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1 Monday, 11 May 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.19 p.m.

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

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

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

13 Thank you, Your Honours.

14 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar.

15 Today is Monday, the 11th of May, 2009. Good afternoon to
16 Mr. Stojic, to Mr. Petkovic, and to Mr. Pusic, and good afternoon to you,
17 Witness. And let me greet the Defence counsel, Mr. Stringer and his
18 associates, of course not to forget all the people assisting us.

19 First of all, Mr. Praljak, on behalf of the interpreters, let me
20 ask you this: When you read a document, do read slowly, please, because
21 the interpreters don't have the text in front of them, so they find it
22 hard to follow. If you were ever to read a document again, read it

23 slowly so that the interpreters can translate, because it's very hard to
24 translate 15 lines that are read at the speed of lightning without having
25 the text in front of them. So this is purely technical, by way of

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1 observation.

2 For a few moments, let us move to private session, Mr. Registrar.

3 [Private session]

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11 Pages 39828-39829 redacted. Private session.

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15 (redacted)

16 (redacted)

17 [Open session]

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

19 MR. STRINGER: Mr. President, firstly, the Trial Chamber may
20 recognise a new face in the courtroom. I'd like to introduce to the
21 Trial Chamber Ms. Laura Morris. She's a legal intern working with the
22 Prosecution team, and you may be seeing her in the courtroom at various
23 times over the coming months.

24 Secondly, as the Trial Chamber is aware, the Stojic Defence have
25 filed a series of document motions over the course of last week, and on

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1 behalf of the Prosecution we're requesting a brief extension of time for
2 the Prosecution to prepare and to file its responses to all of those
3 document motions. I've conferred with counsel for Mr. Stojic before.
4 We're asking that the Prosecution be given until the 29th of May to file
5 its response to all of the document motions, and I'm informed - and we're
6 grateful - that the Stojic Defence does not oppose this request. Thank
7 you.

8 JUDGE ANTONETTI: [Interpretation] Let me consult my fellow
9 Judges.

10 [Trial Chamber confers]

11 JUDGE ANTONETTI: [Interpretation] After deliberating, the

12 Trial Chamber grants an extension of the dead-line for the response to
13 the document hearings, which are very numerous, the date being the
14 29th of May, 2009.

15 Yes, Mr. Kovacic.

16 MR. KOVACIC: [Interpretation] Your Honours, perhaps I should just
17 add, in order to resolve this issue more quickly -- we don't have to go
18 into private session. I will phrase it in such a way that it's not
19 necessary.

20 This motion for a brief interruption from the 9th to the 11th of
21 June, maybe some of those here present have forgotten that those dates,
22 according to the schedule we have now, are envisaged for the
23 cross-examination of other Defences, and my learned friend can deal with
24 it easily by reading the transcript. I don't really think we can afford
25 the luxury of skipping those three days.

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1 JUDGE ANTONETTI: [Interpretation] Very well. We'll take this
2 into consideration, knowing that we thought that that would be right at
3 the time of the cross-examination by the Prosecution. Thank you for this
4 information, Mr. Kovacic.

5 So Ms. Laura Morris, legal intern, let me greet you. Welcome to
6 this courtroom.

7 We're now going to continue with the examination-in-chief of
8 Mr. Praljak by Mr. Kovacic.

9 Mr. Kovacic, I think you have used, so far, seven hours and
10 nineteen minutes, so the seconds are a present I give you.

11 WITNESS: SLOBODAN PRALJAK [Resumed]

12 [The witness answered through interpreter]

13 Examination by Mr. Kovacic: [Continued]

14 Q. [Interpretation] Good afternoon, General. Did you have a good
15 rest?

16 A. Good afternoon, Mr. Kovacic. Good afternoon to everyone in the
17 courtroom.

18 Q. I suggest we move on and go through a few documents from the
19 Ministry of Defence that would enable you to confirm and additionally
20 clarify many points that you have spoken about, especially the positions
21 of Croatia and its representatives during those days in 1992 and 1993.

22 We left off on Thursday on 3D00482. Will you choose the third
23 document yourself?

24 A. 3D00641 is a document of no great import, except that it says
25 that Mato Kukuljica had an interview with me on the 23rd of July, 1993,

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1 when I was still in Zagreb, about the turnover of some video material to
2 the Cinema Documentation Centre in Croatia, and there is nothing more to
3 say about that.

4 00642 will be the next document. As I said a couple of times
5 already from the very outset, when I became assistant minister for IPD,
6 that is to say, immediately within the first 15 days that it takes a

7 person to find his way around, we started working, and we continued to
8 work all the time, on the education of the Croatian Army, Croatian
9 troops, about the standards of international humanitarian law and
10 international law on warfare, with the ICRC. We had regular workshops on
11 all levels of the Croatian Army, and I remember that at the very
12 beginning, in 1962, as soon as we established relations with them, we
13 printed a brochure with a circulation of about 100.000, with the
14 standards of international law. These brochures were distributed to
15 soldiers so that they know how to conduct themselves in war.

16 I gave you a completely wrong document, by the way. Let's move
17 on to the next document.

18 Q. Look at 3D00683. This is a good document for certain points. It
19 does not have a date. In fact, it has a date only on the reception
20 stamp.

21 A. 6th June 1992 is the date. At that time, there was a
22 considerable demobilisation in the Croatian Army. The number of troops
23 was significantly reduced because, on the 3rd of January, 1992,
24 Croatia signed a kind of truce in Sarajevo and agreed to the
25 arrival of the UNPROFOR to Croatia, and the UNPROFOR was to handle the

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1 introduction of peace and restoring order, and deal with the Serbian
2 paramilitary troops in Croatia and the functioning of the cease-fire in
3 certain areas. However, certain problems did occur. It was time, at
4 that time, to designate and attribute ranks, and since the Personnel

5 Administration had only been established -- I have to tell you,
6 Your Honours, that all this started functioning really only in
7 March 1992, when the war stopped and it was evident that the UNPROFOR had
8 taken over the moderation between the Croatian Army and the insurgent
9 Serbs. In order to find out how many troops and volunteers there were in
10 the Croatian Army, lists had to be made, and the first two computers and
11 the first few staff members were found by me. That's how the
12 establishment of the Personnel Administration began.

13 This document speaks of certain problems that occurred; that some
14 data are inaccurate, incomplete; that teams had gone out into the field
15 to harmonise all this; that liability will be investigated; why some
16 information is incorrect or incomplete; that certain omissions had to be
17 addressed because the attribution of ranks, unless done by the rules,
18 could cause great dissatisfaction, and the standards were education,
19 years of service in the Croatian Army, command duties, and the character
20 of the person to whom the rank is given. That was one of the major
21 problems at that time, and we invested great efforts to solve it in such
22 a way as to avoid dissatisfaction among the troops.

23 Q. 3D00897 would be the next document.

24 A. No, 3D00685. This is very important, not because of the
25 propaganda action, where I ask the army General Janko Bobetko to enable

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1 my Officer Dosen. We are talking here about the area of the south of
2 Dubrovnik, and Mr. Jevrem Brkovic was one of the best known and best

3 Montenegrin poets, and he was supposed to go with Dosen to tell the
4 Croatian troops that it was not the Montenegrins who were to blame, as a
5 nation, for the attack on Dubrovnik; that it was done, this attack, by
6 some people who had been mobilised or who volunteered, and that we cannot
7 blame the people en masse. And Mr. Dosen was to say this in Croatia;
8 namely, that he wasn't defending this action, that it was a matter of
9 politics.

10 By the way, I knew Mr. Dosen long before -- Mr. Brkovic long
11 before the war. He created an association in Croatia called
12 Croatian-Montenegrin Friendship.

13 Q. 3D00897 is very interesting on this point.

14 JUDGE ANTONETTI: [Interpretation] One moment, General Praljak.
15 Since we have the document, I have a technical question on the stamp. We
16 can see your signature and a stamp. Major General Praljak, assistant
17 minister of defence, and I see number 25 on the stamp or seal. I'm
18 somewhat surprised. Why number 25?

19 THE WITNESS: [Interpretation] Your Honours, I have no clue about
20 stamps and numbers. I never paid attention to that. This was probably
21 affixed by Dosen, who led one of the sections of the IPD; not the whole
22 IPD. The IPD probably has a higher or a lower number. But you have to
23 believe me when I say that in all my tenure, I never looked at a number
24 or a stamp. Any answer I could give you would be completely uninformed.

25 JUDGE ANTONETTI: [Interpretation] And you would sign -- of

1 course, it's difficult to remember what did you 15 years ago. I couldn't
2 do it, personally, but maybe you have a better memory than I do. When
3 you would sign, was the stamp put in before or after the signature? Was
4 it possibly put after by your secretary or your deputy? When you were
5 given a document to be signed, was it already stamped or was the stamp
6 put on later on?

7 THE WITNESS: [Interpretation] It was stamped certainly after. I
8 would read the document, glance through it just to know what it was
9 about. We've discussed this before. I would sign it, and I would no
10 longer care about who puts the stamp on it, and I was really not
11 interested in formalities before or after the war. I would certainly not
12 be a good clerk or a good civil servant.

13 JUDGE ANTONETTI: [Interpretation] Thank you.

14 Please proceed, Mr. Kovacic.

15 MR. KOVACIC: [Interpretation]

16 Q. This document that I indicated before, 00897, 11th June 1993,
17 also points out certain typical features in that procedure?

18 A. 897, you say?

19 Q. Yes. It's three or four documents after the one we discussed.

20 A. Perhaps, Mr. Kovacic, I would choose which documents to skip.

21 Q. That's fine with me. We just want to show the characteristic or
22 interesting problems you dealt with on your job.

23 A. 3D00875. This document -- oh, you are going to do that?

24 Q. We set that aside. My colleague will question you on that.

25 A. 3D00897. Let's go to this one, then. The Croatian Military

1 Academy, in order to create a TV studio, made this request. And I say
2 that I don't agree with this because the TV studio already exists for the
3 Croatian Army. They can't have two because we don't have enough money,
4 and they can use the one we already have.

5 Q. And then the next document right after that one is 3D00903. This
6 is quite a different topic now. Now, why would you deal with something
7 like this?

8 A. Well, psychological and information activities, or political
9 activities, as they were called later on, and some people referred to it
10 that way before, this was a place where people from the government would
11 come to, embassies, to discuss political issues, to see what Croatia
12 thought. And whenever somebody from the government would have a problem
13 that they couldn't solve, all that would come to us, to my team, and it
14 would be put on the table before us. And this is a case in point. I was
15 to discuss a matter with Mr. Kirin and help him solve a problem, and
16 Vladimir Seks, the vice-premier, was asking for something. Well, that's
17 a good illustration, and so is the next document, 3D00904, the next
18 document in order. The Croatian Emigrant Society is inviting you to
19 attend the meeting --

20 JUDGE TRECHSEL: Excuse me, please, Mr. Praljak.

21 This previous document, which is, at least in what I have in my
22 folder, an accompanying letter, a cover letter, but does not include the
23 letter itself, what is the informative content of this? I fail to detect

24 any relevance at all.

25 THE WITNESS: [Interpretation] Well, Your Honour, it isn't really

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1 very relevant. It just shows how many different things and subjects came
2 to that ministry, and if I were to bring in all the documents, they would
3 be mounds and mounds of paper, a whole truckload of documents. So it's
4 just a piece of information as an illustration to show you the kinds of
5 problems that cropped up and the fact that the system wasn't very well
6 organised, because Mr. Kirin went to the vice-premier and then he asked
7 for information from the government minister, and the secretary of
8 Minister Susak asked me to look into the matter. So that's what that is
9 about, and it shows that the system was highly disorganized and that
10 better links and cooperation were needed.

11 MR. KOVACIC: [Interpretation] Your Honour, I have abridged my
12 introductory question. I wanted to save time, but now it's costing us
13 time; three minutes, in fact. The idea is this: to show that
14 General Praljak at that time, while he was in Zagreb as the assistant
15 minister, he was dealing, as he himself said, with all sorts of problems
16 and issues, but what is essential is that at the time in Zagreb, he
17 wasn't actually placed in charge of anything, as it says in the
18 indictment, that he was a constant link between the HVO and MORH, and
19 that he was in Herzegovina on a number of occasions; and this is what is
20 claimed in the indictment. Now, when he was sitting in Zagreb, it would
21 appear that he coordinated matters over there between Croatia and

22 Bosnia-Herzegovina. That is what is alleged in the indictment, and we
23 want to show that that is not the case.

24 Now, in passing through these documents, we can see two things;
25 first of all, that General Praljak did spend some days in Zagreb, that is

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1 to say, that he wasn't in the field, but did spend some time in Zagreb,
2 and we'll address that in due course; and secondly, that certain affairs
3 and duties within the IPD was performed as part of the institution's
4 tasks and had nothing to do with the Main Staff of the army or the army
5 at all. So this model was not applied because it did not exist in the
6 first place.

7 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, could you confirm
8 that this document bears the date of the 23rd of June, 1993?

9 THE WITNESS: [Interpretation] Yes, that's right, Your Honour.

10 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Praljak, when I
11 will ask some further questions, I have to say that you're quite a
12 mystery for that period before the month of July. We know that you've
13 taken over the responsibilities of HVO commanders around that date, but
14 who are you before, before the months of July? I see this document,
15 24th of June, 1993. This document is sent to the assistant minister of
16 defence. The 24th of June, 1993, you are, legally speaking, deputy
17 minister for defence, but we know, because you told us, that you were
18 also in the field, in the battle-field, in Bosnia and Herzegovina. See,
19 we are trying to understand this document. We're trying to understand

20 what you were doing when you were executing one of the functions or the
21 other.

22 We have this letter sent by Professor Zoric to you, and this
23 letter says that you have the -- an official function within the
24 Ministry of Defence in Croatia. And then in June we also know that you
25 were on the battle-field in the Republic of Bosnia and Herzegovina. This

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1 is some mystery here. This is a mystery that we will need to unravel,
2 and these documents give me the opportunity to question you about this.

3 I'm not asking for an answer right away. We'll have ample time,
4 of course, to be more specific on those various issues in the future.

5 THE WITNESS: [Interpretation] Your Honours, we'll have ample time
6 to go into that, but let me tell you, quite simply, we're dealing with
7 June and I took up my duties on the 24th of July, although immediately
8 after the 23rd, perhaps on the same day or the very next day, because I
9 remember that it was at the end of that particular month that I was at
10 Boksevica -- anyway, I never had any duties, except on two occasions when
11 Dr. Franjo Tudjman and Alija Izetbegovic asked me to go down there and to
12 try and calm tensions.

13 There is no mystery. Quite simply, this is what was afoot. I
14 would get into my car, I would drive for ten hours, I would go down there
15 to help out in whatever way I could, and you will see what I actually did
16 and where I was. I would stay for five days or seven days, and please
17 believe me when I say that I didn't really ask much about this. The

18 minister would know that I was going, but in a way I would try and
19 escape. I would just get going and go down there.

20 Now, why was I able to do this? Well, because the people working
21 in the IPD, the employees, were very highly-educated people, it was an
22 excellent team, it was a very well-organised setup, a very well-organised
23 department, and as I say, mostly the employees had titles, they were
24 well-educated people, and I always adhered to the maxim that if you want
25 something to function properly, then you should take on board

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1 individuals who should, if at all possible,
2 be better than you, and then you'll be able to let them do the work. You
3 won't have to do all the work yourself, because they knew -- would know
4 how to do the job.

5 So I'm not denying -- and you can see how many times I did go to
6 Herceg-Bosna and to the battle-front there, but I might have gone one
7 day, driven for ten days, spent one -- for ten hours, spent one day
8 there, driven back ten hours, signed some documents, held some meetings,
9 and then got into my car again and drove down there again. I would do
10 this umpteen times.

11 So that's the answer to this mystery here, which really isn't a
12 mystery. And through the documents that we're going to look at, I'm
13 going to show you this to show you how I tried to find ways of avoiding a
14 conflict and having the HVO and BH Army cooperate, and I would get
15 involved myself, along with General Petkovic -- the agreement from

16 General Petkovic, who was down there. So I would go to the fighters and
17 go up the ranks and see that anybody who was able to solve problems would
18 do so and get involved.

