

1 now and then we can go through the rest. And, frankly, I've been a
2 little frazzled by all of this commotion, and I came here already --
and
3 I already had nerves, but now I'm really nervous, so I could use the
4 break.

5 JUDGE ANTONETTI: [Interpretation] Let's have a 20-minute
break,

6 and we shall resume at 5.20 until 7.00.

7 --- Recess taken at 5.04 p.m.

8 --- On resuming at 5.24 p.m.

9 [The witness entered court]

10 JUDGE ANTONETTI: [Interpretation] Sir, would you mind
standing

11 up.

12 THE WITNESS: I apologise.

13 JUDGE ANTONETTI: [Interpretation] You're about to make a
solemn

14 declaration, but before you do so, can you please state your name,

15 surname, and date of birth.

16 THE WITNESS: [Interpretation] Momir Zuzul, born on the 19th
of

17 June, 1955.

18 JUDGE ANTONETTI: [Interpretation] Could you tell me whether
you

19 have a current occupation? And if so, which is that occupation?

20 THE WITNESS: [Interpretation] I teach at a university, but
now

21 I'm a consultant and adviser for international relations and

22 international affairs.

23 JUDGE ANTONETTI: [Interpretation] Have you had an
opportunity to

24 testify before a court on the events that took place in the former

25 Yugoslavia. That's where I got my MA and my

22 After completing my studies, I worked as a psychologist for a
while. And

23 since 1979, I've worked at the Zagreb University or,

13 Croatia in November 1991. That was one day after

24 any political ambitions, because I didn't have any at that time. It
was

25 a personal act, a symbolical act, an expression of my faith that
Croatia

1 would be able to defend itself against the aggression.

2 While I was in the Croatian Army, I was able to talk several
3 times with President Tudjman. I had met him while I still taught,
and at

4 that time, that was only once or twice, we discussed the reform of
5 university education. At one point, however, he did suggest that I
6 should take up a post in the government, that I should become the
deputy

7 defence minister. I didn't want to take that post because I thought
that

8 it would be just an episode in my life. I fully intended to go back
to

9 the university.

10 Soon afterwards, President Tudjman offered me a position in
the

11 Ministry of Foreign Affairs. The post he offered was the
following: I

12 was supposed to put in place the Croatian diplomacy. I was to use
my

13 knowledge and my experience as a psychologist.

14 Q. Let me stop you here. What year and what month, date, are
we

15 talking about?

16 A. We're talking about March 1992.

17 Q. Okay, all right.

18 A. I accepted this proposal by President Tudjman, and in mid-
March

19 or in the second half of March 1992, I was appointed the assistant
20 minister of foreign affairs. As I said, my specific task was to
select

21 the future Croatian diplomats.

22 When I joined the foreign ministry, I think that it had
about 35

23 employees in total. Although at that time I thought that I would be
24 working there mostly as a psychologist, quite soon I was given an
25 opportunity to work on something that I found of -- to be of great

Page 27611

1 interest at that time, something that I'm still very much interested
in,

2 and that's peace negotiations, so that as early as in the beginning
of

3 April 1992, I took part in peace negotiations, and I think that
sometime

4 in early July I became the deputy foreign minister because of my

5 activities. And then, if I'm not mistaken, it was in September of
the

6 same year I became the adviser for national security to the
president of

7 the republic. But my primary area of responsibility was peace
8 negotiations or peace talks.

9 After the international conference for the former Yugoslavia,
I was appointed the ambassador of the Republic of

12 would participate in the work of the conference and in the talks.
And in

13 that capacity, I participated in most of the talks that took place
in

14 Geneva.

19 Sometime in early 1994, if I'm not mistaken, when the so-
called

20 contact group for peace talks was set up, they were dealing mostly
with

21 Bosnia and Herzegovina, but also with the rest of the former
Yugoslavia, as it had been conceived -, France

21 through their efforts.

22 As all of us who follow foreign policy can see, there were

23 several other cases when contact groups were set up to deal with
other

24 hot spots all over the world.

25 Q. Now, just to interrupt here. You mention Washington and
Dayton, partly embassy on two?

20 to double back.

21 And as I understand it, it was sometime after this period
that

22 you served as ambassador to the United States, and also you've been
the

23 minister of foreign affairs for the Republic of Croatia, you
participated in Dayton, organised the delegation and was

11 that I did spend quite a lot of time with President Tudjman; not as
much

12 as the people who worked with him in his office or in various
ministries

13 because I spent most of my time abroad. I was not in Croatia. But
I can

14 say that I had a direct relationship with him, in other words. So

15 despite the fact that I was in the foreign ministry, I mostly
received

16 instructions for my work directly from President Tudjman; not
always, but

17 for the most part.

18 I also had an opportunity to present my views to him quite
often,

19 and it was my impression that, as a rule, he would always hear me
out,

20 and it seemed to me that he valued my opinion, especially when it
came to

21 international relations.

22 Q. Okay. Now, just to make sure that -- because I'm told that
23 perhaps there might be an oversight in the record, on page 67, line
16.

24 I believe you said despite the fact that you were deputy foreign
25 minister; in other words, you weren't the foreign minister, you were

Page 27615

1 deputy, you had this close relationship -- close association with
2 President Tadjman; is that correct?

3 A. Yes, that's correct.

4 Q. Now, with that in mind, what I propose to do is first cover
some

5 general areas, and then we're going to go through a series of
documents.

6 But I think it might be interesting for the Trial Chamber to go
right

7 into these issues right from the get go.

8 The Prosecutor and the Prosecution has alleged that
President

9 Tudjman had certain attitudes towards Bosnia-Herzegovina. Those
10 attitudes stem from the fact of part of this Banovina Hrvatska?

11 A. [In English] I apologise. There is a mistake in -- even in
the

12 English, there is a mistake in the text, that it is written here.

13 Q. Don't worry. If I'm speaking, they're going to correct it.

14 A. [In English] Okay.

15 Q. Okay, in line 10, but I'm glad you're catching it.

16 So my first question, first and foremost, do you feel
confident

17 that you spent enough time with President Tudjman and that you knew
him

18 well enough to know of his attitudes about Bosnia-Herzegovina,

19 specifically as they related to the Prosecution's allegation that

20 Tudjman, Susak and others were -- had embarked on a joint criminal

21 enterprise to carve up Bosnia-Herzegovina in order to at least take
part

22 of the Banovina back and make it part of Croatia. Can you -- help
us out

23 here?

24 A. President Tudjman was a complex person, as a historian, as a
25 statesman, as a person who left his mark on one part of history of a

Page 27616

1 whole region, and to -- it is not really easy to outline his opinion
--

2 opinions in just a few sentences, but I think that I had enough

3 opportunity to discuss things with him and that we worked together
for a

4 sufficiently long period of time to be able to say, with certainty
and

5 conviction, things that you asked me about.

6 Q. All right. Well, let me just cut to the chase. Let me just
ask

7 you straightforward.

8 Did you ever hear or did you ever know or did you ever see
any

9 document, for that matter, where President Tudjman was advocating
for the

10 re-establishment of the Banovina Hrvatska? Especially I ask you
that

11 question because the Prosecution has brought witnesses here in this
12 courtroom showing that the Banovina is in the Constitution, in the
13 preamble. We're going to get to that, but so have you ever come
across

14 any document, had you ever heard -- overhear a conversation or
partake in

15 any conversation with President Tudjman --

16 JUDGE TRECHSEL: I'm sorry, Mr. Karnavas. Is this a
17 non-directive question?

18 MR. KARNAVAS: Yes.

19 JUDGE TRECHSEL: I find it very, very directive, actually.

20 MR. KARNAVAS: Well, I'm asking --

21 JUDGE TRECHSEL: You say everything. He just has to say
"yes" or

22 "no".

23 MR. KARNAVAS: No because then the -- I'm going to get him
to

24 explain, but if there's a way that you would prefer me to ask the

25 question, because I certainly know the question goes with the
answer.

1 Q. Firstly, let me ask you this: I'll break it down. Did you
know

2 President Tudjman's attitudes about BiH? And if so, what were those
3 attitudes, clear and cut, knowing the Prosecution's theory?

4 MR. KARNAVAS: Because you got to know that, Your Honours.
He's

5 got to know what the Prosecution's theory is.

6 Q. Would you please tell us?

7 A. Well, on the basis of my overall work and all of those
things

8 that I know, I could say with full certainty that President Tudjman
9 supported Bosnia and Herzegovina as a sovereign state, that he
wanted to

10 have a special relationship with it for several reasons.

11 THE INTERPRETER: Interpreters note, could His Honour
12 Judge Trechsel please switch off his microphone.

13 MR. KARNAVAS:

14 Q. Now, special reasons, if you could tell us, what were those
15 reasons because I want it from your mouth, not from my mouth. I
want it

16 for the record. I want the Judges to know exactly what you knew,
what

17 you heard, what you saw, what you experienced, what you felt.

18 A. Well, I think that the first reason -- the first reason was

19 because President Tudjman, both as a historian and as a statesman,
knew

20 that unless the issue of Bosnia and Herzegovina were resolved, there

21 could be no lasting peace in the region.

22 The second reason was because President Tudjman, both
because of

23 his personal traits but also because it was his obligation under the

24 Constitution, had the interests of all the Croats all over the world
at

25 heart, in particular Croats who lived in Bosnia and Herzegovina
because

Page 27618

1 it was quite clear right from the beginning of the war that the
Croats

2 who had lived there for centuries were under threat.

3 The third reason, a very important reason, was that from the

4 beginning of the aggression against the Republic of Croatia,

14 sort of weapons did they use; what did they do exactly to repel
these

15 activities?

16 A. My impression from that time, and this has been confirmed
after

17 I've read some documents relating to this period, was that the
leadership

18 of Bosnia and Herzegovina did nothing. Quite the opposite was
true. In

19 the critical moments, in the first months of the aggression against
20 Croatia

24 those arrows that are there, but if you could tell us -- at least
because

25 of your experience, you told us that you had served in the army;
early on

Page 27619

1 you had joined. Could you tell us a little bit about where the
attacks

2 came from and how it impacted on Croatia because I think it might be

3 good -- just might be good for the Trial Chamber to know about where
and

4 how Croatia was then

10 expertise for what I'm about to tell you.

11 Whoever drew in those axes of attacks on Croatia was
correct.

12 This is how those attacks were executed, and I have nothing to add
or to

13 take away. This is really how the aggression against Croatia
progressed,

14 and when you look at the map, you will see that a fewer -- fewer
attacks

15 were actually launched from the territory of Serbia. For the Judges to
be fully informed, could you specify the

24 its relationship with the former Yugoslavia's independence by an
overwhelming majority, at the time when it

9 that President Tudjman, together with the Slovenian representative,
10 President Kucan, did table a proposal under which Yugoslavia could
11 continue to exist as a confederation of sovereign states. And when
this

12 proposal was rejected, the Yugoslav Army tried to prevent Slovenia
from

13 leaving Yugoslavia

21 previously expelled all non-Serbs from those areas, particularly in
the

22 area surrounding the town of Knin. They underlined this by launching an
attack against

2 Q. Let me interrupt here just to clear the record. On page 73,
line

3 15, it should be -- the gentleman indicated "non-Serbs," and that's
what

4 the translator had indicated. He had said that they expelled non-
Serbs,

5 not the Serbs, because the Serbs obviously wouldn't be expelling
6 themselves.

7 A. On the 8th of October, 1991, Croatia's Parliament passed a
8 decision to sever all relations to Yugoslavia or by now the former
9 Yugoslavia

11 practically flattening it in the process. They committed crimes of
a

12 massive magnitude against the civilian population, thereby
perpetrating

13 the first act of ethnic cleansing known to the modern world. In
other

14 words, they expelled virtually all of the non-Serbs who used to
reside in

15 that area.

16 By way of an answer to Your Honour's question, I'd be hard
put to

17 say who was the first to use the actual term "aggression ."

However,

18 keeping in mind the framework that I have just outlined, I do
believe

19 that "aggression" is an appropriate term to describe what the
Yugoslav

20 Army was busy doing at the time.

21 Q. Now, let me -- let me focus you, since we're on this issue
of

22 aggression, we all know about -- and in fact they've prosecuted a
couple

23 of cases here in this particular building, cases dealing with
Dubrovnik, and if you know anything in particular about those

4 Dubrovnik's territory, while most of

18 properly because he's speaking too far away from the microphone.

19 MR. KARNAVAS: We may need to move the microphones a little
bit

20 so you can be heard, and we need a pointer --

21 THE INTERPRETER: Microphone for Mr. Karnavas, please.

22 MR. KARNAVAS: If we have a pointer, it might be useful.

23 I guess the record should reflect that the witness is
pointing to

24 a map that has been used in the past in this courtroom by the
Praljak

25 Defence team, which we appreciate them lending us the map for this

Page 27623

1 purpose, and I believe it's under 3D 03171.

2 Q. Okay. Now, you were pointing to that one area in the
southern

3 part of Croatia's coastline is not entirely homogenous.

8 this up is because based on everything I know about the
negotiations, I

9 do believe there will be further need to discuss Neum at a later
stage in

10 this trial.

11 Then there is the southern-most section of Croatia's
territory, a

12 place known as Prevlaka, and that is where Croatia borders on
Montenegro's territory, and this was being done hand in

18 part of Bosnia-Herzegovina or East Herzegovina, if you like, is
mostly

19 populated by Serbs.

20 Q. You're pointing to the southern part --

21 A. Around the town of Trebinje East Herzegovina,

3 or form. They did not denounce this as an act or aggression, nor
did

4 they in fact pay any particular attention to this in any other way.

5 When the Serb forces eventually took this entire area in
Eastern

6 Herzegovina, as their last stronghold.

18 Dubrovnik itself, despite which the town was directly

21 of destruction was unprecedented in the city's long history.

22 Dubrovnik was tightening over a couple of

3 their right state of mind could only draw the following conclusion:
The

4 only way to defend Dubrovnik or, indeed, to stop the aggression from spreading

16 political and purely metaphorical sense, Neum became one of the key

17 issues being discussed by Croatia's and HerzegovinaAdriatic Sea,
which's control, so to speak, in terms of

15 However, each of the Muslim Bosniak governments were at
pains to

16 point out the significance that Neum held for them because it was
their

17 only point of access to the Adriatic Sea, regardless of the fact
that

18 this failed to effect the international status of Bosnia and
Herzegovina

19 as a landlocked country, because this kind of access does not allow
them

20 to access the Adriatic Sea, since Neum is simply unable -- it
doesn't up

21 to the capacity to be used as a commercial port, or at least this is
what

22 I have invariably been told by experts of all sorts of different

23 affiliations. Regardless of this, all of these successive
governments in

24 Sarajevo,

4 and Herzegovina, and this is demonstrated by

14 the mainland with the Peljesac Peninsula and Bosnia-Herzegovina about a
possible swap, and what this

24 about this, who brought it up. It might have been Lord Owen or
perhaps

25 someone else from the international conference. I made sure to
inform

Page 27628

1 President Tudjman about these ideas that were being tossed about.

2 And then it was in Geneva

5 words, we are looking at a stretch of the coast that is about 12

6 kilometres long in Neum's case, and the idea was awarding Bosnia an
equivalent stretch in the Prevlaka and Molunat area.

11 both he and the international negotiators, regardless of the fact
that

12 any statesman would find it difficult or impossible to accept such a

13 swap.

14 As I was saying, I think there were additional reasons for
him.

15 He wanted to find a way around having a border with Montenegro.

Back

16 then, MontenegroBosnia and Herzegovina and Yugoslavia

18 that a possible territorial swap would resolve the war in Croatia.

19 Nevertheless, and I must say this again, this was the only situation

20 where President Tudjman actually agreed to discuss anything like
this.

21 Q. Okay. Before we leave --

22 JUDGE ANTONETTI: [Interpretation] Witness, a follow-up
question,

23 please, because you were not very precise.

24 This basic question of access to the sea which is claimed by

25 Bosnia-Herzegovina, but as you said, also by the Serbian entity,
what was

Page 27630

1 the final position of President Tadjman? Was he in favour of,
against

2 it, or based on all the data would he have accepted a swap? What
was his

3 basic position in respect of this demand, which might be quite a

4 fundamental one for any state?

5 THE WITNESS: [Interpretation] Yes, I understand, Your
Honour, and

6 I think that this is the way that President Tadjman understood it,
in

7 fact. He agreed to discuss it. The talks were not brought to
completion

8 because the idea -- the whole idea at that time was not heading
towards

9 its implementation.

10 It was my impression, and I have to stress that this was an

11 impression, that had it been possible to achieve a stable and

12 long-lasting peace in Bosnia-Herzegovina at that time, that
President

13 Tudjman would have accepted that solution in the face of any
possible

14 political repercussions.

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

16 Q. Now, before we leave that region, you told us that the

17 Bosnia-Herzegovina government did nothing to stop the JNA, did not

18 assist, did literally nothing. Could you tell us how much
assistance,

19 that is, military assistance, combat assistance, did the UN provide
- the

20 United Nations, that is - through its Security Council or whatever.
What

21 kind of troops it provided to defend the territorial integrity of
Croatia

22 in that southern part, and in particular, in protecting Dubrovnik
which

23 has been characterized as the jewel of the Adriatic?

24 A. Unfortunately, and I really do mean that, unfortunately, and
this

25 is something that I can really say with full responsibility, there
was no

1 assistance whatsoever.

2 Q. All right. And before we leave this issue of aggression,
because

3 we have the map, if you could tell us, and try to keep it within a
time

4 frame, as well, when this aggression occurred against Croatia, how
much,

5 if any, of the Croatian soil was occupied and by whom? And when I
mean

6 "occupied," by foreign forces or foreign aggressors.

7 A. At least one-third of the Croatia is occupied at the same -- by the
JNA,

17 neighbouring countries, so could you tell us?

18 A. Well, Eastern Slavonia, after the fall of Vukovar, that was
in

19 October 1991, remained occupied until 1998 when it was brought back
under

20 the Croatian authority in the process of peaceful reintegration.

21 Q. We need to make a record. Of course, you're pointing at 3D

22 03171. That's the map. And you pointed at a part of Croatia.

Could you

23 tell us exactly where you're pointing? Where is this area that
you're

24 saying was occupied?

25 A. Well, that would be this area here [indicates]. Of course,
I

Page 27632

1 can't now draw it in very accurately, but that would be the part
that

2 we're talking about.

3 MR. KARNAVAS: It might be easier if we just put a map on
the

4 ELMO and you can sort of pencil in or -- you should be able to do
that.

5 Q. Now -- and while we're getting that ready, but I see -- if I
look

6 at the map, I see that there's some arrows of other areas that -- if
you

7 could listen to my question before you get that.

8 A. Mm-hmm.

9 Q. And when I see the big map, I see other arrows pointing
10 presumably at attacks from Bosnia-Herzegovina to Croatia, so could
you --

11 could we first get -- cover that area, because what I'm interested
in is

12 if there was a particular logic -- if there was a particular logic
in

13 what the JNA was trying to do, that is, strategic logic, and why
they

14 were targeting certain areas in Croatia, and the guiding principle was a
Greater Serbia. This part

7 The occupied territory shrunk at one point because at one
point

8 it went all the way down to the sea. That was in late 1991 and
early

9 1992. Croatia, you had to go from Zagreb to Rijeka, and then you had to
take a

16 A. -- based on information that Croatia had at its disposal in
17 autumn of 1991, and this information was obtained from various
sources,

18 including sources in the Yugoslav People's Army because some of the

19 officers had defected and joined the Croatian side, it was Serbia

21 Karlobag. The point was to create the so-called "Greater Serbia."
There

22 is a series of documents about that, and I think that it's quite

23 interesting and indicative to note here that some were published
before

24 aggression started, before Yugoslavia, and this made it possible

8 here [indicates]. If I'm not mistaken, it was a major railway
junction,

9 and had the Serbian forces taken it, or, rather, had the Yugoslav
Army,

10 had it taken it, it would have been able to hold this key railway
line.

11 The Croatian forces managed to defend the town, and the commander of
the

12 defence of the town of Sunija would have been really cut in two and

Page 27635

1 option.

2 When they decided against this initial idea to take this
whole

3 area, even those who considered themselves to be more reasonable -

4 although we cannot really use this term - in the Serbian leadership
were

5 considering the idea of giving up on holding the area around Knin
and

6 this area here [indicates], and in return they wanted Croatia to
cede

7 parts of Eastern Slavonia. I heard those proposals on several
occasions

8 from third parties, and twice I actually was there when those
proposals

9 were mooted.

10 Q. If I can interrupt you here for a second. Just to go back
to the

11 Sunja situation because that was one of the three reasons, and as I

12 understand it, it's rather -- the example of that is rather
indicative,

13 and you mentioned that it was General Praljak that was involved. Do
you

14 feel knowledgeable enough to inform us exactly what it was -- or how
that

15 was defended and how that played a key role as one of the three main

16 reasons why the JNA failed in their project?

17 A. Well, quite a few years have passed, and I will try to
recollect.

18 We, as members of the Croatian Army, came to visit Sunja,
and we

19 were able to see on what lines the defence was organised. The
defence

20 was mounted by a small number of troops, if you compared the defence
with

21 the attacking force, but the defence command and General Praljak --
well,

22 he was not the general at that time. He commanded the defence --
had

23 this idea that he implemented. He had trenches dug all around the
town,

24 making it possible for his soldiers to move quickly from one
position to

25 another. This is not something that I heard. This is something
that I

Page 27636

1 actually saw. There was heating installed in some of the trenches.
This

2 made it possible for the soldiers to man those positions for much
longer

3 than classic military doctrine prescribed.

4 At that time, Mr. Praljak expounded his defence philosophy.
He

5 said that, in fact, his defence philosophy was the exact opposite of
the

6 JNA doctrine, and obviously it functioned in this town because
Croatia

7 managed to defend this town.

8 Q. All right. Okay, thank you. Now, we only have ten minutes
left,

9 so I want to touch just briefly on two other issues in the general
sense

10 because tomorrow we will go through documents to tie all this
together,

11 this and other matters. But have -- you are acquainted -- I could
put it

12 in another fashion. Are you acquainted with the Friendship and

13 Cooperation Agreement? And if the answer is, "Yes," how so, very,
very

14 briefly, and what it is, again very briefly?

15 A. Yes, I think that I am quite well acquainted with it because
I

16 was personally involved in drafting the agreement. I was directly

17 involved in drafting the agreement, and I also worked on the
preparations

18 for this agreement for months before the agreement was actually
drafted

19 or signed.

20 Q. Who is the agreement with? And if you could give us a time,
and

21 perhaps it might assist if you could tell us, was this before or
after

22 Bosnia-Herzegovina declared its independence?

23 A. The agreement itself was in July 1992, so it was after, but

24 President Tudjman had instructed me, in a way, as early as the
beginning

25 of April 1992. He explained to me why it was necessary to aim for
such

Page 27637

1 an agreement and asked me to start working on the agreement. It
took

2 several months to draft it. During this period, Bosnia-Herzegovina
3 achieved international recognition, and there were several meetings
that

4 preceded the actual signing of the agreement.

5 Q. Okay. Now, we're going to get into that agreement when we
get to

6 the Prosecution document -- 339 is their document. They're familiar
with

7 it. We'll be discussing that and going into it in more detail, but,
you

8 know, reflecting back, did that agreement, that Friendship and

9 Cooperation Agreement, had anything, in your opinion, had anything
to do

10 with the events that were ongoing at the time, specifically the
events

11 that you spoke of for the last hour or so, that is, the aggression
and

12 the occupation of Croatia from the territory of Bosnia

18 Herzegovina. Am I correct in stating that that's -- when you said

14 primarily?

15 A. Yes, primarily, because as you can see here on this map, in
other

16 areas, too, it was easier to defend the Croatian territory if you
didn't

17 have the Serbian forces manning positions on this side. But in
military

18 theory and in practice, as it turned out, it was possible to do that
from

19 the Croatian side, too. The only way to liberate Dubrovnik,
according to

20 the doctrine, would be if Croatia had neither. And the only way to access
Dubrovnik

22 land would involve the forces going to the territory of another
state,

23 and otherwise it would have been impossible because even a small
force

24 would be able to hold Dubrovnik, and then Mr. Silajdzic told me that he would
be accompanied at

17 with him in the foreign ministry. Mr. Biscevic travelled to Geneva

It's fascinating listening to you, but we have the clock, and

4 contacts with Defence, with Mr. Prlic's Defence, or with the other

5 accused or Defence teams, or the Prosecution, or of course with the

6 Judges.

7 We shall reconvene tomorrow at 2.15 for the end of the

8 examination-in-chief. I think you've used about an hour, Mr.
Karnavas,

9 but we'll know that more exactly from the Registrar. So we'll have
three

10 and a half to four,

1 Wednesday, 7 May 2008

2 [Open session]

3 [The accused entered court]

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

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

6 case.

7 THE REGISTRAR: Good afternoon, Your Honours; good afternoon
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 Wednesday, 7th of May. Good afternoon to the
12 Prosecution, to the Defence counsel, to the accused, and to all the
13 people assisting us in our work.

14 For your information, Mr. Karnavas, you used one hour, 19
15 minutes, so you can add up, and you'll see how much time you have
left.

16 Let's have the witness in.

17 [The witness entered court]

18 WITNESS: MOMIR ZUZUL [Resumed]

19 [Witness answered through interpreter]

20 JUDGE ANTONETTI: [Interpretation] Good afternoon, sir. We
are

21 going to resume the examination-in-chief. You have the floor.

22 You may proceed, Mr. Karnavas.

23 MR. KARNAVAS: Thank you, Mr. President. Good afternoon,
Your

24 Honours and everyone in and around the courtroom.

25 Examination by Mr. Karnavas: [Continued]

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1 Q. And good afternoon, Mr. Zuzul. Welcome back. I trust you
had a

2 good evening.

3 Now, yesterday when we left off, I'd asked you a question
about

4 the concept of confederation, and it was at that point when you were
just

5 about to finish your answer when we had to stop for the day. We
will

6 discuss in great detail this concept, but with respect to the
concept of

7 confederation, did President Tudjman and President Izetbegovic ever
sign

8 any agreements concerning that?

9 A. President Tudjman, President Izetbegovic signed a mutual
10 agreement on the confederation. I believe that was on the 14th of
11 September, 1993. The decision was taken that the agreement would be
kept

12 secret in a way. It was never made public. Each of the presidents
kept

13 a copy, and there was another one kept at the mission of the
Republic of

14 Croatia

20 your testimony here today, but just to round off this topic, are you
21 aware whether President Izetbegovic ever signed any other agreements
with

22 others that would impact or had anything to do with the agreement
that

23 you've just indicated to us?

24 A. Yes. A mere two days later, President Izetbegovic signed an
25 agreement with Mr. Karadzic. It was a similar agreement, but it
wasn't

1 about a confederation. It was about creating republics within the
union.

2 The most noteworthy feature of that agreement was this: First of
all,

3 Izetbegovic took this step without ever mentioning it to the
Croatian

4 side, or at least not to President Tadjman.

5 Secondly, the substance of the agreement itself. What is
6 noteworthy is the fact that President Izetbegovic subscribed to the
7 possibility that after two years the Serbs would be allowed to leave
the
8 union. The possibility, in other words, for Bosnia and Herzegovina,
I think, in the spring of 1993, just

2 Q. All right.

3 A. This was during a recess in the Geneva negotiations. I was
with

4 President Tadjman, and we approached President Izetbegovic. This
was

5 something that often happened during recesses in negotiations.

6 At a meeting that had just taken place, there had been very
7 unpleasant conversation where the Bosniak side with President
Izetbegovic

8 and the Serbs clashed. I think it was purely human reasons that
9 motivated or pushed Tadjman to approach Izetbegovic during that
recess.

10 I can't remember specifically who was with President Izetbegovic. I
do

11 believe that Mr. Miles Raguz was also with him at the time.

12 They talked and President Izetbegovic made a proposal in no
13 uncertain terms about what I just said, for Western Herzegovina to
secede

14 from Bosnia and Herzegovina and join Croatia

18 talk about this. My impression at the time was he had been somewhat

19 taken aback by this. He nevertheless believed that regardless of

20 Izetbegovic's motives for that proposal this could never be an

21 appropriate solution for dealing with the crisis in Bosnia and

22 Herzegovina to secede and join Croatia.

22 second. Did -- was there any counter-proposal by President Tadjman
and

23 say, "Well, I don't need Western Herzegovina. How about just giving
me

24 Neum, and I'll give you that water port that you're looking for,"
you

25 know, that deep port?

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1 A. At that time, no proposals were being made by President
Tudjman

2 apart from a crystal clear reply to the effect that this was in no
way an

3 acceptable solution.

4 Q. All right. Now, we're going to go through some documents.
I'm

5 going to ask you to keep your answers rather short, and then I'll
direct

6 you if I need more amplification. We have quite a few, so we're
going to

7 go at a rather rapid clip, but nonetheless I think the information
you've

8 provided thus far lays a good foundation for -- for that process.

9 With you, there should be some binders, unless they took
them

10 away. Are they are?

11 A. [In English] Yes, they are here.

12 Q. And if you could to binder number 1, and if you could look
at the

13 first document, which is 1D 02039.

14 MR. KARNAVAS: And incidentally, Your Honours, this is the
15 constitution of the Republic of Croatia
21 Prosecution. And in his report -- in his testimony he made
references in
22 respect to the Banovina and quoted others or cited others to support
his
23 thesis that President Tadjman had aspirations of re-establishing the
24 Banovina Hrvatska boundaries, and both in his report and his
testimony he
25 made reference to the constitution. In the preamble, that is.

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1 So now I want to go -- I want you to look at this document,
1D
2 02039, page 1, towards the second to last bullet where it says: "In
the
3 establishment of the Banovina of Croatia in 1939 by which Croatian
state
4 identity was restored in the Kingdom Of Yugoslavia's right to sovereignty
and not
21 sovereignty, this would be entirely absurd. In that case, having
read
22 the whole thing, Croatia

25 Italy

4 As is well known from history, and that is something that we
see

5 mentioned here again, there is a reference to 1918 and the break-up
of

6 the Austro-Hungarian monarchy. After the end of World War I and
based on

7 the principle of self-determination as defined by Woodrow Wilson,

8 President of the United States, the Croats -- or, rather, Croatia's

9 representatives at the Versailles Conference opted to unite with the

10 Serbs and the Slovenes, thereby constituting the Kingdom of Serbs as
an absolutist monarchy, thereby

22 because the Second World War started soon after. This was, however,
of

23 the essence to Croatia from the United States, Peter Galbraith, and he
testified, and he

14 indicated that he formed those opinions having met with him on a
frequent

15 basis, sometimes even several times a day. He talked about Tadjman
being

16 prejudiced against the Muslim people, and he also indicated at one
point,

17 he mentioned the fact as further -- as further basis for list
supposition

18 that Croatia, and passages to basically what I was referring to are

12 States during those negotiations, the Contact Group, to your
knowledge?

13 A. No, he was not the representative of the United States in
that

14 Contact Group, not the most active representative of the United
States.

15 There was one who was specially nominated for that position by

16 President Clinton, and that was Ambassador Charles Redman.

17 Q. All right. And again, how well did you know Peter
Galbraith?

18 A. Quite well, I'd say.

19 Q. All right. Now, he indicates that President Tudjman did not
want

20 Bosnia and Herzegovina to exist. Is that statement correct in your

21 opinion?

22 A. In my opinion, this is an incorrect statement.

23 Q. And what about his statement that he wanted to re-establish
the

24 borders more or less based on the Banovina?

25 A. Again, I think this is another incorrect statement.

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1 Q. Now, he talked about this policy. Policy, and I mention
that

2 word, and I underscore it because in some ways, in some circles, in
some

3 -- under some circumstances it could give sort of a nefarious
notion.

4 Let me ask you this being familiar with the Croatian constitution:
Are

5 Croats all over the world, wherever they may be born, do they have
the

6 possibility, based on the Croatian constitution, to have a Croatian

7 passport?

8 A. Yes.

9 Q. Also, do the Croats around the world, wherever it may be, do
they

10 have the possibility, based on the Croatian constitution, to serve
on the

11 Croatian parliament? I believe it's called Sabor.

12 A. Yes.

13 Q. And in fact, if I'm not mistaken, are there some seats that
are

14 specifically allocated to those Croats because historically speaking
15 there have been Croatian communities throughout the world that have
been
16 organised in order to take care of their particular needs?

17 A. Correct. And if I may add to that, because very often it
seems

18 to me that this is misinterpreted. Although there is a number of
states

19 across the world that allow their citizens who live abroad and work
there

20 to participate in the parliamentary life of their respective states,

21 Croatia was established, which

2 territory of Croatia,

25 based on my knowledge and my information, I believe that I can say
that

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1 the other state with a number of citizens holding a Croatian
passport is

2 the United States of America

4 territory of the United States of America? What I'm saying is this
is

5 just an absurd claim. These are two things that have nothing
whatsoever

6 to do with each other. The right to a passport cannot be
interpreted by

7 saying that one nation has territorial aspirations towards the
territory

8 of another nation.

9 Q. All right. Thank you for that. Now, we're going to move on
to

10 the next document, 1D 02910, and this is a -- a presidential
transcript.

11 We've seen it before.

12 It has a D number, Your Honours, because there were some
pages

13 that were added. We translated 12 pages, so that would have been
the

14 extent of -- this was P 00037. So the 12 added pages would have
been the

15 addition to burdening everyone around the court with additional
reading?

16 Now, if I may, Your Honours, read from the -- the
Prosecution's

17 exhibit list and their 65 ter description of this particular
document.

18 It will be my vehicle for the next series of questions.

19 If you have that, sir. Based on -- this is what the
Prosecution

20 says: "This transcript shows that Franjo Tujman had clear
territorial

21 ambitions toward Bosnia," and

6 active at all.

7 Q. Have you had an opportunity to -- to go through this
presidential

8 transcript?

9 A. Yes, I have.

10 Q. Now --

11 JUDGE TRECHSEL: Excuse me. Just -- just a --

12 MR. KARNAVAS: Technical.

13 JUDGE TRECHSEL: Oh, okay. A correction in the transcript.

I

14 think it has just disappeared now. The number of the document is
not

15 correctly stated. There is an 8 too much, and it might later make
it

16 difficult to find it.

17 MR. KARNAVAS: Okay. It's 1D 02910.

18 JUDGE TRECHSEL: That's correct. Thank you.

19 MR. KARNAVAS: All right. And this was Prosecution document
P

20 00037. The only exception is that we've added or translated, I
should

21 say, pages 76 to 83, Your Honours, and pages 96 to 100, and you will
be

22 able to notice that quite easily if you look at those pages.
They're not

23 numbered, but actually you'll see "Unofficial translation" is at the
24 right top part of the page.

25 Q. In any event, with that, if we could turn to page 2 just
very

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1 quickly. I want to focus your attention where it says: "About the
sixth

2 meeting of the presidents of the republic." Okay? And then you
see:

3 "As you can conclude from the release, certain progress has been
made in

4 the talks held so far and that Serbia

7 name at the bottom of the page.

8 First of all, if you could help us out a little bit in
context

9 because I've noted this is June 8, 1991 at that period? And I'm going to
ask you to, like, either

13 labour a little bit more.

14 A. At that moment there were almost panic attempts to find a
15 solution to the break-up of Yugoslavia could not continue existing in the
form that it existed up to

2 Croatia. They did not advocate the break-up of Yugoslavia but,

7 to the European Commission or Benelux and Croatia

10 representatives of Serbia

13 Yugoslavia and Belgrade

16 The key issue was the position of the president of Bosnia,
Mr. Izetbegovic, and the president Macedonia, Mr. Gligorov.

21 Mr. Izetbegovic at one point stated that Bosnia and
Herzegovina

22 would be willing and ready to stay with the Rump Yugoslavia. After
that

23 and only after that Croatia

3 ready for an intervention. At the beginning of 1991, which is now
very

4 clear, they had already prepared themselves for a military takeover.

5 On the other hand, everybody was clear that Serbia was
getting

6 ready for war. The slogan which became a chapter in one of the

7 internationally recognised books which read "If we don't know how to

8 work, at least we know how to fight," became a -- something that was
used

9 by a lot of politicians in Serbia.

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1 document. It would take hours. But just one -- to focus you on
this one

2 page, page 38. It says:

3 "The president: All right. Let's wrap up this item. First
of

4 all, regarding this proposal, I said there, and the minutes will
reflect

5 this, that this proposal by Izetbegovic and Gligorov is actually an

6 attempt to preserve and somewhat bolster the 1974 constitution,

7 basically, that is, Serbia

15 in the interests of Serbia. Did you get that impression from Croatia may
find its

16 own interest in preserving a union of sovereign states." And then
we

17 come to the guiding thought in my own interpretation of his whole

18 state -- statesman behaviour. He says: "In this way we should
achieve a

19 peaceful separation." And he goes on to say: "A peaceful solution
of

20 the Croat-Serb issue on the Croatian territory and the whole -- and
the

21 territory as a whole," which means that within the context of the

22 situation that prevailed at the time.

23 Q. Okay. Now, in quoting -- and there should be page numbers.

24 MR. KARNAVAS: The first page number, Your Honour, was page
43.

25 I'm just as alarmed as you are because I want to make a clear
record, and

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1 I know you need to follow.

2 JUDGE TRECHSEL: We don't have -- it.

3 THE INTERPRETER: Microphone for the Honourable Judge,
please.

4 MR. KARNAVAS: Your Honour, I think that -- you should have,
Your

5 Honour, page 43 of 163.

6 JUDGE TRECHSEL: I have page 9, and the next one is page 38,
39,

7 40. Okay. So 34 does not figure in this document.

8 MR. KARNAVAS: All right.

9 JUDGE TRECHSEL: You have it? Oh, this is a discrimination
10 against my person, I note because my colleague seems to have it. So
I

11 will think of the steps that have to be taken. Thank you.

12 MR. KARNAVAS: Well, we apologise. We do massive amounts of
13 copying and printing, and I'll blame it on technology, but --

14 JUDGE TRECHSEL: Your apology's accepted.

15 MR. KARNAVAS: This was translated by the Prosecution, Your
16 Honour. I'm not suggesting -- I'm not suggesting that the
Prosecutor --

17 I'm just merely mentioning this -- that this is part of their --

18 everybody seems --

19 MR. SCOTT: As the Court knows it's always the Prosecution's
20 fault.

21 MR. KARNAVAS: -- everybody seems to be so touchy around
here.

22 MR. SCOTT: [Microphone not activated]

23 MR. KARNAVAS: What I meant to say was this portion was
24 translated by the Prosecutor. We translated other pages. Therefore
they
25 should not have been missing but obviously it was our fault in
copying

Page 27663

1 it. So the Prosecutor should just relax a little bit.

2 MR. SCOTT: [Microphone not activated]

3 MR. KARNAVAS:

4 Q. Now, you quoted -- you quoted from another page --

5 JUDGE ANTONETTI: [Interpretation] One second. Mr. Witness,
I

6 take this opportunity to ask a question linked to what we're talking
7 about. We have a presidential transcript that relates to the 7th
session

8 of the Supreme Council of the state of the Republic of Croatia

11 possibilities are exhausted and that we create both in principle and
12 personally the best possible relations because that is in our
interest,

13 interest of the army and of individuals, but of course we will not
be

14 silent about -- we will not be silent about such cases. We will
present

15 them as an existence of those elements and dogmatic Communist and
16 unitarian Greater Serbia

19 If you could -- I just want to dwell a little bit on this
20 unitarian Greater Serbia. What is meant by that, because we've
heard the

21 term "unitary government." Now we have a variation of that word,

22 "unitarian." What was your understanding of that in the context of
which

23 we're speaking of, because it might assist us.

24 A. Well, for all of us who group up in Yugoslavia the meaning
of the

25 term "unitary" was something that we knew from our everyday lives.
It

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1 was not something that was learned from constitutional practice,
because

2 the more the federal state became unitary or unitaristic the less
rights

3 were enjoyed by the republics. Yugoslavia's history is the history
of

4 defining unitary versus federal system.

