



Page 39447

1 Monday, 4 May 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 --- Upon commencing at 2.17 p.m.

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

8 THE REGISTRAR: Good afternoon, Your Honours. Good afternoon,
9 everyone in and around the courtroom.

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

12 Thank you, Your Honours.

13 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar.

14 Today is Monday, 4th of May, 2009. Let me first greet the
15 accused, the Defence counsel, the entire OTP - they're all there - the
16 usher, the Registrar, and all the people assisting us.

17 You have four IC numbers for us, Mr. Registrar.

18 THE REGISTRAR: That's right, Your Honour.

19 2D has submitted its response to OTP's objections to its
20 documents tendered via Witness Ivan Bagaric. This list shall be given
21 Exhibit IC997. Some parties have submitted their lists of documents to
22 be tendered through Witness Dragan Juric. The list submitted by 2D shall

23 be given Exhibit IC998. The list submitted by 4D shall be given
24 Exhibit IC999, and the list submitted by the Prosecution shall be given
25 Exhibit IC1000.

Page 39448

1 Thank you, Your Honours.

2 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar.

3 Very well. We're going to start the Praljak case today.

4 Last Friday, the Trial Chamber was seized of a request by the
5 Prosecution for a hearing, a 65 ter hearing or a discussion hearing, in
6 order to limit the scope or the extent of Mr. Praljak's testimony. The
7 Trial Chamber notes that the dead-line for the other parties to respond
8 is the 15th of May. The Trial Chamber will rule, therefore, after the
9 15th of May. At any rate, the Trial Chamber, as of now, is going to move
10 to the 84 bis statement by Mr. Praljak, or declaration. As part of the
11 84 bis declaration, Mr. Praljak is going to take an oath, as had been
12 decided by a previous ruling of the Trial Chamber, and in a few moments I
13 shall ask whether Mr. Praljak promises and says that he's going to say --
14 tell the truth and nothing but the truth. Then Mr. Praljak will make a
15 statement for one hour and a half, so this might take us right to the end
16 of the day.

17 Once this part of the proceedings are over, Mr. Praljak is going
18 to testify as a witness. He then will take the stand in front of us, and
19 Mr. Praljak will read out the solemn declaration that is submitted to all
20 witnesses.

21 Mr. Praljak's Defence counsel have given us a schedule. There

22 will be several days in examination-in-chief, and we shall determine the
23 time for cross-examination by other parties.

24 Regarding questions that might be asked of Mr. Praljak by the
25 Judges, as far as I am concerned, and I only speak on my own behalf, I

Page 39449

1 will only intervene when Mr. Praljak has answered questions by his
2 lawyers and when the other counsel have proceeded to their
3 cross-examination, if any. Only then will I ask questions. Only then
4 will I put questions under three main headings, and I'm giving them to
5 Mr. Praljak straight away so that he not be taken by surprise.

6 My questions will first focus on his answers, but only related to
7 the indictment and the pre-trial brief. I will have questions based on
8 the documents mentioned in footnotes in the pre-trial brief. That's the
9 first part of my questioning.

10 Second part, it will only be focused on the documents that will
11 be presented to him by his lawyer during the examination-in-chief.

12 The third part, if any, will relate to questions put by other
13 lawyers. So I'll break down my questions into three parts: first part,
14 indictment and pre-trial brief; second part, documents submitted by him;
15 third part, documents arising from questions by other counsel.

16 Yes, my colleagues want to intervene. They want to explain to
17 you how they might proceed.

18 JUDGE TRECHSEL: Just as an observation. On the record, on line
19 16, which is just about to disappear, it says that this will take us up
20 to the end of the day, and it should, of course, read "will take us up to

21 the beginning of the first break."

22 JUDGE ANTONETTI: [Interpretation] Thank you for this detail.

23 Mr. Praljak, please stand up. I am going to ask you whether you
24 are going to tell the truth, the whole truth, and nothing but the truth.
25 Are you going to tell the truth and nothing but the truth, Mr. Praljak?

Page 39450

1 THE ACCUSED PRALJAK: [Interpretation] Yes, Your Honour
2 Judge Antonetti, Mr. President, I will be telling the truth, nothing but
3 the truth.

4 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Praljak.

5 Mr. Praljak, you may proceed for your opening statement under
6 Rule 84 bis.

7 [Praljak Defence Opening Statement]

8 THE ACCUSED PRALJAK: [Interpretation] Thank you very much.

9 I would like to greet everyone in the courtroom, the OTP, Defence
10 counsel, the honourable Judges, and all those doing their work.

11 I was living in the hope that I would be allowed three hours, but
12 that was then limited to one and a half hours. Therefore, I have
13 provided binders, and I will start with paragraph 15 in the binders.

14 The Croatian Army in Bosnia and Herzegovina.

15 The JNA attacked Croatia. The front was throughout the former
16 Yugoslavia. The rebelling Serbs, the army of the so-called Krajina,
17 together with the JNA, attacked Croatia. The front extended throughout
18 the former Yugoslavia. That was where the soldiers and the weapons were

19 coming from. The JNA, the Krajina soldiers, the Army of the Republic of
20 the Serbian Krajina, attacked Croatia. The front extended throughout
21 this entire territory, where attacks were occurring, the territory from
22 which the soldiers were coming who were involved in those attacks, the
23 territory in which the military equipment and weapons were being produced
24 that were used in those attacks, and all the territories and areas which
25 those weapons and equipment were transported. The JNA and all the other

Page 39451

1 armies did not simply attack Croatia alone. They attacked all the
2 territories and all the peoples living east of the
3 Karlobag-Karlovac-Virovitica line, which was the imagined border of
4 greater Serbia.

5 Throughout this area in which they were carrying out these
6 attacks which under the International Law of War is defined as a theatre
7 of war, Croatia **had every right to use military force to respond if on it**
8 had been able to. Bosnia and Herzegovina, both as a territory and as a
9 state, was attacking the Republic of Croatia **under the provisions of the**
10 international law. Croatia **had every right to respond by dispatching its**
11 troops to any sector of the theatre of war, if only it had been able to.

12 A referendum was held on the 19th of May, 1990, for an
13 independent Republic of Croatia. **93 percent of the voters backed this**
14 issue. At the first multi-party election, held in the spring of 1990,
15 members of the Croatian Parliament were elected.

16 On the 25th of June, 1991, and there's an error here if that

17 could please be corrected, 1991, a constitutional decision was adopted on
18 the independence of the Republic of Croatia, as well as a declaration
19 proclaiming Croatia's independence and sovereignty. This was the legal
20 and constitutive act creating the Republic of Croatia.

21 International recognitions were an important and principal
22 declaration of support to this newly-created state. A state, however, is
23 created by the will of the people.

24 On the 30th of July, 1991, the Lithuanian Parliament passed a
25 resolution recognising the independence and sovereignty of the

Page 39452

1 Republic of Croatia. Next followed recognition by France, the United
2 States, England, and Germany; and this recognition had a greater
3 political significance. Nevertheless, the first recognition that came
4 from Lithuania, and then somewhat later from Iceland as well, had a
5 greater moral significance, incomparably so, in fact, than those that
6 followed when Croatia, despite predictions that it would soon be
7 defeated, stood its ground. Everyone, with the exception of Lithuania
8 and Iceland, first waited until those predictions came true.

9 Alija Izetbegovic, the president of the Presidency of the
10 Republic of Bosnia and Herzegovina, could or could not desire -- or
11 desired not to: A, prevent attacks on the Republic of Croatia from the
12 territory of Bosnia-Herzegovina; prevent the taking away of captured
13 Croatian soldiers from Croatia and Kostajnica to Serb camps in

14 Bosnia-Herzegovina; C, prevent the taking of Unista, VH territory, by
15 Martić's units; D, prevent the massacre that occurred in the village of
16 Ravno, or indeed he found this simply not to be their war, or as he said,
17 "This is not our war"; E, prevent attacks on Dubrovnik, **Slavonski Brod,**
18 Okučane and so on and so forth; F, prevent the recruitment of citizens of
19 Bosnia-Herzegovina into the JNA. The question is where was the Croatia
20 Army allowed to go. Under the provisions of the International Rule of
21 Law, this simply did not matter. The Croatian Army was allowed to go
22 into the territory of Bosnia-Herzegovina **simply because that territory**
23 was used to carry out acts of aggression against Croatia. It was a
24 theatre of war, from where Croatia **stood, as simple as that.**

25 Mr. Alija Izetbegović, nevertheless, refused to sign a military

Page 39453

1 agreement with Franjo Tuđman. In order to not cause Serbs to become
2 angry, he was not willing or wasn't able to protect Croatia from an
3 aggression carried out by a state which he headed. He couldn't -- was
4 not able to or willing to protect the Croats in Bosnia-Herzegovina. He
5 could not do that for the Muslims either. He, Alija Izetbegović, has no
6 power over 70 percent of this country's territory, and yet he is the
7 president of the Presidency of this country. Nevertheless, he behaves as
8 the leader of that country. He signs at that agreement on friendship and
9 cooperation with the Republic of Croatia, **allowing the Army of the**
10 **Republic of Croatia to carry out activities or intervene in the border**
11 areas. At the same time, he's negotiating an historic deal or agreement

12 with the aggressor, himself.

13 The Croatia **Army did not cross into BH territory, except when an**
14 operation was launched to liberate Dubrovnik. The belt in which military
15 activity was underway was so narrow that there was no way around this.
16 The volunteers of the Croatian Army, and the Croatian Army included about
17 15.000 volunteers from Bosnia-Herzegovina, were on their way back to help
18 defend Bosnia and Herzegovina. Unfortunately, there were too few of
19 them. The figures never exceeded between 500, 600 volunteers who were
20 really involved in military activities, at least not before the 9th of
21 November, 1993, at which time -- or until which time I remained as the
22 commander of the Main Staff of the HVO.

23 The text now continues, and I've provided a list of law books
24 that I looked into, because it was my duty and because I wanted to look
25 into them, all the texts which I studied in order to be able to write

Page 39454

1 this.

2 "International Law Number 3," by Andrassy, Bakotic, Sersic, and
3 Vukas, is one of the books I used. Page 4 reads:

4 "Under International Law of War, any area in which the warring
5 parties can prepare for combat activities is considered a theatre of war.
6 Above all, it encompasses the territories of the warring states, their
7 land, their sea, their coast, and their aerial space, air-space.
8 Nevertheless, military actions can also occur in territories not covered
9 by the sovereignty of any of the warring states."

10 Therefore, according to International Law of War, a theatre of

11 war encompasses the open sea as well as no-man's land or "terra nullius."

12 The same thing that is stated here is repeated by Professor
13 Dr. Gavro Perazic, in his own book, who happens to be a Serb. This is
14 the same book. At page 7, it reads:

15 "A theatre of war can be in the territory of one of the warring
16 states, as well as any other territories not falling under the
17 sovereignty or control of any of the warring states, yet they may become
18 theaters of war under International Law of War in which combat operations
19 can be prepared or executed."

20 Therefore, there's a map, 3D03254, which I used -- which I found
21 in Salzburg's book, which I used to show how America in the Second World
22 War was dispatching too many countries in the form of loans, and this
23 continued from March 1941 and September 1946. The quantities varied.
24 Obviously, the value of the dollar is implied at the time, but back in
25 the time it was an enormous amount of money.

Page 39455

1 If you look at map 3D03254, it shows Europe after the Nazi
2 conquests. It clearly shows, for example, Norway. The moment the units
3 of Nazi Germany or, rather, the Wermacht seized Norway's territory,
4 Great Britain, of course, dispatched its own assault units, having
5 previously carried out no consultations with Norway's Kwistling [phoen]
6 government, and having not previously considered international law,
7 simply because these were important ports in which German shelters and
8 submarines took shelter and which they used to control the supply routes
9 across the North Atlantic. That's on the following map, and the one that

10 I'm tendering is 3D03524.

11 The famous combat in Northern Africa between the Wermacht, on the
12 one hand, under the command of Field Marshal Rommel, and at the outset,
13 British units, later also the American units under the command of
14 Field Marshal Montgomery. Therefore, they moved on towards Egypt, as the
15 Wermacht tried to take possession of areas in which the oil was
16 available, and then they also tried to cut across their supply route; but
17 neither Great Britain or the United States saw this as a hindrance in
18 terms of standing up to the enemy wherever the enemy happened to be.
19 Therefore, there was fighting going on for years. We have the battle at
20 Kasserine, the famous battle at Kasserine depicted here, and that's where
21 Rommel was at the time.

22 The next maps that we have there are marked as number 12. I'm
23 using these maps to show the honourable Judges, the Prosecutor and
24 everyone else in the courtroom to show the areas in which the SFRY
25 military forces were deployed pursuant to the Warsaw Agreement, also

Page 39456

1 known as Plan S-1, the Warsaw Pact. Obviously, it would take up too much
2 of my time to go into any great detail about this, but there are several
3 things that immediately become clear. There was an attack that was
4 expected to occur across Hungary, Romania and Bulgaria, and the strategic
5 reserves or, rather, the last-ditch defence line was meant to be in
6 Bosnia and Herzegovina, more specifically in Central Bosnia and
7 Herzegovina.

8 We can please move on to the next map, page 13, showing a
9 deployment, and that's why drills were carried out under Plan S-2, the
10 deployment of the armed forces of the Yugoslav People's Army, in the
11 eventuality of a NATO aggression, showing again the axes in relation to
12 Italy and Austria, and especially from the open sea, from the south and
13 from Otranto. The reserve here was moved further south and is now in
14 Serbia. **These military drills were being carried out throughout. While**
15 General Petkovic was still with the JNA in Slovenia, many times he had to
16 bring out his units in order to respond to a simulated attack from the
17 west.

18 Map number 14 shows the areas of the Serbs on rebelling in
19 Croatia. **In the lower part of the map, we see a description of what**
20 bears mentioning here. This covered about 25 percent of Croatia's
21 territory, 11 municipalities, predominantly Serb municipalities, where
22 144.344 Serbs lived, or rather a total of 29.4 percent of all Serbs in
23 Croatia. **In the remaining 91 municipalities, there was 75 percent of the**
24 total number of Serbs living in Croatia; **and they were not subjected to**
25 any sort of vengeance or harassment by the Croatia authorities, save for

Page 39457

1 a number of individual cases, which is something that always occurs.

2 Map 15 shows the initial idea of an aggression against Croatia
3 and Slovenia. **Look at the key. Everything is described there. You can**
4 see the deployment of all the corps there, the Guards Brigade and all the
5 rest. Should there be any questions about this, I will be happy to

6 provide additional explanations during my cross-examination.

7 If we move on to map number 16, we see the plan of the attack on
8 the Republic of Croatia **following the withdrawal of the JNA from Slovenia**
9 in July 1991. This is only a small addendum to the previous map.

10 Map number 17 shows the military and political situation in
11 Croatia **between December 1991 on the cusp to January 1992, with the**
12 occupied territories of the Republic of Croatia **as well as the axes of**
13 attack or, rather, in this case defence. This was the plan, for the most
14 part unsuccessful plan, by the Croatia Army.

15 3D03173, 3D03173, what follows, are maps that I've already used
16 in this courtroom, the deployment of the JNA, its military structure in
17 January of 1985. And then a significant change which occurred is
18 reflected in the following map, 3D03175. Within the framework of the
19 conceptually complete military and political aspirations of Serbia, **in**
20 terms of the disintegration of Yugoslavia, **which was already in progress,**
21 there was a major restructuring effort within the JNA, and this coincided
22 with the political positions stated in the memorandum, as well as
23 Milosevic's desires which might be summed up as follows: Slovenia, **all**
24 right, if it wishes to leave, it may as well do so, but if Croatia
25 decides to leave, only anything that remains north of the

Page 39458

1 Karlobag-Karlovac-Virovitica line they might keep. 3D00859 is another
2 exhibit in this case, showing the --

3 JUDGE TRECHSEL: Excuse me, Mr. Praljak. I just want to make you

4 aware of a little problem that you may not be aware of.

5 You mention numbers of the e-court, like 3D00859, but I do not
6 find this number on any of the maps. You have indicated numbers of maps.