19 MR. KOVACIC: [Interpretation] Thank you.

20 Q. Now, General, unless you want us to look at a special document,
21 I'd like you to look at 3D00907 now, please.

22 A. Well, have we -- are we done with 904? We haven't finished
23 dealing with 904, which is the World Association of the Croatian
24 Diaspora, and the Croatian Diaspora is just as large as is the Polish
25 Diaspora, or the Macedonian one, or the Irish Diaspora or whatever, and

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1 that the Croats of the first and second generation, living in countries
2 throughout the world, joined together and organised themselves into this
3 Congress, and they wanted to assist the homeland, financially and through
4 humanitarian work and whatever other type of assistance, and to spread the
5 truth about Croatia. So this was an important task, and I wanted to attend.

6 Q. General, now 3D60904 is, in fact, an invitation for you to attend
7 the meeting, to attend that congress. Do you remember if you went?

8 A. I don't think I did, no.

9 Q. According to this, the meeting was to be held on the 2nd to the
10 4th of July, 1993?

11 A. I really don't remember whether I attended and went.

12 Q. Very well. Now turn the page, please -- or, rather, skip a
13 document which I don't think is important and look at 3D00907 that I

14 asked you to look at a moment ago, and turn to page 2. And we're dealing
15 with the 12th of June, 1993. It is a public announcement signed by you,
16 and just briefly tell us what this is about, tell the Trial Chamber what
17 this is about.

18 A. Well, I used the information media and the television network and
19 the radio to put out a piece of information. I made a public
20 announcement that based on information we had received from the secret
21 services, the intelligence services, about a particular organisation,
22 rather an attempt under the name of Stit, meaning "shield," to set up
23 some volunteer units from the Serb Army. And as regards Croatia, the
24 particular piece of information that was important was that in Benkovac,
25 led by -- the unit there led by Captain Dragan, that according to

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1 intelligence, they would launch terrorist actions against Croatia, and
2 I can testify that such operations did, in fact, take place.

3 Q. Thank you. Now take a look at the next document, which is
4 3D001222, -- 3D01222. This document isn't dated, but judging by
5 the number at the top and the stamp from the Ministry of Defence, it
6 would appear that it was June or July of 1992. What is this about?
7 What problems in the Republic of Croatia are raised in this document?

8 A. Well, as you say, I can't see the date, but it might have been
9 sometime in July 1992, and one of the things that I worked with was --
10 well, the Croatian Army was strictly prohibited to politicise the army.
11 We wanted to have the kind of model that exists in many Western

12 countries, and we considered a soldier to be a citizen in uniform,
13 somebody who goes about his duties according to the law and pursuant to
14 the law and regulations. And the officers and soldiers were not supposed
15 to appear in army uniforms at certain meetings, but they did come to
16 meetings wearing uniforms. And so in point 1, I say that this is a
17 violation of the regulations and that proceeds would be taken against
18 such persons. And in paragraph B, I address the matter of volunteers
19 going to Bosnia-Herzegovina and the problems that occur in that regard.
20 Of course, we wanted a large number of Croats from Bosnia-Herzegovina,
21 and I underline "Croats," and quite a significant number of Muslims
22 fighting in the Croatian Army once Bosnia-Herzegovina was jeopardised and
23 had come under threat and had lost its statehood, because of course
24 Sarajevo was under siege, 60 to 70 per cent of the territory was under
25 Serb control, so there was the very real danger of not being able to

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1 defend the rest of the country. And here I'm trying to explain that
2 these people did indeed defend Croatia and that it is our duty to help
3 them out in every way possible, especially as --

4 JUDGE PRANDLER: Mr. Praljak, I'm sorry to disturb you and to
5 interrupt you. I would only like to refer to one of your statements
6 here. You said a few minutes ago that "once Bosnia-Herzegovina was
7 jeopardised and had come under threat and had lost its statehood," end of
8 quotation. I would like only to mention that probably it is a bit of an
9 exaggeration to say that it had lost its statehood, because in my view,

10 of course, although within the well-known circumstances and the
11 confinements, the very state of Bosnia and Herzegovina was -- anyway, had
12 been continued to be recognised as a state under the United Nations
13 Charter by the international community. It is what I just wanted to say,
14 but of course your statement otherwise has an important point to make.

15 Thank you.

16 THE WITNESS: [Interpretation] Your Honour Judge Prandler, that's
17 not what I said. You can ask the interpreters. I said when
18 Bosnia-Herzegovina almost lost its statehood, because Sarajevo was under
19 siege and 70 per cent of the territory was already under somebody else's
20 control. I didn't say that Bosnia-Herzegovina lost its statehood. I
21 know full well that Bosnia-Herzegovina did not lose its statehood and
22 that it prevailed. And I said that because the forces over there were
23 weak and not organised, and in what happened in 1992, there was a very
24 realistic danger of having the Serbs take control of the whole territory.
25 So it was Croatia's desire to help out in this way, by sending volunteers

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1 there, and with all the material means at their disposal it was -- well,
2 there weren't any rebellions as to volunteers, but it was the families
3 that disagreed, because at that time during this period Minister
4 Gojko Susak, for example --

5 JUDGE PRANDLER: Your answer satisfies me. Thank you. The rest
6 is already your time. Thank you.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, this is still

8 a mystery to me.

9 I've taken a look at this document, this document where
10 volunteers are mentioned, and I have the following question, and I'm sure
11 you'll be able to provide an answer.

12 At the time when this letter was prepared, undoubtedly the
13 Republic of Croatia is facing an enemy, namely, the Republic of Serbia
14 and its actions. There is quite an important conflict, and last week, on
15 the basis of a map, you showed us all the movements of troops. It was
16 quite an impressive demonstration, and I believe we understood really
17 well the situation on the ground.

18 Without taking a specific example - I could do that, of course,
19 but I'd rather make a general remark - let's assume that in a particular
20 area we have the Croatian forces that are faced with the Serbian forces,
21 and there is a front-line. It may be a moving front-line, but there is
22 one. And among the Croatian forces, some volunteers decide, on the basis
23 of the document currently in front of us, decide to go and help their
24 Croatian brothers in Herzegovina. They decide to volunteer to go and
25 join the HVO.

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1 In military terms, how would the Ministry of Defence solve a
2 situation in which part of the fighting troops would go overnight, to
3 leave the places where they were to go to Herzegovina? Was it a problem
4 for you, in terms of logistics, in terms of defence? It would have been
5 chaos, otherwise. Everybody could have decided to go and fight wherever

6 they wanted, and overnight they could very well decide that the front
7 post, where they had been assigned, to go and meet up with another group
8 of fighters. How did you solve that situation, how did you solve that
9 problem?

10 THE WITNESS: [Interpretation] Your Honours, you should bear
11 in mind one particular fact which is very important. On the 3rd of
12 January, 1992, Croatia signed a truce, a cease-fire, and UNPROFOR arrived,
13 and UNPROFOR took up its positions along the separation lines between the
14 Croatian Army and the rebel Serbs and what was left of the JNA. And at
15 that point in time, there were -- there was an over-abundance of Croatian
16 soldiers, there was a reduced need for them to be up at the front-line.
17 And the third very important thing is that with the arrival of UNPROFOR,
18 and around the 15th of January, all the countries of Europe recognised
19 Croatia within its existing borders, thereby letting Croatia enter at the
20 second stage, because the problem of the Serbs achieving their end was
21 not -- well, the Serbs did not achieve their objective. There were still
22 political games going on, of course. But, anyway, Croatia had been
23 recognised within its national borders, according to the Badinter
24 Commission, so there were a lot of soldiers. But if Bosnia and
25 Herzegovina were to fall into Serb hands, we didn't know where this would

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1 lead. So it was in Croatia's interest to allow anybody who wanted to go
2 to go, and there were Muslims and Croats alike. They continued to
3 receive salaries as working in the Croatian Army, but they went to save

4 Bosnia-Herzegovina.

5 So these were Croatia's political goals, but they were very
6 reasonable military goals, too because -- yes, I will try and slow down,
7 thank you. I've been told to slow down. Anyway, if Bosnia-Herzegovina,
8 the remaining 30 per cent that was not taken by the Serbs, if that were
9 to be taken, well, that would have been a great problem. Of course, if
10 NATO were to intervene, that would have been something else again, but we
11 had no guarantees that the international community would resolve the
12 problem. So it was in Croatia's interest to have Croats, and there are
13 about 13.000 of them from Bosnia-Herzegovina in the Croatian Army, and I
14 showed you a document to that effect, and that the Muslims should go back
15 to their hearts, from where they had come to Croatia, and fight there.
16 So that would be an answer to your question. However, there were many
17 logistical problems of the kind you raised that we resolved by supplying
18 weapons, uniforms, money, and everything else that we had at our disposal.

19 JUDGE ANTONETTI: [Interpretation] Thank you for this long answer,
20 which throws some light on some parts of the problem.

21 Mr. Kovacic, please proceed.

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

23 THE WITNESS: [Interpretation] May I just add something, please.

24 And who knows what would have happened to the refugees. If the
25 Serbs had taken control of all of Bosnia-Herzegovina, then the 500.000 or

1 600.000 refugees that we had would have been added on to, so we would

2 have had a million more.

3 MR. KOVACIC: [Interpretation]

4 Q. Now, the next document that perhaps contains some interesting
5 matters is 3D01676 that I'd like us to look at. 1676 is the document
6 number. It's a public announcement signed by you on the
7 1st of April, 1992, a statement.

8 A. No, no, that's not my signature. Somebody signed for me, but
9 obviously they would have communicated with me about that. Well, a
10 country that wasn't ready for war and a country in which people quite
11 simply wanted to have democracy, but the reverse happened, and this is
12 what happened: Some young guys from the front-line went to the radio,
13 whether it was Radio Zagreb or whatever, and then they would broadcast
14 songs for them, and they would say their wishes. They would say, Soldier
15 such and such in such and such unit, up at such and such position, would
16 like to greet his parents with the following song. So if you listened to
17 Radio Zagreb, you could learn about the disposition and deployment of all
18 the Croatian units. So I told them to beware because, of course, we
19 didn't want to institute some strict control about what was written and
20 broadcast, but this was a problem, because these soldiers would uncover
21 some information, and this information could harm the others who were in
22 that region. So I just asked them to think about what the
23 information of that kind might mean for people who were still in camps,
24 in detention centres, or wherever, so that they should take care not to
25 inflict harm upon those people and place them in jeopardy.

1 Q. All right, thank you. Now we come to the next document. 01699
2 is the number, and it is a letter --

3 JUDGE ANTONETTI: [Interpretation] Another mystery we must
4 unravel. Maybe it's mystery day.

5 This document that wasn't signed by you, you've just told us, is
6 sent to the minister for information, and it is also indicated to be sent
7 to the media. Who is the minister of information in April 1992?

8 THE WITNESS: [Interpretation] I know that, I know that, but it
9 eludes me for the moment. Salaj, is it Salaj? Right. It's Salaj.

10 JUDGE ANTONETTI: [Interpretation] Salaj. This is your military
11 issue. Why did you make the effort to send this document to the minister
12 of information so that he, in turn, convey your position to the media?
13 Couldn't you direct the media's attention to this directly? Why did you
14 have to go through the minister for information?

15 THE WITNESS: [Interpretation] In every normal country, I
16 shouldn't have to go through the Ministry of Information, but as I say,
17 you have to know the mentality that arises for certain historical
18 reasons. It was a cooperation outside of politics. They had their own
19 executive committee, and the army was very much hated, the JNA, within
20 the former Yugoslavia. We tried not to resemble that army. Of course, I
21 could have called the editors wherever and I could have told them, Here
22 are the examples that are wrong; look at possible ways to change this,
23 but the JNA had militarised the society in the former Yugoslavia so much
24 that I wanted to avoid resembling them, and I didn't want this person,

25 Mr. Salaj to tell me, You are now doing the same thing that the JNA had

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1 done for years and years. Of course, in the French Army it would be a
2 criminal act to reveal the positions of units.

3 MR. KOVACIC: [Interpretation]

4 Q. Mr. Praljak, take 3D01699. The date is 30th October 1992. This
5 was written by Army General Anton Tus to the president, the head of
6 state. He attaches a note relating to certain events in
7 Bosanska Posavina. Once again, the date is 29 October 1992, when the
8 attached document was received. He confirms the same things you just
9 discussed. Can you tell the Trial Chamber why General Tus considered
10 this so important that he thought he should send it to the head of state?

11 A. At that time, General Tus was chief of the Main Staff of the
12 Croatian Army, and he had a vital interest in the fate of
13 Bosanska Posavina, Derventa, Odzak, and the other places we mentioned.
14 They were about to fall, and efforts were being made to save what could
15 be saved, because the Serbs were about to emerge on the Sava River. We
16 had already lost 500 or 600 people in Djakovo and I don't know how many
17 children.

18 Problems are presented in this document the way he sees them. He
19 asks that the role of the Slavonija battle-field be defined, that all the
20 procedures and responsibilities be agreed at the level of the Main Staff
21 of the HVO of Herceg-Bosna. And of course this is contrary to the theory
22 that the HVO was commanding, because why would he be asking for an

23 agreement in that case? He's asking for a clarification of
24 responsibilities and how the HVO could be helped. He asks that
25 logistical support be defined and what exactly should go through the

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1 Ministry of Defence of Croatia and what should go through the
2 representatives of the Army of Bosnia and Herzegovina, and there were
3 many of those representatives and we helped them a lot. But when you
4 have two, three, or five organisations dealing with the same thing, and
5 when it came to the supply of arms, there were up to 70 such
6 organisations, then chaos starts to reign.

7 General Tus was well versed in the procedures of the Yugoslav
8 People's Army, so he understood these things very well, but he hated
9 that, and he wanted clear instructions and definitions. He says that the
10 status of Bosanska Posavina should not be changed and that the
11 coordination of combat actions should be resolved at the level of the
12 Inter-State Coordination Group which states "Bosnia-Herzegovina and
13 Croatia," not through local military or any other representatives of the
14 HVO and the Army of BH. He kept insisting that within the framework of
15 the agreement signed between Tudjman and Alija Izetbegovic, a joint
16 command be created, wherever required, and the joint representatives be
17 present in the Republic of Croatia because it's a joint struggle against
18 a common enemy and it should be conducted the way that suits the army.
19 Of course, there were a lot of wrong connections in Bosanska Posavina,
20 many self-styled military messiahs. There were many, many problems, and

21 they eventually caused the fall of Bosanska Posavina.

22 JUDGE ANTONETTI: [Interpretation] General, this is an important
23 document because it really takes us right into the heart of the
24 international armed conflict. You can read it in two ways.

25 The first reading of this document is as follows: The Republic

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1 of Croatia acts directly at the level of the Republic of Bosnia and
2 Herzegovina in the area of Posavina, in which, as is stated by the
3 document, the 101, 102, 103, and 105th Brigades of the HVO are to be
4 found, and this is perfectly in line with the logics of the international
5 armed conflict.

6 But there is a second possible reading of the document. We
7 discover here that there is a coordinator. You can find his name in the
8 document. He's named Ivan Kovic. He's the president of the Assembly of
9 the Odzak Municipality, and he's the go-between, so it seems, between
10 everybody. So based on the second reading, the support that could be
11 provided by the Republic of Croatia to the HVO forces in Posavina, would
12 that amount to cooperation or would that be logistical support that has
13 nothing to do with the international armed conflict, or is it some kind
14 of partnership between two armies, two friendly armies; on the one hand,
15 the Republic of Croatia, with General Tus, and on the other hand, the HVO
16 in Posavina? What is your reading of this document? I hope understood
17 my question.

18 THE WITNESS: [Interpretation] I understand completely,

19 Your Honour Judge Antonetti. Of course, you will correct me if I'm
20 wrong, but in all that I have read, trying to find these documents that
21 we sent to the army about international law, there was always the term
22 "theatre of war, battle-field." If somebody is attacking you and when
23 Serbs attack, they don't attack Bosnia-Herzegovina separately and Croatia
24 separately. First of all, they wanted to create a unified territory for
25 themselves. If a different policy had existed, a joint command of the

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1 armed forces of Croatia and the armed forces of Bosnia and Herzegovina
2 should have been formed at the outset. However, President
3 Alija Izetbegovic did not have the courage to do it immediately, and he
4 thought that Serbs would see the light eventually, so he only signed the
5 agreement on limited cooperation. This agreement between Franjo Tudjman
6 and Alija Izetbegovic from June 1992 says that the Croatian Army is
7 allowed, in the border areas of Bosnia and Herzegovina, to intervene as
8 required, although the Croatian Army never did that.

