretation] The French language may  
perhaps

19 come to the rescue and solve this issue. In French the right way of

20 putting the question would be, "When did you see personally Mr.  
Tudjman

21 or Mr. Susak or individually," and the word individually or  
personally

22 means that there were only two persons present. So in other words  
it

23 goes back to what Mr. Stewart was saying, one to one. But the  
French

24 language is a very precise language.

25 So, Mr. Scott, please put your question.

**Page 28372**

1 MR. SCOTT: Thank you, Your Honour. And just for the record  
I'm

2 not excited about any of this. If there has been in fact -- if  
there is

3 a cultural or translation issue, then I appreciate being alerted to  
it,

4 but I have to agree with Judge Trechsel. I heard the same thing and  
it

5 seemed to me, listening to witness's answer, that he perfectly

6 understood - it appeared to me - what was translated and what came  
on the

7 screen, that he perfectly well understood, so I had no reason to  
think

8 otherwise.

9 Q. Let me, Witness, we'll have to take this a bit longer, which  
is

10 fine, I suppose, as long as the Chamber allows us to move in this  
way.

11 I'm not limiting my question to you in terms of one to one, and  
that's

12 not my understanding. You know a one to one meeting is if you and I  
were

13 in the room somewhere and it was just the two of us. Nobody else.

14 That's not what I'm talking, you understand. That's not what I'm  
talking

15 about.

16 But I'm talking about times where you were in a meeting, it  
could

17 be just the two of you, but it also could be -- Susak could have  
been

18 there, Sarinic could have been there, anybody could have been, and I  
want

19 you to tell us how many times between 1991 and 1994 were you  
physically

20 present with President Tudjman in that sort of a way. And I don't  
mean

21 in a conference hall with 5.000 people, but in a meeting, personal  
22 dealings, direct dealings with him that way.

23 Now, I hope -- you're an extremely well-educated man, you  
speak a

24 number of languages including English, so I hope you understand what  
I

25 mean. Can you assist us? Does that change your answer? Was it  
those

**Page 28373**

1 two times or is it -- would you like to add or change, modify your

2 answer?



3           A.    I repeat and this may assist you.  I met Mr. President  
Tudjman

4           only twice, face-to-face, individually, tete-a-tete.  There were  
other

5           meetings, for example a meeting between the two parties when the

6           agreement on friendship was discussed.  There may have been maybe  
five

7           such meetings that I attended.

8                        As for Susak, I never met him face-to-face or individually  
or

9           tete-a-tete.  There was always another person or two more persons  
present

10          who were dealing with some topical issues at the time.

11          Q.    So, the answer is no -- as you say, no individual meetings,  
no

12          personal meetings with Mr. Susak.  Going back to President Tudjman,  
then,

13          so hopefully we can move forward, have you now indicated then, based  
on

14          everything you've heard in the courtroom over the last 15 minutes,  
that

15          during this time period you may have had five physical  
interventions, if

16 you will, occasions to be with President Tudjman between 1991 and  
1994?

17 A. I said that there were such occasions, but as I sit here  
today, I

18 can't recall them all. One of them was definitely the friendship  
meeting

19 that I mentioned and the next one.

20 Q. We know about that. We have a transcript of that meeting.  
Sir,

21 we have a transcript of that meeting. Everyone knows about that  
one.

22 A. Yes. The other meetings were the one when he was at the  
session

23 of the government of the Republic of Croatia, I primarily referred to him as  
the candidate of the HDZ and as a

19 current territory of today's Republic of Bosnia and Herzegovina.

20 As the political candidate, in his speeches I remember that  
as a

21 citizen who listened to those speeches, he would he occasionally  
mention

22 that idea and he would say that this Banovina of Croatia could be

23 re-established. However, from the moment when Bosnia-Herzegovina  
was

24       seceded from Yugoslavia, the issue of Banovina for him became moot and  
history.

13       colleague tells me, who is a B/C/S speaker.

14               MR. SCOTT:

15       Q.     Sir, you spent the last few minutes telling us that indeed,  
you

16       confirmed for us, that as a politician, as an HDZ politician,  
Tudjman did

17       speak about re-establishing the 1939 Banovina. So apparently he did  
talk

18       about it at some point. So did he stop -- did he stop at some point

19       pushing that idea and, if so, when and how do you know?

20               MR. KARNAVAS: Again I'm going to object to the form of the

21       question. He never said he pushed the idea. It's one thing as a

22       politician to express ideas. This is why I'm going to be on my feet  
and

23       I'm going to be extremely aggressive at this point.

24               JUDGE ANTONETTI: [Interpretation] Witness, you speak many

25       languages, starting with your mother tongue, and you're perfectly  
able to

1 express yourself in that language, but you also speak English. Can  
you

2 please tell us again what happened with Tadjman and the Banovina?  
You

3 see that it's a very important matter here and that tensions are  
ripe

4 when we deal with this matter, so can you repeat what your feeling  
was in

5 terms of Tadjman and the Banovina?

6 THE WITNESS: [Interpretation] I said and I will repeat, as a  
7 citizen who was listening --

8 JUDGE ANTONETTI: [Interpretation] Please slow down for the  
9 interpreters to properly translate what you have to tell us.

10 THE WITNESS: [Interpretation] As a citizen I was listening  
to the

11 candidate of the Croatian Democratic Union running for elections in  
1990,

12 and I heard him mentioning the fact of Banovina Croatia, which was  
13 established in 1939.

14 When the Republic of Bosnia and Herzegovina was established,  
when

15 it was recognised by Croatia, after that I did not hear him insisting on this idea.

7 recognised the new state of Republic of Croatia  
16 and he didn't say it to you. Now, that's what you're really telling  
us;  
17 right? He wasn't saying it publicly, and he didn't say it to you  
18 personally. That's all you can really tell us; correct?

19 A. I can tell you that he never personally spoke about that to  
me,

20 and I did not hear him speak about that in public after that.

21 Q. Moving forward then, sir, I've seen somewhere where you've  
22 expressed the view that you -- perhaps you and other people in  
Croatia, that is by

**Page 28379**

1 government and economy. Is that correct? Do I understand that  
2 correctly?

3 A. You understood me well, and this indeed is correct.

4 Q. Now, if I could ask you to go to, please, Exhibit 1D 02277.  
It

5 should be next to you I'm told. 1 -- 1D 2277.

6 This is a document that I believe Mr. Karnavas showed to  
you. It

7 is a letter from a group of refugees --

8 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

9 MR. SCOTT: Yes, Your Honour.

10 JUDGE ANTONETTI: [Interpretation] We have a number of  
binders

11 here. We have your own binder. We have exhibits, other exhibits  
that

12 are loose, and we have another binder, a blue binder. So can you  
specify

13 what binder we're talking about here?

14 MR. SCOTT: I'll try to help as much as I can, Your Honour.  
The

15 problem is --

16 MR. KARNAVAS: It should be in one.

17 JUDGE TRECHSEL: The blue one.

18 MR. KARNAVAS: Yes.

19 MR. SCOTT: Thank you.

20 MR. KARNAVAS: It should be the number one from ours.

21 MR. SCOTT: If we refer to a Defence exhibit, it will,  
perhaps

22 with very limited exceptions, be in the Defence binder. Obviously  
we

23 didn't want to copy it yet another time, but we do understand the  
burden

24 on everyone in the courtroom with juggling these materials.

25 I think perhaps most people have found it.

**Page 28380**

1 Q. Sir, if you can look at that document which again Mr.  
Karnavas

2 showed you a letter dated the 7th of March, 1994 to Jadranko Prlic.  
Just

3 a couple of brief questions hopefully.

4 You've had extensive dealings with the -- with refugee  
issues and

5 displaced persons issues, and you've told us in the last few days  
that

6 these people -- it's a very unhappy situation for everyone. They  
often

7 have complaints. I suppose who wouldn't? But in the middle --

8 approximately the middle of this letter, and I don't know if the

9 paragraphs are the same in the Croatian language it would be about -  
- if

10 I can ask you to look at the fifth paragraph that starts with the  
words

11 "One school year." If you see that. I'll give you that --

12 A. Yes.

13 Q. All right. Thank you. Skipping -- we'll come back to  
something

14 else in a moment, but skipping towards the end of that paragraph,  
you

15 talk about such -- oh excuse me. I'm sorry. The letter talks about  
such

16 things as insecurity, frustration, anxiety, various neuroses,  
trauma,

17 shock. I mean, you would agree would you not these are serious  
matters

18 or not, or are they frivolous?

19 A. Yes, they are. You're correct there.

20 Q. And that would be true no matter if the refugee is a Croat  
or a

21 Serb or a Muslim?

22 A. Absolutely.

23 Q. Now, going back earlier in the paragraph, you mention -- I

24 apologise. I don't want to keep doing that. The letter mentions a

25 school year being lost because the children were not able to attend

**Page 28381**

1 classes "in their mother tongue," bracket, end bracket.



2                   Now, I'm sure you touched on this during your earlier  
3           examinations. Can you assist the Judges further? I mean, how much  
of a  
4           distinction was there at that time in 1993, 1994, between the  
Croatian  
5           language, what -- the language that Croats spoke and the language  
that  
6           the Bosniaks spoke? As I understand it, correct me if I'm wrong,  
but as  
7           I understand it they could understand and communicate perfectly well  
with  
8           each other, for the most part. Is that correct?

9           A. You're right. They could perfectly understand each other.  
In  
10          Bosnia-Herzegovina the language spoken there is predominantly  
Croatian.

11          Actually, the language -- the Croatian language spoken in  
Herzegovina  
18          pronunciation," which is somewhat different from the Bosniak  
language  
19          which, during the times of the former Yugoslavia, was under the  
influence  
20          of the Serb language.

21                    Now, when it comes to a situation where people are under a  
lot of  
22                    stress, even one Serbian word would not go down well with them. It  
would  
23                    not have the same effect on me or my friends, but these are people  
who  
24                    were under a lot of stress and even a single word could have annoyed  
25                    them.

**Page 28382**

1                    Q.    Well, let me ask you that then, and that's -- it would be  
2                    interesting to have a much longer linguistic discussion if we had  
the  
3                    time, but I asked you earlier about these other concerns that were  
4                    later -- expressed later in the paragraph, frustration, anxiety, but  
can  
5                    you tell the Judges, how -- was that a serious issue that these  
people  
6                    were not receiving -- children were not receiving classes in their  
mother  
7                    tongue (Croatian). Was that a serious issue or really it's trivial?  
8                    MR. KARNAVAS: Your Honour, I'm going to object. How can  
this

9 gentleman opine on whether it was serious to those individuals or  
not?

10 It might be serious to Dr. Rebic, it may not. You know, it all  
depends

11 on the individuals and the circumstances. I don't believe that this

12 gentleman is competent to answer that question. I think it's --  
it's

13 improperly phrased and it's unfair to ask a question of that  
dimension.

14 MR. SCOTT: I'll rephrase. I'll rephrase.

15 Q. In your dealings with refugees or groups of refugees during  
the

16 time 1992 to 1994, is this sort of things -- is this something you  
heard

17 only once or did you hear it on a number of occasions, that is,

18 complaints about not being able to use one's own language? Or is  
this a

19 one time -- kind of a one-time situation?

20 A. One has to be able to understand the text. The lost year  
here

21 and the education in the Bosniak language refers to their stay in  
Central

22 Bosnia, Posavina, and Herzegovina

1 Croatian television, newspaper, and they speak is the so-called  
Croatian

2 proper.

3 Q. I appreciate that, sir, and it's like with English. There  
are

4 various dialects, I suppose, and accents of English. I'm sure

5 Mr. Stewart thinks that I speak English terribly, but in any event,  
let

6 me just -- my point is this: The point is these children went to

7 school -- apparently they went to classes. The classes used a  
language

8 that they -- is perfectly well understood. So what difference did  
it

9 make that it was not in "Croatian"? Was this just a made-up issue?

10 A. One has to read what these people say in the text. They say  
a

11 year was lost because they were -- it was intentionally made  
impossible

12 for them to attend classes in their mother tongue, Croatian. The  
Muslims

13 in Kakanj or Vares were asking of these children who spoke the pure

14 Croatian language at home to suddenly have imposed on them a  
language

15 which we in Croatia-Herzegovina

22 influence the Serbian language and other areas which are more under  
the

23 influence of the Croatian language and that's where the Croatians  
and the

24 Muslims mostly live.

25 Q. All right. Well, let's move forward, and for better or  
worse I

### **Page 28384**

1 think that's as much time we can spend on that topic unless the  
Judges

2 have questions.

3 Sir, you've mentioned I think perhaps more than once in the  
4 course of your testimony that the Croatian border, that is the  
border

5 between Croatia they had to have documents. If they took

18 Q. Very well. All right. We all understand that in every  
country

19 people can enter illegal little not going through regulated check-  
points

20 but if a person were to enter Croatia, and I just -- my question to you about

14 I think they amount to 1 or 1.5 per cent of the population. But  
there

15 were very good relations between the ODPB and Merhamet in Zagreb  
spent a great deal of money dealing with refugees and

5 government, were paid approximately 80 per cent funded -- funded, if  
you

6 will, 80 per cent by the Croatian government with the rest coming  
either

7 from the UN or the -- well, what we would now call the EU; is that

8 correct?

