



Page 9453

1 Tuesday, 16 June 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 [The witness entered court]

6 --- Upon commencing at 2.16 p.m.

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

9 THE REGISTRAR: Good afternoon, Your Honours. Good afternoon
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. Today is
13 the 16th -- Tuesday, the 16th of June, 2009. I would first of all like
14 to greet Mr. Praljak, Mr. Pusic, Petkovic, and Stojic, as well as the
15 accused who are not here, Defence counsel, Mr. Stringer and his team, as
16 well as all the people assisting us.

17 Registrar, for a few moments we shall move into private session.

18 [Private session]

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 9454

1

2

3

4

5

6

7

8

9

10

11 Page 41454 redacted. Private session.

12

13

14

15

16

17

18

19

20

21
22
23
24
25

Page 9455

1 [Open session]

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

3 JUDGE ANTONETTI: [Interpretation] Thank you.

4 WITNESS: SLOBODAN PRALJAK [Resumed]

5 [Witness answered through interpreter]

6 Questioned by the Court: [Continued]

7 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I will continue
8 with my questions but before that I need to ask you to clarify something
9 for me, something which was mentioned yesterday. You mentioned this --
10 Mr. Tudjman's son, Miroslav Tudjman. When I read the judgement in the
11 Blaskic trial this morning, in paragraph 419 of the judgement, Miroslav
12 Tudjman, heading the intelligence services, is mentioned. Is it the same
13 person?

14 A. It probably is. There's no other Miroslav Tudjman. At least I
15 don't know of any other Miroslav Tudjman. He was chief of the
16 intelligence service for a time.

17 JUDGE ANTONETTI: [Interpretation] So he was at the head of the
18 intelligence services. You, as deputy minister, did you have any

19 professional contact with this gentleman?

20 A. Your Honour, no, not at that time, not really. He was in the IPD
21 before me, and then later on he became -- not the intelligence service of
22 the army. He wasn't head of the intelligence service of the army, that
23 is to say the S-I-S, SIS. He later became later, I think it was in 1993
24 when the HIS, Croatian intelligence service, was established. I think it
25 was 1993. And that's when he became the head of the Croatian

Page 9456

1 intelligence service, the HIS. That was one of the let's call them
2 secret services. The army had its service, the police of course by
3 nature of the organisation, and this one was in a way an analytical
4 service processing data coming in from various sides, and at that time I
5 did not have any contacts with him. And the HIS did not, in fact, exist
6 while I was in the IPD, and it did not belong to the defence ministry.

7 JUDGE ANTONETTI: [Interpretation] I shall now move on to General
8 Bobetko, who like you is mentioned as one of the members of the joint
9 criminal enterprise. Well, as opposed to you, he has died in the
10 meantime, which is not your case. You are indeed alive.

11 What is your opinion about General Bobetko? What kind of
12 dealings did you have with General Bobetko?

13 A. Well, yes, for the moment I'm alive. I'm -- we're all still
14 alive.

15 Now, Your Honours, it's difficult for me to speak about the dead,
16 people who are dead. And even if you say something that is not quite

17 positive or fully positive, then they can't reply, so I'll try and be
18 very precise and attentive.

19 I said that General Bobetko was the first partisan in Yugoslavia,
20 and in Croatia. That is to say he belonged to that small band of men,
21 band of brothers, who in 1941 formed near Sisak. That group. He was
22 young. It was the first type of uprising of that kind in the whole of
23 Europe according to history. Anyway, after the war he remained in the
24 Yugoslav People's Army, and he reached the rank of general.

25 In 1971, he, too, deviated from the party line, if I can put it

Page 9457

1 that way, and he was a member of that famous Croatian spring in a way,
2 which asked for the same things that were demanded in 1990, but at that
3 time it was the Communists, the Croatian Communists and students of
4 Croatia and the others seeking those conditions. And then he was
5 retired, but he didn't suffer any other consequences such as Colonel
6 Cervenko who spent a year and a half in prison and some others. And as a
7 pensioner -- the 1990s found him as a pensioner. He did not become
8 involved straight away. He was getting on at the time, so he was -- he
9 waited for a bit. And afterwards, he came to the Ministry of Defence,
10 and I think he was put in charge of the schooling system or schools and
11 education at the beginning. And at one point in time Dr. Franjo Tudjman
12 appointed him commander of the southern front in Dubrovnik down there.
13 And he was also supposed to be a link for assistance to the HVO to help
14 them defend themselves from the plans that the Army of Republika Srpska

15 and JNA had vis-a-vis Split and so on, as I've already explained it.

16 And General Bobetko successfully acquitted that task, that is to
17 say the liberation of Dubrovnik, right up until the Prevlaka area, and
18 then he was appointed Chief of the Main Staff of the Croatian army in the
19 place of General Tus, and he remained in that post right up until 1995
20 - I think it was the spring and summer - when he was taken ill and went
21 to hospital.

22 JUDGE ANTONETTI: [Interpretation] Very well. At what particular
23 point in time did you actually meet him?

24 A. I met him while I was in Sunja. In Sisak, in actual fact. He
25 didn't have any post at that time, or function, but he happened to come

Page 9458

1 by to Sunja. He was an elderly gentleman. I showed him around, showed
2 him everything he wanted to see. So that's it.

3 That's part of the civilisational sort of set-up. He was an
4 elderly gentleman, as I say, and -- well, I remember that Mr. Scott asked
5 me this on one occasion while I was testifying in the Naletilic trial.
6 It's like with the Russians, the Starosa; that is to say, he is respected
7 because of his age. And I can tell you here and now that I did have
8 certain objections and criticisms with respect to the way in which he
9 wanted to assume a higher position than he would have had as a soldier.

10 And to quote an example, although we were very strict and on the
11 basis of consultations and decisions made by the government and President
12 Tudjman whereby it was forbidden to wear a Croatian army uniform, a

13 general's uniform or whatever, and to take the floor publicly, General
14 Bobetko didn't adhere to that, and I complained and criticised him, and I
15 said how are we going to implement that rule down the chain of command if
16 General Bobetko is going to be allowed to wear a uniform in contravention
17 of those rules?

18 JUDGE ANTONETTI: [Interpretation] General Bobetko was born in
19 1919. In 1993, therefore, he was 74 years old. As far as you know, is
20 one -- when is one retired in the Croatian army.

21 A. Well, I think the outside limit to leave the army with that rank
22 is 60 or 65.

23 JUDGE ANTONETTI: [Interpretation] When he joins Mr. Tudjman's
24 entourage, he's already retired. So he shouldn't be wearing a uniform.
25 This is what you are wanting to tell us, isn't it?

Page 9459

1 A. No. At that time he was necessary. He was needed both as a
2 famous name and as an anti-fascist, and especially so because Serb
3 propaganda for 45 years referred to the Croats and spoke about them as
4 being Ustashas. So his knowledge and his well-known name and his
5 advanced years made it important for him to be in the Croatian army. We
6 didn't look at age that much at the time.

7 JUDGE ANTONETTI: [Interpretation] You have just mentioned
8 something which would enable me to link this up with another question I
9 was about to put to you. I read, since it is public knowledge, that his
10 brother -- his brothers and his father were killed by the Ustasha during

11 World War II. He then joined the Partisans. Do you have the same
12 information as I have?

13 A. I do know that his family -- well, not his brothers. Well, I
14 knew one of his brothers, but I know that part of the family members were
15 killed. Some of them were killed by the Ustashas, yes.

16 JUDGE ANTONETTI: [Interpretation] This is something you've told
17 us already. I believe this is important. However, this needs to be in
18 everybody's mind.

19 From outside we have the feeling that the Croats were divided
20 into two branches, the "fascists" that could be qualified as Ustashas,
21 and the partisans who were or belonged to another camp, and Mr. Tadjman's
22 inner circle, Bobetko and other people, were members of the anti-fascist
23 movement. Historically speaking, is this correct?

24 A. Ninety percent of them came from that stream, Manolic and Tadjman
25 and Bobetko and Tus, as well as from the Yugoslav People's Army, Petkovic

Page 9460

1 and Stipetic and Mesic, and so on and so forth. And they were constantly
2 being accused, including me, of being Ustashas in the propaganda.

3 JUDGE ANTONETTI: [Interpretation] So if someone says that
4 Tadjman, Bobetko, Susak, and you were Ustashas, that would be a very big
5 mistake.

6 A. It wouldn't be a mistake. It would be a quite obvious propaganda
7 and trick.

8 JUDGE ANTONETTI: [Interpretation] This is now on the record and

9 present in my mind.

10 I have another question for you. When you discussed matters with
11 General Bobetko, did he share his political views with you, i.e., on the
12 Republic of Croatia, on the Republic of Bosnia and Herzegovina, on the
13 Croats who were living in Herzegovina? Did he share with you his ideas
14 and express his views in your presence?

15 A. Yes.

16 JUDGE ANTONETTI: [Interpretation] So what did he tell you?

17 A. Well, in many aspects, and this was my slight deviation or
18 difference of views that I had with Mr. Bobetko, in many aspects
19 Mr. Bobetko remained a Communist. The only thing is that he did not
20 fully understand and comprehend democracy, let me say. He liked the
21 things he learnt while he was within the JNA, but with respect to the
22 Croatian people and Croatia and Bosnia-Herzegovina and the Serbs in
23 Croatia, quite simply he was what he had been throughout his life, and
24 that is an anti-fascist, which means in turn that it never entered his
25 head that he would experience any other nation in any other way than

Page 9461

1 being equal, on a footing of equality with the nation and people to which
2 he belonged.

3 So like everybody else, Bosnia-Herzegovina was a state, Croatia
4 was a state. He thought -- and what should be developed is what is being
5 developed today, that is to say democratic standards and the rule of law
6 and everything that a society when changing its social system wishes to

7 achieve over a period of time. It takes years, you can't jump from one
8 system into a system of the kind that Switzerland has, for example,
9 overnight.

10 JUDGE ANTONETTI: [Interpretation] Next question: We know that he
11 attended a great number of meetings in the presence of Tudjman and Susak.
12 You also attended some of these meetings. Therefore, you were able to
13 hear what Mr. Bobetko was saying.

14 As far as Mr. Susak is concerned, was there a conflict between
15 the two men, because initially he was a military advisor before becoming
16 the person in charge. Did Mr. Susak accept the fact that Mr. Bobetko was
17 beginning to run the Ministry of Defence? Was this a problem or wasn't
18 it?

19 A. Minor problems, yes. Well, I would put it this way: It wasn't
20 only Mr. Bobetko that this concerned, but it also applied to all the
21 officers who had come from the Yugoslav People's Army. Not because they
22 were bad or good. They, of course, accepted the overall policy, but they
23 were accustomed to a certain style of work, and in their style of work
24 the ministry was supposed to be subordinated to the Main Staff, whereas
25 Tudjman would not allow this. So they simply -- they had simply been

Page 9462

1 taught to understand the army as being the main force, and the Yugoslav
2 People's Army was a corporation, if I can put it that way. The officers
3 had a separate status, enjoyed separate status, and the Ministry of
4 Defence, well, it didn't exist in any significant form. So it was along

5 those lines that they had to adapt, and they needed time for this.

6 Just when you bring in a handball player who used to play
7 handball and you give them some money and they're not going to play --
8 build a water polo facility. They're going to stick to handball. So
9 they wanted to form a mirror image of the model that they had been
10 accustomed to in the JNA, and we sort of criticised them for that, and I
11 did too. I objected.

12 JUDGE ANTONETTI: [Interpretation] Thank you for this
13 clarification. I'm now going to discuss the other participants who like
14 you stand accused. First of all, you know that the rules stipulate that
15 you need not incriminate yourself. If you don't wish to answer, you
16 don't have to. I will not press you. This may concern your friends.
17 Unfortunately, three of yours friends are concerned as far as the
18 indictment is concerned.

19 I need to understand what the links between all these people are.
20 So we'll begin with Mr. Prlic.

21 Can you tell me at what point in time you met Mr. Prlic?

22 A. Well, I met him in 1992 when I arrived down there, and our
23 meetings weren't frequent. I can't say that they were frequent. We did
24 happen to come across each other now and again. And when I would go down
25 there, I think that I might have met him once or twice, and when I became

Page 9463

1 commander of the Main Staff and when he was president of what we can
2 conditionally refer to as the government, it wasn't a government but

3 something else but because they didn't have a state, anyway, I met him a
4 couple of times, not more. And I think I attended two government
5 meetings on one -- one occasion is one that I remember very well. And
6 there was the problem of whether students should join the army or not.
7 And I even caused an incident at this government meeting because I
8 couldn't understand that anybody had the right to exempt the students
9 from the country's defence.

10 And another time when they asked, and I think that
11 General Petkovic was with me on that occasion, when they asked us to tell
12 them about the military situation on the ground.

13 So I knew him --

14 JUDGE ANTONETTI: [Interpretation] Let's go into this in detail.
15 You are telling us in 1992. In which months exactly?

16 A. Well, that might have been May, May 1992.

17 JUDGE ANTONETTI: [Interpretation] In May 1992. When you met him
18 for the first time did you have the feeling that you were meeting a
19 technocrat, you had a technocrat before you who specialised in economics?
20 Was he a high-profile politician? Was he someone whom you believed had a
21 political destiny standing before him? What was your first impression of
22 the man?

23 A. To be quite frank, I can't remember exactly when I formed my
24 opinion of him, but that opinion was certainly that he was bright, very
25 bright, very skilled, and that he was a completely normal human being who

1 understood the situation, that he was from the area. And I also knew
2 that he had certain problems with some people in the various
3 municipalities and so on, because before he joined the HVO, he had been a
4 Communist, and there was a certain amount of animosity that attended his
5 work. However, in that short space of time I don't want to make any
6 major conclusions, because to make -- bring conclusions -- make your
7 conclusions on the basis of short instances is a dangerous thing, and I
8 always try to steer clear of making hasty conclusions.

9 JUDGE ANTONETTI: [Interpretation] But you did meet him. Did you
10 exchange your views on the political situation? Did he tell you what his
11 understanding of the situation was of how the institutions were evolving
12 in the republic of -- as compared with what was happening in the Republic
13 of Bosnia-Herzegovina, or did he not tell you anything at all about this
14 or very little?

15 A. No, Your Honour. When I first met him the situation was the one we
16 had in Mostar when the Army of Republika Srpska and the JNA mercilessly
17 targeted the town, and the discussion was exclusively about whether we
18 were going to start, when I thought we could start, so just in the military
19 sense. Just how to defend ourselves and so on. There was no talk about
20 politics or Yugoslavia and so on. Now, later on, of course, we did discuss
21 these topics, but that was already in 1993, not 1992.

22 JUDGE ANTONETTI: [Interpretation] We shall leave the political
23 arena aside a little and discuss your professional dealings. I shall
24 establish a distinction between two periods, the periods preceding 1993
25 and the period after 1993. So the period that preceded 1993, you were

1 sometimes on the ground. We saw that you were in Prozor. Sometimes you
2 were out there in the field.

3 At that time, together with Mr. Prlic, did you have any
4 discussions or conversations of a military nature?

5 A. I believe that I met him only once or twice before July 1993. It
6 is quite probable that we discussed all sorts of things. It's very
7 difficult for me to remember as I sit here today.

8 We did discuss political issues, where we were headed for, why.
9 I'm sure that we discussed that. I suppose that we also tackled some
10 military issues, although I did not discuss them at the time because he
11 was already part of the structures, and we discussed more along the lines
12 of how things were going to end and which of the offers by the
13 international community we should accept and why nothing was being
14 implemented.

15 We signed things, the others didn't, and then things spiraled
16 into a new momentum again.

17 JUDGE ANTONETTI: [Interpretation] So you say that he was in the
18 structures. So now we can go to the heart of the problem.

19 As a military man, did he give you orders of an operational
20 character, or were you completely independent in this regard?