9 There's another point here. If somebody's artillery is targeting
10 civilians in border towns, then according to what I know, you have the
11 right to intervene in the so-called tactical depth, and that is the area
12 behind the lines, and you have the right to repel the artillery so that
13 they don't kill civilians, but that's not the case here. In this case,
14 the Croatian Army, via the coordinator elected in Bosanska Posavina, was
15 to provide logistical and every other support, including volunteers, and
16 thus assist the HVO to hold up. When I say "the HVO," you have seen how

17 many Muslims there were in HVO units. So that was the joint army of
18 Croats and Muslims, and artillery support was to be provided. If the
19 Army of Republika Srpska is on the offensive and support is required from
20 the Republic of Croatia to repel that attack, we were allowed to provide
21 artillery support. It was nothing more than that, and this was very
22 clear from the definition of the battle-field, from the Serbian
23 objectives, from the tactical depth, when the artillery was shelling
24 civilians, and it was all very clear from the agreement between Tudjman
25 and Izetbegovic about the right to intervene in the border areas of the

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1 Republic of Croatia. And the Republic of Croatia was simply under attack
2 in that area.

3 MR. KOVACIC: [Interpretation] Your Honour, the first time when
4 Mr. Praljak mentioned the document, he mentioned this, and in line 3 --
5 or, rather, 4 in the Croatian version, and we believe it's the same in
6 English, this first section of 3D30-0190. That's the e-court number. It
7 says explicitly that this meeting was attended by the representatives of
8 the Supreme Command of the Army of Bosnia and Herzegovina, together with
9 the HVO and that newly-formed body.

10 THE WITNESS: [Interpretation] I want to make one more point.

11 Just after that territory of Bosanska Posavina was lost, with the
12 exception of one small part, Mr. Alija Izetbegovic visited Slavonski Brod
13 with all his entourage. He met with the commanders and certain other
14 people from Bosanska Posavina. He asked them how long they can continue

15 to hold up under Serb attacks, and he promised to ask Sefer Halilovic to
16 send assistance in the form of one brigade. To be honest, it was very
17 difficult to understand, to put it mildly. If ABiH brigades had the
18 strength, they could have relieved Bosanska Posavina by launching attacks
19 from Tuzla, and they did not do that, and I don't know how
20 Alija Izetbegovic thought that some brigades from Tuzla or Zenica could
21 be transferred from Tuzla to Bosanska Posavina. I failed to understand
22 then, and I fail to understand today.

23 However, the fact stands that Alija Izetbegovic was there just
24 before the fall of that area, and he spoke to the troops, and he also
25 mentions the representative of the main command of the BH Army. I don't

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1 know what he meant.

2 Q. To understand this more easily, can you tell us, when exactly did
3 Alija Izetbegovic visit Slavonski Brod?

4 A. I think it was four days before its fall, and that was close to
5 this time. I can't give you the exact date. It was the beginning of the
6 month of November 1992.

7 Q. Thank you. Now, General, let's move on to another document,
8 3D02593. This is a good document on which to explain a completely
9 different situation to the Judges, a situation where weapons arrived to
10 the Republic of Croatia from Bosnia and Herzegovina. It's a meeting --
11 in fact, it's a document from the 15th of April, 1993, speaking of a
12 meeting at your office of the 13th of April, and it's signed by you,

13 although we don't see your signature. Can you explain this?

14 A. There were two factories of weapons in Central Bosnia, one in
15 Novi Travnik. They were able to produce certain types of weapons, such
16 as mortars. It was not producing them any longer, but it had certain
17 stocks that had already been distributed between the ABiH and the HVO,
18 some 130-millimetre cannons, some Oganj rocket systems, et cetera. And
19 when I visited them a couple of times, I tried to agree upon a form of
20 payment or a barter so that they give some of what they have to the
21 Croatian Army, in exchange for nitro celluloses, the production of
22 gunpowder and mixtures. I know nothing about chemistry, I wouldn't like
23 to go into this, but I know that in Novi Travnik, they had a very
24 expensive device for calibrating cannons. With wear and tear, the
25 cannons needed calibration, and this device provided that. There was

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1 Zagorec, Mr. Zagorec. Gambiroza was a specialist in chemistry, and this
2 Gambiroza was the director of another factory.

3 Q. That's what we're interested in.

4 A. Yes, I brought these people together, and I know that some of
5 these things were agreed. But when I brought them together, I withdrew
6 because my participation was not valuable anymore at that point. I had
7 no professional knowledge. I didn't know anything about nitroglycerine,
8 or the prices, or whatever.

9 Q. In this document of April 1993, I'd like to ask you this: The
10 Chamber knows very well that the situation was completely different in

11 1992 because the war situation was completely different in Croatia and in
12 Bosnia and Herzegovina, especially in 1991. Do you know that Croatia was
13 getting explosives from this factory in Vitez back in 1992?

14 A. No, I don't know that.

15 But let us just go back to one document, 3D02505. Again, no
16 date, but that doesn't matter. This shows the intention of the
17 Croatian Army; that certain important dates have to be marked in a strict
18 military fashion, officially and modestly, without any tasteless shows or
19 toasts; and, second, it is prohibited to sponsor or donate support or
20 finance to such celebrations. It was a very common occurrence at that
21 time. Some people had their heads turned by all the glory. They went
22 around using big words and celebrating the end of the war, although the
23 end of the war was still far ahead of us. Anyway, I prohibited this.

24 MR. STRINGER: I apologise for the interruption.

25 Since the document's not dated, could the general please give us

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1 a rough time-frame for the -- if he's able, what would be roughly the
2 time-frame applicable to this document?

3 THE WITNESS: [Interpretation] This is quite certainly 1992, the
4 autumn of 1992, when these celebrations were in full swing because the
5 war had apparently stopped, and everybody was in a celebratory mood. But
6 it must have been August/September 1992.

7 MR. KOVACIC: [Interpretation]

8 Q. While we're on this topic, let's look at 3D02860.

9 A. This one is dated 23rd March 1992. At that time -- well, I
10 arrived on the 10th of December. It was not long after I was appointed
11 assistant, and within the first ten days I summoned Professor Jurcevic
12 and Knezovic and said that they should be provided with detailed
13 information about any inappropriate conduct by Croatian soldiers and
14 commanders. We requested a report on the scale of such incidents, and I
15 was to take any further measures necessary.

16 Q. Does that mean because you had arrived and taken up that post
17 very recently, you were still sizing up the situation and the level of
18 discipline; is that the case?

19 A. No. I was very familiar with the situation by that time. I
20 wanted a detailed report. I had already taken certain steps, and I was
21 about to take more steps once I received this information.

22 Q. Now look at 3D0288 --

23 A. And how about 878?

24 Q. Well, if you like. Which one is it now?

25 A. 3D02878. We had a witness here, and documentation presented, in

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1 which General Petkovic, Bruno Stojic and I supplied a full truck-load of
2 weapons for Sarajevo, which was a lot. It was never enough, of course,
3 but we did what we could. And here, at a similar time, because we had
4 again restored contact with Mr. Vikic, and that's Mr. Dragan Vikic,
5 commander of the Special Forces of the Army of Bosnia and Herzegovina in
6 Sarajevo -- I wrote "HVO" here because it was easier for me, but it was

7 in fact Mr. Vikic, commander of Special Police Forces of the Army of
8 Bosnia and Herzegovina, and I was asking the then chief of logistics,
9 General Cermak, to place this at my disposal and we would find a way to
10 get it to Sarajevo, if he manages to send a man from Sarajevo to bring
11 that all in.

12 Q. Thank you. I think before the break we can look at one more
13 document. Look at the one I gave you a moment ago, 3D02 --

14 JUDGE ANTONETTI: [Interpretation] This is an important document,
15 General, so I have to ask a question about it. It shows formally that
16 you turned to Dragan Vikic, who is within the -- in charge of a specific
17 sector of military activity in the Republic of Bosnia and Herzegovina,
18 and you provide RPGs, shells, nitroglycerine, et cetera.

19 When you send all this to the Muslim party, did you have in mind
20 that the RPGs, the nitroglycerine, might one day be used against you or
21 did that never, ever cross your mind?

22 THE WITNESS: [Interpretation] With the great certainty that I had
23 in my thinking about how events would develop, I knew that part of that
24 weaponry would be used against us. In matters that are not mathematics,
25 matters that concern people, you can't say I knew 100 per cent, but I

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1 knew, as much as I was able to know, that those weapons we were
2 delivering to the Army of Bosnia and Herzegovina would be, to some
3 extent, eventually used against us. But we were at that time aware that
4 those weapons would be used to defend Sarajevo, Tuzla, and the Tuzla

5 area, Gorazde, Foca, Srebrenica, and as I said before, it was a very,
6 very hard decision, one of many hard decisions, but our commitment was to
7 help, in the hope that those people would realise that those who are
8 providing them with arms cannot be their enemy.

9 And one more thing, Your Honours. It's not true that the Army of
10 Bosnia and Herzegovina -- that we were enemies, it's not true, as one
11 witness from Tuzla said. We did not fight each other throughout the
12 territory. Wherever we were able to calm things down, such as in
13 Posavina, in Tuzla, we took the opportunity. We were attacked by one
14 limited part of the Army of Bosnia and Herzegovina, and that happened
15 mainly on the part of the Zenica Corps and in the part of Konjic that
16 later spread to Mostar, and it lasted for a limited time, with huge
17 efforts invested all the time to prevent it. We did not take any
18 offensive action in all that. We just defended ourselves with enormous
19 efforts invested by me and all of us, beginning with 1992. And I always
20 said to Izetbegovic, Let us form a joint command because it's not going
21 to be possible to keep the troops peaceful on the entire territory.

22 JUDGE ANTONETTI: [Interpretation] I will have the opportunity of
23 revisiting this issue, based on the presidential transcripts of all the
24 meetings you attended together with the late Tudjman on these issues, but
25 you might be able to answer this question right now: You were the

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1 assistant minister for defence, so you were at a very high level within
2 the Defence of the Republic of Croatia. Within the Defence Ministry, did

3 you have meetings? We might not have the documents related to them, but
4 did you have meetings dedicated to assessing the risks involved in
5 supplying the ABiH with weaponry, with the possibility that they might
6 turn the weapons against you at some later stage, and you said via Zenica
7 and the 3rd Corps? Did you assess the situation with all the necessary
8 seriousness, was everything thought through, because we are under the
9 impression that you were faced with a triple choice; you might have to
10 face the Serb offensive that encircled Sarajevo; second possibility, you
11 had to defend your Croatian citizens, co-citizens, who were in Sarajevo,
12 we know there were quite a few of them there; and, thirdly, there was the
13 more complicated issue of relationships within the Republic of
14 Bosnia-Herzegovina between the Serbs, the Muslims and the Croats? But at
15 the military level, was everything assessed in, let's say, a scientific
16 fashion or was it done in a hurry, sort of improvising as one went along?

17 THE WITNESS: [Interpretation] Your Honours, I really don't know
18 exactly -- well, I wasn't there much, I didn't attend the meetings of the
19 Main Staff of the Croatian Army, but what I do know for sure is this:
20 The president of the country, Dr. Franjo Tudjman, and the government, and
21 the ministers that I had contact with, the minister of the interior and
22 the defence minister, Gojko Susak -- well, I and especially President
23 Franjo Tudjman and Minister Susak knew of all the weapons -- well, they
24 knew where the weapons were going, where they were being loaded up, where
25 they were being taken to, and I took part in giving permission -- well,

1 you'll see documents signed by Praljak or Susak for the passage of
2 convoys. General Zagorec and Medjimorec had the right to sign documents
3 of that kind later on and so on. But we did discuss the problem very
4 seriously, and we were very well aware of all the consequences.

5 It was a difficult decision to make, and you'll see in one of the
6 presidential transcripts where Gojko says to President Alija [Realtime
7 transcript read in error "Albania"] or the president of the Presidency,
8 Tus, We have the weapons and the planes, and Praljak is having a very
9 hard time down there and it was a very frustrating situation. There were
10 moments when I said, You're not going to kill me with those weapons. But
11 we'd get emotional for 20 minutes or half an hour, and then you'd have to
12 go back to a rational assessment of the situation. But it was very
13 difficult to see your soldiers being killed by the weapons that you, by
14 the decision you had taken, had allowed to go through. So that was very
15 difficult, and of course I was sweating blood down there.

16 MS. TOMANOVIC: [Interpretation] I apologise, but we have an
17 important correction to make in the transcript, page 34, lines 24 to 25.
18 It says that Gojko Susak addressed the president of Albania. That's a
19 mistake in the typing and it should read "President Alija Izetbegovic,"
20 not the president of Albania. So that's a technical mistake, and it's on
21 page 34, lines 24 and 25.

22 JUDGE ANTONETTI: [Interpretation] Yes. I noted that, too, but
23 it's time for the break, so let's have a 20-minute recess. Indeed, I had
24 noticed it as well. We will take a 20-minute break.

25 --- Recess taken at 3.49 p.m.

1 --- On resuming at 4.11 p.m.

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

3 Mr. Kovacic, please proceed.

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

5 Q. General Praljak, could you please open the following document,
6 which is 3D02884. It's a document dated 12 April. What we are looking
7 at is not the first page, but your letter, dated 5th of April, attached
8 to the document.

9 A. I have already started talking about that, but I said something
10 wrong. The department that I headed from my very arrival, maybe 19 to 20
11 days later, started educating the Croatian Army in international law, and
12 this document is dated 5 April 1993 and speaks about an agreement that we
13 had struck with the International Red Cross for the Croatian Army to be
14 continuously educated, and it says here where seminars will be organised,
15 in Osijek, Zagreb, Gospic, Split. Those were the centres of operation
16 zone. The next place will be the Croatian School for the Army on the 3rd
17 and on the 4th of May, and then there will be another seminar on the 25th
18 and 26th of May, and here I'm requesting the minister to approve the
19 seminars taking place.

20 As some witnesses have already said, I tried -- and this is what
21 we did. I tried to provide some of the materials that we printed to the
22 HVO through Mr. Bruno Stojic and Mr. Milivoj Petkovic; more through
23 Mr. Stojic because he was in charge of the IPD. I wanted them to be

24 familiar, as much as possible, with the matter. I would allocate
25 10.000 copies and I would send them down there in order to -- for him to

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1 inform his men. I did what I could. I sent leaflets, materials.

2 Q. Just for the record, I would refer the Trial Chamber to the
3 booklets that General Praljak has just mentioned. It is 3D00840.
4 3D00840 is the exhibit number, and a similar one is under IC00473. We
5 don't have to go back to them, but I would like to point out that these
6 are the booklets that the general has mentioned by way of example. They
7 have already been admitted. If you want, we can produce them in e-court,
8 but I don't see the need to do that at the moment.

9 General, could you please look at the following document, which
10 is 3D02886. It's a document dated 14 January, signed by you. Can you
11 please tell me -- this is an example of some of the tasks you had with
12 regard to international contacts. Could you please explain in a bit more
13 detail?

14 A. There were quite a number of such conversations with
15 international organisations and states that had their military
16 representatives in Croatia and embassies. They all wanted to receive
17 information. They all wanted to learn about the developments. Many of
18 them were misinformed or poorly informed, which is absolutely
19 understandable, given the circumstances in Yugoslavia. They wanted to
20 learn about the war and what the war was all about. Here, in this
21 document, I'm informing the minister of Defence Gojko Susak and the head

22 of SIS at the time, Mr. Miroslav Medjimorec, about my conversation with
23 the Swedish Transnational Foundation. I am saying to them what they
24 wanted to know about events of plans and implementation. They were
25 looking at prospects of further intervention by UNPROFOR. They wanted to

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1 learn how the Croatian authorities looked at a possible solution to the
2 military and political situation, and they also asked me about the
3 engagement of the Croatian military units in Bosnia and Herzegovina, and
4 so on and so forth. And I tried, as best as I could, to inform them and
5 to provide answers to the questions about the nature of the conflict, and
6 so on and so forth. The conversation was long and lasted a long time,
7 and I provided just a summary of everything that was said.