9 A. That's correct.

10 Q. Touching on Ms. Turkovic, she came up a number of times.  
Again,

11 and my understanding, sir, is that you met with Ms. Turkovic on a  
number

12 of occasions. She would come and visit your office or visit you in  
your

13 office. You had good relations with her. When there were problems  
she

14 raised them with you. She may have on occasion had problems with  
local

15 centres when those centres did not follow your instructions. Is  
that a

16 correct statement?

17 A. Yes, that's correct.

18 Q. Can you recall and provide to the Judges any information  
about

19 instances where people in the local centres did not follow your

20 instructions? Your instruction might be to do A, but the people out

21 there on the ground, so to speak, were not doing what you told them  
to

22 do. Can you give us some examples of that?

23 A. An example of that, Mr. Scott, might be the revocation of  
refugee

24 status, for example. Although instructions were sent out from the  
office

25 to everyone, evidently not everyone read them through with the same  
care.

**Page 28387**

1 There was an overall decision to revoke the status, but there were

2 certain conditions under which the status would not be revoked but  
would,

3 rather, be extended. I may not need to repeat this, but it  
concerned

4 people's whose house had been destroyed, who were ill, who had  
children

5 in school, or who lived in areas where there was still tension.

6 Q. If I can paraphrase another witness that the Chamber will  
recall,

7 is it fair to say, sir, that it's one thing to give directions and

8 another thing to have them carried out.

9 A. That's correct, which is why we decided that these  
instructions

10 had to be respected. And we had a meeting with Ms. Turkovic and  
Krajsek

11 and Ms. Hratokovic [phoen] and Darinko Tadic and Martin Raguz,  
because

12 when the status was revoked, Mr. Prlic also complained about this as  
did

13 the Bosnian-Herzegovinian embassy. Everyone from his own  
standpoint, of

14 course. Mr. Prlic was unable to receive large numbers of people who

15 would be welfare cases, and evidently the Bosnian embassy had its  
reasons

16 also. Their problem was where to -- where to receive the Muslims,  
where

17 to accommodate them. So they were in a more sensitive situation.



18 Q. Sir, you raised again Mr. Prlic. Now, is this the same --  
is

19 this the same one conversation you referred to earlier, or are you  
now

20 telling us about another conversation with Dr. Prlic about refugees?

21 A. Mr. Scott, it's not a conversation. It's a document, a  
letter

22 sent by Mr. Prlic to the government of the Republic of Croatia

3 the Office for Displaced Persons and Refugees," just a couple of

4 questions on that.

5 You have an entry for the 13th of November, and I'll have to  
rely

6 on everyone to proceed chronologically through the document, but if  
you

7 can find your entry for the 13th of November, 1992. You make  
reference

8 to travelling to Belgrade

11 about.

12 A. This was a secret meeting that was never spoken about in the

13 Croatian media. It was an attempt to solve some pressing issues  
which,

14 as regards my office, the ODP, were refugees, people expelled from  
their

15 homes. There were others who were representing the economy or the  
16 educational system. There were several of us who tried in this way  
to

17 mitigate the consequences of the aggression --

18 Q. [Previous translation continues] ...

19 A. -- and to make some shifts --

20 Q. Sorry. But why was it secret?

21 A. Well, if you go back to that time, it was war. There was  
22 aggression, and to speak in public about it would have caused an  
uproar

23 both in Serbia

25 If I recall, if I'm not wrong, the prime minister at the  
time was

**Page 28389**

1 a gentleman who had arrived from America

8 together with UNHCR, we started registering all refugees from

9 Bosnia-Herzegovina in Croatia

21 registering as had been the case with the Croatian displaced persons  
the

22 year before. We had an excellent experience from that project." Is  
that

23 correct?

24 A. Yes, that's correct.

25 Q. And if I can jump all the way to February of 1994, you have  
an

**Page 28390**

1 entry which says for the 7th of February --

2 MR. KARNAVAS: Could we have page numbers? It's easier for  
us to

3 kind of track.

4 MR. SCOTT: Page 20. Page 20 at least in the English  
version.

5 I'm sorry, that's the best I can do.

6 Q. But proceeding chronologically through the document, if you  
can

7 go -- if you can find -- there's an entry, sir, in your report on  
the 7th

8 of February 1994 and it says: "I went to see Professor Mate  
Granic. He

9 advised me how to behave in Livno where I was going the following  
day to

10 the all-Croatian Assembly of BiH Croats."

11                   First of all, do you recall what this meeting, this all-  
Croatian

12           Assembly in Livno was in February 1994?

13           A.     This was a meeting of Croats of Bosnia-Herzegovina, a  
meeting

14           which did not have primarily political connotations but, rather,  
cultural

15           connotations. It was a meeting of all Croats together to consider

16           issues, and I can't recall in detail today what these issues were.

I'm

17           sure it had to do with independence.

18           Q.     But, sir, you are again a highly educated man. Now -- you  
had

19           now been in your post for some years. You certainly were very

20           experienced in what you were doing. How is it that it was necessary  
for

21           Mr. Granic to advise you how to behave at the meeting in Livno?

What did

22           he tell you? What instructions did he give you about attending and

23           participating in that meeting?

24           A.     He gave me advice. He said if I was asked to speak at that

25 meeting that I should speak on behalf of the ODPR in a way that  
would

**Page 28391**

1 avoid any political implications following from my speech.

2 Q. Now, February 1994 was right around the time of -- that the

3 Washington Agreement was beginning to get some traction. It was  
signed

4 later in March, I believe. Do you recall whether Mr. Granic gave  
you any

5 particular instructions on what your position should be at that time  
in

6 case the topic of the Washington Agreement came up at this meeting  
in

7 Livno?

8 A. Excuse me, I didn't understand your question very well. In

9 connection with what, the Washington Agreement?

10 Q. I'll repeat it. Sorry if I wasn't clear. Around this time  
the

11 Chamber has heard extensive evidence that around early 1994 there  
began

12 to be discussions -- or continued to be discussions, lest there be  
any

13 objection, about something that came to be known as the Washington

14 Agreement, which I believe was signed in either late February or  
March of

15 1994. And I just wondered do you recall any of Dr. Granic's  
instructions

16 to you touched upon the Washington Agreement, how that should be  
17 presented or what stance you should take about that?

18 A. No. No, sir.

19 Q. All right. Now, moving to the specific questions about  
refugees

20 in Croatia

22 on or about the 13th of July, 1992, there was a decision by the  
Croatian

23 government or an announcement not to accept any more refugees from  
Bosnia

24 and Herzegovina stop receiving additional refugees, and did the

6 so, can you give us the dates?

7 A. Croatia

9 in detail or with precision, but I would interpret it now more as an  
10 expression of distress, the distress in which the country found  
itself,

11 and a possible stopping of taking in refugees, but in fact the  
reception

12 of refugees from Bosnia-Herzegovina never stopped. We continued  
taking

13 in refugees every day.

14 Q. All right. Well, we'll come back to that in the course of  
the

15 examination.

16 Let me just ask more general questions about refugees and  
17 displaced persons. Would you agree, sir, that there was a  
difference --

18 other witnesses and evidence have told us that there was a  
difference

19 between someone who had -- and I'm now talking in a very technical  
sense,

20 refugee status, who had been given the legal status of refugee.

That had

21 significance as opposed to someone who did not have refugee status;  
is

22 that correct?

23 A. The difference between a person who had refugee status and a  
24 person who was not a refugee either because they were not a refugee  
de

25 facto and didn't need the refugee status because they were well

1 accommodated and didn't want to be socially branded as a refugee or  
2 perhaps simply did not wish to have that status for reasons of their  
own,  
3 that was the only difference, but everyone who did have the status  
of a  
4 refugee or displaced persons had all the rights they were entitled  
to,  
5 and they were all protected.

6 May I explain that according to our censuses, about 6 per  
cent of

7 the persons who had arrived from Bosnia-Herzegovina had not  
requested

8 refugee status. These were intellectuals, people who were well off,  
9 people who had houses in Croatia and  
7 coming from outside.

8 A. I did not find an article that would directly mention  
refugees

9 from Bosnia and Herzegovina. However, the definition of a refugee  
10 implies everybody who was expelled from Bosnia and Herzegovina and  
11 arrived in Croatia, and the neighbouring state could have been Bosnia  
14 Herzegovina



18 no language, I'll represent to you -- everyone in the courtroom can  
read

19 it ten times. That's not what the statute says -- the decree says.  
Now,

20 let me ask you to go next to 1D 02368 -- excuse me my apology, 1D  
02638.

21 It's either, I'm told, in the second or third binder.

22 And once again I'm not really going to go through the  
details of

23 the statute or the decision or the law, but this is a law on the  
status

24 of displaced persons and refugees which we understand went into  
effect

25 sometime around the 18th of October, 1993, and we can see on the  
page or

**Page 28396**

1 in the document, and it's my understanding, sir, that it's your  
position

2 or it's the position of the ODPD Croatia that this again -- when  
this law

3 went into effect that this was the law that your agency followed and

4 applied in connection with displaced persons and refugees; is that

5 correct?

6           A.    Correct, but we in the office, in keeping with the 1951  
Geneva

7           Conventions, regarded as refugees all those persons who arrived from  
a

8           different state of the former Yugoslavia. **If this is not contained in the law,**  
and I didn't have the

16          because they were expelled from there and was received by the  
Republic of

17          Croatia

22          trying to --

23          A.    I absolutely understand I'm just trying to clarify things  
and

24          tell you how we worked, in any case you know that legislation is  
never

25          perfect, and especially when it's applied in war situations when we  
had

**Page 28397**

1          other things on our minds.

2           Q.    I understand that, sir. But the point -- the only point for  
now,

3          and I want just to confirm that is the law in fact that you  
considered to

4 apply, but once again, and I think that everyone in the courtroom  
has

5 already seen that we've gone over this with another -- at least one  
other

6 witness. The statute on its face, the words of the law are only  
limited

7 to persons within the Republic of Croatia

9 people coming into the Republic of Croatia or had been refugees from the  
Republic of Bosnia

18 can tell you that we had -- we established a practice that was quite

19 clear and that reflected in all of our documents and in all of our

20 reports. If the law was different, then I was governed by

21 humanitarianism, bearing in mind that I was dealing with people  
rather

22 than with papers, laws, and documents.

23 Q. All right. Now, if I could ask you to turn next to 4D  
01232,

24 which is the -- I think it's a document that Ms. Alaburic has shown  
to

25 you. It's the law on the movement and residence of foreigners.

1 4D 01232. And -- I understand that there is a loose hard copy of  
this

2 document because there's been at least a partial translation of the  
3 various -- some the various relevant articles.

4 Sir, this is a law which you've seen before, shown to you  
and

5 discussed previously, but this is indeed a law that appears on its  
face

6 to, in fact, apply to refugees coming from outside the Republic of  
7 Croatia

10 Q. So what we have here is we have two laws, the 1992 law and  
the

11 1993 law, who don't apply on their face but you say apply. And then  
we

12 have another law, the law on foreigners, who does apply on its face  
but

13 you say it doesn't apply. Now why -- can you tell us, can you help  
the

14 Judges why that is the case? What explains this situation? Why  
doesn't

15 the law on foreigners apply? By its terms it would appear to.

16 A. I've already said that once Yugoslavia disappeared a new

17 situation was put in place. When Croatia,

22 It is my impression that this is a decision that applied to  
those

23 citizens. On the other hand, there was a separate law that applied  
to

24 the movement of refugees, because refugees could not have been

25 encompassed within a law --

**Page 28399**

1 Q. Let me stop you there for a moment. We have the law, for  
2 example, the second law, the law from 1993, and you've told us for  
some

3 days now, and Dr. Zoric told us also for some days, that by -- by  
the

4 middle of 1993 there was a huge refugee problem in Croatia, and  
clearly

5 it must have been something considered by the Croatian parliament,  
and --

6 is the Chamber to believe that the legislators in Croatia didn't  
know how

7 to write a law that would apply to people coming into Croatia from

8 outside the country? They made exactly the same mistake not once  
but

9 twice in writing legislation to deal with this issue?

10 A. I can't answer your question, because at the time I did not  
deal

11 with these documents. The ODPR dealt with looking after refugees  
and

12 displaced persons rather than with documents about the movement of

13 foreigners. In any case, in our office for refugees and displaced

14 persons we had a legal department as well.

15 JUDGE ANTONETTI: [Interpretation] Witness, precisely I was  
going

16 to put this question to you since the status of refugees is a very

17 complex legal issue. I was going to ask you the question if --  
precisely

18 this, if within your office you had somebody who was able to bring  
up the

19 Geneva who could

15 and adopted all of them by text that we already saw earlier today.  
All

16 these laws, particularly those that concerned DPs and refugees,  
could be

17 found in our office and they were the foundation of our work.



8 question on this topic before moving to some other exhibits, but let  
me

9 ask you to go to Article 31 of the law on foreigners. I'm  
abbreviating

10 that, but movement and residence of foreigners. If you go to  
Article 31,

11 it says that, if you have that, it says: "A foreigner who has left  
the

12 country whose citizen he is or in which he was permanently residing  
as a

13 stateless person in order to avoid persecution for his political  
views or

14 national origin, racial or religious affiliation, may be awarded the  
15 status after refugee."

