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1 Monday, 8 June 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 2.18 p.m.

7 JUDGE ANTONETTI: [Interpretation] Registrar, can you call the
8 case, please.

9 THE REGISTRAR: Good afternoon, Your Honours. Good afternoon to
10 everyone in and around the courtroom. This is case number IT-04-74-T,
11 the Prosecutor versus Prlic et al. Thank you, Your Honours.

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

13 Today is Monday, the 8th of June, 2009. I would like to greet
14 Mr. Pusic, Mr. Petkovic and Mr. Stojic, Mr. Praljak also, who's
15 testifying, as well as all Defence counsel, Mr. Stringer and his
16 associates, without forgetting all the people assisting us in this
17 courtroom.

18 I will first and foremost give the floor to our Registrar, who
19 has an IC number to give us.

20 THE REGISTRAR: Thank you, Your Honour.

21 The fourth batch of 3D list of documents tendered via Witness
22 Slobodan Praljak shall be given Exhibit IC1025. Thank you, Your Honours.

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

24 As you know, Mr. Praljak's testimony will come to an end. Since
25 he has presented or will finish presenting all his arguments and

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1 documents, I would like to specify that you may have noticed that when I
2 put a question, the question is rather a lengthy one. Why do I put
3 rather lengthy questions? Well, this is because, as an unbiased Judge, I
4 should not demonstrate any bias whatsoever. Therefore, before I put a
5 question, I make quite sure that I put a question against the backdrop of
6 a more general context, I refer to the document already quoted, and I
7 refer to the words of the witness or to what other witnesses have said,
8 because I wish to be as neutral as possible. This is why my questions
9 are very long.

10 The witness before us must understand that the Judge before him
11 is impartial, that we are there to get to the truth. This is what I
12 wanted to tell you, Mr. Praljak, because you must have been a little bit
13 surprised, you, like others, by my rather lengthy questions. This is
14 because I wish to demonstrate my total impartiality, and this is why my
15 questions are sometimes rather long.

16 That said, I shall now give the floor to Ms. Pinter, who will
17 resume her examination.

18 MS. PINTER: [No interpretation]

19 JUDGE ANTONETTI: [Interpretation] The legal officer has just
20 reminded me that I have an oral decision to hand down. I had forgotten
21 about it because I was concerned about the length of my questions. So

22 this escaped me. This is a very short oral decision.

23 Oral decision relating to the response time of the motion filed
24 by the Prlic Defence to reopen the proceedings.

25 On the 2nd of June, 2009, the Prlic Defence filed a motion asking

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1 for the case to be reopened in order to hear the expert witness
2 Schindler.

3 On the 4th of June, 2009, the Praljak Defence supported the Prlic
4 Defence's motion. The Trial Chamber would like to draw the attention of
5 the parties of the response time they have to respond to this motion. As
6 far as the reopening of the proceedings is concerned, the Trial Chamber
7 expects these responses to come in 14 days after the filing of the Prlic
8 Defence, i.e., on the 16th of June, 2009.

9 The Trial Chamber would like to recall and [indiscernible]
10 everyone that in this particular case Rule 94 bis (B) cannot be applied.
11 This Rule stems from the Rules of Procedure and Evidence.

12 Furthermore, the Trial Chamber would also like to remind all the
13 parties who wish to respond that at this juncture their submissions have
14 nothing to do with the type of witness, but can only relate to the
15 reopening of the proceedings as filed by the Prlic Defence. So you have
16 until the 16th of June, 2009, at the latest, to submit your submissions
17 on the reopening of the proceedings as filed by the Prlic Defence.

18 That said, Ms. Pinter, you now have the floor.

19 MS. PINTER: [Interpretation] Can you hear the English? Is
20 everything working?

21 WITNESS: SLOBODAN PRALJAK [Resumed]

22 [The witness answered through interpreter]

23 Examination by Ms. Pinter: [Continued]

24 Q. Would you turn to document P00524 first, please, and we're still
25 dealing with the binder titled "Documents to Explain." And it is the

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1 minutes from the Presidential Office of the 26th of September, president
2 of the Republic of Croatia, **that is.**

3 Did you attend that meeting? You did attend that meeting, and we
4 see the agenda on page 1. What can you tell us about the topics
5 discussed and the agenda? And what can you tell us about the problems
6 that you had with HOS in the Republic of Croatia **as well, because we**
7 already heard about that in the Republic of Bosnia-Herzegovina?

8 A. Yes, I did attend that meeting. And in view of the time we have
9 left, I'll go through point 1 quickly, because point 1 is important,
10 where Dr. Franjo Tudjman is talking about the addendum to the agreement
11 on cooperation with the BiH, and he summarises all the problems there.
12 He's referring to the appendix of the agreement on cooperation and
13 friendship with the BiH, and he says that Izetbegovic, at a meeting of
14 the UN, asked for a meeting with Dr. Tudjman, with the proposal that they
15 coordinate their action, military action, of course, and he even went
16 further than that and asked that the Croatian forces be ordered -- that
17 is to say, the HV be ordered to enable all the BH Army supplies to be
18 furnished; and he says that this is being impeded. Of course, there
19 wasn't enough weapons even with the HV, let alone the HVO. And then he

20 goes on to say that if the supplies were to go through Herzegovina, that
21 then the army would lift the blockade of Sarajevo.

22 Dr. Tudjman responded and said that he was in favour of
23 cooperation, speaking for Croatia, **but as far as the HVO was concerned,**
24 that was a problem, first of all, with the Croatian population in
25 Bosnia-Herzegovina, first and foremost. And then he mentions that at the

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1 beginning -- that is to say, Franjo Tudjman proposed a military clause to
2 be incorporated in the agreement between two countries and that
3 Mr. Izetbegovic rejected that, which is also correct.

4 Secondly, he goes on to state that Croatia does not want a long,
5 drawn-out war, but was in favour of a political solution, and that
6 Mr. Izetbegovic didn't want that. And then he says that he signed a
7 draft of an agreement just to sign it for the sake of signing it, in
8 fact, to give him the opportunity of getting his supplies from Croatia.

9 And he goes on to say very clearly that we're all conscious of
10 the importance of the joint interest of the two countries and the two
11 presidents, the presidents of those two countries, and that it was to
12 protect sovereignty, integrity, autonomy, of the two countries, Croatia
13 and Bosnia-Herzegovina. And he goes on to note that the Serb forces are
14 attacking from the territory of Bosnia-Herzegovina, and so on and so
15 forth.

16 So, in actual fact, on the following page, he once again says
17 that diplomatic and political steps should be speeded up to find a
18 political solution. He talks about the readiness for self-defence and

19 joint defence on the part of the two countries, and that is why a board
20 was set up to coordinate these actions, and I became part of that board,
21 as was -- there was General Bobetko and so on. It says that human rights
22 would be respected and criminals be punished.

23 And then we come to a whole series of views and assertions to the
24 effect that -- the question asked is what the international community
25 wants, and Dr. Tudjman realises that the embargo will not be withdrawn

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1 and that -- lifted, and that his speech, that is to say, Izetbegovic's
2 speech at the United Nations, was geared towards war, and that's how
3 everybody else understood it.

4 And there's mention again about this joint board for coordination
5 between Bosnia-Herzegovina and Croatia, **because it is understood here,**
6 too, that there are disturbing incidents and that control should be
7 assumed in the territories liberated by the HVO; that is to say, the
8 majority population. And he goes on to say that he doesn't agree that
9 the question of Bosnia-Herzegovina would be solved after the war, and
10 says that at the time he's speaking, that the internal setup of
11 Bosnia-Herzegovina must be considered, which is something that I said,
12 that Izetbegovic told me at the meeting in Mostar, that -- he said, Let's
13 go and win, and then we'll reach the agreements, whereas I said that in a
14 war, had you to agree on a setup on the internal system of
15 Bosnia-Herzegovina so that the people who were fighting and losing lives
16 and being killed would know what their goal was.

17 THE INTERPRETER: Could Mr. Praljak kindly be asked to slow down.

18 Thank you.

19 JUDGE PRANDLER: Yes. Just now, the interpreter asked us, asked
20 me to ask Mr. Praljak to slow down. It is my first request to him,
21 addressed to him. The second one, that I missed the page which he
22 referred to. Please kindly tell us about what pages are you talking now,
23 if there is any particular page or pages which you would like us to have
24 a look at?

25 THE WITNESS: [Interpretation] 0186-2841 is the first page number,

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1 and it goes on to 842 --

2 MS. PINTER: [Interpretation]

3 Q. General, not all the pages have been translated, some of the ones
4 that you referred to. They're not all in English. That's why I wanted
5 to interrupt you, to tell you that, and also to ask you to tell us the
6 portions that have been translated.

7 You don't have to read the minutes. You can tell us about them
8 because you were there, so you know what they were about without having
9 to read them.

10 A. Well, I'm not really reading, but I will try and speak slower.

11 Anyway, Mr. Izetbegovic repeats here that he does not want to say
12 precisely what kind of Bosnia-Herzegovina he envisages and wants to see,
13 and then he said quite openly that he already had a 50 per cent majority,
14 and that it would be a civil state, and that they would grant rights to
15 others. Of course, they cannot grant any rights to anybody else, because
16 those rights belong to the Croatian people under the constitution,

17 because they're a sovereign constituent people.

18 Furthermore, they went on to speak about the terrible problem
19 that the embargo was creating, fully conscious of the fact that it would
20 not be lifted, and this is something that all international factors
21 repeated. He said that there would be no military intervention.

22 And throughout, during the whole meeting, in actual fact, two
23 states are talked about and their internal system, the internal system
24 and setup of Bosnia-Herzegovina and the desire of Croatia **that the -- the**
25 **fervent desire of Croatia to help and to assist, but not to prolong the**

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1 war, but to try to find a peaceful solution.

2 So that is the gist of what was discussed at the meeting and what
3 I can tell you. I can't give you the page numbers, but it's a long text,
4 and I think it is one of the more important minutes which speak for
5 itself. It's crystal clear, defining the political position of the
6 entire Croatian leadership. And later on you'll see that the government
7 and parliament and the president of the state, the security -- National
8 Security Council and everybody else was of this same opinion.

9 MS. PINTER: [Interpretation] Let me just say for Their Honours
10 that that portion has been translated, because we were discussing point 1
11 of the agenda.

12 THE WITNESS: [Interpretation] Yes, that's right.

13 MS. PINTER: [Interpretation]

14 Q. And it was an appendix to the agreement between the Republic of

15 Croatia **and the** Republic of Bosnia-Herzegovina, so that portion has been
16 translated; that is to say, point 1 of the agenda exists in English.

17 General, you attended the meeting, and we have your portion of
18 the discussion here, when you took the floor. Perhaps we could explain
19 to Their Honours what you said and the reason and circumstances under
20 which you uttered them. And that is to be found on page 01862856.
21 01862856 is the number, that's right, and in English it is page 17 out of
22 71 pages, and it goes on to page 19.

23 A. I took the floor for the first time here and I say something that
24 we're all aware of, that is common knowledge, and that is that in all the
25 information we received about the refugee centres and all their bases on

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1 the territory of the Republic of Croatia, **and mention was made of the**
2 fact that they were allowed to walk around freely, buying weapons on the
3 black market and so on and so forth, it was quite improper behaviour
4 within the confines of another state. They considered it to be their
5 base and thought they could do whatever they liked there. So that's what
6 I talk about, and I say that at their staffs, those staffs of theirs,
7 they reject any possible talks about Herceg-Bosna, both in Baska Voda, in
8 Brela and so on, where these meetings were taking place. And then I go
9 on to say that the refugees who arrived on the territory where the
10 Croatian people were in Bosnia-Herzegovina either in the majority, where
11 the Croats had the majority, or almost the majority, that the picture had
12 changed and that they should be allowed to enter Croatia and to be sent
13 abroad.

14 So that's what I said, that the problem should be
15 internationalised to the maximum, because while it was only us resolving
16 it, nobody asked whether we had enough money to do that, whether we had
17 fuel for transport, whether we had vehicles to transport the wounded.
18 Everybody would come into the country, but failed to see the magnitude of
19 the problem that faced Croatia, **both in material terms and military**
20 terms, and in all other aspects as well. So I say that the population
21 settled there was a sort of ethnic occupation that had taken place when
22 the Serbs expelled the Muslims. Unless that situation was solved
23 politically, then it would be within a civil state and that no -- they
24 wouldn't have the necessary rights.

25 So that's what I'm saying, that they were talking about the green

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1 transversal, the green line towards the sea, and we're talking about
2 1992, and this can be seen from the discussions held from Konjic,
3 Jablanica, Mostar, this general line moving towards the coast, and this
4 was a topic that was bandied about publicly. They said that they were
5 waiting for us to get tired of the Serbs and then they would come into
6 action and take over militarily. And Mr. Izetbegovic obviously saw that
7 the international community, even after Cutileiro's plan, were
8 recognising the state of affairs on the ground. So if that was to
9 succeed, nobody would worry about the rights of nations -- well, the fact
10 that the nation was a sovereign one and constituent one, and so on and so
11 forth.

12 So that roughly is what this is about and what I said, and this

13 board was set up to cooperate with Bosnia-Herzegovina; Bobetko, Praljak
14 and Koljevic, I think, were the three members put forward.

15 Q. Thank you, General. All the rest is in the exhibit, so we don't
16 have to go through those documents. But look at P0 --

17 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I'd like to get
18 back to the beginning of this document, the very beginning of it.

19 This is a meeting which you attend. You're one of the few
20 survivors still present, since a number of participants have died, so you
21 witnessed this meeting which took place on the 26th of September, 1992.
22 Something drew my attention, and this was the intervention of
23 Mr. President Tudjman, who says, for the United Nations, that the
24 president of the Republic of Bosnia-Herzegovina mentioned the fact that
25 they needed to coordinate their actions, and he says there is a problem

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1 with the HVO, and he says the first of these problems is the relationship
2 they have with the Croatian people. My question is a lengthy one,
3 because I need to set it against the indictment.

4 When I read that, I think, and it states in the indictment, that
5 the HVO is at the source of the joint criminal enterprise, and
6 Mr. Tudjman admits that there is a problem with the HVO. You attended
7 this meeting. What do you have to say to this? What do you have to say
8 about what Mr. Tudjman said about the HVO? Was this criticism he
9 levelled at the HVO or not? How did you understand this?

10 THE WITNESS: [Interpretation] Your Honour Judge Antonetti,
11 Tudjman did not create the HVO. The HVO was created as a spontaneous and

12 later on organised, well, God knows to what extent, the need of the
13 people to defend themselves against the aggression mounted by the
14 Yugoslav People's Army and the Republika Srpska Army. Here, Tudjman
15 speaks about the relationship between two states, Croatia **and**
16 Bosnia-Herzegovina, but he says, Mr. Izetbegovic, first of all, you
17 didn't sign the military agreement that I offered to you, the military
18 agreement between two states, but just the border and so on, lest the
19 Serbs should get offended.

20 Secondly, secondly, we are providing weapons, Croatia is
21 providing weapons, in spite of the embargo, and this is creating enormous
22 problems. But, Mr. Izetbegovic, the problem is the internal organisation
23 of Bosnia and Herzegovina. You have the HVO down there and the Croatian
24 people. Explain what is the political platform for the organisation of
25 Bosnia and Herzegovina. Make a deal with the HVO. The HVO is part of

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1 the armed forces of Bosnia-Herzegovina, but it is an expression of the
2 will of the people, and they are defending themselves. They managed to
3 defend themselves, because while Mr. Izetbegovic was telling tall tales
4 about the Yugoslav People's Army as the guarantor of peace in Bosnia **and**
5 Herzegovina, **we managed to defend ourselves and the Muslims and** Bosnia
6 and Herzegovina.

7 THE INTERPRETER: Interpreter's note, Mr. Praljak is kindly asked
8 to slow down.

9 THE WITNESS: [Interpretation] And he has nothing to do with that.

10 And he says, Please, agree about an internal structure organisation.

11 Yes, I'm sorry.

12 Present us with a political platform, which Mr. Izetbegovic never
13 did present. It was always said that there would be a civil state in all
14 circles, Muslims had the 50 per cent majority, and they always said, You
15 will be given rights.

16 And, Your Honour, I don't want anyone to give me -- grant me any
17 rights in Bosnia-Herzegovina. I have my rights under the constitution,
18 and nobody can grant me rights and nobody can strip me of those rights,
19 except by force, of course. So this is the response. Franjo Tudjman had
20 as much to do with the HVO as he had with the BH Army.

21 JUDGE ANTONETTI: [Interpretation] Fine, thank you.

22 MS. PINTER: [Interpretation]

23 Q. General, could you please look at document P03821. It's the
24 30th of July, 1993. It's a report submitted by Goran Vucica to the
25 Petar Kresimir the IV Brigade, and it has to do with Uskoplje,

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1 Gornji Vakuf and Prozor area. You are familiar with this document, and
2 now I would like to ask you if you could tell us why is this document
3 important? What should we know, apart from the fact that we have the
4 disposition of the BH Army forces? What else should we know and what
5 would you like to bring our attention to?

6 A. Well, I would like to bring your attention to just a couple of
7 things.

8 First of all, Mr. Vucica's report is false. He is lying.

9 Secondly, he is in charge of a small unit, a professional unit of
10 the HVO.

11 Thirdly, he has refused to obey his orders. And now as to why he
12 doesn't want to obey the orders, he's just talking nonsense, saying that
13 he received some information from me and then in Rama, so in my forward
14 command post he received some other explanations, and only a liar could
15 say something like that. And, thirdly, this report of his -- of course,
16 he refused to obey an order. He took his unit and went home, and then
17 the brigade commander receives a report from him in which he says, Well,
18 we simply decided to do it this way and my lads agreed that I am in the
19 right of it.