7 I do not find those numbers on the maps. You have indicated pages. I
8 have found that you spoke of maps which had another page number. So
9 perhaps it would be helpful if you gave us -- the maps have a title.

10 For instance, the last one we had was, I think, "12: Military-political
11 situation in Croatia, **December of 1991 to January 1992.**" If you give us
12 this full title, then it's easier for us to follow.

13 The next map you want to talk about, if I am not mistaken, has as
14 title on the top left side simply the number "1985." I don't know
15 whether I am correct, but to help you keep up the connection with the
16 Chamber, I think it's useful that you're made aware of this.

17 MS. PINTER: [Interpretation] Your Honour, by way of explanation,
18 the general has received a list of documents in e-court for a simple
19 reason; so that the documents and maps could be shown on the screen. And
20 the general is taking things in turn, and he's taking maps as they are in
21 the binder. In your binders, you will not find e-court numbers because
22 you have been provided with a hard copy. And just for the e-court,
23 numbers have been provided to the general so that he could read them and
24 so that the Judges could put them on e-court as the general mentions
25 them.

Page 39459

1 THE ACCUSED PRALJAK: [Interpretation] And now we are looking at
2 map number 18, and we are talking about the year 1985. This is the

3 deployment or the organisation of the Yugoslav People's Army, and it was
4 as it is depicted here, the 1st Army, the 2nd Army, the 3rd Army, the 5th
5 Army around Zagreb, **as you can see it. This is especially important for**
6 the fact that on the following map, which depicts the situation as it was
7 in 1987, there was a reorganisation of the Yugoslav People's Army in
8 keeping with the political aspirations of the Yugoslav People's Army and
9 the Serbian leadership. This was already explained in the memorandum of
10 the Serbian Academy **of Sciences.**

11 The explanation was this: As Yugoslavia breaks up, Slovenia **can**
12 leave Yugoslavia, **and as for the rest of the former** Yugoslavia and its
13 other parts, the only area that can leave Yugoslavia was the area that is
14 delineated by the line which leads from Virovitica to Karlobag north of
15 Zagreb. **It's a minute part of** Croatia. And as for the rest, this was in
16 line with the thinking of the group that was preparing the war. They
17 believed that the rest of Croatia **belonged to the Serbian national**
18 entity.

19 The following map, and the title is "The Operational Development
20 of the Armed Forces of the SFRY," and depicts the situation as it was in
21 1992, and I believe that the map is already an exhibit as 3D00859. This
22 map depicts the deployment of the units of the JNA after having left the
23 Republic of Slovenia. **You can see that the 13th Corps went in the**
24 direction of Montenegro, **and that's the same corps that would later on go**
25 on to attack Mostar and the area around there. The 10th Corps moved from

1 Knin to Bosnia and Herzegovina, the 9th as well, and so on and so forth.

2 The following map depicts the distribution of JNA forces in
3 Bosnia and Herzegovina on the 20th of March, 1992, and this shows in
4 great detail what the distribution of the forces was and how many corps
5 there were, the 10th, the 9th, the 5th, how many soldiers each of them
6 had and how many volunteers. That map, as far as I can see, has been
7 admitted into evidence as 3D00859.

8 And finally, for your information, I handed up a little table
9 depicting the number of killed and wounded children in Slavonski Brod as
10 a result of the artillery fire from Bosnia and Herzegovina. I have
11 nothing further to add to this document.

12 I'm now moving on to the topic under number 16, which is possible
13 methodological errors in understanding. In contrast -- which changed
14 their political system. In contrast which along with the change in the
15 political system emerged, or come into being, or constitute themselves,
16 in contrast which along with the change of the political system and a
17 simultaneous come into being must wage a war against an aggressor, in
18 such countries neither the president of the state of Croatia, nor the
19 Presidency or the president of the Presidency of Bosnia and Herzegovina,
20 nor the government, nor the ministers, nor the army, which by its
21 voluntary nature enables the creation and existence of such a state, nor
22 the commanders of the army, nor the military police, or any other
23 structure of society, represent what these names mean in countries from
24 which the honourable Judges and the Prosecutors come from. This is a
25 very frequent mistake of distorted nominalism, to include into the

1 content of a notion meaning of a state/culture/civilian which the
2 observer comes from.

3 In such a way, we come to a communication error, an error in
4 understanding. The same word is used to denote quite different contents,
5 and the interpretation of the system can be largely or even completely
6 erroneous. I've seen and heard a lot of this from all the observers
7 which were hanging around our areas during the war, too little knowledge
8 about the country they were coming to and too many cultural,
9 civilizational and political patterns that are valid in the countries
10 from which the moderators of the crisis come from; for example, the
11 pattern or matrix about the army in a structured system, which includes
12 the training, law, troop tradition, finances, social aspects, positive
13 selection, education, such psychological support, sufficient redundancy
14 of human and material resources continues, control and checking of every
15 segment, communication and so on and so forth.

16 There is another matrix, the one about a democratic society which
17 starts functioning with the act of the passing of the law on free
18 elections. The following is the matrix about the rule of law which
19 appears when good laws are passed, the matrix about the police, which do
20 their job well, when a group of citizens puts on uniforms and is provided
21 with badges. Things are not as simple as that. To be more precise,
22 things are much more complicated and harder, and usually take decades to
23 take place, but I could go on for hours talking about all that.

24 Since sociology is a demanding science, and everybody who is

25 anybody dealing with society, and everybody usually knows all about it,

Page 39462

1 the most frequent mistakes that arise from that are as follows:

2 reduction of a system to the level of one's own ignorance and, secondly,

3 the introduction of wrong assumptions whenever we need an explanation for

4 a certain phenomenon. I don't want anybody to think that this means that

5 those who do not have that, they don't have organised systems, that they

6 have the right to commit any kind of crimes. Certainly not. I'm not

7 saying that. However, a lack of order in any social system necessarily

8 leads to an increased number of those who, with time, for a number of

9 reasons, cross the threshold of what is permissible. This, of course,

10 depends also on the effort, work, behaviour of those who lead such

11 systems in the making.

12 I therefore think that only an all-encompassing and thorough

13 analysis of individual cases can provide an answer to the question

14 whether acts of crimes were incited, enabled through lack of punishment,

15 keeping secrets, tacit approval, or whether they fall into the usual

16 statistical distribution of adverse phenomena which every war and every

17 chaotic social situation bring with them.

18 For all those in the courtroom who might be interested, I have

19 prepared short excerpts from a book by Len Deighton under the title

20 "Blitzkrieg," describing the Second World War. I have emphasised the

21 part which explains the underlying causes behind the troops of Wermacht

22 of the Nazi Germany, commanded by Generals Rommel, Manstein and Guderian,

23 not far from the place where we are at the moment -- when I say "not

24 from," I mean Belgium and the Ardeni range, in a certain way -- in a very
25 simple way, broker French divisions and the English division corps.

Page 39463

1 And now I would read just one thing from page 4. One thing was
2 clear. Whatever they did, whatever game they chose to play, the Allies
3 would have a bad time and would find themselves in a quagmire only due to
4 an obstinate refusal on the part of the Belgians to cooperate in their
5 own defence. This attitude of the Belgians was finally confirmed when
6 the Belgian ambassador in London, **several hours after the intrusion of**
7 Germans into his country, visited the British minister of foreign affairs
8 and handed an official protest note of his government, sent because the
9 British Army crossed the French-Belgian border to fighter against the
10 aggressor without an official Belgian invitation.

11 On the following page, page 5, I have also emphasised an excerpt
12 to demonstrate how organised and trained troops might look when they are
13 exhausted and facing the chaos of war.

14 This is what a British inspector wrote about a unit of the
15 vitally-important 9th Army, and we're talking about the 9th Army of the
16 French military:

17 "Rarely does one have the opportunity to see such a disorderly,
18 dirty, and shabby unit. Almost all of its soldiers were unshaven, their
19 horses un-groomed. On the faces of the soldiers, you could not see a
20 trace of pride with oneself or the unit to which they belong. Still,
21 what upset me most was the expression on their faces; solemn, frowning,
22 dissatisfied, disobeying. Although an order had been given 'Salute to

23 the left,' they passed beside us with hardly any one of them making an
24 effort to salute."

25 Further on, it says in this paragraph about the lack of effort, a

Page 39464

1 lot of propaganda, a lot of alcohol, and about a French state railway
2 that had to set apart special rooms in all the major stations for the
3 sobering of the dead-drunk soldiers. There is also reference to the
4 courage of French soldiers and some splendid units, and then on page 7 a
5 reference is made to the Supreme Command.

6 Very often, the Judges in this courtroom asked about
7 communications in the army, who's contacting whom, how quickly one can
8 react in situations like that, and so on and so forth. Look at the state
9 of disorder that reigned in the relationship between the command of the
10 French forces and the units of British forces subordinated to them, and
11 then within the command of the French Army, and you will all see that on
12 pages 7, 8 and 9. Since the British Expedition Force was small, there
13 was no point in setting up a joint allied command, and that's why the
14 British soldiers were subordinated to the local French commanders, they
15 were subordinated to them.

16 It says later on that the structure of the French command system
17 was so rigid that one could not convey any commands necessary for rapid
18 reaction through such a rigid system. It says further on that the
19 officers could not bypass this system of bad command. It says also that
20 the Brigade General Charles de Gaulle did not receive almost any support
21 when he tried to continue fighting the Germans with the man who had lost

22 the war on the 21st of June and struck a deal and signed a peace accord
23 with the Germans. French General Gamelin, if I am pronouncing his name
24 correctly, create the French strategy. He appointed unit commanders. He
25 issued orders not only to the French forces facing the Germans, but also

Page 39465

1 the French forces on the Alps facing Italy and also the French forces in
2 Syria and North Africa. Interestingly enough, he did not have a general
3 staff.

4 The operative command of the large Allied forces in North-East
5 France was the task of General George, whose title a very old and poorly
6 defined title was made general of the army. Even the chief of George's
7 staff once admitted that his officer was not absolutely sure where
8 Gamelin's responsibility stopped and where his own started, and so on and
9 so forth. And finally, when they lost the war, when he answered the
10 question of how quickly he could send orders to the battle-field, he said
11 that usually it took any order 48 hours to get to the battle-field. In a
12 clash with the German units, the three generals who were close to the
13 front were facing the army with good communications, and that army -- the
14 French division simply did not stand a chance against the Germans.

15 And further on I would like to say something about fear, fear
16 from tanks, even when Guderian's tanks could not break the line of the
17 5th Division, and how the 5th created havoc within a whole division that
18 was deployed from Chaumont to Marfais [phoen] Hill.

19 And then it says on page 10 the command position of the 55th

20 Infantry Division -- let me start a bit before.

21 Interestingly enough, the stone which will turn into an avalanche
22 of catastrophe did not start rolling in that creek. Actually, the
23 avalanche was launched around 1830 hours on that beautiful day by the
24 commander of a French artillery battery deployed near the village of
25 Chaumont, when he sent a report saying the German tanks had penetrated

Page 39466

1 all the way to the hills of Marfais.

2 The report was completely incorrect. However, to every French
3 commander who was tempted to throw it away as the fruit of sheer hysteria
4 caused by fear, it gave the motive to change his mind when, a bit later,
5 an artillery colonel from [indiscernible], south of Chaumont, sent to his
6 corps commander another report, also premature, in which he claimed that
7 the battle got dangerously close to his command post, so he had to either
8 withdraw or reconcile himself to the fact that his unit would be
9 surrounded, and so on and so forth. The text goes on to talk about the
10 refugees, about the courage and morale of the French 213th Infantry
11 Regiment which unfortunately failed in its attempt, despite the fact that
12 the troops marched for hundreds of kilometres in order to join the fight.
13 This is just an illustrate of what illustrates something that escapes our
14 attention because of the nature of the work in this courtroom, and this
15 is the war conditions of chaos, death, and blood.

16 And now I'm going to move on to my Chapter 17, "Wishes,
17 Intentions, Action and Power."

18 If we were to interview people and ask them if they wanted the

19 problems of hunger, disease caused by poverty, wars, killings, to
20 disappear, the answer would certainly be "yes." How come we then do not
21 manage to solve such problems? Why did it take Baroness Statures [phoen]
22 several years to successfully solve the problem of the rampage of English
23 football fans. Why did it take the French Minister of Interior Sarkozy
24 several months to solve the problem of rampage of French citizens, the
25 arson, killings, the malison of shops and cars in the suburbs of French

Page 39467

1 cities. And it happened only recently as we all remember. How come
2 responsible people in France **cannot prevent the burning of cars every new**
3 year? Last year, there were 1200, and in the last 10 years the number of
4 burned cars has been over 30.000. How come that the Greek government
5 cannot stop the deluvial violence of its citizens in Athens which has
6 been going on for months? How come that the US Army cannot stop the
7 killing of several hundreds of thousands of civilians in Iraq, a country
8 from which 4 million Iraqis have fled or have been forced to leave?
9 Would this be ethnic cleansing? Would this be expulsion or flight to
10 save dear life? Who is responsible, and how can these things be
11 prevented? Why did Catholics and Protestants in Northern Ireland **fight**
12 for decades in a civilised corner of the world? Are we not hurt by the
13 fact that over 20 years ago China **destroyed one whole civilization and**
14 culture in Tibet **and that they continue to do so; and by doing that they**
15 have brought a whole people to the very edge of survival? What is it
16 that we can do, and why is there nothing that we can do there? It would

17 be pointless to go on enumerating such examples. It would just take us
18 too much time.

19 And, finally, when, in this huge sea of evil of atrocities which
20 floods this world of ours, we find out about some events, how often and
21 in which way do we get to know who the villain or the perpetrator is?
22 Isn't it a hard way between the realisation that something has happened
23 and finding out who the person behind the atrocities actually is? What
24 do we need to have, in technological and organisational terms, and what
25 do we have to do in order to uncover the perpetrators in such situations?

Page 39468

1 The impotence to do something to prevent or to uncover a crime is
2 a terribly wretched feeling, but this is not a crime. This terribly
3 wretched feeling is not a crime.

4 Chapter 18, the joint criminal undertaking or enterprise.
5 Voluminous literature is in existence about social groups, large and
6 small, professional, closed or open, more or less structured,
7 heterogenous, homogeneous, etiological, et cetera, what is the logic
8 behind the choice of this accused group? The Prosecutor says all members
9 of the HDZ, all members of the HVO and the like, and then he says "except
10 for some." Whoever has studied logic to any extent, which is the basic
11 of all human reasoning presuming we do not include pure fantasy, the mere
12 chemical-neural activity of the frontal lobe will never write all and
13 then add "except for some," because if all are involved in something,
14 then those who are not all cannot exist. And if they are not all, then
15 who are and who are not the members of the group of the joint criminal

16 enterprise, and why only four deceased persons and six currently alive?

17 What is the criteria on which the choice was made?

18 The question relating to the phenomenon of the society and war
19 and the cause or meaning of this phenomenon is even more complex. Any
20 phenomenon which appears as a riddle, either in natural sciences or in
21 social sciences, is complex, and all these parts of a whole are
22 interconnected by causal relations. Everything interacts with everything
23 else. Thousands -- hundreds of thousands of variables interact, creating
24 complex differential equations, but there are no final solutions, no
25 final results.

Page 39469

1 Two major theories in the 20th century are important for the
2 understand of the world, the first one being the theory of determined
3 chaos which teaches us that small changes on the input side of a system,
4 if we iterate them, which means repeat them slightly, repeat the slight
5 input values, we can cause large and unpredictable changes in the system.

6 This appears to me especially important in relation to the
7 situation in Bosnia-Herzegovina, because initial small things, when they
8 were iterated, that is repeated, brought us to a single point of no
9 return, a point from which on there was no control. Then the other
10 theory is the QED by Bohr, Heisenberg, Schrodinger, Dirac, Planck, which
11 introduced the principle of indeterminability as an essential part of
12 reality, then the laws of probability as a logical form of understanding,
13 and the principle of complementarity, which says no truly basic natural
14 phenomenon can be determined by the words of everyday speech.