8 MR. KOVACIC: [Interpretation] Thank you very much. My friends
9 are informing me that there is a problem with e-court on LiveNote.
10 Mr. Chuka is signalling to me.

11 JUDGE ANTONETTI: [Interpretation] Yes, we have a technical
12 problem. Maybe we could see the document on the ELMO.

13 MR. KOVACIC: [Interpretation] Yes. The problem is that the
14 accused can't see the documents being shown, and I don't think you can
15 see them either.

16 JUDGE ANTONETTI: [Interpretation] Yes. But if the document is
17 put on the ELMO, everybody will be able to see it.

18 MR. KOVACIC: We don't have more copies than we need.

19 THE WITNESS: [Interpretation] Well, I'll put my own copy on the

20 overhead projector.

21 MR. KOVACIC: [Interpretation] [Previous translation continues]...
22 his on ELMO.

23 THE REGISTRAR: Your Honours, for clarification purposes, the
24 entire system is down at the moment.

25 Okay, it's back up right now. Thank you, Your Honours.

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1 JUDGE ANTONETTI: [Interpretation] Yes, it's here now. Another
2 mystery. Okay, it's working now.

3 MR. KOVACIC: [Interpretation] If we had not inquired, it would
4 have started working sooner maybe.

5 THE WITNESS: [Interpretation] Do you want me to read this
6 document?

7 MR. KOVACIC: [Interpretation] The Judges have the document.

8 THE WITNESS: [Interpretation] Very well, then.

9 MR. KOVACIC: [Interpretation]

10 Q. The following document is 3D02888. This is something that was
11 sent to you, and you returned it. Can you provide some details of the
12 contents of this document?

13 A. Of course. HINA, the Croatian reporting agency or news agency,
14 similar to TASS or some other such agencies, state agencies for news and
15 information. I report that I received Minister Grudzinski from Poland.
16 Questions were more or less the same, and I say here that I had informed
17 them about the situation in Croatia and the establishment of the Croatian

18 authorities in the entire territory of the Republic of Croatia, and I
19 also emphasised that there will be no peace in the area for as long as
20 Serbia harbours illusions about the establishment of the Greater Serbia
21 in the territories of its neighbouring states. All the time, everywhere,
22 Bosnia and Herzegovina is a separate state and Croatia is a separate
23 state. I am talking about two different states. Mr. Grudzinski showed
24 understanding. He says that he understands the sensitivity of Croatia
25 with regard to the establishment of integrity in the entire territory of

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1 Croatia, but this is exclusively about the Republic of Croatia.

2 MR. KOVACIC: [Interpretation] Just for the record, this document
3 was 3D02888.

4 JUDGE TRECHSEL: I have a question, if I may.

5 It is reported in the middle of this paragraph that you,
6 Mr. Praljak, informed Przemyslaw Grudzinski about, I quote: "The role of
7 UN protection forces in implementation of the Vance-Owen Plan." Did you
8 inform Mr. Grudzinski and did you talk about the fact that this was a
9 plan that was not ratified and had no legal force?

10 THE WITNESS: [Interpretation] Well, listen, everybody knew that.
11 Everybody knew that there was a process going on, and nothing was
12 completed because nothing was completed, but the fact remains, the one
13 that I mentioned at the beginning of this trial, Croatian -- the Croatian
14 side, either in Bosnia-Herzegovina or in Croatia, was the first to sign
15 any proposal by the international community.

16 JUDGE TRECHSEL: Well, that we have heard before. Thank you.

17 MR. KOVACIC: [Interpretation]

18 Q. Thank you. General Praljak --

19 THE INTERPRETER: Could the microphones please be switched off if
20 they are not in use. Thank you.

21 JUDGE ANTONETTI: [Interpretation] The document that we have
22 before us shows that at the date indicated, you met with a personality in
23 Zagreb. A moment ago, we saw a document showing a programme of meetings
24 within the training from the 13th until the 15th of April. It means that
25 at mid-April, you were in Zagreb, and you had various commitments due to

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1 your function of assistant minister. I was therefore wondering the
2 following regarding the alleged Sovici and Doljani operations. I was
3 wondering whether the HVO had carried out a wide-scale military
4 operation, and if so, if Mr. Praljak should not have been there, how come
5 you were in Zagreb at the time? What can you tell us? What was your
6 main task or where was your main task? Was it in Zagreb or was it in
7 Bosnia and Herzegovina?

8 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, my
9 main activity in Herzegovina was from 10 April 1992 until -- officially,
10 I'm talking about the official discharge of my duty, from 10 April 1992
11 until maybe 15 May 1992. That was my first tour of duty down there. And
12 my second tour of duty in Herceg-Bosna was from 24 July 1993 until
13 9 November, in the morning, 1993. Those were my two official tours of

14 duty in the territory of Bosnia-Herzegovina.

15 Everything else, every time I arrived, I was there as an
16 assistant, somebody providing assistance, somebody who from their own
17 goodwill and the desire of the Croatian government to prevent a possible
18 conflict between the HVO and the BiH Army. That's why I went there. And
19 immediately after this date, on the following day or the day after the
20 14th, I rushed to Mostar, and I believe that Sefko Omerbasic also came
21 there to calm things down. That was the time that we already looked at
22 here, when I crossed the left bank and my photo was taken together with
23 Arif Pasalic. There was an occasion before that when the BH Army came to
24 the roundabout, I rushed in. But I'll come to that when the time for
25 that comes. I would rush down there when they cried for assistance or

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1 when I felt that I could provide something or help in that sense.

2 JUDGE ANTONETTI: [Interpretation] Are we to understand that as of
3 January 1993, this so-called ultimatum period until April -- March, an
4 offensive by whom we don't really know until May, until June, that is,
5 the end of June, you were not personally involved in military operations?
6 Please think carefully before you answer, because my question is very
7 specific and it requires a specific answer.

8 THE WITNESS: [Interpretation] I understand your question,
9 Your Honour Judge Antonetti, and I know exactly what you're asking me.

10 At the time, the time in question, I did not participate in those
11 operations in any shape or form. I did participate towards the end of

12 June 1993. In Uskoplje, I was assisting there when I found myself there,
13 and in some way I was an assistant. And then for 10 or 11 days, I was a
14 soldier, as it were, although I wasn't, because General Petkovic
15 authorised me to hold Boksevica, and there were people in Kostajnica and
16 they came here and testified here; namely, some 250 people had to be
17 pulled out from Kostajnica near Konjic. Those were children, women, and
18 men, and the only way to do it was to hold one small part of a mountain.
19 I kept guard, I fought as a foot-soldier, and finally we managed to pull
20 out all those people out of there. And towards the very end, I was
21 carrying two infants, six days old. I spent about 10 or 11 days on the
22 hill, and then I returned to Zagreb until the moment I was appointed the
23 head of the Main Staff on the 24th of July, 1993. So I have absolutely
24 nothing whatsoever to do with Sovici.

25 JUDGE ANTONETTI: [Interpretation] Very well.

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

2 Q. Now, General Praljak, stay with that document, 02888, for a
3 moment longer. And when I look at the contents, let me ask you: In that
4 conversation here, are they in fact referring to the protective forces of
5 the UN in implementing the Vance-Owen Plan? And if so, what
6 Vance-Owen Plan in Croatia, the plan relating to Croatia or to
7 Bosnia-Herzegovina?

8 A. To Croatia.

9 Q. Thank you. I suggest we skip over the next document because it's

10 part of your regular duties, your regular work. If you think you need to
11 say something about it, please go ahead.

12 A. 3D02889 is the document I'm looking at, where I directly refer to
13 the editors-in-chief. I invited them, because it was completely
14 unsuitable information for an army at war, and I said that we would
15 discuss future cooperation and our future tasks, and that I ask them that
16 they or their representative come to a meeting, and I said that it would
17 be cooperation, that nobody would ban them from doing anything, they
18 wouldn't be censored, their news from the battle-front wouldn't be
19 censored, and that's actually not what happened ever.

20 Q. All right, thank you. Now let's look at 3D02890, the next
21 document, please. And what was the purpose of that meeting, tell us?
22 It's the 13th of April, 1993.

23 A. Well, it was the task of my IPD assistants -- well, they had a
24 very important task, in view of all the problems that we had with respect
25 to the wounding, the parents of refugees, and all the rest of it. There

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1 wasn't any system or organisation, as other states had, so you had to
2 have a lot of versatility in dealing with the problems. So I am calling
3 a professional meeting for the 19th of April, at 1900 hours, and that all
4 the assistants for political -- in the political activity sphere were to
5 attend.

6 Q. Now, the next document is 3D02891, and today you mentioned
7 earlier on something about the intentions here, to the effect that the

8 Croatian Army should be established and behave as armies in Western
9 democracies do. So what is it you wanted to achieve with this document
10 dated the 30th of April, 1993?

11 A. Well, I tried to do what I tried to do in the previous document,
12 and this document once again says that it is a simple matter to draft an
13 organisation on paper, to write down orders on paper, or any other
14 rules and regulations. You could issue 100 orders on paper. However,
15 where faced with reality, it's a different matter, in the kind of country
16 that we lived in, where the vast majority of those who defended the
17 country and state were volunteers and had a political awareness of the
18 situation. And later on they put forward their candidacy at various
19 meetings and so on, and then they would come in to meetings wearing
20 military uniforms. It was a sort of honour for them. And this was
21 contrary to a decision made by the leadership of Croatia and all of us
22 together, that the army and members -- that we must separate the army and
23 politics, and that soldiers could be candidates, but they were not
24 allowed to wear military uniforms. And if they were to win at certain
25 elections, they had to resign from the army, because it was incompatible

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1 to perform two tasks at the same time, for the kind of political system
2 that we wished to establish, that a soldier could be elected to a state
3 body and continue to be a soldier.

4 Q. The next document is 3D2826 -- 2896 is the number of the
5 document, 2896, and it is the 31st of August of 1992, signed by you.

6 Perhaps you have a different number. Perhaps it is 022955, but it should
7 be in the same place. 2896 is the document number. The 31st of August
8 is the date, 1992, and it is signed by you.

9 A. I can't seem to find it. What is it about?

10 Q. Never mind, it's not that important. We can come back to it
11 later if we find it.

12 But now look at the next document, which is 3D2898, dated the
13 17th of June, 1993, signed by you again, and once again it is a seminar,
14 a workshop. What would you have to say in that regard?

15 A. Well, nothing new to add. Once again, it's the Political
16 Administration of the Ministry of Defence and the International
17 Red Cross, once again organising a two-day seminar on the subject of
18 international humanitarian war law, and then we have the programme and
19 agenda and who is to attend. I don't need to go through all that. You
20 can see the topics.

21 Q. General, I'm just going to ask you one question, summing it all
22 up, to be sure that this is understood. On the following pages of this
23 document, on e-court it is 0093, 0094, and 0095, up to 97 inclusive, we
24 can see the details of that programme, the topics, where and when, and so
25 on and so forth; is that right?

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1 A. Yes.

2 Q. Thank you. Would you now look at 3D03066, the next document.
3 It's one document further on from the one we've just been looking at.

4 3D03066 is the number, and it is dated the 21st of September, 1992. Once
5 again, your signature. The subject is: "Visit to the 102nd Air Force
6 base in Dijon, France." What is this about? As I said, the date is the
7 21st of September, 1992.

8 A. Well, we tried to establish links with the NATO pact alliance
9 countries in all manner of ways, and here we received an invitation to
10 visit the air force base in Dijon. I consulted people and chose those
11 who were to go there.

12 Now, I'd like to mention, and this is a little strange for this
13 Tribunal, but as Croatia was constantly being accused of being
14 nationalistic, when talking about ethnicities, I'd just like to say that
15 that is just not true. And, for example, from Croatia we have
16 Mr. Vladimir Sumanovic. He is a brigadier. He was a Serb member of the
17 Yugoslav People's Army previously and was invited by Franjo Tudjman to
18 join the army, and Mr. Sumanovic joined up. He was a pilot, and he was
19 tasked to go to Dijon, France, to establish contacts there.

20 Q. Thank you.

21 A. Well, we have Cologne before that, and it is 3D02992, that
22 document, and that took place on the 13th of July, 1992. We received an
23 invitation from Germany to take part in some military exercises there,
24 and once again it was Mr. Vladimir Sumanovic and I, myself, who went
25 there, and that was the first visit by the representatives of the

2 Germany. We reached Frankfurt and then were received there. We spent
3 several days there, but the exercise itself was near Nuremberg, and it
4 was an exercise in the landing of the Tornado-type aircraft on a very
5 short, small runway.

6 Q. Well, General, I seem to have my documents mixed up here, the
7 ones that relate to that trip and visit. But the first one you mentioned
8 shows the programme and agenda, and then we see your office applying for
9 airline tickets. And then the third document, 0251, is a report on the
10 visit, as far as I can see. Is that right?

11 A. No, I don't seem to have the report. It is a document of the
12 9th of July, 1992, a request for contact with the office in Cologne.

13 Q. Very well, we have that, the document on that visit. I'd like
14 now to propose that we move on to another document, which is 3D03086.

15 A. Yes, I found it.

16 Q. This relates to a telefax cover page signed by you, and then the
17 21st of October, 1992, a report. Now, who signed that or compiled the
18 report since there is no signature here?

19 A. That was the press release by General Tus, prepared by
20 General Tus, and a letter from him is attached, along with all the
21 documents concerning this problem, and this is what it was about: The
22 incident broke out because General Branston [as interpreted] --
23 Major General Cranston sent to the chief of the Main Staff of the
24 Croatian Army a letter, which we attach, in which Mr. Tus denies the
25 truth of an observer mission report with respect to an incident that took

1 place in Softat [phoen].

2 Q. Now, events of this kind in -- along that separation line, were
3 they important, were they frequent occurrences?

4 A. Yes, they were frequent occurrences, the violation of the truce
5 or cease-fire, and I cooperated with UNPROFOR on behalf of Croatia over
6 questions like that on one occasion. It was very difficult to coordinate
7 and dovetail everything because cease-fires were violated; of course,
8 they were on the Croatian side, too. I'm not going to say they weren't.
9 But they were disproportionate with respect to the amount of violations
10 on the Serb side by the Serb rebels, and of course the events that took
11 place did take place.

12 We had very good cooperation with some units, some very difficult
13 cooperation with others. I'm not going to name them, but, for example,
14 UNPROFOR in Knin sold a million tonnes of fuel to the Serbs every month.
15 That's one case in point, and in the General Gotovina trial this was
16 shown, because these people did everything. They were engaged in black
17 marketeering, they sold cigarettes and all manner of other things, and of
18 course there was disinformation -- misinformation being sent out
19 intentionally, and you always had to remain diplomatic. But, of course,
20 you couldn't take all the lies that were being put around. And I don't
21 think we were very bad in that respect, and we pointed out instances
22 where lies were being put about and other instances where they were not.

23 Q. Thank you. Now I'd like to draw your attention to the next
24 document, which is 3D03088. It is a document dated the 7th of June,

25 1993, signed by you, and it is about a dinner you had with the German

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1 military attache. Now, you've mentioned meetings of that type. Perhaps
2 you could say a few words about this particular meeting and encounter.

3 A. Well, we discussed the problems of Bosnia-Herzegovina and Croatia,
4 and what some countries among the world powers wanted, and as far as we
5 were able to see, they kept changing their positions so it was very
6 difficult to make our way in all this and see what the ultimate goal of the
7 international community was. And here I refer to Dr. Ellner and Mr. Salas
8 [phoen]. I say that they were well informed, but then I say that the other
9 two gentlemen were not very interested in the situation and were observing
10 the entire situation from an easy-going European perspective.

11 Q. Thank you. Now, the next document which I'd like to have your
12 comments on is 3D03089, and you signed it on the 16th of June, 1992. The
13 first document is not that important -- or, rather, this document is
14 dated the 16th of September, 1992, re. an order and so on. Can you tell
15 us briefly what the problem was here, because it refers to Posavina?

16 A. Well, there would be some commanders who would over-step their
17 limits, their remit, and then they would come to me -- people would come
18 to me and send me their explanations set out in a letter and so on, and I
19 would consult the ministers and would stay the order, for example, issued
20 by the commander of the 124th Brigade of the Croatian Army in this
21 particular instance. And I said that they couldn't send people to the
22 Posavina battle-field. They could go if they were volunteers.