21 A. Totally independent of him. He never issued any military orders
22 to me.

23 JUDGE ANTONETTI: [Interpretation] Now we go to the second period,

24 July 1993, 8 November 1993. Let's be very precise. During this period
25 during which you were commander, military commander of the HVO, number

Page 9466

1 one on the military plane. He was at the time president of the HVO, and
2 then prime minister, and this may have covered the same jurisdictions or
3 competencies, but during this period from July to November, Mr. Prlic
4 told you, "General Praljak, you are going to do this or that"?

5 A. [Indiscernible]

6 JUDGE ANTONETTI: [Interpretation] Right. So you are very clear.
7 So if he never interfered in military matters.

8 MR. KARNAVAS: Your Honour, that wasn't recorded from the -- we
9 didn't hear the translation for that. I understand that everybody
10 understood it, but --

11 JUDGE ANTONETTI: [Interpretation] Yes, you're right. On the
12 transcript on line 13 we don't have the answer. So I'm going to ask the
13 question again because we have to have your answer on the transcript.
14 It's important.

15 General Praljak, did at any moment during the period from July to
16 November 1993 Mr. Prlic gave you orders in military matters telling you
17 to do this or that?

18 A. Never.

19 JUDGE ANTONETTI: [Interpretation] Right. I can see "Never." Is
20 this all right, Mr. Karnavas? It has been transcribed.

21 MR. KARNAVAS: It's not whether I say it's all right or not.

22 It's whether what the witness had indicated, Your Honour, that I wanted
23 to be precise on that.

24 JUDGE ANTONETTI: [Interpretation] Right. Yes, it is.

25 So, Mr. Prlic did not intervene in military matters.

Page 9467

1 Nevertheless, General Praljak, we have seen -- there are minutes of this.
2 You said you took part in meetings, in two meetings of the government,
3 and that during these meetings the question of the students had been
4 broached, whether they could be conscripts or not.

5 Do you remember these meetings, and at the time, you were in this
6 meeting in what capacity, for the civilian structure of the HVO or
7 logistics linked to conscription problems or the number of troops or
8 where the meetings to take stock of a military situation in your
9 capacity?

10 A. I remember, Your Honours, when I say that he never interfered in
11 military matters. You completed your question by saying, "He ordered you
12 to do this or that," and he never did this.

13 Obviously the Ministry of Defence was leaning on the government
14 in terms of them being in charge of procuring boots, of looking after the
15 mobilisation, of procuring vehicle fuel, and this is the part that is
16 within the purview of the Main Staff, and obviously there had to be
17 coordination in that matter.

18 As far as the other thing is concerned, there was a meeting in
19 Mr. Stojic's office, and I don't know whether I was there or whether

20 Matic was there. There was an idea in the heads of some people, and it
21 was indeed implemented, and the idea was that students had to be exempted
22 from the duty of defending their country. This resulted in terrible
23 consequences. In my view the consequences were very bad. First of all,
24 people started becoming students all of a sudden in Neum and elsewhere.
25 They were then given the right not to serve in the army.

Page 9468

1 Second of all, it was inconceivable for somebody to enjoy the
2 right -- at least it was inconceivable to me that somebody was in a
3 position to say your son, a blue collar worker or a mechanic should go
4 and possibly die for the state, whereas my son, who is a student could be
5 exempted from that. This is like living in a caste system and facing
6 segregation.

7 I went to that government meeting with an intention to tell them
8 exactly what I have just told you here.

9 The government eventually accepted that. However, one minister
10 who is now deceased still advocated some nebulous theory according to
11 which students shouldn't go in the army. And then when he went out of
12 any proportion, I grabbed him by the neck. I caused an incident and --
13 because I consider that a fascist thought. He was playing God, saying
14 that some should go and the others shouldn't. And eventually the
15 government was of the opinion that students as well should respond to the
16 mobilisation call and should become conscripts.

17 JUDGE ANTONETTI: [Interpretation] Right.

18 MS. PINTER: [Interpretation] I apologise. For the transcript --
19 in the transcript we read on page 15, line 9, in General Praljak's
20 answer, what is missing is the word "no." When General was talking about
21 the Ministry of Defence and when he said what the tasks of the Ministry
22 of Defence were, in the transcript we read the general said that the
23 procurement of fuel, mobilisation, the procurement of boots was done by
24 the Main Staff, which was not General Praljak's answer. I would kindly
25 ask for this to be noted, because as things stand now, it seems that

Page 9469

1 mobilisation, the procurement of fuel, and everything else went through
2 the Main Staff.

3 THE WITNESS: [Interpretation] Correct. This is was not part of
4 the duties of the Main Staff. The Main Staff was in charge on the
5 operational use of the units in -- under its control. And the second
6 meeting of the government, I believe that we had been invited to that
7 meeting to provide them with an overview, and I believe that Mr. Petkovic
8 and myself attended that meeting. They wanted us to report on the
9 military situation on the ground. It was a normal thing to do, a legal
10 thing to do. And after that, I believe that we had agreed that we should
11 regularly send them our summaries depicting the situation on the
12 battle-field in order to allow them to adjust all of their other
13 activities to that. Not only political activities but all the others
14 that concern money, resources, and so on and so forth.

15 JUDGE ANTONETTI: [Interpretation] I would like you to tell me

16 about something which I don't understand. Could you explain. We know
17 that Mr. Mate Boban [Realtime transcript read in error "Bobetko"] was
18 elected by the different people already elected by the different
19 municipalities who created the Croatian Community of the Herceg-Bosna,
20 and among them you have Kostroman, Kordic, Topic, and so on. And I was
21 wondering, how is it possible that the chief of government, the president
22 of HVO, prime minister, was not elected, was not a person elected from --
23 coming from a municipality, and that -- they went to look for Mr. Prlic.

24 Do you have an explanation for this?

25 A. Yes, I have my personal explanation. He was just more capable

Page 9470

1 in technological, technical, and organisational management than all the
2 other people who were Tribuns of the people. And that was all based on
3 the time when they started opposing Communism.

4 You know, if -- you know that people rally around a certain
5 cause, and if you put up the candidacy of a cow on behalf of the HDZ, the
6 cow would have become victorious. And we're not talking about positive
7 selection at all times according to the principles that are beneficial
8 for society. We're talking about people who were the first ones to raise
9 their voices, which doesn't mean that they were the most capable of
10 performing state jobs. Not only state jobs but the jobs that face any
11 organisation.

12 MR. STRINGER: Excuse me. I apologise, Mr. President. Just for
13 clarification in the transcript, which of course I've lost now that I've

14 stood up, I was just looking at the last -- actually, it was your
15 question, Mr. President. Page 17, line 9. The transcript indicates
16 you're referring to a Mr. Mate Bobetko, and I believe that I can safely
17 suggest that's actually a reference to Mate Boban and not Bobetko.

18 JUDGE ANTONETTI: [Interpretation] Yes, indeed. It is Mate Boban,
19 and thank you Mr. Stringer. Yes, indeed, Mate Boban and not Bobetko. So
20 this enables me actually to come back to Mr. Mate Boban's.

21 I started directly on Mr. Prlic, but first I should have started,
22 perhaps, by Mr. Boban, Mate Boban.

23 So let's come back to this. Could you tell me, General Praljak,
24 can you tell me when you met Mate Boban for the first time?

25 A. In 1992, also in April.

Page 9471

1 JUDGE ANTONETTI: [Interpretation] Right. So again the same
2 question. What was your impression of him? Was he a political person, a
3 technician, a person elected who had ideas on how a municipality should
4 be managed in the region? Was he a sort of illuminated person? What
5 sort of person?

6 A. Mr. Mate Boban was a politician. He was precisely that, a
7 politician. He was good with people management. Sometimes -- very often
8 he wouldn't share his thoughts with everybody. What I think about him is
9 that in 1993, when the plans of the international community fell through
10 and when Cutileiro cheated Mate Boban and when Mate Boban was cheated
11 regard the correct wording of the famous referendum on the independence

12 and integrity of Bosnia and Herzegovina. And finally, he was deseated
13 after the London conference by Stoltenberg and so on and so forth, and
14 all the while he was thinking that one of those things would actually put
15 a dot on the i.

16 In my view it was then that he started losing his organisational
17 capabilities. Not political capabilities, the position was still very
18 clear and it remained the same from the very beginning to the very end.
19 However, the international community was still giving in to the more
20 powerful side, and that was still the fact. And as a result of that, as
21 a result of all of those talks, the organisation of Herceg-Bosna was not
22 functioning well. Actually, that organisation started deteriorating,
23 because very structures within that organisation started appearing in
24 every sense. There were profiteers. There were different economic
25 opinions, different political opinions.

Page 9472

1 And that's why at the meeting in Split said that the basic
2 problem of the HZ HB or the Croatian Republic of Bosnia and Herzegovina
3 at that time was the fact that it did not have a very firm internal
4 organisation. And I said that from the perspective of a military
5 commander and of somebody who understood the problem, and those were
6 main -- my main objections with -- vis-a-vis the late Mr. Boban. And
7 second of all, he did not know anything about promotion and propaganda.
8 He didn't understand the world fully.

9 He was thinking, Well here's the truth, I'm sure that somebody

10 will manage to see it. This is all that we want. I said that in London,
11 I said that in Paris, I said that to the officials in Bonn. They
12 understood me. They comprehended me well, and then he would be
13 astonished when he realised only ten days later that nobody actually
14 understood anything and that the things were developing in a completely
15 different way. This created a -- a bitterness in him and he became
16 passive, especially when he was being accused of him being the one who
17 was trying to radicalise things and that things would go much smoother
18 without him.

19 Of course, without him or without me and anybody else, things
20 would have gone smoother if the Croatian people did not exist then there
21 would have been no problem. However, I did not have any objections
22 vis-a-vis his political positions. He was talking about
23 Bosnia-Herzegovina within its boundaries and with its organisation as it
24 was. However, at that meeting I offered my head, my resignation, and
25 what I wanted him to do was also to resign from that duty, and the

Page 9473

1 sentence that I uttered at that time, you know when you want to do
2 something, I was telling him that he had to be in Mostar, that he
3 shouldn't be in Grude because Grude is an insignificant place.

4 He did not understand the significance of television. All the
5 information came from Sarajevo. It was all tainted. Tens and dozens of
6 books were written later on about the lies that were offered all the
7 time. And in 1992 and in 1993, I with my friends from television

8 designed the project of Mostar TV. We wanted to show the truth from our
9 angle, but Mate Boban did not understand that. The way he was thinking
10 was everybody's here. I'm sure that they will be telling the truth. And
11 this is the part that was lacking in his way of thinking. Serbs had
12 three television and broadcasting houses. Muslims were covered in
13 Sarajevo, and the only thing that was important was Sarajevo, whereas
14 lies were being spread about us. He would sit down with a journalist.
15 He would repeat his thesis until everybody was blue in the face, but that
16 was the -- the -- all.

17 JUDGE ANTONETTI: [Interpretation] What you say is interesting and
18 enables me to understand several events which took place, but I would
19 like to talk about the relationship between himself and Tudjman, because
20 you were present at meetings where he was in Zagreb. It was this little
21 boy going to Zagreb with -- to see Franjo Tudjman to receive orders, or
22 was he somebody representing an authority who was going to meet
23 Mr. Tudjman totally independently? How did you feel about this
24 relationship when the delegations of Croatians from the Republic of
25 Bosnia-Herzegovina went to Zagreb? What was your impression? Was it a

Page 9474

1 delegation who came to take orders or who came to discuss on an equal
2 footing?

3 A. I will tell you that very precisely. In Bosnia and Herzegovina,
4 a lot of people would have gladly given themselves into somebody's hands
5 to be led. They would say, "This is what we want, and this is what we

6 believe is okay." And they would have rather see Franjo Tudjman to be
7 the one, but he did not want to crush their independence. He would
8 receive them. He would listen to them, and he kept on insisting on that
9 being their problem, their positions. He would say, "I am going to
10 support you in the positions that we are advocating together vis-a-vis
11 the overall solution, and I'm going to help you. However, you have to
12 make your own decisions."

13 Franjo Tudjman's restrictions were major restrictions. Whatever
14 the international community and various ambassadors wanted from him to
15 do. They wanted him to intervene, and he would, and then the following
16 day they would say, "You are interfering with the problems down there."

17 It was a very painful situation. The first day somebody asks you
18 to help and then you try help, and then another person comes from another
19 state and says, "Why do you keep interfering in what is not your
20 business?"

21 Mate Boban was an independent person. He made his own
22 independent decisions. I personally think that some minor things, some
23 details, some events were not communicated to Franjo Tudjman very
24 correctly. He was a politician who knew how to --

25 JUDGE ANTONETTI: [Interpretation] Right. We could go on and on

Page 9475

1 about Mr. Mate Boban, but we have to make some headway and I think -- no,
2 my colleague has a question to ask.

3 JUDGE TRECHSEL: You said Cutileiro cheated Boban.

4 A. Yes. Not Cutileiro himself. I apologise.

5 JUDGE TRECHSEL: That's what you said.

6 A. The plan. The plan. You know Cutileiro represented the European
7 Union, and he presented a plan, the plan of internal organisation of
8 Bosnia and Herzegovina. Of course, Mr. Izetbegovic accepted that, and he
9 said publicly later on that he had accept the plan in order to gain a
10 state but that he didn't want the plan.

11 Those who signed the plan, first and foremost Izetbegovic cheated
12 Mate Boban, but why did I say Cutileiro? You know, Mate Boban was
13 convinced that if a -- the international community said something, and
14 when somebody signed a contract presented by the international community,
15 then that -- that -- the international community would punish anybody who
16 violated that contract and that the contract would be implemented once it
17 was signed. However, the reality was different, and the first thing that
18 opened his eyes was Cutileiro's plan.

19 JUDGE TRECHSEL: Do you know what kind of education Mr. Boban
20 had?

21 A. He was highly educated. I don't know what kind of degree he had.
22 Maybe in economics. I really don't know. Please don't insist, because I
23 can't tell you.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, Mate Boban,
25 was he the Commander-In-Chief since he was "chief of state"? Was he also

1 the commander of the army, chief of the armies.

2 A. Yes.

3 JUDGE ANTONETTI: [Interpretation] Right. So with this hat of
4 chief of the armies, even if you were a commander of the HVO, a military
5 branch of the HVO, military operations, about those, did you receive from
6 him precise instructions, or was it you who yourself organised that in
7 the field, and of course you reported to him? But what I'd like to know
8 from you is did he put his own imprint directly on the HVO, on the army,
9 or did he let you act as you wanted?

10 A. During the period between the 24th of July until the
11 8th [as interpreted], 1993, Your Honours, he did not interfere with the
12 command because there was nothing to command over. We were defending
13 ourselves. This is exclusively what we did. We were defending
14 ourselves. However, let's put it this way: When it came to whether I
15 was going to launch a military action, a tactical action, it was my call.
16 The call was made after the conversation with my own. However, the final
17 decision was mine. However, if I had planned, for example, to take
18 Mostar, or as Muslims would call that the liberation of Mostar, then I
19 would have talked to the officers in the Main Staff. I would have
20 planned such an action, but that action would not have been implemented
21 without Mate Boban's order.

22 There are military operations on the ground that I was in charge
23 of and I was responsible for, and they concerned tactical matters,
24 however, bigger scale military operations involving attacks or similar
25 things also was based on the political situation and assessment, and it

1 is not the commander of the Main Staff but the supreme commander who
2 made such decisions.

3 JUDGE ANTONETTI: [Interpretation] Your answer --

4 A. [Previous translation continues] ...

5 JUDGE TRECHSEL: [Interpretation] Just a moment. Just a little
6 correction for the transcript. Line 16 of page 23, one should read until
7 the 8th of November, I suppose, because the month is not indicated.