5 In this particular paragraph that you've just quoted,
President

6 Tudjman, in my opinion, is referring to something that had already

7 happened in Serbia that is

21 Q. All right. We're going to move on to this next document
because

22 we're running a little bit behind. So if we could go to 1D 00894.
This

23 is from "Balkan Odyssey." This is a document that we've seen
before. In

24 fact we've seen these pages, again no additional reading for anyone

25 around the court. No surprise. But I want to point out one thing
and

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1 have you comment on it.

2 On chapter 2 Lord Owen in his book says, bottom of the first

--

3 of the second paragraph on the first page: "The Netherlands had the
EC

4 Presidency from the outbreak of the war in July until December 1991,
and

5 in consequence of my visit to The Hague, I discovered that on 13
July

6 1991, when the Slovenian and Croatian declarations of independence
were

7 just eighteen days old, the Dutch government had suggested to the
other

8 EC members states that the option of agreed changes to some of the

9 internal borders between the Yugoslavian republic might be
explored."

10 Now, I ask you to think about this only because the issue of

11 changing of the borders have come up. From your experiences were
you

12 aware of any of the international negotiators exploring
possibilities,

13 that is initiating, because I think that's the word, initiating

14 possibilities of changing of borders? And I mention this because of
the

15 Prosecution's theory of joint criminal enterprise that Croatia was

16 initiating this process of changing borders?

17 MR. SCOTT: Excuse me, Your Honour. I'm sorry to
intervene. I'm

18 waiting for my microphone. Thank you very much.

19 Your Honour, I'm mindful that the Chamber, or at least some
20 members of the Chamber, do not like many interventions from counsel,
and

21 I've been quiet all day for the most part I think with one
exception, but

22 I am going to object and continue to object. There is no reason on
this

23 basis; that is, there is no reason for Mr. Karnavas to make speeches
in

24 connection with his questions and characterise them as this is what
the

25 Prosecution says. This is the Prosecution's theory of the case. It
is a

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1 form of coaching, Your Honour. It's the key words to the witness to
say

2 this is what the Prosecution says, so I'm telling you now this is
what

3 you, the witness, are supposed to disagree with. Mr. Karnavas can
simply

4 ask non-leading questions to the witness. Were you in such a
meeting at

5 this day? Tell us what happened. Did you talk to Izetbegovic about
this

6 subject? What did he say? Were you at this meeting or not? No, I

7 wasn't. But there is no reason for constant speeches or

8 characterisations of this is what the Prosecution says, so now I'm

9 telling you, Mr. Witness, I want you, I'm expecting you to say the

10 opposite. It's a form of coaching. We object to it.

11 While I'm on my feet, while I'm on my feet, number two,
number

12 two, I want to make the record clear, and I'll say why, in terms of
the

13 transcripts, in the last transcript, the presidential transcript
that we

14 were looking at, and this is not directed at Mr. Karnavas or the
Defence

15 at all, but I just want the record to be clear on something because
I

16 know statements have been made in the Croatian press, statements
have

17 been made in the Croatian media that the Prosecution, for example,
used

18 only -- offered bits and pieces or excerpts of the presidential
19 transcripts that the Prosecution tendered into evidence. As the
Chamber

20 knows, that's not the case. The Prosecution's position was we
tendered

21 the entire transcript, top to bottom, with the exception of a very
few

22 where they were long transcripts and it was very clear to any reader
that

23 the last 80 pages had absolutely nothing to do with anything at
issue in

24 this case, whether to enter into a free trade agreement with China

18 that. Do you agree or not?"

19 Otherwise, you should have preempt or you lead the witness.

20 MR. KARNAVAS: Very well, Mr. President, but I do want to
take

21 exception to the Prosecution's characterisation that I'm coaching
the

22 witness. First of all, we had a narrative. We had a narrative
where we

23 talked about changing of borders or swapping. We had a narrative
where

24 it was Izetbegovic that offered part of Herzegovina. We had a
narrative

25 where it was Izetbegovic that signed an agreement to allow half of
Bosnia

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1 to be carved away, so it's not as if I'm coaching the witness, but I
2 take -- I take your observations and I will modify my -- my
technique.

3 Q. Concerning this, sir, do you have any knowledge with respect
to

4 international negotiators proposing the possibility at least that
they

5 should explore the alteration of the borders within Yugoslavia, that
was always on the table as an option, so voluntary. So I am aware of the fact that there was
conference which took place in 1992,

20 A. Immediately before this, on the 8th of October, Croatia made
its

21 decision to become independent, and in the international sphere
Croatia

22 was trying to achieve international recognition based, among other

23 things, on this document as a state within its borders, and soon
after

24 this document was produced Croatia. The recognition was then postponed
until

3 borders.

4 Internally in Croatia were occupied and Croatia was for all
intents and

9 Prosecution document. We've seen this before. It's been talked
about

10 quite a bit by various witnesses, and it's been referenced, in fact,
by

11 some in their works. This is 27 December 1991. You more or less
told us

12 politically what is happening and physically what is happening in

13 Croatia

9 this? What's your spin on this?" And that's all this is. That's
all it

10 is. Objection, Your Honour.

11 MR. KARNAVAS: Okay. I've heard the objection loud and
clear,

12 and may I respond. I'll be measured.

13 The Prosecutor brought in Donia, someone who got a degree in
the

14 United States on 19th century intellectual Muslims in Sarajevo, writes

2 course my position at that point was that his report should be
stricken

3 from the record because obviously that report was written when he
only

4 looked at one particular transcript and not the others, at which
point as

5 I recall, Judge Trechsel, you indicated well, you know, he could
spend

6 his lifetime reading all this stuff or that could be supplemented,
but be

7 that as it may, be that as it may, the point that I'm trying to make
is

8 this: When the Prosecution wants to have somebody who wasn't
present and

9 take one sliver out of a presidential transcript, and I dare say he
10 wasn't quite correct when he said earlier that he's tendered
everything.

11 He's only translated portions, translated portions, so tendering is
one

12 thing. Translating is another, so if you only have two or three
passages

13 of 160 pages or whatever, he has it.

14 But be that as it may, he brings in outsiders, not
participants,
15 to comment, to opine, and then he uses that as the foundation in
16 establishing the joint criminal enterprise, and the first time I
bring in
17 someone who is aware of the events, and had Mr. Scott listened
because he
18 got a little excited there and was ready for his objection, but he
didn't
19 listen to the end of Mr. Zuzul's answer, which was having read that,
he's
20 able to comment on certain things. So he got a little excited,
didn't
21 listen to the whole answer, and now here we are wasting valuable
time.

22 But I want to point that out.

23 JUDGE ANTONETTI: [Interpretation] Yes. We are right. We
are

24 losing and wasting time. You're both right.

25 You know, Mr. Karnavas, you should, in order to avoid this

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1 objection because you are an experienced professional and you know
how to

2 do it, initially you should have told the witness: "During the
proofing

3 session, we both looked at this document, P 89, 160 pages long, and
we

4 mentioned this and that page. Expert Donia in his report said this
and

5 that. Could you, Witness, enlighten the Trial Chamber on specific

6 points," because then the Prosecutor would not have anything to
object

7 to.

8 MR. KARNAVAS: Very well, Mr. President.

9 JUDGE TRECHSEL: If I may add a point. It strikes me that
you

10 are comparing witnesses, your witness here --

11 MR. KARNAVAS: Right.

12 JUDGE TRECHSEL: -- to experts brought by the Prosecution,
and I

13 don't think that is really quite equitable. An expert is asked to
give

14 opinions on matters. A witness is asked to speak about facts that
he has

15 witnessed, and the question you put to your witness, in my view, is

16 totally a question for an expert. Now, your witness has not been
17 presented as an expert. We do not have any credentials like we have
for
18 an expert, and I think there's a little problem here.

19 MR. KARNAVAS: Well, let me respond to that because I beg to
20 differ with you significantly. Ribicic read law. That's what he
did.

21 Now, what makes him an expert to take a presidential transcript and
to

22 say based on this he's making a constitutional analysis? And just
23 because we call somebody an expert doesn't make him an expert.

Donia

24 worked for the Prosecution, and I dare say in my 25 years of working
in

25 this business, I'm entitled to ask a layperson to provide expert

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1 testimony if they're capable of doing that. So I've asked -- that
was --

2 that was a foundational question. Having read it, is he able to
comment

3 on it? He is an expert in a sense even though a fact witness in
some

4 ways because he spent time over there. He was with President
Tudjman.

5 He knew the events. He represented the government. You're shaking
your

6 head, but that's the fact.

7 Now, what I would do -- what I would ask -- what I would
ask,

8 Judge Trechsel, is that -- that you begin registering your
objections on

9 the record because it seems to me that at this point, at this point,
it

10 is curtailing my defence. Not only am I limited in time, now I'm
being

11 limited in scope, as well, and I don't think I agree with your
analysis,

12 but if that's the case I would like a clear record exactly, and give

13 me -- give me the scope. Tell me how you want me to do it, so maybe
I

14 make submissions for an interlocutory appeal, but at this point I
must

15 say, with your interpretation I wholly disagree, especially when we
say

16 that we're practising before professional Judges, especially because
of

17 that, and we can't have it both ways, but I dare say that the
gentleman

18 can comment because he was there and he knows the circumstances, and
if I

19 was allowed to ask those questions that I wanted to ask, you would
see.

20 Now, how much weight you give to that, that's a different
story,

21 but I think I have -- I was laying the predicate that would allow me
to

22 ask those questions because I wasn't asking him for an expert
opinion.

23 JUDGE TRECHSEL: Well, you have challenged me, and I will
give

24 you an answer.

25 MR. KARNAVAS: Okay.

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1 JUDGE TRECHSEL: I'm not making an objection. I'm just
recalling

2 that we have witnesses, according to the Rules of Procedure, and we
have

3 experts, and it is news to me that -- that they are the same and
that you

4 can switch and take the expert as a witness and the witness as an
expert

5 if it pleases you.

6 MR. KARNAVAS: Your Honour --

7 JUDGE TRECHSEL: But maybe I'm wrong on this.

8 MR. KARNAVAS: Your Honour, let me just -- I don't want to
have a

9 philosophical or legal debate, but let's just say hypothetically
10 speaking, hypothetically speaking I brought in as a fact witness a
11 general. Now, by virtue of his position, by virtue of his
knowledge, by

12 virtue of his experience, is not that general able, capable,
willing, if

13 I asked the question, to answer technical questions regarding
military

14 matters that are outside what he has observed? Of course. Do I
need to

15 qualify him as an expert? Of course not. If it's relevant I should
be

16 able to ask that question.

17 Now, it shouldn't be -- I shouldn't be trying to sabotage
the

18 Prosecution, but I could certainly ask him technical questions. It
comes

19 within that.

20 Let's just say that I have a regular witness, and I'm asking
him

21 if he can identify somebody's voice like you have these recordings.
If I

22 can lay the foundation that that individual does recognise the
person's

23 voice because he's heard it a hundred times on the telephone, in a
sense

24 that person is giving expert testimony because he's capable of

25 identifying the voice. So that's how you can.

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1 I'm not bringing this gentleman in as an expert nor was my
2 questioning eliciting expert testimony. I was asking him to opine
on

3 what he was able to glean from reading this, and had -- had we been

4 allowed, he would have been able -- he's indicated that after
reading

5 this he has some personal experience of which he can discuss certain

6 matters. That's not an expert.

7 JUDGE ANTONETTI: [Interpretation] Before the break, yes,

8 Mr. Scott.

9 MR. SCOTT: Thank you, Your Honour. I've been patient and
10 hopefully this will give Mr. Karnavas a chance to take a breath.

11 I fully agree with what Judge Trechsel said and that was in
12 my

12 notes, and Judge Trechsel you beat me to it and good for you for
that.

13 This is now -- this is now -- the witness is now being
tendered

14 as an expert. That's the difference between the witnesses -- the

15 Prosecution witnesses that Mr. Karnavas cites and this witness. And
I

16 might add in light of the issues that were raised yesterday, we can
add

17 now to the deficiencies the lack of an expert report. We don't have
a

18 statement. We don't have an adequate summary. We don't have notice
of

19 an expert. We don't have an expert report. So we just got a

20 free-ranging witness here, a member of the Tadjman government, who
can

21 just come in and give his views about anything that Mr. Karnavas
wants to

22 ask him about.

23 Now, that is not appropriate. You cannot simply, with all
due

24 respect to this Chamber, all of whom I have great respect for, you
cannot

25 appeal every time to say it's professional Judges as if that means
there

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1 are no rules. Yes, you are professional Judges. There are still
Rules

2 of Procedure and rules of evidence that should be followed and just
to

3 say it's professional Judges, no holds barred, everything is fair,
you

4 can do whatever you want, is not correct. These are -- further
these are

5 not technical matters.

6 I added a moment ago -- I asked a moment -- I made the
comment a

7 moment ago: If someone says it was a term of art and a witness
could

8 say, "Well, I'm a general and I happen to know that when that term
is

9 used this is what it means." These are not technical matters.
These are

10 clearly political matters, political matters of the most direct
kind.

11 I'm going to give you my political interpretation on these events,
and

12 I've never -- I wasn't at the meeting, I've never seen this before,
but

13 now that I've read it I'm going to give you my political
interpretation

14 of events and that's all we're getting, Your Honour, and I we do
object

15 and I'm going to continue to object to this kind of testimony.

16 MR. KARNAVAS: Well Your Honour -- Your Honour --

17 JUDGE ANTONETTI: [Interpretation] One moment. Let me give
my own

18 opinion. First of all, I do not agree with what Mr. Scott has just
said.

19 We are here with a witness who was a Minister of Foreign Affairs in

20 Croatia

5 numerous indicators that, you see, that America would gladly accept

6 Serbia

8 Now, throughout those years that you were involved in the
various

9 positions that you held, was that ever a concern, that is, that they
10 might be -- that the US? And that's.

19 1991. Or I should put -- I should rephrase it. Had Bosnia and

20 Herzegovina

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1 Stipe may recall," and I suspect that he's talking about Stipe
Mesic,

2 "once openly said that he would favour a solution whereby Slovenia
would have somewhat more, and Bosnia would be more closely

5 border crossings between Croatia

7 there? Shall we set up customs office? Shall we set up customs?
Shall

8 we make it so that one has to, as the government has already issued
and

9 rightly so, an order that petrol may be sold and so on? Shall we --

10 shall we a currency in the end," as written, "all this together?

These

11 are the problems that arise in everyday administrative and
legislative

12 sense, which establish new relationships which would be unbearable
among

13 according to this view, not only for Croatia in view of the shape of
its

14 borders but also for the Croatian part of the Herzegovina and
Bosnian

15 territory.

16 "In addition, if Bosnia and Herzegovina was to remain
whole,

17 what are Croatia

18 If we go down to the -- to the next paragraph. "During the
talks

19 under these circumstances, we supported the position of preserving a
20 sovereign Bosnia and Herzegovina precisely because the Greater
Serbia

21 policy raised the issue of Serbian areas in Croatia.

22 "Therefore, in such circumstances, it would have been
23 politically unwise for us to raise the issue of demarcation of
borders in

24 Bosnia and Herzegovina otherwise. However, if you recall as early
as

25 1989, we said in our delegation the historic HDZ declaration" I'm
sorry,

Page 27684

1 "the historic HDZ declaration that we were for a sovereign Bosnia
unless its existence came into question because in that case,

7 A. I became a member in October that year, but I was just an
8 ordinary member.

9 Q. And how much, if any, of Croatia
12 had been occupied already. Vukovar had fallen. Eastern Slavonia
was
13 under occupation, and on the 10th of September the siege of
Dubrovnik and

14 attacks on the town began. Dubrovnik

19 favour a solution whereby Slovenia

22 were clear indicia as far as a solution for the former Yugoslavia
was

23 concerned. The Muslim leadership had certain inclinations in favour
of

24 Serbia

2 hinterland, in Eastern Herzegovina that had already been attacked by
the

3 JNA already and had been destroyed in their entirety.

4 Q. What kind of army did Croatia had already managed to set up a
proper army. We

11 Dubrovnik but, rather, the city of Dubrovnik itself as well.

15 Herzegovina from there.. These JNA forces were, but there were attacks like that
going on in the

7 time that I and my colleagues travelled south to Dubrovnik, our
intention

8 being to reach Dubrovnik

15 the JNA. The JNA is staging attacks using Bosnian -- from the
Bosnia's

23 talking about historically that period in time because we know that

24 Bosnia-Herzegovina has not yet declared its independence, but at
that

25 point.

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1 A. There probably were, but in the context of defending Croatia

2 there was no one to raise this with in Bosnia and Herzegovina as a

3 serious issue.

4 Q. All right.

5 A. I will try to be more specific. I'm talking about the
leaders of

6 Bosnia and Herzegovina.

7 Q. All right. Okay. And did -- as far as you know, and I'm
asking

8 you -- maybe you didn't know back at the time, that is back in
December,

9 but thereafter did you ever learn, given your experience and the
10 positions that you held, what Izetbegovic's position was at that
point in

11 time? Did you ever come out and expressly say, "We are for
independence.

12 We are against Yugoslavia.

6 Q. All right. And when you say "army," which army are we
talking

7 about?

8 A. [In English] Yugoslav People's Army, JNA.

9 Q. All right. Just to make sure I'm crystal clear, because I'm
just

10 a little confused here, at this period of time we see an exchange
between

11 Tudjman and Kljuic. Of course we all knew because Kljuic was here
that

12 at the time he was president of the HDZ. And what exactly is Kljuic

13 saying to Tudjman so we are -- and be as precise as you can so we
can

14 understand that.

15 A. [Interpretation] The transcript is quite long. We see
Kljuic as

16 president of Bosnia and Herzegovina's HDZ, and we realise that he
had

17 just talked to General Kadijevic. Tudjman asked him an explicit

18 question; namely, whether he had talked to Izetbegovic and Karadzic,
who

19 were then the political leaders of the other two ethnicities in
Bosnia

20 and Herzegovina is being attacked from Bosnia and Herzegovina, and

7 least if I understand you, that they think that they can do business
with

8 the JNA, that is, Sarajevo, with their own proposals, a whole list of those, in

25 in a small town call Imotski, however, and Mr. Boban worked there.

He

Page 27690

1 was the manager of one of the major companies based in the area. It
was

2 called Napredak. That was when I made his acquaintance. During the
war,

3 however, just before the developments that I have now been
discussing, I

4 had been directly in touch with Mr. Boban.

5 Q. All right. Now, I believe you wanted to say something
earlier,

6 and I cut you off of a little bit --

7 JUDGE PRANDLER: Yes, Mr. Karnavas. I apologise for
interrupting

8 you, but since we have been dealing with the document here, with the
9 minutes of this meeting under the chairmanship of the President
Franjo

10 Tudjman, I would like to take this opportunity, not tomorrow when
the

11 Judges are supposed to ask questions, to ask the witness about a
12 particular point since we are here at the document and you have
13 already -- I mean, Mr. Karnavas, you have already asked several
questions

14 about the document, pages 28, I believe, and others. And now I
would

15 like to address myself to the -- to page 31, 31, of this very
document,

16 that is the document 00089, I believe. And 31, you -- concerning
the

17 future of Bosnia and Herzegovina, there are interesting remarks.
Let me

18 quote or -- it's a long quotation.

19 President Tudjman said: "In other words, the sovereignty of

20 Bosnia

23 demarcation which would have demarcated into three parts Bosnia and

24 Herzegovina

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1 not accept this offer of demarcation when it is in the interest of
the

2 Croatian people, the Croatian people here in this republic, and the

3 Croatian people in Bosnia and Herzegovina, because I do not see a
single

4 reason, a single serious reason, against it. Moreover, in the talks
I --

5 that I personally conducted with Izetbegovic and Milosevic, in
addition

6 one of our people in Bosnia wouldn't get not only those two communities,
Croatia

2 Croatian people -- the rights of the Croatian people in Bosnia, and
the third thing being putting a stop to the war.

14 Herzegovina's territory should be annexed by Croatia, since some people

22 as president on the other, and I think the distinction between the
two is

23 perfectly clear.

24 If I may just add something based on my own knowledge of the
25 situation and something specific about Mr. Boban. It is due to a
sheer

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1 coincidence that I know about the following: Not long before this
2 President Tudjman had first been in touch with Mr. Boban in a way
that

3 illustrated the totality of what was going on at the time. I can
testify

4 to this based on my own direct experience.

5 I was part of the Croatian army, as I have pointed out
already,

6 and we were headed for Dubrovnik? It was a well-known fact that many of
those had volunteered

17 due to the fact that he is the father of probably the most famous

18 Croatian football player ever, Zvonimir Boban. A little
indiscretion, if

19 I may. I was travelling with Marinko Boban in a car that his son
had

20 received as a gift from his own football club, FC Milan. That's
what the

21 times were like. There is nothing else I can say. We were trying
to set

22 up some sort of defence.

23 At one point in time, someone at the table had raised the

24 following issue: Maybe Boban would be able to help. Maybe he could
make

25 available some volunteers. He might give us a hand. The person
they

Page 27694

1 meant was Mato Boban, who had by this time had been appointed to
lead the

2 Croats in Herzegovina

6 October, possibly early November. So this is just under two months

7 before the Zagreb.

13 entire battalion of volunteers who would be prepared to defend and
attack

14 the JNA in Herzegovina. He also knows that he needs them

3 matter of agreeing or disagreeing with what they were actually
saying.

4 He knew that they were the only ones at the time capable of carrying
this

5 extra burden of defence.

6 I don't know whether between the episode that I've just
described

7 and the meeting there was any actual communication between President

8 Tudjman and Mr. Boban. I simply don't know. I do, however,
believe,

9 Your Honours, that if we place this against that sort of a
background

10 then reading the entire transcript is cast in an entirely different

11 light. These proposals are being made but not by President Tudjman.

12 He's discussing these proposals. He's discussing these proposals
with

13 people that he respects, with people who are members of the same

14 political party. They respected him in political terms. That was
one of

15 the reasons. But if you ask me, I'll say this quite openly, he
realised

16 at the time how important these people were and how crucial they
were to

17 his ability to obtain his own political goals and in terms of
helping

18 Croatia

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1 will not be taken out of your time, Mr. Karnavas, rest assured.

2 I use this opportunity to raise an issue that seems to me

3 extremely relevant, and your very words raised -- focused my
attention on

4 this issue.

5 I see that there was this meeting between Tudjman and the

6 delegation of Herceg-Bosna, and under item 1 it is stated that:

"The

7 Community of Herceg-Bosna is going to give its full support to the

8 recognition and the final establishment of the Republic of Croatia
fail to recognise officially

14 issue based on the recent model where you had various countries that

15 recognised Kosovo. Why is it that back then Croatia did not want to
or

16 was not able to officially recognise the Republic of Herceg-Bosna?

Could

17 you answer this question?

18 THE WITNESS: [Interpretation] Your Honour, if you meant the

19 Republic of Herceg-Bosna was the first state, Bosnia and Herzegovina at the
moment

25 when Bosnia and Herzegovina sought the recognition. I'm again
speaking

Page 27697

1 off the cuff. At that moment Bosnia and Herzegovina had not yet
sought

2 recognition either from Croatia envision to recognise the Republic of

10 various international negotiations because reference was made to
that,

11 but the unilateral recognition by Croatia of the organisation of
Croats

12 in the territory of Bosnia and Herzegovina that appeared under
different

13 names, one of them being Herceg-Bosna, I never attended any such
meeting

14 that a reference was made to that, and I don't know that such a

15 possibility was ever seriously considered by the Croatian
leadership.

16 As for the paragraph that the Honourable Judge pointed to,
one

17 can see hear that he makes a clear distinction between the

18 internationally recognised Croatia, if

10 him. And if he had thought in that way he would have appeared
naive.

11 On the one hand he speaks about the recognised borders and
the

12 recognition of Croatia

8 problem that should be resolved urgently, namely the problem of

9 communication. The Croatian War Navy, the Sixth Operational Zone,
and

10 especially in the context of the problem of Herzegovina."

11 Now, this is several months after the previous transcript
that we

12 saw. Can you tell us how the situation had changed if at all in
Croatia

13 vis-a-vis the JNA and the aggression that we spoke about yesterday?

14 A. At that moment the overall situation had changed to a
certain

15 extent. Croatia. Even after the recognition

21 Dubrovnik

23 this meeting, was in relation to the general problems of the army.
I and

24 the others who were with me had all just come back from a visit to
the

25 territory around Dubrovnik.

3 This is the following day from the previous transcript, 4 March
1992, and

4 all sorts of other individuals are present, as well, including an
5 individual by the name of Daidza, and perhaps you could begin by
telling

6 us did you know this person, who was and what position he held?
Just

7 very briefly.

8 A. I met Mr. Daidza during one of my visits to the southern
front.

9 I don't know whether this was immediately prior to this event. At
the

10 moment when I met him, he was the commander of a unit which mostly

11 consisted of Muslim volunteers. At the moment when we met them,
they

12 were in training in Croatia

14 But I know for a fact that he was the commander of that unit of
Muslim

15 volunteers who fought together with the Croatian volunteers against
the

16 J -- the Yugoslav Army.

17 Q. Okay. I'm going to have to ask you to slow down a little
bit,

18 but you say Muslim volunteers. Would they be Muslim volunteers from
19 Bosnia-Herzegovina, or are they Muslim volunteers from Croatia?

20 A. From Bosnia and Herzegovina. From Bosnia and Herzegovina. At
this -- so I want to focus

5 commanders because it was our very last defence line. I would like
to

6 give a brief statement." And then he gives a statement, and then on
page

7 27, at the very last sentence there is a reference from a Luka --

8 A. Djanko.

9 Q. -- Djanko, thank you, where he talks about the zone of
10 responsibility of Dubrovnik. And then it goes on: "It is

17 facing subjective problems in commanding, and I will say a few
words.

18 "There are actions in Herzegovina without written orders
issued

19 by the staff, and I'm already there with two of my brigades.
Croatian

20 people of Herzegovina

23 there's a further discussion.

24 Now just so I'm clear, do these reflect what you were saying

25 yesterday with respect to Neum and the difficulties of covering the

Page 27703

1 entire Croatian -- southern Croatian territory?

2 A. Yes. This is a very specific illustration of my own words.

I

3 can provide you an example and give you an episode. The first time
I met

4 Mr. Djanko down there he was the commander of the Croatian army in
the

5 area but not of the navy. According to some information, Yugoslav
tanks

6 were moving towards Opuzen -- or, rather, towards the line on the
Neretva

7 River. At the moment when we arrived, he was considering the
possibility

8 of blowing up a bridge on the river Bistrina in the area. However,
when

9 we looked at a map we could see that this would not make any
strategic

10 sense, because if he blew up that bridge, he would have prevented
their

11 passage through the narrow territory of Croatia was involved in that
overall

19 three documents. I will try to cover them in succession, so I'll
just

20 point out some relevant passages and then ask you to comment on them
if

21 that's okay with the Trial Chamber just to save some time, because
they

22 relate more or less to the same matter.

23 So we'll be looking first at P 00205. This is from the
Security

24 Council. It's 15 May 1992 in its defence against the JNA which was launching
attacks from

11 A. Correct.

12 Q. Right. Now, if we look at this Security Council Resolution,
and

13 if we go to the second page under item number 2, it says: "Welcomes
the

14 effort -- the efforts undertaken by the European Community in the

15 framework -- framework of the discussions on constitutional
arrangements

16 for Bosnia and Herzegovina under the auspices of the conference of

17 Yugoslavia

20 First question is: Were you aware of -- of these
activities?

21 There was -- there were undergoing discussions concerning the
22 constitutional arrangements in Bosnia and Herzegovina.

23 A. I was aware of that.

24 Q. Okay. And at any point in time -- this is a foundational
25 question for future questions. At any point in time, were you
involved

Page 27705

1 in any sorts of activities, negotiations, discussions, drafting of -
- of

2 agreements or what have you, that were based in part -- were due to

3 the -- the discussions on the constitutional arrangements of Bosnia?

9 all forms of interference from outside Bosnia and Herzegovina,
including

10 the units of the Yugoslav People's Army, JNA, as well as elements of
the

11 Croatian army cease immediately and that Bosnia and Herzegovina

12 neighbours take swift action to end such an interference and respect
the

13 territorial integrity of Bosnia-Herzegovina."

14 First question, to your knowledge were there elements of the

15 Croatian army on the territory of Bosnia-Herzegovina and, if so,
where

16 would they have been located at that point in time in light of the
17 circumstances and the activities that you've already discussed thus
far?

18 A. I don't have any concrete information about that, but I
believe

19 that there were elements of the Croatian army on the territories of
20 Bosnia and Herzegovina. I don't have any reason to doubt this
report,

21 but it is also absolutely clear from the overall situation that at
that

22 moment they were fighting exclusively against the JNA, which was at
the

23 time in the territory of Bosnia and Herzegovina, which is also
confirmed

24 by this particular Resolution.

25 Q. All right. Now, we're going to get other Resolutions, but
if you

Page 27706

1 could just help us out a little bit because yesterday we talked
about the

2 UN and their lack of effort to send combat troops to defend the

3 territorial integrity and the lives of Croatians as a result of the
4 aggressive actions taken by the JNA.

5 Assuming, assuming, and you told us that you were in that
area

6 and you know it very well, so we have the foundation for that. You
were

7 in the military, so we have the foundation for that, as well, so
let's

8 assume that those elements of the Croatian army had withdrawn from
that

9 area around Dubrovnik

13 A. Yesterday I said that at that time there already was enough
14 compelling information to the effect that it was the plan of the
Serbian

15 army, because the Yugoslav army at that time was completely
controlled by

16 the Serbian leadership, to establish the border along the Neretva
River, Croats, and the volunteers of Muslim ethnicity who fought

Page 27707

1 Herzegovina

21 forces to do it either. And we know, I think from the judgements

22 rendered by this Tribunal, that even when they had the forces they
were

23 not in a position to intervene and to prevent some major
humanitarian

24 catastrophes.

25 Q. Now, the next two documents are dated --

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1 JUDGE ANTONETTI: [Interpretation] A follow-up question if I
may

2 on the document we've just been reviewing. It is document 205 if
I'm not

3 mistaken. Is this the right document, Mr. Karnavas?

4 MR. KARNAVAS: Correct, Mr. President.

5 JUDGE ANTONETTI: [Interpretation] In the Resolution, on page
2 in

6 the English version, item 4, it is demanded that the Croatian army
units

7 in Bosnia

14 different issue, but they all fought side by side with all those who
were

15 trying to defend themselves against the Yugoslav army and the
Serbian

16 aggression as I have already said. We in the Republic of Croatia. At
that time, there was still some optimism among the

8 Mr. Karnavas, please proceed.

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

10 Q. Now, the next two documents are May 1992, and again, they
sort of

11 touch upon the same issues that we've discussed, and if we look on

12 page -- page 2 of P 00232, sort of in the middle of the page it
says:

13 "Deeply concern also at the developments in Croatia, including
persistent

14 cease-fire violations and the continued expulsion of non-Serb
civilians

15 and at the obstruction of and lack of cooperation with UNPROFOR in
other

16 parts of Croatia? What part? What are they talking about?

21 Those were parts of Croatia, and soon they moved to occupy Bosnia and
Herzegovina

2 Q. Okay. And we see now in this -- in paragraph 2 -- I mean on
page

3 3, item 2, I'm sorry, page 3 item 2 it says: "Demands that any
elements

4 of the Croatian army still present in Bosnia-Herzegovina act in
5 accordance with paragraph 4 of Resolution 752 very quickly." Had
the
6 situation say, just in the southern part of Croatia, where we talked
7 about earlier, had that changed in the 15 days between the document
that
8 we saw earlier, that is P 0025 and this one P 00232, had the
situation
9 changed on the ground at all?

10 A. No. The situation did not change, but in the meantime the
11 diplomatic activities between Croatia.

4 UNPROFOR has received reliable reports of Croatian army personnel in
5 uniforms operating within and as part of military formations in
6 Bosnia-Herzegovina.

7 The Croatian authorities have consistently taken the
position

8 that the Croatian soldiers in Bosnia-Herzegovina have left the
Croatian

9 army and are not subject to its authority. International observers
do

10 not, however, doubt that the position of Bosnia-Herzegovina are
under the

11 control of the Croatian military --"

12 A. [In English] to the portion.

13 Q. To the portion -- I'm sorry, the portion I can't read. "The

14 portion of Bosnia and Herzegovina under the control of the Croatian

15 military and it's whether -- whether belonging to the local
territorial

16 defence, to paramilitary groups, or to the Croatian army. It is
unclear

17 in the circumstances how their withdrawal or disbandment as required
by

18 the council can be achieved." We spoke of Mr. Daidza. Was Daidza
under

19 the -- to your knowledge, that is - if you can answer the question;
if

20 not, we won't bother - but was he under the control of the Croatian

21 military or the Croatian authorities or the Croatian army?

22 A. I couldn't give you an answer to that question. I think it
was

23 quite clear to me who Daidza and his volunteers were fighting, but
as to

24 under whose control he was, I couldn't really venture an opinion.

25 Q. Okay.

1 A. But Mr. Daidza was from Bosnia and Herzegovina. That is a
2 notorious fact. Everybody knew that, myself included. He was from
3 some
4 place in Central Bosnia, if I'm not mistaken.

4 JUDGE ANTONETTI: [Interpretation] A general question,
5 Witness.

5 At the time you no doubt read the Resolutions of the Security
6 Council, I

6 suppose. Your department within the ministry kept close scrutiny of
7 anything that was written at the time.

8 THE WITNESS: [Interpretation] Yes. Surely. At that time, I
9 was

9 at the Foreign Ministry at the time. We were familiar with those
10 Resolutions, and we were trying to take steps in accordance with
11 those

11 Resolutions. Now I'm talking about the Foreign Ministry.

12 JUDGE ANTONETTI: [Interpretation] As you know, those
13 Resolutions

13 result from different information coming from the international
14 forces

14 present on the ground, from other sources, and so on and so forth.
15 In

15 your position, in your capacity, did you observe at any time major

16 mistakes in the Resolutions when certain facts were mentioned? Do
you

17 have specific cases in mind where you could say that what was
written

18 down was obviously wrong, inaccurate, based on unreliable
information?

19 Do you have in mind one or two examples that you could give us from
the

20 top of your head?

21 THE WITNESS: [Interpretation] Well, Mr. President, I can't
now

22 think of any Resolutions or reports of the UN Secretary-General such
as

23 this one where I spotted some major errors. If there were any such

24 cases, we reacted while the Resolutions were in the process of being

25 drafted. At times, it appeared that the idea behind the Resolutions
was

Page 27714

1 to establish some kind of a balanced approach towards -- where all
sides

2 would be treated in the same way, and to us who knew what the
situation

3 was like on the ground, they did not seem an accurate reflection of
that.

4 I can tell you that because I had direct relations, good
5 relations, with a number of international representatives. I would
6 sometimes bring that up. At times, I would officially put -- make
an

7 official protest, but most often I would receive the following
reply:

8 They were there to establish facts and not to judge what is going
on, who

9 is to blame and who is not.

10 It seemed to us that this approach was not always
productive, but

11 that may have been just our impression because, after all, I was
there to

12 represent the Republic of Croatia

21 were deployed in Bosnia

23 4 May to withdraw JNA from Bosnia-Herzegovina. Most of them
appeared to

24 have joined the army of the so-called Serbian Republic of

25 Bosnia-Herzegovina. Others have joined the Territorial Defence of
Bosnia

Page 27715

1 and Herzegovina

2 which is under the political control of the Presidency of that
republic.

3 Others may have joined various irregular forces operating there."

4 Now, you said earlier -- you talked earlier about General
Mladic,

5 who was in Croatia have now joined the newly formed armies. In actual fact,

22 JUDGE ANTONETTI: [Interpretation] Very well. We'll take a

23 20-minute break.

24 --- Recess taken at 5.40 p.m.

25 --- On resuming at 6.03 p.m.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you may
proceed.

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

3 Q. Okay.

4 JUDGE PRANDLER: I'm sorry, Mr. Karnavas, to stop you, but
before

5 we break I didn't want to take your time. I only would like to have
a

6 question from Mr. Zuzul, and it is about a clarification.

7 During the very last minutes of -- of the witness, you spoke
and

8 he spoke about some of the Resolutions of the United Nations
Security

9 Council, and I believe it was page 74, lines 1 and 2, that -- that

10 Mr. Zuzul you mentioned that, and I quote: "I was there to
represent

11 Croatia or only in Geneva

15 you mentioned that you were posted in Geneva as the permanent

16 representative of Croatia

19 et cetera. So my question is to clarify if you were permanently in

20 Geneva or at the meetings of the Security Council. Thank you.

3 I was appointed on the 1st of February, 1993, to that particular

4 position. However, even while working as assistant and deputy
foreign

5 minister in Geneva, as well, and I was quite involved in the work of our
delegations,

14 pronouncing that correctly. Could you please tell us whether that
means

15 "effort" or "attempt," because it may be a slight variation. It may
be

16 slightly nuance, but just to have a more accurate -- what did you
exactly

17 mean when you were asked the question about the reports? Were they

18 making an effort, or were they attempting? I don't want to put
words in

19 your mouth, but I'm told that you actually used the word. We don't
have

20 a Croatian transcript. So if you could think back?

21 A. [In English] I would say that they were making efforts.

22 Q. Okay. All right. Now, if we could go to the next document,
and

23 we're probably going to move through the next couple of documents
rather

24 quickly so we can get some more substantive areas. The next one is
a P

25 document for Prosecution, P 00263. This is a presidential
transcript.

Page 27718

1 Now, this is dated 15 June 1992 units being sent

5 Now, if I could direct you to that page, page 67, it also
shows,

6 by the way, that you were present. I don't know if you recall being

7 present, but in any event, the first page shows that you were
present.

8 Page 67, as I understand it, you had an opportunity to read not just
the

9 English version but also to make some comparisons with the Croatian
10 version, and it might be of some significance, I don't know, we'll
leave

11 it up to the Trial Chamber, but could you look at that, the very
last

12 paragraph where it starts: "The numbers of theft and larceny cases
has

13 also increased." Did you notice anything missing, any words missing
in

14 that?

15 A. That's true, I was at this meeting. Naturally having read
the

16 transcripts it came back to me. It has been 16 years since, after
all.

17 However, when I read both English and the Croatian versions, I
noticed

18 that the English is missing a word which in this case might change
the

19 overall meaning. In the English it's page 67. In the Croatian -- I

20 don't know exactly how the pages were marked, but I think it's 714.

21 Anyway, the word "return" is missing. Therefore, if we try to
translate

22 this paragraph over here there is a word missing, the word "return,"

23 which can be translated into English -- well, I am certainly no
expert,

24 but to the extent that I can tell, it could be translated in two
ways

25 perhaps, "withdrawal," which is I think the word that most people
would

Page 27719

1 have used in this case, or "return," which is another possibility.

2 If you add that word to the paragraph, no matter if you
actually

3 opt for the word "withdrawal" or the word "return," I think this
changes

4 the meaning entirely, and the paragraph shows that those elements of
the

5 Croatian army that were in Bosnia and Herzegovina were now returning
home

6 and while withdrawing were perpetrating certain crimes.

7 Q. Okay. And with respect to the -- to the issue of check-
points --

8 well, perhaps you could read the paragraph itself, which is only a
few

9 lines.

10 A. [In English] Excuse me, the same paragraph.

11 Q. Yeah. And you can read it in Croatian. It can be
translated or

12 you can read it in English, however you feel more comfortable.
Croatian

13 is the original language of the transcript, so ...

14 A. Maybe I'll read it in Croatian so maybe we'll get new
translation

15 then.

16 Q. All right.

17 A. [Interpretation] "Cases of theft and larceny have been on
the

18 increase. The movable property, too, has been stolen, and in the
last

19 cases at local check-points machines and equipment has been moved
over

20 from Herceg-Bosna where units and individuals who were involved over

21 there along various front lines while returning to Croatia have been

22 hauling in as war booty tractors, and all other kinds of
agricultural

23 machinery, et cetera.

24 "However," and that's the next paragraph, "However, we have
set

25 up very effective check-points here, and I can now say that we have
been

Page 27720

1 particularly effective at putting a stop to this kind of practice."

2 Q. Okay. All right. Can you, being there, and now that we
have the

3 context and having read it and spotted the error, can you tell us
when

4 they say "we have set up check-points here," what are they talking
about?