15 Determination requires at least two mutually complementary notions.
16 Niels Bohr states as examples life, a quantum object, the physical
17 system, and the understanding of nature. And then they go on to say
18 there is no science without art, there is no beauty without ugliness,
19 there is no evil without good, and sunlight passing -- having passed
20 through a prism is a rainbow, whereas having passed through a lens burns.
21 Why is especially the principle of complementarity important for our
22 case? I will try to show so by introducing documents which have not been
23 tendered before to establish the total factual truth.

24 We know about 10 to 15.000 wars in human history, the number
25 depending on the definition of war. Since the Second World War, there

Page 39470

1 have been over 500 wars. There have been over 200 military interventions
2 of a great or a smaller scope of intensity of the USA after the Second
3 World War. There is the unfinished war between Japan and Russia, **the**
4 unfinished war between North and South Korea, China **and** Taiwan **or**
5 Formosa, China **and** India **or** Pakistan, **then there are the Tamil Tiger, the**
6 Middle East, the Basques, Northern Ireland, Africa. **I could go on**
7 enumerating at infinitum. The number of military conflicts of greater or
8 lesser intensity never falls below 25 to 30 at any given moment. In the
9 last 300 years, Germany **and** France **have waged war against each other 25**
10 times.

11 Then there is hunger and diseases. Millions of children die of
12 hunger every year. Communism killed millions of people, et cetera.

13 Twenty-five girls get pregnant due to rape every year in the USA. So
14 once they get pregnant, of course they are no longer girls but become
15 women.

16 And what about justice, judges and prosecutor agency since
17 Socrates was convicted 2300 years ago because he misled the youth, what
18 is there in the administration of justice that has been moral. The
19 trials in Rome, where slaves were considered lower in rank and value than
20 a thing, trials in the name of the church or the king, communist Nazi,
21 racial class trials in the 20th century. As late as 1962, America
22 banished racial segregation in schools, aided with the weapons of federal
23 troops.

24 Isn't it whole history of mankind just one joint criminal
25 enterprise. Please don't misunderstand me. I'm not judging, or I'm not

Page 39471

1 preaching morals, but please don't speak about justice and the obscure
2 concept of the international community with so much pathos. If I'm
3 pronounced guilty of anything, I will answer to the victims because I
4 respect them.

5 On the following pages, unusual as it may seem that I deal with
6 these things, I even wrote a critique of the doctrine of the joint
7 criminal enterprise. I studied the works of Professor Marijan Damaska,
8 who retired recently, but until his retirement taught at Yale University
9 in the USA, and at page 4, he mentions some things. I'll skip them over.
10 It's all here in writing. I don't wish to appear as thinking I'm the
11 smartest guy around, but it's for the Judges to decide. But of course

12 everybody is free to study law and think about these issues, and I did
13 study ethics for 40 or 50 years, and so I also had to deal with the
14 relationship between law and morality.

15 So among other things, here it says that on the objective side,
16 there must be a joint plan, design, or intent. It should be determined
17 that the accused person committed an act, et cetera. We'll skip that.

18 After that, at page 5 he mentions the fogginess which accompanies
19 a notion of a common intent. I'll read -- I'll just read out the
20 following at page 6, how the international community behaved. It's from
21 the book written by Florence Hartmann about the protected areas which,
22 based on the decision of the permanent members of the UN
23 Security Council, were declared protected areas, where people had the
24 right to survive, et cetera. It says here:

25 "Paris, London, and Washington failed in 1995 to undertake all

Page 39472

1 the necessary measures to prevent genocide which was step by step
2 prepared in front of our eyes."

3 As early as 1993, the intuitive international representatives
4 called the tightening of the ring surrounding the besieged enclave a slow
5 genocide or a gradual genocide.

6 Throughout the entire last offensive against Srebrenica from the
7 6th until the 11th of July, 1995, the major powers didn't stop claiming
8 that the Serbian forces, in spite of their advances, have no intention of
9 taking the enclave. Feigning surprise and without lifting a finger, they
10 let Mladic enter the town on the 11th of July, 1995. Then I'm skipping a

11 bit. Jacques Chirac let this be known and tried to convince his partners
12 to intervene.

13 On the 11th of July, the French president proposes to
14 Great Britain, the USA and Germany **that they reclaim this enclave by**
15 **force.** The next day, France **addresses the Security Council and again**
16 states that it is willing to put its forces at disposal for any military
17 operation which will be judged as useful and feasible.

18 On the 13th of July, Chirac persists and calls Bill Clinton and
19 tells him in Srebrenica they separated men, which are old enough to be
20 able to carry arms, from the women, there's a danger of they're being
21 slaughtered. The civilised nations must confront fascism and conduct a
22 decisive and limited military operation, et cetera. Disinclined to
23 engage American troops on Bosnian soil, Clinton refuses. Kofi Annan,
24 still the commander of peacekeeping operations at the UN, assesses the
25 French proposal as unrealistic and unfeasible, and we know what happened.

Page 39473

1 It goes on to say that Carla Del Ponte is aware of the joint
2 responsibility of international forces for the crime committed in
3 Srebrenica. She confirmed in her own words, saying:

4 "International forces knew that in Srebrenica a slaughter of
5 massive proportions will take place. They were speaking about it and did
6 nothing to prevent it."

7 And so on. Ms. Carla Del Ponte, in her book, says at page 9 of
8 my text: One of the prosecutors of the Tribunal, a Canadian, well known
9 in his circle for his wit and his anecdotes, had an aphorism that did a

10 good job capturing the difference between the Serbs and the Croats who
11 attempted to obstruct the work of the Tribunal. "The Serbs are
12 bastards," he used to say. In contrast, "The Croats are perfidious
13 bastards."

14 Through my attorney, I contacted dozens of relevant addresses,
15 sending them this letter you have in front of you, claiming that
16 Del Ponte used the phrase "he used to say," which means to say that this
17 was not a singular witty remark, but the habitual chauvinist and racist
18 characterisation of all Croats as perfidious bastards. And, secondly,
19 Carla Del Ponte repeats the words of that prosecutor with no
20 restrictions, which means that she completely agrees with such an
21 opinion, which is in line with the formulation of that statement.

22 If I, Slobodan Praljak, had uttered such a statement, or in any
23 form about any people or any group during the war in ex-Yugoslavia, I
24 would have been sentenced to five years on account of that only.

25 Tab 19, quid pro quo or tutu quo, as said here in this Tribunal,

Page 39474

1 the attack of the JNA on Croatian BiH, helped by the organised and armed
2 formations of local Serbs, sent hundreds of thousands of refugees fleeing
3 from burning villages; concentration camps, the killing of civilians,
4 destruction, rape, were all part of that aggression.

5 As in social relations, there is nothing but a law of causal
6 relationship, that is, the law of action and reaction. When individuals
7 or smaller organised groups outside of the control of the already weak
8 government at all levels, the pain and despair makes them cross the

9 threshold of what is legally permissible, revenge occurs. This is true
10 of both attacked peoples, the Muslims and Croats alike. It was like that
11 in every war, or has been like that in every war, to a greater or lesser
12 degree. With the passing of time and due to the mixed population, the
13 war in BiH began, by the course of its own logic, to assume the
14 characteristics of a civil war. The Muslims, pushed to the brink of
15 extinction by Serbian conquest, expulsion and other acts, along with the
16 international denial of the right to defence by the introduction of the
17 embargo on the import of weapons, accepted the help of the fighters from
18 the Islamic world, the Mujahedin. The Mujahedin introduced into that war
19 chaotic elements of a religious war and substantially contributed to the
20 idea of attacking the Croats.

21 It is understood that a commander at any level, including others
22 who hold any kind of office in that chaos, cannot take decisions contrary
23 to International Law of War. That is not disputable. What is
24 disputable, however, is the thesis of the Prosecutor, and I fear the
25 honourable Judges might reduce the entire system in a similar war, that

Page 39475

1 the impossibility of managing all the parts of that chaos is guilt. That
2 idea sprang in the heads of many who called themselves -- call themselves
3 intellectuals and humanists.

4 One of them says that in 1992 he came to Mostar to help, but when
5 he saw the chaos, he returned home. Most of that spurious
6 intellectualism and humanism in people with such a mindset is then
7 reflected in retelling these stories in lounges, stories about the people

8 who remained, and if there is something they don't like in the
9 phenomenology of war, they will put the blame on them. I personally
10 despise the role of war theatre audiences and observers, and irrespective
11 of acts which must be sanctioned. Here is what I say about 98 percent of
12 the boys and girls I commanded: Glory be to those who decided to defend
13 the Thermopylae, which is a quotation from the Greek poet Kavafis. I
14 respect their death, their wounds, courage, their freezing in the
15 trenches, their poor clothes and boots, poor food, the despair that
16 filled them when they thought about what would happen to their parents if
17 they get killed, the poor armaments and very often unclear aim and point
18 of this struggle, which had too many unprincipled and immoral conductors.

19 The unprincipled proposals of the international community in
20 wartime BiH bereaved those deaths from the only possible sense too often.
21 States are created by peoples, and not the other way around.

22 Finally, for the sake of truth, we should mention that even the
23 International Law of War in some cases accepts the quid pro quo logic.
24 This is what I found in the literature to which I had access; namely, the
25 book by Professor Gavro Perazic from Belgrade about the International Law

Page 39476

1 of War; both that book and other books which I read during the war about
2 the International Law of War, some Swiss books or books of other origin
3 translated; and they say that in certain cases, when the enemy violates
4 International Humanitarian Law constantly, there is the right to
5 retaliation. However, "retaliation" may be too harsh a word, because it
6 points toward the biblical principal of an eye for an eye, so that

7 nowadays "reprisals" is the more common word nowadays, and the definition
8 of "reprisals" is: Reprisals represent a breach of war law as a response
9 to the breach of this law on the part of the enemy whose purpose is the
10 cessation of this breach.

11 Honourable Judge Prandler, it was not my idea for a moment that
12 tu quoque could be a form of law. I always spoke only about the
13 following: that in society, it can't always be avoided that in a chaotic
14 state and bearing in mind a causal response, the role of those who should
15 prevent and uncover, et cetera, becomes exponentially more difficult as
16 the wartime chaos grows worse, especially as this war went on for quite a
17 time.

18 How much time have I left, Your Honours?

19 JUDGE ANTONETTI: [Interpretation] The Trial Chamber's legal
20 officer told me five minutes, so that you've used so far one hour and
21 thirteen minutes. You must have 15 minutes left so we could get to 4.00.
22 You've got the clock here in the courtroom here. Make sure you finish at
23 4.00.

24 THE ACCUSED PRALJAK: [Interpretation] Tab 20, war crime, crime in
25 war.

Page 39477

1 When, in the Croatia language, we transform the noun "war" into
2 an adjective, we get an assembly consisting of a non-flexible adjective
3 and a noun, "war crime." A non-inflexible adjective, "ratni," the term
4 is the essence of the concept of the noun "rat" or "war" in front of
5 which it is placed. Likewise, Croatian orthography, Croatian literature,

6 French wine, Swiss watches, in this manner a special meaning is given to
7 a subset of orthography of wine and watches. Likewise, to any crime in a
8 war, a special cognitive content is given. It is extracted from the
9 individual and transferred and directed to the structural part of war,
10 the political and military commanding set. I do not agree with this.
11 Why would a crime in a war be different from a crime in peacetime? A war
12 crime is a crime which stems from a foundation, in the words of Husserl,
13 i.e., a political idea which is realised by war, by ways and means which
14 include crime, a political idea that can be realised only by crime. This
15 is, for example, the idea of the Nazi German political thought. This is
16 the idea of the Communist Stalinist in Poland and the killing of Polish
17 forces in the Katyn forest, and many other similar examples. I will not
18 here expound on the Serbian political thought which led to the aggression
19 in Slovenia, Croatia, and Bosnia-Herzegovina, or indeed on whether what
20 happened in that war confirms the war crime as founded. I will also not
21 dwell on the Islamic declaration, nor will I explore whether goals
22 contained in that documents can be realised without war and war crimes.

23 One thing I do know beyond any reasonable doubt is that Croatia'S
24 political and military structures in Croatia, and Croatian political and
25 military structures in Bosnia-Herzegovina, never had as their goal

Page 39478

1 anywhere anything that could be realised only by one form or another of
2 war crime.

3 War itself favours an increasing in criminal acts by contrast to
4 a social state of peace for a number of reasons, too many in fact to be

5 listed here. I will dwell on some aspects of social psychology at a
6 later stage, though.

7 As Croatia and Bosnia-Herzegovina can contemplate with this
8 aggression, how to create their states and change their political
9 systems, they were partly occupied with their utility, economic and
10 social structure in tatters, Bosnia-Herzegovina more so than Croatia.
11 The number of problems and difficulties in such a situation is difficult
12 to even imagine for those who have never experienced such a thing. That
13 is why the crimes committed by the members of the Croatia people in
14 Croatia and Bosnia-Herzegovina are crimes beyond any doubt at all, but
15 also it is beyond any doubt that these crimes are crimes in a war. They
16 did not happen due to their foundation in an idea or a political desire,
17 inclination, aspiration, by those who managed and commanded, but in spite
18 of the foundation, desire, inclination, intention and action. Just as we
19 do not use the phrase "Parisian crimes" for crimes that occur in Paris **OR**
20 American crimes in relation to any criminal offences committed in the
21 course of a year in America **or generally civilian crimes in relation to**
22 everything that goes on in the civilised societies in peacetime, much in
23 the same way I think it is necessary to distinguish the meanings of
24 crimes committed in war before we go on to classify them as war crimes
25 or, alternatively, crimes committed in a war.

Page 39479

1 On the contrary, taking into account the number of criminal
2 offences, we could easily be attempted to accuse of joint criminal

3 enterprise the governments, police, ministers, and mayors of many Western
4 countries because they do succeed, in spite of all their resources at
5 their disposal, in reducing the number of such offences below a certain
6 not even very low limit, and the number of those they manage to bring to
7 face justice is not really satisfactory, either. In relation to certain
8 forms of serious crime, the figure falls under 15 percent of the total
9 number of incidents.

10 Just in order to save time, let's move on to tab 24. If there's
11 time left, I would like to return to 21. Now let us try to move on to
12 24, please.

13 Indictment. Since the year 1102, the Croats have always been
14 fighting for their statehood and survival against all the states which
15 besieged them, conquered them, and occupied their territory. Ever since
16 1102, all there was for the Croats was the fight for survival against the
17 Ottoman intrusion, against Venice **and** Italy, **against** Austria **and** Hungary,
18 against Serbia, **the** Kingdom of Yugoslavia, **and the unitary communist Tito**
19 creation. Likewise, in 1971, within the student movement and then within
20 the Communist League of Croatia, **with a huge popular support**, Croatia
21 tried to gain a greater political, cultural and economic autonomy and
22 decentralisation of the SFRY. In other words, it sought to reduce Serb
23 domination and obtain greater democratic and autonomous rights. The
24 counter blow was strong and merciless. Hundreds of people ended up in
25 jails. Thousands upon thousands were left without a job. Thousands of

1 others fled the country. The majority of the best Croatian intellectuals
2 ended up in jails, without work, or outside the country. Many of these
3 distinguished emigrants were killed abroad by Yugoslav Secret Police.
4 Let me just mention the killing of Bruno Busic in Paris. Vlado Gotovac,
5 a distinguished Croatian intellectual, poet and writer, was brought
6 before a judge as an indictment was read to him, verbal offence and
7 attempt to overthrow the socialist self-management order. Asked to enter
8 a plea, he answered, "The indictment is absurd. Therefore, it is
9 irrefutable." He sat five to six years together with the common
10 criminals.

11 When I entered a plea about the indictment against me, I said
12 that I understood it verbally; that is, I understood the words of the
13 language in which I read it. Its logical, cognitive and legal essence,
14 however, escaped me. The indictment is absurd. When, during the trial,
15 I read the books of Florence Hartmann, Carla Del Ponte, and I confirmed
16 all my suspicions about political games going on around and in the
17 Prosecution, and I understood what way of reasoning predominated there,
18 my skepticism became fully grounded. The virtual world of political
19 interests, stories, and repetition of the message about the good guys and
20 bad guys, partiality instead of wholeness, all of that demolished the
21 factual truth.