8 A. Correct, 8th November. Until that date, things were as I've just
9 described. However --

10 JUDGE TRECHSEL: [Interpretation] It was only a matter of
11 inserting the month, that's all. Thank you.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, in your answer
13 you highlighted a point which may be important. You say that from July
14 to November Mr. Mate Boban did not give me any orders to take any
15 significant military action, to attack or anything of the kind, because,
16 if I understood you well, we were in a defence -- a defensive phase, and
17 in this military framework it was for you to take responsibility for what
18 had to be done.

19 Is this what you said?

20 A. A little differently, Your Honour. The fact that I took on
21 responsibility for defence, that part of it, let me clear that up. From
22 the 24th when I arrived we met down there. Tole came a little later at
23 my request. Tole came -- well, let's go back a bit. He was captured in
24 Bugojno in 1992 by the Serbs. He was supposed to go to a meeting but was

25 betrayed. These KOS spies were all around. They took him to a place

Page 9478

1 where the Serbs captured him, and he was in one of their camps right
2 until July 1993 when he was exchanged.

3 And so when he arrived down there, Petkovic he and I sat down
4 together, and we sized up the situation. We said this is how things
5 stand, and then we said Petkovic is going to deal and take care of
6 Kiseljak and try to break through the line towards Busovaca, to take care
7 of Vares and so on, and talks with UNPROFOR, because that's what he had
8 done previously, and discussed truces and cease-fires and so on.

9 Tole, because the situation was completely chaotic,
10 he was given the south, Mostar and the surrounding parts, and
11 in my estimation the worst situation was from the Vakuf axis, from the
12 direction of Vakuf. So I went to that area because to manage something
13 from just one office with everything falling apart, that was just not
14 possible.

15 So throughout there was a defence. And I didn't need to consult
16 Mate Boban, because there was just one order, and that said defence,
17 defend. And now I say, but had I planned, had I made any plans, and I
18 did have plans in my own head about how to take control of Mostar and
19 defeat the BH Army, that kind of plan and order for action was not
20 something that I would take myself, but that kind of operation must be
21 okayed by Mate Boban, and that never happened, of course, but I'm
22 speaking hypothetically as you like to say.

23 JUDGE ANTONETTI: [Interpretation] If we understand you well, in
24 the field, all three of you, you, Petkovic, and Tole, you were spread out
25 geographically speaking. Petkovic was in charge of Kiseljak and that

Page 9479

1 entire area, Tole the south of Mostar, and you the rest, Gornji Vakuf and
2 so on. So you were all three of you in the field. Mate Boban was in his
3 office. At that time, the HVO was not conducting any large-scale
4 offensives. Is that what we should understand?

5 A. [Previous translation continued]... wasn't undertaking any
6 offensive action.

7 JUDGE ANTONETTI: [Interpretation] Another question mark. For the
8 last three years all the Judges have heard the witnesses and the
9 questions put by the parties. I have a question mark as far as a
10 military matter is concerned. What about Eastern Mostar? I always
11 wondered why the HVO was not able to capture, despite the Bulevar,
12 despite the defence prepared by the HVO, how is it that Eastern Mostar
13 was never captured by the HVO? Why did this not happen? Was there a
14 strategic and political reason behind this?

15 A. With this high degree of certainty I can say, Your Honour, that
16 that was possible, especially when the Muslim offensive proved abortive.
17 That was a good time, when the enemy did not succeed in what it set out
18 to do, when morale was running low, when they had spent their ammunition,
19 supplies, and so on. That was the time in October 1993, as far as I can
20 see, when we could have taken control of East Mostar by -- through a

21 military operation.

22 JUDGE ANTONETTI: [Interpretation] Why wasn't this done?

23 A. Because from the political aspect and how they wrote about us at
24 that time, it would have been a complete catastrophe. We would be worst
25 than the very worst fascist. And even when we defended ourselves they

Page 9480

1 kept accusing us of attacking.

2 So if you look at the world press, they never said that there was
3 a Muslim offensive lasting two and a half to three months. No. The
4 Spanish would write a little bit about this. But anyway, the BH Army,
5 which had signed a peace agreement with the Serbs, for three months, over
6 a space of 200 kilometres, was attacking. And if you were to ask world
7 public opinion in France, Bern, or wherever, the reports were coming in
8 that we were doing the attacking. So imagine that kind of situation and
9 balance of forces and the HVO trying to take East Mostar. The population
10 would have been displaced. Some uncontrolled incidents would probably
11 have taken place, which would have certainly been against the laws of
12 war, and it would have quite simply been a catastrophe.

13 JUDGE ANTONETTI: [Interpretation] We're going to get to
14 Mr. Stojic, the head of the Defence Department, but my colleague has a
15 question for you.

16 JUDGE MINDUA: [Interpretation] Witness, Mr. Praljak, I'd like to
17 get back to the period that runs from July to November 1993. If I have
18 understood correctly, you said that you were defending yourselves in

19 general Kiseljak -- in Kiseljak, and you were in Gornji Vakuf.

20 Yesterday, we heard that the minister of defence was not involved
21 in any operations. He was in charge of logistics and equipment, and this
22 afternoon you are saying that Mate Boban, since he was Commander-In-Chief
23 of the armies, was in charge of the attacks, i.e., the -- the strategy
24 and tactics on the ground was what you were involved in. So this is my
25 question: Were you able to send reports to the -- the supreme commander

Page 9481

1 of the armed forces during this defensive period, or was he sidelined to
2 such an extent that each person or each general on the ground was in fact
3 in charge and totally independent? The armed forces of the HVO were not
4 coordinated at the highest levels.

5 A. A small correction. General Tole was in charge of Mostar and
6 south of Mostar. So that's southern area. Petkovic, apart from
7 Kiseljak, had, of course, just like I did, he wasn't in Kiseljak all the
8 time. I'm speaking in global materials, so it wasn't only that, but I
9 didn't cease to be the commander of the Main Staff. I don't know want to
10 say that, but, Judge Mindua, Mate Boban was the supreme commander. When
11 a large-scale operation is being planned which -- he has to give the
12 go-ahead. We devised military plans, but he gives the go-ahead for the
13 operation.

14 Now, since throughout this time -- first of all, he would receive
15 regular reports about the situation on the ground. I would report to
16 him, and I was even a little angry because I wasn't able to get the units

17 from his town who -- which were supposed to be deployed. But anyway, if
18 I lost -- happened to lose a feature or on the 13th of August the Muslims
19 attacked the south of Mostar and took control of two or three elevation
20 points or features, there was no need for me to ask Mate Boban whether he
21 will allow me to retaliate and take them back. I have to take them back.
22 So the report is that it fell, whereas I knew that I had to take back
23 control, if at all possible. So there was no need for any special
24 permission there.

25 The same thing happened in Rama. I lost during that positions in

Page 9482

1 Gornji Vakuf ten times and managed to regain control of them ten times.

2 Now, from the reports that came to the Main Staff, the reports
3 would be handed on to Mate Boban, but not what I should do because I knew
4 full well what I was supposed to do.

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

6 THE INTERPRETER: Interpreter's note: Please specify in --
7 General Petkovic in Kiseljak.

8 JUDGE ANTONETTI: [Interpretation] Mr. Khan, I have no problem in
9 addressing this issue when Ms. Nozica returns. It's as you like. If you
10 wish her to be present, I shall put the question to her directly
11 concerning Mr. Stojic when she is here, and I can move straight on to
12 Mr. Petkovic. So what are your feelings about this?

13 MR. KHAN: Mr. President, firstly that's exceptionally generous
14 of you to invite submission on that issue. As the option is there, if

15 it's not to inconvenience Your Honour, perhaps it could be asked when my
16 leader gets back. Your Honour, if you wish, if it disrupts at all your
17 format of questionings, there is no objection to ask now at the moment.
18 It's really is a matter for you.

19 JUDGE ANTONETTI: [Interpretation] Let's wait for Mrs. Nozica to
20 be back in that case since she has been leading the examination-in-chief
21 of -- for most of Mr. Stojic's witnesses. It's probably better to
22 discuss him when she is here.

23 I shall therefore move on to Mr. Petkovic.

24 General Praljak, we always have more or less the same questions.
25 At what time or when did you meet Mr. Petkovic for the first time?

Page 9483

1 A. Either at the end of April or beginning of May 1992.
2 Thereabouts.

3 JUDGE ANTONETTI: [Interpretation] April or May 1992. When you
4 meet him for the first time, once again what impression do you have of
5 him?

6 A. At the time Mr. Petkovic -- well, I don't know the exact date and
7 don't hold that against me. It might have been give or take a fortnight,
8 and it's not essential. Don't hold me to date. But anyway, from that
9 point in time although he had a lot of work to do in organising the whole
10 area because he was the Chief of the Main Staff of the HVO and I was the
11 commander of the Capljina-Mostar-Konjic area, we would not have frequent
12 meetings for the simple reason that both of us had so much work to do

13 from the very minutest details, but what I can tell you is the following:
14 From the very first day to the very last day until I left I never clashed
15 with Mr. Petkovic over any issue. Not a conflict or anything, but even
16 the smallest difference of opinion or collision about what we should do.

17 And when he was my commander and I -- when I was his commander,
18 there was no vanity involved, no jealousy involved, nothing of that kind
19 ever. There was so much work to do that as far as general-to-general
20 relations were concerned, and he was a very normal man and I consider
21 myself to be the same type of person, it was up to us just to do as much
22 as we could given the circumstances, and that was our relationship from
23 beginning to end.

24 JUDGE ANTONETTI: [Interpretation] Amongst all the officers you
25 met, General Petkovic had got his training in the JNA. Were you under

Page 9484

1 the impression that he was an outstanding officer, perhaps even the best
2 in the HVO? Apart from you, of course. But as far as he was concerned,
3 did you feel that he was one of the best officers?

4 A. Yes. Among other things this, we complemented each other very
5 well. He certainly had organisational matters better sorted in his head,
6 but I was perhaps better on the ground, in the field, up at the front
7 line. Mr. Petkovic is a calm man. He is an artillery man. I am perhaps
8 more passionate in the field. Anyway, we complemented each other and
9 worked well together.

10 JUDGE ANTONETTI: [Interpretation] So you complemented each other.

11 As you may have guessed, I need to address the issue of the joint
12 criminal enterprise.

13 As far as conversations were concerned and the exchanges you had,
14 did he share with you his feelings about the situation, about the
15 political situation, or was he a military who had no qualms about
16 political issues and who merely executed orders?

17 A. He was far more of a soldier, but nobody could have fought
18 without looking at the sense of the fighting, the meaning of all of it,
19 and that required politics. He did not have an army that was the kind
20 that was recruited by France, a state which has existed for hundreds and
21 hundreds of years, and then you had an agreement and you would be sent
22 there and so on. With the troops he had at his disposal, he had to look
23 at the sense and meaning of why they were dieing -- being killed. They
24 weren't just salaried people, 100 marks. They had to know why they were
25 going up on some hill and only to freeze there with very few bullets and

Page 9485

1 poor uniforms. What was the sense of it all? What was the meaning of it
2 all? This involved politics, although it was a realm far greater than
3 politics, but that was it. That was the minimum requirement.

4 Now -- and we met very often, Your Honours. I can't envisage a
5 situation in which Mr. Petkovic would have done anything contrary to --
6 well, I don't know whether he would park his car in a non-parking zone,
7 for example. I think that if I had a car, I wouldn't even park my car
8 perhaps properly.

9 JUDGE ANTONETTI: [Interpretation] We've seen a lot of documents
10 that indicate that Mr. Petkovic took part in some of the talks in Geneva.
11 On some of the documents we see his signature as well as that of
12 Mr. Halilovic. How can you explain the fact that Mr. Petkovic was
13 involved in the diplomatic circles, political circles and in such a way,
14 so closely. How could he leave what was going on the ground and to go
15 and attend these meetings in Geneva? Was -- did this come as a surprise
16 to you or not?

17 A. Well, Mr. Petkovic had a deputy, Your Honours. He had a deputy,
18 and he was absent very little, as far as I know. I think it was in
19 January 1993. And all the commanders came up there, the commanders of
20 all three armies. I think Mladic was there, too, but I don't know for
21 sure. I think he was.

22 Anyway, those political talks and negotiations had to do with
23 certain military problems. If a truce is signed, for example, then how
24 long -- how far will the cannons be withdrawn? Who would take control?
25 And who would supervise and monitor the cease-fire and truce, which means

Page 9486

1 that you have to have military commanders to decide matters that
2 politicians know nothing about.

3 So the agreement at the time was that -- it was thought that it
4 would bring an end to the war and that it was a good proposal, and quite
5 certainly among the Croatian people and in the army there was general joy
6 that the agreement had been reached. And when it all fell through, I

7 think Mr. Boban thought that it was over. There was demobilisation, and
8 then once the people had left nobody could bring them back again. And
9 when this fell through, then to mobilise people again to go and fight it
10 was very difficult. It was difficult to motivate them.

11 JUDGE ANTONETTI: [Interpretation] When you were appointed in July
12 commander of the HVO, when Mr. Petkovic was in that position, well, when
13 he was the top man and then all of a sudden finds himself the second in
14 command, that is usually something which is difficult to experience. Why
15 did this change occur? Things could have gone on like they were before.
16 Someone decided that you should be appointed to this post. He then
17 became the second in command, and you became the top man. How did he
18 experience this? Well or not?

19 A. Well, it's like this, Your Honours: You have an order in which
20 Mr. Petkovic appoints me commander for liberating a hill named Boksevica.
21 We didn't even think about the kind of things that you're asking me about
22 now or when I was zone commander, area commander. I didn't feel any
23 lesser because Commander Petkovic told me to do something. To be number
24 one or number two was immaterial. I asked to be the number-one man had
25 the situation been militarily better, had the brigades been better

Page 9487

1 organised, had there not been -- well, you saw in Prozor near Vakuf there
2 were 20 of those small units.

3 Anyway, from that area and in that respect when I was among
4 people, among my men, because I'm a film director and so on, I was

5 probably better -- a better man for the job, but if we were waging a
6 classical warfare, perhaps Petkovic would have been better. But faced
7 with the situation as it was, we needed three men. That's why I did
8 something that was a bit strange. There was the Chief of the Main Staff,
9 then you had the commander of the Main Staff, then you had the deputy
10 commander of the Main Staff, Petkovic, and the deputy Chief of the Main
11 Staff.

12 Now, the worst that can happen, and did this happen, was that you
13 made an organisation according to the plan of some army without setting
14 up your organisation to fit the circumstances on the ground. So anybody
15 you brought in, the most lofty French general, if you like, and we had a
16 wonderful colonel from the -- with Legion d'Honneur who had worked for 33
17 years. He wasn't used to working with units of this kind. He had learnt
18 how to lead other types of units.

19 But when you had a generally chaotic situation as we faced, then
20 you can sit in a room like this with maps all around you and issue orders
21 which quite certainly won't be acted upon, won't implemented on the
22 ground, so you have to go and visit the terrain, go to the field, tour
23 the units one by one. You lose your positions, you regain your
24 positions, you have to boost the men's morale, you have to be there
25 shooting together with them so that they can accept you, to be in the

Page 9488

1 front line of fine, because why would a young man of 20 lose his life and
2 not me. So I had to fight with them.

3 So that kind of situation demanded this kind of organisation, the
4 kind where you had three men -- well, I'm not renouncing the fact that I
5 was commander and therefore that I might have been guilty of something,
6 but we were almost on a footing of equality with the proviso that I've
7 just said. I don't want to shirk my responsibility in any way by saying
8 that.

9 JUDGE ANTONETTI: [Interpretation] To close on this topic. How
10 can you explain that in Kiseljak there was a certain Ivica Rajic who was
11 driving through the streets, and on his vehicle there was a skeleton with
12 cross and bones, as people have described to us? So this behaviour did
13 not comply with military ethics. How is it that General Petkovic could
14 stand idle before Ivica Rajic? Do you have an explanation for this?