5 What kind of check-points, and what does "here" mean in this
context?

6 A. I can't tell you exactly where the check-points were. I
simply

7 don't know. However, looking at the overall context, I think these
are

8 check-points in Croatia, and first context. At this point in history, what

2 stopped, or is it -- and has the territory up to 30 per cent, as
you've

3 indicated, does Croatia **and** Bosnia

12 internationally recognised. It had been recognised by Croatia as
well.

13 In the context of this story, one thing that strikes me as
worth

14 mentioning is that at a referendum before Bosnia and Herzegovina **and**

21 document is in relation to the first major meeting following the

22 recognition. However, in the context of the Resolutions that I have
been

23 talking about, there is one thing that I would like to note.

Sometime in

24 mid-June President Tudjman and President Izetbegovic issued a joint

25 statement. I was with President Tudjman when we prepared the
statement.

Page 27722

1 Among other things, the statement also dealt with issues

2 mentioned in the Secretary-General's letter as well as in the
Resolutions

3 of the Security Council. Croatia **in** Zagreb

8 Q. Okay. Now -- thank you. Let me walk you step by step, but
I'm

9 happy that you put that into context because let me use this to
segue

10 into my next question. The Prosecution in the 62 ter description in

11 describing this particular presidential transcript, and I'll use a
word

12 that they attribute to me that is "spin", this is what the
Prosecution

13 says: That this transcript --

14 MR. SCOTT: Your Honour, as I objected earlier this
afternoon,

15 I'm also going to object again to this now.

16 MR. KARNAVAS: Very well.

17 MR. SCOTT: There's no point in putting these preparatory

18 comments and criticisms. He can ask the question. If he can point
him

19 to the page and say -- if -- assuming it's otherwise a fair
question,

20 there's no reason for these other preparatory remarks.

21 MR. KARNAVAS: I am entitled -- I am entitled -- this is the

22 Defence, Mr. President. I am defending allegations. The allegation
--

23 the spin by the Prosecutor who wasn't there at the time is
suggesting

24 that -- that Tudjman is -- presses the Bosnian president. The
gentleman

25 is particularly familiar. That's their spin. He's going to
comment.

Page 27723

1 MR. SCOTT: This is further coaching of the witness, Your
Honour.

2 MR. KARNAVAS: How is it coaching of the witness?

3 MR. SCOTT: Because I'm now telling you what the Prosecution
4 position is, so you can be sure to disagree with that. That's your
queue

5 to disagree.

6 MR. KARNAVAS: Your Honours.

7 MR. SCOTT: This is objectionable.

8 MR. KARNAVAS: Your Honours.

9 MR. SCOTT: Just ask the question.

10 MR. KARNAVAS: Your Honours, let's take a reality check. I
met

11 with the witness. I went through the documents. If I wanted to
coach

12 him, I would have coached him back then.

13 MR. SCOTT: Maybe you did.

14 MR. KARNAVAS: This is absolutely ridiculous, and this
Prosecutor

15 has met with every single witness, gone through the documents, and
we've

16 seen them testify. So I'm -- they allege a joint criminal
enterprise.

17 They allege that Tudjman is pressing the Bosnian president, entering
into

18 a particular agreement, which is the very next document. That's
their

19 spin. I'm entitled to -- I'm entitled to point that out because the
20 gentleman can comment. To suggest that I'm suggesting is utterly
and

21 patently ridiculous, and I'm being generous at this point.

22 MR. SCOTT: Well, I do suggest it, and also, Your Honour, I
ask

23 the Chamber and not just Judge Antonetti. I ask all the Chamber in

24 fairness. Remember back during the Prosecution case and when the

25 Prosecution put on its witnesses. I didn't say, and I'm telling
you,

Page 27724

1 Mr. Witness, what the Prosecution case is, and this is the answer I
want

2 you to give, and if you look at paragraph so-and-so of our
indictment,

3 this is the Prosecution's theory. I didn't preface my questions,
and the

4 Prosecution counsel didn't in that way. You ask a witness to come
in.

5 You put questions to the witness. You don't argue your case. You
don't

6 say, I'm telling -- I'm putting your spin on it. You ask questions.

7 MR. KARNAVAS: It's called burden of proof, Your Honour,
burden

8 of proof. They are alleging. They have the power. They draft that

9 indictment the way they want it. They decided to put the spin on
this

10 particular presidential transcript in order to get it in. That's
their

11 interpretation. I'm not inventing anything. That's their
invention.

12 They got to proof that. I'm attacking. I'm defending. That's --
so if

13 he thinks that's the case --

14 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, the Judges
are

15 thinking about how to speed up trials, and the both of you have just
16 illustrated the need for Judges to intervene at times.

17 Mr. Karnavas, you want to highlight one point. Very well.
In

18 order to do so, you tell the witness, "Look at this transcript.
There is

19 this particular sentence." He can say yes. He can say no. He can
say,

20 "I don't know." Thereafter, afterwards you say, "well, it appears
in the

21 indictment that this is being alleged," and then we can move
forward.

22 MR. KARNAVAS: Very well, Mr. President, but it's not in the
23 indictment. It's in their description of the evidence, but very
well.

24 And I understand that the description is not evidence, and you'll
see a

25 motion that I filed where I objected to these characterisations.
That's

Page 27725

1 parted of this -- my whole attack on the Prosecution case, that in
trying

2 to get in evidence they've had to put certain descriptions as to
what

3 they believe the evidence shows. So that's part and parcel. And
then

4 when I objected to that, they came back and they said, "No. Our --
our

5 characterisations are part of the evidence." But I take your
point. Let

6 me move on. Let's go straight to the document.

7 Okay. Let's everyone calm down a little bit.

8 Q. 21st of July, 1992, there's a discussion, and I just want to
9 focus you very briefly because we're going to go on to the next
document.

10 On page 59, we have Dr. Franjo Tudjman, who is the president, and
there

11 he's -- he says, and I quote: "Mr. President Izetbegovic, our time
is

12 limited, so can we finish with this part of the discussion as the
base --

13 as the presumption for further interstate conversations, that both

14 delegations agree that the status of the Croatian people in

15 Bosnia-Herzegovina should be organised on the basis of three
constitutive

16 units of Bosnia and Herzegovina; and second, that the defence forces
of

17 the Croatian Defence Council are considered to be an integral part
of the

18 defence forces of Bosnia and Herzegovina and that they are to be

19 represented in the command, the Joint Command of Bosnia-
Herzegovina."

20 Now, can you tell us given the position that you held and
your

21 involvement, can you tell us exactly why is President Izetbegovic

22 pursuing this sort of policy, if you will, with President
Izetbegovic at

23 the time -- I mean, President Tudjman, why is he pursuing this with

24 President Izetbegovic?

25 A. I attended this meeting. I think it was a very important

1 meeting. I think it clearly illustrates the principles that
President

2 Tudjman applied when he was thinking about Bosnia and Herzegovina.
He is here expressing his concern about

8 based on the proposal put forward by the international community,
and I'm

9 referring to Cutileiro's plan to the effect that the Croats within
Bosnia

10 and Herzegovina government, or when he says

9 including the BH army command and for the Croatian defence forces to

10 become an integral and indivisible part of the BH army forces [as

11 interpreted].

12 I think it is impossible to view these two issues
separately. He

13 wanted them to effectively become one and the same army, but he also

14 wanted to have a Croat involved in the command structure.

15 Q. Okay. I'm told that it was the defence forces, not the BH
army

16 forces. Is that what you meant? Because my disadvantage is I don't

17 understand Croatian, and my colleague here is pointing out at page

85,

18 line 18. So if you could look at that and please tell us again,
because

19 we're talking -- there are some nuances here, and I just want to
make

20 sure because I can see the Prosecution busily writing away for the

21 cross-examination. I certainly don't want to give him any
ammunition as

22 a result of something lost in translation.

23 THE INTERPRETER: Interpreters note it was interpreted as
defence

24 forces.

25 MR. KARNAVAS:

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1 Q. Okay. Let's go to the next document. We're told -- we'll
move

2 on. It's okay now. We'll move on.

3 P 0 --

4 THE WITNESS: [Interpretation] Could I ask a question,

5 Mr. President? As I'm unable to monitor both my words and the

6 interpretation at the same time, and I have noticed some errors, and

7 given the fact that between my testimony today, my testimony
tomorrow,

8 and my next testimony months will have gone by, I have to apologise
for

9 my ignorance, but may I please be granted a chance to inspect a
10 transcript of my evidence and all the other documents, especially in
view

11 of the fact that I'm perfectly aware that I'm not allowed to contact
the

12 Defence, the OTP, or the Tribunal? Is this something that is
doable, and

13 is my request a logical one? I do apologise, but this just brought
the

14 issue to mind.

15 JUDGE ANTONETTI: [Interpretation] Transcripts are public and
they

16 normally can be accessed by everyone. So by the time you return in
July,

17 you will have ample time through the internet to access the
transcripts

18 of today's hearing. No problem at all. Unless the system breaks
down.

19 You never know.

20 THE WITNESS: [Interpretation] Thank you, Mr. President.

21 MR. KARNAVAS:

22 Q. If we could get to the next document, P 00339, because this
is

23 connected to our previous document. P 00339. It's dated July 21,
1992

25 and cooperation between the Republic of Bosnia and Herzegovina and
the

Page 27729

1 Republic of Croatia

11 continuing aggression of the Serbian and Montenegrin military forces

12 against the Republic of Bosnia and Herzegovina, but also largely
against

13 the republic of Croatia, to

22 when they say "in consideration of the continuing aggression," was
the

23 aggression continuing in a manner in which it's stated in this
paragraph?

24 A. Definitely.

25 Q. All right. And I know that we talked about this a little
bit.

Page 27730

1 They're asking the United Nations, European Union, and the United
States

2 of America, the crisis would not be solved, and that is why we put

3 paragraph 8. "With this objective in mind, both States will sustain
4 their -- will sustain their past successful cooperation and
continuous
5 coordination of the defensive activities in" -- I underscore "in" --
"the
6 contiguous zones of the two States."

7 Question number one is this an accurate statement? That is,
was
8 there past successful cooperation between these two folks with
respect to
9 activities in the contiguous zones?

10 A. The successful cooperation implied any attempt to prevent
the
11 Yugoslav People's Army from achieving their overall strategic goals,
and
12 I mean by that preventing them from establishing new borders or
taking up
13 the area all the way down to the Neretva River
16 aggression against them is urgently stopped by further destruction
and
17 annihilation of their state entity and integrity, the two states
will,

18 should the efforts of the international community remain
ineffective,

19 take all necessary steps in order to establish broader cooperation
in the

20 military sphere and coordinate military operations in order to

21 definitely --" I think this might be "repel the danger threatening
them."

22 So was this an accurate --

23 A. Yes.

24 Q. Okay. Now, with respect to broader cooperation in military
-- in

25 the military sphere and coordinate military operations, since you
were

Page 27732

1 part of the negotiating process, can you tell us at least at that
stage

2 what was envisaged? I know we have the presidential transcripts,
and we

3 can probably glean from that conversation, but you being a
participant,

4 can you help us out here?

5 A. What this meant at the moment was every possible form of

6 cooperation between the Croatian army and the army of Bosnia and

7 HerzegovinaBosnia and

9 paragraph leaves the possibility open, although not explicitly,
about

10 joint military actions whenever those were needed.

11 Q. All right. And then just finally on paragraph 9 very
quickly, it

12 says that there was an agreement to have a protocol on the
establishment

13 of diplomatic relations between the two states at embassy level
signed

14 immediately. Did that occur?

15 A. [In English] Yes.

16 Q. All right. Now, let's move on to the next document.

17 JUDGE ANTONETTI: [Interpretation] This is an interesting
document

18 for me, a document that was discussed with other witnesses before,
and of

19 course I am going to seize the opportunity to ask this question to

20 somebody who took part in the generation of the document.

21 The previous document on the presidential transcript, and
let me

22 note that the meeting lasted 10 hours and 15 minutes, we have proof
that

23 the document was produced right after the meeting and that the
witness

24 participated in the production of the document.

25 Here is my question: This document is signed by both
presidents.

Page 27733

1 It is an agreement of friendship and cooperation between the two
2 republics. For your country, was this document distributed? Was it
3 published in the Official Gazette of your republic?

4 THE WITNESS: [Interpretation] The document was made public
on the

5 same day, or maybe the following day. I'm not sure -- sure, and I'm
not

6 an expert either to tell you whether this type of agreement should
have

7 been published in the Official Gazette, whether it falls under that

8 category.

9 JUDGE ANTONETTI: [Interpretation] Fine. I had another
question.

10 This is an international agreement. According to your law,
unfortunately

11 I didn't have the time to check it myself, but was this document due
to

12 be ratified by the parliament, or was it up to the president to
commit

13 his country to an international agreement without necessity to --
for the

14 document to be ratified?

15 THE WITNESS: [Interpretation] I believe that for this
document no

16 ratification was necessary. In my view, under the then-prevailing

17 constitution the president of the republic could have signed this

18 agreement without this document being ratified by the parliament. I

19 believe that under the current constitution of the Republic of
Croatia for information so that the international community be informed?

16 THE ACCUSED PRALJAK: [Interpretation] Well, then, very well.

17 If --

18 MR. KARNAVAS: Well, let me just go on.

19 Q. The next document is 1D 02295. Okay. Okay. I will --

20 JUDGE ANTONETTI: [Interpretation] Mr. Praljak.

21 THE ACCUSED PRALJAK: [Interpretation] Your Honour, your
words

22 have been translated into Croatian as the document saying that the
HVO

23 would be opposed to the BiH army. That's how it has been translated
into

24 Croatian. Can this please be taken into account?

25 JUDGE ANTONETTI: [Interpretation] That's not what I said.
There

Page 27735

1 has been an error in the interpretation. What I said is that the
HVO

2 army, according to the document, was an integral part of the army of

3 Bosnia and Herzegovina. That's what I said. So I'm calling upon
the

4 interpreters to be very vigilant because on several occasions we've
seen

5 the importance or the significance of -- of nuances such as a comma
or

6 full stop. So, please, if you note any problems or
misinterpretation,

7 please don't hesitate to let us know for -- in everybody's
interests.

8 MR. STEWART: May I point out that exactly the same error
appears

9 in the English transcript, so what Your Honour has just said will
10 constitute a correction of that as well.

11 JUDGE ANTONETTI: [Interpretation] Very well indeed, because
when

12 I speak I don't necessarily check the transcript in English. I look
at

13 you rather than -- than at the screen. I'd rather look at the
Defence

14 counsel than at my screen.

15 Mr. Karnavas, you have the floor.

16 MR. KARNAVAS: [Overlapping speakers] Thank you. First, I
have

17 to thank General Praljak for that correction, and that's an
important

18 one, and we thank him very much. And we thank that he insisted on
making

19 that correction. The dangers of circumstantial evidence sometimes,
of

20 jumping to conclusions.

21 Q. 1D 02295. That's the next document. It's dated 6 August
1992,

22 obviously some time after the agreement we've seen, and it says here
at

23 the very top: "I have come to the territory of the Republic of
Croatia

24 at the decision of the Presidency of the Republic of Bosnia." And if
we look at the bottom, we're talking about Fikret

4 witnesses. Now, if you go further down, I don't want to -- he does
5 indicate: "My task is to organise activities which are at this
moment of

6 particular importance for Bosnia and Herzegovina."

7 Skipping the next sentence and going down it says: "In view
of

8 the recently signed interstate agreement, we consider Croatia and
several regions -- regional staffs in different locations in

17 which will be determined by mutual agreement."

18 My first question is when he's talking about the recently
19 interstate agreement, were there any other agreements other than the
one

20 that we just saw that presumably, if we are to believe some, Alija
21 Izetbegovic was pressed to sign? Were there any other agreements,
or is

22 this the agreement that Mr. Abdic is referring to?

23 A. I think that Mr. Abdic was referring to the agreement that
we had

24 just looked at and discussed, because this letter is only a logical
part

25 of the implementation of this agreement. He may even be referring
to one

Page 27737

1 of the earlier agreements, the one that was signed in June that I
have

2 mentioned, but I would rather be inclined to say that it -- it is
3 referring to the last agreement we discussed.

4 Q. All right. And when he's talking about setting up a Main
Staff,

5 with the intent to establish a Main Staff, what did you -- if you
can

6 tell us, what do you think he means by that? What is he asking?
Are we

7 talking about the military or civilian sector? What are we talking
8 about?

9 A. My interpretation would be that this primarily applies to
the

10 military and logistical centre. As you can see in the map,

11 Bosnia-Herzegovina has a border only with Serbia from which
aggression

12 came from, and the eastern part of Bosnia and Herzegovina for that
matter

13 was occupied by the Serbs. So the only the connection of Bosnia and
14 Herzegovina

16 through the Republic of Croatia and Bosnia were exposed to an unjust
decision on the part of the

24 republics were not -- were poorly armed, and they were facing a very
25 well-armed enemy, which was the Yugoslav People's Army.

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1 Bearing that in mind, everybody has to be clear and
understand

2 that they resorted to various means to arm themselves. I wouldn't
be

3 able to testify about the ways and means, the arms reached the
Republic

4 of Bosnia and Herzegovina because I'm not well-informed about that.
But

5 whoever who looks at the map will understand how it went. A lot has
been

6 written about that.

7 My understanding is that a large part of the international

8 community was actually aware of the fact that they had issued a very

9 unjust decision, and by issuing that decision they had prevented the
10 state from arming itself and defending itself. A large part of the
11 international community turned a blind eye, I would say, when it
came to

12 the supply and transport of both weapons as well as all the other

13 different military equipment through the territory of Republic **really**
had wanted to annex part of the territory

19 that it did help in every possible way.

20 Q. All right. And tomorrow we'll see some documents to that
effect.

21 All right.

22 Now, if we could go through the next document, P 0386, P
00386.

23 We see that this is 13 July. This is a week after Mr. Abdic made
that

24 request. This is Resolution 771, and --

25 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, how much
time,

Page 27739

1 please, has been used by Mr. Karnavas?

2 MR. KARNAVAS:

3 Q. Okay. If you look at this document and you look at the next

4 document, which is P 387, and we look at the other one -- the other
5 document that follows that, the other P document, P 00406, if we can
just
6 spend a few seconds looking at them. They're all from the UN. The
first
7 one, 386, is 13th of August, the second one is 13th of August, and
the
8 third one is 25th of August. If I can just ask you very briefly,
had the
9 situation changed on the ground, that is, had the -- had the JNA or
10 the -- or elements of it, had it left the -- the territories of
Bosnia
11 and Herzegovina
14 Herzegovina
18 the operations of the Serbian army in the territory of Bosnia **at that**
moment.

21 documents.

22 A. Document 386.

23 Q. Okay. All right. But say, for instance, in the other
document

24 where they're talking about, for instance, 406, you'll see under
page 3,

25 paragraph number 3: "Demands further that those units of the
Yugoslav

Page 27740

1 People's Army and elements of the Croatian army now in Bosnia and
2 Herzegovina

4 Okay. Now if we pause a little bit at this, it seems to me
from

5 your previous answer that the Yugoslav People's Army is still there.

6 Would it be fair to say the elements of the Croatian army remained -
-

7 seemed to be in -- within Bosnia and Herzegovina?

8 A. If I may explain. This is a -- a Resolution of the
9 General Assembly, which differs from the Resolution of the Security
10 Council. It differs because it doesn't have an executive force and
also

11 by the way it was passed. It took a longer time to prepare this

12 Resolution, and it always does then for the Resolutions of the
Security

13 Council. If that wasn't the case, then it would be a totally
superfluous

14 to mention the Croatian forces because the agreement that deals with
this

15 issue evokes the already-signed Resolutions, which means that the
16 conditions of the Resolutions had been met.

17 I can tell you that I'm aware of this Resolution. When the
18 diplomacy of Bosnia and Herzegovina launched an initiative to issue
this

19 Resolution Croatia when

3 concerned, this meant that this was an implementation of our
friendship

4 agreement, and we in Croatia are pretty pleasant when the weather's

2 will most probably be redirect. So we need to schedule for two days
and

3 not just one, just for your prior information. I know July is still
far

4 away, but I just wanted to give you that information so that you can
make

5 arrangements.

6 Now, you may have planned some holidays in July. I don't
know.

7 It may not be very convenient for you, but it is impossible to do

8 otherwise. The Prosecutor was not in a position to start his

9 cross-examination this week. This is obvious.

1 Thursday, 8 May 2008

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 2.16 p.m.

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

7 case.

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

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

10 the Prosecutor versus Prlic et al.

11 Thank you, Your Honours.

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

13 Today's Thursday, the 8th of May, 2008. My greetings to the
Prosecution,

14 the Defence counsel, the accused, and to all the people helping us
out.

15 We have to continue with the examination-in-chief of the
witness.

16 Before I give the floor to Mr. Karnavas, there is a housekeeping
matter

17 to settle for next week. We have a witness to be called by Dr.
Prlic's

18 Defence, and they asked four hours for the examination-in-chief. I
note

19 that this witness testified already in the Naletilic case. So I
wonder,

20 do you need four hours since we have already heard this witness? At

21 least he was heard one day during the Naletilic trial. Do you
really

22 need four hours, Mr. Karnavas, for your first witness next week?

23 MR. KARNAVAS: I believe I do, Mr. President. Good
afternoon,

24 everyone. We'll try to keep it to three hours, but I don't want to

25 promise something that I cannot deliver, but I think our assessment
was

Page 27745

1 somewhere between three and four. We'll try to move rather
quickly. I

2 trust since was -- he testified before, the Prosecution knows -- the

3 gentleman knows what he more or less has to say. Also, I should say
in

4 that particular case it was rather different -- it was a different
5 subject and also a different Defence team with different practices
and
6 procedures. So next week's testimony, that witness ties in with the
7 following week's, and we did hear rather extensive testimony from
the
8 Prosecution in promoting their joint criminal enterprise theory that
the
9 Government of Croatia Republic of Croatia,
10 Conference?

11 A. No, I wasn't. I was visiting China in my official capacity
at
12 the time.

13 Q. And at that time, were you stationed in Geneva, or were you
still
14 working in Zagreb.

25 A. Yes, definitely. Nothing was changing for the better. Much
of

Page 27757

1 Croatia

6 escalation of the state and political crisis in the former
Yugoslavia

7 into an armed conflict. Accordingly, Croatia proposed the
transformation

8 of the former state into a confederal association of sovereign
states.

9 When this proposal was turned down and when war ensued, Croatia

11 Now, the first day that you testified, you talked about a

12 confederation, and you talked about the presidents going around
meeting

13 with each other. Is that what President Tudjman is talking about
here?

14 A. That's right. President Tudjman is referring to his own
proposal

15 for Yugoslavia

20 Republic of Croatia

22 Was that the case at the time?

23 A. Yes, that was the case at the time.

24 Q. And where exactly is Slovonski Brod Zupanja?

25 A. [No interpretation]

Page 27758

1 THE INTERPRETER: The interpreters can't hear Mr. Zuzul.

2 MR. KARNAVAS:

3 Q. Okay, Mr. Zuzul, if you would sit down, and I apologize for
not

4 having handy the number of the document -- the chart that you're
pointing

5 to for the record, and we'll get to that in a second, but first
could you

6 just tell us exactly what's that area called?

7 A. Generally speaking, this is the Posavina area. One of its
parts

8 is in Bosnia-Herzegovina and the other in Croatia around the river
Sava and

13 THE INTERPRETER. [Previous translation continues] ... wait

14 before he answers because he's not listening to the interpreters.

15 MR. KARNAVAS:

16 Q. All right. You're going to have to slow down a little bit.
I

17 know you were pointing at the map, and I apologise for the Court
because

18 for the record I'm unable to identify it at this moment, but I think
we

19 all know what area Mr. Zuzul is talking about. Incidentally -- and
this

20 is 3171 for identification purposes. Now, that area, when was it
finally

21 liberated?

22 JUDGE PRANDLER: [Microphone not activated]

23 It is only a technical matter. I'm sorry to interrupt --
for

24 interrupting you. The interpreter is asking you, Mr. Zuzul, to be
kind

25 enough to use your earphone and to listen to them because otherwise
you

Page 27759

1 cannot communicate with each other. So kindly use the -- actually
what

2 the interpreters are saying and listen to them. Thank you.

3 MR. KARNAVAS:

4 Q. And to help you out, Mr. Zuzul, 4 is English; 6 is Croatian
or

5 B/C/S, I believe, the channel, so there's a channel here so if you
want

6 to hear the translation.

7 JUDGE ANTONETTI: [Interpretation] And channel 5 for French.

8 MR. KARNAVAS:

9 Q. Okay. And if you could wait, if you could pause a little
bit.

10 I'm getting all these instructions here, sort of like cross by
committee.

11 But anyway, going back to my earlier question, when was that
area

12 liberated?

13 A. [In English] I apologise, Mr. Karnavas, I have confusion if
I'm

14 listening myself and talking at the same time, so can I speak
without

15 having speakers in my -- I apologise. I'm trying to be concentrated
to

16 the maximum.

17 JUDGE TRECHSEL: The idea is, of course, not that you listen
to

18 yourself in direct but that you listen to the sound of the

19 interpretation, and you can turn the volume low so that it is not
too

20 disturbing, but if you do that, then you get a feeling of whether
you are

21 too fast or not, and then you can slow down, and you sense that the

22 interpreters lose thread. It is a bit annoying. We quite
understand

23 that, but it's not the pleasure trip to be a witness here, anyhow.
I'm

24 sorry. You may have noticed.

25 MR. KARNAVAS: I'm trying to make it as pleasant as
possible,

Page 27760

1 Judge Trechsel.

2 JUDGE TRECHSEL: Just wait for cross.

3 MR. KARNAVAS:

4 Q. Okay. Now, if we go into the next page, page 130, towards
the

5 latter part of the page, it gives certain numbers of refugees and

6 displaced persons. And it says "Croatia still has more than 270.000

7 persons displaced from various Croatian regions while an additional

8 number of more than 80.000 are being provided relief in other
countries:

9 Hungary, SwitzerlandCroatia from Bosnia together with an additional 35.000

Croatian refugees that

22 When President Tudjman was saying --

23 A. [In English] There is mistake in translation. It says
nearly

24 8.000. I said nearly 800.000 people were forced to leave their
homes.

25 Q. All right. Now, when President Tudjman is saying that
Croatia

6 Republic of Bosnia and Herzegovina, Alija Izetbegovic, and the
president

7 of the Republic of Croatia and on 21 July and" -- I underscore

11 of the Republic of Bosnia and Herzegovina and the Republic of
Croatia

12 which were held on 21 September 1992 in New York during the 47th
Session

13 of the General Assembly of the United Nations."

14 Before I go on, let me ask you this question: This
Agreement on

15 Friendship and Cooperation, is that what we talked about yesterday?

16 A. Yes, that is the agreement.

17 Q. Okay. Now, let's go on to the next page because -- and I
mention

18 that because this was the part where we talked where the Prosecution
was

19 alleging that Izetbegovic had been pressed to enter into this
agreement.

20 It seems now, a few weeks later, here we have an annex to that
agreement,

21 which says: "The diplomatic, political, and humanitarian efforts of
the

22 international community has so far failed to stop the aggression."

23 Was that correct?

24 A. Unfortunately, that is correct.

25 Q. And we see it's both for Bosnia and Herzegovina and the
Republic

Page 27762

1 of Croatia. What exactly was meant by that?

21 breeze through it because I think it might be important, although by
now

22 it should be rather obvious to everyone in the courtroom.

23 A. In the briefest possible terms, I will try to sum up the

24 respective positions of the three ethnic groups in Bosnia and
Herzegovina

25 throughout the negotiations. Negotiations normally result in some
sort

Page 27763

1 of compromise. That is normally the case, but if we look at their
course

2 in this case, the position of the Serb party was continually to grab
as

3 much territory as possible and keep it. Throughout the course of
the

4 negotiations, they were always adamant that whatever they had been

5 successful in seizing they should keep. The position of the Muslim
side,

6 and then there was a name change, and they became the Bosniak side,
and I

7 do think that this is a very fair interpretation of all the
documents and

8 all the situations, was this: They wanted to set up a state that
would

9 be as unitary as possible. Unitary in which sense? More often than
not,

10 it was formulated by the Bosniaks as follows: Bosnia and
Herzegovina, and the Cutileiro agreements or plans. But what about the

4 such as that enjoyed by the ethnic groups in Bosnia-Herzegovina.
There

5 were different solutions, and those were referred to in the preamble
to

6 the Croatian constitution. We've been looking at that, and I
believe a

7 copy somewhere among our documents. There were several solutions.
For

8 example, all of the minorities were guaranteed a seat in the
Croatian

9 parliament, a total of eight. Three of those went to the Serb
ethnic

10 minority; however, they remain ethnic minorities, and that is their

11 status. They are not constituent groups. These are differences of
both

12 fact and history and differences in terms of how a state was first

13 created. Bosnia and Herzegovina was always a country that belonged
to

14 three different ethnic groups. Ever since the Ottomans left, it was

15 clear who was left, and Bosnia and Herzegovina was their only home.

I'm

16 of course referring to the three ethnic groups that are here and
rightly

17 so, I believe, defined as the three constituent peoples.

18 I don't believe that anyone in all earnestness ever tried to
draw

19 a parallel during the negotiations between Croatia's constitution
and
20 Bosnia and Herzegovina's constitution. When models were considered
and
21 one had to pick a model to be used in Bosnia and Herzegovina, the
models
22 that were studied were those belonging to countries with a
comparable
23 past or with a comparable situation. At one point in time, Belgium
25 good and which was not, but at one point in time, serious
consideration

Page 27766

1 was given to Switzerland
3 be organized, but even so, the three ethnic groups would all remain
4 constituent. At one point in time, one considered seriously the
5 constitution of the United States of America. The international
6 community, as well, was considering all these models, and so were
the
7 negotiating teams. The question being asked was: What were the
models
8 of democracy in our modern world, and what was the model that would
best

9 fit these constituent peoples, and what would be the best guarantee
for

10 their equal rights without necessarily being at the expense of the

11 appropriate functioning of the state or the country itself?

12 JUDGE ANTONETTI: [Interpretation] Thank you for your answer.

13 MR. KARNAVAS:

14 Q. Thank you, Mr. Zuzul, and for Your Honours, if you turn to
the

15 very first document, which was 1D 2039, we don't need to do that,
but if

16 you do turn to it on page 2, the answer lies there where it talks
about

17 the Croatian -- the Republic of Croatia

24 from aggression, a joint committee will be set up in order to
harmonize

25 defence efforts until the aggression stops completely."

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1 What was meant by that, if you know?

2 A. Well, this is an elaboration of what was already envisaged
in the

3 Agreement on Friendship and Cooperation. It is important to note
here

4 that this document was signed in New York. Both presidents attended
the

5 General Assembly of the United Nations. I was a member of our

6 delegation, and if I'm not mistaken - and I don't think that I am -
I

7 actually worked on this document. This paragraph is an expression
of the

8 awareness on the part of both presidents that unfortunately the
Yugoslav

9 aggression, or rather, the aggression by the Yugoslav People's Army
or

10 the Serbian army had not been stopped, and in a way there is this
feeling

11 of disappointment engendered by the knowledge that the international

12 community would fail to put a stop to this aggression any time soon,
and

13 that the only way to defend the country was to mount a joint
defence. I

14 think that this is just making some items that were already signed
and

15 agreed to in the Agreement on Cooperation and Friendship more
specific.

16 Q. All right. And I think if we look at the next paragraph,
and I

17 think this may be of some importance to complete your answer.

18 "The Republic of Bosnia and Herzegovina and the Republic of
19 Croatia."

24 know is that there was this joint criminal enterprise, and here it
25 appears that both are seeking the lifting of an embargo for arms to
be

Page 27768

1 going into Bosnia and Herzegovina presumably to arm the Muslims for
the

2 ongoing aggression that was all over the country and from Bosnia
towards

3 the Republic of Croatia or, indeed, Bosnia and Herzegovina got

13 Because at that time one, or rather, two republics, Serbia and

14 Montenegro, and

5 those who really needed those weapons to defend themselves. That is
why

6 at this point - this was a topic that frequently cropped up - the
two

7 presidents seek the support of the international community to lift
the

8 embargo. I can say, and this will become evident from further
9 transcripts, that we had a lively diplomatic activity in this
regard.

10 But unfortunately, at that time, this time that we're now talking
about,

11 there was no will to change this decision.

12 Q. Okay. Thank you. Let's move on to the next document, 1D
01540,

13 and this is from the Security Council. You'll see it's dated 2
October

14 1992, and I just wanted to -- very brief comments. From the very
first

15 page, it says: "Dr. Franjo Tudjman and the president of the Federal

16 Republic of Yugoslavia

18 A. Yes.

19 Q. And it would seem -- it seems from looking at this document,
does

20 it not, that this meeting was at the behest and with the
encouragement of

21 the international community, that is, those who were involved in the

22 negotiating process at the time, Mr. Vance and Mr. Owen?

23 A. Correct.

24 Q. Okay. Now -- and just if we go to the very first paragraph,
it

25 says, number one: "The two presidents re-affirm the commitment of
the

Page 27770

1 international conference in London

4 And that statement there, did that include the borders of

5 Bosnia-Herzegovina?

6 A. Of course, since at that time Bosnia and Herzegovina was an
7 internationally recognised country within its borders, existing
borders.

8 Q. All right. And --

9 JUDGE TRECHSEL: I'm sorry, this rather changes the sense.
In

10 the transcript it says the viability of existing borders, page 26,
line

11 7, and I think inviability would be the right word.

12 MR. KARNAVAS: Right, I agree, I agree. Thank you.

13 JUDGE TRECHSEL: Yes.

14 MR. KARNAVAS: I'm reading a bit fast and it's ...

15 Q. Okay. Now, if we go into the next document 1541. These are
all

16 sort of interconnected. Here we see this again is dated 21 October
1992. And if we look at the annex, and if you look at paragraphs 2, 3, Federal Republic and
the Republic of Bosnia and Herzegovina?

2 is stated that the Yugoslav Army would leave Prevlaka by the 20th of
3 October. Why do I say that? Because yesterday and the day before
4 yesterday we spoke at length about the aggression by the Yugoslav
Army on

5 the area of Prevlaka and Dubrovnik
17 paragraph 6 where it says: "The two presidents re-affirmed their
18 determination to exert all of their influence toward a just,
peaceful

19 solution in the conflict in Bosnia-Herzegovina. They urge all
parties to

20 the conflict to direct all necessary efforts toward a cessation of
21 hostilities and the negotiations of a constitutional arrangement for
22 Bosnia-Herzegovina on the basis of the agreement between the three
23 constituent peoples."

24 So we come back to that thesis. Now, the reason I'm asking
for

25 this is I have one question: Was it President Tudjman and maybe

Page 27772

1 Mr. Cosic that were maybe sort of approaching the UN and the

2 internationals to get engaged in the process, or was it the other
way

3 around?

4 A. This document states quite clearly that the meeting was held
5 under the auspices of the co-chairmen, Messrs. Vance and Owen, so
the

6 international community organized such meetings.

7 Q. Help me out here. Did the international community ever ask
8 Dr. Tudjman to engage in a particular meeting, to sit down with
someone,

9 and he refused? Be it Karadzic, be it Milosevic, be it Cosic, be it
10 someone else? To your knowledge, that is, did he ever refuse to sit
11 down, to meet, to ratify some sort of a negotiated solution to this
12 conflict?

13 A. I'm not aware of any such case. Whenever there was an
official

14 invitation sent through me as the ambassador or in any other
capacity,

15 President Tudjman responded, agreeing to come. But I often heard

16 President Tudjman say -- after all, he was sometimes criticised by
the

17 Croatian media for negotiating, for instance, with Milosevic when it
was

18 quite obvious that Milosevic was the one perpetrating the
aggression. He

19 was in a position to give a simple answer, that's what the
international

20 community is asking me to do, and that answer would have been both
simple

21 and accurate. But in most cases, he would say, I would negotiate
with

22 the blackest devil if it would then result in peace.

23 Q. All right. Now, if we go to the next document, 1D 01543,
this is

24 2 November 1992, Dr. Franjo

7 question yesterday as far as whether the international community was

8 aware of this. But are we talking about the Friendship and
Cooperation

9 Agreement that we talked about yesterday?

10 A. Correct.

11 Q. And it would appear that at least everybody is aware of it,
that

12 these two countries are trying to cooperate against a common
aggressor?

13 A. Correct.

14 Q. And it goes on to say that: "President Izetbegovic informed

15 President Tudjman that next week Bosnia-Herzegovina was going to
appoint

16 its ambassador to Zagreb?

20 Bosnia-Herzegovina?

21 A. Correct.

22 Q. Okay. Now, let's -- if we go on to the next paragraph:

"The two

23 presidents agreed that the latest conflict between some BH army
units and

24 the Croatian Defence Council HVO formations were detrimental to
their

25 continued struggle against the joint aggressor. These conflicts
should

Page 27774

1 be stopped immediately and the culprits dismissed and punished."

2 And then it says that: "A joint unbiased commission will
be set

3 up to determine individual responsibility. Similar occurrences will
be

4 avoided in the future through proper actions involving urgent

5 formation -- including urgent formation of a joint command of armed
6 forces of BH and HVO."

7 Now, to your knowledge, why was it necessary to have this
part,

8 to agree to this? I mean, why is Izetbegovic -- or Tudjman, I
should

9 say, discussing this matter with Izetbegovic?

10 A. The situation in the field was as follows: The aggression
by the

11 Serb forces was ongoing. The Army of Bosnia and Herzegovina and the

12 Croatian Defence Council were now mounting a joint defence. I
cannot

13 really interpret the events in the field because I was working at
the

14 diplomatic level, but it is quite obvious that for various reasons
there

15 were some sporadic incidents that are mentioned here at some points
in

16 time. The presidents were now trying to find a way to avoid such

17 incidents, ways in which an efficient defence could be mounted, and
were

18 trying to see how those two armies could become as well integrated
as

19 possible in accordance with the agreement in order to be able to
defend

20 the country successfully.

21 Q. All right. If we go to the next document, 1D --

22 JUDGE TRECHSEL: [Microphone not activated].

23 MR. KARNAVAS: Sure. Absolutely.

24 JUDGE TRECHSEL: [Microphone not activated].

25 THE INTERPRETER: Microphone, please.

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1 MR. KARNAVAS: For some reason --

2 JUDGE TRECHSEL: Thank you, thank you.

3 Now, Mr. Zuzul, the passage you have been pointed to speaks
of

4 the fact that: "The culprits must be dismissed and punished ..."

5 Can you see it? It's really in the middle of the first page
of

6 the document. Do you know whether any action followed this
declaration

7 on either side?

8 THE WITNESS: [Interpretation] I am aware of actions in
general

9 terms, but I was not really familiar with the specific situations
10 encountered in the implementation on the ground. This was not
something
11 that I was dealing with. I think that action was taken, but I
cannot say
12 what action, when, and what the results were.

13 JUDGE TRECHSEL: Thank you.

14 MR. KARNAVAS:

15 Q. Okay. If we could go on to the next document, 1D 01312.
This is

16 11 November 1992, and then we see under number 7, second page, working group
25 number 6 we have the joint declaration issued on 20th October. We
see

Page 27776

1 Tudjman named now -- this is what we have been talking about. Is
that

2 correct?

3 A. Correct. This is the document stipulating the manner in
which

4 the conference on the former Yugoslavia

6 P 00854. This is 3 December 1992

11 supplies and support from elements of the Federal Republic of
Yugoslavia and Montenegro

13 accounts of foreign nationals fighting alongside, alongside, Muslim
and

14 Croat forces."

15 And then if we go to number 11, paragraph number 11: "The
JNA

16 has withdrawn completely from Bosnia and Herzegovina. Former
members of

17 Bosnian Serb origin have been left behind with their equipment and

18 constitute the 'army of the Serb republic.' Several brigades of the

19 Croatian army are also reliably reported to be actively engaged in
the

20 conflict. This provision of the General Assembly resolution, also,

21 therefore, appears not to have been fulfilled."

