

1 Monday, 26 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. Today is Monday,
11 26th of May, 2008. Let me greet the accused, the Defence counsel, the
12 Prosecutor and his assistants, as well as everyone assisting us in this
13 courtroom.

14 I'm first going to give the floor to the registrar. He has a
15 number of IC numbers to give us.

16 THE REGISTRAR: Thank you, Your Honour. Some parties have
17 submitted lists of documents to be tendered through Witness Rebic,
18 Adalbert. The list submitted by 1D shall be given Exhibit number IC
19 00795; the list submitted by the OTP shall be given Exhibit number IC
20 00796; the list submitted by 3D shall be given Exhibit number IC 00797;
21 and the list submitted by 4D shall be given Exhibit number IC 00798.
22 Thank you, Your Honours.

23 JUDGE ANTONETTI: [Interpretation] Thank you. One piece of
24 information. Tomorrow, the Trial Chamber will issue an oral ruling
25 regarding the guidelines, and that is following the submissions made by

1 Mr. Karnavas, Mr. Stewart, and Mr. Khan last week. They drew the

2 attention of the Chamber on a number of issues. In order to clarify all
3 this, the Trial Chamber will rule tomorrow, will issue an oral ruling to
4 clarify some of the points raised last week by the Defence counsel I've
5 just mentioned. We could have issued this ruling today, but since it's a
6 very significant decision, after considering the matter this morning, we
7 decided to review the text once again, and I will read out the decision
8 tomorrow morning because tomorrow we are sitting in the morning.

9 This is what I wanted to tell you. We have a witness now called
10 by Mr. Prlic.

11 Yes, Mr. Stewart.

12 MR. STEWART: Your Honour, it's just a clarification because on
13 Thursday afternoon, Your Honour invited written submissions. We have
14 prepared written submissions which subject to final checking are ready
15 for filing. May we take it that if we do file this afternoon that could
16 at least be -- well, potentially be helpful to Your Honours and that you
17 would consider those written submissions before you give your ruling
18 tomorrow morning?

19 MR. KARNAVAS: I would also ask -- I would also ask that if the
20 Trial Chamber in issuing its ruling go back to the record and see how
21 often it gave extra time to the Prosecution on direct examination and
22 how
23 often Judges, in particular, Judge Prandler indicated rather robustly
24 about the right of the Prosecution to redirect examination. Last week,
25 what occurred in my opinion was a travesty. There was 20 minutes left on
the clock. I had five minutes of redirect examination, and in my

Page 28514

1 opinion, the -- what was displayed last week was not only an
2 insensitivity to the Defence but also a display of a lack of clarity and

3 understanding of the adversarial procedure, particularly when I'm told I
4 can bring the witness back or I should reserve time, like a half an hour,
5 for redirect because there's a whole host of issues why that can't
6 happen. So I welcome Mr. Stewart's and Mr. Khan's written submissions,
7 but again, I must say in the clearest form that I was for once in my
8 entire career ashamed to be in a courtroom with that kind of a ruling.
9 I had to speak with my client afterwards and reassure him that
10 perhaps we will have better days in this court again because he was
11 wondering how is it that Mr. Seselj is getting -- 100 per cent of his --
12 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas.

13 MR. KARNAVAS: You broached the issue, Your Honour, so I'm just
14 responding.

15 JUDGE ANTONETTI: [Interpretation] You are reopening the
16 discussion, but I've just told you that the Chamber will issue an oral
17 ruling following your submissions. No need to get on your high horses
18 and to start lecturing us. Of course, Mr. Stewart, if you want to file
19 your written submissions, it will be a pleasure for us to read them, but
20 in any case, the oral ruling will be handed tomorrow and will not go to
21 the substance of these submissions.
22 Mr. Stringer.

23 MR. STRINGER: Excuse me, Mr. President. Good afternoon, Your
24 Honours, and counsel. I think the Prosecution, we certainly recognise
25 that it's an issue, a procedural issue of some importance to all the

Page 28515

1 parties and that everyone would benefit from a swift ruling from the
2 Trial Chamber on this point. However, if the Defence is going to be
3 filing written submissions, I think I would, just to be careful or as a
4 precaution, to suggest that the Prosecution may wish to be heard either

5 in writing or perhaps to be able to at least give our position in this
6 orally after we've read the Defence submissions. So I'm not saying that
7 we want to file a written response. It may be that we could simply
8 express our position on this orally after having read the Defence
9 submissions, but in any event, Mr. President, if the Trial Chamber could
10 keep in mind the Prosecution may wish to express its views on this
11 matter.

12 That's all I can say on it at this point.

13 MR. KHAN: Your Honour, of course no objections at all that the
14 Prosecution have a right to be heard on this issue. Perhaps I could be
15 so bold as to suggest that as the matters are not new, they have been
16 subject to quite some submissions by my learned friend, Mr. Stewart,
that

17 perhaps the Prosecution, knowing the issue, knowing the parameters of
the

18 issue can file something also by the end of today, and Your Honours can
19 consider both submissions prior to whatever decision you make in the
next

20 few days.

21 If there are additional issues that arise from whatever is filed,
22 of course Your Honours may give leave to the parties to make very short
23 submissions on those new issues, perhaps tomorrow, but of course, Your
24 Honour, that's a matter for you and your colleagues.

25 MR. STEWART: Your Honours, we would propose to file certainly by

Page 28516

1 4.00 in the normal way. I don't want to impose too much of a burden on
2 the Prosecution, but it may be that they won't find anything especially
3 onerous or time-consuming to respond to. Perhaps if they were to file
4 just later today if they reasonably can, that might do the trick.

5 MR. STRINGER: We're certainly willing, Mr. President, to read
6 the Defence submissions on this. I can consult with Mr. Scott later this
7 afternoon, and we can see whether we can file a written response today or
8 whether a written response is even necessary. It may be that simply we
9 can express our views orally to the Trial Chamber and then put the
10 position -- or put the Trial Chamber in a position to rule even more
11 quickly.

12 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, since
13 Mr. Stewart's submissions will be filed before 4.00 p.m., you will be
14 able to read them, and by the end of the afternoon, if you wish to deal
15 with this matter, you will be able to take the floor and talk about it.
16 But the Chamber has considered the matter this morning and has issued a
17 decision to clarify the guidelines, not to amend them. After reading
18 Mr. Stewart's submissions, we'll consider whether it is necessary to
19 amend these guidelines, but in any case, tomorrow morning we'll issue an
20 oral ruling to clarify - let me repeat it - to clarify and not to amend
21 the guidelines.

22 I'm going to ask the usher to bring in the witness.

23 MR. STEWART: Your Honour, while that's happening, can I just say
24 that we're actually going to send to Mr. Stringer, we will send our
draft
25 as it stands because subject to any possible minor tweaks, it's going to

Page 28517

1 be filed very soon, so just to accelerate things, we'll send it to him
2 straightaway. I know he's in court and got other things to do, but he
3 and his team will have it.

4 MR. STRINGER: I'll ask my assistant, Mr. Scott, to review that.

5 [The witness entered court]

6 JUDGE ANTONETTI: [Interpretation] Good afternoon, sir. Can you
7 please give me your first name, last name, and date of birth.

8 THE WITNESS: [Interpretation] Zdravko Sancevic, born on the 20th
9 of January, 1931.

10 JUDGE ANTONETTI: [Interpretation] Do you have an occupation
11 currently, or are you retired?

12 THE WITNESS: [Interpretation] I am still employed as the consul
13 general of the Republic of Croatia in our mission to Venezuela.

14 JUDGE ANTONETTI: [Interpretation] Witness, have you already
15 testified before a court about the events that took place in the former
16 Yugoslavia, or is it the first time you're going to testify?

17 THE WITNESS: [Interpretation] This is the first time.

18 JUDGE ANTONETTI: [Interpretation] I'm going to ask you to read
19 the solemn declaration.

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

22 WITNESS: ZDRAVKO SANCEVIC

23 [Witness answered through interpreter]

24 JUDGE ANTONETTI: [Interpretation] Thank you very much. You may
25 be seated.

Page 28518

1 A few words of explanation, Witness. You have been called by the
2 Defence of Mr. Prlic in the first stage of these proceedings. You will
3 answer questions put to you by Mr. Prlic's counsel. After that, the
4 other Defence counsel may, if they wish to do so, put questions to you.
5 Then the Prosecution as part of the cross-examination will put questions
6 to you. The four Judges sitting before you may also ask questions.
7 After the Prosecution, the Defence, if it still has some time available,

8 will put questions to you as part of the re-examination.

9 According to the Rules of Procedure and Evidence, every hour and
10 a half we have a break, a 20-minute break, but if at any time you feel
11 unwell, if for some reason you want us to adjourn briefly, please ask us
12 to do so.

13 Having said that, I'm now going to give the floor to Mr. Prlic's
14 counsel. He's going to put a number of questions to you.

15 MR. KARNAVAS: Good afternoon, everyone in and around the court.

16 Examination by Mr. Karnavas:

17 Q. Mr. Sancevic, I understand you served as an ambassador. You're
18 currently have an ambassadorial function. It's my understanding you wish
19 to be addressed as Ambassador Sancevic; is that correct? You're going to
20 have to speak up because we have to make a record. You don't have to
21 lean forward, but if you speak up, we'll pick it up.

22 A. That is correct.

23 Q. All right. You don't have to shout. The mics are pretty good,
24 but -- as I also understand, I heard this coming on the way to the
25 court,
26 that you've had some heart problems and some health problems, and so if

Page 28519

1 you do feel like it's -- this is too stressful, let us know we'll take a
2 break, okay?

3 A. Very well.

4 Q. All right. With the Court's leave and unless there are any
5 objections from the Prosecution, I'm going to briefly touch on your
6 background, and I'm going to ask for you to verify it. As I understand,
7 you were born in Bosnia-Herzegovina in 1931?

8 A. That is correct.

9 Q. That you left around -- 1944 to 1945, you left Bosnia-Herzegovina
10 for Croatia; is that correct?

11 A. That is correct.

12 Q. You and your family moved to Venezuela in 1948; your father had
13 some sort of a business, a lumber business, wood-cutting business, and
14 after the war, everyone moved to Venezuela; is that correct?

15 A. That is correct.

16 Q. And I also understand that you have been educated and received a
17 doctorate in, I guess, petroleum engineering, having first received --
18 having first received your undergraduate and graduate education in the
19 United States.

20 A. My Ph.D is not from the United States. It is from Venezuela.

21 Q. But your bachelor's and your masters are from -- what is it, the
22 University of Colorado? Is that the mining and ...

23 A. No. It is the Colorado School of Mines.

24 Q. All right. Go ahead. Now, as I understand it, from 1953 to
25 1961-62 you worked as an engineer for Shell Oil Company.

Page 28520

1 A. It is correct.

2 Q. And you held other jobs in the oil industry until you retired
3 somewhere around 1990, I believe it was.

4 A. I have been retired as of 1991.

5 Q. Okay. And you've also taught at the university over there in
6 Caracas as I understand it?

7 A. It is correct.

8 Q. Now, I think that's enough of your background prior to the events
9 in Croatia, but as I understand it, in 1990 or 1991, you went to Croatia
10 as a volunteer - I think it was 1991 - as a volunteer to fight in the

11 Croatian Home Guard once Croatia came under attack by the JNA; is that
12 correct?

13 A. That is correct.

14 Q. Thereafter, you briefly worked with or you were assigned to, I
15 believe, the Ministry of Information?

16 A. Not to the -- to the Ministry of the Interior but to the Ministry
17 of Information.

18 Q. All right. And then you were, for a short period, I believe, for
19 about a year, you were the Minister Of Emigration as opposed to
20 immigration, correct?

21 A. Yes. That was during the coalition government of the democratic
22 union throughout the war.

23 Q. All right. And thereafter, you were -- as I understand it, you
24 were appointed towards the end of 1992 as Croatia's ambassador to
25 Bosnia-Herzegovina.

Page 28521

1 A. That is correct.

2 Q. And you stayed in that position until about what, 1995, was it or
3 1996?

4 A. Early 1996.

5 Q. Okay. Thereafter, you served, I believe, in the Samobor, and you
6 held one seat in the parliament, a seat that's normally designated to
7 Croats from the diaspora?

8 A. That is correct.

9 Q. And I also failed to mention that at some point, you also worked
10 as the president of the board of directors of the Zagreb University, and
11 that was, I believe, in 1992 to 1993?

12 A. That was the Administrative Council of the Zagreb University.

13 Q. What was that about just very briefly; could you tell us?

14 A. In English, [In English] it was the president of the board of
15 trustees.

16 Q. Okay. All right. Well, all right. For those of us who don't
17 know what the board of trustees does, could you just tell us in a few
18 words?

19 A. [Interpretation] In western universities - because at that time
20 there were also eastern universities - in western universities,
21 frequently, in particular in the United States, there is a board of
22 trustees comprising gentlemen elected to oversee the work of the
23 university. They draft plans for its activities.

24 Q. All right. And I take it one of the reasons that you were part
25 of that board was because you had been a professor in Caracas?

Page 28522

1 A. Yes, except for being a professor, I was a director of the School
2 Of Oil Engineering at the Central University in Caracas.

3 Q. All right. Okay. Now, let's go right into 1991 when you first
4 arrived. Could you please tell us, what did you do with the Home Guard
5 when you first came to Croatia and volunteered?

6 A. When I arrived as a volunteer, I registered myself, and I was a
7 private. I was with the National Guards for four months. Once the
8 four-month period ended, I was appointed minister.

9 Q. Okay. You were appointed minister. What -- minister to where?
10 Is that when you were appointed Minister Of Immigration?

11 A. I was appointed Minister for Emigration.

12 Q. Emigration, sorry. Now, as I understand it -- during that
13 four-month period while you are with the Home Guard, you were also doing
14 some work with the Ministry of Information. Could you please tell us

15 exactly what you were doing?

16 A. When I was seconded by the Home Guards to the Ministry of

17 Information, I had to organise within the ministry a mechanism to
receive

18 information in Europe, since all news agencies had been left behind in

19 Belgrade. They had their seat there. In a way, I had to keep the

20 Croatian government and president informed of the events that took place

21 in Europe the previous day.

22 Q. All right, sir. If I understand it correctly, primarily your job

23 was to gather the news information, condense it so Dr. Tudjman, the then

24 president, could have it every morning. Is that what you're telling us?

25 A. Yes. However, it did not only concern news information. It also

Page 28523

1 involved television, radio, and all sorts of information one could gather

2 through the day concerning Europe.

3 Q. All right. And again, why didn't Dr. Tudjman just turn on the

4 radio or the television or pick up a newspaper to find out?

5 A. Well, I believe he wanted to have it in writing. At least that's

6 what I was told. He wanted to have a brief of at least one and a half

7 pages of the recent news in Europe.

8 Q. All right. Now, when you went to the Ministry of Emigration, how

9 was it that you were appointed? I mean, you went to being a retired

10 doctor in petroleum engineering to a volunteer private, and now you're

11 all of a sudden you're a Minister of Emigration. How did that happen?

12 A. Truth be said, I don't know where it came from. But in any case,

13 and as far as I could learn, President Tudjman had read a book which had

14 been written by my father. The book is called "From the Bosnian Forests

15 to Venezuela," since he was involved in forestry and lumber as an

16 industrialist. Upon reading that book, as he said once, he arrived at a
17 conclusion that I was a member of a family which before the war had been
18 well-known and esteemed in Bosnia and Herzegovina.

19 Q. All right. How is it that your father picked Venezuela,
20 incidentally?

21 A. Well, there was a group of industrialists in Italy right after
22 the war who were involved in forest -- the forest business from the
23 then-Yugoslavia. They were there awaiting free elections in Yugoslavia.
24 However, after almost three years of waiting, they never saw such
25 elections, upon which that group of people decided to go somewhere. The

Page 28524

1 first option they had was Ethiopia. However, Mr. Negus did not
2 contribute his own share in the general capital, and the whole idea fell
3 through. Something else had to be devised.

4 The then Venezuelan minister Henrique Tejeva Paris came and
5 convinced my father to depart for Venezuela.

6 Q. Thank you. Now, getting back to the Ministry of Emigration,
7 could you please tell us exactly -- well, first of all, when you were
8 appointed on or about, and for how long did you serve?

9 A. At the beginning of December 1991 was when I was appointed. I
10 took the oath a few days later in the parliament.

11 JUDGE MINDUA: [Interpretation] Mr. Karnavas, so sorry. In the
12 transcript, just a point of clarification. On page 12, line 22, in the
13 English text, I can see "Mr. Negus [French spoken]." Is this the emperor
14 of Ethiopia, the Negus, or is it somebody else?" Witness?

15 MR. KARNAVAS:

16 Q. Sir, His Honour is asking you a question. When they ask
17 questions, you know, you need to answer them.

18 A. I apologise. Of course, yes, I didn't understand. I didn't hear
19 you too good.

20 Q. The question had to do with going back when your father was
21 planning on going to Ethiopia, and you mentioned a particular minister,
I
22 believe, or a Mr. Negus. Who was that individual?

23 A. Mr. Negus was the head of the state of Ethiopia. He was the
24 Ethiopian emperor.

25 MR. KARNAVAS: May I continue? All right. There's no drama

Page 28525

1 here. Very well.

2 Q. And just to be on the safe side, your father was not running away
3 from the authorities, you know, because of any particular affiliation
4 during World War II, and by that I mean having fought on the other side,
5 for instance?

6 A. He was on the right side.

7 Q. Okay. All right. And what side was that, just to be ...

8 A. You know when somebody -- well, when -- my father was of Jewish
9 origin, and that fact alone meant that he was on the right side with the
10 allies. For example, my father's lawyer was a member of the royal
11 government in London. His name was Miro Shulte [phoen], and later on he
12 was a member of the government that was popularly known as Tito's
Subasic

13 government. What else can I tell you?

14 Q. I think that's enough because it's sort of a -- it's extra
15 material that we can dispose with for the moment. But getting back to
16 the Ministry of Emigration, what exactly did this ministry do in general
17 terms?

18 A. I had to draft a plan of my future work because that ministry did

19 not exist before, and its main task was concerned with the possibility
20 that a certain number of people who resided outside of Croatia wanted to
21 return to Croatia. The first task was to establish how many such
22 immigrants there were because there were all sorts of immigrants. There
23 are those who left Croatia in the 17th century, and there is also those
24 who left in the 19th and 20th century and so on and so forth. In other
25 words, we had to define primarily who the Croatian immigrants were, and

Page 28526

1 after that we had to see how to facilitate their return to Croatia.

2 Q. All right. Now let me interrupt you here. Did that also
3 include, for instance, Croats who were living in, say, Bosnia-Herzegovina
4 or any of the republics within the former Yugoslavia?

5 A. Yes, generally speaking, but this also included citizens who were
6 not Croats who had left Croatia and were considered Croatian emigrants.
7 First of all, we had to define the term "emigrant," and we did. An
8 emigrant is a person who permanently resides outside of Croatia.

9 Q. Okay. Now as I understand it, you were there from early December
10 1991 until August 1992, correct, in that position?

11 A. Correct.

12 Q. Okay. Now, during that period, did you have an opportunity to be
13 at any meetings hosted by President Tudjman where he presided over?

14 A. Yes. I was present at several VONS meetings. The abbreviation
15 stands for the Council for Security and Defence.

16 Q. All right, and that's V-O-N-S, right? You're shaking your head.
17 We need to make a record.

18 A. Very well, yes. I was present at those meetings.

19 Q. All right. Now, in August -- sometime in August 1992, you were
20 appointed ambassador to Bosnia-Herzegovina; is that correct?

21 A. Correct.

22 Q. How was it, to your understanding, that you were selected for
23 that position?

24 A. When that government stepped down and towards the end of my term
25 as Minister of Emigration, President Tudjman approached me and suggested

Page 28527

1 that I should be good for that position. This was on the very eve of the
2 proclamation of independence of Bosnia and Herzegovina. He himself told
3 me that that decision was based on the reputation of my father, the
4 reputation that my father enjoyed in Bosnia and Herzegovina before the
5 war. My father was a businessman, and as such he was well loved by
6 people in Bosnia and Herzegovina because he was very tolerant and all
7 ethnic groups and religious groups found it easy to accept him. He
8 helped all the religions, actually four of them: the Catholics; the
9 Islam; the Serbian orthodox church; and the Jewish religion, i.e., the
10 Jewish community in Bosnia and Herzegovina.

11 Q. Where did your father come from exactly? Was it in Bosnia and
12 Herzegovina? Where did he come from?

13 A. He was born on Mount Kozara, which was a place famous for rebels
14 during the war.

15 Q. All right. Let me just ask you -- let me just break it down.

16 Was he Herzegovinian, or was he from Bosnia?

17 A. He was from Bosna Bosna.

18 Q. So he was not Herzegovinian?

19 A. [In English] No.

20 Q. All right. Now, when did you actually take up your position as
21 ambassador to Bosnia and Herzegovina?

22 A. [Interpretation] I was appointed, if my memory serves me well,

23 sometime around the 14th of October or thereabouts, and I handed my
24 credentials to Mr. Alija Izetbegovic on the 18th of December, 1992.

25 Q. All right. Now, if we could just very briefly -- I'll show you a

Page 28528

1 couple of documents. I don't know if Madam Usher has presented you with
2 our binders with your documents there.

3 A. Yes. Please go ahead.

4 Q. If you could look at 1D 02926. 1D 02926.

5 A. Yes, I have it before me.

6 Q. All right. Now, do you recognise this document and if so, what
7 is it?

8 A. These are my credentials that I handed Mr. Alija Izetbegovic on
9 behalf of my president, Dr. Franjo Tudjman. This is a copy of my formal
10 credentials appointing me ambassador.

11 Q. Okay.

12 A. A plenipotentiary and the first in Bosnia and Herzegovina.

13 Q. That was my next question. At that time when you were appointed,
14 and actually when you presented your documents, your credentials, I
15 should say, to the president of the Presidency of Bosnia and
Herzegovina,

16 were there any other ambassadors serving in Bosnia and Herzegovina?

17 A. I was the first.

18 Q. Now, we see that -- you tell us that sometime in August was when
19 you were appointed, and it's not until the 18th of December, you say,
20 that you were actually presented your credentials. Could you please tell
21 us what took so long?

22 A. No. In August, I was no longer the Minister of Emigration, and
23 the procedure was as follows: First, the Independent Republic of Bosnia

24 and Herzegovina was established, and the process lasted -- actually, the
25 Republic of Bosnia and Herzegovina became independent on either the 1st

Page 28529

1 or the 2nd -- actually it was on the 2nd, 1992.

2 Q. All right. Well, let me just move on.

3 JUDGE TRECHSEL: I'm sorry. 2nd, which month?

4 MR. KARNAVAS:

5 Q. Mr. Sancevic, the question I had asked you is what took you so
6 long, and now you said that Bosnia and Herzegovina became independent on
7 either the 1st or the 2nd, but which month?

8 A. Oh, I didn't say the month. In the month of March. In the third
9 month of the year.

10 Q. All right. Now, please tell us. When you got to Bosnia, where
11 did you set up the embassy of Croatia?

12 A. When I arrived in Sarajevo and when I handed my credentials, I
13 talked to Mr. Izetbegovic about the setting up of the embassy, and his
14 advice to me was not to set it up because it would be destroyed the
15 following day by the great Serbian forces around Sarajevo, so he
16 recommended that I should go somewhere else and set up my embassy
17 somewhere else. He suggested Zenica is a good place. But I decided to
18 set up my seat in Neum and to commute, so I became a commuting
ambassador

19 or a roaming ambassador.

20 Q. Can you please tell us exactly how long did that last, how long
21 were you in Neum, and while you were this roaming ambassador, what
22 exactly you did and what functions the embassy carried out?

23 A. None whatsoever. My first task was to learn a few things about
24 Bosnia and Herzegovina since I had not been familiar with Bosnia and

25 Herzegovina or at least not enough because I had left Bosnia and

Page 28530

1 Herzegovina as a child. So I did not have any other functions save for
2 learning and getting to know Bosnia and Herzegovina during that period of
3 time, which coincided with the first half of the year 1992.

4 Q. All right. What exactly did you do as the roving ambassador?

5 Where did you go?

6 A. Well, I did not roam that much, but my idea was definitely to get
7 to learn Bosnia and Herzegovina. I made three journeys. Actually, there
8 were three directions that I could take on my travel.

9 Q. Which directions were they? And this would have been in 1993,
10 right, not 1992?

11 A. At the beginning of 1993. One direction was towards
12 Tomislavgrad, another one towards Livno. Actually, that was still the
13 first direction. The second direction was -- let me try and remember.
14 It was in the direction of Prozor and Central Bosnia. And the third
15 direction was mostly along the course of the Neretva River and the
16 beginning of the flow of the Bosna River.

17 Q. All right. What about up in the Posavina? Did you go towards
18 that direction at all?

19 A. I did. I went there, as well, but I did not enter the territory
20 of Bosnia and Herzegovina because it was impossible because that area at
21 the time had been captured by the great Serbian forces.

22 Q. And what was the purpose for these trips? Who was -- what would
23 you do?

24 A. I mostly spoke to the local authorities there, to the mayors, the
25 heads of municipalities, in order to get a feeling for everything that

Page 28531

1 was going on in Bosnia and Herzegovina at the time.

2 MR. KARNAVAS: All right.

3 JUDGE TRECHSEL: Excuse me, Mr. Karnavas. Witness, you have said
4 on line 14, page 19, that you could not enter the territory of Bosnia and
5 Herzegovina. I find that a bit surprising. Did you not come from that
6 territory? Neum was in the territory and Tomislavgrad and the Posavina
7 also. Did you mean that you could not enter the Posavina because the
8 Serbs prevented you from that?

9 THE WITNESS: [Interpretation] Yes, that is correct. Access to
10 the free territory of Bosnia and Herzegovina was from the south-west,
11 from the territory of southern Croatia, whereas access from the north
12 was impossible because that was under the control of the great Serbian
13 authorities.

14 JUDGE TRECHSEL: Thank you. Thank you.

15 MR. KARNAVAS: Thank you, Judge Trechsel.

16 Q. Now, you said that you met with the officials in those places and
17 were trying to gather some information. What did you do with that
18 information, if anything?

19 A. This information served for my own personal planning and had to
20 do with what I would be doing in the future and where I would be setting
21 up my embassy; and the second purpose was to get familiar with the
22 situation in Bosnia and Herzegovina because I was a rookie there, you
23 know.

24 Q. Were you sending reports to the Minister of Foreign Affairs or
25 beyond that at that point?

Page 28532

1 A. I sent very short reports with the same contents to the Minister

2 of Foreign Affairs and to President Tudjman.

3 Q. All right. How were you sending this information? Were you
4 typing it up on a computer, e-mailing it? Were you faxing it? What were
5 you doing?

6 A. Unfortunately, I didn't have any of that at the time. I would
7 put together very brief letters containing a few sentences, and I would
8 send them either via courier or whether -- I would take those letters to
9 Zagreb myself whenever I went there. And then I would also have an
10 opportunity to discuss the letter with the Minister of Foreign Affairs
11 and President Tudjman.

12 Q. All right. Now, how long were you in this capacity as a roving
13 ambassador, so to speak, and how long did you stay in Neum before you
14 moved on to the next spot to set up the embassy for Croatia?

15 A. I would just like to say that in Neum, I lived within the circle
16 of the Mostar University, and all that lasted up to August 1993 when I
17 set up my embassy in Medjugorje.

18 Q. Why pick Medjugorje in August of 1993? Why not move to
19 Sarajevo?

20 A. Well, as I've already told you, President Izetbegovic himself
21 told me to postpone my arrival in Sarajevo because I was under siege,
22 and
23 if I had decided to set up the embassy there, it would have been
24 destroyed by the greater Serbian forces according to President Tudjman
25 himself --

25 THE INTERPRETER: President Izetbegovic, the interpreter's

Page 28533

1 correction.

2 A. -- and why I chose Medjugorje -- it was convenient because the

3 area was rather calm. You know that Medjugorje is a sacred place among
4 the Catholic population and that there's no fighting in the area. On the
5 other hand, a lot of different visitors had to pass through Medjugorje
6 on route to Bosnia and Herzegovina, and a majority if not humanitarian
7 convoys en route to Bosnia and Herzegovina passed through Medjugorje as
8 well.

9 Q. If I understand what you're telling us here is that the border --
10 the Croatian border, the border for the Republic of Croatia was nearby.
11 Is that what you're attempting to say, that Medjugorje was near there
12 and that's why -- one of the reasons that you selected it?

13 A. Yes, but the important thing was the fact that most of the
14 humanitarian aid from Croatia to Bosnia and Herzegovina passed through
15 there.

16 Q. All right. Now, before we discuss --

17 JUDGE TRECHSEL: Just to draw your attention to the fact that
18 your last question was a very leading question.

19 MR. KARNAVAS: I understand.

20 JUDGE TRECHSEL: And you're aware of it, and you want to avoid
21 that yourself. Thank you.

22 MR. KARNAVAS: Yeah. I was trying to add some clarification.

23 Q. Now, during this -- before we go into what exactly you were doing
24 in Medjugorje -- well, let me just go back to what was just touched
25 upon. From Medjugorje to the border of the Republic of Croatia, what's

Page 28534

1 the distance, if you know?

2 A. I wouldn't be able to give you the exact number of kilometres,
3 but I suppose we are talking about 25 to 30 kilometres or a few more.

4 Q. Now, before we talk about what you did there, could you tell us

5 whether you were venturing into Sarajevo at all during this period?

6 A. I went to Sarajevo after having handed my credentials on two
7 occasions, during the second half of 1992 and early 1993.

8 Q. And what was the purpose for those visits?

9 A. My main duty was to maintain contacts with the authorities of
10 Bosnia and Herzegovina, which were in Sarajevo; however, there were
11 periods when the Bosnian-Herzegovinian authorities were in Zagreb, and
12 that's where I would -- when I would go to Zagreb to meet with various
13 ministers and officials of the Republic of Bosnia and Herzegovina.

14 Q. All right. Now, let's talk about your activities in Medjugorje.

15 Please, first of all, tell us what sort of services did the embassy of
16 the Republic of Croatia provide at that location, and we're talking now
17 August 1993 and onwards.

18 A. First and foremost, at that location, I performed a lot of
19 consular services such as issuing certificates, visas, certificates of
20 nationality, passports. In other words, whatever one should expect from
21 an embassy with a good consular service. This is as far as Medjugorje
22 is concerned, and I have also told you that the political relationship
23 with the Republic of Bosnia and Herzegovina was something that was
24 maintained either in Sarajevo when I went there or when I came closer to
25 Zagreb where the officials of Bosnia and Herzegovina were at the time.

Page 28535

1 Q. All right. How large of a staff did you have?

2 A. At the beginning, there were four individuals, and then the
3 numbers steeply shot to some 15 staff, but I can't be pinned down to give
4 you the exact figure. At any rate, between several individuals until
5 ultimately 15.

6 Q. And how long was the embassy for the Republic of Croatia in

7 Medjugorje? How long was it there?

8 A. Until the Washington Agreement was signed. As soon as it was
9 signed, I started relocating the embassy to Sarajevo. The process of
10 relocation lasted from March to the end of April, possibly early May.

11 Q. What year?

12 A. 1994.

13 Q. Okay. All right. Now, before we talk about citizenships and
14 passports and maybe even visas, I want to touch upon what you said, that
15 you were issuing certificates, this concept.

16 A. You mean certificates?

17 Q. Well, that's how it's -- it's translated as certificates in
18 English, but I know it from you to be potvrda. I'm having a tough time
19 with it --

20 A. Yes. That is right. Potvrda.

21 Q. Normally I'm fluent in everything else.

22 A. This was a piece of paper we issued to individuals to enable them
23 to go to Croatia. Now, there were many reasons why individuals wanted to
24 go to Croatia. For instance, there were individuals who had been
25 wounded.

Page 28536

1 Q. Let me stop you there. We're going to go step by step. Who --
2 when you say "individuals," who are we talking about?

3 A. Of those who had interests that were out of the ordinary to enter
4 Croatia or to traverse Croatia regardless of their ethnic background.

5 Q. All right. Now, was this some sort of -- what did one have to
6 show or do in order to get this document?

7 A. First of all, the individual's identity had to be verified. You
8 cannot issue an individual with a document before you have ascertained

9 his or her identity, which meant that the individual had to bring a
10 number of documents to the embassy on the basis of which their identity
11 could be ascertained and the document, the requested document issued.

12 Q. Okay. What sort of documents would they need to present?

13 A. Primarily identity cards. There were cases where identity cards
14 had burned, and so on, so forth. If they didn't have an identity card on
15 them, then they had to have some sort of a document with their
16 photograph. If there was none of that to be produced, either, they had
17 to present us with a birth certificate or a marriage certificate or any
18 other sort of document that could serve to identify the person
concerned.

19 Q. What if the person had no documents at all?

20 A. Then the person would not be issued by -- with a certificate.

21 Q. Okay. Now, what was the purpose for issuing these certificates?

22 A. You see, Bosnia-Herzegovina and Croatia, though there were
23 admittedly borders between the two countries, ever since the Turkish
24 Empire left the area, ever since 1878, there had not been firm borders,
25 as it were, between the two countries. All of a sudden, a border emerged

Page 28537

1 between the two, and business had to be taken care of, which was the sort
2 of business that is normally carried out between two states that had
3 recognised one another. Order had to be introduced, some sort of order.

4 Q. All right. And for -- with these documents, how long could
5 someone go into Croatia?

6 A. We were quite liberal in that regard. I remember that we were
7 developing the procedure over a period, but normally the approach was of
8 a case-to-case basis. If somebody wanted to cross Croatia in order to
9 join their family in France, then we would give them a longer period of

10 time. Now, if someone wanted to cross into Croatia in order to visit
11 their family or to visit someone who was wounded and was hospitalised,
12 we

12 would give documents on shorter periods of time.

13 MR. KARNAVAS: All right. Unless there are questions -- I

14 will -- no questions, okay. All right.

15 Q. Let's talk about those who wanted to have a passport. What was

16 the procedure?

17 A. Where the individual concerned had a Bosnian passport, we would

18 issue him or her with a visa that would be placed on the passport. Visas

19 could not be issued in cases where the individual did not have a

20 passport. In general, one could apply for Croatian citizenship through

21 our embassy, but the application was forwarded to the Ministry of
22 Foreign

22 Affairs in Croatia, the reason being the law on citizenship, which was

23 already in force by that time.

24 Q. All right. Well, let's talk about that law, then. If we go to

25 1D 02918. 1D 02918. Have you found it, sir?

Page 28538

1 A. Yes.

2 Q. Now, do you recognise this document, sir?

3 A. Of course I do.

4 Q. All right. Was this the document -- did you use this document at

5 any point in time back then when you were the ambassador to

6 Bosnia-Herzegovina in Medjugorje?

7 A. If we look at the date of the promulgation of the law, the 28th

8 of June, 1991, so ever since it had been issued, I applied it in

9 Bosnia-Herzegovina.

10 Q. All right. And was it this law that you applied when somebody

11 came and wanted to get Croatian citizenship?

12 A. Of course.

13 Q. If I understood your testimony earlier, and I don't intend to
14 lead you, but it was -- you needed citizenship before you could qualify
15 for a passport? If I understood you correctly.

16 A. Of course.

17 Q. So if somebody already could establish that he had Croatian
18 citizenship, then it was just a formality for you to issue a passport,
19 whereas if there was no evidence of somebody being or having Croatian
20 citizenship, they had to go first establish that, and then the passport
21 would be issued.

22 A. The applicants for a passport had to have either a certificate of
23 their citizenship -- or rather, any sort of certificate which proved that

24 they were citizens of that country, or they had to have a document
called

25 domovnica, which is the certificate of Croatian citizenship.

Page 28539

1 Q. That's the specific document that they need to show?

2 A. Precisely.

3 Q. Now, let's just take a hypothetical. An individual from
4 Bosnia-Herzegovina arrives in Medjugorje and wishes to establish or to
5 get Croatian citizenship. Could you walk us through the procedure step
6 by step? It doesn't matter whether they are a Croat, a Serb, or a
7 Muslim.

8 A. Nowhere in the law is an individual's ethnicity mentioned. Any
9 person could apply for citizenship, according to this law. The procedure
10 for applying for citizenship was one's origin, one's birth on the
11 territory of the Republic of Croatia; naturalization; and by application

12 of international treaties. Furthermore, other documents were required,
13 and in addition to the ones I mentioned which were required for the
14 verification of an individual's identity, we asked them to produce some
15 other documents. If the person concerned met all the requirements, he or
16 she could apply for Croatian citizenship.

17 The basic article of the law prescribing the requirements for
18 citizenship of Croatia is Article 8, naturalization. That article
19 clearly specifies the procedure according to which one could apply for
20 and be granted citizenship. Where an individual was unable to meet all
21 the requirements under Article 8, there were other articles, such as
22 Article 9, Article 16, and so on and so forth, which I can explain to
you

23 if you wish me to.

24 Q. All right. Just give us a very brief explanation so we know.

25 A. About these articles, you mean?

Page 28540

1 Q. Well, in particular you said Article 8, and then I believe
2 Article 16 is also relevant because it makes reference to Article 8.

3 A. Articles 9 and 16 refer back to Article 8: Where an individual
4 could not be granted citizenship under Article 8, he or she was able to
5 apply for citizenship under Articles 11 and 16.

6 Article 11 relates to emigrants, to emigrants or emigres and
7 their descendants. According to this law, they could be granted
8 citizenship without any restrictions in term of their blood lineage. In
9 other words, an emigre or emigrant could have been away from the country
10 for 100 years through his ancestors and could still be granted
11 citizenship under Article 11.

12 Now, Article 16 also relates to the Croats residing outside of

13 Croatia but who are not emigrants.

14 Q. Now, we have a few moments before we take our break, and before
15 we go into the issuance of passports and what have you, I just wanted to
16 ask you whether you were familiar at all with the Agreement on
Friendship
17 and Cooperation between the Republic of Bosnia and Herzegovina and the
18 Republic of Croatia.

19 A. That was the fundamental agreement which was law to me. You know
20 that agreements between two countries takes supremacy in relation to all
21 the other laws of the country; therefore, the Agreement on Friendship
and
22 Cooperation between Republic of Bosnia and Herzegovina and the Republic
23 of Croatia was considered law, in my view, all the way until the
24 Washington Agreement was signed.

25 Q. If we could look at P 00339. P 00339. Do you have it, sir?

Page 28541

1 A. Yes. Yes.

2 Q. We can see that this document was generated or the agreement was
3 generated on July 21, 1992, and as I understand it based on your
4 testimony, you would have been with the Ministry of Emigration at that
5 time, July 21, 1992.

6 A. No. This followed my term of office in the Ministry of
7 Emigration. The Agreement on Friendship and Cooperation between the
8 Republic of Bosnia and Herzegovina and the Republic of Croatia was, as we
9 can see, signed in the month of June, namely on the 21st of June, 1992 --
10 you are right. I'm sorry. I have to withdraw what I stated.

11 Q. All right. That's okay. If you can just look at paragraph
12 number 7.

13 A. Yes. Yes, I have it.

14 Q. Here, we see here "the Republic of Bosnia and Herzegovina and the
15 Republic of Croatia will reciprocally allow their citizens to acquire
16 dual citizenship."

17 A. Correct.

18 Q. Now, am I to understand that somebody from Bosnia and Herzegovina
19 who had citizenship in Bosnia and Herzegovina could also have obtained
20 Croatian citizenship based on this Agreement on Friendship and
21 Cooperation?

22 A. Correct. Let me just indicate that I have dual citizenship but
23 not that of Bosnia and Herzegovina and Croatia; rather, of Venezuela and
24 Croatia.

25 Q. All right. And as I understand it, this is the law that you are

Page 28542

1 applying with respect to those who wanted to get dual citizenship at the
2 time, the one that we've been discussing, this law on Croatian
3 citizenship.

4 A. Yes.

5 Q. All right. Now, once somebody has their paperwork all filled
6 out, is it up to you to make that decision? Are you the one that decides
7 who will or will not get citizenship? Or is that decision made somewhere
8 else?

9 A. The decision was taken by the Ministry of the Interior of the
10 Republic of Croatia.

11 Q. And was that -- did the Ministry of the Interior have an office
12 there in Medjugorje, or did you have to send the documents to Croatia?

13 A. We had to send the documents to Croatia.

14 Q. All right. And what kind of a time frame are we talking about?

15 How long would it take the Ministry of Information to get back to you --

16 the Ministry of the Interior to get back to you?

17 A. You see, it varied. At times, they would take a bit longer
18 because they had to go through the identity checks themselves to
19 ascertain the identities of the persons involved. It could take anything
20 between a couple of weeks to a couple of months.

21 Q. All right. Once somebody was approved, what would be the next
22 step?

23 A. The next step normally was that the person involved would apply
24 for a passport.

25 Q. Okay. And what would be the procedure for obtaining a passport,

Page 28543

1 assuming that the individual got his citizenship?

2 A. The procedure was far simpler because it only required
3 photographs and a document of citizenship and/or domovnica, rather, the
4 official certificate of the citizenship; and of course, there were forms
5 to be filled out.

6 Q. All right. Just a couple of follow-ups to make sure we have this
7 on the record. If you could look at 1D 02919. Do you have it, sir?
8 2919. And then we're going to discuss 2920. All right. If you could
9 look at these two documents, starting with 2919. We see that this is a
10 correction to the Law on Croatian Citizenship. Were you aware of this
11 correction and, if so, to what extent if any did it affect -- did it
12 impact on the law that you had been applying?

13 A. Not much. These were amendments to legislation, and we have
14 quite a few of those passed nowadays. This is the normal procedure, and
15 the amendment we see here was not that significant.

16 Q. Would that be the same for the next document, 1D 02920?

17 A. 2920?

18 Q. Yes, if you could look at that. This is an amendment to the Law
19 on Croatian Citizenship.

20 A. Yes. The amendment relates to children.

21 Q. All right.

22 A. How a child born abroad can acquire citizenship through its -- or
23 rather, the child's origins. If I may be allowed to explain.

24 Q. You have a couple of minutes.

25 A. The Croatian law is quite liberal in some aspects. Why? Because

Page 28544

1 almost the same numbers of Croats reside abroad as can be found in
2 Croatia. I'm speaking of some 4.5 million or thereabouts. For this
3 reason, the intention was to simplify the procedure for the acquiring of
4 citizenship for children born abroad, and it states here specifically,
5 citizenship can be obtained through one's background.

6 When we were speaking of the ways in which one could acquire
7 Croatian citizenship earlier on, we did mention that one could become a
8 citizen of Croatia, a national of Croatia through personal background and
9 provenance, and this is how it came to be formulated in the law.

10 MR. KARNAVAS: Okay. Thank you. I think this would be a good
11 time to take the break, Your Honour.

12 JUDGE ANTONETTI: [Interpretation] Very well. Let's take a
13 20-minute break.

14 --- Recess taken at 3.43 p.m.

15 --- On resuming at 4.06 p.m.

16 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.

17 Yes, please proceed.

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

19 Q. Now, sir, Mr. Ambassador, before we move on, going back to -- I

20 had asked a question, and I'm not sure whether we're clear on this, and
21 that was with respect to giving Croatian citizenship to anyone who came
22 from the former Yugoslavia, and I wasn't clear whether -- well, my
23 question wasn't that clear, but I want to -- I want you to focus on
24 Article 11 going back to document 1D 02918, 2918. This is the Law on
25 Croatian Citizenship. Perhaps you could look at the last paragraph

Page 28545

1 within Article 3, and I'll read it slowly. It says, "In the sense of
2 paragraph 1 of this Article, an immigrant is a person who immigrated from
3 Croatia with the intention to live permanently abroad."

4 Would this definition apply to Croats who had immigrated to
5 Bosnia-Herzegovina, keeping in mind, now, that you have two separate
6 countries?

7 A. [In English] Could you please repeat -- [Interpretation] please
8 repeat.

9 Q. All right. We talked a little about who is an immigrant, and you
10 indicated that those Croats who lived abroad, for one reason or another
11 they had immigrated to either get away from Tito, for instance, or to
12 look for work or had left even well before the, you know -- it could be
13 two or three generations, whatever the case. I had asked a question
14 about whether that definition applied to Croats living in the former
15 republics of Yugoslavia, keeping in mind now that Yugoslavia has
16 disintegrated; you have various different countries, Bosnia-Herzegovina
17 being one of them. So would a Croat who was born in Croatia but now was
18 living in Bosnia-Herzegovina, would he be considered an immigrant within
19 this definition?

20 A. No. In the case of Bosnia-Herzegovina, this article was not
21 applicable, this being Article 11 concerning emigres.

22 Q. Thank you. Now, you said something about visas. And my question
23 now is, did you -- when you were ambassador there in Medjugorje, were
24 you involved in issuing what has been termed in this courtroom as
transit
25 visas, for people to transit through Croatia to go to third countries,
to

Page 28546

1 go beyond Croatia? Was that part of your mandate?

2 A. Yes, certainly.

3 Q. All right. And how would one qualify for such a transit visa?

4 Because you indicated before that one could be -- somebody could be
5 issued a certificate, a potvrda, and with that they could enter Croatia
6 to do whatever business, visit family, go to the hospital, or whatever.
7 So now the question is, did somebody else -- why would they need a
8 transit visa and not one of those certificates?

9 A. A transit visa could be issued only alongside a passport. There
10 were passports of Bosnia-Herzegovina, of the Republic of Croatia, and of
11 various other nations, in cases of UNPROFOR personnel and in the cases
of
12 humanitarian assistance and so on and so forth. For example, at a
13 certain moment, the State of Israel forwarded a number of passports,
14 against which we issued visas to those who were supposed to transit
15 Croatia on their way to Israel. It is a geographical problem. When one
16 looks at Bosnia-Herzegovina being surrounded on three sides by the
17 Republic of Croatia, then of course the issue of transit visas becomes
18 pertinent because they needed such visas in order to go further afield.

19 Q. Thank you. Unless there are any questions on these issues, I'm
20 going to move on to another topic, Your Honour.

21 JUDGE MINDUA: [Interpretation] Witness, if you look at the

22 transcript, page 34, line 2, if I understand correctly, you stated that
23 nationals from Bosnia and Herzegovina did not come under Article 11 of
24 the law we are currently reviewing, the Law on Croatian Citizenship. Can
25 you explain why this law does not apply to them? Because Bosnia and

Page 28547

1 Herzegovina is a country distinct from Croatia, so I do not understand
2 why the law does not apply to the citizens of Bosnia and Herzegovina.

3 THE WITNESS: [Interpretation] It is not that it did not apply to
4 the citizens of Bosnia and Herzegovina. It was necessary for a person
5 who had emigrated, that that person had emigrated from the area of the
6 then-state of Croatia.

7 As you know, during the Austro-Hungarian empire, there was the
8 Kingdom of Croatia, Dalmatia, and Slavonia. If someone moved out of the
9 eastern part of that kingdom while it was still a Croatian state, then
10 that person could be given the status of an emigrant. It is necessary
11 for such a person to move out of there territory of Croatia, which
12 covered a certain territory at that particular time. The territory
13 occupied by the Croatian state changed.

14 JUDGE MINDUA: [Interpretation] Thank you very much.

15 MR. KARNAVAS:

16 Q. Just to follow up on that question, we know that in Bosnia, you
17 had three constituent nations, Croat being one of them. You had the
18 Muslim nation; you had the Serb nation; you had the Croatian nation. So
19 based on the question that was just posed to you, would Croats who were
20 indigenous to Bosnia and Herzegovina, would they have been considered to
21 have immigrated to that -- to Bosnia and Herzegovina from Croatia?

22 A. I don't think we considered such cases.

23 Q. All right.

24 JUDGE TRECHSEL: If I may, still on the same subject. Witness,
25 it is not quite clear to me what it means that Croatians in

Page 28548

1 Bosnia-Herzegovina were not considered after the country had become
2 independent as emigrants. Does it mean that the rule of Article 16 did
3 not apply to them, or what was the effect of this denial of the status of
4 emigrant?

5 THE WITNESS: [Interpretation] They could ask and receive it under
6 a different Article rather than the Article concerning emigrants, that
7 is, Article 16.

8 JUDGE TRECHSEL: And which article would that be?

9 THE WITNESS: [In English] Article 16, which refers to the --
10 which refers to the foreigners who are asking for Croatian citizenship
11 and don't qualify as emigrants.

12 JUDGE TRECHSEL: And could you, then, point out to the Bench
13 which Article applied to those who were considered emigrants?

14 THE WITNESS: [Interpretation] Article 11. It refers to
15 emigrants. In that Article, there is a definition of what or who an
16 emigrant is. It is a person who permanently resides abroad and had left
17 the territory of the Croatian state as it was at that particular time.
18 The territory changed.

19 JUDGE TRECHSEL: Thank you very much. I ought to have found out
20 myself. Thank you.

21 MR. KARNAVAS: Very well.

22 Q. Okay. I'm going to switch topics now, and as I understand it,
23 during this period while you were serving in the various capacities,
24 Ministry of Emigration and then as ambassador to Bosnia-Herzegovina, you
25 participated or sat in various meetings; is that correct?

1 A. It is.

2 Q. Now, I want to draw your attention to document P 02088, 2088.

3 We've seen this document before in this courtroom. It's dated April 24,
4 1993. If you look at the first paragraph, or the preamble, you could
5 call it, we see your name, Ambassador Zdravko Sancevic. Do you see it,
6 sir?

7 A. I do.

8 Q. And were you present when this joint statement was issued by the
9 two signatories, which is Mate Boban and Alija Izetbegovic, witnessed by
10 President Tudjman?

11 A. Yes, I was.

12 Q. Now, look at -- just a couple of points -- with respect to this
13 joint statement, we see in paragraph 1 that there was a meeting on March
14 3, 1993, in New York, and it talks about the six members of the
15 coordination body. Then it talks about the work on the implementation of
16 the Vance-Owen Plan to the extent possible considering the character of
17 the provisions and present circumstances.

18 Now, my question is, were you familiar with the contents of the
19 Vance-Owen Peace Plan?

20 A. Yes.

21 Q. If we go to paragraph 4, again, I just need a verification.

22 Paragraph number 4, I don't read the whole part of it, but it talks
about

23 achievements of political goals and it says, "i.e., the independence and
24 territorial integrity of the territory of the Republic of Bosnia and
25 Herzegovina within the framework of the Vance-Owen Plan accepted and

1 signed by the signatories of the statement and success in the fight
2 against the aggressor who wants to break the state apart, occupy its
3 territory, and annex the occupied territories to Greater Serbia."

4 Sir, was that your understanding that part of the Vance-Owen
5 Peace Plan called for the independence and territorial integrity of the
6 Republic of Bosnia and Herzegovina within a certain framework?

7 MR. STRINGER: Excuse me. Mr. President, I object to the
8 question as leading. Excuse me.

9 THE WITNESS: [Interpretation] Yes, certainly.

10 MR. STRINGER: If I could ask for a ruling before the witness
11 answers, Mr. President.

12 MR. KARNAVAS: I'll rephrase, Your Honour.

13 JUDGE ANTONETTI: [Interpretation] Yes, please do.

14 MR. KARNAVAS:

15 Q. What was your understanding of the Vance-Owen Peace Plan? Do you
16 recollect, what was your understanding of the Vance-Owen Peace Plan?
17 What did it call for?

18 A. The Vance-Owen Peace Plan was presented in early 1993. It is a
19 plan following the line of thinking of Mr. Ahtisaari, who was appearing
20 on behalf of the European union with the task of studying different
21 possible ways of the internal arrangement of Bosnia-Herzegovina. After
22 having studied - that is, Mr. Ahtisaari and his commission - after
23 having studied the unitary state and then the possibility of a loose federation
24 or a confederation, they arrived at certain conclusions. The idea of a
25 federal state was adopted as regards Bosnia-Herzegovina. The plans such

1 as Cutileiro's and then Vance-Owen's were based, for the most part, on

2 Ahtisaari's selection, which stated that Bosnia-Herzegovina should be
3 arranged on a federal basis, irrespective of whether it will be divided
4 into cantons, provinces, or any others, but the bottom line was a federal
5 state, and the Vance-Owen Plan was based on the notion of federalism.

6 Q. All right. Now, we know that there was a major event in
7 Medjugorje on May 18, 1993. May 18, 1993. That would have been the
8 period, based on your previous testimony, where you would have been in
9 Neum, headquartered in Neum while you were roving or acting as a roving
10 ambassador.

11 My first question is, were you by any chance at the meeting that
12 was held on May 18, 1993, in Medjugorje?

13 A. Yes, I was. That meeting was a result of President Tudjman's
14 initiative for peace. It comprised two parts. The first one was a
15 meeting of President Tudjman on the same day in Split, the 18th, with the
16 Minister of Foreign Affairs, Mr. -- I cannot recall the name right now.
17 He was a minister of the Russian Federation.

18 Then, there was to be a meeting with Mr. Petersen, a Dane, who
19 was presiding -- or rather, whose country was presiding the EU at the
20 time. Lord Owen was to be included as well as Mr. Stoltenberg, I
21 believe, although I'm not completely certain about him. In any case, I
22 saw Lord Owen there.

23 Q. Let me stop you here. What happened first at the meeting in
24 Split before the second meeting in Medjugorje on the 18th of May, if
you
25 recall? And I'm assuming that you were present at the time; am I

Page 28552

1 correct?

2 A. I was present at all talks of President Tudjman with these VIP

3 personalities, these world figures of -- these figures of the world
4 politics.

5 Q. All right. What were the discussions about in Split?

6 A. The discussions were about how to achieve peace in
7 Bosnia-Herzegovina.

8 Q. Was anything concrete resolved? I mean, there's a lot of talking
9 going on during this period, but was anything concretely resolved at the
10 time?

11 A. Yes. At the meeting which happened in the afternoon of that same
12 day in Medjugorje, it was determined that the Vance-Owen Plan should
13 not
14 be abandoned altogether. It was also arranged that there should be an
15 agreement on the most important steps to be taken with regards to the
16 Vance-Owen Plan, i.e., how to organise these initial provinces of the
17 Vance-Owen Plan. How, and in what ways will people of different nations
18 take part in the provincial life and to elect a prime minister.

19 Mr. Jadranko Prlic was elected as the prime minister. He was --
20 I was present when he was elected.

21 Q. All right. Let me stop you here for a second, and let's look at
22 document 1D 0 -- yes?

23 JUDGE TRECHSEL: Excuse me, Mr. Karnavas. Before we leave the
24 previous document, I would like to have -- to put a question to the
25 witness regarding the same paragraph 4 that we have spoken about.
26 In that paragraph, we find on the third line from the bottom in

Page 28553

1 the English version, it speaks of the Vance-Owen Plan, "accepted and
2 signed by the signatories of this statement ..." which would be
3 Izetbegovic and Mate Boban. Do you have any commentary on this reference

4 to accepted and signed by both signatories? Does it mean that there was
5 an equal attitude of all those present vis-a-vis the VOPP?

6 MR. KARNAVAS: This is document P 02088.

7 THE WITNESS: [Interpretation] Since I was present there, I could
8 see that after this Split agreement, there was a lot of effort that was
9 being put in. Mr. Petersen was present there on behalf of the EU; Lord
10 Owen was there, as well, and it is there that the participants,
11 Mr. Izetbegovic --

12 MR. KARNAVAS:

13 Q. I'm going to interrupt you here, Ambassador Sancevic. The
14 question from His Honour was about the previous document, not the one
15 that I was questioning you on or was about to question you on but on the
16 document of P 02088. This is the joint statement, and it's April 24,
17 1993.

18 JUDGE TRECHSEL: It is also on the screen in both languages.

19 MR. KARNAVAS: Right. Well ...

20 THE WITNESS: [Interpretation] I can see it. It is a -- the
21 joint statement of document 2088.

22 MR. KARNAVAS: His Honour's question was in regards to paragraph
23 number 4, so it's about this document, not about the meeting in Split.
24 This would have been on May 18th. So if you could answer His Honour's
25 question on that particular day.

Page 28554

1 I'm just trying to be helpful.

2 JUDGE TRECHSEL: It's much appreciated, Mr. Karnavas.

3 THE WITNESS: [Interpretation] Allow me to jog my memory a bit as
4 regards Article 4. I read it. It is de facto what is contained in the
5 document. In other words, that the signatories wish to stress that the

6 conflict between the units of the HVO and the army of Bosnia-Herzegovina
7 in the Republic of Bosnia and Herzegovina are contrary to the policy
8 represented by the representatives of the two peoples. That is the gist
9 of the article.

10 JUDGE TRECHSEL: My question was much narrower. It refers to the
11 line which mentions the Vance-Owen Plan and comments, I quote, "...
12 accepted and signed by the signatories of this statement ..." Should
13 this -- does this mean, can we take from this that both the Croat and
the

14 Bosnian-Herzegovinian side had what attitude? The same attitude towards
15 the Vance-Owen Peace Plan?

16 THE WITNESS: [Interpretation] At the time, yes.

17 JUDGE TRECHSEL: Thank you. I will not insist.

18 MR. KARNAVAS: Well, if you're not satisfied with the answer,

19 Your Honour -- let me ask -- I'll ask the follow-up.

20 Q. It says that both of them signed on the basis that they had
21 agreed. To your understanding, to your understanding, you being there,
22 had the President of the Presidency Alija Izetbegovic, had he accepted
23 the Vance-Owen Peace Plan and that it should be implemented based -- was
24 that your understanding, or was there some other understanding?

25 A. No. At that time, Mr. Alija Izetbegovic agreed on unreservedly

Page 28555

1 to sign the declaration as well as the Vance-Owen Plan. At that time, he
2 accepted the Vance-Owen Plan.

3 Q. All right. Okay. If we could go to 1D 01595. 1D 01595. Now,
4 before we had gone back to this previous document, we were talking about
5 May 18, and this document appears to be the minutes of the meeting in
6 Medjugorje, and you did touch upon your understanding of the meeting. I

7 would like to focus your attention to item number 3. We've seen this
8 document before. We don't need to go through it in great detail, but
9 item number three says, "The president of the transition of government of
10 the Republic of Bosnia and Herzegovina shall be Jadranko Prlic. In
11 agreement with the Muslim side, he shall recommend a balanced government
12 of eight ministerial portfolios of which three shall remain without
13 appointment. In case an agreement is impossible to reach, he shall
14 consult with the co-chairmen of the peace conference."

15 Ambassador Sancevic, when you indicated before that Dr. Jadranko
16 Prlic had been appointed as - I believe you called him prime minister; I
17 think that's what you indicated - this is what you meant, correct? That
18 he was appointed at that time or accepted by both sides as the President
19 of the transitional government for the Republic of Bosnia and
20 Herzegovina?