22 Hagel was once told by some people that some facts did not agree
23 with his philosophical postulates. He answered coldly, So much worse for
24 the facts.

25 Number 24, "Statement." Never, nowhere, not in a single meeting,

1 conference or rally, in Croatia or Bosnia-Herzegovina during the war,
2 between 1991 and 1995, did I hear anyone plan, incite, tolerate cover up,
3 or in any other way foster or advocate any misdeed or any act punishable
4 by any positive law, nor indeed did I do this myself. As for members of
5 my own people, on various occasions I would swear and yell over and above
6 any civilised norm of behaviour. Sometimes I would even hit a person. I
7 falsely signed my -- signed documents as a general, although I was never
8 a general of the HVO. I exercised command over certain operations,
9 although I did not have formal authority to do that. I made threats. I
10 threatened Croats, of course, with acts and powers that had no legal
11 foundation, and the like. Obviously, I am prepared to answer any
12 questions regarding that during the cross-examination. I'll explain what
13 motives led me to do that and what the meaning of all these actions was.

14 We were brought up to not speak about ourselves, particularly not
15 speak favorably and positively about ourselves. It is not a polite thing
16 to do and, therefore, must not be done. In numerous interviews and
17 conversations during and after the war, I never said a single word about
18 the good that I did or, indeed, about my behaviour in the war. Then lies
19 started mounting, false constructions, false witnesses and false truths.
20 Eventually, I was brought to face a court as a criminal. I have had
21 enough now. I now switch back to first person singular free from any
22 consideration visibly the so-called civic politeness and that I claim
23 that there exists the Archimedes-Praljak law which says: Praljak,
24 immersed into war, will reduce the quantity of evil in that war by the

25 unit of one Praljak. This unit consists of energy, daily quantity of

Page 39482

1 hours in which this energy is active. As far as I was concerned, this
2 amounted to about 20 hours per day; C, passion or the speed of burning
3 this energy; D, courage; E, knowledge; F, intelligence quotient. Of
4 course, all of these belong to Slobodan Praljak.

5 As far as some of the above elements are concerned, some people
6 may have stronger qualities than me, such as knowledge and intelligence,
7 but those are few and far between, and the differences cannot be that
8 significant. This might be qualified as arrogance. Nevertheless, in
9 relation to each and every one of these claims, I am prepared to be
10 examined by a psychologist. They can study my IQ, and they can determine
11 the extent of my knowledge.

12 One thing I do not admit is that anyone at the time had the
13 qualities which, added up, would give more -- would yield more than one
14 Praljak, the unit defined by the Archimedes-Praljak law. To achieve more
15 in those times and in that position, one should have had the attributes
16 of a god.

17 My time is up. I regret the fact that I have not been able to
18 complete this, but I will try to do my best to finish this while I'm
19 being examined by Mr. Kovacic.

20 I thank the Judges for lending me their ears. I thank the OTP
21 for listening to my statement.

22 Thank you.

23 JUDGE ANTONETTI: [Interpretation] Very well. It's time for a

24 break. We will now break for 20 minutes. We'll resume after the break.

25 Mr. Praljak will go to the witness box, and he will answer questions put

Page 39483

1 to him by Mr. Kovacic after having taken the solemn declaration, of

2 course.

3 We'll resume in 20 minutes.

4 --- Recess taken at 4.01 p.m.

5 --- On resuming at 4.25 p.m.

6 [The witness takes the stand]

7 JUDGE ANTONETTI: [Interpretation] Let's proceed with the solemn

8 declaration.

9 General Praljak, could you please stand up. Could you please

10 tell us, for the transcript, your name, surname, and date of birth.

11 THE WITNESS: [Interpretation] My name is Slobodan Praljak, born

12 on the 2nd of January, 1945, in Capljina.

13 JUDGE ANTONETTI: [Interpretation] What was your last occupation?

14 THE WITNESS: [Interpretation] The last thing that I'm dealing

15 with is this trial here. Previously, I retired after a long career. I

16 have done a number of different things throughout my career, so ...

17 JUDGE ANTONETTI: [Interpretation] Very well. One last question

18 before you read the text. Have you already testified in this Tribunal?

19 If so, could you please tell us in which case?

20 THE WITNESS: [Interpretation] Yes, Your Honours, I testified in

21 the Naletilic-Martinovic trial. I appeared there as a Defence witness.

22 JUDGE ANTONETTI: [Interpretation] Very well.

23 Mr. Usher, could you please give the text of the solemn
24 declaration to Mr. Praljak.

25 THE WITNESS: [Interpretation] I solemnly declare that I will

Page 39484

1 speak the truth, the whole truth, and nothing but the truth.

2 WITNESS: SLOBODAN PRALJAK

3 [The witness answered through interpreter]

4 JUDGE ANTONETTI: [Interpretation] Thank you. You may sit down.

5 THE WITNESS: [Interpretation] Thank you.

6 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you know exactly
7 how things will proceed. For three years, you've been attending this
8 trial.

9 You will first answer questions put to you by Mr. Kovacic. He
10 will show you some documents, and you will give us your opinion on these
11 documents, according to the questions put to you. After that, the other
12 counsels will put questions to you during their own cross-examinations,
13 but this is a few weeks from now because you are going to testify for
14 quite some time. The Judges on the Bench can ask questions, of course,
15 but I told you this morning when I would take the floor, and of course my
16 fellow Judges can take the floor if they feel a need to. After that, it
17 will be up to the Prosecution to ask questions in the framework of their
18 own cross-examination.

19 Let me tell you that during the first phase, Mr. Kovacic, the
20 other counsels, and the Judges, during that stage everything should run
21 smoothly; but you know that the Prosecutor, according to the Statute, is

22 there to lead evidence; so maybe from time to time the questioning will
23 be a bit difficult for you; but please stay cool, please listen to the
24 questions put to you by the Prosecution and answer them. And please
25 refrain from entering into controversies with the Prosecutor. He's only

Page 39485

1 here to do his job.

2 I've read with interest the different cross-examinations that
3 were led during -- when you actually testified, and everything ran very
4 smoothly, so I'm sure here everything will run smoothly also. So I trust
5 you on this account.

6 I say this to all witnesses, and I'm saying this to you also.
7 Try to be very concise and specific in your answers. This is a very
8 important moment for you. In the Rules, the accused can testify after
9 taking the oath, and the Judges can give probative value to what is
10 actually said. So this is a very important moment for you, and try and
11 be as specific as possible, and very specific.

12 This being said, I will now give the floor to Mr. Kovacic so he
13 can put questions to you for his examination-in-chief, and please answer
14 all the questions put to him [as interpreted] by your lead counsel.

15 Mr. Kovacic, you have the floor.

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

17 Good afternoon to all.

18 If I may, there is a technical issue to deal with before I begin.
19 Today, we submitted the IC list with a delay of about 17 minutes. It was
20 supposed to be submitted, that is the IC list, in relation to the last

21 witness, Drago Juric. We were 17 minutes late, and it was a technical
22 hitch-up that caused this delay. Therefore, I would like to have the
23 Chamber's permission to get the list introduced in relation to
24 Witness Juric. There was a technical delay - Dragan Juric - and we were
25 an additional 15 minutes late.

Page 39486

1 JUDGE ANTONETTI: [Interpretation] Let me consult with my fellow
2 Judges.

3 [Trial Chamber confers]

4 JUDGE ANTONETTI: [Interpretation] The Trial Chamber deliberated
5 and notes that you have handed the IC list, with 1.020 seconds -- it was
6 1.020 seconds late, but still we accept this filing, and we're asking the
7 Registrar to please give us a number for it.

8 THE REGISTRAR: Your Honour, the list submitted by 3D for
9 documents -- their documents tendered through Witness Dragan Juric shall
10 be given Exhibit IC1001. Thank you, Your Honours.

11 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar.
12 Mr. Kovacic.

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

14 There is another observation that I wish to make before I begin.
15 You said that I would be doing the examination. In fact, I will be doing
16 part of the examination, and part of the examination will be taken by
17 Ms. Pinter, my co-counsel. We tried to carve up the work in order to be
18 as effective as possible.

19 Secondly, I would like to say something about the witness, the

20 person now appearing as witness, and bearing in mind the procedure that
21 has applied throughout in this courtroom. We would like to invite the
22 Chamber to interrupt the examination with no hesitation whatsoever at any
23 point in time should there be any questions that you wish to ask,
24 anything at all of interest, anything that you believe needs specifying,
25 or for any other reason whatsoever. I believe General Praljak is willing

Page 39487

1 to respond to any such situation that may occur, and we should find it
2 easy enough to adapt and take everything in our stride. I don't think it
3 will cause any major disruptions to our examination plan.

4 The same thing, of course, applies to the cross-examination, but
5 that is too distant now and we shall cross that bridge when we come to
6 it.

7 With your leave, Your Honours, I would like to commence.

8 Examination by Mr. Kovacic:

9 Q. [Interpretation] Good afternoon, Mr. Praljak.

10 A. Good afternoon.

11 Q. You've mentioned all these things, but I would like to ask you,
12 nevertheless, your date of birth, the 2nd of January, 1945. You stated
13 that for the transcript. Why am I saying that? Because the indictment
14 does not state that. We filed something in writing to that effect, but
15 that was never included in the indictment. So the 2nd of January, 1945;
16 right?

17 A. Yes.

18 Q. Place of birth, Capljina; right?

19 A. Yes.

20 Q. General Praljak, given the fact that you were born in Bosnia and
21 Herzegovina, specifically in Capljina, and that you spent a large portion
22 of your life and most of your life in Croatia, which citizenship do you
23 hold?

24 A. I am a citizen of Croatia or, rather, I'm a citizen of both
25 states.

Page 39488

1 Q. Dual citizenship, then?

2 A. Yes.

3 Q. Is that perfectly in keeping with the laws of both these
4 countries?

5 A. I don't know, Mr. Kovacic. But if citizenship was granted, those
6 making the call probably knew what the law said on the matter.

7 Q. Very well. Thank you very much.

8 The transcript does not record this with any degree of clarity,
9 but it is clear that we're talking about two countries, the following two
10 countries: Croatia, on the one hand, and Bosnia-Herzegovina on the
11 other. I think the question that followed made this abundantly clear.

12 General, your subjective view on this objective fact, the
13 existence of dual citizenship, in a formal sense, why do you feel or see
14 yourself as a citizen of both these countries?

15 A. Because I spent time living in both these countries and working
16 in both these countries. I was born in one of them. I went to school

17 there until I turned 18 -- or, rather, 17 and a half was how old I
18 actually was when I left. My parents continued to live there, as was my
19 sister, her husband, her two children, in Sarajevo, the parents in
20 Mostar. Even when I was in Zagreb **already, I still had Mostar for a long**
21 time stated as my formal place of residence. I was in Zagreb on a
22 temporary basis, and that situation continued for a long time.

23 We all have our native areas, formally speaking, but human beings
24 tend to behave as plants when it comes to their native surroundings,
25 unlike other animals. How I perceive myself is as a person from

Page 39489

1 Herzegovina, **that's where I feel I belong, is the joy that I feel when I**
2 go there; it's this feeling of being pleased to see the native stones of
3 my native area. Obviously, I have a great time whenever I go to Paris, **I**
4 like visiting museums and all that, but this is how I feel about this
5 subject.

6 I lived and worked in Croatia, **but then there is** Bosnia and
7 Herzegovina **too. These two countries, I am a citizen of both these**
8 countries, which is not the most unusual thing that, well, one might come
9 across, surely.

10 Q. General, sir, what was the reason that as early as 1992, in those
11 difficult times, you decided to leave and go to Bosnia and Herzegovina?

12 JUDGE TRECHSEL: Mr. Kovacic, you have so kindly invited us to
13 ask questions to clarify.

14 Mr. Praljak, do you have two passports?

15 THE WITNESS: [Interpretation] Yes, yes.

16 JUDGE TRECHSEL: Thank you.

17 THE WITNESS: [Interpretation] No, no, Your Honour. I have
18 documents from both countries, but I don't have the BH passport. I never
19 applied for it, the simple reason being the restrictions in travel for
20 holders of that passport are far greater than those applying to holders
21 of Croatian passports. That is why I don't have both, but I have all the
22 on the personal documents, such as the ID card and all the rest.

23 JUDGE TRECHSEL: [No interpretation]

24 MR. KOVACIC: [Interpretation]

25 Q. Perhaps it would be a good idea for you to answer the question I

Page 39490

1 asked you previously. What was your motive? Why did you go to
2 Bosnia-Herzegovina in 1992, as early as that; your own personal,
3 subjective motives?

4 A. It was with a very high degree of certainty and precision, or to
5 the extent that it's possible in the setting of a social science, or any
6 social science which always, by nature, is probabilistic, that I knew
7 what the war in Bosnia-Herzegovina would be like, what sort of war would
8 be waged.

9 If the Chamber so wishes, or anyone else, for that matter, I can
10 bring a whole lot of people here who can tell you that I had predicted
11 the war in Yugoslavia **15 years before it even began.**

12 My interest in the social sciences and my professional
13 inclinations, the amount of information I had available to me, was

14 telling me one thing. The Yugoslav crisis could not be resolved in a
15 peaceful way. The only way for it to be resolved in a peaceful way was
16 for someone from abroad to intervene in this crisis, what we refer to as
17 the international community or the great powers. Everything that, in a
18 political and social sense in Yugoslavia, **kept growing, kept**
19 **accumulating, ever since the 1970s; the movement that we refer to as the**
20 **Croatian spring, pointed to one thing. The Serbian thought in a social**
21 **sense was developing in one direction. They would never be willing to**
22 **allow for a peaceful disintegration of Yugoslavia by allowing the**
23 **republics who, under the 1974 Constitution, had state-like powers, and**
24 **this in turn was something that had been implanted in the first**
25 **Constitution in Jajce for Yugoslavia back during the war, and then**

Page 39491

1 particularly it was the power of the ZAVNOH, Croatia's partisan movement,
2 at its meeting in Toposko, and it was then that Croatia was defined as a
3 state and, as such, would form part of the Federative People's Republic
4 of Yugoslavia.

5 Needless to say, I could go on enumerating people who know about
6 that, well-respected intellectuals and writers. I harped on and on about
7 this for years, knowing what would happen. I also knew, when I was
8 involved in the war in Croatia **in Sunja, I told Pesa and a lot of other**
9 witnesses about this as well. Besides, I was well familiar with the
10 plans being hatched by the JNA. Those plans, as we are about to see,
11 based on books produced by JNA generals, envisaged, as one of their most

12 important objectives, to advance towards the sea through the Neretva
13 River valley from Kupres, the Kupres Plateau, having taken the Kupres
14 Plateau and Livno.

15 As someone who clearly and unequivocally made himself available
16 when Croatia was created as a state and as someone who is willing to
17 contribute to the resistance against the aggressor, my departure for
18 Herzegovina was nothing if not a logical conclusion of my moral views,
19 above all.

20 Q. Thank you very much. If I may just go back to some details. In
21 the indictment, your nickname is stated as well. Can you please tell the
22 Court if you have a nickname and what that nickname would be?

23 A. I've had quite a number of nicknames throughout my life,
24 Zeleni -- when I went to school in Mostar, they called me "Zeleni," which
25 means the green one. I used to wear a green shirt, which is why they

Page 39492

1 called me "Green" or "Zeleni." At university, they called me "George"
2 for a while. Back at Sunja, they called me "Hemingway." In Siroki
3 Brijeg, because I have a serious injury to my right leg and therefore I
4 limped, therefore they called me "Limpy Sljakota." And then they called
5 me "The Beard," "Brada," during the war. This is a perfectly common
6 nickname for someone who supports a beard.

7 Q. What about this last name, "Brada" or "The Beard," is that a
8 much-used nickname? What about your close associates and friends, do
9 they call you "Brada"?

10 A. No.

11 Q. Is that therefore something, a nickname that one only comes
12 across very seldom?

13 A. I don't really know. The nickname may have been used every now
14 and again. It wasn't one that I liked or accepted, for that matter, but
15 people can do what they like. I didn't really put up a fight when they
16 called me that. They called me "Caca," "Sefer," "Stari," simply because
17 I was older than most of the lads there; therefore they called me
18 "Stari," which means "Oldie."