20 So, Your Honours, this is what I have been saying about the
21 double chain of command. Who is in command of this person? Who
22 exercises command over him? I don't know, of course, but I couldn't
23 exercise command over him. He simply up and went. And since it was a
24 war and I didn't have the time, it took me one month to have him removed
25 from this post because there was fighting throughout the month and it's

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1 impossible to deal with the problem in such circumstances, and to even
2 just write an order and to initiate the procedure for his removal, it
3 takes time. I, in the end, managed to do it, but this is proof that
4 there existed another chain of command. And this was not the only
5 example. This was just the most blatant one.

6 MS. PINTER: [Interpretation] Thank you.

7 JUDGE ANTONETTI: [Interpretation] General, I'm seeing this

8 document for the first time, as are all the other people. It seems to
9 show that in this brigade, some officers challenged your leadership. It
10 is obvious, since it is said here that there were several of them who
11 agreed with him, and you said that he went back home. This may show the
12 problems you encountered exercising your leadership.

13 However, in such a situation as this, and I'm very cautious in
14 asking this question, was it impossible for you to arrest this man and to
15 have him tried, without delay, before a military court for
16 insubordination, or was it absolutely impossible for you to do so?

17 THE WITNESS: [Interpretation] Absolutely impossible, Your Honour,
18 absolutely impossible. Given the situation, it was absolutely
19 impossible.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 MS. PINTER: [Interpretation]

22 Q. But Goran Vucica was removed from his post later on. We saw a
23 document.

24 A. Well, but it took a month.

25 Q. Now I would like you to look at document P03971. It's a report

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1 by Luka Markesic, sent to the HVO Presidency and the Rama Brigade
2 Command. The date is the 5th of August, 1993. That was the time when
3 you were in Herceg-Bosna because you were the commander of the HVO, so
4 what can you tell us about this document? Do you have any knowledge as
5 to who are the higher levels or higher echelons that ordered the arrests
6 of the Muslims?

7 A. Well, I have no idea. I don't know anything about this document.
8 This is the first time that I see it. It was sent to the HVO Presidency
9 and to the command of the brigade. Why to the Presidency of the HVO and
10 Rama? Well, it's probably the HVO Presidency in Rama, probably. I can't
11 tell you anything more about this document, and I don't know who the
12 higher-ups or the higher echelons are.

13 Q. But you were not among them?

14 A. No.

15 Q. Thank you. Now I would like you to look at document P06203.
16 It's a document dated the 28th of October, 1993. Colonel Zeljko Siljeg
17 is writing to the assistant head of the Defence Department, Medical
18 Section. Are you familiar with this document and can you comment on it?

19 A. Well, I am not familiar with this document, but I am aware of the
20 fact that this document was drafted, because I was in contact with
21 Siljeg, and I don't have any comments to make. Well, Siljeg states quite
22 clearly here that what he received -- the fact that he received an order
23 on the 28th about the people in detention centres and so on and so forth,
24 that as far as the operational zone that he is commanding is concerned,
25 it has nothing to do with it. He's not part of the chain of command in

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1 the Medical Sector, and as the commander of the operational zone he does
2 not have the institutions and persons in question. And he says that the
3 brigades are only to report to the military district commander, so he's
4 the wrong address, both as regards the form and the contents.

5 Q. Well, Colonel Siljeg also speaks about the jurisdiction over

6 those centres?

7 A. Yes. He says quite clearly that this is not within the
8 jurisdiction of the operational zone, and the HVO is the military
9 component.

10 Q. Thank you. Now I would like you to look at document P06937.
11 It's a document dated the 8th of November, 1993. It's an order signed by
12 Zlatan Mijo Jelic, and your signature and the stamp are also there.

13 MS. PINTER: [Interpretation] And just for the benefit of the
14 Trial Chamber, General Praljak's Defence has also filed a motion
15 regarding this document, and we were told that we should be -- that we
16 should deal with it in the course of our Defence case.

17 THE INTERPRETER: Microphone, please.

18 JUDGE TRECHSEL: Sorry. I have a question with regard to the
19 previous document, which refers to an order also, I think, of 28 October
20 which apparently was not correctly drafted.

21 Mr. Praljak, do you know what order Siljeg is speaking about or
22 writing about?

23 THE WITNESS: [Interpretation] Well, the Medical Sector obviously
24 addressed him, asking him about those detention centres where detainees
25 were. They asked him some questions, and he tells them, Well, we don't

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1 have such centres, we don't know about any such centres, nor can you ask
2 something like this from us. So in formal legal terms, you cannot issue
3 an order to us because we're not part of your chain of command, and in
4 terms of the contents of this order, we have nothing to tell you because

5 such institutions are not under the jurisdiction of the operational zone
6 commanders or the Main Staff indeed. So that's it, quite simply.

7 MS. PINTER: [Interpretation]

8 Q. As regards the Main Staff, this is your addition?

9 A. Yes, that's what I added to it, because you cannot have something
10 in the operational zone without it being automatically under the
11 jurisdiction of the Main Staff, so I would have known about that too.

12 JUDGE TRECHSEL: Do we have that order, that order of the medical
13 side; do you know?

14 THE WITNESS: [Interpretation] No.

15 JUDGE TRECHSEL: Thank you.

16 MS. PINTER: [Interpretation] The Defence was unable to find it
17 because the reference number is not listed, and there is nothing in there
18 which would make it possible for us to search for it in the EDS or in the
19 archives, so we have been unable to find it. We only have this date, the
20 28th of October.

21 JUDGE TRECHSEL: Thank you, Ms. Pinter.

22 MS. PINTER: [Interpretation]

23 Q. General, let us go back to document P06937. It's a document that
24 has already been admitted into evidence, and we have filed motions in
25 which we have claimed -- well, perhaps you could first tell us what you

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1 have to say about this document.

2 A. On the 7th of November, 1993, I had a meeting in Tomislavgrad. I
3 spent a night there. In the morning of the 8th, I was in that area,

4 waiting for Mr. Roso, and I spent the afternoon and the evening with him
5 because he was supposed to take over that post in the area of Livno and
6 Tomislavgrad.

7 In the Main Staff Command, I came after 10.30 and I signed two
8 documents. One was to speed up the investigation regarding Stupni Do,
9 and this document had been drafted by Mr. Petkovic, but I wanted tighter
10 dead-lines, because Mr. Petkovic at the time, on that day, and over those
11 days, he was in Split and he wanted to get some rest, to visit his
12 family. And the other document is the one about, well, allowing
13 UNPROFOR -- regarding the wounded persons in East Mostar.

14 This is a forgery. Why was this document forged, and there's
15 another one that was also forged? Well, I don't know; probably to bring
16 me here before this Tribunal.

17 And, well, on that day, I did not -- I was not there. I arrived
18 at the Main Staff after 10.30, around 11.00. And for me to sign
19 "General Slobodan Praljak" below "Zlatan Mijo Jelic," well, this makes no
20 sense. Your Honours, this has nothing to do with me. This is a forgery
21 that was created in various forges that you know had a lot to do with the
22 work of this Tribunal. I don't want to comment on it.

23 Q. But let us give a territorial delineation. The 2nd Brigade of
24 the HVO, where was it active?

25 A. In Mostar.

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1 MS. PINTER: [Interpretation] Very well.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, you indeed

3 indicated the list of documents of which you said they were forged. When
4 I ask my questions, which is going to be in two weeks' time, I do intend
5 to return at length to this document and other documents. This is why
6 I'm not asking questions about this right now, but rest assured I have a
7 whole lot of questions related to this document.

8 MS. PINTER: [Interpretation] Thank you.

9 THE WITNESS: [Interpretation] I will answer every question,
10 Your Honour. But it is interesting to note that firing on the Old Bridge
11 on the 8th, and all of that and documents of this sort, are created on
12 the last day of my stay in that area. But be that as it may, I don't
13 have evidence, but I do know that there are plots and conspiracies, and I
14 claim -- I claim that this is not mine.

15 I never signed anything of the sort. And for me to sign just
16 like that, without saying "approved" or anything like that, for somebody
17 simply to forge my signature there, I don't know. Well, in the normal
18 documents, you would normally have "Commander of the Main Staff,
19 General Slobodan Praljak," it's typed out, and here it's handwritten. So
20 I really don't know. It probably was photocopied from a document and
21 then appended to it. But I really state --

22 JUDGE ANTONETTI: [Interpretation] General Praljak, I think it's
23 better to keep this for later, because right now everything is taken from
24 your time. So I think it's better to leave this for the time when I ask
25 my questions.

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1 THE WITNESS: [Interpretation] Very well, thank you.

2 MS. PINTER: [Interpretation]

3 Q. Now, General, we've finished with that binder. And since we're
4 on the subject of Mostar, we can move on to discuss the Old Bridge.

5 A. Yes, we can do the snipers if you want.

6 MS. PINTER: [Interpretation] Anyway, for the Trial Chamber we
7 have prepared the documents that we're going to deal with next. In the
8 book, "How the Old Bridge Was Destroyed," we have a letter that we
9 prepared for the Trial Chamber especially, which is 3D01469, and I'd like
10 to ask the usher or Registrar to hand over these documents to the
11 Trial Chamber. That's just the letter, but we also have prepared the
12 book titled "How the Old Bridge Was Destroyed," which is 3D00374.

13 Q. Now, General, you have the book in front of you, and you have the
14 letter, too. But before we discuss the letter, let me say that we've
15 already heard a lot about the Old Bridge. **Do you have anything to add**
16 **linked to the book or the event, the incident or whatever?**

17 A. Well, yes, I do. I claim that -- well, Judge Antonetti
18 frequently says, You're under oath, you've taken the solemn declaration,
19 and I state what I've already stated. I protected the Old Bridge **in**
20 1992. While I was the commander of the Main Staff, I did my best to
21 protect it from being shot at, although it was a military target. We
22 were all aware of that. I also claim and assert that I only learnt of
23 the Old Bridge's **destruction in** Zagreb or going on my way, after I'd
24 handed over my duties on the 9th, in the morning. I heard it over the
25 radio, news of the Old Bridge **having been destroyed, and that there**

1 was a -- as for the tank that was shooting at the bridge, I had
2 absolutely no idea about that. I was there on the 8th, but I had
3 completed my duties.

4 And then, Your Honours, a whole avalanche fell upon me from the
5 international public and the domestic public, saying that Praljak and the
6 HVO had destroyed the Old Bridge. **Now, all my attempts as a human being**
7 to state that I did not do that, that I had nothing to do with that, they
8 all fell through, because this terrible avalanche of lies gained momentum
9 and snowballed, we had a snowball effect, until I heard that even the
10 president of the republic, Dr. Franjo Tudjman, came to believe the
11 rumour. And in 1997, here I am writing to him. I don't use any -- I
12 don't say, Honourable President, or anything. I just go on to say,
13 Mr. President, and then set out the fact that I had nothing to do with
14 the bridge's destruction. I asked to be received by him, and I suppose,
15 obviously under this avalanche of lies, and he must have given them -- he
16 must have thought them credible, anyway, he asked all these people -- all
17 the people dealing with the secret services - let's call them that - to
18 report to him and to complete the investigation into the bridge's
19 destruction. So this is a trial and conviction beyond and outside the
20 law, with just using pamphlets and slogans and no proper investigation.

21 And as this situation continued, Your Honours, at my own
22 initiative I started to investigate the matter myself, because I don't
23 want my name to be linked in any way to that event, or the HVO, and so I
24 went around collecting material and documents that I had access to

25 because I saw that there was some murky -- there was some murky games

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1 afoot. I state quite certainly that neither Praljak nor the HVO had
2 anything to do with the bridge's destruction.

3 And then I took three of the best experts in the area of
4 explosives, the best experts from Croatia, **experts in explosives, and**
5 then I also contacted a professor from Germany, and gave them the
6 assignment to investigate how the Old Bridge **was actually destroyed. And**
7 we had witness recently who testified here. She said that she was near
8 the Old Bridge, **attending a meeting when the bridge was destroyed, and**
9 that she heard a very loud explosion, and she emphasised that, and that
10 explosion was certainly not caused by a tank; it was caused by explosives
11 that were planted underneath the bridge and that destroyed the bridge.
12 And that is the conclusion that the experts have reached, so I reject
13 having anything to do -- I deny having anything to do with the
14 destruction of the Old Bridge. **It's just been cooked up in somebody**
15 **else's kitchens and pots.**

16 MS. PINTER: [Interpretation] For the record and for
17 Their Honours, this relates to Witness BD, and (redacted)
18 (redacted)
19 (redacted)

20 Q. Now, General --

21 A. As to the man who filmed the destruction, this Scotsman or
22 English soldier who later on went to Sarajevo, **got into a plane and**

23 published -- made it all public, well, Their Honours, you could ask the
24 British government to send you a report, who the man was, how he happened
25 to board the plane, how he happened to have been there, and what role he

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1 played in all that, and who he played that role with, and, furthermore,
2 why nobody ever completed the investigation that had been started. Now,
3 in whose interest that is, I don't know. That surpasses my powers of
4 deduction and proof and so on.

5 Q. Now, General, as you mentioned the inquiry, I'd like to ask you
6 to look at page 39 of the book, and on e-court it is page 3D16-0040. And
7 for the English version, it is 3D16-0119. This is the request for an
8 investigation to be undertaken into the whole incident. You mentioned
9 that.

10 A. Yes. The 23rd of November, 1993, is the date. However,
11 Ms. Nika, I, at my own initiative, wrote letters and asked the
12 international community, which in a way had taken control of
13 Bosnia-Herzegovina, was in control - you had judges there, an ombudsman,
14 and high representatives and whatever - to start an investigation or,
15 rather, to continue the investigation and to establish what had happened.
16 But they found the culprit, and that culprit's name is Slobodan Praljak.
17 But I say it's not Slobodan Praljak. Let me repeat that. It is not
18 Slobodan Praljak. I don't know about the shots from the tank, but the
19 destruction of the bridge was not caused by the HVO or Slobodan Praljak.
20 Who destroyed it, I don't know. We'll probably learn about this in 40 or
21 50 years' time.

22 THE INTERPRETER: Could the speakers kindly slow down and not
23 overlap. Thank you.

24 MS. PINTER: [No interpretation]

25 THE WITNESS: [Interpretation] No. The Old Bridge **from Hum Hill**

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1 could have been destroyed with three shells in the space of one minute,
2 had I wanted to do that. Let's make that understood. Three shells, a
3 maximum of three shells from Hum Hill. I was the commander there from
4 the 24th until the 8th, in the throws of the attack, when they were
5 attacking with large-scale offensives, when soldiers were crossing the
6 bridge and weapons being taken across the bridge, and the Old Bridge **was**
7 not shot at, because I did not let -- allow anybody to shoot at the Old
8 Bridge. And then they destroyed it at nine -- on the 9th at 10.00. I
9 left my position, but who cares about that?

10 MS. PINTER: [Interpretation]

11 Q. I have to repeat the question, because it wasn't recorded. But
12 you don't have to repeat your answer, General. That's been recorded.
13 And the question is this: While the general was the commander of the
14 HVO, were there any orders to shoot at the bridge, to target the bridge.

15 A. No, and I've explained why not.

16 JUDGE PRANDLER: Wait, wait.

17 THE INTERPRETER: Microphone, Your Honour, please.

18 JUDGE TRECHSEL: Mr. Praljak, could you inform the Chamber on
19 what kind of shell you are thinking about when you say that, "with three
20 of them." Do you mean three shells hitting or three shells shot, and

21 what kind of shells with what kind of weapon?

22 THE WITNESS: [Interpretation] From a 130-millimetre cannon which
23 was up on Hum Hill, Your Honour Judge Trechsel. There are shells which
24 have delayed fire-power. The Old Bridge **is hollow, it was hollow, and**
25 if, with a shell, you move this retarded or delayed charge, then the

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1 shell hits the bridge at the point of the arch, where the arch is,
2 penetrates it, and explodes inside. Now, most probably a bridge hit in
3 that way would fall with just one shell. Three are quite sufficient.

4 And you saw on the photograph how, when you're up on Hum Hill,
5 you can see the bridge as if it were on the palm of your hand, and if
6 during the large-scale offensive that they were launching in
7 mid-September to the 10th of October, when the bridge -- when the
8 Old Bridge **was the main military means used to transfer their forces and**
9 MTS from Hum to West Mostar and to the right bank, if you bear that in
10 mind, so not only did I not shoot, but I forbid anybody to shoot at the
11 Old Bridge, **even when it was quite obvious that it was a military target,**
12 and any army in the world would have destroyed it, the American Army or
13 anybody else. So if I didn't allow anybody to shoot at the bridge then,
14 then on the 8th, 9th, I was not there, so it was organised.

15 JUDGE TRECHSEL: Mr. Praljak, was that a written order forbidding
16 any shots being fired?

17 THE WITNESS: [No interpretation]

18 JUDGE TRECHSEL: No, it was not written.

19 Your thesis, that you hit this bridge with an artillery shell,
20 what is -- thinking of ballistics, what is -- how many shots do you have
21 to fire to be sure that you fire -- that you actually hit a target of
22 that size? Did you calculate that?

