

1 Tuesday, 13 May 2008

2 [Open session]

3 [The accused entered court]

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

5 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please call
the

6 case.

7 THE REGISTRAR: Good morning, Your Honours. Good morning,
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] Thank you.

11 Today, is May 13, 2008 for the elections in -- that were being held in
BiH,

19 Everybody should be aware that they were the ones that were involved
in

20 Bosnia and Herzegovina in monitoring the elections and in organizing
the

21 elections, and that he will also say that after the elections it was

22 Ambassador -- I believe it's Robert Frowick, I can't pronounce his
name

23 correctly but -- yes, who was at the time at the head of the OSCE
who had

24 issued a certificate of appreciation to the Croatian government for
their

25 assistance in this process.

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1 The other part that was brought to my attention in this
2 particular report if we go to page 3, paragraph 4, page 3, paragraph
4,
3 again sticking with the same document, 1D 02626, you will see at the
4 second-to-last paragraph right above paragraph number 5, there is
some
5 mentioning of some events that took place in the summer of 1995 to
May
6 1996 with respect to a particular camp in Krupcjenko [phoen]. It's
my
7 understanding that there there were large numbers of Muslim refugees
that
8 had settled among themselves, this was not an authorised camp, they
had
9 done it by themselves, that the Croatian government was being asked
to

10 dismantle this camp, the Muslims there that were under Mr. Abdic at
the

11 time refused. In any event they were able to close down the camp
and

12 relocate all those refugees to settlements in Gasinci, in Obonjan,
and it

13 was there also under the auspices of OSCE that elections were held.

14 And of course all of this is relevant because if we
reminisce

15 back to what witness Azra Krajsek indicated that those camps were

16 inhumane and so on and so forth, so again this is part of the
testimony

17 that the gentleman will describe the events in those camps and this
is

18 why this is relevant. I just learned of this, I pass it on, and

19 hopefully it will not be of any traumatic inconvenience to anyone
around

20 the court to adjust themselves to this new information.

21 I'm told that some correction needs to be made.

22 MS. TOMANOVIC: [Interpretation] Your Honours, I wish to draw
the

23 attention of the B/C/S interpreters that when Mr. Karnavas says
"camp" he

24 means a camp for campers and not a camp for detainees. This is
something

25 that might significantly affect the course of these proceedings and
how

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1 they are perceived by the public following these proceedings. Thank
you

2 very much.

3 JUDGE ANTONETTI: [Interpretation] Thank you.

4 We'll have the witness brought in now.

5 [The witness entered court]

6 THE INTERPRETER: Could Mr. Karnavas pull the microphone
towards

7 him, please. Thank you.

8 JUDGE ANTONETTI: [Interpretation] Can you give me your first
9 name, last name, and date of birth.

10 THE WITNESS: [Interpretation] Damir Zoric, the 1st of
January,

11 1960.

12 JUDGE ANTONETTI: [Interpretation] Do you have an occupation
13 currently; and if so, which one?

14 THE WITNESS: [Interpretation] I manage a private company in
15 Zagreb; if that's the case, in which court did you testify?

23 you to read the solemn declaration.

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

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1 JUDGE ANTONETTI: [Interpretation] Thank you. You may be
seated.

2 THE WITNESS: [Interpretation] Thank you.

3 JUDGE ANTONETTI: [Interpretation] You've already testified
here,

4 so my explanations will be very brief. You've been called by the
Prlic

5 Defence to testify here today. You have met Mr. Karnavas already
before

6 this hearing. In the first stage of your testimony, you will have
to

7 answer questions put to you by Mr. Karnavas. The four Judges
sitting

8 before you may at any time put follow-up questions to you, following

9 questions put to you by Mr. Karnavas on the basis of documents we
show

10 you.

11 Once this is over, the other Defence counsel representing
12 the

13 other accused will be in a position to put you questions as part of
14 cross-examination they may decide to conduct if they think it
15 necessary.

16 After that, the Prosecutor, who is sitting to your right,
17 will

18 have as long as the Defence counsel in chief to put questions to you
19 as

20 part of the cross-examination. And there may be a re-examination at
21 the

22 end if necessary. Every hour and a half we have a 20-minute break.
23 You

24 are -- have been scheduled to testify until Thursday and will be
25 sitting

26 here from 9.00 a.m., I was a

27 cabinet. I was the advisor to the deputy prime minister at the
28 time.

29 The deputy prime minister or the vice-president was in charge of
30 social

31 issues, such as health and social welfare.

32 Q. All right. And what was his name?

18 A. Dr. Mate Granic.

19 Q. Were you a member of HDZ at the time?

20 A. No.

21 Q. And have you ever been a member of HDZ?

22 A. Yes.

23 Q. And what period are we talking about?

24 A. From 1995 to 2000.

25 Q. All right. Now, you said that you were doing some research.

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1 What sort of research were you doing before you were invited to this
2 position?

3 A. I'm a BA in history and ethnology or cultural anthropology,
if

4 you like. I also took an MA in the same field and later on I went
on to

5 a Ph.D. My research had to do with those areas.

6 Q. All right. Now, focusing on your activities in Dr. Granic's
7 office, could you please explain to us very briefly what exactly you
were

8 doing at the time, and we're speaking about 1991 as I understand it;

9 correct?

10 A. The idea was for me to work as his assistant and to help him
with

11 the preparations for reforms to be introduced in the social sector,

12 including the university. Unfortunately, we didn't manage to do
that

13 much because the war began. It so happened that all of us who were
there

14 at the time did most of our work dealing with the consequences of
the

15 war. In this case, people who were streaming into liberated areas
from

16 other war-torn areas.

17 Q. All right. Concretely what were you asked to do? Please
give us

18 the month and the year to start with so we have that as a starting
point.

19 A. After the fall of Vukovar, Croatia at the time of the fall of
Vukovar so

17 that point could you tell us exactly what existed.

18 A. Infrastructure is perhaps too ambitious a term. There was
no

19 such thing back then in Croatia

22 that type of activity simply weren't available. All there was was a
23 great amount of enthusiasm among the people. People realized what a
24 tremendous amount of misfortune was occurring all around them and
people
25 realized that there were other people who were badly in need of
help.

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1 That was our infrastructure, especially given the fact that we
hardly had

2 anything else that was available to us at the time. We didn't even
have

3 a physical office to work in.

4 Croatia.

13 foreign forces? And by "foreign," I mean JNA because in this
instance we

14 are essentially -- for all intents and purposes, we have the

15 internationally recognised boundaries of Croatia. So could you tell
us

16 at that point in time when the office is established.

17 A. Croatia's

2 establishing the office.

3 A. Before that period, during that period, and after that
period.

4 I'm talking about 1991 and the first half of 1992. 200.000 to
300.000

5 people.

6 Q. All right. Well, you told us that Croatia did not have the
sort

7 of technical knowledge, in fact you've indicated that there was a
lack of

8 sophistication in understanding the difference between refugee and

9 displaced person. Could you please tell the Trial Chamber how much

10 technical assistance came from the international community, the UN,

11 neighbouring countries, countries that had been engaged in assisting

12 other places with these sorts of humanitarian crisis. How much of
that

13 came in in 1991?

14 A. Nothing. All we received was a letter from Geneva to the
effect

15 that aid had been dispatched to the UNHCR Belgrade mission. They
said

16 their plan was to give 28 per cent of the overall aid contained in
that

17 shipment to Croatia

23 is that correct?

24 A. That's right.

25 Q. Headquarters of JNA, for all intents and purposes I'm
talking

Page 27848

1 about the main headquarters, are in Belgrade writing a letter to Croatia
saying, Go to

7 about?

8 A. I think that's what happened. At first I don't think they
were

9 aware of what exactly was going on on the ground.

10 Q. All right. Well, did they ever send anybody to become
aware?

11 Because you're talking about 200, 300.000 displaced persons.
Presumably

12 the UNHCR is interested. The international community must have been

13 interested. The neighbouring countries must have been interested.
When

14 was the first time, to your knowledge, did they come in with
technical

15 and perhaps even other sorts of assistance, financial assistance, to
help

16 with this humanitarian situation?

17 A. The first delegations to arrive in Zagreb were so-called
18 high-ranking delegations. It was splendid to welcome people such as
19 Cyrus Vance, Herbert Okun, and other high-ranking officials,
20 international officials. Nevertheless, they wouldn't go any farther
than
21 the political level, what I might term the political level. It took
22 months for the first UNHCR delegations to start arriving.

23 Q. All right. And when they did arrive, what exactly did they
24 provide as far as assistance?

25 A. When they arrived, they struck me as being similar to myself

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1 several months before in terms of the fact that they had no office,
no

2 premises to use, they had no idea where they had just landed, and
they

3 had no idea at all what was going on around them. It took them a
while

4 to set up an office to use, set up their equipment, and set up their

5 teams. Throughout this humanitarian crisis in Croatia, if we
consider

6 the figures, the UNHCR or any other international organizations,
were

7 providing assistance. Despite this, if you look at the monthly
breakdown

8 of all the aid they provided, this never exceeded a measly 11 per
cent.

9 Q. All right, but let me focus you again. I'm going to ask you
to

10 maybe pick up the speed of your answers, slightly that is. When
they

11 first arrived, you indicated that they didn't have an office space,
they

12 didn't have a place to put their equipment. I take it at some point
they

13 did become oriented, they did set up an office, and they did start

14 providing some assistance. Can you please tell us as far as
technical

15 assistance, know-how, that is, what sort of assistance did they
provide

16 initially?

17 A. The first assistance we received or the first cooperation we
had

18 with them was cooperation with regard to the establishment of a
database

19 that we got based on the list of all displaced persons and refugees
who

20 at the time were in Croatia to take care of

9 A. The amounts that were received from government were received
in

10 an irregular fashion. The only two persons that were receiving a
salary

11 in the first three or four months were the head of that office and

12 myself. Everybody else volunteered.

13 Q. All right. Well, let me stop you. We will hear later on
that

14 you became a member of the parliament, and as you well know normally
once

15 a year there's a -- there are discussions about a budget. So that
way

16 the government can plan its expenditures, you know, over the year.
So my

17 question was, and I would ask you to specifically answer my
question:

18 Was there a budget set aside by the government for these needs to
your

19 knowledge?

20 A. Yes.

21 Q. Okay. And do you know what the amount was?

22 A. It's hard for me to say now because we had a different
currency

23 at the time, which later on was converted into the new currency.
But the

24 government covered the costs for organized accommodation, schooling,

25 medical treatment, and for all other needs of those people.

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1 Q. All right. Now, going back to this database, just a couple
of

2 quick questions before we move on unless the Trial Chamber has some

3 questions. First, was the database ever used for discriminatory

4 purposes? In other words, you know -- you can identify exactly how
many

5 of one particular group are coming, where they're coming from, that
way

6 you can then later on discriminate against them, provide them with
no

7 education, no proper accommodation, maybe direct them in places
where

8 they would be abused. Do you know whether that was one of the
purposes

9 or whether the database was used in any way in that fashion?

10 A. We did not use the database for any discriminatory
purposes. We

11 needed it for the technical implementation of our work. We had to
know

12 where we had people and how many; we had to know their needs. It
was

13 necessary for us to know where they had come from because at any
given

14 moment we wanted to be able to return those people to the places of
their

15 origin.

16 Q. All right. Now, let me ask you, was this database -- I know
you

17 took a census essentially initially, was this database updated; and
if

18 so, how often was it updated?

19 A. It was updated periodically. New arrivals were registered,
and

20 those who had left were deleted from the register. The database was
21 often used for the needs of humanitarian organizations, especially
for
22 the International Red Cross and their search programmes and for the
23 programmes of putting together family members because many families
had
24 been split by the war. And when those people became refugees they
looked
25 for each other and it was much easier to find them using our data.

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1 Q. All right. And can I -- from your answer, am I correct in
2 assuming that that database was shared with the international
3 organizations?

4 A. Yes, you're right.

5 Q. So if UNHCR, for instance, wanted to have access to it so it
6 could -- for its own purposes, they would have access to it;
correct?

7 A. Correct.

8 Q. All right. Now, very quickly, how was the data collected?

9 A. We had people who worked in the local centres where the
displaced

10 persons and refugees had been put up, and they entered the necessary
data

11 in the forms provided. Later that data was collected to become part
of

12 the central base and there the data was processed. It was archived,

13 backed up, and whatever needs to be done with such a base.

14 Q. All right. Now, you indicated local centres, so perhaps it
would

15 be good at this point to inform us exactly how was this entire
network

16 set up, that is, the network with respect to your particular office?

17 Because we know that you were asked to create an office, I assume
that

18 was in Zagreb, there was so-called social welfare

2 over half a million refugees and displaced persons. At that moment
that

3 was about 12 per cent of the overall population and the territory of
the

4 country was effectively reduced by one-third. You can draw your own

5 conclusions out of these facts. So the social welfare centres
became the

6 local offices of the government centre for displaced persons and

7 refugees.

8 Q. Okay. Above that level, above -- so you have -- at the very
9 bottom you have local centres. What's at the next step?

10 A. The next higher level was the level of regional centres.
They

11 were organized on functional principles, but there a distribution
did not

12 correspond to the administrative breakdown of the country, that is,
13 regions and counties which were in place at the time in Croatia. So
on

14 the territory of one county or region there could be more than one
15 territorial offices, due to the fact that there was such a huge
number of

16 displaced persons and refugees. That was the case in Split **there were**
exactly 597 official sites -- reception

17 where you had some refugees or displaced persons setting up their
own

18 accommodations and where eventually they have to be moved because of
a

19 variety of reasons, one being hygienic?

20 A. In big cities you can always find empty premises such as
21 provisional accommodation for construction workers and the like, and

22 people simply entered those premises and tried to organize their
lives.

23 There were such settlements without electricity, without running
water,

24 without sewage. We either tried to provide them with the necessary

25 infrastructure or, if that was not possible, we strove to move the
people

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1 to other facilities. There were many examples. I was busy doing
that

2 practically around-the-clock for two years.

3 Q. All right --

4 A. There were other cases, some of them dramatic, when the
police or

5 somebody would call you up, saying that on the central railroad
station

6 there were two trains full of women and children waiting for a day
or two

7 there and who didn't know where to go, and many of who refused to
get off

8 the train before they were told where they would be put up. The
worst

9 case being if you had two or three people on such trains who
couldn't

10 move or who had to -- or who were in need of urgent medical
treatment

11 within hours or they would die. We had such occurrences in Zagreb,
and other Croatian towns.

14 before I do that maybe it might be good to ask you one question
before I

15 go into your background a little bit more because we do have some

16 documents here. But just so we understand, did -- when the refugees
and

17 displaced persons began arriving, did they give you any advance
notice

18 and what sort of numbers are we talking about? Because I think it
might

19 be good for this Trial Chamber to understand that while Croatia
airport at the time was only 25 kilometres away from the

15 who were persecuted. In individual cases we may have received
advance

16 notice. Mostly we learned from the media that people were crossing

17 lines, crossing the line, but we mostly learned of their presence
only

18 after they had already arrived. No preparation was possible.

19 Q. What sort of numbers are we talking about? I'm talking
about at

20 one given time when you have a wave of refugees, of displaced
persons,

21 coming in, not the overall numbers.

22 A. Exact figures can be found in the documents. I said that
the

23 numbers never fell under 500.000. I can tell you that on one
weekend 50

24 or 60.000 people arrived in Zagreb. **There were two principal**

4 People from Bosnia-Herzegovina mostly arrived in Split **first.**

7 some dates about your particular involvement. You indicated
sometime in

8 1991 you got involved. Could you just briefly tell us before we get
to

9 the documents, you know, when -- at what period were you working
with

10 displaced persons and refugees and what positions you held.

11 A. I was the secretary-general of that office from its
establishment

12 in November 1991 till March or April 1993, when I was elected to
Croatian

13 parliament.

14 Q. All right. And how long did you serve in the parliament?

15 A. Until the end of 1995.

16 Q. While you were in the parliament, did you continue in any
way to

17 be involved in the matters in which you had been involved, that is,
with

18 displaced persons and refugees; and if yes, how so?

19 A. Yes, I was involved. It was my wish to stay involved
because

20 once you experience something like that, being a member of
parliament is

21 a very boring job. I remained active in the humanitarian field and
I

22 organized several convoys in Croatia that you're actually appointed officially

17 The prime minister wanted me to remain in that position. The
previous

18 government, however, the one that had first set up my office,

19 Dr. Greguric's cabinet, that is the cabinet that we're talking about
when

20 we talk about 1991.

21 Q. All right. Let's go on to the next document, and that is

22 1D 02640, 2640. Here we see 5 March 1993, we see your name again,
and

23 this is the decision to relieve you. Am I to understand that this
24 decision is based on you being a member of parliament or having to
do

25 with you being elected?

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1 A. I can't see the decision, but, yes, I had to leave my
position

2 because it was simply incompatible for me to remain in an executive
3 position and also to be part of the legislative body at the same
time.

4 Q. Okay. Mr. Zoric, your package should have been done with
exact

5 precision. The numbers are there, so if you have a problem let us
know.

6 We have duplicates. You don't need to be fishing around in the
back.

7 They're all in the sequential order of what I'm going now.

8 All right. 1D 02643, 2643. This is another decision. This
is

9 to appoint as deputy head of the office of displaced persons, and
here we

10 have 23 November 1995 and the

11 He teaches at the university, he teaches theology. His subject is
called

12 biblical archaeology, exegesis, and he also teaches Hebrew. He is
one of

13 CroatiaIsrael and the Hebrew language. He, as a

3 circumstances, and the same principle applied to Dr. Rebic. I think

4 Dr. Rebic first got a car that he could use late in 1993, and this
was a

5 gift from some Munich-based organization.

6 Q. All right. I don't want to get into those specifics. I
just

7 wanted to know who he is. Now, as I understand it from your answer,
he's

8 number one and you're number two?

9 A. I'm just saying this to show that Dr. Rebic was a very
modest

10 person, a simple person, and that's why I mentioned that. Yes, he
was

11 the number one man and I was the number two.

12 Q. Okay. And how was the division of labour? You touched on
it

13 briefly, but tell us exactly so we know what Dr. Rebic is doing and
what

14 you're doing. And I'm speaking about when you're the secretary-
general

15 and he's the head of the office, and very briefly and very quickly.

16 A. My responsibility was to track down people, to find places,
to

17 make sure that all the bills were paid, to get people organized, and
to

18 provide guidance. What you call distribution of labour was not
always

19 possible. He sometimes did my job and I sometimes took over from
him.

20 Q. Okay. But what was his job concretely?

21 A. He was the head of office. He was the number one man. He
22 liaised with the cabinet, with international organizations, and he
was

23 the public face of the office, if you like.

24 Q. All right. Thank you.

25 MR. KARNAVAS: I take it we're taking a break at 9.30?
Okay.

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1 Very well -- 10.30.

2 Q. Just very quickly let's get two documents out of the way so
then

3 we can move on to more substantive documents. The one is 1D 02915,
2915.

4 And if you don't have it we'll provide it for you, but I see this is
a

5 certificate of appreciation. It's dated 9 January 1993. And could
you

6 please tell us a little bit about this, what is it, why did you
receive

7 it, and why is it -- what can we glean from this? Very quickly.

8 A. We were being approached throughout by many organizations
and

9 individuals from both Croatia, and we see it's from the head of municipality of

7 Q. All right. We'll get it for you very quickly.

8 MR. KARNAVAS: If we could have some assistance from the
usher.

9 THE WITNESS: [Interpretation] I see it on my screen.

10 MR. KARNAVAS:

11 Q. Okay. All right.

12 A. [In English] Excuse me.

13 Q. Okay. Could you please tell us what this is about, and it
says

14 something about ambassador. You may want to have your glasses handy

15 because we're going to be going through some documents. Every
second

16 counts.

17 A. [Interpretation] Yes, in the meantime I had spent two years
in

18 Sarajevo. I was pleasantly surprised when I

14 A. 2005.

15 Q. And just for the record, could you please tell us when you
were

16 ambassador to Bosnia-Herzegovina, Croatia

21 or a Serb just by looking at the name or do you know the person; if
so,

22 what is he?

23 A. I hadn't met him before this time. He's obviously a Bosniak

24 because the name is Muslim. I'm not sure about his affiliations,
but I

25 would assume that he's a Bosniak. Travnik is predominantly Bosniak.

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1 This is the very heart of all Bosnia and

13 mention is made to what you did as a statesman, peacemaker,
politician,

14 humanist, there's also reference to your government, but during the
war

15 and not in the year 2000, the year 1999 or 2005. So what did they
mean

16 exactly by this second paragraph?

17 THE WITNESS: [Interpretation] Your Honour, they probably
meant my

18 contribution in Bosnia-Herzegovina as a whole. I'm less certain
about

19 the figures of speech they decided to use for the purposes of
wording

20 this charter. I'm not sure what exactly they had in mind; it's
difficult

21 for me to say. I do, however, know that the municipal council had
to

22 cast a vote on this. They invited me to the session, they proposed
this

23 decision, and there was unanimous acceptance for this.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 MR. KARNAVAS: Thank you. Obviously the gentleman's quite
modest

1 and I think we'll -- throughout the testimony we'll see exactly why
such

2 an award was given to him through his efforts during the relevant
period.

3 But with that I would ask that we take a break at this point.

4 JUDGE ANTONETTI: [Interpretation] We're going to break for
20

5 minutes.

6 --- Recess taken at 10.26 a.m.

7 --- On resuming at 10.51 a.m.

8 JUDGE ANTONETTI: [Interpretation] The hearing is resumed,
please

9 proceed, Mr. Karnavas.

10 MR. KARNAVAS: Thank you, Mr. President.

11 Q. We're going to get to the documents so I'm going to direct
your

12 attention to 1D 02623, 2623. You don't have to start from the
beginning,

13 we're going to go to the very next document, 2623. Do you have it?
This

14 is a decree we see that it's dated 30th of August, 1991, and could
you

15 please comment on this particular document. First of all, do you
16 recognise it?

17 A. Yes, I recognise it, it's a decree of the Government of the
18 Republic of Croatia. I see that here the term refugees is still used

25 Q. All right. And if we -- if I could direct your attention to

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1 Article 11, at that point in time you see Article -- or some
general,

2 minimum rules for the organizing of the living and work of refugees
and

3 we see that. Let me ask you this question: With respect to -- what
do

4 we mean by health and social adaptation? To your understanding,
what

5 does that mean?

6 A. I believe this is meant to mean that displaced persons
should by

7 no means be excluded from society. Apart from a minimum subsistence
they

8 should get from the state, from our office, such as accommodation
and

9 food, they should be enabled to participate in social activities
such as

10 enjoy education and enjoy all other rights as all other citizens do.

11 Q. All right. Well, in Article 11 we also see that ensured
12 schooling for children. And my question is: Do you know whether
13 additional schools were built or whether additional classrooms were
14 established, additional teachers were hired to absorb the needs of
the
15 displaced persons at that point in time? We're speaking 1991.

16 A. At that time we could not establish new schools. All
children
17 that were at the age when they should go to school were included in
18 existing classes, in existing schools up to the maximum numbers
possible.

19 We tried to respect what we call pedagogical standards. But even
so, we

20 had not 20 students per classroom but 40, say. Teachers who were
also

21 displaced themselves were invited to take part in these activities
in

22 schools.

23 Q. All right. And just very briefly, Article 12 we see that
this is

24 published in the Official Gazette. Am I to understand -- are we to

25 understand that this along with the other legislation as we've
received,

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1 was available for all, including the international organizations
such as

2 UNHCR to see exactly what the legislation was in place dealing with
3 refugees and displaced persons?

4 A. Yes.

5 Q. All right. And I believe earlier you had mentioned a
6 Mr. Greguric, and so -- because you had indicated when I showed you
the
7 first document when you were appointed, which was in 1992, and you
8 indicated that you had actually began working under this particular
9 government. We see here President Dr. Franjo Greguric -- this is
the
10 individual that you're talking about, right?

11 A. Yes, he was prime minister at the time.

12 Q. All right. Now, if we go to the next document, 1D 0 --

13 JUDGE ANTONETTI: [Interpretation] One moment. Two small
things I
14 wanted to raise with the witness. Indeed this office has been
mentioned
15 by other witnesses who spoke about this and there were a number of
16 questions that had remained unanswered. Since we have the
17 secretary-general of this office we may as well ask a few questions
of
18 him as to the way the office operated. Article 1, Witness, we can
see
19 the make-up of this office, representatives of the Ministry of the
20 Interior, of Defence, et cetera. Under number 8, I see Croatian Red
21 Cross. Could you enlighten us on this. Could you tell us whether
the
22 Croatian Red Cross took part in work meetings with you.

23 THE WITNESS: [Interpretation] Your Honours, we're speaking
about
24 an office established in August 1991, and it was active for about
three
25 months. That office could not provide for all needs, so another
office

1 was established called the government Office for Displaced Persons
and

2 Refugees. And I was secretary-general of that office. But I can
answer

3 your question, yes, the Red Cross participated very actively in
taking

4 care of displaced persons. In fact, they were the only organized

5 structure that had been present from earlier times. They even had
some

6 facilities that were previously used for summer schools and similar

7 purposes.

8 JUDGE ANTONETTI: [Interpretation] Could you please look at

9 Article 3. In this decree law, this office is supposed to cooperate
with

10 the UNHCR from Geneva. We

19 in Geneva. Therefore, with regard to your cooperation

12 supposed to look after Croats who were displaced in their own
country

13 whilst the UNHCR, as far as I can see, was supposed to take care of

14 individuals coming from other countries and who found themselves in

15 Croatia,

3 the status of refugees. I believe this was a natural development as
the

4 governments of those countries suggested to us that we should work
more

5 closely, cooperate more closely, with the UNHCR. The office
considered

6 its mandate whether we should also deal with displaced persons and
7 refugees so that talking about the humanitarian crisis in former

8 Yugoslavia and then leave for a third that person is going to enjoy the mostly
received persons who we would call displaced, and only

14 So we filled all existing facilities, but once they were
full we

15 had to look for additional ones or construct additional ones so that
in

16 the second half of 1992 and in 1993 there were many facilities with
17 refugees only because they arrived later. And in the facilities
that had

18 existed previously we put up displaced persons because they arrived
19 earlier. One of the problems that we faced was that many facilities
for

20 social welfare were of seasonal type, which means that they couldn't
be

21 used in winter-time. Tourist facilities on the coast mostly lack heating

22 because those are facilities for staying in summer-time only. But in the

23 situation we were you must provide accommodation to people so that they

24 can survive the winter there also. None of us ever dreamed that it would

25 take so long. We all thought that within months or within a year at the

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1 most we would be able to return those people to their homes.

2 Q. Okay. Let me -- since we're on this topic very briefly, let me

3 just go in a different direction from my planned direct. Were there
4 possibilities and did it occur where refugees or displaced persons
who

5 were, for instance, initially registered in one centre and then made
6 arrangements either on their own or through the authorities to be
7 transferred or relocated to other centres; and if that occurred, can
you

8 give us an explanation as to why it would have happened?

9 A. There were such cases initially due to the programmes of
putting

10 together families. Members of one family could be found in
different

11 cities, and we tried to bring them all together at one place so that
--

12 the consequence of that was a vacancy and those vacancies were
filled.

13 So there was some amount of relocation.

14 Some facilities could not be used for longer than a few
months

15 because the conditions were unsatisfactory. Sometimes the
government

16 would pay for the necessary adaptation, and we were building three
or

17 four large accommodation facilities and we located them in such a
way

18 that -- in such a way as to enable people to be relocated to a place

19 closer to their original home. We called that closer to home. We

20 considered it better for people to be closer to their regions of
origin.

21 Q. And why is that?

22 A. Because we wanted them to return to their homes, because
their
23 life would have been more bearable and easier in their natural
24 environment. So the displaced persons from Vukovar who found
25 accommodation on the coast and wanted -- wanted to be relocated to

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1 Slavonia was still around and if I look at how the Red Cross was
14 good. Over no more than a short period of time, although they were
a
15 small-scale organization to begin with, they grew and became the --
a
16 well-regarded player on the international stage. It was they that
set up
17 this tracking service which was of great use to us and we were
grateful
18 to them for it.

19 Another important organization at the time was the Karitas.
They

20 enjoyed a great deal of credibility at the time and were able to --

21 Q. Okay. We'll get to that. Let's go step by step now as
opposed

22 to free flow. If we go to the next document, 1D 02637, and I'm
going to

23 ask you to keep your answers rather short and to the point so we can
move

24 along at a rapid clip. We see that this is a document dated 22
November

25 1991, it is another decree, it's on the Office of Displaced Persons
and

Page 27879

1 Refugees. Do you see that, sir? You're shaking your head. Does
that

2 mean yes?

3 A. Yes.

4 Q. Okay. And we also see if we go to the last page on Article
12

5 that this was also published in the Official Gazette; correct?

6 A. Yes.

7 Q. Why was it necessary to pass this decree to your knowledge?

8 A. In a way, this decree makes up for some of the shortcomings
of

9 the previous one. We see this new office being set up, and if you
look

10 at Article 2, you look at all the organizations that there will be
some

11 form of cooperation with. You see that the number of the
organizations

12 is growing. In addition to Karitas and the Red Cross, you also see
the

13 Merhamet organization joining the ranks. At this time we were
facing a

14 growing problem with refugees from Bosnia. This is a decree law and
any

15 decree law is always published in the Official Gazette.