16 And based on discussions we've had over the past hour or so,  
sir,

17 given that the status of the legislation in applying a law that  
doesn't

18 apply on its face, that does not apply on its face, and not applying  
19 another law that appears to apply on its face, was there a studied  
effort

20 by your agency and the Croatian government not to apply the law on

21 foreigners because to do so would recognise that these people were



22 religious, racial, or political persecuted persons?

23 A. Well, this Article 31 in one way or another also applies to

24 refugees that we worked with, although originally it applies to

25 foreigners who were persecuted in their own countries for their

**Page 28402**

1 political, racial, or religious affiliations. In our situation,  
however,

2 when this comes to the ODPB, this law could have only been a  
framework

3 law in a certain sense, but it was not a law on which our work could  
have

4 been based, on which the recognition of the refugee status would be

5 granted to persons who had fled from Bosnia and Herzegovina.

6 Q. Sir, excuse me. Why? You say this was not a law on which  
our

7 work could have been based." It's a law. It's a law in the  
Republic of

8 Croatia, and that this law was applied by the Ministry of the

3 Prosecution's question on page 72 when he first arrived at the  
decree on

4 refugees, which is 1D 02638.

5                   In the first answer provided by the witness, which is on  
record

6                   on page 72, line 8, the witness started his answer in the following  
way,

7                   and I have to quote: "[In English] Correct. That we in the office  
in

8                   keeping with the 1951 Geneva Conventions regarding -- regarded as  
9                   refugees all those persons who arrived from different state," et  
cetera,

10                  et cetera. And then the witness provided additional understanding  
of the

11                  law. And then the questions, answers, questions, answers. The

12                  Prosecution obviously disregard the fact that by this answer, maybe  
not

13                  put as a lawyer would do, but this sentence clearly shows for a  
person

14                  who is like in this, that it was implementation of international

15                  convention.

16                  Now, I can talk about qualified lawyer and knowing the  
domestic

17                  law. The Croatian constitution at that time before that time and  
today

18 as many constitutions in Europe was a signatory. There are become an  
independent. That was the meaning of his question.

24 the question that Mr. Scott put to you?

25 THE WITNESS: [Interpretation] Although I'm not a lawyer, I

**Page 28405**

1 understand what all of you are talking about, but this is precisely  
how I

2 answered. I replied that the law on movement and residence of  
foreigners

3 in the Republic of Croatia, they were not within the purview of my office.  
They -- our

4 this matter.

5 MR. SCOTT: Thank you, Mr. President. I'm -- I'm finished  
with

6 the topic. I think the record will speak for itself at this point.  
Just

7 to respond very briefing to Mr. Kovacic.

8 First off, I didn't show the witness a single document that  
9 wasn't shown to him by the Defence. I didn't raise it. I didn't --  
10 these are all documents the Defence put to the witness, so I simply  
came

11 back across on cross-examination to the same exhibits.

12           We can all agree, of course, that Mr. -- Dr. Rebic is not a  
13 lawyer, but he's, again, a highly educated man who from 1991 to 1996  
was  
14 the head of an agency whose very job was to apply Croatian law in  
15 reference -- and international law, and international law, to the  
subject  
16 of refugees and displaced persons. So I give him the benefit of the  
17 doubt that he knew -- knew that what -- what his job was and the  
laws  
18 that did apply, including all the laws on the books of Croatia,  
including  
19 the ones that applied on their face as opposed to the ones which  
didn't.

20           Q. Now, sir, if I can direct your attention to P 10406. P  
10406.

21           And that should be in the Prosecution's exhibits, I believe. P 10 -  
- I

22           apologise if I misspoke. P 10406. All right. Well, it's in my --  
if we

23           could have it on -- if we could possibly have it on e-court, please.

24           Sir, in the interest of time if you will --

25           MR. KOVACIC: [Interpretation] Maybe I can be mistaken, but I

1 don't think so. It is not a problem we don't have it in the binder,  
the

2 problem is it is not on the chart. So it was not planned.

3 MR. SCOTT:

4 Q. Well, sir, if you can look on the screen and assist us.  
This is

5 a -- this is a press article dated the 13th of July, 1992, and it  
goes

6 back to topic that we touched on briefly earlier this afternoon, and  
that

7 is that as of the 13th of July, 1992, and I'll just read the first

8 sentence of the article: "Croatia

10 And what can you tell us about that decision -- how that  
decision

11 was made? And I will just indicate to you that at the top of the  
second

12 page, at least in the English version, Mr. Zoric is quoted in this  
regard

13 about this: "It is unbearable. Its not a question of goodwill. We  
14 don't have anywhere to put these people."

15 MR. KARNAVAS: Your Honour, I believe it's been asked and

16 answered. We already covered this ground.

17 MR. SCOTT: With who?

18 MR. KARNAVAS: Earlier, earlier today. Earlier today he was

19 asked about the decision. He commented. He commented the reason,  
and he

20 indicated that this was a plea but that the borders were never  
closed.

21 That was during the first session.

22 Now, we can go over it again, but I just want to make sure  
that

23 the Trial Chamber understands that this was asked and answered. Not  
this

24 particular document but the essence of it.

25 MR. SCOTT: Well, that's the point, Your Honour. I'm coming  
back

**Page 28408**

1 to a particular document on point.

2 Q. Sir, what more can you tell us looking at this document  
about the

3 decision on the 13th of July, 1992, not to accept any more refugees  
from

4 Bosnia-Herzegovina?

5           A.    Mr. Scott, I really can't remember that the Republic of  
Croatia

6           was ever in a situation to decide to close its borders with Bosnia  
because it no longer wanted to receive refugees from that Croatia wanted to

10          or not. The motivation is a separate issue at the moment. We have  
an

11          article here and we have other testimony in the case that indeed  
there

12          was a time when Croatia,

2           cross-examination. 1D 02008. Binder 1 of the Defence documents. I

3           don't have them. I don't have -- my documents aren't organised in  
the

4           same way as the Defence.

5                    Do you have it now, sir? Dr. Rebic?

6           A.    The second, please.

7           Q.    If I can ask you to look on the screen. This is the  
document

8           that we looked at. This is the record -- the letter that Mr. Prlic  
had

9           sent to Dr. Granic about their meeting, the letter dated the 21st of

10          November, 1992, which we've already looked at. And if I can direct  
your

11 attention to the text of the enclosure, item number 1, item number 1  
and

12 mindful that this is written in November 1992: "In connection with  
13 refugees, it was stressed that Croatia

17 Now, do you see that?

18 A. Yes.

19 Q. And is that an accurate statement as of November 1992?

20 A. It is an accurate statement. The Republic of Croatia.

3 Republic of Croatia. I

16 moment, we can debate that later, but assuming that was the case,  
was it

17 nonetheless the position of the Croatian government if those people  
did

18 come in after the 13th of July, 1992, they were not being given  
refugee

19 status?

20 They may have been physically there and they may have been  
good

21 people who tried to assist them, but they were not given legal  
refugee

22 status after the 13th of July, 1992. Now, is that what you're  
saying?



23 Is that what this decision was saying?

24 A. In my view, no. According to the talks in Grude, if I  
understand

25 you correctly, on the 20th of November, 1992, these were talks in  
which

**Page 28412**

1 Granic pointed out the impossibility or the difficulties --

2 Q. Sorry, I'm going to ask you now to go 1D 02608. It's in the

3 Prosecution bundle I'm told. 1D 02608.

4 Sorry, it's in the Defence exhibits.

5 MR. SCOTT: Your Honour, I'm sorry. We're in the same  
situation

6 as everybody else, I'm afraid. There are so many binders.

7 THE WITNESS: [Interpretation] "One time financial  
assistance"?

8 MR. SCOTT:

9 Q. Yes. If I can ask you please to look to paragraph numbered  
1 of

10 your letter dated the -- or report or what have you dated 29th of

11 October, 1992. In number one: "To strictly obey the stipulations  
of the

12 Government of the Republic of Croatia before July 13, 1992

15 irregularities."

16 Now, you're writing this document some months later on the  
29th

17 of October, 1992. You're nonetheless referring to 13th of July,  
1992, as

18 the -- as a date having some significance. So why are you referring  
--

19 why in October 1992 are you referring back to -- why is it  
significant

20 whether they have arrived before 13 July 1992?

21 MS. ALABURIC: [Interpretation] Your Honour, by your leave I  
think

22 there is a mistranslation of this document, because in the Croatian  
text

23 it speaks of refugees who arrived in Croatia after the 13th of July,

24 1992, and it says in the translation "before the 13th of July, 1992

8 asked the regional offices to request all centres for social work  
to:

9 "1. To strictly obey the stipulations of the government of  
the

10 Republic of Croatia

13 JUDGE ANTONETTI: [Interpretation] Very well. So this text  
should

14 read after and not before.

15 MR. SCOTT: Your Honour, I fully accept that, and I -- just  
for

16 the record, this is a Defence exhibit and apparently a translation  
is in

17 error, but really doesn't in fact -- but doesn't dramatically change  
my

18 question.

19 Q. You still refer, sir, to a decision on the 13th of July  
1992,

20 whether having a significance, maybe it was significant because  
something

21 happened before that date or it was significant because something

22 happened after that date, but you still tie this to the July 13,  
1992.

23 Why was that?

24 A. Today after all this time I cannot recall the significance  
of the

25 13th of July. However, I see from this document, which I believe I

**Page 28414**

1 signed, although I don't see my signature here, and it has to do  
with a

2 one-time financial assistance to hosts of refugees from

3 Bosnia-Herzegovina. In this document, the regional offices are  
asked to

4 deliver to the office a list of all the hosts and the number of

5 Bosnian-Herzegovinian refugees they are taking in so that we can  
provide

6 them with one-time financial assistance of a certain sum per person,  
and

7 also requests of the families taking in refugees and refugees asking  
for

8 one-time financial assistance should be given this assistance only  
if

9 they show the requisite documents.

10 Q. [Previous translation continues] ... I'd like to move  
forward

11 unless the Chamber has --

12 JUDGE ANTONETTI: [Interpretation] Yes. Mr. Scott, before  
you

13 move on to something else, I once again read paragraph 1, and I also

14 wondered, just like yourself, about the same things, but if you read

15 paragraph 1, one is under the impression that the witness sends an  
order

16 to regional offices regarding this issue, and he asks them to  
strictly

17 obey the stipulations or orders issued by the government of the  
Republic

18 of Croatia there is not a

15 JUDGE TRECHSEL: I would like to -- to continue on this  
issue.

16 If we look at the sentence, I think that it is difficult not to  
17 understand it in the way that it makes a distinction of refugees  
18 arriving. It does not say from where, but after 13 of July,  
obviously

19 certain refugees fall to be approved and other fall not to be  
approved.

20 That is not the question of forged documents. I could -- it would  
be

21 difficult to understand it in that way. There must be a criterion  
then

22 by which is certain persons coming into the country are recognised  
as

23 refugees and others are not recognised.

24 Can you remember what the difference is, what the criterion  
is

25 and explain it to us?

1                   THE WITNESS: [Interpretation] This was a situation when in  
2                   Herceg-Bosna many areas were absolutely safe for refugees, and they  
were  
3                   able to go back. However, there were quite a few cases where some  
4                   persons living with refugee cards, in spite of the fact that they  
were  
5                   able to go back and had partly been able to go back, I'll give you  
6                   specific examples because I remember these cases.

7                   There were members of a family who resided in one of those  
towns,  
8                   Ljubuski, Capljina, or elsewhere, and they had relatives living at -  
- by  
9                   the seaside, and the government was quite strict there because those  
who  
10                  were really able to go back to those areas, and Herceg-Bosna is  
mentioned  
11                  here, these were Croats then, if they were able to abandon their  
refugee  
12                  status and return to their homes and not needlessly burden the  
budget of  
13                  the Republic of Croatia  
23                  government of the Republic of Croatia

3 persons not being granted refugee status.

4 Now, please tell us why these months later -- if it was a  
dead

5 letter, if it was a decision but it really didn't mean anything, it  
was

6 ignored, people came in any way, whatever, you seem to be suggesting  
that

7 well, there was something in July but it really didn't mean much,  
with

8 all due respect. It was nothing. But that date keeps coming up,  
and in

9 this letter that you wrote, or someone wrote over your name, on the  
9th

10 of April, 1993, you cite this as the basis of the decision.

"Pursuant to

11 the decision ... of the 13th of July, 1992, the above-mentioned  
persons

12 cannot request or be granted refugee status ..."

13 Now, please tell us why in April 1993 are you still  
referring to

14 the decision of 13 July 1992 on their way to third countries do not have the  
right to be

23 the Republic of Croatia, to Austria and that during the time of their transit  
through the

3 was the person.

4 Q. We all have the document. We can read. You don't need to  
read

5 that.