23 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour, up on
24 that hill, if you take the photograph on page -- if you look at the
25 photograph on page -- well, you can see it. You can use a barrel. You

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1 have an artillery shot, a straight one. You don't have to have an
2 elevation. You can't miss it from that distance, with that kind of
3 visibility. You cannot miss, you couldn't miss the bridge.

4 JUDGE TRECHSEL: Well, maybe we would need an artillery expert to
5 say how much the dispersion is, because there's always a dispersion, as
6 you very well know as well as I do. Thank you.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, I'm going to
8 try and save time, because this issue of the Old Bridge **has been**
9 discussed for hours on end, whilst - and I'm saying this to
10 everybody - there's not even one sentence on the destruction of the
11 Old Bridge in the pre-trial brief, although the bridge is something
12 extremely relevant for all the communities in Mostar.

13 Let me tackle the issue from a different angle, in the most legal
14 and scientific manner possible.

15 There was a tank, and we know that there were three soldiers in
16 the tank, Tomo Topic, Dragan Rezic and Senaid Cavcic. These three
17 soldiers were heard by the SIS. They made statements. Unfortunately,

18 we -- I do not have their statements right now, but - and this is in your
19 book - we have a note by the military prosecutor, and I always trust
20 legal institutions, even if they are military legal institutions. In his
21 note of 22nd of November, the military prosecutor mentioned the three
22 soldiers and wrote, in black and white, that the soldiers decided of
23 their own free will, initiative, without having received any orders. The
24 military prosecutor - his name is Mladen Jurisic - filed a request for an
25 in-depth investigation. He added that the three soldiers decided of

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1 their own initiative, and the prosecutor asked them to be prosecuted.

2 And if you look at it more closely -- I'm sorry if my questions
3 are always lengthy, but I am very cautious and very technical in asking
4 them, and I see that these three soldiers are members of the Convicts
5 Battalion from Siroki Brijeg. But as far as remember, who issued orders
6 to that battalion for positioning men with that tank at that position,
7 and who was in charge of the battalion?

8 THE WITNESS: [Interpretation] Your Honour, the Convicts Battalion
9 wasn't over there. The tank, I don't know where that -- where it came
10 from, so I can't answer those questions, I really can't. I know that the
11 Convicts Battalion wasn't there. Now, who manned the tank, who these
12 people were, I don't know.

13 JUDGE ANTONETTI: [Interpretation] Very well. Now, according to
14 you, the Convicts Battalion wasn't there, but how can you explain the
15 fact that three soldiers of that battalion were there, and not only were
16 they there, but they were in a tank?

17 THE WITNESS: [Interpretation] I, Your Honour, well, I can only
18 speculate. Of course, there was mention made of some money given by
19 someone, but those are all speculations, and I don't wish to enter into
20 speculations of that kind here because I simply don't know. All I know
21 is what I state here, and that is that --

22 JUDGE ANTONETTI: [Interpretation] What was the name of the
23 commander of the Convicts Battalion?

24 THE WITNESS: [Interpretation] Ah, well, now, for a time the
25 Convicts -- you had the Convicts Battalion and then you had a portion

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1 that was anti-terrorist something. A portion of that battalion was led
2 by Andabak, not the one we mentioned but another Andabak. He was a good
3 soldier and it was a decent unit, but Tuta Naletilic had something to do
4 with this particular battalion.

5 JUDGE ANTONETTI: [Interpretation] I see the document, 3D1469, for
6 the first time. If I had known, I would have brought with me the
7 presidential minutes. If I remember correctly - I do have a good
8 memory - in the course of November, after the 9th of November,
9 Mr. Tudjman, who attends a meeting together with a few prominent
10 figures - I assume Susak is there - and President Tudjman asks to have
11 information provided to him concerning the Old Bridge. **I am sure I will**
12 be able to put the presidential transcripts on the screen. And
13 President Tudjman is aware of that for the first time, and he puts the
14 following question. This is from memory that I quote him. Who ordered
15 the destruction of the Old Bridge? **That is the question he puts to the**

16 people who are around him. And, strangely enough, there is no answer in
17 the transcript to his question. There is a blank, and someone said there
18 is the noise -- we hear the noise of a piece of paper.

19 As you can see, I have an excellent memory because I remember
20 that one can hear the noise of a piece of paper, so somebody must have
21 provided the answer and said who had given the order, but it is not in
22 the transcript. It would have been interesting to know whether this had
23 been taken off the transcript deliberately, why is somebody ruffling some
24 paper, which makes a noise. But since we never had -- since we don't
25 have the audiotape and since we will never have the audiotape, since they

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1 have disappeared, we will never know.

2 General Praljak, in 1997 you write to Mr. Tudjman. Does he
3 answer your letter or not?

4 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, he
5 invited the three people who are mentioned here because he realised --
6 well, I don't know what it was all about, but I'm telling you I was
7 labelled as the person who destroyed the bridge. That was
8 generally-accepted truth. It was written in every newspaper, Praljak and
9 the HVO tore down the bridge. And, of course, this bitterness, dismay
10 and anger boiled in me, and that's why I wrote this letter.

11 He invited the three people, and they complained to me afterwards
12 that there was a lot of shouting and screaming going on up there. Nobody
13 completed the investigation, and there were all those stories, rumours,
14 circulating around. Every journalist had his or her interpretation, and

15 they were adding stuff up -- adding stuff, making stuff up.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, you knew you
17 were going to testify here, since you announced this a long time ago.
18 And since you announced this, a number of years have gone by. In light
19 of the resources you have, even if your resources are limited, why is it
20 that you did not try to contact these three soldiers? Why didn't you ask
21 them who had given them the order to be there on the spot, and why is it
22 that you did not go right up the chain? That was easy enough to do it.
23 It takes, at best, one or two days. You could have done that. Why
24 didn't you?

25 THE WITNESS: [Interpretation] Your Honour, because two of them

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1 were already dead, a long time dead, and I couldn't trace the third one.
2 That's why I am telling you this is a dark story.

3 JUDGE ANTONETTI: [Interpretation] When you were detained together
4 with Tuta, didn't you discuss this issue with him?

5 THE WITNESS: [Interpretation] No, I didn't really talk all that
6 much with Mr. Naletilic, not about that at all, and he wouldn't have told
7 me anything even if he knew anything. And we were not on good terms, so
8 apart from some -- you know, the time of day, things of that nature, just
9 basic courtesy, nothing more than that.

10 JUDGE ANTONETTI: [Interpretation] All right.

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

12 Before we begin, could I ask that we go back to page 25 of the
13 transcript. It's a number of pages ago now. Judge Trechsel had asked

14 the question of the general, whether there was a written order forbidding
15 any shots being fired. That's at line 7, page 25. And then
16 General Praljak's answer is recorded, but it's not attributed to
17 General Praljak. It's still listed as being part of Judge Trechsel's
18 question, that is the words "No, it is not written." And I think that is
19 an error in the transcript, and if so, I would ask that it be clarified
20 or corrected. Thank you.

21 JUDGE TRECHSEL: Well, I can testify under oath, if need be, that
22 I have not given that answer to my question.

23 THE WITNESS: [Interpretation] I answered by saying that I did
24 not. No written orders are issued for things like that. You talk to
25 people and you tell them, You shouldn't do that, and you explain to them

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1 why. That's how it's done.

2 Why should I issue an order not to destroy the Old Bridge? Let
3 me repeat, the Law of War allowed me to destroy the Old Bridge. **It was a**
4 military facility. And this issue should not be raised before this
5 Tribunal at all. Americans tore down 64 bridges in Serbia, they
6 destroyed them. That was regarding Kosovo. And here I'm talking about
7 the factual truth, and legally it's a totally different thing. I did not
8 destroy it, I did not issue orders for it to be shelled, and this had
9 nothing to do with me. And now, legally speaking, a military facility
10 that is used for offensive operations, well, the Judges will confirm that
11 because they are experts, they know that much better than I do.

12 JUDGE TRECHSEL: Mr. Praljak, as we have returned to the issue,

13 could you tell the Chamber on what occasion and to whom you gave this
14 oral order that no one should shoot at the Stari Most?

15 THE WITNESS: [Interpretation] Your Honour, I walked around the
16 lines at Hum -- I'm not receiving any interpretation.

17 MS. PINTER: [Interpretation] We are receiving French
18 interpretation on the B/C/S channel.

19 THE WITNESS: [Interpretation] Do we have interpretation now?

20 So the operational zone commanders, the artillery commanders'
21 questions, that's normal. They see from the photographs -- you can see
22 from the photographs that they can see from above that the military --
23 that the BH army is using it for military purposes, and they are asking
24 me whether we could fire around the bridge to prevent the supplies being
25 brought in, and I'm telling them, No, no, no. And I repeated that four

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1 or five times. I explained to the lads, talking to them, that this was
2 not a military target of such importance that it would warrant the
3 destruction of this piece of cultural heritage with such great
4 architectural and cultural value.

5 And then on the 20th and the 21st, there was a big attack on West
6 and there was a shelling from the Republika Srpska Army positions. No
7 shells were fired on the Old Bridge. **Not even then, when I think every**
8 soldier in the world would say, Prevent the bringing in of the new troops
9 using this Old Bridge, **and I didn't allow it, and my lads obeyed me.**

10 JUDGE ANTONETTI: [Interpretation] If you remember, the
11 Prosecutor, pursuant to 92 bis, had asked for two statements of citizens

12 from Eastern Germany to be admitted. These people were former
13 mercenaries of the HVO. The Defence had asked to cross-examine both
14 these witnesses, and the Trial Chamber had ordered a decision to say that
15 these two witnesses could come under the condition that they be
16 cross-examined. And the Prosecutor, for reasons that are his own, felt
17 it was not necessary to bring these two German -- East German nationals
18 to testify. At the time, they were still being detained.

19 I remember, however, that one of the two - I don't remember which
20 one - had said that at some point it had been contemplated by the HVO, at
21 the level of the unit he was part of, to go up the river to drop an
22 explosive in that spot, and the plan had been abandoned, given that it
23 was extremely difficult to perform. So any reasonable trier of fact, and
24 I repeat, any reasonable trier of fact, could conclude thereof that a
25 plan had been formed to blow up the bridge.

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1 As far as you know, the German mercenaries, had they been given
2 orders to lay mines on the bridge?

3 THE WITNESS: [Interpretation] Well, Your Honour Judge Antonetti,
4 I have no clue as to what they're talking about, what kind of order they
5 could get to shell the bridge. It's 1.800 metres from Stotina, the
6 position where the HVO was, to the bridge, along the Neretva River, and
7 there is the BH Army positions on the other side. Only a fool could say
8 something like that. You have to have American or French special forces
9 who would reach the bridge, pass 1.800 metres up-river to the bridge and
10 set the explosives, and then blow up the bridge. Well, there were dogs

11 of war who perhaps might have thought of something like that, but the
12 Main Staff and we -- and I, as part of the Main Staff, did not allow any
13 fire on the main bridge up until the 9th, when somebody set up the camera
14 and set fire to the fuses and set the explosives on the left bank of the
15 River Neretva. I had nothing to do with it.

16 Six billion people and all the judges of the world, if they were
17 to come to the other side, well, I have nothing to do with the firing
18 with the tank. The HVO has nothing to do with it at any level. Whoever
19 thought that up, whoever cooked that up, this was just a diversion. It
20 was done as part of some great political game, if I may be allowed to
21 speculate, and that was to completely destroy any remnants of the good
22 relations between Muslims and Croats and to charge the HVO and myself
23 personally for some political reasons. But these are speculations,
24 although I could substantiate those claims quite reasonably, I think.

25 JUDGE ANTONETTI: [Interpretation] If we are to follow your

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1 theory, namely, that the bridge was destroyed by an explosive under
2 water, as was said, this was done in Mirdo [phoen], which runs parallel
3 to the bridge - we're still waiting to hear this expert witness,
4 Mirdo - how could the Muslims have laid mines on the bridge? They would
5 have to go down into the water. How can you explain this, technically
6 speaking? At night, because during the day everybody could have seen
7 them? How can you explain this, technically speaking?

8 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, first
9 of all, I will not speak about Muslims as a collective noun. Well, those

10 who participated in the conspiracy, I don't know who they were. But,
11 number one, they did not set the explosive in the water, but in the
12 hollow parts of the bridge, and it was only the cable used to activate
13 the explosive, it was left to float down the Neretva River **maybe 100 or**
14 150 metres, and then they used the induction detonator to activate the
15 explosives. You can do that in broad daylight, because the banks of the
16 Neretva River **are steep and you can't see anything. So only a chance**
17 passerby would see that, so it was only chance.

18 And once it was set up, an English soldier set up his camera,
19 filmed it all. He was escorted, as the BH forces tell us themselves,
20 down to Sarajevo, **where he was supposed to hand over the tape to the**
21 Sarajevo TV, and he simply got on an UNPROFOR plane, flew off, and handed
22 the tape over to the BBC **[Realtime transcript read in error "B/C/S"]**.

23 So I leave everyone to make their own conclusions, and the only
24 conclusion that I want to say is that the HVO and Slobodan Praljak have
25 nothing to do with that. Now, as to who actually has something to do

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1 with that, draw your own conclusions.

2 JUDGE ANTONETTI: [Interpretation] Without drawing any conclusions
3 at this stage, you specify, nonetheless, that all of this was organised,
4 that the cameraman had been brought there. He filmed all that. After
5 that, he was escorted away. He was placed aboard an UNPROFOR plane, and
6 his film was handed over to Sarajevo Television. So all of this has to
7 do with manipulation and intoxicating people?

8 THE WITNESS: [Interpretation] Yes, Your Honour, I am claiming
9 that this is all a huge manipulation. He never handed the tape over to
10 the Sarajevo TV. All the footage that we have seen here, this was
11 actually rebroadcast from the additional BBC [Realtime transcript read in
12 error "B/C/S"] broadcast. The Sarajevo TV, the Austrian TV, and the
13 snippet -- well, he edited it out for whatever reason, whether there were
14 two explosions or just one explosion. We don't have the full original.
15 He didn't hand it over to the Sarajevo TV. It was simply taken over in
16 the usual way it's done when a TV channel broadcasts something. But this
17 was broadcast the same evening on the 9th of November; not from Sarajevo,
18 but from the BBC [Realtime transcript read in error "B/C/S"].

19 MS. PINTER: [Interpretation] It should be "BBC," not "B/C/S. "
20 And at page 34, line 25, line 11, too, and at page 35, line 6. It's not
21 "B/C/S," it's "BBC."

22 JUDGE ANTONETTI: [Interpretation] General Praljak, the famous
23 Scott is not a Scott we see here. The Scott whom you write about, how
24 did you know that his name was Scott in the first place?

25 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, in the

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1 book that I published, well, I learnt his name afterwards, because I
2 asked a German journalist to get in touch with him, if he could, and try
3 to learn as much as he could about it. It's a gentleman who made a film
4 about the destruction of the Old Bridge. It was shown in Germany, and
5 Austria, and the Netherlands a couple of times. I know the name of this

6 gentleman. He was called "Schotte." That means a Scotsman. So it's not
7 that his name was Scott. He was known as a Scotsman. An English
8 soldier, but he was from Scotland.

9 And this is what the Muslim papers say. That's at -- that's in
10 my book. Let me show you where it is stated -- well, it's in
11 "Oslobodjenje", Thursday, 19th of June, 1997, the Croatian page is 34,
12 where this issue is discussed, and it says a Scotsman trained his camera
13 at the bridge. He was in the town as a member of the British Army. So
14 there were no British people down there, so I find it really strange. I
15 don't know what a British soldier was doing in Mostar when the Spanish
16 soldiers were in charge of that area. And it is said here that on
17 Dudakovic's orders, this man - and Dudakovic was deputy commander
18 of the 4th Corps - headed to Sarajevo, **escorted by the Military Security**
19 from the 4th Corps. So this is explicitly stated here. But instead of
20 handing over this precious document, as had been arranged, to the
21 director of the Bosnia-Herzegovina Radio and Television, he managed to
22 get on the first UNPROFOR flight out of Bosnia.

23 This is what the Muslims are writing, not Praljak. So these are
24 their statements quite some time after the actual event, and I can't
25 get -- I couldn't learn anything apart from that. As to what his role

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1 was down there, I could give you the name and then perhaps -- well, but
2 it wouldn't serve any purpose, really.

3 MS. PINTER: [Interpretation] The English page is 3D16-0112.

4 Before we move on, I would like to thank my colleague

5 Mr. Stringer for the correction in the transcript. I wanted to make the
6 same correction myself. It's at line 25.

7 THE WITNESS: [Interpretation] Your Honours, before that, I think
8 it was on the 5th of November, we had a meeting in Split; the HVO,
9 Jadranko Prlic, Mate Boban, myself, Petkovic, Dr. Franjo Tudjman, and so
10 on, where there was a lot of discussion, and in fact President Tudjman
11 asked that we do as much as we can to calm down the tensions with the
12 BH Army to try and find a peaceful solution.

13 Now, as to who actually blew up the bridge and who went against
14 this policy and this conclusion that was generally accepted, well, that
15 goes beyond my ken. I can speculate and make some constructions which
16 I think are quite well founded, but this had nothing to do with the
17 Main Staff, with the HVO command at any level, with myself or with
18 Petkovic.

19 Now, we should go back to the investigation, but two of the
20 people from the tank have been dead for a long time, and I don't know
21 about the third one, whether he's alive or not.