16 Q. Okay. And if we look at Article 4, if you could look at it
very

17 quickly and tell us what -- interpret this for us. Because it says:

18 "Surveillance over the work of the office shall be performed by the

19 office's steering council. President and members of the office's

20 steering council shall be appointed and relieved of duty by the

21 Government of the Republic of Croatia, it's a certificate, we see it's signed by

18 humanitarian worker. He gained a degree of notoriety already during
my

19 time as a student, I think it was in Kosovska Mitrovica, he
descended

20 into a mine himself as a token of support for the miners who were on
21 strike in Kosovo at the time. He often went to hotspots where we
22 believed human rights of workers and other persons had been violated
and
23 he would always go to such areas to offer his support and
assistance. He
24 worked at the faculty of medicine and Dr. Granic also taught there.

25 It appears obvious on the face of this document that Dr.
Lang was

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1 in need of a pass or a certificate that would allow him to go to
2 Croatia's south to see what the situation was like over there as far
as
3 the humanitarian situation was concerned. I think he did this job
on a
4 professional basis, because I think the subject that he taught was
called
5 social medicine. I think he was sufficiently qualified to make an
6 assessment --

7 Q. Let me interrupt you --

8 A. -- in this respect, and I think every time he was back from
a

9 trip like this he would normally submit a report on what he found.

10 Q. At this point in time is he associated with any particular
11 ministry?

12 A. No, not as far as I know. At the time, however, there were
many

13 people who were willing to help and he was just one of those.

14 Q. And when it's talking about the region of southern Croatia,
what

15 region are we talking about?

16 A. The Adriatic coast, Dalmatia for the most part. In
colloquial

17 terms we refer to this region as south Croatia simply because all
these

18 areas are actually at Croatia's south.

19 Q. All right. Just one final question, please make it very
brief.

20 Why would Dr. Lang need a certificate like this? Why can't he just
go

21 down there to southern Croatia and do whatever he wanted to do as
far as

22 humanitarian assistance is concerned?

23 A. In order for him to reach the coast from Zagreb, I think he
would

24 have had to make at least 20 stopovers. When I say "stopovers," I
mean

25 various check-points that he'd be pulled over at and he would be

Page 27882

1 requested to declare his identity to prove who he was; otherwise, I
don't

2 think he would have been allowed to pass through too many of those.

3 Q. All right. If we go to the next document, 1D 02587, this is
May

4 13, 1992. We see this is a Crisis Staff of the Muslims of Croatia
for

5 providing humanitarian and other aid to the Republic of

6 Bosnia-Herzegovina. This is a guarantee. We see that it's signed
by the

7 Minister of Finance, Jozo Martinovic, and if we look at it very
closely

8 we see we're talking in the amount of \$30 million US dollars, the

9 then-value as opposed to the value today. Now, could you please
tell us,

10 first of all, do you know what is this Crisis Staff of the Muslims
of

11 Croatia?

12 A. I think this is a group of private individuals, well-
regarded

13 citizens of Zagreb, at the time is coming out of the budget of Croatia

19 A. If I look at the wording of the document, it appears to be a
bank

20 guarantee. Anyone working with money would be happy to be -- to
have a

21 document like this available to them, regardless of the value of the

22 dollar right now this is a guarantee that the Ministry of Finance
would

23 be paying this sort of money in return for the bills delivered to
them.

24 What this is about is the following: There was this Crisis Staff
with

25 Croatia

9 to me with this guarantee this organization could go to warehouses,

10 stores, or what have you, and select foodstuffs, medicine, household

11 necessities, and other material to their choosing, to their liking,
based

12 on what they believe are the needs, and that -- up to \$30 million.

Is

13 that what we're talking about?

14 A. That's my understanding.

15 Q. And from this there doesn't seem to be any indication as to
where

16 those goods would be shipped once they got into Bosnia-Herzegovina.
They

17 could be -- is that correct, there's no strings attached to this?
Like,

18 for instance, it has to go to a particular municipality?

19 MR. SCOTT: Excuse me, Your Honour, if I might. If we could
--

20 there's no indication that the witness has any information about
this

21 particular matter. Unless the witness has some personal knowledge
that

22 he has as to what the arrangements were. We have no idea what

23 arrangements were made between the Government of Croatia and this
group,

24 Muslims of Croatia. We don't know if there were pay back -- you
know,

25 payment provisions. We don't know anything about this transaction

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1 whatsoever, and the witness has not indicated that he has personal

2 knowledge about it. All we have is a letter in front of us that's
quite

3 short and rather cryptic in some ways.

4 MR. KARNAVAS: I object to the word "cryptic," it's rather
plain

5 and simple, but I'll agree that the gentleman doesn't know as to
which

6 municipality in Bosnia and Herzegovina the stuff should go. So, we
can

7 move on. I think the Chamber can take the document for whatever
it's

8 worth.

9 JUDGE TRECHSEL: I still have a question.

10 Witness, do you know whether and to what extent actual use
was

11 made of this guarantee, what the outcome was finally?

12 THE WITNESS: [Interpretation] Your Honour, I'm happy to
answer

13 this. I do have some knowledge about this, since I was a high-
ranking

14 official government at the time and I was involved in all the
cabinet

15 meetings. This body, the Crisis Staff of Croatia's Muslims, had a
close

16 cooperation with the Sarajevo government. They sent all of the aid
that

17 they got to Sarajevo. Where it went from there is really not
something

18 that I am privy to.

19 JUDGE ANTONETTI: [Interpretation] Your answer makes
everything

20 more complicated it seems. We have a letter of guarantee from the

21 minister of finance and it could be interpreted in different ways.
It

22 may be a guarantee for spending by this Crisis Staff of the Muslims
of

23 Croatia when they buy goods or foodstuffs for refugees or displaced

24 persons. We might think then that the minister of finance has
informed

25 or is informing this Crisis Staff that they enjoy a guarantee up to
\$30

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1 million. But when I hear your last answer, I see another
explanation

2 possible. Would that be a letter of guarantee allowing the
government in

3 Sarajevo to start spending money, money that would -- could go up to
\$30

4 million? How should we understand this letter of guarantee
according to

5 you?

6 THE WITNESS: [Interpretation] Your Honour, this is a payment
7 guarantee. The Ministry of Finance is providing a guarantee to a
8 particular institution that it would cover expenses up to a certain
9 amount in lieu of that institution. This has nothing to do with
putting

10 up refugees, but it does have to do with such aid as was collected
in

11 Croatia and the Crisis Staff of Croatia's Muslims was one of the
12 organizations that helped dispatch the aid to Bosnia-Herzegovina.
At the

13 time there were many people trying to organize themselves, and that
was

14 also how this Crisis Staff of Croatia's Muslims was set up. Their
15 cooperation with Sarajevo was close.

16 JUDGE TRECHSEL: Dr. Zoric, an additional question. This

17 guarantee was something like a bond, which normally is something
that is

18 paid back when things go better. Do you know and could tell the
Chamber

19 whether any of this money was actually returned to the Government of
20 Croatia?

21 THE WITNESS: [Interpretation] As far as I know, that was
never

22 requested by the Croatian government. This is a donation.

23 JUDGE TRECHSEL: Thank you.

24 MR. KARNAVAS:

25 Q. All right. Well, I --

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1 JUDGE ANTONETTI: [Interpretation] Without going into
financial

2 details, that may be relevant; however, considering the knowledge
that

3 some of us have in that matter, why is the title of this document:

4 Letter of guarantee? Why doesn't it say: Letter of credit here?
You've

5 told us that the minister of finance would be paying. Let's assume
that

6 this Crisis Staff buys rice. Would the invoice be sent to the
7 Ministry of Finance, who would then pay the company selling the
rice, or

8 would the Crisis Staff pay and then get the money back from the
9 Ministry of Finance? It's a bit confusing I must say.

10 THE WITNESS: [Interpretation] The finance minister who
signed

11 this guarantee had previously worked in one of Croatia's most
important

12 banks, one of Croatia's major banks. As far as my experience with
such

13 letters of guarantee go, this is a textbook example of an
irrevocable

14 guarantee being provided that a sum such as this would be covered,

15 30 million USD, based on any bills or expenses incurred by the
Crisis

16 Staff of Croatia's Muslims. What this means in practical terms is
that

17 they could do what they believed needed doing with this money. They

18 would be given the equivalent up to this amount in Croatia for the
money

19 specified here, and this was then covered by the finance ministry.

20 MR. SCOTT: Excuse me, Your Honour, before Mr. Karnavas
continues

21 I just -- for the record just want, again, to make my point again.
It's

22 only become clear in light of the Court's questions, Judge Trechsel
and,

23 Mr. President, your questions. The witness has still shown us
absolutely

24 no personal knowledge about this transaction or these arrangements,
and

25 everything -- I guess I can appreciate that he's trying to assist
the

Page 27887

1 Chamber, but everything he's just told us is general knowledge or

2 speculation but has no knowledge, he has indicated no knowledge of
this

3 particular transaction or these particular arrangements. For
example,

4 when he says: "As far as I know it wasn't paid back," well, anybody
can

5 say that. As far as I know it's not this, as far as I know it's not

6 that. The bottom line is the witness has no knowledge of this
matter.

7 MR. KARNAVAS: May I continue?

8 JUDGE ANTONETTI: [Interpretation] Please proceed.

9 MR. KARNAVAS:

10 Q. Yes. Let's fast-forward a little bit. I want you to look
at a

11 document 1D 2609, 1D 2609. You will see a somewhat different
document,

12 again featuring the figure of 30 million US. First of all, if you
could

13 look at the second page we see this is 3 February 1993. You see two

14 signatures, one is from Minister Jacques Mouchet; did you know this

15 gentleman? Have you located the document, sir? 2609. Now, look at
the

16 second page, do you see where it says Mr. Jacques Mouchet. Do you
know

17 that individual; if so, who was he?

18 A. Yes, Jacques Mouchet at the time was the UNHCR's high
19 representative in Croatia.

20 Q. And underneath it we see another signature by Dr. Adalbert
Rebic.

21 Is that his signature to your knowledge?

22 A. As far as I can see, yes, that's his signature.

23 Q. Now, we've heard testimony from a Prosecution witness who
was

24 attached to the embassy, the Bosnia-Herzegovinian embassy there,
more or

25 less indicating that the ODPH was discriminating against Muslims,
not

Page 27888

1 providing them with education, putting them in places that were
unfit,

2 isolating them and what have you. From this document, sir, it would

3 appear that the United Nations High Commissioner for Refugees is

4 providing the ODPH with \$30 million to distribute and if we look at
the

5 bottom to "cash grants to host families, refugee registration

6 documentation, programmes benefitting women, children, and the
elderly,

7 improvement with shelter and accommodations, agency support."

8 Can you give us -- can you comment on this particular
document in

9 light of the fact that you were working in that office on this date?

10 A. This document shows that the UNHCR having established a
mission

11 to Croatia in cooperation with the ODPH tried to help the refugees
in

12 Croatia irrespective of their origin. This doesn't say that these
or

13 other refugees would get help, but that refugees in general would
get it.

14 The UNHCR mission to Croatia obviously had confidence in our office
and

15 Professor Rebic, trusting that the money would be distributed to
those in

16 need and to those to whom it was directed. They had the right to
take

17 active part in the distribution of aid and monitor it. As far as I
know,

18 they had no remarks to our activities.

19 Q. All right. Now, very briefly looking at paragraph 2 if we
look

20 at it, it says that ODPH's required to report in financial and
narrative

21 forms on the use of all contributions received from the high

22 commissioner. Two questions: One, were reports and financial -- in

23 narrative form made, to your knowledge; and two, did there ever come

a

24 time --

25 MR. KARNAVAS: Are you okay, Your Honour?

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1 Q. -- did there ever come a time when UNHCR complained that
ODPR had

2 abused the funding in any fashion?

3 A. No. The UNHCR never had such complaints because there were
no

4 such incidents.

5 Q. All right. Now, let's move to the next document, 1D 02585.

6 Again we've heard testimony from one particular Prosecution witness,
and

7 that's Ms. Azra Krajsek, who was here and apparently she had
indicated --

8 she had testified about certain conditions and certain places, one
being

9 Gasinci, the other one being on the island of Obonjan. My
pronunciation

10 is off but I'm sure everybody knows what I'm talking about.

11 First let's look at this particular document, 11 September
1992.

12 My first question is: At this point in time in Croatia, is Croatia

13 absorbing refugees from Bosnia-Herzegovina or are we talking about
14 displaced persons or are we talking about both of them? Focus on
the
15 period of time.

16 A. This is an official communication including statistics
issued to
17 everyone who had an interest in that, which shows where in Croatia
18 displaced persons and refugees had found accommodation. At the time
we
19 already had a significant number of refugees from Bosnia-
Herzegovina. I
20 just would like to point out --

21 Q. Let me direct you. Let me direct you so it will -- might
move

22 quicker. First of all, we see Adalbert Rebic. Is that his
signature,

23 yes, no, if not, who's is it, do you know?

24 A. No.

25 Q. Do we see a "za" there, meaning "for"?

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1 A. [In English] Instead of him.

2 Q. Okay. Now, let's look at this document. We see that we
have

3 approximately 5.898 folks in Korcula and there's another item, I
believe,

4 that's mentioned there. Am I correct?

5 A. [Interpretation] Yes, you're right. Croatia has over 1.000
6 islands, Obonjan being one, and out of all islands mentioned here
Obonjan

7 is closest to the mainland and it takes 10 or 15 minutes there by
ferry.

8 Q. Let me walk you step by step.

9 A. [In English] Okay.

10 Q. I'm mentioning Korcula at the very top, Dubrovnik. Do you
see

11 Dubrovnik, 5.898?

12 A. [Interpretation] That's right.

13 Q. Is Korcula an island, and if so, what is the condition of
that

14 island?

15 A. Korcula is an island which can be reached by ferry from
Split and

16 the passage takes three and a half hours. In some suitable tourist

17 facilities, both refugees and displaced persons had found
accommodation.

18 At the time this document was issued they were over 6.000 of them.

19 Q. All right. And just to make sure, you have to take a boat
from

20 the mainland to get to the island? In other words, you can't drive
to

21 it? I mean, please answer the question so we can move very
quickly. I

22 know they're stupid questions, but for those of us who know the
terrain,

23 but for those of us who don't.

24 A. You have to take a ferry to get to an island.

25 Q. Okay. Let's go down to Slavonski Brod and we see at the
very

Page 27891

1 bottom of it Djakovo. Was there a refugee camp or some sort of a

2 facility in and around that area because we see a figure, I believe
it's

3 1.382.

4 A. Yes, when we say Djakovo, we mean only the town of Djakovo
where

5 at the time 1382 persons had found accommodation and in the
surrounding

6 villages, such as Gasinci, another 3.000.

7 Q. All right. Now, at this point in time where are those folks
8 coming from, if you know?

9 A. The first part were people who had come from Eastern
Slavonia in

10 1991 and who had filled all available facilities in Djakovo. And
the

11 other 3.000 are ethnic Croatian and Muslim refugees mostly from the

12 Bosnian Posavina after the events that had -- that took place
there. And

13 they were taken to Gasinci because that was a suitable location. We

14 adapted a former military camp with the aid of foreign governments
that I

15 have already mentioned. So it was adapted for the accommodation of

16 persons. They were facilities with a big kitchen and other
equipment for

17 putting up a significant number of people.

18 Q. Did the international community, UNHCR and any other
19 organization, ever demand that this facility be closed down?

20 A. No.

21 Q. All right.

22 A. On the contrary, they assisted us in adapting that those

23 facilities for the accommodation of displaced persons or refugees.

In

24 those facilities, including Gasinci, there were also representatives
of

25 international organizations. Such statistics were made for them
also to

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1 enable them to decide where it would be advisable for them to go to
live

2 up to their mandate. So in Gasinci and Djakovo there were

3 representatives of international organizations, including the UNHCR,
some

4 Islamic organizations of which I forget the name, the International

5 Red Cross and other organizations run by volunteers.

6 Q. Okay. But we heard this witness, who indicated that in
Gasinci,

7 for instance, weapons were being pointed at the facility, indicating
that

8 it was purposely pointed in the direction towards the Muslims and
that

9 all sorts of crime was being committed in there -- of course we
don't see

10 any names to that effect, any specific data, but to your knowledge,
to

11 your knowledge, did you ever hear any complaints or see any
documents

12 from the international organizations, such as UNHCR who were there
in

13 situ, where they would bring these sorts of atrocities or complaints
to

14 your attention, something that would verify what Ms. Azra Krajsek
said

15 while she testified under oath here.

16 A. Those are the only remarks that I know about. We had no
comments

17 by any other international organizations present there. We mustn't

18 forget that at that refugee centre, apart from Bosnian Muslims,
there

19 were also Croats. We know that the Bosnian Posavina was populated
by

20 ethnic Croats and Bosnian Muslims in equal proportions. We had both

21 there, and, you know, speaking about weapons in a refugee centre is
less

22 than credible because our country needed weapons at other places at
the

23 time.

24 And talking about crimes or mistreatment, you as lawyers
know how

25 this should be done. Who did what, when, to who, who was informed
and

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1 what was done about it. And general complaints to me seem one-
sided.

2 The information that the government would keep weapons in a refugee

3 centre where there were both ethnic Croats and Bosnian Muslims is
not

4 credible to me and we know that our forces were poorly armed and
that

5 weapons were badly needed elsewhere. I believe there is no basis
for

6 such claims whatsoever. I went to Gasinci several times --

7 Q. All right.

8 A. -- and the facility could accept a large number of people.

9 Whether everybody there was happy, well, of course not. Nobody was
10 happy, because it's a very sad situation, being a refugee. There
could

11 have been a dissatisfaction -- I'm sure there was some, but there
was no

12 discrimination, there was no officially encouraged violence; on the

13 contrary, if there should have been some sparks they would have --

14 something would have been done to alleviate the situation.

15 Q. All right. Now we can talk a little bit about Obonjan,
because

16 again this witness, Krajsek, when she testified insinuated that
Muslims

17 were placed on that island and essentially they were there in
isolation

18 because they were not able to make it to the mainland, they didn't
have

19 the money for the ferry, and I believe you indicated that that's a

20 15-minute ferry ride. Before we talk about the specifics on that

21 particular island, let's look at where it says Split, where it says
Brac,

22 3.150. Could you please tell us how far is that island from the
mainland

23 by ferry?

24 A. The island of Brac is about one hour by ferry-boat away from

25 Split, the principal port on the Adriatic. We also had some
refugees on

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1 the island of Hvar, to which it takes two hours by ferry-boat. But
there

2 were also some refugees on the remotest islands in the Adriatic,
such as

3 Vis, where we had --

4 Q. That's why I wanted to ask you step by step because I want
to

5 make sure that I have my record very clear. Vis, how many hours is
that

6 away by ferry?

7 A. Four hours.

8 Q. Now, why did you -- did your office or the Croatian
government

9 establish centres in such touristic islands as Korcula, Brac, Hvar,
and

10 even on an island as far as four hours away? Vis, from what I

11 understand, is a rather nice island as well.

12 A. Well, those are tourist destinations but there was no
tourism at

13 the time except perhaps for Croatian tourists. The activities were
very

14 limited because there was a war on the mainland and we took the
people

15 there because there were accommodation facilities there. I'm
talking

16 about tourist facilities, hotels, and other facilities. Some
companies

17 in Yugoslav times had their own resorts for their own employees to
go for

18 their summer vacation.

19 Q. All right. Thank you. Now, if we go to the island of
Obonjan,

20 could you please describe to the Trial Chamber, where is this
island, how

21 far [sic] it takes to get there, how you would get there, and what's
on

22 the island, what was the island used for prior to, say, 11 September

23 1992, and then how was it used thereafter once it became -- you
started

24 housing refugees and displaced persons?

25 A. Obonjan is an island in the Sibenik Archipelago very close
to the

1 mainland and the town of Sibenik which is some 60 or 70 kilometres
north

2 of Split. And there are several islands around Sibenik, one of them
3 being Obonjan. It is 10 to 15 minutes away from the mainland by
boat.

4 Before it was known as the seventh continent, and on the island
there

5 were facilities for the use of scouts, boy scouts, who there had
their

6 summer courses, and before the war it was the destination of the
scouts

7 from all over the world and that's probably why it was called the
seventh

8 continent. It was run by a special organization which was at --
which

9 was in charge of the time. And when war broke out and the problem
with

10 the displaced persons arose, we made use of these facilities because
they

11 include dormitories, an infirmary, kitchen, et cetera, all the
necessary

12 infrastructure for putting up a larger number of people.

13 At the same time, especially after the occupation of Jajce
and
14 after the fall of large stretches of territory in Eastern Bosnia,
most
15 refugees from Bosnia-Herzegovina arrived in Split and the town was
an
16 apocalyptic site at the time, I must say. People were put up in
17 gymnasiums to spend the night, to give us time to organize, to sort
out
18 who was who, and decide what to do. Once the gymnasiums were full,
19 people were put up in pools, swimming pools. If you look at the
20 statistics, Split at the time had 59.627 refugees and displaced
persons
21 who were put up in the city or in the surroundings. And then there
were
22 a large number of newly arrived persons. We had people who for
weeks had
23 to sleep in empty swimming pools, and then we took them to the
island by
24 ferry that -- and there was the ferry sailed once a day from Sibenik
to
25 the island.

1 Q. All right. Well, just sticking with the last point that you
2 made, placing people in the swimming pools, were those Muslims or
Croats
3 or both? Because there seems -- from the Prosecution's evidence was
that
4 there was a concerted effort to discriminate -- at least from --
this is
5 what Azra Krajsek says. Who were in those swimming pools? I assume
that
6 they were empty at the time.

7 A. If the refugees were from Eastern Bosnia they were almost
8 exclusively Muslims because there was no significant number of
Croatian
9 populace there. And talking about Central Bosnia or other parts of
10 Bosnia then there would be an equal share of ethnic Croats and
Muslims.
11 There was no discrimination with regard to that whatsoever. But
it's a
12 fact that the ethnic Croats found it easier to integrate into
Croatian
13 society, many of them had relatives in Croatia, which is a widely
known

14 fact. And those who didn't have relatives were put up in the same
way.

15 And when we speak about refugees from a certain region, 10 or 15.000
of

16 them arrive, eventually you have a problem with 3 or 4.000. We are
now

17 speaking about a people who had no other possibility of finding
18 accommodation.

19 Q. All right. Now, on this particular island, Obonjan, which
took

20 15 minutes to go from the mainland to it on a ferry, how often did
the

21 ferry run?

22 A. We knew that the -- some refugees wanted to go to town and
didn't

23 have money to pay for it --

24 Q. Excuse me, excuse me --

25 A. -- and we paid for the ride once a day.

Page 27897

1 Q. Mr. Zoric, I have a lot of material to go through. I would
most

2 appreciate it if you would just answer my questions step by step
because

3 there's a purpose in it. So first question is: How often did the
ferry

4 run? Five times a day? Twenty times a day? One time a day? How
often?

5 A. We paid for one passage a day. Whether the ferry ran more
often,

6 I don't know, but we covered the cost of one ride per refugee per
day.

7 Q. Okay. Now, could all of them leave at the same time? I
mean,

8 what was the procedure, if you know?

9 A. No, they couldn't go all at the same time. There were
hundreds

10 or thousands of them there and we didn't have such large ferry
boats. 20

11 or 30 could go at a time, and it was up to them to decide who would
go.

12 And in accordance with the decrees we saw earlier, the refugees had
the

13 right to select their representatives and agree about such issues.

14 Q. So if somebody needed to, say, seek medical attention on the
15 mainland, they didn't have to have money to get on the ferry, that
would

16 be provided -- the ferry ride was free for them; am I correct?

17 A. Yes. We paid the cost of one ferry ride per day, and on the

18 island there were doctors and an infirmary and they were able to
provide

19 for basic medical assistance. If specialist medical assistance was

20 required, the people would be taken to Sibenik hospital.

21 Q. All right, let's look at the next document, 1D 02586, 2586.

It's

22 somewhat similar, at least the first page, it's dated 27 October
1992,

23 again we see the various places where you have refugees staying.

But if

24 you could just go through that document because we see some other
charts

25 and numbers. Are you familiar with this document, sir?

Page 27898

1 A. Yes.

2 Q. And the figures that we have here if we were to look, say,
on the

3 second page where it says: "Facts regarding the number of displaced

4 persons and refugees," to your understanding how accurate are these

5 figures? Because we see at the very bottom: "Total in Croatia:
630.449

6 people."

7 A. These are the stats established by the office. This should
be

8 accurate to a large extent. The UNHCR also gathered information on
this.

9 I think the probability that anyone else would try to pass off their
own

10 information as accurate was quite low. I think this is accurate

11 information. At the time Croatia had in total of 630.000 registered

12 refugees, roughly speaking.

13 This information also shows how many refugees there were
from

14 Croatia that were put up in other countries such as Austria,
Germany, and

15 Croatia at the time. You see that the greatest number of refugees
were

16 received by Austria and Germany; however, we started keeping our own

17 statistics at the time to see what was going on in Bosnia and
Herzegovina

18 and to see where some people from Croatia had ended up. We also had

19 information to show where they were before they arrived in Croatia.
Most
20 of those were in Bosnia and Herzegovina, but there were people who
were
21 flooding in from other republics of the former Yugoslavia as well.

22 Q. All right. If we look at table number 2, it's Germany and
23 Hungary that took the most, it would appear. Germany with 55.000
and
24 Hungary with 32.600, as opposed to Austria with 2.500; is that
correct?

25 In table number 2, am I correct in stating those figures, sir?

Page 27899

1 A. Yes, you're correct. At the time the governments of certain
2 countries published exact figures as to how many people they'd be
3 receiving, some sort of a quota. Once the quota was filled, they
would
4 simply close down their borders.

5 Q. All right. And let me just ask this one question because I
6 should have asked it earlier. Were Croats from Croatia actually
going to
7 other countries as well? In other words, folks that would have been
8 displaced in Croatia, did they leave as refugees?

9 A. Yes.

10 Q. Okay. All right. Thank you. Now, is there anything else
with

11 respect to this particular document that you want to comment on
before we

12 move on?

13 JUDGE PRANDLER: Thank you, Mr. Karnavas, I would only like
to

14 say that I thank you for making the revisions as far as the numbers
are

15 concerned. I also would have liked to make some comments on that,
but

16 now it is in perfect order. Thank you. I mean as far as the
numbers of

17 refugees in Hungary is concerned, mainly. Thank you.

18 MR. KARNAVAS: Okay.

19 Q. And as far as that is concerned, we see that Slovenia only
has

20 4.000, and obviously they were a former republic of Yugoslavia. One

21 would expect that they would be a little bit more generous. To your

22 understanding, throughout this period of the war how many refugees
was

23 Slovenia accepting?

24 A. The Republic of Slovenia had very restrictive policies in
that

25 respect. They were taking in very few refugees and the regime under

Page 27900

1 which those people lived was quite harsh. They were treated more or
less

2 the same way as asylum seekers; therefore, there were many families
at

3 the time asking us to have them back in Croatia or they left for
third

4 countries.

5 There were a number of countries around that had a very open
6 policy towards refugees that offered assistance and allowed for
these

7 people to receive work permits, such as Germany, for example. In
some of

8 the federal states, in Germany these people were receiving monthly

9 subsidies of up to 1.000 German marks. My salary at the time, just
to

10 give you an idea, was 300 marks. Therefore, in purely financial
terms,

11 it was better to be a refugee in Germany than a state official in
Croatia

12 at the time. There were states that applied consistently
restrictive

13 policies, they had quotas, limited ones, and the facilities that
most

14 refugees were being put up in were certainly not of an open type, if
you

15 like.

16 Q. Let me make sure I understand you correctly. So if someone
came

17 in as a refugee to Bosnia and then went to a third country such as

18 Germany, they would actually per person get up to a thousand marks a

19 month compensation; is that what you're saying?

20 A. Yes.

21 Q. Now -- and you told us what your salary was. Could you
please

22 tell us how much compensation per month was the Croatian government

23 providing to the displaced persons and refugees? In other words, if
I

24 have to make a choice, a thousand in Germany versus Croatia, what
was

25 Croatia offering in order to keep the refugees there?

Page 27901

1 A. Croatia's government was covering all the accommodation
costs

2 regularly, and that also applied to schooling and medical
assistance. On

3 and off, if and when the budget allowed, one-off assistance would be

4 granted by Croatia's government or one of the international

5 organizations. This would be done through the Office for Refugees
and

6 Displaced Persons, and this worked the same way with the UNHCR.
However,

7 this wasn't money that one was receiving on a permanent basis.

8 Q. All right. But maybe this would be a last topic before we
take

9 a -- okay, we'll take --

10 JUDGE ANTONETTI: [Interpretation] We need to have a break.
Let's

11 have a 20-minute break.

12 --- Recess taken at 12.28 p.m.

13 --- On resuming at 12.51 p.m.

14 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you've used
up

15 two and a half hours of your time.

16 MR. KARNAVAS: Well, to be exact, two hours and 26 minutes,
but I

17 will be finished well in advance of the four hours.