15 A. Your Honour and -- Your Honours and Judge Antonetti, the problem
16 here is the following: What we know here and now today is not something
17 that I knew at the time. So this is a problem of comprehension and
18 understanding from the detention centres and from -- to what Ivica Rajic
19 did in Kiseljak, as if we knew about that then. We didn't. We had no
20 idea. I had no idea about any of these heads in Kiseljak. I had no
21 idea.

22 MS. ALABURIC: [Interpretation] Your Honour, just to avoid any
23 kind of misunderstanding, we have not a shred of evidence that this
24 situation that you described with these skulls, that they in fact are
25 related to Ivica Rajic. It was another member of the HVO who was under

1 Ivica Rajic's command, and the situation that was described took place in
2 Kiseljak according to the documents, but it was not actually Ivica Rajic
3 himself.

4 JUDGE ANTONETTI: [Interpretation] Whatever the case may be, we
5 know that there was this vehicle that was driving in the area of
6 responsibility of Ivica Rajic.

7 And you have just told us, "Well, I didn't know about this. This
8 is something which got discovered a long time afterwards."

9 A. Yes, Your Honour, that's right. I think that the man has just
10 recently been convicted by a court in Bosnia-Herzegovina, and when the
11 trial started, I read about it. And he was found guilty and convicted to
12 a long-term in prison.

13 So I'm afraid that what we learnt either in the courtroom or
14 heard about in the courtroom, I don't want you to understand it as us
15 knowing about it at the time. That would be incorrect.

16 JUDGE ANTONETTI: [Interpretation] So you are saying that you
17 didn't know.

18 A. That's right. No, I didn't know.

19 JUDGE ANTONETTI: [Interpretation] You yourself, when you were
20 commander, did you ever go to Kiseljak?

21 A. While I was the commander there, no, never.

22 JUDGE ANTONETTI: [Interpretation] So you didn't go to this town?
23 You didn't see this kind of behaviour? So this was something you were
24 not aware of.

25 A. It was absolutely unknown to me, Your Honour. In 1992 when I

1 went up there to calm the situation down and organise things there and
2 instilled order, I was in Kiseljak once, but at the time it was a
3 peaceful town, nothing was going on. To my astonishment in a cafe they
4 had 12 different kinds of ice cream. It was like being -- well ...

5 JUDGE ANTONETTI: [Interpretation] It is now a quarter to, and we
6 shall have our 20-minute break.

7 --- Recess taken at 3.44 p.m.

8 --- On resuming at 4.07 p.m.

9 JUDGE ANTONETTI: [Interpretation] General Praljak -- Mr. Stringer
10 has asked for the floor.

11 MR. STRINGER: I can say this in open session. At the beginning
12 of the day Mr. Karnavas inquired about a Prosecution response, and I've
13 looked into that and the response is going to be filed tomorrow.

14 JUDGE ANTONETTI: [Interpretation] Tomorrow. Very well. Thank
15 you.

16 General Praljak, let's come back to Kiseljak and Mr. Petkovic
17 since I was thinking particularly of Mr. Petkovic, we heard witnesses, I
18 shall not say their name, who recounted what happened in this place of
19 Stupni Dol with the attack in October 1993. We know that Mr. Ivica Rajic
20 had some units under his orders. We know he has had enormous problems
21 because there was even an attempt, a murder attempt on him in August. We
22 know that one had to free him because he had been kidnapped as a hostage.
23 So there were a certain number of problems.

24 Under oath can you tell me today -- or are you telling me today
25 these problems, I never heard about them?

Page 9491

1 A. I never heard of the problems that you've just mentioned, Your
2 Honour. I heard of some problems in Vares because the news reached me
3 all the time to that effect. I heard about smuggling, about the
4 impossibility to organise things, about the line being weak there, about
5 the brigade commander who was not in control because there was
6 interference with his job. Reports did come, and based on that -- those
7 reports, General Petkovic was not in Kiseljak all the time. It was the
8 time that he had already left. I don't know exactly when. I'm not sure
9 of the date, I can't remember of course. And then I sent not an order
10 but a piece of information to Petkovic telling him to deal with the
11 situation in Vares without showing any mercy towards the Croats whose
12 task was to defend themselves. The Muslim offensive had been launched
13 against Kopljari, and they were in a state of chaos, a lack of
14 organisation.

15 There was smuggling going on with the 2nd Corps. They thought
16 that the 2nd Corps would defend them and so on and so forth. And when
17 I'm talking about this piece of information or what I said to Petkovic, I
18 adhere by that. What followed were the events in Stupni Dol and then
19 this was construed as applying to the post festum event. When my piece
20 of information arrived everything had already been over. And as for what
21 you have just mentioned, I didn't know anything of them.

22 JUDGE ANTONETTI: [Interpretation] [Previous translation
23 continues]... military plane, according to the order of events, I got the
24 impression that it was the Bobovac Brigade who needed reinforcements
25 because they knew that the BH had sent 200 men, about 200 men in the

Page 9492

1 area. So Ivica Rajic is going to be requested to come in order to
2 support the Bobovac Brigade who is directed by Emil Harah, as you know.

3 This military operation, sending reinforcements, you have never
4 been associated to this?

5 A. Never. No association whatsoever.

6 JUDGE ANTONETTI: [Interpretation] All right. Was it a minor
7 business which meant that the commander of the HVO didn't need to be
8 informed?

9 A. Correct. It was simply part of the task of those who -- I was in
10 command of the commanders of operation zone and they are in command of
11 the brigades. I did not have to know all that. I didn't know that.
12 This was the part of the job of the commanders on the ground.

13 JUDGE ANTONETTI: [Interpretation] Very well. Very well. When
14 were you informed of what had happened? What precise moment, according
15 to what you remember?

16 A. I was informed about the incident in Stupni Dol immediately
17 thereafter. There was news on the radio, and then paperwork started
18 arriving, and then things were done the way I think that they should have
19 been done. General Petkovic was up there --

20 JUDGE ANTONETTI: [Interpretation] But what I'm interested in is
21 to have an approximate date. What I'm interested in is a date.

22 A. For the life of me I can't remember. It may have been the 23rd,
23 the 24th, the 25th perhaps. I really don't know.

24 JUDGE ANTONETTI: [Interpretation] All right. Now, when you were
25 informed of this, did you immediately call General Petkovic to ask him

Page 9493

1 about it and do know what had happened?

2 A. We did not have a telephone line. I couldn't talk to him on the
3 telephone. But there is a document about Tole to whom I ordered to
4 provide the Main Staff with the full report. I believe the document is
5 dated 25th, I believe. I immediately -- immediately asked for a report
6 to be sent to me as to what had happened over there.

7 JUDGE ANTONETTI: [Interpretation] But at which moment did you
8 speak directly to General Petkovic about it? Did it actually happen or
9 not? I may understand. Did you speak to him about it? Did you tell him
10 what happened?

11 A. We did talk about that. He returned after that. First of all,
12 packet communication conveyed all sorts of information, then
13 General Petkovic returned, and then we precisely --

14 JUDGE ANTONETTI: [Interpretation] What did he tell you? How did
15 he see these matters, these events? What did he tell you exactly?

16 A. The way the event was depicted publicly and in the papers, it was
17 a shock. It was a disaster. He said that he had undertaken everything

18 that a commander is supposed to undertake, which means UNPROFOR arrived
19 there, an investigation was requested to take place together with the
20 UNPROFOR. The military prosecutor was involved to carry out the
21 investigation about the incident. A report was requested from the military
22 commanders, especially Rajic, as to what had happened exactly. And that
23 was what could be done at that particular moment.

24 First of all, you have to involve the military prosecutor's
25 office. You have to obtain all the possible reports and provide all

Page 9494

1 those to the military prosecutor, who then, together with the services
2 such as SIS and others, carries out an investigation in order to
3 establish who did what to whom and when. And I assigned --

4 JUDGE ANTONETTI: [Interpretation] Right. So it is true that the
5 military prosecutor was seized. Therefore, on that side there is no
6 problem, necessary steps were taken. But independently from that, did
7 General Petkovic give you an explanation on the unfolding of these
8 events? Did he analyse or dissect at his level the operation, or did he
9 say, "I don't have enough elements. One has to wait for the results of
10 the inquiry to see clear in all this. One says this, the other one says
11 that, so wait and see"? What is his frame of mind?

12 A. His frame of mind was really bad. Immediately after that when
13 everything was put on paper, he said that he was completely exhausted.
14 He asked me to let him go home for seven days. I said no way you can go
15 for seven days. I believe that I approved three or four days. I can't

16 be sure exactly how many days I approved.

17 Unfortunately, I asked him were our investigative officers
18 allowed to go to Stupni Dol to see what was going on there. After that,
19 the international -- rather, a general, I can't remember exact -- there
20 is a report to that effect about Stupni Dol. Over a hundred soldiers and
21 others from the international community came there, and the paper also
22 arrived saying that some 15 or 16 bodies had been found there. We've
23 seen the photos of them. And then this was again --

24 JUDGE ANTONETTI: [Interpretation] I don't want to get into all
25 these facts. We shall already know about, we spoke a lot about. What I

Page 9495

1 would like is to have your point of view.

2 How is it that the SIS prepared a document P06619 -- 519, sorry,
3 6519, to give a certain version of the events? How can you explain this?

4 A. I don't know, Your Honour, what document you mean. But even if I
5 saw the document, if I had it before me, I wouldn't know how based on
6 what the SIS had, its line of information, and this was based on their
7 information, I suppose, and they sent that on the 9th of November or
8 maybe the 8th of November, I don't know.

9 JUDGE ANTONETTI: [Interpretation] It so happens that you were not
10 there. We know that a lot of people intervened, but you never appear.

11 Where were you?

12 A. At the time after the 23rd or the 24th, I believe that I was in
13 Gornji Vakuf. Not that I believe, I know exactly. I don't know when

14 exactly I arrived there, maybe a day or two days before Petkovic asked to
15 be sent home, because we managed to take some features there, improve our
16 tactical position. And in Mostar we have -- had also managed to take
17 some positions, and I sent information to that effect to everybody to
18 show them that the Muslim offensive had been broken down and that our
19 position was no longer as bad as it had been. I wanted to raise their
20 morale. I was certainly in Vakuf, and I don't know when I returned to
21 Grude.

22 JUDGE ANTONETTI: [Interpretation] With some hindsight after all
23 the years have gone by, how can you explain that some people managed to
24 start a procedure to transform Ivica Rajic in Colonel Andric? What did
25 you think about this when you heard about it?

Page 9496

1 A. Your Honour, Judge Antonetti, Your Honours, I learnt about that
2 much later when I was no longer in the position. The process started
3 after my departure. According to my information, which should be taken
4 with some reservation, it was Mr. Mate Boban who requested that. And I
5 repeat this is with a caveat that I'm not sure. I have my reservations
6 about that information.

7 JUDGE ANTONETTI: [Interpretation] Wait. I'm looking at the
8 transcript in English. You say that it was Mate Boban who would have
9 asked for that, who would have requested that. You say this under
10 reservation?

11 A. Yes. Major reservations, Your Honour. I was in Zagreb at the

12 time and I learnt what I learnt, so I can't be sure of what I'm saying.
13 I have my doubts and reservations. I'm saying that I learned some
14 things, but at the time I was no longer incorporated in all -- any of
15 that.

16 JUDGE ANTONETTI: [Interpretation] In your capacity as former
17 commander, when you heard about this did you think it was a good thing, a
18 bad thing? We could have proceeded in another way? What was your own
19 reaction to this?

20 A. Your Honours, I would not have done the same way if it was up to
21 me. I'm sure that I would have relieved that person of his command, and
22 not only that. Given that he was under investigation, I would have
23 insisted on him not holding any position or function until the completion
24 of the investigation as to his role in Stupni Dol.

25 What happened there was a mistake. It was absurd. I don't see

Page 9497

1 any logic in that, and it was legally inadmissible.

2 JUDGE ANTONETTI: [Interpretation] Right. Now, let's speak about
3 Mr. Coric. I'm going to ask counsel whether she prefers that I ask
4 questions about Mr. Coric when he will be there. Personally I have no
5 problem. So, Counsel? Madam?

6 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.
7 I'm not sure when Mr. Coric will be present, so I don't see any problem.
8 Mr. Coric has a lot of confidence in his Defence team, and you can
9 proceed putting your questions about him in the courtroom.

10 JUDGE ANTONETTI: [Interpretation] The same question concerning
11 Mr. Coric. When did you meet him? When did you get acquainted with him?

12 A. It was also either in April or May 1992. Before the 24th of
13 July, 1993, I met Mr. Coric every now and then. I'm sure that I met him
14 when we were drafting the order on the organisation of police
15 check-points. Immediately before that, which was in late 1992, I
16 travelled a lot from Konjic to Jablanica to Central Bosnia, Vakuf, and so
17 on and so forth, and the police check-points were not very well organised
18 and managed.

19 It is absolutely certain that in 1993, when I went there I would
20 meet him. I remember that in the month of March we went to Central
21 Bosnia and I spoke to him then.

22 I was at a meeting of the military police in January 1993 after
23 the events in Vakuf. I had been invited to attend the meeting, and I did
24 not attend the whole meeting. I just delivered a keynote address of
25 sorts. I told them why we didn't want to go into war with Muslims, how

Page 9498

1 we had to save ammunition and fuel, how it would cost a great deal,
2 hoping that the war would end soon and so on and so forth.

3 I'm not saying that we did not meet some other times, but
4 nothing -- nothing strikes me as interesting or something that I would
5 retain to memory.

6 When I became a commander, as from that time on and to be honest
7 I can't say that there weren't meetings, but I can't say anything to the

8 contrary, but I don't remember any meeting with Mr. Coric during which we
9 discussed things. In other words, there was nothing significant, but I'm
10 not excluding the possibility that I met him nevertheless.

11 JUDGE ANTONETTI: [Interpretation] Right. So it seems that you
12 have seen him rather rarely, but the very few times you saw him, what was
13 your impression? Was he a technician, a politician, somebody who had
14 specific competences in the military or the police? What was your
15 impression about him?

16 A. I knew that he had worked on training and preparing the military
17 police and the HVO in some camps over in Croatia, and that was in 1992.
18 I knew that he was an athlete. He was sturdily built, firmly built. My
19 impression of him was not bad at all.

20 At the time, I was old enough, Your Honours, to know that you
21 either have to live or work with somebody in order to reach some
22 conclusions.

23 Let me put it this way: I did not reach any bad conclusions
24 about Mr. Coric. Our conversations were normal. We respected each
25 other. We did not encounter any major problems. If we had some issues

Page 9499

1 like, for example, the issue of our joint command and Bruno sign this,
2 Coric, sign this. So I drafted a document starting with the essentials.
3 They have to say good afternoon, good-bye. So we wanted to raise all
4 that to a higher level, and obviously this was not a major problem.
5 There was immediately an agreement that that had to be done. And based

6 on our meetings, I can't say anything bad. There are no bad connotations
7 about Mr. Coric. However, our meetings were too few and far between for
8 me to say anything more specific.

9 JUDGE ANTONETTI: [Interpretation] Let's talk about the joint
10 criminal enterprise. Did you have with him conversations concerning the
11 political situation? Did he let you know about his own way of thinking,
12 or did you ever -- did you never speak about the question of Croatia or
13 Herzegovina, or the intervention of the Republic of Croatia with the
14 weapons given to the ABiH? Did you have any political conversation with
15 Mr. Coric?

16 A. I would probably remember. However, this never happened. Maybe
17 a sentence or two. However, I can't remember any significant
18 conversation about that topic.

19 JUDGE ANTONETTI: [Interpretation] All right. Last question about
20 Mr. Coric. With the double chain of command, you have told us that the
21 military police sometimes could be subordinated to units in combat
22 because they were needed, and during the time when you were commanding
23 officer, did there come a time when you told Mr. Coric, "I need so many
24 military policemen for this or that military operation"? Did you put in
25 a verbal or written request? Did you intervene? Did you ask him or

Page 9500

1 request anything, and what was his response or his attitude?