22 And so, could you comment on that a little bit because it
would

23 appear that, yes, you have the Yugoslav forces still there, albeit
having

24 a different uniform but basically using the same equipment and same

25 manpower, but also we see that there are references to the -- to the

1 elements of the Croatian army. And in answering that question, I
would

2 ask you: Has the situation changed at all; that is, is Croatia, the

3 Republic of Croatia was still under attack from the territory of

8 yesterday, I think. This report of the Secretary-General shows
quite

9 clearly that the Army of Bosnia and Herzegovina and the Croatian
forces

10 are fighting side by side. They're fighting a common enemy. It is
quite

11 clear from the text as a whole and specifically from paragraph 10.
We

12 thought at the time, and it is still the case -- it still seems so
to me,

13 that this was in line with the Agreement on Friendship and with the
two

14 annexes of the implementation of that agreement.

15 Q. Okay. Thank you.

16 A. And if I may add, this sentence in the reports by foreign

17 journalists about foreigners fighting in the ranks of Muslims and
Croats,

18 at that time first reports were published about the Mujahedin units

19 fighting side by side with Muslims, Muslim forces.

20 Q. If we go to the next document, P 00890. This is a
presidential

21 transcript dated 10 December 1992's **ambassador to Turkey** at one point,
correct?

8 A. Correct.

9 Q. Now, Biscevic, as I understand it at the time, he was a
Croatian

10 but he was Muslim; is that correct? Muslim I guess by way of
religion,

11 not to distinguish -- to make the distinguish -- to distinguish it
from,

12 say, a Bosniak or a Muslim from Bosnia-Herzegovina as a constituent

13 people?

14 A. I know Ambassador Biscevic quite well. I don't know what
his

15 faith is because we didn't really discuss that, but it is quite true
that

16 he is of Muslim origin.

17 Q. All right. Now, in this particular transcript, I wanted to
just

18 focus you on something, and perhaps you can provide us with some
insight

19 because you were there. On page 41, we have the president
speaking. He

20 begins speaking, and there's a long exchange, but again, because of
the

21 time constraints we'll have to cut it short. And if we go to page
42,

22 the second-to-last paragraph where it says -- it starts with:
"Let's

23 face the situation. The issue is not just Croat/Serb antagonism in
the

24 area of Bosnia-Herzegovina, and it's not just the problem of Muslims

25 within that; rather, it is the problem of Bosnia-Herzegovina within
the

Page 27779

1 conflict of the Western world with the Islamic world. That was the
path

2 between the devil and the deep blue sea that we had to pass and why

3 Europe

9 asked a question even the sanction against Croatia, wasn't it? So
they

10 had to throw away that idea. On the other hand, the Islamic world
also

11 had to accept the fact that we had been the ones who recognised
Bosnia

12 and who accepted, et cetera, et cetera. Thus, in both the Western
and

13 the Islamic worlds, in the most delicate for us, this gap, this
situation

14 we have managed to establish ourselves through our consistency.
That is

15 something that seemed to me as squaring the circle from the very
16 beginning."

17 But then he goes on to say: "But it's clear, that's the
truth.

18 That's truth, and we have to be aware of it, for it is true that

19 Izetbegovic and his were not fundamentalists in the sense how to --
how

20 to spread, and I don't know what -- but they wanted an Islamic
state, and

21 it's true that they, not only moderate Muslim states like Turkey but
also Iran

23 the area of Europe

25 Can you tell us what exactly is President Tudjman talking
about?

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1 Because in that very first transcript that we talked about
yesterday,

2 there were references to Iran's relations to both the Islamic and non-Islamic
worlds. I can

19 Herzegovina

22 but I think President Tadjman was very mindful of that.

23 May I just bring something else up. It was back in 1991,
1992,

24 and 1993 that the issue of Islamic extremism came up throughout the

25 world. If I'm not mistaken, Samuel Huntington right about this time

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1 published an article on the clash of civilizations in the Foreign
Affairs

2 magazine. The article caused a lot of stir and drew a number of
emphatic

3 reactions. President Tadjman always liked to consider things within
the

4 wider context of history as a whole, so this is precisely what we
see him

5 doing now. He's raising a question that, to be quite frank, I'd
already

6 heard raised by many prominent statesmen and thinkers, including
Samuel

7 Huntington himself.

8 The question came down to this: Would Bosnia and
Herzegovina? was; likewise,

18 Croats within Bosnia and Herzegovina.

19 JUDGE ANTONETTI: [Interpretation] [Previous translation
20 continues] ... answer. I can see that Mr. Karnavas has taken a new
21 binder. It may be time for the break because it's going to be 4.00
soon.

22 Based on our count, you have another 30 minutes, Mr. Karnavas, so
we're

23 going to keep a close watch on you. After you, we're going to have

24 cross-examination, but obviously enough, we are not going to have
time to

25 hear all the Defence counsel in their cross-examination. I don't
know

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1 who's going to start.

2 Is that you certainly, Ms. Alaburic? So she might be the
only

3 one today.

4 Yes, Ms. Alaburic.

5 MS. ALABURIC: [Interpretation] Your Honour, we didn't really
6 coordinate this, but I suppose we'll be doing this in the usual
order.

7 The first Defence first. If Ms. Nozica has no cross-examination, as
she

8 said yesterday she might, then it will be General Praljak's Defence
to

9 start it off, and then I will pick up from there. Thank you.

10 JUDGE ANTONETTI: [Interpretation] Very well.

11 Well, if you're not finished by 18:25, we'll continue in
July

12 next time. Anyway, we'll remember everything by then.

13 Let's have a 20-minute break.

14 --- Recess taken at 3.41 p.m.

15 --- On resuming at 4.05 p.m.

16 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you have
about

17 half an hour left.

18 MR. KARNAVAS: Thank you, Mr. President. If I could have,
like,

19 a 5-minute warning, as well, so I know. But I have stream-lined, so
we

20 won't go through all the documents.

21 JUDGE ANTONETTI: [Interpretation] Rest assured that I will
warn

22 you.

23 MR. KARNAVAS: Thank you, thank you. I have no doubts.

24 Q. If we could go to the next document, which would be 1D
02567, so

25 we're skipping a couple, and we'll go to 1D 02567, and I'll ask you
to

Page 27783

1 just -- the next few documents are very quick. And you see that
this is

2 dated June 1, 1993

5 of 19 fighters left the command district of the Slunj home guard
regiment

6 towards your command district. All of them are equipped and armed
with

7 equipment and weapons from warehouse of 5C."

8 And then I think on the same document if we go to page
number 4,

9 we see -- after paragraph 19, we see: "In your command district
there

10 are six foreign nationals. Please enable the foreign national who
is

11 with this group to establish contact immediately with Mirsad
Veladzic.

12 And then, if we go to the very last page because this may be of some

13 importance, we see that there is a stamp, and it says, military

14 representative, office of the Republic of Bosnia and Herzegovina in
the

15 Republic of Croatia's territory, after which they

8 few documents, and we're going to go on to 1D 0 --

9 JUDGE TRECHSEL: I'm sorry. Could we just make clear to
whom

10 they are sending -- it says the 5th Corps. There are corps, of
course,

11 in all armies.

12 MR. KARNAVAS: Right. Okay. We -- that's correct, and
perhaps

13 we should also see above, it says: "We are forwarding the report of
the

14 office of Bihac counties."

15 JUDGE TRECHSEL: That's not the area of the indictment.
It's the

16 north-western corner of Bosnia-Herzegovina.

17 MR. KARNAVAS: I understand, Mr. -- Your Honour. I guess
what

18 I'm trying to establish is that there is close cooperation between

19 Croatia

21 we see a date, June 1, 1993, armed in Croatia

5 they get there, they're mobile. They can go wherever. You know,
they

6 can -- they can go to whatever front and shoot at anyone or kill
anyone

7 or maim anyone for that matter. But that was the purpose, and I
hope

8 this time wasn't taken off my 30 minutes. Okay.

9 JUDGE TRECHSEL: That was my question.

10 MR. KARNAVAS: Okay. I know. All right. I just want to
make

11 sure that -- Mr. Registrar, sometimes seems that he doesn't turn off
the

12 timer. Okay.

13 Q. Now, if we go to the next document, and it might also be of
some

14 assistance, Judge Trechsel, which is 1D 2573, again same variation,
same

15 theme. 1D 02573. Here we see that this is from the club Unski
Ljiljani,

16 Lilies of Una, and it's Zagreb

19 of the Bihac County

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1 The document that I wanted to discuss was 2896, and that had to do
with

2 the preliminary agreement between the Republic of Croatia negotiating to
provide a port to Bosnia

7 Herzegovina.

14 defined in no uncertain terms in what is known as a land-locked
state in

15 international law, a state, therefore, or a country that has no
direct

16 access to the sea.

17 Q. Okay. Thank you. Now, if we go on to the next series of

18 documents, they're kind of interconnected, 1D 01320, and with that
we

19 will discuss, also, just so everyone can cue into this, 1D 01321 and
3D

20 00451. They're sort of as a package, and we can see from 1D 01321
that

21 this is from a text by Ivo Komsic, who, when, and where, divided
BiH. Do

22 you know Mr. Komsic, and very briefly, who is he, so I can go
straight to

23 my next question.

24 A. I know Mr. Komsic. I met him during the negotiations. He
is a

25 Croat from Bosnia and

17 Q. Okay. Now, if we look at the next document 1D 0 --

18 JUDGE ANTONETTI: [Interpretation] One minute, please.

19 Witness, before we move on to the following document, I have
a

20 question about this particular document, the joint declaration by
Tudjman

21 and Izetbegovic dated September 14th, 1993. We can see here that
you

22 took part in this process because we see your name here. You have
better

23 knowledge of these type of issues than any other experts. At the

24 beginning of this declaration, I see that reference is made to the
London

25 Conference, to the conference in Geneva, and I read: "On the

Page 27788

1 constitutional system of the future union of Bosnia and Herzegovina

3 Talking about this concept of union of republics, was
everybody

4 aware of that in Geneva and including all the various plans? Was the union of
these

16 why this meeting was organized. As I said, the four of us attended
this

17 meeting to discuss various possibilities. As you have just
suggested,

18 Mr. President, we used the plans proposed by the international
community

19 up to this point, and we took from them elements that we believed
could

20 be useful to building a future for Bosnia and Herzegovina. We tried
to

21 include all the key issues in order to arrive at a comprehensive
22 proposal. We did, in fact, formulate a proposal. This is the
proposal.

23 It was signed by persons who at the time had the greatest political

24 impact or influence, if you like, in Bosnia and Herzegovina.

25 One thing, Mr. President, that I can add to this is that in

Page 27789

1 addition to this document, on that same day, in fact, another
document

2 was signed that was believed to be a comprehensive solution to
relations

3 between Croatia and the Bosnia and Herzegovina union. It is not

20 they were actually raising issues of possible additions to the
building.

21 I think both we on the Croat side and the Muslims, too, for their
part

22 sincerely believed at the time that we had reached a solution.

23 Unfortunately, as mentioned yesterday, a mere two days
later,

24 Mr. Izetbegovic signed an agreement with Karadzic.

25 JUDGE ANTONETTI: [Interpretation] That's something else,

Page 27790

1 something different, but I would like to relate this document to
what the

2 American ambassador in Zagreb ambassador was all the time at the Presidency in

7 September 1993 had the agreement of the Americans.

8 THE WITNESS: [Interpretation] Ambassador Galbraith is a dear
9 friend, to be quite frank. I am somewhat uncomfortable making
comments
10 on him like this, but I don't know [as interpreted] when it was that
any
11 of the ambassadors were meeting Tadjman. I don't think that there
is
12 even a theoretical possibility of an ambassador visiting Tadjman on
a
13 daily basis. There's one thing you must know. President Tadjman
had a
14 great respect for the United States, and that applied from the
outset.
15 He liked to talk to people; nevertheless, he was also a very formal
16 person. He cared for formalities, and he respected issues of
protocol.
17 Communication between an ambassador and a state president is always
a
18 matter of protocol. It is easy enough to ascertain when and if such
19 meetings took place.

20 JUDGE ANTONETTI: [Interpretation] Minister, of course I have
21 nothing to teach you when it comes to protocol and visits and such-
likes,

22 but telephone exists.

23 THE WITNESS: [Interpretation] That's right, Mr. President.

I

24 can't rule out the possibility that they occasionally spoke over the

25 phone. However, based on as much as I know, Ambassador Galbraith
didn't

Page 27791

1 really discuss Bosnia and Herzegovina that much with President
Tudjman.

2 He was far more involved, if I may tell you my opinion, in bringing
about

3 a solution in Croatia

13 the territorial division between the two republics in the envisaged
union

14 of BiH."

15 Could you specify what is meant with this territorial
division

16 that is mentioned here?

17 THE WITNESS: [Interpretation] Well, as can be seen if you
look at

18 the agreement, at the heading, at the course of the negotiations,
this

19 was supposed to be a union comprising republics, regardless of the
fact

20 that the republics were to be within a single community. One still

21 needed to define their respective territories, which is always the
case

22 in any federal or confederal country. The territories of their

23 respective federal units or republics must be defined, so that's
what

24 this was about: How to define each of the units' respective
territories

25 within the union. In the case of Croat-Muslim relations in

Page 27792

1 Bosnia-Herzegovina, this wasn't always simple.

2 JUDGE TRECHSEL: Thank you. Thank you.

3 MR. KOVACIC: [Interpretation] Your Honour, there is an error
in

4 the transcript. I think it's quite material, otherwise I wouldn't
be

5 springing to my feet. Page 46, line 11, it reads: [In English]

6 "uncomfortable making comments on him like this" -- it was about

7 Ambassador Galbraith -- "but I don't know when it was that any of
the

8 ambassadors were meeting with Tudjman."

9 Your Honours, I'm quite sure because I was listening on
regional

10 Croatian language and the transcript in English that actually the
witness

11 said "it would be easy to establish" instead of "but I don't know."
He

12 literally said: It would be easy to establish when it was that any
of

13 the ambassadors were meeting Tudjman. And I think this is the

14 difference.

15 JUDGE ANTONETTI: [Interpretation] You are right in the

16 interpretation from B/C/S into French. This is exactly what I
heard, so

17 there must have been something that went wrong in the English
transcript.

18 Please proceed. Well, the time goes on.

19 MR. KARNAVAS: Okay.

20 Actually, this should count on your time, Mr. President, the
next

21 question because it was touched upon as a result of your question.

If we

22 go to 1D 01321.

23 Q. You spoke about some sort of a secret agreement between, I

24 believe -- I'm sorry. Let's look at the next document, and then
we'll

25 talk about this. It's 1D 01321. Here, it says: "Mr. President, in

Page 27793

1 accordance with the joint declaration signed yesterday, I submit the
2 names of our members of the agreed-upon working group."

3 And then we see that this -- the next page is September 15,
1993,

4 and if we look at the commentary at the bottom, which would have
been

5 from Mr. Komsic, the very last sentence, it says that: "Alongside
this

6 declaration that was drafted from several versions, another
declaration

7 was signed that wasn't made public and was kept only by Izetbegovic
and

8 Tudjman. This declaration contains provisions on maintaining the

9 integrity of BiH, the alliance between Croats and Muslims, and the

10 confederation between BiH and Croatia

12 Now, first of all, do you know anything about this
declaration

13 that they're talking about, this version of the declaration that

14 Mr. Komsic speaks about?

15 A. Yes. Unfortunately, I did not read Mr. Komsic's book, so I
was

16 unaware of the fact that he was talking about that, but that is the

17 declaration that I commented on a little while ago, and that was the

18 situation that I was describing a little while ago when our side
thought

19 that a historical agreement had been reached.

20 Q. All right. Now, compliments of the Praljak Defence team,
and I

21 must thank them for that, I am told there is a document that they
have in

22 the e-court system. It is 3D 00298, I just learned of this just
this

23 second ago, so this is all impromptu. I'm not trying to pull a fast
one

24 on anyone. If we can pull that up on the e-court, and maybe it's --
it's

25 not in the binder. If we could pull that up on the e-court, and I

1 believe it's an English version -- both in English and in Croatian,
but

2 it's been translated. And perhaps, Mr. Usher, could you assist our
good

3 witness to make sure that he can see it on e-court.

4 A. [In English] Yes, I see it.

5 Q. Oh, you can see it. Okay. I'm trying to micromanage the

6 courtroom around here.

7 Now, if you could look at that document. I haven't seen it,
I

8 haven't read it, but if you could look at that because I'm just told
that

9 that was available. Can you tell us with any degree of certainty
whether

10 that's what was referring -- what Mr. Komsic was referring to in his

11 book -- the portion of his book which is 1D 01321.

12 A. [Interpretation] Well, last time I saw this document was
before I

13 left Geneva

22 to the commitment already made to find a permanent solution to the

23 governance of the Sarajevo

25 guess -- "of the three republics within the union and during the
initial

Page 27796

1 two-year period of the union's existence, there shall be a provision
for

2 a referendum to be held on a mutually agreed date within the
Republics of

3 the Union or to leave the Union.

7 the United Nations, shall be automatically vested in the republic
with a

8 predominantly Muslim majority."

9 Now, I want to focus on that -- on this particular passage.

10 Could you please explain to us what is meant by this, what -- how it
was

11 understood by President Tudjman and others because I believe we'll
come

12 across some documents that clearly demonstrate that this became
known,

13 this became a topic of discussion, and you were aware of it, so I
lay the

14 foundation on that one.

15 A. It is true that we learned about this document immediately.

16 After all the co-chairmen co-signed this document, the co-chairmen
of the
17 international conference. Our first reaction was that this was an
18 attempt to cheat in relation to the document that was signed a mere
two
19 days ago because the Croatian side, President Tudjman, and I think
that
20 the same goes for the Croats from Bosnia and Herzegovina, were not
aware
21 of this.

22 Secondly, President Izetbegovic signs and agrees to the
23 possibility that the Serbian side could leave Bosnia and Herzegovina
leaving Bosnia and Herzegovina and being

5 the logical conclusion was that the Muslim leadership was trying to
set

6 up a unitary Muslim state with the Muslim majority in terms of
population

7 and that through this agreement it actually wanted to transfer the
rights

8 of a successor state to itself, including the right to membership in
the

9 United Nations. So that was our reading of this document at that
time,

10 and I have no reason to change this interpretation, that Bosnia
should break up. The Serb part could go wherever it want to,

14 rest would become a state with the Muslim majority, and this state
would

15 then be granted continuity. It would be the successor state of
Bosnia

16 and Herzegovina

20 the services from abroad" -- opposition. I'm sorry. I'm just
getting

21 tired -- "in collusion with the services from abroad who are still
not in

22 favor of a sovereign Croatia

6 seen, he himself signed, after visiting the whole world, actually
what he

7 said, what he discussed with us in private in addition to what we

8 publicly signed. We had talked -- we had talks and agreements that
the

9 Bosnian Muslim and Croatian republic was to go for close cooperation

10 there, until later confederal ties with Croatia, et cetera, but also
that

11 the thing might develop in such a way that it would be better for
them to

12 be independent.

13 "So, he signed it with the Serbs and made it public, so it
can
14 survive for two years at most. Now, look at the map of what will be
the
15 Croatian state, not just with the Croatian Republic but clearly it
16 belongs to us, or the Bihac region, too, will be an integral part of
the
17 republic.

18 "Therefore, Croatia
22 those same circles gave directions not only to their own people but
23 elsewhere that the -- that HDZ should and Tudjman in the area of the
24 economy, that we should take matters into our own hands. In the
25 interests of Croatia

7 Now, in light of what we previously discussed, can you tell
us if
8 you can, what is Tudjman talking about? Because it appears that the
9 agreement that was signed between Izetbegovic and Milosevic and
Karadzic
10 has now become public.

11 A. I don't recall this meeting, really. I believe that I did
not

12 attend it. However, having read the whole transcript in Croatian
because

13 the small portion that has been translated into English, even if we

14 disregard the errors such as the one -- such as the fact that I am
listed

15 here, it is difficult to conclude what this is all about. But this
is a

16 meeting between President Tudjman and people who are in charge of

17 economic policy, enforcing economic policy in Croatia. So this is a

18 meeting about economic issues, not political issues, and at this
meeting

19 President Tudjman makes comments about the political situation,
about the

20 opposition, as is often the case by -- with politicians. He
comments on

21 those who criticise him, and in this context he makes comments about
the

22 agreement that he signed with us that Izetbegovic and the agreement
that

23 Izetbegovic in turn signed with the Serbian side. So one should, I

24 think, look at those excerpts in this broader context because his

25 comments at this time are not quite certain because it is not
obvious at

1 that time whether the confederation that had been agreed with the
2 Bosniaks would, in fact, be implemented, whether this agreement
would be
3 implemented or not.

4 JUDGE ANTONETTI: [Interpretation] I believe your time is up.

5 MR. KARNAVAS: [Microphone not activated]

6 THE INTERPRETER: Your microphone, please.

7 JUDGE ANTONETTI: [Interpretation] Well, have a last
question.

8 MR. KARNAVAS: Very well. We'll skip some documents. We'll
get
9 to them through somebody else.

10 Q. But one last document we can go through, and I invite the
11 Trial Chamber to read it thoroughly and carefully, all of it. And
this
12 is 1D 02911. Now, regrettably, the time does not permit me to go
into
13 this. We would need at least one day for this particular document.
14 You're mentioned in here. In this document, it touches upon the
issues
15 that you talked about, including the agreement between Izetbegovic,

16 Karadzic, Mladic, the US

20 Could you please comment since you were there, I believe,
and

21 give us a full explanation of your understanding of this
presidential

22 transcript, which we will revisit with other witnesses, as well, who
23 attended that meeting.

24 A. I attended this meeting, and my recollection of it is
relatively

25 good, and I remember quite well everything that preceded this
meeting.

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1 And I think, if I may be allowed to give my opinion, I think this is
an

2 important document because it is indicative of the final -- of the
end of

3 one stage in the peace process and embarking on the next stage. We,
I

4 myself and some other people, made some presentations to President

5 Tudjman, but before this meeting took place, we had been in
intensive

6 communication with various states. I, for instance, was
communicating

7 with Mr. Redman from the USA and also in the region - that the
22 to renew the idea of stronger links between Muslims and Croats, and
this
23 was widely debated.

24 Likewise, as a result of different information, different
inputs,

25 President Tudjman suggested to the leadership of the Croats from
Bosnia

Page 27804

1 and Herzegovina Peace Agreement. I think it is important that in that
11 policies are clearly seen. He is concerned about the Republic of
12 CroatiaBosnia

14 There is another thing that is evident. I think that I did
not

15 really mention that, and I did witness this. The international
16 community - I will be very frank now - criticised Croatia at times
about

17 its involvement in Bosnia and Herzegovina, yet this very same

18 international community consistently and persistently asked Croatia
that follows from one agreement to another, especially here,

10 questions as you have been with me. Thank you very much.

11 JUDGE ANTONETTI: [Interpretation] Fine. We are going to
break

12 for 15 minutes. We'll resume in 15 minutes. I'll give the floor to
13 Mr. Kovacic, and we'll stop at 6.25 sharp.

14 [Witness stands down]

15 --- Recess taken at 5.02 p.m.

16 --- On resuming at 5.17 p.m.

17 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.

18 Mr. Kovacic, you have the floor.

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

20 JUDGE ANTONETTI: [Interpretation] One moment. But we need
the

21 witness, of course. It's always a pleasure to listen to you, but --

22 MR. KOVACIC: [Interpretation] In fact, Your Honour, my idea
was

23 to deal with procedural aspects before the witness is in the
courtroom.

24 [The witness takes the stand]

25 MR. KOVACIC: [Interpretation] But if you would like me to,
of

1 course I can wait.

2 JUDGE ANTONETTI: [Interpretation] Please proceed.

3 MR. KOVACIC: [Interpretation] Your Honour, in keeping with
the

4 instructions I received previously, I move that General Praljak be

5 allowed to ask the witness a couple of questions himself. This will
not

6 take longer than 10 or 15 minutes. Questions will be about the
siege of

7 Dubrovnik in 1991. Related to that, a well-known event, the so-called

16 fellow Judges.

17 [Trial Chamber confers]

18 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, after
considering

19 the matter, the Judges allow you to ask questions but only questions
that

20 relate to military matters, not to diplomatic matters or other
issues.

21 But since you met the witness at a time when you were conducting a

22 military operation, a military defence operation, I'm going to ask
you to

23 address only military-related issues because we know that the
witness is

24 knowledgeable in military matters as well. We know that from the

25 presidential transcripts.

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1 THE ACCUSED PRALJAK: [Interpretation] Thank you very much,
Your

2 Honours. I'll first be asking those questions, and there is
something

3 else I have to say.

4 Cross-examination by the Accused Praljak:

5 Q. [Interpretation] Good afternoon, Witness. Good afternoon,
Mr. --

6 Professor Zuzul. That is how I will be addressing you from now on.

7 Do you know that by the 31st of October, 1991, Dubrovnik had
been

8 under siege for a total of 33 days from the south, from the north,
from

9 the sea, and from the west as well?

10 A. Yes, I know that very well.

11 Q. Do you know that at the time, because of that territory you

12 talked about, in order to prevent a JNA attack and keep the JNA from

13 penetrating further into Croatian territory towards Ploca and so on,
14 Croatia
17 familiar with that?

18 A. Yes, I know that there was this necessity and that this was,
19 indeed, the case.

20 Q. Thank you very much. Do you know that at the time Veljko
21 Kadijevic was the minister of the armed forces of socialist
Yugoslavia. We are dealing with the military questions here. Mr. Praljak

5 MR. SCOTT: It makes no bit of difference what the topic is.
6 That does not determine whether it is a direct examination or
7 cross-examination. This is not cross-examination. This is friendly
8 examination of a friendly witness. It is absolutely true, this is
not
9 cross-examination. On a direct examination, you cannot ask leading
10 questions, and I would ask all the Judges to participate in this
11 decision. This is not just a decision just for the President. This
is a
12 decision for the entire Chamber to make. This is not cross-
examination,

13 and the reason it's relevant is because of the way the time for the
14 Prosecution questioning -- the time for the Prosecution's time --

15 JUDGE ANTONETTI: [Interpretation] Thank you for this
comment.

16 Let me repeat what I've said. Thank you for this comment.
That

17 goes directed to my heart. Before establishing whether he asked a
18 leading question, let's hear him out. Let's wait for the end of the
19 question. You are standing up, but we have no idea what the
question is.

20 MR. SCOTT: It doesn't matter, Your Honour. Every question
so

21 far has been leading. Every question Mr. Praljak has asked so far
has

22 been leading, every one. Look at the questions in the transcript.

23 MR. KARNAVAS: And the questions are back -- first of all,
24 they're background information that has already been covered; and
25 secondly, and I invite all the Judges to read books on evidence,
there is

Page 27810

1 nothing that says that cross has to be hostile as in hostility. You
can

2 be -- you can be friendly. I try it occasionally, you know, but you
can

3 be friendly in cross. It depends on the circumstances.

4 MR. SCOTT: It is not a question of the style. It is the
5 question of what it is. Yes, I agree. I have been practicing
common-law
6 adversary system for more than 20 years. Sometimes cross-
examination can
7 be conducted in a friendly manner, and of course, I have done that
many
8 times as perhaps Mr. Karnavas has. I'm not so sure, but the point
of it
9 is that no matter what the style is -- we're not talking about
style.
10 We're talking about what it is, and this is not cross-examination of
a
11 hostile witness; this is direct examination.

12 JUDGE ANTONETTI: [Interpretation] The matter of deciding
whether
13 the witness is friendly with the accused or not is secondary, but
let me
14 go back to what the Trial Chamber wrote in its guide-lines. If the
issue
15 has already been dealt with during the examination-in-chief, the
person

16 conducting the cross-examination, even if that's a member of the
Defence,

17 is allowed to put leading questions to the witness.

18 Secondly, if the issues raised were not dealt with during
the

19 examination-in-chief, then the person asking the questions is not
allowed

20 to put leading questions to the witness. The following example is
given.

21 We can take the following example. If he deals with Dubrovnik and

22 Dubrovnik named **Libertas**?

13 at that time.

14 Q. Do you know that Mr. Mesic led the convoy, at that time he
was

15 the president of the Presidency of the Socialist Federal Republic?

22 that's a vessel -- "must not enter Zelenika. If I allow that, most
of

23 the Croatian intellectuals and artists on board the ship would be

24 arrested, tortured, mistreated, and perhaps even convicted. As for

25 myself, it would be an easy matter. They would send a helicopter
and

1 just take me back to Zagreb

6 Mr. Brovet replies. "Admiral Brovet, do you know what it is
that

7 you are doing? You suspect your Commander-in-Chief, your president,
of

8 being involved in terrorism. The cold Slovene did not budge. He
was

9 malicious and cheeky, but he didn't want -- he was still polite with
a

10 thin smile.

11 "Brovet: Leave that for your merry sessions of the
Presidency,

12 president, people are being killed here. There are no politicians'
tales

13 and one-upmanships here."

14 Mr. Zuzul, this text was made public. It was published in
the

15 newspapers, but do you know that the commander of the JNA, the
president

16 of the Presidency, was in fact almost captured by Kadijevic's deputy
and

17 treated as a nobody?

15 Q. First of all, could you please tell the Chamber, and I think
that

16 our learned colleagues from the Prosecution would find this
interesting.

17 I want to ask you: Did I take part in your proofing for this
evidence --

18 for your evidence here?

19 A. No.

20 Q. Did I contact you? Did I let you know that I would like to
meet

21 with you before you entered this courtroom?

22 A. No -- or rather, you called me once on the phone.

23 Q. Did I tell you on that occasion that I told the Prlic
Defence

24 about this wish on my part, but at the time when I called you I had
not

25 received any answer from them?

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1 A. Yes, as far as I can remember, that is the case.

2 Q. So at the end of the phone call -- from the end of the phone
call

3 until your arrival in the courtroom, we did not meet -- or rather,
we

4 just passed each other by in the corridors here at the Tribunal?

5 A. Yes, that's correct.

6 Q. Mr. Zuzul, I thought that I would be questioning you in two
7 parts. In the first part, I would be referring to what you said in
your

8 examination-in-chief, and in the second part, I would like us to try
to

9 analyse the procedures or the acts, the attitudes, of the Muslim
10 delegations in the talks about the future of Bosnia and Herzegovina;

10 I would like us to deal with Bosnia and Herzegovina in greater
detail for

11 a very simple reason, to try and explain to Their Honours whether
this

12 issue of the constituent status of the peoples in Bosnia and
Herzegovina

13 was an issue that cropped up in 1990 as a topic that was important
for

14 the solution of the crisis, or was this an important question for
the

15 settlement of the relations in Bosnia and Herzegovina even in
socialist

16 times? Can you confirm that? I can ask leading questions, that the

17 issue of the constituent status of the peoples in Bosnia and
Herzegovina

18 was a very important topic while Bosnia and Herzegovina was a
socialist

19 republic.

20 A. Yes, I can agree with you on that.

21 Q. Do you know that as early as in 1944, Zavnobih - that was
the

22 land antifascist council of the national liberation of Bosnia and
23 Herzegovina

23 represented.

24 Q. Can we agree that the League of Communists was the factor of
25 integration, not only in Bosnia and Herzegovina but in the whole of

Page 27823

1 Yugoslavia -- there could be proper integration in Bosnia and Herzegovina

20 A. I think so.

21 MR. SCOTT: Objection.

22 I apologise, counsel. In addition to my ongoing and
standing

23 objection to leading questions in this fashion, just so that I'm not
told

24 that I should have objected when I didn't, and I am, and I'll
continue to

25 object to it, in addition to that on this particular question, I
don't

Page 27824

1 think -- this witness cannot purport to speak for all
representatives of

2 all Bosnian Croats in Bosnia and Herzegovina as if they are all one
3 single group of people all having the same view. That can't
possibly be

4 the case.

5 "Can we agree with the conclusion that the representatives
of the

6 Croats in Bosnia and Herzegovina ..."

7 What representatives? What Croats in Bosnia? The ones in
Mostar? The ones in Bihac? Which representatives?

14 you know how complicated it is. Some had varied and very different
15 political views. So before you tackle this issue, ask the witness

16 whether he's aware of the political situation of Croats in Bosnia.
Ask him whether he is aware of the electoral results, what

6 If my information is not correct, I stand corrected, but I didn't
think

7 there was any dilemma about us talking about 1990 and early 1991 and
that

8 we were talking about the policies of the HDZ in Bosnia-
Herzegovina. Had

9 my question been about 1993, I would have been very precise about
it. I

10 would have told you whether it was about Kljubic, Komsic, or Boban
or

11 somebody else, which is precisely what I'm going to do the next time
we

12 deal with the transcripts from the BH Presidency.

13 Q. Mr. Zuzul --

14 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, you're
right, but

15 from the very beginning in the matter of a few seconds, you could
have

16 asked him: Do you know what the electoral results were in 1990? He

17 could have said: Yes. And then you could have started asking your

18 question, but go ahead.

19 MS. ALABURIC: [Interpretation] Fine.

20 Q. Mr. Zuzul, yesterday and today you were examined by Mr.
Prlic's

21 Defence. You talked a great deal about the Agreement on Friendship
and

22 Cooperation reached by Presidents Tudjman and Izetbegovic. This is
P

23 339. It's in my binder as well. This is something that I prepared
for

24 the Chamber and everyone else just for the ease of handling.

25 Mr. Antonetti asked a question to the effect whether this document
was

Page 27826

1 published or not; therefore, I prepared a copy of Croatia's
constitution.

2 Rather wasting any time on that now, I'll be asking you a very brief
3 question, and I expect you to know the answer to that question.

4 Articles 132 and 133 of the constitution talk about who was
in a

5 position to conclude international agreements. It is the president,
and

6 then Article 133 defines that some international agreements must be
7 verified, or ratified if you like, by Croatia's parliament. As a
rule,

8 any agreements ratified by the parliament are then published in the
9 Official Gazette.

10 Can we, therefore, agree that the Agreement on Friendship
and

11 Cooperation did not have that nature; it did not require
verification by

12 the parliament or publication in the Official Gazette?

13 A. That was my position at the time and now. I still believe
that

14 the president had the power to sign such a document himself without

15 necessarily having it ratified by the parliament.

16 Q. Fine.

17 MS. ALABURIC: [Interpretation] Your Honours wanted to
analyse

18 part of this Agreement on Friendship and Cooperation. In
particular, I'm

19 talking about item 2, the armed components of the HVO as part of the

20 unified armed forces of the BH. I think His Honour Judge Antonetti
asked

21 a question about that very subject.

22 Q. I would like us to dwell a little longer on that. If you
look at

23 my set of documents, you will find 4D 409. Mr. Zuzul, that's my set
of

24 documents. You've been handed the set. 4D 409, this is the decree
law.

25 I will be speaking as you're reading.

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1 "Decree law on the armed forces of the Republic of Bosnia."

4 army of the republic."

5 I'll be continuing my question, and then we'll sum up at the
end.

6 If we look at the Agreement on Friendship and Cooperation dated the
14th

7 of September -- rather, the 21st of July, 1992, Article 6 reads:
"The

8 armed component of the Croatian Defence Council is a component of
the

9 unified armed forces of the Republic of Bosnia and Herzegovina. The

10 Croatian Defence Council shall have its representatives in the joint

11 command of the armed forces of Bosnia and Herzegovina."

12 Mr. Zuzul, can we agree that this Agreement on Friendship
and

13 Cooperation would require an amendment to the decree law on the
armed

14 forces, saying that only the republic's army was the armed force of

15 Bosnia-Herzegovina. Can we agree that it would be necessary to
enter an

16 amendment to this decree law and bring it back in line with the
Agreement

17 on Friendship and Cooperation?

18 A. I think so.

19 Q. Fair enough. Can we now look at 4D 410. Let us look at how
the

20 authorities in Sarajevo

23 forces of the republic shall comprise the army of the republic. The

24 constituent part of the army shall comprise the Croatian Defence
Council

25 as well as other armed compositions placing themselves under the
single

Page 27828

1 command of the army."

2 My question, Mr. Zuzul: Do you believe that there is a
3 considerable difference between what was agreed in the Agreement of
4 Friendship and Cooperation and the amendments adopted by the
Sarajevo

5 authorities? Instead of making the HVO a part of the unified armed

6 forces in terms of equality, the Sarajevo authorities and took it to be a

21 Q. The Prlic Defence asked you about the Banovina of Croatia
and

22 about it being mentioned in the preamble to the Croatian
constitution --

23 JUDGE ANTONETTI: [Interpretation] I'm not at the same level
as

24 the Defence. We have in front of us a decree. Please look at
Article 1,

25 4D 410. The way I read Article 1 of this decree, it appears that

Page 27829

1 Mr. Izetbegovic does recognise that the HVO is part of the Army of
the

2 Republic of Bosnia and Herzegovina. Do you have the same reading as
I

3 do?

4 THE WITNESS: [Interpretation] Thank you, Mr. President.
I've

5 never set eyes on the document before. I do, however, remember well
the

6 atmosphere and the debate about this particular segment. It was
easy for

7 both presidents and everybody else to agree about the fact that the
BH

8 army and the Croatian Defence Council would mount a joint defence.
The

9 essential issue was how this integration would take place. This is
what

10 I believe. The way it's regulated by this decree law, this is what
the

11 Muslim representatives were pushing at the very beginning of the
12 negotiations. The HVO would become a part of it, but it would
actually

13 become part, be subsumed, by the BH army and not be integrated as
one of

14 its components. I remember that this was a much-debated issue at
the

15 time, and a compromise was reached to the effect that there would be
a

16 single army but not by simply having the HVO subsumed under the BH
army.

17 I apologise. I'm not really a lawyer myself, but I do remember the
18 negotiations. This was a very prominent feature, and I think the
way it

19 is formulated here is headed in an entirely different direction from
what

20 had been agreed and eventually signed in the Agreement on Friendship
and

21 Cooperation.

22 JUDGE ANTONETTI: [Interpretation] Yes, but what about
deciding

23 whether they would be integrated in a parallel structure or in
another

24 way? That's the -- what would happen within this structure. But
you

25 went to Geneva. I don't think there is any dilemma about

11 purported territorial claims of the Croatian government at the time?

12 A. This is not something that was ever suggested to me by
anyone.

13 Q. Very -- fine then. Can we please go back to one of the
Prlic

14 Defence documents. Probably there, there was no time to show it.
This

15 is 1D 2039 -- it's also in my binder if you're looking for it, sir.
I'm

16 not certain, that might be simpler for you, actually. 1D 2039. You

17 have -- you have the amendments to the constitution, 2001, here.

18 Mr. Zuzul, who was in power in Croatia, is believed to be an advocate of
Bosnia's remaining intact.

6 being interpreted. Could the speakers please be asked clearly to
make

7 pauses between questions and answers. Thank you very much.

8 JUDGE TRECHSEL: Did you hear that, Ms. Alaburic? The
9 interpreters are complaining. You have to make pauses before you
take
10 the floor when answering, and this also applies to you, Mr. Zuzul.
When

11 you have heard the question, naturally you immediately want to
answer,

12 but you should wait until the interpreters have gone through the
13 translation. Otherwise, they completely lose, and we lose in the
end,

14 and everyone. Thank you. I'm sorry.

15 MR. SCOTT: Excuse me, Your Honours, and while we're on an
16 interruption, I would just again object similarly to this question.
I

17 don't think the witness can speculate as to what Mr. Mesic could or
might

18 have done. If he had a conversation with Mr. Mesic and Mr. Mesic
said

19 something to him specifically that the witness can recall, but he
cannot

20 speculate about what Mr. Mesic could or would have done or might
have

21 done in some situation. And a standing objection to the leading
22 questions. Friendly -- leading questions to a friendly witness.

23 MS. ALABURIC: [Interpretation] I do apologise to Your
Honours and

24 to the interpreters for speeding up. It is -- this is what happens
when

25 you speak the same language. I did not hear the interpreter's
remark

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1 because it was not made on channel 6, which is the channel that I'm
2 listening to.

3 I think that as far as Mr. Scott's objection is concerned,
it is

4 unfounded because I was not asking Mr. Zuzul about the intentions,
5 desires, and so on of President Mesic, but I merely asked him
whether he

6 was aware that President Mesic initiated those amendments to the
7 constitution. So I asked him about a fact.

8 Q. One explanation about the agreement between Alija
Izetbegovic and

9 the Serbs on the 16th of September, 1992, that you were talking
about,

10 that was document 3D 451 that you talked about with the Prlic
Defence.