21 A. Pardon me. I don't remember having said minister or prime
22 minister. I wanted to say the prime minister, premier, the president of
23 the government, if you wish. Mr. Jadranko Prlic was not present, but all
24 those who were accepted Jadranko Prlic with enthusiasm, I dare say,
25 because they considered him to be the most appropriate person for the

Page 28556

1 job. There were people there who did not have much to do with the crisis
2 in Bosnia-Herzegovina, but together with those who were present there,
3 they agreed upon that appointment including those who were directly
4 involved in the implementation of the Vance-Owen Plan.

5 I dare say he was the star at the moment.

6 Q. Thank you. Now, if we go to the next document, 1D 02404, 2404.

7 A. [In English] Yes, I have it in front of me.

8 Q. Have you seen this document before, and can you tell us -- or the

9 contents of it, and can you tell us what it is?

10 A. [Interpretation] That is the famous Medjugorje agreement signed
11 on the 18th of May in the evening or at night. I was present there, and
12 I was impressed with the conclusions reached. It was agreed upon that
13 Mr. Prlic be the prime minister. That was number one.

14 Number two, it was agreed that a temporary or interim provincial
15 government be appointed for Mostar, Travnik, and Zenica. Also, the
16 proportion of Muslims and Croats in that government was agreed upon.
17 Another thing that impressed me was the appointment of an interim
18 public ombudsman, and a coordination body was agreed upon as well as the
19 central government, then the military agreement, and that all those who
20 are detained be released. De facto, it meant that the prisons that
21 existed on both sides were to be shut down.

22 Q. All right. Thank you. And we can see from the very first
23 paragraph that this is -- this was at Hina News Agency that had received
24 this particular text. From you familiar with Hina, the Hina News Agency?

25 A. Yes.

Page 28557

1 Q. All right. So can we conclude from this that this was also
2 announced publicly, this agreement, so that the citizens of
3 Bosnia-Herzegovina could see for themselves ...

4 MR. STRINGER: Excuse me, Mr. President. I object to the form of
5 the question. He can ask if it was published.

6 MR. KARNAVAS:

7 Q. Was it published?

8 A. Yes. Yes.

9 Q. Now, if we go on to the next document, and I think -- I just want
10 to skip ahead a little bit, so I'm going to go to document 1D 02932. All

11 right. Now, we see this is a document, originally it was introduced by
12 the Prosecution. They had translated one portion of a newspaper article,
13 and of course they left another part of the article copied on the page,
14 so we translated it, and this relates to Dr. Haris Silajdzic, so we can
15 sort of focus first on that document, on that part of the document,
which

16 talks about -- it says, Haris Silajdzic, Minister Of Foreign Affairs of
17 BiH speaks for Vecernji list about the Medjugorje agreement.

18 Let's see what Mr. Silajdzic says.

19 A. [In English] Could I have the portion of which it refers to?

20 Q. If you turn, it's pages -- it's not paginated.

21 A. [In English] Yes.

22 Q. Just -- one step at a time, sir. If you look at -- it would be
23 the fifth page, hard copy. We'll give it to you in hard copy, sir.

24 Okay. Now you have the -- you're not going to be able to read that, but
25 at least all you'll know exactly what I'm -- you might be able. The

Page 28558

1 print is rather small. But we translated this. This portion was not
2 translated by the Prosecution when they presented this article. He's
3 asked a series of questions. If you look at the first question,
4 "Minister, as a participant of the Medjugorje talks, how do you assess
5 the agreement reached?"

6 His answer: "If we implement what we have agreed in Medjugorje,
7 that will be a successful meeting. Because, we have agreed to start
8 implementing the Vance-Owen Plan in the liberated parts of the BiH
9 territory. For a start, it will be implemented in Mostar, Travnik, and
10 Zenica provinces, and I hope that the military delegations have also
11 reached an agreement to, first of all, prevent and stop the conflicts
and

12 establish a joint command. I think that all that has been achieved."

13 Let me stop here. Is Dr. Silajdzic correct when he says that

14 there was an agreement to start implementing the Vance-Owen Peace Plan,

15 and when I say an agreement, an agreement between the Muslims and the

16 Croats in Bosnia-Herzegovina?

17 A. Yes, he was right because this confirms the text of the previous

18 agreement.

19 Q. Okay. I don't want to spend too much more time on this because

20 we can all read it, but let's go to the second -- to this next part,

21 second page it would be in this printed version. He's asked a question,

22 "Does that mean that the Medjugorje agreement is a way to eliminate

23 political misunderstandings and to stop the conflict between Croats and

24 Muslims?" Answer: "If the background of these conflicts is of political

25 nature, and it is, then it should be eliminated by virtue of

Page 28559

1 disagreement, but again, I am distancing myself and say that I only

2 believe in results."

3 He's then asked: "Has the procedure of the implementation of the

4 Vance-Owen Plan been set up in Medjugorje?" Answer: "Yes. One of the

5 procedures is establishing a joint province government, and that is

6 possible to do. The political reasons for not doing it no longer exist."

7 Then he's asked, "How will the Medjugorje agreement influence

8 the future negotiations in which Serb representatives will be taking

9 part?"

10 Here is what Dr. Silajdzic who is the Minister of Foreign Affairs

11 for Bosnia and Herzegovina says: "The Vance-Owen Plan must be accepted

12 at the UN. It must become an international law. There are two

13 signatures, Croatian and Muslim, but the Serbian one is missing. But

14 even if we have these two signatures, they need to be implemented. One
15 should hope that the Vance-Owen Plan will be implemented peacefully. If
16 it cannot be done peacefully, clearly, force will be applied."

17 Now, I'm going to stop there. To your understanding, sir, was
18 Dr. Silajdzic, Minister of Foreign Affairs for Bosnia and Herzegovina,
19 one of the participants of this event, was he correct in stating that
20 both sides had agreed to the implementation of the Vance-Owen Peace
Plan?

21 Are his statements correct?

22 A. They are.

23 Q. Okay. Now, let me switch on another topic that's slightly
24 related to this, and that concerns a goodwill mission, a delegation
25 between the Croatian government and the Turkish government. Are you

Page 28560

1 aware of such a mission and, if so, did you participate in any way?

2 A. I did. I was a member of the Turkish-Croatian goodwill mission.

3 Q. All right. Now, if we can look at 1D 02726. 1D 02726. That's
4 probably a few documents before that, the last one I read. Maybe.

5 A. 2726. Yes, go ahead, please.

6 Q. Now, we see that at the very top, it says 13 May 1993, and we see
7 that this is a news conference by Croatian Foreign Minister Skrabalo.

8 Now, at the time he would have been your boss, correct, to put it in the
9 vernacular.

10 A. Correct.

11 Q. And briefly, if you could tell us, because we can all read this
12 but if you could tell us, what was the purpose of this goodwill mission?

13 A. First of all, to stop the conflict. Second of all, in rather
14 general terms, to achieve a better level of cooperation between the

15 Muslims and Croats in Bosnia-Herzegovina on the one side and on the
16 other

16 side between the Republic of Croatia and the Republic of Bosnia and
17 Herzegovina. In that sense, the commission wanted to tour a large part
18 of the free territory that was not under the greater Serbian occupation.

19 However --

20 Q. Okay. Go ahead. Okay, go ahead.

21 A. However, the commander of the 5th military area, General Arif
22 Pasalic, prevented the commission's arrival at the free territory, the
23 so-called free territory, to be more precise.

24 Q. Let me stop you there because we're going to go step by step.

25 Let's not get ahead of ourselves a little bit. Let's go to the next

Page 28561

1 document P 02454, and this might assist us a little bit in putting into
2 context what you intend to tell us. P 02454. It's a P document, 2454.
3 That probably would be the next one.

4 We see here that there is a programme of the visit of the Mission
5 of Goodwill to the Republic of Croatia and the Republic of Bosnia and
6 Herzegovina, 19th to 22nd of May, 1993, which would have been, I guess,
7 one day after the Medjugorje agreement that was reached.

8 If you could look at this document, sir, just very briefly, page
9 through it and see whether to your understanding this was more or less
10 the preplanned agenda for the goodwill mission between the Republic of
11 Croatia and Turkey.

12 A. I can tell you that the plan was not achieved. On the 21st and
13 22nd of May, we remained sitting in Mostar irrespective of the bank,
14 whether the left or the right, and the programme did just not go
15 through,

15 and the reason was the fact that General Arif Pasalic prevented the

16 goodwill mission to move forward.

17 Q. Let's first -- I want to go step by step, okay, because we need
18 to make sure that there is clarity. My first question is to your
19 understanding, was this the pre-agreed upon agenda? To your
20 understanding.

21 A. Yes. That agenda was pre-agreed.

22 Q. Okay. Now you've told us that at one part of the agenda was not
23 materialised because of Arif Pasalic?

24 A. He was the main instrument in preventing this programme from
25 going through, and then the goodwill mission appointed me as the person

Page 28562

1 who would go and talk to General Arif Pasalic.

2 Q. Did you go and talk to him?

3 A. I did for over an hour.

4 Q. Was it during that period of time while the delegation was in
5 Mostar or Medjugorje?

6 A. We were in Medjugorje, and I spoke with him in Mostar on the
7 west bank, and what I achieved was for the mission to be able to cross to
8 east Mostar, but that was the end of it. We couldn't go anywhere further
9 from east Mostar.

10 Q. During that one-hour meeting, what exactly was said? Do you
11 recall anything significant? Do you recall anything significant that
12 Arif Pasalic said to you?

13 A. Yes, I remember very well what he told me. He told me he had
14 received an order, that he had received an order to take Mostar and,
15 after having taken Mostar, to move on towards the Adriatic and to take
16 the area around Dubrovnik. I was quite shaken by that because the --
17 this is the territory of the Republic of Croatia. He did not manage to

18 take the whole of Mostar despite his attempts. He wanted to go on
19 trying. However, the effort to take the area between Mostar and the area
20 south of Mostar all the way down to Adriatic failed through.

21 The idea, according to him, was to establish a link which --
22 between the countries, the Islamic countries which were supposed to
23 supply both arms and men, the Mujahadin, the Islamic extremists, and in
24 that way Bosnia and Herzegovina would have gained access towards the
25 extremist part of the Muslim world. This is something that he himself

Page 28563

1 told me.

2 Q. All right. Now, you said that you were quite taken aback. Did
3 you report this information to anyone in particular given the content of
4 it?

5 A. Yes.

6 Q. And we're going to get to it at some point, but are there not
7 references to this sort of -- this conversation, what Arif Pasalic
8 revealed to you in some of the presidential transcripts that you reviewed
9 for your testimony here?

10 MR. STRINGER: Objection to the leading question. If he wants to
11 go there, then the witness should be taken to the transcripts.

12 And may I add, Mr. President, also, I'm just looking at the
13 revised summary of this witness's testimony that was provided to the
14 Prosecution on Friday afternoon pursuant to the Trial Chamber's order of
15 last week. I'm seeing here that there is a reference to Ambassador
16 Sancevic as having participated in a Turkish-Croat mission of goodwill
17 and his being instrumental in arranging for the medical evacuation of
18 Bosnian Muslim soldiers there, but that's all that is said in the
summary

19 about this goodwill mission, and I think that the testimony now goes
very

20 far afield and is actually quite new and quite prejudicial - if I can
put

21 it like that - to the Prosecution in that we had no notice whatsoever

22 that this particular aspect of the goodwill mission would be led on the

23 direct examination.

24 MR. KARNAVAS: Mr. President, first of all, you gave quite

25 explicit direction as to what information, additional information you

Page 28564

1 needed, and that was provided.

2 Secondly, the information that he's just indicated, and that's

3 why the follow-up question was -- because we will get to it. When we get

4 to the presidential transcripts, you will see quite clearly that the

5 gentleman makes reference of this conversation to President Tudjman

6 during a meeting. Those presidential transcripts we got from the

7 Prosecution. It is their documents. It behooves them to read their

8 documents. They could have done a word search, and they would have found

9 at some point Ambassador Sancevic revealed this conversation, and I

10 believe it comes up in more than one occasion. So how could I have

11 ambushed this poor Prosecutor when I'm using their documents based on
all

12 their years of investigation? They are the ones that drafted this

13 indictment. We're here. We're answering it. I fail to see what the

14 problem is.

15 MR. STRINGER: And if I could just add one last point,

16 Mr. President. The practice of the parties throughout this long trial

17 has been to give each other the courtesy of a proofing note, even over

18 the weekend, some indication that during the proofing session additional

19 information has come to light or will be led that falls outside the
scope

20 of either the witness statement, which of course we don't have, or the
65

21 ter summary. So just so you know, Mr. President, no proofing note was
22 received throughout the weekend about this particular matter.

23 As for the transcripts, Mr. President, we all know the volume of
24 the materials of those transcripts, and we also know that a number of
25 transcripts have been added by the Defence over the course of the last
72

Page 28565

1 hours as they have continued to prepare their direct examination.

2 It's just physically impossible to know and to have instant
3 recall of everything that's said in all of those transcripts, and it's
4 certainly been physically impossible for to us assimilate the materials
5 that have continued to have been added to the direct examination over the
6 last 72 hours.

7 MR. KARNAVAS: If I just -- if I may, Your Honour, because there
8 is one incorrect piece of information that perhaps either Mr. Stringer
9 misspoke or he certainly doesn't appreciate what exactly the Defence did.
10 We did not introduce new presidential transcripts. What we did,
11 what we did, we took their evidence, and we translated portions of the
12 presidential transcripts which they refused to translate for the benefit
13 of the Trial Chamber.

14 I have been the one saying that all these transcripts should be
15 translated in their entirety, but when they cherry-pick and they leave
16 obviously, you know, the information out that is not to their favour,
17 they can't come in later on and say, "Well, gee, I wasn't aware of that
18 information." Presumably somebody in the Office of the Prosecution reads

19 Croatian, and they are the ones that know exactly what sections they
want

20 to pull out. I can't read the Croatian, so, I mean, I don't see how -- I
21 know Mr. Stringer doesn't read Croatian. Somebody in their office
22 discriminated what was going to be translated and what was not going to
23 be translated.

24 Now, I suggest the better practice for him is to have his
25 Croatian staff or B/C/S speaking staff go through the material, but it's

Page 28566

1 his material, and it's not sabotage. I'm using the documents. It's fair
2 game at this point.

3 JUDGE ANTONETTI: [Interpretation] We're going to discuss this
4 among Judges.

5 [Trial Chamber confers]

6 JUDGE ANTONETTI: [Interpretation] Very well. The Trial Chamber
7 deliberated and renders the following oral decision: The Trial Chamber,
8 having noticed that the summaries were very succinct requested that the
9 Prosecution and the Chamber be informed or send to the party who is
10 developing -- who is calling the witness to develop and to present the
11 summaries in such a way that nobody is surprised or ambushed by the
12 questions that are going to be put.

13 At this point, the Defence of Mr. Prlic complied to our decision,
14 since they have sent a summary that was more elaborate than the previous
15 summary. Upon reading this summary, it shows us that a commission,
16 Croatian-Turkish commission was -- or met, and in the summary, it states
17 that this commission was to talk about the issue of the evacuation of
18 injured soldiers with the exclusion of all other topics, and this is why
19 the Trial Chamber authorises the Prlic Defence only to raise that topic

20 which was stated in the summary. The Prlic Defence is not allowed to
21 raise other issues regarding the eventual involvement of the
22 Turkish-Croatian commission when it comes to presidential transcripts
23 regarding other topics.

24 The Trial Chamber deems that the Prosecution, having read this
25 summary, thought quite rightly that the witness would answer to
questions

Page 28567

1 on the evacuation of injured people and not on other topics. This is
2 what I wanted to say on behalf of the Trial Chamber who deliberated.
3 So please go ahead, Mr. Karnavas, bearing this in mind.

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

5 Q. Now, let's look at this document, P 02454. This is the
6 programme, sticking with this. There's one item I would like to bring to
7 everyone's attention, and it says here, "On Friday, 21 May 1993," it
8 says, "visits and talks in Jablanica, Prozor, Travnik, and Zenica." Did
9 that occur?

10 A. No, that did not occur. I managed to achieve General Arif
11 Pasalic's permission to visit the eastern part of Mostar, and this is
the
12 area that we did visit. I can tell you what we saw, what we experienced
13 in the eastern part of Mostar.

14 Q. That was going to be my next question. Could you please share
15 with us what are your experiences as a result of this goodwill mission?

16 A. When we crossed the river and reached the eastern part of Mostar,
17 we visited people who had been in the western part of Mostar but were
18 within the zone of General Pasalic's command. We spoke to these people,
19 and they told us that in the eastern part of Mostar there was a number
of

20 heavily-wounded Muslims who, according to them, they did not want to go
21 to the Croatian hospital from the western side. However, in conversation
22 with the wounded people, we established that they did want to go there
23 but were not allowed to go there.

24 In addition to that, what we experienced was that when we were
25 supposed to leave by buses from the eastern Mostar, some 30 people from

Page 28568

1 eastern Mostar who were Croats and who were -- who had been beaten and
2 ill-treated got on our buses and lied down on the bus floor and would not
3 be convinced that we would do something for them later on so that they
4 remained lying down on the bus floor. That's how we exited.

5 We also spoke, as I've already mentioned, with the
6 heavily-wounded people. When we reported about all that in Zagreb and
7 the report was submitted by the head of the mission, Mr. Seks, what
8 followed was a joint decision by President Tudjman and the Turkish
9 government to do something for those heavily-wounded Muslims.

10 I was tasked with the mission to bring them out of the city. I
11 was in liaison with the French Battalion in order to obtain a
helicopter,

12 with the Spanish Battalion in order to obtain an APC, and also with the
13 HVO in order to obtain their protection as we transported them to
14 Medjugorje, the idea being that they would be flown by helicopter from
15 Mostar to Split, and in Split, Turkish airplanes would be waiting for
16 them to take them to Turkey for further treatment.

17 With this regard, I wrote a letter, the letter that you see.

18 This is actually a plan that I drafted with a view to taking the
19 heavily-wounded Muslims out of that war-affected area.

20 Q. Let me stop you here so we can look at this. This is P 02682.

21 JUDGE TRECHSEL: May I just one question to the previous
22 document, if you allow me, Mr. Karnavas.

23 MR. KARNAVAS: Sure. Which document would that be, Your Honour?

24 Judge TRECHSEL: Witness, this plan for the mission, do you have
25 an idea as to what time it was drafted? The introductory paragraph

Page 28569

1 mentions a visit of President Tadjman to Turkey, and it says that at that
2 time the plan was conceived. Do you recall at what date this visit took
3 place?

4 THE WITNESS: [Interpretation] Your Honours -- or how should I put
5 it in Croatian. After having seen the president and received the order
6 from him, the order which he agreed upon with the Turkish government over
7 telephone or in some other manner, everything went to Mr. Sukru Tufan who
8 was supposed to procure the airplanes and through me; I was in charge of
9 bringing the wounded in via Split. Both of the tasks were carried out,
10 and over 30 Muslims were in fact flown to Turkey for treatment.

11 JUDGE TRECHSEL: I apologise. I can help myself. Thank you.

12 MR. KARNAVAS: Very well. But if you could direct the witness to
13 the document itself.

14 JUDGE TRECHSEL: Yes. The document is the one that we had last,
15 the document P 02454. And it is the plan not for the evacuation of
16 wounded persons but of the very mission, the mission of 19 to 22 May.
17 That was obviously prepared sometime earlier. Mr. Tadjman is said to
18 have been in Turkey for that purpose. During the official visit of
19 Dr. Franjo Tadjman, president of the Republic of Croatia to the Republic
20 of Turkey, this mission was conceived.

21 The question is: Do you recall at what date that visit took
22 place?

23 THE WITNESS: [Interpretation] I wouldn't be able to tell you
24 that. I was so busy with the task that I received that -- let us not
25 forget that the plan was not achieved. The order for the evacuation of

Page 28570

1 the heavily-wounded Muslims was issued after the goodwill mission. As
2 far as the visit by President Tudjman to Turkey is concerned, I really
3 don't know when that took place.

4 JUDGE TRECHSEL: All right. Thank you.

5 MR. KARNAVAS: The Court may wish to look at 1D 02726, the one
6 document that I had indicated which was the news conference. It is dated
7 13th of May. It talks about the ministers getting together. That may be
8 of some assistance, but it may not, but at least it would seem that the
9 ministers are getting together perhaps pursuant to what was to be
10 arranged at a higher level.

11 Now, if I could focus your direction on P 02682. P 02682.

12 Q. Do you have it, sir? It says June 8th, 1993. We can see that
13 this is from the embassy of the Republic of Croatia in
14 Bosnia-Herzegovina. It's addressed to his excellency Sukru Tufan,
15 ambassador of the Republic of Turkey in Bosnia and Herzegovina, and if
16 we
17 look at the second page, we see that -- we see your name, and we see a
18 signature. Sir, is that your signature?

19 A. Yes, it is.

20 Q. Now, is this the letter that you were talking about?

21 A. Yes. This letter has to do with the plan of the evacuation of
22 the heavily-wounded Muslims to Turkey.

23 Q. All right. If you look at paragraph 3, now, of this letter, you
24 say, "Security protection for wounded while in BH HVO area have been

24 arranged with commanders B. Stojic and V. Coric." Now, first of all, I
25 want to ask you, was -- first of all, I'm going to go step by step, so

Page 28571

1 work with me. Was security protection provided?

2 A. Yes, it was.

3 Q. Who arranged for that? Who made the actual arrangements, you or
4 someone else?

5 A. I spoke to Mr. Coric first of all.

6 Q. Okay. Now, you have him here as commander. Was that your
7 understanding that he held that position at that time?

8 A. No. I have to seek their pardon and that of Their Honours for
9 having called them "commanders" because they were not commanders, and I
10 mean military or something of that sort. This primarily had to do with
11 police protection, and it was in that regard that Mr. Coric helped me.

12 Q. Okay. Well, could you please explain to us. You said "police
13 protection." What kind of police protection was provided that was of
14 assistance?

15 A. When the column of vehicles reached Medjugorje, the heliport in
16 Medjugorje, the heavily-wounded individuals were taken out of the
17 vehicles, and we had to wait for a long while before the arrival of the
18 French helicopters. They lay on the ground, truth be told. We did have
19 nurses and doctors from Split who were supposed to give them a hand and
20 be of assistance during their trip to Split. All of a sudden, onlookers,
21 individuals who resided in the area around the heliport started
gathering

22 out of mere curiosity. It proved a useful thing to have secured and
23 organised protection for them, and it was thanks to the police escort
24 that I received from Mr. Coric that any sort of unpleasant incident was

25 averted.

Page 28572

1 Q. All right. Now, I have to ask you for one other detail. You
2 said that there was a meeting with Mr. Stojic. Do you recall actually
3 recall that meeting and if so, where did it take place; when did it take
4 place; what transpired?

5 A. I knew Mr. Stojic, and as I indicated here, since this was a plan
6 that I was supposed to meet with the security protection, or rather, I've
7 put here security protection for wounded while in the BH-HVO area has
8 been arranged with commanders B. Stojic and V. Coric. [In English] I
9 don't remember Mr. Stojic.

10 Q. Okay. You don't remember him, or you don't remember the meeting?

11 I know we have a document here that says something, but which of the
12 two?

12 A. [In English] No, no. [Interpretation] I don't remember there
13 having been a meeting with Mr. Stojic. As for Mr. Stojic himself, I do
14 remember him.

15 Q. All right. Thank you. If we go on to the next document, 1D
16 01520, and we're back at the goodwill mission. While we're looking for
17 the document -- Mr. Sancevic, Ambassador Sancevic, before we get to that
18 document, I just want to make sure that we're crystal clear. You said
19 you knew Mr. Stojic; you don't recall the meeting. I just want to make
20 sure, was he or was he not a commander, to your understanding, back
then?

21 A. No, he certainly was not a commander. I've already said that I
22 should be pardoned for the poor terminology that I used both with regard
23 to Mr. Stojic and Mr. Coric.

24 Q. All right. Now, if we look at this --

25 A. May this please be corrected.

1 Q. Now, if we look at this particular news clip, we see it's dated
2 Medjugorje, May 20. Again, Hina has come up, and just a couple of
3 points because you were there.

4 It talks about -- we see here, the very first paragraph, "The
5 Croatian-Turkish goodwill mission in Bosnia and Herzegovina carries a
6 message of peace not only to this part of Europe but to the entire world,
7 stated the head of the Turkish delegation, Ambassador Mustafa Askin, at
8 today's meeting in Medjugorje with the mandatory for establishing a new
9 BiH government, Dr. Jadranko Prlic."

10 Now, is that statement correct to your understanding?

11 A. That's correct.

12 Q. And it goes on to say that "The goodwill mission composed of
13 Croatian and Turkish politicians ..." Is that correct? It was made up of
14 politicians primarily?

15 A. Very well, both politicians and diplomats.

16 Q. And what about where it says, "Turkey as a friend to Croatian and
17 Bosnia and Herzegovina wishes to help in maintaining the territorial
18 integrity of these two countries." Was that Turkey's position as far as
19 you know?

20 A. Precisely that was the position taken by Turkey.

21 May I say something in relation to this?

22 Q. Okay.

23 A. One always talks of the clashes between the Muslims and Croats.

24 I disagree with such generalised statements. In my view, these were
25 primarily conflicts between extreme -- extremist Muslims and extremist

1 Croats. And if I may be allowed to say this, such a generalisation which

2 would imply that all the Muslims and all the Croats were in conflict,
3 that's simply untrue. Throughout 1993, there were periods where the
4 Croats, HVO, and the Muslims, the ABiH army had excellent cooperation.
5 Let me just mention Orasije, for instance, Usora, then further down, even
6 Zepce itself, Tuzla. It isn't fair to speak of some sort of a total,
7 all-inclusive conflict between Croats and Muslims.

8 Q. All right. Now in these documents, we see there is another
9 reference to my client. "Dr. Jadranko Prlic welcomed the noble cause of
10 this mission conducted in the atmosphere of Tudjman-Izetbegovic
11 meeting."

12 During this period of time, did you have any dealings with Dr. Jadranko
13 Prlic?

14 A. I had occasional unofficial meetings with him where -- discussed
15 mainly the topics in which Mr. Jadranko Prlic -- at which he excelled,
16 and these were topics related to the economy because he had a vision in
17 what way Bosnia and Herzegovina was to be salvaged in economic terms in
18 the future, and he had a clear vision of what had to do for the benefit
19 of Bosnia and Herzegovina.

20 I was curious because I was a representative of Croatia in
21 Bosnia-Herzegovina, and the plans and ideas that he would develop for
22 the
23 well-being of Bosnia-Herzegovina were something of interest to me. He
24 was very categorical in wishing all the best for Bosnia-Herzegovina just
25 as I did. My view of Mr. Jadranko Prlic was that of an individual who
26 was supposed to and probably was successful in making a significant
27 contribution to the future of Bosnia-Herzegovina in terms of the
28 economy.

Page 28575

1 Q. All right. If we look at document P 05051, P 05051. Just to

2 speed it up a little bit, if we look at the last page, we see Geneva,
3 September 14th, 1993. Do you have the document, sir?

4 A. Yes.

5 Q. This is a joint declaration.

6 A. Correct.

7 Q. Were you aware of this joint declaration?

8 A. Of course I was, but I was not there. I wasn't in Geneva.

9 Q. All right. If we look at paragraph number two on the second
10 page. That would be Roman numeral I, paragraph number 2. "Provide for
11 bilateral and unconditional disbanding of all detainee camps and for the
12 release of detainees in territories under the control of the army of
13 Bosnia and Herzegovina and HVO immediately and by no later than
September

14 21, 1993, at 1200 hours and bilaterally assume the responsibility for
15 their protection and care."

16 And then if we look at the last page, we see that there are two
17 trustees, Dr. Mate Granic who was vice premier and minister of foreign
18 affairs, and Dr. Haris Silajdzic, who was the minister of foreign
affairs

19 for Bosnia-Herzegovina. Now, with respect to the implementation of this
20 particular paragraph, paragraph number 2, were you involved in any way?

21 A. Yes, I was there. My minister, Dr. Mate Granic, was there, and
22 it was only logical that I should be there. The issue was the closing
23 down of prisons, not only camps. The idea of having these prisons closed
24 dates back as early as the 18th of May as the Medjugorje meeting where
25 it was mentioned for the first time and then subsequently referred to in

Page 28576

1 several documents underlining the need to resolve the issue as soon as
2 possible.

3 Q. Let me get -- ask you a couple of --

4 JUDGE PRANDLER: Mr. Karnavas, I see some kind of contradiction
5 here. Actually, when our witness first said to your question answering,
6 he said that, "I was not there. I wasn't in Geneva." It is, I believe,
7 line 12. But later on, he said when you asked him that, were you
8 involved in any way? Then in his answer, he said, "Yes, I was there. My
9 minister, Dr. Mate Granic, was there, and it was only logical that I
10 should be there."

11 Now, it is not very clear if he's speaking about Geneva or if he
12 speaks about the follow-up actions where, of course, he was there. Thank
13 you.

14 MR. KARNAVAS: I was about to -- and I picked that up too, Your
15 Honours, and I appreciate that because the there, there, it is
confusing.

16 So my follow-up question was going to be ...

17 Q. Concretely, did you visit any detention centres because you said
18 "there" with Dr. Granic. Is that what you're talking about and if so,
19 where did you go?

20 A. I was not present in Geneva; however, I joined Dr. Granic in
21 touring the camps, or rather -- no, they were not camps. They were
22 prisons which were about to be closed. I was there alongside Dr. Granic
23 trying to provide assistance. There was also the Red Cross there and so
24 on and so forth.

25 MR. KARNAVAS: We can take a break and pick up from here.

Page 28577

1 JUDGE ANTONETTI: [Interpretation] 20-minute break.

2 --- Recess taken at 5.40 p.m.

3 --- On resuming at 6.01 p.m.

4 JUDGE ANTONETTI: [Interpretation] The hearing is resumed, but the
5 Chamber would like to address Mr. Scott -- oh, no, sorry, Mr. Stringer.

6 Mr. Stringer or Mr. Scott. It's one and the same thing.

7 Mr. Stewart filed his submissions at 4.00 p.m. You've probably
8 received them. Could you in ten minutes tell us about your own position?

9 MR. STRINGER: Yes, I believe so, Mr. President. I was just
10 during the break speaking to Mr. Scott and he was -- we had received the
11 submission from the registrar, and he's reading it as we speak, and he's
12 going to send a message to me in the courtroom. So I think certainly at
13 some point before the end of today we'll be in a position to inform the
14 Trial Chamber what position, if any, we have in response to the
15 submission.

16 JUDGE ANTONETTI: [Interpretation] Fine.

17 Mr. Karnavas, please proceed with the examination in chief of
18 your witness.

19 MR. KARNAVAS: Very well, and if the Court wishes to reserve the
20 last 15 minutes for oral presentation by Mr. Stringer, we would be happy
21 to accommodate him.

22 Q. Now, Ambassador Sancevic, you indicated when we first began that
23 you had participated in various meetings in the presence -- that were
24 presided by the President of Croatia, Dr. Franjo Tudjman, correct?
25 That's what you told us.

Page 28578

1 A. That is correct.

2 Q. Now, I know that it's been some time, several years since the
3 events occurred, and you were in official capacities as a Minister of
4 Emigration and as an ambassador to Bosnia-Herzegovina, but could you tell
5 us, to your best knowledge, how many times did you actually meet with

6 Mr. Tudjman - first, that is, tete-a-tete, you know, four eyes, four ears
7 - if you can come up with some figure and when? And then secondly, about
8 how many times on average do you think that you met with Dr. Tudjman
9 where he was in -- presiding over meetings? I'm not talking banquets,
10 festivities. I'm talking actual working meetings.

11 A. I had several meetings with President Tudjman alone, tete-a-tete.
12 There was also a number of meetings which I attended, which were of a
13 collective nature. The meetings between President Tudjman and myself
14 alone mainly took place in 1991 and 1992. The rest were group meetings.

15 Q. Well, we're going to go through a set of presidential transcripts
16 where you were present or you were mentioned, so if I could draw your
17 attention to P 01544, 1544. It's in the second binder. Madam Usher will
18 help you, Ambassador Sancevic. She's extremely efficient, and she'll be
19 able to assist you.

20 We see from the very first page that this is a VONS meeting dated
21 24 February 1993, and we see that you are mentioned. Where it says "With
22 the president," we see Sancevic. Was that you, sir? Dr. S. --

23 A. Yes, it was. But it's not S. Sancevic but Z. Sancevic.

24 Q. I take it you've had an opportunity to read this presidential
25 transcript prior to coming here today?

Page 28579

1 A. Yes, I have.

2 Q. Now, time does not permit us, unfortunately, to go through all of
3 these transcripts in great detail because if we were to do that, we'd be
4 here for the next ten years. But at least let's focus on where you were
5 speaking on this one, and I'm looking on the English page. It will be 21
6 of 52, and for you, it's -- if you look at the top right-hand side
7 because you're looking at the Croatian, it's 01867522. Maybe if you look

8 at the last three -- 522, the last three -- it's 01867522. The exhibit
9 number, the exhibit number is P 01544. Okay.

10 I understand you're going to be looking at -- Ambassador

11 Sancevic, you will be looking at the Croatian version. That's why the
12 different pages, okay?

13 Now, we see your name is at the bottom of here in English. It

14 says Dr. Zdravko Sancevic, and here you say, "During my stay in
Sarajevo,

15 I started some talks regarding these bilateral relations."

16 Now, let me stop. This is February 24th, 1993. I assume when

17 you're talking about -- well, by this point, had you -- you had
presented

18 your credentials to the President of the Presidency of

19 Bosnia-Herzegovina, correct?

20 A. That is correct. It was on the 18th of December that I handed my

21 credentials in Sarajevo.

22 Q. Okay.

23 A. Therefore, by that time I was the ambassador.

24 Q. Okay. And when you say here, "During my stay in Sarajevo ..."

25 what stay are you talking about? Briefly.

Page 28580

1 A. Briefly, I was in Sarajevo when I presented my credentials and on

2 another two occasions.

3 Q. All right. And I believe you told us that on those two

4 occasions, you met with officials; is that correct?

5 A. It is.

6 Q. Now, you go on to say, that, "However, the current situation is

7 totally paralyzed since there was only one Croat minister of the Bosnian

8 government in Sarajevo now ..." Who are you referring to?

9 A. We need to say that it concerns -- well, excuse me, let me see
10 what the date is. It was on the 4th?

11 Q. Okay. If you don't recall, that's fine.

12 A. [In English] In that precise moment [Interpretation] Excuse me.
13 At that moment, there were not enough representatives in Sarajevo;
14 therefore, no bilateral talks could be initiated.

15 Q. All right. Now, what we're interested in is where you go on to
16 say -- the three aspects, you say that -- above that you say, "As for my
17 moving, the place should certainly be determined as soon as possible."
18 And then you go on to say, "The third aspect relates to and is very
19 important and should be dealt with particularly with regard to the
20 president's policy of protecting people in this thing with the
enclaves."

21 And then you go on to say that "We have with the exception of three
22 provinces where there is the free Croatian community of Herceg-Bosna, we
23 have the areas of three provinces occupied such as the west part of
24 Bosnian Posavina and Jajce, the people who took refuge mainly in
25 Slavonia. Then we have the Croatian enclaves in the Serbian province of

Page 28581

1 Kotor Varos, Sanski Most and Ivanjska." "Then we have the Croatian
2 enclave in the Mostar Province" -- in the Muslim province, I'm sorry --
3 "in the Muslim province of Usura, Komusina, Zepce, Tuzla, and Vares."
4 Then you go on to say, "Every enclave is specific, and for every enclave
5 we must have concrete projects about what to do in the case of escalation
6 or attack, to avoid a repeat of the situation that took place in Derventa
7 and Bosanski Brod."

8 Then you say, "There we should see about the possibility of
9 evacuation." In English, we see "exchange, return of combat units, if

10 any, et cetera."

11 And as I understand it, Ambassador Sancevic, having read the

12 Croatian version, you want to make a correction to this translation
13 where

13 with it says "exchange." Will you please tell us what it says in

14 Croatian. Read that sentence where it says, "There we should see about

15 the possibility ..." Could you read that? What does it actually say?

16 A. We can see that --

17 Q. If you could just answer my question first. You had indicated --

18 A. [In English] Okay.

19 Q. -- earlier that there needs to be a correction in that sentence,

20 so if you could correct that first, and then I'm going to go to the next

21 part, my next question.

22 A. Okay. [Interpretation] What needs to be corrected is the

23 following: It concerned the changes that were to be introduced in terms

24 of municipal borders. There was no exchange that was discussed in

25 whatever derogatory sense one could understand it. It did not concern

Page 28582

1 the citizens but rather the municipalities.

2 Q. But what did you -- what is actually on the script? Is it

3 "exchange" or "change"? That's what I'm interested in.

4 MR. STRINGER: Excuse me. I object to the leading question.

5 MR. KARNAVAS: There's no leading in this fashion. I've asked

6 the gentleman to read the language and get a translation.

7 Q. Could you kindly please read the one sentence that I pointed out.

8 Then we don't have objections from the Prosecutor.

9 A. I will try to answer your question. It says, "promena" instead

10 of "izmena." [In English] No is exchange, is change.

11 Q. We're wasting time on this one issue. So please explain to us
12 what exactly you were talking about because only you can interpret what
13 you're saying here.

14 A. [Interpretation] It had to do with the possibility of evacuation,
15 changes of municipal borders, and return of combat units, if any.

16 Q. Yes, but earlier on you're talking about three different areas.

17 What did you mean by that? If you look at the above text that I just
18 read, and that was the purpose of reading it. Could you please explain
19 to us what exactly you're talking about, and why is it significant to
20 your understanding?

21 A. Enclaves in Bosnia presented a problem. There were no enclaves
22 in the area of Herzegovina. Each enclave had its own problems. We
23 should explore the possibility of what could take place in each of those
24 enclaves.

25 Q. Okay. All right. We'll move on to the --

Page 28583

1 JUDGE TRECHSEL: I'm sorry, Mr. Karnavas. I find this
2 interesting. You propose change -- you said you meant change of
3 municipal borders as a solution to the problems of enclaves.
4 Could you explain how a change of municipal borders could bring
5 about the solution of that problem?

6 THE WITNESS: [Interpretation] Specifically, I will refer to
7 Usora. Usora, with its municipal borders as they were at the time,
8 included a number of Muslims. The majority were Croats, but there were
9 some Muslims as well. When I had discussed the issue of Usora with
10 Mr. Izetbegovic, he suggested that the Muslims in that municipality
11 should be excluded or left out of the municipality, which required a
12 change in terms of municipal borders. Changes were needed in order to

13 keep the enclave where it was without any problems.

14 JUDGE TRECHSEL: Thank you.

15 MR. KARNAVAS:

16 Q. Now, if I could, picking up on that last example, if we go to the
17 text where it says, "Every enclave is specific, and for every enclave we
18 must have concrete projects about what to do in the case of escalation
or

19 attack, to avoid a repeat of the situation that took place in the
20 Derventa and Bosanski Brod."

21 Now, could you please explain to us what you meant by that? What
22 happened in Derventa and Bosanski Brod? What took place?

23 A. In Derventa and Bosanski Brod, what we saw was a stampede, a
24 massive flight of civilians and then of soldiers. It was a significant
25 defeat on the part of the Croatian Defence Council in Bosnia-
Herzegovina.

Page 28584

1 Q. All right. And what attributed to this stampede? What caused
2 it?

3 A. One reason was the way the Serbs were attacking. First, they
4 would shell individual villages in order to drive the civilians out.
5 Then, they would begin shelling the next village and then the village
6 after that, which would initiate a civilian departure. After that, when
7 the soldiers there would see the civilians leave, they would leave the
8 front lines as well.

9 Q. All right. So what was the lesson to learn? How -- in your --
10 to your understanding, how could one go about in avoiding the repeat
11 situation of Derventa and Bosanski Brod?

12 A. We have the example of two enclaves. One was Blotinka [phoen]
13 Slatina and the other one Usora. In Usora, the people who were from

14 there asked me to introduce them to President Tudjman. They wanted to
15 ask him how they were to try and fight in an enclave which is completely
16 isolated. President Tudjman's response was, Please, do not do the same
17 thing the Croats did in Slatina. They sent their children and their
18 wives and families to Croatia. The only ones who were left were the
19 soldiers.

20 After a while, the soldiers withdrew as well.

21 As regards Usora, he suggested that they should leave [as
22 interpreted] and that the only ones who should be sent away were the
23 elderly and children, of course, accompanied by the mothers and sisters.
24 What does that mean? If a soldier does not have the possibility of
25 leading a proper life, he cannot fight. The idea was that the enclaves

Page 28585

1 could only be preserved by keeping the family structure in place,
2 however, without the children and the elderly.

3 To put it more plainly, the women were supposed to stay, thus
4 enabling the soldiers to keep on fighting.

5 Q. Okay. Just a correction. On page 72, line 22, you said -- well,
6 it's been translated that they are to -- that they should leave. As
7 regards to Usora, he suggested that they should that they should leave.
8 Is that what you meant to say, that they should leave, or that they
9 should stay? Which of the two?

10 A. To stay.

11 Q. Okay.

12 A. To keep the family structure in place.

13 JUDGE TRECHSEL: If I may, just very little.

14 Witness, can I take it from this answer that in all the examples
15 you have made, the population that was fleeing, you referred to Croat

16 populations; is that correct? Or did I misunderstand you? Or was it
17 sometimes Muslims, sometimes Croats?

18 THE WITNESS: [Interpretation] Occasionally Croats, occasionally
19 Muslims, and frequently both. For example, the flight from Jajce
20 included Muslims and Croats together.

21 JUDGE TRECHSEL: Thank you.

22 MR. KARNAVAS:

23 Q. In picking up on that, how did you know -- because you make this
24 comment about to avoid the situation that took place in Derventa. How
25 did you know about that? Did you read it in the newspaper? Did somebody

Page 28586

1 tell you about it? Where did you get any information, if any?

2 A. When I was appointed ambassador, President Tudjman sent me to
3 Slavonia. By that time, I wasn't able to go any further because by that
4 time the Serbs had occupied the area. He dispatched me there to try and
5 establish how it was that -- well, how should I put it? How the
6 situation came about in which the HVO had been beaten.

7 I went there, and I talked to the people. I did ascertain why
8 Bosanska Posavina suffered that fate. It was precisely the process I
9 described. First, a shelling; then a massive exodus of civilians; and
10 once they are gone, the soldiers leave.

11 Q. Okay. Thank you. Now if we go to the next document, 1D 02930.

12 This is another presidential transcript. 1D 02930, and it's dated 27
13 March 1993. Again, time does not permit us to go through this document
14 in its entirety, but we notice at least in the English translation on
15 page 32 of 37 you are featured, and I will give you the ERN number so
you

16 can look for it in Croatian.

17 You're going to look for the following numbers: 01322427.

18 That's in Croatian now. And you're looking at the top right-hand side.

19 01322427. Do you see that, sir?

20 A. I do.

21 Q. Okay. Now, at that -- here you say -- you say something about
22 receiving a call from the embassy in Rome, and you say that, "They say
23 that there are a considerable number of young men from BH, most of them
24 Muslim who are now escaping to Italy because it seems that their flow to
25 Austria and Germany has somehow been stopped. So this is what they do

Page 28587

1 now. They leave their documents in Istria. The documents are found, I
2 think that your service finds the documents. They leave all the
3 documents, and without any documents, they cross over to Italy, so a
4 problem gradually arises there as to what to do with these people."

5 Can you please expound on that a little bit? What was this all
6 about, and why should the embassy be concerned because it would seem to
7 me that this -- that's an Italian problem. They're not refugees, and let
8 them bear the cost, so what's the problem?

9 A. Just like the Muslims were fleeing, leaving their documents in
10 Italy, the same could have happened to other ethnic groups and people
11 fleeing. The fact was that somebody had to be warned of such cases and
12 that something needed to be done. Otherwise, the Croatian ambassador to
13 Italy would not have called me. This meant that the Italians tabled that
14 issue regarding those who were fleeing Bosnia-Herzegovina, and there
15 were

15 people fleeing Croatia, as well, Muslims or Croats fleeing Croatia.

16 Q. Now, since you were present at the meeting, maybe you could help
17 us a little bit.

18 On page 26 of the English document, the English translation of
19 this document, and we'll find it here for a second. It's page 26, and
20 I'm referring to what Gojko Susak says and you're going to be looking
for
21 01322421. 421 are the last three digits. 421. Because I think we can
22 all read it and we can see what's going on between President Tudjman,
23 Izetbegovic, Haris Silajdzic, and here we have Gojko Susak, and he's
24 referring to a situation. If we look at -- right above it, they're
25 referring to Konjic.

Page 28588

1 Here is what Mr. Susak says: "Alija, you have five planes full
2 of goods sitting here in Zagreb, and three are allegedly on their way.
3 Until this is completely solved, I shall not send a single bullet."

4 A. Yes. I was present when Mr. Susak said this.

5 Q. All right.

6 A. Now, what does that mean? That means that the problems that the
7 conflicts entail must be solved. How could you possibly ship weapons to
8 someone who would then use the same weapons to attack you? I believe
9 that there is some logic in what Mr. Susak said.

10 Q. All right. Let's look at the next document, P 02719. P 02719.

11 This is 11 June 1993. I'm going to be referring everybody to page 48 in
12 particular and maybe begin by saying you weren't there but you were
13 mentioned. You're looking for 580. Those are the last three digits,
14 580.

15 Do you see where your name is? I will read it. This is

16 Dr. Tudjman speaking to Izetbegovic. I mean, we can all read this, and

17 I'm not going to comment on it.

18 JUDGE TRECHSEL: We will be able to --

19 THE INTERPRETER: Microphone for His Honour.

20 JUDGE TRECHSEL: We will be able as soon as we've found it, but
21 we're still looking for it.

22 MR. KARNAVAS: Okay. I apologise. I apologise. It's 48, 48 of
23 75. This is in the --

24 THE WITNESS: [Interpretation] Which number is this?

25 JUDGE TRECHSEL: Binder 3, the first document.

Page 28589

1 MR. KARNAVAS: Okay. It's in binder 3, the first document.

2 Q. You're okay. Ambassador Sancevic, you're okay. You're okay.

3 All right. Now, if you're looking at this document, it says here - this
4 is Dr. Tudjman speaking, President of the Republic of Croatia - he says,
5 "I appointed Dr. Sancevic as the ambassador to Bosnia and Herzegovina.
6 He is not Herzegovinian. He is Bosnian, and as a Bosnian, he is
7 interested in an integral Bosnia."

8 A. Correct. That's what he said.

9 Q. All right. Now, I know he said that, but to your understanding
10 was that one of the reasons why you were selected, or is Dr. Tudjman
11 just
12 saying this?

13 A. No. There was a reason why I was appointed ambassador to
14 Bosnia-Herzegovina. The situation in Bosnia differed from the one in
15 Herzegovina. The Croats in Bosnia were rather mixed up with the other
16 populations unlike the Croats in Herzegovina. Oftentimes, it is said
17 that all of them are intermingled. No, this is not the case. Wherever
18 you have two sides and they are intermingled, there is always a chance
19 that one side will dominate over the other. For this reason, the
20 enclaves in Bosnia were very important. There were no enclaves in the

20 main area of Herceg-Bosna, and I'm referring to the area stretching
along

21 the southern Croatia. There were no enclaves there because it was a
22 homogenous area. The same applies to the Serbs who are also in different
23 situations in different areas and so are the Muslims.

24 What must be distinguished is the areas where they are
25 intermingled with others and those where they are not.

Page 28590

1 Q. All right.

2 THE INTERPRETER: Microphone, please.

3 MR. KARNAVAS:

4 Q. Okay. Now, if we go to the next document, P 03112. P 03112.

5 This is 2 July 1993. This is a VONS meeting. Now, one could spend at
6 least a day on this particular presidential transcript. I'm just -- my
7 first question is -- well, we see your name here. You were present, but
8 we do know that at times mistakes have been made.

9 Do you -- first of all, have you read this document recently?

10 Have you read it?

11 A. Yes.

12 Q. And based on your reading of it, do you know whether indeed you
13 were present at this particular meeting?

14 A. I remember that I was present, yes.

15 Q. Okay. And if I could just ask you for just a big general
16 question - and I'll let others if they want to go into specifics because
17 I don't have the time - but could you tell me, by and large, what are
the

18 discussions going on between the various parties in relation to Bosnia
19 and Herzegovina? What are they talking about? What are they referring
20 to?

21 A. There were quite a few matters that they mentioned. Can you tell
22 me more specifically what it is you want to know?

23 Q. Well, I guess with respect to Bosnia and Herzegovina, this is 2nd
24 July 1993, in relation to what should happen to Bosnia and Herzegovina.
25 To your understanding, what are the discussions about in relation to the

Page 28591

1 political set-up or to its geographical make-up?

2 A. The divisions of Bosnia and Herzegovina were discussed, and I am
3 highly critical of that particular term "division" of Bosnia-Herzegovina.
4 There is the external division, the partition carving up, dividing on the
5 outside. And then there is the internal division in administrative and
6 so on and so forth. Unfortunately, in many of the documents, the
7 gentlemen referring to this division do not distinguish between the
8 external and internal division. The external division, that concept
9 implies that the state is to be dissolved, divided. Now, when one refers
10 to the internal division, that's what Vance-Owen, Cutileiro and - what's
11 it called - the contact group were precisely referring to. What was
12 mostly talked about was internal division, which must be distinguished
13 from the other. Applying internal division upon the concept of the
14 external division is to make a terrible mistake in relation to this
15 particular term.

16 Q. All right. But in this particular document, having read it, what
17 division are they talking about in this transcript?

18 A. The internal division.

19 Q. All right. Now -- well, let me just ask you this question now.

20 At times, we've heard this concept of confederation. How does that
21 concept relate to, for instance, the internal make-up of

22 Bosnia-Herzegovina because earlier you talked about a federation. So can

23 you briefly tell us, what does one have to do with the other, if
24 anything?

25 A. There existed the idea of a confederation between a federal

Page 28592

1 Bosnia and Herzegovina and the Republic of Croatia. This was one of the
2 ideas that the Republic of Croatia put forth within the
3 settlement-seeking process.

4 The confederation between the republic -- the Federal Republic of
5 Bosnia and Herzegovina and the Republic of Croatia. Evidently, this was
6 one solution which particularly after the Washington Agreement came to
7 the fore.

8 Q. Now, over here, we have in the transcript on page 79, line 22, it
9 says the Federal Republic of Bosnia and Herzegovina. Are you talking
10 about the federation? You say the confederation between the republic,
11 the federal republic -- could you please explain that to us?

12 A. Let me just find that. [In English] the confederation between
13 the republic.

14 Q. Okay. All right.

15 A. [Interpretation] This was one solution brought about by the
16 Washington Agreement. It was a proposition that was tabled. It wasn't
17 just a rumour or a story that circulated. Therefore, the confederation
18 had its significance in its own right.

19 Q. All right. We're going to go to the next document, P 06454, P
20 06454, and --

21 JUDGE ANTONETTI: [Interpretation] Let's first ask Mr. Stringer if
22 he has any news for us.

23 MR. STRINGER: Yes, Mr. President. I can inform the Trial
24 Chamber now in probably 30 seconds or --

25 MR. KARNAVAS: I'll sit down.

Page 28593

1 MR. STRINGER: We've -- sorry, Mr. President, I just had the
2 e-mail. I haven't read the submission, but my colleague Mr. Scott has.
3 In respect of the third sort of prayer for relief that's sought by the
4 Petkovic Defence, who I think is the author of the submission, there's no
5 disagreement on the part of the Prosecution, that is, that all times
6 direct and redirect should be counted toward the total time attributable
7 to that accused's case.

8 It is our view that we should be -- that the Defence obviously
9 ought to be treated in the same way that the Prosecution was such that it
10 was not necessary to reserve in advance time that might be needed for
11 redirect. So that's our position.

12 In respect of the two other points raised by the submission in
13 paragraphs -- let me -- I just misspoke. We don't agree -- I'll start
14 over again.

15 We do not disagree. We agree, that is to say, with paragraph 1
16 of the submission. We do, however, want to say that in respect of
17 paragraphs 2 and 3 in which the Defence attempt to be seeking an
18 assurance or a guarantee of time for redirect for every witness, we do
19 not think that that was the case during the Prosecution case in chief.

20 The Trial Chamber may recall the Prosecution did not always get
redirect.

21 There were times when the time was such that the Prosecution was not
22 granted as much time as it would have liked for redirect and that
23 essentially it boils down to a case-by-case basis or witness-by-witness
24 basis in which the Trial Chamber should consider whether or how much
time

25 to give for redirect based upon the cross-examination.

1 But getting back to the main point. We agree with the basic
2 proposition that the total time is counted to the Defence, but the
3 Defence need not reserve in advance the time that it wants for direct
4 because that was the procedure that was applicable during the Prosecution
5 case, and I apologise for having said all of that so inartfully and
6 longer than 30 seconds.

7 JUDGE ANTONETTI: [Interpretation] Thank you very much.

8 MR. STEWART: Your Honour, may I -- well, thank you for the
9 agreement on that particular point, and obviously I understand it's not
10 particularly easy for Mr. Stringer to be reading what his assistant has
11 sent him by e-mail.

12 But just in a nutshell on the observation he made about occasions
13 on which the Prosecution did not have redirect. Essentially, what
14 happened was that they didn't protest it because it follows from the
15 submissions that we made in writing that if the Prosecution had simply
16 protested and put forward the arguments we've put forward in relation to
17 Rule 90(B), that they would and should have had the right to reexamine
18 in
19 every single case when they wanted to, subject to what we do say in our
20 written submission that, of course, there's ultimate control over any
21 examination, examination in chief, cross-examination, re-examination, if
22 it's abusive, irrelevant and so on. But that's -- excuse me one moment,
23 Your Honour.

23 [Defence counsel confers]

24 MR. STEWART: Well, Ms. Alaburic, who's been here throughout the
25 trial, and I haven't, suggests that in fact the Prosecution were never

1 quite put in the position where they wanted to do a re-examination and
2 were actually refused or prevented from conducting a re-examination.
3 Certainly, I do recall occasions when there's been enormous
4 pressure at four minutes to 7.00 not to reexamine when Mr. Scott -- no
5 doubt Mr. Scott's colleagues, as well, but I can distinctly recall
6 Mr. Scott really protesting that he would have wanted to reexamine, but
7 that really goes back to the point I've made that the party has a right
8 to reexamine, and it's been a constant feature throughout this trial, the
9 timing issue. It isn't a justification for refusing a party the
10 opportunity of reexamining that it's, for example, four minutes to 7.00.
11 You are entitled to reexamine.

12 MR. KARNAVAS: If I could just continue.

13 MR. STRINGER: If I could just offer a very brief reply to that.

14 It's my submission, Mr. President, the Prosecution did object or protest
15 certainly when it's four minutes before 7.00, there has to be a
16 recognition of the realities, and the realities are such that the
witness

17 in general is not going to be kept in The Hague over the course of a
18 three or four-day weekend or longer in order to accomplish a short -- or
19 certainly a redirect that's shorter than the examination in chief.

20 Our submission is that rather than granting the Petkovic Defence
21 and all of the Defence a general rule guaranteeing in every case a
22 redirect examination, it is ultimately a matter for the discretion of
the

23 Trial Chamber, which are the situations in which a redirect is
24 appropriate or needed in the light of the cross, and then furthermore,
25 how much time for redirect should be granted based upon all the facts
and

1 circumstances.

2 So it's our submission that it's a case-by-case,
3 witness-by-witness finding that the Trial Chamber makes based on its
4 discretion in the circumstances and that a general rule applicable to all
5 of the witnesses who will be appearing in this court over the next months
6 should not be granted at this time.

7 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Karnavas.

8 MR. KARNAVAS: May I continue? Okay. If we could look at the
9 next document --

10 MR. STEWART: Sorry, I thought Mr. Karnavas was going to make a
11 -- excuse me.

12 MR. KARNAVAS: Well, I do --

13 MR. STEWART: I wanted to -- no. We were dealing with a
14 procedural issue. If you would just let me offer one sentence on the
15 procedural issue before we go back to the witness. That seems to be the
16 appropriate way of doing it.

17 Just to say that if Your Honours are tempted to adopt the line
18 that Mr. Stringer has suggested in relation to whether re-examination
19 should be allowed at all, then I do invite Your Honours to explain very
20 specifically in your decision, if you do take that course, why it is
that

21 Rule 90(B) does not make it actually mandatory to allow re-examination
22 and to explain why, since Rule 90(B) refers to examination in chief,
23 cross-examination, and re-examination, why that same approach to 90(B)
24 wouldn't apply to cross-examination and make that also a matter of
25 discretion of the Trial Chamber. I -- but that point is in our written

1 submissions, but it does directly arise out of the observation that

2 Mr. Stringer has just made, and now I will accede the floor to whoever
3 Your Honours give the floor to.

4 MR. KARNAVAS: May I continue, Mr. President? I know we have
5 five minutes, but -- if we could go to the next document, P 06454. Madam
6 -- it's there. Okay.

7 Q. You need to look at page 01322934, so 934. Everyone else, it
8 would be 44 in the English text, page 44 of 113. Have you found that,
9 sir? Is that a yes? You're shaking your head.

10 A. Yes, I have.

11 Q. Now, if we go back a few pages, we'll see that you're speaking at
12 this point uninterruptedly for several pages, which is -- okay, but the
13 point -- my question is here, we have on page 44, you say, "As for our
14 main body ..." Okay. Sir, you had the page. Madam Usher, if you could
15 just assist us.

16 Mr. Sancevic, you don't need to look through the document. The
17 ERN number is -- the last three numbers are 934. 934. Okay.

18 You say -- and we're going to cover this extensively tomorrow,
19 but you say, "As for our main body, I think in the past it projected an
20 anti-Muslim character. I believe the cause of this was Mostar and the
21 Muslim move towards the sea and there clearly, Arif Pasalic's failure to
22 break through towards the sea, which he had -- he personally told me
23 this

23 as early as when the Turkish commission came that he must have access to
24 the sea. It is not the sea Izetbegovic talks about -- it is not the sea
25 Izetbegovic talks about to swim in or to have a port. The sea is

Page 28598

1 intended as a place where the Mujahadin from all over the world can land.
2 That's why I think this element, we have not used it so far. Maybe for

3 tactical reasons it was better not to mention it. But, look, they don't
4 need to have a complete stretch from the coast up there to Konjic,
5 although they wanted, no doubt, for this road to be secured."

6 I would be ever so kind -- I would appreciate it if we could --
7 because I'm labouring under extreme stress here.

8 MR. STEWART: Apologies.

9 MR. KARNAVAS: Okay.

10 Q. Now, sir, you recall -- is this the incident that you were
11 talking about when you said that you had met with Arif Pasalic and he
12 had
13 told you this stuff?