6 MR. KARNAVAS: Your Honours, I point to the place: It's  
Mostar.

7 And I point to the date: We're talking April 1993.

8 MR. SCOTT: So?

9 MR. KARNAVAS: Nothing was happening in Mostar that would  
make

10 these individuals refugees unless Mr. Scott knows that to be a fact.

11 MR. SCOTT: Totally beside the point.

12 MR. KARNAVAS: It's not totally beside the point.

13 MR. SCOTT:

14 Q. Totally beside the point. The point is, and Dr. Rebic on  
this

15 one I'm not going to cut you quite so much slack, perhaps. You say,

16 "Well, they didn't ask for it," and they got what they asked for.

Sir,



17 the letter says the "above-mentioned persons cannot request or be  
18 granted," so they couldn't request and even if they had requested it  
19 couldn't be granted. That's what it says.

20 A. Yes, that's correct because the law of the 13th of July,  
1992 saying they would not be requesting

11 if at this stage of cross-examination I may rise to my feet at all,  
but

12 as this document in its legal essence is identical to the document  
that I

13 based my cross-examination on, P 10048, and secondly because we know  
that

14 Dr. Rebic is not lawyer, I only wish to draw attention to the fact  
that

15 in the preamble to this document it's evident that these are persons  
to

16 whom the status of foreign nationals in the Republic of Croatia.

2 people are Mexicans who would want to transit through Croatia to go  
to,

3 let's say, to Denmark, I don't know where from, but let's say that we're talking

13 for example, previously. When referring to Mostar in Bosnia and

14 Herzegovina

16 should apply to the ODPB and they will solve your problem."

17                   It may assist if I tell you that the ODPR was faster and  
quicker

18           and more expeditious in solving these applications for transit than  
the

19           Ministry of the Interior simply because these people came from

20           Bosnia-Herzegovina. I can give you plenty of examples of people  
calling

21           me from Belgrade. They applied to the ODPR because they thought it would be

10           possible. And that's not the only such case. There were many such

11           cases, and for every one of them our office in its archives has full

12           documentation, all the documents needed.

13                   JUDGE ANTONETTI: [Interpretation] Very well. Yesterday we  
saw a

14           photograph of the office with all the binders, and I suppose if we  
looked

15           inside those binders and if we checked that number one would be able  
to

16           find the document in question?

17                   THE WITNESS: [Interpretation] Yes, certainly.

18                   JUDGE ANTONETTI: [Interpretation] Very well. I am not going  
to

19           do that work because this is something that the Defence and the

20 Prosecution should have done or could have done, but, yes, go on,  
please,

21 Mr. Scott.

22 MR. SCOTT: Thank you, Your Honour.

23 THE INTERPRETER: Microphone for Mr. Scott, please.

24 MR. SCOTT: Thank you. I'm just looking, Your Honour, if  
there's

25 anything I can finish in the next couple of minutes, and I don't --  
Your

**Page 28424**

1 Honour, I might suggest we stop there.

2 JUDGE ANTONETTI: [Interpretation] Very well. Go on, please,

3 until five. Going toward the second half of the -- about halfway down not to  
register

23 Now, sir, once again we have a reference with apparent --  
some

24 significance to a decision of the Croatian government on the 13th of

25 July, 1992, not to register refugees, at least not to give them  
refugee

**Page 28425**

1 status. As you've said earlier today, maybe they were still coming  
into

2 the country. I don't know. You say they were, but we'll accept  
that for

3 the moment, but they weren't being given refugee status, were they?

4 A. Mr. Scott, the fact is that these refugees were in a refugee  
5 centre and Mr. Mazowiecki's report speaks about this refugee  
centre. I

6 was aware of that centre. It is true that it was overcrowded. It  
is

7 true that it did not have sanitary facilities as it should have had,  
as

8 some other centres had, because this was a former barracks, a  
military

9 barracks. However, despite the dire financial and physical straits,  
we

10 provided them with whatever we could. De facto they were in a  
refugee

11 centre.

12 As I sit here today, I can't remember whether these people  
were

13 indeed not registered or maybe they were actually registered. In  
other

14 words, I can't remember whether they were not registered because of  
the

15 law, the 13th of July, 1993, which is very hard for me to believe  
today,

16 or maybe UNHCR wanted to take these people under their own  
protection

17 because that also sometimes happened and then transported them or  
helped

18 them to go to third countries.

19 If I may say, I know Mr. Mazowiecki personally. I met with  
him

20 two or three times, once before the war in a different capacity in

21 Warsaw or in the neighbouring state of Bosnia and

4 MR. KARNAVAS: Excuse me, Your Honour, I'm going to insist  
on the

5 answer because we have a report from the particular individual that  
the

6 witness knew prior the war and now he's being shown a report.  
Obviously,

7 because of their personal relationship, Mr. Mazowiecki would have  
brought

8 the issue up and now he's giving a full explanation.

9 MR. SCOTT: We don't need Mr. Karnavas to say that.

10 MR. KARNAVAS: The meeting took place in Zagreb. That's why  
I

11 did not object initially when he brought up the issue.

12 JUDGE TRECHSEL: We've heard this.

13 MR. KARNAVAS: We need a full answer. I don't recall an

14 instance, Judge Trechsel, when you -- when you would not allow a  
witness

15 for the Prosecution to answer fully a question. Now he's entitled  
to

16 give a full explanation because he knows the drafter of this report  
and

17 because of the relationship. I don't see why all the reaction.

18 JUDGE TRECHSEL: Well, your reaction mostly, Mr. Karnavas.  
I did

19 not stop the witness nor did I intend to, but you seem to like  
Trechsel

20 bashing. That has become very clear.

21 MR. KARNAVAS: No. I apologise if that seems to be the  
case, but

22 it seems that you're pounding things.

23 JUDGE ANTONETTI: [Interpretation] Witness, you know

24 Mr. Mazowiecki. You had a conversation with him about human rights

25 abuse. It's interesting. What did you tell him, but please be  
brief

1 because otherwise we'll go over. What did you tell him?

2 THE WITNESS: [Interpretation] In a nutshell, I drew his  
attention

3 to the aggression that had been committed on the part of the JNA or

4 today's Serbia and

5 Herzegovina, he never expressly asked me

11 least I don't remember that. Our conversation mostly dealt with the  
JNA

12 and aggression against the Croatian Bosnia and Herzegovina.

13 I am not surprised by the report that he drafted, because he  
also

14 had to provide reports about the de facto situation in Varazdin, in  
the

15 former barracks. I also didn't find it easy to see these people in  
such

16 poor accommodation, but there was no other possibilities, and that  
is why

17 the government had issued this decision to be more strict in  
applying the

18 refugee status, because the Republic of Croatia,

1 Thursday, 22 May

2008 2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.15 p.m.

5 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please call  
the

6 case.

7 THE REGISTRAR: Good afternoon, Your Honours, good afternoon  
in

8 and around the courtroom. This is case number IT-04-74-T, the  
Prosecutor

9 versus Prlic et al. Thank you, Your Honours.

10 JUDGE ANTONETTI: [Interpretation] Very well. Today is  
Thursday,

11 May 22nd, 2008, ethnicity was recorded on

21 I'll come back to you with that in a moment. I think you were  
rather

22 direct what you said on Monday about that, but let's turn to Exhibit

23 1D 02918. Should the -- I believe it's in one of the Defence  
binders but



24 I may not -- it may be in both actually. It should be in the  
Prosecution

25 binder if that assists the usher, my apology. It may be in both.

**Page 28431**

1 Now, there is two aspects of the Statute that I would like  
to

2 discuss for a few minutes. This is the Law on Croatian Citizenship  
which

3 was I think first adopted around the -- or effective the 26th of  
June,

4 1991. There were amendments in 1992 and 1993 which I understand did  
not

5 impact or have an effect on the two portions that I am interested in  
at

6 the moment.

7 If I can ask you, please, to look to Article number 8,  
Article 8.

8 This appears to be a provision, sir, that would apply -- what I  
would

9 consider to anyone, anyone anywhere in the world who for whatever  
reason

10 wanted to obtain Croatian citizenship by a process of naturalization

11 would be able to follow these procedures, apply under this law, and

12 under -- if they satisfied the requirements of Article 8, they had  
the

13 possibility of obtaining Croatian citizenship; is that correct?

14 A. Yes.

15 Q. Now, I would like to next ask you to look directly at  
Article 16.

16 If you look at this, there's a specific provision which provides  
that,

17 it's quite short so I'll just read it, "A member of the Croatian  
nation

18 who does not have domicile in the Republic of Croatia

22 Is that correct?

23 A. Yes.

24 Q. Now, there appear to be then two requirements. One is --  
one

25 refers us back to Article 8 which we looked at a moment ago to  
section 5

**Page 28432**

1 or paragraph 5 of Article 8. That requirement says, provides, "That  
a

2 conclusion can be derived from his or her conduct that he or she  
respects

3 the legal system and the customs in the Republic of Croatia

5 Do you see that?

6 A. Yes. And speaks the Croatian language and the Latin script  
and

7 so on. There are several clauses.

8 Q. Not under section 5; correct? That's another section.

9 A. Yes, yes, you're right. Yes. So this is about respecting  
the

10 legal system and customs of the Republic of Croatia?

21 Prosecutor is free to say what he wants. You may not agree with  
him, but

22 on the day you testify, you will be able to develop your own  
position.

23 No need to start protesting that way. We are perfectly aware of  
your

24 position. You've already outlined it for us.

25 If the Prosecutor wants to make such a statement, he is  
perfectly

**Page 28433**

1 entitled to do so. During the presentation of your case when your

2 witnesses come to testify or when you come to testify, because  
you've

3 told us that you are going to testify, you will be able to deal with  
this

4 matter.

5 Please let the Prosecutor put his question and the witness  
will

6 answer and the answer of the witness may be amenable to you.

7 THE ACCUSED PRALJAK: [Interpretation] Your Honour, please,  
this

8 is not a protest. I simply want to know what is on trial here. Is  
it

9 talking about the Croatian language? Are we going to deal with Hego

10 [phoen]? How far are we going to go? For ten years, in  
Switzerland. There's no doubt about this. However, as a Croatian national,

19 he has to say. If what he has to say is of no relevance, then the

20 probative value will be nil. If it's not the case, then we'll  
receive.

21 Let's listen to the question and then to the answer of the witness.

22 Mr. Scott, please repeat your question because we've lost  
track

23 of it after all these exchanges. Please put your question again.

24 MR. SCOTT: Thank you, Your Honour. Before I do that, and  
partly

25 to respond to some of the comments that have been made, let me go  
back

**Page 28435**

1 and -- now I have found the exact passage from Monday's testimony  
which

2 indicates that indeed it was raised in direct examination, that this  
is a

3 witness who works directly in the area of the status of people,  
refugees,

4 and displaced persons. If he's not qualified to talk about these  
topics,

5 then it conflicts directly with the responsibilities he's held for  
some

6 five or six years, but this is what he said on Monday, in any event  
when

7 asked about, by the Defence:

8 "At that time," at page 28202, "At that time it was enough  
for a

9 Muslim from Bosnia-Herzegovina to show the department of the  
ministry of

10 interior any document, a driving licence, a school certificate,  
which

11 said that he had declared himself to be a Croat at some time ipso  
facto

12 he had the right to a Croatian certificate of citizenship and  
Croatian

13 documents."

14 That's what he said and that was not -- that was in response  
to

15 Defence questioning on direct examination.

16 Q. Sir, I'm now showing you a document which is itself a  
Defence

17 Exhibit 1D 02918. And there was nothing intended to be offensive  
about

18 my question to you. When we look at Article 16 the way it's been

19 translated to me is that it says, "A member of the Croatian nation."

20 Now, I've also seen another translation of the name  
provision

21 which says, "A member of the Croatian people." Now, all I'm saying  
here

22 is we're talking here about something that's different than Croatian

23 citizenship. Obviously if one had Croatian citizenship -- being a  
member

24 of the Croatian nation is having citizenship, there's no reason for  
the

25 Statute. If you had citizenship you wouldn't be applying for it.

So it

1 says, "A member of the Croatian nation who does not have domicile in  
the

2 Republic of Croatia, it strikes me that establishing that

17 that you accept Croatian culture for someone who doesn't live there  
and

18 saying that you consider yourself to be Croatian is essentially one  
and

19 the same thing, isn't it?

20 JUDGE ANTONETTI: [Interpretation] One moment, please.

21 Mr. Coric's counsel will give us some news about her client.

22 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honour, may we  
move

23 into private session, please?