19 Q. General, the Trial Chamber should maybe hear something about your
20 education, where it started, where it finished, about your degrees, what
21 you did as a student, and then we will move on to what you did after you
22 graduated. Maybe you can start with your education, for everybody's
23 benefit.

24 A. If I provided thorough information, it would take too long. I
25 completed the first four years of elementary education in Rama and

Page 39493

1 Prozor, where my father was a civil servant in the Communist Yugoslavia.
2 He had been a partisan, both him and my mother, and then he went on
3 working in the State Security Services. We moved a lot, so the first
4 four years I completed in Rama, and then the next six years in
5 Siroki Brijeg. That was the time when I acquired my first friends, when
6 I forged my first friendships, and when I found my footing in a town
7 where I lived. I went to school with Gojko Susak, who would then go on
8 to become a minister in the Republic of Croatia, a defence minister, and
9 for three or four years we shared the same bench. We were very good

10 friends, and I believe that they separated us because we were
11 mischievous. They moved me forward to the front bench.

12 After that, I completed two years of grammar school in Mostar.

13 After that, I went to Zagreb, like a lot of students then because there
14 was no higher education in Mostar at the time, and all of my friends from
15 Siroki Brijeg went to university in Zagreb. I enrolled at the School of
16 Electrical Engineering, and I graduated from that school with a GP --
17 grade point average of 4, and my graduate thesis was about the correction
18 of chromatic image in the main of an electrical signal, which belongs in
19 the area of telecommunications, and especially television work.

20 JUDGE TRECHSEL: Mr. Praljak, it would be helpful if you would
21 tell us 4 out of how much is for the maximum, or is 5 the maximum, or 1,
22 or 6?

23 THE WITNESS: [Interpretation] Well, that's why I'm saying that my
24 life has been rather rich and complicated. Your Honour Judge Trechsel,
25 the study of electrical engineering lasts eight semesters, and the ninth

Page 39494

1 semester is graduate semester. It took me three years to complete
2 three years to complete three -- the first -- the third and the fourth
3 year, and then one to complete the second year. In the second year of my
4 studies, for very clear reasons --

5 JUDGE TRECHSEL: Excuse me, please. I seem to have badly
6 expressed myself. The question --

7 MR. KOVACIC: Your Honour, it wasn't your fault, it was the
8 translation.

9 JUDGE TRECHSEL: Anyway, I'm not -- the important thing is I'm
10 not blaming Mr. Praljak.

11 The only question was: You said "Grade 4." Your notes, your
12 result, was number 4. Now, number 4 only has a content if one knows what
13 the scale was, 1 to 100, or 1 to 10, or 1 to 5.

14 1 to 5, you show with a show of hands. Thank you.

15 MR. KOVACIC: [Interpretation] The misunderstanding was due to
16 interpretation.

17 THE WITNESS: [Interpretation] Maximum, excellent, was 5. My
18 graduate thesis was graded with grade 5 and my grade point average was 4.

19 In 1966, I enrolled in the School of Philosophy, **because in the**
20 second year of my electrical engineering studies, I realised that I
21 didn't want to be an electrical engineer all my life, and for many other
22 reasons I had fallen apart. If you ask me, you Judges or somebody else,
23 why that happened, I can say that my education and knowledge that I
24 picked up in my parents' home was diametrically contrary to what I later
25 on learned in Zagreb. **The objective reality and the perception of**

Page 39495

1 Communism that I received in my parents' home was completely contrary to
2 everything that I encountered later on in my life. There were some other
3 reasons, but for those reasons I had fallen apart. It lasted for two
4 years, and for the two years I did not go to lectures. And then I
5 started studying again in 1966, when I enrolled in the School of
6 Philosophy, studying philosophy and sociology; and that was a
7 precondition for enrolling in the Academy of Theatre Studies that I

8 wanted to study. The necessary precondition was for one to have
9 completed four years of studying at the School of Philosophy **in** Zagreb,
10 and only then could you become a student at the Academy.

11 In 1968, when I was in the second or the third year of the School
12 of Philosophy, there was a reform of education and the curriculum of the
13 Academy was from then on lasting four years. And as of that year, 1968,
14 over 125 students who applied for three places at the Academy, I was one
15 who had -- who was admitted.

16 In the meantime, I worked, I drank a lot of the time, I went to
17 Sweden **to work there for three or four months, I washed dishes, and I**
18 worked in the Akla [phoen] company in the street that the interpreter
19 cannot repeat the name of. So in any case, my life was a typical student
20 life. I worked, I worked hard, and I was rather confused at the time.

21 I graduated from the School of Electrical Engineering at the
22 beginning of 1970. I graduated from the School of Philosophy **in 1971,**
23 and then I graduated from the film Academy in 1972 with a grade of 5. My
24 graduate thesis at the School of Philosophy **was the possibility of**
25 establishing ethics within the philosophy of Karl Marx. That was the

Page 39496

1 essential question as to whether a system that perceived history only as
2 a necessary evil for the development of production forces, would it be
3 possible to establish any ethnic issue in such a system, and such issues
4 obviously implied the issue of choice. And the issues of the possible
5 establishment of morality and the philosophical branch deals in morality,

6 i.e., ethics, is something I've been interested in ever since with more
7 or less success. However, this would take me too far.

8 Upon the graduation from the School of Electrical Engineering, I
9 had to find employment, so first I started teaching at a technical
10 school, and I was the head of the laboratory for electronics there, and
11 that's how I earned a living.

12 In 1972, upon graduating from the Film Academy, I became a film
13 director. I resigned from that school, and then I became a professional
14 artist without permanent employment. I was a freelance film director. I
15 directed some 20 theatre plays. I also directed two television films,
16 one television series, one feature movie that was presented at several
17 film festivals, one of them being in Mannheim, where I was invited to
18 present my film.

19 Towards the end of the 1970s and the beginning of the 1980s, when
20 the crisis in Yugoslavia was rampant and there was no money to be had, I
21 again started working at a school for adult education. The education at
22 that school lasted for four semesters, and it was for adults who were in
23 permanent employment but still wanted to continue their education. I was
24 teaching three subjects, the basics of electrotechnics, the theory of
25 electrotechnics, and the theory of automatic regulation, and I also

Page 39497

1 taught a sociology subject with was the theory of communication.

2 Of the theatre plays that you might be familiar with that deal
3 with social issues, I directed Brecht's play, "A Man is a Man," which

4 concerns the transformation of a peasant into a soldier. I also directed
5 a play by Jean-Paul Romber [phoen], "The Dreyfus Affair." The text of
6 that drama was rewarded as the best drama text in Europe that year, and I
7 had seen it in Komspiel [phoen] and Munich before that with Ronald Pekni
8 [phoen] in the main role, a very brilliant actor. I also adapted two
9 novels for theatre. One was "The Clockwork Orange," which served the
10 English director, a greater English director, to direct the movie. I'm
11 trying to -- Kubrick, Stanley Kubrick. However, Stanley Kubrick put a
12 ban on showing that movie in the States with the reign of Communism.
13 However, the author of the novel, Anthony Burgess, gave me the copyright,
14 and I used that to make my play in Zagreb.

15 I also directed a play by somebody who escaped Russia in the
16 1930s, and in that play he brilliantly described the functioning of the
17 Communist system, the expulsions, and the acceptance of people to accuse
18 their closest -- their dearest friends of the gravest of crimes without
19 any physical force because they believed that that would contribute to
20 the improving of the world by way of the Communist idea.

21 After that, political preparations started in Croatia. I got
22 involved in the political life, fully aware of what lie ahead of us and
23 fully aware of the fact that my moral obligation was to join all that, or
24 the truth be told, I had never had any political ambitions before that,
25 nor did I think that in times like that politics should be discussed in

Page 39498

1 the same way one discusses politics in organised societies.

2 I call these pre-political times, because political times are the

3 times when governments are dealing with agriculture, taxes, and things
4 like that. When a state is created, this is not politics. It's a moral
5 obligation of every human being. These were the times that the Croatian
6 people had gambled several times before that, and according to all of our
7 analyses that was one of our last chances, if not the last chances, for
8 Croatians, as a people, to gain their state in which everybody would be
9 feeling as any other citizens of the civilised part of the world.

10 Q. Thank you very much. I would not dwell upon your
11 curriculum vitae too long, although there is a lot there that could be
12 discussed. However, I would like to use the time to say a few things
13 about some general topics.

14 First of all, your time for the opening statement was cut short,
15 and you wanted to say some other things. That's why I would like to use
16 my time to give you the floor and say something about the topics that are
17 close to your heart, the topics that you witnessed, and the topics that
18 you know a lot about.

19 First of all, let me ask you about the drinking water in Mostar
20 in 1992 and 1993, and especially after the 30th of June, 1993. The
21 question that I'm putting to you directly arises from the indictment,
22 because there is a claim in the indictment that the HVO used drinking
23 water, i.e., the supply of drinking water for the east of Mostar, as a
24 means of coercion or inhuman coercion against Mostar. Could you please
25 say something about that? We've already heard a lot about that in this

1 courtroom, but I believe that you're in a position to fill in some gaps.

2 A. I asked to complete my former answer. While I was studying, I
3 worked as a waiter in Germany for five summers in a row. I took all of
4 my exams very early in June, and then I would go to Schwiesel, close to
5 Swiss and French border in Germany, and I would work there as a waiter,
6 and that's how I was able to finance my studies. I would earn quite a
7 lot of money. And after that, I got an official certificate from that
8 hotel, and that certificate entitles me to the position of a waiter; not
9 a bad one, I believe.

10 And now on to the question. The Prosecutor says that from 30th
11 of June, 1993, there was no drinking water in the mains and accuses the
12 HVO for that. Who was it, in 1992, who damaged the source of Radoje in
13 Mostar and Studenac in Rastani? The sources that served to supply the
14 city of Mostar with drinking water. Who controlled the source in Rastani
15 and up to when? It was the BiH Army until the 24th of August, 1993. Who
16 was it who destroyed bridges in Mostar? Who destroyed the pipes in
17 Mostar that connected the sources of drinking water on the right bank of
18 the Neretva with the eastern part of the city, who and where and how they
19 did it, how they damaged the water supply network, how old that network
20 was, and what was the technical condition of the water supply network?

21 All these are things that the Prosecutor doesn't mention at all.
22 What was the loss of water? Because of the poor state of repair of all
23 the pipes before the artillery attacks of the JNA on Mostar in 1992.
24 What was the quantity of water in those two sources in the summer, and
25 especially in the very hot summer of 1993? What was the pressure of the

1 water in all those pipes, and why there had to be pumps to pump waters up
2 to the highest floors of the buildings? Who and when and to what purpose
3 took a generator pump that should have pumped water to the high -- higher
4 levels of buildings on the eastern side of Mostar? Why is it that during
5 the time between June 1992, when the railroad bridge was destroyed and
6 the northern entrance of Mostar, and thus the main pipe for the supply of
7 water to Mostar from the source in Rastani was interrupted, and August
8 1993, why that pipe was not replaced via a dam that was not far from
9 there?

10 How come that the authorities in East Mostar, after the attack of
11 the BiH Army on the 9th of May, 1993, and the cease-fire that was agreed
12 after that, did not ask to inspect the main pipes on the boulevard and
13 the main valves there? Why didn't they amend the pipes across the Old
14 Bridge? After the attack of the BiH Army and the treason of the HVO on
15 the part of the Muslim members of the HVO on the 30th of June, 1993, why
16 didn't the authorities in East Mostar engage the UNPROFOR and present to
17 them the problem of water, like they did the problem of the wounded, and
18 the latter was then resolved? How come they did not ask for the
19 procurement of a dozen of pumps? With the help of fire-fighting hoses
20 and pipes, they would have been able to bring water to the sufficient
21 number of places. I'm talking about the water from the River Neretva,
22 which was good enough to drink at the time.

23 Mr. Kovacic, the Prosecutor does --

24 JUDGE TRECHSEL: Excuse me. Mr. Praljak, I cannot help noticing

25 that for about two pages of transcript now, you have been asking one

Page 39501

1 question after another, all sentences which end with a question mark.

2 Actually, I thought you want to deposit here as a witness, and the
3 witness doesn't ask questions. The witness gives answers. He says what
4 he has actually seen or heard or witnessed. So I wonder whether it would
5 not be preferable and more germane to the phase of the proceedings if,
6 instead of this way of putting questions, you would actually behave like
7 a witness and speak like a witness.

8 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, there
9 are questions which are simply answers. I could answer all of my
10 questions by just saying that was that. These are grammatical questions,
11 but not the questions of logic. I am simply saying that all of my
12 questions are suggesting the answer, and the answer is this: They did
13 not ask for the procurement of some 10 pumps. They did not ask for the
14 problem of water to be resolved in the same way as the problem of the
15 wounded. They did not repair the main. They did not build a water work
16 across the dam. These are not questions in the sense I could put be
17 putting them to somebody else. These are claims shaped as questions.

18 All of these questions are actually claims, assertions. What I'm
19 saying is that the Prosecutor should have asked the same questions. They
20 should have asked the question how the water supplies filled were once
21 it's empty, what is the technical procedure, what is the health
22 procedure. We should have been provided an answer to the question as to
23 who from the HVO and when issued the decision for the eastern part of

24 Mostar to be cut off from the water supply. Who was it who implemented
25 the decision, how this was done in technical terms. None of that were we

Page 39502

1 able to hear from anybody. We only heard that the HVO was to blame,
2 either the military part or the civilian part, or the two together. And
3 if we don't manage to prove our innocence, that would be the fact.

4 We have never been faced with facts denying things. The Defence
5 counsel and myself were drawing a map and they were saying they had a
6 source in Rastani, they could talk to UNPROFOR, they had a possibility to
7 build a water main, to ask for financial aid, like they did for the
8 supply of electricity, the telephone lines, and so on and so forth. I
9 have used questions here to say one thing, a claim: East Mostar does not
10 have water, the HVO is to blame, and that claim caused hours upon hours
11 of trying to prove some technical details, who, where, what, who remained
12 the pump from the water supply to take it to the war hospital, which of
13 course was important and was a valid thing to do. However, it remains
14 unclear. Why did they not ask for some ten pumps to be able to pump the
15 water from the Neretva River **by using simple firefighters' hoses?**

16 MR. KOVACIC: [Interpretation] If I understood your additional
17 answer well -- Mr. Praljak, but I am not going to use the question form
18 any more. I am going to transform them into assertions or in direct
19 speech, if you so wish.

20 JUDGE TRECHSEL: Let me make it clear that the kind of answers
21 that a witness is expected to give are answers that can be true or
22 untrue. You bring forward allegations, arguments, accusations, which do

23 not quite respond to this. I just want to assist you to use your time in
24 the most effective possible way according to the rules of the procedure.

25 Thank you.

Page 39503

1 Mr. Kovacic, please continue.

2 MR. KOVACIC: [Interpretation] I believe that we will resolve one thing, that
3 is partly due to the interpretation and partly to an incomplete sentence.

4 In his answer, General Praljak asked rhetorical questions that
5 contain assertions in themselves. This is what he was trying to tell us.
6 Partly, the answer was lost in translation, due to a misunderstanding.
7 However, I'm going to resolve the dilemma with just one question.

8 Q. General, we heard your evaluation of the whole problem and all
9 the possible problems that may have originated from that, and from that
10 somebody might have drawn erroneous conclusions. Let me just ask you one
11 thing. Did the HVO intentionally, or in any active way, cut off East
12 Mostar from water supply?

13 A. No.

14 Q. Well, that's the case, yes. Thank you very much.

15 JUDGE ANTONETTI: [Interpretation] One moment. General, let me
16 stray from what I promised to do earlier this afternoon. I have a
17 question on your curriculum vitae; nothing to do with the merits of the
18 indictment, as such.

19 Earlier on, you told us that you studied and then you studied
20 electrical engineering, and then you became an artist, and as such,
21 that's the thing that struck me, you said that you directed several

22 plays. You mention a "A Man is a Man" by Bertolt Brecht. As you know,
23 this play was written in 1925, but rewritten in 1938. It is the story of
24 a man who changed his life, is going to forget his wife, and then is
25 going to become a soldier in the British Army. Under special

Page 39504

1 circumstances, because there's a looting part in it, one does not want to
2 give himself up. And then Galigay [phoen], who is the central character
3 in the play, joins this rifle infantry unit. He changes his life. The
4 question is whether he's going to become a wise man or a monster.