14 A. This conversation took place during the first Turkish-Croatian
15 mission because it was followed by another one.

16 Q. That's what you're talking about in this transcript?

17 A. Yes.

18 MR. KARNAVAS: For the record, Your Honours, whenever we
19 translate something from presidential transcripts, you will see
20 "unofficial translation." From this document, it's very clear that this
21 part was translated by the Prosecution's office. It is not a new
22 translation. It was -- it's their document. I just wanted to point this
23 out lest there be any incriminations as a result of trying to use
24 guerilla tactics, which I don't believe I am using, but in any event,
25 with that I'll have to pick it up from here tomorrow.

MR. STEWART: Your Honours, could I just mention? It's actually

Page 28599

1 what we were discussing. I have to say that I've referred throughout to
2 Rule 90(B), and I referred in the written submission to Rule 90(B). I
3 don't know how, I don't know why. It's 85(B). I don't know where I got

4 90(B) from, the imagination or whatever, but if Your Honours would take
5 it that in the last few days whenever I've said 90(B), I've meant 85(B).
6 I hope that's sufficiently clear.

7 JUDGE ANTONETTI: [Interpretation] Yes, it is. Very well.

8 MR. STRINGER: Excuse me, Mr. President.

9 JUDGE ANTONETTI: [Interpretation] We are going to correct this.

10 MR. STRINGER: It's my impression that the Trial Chamber is quite
11 keen on ruling on this issue tomorrow morning at the beginning of the
12 proceedings. In light of the clarification just made by counsel and in
13 light of the fact that we've had to respond to it under these
14 circumstances, it would be my request that the Trial Chamber perhaps
15 allow the Prosecution, if it deems it useful, to file a very brief
16 response to the Defence submission in a very short period of time just
17 so
18 that the matter could finally be joined, if you will, before the Trial
19 Chamber rules.

19 I think this has all happened rather suddenly and swiftly, and it
20 might be that we would all benefit from having it addressed in a more
21 deliberate way.

22 JUDGE ANTONETTI: [No interpretation]

23 MR. STEWART: We can't object to that, Your Honour, certainly
24 not.

25 JUDGE ANTONETTI: [Interpretation] Very well. In any case, the

Page 28600

1 Judges will meet tomorrow morning, very early in the morning, and we will
2 tell you what our decision is. We will rule on this, and we will take
3 into account what you just told us, Mr. Stringer, and we will also let
4 you know whether you will have the authorisation to submit your filings

5 tomorrow morning before the decision is rendered.

6 So Witness, you are now a witness of the Court, meaning that you
7 should not have any contacts with Mr. Prlic's attorney, but I imagine
8 that he must have told you this when you met him.

9 We shall reconvene tomorrow morning at 9.00.

10 Mr. Karnavas, I would like to tell you that you used almost 3
11 hours. The registrar told me that you've used up 2 hours and 58 minutes,
12 so you will have one more hour and 22 minutes -- 1 hour and 2 minutes
13 after the reading of the oral decision tomorrow morning. If we have no
14 oral decision to give tomorrow morning, you will then start at 9.00
15 sharp. Thank you very much, and have a nice evening.

16 --- Whereupon the hearing adjourned at 7.00

17 p.m., to be reconvened on Tuesday, the 27th day of

18 May, 2008, at 9.00 a.m.

1 Tuesday, 27 May 2008

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.05 a.m.

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

7 case.

8 THE REGISTRAR: Good morning, Your Honours. Good morning,

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

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

11 JUDGE ANTONETTI: [Interpretation] Thank you very much,

12 Mr. Registrar.

13 Today we are Tuesday, the 27th of May, 2008. My greetings to the

14 witness, the accused, the Defence teams, and the Prosecution, as well as

15 all the people helping us in these proceedings.

16 As regards to the decision that we were supposed to render this

17 morning, since the Prosecutor told us yesterday that he was going to
file

18 submissions, we have decided not to render that decision this morning or

19 today. We, of course, authorise the Prosecutor to file motions if he

20 wishes to file any motions, and we will render a written decision and
not

21 an oral decision. A written decision will therefore be rendered.

22 Mr. Stringer, you are going to file some submissions or not?

23 MR. STRINGER: No, Mr. President, we have not. I wasn't sure --

24 we weren't sure at the conclusion of yesterday's proceedings whether in

25 fact we would be called upon to do that. I can consult with Mr. Scott,

1 and I'm sure that we can file something swiftly. We can try to do that
2 today so that the Trial Chamber can render a swift decision as well. But
3 at the moment we have not written anything, but we can begin that process
4 at this time.

5 JUDGE ANTONETTI: [Interpretation] Very well.

6 Since the decision with regard to the clarification of the
7 decision that was rendered, I remind Mr. Karnavas that he has one hour
8 and two minutes; and in compliance with the directive number 7, he now
9 has one hour and two minutes for his direct examination and
10 re-examination. And now for a few brief moments I would like to move
11 into private session because I would like to address Mr. Coric.

12 [Private session]

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)

2 (redacted)

3 [Open session]

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

5 JUDGE ANTONETTI: [Interpretation] Very well.

6 So I will now give the floor to Mr. Karnavas.

7 MR. KARNAVAS: Good morning, Mr. President. Good morning, Your

8 Honours. Good morning, everyone in and around the court.

9 WITNESS: ZDRAVKO SANCEVIC [Resumed]

10 [Witness answered through interpreter]

11 Examination by Mr. Karnavas: [Continued]

12 Q. Good morning, Ambassador Sancevic. Okay. You're going to have

13 to speak up now so that we can all hear you, and I will be asking you to

14 keep your answers rather brief because of the time limitations. Now, if

15 we could go back to the document where we left off yesterday, and with

16 the usher's assistance that would be P 06454. And I'll be first going

17 back to more or less where we left off on that page --

18 MR. KARNAVAS: That will be page 45, Your Honours, in the English

19 version.

20 Q. -- and in the Croatian version, we'll give you the ERN number.

21 It's 01322935, 935. Do you have it, sir?

22 A. I do.

23 Q. Okay. All right. Now, yesterday we left off where you had

24 mentioned that you had been told from Mr. Arif Pasalic during the
Turkish

25 goodwill mission, the Turkish/Croatian goodwill mission about the

Page 28604

1 intentions to go all the way to the sea. And I want to follow up a

2 little bit where you continue to speak on page 45 where you say on the

3 second paragraph towards the middle of -- after the first sentence you

4 say: "So I think about the main body we must -- about the main body and
5 these other situations, we must somehow make it clear that our policy is
6 a sort of symbiosis. It's a symbiosis to save the people, to save
7 indigenous in Bosnia-Herzegovina, that is, the Croats, but at the same
8 time the strategic importance of the main body of Bosnia and Herzegovina
9 because it's a matter of south Croatia's survival."

10 And then we see later on, you talk about Muslim fundamentalism.

11 But could you please explain to us what exactly you meant by that, that
12 it's -- that you wanted to -- about the strategic importance of the main
13 body of Bosnia and Herzegovina.

14 A. When we look at the map, we can see clearly that the lower part
15 of Croatia is very narrow, and that is the territory of what was
formerly

16 the autonomous, the independent, republic of Dubrovnik. It would be only
17 natural for the hinterland to be in some way connected with that narrow
18 strip. Strategically and militarily speaking, such a narrow strip cannot
19 be defended in any way. It's hard to speak of any sort of defence there.

20 When Croatia wanted to liberate that area from the greater Serbs, in
view

21 of the fact that Dubrovnik was encircled, I had to ask from Mr.
Akmadzic,

22 the Bosnian government, to allow the Croatian troops to enter into that
23 narrow area just beyond the proper Croatian territory simply because it
24 was a strategically important area. I was granted that permission, and
25 every time the Croatian army had to enter that area an agreement had to

Page 28605

1 be reached with the Bosnian government first.

2 I received permission from Mr. Akmadzic, who was the then-prime

3 minister of the Bosnian government, for the Croatian troops to enter that

4 part of the territory of Bosnia-Herzegovina with a view to liberating the
5 Dubrovnik coastal area. The importance of that action is evident from
6 what Arif Pasalic said, and I mean the action of liberating Dubrovnik.
7 And when I'm referring to Arif Pasalic, I'm not referring to the Bosnian
8 government. We had good relations with the Bosnian government, but there
9 were some extremist elements who wanted to cut off that area of what was
10 formerly the Dubrovnik republic in order to set up, develop extremist
11 ties between Bosnian Muslims and pan-Islamic - and I mean extremist
12 pan-Islamic - elements abroad.

13 Q. Now, if we could go -- and to fuller understand your explanation,
14 if we could go back to page 39 in the same document, and for you it
would

15 be page -- the last two digits -- the last three digits are 929, 929.

16 And it's 39 for the rest of us. And let me just read a portion of this.

17 You start by saying the ambassador of the Republic of Croatia in
18 Bosnia-Herzegovina, and then you say, "The constant of our policy and
19 your policy was saving people. There is a constant thread to humaneness.

20 However, our policy so far was generally of a global nature.

21 "However, besides this thread that is constantly present, our
22 policy with regard to Bosnia and Herzegovina - I'm speaking about the
23 policy of the Republic of Croatia and our leadership - was fairly
24 global."

25 Then you go on to say: "However, we move forward. We can see

Page 28606

1 that all these problems in Bosnia-Herzegovina cannot be resolved in a
2 global and different way because a situation has been created where de
3 facto each enclave has its own specific problem, and therefore, a kind of
4 classification of the various situations in Bosnia and Herzegovina should

5 somehow be made."

6 And then you say: "We have the main body, which is the Croatian
7 republic of Herceg-Bosna, a compact part of the Croatian republic of
8 Herceg-Bosna, because it is assumed that the Croatian republic of
9 Herceg-Bosna includes that it actually has no borders. That has been
10 established already in the constitutional idea.

11 "However, the part in Western Herzegovina, Livno, Duvno, et
12 cetera, the situation in that compact Croatian part is quite different
13 from the one in Central Bosnia and Northern Bosnia, generalising about
14 it in a way because in the situation in Central Bosnia and Northern Bosnia,
15 we have different situations.

16 "What I would call the main body of the Croatian Republic of
17 Herceg-Bosna was the Croatian Community of Herceg-Bosna, which was a
18 hybrid. It was the HDZ, Croatian Democratic Union, grassroots, then
19 civilian HDO" -- should be HVO -- "military, was built on that, and the
20 formation process is still in progress. In addition to all these things,
21 we have seen in Croatia proper the accompany the creation of government.
22 "We are all aware that when government is not fully established
23 or perfected or refined, there are all sorts of things. People say
24 smuggling, crime, this and that. Here's just an example."

25 And then you go on to say: "For instance, we have managed - I

Page 28607

1 mean the Croats - in the main part, for instance, managed to set up the
2 detention camps ..."

3 Now, I understand it with regard to the word "set up," you've
4 indicated at least to me during the proofing session that that's not how
5 it should be translated. Do you want to comment on that part before I

6 continue reading?

7 A. I would like to say for a fact that I never used the term
8 "formirati," set up, but rather "rasformirati," meaning to disband the
9 detention camps, and I should like this to be corrected because this is a
10 glaring mistake, which among other things is quite illogical because at
11 that point the prisons were either in the process of being disbanded or
12 had already been disbanded by that time.

13 Q. Okay.

14 A. I know quite a lot about the disbandment of Croat prisons,
15 although I know that at the time Muslim prisons were being disbanded as
16 well.

17 Q. Okay, Mr. Sancevic, that's enough. I really need to get going,
18 but thank you for that clarification. Therefore -- and then you go on.
19 I'm going to the next page. This is page 41 -- it will be the next
20 page -- I'll keep reading. I'll skip part of that last paragraph.
21 You go on to say: "Therefore, another formation is underway
22 there. Let's have a quick look at Central Bosnia. We have two
23 tendencies. One is the resistance of the Zepce enclaves. We have just
24 been there, and that thing is present in Vares, et cetera.
25 "However, there is de facto the tendency that you mentioned,

Page 28608

1 Mr. President, to adopt to the Muslim republic.
2 "The people who see they have no chance to survive in that area
3 try to look for ways to ... Komsic is there, too; the archbishop is
4 there, too, and all other variations of those tendencies.
5 "The problem is that each of those tendencies - except Komsic,
6 who was in contact with you - in a way, in its own way wants to
7 accommodate, to lean towards the Muslims.

8 "That's why I don't know. I would not agree with the prime
9 minister because in the enclaves in Central Bosnia we have very different
10 situations. Take only Zepce and Usora, Orasje, Brcko, Tuzla, et cetera.
11 "The thing is that it's not under our control. None of those
12 tendencies to save, accommodate, et cetera, are under our control,
13 unfortunately."
14 Then I'll skip the next paragraph. Then you say: "We should
15 study a little bit the situation in these different enclaves and see,
for
16 example, Zepce. You mention that the protection and fight for Zepce must
17 be established somehow through the Serbian side.
18 "However, in the case of Usura, there is already some sort of
19 connection with the Muslims.
20 "However, we cannot let them - for example, in the case of the
21 Muslims and in the case of Zepce - roll on their own vis-a-vis the Serbs
22 and vis-a-vis the Muslims. We must somehow approach each side and secure
23 the existence of those enclaves because if that continues to roll on
like
24 this, we will lose all the enclaves."
25 Now, having read this portion, Ambassador Sancevic, could you

Page 28609

1 please explain to us what you were trying to convey in the context in
2 which this conversation was going on? What were you conveying to the
3 group, including President Izetbegovic -- President Tudjman at the time?
4 A. The gist of what I said at the meeting was that the situations
5 within Bosnia and Herzegovina differ from location to location. As far
6 as the Croatian situation in Bosnia-Herzegovina or the situation
7 involving Croats in Bosnia-Herzegovina is concerned, one had to make a
8 distinction between the situation in Bosnia, where they were enclaves,

9 unlike Western Herzegovina which was a compact area. What needs
10 stressing is that the Croatian Community of Herceg-Bosna had never set
up
11 or established any borders. There wasn't even a possibility for it to do
12 that because in some areas there was mixed population, just as was the
13 case in Bosnia, northern and central, and in other areas there was
14 mono-ethnic population. The very make-up of the Croatian Community of
15 Herceg-Bosna was not defined geographically, and what I'm telling here
to
16 President Tudjman is that we need to clearly define the different
17 situations in order to find adequate remedies for them. Some of the
18 enclaves were surrounded by greater Serbs, others by Muslims, and still
19 others by both these parties. What this meant for the Croatian policy
20 toward Bosnia-Herzegovina was that it was faced with a very complex
21 situation. It wasn't the same if you talked of Zepce, Tuzla, Orasje.
22 Every enclave entailed its own difficulties and had to be discussed and
23 regarded separately. What was more, the situations tended to change very
24 frequently, and they had to be constantly analysed.
25 Q. Thank you. Now, let's see if we go -- sticking with the same

Page 28610

1 transcript now, if we could move to page 81 because now, based on this --
2 on your briefing and what you have indicated earlier, now we see what
3 President Tudjman says. It's page 81, and in the Croatian version - I'll
4 get you right now - the last three digits are 971, 971.

5 JUDGE TRECHSEL: I would have -- with your permission,

6 Mr. Karnavas, I would have had a question to the previous passage from
7 which you have read, if I may.

8 MR. KARNAVAS: Certainly.

9 JUDGE TRECHSEL: Witness, you have spoken about the camps and the

10 disbanding of the camp, and then it is in the English version on page
41,

11 you speak of the Croatian Community of Herceg-Bosna in that main body,
12 and it says there are almost none, camps; because it was like a family,
13 it functioned like a family.

14 Could you expand on that? What did you mean when you said that
15 this functioned like a family in connection with, I suppose, Dretelj,
16 Gabela, Ljubuski, Heliodrom?

17 THE WITNESS: [Interpretation] Your Honour, let me explain the
18 following. When one declaratorial government disappeared - that was
19 Tito's authority - with the disappearance of that authority, there
ensued
20 a period of complete anarchy. Now, in Western Herzegovina, at some point
21 prisons disappeared; there were none to be found. Now, I was an
22 on-looker as a representative of Croatia in Bosnia and Herzegovina, and
23 what I'm telling you now is what was my understanding of what I
observed.

24 I never addressed directly the Croatian Community of Herceg-Bosna. This
25 was something that I observed, that there were no more prisons there.

Page 28611

1 Then somebody created a scandal in Medjugorje. There was a soldier - how
2 should I put it? - he was a -- I don't know how you call it. He was a
3 Briton who was a mercenary, basically, and he fought in the Muslim
4 forces. He showed up in front of the embassy and made a display there.
5 Then I asked the police of the Croatian Community of Herceg-Bosna to take
6 the gentleman away.

7 What happened next? They took him to the police station, and
8 there having been no prisons they released him after he was kept there
9 for an hour. I'm telling you this merely to illustrate the fact that

10 there were no prisons. With the breaking out of the conflict and in the
11 absence of proper prisons, there had to be set up certain locations
12 where

12 prisoners could be held. Thus, such detention centres or prisons were
13 set up on both the Muslim and Croat sides, like the ones you had around
14 Mostar, the ones in Central Bosnia. These were makeshift locations in
15 view of the conflicts that broke out between extremist Muslims and
16 extremist Croats and not between all Muslims and Croats.

17 I don't know if I was explicit enough, Your Honour.

18 JUDGE TRECHSEL: Thank you. I'll leave it at that. We could go
19 on at length probably, but that's not the purpose, and I do not want to
20 take away any -- I'm not taking your time, anyway, Mr. Karnavas --

21 MR. KARNAVAS: No, I understand.

22 JUDGE TRECHSEL: -- you're well aware that I do not want it to
23 become late. Thank you.

24 Thank you, Witness.

25 MR. KARNAVAS:

Page 28612

1 Q. All right. Now, going back to what we were talking about, the
2 portion that I just read, now if we go back to the page that I asked you
3 to look at, which in English is page 81, and this is page -- the last
4 three digits 971 of the transcript, let's see what President Tudjman
5 responds in relation to what you have indicated earlier. And I'm going
6 to start in the middle of the page. He says: "Or, it seems to me that
7 we could this, I have it, Sancevic raised it here. There is aside from
8 the state leadership and the political leadership and the military
9 leadership of the Croatian Republic Herceg-Bosna, we must a position -- a
10 political representation of the Union of the Republic of Bosnia and

11 Herzegovina. I mean, what is outside -- let's not kid ourselves. What
12 is, I mean, outside the Croatian republic.

13 "I think it might even be called the Croatian Council of the
14 Union of Bosnia-Herzegovina, and let's envision that. And, I mean, that
15 this political representation of that part of the Croatian people, the
16 Croatian people which is outside the Republic objectively, should
17 include, apart from the HDZ, Croatian Democratic Union, people like
18 Komsic and some others.

19 "Thus, to knock out the arguments, both malicious and
20 politicking, that we are not taking care of Croatian people in Sarajevo,
21 in Vares, Zepce, and so on. So we have to take our stand on this ..."

22 Now, Ambassador Sancevic, did you understand what President
23 Tudjman was saying in response to what you had raised earlier?

24 A. Now we are talking about the Vance-Owen proposal, which didn't go
25 through. Actually, it was modified, this proposal dealing with the

Page 28613

1 crisis in Bosnia-Herzegovina and resulted in the Owen-Stoltenberg
2 proposal, which talks about the union of Bosnia-Herzegovina and its
3 republics. This is actually Owen-Stoltenberg's plan. Since they did not
4 manage to win over Serbia or even a large portion of Muslims in favour of
5 Vance-Owen plan, now we are dealing with Owen-Stoltenberg's plan, which
6 envisages Bosnia-Herzegovina as a union of republics or a federation of
7 three different republics, and this is just a matter of different
8 terminology that I'm using. And President Tudjman said this: This is an
9 entirely new ball game, and we had to think how to organize or start
10 organizing or how to face this new situation when we're dealing with
11 three units, three entities, which were even given the titles of
12 republics, but we are still dealing with the proposal for a federation.

13 Obviously, what was always present there was the fact that a
14 future possible Republika Srpska must adjust itself to this new
15 federation and that -- yes, go ahead, please.

16 Q. Let me interrupt you here. Here President Tudjman is talking
17 about a Croatian council, and he mentions places such as Sarajevo,
Vares,
18 Zepce, and so on. Very quickly, why is President Tudjman making this
19 proposal in light of what you said earlier because you said Sancevic
20 raised this here, and what you had raised earlier was that you have
these
21 three different situations or variations in Bosnia-Herzegovina.
22 So why is President Tudjman now recommending a Croatian council,
23 and he's mentioning people like Komsic, Sarajevo, Zepce, and what have
24 you. Just very briefly if you know; if not, I'll move on. My time is
25 very limited, sir.

Page 28614

1 A. Yes. I can give you a perfect explanation for that. President
2 Tudjman actually said it clearly and expressed it clearly in his ideas as
3 to how to support the plans of the international Vance-Owen and
4 Stoltenberg's plans, and he also had in mind the situation among the
5 Croats in Bosnia and Herzegovina. There was a very strong
6 intellectual -- group of intellectuals, Croats, in Sarajevo, and
7 Mr. Komsic was one of them. On behalf of that group, Mr. Komsic went to
8 see Mr. Tudjman and talked to him, asking him to take into account a kind
9 of opposition among the Croats in context with the HDZ in
10 Bosnia-Herzegovina, and then he asked me to get in touch with the group
11 and to try and see what their problems were. As I've already told you,
12 every enclave had its own problems, and this included Sarajevo as well.
13 Sarajevo also had its own problems, and he wanted me in my capacity as

14 the ambassador of Croatia to get in touch with these people in Sarajevo
15 because I did go to Sarajevo from time to time, and he asked me to see
16 what these people wanted, what they had in mind --

17 Q. You're not answering my question, and I have very little time.

18 Why is President Tudjman suggesting the establishment of a Croatian
19 council, keeping in mind that he's interested in the Komsic -- the
Croats

20 in Sarajevo, Vares, Zepce, and so on, and not only the Herzegovinians.

21 Could you please explain that in one minute; if not, I'll move on.

22 A. I keep on emphasizing the difference between the situation of
23 Croats in Bosnia as opposed to the situation of Croats in Herzegovina.

24 Dr. Tudjman actually tried in every possible case to achieve a symbiosis
25 in his position towards the both because it was in his best interest to

Page 28615

1 please not only the Croats in Herzegovina but also the Croats in
2 Sarajevo, Sarajevo in Central Bosnia, Croats in northern Bosnia and the
3 enclaves and so on and so forth.

4 Q. Thank you. If we could move on to 1D 02911 -- 1D 02991. This is
5 a presidential transcript, 13 February 1994, and --

6 MR. STRINGER: Excuse me, is that 2991 or 291 --

7 MR. KARNAVAS: 2911. 2911.

8 In incidentally, for the record -- while we're at it, looking for
9 this, because I was a little taken aback by the comments made by the
10 Prosecutor back on May 12, 19 -- 2008. Pursuant to the Court's order, we
11 did file a list of our exhibits, and in that list we filed the previous
12 exhibit, which was the presidential transcript, P 06454, where
Ambassador

13 Sancevic's name is highlighted there and -- whereas I indicated

14 yesterday, the portions with respect to the objectionable part by the

15 Prosecution where they were claiming somehow that we had introduced
16 something that was not already presented to them as part of our case.
17 You can see clearly, here they were noticed well in advance, their
18 transcript, which was transcript provided by them.

19 MR. STRINGER: Mr. President, I can respond if the Trial Chamber
20 wants to continue to beat this dead horse, as we say, and -- where I
come
21 from. But I'm just going to note for the record that the Trial Chamber
22 ruled that, in fact, the issue raised was outside the scope of all the
23 notice, the summaries, and that no proofing note had been given and that
24 it excluded a rule that Defence could not go into the issue. So that's
25 the record, and I'm not going to engage in any further debates with

Page 28616

1 counsel on this issue. The record says what it says.

2 MR. KARNAVAS: I merely pointed it out, Your Honours, because
3 yesterday the Prosecutor said that there are all these documents and they
4 can't be asked to look for them and they can't be -- you know, we're
5 supposed to be prepared. As I indicated yesterday, they drafted the
6 indictment. We're using their document. It's in the document. We
7 highlighted this information to them two weeks ago, and for them to claim
8 somehow that this Defence team has not taken the moral high ground, I
9 find it rather disingenuous, and that's what I'm pointing out for the
10 record, that they can't on the one hand dump all this information on us,
11 and then when we try to use their information against them, they claim
12 foul. That's all I'm saying. They were noticed.

13 Going back to --

14 MR. STRINGER: Mr. President, I'll respond if you want me to
15 respond; if you don't need to hear from me, then I'll just allow counsel

16 to proceed. It's --

17 JUDGE ANTONETTI: [Interpretation] Please respond.

18 MR. STRINGER: Again, I don't think it's useful for any party to
19 claim the moral high ground, nor do I think it's useful for any party to
20 claim that another's been disingenuous. The fact is the testimony about
21 the meeting with General Pasalic was not disclosed to us in advance. The
22 trial -- the transcripts contain many discussions of many, many things,
23 and I don't think any party ought to be expected to search for the
needle
24 in the haystack in the absence of sufficient notice that a specific
issue
25 will be covered, as the Trial Chamber's ruled.

Page 28617

1 MR. KARNAVAS: That's rather rich, but I've been claiming in fact
2 the very same. We've been getting the haystack all along. So in any
3 event, I'll move on, Mr. President, but I found that rather rich.

4 MR. STRINGER: What they've been getting are proofing notes
5 promptly from the Prosecution throughout the course of the proofing
6 sessions even if it means proofing notes are provided over the course of
7 the weekend. I was receiving -- Mr. Karnavas knows how to get in touch
8 with me. There was no proofing note on this, and it was in fact an
9 ambush, and he's trying to make it other than what it truly was.

10 MR. KARNAVAS: 1D --

11 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you are going to
12 deal with the presidential transcript number 2911. I have no idea what
13 question you are about to put to the witness. Let's wait and see.
14 Please put your question to the witness, and then things will become
15 clearer. The Prosecutor seems to believe that you will raise issues not
16 outlined in the summary. I have no idea. Let's listen to your question,

17 and then we'll see.

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

19 If we go to page 53, we will see that towards the latter part of
20 the page we have the gentleman's name, our witness's name, Dr. Sancevic;
21 and, of course, two weeks ago we noted that we would be using this
22 transcript, and we pointed out that he was one of the participants.

23 Q. Here, Ambassador Sancevic, you say - and I'll just quote part of
24 the transcript - "whenever we discuss these problems, we always fall for
25 Salajdzic. Anything that Salajdzic says about these two" -- okay. I'm

Page 28618

1 sorry. The page -- your page is 501. I'm sorry. 501. Those are the
2 last three digits. I apologise for not getting the number to you. 501.
3 You will see your name there.

4 And then you go on to say: "Anything that Salajdzic says about
5 these two republics somehow boils down to the idea that Croatia should
6 carry all western-oriented Muslims to the west on her shoulders, so to
7 speak, because Europe would find it agreeable. However, we have
8 mentioned today that there are two -- that there are factions. There is
9 Ganic's faction; there is the Mujahadin faction, et cetera. One of the
10 objectives of this faction. The Muslims in Bosnia-Herzegovina have two
11 options," and then, of course, I'm going to move on to another section,
12 and I'm going to go to page 57 before I pose my question.

13 So if you look to -- skip a couple of pages and you go to page
14 505 in your transcript, 505, you will see the very last sentence you
say:

15 "Then Mufti from Mostar gave a speech in Berlin at a Mujahadin meeting
16 and said that the time has come for Islam to conquer Europe."

17 President Tudjman asks you: "Was that now, recently?"

18 And you respond: "Just over a year ago."

19 Then you go on later on in that passage to talk about

20 Izetbegovic's wish to get to the sea and that it was not for them to swim

21 or unload goods, similar to what we discussed yesterday. And then if we

22 go to page 58, so that will be the next page for you somewhere, you

23 say - and I'm going to pick it up in the middle of the paragraph: "I

24 think that in the general context of all of this if you put this forward

25 and the suggestions you made in Bonn - three republics, a border - and

Page 28619

1 what we have heard from these Muslims, then it would appear far more

2 acceptable to the Western world once they become aware of a different and

3 terrible possibility which could become reality. We are not making

4 threats but only explaining things."

5 Then the president -- I'm going to -- you go on, but I'm going to

6 skip.

7 Then the president says to you: "Nevertheless, Zdravko, would a

8 union of two republics with clearly defined borders be a more acceptable

9 solution to you?"

10 And you say: "Yes, if we can at least be in some way turned

11 towards the west, and this Sarajevo matter, taking your suggestion as a

12 starting point, these are the first steps, you know, as well as setting

13 up a border, regardless of whether it is a hard border or a soft one."

14 Now, we can all read this transcript, but basically could you

15 please tell us, what exactly was this conversation about?

16 A. First of all, generally speaking, there was a desire on the part

17 of the international community for the group of Muslims who were in

18 favour of the European option and who adopted all the European elements

19 to follow the Republic of Croatia in its footsteps towards Europe. On
20 the other hand, there was another group, the so-called extremist group,
21 which was opposed to the accession of the first Muslim group to Europe.
22 Their attitude was that of war-mongerers. One of them was Mr. Smajkic,
23 whom I saw in the video-clip, who was in favour of conquering Europe.
24 His position was extremist. All I'm saying is that in Bosnia-Herzegovina
25 there were always Muslims who were in favour of Europe and there were

Page 28620

1 also extremists, but not always. Only recently the latter group
2 appeared. It was only when Marsal Tito became the leader of the third
3 world. He opened or paved the way for the Muslim religious leaders to go
4 to various universities, and many of them who had been educated at
5 various universities adopted the extremist Islam ideas there.

6 Q. Okay. And when you --

7 A. -- just like Mr. --

8 JUDGE TRECHSEL: If I may, just one small point. You said
9 recently. They appeared recently. What did you refer to date-wise?

10 MR. KARNAVAS: What do you mean by recently?

11 JUDGE TRECHSEL: I'm asking the witness .

12 MR. KARNAVAS: In what context because the witness will be
13 confused. If you could point out the context. That's all.

14 JUDGE TRECHSEL: It's page 20, the second line. All I'm saying
15 is there were always -- Muslims -- it was only when Marsal Tito became
16 the leader -- only recently the latter group appeared, 22, 23, the
17 extremists, Muslim extremists.

18 What did you refer to when you say "recently"? From which point
19 back?

20 THE WITNESS: [Interpretation] Recently meaning that the

21 pro-European line among Muslims existed back in the Austro-Hungarian
22 period starting with 1878, whereas the extremist tendencies only
appeared
23 when the Muslim imams in Bosnia-Herzegovina were allowed to continue
24 education at various universities and happened during the time when
25 Marsal Tito was the leader of the third world. They were sent to various

Page 28621

1 universities where they were educated and where they studied the
2 extremist Islam positions, just like Smajkic did.

3 JUDGE TRECHSEL: So that would mean several years ago, before
4 1991?

5 THE WITNESS: [Interpretation] Absolutely. Yes. You're correct.

6 JUDGE TRECHSEL: Thank you.

7 MR. KARNAVAS:

8 Q. All right. And when there's that reference about two republics,
9 is that the reference with respect to the Federation as opposed to having
10 a -- the federation with Republika Srpska, the two entities, as opposed
11 to what was previously on the table, three republics?

12 MR. STRINGER: Objection, Mr. President. That's a leading
13 question --

14 MR. KARNAVAS: I'll withdraw. If he has read the transcript,
15 which -- it's self-evident what the discussion is about, Mr. President.

16 Q. What about Bonn? There was a reference to the Bonn conference.

17 Do you know anything about that, very quickly? The portion that I read
18 to you, it said something about the president had been to Bonn.

19 A. That's correct. After a certain time, he went to Bonn to talk to
20 Mr. Cole.

21 Q. And do you know, based on you being one of the insiders, so to

22 speak, given that you were the ambassador to Bosnia-Herzegovina, do you
23 know what if anything was discussed at Bonn? And I'm talking about in
24 relation to what -- the portion that we just read in the transcript.

25 A. Certainly. I was not there, but I know from the subsequent

Page 28622

1 comments that one of the things that was highlighted in Bonn was the fact
2 that there were some Muslims in Bosnia-Herzegovina; there were still a
3 large number of Muslims in Bosnia-Herzegovina, who were in favour of
4 Europe and with whom we had to, in one way or another, strive towards
5 helping these Muslims acceding the future European Union, and so on and
6 so forth. The entire situation revolved around that. The fact was that
7 we could not classify all the Muslims the same and call them the same
8 because there were -- there was one kind of Muslims, and there was
9 another kind of Muslims, and this is why I keep on insisting on defining
10 exactly which Croats, which Muslims, which greater Serbs, which Serbs
11 generally. You've noticed that I am using the term "greater Serbs"
12 because we cannot use the one and only national term on all the various
13 fractions of that particular nation.

14 Q. Okay. Thank you. Now, we're going to move on to some -- we're
15 going to leave the presidential transcripts alone, and we're going to
16 move to some documents very quickly because I have very limited time. 1D
17 02394, 1D 02394.

18 Okay, do you have the document, sir? Do you have it, sir?

19 A. [In English] 2394?

20 Q. Right. We see here from this document, it's dated 16th September
21 1993, and it's to the president of the Mesihat of the Islamic community
22 for the Republic of Croatia and the Republic of Slovenia, and we see
that

23 at the second page it's signed by Dr. Muhamed Alic. And just starting up
24 with the very first paragraph: "On September 15th, 1993, MDS
25 representatives, Dr. Ismet Hadziosmanovic, and Dr. Muhamed Alic visited

Page 28623

1 his Highness, the bishop, at his residence in order to discuss the fate
2 of the nuns and the friars detained in Konjic."

3 Do you see that? You're shaking your head, sir. I need an
4 answer. Please, you have to work with me.

5 A. Very well, yeah --

6 Q. Okay. Yesterday, we looked at a particular transcript, and just
7 for the record, it's 1D 02930. You don't need to look at it, but
8 yesterday that's the transcript where we had Gojko Susak saying to Alija
9 Izetbegovic that he had five planes full of goods sitting in Zagreb and
10 that unless the situation in Konjic was solved he would not get a single
11 bullet, and that was on page 26 of that particular transcript. Now --
12 and this was, by the way, the transcript was 27 March 1993.

13 Now, when Gojko Susak was talking about the situation in Konjic
14 back in March of 1993, was he referring to what we see here being
15 resolved to some extent or still unresolved, in a sense, as of 16th
16 September 1993, the freeing up of the nuns and friars that were being
17 held by the Muslim leadership or whoever was holding them?

18 A. They were held by extremist Muslims. Precisely in this document,
19 we have pro-European Muslims, Dr. Hadzihasanovic, whom I know, and
20 Dr. Alic.

21 THE INTERPRETER: Hadziosmanovic. Interpreter's correction.

22 THE WITNESS: [Interpretation] And there we have the instance
23 where pro-European Muslims are intervening on behalf of the nuns and
24 friars who are supposed to be released. I'm emphasizing the difference

25 between the pro-European Muslims, with whom I had pretty close ties;

Page 28624

1 Dr. Ismet Hadziosmanovic; Dr. Muhamed Alic. At some point, President
2 Tudjman suggested that they become members of the Government of
3 Herceg-Bosna.

4 Please, go ahead.

5 Q. Let me interrupt you. I just want to make sure that we confirm
6 because back in March, you've got Gojko Susak talking to the president of
7 the presidency Izetbegovic about the situation in Konjic. Here we have a
8 letter, 16 September 1993, talking about nuns and friars from Konjic.
9 Are we talking about the same situation?

10 A. It's the same situation.

11 Q. Thank you. If we go on to the next document, 1D 02275.

12 A. Yes, I have it. 0275.

13 Q. While we're looking for that document, I trust on the previous
14 document it has been -- that the Trial Chamber will focus on the last
15 paragraph in the first page where we talk about -- it talks about a
16 Mr. Vlado Maric, an engineer who has been performing the function of a
17 technical director of Jablanica water-plant, that they also are looking
18 for his release. I only mention this because of the issue of water that
19 has come up in the previous -- through previous witnesses on the
20 Prosecution's case.

21 Now, directing your attention at 1D 02275, we see that this is a
22 declaration on the implementation of the Washington Agreement. Do you
23 see it, sir? Do you have it?

24 A. 2275? Yes. Yes.

25 Q. Okay. Thank you. Now if we look towards the bottom of the page,

Page 28625

1 the third paragraph from the bottom, it says: "Expressing their
2 irrevocable support to the implementation of the Washington Agreement on
3 the establishment of the Federation as well as its confederal linking of
4 the Republic of Croatia ..."

5 Let me stop right there. Yesterday we talked a little bit about
6 confederation. Is this the same concept that is being talked about here,
7 the one that was earlier raised early on?

8 A. Yes, it is.

9 Q. Okay. Thank you. And I think if we look at the second page,
10 towards the bottom it says: "Confirming their interests in the urgent
11 implementation of the aforementioned principles declaration agreement
12 has
12 been reached on.

13 "Widening and strengthening of the defence cooperation on the
14 basis of the Agreement on Friendship and Cooperation" -- I underscore
15 that for the Trial Chamber's attention since we've been mentioning this
16 in the past -- "between the Republic of Croatia and the Republic of
17 Bosnia-Herzegovina of July 21, 1992."

18 Again, I underscore that.

19 And so -- and this is now July 22nd, 1995.

20 So we see, sir, do we not, that part of the Washington
21 Agreement -- part of this declaration, which is in furtherance of the
22 Washington Agreement, is tying in and making reference to the Agreement
23 on Friendship and Cooperation that dated back to July 21st, 1992, and we
24 see a continuity; do we not, sir?

25 MR. STRINGER: Objection, Mr. President. It's a leading

1 question.

2 MR. KARNAVAS:

3 Q. What was the purpose of it?

4 A. You see, throughout the period from 1991 to 1995 there was
5 present this idea of a rapprochement between the Republic of Croatia and
6 the Republic of Bosnia and Herzegovina. The Washington Agreement was the
7 ultimate symbiosis or the ultimate achievement of that effort. The early
8 days of that effort can be summed up on that agreement on the friendship
9 and close ties between Croatia and Bosnia-Herzegovina, and I relied upon
10 it all the way until the signing of the Washington Agreement. The
11 Washington Agreement then provided me with another valuable document in
12 that process of coming closer to -- in this process of Croatia's
13 rapprochement with Bosnia-Herzegovina and its development of cooperation
14 with that country.

15 Q. All right. Now, let's go on -- well, before we go on to the next
16 document, I just want to preface my question with what we heard
17 yesterday. You had indicated to us that you had participated in several
18 meetings with President Tudjman, either tete-a-tete or meetings where he
19 was presiding over various groups; is that correct?

20 A. Correct.

21 Q. And it's my understanding also that you had opportunities to hear
22 Dr. Tudjman on numerous occasions when he delivered speeches as well?

23 A. Yes. I followed all the speeches delivered by President Tudjman.

24 There were those that had -- of those that had to do with
25 Bosnia-Herzegovina, there were 38, and this is only in one book that

Page 28627

1 contains speeches, and I was of course present at some of these

2 speeches --

3 Q. Ambassador Sancevic, please let me lead you so I can finish

4 because I'm going to run out of time and I won't be able to get this
5 information. To cut to the quick, at some point you wrote a book, did
6 you not?

7 A. Correct.

8 Q. What year was that?

9 A. In 1998.

10 Q. All right. Now, let's look at 1D 02339, 1D 02339. And it says
11 over here, an insight into Bosnia. I take it that's the -- and then it
12 says: "Notes of an ambassador. Croatian national policy towards BiH."
13 Was this from your book?

14 A. [In English] That is from my book.

15 Q. Okay --

16 A. [Interpretation] Yes, that's my book.

17 Q. Okay. Now, I'm not going to discuss it because we can all read
18 it, but I just want to focus you on the page, and it's not paginated,
but

19 if you look at the bottom of the page --

20 MR. KARNAVAS: On the English version, Your Honours, it would be
21 1D 52-0609.

22 Q. And for you it's 0400, 0400, 4 00.

23 MR. KARNAVAS: Madam Usher, could you please assist us.

24 THE WITNESS: [Interpretation] 4 --

25 MR. KARNAVAS:

Page 28628

1 Q. 400?

2 A. 400.

3 Q. All right. We can see in this chapter that you make references
4 to two particular speeches that were given by Dr. Tudjman, but then you

5 go on to say, at the bottom you say: "When we had this speech, also many
6 numerous of the speeches of Croatian national policy of Dr. Tudjman
7 towards BiH, I used them to create for my own needs a synthesis of the
8 main elements of the Croatian national policy, but without listing them
9 by some priorities or in particular order, because in given occasions and
10 circumstances (scenarios) some elements were more important, but all
were

11 the constant of the Croatian national policy towards BiH."

12 Now, sir, I'm going to go through these, and we see -- not all of
13 them, but one says: "Preservation of BiH as an independent, integral,
14 and friendly state."

15 Was that your understanding?

16 A. All this time, not only President Tudjman but the Croatian state
17 policy in general - although, of course, the president of the republic
18 did have great bearing on that policy - never called into question the
19 existence of Bosnia-Herzegovina as an independent sovereign state. This
20 was in the interests of the Croatian people and the Croatian government,
21 and I acted accordingly.

22 Q. All right. And you talk about -- that it should be a federal
23 organization, the equality of three constituent nations through federal
24 organization. That's what we talked about yesterday?

25 A. May I respond briefly?

Page 28629

1 Q. Very briefly.

2 A. The federal organization comes from Mr. Ahtissari back in 1991
3 when it was accepted.

4 Q. Okay.

5 A. Since then Cutileiro, Vance-Owen, and Owen-Stoltenberg, and the

6 Contact Group and the Washington Agreement, all of it was in the service
7 of the Federation.

8 Q. All right. And then you -- further down on one of the lists you
9 say: "A confederative alliance of the Republic of Croatia with
10 federalized BiH, FBiH territorial, and just as possible distribution of
11 BiH territories into federal entities, provinces, counties, cantons,
12 with
13 national attributes."

14 That was your understanding, right?

15 A. Yes.

16 Q. And then, of course, because it was touched upon yesterday, and I
17 believe it came with one of the questions, you say further down:
18 "Protection of municipalities/enclaves of minority population in federal
19 entity with minority [sic] nation attributes in that federal entity
20 through redefinition of the territories of municipalities and by
21 establishment of local self-management that would protect the population
22 in the municipality/enclave and ensure its rights ..."

23 That's what you meant when you were addressing one of the
24 questions - and I believe it was from Judge Trechsel - yesterday,
25 correct?

26 A. Correct.

Page 28630

1 Q. Now, I prefaced my questioning on this with that you had -- aside
2 from having participated in meetings with Dr. Tudjman, that you had made
3 references to his speeches and his writings. So just very briefly, if I
4 could focus your attention on 1D 00401, and I'm just going to ask you one
5 or two questions on this. 1D 0401.

6 We see this is a text by Dr. Franjo Tudjman. It's on nationalism

7 in contemporary Europe. Did you draw on his writings even well before or
8 before the conflict or the break-up in Yugoslavia?

9 A. Of course. When it comes to the view of Bosnia-Herzegovina and
10 how it should be structured and as to the future ties between
11 Bosnia-Herzegovina and Croatia, on these matters I followed the policy
12 which -- well, you have to know that President Tudjman read the book
13 written by my father; and after all, I spoke to him directly. At times,
14 these conversations lasted several hours, and we were discussing these
15 problems. I know exactly what the intention was and what the Croatian
16 state policy was vis-a-vis Bosnia-Herzegovina in the period between 1991
17 and 1995.

18 Q. Right. What my question -- my question was, Dr. -- Ambassador
19 Sancevic: Did you draw upon Dr. Tudjman's writings prior to the events
20 in order to understand President Tudjman and to write about what his
21 intentions were? I'm asking the question: Did you refer to any of his
22 writings prior to the conflict?

23 A. Yes, yes.

24 Q. Okay. Thank you. And would this be one of them, one of the
25 texts that he wrote: "Nationalism In Contemporary Europe"?

Page 28631

1 A. Yes.

2 Q. If we look at the next document, 1D 02887, and I apologise for
3 having to rush you through this, but we are labouring under some extreme
4 difficulties with time. I'm just going to ask you one question. This is
5 a book by Dr. Franjo Tudjman, 1D 02887. It's published in 1993. It is
6 titled: "It Is Known: HDZ and the Struggle for Independence of
7 Croatia."

8 MR. KARNAVAS: Your Honours, I know that I'm running out of time,

9 but if I could have until 9.30 [sic], the end of the session, I think I
10 could finish up everything, and I might even be finished before that.

11 Q. 1D 02887 --

12 JUDGE TRECHSEL: You mean 10.30, probably.

13 MR. KARNAVAS: 10.30, right.

14 Q. Okay. This is a -- you're familiar with --

15 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you have as much
16 time as you like. If you want to spend hours with this witness, that's
17 your problem, but you -- a certain amount of time has been allocated to
18 you for all your witnesses. You are the one who decides which -- how
19 much time you will spend with each witness.

20 MR. KARNAVAS: Thank you --

21 JUDGE TRECHSEL: Perhaps I must say that I'm not quite of this
22 opinion. I think agreed on four hours. You had proposed them, but you
23 have until 10.30.

24 MR. KARNAVAS: Thank you. It is kind of an inexact science.

25 Q. 1D 02887. Are you familiar with this textbook by Dr. Franjo

Page 28632

1 Tudjman, the document itself? Okay, if you could look at 1D 02887.

2 A. [In English] 2887, I have in front of me.

3 Q. Okay. Now --

4 A. [Interpretation] I have before me, yes.

5 Q. All right. And do you recognise it?

6 A. I do.

7 Q. And as I understand it, in this text there are various speeches
8 that were given by Dr. Franjo Tudjman?

9 A. Correct.

10 Q. And in some of those speeches that are contained in this

11 particular document, you were actually present when they were delivered?

12 A. [In English] That's right. [Interpretation] Correct.

13 Q. All right. It's my understanding that these are some of the
14 writings, some of the speeches that you also relied on in addition to
15 your meetings with Dr. Tudjman, you participating in meetings in drawing
16 your conclusions which we read previously from your textbook, An Insight
17 Into Bosnia --

18 MR. STRINGER: Excuse me, Mr. President. I know counsel is under
19 time pressure, but I'm going to object to leading questions of this
20 nature.

21 MR. KARNAVAS: Your Honour, it is a looping question. I first
22 established the foundation. That's where I went first. He's already
23 indicated that. So I'm merely reemphasizing the fact that he had
24 meetings; he met with Tudjman; he read his speeches; he participated in
25 all sorts of other meetings; and he drew some conclusions. So while it

Page 28633

1 may sound leading, in fact, it isn't leading. I'm merely building up on
2 it. It's usually on cross-examination, but I think it needs to be done
3 before professional Judges here in this courtroom, and it has been done,
4 and I draw the attention to the gentleman -- to the Kordic trial where
5 Judge May insisted on that sort of questioning in order to save time.

6 Q. Sir, did you refer to these speeches at all in formulating your
7 own opinion as far as what the policy was?

8 MR. STRINGER: Objection. Could we have a foundation in terms of
9 which speeches the witness is being referred to? Every speech? Is it
10 the entire -- are we offering the entire book into evidence on the basis
11 of a few words from this witness?

12 MR. KARNAVAS: Okay.

13 Again, we selected portions of this book. They were provided to
14 the Prosecutor. It's under 1D 02887. Now, the gentleman -- I don't want
15 to get personal, but the gentleman has been in court for the last two
16 weeks, three weeks, while his other counterpart was doing all the labour
17 with the other witnesses. I assume that the gentleman looked through our
18 documents and he could see very well that these are speeches, some of
19 them are only two or three lines, others are two or three pages. These
20 are various speeches. They're numbered -- or dated, I should say. And I
21 asked the question whether he was present or read them and -- as a basis
22 for formulating his opinion as to what the policy was, in addition to
his
23 own participation.

24 MR. STRINGER: Well, if counsel's saying, which he hasn't said
25 yet, and we haven't heard from the witness on this -- what the witness
is

Page 28634

1 talking about is the book, which is a huge tome. Now, if counsel is
2 intending to direct the witness more specifically to the excerpts that he
3 has in mind, that's fine, but I don't think that he's gotten there in his
4 direct examination.

5 MR. KARNAVAS: I'll --

6 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, if I was the one
7 conducting this, I would have resolved the matter the following way. I
8 would have asked the following question to the witness: Witness, have
9 you read the books written by Mr. Tadjman? Answer: Yes, no.
10 If the witness says no -- says yes, you can ask him which books
11 he has read, and he will tell you: Such and such book published on such
12 and such dates. Then you would ask him: Please have a look at this
13 document, such and such paragraph. Then you would put your question to

14 the witness, and the witness would answer, and there would be no
15 objections.

16 I know that you're trying to go quickly, but the Prosecution, of
17 course, is going to react every time there is a leading question. But by
18 resorting to very quick questions, you can lay the foundation and then
19 ask your question without encountering any difficulties.

20 Mr. Karnavas, you may proceed.

21 MR. KARNAVAS:

22 Q. Ambassador Sancevic, looking at 1D 02887, if we flip over to the
23 page where it says: "Speech of President of the Republic of Croatia,
24 Dr. Franjo Tudjman, at the 46th Session of the UN General Assembly of
New
25 York, May 22nd, 1992." That would be the very first speech, the very

Page 28635

1 first speech. Did you read this speech? I will now demonstrate how long
2 it will take to do that as opposed to asking --

3 A. Yes, I have. I've read it.

4 Q. Okay. All right. Now, if we go to the next one, the next page,
5 "Speech of the President of the Republic of Croatia Dr. Franjo Tudjman to
6 the House of Representatives of the Croatian parliament on September 8th,
7 1992," page 11. Did you read this or were you present when this speech
8 was delivered?

9 A. I was there and I read it.

10 Q. If we go to the next page, "Speech of the President of the
11 Republic of Croatia, Dr. Franjo Tudjman, at the 47th Session of the UN
12 General Assembly, New York, September 22nd, 1992." That's on page 14.
13 Were you present or did you read this speech by Dr. Franjo Tudjman?

14 A. I wasn't there, but I read it carefully.

15 Q. Next page: "Speech of President of the Republic of Croatia,
16 Dr. Franjo Tudjman, on the occasion of the parade of the Croatian army
17 and navy in Dubrovnik, October 22nd, 1992." Were you present or did you
18 read this speech by Dr. Franjo Tudjman?

19 A. I wasn't there, but I studied the speech.

20 Q. All right. Now, next page: Speech of the President of the
21 Republic of Croatia, Dr. Franjo Tudjman, during the election campaign in
22 Pazin, January 31, 1993." Were you present? That would be on page --

23 A. I wasn't there, but I read the speech.

24 Q. Okay.

25 A. Right after it was issued.

Page 28636

1 Q. All right. Now, we go to the next page: "Speech of the
2 parliament of the Republic of Croatia, Dr. Franjo Tudjman, during the
3 election campaign of Pula, January 31, 1993." Were you present there, or
4 did you read this speech?

5 A. I wasn't there, but I read it.

6 Q. Okay. Let's look at the last one, next one: "Speech of the
7 President of the Republic of Croatia, Dr. Franjo Tudjman, on the joint
8 session of the House of the Croatian Parliament of March 23, 1993."

9 Were you present, or did you read this?

10 A. Yes, I was there.

11 Q. And this will be -- time doesn't permit us, but I do draw the
12 attention of the Court on the last part of page -- of the first page and
13 the first part of the second page. There is some interesting information
14 there, but time does not allow us to discuss the document.

15 Next one: "Speech of the President of the Republic of Croatia

16 Dr. Franjo Tudjman, on the session of PEN, at PEN Congress in Hvar," --

17 this is an island, for those of us who may not know -- "April 25, 1993."
18 Were you present, or did you read this speech? It's a rather lengthy
19 one.

20 A. I was there, and I read the speech, and I commented on it with
21 President Tudjman afterwards.

22 Q. Now, without reading the remainder of this, just to make the
23 point, did you read all of his speeches, all of Dr. Franjo's speeches,
24 that were contained in this particular document that I'm presenting to
25 you, 1D 02887?

Page 28637

1 A. Can I make a small correction? There were five books, and what
2 was extracted here were speeches out of five tomes because we were only
3 referring and presenting the speeches by President Tudjman relating to
4 Bosnia-Herzegovina.

5 Q. And can I ask --

6 A. As for --

7 Q. My -- okay. May I ask: Did you read all the speeches that are
8 in this particular document that come from book 2?

9 A. Yes.

10 Q. Did you read all five volumes?

11 A. Yes.

12 Q. Okay. If we go on to the next document, 1D 02806. This is
13 another book by Dr. Tudjman, "Croatian Word To the World." Have you read
14 this book? There are talks or interviews --

15 A. Yes.

16 Q. Okay. Thank you.

17 A. Into -- these were interviews given to foreign representatives

18 and journalists, and there are fewer texts relating to Bosnia-Herzegovina

19 compared to the earlier speeches.

20 Q. All right. And again, let me ask again because there was an

21 objection by the Prosecutor, and we were instructed how to do this by the

22 Trial Chamber. Let me just ask this again: Did you refer to these sorts

23 of speeches and documents in addition to everything else that you told

24 us, the meetings and what have you, in drawing your conclusions as to

25 what was the policy of the Republic of Croatia towards Bosnia-Herzegovina

Page 28638

1 while you were in situ as the ambassador to Bosnia-Herzegovina for the

2 Republic of Croatia?

3 A. Yes.

4 Q. Okay.

5 A. I did. I followed closely all the speeches by President

6 Tudjman --

7 Q. Okay --

8 A. -- and I also had meetings with President Tudjman as well.

9 Q. Now, I just need to show -- just to round up and finish three

10 quick documents, 1D 02927, and you can look at this in conjunction with

11 2928 because yesterday you told us that you had been appointed to -- as

12 the consul general, I guess, for the Republic of Croatia to Venezuela.

13 A. In fact, I was supposed to become an ambassador to Venezuela;

14 however, since I hold dual citizenship, the highest rank that I could

15 hold in Venezuela was that of a general consul. Since I had -- I have

16 dual citizenship there, I am not formally an ambassador, and I discharged

17 the duties of a general consul.

18 Q. Thank you. And these two documents verify that; is that correct?

19 The document that I showed you, 1D 02927, which is your appointment as
of

20 July 13, 1999, and we also see a translation regarding from the
president

21 of the Republic of Venezuela. So these demonstrate what you told us
22 earlier, correct?

23 A. Correct.

24 Q. Thank you. Thank you.

25 A. You can see here both my roles as a diplomat in

Page 28639

1 Bosnia-Herzegovina and now in Venezuela.

2 Q. Okay. And the last document is 1D 02929, 1D 02929.

3 A. I see the document.

4 Q. Okay. This is a -- we have a -- I don't know, we can put this on
5 the ELMO. This is what we received from the gentleman. It might be --
6 or pass it to the Trial Chamber. It might be easier for them to look at.
7 This document here says that -- it's from the International League of
8 Humanists for the Development, Cherishing, and Application of the Codex
9 of Humanism and the Principles of Humanity. Could you please tell us who
10 issued this certificate to you, when, and where?

11 A. From the seven declarations and numerous citations I received, I
12 treasured this one the most because here I was nominated a humanitarian
13 by the international league -- in fact, of having been a humanitarian of
14 the decade. Why was I given this --

15 Q. When -- well, if you can just tell us when --

16 A. This was in Zenica, back in 1995, I believe.

17 Q. Okay. And now if you could tell us why was it -- why was it

18 given to you, if you know, and just be very brief because we have to
take

19 a pause.

20 A. In addition to my strictly political role, strictly consular
21 role, because I performed both - I had a political one, a political role
22 and a consular role to play with regard to the entire population of
23 Bosnia-Herzegovina - this document serves to show that I engaged in
24 humanitarian activities in the situation in which Sarajevo and
25 Bosnia-Herzegovina were in general. The people there required

Page 28640

1 assistance. I spent two years in all, 1994 and 1995, in Sarajevo in
2 addition to my visits there before. The situation there was appalling,
3 as I describe it in my book, and there was a great need to assist the
4 people there. I did so, as I was an ambassador there. It's enough to
5 just glance at a map and --

6 JUDGE TRECHSEL: Excuse me. Excuse me if I interrupt you. But
7 it seems that the document is at issue, and we should at least see it.
8 We have a completely black sheet in our documents, and if you look at the
9 ELMO where it should be, you have a black screen on the ELMO.

10 MR. KARNAVAS: Okay. I can clarify that.

11 Q. Where did this document come from? Because we don't have the
12 original one, and I've seen it, but where is the original one, the
13 original?

14 A. The original comes from the International League of
15 Humanitarians.

16 Q. But where physically is it at this moment?

17 A. I copied this from a framed picture, but if the Court wishes me
18 to present a much better English version of it, I can. I'm really sorry

19 that it's turned out to be so poor --

20 Q. But where is it --

21 A. In the general consulate in Caracas --

22 MR. KARNAVAS: We can provide --

23 JUDGE TRECHSEL: I have been shown the President's copy, which

24 held against the light permits to recognise something. So I'm satisfied.

25 We don't need to have the original flown in from Caracas --

Page 28641

1 MR. KARNAVAS: I was just as concerned --

2 JUDGE TRECHSEL: -- and the witness coming back. Thank you.

3 MR. KARNAVAS:

4 Q. Anyway, thank you very, very much, Ambassador Sancevic. I

5 appreciate your testimony. I apologise for rushing you and cutting you

6 off, and if I appear to be rude at times, my deepest apologies. But

7 thank you very, very much, and I trust you will be equally forthright

8 with the Prosecution or anyone else who asks you questions in this

9 courtroom. Thank you very, very much again.

10 JUDGE ANTONETTI: [Interpretation] We are now going to break for

11 20 minutes.

12 --- Recess taken at 10.38 a.m.

13 --- On resuming at 11.00 a.m.

14 JUDGE ANTONETTI: [Interpretation] Very well. The Defence used

15 four hours and 11 minutes.

16 Witness, I don't have any specific questions to put to you, but I

17 would just like one small precision which is an important one. At the

18 very end, Mr. Karnavas asked you if you had read Mr. Tudjman's books. We

19 had a list of the various tomes, and you said that you had been an

20 ambassador in Bosnia and Herzegovina and you knew about his statements.

21 Mr. Karnavas then asked you if you were well-informed sufficiently well
22 in order to speak about Tadjman's policies with regards to vis-a-vis
23 Bosnia and Herzegovina. You've answered yes, but you did not say what
24 was the policy in question. So for the transcript, I would just like to
25 ask a clarification, or rather, according to you what was Tadjman's

Page 28642

1 policy with respect to Bosnia and Herzegovina? Would you be able,
2 please, to perhaps finish your answer?