24 JUDGE ANTONETTI: [Interpretation] Yes, private session,  
please.

25 [Private session]

1

2

3

4

5

6

7

8

9

10

11 Page 28437 redacted. Private session.

12

13

14

15

16

17

18

19

20

21

22

23



24

25

**Page 28438**

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 [Open session]

21 THE REGISTRAR: Your Honours, we are back in open session.

22 MR. SCOTT: Thank you, Your Honour.

23 Q. Dr. Rebic, a lot has happened in the last 45 minutes or so  
so let

24 me go back to -- if you still have Exhibit 1D 02918, The Law on  
Croatian

25 Citizenship in front of you, Article -- and again looking primarily  
at

**Page 28439**

1 Article 16. And I believe my pending question to you was something  
and

2 it's no longer of course on the screen at this point, but my  
question was

3 something to the following effect and that is: Since Article 16

4 specifically addresses the situation, we're talking about someone  
who

5 does not have a domicile, does not live in Croatia, but would apply,

6 obtain -- would like to obtain Croatian citizenship, how would such  
a

7 person demonstrate that he or she respects the legal system and  
customs

8 in the Republic of Croatia, of course in Bosnia-Herzegovina as well as in other  
countries of

9 that person was entitled to a Croatian citizenship by virtue of not  
only

10 an oral statement but also by a piece of paper, a document. That  
could

11 have been a certificate, a school certificate, a military booklet in

12 which I also stated I was Croatian alongside my colleague, Ibro

13 Ibrisimovic, who also declared himself to be Croatian. I am not  
speaking

14 as a lawyer, I am speaking as someone who is rather familiar with

15 history, with the situation in my homeland.

16 So I ask you, how do you deny that person the feelings they  
have

17 and something they've always stated all along.

18 Q. Let me be very clear about this, and there was no reason for

19 anyone to outburst or for anyone to take offence before. It was a

20 question which you've now attempted to answer and I have a couple

21 follow-up questions, but no one is intending to insult you or  
anyone's

22       Croatness so please, we should take that as a further starting  
point.

23               The point is, sir, how is someone -- no. Listen to my  
question.

24       A.   Mr. Scott, Mr. Scott. No offence taken. No offence taken.

25       However, I wanted to add another thing. Being Croatian does not  
include

**Page 28441**

1       faith or religion. A Croatian could be Catholic, Orthodox, Muslim,

2       Protestant, et cetera. One should never think that there is a sign  
of

3       equation between Croatian and Catholic. It includes Croats,  
Muslims, and

4       other ethnicities.

5       Q.   Let me go back to the question now that you've given us that

6       further explanation. Thank you.

7               Let me go back to my specific question. You have a person,  
and

8       I'll use your example, of a Muslim, who is in Bosnia-Herzegovina.  
He has

9       never lived in Croatia and that he or she accepts the Croatian culture?

17 scenario. Someone who lives in Bosnia before so how is that -- but they  
consider

21 accepts Croatian culture?

22 A. It fell inside the remit of those people who lived in the  
23 Ministry of Foreign Affairs its department in charge of issuing the  
24 document, which is called domovnica, which is a certificate of  
25 citizenship as well as to issue passports. Some people in

**Page 28442**

1 Bosnia-Herzegovina accepted Croatian -- the Croatian culture. Part  
of

2 the Croatian literature was created by Muslims. One needs to have  
some

3 historical knowledge to be able to address that.

4 MR. KARNAVAS: Just a point of clarification for the record,  
on

5 page 13, line 16, the gentleman indicated "those who worked" as  
opposed

6 to "lived" in the ministry of foreign affairs. It's kind of  
difficult to

7 live in the ministry of foreign affairs, so it's those who worked.

8 MR. SCOTT: All right. Let's go forward. I think perhaps  
the

9 citizenship will come up, issues will come up in other context.

10 Q. Related to what we've been talking about in the last few  
minutes,

11 in fact, is the next question, that is, that there is evidence that

12 President Tudjman espoused the view that Bosnian Muslims were Croats  
of

13 Islamic faith and is that or has that ever been your view?

14 A. It is my view, based on my lifetime experience and my  
experience

15 from the youth and the army that there were Muslims of Croatian

16 nationality -- well, those who belonged to the Croatian people.

17 Q. Well, I'm not -- sir, my question is not whether there were

18 individual Muslims who considered themselves Croats but that the  
people,

19 to the extent there were people that considered themselves might

20 otherwise call themselves now Bosniaks or Bosnian Muslims, but  
President

21 Tudjman espoused the view that Muslims, these Bosnian Muslims were

22 Croats, they were Croats who had taken on the Islamic faith. Now,  
is

23 that your view or have you ever held that view?

24           A.    One cannot opine on that.  These are facts.  One either  
accepts

25           them or denies them.  However, you cannot have an opinion on facts.  
It

**Page 28443**

1           is a fact that at a certain point in history, a large part of the  
2           territory of Bosnia-Herzegovina was the territory of the Croatian  
state

3           until the Turks invaded parts of Bosnia-Herzegovina in the 15th  
century.

4           Throughout the 16th, 17th and 18th century, the Turks imposed Islam  
upon

5           the Croatian people who lived in what is today Bosnia-Herzegovina.  
The

6           same way they imposed Islam on the Serb people, those who were of  
7           orthodox faith.  It is a fact and not a matter of my opinion, a part  
of

8           the Croatian people who lived in Bosnia-Herzegovina was forced to  
take on

9           Islam.  It is a fact.

10           Q.    Going back to the refugee situation in Croatia, is it  
correct

11 that the -- at some point, perhaps in 1992, 1993, perhaps you can  
tell us

12 if you know, that the Croatian government in terms of Muslims coming  
to

13 Croatia

22 Q. Who made the decision, sir, to make those essentially the  
four

23 principal centres, was that your decision as head of ODPF or if it  
wasn't

24 your decision, whose decision was it?

25 A. It was nobody's decision. There were no main or principal

**Page 28444**

1 centres. There were around four -- 500 centres housing refugees and  
2 displaced persons. There were no principal centres.

3 JUDGE ANTONETTI: [Interpretation] Witness, please -- there  
is

4 something that is very important for me, so I'm just coming back to  
what

5 you said earlier concerning the assessment of the issue raised in  
the

6 indictment.

7 You said that the Turks had invaded Bosnia-Herzegovina in  
the



8 17th and 18th century and they forced Croatians to become Muslims  
and

9 these Croatians became Muslims at the time. That's what you said.

10 THE WITNESS: [Interpretation] Your Honour, I do have a  
correction

11 to make. The Turks began occupying Bosnia-Herzegovina as early as  
the

12 late 15th century and then throughout the 16th and 17th century.

13 Occasionally, they imposed Islam on the Catholics there, not upon  
the

14 Croats there, because they can be forced to take on Islam however  
they

15 remain Croats.

16 JUDGE ANTONETTI: [Interpretation] The 15th century there  
were

17 Croatians who with time ended up becoming Muslims. They became  
Muslims.

18 And in 1991, 1992, 1993, some, some of them -- or some people,  
sorry,

19 believed that Muslims in Bosnia, you could then consider them as

4 got.

5 THE WITNESS: [Interpretation] First of all, when there were

6 Muslims from Mostar arriving in the Republic of Croatia in order to  
make them orthodox Muslims. Some of

15 basilica of Jesus Christ and to renew it thanks to his friendship  
with

16 the vizier. As history states, they drank coffee together and spoke  
17 Croatian.

18 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

19 MR. SCOTT:

20 Q. Sir, if we can touch on some additional information about  
the

21 refugee situation in Croatia.

3 large groups of refugees were arriving and it was impossible to give  
4 refugee status to new comers and register them."

5 Now, this takes us back to the topic that we were discussing  
6 yesterday in connection with the decision of 13th of July 1992, this  
7 statement appears to indicate that -- through the balance of that  
year,

8 1992, people arriving in Croatia,

23 momentarily if people want to keep their hand on it or close by. If  
we

24 can go momentarily to 1D 02628 in the Defence binders. Again this

25 document was shown to you during the Defence questioning and the  
same

**Page 28448**

1 page. If I can ask you to find again, and I'm using the page  
numbers if

2 you'll notice on the bottom right corner of the page, there is a 8  
digit

3 number with a hyphen in between 1D 34-something if you will find the  
page

4 where that is 0596. 0596, that is the page I would like you to look  
at,

5 please.

6 A. I have 0576 and you're asking for 0596. I found it.

7 Q. Sir, we looked at this briefly yesterday and it appears --  
if we

8 look at the period from approximately March 1993 when -- I'm looking  
at

9 the refugee column, it says there were -- excuse me a moment --  
excuse

10 me, April 1993 --

11 A. [In English] April, yes.

12 Q. In April, we have 269.000, do you see that?

13 A. Correct.

14 Q. And if you turn to the next page, July 1994, July 1994, we  
have

15 266.000, approximately.

16 A. [Interpretation] 1994, in April, there are 272.000. That is  
more

17 than in April the year before.

18 Q. Listen to my question. We seem to be having difficulty

19 communicating today, sir. If you would listen to my questions,  
please,

20 and answer my questions. I didn't ask you about April. I asked you

21 about July 1994, do you understand?

22 A. I do.

23 Q. Sir, Dr. Rebic. Do you understand July 1994?

24 A. Certainly I do.

25 Q. 266.056, do you see that?

**Page 28449**

1 A. [In English] Yes, I see. Correct.

2 Q. So it appears, sir, that from that -- during that -- 14, 15-  
month

3 period, there was actually quite a period of stability, the range in

4       there is I think something less than 10 per cent of a variation  
where

5       with a small peak in, I believe February of 1994, 284 --  
approximately

6       284.000; is that correct?

7           A.   [Interpretation] That is correct. The influx changed up and  
down

8       depending on the old ones leaving and new ones arriving. Some  
people

9       were returning to Bosnia-Herzegovina, some were departing for third  
10      countries. That is why you see such slight differences which are  
quite

11      understandable.

12           Q.   Now, if we go back to the other document, 1D 02626, the one  
that

13      we were looking at before. If you're still on -- again in section  
number

14      III or part III -- perhaps the usher can assist me?

15           A.   [In English] Excuse me, Mr. Scott. I don't find it.

16           Q.   All right. We will assist you, sir.

17           A.   [Interpretation] Excuse me, Mr. Scott. It wasn't in the  
binder.

18 It was on the desk next to the binder. I'm sorry.

19 Q. Not a problem. There is a lot of paper for everyone to look  
at.

20 If you can go back to part III, section numbered one that we  
were

21 looking at a moment ago and go to the next paragraph, it says, "In  
May

22 1993, after the re-registration of refugees, 271.096 refugees from  
BiH

23 got refugee status."

24 Do you see that?

25 A. Mr. Scott, yes, I do. That was in May 1993?

**Page 28450**

1 Q. Yes.

2 A. Yes, I see it.

3 Q. And if we go then down, then, if I can just -- in order to  
find

4 out how many of those approximately were Muslim, if you go to  
section

5 number 2, the numbered part 2 on the left side, also in reference to  
May

6 1993, in that sentence, it tells us that of that 271.000,  
approximately,

7 157.000 or almost -- approximately 58 per cent were Muslim. Do you  
see

8 that?

9 A. [In English] I don't see but I remember that  
[Interpretation]

10 Yes, I remember that. This is correct, yes.

11 Q. And were these Muslims that had been given refugee status by  
the

12 state of Croatia

16 refugee status to many people because there was simply nothing else  
to be

17 done.

18 Q. So what -- do I understand, then, that the decision, the  
19 government decision of the 13th of July, 1992 remained in effect,  
that

20 additional new refugee status not be given but you're saying that  
your

21 agency went ahead and did it anyway?

22 A. There were instances where it did, but in any case, it took  
care

23 of refugees, even if they weren't formally granted refugee status.

As we

24 saw yesterday from Mr. Mazowiecki's report, in Varazdin there were  
25 refugees, Bosniak Muslims from Bosnia-Herzegovina who were not

**Page 28451**

1 registered, and I observed at the time that in spite of this, they  
had

2 been provided with accommodation, protection, and everything else in  
3 spite of the fact that they had no document.

4 Q. And if we go to part number III, still in the same part  
number

5 III, again section number 2, the next paragraph starts off by  
saying, a

6 reference to a decrease. It says, "The most significant reason for  
7 decreased number of refugees in Croatia

10 A. There was certainly -- there was certainly many instances of  
11 departure to third countries because in Croatia, the resources had  
been

12 exhausted and the UNHCR and some other countries offered to take in  
13 refugees, or rather, the UNHCR offered to help and some countries  
14 regardless of the UNHCR offer to take in refugees and this  
alleviated the

15 situation.



16 Q. And if I can ask you to look at footnote 3 in the document,  
if  
17 you go down a page or two or wherever it might be in the Croatian  
18 language document but if you can find footnote 3 and for the English  
it's  
19 on the bottom of page 4.

20 A. Yes. I found it.

21 Q. It says, "The best example of the large number of transits  
22 through Croatia

25 A. Yes, I do. That's correct.

**Page 28452**

1 MR. KARNAVAS: For the record, footnote 3 relates to as  
early as

2 mid-1995 so let's be fair to the witness. He's talking 1992, 1993.  
Now

3 this is in relation to 1995.

4 MR. SCOTT:

5 Q. And Gasinci was one of the four primary refugee collection  
6 centres together with Obonjan, Samobor, and Varazdin?

7 MR. KARNAVAS: Again I object because the gentleman  
indicated

8       that it wasn't primary. He indicated that there were some 500  
refugee

9       centres that had Muslims as well as Croats and that there was no  
such

10      thing as a primary centre. So I object to this nature of the  
question

11      because it's been asked, it's been answered, and the gentleman was  
12      corrected and I think this is now being unfair to the witness.