11 Could you please look at 4D 1040 in my set of documents. This is an
12 excerpt from a book by Miroslav Tudjman that contains this
declaration.

13 And at the end it is noted that this declaration was not signed by
14 Radovan Karadzic but by Momcilo Krajisnik, and that it was signed by
15 Thorvald Stoltenberg and by David Owen as witnesses, and that the
16 original document does not have the signatures of Momir Bulatovic
and
17 Slobodan Milosevic.

18 To avoid any misunderstandings about the signatories of this
19 declaration, can you tell us, if you know, is this correct what
Miroslav

20 Tudjman says in his book about this document?

21 A. Well, it seems to me that it was signed by Haris Silajdzic
and

22 Momcilo Krajisnik as the plenipotentiaries of the President
Izetbegovic

23 and Radovan Karadzic respectively, but that's as best I can recall.

24 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, we are going
to

25 stop here because I have a number of recommendations to give the
witness

Page 27835

1 with respect to the following hearing.

2 You'll proceed with your cross-examination the following --
at

3 the following hearing.

4 You understand the situation, Witness. It was impossible to
5 complete your testimony this week. You were witness to all the
6 procedural problems we had to deal with, and the Prosecution has not
even

7 started its cross-examination.

8 Furthermore, the Judges have a number of questions to put to
you.

9 You made the solemn declaration. You are under oath. You are a
witness,

10 a witness in the service of justice, and as a result of this, you
should

11 have absolutely no contact whatsoever from now on with Mr. Karnavas
and

12 with the other counsel who may examine you later or re-examine you
as

13 part of the re-examination. And of course, you are not supposed to
have

14 any exact with the Prosecution, who will also put questions to you
later

15 on. And of course you're not supposed to have any contacts with the
16 Judges.

17 If you're faced with administrative problem, then you should
get

18 in touch with the Victims and Witnesses Unit. They are supposed to
deal

19 with the -- your travel arrangements and make sure that you come
back

20 here on the 18th of July. As I told you yesterday, we won't be able
to

21 complete your testimony on Friday. The Prosecution will have five
hours,

22 but considering possible procedural incidents, that will probably
take

23 longer. Therefore, your testimony will resume on Monday in the

24 afternoon, and then we'll be able to complete your testimony.
That's

25 what I wanted to say.

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1 If you have a question, please put it to me now. Otherwise,
I'll

2 adjourn.

3 Yes, Mr. Scott.

4 MR. SCOTT: Your Honour, without trying the Chamber's
patience

5 too much, could I just ask that also the witness be -- it be
clarified

6 that not only should the witness not have any contact with either
the

7 Defence or the Prosecution, or as you said yourself, the Judges, but
in

8 fact with nobody, with no one, no other person whatsoever, any
members of

9 the Croatian government, any members of a political party, no
contact

10 with anyone about his testimony. About his testimony.

11 MR. KARNAVAS: Excuse me, excuse me, excuse me. I think
this is

12 being a little bit unreasonable. Now, he can have contact, but he
can't

13 talk about the case. I think --

14 MR. SCOTT: About his testimony.

15 MR. KARNAVAS: Okay. I think that everybody should just
calm

16 down a little bit and just relax, but I think within reason he

17 shouldn't -- obviously not speak about the case and about what was

18 discussed here or what has to do with his testimony. But other than

19 that, I think, you know, we would have to be rather measured.

20 JUDGE ANTONETTI: [Interpretation] It goes without saying,
and the

21 witness who has held high-level positions is perfectly aware of that
sort

22 of thing. Please avoid dealing with your -- or mentioning your
testimony

23 with anyone. Do not say that you were asked such and such question
and

24 you answered this or that. But it's so obvious to me that I thought
I

25 didn't need to mention it. Thank you very much. We'll see you on
the

1 18th of July. Thank you.

2
p.m.

--- Whereupon the hearing adjourned at 6.23

1 Monday, 21 July 2008

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.17 p.m.

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

6 case.

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

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

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

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

11 Today is the 21st of July, 2008. Good afternoon to the
accused,

12 to the Defence counsel, to Mr. Scott and his associates, and to all
the

13 people helping us.

14 First of all, I shall give the floor to the registrar for a
few

15 IC numbers.

16 THE REGISTRAR: Thank you, Your Honour. Some parties have
17 submitted lists of documents to be tendered through Witness
18 Buntic, Zoran. The list submitted by 1D shall be given Exhibit
number
19 IC 00827. The list submitted by 2D shall be given Exhibit number
20 IC 00828. The list submitted by 3D shall be given Exhibit number
21 IC 00829. The list submitted by 4D shall be given Exhibit number
22 IC 00830. The list submitted by 5D shall be given Exhibit number
23 IC 00831. And finally, the list submitted by the OTP shall be given
24 Exhibit number 00832. Thank you. Your Honours.

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

Page 31046

1 wanted the floor, Mr. Scott.

2 MR. SCOTT: Yes, Your Honour, ever so briefly. Can we go
into

3 private session for just a moment, please.

4 JUDGE ANTONETTI: [Interpretation] Mr. Registrar.

5 [Private session]

6 (redacted)

7 (redacted)

8 (redacted)
9 (redacted)
10 (redacted)
11 (redacted)
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21 (redacted)

22 (redacted)

23 (redacted)

24 [Open session]

25 THE REGISTRAR: Your Honours, we are back in open session.

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1 JUDGE ANTONETTI: [Interpretation] 4D is about to cross-examine.

2 You have 2 hours and 60 seconds. As you see, it's very exact indeed.

3 [The witness entered court]

4 WITNESS: MIOMIR ZUZUL [Resumed]

5 [Witness answered through interpreter]

6 JUDGE ANTONETTI: [Interpretation] Good afternoon, sir.

7 THE WITNESS: [Interpretation] Good afternoon.

8 JUDGE ANTONETTI: [Interpretation] Very well, sir. You know that

9 the cross-examination is going to resume. Ms. Alaburic is the one among

10 the Defence counsel who is going to cross-examine you first. She is to

11 be followed by the Prosecutor for his own cross-examination.

12 You may proceed.

13 Oh, yes. Ms. Alaburic, my fellow Judge reminds me of this.

If

14 you are to tackle new topics, you have to say so, and if you ask

15 questions that arise from the examination-in-chief, then it will be

16 credited as part of your cross-examination. If you tackle a new
topic,

17 you have to say that ahead of time.

18 MS. ALABURIC: [Interpretation] Your Honours, good afternoon.

19 Good afternoon, Mr. Zuzul. Good afternoon to everyone in the
courtroom.

20 Your Honour, I believe that all of my questions will in a
certain

21 way be related to documents and topics that have been raised or
shown

22 during direct examination, but if you still feel that I'm going
beyond

23 the scope of direct examination, I will not be opposed to you
treating

24 that time as the time allocated to the Defence of General Petkovic.

[Continued]

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1 Q. [Interpretation] Mr. Zuzul, I believe you remember where we
left

2 off, and I will continue according to the plan that I had made
already in

3 May. Let me remind you of one question asked by His Honour

4 Judge Antonetti relating to documents of the United Nations. You
were

5 asked if you could point out Resolution, a report of the

6 Secretary-General containing major errors. The question and answer
are

7 on 27713 page of the transcript, and the next page, 27714.

8 You answered, Mr. Zuzul, that you had not observed any major

9 errors, but what you could hold against perhaps the international

10 community was their attempt to balance out the responsibilities. Do
you

11 remember that?

12 A. Yes.

13 Q. What kind of balancing out of responsibilities were you
thinking

14 of?

15 A. In more than one meeting that I personally had with
16 representatives of the international community I heard the response
that

17 neither in Croatia **had been occupied before the UNPROFOR came, and when**

4 to assess whether a certain UN report does or does not contain
errors?

5 A. I believe I was relatively well informed.

6 Q. Were you equally well informed of developments and events in
7 Bosnia and Herzegovina?

8 A. If we are talking about events on the ground in Bosnia and
9 Herzegovina, but I knew the overall situation and especially the course of

12 Q. I'd like to move on to another topic that concerns the
transcript

13 that you discussed on the 7th of May with the Defence of Prlic, P
00131.

14 It's in the binder of Prlic Defence. I have to admit I don't know
which

15 number of the binder because there were several.

16 I believe that you don't even need to see the document.

I'll try

17 to remind you of certain portions of that transcript and then we
could go

18 through them together.

19 It's a transcript from a meeting between President Tudjman
and

20 the Ministry of Defence of the Republic of Croatia. In that meeting you
were represented

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1 A. Yes. In the beginning of March 1992 that was my position.

2 JUDGE TRECHSEL: I'm sorry, Ms. Alaburic. This reads in the
3 transcript you were represented as a psychologist. Did you mean you
were

4 presented as a psychologist? The sentence does not really make
sense,

5 I'm afraid.

6 MS. ALABURIC: [Interpretation] I meant to say that he was
7 introduced as a psychologist. So everybody when starting to speak
gave

8 their background first, and that's how Mr. Zuzul had introduced
himself,

9 as a psychologist at the Ministry of Defence.

10 Q. This document is already exhibited in the case, and I
believe it

11 contains some important positions that I would like you to explain,

12 Mr. Zuzul, as a participant in that discussion. At that meeting,
it's on

13 page 46 of the English transcript, you pointed out the existence of
two

14 categories of people. One category, former members of the Yugoslav

15 People's Army; and the second category, those who had never been in
that

16 army. And then you tried to point out that in certain segments of
the

17 Republic of Croatia

11 political statements. And generally speaking, the army has no place
in

12 the political arena."

13 Tell us, Mr. Zuzul, did President Tudjman really believe
that the

14 army should concern themselves with the defence of the country
rather

15 than being a political factor?

16 A. My opinion at the time was that President Tudjman held the
view

17 that for the defence of the country and for the purposes of creating
an

18 army it would be best if the army stayed out of politics as much as
19 possible.

20 Q. Another very important statement, in fact a three-page
speech in

21 the English transcript, that's 103 through 105, I'll try to remind
you.

22 On this occasion late President Tudjman said that the US has still
not

23 recognised Croatia in a way as a continuation of the Independent State

25 Croatia

4 the independent State of Croatia." And he called upon all the
commanders

5 of the Croatian army to firmly oppose that and to prevent any
attempt of

6 any soldier to identify himself with any ideology that is similar or
7 identical to Fascist ideologies of World War II.

8 Do you think that Tudjman really supported a Fascist policy
of

9 that previous state, the Independent State **but in** Belgium

19 went.

20 A. Correct.

21 Q. Now, Mr. Zuzul, I'd appreciate it if you could try to
comment on

22 certain statements and events related to Vance-Owen's Peace Plan and
the

23 events in January 1993. You were familiar with the negotiations,
and you

24 knew about the plans of the international community.

25 A. Around the 1st of February, 1993, that's true. I became the

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1 ambassador of the Republic of Croatia

10 transcript page 16752.

11 Tell us, Dr. Zuzul, this evaluation about the enthusiasm of

12 Croats, is that accurate in your view or not?

13 A. I believe he noted it accurately. I don't know if I,
myself,

14 would use the term "enthusiasm," but I would say that the Croats,

15 generally speaking, readily accepted the Vance-Owen Plan.

16 Q. On the next page of the transcript Mr. Herbert Okun said:
"The

17 Bosnian Croats signed the Vance-Owen Peace Plan in January 1993
knowing

18 that Serbs, and to a lesser extent Muslims, would not accept the
19 package."

20 To the best your knowledge did Croats really accept the
21 Vance-Owen Plan sincerely and completely, or they were reckoning
that the

22 other side would not go through with it and it will be dead in the
water

23 anyway, that it was just pure calculation on the Croat side?

24 A. It's much easier for me to talk about the positions, the
official

25 positions, of Croatia, because part of Croatia

4 still, and to a general diffusion of tensions.

5 As for my colleagues from Bosnia and Herzegovina, I had
occasion

6 to talk with many of them at that time, although I did not represent
them

7 officially, and it was my impression that they, too, were embracing
the

8 plan sincerely.

9 Q. Could you now give us your comments on certain observations
made

10 by Mr. Okun regarding maps? Mr. Okun told us the discussions on
maps

11 were continuous and marked by dispute, constant dispute. Would that
be

12 accurate?

13 A. Rather.

14 Q. In my set of documents, I prepared P 9276. Those are maps.

15 Among others, maps of Banovina Croatia and certain provinces in

16 Bosnia-Herzegovina according to the Vance-Owen Plan from January
1993.

17 The document has been exhibited.

18 Could you please open the documents marked "Banovina '39,"
and

19 another document, the Vance-Owen Peace Plan, 2nd January 1993. We
will

20 not go into detail. Instead, I'd like to look at conclusions that
can be

21 made at first blush.

22 If we look at these maps, Mr. Zuzul, can we agree that the

23 territory designated as part of the Banovina of 1939 in the
territory of

24 Bosnia and Herzegovina is very similar to what the Croatian
provinces

25 used to be in the Vance-Owen Plan of 1993?

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1 A. I believe that's right. It's rather similar.

2 Q. Tell me, in addition to these two maps, did you see any
other

3 maps during the negotiations which had marked as Croatian territory
areas

4 smaller or larger than these?

5 A. During the negotiations numerous maps were shown. The
territory

6 varied. It was on occasion larger, on occasion smaller than the one
we

7 have here.

8 Q. If we tried to identify a common denominator of all these
maps,

9 would we assert that all these maps had marked as Croatian territory

10 Western Herzegovina, that is the area around Tomislavgrad, Posusje,

11 Grude, Ljubuski, and so on. Around Tomislavgrad, Posusje, Ljubuski,

12 Grude, and so on. Let me not go into all the municipalities
involved.

13 Then an area of Central Bosnia and a part of the Bosnian Posavina.
14 In

14 other words, these three groups of territories or areas. Can we
agree on

15 that, Mr. Zuzul?

16 A. Yes.

17 Q. If we were to try to look at the ethnicity criterion and the

18 economic units and so on and so forth and try and identify the areas

19 where the Croats were in an absolute or relative majority, and if we
came

20 up with a territory which made a more or less sensible area, would
that

21 territory again include Western Herzegovina, parts of Central
Bosnia, and

22 Bosnian Posavina?

23 MR. SCOTT: Excuse me, Your Honour. Sorry to interrupt
counsel,

24 but I am just concerned for the accuracy of the record and so that
we all

25 know what we're talking about here. I can appreciate that counsel

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1 doesn't want to necessarily go through all of the municipalities
claimed

2 to comprise Herceg-Bosna, but there might in fact, and the
Prosecution in

3 fact would take the position that there's another category of
territory

4 that is neither Western Herzegovina nor Central Bosnia.

5 In looking at the map, if the Chamber has that available,
the

6 Prosecution might agree in fact that when one uses the terminology

7 "Western Herzegovina would be recognised in what were then their

10 After all these years, I can only repeat that this was the
only

11 proper decision, that is that the borders of the new states could
only be

12 defined as the borders of the then republics.

13 Q. Let us look at the next document, 4D 00542. This is a
document

14 of the Council of Ministers of the European Community, guidelines
for the

15 recognition of the new states in Eastern Europe and the Soviet Union

18 of all borders that can be changed only through peaceful means and
joint

19 agreement."

20 Mr. Zuzul are you aware of this document issued by the
Council of

21 Ministers of the European Community?

22 A. I am aware of this document. It was on the basis of this
23 document that Slovenia

2 A. By all means. Let me just say something that goes beyond
the

3 scope of your question, but I was reminded of that by these
documents.

4 On several occasions in the course of that process, in the
course

5 of this trial, and I saw this in the indictment as well, that there
was a

6 wish for Croatia; namely, Istria

11 of the most significant and most beautiful parts of Croatia; the
town of

12 Rijeka

15 territory where, roughly speaking, half a million of inhabitants
live at

16 present, territory which is at any case an integral part of the

17 Republic of Croatia, who would in all common sense vote

3 Q. Let's also look at another document which also has to do
with the

4 same topic. This is 34428 [as interpreted]. It's also been
exhibited.

5 This is an Official Note from the meeting with the -- with the
French

6 delegation. This was compiled by General Anton Tus. Please turn to
page

7 2. Let me repeat the number of the document. 3D, so it's the
document

8 of the Defence for General Praljak, 3D 00482. Now we have the
correct

9 number.

10 At page 2 -- the document dates from January 1993, and the

11 meeting took place on the 13th of January.

12 At page 2 of the document, the words uttered by General
Praljak

13 are conveyed. Let me quote that. "The Croats are committed to an

14 integral Bosnia-Herzegovina and to the rights of Croats. The
problems

15 between Muslims and Croats in the BH are the result of different

16 objectives of the political struggles. Croats are fighting for
state of

17 the BH with an autonomy for Croats whereas the Muslims are
struggling for

18 a civic state. So it follows clearly from this that the Croats are
also

19 struggling for state of the BH." Let's look at page 3, the end of
the

20 penultimate paragraph where General Tus spoke. The Geneva
conference

21 offers a solution for the BH on equal footing. The creation of a
Serb

22 state in the BH would be an error that would not contribute to the

23 resolution of the Serbian issue in the Republic of Croatia in the
AVNOJ borders represent a

13 development in Bosnia-Herzegovina also legitimise the right of the
Serb

14 people in the Republic of Croatia and the Serbs from the so-called

24 jeopardy.

25 Q. Dr. Zuzul, in your opinion did late President Tudjman
consider

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1 the position of the international community serious, its position
that it

2 would not allow for the borders of the republics of the former
Yugoslavia

3 to be changed by force?

4 A. I do believe that he regarded it as serious and that he was

5 convinced that forcible change of borders would not be allowed.

However,

6 oftentimes during international negotiations there was mention of
the

7 possibility to change borders through peaceful means.

8 Q. Can you now clarify what you've just said, the fact that the

9 negotiations mentioned the change of borders through peaceful means?

10 Which particular borders of the Republic of Croatia. This is something I
spoke of earlier on.

18 Eastern Slavonia in order to have this territory exchanged for -- or swapped either

14 called them unnatural. Sometimes he said that Croatia is the only
state

15 in the world that looks like a croissant, that it's simply not
natural to

16 begin with.

17 Let me ask you, this statement of late President Tudjman
about

18 the unnaturalness and absurdity of Croatian borders, were they
reflected

19 in the press? Could people read about it in newspapers, hear it on
20 television?

21 A. I believe so.

22 Q. Can we, on the contrary, then infer that nobody learned of
these

23 views of Mr. Tudjman by wiretapping or any other spy means of
gathering

24 intelligence?

25 A. Correct. As far as I remember, President Tudjman made such
a

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1 statement in one public debate after the first free and democratic
2 elections in Croatia and

18 and as a philosopher, I would say that he liked to think in terms of
19 theories of major international solutions.

20 When he spoke from that point of view wearing his historian
hat,

21 Dr. Tudjman would expound on all the problems that attended the
creation

22 of Bosnia

24 viability of Bosnia and Herzegovina in the future.

25 At any rate, he's not the only historian or philosopher or

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1 politician who held or expressed those views. We can still hear
them

2 nowadays. However, as a statesman who in his own words had an
historic

3 opportunity to create a sovereign State of Croatia, I believe that
he

4 acted rationally and pragmatically, and he accepted the fact that
Bosnia

5 and Herzegovina. I'll ask you, Mr. Zuzul, about something on

6 One of the topics here is demilitarisation. To the best of
your

7 recollection was demilitarisation one of the topics discussed at

8 international talks?

9 A. Yes, here and there the issue would crop up.

10 Q. Let us look at what Alija Izetbegovic said about the
position of

11 his delegation. I quote: "I would say a couple of words about

12 demilitarisation. Another position has to be defended. When we
accepted

13 this demilitarisation, we reckoned this way. Light infantry weapons
14 won't be surrendered by anyone certainly, so who will be
demilitarised?

15 Those who have heavy weapons will be demilitarised. Therefore, it
won't

16 affect us. That was our reasoning. Certain forms of
demilitarisation do

17 not affect us, because they will have to surrender tanks and turn
over

18 heavy artillery over to be supervised. They would surrender 100
tanks,

19 whereas we would surrender 4 to 10. I don't know what the ratio is
20 currently. In artillery the ratio is 1 to 10, whereas everyone will
hide

21 light weaponry, of course, or they will hand it over to the police.
So

22 we thought there could be a way of removing those tanks from Bosnia

25 sorry about the way these sentences sound, but I'm just reading.

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1 "This army has to exist as an army of Bosnia and
Herzegovina

4 Dr. Zuzul, to the best of your knowledge did the Muslim

5 delegation really support demilitarisation for a while and then
after a

6 certain point they stopped supporting that principle because they
decided

7 it would be contrary to their interests? Do you know anything about
it?

8 A. Well, I personally think that demilitarisation had never
been

9 taken seriously by anyone. No one ever considered it a serious
option,

10 because I believe the Serbian side or the Yugoslav army was not
prepared

11 to hand over their weapons. And it was equally clear that the

12 international community had no resolve, did not have the required
resolve

13 to take the weaponry away from them.

14 It is quite certain that for Croatia, and especially for the

15 Muslim side in the beginning of the war this demilitarisation would
have

16 been useful and good. But as I said, nobody ever believed it
possible.

17 However, if you allow me to say this as a psychologist, to

18 venture a comment, I knew and held in high esteem Mr. Alija
Izetbegovic

19 as a man who was visibly deeply concerned for the fate of his
people, but

20 I believe this passage that you've just read was quite typical of
his

21 approach to negotiations. In this very brief passage, he advocates
two

22 completely opposite stands. In the first few sentences he supports
23 demilitarisation, and in the next couple of sentences he's against
it.

24 And that's when he was addressing his own parliament, if I'm not
25 mistaken.

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1 That frequently happened at the negotiations, even in direct
2 negotiations and talks. And if I may say one more thing, it
appeared to

3 me that it sometimes led to problems in communication between him
and

4 President Tudjman. As a rule, President Tudjman was the kind of
person

5 who, when he made a decision, and he was relatively firm when he
made

6 decisions, he was keen on seeing it through. President Izetbegovic,
on

7 the other hand, and I have to emphasise I'm speaking from my own
personal

8 experience, had difficulty in making decisions. And even when he
made a

9 decision, it was not yet certain that he would really carry it out.

10 By this I don't mean to say anything bad about him, but I
believe

11 that I'm not alone in thinking like this. There are many other
people

12 who had occasion to observe him and who think the same.

13 Q. I thought we would come to that when we see some more
passages

14 from this transcript, but I believe what you just said is going to
be

15 confirmed by what follows.

16 Let us look at the next passage. In Croatian it's on page
13

17 onwards, and in English it's DD003374 onwards. I'll quote it here.

18 "Alija Izetbegovic says that only US supports integral
Bosnia

20 this is for nothing when Mitterrand is leading the policy in France

1 by Mitterrand?" Then Tudjman says: "The objective of the policy is
to

2 fight for an integral Bosnia

4 Just point your finger. What are those forces that could carry the
idea

5 of an integrated Bosnia

11 I'll end the quotation here. Tell me, Dr. Zuzul, Banja Luka

6 MS. ALABURIC: [Interpretation] Your Honour, let me clarify

7 these -- the word "or," which referred to the following: To arrive
-- to

8 reach Banja Luka or to liberate the territory depending on how you

9 interpret it. This would be an aggression in view of the Serbs, and
now

10 for Croats and Muslims this would mean liberation. So my question
was

11 not placed this as opposed to the other but meaning -- liberation
meaning

12 the BH army reaching Banja Luka. I believe that Dr. Zuzul
understood my

13 question properly.

14 JUDGE TRECHSEL: Thank you. Well, he said -- he did not
have a

15 translation either, so it's easier for him, but I thank you for your
16 explanation.

17 MS. ALABURIC: [Interpretation] Very well.

18 Q. Dr. Zuzul, I had a feeling you were about to add something.
19 If

19 not, we can move on to the next question.

20 To your knowledge, based on your participation in
international

21 conferences, was it clear that the Bosniak Muslim delegation was in

22 favour of a united Bosnia-Herzegovina as opposed to the state model
of a

23 federation, confederation, or anything else of the sort?

24 A. To qualify the conduct of the Bosnian Muslim delegation

25 unequivocally, I believe that they espoused the idea of a united

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1 Bosnia-Herzegovina as a unitarian state and more so in the political
than

2 in the territorial sense.

3 Q. Thank you for the answer. Let us look at the page 19 of the
4 Croatian text and page 3380 of the English version. We have a very
short

5 conclusion by Alija Izetbegovic which I will read fully. I quote:
"We

6 can make one conclusion so far. The delegation should go up there.
More

7 or less we know what the platform is, plus those efforts regarding
the

8 extension of functions and territories, plus the failure to sign and
so

9 on and so forth. Can we go there with such instructions? Let's see
and

10 come back."

11 Dr. Zuzul, based on this it is quite clear that the Bosnia
12 delegation received an instruction here not to sign documents
whatsoever,

13 to attend the event but to come back without having signed anything.

14 Based on your experience, were there situations where the Bosnian
15 delegation indeed comported this way?

16 A. I had never had occasion to see an address by Mr.
Izetbegovic to

17 his delegation in such clear terms. However, my impression on many

18 occasions had been that they did not have the intention to arrive at
a

19 solution but that they negotiated for the sake of negotiating or for
the

20 sake of buying time.

21 Q. Thank you. We will see how the positions of the Bosniak

22 delegations evolved. Now let us look at 4D 01052. 01052. This is
the

23 transcript from the Presidency session of the Republic of

24 Bosnia-Herzegovina held on the 29th of December, 1993.

25 I selected the portions I felt were the most important. One
of

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1 them, maybe not so important but equally interesting, can be found
at

2 page -- we're following the enumeration in the lower right-hand
corner.

3 JUDGE TRECHSEL: Ms. Alaburic, I may again have
misunderstood

4 something, but we have a title with the number, and that speaks of a

5 meeting of the 29th of December, but then we have the transcript
itself

6 which speaks of 26th of December, and I'd be grateful if you told me
what

7 I misunderstood.

8 MS. ALABURIC: [Interpretation] Your Honour, can you just
tell me

9 where it is that the 26th of December is written since I don't have
that

10 date in my document?

11 JUDGE TRECHSEL: It's the opening page. It's the very first
12 page. In the English translation, anyway.

13 MS. ALABURIC: [Interpretation] Yes, precisely. It's a
14 translation error. So this is an error in the English translation.
It

15 is indeed the 233rd session, but as you can see in the original
version,

16 the date is the 29th. I apologise for not checking whether the two
17 tally. I did not look at all the details.

18 JUDGE TRECHSEL: Thank you.

19 MS. ALABURIC: [Interpretation] Thank you.

20 Q. Dr. Zuzul, this is what I wanted you to comment upon. Let
us

21 look at the enumeration in our language. It's in the lower right-
hand

22 corner. Look at the enumeration, 0700. In English that's at pages

26

23 and 27. I will tell you briefly what the BH Presidency discussed
here.

24 They said that it was inappropriate for Boban's army to be
called

25 Ustasha, because according to an investigation conducted by the
Globus,

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1 Globus weekly, because they had the -- Boban's troops had 221 years'
2 membership in the party, and they are not Fascists. They should not
be

3 called Highwaymen, Vampires and such like. So they should not be
called

4 Vampires, Boban's Men, so on and so forth.

5 In your opinion, Dr. Zuzul, how did the Bosnian leadership -
- the

6 Bosnian Muslim leadership refer to the leadership of Herceg-Bosnia?
How

7 did they style them or call them? Do you have any knowledge to that
8 effect?

9 A. I would not really want to go into what they called them
10 officially, but it is true that the media did use that particular
term

11 dating from World War II, the terms harking back to the Ustasha and

12 Chetniks. This particular term could not have been used by Croats
and

13 Muslims given the events of World War II since both -- there were
both

14 Croats and Muslims who were members of either the Partisans, on the
one

15 hand, or the Ustasha on the other.

16 This is street slang, not to say the slang of the underworld

17 which found its way to the public at large through the media. I was
not

18 aware of such terminology ever having been used at official meetings
such

19 as this one, but I was always aware of the fact that this made

20 communication more difficult. And I mean communication in general

21 between peoples and politicians.

22 Q. Thank you. Let us look at what Alija Izetbegovic said at
page

23 703 onwards. That's at page 29 of the English version, 29 onwards.

24 That's the very end of December 1993. The BH army launched an
offensive

25 in Central Bosnia. We will be coming to that part of the transcript

1 later on. What we are interested in at the moment is the following,
and

2 I quote: "When it comes to the specific conduct of the army in

3 Central Bosnia. Armija still has a free-hand in -- in terms of

11 break now. We're going to break for 20 minutes. I inform the
Petkovic

12 Defence that it still has 45 minutes left.

13 --- Recess taken at 3.52 p.m.

14 --- On resuming at 4.12 p.m.

15 JUDGE ANTONETTI: [Interpretation] The hearing is resumed. I

16 believe that Judge Prandler has a question to ask.

17 JUDGE PRANDLER: Thank you. I'm sorry, Ms. Alaburic, to
take

18 your time, but just one minute. It is, of course, not your time,
but

19 ours. So I would simply would like to confirm, as far as my
position is

20 concerned, that I would have asked the same question from Mr. Zuzul
like

21 what has been asked by Judge Trechsel, and also in view of the -- my

22 experience in the given field, that is the international
negotiations, I

23 believe that that very principle which was mentioned has been -- in
24 general has been adopted as a positive one. So that is why without
25 losing too much time I would only like to -- to ask Mr. Zuzul, Dr.
Zuzul,

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1 if you really feel that the given principle has prevented you, I
mean the

2 Croatian side, to proceed with the negotiations and to reach some
3 positive results. It is my question. Thank you.

4 THE WITNESS: [Interpretation] No, by no means did it prevent
the

5 Croatian side. The Croatian side never even thought or said that it
6 could thwart us. I was speaking of the position of the Muslim side
by

7 saying that when you have long-lasting negotiations, you have been
8 negotiating for days and then you reach a point of agreement, if any
of

9 the sides holds on to the principle that nothing is agreed until
10 everything is agreed, and if they interpret that principle as
meaning

11 that everything that had been agreed previously is null and void,
then

12 that could practically thwart, disable the negotiations. That's how
I

13 interpreted that principle. It wasn't always the case, but
sometimes I

14 had the impression that that's the way the Muslim side interpreted
this

15 principle itself.

16 Let me illustrate again. We had been negotiating for two
days or

17 five days or ten days, but if one side adheres to the principle that
none

18 of these agreements are worth anything unless we agree on the
minutest

19 detail on the 14th day, and if they proceed from that principle,
then on

20 day 13 we will reach a point when they say none of our agreements
hold

21 true. We have to start again.

22 And as I've said already, if you accept this principle in
theory

23 and in practice, then it makes it impossible to reach an agreement.
And

24 my impression was that sometimes, not always but sometimes, that's
the

25 way negotiations were led.

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1 I hope, Your Honour, I manage to clarify what I really
meant.

2 JUDGE PRANDLER: Thank you very much, Dr. Zuzul.

3 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, you may
proceed.

4 I was a little too generous earlier on. I told you 45 minutes, but
it's

5 actually 43 minutes according to our calculations.

6 MS. ALABURIC: [Interpretation] Your Honour, thank you very
much

7 for this generosity. I hope I will return it with even greater

8 generosity by not using up all of the 43 minutes.

9 I thank the Judges for these questions.

10 Q. Dr. Zuzul, can we try to boil this down to two main
standpoints?

11 Can we agree that unless all elements of one agreement are agreed
then

12 this agreement has not been reached?

13 A. Of course.

14 Q. And if one delegation in these negotiations deliberately and

15 consciously conducts the negotiations in such a way as to always
16 leave

16 one element not agreed on the principle that nothing is agreed until

17 everything is agreed, that can make the negotiations endless. And
18 can we

18 then say that it is a way of obstructing the negotiations by making

19 agreement impossible?

20 JUDGE TRECHSEL: Ms. Alaburic, I wonder whether it's quite

21 correct to again speak of deliberate, whereafter the witness has
22 said

22 that he could not affirm that there was a deliberate policy behind
23 that.

23 I think this is not entirely correct. Perhaps you want to
24 reformulate.

24 MS. ALABURIC: [Interpretation] Your Honour, my question now
25 is

25 phrased very generally, and it doesn't concern the specific policy
of the

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1 Muslim delegation now. It's a general question. It can apply in
other

2 situations to Croats. I am not trying to examine this principle on
the

3 factual level. We're going to do that with other witnesses, and we
have

4 numerous documents about it even now.

5 Q. So in principle, Mr. Zuzul, regardless of who it concerns,
if one

6 delegation behaves in the way I described, if they always leave one
issue

7 open, can that be considered as an obstruction of negotiations?

8 A. I am certain that it can, and in my answer to His Honour
9 Judge Prandler, I tried to illustrate why I believe it can indeed be
10 obstruction. If one legitimate principle is taken as absolute,
namely,

11 the principle nothing is agreed until everything is, then this
principle

12 is used to destroy the entire process. Negotiations are only
13 negotiations if all the sides are talking bona fide in the desire to
14 reach an agreement; otherwise, it's obstruction.

15 Q. Thank you, Mr. Zuzul. Let us look at the transcript again.
We

16 were talking about attacks on Vitez. On page in Croatian 704 and
English

17 page 29, Stjepan Kljuic is trying to raise the issue wouldn't it be
a

18 good idea if the army of Bosnia and Herzegovina moved to liberate
Foca

19 rather than moving at Vitez, and he goes on to say that from the

20 standpoint of Bosnia and Herzegovina and from the viewpoint of the
Muslim

21 people, "Foca would be more important to us."

22 Dr. Zuzul, tell us, which side held the territory of Foca

7 Herzegovina

13 Dr. Zuzul, did you know that towards the end of 1993, at the
same

14 time as negotiations were going on the BH army was moving to
liberate, as

15 they thought of it, Busovaca, Vitez, parts of Novi Travnik from the
HVO?

16 A. Well, I knew about sporadic clashes and skirmishes in those
17 areas, but I'm very surprised to see this transcript and to realise
that

18 those were planned operations. I had no inkling of that, and I
believe

19 no one on our side, none of those who participated in the negotiations,

20 were aware of it.

21 Q. Let's see how the leadership in Sarajevo planned this offensive

22 without having it become known. Pages 35, 36 in English. I will quote

23 Stjepan Kljuic. "Can we do something for our own sake? Since you -
-

24 since we were accused at the United Nations. The finger was pointed at

25 us. We have to respond. Why don't you appear on TV and say that the BH

Page 31082

1 army is not mounting an offensive against Vitez, but between us, look,

2 and I mean we're not children here. As Ivo says, someone has more life

3 experience and more wisdom. Some speak more, some speak less and do

4 more, et cetera. It is clear to all of us that strategically speaking,

5 the most important for the BH army are Vitez and Novi Travnik because the

6 industries are there, as my namesake said, that could carry us
through

7 another 20 years. And I said once, I said that to the president,
for the

8 sake of the international community you should say that we are not

9 mounting any offensives, and second, strictly between us, by the
18th we

10 should stop the offensive."

11 Tell us, Dr. Zuzul, did you have any knowledge that

12 Alija Izetbegovic or any of the representatives of the leadership in

13 Sarajevo.

9 why I said that I was astounded. If you remember, I personally --

10 JUDGE TRECHSEL: Excuse me. You have answered my question,

11 actually, and I would not like this to lead to further time being

12 consumed.

13 Excuse me, Ms. Alaburic.

14 MS. ALABURIC: [Interpretation] Your Honour, we're aware that
once

15 a foundation is laid facts have to be proven about such policies,
and

16 this is something that the Defence will be doing in the following --
next

17 months.

18 The next document is 4D 00930. In other words, the document
19 dated the 14th of January, 1993. Let's look at the page ending in
20 numbers 232. In the English version this is page 9, and then 11 and
the
21 beginning of page 12.

22 Q. One participant at the meeting, Mr. Ljubjankic read a German
23 report on the negotiations led in that period. Among other things,
the
24 BH army offensive against Vitez is mentioned. Let us focus on the
25 statement by Alija Izetbegovic. I quote: "Because they said who
would

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1 engage in the war effort now. I say we need Vitez for the sake of
the

2 future and not because we particularly wish to wage a war right
now. We

3 will be accused of wanting to capture Vitez in order to prolong the
war.

4 That's not why we're doing it. We need Vitez for the sake of our

5 future."

6 Tell us, Dr. Zuzul, did you have any knowledge that in early
1994

7 there had been fighting between the BH army and the HVO over Vitez?

8 A. I didn't have any specific knowledge. I did, however,
receive

9 sporadic information about fighting in certain areas of Central
Bosnia.

10 Q. Let me draw your attention to one part of the German report

11 Mr. Ljubjankic referred to. I quote: "In the last efforts to
achieve

12 peace it has become quite apparent that the Muslim army still treats
the

13 war option as option number one to say the least. Evidently they
want to

14 obtain from the Croats what it was impossible for them to obtain
from the

15 Serbs." Although there were other interesting remarks made here.

16 Dr. Zuzul, tell us, in the course of international
negotiations,

17 was it your impression or did you have first-hand knowledge of the
Muslim

18 leadership in Sarajevo

3 have to be in favour of an integral -- an integrated Bosnia-
Herzegovina,

4 but do not forget that the presence of that army is -- that that's
the

5 reason why we're contemplating a different solution other than that
of an

6 integrated state."

7 Dr. Zuzul, did you have any knowledge about the Muslim
leadership

8 in Sarajevo when President Tudjman told President Izetbegovic

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1 response to that was, "Even if million -- a million of them died, a
2 million would still be left to live their lives the way they should
be

3 lived." I'm quoting from memory here.

4 This conversation remained deeply etched in my memory, in a
way

5 it does fit into the general picture.

6 Q. Dr. Zuzul, thank you very much. My cross-examination is

7 finished.

8 MS. ALABURIC: [Interpretation] Your Honours, I generously
place

9 the remainder of my time at the disposal of the Prosecution.

10 JUDGE ANTONETTI: [Interpretation] Thank you very much,

11 Ms. Alaburic. You have been very generous indeed. Mr. Scott, you
have

12 the floor.

13 JUDGE TRECHSEL: Perhaps -- perhaps it is important for the
Bench

14 to clarify what I think you do not misunderstand. Ms. Alaburic, of

15 course, cannot dispose of her time in your favour, and you've got
plenty

16 anyway, I'm sure.

17 MS. ALABURIC: [Interpretation] Your Honour, this was said in

18 jest. We know that we do have the same amount of time as the
Prosecution

19 but that that time cannot be given away in this way. Thank you.

20 JUDGE TRECHSEL: The jest was carried on, Ms. Alaburic.

21 MR. SCOTT: Thank you, Mr. President, Your Honours. Again,
good

22 afternoon and to counsel and to all of those in the courtroom.

23 Cross-examination by Mr. Scott:

24 Q. And good afternoon, Mr. Zuzul. Let me just say that much of
your

25 testimony so far has -- has gone a long way toward confirming much
of the

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1 Prosecution case, so there will be many things that we won't, I
think,

2 need to talk about. I would like to ask you a number of questions

3 about -- or some questions at least about your preparations.

4 Before you came and appeared before the Chamber and gave
your

5 testimony in May, can you tell us a bit about what preparations you
made

6 in giving your testimony? Did you meet with anyone? Did you review

7 documents? What steps did you take in that regard?

8 MR. KHAN: Well, Your Honour, before that is answered, I
don't

9 want to be pedantic or difficult, but my learned friends for the

10 Prosecution have on numerous occasions decried a proclivity of some

11 members allegedly to insert comments in their questions, and in my

12 respectful submission that is precisely what my learned friend Mr.
Scott

13 has done in his opening remarks about much of the Prosecution case
being

14 proved. That is a matter, of course, for Your Honours to decide in
due

15 course and I simply rise. I don't want silence in any way, shape,
or

16 form to be viewed as some kind of consent or acceptance or
acquiescence

17 of the statement put forward by my learned friend.

18 MR. SCOTT:

19 Q. Sir, if you can go ahead and tell us, please, about what
20 preparations you made for giving you testimony starting in May,
please.

21 A. Mr. Scott, in order to prepare as best I could to help
ascertain

22 the truth and nothing but the truth - this is the way I see my
evidence

23 here - I met with the Defence for Mr. Prlic, reviewed the documents
they

24 placed at my disposal and went through these documents in my
discussion

25 with them. I had one telephone conversation with Madam Alaburic and
that

1 was all.