3 THE WITNESS: [Interpretation] Your Honour, I speak of the
4 Croatian state policy vis-a-vis Bosnia and Herzegovina in general terms,
5 since I was the exponent of that policy in Bosnia and Herzegovina. We
6 often refer to the Croatian policy of President Tadjman; however, the
7 Croatian state policy was not solely determined by President Tadjman.
8 There were other elements there. For instance, the international
9 community had a great role to play in all that. Then, for instance, the
10 Croatian parliament. The Croatian republic is a democratic one. Of
11 course, admittedly President Tadjman had a large influence to exert
12 given
13 the semi-presidential state structure. Still, I like to refer to that
14 policy as the Croatian state policy with regard to Bosnia-Herzegovina.
15 Now, what was my position with regard to President Tadjman on the
16 one hand and the Croatian state policy toward Bosnia-Herzegovina on the
17 other? Well, the two positions largely overlapped because the -- because
18 President Tadjman took into consideration the views of the international
19 community. Now, the federal structure of Bosnia-Herzegovina came across
20 from Ahtissari, Cutileiro, and all the other players in that effort to
21 find a settlement for Bosnia-Herzegovina. I for one played a part in
22 that because I provided information not only to the government, the

22 president of the republic, and the minister of foreign affairs, as well,
23 on the situation in Bosnia-Herzegovina, which was complex throughout the
24 time. It was an effort to take in and understand what was going on
25 there, and my first and foremost priority was to be well acquainted with

Page 28643

1 the Croatian state policy towards Bosnia-Herzegovina.

2 In that, I believe I was not only well informed. I also -- and
3 this did not -- the information did not only come from my conversations
4 with President Tudjman but also [as interpreted] from his conversations
5 with other figures, such as talks with Churkin and Petersen in Split, for
6 instance, the important players that he spoke to from the international
7 community. My role was to implement that policy, which was the policy of
8 rapprochement as something that was only lateral. If you look at the
9 map, you will see that for historical reasons Croatia embraces
10 Bosnia-Herzegovina from three sides, and imminently there had to come a
11 certain rapprochement.

12 Ever since 1878, since the Berlin Congress, Bosnia-Herzegovina
13 and Croatia were part of one state. First, it was Austro-Hungary; then
14 it was the monarchy of Yugoslavia; then Tito's Yugoslavia; and so on and
15 so forth. I believe I had a good grasp of it all since I was well
16 acquainted with the history of Bosnia-Herzegovina. I have a library of
17 some 6.000 books on Bosnia and Croatia back in Caracas.

18 This is probably one of the reasons why Tudjman appointed me as
19 the ambassador. I didn't have any sort of baggage. I didn't come back
20 to Croatia before 1991. I came to Croatia, to Yugoslavia, for the first
21 time in the month of August 1990.

22 Let me answer your question in specific terms. I had to fully
23 understand what the policy was, and I had to endorse it; I had to agree

24 with it. I told Tudjman right at the start that if we should disagree
25 that I would leave.

Page 28644

1 Did I answer your question, or is there something else you would
2 like to know?

3 JUDGE ANTONETTI: [Interpretation] Thank you very much. You've
4 answered very clearly.

5 I would have one additional technical question, very technical.

6 We've heard many ambassadors here - I will not name them all - but as a

7 general rule, when one is an ambassador in one country, one receives

8 instructions from one's government, and then reports are drafted. So

9 just a technical question. Between Zagreb and yourself in Medjugorje,

10 were there any diplomatic telegrams sent back and forth giving you

11 instructions, asking you to draft reports, and did you yourself, when
you

12 wanted or whether you were asked to do it or not, were you giving

13 information to the Ministry of Foreign Affairs? This is a very technical

14 question.

15 THE WITNESS: [Interpretation] Yes. Look, I already had

16 experience in that. I did not send the same information to the Ministry

17 of Foreign Affairs or -- and something else to President Tudjman.

18 Whatever I wrote in the report to Dr. Mate Granic and before that I had

19 another minister of foreign affairs who was Mr. Skrabalo, Dr. Skrabalo.

20 This is how I addressed my reports, and this was governed by the

21 constitution more or less to the president of the Republic of Croatia
and

22 the minister of foreign affairs, no matter who it was, Skrabalo or

23 somebody else. So the wording was absolutely identical. There were no

24 major differences there. This was very important to me. I found it very

25 important that there was a unanimousness in the relationship vis-a-vis

Page 28645

1 the president of the republic and the minister of foreign affairs. I
2 wanted to avoid any possible confusion, and this was made possible by
3 this procedure. Did I answer your question?

4 JUDGE ANTONETTI: [Interpretation] Very well. Thank you very
5 much.

6 I thought Mr. Karnavas was on his feet at one point.

7 MR. KARNAVAS: Yes, on page 42, line 19, the word "only" is
8 missing. It was translated that he did not come to the information from
9 Tudjman but also -- and it should be that it did not come only from, so
10 the word "only" should be inserted into page 42, line 19.

11 JUDGE ANTONETTI: [Interpretation] Thank you very much for this
12 comment.

13 Now, for the cross-examination of the other Defence teams, D2, I
14 suppose. Mr. Khan.

15 MR. KHAN: Your Honour, we have no cross-examination for this
16 witness.

17 JUDGE ANTONETTI: [Interpretation] Thank you very much, Mr. Khan.
18 Mr. Kovacic, D3.

19 MR. KOVACIC: [Interpretation] Your Honour, with your leave I
20 would kindly ask you to allow General Praljak to put a few questions to
21 the witness about book number 1, D 02808, about four pages in the book.
22 The original pages are 124 through 129. This is a book by Dr. Sancevic.
23 He is the author of the book, and these four pages depict four military
24 maps, in other words, maps of military campaigns involving all the
25 warring parties between 1991 and 1995. General Praljak, as you well

Page 28646

1 know, is a soldier and he participated directly in these events. He has
2 specific and special knowledge about that, and I believe that in keeping
3 with your previous decision he is well-suited to put these questions
4 because he's better equipped to do it than the Defence counsel. The
5 witness has his own knowledge because the topic has been dealt with in
6 his book, and we believe that this is an opportunity for us to introduce
7 this part of the book into evidence. That's why we are kindly asking you
8 to allow my client to put questions and confirm with the witness what he
9 has already written in the book.

10 MR. STRINGER: Mr. President, could I just --

11 JUDGE ANTONETTI: [Interpretation] Very well. I shall consult my
12 colleagues. Ah, I forgot the Prosecutor. Sorry. Please go ahead,
13 Mr. Stringer. You're not a very difficult person, so that's why I sort
14 of forgot you. Sorry.

15 MR. STRINGER: Well, perhaps I should be more difficult.

16 I was only going to offer the observation, Mr. President, that
17 we've been provided by the Praljak Defence with the maps or the -- the
18 parts of the book which I believe are the parts that they want to go
19 into
19 in cross-examination. And there is a lot of text -- I understand it's
20 maps, but there is some text that accompanies the maps, which we don't
21 have translations for. And -- actually, I could be wrong, and maybe as I
22 go through this -- actually, counsel is indicating that I do have
23 translations for this sections at the back, so I apologise for that. It
24 appears we have been provided with the translations of those sections,
25 and in that respect I would just add the Prosecution's previous

1 statements in respect to Mr. Praljak conducting cross-examination. We

2 would recall those at this time. Our position is that -- is as
3 previously stated. At this point, we'll just respect whatever is the
4 Trial Chamber's decision on that.

5 [Trial Chamber confers]

6 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, with regard to
7 relevancy, the Chamber would like to know - and I'm sure that you will be
8 able to answer this question - the fact that these four maps on military
9 operations would be shown to the witness with regard to military
10 operations that took place between 1992 and 1995, what is the relevancy
11 with respect to the indictment; and secondly, what particular point you
12 would like to highlight when it comes to the questions that you will
put.

13 Would you be able to tell us this?

14 MR. KOVACIC: [Interpretation] Your Honour, the relevance of this
15 book arises from the indictment, i.e., the alleged role of the Republic
16 of Croatia and its plans, i.e., the policy of the Republic of Croatia
17 vis-a-vis Bosnia and Herzegovina, and all this had to do with the joint
18 criminal enterprise. These maps as a part of the military operations
19 there point to the contradictions because this clearly shows
20 contradictions with regard to the existence of the alleged plans and
21 policies of the Republic of Croatia that the Prosecution alleges. That's
22 the first point of relevance.

23 The second point of relevance is an opportunity offered by the
24 maps and the author who is sitting here to show the multi-layered nature
25 of the developments and to show that there was an interaction there and

Page 28648

1 that no single event in Bosnia and Herzegovina in the given period could
2 be regarded in isolation, and particularly any military developments. I

3 underscore that the witness himself has spoken about the fact that there
4 was a multi-layered nature of the situation and that the situation had to
5 be analysed within the context of its development.

6 I believe that this is a good opportunity because we have a
7 well-qualified witness, and this is an opportunity for us to demonstrate
8 the context of all the developments which will allow us to look at the
9 alleged joint criminal enterprise, particularly when it comes to the
10 Republic of Croatia which allegedly participated in that, according to
11 the Prosecution, and the Croatian Community of Herceg-Bosna, including
12 its military leadership or the HVO, which was under the command of
13 General Praljak. And I believe that this is the relevance. Maybe
14 General Praljak has an additional idea, but this is what the two of us
15 have discussed, and that's what we believe the relevance arises from.

16 [Trial Chamber confers]

17 MR. STRINGER: Mr. President, if I could add one comment, which
18 is this. I should have added this earlier. It's reinforced by what
19 counsel just said. To the extent -- we're certainly reserving our
20 objections in terms of relevancy but also in terms of the scope of the
21 direct examination. If in fact what's being proposed now to go beyond
22 the scope of the direct examination that was led by Mr. Karnavas, then
23 certainly the guide-lines allow for that, but they don't allow for that
24 in the context of an examination with leading questions. And so if in
25 fact this is going to be a direct examination on something outside the

Page 28649

1 scope of the direct by Mr. Karnavas, then I think we should recognise
2 that for what it is and to act accordingly in terms of the procedure.

3 JUDGE ANTONETTI: [Interpretation] Very well.

4 Two elements, Mr. Kovacic. What you've told us - and I'm going

5 to try to summarize it, and if I'm mistaken please correct me - you are
6 telling us that this witness wrote a book, and four military operations,
7 maps, are included there, and you would like to put question, you would
8 like to ask your client to put questions, through which you would like to
9 show that there was no joint criminal enterprise as defined by the
10 Prosecution, and the best proof of this would be the military operations
11 that abided to other ideas other than the joint criminal enterprise and
12 that through the questions that you will put you will demonstrate this.
13 And you would like to take advantage of the presence of this witness,
who
14 in his book mentions military aspects of this kind. The Prosecution
15 objected to this to the Trial Chamber before deliberating, and I recall
16 this on our behalf; when a subject was not raised within the framework
of
17 the examination-in-chief the -- of that accused, the other accused may
18 raise this type of question, but the consequence of this is that you can
19 only put non-leading questions and that the time that you will spend may
20 be deducted from your general time. This means that if Mr. Praljak uses
21 30 minutes or one hour, the one hour used would be deducted from the
22 total amount of time that you were given for all your witnesses.
23 Did you understand me clearly? Mr. Praljak said "da," so he
24 understood it clearly, I suppose.
25 Yes, Mr. Kovacic.

Page 28650

1 MR. KOVACIC: [Interpretation] Your Honour, you have interpreted
2 my intent perfectly well. I would just like to add an element a
3 contrario of the allegation of joint criminal enterprise. The maps are
4 just one of the elements a contrario; not the only one, mind you.
5 Second of all, when it comes to your request for our explanation

6 of whether this is a direct examination or a cross-examination, I believe
7 this is a cross-examination for two reasons. First of all, during the
8 examination-in-chief of this witness by the first Defence, the witness
9 clearly spoke about the complex situation in Bosnia-Herzegovina in the
10 enclaves and so on and so forth, about the multi-layered nature of the
11 situation, and this is the segment that we want to deal with to
12 demonstrate the multi-layered nature of the situation and more
concretely
13 to see the military aspect, i.e., the aspect of the war operations which
14 were taking place in reality during the period of time that the witness
15 was talking about.
16 Second of all [as interpreted], the witness mentioned the events
17 in Konjic, Usora, Posavina, Mostar, and so on and so forth, speaking
18 about the specific events and the complexity of the situation. This is a
19 sphere that we would like to tackle, and that's why we believe this is
20 cross-examination because the topic was tackled already on direct and
21 demands for clarification of the issues that were raised during the
22 examination-in-chief, especially in view of the fact that the witness, a
23 very qualified person, is the author of the book, and I will also say
24 from my own information that this is a well-recognised book by the
25 public. And he presents these maps in order to explain the thesis that

Page 28651

1 he already raised during the examination-in-chief. That's why we believe
2 that what we want to do is cross-examination and not just an additional
3 examination-in-chief because the topic was already raised during my
4 learned friend's examination-in-chief.
5 When it comes to the calculation of time, we are talking about
6 the different things. It arises from all of this that a

7 cross-examination is a recognised and an acceptable tool to clarify
8 matters and particularly those matters that were raised on direct. This
9 is a traditional or the traditional definition of cross-examination.

10 JUDGE ANTONETTI: [Interpretation] Very well. For the transcript,
11 map number 22 relates to Usora. It is a topic that was raised by the
12 witness. Map number 23 also talks about Usora, but we will now
13 deliberate on this.

14 [Trial Chamber confers]

15 JUDGE ANTONETTI: [Interpretation] Very well. The Trial Chamber
16 deliberated and unanimously authorises Mr. Praljak to put questions to
17 the witness, but the Trial Chamber will deduct the time of the questions
18 from the time of the Defence of Mr. Praljak, and this is why Mr. Praljak
19 should not put leading questions. He could again only put neutral
20 questions, but I believe that Mr. Praljak understood this principle very
21 well.

22 Mr. Praljak, you have the floor.

23 THE ACCUSED PRALJAK: [Interpretation] Thank you, Your Honours,
24 for your generosity.

25 Cross-examination by the Accused Praljak:

Page 28652

1 Q. [Interpretation] Mr. Sancevic, Mr. Ambassador, good afternoon.

2 A. Good afternoon.

3 Q. Yes. Before you, you have four maps taken from your book. Have
4 you got the maps?

5 A. Yes, I have.

6 Q. Well, yes. These are maps number 20, 21, 22, 23. Did you
7 yourself draw these maps?

8 A. I am the author of these maps.

9 Q. Did you yourself enter the text under the maps, a description of
10 the maps, as a key?

11 A. I believe that is itself explanatory. An expert will understand
12 the map without reading the text. A mere glance at a map explains a lot
13 of things, but I myself can explain what I have drawn.

14 Q. Today after all the experience that you gained in
15 Bosnia-Herzegovina as an ambassador and as a person of knowledge, would
16 you change anything in these maps as incorrect? According to what you
17 know today, are these maps correct, and do they depict clearly what
18 really happened over there?

19 A. Let me put it this way. There is always room for improvement,
20 but I believe that these maps are valid even today.

21 Q. Thank you very much, Mr. Ambassador.

22 THE ACCUSED PRALJAK: [Interpretation] Your Honour, thank you very
23 much for granting me these three minutes.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 So you have no more questions. Thank you. I thought that you

Page 28653

1 would --

2 MR. KOVACIC: [Interpretation] I apologise. I may have not been
3 clear at the beginning, but I believe I was. We have a tool for
4 introducing evidence. This is our door for introducing this piece of
5 evidence. At the same time, we have a viva voce witness. We are aware
6 of his qualifications, of his experience, and this is all that matters
7 when it comes to the probative -- probatory value of evidence, and this
8 was the whole purpose of this exercise.

9 JUDGE ANTONETTI: [Interpretation] Witness, another technical
10 question. You were an ambassador, and as such you were knowledgeable

11 about what was going on in the field. And as the Defence counsel have
12 stated, the situation was very complex in the field. At your level, did
13 you receive reliable information about military operations, or did you
14 receive unreliable information? I'm talking about the time when you were
15 an ambassador. Were you perfectly well-informed about the situation or
16 not really well, or were you not informed at all about what was going on
17 in the field? Can you please shed some light on this for us?

18 THE WITNESS: [Interpretation] Yes, I can. First of all, I draw
19 maps as part of my profession. I draw maps of the underground as well as
20 of the surfaces above ground, so I am well qualified to my mind. On the
21 other hand, in the embassy in Sarajevo I had a military advisor, General
22 Daidzia. In other words, I could, based on the facts and on my knowledge
23 from the ground, I could draw these maps. I don't know whether there are
24 any other such maps apart from my own. I believe that there may be, but
25 I'm sure that the maps that exist somewhere else should be compared to

Page 28654

1 the ones here because these maps were drawn without any hidden agenda.
2 Their sole purpose was to depict the real situation on the front line. I
3 believe that in that respect, I cooperated with the UNPROFOR commanders,
4 for example, the British commander, who were involved in the drawing of a
5 similar map. So these maps are some sort of a synthesis of the military
6 developments over there.

7 There's one more thing I would like to say. I did not deal with
8 military matters. I was concerned with political and consular matters
9 mostly. However, these maps really represent the way things developed in
10 Bosnia-Herzegovina.

11 Your Honours, could I please try and go through these maps in a
12 few brief sentences?

13 JUDGE ANTONETTI: [Interpretation] No, we're not sitting here to
14 hear comments about these maps. My question was of a different nature.
15 As an ambassador, were you well informed about what was going on in the
16 field? That was my question. You answered partly, telling us that you
17 had a military advisor, General Daidzia, who was in Sarajevo. Would I be
18 mistaken in thinking that when you went to see President Tudjman to deal
19 with various topics as we saw in the presidential transcripts, when you
20 attended these meetings were you the one there who could - and, of
21 course, there could be other people present; I saw that General Praljak
22 attended some of them as well - but were you one of those who could shed
23 some light on the situation for the president based on what you had
seen,
24 based on information given to you by your advisors, including General
25 Daidzia?

Page 28655

1 THE WITNESS: [Interpretation] [Previous translation continues]
2 ... when it came to the proposals of the international community. Maps
3 were always on the table, the current situation as opposed to what should
4 be done for the future. I participated in these talks about maps with
5 President Tudjman and with other people who participated in all that,
6 Dr. Mate Granic, and so on and so forth.

7 JUDGE ANTONETTI: [Interpretation] Thank you.

8 Mr. Kovacic.

9 MR. KOVACIC: [Interpretation] Your Honour, I apologise. I was
10 checking the transcript, and I believe that as a result of my omission
11 what -- there was not recorded in the transcript, the number was
omitted,
12 and the number is 1D 02808. It seems that this number was not recorded
13 in the transcript. I suppose that it is my error or maybe a technical

14 error. This really doesn't matter at the moment, but I believe that we
15 should have this number recorded.

16 JUDGE ANTONETTI: [Interpretation] Fine.

17 Ms. Alaburic.

18 MS. ALABURIC: [Interpretation] Your Honour, we don't have any
19 questions for this witness. Thank you very much.

20 JUDGE ANTONETTI: [Interpretation] Ms. Tomic.

21 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

22 Valentin Coric's Defence has no questions for this witness.

23 JUDGE ANTONETTI: [Interpretation] Mr. Ibrisimovic.

24 MR. IBRISIMOVIC: [Interpretation] 6D Defence has no questions,
25 Your Honour.

Page 28656

1 JUDGE ANTONETTI: [Interpretation] Fine. The Chamber had given
2 two hours to the other Defence teams. We'll therefore have some time for
3 re-examination.

4 Mr. Stringer, you may proceed with your cross-examination, and as
5 far as you're concerned you have four hours and 11 minutes. And for once
6 we are not really under any time constraints, unless, of course, the
7 Prlic Defence decides to bring on Thursday the witness who is supposed to
8 testify next week.

9 Is that a possibility, Mr. Karnavas?

10 MR. KARNAVAS: No, Mr. President. As you can see, we need both
11 of us to be in court. These are heavily documented cases. We need to go
12 through the documents, and we try to be as efficient as possible. Next
13 week's witness is going to take six hours to do direct examination, and
14 we're still trying to decide how best to do all of it because in reality
15 we would need at least eight, if not ten hours. So -- but the answer to

16 that question is no, Your Honour.

17 JUDGE ANTONETTI: [Interpretation] Fine.

18 Mr. Stringer.

19 MR. STRINGER: Thank you, Mr. President.

20 And before I begin, I can inform the Chamber as well as the

21 witness. I won't be needing the map here, and so perhaps we could --

22 while the usher is in the vicinity we could remove the map before I

23 begin.

24 Cross-examination by Mr. Stringer:

25 Q. And while that's happening, Mr. Ambassador, let me greet you. My

Page 28657

1 name is Douglas Stringer. I'll be asking you questions on behalf of the

2 Prosecution.

3 A. I'm very glad to meet you.

4 Q. Just a few questions, first of all, about your professional

5 background and in particular, the time that you spent in the region of

6 the former Yugoslavia after your return in 1991. As I understand it,

7 sir, you returned to Croatia in August, I believe, of 1991 from

8 Venezuela, which is the country essentially where you grew up. Is that

9 correct?

10 A. It is correct, but it is also correct that in August 1990 was the

11 time of my first visit to Croatia as a member of the Croatian National

12 Council in emigration.

13 Q. And shortly, then, after you arrived back in Croatia this 1991, I

14 think you used the word "seconded," that is, as a member of the home

15 guard you were seconded to the Croatian Ministry of Information. Is that

16 correct?

17 A. Correct.

18 Q. And then at the end of 1991, about four months later or so, you
19 were selected to be minister for emigrants, that is -- I've seen it also
20 characterized as a minister for the diaspora. That's the next position
21 that you held?

22 A. Correct.

23 Q. And do I understand correctly that, in fact, you replaced
24 Mr. Gojko Susak, who was the minister of the diaspora before you?

25 A. Yes because Mr. Gojko Susak could not hold two ministries. He

Page 28658

1 concentrated on the Ministry of Defence, and then they were looking for a
2 person to replace him in his capacity as the minister for the diaspora.

3 Q. Very good. And it was -- Mr. Susak had also been an emigrant who
4 returned to Croatia when the war broke out there. Is that also true? He
5 came from Canada, I believe?

6 A. That's correct.

7 Q. So then he moved from being minister of -- for emigrants or
8 minister for the diaspora to the Ministry of Defence, and then you took
9 his position as minister of the diaspora, and that was, again, late 1991?

10 A. That is not correct. I said that Mr. Susak at one point held two
11 positions, was in charge of two ministries: The Ministry of Defence and
12 the Ministry of Emigration. He had to leave one of them, and the
13 Ministry for Emigration was the one he left and concentrated on the
14 Ministry of Defence. That's how the Ministry for Emigration position
15 became vacant. They started looking for a replacement, and they came up
16 with me. I don't know what the real reasons for that were, probably
17 because I myself had been an emigrant.

18 Q. Okay. And then after that, then, in October or so of 1992, you

19 became or you were appointed by President Tudjman to serve as a
Croatia's

20 first ambassador to Bosnia-Herzegovina?

21 A. Could you please repeat the date, jog my memory, please.

22 Q. I have the appointment as taking place in October of 1992. I

23 know that you didn't present your credentials to President Izetbegovic,
I

24 believe, until December of 1992.

25 A. I can tell you that the procedure was this: First appointment,

Page 28659

1 then approval by the Bosnian government, and finally I received my
2 credentials, which I managed to present in Sarajevo on the 18th of
3 December, 1992, and it was not easy, let me tell you. I travelled
4 together with Mr. Izetbegovic, and we almost lost our lives on that
5 journey. But if you're not interested in that, I will stop there. I
6 won't go on telling you about it.

7 Q. It's interesting, but unfortunately we don't have the time to go
8 into that. I think everyone recognises that the situation in Sarajevo at
9 that point was very dangerous.

10 I saw a report -- you indicated yesterday, then, that you
11 remained in the position of ambassador until early 1996; is that
correct?

12 A. That is correct.

13 Q. Because I saw a report, and it's not terribly important, but I
14 saw a report indicating that in April of 1994 there was an indication
15 that you were being replaced as ambassador by a gentleman named Andro
16 Krstolevic [phoen]. Do you know anything about that?

17 MR. KARNAVAS: Your Honour, can we have --

18 THE WITNESS: [Interpretation] I have no clue.

19 MR. KARNAVAS: Thank you.

20 Can we have the report itself? If he's going to be making
21 references to what he saw, I think common courtesy would dictate that we
22 would be afforded with that report so we could see exactly what the
23 gentleman is referring to. Thank you.

24 MR. STRINGER: That's fine, Mr. President. It's -- we can
25 distribute it. It's not among the binders, and it's not central. I just

Page 28660

1 thought I'd get a clarification. The witness says he doesn't know
2 anything about it, and so I think that's --

3 MR. KARNAVAS: Well, if we're going to have any more
4 surprises because -- especially in light of the allegations that we have
5 been surprising the Prosecution, I would certainly request that anything
6 that's not in the binders be not even -- be referenced unless it's
7 already in the evidence. Thank you.

8 MR. STRINGER: I can move on, Mr. President.

9 JUDGE ANTONETTI: [Interpretation] Yes, please move on.

10 MR. STRINGER:

11 Q. Now, I can refer you to one exhibit, Mr. Ambassador, which
12 relates to sort of the next phase or the next position, if you will. You
13 indicated that in -- I believe it was 1995 - you can correct me if I'm
14 wrong - you actually then were elected to be a member of the Croatian
15 parliament, the Sabor. Is that correct?

16 A. That was at the end of 1995.

17 Q. Okay. And there's a document in the binders that I'd like to
18 quickly direct you to on that. It has the number 10375. It might be in
19 the second binder, but I'm not sure. What this is, it's just a press
20 report of the BBC that is actually reporting on the election of yourself

21 and others to the Croatian parliament at this time. We'll give you a
22 chance to look at that, 10375. Yes, take a moment --

23 A. May I read it?

24 Q. I believe behind it we should have a translation for you.

25 JUDGE ANTONETTI: [Interpretation] Whilst the witness is reading

Page 28661

1 the document, Mr. Stringer, a question. How come the name of the witness
2 is highlighted in the BBC news report? Is there a reason for this?

3 MR. STRINGER: It's because when we search open sources like the
4 internet, you use a search term such as the name of the witness. And so
5 when the documents, then, are found, they bear the witness's name in
6 bold. That's all.

7 JUDGE ANTONETTI: [Interpretation] Fine. Thank you very much.

8 MR. STRINGER:

9 Q. So, Mr. Ambassador, have you had a chance to look at that
10 document?

11 A. I have.

12 Q. Okay. Just a couple of questions about it because it's going to
13 lead us a little bit into the next topic, which relates to the Croatian
14 citizenship issue that you discussed yesterday. Is it true, then, that
15 in late 1995, in this election, then, members of the Croatian people who
16 did not live in Croatia were allowed to vote in Croatia's election?

17 A. That's correct.

18 Q. And as I understand it, under the laws of the Republic of
19 Croatia, then, there are a number of seats in the Croatian parliament
20 that are actually set aside -- or at least at this point in time were
set

21 aside for members of the diaspora who would be elected to the
parliament.

22 Is that also correct?

23 A. There were candidates who could be elected depending on the
24 number of the votes. I have to state that the persons eligible for the
25 vote among the diaspora had to hold Croatian citizenship.

Page 28662

1 Q. Of course. And there's an indication here that furthermore there
2 was another requirement based upon the percentages of the votes that it
3 was the HDZ special list -- there's a reference to the HDZ special list
4 having won 90 per cent of the vote in the diaspora.

5 So my question is whether those members of the diaspora who then
6 took those seats in the Croatian parliament, were they all members of the
7 HDZ party?

8 A. That I can't tell you. I don't even know if I was -- let me
9 see -- yes, I was a member of the HDZ at the time.

10 Q. Thank you.

11 JUDGE TRECHSEL: I'm sorry, Mr. Stringer. You have asked a
12 question which has not been answered. Were there and do you know how
13 many, if so, seats a priori reserved in Sabor for representatives of
14 Croats living abroad?

15 THE WITNESS: [Interpretation] No. I must admit that I was only
16 one of the candidates. Of course you know, it's only natural that a
17 candidate may or may not be elected ultimately. That's the way democracy
18 works. If I am elected, then of course I can relinquish my seat in the
19 parliament and hold a different function. In that case, I would be
20 replaced by someone else.

21 MR. STRINGER:

22 Q. The question was this, Mr. Ambassador: Do you know, as someone
23 who was, yourself, a member of the Croatian parliament, within the

24 Croatian parliament is there a number of seats in the parliament that
are

25 reserved for members of the diaspora? Do you know, or do you not?

Page 28663

1 A. I don't know that any seat could have been reserved, since that
2 was a matter for the election.

3 JUDGE PRANDLER: Yes. Sorry, Mr. Stringer and Mr. Sancevic, for
4 interrupting you, but I would like to say that the document which we are
5 offered, that is P 10375, then 375, in other words, it gives an answer to
6 the question which was posed originally by Judge Trechsel. And it says
7 that in the last-but-one paragraph of that BBC news and information, it
8 says that "In Zagreb Olujic told a press conference on Tuesday [14th
9 November] who were 12 parliamentary members that would present Croatian
10 citizens with no permanent residence in the Republic of Croatia. Only
11 the special list of the Croatian Democratic Union (HDZ) can enter the
12 parliament as it has passed a threshold of percentage of the minimum
vote

13 (5 and 11 per cent). The HDZ special list won 90.02 per cent of the vote
14 in 'diaspora,' as 97.012 voters outside Croatia cast their ballots for
15 the HDZ candidates."

16 So for me it is rather clear that originally a threshold was
17 established and only the HDZ special list could make it to reach that
18 number and won 90 per cent of the vote. And that is why the 12
19 candidates had been elected by the expatriate votes abroad by the
20 diaspora. So for me it is rather clear.

21 MR. STRINGER: Thank you, Your Honour.

22 Q. Ambassador Sancevic, I can move on quickly, but just to follow
23 this or to tie this off, were you among 12 members who joined the
24 parliament, then, after this election were people not living in Croatia,

25 members of the diaspora, rather?

Page 28664

1 A. Yes, I was elected.

2 Q. And you joined the Sabor, the Croatian parliament, as a member of
3 the HDZ party; is that correct?

4 A. Yes, but at a later stage. At the time of my election, I was
5 still holding the position in Sarajevo. I had to relinquish the post of
6 Ambassador to Sarajevo in order to take up my new duty. In the meantime,
7 I had a person standing in for me in the parliament.

8 Q. That raises an interesting question. I think you said already
9 you were a member of the HDZ party; is that correct? At the time that
10 you were ambassador, were you a member of the HDZ party?

11 A. I was, correct.

12 Q. And were you a member of the HDZ party for Croatia or for
13 Bosnia-Herzegovina?

14 A. Listen, I was not a citizen of Bosnia and Herzegovina. I was a
15 member of the HDZ of Croatia.

16 Q. And then you left the position of ambassador to Croatia in
17 Bosnia-Herzegovina. You then returned to Croatia in a different
18 capacity, that is, as a member of the parliament?

19 A. Correct. I had my reserved seat in the parliament.

20 Q. And you took your seat in the parliament, then, having never
21 lived in Croatia; is that correct?

22 MR. KARNAVAS: Mr. President, may I ask the relevance for all of
23 this -- this line of questioning? Why is it relevant that he had never
24 lived in if they have a constitutional process and they have rules of
25 procedure in the Sabor that allows people from the diaspora to represent

Page 28665

1 the Croatian nation? I fail to see the relevance. Now, I don't mind the
2 gentleman wasting his time, but I do think that it is not relevant to the
3 issues at hand.

4 MR. STRINGER: Well --

5 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, it's not a matter
6 of relevance, but it's a legal problem we have here. Apparently, the
7 diaspora was in a position to elect its own representatives, and 12 such
8 representatives were elected. According to the laws - and we do not have
9 these laws - are -- do the elected persons need to live in Croatia, or
10 isn't it no obligation? Are you fishing for information now, or do you
11 have that information, about their place of residence?

12 MR. STRINGER: I think I have what I need on that, Mr. President.

13 JUDGE ANTONETTI: [Interpretation] Fine. You may proceed then.

14 MR. KOVACIC: [Interpretation] If I may, now that the examination
15 was interrupted. A discussion on a very specific solution of
16 constitutional law and domestic legislation requires the technical
17 knowledge and requires that we have the relevant texts of laws before
us.

18 If we shall embark on a discussion about a very complex piece of
19 legislation which was in force in Croatia at the time and is not unknown
20 to some other countries, if I may say so, we can't start this discussion
21 by looking at a BBC news item, which is definitely not qualified to deal
22 with this; and secondly, through this witness who did not deal with this
23 matter in his examination-in-chief and is not a lawyer; therefore, he's
24 not qualified to talk about it. We cannot engage in such fishing
25 expeditions as this one because that's what I believe the Prosecutor is

1 doing. This is not a serious approach to the matter. If the Prosecutor

2 wanted to make some inferences on this basis, on the political
3 impartiality of Croatia -- or rather, political partiality of Croatia and
4 of Croatian policy toward Bosnia-Herzegovina, then he should have taken
5 that other approach to the matter. It is, of course, in Their Honours'
6 hands to decide whether to hear such evidence. Perhaps tomorrow we can
7 call a waiter to discuss legal matters.

8 JUDGE TRECHSEL: I'm not aware that any discussion has arisen.
9 The Defence has raised objections, and I would like to invite
10 Mr. Stringer to answer the pertinent question asked by Mr. Kovacic as to
11 the pertinence of these questions of fact which you have addressed to
12 the
13 witness. That might be useful.

14 MR. STRINGER: Thank you, Your Honour, for allowing me the
15 opportunity. In his direct examination - and this isn't all that
16 complicated, or it certainly wasn't intended to be - in his direct
17 examination, the witness said that he became a member of the Croatian
18 parliament. The purpose here is simply to ask him about the
19 circumstances under which he became a member of the Croatian parliament
20 as someone who never lived in the country but who had nonetheless served
21 as its ambassador. That's simply flushing out, if you will, testimony
22 that came in the direct examination. And as I've indicated, I'm finished
23 with it. I'm prepared to move on unless counsel wants to continue to --

24 JUDGE TRECHSEL: Move on.

25 JUDGE ANTONETTI: [Interpretation] Please move on.

MR. STRINGER: Okay.

Page 28667

1 Q. Ambassador Sancevic, I want to take you back to talk briefly
2 about one particular period of time when you were the ambassador before

3 we move on to the other topics. And in your binder, I want to ask you to
4 look at an exhibit that's marked as 10393.

5 Now, Ambassador Sancevic, you have before you the original text,
6 which is a handwritten text. It's a two-page document. Perhaps you
7 could briefly take a look at it to tell us whether you recognise it as
8 your own.

9 A. I recognise it, but you said that I never lived in Croatia, and
10 that's not true. Let me refer back to what you said. I had lived in
11 Croatia until I was 14.

12 Q. Okay. I stand corrected. You're correct on that. I apologise
13 for having overlooked that.

14 Now, getting back to this document, 10393. You talked yesterday
15 a little bit about the many difficulties you experienced as the Croatian
16 ambassador in Bosnia-Herzegovina, and it seemed to me that this letter
17 was a reflection of at least some of the difficulties that you
18 encounter.

18 So if I could, I would just like to take you through a couple parts of
19 this letter.

20 Do you recall writing this letter? It's a letter of resignation
21 dated the 5th of July, 1993.

22 A. That's correct.

23 Q. And you offered your resignation to President Tudjman through
24 Mr. Granic, who was the foreign minister at the time; is that correct?

25 A. Correct.

Page 28668

1 Q. And I note here that in the paragraph you marked as number 1,
2 you're making reference to what you spoke about yesterday, your status or
3 your attempts to be a stand-by ambassador or a roving ambassador was the

4 word that you -- that came to us in English yesterday. Is that what
5 you're referring to here in paragraph 1 of your letter?

6 A. The letter was written on the 5th of July, 1993, at the time when
7 Mr. Mate Granic became minister. Until then, Mr. Skrabalo had been
8 minister. During Dr. Skrabalo's tenure, I was a roving ambassador. The
9 issue of opening up the embassy had not been solved. I had by then been
10 preparing to open up the embassy in Medjugorje. However, on the list of
11 ambassadors held by Mr. Granic, I was still a stand-by ambassador. That
12 was my status at the time, and I wrote this by way of a protest. I told
13 them, If you continue to list me as a stand-by ambassador, which is
14 unfair, then -- but then Dr. Mate Granic and President Tudjman responded
15 promptly by saying that it was an error committed by the administration
16 of the Ministry of Foreign Affairs. They offered their excuses, and I
17 withdrew this request.

18 Q. Okay. Just a couple of brief questions about this letter, and
19 I'd ask if you could kindly - and I know it's difficult - give me brief
20 answers to the extent that you can. There's a reference in paragraph 1
21 to opening an embassy in Mostar. Is it true that it was your wish to
22 open the Croatian embassy in Mostar at or before this period of time, in
23 July 1993?

24 A. At the time, I was still looking for the best location for the
25 embassy. When I told Mr. Izetbegovic that I should open the embassy in

Page 28669

1 Sarajevo, he dissuaded me because he said that the great Serbs would
2 destroy it. He offered that I should take Zenica as the location, and I
3 looked into that possibility. Thereupon I considered a number of
4 locations, one of which was Mostar; however, Mostar was faced with
5 problems by then, and I gave up that idea and chose the area that was the

6 quietest, and that was Medjugorje.

7 Q. And I believe you testified yesterday that then you set up the
8 embassy in Medjugorje in August of 1993?

9 A. Yes.

10 Q. Is that correct? I'm sorry to cut you off, but I've got some
11 more questions and --

12 A. I still have to clarify something. One does not open an embassy
13 in 24 hours. You had to secure staff and premises, and when I mentioned
14 the month of August, it means that I was busy trying to make sure that
15 it is opened. And the embassy was operational to the extent that I have --
16 I had the number of staff that I had.

17 Q. All right. Then would it be correct to say that -- yesterday you
18 spoke about the passport processing and the visas and the other
19 certificates that the embassy was processing. Would it be correct to say
20 that none of that, then, was taking place prior to the time the
21 Medjugorje embassy got up and running?

22 A. Correct. While I was a roving ambassador, we did not issue any
23 certificates. I only had one driver who was by me, and that was all, and
24 this was in the first half of 1992.

25 Q. Now, in paragraph 2 of your letter, you make reference and you

Page 28670

1 also make a statement at the very end of the letter. You're referring to
2 your -- what your word is is: "Inefficiency and unscrupulousness in the
3 personnel of our ministry ..."

4 And I'm wondering, sir, was it a problem that your views -- you
5 felt your views, as expressed in the letters you refer to here, your
6 views were not being passed up the chain of command, if you will, or were

7 not being acted upon in a way that you thought they should be?

8 A. No, that was not the case at all. The case of the matter was
9 that a fledgling Ministry of Foreign Affairs, because it had been in
10 existence for several years by then, was burdened by bureaucracy, which
11 makes the operation of any agency difficult. I was a member of one of
12 the most exposed ministries, and I had to be efficient. I was confronted
13 with bureaucrats bothering me with a lot of red tape, and that is what I
14 was complaining of in this letter. I wasn't referring to anything else.
15 I was combatting bureaucracy because I had come from an area that was
16 highly efficient, and I mean the field of oil industry.

17 Q. Very good. Thank you. I'll take that answer and then move on.

18 I have just a few questions on the issue of Croatian citizenship that
you

19 talked about yesterday in your direct examination, and now if I could
20 direct you to -- if you still have the Defence binders, I'm going to
21 direct you to the Law of Croatian Citizenship that you were looking at,
22 which is Exhibit 1D 02918.

23 A. 1D --

24 Q. Excuse me, Mr. Ambassador, it's not in there. I think -- it's in
25 one of the binders from yesterday, and she'll bring it to you.

Page 28671

1 A. But I think you can proceed with your question.

2 Q. Okay. Thank you.

3 A. I have the law quite vivid in my mind.

4 Q. Okay. You were asked a few questions yesterday about determining
5 who were the people who qualified as emigrants under Article 11 of the
6 law. Do you remember that?

7 A. Correct.

8 Q. Because being an emigrant is one of the bases by which a person
9 can acquire Croatian citizenship under the law; is that true?

10 A. That's true.

11 Q. Now -- actually, I'm looking at Article 3 here, which seems to
12 lay out the various means by which someone can become a Croatian
citizen,

13 and the first is by origin, which I take to mean, who are your parents.

14 You can become a Croatian citizen on the basis of the citizenship, if
you

15 will, of your parents. So that's one basis. Would you agree with me on

16 that?

17 A. Correct.

18 Q. And then a second way is by birth, that is, someone who's born in

19 the territory could also then acquire a citizenship in that way; and
then

20 thirdly, naturalization.

21 A. Correct.

22 Q. And naturalization is referred to in Article 8 of the law, and

23 this relates to foreign citizens acquiring Croatian citizenship.

24 A. This is the basic article by which citizenship can be acquired

25 through naturalization.

Page 28672

1 Q. Yes. Now, the question came up yesterday whether Croats who were

2 living -- had always lived in Bosnia-Herzegovina, whether they were

3 emigrants or not, and I believe your answer was: No, Bosnian Croats were

4 not emigrants and therefore did not qualify under Article 11.

5 A. Yes. Well, look. It's not easy to explain this in just two

6 words, but I'll do my best. Tell me exactly what you want me to say.

7 Q. Yes. If I could walk you through the couple questions because

8 it's -- I can assure you, it's not clear to me. This was my question on
9 the Bosnian Croats, for example. If a Bosnian Croat wanted to acquire
10 Croatian citizenship, would he have to do so through naturalization?

11 A. Correct, because Article 8 is another basic article before you
12 move on to Articles 11 and 16, which also deal with naturalization.

13 Q. And you actually anticipated my next question. Looking at
14 Article 8, here it refers to foreign citizens. There are other parts
15 that refer to Croatian citizens. And I wanted to ask you, if you could,
16 to distinguish between what is a Croatian citizen as opposed to a member
17 of the Croatian nation, which is referred to in Article 16. Is there a
18 difference between those two terms?

19 A. You know, when it comes to definitions, definitions are not clear
20 all the time as to what a nation is, what citizenship is, and what
21 affiliation with a nation is. It's not clear across the board in all the
22 nations. In that respect, I would like to tell you that I am inclined to
23 adopt Professor Benjamin Aksin's [phoen] definitions. He teaches at the
24 University of Jerusalem. He is very clear when it comes to these things.
25 If you want me to do so, I can quote him.

Page 28673

1 Q. I -- let me continue to try to approach it from my perspective,
2 and I hope it will get us there. Let me ask it this way: At the bottom
3 of Article 16, there is a reference to people of the Croatian nation who
4 would then submit their written statements to the diplomatic or consular
5 office of the Republic of Croatia abroad. In other words, a member of
6 the Croatian nation who's not living in Croatia may obtain Croatian
7 citizenship if he or she meets the conditions of Article 8, paragraph 1,
8 item 5; and if he or she issues a written statement that he or she
9 considers him or herself to be a Croatian citizen. And then it continues

10 that this written statement, then, is submitted to the competent body or
11 diplomatic or consular office.

12 So my question is: After you were able to establish the embassy
13 in Medjugorje, were these written statements under Article 16 among the
14 types of documents provided to you for submission in processing Croatian
15 citizenship applications?

16 A. If somebody submitted all the paperwork in keeping with Article
17 8, then it was okay. If Article 8 could not be applied, however, then we
18 had at our disposal two articles dealing with naturalization. The first
19 one is Article 11 dealing with emigrants, and Article 16 dealing with the
20 non-emigrant part of the population. And I believe that everything's
21 clear there.

22 Q. Okay. Would you agree with me that Article 16 would apply to a
23 Bosnian Croat?

24 A. Look, I would like to make a very clear distinction and issue a
25 very clear statement as to how and in what way articles were applied.

Page 28674

1 This was up to the Ministry of the Interior to deal with that.

2 Q. Okay. That's --

3 JUDGE ANTONETTI: [Interpretation] Just one moment, please.

4 Ambassador, this issue on nationality is a very complex legal
5 matter in a great deal of countries, but correct me if I'm mistaken. I
6 have the feeling that you said in Croatia there was a mix of three
7 situations: The right of land, the right of blood, and the right to
8 nationalisation. The right of blood because a person is born in Croatia
9 and that, therefore, person is Croatian. The right of blood, a person
10 can be Croatian because their parents, the parents of that person, are

11 Croatians or because their ancestors are Croat, and in that case a
person

12 that is in Bosnia and Herzegovina may be for two or three generations

13 there, but they can say, My ancestor, my great, great, great-grandfather

14 was Croatian, so through my blood connections I am a Croat, and
therefore

15 that person obtains a Croatian nationality. And the third possibility is

16 the naturalization process. Through an administration process, a person

17 may request to naturalization.

18 So am I mistaken when I am describing this in this way or would

19 you bring any correction to what I just said?

20 THE WITNESS: [Interpretation] I believe that you are absolutely

21 right. This was exactly the meaning of what I did as ambassador. We

22 prepared documents. We received applications for citizenship as they

23 were submitted to us. When citizenship was finally granted, it was up to

24 the Ministry of the Interior to decide what article to apply. It was not

25 up to us to decide which article would finally be applied at the end of

Page 28675

1 the procedure.

2 MR. STRINGER: Thank you, Mr. President.

3 Q. Mr. Ambassador, then, is it correct, then, to put it this way: A

4 Bosnian Croat seeking Croatian citizenship in 1993 could achieve that

5 either through naturalization under Article 11 -- sorry, Article 8 or

6 could achieve it as a member of the Croatian nation who makes the

7 necessary written statement under Article 16.

8 A. Let me put it this way. You are -- have been mentioning Croats

9 all this time. Listen, my attitude towards Bosnia and Herzegovina is

10 this: They were all citizens of Bosnia-Herzegovina first and foremost.

11 Therefore, irrespective of the fact whether they were Serbs, Muslims, or

12 Croats, they were all in a position to apply for citizenship in view of
13 this law. He could have hailed from Timbuktu, for that matter, and those
14 people could also apply for citizenship. Whether they would receive it
15 or not, that was not up to me. That was up to the -- as you know.

16 Q. You have been asked about this law, so I think I'm entitled to
17 ask you some questions about it myself, and that's what I'm doing here.

18 Let me introduce another aspect of this that might possibly shed some
19 light, and I'm going to refer you to your book, which is marked as
20 Exhibit 1D 02339. This is the book that you wrote, and while the usher's
21 getting that for you, again, it's 1D 02339. It may be that you don't
22 need to refer to the exhibit since it's a book that you wrote yourself.

23 Let me read to you a passage from the book. And I'm -- in terms
24 of what's on the computer screen, I'm looking at the very bottom of this
25 page which is currently up beginning with the words: "Immediately after

Page 28676

1 winning the elections, President Tudjman begins to outline a new Croatian
2 national policy ..."

3 And, Mr. Ambassador, interrupt me if you'd like to take -- if
4 you'd like to go to the parts of your book rather than me reading it to
5 you, feel free to do so. But I'll just continue reading.

6 " ... in line with the changed circumstances in BiH in the last
7 50 years, and pursuant to Article 10 of the Constitution of the Republic
8 of Croatia that literally says: 'Republic of Croatia shall protect the
9 rights and interests of its citizens living or staying abroad, and shall
10 promote their links with the homeland. Parts of the Croatian nation in
11 other states shall be guaranteed special concern and protection by the
12 Republic of Croatia.'"

13 And then you continue: "Hence, the Croats in BiH, regardless of

14 the fact whether they are Croatian nationals or not, are guaranteed to
15 be

16 taken care of and protected."

17 So would you agree with me that's what you said or that's a

18 correct recitation of Article 10 of the constitution?

19 A. This is based on Article 10 of the constitution, but since

20 there's always some sort of confusion, you know, when we're talking
21 about

22 the first part of Article 10 as opposed to the second part of Article 10

23 of the constitution, I would like to define some things in order for us

24 to understand each other better. I would like to define membership of

25 the Croatian nation. A member of the Croatian nation is a person who

identifies with a group of people who call themselves Croat. That's this

affiliation or membership. However, in the first part of this

Page 28677

1 constitutional statement a reference is made to citizens. If you are a

2 member of a state, i.e., a citizen of a state, that state has to look

3 after you just like I am currently looking after the Croatian nationals

4 in Venezuela.

5 Q. Okay. So I guess -- and that's ultimately where I'm trying to

6 go. Dr. Tudjman during this conflict in 1992/1993, throughout the entire

7 conflict in the former Yugoslavia, he was charged with the constitutional

8 responsibility to look after the citizens of Croatia as well as Croatian

9 nationals who lived outside of Croatia; is that correct?

10 A. Correct.

11 Q. And that responsibility, then, is reflected, for example, in the

12 Law on Citizenship, perhaps, which in fact provides a means or a vehicle

13 for Croatian nationals to acquire Croatian citizenship even if they
14 can't

14 meet the other requirements, correct?

15 MR. KARNAVAS: Excuse me. Excuse me, sir. I think they're

16 injecting now a new terminology, "Croatian nationals." And I know that

17 for a American, it's rather weird, but they're using the word "Croatian

18 nation," so I think we need to stick to the same terminology. Otherwise,

19 it's going to lead to confusion.

20 MR. STRINGER: That's a good point. I'll try to use the word

21 "citizens" for people who are citizens and "members of the Croatian

22 nation" for people, perhaps, who are -- consider themselves Croatian but

23 who are not citizens.

24 MR. KARNAVAS: Excuse me, you can be a member of the Croatian

25 nation and be a citizen of Croatia.

Page 28678

1 MR. STRINGER: Of course.

2 MR. KARNAVAS: That's why I think we just need to be precise in

3 our questioning.

4 MR. STRINGER: Well, I think we are, Mr. President, but I'll

5 continue -- I'll do my best. It is not a simple subject.

6 Q. My question, then, is whether this concern, this provision

7 relating to parts of the Croatian nation in other states --

8 MR. STRINGER: Yes, Mr. President.

9 JUDGE ANTONETTI: [Interpretation] The best course is probably to

10 have the break now. We're going to break for 20 minutes, and we'll sit

11 until a quarter to 2.00.

12 --- Recess taken at 12.32 p.m.

13 --- On resuming at 12.55 p.m.

14 JUDGE ANTONETTI: [Interpretation] Fine. The hearing is resumed.

15 Mr. Stringer, you have the floor.

16 MR. STRINGER: Thank you, Mr. President.

17 Q. Mr. Ambassador, I don't want to linger on this too much longer,

18 but let me see if I can just put a couple of last questions to you on the

19 issue of citizenship and see if we can reach some sort of consensus.

20 Would you agree with me, sir, that under the Croatian constitutional

21 those parts of the Croatian nation, people of the Croatian nation - and

22 I'm taking the word from your book - in other states, that is, living in

23 other countries, that those persons were guaranteed special concern and

24 protection by the Republic of Croatia? Would you agree with me that

25 special protection applied to people who were of the Croatian nation

Page 28679

1 living outside Croatia?

2 A. [In English] That's what Croatian constitution says.

3 Q. Okay.

4 A. And the same -- and since -- excuse me.

5 Q. Bless you.

6 A. And since constitution is supreme law, if there is anything wrong

7 in the laws which are in some fashion against what says constitution,

8 well, bad for it.

9 Q. That's right. It's the constitution that's the supreme law?

10 A. That's right.

11 Q. Would you agree with me, then, that this special concern or

12 special protection is expressed to some extent in the Law on Citizenship

13 in that the Law on Citizenship appears to make a special provision for

14 members of the Croatian nation?

15 MR. KARNAVAS: Excuse me, sir. Before you answer that question.

16 Excuse me. Now we're asking for a legal conclusion. He's asking him now

17 technical questions on the law. The gentleman is not a lawyer. He's not
18 a law professor. He's not a constitutional expert. I think -- if you
19 look at the question that's being asked, he's asking for the legal
20 opinion from a non-legal expert.

21 MR. STRINGER: Mr. President, counsel's asked questions of this
22 very nature --

23 JUDGE ANTONETTI: [Interpretation] One moment, please.

24 Ambassador Sancevic, you've heard the discussion. The
25 Prosecution is putting a technical question to you. The Defence counsel

Page 28680

1 who called you here objects. Please correct me if I'm wrong, but I
2 believe I understand that a few a hours ago, you told us that you were
3 very familiar with the issue of citizenship because you work as an
4 ambassador and also because as a consul in Caracas you dealt with matters
5 related to nationality or citizenship. Are you in a position to answer
6 questions related to law or laws applicable to individuals who may
7 qualify for the Croatian citizenship? Can you answer such questions or
8 not?

9 THE WITNESS: [Interpretation] I can because I have an insight
10 into the fundamentals of the constitution, primarily the constitution,
11 and also into the fundamentals of the laws. There are laws that did not
12 concern me, and I don't know anything about that, but whatever laws
13 concerned me, the issues of passports, I had to know about those laws.
14 But I have to admit, likewise, that it is not fair to treat me as a
15 legal
16 expert because I'm not a legal expert. I can read a constitution. I can
17 read a law, but to dwell upon the essence and the substance of a law,
18 listen, I'm not an expert in constitution or a lawyer, for that matter,

18 as you know.

19 JUDGE ANTONETTI: [Interpretation] Fine. Ambassador Sancevic,
20 if you do not understand the question, tell us so, and if you can't
21 answer, just tell us that you can't answer because it's too complicated,
22 but if you can give an answer, please do.

23 Mr. Stringer, you may proceed.

24 MR. STRINGER: Thank you, Mr. President.

25 Q. And perhaps what I'll do, Mr. Ambassador, is simply read back to

Page 28681

1 you the question that I asked before the objection.

2 Would you agree with me, then, that this special concern or
3 special protection which is expressed to some extent in the Law on -- I'm
4 sorry. I'll start over again.

5 This special concern or protection for members of the Croatian
6 nation that is referred to in the constitution, is that concern and
7 protection then expressed, does that carry over into the Law on
8 Citizenship which appears to make a special provision for members of the
9 Croatian nation in Article 16? So that's my question. The special
10 protection from the constitution, does that flow over to Article 16 of
11 the Law on Citizenship?

12 A. I would put it this way. As far as I could observe, I saw no
13 contradictions between the law and the constitution. That's as far as I
14 could tell. How exactly the law was applied did not depend only on
15 ambassadors and diplomacy but also the Ministry of the Interior, as I've
16 already told you. In other words, everybody had a job to do. Did I
17 manage to answer your question, sir?

18 Q. Not really. The word you used was "contradiction." Let me put
19 it this way. It appears to me, would you agree, that there is in fact

20 no contradiction and that there is in fact consistency between Article
10

21 of the constitution and Article 16 of the Law on Citizenship in that
each

22 of them relate to special -- each of them specially or specifically

23 mention members of the Croatian nation?

24 A. [In English] You are mentioning first or second part of the

25 Article 10 of this?

Page 28682

1 Q. I'm -- excuse me. I'm referring to the part of Article 10, I

2 think the second part --

3 JUDGE ANTONETTI: [Interpretation] Mr. Praljak.

4 THE ACCUSED PRALJAK: [Interpretation] Your Honours, I am very

5 calm, very reasonable, cold-headed, and in -- with my mind full I refuse

6 to participate in this trial until it is determined what Croatia is

7 guilty of or charged with. You are not asking me, Your Honours, to

8 participate in this trial and to provide precise information about the

9 military developments in a certain area. And what we are hearing here

10 are attacks on the sovereignty of a state. As a member of this state, I

11 refuse to participate, and I deny my counsel the right to participate.

12 Please, sir. Please, Your Honours, just one more sentence --

13 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I will let you

14 finish. Because, you see, this morning I wanted to put that question to

15 you. Last week, you took the floor quite energetically, and then

16 Mr. Coric had the problem, we know. And at the weekend, I wondered why

17 there was such a reaction, and I must tell you that I don't understand

18 the problem. And what I'm expecting of you is to explain what the

19 problem is. You have talked about this matter many times. Apparently,

20 it's something that goes to your heart, but quite frankly I don't see

21 what it's all about. Last time Mr. Scott put a question, you intervened.
22 My intention was to review the transcript in order to find out what
23 question had been put and what you had said precisely. Here, Mr.
24 Stringer is dealing with the constitution, with various provisions of
25 law. He's doing his job. He's asking clarifications from the witness

Page 28683

1 about some issues, but now you take the floor, and you may be right, but
2 I don't know because I don't see the problem, and you say, I refuse to
3 take part in this trial. But please, can you very calmly - and you've
4 told us that you were a quiet man - but can you tell us what the problem
5 is exactly because I fail to identify it; I can't. Can you please very
6 quietly tell us what is the cause for your reaction. Why do you react
7 that way when we deal with these questions of law relating to whether
8 someone is a citizen or not, why someone is a Croatian national or not?
9 The witness told us that he was not the one taking the decision, that the
10 minister of the interior was taking the decision. I don't know. We may
11 have a witness later on from the Ministry of the Interior to shed some
12 light on all this, but please try to tell us what the problem is. I'm
13 ready to listen, so try to explain.

14 THE ACCUSED PRALJAK: [Interpretation] Your Honour, Judge
15 Antonetti, I will gladly do so. Why I said what I said and why I am
16 simply not prepared for my mental and moral problems -- because I don't
17 see them since, the meaning of this trial. Imagine a situation in
18 which the French constitution was put for re-examination in order to
19 re-examine the sovereignty of the French people or the Hungarian people
20 or the confederation of the Swiss nation, The laws that have been passed
21 in a legal and legitimate way, and then all of a sudden you find
yourself

22 in a war, in Algiers, in the Second World War, in the Iraqi war, and
then

23 all of a sudden you come here and you are completely calm. You are out
24 of the game because of the bad legal system and process, and then you
25 start talking about whether Croatia had the right to pass a certain law

Page 28684

1 after 5 or 6 or 700 years of torture. Your Honours, French came all the
2 way to Zagreb. Hungarians came all the way to Rijeka. Germans took
3 whatever they wanted to take. Turks came all the way up to Zagreb,
4 Sisak, and all the way to Vienna almost. And finally, when one people
5 consisting of 4 and a half million individuals finally gets a
6 chance to look after its own, then we get to a trial during which
7 gentlemen from America charge us with things that are not applied to
8 them. I am a professor of ethics and philosophy. I have been dealing
9 with those things for 40 years, and I'm no longer able to participate.
10 This is not even a farce; this is a burlesque. We have come here, at
11 least I have come here, to respond to the charges before the law for my
12 acts, for my doings, even for my thoughts that sometimes turned to words
13 and possibly led to an act that was contrary to the law. But here things
14 are happening that at the end of the day the whole of Europe is involved
15 in what was going on in our area, And we're talking about the
16 imperialistic mind. I can't accept that. You take the reigns in your
17 hands and tell us what is legally founded in the Prosecution's
18 examination. It is the constitution of Croatia? Is it the sovereignty
19 of the people that is being accused at? is it the Croatian language that
20 is being charged? I can deal with some counts of indictment, but this
21 goes beyond all proportions. I'm here to deal with the charges, and I
22 would like to share something very intimate with you. Just one more

23 sentence.