23 Now, Your Honours, you will see that an order is written and
24 people being sent voluntarily, as volunteers, so that's a problem, a
25 problem that would occur when certain members wanted to go as volunteers.

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1 They -- the question was: What would happen if that person were killed,
2 what rights the family members had, and unless you provided them with a
3 piece of paper saying that you were sending them there, although these
4 people were volunteers, then he and his family could not enjoy the
5 benefits provided by the Croatian state if something happened to them
6 there.

7 So you have a problem whereby people would go voluntarily and an
8 order would, nonetheless, be written, but if you had an order written
9 without the volunteers, that order would be stayed. And, for example, a
10 general on one occasion was taken to court or, rather, there was an
11 investigation and inquiry undertaken for the fact that he wrote an order,
12 so he had to go through the procedure of being taken to task, and the
13 whole question rested on his unit crossing over the Sava River.

14 Q. You made a slip of the tongue. You said he filed a criminal
15 report, where actually you meant to say that he issued an order?

16 A. Yes, that's right, and he was taken to task, in a way.

17 Q. This brings us to the next document, which is 3D03091.

18 JUDGE ANTONETTI: [Interpretation] We have this document dated
19 16th of September, 1992. It prohibits the 124th HV Brigade from going to
20 the Posavina battle-field. This is a clear document. As far as you

21 know, because this is a very relevant question, by the way, as are all my
22 questions, were they units of the Croatian Army that found themselves in
23 the Republic of Bosnia-Herzegovina with all their equipment?

24 THE WITNESS: [Interpretation] Your Honours, I will answer
25 correctly.

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1 Pursuant to an order, some units of the Croatian Army went to the
2 territory of Bosnia-Herzegovina only in the vicinity of Dubrovnik,
3 because Dubrovnik could not have been defended in any different way. The
4 territory is simply too narrow. If you wanted to reach the border, you
5 couldn't, because it is on top of the hill, and if you did only that,
6 they could still keep on pounding Dubrovnik from the border.

7 During the operation to liberate Dubrovnik, the units did cross
8 into the hinterland, and that was the only way to do it. And I believe
9 that that was also permissible, as far as I read the literature and as
10 far as I informed myself about that.

11 The second time it happened was on the 10th of April, 1992, and
12 that was the day when I was appointed commander of South-Western
13 Herzegovina. Pursuant to an order, one battalion, the 4th Battalion of
14 the 4th Guards Brigade, with 160 men, crossed the border in order to
15 cover a gap in the territory between Citluk and Mostar, in order to
16 prevent an expected breakthrough of the Yugoslav People's Army towards
17 Split, and 160 men is an insignificant number. They stayed there for a
18 short while, and as soon as I managed to amass the army, they left.

19 While I was there, as far as I know, it never happened that the
20 Croatian Army crossed the border pursuant to an order. Volunteers did
21 that. In military terms, their number was insignificant. I claim that
22 there were never more than 500 or 600 of them scattered all over the
23 place in a random way.

24 When I became commander down there, and you will see the
25 document - this was on the 24th of July, 1993 - I asked Minister Susak

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1 and President Tudjman to take into account the very adverse military
2 situation after the breakthrough of Muslims across Bugojno, that I be
3 provided with at least two battalions of the Croatian Army to be put at
4 my disposal. Of course, they wouldn't allow that. I, as a soldier,
5 requested that, although I knew very well that I would be turned down,
6 that my request would be denied.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, as far as you
8 know, if an HV unit had found themselves in the Republic of Bosnia and
9 Herzegovina, in the internal documents of the said unit would one find
10 any trace of this transport from the Republic of Croatia towards the
11 Republic of Bosnia and Herzegovina? And I'm going to be even clearer
12 than this, because now we don't want to waste any more time. We really
13 have to go to the heart of the matter, so I'll be even more specific.

14 We heard witnesses who spoke about the Heliostrom, and mention was
15 made of the presence of HV units. So you are under oath. Are you
16 telling me that as far as you know, there never was a single HV unit that

17 crossed the border in order to go to a battle-field in the Republic of
18 Bosnia and Herzegovina? One couldn't be any clearer than this, could
19 one?

20 THE WITNESS: [Interpretation] Your Honours, Your Honour
21 Judge Antonetti, save for the unit with 160 men in 1992, on the
22 10th of April, who went there to close the gap, in Heliodrom, in its
23 surroundings, there was never a unit of the Croatian Army that would have
24 arrived pursuant to an order as an HV unit.

25 In a situation that I was in, I did request -- I did implore my

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1 peers, commanders in Croatia, and I received from the 1st Guards
2 Brigade -- I had some 40 men who came from there, and then a few lads
3 came with whom I had waged a war in Sunja. 500 of them volunteered to
4 come. I did appeal to the volunteers to join me, but I never requested
5 and a request was never approved for a unit of the Croatian Army to be
6 sent.

7 It is true that volunteers, when they came, they would be covered
8 by an order, and this is what instills confusion. He -- they would say,
9 I am going as a volunteer, but I still need a paper. People will get
10 killed. They were ready to get killed, but they were wondering what
11 would happen with their wife, children, and parents. The Croatian
12 government and the Croatian minister of defence were of an opinion that
13 the volunteers would receive their salary and all the other benefits as
14 they would in Croatia, but they were still considered volunteers. And

15 that applied to the Croats in the BiH Army and the Croats in the HV. The
16 same rule applied, and the documents will prove that.

17 MS. TOMANOVIC: [Interpretation] I apologise. Again we have an
18 error in the transcript. On page 53, line 24 and line 25,
19 General Praljak said that this applied to the Croats and Muslims in the
20 Croatian Army.

21 THE WITNESS: [Interpretation] Yes, the same rules applied,
22 because both groups went there as volunteers.

23 MR. KOVACIC: [Interpretation]

24 Q. Even before that --

25 JUDGE ANTONETTI: [Interpretation] One moment. General Praljak,

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1 we have thousands of documents, and I believe there's one, but I can't
2 remember it's number, you'll forgive me, because it's impossible to keep
3 all the document numbers in mind, all the more so because I had not
4 planned to ask you this. But your reply prompted this, so I quote from
5 memory, but I never make a mistake.

6 I believe that there is one international observer who said that
7 he saw an HV unit pass by, so could it be that he was confused, that he
8 made a mistake? Were there volunteers who went by? How can you account
9 for this?

10 THE WITNESS: [Interpretation] First of all, there were some
11 ignorant observers who would see two or three men bearing the insignia of
12 the Croatian Army and they would call them a unit. Second of all,

13 Your Honours, you've heard a witness here who said that he had seen a
14 division of the Croatian Army, and when I asked him how many men, he
15 said, 50. Where? Down there near Metkovic or close to the Croatian
16 border. Third of all, we're going to hear a witness whom I can't mention
17 by name. He is an American who will say precisely how much and to what
18 extent those men erred when they said that they saw the Croatian Army.

19 Another important thing. Despite the fact that General Petkovic
20 and myself provided very clear instructions, saying that when people came
21 from Croatia as volunteers, from the Croatian Army, that they had to
22 remove their original insignia and replace them by the HVO insignia, that
23 was sometimes not done. That's just because some lads wanted to boast
24 for being members of another unit, a glorious unit.

25 Your Honours, I would also sometimes wear the insignia of the

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1 Croatian Army because I had two uniforms. While one was in the wash, I
2 wore the other one. And when somebody saw me, they would say, Okay,
3 there is a guy from the Croatian Army, but I simply didn't have anything
4 else to put on. I'm a big man, and it was difficult to find a suitable
5 uniform for me.

6 I repeat, there was -- there were no members of the Croatian Army
7 who would have crossed the border pursuant to an order, save for those
8 who did it in that one exception, an exceptional case.

9 JUDGE ANTONETTI: [Interpretation] One last follow-up question,
10 but we'll have an opportunity to return to this. You'll see I have a

11 good memory, because I remember that you said that there were
12 13.000 volunteers. You said that earlier today. There were volunteers
13 who, in fact, came from the Republic of Bosnia-Herzegovina, had gone to
14 Croatia, to return back to the ground. So I did take a very careful note
15 of this. But for residents of the Republic of Bosnia and Herzegovina,
16 were they Croats, say, who were born in Zagreb but never been to Bosnia
17 and Herzegovina, but declared themselves volunteers to join the HVO?
18 Were there such cases, as far as you can see?

19 THE WITNESS: [Interpretation] Yes, very often. For example, in
20 autumn 1992, from the battalion of the 2nd Guards Brigade that I was in
21 command of in Sunja, lots of lads reported to me or contacted me offering
22 me their help. I referred some of them to the BiH Army, asking them to
23 help them with their experience, and I transferred them to the left bank
24 of the Neretva to Mahala, and I gave some of them to the HVO.

25 In the operation to liberate Capljina and fighting around

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1 Capljina, I had a few volunteers from Zagreb. There was some 15 of them.
2 One of my volunteers was President Tudjman's grandson. In Capljina,
3 there were volunteers who simply arrived from Croatia.

4 And the 13.000, Your Honours, I believe that you remember the
5 document that I provided to you, and when you said, Wow, that's a lot,
6 was that as many as that, there is a cemetery in Zagreb, in Croatia, and
7 you can see a list of all those Muslims who were killed as members of the
8 Croatian Army, but those were not only people who resided in Croatia at

9 the time, but also those who had arrived from Bosnia and Herzegovina when
10 war in Croatia started, for various reasons that I would not be willing
11 to discuss. For example, in the operation to defend Dubrovnik, during
12 the last strike, when there was a question whether Dubrovnik would fall,
13 we had a group of Herzegovinian volunteers who participated, and one of
14 them got killed. And together with the citizens of Dubrovnik, they
15 managed to save the city.

16 I repeat, once again, it was a war not against the Serbs,
17 irrespective of the territory or the republic, and there is no way you
18 can do a vivisection as it could be done in a classical conflict of one
19 state fighting another.

20 JUDGE ANTONETTI: [Interpretation] You have just mentioned the
21 example of President Tudjman's grandson, who was a volunteer. When
22 people would learn that President Tudjman's grandson had volunteered,
23 could they think or infer that, in fact, the entire Croatian Army had
24 moved to the Republic of Bosnia and Herzegovina? Could it be that some
25 drew that kind of inference from it?

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1 THE WITNESS: [Interpretation] Well, President Tudjman's grandson
2 was my soldier in Sunja also. He was a volunteer already in Sunja. He
3 was under my command. He was an excellent fighter, an excellent lad, and
4 he followed his commander down there. The interpretations of the war are
5 various, to a large extent wrong, and if you don't have precise facts you
6 cannot reconstruct anything. Facts are facts, very precise, as to what

7 Croatia wanted, what it did, and how it behaved.

8 MR. KOVACIC: [Interpretation] Thank you, Your Honours.

9 Before we proceed, on page 53, line 9, I believe that the
10 interpretation was good. However, it was mis-recorded. The way it was
11 recorded, it seems that the General Praljak answered to Judge Antonetti's
12 question that save for the unit consisting of 160 men in 1992, on the
13 10th of April, who had gone there to close the gap, and then in the
14 record it says "in Heliodrom," and there should be another comma here
15 after the gap that had to be closed, and then General Praljak moves on to
16 a different area, which is Heliodrom.

17 THE WITNESS: [Interpretation] No, no Heliodrom. It was a line
18 which went from Citluk, Tepcici, Slipcici, towards Mostar, from
19 Medjugorje towards the left, Tepcici and Slipcici towards Mostar. They
20 didn't have anything whatsoever to do in Heliodrom.

21 MR. KOVACIC: [Interpretation] Well, if there was a comma, the
22 sentence would be clear.

23 Q. Let's move on. General, you have just spoken about this, and now
24 the next document is 3D03091. A reference is made to an officer of the
25 Croatian Army that has been mentioned a lot of times in the courtroom. I

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1 believe that his name already rings a bell. Could you please explain who
2 the officer is, and within the context of my questions could you take him
3 as an example.

4 A. Mr. Jasmin Jaganjac, whom I know very well, we cooperated quite a

5 lot. He is a Muslim who joined the Croatian Army at the very beginning
6 of the attack against Croatia, and I believe that for a while he was in
7 charge of compiling a book of exercises and training for the Croatian
8 Army because he had originated from the Yugoslav People's Army; and
9 that's why I returned him to the unit called the Officers' Centre, as we
10 had wanted to have in Mostar, where Muslims simply lagged behind,
11 although they did wish to fight, but they were not well prepared.

12 Pursuant to his wish and pursuant to our agreement, he was appointed the
13 commander of the defence of Mostar after having been released from the
14 Croatian Army.

15 Mr. Jaganjac, together with me -- he was an official, and I was
16 not officially appointed to be in charge of the operation in 1992, he was
17 in charge of the liberation of the right bank of the Neretva River and
18 the left bank of the Neretva River. After that, I returned to my regular
19 tasks, and he remained down there until the moment -- and I don't know
20 why. He wanted to return to his mother unit, which was the Officers'
21 Centre.

22 Around that time, Jasmin Jaganjac, after his return to the
23 Officers' Centre, he became the military advisor of President
24 Izetbegovic. At the time, we had achieved good military successes in the
25 southern part, Petkovic, Stojic and all of us, and if I sometimes say

2 in an army, because everything in fighting is resolved by all those who
3 are fighting on the line. He remained an advisor of the president of the
4 Presidency, Alija Izetbegovic, up to the end of April 1993, and we had
5 worked together for months in order to establish a joint command of the
6 BiH Army and the HVO.

7 Q. General Praljak, when you started explaining the situation
8 concerning Jasmin Jaganjac, well, I'd like to go back to that partially
9 for the transcript and the speed you were speaking at, to make things
10 quite clear, so I'd like to go back to that.

11 JUDGE ANTONETTI: [Interpretation] One moment.

12 Registrar, let's move into private session.

13 [Private session]

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 [Open session]

8 THE REGISTRAR: Sorry, Counsel, sorry to interrupt you.

9 Your Honours, for the record, we are back in open session. Thank you.

10 MR. KOVACIC: [Interpretation]

11 Q. General, in 1991, which army did this officer join in the defence
12 against the JNA?

13 A. Jasmin Jaganjac joined the Croatian Army. Among other things, he
14 worked in the Officers' Centre.

15 Q. Just take it slowly, please.

16 A. After that, he went voluntarily and became commander of the
17 defence of Mostar.

18 Q. Yes, that's fine now.

19 A. And then, once again, according to his wishes, on the
20 22nd of October, he went back to his original unit and the
21 Officers' Centre. Now, after that, I don't know the exact date but
22 during that time, he also became a military advisor, the first military
23 advisor to President Alija Izetbegovic, that is to say, the president of
24 the Presidency of Bosnia-Herzegovina.

25 Q. And what happened to his rights, as a member of the HV, when he

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1 went back or, rather, when he went away and came back? What happened to
2 his rights? Were his -- once he activated his status in the HV, did he
3 receive his rights again?

4 A. No, Mr. Kovacic, he enjoyed his rights all the time. He enjoyed
5 his right to a salary. If he were wounded or killed, he would be treated
6 as a Croatian soldier, so he retained all his rights. He left the
7 Croatian Army to go to the HVO, to join the HVO and work together with
8 them down there, and we'll see from the documents what it was he did in
9 1992, and then he returned to the Croatian Army.

10 Q. I see. Everything is quite clear now, crystal clear.

11 A. Just like me. You can skip over the next documents. There's
12 nothing to deal with there.

13 Q. Yes. The -- although, on second thoughts, maybe not.

14 Look at 3D02218 now, please. That's perhaps a characteristic
15 document and tells us a great deal. It is dated the 14th of September,
16 1992. The document is 02218, signed by you, and addressed to the
17 president of the republic. It says: "Dear Mr. President." What's this
18 about?