18 Q. Now, sir, when we left off I had asked you about what
Croatia was

19 providing, and you indicated that they provided accommodation. And
then

20 you said schooling and that caught my attention because listen to
what

21 Ms. Azra Krajsek said on 19 June 2007 on page 20.118, line 22. She
says:

22 "My evidence is that refugees from Bosnia-Herzegovina who were
Muslims

23 could not exercise their right to a regular education in Croatia --
in

24 the schools of Croatia."

25 Okay. Now, can you please tell us whether that is an
accurate

1 statement, yes or no?

2 MR. SCOTT: Excuse me, Your Honour, before that could we
have an

3 indication of time. Are we talking about 1991, 1992, 1995? Because
we

4 don't know what time-period we're talking about, either the previous

5 witness or this witness. So it would assist everyone if we had

6 indication as to time.

7 MR. KARNAVAS: All right.

8 Q. While you were there in 1992, 1991, 1992, 1993, would it be
fair

9 to say that Ms. Krajsek's statement when she says: "My evidence is
that

10 refugees from Bosnia-Herzegovina who were Muslim could not exercise
their

11 right to a regular education in the schools of Croatia."

12 To your knowledge, while you were working, was that the
case?

13 MR. SCOTT: Well, just to be again fair, Your Honour, when
we say

14 1993, the witness's evidence is that he left on the 5th of March,
1993.

15 So when we say 1993 we're talking about the month of January and
February

16 1993.

17 MR. KARNAVAS: I understand the Prosecution's concerns, and
I

18 don't wish to debate the gentleman. But as you might recall, I
asked

19 whether when he got onto the parliament whether he continued,
whether he

20 continued, to be associated and to be -- keep abreast with the
situation

21 concerning refugees and Muslims. We know that the Croatian
government is

22 funding this. The purpose of that was to avoid this sort of a
disruption

23 that I just got. I was laying the foundation. So it's not a matter
of

24 when he left. I asked to his knowledge, while he was working there.

25 MR. SCOTT: Excuse me, Your Honour. But that doesn't answer
the

Page 27903

1 question, and we haven't -- the witness has not provided us with any

2 evidence of foundation as to his involvement after March 5th of
1993, and

3 I am going to be a stickler on this point because it goes to the
scope of

4 the witness's testimony.

5 MR. KARNAVAS: All right.

6 MR. SCOTT: The witness when he testified in the Tuta case,
he

7 said it was impossible, and I use that word directly from the
transcript,

8 he said it was "impossible" for him to continue to be involved in
ODPR

9 after he took up his duties with the Croatian parliament in March of
10 1993. So let's talk about personal knowledge and what his
involvement

11 was.

12 I have no questions, the Chamber will note I'm sure, but up
to

13 today when we've talked about things within the scope of his
employment

14 so to speak up -- through 1992, you have not seen me on my feet.
Now

15 we're going to go to a period in which this man did not have
continuing

16 involvement in these issues -- yes, maybe very, very generically,
but

17 even that, I invite the Chamber, that he would have to give us more

18 specific foundation than just general speculation because he's a
public

19 official in Croatia.

20 MR. KARNAVAS: I'll rephrase, Your Honour. I'll rephrase so
we

21 can move on. I'll rephrase the question.

22 Q. Up until March, up until March 1993, were refugees from

23 Bosnia-Herzegovina who were Muslims, were they prevented from
exercising

24 their right to a regular education in the schools of Croatia?

25 A. Muslim refugees from Bosnia and Herzegovina were never
prevented

Page 27904

1 from enjoying their rights to regular education in the schools of
2 Croatia, not ever and not before the date you specified. They had
the

3 right to be educated, they had health insurances. There are many

4 documents that are available showing that many of their children

5 practically went through their entire primary education while in
Croatia,

6 literally thousands of children. And what I'm stating here is a
7 well-known fact, it's nothing to do with my direct and personal
knowledge

8 or the periods during which I may have been involved. Many of them
are

9 now part of Croatia's society, many of them have stayed in Croatia
and

10 are now living and working in Zagreb.

11 Q. Were there any -- to your knowledge now, we don't want you
to

12 speculate now. To your knowledge were there any problems or
particular

13 needs that arose between some Muslim children vis-a-vis the
educational

14 system that was being provided by the schools in the Republic of
Croatia?

15 A. When any of those children went to Croatian schools, the

16 curriculum was the same as for everyone. It was sometimes the case
that

17 parents make demands for their children to be schooled based on
different

18 programmes and curricula. In certain areas so-called extra-
territorial

19 schools were set up or schools where the religion was taught.
Certain

20 religious officials taught the children of Muslim refugees a number
of

21 subjects that are not normally taught in Croatian schools, but this
was

22 an optional thing in the type of school that I referred to and those
that

23 wanted to take that class were certainly allowed to do so.

24 Q. Okay. Now, these extra-territorial schools, did they exist
just

25 for Muslims or were there schools such as those for Croats as well?

Page 27905

1 A. Extra-territorial schools were for the most part schools
that

2 were run by religious officials, priests, or sometimes they were
simply

3 involved in the teaching process. It would have been difficult to
expect

4 that the children of Croat refugees would have gone to schools like
that

5 simply because their religion was different.

6 Q. All right. What about the funding of those schools? We
7 understand that -- or at least we saw early on that the Ministry of
8 Education was supposed to be part of this process, and you indicated
the
9 reasons why. But here now we have an extra-territorial school, what
10 about the funding for that? Where was the funding coming from and,
11 and - please listen to the entire question - and do you know whether
the
12 government or whether the Republic of Croatia provided any funding
for
13 such schools?

14 A. We, the office, covered the expenses. For the most part the
15 schools were in the same locations as the refugee centres, and we
would
16 cover all the expenses as a rule.

17 Q. All right. Now, we know that you were there until March of
1993,
18 we know you go back at some other point. Can you tell us to your
19 knowledge while you were there or while you were a member of the
20 government or of the parliament, did you ever see or come across any

21 evidence from any international institutions such as UNHCR
complaining

22 that the Republic of Croatia was discriminating against the Muslims
with

23 respect to their right to exercise regular education? That's
question

24 number one. And I mentioned that in particular since we saw on that
one

25 document, 1D 2609, where we have a -- we have an amount of \$30
million

Page 27906

1 which ODPB is supposed to disperse. So obviously they would have
been

2 keeping track of all the funding that they were providing for. But
did

3 you ever come across any document so we can see concretely that the

4 internationals were having problems with the Republic of Croatia in
the

5 way they were discriminating against Muslim children in receiving
their

6 proper education?

7 A. No, I never came across any such document.

8 Q. All right. And just to make sure that I understand because
I

9 wasn't there, but we have places like this little island that we
talked

10 about where large amounts of people are there, obviously it was a

11 seasonal place. For the children that were staying on that
particular

12 island, for instance, as in many other places, what sort of
provisions

13 were made, be they Croat or Muslim, for education, for instance?

14 A. The first step we took was to look if there were any
teachers

15 among the refugees. If there was a doctor or something like that,
we

16 would make a move immediately to give that person something
appropriate

17 to do. It was in a way a responsibility that some of the refugees
had,

18 to use their professional knowledge for their survival and for the

19 survival of their fellow refugees. There were many situations where

20 teachers simply organized themselves and got involved in the work of
such

21 schools.

22 Secondly, we would dispatch both domestic and foreign
volunteers

23 to these centres, and they too organized and ran schools. One such
24 organization that was particularly active in Croatia was the
Sunflower.

25 There were refugees from all over Europe involved and I think it was

Page 27907

1 funded -- its work was bank-rolled by the Soros Foundation and this
2 organization ran a number of schools.

3 Q. All right. If we could go on to the next document, 1D
02588,

4 2588. We see it's a decree, we see the date 27 October 1992, decree
on

5 status of displaced persons and refugees. I don't want to spend too
much

6 time going over this document because everybody can read it. But I
did

7 want to draw your attention to Articles 1 and 2. It would appear
that

8 the term refugee in this particular decree refers to -- at least if
we

9 take it literally, to Croats who have fled abroad; in other words,

10 displaced persons, displaced Croats from Croatia that have gone to
places

11 such as Austria, Germany, Hungary, and what have you.

12 My first question is this: Was this decree the basis upon
which

13 your office was operating on in treating displaced persons and
refugees

14 within - I underscore that - within the Republic of Croatia?

15 A. Yes, based on this decree status of refugees was determined
--

16 internal refugees within Croatia and those who fled to Croatia from
other

17 countries.

18 Q. All right. Now, we see if we go to Article 27 on the very
last

19 page that this was published in the Official Gazette, granted this
is

20 October 1992. To your knowledge, did the international community,
UNHCR

21 and anyone else, suggest that perhaps this decree was poorly
drafted,

22 insufficiently drafted, in not covering refugees that were from
other

23 countries remaining in the Republic of Croatia?

24 A. It's possible that the decree was poorly drafted, but as for
its

25 actual application to refugees in Croatia no objections were ever
raised.

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1 Quite the contrary. We used this decree in the way we dealt with
2 refugees in Croatia. If you look at the overall context of this
decree,

3 it's easy enough to see it's about rights that are granted to
refugees in

4 Croatia. This decree in no way empowers me or anyone else to
determine

5 what any refugee, whether from Croatia or a third country, would or
would

6 not be granted in a third country when their status as refugees
would be

7 granted or denied. This is for that third country to determine, and
that

8 is what the spirit of this decree tells us.

9 Q. All right. Now, if we go to -- if we could fast-forward to
one

10 of the other documents, it's not in order, and this is 1D 02638,
2638, it

11 should be the third from the last of the documents, we see that this
is a

12 decision, a decision, on the proclamation on the Law on the Status
of

13 Displaced Persons and Refugees. This is dated 6th October 1993.

14 Article 26 tells us that it was published in the Official Gazette,
but

15 just very briefly can you tell us why was it necessary, if you know,
for

16 this decision to be passed when, in fact, we have a decree and

17 essentially it would appear that they cover the same purpose, if you

18 know?

19 A. I think I do. Croatia's constitution, at the time at least,

20 authorised the government to occasionally use decrees to deal with
issues

21 that had to do with legislation, something that would normally be a
job

22 for the parliament. However, a government cannot exercise this
right all

23 the time. It was only for a limited time that it could. Sometime
after

24 a decree was adopted, the government was under an obligation to
table

25 this to the parliament to decide and to pass as a law, and that is

Page 27909

1 precisely what we see happening here.

2 Q. All right. Now, if we go on to 1D 02608 --

3 JUDGE ANTONETTI: [Interpretation] Witness, this law was
passed on

4 the 6th of October, 1993. If I'm not mistaken, you were a member of
5 parliament at the time. Did you vote in favour of this decision?

6 THE WITNESS: [Interpretation] In keeping with the powers of
my

7 particular chamber, yes, I voted in favour of this decision.

8 JUDGE ANTONETTI: [Interpretation] In other words, in October
you

9 were familiar with the situation of displaced persons and refugees;
is

10 that correct?

11 THE WITNESS: [Interpretation] I was familiar with the
situation.

12 In my capacity as deputy I remained in touch with international

13 organizations, I would receive invitations from them. I knew many
of

14 them personally, the German office for humanitarian aid, the UNHCR,
that

15 sort of thing.

16 JUDGE ANTONETTI: [Interpretation] When this text was
adopted,

17 were there discussions, questions put by the MPs to the minister who
was

18 tabling this text? Was it just on the agenda and was it adopted
without

19 further ado?

20 THE WITNESS: [Interpretation] Your Honour, I don't think
this was

21 a law that was widely debated.

22 JUDGE ANTONETTI: [Interpretation] Fine.

23 JUDGE TRECHSEL: Dr. Zoric, one cannot help noticing that
the

24 Article 2 of this statute, this law, still has all the formulations
which

25 give the impression that refugees from other countries into Croatia
are

1 not covered. Now, you have said the first version was perhaps badly
2 drafted. Was an improvement envisaged? Was no one aware? Could
you

3 explain? And perhaps in the same going, how was the process of
4 legislation? Was there a parliamentary committee preparing the
proposal

5 for parliament; and if so, I would have supposed that you ought to
have

6 been a member of it. Could you enlighten the Chamber on this?
Thank you

7 very much.

8 MR. KARNAVAS: For the record, I had indicated that it might
have

9 been poorly drafted, so I had pointed -- I had indicated in my
question

10 that -- so whether he was aware or it or not if you go back. So
just to

11 make sure that that little nuance, and it goes to knowledge and

12 awareness. If you go back [indiscernible] to my earlier -- because
I'm

13 saying -- but in any event the question is rightly put.

14 THE WITNESS: [Interpretation] As I've already pointed out,

15 Your Honour, I don't think there was much discussion about this law
-- I

16 don't think there was any discussion at all as a matter of fact. I
was a

17 member of a number of different bodies, but I don't think there was
any

18 major discussion regarding this law. It was only a technical issue
not

19 exceeding the constitutional dead-line for a decree to remain in
force

20 before it became a law. I think that was the only issue at stake
here.

21 This law was applied to refugees, and I think there's a lot of
evidence

22 showing just that. It was also about the allocation of aid, and
clearly

23 in all such situations this law and the provisions of this law was

24 invariably invoked in a way that was appropriate. Was it well-
drafted,

25 was it poorly drafted, is it technically accurate? These are
questions

Page 27911

1 that I can hardly be expected to answer not being a lawyer myself.

2 JUDGE ANTONETTI: [Interpretation] Witness, if we compare

3 Articles 1 and 2 of this law, we may get the following impression.
Under

4 Article 1 we have very specific description of what refugees or
displaced

5 persons will receive, education, accommodation, food, financial aid,

6 medical care, and so on and so forth. Under Article 1 you have a
list of

7 all the rights enjoyed by displaced persons and refugees, but when
we

8 look at Article 2 as lawyers we find here very specific definition
of

9 what is a refugee, of what is a displaced person. And within the
meaning

10 of this law, a displaced person is someone who has moved within
Croatia.

11 For example, someone from Vukovar who went to Zagreb, that's a
displaced

12 person. But if we take the case from someone hailing from another
area,

13 someone from Mostar going to Zagreb, he could be seen as a refugee.
It

14 has been said here that this decree or this law were poorly
drafted. Is

15 it your impression as well -- of course you're not a lawyer but
you've

16 occupied senior positions and you've taken part in the vote of that
-- on

17 that law; and as such, you may have an opinion.

18 THE WITNESS: [Interpretation] Your Honours, now I understand
your

19 explanations. At the time it didn't seem like that to me. At the
time

20 we were not aware of the existence of some international
conventions, we

21 cooperated with the UNHCR, in Croatia we also had a law about the
stay

22 and movement of foreigners and we also had agreements signed with
Germany

23 and Austria, not only about the return of refugees to Croatia but
also to

24 Bosnia-Herzegovina. The first tripartite agreement was signed in
1993,

25 which made possible movements in both ways. And in good faith, we

1 applied this law to refugees in Croatia too because based on this
law the

2 Office for Displaced Persons and Refugees was in charge of
refugees. It

3 determined their status, it provided accommodation, provided food,
and

4 covered the costs for them based on this law.

5 MR. KARNAVAS: If I may, Your Honour --

6 MR. SCOTT: Excuse me, Your Honour -- go ahead, Mr.
Karnavas.

7 Sorry, go ahead.

8 MR. KARNAVAS: If I may just point out a couple of things
through

9 the witness, if we look at Article 26, for instance, we have
articles --

10 it says: "Provision of Article 13 through 19 of this decree shall
apply

11 to refugees in the appropriate manner ..."

12 Now, keeping that in mind, if we turn now to, say, for
instance,

13 as Article 13, schooling for education, medical care, assistance, or
we

14 turn to Article 14, it would appear that if we take this law
literally,

15 that is, that refugees are people that are outside of Croatia, that
the

16 demands would be placed on foreign countries that they provide
certain

17 things --

18 JUDGE TRECHSEL: Are you giving testimony, Mr. Karnavas?

19 MR. KARNAVAS: I'm just saying -- I'm pointing this out.

20 JUDGE TRECHSEL: Or are you an expert? It just strikes me
that

21 you are addressing the Court to explain facts which should be the
task,

22 as I thought, of the witness.

23 MR. KARNAVAS: Very well.

24 Q. Could you please look at that. The number of the document
is

25 2588, and far be it for me to lecture to the Bench on the law or how
to

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1 read a legal document. I was merely trying to assist, and my
apologies

2 if I overstepped my -- the appropriate boundaries. If you could
look at

3 Article 26 and then look at Article 13 and 14 and then look at -- go
back

4 to Articles 1 and 2, recognising that you're not a lawyer, to whom
would

5 this aid -- who would this be directed to?

6 A. If you consider Articles 13 through 19 regulating the rights
of a

7 refugee, they say -- they speak about the measures taken by the
Croatian

8 institutions toward displaced persons. Organized, will be providing
9 education, medical treatment, et cetera in Croatia. If you look at

10 Article 26 it's -- it reads that these rights are realized in an

11 appropriate fashion in the case of refugees too. If we're speaking
only

12 about refugees in third countries, such as Germany, Austria,
Hungary, or

13 any other country, I do not see how our members of parliament could
vote

14 a law obliging foreign institutions to do anything.

15 So it is -- the purpose is only that the same kind of
support and

16 assistance should be provided to displaced persons and refugees.
This is

17 my understanding and that is what it was like in practice also.

18 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

19 MR. SCOTT: Excuse me, Your Honour, I've been patient and I
20 deferred to let Mr. Karnavas finish his questions at least up to
this

21 point on that. I think it must be said for the record and this is
22 exactly the reason why counsel's characterizations of adding things
into

23 the record that are not evidence is a problem because there is no
24 evidence in the record, there is no evidence in the record - and I
use

25 that word specifically, evidence - there is no evidence in the
record

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1 that the Croatian parliament didn't pass exactly the law it intended
to

2 pass. Only Mr. Karnavas some minutes ago suggested that perhaps it
was

3 poorly drafted. That didn't come from the witness. The witness
hasn't

4 so testified. There is no evidence of that.

5 We have two laws written by the Croatian parliament, one in
1992

6 I believe and one in 1993. Unless we're all to assume - and I
emphasize

7 again the word assume - that the Croatian parliament made exactly
the

8 same mistakes twice, there is no evidence in the record that the
Croatian

9 parliament did not pass exactly the statute it wanted to pass, which
says

10 that it only applies to persons moving within, inside, the borders
of

11 Croatia. And there's no evidence in the record to the contrary.

12 MR. KARNAVAS: Just one question going back, and if I may
just

13 make one observation, Your Honour --

14 JUDGE TRECHSEL: Okay, okay.

15 MR. KARNAVAS: I'm sorry to interrupt you. But I just
brought it

16 to everyone's attention. I could have sat silent and maybe deal
with

17 this. I tried to be honest with the Trial Chamber and give the

18 opportunity to the witness to give an explanation, knowing that the

19 Judges would be reading this and, of course, would come up to --
would

20 have questions. And I wanted to be fair to everyone. Now, with
that in

21 mind one question would be:

22 Q. Was this law to your knowledge, was this the basis upon
which aid

23 was provided to displaced persons and refugees in the Republic of

24 Croatia? And when I mean refugees, I mean refugees coming in from
Bosnia

25 and Herzegovina or other places, because we know that they did come
from,

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1 I believe, Vojvodina and Kosovo and what have you.

2 A. Yes. On the basis of this law aid was provided to both
displaced

3 persons and refugees. The rights of displaced persons are defined
here,

4 but one article says that this applies to refugees too. And I
believe it

5 is clear from the legal context that refugees in Croatia are meant
by

6 those formulations.

7 JUDGE TRECHSEL: Thank you, Mr. Karnavas.

8 I have looked -- compared the decree and the law, Mr. Zoric,
and

9 in the final disposition of the law I do not find what is said in
10 Article 26 of the decree. Now, maybe I -- it is somewhere else and
it

11 simply escaped my attention. If it is not taken up by the law I
wonder

12 whether you could give some explanation. Thank you.

13 MR. KARNAVAS: [Microphone not activated]

14 If I could assist the witness with the number itself,

15 Your Honour --

16 JUDGE TRECHSEL: [Microphone not activated]

17 Sorry, the number of the law is 1D 02638.

18 MR. KARNAVAS:

19 Q. 2638, the third from the end.

20 MR. KARNAVAS: And you're absolutely correct, Your Honour,
on

21 that.

22 THE WITNESS: [Interpretation] I do not have the entire law
in

23 front of me.

24 MR. KARNAVAS:

25 Q. Okay. All right. We'll provide it for you.

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1 MR. KARNAVAS: If we could have the assistance of Madam
Usher.

2 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, I don't want
to

3 go into legalese, but I'm struck by Article 24 of the law for the
final

4 disposition, that seems to encompass the problem or sweep the
problem

5 away by saying that it applies to anybody who has left their
permanent

6 residence.

7 MR. KARNAVAS: We saw that, Your Honour, and in the previous

8 decree it has that as well, although I hesitated to mention that
only

9 because I didn't want to be accused of being unfair. In the sense
it

10 says to natural disasters, and one would perhaps quibble with a war
being

11 a natural disaster. So that's why I hesitated in mentioning that,
so I'm

12 trying to be as careful. I don't want to give the impression that

13 somehow I'm trying to mislead the Trial Chamber. Having drafted

14 legislation myself, I know how things can be done very poorly or
very

15 accurately, it all depends.

16 Q. Mr. Zoric, would you like to respond?

17 A. Your Honours, I have said all I know to the best of my
knowledge

18 about the law and the preceding decree. I know for certain from my
own

19 practice that the law was applied to refugees in Croatia without any

20 restrictions.

21 Q. If I could just ask a follow-up question of that. Do you
know

22 after 6th October, 1993, did Croatia continue to house refugees and

23 provide assistance, that is, after this law was passed? And it's a
yes

24 or no.

25 A. Yes, Croatia continued to accept refugees and recognise
their

1 status.

2 Q. And would there have been data -- you talked about early on
as

3 far as registering at the census and then updating. So would there
be

4 data that would back up that assertion, that after October 1993
Croatia

5 continued to house refugees from Bosnia-Herzegovina, and in doing so
was

6 providing humanitarian assistance of the type that are articulating
in

7 both the decree and the law itself, the decision?

8 A. Yes, there are reports similar to the ones we saw for
earlier

9 years or almost the same when reports were made on a weekly basis,
and

10 throughout the existence of that office, that is until 1999, that
was the

11 case.

12 Q. Now, you were asked by the President whether after you
became a

13 member of the parliament whether you continued to be kept abreast of
the

14 situation concerning refugees and displaced persons. And of course
the

15 legislation was pointed to you. My question is: In that capacity
while

16 you were a parliamentarian, were there any initiatives on your
behalf or

17 others that took you to Bosnia-Herzegovina for the purposes of
providing

18 humanitarian aid; and if so, and if so, when?

19 A. On several occasions we launched such initiatives. We were
more

20 focused on sending aid to Bosnia-Herzegovina and organize convoys to

21 regions that we could reach in Bosnia-Herzegovina. I travelled on
such

22 convoys several times and I went to places such as Vitez, Tuzla.

23 Q. All right. Were those convoys restricted -- and the
humanitarian

24 aid restricted to Croat areas and for Croats from Bosnia-
Herzegovina, or

25 were they also -- the aid was provided to Muslim areas and the
Muslim

1 people?

2 MR. SCOTT: Excuse me, Your Honour, before the witness
answers

3 that question could we possibly get some dates again as to these
convoys.

4 Again, are we talking 1992, 1998 --

5 MR. KARNAVAS: Again --

6 MR. SCOTT: Your Honour, we're entitled to know the time-
period

7 of the evidence.

8 MR. KARNAVAS: I'll do it step by step, but I've indicated
while

9 he was in parliament. Now, we've already established that he was in
10 parliament from 1993 to 1995, so that's the narrow gap, that's the
11 window. I assume, I assume, that, you know, that it was in my
question,

12 but I apologise for not giving a specific date. But we'll go step
by

13 step. I can assure Mr. Scott that I will not leave him hanging. He
will

14 know all this information, so he just needs to stay put a little
bit.

15 Q. Now, could you tell us when, about what time, month, year,
16 alleviate us of that concern so we can get that out of the way.

17 A. I'm speaking about 1994 and 1995, until the signature of the
18 Washington Accord, it was practically impossible to enter
19 Bosnia-Herzegovina, at least the part that roughly corresponds to
today

20 's Federation. And after the Washington Accord we could -- we were
21 gradually able to go further. That's the time-frame I'm referring
to.

22 Convoys couldn't have been directed to territories inhabited by one
side

23 only because otherwise you would have been prevented from going
there.

24 At many places roads were held partly by one side, partly by
another, so

25 it would have been impossible to operate differently on our
missions.

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1 And speaking concretely about Tuzla, I'm not sure whose territory
that

2 is. Tuzla is in the north of Bosnia. I believe that it is
populated by

3 a Muslim majority, but there must also be Serbs and Croats. I went
there

4 twice.

5 Q. All right. Now, during this period did you ever have any
contact

6 with Dr. Jadranko Prlic, and I'm talking about the period of 1991
to,

7 say, 1994, with respect to humanitarian assistance that he was
seeking.

8 And if that is the case, first I would like to know when and then
some

9 specifics about that.

10 A. It is hard for me to say when I first met Mr. Prlic, but I
know

11 him from that time. I believe that we first met at an event in

12 Medjugorje, but he may know better. We may have met in Split or in

13 Zagreb for the first time, I'm not sure.

14 The first major thing I did with him was in the winter of
1992.

15 We were looking for aid for Mostar and other areas because the
situation

16 was very harsh on not only their local displaced persons but the

17 situation was very serious in general terms. And I suggested to him
that

18 he go to Austria with me so as to introduce him to some people I
know,

19 with whom I had worked already, and thus enable him to try to
organize

20 aid and supply for the territories of which he was in charge
directly.

21 I know that he was surprised. I was a government official
but

22 arrived in a van that was donated by the rotary club of books in

23 Switzerland, and it was written on the van. I didn't have a mobile
phone

24 at the time and that surprised him also. And we were in such a
hurry

25 that we arrived a day early and we were greatly surprised to find
nobody

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1 waiting for us there. But on the next day we went to Grac and we

2 established all -- set up all contacts, and I believe those proved
to be

3 good contacts. And I think he received a large convoy with some 30
big

4 trucks full of food for his territory. And this was a valuable
5 contribution for them to endure the winter, and then they continued
that
6 activity themselves without our interference. Those were my first
7 contacts with him. They grew less frequent with time, and later on
I
8 cooperated with him while he was a minister of foreign affairs in
Bosnia
9 and Herzegovina in Sarajevo.

10 Q. All right. Now, the next document is 1D 02608, 2608, this
is
11 October 29, 1992, and we see that it's -- that it bears -- the
second
12 page we see that it's Professor Dr. Rebic, Adalbert Rebic, but this
is
13 when you were working for the office. Just very quickly, if we see
under
14 subject it says: "One-time financial assistance to host of refugees
from
15 Bosnia and Herzegovina ..."

16 And if you could just explain to us what is meant by: "One-
time
17 financial assistance ..."?

18 A. The office received some funds and distributed them to
families

19 that had taken up refugees from Bosnia-Herzegovina at their homes.

20 Refugees who arrived to organized accommodation had all costs
covered for

21 them, the office took care of that.

22 Q. All right.

23 A. Many families had also taken up refugees, but with time they
--

24 their resources depleted and applied for assistance because their
costs

25 had grown. And at the time we were in a situation to give a one-
time

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1 assistance to those families, and Dr. Rebic also gave instructions
to our

2 regional offices to give some funds to families that had taken up

3 refugees from Bosnia-Herzegovina.

4 Q. All right. And so if we go back to, for instance, the one

5 document which is actually ahead of -- it's forward in your packet,

6 1D 2609, and we look at the bottom, this is just for a point of

7 clarification and we'll end here for the day, this is with respect
to the

8 UN High Commissioner for Refugees, it says: "Cash grants to host
9 families ..."

10 Are we to understand that host families are exactly what
you're

11 talking about, where refugees or displaced persons were able to find

12 accommodation with friends and relatives, and albeit they were able
to

13 find those accommodations they were nonetheless able to get some

14 assistance, financial assistance, because of their status? Is that
what

15 this is about?

16 A. Yes, that is what this document is about.

17 Q. Okay.

18 MR. KARNAVAS: We've run out of time, Your Honours, we can
take

19 the break here.

20 JUDGE ANTONETTI: [Interpretation] Indeed, we've run out of
time.

21 Some recommendations, Witness. You have been a witness previously,

22 therefore you know that you're now a witness of the Court; in other

23 words, you are not to have any contacts whatsoever with the Defence
24 throughout the week. This is what I wanted to tell you.

25 Mr. Karnavas, you've used nearly three hours -- well, two
hours

Page 27922

1 and 58 minutes to be exact. This is also what I wanted to tell you.

2 We shall reconvene tomorrow. The hearing will start at
9.00.

3 Yes, Mr. Karnavas.

4 MR. KARNAVAS: I just wanted to say that based on my
calculations

5 it would appear that I have about 30 minutes left, perhaps even
less, for

6 scheduling purposes.

7 JUDGE ANTONETTI: [Interpretation] Thank you very much. Very
8 well.

9 The hearing stands adjourned.

10 --- Whereupon the hearing adjourned at 1.44
p.m.