24 Your Honour, Judge Antonetti and other Judges, I really don't

25 care whether I'm dead or alive, whether I'm going to spend 20 or 30 or
50

Page 28685

1 years here. There's just one thing that I've never understood. I've
2 never understood those who accepted to participate in a rigged trial
3 which led to their own conviction. I am here prepared to take
4 responsibility for every act or -- that was committed or not committed
5 but was supposed to be done. But we are now dealing with the farce or
6 burlesque ^ which has no moral or ethical foundation. I'm not prepared
7 to participate in that. I totally don't care how long this is going to
8 take, 50 years or 100 years. I don't care whether I am alive or dead.
9 Despite any grim prospects that may await me, I'm totally calm and
10 cold-headed.

11 JUDGE ANTONETTI: [Interpretation] The Prosecutor may wish to
12 respond, but first let me sum up what you've just said.

13 I think I'm beginning to understand why you intervened on many
14 occasions. You seem to be saying that when the Prosecutor addresses the
15 constitution or Croatian laws, he is challenging the sovereign right of
16 your country to adopt laws in the field of constitutional law or
17 nationality law. And you are saying that the Prosecutor is not entitled
18 to criticise the Prosecution [as interpreted] or the law, and through
the
19 question he puts to the witness you feel that he's criticising the
20 Croatian constitution and the Croatian law, because these laws were
21 passed by your country in 1991, 1992, 1993 - I believe that's your
22 position - and I'm beginning to understand what you're trying to say. I
23 found it difficult at the beginning to see exactly what you were driving

24 at, but I feel that I'm trying to understand -- I'm beginning to
25 understand.

Page 28686

1 You are, therefore, challenging the Prosecutor. He has the right
2 to respond.

3 Mr. Stringer.

4 MR. STRINGER: Well, Mr. President --

5 JUDGE TRECHSEL: If I may, I do think it is also for the Chamber
6 to answer. And I'm sorry to say, with all respect, Mr. Praljak, I think
7 you are victim of a profound misunderstanding, a very profound
8 misunderstanding. I have not heard anything which could be reasonably
9 and for a legally trained mind could be regarded as a criticism of
10 Croatia, not even of Croatian legislation. As I understand the debate
11 here, and I stand to be corrected, of course, the question is how was the
12 legislation conceived, how does it go together, what does it all mean,
13 and how was it applied? And I suppose that in connection with the
14 accusation of a joint criminal enterprise the Prosecution will try to
15 establish that there has been some discrimination in application of the
16 legislation with regard to people, members of the Croat nationality who
17 were living in Bosnia-Herzegovina. This is just an assumption that I
18 make. That's how at the present stage I seem to understand the
19 Prosecution.

20 But I would like to assure you that at least for us in our
21 view - and I would suppose in the view of the public at large - this is
22 not an attack on Croatia. This is not an undermining of the sovereignty
23 of the Croatian republic or anything of the kind, and I'm very sorry if
24 you obviously feel, even personally, hurt by this. Take it from the

25 Bench, and I'm sure that all my colleagues share this opinion, that in

Page 28687

1 our view it is only a misunderstanding which could lead to the conception
2 that there is anything attacking Croatia morally, legally, or
3 historically in the actual discussion that we are dealing with.
4 I think we've heard you, Mr. Praljak. I think we should give the
5 floor back, as the Chairman has said, to Mr. Stringer.

6 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Stringer.

7 MR. STRINGER: Thank you, Mr. President. I don't have too much
8 to say in response. These are all documents that were provided as part
9 of the Defence bundle for the direct examination, and that was my
10 starting point. And these are all areas that were led as part of the
11 direct examination; that's point two. I'm here on behalf of the
12 Prosecution. I'm not judging, and I'm certainly not judging a country.
13 I'm not questioning Croatia's sovereignty in -- nor am I questioning its
14 constitution. However, I'm entitled to ask how the constitution applies
15 to the laws that have been raised, how the Croatian constitution and the
16 laws that affected the policy of Croatia, as it was exercised and
17 implemented during the conflict. And that's where I'm trying to go, and
18 I will continue to do that. I'm sorry if it offends people. I'm not
19 intending to offend anyone, but the constitution says what it says, and
20 the law says what it says. And I'm entitled to ask this witness to
21 comment on all of these. He's clearly expressed his willingness to do
22 so. So I'd like to continue with the Trial Chamber's permission.

23 JUDGE ANTONETTI: [Interpretation] Please do. Please proceed.

24 MR. STRINGER: And actually, Mr. President, I'm going to borrow a
25 few words that were just said by General Praljak, who maybe expressed it

Page 28688

1 even more succinctly than I did.

2 Q. I'm certainly not questioning Croatia's history, the many events
3 that ultimately led to the establishment of an independent Republic of
4 Croatia. General Praljak just referred to that long history, and he made
5 reference to, finally, the people consisting of 4 and a half million
6 individuals, they finally get a chance to look after its own.

7 And again, without judging, this is my question - I'm trying to
8 ask it as neutrally as I can - that right or that chance to look after
9 its own, that's what Article 10 as part of Article 10 of the constitution
10 is about, isn't that true? Croatia looking after members of the Croatian
11 nation wherever they lived.

12 A. You want me to answer that? Yes. That is my response in
13 relation to Article 10 of the Constitution of the Republic of Croatia.
14 In other words, that Croatia shall look after members of the Croatian
15 people. What more can be added to that?

16 Q. In fact, then, when you went down into Bosnia-Herzegovina, isn't
17 it correct to say that you as the ambassador were looking after the
18 interests, and you concern yourself with the protection of the Croatian
19 people who were in Bosnia-Herzegovina?

20 A. Yes.

21 JUDGE PRANDLER: Mr. Stringer, I'm sorry to interrupt you. I
22 would like to have a follow-up question, and this question is related to
23 a document which has already mentioned today, and it is a document which
24 was submitted by you, by the Prosecution, and the number is P 00089, P
25 00089, and it is actually a presidential transcript about a meeting
which

1 was held on the 27th December 1991.

2 I have to admit of course that you, Ambassador Sancevic, you have
3 not been there, but there was the attendance apart from the leaders of
4 the Republic of Croatia -- actually, the whole membership of the
5 Herceg-Bosna leadership as it is put here, that is Mate Boban, Bozo
6 Rajic, Dario Kordic, and Ignac Kostroman as secretary legal were there.
7 And in that document you find in page 21, page 21, when Secretary Ignac
8 Kostroman has actually introduced or rather informed the meeting about
9 the session of Herceg-Bosna leadership. Then on page 21 in item 2, it --
10 he said and quoted, and I quote him: "The Croatian Community of
11 Herceg-Bosna has once again confirmed the will of the entire Croatian
12 people of Herceg-Bosna expressed on 18 November 1991 in Grude, taking
13 historic decision to establish the Croatian Community of Herceg-Bosna,
14 which serves as a legal basis for the entry of these territories into
15 Republic of Croatia."
16 And item 3 continues, and here I believe that there is a link --
17 the linkage between the territorial -- in a way, territorial policies
18 and
19 the -- and the question of the citizenship, and I quote here: "The
20 Croatian Community of Herceg-Bosna recognises the full legitimacy of
21 Dr. Franjo Tudjman as President of the Republic of Croatia and President
22 of the Croatian Democratic Union to promote the interests of the
23 Croatian
24 Community of Herceg-Bosna both among international factors, and during
25 inter-party and inter-republic agreements on the establishment of the
26 final borders of the Republic of Croatia."
27 And I repeat the last part of this statement: " ... and the

1 inter-republic agreements on the establishment of the final borders of

2 the Republic of Croatia."

3 Now, I would like -- my question is, therefore, knowing that you
4 have not been there at that presidential meeting, if -- do you see any
5 connection, any linkage between the issue of citizenship as contained by
6 the Constitution of Croatia and of course the particular Law on
7 Citizenship as well as between the relationship between the Herceg-Bosna
8 community of Croatian people and the acceptance by the -- that actually
9 the president of the Republic of Croatia is in a full legitimacy when he
10 and Croatia, of course, promoted the interests of the Croatian community
11 of Herceg-Bosna? So this is my question, and I would like to have your
12 views about it. Thank you.

13 THE WITNESS: [Interpretation] Yet again, the notions of state
14 relations and Herceg-Bosna are being misunderstood. I was a
15 representative of the Croatian state and an ambassador to Bosnia and
16 Herzegovina. I was not appointed as a representative of Herceg-Bosna.
17 Herceg-Bosna was part of the Republic of Bosnia and Herzegovina, and I
18 addressed at the highest level the Republic of Bosnia and Herzegovina.
19 There was the Republic of Bosnia and Herzegovina, within which there
20 were
21 certain elements we all knew existed.
22 Second of all, it is not appropriate for me to comment upon what
23 Mr. Kostroman stated here. Those are his views, and I have nothing to do
24 with them. He was entitled to hold and promote whatever views he wanted.
25 When it comes to the relations between the Republic of Croatia and the
26 Republic of Bosnia-Herzegovina, I do not want to enter into a discussion

Page 28691

1 on these matters because I believe that they are beyond my competence. I
2 would be interfering with the internal policies of Bosnia-Herzegovina if

3 I started discussing these matters. You have to know that I was a
4 representative of the Republic of Croatia, and as such I implemented the
5 policies of the Republic of Croatia toward Bosnia-Herzegovina, and I do
6 not wish to interfere with internal matters, matters that fall within the
7 competence of Bosnia-Herzegovina alone.

8 JUDGE ANTONETTI: [Interpretation] Witness, a question stemming
9 from a question put by my fellow Judge that went to the heart of things.
10 Judge Prandler just read an excerpt which shows clearly that on the 18th
11 of November, 1991, the council, Croatian council was created made up of
12 various territorial representatives. They are the ones who decided on
13 the 18th of November, 1991, while Bosnia and Herzegovina was only
14 recognised internationally in 1992; but these people decided to create
15 this community. In the text, it is said the following, and I would like
16 to call your attention on this very small paragraph, that it will be the
17 legal basis in order for these territories to enter within the Republic
18 of Croatia. So when we read this text, we may interpret this as being
19 that the impulse came from these territories of Bosnia-Herzegovina, from
20 these people who made this statement, and that they are the ones
21 recognising Mr. Tudjman as being the president who will be able to put
in
22 place their deep aspirations.

23 You were an ambassador in 1992, and I imagine that you must have
24 met representatives of various municipalities. You may have even met
25 Mr. Kordic, I don't know, but you must have met local leaders. Now, when

Page 28692

1 you had contacts with these people, did you - yes or no, since my
2 question is an open one - were you under the impression that this
3 movement, Croatian movement in Bosnia and Herzegovina made more concrete

4 by the HVO came as a spontaneous movement of Croats in Bosnia and
5 Herzegovina, and were they the ones without asking help of anybody
6 decided to create this entity, or through contacts that you had with them
7 there could be a different reason. What can you tell us? You were in
8 the field. You were an ambassador there. You were perhaps in a very
9 good position to give us your opinion on this matter.

10 THE WITNESS: [Interpretation] Yesterday, I said something that I
11 had learned from the constituent statute of the Croatian Community of
12 Herceg-Bosna, and nowhere in that document are borders mentioned. I said
13 yesterday that Herceg-Bosna never had any borders. I don't understand
14 what it is that Mr. Kostroman referred to. He was referring to a
15 territory and borders. I don't want to discuss this at all. If in 1991
16 the community of Herceg-Bosna was established - and we know the criteria
17 upon which it was established - and if there were Croats in
18 Bosnia-Herzegovina who wanted to join, to be unified, with Croatia,
well,
19 then I can tell you that there were Serbs who wanted to join up with the
20 Republika Srpska, and there were Muslims who wanted to join up with
21 various Islamic organizations. Everybody is entitled to holding a view.
22 I am not presenting you my views here. I'm talking about facts, and I'm
23 telling the truth, which is what I'm required to do here as a witness.
24 All I see is that this one Mr. Kostroman is expressing his views and his
25 wishes.

Page 28693

1 Now, I believe that I was quite clear in answering all the
2 questions that had to do with the Croatian state policy. I personally,
3 as a representative, as an exponent of the Croatian policy in Bosnia and
4 Herzegovina, did not consider myself to be an ambassador on behalf of the

5 Croatian Community of Herceg-Bosna. I represented one state with regard
6 to another state. I can tell you openly that I never wanted to talk
7 officially with the Croatian Community of Herceg-Bosna unless it had to
8 do with matters concerned with the relations toward Bosnia and
9 Herzegovina, otherwise it would have -- there would have been some other
10 political motive that I would not have accepted. I was quite clear about
11 my principles. The relations between Croatia and Bosnia-Herzegovina were
12 that of one independent state toward the other. Now, there could have
13 been various internal developments, either with regard to the
14 international community which put forth a number of solutions to the
15 problems in Bosnia-Herzegovina which the Republic of Croatia fully
16 endorsed or within Bosnia and Herzegovina internally -- well, of course
17 I
18 can tell you that there must have been individuals who held the same
19 views as Mr. Kostroman here, and I would say that that was their
20 business. I engaged in what was the official state policy of Croatia
21 toward Bosnia-Herzegovina.

21 JUDGE PRANDLER: I thank Mr. Sancevic for his answer, but I do
22 not want to continue this issue any further but only would like to state
23 the -- actually to say that according to the records, the views which
24 were expressed there, they were not the personal views of Ignac
25 Kostroman, but as the transcript says, they were excerpts from the

Page 28694

1 minutes of the 2nd Regular Session of the Presidency of the Croatian
2 Community of Herceg-Bosna in expanded session with members of the BH HDZ
3 Presidency, et cetera, and it was held on the 23rd of December, 1991, in
4 Tomislavgrad. So it is what we are talking about and not about the
5 individual personal views of Ignac Kostroman. Thank you.

6 JUDGE ANTONETTI: [Interpretation] Just one last question to
7 follow up on something that you said. Everybody will understand that you
8 were the Croatian ambassador in Bosnia and Herzegovina, and we also
9 understand that you presented your credentials to Mr. Izetbegovic. But I
10 was under the impression that you did not have any contacts with the
11 Croat community that had organized itself. Now I'm going to put a
12 question to you. My question will be very concise because time is
13 precious. I will go to the heart of the topic.
14 Does it mean that you did not go see Mr. Mate Boban to introduce
15 yourself to him?

16 THE WITNESS: [Interpretation] In addition to being Croatia's
17 ambassador to Bosnia-Herzegovina, I am a private person who's at liberty
18 to engage in conversations with individuals. I said that there had been
19 no official contacts between an ambassador with an organization within
20 Bosnia and Herzegovina. It is not that I avoided them, shrank from them.
21 I was in touch with them in order to see what their pulse was to be able
22 to provide information back to Croatia. Of course, there were
23 individuals who held such views. How much importance should be
24 attributed to that? We are talking about 1991 and the -- there were
25 various scenarios. I said that before, that scenarios changed, that they

Page 28695

1 could have had an impact on the Croatian policy, but there were certain
2 policies that remained unchanged, and I believe that it was Mr. Karnavas
3 who put this question to me in connection with what I stated in my book.
4 I said loud and clear what my dealings in Bosnia-Herzegovina were; among
5 them was the effort to preserve the independence of the Republic of
6 Bosnia-Herzegovina. Therefore, I followed closely what the Croatian
7 state policy was toward Bosnia-Herzegovina. Regardless of what the

8 gentleman from Herceg-Bosna wanted or may have wanted at some point, I
9 provided information to President Tudjman on various matters and events.
10 I don't even know if I was in Croatia at the time of this particular
11 event. What's the date again, please?

12 JUDGE TRECHSEL: The date is 17th December 1991.

13 THE WITNESS: [Interpretation] Your Honour, I believe that I'm
14 venturing into some waters that I have not had a personal play in --

15 JUDGE TRECHSEL: I misspoke. 27, 27 December 1991.

16 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you have three or
17 four minutes. Three minutes, let's say, and 31 seconds to be more
18 precise.

19 MR. STRINGER: Mr. President, the issue that's been introduced by
20 Judge Prandler is actually one that I had intended to go into myself;
21 however, I think that it's going to take me several minutes to sort of
22 pick up where we'd left off and to get that introduced. And so it may be
23 best at this point just to leave it at that and take up again tomorrow.

24 JUDGE ANTONETTI: [Interpretation] Very well --

25 Mr. Kovacic.

Page 28696

1 MR. KOVACIC: [Interpretation] Since we still have one minute,
2 when it came to -- it comes to your count of the time that we spent on
3 the cross, some three to four minutes, I do maintain that what
4 examination I had, it was my cross-examination, and I believe that it
5 should not be deducted from my time. I believe it was cross-examination,
6 all the more so since none of the Defence teams had any questions.

7 JUDGE ANTONETTI: [Interpretation] The Chamber will deliberate on
8 this matter. I am not able to give you a personal opinion because it's
9 up to the Chamber to decide on this, and you will be informed of our

10 decision.

11 Witness, once again I would like to give you the same
12 instructions as yesterday. Please do not have any contacts with anybody
13 before tomorrow morning, since we shall meet again at 9.00.

14 The Prosecutor used up 49 minutes. We have a lot of time -- he's
15 got a lot of time left, and we will hear you tomorrow. I will leave this
16 courtroom because in a couple of minutes I have another trial. Thank
17 you.

18 --- Whereupon the hearing adjourned at 1.44 p.m.,
19 to be reconvened on Wednesday, the 28th day of
20 May, 2008, at 9.00 a.m.

1 Wednesday, 28 May 2008

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.04 a.m.

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

7 THE REGISTRAR: Good morning, Your Honours, good morning everyone
8 in and around the courtroom, this is case number IT-04-74-T, the
9 Prosecutor versus Prlic et al. Thank you, Your Honours.

10 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar.

11 Today, is Wednesday, the 28th day of May, 2008, good morning to the
12 accused, to the Defence counsel and the Prosecutor and his assistants,
13 to
14 the people helping us out.

15 We have to continue with the cross-examination today.

16 Mr. Prosecutor, you are may proceed.

17 MR. STRINGER: Thank you, Mr. President. Good morning and good
18 morning Your Honours and to counsel and everyone else in and around the
19 courtroom.

20 Before I continue with the cross-examination, Mr. President, I'd
21 like to bring the Trial Chamber's attention to a filing that was just
22 made this morning and I -- I owe an apology to the Trial Chamber because
23 this was -- it's obviously a very short submission, it relates to the
24 issue of the redirect and it was ready to be filed yesterday, and I
25 simply overlooked it. I forgot to make sure it got filed and so it
26 wasn't filed and so it's now been filed this morning and hard copies
27 have

1 been provided to counsel as well.

2 JUDGE ANTONETTI: [Interpretation] Very well. You may proceed.

3 We have received the filing.

4 MR. STRINGER: Okay.

5 WITNESS: ZDRAVKO SANCEVIC [Resumed]

6 [Witness answered through interpreter]

7 Cross-examination by Mr. Stringer [Continued]

8 Q. Good morning, Mr. Ambassador.

9 A. Good morning.

10 Q. Yesterday we were speaking about the citizenship and the
11 constitution and I'd like to shift over a little bit now into a topic
12 that relates more broadly to the issue of Croatia's policy particularly
13 in respect of Bosnia-Herzegovina it's an area obviously that's been a
14 large part of your testimony so far in this case, and I'd like to start
15 at an earlier period, if I may, to ask you a few questions and going
back

16 to -- in fact, some writings of President Tudjman from 1981 in a book
17 entitled "Nationalism in contemporary Europe" are you familiar and I can
18 direct to you an exhibit 1D 00401 which has a part of that book that I'd
19 like to ask you about, 00401, 1D.

20 I think the usher is going to be -- if I could ask the usher to
21 assist the witness with Mr. --

22 JUDGE PRANDLER: Mr. Stringer, I believe it would be very useful
23 if you do so actual the counsel would always indicate in which binder
the
24 document is to be found.

25 MR. STRINGER: Yes, Your Honour. I will do my best. I'm not

1 sure exactly which binders necessarily the Defence Exhibits are in but

2 we'll do our best.

3 MR. KARNAVAS: Binder 1. It's in binder 1 for the Defence but I
4 think -- I believe there should be blue binders. We tried to make it
5 easy for everybody.

6 MR. STRINGER: For what it's worth I'm being told that the
7 Defence Exhibits that are in the black binders have been rearranged so
8 that they are in strictly numerical order and so which ever works easiest
9 for the usher.

10 Q. Mr. Ambassador, then, do you have Exhibit 1D 00401 in front of
11 you there? It's a reference to Dr. Tudjman's book.

12 A. Since I haven't completed my answer yesterday to Their Honours
13 question in relation to the earlier document that was shown here, I'd
14 like to complete that, please.

15 His Honour Judge Prandler --

16 Q. If I could just interject and I do so -- I don't mean to be rude.
17 It's in fact my intention to bring you back to the transcript that
18 Judge Prandler was asking about yesterday. Judge Prandler, as he often
19 does, anticipated what I was going to do before I did it, and so if it's
20 acceptable to you, my preference would be to work through two other
21 documents and then we will come back to that same transcript which was
22 the transcript from December of 1991. Would that be acceptable?

23 A. That's quite all right, but I should like to finish the answer I
24 started giving yesterday and I believe that was quite an important
topic.

25 This can take place whenever, now or when you go back to that issue

Page 28700

1 again.

2 Q. Let's save that for later then, when we reach that part of the

3 examination.

4 So now if you could take the excerpt of Dr. Tudjman's book and I
5 can read just a few short passages that I'd like to ask you to comment
6 on. Are you familiar with this book by Dr. Tudjman?

7 A. Yes.

8 Q. And I'm looking at a passage that's found on page 113, this is
9 the English version, in which Dr. Tudjman writes -- he's writing about
10 how the Vojvodina having become a part of Serbia perhaps could be a
11 model

12 or should have been a model for Bosnia-Herzegovina or parts of it
13 becoming a part of Croatia back in previous times.

14 He writes, "Furthermore, Bosnia and Herzegovina were historically
15 linked with Croatia and they together comprise an indivisible geographic
16 and economic entity. Bosnia and Herzegovina occupied the central part of
17 this whole separating southern Dalmatian from northern Pannonian
18 Croatia.

19 The creation of a separate Bosnia and Herzegovina makes the territorial
20 and geographic position of Croatia extremely unnatural in an economic
21 sense and therefore in the broadest national-political sense, very
22 unfavourable for life and development and in the narrower administrative
23 sense unsuitable and disadvantageous."

24 Would you agree with me, sir, that even going back to 1981 some
25 10 or 12 years before this conflict, Dr. Tudjman's views were that
26 Bosnia

27 and Croatia as a state entity was not suitable or was unnatural in
28 respect of the -- its position with Croatia?

Page 28701

29 A. This is not what Dr. Tudjman wanted to communicate here. He
30 emphasised the territories of Bosnia and Herzegovina on the one hand, and

3 Croatia on the other in terms of territory and you can see easily on the
4 map, he's not talking about any sort of unification in terms of a state
5 or divisions, for that matter. He's indicating certain truths here and
6 he's talking about the fact that one part of Bosnia-Herzegovina was,
7 yes -- yes, go ahead.

8 Q. The truth was that his view was that based on its historical and
9 other links, that this separateness was unnatural and it was not
10 advantageous for Croatia, would you agree with me on that? Setting aside
11 whether he had any intentions or views about changing borders, would you
12 agree with me that his view was that this separateness was unnatural
13 based upon the historical and geographical links between the two
14 countries?

15 A. Yes, until the European Union came into play or emerged. Many of
16 the problems mentioned by Dr. Tudjman had been solved or will be solved
17 through the European Union. Borders are no longer a problem or the
18 problem of Bosnia being in the midst of Croatia. This is all resolved
19 through the European Union. I believe that one needs to make a
20 distinction between the views held by Dr. Tudjman before the European
21 Union became a reality, so to speak, because the European Union would
22 resolve all these.

23 Q. Very well. All right. So at least as of this time into 1981 and
24 up until the time of the European Union, you agree with me, then, that
25 Dr. Tudjman considered the separateness of Bosnia-Herzegovina and
Croatia

Page 28702

1 to be unnatural and not in the best interests of Croatia?

2 A. I would use the term "ties" rather than separateness because the
3 countries are in a way connected and drawn one toward the other.

4 Q. And he said, "... an individual geographic and economic
5 entity ..." do you share that view in terms of "Bosnia-Herzegovina and
6 Croatia as historically linked comprising an individual geographic and
7 economic entity"? Do you share that view?

8 A. Just casting a glance at the map will show that this is
9 self-evident.

10 Q. Now, I want to take you to another exhibit and again I'm going to
11 ask you, this is a little bit more in terms of background before we get
12 into more specific details on the policy, and the next exhibit is marked
13 P10402, that's a Prosecution Exhibit, 10402. While that's being located,
14 Mr. Ambassador, I'll tell you what it's about and it might make your --
15 just to keep us moving. We're looking at a lot of books in this -- in
16 the various examinations. Are you familiar with the book that was
17 written after the conflict by your former boss, the former minister for
18 foreign affairs, Mate Granic? Are you familiar with the book that he
19 wrote?

20 A. Yes, I am.

21 Q. And there are some things that he's written in his book that I
22 wanted to direct your attention to and ask you to comment on as well.
23 And the first of those, we have an English excerpt of the book which is
24 limiting what I'm going to be talking about here. There is a section of
25 his book which you should have in front of you in the original language

Page 28703

1 under the heading "Gojko Susak" do you see that? You have that?

2 A. Yes.

3 Q. Now, as you indicated yesterday, Mr. Susak, like yourself, was an
4 emigre, that is, he is someone who had been living outside of Croatia and
5 who returned to Croatia during the years of the war.

6 A. The point that needs to be made is that I didn't know of
7 Mr. Susak while he was abroad. We met for the first time during his
8 visit to Venezuela in 1990.

9 Q. Okay. And I'm not suggesting otherwise.

10 JUDGE TRECHSEL: Mr. Stringer, could you tell us when this book
11 was published? I fail to see it.

12 MR. STRINGER: Your Honour, I'm going to have to try to get that
13 answer for you because I don't have it --

14 JUDGE TRECHSEL: We'll do this later too?

15 MR. KARNAVAS: I can be of assistance. I believe it was around
16 2006 keeping in mind that Dr. Granic is heavily involved in Croatian
17 politics.

18 JUDGE TRECHSEL: Thank you, Mr. Karnavas. But I expect
19 Mr. Stringer to give us a precise answer.

20 MR. STRINGER: Yes, I will, Your Honour. We'll provide the
21 actual cover page as part of the exhibit, and I apologise for that.

22 Q. There's a reference here actually to the time when Mr. Susak held
23 the position that you took over from him which was the position of
24 Minister For Emigration or minister for the diaspora and here in this
25 first paragraph regarding Susak, he writes, "Mr. Susak was formerly the

Page 28704

1 Minister for Emigration but in reality, his main task was to collect
2 money for defence and facilitate the return for emigrants especially
3 former political emigrants." Do you see that passage?

4 A. Yes.

5 Q. Now you just indicated that you met Mr. Granic, I believe, for
6 the first time when he came to Venezuela in 1990.

7 A. I'm sorry, I said that about Mr. Susak, not about Mr. Granic. I

8 came into contact with Mr. Susak for the first time when he came do
9 Venezuela in 1990 as the Minister For Emigration.

10 Q. Thank you. That was my mistake. When he came to Venezuela, was
11 one of the objectives to meet with you and try to encourage yourself to
12 return to Croatia to contribute to its defence?

13 A. Definitely not. At the time, I had no intention of going back to
14 Croatia. I decided to go back to Croatia when I saw that it had been
15 attacked, that aggression had been committed on Croatia. It had nothing
16 to do with Mr. Susak's visit.

17 Q. Okay. Now, I'm going to skip ahead a little bit to page 4 of the
18 English excerpt and direct you to a passage that relates to the time
19 when
20 the Greguric government was dissolved. I don't know if you can find that
21 in the original language version there. And Granic writes "That the
22 Minister of Defence," who at this time was Susak:

23 "The minister of Defence became Tudjman's right-hand man in all
24 operations in Bosnia-Herzegovina and he probably did not like the idea
25 of
26 having to explain his moves to the ministers some of whom like Budisa
27 and
28 Tomac were members of the opposition. His opposition to the Croatian

Page 28705

1 policies in Bosnia and Herzegovina cost Tomac the post of ambassador in
2 Slovenia which he had been promised."

3 Now, my question here Mr. Ambassador, is that then after Susak
4 became Minister of Defence and after the Greguric government was
5 dissolved, do you share the view, is it true that in fact Susak remained
6 Tudjman's right-hand man as Minister of Defence in respect of
7 Bosnia-Herzegovina?

8 A. First of all, I have to make a correction. The government of
9 Mr. Greguric was not dissolved, it was the democratic unity coalition
10 government which existed until the month of August, and I was a member
11 of
12 that government. It was not dissolved, it was replaced by a new
13 government. The role that it had was that all the parties participating
14 in that government should stick together as long as the war lasted. When
15 the war ended and UNPROFOR forces arrived in Croatia, Dr. Tudjman
16 decided, as the president of the republic, and Mr. Greguric as the prime
17 minister that the government can be as such, as a coalition government
18 changed and it was not dissolution, not the term that you used.

19 Q. All right. In any event, then, when Mr. Susak was Minister of
20 Defence at this time, do you agree with Mr. Granic here when he
21 indicates

22 that it was Susak as Minister of Defence who was Tudjman's right-hand
23 man

24 in all operations in Bosnia-Herzegovina? I'm just asking whether you
25 agree with that or not?

26 A. No, I do not agree with that.

27 Q. Okay. And if you were in a --

28 JUDGE ANTONETTI: [Interpretation] Just one follow-up question, if

Page 28706

29 you don't mind.

30 Mr. Ambassador, the Prosecutor asked several questions regarding
31 the government, the Ministry for Emigration of which you were
32 responsible. I have a very and purely technical question. You were a
33 minister for a while before you became the ambassador of Croatia to
34 Bosnia and Herzegovina. When you were a minister, would President
35 Tudjman gather his ministers in official meetings with an agenda each

8 time and with every minister speaking? Was there a transcript or minutes
9 of the ministerial meeting? Is that the way it would work or did it work
10 differently?

11 THE WITNESS: [Interpretation] This is how it worked. There were
12 three types of meetings: Government meetings, which included government
13 members only and was chaired by Prime Minister Greguric. Next, there
14 were government meetings chaired by Mr. Greguric and involving only some
15 of the major ministries, I wouldn't be able to tell you which those were
16 at the time. I attended government meetings when all of the government
17 ministers were there.

18 Finally, there was the third type of meeting which was chaired by
19 the president of the republic himself.

20 JUDGE ANTONETTI: [Interpretation] In government meetings chaired
21 by the prime minister, by Greguric, was there an agenda and were there
22 minutes of the government meeting?

23 THE WITNESS: [Interpretation] I think I personally didn't see
24 there were any minutes. I came to that conclusion due to the fact that
25 when Mr. Greguric published a book about his activities during his term

Page 28707

1 of office while he was the prime minister of the government of democratic
2 unity in which all parties participated.

3 JUDGE ANTONETTI: [Interpretation] One last question. During
4 these government meetings, was the defence minister present, and if he
5 attended these meetings, were military matters addressed at a
6 governmental level?

7 THE WITNESS: [Interpretation] The government meetings were not
8 attended on many occasions by Mr. Susak because there were lots of things
9 going on relating to the defence of Croatia so instead of attending the

10 meetings personally, he would delegate his deputy, but I cannot tell you
11 exactly who stood in for Mr. Gojko Susak in these meetings. He did
12 attend, however, on a couple of occasions. It is well-known that
13 Mr. Gojko Susak is not a man of many words and he didn't take much part
14 in these exchanges.

15 JUDGE ANTONETTI: [Interpretation] What about the prime minister,
16 did he not address military issues or did he consider that this was
17 within the remit of Mr. Susak, the defence minister together with
18 President Tudjman?

19 THE WITNESS: [Interpretation] Look, Mr. Greguric was the war-time
20 prime minister of democratic unity and Mr. Susak was within his
21 jurisdiction. Normally, in government meetings, he would tackle defence
22 issues in Croatia. For example, once Dr. Greguric said that we, the
23 ministers, should go outside Zagreb into the field and see what was
24 happening there in order to get the better feeling of what this war was
25 about. What I mean to say is that Mr. Susak was subordinated to

Page 28708

1 Mr. Greguric just like me to President Tudjman because under this
2 constitutional system, both the President of the republic and the prime
3 minister had a lot to say.

4 MR. KARNAVAS: There's a correction that needs to be made that
5 Greguric is subordinate to -- Susak was subordinate to Greguric and
6 Tudjman - that's what I'm told - that the gentleman indicated, perhaps we
7 can clarify that point.

8 JUDGE ANTONETTI: [Interpretation] Yes, could you please clarify
9 that point, Witness. We have a sentence that's not very clear. Can you
10 please clarify again what happened in terms of subordination.

11 THE WITNESS: [Interpretation] Under the constitution, the

12 president of the republic had certain functions. The same applies to the
13 prime minister. And we, who were ministers in the government of
14 democratic union in which all parties participated equally were
15 subordinated first of all to the prime minister and then president of
the
16 republic was above the prime minister. Therefore, to the president of
17 the republic as well.

18 For example, if he -- if Mr. Greguric could convene a government
19 meeting, we would attend. He was our subordinate. However, when we were
20 invited by President Tudjman he himself had certain duties, and he was
in
21 charge of certain things related to the government.

22 THE INTERPRETER: Interpreter's correction: "He was our
23 superior."

24 JUDGE ANTONETTI: [Interpretation] At one point, you said that it
25 was a semi presidential regime. This can be a source of confusion.

Page 28709

1 Should we understand that the government enjoyed a certain degree of
2 autonomy with respect to the president or was it the case that the
3 government had no autonomy whatsoever because the regime was of a
4 presidential nature and because the president was the one who told the
5 prime minister and the ministers what they had to do?

6 THE WITNESS: [Interpretation] No. At the beginning, I said that
7 it was a coalition government in which all political parties
8 participated. Therefore, the role of the prime minister should have been
9 that of a -- should have been coordinated with all Croatian parties
10 because that was the time when all the Croatian parties pulled together
11 in order to defend Croatia from the Greater Serbian aggression. I don't
12 know if this is clear enough. My immediate boss was Dr. Greguric but

13 according to the constitution, Mr. Tudjman also had a say in these
14 matters.

15 JUDGE ANTONETTI: [Interpretation] Fine. So you are telling us
16 that this was a coalition government, that several political parties
were
17 represented within the government, and this coalition government was
18 working under the authority of President Tudjman in full agreement. Is
19 that what you're trying to tell us?

20 THE WITNESS: [Interpretation] This is not what I said. I said
21 that my immediate boss, superior, was Dr. Greguric, the prime minister
22 and since all the political parties participated in this Croatian
23 government except for those who did not reach the threshold because
these
24 were minor parties that did not have representatives in the parliament,
25 all the other parties took part in this democratic unity government,

Page 28710

1 wartime democratic unity government of Dr. Greguric and the participation
2 of Dr. Tudjman was partial.

3 MR. KARNAVAS: Your Honour, just a point of clarification. If we
4 listen closely to the Croatian, he's saying the president of the
5 government which is being translated as prime minister so as long as we
6 understand that prime minister is president of the government but that's
7 what the gentleman is indicating the correct terminology which is
8 president of the government as opposed to president of the state, but I
9 think we're using prime minister, but to me it doesn't make a difference
10 just as long as everybody understands.

11 MR. STRINGER: Well, I mean if this is a translation issue or an
12 interpretation issue, we'd like to hear it from the interpreters because
13 it's clearly an important issue and I appreciate counsel's clarification

14 but I just want to make sure that it's correct.

15 JUDGE ANTONETTI: [Interpretation] Mr. Ambassador, according to
16 you, was Mr. Greguric the prime minister or the president of the
17 government? In your own language, how would you express that?

18 THE WITNESS: [Interpretation] President of the government.

19 JUDGE ANTONETTI: [Interpretation] Fine. So we have the following
20 situation: Mr. Tudjman is the president of the republic and Mr. Greguric
21 is the president of the government. In other words, he has the position
22 of prime minister, he fulfills the duty of a prime minister or am I
23 wrong?

24 THE WITNESS: [Interpretation] We do not have the term "prime
25 minister" in Croatian, the term we use is the president of the

Page 28711

1 government.

2 JUDGE ANTONETTI: [Interpretation] One final question before I
3 give back the floor to Mr. Stringer, but you understand that my questions
4 deal with very significant issues, that's why I keep asking question
5 after question. In your political system, are policies defined by the
6 government and by its president or are the policies of the country
7 defined and determined by the president of the republic?

8 THE WITNESS: [Interpretation] It depends on the type of the
9 government, whether it was a single-party government, that is to say, the
10 most powerful party such as the HDZ, or if it was a coalition government
11 such as the one I was part in. In a coalition government, Dr. Greguric
12 had to put together all the aspects and inputs of the participating
13 parties in the government, major parties.

14 JUDGE ANTONETTI: [Interpretation] In other words, if I understand
15 you correctly, that we have to make a distinction between the case where

16 you have a government made up of representatives of a single party and
17 the case where you have a coalition government. If I understand you
18 correctly when there is a single party in the government, the president
19 comes from the same party and they follow the same policies but when you
20 have a coalition government, this government defines the policies of the
21 country and the president of the republic has to follow this course. Is
22 that what you're explaining to us? Because you see so far, we've not
23 dealt with these issues but since you're here and you were part of the
24 government, you may help clarify this for us.

25 THE WITNESS: [Interpretation] I try to be very clear because I

Page 28712

1 participated in a coalition government made up of all the parties during
2 the war and that is how I became a member of the government. At the
3 time, I wasn't a significant political figure. The point was to rally
4 together all the important personalities in order to make Croatia capable
5 of defending herself from the aggression.

6 JUDGE ANTONETTI: [Interpretation] You are not answering my
7 question fully. When the coalition government would meet --

8 THE WITNESS: [Interpretation] Can you please repeat the question?

9 JUDGE ANTONETTI: [Interpretation] Let me repeat my question. I

10 wanted to know the following: What about if the coalition government
11 defined or decided on a policies -- if I understand, President Tudjman
12 could not go against that policy because the coalition government
13 decided

14 on the policies. That's what I wanted to know. When you had this
15 coalition government with Mr. Greguric as a president, and when you
16 decided something, did Mr. Tudjman have to accept your decisions or was
17 Mr. Tudjman in a position to say, "Okay, that's your opinion but I have
18 a

17 different view of the situation and I'm going to make the decision"?

18 THE WITNESS: [Interpretation] Let me be specific in answering
19 your question. During the term of office of the coalition government, in
20 most cases or almost in all cases, Mr. Greguric was the one to make
21 decision based on the consensus among the parties. I hope I was clear
22 enough.

23 JUDGE ANTONETTI: [Interpretation] Yes, you were very clear.

24 JUDGE TRECHSEL: I would like to ask maybe the same question in a
25 different way. Can you give us an example or more than one example where

Page 28713

1 Mr. Tudjman had an intention, a political intention which then the
2 government refused to follow so that in the end, the will of the
3 president was not realised in Croatian politics.

4 THE WITNESS: [Interpretation] I can say that there were such
5 differences. You want me to give you specific examples. I would need
6 some time to think about the instances where there was no full consensus
7 or full understanding of the president of the government or the president
8 of the republics but I know that there were differences. Now, how these
9 differences were eventually resolved and ironed out, I cannot give you
10 any details in that respect because I was a member of the government and
11 Greguric was the main man in my view, and I never by passed him in order
12 to talk to Tudjman. The normal procedure was ...

13 JUDGE TRECHSEL: Thank you. That goes beyond what --

14 Mr. Stringer, please go ahead.

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

16 Q. Just to follow up on a few questions, can you tell us,

17 Mr. Ambassador, what was the term, period of time in which the Greguric
18 government of democratic unity was in existence?

19 A. During the war, during the attack which means since August 1991
20 until August 1992.

21 Q. Now, in August of 1992 or approximately during that time, did the
22 elections take place that you referred to a few minutes ago?

23 A. I don't recall mentioning elections. I didn't say anything about
24 elections.

25 Q. I had used the word the Greguric government was dissolved and

Page 28714

1 you, I thought, indicated that it wasn't dissolved and that -- but that
2 it changed as a result of elections.

3 A. I didn't mention the word "election" but a new government came
4 and for the most part, it was made up of people from the HDZ and that was
5 the result of the elections because the HDZ was the most powerful
6 political party.

7 Q. So beginning in August of 1992, the structure was one that was
8 less of a coalition and more of a single-party government?

9 A. Yes, but as far as I can remember, there were always a few
10 ministers who were not members of the party.

11 Q. Like any system in which the government is largely a single-party
12 government of which the president is a member, the president of the
13 republic would have had enhanced powers, increased powers after the
14 election, after the change of government in August of 1992. Would you
15 agree with that?

16 A. Yes, I would agree with that but I would just like to add that
17 the government's policy was never solely Mr. Tadjman's policy, it was
18 under various influences especially with regards to the international
19 community and so on. In other words, the state policy was created -- we
20 keep talking about Tadjman. Tadjman was not a God. Tadjman was what he

21 was according to the constitution.

22 Q. Now -- and I think the point about influence and who was
23 influencing the president is an important one and I'd like to ask you
24 more about that. Moving down a little further in this passage from
25 Mr. Granic's book, Mr. Granic makes reference to a conversation that he

Page 28715

1 had with President Tudjman at the time that Tudjman offered him the post
2 of foreign minister.

3 And Granic says, "You will have complete freedom to choose your
4 assistants but we will have to talk about ambassadors. Do not forget
5 that according to the constitution, I am the only boss and that you have
6 to come to me for a problem because foreign affairs are not a matter for
7 government," he told me firmly.

8 Then he continues, he says, "He told me that we would especially
9 be discussing Bosnia and Herzegovina and then added, and this is a quote
10 attributed to President Tudjman, 'Mate, only Gojko Susak is in charge of
11 the Croats in Bosnia-Herzegovina.'"

12 So then on this question of influence, isn't it true, Mr.

13 Ambassador, that it was Gojko Susak that was in the strongest position
14 to

15 exert influence on President Tudjman in respect of his policy on
16 Bosnia-Herzegovina particularly the Croats there?

17 A. I'm doing my best to give you an answer but if I am not accurate
18 enough, I would kindly ask you to repeat certain portions of your
19 question.

20 Gojko Susak was the minister of defence over the years. Why was
21 he the defence minister. Probably because either he was doing his job
22 properly or not, but let us not forget that Mr. Mate Granic was also in
23 a

22 certain way the boss to him. So what Mr. Mate Granic is saying here ...
23 Q. Sorry for cutting you off and we do want your full answer but I'm
24 hoping that we can be a little more succinct. As defence minister,
25 wasn't Gojko Susak the person influencing and impacting most

Page 28716

1 President Tudjman's policies in respect of Bosnia-Herzegovina Croats and
2 I say that because we all know and accept that the situation in
3 Bosnia-Herzegovina was one that impacted the defence interests of
4 Croatia. So I'm not making any negative inferences, I'm just asking you:
5 Wasn't it Gojko Susak as Minister of Defence who have been the position
6 most influential in terms of Dr. Tudjman in respect of Bosnia-Herzegovina
7 policy?

8 A. Let me be specific. There were some of us who had certain
9 influence on Dr. Tudjman apart from Mr. Susak. I, as a minister and not
10 only as a minister, but also as an ambassador later and a "dolje" of the
11 diplomatic corps in Bosnia-Herzegovina had to say certain things. It was
12 not just Mr. Susak.

13 Q. And I'm not suggesting that. But I am suggesting that it was
14 Susak who had the greatest influence. That seems to be what Mr. Granic
15 is saying here. Maybe you don't know. If you don't know the extent of
16 Mr. Susak's influence, you can say that.

17 A. No, I'm going to say this: In the context and the scenarios of
18 the events, it may have been the case that at certain points, someone
19 had
20 a stronger inference or a weaker or lesser inference but there was no
21 exclusive inference coming from any quarters.

22 Q. I'm not asking you about exclusive influence, I'm asking simply
23 whether you agree with the proposition here that it was Susak excerpted

23 the most influence or who appeared to have the greatest responsibility
in

24 terms of the Croats of Bosnia-Herzegovina. Wasn't he the most

25 influential among a number of people?

Page 28717

1 MR. KHAN: Well, the witness has answered it. He said that over

2 time, the person who has influence may change. It has been already

3 answered, in my view.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, on several

5 occasions, not just once, the witness stated that influence is a very

6 subjective thing and the witness stated that according to him, several

7 people were in a position to have an influence on Mr. Tudjman and that

8 Mr. Susak was not the only one in that position. That's what I thought I

9 understood listening to the witness. We may ask him to clarify that for

10 us.

11 Witness, we do not want to be wasting any more time. Can you

12 please tell us the following: In your view, did Mr. Susak have some

13 influence on President Tudjman or did other people have an influence on

14 him?

15 THE WITNESS: [Interpretation] President Tudjman would listen to

16 many people in various meetings which can be seen from the transcripts.

17 Therefore, there were us who tried and participated in creating the

18 Croatian state policy towards Bosnia and Herzegovina.

19 Have I been clear in this that this involved a number of people?

20 JUDGE TRECHSEL: I'm sorry, Ambassador, I think you always

21 navigate around the question the Prosecutor asks you and that is: Here,

22 Mr. Granic says Susak had the main, not the only, the main, the
strongest

23 influence. And the question is: Yes or no, do you agree? Yes or no?

24 THE WITNESS: [Interpretation] Let me put it this way. In various
25 different periods of time --

Page 28718

1 JUDGE TRECHSEL: I'm sorry. This is not very polite but it's the
2 style of the Tribunal and in cross-examination, the counsel may ask a
3 question to which there is one or two or three or four questions as
4 Mr. Karnavas has many, many times recalled, yes, no, I don't know, I
5 don't remember. Could you please answer with one of these words?

6 MS. ALABURIC: [Interpretation] Your Honours, with your leave,
7 just one intervention. With regard to many questions, we have tried to
8 suggest to the person putting questions to specify the time that the
9 question refers to. What I think the witness is saying is that at
10 different times, various people had different level of influence and if
11 you want to be more specific, and if you want to insist on Susak's
12 influence on Tadjman, could you please be more precise and specify the
13 time period.

14 JUDGE ANTONETTI: [Interpretation] Mr. Prosecutor, you should get
15 an answer to your question. It may relevant to explain when this
16 happened, the question of time because it could be "yes" for one period
17 and "no" for another. Could you specify your question based on the year.

18 MR. STRINGER:

19 Q. I'm speaking about the period after the -- beginning of August
20 1992 in which the primarily HDZ government took -- HDZ party took the
21 government and continuing through 1993. So approximately a year and a
22 half period, August of 1992 to -- through all of 1993. Isn't it true
23 that Susak was Mr. President Tadjman's right-hand man if I can put it
24 that way in terms of Bosnia-Herzegovina policy particularly Croats in
25 Bosnia-Herzegovina?

1 A. I would -- I have to say yes or no. Well, no.

2 Q. So you don't agree with the suggestion here by Mr. Granic that
3 Susak was the right-hand man or that he -- that he had the greatest
4 influence on Tudjman? Let me ask you why -- because you're an ambassador
5 toward the latter part of 1992 and then you went down to
6 Bosnia-Herzegovina. It just seems to me that Mr. Granic was in a greater
7 position to know what were the relative roles of the members of the
8 cabinet, Mr. Susak, Mr. Granic, himself, and the others. That's why I
9 say this?

10 MR. KHAN: Your Honour, is that a question?

11 MR. STRINGER: Well, that is the question.

12 Q. Isn't it true that Mr. Granic is in a better position to know.

13 MS. ALABURIC: [Interpretation] Your Honours, I apologise. I
14 would like to put forth an observation. In order for the witness to be
15 able to answer the question, he would have to be familiar with the
16 relationship between Granic and Susak. In the HDZ government, they were
17 the two people who were working at cross-purposes and who confronted. I
18 just wanted to propose this comment by way of helping further clarify
19 the
20 matter.

20 MR. STRINGER: Mr. President, I got an answer from the witness,
21 he denied my -- he did not agree with my assertion. I think I'll just
22 take that and move on to the next point. With your leave.

23 JUDGE ANTONETTI: [Interpretation] Let's move on, yes.

24 Mr. Praljak, you're on your feet, why are you on your feet? The
25 Prosecutor is moving on to another subject.

1 THE ACCUSED PRALJAK: [Interpretation] Your Honours, I simply fail
2 to grasp the meaning of the word "influence." I don't understand the
3 term influence. Can somebody help me and clarify the meaning of the term
4 influence?

5 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, it is a word that
6 was used by the Prosecutor. When you call your own witnesses, you can
7 clarify the concept of influence. Well, your intervention is recorded in
8 the transcript, but it does not call for further comment.
9 Please proceed, Mr. Stringer.

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

11 Q. Mr. Ambassador, there's a following section that falls under the
12 heading "government of democratic union and BH," and I just want to take
13 you to one passage there in which Mr. Granic mentions Mr. Mate Boban. I
14 take it you know who Mate Boban is. I'm not sure if we've talked about
15 him yet?

16 A. I know.

17 Q. He says, "Boban was a very narrow-minded man full of hatred for
18 the Bosniaks. He supported Bosnian Serbs believing that he could enter
19 into an agreement with them regardless of the criminal policies of
20 Karadzic, Mladic and their assistants. It was clear to me that he was
21 the biggest obstacle to peace in Bosnia-Herzegovina. At meetings, he
22 never spoke about the Bosniaks or Muslims, but only used words like
Turks

23 or 'balija' for Bosniaks."

24 These are very strong words, in my view, Mr. Ambassador and I'd
25 like to ask you to comment on that. First of all, as a preliminary

1 question, tell us how frequently or how regularly did you have dealings

2 yourself with Mate Boban?

3 A. Only once.

4 Q. Are you in a position to --

5 A. May I be allowed to explain, please? I already said that I

6 worked at the level of the state of Bosnia-Herzegovina. I was the -- in

7 charge of the Croatian policy vis-a-vis Bosnia and Herzegovina.

8 Mate Boban and the issue surrounding him is the internal matter of Bosnia

9 and Herzegovina and obviously I did not come into contact with Mr. Boban;

10 but I did see him at some meetings and on one occasion, I explicitly at

11 President Tudjman's request, I went to see him and I can tell you when

12 that happened and why.

13 Q. Why don't you tell us that.

14 JUDGE ANTONETTI: [Interpretation] One moment, Mr. Stringer. I

15 have full respect for you but I must tell you this. I, myself, asked a

16 question of the witness. I asked him how many times he had met with

17 Mr. Boban and he answered. He said once.

18 You are asking the question again. So, that's one of two things.

19 Either he told me when he answered my question and then you have
evidence

20 that he lied then or you sort of follow up on my sentence saying by

21 saying -- you said to the Presiding Judge that you met him once, could

22 you specify the circumstances. Because if you keep repeating the same

23 questions, asking the same questions, it's a waste of time. It's

24 useless. It's pointless.

25 MR. STRINGER: I apologise, Mr. President. I had -- I forgot

Page 28722

1 apparently now two things from yesterday, one was the filing and the

2 other was the question that you'd already asked of the witness. So with

3 your permission, if we could just recall that testimony that there was
4 one meeting, I think it does impact then on whatever opinions he might
5 have or comments he might have on the remarks of Mr. Granic here and with
6 your leave, Mr. President.

7 Q. Mr. Ambassador if I could just ask you to tell us what you can
8 about the meeting you had with Mr. Boban, where was it and when was it.
9 Tell us your impressions of him whether you agree with the
10 characterisation given by Mr. Granic.

11 A. I apologise. Please allow me to read what Mr. Granic said about
12 him. Can you please refer me to the page where I can find it.

13 Q. I can -- it is under the heading, there's a heading called
14 "Government of democratic union and BH"?

15 JUDGE TRECHSEL: It says that it's page 70 in the translation.

16 MR. STRINGER:

17 Q. Do you have that? Page 70. Do you see it?

18 A. In the translation? I don't have the translation before me. I
19 have it only in Croatian.

20 Q. Yes, well --

21 A. No, there is a translation as well. What page again, please?

22 Q. I thought -- you wanted to look at the Croatian.

23 JUDGE TRECHSEL: In the Croatian, it is the last sentence on page
24 70. The last sentence of the Croatian version is, "Izmedzu nas nikada
25 nije ..."

Page 28723

1 MR. STRINGER:

2 Q. It begins with the words, "We were never close ..." I believe.

3 JUDGE TRECHSEL: Yes.

4 MR. STRINGER:

5 Q. Then it begins, "Boban was a very narrow-minded man."

6 A. May I answer, please? With regard to the first part of this
7 statement of what Mr. Granic wrote that they were never close and they
8 advocated completely opposed positions, this is completely correct and I
9 witnessed that myself. However, when Mr. Granic portrays Boban in the
10 way he does, listen, I really never gave it much thought. I did not have
11 anything to do with defence. Granic was my boss and I listened to him
12 and I reported to him. I'm aware that there were conflicts between
13 Dr. Mate Granic and Mr. Susak. I'm aware of that. I wouldn't be able to
14 give you any details thereof.

15 Q. Just a clarification here. I think you just indicated that there
16 were conflicts between Dr. Granic and Mr. Susak and I was asking you
17 about Mr. Granic and Mr. Boban. I wasn't sure if you intended to address
18 that or ...

19 A. Granic and Boban? I don't know how much contact they had at all
20 because Granic worked through me. Granic was the Minister of Foreign
21 Affairs and I was his extended hand in Bosnia and Herzegovina at the
22 state level.

23 Q. Okay. Then is it fair to say that in general terms during the
24 period during which you were at the ambassador to Bosnia-Herzegovina,
you
25 did not concern yourself very much with Mr. Boban or with the leadership

Page 28724

1 of the HDZ party in Bosnia-Herzegovina?

2 A. I would say that this is correct.

3 Q. You indicated yesterday, I believe, that you had some informal
4 discussions with Dr. Prlic about economics but the impression that you
5 did not have a lot of substantive dealings as well with Mr. Prlic?

6 MR. KARNAVAS: I object to word substantive, economics is a
7 substantive matter in the middle of the war when Dr. Prlic was involved
8 in setting up the economic infrastructure for the region, so I wouldn't
9 put it that it wasn't substantive.

10 MR. STRINGER: I just had the impression that -- and he can
11 clarify that the ambassador said that he had had some informal
12 discussions with Dr. Prlic about economics because it was an interesting
13 issue but these were not formal discussions. That's -- that was my
14 understanding.

15 THE WITNESS: [Interpretation] Look, it depended on Dr. Prlic's
16 function. At one point, he had been elected as the prime minister of
17 Bosnia and Herzegovina. When he was elected prime minister, then I could
18 and did have official contacts especially after the Washington Accords
19 when Dr. Prlic became the vice-president of the government and the
20 Minister of Defence of both the Republic of Bosnia and Herzegovina and
21 the Federation. At such moments, I had official relations with Dr. Prlic
22 and I had discussions with him when I deemed that those were necessary
23 and I usually contacted him on economic matters because he was the
24 person
25 in charge of all the economic matters.

25 JUDGE ANTONETTI: [Interpretation] Mr. Witness, allow me to

Page 28725

1 intervene because there's a problem of semantics. You said that
2 Mr. Prlic was the prime minister, so let's be specific here too. Was he
3 prime minister or was he president of the government, in your view? What
4 was he?

5 THE WITNESS: [Interpretation] There are two periods in question
6 here. The first one when he participated in the government of Bosnia and

7 Herzegovina for a very short period of time. That was after the
8 Medjugorje Accords on the 18th of -- I believe it was in August or
9 thereabouts during the peace mission undertaken by Dr. Tudjman that was a
10 very short period of time when he became the vice-president to be very
11 specific of -- the I apologise. I can't remember what his title was. He
12 was either president or vice-president of the government of Bosnia and
13 Herzegovina and later on I remember this very well after the Washington
14 Accords for a long period of time, he was the vice-president of the
15 government and the Minister of Defence of the Republic of Bosnia and
16 Herzegovina.

17 At that time, I could deal with him officially and talk to him
18 officially because I was the ambassador of Croatia before the government
19 of Bosnia-Herzegovina.

20 MR. KHAN: Your Honour, with your leave one additional matter.

21 At page 26, my learned friend asked the witness to describe his meeting
22 with Mr. Boban. He wasn't actually given the opportunity to answer that
23 question. I just raise it because it was asked and it wasn't answered.

24 JUDGE ANTONETTI: [Interpretation] Well, it escapes me, but yes,
25 I'm sure Mr. Khan is right. The question was not answered.

Page 28726

1 MR. STRINGER: That's correct, Mr. President. I had actually
2 intended to bring the witness back to that.

3 Q. Before I do, just while we're talking about titles, is it true or
4 do you know if Dr. Prlic was the president of the HVO, the Croatian
5 Defence Council during 1993?

6 A. I know, I know this exactly.

7 JUDGE TRECHSEL: I'm sorry, on the last answer, Witness, when you
8 said that Dr. Prlic was vice-president, I think, Minister of the Defence

9 in the government of Bosnia and Herzegovina, could you tell us what
10 period of time you had in mind?

11 THE WITNESS: [Interpretation] After the Washington Accords,
12 immediately after the Washington Accords. At that time, I participated
13 in the implementation of the Washington Accords in Sarajevo. I had a
14 very big role in that. The first meeting with Prlic was regarding
15 his ...

16 JUDGE TRECHSEL: Thank you. You've answered my question.

17 MR. STRINGER:

18 Q. And Mr. Boban was the president of the Croatian Community of
19 Herceg-Bosna during 1993 and 1992?

20 A. Correct.

21 Q. And Mr. Boban was also the leader of the HDZ party in
22 Bosnia-Herzegovina as well, wasn't he?

23 A. Correct.

24 Q. He was the leader of the HDZ party in Bosnia because Dr. Tudjman,
25 as the leader of the party, had approved his taking that position. Is

Page 28727

1 that also correct?

2 MR. KARNAVAS: I'm going to object -- I object to that. There's
3 no foundational question as to that. Is this -- is he putting this to
4 the witness?

5 MR. STRINGER: Yes.

6 Q. Isn't it true that Mr. Boban was president of the HDZ party in
7 Bosnia-Herzegovina because he was approved for that position by
8 President Tudjman?

9 A. President Tudjman was the president of the HDZ in Croatia. The
10 HDZ of Bosnia and Herzegovina had a different structure and a different

11 trajectory. Mr. Tudjman was in a position to possibly suggest things to
12 them but he could not order them anything because they were a democratic
13 institution in which people in Bosnia and Herzegovina could elect
people,

14 leaders, presidents. Several of them preceded Boban, several of them
15 followed Boban.

16 Q. The next exhibit is the one that Judge Prandler showed you
17 yesterday. It's one of the presidential transcripts P0089. If the usher
18 could assist with that one, I would be grateful.

19 Now, while that document's being located for you Mr. Ambassador,
20 just to recall, this is a transcript of a meeting that occurred in
Zagreb

21 on the 27th of December, 1991. And as you indicated yesterday and we
22 know, you were not present at the meeting. I believe, however, that in
23 December 1991, you had just become the minister for the diaspora. Am I
24 correct on that?