2 Q. And in the course of meeting with the Defence for Mr. Prlic
was

3 any sort of a statement prepared or a summary or an outline of your
4 testimony, anything that was prepared and put in front of you by way
of

5 review or something that would encapsulate or summarise, if you
will, the

6 testimony that you were expected to give?

7 A. I don't recall any such thing.

8 Q. And since you -- you'll recall that when you left the
courtroom

9 room in May the President admonished you not to speak to anyone
about

10 your testimony between that time and today, and let me just inquire,
have

11 you talked with anyone about your testimony, either the testimony
you've

12 already gave or the testimony you anticipated starting or commencing

13 again today? And by anyone, sir, I mean anyone. Have you spoken to

14 anyone about your testimony?

15 A. Well, my wife was present at the time and is present here
during

16 my testimony. I wouldn't place her in any of the categories. Of
course

17 I discussed my evidence with her, and in very general terms I spoke
with

18 certain individuals who are part of my private life. But as I
understood

19 what the -- Their Honours said, I did not talk to anyone who would
have

20 been involved in this case in any way. I did not discuss the case
with

21 anyone.

22 Q. Well, who were the certain individuals that you consider
part of

23 your private life that you spoke to about your testimony?

24 A. It would be very difficult to recall these individuals to
begin

25 with.

Page 31089

1 Q. Excuse me.

2 A. I'm --

3 Q. If it's that difficult to recall, just how many people did
you

4 talk to about your testimony?

5 A. About the substance of my testimony. Well, I don't know. I
6 don't think I talked about that to anyone. The fact remains that a
good
7 part of Croatia
16 were part of my private life." Now, please name some of those
17 individuals, please.

18 A. My apologies, Mr. Prosecutor. I fail to understand your
19 question. I think you need to be more specific when you asked me
what it
20 is I talked about. Well, for instance, I spoke to my family about
how I
21 felt in the courtroom. Now, whether this comes into the category of
22 discussing the testimony or not, I don't know.

23 Q. We'll put your family to one side, sir. Who else did you
speak
24 to about your testimony?

25 A. I can't particularly recall who it was I spoke to. In my
view, I

Page 31090

1 did not speak with anyone about the substance of my testimony or the
2 case.

3 Q. And since you appeared here in May anticipating at some
point

4 that you would be scheduled to come and complete your testimony,
since

5 you testified in May have you engaged in any other preparations,
made any

6 other reviews, reviewed any additional documents since beginning
your

7 testimony?

8 A. No specific documents. I apologise. Yes. I went through
some

9 documents published on the internet from some other cases. I read
some

10 books about that time period and territory, in particular this one
book

11 that is known to the Prosecution publish by the CIA analysts
entitled

12 "The Balkan Battlegrounds." This book helped refresh my memory of

13 certain events. Other than that, I wouldn't say that I had any such

14 activities, or I undertook any such activities with regard to this
case.

15 Q. When you say that you went through some documents published,

16 excuse me, on the internet from some other cases, what other cases
were

17 they about?

18 A. I saw part of the testimony of Mr. Mile Akmadzic on the
internet.

19 It was just a portion of it, not the entire testimony. And a part
of

20 Mr. Rebic's testimony.

21 Q. Now, what made you think that before coming back to give
your

22 testimony here under oath that you wanted to review Mr. Akmadzic's

23 testimony and Mr. Rebic's testimony?

24 MR. KARNAVAS: Excuse me, sir, before answering the question
I'm

25 going to object to the line of questioning. There was no
prohibition on

Page 31091

1 any of that. Secondly, as I understand it and from my sources, the

2 Prosecution has been very, very active in trying to dig up dirt onto
this

3 witness's private or past political affairs. So I don't think that
there

4 were any prohibitions. I don't think there's anything wrong with
it.

5 And in fact when the gentleman did ask for his -- a copy of his
6 transcript, he was told that he could get it from the internet. So
if

7 we're going to put any limitations, then we should do that before
the

8 person leaves the courtroom, not at this point. And I object to
this

9 line of questioning. I would like to know what the relevance is,
and I

10 would like an answer and a ruling on my objection.

11 MR. SCOTT: Your Honour, the Prosecution hasn't at this
point

12 suggested whether anything was improper or not but is simply
inquiring so

13 that the Chamber can fully assess the probative value and
credibility of

14 this witness, what he has done to prepare to testify, and if Mr.
Karnavas

15 doesn't have any objection to the content of it, that anyone can do
this,

16 then let's proceed with the questions.

17 My question -- my pending question is: What made the
witness

18 think that he would want to review the testimony of Mr. Akmadzic and
19 Mr. Rebic before resuming his testimony?

20 Q. Can you tell us that, sir?

21 JUDGE ANTONETTI: [Interpretation] Please answer, Witness.

22 THE WITNESS: [Interpretation] Thank you, Your Honour. First
of

23 all, I did not use the term, and I believe I'm quite precise in my
use of

24 Croatian, and I speak English. I never said that I reviewed the
25 testimonies of Mr. Akmadzic and Mr. Rebic. I simply said that since
I

Page 31092

1 was told that I could find transcripts of my own testimony on the

2 internet and that -- that they could only be found on the internet,
which

3 is not the easiest way of looking through something, then I came
across

4 the transcripts of other testimonies, and it seemed only logical to
go

5 and see what the course of these testimonies was. Since the
transcripts

6 were quite long and I was away on holiday with my family, I only
looked

7 at them cursorily. As I've just said, nobody ever told me that this

8 would be contrary to the rules binding me as a witness.

9 MR. SCOTT:

10 Q. Let's move forward to a few other basic points as we begin,
sir.

11 MR. SCOTT: I'd like for the witness to be shown in the

12 Prosecution's book of maps, which is Exhibit P 09276, and whichever
is

13 easier, whether to put it on e-court or whether to give it to the
witness

14 in hard copy, but map number 1, the very first map in P 09276, or
I'm

15 told that there is a copy in binder 2, I'm told, if that also
assists the

16 courtroom. Are P 092 -- I'll make sure I get it right. P 09276.
All

17 right. Apparently we're having -- could we please have it on the --

18 thank you.

19 Q. Mr. Zuzul, if you can look on the screen in front of you,
please,

20 and I think this will be fully adequate for the present purposes.

21 If you look at the map -- again for the record this is map

22 number 1 in the Prosecution's book of maps, which is P 09276. And
would

23 you agree with me, sir, that in December 1990, following the
elections,

24 the first open elections in Bosnia-Herzegovina, they were held in
about

25 November or December of 1990, every bit of the territory within
these --

Page 31093

1 the bright red line surrounding what has been labelled as "Bosnia,"
every bit of that territory belonged to the Republic of

6 Q. And in December, if we go forward a year in time, if we go
to

7 December 1991 had become an independent state and a Member State

13 United Nations, these were -- this red line, this bright red line,
these

14 were the internationally recognised borders of that Member State;
correct?

24 Q. Thank you. Now, in a similar fashion, as of the time that

25 Bosnia-Herzegovina became an independent state and a Member State;
correct?

6 assertions on where it was always stationed, where they was based.

7 Q. I'm not sure I understand the last part of your answer. It
8 trailed off a bit, sir, I'm sorry?

9 A. Well, let me try to explain. I believe that there had been
10 moments where the government of Bosnia and Herzegovina or the
Presidency

11 were unable to enter Sarajevo.

7 internationally recognised state of Bosnia and Herzegovina. That is
not

8 in dispute and that's correct.

9 Q. Sir. Was there any other government purported to represent
the

10 UN Member State of Bosnia and Herzegovina during that period of time
that

11 was recognised by the international community? Is there some other
12 government out there somewhere that was representing this state?

13 MR. KARNAVAS: Excuse me, sir. Which period are we talking
14 about?

15 MR. SCOTT: Between as we said in my initial question,
between

16 May 1992, include up to mid-1994.

17 MR. KARNAVAS: Then I would object since we have had
testimony

18 that at various negotiations Izetbegovic was seen to be a
representative

19 of the Muslim nation, and so on and so forth.

20 JUDGE ANTONETTI: [Interpretation] Let the Prosecutor do his
work.

21 We understand perfectly what the question is. We're waiting for the
22 answer. Your objection is pointless.

23 MR. KARNAVAS: I object to the form of the question, because
24 which -- because we have had testimony, we have had testimony where
25 Mr. Akmadzic was there as the prime minister in the United States.

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1 JUDGE TRECHSEL: Mr. Karnavas. Mr. Karnavas, I do not quite
2 understand the objections. Do you part from an assumption that
every

3 witness will say the same? If some witness has said something, do
you

4 think the same question cannot be put to the other witness?

5 MR. KARNAVAS: But I'm looking at the question, Judge
Treichsel,

6 and we have had testimony that when there were international
negotiations

7 you had three different parties.

8 JUDGE TRECHSEL: And that's it? That's the end of the
matter?

9 No other witness can be asked the same question, perhaps?

10 MR. KARNAVAS: Your Honour --

11 JUDGE TRECHSEL: I'm sorry. We have to assess the witness
12 testimony that is given here, and we do not expect and cannot and
should

13 not expect every witness to say the same thing. If one witness had
said

14 something, another witness may say the same or may say something

15 different, and I do not understand the justification of your
objection, I

16 must say.

17 MR. KARNAVAS: Well, if I could just get a ruling on my
18 objection. My objection is I object to the form of the question as
19 stated. It allows -- it has facts that are not -- that are not

20 accurately portrayed in the evidence. My objection can be sustained
or

21 overruled and we'll move on, but I'm entitled to a ruling.

22 JUDGE ANTONETTI: [Interpretation] Your objection is
overruled.

23 Please proceed, Mr. Scott.

24 MR. SCOTT:

25 Q. Mr. Zuzul, I'm not trying to -- I'm not trying to be
difficult

Page 31097

1 about this. I'm just trying to get a very clear answer. I'm not
talking

2 about who individual officials were or the fact that some of them
may

3 have worn different hats, and indeed the Chamber has heard about
that.

4 I'm talking about the government as an entity.

5 The international community had to be dealing with someone.
The

6 United Nations sitting in New York government. Correct?

12 equally correct that the representatives who simultaneously
represented

13 Bosnia and Herzegovina appeared in negotiations about Bosnia as
representatives of one of the sides. To me that posed no

6 Mr. Izetbegovic himself sometimes acted as the president of SDA, a
7 political party, sometimes as a representative of Muslims in
8 Bosnia-Herzegovina, and at other times as a president of
9 Bosnia-Herzegovina.

10 Q. And just in the same way that President Bush of the United
States

11 acts as the senior head of the Republican Party, and sometimes he
acts as

12 president of the United States. So I think we can establish that.

13 Now, let's go forward to Greater Serbia. You used that
concept

14 at least seven or eight times in your direct testimony. You talked
about

15 Greater Serbia that there existed in

21 Greater Serbia of Science, which is a public

Page 31099

1 later in Bosnia and Herzegovina. That is how the plan of creating a

2 Greater Serbia's representative to the UN in Geneva, who did you

21 A. It wasn't just in formal terms. Mr. Granic was my superior,
and

22 we cooperated very well, but I received many instructions directly
from

23 President Tudjman, instructions as to how to act in negotiations.
If you

24 want to know more, in my normal daily work of a diplomat I
communicated

25 with the Foreign Ministry, with Mr. Granic as the minister and

Page 31102

1 Mr. Sanader as Deputy Minister. In negotiations I communicated
directly

2 with President Tudjman even then, and especially when I became a
special

3 envoy of President Tudjman for these negotiations, and it was
logical to

4 talk directly with him.

5 Q. Just assist the Judges in having a bit more sense of your
6 communications during that time period. Now we're talking about
when you

7 were a UN -- excuse me, the representative to the UN in Geneva. How

8 often would you talk to, say, Mr. Granic or to President Tudjman?
Is

9 that something that would happen on a daily basis or once a week, or
was

10 there a regular morning telephone call? How would you -- how did
you

11 deal with these people?

12 A. Well, I think I could say that I talked to Mr. Granic almost
13 every day, a little less often with President Tudjman but still
14 relatively often. During negotiations I would hear from him every
day,

15 but it was not a rule to report to him every day. It's just that I
16 needed to keep him abreast of what was going on at the conference.

17 Q. Now, let me change to another individual, Mr. Susak. Had
you

18 known Mr. Susak before coming -- taking up your position first as
19 assistant and then Deputy Foreign Minister?

20 A. Correct. I met him when I was in the Croatian army -- or,
21 rather, the Ministry of Defence.

22 Q. And how did you come to meet Mr. Susak at that time?

23 A. Well, I was with a group of my colleagues, university
professors,

24 and we had this idea of creating a section for information and
psychology

25 work within the ministry, and that's when we met closer up with

Page 31103

1 Minister Susak. I think we first spoke to General Tus and then with

2 Minister Susak.

3 Q. Did you develop a relationship, though, with Mr. Susak after
this

4 initial acquaintance that you -- like with President Tudjman, Mr.
Susak

5 was someone that you had direct access to and would deal with
directly?

6 A. My relations with Minister Susak developed. We became
friends

7 almost. We communicated rather often, but it was not as often as I

8 communicated with Minister Granic or President Tudjman. I don't
remember

9 a single case when Minister Susak had given me specific instructions
on

10 any score whatever.

11 Q. And --

12 THE WITNESS: Just a small intervention in the translation.

I

13 said that I don't remember a single case when Minister Susak had
given

14 me, me as the ambassador, specific --

15 JUDGE ANTONETTI: [Interpretation] Witness, you were an
ambassador

16 of Croatia

18 mentioned in your testimony before. You said you had known Mr.
Boban

19 before, that in fact you grew up in the town, Imotski, where Mr.
Boban

20 worked, and as part of your testimony you said that just before the
21 developments that you had just been discussing and that you had just
been

22 discussing December of 1991 you said: "I had been directly in touch
with

23 Mr. Boban." Do you have any recollection of what business you had
with

24 Mr. Boban in approximately December 1991?

25 A. If I remember correctly what I said, I said I was indirectly
in

Page 31105

1 contact with Mr. Boban, and that's because my friend and his cousin,
I

2 suppose, Mr. Marinko Boban, contacted Mr. Mato Boban regarding
possible

3 organising of volunteers to assist with the liberation of Dubrovnik,
and

4 I don't recall any direct talk with him, with Mr. Boban, in December
5 1991. No, I don't recall that.

6 Q. All right. Well, I don't intend to spend much time on that
given

7 everything we need to talk about. You did -- it was transcribed at
page

8 26789 to 90 that you had "I had been directly in touch with Mr.
Boban

9 during that time," but I take it now that's been corrected.

10 What kind of relationship following that time did you
develop

11 with Mr. Boban in these -- in the years 1992, 1993, 1994, since he
was

12 the president of Herceg-Bosna, which I think we can all agree was

13 something that impacted your life at that time a fair amount. What
was

14 the nature of your dealings with Mr. Boban?

15 A. I haven't quite understood your statement, Mr. Prosecutor,
but as

16 I understand it, I cannot agree at all that my acquaintance with Mr.
Mate

17 Boban had significant bearing on my life. It had no significant
bearing

18 on my life whatsoever.

19 Q. [Previous translation continues] ... what I said was in
reference

20 to Herceg-Bosna, which I think that we can agree did have, at least
as a

21 topic, as something that was going on at the time, did have a
substantial

22 bearing on your life or probably you wouldn't be here. So in that

23 regard, in regard to your dealings with Herceg-Bosna or touching on

24 Herceg-Bosna, can you tell the Judges, please, what relationship did
you

25 develop with Mate Boban during that time period?

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1 A. Once again, Mr. Prosecutor, I will start by telling you that
not

2 even Herceg-Bosnia had a significant bearing on my life. The
Republic of

3 Croatia

6 time to talk about these specific topics, but tell us about your

7 relationship with Mr. Boban during that time.

8 A. As I said, we knew each other in private life. We would be
in

9 touch whenever he came to Geneva and behaved the way I was told to

16 You said, "Sometimes I expressed my disagreement with some of his
17 thoughts or actions." Can you identify some of those thoughts or
actions

18 that you disagreed with?

19 A. My style is markedly different from that of Boban. His
tough

20 approach did not always help resolve matters, and my remarks were
along

21 those lines. I regularly told President Tudjman and the minister
what

22 the situation was like with regard to negotiations, and I left the
23 decision up to them, whether they felt that they need to intervene
either

24 toward Mr. Boban or toward anyone else.

25 Q. So you disagreed with his style. Did you disagree with any
of

Page 31107

1 his policies or behaviour?

2 A. You see, Mr. Prosecutor, I was an ambassador, and I tried to

3 professionally perform my role. I was not a politician in Geneva
10 this conflict. I had heard of him for the first time in 1992 when
he
11 became the leader of the HDZ in BH. We were formally introduced
soon
12 afterwards but our first serious dealings only after I became --
had,"
13 excuse me, "but had our first serious dealings only after I had
become
14 head of Croatian diplomacy. We attended several meetings between
the
15 Croatian authorities and Croats in BH. We were never close, and we
16 supported completely different positions. Boban was a very narrow-
minded
17 man, full of hatred for the Bosniaks. He supported Bosnian Serbs,
18 believing that he could enter into an agreement with them regardless
of
19 the criminal policies of Karadzic, Mladic, and their assistants. It
was
20 clear to me that he was the biggest obstacle to peace in BH. At
meetings
21 he never spoke about the Bosniaks or Muslims but only used words
like

22 Turks or Baliija."

23 Now, how does Mr. Granic's description of Mr. Boban fit with
your

24 experience? Would you agree with that assessment?

25 A. This is Mr. Granic's opinion which he wrote a number of
years

Page 31109

1 later. He did not express his opinion in these terms in the period
of

2 time we're discussing. Still, I can agree with some aspects of what
he

3 said here.

4 I was under the impression that Mr. Boban felt that he could
find

5 a common language with the Serbs in Bosnia-Herzegovina more easily
than

6 with the Muslims in Bosnia-Herzegovina. Regardless of that, I would
not

7 say that Mr. Boban was the biggest obstacle to peace in

8 Bosnia-Herzegovina.

9 Q. And how about --

10 A. I think that's taking it a bit too far.

11 Q. And how about the statements that he was full of hatred for
the

12 Bosniaks and he always spoke about them using terms like Turks or
Baliija.

13 Was that your experience dealing with him?

14 A. I did hear him use these terms, but I would definitely not
say

15 that he used these terms all the time. He sometimes referred to
them as

16 Muslims and sometimes as Turks or Baliija.

17 Q. If I can just hopefully finish with this because I think we
may

18 be coming up on the time for the break, but in the middle of that

19 paragraph Dr. Granic says: "We supported completely different

20 positions."

21 Now, you worked closely on these issues for some period of
years.

22 You worked closely, as you've told us already, with Dr. Granic. Can
you

23 tell us how Dr. Granic's positions differed from Mr. Boban's
positions,

24 because Dr. Granic says they were completely different.

25 A. He makes a general statement here which refers to a large
period

Page 31110

1 of time. In my view, at some point there was a great difference in
2 principled views between Mr. Granic and me on the one hand and Mr.
Boban

3 and others on the other, and this preceded the Washington -- that
was

4 about the Washington and Bosnia-Herzegovina were part of the state of
Yugoslavia

17 the territory of which extended to the external borders, if you
will, of

18 the various republics of the former Yugoslavia until their independence
was declared.

3 Q. So would it be fair to say that in general in those respects
both

4 President Tudjman and President Izetbegovic, in 1990 and 1991, faced
a

5 very similar situation in reference to the state that they were part
of

6 and to the military forces of that state; correct?

7 A. I believe they did.

8 Q. At least during 1990 and well into 1991, neither Mr. --
neither

9 country, I shouldn't just refer to them as individuals, Mr. Tudjman
or

10 Mr. Izetbegovic, but neither Croatia

12 controlled by, ultimately, the Yugoslavia and the Republic

16 the republican, not federal institutions.

17 Q. And in approximately 1990, is it correct that both in
Croatia, perhaps, when that conflict broke out, Croatians -- Croatia against the JNA forces
in substantial parts of the territory of

4 A. Correct. That was my impression.

5 Q. And is it fair to say, and if you remember from being a
citizen

6 and living in that country at the time, that there was a fair amount
of

7 criticism directed at President Tudjman that he had not -- he and
his

8 government had not done more to prepare for military conflict with

9 Yugoslavia's territory?

16 Q. Now, you've indicated during your direct examination that
during

17 this time that the leadership of Bosnia and Herzegovina did not do

18 anything to protest the JNA actions or to support Croatia in
connection

19 with these various events in 1990 and 1991, and I want to direct
your

20 attention particularly there came a time, I believe, sir, on the 9th
of

21 January, 1991, where the Yugoslav -- federal Yugoslav Presidency or

22 government ordered illegal paramilitary forces in the republics to

23 disarm. Do you recall that?

24 A. Yes. Yes, I do recall stating in my testimony that the
general

25 impression was that the leadership of Bosnia-Herzegovina was doing

Page 31114

1 nothing to support Croatia and

5 Yugoslav Presidency to reconsider its actions in threatening to
disarm

6 alleged paramilitary forces in Slovenia

10 perform national service outside their republics?

11 A. Well, I do recall that vaguely. I don't recall exactly when
and

12 how it was formulated.

13 Q. Okay. Well, that brings us up to this so-called statement
by

14 Mr. Izetbegovic, "It's not our war," and you talked about that in
your

15 testimony at page 27618.

16 Now, the Chamber has heard quite a bit of evidence about
that.

17 Mr. Izetbegovic made that statement on the 6th of October, 1991, and
I

18 wonder, did you hear Mr. Izetbegovic make that statement?

19 A. I was not personally present when the statement was made,
but

20 there were so many reports of it that I believed at the time, and I
still

21 do believe that he stated that.

22 Q. And in fact, that particular four words, if you will, "It's
not

23 our war," was part of a much more extensive statement that he made
at the

24 time. I'm wondering if you ever actually read the entire statement.

25 A. I don't remember.

1 Q. Well, do you remember the context in which Mr. Izetbegovic
said

2 that, "It's not our war"? In the statement itself.

3 A. I don't remember the statement, but I do remember the
context of

4 the events in Croatia was breaking up.

18 you recall around that same time on the 20th of September, 1991,

19 Stipe Mesic, who at that time was serving as the Yugoslav president,

20 called on JNA soldiers to desert and go over to the side of the
elected

21 leadership in Croatia when? That's what his statement said if you've ever cared
to read the

6 MR. SCOTT: All of which is based on the evidence in the
record,

7 sir.

8 MR. KARNAVAS: If I may -- if I may be heard for my
objection and

9 then the gentleman can say whatever he wishes. If we trace the
previous

10 questions and answers, the witness has indicated that he hasn't seen
it.

11 He vaguely recalls, and so on. Now a question is put, and then

12 afterwards there is a declarative statement made by the Prosecution,
no

13 inflection. In fact, it is testimony. I object to that. In
believe

14 Mr. Khan quite eloquently informed us about the evils of such
statements.

15 I would respect the rules, and I would ask that the
Prosecutor be

16 cautioned, just as I'm cautioned on occasion when I get carried
away. I

17 would ask the same thing --

18 JUDGE TRECHSEL: Thank you. Thank you, Mr. Karnavas. I
think

19 you're quite right.

20 Mr. Scott, why don't you put the documents to the witness?
You

21 have other ways of bringing him to where you want to bring him, and
I

22 think counsel's objection is upheld.

23 MR. SCOTT: Thank you, sir.

24 THE INTERPRETER: Microphone for the counsel, please.

25 MR. SCOTT: The testimony of the witness is he has not seen
or

1 read the statement, so I'll leave it at that rather than showing him
a

2 statement that he's never seen before, but the Chamber has.

3 Q. Now, sir, around this same time period in 27 of January,
1991,

4 you recall President Tudjman endorsing the JNA's right to arrest
5 individuals who at the time were mainly activists of Croatia's
ruling

6 party concerning the illegal possession of arms. Do you recall

7 Mr. Tudjman endorsing the JNA's right to do that?

8 A. First of all, I didn't say that I never saw Mr.
Izetbegovic's

9 statement. I saw the statement on several occasions. I just said
that I

10 didn't hear it. Those are two different things.

11 Secondly, what you've just said is something I sincerely
don't

12 recall.

13 Q. Well, sir, since you come back to it, I'll just ask you
again.

14 Tell us what the rest of the statement -- what the rest of

15 Mr. Izetbegovic's statement says. You say you've seen it several
times.

16 Tell us, please, apart from those four words that you remember, what
was

17 the context? What was said above those four words? What was said
after

18 those four words, and tell us what the context and import of that

19 statement was.

20 MR. KARNAVAS: I think we need to be fair to the witness,
after

21 all of these years to ask the witness to recall something that was
said

22 years and years ago. I believe Judge Trechsel indicated the method
by

23 which this sort of technique should be used.

24 I did -- I did not give any hints to the Prosecution because
I'm

25 not here to tell him how to do his job, but I think that's the
proper

Page 31118

1 way. He can show him, and then if wants to further cross-examine
him on

2 that and confront him then that's fine, but I think it's rather
unfair to

3 ask a witness to recall something that he heard 15 years ago. Let's
be

4 realistic here.

5 JUDGE ANTONETTI: [Interpretation] Yes. I don't know what
you

6 want to highlight so I'll let you ask your questions, but as was
pointed

7 out by Mr. Karnavas it would be saving time if you had the exact

8 statement in the context of Mr. Izetbegovic. You may as well show
it to

9 the witness.

10 MR. SCOTT: I don't have time, Your Honour, to do that. And
the

11 point's already been made. The point has already been made. I
don't

12 know want to argue with him about what I show him in the document.
The

13 point is he doesn't remember anything about it except "It's not our
war,"

14 and that's the point.

15 Q. Sir, do you recall that in May 1991 President Tudjman
supported a

16 unanimous decision by the collective federal Yugoslav Presidency to
grant

17 the JNA more authority to deal with ethnic conflicts?

18 A. Truly I don't remember. I was in the United States of
America, in the Mostar area, who had been protesting, carrying on a

2 technique. Either show the documents and confront the witness, but
to

3 ask the witness to remember things or to recall is virtually
impossible

4 at this stage.

5 Now, I don't object to this form of questioning. However,
if

6 this is going to be the basis upon which later there's going to be a

7 motion to introduce documents, I will high object because now we're
not

8 giving the witness an opportunity to look at the documents. What is
the

9 basis for Mr. Scott's pronouncements? I don't know. I think we're

10 entitled to that.

11 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Scott. You're
asking

12 him whether he recalls, and he said he couldn't remember because at
the

13 time he was in the United States of America. Very well. Then to
refresh

14 his memory you should show him in the document. You should say here
is

15 the document showing this and he can say whether he's seen it or
not,

16 whether he was in the USA and

8 Croatia and the JNA?

8 between Tadjman and Milosevic in Karadjordjevo, to negotiate a deal
by

9 which Croatia, sir, you will see that Serbia has no contiguous border with

21 attacking and resisting the independence declared by Slovenia at
that

22 time? Correct?

23 A. Correct.

24 Q. And do you know anything that President Tadjman or the
Tadjman

25 government did to prevent the JNA from crossing Croatia territory to

1 carry out these actions in Slovenia in any position to help Slovenia, nor
had, nevertheless, had identical political positions and would not meddle in Serbia's
dispute with Slovenia

14 A. No, I'm not aware of that.

15 Q. Now, you've also talked about, in this -- in fact, in these
same

16 set of facts, essentially, that the people in both Croatia and
Bosnia took steps to essentially arm themselves; is that correct?

19 Bosnia and Herzegovina.

20 Q. And would you agree, sir, that the Muslim side had every
much

21 right to prepare for a conflict and arm themselves as the Croat
side?

22 A. Certainly.

23 JUDGE ANTONETTI: [Interpretation] Witness, there might be

24 something unclear in your answer. Maybe it was due to the question.

25 The arming of the population, was it spontaneous, or did
someone

Page 31123

1 tell them to arm themselves, because that would not be the same

2 situation.

3 THE WITNESS: [Interpretation] You're right, Mr. President.

I

4 would have answered precisely, but I had not understood the question
very

5 precisely. I'm not -- I think there were two parallel things going
on in

6 Croatia

24 A. There isn't, but if you use that strategy to obstruct

25 negotiations, then we cannot talk of it as something positive. I've

Page 31125

1 never claimed that that's the way they used this strategy. I just
shared

2 my impression that occasionally that is the way they were trying to

3 negotiate without actually agreeing to anything. That was my
impression.

4 Q. Would you -- could you agree that the opposite, if you've
said

5 that -- if I can paraphrase and I'll try to get it correctly, that,
one,

6 this idea that nothing is agreed until everything is agreed, but
would

7 you agree that the opposite can be equally destructive or misleading
or

8 non-productive and that is, the position that as soon as one thing
is

9 agreed, acting as if everything has been agreed?

10 A. Quite certainly. Every method, every approach used to
obstruct

11 negotiations is equally negative.

12 Q. Let me just be very transparent with you, sir. The position
of

13 many, and the Chamber has heard some of the witnesses in this
courtroom,

14 is that the problem encountered on the Croat side, as it were, I'm
not

15 talking about you personally, sir, generally speaking, was that when

16 something -- when one part of something would be agreed, the Croat
side

17 would then immediately act as if everything had been agreed and that
they

18 were ready to move forward on everything whether there was, in fact,

19 agreement or not. Have you ever heard that commentary made?

20 A. I can't remember any specific example, but it is true that
the

21 Croat side was keen to go forward with the implementation as soon as

22 something was agreed, guided simply by the idea that the sooner
something

23 is implemented, if it had been agreed already, the sooner the
objectives

24 will be reached, namely, to stop the war.

25 Q. Isn't it fair to say, sir, that on a number of occasions,
both

Page 31126

1 the international negotiators and/or the Serbs and/or the Muslim
party on

2 a number of occasions would say, "Hold on. We're not there yet.
Yes,

3 we've agreed to something, some parts but not everything, and we're
not

4 ready to go forward further"? Didn't that happen on a number of

5 occasions? January 1993, March 1993?

6 A. Naturally. Certainly such things happened in all sorts of

7 negotiations, especially the very complex ones like this.

8 Q. In one of your -- in some of your earlier testimony you were

9 talking about one of the meetings -- one of the presidential
meetings in

10 June 1991, and there were negotiations involving -- well, the
positions

11 of Mr. Izetbegovic and Mr. Gligorov at one point, and Tudjman was
quoted

12 as saying, and again this is in the transcript of the 8 June 1991

13 meeting, P 00037, and Tudjman is quoted as saying, "Basically, that
is,

14 Serbia, when did that process start?

16 But speaking of the situation at the negotiations, I believe two

17 important factors determined the beginning of the Washington
process.

18 First was the direct involvement of the US, that is, sending Mr.
Redman

19 as a special envoy of President Clinton, and second was the feeling
that

20 prevailed in everyone. I believe that the peace conference, the way
it

21 ran in Geneva was under tremendous international pressure

17 A. I could not comment on the situation in the conflict on the
18 ground. There are certainly other people who know that better. But
it's

19 true that Croatia, you had expressed a view, had

25 word, that was not viable. That had been your position; correct?

1 A. That was my impression then, yes.

2 Q. I'd like to turn, please, in your binder to -- I'll tell you
3 which binder in a moment, Exhibit P 10532 should be in the third
binder.

4 P 10532.

5 Sir, this is a press account by the BBC on the 9th of
August,

6 1993, in connection with ongoing negotiations at the time. You were
7 interviewed, described here as the head of Croatian mission to the
UN in

8 Geneva

10 Muslim and Croat republics into a Bosnia-Herzegovina union is not
11 acceptable, Zuzul said, 'It could hardly work.'

12 Why did you think a unification of Muslims and Croats in a
13 unified Bosnia-Herzegovina "could hardly work"?

14 A. I don't really recall that statement, although I have no
reason

15 to claim it's not true. But if I had said that, then I must have
16 believed at that moment that it couldn't work. Still, I continued
or

17 started to work actively for that solution in which it could work.
So if

18 I had said that, it applied only to that moment.

19 Q. And you said earlier today, I believe, that -- you talked --
made

20 reference to the fact that maps had been prepared by the
international

21 representatives involved, but just to be clear here, because in the

22 previous paragraph you're commenting on the allocation of
territory. The

23 Bosnian Muslims would get 30 per cent, et cetera. I mean, isn't it
fair

24 to say, sir, that all the parties were constantly preparing and

25 submitting maps throughout this process?

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1 A. That's completely correct, but I was talking about the map
that

2 was part of the Vance-Owen Plan, because I think that was the
question.

3 The map was shown to me, and I believe I said it had been prepared
by

4 international experts.

5 Q. Is it fair to say, sir, moving on Washington, that --
further

6 into it, if you will, that as it ultimately came about and as
ultimately

7 signed by the Croat and Muslim parties, that the Washington
Agreement was

8 a fairly radical shift from the previous peace plans and represented
a

9 substantial turn in Croatia

11 because even before there had been talk about a federation and a

12 confederation between Muslims and Croats in Bosnia and Herzegovina on
the 13th of February, 1994. You can refer to -- there should

7 situation arising from the initiative taken by the United States
with a

8 group of European countries for an ongoing solution to the

9 Bosnia-Herzegovina crisis."

10 Now, the new situation, sir, that's referred to by

11 President Tudjman here, that's Washington Agreement.

24 Do you recall -- do you recall the decision being made by

25 President Tudjman that Boban would no longer participate in the

Page 31132

1 negotiations in early 1994?

2 A. I remember that Mate Boban stopped participating in the
3 negotiations at that time and that President Tudjman wanted him to
stop,
4 but whether anyone made a formal decision about that and who made
it, I
5 don't know.

6 Q. If I can ask you to go to page 4 of the record.
7 President Tudjman refers to the ongoing discussions, and about a
third of
8 the way down that page it says: "We are for a union of three
republics
9 of Bosnia and Herzegovina, but the question could be raised and
10 Ambassador Zuzul, who spoke to the American envoy Redman, who was in
11 charge of it, will tell you we could find ourselves in a delicate
12 position if that American and Western policy were to go as far as
13 allowing the departure of the Serbs ..."

14 Now, on the Croat side, and I don't mean the Bosnian Croats
but
15 in terms of the Croats from the Republic of Croatia
22 agreement with the Muslims, but an agreement which will not bring in
23 question our interest in Herceg-Bosna or our state interest as a
whole."

24 Now, this record will show, sir, and we probably won't get
to it

25 tonight, but that you were present in this meeting. What did you

Page 31133

1 understand President Tudjman to mean when he says, "We will not
allow the

2 agreement to put in question our interest in Herceg-Bosna"?

3 A. Then and now my interpretation was that he meant protection
of

4 the constitutive status of the Croat people in Bosnia and
Herzegovina,

1 Tuesday, 22 July 2008

2 [Open session]

3 [The accused entered court]

4 [The Accused Pusic not present]

5 [The witness entered court]

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

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

8 case.

9 THE REGISTRAR: Good morning, Your Honours. Good morning,
10 everyone in and around the courtroom. This is case number IT-04-74-
T,

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

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

13 Today is Tuesday, the 22nd of July, 2008. Good morning to the
accused.

14 My best wishes for Mr. Pusic who's been absent for a few of days.
Good

15 morning to the Defence counsel, to all the OTP representatives, and
of

16 course good morning to you, Witness, and good morning to all the
people

17 helping us.

18 We are going to continue with the cross-examination. You
have

19 used so far one hour and 39 minutes, Mr. Scott. You may proceed.

20 MR. SCOTT: Thank you, Mr. President. Good morning,

21 Your Honours, and to all those in and around the courtroom. Just
before

22 I begin, Your Honour, just for the record the Prosecution is filing
this

23 morning a written objection to some Defence documents tendered
through

24 the witness -- in connection with the witness Buntic, and we ran
into a

25 bit of a computer glitch, but as soon as that's corrected it will be

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1 filed straight away this morning.

2 WITNESS: MIOMIR ZUZUL [Resumed]

3 [Witness answered through interpreter]

4 Cross-examination by Mr. Scott: [Continued]

5 Q. Good morning, Mr. Zuzul.

6 A. [In English] Good morning.

7 Q. I'd like to just go back ever so briefly to just a couple of
8 points from yesterday. Again, just in terms of negotiations, would
it be

9 fair to say in your negotiations experience, would it be fair to say
that

10 in a situation where people are -- parties may expect a cease-fire
or a

11 peace agreement, if you will, to, if I can put it this way, break
out at

12 any moment or to be approaching, each side at that moment wants to
put as

13 much territory as possible under its boot, so to speak. Is that
correct?

14 A. [Interpretation] Well, I think that one could put it that
way,

15 generally speaking.

16 Q. And so it wouldn't surprise you in any particular situation
in

17 the Balkan conflict that all sides were engaged in that, would it?

18 A. I wouldn't dare to make such a generalised statement in
respect

19 of specific cases. Generally speaking, that is correct but I
wouldn't

20 dare confirm that for every specific case.

21 Q. All right. And you were asked some questions at one point
about

22 military planning and you were shown some documents which seem to
confirm

23 that there was indeed some advanced planning of certain military

24 operations. Isn't it also correct, sir, that that's often the idea

25 behind planning military operation because you don't tell the other
side

Page 31136

1 what the plans are?

2 A. It is only logical and understandable that this should be
the

3 case.

4 Q. Now -- and then just touching on -- going back to the

5 presidential transcript that we were in yesterday, I asked you about
the

6 decision to remove Mate Boban from the negotiations, from the peace

7 negotiations, as of early -- at least early 1994, and I asked you
about

8 that and you said - looking at page 87 of the daily transcript from
9 yesterday - and you said: "But whether anyone made a formal
decision
10 about that and who made it, I don't know."

11 But, sir, didn't you see it on the very page of the
transcript

12 that I showed you that President Tadjman said in no uncertain
terms: I

13 made the decision, it was my decision, I decided. Isn't that
correct?

14 MR. KARNAVAS: Your Honour, I object. Is he asking to
verify

15 what's on the transcript or is he asking to verify what was on
Tadjman's

16 mind and intentions? There's a distinction there.

17 MR. SCOTT: Not what was on Tadjman's mind, what Tadjman
said.

18 MR. KARNAVAS: Then the transcript speaks for itself.
That's the

19 best evidence.

20 MR. SCOTT:

21 Q. And do you have some reason to doubt that, sir?

22 A. Is that question addressed to me? I'm sorry.

23 Q. Yes, sir. Didn't Tadjman say - and if we need to go to it
again,

24 if you want to turn to Exhibit P 07856, which we'll be going back to
in a

25 moment in any event, it was in the second binder, binder number 2.
The

Page 31137

1 usher we'll need your assistance, please.

2 A. I remember what I said yesterday too, and you're right.

3 President Tadjman uttered the sentence which found its way into the
4 transcript. However, what I said or added in my answer and what I
wish

5 to repeat today is that I don't know whether a formal body was
supposed

6 to verify or make that decision.

7 Q. Well --

8 A. However, as is generally known, the international community
9 always asked President Tadjman to use his influence in the
negotiations.

10 We can see this in the specific case. The international community
asked

11 President Tudjman to help and intercede in order to make sure that
the

12 Croats from Bosnia-Herzegovina were forthcoming and -- in these

13 negotiations. Now, I don't know whether President Tudjman issued
this

14 decision or not; this is something that I stressed.

15 Q. Sir, what you just said now, isn't that another way of just

16 saying -- recognising that everyone involved, the international

17 community, knew of the direct connection between Tudjman and the

18 Herceg-Bosna leadership? It was no secret, was it? And it was for
that

19 very reason that the international community approached Tudjman time

20 after time after time?

21 A. Correct.

22 Q. In fact -- I know you know and you've testified about some
of

23 your dealings with Ambassador Galbraith, Ambassador Galbraith
testified

24 that the direct connection and the control by Tudjman of the Herceg-
Bosna

25 leadership, I think his exact words were was an open secret bearing
on

1 be -- verging on being no secret at all. Would you agree with that?

2 A. That he had a direct connection with the representatives of
3 Croats in Bosnia-Herzegovina was no secret, open or otherwise. When
they

4 came to -- into Zagreb nominated -- or let me say supported a candidate from

15 Q. Going back to the transcript - and if you can find that,
please,

16 now that you have the binder in front of you, binder number 2, 7856
- if

17 you'll go to page 8 of the transcript, please, just again confirming
as

18 we began to discuss yesterday, your involvement in this particular
19 meeting. On page 8 this statement is attributed to you.