1 Wednesday, 14 May 2008

2 [Open session]

3 [The accused entered court]

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

5 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, kindly call
the
6 case.

7 THE REGISTRAR: Good morning, Your Honours. Good morning,
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] Thank you, Mr. Registrar.
11 Today is the 14th of May, 2008. My greetings to Mr. Scott and his
12 colleague. My greetings to the witness, the Defence counsel, the
13 accused, and all the other people helping us out.

14 The examination in chief is going to continue. Apparently,
15 Mr. Karnavas, you still have one hour based on the calculations of
the
16 court deputy. Thank you. You have the floor. You may proceed.

17 MR. KARNAVAS: Thank you, Mr. President. Good morning,

18 Your Honours. Good morning, everyone in and around the courtroom.

19 WITNESS: DAMIR ZORIC [Resumed]

20 [Witness answered through interpreter]

21 Examination by Mr. Karnavas: [Continued]

22 Q. Good morning, sir.

23 A. Good morning.

24 Q. Yesterday there was quite a bit of a discussion concerning a
25 couple of -- the decree and then the decision. The decision I'm
speaking

Page 27924

1 of is 1D 02638. We're not going to refer to that immediately but
that's

2 the one and we talked a little bit about who was a refugee. Now,
you had

3 indicated yesterday that it was on the basis of this particular
decision

4 in the previous decree that the refugees, be they Croats or Muslims
or

5 others, were being provided protection in Croatia; is that correct?

6 A. Yes.

7 Q. Now, for the purposes of -- and there was some questions
from the

8 Bench and so I thought it might be rather illustrative if we could
look

9 at 1D 01581, 1581. You have it in front of you. It's a separate
sheet

10 of paper. We see this is a -- this is already, Your Honours, in

11 evidence. It was introduced, as I understand it, when we had Ms.
Krajsek

12 here, also it was on the list up until Monday when we tried to
streamline

13 the -- our case in keeping with your instructions. We thought we
might

14 be able to do this in three hours.

15 In any event, if we look at this document, 1D 01581, dated

16 6 April 1994

19 been applied to the refugees in the Republic of Croatia

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1 Now, if we could go, with that in mind, if we could go to

2 Articles -- to Article 9 in the decision, 1D 02638, the decision,
the law

3 itself. If you go to that. Look at Article 9. If you could tell
us

4 whether what Dr. Rebic is referring to is this particular Article,

5 paragraphs 1 and 2.

6 And while you're looking it up for the Trial Chamber's
benefit,

7 this can be found on the internet, this law, the Gazette actually,
and

8 the one that we have here before us is indeed 96/93.

9 Now, is that what you were referring to, sir?

10 A. I believe that the decision or the letter by Mr. Rebic
confirms

11 what I was saying yesterday that both the decree and the law were

12 consistently applied to refugees from Bosnia-Herzegovina.

Furthermore, I

13 would perhaps like to add something that we didn't mention
yesterday. As

14 a member of the United Nations, Croatia was also applying the UN

15 Convention on the Rights of Refugees, dated 1951. When it became a

16 member, Croatia.

5 Q. All right.

6 MR. KARNAVAS: And if the Court wishes, I have the web site
for

7 the Official Gazette we can put it on the ELMO if that's necessary.

I do

8 have it here to make it part of the record.

9 All right.

10 JUDGE ANTONETTI: [Interpretation] One moment, Witness. I
have a

11 question, related question for you but I'm using this document to
tackle

12 it.

13 In this document, 1D 1581, signed by Dr. Rebic, on page 2,
14 penultimate paragraph in the English version, it is said that nobody
can

15 return because their houses were destroyed and so on and so forth.
Last

16 time, you were not here, Dr. Prlic made a statement and at one point
in

17 time he said this and this sort of puzzled me. I was waiting for a
18 witness to come in order to check this.

19 Dr. Prlic told us that with regard to the ownership of
20 apartments, there was some kind of social right. I was under the
21 impression that Yugoslavia, **this**

5 the owner of your apartment because you had some deed of ownership
that

6 was authenticated by a notary public or was a social ownership,
7 collective ownership, that you were given your apartment by the
8 municipality, you could occupy it and the municipality could, in
turn,
9 give that apartment to somebody else and then when the state of
10 Yugoslavia, there was socially-owned property. There
10 particular document. If you could please take a look at it first,
11 especially the copies in the original language, in Croatian.

12 My first question would be: Do you recognise this document?

13 A. Yes.

14 Q. What do you recognise it to be?

15 A. This is a table. It is a report or a partial report on how
and

16 when and where the Office for Refugees was ordering and distributing

17 heaters. Preparations were underway for the winter season and
obviously

18 one needed to get a certain amount of heaters in.

19 MR. SCOTT: Excuse me, Your Honour, could we get a date -- I
have

20 not been able to find a date on the document.

21 MR. KARNAVAS: I haven't finished with my direct
examination. I

22 haven't laid a foundation.

23 MR. SCOTT: Thank you, counsel. You were going to provide
it.

24 MR. KARNAVAS: I don't mean to snap but, I mean, we're
25 professionals around here.

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1 MR. SCOTT: Excuse me, Your Honour, when one shows a witness
a

2 document or provides a document to a party, usually the information
about

3 date is provided. Thank you.

4 MR. KARNAVAS:

5 Q. How do you recognise this document, first of all?

6 A. I would receive reports such as this one, and that's why I'm
7 familiar with the document.

8 Q. Now, to answer the Prosecution's question: Do you know when
this

9 document was generated? And I don't want to lead you but if you
look at

10 it closely, you'll see some dates on the document as far as when
certain

11 incidents are reported.

12 It's the European version of putting down the dates so maybe
that

13 might cause some confusion.

14 A. I think we did this just on the eve of winter of 1992.

15 Q. All right. Now let's just go to the next -- by the way, if
we

16 just look at the one document, we can see the date, 1992, rather
very

17 clearly. You have a listing, this would be on -- I believe it's the

18 fourth page. You see several hotels that are being mentioned. Can
you

19 tell us where are these locations?

20 A. These facilities, all of them, are somewhere along the
coast.

21 The Split area.

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1 for -- under number 9 for Gortan says 4 January 1992, which is
amazing

2 because all the rest is referring to winter 1992, 1993, and if you
look

3 at the Croatian version then you see that it should read 1993. I
think

4 it's just a bit awkward and I think we want everything to be precise
and

5 correct. Thank you.

6 MR. KARNAVAS: Thank you, Your Honour.

7 Q. Now, if you go to the next page, where it says, "Adaptation
of

8 facilities, UNHCR." Do you see that?

9 A. Yes.

10 Q. And we see all these dates are 1992. And if you look under
11 number 8, it says "Gasinci." Is that the island?

12 A. No. Gasinci is not an island; it's a refugee centre near
13 Djakovo.

14 Q. And that's --

15 A. What this shows, however, is that it was the UNHCR that made
over

16 a former military officers's HQ into a refugee centre.

17 Q. That's the one that Azra Krajsek was saying that the weapons
were

18 pointed at, is that the one?

19 MR. SCOTT: Your Honour, excuse me, this is -- I'm going to

20 object to that for this kind of commentary. The witness doesn't
know

21 that except what Mr. Karnavas tells him, so he has no -- this
witness has

22 no information about what did or didn't happen. So, Your Honour,
I'm

23 going to make the point. This is why I'm constantly on my feet
about

24 commentary, comments, arguments by counsel, characterizations. It's
not

25 necessary and it's not done properly in the common law system. You
ask a

Page 27931

1 question. This is direct examination, cannot be leading. You ask
an

2 open-ended, non-leading, non-suggestive question. That's all we
need.

3 MR. KARNAVAS: I'll withdraw the question. We'll see the

4 document next week when we have our next witness because there is --

5 there are documents that were in the packet that we had prepared to
show

6 to this gentleman but next week we will see complaints from Krajsek
and

7 Turkovic that weapons were being pointed at that particular
facility.

8 JUDGE TRECHSEL: Mr. Karnavas, isn't that a bit of a strange
9 argument? What does what happens next week to do with how you now
10 question this witness? And in fact, you have asked him to comment
on
11 what another witness has said. He hasn't, to my knowledge, been
present
12 when the other witness deposed, I don't think whether he saw the
13 transcript. I think the Prosecution -- the objection must be
sustained.

14 MR. KARNAVAS: Okay. Well, first of all, let me just
respond.

15 I wasn't making an argument, I was responding to the
Prosecution.

16 Secondly, yesterday, we discussed this incident. Yesterday,
I

17 pointed to portions of the transcript from the witness. He had
indicated

18 yesterday that at that particular camp which had a UNHCR centre,
under no

19 circumstances, to his knowledge when he visited it, and mind you
he's up

20 there until 1993 in his position, were any weapons being pointed.

21 Now we see a date 1992. My whole point is that because
there are

22 complaints that these two particular centres of which those are the
only

23 two out of nearly 600 that there are complaints, we have as of 1992

24 people being stored over there. Now who are the displaced persons
or

25 refugees? Where are they coming from on this particular date?

That's

Page 27932

1 the point.

2 MR. SCOTT: Your Honour, once again, fortunately we have a
3 continuation of the problem. Now Mr. Karnavas is testifying when he
says

4 of 600 centres there were only two complaints. We don't know that.

5 There's no evidence of that.

6 MR. KARNAVAS: Yesterday there was evidence there were 596.

7 MR. SCOTT: And as far as this witness knows, which he
wasn't

8 even there between March 1993 and late 1995, as far as he knows --
as far

9 as I know, nothing ever happened in Croatia. I wasn't there. As
far as

10 I know. As far as this witness knows, he knows nothing about it.

11 MR. KARNAVAS: I'll move on, Your Honour.

12 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, I have to
say

13 something on this issue. The issue you raise is as follows: There
is

14 some accommodation for refugees. Apparently these premises were
premises

15 where senior officers were accommodated previously, so there was a

16 military connotation to the premises. Based on that, it may be that

17 there were weapons, guns on the premises. I don't know. And based
on

18 that, you try to clarify what another witness may have said. Two
things

19 are here an issue. In my country, a defence counsel could tell a
witness

20 the following: Witness, another witness stated that in this
location,

21 there were guns directed against the refugee camp and the witness
could

22 agree or disagree. This is something that can be done. A question
that

23 can be asked.

24 In a common law system, according to Mr. Scott, that is not
done.

25 I note that. However, in the system -- a mixed system as applied in
this

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1 Tribunal, you may find a mixture of both system, both systems and

2 sometimes they collide and that causes procedural incidents. This
is

3 what I wanted to say but since you're moving on to another subject,
you

4 may proceed.

5 MR. KARNAVAS: Thank you, Mr. President, but just to make
sure.

6 I don't agree with Mr. Scott's insinuation that this is improper
direct

7 examination. It may be where he comes from but where I come from,
I'm

8 perfectly capable of referring to what another witness has indicated
and

9 asking the witness to comment if I can establish that that witness
has a

10 basis, they have a factual basis to answer the question.

11 Q. Now, sir, have you visited Gasinci?

12 A. Yes, many times.

13 Q. Now, at that point in time, if you look at the date, this is

14 2/12/92, could you please tell us whether there were any displaced

15 persons or refugees staying at that location?

16 MR. SCOTT: Excuse me, Your Honour, could we have the dates
of

17 Mr. -- Dr. Zoric's visits to the place, if we're talking about
visits in

18 1991, 1992. I'm quite serious about this. We need to know a date.
What

19 happened in 1991 can be completely irrelevant to what happens in
1993.

20 MR. KARNAVAS: Your Honour, we've indicated already that the

21 gentleman worked in that capacity. When he visited a particular
location

22 is absolutely irrelevant. What's relevant is: During that period
when

23 he was working did he know whether people were housed over there?
That's

24 the foundational question. So I don't see why the Prosecution is
getting

25 so excited. I really don't.

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1 JUDGE TRECHSEL: I think here you're right, Mr. Karnavas,
and I

2 would overrule the objection.

3 MR. KARNAVAS:

4 Q. So do you know, based on your position, whether -- who was
there,

5 if anybody, at that period?

6 MR. KARNAVAS: Look at the date, Mr. Scott, please. I know
that

7 this is European style of -- look at it, it's 2.12.92. You're
wearing

8 your glasses, you must be able to see it.

9 MR. SCOTT: Your Honour, I reject this kind of personal
10 commentary. This is not required, this is not called for. It is
just

11 attacks on counsel and the Court, with all respect, should not allow
this

12 and Mr. Karnavas should be admonished.

13 Now, I'm looking at the -- I don't have a translated
document in

14 front of me. Yes, I can read the date. If counsel says -- excuse
me,

15 Your Honour, let me make my record. If counsel says, if counsel
says

16 that all he's referring to is that particular date -- in December
1992,

17 and that's all we're talking about because sometimes it's not clear,
then

18 that's fine.

19 JUDGE TRECHSEL: But here it was absolutely clear, counsel
has

20 started off his question by referring to this date.

21 MR. SCOTT: If I am mistaken I stand corrected. I'm not
perfect

22 but I did not understand that going into it. Thank you.

23 MR. KARNAVAS:

24 Q. Was anybody staying in that location, to your knowledge,
back

25 then; and if so, who?

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1 A. Both refugees and displaced persons at the time.

2 THE INTERPRETER: Interpreter's note, could Mr. Karnavas
please

3 try to speak closer to the microphone. Thank you.

4 MR. KARNAVAS:

5 Q. Could you tell us how often you have visited this particular
6 location on or about that period of time?

7 A. Three or four times, perhaps.

8 Q. Okay.

9 A. To see how the facility was being set up and what exactly
was

10 going on. It was my job to tour places that like that to see
whether

11 they were operating properly. Again, I must point out that there
were no

12 weapons being kept there. The fact that the facility had been used
by

13 senior officers of the former army doesn't necessarily mean that
they

14 left any weapons behind. That particular army never left a single
15 weapon

15 behind, at least that much is generally known.

16 MR. SCOTT: Excuse me, Your Honour, and at the risk of being
17 criticised by the Court again, I'm sorry but I'm back to my saying -
18 - so

18 when he says he visited it three or four times, during what period
19 are we

19 talking about? During December 1992, that time, or throughout a
20 three-

20 or four- or five-year period, or -- I'm sorry, but I'm going to ask
21 for

21 the information.

22 JUDGE ANTONETTI: [Interpretation] Witness, so you -- well, I
23 would find it difficult to say in which month I was in which
24 location 15

24 years ago, but maybe you have a better memory than I do. Could you
25 more

25 or less tell us when you visited the facility or are you not in a

Page 27936

1 position to do so, which I would understand perfectly well.

2 THE WITNESS: [Interpretation] It's difficult to be
particularly

3 specific about dates but it was certainly the case whenever there
was
4 something very important going on. When the larger groups arrived,
when
5 there were things to be done, or when UNHCR teams went, I would tag
6 along. I think there was a total of maybe three or four times that
I
7 visited Gasinci in 1992, but I can't be any more specific about the
8 dates.

9 MR. KARNAVAS:

10 Q. All right. Just one last question about this document, you
see
11 at the very top it says, "Adaptation of facilities UNHCR." Can you
tell
12 us what exactly are these figures? What does this mean? And you
may
13 have to look at the next page as well.

14 A. These figures show the dates when contracts were signed and
they
15 show how much money was spent under the terms of those contracts.
They
16 also show the amounts of money remaining and they also show the
deadlines

17 for this makeover. The UNHCR is bankrolling the whole project.

18 Q. Okay. So I know yesterday we saw a document 1D 2609 and
that was

19 a letter of mutual intent to conclude an agreement and we saw that
your

20 office, ODP, was to report in financial and narrative form the use
of

21 all contributions received. Now, granted this is at a latter date,
this

22 document I'm referring to right now, and it's about something
slightly

23 different but may I ask, the funds that were being received from
UNHCR,

24 was your office responsible for accounting for how that money was
spent

25 where and for what purposes?

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1 A. Yes, the office was accountable for that and joint bodies
decided

2 how and on what that money is to be spent. We cooperated with the
UNHCR

3 and after the job had been done, we submitted reports on what we had
done

4 and how much money we had spent.

5 Q. All right. If we look at 1D 01294, that's the next
document.

6 This refers to a Dr. Bisera Turkovic, appointed ambassador to the
7 Republic of Bosnia-Herzegovina to the Republic of Croatia, and again, I
just want some clarification. It

3 refugees, but if you could look at this, could you please tell us
what

4 does this mean?

5 A. This is an instruction to regional offices and local offices
of

6 social welfare centres who worked with refugees about the
distribution of

7 financial assistance to refugees from Bosnia-Herzegovina; namely, to

8 those refugees who lived independently rather than in collective

9 accommodation centres but who were registered as refugees in
Croatia. We see this is a protocol on cooperation between the

3 Republic of Bosnia-Herzegovina for the reception and distribution of
humanitarian

10 correct? And that you were working for?

11 A. Yes, correct.

12 Q. All right. Now, were you involved in any way with
implementing

13 this protocol albeit it's now February 25th and you're only there
shortly

14 in that office in ODPB before you go and take your seat on the
15 parliament.

16 A. At that time, few organisations that wanted to help

17 Bosnia-Herzegovina went there directly. It was much easier for
everybody

18 to bring the aid to Croatia felt the need to have logistical. It and it seems that
centres have

14 Herzegovina receives refugees and the system

22 to this protocol, it is about logistics and we had other protocols
signed

23 about receiving and taking back refugees from and to Bosnia-
Herzegovina,

24 those are protocols between our two countries. This protocol is
about

25 the establishment of logistical centres in Croatia but such centres
that

Page 27942

1 would be managed by the representatives of the Sarajevo authorities.

2 JUDGE ANTONETTI: [Interpretation] So if we understand
correctly,

3 an agreement existed between the parties so that the Sarajevo
government

4 is in charge of the implementation of these centres.

5 THE WITNESS: [Interpretation] Yes, sir.

6 JUDGE ANTONETTI: [Interpretation] Very well. So this
7 cooperation, to your knowledge, how long did it last? The two
states had

8 this agreement for how long in order to make sure that things work
well?

9 THE WITNESS: [Interpretation] The agreement was being
implemented

10 throughout the war. Now, it's because these centres assisted in the
11 return of these people. In an operational fashion, I believe that
they
12 were active until 1997.

13 JUDGE ANTONETTI: [Interpretation] Very well. Now you're
saying

14 throughout the war. I no longer follow you. Which war are you
talking

15 about? There are many wars. Would you kindly be more precise?

16 THE WITNESS: [Interpretation] Yes, I can be more precise.
From

17 the humanitarian aspect, there was one single war. We may be able
to say

18 that there were many wars if we look at it from different angles. I
mean

19 the war that went on until 1995.

20 JUDGE ANTONETTI: [Interpretation] Just to make sure I
understand

21 you absolutely well. Do you mean that during the BiH offensive in
the

22 Lasva Valley and was fully operational?,

14 mostly with their families who were refugees there.

15 It was very difficult to cross lines in the war, the lines
held

16 by Serbian forces because they -- their forces were strong. But the

17 front line between the Croatian and the Bosnian forces were soft
lines so

18 it was possible to cross them at some places and so did I. And
there

19 were situations and reports were made about that, about great
emotional

20 stress that practically in the same small town or facility, you
would

21 have people from one and the other side. But all obligations that
the

22 government had taken upon itself were being implemented. All
logistical

23 centres were functional and all aid to Bosnia-Herzegovina went
through

24 Croatia and if they came, they didn't come as soldiers, they came as

15 come wearing their military fatigues?

16 THE WITNESS: [Interpretation] No, Your Honours, they
couldn't

17 come in uniforms. They could come in civilian clothes but we're
talking

18 about people from small towns or villages and everybody knows
everybody

19 else. And Central Bosnia is a small place where you can't be
anonymous

20 and it wasn't hard to recognise people if they were from the same
town or

21 village as you.

22 Apart from that, the logistical centres were the destination
of

23 delegations and convoys, et cetera, from Bosnia-Herzegovina
including

24 military personnel.

25 MR. KARNAVAS:

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1 Q. Just one final question on that. When we're talk about
soldiers,

2 which particular armies are we talking about?

3 A. We're talking about soldiers of the army of BiH or soldiers
of

4 the HVO.

5 Q. So in other words, a soldier from the army of BiH could take
off

6 his uniform, go across the border, have a nice little weekend, visit
the

7 family then go back to the front line in Central Bosnia? That's
what

8 we're talking about?

9 A. Some of them were able to do so, not everybody, but some,
yes.

10 Q. All right. If we could go on to the next document 1D 02778,

11 1D 02778. If we look at the bottom, we see that this is from the

12 Office of Displaced Persons and Refugees, February 1993, Zagreb.
And

13 sir, first of all, do you recognise this document?

14 A. Yes.

15 Q. All right. What is this document? Without going into the
16 contents, just tell us what is it, basically?

17 A. It's a flyer containing information or an appeal of our
office

18 which was distributed on a regular basis to everybody willing to
help.

19 Q. All right. Now, I want to focus everyone's attention to
20 paragraph number 2, especially in light of our discussion yesterday
and

21 today as far as aid to refugees from Bosnia-Herzegovina. It says
here,

22 "At present, (February) there are approximately 400.000 refugees
from

23 Bosnia and Herzegovina registered in Croatia).

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1 than 650.000 people, of which are accommodated in hotels, private
homes,

2 schools, huts, and train cars."

3 Question: Is that an accurate statement?

4 A. Yes, it is.

5 Q. What was the purpose for this flyer, because we see that
they are

6 requesting assistance of people to give, basically.

7 A. We are asking for donations and assistance and we're trying
to

8 maintain the awareness of people that there is a need to give.

9 Otherwise, we wouldn't have been able to bear this burden. So we
were

10 constantly raising the awareness of the general public letting them
know

11 that we must help our -- we must all help each other and help
ourselves

12 to live through this difficult period.

13 JUDGE ANTONETTI: [Interpretation] You, witness, you talked
about

14 650.000 people or that's what the document states and it's a huge
number

15 and we see that these people were accommodated in various places,
hotels,

16 schools, and so on and so forth and even in private homes. To your

17 knowledge, had you heard of the fact that Croatians would have
18 accommodated in their own homes Muslims that they would have
accommodated

19 during the war? Do you have any examples to give us, for instance?

20 THE WITNESS: [Interpretation] Yes, Your Honours. There are
many

21 examples of this type. In towns and villages, people would receive
22 refugees in their homes. More than half the refugees were not put
up in

23 organised camps or facilities but they were put up in the homes of

24 Croatian citizens who were not forced to take them up. They did so
of

25 their own accord. Of course you would first admit your relatives or

Page 27947

1 friends, but many people took up persons who had simply turned up
and who

2 needed help. And there are many examples of this kind.

3 JUDGE ANTONETTI: [Interpretation] Financially speaking, if a
4 Croatian family was accommodating, for instance, Muslim refugees who
had

5 absolutely not a penny, they only, let's say, came with a suitcase,
do

6 you know if that Croatian family, for instance, could receive a
financial

7 aid from either the municipality or the government in order to help
them

8 to feed these Muslim refugees? Do you know if there was a system in

9 place of social protection that existed to help these people who
were

10 accommodating these refugees?

11 THE WITNESS: [Interpretation] Such families could get
support if

12 there were funds available. This assistance was not paid out
regularly.

13 There were no set dates but rather as one-time financial
assistance. The

14 system of distribution, of humanitarian aid to such families
functioned

15 rather well and those humanitarian aid mostly consisted in food and

16 household items.

17 Many organisations were engaged in that such as Karitas,

18 Merhamet, the Red Cross, and other smaller organisations. Families
who

19 had put up refugees in their homes would get aid from these. The

20 financial assistance was scarce, though, which, as a consequence,
21 financially exhausted the host families because the overall economic
22 situation in Croatia where, as I understand it, you indicated yesterday
8 There was some federal states where refugees received that type of
9 subsidy.

10 JUDGE TRECHSEL: If I bring the correction, I think the
witness

11 says up to a thousand mark which does not mean that everybody got
12 automatically a thousand marks. Do I understand you correctly,
Witness?

13 MR. KARNAVAS: You're shaking your head, you have to say ...

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

15 MR. KARNAVAS:

16 Q. Now, let's go on to the next document, 1D 02626, 2626. It's
17 dated 12 June 1998 among Bosnia, all those who wanted to take part in the
elections had to and was not entrusted with this task? Why go to
22 groups. That's what I'm trying to say.

23 Q. All right. If we could go to page 3, page 3, paragraph 4,
the

24 last paragraph within the section where it says, "Between the summer

--

25 between summer 1995 and May 1996 in Croatia." Then it goes on to say,
"They are not included in the numbers

5 stop right there. Do you have any information regarding this
particular

6 passage?

7 A. Refugees who arrived in Krupljensko were refugees from the
8 Velika Kladusa and Cazin areas. They made two attempts to enter
Croatia called Krupljensko. They settled down and turned themselves along with in and.
About 4.000 of those, however, categorically refused to

17 kind of housing, it was just very makeshift.

18 Q. Were there complaints about this particular camp; and if so,
who

19 was complaining? And keep it brief, sir.

20 A. Dealing with this issue, I think, was the last term for
Croatia

21 to be admitted into the Council of Europe. As you well know,
Croatia, there were 371.319 refugees. In the following paragraph, the

10 went to European countries and there is a small group that was not
11 granted that status, apparently. That group of people returned to
BiH.

12 That's what I'm interested in.

13 On the basis of this paragraph, one could have proof that

14 individuals came to Croatia to return later to BiH as seems to be indicated by
this document?

4 returned to BH.

5 We handled nearly a million people through our office in
6 different ways who came, left, went elsewhere, or perhaps returned
to

7 Bosnia and Herzegovina. At times, there were as many as 200 to
300.000

8 people at a time. Some came, some left, some went back to Bosnia and
then back to Croatia

10 refugees again. Between 1993 and 1995, and this might strike one as
11 petty and not enough, but we worked with humanitarian workers,
12 representatives of various organisations and so on and so forth, we
13 managed to have about 5.000 people returned to B and H. This may
seem as

14 little but it was a huge success.

15 In 1993, we started cooperating with the German authorities
in

16 terms of bringing people back. If you look at the statistics in
Bosnia

17 and Herzegovina, and the countries all over Europe were

25 Bosnia and Herzegovina and the Office For Refugees on the one hand
and

Page 27957

1 the directorate from Mostar on the other signed a protocol on the
return

2 of refugees and displaced persons, there was an international
tripartite

3 agreement also that was later to be --

4 JUDGE ANTONETTI: [Interpretation] Since this is an important
5 issue, I'm going to be more specific. I'm interested in the year
1993

6 and the beginning of 1994, in that period. You have just said that
7 between 1993 and 1995, 5.000 people returned to BiH, fine. Could
you be

8 more specific in your answers? Among these 5.000 individuals in
that

9 period from 1993 to beginning of 1994, could it be that some of them
10 returned to Herzegovina, Turkey

25 others were also willing to accept some. There were also offers
saying

Page 27960

1 we were ready to accept so and so many in this country.

2 Q. Recognising the events in Bosnia-Herzegovina, in Central
Bosnia

3 in particular, where you indicated that refugees that were both
Croat and

4 Muslim coming there, were there any efforts to somehow discriminate
5 against the Muslim refugees that were coming in?

6 MR. SCOTT: Your Honour, I'm sorry but -- excuse me --

7 MR. KARNAVAS: That he's aware of.

8 MR. SCOTT: I can't get my microphone, Your Honour.

9 MR. KARNAVAS: Sorry.

10 MR. SCOTT: Thank you, Mr. Karnavas. I appreciate Mr.
Karnavas

11 says that he's aware of but that's an extremely broad question and
that

12 he's aware of. I mean as a member of parliament not involved with
these

13 issues on a daily basis, is he aware of? And I mean, again, as I

14 mentioned earlier this morning that's like asking anyone, you know,
did

15 Joe wear a blue shirt yesterday that you are aware of? Well, I'm
not

16 aware of it but that doesn't mean anything. I think there has to be
some

17 specification here and some indication of personal knowledge other
than a

18 wild guess as, well, I never heard of anything. I mean, was he
involved

19 in these issues? Was he sitting on a committee? Was there a
particular

20 report? During this entire period, we're talking about a year's --
a

21 long period of time, is he aware of anything by anyone, anywhere in
the

22 Croatian government to discriminate?

23 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas.

24 MR. KARNAVAS: I'll ask a series of questions.

25 Q. From March 1993 until the time that you go back to the ODPR,
were

Page 27961

1 you aware of what was happening in Croatia with respect to the
refugees

2 and displaced persons? We'll go step-by-step, Mr. Scott, please.