2 A. When I became commander, I was completely aware of the situation.
3 I put in a request for the military police -- or, rather, there were

4 military police battalions by way of police structure. So I requested
5 for the battalions to be resubordinated in the operational part to myself
6 in view of the situation. However, I did not request that from Mr. Coric
7 but, rather, from -- of course he was informed. He was put in the
8 picture. I requested that from Mr. Mate Boban and Bruno Stojic.
9 Resubordination was the matter to be decided on by Mate Boban and
10 co-decided by Mr. Stojic, and this was approved.

11 Hypothetically speaking, if you needed something then you had to
12 specify the time, the place, where the units would be used, who they
13 would be resubordinated to, and so on and so forth. In this particular
14 case, I did not specify the time because I did not know how long that
15 would last, and I said, okay. Very well. It is true that certain
16 matters will be weakened in terms of the military police. I was
17 absolutely aware of that. However, it would have been in vain for us,
18 and the military police and the government and the Defence Department
19 would have been to no avail if we had lost the war.

20 If the Muslim offensive had been successful, we would have either
21 had to flee to Croatia. We would have been detained. God knows what our
22 lot would have been. So the priority in that war was defence, defence,
23 and defence. And my request was met. To be honest, if my request had
24 not been met, I would have resigned immediately as the commander of the
25 Main Staff. This was something that you might call sine qua non. So if

2 government to be mobilised, for Bruno Stojic, Prlic, and everybody else
3 to be mobilised. And then once we managed to defend ourselves, they
4 would have been allowed to proceed as previously. Fortunately enough,
5 this never materialised.

6 I know that at one point in time Mr. Coric -- I beg your pardon.
7 Mr. Coric requested for those men to be returned to him, and I believe
8 that for a little while longer the situation remained unchanged until it
9 was clear that the offensive had been crushed, and then the order on the
10 resubordination of the military police had been -- was made null and
11 void.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, I had already
13 said how surprised I was after looking at the document because of the
14 number of victims, seeing the number of military police. There were a
15 lot of casualties, people killed or wounded, and I had tried to
16 understand why, and one of the answers had been at the time that they
17 were in combat unity -- units, combat units, and I think I remember a
18 witness told us, I don't know his name, that the military police was well
19 equipped, well trained, and that therefore they were quite operational in
20 combat, which explained why many of them were killed.

21 Now, yourself as commander of the HVO from July to November, did
22 you feel that this corps of military policemen was particularly
23 vulnerable because of its casualties in combat?

24 A. The military police was well equipped. They were great fighters.
25 The military policemen were a select few, in actual fact, as fighters,

1 and they fought very well. And frequently because they were so well
2 organised they would take it upon themselves to do the toughest jobs
3 if -- in defence.

4 Many people were killed. We had a lot of casualties. And the
5 people who fought most were killed most often, and among those who fought
6 well there were some military police battalions, too.

7 JUDGE ANTONETTI: [Interpretation] Very well. As you know,
8 Mr. Coric was -- became minister of interior. He was appointed as
9 minister of interior on the 20th of November, 1993, while you were no
10 more in your post. Did this seem to you to be a normal appointment or a
11 promotion?

12 A. I learnt about that two or three months later probably, because I
13 went back to all the great jobs that I had to do in Zagreb, and I was no
14 longer versed in the appointments, in fact, of the appointments in
15 Herceg-Bosna. I knew that a new team had arrived. I knew that the data
16 processing continued about anything that was contrary to the law or
17 outside the law, and I know that this bore fruit at the beginning of 1994
18 when in Rama, Prozor, 27 people were arrested, because I went back in
19 January at the invitation of some of my guys to help out.

20 But to be quite frank, I didn't know for a long time that the
21 minister of the interior was Valentin Coric. But had I known, that would
22 have been quite a normal appointment judging by all the facts that I knew
23 about. At that point in time that would have been fight normal.

24 JUDGE ANTONETTI: [Interpretation] Now let's speak about

Page 9503

1 A. Your Honours, as to Mr. Pusic from the war and after the war, I
2 can't tell you anything because I never actually met him. There were at
3 least seven or eight people with the surname Pusic that I had heard
4 about, and I knew that there was this man called Berislav Pusic, but I
5 only met him, I think, in 2004, before we set out for the Hague. And
6 each year, at least twice a year, they would say, "Yes, he's going to The
7 Hague. There's a secret indictment raised." That happened at least
8 twice a year six or seven years before the year 2004. And then one day
9 in 2004 the indictment arrived for five people, five individuals, and I
10 could count the five but I didn't know who the sixth one was. And then I
11 called up the minister of justice. I knew her because she was an advisor
12 in President Tudjman's office. I asked her who is the sixth man, and she
13 said it's Berislav Pusic. And then I asked around for a telephone number
14 so I could inform him, because I thought this would be a surprise to him.
15 Well, it was a surprise for all of us, but for him too.

16 And I happened to find him in hospital. He was in Ljubljana,
17 lying in hospital after an operation, and he said -- and I said, "Listen.
18 So that they don't arrest you as you fugitive, if you're at all able, and
19 even in a wheelchair, come to Zagreb and give yourself up like the rest
20 of us did." And that's all I know about Berislav Pusic, except for the
21 prison term, and I can have course tell you another story about our life
22 in prison.

23 JUDGE ANTONETTI: [Interpretation] There was a specific organ in
24 charge of exchanging prisoners, finding people. Did you know or did you
25 not know?

Page 9504

1 A. Yes, I did know that there was a service for the exchange of
2 prisoners.

3 JUDGE ANTONETTI: [Interpretation] And you didn't know that
4 Mr. Pusic was one of the persons responsible for this, in charge?

5 A. Well, there was another name that was bandied about, but I can't
6 be sure now. I didn't know who was in charge of all that. I did know
7 that the service existed, but nothing more than that.

8 JUDGE ANTONETTI: [Interpretation] Right. So now we are going to
9 talk about somebody else who is in the indictment. It is Mr. Blaskic,
10 who is quoted as a member of this enterprise in which you and your
11 comrades are -- who are present and who -- the Croatian people were
12 responsible, and who have died.

13 First of all, let's speak about Blaskic. When did you get
14 acquainted with him? When did you meet him? At what date did you meet
15 Tihomir Blaskic?

16 A. I met him in 1992, several days after the fall of Jajce. And
17 Jajce fell on the 28th or 9th. Yes, the 28th or 9th. Of
18 October [as interpreted], was it, 1993?

19 Now, two days after the fall of Jajce, or perhaps three days
20 after the fall of Jajce, but at any rate several days after the fall of

21 Jajce I managed to break through --

22 MR. STRINGER: Excuse me. I apologise for the interruption. Our
23 transcript indicates that the witness said that the fall of Jajce was in
24 October of 1993, and I don't know whether he intended to say that or
25 whether that's just a mistake in the translation. Perhaps he could

Page 9505

1 clarify.

2 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Praljak. What is the
3 date of the fall of Jajce?

4 A. It was in 1992, actually. The date is okay, but the year was
5 wrong. 1992. And I don't know, two or three after the fall of Jajce, I
6 can't say for certain, but I managed to break through and reach Tihomir
7 Blaskic, and I found him in a room in a building. And Mr. Filipovic was
8 up there too. And it was a situation of war. The Serbs were bombing
9 Travnik heavily. There was a lot of shooting. And I asked what the
10 situation was like, where the front lines were. I said, "When do you
11 expect the Serbs to attack Travnik?" And -- well, I could go on and on
12 and tell you a great deal about that, what it was like and so forth and
13 how long I stayed there and what I did and so on.

14 I knew a young man there. I talked to him. I got to know him
15 better later on. He was in the Yugoslav People's Army. He was the
16 commander of a battalion, an infantry battalion, I assume, in Slovenia.
17 And when the war broke out in Slovenia, he escaped. He fled to Austria,
18 because I think had he had a wife -- his wife had some family there. So

19 he didn't join in the war in Croatia, but he did come in -- well, he came
20 to his local area where he was born. He was born up there, and he placed
21 himself at the disposal of the HVO. And so people who had started
22 organising the resistance earlier, they were a little suspicious why he
23 had come in so late, what he was doing in Austria, and I had to stifle
24 those rumours, because he was an officer, judging by everything that I
25 could see, who knew what he was about. He knew his business. But the

Page 9506

1 job he knew as an officer in the JNA was not sufficient for him to be
2 able to organise the defence of Travnik, because in fact he didn't have
3 an army to work with. And if somebody came, then they also escaped and
4 fled. So in other words, I was a self-appointed person. And when I saw
5 that there was nobody --

6 JUDGE TRECHSEL: Excuse me for interrupting, Mr. Praljak. You're
7 all the time now 18 lines long talking about a young man. Would you be
8 able to identify that person? On page 51, line 25 you say I knew a young
9 man there, and then it looks as if you're always talking about this young
10 man. Who is that? Is that Mr. Tihomir Blaskic or ...

11 A. Yes. That was the young man Mlad Covjek, is a little older than
12 a young man, but actually I'm referring to a young man, not a young guy,
13 a youngster, Mlad in Croatian and then young man, but yes the young man
14 I'm referring to is Tihomir Blaskic, that's right.

15 JUDGE TRECHSEL: Thank you.

16 JUDGE ANTONETTI: [Interpretation] You are talking about him

17 because he was born on the 2nd of December, 1960. You were born in 1945.
18 So in your eyes he was a young man at the time. In 1992 he was 32 years
19 old.

20 A. Well, he looked young to me. He looked like a young man to me.
21 I didn't know when he was born, so he looked younger, because 16 years is
22 quite an age difference.

23 JUDGE ANTONETTI: [Interpretation] At the end of 1992, what post
24 did he have in the military as far as you know?

25 A. He was the commander of the operative zone of Central Bosnia.

Page 9507

1 JUDGE ANTONETTI: [Interpretation] For the record, could you give
2 me the names of the other commanders of the other operational zones. For
3 the one in Vitez, for instance, in Rasa [phoen]. Can you give us these
4 names?

5 A. Blaskic was the commander of the operative zone, which included
6 Travnik, Novi Travnik, Vitez, Busovaca, Kiseljak, Vares. So he was the
7 commander of this whole operational zone.

8 JUDGE ANTONETTI: [Interpretation] Who were the other commanders
9 of the other operational zones?

10 A. At that time you mean?

11 JUDGE ANTONETTI: [Interpretation] Yes.

12 A. Well, the commander of the operation zone of North-east
13 Herzegovina was Siljeg, as far as I remember. And then you had the
14 South-western zone of Mostar, and that was Mico Lasic at the time. What

15 did you say? What? Well, if Petkovic denies that --

16 MS. ALABURIC: [Interpretation] We'll just put right some names of
17 the zone. North-western Herzegovina was Siljeg, and the south-eastern
18 zone.

19 THE WITNESS: [Interpretation] Ah, yes, that's right. I mix that
20 all up, yes. South-east Herzegovina was Lasic, north-west was Siljeg,
21 Central Bosnia was Blaskic, and Posavina, Matuzovic. Djuro Matuzovic. I
22 think I've got it right now.

23 JUDGE ANTONETTI: [Interpretation] You know that Colonel Blaskic
24 was tried for the facts he was charged with. He was not a member of the
25 joint criminal enterprise. This was mentioned in your indictment. This

Page 9508

1 young man, Colonel Blaskic, did you have political discussions with him
2 or was your relationship purely military, you didn't know what his
3 thoughts were on political issues?

4 A. I talked to the man about many things, because in a way I had to
5 raise his authority in the area. Although the topics were mostly
6 military with respect to organisation, military discipline, and so on and
7 so forth, many things with respect to units that were not obedient, and
8 so on, and how to rectify that, but I also discussed political issues.

9 JUDGE ANTONETTI: [Interpretation] What was his view of the
10 situation?

11 A. Your Honours, no -- we had no differences of views. The man
12 never said an ugly word about Muslims. He never uttered any bad words

13 about anybody. Not about the Serbs or about anybody else. He was a real
14 soldier. And I spent a lot of time with Mr. Jaganjac and with others to
15 try and set up a joint command with the BH Army, and I went regularly to
16 visit the headquarters and commanders of the BH Army in the area, and
17 Blaskic went with me, and we had dozens of discussions discussing the
18 topic with officers from the BH Army as well, and I was given the stamps
19 and seals. And both sides recognised me, especially since we managed to
20 defend Travnik successfully, given me certain rights, although let me
21 repeat that I was a self-appointed man over there. In a way, I raised
22 myself up to a level to something -- well, I was appointed to the
23 commission - what was it? - to mediate between Alija Izetbegovic and
24 Franjo Tudjman or the joint board or council as it was called.

25 But quite simply in Travnik, after the fall of Jajce, there was

Page 9509

1 nobody there who knew that the town had been so disrupted, and the BH
2 Army, except for one unit by -- under Mr. Leka in Turbe had nothing,
3 possessed nothing. So somebody had to step in. And now what could I do,
4 either get in my car and go home or the Serbs would reach Sarajevo. So
5 then you take over and begin issuing orders, and then they obey you so
6 you issue some more orders and one thing leads to another, Your Honours.
7 That's the gist of it very frankly and sincerely.

8 JUDGE ANTONETTI: [Interpretation] I'm not going to spend a lot of
9 time on Colonel Blaskic, but as -- I have a short question. Have you
10 read the judgement handed down in the Colonel Blaskic case? Have you

11 read the -- both judgements?

12 A. I read the first-instance judgement, but I learned about the
13 second-instance judgement -- well, just some details, but I did read the
14 first-instance judgement.

15 JUDGE ANTONETTI: [Interpretation] You've read the judgement, and
16 the first one handed down by the Trial Chamber, the second one handed
17 down by the Appeals Chamber.

18 What about Ahmici? Where were you at the time?

19 A. In Zagreb.

20 JUDGE ANTONETTI: [Interpretation] So you were not involved in
21 Ahmici. You know what Colonel Blaskic was charged with. He was charged
22 with what happened, amongst other things, in Ahmici.

23 In the pre-trial brief of the Prosecution, which you have not
24 read, it is stated in paragraph 65 -- I shall read it out to you. It's
25 very short. It says the following:

Page 9510

1 "On the 19th of January at 00.30, the HVO launched offensive
2 against the Army of Bosnia-Herzegovina and has burnt several Muslim
3 villages in the area," paragraph 379 of the Blaskic judgement.

4 According to the Prosecution, it seems that Ahmici was part of
5 the HVO attack.

6 The Appeals Chamber corrected somewhat -- no, corrected the view
7 adopted by the Trial Chamber as stating that as far as it was concerned,
8 Ahmici was a target where ABiH men may have been stationed. The Appeals

9 Chamber says that there was fighting between both sides, and the Appeals
10 Chamber does not take a very clear stance on who was attacking and who
11 was defending its positions.

12 When you learnt what had happened in Ahmici, how did you react?

13 A. Well, I had a twofold reaction. First of all, I was shocked.
14 And secondly, I was a little skeptical whether it was actually how -- it
15 happened actually how the Bosnian and world media reported it, because I
16 found during the war and after the war that there was a vast quantity of
17 lies and tricks played in that war, deceit and so on. And we've heard
18 everything about Stupni Dol, and I simply -- well, nobody could convince
19 me that you can find in that small village 15 victims, and they say in
20 the documents that ten soldiers were killed, and that then somebody sits
21 over there and for another four months without any investigation and
22 inquiry receives information from someone in the BH Army telling him that
23 the man died in Stupni Dol. So nobody carried out any quality inquiry or
24 investigation. And it's difficult to understand how the people burnt in
25 those houses were burnt in those houses. Who did that with what purpose

Page 9511

1 in mind. And the HVO in the morning carried out the action, and it was
2 no longer there in the afternoon.

3 So there was no investigation into the truth. It was a
4 propaganda war of enormous proportion.

5 Today, Your Honours, we are having books written, books are being
6 published from the international circles. The Americans are writing

7 books who were in the secret services previously, and they say how
8 many -- what propaganda did, the kind of job it did which had nothing to
9 do with the truth and I was shocked, that's my first reaction; and
10 secondly, I found it difficult to accept that that's actually what
11 happened.