19 A. Well, we had a major problem, large numbers of refugees and
20 soldiers who were in the Croatian Army but refugees at the same time,
21 from Vukovar -- well, this was before Vukovar. But, anyway -- and the

22 problem was a major one with the property belonging to the
23 Yugoslav People's Army. The Yugoslav People's Army had enormous
24 property, and a lot of property on the territory of the Republic of
25 Croatia as well, so this property became the property of the state of

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1 Croatia, but the Ministry of Defence managed it, the MORH. Various town
2 mayors came to me and asked to be given this or that plot of land,
3 building or whatever, and there were very tense situations, because I had
4 to explain to them that we, the MORH, managed that property, but that it
5 was the state who was the owner and that it was the state who could
6 decide whose property it would become. That was one problem.

7 The other problem was that I wasn't very prone to have this
8 property distributed in that kind of way, for the simple reason that they
9 had no programme as to how they would utilise the land or property. They
10 would be given a sizeable chunk and didn't know what they were going to
11 do with that. And I asked them what the army was going to do. For
12 example, if 100 hectares of land would be given to a town which had
13 previously been owned and controlled by the Yugoslav People's Army, if
14 they were to be given that free of charge without having a plan as to how
15 they would utilise the property or land, well, that was a problem. That
16 was one problem.

17 The second problem was with respect to forcible entry into
18 premises and buildings. You see, when people are expelled and houses set
19 on fire, and these people fought, they expected that the many flats

20 belonging to the Yugoslav People's Army would be assigned to them, and
21 the government was dragging its feet with respect to that problem. And
22 you know what my character is like. I tend to use strong words and
23 strong language, but I insisted that they resolve the problem. And, If
24 you don't resolve the problem legally, or even if you do, there will be
25 problems, but if you don't solve it legally, then the problems are

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1 enormous.

2 So that's what I talk about there and say that expulsions and
3 other criminal activities continue to take place and the military police
4 is expelling the HVO and civilians together in similar situations and so
5 on. I'm writing the president, himself, directly and Mrs. Turic, who
6 dealt with these problems.

7 Anyway, the problem came to a head on the 15th of September,
8 1992, and this was a very sensitive question, and it began to infringe
9 upon the authority of the state and the president and the government and
10 the Assembly, because people were expelled from their homes, expelled
11 from the army, and they just stormed the flats that were available. So
12 this problem had to be solved urgently, and it was solved to a certain
13 extent. And in the post-scriptum down at the bottom, I say that at the
14 Coordination for Internal Policy meeting, the problem was resolved with
15 the help of Mr. Milas.

16 THE INTERPRETER: Microphone, please, Counsel.

17 JUDGE ANTONETTI: [Interpretation] Yes, General Petkovic.

18 THE ACCUSED PETKOVIC: [Interpretation] Your Honours, with your
19 permission, there was a technical mistake. It wasn't the HVO, it was the
20 HV.

21 THE WITNESS: [Interpretation] Yes, yes, of course, the HV. I beg
22 your pardon.

23 MR. KOVACIC: [Interpretation] It's on page 63, line 5 of the
24 transcript. "The HVO" should read "the HV," and we can see that from the
25 contents.

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1 THE WITNESS: [Interpretation] Yes, I confirm that, the HV.

2 And now the final sentence is that I was involved in the problem
3 because for who knows what reason, they came to me to complain. Now,
4 although other people were in charge of this, I was a sort of -- well, I
5 was a sort of lightning rod, and the guys knew that if they brought a
6 problem to me and I thought that it had -- should be solved, that then I
7 would fight to have it solved. I wouldn't put it in a drawer and forget
8 about it, and that I was ready to tackle any president or person in the
9 government if I thought I was right.

10 THE INTERPRETER: Microphone, Counsel, please.

11 MR. KOVACIC: [Interpretation]

12 Q. I'd like to move on to the next document, but I think you wanted
13 to add something about the previous document. No?

14 All right, then, let's move on to 3D02504. Is that an example of
15 what you were telling us earlier on, that it's the easiest thing in the

16 world to write an order and it's quite another matter to see whether it
17 was implemented and whether it all functions properly? Is this an
18 example of that?

19 A. Well, yes. You need a lot of time for an organisation to be set
20 up, especially an army, and that's something you can read in any
21 textbook, even when there's no war on, let alone when there is a war.
22 And here the Chief of Staff and I, myself, jointly signed this. It
23 refers to the operative zones and all HV units, the
24 Croatian Navy, Air Force, Commands of the HV and so on, and we list all
25 the problems, from the IPD ranging to how regular reports are being sent

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1 out, when they should be sent out, any deviations, the homogeneity of the
2 units, inter-human relations in the units, current issues, the reaction
3 of the soldiers, and so on and so forth, rumours and the reasons for the
4 soldiers' dissatisfaction.

5 And then under D, part of the Psychological Department -- or,
6 rather, some of what the IPD did was to work to look into the combat
7 readiness of the troops. And under D we see that in some units the
8 soldiers' readiness was at a lower level, morale was low, and that it was
9 the commanders whose fault it was, that there was very poor commanding,
10 that there was fatigue among the units, that the units were being
11 deployed and utilised without the necessary preparations beforehand, that
12 there was a lack of direct contact with the soldiers, and so on and so
13 forth. And I'll be happy to answer any queries from Their Honours,

14 but --

15 MR. STRINGER: Excuse me. I've got a question, actually, because
16 the document, at least the translation that I'm looking at, does not
17 appear to bear a date in the heading or at the bottom of the document,
18 although in the body, about midway through the first page, there's a
19 reference to a report that has to be delivered before the 24th of July,
20 1992. So I wonder if the general could give us the time-frame for this
21 or indicate whether this document is dated sometime prior to the
22 24th of July, 1992.

23 THE WITNESS: [Interpretation] This is quite certainly July 1992,
24 the 7th of July, in fact -- or, rather, July, it's July 1992. I don't
25 know what day it was. Probably a day or two before. If I gave them a

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1 dead-line of 48 hours to report back to me, then it might have been the
2 22nd of July and 48 hours would have been a dead-line I would have set.

3 MR. KOVACIC: [Interpretation] Very well.

4 On page 64, line 23, it says "HVO," and it should read "HV." It
5 says "HVO units" instead of "HV units."

6 Q. The next document is similar in content, 3D02859, of the
7 25th of March, 1992, once again signed by you. It contains two reports
8 as attachments. Could you explain this, because it's fairly typical.

9 A. Yes. We're dealing with the 25th of March, 1992, once I had been
10 appointed assistant minister, and I enumerate all the points:
11 demobilisation, which is a major problem, who should be demobilised, who

12 wishes to stay on and so on; then promotions and transfers, "transfers"
13 meaning that all people who came from the Yugoslav People's Army were
14 promised the same rank as they held while in the JNA, generals remained
15 generals, although there were certain misunderstandings because the guys
16 thought that some of the ranks were too high and that they would have to
17 prove their mettle on the battle-front before they were allowed to carry
18 the same rank. Then we had the problem of officers and soldiers'
19 training, which was supposed to begin straight away. Then there was the
20 consideration of commendations and decorations and so on, and I state
21 that difficulties emerged with respect to legal regulations. Now, who
22 this was addressed to, I don't really know. Franjo Tudjman, Gojko Susak,
23 I don't know.

24 Q. Well, you can't see from this, but I'd like to draw your
25 attention to the report attached, especially the first one dated the

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1 24th of March. After sizing up the situation on the ground, certain
2 irregularities were uncovered. Can this all be considered as part and
3 parcel of the building up of an army, discipline and order?

4 A. Well, I think the most important thing here is -- or I want it to
5 be understood in the following way: that we never wanted to hide
6 anything. All the bad points, all the storming of flats, the problems,
7 and a document we forgot to present, suicides, killings, legal
8 proceedings against people, military courts and so on, I state here and
9 now that the documents that we compiled and so on, we never hid any

10 problems. All this was accessible to all the journalists, military
11 attaches. They could go into the field to see what the problems were.
12 We just tried to use our knowledge and experience to help solve the
13 problems, but we never did anything to hide them, any evil-doing.

14 Everything was recorded. People were taken to task. If the
15 perpetrators were apprehended, they would be taken to court. They
16 weren't swept under the carpet. Nothing was hidden from the public or
17 any observer from the international community. And as you were able to
18 see, when I was in Herceg-Bosnia, for example, every journalist had the
19 right to go and see for themselves when they wanted to, what they wanted
20 to see, and I say that with absolute certainty because that is something
21 that I okayed and I did.

22 Q. General, what you've just told us, was that a pattern of
23 behaviour? Is that how you behaved later on in Bosnia-Herzegovina?

24 A. Well, I'm too old to change my feathers. I think from start to
25 finish, I always acted in the same way, identically. I didn't change one

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1 iota.

2 MR. KOVACIC: [Interpretation] Thank you. Your Honours, I'd like
3 to move on to a different topic now, but I think that it's time for our
4 break, or at least it is in a minute or two. So shall we take the break
5 now?

6 JUDGE ANTONETTI: [Interpretation] Yes, it might be better to have
7 a break now, since you're going to move on to another topic. Let's break

8 for 20 minutes until 10 to 6.00.

9 --- Recess taken at 5.30 p.m.

10 --- On resuming at 5.55 p.m.

11 JUDGE ANTONETTI: [Interpretation] Yes, please, Mr. Kovacic.

12 MR. KOVACIC: Thank you, Your Honour.

13 Q. [Interpretation] General Praljak, as we said yesterday, just
14 briefly, and I'll repeat it for everybody and for the Trial Chamber here,
15 you mentioned that, amongst other things that you did in your department,
16 the department was in charge of publishing "The Croatian Soldier"
17 magazine that was in the Defence Ministry of Croatia, and from that
18 magazine we can see the positions of the Croatian government and most
19 prominent figures of the Croatian politics. We're going to look at the
20 magazine now, and when we come to each of the pages, I would kindly ask
21 you to read the e-court number at the bottom for the interpreters and for
22 everybody else's benefit.

23 This also has a bearing on the events in Bosnia and Herzegovina,
24 and can you please look at 3D01278. The date is 15 January.

25 A. 279?

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1 Q. Okay, 279, yes. Go ahead.

2 A. "The Croatian Soldier" was the magazine of the Ministry of
3 Defence of the Republic of Croatia. I have the originals, of course, if
4 anybody wants to look at the originals. Maybe the Trial Chamber would
5 like to see the magazine to see its design. "The Croatian Soldier"

6 summarises all the problems that were present in Croatia with regard to
7 the Croatian Army, the positions of the Ministry of Defence, the
8 positions of the supreme commander of the armed forces of the Republic of
9 Croatia, Dr. Franjo Tudjman, and in a certain way they are a succinct
10 representation of political and military positions, desires, problems,
11 intentions, everything that was going on at the time. The date here is
12 the 15th of January, 1993, describing the meeting of the editors-in-chief
13 of Croatian journals and newspapers with General Tudjman.

14 Q. General, just a moment. This is 3D29-0512?

15 A. Yes, you're right. And in the second paragraph here, the
16 president says that in 1992, the Croatian area established itself as the
17 factor of peace in the territory of the former Yugoslavia and the
18 international factors are counting with it, and they are interested in
19 the issue of the Croatian official policy towards Bosnia-Herzegovina,
20 especially in light of the fact that some individuals from some of the
21 states had voiced some accusations which were not justified. And the
22 president briefly speaks about the threats that exist in his view. He
23 also speaks about the Mujahedin and the willingness of some Islamic
24 states to help them.

25 And in the last part on the right-hand side, he says that no

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1 sanctions were imposed upon Croatia; every attempt to do so has failed.
2 There are statements by the Islamic states that Croatia is the only state
3 in Europe that had recognised Bosnia-Herzegovina and received over half a

4 million refugees. There is a resolution of the United Nations to that
5 effect. And then he says that the Croatian politicians were very much
6 interested in Bosnia and Herzegovina because the development of events in
7 Bosnia-Herzegovina very largely influenced the territory of Southern
8 Croatia from Split to Dubrovnik just the way I described it in my
9 testimony.

10 Croatian politicians did take into account the interests of the
11 Croatian people in Bosnia-Herzegovina, and he continues to say that
12 because of that, Bosnia-Herzegovina is today not a part of the Greater
13 Serbia. Croatia has enabled the Croatian people in Bosnia-Herzegovina to
14 organise themselves and to defend themselves. And to make sure that
15 Bosnia-Herzegovina was not annexed to the Greater Serbia, Croatia
16 advocated the referendum for an independent Bosnia-Herzegovina as a
17 community of three constituent peoples.

18 Q. General, I have to interrupt you. We have a wrong document on
19 e-court. I need 3D01278, and the page number is 3D29-051.

20 A. Thank you. Now we have the right document. And, finally, it
21 says that the president emphasised, and this has to be underlined, that
22 Croatia itself, and Muslims themselves, cannot militarily end the war,
23 especially not in their favour, because of the supremacy of the Yugoslav
24 People's Army. If the war continues, this would lead to further
25 complications in European and global terms. The international factors

1 have adopted a political solution which is in keeping with the real

2 position and the democratic relationships in Bosnia and Herzegovina.
3 Franjo Tudjman did not want a war. He tried to see that things were
4 resolved in a peaceful way, as much as he could.

5 The following document, 3D29-0513. I'm just going to read the
6 title, "To the Best Western Military Academies," which means that classes
7 started for high-ranking officers at the Officers' Centre. People had to
8 be educated subsequently, post festum, unfortunately. However, it arises
9 from all the documents, all the positions that were voiced, that our best
10 officers would attend Western academies, and that the overall desire of
11 the Croatian Army and the Republic of Croatia was for Croatia to be
12 integrated into NATO and the European Union. So much about that.

13 Q. The following --

14 THE INTERPRETER: Microphone for the counsel.

15 MR. KOVACIC: [Interpretation]

16 Q. The following document is 3D01279. The issue covers the period
17 from 19 to 28 August 1992.

18 A. I'm reading. The page number is 3D29-0515. Autumn 1992, Croatia
19 started systematically recruiting conscripts for regular military service.
20 In the second paragraph, you can see that there was a 95 per cent response
21 of the recruits. Those who could not serve in the army were to be
22 provided different jobs and posts in the civilian life. And it says
23 that every recruit, irrespective of the evaluation of the recruiting
24 commission, can file an appeal against their decision within two weeks.

25 And in the second paragraph, in the right-hand-side column, it

1 says that there were no requests for the civilian service in the army,
2 although every recruit was entitled to file such a request. Every
3 soldier had the right to opt for the civilian service in the army, rather
4 than taking a weapon in their hands. Finally, it says that we have
5 established five training centres where the military training will take
6 place. So much about that.

7 And now we are moving on to 3D --

8 JUDGE TRECHSEL: I have again a question. What has this got to
9 do with our case? Recruitment in Croatia, the fact that Croatians can
10 opt out of being recruited, that there is an appeal, what is the
11 relationship to our case? I do not even see a fathom that leads to
12 something like joint criminal enterprise, let alone all the rest.

13 I am a bit afraid, when I see this huge file, that we are
14 expected to listen to a lot of evidence that I cannot find the link, but
15 I stand to be corrected. If I am convinced, that's so much the better.

16 THE WITNESS: [Interpretation] Your Honour Judge Trechsel,
17 Franjo Tudjman is the first one on the list of people charged with the
18 joint criminal enterprise, an intention regarding Bosnia-Herzegovina, a
19 nationalist, and so on and so forth. There are a lot of accusations
20 against Franjo Tudjman. Now I believe that it is necessary, and finally
21 it will maybe take no more than two hours in this trial, it is necessary
22 to show that the first accused on the list of those who were charged with
23 joint criminal enterprise with regard to Bosnia and Herzegovina, and
24 according to the accusations that we heard about nationalism and other

25 things, I believe that we should look at the overall way of thinking or

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1 the way the Republic of Croatia was established and how it developed.

2 It is necessary to show that from the very outset, there was an
3 intention and desire in the state to introduce the best principles of
4 what we call the Western civilised world, and I believe that even if we
5 spend two hours on the things that are not directly tied to the
6 indictment, we'll provide you with a picture of the world of the actors
7 who are charged with crimes here, and I'm talking about Susak, Tudjman
8 and Bobetko. And in these texts, you will see how they developed the
9 army, what -- the problems they had to face. And even if we -- if we
10 don't see what problems they faced, it will turn out that everything was
11 easy and could have been resolved just like that.

12 There may be things that I can skip. I don't know which ones
13 they are. I just wanted to demonstrate what all of us did, how we did
14 what we did, how hard we worked, what problems we faced, what were our
15 intentions, our desires, and what kind and how much effort we invested in
16 order to achieve all that. This would be by way of explanation to your
17 question, Your Honour.