5 When you decided to put this play on stage, did it prompt you to
6 join the army? Did you draw a lesson from that play or not?

7 THE WITNESS: [Interpretation] Your Honour, you were able to
8 identify my basic interest. This is exactly how I directed that play.
9 An English unit lost a soldier someplace, and they -- well, that can't
10 be, and then in a very short time they turn a simple fisherman into a
11 soldier, and that unit later on destroys everything, et cetera. I am not
12 a soldier, in the usual sense. I was a discharged from the Yugoslav Army
13 as unable to serve. I had problems with my leg and other problems. I
14 underwent several operations because of many accidents that happened to
15 me. I fell a number of times, et cetera. But certainly war is one of
16 the most severe shapes human society takes, and many interpretations by
17 many sociologists reject that as something a humanist mustn't deal with,
18 something vulgar. People are killed, and that isn't anything that we
19 should deal with, that isn't our problem. It escapes sociological
20 analysis, because sociology only can look at things until a war and after

21 war. War is a point of singularity where explosions are possible, and
22 things that happen like in the big bang, things cannot be forecast.

23 So at the individual level, that's something that some
24 sociologists deal with and describe it as an incident where a personality
25 is completely decompensated, and two things are very specially important

Page 39505

1 here. The Nobel Prize winner, Konrad Lorenz, who
2 participated in the First World War and studied that, says that there are
3 too variables; the moral firmness of a man and the duration of temptation
4 are two very different things, two very different notions, and therefore
5 what happens often is that people who initially we think that they have a
6 very firm moral integrity, at a certain moment simply break up, fall
7 apart, and other people, who didn't stand out by the force of their moral
8 conviction, live through a war and, at the most difficult moments, they
9 live up to the situation. Well, he goes into the detail and describes
10 how moral decomposition takes place, et cetera.

11 So Brecht's interpretation is something that I read about this
12 war. I read a lot about the Second World War, about the landing. I was
13 interested in why the French military that had three and a half million
14 armed men and had prepared for defence for a long time could have been
15 defeated by much smaller units, what the command system was like, the
16 command-and -control structure, communications, et cetera; and that
17 directed me to two great researchers of war from whom the sociology --
18 not only the sociology of war started, and that was from Von Scharnhorst
19 and Klauzevic; and the Napoleonic war, the lines made up of Prussia,

20 Austria, England, and Spain were losing their first dozen or so battles
21 to Napoleon, and so these two theoreticians asked the questions: How
22 come that these structured armies by functioning states can possibly lose
23 a war. They had -- it is possible to lose a battle because of an
24 incompetent commander, but losing battle after battle is something else.

25 A France that had been out of a revolution, that was at the peak

Page 39506

1 of its strength, but had a relatively untrained military staff, although
2 Napoleon produced generals and field marshals at a more rapid pace than
3 we did in the Croatian Army or the HVO, we had no choice but proceed that
4 way. And if we look at the Battle of Borodin against Kutuzov, both sides
5 lost a total of about 100 generals. That was a time when generals also
6 got killed, and still Napoleon was able to continue the war.

7 And war is a -- accompanies all of human history. At schools and
8 at universities, nobody has studied, except sporadically, how this
9 phenomenon comes about and why we abound in war the way we do.

10 When the war -- or, rather, since the war started in Bosnia-
11 Herzegovina, according to the information that we have, over ten million
12 people got killed all over the world, including Rwanda, et cetera.

13 I also studied Iwo Jima and Okinawa and the dropping of the
14 nuclear bomb on Hiroshima and Nagasaki, and the ethical problem of
15 bombing Dresden and Nuremburg and Hamburg; and I read the transcripts
16 from the Nuremberg trials. I had a huge amount of energy. I read much
17 more than I do now, and most of what I read, I remembered.

18 JUDGE ANTONETTI: [Interpretation] Let me stop you here. You have
19 provided an explanation. Of course, it could be much longer, but you
20 have answered my question.

21 Please proceed, Mr. Kovacic.

22 JUDGE MINDUA: [Interpretation] Just one remark, please. I'm not
23 really speaking to Mr. Praljak, but to Mr. Kovacic.

24 Mr. Kovacic, you asked the witness to speak briefly about his
25 school background and professional background, as well as university

Page 39507

1 background, of course. He's here testifying. You did not ask him about
2 his military background because you wanted him to speak about the water
3 problems. There's something missing, because rightly there was a link
4 between the play that was mentioned and the very life of the witness.
5 But have you planned to ask him about his military background so that we
6 may learn a little bit more about his personality?

7 MR. KOVACIC: [Interpretation] Thank you, Your Honour, for
8 pointing this out. I just wanted to go through the CV briefly and then
9 touch upon some issues, and then return to the CV. But given your
10 intervention and given the fact that there is a natural sequence here,
11 perhaps we should stick to the CV, all the more so that as
12 General Praljak, by his previous statement, has actually returned to
13 that.

14 Q. So, General, you said that you went to Bosnia-Herzegovina on your
15 own accord because it was your wish. Bearing in mind the indictment, the
16 points of the indictment, and let us now stick to 1992, and please

17 mention the times and functions that you had there, as you went there as
18 a volunteer.

19 A. Okay, let us finish this.

20 Then toward the end of 1988, many people in Croatia were aware
21 that some sort of disaster was nearing, and those who were in opposition
22 to the system started to meet and an underground political life sprang
23 into being. In groups of five to ten people, we started preparing for
24 what was to come. I was involved, and in February 1990 I was at the
25 constituting assembly of the HDZ, when a declaration was to be adopted

Page 39508

1 and when a course of action was to be determined. Those were very lively
2 meetings, but we'll hear more about that.

3 In the spring of 1992, I gave up all political office that I had
4 and I was the general secretary of a major political party, and I went to
5 Sunja as a soldier, as a private. I had my boots, and I was ready to
6 fight in the war. Let me be very clear about it. I would have fought
7 and I wouldn't have surrendered whether Croatia had organised itself or
8 not, I wouldn't have run. So in Sunja, after seven days I became a
9 commander, and I was there until early March 1992.

10 After that, I went down there. It is true that about strategy
11 and tactics and all the essential elements of warfare, I knew a lot due
12 to my extensive reading. Of course, I didn't know many technical details
13 about what a Zolja is, or an Osa. I knew about digging trenches, though,
14 from the First World War. You had to defend yourself against artillery
15 shells, what was very important for Croatian volunteers in the early

16 days, because they didn't have weapons to stand up against the enemy on
17 an equal footing.

18 But I had people skills. When I lectured the boys and later on,
19 and after being promoted commander, I became the assistant minister of
20 defence for psychological and information activity. This was called the
21 Political Department of the Ministry, which was an important department.
22 I had hundreds of people under me. I organised all activities. I had a
23 good team of psychologists, a number of people with doctorate degrees,
24 et cetera, because to my mind it was the most important thing to pick the
25 right people. If you have the right people, things will work out. And

Page 39509

1 if you only have a structure on paper, but the people you have cannot
2 work in accordance with those declarations and resolutions, then it will
3 amount to nothing.

4 So I was in Bosnia-Herzegovina from the 10th of April, 1992, in
5 the Operation Zone South-East Bosnia-Herzegovina, and then I returned and
6 lead the attack operations to liberate the right and then the left bank
7 of the Neretva. I left and came back. I went to pacify the situation in
8 Rama or in Uskoplje. I spent an hour and -- a month and a half
9 travelling from Travnik, Novi Sad [as interpreted], Travnik and Uskoplje,
10 Konjic, other places, but it will become more clear once we see the
11 documents.

12 Much work was involved in that. I could go on for hours speaking
13 about it, but without documents it wouldn't do, so let's not proceed that
14 way.

15 I made notes of certain things, because my mind isn't so supple
16 as it used to be, and there is this excellent book, "Eclipse at Noon" by
17 a Jewish author, Arthur Kestler. It's a book about the Stalinist system.

18 JUDGE PRANDLER: I'm going to correct one particular point here.
19 When you speak about Kestler, he was not a -- although he was Jewish, but
20 he was Hungarian. It is what I would like to note for the record. Thank
21 you.

22 THE WITNESS: [Interpretation] I apologise. So then he was a
23 Hungarian Jew who escaped from Stalin's practices and wrote a brilliant
24 book. Thank you, Your Honour.

25 MR. KOVACIC: [Interpretation] Just a minor correction for the

Page 39510

1 sake of the transcript, to avoid any misunderstanding.

2 Q. General, at the beginning of your reply you mentioned that after
3 Sunja "I went down there," on page 60, line 20. What did you mean?

4 A. I said so. South-East Herzegovina, Mostar, Capljina.

5 Q. And then you mentioned the rest in Bosnia-Herzegovina?

6 A. Yes.

7 Q. Although it's implied, let me ask another concrete question to
8 end with. You spoke about your departure to Bosnia-Herzegovina. In what
9 capacity did you go there? Did anyone send you? Did they tell you,
10 Mr. Praljak, go there and do that, or was it of your own accord?

11 A. It was of my own accord, it was my own will.

12 Q. In the transcript, page 61, line 21, it says "Novi Sad." It
13 should be "Novi Travnik."

14 A. Yes.

15 Q. Good. I would like to continue about the environment. I would
16 like to know some basic conditions, and we will now start tackling some
17 subjects and then move on to some details.

18 Let me hear about the telephones. Why are telephones important?
19 Who controlled them?

20 JUDGE TRECHSEL: I'm sorry, Mr. Praljak and Mr. Kovacic. I would
21 like to add a question on your departure for Bosnia-Herzegovina.

22 You had a position in Croatia. **I suppose you could not simply**
23 abandon that without telling anybody, so how was that done? Did you
24 resign, or did you ask for leave of absence, or what form was used?

25 THE WITNESS: [Interpretation] Your Honour, I will tell you

Page 39511

1 exactly how it was. This is what things looked like: I didn't apply for
2 discharge. I didn't ask for approval. I'll tell you how it was.

3 According to all information coming to the staff, and me
4 personally, it was clear that the JNA intended to cross the Neretva and
5 pierce through our positions around Mostar to get to Split, and down
6 there, there were embryonic units, units in Croatia. When speaking
7 officially to Gojko Susak, I would call him "minister," but unofficially
8 we were on a first-name basis. I called him "Gojko."

9 And about March the 20th, 1993, in the evening hours, when we had
10 time to sit down for a while, when there was less to do, I said to him,
11 Gojko, the situation down there is bad. They will pierce through our
12 position and get to Split. **I don't see how it can be defended.** Croatia

13 is narrow. And he answered, But somebody - I forget the name - was down
14 there and told me the situation isn't as bad. And then I got on the
15 phone, and I consulted my father, too, who had fought in the Second World
16 War for four years, and even after that war they were chasing some
17 remnants of the Ustasha regime down there, and I asked him, Dad, what are
18 things like down there? And he said to me, It's disastrous, things are
19 very bad. And on the following day, I said, Listen, Susak, your
20 information that things are good down there are contrary to the
21 information I got that things are bad. And it went to and fro three
22 times like this, and then I was asked to go down there and see for myself
23 what kind of chance Croatia stood against the plans of the development of
24 the JNA if they pierce the defence lines, and the situation down there
25 was not good.

Page 39512

1 When I got back, we had a meeting with Gojko Susak and with the
2 president, Franjo Tudjman, and I asked them to make it -- to allow to the
3 people who were born down there, and in accordance with this theory of
4 the theatre of war and the right to defence, to go down there to try to
5 organise a defence. In much the same way, it was concluded that as a
6 sort of assistance and also for liberating Dubrovnik, something be
7 organised that is called in the documents the southern front, consisting
8 of the HV, commanded by General Bobetko --

9 MR. STRINGER: Good afternoon, Mr. President. I apologise for
10 the interruption.

11 We're just looking at line 19, as it's about to move off the

12 page. There's a reference to March 20th, 1993, and I wonder whether the
13 general was intending to speak about 1992 or if there was an error in the
14 translation.

15 THE WITNESS: [Interpretation] No, it was not an error. It was
16 around the 20th of March, 1993. No, sorry, it was 1992, yes, I'm sorry.

17 Right, and they were supposed to assist the Croats and Muslims
18 willing to fight. On the opposing side, there were General Torbica and
19 General Perisic and the Uzice Corps, and we heard all about that, and I
20 was sent to the area that I know best, the south-east of Herzegovina,
21 Mostar, Capljina, and General Roso, who was born there, went to Livno,
22 and General Crnjac, who was also born in Herzegovina, took the central
23 part. And I appeared there in that function on the 10th of April, 1992.

24 Four days later, General Petkovic arrived, who became the Chief
25 of General Staff, and we started structuring a completely chaotic

Page 39513

1 situation. And as you know, we managed to defend the Neretva Valley and
2 to cope with the treason in Mostar.

3 The commander of Mostar, until my arrival, was a certain
4 Mr. Perak, who at a certain moment, being a former officer of the JNA and
5 a commander of the HVO, or, rather, of the boys who still had no name for
6 themselves, at a certain moment he commanded that Mostar be evacuated by
7 both armed units and civilians, stating as an explanation that the JNA
8 was so strong that it would destroy the town, and he wanted to be seen as
9 the saviour of Mostar.

10 Fortunately, the commanders of the armies or militias of

11 individual suburbs refused that order because they were appalled, and
12 they stayed in Mostar. And Mr. Perak vanished into thin air, and he left
13 for Serbia, and it became clear that he was a member of the KOS, the
14 counter-intelligence service of the army. They were very influential and
15 very strong, and one of their operatives was this Mr. Perak. In simple
16 terms, he wanted to give up Mostar to the JNA, but they didn't obey him.

17 After such an event, people no longer trust the military command.
18 For months, the people trust no one except those who they, inside their
19 group, made commander, so that my command over that zone was not a
20 consequence of my having a military rank, but rather of the fact that I
21 had to show on the ground that I wasn't afraid, that I wasn't scared to
22 die, that I was willing to go into Mostar dozens of times, driving down a
23 road which was being shelled and shot at, and only if I survive all that,
24 I get the right to command. In such armies, you don't become commander
25 by being installed commander, but you become commander by your behaviour.

Page 39514

1 Even in professional armies, okay, you can have a commander you must
2 obey, but not everybody is held in high esteem by his troops. But in an
3 army such as ours, after Perak's treason, for 20 days on end you had to
4 be seen in highly dangerous places to gain the respect of your soldiers.

5 JUDGE ANTONETTI: [Interpretation] General, I'm not going to ask a
6 question on the JNA, who wanted to go to Split, through the Neretva, in
7 March of 1992 because I believe this will be one of the questions of
8 substance that I will put later after your testimony; but I would like to
9 come back to your resume, because the difference between the procedure

10 used in my country and the procedure used here is that in my country,
11 when somebody is being judged for crimes against humanity or crimes of
12 war, there is an investigation on their personality, we have a
13 psychologist and a psychiatrist, and we can really explore the entire
14 background of this person, the family background.

15 Earlier, you gave us a small detail that struck me, it's the
16 first time I heard about it, and I would like you to provide us with some
17 details on it before the break. You said that your father had some
18 knowledge of the army, some people in the army, and you said that after
19 World War II -- during World War II, I'm sure you'll tell us exactly when
20 it was, he had fought against Ustashas. This is -- you said remnants of
21 the Ustasha system. That's exactly the words you used. So what did your
22 father do, exactly, and did this have any influence on you?

23 THE WITNESS: [Interpretation] After the Second World War ended,
24 and this is something that I prepared for the benefit of the Chamber for
25 this trial, the summary, historical summary, not about meetings of

Page 39515

1 governments, and kings, or anything like that, but about the victims in
2 Bosnia-Herzegovina **before -- well, during World War II and after**
3 World War II as well, if we don't have that framework in mind it's very
4 difficult to understand anything that is part of this trial. I went for
5 an overall simplification. I worked together with a historian to prepare
6 a summary for this trial.