12 JUDGE TRECHSEL: Mr. Praljak, have you been to Stupni Dol?

13 A. No, Your Honour, no.

14 JUDGE TRECHSEL: On -- on what, then, do you base your
15 affirmation that it was such a small place?

16 A. Because we saw here every single house on every single
17 photograph. I think we saw at least 15 photographs from Stupni Dol and
18 we looked at every angle and every house there, every trench, every
19 little pathway. And then they speak about buildings destroyed. There is
20 no rubble or destroyed houses. And then it says that there were these
21 cellars. Then it says that there were unarmed people, whereas they
22 themselves say that there were ten soldiers, and then a hundred people
23 from international organisations come in and --

24 JUDGE TRECHSEL: I asked a very short question and you have
25 answered that.

Page 9512

1 Now, a second short question: How many houses are there in
2 Stupni Dol? Can you just give the number of the houses there? If you
3 looked at it so carefully, you certainly know, approximately. Five, ten,
4 20?

5 A. Well, that's 40 houses.

6 JUDGE TRECHSEL: Well, then I don't know why you wonder that 15
7 bodies could be found. If there are 40 houses, there may have been four
8 to ten people living in a house. Why do you say that it's so
9 unbelievably much to find in such a village 15 bodies? I do not quite
10 understand the logic of your argument.

11 A. No, I don't think you understood me properly, Your Honour. If in
12 a village three teams from the international community with investigators
13 enter it, and if there are 40 houses and if they stay there the whole
14 day, if they spend the whole day there and then they come up and find 15
15 bodies, dead bodies, and over a space of three or four months we have 38
16 bodies, what were those people doing there? There might have been ten
17 people in the houses. Then this would make it 300 bodies. That's
18 precisely what I'm saying.

19 The investigation was conducted in a catastrophic manner. We can
20 say they found 15 bodies and that concluded the investigation.

21 JUDGE TRECHSEL: You have answered my question. Thank you.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, I will now
23 address the case of Dario Kordic who was also perhaps a young man since
24 he was born on the 14th of December, 1960 in Sarajevo.

25 In what circumstances did you meet Dario Kordic?

Page 9513

1 A. The same time I met Blaskic I met Kordic, but I met Kordic far
2 more superficially. Perhaps at two meetings, brief ones, so that -- and

3 I also got to know him. I met him in the film when that brigade in
4 Zenica was being established, where he delivered some sort of speech.
5 And I told them not to smoke while they were standing to attention. And
6 I don't remember when I met Dario Kordic after that.

7 JUDGE ANTONETTI: [Interpretation] So you didn't see him very
8 often.

9 A. A maximum number of three times, let's say.

10 JUDGE ANTONETTI: [Interpretation] Did you have political
11 conversations with him?

12 A. Well, a brief the political discussion. I did have that with
13 him. And I remember my comments. Those political speeches were not
14 anything that I could object to and criticise, but I told him to cut the
15 rhetoric a bit, cut down on the rhetoric. In other words, I said,
16 "Dario, listen here. Reduce the rhetoric a bit." So in translation,
17 that would mean don't be so passionate in delivering your speeches. I
18 remember me telling him that once. I'm referring to the speech in
19 Zenica, in actual fact, not speeches generally but the speech in Zenica,
20 I think.

21 Well, he was raising, boosting morale with the people he had to
22 work with. You had to boost their morale, and everybody had to be
23 passionate in boosting morale, because -- well, what I want to tell you,
24 Your Honours, the Serbs after Jajce were going straight towards Travnik
25 and from thence on to Sarajevo. And when I sent Blaskic to gather

1 together some planks and shovels and find some volunteers and go to
2 arrange places to help dig trenches, these people asked him for
3 certificates and receipts for, say, half a cubic metre of planks, whereas
4 the director of the factory, the manager of the factory said, "Well, why
5 are you waking me up at 2.00 a.m.? Do you know what the time is? It's
6 2.00 a.m."

7 So it's impossible to understand things without entering into the
8 psychology of the people there. They were laid back. There was war on
9 their threshold and they weren't realising it. And since it hadn't
10 reached their threshold yet, they were like ostriches with their heads in
11 the sand expecting the storm to pass. And so quite literally you had to
12 kick them in the ass and wake them up or some other way or get hold of
13 the most important ones by their heads and unleash this mechanism of
14 raising their psychological morale and level so that they were ready to
15 fight.

16 JUDGE ANTONETTI: [Interpretation] Even if you only met Kordic on
17 a few occasions, you knew his personality. When he was vice-president of
18 the HDZ of Bosnia-Herzegovina, did this come as a surprise to you or not?

19 A. Your Honours, I didn't know that he had taken up that position.
20 I met a person sporting spectacles, clumsy, God-fearing person, and when
21 I heard that he was charged with crimes, it was not a surprise to me
22 based on the impression that I had of him. That person, according to
23 what I saw, was a very devout Catholic, and to this very day it remains a
24 sheer enigma to me how to reconcile what I'd seen up there and the
25 accusations against that person as capable of ordering crimes. I'm not

1 going to prejudice anything, but this is still a dilemma, something that
2 I'm really not clear on, but the times were difficult. It was war.
3 Everybody can -- well, I'm just telling you what my impression was about
4 a practising Christian who believed in the ten commandments.

5 JUDGE TRECHSEL: An observation regarding the transcript --
6 [B/C/S interpretation on English channel].

7 UNIDENTIFIED SPEAKER: [Interpretation] Being showy, I quite like
8 the understated but great quality aspect.

9 THE INTERPRETER: Apologies.

10 JUDGE TRECHSEL: I think it was line 23, 24 -- 24 of page 60.

11 "When I heard that he was charged with crimes, it was not a surprise to
12 me based on the impression I had of him." I wonder whether that is
13 really what you wanted to say or the opposite.

14 A. Quite the opposite. Base on the impression that I had during our
15 several meetings, I saw that he was a practising Catholic, that he
16 believed in the ten commandments, and it really came as a major surprise
17 to me.

18 JUDGE TRECHSEL: Thank you. That brings this sentence into line
19 with the rest of what you have stated. Please continue, or whoever.

20 JUDGE ANTONETTI: [Interpretation] I'm not going to press the
21 point as regards Dario Kordic. There's something which seems much more
22 important to me, and that is the case of Naletilic, Tuta.

23 Can you tell me when you met him?

24 A. In childhood. He hails from Siroki Brijeg. He is two years my
25 junior, I believe. Siroki Brijeg is a very small place. There were not

Page 9516

1 that many of us there. All the children knew each other, and that's when
2 I got to know Mladen Naletilic.

3 In 1961 I left Siroki Brijeg, and the next time I saw Tuta
4 Naletilic was in 1992. He had been to Sarajevo, and after that he
5 emigrated abroad and so on and so forth.

6 What I'm saying is that I knew him in the 1960s, and then I met
7 him again in 1992.

8 JUDGE ANTONETTI: [Interpretation] As far as his political views
9 were concerned, did he have any particular views or didn't he? What was
10 your impression of him?

11 A. In the 1990s -- or, rather, in 1992 when I met him down there, he
12 had already met some lads in Siroki Brijeg -- or, rather, some units.
13 Even before that, of course. There were some excellent guys among them,
14 some splendid guys. However, one thing is true. Mr. Naletilic does not
15 respect order. He is willing to respect order as long as it is his
16 order, and he wanted his units to be apart from anybody else and for him
17 to occupy a very special place. That's for one.

18 Second of all, as far as the political views are concerned, he
19 definitely belonged to the political circles which perceived Muslims as
20 brethren and even more than that, and this derived from the independent
21 states of Croatia, and even before that when Muslims were treated as

22 Croats of Muslim religion. And according to such theories, they were
23 considered a flower of the Croatian nation, as the healthiest, the best
24 segment of the Croatian people according to that line of thought. That's
25 what Muslims were for them. And it is certain that in 1992, and in one

Page 9517

1 part of 1993, Mladen Naletilic Tuta advocated such similar ideas.

2 After that, up to the event that we have already discussed here,
3 I did not have much contact with him. I don't remember having had any
4 contact with him. And after that incident we did not have any contact at
5 all until the moment of imprisonment. At one point we did bump into each
6 other. He started apologising to me, and then I said, "Well, you could
7 have done --" but let me not go into that.

8 After the incident that we discussed, I never had any more
9 contact with him. I didn't want to have any more contact with him. I
10 did not consider him as somebody under my command and he was never under
11 my command.

12 JUDGE ANTONETTI: [Interpretation] Precisely. We shall now come
13 to this. You said Siroki Brijeg he constituted a unit. This battalion,
14 this battalion of sentenced convicts --

15 A. I think there were two. One was called the Convicts Battalion
16 and the other was called the Anti-Terrorist Battalion or something like
17 that. So there were two.

18 JUDGE ANTONETTI: [Interpretation] Right.

19 A. One was a regular one led by Mr. Andabak first, and then later by

20 Mr. Lija. What was his surname? Mandic. And that one was a good
21 regular unit. As for the other one and what happened with it and around
22 it, to be quite frank I don't know. I can't say. But I always got the
23 names mixed up of these two, what was one, what was the other. Anyway,
24 I'm talking about the unit -- the good unit that was commanded by
25 Andabak, one of the Andabaks, and then later on it was commanded by

Page 9518

1 Mr. Mandic.

2 JUDGE ANTONETTI: [Interpretation] You say he wasn't under your
3 authority. How was it possible?

4 A. Well, it simply was.

5 JUDGE ANTONETTI: [Interpretation] Please explain.

6 A. Your Honour, I did not want to issue any orders to him. In my
7 view he was not part of the system. I did not represent anything to him.
8 I could not do anything to him. He was not part of my system. He was
9 not under my command.

10 The only thing I could do was to raise a brigade, step out of my
11 authorities, and do what I was not authorised to do, take the area
12 militarily. That was not my job. That was not my problem. That is
13 something I said loud and clear to Mate Boban, and everybody knew that.

14 JUDGE ANTONETTI: [Interpretation] We shall now go to the
15 heart-of-hearts of the question. On the 5th of May, according to the
16 Prosecution's argument, which is developed in the indictment and in the
17 preliminary, the Muslims are arrested on the 5th of May, and it is

18 Naletilic who is going to arrest these people. People are going to be
19 taken first to the stadium, later to the Heliodrom. In the Naletilic
20 judgement all this is described in great detail.

21 On the 5th of May, where are you? Yes. The 9th of May, excuse
22 me. On the 9th of May, where are you?

23 A. I'm sure I was not in Mostar. Whether I was in Zagreb, whether I
24 was on the road, I don't know, but I'm sure I was not in Mostar. It's a
25 hundred percent fact. Whether I was in Zagreb, whether I was travelling,

Page 9519

1 I can't really tell you with any degree of certainty.

2 I'm sure that I arrived on the 11th in the morning. That's when
3 I arrived in Mostar, and I told you everything exactly as it was.

4 JUDGE ANTONETTI: [Interpretation] In your admissions, you
5 described the -- you say that for the events of the 9th of May you were
6 not at all implicated.

7 A. No, I wasn't, not at all.

8 JUDGE ANTONETTI: [Interpretation] I'll just take the case in
9 which what you say is true, you are not implicated in anything which has
10 happened or is happening. On the 9th of May, we have heard and you have
11 heard of victims tell us that they were arrested, transferred to the
12 stadium and then to the Heliodrom. This you have heard, just as I have.
13 How can you explain this?

14 A. Your Honours, later on on the 11th, what happened happened. I
15 left. I pulled over on the curb, but I left. However, from a

16 conversation with the lads on the bus, or a couple of buses, that I took
17 to the church for the service and so on and so forth, from my
18 conversation with Mico Lasic and the commanders whom I'd known from
19 before, I explicitly asked them who was it who launched the attack first.
20 And nobody would have lied to me at the moment. It was not the HVO that
21 launched the attack. They were not the first to attack. There were
22 plans, and later on you saw them as seized material in Vranica. The Army
23 of Bosnia-Herzegovina was preparing for an attack, and that attack was
24 launched on the 9th, and that's all I know.

25 Secondly, there were two things. When fighting starts in a

Page 9520

1 city -- and I'm talking just hypothetically as if I had been there. When
2 fighting starts in a city and when you cannot establish where the line
3 begins or ends, then you are not in a position to know who your enemy in
4 the surrounding buildings is, because they're shooting from the windows,
5 from the roofs, and so on and so forth.

6 I personally believe that in such situations it is admissible and
7 it is possible to take a group of people from the area but not ethnically
8 segregated and to move them from the area until the situation is
9 resolved. However, the treatment of the people in question had to be in
10 compliance with the conventions. And that's my opinion.

11 I believe that this is admissible. I did it in Vakuf because
12 there were civilians in a war zone and I was responsible for their lives.
13 And then I said, "You're going to take these people together with their

14 cows, and you will move them to a different place." And then I appoint a
15 person and say, "You will be held responsible for this and that and the
16 other."

17 This is admissible. I don't know if this is admissible under
18 law. However, in my head, in my heart, it is admissible. This should be
19 admissible. However, in such a situation it really matters what you're
20 going to do with that -- with those people next. This is my hypothetical
21 view. I don't know what happened. I heard subsequently.

22 JUDGE ANTONETTI: [Interpretation] When we get into what you've
23 just mentioned, that is that persons were captured who were in an area
24 where there had been some shots, you know just as well as I do, and you
25 said yourself a few days ago and that struck me, you said to the Judges,

Page 9521

1 I'm quoting you word-for-word, "For me the best defence is to say the
2 truth." This is what you told us. So now continue [microphone not
3 activated] say. Now you're telling us the truth, and we know that
4 hundreds of people were arrested. We know that several buses were needed
5 to take them to the place. Therefore, there was an operation on.

6 According to you, if Mr. Naletilic directed this operation at
7 that precise moment on the 9th of May, he was under the orders of whom?
8 Under whose orders was he acting?

9 A. I can't answer your question, Your Honour. I offered what I said
10 previously by way of a hypothesis. This could have been ordered only by
11 Mico Lasic, certainly not by Mr. Naletilic Tuta.

12 JUDGE ANTONETTI: [Interpretation] I don't want to put you in a
13 difficult position, but now we are talking about a particularly military
14 problem. We have soldiers from the HVO who arrest people. We'll have to
15 determine whether these arrests were illicit or not. That's another
16 problem. I'm not examining this aspect. All I simply wish to know is
17 that within the framework of the military operation, the soldiers of
18 Naletilic were under the authority of Naletilic, of course, no problem,
19 but Naletilic himself was under the authority of whom?

20 A. I don't know, Your Honours. At the time, I did not have a
21 function down there. I knew who the chief of the Main Staff was. It was
22 Petkovic, but he was not in the area. I know that I arrived on the 11th.
23 I told you what had happened. I don't know.

24 It is true in my view honesty is the best policy and that the
25 truth is the best defence, and I'm telling you what I'm telling you. I

Page 9522

1 can't tell you what I don't know because I don't know, but I also said
2 this: If I'd been in charge of the operation, maybe I would have taken
3 into account people's safety, and I would have done what I did in Vakuf,
4 and this would have depended on my assessment whether the civilians would
5 start dying, but the implementation would have been different. I'm not
6 talking about any numbers, about buses. I'm just offering my hypothesis.

7 JUDGE ANTONETTI: [Interpretation] I don't want to be directive in
8 my questions. I don't want to be leading, so I'm trying to stick mostly
9 to technical and military aspects.

10 An operation which consists in taking people from point A to put
11 them in point B and then a place C, one being the stadium then the
12 Heliodrom, C being the Heliodrom, this is an operation where there are
13 several people who are involved in this operation.

14 On the military plane, should this be before, and I'm saying --
15 insisting on before? Has this been planned, organised? Just a little
16 detail. The buses, this is not just by clapping your hands that you can
17 have eight buses within seconds. You need petrol. You need drivers.
18 You must give them a timetable.