18 MR. KARNAVAS: Your Honour, because of the joint criminal
19 enterprise, I do wish to be heard and make a record as well, because
20 I think that -- and I heard what General Praljak said, but I think it
21 must be understood that while we're dealing with Bosnia-Herzegovina, you
22 know, Croatia is -- essentially has been charged with joint criminal

23 enterprise, and we have to understand the situation as it existed at the
24 time.

25 Croatia was occupied, was fighting its war. Croatia wants

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1 recognition. It received recognition, but it wants its territory back,
2 it wants assistance. Here we have -- and what the general is trying to
3 show is that Croatia has its own problems. It's trying to resolve those
4 problems in a lawful, legitimate manner, and at the same time it is
5 working with and cooperating with the authorities in Bosnia-Herzegovina
6 because ultimately they will face some of the same problems. This is
7 part and parcel of this joint criminal enterprise.

8 I can understand the Court's frustration, especially when we go
9 into this sort of minute detail. However, again, if we're going to be
10 talking about equality of arms, if I can put it in those terms, the
11 Trial Chamber sat here and allowed Dr. Miller, a professor from the
12 United States who probably has never visited Bosnia-Herzegovina, to talk
13 about 1996, 1997, 1998, 2000 BiH, which is not part of the indictment,
14 and sat there and said, Well, this is interesting information. Let's
15 listen to it because it's part and parcel of the joint criminal
16 enterprise.

17 Here now we have General Praljak, who's talking about Croatia,
18 who is a member -- which is a member of the joint criminal enterprise, as
19 alleged. That's the problem. The problem is that you've allowed this
20 indictment to be so over-broad that we have a responsibility to defend

21 everything.

22 And one last thing, if I may add, Your Honours. With the last
23 witness of the Stojic Defence, there was an interesting commentary that
24 came from one of the members of the Bench, which is to say, well, we, the
25 Defence, have not countered that, and therefore the Trial Chamber was

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1 accepting this -- accepting the Prosecution's position. It had to do
2 with the map and the borders and what have you, that we haven't provided
3 a map with the actual borders of the Croatian Community of Herceg-Bosna,
4 which we maintain did not have borders because it was a community and in
5 some municipalities it was just -- they were just in areas. Nonetheless,
6 from that -- from that little inkling, what I got was a few nights of no
7 sleep, thinking, okay, I understand now that at least in some Judges'
8 minds, I have to prove the case, I have to prove what the Prosecution is
9 putting forward, I have to prove against whatever it is, because if they
10 say it, then somehow it's being accepted as the Gospel. I know I'm
11 overstressing it, but that's how we see it.

12 So now we're forced to go into all this minute detail, but
13 because of the length and breadth and depth of this indictment, because
14 if we don't, we may see then later saying, Well, you didn't challenge it;
15 therefore, it must be. That's part of the problem.

16 I mean, I'm not pointing fingers at anybody, but it's a sort of
17 this overwhelming fear on our part that if we don't challenge
18 everything -- and I understand the Prosecution recently has filed a

19 motion which we are going to be responding to, that if they don't address
20 something that General Praljak addresses, the Trial Chamber is not to
21 take that as an acquiescence that they're accepting that, and I think
22 that's a legitimate way of looking at it. Just because somebody says
23 something and the other side doesn't challenge it doesn't mean that the
24 Trial Chamber automatically accept it. The Trial Chamber will decide
25 what weight, if any, to give to it.

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1 But when we hear comments from the Bench saying, Well, you
2 haven't challenged this; therefore, it's -- you know, the Prosecution has
3 proved the point, and we haven't gone through all of the evidence, that's
4 how we're perceiving it, we're forced to be in a position where we have
5 to challenge every minute little detail, which is why it's going to take
6 four years to try this case.

7 So perhaps they could speed it up, perhaps it would even be
8 better if there were some transitional statements as far as focusing what
9 is relevant so that everybody can follow it. Some of us kind of
10 understand that, but from the Bench I understand it may be a little bit
11 difficult. So my colleague could perhaps give the reasoning to the
12 Trial Chamber as to why -- you know, with a transitional statement, and
13 then General Praljak adding the commentary, it may be a little bit easier
14 to follow and it won't be as frustrating, but I do understand the Court's
15 frustration.

16 Thank you.

17 MS. ALABURIC: [Interpretation] Your Honours --

18 JUDGE ANTONETTI: [Interpretation] Listen, we're not going to
19 embark on such problems. I do not think that the intention of my fellow
20 Judge was to develop a whole controversy or a debate on the joint
21 criminal enterprise. Mr. Karnavas has said things, but he had said them
22 before, so nothing new.

23 Yes, Ms. Alaburic.

24 MS. ALABURIC: [Interpretation] Your Honours, I would like to say
25 something not only for the record, but I also believe that it will

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1 contribute to the clarification of the situation.

2 I understand Judge Trechsel's remark, and I must admit that this
3 was my initial thought when I received the set of documents containing
4 the issues of "The Croatian Soldier." However, after having read the set
5 of documents prepared by General Praljak, it became clear to me why are
6 these documents important and significant for this case, and primarily
7 for the case of the joint criminal enterprise.

8 In "The Croatian Soldier," there is an analysis by a prominent
9 Croatian geo-strategic analyst which says that a military intervention
10 would be desirable on the part of the international community because it
11 would lead to the solution of the problem of the Serb aggression. I
12 believe that this points very clearly to the fact that there are no
13 pretensions against the territory of a different state, because if those
14 were the pretensions or aspirations, then nobody would have wanted the

15 foreign soldiers to come to the territory of Bosnia-Herzegovina and
16 Croatia.

17 Furthermore, there is another text by a prominent
18 analyst/journalist -- just one more word, Your Honour.

19 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, you're not
20 testifying. What you are saying you may express as part of your
21 cross-examination, but now you are developing an entire theory, which is
22 equivalent to testimony. I think it's better to ask Mr. Praljak a
23 question, and he will provide an answer.

24 MS. ALABURIC: [Interpretation] Your Honour, might I just point
25 out another piece of text that unambiguously shows that

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1 Bosnia-Herzegovina, in -- within the AVNOJ boundaries, was not challenged
2 at all, but that the internal order and setup of the state was the
3 question, and they are topics that are important as far as the JCE is
4 concerned, and perhaps the Defence of General Praljak could continue
5 analysing "The Croatian Soldier" editions and I think it will make things
6 clearer.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, I can see
8 Mr. Stringer.

9 MR. STRINGER: Thank you. I'll be very brief. I'm not going to
10 make anything that sounds like a closing argument.

11 Last week I -- at one point I rose and indicated that the
12 Prosecution considered certain testimony to be irrelevant. However, I

13 indicated that I was going to be very reluctant to continue to object on
14 that grounds. I know there are some -- they're differing views as to the
15 amount of latitude that the Trial Chamber may wish to give the general in
16 giving his evidence, because not only is he a witness, but he's also an
17 accused, and so there's the matter of the testimony. And the
18 Prosecution, I think, is at this point less likely to object on relevancy
19 grounds, even if we have our own reservations about that, because of that
20 and because, frankly, it tends ultimately to just result in a lot of time
21 being wasted.

22 Now, there is a separate issue which relates to the documents and
23 the exhibits, and again just to save time and so the record is clear, the
24 Prosecution's not going to stand up and object to every document that we
25 might submit is irrelevant. However, just so everyone knows, we intend

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1 to reserve our right to object to documents that are tendered by the
2 Praljak Defence in the future when the documents themselves are tendered
3 as part of their IC lists. So we're trying to just stay seated, not
4 raise too many objections, in order to keep things moving, and reserve
5 our objections to documents until the appropriate time.

6 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Stringer.

7 JUDGE TRECHSEL: Sorry, I do not intend to take up much time, but
8 I want to react briefly to what Mr. Karnavas has said to say that
9 basically I'm in full agreement. I accept practically everything you
10 have put forward, no objection. My only -- where I probably depart a bit

11 from you is that I think this is really very far off, and principally
12 there can be no question that Croatia is accused here, at least formally
13 definitely not. Mr. Tudjman is not accused. They are mentioned as
14 members of JCE, but they are not accused here. And I think that if you
15 think that a state -- a certain policy of a state is put into question,
16 which I admit is the case here, it's not necessarily very effective, in
17 my view, to contradict this by showing that many things were okay,
18 because that's not contested.

19 No one says everything was wrong in Croatia. No one says Croatia
20 was not a state intent on realising true democracy on respecting the rule
21 of law. So to the extent that evidence just tends to prove this, it, in
22 a way, fits the void because there is no obstacle, no one is saying the
23 contrary.

24 That was what prompted me to make the observation I made. I hope
25 that we are basically in agreement, though we do not necessarily have to

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1 agree in the detail.

2 Thank you.

3 JUDGE ANTONETTI: [Interpretation] General Praljak, when I have a
4 document in front of me, I look at it and I try to ask questions which
5 shed light on the issues at hand. In the document in front of us, there
6 is a detail which may actually be important, in particular in the light
7 of the case law of the Appeals Chamber, in the Kordic/Cerkez case, which
8 recognised that the Republic of Croatia had control over the HVO. So

9 when I ask a question, there's always a legal background to it, and I try
10 to look at the future.

11 Now, in the document in front of us, it is said that the
12 conscripts, 95 per cent of them, have a military booklet, a new military
13 booklet. This is in the last line of the English version of the
14 document. Let's focus on this military booklet for a second.

15 Let's take the example of the grandson of late Mr. Tudjman.
16 He's, first of all, a conscript, and then he's incorporated in a Croatian
17 unit. Therefore, I assume that in his military booklet his date of
18 conscription will be indicated. But if he has a military booklet and
19 then later on he says, I'm going as a volunteer to the Republic of Bosnia
20 and Herzegovina, what will his military booklet indicate?

21 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, we're talking
22 about August 1992, when the first soldiers were being taken in, and they
23 were to do eight-month stints before they -- for instance, President
24 Tudjman's grandson was a volunteer, like I was. He came to Sunja of his
25 own free will. He didn't have a booklet of this kind. He came of his own

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1 free will, and went to Capljina of his own free will and returned. So this
2 is the beginning of the recruitment of the new soldiers, the recruits. And
3 let me also tell you that it was only in Operation Storm that they took
4 part in the war operations, because in the meantime they didn't need to
5 because the functions of defence along the separation lines with the
6 rebel Serbs was something that professional brigades were engaged in, or,

7 rather, those volunteers who were in the Croatian Army and were still
8 salaried in the Croatian Army. So Tudjman's grandson had nothing to do
9 with any military booklet of this kind. I never had a military booklet,
10 myself. So it was just the first recruitment of these young people who
11 spent eight or ten months in the army later on; ten months, I believe.

12 JUDGE ANTONETTI: [Interpretation] You have not answered my
13 question. Let me go back to this topic. Let's take the example of a
14 conscript. The 28th of August, 1992, and he's doing his eight-month
15 stint, and then he is assigned to the 124th Brigade of the Croatian Army,
16 for example. In April 1993 or thereabouts, or in July - it doesn't
17 matter - this soldier says, I'd like to join General Praljak, who is now
18 an HVO commander. We're talking about July. He therefore informs his
19 Command that he's leaving. What I want to know is as follows: What will
20 his military booklet indicate? Because, of course, this is not an
21 entirely innocent question. It has a legal basis. I'm inquiring about
22 the issue of overall control, so please provide a specific answer to my
23 question.

24 THE WITNESS: [Interpretation] Judge Antonetti, I'm giving a
25 specific answer to the best of my knowledge. I can't answer your

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1 question beyond that, because I don't know that of the people who
2 arrived, anybody had a booklet of this kind, so I said exactly what I
3 know.

4 A volunteer, or volunteers, received a piece of paper saying that

5 he could go, and we called it the Southern Front. So he would go to the
6 Southern Front, and that is cover for him if he were to be killed or
7 whatever. That's what I know, that's the extent of my knowledge. I
8 can't answer your question otherwise, because I've never seen a booklet
9 like this before, nor do I know what kind of entries were made, nor do I
10 know that any of the people who had done their military service were
11 ascribed to a brigade. The brigades were filled with those volunteers
12 who were there before, right up to Operations Flash and Storm, and the
13 problem was demobilisation because many more people wanted to be in the
14 Croatian Army as volunteers than we were able to cater for at the time.

15 THE INTERPRETER: Microphone for His Judge, please.

16 JUDGE ANTONETTI: [Interpretation] I'd like to ask you a follow-up
17 question, under the control of your lawyer, who also pleaded in the
18 Kordic/Cerkez case and therefore who knows this case very well.

19 We've heard evidence according which HV soldiers were found dead.
20 They were found with a military ID or a military booklet. This is
21 evidence from the Kordic case. Of course, I do not have these military
22 booklets in front of me. This HV soldier died during the fighting in
23 Bosnia and Herzegovina as a volunteer, from what you said. This soldier
24 had a military booklet. What was in his military booklet to show -- to
25 demonstrate that he was not an HV member anymore but that he was with the

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1 HVO?

2 THE WITNESS: [Interpretation] No, no, he would never have that

3 entry. He could have carried, but not a booklet like that, but something
4 smaller. This document, he would carry that document, and if he were
5 killed as a volunteer, that booklet would be found, but it would never
6 say: "Sent to the HVO, to Bosnia-Herzegovina." Nobody could make an
7 entry like that, but they would carry this with them, and what was
8 recognised was the right of a Croatian soldier, either to be buried if he
9 was killed, or regards his pension, if he was wounded he go to -- be sent
10 to hospital and they would admit him like anybody else, but not the right
11 to send him there. Nobody had that right and nobody could write that
12 down. Nobody could say, You're going to Bosnia-Herzegovina to fight on
13 the BH Army side or the HVO side.

14 And the officers of the BH Army, well, we would receive requests
15 from Rijeka for so many people and so on, allow them to go to the
16 BH Army. That was okayed. They were given permission to go, and they
17 retained their rights. But then they left and came back, but it never
18 said -- there was no entry to say they were in Bosnia-Herzegovina, just
19 as if they hadn't moved out, moved away, as far as their rights were
20 concerned, that is. It's as if they had gone nowhere.

21 JUDGE ANTONETTI: [Interpretation] Very well. It's been recorded
22 in the transcript.

23 Mr. Kovacic.

24 MR. KOVACIC: [Interpretation]

25 Q. General, let me help you out. I know that you had no reason to

1 look at the military booklets, but perhaps to make things clear, I think
2 that we're talking about two concepts here; the ID card and the military
3 booklet in which somebody's training is recorded, years of service or
4 whatever. That other one is a book, a booklet, with several pages, and
5 it is a register -- recorded in the register. But this is just an
6 ID card, but it's a military ID card; right? Would that be correct?

7 A. Yes, I had a military ID card, identification card.

8 Q. Just a moment. There are no columns there to be filled in. It
9 looks like an ordinary ID card; right?

10 A. Yes, a small ID card, no columns where you can make any entries.
11 And when I completed my service in 1995 and 1996, and when I went to the
12 Military Department, I received my little booklet. That's the first time
13 I saw that they existed, because I was still a conscript, and this is
14 what they wrote in there. That's an illustration of bureaucracy. It
15 said: "Colonel General Slobodan Praljak, Croatian Army, incapable -- not
16 capable for the army." So upon completion of the war, a month later it
17 says there: "Colonel General, unfit for military service -- Colonel
18 General Slobodan Praljak unfit for military service."

19 MR. KOVACIC: [Interpretation] Well, you mentioned the soldier in
20 Kordic and Cerkez, Your Honour. That is an identification document, and
21 that's the only HVO ID document he had, because nobody issued him with
22 anything else. But of course we can't testify.

23 THE WITNESS: [Interpretation] In my room, I have the ID document
24 of the Croatian Army, and I have the ID of the HVO, and also the ID of
25 the BH Army, because I received that ID document too. Arif Pasalic

1 provided me with one of those, this ID card saying that I was a member of
2 the BH Army. And I'll show that, of course, I'll bring it into court.
3 I can bring it in tomorrow.