7 As for individual destinies, my grandfather, the father of my
8 father, was in prison in the Kingdom of Yugoslavia **as a Croatian**

9 nationalist. For that same reason, his son was rotting in jail in
10 Mostar, because he had been distributing leaflets and giving speeches,
11 stuff like that. And my father, through an organisation called
12 Hrvatski radisa, which was then part of the greatest Croatian
13 political party, Stjepan Radic's party, he was sent to hone his skills
14 and learn a trade somewhere else, and then he joined the partisans later
15 on. After the war, there were horrible crimes happening all over
16 Yugoslavia; Blajburg, the road to Kalvari, and so on and so forth.

17 In Herzegovina and in Serbia, especially in Western Serbia,
18 around places such as Foca, there were many leftovers of what any
19 textbook would probably define as renegades. They were still fighting
20 these new Communists, and so on and so forth, killing their officials.
21 So my father, who at the time was an official of the State Security
22 Service, spent the next eight years, all the way up until 1953, fighting
23 those leftovers of the Chetnik regime in Serbia and the Ustasha regime in
24 Croatia, fighting the remaining renegades.

25 In 1953, a Chetnik duke called Bjelica was killed in Foca, and

Page 39516

1 that put an end to it because that man had been running riot in the area.
2 Then my father was retired.

3 In 1963, Aleksandar Rankovic was pursuing some very negative
4 policies, so he dismissed him, removed him from his post, because that
5 man, too, was too Croatian, in a manner of speaking, for his taste.

6 Nevertheless, I was 17 when I parted ways with my father, in

7 terms of our political views. My father and I did not share the same
8 political views. Deep in his heart, he was in favour of Yugoslavia
9 throughout and remained that way. I read more, I studied more, I learned
10 more, and at one point I began to understand that this country might
11 create some prerequisites if it was a democracy, if it was a state of the
12 peoples, but then again it was founded on crimes against the
13 Volksdeutscher population, the Croats, the Hungarians, the Poles, crimes
14 against the rich, crimes against intellectuals. I inferred that a state
15 like that could not survive, that it was a Serb creation which kept other
16 peoples within it from evolving. So we parted ways, politically, and we
17 had different ideas, a difference of opinion, you might say.

18 Nevertheless, my father was an honest man. He was not affected
19 by Communist in any other way. I continued to communicate with him all
20 the way up until his death in 1993. He had spent his last two or three
21 months in a coma, after a cerebral haemorrhage. That was in the summer
22 of 1992. He was bedridden after that and was no longer able to work.

23 I'm the smallest boy in our family, all the other boys in my
24 family were bigger than me, and I was probably an example of stunted
25 growth and that's probably why I took up art. Throughout all of these

Page 39517

1 tribulations, obviously, it was very difficult for me to organise for
2 this really bulky, large man who now couldn't move to be looked after
3 properly and to find someone who could help him move and turn his body
4 around. He was beginning to have wounds all over his body because he was
5 bedridden. He was unable to communicate, and my mother was far too small

6 and weak to manage a chore like that. Therefore, ever since I was 17,
7 and all the way up until the beginning of the war, I tried to explain
8 this to myself, and in the process I reached certain positions that where
9 now clear. Someone writing a book about something like that or a person
10 dealing with that should have no doubter about matters such as these.

11 Of course, back in Herzegovina, **there were a number of people who**
12 were harmed by my father in the line of duty. Some of those people
13 immediately had their backs up when they heard the name Praljak, needless
14 to say.

15 I will share with you a small anecdote illustrating the paradox
16 of a state like that.

17 My father is already retired. He's in Zagreb visiting me. We
18 meet a student. I exchange some words with a student, and please try to
19 get this right to see exactly what is so absurd about this situation.
20 After my conversation with the student, my father comes up to me and
21 says, Don't go telling all sorts of things to the students, because he
22 works for us. So you have this student working for the secret service,
23 and my father, who retired from that secret service, is wanting me not to
24 say all sorts of things to his student because I might end up in jail for
25 that. Those systems are terrifyingly complex. They cause a whole lot of

Page 39518

1 frustration, an enormous amount. People find it difficult to find their
2 way around. As far as that is concerned, I can tell you anything you
3 like, because I spent at least 30 to 40 years looking into just that.

4 JUDGE ANTONETTI: [Interpretation] Very well.

5 Let's have a break. It's 10 to 6.00, and we'll break for 20
6 minutes.

7 --- Recess taken at 5.51 p.m.

8 --- On resuming at 6.12 p.m.

9 JUDGE ANTONETTI: [Interpretation] The court is back in session.
10 I believe Judge Prandler has a question.

11 JUDGE PRANDLER: Yes, thank you. Mr. President, as a matter of
12 fact, I have a follow-up question which I didn't want to put today,
13 because I wanted to follow your advice to wait with the questions up to
14 the -- to wait with the questions of the Judges until the end of the
15 questioning by Mr. Kovacic and Ms. Pinter. But, on the other hand, since
16 the last questions had been related to subject matter which also rose my
17 interest, that is why I wanted to -- I would like to relate today, and
18 that was -- that is related to one of your statements which is also
19 included in your previous brief and declaration which you made during the
20 first phase of our work today, before the break, the first break today.

21 Now, it is the following, and now I do not find the exact text,
22 but it was about the fact that the Croatians, during the centuries, have
23 fought against a great number of enemies, starting with Hungary from the
24 12th century, et cetera.

25 Now, I would only like to recall, and it has nothing to do, in a

Page 39519

1 way, with national pride, but simply for the facts of history, I would
2 like to say that of course that is true that from the 12th century
3 Croatia has been, although officially an independent kingdom, Croatian

4 Kingdom, but the Hungarian king has become and continues to be always a
5 king of Croatia **as well; and that during these centuries, as far as I**
6 remember and as far as I know the history of our countries, this kind of
7 cohabitation was not so bad and, of course, apart from the friction,
8 which always happened when you have this kind of cooperation or forced
9 cooperation, quote/unquote, between states and kingdoms, et cetera, then
10 of course we had some negative bad moments as well.

11 As far as I recall and I know, that one of the bad moments was
12 when, in the 19th century, in 1848-49, upon the request of the Court in
13 Vienna **and during the War of** Independence for the Hungarians, at that
14 time the Croatian Ban Jelacic has in a way waged war against the
15 Hungarians, and finally he was defeated September 29, 1848.

16 Now, I am mentioning this only because I would like to go on with
17 the enumeration of your events, when you mentioned that you were fighting
18 against Hungarians, against the Austrians, against Venice, against
19 various other combinations, when also Napoleon was there in part of
20 Croatia, **et cetera, and as far as the modern history in the 20th century,**
21 you did not mention an important part of our -- I would emphasise our
22 history, common history, of Central and East Central Europe, and it was
23 the war between 1940-1945, and then you did not mention that at that
24 time, too, what happened, and I would like to recall that of course -- I
25 would like to know what is your opinion about -- it is the major aim of

Page 39520

1 my question. What is your opinion about this part of our and your and my

2 history as well, because definitely there were enemies, and of course
3 those who fight and who fought against the enemies, and you also
4 mentioned that period of time in which your father participated. And
5 this very fact prompted my question to ask that your father and your
6 mother were among the partisans at that time, so I wonder if you also
7 agree with me or you would like to say that this part of your history
8 was -- I mean the history of Croatia, **was also an important part when the**
9 partisans fought against -- at that time called themselves and they were
10 called Ustasha now, and the government of Ante Pavelic, so it is the crux
11 of my question. How do you feel and what is your major evaluation of
12 this particular period of your country and my country as well?

13 THE WITNESS: [Interpretation] Your Honour Judge Prandler, I tried
14 to be brief, and that's why I gave an overview of history and who ruled
15 Croatia, **although ever since 1102, by the free will of the Croatian**
16 **governors, Croatia was placed under the governance of the Hungarian**
17 **King Koloman and we were a dual kingdom. The Croatian Parliament always**
18 **had certain attributes of statehood, but the history of the relations**
19 **between Croatia and Hungary must be split up in two essential parts, the**
20 **first being a time when both states were threatened by the Ottoman**
21 **Empire, so the social and economic relations at the time were shared.**
22 **The other section of that history would be following the Hungarian**
23 **Revolution in 1848, quashed by Ban Jelacic, Croatia's ban, and then it**
24 **was different because the tangents were created between Croatia and**
25 **Hungary and wealth was distributed.**

1 Your Honour Judge Prandler, I'm unaware if you know that at the
2 time, there was some very determined attempts to introduce Hungarian
3 domination in Croatia. **Hungarian was introduced as a language to**
4 Croatian schools. Croatian citizens rebelled. Heads rolled. The
5 Hungarian language was introduced as the language used in the railway
6 system. Hungarian names were used, and then Croat names were not
7 allowed. Hungarians had part of their own state territory in the Rijeka
8 in Croatia **known as the Rijeka Sred, and the territory was governed by**
9 **Hungary, by the Hungarian crown, and was subordinated to the Hungarian**
10 **crown directly.**

11 Following 1848, when the Ottoman danger had long ceased, and all
12 the way up to the First World War, the relations with Hungarians --
13 rather, not Hungarians, with Hungary, **as it was at the time, were quite**
14 **tense. Hungary at the time had taken part of the Medjumurje territory**
15 **which today belongs to the Republic of Croatia. After World War I, there**
16 **was fighting over that territory. Both Croatia and Hungary were on the**
17 **side of the losers in World War I. They had fought together, so the**
18 **problem was resolved when the victor's army, the Serb army that had**
19 **fought with the Allies, came in. It was then that resolved the problem,**
20 **the problem that Croatia was facing, and also the problem with relations**
21 **with Hungarians, because in a way they took control of the area and**
22 **established their rule.**

23 The reason I prepared this brief overview of these relations

24 throughout history, it was for the sake of the Chamber. Of course,
25 Napoleon governed Croatia as well up to Zagreb, the River Sava, and then

Page 39522

1 all the regions further south. It was his fault that the Dubrovnik
2 republic lost its independence. Its independence was crushed when
3 General Marmon's [phoen] troops came in. As for Croatia's islands at the
4 time, there were battles raging between France and Russia; for example,
5 the Battle of the Island of Hvar, and so on and so forth.

6 Croatia's destiny was not an easy one to bear. And when Napoleon
7 was defeated and Austria took control, they established their own rule
8 over those territories, the German language, the rebellion against the
9 German language and all of that. I'm sure you know about the famous
10 saying adopted by the Croatia representatives in the Hungarian
11 Parliament, "A kingdom does not prescribe rules to another kingdom,
12 regnum regno non prescribit leges. There was a constant struggle over
13 Croatia's sovereignty and its rights, and obviously everybody was trying
14 to gain the upper hand, as is always the case. Nevertheless, I'll have a
15 better opportunity to talk about this when I get to this book that I
16 prepared for you.

17 As for World War II, Your Honour Judge Antonetti, matters are
18 very clear. Croatia split up into two halves. The best part of Croats
19 joined the partisans, especially those in Dalmatia and Istria. Istria
20 had been occupied by the fascists back in 1922, so they fought them;

21 Central Croatia as well.

22 At the time, the best part of the partisan movement originated
23 from Croatia. The first uprising against Germany during the occupation
24 occurred in Croatia, near the town of Sisak. A group came together
25 comprising some 15 persons, and they started an armed rebellion. The

Page 39523

1 group included General Bobetko, who has been mentioned before. He was a
2 partisan right from the start. The other half of Croatia was facing a
3 lot of pressure, not going into this at any great length now, but there
4 was a lot of persecution by the Kingdom of Yugoslavia, so that the other
5 half joined Nazi Germany and their forces. Something that was termed the
6 Independent State of Croatia came into existence, headed by Ante Pavelic.
7 The Ustashas quite certainly committed atrocious crimes, especially in
8 the two camps, Gradiska and Jasenovac. These camps are memorial centres
9 today, and every year there are commemorations at those former camps,
10 always attended by the president of Croatia, by some Cabinet members, and
11 as of recently, high-ranking persons or officials from Croatia's church.
12 This is a deep wound and a long-lasting one that's difficult to forget.

13 Based on my knowledge, based on my information, there are two
14 periods in Croatia, one until the 9th of May, 1945, when the partisans,
15 the anti-fascists, fought the Nazi forces and armies. Nevertheless, and
16 this applies in a particular way to the period following 1943 and the
17 fall of Italy -- the capitulation of Italy, I should say, the
18 anti-fascist partisan movement saw a new development. All the key

19 positions were taken up by Communists.

20 Following the end of the war, the Communist ideology gained the
21 upper hand. It staged a fictitious democratic election, a spurious one,
22 and committed unspeakable crimes which I will present in my book in great
23 detail.

24 Following the 9th of May, 1945, if we just look at the so-called
25 roads to Kalvari and what happened in Dragobrat and so on and so forth,

Page 39524

1 they killed a minimum of 150.000 Croat citizens and soldiers who were
2 retreating towards Austria. **The best part of that army surrendered to**
3 **the English, General Alexander, but they refused the Croats' surrender,**
4 **having previously received assurances from Tito that those people would**
5 **be treated and handled in keeping with civilised standards and norms.**

6 Up until this time, over 800 mass graves had been unearthed or
7 **discovered in Croatia, and in Croatia itself over 900, and it was at**
8 **those places that the Communists shot people, executed people, after they**
9 **came to power, a large number of priests and common people, "common**
10 **people" I'm saying because there were common people retreating with the**
11 **Army of the independent state of Croatia as well. Those who survived**
12 **were marched down the roads all the way down south to Macedonia. They**
13 **weren't given anything to eat and they were hungry, and some of them**
14 **starved to death, as a matter of fact. These marches are normally**
15 **referred to as the road to Kalvari because there was no meaning or sense**
16 **to it.**

17 So my view, Your Honour, is in relation to this is there were

18 Nazi forces, on the one hand; but on the other, and that is my deepest
19 conviction, there wasn't really something that we might term an
20 anti-fascist coalition. What existed was an anti-Hitler coalition. The
21 anti-Hitler coalition had the following components: The anti-fascist
22 component, the democratic coalition of countries such as the
23 United States, England, **the French forces under General de Gaulle and so**
24 on and so forth. Then there were the Russian units, and what the Russian
25 units and what the partisan units did towards the end of the war was

Page 39525

1 not -- what they constituted was not an anti-fascist coalition but rather
2 an anti-Hitler coalition. These two armies, the Communist Partisan Army
3 and the Russia Army, I'm talking about the Katyn forest, about millions
4 of Ukrainians and Chechen being killed, what they were doing amounted to
5 the same thing as the Nazi forces. They fought Hitler, yes, but that
6 didn't necessarily mean that they were anti-fascist armies. Hundreds of
7 millions of victims, and I've got the book here, "The Crimes of
8 Communist" by French authors, 100 million victims in the wake of
9 Communism. You will see all the tables with all the statistics and
10 figures there.

11 Therefore, I don't agree that following the 9th of May, 1945,
12 what was at work in Yugoslavia **was an anti-fascist government. It was a**
13 Communist government which, and I'm ready to present all the data
14 necessary, expelled nearly half a million Volksdeutscher, many Hungarians
15 from areas such as Vojvodina, 15.000 Poles who were still there.
16 Thousands of those referred to as Kulaks were killed. It was a

17 dictatorship, the garden variety.

18 I don't know if you share my opinion, but one thing I'm certain
19 about is I won't change my opinion. I assert that the war had not stopped
20 since 1918. It was a low intensity war that simply continued. Tens of
21 thousands of people ended up abroad as emigrants. I'm ready to present
22 data to you. I'm talking about France, Germany, and people, emigrants,
23 who were killed there by the secret service of Yugoslavia. How many
24 priests were murdered.

25 Croatia is still divided, as we speak, and this is the problem

Page 39526

1 that we found when we first started establishing this new country. It
2 was a particularly delicate and sensitive problem over in Herzegovina,
3 because many of those poor peasants over there, who were growing tobacco,
4 had joined Ante Pavelic's army, but then wanted to go back. Many of
5 those were killed. They didn't know any better. And the worst thing is
6 after World War II, all the countries opened their books, in a way, and
7 made it possible for innocent people to have a dignified burial, and at
8 least to some extent attempted to punish the perpetrators.