22 MS. PINTER: [Interpretation] For the transcript, I want to say
23 that Mr. Mladen Jurisic, that is to say, the person who made the decision
24 to launch an investigation, is now president of the County Court in
25 Mostar and a member of the High Legal Council of Bosnia-Herzegovina, and

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1 according to what the Defence knows, the decision is still with the
2 prosecutor in Mostar -- the case is still with the prosecutor in Mostar
3 and has been there. No progress has been made. They cannot establish

4 the cause for the Old Bridge's destruction, nor can they contact some key
5 witnesses.

6 As we've got just one minute left to the break, I don't want to
7 move on to another area now, which is snipers in Mostar, and I'm sure the
8 general needs more than one minute to deal with that topic. So I suggest
9 we have the break now.

10 JUDGE ANTONETTI: [Interpretation] We're going to break for
11 20 minutes.

12 --- Recess taken at 3.45 p.m.

13 --- On resuming at 4.09 p.m.

14 JUDGE ANTONETTI: [Interpretation] The court is back in session.

15 The Trial Chamber is going to hand down a ruling in closed
16 session or private session, please, Registrar.

17 [Private session]

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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7 (redacted)
8 (redacted)
9 (redacted)
10 (redacted)
11 (redacted)
12 (redacted)
13 (redacted)
14 (redacted)
15 (redacted)
16 (redacted)
17 (redacted)
18 (redacted)

19 [Open session]

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

21 JUDGE ANTONETTI: [Interpretation] Please proceed, Ms. Pinter.

22 MS. PINTER: [Interpretation] Thank you, Your Honour.

23 Q. General, we announced that the next topic for your testimony will
24 be snipers in Mostar and incidents of snipers, sniper fire. Would you
25 like to add anything to what we've already said?

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1 A. Well, when the expert on snipers was here, I analysed each of his

2 cases, and I want now to repeat the cases we had here, to go through them
3 briefly.

4 Incident number 1, and the number is 3D00771. I don't have the
5 time to produce the document, but I do claim and state that the gentleman
6 who was wounded in the leg showed how he was standing, he demonstrated
7 that. It is not possible that that wound was caused by fire from the
8 positions at Stotina. That is impossible. It contradicts mathematics.
9 It goes against the grain of maths. And then further on, I say that
10 unfortunately we have seen no medical or police documents to substantiate
11 that.

12 Now, with respect to incident number 2, which I challenged,
13 3D00756 was the number of the document, and it describes how a
14 nine-year-old was fired at while they were sitting in a water-tank truck.
15 The expert was wrong in determining the location. He was wrong by some
16 30 kilometres, and the locality that was drawn -- the position of the
17 cistern of the water truck, where it was drawn. And the bullet that
18 shattered the glass, well, I claim that from the position of Stotina,
19 that location cannot be seen optically, and I showed that with the
20 precisely-taken photographs, the photographs I had taken with great
21 precision.

22 Now, as to incident number 3, and I refer to my analysis in
23 3D00766, it was the case of a woman killed by a shot to the head on the
24 terrace of her house, the experts failed to agree as to whether she was
25 wounded behind her left ear or her right ear. She was found lying on the

1 ground, and I don't see how anyone can establish beyond all reasonable
2 doubt, or beyond any doubt at all, for that matter, that the bullet could
3 have come from Stotina. You can also claim that anybody could have
4 killed her, including her husband. The investigation wasn't completed.

5 With incident number 4, with this street, Marshal Tito Street, I
6 cannot conclude anything on the basis of what was written, so I skip that
7 portion, because there are no elements on the basis of which except
8 arbitrarily to say that the bullet was coming from one side or another.
9 Well, I'm going to skip that one, then.

10 Now, incident number 5, the expert himself says that the victims
11 were in the apartment, so they could not have been visible, and that the
12 house is close to or along the line of the military positions of
13 North Camp, and that most probably it was a case of stray bullets because
14 near that house is where North Camp was situated, which is where the
15 BH Army had its positions and from which there was shooting all the time
16 at HVO lines.

17 Now we come to incident number 6. That was 3D00 --

18 JUDGE TRECHSEL: I'm sorry. Mr. Praljak, I have to recall, as I
19 have before, that you are here as a witness. What you are doing now is
20 presenting arguments. From the beginning when you speak on this, you are
21 arguing, you are pleading. And there is a time for that, but this is not
22 the time for pleadings, but the time for witness testimony. You have not
23 been there, you are not an expert, anyway, you do not posit as an expert,
24 so I think that you should not continue in this way.

25 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour, I'll

1 accept your guidance. But I'm a super-expert here. As a witness, I can
2 say that what the witness said, in discussing number 6, he took a
3 photograph of the wrong building and said that it was the Staklena Bank
4 or "glass bank," as it was called. This -- well, it wasn't incident
5 number 6, it was another incident. Let me just take a moment to find it.

6 But as a witness, I can say the following. I'm no longer going
7 to testify in this way. As a witness, I can say that in incident
8 number 7, for instance, from the Ledara, the man couldn't have been
9 wounded in the back of his neck, because the angle was coming in at an
10 angle of 90 -- the bullet was coming in at an angle of 90 degrees and not
11 180 degrees.

12 As a witness, I can also say, with respect to victims number 8
13 and 14, that there is no optical vision of a single HVO position at the
14 place where these people were wounded.

15 MS. PINTER: [Interpretation]

16 Q. Could you tell us the locality, General, for the record, or could
17 you tell us the page?

18 A. They are victims number 8 and 14, and the incidents took place in
19 Brkic Street by the fire brigade. So as a witness, I'm testifying that
20 there was no visibility, line of vision, either from the Staklena Banka,
21 glass bank building, or any other position where these people were
22 wounded.

23 And as far as incident number 9 is concerned, I would have to
24 present arguments, so I'm going to skip that.

25 But with incident number 10, well, I'll skip that too, because

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1 I'm not here to offer up arguments as to why the bullet cannot lodge at
2 an angle of 45 degrees.

3 But with incident number 11, I claim, Your Honours, that the
4 witness on the photograph marked and said -- put down "glass house,"
5 whereas that building is not the glass house or glass bank, and I say
6 that under oath. That is not the glass bank building. It is a building
7 that is at least 300 metres away from the glass bank to the north.

8 Q. General, could you mark that position which you claim is not the
9 glass bank? Could you put that on the ELMO, please?

10 A. The image has to be turned.

11 JUDGE TRECHSEL: 90 degrees, please. That's better, thank you.

12 THE WITNESS: [Interpretation] Here you have it, Your Honours.
13 The expert wrote here and indicated that this was the glass house or
14 glass bank [indicates]. I claim that that is not right. The glass bank
15 is in this direction over here [indicates], whereas this is another
16 building. It's one of the buildings from the area that is referred to as
17 Centre 2. Here we have an enlargement [indicates], he zoomed in here,
18 but that is wrong. It is information which is not truthful.

19 MS. PINTER: [Interpretation]

20 Q. General, for the record, you indicated the direction in which the
21 glass bank building actually was located. Could you describe that to us
22 in words, for the record?

23 A. The glass bank is over here [indicates] or, rather, this is not

24 the glass bank building [marks]. That's not it there. And I'll sign my
25 name down at the bottom [marks]. And it's the 8th today, isn't it?

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1 "08/06/2009."

2 JUDGE ANTONETTI: [Interpretation] Let's have a number,
3 Registrar.

4 THE REGISTRAR: Yes, Your Honour. The document just marked by
5 the witness shall be given Exhibit IC1026. Thank you, Your Honours.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, I have
7 prepared questions on this victim -- on these victims. I'll only relay
8 the questions -- or seven victims during the time when you were in
9 command until 1993, so I'll ask the questions later. But I have one for
10 now.

11 In these proceedings, each party carries on their own
12 investigation; the Prosecution does and you do, too. This is the way the
13 proceedings work. In order to carry out investigations, you have
14 resources which are granted to you by the Registry. The Registry
15 supplies -- grants financial resources to the Defence parties. Why did
16 you not think of reconstructing, by night with laser rifles, the case by
17 the Prosecution to see the points of origin and the points of impact?

18 I've done that thousands of times when I was working as a
19 prosecutor. It's very easy to do, but you have to have done it at least
20 once in your life. And even if you were not used to it, you could have
21 asked lawyers or experts to reconstruct situations like that for you in
22 order to demonstrate that what the Prosecution expert said was not right.

23 You did not do it. Well, we take what you say into account, but you
24 should have gone by the book. What can you say to this?

25 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour,

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1 technically speaking this is without fault. It's mathematically,
2 geometrically correct. The distance, visibility, it was done by the
3 book, by the rules. I placed a man in Mostar at the exact position where
4 the event took place, and he was there to film and zoom in to the place
5 from which the expert claims the bullet had come. Then I placed the man
6 in the position where the bullet came from, using a camera, zooming in
7 and out, reducing the angle of the lens, moving towards the location
8 where the man was hit, on the basis of a diagram and a description by the
9 expert describing how the individual stood, where he was facing, and
10 where the bullet was coming from; for example, with the little boy
11 crossing -- running across the road. For each of those individual cases,
12 I used mathematical precision and visual precision to show that that had
13 nothing to do with any reasonable assertion.

14 It's not expertise. I asked the man, Is he ashamed? Well, he
15 said he wasn't ashamed, but I'm ashamed. I'm ashamed for him, for how he
16 did his work. And I set all this out in my documents. They're precise
17 documents. I think that for one of the cases, I didn't have enough time
18 to go into that, my time had expired, but you can ask me about that and I
19 will clearly show you, using mathematics, that the analysis of the expert
20 just does not hold water, except for the Marshal Tito Street incident,
21 where we can speculate. I don't know. But as to the rest, I have been

22 precise to the very last detail.

23 JUDGE ANTONETTI: [Interpretation] Very well.

24 MS. PINTER: [Interpretation] Your Honour, I can't find the
25 photographs that we attached just now during the expert testimony, all

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1 the positions from which it was claimed that the shooting came from in
2 Mostar and the positions where the people who were hit were located.
3 Unfortunately, I don't have the numbers and the photographs, but we did
4 use those photographs and display them during the expert witness
5 testimony.

6 THE WITNESS: [Interpretation] I have them all, but we don't have
7 time. So when Judge Antonetti asks me about this, I'll be able to show
8 him exactly, with mathematical precision. I will show him that the
9 expert did his job -- well, that he couldn't care less how he was going
10 to accomplish his task.

11 MS. PINTER: [Interpretation]

12 Q. Do you have anything else on sniper fire?

13 A. Well, no, since I don't have -- well, I understand, Your Honour
14 Judge Trechsel, that I can't go on, but I claim that he goes as far as to
15 mark the buildings wrongly, although he had seen it. He really doesn't
16 care. He couldn't care less if he marks its location 100 metres here or
17 200 metres there, angles, distances, he couldn't care less, line of
18 sights, and so on.

19 JUDGE TRECHSEL: There's no reason to fear, Mr. Praljak. I have
20 a very basic and pragmatic question.

21 Haven't these photos and so forth not been presented to the
22 Chamber already? Are they not admitted into evidence? I seem to recall
23 that we have seen a lot of material. So it will not be necessary to send
24 them again, because they are definitely not lost. Thank you.

25 THE WITNESS: [Interpretation] Thank you very much.

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1 Now we can go on, Ms. Nika.

2 MS. PINTER: [Interpretation] Yes, we can go on. Now I would like
3 the Court Deputy to give 3D03566 to the Judges.

4 Oh, I'm sorry, the general has drawn a map over the weekend that
5 he would now like to show.

6 THE WITNESS: [Interpretation] Well, Your Honour, you asked me --

7 THE INTERPRETER: Interpreter's note, could the witness please
8 speak into the microphone.

9 THE WITNESS: [Interpretation] -- about the positions of the
10 BH Army. I can see -- well --

11 THE INTERPRETER: Interpreter's note, the witness is kindly asked
12 to speak in the microphone.

13 JUDGE TRECHSEL: Mr. Praljak, there's a problem, because when
14 look at the map, your face is turned away from the microphone, so the
15 interpreters have difficulty in understanding you.

16 MS. PINTER: [Interpretation]

17 Q. General, could you please repeat the number of the document that
18 this map pertains to? Is this 3D --

19 A. 3D00929.

20 Q. Thank you.

21 A. Well, you won't be able to see anything from this distance. I
22 would kindly ask that this be handed to the Judges, Their Honours, and to
23 the Prosecution, because you won't be able to see anything. Could you
24 please give this to Their Honours?

25 Q. General, we have to try at least for you to show, because we only

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1 have one copy, so we can't really distribute it before you've explained.

2 A. Your Honours and the Prosecution, according to the document we
3 have written down the numbers indicating locations. This is the
4 translation into English, and I signed it [indicates].

5 Your Honours, I think - and the translators also note
6 this - there is a mistake. The figures in the English and the Croatian
7 did not tally by one.

8 JUDGE TRECHSEL: A suggestion to the technician. Could not the
9 camera be zoomed on this map? Then perhaps we can see more.

10 MS. PINTER: [Interpretation]

11 Q. General, this pertains to the locations in Mostar?

12 A. Yes. This is Mostar [indicates]. This is Northern
13 Camp [indicates], the Tihomir Misic barracks, number 1, and here we have
14 the BH Army and the HVO lines that are drawn in [indicates]. And now,
15 because of the number of positions, we marked the positions in Santiceva
16 and the Spanish Square, and here around the Old Bridge **and Cernica**
17 [indicates], the position that are listed in the document, and the
18 positions at Stotina and the machine-gun emplacement that is facing

19 Stotina, and so on [indicates].

20 THE INTERPRETER: Microphone, please.

21 JUDGE ANTONETTI: [Interpretation] General Praljak, we want to
22 understand better, because we are at least 20 metres away from the map.

23 We have little white squares in the map. What do they mean?

24 THE WITNESS: [Interpretation] The small white squares indicate --
25 well, here you have the legend, number 1, number 1, number 2, number 2

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1 here [indicates], and we have the translation in English.

2 MS. PINTER: [Interpretation]

3 Q. General, perhaps for the record, you could at least tell us what
4 number 1 is. Is that a BH Army position, in a street, in the town, in a
5 house; what is it?

6 A. Ms. Pinter, well, we've drawn this in about 30 times already.
7 This is the Tihomir Misic barracks, the Northern Camp where the BH Army
8 was, and here you have the lines that are drawn in and everything
9 else [indicates].

10 JUDGE ANTONETTI: [Interpretation] Now, you have the pointer. Use
11 it to show us precisely where the Northern Camp is, or the North Camp,
12 because you keep moving the pointer, so it's hard to follow you.

13 THE WITNESS: [Marks]

14 JUDGE ANTONETTI: [Interpretation] So say number 1 is the
15 North Camp.

16 THE WITNESS: [Interpretation] Yes.

17 MS. PINTER: [Interpretation] For the record --

18 JUDGE ANTONETTI: [Interpretation] [Previous translation

19 continues] ... the other numbers, then?

20 THE WITNESS: [Interpretation] Number 1 is the Northern Camp.

21 Number 2 -- and then it just goes on all the way through to 23. A square

22 corresponds to the number that is listed here, and we have the English

23 translation indicating the identity of each location.

24 JUDGE ANTONETTI: [Interpretation] Tell us quickly what these

25 23 sites represent.

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1 THE WITNESS: [Interpretation] Twenty-three locations indicate the

2 sniper positions, unit positions, machine-gun nests of the BH Army at the

3 separation line with the HVO. In fact, it's only number 3, Your Honours,

4 which is Stotina, it's the HVO position at Stotina which we have

5 mentioned so many times before.

6 JUDGE ANTONETTI: [Interpretation] How do you know that these were

7 BH Army positions? What do you have to be able to claim this?

8 THE WITNESS: [Interpretation] Based on the document that we

9 looked at last week. First of all, I know that these were BH Army

10 positions, because I was quite well aware of it, but this was drawn on

11 the basis of the document, the document that you asked me about. You,

12 yourself, asked me why I didn't draw a map, because the map that the

13 author appended to the original document is gone, it's disappeared, and

14 now, on the basis of the document, I drew this map, I made those

15 markings. But it's undoubtedly accurate, because I know that as an

16 eye-witness of the events; not with, of course, 100 per cent precision

17 for each and every position, but --

18 MS. PINTER: [Interpretation] The document is 3D00929. It's the
19 intelligence report dated the 11th of November, 1993, and we saw it last
20 week.

21 THE INTERPRETER: Interpreter's correction: September.

22 MS. PINTER: [Interpretation] Thank you. General, now I would
23 like you to take -- okay. Before we that, Mr. Kovacic has warned me that
24 we have to ask for an IC number for this map.

25 JUDGE ANTONETTI: [Interpretation] Yes. An IC number for this

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1 map, Registrar.

2 THE REGISTRAR: Yes, Your Honour. The map shall be given
3 Exhibit IC1027. Thank you, Your Honours.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, you surprise
5 us here because we did not expect to do this work, but when I look at the
6 positions of the BH Army just off the cuff, I sense that from the
7 position where any BH Army sniper was, he could basically hit any target
8 in Mostar. Is this so or is this wrong?

9 THE WITNESS: [Interpretation] Well, not any target because of the
10 buildings, but they could target any HVO position. All HVO positions
11 were exposed to the BH Army fire, all the buildings that you can see,
12 everything that you have the line of sight.