3 MR. SCOTT: Your Honour, I'm not trying to be difficult.
I'm

4 really not. But I do have to make a fair record here and I am a
party to

5 this as much as anybody else. What does that mean? "Aware of what
was

6 happening in Croatia, and by that I meant the state of Croatia, whether
8 of the ethnic cleansing of Muslims from Bosnia-Herzegovina and from
9 Herceg-Bosna area. This was part of a system as charged in the
10 indictment to move Muslims out of Herceg-Bosna and it was done any
number

11 of ways. One of those ways was to move them either at least
temporarily

12 into Croatia

15 Now, based on that, to your understanding, based on your
16 involvement both when you were in that office up until 1993 and
17 thereafter 1995, but more specifically while you were out of the
office

18 but a member of the parliament, to your understanding was there a
19 concerted effort on the state of Croatia or officials of the state
of

20 Croatia?Croatia is turned into

14 a transit centre. I'm asking this gentleman because if this is an

15 argument, if this is an office of the government of the state of
16 Bosnia-Herzegovina, and if this gentleman is a member of the
parliament,

17 and if it's being budgeted, clearly something must be aware of what
is

18 happening. Dr. Rebic could not be acting on his own. Is he getting
--

19 we're going to see the gentleman, but to his knowledge, to his
knowledge,

20 is this office part of the joint criminal enterprise as a result of
it

21 being an agency of the state of -- the Republic of Croatia or Turkey,
Iran through another organisation, the, Australia

2 the reverse direction, albeit limited, of return to Bosnia-
Herzegovina,

3 especially in 1995 when five European countries joined the

4 German-Croatian agreement on the return of refugees through Croatia
to

5 Bosnia-Herzegovina. Starting from March that year, this was done in

6 accordance with the protocol and the agreement signed by the
government

7 in Sarajevo, just to correct that, to

19 the questions asked by the Bench that the situation was difficult
and
20 there were complaints. Could you please tell us how difficult was
that
21 situation knowing that you have Croats that are now coming as
refugees
22 along with Muslims that are coming as refugees and you have the
fighting
23 going on. Could you please give the Trial Chamber some indication
of
24 what is really happening, how difficult the situation is, because,
after
25 all, we need to have all of these events in context.

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1 JUDGE TRECHSEL: Mr. Karnavas, I think you forgot to mention
the

2 year. You gave the months. 1993, probably.

3 MR. KARNAVAS: 1993.

4 JUDGE TRECHSEL: Okay. Thank you.

5 MR. SCOTT: Your Honour, I was going to ask the same thing
but

6 when you suggest 1993, I think it was during 1992 this man was in

7 position, not in May, June, July 1993. He was no longer in that
position

8 so I assumed, I thought correctly, that Mr. Karnavas was talking
about

9 1992 which is the focus of this man's evidence.

10 MR. KARNAVAS: Your Honour, again I don't mean to be --
we're not

11 living in a bubble. The gentleman was there, was in Croatia, and I
can

12 paint a picture for the Court. Imagine seeing people getting killed

13 and --

14 MR. SCOTT: Excuse me, Your Honour, we don't need a long
speech.

15 It's not --

16 MR. KARNAVAS: Well, that's my whole point --

17 MR. SCOTT: We want -- Mr. Karnavas wants to make another
speech.

18 Your Honour, I submit to the Chamber the Chamber has heard the
testimony

19 of this witness. The Chamber knows the Prosecution's been quite

20 transparent about its position on this timing and it's not
appropriate

21 for this witness, this person, to give evidence concerning about
these

22 detailed matters or any such things when he was not in that
position.

23 And we've made no secret of that. I simply want the Chamber to have
fair

24 evidence and this witness has talked about the period up to March
1993

25 and then he comes back later in 1995. Yes. He may have had some
limited

Page 27967

1 ongoing connection but this witness has never testified, has never
2 testified since yesterday about any extensive involvement in these
3 matters in mid-1993 and I do object. There's no basis for that.

4 MR. KARNAVAS: If I may be heard very briefly on the matter.

5 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas.

6 MR. KARNAVAS: If I may be -- if I may be heard, Your
Honour,

7 just for the sake -- because he was living in Croatia, he's in the
8 situation. He can see it. I'm asking him as a human being as
someone

9 who was over there. If I may be allowed -- we're hearing comments
from

10 the peanut gallery now. If I may be allowed to make my comment for
the

11 record.

12 He is there. You can take it for whatever weight you wish
but he

13 is there. I'm not asking him the situation in the camps, but in
general,

14 the atmosphere. Is this gentleman not capable of commenting in
general

15 about the atmosphere in Croatia at that period of time, May, June,

Page 27968

1 are Muslims and Croats.

2 A. It wasn't easy to live in Croatia on several occasions and with all
due respect to everybody

8 establish some links, open channels of communication, reach members
of

9 the BiH parliament. And I was successful on one occasion. I led a

10 delegation of my fellow MPs to Nova Bila which is a village in

11 Central Bosnia

16 colleagues to take me to Bugojno because it was practically
impossible to

17 go there so I was taken there by Bosnian Muslims and they, in
return,

18 asked me to take them Kiseljak because it was impossible for them to
go

19 there and we asked them to take us to Vares because without their
help it

20 wasn't possible for us. And they asked me to take them to the part
of

21 Vitez that was off limits for them and we did all that and talked to
the

22 people and tried to set up channels of communication.

23 Eventually, we went to Mostar and I enabled them to have
talks on

24 the western side and they and Mr. Kosnik who was the international -
- who

25 was the international manager, the military officer in charge
enabled

Page 27969

1 them to cross to the other side so we were crossing front lines and
that

2 was dangerous but I believe that such activities contributed to
putting

3 an end to the conflict.

4 We lived in such circumstances and we tried to do something
to

5 bring about peace and enable people to return.

6 Q. What was the period of this, so we have a framework? What
7 period, especially with Nova Bila because there are allegations that
are

8 allegations that we're trying to ethnically cleansing -- reverse
ethnic

9 cleansing of the Croats and now you're talking about building a
hospital

10 there.

11 A. That was around about the signing of the Washington
Agreement, I

12 believe that was in the fall of 1994, probably or 1995. I believe
it was

13 in 1994. Yes, why should we have invested so much money, so much of
our

14 own money in the construction of a hospital and we also had people
in

15 Zagreb

21 I remember that a stone that weighed several tons was taken
there

22 from Zagreb at the time in question between March

1 like to ask you is this, or rather, to speed things along a little,
2 you've been handed the bundle of documents. Can you please look at
the
3 second document in that bundle. The number is 3D 01092. Have you
got
4 that, sir?

5 A. Yes.

6 Q. Have a look. It should be easy enough for you to recognise,
this
7 is a diplomatic note dispatched by Croatia's foreign ministry on the
8 30th of April, 1993, to the embassy of Bosnia and Herzegovina in
Zagreb
9 in order to notify them of the desire by a multi-party parliamentary
10 delegation of Croatia?

16 specifically Central Bosnia. I'm aware of this initiative. This, IZagreb
10 speaking, that was, in my understanding, the gist of what he was
trying
11 to say.

12 This was followed by a session of the delegates. One of the
13 conclusions that was reached was to set up a multi-party
parliamentary

14 delegation to visit those areas. Upon their return, they were to
submit

15 a report. I think this was the course of action that was eventually

16 taken. Some of the areas were reached with the assistance of

17 international agents and international organisations had been
informed

18 about this.

19 Q. Just for the transcript to be perfectly clear, you say
Praljak

20 was lobbying about them needing to go over there or down there.
When you

21 say "down there," I suppose that's a reference to Bosnia-
Herzegovina?

22 A. Yes.

23 Q. All right. What about the assistance of the international
forces

24 bearing in mind of course the situation that prevailed on the ground
at

25 the time, the checkpoints, the war that was going on, the
checkpoints

Page 27973

1 along the roads and so on and so forth. Can you please look at
document

2 number 2. This is 3D 00566. It's a letter signed by Ivo Sanader,
at the

3 time Croatia

2 parliament delegation of national assembly, the Republic of Croatia

18 else was with him. There were other people with him at the time but
I

19 can't remember who specifically. I am sure he was the one who
played the

20 principal role in this situation.

21 MR. KOVACIC: [Interpretation] Thank you very much. I think

22 that's sufficient and we can now move on to something else.

23 Q. The next subject that I wanted to raise with you is this.
This

24 is something that was brought up several times during your chief.
First

25 of all, you mentioned yourself that you visited Bosnia-Herzegovina

Page 27976

1 several times back in 1994 and 1995 on humanitarian convoys. This
is

2 just to assist others. The transcript reference, yesterday's
transcript

3 this is page 79, lines 19 through 22.

4 Today, towards the close of your examination in chief, page
45,

5 you mentioned a visit to Bosnia. **Bearing in mind your job in the Office for
Refugees and**

18 were following the situation and you knew what was going on.

19 Sir, is it true that there were soldiers of the BH army who
were

20 being accommodated in various medical institutions in Croatia's
hospital such as Rebro and the new hospital. **Many of them**

3 people. I wasn't following this situation very closely but I know
there

4 are reports that were written about this and I know that many of
them

5 were provided this type of medical assistance with a focus on Split
6 hospital. I think they have in-depth documents, they have case
histories

7 of each and every patient that was treated at the hospital back
then.

8 Q. I apologise. We need to make a pause. Nevertheless, I'm
really

9 looking to get something else from you about what was going on,
another

10 aspect of this situation.

11 These patients obviously are also receiving visits from
family

12 members, from neighbours, from people from their home village. Were
13 there refugees in Croatia; is that the case?

5 facility with refugees from Central Bosnia. There were both groups
6 there. I'm talking about a family of a friend of mine who was a
native

7 of Vitez, his family was there. They had lost a number of their
8 relatives. There were some other people who were also there at the
time

9 who had just caught wind of news that pleased them, that was in a
way

10 favourable. This was a difficult situation and they addressed me,
they

11 came to speak to me and asked me to move them elsewhere.

12 It was in situations such as these that it was very
difficult to

13 expect that people such as these should be kept together. I put in
a

14 word for them and asked them to be moved to a different facility. I

15 asked for the Croats to be moved to a different facility.

16 Q. Bearing in mind your background in terms of education, could
we

17 perhaps say that incidents such as these gave rise not just to
political

18 problems but also to social problems, if you like, that there were

19 ethical issues at stake? Issues regarding human behaviour, if you
like?

20 A. That's quite right. It's very give to keep your presence of
mind

21 in situations such as these but it is at the same time
indispensable.

22 Q. Thank you. I have information on an incident in a hospital
in

23 Dalmatia in 596 different places in terms of there being facilities that

8 anything about that. There were places where Bosniaks were
celebrating

9 certain victories of the BH army over the Croats and this
constituted

10 unpleasant behaviour on their part. So that is the gist of my
question.

11 Were there celebrations going on whenever important victories were
won by

12 the BH army in Central Bosnia, were these celebrations going on in

13 refugee centres across Croatia and I had known him since 1990 when he first stepped out into

Page 27986

1 for example, we often had to negotiate and seek contact with all parties

2 to be let to pass through. And we involved everybody from who we
3 expected assistance and we tried to make our stay there public because it

4 was a sort of guarantee for our safety.

5 JUDGE ANTONETTI: [Interpretation] Very well. Amongst the
6 contacts that you had, did you have a contact, for instance, with
7 Mr. Praljak either in writing, on the phone, orally, through someone?

8 Did he play a role so that you and your MPs were able to go there?

9 THE WITNESS: [Interpretation] No, not in my particular case. He

10 may have played a role but I'm unaware of it. Anyway, I didn't ask him

11 for any such services or favours.

12 JUDGE ANTONETTI: [Interpretation] Very well. So during your
13 stay, you never had any contacts with Mr. Praljak; is that right?

14 THE WITNESS: [Interpretation] No. While he was in his
position,

15 while he led the HVO or whatever he did, I don't know, I'm not a
military

16 expert, he certainly was an important personality there, but I never
had

17 contact with him about these issues.

18 JUDGE ANTONETTI: [Interpretation] Now, talking about the
ABiH,

19 who was your contact there? Who was your main contact in the ABiH?

20 THE WITNESS: [Interpretation] We were never able to reach
high

21 ranking people. We always negotiated with the local commanders or

22 directly with the soldiers at checkpoints. Most times we had to
speak

23 with local commanders, and there were always many local commanders,
and

24 speak to the soldiers at the checkpoints themselves to let you pass.

25 Sometimes they would do so; sometimes not. Sometimes they would
order us

Page 27987

1 to return or, then again, they would say, Wait until the situation
calms

2 down, et cetera.

3 To us, the local commanders were always the most important
people

4 or their immediate superiors. I never contacted high level
commands.

5 JUDGE TRECHSEL: Just for clarification, the introduction to
this

6 series of questions was linked to the mission of parliamentarians
but you

7 of course are speaking of other visits which you paid to Bosnia
because

8 you were not, as far as I can take from the documents, a member of
the

9 parliamentary delegations although you were an MP at the moment. Is
that

10 correct? Could you confirm?

11 THE WITNESS: [Interpretation] I was indeed not a member of
that

12 delegation although I was an MP. This delegation left in an
organised

13 fashion, supported by international forces that had been notified,
as

14 well as the BiH embassy in Zagreb WAS

10 1957, I believe, and the convention from --

11 JUDGE TRECHSEL: May I recall what my learned friend Judge

12 Prandler was going to say. Wait so the interpreters can translate
the

13 answer before you continue speaking because you were again
overlapping to

14 an extent that was hardly manageable even to these excellent
interpreters

15 that we have. I want to pay homage to them and support them.

16 JUDGE PRANDLER: Yes. I would like to confirm that I am of
the

17 same views, but I also would like to say that actually the

18 Geneva Convention was concluded in 1951 and not in 1957. For the
record

19 I would like to add. Thank you.

20 MS. ALABURIC: [Interpretation] Thank you, Your Honours, for
these

21 instructions which I hope we will follow. And thank you, Judge
Prandler,

22 for this correction. The witness stated correctly that the
convention

23 was from 1951 and the protocol from 1967.

24 Q. Mr. Zoric, let us try and see when Croatia became a party to
25 these international documents. Do you know that Croatia through the

Page 27989

1 notification about succession from the first day of its independence
on

2 the 8th of October 1991, became a party to many international
agreements

3 including agreements on the status of refugees?

4 A. Yes, I'm aware of that but Croatia, upon the request of the
EU,

5 suspended its declaration of independence for a period of three
months

6 but I think that under all international conventions of the UN,
including

7 the ones we've mentioned, that Croatia as from the first day of its
independence became

6 for this document, it is document 1D 2626, and of the set of
documents

7 submitted by the Defence of Jadranko Prlic, under number 4, the
dynamics

8 of the refugee crisis, it is said that the Republic of Croatia was
faced with a wave of refugees from Bosnia-Herzegovina?

21 take a look at your set of documents. Document number 4D 1232.

22 A remark to the Trial Chamber. The Law on the Movements and
the

23 Stay of Foreigners is not translated entirely but only up to Article
43

24 so I consider it necessary to refer to that piece of legislation to
show

25 how Croatia was regulated by the Law on the Movement and Stay of

12 an English translation of any of these materials? No. Okay. Thank
you.

13 MS. ALABURIC: [Interpretation] I will repeat. I am very
sorry

14 that the law is not translated in it's entirety. I announced
yesterday

15 that in my cross-examination, I would be referring to this law.

16 JUDGE TRECHSEL: Again you say in it's entirety. Can you
point

17 out the parts that are translated?

18 MS. ALABURIC: [Interpretation] It is translated up to and
19 including Article 43.

20 JUDGE PRANDLER: I just wanted to help Ms. Alaburic and say
that

21 the law had been translated into English here and we find it here.
And

22 also, actually, in the very first part of it in Article 2, it refers
to

23 the refugees, the meaning of the refugees and also to the fact that
it is

24 being based on the 1951 Convention of the Status of Refugees and the
1957

25 Protocol on the Status of Refugees. I would add that that protocol
was

Page 27992

1 adopted in New York and events taking place in Croatia.

6 then tender it into evidence.

7 For the purposes of cross-examination, it suffices for this
8 witness to say to you, Your Honours, that the -- getting the status
of

9 refugees for persons of Bosnia-Herzegovina was regulated by the Law
on

10 the Movement and Stay of Foreigners.

11 What is additionally important for me is to establish that
this

12 law was passed in June 1991, that it came into force on the 8th of

13 October, 1991, namely on the day of -- when Croatia governing the

6 Croatian law. I'd raised the issue. That was months if not over a
year

7 ago. And today, you appear to say something which is fine, you may
be

8 right, I'm not saying that you're wrong, but then you have to come

9 prepared with the translation into English of this law so that
precisely

10 the Judges may ask questions. The Prosecutor objected because he
said

11 that if he wants to cross-examine, he needs the text; and Mr.
Karnavas

12 has just said that he, too, wants to have that text in his
language. So

13 that's the situation as it is now.

14 MS. ALABURIC: [Interpretation] Your Honours, if I may, I'd
just

15 like to offer an explanation. I was going to call my own witness to
talk

16 about refugees and the Law on the Status of Refugees by that time

17 certainly would have been translated into English. It was because
you

18 raised the issue yesterday, not just because Judge Antonetti had
raised

19 the issue but also because of the kind of answer that Mr. Zoric
provided

20 when he said that it wasn't just the Decree on the Status of
Refugees and

21 Displaced Persons but rather that there were also regulations
defining

22 the status of all foreigners.

23 I was preparing my cross-examination yesterday and I decided
to

24 ask the witness this question. I thought it would be fair to raise
this

25 law, to refer to it, invoke it, but I'm not going to delve any
deeper

Page 27998

1 into that; it was just a foundation for my next question. My next

2 question is about the status of refugees and displaced persons which
is

3 something that was in force when he was still in office and the
document

4 is 1D 2588. This is in the set of documents handed to you by the

5 Prlic Defence team. Can you please have a look.

6 Q. My question is: Can we agree that this document was in
force

7 until October 1993 when a new law was passed, the one that you
discussed

8 yesterday when prompted by Mr. Karnavas? 2588.

9 A. Yes, we can agree on that.

10 Q. Look at Article 26 that Mr. Karnavas invoked in relation to
this

11 law and the Article is contained in this provision, the provisions
of

12 Article 13 through 19 of this decree shall be applied in an
appropriate

13 way to refugees. Can we therefore agree that in Articles 13 through
19

14 of the decree what we see defined there is assistance for refugees?

15 A. Yes. Articles 13 through 19 tell us about the sort of
assistance

16 that refugees would be provided. Article 26 says that both refugees
and

17 displaced persons should be treated in this same way.

18 Q. So was this the legal basis for displaced persons in Croatia,
those who left Bosnia and Herzegovina to go to the

22 A. Yes, that was the legal foundation for that.

23 Q. All right. Let us go back to 1D 2626. I'll read the
relevant

24 portion for you so you don't waste any time looking for it. This is

25 section 5, paragraph 5, it reads, "In Croatia there exists and there

Page 27999

1 existed from the very outset of the humanitarian and refugee crisis
a

2 unified system under which one was looking after the refugees from
both

3 Croatia

6 Mr. Zoric, can you confirm that this conclusion I just read
out

7 to you is accurate?

8 A. Yes, I can. The conclusion is accurate. If I may just be
9 allowed to add a couple of words. Given the context that we're
talking

10 about, we often only discuss refugees from Bosnia and Herzegovina,
be

11 they Croats or Bosniaks or Muslims; however, over in Croatia, as

12 statistics show, we had not a major amount of Serb refugees, but
there

13 were some Serb refugees and there were Jewish refugees who fled
Sarajevo's Jewish community. Therefore, if you asked

25 of July, 1991, by Izetbegovic, President Izetbegovic and President

Page 28000

1 Franjo Tudjman. Can we please look at item 3 of the agreement.
This is

2 P 0339. It's in my binder. It's a document that we've already seen
3 quite often in courtroom. Paragraph 3 or Article 3 reads, I quote,
"The

4 state delegation of the Republic of Bosnia and Herzegovina expressed
5 their gratitude to Republic of Croatia

8 Mr. Zoric, did people from the government of Bosnia-
Herzegovina

9 often express their gratitude to the Republic of Croatia

19 Herzegovina

23 will continue to cooperate in collecting the humanitarian aid for

24 refugees. They will continue to build refugee centres in safe areas

25 throughout B and H and they will continue to work on the return of

Page 28001

1 refugees from the Republic of Croatia

3 signed."

4 Mr. Zoric -- Mr. Zoric, can you tell us whether you know
whether

5 such a protocol on cooperation was signed?

6 A. Yes, protocol on cooperation was signed and there were later
7 protocols that dealt more with the return of refugees. The first
ones

8 were mostly about refugees being provided accommodations and
assistance.

9 I think the first protocols date back to the first half of 1995 that
talk

10 about cooperation in terms of the refugees being allowed to return.

11 MS. ALABURIC: [Interpretation]

12 Q. Can you please look at 3D 2710 in my set of documents, this
is a

13 General Praljak Defence document, protocol on cooperation of the

14 government of the Republic of Croatia

20 government of the Republic of Croatia itself. The

2 to cover the costs of transport or indeed international humanitarian
aid

3 that is being shipped into Bosnia and Herzegovina."

4 Q. Mr. Zoric, based on this it would seem that the two
governments

5 spoke and they agreed to address Europe,, Denmark

17 European governments that I've been mentioning here. It was through
the

18 mediation of international organisations that they expressed their

19 willingness to admit a certain number of people.

20 Q. All right. If we go back to Defence document -- Prlic
Defence

21 document 1D 2626, if you look at Article 4 of that document,
paragraph 6

22 of Article 4 and I will read it to you. It reads: "Following an
appeal

23 that was launched by the government of the Republic of Croatia."

3 with the protocol signed by the presidents or prime ministers of the
two

4 countries?

5 A. Yes, that appeal is perfectly in keeping with that protocol.

6 Q. Okay. Now tell me this, we're talking about July, the
middle of

7 1992. Mr. Zoric, sometime halfway through 1992, Bosnia and
Herzegovina

13 person." Is that correct?

14 A. Yes, I think I spoke a great deal about that yesterday,
didn't I.

15 Q. And further, you recognise and, in fact, in the Tuta case
you

16 said there was a "big difference" between someone who has "refugee
status

17 and someone being a foreigner." Is that correct?

18 A. I'm not sure what sort of difference you're talking about.

19 Q. Is it correct, sir, that someone who has been granted
refugee

20 status has substantial number of rights, at least on paper, as
opposed to

21 someone who is only considered a foreigner in the country?

22 A. No, they both have the same rights but there could be other

23 differences such as origin, language, ethnicity. In terms of
rights, I

24 believe they have the same rights.

25 Q. Well, sir, in your Tuta-Stela testimony, you testified that
there

Page 28007

1 was a "big difference" between refugee status and someone being a

2 foreigner. If someone is a refugee, the country is "bound to
provide him

3 with accommodations, schooling for the children, medical treatments,
and

4 all the rest that is necessary so that such a person is taken care
of for

5 life." Of your testimony. Then went on to answer that, "A
foreigner,

6 that is a person in Croatia

8 Now, are you giving a different answer today than you gave
in the

9 Tuta-Stela case?

10 A. I don't have the transcript in front of me so therefore I
can

11 hardly be expected to comment. A foreigner could be a tourist, a

12 student, a businessman, a foreigner is a person who comes from
another

13 country. A refugee is a person also who comes from another country
but a

14 person who enjoys certain rights once their status as a refugee has
been

15 recognised. Therefore, there can be certain differences. There are
16 certainly big differences between mere tourists and refugees.

17 MR. KARNAVAS: Just a point, Your Honour, if Mr. Scott will
be

18 referring to portions of the transcript from the previous testimony,
I
19 would respectfully request page and line. I do have it in front of
me in
20 anticipation of his cross and so if he could be so kind. I'm sure
he's
21 going to quote accurately just so I can follow.

22 MR. SCOTT: Thank you, Mr. Karnavas. For the record I was
just
23 now referring to the testimony of the witness at page 11018 of his
24 previous sworn testimony.

25 Q. Sir, you did say there that it was a "big difference" and I
take

Page 28008

1 it you've now modified your initial answer today to say, well, yes,
in
2 fact there are differences, refugees have rights, foreigners do
not. Is
3 that correct?

4 A. Foreigners have rights too, but they don't have the rights
that
5 refugees have. Regardless of that, I don't see why I should change
what

6 I said before about this. I think what I said before is consistent
with

7 what I'm saying now. I'm using plain language to put my point
across,

8 I'm not using legalese and I'm speaking in colloquial terms and my

9 understanding is time is a valuable commodity in this courtroom.

I'm

10 trying to keep my answers short. What I said then I would say
today.

11 Q. Thank you, Dr. Zoric. Let me be very clear then and I'm
trying

12 to be fair to you as well so let me be very transparent. I, for
these

13 purposes, am not going to be speaking generically or broadly. When
I'm

14 going to use the word "refugee" for purposes of my cross-
examination,

15 other counsel can do what they wish, but when I talk to you this

16 afternoon and probably tomorrow, when I use the word "refugee," I'm

17 talking about someone who has been granted refugee status under
Croatian

18 law. That's what I'm talking about, all right.

19 MR. KHAN: Well --

20 MR. SCOTT:

21 Q. Can we agree on that, Dr. Zoric?

22 A. Yes.

23 MR. KHAN: Your Honour, I don't know if it assists. Perhaps

24 the -- it may save time. The ambiguity perhaps, at least to me,
appears

25 to stem not from refugee but what is meant by rights. Of course
there

Page 28009

1 are rights conferred under the Criminal Code, the Penal Code, and
there

2 are peculiar specific rights conferred by the Geneva Convention on

3 Refugees, and, Your Honours, perhaps if one is specific on the
question

4 to what type of rights one is talking about, we may get clarity on
the

5 issue and no confusion. I don't know if it helps my learned friend.

6 MR. SCOTT: Thank you, counsel. That could be a source of

7 confusion. If it is, I apologise for that.

8 Q. Sir, I'm speaking specifically in the context of refugees
and

9 I'll just simply, again, use your own words when you testified
previously

10 on page 11017 that if someone who has been granted a refugee status,
the

11 country granting that status is "bound to provide him with

12 accommodations, schooling for the children, medical treatment, and
all

13 the rest that is necessary so that such a person is taken care of
for

14 life."

15 Those are the rights I'm talking about now. And someone who
is

16 not a refugee, who has not been granted refugee status, does not
have

17 those rights. Correct?

18 A. Someone who has not been granted refugee rights could enjoy
the

19 right to an education or to receive assistance in some country.
There

20 were people in Croatia gave them food, provided for some educational
benefit, Republic of Croatia who was not the granted the

8 then pursuant to the laws envisaging the answers to these questions,
they

9 would be receiving assistance. What happens in other countries
other

10 than Croatia. Several times now, you've given

16 moment, with all due respect, sir, I don't care about any other
country.

17 I'm talking about the Republic of CroatiaCroatia and this foreigner
is a

20 refugee ..." that begs the question, sir, you can have foreigners in

21 Croatia, asked for that status but weren't

Page 28011

1 ones you mean.

2 Q. Dr. Zoric, we've been talking since yesterday for some hours
now

3 about refugees and displaced persons. I'm not talking about
tourists.

4 If a person from Bosnia and Herzegovina during wartime conditions
arrived

5 in the state of Croatia all have

13 did not have that status. Fortunately, not all parts of

14 Bosnia-Herzegovina had been affected by the war so that there were
areas

15 from which people came for other reasons but didn't have refugee
status.

16 Q. All right. We'll continue on for a moment and see if we can
come

17 at this maybe a slightly different way.

18 Maybe you can assist the Chamber with this, just as a point
of

19 general information before we continue. I understand, based on what

20 you've said before, that in the beginning, approximately 70 per cent
of

21 the refugees or -- excuse me, let's say to avoid confusion. In the

22 beginning, 70 per cent of the persons coming from BiH under these

23 conditions were Muslims. This later changed to approximately 50/50

24 Croat/Muslim; is that correct?

25 A. Yes, that's correct. The first refugees to arrive in
Croatia

Page 28012

1 were from eastern Bosnia were

25 periods we are talking. But precise data can be found in reports

Page 28013

1 submitted to this Court.

2 Q. Well, sir, what I just quoted you is what was your testimony
in

3 the Tuta-Stela case at page 10973. Now, we can agree and I think

4 everyone in the courtroom has agreed over these past two days that
by the

5 spring, then, the late spring of 1992, the situation with persons
coming

6 from Bosnia and Herzegovina was such that Croatia announced that it

17 fully exhausted and the government appealed to international

18 organisations to become more involved in this problem. After
receiving

19 aid and additional capacities, we continued granting refugee status
to

20 everybody who could meet the conditions for that status.

21 Q. I would like you -- you should have a binder there, sir,
which

22 should be tabbed in a similar fashion to the exhibits that you were

23 looking at for the Prlic Defence and others, perhaps. If I could
ask

24 you, please, to turn to P 10406. I hope that they've all been
provided

25 to everyone in the courtroom at this point. P 10406. If you look
behind

1 it, sir, you should be able to find a Croatian language version. If
you

2 don't have it, please let me know.

3 On the topic that I just raised with you a moment ago, this
is an

4 article from the Reuters news service dated the 13th of July,
1992Croatia said on Monday it would not

6 accept any more refugees from war-torn Bosnia-Herzegovina."

7 If we go in the English version it's the first line on the
second

8 page, but I'm not sure about in the Croatian language, sir, but if
you

9 scan down the article, you will see, I believe, your name, "Damir
Zoric,

10 senior secretary of Croatia

12 question of good will. We don't have anywhere to put these
people.'" "

13 And then at the end of the article it concludes with this,
"The

14 government statement said that refugee camps would now serve only as

15 transit centres and that the new ruling would be enforced by the
interior

16 ministry."