9 In Yugoslavia, every time anyone raised crimes such as Blajburg,
10 they would end up in jail in no time at all. I only learned about
11 Blajburg when I was 22. I was stunned and horrified by the facts that I
12 had been unaware of up until then. The facts are truly horrific.

13 I have two books here, books authored by Slovene scientists, and
14 if the Chamber is willing to have a look, we have photographs there of
15 the blood-curdling crimes, the bones found there. A month ago -- as

16 recently as a month ago, a mass grave was uncovered in Slovenia in a mine
17 where 13.000 people were dropped into the pit in that mine, and they were
18 alive when they were dropped there. 13.000 people. They were buried
19 there in those trenches. This is a crime without precedent,
20 Your Honours. Those people lost their nearest and dearest. They had no
21 right even to ask how their nearest and dearest had met their fate or
22 where they were buried. This caused a lot of frustration and possibly
23 gave rise to forms of extreme behaviour. Hatred lasts a long time,
24 especially if it's something that you can't externalise.

25 I've been dealing with this for a very long time, and there's no

Page 39527

1 way I will change my opinion, regardless of 1941 to 1945, the fair
2 struggle against the Nazis. On the 9th of May, the Communists, at least
3 as far as Yugoslavia **was concerned, committed murder, murder of every**
4 shape and form. We're talking about the Informbiro and all that. The
5 Communists became a criminal organisation, and they committed a great
6 many misdeeds and crimes.

7 Judge Prandler, you will remember about that book, "The Small
8 Nations" and about Ban Jelacic who quashed to some extent the
9 insurrection in Hungary. **Karl Marx, the great thinker, the great Marxist**
10 thinker, declared Croats, and I think Serbs, too, as non-historical
11 people, and he simply claimed that one should wipe them out, erase them
12 from the face of history. I can show you that book.

13 Dr. Franjo Tudjman, who was himself an historian, wrote a great
14 deal about this in his own book, "Great Ideas and Small Nations." He

15 talked about how big ideas and important political decisions were
16 something for which the small nations had to foot the bill. You know
17 about how two million people remained in Romania without being able to be
18 sent back to the state or the country in which they had been up to that
19 point.

20 If there is anything else that I can add to provide further
21 clarification, please go ahead and ask.

22 JUDGE PRANDLER: Thank you, Mr. Praljak.

23 The only purpose was that when I had the paragraph, which I
24 already quoted before, and I do not want to go into the details of your
25 answer because we are not here, of course, for a lesson on history, a

Page 39528

1 history of Hungary **and** Croatia **and** that part of the world. But I simply
2 would have liked to hear, and I'm satisfied with that part of your
3 statement that when you speak about the Ottoman intrusion against Venice,
4 and the intrusion of Venice **and** Italy **and** Austria **and** Hungary, **and** when
5 you speak about Serbia **and** the Kingdom of Yugoslavia **and** the unitary
6 Communist, Tito's creation, if you enumerate all those facts of life and
7 history, then I am satisfied that you agree with me that also the period
8 between 1940 and 1945 should be added as parts of your history against
9 the -- I wonder if you would like to call it anti-fascist or anti-Nazi,
10 Italian, et cetera, powers, but anyway it was a fight which has to be
11 noted.

12 Thank you.

13 THE WITNESS: [Interpretation] Your Honour, before the 9th of May,
14 those were anti-fascist forces. My answer is clear. Before the 9th of
15 May, 1945, the partisan movement was an anti-fascist force which allowed
16 Croatia to be constituted on the side of the winning forces. The Ustasha
17 movement of Ante Pavelic was not that. They were on the side of the Nazi
18 Germany. They had racial laws which they implemented. In two camps,
19 they killed approximately 80.000 people.

20 My answer to you is really very clear.

21 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

22 MR. KOVACIC: [Interpretation] Your Honour, before we proceed,
23 just for the record, I would like to clarify two mistakes in the record.

24 Before the break, General Praljak, please follow my words and
25 confirm if I'm correct, page 64, line 8, it has been recorded as follows.

Page 39529

1 I'll go to quote in English:

2 [In English] "... went two and from three times like this, and
3 then I was asked to go down there and see for myself what kind of ..."

4 Et cetera.

5 [Interpretation] What I heard in Croatian was that
6 General Praljak said that he asked to be sent down there. He was the one
7 asking. He was not asked.

8 Q. Am I right?

9 A. Yes, I was the one who asked to be sent or, rather, demanded to
10 be sent down there.

11 Q. Demanded. Well, thank you very much. And in the same

12 discussion, on page 65, line 5 in English, it has been recorded as

13 follows:

14 [In English] "... and the Uzice [Realtime transcript read in
15 error "Ustasha"] Corps, and we heard all about that, and I was sent to
16 the area that I know best, the South-East Herzegovina."

17 [Interpretation] In Croatian, General Praljak said: "We heard
18 about that, and I asked to be sent to South-East Herzegovina."

19 Is that correct?

20 A. Yes, I was the one who asked to be sent to
21 South-East Herzegovina.

22 Q. In the record, we see "Ustasha Corps," where it should be "Uzice
23 Corps ." General --

24 A. I owe Judge Antonetti a very short answer. He asked me whether
25 it would be necessary to have psychological and psychiatric expertise of

Page 39530

1 such persons in your country. Your Honour, I fully expected that. I
2 thought that the Trial Chamber should be organised differently, in any
3 case, and in order to show the continuity of some of my actions, because
4 actions in certain points of time reveal the moral dignity of a certain
5 person, and that's why there have been so many witnesses and so many
6 witness statements that I am presenting to the court before the war in
7 Sunja and after that.

8 Those who worked with the witness did not get into lengthy
9 discussions with the witnesses. They asked them to give us the factual
10 presentation of the facts, and what I did before the war, two writers,

11 Kemo Music, a Muslim, and Alez Majetic [phoen], who described an event at
12 the film festival in Pula, **and it was about whether I would jump into the**
13 sea, a very rough sea, in order to save a person's life, and how I
14 behaved at a cocktail party involving all the artists. One stupid person
15 insulted a cleaning lady, and scattered the rubbish she had collected,
16 and there are many people who can testify to the facts. And through so
17 many things, through the factual basis, I wanted to show that and to show
18 how Slobodan Praljak behaved in such situations before the war, during
19 the war, and after the war. I stand behind any of these facts, and I am
20 very willing to be subjected to any study or expertise, be it
21 psychological, psychiatric, or whatever the expertise.

22 Q. Mr. Praljak, I would like to take you back and ask you to tell us
23 something about the telephone system in Bosnia and Herzegovina.

24 A. In the spring of 1992, the artillery of the JNA destroyed a post
25 office in Mostar and a main switchboard. The Yugoslav People's Army also

Page 39531

1 blew up all the bridges on the River Neretva south and north of Mostar,
2 and the ones in Mostar, except for the Old Bridge, **which was damaged**
3 together with the bridges. All the utilities were also destroyed that
4 ran under the bridges. The Republic of Croatia **donated a small**
5 switchboard with some hundred numbers, a coaxial cable that went from
6 Mostar to Siroki Brijeg, over its repeater on Mount Biokovo. **It enables**
7 a wireless transmission of the signal to Split and further afield into
8 the world. The hundred numbers -- the original hundred numbers were

9 distributed in accordance with the needs, both Croats and Muslims, to the
10 SDA of Bosnia and Herzegovina, to individuals and institutions. This
11 same and only connection via Split **was used for communication with the**
12 **world by Tuzla, Zenica, Travnik, Bugojno, and anybody else in the**
13 **non-occupied part of Bosnia and Herzegovina who could find any hilltop**
14 **and any kind of repeater to achieve a wireless connection towards Split.**
15 There is no single bill showing that somebody was asked to pay a single
16 kuna to the Croatian telecom for that. It is therefore very odd when you
17 read that this code for Split, **021, was a number that was attached to the**
18 **Banovina of Croatia. Following that logic, Zenica, Tuzla, Visoko, all of**
19 **that would be Banovina. So much for that.**

20 THE INTERPRETER: Microphone for the counsel.

21 MR. KOVACIC: [Interpretation]

22 Q. This was enough, and the situation is clear. I would like to
23 move on to the next question.

24 What was the situation with electric power in 1992 and 1993 in
25 Bosnia and Herzegovina?

Page 39532

1 A. In 1992, the Yugoslav People's Army and the Army of
2 Republika Srpska destroyed the electric power-plants in Rastani, Cula and
3 Rudnik. They destroyed the 200 kilovolt, the 110 kilovolt and 35
4 kilovolt power-lines and transformers which had enabled the distribution
5 of electricity in Mostar, Jablanica, Konjic, Stolac, Capljina, Citluk and
6 Siroki Brijeg. With great but successful efforts on the part of the

7 HZ-HB and the HVO, and I am referring to the military part thereof, and
8 at every possible help of the Republic of Croatia, **the damages were**
9 partly repaired. Without the aid of the Republic of Croatia, **this would**
10 not have been possible. With understandable difficulties, the power
11 system was kept functioning to connect it to the electric distribution
12 system of Croatia, **and it functioned not only in the electric power**
13 industry of the HZ-HB, but also in the electric power industries of all
14 the areas of Bosnia and Herzegovina which were not occupied by the JNA
15 and VRS.

16 Let me say just one thing. We received instructions from France,
17 and I believe that the big concerning question was Glencorn, but I'm not
18 sure, and thanks to the skill of the engineers and the courage of
19 soldiers of the HVO, in the summer of 1992 the functioning of the
20 electric furnace in the aluminium factory in Mostar was successfully put
21 out. The damage that was thus prevented is close to a billion Euros. I
22 am saying this because of this: If the furnaces had not been put out
23 following a procedure, it would have taken more money to put the thing
24 right and to build a factory somewhere else.

25 I repeat that there was a betrayal on the part of the Muslims in

Page 39533

1 the ranks of the HVO, and that was synchronised with the attacks of the
2 Army of Bosnia and Herzegovina on the HVO in Mostar and the
3 Neretva Valley. **By that moment, the Muslim side occupied all the**
4 electric power-plants on the Neretva River **and the HZ-HB was supplied**

5 with electricity only from one small reversible power-plant from Capljina
6 and from Croatia.

7 Your Honour, a reversible power-plant is one that provides
8 electricity during the day from an accumulation lake, and during the
9 night, when there is no demand for such a large quantity of electricity,
10 it pumps water and then uses that power the following day. That's why we
11 call them reversible.

12 The question remains why the east part of Mostar did not have
13 electricity. This was due to the fact that this was a very complex
14 technical issue, but one thing is sure. The HVO, either its civilian or
15 the military part, did not have anything to do with the fact that after
16 the 30th of June, 1993, there was no electricity in East Mostar. It
17 would be good to know who was it and when that turned the power off in
18 East Mostar, from which electric power-plant that was not in our hands,
19 from which electric transformer that was not in our hands, and so on and
20 so forth.

21 Please, I need to continue this. What I'm saying is this: The
22 Law of War, which I read before the war and during the war, in order to
23 behave properly when in doubt, says that in a war, the enemy side may be
24 prevented from accessing electricity, its electrical power-plants and
25 transformer can be destroyed, as well as the dams and trenches on certain

Page 39534

1 conditions. I read five books of the International Law on War, and --

2 JUDGE TRECHSEL: Excuse me, Mr. Praljak. You are a witness to
3 speak on facts. Now you are pleading, you're presenting arguments. You

4 say what the law says. It is for your counsel and for the Chamber to say
5 what the law says.

6 THE WITNESS: [Interpretation] Your Honour Trechsel, I -- the
7 final decision is certainly up to you. However, the facts are what I
8 know, what's in my head. I simply studied the facts at the time, and I
9 can't say anything else but one thing. As a general and a commander of
10 the HVO in 1993, I issued an order to destroy one of the valves on an
11 accumulation lake above Mostar, because that power-plant was under the
12 control of the BiH Army. They closed down the electric power-plant, and
13 the whole field above that power-plant was flooded, and there was a
14 threat that if all the valves were opened simultaneously, the entire area
15 south of Mostar would be flooded. In order for me to issue such orders,
16 I obviously had to be well abreast of the provisions of the Law on War,
17 and that's why I'm saying I am familiar with it, I am quoting what it
18 says; but I am not trying to go beyond the scopes of my own knowledge.
19 My knowledge are the facts that I am aware of, and they are part of my
20 value system, the value system that I have in my head.

21 MR. KOVACIC: [Interpretation]

22 Q. I believe that the principal information about the electricity
23 supply has been provided, and this is based on your knowledge and based
24 on what is allowed and what is not. And now I would like to ask you
25 about the media. I'm referring to the information you received in Bosnia

Page 39535

1 and Herzegovina in 1992 and 1993 via radio, television and newspapers.

2 A. In the summer 1992, Sarajevo was attacked, besieged, held, and

3 was being destroyed by the JNA and the VRS. The post office and
4 telephone exchange were destroyed in Sarajevo. The building of Sarajevo
5 TV was badly damaged. There was no electricity, and the repeaters on the
6 surrounding hilltops were in the hands of the VRS. All coaxial cables
7 leading towards Sarajevo **were out of function for numerous military and**
8 technical reasons. The coaxial cables have to be maintained properly and
9 inspected every now and then. The main TV repeater on Mount Velez **above**
10 Mostar, which covered the area of Herzegovina, **was destroyed by the JNA**
11 and the VRS in the summer of 1992.

12 Outside of Sarajevo, one could, to a certain extent, listen to
13 Radio Sarajevo **using middle and long wave, because the ultra-short sound**
14 was not suitable for that, and there are radio amateurs with whom
15 communication was possible. Thus, people in Mostar and Herzegovina
16 followed Croatian HTV, **which used the repeater on Mount Biokovo, above**
17 Makarska. They also listened to Radio Split and Zagreb.

18 It was their choice. It was not imposed on them. And the same
19 is true of the newspapers that were printed in the Republic of Croatia
20 and the printed media that was printed outside of the Republic of Croatia
21 in Germany, **for example. There were also satellites that were used to**
22 follow BBC, Channel 5, CNN, Rai Uno, and other TV stations.

23 In modern times, an information blockade is impossible to impose.
24 In the eastern part of Mostar, since the autumn of 1992, Radio Mostar was
25 continuously on the air, and their location was not seen as a military

1 target by the HVO. When I was in military command, I did not allow,
2 despite the provisions of the International Law, for this to become a
3 military target, as was Serbian Television during NATO campaigns against
4 Serbia.

5 I don't want to aggravate Judge Trechsel, although I don't know
6 why he should be aggravated.

7 Radio and TV stations are legitimate military targets, in
8 accordance with the International Law. I can quote some books.

9 JUDGE TRECHSEL: Excuse me. I cannot leave this in the room.
10 There's no issue of myself being aggrieved or anything, or having any
11 feeling. It's just that it's a task of the Chamber to see to it that the
12 proceedings follow the Rules, and witnesses are to speak about facts and
13 not to give legal opinions. You have, Mr. Praljak, studied many,
14 subjects, you have told us, but I cannot remember that you ever said that
15 law was a part of it, and I have not either seen that you are really an
16 expert. And I think it is wise to leave this to counsel and stick really
17 to the facts, in the interests of yourself, in the first place.

18 THE WITNESS: [Interpretation] Your Honour Trechsel, it is true,
19 when I say something like that, irrespective of the rigidity of such
20 examination, I am still on the other side of the camera lens, every now
21 and then I will use some poetic license, even against my better
22 judgement. It has never occurred to me to voice my opinions about the
23 law. However, Judge Trechsel, it is impossible for me to say that I did
24 not read law. And as a person who was very much interested in ethics and
25 for whom ethics was a profession, I researched the relationship within

1 law and ethics, and that's why every now and then I will voice an opinion
2 that I shouldn't, but please stop me.

3 JUDGE ANTONETTI: [Interpretation] Very well. It's time, it's
4 7.00 p.m. We are sitting in the afternoon this week. We'll resume
5 tomorrow at 2.15 p.m.

6 Thank you. Have a good evening.

7 --- Whereupon the hearing adjourned at 7.00 p.m.,
8 to be reconvened on Tuesday, the 5th of May, 2009,
9 at 2.15 p.m.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