13 JUDGE ANTONETTI: [Interpretation] For the record, I shall revisit
14 this, but I want this to be clear already. As I understand, your case is
15 that among the people wounded or killed, casualties attributed by the

16 Prosecutor to the HVO, your case is that the victims could have been
17 BH Army's victims.

18 THE WITNESS: [Interpretation] Your Honour, that is correct, but I
19 am, in fact, claiming just one thing with 100 per cent certainty, and
20 that is the following: The explanation of the expert, that such and such
21 a man who was injured by the HVO sniper, as he claims, well, that's not
22 true. That's what I'm saying with full certainty. The explanations that
23 are provided by the expert, that, for instance, in Brkica Street, two men
24 were shot, this is not true, because there is no line of sight from any
25 HVO positions to that site, and so on.

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1 And if you recall, Your Honour Judge Antonetti, I asked a witness
2 who was a victim, I asked him, Sir, do you ask yourself to this day who
3 actually fired at you? And he responded, Yes, General. He's an old man
4 and he knows to this day that -- what he has been told, that he was shot
5 by the HVO, that this is not true. He knows that the position where he
6 was shot cannot be seen from the glass bank. And then the expert says,
7 Well, there could have been a mobile sniper position in a square which is
8 completely open. Well, this is something -- really something, to say
9 that there is a mobile sniper position, somebody just driving around, and
10 the BH Army positions are 50 metres away, and all those buildings. Well,
11 it really begs belief and it's an insult to logic. It's really an insult
12 to basic human logic.

13 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

14 MS. PINTER: [Interpretation] Thank you, Your Honour.

15 Q. General, I would now like to ask you to look at 3D03566. It's a
16 book, "Government of Democratic Unity of the Republic of Croatia." Now I
17 would like you to explain to Their Honours, first of all, who authored
18 this book and what the author's function was, and what was the function
19 of the Government of Democratic Unity, and then we will go on through the
20 book itself, and go through it highlighting important elements.

21 A. Well, the book itself was, in a way, edited or put together by a
22 journalist, Milovan Baletic, but the actual editor, the person who
23 approved it, who worked on it, was the prime minister of the Republic of
24 Croatia in 1991-1992, Franjo Greguric. The Government of National Unity
25 was set up at the proposal of Dr. Franjo Tudjman, not as a government

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1 that is put together by the party that won the elections, but this was
2 the government that in those difficult times, when Croatia was on the
3 brink of disappearance, it was barely surviving, the best representatives
4 from all the parties, regardless of their results in the elections,
5 became part of that government, and that is why it was called the Party
6 of Democratic Unity in Croatia.

7 But I would just like to highlight some things to show to Their
8 Honours, the Judges, that the same policy towards Bosnia and Herzegovina,
9 the international treaties, respect for all the rights, the advocacy of
10 Croatian interests at various conferences by the prime minister and the
11 foreign ministers, that this policy -- also by the Parliament of the
12 Republic of Croatia and the Government of the Republic of Croatia, the

13 president of the state has -- was consistent, this policy, to the effect
14 that Bosnia **was an independent state and that it should be helped to**
15 survive, in military terms, too, through proposals, as you will see, on
16 economic relations. The only thing that was always brought up was that
17 in accordance with the proposals of the international community, this
18 state should be internally organised in such a way that three constituent
19 peoples should be happy with the way it is set up, so that the peoples
20 who live in that state should not feel that they're short-changed or at a
21 disadvantage in any way. There should be a mirror-image symmetry. And
22 that's all I have to say about it. It's --

23 Q. Just a moment. For record, when you say "that state," and we
24 just have the Republic of Croatia **written in the transcript.**

25 A. The state of Bosnia and Herzegovina is the one that I was

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1 referring to.

2 Q. Thank you. Can you give us the page number?

3 A. It's 107 in the Croatian.

4 Q. And that is --

5 THE INTERPRETER: Microphone, please, Counsel. Microphone,
6 please.

7 MS. PINTER: [Interpretation]

8 Q. In e-court, it is page 3D41-1285, in Croatian, and for the
9 English it is 3D41-0379 and 3D41-0380.

10 A. The vice-premier, Dr. Zdravko Tomac, who was a social democrat

11 otherwise, informed the Government of the Republic of Croatia **about talks**
12 between the Croatian delegation and the delegation of the Government of
13 the Republic of Bosnia-Herzegovina. They said that the action of the
14 armed forces should be prohibited from the Republic of Bosnia-Herzegovina
15 towards Croatia **because there was an enormous aggression and**
16 Bosnia-Herzegovina was, not through the will of its own government, but
17 through the impotence of its own government and the impotence of its
18 president, the president of the Presidency, Izetbegovic, who wasn't
19 standing up to the Yugoslav People's Army in opposition. So it was an
20 aggression against Croatia. **And if we look at the states, this state was**
21 attacking the Republic of Croatia.

22 Now, who was doing the attacking? Either one state attacking
23 another or it was the JNA aggression, but then we don't have a state
24 because they were attacking everyone, because they thought that all this
25 should be in the frameworks of a Greater Serbia.

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1 So the principle is that either we have states, and then
2 Bosnia-Herzegovina is the aggressor in that case, if that's the truth, or
3 states do not exist in that shape and form, and then the aggressor is the
4 JNA and Greater Serbia. **So that's it, there we have it.**

5 And then it goes on to say that it's difficult -- the situation
6 is difficult in Kostajnica, Sisak, Dubica, Petrinja, and so on and so
7 forth. I was in Sisak. I know about all this.

8 Q. And what time are we talking about?

9 A. September 1991.

10 Q. Thank you.

11 A. Now we can move on to page 151, and we're dealing with the
12 30th of September, page 151.

13 Q. It is 3D41-1288, for the Croatian, and the English is 3D41-0380.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, we'll have a
15 look at this, since you are showing this, but I had a question this
16 weekend and I felt it was important.

17 You've just told us that there was a national unity government.

18 Fine. What I'd like to know is this: At the time, was there an
19 opposition? Did everybody agree 100 per cent with Mr. Tudjman, and they
20 supported him, or was there a form of opposition, and if so, who were the
21 people opposing the government? I'm asking you this question because
22 contrary to what I thought initially, I thought that Mr. Praljak is a
23 military man, he doesn't know much about political affairs, and I
24 realised over time that you were also a player on the political stage, so
25 my question is a question of a political nature. Was there a form of

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1 opposition to the Government of National Unity of Mr. Tudjman?

2 THE WITNESS: [Interpretation] An exact answer would be just one
3 party was in opposition, and that was the Croatian Party of Rights. It
4 had the HOS, H-O-S, and you saw in the documents that there were a lot of
5 problems there to disarm them. All the other parties -- well, that was a
6 small party, that Party of Rights, with just 6 or 7 per cent of the
7 electorate. It just managed to get through. All the other parties were

8 in the Government of National Unity, and there was no opposition to the
9 policy and politics waged because it was based on a national consensus of
10 Parliament, the Government, and the president of the republic, according
11 to the basic elements: Independence; defence from the aggression; human
12 rights, as you saw over there; maximum national rights, ethnic rights for
13 the Serbs, cultural autonomy for the Serbs if they desired it within
14 Croatia; recognition of the borders of the republic with the
15 disintegration of the former country, Yugoslavia; an attempt at reaching
16 a military agreement on joint defence with Bosnia-Herzegovina. So pure
17 democracy, the rule of law. Anybody transgressing will have to be held
18 responsible. And I'll show you a document from 1992, I'll show you the
19 document that I wrote myself. So it was national consensus at this
20 point, both of the parties and the citizens.

21 JUDGE ANTONETTI: [Interpretation] Very well. So there was a
22 national consensus, but there was the Croatian Party of Rights, the HOS,
23 which represented, according to what you have said - I'm looking at the
24 transcript - 6 to 7 per cent of the general electorate. You'll have at
25 least one week to think about this. I'm not going to put this question

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1 directly to you now. But as part of the questions I'm going to put to
2 you on the joint criminal enterprise and on the Banovina, I would like to
3 know whether, in the Croatian Constitution, the Banovina is mentioned.

4 In Croatia, were there people who criticised this?

5 In my country, if I were to try this kind of case, I would have

6 read everything and I would know everything back to front, but in this
7 case I don't read and understand the Croatian language, and I don't know
8 if articles were published that criticised the Banovina. When I put
9 questions to you about this subject, I'd like you to tell me whether
10 articles were written at the time about this. This would be of interest
11 to me when I put my question.

12 Thank you. So reflect on this, please, but don't answer straight
13 away. This is not the time.

14 Ms. Pinter, I'll give the floor back to you now.

15 MS. PINTER: [Interpretation] Thank you, Your Honour.

16 General, let me just give the right page number for the record.

17 In English it is 3D41-0380. We've already given the Croatian page
18 number, which is 3D41-1288.

19 THE WITNESS: [Interpretation] Yes. Briefly, it says here that
20 Dubrovnik was being attacked from Trebinje, which is of course in
21 Bosnia-Herzegovina, and that it was being attacked from Montenegro via
22 territory -- both BH territory and -- well, they were targeting
23 Dubrovnik, so Bosnia-Herzegovina was the territory from which Dubrovnik
24 was being attacked. And this follows on from the question of what
25 happens with the south, when we raised the question of whether the

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1 Croatian Army will have to enter into the depth of BH territory, because
2 you cannot liberate Dubrovnik and free them from fire from that area. I
3 read about this. It's called the tactical depth, the right of entry into

4 a neighbouring country to use tactical depth; that is to say, that you
5 can't target the town using artillery.

6 Anyway, let's move on to page 157 now.

7 Q. 3D41-1289 is the Croatian number, and in English it is 3D41-0381,
8 for the English. And the English number refers to the next date that
9 follows. Go ahead, General.

10 A. Once again, the prime minister -- or, rather, the president says
11 that they have decided to send a demand -- a request to the Government of
12 the Republic of Bosnia and Herzegovina. It always says "Government," it
13 always says "Bosnia-Herzegovina," so Judge Antonetti, there's no
14 Banovina. Well, let me answer.

15 Anyway, what it says here -- what are they going to ask for?
16 That the Government of Bosnia-Herzegovina undertake everything in its
17 power to stop the unlawful use of the state territory of
18 Bosnia-Herzegovina. Therefore, Bosnia-Herzegovina has state territory,
19 and that state territory is called "Bosnia-Herzegovina," and that's what
20 the prime minister says, and that this state territory of
21 Bosnia-Herzegovina should cease to be used for attacks on the Republic of
22 Croatia **by aggressor units. So that's the request that is being made**
23 here. There's no need to go into that any further. We can move on.

24 Yes, the next page is 171.

25 Q. It's 3D41-12 --

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1 JUDGE ANTONETTI: [Interpretation] One moment. General Praljak,
2 the attack on Dubrovnik, well, I'm not very familiar with this, apart

3 from the judgement rendered in the Strugar case. I'm no specialist in
4 this field, so I apologise. I apologise for this beforehand. This is a
5 rather innocent question on my part, but bearing in mind what you've just
6 said, you've said two important things: A, that the artillery was
7 surrounding Dubrovnik **and the artillery was shelling the town; but, B,**
8 you said that you did not cross Bosnia-Herzegovina to get to Dubrovnik **to**
9 support them there. At the time, did you have any aircraft with which
10 you could have shelled the Serb artillery --

11 THE WITNESS: [Interpretation] No, Your Honour.

12 JUDGE ANTONETTI: [Interpretation] -- when you were in the
13 Republic of Croatia?

14 THE WITNESS: [Interpretation] [Previous translation continues]
15 ... Croatia **at that time did not have aircraft.**

16 JUDGE ANTONETTI: [Interpretation] Did you have a navy with which
17 you could have shelled at the Serb positions from the sea?

18 THE WITNESS: [Interpretation] The entire navy of the Yugoslav
19 People's Army was taken away by the Yugoslav People's Army to Montenegro.
20 It took the navy with it. So at that time, we didn't have a single
21 warship. The guys around Dubrovnik **had those fast speedboats, and**
22 despite the blockades set up by the JNA Navy, they managed to bring in
23 some food and ammunition to Dubrovnik, **with casualties, of course.**

24 JUDGE ANTONETTI: [Interpretation] At the time of the attack on
25 Dubrovnik **by the Serbs, the Republic of Croatia had how many operational**

1 brigades?

2 THE WITNESS: [Interpretation] Well, well, what can I say? We're
3 dealing with 1991? What do you say? Well, Your Honour, I think that
4 there was about, on the battle-front, not more than 40.000 volunteers,
5 four brigades of the National Guards Corps and some other brigades, but
6 not more than 40.000 manpower over the whole front, the whole theatre of
7 operations.

8 JUDGE ANTONETTI: [Interpretation] Very well.

9 MS. PINTER: [Interpretation]

10 Q. General, the page was 3D41-1294 in the Croatian, and for the
11 English it was 3D41-0385, or page 10 of the translation. I think it will
12 be easier for us to find our way that way.

13 A. We're dealing with the 6th of October here, and that was the time
14 when all of Croatia was burning. We see an overview of all the fighting
15 in Croatia. It says that the European Community had threatened
16 Yugoslavia with a blockade if they continued to ignore the truce and
17 cease-fire. "The warring parties," that was a terrible phrase. We
18 weren't warring parties, we were the victims of aggression, whereas it
19 saying -- the phrase that was used all the time was "warring sides," as
20 if, if I stopped, the Yugoslav People's Army stopped. It didn't, it
21 carried on attacking. So these diplomatic phrases, this one being a case
22 in point, "warring sides," they were an insult to people fighting at that
23 time, but never mind.

24 Dubrovnik is mentioned again, and air attacks, and everything

25 that was set on fire. We needn't deal with that anymore. We can move on

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1 to page 191 --

2 Q. The Croatian page is 3D41-1295, and the English is -- I think
3 you've got the page wrong, General. It's not page 191, it's 201.

4 A. That's right.

5 MS. PINTER: [Interpretation] For the interpreters, this is
6 3D41-1298 for the Croatian, and the English is page 11, or 3D41-0386.

7 JUDGE ANTONETTI: [Interpretation] Before moving on,
8 General Praljak, a while ago you made a comment on the fact that the
9 international community talked about the warring parties, these are the
10 words you used when you were saying that you were the victims of this.
11 This is your version, but you know full well that the Serbs say the
12 opposite, that they were the victims because you were the aggressors. So
13 there is an issue here.

14 Let me just give you one example. Borovo Selo, each of the
15 parties says the other party is responsible. Do you agree with this or
16 not?

17 THE WITNESS: [Interpretation] No, I don't agree with that, either
18 with you or with the Serb side, Judge Antonetti. Borovo Selo was the
19 territory of the Republic of Croatia, and in Borovo Selo, people were
20 captured, and the police of the Republic of Croatia had the right to
21 intervene in Borovo Selo. And according to the socialist constitution
22 and the JNA, no, it didn't.

23 What we saw in Dubrovnik, what we saw in Vukovar, what we saw in
24 Sisak, what I experienced, there were no warring parties or factions.
25 You had the aggressor and you had the victim. And we can open a

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1 discussion of whatever kind you want here and hold a debate, but Croatia
2 did not attack Serbia or Bosnia-Herzegovina or Montenegro. I did not go
3 to war with Belgrade. I did not go to fight in Tuzla, Sarajevo, Bihac,
4 and so on. I was defending myself. Wherever I was, all I did was to
5 defend, everywhere. The HVO defended itself, and the Croatian Army
6 defended itself, and I defended myself.

7 JUDGE TRECHSEL: You are mixing up two terms. One is the term of
8 "aggressor" and the other is a term of "belligerent party." As I
9 understand it, a belligerent party is a party that is involved in war,
10 irrespective of whether it is just defending or attacking. "Aggressor"
11 is probably what you refer to, but that is not the word used here, so I
12 wonder whether your criticism is really justified.

13 THE WITNESS: [Interpretation] Your Honour, I fully understand
14 your remark, and it is true that there are two sides in every war and
15 that you could term them "belligerent parties" or "warring parties." But
16 when Hitler is marching in France, then you cannot call on both
17 belligerent parties or warring factions to stop, because the French
18 Resistance doesn't have anything to stop in -- Guderian's, Rommel's, and
19 divisions have something to stop, and what is at issue here is that they
20 are saying, Stop. Who is to stop? The party who has 1.000 tanks or I,

21 in Sunja, with two mortars? I would have stopped at any point, but
22 provided that what the international law decreed, that Croatia **is an**
23 independent state, with its borders, its constitution, and let them move
24 out and we will stop.

25 Franjo Tudjman and all of us, we didn't ask for anything more

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1 than that. That's all we asked for and the only question is who can stop
2 the war. There are warring sides, belligerent parties, but within that
3 term you also have the aggressor. Germany is an aggressor, Poland **is**
4 not, in World War II, and Poland -- there is nothing Poland can stop. It
5 was a belligerent party for one month and then it ceased to be a
6 belligerent party because the German troops trampled all over it, as they
7 did France. And then those who fought, the French Resistance, became a
8 belligerent party, but it simply wanted the other guys to go home, where
9 they had come from.

10 JUDGE TRECHSEL: Thank you.

11 MS. PINTER: [Interpretation]

12 Q. General, the page that we opened, I assume that this pertains to
13 this part the initiative by Montenegro Assembly rejected?