13                 MR. SCOTT: I think the word -- if we're going to --

14                 MR. KARNAVAS: And it's argumentative.

15                 MR. SCOTT: If we're going to parse words, Mr. Karnavas,  
that he

16      said that those were the four predominant centres, and the word is  
17      "predominant," and that is in the transcript.

18      Q. Now, if we can look then next, sir, in the third or fourth  
19      paragraph --

20      A. Excuse me. Excuse me. I didn't say they were predominant.

21      Q. We'll go back in the transcript, sir. Just a moment. If  
this is

22      what we're going to have to do then I guess it's what we'll have to  
do.

23 A. If I may be of assistance while you are looking, what I said  
was

24 that they were the largest centres.

25 Q. All right. Thank you, sir. They were the four largest  
centres?

**Page 28453**

1 A. [In English] Yes.

2 Q. Thank you very much.

3 A. [Interpretation] You're welcome.

4 Q. If I could direct your attention in the same section 2 of  
the

5 document, if we go down it's not entirely clear the way the breaks  
are

6 whether it's the third -- continuation of the third paragraph or the  
7 fourth paragraph, but in reference again when it talks about the  
persons

8 going to third countries, there is a paragraph above that says,  
"42.076

9 refugees, mostly Muslims, left Croatia

11 Section 2, it's the third paragraph under the section 2,  
it's

12 Article 3 -- whatever, it does become confusing, Article 3, Roman  
numeral

13 III, number 2 on the left side of the page, below that,  
approximately the

14 third paragraph is a paragraph that begins with the numbers 42.076;  
do

15 you see that, sir?

16 A. Yes, I do. Mostly Muslims. This means that there were  
Croats

17 among them too. Yes, I'm aware of that situation.

18 Q. Then in that same paragraph it goes on to say, "There were  
only

19 few Croats in that figure due to the criteria that were set within

20 relocation programme. Namely, BiH Croats had the right to dual

21 citizenship and among the recipient countries, there was a common

22 position that BiH Croats had the second home country that could take  
care

23 of them."

24 That is correct, is it not?

25 A. Yes, that's correct.

**Page 28454**

1 Q. So the persons, the refugees in Croatia that were primarily  
going

2 out to third countries were Muslims, according to this report.  
There

3 were only few Croats among them; correct?

4 A. Yes, precisely, because third countries did not wish to take  
in

5 persons who had Croatian citizenship, so persons with Croatian

6 citizenship remained in our refugee centres.

7 Q. And in fact, if we go to part number -- Roman numeral III, a  
8 moment please, we'll still in Roman numeral III, my apology, and if  
you

9 go to section numbered 12, there's various -- the document goes on  
and if

10 you get on to the part, please, that is paragraph number 12. About

11 two-thirds of the way through that paragraph it says, "A larger -- a

12 large number of refugees who no longer have the status (due to their  
own

13 decision or revoked status) have stayed in Croatia on the basis of

14 Croatian citizenship, at least 140.000 of them." Is that correct?

15 MR. KARNAVAS: Mr. President, this is -- excuse me, we can  
all

16 read this but this is 1998 that we're referring to. I fail to see  
the

17 relevancy of all of this because somebody who is enjoying quite a  
18 comfortable living standard, who is getting an education there,  
might

19 decide to stay there but I don't see the relevancy to the  
indictment. I

20 really don't. Is the Croatian government on trial here? What is  
this

21 case about now?

22 MR. SCOTT: Well, Your Honour, it's --

23 JUDGE ANTONETTI: [Interpretation] Mr. Scott, I find it  
difficult

24 to see what you're trying to establish. I may understand at the  
end, you

25 never know, but the Defence is telling us that you are referring to

**Page 28455**

1 something that happened in 1998. You should not mix apples and  
pears.

2 What's happened in 1998 is not relevant for 1990.

3 MR. SCOTT: Your Honour, it's our position that this is

4 statistical information going back and covering a wide period of  
time

5 including back into 1993, 1992, and the point is, and that's the  
reason

6 for the questions about Croatian citizenship, that there was a  
7 substantial difference in the treatment between persons who came  
from  
8 Bosnia

10 MR. KARNAVAS: Again, but why is that relevant? But why is  
it

11 relevant to the indictment? Every country can make a decision as to  
who

12 they are going to invite and who are they going to extend  
citizenship to.

13 If you go to the United States, for instance, it's very difficult to  
get

14 citizenship. I don't see what the problem is in how it's connected  
to

15 the joint criminal enterprise. I'm not trying to disrupt the  
proceedings

16 but I don't -- I think we're far afield at this point.

17 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, your  
objection

18 has been recorded on the transcript. Let's hear Mr. Scott.

19 Mr. Scott, please proceed.

20 THE WITNESS: [Interpretation] Your Honour, may I mediate  
here.

21 This really refers to 1995. It says compared to the situation in  
1995.

22 In 1995, mass return did begin, return of Muslims to Bosnia-  
Herzegovina,

23 on a large scale because in the second half of 1995, after Operation

24 Storm and the liberation of parts of Bosnia-Herzegovina as well as

25 occupied parts of Croatia

13 first inflow during the summer and autumn 1993, and additional  
15.000 at

14 the end of 1993 and the beginning of 1994. At first they stayed in  
the

15 territory of BiH under the HVO control. A smaller number of  
refugees

16 from those territories stayed in Croatia in 1993." Now does that  
appear

17 to you to be consistent that --

18 A. 1992.

19 Q. Sir, this says -- I'm talking about -- if you go back up,  
"Around

20 20.000 refugees arrived in the first inflow during the summer and  
autumn

21 of 1993," do you see that?



22           A.    Yes, I do.  But we had already reached the end of the  
paragraph

23           where it says in 1992.

24           Q.    Yes.  And perhaps if you will listen to my questions, we can  
25           proceed more efficiently.

**Page 28457**

1           JUDGE TRECHSEL:  Mr. Scott, I'm sorry, this is not  
justified.

2           You said 1993 and on the paper, it says 1992 and the witness  
correctly

3           stated this and there's nothing that was -- you simply misspoke and  
4           that's all.

5           MR. SCOTT:  Your Honour, the sentence says, "Around 20.000  
6           refugees arrived in the first inflow during the summer and autumn  
1993."

7           JUDGE TRECHSEL:  And what's the last figure?  Yes, you were  
going

8           down to the end of the paragraph and what's the last figure there?

9           MR. SCOTT:  It was 1992, Your Honour.

10          JUDGE TRECHSEL:  But you said 1993 there.

11          MR. SCOTT:  If I misspoke, then.

12 JUDGE TRECHSEL: Yeah, yeah, that's okay. It's no crime.

13 MR. SCOTT: Thank you.

14 Q. Sir, does that appear to you to be the -- an accurate  
statement

15 as you recall it of the inflow of refugees to Croatia from

16 Bosnia-Herzegovina during that time period? The first inflow being  
about

17 20.000 in summer and autumn 1993 and an additional 15.000, that is a

18 total of 35.000, at the end of 1993?

19 A. Yes, I agree that that's how it was. Whether the numbers  
are

20 absolutely precise, I can't say, but in general, yes, I agree with  
them.

21 Q. All right.

22 JUDGE ANTONETTI: [Interpretation] Witness, out of the 20.000

23 refugees who arrived in the summer and autumn 1993, and plus the

24 15.000 -- 15.000 that arrived at the end of 1993, a total of 35.000

25 refugees, were they mixed, both Croats and Muslim?

**Page 28458**

1 In the last paragraph, reference is made to the month of  
July,

2 22nd of July, 33.000 refugees returned from Bosnia who remained in  
3 Croatia.

10 will mission. The members of that good will mission were  
representatives

11 of the Republic of Croatia

13 Q. And you went with Dr. Granic as well; is that correct?

14 A. That's correct.

15 Q. Did you go into east Mostar on that occasion?

16 A. We did go to east Mostar.

17 Q. And what can you tell the Judges about the conditions that  
you

18 found there in the latter part of May 1993?

19 A. In the latter part of May 1993, there was still a conflict  
20 between the two sides. When we crossed over from western to eastern

21 Mostar, we were under fire coming from the Muslim side. We were

22 receiving signals that it was very dangerous, that we should bend  
down

23 and so on. When we arrived in eastern Mostar, we were received by

24 General Pasalic.

25 Q. Perhaps you could answer my question in terms of what  
conditions

1 did you find in east Mostar?

2 A. All I can speak about is the impression I had because I  
3 didn't

4 spend a long time in eastern Mostar, only a few hours. My  
5 impression was

6 that it was chaos among the people, and I barely managed to save my  
7 own

8 life.

9 Q. Was there -- had there been resistance on the part of the  
10 delegation, on the Croatian members of the delegation to go into  
11 east

12 Mostar at all, that they would -- there was a desire not to go into  
13 east

14 Mostar but only to say on the western side?

15 A. No, Mr. Scott, on the contrary. All of us, those from  
16 Croatia, and Bosnia-Herzegovina, we all wanted to go to east Mostar.

17 it.

18 Q. I understand from the information that we've been provided  
19 that

20 you did not meet -- we talked with Dr. Prlic yesterday and you did  
21 not

17 have any dealings or you did not meet Dr. Prlic during this trip to  
18 Mostar; is that correct?

19 A. I don't remember having met Mr. Prlic on that occasion.

20 Q. Now, directing your attention further into 1993, and around  
the

21 middle of July 1993, did you become aware of discussions about  
opening --

22 JUDGE ANTONETTI: [Interpretation] One moment, please. Very  
brief

23 question.

24 You went to Mostar with a delegation and you wanted to go to  
east

25 Mostar but General Pasalic did not agree. If I understand  
correctly,

**Page 28461**

1 there were Turks in the delegation. Didn't they protest because it  
was

2 quite natural for them to go and see the Muslims? What about the  
Turks

3 who were with you, didn't they say anything?

4 THE WITNESS: [Interpretation] Your Honour, yes, they did.  
They

5 did protest. They certainly wanted to go on together with us, the  
rest

6 of us, but General Pasalic, the leader of the Muslim part in eastern

7 Mostar did not allow it. He said to us, "From this point on, I will  
not

8 provide you with security escorts on the road." And what else could  
we

9 do without security escorts but go back?

10 I remember that at that meeting with General Pasalic, there  
was a

11 lively discussion and that he was very arrogant that he attacked the

12 Croats and wouldn't let them get a word in edgeways. To such an  
extent

13 that the lady minister from the Turkish delegation said to us, "I'm

14 surprised. We were received better by the Croats in west Mostar  
than by

15 the Muslims here."

16 JUDGE ANTONETTI: [Interpretation] At the time the Spanish

17 battalion of UNPROFOR was there, couldn't you have asked them to  
take you

18 there in their armoured vehicles, to take you to Mostar east that  
way?

19 Didn't you have that idea?

20 THE WITNESS: [Interpretation] To the best of my  
recollection,

21 UNPROFOR did assist us but very little and they, themselves, seemed  
to be

22 afraid. The Spanish battalion, which was supposed to come and  
collect us

23 after the meeting with General Pasalic, came to pick up our  
delegation in

24 haste and I was among the last to leave because I couldn't find my

25 driver, so I jumped on to an UNPROFOR vehicle, and that's how I  
managed

**Page 28462**

1 to get out alive and I left my coat behind. That's the story.

2 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

3 MR. SCOTT: Thank you, Mr. President.

4 Q. Dr. Rebic, I think there's been a bit of confusion caused.  
My

5 understanding is, and correct me if I am wrong, I think the  
confusion is

6 on my part. You and your delegation did go into east Mostar and had  
a





24 (redacted)

25 (redacted)

**Page 28464**

1

2

3

4

5

6

7

8

9

10

11 Pages 28464-28465 redacted. Private session.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**Page 28466**

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10

[Open session]

11

THE REGISTRAR: Your Honours, we are back in open session.

12 MR. SCOTT:

13 Q. Can I ask you, sir, to turn to Exhibit P 10412. P 10412  
14 which

15 should be in one of the Prosecution binders. Sir, this appears to  
16 be a

17 Reuters news article dated the 22nd of July 1993, and in the first

18 paragraph, it says, "Croatia without UN consent in order to avoid accusations  
19 of being

20 previous accord with the United Nations High Commissioner for  
21 Refugees so

22 that it would not be interpreted in the west as ethnic cleansing,

23 Adalbert Rebic head of the government's office for refugees told a  
24 news

25 conference."

26 Is that an accurate report on what was said -- what you said  
27 on

28 the 22nd of July, 1993 as best you recall?

**Page 28467**

1 A. It can be true partially, although based on a news report, I

2 cannot prove or deny anything. The media frequently acted

3 unprofessionally, superficially and in a hostile way when it comes  
4 to

4 Croatia

13 weeks ago, the foreign press was accusing Croatia of closing its  
borders

14 for refugees, but as soon as we take them in they accuse us of  
ethnic

15 cleansing."

16 Now, sir, this is yet again, as we've been discussing since

17 yesterday, another reference to the fact that Croatia's borders up  
until

18 sometime previous to this article had been closed to refugees. So  
can

19 you tell us again if they had been closed, when -- is this the first

20 instance when they had been opened again in connection with sending  
these

21 prisoners?