17 Now, does the situation as reported in this Reuters article,
18 is

18 that an accurate description of the situation at that time?

19 A. I believe I stated correctly that the situation was
unbearable,

20 if I understand English well enough, and that it isn't our good will
that

21 is the problem, but we have nowhere to put those people. Every
public

22 appearance of mine was useful for all of us because it was a way of

23 motivating people all over the world to help us and so did this
public

24 appearance of mine. But even after this, we did admit people and
granted

25 them refugee status which is a fact that can be verified easily.

Page 28015

1 MR. SCOTT: If you can be provided with the Prlic Defence
binder,

2 if I can have the assistance of the usher, please.

3 Q. If you have that, sir, can you please turn to 1D 02606.
Again,

4 if you can't find it, please let me know. My apologies, that's not
the

5 right one. Give me a moment, please. 2607, my apologies. 2607.
My

6 staff has corrected me, Your Honour. 2608. 2608. I'm not sure how
that

7 happened but ...

8 Dr. Zoric, if you can bear with me, please, and if you can
find

9 2608. Now, this is a letter written later that I think may have
been

10 shown to you during the Defence questioning dated the 29th of
October,

11 1992, concerning what's been referred to and what is referred to
here as

12 a "one-time financial assistance."

13 Now, if I can direct your attention, please, to paragraph

14 numbered 1, it says, "To strictly obey" -- they ask the regional
offices

15 "To strictly obey the stipulations of the Government of the Republic
of

16 Croatia before July 13, 1992, and assuming they could

14 Q. I'll refer you back to your testimony a moment ago and as

15 reflected in part or at least as consistent with the Reuters news
16 article, "As of the 13th of July, 1992, Croatia announced that it
would

17 grant no more persons refugee status." That statement said nothing
about

18 irregularities, it said that, we will no longer accept and take
refugees.

19 Isn't it -- I go back to my question, sir. After -- persons
arriving

20 after the 13th of July, 1992, were not given refugee status;
correct?

21 MR. KARNAVAS: Your Honour, I'm going to object on the
grounds

22 that it's been asked and it's been answered. The gentleman did
indicate

23 that they were granted, now he can accept it, he can accept that
answer

24 or not. Now, I don't mind him asking it again but I believe that

25 Mr. Zoric has answered the question.

Page 28017

1 MR. SCOTT: Your Honour, he answered -- he gave an answer
and

2 then he changed his answer with the reference to the
irregularities. A

3 few moments ago, he said, he agreed with me that on the 13th of
July,

4 1992, there would be no more refugees. Then now he said, well,
based

5 upon something about irregularities, and that's not what he said

6 previously so I'm trying to come back and clarify that.

7 MR. KARNAVAS: Your Honour, with all due respect and I
understand

8 that under cross we can get a little excited but --

9 MR. SCOTT: I don't need to be lectured by Mr. Karnavas,
10 Your Honour.

11 MR. KARNAVAS: I'm not lecturing the gentleman. He was
pointed

12 to one document. He indicated, yes, that's what it says, however,
we

13 continued to provide status to them. That was his answer. It's in
the

14 record. He was then asked again and he was pointed to this
document. I

15 asked for purposes of completion, in fairness to the gentleman, that
it

16 be put into context.

17 Now, the question can be asked again one more time and let
the

18 gentleman give an answer but I don't think that there is an

19 inconsistency, and the record speaks for itself. It's in the
record. I

20 don't wish to complicate matters.

21 MR. SCOTT: I don't think there was anything unclear about
my

22 question but let me --

23 JUDGE ANTONETTI: [Interpretation] Please continue.

24 MR. SCOTT: -- state it again, sir.

25 Q. You appeared to add, if I heard you correctly, you appeared
to

Page 28018

1 comment a few moments ago that refugee status was stopped as of the
13th

2 of July, 1992, and then I think I heard you say that at some point
in

3 time in the future, it was granted again; that is, people were given
that

4 status beginning at some future time.

5 Now, if that's your answer, and we'll come back to that in a
6 moment if he we need to, but if that's your position, can you tell
us
7 when refugee status began once again to be granted to persons
arriving
8 from Bosnia-Herzegovina?

9 A. That is difficult for me to provide an answer now, but I am
sure
10 that there is extensive documentation to that effect.

11 Q. Well, sir, I'm going to have to ask you to do your best.
You've

12 answered extensive questions on behalf of Defence counsel and I want
you

13 to do your best to tell us when refugee status was again granted,
1995?

14 1996? Please assist us.

15 A. No, it was that same year that we continued granting refugee
16 status. But I cannot give you an exact date. It would be very
difficult

17 for me to do so now.

18 Q. Can I ask you, please, to turn to, in the Prosecution
binder,

19 P 10407. In the Prosecution binder, I think I see you have the
right

20 one. Thank you. Sir, this is a letter or a communication signed at

21 least over the name of Mr. Rebic who we've talked about extensively
in

22 the last day and a half. And did you have -- looking at this
document,

23 did you have occasion to see communications like that or perhaps to
even

24 prepare some similar communications yourself prior to the time that
you

25 became a member of parliament?

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1 A. Yes, I have seen similar documents. This is a document by
which

2 the office gave its approval to anyone to stay in Croatia
temporarily but

3 that somebody did not apply for refugee status.

4 Q. Well, this is dated the 9th of April, 1993 --

5 JUDGE ANTONETTI: [Interpretation] Mr. Scott, I was told that
this

6 document is not part of the e-court system.

7 MR. SCOTT: I don't know, Your Honour. I'll have to ask

8 Ms. Winner. It should be. Our records show that it is. If you
want me

9 to provide you with hard copy, I can do that but -- or we can put it
on

10 the ELMO.

11 MR. STEWART: Your Honour, I can't find it either so we're
having

12 the same problem. Is it 10407? Is that ...

13 MR. SCOTT: 10407. So I don't have a clean copy I'm
afraid. Can

14 someone provide me with a clean copy.

15 If we can look on the ELMO, sir, and I'll just indicate
that, and

16 everyone in the courtroom I'm sure will correct me if I'm wrong,
this is

17 a letter as I mentioned the a moment ago dated the 9th of April,
1993

21 to the decision of the government of the Republic of Croatia."

4 displaced persons as Croatian citizens and 300.000 refugees which
makes a

5 total of 600.000.

6 Q. Can you not tell me whether it was good or bad will or how
many

7 people were in Croatia

9 that. You needn't remind me of that. This document says that these
two

10 individuals be allowed to come into the country but the letter is
very

11 clear and explicitly stating that according to the law dated 13 July
12 1992, they will not be granted refugee status; correct?

13 A. But, Mr. Prosecutor, this document reads that these persons
from

14 Jablanica wanted to go to Zagreb, and the details are mentioned here, the

18 be a refugee fleeing from their own army. These persons asking for
this

19 permission were Bosnian Muslims.

20 JUDGE TRECHSEL: I'm sorry, Mr. Scott.

21 Witness, the Prosecutor asks you so-called directive
questions.

22 That is something he's allowed to do. And they are questions which
call

23 for an answer, yes or no. I have followed this and I do not think
that

24 one single time you have actually answered the question. Every
time, you

25 took the floor, you started an excursion upon some kind of
explanation.

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1 I can very well understand your urge to do this and I have had an
2 experience, it's the same with me. Unfortunately, these rules are
rather
3 strict and we lose quite an amount of time because you do not, for
4 reasons that I really understand, but you do not conform -- confirm
to
5 this rule and that makes the task for the Chamber more difficult
than
6 would -- than it is anyway.

7 So if I may ask you to respect these rules, we would be very
8 grateful. Thank you.

9 MR. SCOTT:

10 Q. Sir, just to clarify so we can go forward, so that we have
your
11 answer. You're telling the Trial Judges under oath that you did not
12 consider Jablanica in 1993 to be a war area?

13 MR. KARNAVAS: Your Honour, excuse me, excuse me. He's
14 mischaracterizing the evidence. He said it was controlled under the
army

15 of Bosnia-Herzegovina, that's number one. Number two, there's
nothing

16 here to suggest that they were requesting and that they were
denied. We

17 don't know why they wanted to go to Croatia and go to some place
else but

18 I think that Mr. Scott is assuming facts which are not in evidence.
The

19 document is what it is, but I don't think that we can say that
somehow

20 they were -- they were -- they asked for refugee status or they were
21 denied but they were merely given this permit to go through.

22 So he needs to lay a predicate. And I don't think that we
can

23 conclude -- we cannot conclude from the second paragraph that there
was a

24 request and that there was a denial. I don't see that in the facts,
and

25 perhaps I can be assisted.

Page 28022

1 MR. SCOTT:

2 Q. Sir, are you familiar with the concept that -- during the
time

3 that you were associated with these issues were you familiar with a
4 concept of someone obtaining a so-called letter of guarantee and a
5 transit visa, some permission to travel or pass through or to the
6 Republic of Croatia

10 and Displaced Persons of the government of Croatia agrees to allow
entry

11 and temporary residence for the following persons ..." it gives the
names

12 of the individuals, the place from which they will travel, Mostar,
"The

13 above-mentioned person will be provided with full financial support
and

14 accommodation by the following individual." One could take that in
the

15 light of what we've come to understand as the guarantee and then the

16 Rebic letter goes on to make it very clear, however, that while that
will

17 be allowed, we want to make it very clear these persons are not
being

18 given refugee status.

19 Now that's what the letter says; correct?

20 A. Yes.

21 Q. And wasn't that in fact --

22 JUDGE ANTONETTI: [Interpretation] Excuse me.

23 Witness, I'm following carefully and reading carefully this

24 letter. Mr. Rebic will testify as well, and we will be able to put
him

25 questions but Mr. Karnavas is very right when he says that nothing
tells

Page 28023

1 us in this letter that these people requested a refugee status.
There is

2 no evidence to that effect. They did not ask for a refugee status
even

3 if, in the last sentence, it says that, "In accordance with the
decision

4 of the 13th of July 1992, the above-mentioned people would not
receive a

5 refugee status."

6 I notice that this document has to be shown at the
checkpoint and

7 I wondered the following: So we have these two people, they live in
8 Mostar, because we see that they are from Mostar. They want to go
to

9 Zagreb

12 was capable of giving these types of temporary documents for these
people

13 to stay in Croatia for the rest of their lives.

19 would never obtain a refugee status and that in order to allow them
to

20 cross the border they had to show this document at the checkpoint.

21 I would like to know if this is something that you are
familiar

22 with, if what I'm describing to you is exactly how it is.

23 THE WITNESS: [Interpretation] Your Honour, I think you're

24 entirely right. The office declares here that they've received the

25 letter of guarantee from someone in Zagreb. The office also
declares

Page 28024

1 itself willing to have this person arrive in Croatia; however, the
office

2 also claims that nothing was sought from it. Therefore, these do
not

3 constitute sufficient reasons to grant refugee status. The office
had no

4 power over the border police. The office simply said that it would
in no

5 way oppose the arrival of those persons. The office, however, also
6 stated that they didn't believe those people should be recognised as
7 refugees and that was as far as its remit went.

8 Had the documents shown been different, the reply by the
office

9 would also probably have been a different one. I don't know to what
10 extent people are familiar with language issues here, but this is in
the

11 passive voice, not in the active voice. The office agrees that
entry

12 should be granted. It's not about the office itself granting entry,
it's

13 about the office agreeing that access or entry should be granted
which

14 means that a suggestion is being made to whoever is in charge. We
in no

15 way oppose this.

16 JUDGE ANTONETTI: [Interpretation] Very well. We shall stop
here

17 because it is the end of our working day. We will resume tomorrow
at

18 9.00 a.m.

19 I wish you all a good afternoon.

20 --- Whereupon the hearing adjourned at 1.45

p.m.

21 to be reconvened on Thursday, the 15th of May,

2008

22 at 9.00 a.m.

1 Thursday, 15 May 2008

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

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

6 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please call
the

7 case.

8 THE REGISTRAR: Good morning, Your Honours. Good morning,
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 very much,
12 Mr. Registrar. Today we are Thursday. My greetings to the witness,
the
13 accused, the Defence teams, and the Prosecution. I would also like
to
14 greet all the people who are in and around this courtroom and
helping us
15 and I would also like to thank the interpreters for their work.

16 Now I hand the floor to Mr. Scott who will continue his
17 cross-examination.

18 WITNESS: DAMIR ZORIC [Resumed]

19 [Witness answered through interpreter]

20 MR. SCOTT: Thank you Mr. President. Your Honours, good
morning.

21 To all those in the courtroom, also good morning. And as the
President

22 says, good morning and thank you to all of those in and around the
23 courtroom who are helping us do our jobs.

24 Cross-examination by Mr. Scott: [Continued]

25 Q. Good morning to you, Dr. Zoric. Doctor, let's try to see if
we

Page 28026

1 can move forward a bit. I would like to go to the period now in
February

2 1993. It is correct, is it not, sir, that sometime in February
1993,

3 more approximately the 10th to the 28th of February, there was a
major

4 new -- some people called it apparently a census or new registration
or

5 reregistration of refugees in Croatia

19 one of the coordinating centres, ECMM centres, were told about the

20 announcement by the Office for Displaced People and Refugees that
all

21 refugees in Croatia

3 Is that -- that's an accurate synopsis, isn't it, of the
action

4 that was taken in February 1993?

5 A. Yes, I think so.

6 Q. Is it also correct, sir, that around this same time, around
7 February 1993, refugees had to begin reporting each month, that is
every

8 month, in order to continue their refugee status?

9 A. Yes. Every month, we registered everything that had been
handed

10 out as aid, their general condition, their -- the condition of their
11 health, et cetera, and that's why once a month, they were obliged to
12 contact the nearest centre.

13 Q. Thank you, Doctor. Just moving on to some general points in
14 terms of the refugee situation and again, so there's no
misunderstanding

15 in the courtroom and perhaps so we don't have to argue about this,
I'm

16 not suggesting that and I've never suggested, in fact, Croatia did
not in

17 fact take in a substantial number of persons of all ethnic groups
that

18 were fleeing from the conditions in Bosnia. There's no question
about

19 that. But at the same time, it is fair to say, is it not, that
Croatia

20 was not happy, not particularly happy that these people had come.
It

21 created a huge burden on the Croatian government; correct?

22 A. I don't think anybody is happy if such a burden is placed
upon

23 him or her.

24 Q. Correct. And you testified, in fact, to that point in the

25 Tuta-Stela case, counsel, at page 10965, line 22, "We were not happy
that

Page 28029

1 these people had come and that we had to take care of them." And
that's

2 an understandable point, at least up to a certain point we can all
agree

3 on that. It's not a good situation for Croatia, not a good
situation for

4 the refugees. And you've also agreed that, in fact that's my second
5 point, you agree, do you not, that being a refugee is not a good
thing.

6 It's not something nice. It's a difficult situation for anyone to
find

7 themselves in?

8 A. I agree with you.

9 Q. And in fact you testified on Tuesday that: "Whether
everybody

10 there was happy, well, of course not. Nobody was happy because it's
a

11 very sad situation being a refugee. And there could have been

12 dissatisfaction." You also found, would it be fair to say, that
these

13 people that were coming into Croatia and I'll just remind you on Tuesday,
you said, at page 27896,

22 into Croatian society."

23 We can both agree that that's -- was correct, can't we?

24 A. I believe it is logical that they should have -- they should
have

25 a less difficult time.

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1 Q. Now, if we can just touch on the topic, and moving to the
topic

2 of the movement of persons who had found themselves in Croatia to
third

3 countries.

4 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

5 MR. SCOTT: Yes, Your Honour.

6 JUDGE ANTONETTI: [Interpretation] There's something that I
don't

7 quite understand in your cross-examination. You are putting answers
or

8 quoting the answers of the witness that he said in -- during the

9 examination in chief. If you are cross-examining it's because you
agree

10 with him. Why are you cross-examining with him if that's not the
case.

11 MR. SCOTT: Your Honour, there's just certain basic
propositions

12 I would like to make sure that we do in fact agree on and it's been
very

13 clear on that. I'm laying the foundation, the Chamber can assume
that

14 I'm laying a foundation for certain additional questions. I don't
think

15 there's any mystery about that.

16 Q. Sir, if we can move to the topic of the movement of persons,

17 again who had found themselves in Croatia or out of Croatia

16 destination?

17 A. The ODPR did not issue transit visas and transit visa is a

18 colloquial term anyway. We issued a letter in which we stated our

19 agreement for a certain person to be admitted to Croatia at an
official

20 border crossing by the Croatian police to go in a certain
direction. So

21 we only stated that we agreed to these people being admitted. It
was a

22 sort of recommendation but not a visa.

23 Q. If I could just ask you to look at a couple of documents on
this

24 point fairly quickly to see if you -- just if you can assist us any

25 further. Can I ask you to go to P 04941, P 04941 which is an HVO

Page 28032

1 document dated the 11th of September, 1993. I show it to you, just
2 simply if you look at the request, it -- as a point of reference it
says,

3 "Request for the release from prison of persons who are in
possession of

4 letters of guarantee and transit visa for the passage through
Croatia, when

21 who comes to your country through -- let's say he leaves Budapest by
car,

22 he goes through Zagreb, hypothetical as it may be, were not irregular in

23 response to Mr. Karnavas's comments which I appreciate. Just so the

24 Chamber knows, I am also trying to be consistent with my own
practice and

25 do not believe what I did -- said this morning so far was
inconsistent

Page 28036

1 with that. I did not expect the witness to have detailed
information or

2 to be able to talk about these 44 individuals. I did put the
document in

3 front of him just to give a concrete example of a documentation
using the

4 term transit visa so that would be maybe less abstract but I did not
take

5 him any further into the document than that and therefore, I just
want to

6 make sure -- I want to explain, at least in my mind, I've been
consistent

7 on that point.

8 Q. Sir, just to follow up on the President's questions. Since

9 you've said that, well, someone coming from Hungary, for example,
would

10 be able to come into the country for a visit without a visa, without

11 something called a transit visa, but then you mentioned
specifically,

12 well, we all know that conditions in Bosnia and Herzegovina at the
time

13 are quite different than what was happening in Hungary at that time.

14 Therefore, there was a dimension, there was an aspect, there was a

15 difference, there was something different about people coming from
Bosnia

16 and Herzegovina, we gave agreement for them to travel on to Germany

25 applied for people who received letters of guarantee from Croatia, for
instance, but then he just changes his mind at the last

8 able to request a refugee status at that point or would you have
said,

9 no, you will not get refugee status and did you ever see or
experience

10 some of these cases where people decided just to stay in your
country?

11 THE WITNESS: [Interpretation] There were many such cases,

12 Your Honour, cases of people who stayed in Croatia after all, many
cases.

13 And I will show information to the counsels how many such people
such

14 were even after the date mentioned by the Prosecution, I believe it
was

15 June 30th, 1992

18 the ODPR was not -- had no remit with regard to them.

19 I have all that information on me.

20 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

21 MR. SCOTT: Thank you, Mr. President.

22 MR. KARNAVAS: I believe the gentleman said 1996 as opposed
to

23 1992 but I don't know. He said June 30th -- my colleague here heard
24 1996.

25 MR. SCOTT: I thought he was referring to the questions I
put to

Page 28038

1 him yesterday about the 13th July, 1992, decision.

2 MR. KARNAVAS: That could be it.

3 MR. SCOTT: Sure, if he can clarify.

4 Q. Sir, if you could just clarify. You've heard some
uncertainty

5 perhaps in what you said a moment ago. The date you referred to,
could

6 you just give us that again, do you recall?

7 A. I meant the dates that you mentioned yesterday.

8 Q. 13 July 1992

11 questions, we all know that human beings are complicated, changeable
12 people -- changeable beings, sure, some people arrived in Croatia,
got to

13 Zagreb on to Germany

18 when I say "your" not just you personally but ODPR, the Croatian

19 government's understanding and intention was that these people would
be

20 passing through Croatia, but in your -- under your law, aren't

9 and be granted Croatian citizenship, not only the Croats in
10 Bosnia-Herzegovina but also those living elsewhere if the
legislation of

11 the country they reside in allows for that.

12 JUDGE ANTONETTI: [Interpretation] Very well. So this Croat
13 person from Siroki Brijeg, an area that is not affected by the
conflicts,

14 if they were to apply for Croatian citizenship, could they, being a
15 Croatian national, be regarded as a refugee because I'm under the
16 impression that you can't be a refugee in your own country.

17 THE WITNESS: [Interpretation] We didn't grant refugee status
to
18 the people from Siroki Brijeg. The problem may be of a legal nature
if

19 the refugees sought Croatian citizenship and were granted it and at
that

20 point, they should have been deprived of their refugee status. They
21 could no longer be refugees, rather, they embarked upon a so-called

22 integration process. This was a procedure that we adopted in
accordance

23 with the recommendations of the UNHCR.

24 JUDGE ANTONETTI: [Interpretation] One very last question
because

25 many of the accused said that they had dual citizenship. I
understood

Page 28041

1 that their dual citizenship was granted automatically, you did not
need

2 to apply for it, as I understood, but you seem to say that a Croat
who

3 lives abroad, outside the country, can have the Croatian nationality
but

4 he has to apply for it. So can you enlighten me on this? Is this a
dual

5 citizen or a citizenship by right or do you have to apply for it?

6 THE WITNESS: [Interpretation] Your Honour, to the extent I'm
able

7 to explain the matter, all the inhabitants of Croatia who resided in

8 Croatia, nationals of the Republic of Croatia

11 background. Everyone else had to apply for citizenship including
the

12 Croats living outside Croatia, does he have to apply for Croatian citizenship?

18 applied for citizenship in one of the consulates, for instance, that

19 Croatia.

3 question.

4 JUDGE ANTONETTI: [Interpretation] I repeat, in this case,
you

5 have a Croat who lives in Prozor and goes to school there for years
and

6 years and then decides to go to Croatia, Canada is going to embrace me
simply because I come from a

8 direct examination especially given the narrow scope of the
gentleman's

9 testimony.

10 Now, there will be, I can assure Mr. Scott and everyone
else,

11 there will be a witness that will be coming very shortly who was
from the

12 diaspora who participated in the events and ultimately became an

13 ambassador for Croatia. And you had Muslims going there, you

6 MR. KARNAVAS: I don't see how that is part of a joint
criminal

7 enterprise or a crime.

8 MR. SCOTT: No one's saying it is.

9 MR. KARNAVAS: I don't see what the relevance then is. What
is

10 the relevancy and if I may and I don't wish to take any time from
the

11 Prosecution, the question from the Judge, from the Bench and from

12 Mr. Scott was basically somebody coming in and it's very clear, they
can

13 come in and stay up to three months and after that, they either have
to

14 get permission or they have to seek refugee status if that's the
case.

15 That's the base -- now if he wants to limit the scope of his
question,

16 fine. I don't wish in any way to interfere with his cross-
examination

17 but I don't see how this is advancing either side in getting -- in

18 helping the Court get to the truth.

19 JUDGE ANTONETTI: [Interpretation] Well, Mr. Karnavas, you
are the

20 one who called this witness to talk about the refugee status of
displaced

21 persons. That's a very important legal aspect. Based on that, it
is
22 interesting to know what was their procedure to obtain this status
of a
23 refugee, to know who would stay and who would go, whether there were
24 cases of discrimination. So basically this is what the Prosecution
tries
25 to ascertain with this witness. So these are topics that are
relevant.

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1 We're not wasting our time, are we?

2 MR. KARNAVAS: Just to make sure that we're very clear
because I

3 don't want the Bench assuming -- any one of the members of the Bench
4 assuming that I'm somehow trying to keep you from knowing the facts.

5 I have no objection to that. But as far as who can be
granted

6 citizenship and to say had that somehow if someone who is of a
Muslim

7 ethnicity or a Slovenian or a Hungarian or whoever who is coming
from the

8 former Yugoslavia as a refugee from Bosnia to be granted citizenship

4 something I believe this witness is not familiar with, either with
the

5 procedures or with the cases of the citizens of Bosnia-Herzegovina
being

6 granted Croatian citizenship.

7 For that reason, I believe that these matters should be
raised at

8 the point when the witness with requisite knowledge takes the stand.

9 Thank you.

10 JUDGE TRECHSEL: In other words, Ms. Nozica, you do not say
that

11 this is an irrelevant question, do you?

12 MR. NOZICA: [Interpretation] No, thank you, Your Honour, for
13 giving me the opportunity to state that. I do believe that it is
very

14 relevant; I am only afraid that we are taking one direction only

15 concerning only Croats having been granted citizenship. I believe
that

16 at the same time, we have to also discuss the matter of the Muslims

17 having been granted citizenship and only then shall we have the
complete

18 picture of how it worked during the war.

19 MR. SCOTT: Briefly, Your Honour. There was no suggestion
that

20 there were not situations where Muslims from Bosnia-Herzegovina were

21 granted Croatian citizenship. I have not stated that position. We
are

22 trying to get a better understanding. This is a witness who has
been a

23 senior official, an ambassador himself, a member of parliament, a
person

24 extensively involved in the coming of people into his country and he
may

25 be able to assist us, he may not.

Page 28048

1 I think if I could just ask a few more questions, as they
say in

2 the movies, if the Chamber would grant me a bit of latitude, I think
we

3 can connect up the relevance to this if the witness can help us. If
he

4 can't help us, then we'll go on in a couple of moments.

5 JUDGE ANTONETTI: [Interpretation] We think that this is
relevant

6 and we took due note of the fact that there were Muslims who could
also

7 become Croatian citizens but, of course, it is a possibility, maybe
it

8 was also a reality.

9 MR. SCOTT:

10 Q. So, sir, let me go back to -- what I was trying to
illustrate

11 simply is we all know -- well, I think we know, I think most people
in

12 the courtroom know that most countries provide for a naturalization

13 process that is by which virtually anyone can apply for citizenship
in

14 another country, their non-native country. And I simply pick the
example

15 of -- I find myself in the Netherlands and obtain Dutch citizenship, I

22 in Bosnia-Herzegovina had no other additional rights or better

23 opportunity, if you will, to become a Croat citizen than any other
person

24 who would follow the naturalization process?

25 So a Croat in Bosnia-Herzegovina had no better opportunity
or

1 more -- a different advantage to obtain Croatian citizenship than a
2 person from -- applying from, let's say, Germany who was not Croat?

A

3 German citizen who applies, he's not Croat, he just wants to apply
and be

4 a -- wants to become a Croat citizen. So you're saying the Croats
from

5 all over the world, the Croats in the diaspora that the HDZ and that

6 Tudjman were reaching out to, they had no more right to become
Croatian

7 citizens than anyone else?

8 MR. KARNAVAS: Your Honour, again, now we're going about HDZ
and

9 Tudjman. We heard from the first, very first witness, we already
have

10 testimony and I will concede the point for the record, I will
concede the

11 point for the record, for the first time, Croatia is a nation
recognised

12 within international boundaries. Based on their constitution it
allowed

13 all Croats no matter where they were, whether they were from
Cleveland, where I come from, where there is a very large Croatian community,

17 JUDGE TRECHSEL: Are you testifying again, sir?

18 MR. KARNAVAS: Yes, I'm --

19 JUDGE TRECHSEL: No, you should not testify, Mr. Karnavas.

I

20 think this is simply not correct.

21 MR. KARNAVAS: We've had testimony to this and, Your Honour,

I am

22 shocked that you have not objected because of the form of the
question.

23 The gentleman never suggested that the Croats did not, you know, did

24 not -- had the same footing as others. Look at the previous
testimony

25 today. You are very quick to object to me, you are very quick to
jump on

Page 28050

1 me and it seems sometimes personal but when it comes to the
Prosecution

2 and they are trying to assume facts that are not in evidence, there
is no

3 objection. The gentleman never indicated, never indicated and we've
had

4 testimony, Your Honour, so it's not me testifying. We've had
testimony,

5 we've had the constitution, this came into the Prosecution's case,
it

6 came through the very first witness. Croats around the world could
get

7 citizenship and of course they had better or more special privileges
but

8 the testimony has been that they still had to make an application.
That

9 was my reason why I indicated if I wanted to be a Swiss citizen, if
a

10 Croat wanted to become a Slovenian citizen they would have to, in
the

11 Slovak, a Slovenian from the United States, who would have the
better

12 chance? Who would have the more opportunities? Who would have the

13 better privilege of becoming a Slovenian citizen? It depends on the

14 constitution.

15 How is this relevant to the case? How is this relevant to
the

16 joint criminal enterprise. You jump on me, Judge Trechsel, but I
want to

17 know why don't you stop the Prosecution? Why don't you suggest that
he

18 is asking questions with facts that are not in evidence or that he's

19 twisting the witness's testimony? This is why I think there is a
double

20 standard.

21 Yesterday I was prevented from going into areas, on the

22 assumption that this gentleman, beyond a certain point in 1993,
could not

23 testify. Now we're asking him questions of which he is not an
expert.

24 You've not objected to him not being an expert but all of a sudden
we're

25 allowing it. I'm allowing it because the Prosecution has laid a

Page 28051

1 foundation. I'm merely just showing and I'm frustrated today
because

2 there is a double standard in this court. Especially when you come
to

3 objecting to me, Judge Trechsel and I think sometimes it's personal.

4 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas.

5 MR. KARNAVAS: I hope that it's not the case but it appears
this

6 way. It appears and I'm talking about perceptions.