14 A. Yes.

15 Q. And here this is all about what kind of borders we're talking
16 about?

17 A. Well, this is crystal clear. The initiative by the Montenegrin
18 Assembly is, Let's agree, let's determine the borders between Croatia **and**

19 Montenegro by mutual agreement. Why? Because they managed to capture
20 the territory all the way up to Dubrovnik and now they would like to get
21 the mutual agreement. So they do not recognise the borders of the
22 republic as the borders of the newly-emerged states, and they say, Well,
23 we managed to take -- well, you can look at the map, Your Honours, if you
24 please. This is the border of the Republic of Croatia at
25 Prevlaka [indicates], and they managed to take all this area all the way

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1 up to Dubrovnik, and now they say the Assembly decided that there should
2 be a mutual agreement about the borders. Of course, the government and
3 the president and the Parliament of the Republic of Serbia rejected the
4 initiative, because we didn't want to have any mutual agreements about
5 borders that were established by aggression.

6 Q. Yes, but this speaks to the attitude of the government towards
7 changing of the borders?

8 A. Yes. Well, it says the government will persist on the fact that
9 there cannot be changes of the internal borders of the former SFRY and
10 rejected the possibility of any talks, so they ruled out the possibility
11 of any talks about the borders changing, the borders of the republics
12 that have now emerged; no Banovina, nothing can be changed in this
13 regard.

14 There is a way in which you can change it. Once the war is over,
15 once everything is over, and then for some reason somebody says, We would
16 like to change something by peaceful means. When two parties agree
17 peacefully, of course you can change. That's how it's done in Europe,

18 and this is enshrined in the Conference on European Security and
19 Cooperation. But there can be no changing of borders by force, and this
20 is what we were dealing with, but not by the Republic of Croatia, which
21 has always had the same attitude. The changing of the borders is not at
22 issue.

23 This cannot even be broached as a topic, so we can move on.

24 Q. Yes. Page 285, the Croatian Community of Herceg-Bosna, it's
25 page 13 in the English translation. E-court pages are 3D41-1305 and

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1 3D41-0388.

2 A. Well, I don't know if this has been translated or not. Just a
3 couple of things.

4 So on that date, I can read, and I quote:

5 "The Assembly of Serbia rejected the Brussels Declaration --"

6 Q. What is the date?

7 A. The 18th of November.

8 Q. And can you remember what else happened on that date?

9 A. It was the fall of Vukovar. And I quote:

10 "The Serbian Assembly rejected the Brussels Declaration on the
11 recognition of sovereignty of all the republics of the former Yugoslavia
12 who wish to have their sovereignty recognised."

13 So the Brussels Declaration was rejected by Serbia and by
14 Montenegro, but it was accepted by Croatia; there can be no changes to
15 the borders. And I will go on repeating it. I know that by heart.
16 These are political projects that stem from the 1970s or 1980s. We never

17 wanted to change any borders. All we wanted to have was Croatia.

18 And then he goes on to say that -- well, it is stated that the
19 Croatian Community of HZ was set up, and the purpose is to respect the
20 democratic government in Bosnia-Herzegovina for as long as there is the
21 independence of -- for as long as Bosnia-Herzegovina is independent of
22 any Yugoslavia in any shape and form. So that was the political position
23 of that community and of the Croatian people.

24 So Bosnia and Herzegovina is recognised, as is its
25 democratically-elected government, unless that government, without first

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1 seeking the opinion of the Croatian people, wants to join Yugoslavia
2 together with the Serbs. And I didn't want that. I don't know what the
3 others would do, but as a member of a sovereign people, that was my
4 right, to say that I don't want that. "Yes" to sovereign
5 Bosnia-Herzegovina, "yes" to its democratically-elected government, but
6 "no" to the government which would sell itself to a Serbia and to the
7 Yugoslav People's Army for -- to serve the interests of one single
8 people, be it Serbs or Muslims. And that, Your Honours, is the basic
9 problem that you must understand if you want to understand the position,
10 the desires of the HZ-HB and the Croatian people.

11 And we keep dancing about it and beating around the bush 100
12 times, "yes" to Bosnia-Herzegovina, a unified democratic state, but we as
13 a people, nobody can sell us down the river.

14 Let us move on, Ms. Nika.

15 Q. We have a note here, "Resolution 724 is accepted," at page 341.

16 Shall we go to that?

17 A. Yes.

18 Q. That's at page 14 of the English translation. It's 3D41-1389,
19 and the Croatian is 3D41-1308.

20 THE INTERPRETER: Interpreter's note, the counsel is kindly asked
21 to slow down when reading numbers.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, sorry for
23 interrupting you. I've just realised one thing, looking at this book.

24 In the B/C/S version, there are parts that are not complete, so
25 you selected some parts and we don't have some B/C/S pages. Secondly,

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1 you have translated certain pages which you selected. The reason why I'm
2 asking you this is that I was interested in what Mr. Greguric said
3 when -- that the HZ-HB was created on the 18th of November in Grude. I
4 sought to understand how, in the matter of government, Croatia assisted
5 in this.

6 On page 13 of the English version, you said that this
7 community -- well, not you, but Mr. Greguric said that the community was
8 established, but we do not know what the context was, and it would have
9 been interesting to know whether there had been discussions in the
10 Croatian government or whether this was a fait accompli. Did they sort
11 of guide all this remotely, as is suggested by the Prosecution case?

12 You give us a small tidbit of it, but this does not enlighten us
13 on the interest from the point of view of the Croatian government, when
14 the HZ-HB was created. Did you realise that when you only cherry-picked,

15 you exposed yourself to some criticism?

16 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, I'm
17 well aware of that, but please believe me when I say that I would be
18 really happy -- and this is what I have been thinking about, an idea that
19 I have been toying with, the whole book that was published by these two
20 on behalf of the Government of National Unity, to have it translated in
21 full, because this would give you an overview, and if the Prosecution or
22 if anyone else wants to do that, well, that would make me really happy.
23 It was only for lack of resources that I had to cherry-pick some parts,
24 and this shows the consistency of the Croatian policies, state and so on,
25 and there was no collusion between the Government of National Unity and

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1 the HZ-HB. We, down there, we were a people. We're not somebody's
2 dwarves. We asked for the weapons -- for assistance in weapons, and so
3 did Alija Izetbegovic and the other -- and the BH Army to a much greater
4 extent. But we were alone down there and we managed to defend ourselves.

5 But I would be more than happy if a party -- if somebody managed
6 to find a detail in this book, and I'm also asking the Prosecutor to do
7 that, to prove whether my choice was meant to hide something, to conceal
8 something.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, on the
10 18th of November, when the Croatian Community was created in Grude, I
11 guess that the Croatian press spoke about it in Zagreb. It could have
12 been very easy for you to read the Croatian press to prove that this
13 creation had nothing to do with the Republic of Croatia, that the HZ-HB

14 was created ex nihilo, that it is something that was created by the
15 municipalities of Bosnia and Herzegovina and not by Croatia, and you
16 could have adduced as evidence such press clippings.

17 You could also have researched, in the intelligence services,
18 documents made known to the government to the effect that in the
19 neighbouring republics, some municipalities had agreed in order to create
20 a Croatian community, and this could -- may have given rise to problems
21 in the future. I mean, this type of information was around, it was not
22 in the Middle Ages in 1991, but you give us very little evidence, but for
23 the odd article from a book that we do not have in its entirety.

24 THE WITNESS: [Interpretation] Well, Your Honour, I have really
25 striven so hard to prove my innocence, it goes beyond any border. What

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1 is it that the Prosecution must do, then?

2 There were no conquests in Bosnia and Herzegovina, in the press
3 or outside of the press, with the government or without the government,
4 with President Tudjman or without President Tudjman.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, I agree with
6 you, the onus of proof lies on the Prosecution, but you know we have a
7 two-tier proceeding here. We have the Prosecution case, and then you
8 have, at the same time, the Defence case. Of course, you could just sort
9 of do nothing, but you do have a part to play, and as part of this role
10 which is yours, unfortunately, sir, you have to prove that you are
11 innocent, and doing so can be done by way of press articles in Zagreb **at**
12 the time the HVO was created, or evidence from the intelligence services

13 showing that all this happened in Herzegovina without any contact
14 whatsoever with the Republic of Croatia.

15 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, at
16 the -- I was actually at the Military Council, in the Council of National
17 Defence. I was the assistant minister, I received all the secret
18 reports, so why should I, given that there are five statements by the
19 government and 50 statements by Franjo Tudjman, why should I go through
20 press articles? I knew what we were saying, what we were doing up until,
21 well -- and now I am supposed to go to newspapers to look for what
22 Miroslav Medjimorec, who was the head of the SIS, and he was also a very
23 good director, to see what he's doing, and I know what he's doing.

24 In the previous text, and Franjo Tudjman says, Don't go towards
25 Trebinje, where is this damn Trebinje here somewhere, to liberate the

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1 south of Croatia. So when he's talking about conquering Bosnia, that's
2 what he's talking about. He doesn't even allow the units to go into
3 Bosnia.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, I do not
5 disagree with what you're saying, but the problem is as follows: You say
6 that you were in this Council of National Defence, but the problem is
7 that you are an accused here. Even if the presumption of innocence
8 prevails, you are in the situation of an accused. Unfortunately, Tudjman
9 has passed away, but he's taken as being part of the joint criminal
10 enterprise.

11 So if you had any other evidence that came from, in quotation

12 marks, "independent sources," intelligence reports, reporting about
13 political problems in other countries to the authorities, well, the
14 authors of such reports can be assumed to do their work without any bias,
15 and that can be taken into account. Because you say that you are under
16 oath, of course we can believe you, but do not forget that you are an
17 accused here in this courtroom.

18 THE WITNESS: [Interpretation] Look, Your Honour, this is a
19 government that is composed of all the parties in the Republic of
20 Croatia, all the parties, this government, and now the papers can only
21 report on what the prime minister has said or the prime minister who is
22 from the SDP, or a deputy prime minister who is from the Liberal Party?

23 This government is taking positions. It is representing the Republic of
24 Croatia and its policies. So is this parliament, and so is
25 Franjo Tudjman.

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1 My positions partially reflect the positions of the Republic of
2 Croatia. So what should I do? Some journalists who discuss something,
3 well, I could have done that, and we saw that in "Hrvatski Vojnik," "The
4 Croatian Soldier." In "Hrvatski Vojnik," you have an official overview
5 of the Croatian policy, and the journalists who did not work for other
6 papers, Butkovic and others, so these were sociology teachers and
7 specialising in war, so this is the legitimacy of what we say, urbi et
8 orbi. This is the policy of the Republic of Croatia, of all its levels
9 of government.

10 So there can be no changing of the borders, and you will see

11 further on that the Serbs say that they also do not recognise the
12 Brussels Declaration about the borders. Well, I simply don't know what
13 can be done. It was only the HSP, the Croatian Party of Rights, that
14 claimed that Muslims were Croats, and there were Muslims who claimed the
15 same thing and that there should be a state -- Croatia and
16 Bosnia-Herzegovina as a single state. And they got 6 per cent of the
17 vote, and they were not in the government and nobody really -- well, in
18 the end, other opinions must be represented, but these are -- this is the
19 position of the three key bodies in the state, the government, the
20 parties and the president, and I don't really feel any need to go through
21 the newspapers to see if anyone objected or whatever, and the Croatian
22 people in Bosnia-Herzegovina.

23 So when I cross into Bosnia and Herzegovina, I become a Croat
24 born in Bosnia and Herzegovina, and then I defend the interests. And at
25 that point it is immaterial to me what Greguric would think about it.

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1 Greguric could think this or he could think that, and we don't dare --
2 we're smart enough to say, Bosnia-Herzegovina, yes, we will not attack
3 anyone, but we have the right, as a people, we have our rights.

4 JUDGE ANTONETTI: [Interpretation] We're going to stop here. If I
5 understand, probably the reason why you submit this book is to say that
6 this is illustrative of the policy of the Croatian government, and as to
7 the events in 1991, 1992 and 1993, this shows the vision of the Croatian
8 government, which is or was, as you reminded us, a government of national
9 unity. Is that so?

10 THE WITNESS: [Interpretation] That's right.

11 MR. STRINGER: Thank you, Mr. President.

12 If I could make one brief comment. I'm looking at page 68 of the
13 transcript, back around line 10, where the President indicated, at least
14 in the transcript, that the general has a role to play and that he has to
15 prove that he's innocent. I don't know whether the President intended to
16 say it just that way or not. I'm a little bit uncomfortable with that
17 remaining on the record as it is, without it being clarified. It's
18 certainly not the Prosecution position --

19 JUDGE ANTONETTI: [Interpretation] I'm going to clarify. I said
20 that in the proceedings in this Tribunal, both parties play a part; the
21 Defence has a part to play, and so has the Prosecution. The Prosecution
22 charges, and the Defence defends itself, and as part of this role, there
23 might be a part to be played by the accused, but he also can decide to do
24 nothing. It is his choice.

25 Is it clear now, Mr. Stringer?

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1 MR. STRINGER: Yes, Mr. President, I believe so. Thank you.

2 MS. PINTER: [Interpretation] Thank you, Your Honour. We wanted
3 to react to that page of the transcript because we were aware of the fact
4 that there might be a mistake.

5 But looking at the clock now, are we going to go on or shall we
6 going to take a break?

7 THE WITNESS: [Interpretation] A break.

8 JUDGE ANTONETTI: [Interpretation] Yes, we can break for

9 20 minutes now.

10 --- Recess taken at 5.34 p.m.

11 --- On resuming at 5.57 p.m.

12 JUDGE ANTONETTI: [Interpretation] You wanted the floor,
13 Mr. Stringer?

14 MR. STRINGER: Thank you, Mr. President. Just very briefly, I
15 hope.

16 And I don't know whether the general's going to finish his direct
17 testimony today or not, but as we transition out of his direct testimony
18 into the questions that will be coming from the President and then from
19 the other Defence teams on cross-examination, and then from the
20 Prosecution, we went back, and it's been a long time now, but on the
21 5th of September, 2008, the Appeals Chamber issued its decision affirming
22 or upholding a decision of this Trial Chamber which granted the
23 Praljak Defence the ability to continue to communicate with
24 General Praljak throughout the time that he's testifying. That was an
25 issue that was raised a long time ago, and the Trial Chamber agreed or

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1 ruled that the contact and the communications could, indeed, continue
2 between General Praljak and his counsel throughout his testimony. That
3 was upheld.

4 I wanted to ask or to clarify my understanding that now, as we
5 move beyond direct examination, that the general will be free to continue
6 to communicate with his Defence team and to, for example, review the
7 documents that are disclosed in advance to the Defence prior to the

8 cross-examination. It would be useful to know whether, in fact, that is
9 something that is going to be taking place as the documents are disclosed
10 to the Praljak Defence that will be used in the coming cross-examination
11 or whether, indeed -- and I don't know whether, Mr. President, whether
12 you're intending to use documents and circulate those in advance, but
13 whether, in fact, they'll have the opportunity to review those with their
14 client in advance of cross-examination.

15 JUDGE ANTONETTI: [Interpretation] There are two things in what
16 you said. You mentioned Praljak's discussions with his Defence lawyers,
17 and you mentioned the documents.

18 As far as I'm concerned, I will send you tomorrow already the
19 list of documents I am going to show General Praljak. These documents
20 have all been admitted already. Therefore, I'm not disclosing anything
21 new. Nothing mysterious about these.

22 They are two series of documents. The first series is the series
23 mentioned in the Prosecutor's pre-trial brief, which you're familiar
24 with. Since these are documents which contain footnotes, nothing
25 unexpected. The second things I will address are the documents that have

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1 been quoted by Mr. Praljak, and I will give a list of these documents.

2 Prior to that, there will be four or five documents I shall look
3 at together with him. These are documents which relate to the so-called
4 forged documents. I mentioned one a while ago, but I shall examine these
5 so-called forged documents. I will also address the issue of
6 presidential transcripts, those meetings which he attended. You have the

7 list of all the transcripts of the meetings he attended. This will
8 depend on the amount of time I have. I will also address the
9 presidential transcripts of the meetings he did not attend.

10 We have evidence that leads us to believe that Mr. Tudjman was
11 kept informed in realtime of all the events that occurred in the Republic
12 of Bosnia-Herzegovina; namely, any event of a military nature, as part of
13 the international conflict or as part of the joint criminal enterprise.
14 So you will be getting the list of all these documents, which everyone is
15 familiar with already, since they have been discussed and addressed and
16 admitted.

17 Now, as far as the second part is concerned, i.e., whether
18 Mr. Praljak and his counsel can talk together, we must confer. I cannot
19 give you my answer straight away. And since we have eight days before
20 us, you will certainly have a decision by the Trial Chamber between then
21 and now.

22 Are you satisfied with my answer?

23 MR. STRINGER: Thank you.

24 JUDGE ANTONETTI: [Interpretation] In the remaining time we have,
25 one hour, please try to finish, Ms. Pinter. We have exactly one hour

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1 left, so finish with those documents you have.

2 MS. PINTER: [Interpretation] Yes, that's right, Your Honour, and
3 I do believe that we'll be able to complete the examination-in-chief by
4 the end of the day.

5 Q. General, let's deal with the document that we were dealing with

6 before the break, to finish that off so that we can go on to another
7 area.

8 A. 341, there's just a sentence there, that Dr. Franjo Tudjman sent
9 a peace mission to the United Nations or, rather, a letter of peace,
10 reminding them once again that Croatia was in favour of peace and
11 understanding and cooperation. So that was one of a series of documents
12 sent out explaining Croatia's position.