22 MR. KARNAVAS: Mr. President, this is an abuse of the  
process.

23 This question, the way it's phrased is improper. Look -- this is a

24 Reuters and of course we don't have a particular time, they're  
saying and

25 it's a quote, "Until a few weeks ago, the foreign press was accusing

1 Croatia

3 finish his previous answer, which was, "This is why we want the  
United

4 Nations High Commissioner for Refugees to be involved so there would  
be

5 no accusations of ethnic cleansing on the part of Croatia for  
accepting

6 refugees."

7 So we have to be fair to the gentleman. And if you look at  
the

8 quote, the quote speaks for itself. But to misuse the words of the  
9 quote, to fit it into some kind of a nepherious and sinister manner,  
I

10 object to.

11 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

12 MR. SCOTT:

13 Q. Sir, the quotation is attributed to you on the 22nd of July  
1993,

14 "Until a few weeks ago," I take it that means until a few weeks  
prior to

15 22 July 1993 of closing its borders." Now, what can you tell us about the

19 was the foreign press saying a few weeks before the 22nd of July  
1993?

20 A. I'm reading the Croatian text. Well, the Serbian text, in  
this

21 case. "Until a week ago, the foreign press was accusing Croatia

24 were in dire straits at the time. If we tried going one way, we  
were

25 accused of this. If we tried the other way, we were accused of  
that.

**Page 28469**

1 Often, it was difficult for one to decide, except to follow one's

2 conscience. We decided that we would take in those who reached  
Croatia

3 and as far as I can remember, the border was never closed for  
refugees of

4 any ethnicity.

5 And to repeat, I don't trust Reuters.

6 JUDGE ANTONETTI: [Interpretation] Witness, you're an expert  
in

7 media because you have had a lot of interviews with the media and  
I'm not

8 going to enter into more details, but you know as well as I do that  
when

9 a journalist quotes with inverted come a statement made by a third  
party,

10 the quotation are almost 100 per cent reliable otherwise this would  
be a

11 very serious breech of the code of the ethics, and particularly as  
when

12 it comes to such a famous agency as Reuters it cannot allow itself  
to

13 quote -- to misquote people because this would go against the  
reputation

14 of its agencies. It would undermine the reputation of the agency.

15 You say that they made a mistake. Maybe, but some of your

16 statements have been quoted between inverted commas and normally  
when a

17 journalist gives quotations, normally these quotations are what he  
heard

18 from the people -- the person he was interviewing. That's a general  
rule

19 which applies to journalism.

20 THE WITNESS: [Interpretation] Your Honour, indeed I have a  
lot of

21 experience with the media. Until this day, in Croatia, and with  
foreign

22 media, my experience still is that they do not convey my statement  
23 precisely or if they quote it precisely, they put it in the wrong  
24 context.

25 To go back to this text, what I said here is true. I am not

**Page 28470**

1 disputing these statements. Previously, I said that in principle, I  
do

2 not trust Reuters and that based on their reports, I wouldn't dare  
try

3 and prove anything since they had a certain position towards  
Croatia. It

4 stemmed out of a certain policy direction that was applied to  
Croatia Republic of Croatia in order to provide them with a temporary accommodation in

6 Q. Did your agency, sir, play any role in the collection or  
7 verification of what was called the letters of guarantee? That was  
8 supposed to be part of the package, if you will, for these people to  
be

9 able to leave where they were in Bosnia to a third country?

6 1993? Do you know whether these people had letters of guarantee at  
all?

7 A. Mr. Scott, I cannot know that since I did not sign the  
document.



8       Probably that day, on that occasion, or that week, I was not in  
Zagreb at the time.

11       the Defence binder, my apology. Do you have it, sir?

12       A.    [In English] Yes. This, I have.

13       Q.    This appears to be a letter that you wrote or at least  
someone

14       wrote, perhaps you can tell us if that's your signature on the -- at  
the

15       end of the letter, is that your signature or did someone else sign  
it for

16       you or what can you tell us?

17       A.    Mr. Scott, the signature is mine. It is authentic.

18       Q.    You indicated at one point, and I think in the English

19       translation, at least it's at the bottom of the second page, and  
again

20       you make this point that was referenced in the news article that we

21       looked at earlier, at one point it says, "... we will receive Muslim

22       refugees from Bosnia and Herzegovina only in agreement with UNHCR  
for the

23       purpose of bringing them together with their family members in third

24       countries."

25                   Was that, in fact the -- is it your position that that was,  
in

**Page 28473**

1           fact, the position of your agency and that policy was implemented  
from

2           the middle of July 1993 onward? That your agency was not involved  
in

3           moving any transport, transit, what have you, the movement of any  
Muslims

4           out of Bosnia and Herzegovina that did not have UNHCR approval?

5           A.    Those who did not have UNHCR approval, that is to say that  
the

6           UNHCR had promised to have them moved on to third countries, were

7           received by the Republic of Croatia

12          accordance with the current policy."

13          Q.    Yes, sir, I believe so. Yes. The statement goes on further  
on

14          that page?

15          A.    [Interpretation] Yes, that's right. In accordance with the

16          policy so far, we have drawn no distinctions between Muslims and  
Croats

17          as you are doing. In hotels, we have both Muslims and Croats just  
as we

18 have Croats in refugee centres as well. Proof of this is Spansko  
19 where -- there are both Muslims and Croats in Spansko; that is, and  
then  
20 there is another one where there are Croats from Vukovar. You do  
have  
21 the English translation.

22 Q. Yes, I referred it to you a few minutes ago. Thank you,  
sir.

23 MR. KARNAVAS: For the purpose of the context I would ask  
that

24 the entire paragraph, following paragraph, be taken into  
consideration

25 with Mr. Scott's previous question with reference to UNHCR because  
it's

**Page 28474**

1 quite clear why Dr. Rebic is making sure that UNHCR should be  
involved.

2 MR. SCOTT: My question was never about what the letter says  
but

3 whether, in fact, that was the policy of ODPR and whether that  
policy was

4 followed consistently after July -- middle of July 1993.

5 Q. So is it your position, Dr. Rebic, that this -- these Judges

6       should understand that any of these scenarios after July 1993  
occurred

7       only with UNHCR approval? Is that what you're telling this Chamber?

8       A.    Yes, Mr. Scott, but Mr. Karnavas is right. The passage  
which

9       follows is very important for an understanding of the situation. I  
will

10      read it out --

11      Q.    Please, please, answer my question, sir. Dr. Rebic, listen  
to my

12      question. My question is not -- we have the document -- letter in  
front

13      of us we've all read it. Everyone in the courtroom has read it, do  
you

14      understand that?

15      A.    Yes, I do.

16      Q.    My question to you was: Was that, in fact, obeyed, the  
position

17      of -- there will be no more sending whatever word, I'm trying to  
think of

18      a neutral word so I don't get an objection, we will not transit any  
more

19      Muslims through Croatia

22 transit through the Republic of Croatia Republic of Croatia Germany at a  
nun's monastery in Saint-Germain-en-Laye near

12 Q. Thank you for that. Can you tell us, though, who would have  
13 decided then in your absence, for example, in this letter, who  
decided

14 that 48 hours would be the appropriate time for transit?

15 MR. KARNAVAS: Again, Mr. President, I object. It assumes a  
fact

16 that's not in evidence. He's indicated that this was not issued by  
his

17 office, so how could he determine, you know, about the 48 hours?

18 MR. SCOTT: I didn't -- I don't think he said that. I think  
the

19 correct answer was he didn't sign it. It says, "Office for Expelled  
20 Person, People and Refugees of the Government of the Republic of  
21 Croatia

25 time by going back through it again.

**Page 28479**

1 Q. Sir, I understand it's not your signature, but this is a  
letter

2 issued by the agency of which you were in charge; correct?

3           A.    It is correct that this is not my signature.  That is number  
one.

4           Number two, it is correct that it was issued by the regional office  
of

5           Makarska which was one of the 21 regional offices of the  
governmental

6           office.

7           Q.    As the head of this agency and perhaps you didn't sign this  
8           particular document, but given your familiarity with the work of the  
9           organisation that you were in charge of, who would decide, then, who  
in  
10          the chain of command, so to speak, would decide that 48 hours was  
the  
11          appropriate time?

12          A.    Concerning the duration or transit through Croatia, the  
person

13          issuing such a document could decide on it pursuant to another  
document,

14          for example, a UNHCR document which guaranteed that the refugees  
from

15          Bosnia-Herzegovina would be moved on to third countries within a  
certain

16          period of time.

17 JUDGE ANTONETTI: [Interpretation] Witness, we're going do  
save

18 some time. 48 hours here is handwritten. The person who signed the  
19 document wrote 48 hours. He could have written 72 hours or  
something

20 else. Mr. Scott wants to know who decides that it's going to be 48  
21 hours. The answer itself is obvious, it's the person who signed and  
who

22 wrote 48 hours. Did he have the authority to write 48 hours, 72  
hours,

23 one week? Did he have that power?

24 THE WITNESS: [Interpretation] At this moment, I cannot know  
that.

25 I don't know what the legislation there was in place at the time.  
During

**Page 28480**

1 that month, I was abroad. In essence, the regional offices did not  
grant

2 refugee status, only the governmental office was able to do that.

3 Pursuant to the law, they were supposed to ask the central office to

4 grant that. Regional offices were not allowed to grant refugee  
status,

5 they could only grant displaced person status.

6 JUDGE ANTONETTI: [Interpretation] Mr. Scott, please proceed.

7 MR. SCOTT:

8 Q. If we can look at the last page of the letter or the bottom  
of

9 the letter, in any event above the -- your name, I didn't say  
signature,

10 but above your name, it says, "The above-stated persons in transit  
cannot

11 request or be given refugee status in the Republic of Croatia.

23 status.

24 Q. I'm going to ask you --

25 JUDGE TRECHSEL: I'm sorry, I have a question in regard to  
the

**Page 28481**

1 transcript, on line 18, the first words are "In respect of whether"  
and I

2 wonder whether the witness did not want to say irrespective of  
whether, I

3 suppose Mr. Karnavas had the same point, I'm sorry if I preempted  
it.

4 It's actually a question, witness. Did you say something like in  
respect



5 of or did you say irrespective of?

6 MR. KARNAVAS: Dr. Rebic.

7 THE WITNESS: [Interpretation] As regards. Excuse me, what  
is it

8 all about?

9 MR. KARNAVAS: The transcript and it's moving up now, it's  
on

10 page 14, it's on page 51, line 14 -- line 18.

11 JUDGE TRECHSEL: Now 18.

12 THE WITNESS: [Interpretation] I'd like to see the text. I  
said,

13 "Irrespective of whether a person was Muslim or Croat."

14 JUDGE ANTONETTI: [Interpretation] Witness, I hope this will  
be

15 clarified once and for all. Yesterday, you've answered questions by  
the

16 Defence. I've asked questions of you too, and the Prosecutor is  
allowed

17 to put these questions again. I'm going to sum up again. Let's  
assume

18 we have someone who has a transit visa because he has a guarantee to  
go

19 to a third country. That person does not have a refugee status; is  
that

20 right? Fine. Now it's clear for me at least.

21 Mr. Scott.

22 We've spent hours on this.

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

By

24 your leave, I would like to note that the witness's response to your

25 question did not make it in the transcript.

**Page 28482**

1 JUDGE ANTONETTI: [Interpretation] Fine. Witness, can you  
please

2 repeat your answer to the question I asked you?

3 THE WITNESS: [Interpretation] Excuse me, Your Honour, would  
you

4 mind repeating the question?

5 JUDGE ANTONETTI: [Interpretation] Fine. I said that we  
spent

6 hours trying to find out whether someone who was in transit, because  
he

7 or she had a letter of guarantee from a third country, that person  
would

8 not be granted refugee status by the government of Croatia because  
he

9 would receive that status, the status of a refugee, in the country  
where

10 he would be going to. Is that what you're telling us?

11 THE WITNESS: [Interpretation] Your Honour, that is my  
position

12 and that was my answer.

13 JUDGE ANTONETTI: [Interpretation] Fine.

14 MR. SCOTT:

15 Q. And sir, if I could ask you to look very briefly at the very  
next

16 document, please, which is 10193. Can you just simply confirm that  
that

17 is again a similar document in fact issued the same day, the 26th of

18 August, 1993, again giving a person 48 hours to transit through  
Croatia

19 stating that the person cannot request or receive refugee status in  
the

20 Republic of Croatia mosque or at Gasinci or wherever it was, you told us

4 your remit, and you've told us you were only there on approximately,  
I

5 don't know, maybe two or three occasions, I think you may have told  
us

6 now. Is it correct, sir, that in terms of what was happening on the  
7 other end of these transactions, so to speak, what was happening at  
the

8 Ljubuski prison, what was happening at the Heliostrom, what was  
happening

9 at Dretelj, you had no personal knowledge of that; is that correct,  
sir?

10 A. That is correct, absolutely nothing until we discovered the  
11 facts.

12 Q. Well, for example, when we talk about these letters of  
transit or

13 transit visas and letters of guarantee, did you have any knowledge  
at the

14 time that what was happening would be that people would tell the  
Muslim

15 prisoners in these camps that if they signed these papers, they  
could be

16 released from prison. They would have an hour to gather their  
families

17 and to sign over their property to the HVO and under those  
conditions

18 they would be able to leave Herceg-Bosna?