4 MR. KOVACIC: [Interpretation]

5 Q. Yes, please do so.

6 MR. KOVACIC: [Interpretation] Now, Your Honours, this BH Army
7 booklet is on our list of exhibits, and we'll show it in due course, but
8 we didn't consider it necessary to show the HV one because it's a
9 notorious fact, so notorious facts need not be demonstrated. Although we
10 can show you, for purposes of demonstration, we can bring in that
11 ID card. Thank you.

12 Q. Now, General Praljak, I propose that you continue.

13 A. Well, I'll skip over -- well, actually, Judge Trechsel, it is a
14 fact that there are certain things which are there more -- which perhaps
15 you would not have put there, and that's out of an over-abundance of
16 caution, because I was afraid that I wouldn't be explaining it properly
17 if I didn't include all these things. Now, if you say, Praljak, it's not
18 relevant, and throw it out, I might have done that. But as I say, I
19 claim that there are highly relevant portions there.

20 I'll go and look at 3D290517 now, which shows that civilian
21 protection --

22 JUDGE ANTONETTI: [Interpretation] I'd like this to be recorded,
23 to follow up on the intervention of my fellow Judge on the joint criminal

24 enterprise.

25 Indeed, Mr. Tudjman is not an accused because he's dead, so he

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1 can't be here, but were he alive, he would be here, he would be accused.

2 General Bobetko, were he alive, would also be an accused.

3 I wanted the record to be straight on this, and this has to be
4 kept in mind when addressing the issue of the joint criminal enterprise.

5 THE INTERPRETER: Microphone, please.

6 THE WITNESS: [Interpretation] It says here that Civilian
7 Protection took part in taking care of 900.000 refugees and displaced
8 persons, and in the penultimate paragraph it says that it should be
9 stressed that the implementation of these tasks, especially when it comes
10 to the evacuation of the population from areas in jeopardy, was
11 impossible without coordination and assistance from the Croatian Army
12 units, Slavonski Brod, Pozega and so on. And I just wish to stress that
13 900.000 refugees, and the Croatian Army did a great deal, is, of course,
14 an enormous number for such a small country, making up almost a quarter
15 of the population or 20 per cent of the entire population.

16 Now let's skip over the next document. 3D290518 is next. Once
17 again, it says that the Croatian Army education and training will be
18 compatible to what it is in the West, that there will be no special
19 military academies, but that there will be faculties, and that they will
20 go to civilian universities and faculties. And then we can skip over the
21 exchange of prisoners, prisoner exchange.

22 And can we look at 3D29-521 and 522, where it says that a war in
23 the neighbouring country has shown to the world that what Croatia
24 experienced in recent years, due to regional security, it is necessary
25 to -- well, it refers to Serb nationalism and refers to a neighbouring

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1 country, that is to say, Bosnia and Herzegovina.

2 JUDGE TRECHSEL: Excuse me, excuse me. A merely technical
3 matter.

4 Would it not be possible to refer to the pages at the bottom of
5 the page, because when you give the number, 3D361553, that style, you
6 give it in the B/C/S version, and then we first try to find it there to
7 see what it could refer to, and then we switch to the English text, and
8 we've almost found it when you come to the next page, and we have to
9 start this again. So it would really be helpful if there were a
10 possibility to ease this.

11 MR. KOVACIC: [Interpretation] This article now, Your Honour, is
12 e-court 3D361544, and the Croatian number is 3D01279, and the page number
13 on e-court is 3D29-0521.

14 JUDGE TRECHSEL: Thank you. And it is still in the document
15 3D01279 and not in 3D01280, which had already been called. That's why I
16 was a bit lost. Thank you very much.

17 MR. KOVACIC: [Interpretation] Yes, Your Honour.

18 THE WITNESS: [Interpretation] Journalist Davor Gjenero is one of
19 those civilian journalists who dealt with the topic. On the following

20 page, I would like to show, for example, a visit by the French president,
21 Francois Mitterand, who was on the way to Sarajevo.

22 THE INTERPRETER: Microphone for the counsel, please.

23 MR. KOVACIC: [Interpretation]

24 Q. The next page is 3D29-0522, and in the English version it is the
25 next page.

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1 A. I am sorry to say in the presence of His Honour Judge Antonetti,
2 but Francois Mitterand was more than inclined to support the Serbs, and it
3 says here that en route to Sarajevo he landed at Split, as if the country
4 he landed in was unknown. He proceeded towards Sarajevo, and there he
5 offered the Serbs a get-away, although Croatia had already been
6 recognised by many states including France. These are simple
7 illustrations to show what games were being played. I'm not accusing
8 anybody. However, I would like to say that the world had its own
9 geo-strategic interests, and within those frameworks, we had to swim the
10 best we could, and it wasn't easy.

11 Q. General, maybe just a couple of words. You know the journalist
12 Mr. Davor Gjenero?

13 A. Gjenero, yes.

14 Q. Was he just a simple journalist or was he more than just a
15 journalist?

16 A. He's a political and military analyst.

17 Q. Is he still present in the Croatian general public?

18 A. Yes.

19 Q. Do you consider him a qualified person, as a military and
20 political analyst?

21 A. Yes, as a military and political analyst, yes.

22 Q. Thank you very much.

23 A. And then the article goes on to speak about the CNN turnaround,
24 when the first transport aircraft flew over Zagreb and Split and started
25 transporting humanitarian aid to Sarajevo. They started applying for

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1 permission from the Croatian government, which had not always been the
2 case. People did what they will, almost. Although the corridors had
3 gone through Croatia at that time, nobody really minded us, whether they
4 could land, what they were carrying, where they were carrying their
5 cargo, which all -- and now I would like to ask for the next document,
6 3D29-0523. It's the same document. Actually, the next page is
7 3D29-0523.

8 JUDGE ANTONETTI: [Interpretation] General, the document referring
9 to the French president who went to Sarajevo, the French president landed
10 in Split, but when? On what date, exactly?

11 THE WITNESS: [Interpretation] That was in 1992, sometime in
12 autumn 1992. I wouldn't be able to give you the exact date. In any
13 case, it was in 1992. Namely, Your Honour Judge Antonetti, some states
14 already showed a desire to stop the Serb aggression against Sarajevo and
15 to shell the Serb positions instead. According to all foreign and

16 domestic analysts, Francois Mitterand, where he landed in Sarajevo, put a
17 halt to any such plans and provided the Serbs with another chance to do
18 whatever. According to what I know, what was published, he said to
19 Alija Izetbegovic, The West will not intervene, the Serbs will not be
20 bombed, and you, sir, get together with Karadzic and talk to him. As far
21 as I know, Izetbegovic tried to ask Mitterand, How I'm going to talk to
22 Karadzic if he wants to kill me at the same time? And that's how the
23 conversation between the two ended, as far as I know.

24 JUDGE ANTONETTI: [Interpretation] General, there's something I
25 didn't understand. Did he land in Split or in Sarajevo?

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1 THE WITNESS: [Interpretation] First Split and then Sarajevo.

2 JUDGE ANTONETTI: [Interpretation] Very well. At the fall of
3 1992, the Republic of Croatia was recognised internationally?

4 THE WITNESS: [Interpretation] That was after the date when the
5 moratorium expired by which the European community asked from Croatia to
6 put a moratorium on its recognition. Maybe it was even later. I can't
7 tell you whether it was in 1992 or the beginning of 1993. In any case --
8 just a moment. If you can bear with me, I may be able to find it in the
9 article.

10 JUDGE ANTONETTI: [Interpretation] But there was air control? Was
11 there air control? When a plane lands, there should have been permission
12 asked and there should have been a flight plan, so in fact the Republic
13 of Croatia was informed of the fact that a personality was about to land

14 in Split? Is that correct or is that not correct?

15 THE WITNESS: [Interpretation] There was a traffic -- air traffic
16 control, and the plane landed in Split. I don't know whether they had
17 been told who was on board the plane. Maybe they didn't, for security
18 reasons. I know that the Croatian government was hurt by the fact that
19 President Mitterand never said to his counterpart, the Croatian
20 president, President, I've landed in Split, en route to Sarajevo. I
21 believe that everybody was hurt and nothing to that effect happened on
22 that occasion.

23 JUDGE ANTONETTI: [Interpretation] Very well. I understand
24 better.

25 Mr. Kovacic.

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1 JUDGE TRECHSEL: I may have missed something, so excuse me if
2 it's a repetition.

3 Mr. Praljak, who is the editor of "Hrvatski Vojnik"?

4 THE WITNESS: [Interpretation] For the longest period of time, the
5 editor was Mr. Ivan Tolj. He ended the war as a general in the Croatian
6 Army, but before the war he was a writer and a poet. He had nothing
7 whatsoever to do with the military before the war. He was a writer.

8 JUDGE TRECHSEL: And during the war, was he in your department?
9 Was he integrated in the fraction of the leadership of the army that you,
10 yourself, headed as an assistant minister of defence?

11 THE WITNESS: [Interpretation] Your Honour, we kept him within our

12 part, although he was an independent department and an independent
13 editorial board. However, we maintained constant consultations about all
14 the matters, such as technical and financial matters. He belonged to the
15 part that I was in charge of, but when it comes to the texts they
16 published, they were independent, they could publish whatever they wanted
17 after consultations with President Tudjman and myself.

18 Along the general lines, there was a general editorial policy,
19 and within that every journalist was responsible for their own writing,
20 so -- except for the facts that I mentioned, which was -- were the
21 armament, the modern aircraft, the education of the army, which cannot be
22 found in here. I'm talking about purely technical and military matters.

23 JUDGE TRECHSEL: Yes, thank you.

24 MR. KOVACIC: [Interpretation] Just to assist everybody and put
25 things in a temporal context, my learned friends have just helped me and

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1 told me that the French president landed on the 29th of June, 1992.
2 That's when he landed in Split, and from there he took a helicopter to
3 fly to Sarajevo. I'm not testifying, I'm not trying to testify. I'm
4 just trying to put things in a context.

5 Q. We are now at 3D1279, and the page is 3D290523, and the English
6 translation is on e-court page 3D361547.

7 A. Your Honours, Your Honours, I will not go into great length with
8 regard to this text.

9 First of all, I would like to explain here you can see

10 "Herceg-Bosna." A lot of analysts don't think that this is the same
11 Herceg-Bosna that we keep on mentioning here at the court. This is what
12 Bosnia and Herzegovina is referred to -- this is one of its historical
13 names. A lot of Croats and historians called this state the way it was
14 called in many historical books, which is "Herceg-Bosna," so this is not
15 the Herceg-Bosna that appears in the indictment. It is actually
16 tantamount to Bosnia and Herzegovina. That's the first thing.

17 The second thing I would like to say is Mr. Vlatko Cvrtila is the
18 best military analyst and sociologist of war in Croatia to my mind, to
19 what I know. And here, as you can see in this text, he simply analyses
20 what should be done, what are European dilemmas, what is the Serbian
21 trap, what is the game played by the intelligence services, how many
22 soldiers should be sent by the international community in order to bring
23 peace to Bosnia. This is an excellent analytical text. In one place, it
24 says that according to the "Newsweek" research, an intervention was --
25 Bosnia and Herzegovina is supported by 53 per cent of the interviewees.

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1 What follows is an explanation about the dilemmas of the international
2 community, and it is abundantly clear that Croatia was extremely
3 interested in somebody's intervention.

4 To be honest, we were waiting for an intervention, like the sun
5 to come out. We wanted somebody to help us and place soldiers on the
6 borders between Croatia and Serbia, and Croatia and Bosnia-Herzegovina,
7 and force --

8 JUDGE PRANDLER: Mr. Praljak, I would like to interrupt you for
9 just one minute. We are now drawing to the end of today's sitting.

10 I really -- I'm not quite sure if I may agree to you. According
11 to my own background, knowing about Herceg-Bosna, when you said
12 previously, it was in line 50 -- the 15th, that "Herceg-Bosna" also could
13 have also meant the whole of Bosnia and Herzegovina. As far as I do
14 recall "Herceg-Bosna" has been mainly used for that part of
15 Bosnia-Herzegovina which is actually Herzegovina, if I'm not mistaken,
16 and it is what I learned as a Hungarian before also concerning the
17 history of Bosnia and Herzegovina and its annexation -- occupation and
18 annexation. But it is, of course, a question of fact, and I am ready to
19 accept anything which is being proved. And frankly, it doesn't prejudice
20 the indictment, but I just wanted to tell you this one. And probably we
21 may go on with this issue without any further kind of controversy.

22 Thank you.

23 MR. KARNAVAS: If I may -- just one second. Not trying to add
24 any controversy, but we did present evidence through one of our
25 witnesses - I believe it was Borislav Puljic - who brought with him a

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1 book which was authored by a Muslim - Bosniak by today - pre-dating the
2 events, and the title of it was "Herceg-Bosna." So obviously the term
3 has some historical context. That's all I wanted to add, and that is in
4 the evidence.

5 THE WITNESS: [Interpretation] Your Honour Judge Prandler, what is

6 referred to in the indictment is Herceg-Bosna, the way it is implied, but
7 it is certain that there is, in history books, because the ruler of
8 Bosnia was Herceg, that was his title. That was a nobleman who governed
9 Bosnia and had been appointed by Austro-Hungarian empire.

10 In many history books, that area is seen as comprising of Bosnia
11 and Herzegovina as the total territory. This is still used currently, to
12 my great dismay, and Herceg-Bosnia. And in this text, "Herceg-Bosna" is
13 just another name for Bosnia and Herzegovina, and here a reference is
14 made to the state of Bosnia and Herzegovina. As such, there is a number
15 of history books in which "Bosnia-Herzegovina" is tantamount to
16 "Herceg-Bosna" as a geographical term.

17 JUDGE PRANDLER: Thank you, General, for this explanation. As a
18 matter of fact, the very word "Herceg," H-e-r-c-e-g, is a Hungarian word
19 coming, of course, from German "Herzog," written with a Z in the middle.
20 But, anyway, it is up to the historians. I stand to be convinced and
21 corrected. Thank you.

22 MR. KOVACIC: [Interpretation]

23 Q. General, we have five more minutes. Maybe you could single out
24 one or two of the most interesting ideas from this article.

25 A. All this is interesting. Looking at the text, which is an

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1 analysis, it's very difficult to single out anything in particular. I'm
2 saying that everything is interesting.

3 And let's finish just one more text from "The Croatian Soldier,"

4 which is 3D29-0527. Again, "Herceg-Bosna" is tantamount to "Bosnia," and
5 it says if you don't know the history of the three communities that
6 constitute Bosnia, you will not be able to understand the developments
7 that are taking place at the moment. Gjenero again gives a summary,
8 historical summary, to tell us what should be understood from the history
9 of Bosnia-Herzegovina in order to understand the tragic events that took
10 place in 1992. He mentions Benjamin Kalaj, who was the minister
11 of finance, who held Bosnia under his immediate control, and Benjamin
12 Kalaj was a Hungarian --

13 MR. STRINGER: Excuse me. Could we get a reference to the
14 English page there? Thank you.

15 MR. KOVACIC: [Interpretation] I was just going to read it.
16 3D361553 is the reference you were asking for. 1553.

17 THE WITNESS: [Interpretation] And finally Davor Gjenero says that
18 the Serbs are doing their best to prevent any possibility of a life with
19 or along with the other two ethnic communities. The ethnic cleansing of
20 the territory is thus being presented as a solution and simplification of
21 the complex situation. The Croatian national community so far didn't do
22 a single thing to demonstrate a lack of loyalty to the Bosnian and
23 Herzegovinian state, and the Croatian Defence Council, in the territory
24 where Croats constitute a respectable number, has efficiently resisted
25 all the aggressor attempts and onslaughts. The Croatian Community is not

1 trying to use the war situation to impose the political solution for the

2 future political organisation of Bosnia and Herzegovina. Instead, it is
3 being cooperative and participates in the negotiations under the auspices
4 of the European community.

5 MR. KOVACIC: [Interpretation] This is page 3D290528, and in the
6 English version it is 3D361554 and continues on to 55, if I'm not
7 mistaken.

8 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, we will continue
9 tomorrow because it's already past 7.00. We'll be sitting in the morning
10 tomorrow, so we will resume at 9.00.

11 Have a good evening.

12 --- Whereupon the hearing adjourned at 7.01 p.m.,
13 to be reconvened on Tuesday, the 12th day of May,
14 2009, at 9.00 a.m.

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