13 Q. And we've already looked at that page before the break; right?

14 A. Yes. Well, we can move on, then, and the number of the page is
15 419 for the Croatian.

16 Q. It's page 15 of the English translation. On e-court, it's
17 3D41-0390, and in Croatian it is 3D41-1317.

18 A. Just briefly, Croatia recognised the Republics of Slovenia and
19 Macedonia. Croatia is paying particular attention - we're dealing with
20 the 15th of February here - is following the developments in Bosnia and
21 Herzegovina with great attention, and there was an agreement offered up
22 in order to promote international cooperation. Croatia supports the
23 referendum and the agreement reached by the three ethnic groups. And if
24 there was a positive outcome of the referendum, it would recognise
25 Bosnia-Herzegovina. It can't be clearer than that. So let's move on now

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1 to 460 -- 435 is the next page, actually. My mistake. That wasn't
2 translated. Well, let's have 460, then.

3 Q. That is 3D41-0393 for the English and 3D41-1348 for the Croatian.

4 JUDGE TRECHSEL: I'm sorry. Part of page 435 was in fact

5 translated. We have a passage on page 3D41-0391.

6 THE WITNESS: [Interpretation] Yes, all right. Greguric informed
7 the government about the events and development in the Socialist Republic
8 of Bosnia-Herzegovina, linked to the referendum on independence and
9 autonomy, and it's important to mention here that the Presidency of BH
10 accepted the majority of the requests of the Serbian Democratic Party and
11 stated, the Presidency of BH, that is, that the referendum held does not
12 preempt a future system and setup for Bosnia-Herzegovina. It was always
13 a question of the internal system for BH, with assurances given that the
14 referendum still did not say what Bosnia-Herzegovina was to look like,
15 internally speaking, and we know what their wishes were.

16 So can we look at 460 now, please.

17 MS. PINTER: [Interpretation] Let me just explain to
18 Judge Trechsel it was my mistake. I skipped a page. Now page 460 is
19 3D41-1348, and for the English it is 3D41-0393.

20 THE INTERPRETER: Could Judge Trechsel kindly switch his
21 microphone off. Thank you.

22 MS. PINTER: [Interpretation]

23 Q. Page 18 is the next page we're going to deal with now.

24 A. The same old story, repeated parrot fashion. Greguric is saying
25 that Croatia was always in favour of an integral BH because it considers

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1 that to be the only solution for that republic. This does not mean that
2 there was a lack of care for Croats in BH.

3 Next this story about the HSP to the Drina, he said this was all

4 stupid, and he was speaking in his own name, and that that wasn't
5 official Croatian policy, and he says the government will propose that
6 Croatia recognise BiH. And he goes on to say that what the Serbs were
7 doing was up to the consciousness of the international community and that
8 they should not be indifferent to observing a repetition of the Croatian
9 scenario, that is, the breaking up of the country. So I have nothing to
10 add there, and we can move on to 469, please, of the 17th of March, 1992.

11 Q. That's page 18 of the English translation. On e-court, it is
12 3D41-1351 for the Croatian and 3D41-0393 for the English.

13 A. Croatia, Slovenia and Georgia were accepted as members of the
14 OSCE, CSCE, and Dr. Mato Granic called upon the European Community to
15 recognise BH and Macedonia as sovereign and independent states. So
16 that's the policy. The Croatian representative is calling upon the
17 members of the European CSCE, the CSCE. And we can move on to page 507.

18 Q. 3D41-165 [as interpreted] is the Croatian and 3D41-0398 is for
19 the English.

20 A. The 8th of April, 1992. It is the government statement about the
21 situation in BH --

22 Q. General, I have to give the numbers. I apologise for
23 interrupting. They are 3D41-1365 for the Croatian and 3D41-0398 for the
24 English, and the page is 23 of the English translation.

25 A. The introductory address of the government about the situation in

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1 Bosnia-Herzegovina took place, and all the ministers then took part in

2 the debate. And the text of the statement of the Croatian government on
3 the situation in Bosnia-Herzegovina was accepted, but that hasn't been
4 translated. Can we supply a translation subsequently?

5 Q. Yes, we can.

6 A. Well, it's an eight-point document of crystal-clear points,
7 representing the positions of the Government of the Republic of Croatia
8 about the situation in Bosnia-Herzegovina; what is being recognised, what
9 the stands and principles are, set out in eight points which, on the
10 8th of April, were compiled; recognition of an independent and sovereign
11 Bosnia-Herzegovina; genocide is already being mentioned.

12 The conclusions of Parliament in point 2 are mentioned, the
13 Croatian Parliament, the Croatian parliamentary conclusions; all the
14 houses sitting and held on the 27th of March, 1992, where the president
15 was advised that he recognise the state of Bosnia-Herzegovina, which the
16 president did on the 7th of April, 1992.

17 And in point 3, there is talk of mutual recognition for
18 Bosnia-Herzegovina or, rather, international recognition - I
19 misspoke - of Bosnia-Herzegovina, which is welcomed by the government.
20 The government welcomes international recognition, the United States
21 recognition, and so on.

22 And in point 5, the government once again lends its support to
23 the territorial integrity, sovereignty and independence of
24 Bosnia-Herzegovina, and condemns destabilisation attacks and so on and so
25 forth.

1 Please have that text translated, because it's crystal clear,
2 speaks for itself, and we have had umpteen similar texts. So if you
3 could have it translated so that Their Honours can admit it into
4 evidence. And we can go on to page 542, which does not have a
5 translation.

6 Q. And the date is --

7 A. The 7th of May.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, before we move
9 on to page 542, I would like to still look at pages 506 and 507.

10 On page 506, Mr. Greguric says that the Republic of Croatia
11 recognised Bosnia and Herzegovina unilaterally as a sovereign and
12 independent state. This is mentioned in the text. And on the
13 8th of April, he says what follows, and I believe this is interesting.
14 He says that the HVO was set up as a sole institution to defend the
15 Croats in Bosnia and Herzegovina. This includes a number of Muslims. He
16 mentions the HVO. He doesn't say that it's the Republic of Croatia that
17 created the HVO. He says -- well, if what he says is true, I don't know.
18 He says that. And at the same time, he talks about the HOS, so he seems
19 to establish a connection with the role played by the HOS in the Republic
20 of Bosnia and Herzegovina.

21 What do you have to say to this? You've seen this. I don't have
22 the entire page 507 translated. What does Mr. Greguric mean?

23 THE WITNESS: [Interpretation] 506? Ah, 507, right.

24 MS. PINTER: [Interpretation]

25 Q. The 8th of April is the date.

1 A. Yes, the 8th of April.

2 Now, Your Honour, as to the spring of 1992, we've discussed that
3 at great length. The HVO self-organised itself for defence, not only for
4 the defence of the Croats, but of the Muslims, too, living on the
5 territory where we managed to set up our units to resist the aggression,
6 and Greguric is reporting to the government about that. There are armed
7 forces over there defending Bosnia-Herzegovina. That's it, Muslims and
8 Croats alike.

9 And now we have the problem of HOS, the H-O-S, and there was a
10 major problem in Croatia until the authorities and government became
11 stabilised in that destructive war that we had down there, and we solved
12 it all together, throughout 1992, until the problem was solved, until the
13 units of HOS, as a parallel army, and I've already spoken about that.
14 But we managed to deal with the situation, both with Mr. Prkacin, who was
15 from the HOS, who came to understand that it was all we could do to face
16 the problems of one army, and now that when there are two armies --

17 Q. The Judge was asking about the 8th of April because it wasn't
18 translated. What else does it say under the 8th of April?

19 A. Well, what point?

20 Q. Well, not the decision, but the 8th of April, as a whole, that
21 whole section in the book. The 8th of April on page 507, is what the
22 Judge is asking about.

23 A. Well, first of all, it says that Croatia called upon the CSCE,
24 et cetera, to stop the aggression against Croatia, and that the HVO was

25 the sole institutional form of defence, including a certain number of

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1 Muslims. Resistance to the Serb aggression became more organised in that
2 way. And the members of the Croatian Party of Right formed the Croatian
3 Defence Alliance, the HOS, and then it says that the BiH Presidency only
4 then proclaimed -- sounded the alarm and said that Siroki Brijeg and
5 Citluk were shelled and that the Chetniks attacked Kupres. We've already
6 discussed that. And that in Sarajevo, from the Greater Serbia bombing,
7 30 people were killed in the space of one week; that the United States of
8 America condemned Serbia for expanding the war to BH. And it says the
9 Ministry of the Republic of Croatia calls upon the pilots of the Yugoslav
10 People's Army to join Croatian military units. So that's it, that's what
11 he says under the 8th of April. And then it goes on to elaborate the
12 government positions.

13 JUDGE ANTONETTI: [Interpretation] Very well, thank you. We can
14 get back to --

15 MS. ALABURIC: [Interpretation] Your Honours, if you believe that
16 this part of the book might be useful, at the end of this page there is
17 the statement of the government, the declaration of the government, about
18 the situation in Bosnia and Herzegovina, and you can see what the
19 position of the Government of the Republic of Croatia was towards Bosnia
20 and Herzegovina **as a sovereign, independent state.**

21 THE WITNESS: [Interpretation] Well, I would really like this to
22 be translated. It is a really important document. I thought we had had
23 it translated and then it could be submitted to Their Honours, the

24 Judges. And this is very clear and set out in eight clear points.

25 So now I would like to ask you if you can go to the next

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1 document. It's the only document remaining. That's page 542. Oh, no,
2 we don't have 542.

3 THE INTERPRETER: Microphone for the counsel.

4 MS. PINTER: [Interpretation]

5 Q. 6th of April or 7th of April?

6 THE INTERPRETER: Interpreter's correction: May.

7 THE WITNESS: [Interpretation] Well, no, we don't really have to.
8 It's always one and the same thing. But let's -- well, do you have 552,
9 and that would be the last thing, then.

10 MS. PINTER: [Interpretation]

11 Q. That's page 29 in the English translation; e-court,
12 pages 3D41-0404; Croatian, 3D41-1386. The date is the 14th of May, 1992.

13 A. Yes. Well, the government, yet again, after a debate issues a
14 press release, a communique, and it is important to note once again in
15 paragraph 1 they speak about human and ethnic rights, indicating that the
16 government would support the position of the European Community vis-a-vis
17 Serbia, and asks the governments to respect Croatia's territorial
18 integrity, the Serbian government.

19 And then in item number 2, Bosnia and Herzegovina is discussed,
20 saying that Croatia was among the first to recognise Bosnia and
21 Herzegovina as a sovereign state within its existing borders.

22 Then it goes on to speak about the refugees that Croatia has

23 taken in, and then again about the territorial integrity and sovereignty
24 of Bosnia and Herzegovina. And it is said that the Republic -- the
25 Government of the Republic of Croatia would advocate the independence and

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1 sovereignty of three equal peoples within the borders recognised by the
2 international community.

3 So this is just a repetition ad infinitum of the same positions.
4 Each and every month, all the levels of government in Croatia, urbi et
5 orbi, to the United Nations, the CSCE, the European Community, kept
6 repeating and kept saying the same thing; Bosnia and Herzegovina **is a**
7 sovereign, independent state. But of course what they supported was an
8 agreement between the three constituent peoples, equal peoples, but of
9 course it couldn't be done because Serbs had a vast supremacy in weapons,
10 and that lasted until 1995.

11 JUDGE ANTONETTI: [Interpretation] On this topic, I am trying to
12 find something logical. I don't wish to speculate.

13 If you look at page 500, on page 20 of the translated text, on
14 the 2nd of April, 1992, Mr. Greguric says as follows:

15 "The war seems to be spreading to Bosnia and Herzegovina."

16 And I read what is written here. If it's true, I shall bear this
17 in mind. I cannot discard this. He says diplomacy and representatives
18 of the Republic of Croatia **pledged for the recognition of ABiH in all**
19 conferences, so he claims that the Croatian government is pledging for
20 the recognition of Bosnia and Herzegovina.

21 First of all, is it -- does it make sense to tell the entire
22 world that the republic needs to be recognised, when there are ideas
23 about its annexation? So I'm trying to make sense of this.

24 In April 1992, as far as you were concerned, the Croatian
25 government, let me remind you that you were vice-minister at some point

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1 in time, that the recognition of Bosnia-Herzegovina was something which
2 was pledged by you at the time?

3 THE WITNESS: [Interpretation] Everywhere, at every forum, at
4 every time, with the European Community, the CSCE, at every -- well,
5 Your Honours, I would love the whole of this book to be translated so
6 that all of those -- well, those would be piles of materials. And just a
7 few days afterwards, Croatia **recognised** Bosnia and Herzegovina. Well, of
8 course, there's no logic, there's no logic, Your Honours, in somebody
9 thinking that all this is being done and at the same time we wanted to
10 cheat, to trick the European Community, the CSCE, the USA. And this
11 government, and Franjo Tudjman, and the parliament, and Praljak, are so
12 "stupid," in inverted commas, that they're saying one thing to the whole
13 world and then they manage to sell something else underhand. Do I look
14 like a moron? Look at me. And what about Franjo Tudjman and all the
15 rest? It really makes no sense. There's no logic in it.

16 JUDGE ANTONETTI: [Interpretation] If I remember correctly, we saw
17 a piece of evidence which was admitted; i.e., the minutes of a meeting
18 you held with French diplomats and high-ranking military in Zagreb.
19 Looking at the names of the participants, you had the highest-ranking

20 diplomats, French diplomats. During this meeting which you attended, was
21 the fact that Croatia **had a hidden agenda vis-a-vis Bosnia-Herzegovina**
22 mentioned?

23 THE WITNESS: [Interpretation] Well, we were [as interpreted], and
24 it is crystal clear, Your Honours. I told the French general, in no
25 uncertain terms, and to the French delegation at that meeting and at

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1 every other meeting, our interest in Bosnia and Herzegovina was some kind
2 of a self-government, for crying out loud, but I claim now, and this is
3 what I knew before, Serbs and Muslims, who lost because they were
4 unprepared, and I'm not blaming somebody because they were unprepared for
5 the war, but it is a fact that they were unprepared for the war, they
6 didn't want to see what any blind person could see, that Serbs had been
7 preparing for years, for centuries, for the war and lost a lot of
8 territory. And now that party, the BH Army, is trying to take territory
9 from us, and that -- that's what happened.

10 Your Honour Judge Antonetti, I knew that, and that's what I said
11 there. I said -- and that is -- I was working on achieving peace up
12 until May or June, the 30th of April, but you can work on achieving
13 peace, but please look at this document at page 500.

14 Ajanovic said in public, in April, that he and -- and he is a
15 high-ranking official in the Democratic Action Party, he says, he,
16 Ajanovic, does not believe that the army is an occupying force. Yes,
17 Ajanovic said that the Yugoslav People's Army was an occupying force, and
18 now Mr. Izetbegovic says, I don't think that it is an occupying force.

19 If Ajanovic did indeed say that, he went beyond his powers, because he
20 did not present the position of the Democratic Action Party.

21 Well, you can hardly find something worse because on the 2nd of
22 April, Mr. Izetbegovic is claiming that the army in the Republic of
23 Bosnia-Herzegovina, the JNA, was not an occupying army. It's been
24 shelling us, there are casualties galore, in Mostar and elsewhere, and
25 now you're all supposed to pursue a policy, you're supposed to be engaged

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1 in politics, and you're asking yourselves what to do.

2 Please, put yourself in a position where you face this kind of a
3 political view. You are being killed, your children, your families, your
4 people, the Muslims and everything, and now Ajanovic, who is the kind of
5 person that he is, he says, well, they're an occupier, and Izetbegovic
6 says, Well, no, no, they're not supposed to say that.

7 MR. KHAN: Your Honours, it's been said many times, but perhaps
8 General Praljak can be reminded that if he wishes what he says to be
9 recorded, he really must speak slowly. It's very difficult to follow at
10 the express pace that he is intent on delivering his testimony.

11 JUDGE ANTONETTI: [Interpretation] Yes. You speak very fast,
12 Mr. Praljak, and when interpreters do not express what you say, you can
13 see the sign in the transcript. I happen to speak fast too at times, my
14 apologies for that, but do endeavour to slow down.

15 And thank you, Mr. Khan, for saying that.

16 THE WITNESS: [Interpretation] Thank you. Well, I can repeat.

17 MS. TOMANOVIC: [Interpretation] One word was missed because of

18 the speed, and it's very important for the transcript. That's at
19 page 84, line 15, right at the very beginning the general said, "We were
20 asked," and in the transcript it reads -- the word "asked" is not there.
21 So it should read, "We were asked."

22 THE WITNESS: [Interpretation] Thank you very much. I would, of
23 course, like to finish.

24 So on the 2nd of April, 1992, a high-ranking official, the
25 spokesperson for the Party of Democratic Action, Irfan Ajanovic, said

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1 that the Yugoslav People's Army was an occupying force in
2 Bosnia-Herzegovina, and the president of that same party and the
3 president of the Presidency of Bosnia-Herzegovina, Alija Izetbegovic,
4 publicly denied Ajanovic's statement, saying, quote, "I don't think that
5 the army is an occupying force." And if Ajanovic did indeed say that, he
6 went beyond his authority, because this is not the position of the Party
7 of Democratic Action.

8 Would you, all of you here in this courtroom, as individuals and
9 as a people, let yourself be guided by this policy at the time when the
10 Yugoslav People's Army is killing you, has been killing you for months
11 throughout the territory of Bosnia and Herzegovina and, as far as I know,
12 Mostar, and all other towns were bombarded from the air and shelled?
13 We've seen evidence of that. This is incomprehensible, and you cannot
14 force any people, any nation, to accept that, to accept the army that has
15 been killing them, and to understand what Mr. Izetbegovic means when he
16 says, No, no, no, that's not true, that's not an occupying force.