19 So militarily speaking -- according to you, you're a specialist,
20 you had a high post in the military. Doesn't this imply a minimum of
21 planning, organisation, logistics?

22 A. The way that you have just put it, Judge Antonetti, I would say
23 yes, but I don't know when it started, at what time. I don't know when
24 people were taken. I don't know when the buses came.

25 There were buses in Mostar that used to take children and

Page 9523

1 civilians out of Mostar. One would have to look at the schedule to see
2 when the operation started, when the fire broke out, where the buses
3 were, and so on and so forth.

4 JUDGE ANTONETTI: [Interpretation] Right. So we have two
5 hypotheses, two assumptions, working assumptions or hypotheses. We did
6 not discuss between ourselves, Judges, so we don't know what the
7 conclusions are. The two hypotheses, you just know them as well as I do.

8 The first one is the Prosecutor, the attack of HVO, and the consequences,
9 Muslims are arrested and so on.

10 Second hypothesis, working hypothesis, an offensive of the BiH, a
11 defence from the HVO, and within this defence framework, one, we doesn't
12 know who is one [as interpreted], considers that it is necessary to
13 arrest Muslims. This is the second hypothesis. But then if in this
14 second hypothesis it is decided to arrest Muslims, who is in a position
15 to give the order? Is it Mr. Naletilic? Is it the commander the
16 operational zone, Mr. Petkovic who isn't there? The authorities,
17 civilian authorities of the HVO? Mr. Prlic? But Mr. Prlic, we know that
18 he was [indiscernible] Makarska on that day. Mr. Boban, in person, who
19 would have had a direct connection with Naletilic without asking Petkovic
20 and Lasic ? How do you analyse this situation?

21 A. I will share with you what I think. From what I learnt
22 subsequently in my conversations with the commanders, with the commander
23 of the Ljubuski brigade, Tomic and Commander Lasic, the commander of the
24 operational zone, the commander of the 2nd Brigade whom I'd asked, for
25 example, "Okay, Tomic, were you scheduled to be engaged in an attack in

Page 9524

1 Mostar?" And he said, "No. I was summoned subsequently."

2 In other words, according to all the information that I have and
3 that I stick to, the HVO had not planned any attacks.

4 Your Honour, if you are to attack Mostar, if you are to attack
5 any city, it cannot be done without Boban, without Petkovic, without

6 Lasic. It just cannot be done.

7 The evening before there were a lot of people from the
8 international community because there had been some meetings. This is
9 what I heard here, actually. In my view, after the attack of the BH
10 Army, and you could see in Hadziosmanovic's book that Muslims defected to
11 our side, their infantry, and I'm just speaking hypothetically. Most
12 probably there was panic and in that state of panic Naletilic Tuta
13 thought that it was his right, but I'm again speaking hypothetically
14 about an event that I did not -- I wasn't involved. Most often the
15 response is hysterical. People are arrested, you start shooting in
16 people's backs [as interpreted].

17 And this is a very plausible course of events, because the border
18 was in the western part of Mostar. That's where the command was. And
19 little by little they start occupying small chunks of areas without ever
20 having fought against the Chetniks. The animosity that was the result of
21 that was already there. And then when there is an attack, people start
22 behaving in an extremist way. They start cursing each other. They start
23 mentioning their mothers, talking about back-stabbing. And then the
24 situation can escalate, and then the situation is taken over by somebody
25 who hasn't any right to do so, and then they pursue their own policy and

Page 9525

1 they wage their own war.

2 JUDGE ANTONETTI: [Interpretation] Right. So to these very
3 precise questions I have asked you, you have no answer, because you don't

4 know whether there was some planning or certain orders, but admitting
5 what you say, is it possible for a military commander of the level of
6 Naletilic could behind his command, his hierarchy, behind the
7 authorities, arrest women, children, elderly people, adults, adult men
8 and have them incarcerated or provisionally kept in a place? We can use
9 several words or expressions to qualify what happened.

10 Is it possible for an individual just under his own steam just
11 decide everything? This is what I'm trying to understand.

12 A. Yes. I'm saying it loud and clear: Yes. Naletilic could do
13 that. He was outside of any systems. He was not under anybody's
14 control. You saw what happened on the 11th. Mr. Valentin Coric was at
15 that meeting, and so was the head of the SIS.

16 JUDGE ANTONETTI: [Interpretation] I have to tell you that --

17 A. [Previous translation continues] ... anything to him.

18 JUDGE ANTONETTI: [Interpretation] I have to tell you,
19 General Praljak, but I've already said so but I will tell you again so
20 that you remember, that there was a document, unfortunately I haven't
21 taken it now, and in this document there is a report made by a military
22 policeman who writes very clearly that Tuta's men were doing ethnical
23 cleansing, and this report was sent upwards in the military police. So
24 clearly if this document says what the writer was saying, it shows at
25 least that some military policemen did not take part in this operation,

1 and this is rather troubling. But on the other hand, there have been

2 some casualties. The victims have explained to us that some policemen
3 came into their house, flat, and evicted them and so on. So we also have
4 that.

5 Therefore, it's a sort of mosaic of testimonies that are very
6 diverse. You know that the Spanish have filmed the column, and we saw
7 this video, after which these people were put in the Heliodrom. There
8 problems occurred to feed them, to house them and so on. Now you tell me
9 that you heard about this on the 11th of November. Sorry, the 11th of
10 May, 11th of May.

11 When you heard about this on the 11th of May, did you intervene
12 to say some people are in the Heliodrom and have no reason to be there?
13 What did you do at your own level about this?

14 A. Your Honour, on the 11th I just learnt about the part of that. I
15 was at the meeting which ended the way it did, and what I'm saying is
16 this -- let's understand one thing. There weren't that many people in
17 the room. There was Mr. Valentin Coric and the head of the SIS in charge
18 of security, and what was happening to me was what was happening, and I
19 am telling you honestly and sincerely.

20 At that moment, Mr. Valentin Coric -- or Mr. Coric were not able
21 to bring Mr. Naletilic Tuta to any order. And it's a fact. He was just
22 too powerful, too strong. He had his team of people. And this could
23 have been done only if one had taken 300 men and started a showdown with
24 him or -- with an intent to kill him.

25 And it is nothing out of the ordinary. In the Vietnam War, for

1 example, there were people who were mavericks, who were renegades, and
2 then one had to wait for your power to grow to the extent to be able to
3 overcome such power. That's the first thing.

4 Secondly, that problem started being dealt with on the 12th. On
5 the 11th and on the 12th I spoke to Mr. Sefko Omerbasic who was the
6 president of the Meshihat of the Islamic community in Zagreb in Croatia.
7 The two of us together went to the Spanish Bat. Mr. Petkovic had
8 returned as well, and we started elucidating that problem. I was not the
9 one who was directly involved in that. I was involved through the
10 conversations at the higher level, and that problem was resolved
11 relatively fast.

12 I'm speaking based on the documents that I've seen here. A
13 cease-fire was signed when Halilovic came, when Petkovic came, and that's
14 how it all ended. And then I tried to put the whole situation under a
15 certain level of control based on my conversations which Sefko Omerbasic,
16 Petkovic, and UNPROFOR. And again before the 30th of June we had a
17 cease-fire the way it was. And that would be my very correct, very
18 precise answer to you.

19 JUDGE ANTONETTI: [Interpretation] Just a few figures before
20 breaking.

21 In paragraph 45 about Naletilic, it seems that on that day there
22 was 1.500 to 2.000 civilians who were Muslims who were arrested and taken
23 to the Heliostrom. Between 1.500 and 2.000. You see this figure.

24 The Prosecution, in its filings, also tells us that there was a

25 list of the arrested people in three categories, women, children, and

Page 9528

1 elderly. Listen to these figures. 216 women, 216; 104 children, 104
2 children; 31 elderly people. So what is staring us in the face is the
3 104 children.

4 How can you explain this?

5 A. Judge Antonetti, Your Honour, and Judges, hypothetically I'll
6 give you an answer because you're asking me something -- you're asking me
7 to explain something which -- well, I don't know how.

8 Let's assume that I'm planning an attack in Mostar and that I
9 expect a terrible or sufficiently great pounding at the houses or in
10 streets behind me. So I would take out women, children, and elderly men.
11 How are you going to leave the children if that's it? And I'm speaking
12 hypothetically.

13 In Capljina, for example, because of sniper fire from some of the
14 flats I asked that the blinds be lowered, and I asked that people be
15 taken out of the flats that were facing the Serb artillery to the parts
16 of the building that were further away and less likely to be hit by
17 shells, and then I asked that women, children, and men and the elderly do
18 that. So how am I going to transfer the men and leave the children to be
19 killed?

20 I don't know what the reason was here or the motive, and I don't
21 want to enter into that. I can't enter into that [as interpreted]. But what
22 I'm saying is -- well, the situation when in Gornji Vakuf, I moved the

23 people with the cows and all the rest of their goods and chattels. I'm
24 not going to leave the children. I took care of them. I moved them out
25 because I felt this to be necessary. I don't know how else to put it to

Page 9529

1 you.

2 JUDGE ANTONETTI: [Interpretation] Under oath you are saying that
3 you knew nothing about the fact that there were a hundred children in the
4 Heliodrom. You're saying that you didn't know this?

5 A. On oath I'm telling you that I knew none of this information. I
6 didn't know it on the 11th. I only learnt about it later on. On the
7 11th I was completely beside myself and left the meeting in that state
8 and went further on. I had nothing to do there. There was nothing for
9 me to do there.

10 JUDGE ANTONETTI: [Interpretation] After the break I would put any
11 more questions. I have just one additional question on Doljani and
12 Sovici. We shall now have a 20-minute break.

13 --- Recess taken at 5.46 p.m.

14 --- On resuming at 6.07 p.m.

15 JUDGE ANTONETTI: [Interpretation] The court is back in session.
16 I believe that you would like to say something, Mr. Stringer.

17 MR. STRINGER: Yes. Thank you, Mr. President. Just a brief
18 matter. Today is the due date of the Prosecution response to a motion
19 filed by the Prlic Defence to reopen its case, and it's a motion that was
20 also joined, I believe, by the Praljak Defence. Today is our due date

21 for filing the response. I just was informed over the break the response
22 is -- is ready to be filed. Apparently it was just as it was getting
23 ready to be filed it was discovered that it was about 500 words over the
24 limit, the word limit. It's only at about nine pages, but for whatever
25 reason it's 500 words over the limit, and we're asking an order to enable

Page 9530

1 us to -- to get this filed now. And I've conferred with the Prlic
2 Defence about this, so we're asking for permission to file -- go ahead
3 and file the response now with it being 500 words over the limit.

4 [Trial Chamber confers]

5 JUDGE ANTONETTI: [Interpretation] The Trial Chamber has conferred
6 and grants you permission for this.

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

8 JUDGE ANTONETTI: [Interpretation] [No interpretation]

9 JUDGE TRECHSEL: Thank you, Mr. President. Yes, indeed.

10 Mr. Praljak, still talking about the 9th of May and then the 11th
11 of May. Do you know who was in charge of Heliodrom?

12 A. No, Judge Trechsel.

13 JUDGE TRECHSEL: Could it be that Naletilic was the commander of
14 Heliodrom?

15 A. Judge Trechsel, Your Honour, I can't give you any information in
16 that regard, because as you well know, on the 30th of April, in the
17 Croatian parliament, I managed to get a delegation to go and calm the
18 situation down there, and then afterwards I agreed with Mr. Sefko

19 Omerbasic that we go down there together, and that he should talk to the
20 eastern side and that they try and calm the conflict down.

21 I had no authority, no authorisation, and I gave you an
22 hour-by-hour account of what I did at that time, so I have absolutely no
23 idea.

24 JUDGE TRECHSEL: On the 11th, during that meeting, did you or
25 anyone else suggest, was the subject at all discussed, that the persons

Page 9531

1 who had been arrested and were still at Heliodrom be immediately
2 released?

3 A. Judge Trechsel, Your Honour, as far as I'm concern the meeting
4 ended in the space of ten minutes. There was no question of any
5 information that is mentioned here. There wasn't discussion about
6 anything.

7 I advocated peace. The person to whom we spoke and we spoke
8 about reacted in the way he did and I left the meeting. I stopped at a
9 curve, asked a young guy to let the UNPROFOR pass, and --

10 JUDGE TRECHSEL: If you -- from the moment you have left the
11 meeting you are not expected to say what -- what happened. Thank you.

12 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I shall finish
13 putting my questions about Naletilic by discussing events that occurred
14 in Sovici and Doljani on the 17th of April, 1993. This is my first
15 question: On the 17th of April, 1993, where were you?

16 A. I don't know exactly, Your Honour. I don't know where I was

17 exactly on the 17th of April, whether I was in Zagreb or perhaps in
18 Mostar. So what the exact day it was when with Arif Pasalic I found
19 myself on the east bank with respect to the events, I can't say just now,
20 but what I can say under three oaths, that I had no information about
21 Doljani and Sovici at that time at all. I had heard nothing about that,
22 and I can't give you an answer to anything about that.

23 JUDGE ANTONETTI: [Interpretation] So if I understand properly,
24 in -- you did not in any way take part in the military operation that was
25 conducted in -- in Sovici and Doljani.

Page 9532

1 A. In no way whatsoever. No way at all. And I have already told
2 you the situations I was in and what role I played in those situations.

3 JUDGE ANTONETTI: [Interpretation] This is something that I had
4 noticed in your submissions. This is something you have told us already,
5 but I just wanted to make quite sure.

6 In April the military commander of the HVO was General Petkovic;
7 is that right?

8 A. That's right.

9 JUDGE ANTONETTI: [Interpretation] I don't know whether my
10 colleagues would like to put questions on Sovici and Doljani. No.

11 General Praljak, we shall now look at the documents. I will
12 first have a look at those documents which, according to you, are
13 contested. You said these were forged documents. This has happened in a
14 number of court cases, and the issue very often is raised. It seems

15 incredible, but this is the case. So let's try and determine what the
16 status of these forged documents is.

17 I will ask the registrar to put this on the screen. P06937.

18 That is the first one. Let me repeat -- well, there it is. The document
19 has to be displayed in B/C/S, and we need to have the English
20 translation.

21 MR. KOVACIC: I would kindly ask usher to help --

22 THE WITNESS: [Interpretation] Yes, I have it on my screen. Thank
23 you. I have the document.

24 JUDGE ANTONETTI: [Interpretation] No, Registrar. The English
25 translation is not the right one. The document in B/C/S is the right

Page 9533

1 document, but the English translation is not the right document. There
2 it is.

3 So, Mr. Praljak, we have before us a document which is dated the
4 8th of November, which is the day when you left your job. There is a
5 number here, 02-717/93, a file number. This document mentions a number
6 of items that will completed afterwards. This document must have been
7 used for other detainees when these detainees needed to conduct tasks
8 outside.

9 In what respect is this document a forged document?

10 A. Your Honours, on the 8th of November, I arrived at the Main Staff
11 at 10.30 p.m. That's the earliest time I arrived probably, because
12 after -- it was after the meeting in Tomislavgrad the previous day. I

13 slept there, and then on the 8th of November I met up with General Roso
14 in the afternoon and the whole evening to brief him on the situation.

15 When I arrived, I signed two documents referring to the wounded,
16 and -- and to reduce the time of the inquiry about Stupni Dol, an urgency
17 note. And I would never have signed a document of this kind below Mijo
18 Jelic.

19 Now, B, I never sign my name in any document like this, this
20 format and looking like this, never. There were documents -- a lot of
21 documents that I saw here, but only on the document of the 8th when I
22 wasn't there there's a forgery. And it says General Slobodan Praljak
23 there. It should have said: "Pursuant to position received from the HVO
24 Main Staff," and so on, "Slobodan Praljak," and then I would have signed
25 it.