25 A. Correct.

Page 28728

1 Q. Okay. All right. Now I just want to follow up with a couple
2 more questions on the passages that are in this transcript recognising
3 that you weren't present. 0089. And I'm going to direct you -- well let
4 me just -- to inform you while it's being located, this is a meeting in
5 which President Tudjman has accepted guests who are the -- from the HDZ
6 party delegation from Bosnia and Herzegovina and that's who is present at
7 this meeting and there was a reference yesterday as you might recall to
8 Mr. Ignac Kostroman who was present. As well, there were other members
9 of the leadership of the HDZ of Bosnia-Herzegovina who were also present
10 there, Mr. Boban --

11 MR. KARNAVAS: Incidentally while we're looking for these

12 documents, if he's going to be asked an opinion opine on something where
13 he wasn't attending, I do so based on and I ground my objection on the
14 basis that on a very similar situation where I had Dr. Zuzul here and I
15 was asking the question, Judge Trechsel, you objected on the grounds
that
16 I was asking him to be an expert. Frankly, I took exception to your
17 observation but nonetheless, I think that it fits here as well so I
don't
18 wish to debate the issue I think I respect you highly, I think we can
19 agree to disagree at some times, however, I think that is the same
20 situation we are faced here today.

21 JUDGE TRECHSEL: Good point, Mr. Karnavas, I fully take that but
22 we have not heard the question yet so why don't we wait for the
question.

23 MR. KOVACIC: [Interpretation] Your Honours, if I may add
24 something that is very relevant with regard to Mr. Karnavas's objection
25 and your decision with this regard. If my learned friend from the

Page 28729

1 Prosecution is allowed to embark on the line of questioning that they
2 wish to put to the witness, then I would kindly ask to lay some
3 foundation for the questions in order to see whether the witness is in a
4 position to answer the questions.
5 We'd like to hear some basic elements as to what was happening in
6 Croatia in December 1991 and what was happening in Bosnia and Herzegovina
7 at the same time because if we do not understand the context, if we don't
8 know what in real life was happening at the time, we cannot be objective
9 and we cannot provide an objective interpretation of any conversations
10 including this one. This conversation cannot be understood without the
11 context and the position that these people were in, their motives, why

12 they arrived in Croatia, what the international positions and
13 interventions were taking place at the time.

14 I believe it is absolutely pointless to embark on a discussion
15 especially in view of the fact the witness wasn't there if we do not
16 outline some landmarks, some benchmarks in order to describe the
17 situation. Nobody can understand the conversation without the context
18 and this is the objective remark.

19 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, Mr. Karnavas
20 reminded us that there was an objection to this type of question by
21 Judge Trechsel with regard to a witness who did not have any knowledge
22 because he had not attended the meeting. Now, Mr. Karnavas is saying
23 that what's good for the goose a good for the gander, and he's
absolutely
24 right in saying so.

25 Secondly, Mr. Kovacic raises other issues. He says that there

Page 28730

1 was a meeting between Mr. Tudjman and representatives from Bosnia and
2 Herzegovina, that the witness did not attend that meeting so how could he
3 be knowledgeable about the situation, about the context? And if he's
4 asked to comment on a situation that he has no control over, it might
5 well be that it is the wrong opinion.

6 Also, based on this presidential transcript that was used by
7 Judge Prandler when he put his question to the witness, the question
8 dealt with part of a paragraph. Now, I don't know what topic you want to
9 address. Now, if we want to avoid this type of problem, it would have
10 been preferable for you to say this during the examination in chief,
this
11 topic was addressed.

12 Secondly, this topic is found again in paragraph so and so of

13 this transcript. Then you could have asked the witness, based on his
14 previous answer, whether he stuck to his opinion, whether he changed his
15 mind, or whether he was speaking to another topic.

16 You've got to, indeed, lay the foundations and we do not know
17 what you are trying to get at as part of your cross-examination, which
18 topics you want to raise.

19 So please proceed, we'll see.

20 MR. STRINGER: Thanks -- thank you, Mr. President. Just for the
21 record, I haven't asked any questions about the transcript yet I
22 appreciate everyone's guidance.

23 Perhaps it's a good time for the break before I begin.

24 JUDGE ANTONETTI: [Interpretation] Yes, we're going to have a
25 break so you have 20 minutes to think it over, to prepare your question.

Page 28731

1 We shall resume in 20 minutes' time.

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

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

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you may proceed.

5 MR. STRINGER: Thank you, Mr. President. For everyone's
6 information, we've also put this transcript, we've got several of them
7 loaded into the sanction programme and so our case manager Ms. Winner
8 here is going to be putting the relevant pages up on the screen in
9 sanction to assist us in following.

10 Q. Mr. Ambassador, this is the transcript that Judge Prandler took
11 you to yesterday and I want to ask you just a few questions about it and
12 then I'm going to ask you if you want to finish the answer that you
13 wanted to finish to the question from Judge Prandler yesterday.

14 Directing your attention to page 21 of the transcript, this is

15 the part you looked at yesterday, I believe.

16 A. The Croatian.

17 Q. The page -- in this binder, when I say page 21, that should

18 correspond also to the --

19 A. [In English] That's English.

20 Q. Also it should correspond in both languages, the page numbering

21 should be the same.

22 A. [In English] 21.

23 Q. 21, now, based on what you've told us already, to the extent that

24 this item refers to the Croatian community of Herceg-Bosna, and the

25 taking of a historic decision to establish the Croatian Community of

Page 28732

1 Herceg-Bosna, which serves as a legal basis for entry of these

2 territories into the Republic of Croatia, if that was an objective of the

3 Croatian community of Herceg-Bosna, I take it you were not aware of that,

4 you did not know that. Is that true?

5 A. No, I didn't know that at the time because I wasn't dealing with

6 these matters, but I am aware of what's contained in this document.

7 Q. And then a similar question of item three here, to the extent

8 that the Croatian community of Herceg-Bosna recognises the full

9 legitimacy of Dr. Franjo Tudjman as president of the Republic of Croatia

10 and president of the HDZ, recognises his legitimacy to promote the

11 interests of the Croatian community of Herceg-Bosnia among both

12 international factors and et cetera, you can read it there, if that was

13 their position, if the Croatian Community of Herceg-Bosna recognised the

14 full legitimacy of Franjo Tudjman to do these things on its behalf, I

15 take it you were not aware of that, you did not know.

16 A. I knew that there was a tendency in that direction espoused by a

17 group of individuals, we can see the list of individuals there who made
18 their proposal. Now, whether the president of the Republic of Croatia
19 accepted that proposal or not is quite a different matter. He did not
20 accept that. I can tell you right away why not, because I spoke to
21 President Tudjman about this issue.

22 Q. Let me -- I want to move on and I don't want to cut you off. As
23 I've indicated, you can address Judge Prandler's question and add
24 whatever you like, but I'd like to move through the document so that we
25 can get to that point.

Page 28733

1 If you could go to page 25, item 15. And again, this is the same
2 documents which are a reflection of the minutes of the meeting of the
3 Croatian Community of Herceg-Bosna. Now, in item 15, this is calling
4 upon "Our deputies to the Bosnia-Herzegovina assembly from the territory
5 of Herceg-Bosna should follow instructions issued by Herceg-Bosna."
6 Now my question there is were you aware sir or did you know that
7 the Herceg-Bosna leadership were asserting the authority to issue
8 instructions to the deputies who were members of the Bosnia-Herzegovina
9 assembly at that time?

10 A. I wasn't aware of that until this moment.

11 Q. Okay. Now, if I could take you to page 33.

12 MR. KARNAVAS: I do object in the question. I didn't object
13 earlier, as far as asserting authority. This is an aspirational
14 document, it is suggested now they are imposing their authority I think
15 is two different things. I just mention that.

16 MR. STRINGER:

17 Q. On page 33 there is a reference here to a statement that's being
18 made by President Tudjman. What he's doing, he's referencing here to and

19 I'll just read parts of it:

20 "And to create a statelet therefore out of the remaining part
21 around Sarajevo which mostly Muslims and some Croat Catholics would stay
22 which would resemble the small historical land of Bosnia. It would
23 therefore be a buffer zone in the demarcation of Serbia and Croatia and
24 in such conditions, it would have to rely on Croatia to a large extent."
25 Then continuing to the next paragraph. "From that viewpoint, not

Page 28734

1 even some cantonization with the continuing existence of Bosnia and
2 Herzegovina would mean for us the solution, which is the solution of
3 demarcation."

4 Then continuing to the next page, he says ...

5 A. What is the next page, please?

6 Q. 34. "It seems to me," feel free to follow along either on the
7 paper or on the screen, "It seems to me, therefore, that just as we have
8 taken advantage of this historic moment to establish an independent,
9 internationally recognised Croatia, I believe that it is time that we
10 take the opportunity to gather the Croatian people inside the widest
11 possible borders."

12 And just to finish that off, if you could go to page 106, just to
13 stay with that thought.

14 A. 106.

15 Q. Do you not have that in the Bosnian? It should be on the screen.

16 A. I do. I do.

17 Q. Okay. And this is during a discussion between President Tudjman
18 and Mr. Stjepan Kljuc who, at the time, was the leader of the HDZ party
19 in Bosnia-Herzegovina. And the president says, "Kljuc let us not waste
20 time. We think not only I, the Croatian leadership in general thinks

21 that since becoming head of the HDZ, you have all in all done a good
job.

22 I shall tell you, though, I shall repeat what I just said, that lately
23 you have become closer to Izetbegovic's policy regarding those
24 negotiations which we wanted. I have written down somewhere the date
25 when we discussed how talks should be held with both sides, and our aim,

Page 28735

1 our aim from the beginning, from the proclamation we issued, if you want,
2 was not to preserve Bosnia and Herzegovina as it is today. Essentially,
3 this is not in the interests of Croatian policy, as Croatian policy would
4 in this way be permanently frustrated by the demographic and territorial
5 loss in Bosnia and Herzegovina."

6 "Therefore, we finally wanted and it was no accident that in the
7 preamble to the Croatian constitution, we also mentioned the banovina of
8 Croatia."

9 So Mr. Ambassador, having read those portions to you, recognising
10 that you were not present, isn't it possible that in fact based on these
11 discussions, President Tudjman's policy at least as of this time was in
12 fact to restore the banovina regions of Bosnia-Herzegovina and to make
13 those Croat regions?

14 MR. KARNAVAS: Objection, calls for speculation. Isn't it
15 possible? Anything is possible, first of all. Also we need to put it
16 into context what is happening to the negotiations that are going on.

17 MR. STRINGER: Excuse me, Mr. President I object to the putting
18 the answer into the witness's mouth. That's what's happening here.

19 MR. KARNAVAS: Nobody's putting any answers. There was an
20 objection by Mr. Kovacic. He wanted the context, the context in which
21 this is being held.

22 MR. STRINGER: We all know the context.

23 MR. KARNAVAS: The witness doesn't know the context. That's the
24 problem.

25 MR. STRINGER: I think the witness knows very well the context.

Page 28736

1 MR. KARNAVAS: He wasn't in situ that's the whole point.

2 MR. STRINGER: The witness was the minister of the diaspora for
3 Croatia at this time. Again, I think we're suggesting through objections
4 answers. It's a fair question, Mr. President. If this is what's being
5 said, did the witness know? Did this witness know if in fact this was
6 the policy.

7 MR. KARNAVAS: Again, here we go. This is the policy. My
8 objection is this. He's being asked was this possible? Anything is
9 possible at the time it was possible that Bosnia-Herzegovina was going to
10 split. There were negotiations ongoing. So if we're going to be fair to
11 this gentleman, let's talk about all the negotiations, let's talk about
12 Izetbegovic's plan, what he was doing, while vis-a-vis working with
13 Milosevic because only in that context can he answer this question. He
14 wants to introduce this word "policy" because that's part of their
theory

15 of the case. We're saying in the context, in the moment, at that period
16 of time. And we must recall that at that point, Bosnia-Herzegovina has
17 not been declared independent and we need to look at the entire
18 transcript that would suggest that this question, the gentleman should
be

19 given the entire transcript to read the entire transcript and only then
20 to comment on these questions. It's unfair, it's out of context.

21 MR. STRINGER: Mr. President ...

22 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, recently, you

23 complained because you were not given enough time to ask additional
24 questions. Your demonstration is the best possible demonstration, it's
25 something you should have done as part of your redirect.

Page 28737

1 The Prosecution is putting a question to the witness. The
2 witness gives an answer. If you don't like that answer, then you can
3 deal with that in redirect. All the time spent on raising objections is
4 time that comes off the time for re-examination. Of course you don't
5 like that answer but now you are testifying in -- on behalf of the
6 witness. You are testifying.

7 MR. KARNAVAS: Make a couple of things clear because you are
8 fundamentally flawed in your logic that redirect is based on whether we
9 have sufficient time or not. That is not the basis, that's not the
10 adversarial system, that is not the practice in any other court. And I
11 dare say that after all these years, I'm rather shocked that this is the
12 policy that has been adopted in this Trial Chamber with respect to my
13 defence. Not with the Prosecution, but my Defence. That's first and
14 foremost.

15 Secondly, when you limit my time as you have, I ask for, I ask
16 for some 150 or 60 hours, when I only have a certain amount of time to
do

17 a direct examination, and then you give me this answer well I should
have

18 done this on my direct well then give me the time but you're asking me
to

19 waive one right of the accused in order to benefit of the other. That is
20 fundamentally flawed and unfair and what I'm saying in this particular
21 instance, I have no objection to that question. However, it needs to be
22 put into context. You indicated based on what Mr. Kovacic had raised

23 that we need some context. This -- you're taking one sliver out of this
24 entire event and he's being asked: Is this a possibility? And then he
25 injected the word policy. Well let's put it into context. Let's look at

Page 28738

1 the entire events, let's look at what is the conclusion of this but let's
2 give the gentleman an opportunity to be fair and -- let's get to the
3 truth.

4 I can cherry pick all day long. That's not the position that
5 we've taken. And we've asked based on what Mr. Kovacic said, we want it
6 in context. Let's put it in context in the historical context and in the
7 context in which this discussion was being held. And I object to the
8 word "policy." That's something for you to decide not for the
9 Prosecution to keep claiming that there is a policy.

10 JUDGE TRECHSEL: Mr. Karnavas, if you look at the text that we
11 are dealing with, the word "Croatian policy" comes up twice immediately
12 after another towards the end of the first paragraph of page 106. And
13 all Mr. Stringer was doing was asking the witness: Did he know about
14 this, that this was held by Mr. Tudjman and he can say yes or no, but
the

15 Chamber is very well aware that this is an excerpt and a single aspect
16 and it will -- it will evaluate this in as much context as we get and we
17 have a lot of time or -- and I think there was no question now of in any
18 way reducing the time for redirect. So I think Mr. Stringer you will
19 best continue now.

20 MR. KOVACIC: Your Honour, particularly with this transcript, we
21 really will have a problem if I may switch to Croatian language, sorry.
22 [Interpretation] So far, based on the standards for the admission of
23 evidence you introduced, we have admitted -- we have had admitted pieces

24 of evidence numbering 1 to 2 pages which came from the presidential
25 transcripts. Now, specifically speaking of this particular transcript we

Page 28739

1 have before us, 1 to 2 pages of it will be admitted into evidence, I'm
2 speaking of this particular transcript which relates to the meeting of
3 the 27th of December, 1991. It has to be read throughout and none of the
4 facts contained in the transcript can be used for the purpose of, of
5 course, establishing the fact which is what you do as the Trial Chamber,
6 without having read the entire transcript from page 1 to the last page.
7 Only then can one really gain the full picture of what the meeting was
8 all about once you've read everything, you will be able to see that this
9 was a brainstorming session as is normally said in the western world.
10 Now, the Prosecutor is, as my learned friend put it, cherry-
11 picking certain segments out of this brainstorming session and on the
12 basis of this, it will be suggested to you, Your Honours, to render a
13 decision on the basis of that. This is just one out of the numerous such
14 instances and this is a crucially important one. I can tell you that all
15 of us here have been involved in the case for so long, even during the
16 pre-trial stage and we are thoroughly familiar with the transcript and
17 we
18 all know that it is -- its implications are not what is being portrayed
19 here. It is not about the policy of Croatia back in 1991. We claim that
20 it is not and you will not be able to realise whether it is the case or
21 not because you will only be admitting two or three pages of it.

21 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, I fully agree with
22 you. The only thing I wanted to say is this: The Prosecution or the
23 Prosecutor is putting his case. He puts a question, the witness answers
24 that question. All right. As far as you are concerned, as part of your

25 cross-examination or as part of the presentation of your own case,

Page 28740

1 through your own witness, you will be in a position to come back to that
2 question and tell the witness, this witness or another witness, "Well the
3 Prosecution asks such and such a question and receives such and such
4 answer but wasn't this taken out of context? Isn't this portion of the
5 transcript taken out of the context of the whole meeting?"

6 I think that's the proper way to proceed rather than get on your
7 feet and start shouting objections because what some of you not all of
8 you but what some of you seem to forget is that you're dealing with
9 professional judges and for the past two years, we've been working on
10 this case. We -- it's something that's on our mind 24/7. The Prosecutor
11 is doing his job as he sees fit. He receives an answer that may suit you
12 or not, but if you believe that some information has not been provided
13 to
14 the Bench, then you will be free to provide this information but you do
15 not need to do so to raise objections. You will have the opportunity to
16 do it later.

17 Here, we are working in an adversarial system: One of the
18 parties puts his case, the other one its own case, and that's the way it
19 works. Here we are dealing with policies, the banovina is mentioned in
20 this text, it's also mentioned in the constitution as you are well
21 aware,

22 and the Prosecution is entitled to put a question to the witness. We'll
23 see what the witness says. I have no idea what he's going to say.

24 He hasn't had time to answer, but you've already raised many
25 objections. Let's wait and see. You never know. The witness's answer
26 might be agreeable to you because you seem to think that the Judges are
27 silly and won't understand what it's all about.

1 JUDGE TRECHSEL: [Previous translation continues] ... pages of
2 this document are to be found on the e-court so everything is in fact
3 here. It's not just -- but Ms. Alaburic, you had another point.
4 MS. ALABURIC: [Interpretation] Your Honour, thank you. I don't
5 have an objection to raise against Mr. Stringer's question. I would like
6 to draw your attention to one issue. I believe that the question
7 contains a premise that needs to be clarified. The question relates to
8 and I will be quoting a part of the transcript, to Bosnia and Herzegovina
9 as it is today.
10 I believe it would be very helpful to see what Bosnia-Herzegovina
11 was like in the month of December of 1991 because by then, Croatia and
12 Slovenia had already declared their independence, I believe that it is
13 important to define this before the witness is allowed to answer the
14 question because then there will be no misunderstanding upon hearing the
15 witness's answer.
16 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, you are
17 absolutely right. Thank you for your comment. But we are professional
18 judges and of course we've identified this problem and of course we know
19 that at the time, Bosnia and Herzegovina was not a member of the United
20 Nations. Of course I'm aware of that. You are dealing here with Judges
21 who are well aware of all these facts. The Prosecutor may have given
22 that additional piece of information but he may have assumed that we
23 were aware of the situation in December 1991. He knew that we were
24 knowledgeable about this.
25 Now, taking into account the various interventions by

1 Mr. Karnavas, Ms. Alaburic, Mr. Kovacic, and the Judges, you may proceed,
2 Mr. Stringer.

3 MR. STRINGER: Thank you, Mr. President. And for the record, I
4 think Judge Trechsel has already indicated, the entirety of this
5 transcript is already in evidence in this case and I'm putting the
6 Prosecution case to the witness. The word "policy" is an extensive
7 aspect of this witness's direct examination. The word "policy" is an
8 extensive part of this conversation. I recognise that the witness wasn't
9 present, but if things are being said and things are being done that the
10 witness does not know about, then that bears on his views in terms of
11 what the policy was or was not and that's what this is about,
12 Mr. President. I hope that it's clear.

13 Q. With respect, Mr. Ambassador, I am putting to you our case that
14 there were features of Croatian policy that you were not aware of.

15 JUDGE ANTONETTI: [Interpretation] Yes. Sorry for interrupting
16 you, Mr. Stringer, but this morning, I myself put a number of questions
17 to the witness. I asked him if there were minutes taken at these
18 meetings. As you can see, I had anticipated this issue and we received
19 an answer from the witness. I could also have asked him what happened
20 when the president of a republic received people from overseas. My
21 colleague doesn't seem to understand what I'm saying so I'm going to
22 repeat.

23 In such cases, would there be press statement stating that
24 Mr. Tudjman has met X or Y and would there be reports in the press after
25 these meetings? And at the time, were you made aware of such meetings,

Page 28743

1 Witness? Because that's the way it happens everywhere in the world when
2 President Chavez meets X or Y, I suppose that you will have reports in

3 the press stating that Mr. Chavez met such and such person.

4 So at the time, in December 1991, were there reports about this

5 in the press and can we assume that anybody reading the newspapers or you

6 yourself would have been made aware of what had happened?

7 Yes, my fellow Judge wants to take the floor.

8 JUDGE TRECHSEL: I think we should not continue interrupting.

9 This is a phase where the Prosecutor carries out its cross-examination

10 and we should let him do his job.

11 Mr. Stringer, please.

12 JUDGE ANTONETTI: [Interpretation] I would like the witness to

13 answer my question, a very technical question that has nothing to do
with

14 the cross-examination. My question is: Witness, when President Tudjman

15 would meet someone, was -- were there minutes taken? It's a very

16 straightforward question that can be put in relation to this particular

17 document but that -- to any document.

18 THE WITNESS: [Interpretation] Minutes were taken of government

19 meetings. Now, I don't know whether minutes were made of the meetings

20 where Tudjman was present. As far as I know, the transcripts are the

21 result of some tape recordings that were then transcribed. What I can

22 tell you is that there existed official minutes made of government

23 meetings.

24 JUDGE ANTONETTI: [Interpretation] This is not an answer to my

25 question. Yes, you're talking about government -- the government, but

Page 28744

1 what I'm interested in is what happened when the president would meet

2 other people.

3 THE WITNESS: [Interpretation] I think, I'm not quite sure because

4 that was the decision taken by the president himself, whether there
5 existed records of meetings or not when the transcripts were made or
6 better said, when the recordings were made, I noticed that there were
7 exchanges at the meeting. I didn't realise that there was anyone there
8 taking notes.

9 JUDGE ANTONETTI: [Interpretation] Thank you. Mr. Stringer, this
10 has now been clarified. You may proceed.

11 MR. STRINGER:

12 Q. Mr. Ambassador, it's been a while since we've spoken so let me go
13 back to the passages that I was reading to you before and I'm not going
14 to read it all again but it's President Tudjman talking about, at that
15 time, December of 1991, at least, "... not even some sort of
16 cantonization with a continuing existence of Bosnia-Herzegovina would
17 mean for us the solution which is the solution of demarcation." Then he
18 goes on and he makes reference to the banovina of 1939. "That this is
19 not in the interests of Croatian policy as Croatian policy would in this
20 way be permanently frustrated by the demographic and territorial loss in
21 Bosnia and Herzegovina." And then he makes reference then to the
22 preamble to the Croatian constitution and the bano or the banovina of
23 1939. So this is what I'm going to put to you and you can feel free to
24 agree or disagree with me but this is the views that we want your
25 evidence on.

Page 28745

1 Is it true that President Tudjman was at this time discussing the
2 possibility of restoring the banovina from 1939 which was lost during
3 World War II and doing so in order to accomplish a demarcation of --
4 territory of Bosnia-Herzegovina and to make that territory part of a
5 Greater Croatia or banovina as that territory was set out from 1939?

6 A. Nothing of what you just stated is true.

7 Q. All right. Well let's break it down then. Because we talked
8 about President Tudjman's book of 1991 in which he discussed the
9 unnatural aspect of Bosnia-Herzegovina in relation to Croatia. And in
10 his book he also made a reference to the banovina. So isn't it true,
11 then, that the events in Bosnia-Herzegovina for whatever reason, in his
12 view, favoured restoration of the banovina as something that would be in
13 the interests of the Croatian state. Do you disagree with me on that,
14 restoration of the banovina would not have been in the Croatian state
15 interest?

16 A. I definitely disagree. The Croatian banovina is a fact of the
17 past. I have not been referring to the Croatian banovina, you have.
18 Tudjman has never talked to me about the Croatian banovina.

19 Q. Yesterday in your testimony, I believe you said that the
20 territory of the Croatian community of Herceg-Bosna had no borders; is
21 that what you said?

22 A. Correct.

23 Q. Were you aware that in the decree on the proclamation of the
24 Croatian Community of Herceg-Bosna, they identified a number of
25 municipalities within Bosnia-Herzegovina that were to serve as the

Page 28746

1 territory of the Croatian Community of Herceg-Bosna?

2 A. No. The founding document of the Croatian Community of
3 Herceg-Bosna mentions the areas where Croats were present. It doesn't
4 mention any borders or municipalities, for that matter. You had
5 municipalities where Croats were in a minority or in a majority or where
6 there was a half-half situation. The situation was quite unclear,
7 particularly in Bosnia where there was mixed population as opposed to

8 Herzegovina where there was a large area populated by Croats.

9 Q. So in your view, then, the Croatian Community of Herceg-Bosna did
10 not extend to borders or municipalities per se?

11 A. No. On the contrary, there were attempts, as I said yesterday,
12 there were attempts to change the borders of certain municipalities in
13 order to make it easier for these people in order not to put one group
14 in
15 a subordinate position vis-a-vis the other group.

16 Q. Before we move on now, I promised that we'd give you time to
17 answer Judge Prandler's question and so if you want to do that now, feel
18 free to do so. My only request, Mr. President, is if that time could be
19 assigned to the Trial Chamber and not to the Prosecution.

20 JUDGE ANTONETTI: [Interpretation] Yes, you're absolutely right,
21 Mr. Stringer.

22 One a Judge puts a question, the answer given is not taken from
23 the time given to the party which is why sometimes Judges don't put
24 questions.

25 THE WITNESS: [Interpretation] I would like to finish my answer to
26 Your Honours. The question was asked by one of the Judges about this

Page 28747

1 document. I would like to slightly correct what I said yesterday because
2 now it turns out that in a certain way I had something against
3 Mr. Kotroman. I was thinking about it overnight and I recalled that I
4 had met him, but I never had any particular discussions with him;
5 however, one of the Judges has warned me that this was not only the issue
6 pertaining to Mr. Kotroman but to an entire group of people who wanted to
7 see the unification of one part of Bosnia-Herzegovina with Croatia.
8 Yesterday, I mentioned that there were such aspirations and there

9 are such aspirations everywhere. For example, the Hungarians in
10 Slovakia, some of them would like to unify with Hungary. Also, the
11 Hungarians living in Subotica would like to be unified with Hungary.
12 The Serbs wish to be unified with Republika Srpska. Therefore
13 there are such aspiration and one such aspiration was expressed in this
14 document when these gentlemen expressed their wish that after many
15 centuries, they become again part of the Croatia as was the case in the
16 Middle Ages and they thought that would be a good idea to have this part
17 of Bosnia-Herzegovina; however, they could not be very accurate
precisely
18 because the Croatian Community of Herceg-Bosna did not have borders, as
I
19 said and as it is very clearly established on the document on the
20 establishment of the Croatian Community of Herceg-Bosna.
21 I discussed this issue with President Tudjman. The gentleman
22 from the Defence team mentioned, and I confirmed that I did have a few
23 meetings with President Tudjman at the time referred to by the
Prosecutor
24 Stringer why was Tudjman opposed to the wishes of these people? I will
25 tell you now exactly what my discussion with President Tudjman was

Page 28748

1 regarding these wishes.
2 Number one, the Badinter Commission and let us not forget that
3 this commission was part of the mediation body that was acting on behalf
4 of the EU or rather European community at that time, and that refers to
5 not changing the borders.
6 MR. STRINGER: I apologise for accounting you off and if the
7 Trial Chamber wishes for you to continue, obviously you will be asked to
8 do that. I'm just mentioning now that my intention is actually to go to

9 some of the international agreements because you're starting to refer to
10 international agreements or negotiations such as the Badinter
Commission.

11 So my proposal, if the Trial Chamber agrees is to move to the joint
12 statement of April 1993 rather than continue with, I think what is
13 possibly becoming a bit of an unwieldy --

14 MR. KARNAVAS: Your Honours, this is the second time Mr. Stringer
15 cut off the witness. I don't mean to object but I believe he was
16 answering the Judge's question. Now if the Judge wishes to cut the
17 gentleman off, then it's up to the Judge. He may be satisfied with the
18 answer but I believe that the gentleman is entitled to provide a
19 answer. He's trying -- he's attempting to answer completely and I think
20 we should allow the witness to fully answer the question.

21 I realise that we have time constraints but I think out of
22 respect we should listen to him.

23 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Stringer.

24 Mr. Karnavas has just said that when a question is put by a Judge, well,
25 the witness answers the question. I feel that he answers the question

Page 28749

1 controlled by the Judge putting the question. I won't interfere.
2 When a Judge raises an issue it's not for me to say whether it's
3 a good or bad question, I don't have anything to say even if I don't
4 understand the questions at the times, but the witness answers based on
5 the Judge's question.

6 If you now intervene, this might be detrimental to the question
7 in it's completeness.

8 From what I understand, maybe I'm wrong but the witness wanted to
9 give more details about Mr. Kostroman compared to yesterday. That's what

10 I understood. I think it's best for him to finish and then you can go
11 back to the international agreements because you want to review them
12 with

12 him.

13 But Judge Prandler is the one controlling matters here.

14 JUDGE PRANDLER: Thank you. I'm of course aware of the time

15 factor and the time constraints as was mentioned by Mr. Karnavas, that
16 is

16 number one.

17 Number two that yesterday when I asked the question, I prefaced

18 my question with the acknowledgment that of course the witness was not

19 there at that meeting which was when the issues were discussed according

20 to the presidential transcript. So my question was the following:

21 The -- since we spoke about the citizenship and we spoke about the

22 relevant provisions of the constitution of the Republic of Croatia and
23 we

23 spoke about the situation of the naturalization and which gave very wide

24 latitude as far as the legislation is concerned to recognise as Croats

25 all those in the diaspora and elsewhere therefore I asked if that very

Page 28750

1 transcript where Mr. Ignac Kostroman as secretary of the HDZ at that

2 time, when he reported about the decisions taken by the governing board

3 to put it simply of the HDZ, all those relevant issues which you have

4 there on page 21 of -- 21 of the transcript, they are item 1, position to

5 item 2, item 3, et cetera, my question was if the witness, if

6 Ambassador Sancevic sees any linkage, a link of those issues which are --

7 which have been discussed there and raised there as well as the issues

8 which were related to the citizenship. In other words, somehow I believe

9 that was a euphoria among the Croats at that time that they belonged to

10 the same nation, they have to be treated, let's say it is my view at
11 least or it is my impression that like in Herceg-Bosna as well that now
12 it was a historical moment when their aspirations could be satisfied.
13 Both in terms of nationality, citizenship, and as far as the territorial
14 arrangements are concerned.

15 It was my impression that that is why I asked the question if
16 there was any linkage, any kind of joint common views expressed from the
17 official circles of Croatia at that time, that is President Tudjman and
18 the government as well as the participants of the HDZ leadership in
19 Herceg-Bosna.

20 So my question is if the witness, if Ambassador Sancevic believes
21 that it was correct, my impression correct that there was certain
22 linkage, certain cooperation between the two parts of - let me put it
23 this way - of the Croatian nation?

24 THE WITNESS: [Interpretation] I can give you a specific answer to
25 your question. Before this transcript, the Badinter Commission had

Page 28751

1 established that no frontier can be changed in the eastern or
2 southeastern Europe, period. That was accepted by President Tudjman and
3 that is what we discussed. Therefore, it was an obligation to abide by
4 Badinter's decisions. There can be no change of borders. Therefore,
5 this wish, unfortunately, expressed by these gentlemen could not be
6 fulfilled.

7 The second reason is you know that there was a Serbian so-called
8 republic in Croatia. If the gentleman from Bosnia-Herzegovina would join
9 Croatia, then the gentleman from the Serbian Republic of Krajina could
10 easily join Serbia. Therefore, that was the second argument against
11 Tudjman's acceptance or even giving any thought to any unification

12 between Herceg-Bosna and Croatia.

13 There's another reason pertaining to this issue. From the very
14 beginning, since there could be no change of borders and since
15 consequently there could be no joining or unification between any
16 parties, and since the chief argument of the state of Croatia was that
17 there could be no cessation of the republic of Serbian Krajina from
18 Croatia equally, there could be no unification between the republics --
19 sorry not to the republic but rather the Community of Herceg-Bosna and
20 Croatia.

21 Ever since then but even before that time when the Badinter
22 Commission had taken these decisions, the policy pursued by
23 President Tudjman, i.e., the Croatian state policy towards Bosnia and
24 Herzegovina was to preserve Bosnia and Herzegovina definitely as a
25 friendly state, et cetera. Because there was another thing. If the

Page 28752

1 greater Serbs managed to divide Bosnia-Herzegovina then we would have the
2 state of Serbia about 100 kilometres away from Zagreb. That was the
3 third argument put forward by President Tudjman and in my talks with him,
4 why the proposal made by people who wanted to see the unification could
5 not have been accepted.

6 From that point on, both President Tudjman and his government and
7 myself as the ambassador and the representative of the Croatian
8 government implementing the Croatian state policy towards Bosnia and
9 Herzegovina, we were all in favour of Bosnia and Herzegovina because we
10 saw it as the only solution, and we managed to persuade and to convince
11 the gentlemen who had wanted unification with Croatia that this would
not

12 be in anyone's interest and that our official policy was -- meaning the

13 policy of the Croatian government and the Croatian state, was the
14 preservation of Bosnia and Herzegovina and the protection of the
Croatian
15 communities according to the constitution within Bosnia and Herzegovina.
16 Hence, this permanent aspect -- Tadjman tried to persuade these
17 people by telling them: This is very well, gentlemen, that you wish to
18 see this that you are deriving arguments from the past but you have to
19 face the reality. You have to face the facts. Therefore, there can be
20 no possibility for this to become a reality. And President Tadjman
21 managed to convince the people around him. And I persuaded everybody
22 else in Bosnia and Herzegovina that we had to abide by the policy laid
23 down by the Badinter's Commission and to see which will be -- and to see
24 that that will be most beneficial for Croatia.
25 I don't know if I was too explicit in my answer but if you need

Page 28753

1 any further details, please do ask me.
2 JUDGE PRANDLER: Thank you very much, Ambassador Sancevic. Let
3 me also say that I have been interested in the issues and I appreciate
4 your answer because of the fact that personally, I am very much
5 interested as a Hungarian as you may know and since you referred to
6 instances when Hungarians around the present Hungary, I was also
7 interested in certain better solutions than exist nowadays and that is
8 why I asked the question yesterday when we spoke about the nationality
9 and the issue of the citizenship, et cetera.
10 I appreciate your answer. Thank you.
11 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.
12 MR. STRINGER: Thank you, Mr. President.
13 Q. Mr. Ambassador, then, I wanted to take you to the next exhibit

14 which is marked as P02088, and I believe this is one that you were shown
15 on your direct examination. It is in -- it will be in the Prosecution
16 binder, I believe. No, I'm sorry, Defence binder 2088. This is the
17 joint statement dated 24th of April, 1993. This was the one which makes
18 a reference to the Vance-Owen Peace Plan. It bears the signatures of
19 Mate Boban and Mr. Alija Izetbegovic and with President Tudjman as
20 witnessing the document.

21 Just to sort of set the context?

22 A. P05088.

23 Q. 2088.

24 A. [In English] D05088.

25 Q. No, I'm sorry P as in Prosecution. 2088. It may be on the ELMO,

Page 28754

1 on the screen I'm not sure. Yes, it's also on the screen in front of
2 you, Mr. Ambassador.

3 A. [Interpretation] Please go ahead.

4 Q. I will set the context here. April of 1993, you are the Croatian
5 ambassador to Bosnia and Herzegovina?

6 A. Yes, I was.

7 Q. This document, the joint statement actually includes your name at
8 the beginning as a person who was part of the Croatian delegation?

9 A. That's correct.

10 Q. And in terms of the context here, April 24th, 1993, we had only
11 about nine or ten days earlier seen some serious conflicts break out in
12 Central Bosnia between Croats and Muslims; do you recall that?

13 A. Between certain Croats and certain Muslims.

14 Q. Would you agree with me that there were military conflicts
15 between the HVO and the Muslim armed forces in Central Bosnia at that

16 time?

17 A. Mr. Prosecutor, as the connoisseur of the situation, I must tell
18 you the following: There were various war lords there. There were
19 people who single-handedly did certain things because within these armed
20 forces, there were elements from the former Yugoslavia, there were
21 elements who had come from abroad, there were elements who at the time
22 existed or were emerging as military experts or commanders.

23 Let me just give you one example. I arrived in Croatia in 1991
24 as an ordinary private with the military book of the army of Venezuela
25 but in the meantime, I became a colonel. In other words, the situation

Page 28755

1 was fluctuating towards the local commander. Therefore, I am not in
2 favour of generalisations. I don't like to hear when somebody says that
3 the BH army was in conflict with the HVO. That was not the case
4 everywhere, but where did these things happen? These things happened
5 where you had extremists.

6 Q. Well let me try to be more specific on that because I think the
7 background here, there is a reason why this joint statement is being
8 issued, and I believe it has to do with the fact that the members of the
9 HVO units attached to the Central Bosnia Operative Zone which was based
10 in Vitez had armed conflicts with units attached to the 3rd Corps of the
11 Army of Bosnia-Herzegovina. Would you agree with me on that point?

12 A. I would agree, but I wouldn't say all of them because even in
13 Central Bosnia, there were units that were not in conflict with each
14 other. Only the units that were run or under the supervision of
15 extremists were the ones who entered conflicts.

16 Q. Well, I mentioned Vitez in the Central Bosnia Operative Zone now,
17 do you know if that Central Bosnia Operative Zone was under the command

18 of a Mr. Tihomir Blaskic?

19 A. Sir, you are now taking me to the territory which is -- with
20 which I am not familiar with. I was not involved in the Defence. I was
21 a political representative. I was an ambassador. Therefore, now you're
22 asking me a question I don't know who started when and who the commander
23 was. I had the general idea of what was going on, but it's really absurd
24 for me to go into details.

25 It is true that I did make the maps made by Mr. Praljak, but you

Page 28756

1 will not find in those maps the names of the commanders because that was
2 not within my purview.

3 Q. You just said that the connoisseur of the situation, that was the
4 word that was given to me in English.

5 A. [In English] Could you repeat? Could you repeat?

6 Q. You had indicated that you were the connoisseur and so I thought
7 you were the ...

8 A. [Interpretation] Of the general situation, but I never got
9 involved in military matters because I didn't want to do that.

10 MR. STRINGER: Could I get an interpretation of the last ...

11 A. And I think that was a right thing to do.

12 JUDGE ANTONETTI: [Interpretation] One follow-up question.

13 Witness, you answered the question but I think there's something
14 missing.

14 You were the ambassador. Normally speaking, you had a load of
15 information coming to you. I suppose so. I don't know. If something
16 happened in Bosnia and Herzegovina, something reported by the
17 international media, would Mr. Granic or the Ministry of Foreign Affairs
18 call you to ask you to send a report, a telegram on the said event? Did

19 that sort of thing happen or not?

20 THE WITNESS: [Interpretation] Yes, it did happen that I regularly
21 sent my reports. They were very modest, very reduced because I at one
22 point realised that my diplomatic mail was being checked and that's when
23 I reduced my reports to five sentences, to a piece of paper, and the
24 only thing that you could see there was President Tudjman and Minister of
25 Foreign Affairs Mate Granic, three lines, five lines, that was all. What

Page 28757

1 mattered was the synthesis of the situation in Bosnia and Herzegovina.

2 In my reports, I never ever mentioned any details.

3 MR. STRINGER:

4 Q. So -- and that's just in context. The joint statement, then, is
5 being issued in the wake of a fairly serious military conflict that had
6 taken place in Central Bosnia; is that true?

7 A. Yes. Yes.

8 Q. And we have Lord Owen is directly involved in this joint
9 statement. I take it, then, that there was fairly intense international
10 pressure on the HVO or the Bosnian Croats, if you will, and the Bosnian
11 Muslims to reach some sort of an agreement to diffuse the situation.
12 Would you agree with me on that?

13 A. I would agree that that was the goal of one part of the
14 international community. There was no complete consensus on the part of
15 the international community. I can tell you that some even showed that
16 they were in favour of the Greater Serbian side.

17 Q. You know, I think you might be referring to something that we
18 read in your book. I know that you've written in your book, and you've
19 been fairly critical of certain members of the international community

20 along the lines that you've just mentioned, that is, that certain powers
21 in the international realm, in fact, favoured, in your view, a conflict
22 between the Croats and Muslims because that would enhance or would
23 facilitate the Greater Serbia. Is that your view?

24 A. What I wrote, and I'm here to tell the truth and nothing but the
25 truth, and I adhere by that truth. What I wrote has been written and

Page 28758

1 that is why at least in my book, I have evidence for that.

2 Q. Let me take a few moments to explore that with you,

3 Mr. Ambassador while we're on it. I'm going to jump ahead in my outline
4 so it's going to take me just a moment to find the document.

5 Well, let me just come back to it because I'm not ready to go

6 there and I don't want to take more time. Yesterday Judge Trechsel in
7 the context of this and the Medjugorje Agreement that followed on the
8 18th of May, Judge Trechsel asked whether, in your view, the parties had
9 an equal attitude in respect of these agreements. I believe that's the
10 word he used.

11 I would like to explore with you, since you were a party to these
12 negotiations, in any event, whether, in fact, there was disagreement on
13 the Croatian side and the Muslim side about what these various
agreements

14 actually meant and how they would be implemented.

15 So now if you could set aside that document which is the joint
16 declaration, I'd like to take you to another one of the presidential
17 transcripts that's marked as P02059 and this one we have in sanction as
18 well so if the usher can help you get the document, Mr. Ambassador, we
19 can also put the transcript on the screen for you. P02059 and this will
20 be in the Prosecution binders.

21 This is an interesting one, Mr. Ambassador, and again I recognise
22 it's not one where it appears you were present - I could be wrong - but
23 it's a transcript of a meeting that occurred that same night of 24 April
24 1993 just before this joint declaration was issued because if you go
back
25 to the joint declaration, and you don't have to do it but on the second

Page 28759

1 page -- or I'm sorry, the final page, you see that it was actually issued
2 on the 25th of April, 1993 at quarter before 1.00 in the morning.
3 Now, this transcript is in fact the transcript of a meeting with
4 Tudjman, Mr. Izetbegovic, and also Lord Owen and this is actually the
5 transcript of the discussion that precedes the issuance of that joint
6 declaration.

7 So getting back to the question, the interpretation of the
8 parties and whether the parties shared the same views, there are some
9 comments and there are some remarks in here that are made that I would
10 like to direct you to and see if you can comment on that.

11 That starts on page -- I'm sorry, page 11 of the transcript which
12 will be the same in both languages because this is early in the meeting
13 and each of the parties makes sort of an opening presentation. These are
14 some of the things that President Izetbegovic says. I'm going to move
15 now actually to page 12, which is the next page. This is what he says,
16 they're talking about the Vance-Owen Peace Plan.

17 "Our impression is that the HVO and the Republic of Croatia do
18 not want the Vance-Owen Plan as it stands." This is Izetbegovic talking.
19 He says, "First of all, we accepted this plan because we thought that
20 Bosnia and Herzegovina could not contain some exclusively ethnic and
21 national territories because it is a mixed country."

22 Then he says, skipping one line, "Judging by the HVO actions,
23 they understood this plan in a completely different manner. Despite the
24 fact that, under the mediation of Mr. Vance and Mr. Owen, we have signed
25 a document, an agreement, whose first item explicitly says that the

Page 28760

1 provinces are not national territories of any one of the peoples who
2 cannot lay claim to it only for themselves. If we have signed this ..."
3 he says.

4 Then skipping down a couple of lines, he says, "In other words,
5 Herceg-Bosna as a state entity, as a type of state entity, could not
6 exist after the signing of the Vance-Owen Plan."

7 Then the next line he says that, "During talks with Mr. Owen, I
8 heard several times that this was only a temporary solution until the
9 problem in Bosnia and Herzegovina was solved, that Herceg-Bosna was a
10 temporary solution until some other solution was found."

11 So I've got some more passages but just based on that, this is my
12 question: You testified yesterday that Mr. Izetbegovic unreservedly
13 signed the Vance-Owen Peace Plan and my question to you is whether, in
14 fact, he had strong reservations and those were the kinds of
reservations

15 that he's expressing here about the way in which the Vance-Owen Peace
16 Plan is being interpreted by the HVO?

17 A. Look, as far as the Vance-Owen Plan is concerned, the Republic of
18 Croatia gave its full support to the original text of the plan
19 irrespective of whether it was about the constitutional organisation or
20 the internal division. In other words, if the final text of the
21 Vance-Owen Plan had been accepted as it was proposed, the division would
22 have been the same as was proposed by Mr. Vance and Mr. Owen.

23 Mr. Izetbegovic and his associates accepted gladly the aspects of
24 the constitutional organisation of Bosnia and Herzegovina but they did
25 not agree with the provinces or the internal division as it was

Page 28761

1 envisaged. However, at one point, Mr. Izetbegovic signed every single
2 thing and then later on, he had second thoughts especially with regard to
3 the geographical division and he was against that so that at one point,
4 not only the Greater Serbs never accepted the Vance-Owen Plan, but also
5 Izetbegovic had his objections to the Vance-Owen Plan.

6 Croatia, on the other hand, never had any objections but rather
7 gave its full support to the Vance-Owen Plan.

8 Q. Setting aside Croatia, the Republic of Croatia, let's talk about
9 the HVO and the Herceg-Bosna people and their interpretation of the
10 Vance-Owen Plan because that's what I think President Izetbegovic is
11 referring to here and he's reporting this to President Tudjman and as
12 someone who was involved in the various discussions and negotiations,
13 would you agree with me that these were problems that Mr. Izetbegovic
was

14 expressing that, in fact, there were problems with the way that the HVO
15 was implementing the Vance-Owen Plan, that there were disagreements
about

16 what the plan means and how it should be implemented and that was really
17 the cause of the problems at this time?

18 A. Look, their situations with regard to the implementation of the
19 Vance-Owen Plan were they could not agree. But when Mr. Izetbegovic put
20 his signature on the Vance-Owen Plan, he accepted it at that moment.
21 Later on, he gave up on the plan and that was the reason and the
22 situation which led to the Owen-Stoltenberg Plan which was an amendment
23 to the original plan and the second plan was the so-called union of the

24 republics.

25 I would also like to mention that Mr. Izetbegovic, whom I knew

Page 28762

1 very well and had frequent exchanges of thoughts with him and I could
2 even say this, we were friends. Mr. Izetbegovic was always occupied with
3 the unitarian Bosnia and Herzegovina and all the plans of the
4 international community.

5 Q. I will ask you about the unitarian Bosnia and Herzegovina so as I
6 take it I'm looking at the transcript, with regard to the implementation
7 of Vance-Owen it appears to me you were saying there were situations with
8 regard to the implementation of the Vance-Owen Plan where they could not
9 agree, the parties had differences about how the plan should be
10 implemented; is that correct?

11 A. To be very specific, there were problems with regard to the
12 command post in Central Bosnia. There were disagreements as to where the
13 Croatian HVO commander was supposed to be, in which province, and also
14 where the commander of the army of Bosnia-Herzegovina was supposed to be
15 located. And there was a bit of a tug of war with regard to who is going
16 to be the boss of all bosses.

17 Q. Okay. Let me just continue with another passage. Page 15 where
18 Izetbegovic is saying:

19 "There would have been no conflict if Mr. Boban, instead of
20 sending troops to Travnik or to Vitez, had called on Mostar residents to
21 organise and participate with him in government in accordance with the
22 Vance-Owen Plan. There would have been no conflict had they called on
23 Muslims to participate in government, as envisaged by the Vance-Owen
24 Plan, if this had been the first step. They would have been more than
25 happy to accept, because a large number of people do not participate in

1 government, professors do not want to hold classes, judges do not want to
2 go to courts, policemen do not want to join in, because everywhere they
3 are told they have to accept and write an application to Herceg-Bosna,
4 and they want to establish a Mostar province."

5 He says, "We have accepted the Mostar province, but we have not
6 accepted the Croatian Community of Herceg-Bosna. We have accepted the
7 Vance-Owen Plan, because it envisages provinces and does not envisage a
8 Croatian Herceg-Bosna, because Mostar is not and will never be only
9 Croatian. You can terrorise Mostar for years but you will never rule
10 over it."

11 "So we can govern there jointly. Mostar cannot be governed only
12 by the Croatian people."

13 That's what Izetbegovic is saying on the night of the 24th of
14 April. Now, this, again, gets into interpretation of the Vance-Owen and
15 my question based on this one is whether, on the Croat side, the HVO
16 side, whether the HVO or Herceg-Bosna interpretation was that in certain
17 provinces under Vance-Owen, the Croats would govern exclusively and that
18 what Izetbegovic is saying here is that he does not accept that view,
19 they want to govern jointly in Mostar. Is that basically the problem
20 here, the conflict. The Croats have a view of territorial exclusivity in
21 terms of governance whereas the Muslims see something has more joint in
22 these territories under the Vance-Owen Plan?

23 A. Look, the reflection of the Vance-Owen Plan can be found on the
24 18th of August 1993 when people were elected in various provinces and
25 they all agreed.

1 Q. As of this time, I'm asking now about August -- I'm sorry, April

2 1993, at this time -- right -- there were disagreements on two sides and
3 I'm not even asking you to take a side. I'm simply asking you as someone
4 who was involved, isn't it true that the Bosnian Muslims and the Bosnian
5 Croats had strongly different opinions and views in terms of how the
6 Vance-Owen Plan should be implemented on the ground?

7 A. No, sir, I don't agree with you. You keep on generalising
8 things. Bosnian-Herzegovinian Croats, Bosnian-Herzegovinian Muslims.
9 Some Bosnian-Herzegovinian Croats and some Bosnian-Herzegovinian Muslims
10 could not agree but there were others such was Mr. Prlic and others who
11 were always prone to agreeing.

12 Q. Well let's talk about the individuals who signed the joint
13 statement, that is Mr. Izetbegovic on the Muslim side and Mr. Boban on
14 the Croat side.

15 A. The page ...

16 Q. This goes back to the -- this is the joint statement which is the
17 document itself. I can just simply -- if you will accept my
18 representation that it was signed by Mr. Boban and Mr. Izetbegovic on
19 behalf of those two and what I'm asking is in terms of the Izetbegovic
20 faction and the Boban faction, there was real disagreement about how the
21 Vance-Owen Plan was to be implement in April of 1993.

22 A. I would say the following: There was a period of time when they
23 agreed with regard to the implementation of the Vance-Owen Plan.
24 Whatever Mr. Alija Izetbegovic signed, an agreement could be reached
25 there. However, the situation was very fluid. At any given moment,

Page 28765

1 Mr. Alija Izetbegovic would again revert or rather go back to his old
2 phases of the unitarian rather than federal Republic of Croatia and then
3 when he reverted to that, then obviously the Vance-Owen Plan started

4 falling apart in a certain way and this finally led to Owen-Stoltenberg
5 Plan which was an attempt to win over the Greater Serbian side and also
6 an attempt to satisfy the Muslim side, although none of the plans gave up
7 on the federal organisation of Bosnia and Herzegovina.

8 MR. STRINGER: And I can assure you we will go to the issue of
9 the unitary Bosnia and Herzegovina as I've indicated, I'm not quite there
10 yet in my outline, but we will definitely asking your views on that.

11 I think it might be -- I'm being told we have 10 minutes,
12 Mr. President, or is it time for the break now?

13 THE WITNESS: [Interpretation] I apologise -- excuse me --

14 JUDGE ANTONETTI: [Interpretation] Ten more minutes, please.

15 MR. STRINGER: We're going to go for another ten minutes and then
16 take a break. Is that okay with you?

17 THE WITNESS: [Interpretation] Mr. Stringer, you say your
18 positions. I represented the Croatian state policy vis-a-vis Bosnia and
19 Herzegovina. Those were not my positions. Please do not use those
20 words. Just a while ago, you said, "Let's hear your positions" what does
21 it mean my positions? I represented the state of Croatia and I followed
22 an official policy, the official policy of the Republic of Croatia
23 vis-a-vis the Republic of Bosnia and Herzegovina. And I must add today
24 that --

25 MR. STRINGER:

Page 28766

1 Q. I'm sorry to interrupt. I think I was just indicating that we're
2 going to be asking for your testimony or your evidence on that. I
3 recognise that you're distinguished between your personal views and your
4 views that were expressed on behalf of the official policy but I'm just
5 talking in general terms about your evidence and your testimony.

6 Now, that's the joint declaration and it was issued just minutes
7 after this discussion that we've been referring to. In the next event,
8 the next big event, if you will, actually there are a number because
9 things are happening quickly, in May of 1993 I take it you are aware,
10 sir, that -- on the 9th of May, 1993, then, a pretty large conflict, a
11 fierce conflict broke out in the town of Mostar between, again, on one
12 side forces of the HVO and forces of the army of Bosnia-Herzegovina on
13 the other.

14 A. Correct.

15 Q. Okay. That was the 9th, 10th of May and then you move forward
16 about nine days, then, to the 18th of May which is the Medjugorje
17 Agreement that I will be asking you about. But in the meantime, there
18 was just one -- there was one document I wanted to show you to get your
19 testimony about and that's Exhibit P09602. This is in the Prosecution
20 binder. It might also be on the screen in front of you, Mr. Ambassador.
21 This is a document that I expect you have not seen but as someone who
22 was
23 a diplomat, an ambassador, I want to ask your views about this letter.
24 If you want to take a moment to read it, that's fine. It's
25 called a note verbal, it's dated the 6th of May, 1993.

25 A. Yes, I can see two pages and I've not read them.

Page 28767

1 Q. It's called a "note verbal" it's been issued by the office of
2 Mr. Mate Boban and you can see at the bottom of the second page it's
3 being directed to the Secretary-General of the United Nations Security
4 Council and other countries. If you want to take a moment to read the
5 entire letter, you can otherwise I can just go over it with you together
6 okay.

7 In this letter, Mr. Boban makes a reference to a meeting, a joint
8 session of the political bodies of the Croat people in Bosnia-Herzegovina
9 and the Presidency of the HDZ for Bosnia-Herzegovina. This joint session
10 that was held in Citluk on the 29th of April chaired by Mr. Boban a
11 Mr. Franjo Boras as president as well, as well as a Mr. Mile Akmadzic.
12 Do you know those gentlemen, Mr. Boras or Mr. Akmadzic?

13 A. I know Mr. Franjo Boras. I know Mr. Miho Lasic because he was my
14 minister in the embassy of the Republic of Croatia and I also know
15 Mr. Akmadzic because when Mr. Akmadzic was the prime minister, I asked
16 for his permission to allow the Croatian troops then to
17 Bosnia-Herzegovina and he granted that permission.

18 Q. When was that by the way?

19 A. That was before the new liberation of Dubrovnik, President
20 Tudjman had informed me that -- the coastal area around Dubrovnik would
21 be returned. Dubrovnik was, at the time, besieged and the Croatian
22 troops were on their way to liberate Dubrovnik. I wrote a letter to
23 Mr. Akmadzic who, at the time, was the prime minister of Bosnia and
24 Herzegovina, and I asked for his permission for the Croatian troops to
25 be allowed to enter a part of Herzegovina because in that narrow area of
the

Page 28768

1 former Dubrovnik republic, it was absolutely impossible to realize or
2 carry out some military operations because the area was so small and
3 narrow and Mr. Akmadzic in agreement with Mr. Izetbegovic granted us
4 permission for Croatian troops to be allowed to enter the territory of
5 Herzegovina.

6 Q. And Mr. Lasic, when was he the minister in the Croatian embassy?

7 Do you know what period of time he was there? You said he was your

8 minister, I believe.

9 A. Yes, that's what I said.

10 Q. And what period of time did he act?

11 A. At the moment when I left for Sarajevo after the Washington
12 Accords, I opened an embassy which was much bigger than the one in
13 Medjugorje because this was a very big and major embassy that was to
14 work on the implementation of the Washington Accords. I needed an
15 assistant. I needed somebody who was familiar with the situation in
16 Sarajevo and so on and so forth, and I asked for Mr. Miho Lasic to be
17 assigned to the embassy.

18 Q. Thank you. Just getting back to this letter which is the Boban
19 "note verbal" that went to the UN Secretary -General and to the others,
20 what this is is sort of an announcement that after consideration these
21 following conclusions were decided and announced. What this says is that
22 the legitimate and legal representatives of the Croat people in the
23 Republic of Bosnia and Herzegovina, number one, they deny -- do you see
24 paragraph one there?

25 A. Yes, I can see that.

Page 28769

1 Q. That the legitimate and legal representatives of the Croat people
2 in Bosnia and Herzegovina: "Deny legal validity of all decisions of the
3 Presidency and government of the Republic of Bosnia and Herzegovina
4 rendered without the participation of the elected representatives of the
5 Croat people."

6 This is number two, "Deny legitimacy for all diplomatic and
7 consular representatives of the Republic of Bosnia and Herzegovina
8 world-wide."

9 Thirdly, "They deny legitimacy and legality to newly-elected

10 officials from the ranks of the Croat people in bodies of the republic's
11 government without the confirmation of the Presidency of the HDZ for
12 Bosnia-Herzegovina."

13 And finally, they "Deny legality of representation and
14 legitimization of Mr. Alija Izetbegovic and in the function of the
15 president of the Presidency of the R BiH." That Izetbegovic is
16 considered only as a representative of the Muslims.

17 Now, I know that you haven't seen this before but as an
18 ambassador and someone who was a politician at the time, this coming
19 about 12 days after the issuance of the joint declaration, right, in
20 which the parties are going to attempt to implement together the terms
of

21 the Vance-Owen Plan and to go forward peacefully after the conflicts in
22 Central Bosnia, it seems to me, Mr. Ambassador, that issuing a letter
23 like this and sending it to the Secretary-General of the United Nations
24 as well as all the embassies of the countries where Bosnia-Herzegovina
25 has an embassy that would seem to me to be counter-productive in the

Page 28770

1 extreme and would in fact hinder efforts of the parties to work together.
2 My question is whether you agree with me whether you can comment on the
3 impact such a letter would have in the climate that existed at the time
4 of the joint statement?