7 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, I fail to
8 understand very well what the problem was about, the problem raised
by

9 Mr. Scott or yourself. We've had a witness who's held high
positions,

10 political administrative positions within this office. He was an

11 ambassador. Therefore, somebody who is able to understand a
question and

12 to answer it.

13 Furthermore, in terms of citizenship he is competent because
he

14 was an ambassador of his country to Sarajevo. Although there is a

15 consulate, I suppose he had to deal with issues related to
citizenship so

16 he knows the matter.

17 MR. KARNAVAS: Your Honour, it is an established fact in
this

18 case that Croats around the world could get citizenship. That's a
known

19 fact. And everybody else -- so why are we belabouring the point?

20 JUDGE ANTONETTI: [Interpretation] I haven't even dealt with
that

21 once you're on your feet. You don't even know what I'm going to say
and

22 you rise to speak about Croats from the USA who have that
citizenship.

23 That's not my topic. I'm interested in knowing what the procedure
was to

24 obtain citizenship.

25 Mr. Scott's case, and that was the purpose of his question,
was

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1 to say that in terms of citizenship in the way it was treated, there
2 was -- there were various reasons to obtain it, that's the question
he

3 wanted to put to the witness. It may be that the witness would say
no,

4 there was no discrimination, the fact that you were an HDZ member
did not

5 give you citizenship. I don't know. I don't even know what the
witness

6 is about to answer and you are both belabouring the point on answers
that

7 can have legal answers because there were laws and regulations in

8 Croatia, and you yourself highlighted

20 are to calm down and to talk about these questions with no
particular

21 vehemence, but at the same time, I do agree that this issue, in
general,

22 is a topic which could and should be discussed and questions be put
about

23 it in our Trial Chamber. I would like to say, knowing the Hungarian

24 regulations, that we do have also citizenship for those Hungarians
who

25 left the country before 1945, before 1956, after 1956 and -- but
they

Page 28053

1 have to apply for it. They get a passport but with no -- in a way,
no

2 equal rights with the Hungarian citizens in situ, who are in Hungary.

6 Hungarian ethnicity who live around Hungary but.

8 of course they had better or more special privileges in connection
with

9 obtaining citizenship."

10 Now that's my whole point. I've never said Muslims couldn't

11 obtain Croatian citizenship. They probably did. I don't dispute
that

12 for a second. What we were trying -- all we are trying to establish
was

13 because of that policy, the very policy that Mr. Karnavas said
exists,

14 the Croats had a different situation, with more privileges, if the

15 witness could just assist us and say apart from the right of any
person

16 anywhere in the world to apply for naturalized citizenship, and
again I

17 use the example of if I want to become a Dutch citizen, I can apply.

18 Q. But wasn't there, sir, a different procedure by which
persons who

19 were Croat or who claimed to be "Croat" could become Croatian
citizens?

20 Or they could just apply to become naturalized just like everybody
else.

21 It's a very simple question, really. Were there two procedures or
was

22 there just one that applied to everybody?

23 A. I'm not sure what exactly your last question was. You asked

24 about a German applying for Croatian citizenship or is it something
else?

25 Is it about Bosniaks and Croats?

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1 Q. Let me try one more time in the interests of time and I
promise

2 the Chamber that if we can't make headway, I'll move on because
there are

3 other things that I want to cover with the witness but one last
chance.

4 Witness, we all know, I think -- you understand that anyone
could

5 apply to become a naturalized -- anyone anywhere could apply to
become

6 naturalized Croatian citizen?

7 A. Yes.

8 Q. However, we've heard in the case, the Judges have heard, all
of

9 us have heard that, you know, people who are Croatian citizens
around the

10 world can vote in the HDZ, they can even get elected to parliament

11 because they are Croats and Croats everywhere, you know, have this

12 special relationship. Maybe it's a good thing, the special
relationship

13 with their home country, with Croatia or the United States or Bosnia

16 there some different, special arrangement that applied for obtaining
17 citizenship other than just the normal naturalization process?

18 A. There is a law in Croatia such as

9 hope to get from a future witness but I promised I would move on so
I

10 will.

11 Q. Now, you would agree, sir, would you not that in terms of
people

12 returning to the -- facing the prospect of returning, the
possibility of

13 returning to the place from which they had fled, left under various
14 conditions, they might -- these people might have the right on paper
to

15 return, someone might say, "Well, go forth and go back to your home
16 country and be happy," but having that right on paper and actually
being

17 able to go back and live in that same situation can be two very
different

18 things; correct?

19 A. In some situations, that is certainly what it could have
been

20 like. Safety is certainly the first pre-condition for sustainable
21 return.

22 Q. Safety being as you say, certainly, a first condition. Also
the

23 conditions that existed that -- the conditions in that area not just

24 safety but would you agree whether they had anything to return to.
Did

25 their house still exist? Would there be jobs there? Would they be
able

Page 28057

1 to live there? Was there any community left there or had the
community

2 been destroyed? Correct?

3 A. Yes, that's correct. The other condition is the
sustainability

4 of that return or the first or all conditions together as well as
that

5 the return had to be voluntary. Unfortunately in Bosnia-
Herzegovina,

6 there is still many areas without any return and I doubt there will
be

7 return to those areas any time soon because the conditions are not
8 favourable. But return was possible at two levels. One type of
return
9 is to the very place you had come from and the other type is return
to
10 your country. If the conditions did not exist, the conditions you
11 mentioned, if you don't have your house, if you don't feel safe, but
at
12 least you could be in your country.

13 I mentioned the example of Croatia. We were called upon by
many
14 European countries to receive people from Vukovar to Croatia to take
them
15 back again after three or four years or so even though the town was
not
16 liberated and their houses had not been renovated, but they returned
to
17 their country who continued to take care of them. In the same way,
18 refugees, in some cases refugees from BiH, could return to their
country
19 in which case they would no longer be refugees but become displaced
20 persons in BiH and there were many such situations.

21 The first step in the return process is the return to the
22 so-called majority area. The programmes we conducted, I spoke about
that
23 yesterday or the day before yesterday, was called "closer to home."
You
24 will agree with me, I believe ...

25 JUDGE ANTONETTI: [Interpretation] Witness, just to clarify
today,

Page 28058

1 in 2008, are there still refugees in Croatia from Bosnia and
Herzegovina as such? Do you have that?
10 office is still in existence, it has a different name though, it's
an
11 agency in a Croatian line ministry but there are still people in
Croatia
12 with that status be it for the reason that reconstruction is not yet
13 completed or because return is not yet possible. The numbers are
not
14 great but unfortunately, there are still such people around even so
many
15 years after the events.

16 JUDGE ANTONETTI: [Interpretation] Very well. Please
proceed,

17 Mr. Scott.

18 MR. SCOTT:

19 Q. Dr. Zoric, perhaps just to move us forward as quickly as
possible

20 on this point let me refer you back to your previous testimony and
just

21 ask you if you agree that that's an accurate assessment. You were

22 talking about refugees and displaced persons at that time, that
being

23 people being returned and you said -- counsel, I am looking at page

24 11022, line 24, starting at line 24. You testified, sir, "Where
could

25 they go? To devastated areas? To mined areas," that is areas where

Page 28059

1 there are mines, "without reconstruction so it took another two or
three

2 years during which it was impossible to return. And besides, during
--

3 if you live as one of these type of person, refugee or displaced
person,

4 for six or seven years, so many things change in your life, children
grow

5 up, get used to living in one place. They've already left some
place

6 else. It's very difficult for them to go back."

7 Now, would you stand by that same statement today?

8 A. Yes, I would. I believe that's a very real image you've
painted.

9 Q. I'd like to move on to a different topic please, if we
could, and

10 that is not the ODPR that you worked in in Croatia but an agency by

11 essentially the same name or in fact indeed the same name, the
Office for

12 Displaced Persons and Refugees that was established in Herceg-Bosna,
and

13 can you tell the Judges whether in your capacities as an official of
the

14 Croatian ODPR, did you interact and deal with counterparts, if you
will,

15 people at the ODPR Herceg-Bosna?

16 A. I did sometimes, either with that office or with the office
of

17 the Sarajevo was called Recica and in Banja Luka,

7 A. Darinko.

8 Q. And you were involved, in fact, if you will, recruiting
9 Mr. Tadic, you and I believe another individual, a colleague of
yours or
10 a friend named Ciro Grubisic. You and Mr. Grubisic sort of
recruited
11 Darinko Tadic to establish the ODPR in Herceg-Bosna; is that
correct?

12 A. No, I was in no position to do that. I didn't have the
power to
13 do so, nor was it possible for me. No, that is not correct.

14 Q. Let me see if I can prod your memory a bit more and then we
can
15 move on. So you don't recall meeting with Mr. Tadic in Zagreb and
later on I saw him but I learned
24 travelled with Mr. Tadic to Mostar where you met with Jadranko Prlic
to
25 establish the ODPR in Herceg-Bosna?

Page 28061

1 A. No, I did not travel with Mr. Tadic, that's for sure, and I
may
2 have spoken with Mr. Prlic about the need to establish such an
office.

3 As I said earlier, it was my intention and my wish for them to do
that

4 work themselves and thus, I confirmed that I wanted to help Mr.
Prlic and

5 everybody else so that they be able to organise humanitarian aid
6 themselves and everything else that concerns them.

7 Q. All right. You say, sir, that you may have met Mr. Prlic.
You

8 may have met him or are you now telling the Chamber that now that
you've

9 had a chance to think about it for a few more moments, you did, in
fact,

10 meet -- deal with Mr. Prlic on this topic?

11 MR. KARNAVAS: I believe he said I may have spoken as to may
have

12 met.

13 MR. SCOTT: Very well, I'll accept that.

14 Q. You said you may have spoken to him. Did you, in fact, do
you

15 recall now in fact that you did speak with him and if so, on one
occasion

16 or on multiple occasions?

17 A. I have spoken about that already. It is very difficult for
me to

18 recall specific dates. It is not a secret that I did speak to him.
And

19 I think that's very logical. Many organisations from abroad came to
20 Croatia. If I saw him, it was not these -- these encounters were not

12 I assume you're referencing when you took up your ambassadorial
duties in

13 Sarajevo, that is, in opposition to the

11 Q. And then you've told us that sometime later, you became the
12 Croatian ambassador to Bosnia and Herzegovina; is that correct?

13 A. That's correct, too.

14 Q. And just, and I'm not asking anything sinister about this
but

15 just so that the record is clear, were you -- was that -- were you

16 considered the Croatian ambassador to Bosnia and Herzegovina or did
you

17 have some position that had ambassadorial functions perhaps
associated

18 with it but different than being the ambassador?

19 A. I was the ambassador. I don't know what other function
there

20 could have been.

21 Q. Very well. And you held that position for how long?

22 A. Which one do you mean, the ambassadorial?

23 Q. Please, yes.

24 A. A bit under two years.

25 Q. From when to when, approximately?

Page 28067

1 A. January 1999 through to November 2000.

2 Q. All right. Thank you, sir.

3 Now, based on all these positions that you've held including
some

4 actually quite senior positions, vice-president of the chamber of
5 parliament, ambassador, a party leader, would you agree with me,
sir,

6 that in various of those functions, you've experienced that life,
and

7 sometimes in particular political life can be complicated?

8 A. Yes. I tried to be active in politics but I wasn't that
good at

9 it, which is the reason why I stopped.

10 Q. That might be a good thing. But when you were in political
life

11 or in any life, for that matter, one can have at the same time
multiple

12 agendas, multiple goals in life in business or personal life. In
fact,

13 one can have competing agendas; correct?

14 A. I don't understand the question. What do you mean
competing?

15 Q. Sometimes, I think, would you agree that in life, again,
both

16 perhaps personal life and in business or political life, one may
have

17 several different agendas or objectives and they may even to some
extent

18 conflict with each other but you try to balance them out as best you
can;

19 correct? At least I do. I don't know how you live your life but
... or

20 do you just have, at any given point in your life, sir, do you just
have

21 one agenda, one objective at a time?

22 A. I had never had only one agenda. I tried to engage in
politics

23 but I wasn't that successful at it which is why I stopped. I am
good --

24 I'm a good businessman and I decided to engage in my profession and
I

25 have remained loyal to my profession. I may not excel at it but I'm
good

Page 28068

1 at many things. It is quite difficult and demanding to be a public

2 figure.

3 Q. And I'm not limiting my questions, really, to just political

4 life, sir. I did make a comment about that. But -- and I'm not in
any

5 way passing judgement or denigrating your various positions or your
work

6 at all. But you would agree with me, would you not, that in
business or

7 life or relationships or politics, one can at any given time have

8 multiple different objectives, strategies, again to use the word

9 "agendas" and sometimes those agendas can even conflict with each
other.

10 On the one hand you want to do A and at the same time you want to do
11 B,
12 which may conflict with each other but you try to reconcile, you try
13 to
14 balance them out as best you can; is that right?

15 A. If you are referring to my political engagement, then it may
16 be
17 true. Sometimes you have to do things that you like doing; at other
18 times, your party colleagues may ask you to do things that you do
19 not
20 particularly like. Sometimes you have to say things that you don't
21 really mean. Life in the public light has to do with a great deal
22 of
23 compromise.

24 Q. Let me ask you -- let me move on from that and come back to
25 that
26 in a few moments. But in terms of your involvement in getting
27 humanitarian -- delivery of humanitarian aid and you've talked about
28 that
29 a bit in your direct examination. If I'm not wrong, you talked
30 about
31 taking some humanitarian aid to Tuzla changed depending on whether or not
32 at

6 Those circumstances did not change your attitude. Is that correct?

7 A. I don't remember what it was that I said specifically in
that

8 case, but I know that the attitude did not change although I do not
wish

9 to conceal the fact that it was under psychological pressure.

10 The individuals working in humanitarian organisations are
only

11 human beings. They work under pressure. They have their emotions,
their

12 perceptions and knowledge. It isn't that easy to witness a scene of

13 massacred individuals.

14 JUDGE ANTONETTI: [Interpretation] [Previous translation

15 continues] ... in the Tuta-Stela case in which the witness
testified,

16 please give the page number.

17 MR. SCOTT: I will, Your Honour, and I was about to do that.

18 Q. To be fair to you, witness, and let me just give you the
fuller

19 context and then I want to go on from that, building on that, if you

20 will.

21 Counsel, I'm referring to page 11029, starting at line 23.
Just

22 let me read this to you, Dr. Zoric, and counsel for Mr. Prlic has a
copy

23 of the same transcript and I'm sure that if I read something wrong,
I

24 will be corrected.

25 You said during your testimony at that time, you said, "At

Page 28070

1 times," I'm starting at line 23, "At times there were certain
tensions

2 which I tried to calm down and also if I may add, with regard to
what the

3 Prosecutor asked," in that case, "whether after the conflict in BH

4 between the Muslims and Croats, there were some changes in our
attitude

5 to refugees. I must emphatically say no, that our attitude to them
did

6 not change."

7 Then you go on in that passage to talk about, "I was the one
who

8 led," at the time you said, "several convoys to Tuzla," and then
skipping

9 a couple of lines, and counsel will see those, and you went on to
say,

10 "Had my attitude or anyone's attitude to those refugees changed,
somebody

11 in Sarajevo would have begrudged you very seriously, what did you mean?

21 Q. If I understand what you've told us now is your political
22 standing or your acceptance or the peoples' attitude toward you
would

23 have changed for the negative if you had changed your practices at
the

24 time, if you stopped giving aid because of that situation or said,
"Well,

25 now the Muslims and Croats are fighting each other, no more aid."

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1 You understood that that would have affected your standing
at the

2 time; correct?

3 MR. KARNAVAS: Mr. President, Your Honours, I believe it's a
4 mischaracterisation and if I may, and I believe the gentleman was
talking

5 about accreditation when he went to, as we all know, when you become
an

6 ambassador, I think that's what he meant, not about the -- if Mr.
Scott

7 could please rephrase the question and be accurate with the facts
and

8 maybe even ask a non-leading question but I don't think that's what
the

9 gentleman meant and I think it's a mischaracterisation of his
answer.

10 MR. SCOTT:

11 Q. Let me go back, sir, which is exactly the reason -- rather
than

12 characterise something is exactly the reason I simply quoted your

13 previous sworn testimony in the Tuta-Stela case and you said and
I'll

14 read it again. "Had my attitude or anyone's attitude to those
refugees

15 changed, somebody in Sarajevo

17 I will simply, in light of Mr. Karnavas's comment, I will
just

18 ask my previous question again. When you say that someone in
Sarajevo

19 would have begrudged you that very seriously, what did you mean?

20 A. I think I've answered that question. Presumably you'd like
to

21 know whether I engaged in humanitarian activities in order to paint
a

22 better picture of my person in Sarajevo during this period 1991, 1992, had
gone through, wanted to maintain its best standing in the

5 don't see the relevancy particularly the scope of my direct
examination.

6 So perhaps Mr. Scott can tell us a little bit. I don't wish to
object.

7 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Scott.

8 MR. SCOTT: If you don't want to object, Mr. Karnavas, then
9 don't.

10 MR. KARNAVAS: I can't help it.

11 MR. SCOTT: To respond to the foundation, Your Honour, that
was

12 exactly again which I was careful to go back and review so there
would be

13 no doubt of the foundation of this witness. Senior government
official,

14 vice-president of one house of parliament, ambassador, party leader,
et

15 cetera, et cetera. And if this man cannot voice any view on what
was

16 happening in Croatia

22 because of the credibility of the witness?

23 MR. SCOTT: No, Your Honour, it relates to the substance of

24 positions in this case going to the merits of the case. And I have
-- I

25 want to put questions to the witness about things directly related
to

Page 28074

1 matters in the case.

2 MR. KARNAVAS: Which period, Your Honour? If it's 1999, I
know

3 we heard --

4 MR. SCOTT: 1992, 1993.

5 MR. KARNAVAS: That's -- okay. Well, I was under the
impression

6 that we're talking about 1999, I must confess.

7 MR. SCOTT: I don't know why. I said that we're during the
time

8 when Croatia during this period of time.

2 best standing possible in the international community; correct?

3 A. I believe that every government except for the one who
desires

4 isolation wishes for that sort of support.

5 JUDGE ANTONETTI: [Interpretation] Witness, it is a very
political

6 question that is put to you, since the Prosecutor is asking you what
the

7 position of the government was.

8 I was under the impression that you were in the opposition.
So

9 little by little, I'm wondering, you were in the opposition so you
were

10 opposed to Tadjman, to the HDZ; yes or no?

11 THE WITNESS: [Interpretation] Your Honour, I took up the
12 position, the high ranking position in the government was at the
time of

13 the coalition government. In 1991, a coalition government was set
up, a

14 government of national unity. There were no confrontations at the
time

15 because what was at stake was the very survival of the country.

16 Subsequently, we were confronted -- we confronted one another on
some

17 issues and on others, we agreed.

18 As far as I'm concerned, personally, I both agreed with them
on

19 some matters and disagreed on others. I was able to voice these
20 agreements or disagreements through a given democratic procedure.

21 MR. SCOTT: If the Chamber might allow me and I apologise,

22 Mr. President, I certainly don't want to cut across the President
but if

23 the Chamber might allow me, I intend to get to some of those
questions

24 but if I could finish this line of inquiry first, but I do very much
25 intend to touch upon your questions, Your Honour.

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1 Q. Sir, my question, following question from all that and I'm
sorry

2 that with all the number of interventions, perhaps the flow has been
3 broken a bit, but my point to you, yes, you said a moment ago and I
think

4 we may have lost it again, of course every country wants to have -
just

5 leaving the screen now - the best standing possible. And my
question to

6 you on that is: We've heard an awful lot about Croatia's assistance
to

7 refugees and the sending of humanitarian aid into Bosnia-Herzegovina
or

8 the transit of humanitarian aid through Croatia to Bosnia-
Herzegovina

9 which is not disputed, by the way, is not disputed, but can you tell
the

10 Chamber, sir, based on all your political involvements and
experience

11 including as an ambassador to another state, what would have
happened to

12 Croatia

14 all off. No more refugees. We will not send a single additional

15 humanitarian convoy into Bosnia

24 that country, Your Honour. Who else can we expect -- who else do we
ask

25 that to?

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1 JUDGE TRECHSEL: He is asked to speculate what would happen
if

2 and that is speculation, I would say.

3 MR. SCOTT: Well, if that's the -- Your Honour's conception
of

4 speculation, I think I can ask --

5 Q. What do you think would have happened, sir? What do you
think if

6 Croatia

11 I am entitled to complaining to the questions of the Prosecution in
the

12 cross-examination, because this is not my witness, but as a Defence

13 counsel, and a party to the proceedings, I think I can say that if
this

14 is not speculation in the area of politics and if a person who
albeit

15 with political experience is supposed to say his opinion what would
have

16 happened if, for example, my grandfather had been Hungarian, whether
I

17 would be Hungarian. What is the point of all this? With all due

18 respect, I don't see the point in all this.

19 I wanted to say this much but I think this is wasting time.

20 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Scott,
your

21 question calls for speculation indeed, but your question is so
obvious

22 that the question is obvious as well -- the answer is obvious as
well.

23 So unless you have another follow-up question to tie, to make a link
with

24 another topic, I will allow it.

25 MR. SCOTT: Your Honour, if the Chamber's view is that that
is --

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1 the answer is so obvious to the extent that it would be essentially

2 common knowledge then I'll ask the Chamber to take judicial notice
of

3 that fact that we can all understand based on our common experience
that

4 it probably have not have improved Croatia's standing in the

5 international community.

6 JUDGE ANTONETTI: [Interpretation] When I say that it is
obvious,

7 all you have to do is to look at Burmania [as interpreted][Realtime

8 transcript read in error "Romania I said Burma

14 MR. SCOTT: Your Honour, I would just -- and I will move on
and I

15 would just again say for the purposes of the record that if someone
that

16 combines the various positions of this person can't express a view
on

17 that, I'm not sure who would be able to. He was a senior official
in

18 providing refugee and humanitarian aid. He was a senior party
official.

19 He was the vice-president of one house of parliament. He was an

20 ambassador to another country. If he doesn't understand something
about

21 international politics and what taking that action would do to the

22 standing of the Republic of Croatia

Page 28079

1 many, undoubtedly many to do the right humanitarian thing, but there
was

2 also a political dimension to this as well and it's directly
relevant to

3 this case.

4 MR. KARNAVAS: Your Honour, if I may just very briefly.
First,

5 the question could have been asked in a leading fashion, perhaps it
would

6 not have drawn as many complaints, but more importantly, we've
indicated

7 and established that Croatia did

12 what's at issue. Perhaps if he could just move on but otherwise, it
is

13 speculative and I can just draw one example.

14 What would happen if, say, one permanent member of the

15 Security Council were to bomb one of the capitals in Europe? Well,
they

16 did, they bombed Belgrade, they're

20 the case? I don't know.

21 MR. SCOTT: I think on that I will move on. I will move
on. I

22 hope the point's been made. As Mr. Karnavas has said many times in
the

23 last two years, I hope the Chamber gets the point. As to the
examples

24 Mr. Karnavas made, that further proves the Prosecution's point. I
don't

25 think the standing of the United States in the international
community

Page 28080

1 and in Europe; I think it's had a dramatically detrimental

6 going -- we have to move on to other topics.

7 If anyone expects me just because I am an American to defend
some

8 of the positions of my government, you are mistaken. I'm sorry.

9 Q. Now, let's go on to another topic, sir. In terms of your
10 humanitarian work, your refugee work, your work as an ambassador, is
it

11 correct that you have very good and fair relations with

12 President Izetbegovic?

13 A. Yes, it is correct that I had good relations with him.

14 Q. And can you confirm to the Judges, in fact, that sometime
after

15 the war that President Tudjman, in fact, awarded to President
Izetbegovic

16 and Haris Silajdzic Croatia

22 10981 starting at line 3. "People were in a way always going
towards the

23 centres of their own republics so it was quite logical for people
from

24 the Croatian areas in Bosnia and Herzegovina to study in Zagreb."

7 but it's also a fact that it was inhabited by peoples, some that
didn't

8 all live in just one republic.

9 Q. Sorry, my apologies for interrupting you, if you will allow
me

10 just to correct the record at page 56, line 2, I assume you meant to
say

11 it is a fact that Yugoslavia. I assume you meant Yugoslavia.

14 Q. I'm sorry. Can you please continue with your answer.

15 A. There were clear identities. With the arrival of democracy,

16 these identities developed, but Yugoslavia. That is a well-known fact.

25 here because of the length of the passage but I'll quote you
directly in

Page 28083

1 a moment. The point you were making was to identify something as
the

2 "capital would mean ..." and now I am quoting you, "... something

3 entirely different for a Serb or Croat not Sarajevo." "So when a
Bosniak

4 says Bosnia and Herzegovina, he or she, they do not mean the same
thing

5 that Croats do when they say Bosnia and Herzegovina." Can you tell
us

6 what you mean by that?

7 A. That is indeed the misfortune of that country that not all
people

8 who lived there, who are citizens of that country, who are
constitutive

9 parts of that country do not see it in the same fashion. All of
them

10 speak about Bosnia-Herzegovina but when you ask them what that
country is

11 like or what it should be like, then you see that there are great

12 differences among them and those differences, as you know, had even

13 tragic conflicts as their consequence.

14 I think that conflicts of the kind that took place in BiH

15 unfortunately, but accurately show the amount of differences in that

16 country, which is small, much too small for such huge differences.

And

17 at times, it couldn't manage those differences or at least not
everybody

18 could manage those differences and that is why such tragic events
19 occurred.

20 It is obvious that the country needed the assistance of both
21 neighbouring countries and the international community as a whole.
It is

22 good that it received that assistance or aid.

23 JUDGE ANTONETTI: [Interpretation] I would just like to
intervene

24 to ask Mr. Scott the following. I am slightly astonished, as you
know

25 the cross-examination is not -- the scope of the cross-examination
is not

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1 limited and the Trial Chamber has mentioned it on numerous occasions
but

2 the cross-examination should mainly stem from the questions put by
the

3 Defence and mainly it should deal with the refugees, humanitarian
aid and

4 humanitarian convoys, so on and so forth. But now, you are using
the

5 Tuta-Stela transcript, you are quoting what the witness said then.
You

6 could have brought this witness actually as a Prosecution witness
and now

7 we're talking about something quite different.

8 Time is precious in this case and the topics that you are
9 mentioning with this witness you could perhaps talk about these
things

10 with other witnesses and you are quite far from what this witness
came to

11 talk about. He came to testify on very precise questions and now
you are

12 talking about all sorts of topics. You were given four hours, that
is

13 true, but you are not rationally using the time. This, for me, I
call

14 this a waste of time. I don't know where you are going to. You are

15 biding for time and you could just ask to have the transcript
admitted

16 into evidence, for instance.

17 MR. KARNAVAS: We will be asking to have the transcript
admitted

18 into evidence in light of the questioning, Your Honour. We have

19 absolutely no problem with his prior testimony coming in addition to
his

20 testimony here today.

21 MR. SCOTT: I could not have taken that -- I was not
22 considering

23 that scenario previously because that's the first of I've heard of
24 that,

25 so of course if Mr. Karnavas wants to do that that's up to him to
26 file

27 his motion. I do submit, number one, in terms of time, I'm -- and I

28 don't want to waste the Chamber's time, but at the same time, I'm
29 well

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30 within my time limits. I'm not even close, not even close to the
31 four

32 hours and I do think it's directly relevant. I think it relates to
33 -- I

34 think it relates to the positions and views of this witness, the
35 Chamber

36 should be informed of in assessing his evidence and the weight of
37 his

38 evidence. I think he has information that can assist the Chamber.

39 The Chamber has, in the last two years, heard extensive
40 evidence

7 about the political views and even when sometimes people use the
same

8 words, they mean something entirely different. And I thought when I
saw,

9 when I reviewed this witness's testimony and what he said in the
last two

10 passages that I put to him including even when a Bosniak says the
words

11 Bosnia and Herzegovina and when a Croat says the words Bosnia, it
means two different things. It seems to me that that's

14 Beyond that, Your Honour, relating to the scope, I do
believe --

15 number one, I do believe it's in the scope of cross-examination.
That's

16 my first position, number one. Number two, I would refer the
Chamber to

17 Rule 90 -- excuse me, 90(H)(i) which specifically states ...

18 JUDGE ANTONETTI: [Interpretation] One moment please. I will
read

19 what we have stated in our decision on the 24th of April, 2008, on
page

20 7, paragraph F. Rule 90(H)(i) of the rules. The cross-examination
shall

21 be limited to the subject matter of the evidence in chief and the
matters

22 affecting the credibility of the witness and where the witness is
able to

23 give evidence relevant to the case for the cross-examination party
to the

24 subject matter of that case. The Trial Chamber may request the
party

25 leading the cross-examination to explain how is the question put to
a

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1 witness relevant. The Trial Chamber will not allow that the

2 cross-examination go overboard and may reject all inappropriate
questions

3 and all questions that are not credible as well as all repetitive

4 questions and irrelevant questions.

5 This is what we've stated. This is our ruling. This is our
6 decision. So you can raise various topics with this witness, but
one

7 must bear in mind that you can say the following: You said this in
8 answer of a question put to you in examination in chief but I am
putting

9 this to you, and so on and so forth. You can also put questions
relating

10 to the credibility, et cetera, et cetera.