17 So I don't have anything else to add to this.

18 MS. PINTER: [Interpretation]

19 Q. Let us finish with the book.

20 A. Well, we have the last portion to go through.

21 Q. The 8th of June?

22 A. No, the 17th. Let me just have a look.

23 Q. The last one is the 8th of June?

24 A. Well, yes, the current situation in Bosnia and Herzegovina. **Yes,**
25 the 8th of June.

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1 Q. That's page 33 in the translation; e-court 3D41-0408, 3D41-1398,
2 that's the Croatian version. 3D41-1398, that's Croatian, 1398, and
3 page 33 in the English translation.

4 General, please go ahead.

5 A. Well, since we should really finish this, there's nothing I can
6 add to this. I would just kindly ask you to read this, all of you.
7 Again, the government, after this resolution, 758, is urging the
8 institutions and organisations, under threat of military force, to stop
9 the aggression against Croatia **and** Bosnia and Herzegovina, and says,
10 Regardless of the fact that you impose sanctions, this has been to no
11 avail. The Government of the Republic of Croatia **has several times over**
12 the past year insisted that weapons of the JNA should be placed under
13 international control, and goes on to say that there was an ultimatum to
14 Croatia, **to allow the pullout of the heavy weapons owned by the JNA from**

15 the blockaded barracks to Bosnia and Herzegovina. And the government
16 says, We've been telling you that this would lead to an attack on Bosnia
17 and Herzegovina. **Well, everybody knew that. And in spite of all that,**
18 the moderators of this war, the international moderators, blind as bats,
19 I don't know why, demanded that the weapons should be pulled out from
20 Croatia **into** Bosnia and Herzegovina, the JNA weapons.

21 And then it goes on to say how many refugees were taken in in the
22 course of two months and how, again from the territory of
23 Bosnia-Herzegovina, Dubrovnik, **Slavonski Brod are being attacked and so**
24 on, and there's nothing we can add to this.

25 I'm really sorry, Your Honour Judge Trechsel. I'm driven by the

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1 desire to finish this.

2 Well, I have nothing more to add to this. I'm ready to answer
3 your questions. And we will submit the whole book to Their Honours, and
4 if anyone wants to check whether my selection was proper, please go
5 ahead. Thank you very much.

6 JUDGE MINDUA: [Interpretation] Witness Praljak, just a question
7 of terminology or vocabulary. I do attach great importance to
8 terminology.

9 This book you are showing us is very interesting, and on this
10 page related to the 8th of June, the author speaks of -- you were a
11 general. Is this the kind of terminology you use to describe the
12 weaponry of armed forces? This kind of language, doesn't it show that

13 the author is biased in the way he sets out the problem?

14 THE WITNESS: [Interpretation] Well, I can't see it. I can't
15 really find it.

16 JUDGE MINDUA: [Interpretation] Page 582. The date is the
17 8th of June: "The current situation in Bosnia and Herzegovina." Third
18 paragraph.

19 THE WITNESS: [Interpretation] Yes. In paragraph 3, reference is
20 made to refugees, and there were 270.000 coming in from
21 Bosnia-Herzegovina in the space of two months, and the government says
22 that the international community was not helping enough and that Croatia
23 just couldn't solve the problem itself.

24 JUDGE TRECHSEL: It's the previous paragraph, Mr. Praljak.

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

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1 I don't know that Judge Mindua's question actually -- it may not
2 have been translated fully, because I know that the question that
3 Judge Mindua asked is not fully in the English transcript, so it's
4 possible that it didn't make it to the witness as well, particularly the
5 reference to the instruments of killing. I don't believe that that is in
6 the English transcript, and so that may be the cause of the confusion.

7 JUDGE MINDUA: [Interpretation] I'll put the question again to the
8 witness.

9 Witness, there is a paragraph that shows the situation, the
10 current situation, as it is said, in Bosnia and Herzegovina, the date
11 being the 8th of June. Take the third paragraph. In this paragraph, the

12 author uses some rather harsh words, "killing instruments of the former
13 JNA," he says. Well, I suppose that armed forces have weapons, and, as
14 such, in and of themselves, weapons are weapons. They cannot be
15 qualified as he does here, so my question is whether this type of
16 terminology is not a sign that the author has some rather biased,
17 one-sided views of the issue. What do you think of that?

18 THE WITNESS: [Interpretation] Judge Mindua, that's not what it
19 says there, the interpretation that I got. This isn't the position of an
20 author. It is the conclusion of a government, and it says there -- it
21 was sent to the international community, and it says that there was no
22 longer any justification for procrastination on the part of the
23 international community.

24 MS. NOZICA: [Interpretation] May I intervene at this point? I
25 apologise, but may I be of assistance. I think we'll get through this

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1 quicker. If you look at the second paragraph, he says:

2 "The Government of the Republic of Croatia **has insisted several**
3 times during the past year that the heavy weapons, heavy armament, and
4 other lethal weapons of the former JNA be placed under international
5 control."

6 Judge Mindua says -- is asking whether this term --

7 THE INTERPRETER: Well, interpreter's note, killing instruments,
8 lethal weapons.

9 MS. ALABURIC: [Interpretation] Let me just say that the
10 translation there is wrong in the text. When Defence counsel Senka, our

11 interpreters here said "lethal weapons," and I think that is correct.
12 The correct interpretation is "lethal weapons," whereas the translation
13 that Judge Mindua is reading says "killing instruments," "killing
14 weapons," and that's where the misunderstanding arose.

15 THE WITNESS: [Interpretation] Judge Mindua, "ubojita sredstva",
16 meaning "lethal weapons" means all weapons that kill, so quite simply
17 it's a military term for "military arsenal." "Lethal weapons" is the
18 correct term for "ubojita sredstvo," or "ubojita sredstva" in the plural.

19 JUDGE MINDUA: [Interpretation] This is precisely what is curious
20 to me, because we know that weapons are means of destruction, but is this
21 an honourable way of qualifying the weaponry of an armed force? Does
22 this not show the author's bias regarding the intentions and the
23 behaviour of a given army?

24 JUDGE ANTONETTI: [Interpretation] It might be better if you read
25 in your own language that part of the text so that it be interpreted

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1 properly.

2 THE WITNESS: [Interpretation] Yes, I can, Your Honours, but I
3 would have written "ubojita sredstva," the French Army, American Army,
4 meaning "lethal weapons," that's the phrase, "lethal weapons."

5 JUDGE ANTONETTI: [Interpretation] Please read out slowly.

6 THE WITNESS: [Interpretation] "The Government of the Republic of
7 Croatia has insisted several times during the past year that heavy
8 weapons or heavy armament and other lethal weapons of the former JNA be
9 placed under international control," full stop.

10 JUDGE MINDUA: [Interpretation] I think it's much better in B/C/S
11 than it is in English, because the expression used in English is harsher,
12 so it seems to me.

13 THE WITNESS: [Interpretation] Your Honours, they're ordinary
14 weapons which we refer to as lethal weapons, the lethal weapons of the
15 6th Fleet or whatever other army you want to use. The term used is
16 "lethal weapons." There's no connotation, political or otherwise.
17 That's what these resources are called, "lethal weapons." A rifle is a
18 lethal weapon, a pistol is a lethal weapon, heavy weapons are lethal
19 weapons, et cetera.

20 JUDGE TRECHSEL: Mr. Praljak, isn't it simply a matter of bad
21 drafting, because I cannot see a difference between "armament" and
22 "lethal weapons." It's pleonastic, isn't it?

23 JUDGE PRANDLER: I would like to say, since I happened to deal
24 with disarmament for a number of years with the United Nations, that
25 "lethal weapons" is not -- cannot be equated to "armaments," as such,

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1 because there are certain weapons, which -- like chemical weapons,
2 et cetera, which are considered as lethal weapons, and they are not the
3 same like, I don't know, the kind of guns and any other, so to say,
4 rather well-known weapons from history. So, therefore, I think that
5 there could be a distinction made between the two. Thank you.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, as to the head
7 of the government at the time, didn't he refer to other weaponry than
8 tanks, or rifles, or guns? Did he think of other types of weapons or

9 destruction weapons, like bacteriological or chemical weapons? Didn't he
10 rather have that sort of weaponry in mind?

11 THE WITNESS: [Interpretation] No, Your Honour.

12 Your Honours, I can say with a great degree of certainty here
13 that the interpretation of His Honour Judge Trechsel is correct. It is a
14 lot of meaning in one word, but it's just a phrase. You can just say
15 "weapons," but then you add "lethal weapons." It's really nonsensical,
16 but it's the customary phrase used, "lethal weapons." That's the usual
17 term, those two words together.

18 JUDGE ANTONETTI: [Interpretation] It may be a little more complex
19 than this, Mr. Praljak. Do not forget that the US intervention in Iraq
20 was connected to the presence of weapons of mass destruction, so it might
21 be a little more complicated.

22 Let's us move on, Ms. Pinter. We have ten minutes left.

23 THE WITNESS: [Interpretation] I stay by -- stand by what I said.
24 I know how this was used in political speech. All he means here is that
25 those weapons --

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1 MS. PINTER: [Interpretation]

2 Q. Whose weapons?

3 A. The weapons of the Yugoslav People's Army. I don't have to say
4 it 100 times. The Yugoslav People's Army had the weapons. And Croatia
5 asked for something very simple; that the international community come in
6 and then take these weapons and seal them off in the barracks of the
7 Republic of Croatia and place them under its control; that they have

8 soldiers there, whereas the recruits and other soldiers could go home, or
9 wherever they wanted to go. The Serbs did not want to agree to this, or,
10 rather, the JNA, and the international community then gave way, they gave
11 in, and gave Croatia **an ultimatum; A, not to attack the barracks and, B,**
12 that it wouldn't seal off the barracks with the weapons and leave them
13 where they were, but they asked that it be allowed to go to
14 Bosnia-Herzegovina, and that had catastrophic consequences. And I'm not
15 sure -- I wasn't sure then or -- I didn't understand then, I don't
16 understand now, who were these people who asked that of us, and what were
17 they thinking of?

18 Q. Very well. We've finished with the book.

19 A. Yes, we have indeed.

20 Q. You mentioned several times -- well, you said today that in
21 November you were in Sunja. How -- when did you get to Sunja, and what
22 can you tell Their Honours about your stay in Sunja? What was the
23 situation there that you found when you arrived, and what year was that?

24 A. As a volunteer, an infantryman, I arrived in Sunja on the
25 3rd of September, 1991. I left Sunja at around the 10th of December --

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1 or, rather, the 10th or 12th of March, 1992. I have a sketch of the
2 position there. It's on the right bank of the Sava River. **We were at a**
3 position there, at the bridge head.

4 May we have that on the ELMO, please, on the overhead projector?

5 Thank you.

6 We were there for seven or eight days, because of my involvement

7 there. And the gentleman who came was to go back. They appointed me
8 commander, anyway, so I was the commander over there for a space of
9 six months and ten days, roughly. It is impossible, in the short time at
10 my disposal, to tell you about Sunja, so let me just say a few sentences,
11 let me put it in a nutshell.

12 Apart from a company from the 2nd Guards Brigade over there, all
13 the rest were villagers, farmers. These are the positions, looking at
14 this sketch [indicates]. This is the Sava River in the background
15 here [indicates]. The length of our front-line was about 30 kilometres.
16 As the crow flies, that would be 20 kilometres, and these are the various
17 villages around Sunja [indicates], and this in the middle is Sunja
18 itself, Sunja proper [indicates]. Sunja was inhabited by Croats and
19 Serbs, and according to the customary scenario what happened was that a
20 vast majority of Serbs from Sunja left and the next day there would be an
21 attack against the Croats who were there and the remaining Serbs.

22 Now, the friends and relatives and the relationships that were
23 set up between Croats and Serbs didn't inform their friends that they
24 were going to flee from Sunja during the night and that they would be
25 attacked the next day, and this destroyed the social structure of a place

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1 like Sunja.

2 When you find yourself faced with a situation of that kind, where
3 you have a few dozen units and so on, whatever laws exist in any state,
4 as far as I know, to the best of my knowledge, laws are valid for as long
5 as the citizens of that particular state believe in those laws. This is

6 something I read, written by a US Supreme Court judge at one time with
7 respect to the functioning of American courts; it wasn't because the laws
8 were good, but because the people believed in those laws. So I have to
9 crystallise the situation, in the sense of accepting legality and the
10 laws, you -- whereas you have a totally destroyed social and moral and
11 psychological situation, you have to impose -- you have to put in great
12 effort, impose a system of sanctions. You have to talk to people, punish
13 them, forgive them. You have to deal with this situation of complete
14 social disintegration.

15 Now, how I did this would take me days to tell you, but in the
16 space of one month I did manage to introduce a great deal of law and
17 order, both in military terms and in civilian terms. I was both a
18 commander and I married people in churches, I distributed food, and all
19 the Serbs and Croats there received food. They had what they needed.
20 Not a single house was touched. I even had telephone communications with
21 the opposite side. In a Serb house, for example, I let out the water
22 from the radiators to prevent the house from flooding, because he'd asked
23 me to do this before the winter so that the pipes wouldn't burst.

24 Anyway, Your Honours, I have witness statements from all levels
25 of witnesses, Dusko Ljustina, and Branko Vuksic and Enes Sadikovic, they

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1 all provided me with statements, Ranko Radovic, too, and Armin
2 Bajramovic, and Benkovic, and Ivica Cuk, another one, Ivica Istuk, and
3 E-i-d, a Palestinian -- Eid, a Palestinian who was a doctor down there.

4 So is this not an example of how you create an organised

5 structure, how a commander is supposed to behave. And I hope you'll call
6 me once again, once you read all this, for a testimony of one to two
7 hours for me to give you -- supply you with additional answers, to give
8 you more answers as to how I behaved from the beginning of the war to the
9 end, what my conduct was.

10 The front was the best organised in Croatia, from food to other
11 things, and witnesses were Serbs and Croats and Muslims, all of them who
12 fought over there. And when I tell you that I had two Serbs as
13 signalmen, whose friends and families were on the other side, then what
14 I'm saying is that I trusted them. I had confidence in people, beyond
15 any ethnic considerations. And I also claim that no commander from any
16 Western country would have acted like that because it was too risky. But
17 I believed those two brothers, I trusted them, and that's all I have to
18 say.

19 So you can read it for yourselves, you can read the statements
20 these men gave in a court of law. And even if you have the smallest
21 criticism, then make your decision.

22 Q. General, before we conclude, we have 3D03567. I would like to
23 ask the Court Deputy to hand this document to the Judges. This is what
24 it looks like [indicates]. It's entitled "Hemingway."

25 General, could you please tell us who Miro Medjimorec is? Could

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1 you tell us who Hemingway is?

2 JUDGE ANTONETTI: [Interpretation] Be quick, please, because it's
3 already 7.00. So in two words, tell us who this is.

4 THE WITNESS: [Interpretation] First of all, it's not
5 "Medjimurec," it's "Medjimorec." He's one of the best directors in the
6 former Yugoslavia. **He worked in theatre. He is my close friend, he has**
7 been a close friend of mine since the 1970s. And as a volunteer, he came
8 to Sunja a few days after I did, together with a great theatre actor,
9 stage actor, Sven Lasta. We did this job together. He wrote a book
10 about Hemingway. Well, because of my beard and because of my style, they
11 called me "Hemingway." Throughout the war in Sunja, they used this
12 nickname for me.

13 MS. PINTER: [Interpretation]

14 Q. And the facts that he's describing in this part, does this
15 correspond to what you really experienced there?

16 A. All the facts from all the statements correspond to the actual
17 situation in Sunja, developments there, and I would really urge the
18 Judges and the Prosecution to read it and then to ask any additional
19 questions they might have to clarify matters, how one can achieve
20 structure and organisation in an area, what one should do.

21 And could we please have the IC number for this?

22 MS. PINTER: [Interpretation] Let me just say that this is under
23 3D02994 in e-court, and you can see the title page of the book, and who
24 published the book, and all the relevant details for the book to be even
25 discussed. And as regards the defence --

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1 THE WITNESS: [Interpretation] Well, we missed this.

2 MS. PINTER: [Interpretation] Well, we need to get an IC number

3 for the map.

4 JUDGE ANTONETTI: [Interpretation] An IC number for the map.

5 THE WITNESS: [Interpretation] [Previous translation continues]

6 ... I mean.

7 THE REGISTRAR: Your Honour, the map shall be given

8 Exhibit IC1028. Thank you, Your Honours.

9 THE WITNESS: [Interpretation] Your Honours, I needed some
10 15 minutes to speak about the Mujahedin, but we'll have to skip that. I
11 had some details from three books, but unfortunately it makes no sense
12 for me to take up any more of your time. But let me just note that those
13 three books, two were published by the Muslims -- well, perhaps you
14 should ask me about the Mujahedin presence, how -- and about its
15 destructive influence on the relationship between Croats and Muslims in
16 Bosnia and Herzegovina.

17 But at any rate, this completes my testimony in chief.

18 JUDGE ANTONETTI: [Interpretation] You've already spoken a lot
19 about the Mujahedin. Since we have a pending motion filed by Mr. Prlic,
20 it is not ruled out that you might be given these extra 15 minutes, but
21 we shall discuss this among Judges. I have no problem with that at all,
22 personally.

23 On Monday, next Monday, we can speak about the Mujahedin, and
24 then I can start with my questions, but we'll discuss this to see whether
25 my fellow Judges agreed with that or not.

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1 For everybody's information, let me tell you that you have used