19 MR. KARNAVAS: Objection, Your Honour. It's argumentative  
and

20 assumes a lot of facts that are not necessarily established. So --  
and

21 the question has been asked and answered and this is argumentative.  
He

22 can put that in his closing argument.

23 MR. SCOTT: Your Honour, I'm asking whether this witness

24 whether --

25 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, your  
objection is

**Page 28484**

1 dismissed because the same question has been asked of other  
witnesses.

2 The Trial Chamber is perfectly aware of that possibility and I think  
it's

3 a good idea to check that with the witness, but I asked the same  
question

4 myself yesterday.

5 Mr. Scott.

6 MR. SCOTT: Thank you, Mr. President.

7 Q. Sir, my question -- you don't know anything about the  
8 circumstances which confronted the people who were being released in  
9 Bosnia mosque or finding themselves at Gasinci  
12 locations, do you?

13 A. It is correct that I had no knowledge, absolutely nothing  
which  
14 can also be seen from my yesterday's answer concerning the mosque.

15 Q. I'd like you to next please go to Exhibit P 10408. Sir, in  
the

16 interest of time, I'm going to ask for your cooperation, please.  
This is

17 an article in the Christian Science Monitor dated the 24th of June  
1993,

18 and the article indicates that as a result of the conflict between  
the

19 Croats and Muslims in Bosnia-Herzegovina that was occurring by the  
middle

20 of 1993, that in fact the conditions and the treatment that Muslims  
in

21 refugee centres and Muslims who found themselves in Croatia at the  
time,

22 the treatment and conditions they confronted were becoming worse.

23 Now, what can you tell us about that in your experience?

What

24 complaints, what reports did you receive about the treatment that  
these

25 Muslims in Croatia as we can see

13 him, thought well of him. And this is one of his reports dated the  
17th

14 of November, 1992 and if I can please direct your attention to  
paragraph

15 62. Fortunately, the paragraphs are numbered so in either  
translation

16 you should be able to find paragraph 62.

17 And in that paragraph, it says, "In particular, the special

18 rapporteur received information which reveals that ethnic minorities

19 living in the Republic of Croatia despite

8 in this paragraph, in paragraph 62, we are talking about Serb  
minorities?

9 As a result, we could understand that Serbian minorities had to wait  
for

10 a very long time, but as for people coming from Bosnia and  
Herzegovina

11 because they were considered as Croats because of the Turks and the  
16th

12 century or the 12th century, it could be assumed that they would  
have

13 less difficulties than the Serbs. Is that the case?

14 THE WITNESS: [Interpretation] Your Honour, I can't provide a

15 simple answer to a whole host of ambiguous issues here. As regards  
the

16 difficulties in granting citizenship, there were on the side of  
Croats as

17 well as on the side of the minorities, I mean Serbs, when I said  
that, if

18 the paperwork was not orderly. If all the documents requested  
needed to

19 receive a certificate of citizenship were in order, there were no

20 problems. As far as I understand, there were problems but Croats

21 encountered the same problems if they lacked the necessary documents  
to

22 be issued with such documents, to be issued with such a certificate.

23 When I referred to ambiguous issues, I had in mind the  
Muslims in

24 Bosnia and there is a very big difference and it seems that the



9 coming from outside Croatia. I said that the same problems

18 minorities have their status of citizens of Croatia and it's in good

19 order.

20 MR. SCOTT:

21 Q. If we could next please go to Exhibit P 01462 in the  
Prosecution

22 binder. This is a report, again, by Mr. Mazowiecki dated the 10th  
of

23 February, 1993. If I can direct your attention, please, to  
paragraph 118

24 in which the report expresses concern again, in particular, about  
the

25 discrimination against minorities who have been refused citizenship  
and

**Page 28488**

1 are subjected to verbal and physical abuse.

2 MR. KARNAVAS: Your Honour, at this point, I will be  
objecting.

3 I didn't object the first time because I thought maybe the Bench  
would

4 have objected. Now are we litigating the issues with the Serbs, the  
Serb

5 minority in Croatia during this period and it's up to the  
19 continues along this line, but if you want to waste your time this  
is  
20 your problem.

21 MR. KARNAVAS: Where is it in the indictment? Do I have to  
22 defend against this? Because that's what I want to know. Am I  
going to  
23 have to defend against this because then we need to call in other  
24 witnesses. I'm progressing under the assumption that we have an  
25 indictment and the indictment stands as it is and I'm defending  
against

**Page 28489**

1 this indictment. Now we're talking about Serbs and a Serb minority  
at  
2 this period. So now we're expanding the indictment and I object on  
the  
3 grounds of jurisdiction.

4 JUDGE ANTONETTI: [Interpretation] So we're going to solve  
the  
5 problem. Mr. Scott, according to you, do you believe that the Serb  
6 minorities are included in the indictment or do you ask this  
question

7 from a general point of view?

8 MR. SCOTT: Your Honour, all the documents that I've shown  
to the

9 witness in the last few minutes talk about minorities, not just  
Serbs,

10 and I believe it was Dr. Rebic who told us yesterday that in the  
Republic

11 of Croatia, whether they came there from some place else, it is not

15 Serbs. The paragraphs that I've indicated mention Serbs but it  
mentions

16 minorities in general.

17 We've spent two days, three days talking about, you know,  
how all

18 these people were received from Croatia

3 refugees into Croatia."

13 previous document and in this one? "The entry of refugees into  
Croatia

14 has been restricted by the government to those holding a letter from  
a

15 third country guaranteeing their settlement." And that's the only  
way,

16 sir, that people could come in to pass through Croatia at that time.

17 They would into the be given refugee status.

18 And, sir, that's the case I put to you and we've been  
talking

19 about now for the last two days if we can come right down to it.  
Sir,

20 from July 1992 forward, undoubtedly a number of Muslims passed  
through

21 Croatia, these persons would not be given refugee status, they

**Page 28492**

1 of you show could not apply for and would not receive refugee  
status.

2 Isn't that the case?

3 A. No, that is absolutely not the case. It's an erroneous  
4 conclusion. One cannot draw general conclusions from individual  
5 examples. It's true that there was some persons from Bosnia and  
6 Herzegovina, and they did,

10 true and correct.

11 Q. Could I ask you, please, to go to Exhibit P 06697. Sir,  
this is

12 a report from, again, from Mr. Mazowiecki. This one dated the 20th  
of

13 November, 1993. Directing your attention first of all to paragraph  
136.

14 "Since the last report, the situation of the Muslim minority and  
refugees

15 in Croatia

19 been testifying you indicated you thought the Muslim population of

20 Croatia, there were certain incidents, but I was

13 Were you not aware of the continuing concern that the  
Muslims who

14 found themselves in Croatia by the Croatian police, handed over to the HVO  
military police in

24 Q. Can I ask you next, please, to go to Exhibit P 07917.  
Directing

25 your attention, sir, and this is the Mazowiecki report dated the  
21st of

**Page 28494**

1 February, 1994

3 of hostilities between the Bosnian Croat and the government forces  
in

4 Bosnia

8 illegal and forced evictions," et cetera.

9                   Did that information come to your attention during this  
time?

10           A.    Mr. Scott, I was not informed of these matters although  
there

11           were incidents, but I was not informed, nor was I aware of any  
12           significant incidents.

13           Q.    I direct your attention to paragraph 94. Did you ever  
become

14           aware of continuing concerns, this is the fourth, now, report that  
we've

15           looked at by Mr. Mazowiecki. In paragraph 94, the continuing  
concerns

16           with -- discriminatory treatment in connection with citizenship.  
"The

17           Special Rapporteur has received reports concerning discriminatory  
18           treatment of Croatian citizens, in this case, whose place of birth  
is

19           Bosnia and Herzegovina. They are discriminated against in obtaining  
20           employment, social benefits," and did you know that was going on as  
to

21           people coming from Bosnia-Herzegovina, in particular, during this  
time?

22           Or did none of this information -- you're saying none of these

23 complaints, none of this information was coming to your attention?

24 A. Mr. Scott, that's correct. In the ODPR, none of this was  
drawn

25 to my attention. What it says here about employment, I have to say  
that

**Page 28495**

1 in the Republic of Croatia could find work because it was wartime and there  
were Republic of Croatia. When some

7 instance, when we revoked refugee status from the area of western

8 Herzegovina,

21 asked and answered and on an individual basis, that's the whole  
point,

22 that you discriminate, you know, where somebody can go and where  
somebody

23 can't go. The question has been asked and answered.

24 MR. SCOTT: Your Honour, I don't know where Mr. Karnavas  
gets

25 this theory about asked and answered. I'm entitled to probe the  
witness.

**Page 28498**

1 I don't have to accept the first answer. He -- and he didn't answer  
my

2 question. He said on "an individual basis" which was not my  
question.

3 Q. So I came back with my original which was: "Was there a  
4 determination made in the area of Herzegovina

9 I'm not talking about on an individual case -- I'm talking as two  
groups

10 of people. That's my question?

11 A. My answer to you is that those areas were, in general, safe  
for

12 all persons and our office could not know whether all the refugees  
would

13 be safe on their way back. That is why statements made by  
individuals

14 were taken into account and respected. If a refugee complained to  
the

15 main office or the regional office that they personally did not feel  
safe

16 in the place where they were to return.

17 Q. Sir, do you recall in a time that -- concerning this issue,  
18 excuse me, do you recall that it was only after repeated  
interventions by

19 either Ms. Turkovic or Mr. Krajisnik that you indicated to your  
office,



20 to your field offices, that in fact a previous policy that you had  
21 directed that you had issued about sending people back, that after  
their  
22 interventions, you changed the policy to make it clear that in  
23 Herzegovina only -- would only apply to Croat refugees and  
25 that in Herzegovina, return was not safe.

11 it was interpreted to me, it could mean that I visited more than  
once but

12 it was actually only on one occasion.

13 Q. Around the 23rd or 24th of September 1993, sir, you went to  
visit

14 the Dretelj camp and then there was a press conference, I believe,  
later

15 at Medjugorje. You recall that, don't you?

16 A. Yes, I do, that's correct.

17 Q. And when you went to the Dretelj camp and you visited that  
camp

18 at the time, can you recall to the Judges the condition of the  
prisoners,

19 the men who were being held in that camp, what was their condition  
as you

20 observed it?

21           A.    As soon as the government of the Republic of Croatia and  
accommodate them.

7           my time is limited.

8           A.    It's very hard, after more than 15 years, to remember what  
these

9           people looked like. I did not have the impression that they looked  
the

10          way some media describe it, but to be a prisoner is certainly not

11          pleasant and cannot have good consequences for a person, but only  
bad

12          ones.

13          Q.    Sir, on every account, I dare say, every account and the

14          witnesses that have come before this Chamber, some of whom were

15          prisoners, have made it very clear that the condition of these men  
was

16          absolutely horrendous, they were emaciated, they were sick. You're

17          saying you didn't see that or didn't seem to you a big deal or what  
are

18          you telling these Judges?

19          A.    No, Mr. Scott, that's not what I said. I said I don't  
remember

20 precisely what they looked like, but they were certainly in a  
miserable

21 condition because every prisoner by virtue of being a prisoner is in  
a

22 miserable condition. I didn't have time to inspect individuals.  
Our

23 stay in Dretelj was very brief and my task was to get these people  
out as

24 soon as possible, as urgently as possible and accommodate them as  
25 refugees in the Republic of Croatia

2 did not have the impression they looked the way some media described  
3 it ..." and frankly that came across as, they didn't look that bad  
to me.

4 Now, are you changing your answer? Did you see these men or not or  
maybe

5 you didn't even go there. Please tell the Judges.

6 A. I will say that some media stated that they were all like  
7 skeletons. I didn't see any skeletons. That's what I meant to  
say. I

8 didn't mean to say that they were in good condition.

9 Q. May I ask you, please, to turn to Exhibit P 10423. P  
10423. I

10 may need the usher's assistance if he doesn't find it right away  
because

11 of the time.

12 Sir, in the diary that you provided which was marked as an  
13 exhibit on Monday, you -- for an entry in that document for the --  
at

14 10.00 on the 26th of April, 1993, you made this entry: "Darinko  
Tadic,

15 head of office for refugees and displaced persons in Mostar. A

16 conversation about the problems that Mr. Darinko Tadic faces not to  
let

17 the BiH citizens to the HVO territory unless they were born there,  
all

18 others are to be sent to Tuzla."

24 Office for Displaced Persons and Refugees in Herceg-Bosna was not

25 allowing citizens of Bosnia-Herzegovina who had not been born in

**Page 28504**

1 Herzegovina

3 that they were only allowing those who were born in Herzegovina to  
go

4 there.

5                   He asked me in the case of persons going to Croatia to  
provide

6           assistance and also to ensure assistance with the customs, and they  
could

7           only do that through me to make sure that the customs assisted when  
aid

8           was coming from Croatia?

13          didn't have anything to do with customs. All I could do was  
mediate, ask

14          the customs authorities for assistance.

15                   MR. SCOTT: Thank you, Dr. Rebic. I want to thank you for  
coming

16          to The Hague