20 "I might suggest, Mr. President, as Mr. Akmadzic and Mr.
Zubak

21 received messages to transmit -- in fact, they're similar to what I
said,

22 et cetera ..."

23 And then the conversation turns to Mr. Akmadzic and Mr.
Akmadzic

24 says: "I would just like to say a few words, as I assume, Mr.
President,

25 that Mr. Granic and Mr. Zuzul have already informed you to some
extent

Page 31139

1 about certain matters."

2 Was that the case, that prior to, in fact, this meeting you
and

3 Dr. Granic had already briefed President Tudjman on these matters?

4 A. I think that that's correct.

5 Q. There's a reference further down in the part that I just
read to

6 you about Mr. Akmadzic where he says: "... we spoke with this
delegation

7 of the so-called Croatian council from Sarajevo."

8 Can you briefly, please, tell us the Judges what this
Croatian

9 council from Sarajevo was an attempt on the part of

12 active before, others weren't, to get organized as a sort of
parallel

13 representatives of Croats from Bosnia-Herzegovina. It seems to me
that

14 they never gained the support of the Croat population in
15 Bosnia-Herzegovina. Regardless of the fact that representatives of
the
16 international community sometimes received them, they never had any
17 actual influence in the communication with the international
community.

18 There may have existed a wish for them to be recognised to a greater
19 extent, but what was also evident was the fact that they in fact
20 represented mostly themselves rather than a population.

21 Q. All right. Well, Mr. Zuzul, I don't have time to argue
about

22 that with you today, but was Mr. Komsic, a man named Ivo Komsic,
part of

23 that group?

24 A. To my knowledge, he was. Members of that group changed, but
I do

25 believe Mr. Komsic was a member.

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1 Q. Now, if you'll turn to page 28, sir, I'm going to ask your
2 assistance in the -- it might be difficult, but I would ask for you,
3 please, despite whatever differences that the two of us may have, we
need

4 to move fairly quickly today. My time is limited, and I'll try to
be as

5 concise as I can and I'll appreciate if you can assist us in doing
the

6 same. If you'll go to paragraph -- page 28, please, I just want to

7 indicate here this is another intervention by you. Just to confirm
what

8 you said yesterday, if you look at the second paragraph under your
name

9 and you report to the group, first the conference -- the conference,
and

10 I take it that is the reference to the International Conference on
the

11 former Yugoslavia

14 not dying ..."

15 So that process had really run its course, so to speak;
correct?

16 A. In my view, yes.

17 Q. If you go to page 33, please, and this is still you
speaking.

18 You say on the first paragraph on that page you say: "Silajdzic
told me,

19 very openly, that Komsic's proposal was not entirely Komsic's. I
mean,

20 that's completely clear, because besides this map, which you have in

21 front of you, these are completely developed documents, evidently
done by

22 experts. And Redman," he was the US Special Envoy, I believe,
correct,

23 "has indicated that he is very familiar with their content."

24 Now, this is the same Mr. Komsic that you mentioned just a
moment

25 ago; is that correct?

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1 A. Yes, that's the same gentleman.

2 Q. And what did you know at the time and what did you mean when
you

3 said that Komsic's proposal was not entirely Komsic's?

4 A. As I said here, Silajdzic told me this and he was not only
5 familiar with Komsic's proposal but Silajdzic said, it seems to me,
that

6 the proposal was agreed upon between Komsic and the Muslim side. I
also

7 believe that they had already acquainted Ambassador Redman with the

8 proposal.

9 Q. In fact, sir, isn't it correct that what Komsic put on the
table,

10 so to speak, was what came to be the Washington Agreement?

11 A. I don't exactly remember what it was that Mr. Komsic put on
the

12 table, but I wouldn't say that this evolved into the Washington
Agreement

13 because there still had to -- there was still a long way of
negotiations

14 to pass before the agreement would be reached.

15 Q. All right. Well, again, I don't want to spend too much time
on

16 it, but it may not -- Mr. Komsic's proposal may not have been the
last

17 word, the final version, but isn't it fair to say that it was the
concept

18 put on the table at that time that then after further negotiations

19 evolved into Washington?

12 the table at the time. However, as I said, the process of the
Washington

13 Agreement took a long time. In my earlier evidence I spoke
extensively

14 of the negotiations I had with Mr. Biscevic, with Ambassador
Biscevic on
15 behalf of our side, and on the other side there were Mr. Silajdzic
and
16 Mr. Komsic. The proposals we discussed at the time originated from
our
17 side, in fact, from my side. If one closely follows the course of
18 events, that can in fact be taken as the start of the negotiations
19 leading to the Washington Agreement or the talks Mr. Granic had with
20 Mr. Silajdzic or the talks between Mr. Granic and myself with
Ambassador

21 Redman --

22 Q. All right, sir. I want to go on, please --

23 A. -- all of that preceded --

24 JUDGE PRANDLER: Excuse me. I'm very sorry to interrupt
you, but

25 let me ask both of you, please slow down a bit for the sake of the

Page 31143

1 interpreters. I would appreciate it very much. Thank you.

2 MR. SCOTT: My apologies, Your Honour.

3 Q. And I apologise to you again, Mr. Zuzul, I'm not trying to
be

4 discourteous, but again time is quite limited and sometimes -- I
have to

5 press forward with particular questions. I wish we had more time,
6 frankly.

7 Let me ask you to go to page 59 of the transcript. At the
middle

8 of that page, sir, President Tudjman comes back into the
conversation and

9 says this: "Well, Gentlemen, what we have heard about this
reversal, in

10 the sense that America, if possible, and forcing us to cooperate with the
Muslims."

2 transcript that we were looking at a few moments ago, a few days
later.

3 Now, if you can scan down the page until you see the heading:

4 "Muslim-Croat union in Bosnia-Herzegovina ..." and it starts off
with

5 Mr. Tudjman saying: "Today, for the first time, all the relevant
6 international factors from Europe

13 Going over to the next page, top of the next page, there's a
paragraph

14 that says: "Therefore, they have recommended to us, insisted and

15 persisted, that we must reach an agreement with the Muslims."

16 Now, when one reads this entire article, including the parts
that

17 I just quoted to you, in a consistent -- I put to you consistent
with

18 President Tudjman's use of the word "reversal" in the presidential
19 transcript, this agreement, the Washington Agreement, represented a
20 fairly abrupt shift from what had happened previously and

21 President Tudjman viewed this largely as something that had been
imposed

22 on Croatia occurred in the context of the international community. On

2 number one; number two, the protection of the Croats in

3 Bosnia-Herzegovina. Keeping in mind and taking care of these two

4 matters, the position of Croatia

18 turning point in the life of the Croatian people and in the drawing
of

19 those everlasting lines, in the process of demarcation between the
worlds

20 and civilizations in this area."

21 Do you agree with that statement?

22 A. Well, I do agree that this is a statement that I heard on
several

23 occasions from President Tudjman, though it was not only from him
that I

24 heard it.

25 Q. I would like to turn briefly to some maps that resulted from

Page 31146

1 Washington Agreement. It accepted the Cutileiro Agreement, it

4 MR. SCOTT: Your Honour, this topic, both the Washington and

5 Dayton. I mean, listen to the line of questioning, Your Honours,

18 an abuse of process to give the Prosecution that much amount of time

19 simply to harass witnesses. Your Honours, this is pure harassment.

It

20 has nothing to do with the case.

21 JUDGE ANTONETTI: [Interpretation] The objection is
overruled.

22 Mr. Scott, you may proceed. The Chamber deems that the
questions

23 in relation to the Washington Agreement can be relevant in the
context.

24 MR. SCOTT:

25 Q. And, sir, if I can next ask you to go in a similar fashion
to

Page 31149

1 P 10552, which is a map resulting from the Dayton Agreement. Can
you --

2 A. Yes, Mr. Prosecutor, certainly but I do wish to mention that
I

3 didn't manage to answer your previous question --

4 Q. Well, I've lost --

5 A. -- because there was an interruption. If you wish me to
answer

6 it.

7 Q. I do appreciate that, sir. I've lost it on the screen, to
be

8 perfectly honest. If we can go back --

9 MR. KHAN: If it helps, Your Honour, page 14, line 2.

10 JUDGE TRECHSEL: Page 13 --

11 MR. SCOTT:

12 Q. Yes, sir, here's my question to you, please, and perhaps you
13 recall it, you seem to recall it and I do appreciate your bringing
it to

14 my attention. It says: "Hopefully -- but if you can recall, sir,
can

15 you please confirm to the Judges that contrary, in quite substantial

16 contrast to the maps resulting from the Vance-Owen Plan that were
signed

17 in March 1993, a large part of what had been in the so-called Croat

18 provinces 8 and 10 are now instead in the mixed province of 6 and
7?"

19 And actually your answer was: "Correct." But if you'd like

20 something more, sir, briefly, then please do so.

21 A. Thank you very much. The Croatian side, as is well-known,

22 accepted the Vance-Owen Peace Plan. However, evidently it could not
be

23 negotiated fully. Inter alia, the demarcation within zones 6 and 7
could

24 not be negotiated. I often spoke, for example, about the issue of
Neum

25 which was very important to the Muslim side, and according to the

Page 31150

1 Vance-Owen Plan and every previous plan it was part of a unit
belonging

2 to the Croatian people.

3 The model of the Vance-Owen Plan was the following. There
are

4 three entities, both ethnic and territorial. The model of the
Washington

5 plan was that Croats enter a federation with the Muslims, and in
such a

6 situation the demarcation in the various units in zones 6 and 7 is
no

7 longer so important because it was agreed that the Croats and
Muslims

8 would hold power together in these areas and that they would not
divide

9 the territories according to the ethnic principle. That is why
there is

10 this deviation from the Owen-Stoltenberg or the Vance-Owen Plan,
which

11 the Croatian side accepted, out of the same desire that it had when
it

12 accepted the Vance-Owen Peace Plan and that was to find a solution
in

13 Bosnia-Herzegovina that would lead to peace.

14 Q. Thank you. We're going to have to move forward. If I can
ask

15 you to look, please, next briefly at P 10552. And can you just
confirm

16 to us, please, that based again on your general knowledge and
familiarity

17 with these items, that this is a map which shows the cantons
resulting

18 from the Dayton's

25 Bosnian Posavina area. Now the territory marked as Croatian is

Page 31151

1 considerably smaller.

2 Q. And in contrast -- in contrast to that, the total area
covered by

3 8 and 10 in the Dayton to Tudjman. Now, at that time how did you

Page 31152

1 to me in the second also, Tudjman did not take up that conversation,
he

2 didn't accept it, so there was no further talk of defining the
territory.

3 Q. Do you have any reason to agree or disagree that western

4 Herzegovina map as area number 8?

7 statements being said "no" verbally in the courtroom from the other
side

8 of the courtroom. I've heard it now twice. Someone has said "no"
twice,

9 I heard it twice. That should not be happening.

10 THE WITNESS: [Interpretation] Although I am no expert in
11 establishing maps and territories, I'm sufficiently familiar with
the

12 area for me to say that this is not a map of western Herzegovina
because

13 it does not include areas such as Citluk, such as Capljina, such as
Neum.

14 Generally speaking, Herzegovina

5 issued a joint statement. I was with President Tudjman when we
prepared

6 the statement."

7 So can you just confirm to us that pages 9 and 10 of Exhibit

8 P 10481 is the document that you helped prepare at that time?

9 A. I think that's the document.

10 Q. I'd like to turn next, please, to the topic of

11 President Tudjman's views or positions and connections with Croatia
and

12 Croatian territory. You've told us several times that President
Tudjman

13 often talked about these matters as an historian, but I'd like to
show

14 you in a few moments some statements of people that were dealing
with him

15 not as an historian, I put to you, but in an operational capacity,
if you

16 will, or in connection with negotiations.

17 Before I do that, you said during your direct examination
that

18 one of President Tudjman's motivations or the basis on which he
acted

19 throughout this period was in the interest of the Croats living in

20 Bosnia-Herzegovina, that even -- in fact, at one point you said that

21 there was even an obligation under the Croatian constitution to
protect

22 the Croats living in Bosnia-Herzegovina. Is that correct?

23 A. Yes, that is correct.

24 Q. Now, would you agree with me, sir, however, that doesn't

25 mean - at least in general circumstances - that Croatia would have
the

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1 right to invade Bosnia-Herzegovina to "protect the Croats" there?

2 A. In my opinion, it absolutely does not mean that, nor am I
aware

3 that anyone in Croatia and Slovakia. There are

4 organize the world politically in such a way that ethnically pure
nations

5 can exist. Europe ambassador to that region who had extensive

19 passages, please. If I can ask you to turn in the preface -- if you
can

20 see the numbers at the top of the page, the page -- the preface at
Roman

21 numeral IX, the preface at the top of the page of Roman numeral IX,
let

22 me just read to you, sir, just bear with me, let me read a couple of

23 passages and I'll ask you a couple of questions about him.

24 About halfway down that page it says: "Franjo Tudjman,
elected

25 president of Croatia. A fanatic Croatian nationalist, Tudjman hated

3 Croats, and he was unwilling to guarantee equal rights to the 12
per

4 cent of Croatia in 1991. And Tudjman's greed in seeking to annex

9 in that ill-starred republic."

10 And if you will then turn to page 75 and then I'll stop and
ask

11 you about these. Top of page 75 Ambassador Zimmermann says:

"Unlike

12 Milosevic, who was driven by a power, Tadjman betrayed an obsession
with

13 Croatian nationalism. His devotion to Croatia was of the most

14 narrow-minded sort and he never showed much understanding of or
interest

15 in democratic values. "

16 Now, these words have been written by someone who had
extensive

17 dealings with President Tadjman at that time. What is your comment
about

18 that?

19 A. I can make several comments about this. Firstly, at that
time I

20 was not active in politics or diplomacy, but I don't believe that

21 President Tadjman, as you said, frequently met Ambassador
Zimmermann.

22 They did meet, but not that often. Of course that doesn't mean that

23 Ambassador Zimmermann could not know him very well. On the two
pages you

24 quoted there are two different points made. What it says on page 75
25 about the assessment of Tadjman's personality, we can discuss that
until

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1 kingdom come, and I don't want to deny that Ambassador Zimmermann or
2 anyone else has the right to hold a certain opinion about someone.
3 Everyone has that right. However, in the first quotation you read
4 Ambassador Zimmermann puts forward his own view of the break-up of
5 Yugoslavia

21 usual, was more bluff in his approach to Bosnia. Among his closest
22 advisers was his defence minister Gojko Susak, a Darth Vader-like
23 individual with black eyebrows and a permanent scowl, whose Canadian
24 fortune had gone into supporting Tadjman's party and, it was
believed,

25 buying arms for Croatia and join it to Croatia
3 this agenda on Tadjman, but the Croatian leader didn't need a lot of
4 encouragement."

5 Slowing down for the interpreters. My apology.

6 "In a long meeting with me on January 14, 1992, just a few
weeks

7 after his German protectors had bullied the European Community into

8 supporting Bosnia..

13 Izetbegovic's policies."

14 Now, I would cut through some of this but then I would probably

15 be accused of editorialising so I'll just keep reading.

16 "Tudjman's description of those policies were breath-taking. The

17 Muslims, he said, want to establish an Islamic fundamentalist state.

18 They plan to do this by flooding Bosnia with 500.000 Turks.
Izetbegovic

19 has also launched a demographic threat. He has a secret policy to reward

20 regard large families so that in a few years the Muslims will be in a

21 majority in Bosnia

24 If I might be allowed, skipping down to the next paragraph.

25 "Tudjman admitted that he had discussed these fantasies with

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1 Milosevic, the Yugoslav Army leadership and the Bosnian Serbs, and 'they

2 agree that the only solution is to divide up Bosnia between Serbia.'

Magnanimously, Tudjman said he didn't insist on a 50/50

8 had a lot more experience with Islamic fundamentalism than he did.
In

9 our view Izetbegovic was neither a radical fundamentalist nor a
threat to

10 anybody. The United States would strongly oppose the break-up of
Bosnia comes from the Serbs and the JNA not from the Muslims.

14 Muslims will react? What you propose ignores the rights of a large
share

15 of Bosnia. I must admit that this is something I had never heard either

18 speaking here under an oath, and the authors wrote books for various

19 motives. As for the author of this book, I had the honour of
speaking to

20 Mr. Zimmermann and I believe that a motive in his writing the book
was to

21 justify the erroneous assessments which he initially made at the
start of

22 the break-up of Yugoslavia. He had his opinions on the matter, but I wish to

25 proved his opinions wrong. Recently CIA reports were published
dating

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1 from that period, which showed that the CIA had completely erroneous

2 assessments as to what was going to happen and how the break-up of

3 Yugoslavia was going to unfold.

9 first or the last time that the CIA got something wrong, but be that
as

10 it may if we could go, please, to Exhibit P 10402. This is a --
this

11 comes from a book written by Mate Granic, the foreign minister of
Croatia

12 during this period and a person who you described at least in part
as

13 your immediate superior and a person from whom in addition to

14 President Tudjman directly you took instruction from. There's much
in

15 the book that we could cover, again, if we had more time, but I'd
like to

16 direct your particular attention, please, to page 71 -- excuse me,
my

17 apologies, it should be in binder number 3, P 10402. On page 71

18 Mr. Granic says -- and he's referring in the context, I represent to
you,

19 to the situation in Bosnia and Herzegovina, if you look at the
previous

20 passages and pages.

21 "As the minister of foreign affairs, I often spoke about the

22 situation there," a reference to Bosnia and Herzegovina, "with
Tudjman.

23 Bosnia and Herzegovina was his favourite topic. He always talked
about

24 it at the strategic level while he left to Susak all practical
issues

25 including military aid, the financing of Croats or political
relations

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1 with the BH, HDZ. Despite the enormous confidence he had in Susak,
I

2 knew that Tudjman occasionally received information from other
sources.

3 He was in direct contact with Darinko Bago and often spoke with
Zdravko

4 Sancevic, Croatian ambassador in Sarajevo and Ciro Grubisic, the
general

5 consul in Mostar who had been appointed at the insistence of Susak.

6 Tudjman's obsession was to recreate the Croatian Banovina which had
been

7 established in 1939 based on the Cvetkovic-Macek Agreement according
to

8 which Herzegovina. The president often told me that Banovina was the

13 you have any reason to disagree that this is an accurate accounting
by

14 Mate Granic of his dealings with President Tudjman?

15 A. Again, I want to stress first of all that I speak here under
an

16 oath, whereas Mr. Granic wrote his book while he was participating
in

17 political campaigns. My statements aim at the truth and of course
the

18 motives he had for writing this book are probably the motives shared
by

19 all politicians when writing their books. It's true that Mr. Granic
had

20 very frequent contact with President Tudjman. It is most certainly
true

21 that oftentimes they discussed Bosnia-Herzegovina. It is not true
that

22 Mr. Granic did not have any political tasks or influence vis-a-vis

23 Bosnia-Herzegovina; quite the contrary, he very often did have tasks
as

24 the foreign minister. What's more, the ambassadors reported
primarily to

25 him, regardless of their contacts with President Tudjman.

1 I had never heard from President Tudjman or I had never
heard

2 President Tudjman say that in territorial terms Croatia should have
the

3 borders of the former Croatian Banovina. I tried to show the full
extent

4 of the absurdity of that idea on the map we looked at yesterday. I

5 cannot claim or state anything about what Mr. Granic might have
heard

6 from anyone including the president. However, to my mind, or
rather, he

7 did not speak to me either as an ambassador or as a friend. I still

8 remain a friend of Mr. Granic's despite the fact that we do not
belong to

9 the same political parties.

10 Q. In terms of the Banovina, you said this several times you
said it

11 yesterday, I put to you that what was being discussed here was not
to

12 reshape Croatia, the existing territory and borders and

17 A. That's how you put it. My answer to that is that this is an

18 absurdity. Who could be so naive as to try and restore a solution
19 from -- dating back from history and think that this would involve
only

20 gain and not loss? Tadjman was not so naive as to think that he
would be

21 able to take the territories which belonged to Banovina while not
being

22 aware of the fact that he might lose those parts of the territory
that

23 weren't even included in the Banovina ones. Besides, the memories
the

24 Croats had -- have of Banovina mostly tend to go in the direction of
25 Serbia and which used to be once Banovina.

5 the Croatian Banovina. When Tadjman - and allow me to finish -
mentioned

6 the borders of the Croatian Banovina he was referring to the
resolution

7 of the national issue between Croats and Serbs. He spoke of
specific

8 solutions in terms of organization, and it is true that he went back
to

9 that frequently. However, interpreting this in territorial terms is

10 something that I'm fully convinced - and I'm speaking under an oath
- is

11 not correct.

12 Q. Well, sir, let me put it to you, you can tell the Judges
that

13 Mr. Tadjman never said those things to you. You can say that it
would

14 surprise you to hear those things, that wouldn't fit in your
experience.

15 But I put it to you, sir, do you have any basis for saying, were you
in

16 the room, were you in all the meetings between Tadjman and Granic,
do you

17 have any basis to say that Granic is lying in his book when he says
that

18 this is his deal -- these are based on his dealings with Tadjman?
Maybe

19 you didn't hear it, but are you saying that Mr. Granic just made up
these

20 statements?

21 A. I think that the Prosecution could have called Mr. Granic
and

22 asked him to repeat or not repeat the assertions he made in his book

23 under an oath here. What I tried to say earlier on --

24 Q. [Previous translation continues] ... are you calling Mr.
Granic a

25 liar in making the statements that he makes in his book?

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1 A. I think that you are using generalisation that I would never
use.

2 I wouldn't say that Mr. Granic is a liar. However, what I'm trying
to

3 say for the third time now is that if President Tadjman ever told
him

4 something along those lines - and I don't know what it was that they

5 discussed - then the only logical and normal thing would be that he

6 should to me as an ambassador and he as a superior and he to me as a

7 friend and I'm still his friend, that he should tell me so because
that

8 was important for our work. I'm convinced that neither I nor Mr.
Granic

9 would take part in such business, in the business of taking away

10 territory from another state. I'm asserting here that Mr. Granic
had

11 never told me that he had had a serious conversation let alone some
sort

12 of instructions from President Tudjman about the territories --

13 Q. Well, sir --

14 A. -- [indiscernible] another state.

15 Q. -- let's then go, please, to another participant in these
events

16 whom we've heard about frequently in this courtroom, not least of
which

17 from the Defence side, Lord Owen. If you'll please turn to P 08632
--

18 JUDGE ANTONETTI: [Interpretation] Before we move on to that

19 document, Witness, let's remain with this document we have in front
of

20 us. The Prosecutor put questions on the part of the text, but
there's

21 another part in it that seems relevant. Let me sum it up as
follows.

22 Tudjman is alleged to have said to Mr. Granic that in his view the

23 Banovina was the better solution. Granic in his book wrote, and as
you

24 view it, in a political context to say this. The idea of dividing
Bosnia

25 and Herzegovina

2 believed that the English and the French wanted to divide Bosnia **but**
that the division was indeed not possible or only

5 that seems to be the conclusion in this page. He would only have
been

6 convinced about this at the beginning of the Washington
negotiations.

7 You were in the very heart of all these negotiations. In Tadjman's
mind,

8 was his mind somehow maybe influenced by the game played by the
British

9 and the French who were not opposed to a division of Bosnia and
10 Herzegovina negotiations started and he did not realize that before.

15 discussed the issue with him.

16 THE WITNESS: [Interpretation] I discussed the Washington
17 negotiations particularly extensively with Mr. Granic, and I believe
that

18 both of us presented to President Tadjman quite adequately both the
19 position of the international position of Croatia and the fact that
the

20 Washington Agreement may lead to a solution acceptable to both the
Croats

21 in Bosnia-Herzegovina and the international community. It is true
that

22 sometimes President Tudjman was under the impression that some

23 representatives of the international community, and perhaps
particularly

24 the British, were in favour of a division of Bosnia-Herzegovina.

Perhaps

25 the fact that contributed to this most, when we're speaking of an

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1 atmosphere surrounding the negotiations, was the meeting between

2 Muslim -- or the agreement between Muslims and Serbs that was
brokered by

3 Lord Owen and this agreement allowed the Serb entity to, should they

4 decide so, leave Bosnia-Herzegovina two years later or separate from

5 Bosnia-Herzegovina. I spoke about this at the start of my
testimony.

6 I personally believe that President Tudjman would have
accepted a

7 division of Bosnia-Herzegovina if such a division had been made by
the

8 international community if such a division had -- did not endanger
the

9 interests of the Republic of Croatia

7 Cvetkovic-Macek Agreement had given the Croatian nation control over
8 substantial parts of Bosnia-Herzegovina many Croats, not least
9 Franjo Tudjman, never in their hearts accepted the 1945 boundary
between
10 Croatia
15 1945 for the inhabitants," which had been referred to in part by the
16 Krajina, "the inhabitants had been subjected to genocide by the
Croat
17 Ustashas during the Second World War. Very few commentators in 1995
18 understood or acknowledged that when the Croatian government
attacked the
19 Krajina they were not 'retaking' or 'reoccupying' this land, for the
20 Serbs had inhabited it for more than three centuries. At most, the
21 Croats were reclaiming territory."

22 Now, as for the first part of that passage, is it not clear
to

23 you, sir, that here again another international, senior
international

24 representative, it was very clear to him that Tudjman very much had
in

25 mind this view, this implementation of the 1939 agreement or are you

1 saying that Mr. Owen, apparently like Mr. Zimmermann and like Mr.
Granic,

2 had just made this up?

3 A. Mr. Prosecutor, neither in the case of Mr. Zimmermann nor in
the

4 case of Mr. Granic did I say that they invented it all. I merely
said

5 that those were their very subjective interpretations. One needs
not

6 be -- need not be a psychologist or a lawyer to know how different

7 subjective interpretations can be. The passage that you've just
read out

8 shows the full complexity of the issue of the Banovina. If you ask
me,

9 now that I'm looking at this passage, it can be used for exactly the

10 opposite argument, that's to say that Tudjman would never even
attempt to

11 implement the idea of the Banovina because the precise issue that
you

12 quoted would be raised, that the Serbs would ask for their territory
to

13 be defined within Croatia

17 unjustifiable to rule out the evident fact, which is that the
borders of

18 the Banovina leave out vast parts of the Croatian territory.

19 Q. All right. And just again, as I said, to finish up on this
20 passage before we take the break, the second part of it, can you
confirm,

21 sir, that in fact the area called the Krajina, this was an area of

22 Croatia and the Croats in Bosnia-Herzegovina. All the documents

15 Serb population in the Republic of Croatia, then. I.

6 break now.

7 --- Recess taken at 10.36 a.m.

8 --- On resuming at 11.04 a.m.

9 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.

10 Mr. Scott, you still have two hours and three minutes.

11 MR. SCOTT: Thank you, Mr. President. I appreciate that,
and

12 I'm -- I need to ask -- I'm afraid I'm going to have to ask the
Chamber

13 that despite my continued editing down I'm going to ask the Chamber
if I

14 could possibly have another hour of time. I think we were -- safely

15 we'll finish this witness I think tomorrow, but I would ask for the
16 Chamber's indulgence. The Defence has had a total of seven -- a bit
17 over, I believe, seven hours with the witness altogether, and I
would ask
18 to have some additional time. I need to know that now rather than
later
19 so I know how much I have to alter my plan, please.

20 MR. KARNAVAS: I would object on the grounds that time that
was
21 given was not used properly. We've gone into areas that were not
22 necessarily relevant, and I think had the time been managed I would
be
23 much more gracious in agreeing to more time. But I'm afraid that
given
24 what I've seen, that more time would only be wasted.

25 MS. ALABURIC: [Interpretation] Your Honour, I also wish to
have

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1 it put on the record that General Petkovic's Defence objects to the
fact
2 that the cross-examination of General Petkovic's Defence is being
added

3 to the time that the Defence of Dr. Jadranko Prlic had, and that is

--

4 the witness is his witness. So I feel it is unjustified to add
together

5 the times of two Defence teams.

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

7 this matter later. Please proceed for the time being.

8 MR. SCOTT: Thank you, Mr. President. Just to respond ever
so

9 briefly. I'll of course put myself completely in the Chamber's
hands if

10 the Chamber thinks that I've used my time unwisely. I think the
matters

11 that we've covered have been all of them been quite relevant and
directly

12 pertinent to the case.

13 As to Ms. Alaburic's comments, I mean I have to respond to
all

14 the questions put by the Defence to this witness including those put
by

15 co-accused. I don't know why it would be the case that that time

16 shouldn't somehow be considered. Other than that, other than that,

17 Your Honour, as I say --

18 JUDGE ANTONETTI: [Interpretation] Wait a moment. We will
confer

19 now.

20 THE INTERPRETER: Microphone, please. The Bench's
microphone,

21 please.

22 [Trial Chamber confers]

23 JUDGE ANTONETTI: [Interpretation] Mr. Scott, having pondered
the

24 matter and listened to your request, having taken into account the

25 objections raised, the Chamber decides to give you an additional 30

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1 minutes. This should allow you to finish today.

2 MR. SCOTT: Thank you, Mr. President. I'm gracious for
whatever

3 additional time the Chamber can allow me. Thank you for that.

4 Q. Mr. Zuzul, just one point that hopefully we can take fairly
5 quickly. We've talked in the last two days about the parts of
Croatia

6 that were occupied, approximately one-third of the country that was

7 occupied by the Serbs in the latter part of 1991, including those
parts

8 that then came to be claimed as para-states or autonomous zones,
such as

9 the RSK, the Republika Srpska Krajina. Let me just ask you as a
senior

10 member of the Croatian government, at any time that those parts of
the

11 territory of Croatia?

18 fortunately happened in Eastern Slavonia. If this was not possible,
then

19 the Croatian government and the Croatian people were prepared to
restore

20 the territory through military operations.

21 Q. Thank you for that, sir. That wasn't exactly my question.
My

22 question was a bit --I think, a little simpler than that. At any
time

23 during 1991 until the time that those territories were ultimately

24 restored some years later to the territory of Croatia? Did you ever
consider: That's not

3 A. No, never.

4 Q. And is it correct, sir, that that was the case despite the
fact

5 that, for instance, in the RSK the RSK had set up its own
government, had

6 its own currency, had its own military force, but, nonetheless, you

7 consider that to be -- continued to be throughout that time-period
the

8 sovereign territory of Croatia was not yet a member of the United Nations.

So we cannot put

3 let's talk about that.

4 A. You put your question about early 1992. --

5 Q. I've changed it, sir, I've changed it. From May 1992
forward,

6 please answer my question.

7 A. Even before and certainly from May 1992 onwards, Croatian

8 diplomacy had intensive communications and took steps to reach an

9 agreement with Bosnia-Herzegovina in order for us to achieve our
common

10 goals and several agreements were signed to that effect.

11 Q. And one of those agreements, is it correct, then came to be
the

12 so-called Friendship Agreement of 21 July 1992; is that correct?

13 A. Yes, that's completely correct.

14 Q. Now, in that regard, if I can ask you, please, to turn to a

15 Defence exhibit but it's in Prosecution binder 3, 1D 02295. Sir,
you

16 were shown this exhibit during examination by the Defence. This was
a

17 letter from Mr. Abdic to Croatia's consent to establish an ABiH Main Staff
logistical centre or

20 A. I don't see it in my binder, but I'll try and look at it on
the

21 screen.

22 Q. Thank you, sir. If we missed it, my apology. If you can
look on

23 the screen, please, and my apologies to the Judges and counsel if
it's

24 not in the binder, Defence Exhibit 1D 02295. I'm sure it's my error
and

25 I take responsibility for it.

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1 But, sir, if you look at that document it was shown to you
and

2 discussed during your examination, and in fact at page 27736 you
said:

3 "I think that Mr. Abdic was referring to the agreement that we had
just

4 looked at and discussed," which I will tell you in the transcript
was the

5 21 July agreement. And then you went on to say: "... because this
6 letter is only a logical part of the implementation of this
agreement."

7 So would you agree with me that, sir, that this was it was
fully

8 appropriate for Mr. Abdic or the Bosnian government to send such a

9 communication in carrying out the Friendship Agreement asking for
further

10 specific approvals from the Croatian government in order for the
Bosnian

11 government to carry out activities on the sovereign territory of
Croatia agreement did not mean that

20 such a general statement. I think we --

21 Q. Well, let me explain to you, sir. Let me explain it to you,
sir,

22 let me put it in a law enforcement context if you've ever come up in
this

23 situation. Countries have agreements to cooperate in law
enforcement

24 together. And there may be one between, say, the United States and
the

25 United Kingdom. The fact that that agreement exists doesn't mean
that

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1 law enforcement agents of the United States can freely enter the
2 United Kingdom and roam at will and carry out law enforcement
activities

3 on that territory. You have to give notice to the local
authorities,

4 we're coming here, we appreciate your cooperation, maybe there's a
5 liaison officer who will be working with us, and that's the way
these

6 things normally work, correct, and that would have been the same
here and

7 that's why Mr. Abdic sought further approval to carry out activities
in

8 Croatia-Herzegovina

4 A. The parts of the Croatian army which were on the territory
of

5 Bosnia-Herzegovina in 1992 - and you said that was the period we
were

6 discussing - were fighting primarily the Serb forces, the Serb -- or

7 rather, the Yugoslav Army together with the Muslim forces there --

8 Q. Sir, let me take you to 1993, please. You know and I'm sure
you

9 know that after a skirmish, an open armed conflict between Croats
and

10 Muslims in Prozor in October 1992, a further round of serious
fighting in

11 January 1993 in Gornji Vakuf and Central Bosnia, and then the major

12 conflict breaking out in mid-April 1993 that continued until at
least the

13 end of 1993, there was a major war going on between the Muslim side,
the

14 ABiH, and the HVO. And I put it to you, and for purposes of this

15 argument, that during that time from January 1993 until February at
least

16 of 1994, the Croatian army was present in Bosnia-Herzegovina on the
side

17 of the HVO. Now, if that's the case, are you telling the Chamber
that

18 the Friendship Agreement signed in July 1992 made that okay? It was
okay

19 to fight against that lawful government because of a Friendship
Agreement

20 entered into previously under different conditions?

21 A. In your question you include a lot of statements I do not
22 feel

23 confident in commenting on because I'm not aware of most of the
24 events

25 you mention. What I do know and what I repeat is that the agreement

signed in July 1992 referred to the situation as it was then, but I
also

know that throughout 1993 there was communication and diplomatic
efforts

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1 were made to find a solution for the relations between

2 Bosnia-Herzegovina, the Government of Bosnia-Herzegovina, and the

3 Republic of Croatia, we hereby seek permission for our

25 I would draw a parallel between World War II and the agreement
between

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1 the Nazis and so on and the agreements I achieved in a sincere
effort to

2 achieve peace. Each of us has the right to his own dignity and I
find

3 this offensive.

4 Q. So you're not going to answer my -- you refuse to answer my
5 question then. Do you know of any such agreements or communications
to
6 that effect --

7 A. No, no, Mr. Prosecutor --

8 Q. Thank you.

9 A. -- no. I'm not refusing to answer questions, but I do
refuse to

10 have you offend me directly or indirectly. I will answer every
question

11 I know the answer to; that is why I came here quite consciously and
of my

12 own free will.

13 Q. [Previous translation continues]... do you know of any
14 communications between the Croatian government and the Government of
15 Bosnia-Herzegovina to the effect that I put to you a few moments
ago?

16 MR. KARNAVAS: Your Honour, it's been asked and it's been
17 answered.

18 MR. SCOTT: No, it has not been answered. We've had a
speech --

19 MR. KARNAVAS: It says: "No" --

20 MR. SCOTT: -- but we haven't had an answer.

21 MR. KARNAVAS: -- "no, Mr. Prosecutor." "So you refuse to
answer

22 my question." He's got his answer to his question.

23 MR. SCOTT: No. He says, I'm refusing [sic].

24 MR. KARNAVAS: The question was absurd and he got an answer
to

25 it.

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1 MR. SCOTT: Excuse me, Your Honour, I disagree with

2 Mr. Karnavas's position. If the witness clarifies that his answer
was

3 no, he doesn't know of any communications then I accept that. But
if his

4 answer is no, I'm refusing to answer -- not answering your questions
and

5 then on -- and goes on to make a speech then I don't know the answer
to

6 his question.

7 Q. Sir, is it your answer that you do not know, the answer is
no,

8 you do not know of any communications between the Croatian
government and

9 the Bosnian government authorising the operations of armed forces of
the

10 Republic of Croatia and the

22 against the ABiH involuntarily?

23 A. I truly do not know enough about this matter in order to be
able

24 to comment upon it.

25 Q. Do you recall it being reported in the Croatian press around
that

Page 31186

1 time that the families of various Croatian soldiers were protesting
their

2 sons being sent to fight in Bosnia-Herzegovina and that criminal
charges

3 were brought against some of these young men who would not go and
fight

4 in Bosnia-Herzegovina? Do you recall that?

5 A. I do seem to recall something about that being written about
but

6 at my work-place in Geneva dated 3 January 1994

13 Croatia

16 consciousness were beaten in the barracks.

17 "All the drafted were told they would be sent to fight in
BiH."

18 It makes reference -- also at the top it says: "We received
19 information from the Committee for Human Rights that Croatian
citizens

20 born in BH were mobilised on 15 and 16 December 1993."

21 Now, with that in mind if I can ask you, please, it should
be

22 close in the same binder, turn to P 10555. I suggest to you that
this is

23 the referenced report from the Committee for Human Rights, being the
24 Croatian Helsinki Committee for Human Rights, a letter by Mr.
Cicak. Did

25 you know of Mr. Cicak and his involvement in these issues at that
time or

Page 31187

1 have you heard of his involvement in these matters?

2 A. I do. I know Mr. Cicak personally. I didn't know, I don't
3 remember, his involvement in the matter at the time --

4 Q. Is Mr. Cicak still involved with the Helsinki Committee in
5 Zagreb

17 duty."

18 Now, do any of that -- excuse me. Do any of those documents
19 refresh your memory further over the fact that in late 1993 at
least,
20 perhaps other times, and in early 1994, men in Croatia were being
21 conscripted and sent to fight in Bosnia-Herzegovina against their
will?

22 A. Mr. Prosecutor, I do see these articles. They cannot and do
not
23 need to refresh my memory because I never had knowledge of such
events
24 described here. I cannot assert whether these events happened or
not.

25 If they did, then I can only say that this was a grave error. I

Page 31188

1 didn't -- I wasn't aware of it at the time and I cannot tell you
whether

2 this is correct or not.

3 Q. All right. Thank you, sir. If I could ask you to next turn
to

4 P 10545, which again is in binder 3, 10545. This is an article from
the

5 New York Times dated the 24th of November, 2003, and you're
referenced in

6 the -- about halfway down the page you'll see some -- a statement
7 attributed to you.

8 "Miomir Zuzul, the former ambassador to the United States
who is

9 likely to be named foreign minister, said, 'Croatia will be led by a
10 moderate centre-right government over the next four years.'

11 Next paragraph: "The victory for the Croatian Democratic
Union

12 follows an overhaul of its image, and a purge of the extremists,
some of

13 whom were implicated in war crimes committed during the 1991 to 1995
14 Balkan wars."

15 As someone who was, as you've told us, was very involved in
these

16 events at the time and held very senior positions in the government
back

17 during that time-period, can you tell us who some of the extremists
were

18 that were purged from the party?

19 A. Well, the Croatian Democratic Union, as is well-known to
those

20 who follow the political events in Croatia, redefined itself in a
way in

21 2000 and defined itself clearly as a centre-right political party
quite

22 open and prepared to cooperate with the world.

23 Q. My question was more direct, sir. Can you tell the Judges
while

24 we have you here and the benefit of your knowledge, can you name
some of

25 the extremists who were purged from the party as a result of this

Page 31189

1 overhaul. I'm talking about if you can give us names, please.