5 MR. KARNAVAS: Excuse me Mr. Ambassador, before we hear that,
6 obviously there is a space in time, and I think we need to draw the
7 attention to the gentleman with respect to paragraph number one because I
8 think it's important to put it into context. The question is: Are
9 there -- are there Croatian representatives -- this is the Presidency --

10 MR. STRINGER: Excuse me, Mr. President, I'm going to object to

11 putting the answer in the witness's mouth. This witness --

12 THE INTERPRETER: Would the two speakers please not overlap.

13 MR. KARNAVAS: It's a trick question, assuming that the

14 government --

15 THE INTERPRETER: Your microphone phone is off. Mr. Karnavas's

16 microphone is off.

17 MR. KARNAVAS: Assuming that the Presidency was properly

18 functioning, I can -- I see the question as being proper but we have to

19 look at what transpired in the meantime. If that -- if we're not dealing

20 with a different government then obviously it calls into question the --

21 the legitimacy of that government and therefore, his question is

22 improper. That's the whole point.

23 JUDGE TRECHSEL: Wouldn't the witness know this and include it in

24 his answer? I think you're referring to the reason behind number one and

25 the justification for it and wouldn't that be something that the witness

Page 28771

1 would be perfectly able to comment on?

2 MR. KARNAVAS: Well, if you could switch off your mike. Now, I

3 would agree with you presumably if we had some foundation. We're

4 presuming that the gentleman knows what was happening in Sarajevo at the

5 time keeping in mind that this is -- this is in May. He was roving at

6 the time. So there is some -- there are some facts that require some --

7 that's what -- I'm trying to be fair, I'm not trying to obstruct.

8 JUDGE TRECHSEL: Would you turn off your microphone, please.

9 I have no other conception of your intervention. I'm sure

10 Mr. Stringer will ...

11 MR. STRINGER: The witness -- you know, there are some witnesses

12 who, I think, are pretty not susceptible to trick questions and my

13 impression is that this is one. The gentleman was a Croatian ambassador
14 to Bosnia-Herzegovina. He can read the letter. He's read the letter.

15 He knows what the situation was in Sarajevo at the time.

16 I've asked him, in his capacity as a diplomat, what impact, if
17 any, such language like this would have on the parties' attempts at
18 reconciliation. I think it's a fair question and I expect that he will
19 take into account the context at the time that the letter was written.

20 THE WITNESS: [Interpretation] I have to underline once again that
21 my relationships were with the government of Bosnia and Herzegovina. I
22 never interfered with the internal affairs of Bosnia and Herzegovina but
23 as far as concerned Mr. Boban and what he writes, these are his ideas. I
24 had nothing whatsoever to do with them, I'm not defending them, I'm not
25 attacking them. Mr. Boban wrote what he did and it's a fact. I do not

Page 28772

1 wish to provide any comment on something that I wasn't involved in, that
2 I did not have a specific insight into.

3 I said, didn't I, that I had contact with Mr. Boban only once,
4 that I visited him only once.

5 JUDGE ANTONETTI: [Interpretation] We're going to have a break, a
6 20-minute break.

7 --- Recess taken at 12.35 p.m.

8 --- On resuming at 12.57 p.m.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I believe you
10 want to seek clarification regarding filings and Mr. Kovacic too.
11 Mr. Stringer.

12 MR. KOVACIC: [Interpretation] Your Honour, I asked for two
13 minutes only and my learned friend agreed. The Praljak Defence made a

14 filing called Slobodan Praljak's notice regarding his intent to tender
1D

15 AA statement pursuant to Rule 92 ter yesterday afternoon. [In English]

16 like one hour ago and we discovered that there was one error

17 inadvertently, pages from 42304 were added to that submission -- this

18 material and those pages starting with 42304 up to the last page which
is

19 42292 are actually not needed in that submission. We will file in

20 writing that corrigendum during the afternoon; however, I wanted that
the

21 other parties which might read that saving their time. Thank you so

22 much.

23 JUDGE ANTONETTI: [Interpretation] Thank you.

24 MR. STRINGER: Thank you, Mr. President.

25 Q. Mr. Ambassador the last round of questions had to do with the

Page 28773

1 period of April 1993 and the issuance of the joint statement on the 24th.

2 The next sort of topic or time frame I'd like to ask you about is the

3 period of the Medjugorje Agreement that was dated the 18th of May 1993

4 and again just to set the context in the sense of the Medjugorje

5 agreement, you indicated I think just before the break that you were

6 aware of a strong conflict that broke out in Mostar on the 9th of May

7 between the HV [sic] and the Armija Bosnia-Herzegovina?

8 A. I didn't say that. I said that a conflict broke out between some

9 units of the BH army and some units of the HVO, not all of them.

10 Q. The record indicates page 76, line 13, if I said HV, I meant to

11 say HVO.

12 Where were you when the conflict broke out in Mostar on the 9th

13 of May?

14 A. I was a roving ambassador at the time based in Neum.

15 Q. So are you saying it's likely that you were in Neum or that --
16 can you tell us? Do you recall where you were? If you don't recall,
17 that's fine.

18 A. I was either in Neum where the Mostar University was housed in
19 the same hotel or I was on one of my travels in the free territory of
20 Bosnia-Herzegovina, in other words, I never entered the territory
21 controlled by the Greater Serbia aggressor.

22 Q. Did you at some point learn in any detail about the events that
23 had taken place in Mostar at the time, the ABiH, for example, had
24 headquarters in west Mostar that was captured by the HVO. I'm just
25 trying to get an idea of the level of your knowledge of the incident

Page 28774

1 itself?

2 A. I recall reading about some of the events that occurred I also
3 recall that I was on one of my travels around about that time and that I
4 came across Mr. Prlic who, to my recollection, showed to me the process
5 of rebuilding the bridges in Mostar. Do not forget that the Serbs had
6 destroyed all the bridges in Mostar.

7 Then there was an American unit there providing services free of
8 charge, reconstructing bridges in Mostar and I recall our conversation
9 there in Mostar. I don't think our conversation had anything to do with
10 the conflicts themselves. We spoke only of the positive matters as to
11 what could be done in Mostar to make it operational, to help it
12 reconstruct the bridges and so on.

13 Q. Did you go to Mostar during those days --

14 A. Yes.

15 Q. During those days, the 9th, 10th or 11th of May?

16 A. I predominantly travelled in three directions. I took one route
17 across western Herzegovina in the direction of Livno. That was one
18 route.

19 Q. Sorry to cut you off. I'm asking you specifically about the 9th,
20 10th, 11th of May. Did you go to Mostar town personally during those
21 three days at all?

22 A. I don't think I was over those three days. I'm merely telling
23 you what it is that I remember, and I remember that roughly at the time
I
24 travelled in three directions, one toward Livno, the other one toward
25 Central Bosnia, and the third toward Mostar.

Page 28775

1 Q. Thank you. Now, the conversation you had with Dr. Prlic you just
2 referred to about the bridges, was that during the first part of May or
3 did that conversation take place at a different time?

4 A. I can't set an exact date on that, I don't remember, but I
5 believe it was roughly in the early days of my tenure as the roving
6 ambassador.

7 Q. Okay. So this would have been during possibly 1992 or the first
8 part of 1993?

9 A. The first part of 1993.

10 Q. Now, getting back to Mostar around the 9th/10th of May, did you
11 become aware at some point that as part of the events there, a large
12 number of Muslims from the Mostar area had been taken out and were being
13 held at a place called the Heliodrom facility that was south of the
city?

14 A. I think that all of us came to know about this through the New
15 York Times. Since this was the source of information we had, I
16 immediately conveyed the information to my superior, Mr. Granic, who in

17 turn informed Tadjman and so on.

18 Q. Now, counsel on your direct examination, excuse me, he took me to
19 the Medjugorje Agreement and I don't need to ask you more questions
20 about the agreement itself but like I did with the joint statement from
21 April, I'd like to ask you a couple questions, perhaps, if you can shed
22 light on some of the discussions and the positions that were being taken
23 in the background during the negotiations between the parties.

24 On that point, if you would look to a different exhibit, P02441,
25 it's in the Prosecution binder. P02441. I think they can put it on the

Page 28776

1 screen also, Mr. Ambassador.

2 A. Yes, go ahead, please.

3 Q. Okay. Now, this is a document that you haven't seen before, it's
4 a UN report, a United Nations report about the meeting that occurred on
5 the 18th of May between the parties which led to the Medjugorje
6 Agreement. And I know that you are not indicated here as a participant
7 in this particular meeting, although it was my recollection from
8 yesterday that you did participate in some of the discussions related to
9 the Medjugorje Agreement; is that correct?

10 A. I was in Medjugorje. I was in Split before that. All of that
11 being within President Tadjman's action for peace. On the 18th of May,
12 the first part of the day was spent in Split at a meeting comprising
13 various representatives of the international community, there was the
14 Russian foreign minister, I can't recall his name. Then there was
15 Mr. Petersen as the ...

16 Q. At this point, we don't need to know all the participants in the
17 Split meeting, if you weren't there, but I just wanted to make sure that
18 you are a person who can tell us --

19 A. I was there.

20 Q. I'm sorry, you were there. You were not at the Medjugorje
21 meeting that's referred to in this document.

22 A. I attended both meetings.

23 Q. All right. I stand corrected. Then in terms of this exhibit,
24 2441, on the second page, there is a reference to Mr. Petersen, who was
25 talking and what he says is, among other things, is that on behalf of
the

Page 28777

1 international community, he was reiterating a strong support of the
2 council of ministers to the Vance-Owen Plan and he alluded to the shock
3 and dismay in Europe over recent events which had not only threatened the
4 hopes of Bosnia but it also affected Croatia's relations with Europe.

5 My question there, sir, is this: Isn't it true that at this
6 time, the international view, the world view was that Croatia did bear
7 some involvement or responsibility for the events that had taken place in
8 Mostar during the 9th and 10th of May by virtue of its association with
9 the HVO?

10 A. In its relations toward Bosnia and Herzegovina, Croatia -- or let
11 me put it this way. The views held by representatives of the
12 international community were divided. Not all of them held the same view
13 such as the one expressed by Mr. Petersen. It was due to Mr. Petersen's
14 views that President Tudjman wanted to have Mr. Petersen and all the
15 other important international players both in Split and in Medjugorje.
16 What was at stake was to salvage the Vance-Owen proposal.

17 Q. And for whatever reason, there was a lot of pressure on Croatia
18 in order to make that happen in the wake of the events in Mostar on the
19 9th and 10th of May.

20 A. Some of the representatives of the international community
21 grasped what was going on, especially the tendencies to create an
Islamic

22 Bosnia-Herzegovina and there were others who ...

23 Q. I'm sorry to cut you off but I was simply asking whether you
24 recall whether there was a lot of pressure on Croatia in order to make
25 the Vance-Owen Plan work. Do you recall, yes or no, whether there was

Page 28778

1 pressure on Croatia to use its influence?

2 A. There was pressure on Croatia but not in relation to the
3 Vance-Owen Plan since Croatia had been supporting it all along. Aren't I
4 right in saying that?

5 Q. Okay. If you'll turn the page, there's another passage I want to
6 ask you some questions about. What's happening here on the next page of
7 this, there's a paragraph that begins with the words, "President
8 Izetbegovic and is says, "President Izetbegovic agreed that the political
9 and military situations were closely related and that there was also
10 agreement that the Vance-Owen Peace Plan be implemented." Here we're
11 getting to this issue of implementation and what does that mean.
12 "He suggested therefore the parties start out from where they
13 were in agreement and recommended the formation of the provinces and
14 their authorities be a priority, the problem of Mostar having arisen due
15 to the denial of participation of Muslims in the local authority."

16 Now -- and then it continues:

17 "However, it would be necessary for Mr. Boban to publicly and
18 clearly admit that the republic of Herceg-Bosnia no longer existed and
19 that the formed provinces could not be considered national territories
or

20 the exclusive right of any one peoples."

21 So on that point, I'm just trying to recapture the positions of
22 the parties and your views on that based on your own involvement. We
23 looked at the transcript earlier from April 24th and Mr. Izetbegovic was
24 saying that Herceg-Bosna can't exist under Vance-Owen. And that the
25 Vance-Owen provinces cannot be the exclusive territory of any one party.

Page 28779

1 Do you recall or can you say whether, in fact, he was expressing
2 the same views then as part of the Medjugorje negotiations? Because it
3 appears to me that according to this report, he's saying the same thing
4 in May that he was saying in April.

5 A. I will put it this way: In May in Medjugorje, there existed a
6 consensus between Croatia and the Republic of Bosnia and Herzegovina to
7 follow the Vance-Owen Plan. Now, there were always some minor problems
8 when it came to the implementation of the Vance-Owen Plan, everybody
9 wanted grist to their own will, and I believe that Alija Izetbegovic
10 admitted at the time that they were in agreement, meaning him with
11 Tudjman, that the Vance-Owen Plan had to be implemented.

12 Q. Well, and I think we all accept that everyone was signing
13 agreements and saying that the Vance-Owen Plan should be implemented. On
14 that, Mr. Ambassador, we can agree.

15 I'm trying to go behind that. Let me put it to you this way:

16 When Izetbegovic says that under Vance-Owen, Herceg-Bosna cannot exist,
17 was there agreement on that point?

18 A. The Vance-Owen Plan envisaged provinces. The idea was that
19 provinces should be set up and automatically, through the implementation
20 of the Vance-Owen Plan, the provinces would be set up and Herceg-Bosna,
21 the way it, in fact, existed at the time was supposed to adjust to the
22 newly arisen situation.

23 Q. Well, under the Vance-Owen Plan, Mr. Ambassador, isn't it true

24 that there were cantons and they were all given numbers and that the
maps

25 that the Vance-Owen Plan and the ones that were signed by Mr.
Izetbegovic

Page 28780

1 and Mr. Boban made no reference to Herceg-Bosna. Can we agree on that
2 point? There were numbers, if you will ...

3 A. There were cantons and their numbers.

4 Q. Okay. And so Mr. Izetbegovic was taking the position that the
5 Bosnian -- that the Boban faction, if you will, they had to repudiate
6 Herceg-Bosna; isn't that true?

7 A. I think that's quite clear, it was quite clearly formulated in
8 the Vance-Owen Plan which Croatia supported and endorsed.

9 Q. All right. Are you familiar, do you know, if Mr. Boban and his
10 faction ever repudiated Herceg-Bosna?

11 A. The fact of the matter was quite different. The Vance-Owen Plan
12 failed -- can you allow me to --

13 Q. Sorry, if I could ask you to just answer my question and then you
14 can make the point that you wanted to make, the question is: Do you know
15 if Mr. Boban and his faction ever repudiated Herceg-Bosna? Do you know?

16 A. By virtue of accepting the Vance-Owen Plan, it became inevitable.

17 Q. Okay.

18 A. Previously, I said that what had to be done was to adapt
19 Herceg-Bosna to the Vance-Owen Plan which ultimately fell through not
20 because of the Muslim-Croat side but because of the Serb side which he
21 refused to accept the plan.

22 Q. Well, let me ask this part of it and this makes reference to the
23 next few words, setting aside the words or the name Herceg-Bosna, didn't

24 the Boban faction -- weren't they advancing a concept of Vance-Owen that
25 was based upon territories being the exclusive right of one people? And

Page 28781

1 again we see Izetbegovic is complaining about that, "... provinces could
2 not be considered national territories or the exclusive right any one
3 people." Didn't the Boban faction consider the Croatian territories or
4 provinces to be national territories for themselves, that is for Croats
5 exclusively?

6 A. No, definitely not. Under the Vance-Owen Plan, the envisaged
7 provinces were determined largely in such a way that there was one side
8 which had a predominant majority. The Vance-Owen Plan did not provide
9 for any exclusive provinces. I repeat that the Croatian Community of
10 Herceg-Bosna did not have any borders. It was the Vance-Owen Plan that
11 determined borders in terms of provinces.

12 Q. One last question on this document. The next sentence regarding
13 the Medjugorje agreement indicates that or what Izetbegovic was saying
14 was that, "The meeting should not end without first resolving the issue
15 of the civilians still detained in Mostar." That's the last sentence of
16 that paragraph. Do you recall whether 9 days after the 9th of May, that
17 is on the 18th, Muslims were still being detained at the Heliodrom
18 facility, for example, south of Mostar. Did you go to the Heliodrom?

19 A. I wasn't at the Heliodrom, I was at Dretelj, with
20 Mr. Mato Granic.

21 Q. That was in September 1993, that was later.

22 A. Whatever the date, I don't recall it specifically, I was with
23 Mr. Mato Granic and the International Committee of the Red Cross.

24 Q. And I've got some questions about that a little bit later. The
25 next exhibit, Mr. Ambassador, is P -- yes, Mr. President.

1 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Ambassador, I have a
2 technical question to put to you. We have a transcript of the meeting of
3 the 18th of May 1993 between President Tudjman, President Izetbegovic and
4 Mr. Mate Boban. I reviewed very closely the list of participants to that
5 meeting, and I couldn't find your name. I'm quite surprised to see that
6 the ambassador of the Republic of Croatia did not attend the meeting when
7 we see that the president of a republic is there and I also noticed that
8 the minister in charge of foreign affairs is not present either.
9 Do you know why you did not attend the meeting or is it so that
10 you attended the meeting but your name, for some reason, does not appear
11 on the list?

12 THE WITNESS: [Interpretation] I was not present at the meeting
13 and I don't remember why. There must have been an important reason why I
14 wasn't there.

15 JUDGE ANTONETTI: [Interpretation] Fine.

16 MR. STRINGER:

17 Q. Mr. Ambassador, the next exhibit is P10398. It's in the
18 Prosecution binder. While that one is being located, in your direct
19 examination this week, you talked about various speeches that were given
20 by President Tudjman and how they reflected the policy of the Republic
of
21 Croatia. This is a report about the speech that President Tudjman gave
22 in Siroki Brijeg on the 20th of May, 1993, two days after the
Medjugorje
23 Agreement.
24 As I understand it, you accompanied President Tudjman to Siroki
25 Brijeg on that day.

1 A. Correct. I accompanied President Tadjman.

2 Q. And Mr. Boban was present as well, I understand?

3 A. Correct.

4 Q. I think from what I've seen, President Tadjman and not in this
5 order but President Tadjman spoke, Mr. Boban spoke at some point,
6 Mr. Susak spoke, and I think in addition, you spoke, yourself, that is
7 speaking to the crowd that had assembled?

8 A. It was customary for the president of the republic not to be
9 followed by anyone, that he should be the last but I asked to be allowed
10 to deliver a speech, and the speech I delivered was a pacifist one. I
11 don't have its text but I tried to underscore that the war had to be
12 brought to a stop, that that was in the interest of all and in
13 particular, of course, of the Republic of Croatia because the entire
14 south of Croatia had an interest in the end of the war, what with
15 tourism
16 and everything else.

16 Q. Well, I can assure you that we --

17 MR. KARNAVAS: Let me just interject for a second. If we're
18 going to use this document, a more fuller translation was provided by
19 the
20 Defence, I am told that at least in the very first page there is a
21 section missing so I would refer, I would ask very kindly to use
22 1D02932,
23 that was the Defence translation. I don't know whether Mr. Stringer is
24 aware of that but it's the same document but it's a more fuller
25 translation. That's only if he's going to go to the document.

24 MR. STRINGER: Well I am going to go to the document. What I
25 have in my hand is a translation. Let me propose this, Mr. President,

1 let's put them both together because I have something that's called a
2 translation that was done by the CLSS, so I'm not sure what's meant by
3 fuller and I don't have the document in front of me. Could I just --

4 MR. KARNAVAS: I can put the very first page on it -- on the ELMO
5 and we can all see that at least you had see that there is a paragraph
6 that's missing completely. This is the first page.

7 JUDGE ANTONETTI: [Interpretation] Yes, let's do so.

8 MR. KARNAVAS: We can look at also the original version, the
9 Croatian version.

10 MR. STRINGER: We've got actually a larger copy of the Croatian
11 version that's been blown up for the witness in case he wants to read
12 directly from that.

13 MR. KARNAVAS: I can provide the part that is missing in the
14 original version. I have no objection to the use of the document as long
15 as it -- perhaps we can just refer the gentleman to the original
16 document, that might save us sometime but --

17 MR. STRINGER: Well he's got the original document. That's what
18 I'm intending to do and maybe overnight we can put the two translations
19 together and make sure that it's all there.

20 MR. KARNAVAS: That's fine. That's fine.

21 MR. STRINGER:

22 Q. You've been wanting to talk about unitary state and so this
23 is where now I had intended to ask you some questions about that -- I'm
24 referring Mr. Ambassador, I'm going to refer to a part of the speech in
25 which President Tudjman says the following, in the beginning of the

Page 28785

1 paragraph, it says, in his speech, President Tudjman also touched on. If
2 you see those words in the original language, you'll see where I'm going.

3 That's the paragraph. Then there is a quote attributed to President
4 Tudjman.

5 "In BiH, we have encountered a policy which has not been fully in
6 accordance with Croatian interests. Part of the Muslim leadership
7 believed that BiH could be developed as a unitary state in which they
8 promised civil rights and civil freedoms but the Croatian people has
9 enough experience with the entire former Yugoslavia in which the entire
10 Croatian people was ostensibly promised such civil rights and freedoms
11 which were used just as a screen for the oppression of the Croatian
12 people."

13 Then he continues, "Therefore, Croatia is interested in such a
14 state set-up of Bosnia-Herzegovina if it is to survive in which the
15 Croatian people in it are sovereign, that in areas in which it is a
16 majority, there should be no other except Croatian rule."

17 Then he goes on to talk about the Croats living here, that is in
18 Siroki Brijeg, have the right to dual citizenship because you are an
19 integral part of the Croatian people and because the existence of the
20 Croatian state depends on your existence here."

21 So it seems to me, Mr. Ambassador, that this passage sort of lays
22 out very succinctly the differing policies, if you will. On the BH side,
23 the policy is of a unitary state and on the Croatian side, the policy is
24 of a state set-up in which Croatian people in Bosnia are sovereign and
25 that where they are a majority, there is no other except Croatian rule.

Page 28786

1 So my question to you is this: Isn't it true that
2 President Tudjman was expressing the Croatian policy correctly on the
3 20th of May, 1993, when he said that in those places where Croatian
4 people are the majority, they should have Croatian rule?

5 A. What would you like me to say to you? What do you want of me?

6 Q. In your direct examination, you commented on various speeches and
7 whether they were a reflection of the Croatian policy. So my question is
8 whether this statement is also a reflection of the Croatian policy at
9 that time?

10 A. The Croatian state policy, and I reiterated that and described
11 what it was on a couple of occasions, so the Croatian state policy
12 vis-a-vis Bosnia-Herzegovina was in compliance with the constitution of
13 the Republic of Croatia. The Croatian policy was based on friendship and
14 mutual assistance between the Republic of Croatia and the Republic of
15 Bosnia-Herzegovina and the Croatian state policy provided support to the
16 international community which was seeking federalisation of Bosnia and
17 Herzegovina.

18 Therefore, what you just mentioned that some Croats were in
19 favour of the sort of unitary state, yes, there were such Croats, but
20 those were the people in Sarajevo and elsewhere in Bosnia; however, the
21 greatest majority was with the international community on this issue. I
22 mentioned Ahtisaari, Vance-Owen Plan, Owen-Stoltenberg Plan, Cutileiro's
23 plan, the contact group plan. All these plans favoured federalisation of
24 Bosnia-Herzegovina and this is mirrored in what President Tudjman said
25 here. He didn't say anything different from what had already been laid

Page 28787

1 down as permanent ground of the Croatian state policy towards
2 Bosnia-Herzegovina.

3 Q. So just so we're clear, then, the Croatian state policy was that
4 for parts of Bosnia-Herzegovina in which Croats were the majority, there
5 should be no other except Croatian rule. That was the official Croatian
6 policy.

7 A. That's not true. And please allow me to say a few words about
8 federations. There are various federations. There are the so-called
9 symmetrical and asymmetrical federations. Yugoslavia was an asymmetrical
10 federation in which there was only one who was in charge of everything.
11 The same could have happened in Bosnia-Herzegovina. For that reason, the
12 Croatian state policy was in favour of federation and it supported all
13 the proposals in that direction.

14 However, this federation was supposed to be a symmetrical one of
15 the Swiss type. In other words, every constituent people would have
16 equal rights. It shouldn't be a federation which one community would be
17 dominating the rest. That would be an asymmetrical federation.

18 President Tudjman was in favour of a symmetrical federation
19 composed of three constituent peoples with equal rights within the
20 federation.

21 Q. All right. Within the Croatian or the Croat part of the
22 federation then, it's the Croatian people and no other who would rule.
23 That's the policy?

24 A. That is completely untrue. You haven't grasped the gist of what
25 I was saying. Speaking of federation, you always have minorities within

Page 28788

1 such a structure and these minorities need to be protected. Therefore,
2 there was never any mention of having something exclusively. Probably in
3 areas where there were 90 per cent of Croats, they would probably have
4 pretty complete rule but as the percentages in different municipalities
5 varied, this implies that everyone had equal rights, Croats, Serbs and
6 Bosniak Muslims.

7 MR. KHAN: I do apologise to my learned friend. Your Honour, of
8 course it's a matter for my learned friend how he conducts

9 cross-examination, but there has been an awful lot of testimony given by
10 this witness as to the policy of the Croatian government. Now, if my
11 learned friend states that the speech given on the 20th of May is
12 inconsistent, well that should be put clearly and directly to the
witness
13 to comment on but otherwise, he has spent quite a considerable amount of
14 time describing the policy; and I do suggest to my learned friend that
if
15 it's said that this statement, this speech of President Tudjman is
16 inconsistent, that should be very squarely put to the witness to comment
17 on.

18 MR. STRINGER: It's our view, Mr. President, that the speech
19 perfectly encapsulates Croatian policy in respect to the issues of
20 sovereignty of the Croatian people in Bosnia-Herzegovina in the
21 exclusivity of Croatian rule in areas where Croats are a majority which
22 is what's being said.

23 MR. KHAN: Your Honour.

24 MR. STRINGER: That's what I'm asking the witness to comment on.

25 MR. KHAN: Well, Your Honour, the difficulty of course is, and I

Page 28789

1 won't waste too much time, but my learned friend is seeking to view a
2 speech of two or three pages as a microcosm summary of the policy of the
3 Republic of Croatia. Of course a number of transcripts and documents
4 have been gone through which are before Your Honours and the witness has
5 already stated very clearly describing all the sources why he states his
6 opinion that the policy of his government is what was stated. If this
7 says something that was different, I think it can be very easily dealt
8 with rather than beating around the bush. That's my only comment, Your
9 Honour.

10 JUDGE TRECHSEL: Perhaps one can soften the conflict a bit.

11 President Tudjman is reported as having said here that the "Croatian
12 parts should be under no other except Croatian rule." That means that
13 the Croatian nationals in that area would form the government that put
14 all this in question marks. It does not mean that there should be no
15 rights for all non-Croats living in these provinces. So this is not
16 tantamount to saying that it should be a dictatorial rule in complete
17 neglect and denial of fundamental rights to those that would not be
18 Croats in the Croat areas.

19 JUDGE ANTONETTI: [Interpretation] Witness, can you answer?

20 THE WITNESS: [Interpretation] The Medjugorje Agreement itself
21 and what followed immediately thereafter which is the appointment of
22 Mr. Prlic as the president of the government and the distribution in
23 various cantons, the numbers of Croats and Muslims et cetera with regard
24 to three provinces, the conclusion was made to distribute the presence
of
25 the Croats and the Muslims and the Serbs and if there were any other

Page 28790

1 ethnic groups in towns, so I think that this is so transparent that what
2 we have here is a proportional distribution of offices in various
3 provinces.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, we need to stop
5 here because there is another hearing in this courtroom at quarter past
6 2.00 and I'm sitting on that particular trial as well.

7 Tomorrow, you may proceed with that particular topic because you
8 have some time left. I will ask the registrar to tell me exactly how
9 much time you have left. Unless I'm mistaken, it's about an hour -- but
10 let me give you the exact figure. You have used 3 hours and 6 minutes.

11 You have 54 minutes left, give or take six minutes I had given you the
12 time you had left when I said you had about an hour left.

13 We'll reconvene tomorrow morning at 9.00.

14 --- Whereupon the hearing adjourned at 1.45 p.m.

15 to be reconvened on Thursday, the 29th day of May,

16 2008, at 9.00 a.m.

1 Thursday, 29 May 2008

2 [Open session]

3 [The accused entered court]

4 [The accused Coric and Pusic not present]

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

6 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please call the
7 case.

8 THE REGISTRAR: Good morning Your Honours, good morning everyone
9 in and around the courtroom, this is IT-04-74-T, the Prosecutor versus
10 Prlic et al. Thank you, Your Honours.

11 JUDGE ANTONETTI: [Interpretation] Thank you. Today is Thursday,
12 the 29th of May, 2008. Good morning to the accused, to the Defence
13 counsel, to Mr. Stringer and to his assistants. Good morning to everyone
14 assisting us in this case and especially to the interpreters.
15 First, I would like to turn to Mr. Coric's counsel. Why is
16 Mr. Coric not in the courtroom today and I would like to ask the same
17 thing of Mr. Ibrisimovic.

18 MS. TOMASEGOVIC TOMIC: [Interpretation] Good morning, Your
19 Honours. I haven't received any specific information as to why Mr. Coric
20 is absent from court today; however, he told me yesterday that he was a
21 bit under the weather, we know what the weather conditions are like,
22 that
23 he had problems with his blood pressure; and I believe he even hinted he
24 might not appear one of these days due to these reasons, so I don't
25 think
26 there is really a reason for concern.

27 MR. IBRISIMOVIC: [Interpretation] Thank you, Your Honour. I

1 don't have any information at this stage about Mr. Pusic but I believe we
2 will be receiving some from the UNDU, I don't think there is reason for
3 concern either.

4 JUDGE ANTONETTI: [Interpretation] Fine, Mr. Stringer, you wanted
5 to take the floor.

6 MR. STRINGER: Yes, Mr. President. Thank you and good morning to
7 Your Honours and counsel and everyone else. Just to be clear for the
8 record, I take it that counsel for Mr. Coric and Pusic have no objection
9 to proceeding today in their absence and I assume that the necessary
10 paperwork from that follow but perhaps if we could get that on the
record

11 it would be prudent.

12 I ask for just a brief moment, Mr. President, to address Your
13 Honours and I --

14 JUDGE ANTONETTI: [Interpretation] One moment, please.

15 [Trial Chamber and registrar confer]

16 JUDGE ANTONETTI: [Interpretation] Yes, please proceed.

17 MR. STRINGER: Thank you. I think it's still that we're in the
18 earlier phase, early phase of the Defence cases, I think it's worth
19 bearing in mind some of the remarks that I hope to present to the Trial
20 Chamber.

21 JUDGE ANTONETTI: [Interpretation] One moment, please.

22 Judge Trechsel draws my attention to the following. Do the Defence
23 counsel agree for the proceedings to continue without their clients? So
24 far we haven't had any problems under such circumstances because when an
25 accused is represented by counsel, counsel is there to represent his

1 client and there's no absolute need for the accused to be present.

2 Furthermore, there are instances in this Tribunal where the
3 accused have not attended a hearing because they didn't want to, for
4 example, and in those cases, the Trial Chamber told the counsel, well,
5 we'll proceed anyway.

6 What I mean to say is that the accused does not have a right per
7 se to ask for the hearing to stop. If he wants the hearing to stop, he
8 first has to ask the Chamber and the Chamber can agree with that or deny
9 the application. But you've raised the issue, Mr. Stringer, so we're
10 going to turn to the Defence counsel to ask them what they think about
11 this.

12 First of all, Ms. Tomic.

13 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

14 We are not opposed to the proceedings going ahead in the absence of
15 Mr. Coric.

16 MR. IBRISIMOVIC: [Interpretation] I don't have any reasons to
17 opposed continuation of the proceedings.

18 JUDGE ANTONETTI: [Interpretation] So you don't have to worry,
19 Mr. Stringer. Please proceed.

20 MR. STRINGER: Thank you, Mr. President.

21 On Tuesday, after Mr. Karnavas completed his direct examination
22 of the witness, there were 140 minutes available to the Prosecution is
23 what I'm told for cross-examination. Of that 140 minutes on Tuesday that
24 remained in the day, the Prosecution actually was able to use just 46 in
25 cross-examination. The other time, the other 100 minutes or so being

Page 28794

1 used by either the Trial Chamber or the parties.

2 Yesterday, during the first session, the Prosecution was able to

3 use less than half of the time that was available in the first session

4 and I'm told that the Prosecution used about an hour of the 90 minutes in
5 the second session, that is about two-thirds. We were able to use more
6 time during the final session. I wanted to raise this, Mr. President,
7 because I think at this early stage of the Defence case, it's worth
8 reminding, respectfully, everyone that the Trial Chamber's views as
9 expressed in the past have been to obviously it will ask questions and
10 intervene when it deems it appropriate but the preference is that the
11 Trial Chamber waits until all the parties have completed their
12 examinations.

13 I recognise that the Judges are professionals. So are the
14 attorneys. The attorneys spend a lot of time preparing their
15 examinations. And when lengthy and frequent interventions take
16 substantial amounts of time away from any party and certainly I can
speak
17 on behalf of the Prosecution, it does affect the quality of the
18 examination that occurs and I feel that my effectiveness was diminished
19 over the course of this cross-examination because of the frequent and
20 lengthy interventions that took place during what was supposed to be
21 cross-examination.

22 I recognise that the Judges will ask questions, and I can inform
23 you that I appreciate it. I have been involved in other cases where the
24 Judges were not nearly so active, and I can say on the behalf of the
25 Prosecution we welcome the active involvement of the Judges in this
case.

Page 28795

1 I would suggest, however, that in the course of this examination, my
2 cross-examination, the balance, that we seek and strive for has been lost
3 or was lost, and it did have an impact; and I only make these comments
4 now to see if we can all go back to the point we reached during an

5 earlier phase in the Prosecution case in which everyone, I think, was
6 going to try to exercise some restraint in respecting the other parties'
7 abilities to lead their own examinations and those are the comments I
8 wish to make, Mr. President. I'm not trying to be critical of anyone,
9 but I just thought it was worth raising this issue now since we're at
10 this early part of the Defence cases. Thank you.

11 MR. KHAN: Your Honour, I think a principal position must be to
12 support generally the comments of my learned friend with one caveat, he
13 does say at page 4, line 14, that the frequent interventions take
14 substantial amounts of time away from a party. Of course any questions
15 asked by the Bench are not counted as part of that time, but the point
16 is
17 a good one. Sometimes it is difficult to continue a flow of
18 cross-examination or examination in chief if there are frequent
19 interventions. Sometimes we are to blame by necessity we have to stand
20 up and make some objections or seek some clarification. Unless there is
21 a compelling reason or in the Trial Chamber's words, some exceptional
22 reason, I think my learned friends points are good and I would for a
23 principal point of view support them.

24 MR. STEWART: Yes, Your Honours, good morning. The Petkovic
25 Defence position is no different, and we certainly would respectfully
26 remind Your Honour that we really did have precisely the same discussion

Page 28796

1 during the course of the Prosecution case and in fact it gave rise to
2 some fairly detailed discussion and we -- Your Honours may recall we
3 actually submitted jointly in the end Defence and Prosecution, we had
4 agreed between ourselves what we felt were suitable guidelines for Your
5 Honours to issue -- you, Your Honours, issue the guidelines not us and

6 although they weren't formally issued, Your Honours did indicate that
7 very broadly, that approach which was jointly submitted by the
8 Prosecution and the Defence would be followed and that is all consistent
9 with what Mr. Stringer has said this morning supported by Mr. Khan and
10 certainly no difference from the Petkovic Defence.

11 JUDGE ANTONETTI: [Interpretation] The Trial Chamber will
12 deliberate on this. We have taken note of your comments, and we'll let
13 you know how we shall proceed in the future that's all I can say at the
14 moment. However, on my personal behalf, I could respond, of course.

15 JUDGE TRECHSEL: I would like to make a short remark. I fully
16 understand the point raised by Mr. Stringer, and I do not wish to wash
17 my
18 hands in full innocence. I would like to ask back whether you would
19 accept that we go on asking interrupting questions when they are related
20 to a document which is actually displayed and which may then disappear
21 and later it may be difficult to bring it back.

22 MR. STRINGER: It's a difficult question, Mr. President or Your
23 Honour. I used the word "balance" in my comments and I think that that's
24 the key here. Certainly there is some advantage to taking the witness to
25 a document when it's in front of him because it does take time to move
around among the many documents. But when the practice continues

Page 28797

1 extensively or repeatedly, then I think that's when the balance begins to
2 tilt in the wrong direction and it may be that there are situations which
3 the Trial Chamber, it is better to come back to a document if it looks as
4 though the Trial Chamber or if an individual judge thinks that there will
5 be perhaps a series of questions about the document. The presidential
6 transcripts, perhaps, are a good example because when you talk about

7 policy and conversations and some of the more complex issues, those are
8 issues that really don't lend themselves to a yes or no question and it
9 may be that in that situation, it's just best to come back to it later.

10 JUDGE TRECHSEL: Thank you.

11 MR. STEWART: It's really just saying what Mr. Stringer said but
12 we would say the distinction is where a fairly quick and easy resolution
13 of some doubt or some explanation of the document can be got out of the
14 way and that document can be done and dusted for that immediate purpose,
15 then by all means it makes sense to go ahead; but if it's going to give
16 rise to a line of questioning, then in exactly the same way that a
17 cross-examiner will come back to the document that the examiner in chief
18 has put before the Court, it should be left and exactly as Mr. Stringer
19 says, it's not the end of the world if we come back to an important
20 document from time to time, that's simply a necessary and essential part
21 of the process.

22 JUDGE ANTONETTI: [Interpretation] I'm not going to follow-up on
23 my fellow Judges comments because we'll consider the matter together.
24 Let me just give you a brief word of technical explanation.
25 At some point yesterday, I asked a question to the witness.

Page 28798

1 First of all, let me say that I asked no questions of the witness during
2 the examination in chief, I'm sure you have taken note of this. And you
3 yourself addressed the Medjugorje meeting and you addressed the contents
4 of that particular document. And then I noticed that the witness had not
5 attended the meeting but you, yourself, had not put any questions to him
6 about it, asking: How come the ambassador who is supposed to represent
7 his government was not even there? When I noticed that, I asked him the
8 question. Of course I could have waited for you to complete your

9 cross-examination before dealing with that, but let me remind you,
10 Mr. Stringer, that we have five binders, three red binders, two of your
11 binders. Five binders in total.

12 Sometimes you refer to documents that are to be found in the blue
13 binders without telling us whether they are found in binder 1, 2 or 3.
14 So whilst you are still talking we have to turn around, find the proper
15 binder, find the document then we have to manage to follow your
16 questions. So does it mean that we would have to put the binders back
17 again and retrieve them afterwards? When we have a document in front of
18 us, I don't see why we could not ask the question immediately, whilst the
19 document is being displayed.

20 As for the rest, I do not agree with you but that's another
21 matter. In any case, the Trial Chamber will consider your submissions
22 and will tell you what our position is, but we've taken due note of your
23 comments.

24 We are now going to have the witness brought in. We have 1 hour
25 and 4 minutes left, and I will try not to ask any questions during this

Page 28799

1 hour and four minutes.

2 MR. STRINGER: While the witness is being brought in, I wanted to
3 ask, I had heard a rumour that the President -- there's another hearing
4 in a different case in which the President needs to attend at 11.00 this
5 morning and I don't know if that's correct or not or whether it's going
6 to affect the proceedings in this case.

7 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, beware of
8 rumours. There's nothing more insidious than rumours.

9 MR. STRINGER: I heard it --

10 JUDGE ANTONETTI: [Interpretation] That's all I have to say.

11 [The witness entered court]

12 MR. STRINGER: It's a good source, anyway, if it's a rumour.

13 MR. STEWART: Your Honour, we heard the same rumour and raised

14 the same question and it just -- -- Your Honour, may we know whether
this

15 rumour has any foundation at all or is simply an absurd, malicious,

16 completely unfounded mischievous rumour because we saw an 11.00 hearing

17 on the court schedule in a matter that seems to involve Your Honour so -
-

18 but please, is it -- can this rumour be Scotched or is there something
in

19 it?

20 JUDGE ANTONETTI: [Interpretation] Mr. Stewart, for the past two

21 years, ever since the beginning of this trial, I have not missed a
single

22 hearing. I will be here today throughout the day.

23 Please proceed.

24 MR. STEWART: [Previous translation continues] ...

25 MR. STRINGER: Thank you, Mr. President.

Page 28800

1 WITNESS: ZDRAVKO SANCEVIC [Resumed]

2 [Witness answered through interpreter]

3 Cross-examination by Mr. Stringer: [Continued]

4 Q. Good morning, Mr. Ambassador, welcome back. I assure you we will

5 be finished asking questions of you today.

6 In beginning, I want to take you to a document that I referred to

7 yesterday but I wasn't able to put my hands on at the time and with the

8 usher's assistance, it's on the ELMO next to you right here,

9 Mr. Ambassador. This is from the book that you wrote and this related to

10 some remarks he made about certain segments, if you will, of the
11 international community and I wanted to ask you a little bit about your
12 views on that. For the record, this is from Defence Exhibit 1D02339.

13 Perhaps if we could put it on the ELMO, at least the English
14 version.

15 Dr. Sancevic, underneath the English translation there, you'll
16 find the actual excerpt from your book so why don't you just take that
17 part and the highlighting is from someone else, it's not from me or the
18 Prosecution so it doesn't mean anything in particular to us. But I just
19 want to read one part of this, and then we'll go from there.

20 You wrote in your book:

21 "Although political squabbles contributed to the beginning of the
22 armed conflict between the HVO and the Muslim BiH army in Central
Bosnia,

23 Rama and Mostar in the spring of 1993, I still think that the main
causes

24 were the overcrowding of Central Bosnia and the dark deeds of foreign
25 intelligence services with the British in the lead, to whom, we have

Page 28801

1 already said, it was in their interest that the Muslims and Croats would
2 come into conflict to the benefit of the Greater Serbs. It was not a
3 coincidence that it was the British, members of UNPROFOR who were
4 deployed in an area where the Croats and the Muslims were the most mixed
5 and it was precisely there that the mutual destruction was the worst,
6 despite the fact that the mutual coexistence of the Croats and Muslims
7 had up to that point been virtually ideal."

8 Then you continue on with a reference to your father and some of
9 his involvement in that area of Central Bosnia.

10 You make a reference to the British forces of UNPROFOR that were

11 in Central Bosnia and I wanted to ask you: Are you suggesting that it
12 was the British forces there in Central Bosnia that are responsible for
13 the conflicts between Croats and Muslims?

14 A. I do not like to engage in generalisations but I must say that
15 some of the British commanders of UNPROFOR brought along some advisors
16 to
17 Bosnia-Herzegovina who were Greater Serbs. For instance, the first
18 general, General Rose, I had contacts with him in Sarajevo. General Rose
19 was surrounded by Greater Serbs. It went so far that when a shell was
20 fired killing great numbers of Muslims, Croats, and Serbs in Sarajevo,
21 out of the Main Staff of General Rose, it was announced that the Muslims
22 had been firing upon themselves. I was there. I was present. This was
23 a horrible absurdity.

24 I used to come to General Rose's office and talk to him there. I
25 was aware of the people around him. It is not my intention to level
26 accusations at General Rose.

Page 28802

1 I was rather inclined toward the British individuals that I used
2 to work with at this point and that, but I did notice that there was a
3 large presence of Greater Serbs in the office of General Rose. My
4 observations led me to believe that they made a significant contribution
5 to the breaking out of the conflict between the Muslims and Croats.

6 Q. And you say that they made that contribution in order to assist
7 or to help the -- those who wanted to establish a Greater Serbia, that
8 was your view that that was their objective?

9 A. Mind you, one has to be very careful of engaging in
10 generalizations. When we refer to the British, we need to know who
11 precisely we are referring to. If we are referring to the conservative

12 party of Great Britain, we will find that in that Tory party, there were
13 those who had a full grasp of the whole issue such as Madam
14 Margaret Thatcher who had full understanding for the problems,
15 experienced by Bosnia-Herzegovina. I don't know where her interest
16 stemmed from and there were those who were completely ignorant of these
17 issues. Of course one cannot accuse them of being ignorant and of making
18 mistakes in their full ignorance and perhaps this was the case of
General
19 Rose.

20 Q. You make a reference here more specifically to the British forces
21 that were deployed in the area of Central Bosnia British units, the
22 members of the UNPROFOR. I wanted to ask you about that because we've
23 had a lot of cases here in the Tribunal about the cases that happened in
24 Central Bosnia and one of the most notorious events was the massacre
that
25 occurred in Ahmici on the 16th of April, 1993. Do you know about Ahmici.

Page 28803

1 A. Yes, heard about it a great deal.

2 Q. Are you suggesting that it was the British battalion, the
3 UNPROFOR forces that were in Central Bosnia that bear some responsibility
4 for the events, for example, in Ahmici?

5 A. You see, in my book, I'm indicating the reasons or issues that
6 led to the conflict between the Croats and Muslims in Bosnia-Herzegovina.
7 This isn't the only reason I'm mentioning, I mentioned other reasons as
8 well, such as overcrowding. All the way until 1975, 70 per cent of the
9 territory of Bosnia-Herzegovina was ...

10 Q. [Previous translation continues] ... and I apologise for cutting
11 you off but we're going to have to move a little more quickly today. My
12 question I think is quite specific. You seem to be making an allegation

13 here and I want to make sure that we understand correctly what it is you
14 are alleging. Are you blaming the British battalion for the events that
15 took place in Central Bosnia such as those in Ahmici? I think it's a yes
16 or no question. Do they bear responsibility, in your view, or not?

17 A. I do not want to give you a yes or no answer because there are
18 other reasons related to that which I mention in my book, the
19 overcrowding, the large presence of refugees from Sandzak and so on and
20 so forth. This is something that we established as a result of the
21 second good will mission. We referred to the first good will mission,
22 Turkish-Croat mission, and it was the second such mission that led us to
23 establish the reasons that led to these conflicts.

24 Q. Well, you're aware that it was units of the HVO that committed
25 the acts, the crimes that were occurred in Ahmici, for example, you do

Page 28804

1 know that?

2 A. Certainly, yes. There were such HVO units as committed these --
3 perhaps I should better not go into that, you told me not to go into too
4 many details.

5 Q. That's fine. Let's just move then to the next topic. You
6 testified about your personal involvement in the good will mission that
7 went into Mostar, and I believe the process began in May and actually
8 ultimately resulted in the Muslim soldiers being evacuated at some point
9 in June of 1993. Do you recall that?

10 A. Of course. Because I was the main player there.

11 Q. If I could direct you to Exhibit P2446 which is in the
12 Prosecution binder. And while that's being found, Mr. Ambassador, this
13 is a report of the Spanish UNPROFOR forces. You're I'm sure familiar
14 with them because like you, they were also based in Medjugorje. Do you

15 recall the Spanish Battalion?

16 A. Of course I remember the Spanish Battalion. The Spanish
17 Battalion assisted with the evacuation of the heavily wounded Muslims.

18 Q. And on page 5 of that document, of the English version, there's a
19 reference here to the Medjugorje delegations actually having gone to the

20 Heliodrom facility where -- to see the Muslim prisoners. And I'm looking
21 at the top of page 5, it says that, "After the meeting, the Croatian and
22 Muslim representatives, a personal envoy of Lord Owen and other
23 international organisations: ECMM, et cetera, visited the HVO detention
24 camp situated at the heliport south-west of Mostar."

25 My first question, Mr. Ambassador, is whether you're aware during

Page 28805

1 the events of 9-10 May and beyond, hundreds of Muslim civilians were
2 arrested throughout the Mostar area and were taken out and put into
3 detention at the Heliodrom facility. Did you know that?

4 A. I was not at Heliodrom, I was in Dretelj, but I believe that
5 you're referring to the same problem in both cases. What would you like
6 me to tell but all that?

7 Q. Just simply my question was whether, during this time of the
8 Medjugorje process, were you aware that hundreds of Muslims had been
9 arrested and placed in detention south of Mostar? Were you aware of
10 that?

11 A. I learned about that through New York Times.

12 Q. Okay. Okay. Thank you.

13 A. And I immediately informed Zagreb about that. I informed my
14 superior, Dr. Mate Granic about that, who immediately transmitted the
15 problem to Dr. Tudjman.

16 Q. You're talking about the prison camp at Dretelj?

17 A. Correct.

18 Q. Were you aware that there was a different prison camp where
19 Muslims were held at a place called the Heliostrom that was outside of
20 Mostar, close to Mostar? Were you aware of that place?

21 A. I was aware of a number of different prisons where Muslims were
22 kept, where Croats were kept and - how should I put it - the -- I was
23 aware of the HVO prisons where Muslims were kept. All of that was a
24 result of the conflict.

25 Q. Well, if Muslim civilians had been arrested and rounded up and

Page 28806

1 placed in detention, I take it that you would not support such a
2 process -- or any civilians for that matter.

3 A. Look, there must have been different situations and cases
4 involved. I'm not talking only about civilians because when I visited
5 Dretelj, I spoke to everybody who wanted to have a word. I was together
6 with Dr. Mato Granic, we visited Dretelj and --

7 Q. I'm asking in general terms, and I am asking about civilians.

8 A. I could not tell the difference between the two because there are
9 a lot of Muslims who were members of the HVO as well and I believe, this
10 is just my opinion, I cannot claim this for a fact and say that this was
11 an absolute truth. I believe that with regard to the attempt by
12 General Arif Pasalic to break through to the sea brought about lots of
13 mistrust towards the Muslims who were members of the HVO. All I'm saying
14 that as a result of that, the situation for them was not very good.

15 Q. Okay. Let me just take a question. First I want to go back to
16 my last question. I was asking about Muslim civilians arrested and
17 placed in detention, civilians, people who were not a member of the HVO

18 or the Armija. Would you agree with me that it was improper and that you
19 would not support detaining civilians --

20 JUDGE ANTONETTI: [Interpretation] One moment, please.

21 Witness, please, do not answer because I see that Ms. Tomic is on
22 her feet.

23 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honour, thank you
24 for giving me this opportunity to intervene. I have refrained from
25 intervening but I have to do it at this time. Yesterday and today, on

Page 28807

1 several occasions, the witness has repeated that his knowledge refers
2 only to some general and wildly inane facts. This is a topic that goes
3 beyond the scope of direct examination, beyond the briefing notes, this
4 is now a new issue being opened, no single Defence has cross-examined on
5 this, they could not have because otherwise this would have been direct
6 examination.

7 On several occasions, the witness has repeated that whatever he
8 knows about Heliodrom he learned from the New York Times. Now he's being
9 asked to provide his valued judgement which is not up to this witness to
10 do. I believe that the appropriate question would be to ask the witness
11 what he read in the New York Times, although I don't know how this may
be

12 relevant. He has repeated on several occasions that whatever he learns
13 about Heliodrom comes from the New York Times. We don't even know when
14 he read it because the Prosecutor never asked him that.

15 I believe that this is nothing but a torture of this witness.

16 This may be a too strong word but it all boils down to that.

17 JUDGE ANTONETTI: [Interpretation] Very well, Mr. Stringer.

18 MR. STRINGER: We're going to talk about Dretelj and the New York

19 Times article later that happens in September of 1993, and I'm still in
20 May of 1993 and I'm still in Mostar and that's what I'm wanting to talk
21 about.

22 In general, I think these issues relate to the witness'
23 credibility. If he's part of this Medjugorje process and he doesn't
24 know anything about the Heliodrom, I think that bears somewhat on his
25 credibility, and I'm trying to test him in terms of what he knows about

Page 28808

1 the situation that was unfolding in Mostar.

2 MS. ALABURIC: [Interpretation] Your Honour, if you will allow me.

3 Since we have already interrupted my learned friend's examination, all
4 this time, he has been comparing i.e., drawing a parallel between the
5 Medjugorje process and the situation at the Heliodrom. For that reason,
6 I would like to draw your attention to the evidence that was presented
7 before the -- this Trial Chamber saying that the meeting in Medjugorje
8 was on the 18th of May, 1993, and that we have documents both from the
9 BiH army and the UNPROFOR showing that on that day, all civilians who had
10 been kept at the Heliodrom were released, so I believe it is not founded
11 to compare the two.

12 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Stringer, you
13 told us that in fact you're putting all these questions to the witness
14 because of his credibility and this is why you are asking questions with
15 regards to the people who were in the -- or at the Heliodrom is to test
16 his credibility. Is this what we should understand?

17 MR. STRINGER: That's correct. I think if things are happening
18 that he doesn't know about, it impacts the witness 'credibility in the
19 terms of the opinions he's expressed. I don't intend to spend a great
20 deal of time, I don't have a lot of time but I think a few questions on

21 this are appropriate.

22 JUDGE ANTONETTI: [Interpretation] Please go ahead. Proceed.

23 MR. STRINGER:

24 Q. So Mr. Ambassador, you've indicated you didn't go to the

25 Heliodrom, and I think it's fair to say you're not very familiar with it

Page 28809

1 so we'll just leave it at that. One other question, a couple more

2 questions, I should say about the events that were happening in Mostar

3 before we move on to Dretelj. Were you aware throughout the summer of

4 1993 that there was a very large-scale campaign by which the Muslims of

5 west Mostar were forced out of their apartments and their flats and they

6 were made either to leave Mostar or to move across the river into east

7 Mostar? Are you aware of that?

8 A. In my conversation with people in Dretelj, when people saw that

9 their ambassador of the Republic of Croatia had come, they rallied around

10 me and asked me different questions. I just wanted to put the whole

11 situation in context. I was accompanying Dr. Mate Granic, the Minister

12 of Foreign Affairs and I was accompanying the International Red Cross

13 that was involved in the whole situation. In those conversations, some

14 of those people in Dretelj told me that they had been members of the
HVO,

15 they were Muslims, and they asked not to be transferred to the other

16 side, to the BiH army side because they feared a retaliation by the
other

17 Muslims against those Muslims who had fought among the ranks of the HVO.

18 Q. So apart from the people that you spoke to at Dretelj, you don't

19 know anything about whether large numbers of Muslims families were being

20 evicted from their apartments in west Mostar and forced across the river

21 into east Mostar; is that correct?

22 A. I am not in a position to quantify anything, but I was in contact
23 with the Muslims who had spent the entire war in Mostar. I'm sure that
24 you have documents about Mr. Hadziosmanovic and so on and so forth who
25 was in Mostar, so you cannot say in general terms that all the Muslims

Page 28810

1 were chased away. There must have been those who wanted to leave, there
2 must have been those who came into conflict with the HVO and there was
3 also a fraction of Muslims who remained in Mostar all that time just like
4 the gentleman whom I've just mentioned.

5 Q. So if there was wide scale ethnic cleansing of Muslims from west
6 Mostar, you don't know anything about that?

7 MR. KARNAVAS: I object to the term "widespread ethnic
8 cleansing." Now if he could lay down the facts as to who said what to
9 establish these facts, I haven't objected because I don't want to
10 interrupt the gentleman, but I don't support the facts that he's using
to
11 base his questions on. So obviously there were some evictions, but now
12 he's talking about widespread, he's talking about policies. If he could
13 quote who said what so we could have exactly in the evidence where does
14 he get these -- this final argument that he's putting into this
question.

15 MR. STRINGER: That's fine.

16 Mr. President, I can take the witness to a document but we'll
17 need to go into closed session for just a few minutes about it because
18 it's the a document under seal -- or private session.

19 JUDGE ANTONETTI: [Interpretation] Very well. Private session,
20 please.

21 [Private session]

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 28811

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11 Pages 28811-28813 redacted. Private session.

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10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 [Open session]

19 THE REGISTRAR: I'm sorry, counsel, Your Honours, we are back in
20 open session. Thank you.

21 MR. STRINGER:

22 Q. Mr. Ambassador, the next exhibit is marked P05219, 5219 it's in
23 the Prosecution binder --

24 JUDGE PRANDLER: Binder 1 or 2?

25 MR. STRINGER: It's in the first binder, Your Honour.

1 Q. Mr. Ambassador, this is a document that's a report by a different
2 international organisation that was in the region called the European
3 Community Monitoring Mission. They had people who were down in the
4 region making reports and this is one of their reports, and it's dated
5 the 20th of September, 1993 and it's talking about Mr. Granic's visit
6 down to Grude when there were discussions about closing the camps and
7 other things and that's what I want to ask you about now.

8 First of all, were you -- did you accompany Mr. Granic down to
9 Grude when these discussions took place about Dretelj?

10 A. I was not with Dr. Granic at the time, but I was in Dretelj with
11 Dr. Granic.

12 Q. Now, as you've indicated previously, you, I take it, became aware
13 of the Dretelj issue because of an article that was published in the New
14 York Times; is that correct?

15 A. I can't remember a time whether the article -- whether the
16 article mentions Dretelj, but I know that some camps were mentioned in
17 the article. Do you have the article here to show it to me.

18 Q. I don't have the article, I just mentioned it because I thought
19 you had mentioned the New York Times. Is it fair to say, then, that
20 there were press reports about the issue of camps and that was what drew
21 your attention to this issue for the first time? Is that a correct way
22 to put it?

23 A. As far as I can remember, because I don't have the article with
24 me either, so as far as I can remember --

25 JUDGE PRANDLER: Sorry to interrupt. I'm really sorry to

Page 28816

1 interrupt you, Ambassador Sancevic and also Mr. Stringer but since it is
2 a document now we are talking about and -- when should we intervene when

3 we want to say that since Ambassador Sancevic said that that time he was
4 not with Minister Granic there but on the other hand there in the
5 document itself, page -- the second page actually, among the participants
6 we do have his name, I believe, it's the last one here, Dr. Zdravko
7 Sancevic, Croatian ambassador to the Republic of Herceg-Bosna. It is
8 ambassador to the Republic of Herceg-Bosna so therefore, I believe,
9 Mr. Sancevic, you had to be there because of the participants of -- to
10 that meeting, you are also listed in. Thank you.

11 MR. STRINGER: Thank you, Your Honour.

12 THE WITNESS: [Interpretation] I don't remember that I was there
13 and what place is that? At that place when Granic and Boban met, but I
14 remember very well that I accompanied Dr. Granic to Dretelj.

15 MR. STRINGER:

16 Q. Just actually right after your name in the report, the report
17 continues by saying that it indicates that after the meeting took place,
18 then, "The meeting moved to Dretelj and were given a conducted tour of
19 the camp. So that's the part that you know about for sure that you were
20 part of the group that went to the camp itself.

21 A. That is correct, precisely as stated here. The meeting moved on
22 to Dretelj and I was present there. Unfortunately, I don't recall being
23 present during the meeting of the Minister of Foreign Affairs,
24 Dr. Mate Granic and Mr. Boban.

25 Q. Would you agree with me, sir, that when Dr. Granic heard about

Page 28817

1 this particular camp, he was of the view that it should be closed and
2 that it was in the interests of Croatia itself to get this camp closed?

3 A. Not only that camp, all camps. Muslim camps with Croatian
4 detainees or any other prison for that matter where Muslims may have been

5 held on the 18th of May in the agreement, it was stated that all existing
6 prisons should be eliminated, reciprocally.