11 So you have to frame yourself with respect to the
examination in

12 chief and not go overboard as I'm under the impression now. So
please

13 proceed. We will be more vigilant in controlling the proceedings
and if

14 we make rulings, we have to apply them.

15 MR. SCOTT: Yes, Your Honour, of course and the passage that
you

16 just read a moment ago, it quotes from Rule 90(H)(i), and I refer
the

17 Chamber, as I was about to a few moments ago, to specifically that

18 language which is found both in the rule and in the Chamber's
guidelines

19 which says, "... and where the witness is able to give evidence
relevant

20 to the case for the cross-examining party," in this case, the

21 Prosecution, "to the subject matter of that case." I am well within
both

22 the rule and the Chamber's guideline. Now whether it's irrelevant
or

23 not, is -- I believe that I've said why I think it is relevant so
I'm

24 within the scope of cross-examination, I'm well within my time
limits and

25 it is relevant.

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1 I agree, if I went on for hours and hours about something, I
2 would agree. I've asked a couple of questions about this topic. I
don't

3 think it can be considered abusive. But in any event, I was
finished

4 with that topic. To return to the topic in fact that the President
5 raised, I hope, Mr. President, since you raised the topic you will
6 consider it to be within the scope and relevant.

7 Q. Sir, when you were a, again, a member of the Social Liberal
Party

8 which was the largest opposition party to Croatia -- excuse me, in
9 Croatia.

25 Franjo Tudjman is under increasing domestic pressure to end Zagreb's
founding father is

5 Can you describe to the Judges, please, since you were very
much

6 in the political world at the time, the vice-president of one
chamber of

7 parliament, what was the domestic pressure referenced here
concerning

8 President Tudjman's policy towards Bosnia. Everybody voiced their
different opinions including

24 first time to oppose Mr. Tudjman's aim of Bosnian partition.
'Croatia

2 daily Vecernji List. 'It is not too late to reach the agreement
with

3 Muslims,' he was quoted as saying."

4 Now, in the view of your party, Mr. Budisa, yourself, you
were a

5 member of the governing board of that party, why did Croatia's
policy

6 towards Bosnia-Herzegovina need a "turnabout"?

7 A. First of all, there's a factual error there, an
exaggeration.

8 CroatiaCroatia

22 Now, in order for there to be a turnabout, there has to be,
first

23 of all, a current policy, a present policy. What was Croatia's
current

24 policy as of 30 July 1993 and Bosnia-Herzegovina. I believe that the

7 because their financial support helped propel him to power. He
rejected

8 the opposition's proposals. Those who proposed changes in policy
seek to

9 destabilize both Croatia

11 What was the reaction, sir, to your party of which you were
a

12 governing member to President Tudjman's and the HDZ's reaction

13 essentially dismissing your opposition? What was your party's
reaction

14 to that?

15 A. Every party including mine presented such positions as were
felt

16 were most favourable for the party at the time. The position of the

17 official policy of Croatia as soon as possible

23 only thing we can draw upon ultimately are the facts.

24 Q. Yes, that's absolutely the case. If I can direct your
attention

25 skipping one more paragraph to the last paragraph and -- excuse me,
I

Page 28094

1 have several questions for you about that. It says, "Critics fear
that

2 carving up Bosnia

5 Bosnian brethren in creating a Greater Serbia. There are also many

6 Croats who believe Zagreb

8 the Croatian economy."

9 Now, can you assist the Chamber with this? Can you explain
the

10 point being made as to what was the basis of the concern that when
it

11 says, "There was a fear that carving up Bosnia would set a precedent
for

12 the dismemberment of Croatia would practically be given their own state with
all the

24 Croatia.

2 fundamental problem was that in the view of many in Croatia at that
time,

3 including the opposition, the various opposition parties, the
concern was

4 that CroatiaBosnia

5 its own territorial interest in terms of preserving its own
territory and

6 if -- to the extent that Tadjman supported a carve-up of Bosnia wasn't
carving up Bosnia-Herzegovina. Now, was there

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1 But back on the very first paragraph that I directed your attention
to,

2 the second paragraph in the article, "Croatia's president, Franjo
Tudjman

3 is under increasing domestic pressure to end Zagreb's support for

4 irredentist Croats in Herzegovina."

13 JUDGE PRANDLER: I would like to say a few words, only that
in my

14 view, of course what Mr. Karnavas said that it was a journalist's

15 opinion. On the other hand, again in I believe in paragraph 4 which
was

16 already quoted, it says, and I quote, "On Wednesday, leaders of
Croatia

19 opposition parties, "united for the first time to oppose Mr.
Tudjman's

20 aim of Bosnian partition." And here is a quotation again, "Croatia

3 partition," and Mr. Budisa said "Croatia's policy towards
4 Bosnia-Herzegovina needs a turnabout." So what, in his view, that
5 turnabout meant and how the turnabout could have been implemented?
It is

6 my question, Dr. Zoric.

7 JUDGE ANTONETTI: [Interpretation] Yes, Witness, I do support
this

8 question asked by Judge Prandler. I wanted to ask the same
question.

9 This is at the very heart of the matter when we look at this
article, of

10 course it is drafted by a journalist but it seems to make references
to

11 political leaders, local political leaders who made specific
statements.

12 So please answer Judge Prandler's questions because it is a very
relevant

13 one.

14 THE WITNESS: [Interpretation] Your Honour, I believe that
this is

15 what happened at the time, the proposals coming from Zagreb and from
this

16 group of people in particular were to the effect that the Croats in

17 Bosnia-Herzegovina had to establish cooperation with the Muslims in
18 Bosnia-Herzegovina. And that there was a need to engage in the
19 discussions about how this country would be structured and that
these
20 discussions should be different from the discussions that were being
21 conducted at the time.

22 The opposition opposed vehemently the plans put forth by the
23 international community. They repeatedly said that for instance the
24 Vance-Owen Plan was very dangerous for the future of the country.

25 JUDGE ANTONETTI: [Interpretation] Witness, you are a
diplomat and

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1 you answer in a diplomatic manner. This text relates to problems of
2 inner policy, so put aside the international dimension of it. When
you
3 read this article, let me convey to you my impression. One is under
the
4 impression that there was a specific political attitude or line
defended
5 by many opposition parties in Croatia.

13 necessary, they say, to change lines, to change policies, to have a

14 turnabout which could account for the political division within this
15 agreement between the political parties. This is what the article
16 says.

16 Do you agree with the fact that partition of Bosnia-
Herzegovina

17 had been envisioned; yes or no? Is it because there were Serbs on a
18 third of your territory that some, like you said, "Do not go down
19 that

19 line because it is a dangerous way." With regard to the Croats in
20 BiH,

20 we need to develop another approach. Is this a way in which you can
21 interpret this article? Does this article mirror the inner
22 political

22 debates you had?

23 THE WITNESS: [Interpretation] Yes, Your Honour. You have
24 interpreted the article correctly. The only thing that I cannot
25 confirm

25 is that the partition of Bosnia and Herzegovina was envisaged or
rather,

Page 28099

1 that there was a partition of Bosnia and Herzegovina envisaged
officially

2 or that any of the individuals professed that officially. The only
thing

3 I can admit is that there were many plans around and as for the
opinions

4 of particular individuals, I don't think we should waste any time on
them

5 if there were any such individuals.

6 What we have here, after all, is only a newspaper article,
in my

7 view. With all due respect, I heard Mr. Prosecutor say that he's
not too

8 happy about what his country is doing in Iraq. At the same time,
I'm

9 sure that I can find many newspaper articles coming from either his
10 country or other countries who speak favorably of the president of
his

11 country just as there are many articles who speak positively of the
12 future leaders of that country and who advocate a positive change of

13 policy in the US of A. What we are having is a discussion on
political

14 commitments or views. What I can confirm is that there were never
any

15 discussions or activities aimed at partitioning that country and in
our

16 view, and this is my view today as well, the plans put forth by the
17 international community were deemed to be dangerous for the future
of

18 Croatia. **Would you agree that this was a**

5 is the journalist wrong?

6 Ms. Alaburic, it is a slightly directive question, quite a
7 leading question but it leaves open the answer.

8 MS. ALABURIC: [Interpretation] Your Honour, I would like to
say

9 something to avoid misunderstanding. This may be a linguistic
problem as

10 well as a problem of fact that certain notions are perceived
differently.

11 Let us first say what we mean by saying the partitioning of Bosnia
implied different meanings at

16 country that would have been a single country, therefore, a division
into

17 several entities so it would not have been a division of the state
of

18 Bosnia-Herzegovina. At other times, what was meant was the division
of

19 the state of Bosnia **hardliners**. Herzegovina hardliners. So I think

25 because it's really a founding question. Maybe the witness will
tell

Page 28101

1 this is all rubbish and nothing is true, this is an invention and I
would

2 like you, Dr. Zoric, to answer my question.

3 THE WITNESS: [Interpretation] I will gladly answer your
question.

4 President Tudjman was not obsessed with the division of
5 Bosnia-Herzegovina in the sense of breaking it up or annexing a part
to

6 Croatia, free on its entire territory.

24 today. And concerning all these questions that worried the public,
I can

25 only repeat that Croatia was the first to send an

10 problem?

11 THE ACCUSED PRALJAK: [Interpretation] I ask Judge Antonetti
as

12 the President of the council to allow me the following question:
Did the

13 opposition, when they say the division of Bosnia-Herzegovina, mean
its

14 break-up under the Vance-Owen Plan or the status of constitutive
people

15 for Croats in Bosnia-Herzegovina?

16 JUDGE ANTONETTI: [Interpretation] Well, this question could
be

17 put as part of the redirect but anyway, I shall take it up myself.

18 Witness, you've heard what Mr. Praljak has just said. Can
you

19 answer his question?

20 THE WITNESS: [Interpretation] I think that both options are
21 possible. The opposition, in part, was against the Vance-Owen Plan
which

22 could have been an introduction to a negative outcome in Croatia.

And after that, after a certain time, the Z-4 proposal

12 opinion, they should have.

13 This also means that every Serb in Bosnia-Herzegovina should
also

14 have the same rights, whether he or she lives in Doboј or in
Capljina and

15 every Bosnian Muslims should have the same rights wherever he or she
may

16 live. The current situation is such that the people who live there
are

17 the ones who are least satisfied with it. People who live in

18 Bosnia-Herzegovina know that this country is very difficult to run
the

19 way it is organised now.

20 JUDGE ANTONETTI: [Interpretation] It's 12.30, we're going to

21 break for 20 minutes. I'm looking at the clock. We're going to
resume

22 at ten to 1.00.

23 --- Recess taken at 12.30 p.m.

24 --- On resuming at 12.50 p.m.

25 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Scott,
would

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1 you be able to tell us how much more time do you need?

2 MR. SCOTT: Your Honour, under the circumstances, it's
extremely

3 difficult to predict because of all the interventions. So far, I've
used

4 just barely over half of my total time. I was given four hours.
The

5 Defence so far in total including all the follow-up examinations has
been

6 four hours and 46 minutes. The Prosecution so far has had two hours
and

7 20 minutes so we've had only half as much time as the Defence. It's
hard

8 to say. If there was absolutely no interventions, if the witness
gave

9 short responsive answers we might finish by 1.45 but it's very
doubtful.

10 JUDGE ANTONETTI: [Interpretation] Very well. Please
proceed.

11 MR. SCOTT:

12 Q. Dr. Zoric, in light of the discussions so far, the testimony
so

13 far concerning the article, P 10420, and the answers you've given, I
have

14 to put to you that the position that you're -- in large measure, in
large

15 measure, the position that you've state to the Court today is quite
16 different than the position that you and your party took in 1993 and
17 1994. And the position you're stating today is a change of heart,
18 perhaps, or a different position than the one you held at the time;
isn't
19 that correct?

20 A. The circumstances have also changed and the facts are
different
21 so that now, I hold a different position with regard to some issues.

22 Q. Well, precisely. But, you see, Dr. Zoric, you can tell us
that
23 and it's fine for you to say, I've changed my mind, but what the
Judges
24 need to know and in response to the questions about the exhibit I
put in
25 front of you, my questions were not what you believe now, but what
you

Page 28105

1 and your party believed at that time in July 1993 and indeed in the
2 months preceding July 1993. So to the extent as you've just
indicated,
3 you've given different answers, you've changed your view, then you

4 haven't told us even yet and we don't have probably time, you
haven't

5 told us yet what your position was at that time.

6 Now, in that regard, sir, I think the Chamber should know is
it

7 correct that in June 1995, you left the HSLs and joined Tadjman's
party,

8 the HDZ?

9 A. That is correct. But that wasn't in June 1995.

10 Q. When was it, please?

11 A. Later, in September or October.

12 Q. September or October 1995, you left the HSLs and joined

13 Franjo Tadjman's party, the HDZ.

14 A. Exactly.

15 Q. All right. If we can go on to Exhibit P 10422. This is an
16 article from Globus, a well-known Croatian publication. On the 28th
of

17 January, 1994, concerning an interview with the same Drazen Budisa
who

18 was your party head and in that sense superior at the time. Again,

19 because of shortness of time, we don't have time to go through the
entire

20 article. But if you can please go well into the interview, sir, and
for

21 those following in English, to -- toward the top of the third page.
If

22 you can find, Dr. Zoric, if you can find please the passage,

23 the paragraph that's starts, that's attributed to Mr. Budisa, it
starts

24 with the words, "Because President Tudjman is captured ..." and I
want to

25 give you a fair opportunity to find that so please tell me when
you've

Page 28106

1 found it. Do you have it yet, please?

2 A. Yes.

3 Q. It says there, and I won't read the entire paragraph but,

4 "Because President Tudjman is captured by the concept of rearranging
the

5 former old Yugoslavia, and that our interest is the

15 towards Bosnia and

17 that even in some municipalities in Serbia, Macek had voters, people
who

18 voted for him.

19 It is generally known that Cvetkovic and Macek signed an
20 agreement about the restructuring of the kingdom of Yugoslavia. The
subsequent development of

25 you a moment ago, it says, "Do you think that Tadjman is trying to
find

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1 his Dragisa Cvetkovic (prime minister of Yugoslavia, co-signatory of
the

2 1939 agreement mentioned above) in Milosevic?" In other words,
Tadjman

3 wants to play the role of Macek and casting Milosevic in the role as

4 Cvetkovic? Correct? That's the question by the interviewer.

5 A. I think that it would be much more practical for this Court
to

6 invite the man who said what is -- what we can read here. I am not

7 qualified to interpret his words. I am here to testify about
refugees

8 from Bosnia-Herzegovina and the assistance we provided to them.

9 Q. Well, that's not entirely correct, sir, as the Judges
explained

10 the rules and the scope of the examination. Sir, let me direct your

11 attention another couple of paragraphs down in the next -- skipping
over

12 where Budisa says, "Today ..." Skipping over the next question and
then

13 when Budisa starts talking again, down in that paragraph, he says
and I

14 put this to you in -- particularly in light of the ongoing questions
from

15 this morning, "If the Croatian politics continues to aspire," I
emphasise

16 continues to aspire, "towards Herceg-Bosna being annexed to Croatia

21 Now, again, that was the issue over which Budisa and your
party

22 was taking issue with the HDZ and President Tudjman; correct?

23 A. Yes. We were in disagreement. We failed to understand how
that

24 could be prevented from reflecting upon Croatia.

25 Q. Let me next take you, please, then to Exhibit P 10409.

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1 MR. SCOTT: Your Honour, I'm told that there was a
correction,

2 there was a translation correction and there is a new copy of that

3 document that's loose so hopefully everyone has it in front of
them. If

4 you don't then we will certainly assist you.

5 Q. Sir, you've made several references in the last few minutes
or

6 some time that, you know, you would like to be confronted with your
own

7 words, perhaps, and so I'm doing that. This is an interview that
you

8 gave on the 13th of March, 1994 to Vijesnik; do you see that?

9 A. Yes.

10 Q. And can we all go forward with the understanding that you
agree

11 and confirm that you did give an interview to Vijesnik around this
time,

12 the 13th of March, 1994?

13 A. Yes, I gave many interviews at the time, among others, to
14 Vijesnik. When exactly it would be hard for me to say.

15 Q. All right. Now, your position seems to be, and I've read
this

16 interview several times, your position in this interview appears to
be

17 that the Washington Agreement and this is now the interview is the
13th

18 of March 1994, your position seems to be at the time that the
19 Washington Agreement should be supported; is that correct?

20 A. Yes, I understood that that agreement could put an end to
the

21 conflict and make the warring parties sit at a table together. In
my

22 opinion, it's better to talk than to wage war.

23 Q. And once again, sir, can you agree with me that the

24 Washington Agreement represented a fundamental shift of what had
been

25 President Tudjman's policy up until that time?

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1 A. I don't know if it was a shift in his policy, but it's a
fact

2 that after talks and several attempts, an agreement was brought
about,

3 but it takes two to have an agreement.

4 Q. Sir, in the first paragraph after the box text, if you will,
the

5 first paragraph reading down through it, I'm going to touch on
various

6 parts of these in turn, but you say, "'The Croatian-Muslim agreement
in

7 Washington

10 about a strategic turn in Croatian policy.'" "

11 So this was a fundamental -- well, I'll use your word, it
was a

12 strategic turn from the previous existing Tadjman policy, wasn't it?

13 A. Yes, I do consider that a shift, but a shift is not the same

14 thing as is a turn. A shift means moving from one situation to
another

15 and then continue forward. But a turn is something else. It can
mean

16 abandoning one position and embracing another instead.

17 Q. At the time, you and your party viewed this or at least can
I put

18 it to you this way: Did you hope, did you hope at the time that
this

19 represented Tadjman abandoning the policy of partitioning Bosnia

15 and inside BiH?

16 A. I can answer that question regardless of what the procedure

17 dictates, I wanted to answer your previous question although it was

18 qualified as a speculation, there is no reason why I shouldn't
answer it.

19 We were active in the public domain and spoke publicly on
various

20 issues mainly through TV broadcasts or newspaper reports. The
political

21 infrastructure or rather the infrastructure of the political parties
at

22 the time was insufficiently developed in order to enable us to speak

23 specifically on all matters; however, it was part of the political

24 competition where parties wanted to use up as much room as they
could and

25 be able to speak.

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1 Now, when it comes to this statement of mine you referred
to, I

2 believed at the time and I still believe that the Washington
Agreement

3 constituted a significant step forward.

4 Q. All right. Thank you for that. I'm sorry that I started to
5 interrupt you. Let me go back to what you said and what you were
saying

6 in answer to -- you said my previous question. Sir, you say you're

7 relying on broadcasts, what you read the newspapers, et cetera.
Sir, you

8 were and I'm using the word government not in the sense of the
executive

9 branch, I'm talking about the government of Croatia as a whole, you
were

10 a senior member of that government, a senior member. Vice-president
of

11 one of the houses of parliament in the governing board of the
largest top

12 opposition party. Now, please, don't tell the Judges that you
didn't

13 understand what the politics in Croatia, didn't you?

15 Bosnia-Herzegovina now who are opposed to talks, who are opposed to

16 the -- to those who propose certain solutions and I believe this was
the

17 case in this case at point.

18 Very often, the political discourse includes platitudes and
as

19 I'm able to glean from this, I was the one using them as well.

20 Q. If I can ask you, sir, to go to the part of your interview
where

21 you are asked -- and in English it's toward the top of the second
page,

22 if you can find the question, sir, please, "What do you think about
the

23 confederation of CroatiaCroatia

3 Now, when you say that these things can only be further

4 addressed, "only after they have become sovereign in the whole areas
that

5 they respectively occupy," is it correct that you were talking about

6 Bosnia-Herzegovina in it's entire internationally-recognised
borders, not

7 only that those borders would be respected but that Bosnia and

8 Herzegovina

23 serious resistance in a part of the ruling party or the
opposition?" And

24 you say there, I'm skipping the first paragraph although everyone in
the

25 courtroom has it, I'm not misleading anyone, "However, the
implementation

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1 of the new policy could be very painful in Herzegovina. The policy
of

2 the Croatian-Muslim understanding is in the collision with the facts
and

3 emotions that presently exist. Therefore, one should be careful
that the

4 implementation does not collide with the reality. It is also the
5 question whether the same people can implement two concepts that are
so
6 different and that went from war to alliance."

7 If I could combine that, please, and ask you to hopefully
save a

8 few minutes, we might be able to finish today, at least my part, I
can't

9 speak for anyone else. Toward the bottom -- well, in the English
towards

10 the bottom of that page but after the question where it says, "Do
you

11 mean Mate Boban?" Then in the third paragraph in your answer, sir,
you

12 say, "Nowadays, their political leaders report that there are
allegedly

13 no problems in Herzegovina. People are confused because they waged the war

25 was going to be difficult for people to accept? That's what you are

1 expressing your concern about; correct?

2 A. No, that's not a correct interpretation. I didn't say that
the

3 people fought and died for something that was to become a part of

4 Croatia but because that they thought that they were creating this

4 youth who rule BiH nowadays. Those who did their best during work-
drives

5 to earn shock-workers' badges. Some people who nowadays lead the
HDZ as

6 the people's party of the Croats in the BiH and therefore as my
party too

7 were in their time bringing in for an interview even the first
founders

8 of the HDZ. They are very skillful political executors but they are

9 unskilled with their own people whom they chase from pillar to post,

10 driving finally many of the people in Herzegovina crazy too."

11 Can you please tell the Judges when you refer to Tito's
youth and

12 the people who nowadays lead the HDZ in BiH, who are you talking
about?

13 A. As you can see, I didn't want to name any names, I wanted to

14 encourage, through my answer, the people in that part of the world
to

15 seek new faces. As you know, in young democracies, it is best for
the

16 officials to fluctuate. I don't know how far my answer could be
deemed

17 to be politically correct, but the term of Tito's youth was not
something

18 that was deemed in a positive light at the time and I believe that
this

19 would incite them to engage in a process of looking for new people.

20 Q. Well, sir, it's my job that I have to ask you the question

21 whether despite the fact that it may make you uncomfortable, which I

22 might personally regret that, but I am required to ask you what

23 individuals did you have in mind? Please give us, if you can
remember,

24 give us the names of the individuals you had in mind.

25 A. I didn't have anyone specifically in mind. As you can see
for

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1 yourself, I spoke in very general terms. My intention was to give
the

2 people in the area food for thought and to tell them that they
should

3 carefully look for new people who would lead them.

4 You see what the journalist's question was. His question
5 referred to a specific person whereas I, in my answer, did not refer
to

6 any individuals. I know that subsequently, there was change in that
7 quarter, some new people emerged replacing the ones who were there
before

8 and I believe that change is always beneficial.

9 Q. Well, sometimes. The question to you was, "Do you mean
10 Mate Boban ?" And of course you could have answered the question
very

11 quickly, "Yes," but you didn't. You didn't. You said, "I mean
Tito's

12 youth who rule BiH nowadays." Then going down to the next line,
"Some

13 people who nowadays lead the HDZ ..."

14 Now, sir, you must have known, I'm sorry, but when you said,

15 "Some people who nowadays lead the HDZ," you knew exactly who you
were

16 talking about. So please tell us who those persons were.

17 A. You would definitely not have voted for me, I see. That was
the

18 way I spoke in public. I was trying to be active in politics at the
time

19 and I told you that I wasn't very good at it and I went back to the
job

20 that I am good at. Perhaps I should have given a more
straightforward

21 answer here but I did not and I cannot speak in hypothetical terms
about

22 what I specifically had in mind 15 years ago.

23 Q. Well, sir, I must say I wasn't laughing at you, I was
laughing

24 with you because I know that these things can be difficult, we try
to

25 find some humour where we can. But, sir, I have to conclude with
this

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1 and I will leave it up to the Judges if they want to press you
further

2 but I put it to you, sir, that you do in fact know who you were
talking

3 about and you just don't want to tell us. Isn't that true? Yes?

4 A. I think it will be highly improper of me to name names here
15

5 years later. I don't think it would be proper on my part and I
believe

6 that I achieved as much as I wanted to achieve. If you want me to,
I can

7 answer the question that you put to me that remained unanswered from

8 before the break because there was a procedural dispute about it.
If I

9 recall well, you asked me -- if that was important for you, I can
give

10 you an answer. If not, fine.

11 Q. Let me conclude with this, I will leave you in the Chamber's

12 hands. If the Chamber wants to press you further for that
information

13 then the Judges can choose to do so. I want to thank you despite
some

14 rather firm questions, I thank you for coming to The Hague and
giving

15 your testimony. I wish you a safe return and that concludes my

16 questioning.

17 JUDGE ANTONETTI: [Interpretation] We have 12 minutes left
for

18 redirect. Do you have any additional questions?

19 MR. KARNAVAS: I do and just picking up on that last
question.

20 If the gentleman wishes to go into private session and name names,
if he

21 remembers, that may make it more comfortable assuming that he has

22 specific names because that option was not given to him by the

23 Prosecution.

24 So if we were to go into private session, sir, would that
make

25 it ...

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1 JUDGE ANTONETTI: [Interpretation] Witness, we can move into
2 private session if you so wish.

3 THE WITNESS: [Interpretation] Your Honour, I don't know what
a

4 private session is.

5 JUDGE ANTONETTI: [Interpretation] Well, private session,
that is

6 a situation in which nobody knows what you could say unless -- but
for

7 the people who are in this courtroom, of course.

8 THE WITNESS: [Interpretation] Let me respond this way: "De
9 mortuis nihil nisi bene."

10 MR. KARNAVAS: We may need a translation for that one.

11 JUDGE TRECHSEL: It means that of the dead, nothing unless
12 it's

13 good. It means that one should not slander persons after they --
14 one

15 should not say the truth perhaps after they are dead.

16 MR. KARNAVAS: With that I just have some very quick
17 questions.

18 Re-examination by Mr. Karnavas:

19 Q. On page 2 of today's transcript, there was a question with
20 respect to refugee status and at one point you said that there was
21 some

22 misuse of the refugee status and as a result, there was some changes
23 so

24 that that status was only allowed for three months and then that
25 there

26 would be some -- they would have to check in once a month to review
27 their

28 status and what have you. Very briefly, when you said "misuse" were
29 you

22 speaking of Croats and Muslims both, and if so, could you give us
just

23 very illustrative, just one example of what kind of misuse you are
24 talking about? Keep it brief because I have 10 minutes, sir.

25 A. I did not have members of an ethnicity specifically in mind.

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1 This was not a feature that was unique to one ethnic group only. We
2 tried to prevent these as far as we could. This was not a
prevailing

3 practice. If it was, then we prevented it. This was something that
4 could be found among the Croat and Muslim refugees alike who tried
to

5 misuse their status by obtaining benefits that did not belong to
them in

6 the first place. That is what I had in mind.

7 Q. Thank you. Now, you were asked a question, you were asked a
8 question by the Prosecution and it was somewhere in the -- on page
31

9 about returns and you said words to the effect that safety was one
and of

10 course you were pressed with another question and you admitted, yes,

11 accommodation was another.

12 This is today's transcript, it's not in the documents, sir.
Sir,

13 it's not in your documents, it's in the transcript.

14 So with respect, you indicated today that trying to return
folks

15 back to where they came from, you had to look at safety and

16 accommodation; correct?

17 A. Correct.

18 Q. Now, if we could look at one particular example, for
instance, in

19 1D 01593, I have a copy for the gentleman, if I could have the
assistance

20 of Madam Usher and I have copies for everyone else. It is in the e-
court

21 system and then you could distribute this to everyone else. One to
the

22 Prosecution and then the Bench as well.

23 Now, here is an example, for instance, this is a letter
dated

24 7 April 1994

1 president of the government of the Republic of Croatia could not be
fully familiar with the

23 Q. Suffice it to say if we look at this letter, it would appear
24 that, at least from Croatia

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1 areas are safe and there's a lack of coordination; am I correct in
that?

2 A. Both options were possible. If they were unsafe areas and
Zagreb

3 didn't know about it, then we're talking about`poor coordination and
4 communication, but there had been such situations before and there
were

5 similar situations after and each such decision could be reviewed
and

6 corrections were made. If return to a place was impossible or
impossible

7 for some people, then they would stay where they were, the decision
was

8 revoked, et cetera. I think this is about such a case.

9 Q. All right. Now, you're not a lawyer; is that correct?

10 A. I'm not and I'm glad I'm not.

11 Q. Okay. Well, very well.

12 Now, you were pressed on some questions with respect to
refugees,

13 citizenship and what have you and you gave some answers and having
spoken

14 about my client during the break, he had indicated to me that his
family,

15 his wife, for instance, who was from Herzegovina went to Croatia

9 embroil Croatia

17 bait, as it were, and then he could use that for tactical reasons?

18 A. This shows that apart from the job of a lawyer, there is
another

19 very difficult and demanding job, namely politics and that's why I
don't

20 do either. I spoke several times with Mr. Izetbegovic in his office
in

21 Sarajevo, but

13 that Tadjman was playing one side against the other in order to
achieve

14 his own goal which was an independent Croatia within its recognised

15 borders? Can you comment on that?

16 A. I think this is an adequate assessment of him. I don't
believe

17 that the groups that advocated a Greater Croatia reaching to the

18 Drina River