2 A. Well, you see, quite a few of them left the party. I would
not

3 dare to name any names because I did not take part in the process
and to

4 thus categorize these people as extremists. All those who did not
wish

5 to accept the new policy of the HDZ as it was defined by the
president of

6 the party, Mr. Ivo Sanader, left the party, either lost the intra-
party

7 elections or were thrown out of the party. Quite a few of them left
the

8 party that way. Now, were all of them extremists, well, I certainly

9 would not say that one --

10 Q. [Previous translation continues]... give us one names at
least.

11 A. I do not see that my testimony should serve to define the
12 positions of anyone, of any politician. Those who did not wish or
feel

13 that they were a part of that party anymore left the HDZ.

14 Q. You may or may not want to answer, I think you should, but
that's

15 my question to you.

16 THE ACCUSED PRLIC: May I say something?

17 THE WITNESS: [Interpretation] I don't think I can answer
such a

18 question because I was not in a -- I am not in a position to know
what

19 the political views of a particular person were.

20 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Prlic.

21 THE ACCUSED PRLIC: A question was made but this is not
quoting

22 what Mr. Zuzul told in his interview. And this is for the third
time he

23 was asked about something he didn't say.

24 MR. SCOTT: Your Honour, I never said that he said it, but I
did

25 put it to him and as a senior government official and a member of
this

Page 31190

1 party that if that's true. If he says that that didn't happen, that
this

2 is not a true statement, that extremists were not purged from the
party

3 after -- between the war and the elections in 2003, then he can say
that.

4 JUDGE ANTONETTI: [Interpretation] Witness, Witness, we have
a

5 text in front of us, and apparently you granted an interview to the

6 New York Times. And you know that as well as I do when somebody
says

7 something the press will quote the words uttered by the interviewee,
and

8 here apparently some words are put into -- between inverted commas.

I

9 see, and it may be what Mr. Prlic was referring to, the purge of
10 extremists and those involved in war crimes, those words are not
11 presented as quotations. So this might lead to think that now it is
the
12 journalist drawing this conclusion based possibly on an off-the-
record
13 discussion you had with him or her but it's not being quoted between
14 inverted commas.

15 So what is it? Are these conclusions drawn by the
journalist or

16 does he report an off-the-record conversation you might have had
with
17 him?

18 THE WITNESS: [Interpretation] Thank you, Mr. President. As
one
19 can glean from the text, this was not a conversation only with me
but
20 with several personalities from the Croatian political life and some
of
21 them are mentioned here. It is the journalist's statement that is
22 reported here and not mine. Now, why did I not want to make such a

23 statement directly? Because the change occurring in my political
party,

24 in the HDZ, occurred at the time while I was not in Croatia but in
the

25 United States of America. I welcomed the change and I publicly
commended

Page 31191

1 the work of Ivo Sanader. The fact that he won the election for the
2 president of the HDZ against Mr. Pasalic is something that evidently
3 shows that change did occur in that party. I welcomed the change
and I

4 still do. The HDZ was being reformed.

5 Now, it is very difficult for me to answer the question as
to who

6 the extremists were because in such a way I would be attributing
7 political views to an individual who perhaps did not hold those
views,

8 especially so when these extremists are placed in the context of war
9 crimes. I really do not know who committed war crimes in the
territory

10 of Croatia; is that correct?

22 Q. Just to be clear, when you say reported to the Croatian army
to

23 volunteer, were you offering your services in a civilian capacity or
did

24 you become a member of the Croatian army at that time?

25 A. I became a member of the Croatian army; however, since we
were

Page 31193

1 all university professors we offered our professional knowledge, and
that

2 knowledge was not in the art of war but in the various fields that
we

3 were involved in in our day-time job.

4 Q. Did you continue working at the same time at the university?

5 A. I don't know when it was that I formally left. In Croatia
there

6 is a law which to some extent differs to the law in other countries,
that

7 was still in the former Yugoslavia my formal employment and my work
booklet lay with the

13 time -- the spare time to do that, to even teach at the university.
Some

14 of my colleagues did that.

15 Q. You said earlier in your testimony at page 27609 that this
group

16 of you that you've just described again in the last few moments set
up a

17 "department that dealt with psychological and informational aspects
of

18 the war."

19 Is that something that either was or became known as the IPD
20 administration?

21 A. Yes, I believe that that's precisely it.

22 Q. And IPD stands for what, information propaganda?

23 A. No. Initially, IPD meant the information and psychological
24 activity.

25 Q. And did that department or entity ever further evolve into
some

Page 31194

1 sort of intelligence service?

2 A. I don't think that the department ever evolved into an
3 intelligence service. The department did evolve, but unless I'm
4 mistaken, an intelligence service was already in existence before
the

5 department was set up and developed over time. I'm not sure how --
what

6 the communication between the two was. I know that an intelligence
7 service existed at the time when I was performing this other duty.

8 Q. Well, at the risk of taking a bit of time, can you tell us
9 exactly the nature of the work at the time of this psychological and
10 information department? What were you actually doing? What
services

11 were being provided to the armed forces in that capacity?

12 A. When I arrived there and when we set it in motion, it was
the

13 early days of the department. As a psychology professor I was
engaged in

14 a large research project titled: Children in war. Through the
project

15 we tried to assist children, victims of war, by giving them
psychological

16 counselling, and a large number of experts were involved in that

17 activity. Through my work there I realized that adults were in fact

18 faced with many difficulties, persons who were refugees or who
hailed

19 from war-torn areas. I, together with some other psychologists,
tried to

20 develop some preventative measures aimed at countering the
development of

21 the post-traumatic disorder, the PTSD. The focus of our work was to

22 counter psychological problems, and we looked at how the US army
dealt

23 with that during World War II --

24 Q. [Previous translation continues]... significant amount of
time to

25 give your answer to that, but let me move on, please. During your

Page 31195

1 involvement with the Croatian armed forces, during that period in
the

2 early 1990s, did you raise -- did you ever rise to any particular
rank or

3 were you given any particular rank during that time-period?

4 A. Yes. I received a rank while I was in the Croatian army,
the

5 rank of a brigadier

6 Q. Can you give us any particular assistance as to, if you
know, how

7 that particular rank might fit into the rank hierarchy of a Western
army

8 in terms of -- where I -- in the United States, for example, a
brigadier

9 is typically referred to as a brigadier-general. Is that the same
in

10 Croatia the rank of brigadier is somewhat lower than the

14 when they included a number of professors, university professors,

15 particularly psychologists in the army and the ranks coincided with
their

16 expertise, with their expert knowledge, rather than their military

17 performance. And we followed the very same logic in developing
these

18 ranks in the Croatian army.

19 Q. Now, moving forward to your positions as assistant minister
of

20 foreign affairs and then a few months later deputy minister of
foreign

21 affairs, based on your CV and what you've told us in your testimony,

22 prior to that time you had no experience, you had no education or

23 training or experience in diplomacy or foreign affairs; is that
correct?

24 A. Correct.

25 Q. Around this same time-period can you tell us, and that is
in,

Page 31196

1 let's say 1992, during the time you became -- took up your post in
the

2 foreign affairs, what role or position did President Tudjman's son,

3 Miroslav Tudjman, have in the Croatian government?

4 A. I think that Mr. Miroslav Tudjman who was in that same group
of

5 university professors who volunteered to become members of the
Croatian

6 army and who participated in the setting up of the IPD department
with

7 me, I think that he stayed behind as a member of the army when I
left it.

8 If you're referring to the positions he held later on, I think that
this

9 happened a bit later after I had left the army that he transferred
to the

10 intelligence service of Croatia?

22 on this long, but I did start working on this with Mr. Miro Tudjman

23 and --

24 Q. Excuse me, Mr. Zuzul, sorry to interrupt you. Perhaps you
25 misunderstood or my question's mistranslated or I'm sure -- I'll
take

Page 31197

1 responsibility for any confusion. My question to you, you referred
to

2 Miroslav Tudjman taking up a position as head of an intelligence
service

3 at the end of 1992. My question was if you could simply identify
that

4 particular intelligence service. There is something -- there was
after

5 that time, it may have been at the time, there was an agency called
the

6 Croatian Information Service, HIS; there was the Security
Information

7 Service which I believe was part of the Ministry of Defence, SIS,
perhaps

8 there were others. So which of the intelligence services was

9 Miroslav Tudjman the head of by the end of 1992?

10 A. Yes, that's precisely what I was trying to say. To the best
of

11 my recollection, he became the head of the HIS, H-I-S, which was a
newly

12 established service based on what I was just trying to say, if my
memory

13 serves me well and I think it does.

14 Q. And then you referred to, I was going to ask you that next,
you

15 referred to an appointment as national security advisor to

16 President Tudjman sometime during the period 1992/1993; is that
correct?

17 A. That was sometime in the autumn of 1992. I don't recall the
18 precise date, but, yes, that's correct.

19 Q. And again, sir, prior to your appointment as assistant
minister

20 of defence -- excuse me, minister of foreign affairs in March 1992,
had

21 you had any training or involvement or previous experience other
than

22 your ten months of service in the JNA in 1992, anything that might
be

23 called national security?

24 JUDGE PRANDLER: A translation problem that the very last

25 sentence of yours, Mr. Scott, it says, anything that might be called

Page 31198

1 national service, and you said security.

2 MR. SCOTT: If it was my mistake, Your Honour, I apologise -

-
3 JUDGE PRANDLER: No, you said security and in the transcript
it

4 is service, so it should be replaced. Thank you.

5 MR. SCOTT: Thank you, Judge Prandler.

6 Q. Sir, could you answer my question. Did you have any prior
7 training, experience, background in anything called national
security?

8 A. No, neither did the vast majority of Croats. I had no
9 experience, to be quite frank. My service in the JNA is not
something I

10 would term experience in national security.

11 Q. Well, sir, I have to put to you that based on this review
that

12 we've conducted in the last few minutes, and I don't mean to offend
you

13 particularly but I do have to put to you this point, and that is
based on

14 what you've told us I see no, absolutely no previous experience,
15 training, or qualification for these extremely senior positions in
16 government that you found yourself in in 1992 and 1993. And is it
fair
17 to say, sir, that your principal qualification for those positions
were
18 being a close friend of Gojko Susak and a close friend of
19 Miroslav Tudjman, the president's son?

20 A. Well, of course you have the right to any opinion you choose
to
21 adopt, but this is completely incorrect. At that time I was one of
the
22 youngest professors at Zagreb University.
24 wasn't your primary qualification that you were President Tudjman's
man,
25 you were deeply loyal to President Tudjman, both at the time in
1992,

Page 31200

1 1993, 1994, and thereafter. You were the president's man, weren't
you?

2 A. I do not take that as an insult because had I not been loyal
to

3 those I worked with, I would not have done that job. I had many
critical

4 comments to make about President Tadjman, but I did accept him as
the

5 president of my country and as the man I worked with. Had I thought
this

6 was something opposed to my principles, I would have left the job.

7 However, I find it completely unacceptable because I have held many

8 positions in the international community. And certainly it was not
my

9 friendship with Miro Tadjman or anyone else or my loyalty to

10 President Tadjman that got me there. That loyalty was understood as
my

11 doing my job honestly under difficult conditions and you can check
that

12 with your colleagues.

13 Q. Let me ask you -- I apologise to the interpreters.

14 Let me ask you, please, to turn to Exhibit P 10401 in binder
3,

15 P 10401, binder 3. Do you have it? Sir, this appears to be an
interview

16 that you gave or at least purports to be an interview that you gave
on

17 the 10th of December, 1992, titled at least in part or referenced
here

18 as: "Interview with Miomir Zuzul, deputy foreign minister of the
19 Republic of Croatia

Page 31201

1 Miomir Zuzul until recently 'only' professor and head of the
department

2 of developmental and child psychology in the school of philosophy at
3 Zagreb University and the president's national security adviser, is one of the most

8 Aside from that, he is a personal friend of the president's son. A
third

9 reason has to do with his job. People believe that the very fact
that

10 someone is involved in the organization of the intelligence service,
in

11 this case within the foreign affairs sector, is already sufficient
reason

12 for personal political power."

13 Now, do you recall that, I assume, you gave an interview
back in

14 1992, I think probably if most people give an interview and it comes
out

15 in the press, I guess we're all proud enough or what have you that
we

16 want to read the interview. Do you remember those words being
written

17 about you in December of 1992?

18 A. Well, now it is coming back to me when I see this interview,
but

19 as we can see these are words written by a journalist. Had you
wanted to

20 read the next sentence, which we can all read now, in the next
sentence

21 it says that even then I denied what the journalist was saying, the
fact

22 that this journalist wrote that. Had it been correct, I would
really

23 have become prime minister within a few months or the minister of
foreign

24 affairs because both those posts were filled with new people a few
months

25 later. I became an ambassador of the Republic of Croatia

7 then it starts out: "Taken individually ..."

8 I'm just giving you that as a landmark. If you go to the
next

9 paragraph which is still attributed to you speaking, it says this:

10 "Susak? I'm a friend of his, I hope, but I have not known him long

11 either. Watching him through the war and through politics I
recognise

12 that this is a man worthy of esteem. I belong to no one, not even
to

13 Susak, but I acknowledge that we are working along the same
political

14 line, that is, we have a similar political option which in the final

15 analysis is not Susak's but the president's. In that sense, both
Susak

16 and I are the president's men but he is the closer and stronger
one."

17 Is that the statement that you gave to the interviewer in

18 December 1992?

19 A. Correct, that's the statement I gave then and I would not
change

20 it now.

21 Q. Staying on the topic of intelligence services or coming back
to

22 that again, which has been mentioned several times in the last few

23 minutes. Did you ever have any dealings or have dealings with a man

24 involved in intelligence named Markica Rebic?

25 A. Yes, I knew Mr. Rebic well. He comes from the same town I
come

Page 31203

1 from. For a while we both worked together in the secondary school
in

2 Imotski. However, when he became involved in intelligence we had
very

3 little contact and our personal contact, private contact, ceased as
early

4 as the early [as interpreted] 1990s.

5 Q. And --

6 A. [In English] As the mid-1990s, I said. There is mistake in
7 translation.

8 Q. Thank you. When you say "mid-1990s," sir, can you help us a
bit

9 more with that. Mid-1990s could be, I suppose, anything from 1993
to

10 1998. Can you help us?

11 A. [Interpretation] When I became the ambassador to Geneva.

Correct?

22 Croatia, Mr. Rivkin was already working for the

1 introduced to him as somebody who had already been recruited by
2 Minister Granic, if I'm not wrong, and this had happened at least
half a
3 year before I arrived. I was introduced to Mr. Rivkin, I had good
4 cooperation with him. I thought then, as I do now, that he did a
good
5 job for the Republic of Croatia and not concerning his representing Croatia
before the., all of which occurred after all the
18 established. We sense where this might be going and then it's
19 irrelevant. So please let this be established first.

20 JUDGE ANTONETTI: [Interpretation] Mr. Scott, if you asked
that
21 question you probably had a goal. I must admit that I'm a little
lost.

22 I can't see precisely what you're aiming at, but please proceed.

23 MR. KARNAVAS: Is the objection overruled, Your Honour,
because

24 there's a question on relevance. Is Mr. Rivkin here now being tried
for

25 errors and omissions --

1 MR. SCOTT: That's not the standard of relevance.

2 JUDGE ANTONETTI: [Interpretation] I said that the Prosecutor
must

3 have a goal, an aim, so I asked him to proceed in order to see what
his

4 aim is.

5 MR. KARNAVAS: Very well. I misunderstood you, Mr.
President. I

6 agree with you.

7 JUDGE ANTONETTI: [Interpretation] Please proceed, Mr. Scott.

8 MR. SCOTT:

9 Q. Can I ask you, sir, to turn to Exhibit P 10544, which will
be

10 found in the binder 3. You have that, sir. This is an article in
the

11 Washington Post dated the 1st of July, 2000. I would like to refer
you

12 to the -- well, let's start at the top. It says: "Top Croatian

13 ministers looked to a Washington

17 JUDGE ANTONETTI: [Interpretation] Mr. Scott, Mr. Kovacic
wants to

18 intervene.

19 MR. KOVACIC: [Interpretation] I think that it has been
20 established before this Tribunal that the accused have the right to
see
21 exhibits in a language they understand. This is not the first
document
22 in this binder which we do not have in Croatian. I propose that for
this
23 reason the use of this document be prevented, and of any document in
24 future which is not translated into Croatian, as was every document
that
25 the Defence could not use if it had not been translated.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Scott, the accused
must
2 have the document in their own language; however, sometimes
documents are
3 shown in B/C/S, we don't have any translation available. The
document is
4 then placed on the ELMO, we read out the relevant paragraph, and
then it
5 is up to the interpreters to translate the document for everybody's
6 benefit.
7 MR. SCOTT: [Microphone not activated]

8 MR. KARNAVAS: Your Honour, I don't mean to -- just one last
9 intervention on this, on the grounds of relevancy. As far as I'm
aware,
10 there have been no accusations or charges against Mr. Rivkin with
the bar
11 association concerning any illegal activity or unprofessional
activity
12 that he conducted, that's number one, on behalf of Croatia or in his
13 private practice.
14 Number two, as you may know, an attorney of the United
States who
15 represents a foreign government has to -- has to get clearance in
that,
16 in those affairs. So it's very well-known by the United States
17 Government that Mr. Rivkin was representing another country because
they
18 have to be registered as such if they're going to be doing any
lobbying
19 work. I really fail to see on what grounds we're going into Mr.
Rivkin's
20 activities. If he gave bad advice to a client, shame on him, they
should

21 take him before the DC bar association. But what does this have to
do

22 with Mr. Zuzul, what does it have to do with the case, what does it
have

23 to do with the indictment? I would beg -- demand from Mr. Scott his
24 basis as opposed to showing the document.

25 JUDGE ANTONETTI: [Interpretation] Mr. Scott, in order to
save

Page 31210

1 time you asked for the additional time, you were granted additional
time.

2 What did you want to establish by mentioning Mr. Rivkin? As far as
I'm

3 concerned, it's the first time that I hear about this gentleman.

4 MR. SCOTT: Your Honour, in order to do that we would have
to

5 excuse the witness and go into private session. I do not have to
lay out

6 the rationale and goals of my cross-examination in front of the very

7 witness who's being examined. So if you would like to do that, if
you

8 would like to excuse the witness and go private session, I would be
happy

9 to address it.

10 MR. KOVACIC: [Interpretation] Your Honour, by your leave, I
would

11 like to draw your attention to the following. The Prosecution
advanced

12 the suggestion that they just advanced; however, the Prosecution in

13 another case before this Tribunal had a position that was quite the

14 opposite to this one and in that case when the Judges asked the
Defence

15 to lay the foundation for their question the Prosecution opposed the

16 request that the witness leave the courtroom. So I'm quite
surprised

17 that the Prosecution should now be asking that the witness be
requested

18 to leave the courtroom, so there must be a hidden agenda there; I'm
sure

19 of that.

20 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, which case
did you

21 have in mind?

22 MR. KOVACIC: [Interpretation] That was in the Kordic/Cerkez
case,

23 and by happenstance we were the counsel in that case, and I must say
that

24 the Presiding Judge in that case was in the habit of asking us
whenever

25 such a line of questioning was embarked upon, and of course the

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1 Presiding Judge, or rather, the Prosecutor could not know where this
was

2 heading, and of course the Presiding Judge would then ask us where
we

3 were going with our questions and we had to respond and we -- it was

4 oftentime asked that the witnesses leave the courtroom.

5 JUDGE ANTONETTI: [Interpretation] Mr. Scott, what are you
getting

6 at? What is your purpose in the interest of time?

7 MR. SCOTT: Your Honour, I disagree with counsel. I don't

8 pretend, I'm not going to stand up and pretend to know the
particular

9 circumstances on that prior occasion, if that happened or not. It
may

10 have been for perfectly good reasons, I don't know. But I stand by
the

11 position that I'm cross-examining this witness, I want to put
questions

12 to this witness, and I do not have to lay out my plan of questioning
in

13 front of the witness before I put my questions to him. So I would
be

14 happy to talk to the Chamber, I would be very happy to talk to the
15 Chamber, but not in the presence of the witness.

16 JUDGE ANTONETTI: [Interpretation] I shall confer with my
fellow

17 Judges to see whether the witness is to leave the courtroom or not.

18 [Trial Chamber confers]

19 MR. KHAN: Your Honours, could I just say before you deliver
your

20 ruling, as a matter of principle, I think it must be said that my
learned

21 friend Mr. Scott's proposition is quite correct. I don't see any
problem

22 at all with excusing the witness. It can't be right that a witness
be

23 forewarned as to a line of cross-examination. Of course that's
another

24 matter for the Court to know relevance. So I would commend my
learned

25 friend's proposition as being quite sensible.

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1 MR. KARNAVAS: [Microphone not activated]

2 JUDGE ANTONETTI: [Interpretation] Well, this is what we're
going

3 to do.

4 Witness, anyway, we were about to have a break. You're
going to

5 be excused out of the courtroom. Then we'll have a break, and as
soon as

6 you've left the courtroom Mr. Scott is going to tell us about his
7 purpose.

8 So please follow the usher witness and you can start your
9 20-minute break -- well, it will be a little longer for you.

10 [The witness stands down]

11 JUDGE ANTONETTI: [Interpretation] Mr. Scott, very quickly
before

12 the break.

13 MR. SCOTT: Your Honour, just in -- again, I would ask to
please

14 go into private session because I think members of Mr. Zuzul's
family

15 are --

16 JUDGE ANTONETTI: [Interpretation] Very well, yes, you're
right.

17 Let's move into private session.

18 [Private session]

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 31213

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11 Page 31213 redacted. Private session.

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Page 31214

- 1 (redacted)
- 2 (redacted)
- 3 (redacted)
- 4 (redacted)
- 5 (redacted)
- 6 (redacted)
- 7 (redacted)
- 8 (redacted)
- 9 (redacted)
- 10 (redacted)
- 11 (redacted)
- 12 (redacted)
- 13 (redacted)
- 14 (redacted)
- 15 (redacted)
- 16 (redacted)
- 17 (redacted)
- 18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 [Open session]

23 THE REGISTRAR: Your Honours, we're back in public session.

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

25 Please proceed, Mr. Scott.

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1 MR. SCOTT:

2 Q. Mr. Zuzul, I think at one point we left off and I had
directed

3 your attention to -- yes, I'm sure I did, P 10544, and I do
acknowledge

4 to counsel, apparently we're not able to get translation of this

5 particular in time. If we can have the English version brought up
in

6 e-court, I will ask for the interpreters' assistance. In fairness,

7 Mr. Zuzul, I understand that you're quite fluent -- if I may say so,

8 excellent speaker and I'm sure read excellent English.

9 This article starts off -- we read the part before and then
it

10 goes on second paragraph to say: "Croatia's foreign minister
privately

11 urged the government to comply in full. But attorney David B.
Rivkin

12 Jr., at the time a partner in the law firm Hunton & Williams, said
at one

13 point that cooperating would be the 'worst option' and urged the
14 ministers instead to pursue diversionary legal tactics, according to
15 records of government deliberations made available here."

16 I'm pausing for the benefit of the interpreters.

17 "Rivkin, whose view won the day, said his view [sic] was to
18 present an aggressive defence of wartime actions by the Croatian
19 government, then headed by President Franjo Tudjman, and help the
20 government fend off the demands."

21 Then it goes on in the next paragraph just to further finish
on

22 this particular aspect.

23 "The new government has declared it wants to cooperate with
the

24 Tribunal, denounced Rivkin's legal strategies ..."

25 Now, just to pause there for a minute, sir, this is indeed,

Page 31216

1 however, the same David Rivkin that, then, you further involved with
the

2 Croatian government in terms of, I think you said, lobbying work in

3 Washington DC bureau, dated the 25th of July,

20 to bring ethnic Croat indictees before the Hague Tribunal.' The
official

21 said that Croatian President Franjo Tudjman can 'make things happen'
if

22 he seriously wants them to."

23 Then it goes back and makes a statement apparently
attributed to

24 you: "The Croatian envoy also said his government will resist
subpoenas

25 handed down by the Tribunal for internal documents connecting
Tudjman and

Page 31217

1 his aides with the war waged in Bosnia?

7 how I said it. It is correct, however, that the official policy of
the

8 Croatian government at the time was not to hand over documents as I

9 understand it concerning events in Croatia, not events in

10 Bosnia-Herzegovina. I was merely implementing the official policy.

11 Q. I see. In fact, on that official policy if I can direct
your

12 attention to Exhibit P 10556, also in the third binder -- oh, I'm
sorry.

13 Are the interpreters -- excuse me, sorry.

14 There is an interpretation of this document. Sorry, Ms.
Winner

15 is trying to help me out and doing a good job of it.

16 Sir, if you will look now at this exhibit, P 10556, this is
a

17 report from Markica Rebic dated the 4th of June, 1998, to the
president

18 of the Republic of Croatia

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1 protagonist responsible for carrying out Operation The Hague on the
level

2 of the Croatian government. This service corresponded to the HIS,
that

3 is, the SIS in the department -- department of defence, I believe,
OZRH,

4 Republic of Croatia

9 through intelligence methods and from reliable sources which have so
far

10 proved to be correct, we propose that the ultimate objective of the

11 ICTY Prosecution is to link all indictments against Croats (Republic
of

12 Croatia."

19 Central Bosnia

3 HVO archives became a serious problem in the course of preparation
of

4 General Blaskic's defence, with respect to the substance of the
subpoena

5 and ICTY's requests involving HVO officials, this Service, in
cooperation

6 with the HIS, took action and measures to protect the HVO archives."

7 Now, sir, you said a few moments ago that you understood
that you

8 were implementing official policy in resisting the production of

9 documents. Did you understand that policy to be consistent with
what is

10 stated in this document -- this report that I just put in front of
you,

11 is that the policy that you were implementing?

12 A. I have never seen this document before and I was not aware
of its

13 contents or the policy it refers to. It's quite difficult to me to
draw

14 conclusions from this particular viewpoint. There's a lot here I
would

15 not agree with, but I never received instructions couched in the
terms

16 presented here. It's correct that the policy which I knew of as an
17 ambassador and which I tried to justify as best I could was that at
that

18 time the government considered that the Tribunal was -- did not have
19 jurisdiction concerning the events of -- following Operation Storm
and

20 during Operation Storm. Whether there was a justified position or
not,

21 I -- that was the position. I tried to expound to my collocutors
and

22 some agreed with it and some did not. I am not sure, as regards
other

23 matters, that the position was what is represented in this
document. I

24 know that my instructions were always that we would, in fact,
cooperate

25 fully with the Tribunal as regards Bosnia-Herzegovina. And from the

Page 31220

1 outset Croatia

10 the Tadjman government, he said that Hunton & Williams erroneously

11 claimed in legal filings that it had fully complied with Tribunal
demands

12 for all documents related to the Ahmici atrocity."

13 And I'll note that that has nothing to do with Operation
Storm.

14 "Shortly after taking office, however, the new government

15 revealed that it had uncovered several intelligence agency files
that not

16 only named some of the Croatian militia members responsible for the

17 slayings, but also revealed that Tadjman's government provided false

18 identities and paid for homes where the men could hide from Tribunal

19 arrest warrants in a scenic village on the Adriatic coast."

20 Now, sir, did it ever come to your attention that at around
the

21 time that you were saying it was the official policy not to produce

22 documents, that in fact subsequent to that these additional
documents

23 became known and ultimately were turned over to the Tribunal?

24 A. Excuse me, I didn't quite understand your question. The
official

25 policy that all the documents were handed over -- may I read this in

Page 31221

1 English? Sorry.

2 Q. Of course.

3 A. At that time with respect to quite a lot of the things you
are

4 mentioning now, I was not aware of them and I don't know what is and
what

5 is not correct. If you as the Prosecutor of this institution or if
this

6 institution says that not all the documents which was subsequently
handed

7 over were handed over, then I believe you because I believe this

8 institution far more than I believe Jeffrey Smith the journalist who

9 wrote this article and whom I know personally.

10 As regards your previous question, who were the extremists
among

11 the Croats, one name I can give you is Jeffrey Smith. I know of
some

12 other articles he wrote where he wrote all sorts of things starting
from

13 certain political positions. Having said that, I am not saying that
what

14 you say is not true. I do not know about it.

15 Q. Sir, I note that when it comes to talking about Mr. Jeffrey

16 Smith, a person -- non-Croat person not in Zagreb, you're suddenly
quite

17 capable and willing to identify him as one of the extremists that
you

18 wouldn't tell us about before. What is it about Mr. Smith that
makes you

19 willing to identify him but not any of the others?

20 A. Mr. Smith is an American, if he's the person I'm thinking
of, and

21 I assume he is, an American of Croatian origin, close to a circle of

22 Croats who hold relatively extreme political positions with whom,
neither

23 as an ambassador nor later on as a minister or politician, I never
had

24 close relations with them because they thought Croatian policy
should be

25 different from what it was. Of course they had the right to their

Page 31222

1 opinion, and he expressed this opinion, if it's the same Jeffrey
Smith,

2 in several articles in which inter alia, if I remember correctly, he
3 fiercely attacked the government I was part of for cooperating with
the

4 Tribunal in another case, using different arguments but starting
from the

5 starting point of a group which exists among Croats in America and I
6 believe elsewhere. That's why I wanted to mention him. I'm not
even

7 saying it's the same Jeffrey Smith, but I assume it is.

8 Q. If we can go forward to another aspect of the report from

9 Mr. Rebic that was actually then touched on in part of the

10 Washington Post article that I just referred to and that is the

11 protection -- the giving of false identities and protection of men
or

12 hiding on the Adriatic coast. If I can refer you back again to page

23

13 of Exhibit P 10556. Under the paragraph about the HVO archives is
this

14 paragraph, and we do have a translation of this.

15 "This service established through counter-intelligence
methods

16 the existence of seven other secret indictments against Croats in

17 Central Bosnia

19 JUDGE PRANDLER: Excuse me, Mr. Scott, I wonder which page?

20 MR. SCOTT: Page 23. I apologise, Judge Prandler. Page 23.

21 Q. "On several occasions it forwarded timely information on the

22 intention of SFOR members to arrest the individuals charged in
secret

23 indictments, and to that end measures were taken to hide and protect

24 them. We are providing direct protection to four individuals from

25 Central Bosnia

3 Now, do you recall having any information at the time, sir,
that

4 one of the persons being protected at this time, in 1996, was

5 Ivica Rajic?

6 A. No, I didn't have any information about that.

7 Q. Could I direct your attention, please, to Exhibit P 10539 in
the

8 third binder, P 10539. Sir, this is a letter, again from you, in
fact,

9 to the Washington Post, published a letter to the editor, on 11
November

10 1996 which you were apparently responding to certain -- an article

11 written concerning Mr. Ivica Rajic. We'll put that on the ELMO,
please,

12 we made need the assistance of the interpreters, please.

13 You refer to in the second paragraph: "In his article, Mr.
Dobbs

14 wrote that Ivica Rajic, who is wanted by the United Nations War
Crimes

15 Tribunal was 'reportedly seen in a state-owned hotel' in Split

18 At the end of the paragraph: "Contrary to the media
assertions,

19 the current movement or residence of Rajic remain unknown to
Croatian

20 authorities."

21 And I note the date of this -- your letter to the Washington
Post

22 being 11 November 1996

21 remain unknown." And at the time the letter was drafted --

22 JUDGE TRECHSEL: Will you take an oath? It seems to me that
you

23 are testifying now, Ms. Alaburic?

24 MS. ALABURIC: [Interpretation] No, no, Your Honour.

25 JUDGE TRECHSEL: You're testifying without an oath?

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1 MS. ALABURIC: [Interpretation] Your Honour, I appeal to you
to

2 hear me out. You will see that I'm not making a statement of any
sort;

3 I'm merely drawing your attention to what is different in this
paragraph

4 and what the Prosecutor has to tie up with. This article was
published

5 in the Globus weekly at some point in time, it also says that a

6 photograph was published of a man who was supposed to be Rajic but
was

7 not. It was a hotel staff. And then there follows this sentence:
"...

8 the current movement ... of Mr. Rajic ..." is such and such. The
time at

9 which this statement was given to the editorial office does not
coincide

10 with the publishing of the Globus article, so that both the Globus
11 article and this particular letter could have been true. I'm merely
12 trying to point out that these refer to two different time-periods.

13 Thank you very much.

14 MR. SCOTT:

15 Q. Sir, if you will next direct your attention, please, to
Exhibit

16 P 10546, P 10546, in binder 3. In a nutshell, sir, this is a letter
from

17 the Republic of Croatia

22 carry out the same job duties starting on 30 December 1994 ..."

23 continuing on. This is dated the 17th of June, 1996, if my
calculations

24 are correct, six months would have extended to at least the 17th of

25 December, 1996. So, sir, were you aware that when you reported that
the

Page 31226

1 Croatian government did not know of Mr. Rajic's whereabouts or
movements,

2 that at that very time he was employed and paid by the Croatian
Ministry

3 of Defence?

4 A. Of course I wasn't aware of that and I don't know how I
could

5 have been aware of that as an ambassador. I only knew what my
government

6 informed me of. Whether somebody inside the system was aware of
that I

7 don't know and I cannot testify to that. But most certainly, had I
known

8 that this was not correct, I would not have written a letter such as
this

9 one because the crucial sentence in the entire letter is at the end.

10 Q. Sir, I next want to turn to the topic of Mr. Ivo Komsic
again,

11 whose name has come up several times in your testimony. You had a
number

12 of contacts with Mr. Komsic in the negotiations, the peace
negotiations,

13 in the latter part of 1993, early part of 1994; is that correct?

14 A. I had a number of contacts with -- with others I even had
more

15 contacts so I can't define the significance of that, but most
definitely

16 I contacted Mr. Komsic and he contacted me.

17 Q. I believe in your testimony on direct examination in
reference to

18 the joint -- the document that was put before you at the time was a
joint

19 declaration by Tudjman and Izetbegovic on the 14th of September,
1993

12 the former Banovina. Zuzul reacted and there was a heavy exchange
of

13 words. (Granic left yesterday and took our plan to Zagreb). It was
not

14 possible to have a proper dialogue after that."

15 Now, if I can direct your attention, please, to the last
page of

16 this excerpt, on page 3, the top of the page, please.

17 "The conference increased the tension between the two
18 delegations, the HNV and Herceg-Bosna, both in Geneva."

19 Now, can we agree, sir, that the HNV is a reference to the
20 Croatian National Council, a body that had been formed in Sarajevo
and

21 was another organization of Bosnian Croats that you spoke about
earlier

22 today; is that right?

23 A. Correct.

24 Q. Mr. Komsic says that: "Zuzul invited me for a talk about
this.

25 It was a very unpleasant and difficult conversation. He first tried
to

Page 31230

1 tell me his personal views trying to give me some advice. When this
did

2 not help and I stated the arguments that completely justified
everything

3 that we had done and proposed, he told me the 'government'
position. He

4 was clear and unambiguous, and in addition to mentioning high
treason, he

5 threatened me. He warned me that 'they' had my family, who were in

6 Sisak, under control. I told him that I was not impressed by these

7 threats because they had tried to kill me before, my property was

8 confiscated and divided, an arrest warrant was issued for my son and
they

9 were threatening me publicly and arrogantly on Croatian Television.
I

10 reminded him of the appearance of Ignjac Kostroman on Croatian Radio
11 Television."

12 Do you recall, sir, having this conversation with Mr. Komsic
13 around the 11th of February, 1994?

14 A. The conversation, as is described here, is the sort of
15 conversation I've never had with anyone, including Mr. Komsic. I
can't

16 remember and I can't make any claims about meeting up with him or
not on

17 that day. I must say that I am scandalised by this. For instance,
he

18 said that he left our premises in the United Nations building
excited and

19 encouraged. I never had an office in the United Nations building,
so to

20 say the least, he is lying about the venue of the meeting.

21 Allow me, Mr. Prosecutor, to put a logical question. Two
days

22 after what happened an official record was made. Was there anything
in

23 what was recorded as me having said that even remotely resembles
what is

24 written by Mr. Komsic here? You have gone over the better part of
my

25 career as a diplomat and not only as a diplomat. Did you ever come

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1 across a situation where I threatened anyone, mentioned anyone's
family,

2 or anything of the sort? Yesterday we had occasion to see the way

3 Mr. Komsic addressed at the --

4 Q. [Previous translation continues]... I'm not sure that you
would

5 have necessarily reported that in the meeting in Zagreb, but perhaps
you

6 would have. But be that as it may, sir, let me direct your
attention to

7 the next paragraph.

8 "In the end, I told him that they did not have the right to
9 decide about our lives, our property, and our history, and we would
not

10 become a national minority in order for a handful of Herzegovinians
to

11 have their own state. I left their offices in the UN building, both

12 excited and encouraged. I finally realized that they were
powerless.

13 Out of control, Zuzul said at one point, 'You got rid of Boban, but
you

14 won't get rid of Tudjman.'"

15 Do you remember making that statement?

16 A. Of course I did not make it. A moment ago in my answer I
told

17 you that Mr. Komsic was even lying about the venue of the meeting.
What

18 were these offices of ours in the UN building that he was coming out
of?

19 We never had anything of the sort. He was lying about the venue and

20 about everything else. Whoever knows me would find it inconceivable

--

21 well, after all, I'm 185 centimetres tall and I have as many
kilogrammes

22 as I have, and Mr. Komsic is a rather short, tiny person. Would I

23 threaten him? Nowhere in any of the texts will you find me
advocating

24 any sort of an option that he suddenly seems to be claiming that I

25 espoused. These are just fabrications in the service of I do not
know

1 whom, but they are not the truth. I have never said anything bad
about

2 Mr. Komsic and I was always a minority in behaving thus, and that's
why

3 all the more so am I surprised in seeing that he is putting these
words

4 into my mouth that do not tally with my personality, with my
political

5 views, and this event as described herein never occurred.

6 The same Mr. Komsic, as we had occasion to see in the
transcript

7 from the Presidency of Bosnia-Herzegovina, which I was unaware of
until

8 yesterday, makes it his business to invent derogatory terms for his
9 compatriots, Croats, at the Assembly. So that's the sort of man he
was,

10 and I was not aware of that until yesterday. Not even now that I
know

11 this would I threaten him politically and even less so physically.

12 Your Honours, would I ever include in a threat somebody's family?

The

13 family, to my mind, is something sacred, it comes before everything
else,

14 and I am really shocked that anybody should wish to impute something
of

15 the sort to me.

16 Q. Mr. Zuzul, I want to thank you for coming to The Hague and
giving

17 your testimony and that concludes my examination.

18 JUDGE ANTONETTI: [Interpretation] Very well.

19 Mr. Karnavas, will we have re-direct tomorrow? Maybe you
don't

20 have re-direct.

21 MR. KARNAVAS: This cross calls for no re-direct, Your
Honour.

22 JUDGE ANTONETTI: [Interpretation] That's good news. Nobody
had

23 expected that.

24 Witness, on behalf of my fellow Judges I would like to thank
you

25 for having come and testified here. It was lengthy but necessary
because

1 both the Defence and the Prosecution needed to put questions to
you. I

2 wish you and the family members accompanying you a safe trip back
home.

3 Could Mr. Usher escort the witness back out of the
courtroom.

4 THE WITNESS: [Interpretation] [Previous translation
continues]...

5 and Your Honours.

6 [The witness withdrew]

7 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you sent us
the

8 schedule for after court recess. I think a witness is scheduled. I

9 don't believe he's been granted protective measures.

10 MR. KARNAVAS: The next witness, no, Your Honour, and I
should

11 note, I should note, that after that witness we're still trying to
make

12 arrangements to bring the -- Mr. Perkovic back to follow-up. We're

13 waiting to hear back. As soon as we hear back, we hope within the
next

14 day or so, certainly before Friday, we will communicate that news.

We

15 do -- Mr. Scott did approach me yesterday and I did give my
assurances

16 that as soon as we know we will let everybody know so they could
prepare

17 accordingly. So in any event, we might have an updated calendar for
all

18 of you. That's it.

19 JUDGE ANTONETTI: [Interpretation] Very well.

20 As you well know, we shall re-convene after court recess.
We

21 have a few minutes left, but I take this opportunity to wish
everyone a

22 good rest. We have spent some three intense months, so I encourage
you

23 all to take a good rest. We shall re-convene on Monday, August the
25th,

24 at quarter past 2.00. That's all. I need to leave, because in less
than

25 25 minutes I'll be back in this courtroom.

Page 31234

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p.m.

--- Whereupon the hearing adjourned at 1.47