7 Q. In this report, it indicates actually that Mr. Granic went as far
8 to say that this particular camp at Dretelj would be closed unilaterally
9 with the help of the International Committee Red Cross, do you recall
10 that?

11 A. I do recall that.

12 Q. And that's because the conditions of the Dretelj camp were seen
13 to be as particularly bad?

14 A. I have to tell the truth. How can I assess whether it was
15 particularly bad? For some of the people I talked to, the situation was
16 bad whereas for others, it wasn't. There were some jovial people there.
17 They knew that they were to be set free, that it was all provisional and
18 so on and so forth. I cannot generalise, I am very much against general
19 statements of any sort. I spoke with the people I did and that is what I
20 can tell you as being the truth and that is something I can tell you
21 specifically.

22 Q. Just a few questions about the camp and the people you spoke to.
23 Do you know, in fact, that these people -- tell us if you know why were
24 they in the camp? What had they done to be put in this camp? Do you
25 know why they were there?

Page 28818

1 A. The conflicts between certain Croatian and certain Muslim units
2 resulted in the taking of prisoners. That is where the situation stemmed
3 from. Both sides had locations, prisons for detainees. In a previous
4 statement of mine, I said that there were no prisons in Herceg-Bosna.
5 Once the Croatian Community of Herceg-Bosna was formed, I was witness to
6 the fact that all the prisons had been disbanded. Later on they were

7 reopened because of the conflicts of certain units on both sides. There
8 were prisons on the side of the army of Bosnia-Herzegovina as well as on
9 the side of the HVO.

10 Now, I can't tell you how many, why, who was held there.

11 Q. Okay. My question was why they were being held there, and you
12 have just indicated that you can't tell us why.

13 A. I know that when there is a conflict, such things happen;
14 however, I cannot tell you why someone was detained. There may have been
15 reasons of all sorts.

16 Q. Were you aware that there was some 500 or so of these prisoners
17 who were so malnourished that they were taken out and they were actually
18 taken down to Croatia toward Korcula where they were placed in a refugee
19 camp off the coast of Croatia?

20 A. I do know that some went to Korcula; however, I'm not aware of
21 the fact that they may have been malnourished. I don't know what their
22 physical condition was.

23 Q. So you didn't see any prisoners there who appeared to be in bad
24 shape physically?

25 A. Listen, again, a generalisation. Within a group of people, some

Page 28819

1 people are in poor physical condition, some are sick, but then there are
2 those who are perfectly fit. As far as I could see, I saw that most of
3 them were normal people; however, that some of them were sick.

4 Q. You indicated that Dr. Granic's view was that the camp was to be
5 closed unilaterally. Does that mean that all the prisoners were going to
6 be released then or transferred down towards Korcula?

7 A. No, that was definitely not so. Please let me explain.

8 Q. I was just -- if the prisoners were not being released then where

9 were they going to go from Dretelj, if you know? If you don't know,
10 that's fine.

11 A. Please, do give me a context. I cannot answer questions like
12 these taken out of the context. Both Dr. Granic and Dr. Tudjman --
13 JUDGE ANTONETTI: [Interpretation] Witness, you can't demand from
14 the Prosecutor that he ask his question in a specific context. The
15 Prosecutor is entitled to put questions to you. When you answer, you are
16 perfectly entitled to give the background and say: "I'm going to answer
17 your question, but remember that the situation was as follows ..." but
18 then you have to answer the question in any case.

19 MR. STRINGER:

20 Q. The context was that Dr. Granic had said the prison was to be
21 closed unilaterally. I'm asking you: Do you know, then, what was to
22 become of the prisoners there?

23 A. First and foremost, they were to be taken out of the prison.
24 Your Honour, if I intend to tell the truth and nothing but the
25 truth, there's something I need to add to my answer. Why did Dr. Granic

Page 28820

1 go there at all? That's not what you asked me about. Why was it that it
2 was decided unilaterally to set those people free.

3 Q. That's not one of my questions and I'm the one who gets to ask
4 the questions at this point. If one of the Judges or one of the other
5 parties wants to ask you that question, but I've sort of moved on from
6 that and I've only got a limited amount of time left to me; so I'd like
7 to stay with this particular question of the release or the transfer of
8 the prisoners.

9 Mr. Ambassador, you said that they were to be taken out of the
10 prison. My question is: Do you know where they would go?

11 A. I don't know. It was a matter for discussion.

12 Q. The next exhibit is P05312, Prosecution binder which -- that's in
13 the first Prosecution binder. I want to ask you --

14 MS. TOMASEGOVIC TOMIC: [Interpretation] I apologise to my learned
15 friend. I see that the Chamber did not see me standing up.

16 Another objection. This document has already been exhibited. I
17 wanted to say this: This question and those that will come, and I know
18 more or less in what direction the Prosecutor is moving, will this have
19 to do with the credibility of the witness because I believe we are
20 wasting time. What the witness said he knew about the prison situation
21 is something he already gave his statement about. He testified about it
22 the day before yesterday, yesterday, and today, he says he was not
23 familiar with any details, he was familiar with only the general
24 situation and that his formal knowledge pertains to one visit to one
25 particular prison. He wasn't familiar with the structure of the HVO or

Page 28821

1 of Herceg-Bosna because he dealt with issues at a higher level with the
2 authorities of Bosnia-Herzegovina, as far as I understood. I believe he
3 was very clear on that.

4 I think through the issue of credibility, an issue is being
5 brought in through the back door on which the Defence did not have any
6 opportunity to cross-examine. Any of us could have raised that topic or
7 any topic from the indictment, for that matter, and we could spend 10
8 hours or each and then it would be taken off our time and treated as
9 direct examination. Thank you.

10 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you are still
11 testing the witness' credibility, are you? You've asked him what had
12 become of the prisoners, he's saying that he doesn't know and you're

13 trying to test his answer with this particular document. Is that the way
14 you're going about it?

15 MR. STRINGER: Yes, Mr. President, just further in terms of what
16 practices he was aware of and what practices he was not.

17 MR. KARNAVAS: Your Honour, this is well beyond the scope of
18 direct examination. Again, I don't want to -- I do not want to interrupt
19 but I would join with my colleague at the conclusion before I do my
20 redirect, I would ask that the Court allow my colleagues to do their
21 direct examination based on the cross-examination of the Prosecution
22 because he's going into areas which we did not go in. He was an
23 ambassador, he had nothing to do with the prisoners. Now he's being
24 asked some questions about issues that he has no knowledge of. So it's
25 well beyond the scope of direct examination. Actually, we're going to

Page 28822

1 clear this up on redirect but it's quite obvious. It's quite obvious
2 that he had nothing to do with where anybody was being transferred, the
3 camps, the prisoners, or any of that sort. So why are we going into this
4 and I would suggest that if you allow this line of questioning then it's
5 fair to at least the Coric Defence and others, perhaps, to open up and
6 then I get to do a redirect on the basis of what we hear from the others.

7 MR. KHAN: Your Honour, just with your leave, one additional
8 observation. From my part, I'm not sure about the cogency of the
9 submissions with respect about this going to credibility but be that as
10 it may, under Rule 90(H) as this was not a matter that was raised in
11 examination in chief, the only grounds in my respectful submission to
12 allow further questioning is if Your Honours are satisfied that this
13 witness is capable of giving relevant evidence in relation to this
14 document and of course for that, my learned friend has to establish a

15 foundation either that he's seen the document, it was addressed to him,
16 the usual foundations have to be laid. I don't actually see this going
17 to matters of credibility at all, but I do have concerns about the
18 ability of this witness to give relevant evidence in relation to this
19 document.

20 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, first of all,
21 this document has already been admitted into evidence so nothing to do
22 with reliability or relevance. This has already been adjudicated because
23 the document has been admitted into evidence so this has nothing to do
24 with the particular fact that five individuals were transferred from one
25 prison to the next. So why are you putting this document to the witness?

Page 28823

1 Is it because you want to address the issue of the prisoners and that was
2 not raised during direct examination and it's a new area you're dealing
3 with or are you dealing with the credibility of the witness, a witness
4 who goes to Dretelj and who has no idea what has become of people who
5 were released.

6 So what -- why are you putting this document to the witness?

7 MR. STRINGER: It's precisely the second point that Your Honour
8 just raised.

9 JUDGE TRECHSEL: It seems to me, Mr. Stringer, that the witness
10 has clearly said he has no idea, he does not know what happens to
11 prisoners that were taken out of Dretelj, so I do not see how further
12 questions relating to the same fact could bring anything, either
13 information or anything as to credibility.

14 MR. STRINGER: Well, I'll obviously accept whatever ruling comes
15 from the Trial Chamber on this. I'm at the very end -- this is
16 essentially the last of the cross-examination, and I can finish this

17 within the next five to ten minutes.

18 [Trial Chamber confers]

19 JUDGE ANTONETTI: [Interpretation] Fine, the objection is
20 sustained so I'm going to ask you to move on to another topic.

21 MR. STRINGER: Very well, Mr. President.

22 I'm just taking a moment to look over my notes, Mr. President.

23 It may be that I've finished.

24 Mr. Ambassador, thank you for your time.

25 I have no further questions, Mr. President.

Page 28824

1 JUDGE ANTONETTI: [Interpretation] Very well. We are going to
2 take the break, but with respect to redirect, the Trial Chamber would
3 like to say the following to Mr. Karnavas in order to avoid any useless
4 discussions. Today, the Trial Chamber will file its written decision for
5 clarification of the guidelines and not to modify the guidelines, we are
6 going to clarify the meaning of the guidelines. I would therefore like
7 to invite you to read our decision that will probably be filed today.
8 Under the guidelines, the time we allocated to you based on the
9 time you requested, 4 hours for this witness, this amount of time for us
10 includes both direct examination and re-examination.

11 MR. KARNAVAS: That is the Trial Chamber's decision and again I
12 must object.

13 JUDGE ANTONETTI: [Interpretation] Wait, wait, please wait.

14 MR. KARNAVAS: Because I think it's a fundamentally flawed.

15 JUDGE TRECHSEL: Mr. Karnavas, you are to sit down and listen
16 until the president has finished explaining.

17 MR. KARNAVAS: But the calculating period of -- in that fashion
18 is fundamentally flawed. Now if you're going to give me something that

19 I'm already entitled to as some sort of a gift, I object to that. Four
20 hours is four hours for direct. You cannot predict how much redirect and
21 that's why I object as a matter of principle. I'm not here like some
22 beggar. My client has rights, he has the right to redirect. Nobody
23 during the Prosecution case applied this procedure it's being applied
24 solely for the Prlic Defence.

25 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please can you

Page 28825

1 check why, when I press on this button to cut off Mr. Karnavas's mike it
2 doesn't work. I wanted to stop Mr. Karnavas because he was discourteous.
3 He interrupted me whilst I was giving him explanation. This is something
4 I'm going to seize the Chamber with to see if we need to take any
5 measures, any sanctions.

6 Let me proceed with my explanations.

7 Let me remind you that the time allocated to you includes both
8 direct examination and re-examination. If the Defence wants additional
9 time for additional questions, the Trial Chamber shall automatically
10 grant that additional time but the Trial Chamber will deduct that
11 additional time from the overall amount of time allocated to the
Defence.

12 In other words, Mr. Prlic's Defence was given 95 hours in total. This
13 amount of time cannot be changed. If today, as part of a redirect,
14 Mr. Prlic's Defence uses one hour, he will have in total 95 hours minus
15 one hour minus the time already used. If you want to spend 10 hours
16 re-examining the witness, you are entitled to do so, if you want to
spend

17 20 hours re-examining a witness, you are perfectly entitled to do so,
but

18 all the time thus spent will be deducted from the overall time allocated

19 to you because time dedicated to re-examination is not going to be added
20 to time that was allocated to you in the first place.

21 Let me remind you and that's something I set out in my personal
22 opinion and that's also a view shared by the Trial Chamber that we
23 established the time allocated to each Defence team based on 65 ter
24 lists
25 submitted by the various Defence teams and in that list, you indicated
26 how much time you needed for each one of your witnesses. We took all

Page 28826

1 that into account when allocating you a specific amount of time. When we
2 made that decision, it was not by pure chance, it was after countless
3 hours of work, of review of all the elements in order to establish the
4 guidelines. You requested clarification of these guidelines, this is
5 going to be done in writing and the decision is going to be filed today,
6 but since we're here in the middle of a testimony, I just wanted to
7 confirm that to you.

8 In other words, you are entitled, you're perfectly entitled to
9 put additional questions to the witness, but if you spend 30 hours in
10 re-examination, that will be deducted from your time. If you spend an
11 hour, it will be deducted from your time as well. It's for you to
12 decide. I already stated last week that when a witness comes here to
13 testify, you have to anticipate how much time you will need for redirect
14 and reserve maybe 30 minutes out of four hours for redirect. You can
15 know in advance -- you know in advance what sort of questions you will
16 ask. You know what sort of questions that will be put during
17 cross-examination and on that basis, you can have an estimate of time
18 needed for re-examination.

19 But please, Mr. Karnavas, please, when someone is speaking,

20 please let them finish rather than jumping on your feet and start
21 intervening when you have no idea what they will be saying. When you are
22 talking, I let you finish, I don't cut you off because if I did so I may
23 not understand what you're driving at. Yes, I must admit that in the
24 past I cut you off, but it was just because you had intervened while
25 someone else was saying; but it's common courtesy to let people speak

Page 28827

1 out. That's why the presiding judge has this button here to cut off
2 anybody's mike here. I tried to use it but it didn't work,
3 unfortunately.

4 Now we're going to have a 20-minute break.

5 MR. KARNAVAS: I apologise to the Court for the interruption.

6 JUDGE ANTONETTI: [Interpretation] Apologies accepted,

7 Mr. Karnavas, gladly accepted. Rest assured that I understand the
8 necessities you're working under, but the Judges also have to obey a
9 number of requirements and sometimes these requirements are not exactly
10 the same but that's not good enough cause to get all worked up and not
to

11 remain quiet. I tried to remain as calm as I can in courtroom.

12 Sometimes it's not easy, I have to get a hold of myself. It can be very
13 difficult at times but I try to do so as everybody else in this
14 courtroom.

15 Let's have a 20-minute break and then we'll resume the
16 proceedings.

17 --- Recess taken at 10.27 a.m.

18 --- On resuming at 10.52 a.m.

19 JUDGE ANTONETTI: [Interpretation] Very well. It is almost 11.00.

20 I am here, as you can see. This will allow me to read a short oral

21 decision on a request presented by Mr. Kovacic. Oral decision on the
22 nature of the cross-examination of Adalbert Rebic by the private
Defence.

23 During the cross examination of the Witness Rebic on the 21st of May,
24 2008, Mr. Kovacic raised a topic that was raised during the direct
25 examination regarding the work made by the VAP agency for the ODPF of
the

Page 28828

1 Republic of Croatia.

2 Mr. Kovacic then expanded this topic and talked about
3 humanitarian convoys organized by Mr. Binenfeld, director of the VAP
4 agency going towards Sarajevo. During the hearing of the 21st of May
5 2008, the Chamber ruled that humanitarian convoys going towards Sarajevo,
6 that this topic was a new topic as you say in your own language, novatema
7 [phoen] and that under guideline number 6, paragraph 20, this time should
8 have been deducted from the total time allocated to the Defence of
9 Mr. Praljak to present its case.

10 The Chamber maintains this decision and confirms that the portion
11 of the cross-examination led by Mr. Kovacic that can be found on the
12 French transcript starting on page 28326, line 21 to page 28327, line 15
13 which deals with the topic of humanitarian convoys going to Sarajevo is
a
14 matter that had not been raised during the direct examination. The time
15 used for that question, one minute or 60 seconds is therefore deducted
16 from the allocated time given to the Praljak Defence to present its
case.

17 Very well. I certainly hope that this will not severely violate
18 the rights of Mr. Praljak's Defence. For these reasons, we are now going
19 or rather we are going to put some questions -- yes, Mr. Stringer.

20 MR. STRINGER: [Previous translation continues] ... Mr. Karnavas

21 during the break, I had one clarification to make for the record. I
22 erroneously said that I was directing the witness to a part of his book
23 that was marked as Exhibit 1D02339. I was wrong. The correct exhibit
24 number I should have said is 1D02808 so just so that that's in the
25 record. Thank you.

Page 28829

1 JUDGE ANTONETTI: [Interpretation] Very well. Thank you.

2 Mr. Karnavas, you have the floor.

3 MR. KARNAVAS: Thank you, Mr. President. Thank you, Your

4 Honours.

5 Re-examination by Mr. Karnavas:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. I have a few questions, not many. And presumably if you answer
9 them rather directly and shortly, we'll be able to get out of here within
10 the next 15 or 20 minutes. My first topic is to go back to the 18 May
11 1993 meeting in Medjugorje because there seems to be some contradiction
12 in the transcript. On the first day, on Monday, the 26th, you indicated
13 and this is on transcript page -- it would be 39 of Monday's transcript.
14 I asked you concretely whether you had been there and you said yes. Then
15 again, a reference was made to it on page 44 of Monday's transcript.
16 Then, I believe you were asked by the Prosecutor, and I believe
17 that was on page -- and this would be 28.775 line 18, and again, on
18 28.776, line 22, you again indicated that you had indeed been present
19 during the Medjugorje meeting on 18 May 1993. You were then questioned
20 by President Antonetti, and I believe this is on page 28.782 lines 1 to
21 14 and whether you had been at the meeting and this came up when it was

22 shown -- when document P02441, P02441 was shown to you where your name
is

23 not listed as one of the participants.

24 So just concretely and can we -- I just want to clarify this

25 matter: Were you or were you not present during that meeting? And it's

Page 28830

1 a yes or no.

2 A. Yes.

3 Q. All right. Now, and of course you indicated that there had been

4 a meeting prior to that in Split and were you present during that meeting

5 at the Split meeting?

6 A. Yes.

7 Q. Okay. All right. Now, let me touch upon one area that was

8 brought up today and that had to do with the camps. We know that you

9 were an ambassador. You've told us, so I'm not leading you, this is part

10 of your testimony, that from the time you presented your credentials up

11 until approximately August 1993, you were more or less in a roving

12 capacity headquartered more or less out of Neum while at the same time

13 spending sometime in Croatia when not travelling around; is that
correct?

14 Did I get it right?

15 A. Correct.

16 Q. Now, was your remit at that point in time to deal with anything

17 that had to deal with prisoners --

18 JUDGE ANTONETTI: [Interpretation] One moment, please,

19 Mr. Karnavas. A small language precision. You see -- I see that in

20 English, you say "camp" and in French, the translation that I get is

21 "camp," so what does "camp" mean in English, really?

22 MR. KARNAVAS: Well, I can turn it into a detention centre,

23 prison, I'm using that interchangeably. I mean, but we'll talk about
24 detention centres. How is that it's a more neutral --
25 JUDGE ANTONETTI: [Interpretation] Yes, thank you.

Page 28831

1 MR. KARNAVAS:

2 Q. [Previous translation continues] ... to deal with any of the
3 detention centres while you were ambassador during that period up until
4 the time that you set up your Medjugorje embassy?

5 A. No.

6 Q. All right. Now, after visiting Dretelj with Dr. Granic who was
7 your superior, after all, he was the Minister of Foreign Affairs, did
8 Dr. Granic in any way instruct you personally, that is, as the ambassador
9 of Croatia to Bosnia-Herzegovina to get involved with any issues dealing
10 with detention centres, prisoners, or what have you?

11 A. No.

12 Q. All right. Now, let's move on to the next topic. Yesterday, you
13 were asked a series of questions by the Prosecutor concerning your
14 contact with Dr. Jadranko Prlic and at one point, the question was, I
15 believe something to the effect that aside from speaking to him about
16 matters of economics, whether you had any discussions on substantive
17 issues and you did speak about -- you went back and you clarified that
18 there were conversations that you had that dealt with matters of
19 economics.

20 First of all, I want to touch on that. Did -- perhaps we can
21 look at, for instance, 1D02186. 1D02186. It's in the Defence binder.
22 It's in the Defence binder. Which one, I can't tell you. One. If we
23 can give him the hard copies, Mr. Usher, if we can provide hard copies,
24 it might be easier this way.

25 Now, before I -- we go into this document, as I understand it,

Page 28832

1 when we talked about your qualifications, I indicated that you had worked
2 for Shell and as I understand, you also worked for Atlantic Richfield,
3 the oil company as well?

4 A. Correct, yes.

5 Q. In your capacity, I know you were a petroleum engineer holding a
6 Ph.D in that field, did you hold any management positions so you would be
7 acquainted with matters dealing with business, economics, that sort of
8 stuff?

9 A. Yes. I dealt with these matters and occupied high positions. I
10 was vice-president and president of, for instance --

11 THE INTERPRETER: The interpreter didn't catch the name of the
12 company.

13 MR. KARNAVAS:

14 Q. You were vice-president and president of what company? Could you
15 repeat it, please?

16 A. [No interpretation]

17 Q. And what kind of company is that?

18 A. [In English] that's a national [Interpretation] Bariven is the
19 nationalised Atlantic Richfield and Sinclair. Once they were
20 nationalised, I became first vice-president and then for a short while,
I

21 was president, CEO of that company as well.

22 Q. That's in Venezuela?

23 A. Yes, in Venezuela.

24 Q. Now, if you look at this document, 1D02186, it's dated April

25 15th, 1993 and of course this is addressed to Jadranko Prlic, and it's
in

1 regards to the matter of establishing a banking system which will be part
2 of the banking system of the Republic of Bosnia-Herzegovina in keeping
3 with the solutions provided by the Vance-Owen agreement and we can see
4 further down it talks about central bank, regional banks, bank investment
5 funds and this of course comes from the chief of the finance department.

6 My first question -- well my only question regarding this
7 document is, sir, were these the sort of -- was this the sort of topic
8 that you had with Dr. Jadranko Prlic concerning the banking system
9 discussions related to those issues, finance, banking? Is that one of
10 topics?

11 A. Yes.

12 Q. All right. The next document is 1D02231. This is dated 22 April
13 1993, and we can see from the topics this is in relation to a conference
14 that is being held, it's an academic conference at the Hotel Sunce in
15 Neum and it deals with matters of economics. Were you present at this
16 particular conference or were you aware of Dr. Prlic's involvement in
17 this conference?

18 A. I had a clear idea of what was happening at the time because I
19 stayed in the building which belonged to the Mostar University. I knew
20 Dr. Zdenko Kordic, the director of the university, and I was interested
21 in seeing the upshot of that although I did not take part in that
22 conference throughout its duration.

23 Q. Okay. Just to make sure that we're clear, the Mostar University
24 was actually physically located in the Sunce Hotel; is that correct?

25 This is where also you were also residing. That's where you were

1 operating out of?

2 A. That was not the Sunce Hotel, I think the name of the hotel was
3 Neum. I lived in Neum, and this event took place in the Sunce Hotel, as
4 far as I remember.

5 Q. You were physically located where the Mostar University was
6 located; is that correct? That's where you were staying?

7 A. Correct.

8 Q. Now, let's go to the next document, 1D02221 because I believe
9 you've --

10 MR. STRINGER: Excuse me, while the document's being found,

11 Mr. President, I'd just like to make an objection for the record.

12 Counsel's referring to documents here that were always in his binder
13 that

13 were not gone into on the direct examination, and I think that, yes, I

14 followed up on something from direct related to his discussions with

15 Mr. Prlic about economics; but I think that what's happening now is that

16 we're just doing additional direct examination rather than remaining

17 within the scope of something that was pretty limited on

18 cross-examination. We're just using the witness now to tender additional

19 documents that could have been tendered in the direct. So my objection

20 is this: If counsel intends to tender these exhibits, the Prosecution

21 will be objecting on the basis that this as well as the testimony is

22 beyond the scope of the cross-examination.

23 MR. KARNAVAS: In my response, the Prosecutor is correct they

24 were in the binder, and we didn't tender them at the time; however, when

25 the Prosecutor stood up and said you talked to him about economics but

Page 28835

1 did you speak to him about anything of substance and you may recall my

2 objection was that what Dr. Prlic was involved with was matter of

3 economics which are substantive matters and now we're having -- I'm
4 following up on my objection to the Prosecution's question. I'll leave
5 it up to the Trial Chamber to decide whether I'm going beyond the scope
6 of direct, and if I am, I'll move on to the next subject.

7 [Trial Chamber confers]

8 JUDGE ANTONETTI: [Interpretation] The Chamber deliberated on this
9 matter and believes that while putting questions in redirect,
10 Mr. Karnavas can put questions since, during the cross-examination, a
11 question relating on economy topics was put so this subject can be
raised

12 in redirect but the Trial Chamber has a small reserve regarding the
13 previous document, not the one that we are seeing now on the screen.

14 JUDGE TRECHSEL: [Interpretation] And if I may clarify, we don't
15 see what the link is between the previous document and Mr. Prlic. What
16 is the connection? This is why we think it goes beyond the scope whereas
17 here you are in fact talking about contacts that existed between the
18 accused and the witness on substantial matters.

19 MR. KARNAVAS: Well, it's sort of a -- to borrow a term in the
20 documents, it sorts of a global nature of the issues of economics that
if
21 the Trial Chamber, however, wishes for me to move on, I'll move on.
22 There certainly will be other witnesses discussing these issues, but I
23 wanted to drive the point home that these are issues of substance and
24 because the gentleman has -- I mean keeping in mind that his background,
25 western educated as well during that period, one would understand why

Page 28836

1 Dr. Prlic would want to be discussing these sorts of issues with the
2 ambassador at the time, but I can move on. I leave it up to the
3 Court's -- because the other two documents relate to published articles

4 by Mr. Prlic, one dated 13 June 1993, that's 1D02221, and 1D02220 dated 2
5 July 1993. I leave it up to you. My question would be basically was the
6 gentleman aware of these articles at the time that they were written
7 given that he was having contacts with Mr. Prlic in relation to his
8 discussions on the economic activities.

9 JUDGE ANTONETTI: [Interpretation] We agree.

10 MR. KARNAVAS:

11 Q. Okay, sir. I'm waiting for the translation for you. Okay.

12 If you could just look at the next two documents, 1D02221 and
13 1D02220. If we could have the assistance of the usher.

14 Just briefly, if you could just glance at them and tell us

15 whether you had an opportunity back then to read what Dr. Prlic was
16 publishing at the time concerning his ideas in relation to how to get
the

17 economy going during and after the war.

18 A. Throughout that time, that's what I was doing because I thought
19 that Mr. Prlic was very knowledgeable about these matters, and I closely
20 followed whatever he had to say on these matters, I read the articles he
21 wrote, and the books he authored and so on.

22 Q. Thank you. Now we're going to switch to another topic and this
23 relates to the law on citizenship. I just have a couple of questions
24 because it did come up on cross-examination and this is -- I'm going to
25 refer to the document 1D02918, 2918, realising that there are two other

Page 28837

1 documents that 2919 and 2920, which are amendments but by and large the
2 discussion will focus on the law on Croatian citizenship.

3 Now, my first question, sir, is we saw that as of 1999 up until

4 today, you hold a particular position in Venezuela and that is the

5 consulate, the General Consul for the Republic of Croatia; is that
6 correct?

7 A. Correct.

8 Q. Now, in that capacity, may I ask, do you issue passports or are
9 you involved, is your consulate involved there in any way with issuing
10 passports or in processing documents concerning citizenship?

11 A. Correct.

12 Q. Now, as far as I understand, but correct me if I am wrong, the
13 law that is -- that you apply today would have been the same law that we
14 discussed earlier on direct examination and cross-examination; is that
15 correct?

16 A. There was this one law in force throughout that time and then
17 there were two amendments and now I believe that there's a third one but
18 all of them are in accordance with the basic legislation. What I'm
19 saying is that this law was in force throughout the time.

20 Q. Okay. And my question is: In your capacity as General Consul in
21 Venezuela, are you applying the law any differently now, you know,
22 throughout this period, 1999 to present, than you were -- you had set up
23 the embassy for the Republic of Croatia in Medjugorje, I believe, as of
24 August 1993?

25 A. The law was the same one as today and I adhered to it.

Page 28838

1 Q. Okay. But -- all right. Now, back then, when you were applying
2 it, and we're talking August 1993 and thereafter, were you ever given any
3 specific instructions either by the Minister of Foreign Affairs, and I
4 know that you had two ministers during your tenure, as to how to apply
5 this? In other words, was there a policy?

6 A. I believe that there was.

7 Q. Okay. Well, what was the policy? And I'm saying was there a
8 policy that you were instructed by the ministers: This is how you have
9 to apply this particular law? Or were you just applying it the way you
10 interpreted it?

11 A. I applied it the way I interpreted it.

12 Q. All right. Were you ever instructed to use discriminatory
13 methods in the application of the law, that is, in determining who
should

14 or should not become a Croatian citizen?

15 MR. STRINGER: Excuse me, Mr. President. I believe the witness'
16 testimony was that the citizenship applications were sent to Zagreb
where

17 they were then processed, so I didn't have the impression that the
18 witness himself was making the ultimate decisions on granting of
19 citizenship.

20 MR. KARNAVAS: If there is a concession on the part of the
21 Prosecution that the gentleman at least in his application of the -- for
22 Croatian citizenships and for passports was absolutely correct and
23 consistent with the law, then I will move on. So do I have a concession
24 on the record?

25 MR. STRINGER: No, I'm just --

Page 28839

1 MR. KARNAVAS: Hence why I'm doing my redirect.

2 JUDGE ANTONETTI: [Interpretation] One moment, please. I will
3 intervene following this objection.

4 Mr. Karnavas is asking the following question to the witness as a
5 consul in Caracas, did he receive any particular instructions on the way
6 to apply the law on Croatian citizenship? Then he is asking the witness
7 that when applying the law, and particularly with regard to the issuing

8 of passports, should something be done in particular when a passport is
9 issued? And then the Prosecutor objects by saying, yes, but the witness
10 stated that he would send the applications to Zagreb.

11 The Prosecutor forgot that the issuing of passports can take
12 place in a consulate and that for that reason, to deliver a passport,
you
13 don't have to send the application to Zagreb and the consul can tell us
14 if, yes or no and whether he delivers or issues a passport he can verify
15 if a person is a Croatian citizen or not, so that's basically if I
16 thought I understood Mr. Karnavas's questions, that's the case,
17 Mr. Karnavas please proceed.

18 MR. KARNAVAS: I will try -- and also I will keep in mind the
19 Prosecution's concerns.

20 Q. Focussing now on August 1993, in processing the applications for
21 citizenship, were you ever instructed to use discriminatory methods in
22 order to exclude some individuals or to include others?

23 A. I never received such instruction. I abided by the law. There
24 were no particular instructions, discriminatory or otherwise.

25 Q. All right. And can I accept from that answer that

Page 28840

1 President Tudjman did not instruct you, Gojko Susak did not instruct you,
2 Granic didn't instruct you, Skrabalo didn't instruct you, none of these
3 individuals ever instructed you. You were just doing your job based on
4 your understanding of the application of the law; is that correct?

5 A. Correct.

6 Q. Now, in keeping a little bit with this issue because the issue of
7 transit visas and passports and documentation, I want to take you back to
8 when you left Croatia, I believe, and then you went to Italy with your

9 family, and then you eventually went to Venezuela. Did you, at the time,
10 have a Croatian passport, you and your father and your mother, siblings.

11 Did you hold a Croatian passport at the time, we were's talking about
12 1947 now, and I think it was 1949 when you left for Venezuela?

13 A. No.

14 Q. And what kind of document, did you have a Yugoslav passport?

15 A. No.

16 Q. Well, how did you get into Venezuela if you didn't have a
17 passport from Croatia or from Yugoslavia? And I should have asked you,
18 did you have one from Bosnia-Herzegovina? How did you get into
19 Venezuela?

20 A. I entered Venezuela with my passport -- with just one document,
21 travel document. The whole family used just one document that had been
22 issued by the International Red Cross and IRO, the International Refugee
23 Organisation which later became UNHCR.

24 Q. All right. Now, I want to make sure because it says here on line
25 5 that you "... entered Venezuela with my passport," you did not have a

Page 28841

1 passport at the time?

2 A. No, I did not have one at the time. I arrived with my parents
3 and we all shared one piece of paper, one document.

4 Q. All right. And when was the first time that you were eligible to
5 actually obtain a Croatian passport?

6 A. I was in a position to obtain a Croatian passport from the moment
7 I arrived in Croatia, but I was a Venezuelan citizen. I had a Venezuelan
8 passport until the moment I obtained a Croatian passport.

9 Q. Can you be more precise? The folks living in the diaspora, the
10 Croats, when was it -- when was the first time that they could actually

11 obtain a Croatian -- a passport, in the history of Croatia, the modern
12 history of it?

13 A. Please repeat the question -- your question, I'm not with you.

14 Q. All right. I'll lead you a little bit. During Tito's

15 Yugoslavia, could you hold a Croatian passport?

16 A. I don't know, but I don't think so.

17 Q. Was the Republic of Croatia independent during Tito's period?

18 A. No, it wasn't.

19 Q. All right. Well --

20 A. Sometimes they would take away our citizenship, sometimes they

21 wouldn't, and I never knew whether, according to the Yugoslav

22 authorities, I was still a citizen of Yugoslavia or not. But in any

23 case, I was an apolode [phoen] in Venezuela, which means I was a person

24 without a previous citizenship.

25 Q. And how long did that last?

Page 28842

1 A. As a minor, I entered Venezuela, and I received the citizenship

2 based on the citizenship obtained by my parents. At the age of 18, I was

3 asked to make my mind as to whether I would continue being a Venezuelan

4 citizen or not, and I decided to adopt permanent Venezuelan citizenship.

5 Q. I take it that was based on Venezuelan law?

6 A. Correct.

7 MR. KARNAVAS: Okay. If we could go into one -- private session

8 just for one small topic and that will be the end of my redirect, Your

9 Honours.

10 JUDGE ANTONETTI: [Interpretation] Fine, let's move into private

11 session.

12 [Private session]

13 (redacted)
14 (redacted)
15 (redacted)
16 (redacted)
17 (redacted)
18 (redacted)
19 (redacted)
20 (redacted)
21 (redacted)
22 (redacted)
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24 (redacted)
25 (redacted)

Page 28843

1 (redacted)
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13 (redacted)
14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 [Open session]

24 THE REGISTRAR: Your Honours, we are back in open session.

25 Questioned by the Court:

Page 28844

1 JUDGE ANTONETTI: [Interpretation] Witness, I was saying that as a
2 rule, I do not ask any questions after redirect, but in one of your
3 answers, you said something that could be significant. I found out and
4 that's something I had no idea about. I discovered that you and your
5 parents went to Venezuela in 1947, that's what I see on the transcript,
6 and when you arrived there, your parents apparently had no Yugoslav
7 passport but you had a document for the entire family issued by the
8 International Red Cross and the agency that at the time played the role
9 of the UNHCR. And thanks to these documents, you were able to enter
10 Venezuela and Mr. Karnavas asked you to confirm that information and you
11 did so. It's something else that I'm interested in. I'm trying to
12 compare your situation to the situation of those people who left Bosnia
13 and Herzegovina and left to a third country. Some of them may even have
14 gone to Venezuela, I don't know. These people did not have a passport
15 but they had either letters of guarantee from the third country that
16 would receive them or they had documents from the UNHCR.

17 Later on, you explained that when you turned 18, you were asked
18 whether you wanted to obtain Venezuelan citizenship and you decided to
do
19 so because you're telling us that now, you have the double nationality.
20 My question is this: Out of the people who left Bosnia and
21 Herzegovina and who spent some time in transit in Croatia and then who
22 left to go to third countries, out of all these people, can you tell us
23 whether some of them applied for the citizenship of that particular
24 country and do you know whether their children, minors, applied for the
25 nationality of these third countries? Are you aware of such situations?

Page 28845

1 Here I'm drawing a parallel between the situation of these people and the
2 situation of your own family.

3 A. I obtained citizenship in Venezuela at the same time when my
4 parents obtained it, but it was a temporary situation, a provisional
5 situation. Because when I turned 18, the State of Venezuela asked me
6 again under the law whether I wished to continue being a citizen of
7 Venezuela to which I said yes.

8 As of that moment when my parents obtained Venezuelan
9 citizenship, I was a fully-fledged Venezuelan citizen, but I obtained my
10 first Venezuelan citizenship together with my parents and I've been a
11 Venezuelan citizen ever since.

12 JUDGE ANTONETTI: [Interpretation] That's what happened to your
13 family, but my question was related to information you may have received
14 whilst you were in Croatia, whilst you were an ambassador. Do you know
15 whether people who left Bosnia and Herzegovina did the same thing your
16 family had done, that is to say, move to a third country and obtain the
17 citizenship of that country? Did you receive information in that -- to

18 that effect?

19 A. Again, I have to clarify and say that the situation was rather
20 heterogeneous. There were displaced persons during the Second World War
21 who left the country and who were immediately adopted into the IRO
22 programme or the United Nations Agency for Refugees programme but also
23 ways and other treatments granted to various persons. I believe that
24 those of us who were under the United Nations protection enjoyed certain
25 privileges when it came to immigration to being looked after while we

Page 28846

1 were living in Italy. But this did not apply to everybody across the
2 board. There were different categories of other displaced persons or
3 refugees. Some were categorized --

4 MR. KHAN: Your Honour I do apologise to interrupt the witness.

5 It is clear from the witness' answer that perhaps he hasn't grasped Your
6 Honour's question. It seems to relate to, of course, a totally different
7 matter.

8 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Khan, thank you
9 for your intervention. Obviously you didn't get the point of my
10 question. You didn't understand my question. My question is very
11 straightforward. We are talking about the period of 1993. To your
12 knowledge, did nationals of Bosnia and Herzegovina, did some of them
move
13 to third countries, Denmark, England, the USA, Venezuela, Columbia, for
14 example, did they move to these countries, for some of them, and there,
15 when they arrived, these families made up of grandparents, parents and
16 children, and so on, so forth, did some of them obtain the citizenship
of
17 that particular country in the same way that you obtained the
citizenship

18 of Venezuela under other circumstances obviously? But what I find
19 interesting here, because we might have other witnesses telling us about
20 that, but you may be in a position to do so, but were you aware of those
21 type of cases? If you have no knowledge of such cases, if you never
22 dealt with those situations, tell us and that's fine with me.

23 A. No.

24 JUDGE ANTONETTI: [Interpretation] Fine. Unless there are more
25 questions for this witness, I'd like to join Mr. Karnavas in thanking
the

Page 28847

1 witness for coming to The Hague to testify. Thank you very much for
2 having spent a number of days here in The Hague to testify for Mr. Prlic
3 or for his defence. We wish you a safe trip home.

4 I'm going to ask the usher to escort you out of the courtroom.

5 [The witness withdrew]

6 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, one
7 administrative matter, question as far as next week is concerned. You
8 told us, unless I'm mistaken, you said that you had requested six hours
9 for your witness next week. I have no problems with that, as far as I'm
10 concerned, but -- you know this as well as I do, six hours means that
the
11 other Defence teams will have three hours, and that they may not use
12 these three hours, I have no idea, but it also means that the Prosecutor
13 will have six hours; and it also means that there will be a certain
14 amount of time related to procedural incidents which unfortunately
cannot
15 be avoided and you also have to take into account time used by the
16 Judges.
17 So if we have this witness testifying for six hours in direct,

18 that means that we won't be able to complete his testimony within the
19 four days. In other words, your witness will most probably have to come
20 back on the following Monday. If it's not a problem, then that's fine
21 because you are the one who makes the decisions in that respect. If that
22 does not pose a problem, tell us, but Mr. Karnavas, you see last week
23 following the problems we had, I myself asked the witness last week:
24 Witness, would it be possible for to you stay on and he said no because
25 he had to go to Israel. The witness was only able to stay in The Hague

Page 28848

1 for four days. We couldn't go beyond that and you remember that we
2 managed to finish his testimony but it was at the very last minute.
3 As for next week, next week's witness, I don't know if you can
4 tell us whether you're going to use this six hours or not, and you know
5 that these six hours includes both direct examination and re-examination.
6 MR. KARNAVAS: Initially we had this witness scheduled for eight
7 hours we then reduced it to six hours. And then upon further reflection,
8 we are going to tender him as a 92 ter witness based on his 1996
9 statement, so we will be asking for that statement to come in. With that
10 statement coming in and using the statement as a sort of a foundation to
11 amplify, we are hopeful that we can reduce it from six to maybe, you
12 know, a more manageable hour rate so that we can finish him within the
13 week. Our expectation is to get him through the week with ample time for
14 the Prosecution to conduct its own cross-examination. So that's our
15 position.
16 The gentleman is 82 years old, I should say, and speaks rather
17 slowly. I'm not going to mention his name, but in any event, but we will
18 labour through this hopefully that we can finish -- but I will be asking
19 that his 1996 statement taken by the Prosecution which they already have

20 be part of his testimony, so it's not the statement taken by Karnavas
and

21 company but by OTP and company.

22 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

23 MR. STRINGER: Thank you, Mr. President. I wanted to ask for a
24 clarification on this as well. I'm being informed that we've -- within
25 the last few days, received from the Praljak Defence a Rule 92 ter

Page 28849

1 statement for the same witness, and so we weren't sure whether, then, the
2 Praljak Defence is intending to make this witness one of their own as
3 well for direct examination or whether there's going to be a supplemental
4 or a second 92 ter statement tendered by a different defence team for
5 this witness; and it might affect the procedure and the time keeping as
6 well.

7 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Kovacic. This
8 morning, to tell you the truth, I reviewed the statement of this witness.
9 I'm not going to mention his name, of course, but I had the same question
10 as Mr. Stringer and my deduction was the following -- I may be mistaken,
11 but it seems that this witness is a Prlic witness but that during the
12 cross-examination, during your cross-examination, you intend to
introduce
13 this 92 ter statement and to put questions to the witness as part of
this
14 so-called cross-examination. But the Trial Chamber makes a difference
15 between questions directly related to direct examinations and questions
16 that go beyond.
17 Can you tell us what your position is with respect to that
18 witness?

19 THE INTERPRETER: Microphone please.

20 MR. KOVACIC: Sorry, it was on but I turned it off.

21 [Interpretation] With regard to your views, the second part of your
22 understanding is correct. I hope that it would be clear from our
23 submissions, but I certainly wanted to clarify the matter before
24 Mr. Stringer's cross-examination, our plan is as follows: As we
25 announced earlier in a submission and after having submitted our 65 ter

Page 28850

1 list on the Thursday, 1st of March, the Trial Chamber has asked us to
2 declare our opinion on this particular issues which is how to avoid
3 duplication and that, then, we provided our opinion and in keeping with
4 that, yesterday or the day before, we submitted to the Trial Chamber a
5 request in which we specified that we wanted to use the testimony of this
6 witness and his arrival at The Hague for the defence purposes of
7 General Praljak's Defence i.e., within the time allocated to our defence
8 and that we wanted to use him as 92 ter witness.

9 Technically speaking, it may be any way you wish, but technically
10 speaking my idea was to follow on Mr. Karnavas' examination before the
11 beginning of cross, that we should be granted 15 minutes not more for
12 this witness because we would be using him as a classical 92 ter
witness.

13 We would just like to put some questions to him to verify his statement.

14 I believe that there is a mistake in the statement which concerns a
date,

15 this is a mistake we would like to verify and that is that. I will not
16 take more than 15 minutes, so he is in that respect a 92 ter witness.

17 Then we can continue with our cross. The other Defence teams may have
18 questions, I certainly do, but in light of your guidelines, these

19 questions will fall within the scope of cross-examination, and we will

20 behave as if we had never examined this witness as a 92 ter witness and

21 then in his cross-examination, the Prosecution can deal with two types
22 of -- with the two types of testimonies -- examinations by Mr. Karnavas
23 who will use the witness as a 92 ter as well and he can also deal with
my
24 examination which will be both the 92 ter and cross-examination.
25 JUDGE ANTONETTI: [Interpretation] One moment, I'll give you the

Page 28851

1 floor in a moment.

2 Mr. Karnavas, this witness is your witness and because of that,
3 maybe you do not want this witness to be sort of contaminated by other
4 considerations. I understand what Mr. Kovacic is saying perfectly, he
5 would request 15 minutes as part of his own direct examination following
6 your own direct examination. Would you agree with that or would you
7 object to it? Because this might be a source of conflict between what
8 the witness told you, what is included in this particular statement.
9 Since you are at the helm, I'd like to know what your position is on this
10 matter.

11 MR. KARNAVAS: I must confess, this is the first time I hear
12 about the cross-examination aspect of it and I must also confess that I
13 do find it a little unusual that you would tender a witness for direct
14 and then cross-examine the same witness because there may be instances,
I
15 don't know, where you might need to impeach your own witness. Of course
16 that can be done if a witness goes south on you, as we say, your own
17 witness, you can declare them hostile and then cross-examine, that's a
18 possibility but in this instance, it seemed to me and I don't know, I'm
19 going to be speaking with Mr. Kovacic who is an extremely reasonable
man,
20 and very -- much more experienced than I am on these matters, but I'm

21 sure we will coordinate this approach. I would say, however, and I
22 think -- and I don't want to cause any conflict among anyone, but if you
23 do tender a witness as your own witness, and in this case, it would be
if
24 they're tendering a 92 ter witness statement, then it would seem to me
25 that unless they can establish under the Rules now, I'm speaking and I'm

Page 28852

1 trying to be fair not to intervene in any way, but to be fair, that
2 unless you can establish that there is hostile territory, that the
3 witness is hostile, I don't see how you can cross-examine the witness.
4 I'm trying to be very careful in my language not to appear that
5 I'm trying to sabotage somebody's -- but I'd like to be professional in
6 these matters, and I think that would be probably -- my opinion might be
7 shared by Mr. Stringer because we come from adversarial system where
8 these rules apply rather rigidly.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stewart.

10 MR. STEWART: Yes, we probably we got to the point where we
11 should now be awaiting reading Your Honours' imminent clarification of
12 your guidelines but what Your Honours said at page 57, lines 12 and 13
13 just now, you said you know and that you are really addressing
14 Mr. Karnavas, "You know that this six hours includes both direct
15 examination and re-examination" just to record that our understanding of
16 what Your Honours said this morning and what is about to emerge from the
17 Trial Chamber in writing is that for example, Mr. Karnavas could use six
18 hours for direct examination and could also then have a re-examination,
19 the penalty, if you like, being that that re-examination has got to be
20 counted towards his overall total. I only mention that, Your Honour,
21 because that arose in the context of planning for practicalities of next

22 week and when we're looking at how long this witness will take, we have
23 to bear in mind that Mr. Karnavas, if he feels fit, could do it that
way.

24 JUDGE ANTONETTI: [Interpretation] Yes. One moment, please.

25 Mr. Kovacic first and then Mr. Stringer. Yes, I'm listening.

Page 28853

1 MR. KOVACIC: [Interpretation] Thank you, Your Honour. Perhaps it
2 is better that I address Mr. Karnavas' remarks.
3 In the plan I proposed, it is first and foremost based on your
4 decision of the 24th of April. General Praljak's Defence as regards the
5 Monday witness, we are here wearing two hats. We are in two different
6 roles. One is our right to examine that witness in relation to what the
7 first Defence will encompass in their examination in a potential
8 cross-examination. We are entitled to it. Whether we are to do that or
9 not, it's not for me to say right now. It can be a classical
10 cross-examination; however, we may have another scenario in which we
11 would have some additional questions in regard to what he was saying and
12 then again we are entitled to it. The witness is here, we can examine
13 him.

14 The situation differs, however, in that in the second instance,
15 you will count that as part of the time you allocated to Defence 3 for
16 their presentation of the case. That is the only difference. In terms
17 of procedure, there is no difference. Of course there is an issue of
18 treating a witness as a hostile and all that, we know about it and we
19 won't go into it right now.

20 I planned to call that witness myself, but since Defence 1 is
21 calling them first, it is best not to have the witness twice here to
22 clarify even further. We can go step-by-step. We can continue the same

23 procedure as with the previous two witnesses and once the examination in
24 chief, cross-examination, and redirect are finished, then I be given
25 another 15 minutes. Maybe that method is better but it's up to the

Page 28854

1 Bench. I was trying to be fair to the Prosecution, and I said that maybe
2 due to efficiency, my proposal was better to have that witness first
3 examined in chief by Mr. Karnavas and then we were to follow but maybe
4 the other modality is better.

5 JUDGE ANTONETTI: [Interpretation] Very well. I thank you

6 Mr. Kovacic. You've explained very well everything. Thank you.

7 Mr. Stringer.

8 MR. STRINGER: Thank you, Mr. President. Just two points in

9 light now of Mr. Karnavas' informing us, and we appreciate that, that
10 he's going to be leading this evidence as a 92 ter witness. Two things.

11 First of all, as the Trial Chamber may recall during the course of the
12 Prosecution case when we were proposing to lead 92 ter evidence, the

13 Trial Chamber in its practice would review the statement and would
inform

14 the Prosecution how much time would be granted to the Prosecution for
15 leading the witness as a 92 ter witness. It may be now that the Trial
16 Chamber may wish to review the statement and perhaps issue tomorrow some
17 sort of a guideline in terms of how much time it would allocate to the
18 Defence which is what it did to the Prosecution, for leading the next
19 witness as a 92 ter witness. So that's the first point. It was the
20 practice that was used before and we suggest it should be used here.

21 Secondly, I'm informed that the witness statement that

22 Mr. Karnavas refers to is -- it is indeed a witness statement that was

23 given to the Office of the Prosecutor in 1996, it's 12 pages in length

24 and on the other hand, the Prosecution is currently in the process of
25 reviewing and attempting to assimilate some 215 documents that the Prlic

Page 28855

1 Defence had previously identified as documents that it would use or might
2 use in its direct examination of this witness. So there's a tremendous
3 amount of paper that might, in fact, be impacted now by the fact that
4 this witness is being led as a 92 ter witness, and it would be extremely
5 useful, I think, for all of us if there was going to be any significant
6 reduction in the amount of potential documentary exhibits, if we could be
7 informed of that now rather than having to work with them through the
8 weekend before the witness then comes to testify about his 92 ter
9 statement.

10 MR. KARNAVAS: If I could just briefly --

11 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Karnavas.

12 MR. KARNAVAS: If I could just briefly respond to the latter
13 part. I don't believe that we were extended that courtesy from the
14 Prosecution what Mr. Stringer is asking on all occasions, particularly
15 since on many occasions, the Prosecution was not able to meet with their
16 witnesses in -- before Sunday or so and it was often the case that it
17 would be Sunday night at 10.00 we would hear the fax machine, getting
18 proofing notes or getting notice of something.

19 And Mr. Stringer obviously knows that it's humanly impossible at
20 this time without me knowing if the Trial Chamber is to accept his first
21 argument that the Trial Chamber should decide how many hours, how can I
22 possibly then make the cut. Also I have to meet with the witness. A lot
23 of variables go in. I can assure the Trial Chamber that our working
24 schedule is 7 days a week. We do not rest a single day. You go until
25 midnight almost every day and we will leave today, this afternoon, we

1 will be meeting with the witness and then the next day and then the next
2 day all the way including Monday morning until we get to court.

3 The Defence, in my opinion, this particular Defence doesn't rest
4 while we are he's preparing the witness because we understand once the
5 witness is on the stand we don't have access. Making cuts on documents
6 is extremely difficult but if they've had the documents for many, many
7 weeks so they've been able to look through them, sift through them.

8 I should also bring to the Trial Chamber's attention that this
9 particular witness also testified in a previous case, and so it is not
10 their first encounter so they've had lots of opportunities to figure out
11 where we're going. It is not rocket science and I'm not Houdini; it's
12 not like I'm going to pull some rabbit out of the hat.

13 JUDGE ANTONETTI: [Interpretation] Ms. Tomic.

14 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

15 What I am probably about to say is understood but however no one said is
16 so far, and it wasn't in the transcript. I suppose that in the time that
17 is allocated to the Defences for cross, it will also include the time
18 they will need to examine under Rule 92 ter as regards Mr. Praljak 's
19 Defence is concerned and that time is not going only to be counted based
20 on Mr. Karnavas' examination. Therefore what should be taken into
21 account is not only the 15 minutes that would be needed for the
22 verification of the statement. If you read the statement as I did, you
23 realise that there is a whole plethora of new topics that need to be
24 discussed and this needs to be taken into account. If there would be no
25 reason to examine the witness after Mr. Karnavas' examination there may

1 be a need to examine him according to the statement.

2 JUDGE ANTONETTI: [Interpretation] Yes. I did not consult my
3 colleagues but the Trial Chamber will deliberate on this problem that was
4 raised by Mr. Kovacic. I'm not able to answer to you right now but what
5 you mentioned is a purely technical matter. If Mr. Kovacic has 15
6 minutes for his main cross-examination of this witness, and then you have
7 50 per cent of the time, rather 7 minutes and 30 seconds that you have to
8 divide between you, that's the mathematical rule, right? Because
9 Mr. Kovacic would take only 15 minutes. If he would take one minute [as
10 interpreted], it would be 50 per cent of one hour meaning 30 minutes but
11 he told me that he uses 15 minutes so half of that and -- and 7 --
12 meaning 15 minutes and then 7 minutes and 30 seconds for the other
13 Defence teams. Yes, Mr. Ibrisimovic.

14 MR. IBRISIMOVIC: [Interpretation] Thank you, Mr. Presiding Judge.
15 First of all, as regards the issue raised by Mr. Stringer, they received
16 it on the 31st of March two months ago. They were given the list of
17 documents used with every witness give or take 10 per cent or so.
18 Therefore, there is no reason for Mr. Prlic's Defence to come up with
new
19 lists to forward to the Prosecution. The Prosecutor knows what documents
20 will be used.
21 Secondly, if I were Mr. Kovacic, and of course he needn't take my
22 advice, but I would as regards the witness he prepared for the witness,
I
23 would use it in cross-examination asking to have that exhibited. Of
24 course he doesn't have to take that piece of advice but it may pose a
25 practical solution.

Page 28858

1 JUDGE ANTONETTI: [Interpretation] Very well. So now this is a
2 new thing that's happening here at this Tribunal and we will definitely

3 rule on this. This is all new, so we shall discuss amongst ourselves and
4 we will let you know shortly what our position is.

5 For the time being, what we know is that this witness is coming
6 next week for his direct examination led by Mr. Karnavas for Mr. Prlic.
7 So that, at least, is a certainty. That being said, thank you very much
8 and we shall reconvene next week unless Mr. Stewart would like to add
9 something?

10 MR. STEWART: Your Honour, it's just really in case I've got
11 confused or misunderstood, the exchange that just took place between
12 Ms. Tomic and Your Honour, I had understood that what she was saying was
13 making the point that where you have a short examination of a witness
14 under 92 ter to verify a statement that to allocate then for
15 cross-examination, a time arithmetically, even as a guideline, a time
16 arithmetically calculated according to that short examination simply
17 doesn't work and we'd say -- we actually had understood that throughout
18 this case that was rather understood and accepted by the Trial Chamber
19 because take an extreme case you have can have a have a statement if it
20 really covers the ground absolutely clearly, and it's all that that
party
21 wishes to adduce in chief. You can spend two minutes verifying a
22 massively long statement and then it happens and then Your Honours'
23 answer strictly understood literally understood seems to mean that you
24 get two minutes divided amongst six Defence teams. I thought that was
25 her point, it seems she's nodding approval, it seems she was her point
so

Page 28859

1 Your Honour's comment then, with respect, doesn't address it. The point
2 remains on the table.

3 MR. KHAN: Yes, Your Honour, if I could with respect join my

4 learned friend. His submissions and observations. It cannot be right
5 for any party whether it be the Prosecution or a counsel for a co-accused
6 to shovel in evidence by way of a procedural rule in such a manner that
7 would effectively deny the other accused a right to cross-examine on that
8 evidence. So a purely mechanical application of the rules by applied
9 mathematics really would cause an injustice.

10 Your Honour, I think the best way to proceeding perhaps is to
11 leave this matter, perhaps over the weekend, my learned friends
12 Mr. Karnavas and Mr. Kovacic will discuss certain matters which will
13 bring clarity on one issue, and once Your Honours have reviewed the
ambit
14 of the statement and have heard the evidence, I think an appropriate and
15 equitable ruling can be made. I think thus far, perhaps Your Honours
16 have seen that there hasn't been unnecessary cross-examination by the
17 accused and if one and again it goes back to my learned friend's
18 submission of perhaps last week if we are asking relevant and coherent
19 questions, a certain degree of latitude should be given to us, but I
20 think a mechanical application of the rules would cause an injustice
21 here.

22 JUDGE TRECHSEL: If I may just ask a question, I think, of
23 Mr. Kovacic.

24 Am I to understand that you are tendering a statement which would
25 be different, another statement than that Prlic Defence will be

Page 28860

1 presenting? I had the feeling it was the same.

2 MR. KOVACIC: [Interpretation] No, it's a completely different
3 statement, Your Honour. You have the summary. In my part, it is
4 different, personalised story. It is a story of it's own.

5 MR. STRINGER: Mr. President, if I could --

6 JUDGE ANTONETTI: [Interpretation] Very well. I wanted to say

7 only that this is how you should interpret my words. I read the

8 statement produced by Mr. Kovacic, the statement that Mr. Kovacic is

9 going to tender so when I was saying what I was saying, that's following

10 what I had read, the statements that I have read.

11 Yes, we will finish this hearing with Mr. Stringer.

12 MR. STRINGER: Just one final comment, which I think -- well it

13 relates to the length of time for cross-examination. I had referred to

14 earlier what was the practice during the Prosecution case in chief,

15 Mr. President, and I think if the Trial Chamber goes back and looks it

16 will find that it customarily granted in some cases significantly more

17 time for cross-examination than it allocated for the direct examination

18 as a reflection of the fact that in that situation, often times

19 cross-examination will take more time than the direct examination of a
20

20 ter witness.

21 JUDGE ANTONETTI: [Interpretation] Yes, very well. The Judges

22 will deliberate on this, the Judges of the Trial Chamber, but in these

23 situations which are quite specific, firstly the Judges must read the

24 written statement then they have to see what the implications will be on

25 various Defence teams before allocating the time. Of course that means,

Page 28861

1 presupposes that we have to have the written statement ahead of time so

2 that we can read it and determine the right amount of time and see if it

3 has some implications on others.

4 That being said this is the work that has to be done.

5 JUDGE TRECHSEL: [Previous translation continues] ... recall what

6 the President has said when this discussion started. It is doubtful
7 whether we can do this witness in one week. I think that's really a
8 speculation, I wouldn't bet on it. So the invitation stands for the
9 Prlic Defence to take the precautions that we can keep him after the
10 weekend. Thank you.

11 JUDGE ANTONETTI: [Interpretation] Very well. We will reconvene
12 next week and until then, we all have a lot of work to do. Thank you.

13 ---Whereupon the hearing adjourns at 12.14 p.m.

14 to be reconvened on Monday, the 2nd day of June,

15 2008, at 2.15 p.m.

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