Page 9534

1 So this is a forgery. I wasn't in Grude at the time.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, before coming
3 to work for this Tribunal, I specialised in forged documents. I had a
4 whole series of cases of this kind. So this is a subject I'm quite
5 familiar with.

6 The document you have before you is a document that can be
7 entirely forged. In other words, the entire document is forged, or part
8 of the document is authentic, the part that relates to the 40 detainees,
9 the signature of Mr. Jelic or his deputy, because you can see that
10 there's a hyphen, so he may not have signed. And the forged part of the

11 document would amount to your signature and the stamp. So the document
12 could be authentic insofar as it mentions the 40 detainees, but your name
13 has been added to the document.

14 What do you think of this?

15 A. Your Honour, I can't really say what isn't right with this
16 document, whether it's 40 or not 40, whether it's Jelic's signature or
17 not. I never signed a document like this. This was subsequently copied
18 on a copier or copied my signature for who knows what reason.

19 JUDGE ANTONETTI: [Interpretation] This is something you've told
20 us already.

21 General Praljak, your lawyers and their assistants, well, did you
22 think of sending a letter? Mijo Jelic, did you think of sending him a
23 letter? I don't know whether he's alive or not or dead. And among the
24 evidence adduced you say that there are some forged documents. You could
25 have asked him who added the stamp and the name of Slobodan Praljak. Is

Page 9535

1 that something you did or something you didn't do, and if you didn't do
2 it, why not?

3 A. Your Honours, I did not do that, nor will I do that. I don't
4 want to try and justify myself since I wasn't there on the 8th.
5 Mr. Petkovic knows that full well. You have the statement by Mr. Roso of
6 how long I was with him, and so I can't sign under Mijo Jelic. It
7 doesn't say "Authorised by" or what. Somebody just copied out something.
8 So I don't want to justify this and justify myself. And somebody wants

9 to put that in on the 8th. I don't want to defend myself by anything
10 else but my statement.

11 JUDGE ANTONETTI: [Interpretation] Do you have some idea of who
12 may have want you to endorse this document? Do you have no idea what so
13 ever?

14 A. Many people in this courtroom -- well, many documents have been
15 forged, in the Blaskic trial, there are different services at work,
16 fingers in the pie, for what reason I don't want to go into that, to
17 bring me in here and to accuse me. Those are the reasons, both on the
18 Muslim side there were those who were very happy. Of course, the Croats
19 were happy when some Muslims were accused. The Serbs are happy when
20 we're accused, and there were all sorts of things going on there in this
21 regard, but it has nothing to do with me.

22 Well, for heaven's sake, the last day, as we saw, was -- well, it
23 was done and never when I toured the front lines, supervised them, I
24 never met a prisoner digging, because everybody knew my position on that
25 issue and this was done behind me back, perhaps, if it went on.

Page 9536

1 JUDGE ANTONETTI: [Interpretation] We shall now look at the second
2 document, P04131.

3 MS. PINTER: [Interpretation] General, it's file number 1, list
4 number 1. Binder number 1.

5 JUDGE ANTONETTI: [Interpretation] This is not the right document
6 on the screen, the B/C/S document.

7 MR. KOVACIC: [Interpretation] Your Honour, perhaps there was a
8 misunderstanding. We withdrew the document from the information you
9 wanted to receive about the possibly forged documents.

10 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, why did you
11 withdraw it, because the document is now an authentic document and no
12 longer a forged one?

13 MR. KOVACIC: [Interpretation] Which document are we talking
14 about?

15 THE INTERPRETER: Microphone, Counsel, please.

16 MR. KOVACIC: [Interpretation] For technical reasons. It was a
17 technical error in internal communication among the team. There was a
18 wrong number that was placed on the document that we considered, so we
19 put that right the very next day, if you remember.

20 JUDGE ANTONETTI: [Interpretation] Very well. Let's move on to
21 the next document, P02823.

22 There it is. This is a very short document which should stem
23 from you, but we can't see your signature. So this was probably sent by
24 a packet switching system to Mr. Stojic.

25 Mr. Praljak, why would this document dated as the 17th of June,

Page 9537

1 1993, be forged?

2 A. Your Honours, I would never write "Urgent, urgent." I never
3 panicked, so this double use of the word "urgent," "urgent, urgent,"
4 "hitno, hitno." And you have a document before my departure where I tell

5 Blaskic and the others, "Don't write this 'urgent, urgent,' panic and so
6 on. Just calm down, the situation isn't as bad as it looks." I would
7 never use these two words, "Urgent, urgent." That's impossible. I would
8 say when's the tank arriving, or send the tank quickly, but this "hitno,
9 hitno," "urgent, urgent" is not something that I would have written,
10 certainly not. And you can look at all my orders and see that for
11 yourselves.

12 JUDGE ANTONETTI: [Interpretation] You may have noticed that this
13 document was filed. Since this was filed on the 17th of June at 08.40 at
14 the Main Staff.

15 A. Your Honour, it is possible. Well, I can't do any -- just
16 guesswork and speculate, but I might have said ask Siljeg. Well, if I
17 was up there. I'd have to look at the dates, check the dates out to see
18 what happened with the tank, and then he could say "Urgent, urgent," or
19 someone else. But this isn't my style. I did not write this. The
20 changes in the words. Well, there's more of that example. It's not just
21 one example that people use words to adapt to their style. This is not
22 the way I communicated, not my style. I can't say more than that. I
23 have no idea, to be quite frank. What tank?

24 JUDGE ANTONETTI: [Interpretation] What would have been the point
25 of drafting a forged document, to help who, to try and cover what up,

Page 9538

1 whether the person was in Rama or Prozor? I don't see what the point is,
2 really. You don't either?

3 A. No reason, no reason at all, Your Honours. Well, the tanks are
4 supposed to arrive. Had I written this, I would have said, "Bruno,
5 what's happened to the tanks?" Because there had probably been
6 information that they were being repaired because they broke down all the
7 time. And so then -- not Petkovic would be asked but Stojic, because he
8 was in charge of this repair shop where they were repaired.

9 So I have nothing against this document, I just say it's not my
10 style of document, not my style at all and no reason for it. As opposed
11 to the previous document which was a forgery with a specific intent, I
12 just say about this document that it's not my style, and I wouldn't have
13 written it that way.

14 JUDGE ANTONETTI: [Interpretation] All right. So let's look at --
15 at the third and last document, P02280.

16 This document has not been admitted. Irrespective of the fact
17 that it has not been admitted, let's try and see why this may have been
18 forged. This document stems from you. This document is addressed to
19 Siljeg. There is a file number, and some military data is provided.

20 What do you have to say to this?

21 A. This document has nothing whatsoever to do with me, absolutely
22 nothing. This is not my style. This is not my handwriting. This is not
23 my signature. I -- I have no clue what this is all about. These are two
24 different handwritings. In the top part the different -- the handwriting
25 is one, and then there is another. You've seen my handwriting. You

1 don't even need an expert to say that this has absolutely nothing to do
2 with me.

3 I don't know who signed this. I can't say anything about the
4 document apart from the fact that this is not my style, not my
5 handwriting, not my signature.

6 JUDGE ANTONETTI: [Interpretation] The document is not dated.

7 A. Your Honour Judge Antonetti and other Judges, I really can't say
8 anything on top of what I've already told you.

9 JUDGE ANTONETTI: [Interpretation] There again, what was the
10 point? Why was this directed at you, for what reason?

11 A. Again, I can't answer this. Nothing. What somebody wanted, why
12 didn't they put a date on the document? What does this mean everything
13 is level? I really can't speculate.

14 I know what the intent was behind the document that was issued on
15 the 8th. The intention was for somebody to say, "You also did what we
16 claim you did," which is not true. And as for this document I can't say
17 anything. I can't see its purpose, I can't see it's intent at the time,
18 nothing.

19 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a few
20 follow-up questions for you. According to what the Judges have
21 understood, the HVO archives were transferred to Zagreb.

22 When there are forged document, documents could have been forged
23 before the transfer or after the transfer. If the documents were forged
24 before the transfer, this means that the people who have done this were
25 involved with the units. If this was done after the transfer, this means

1 that there is an operation on a greater scale, because the documents need
2 to be input in the system of the Republic of Croatia. This then becomes
3 much more complicated.

4 I know that at some point you were looking after the archives.
5 Can you tell us whether according to you this was done before the
6 transfer or after?

7 A. Your Honour Judge Antonetti, what the Republic of Croatia has is
8 not a proper archives. You call it archives. Unfortunately, this is not
9 precisely that.

10 The HVO documents were sitting for a long time after the war in
11 Herzegovina, in Grude, Ljubuski -- I beg your pardon. Yes, in Grude.
12 And there was no control over them. And then they were transferred to
13 Split, and there was no control over them there. And then somebody
14 loaded them onto a truck and delivered them to the Croatian archives.
15 The Croatian archives filed the documents and stamped them with the stamp
16 "received."

17 Everybody, literally everybody, and you can check that you
18 yourselves, Your Honours. For example, if you ask somebody from the
19 Prosecutor's office who would then find somebody in Zagreb to take a
20 certain number of documents, and they could do that anyway they wanted to
21 and take them to the Croatian archives, and they could say, "This is what
22 I had at home, and I am handing that over to you." They will receive the
23 documents. They will stamp the documents, and already tomorrow you can

24 go there and you can take the documents and say that you received them
25 from the Croatian archives. This is how some documents were created

Page 9541

1 there.

2 This is a fact. And I know that. I know that some private
3 individuals brought papers over there and left them there, and that's why
4 we sought opinion from the director of the Croatian archives at the time.
5 We wanted him to tell us exactly how he obtained documents. And these
6 are not archival holdings, these are the holdings or documents that the
7 archives received in one way or another. In the meantime, anybody could
8 have injected anything that they wanted. They could have forged anything
9 they wanted. They could have pulled out any document they wanted. And
10 this is the truth, what I'm telling you.

11 All the other accused here know that, and you also have a letter
12 by Mr. Kolanovic. I believe that that's his name. I beg your pardon,
13 it's a statement, yes. Mr. Kolanovic's statement as to the manner, how
14 he received papers which are purported here to be from the archives of
15 the -- of the Republic of Croatia.

16 So these are not archival holdings. These are just papers which
17 are safe-kept in the archives of Croatia.

18 JUDGE ANTONETTI: [Interpretation] [Previous translation
19 continues] ... why there were these forgeries, forged documents. We have
20 nothing which may enable us to identify the authors of these forgeries.

21 So, General Praljak, now we are going to examine the

22 constitutional problems. My own working programme is the following:
23 First of all, we'll see the Constitution of former Yugoslavia, after
24 which we will see the Constitution of the Republic of Croatia and the
25 Constitution of the Republic of Bosnia-Herzegovina, and we will finish

Page 9542

1 with the Constitution of the Croatian Community.

2 The Constitution of former Yugoslavia is 1D02976, but I only need
3 page 1D60-0579.

4 Right. These are the basic principles. Could we also have it in
5 B/C/S, please.

6 A. While we're waiting for that, Your Honours, I would kindly ask
7 you for -- this previous document to be given to any handwriting expert
8 to compare it with my own handwriting, and they will tell you that one
9 has nothing whatsoever to do with the other.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, in the
11 introduction or preamble of this Constitution, we read that there is a
12 right for every nation to self-determination, which includes the right to
13 secede. So it would seem that in the Constitution which was prevailing
14 at the time over all the republics, it was acknowledged that there might
15 be a self-rule or determination which could lead to a separation or a
16 secession.

17 This constitutional principle of Yugoslavia, was it
18 well-understood and accepted by everyone?

19 A. No, not everybody accept this. The principle in question is the

20 fundamental principle of Leninism, which means that peoples had the
21 right -- and this is Lenin's doctrine, that every people has the right to
22 self-determination until -- up to the secession from any other people.
23 And since this Leninist principle was a dogma for communists, in the
24 Constitution of the Socialist Federative Republic of Yugoslavia and at
25 this AVNOJ meeting, that principle was confirmed.

Page 9543

1 In the second world war the parties were also divide. There was
2 the Main Staff of the partisan movements of Croatia, Serbia, Kosovo and
3 Metohija, and so on and so forth. At the same time, communists were
4 convinced that they had resolved the ethnic problem by adopting a new
5 form of organisation of society and that this particular right would
6 never be evoked, but they never abolished it. They simply thought apart
7 from the Brezhnev Doctrine of limited sovereignty, which he used to
8 attack Czechoslovakia, that's when they introduced the doctrine of
9 limited sovereignty, but this did not apply to Yugoslavia.

10 JUDGE ANTONETTI: [Interpretation] This constitutional principle,
11 did it provide or make a possibility for the independence of Croatia
12 towards the federal state or -- or was there a way which would allow an
13 accession to independence towards separate republics even if the
14 principle was a Leninist principle?

15 A. This was an absolute right. Further on the first paragraph
16 continues to elaborate this. It says here, and I quote towards the end:

17 "The working people, peoples and nationalities, shall realise

18 their sovereign rights in the socialist republics and in the socialist
19 autonomous provinces in keeping with their constitutional rights."

20 Further on, and I continue:

21 "In the Socialist Federative Republic of Yugoslavia, when this is
22 in the interests of everybody as established by this Constitution."

23 The federation is a joint interest which may exist but doesn't
24 have to exist. I have highlighted some other points, but I would not
25 dwell upon them.

Page 9544

1 JUDGE ANTONETTI: [Interpretation] [Previous translation
2 continues] ... but as Mr. Karnavas says, we will progress step-by-step.

3 Let's go to Article 57 at page 1D60-0639.

4 Right. In the English version it starts by "Self-managing."

5 A. Yes, I've got that, Your Honour. I've found it.

6 JUDGE ANTONETTI: [Interpretation] In the Constitution of former
7 Yugoslavia, one gets the impression that communities of interest were
8 foreseen where people could in a certain way associate in a common
9 interest. What do you think of it? This article, do you think it meant
10 that it would be -- it could foreshadow an association of Croatian
11 interests in the Republic of Bosnia-Herzegovina? Can't one read within
12 this article a sort of invitation to people to have a sort of self-rule?

13 A. Correct. The lowest territorial unity was a local commune. It
14 could be two streets, for example. In Zagreb I belonged to the local
15 commune which had only two streets, and we were a local commune, and we

16 were organised as such. We had our rights, and we also had our duties,
17 and we could also team up with another local commune. And once we did
18 that in order to resolve the issue of a stream that flew between our two
19 local communes --

20 MS. ALABURIC: [Interpretation] Your Honours, if you will allow me
21 and if you're really interested in this article, I would like to say that
22 this article applies the so-called SIZ or self-managing communities of
23 interest. And now that I've said that, I believe that General Praljak
24 will be able to expand.

25 THE WITNESS: [Interpretation] Your Honours, this is a very

Page 9545

1 complicated matter, and I am afraid that you will not be able to
2 understand, because this falls under the theory of self-managing
3 socialism as created by Kardelj and Suvar. It goes like this: Look at
4 this suit that I'm wearing. And now, this suit consists of the
5 manufacturer of the cloth, thread, buttons, lining, and different people
6 manufacture all that. And this is their idea: What is sold at the end
7 is the suit, and all the manufacturers will join up in the so-called
8 self-managing community of interest because it is in their interest to
9 produce the suit. And now how much money goes to each of them? How much
10 money goes to the producers of buttons? It's not a market-based theory.

11 MR. STRINGER: [Previous translation continues] ... despite
12 counsel's invitation for the general to go down this road, I think it's
13 not responsive to the President's question, and it also is irrelevant.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, what I was
15 interested in with this Article 57 was a sort of spirit of the text which
16 seemed to be inviting people to associate in interest communities --
17 communities of interest, and several associations or -- you spoke of the
18 fact that in your street there was an association with another street.
19 Now you say that it's rather complicated, just like a suit which can be
20 made with several parts.

21 I would like to have your point of view about the mentality, the
22 mind of people in former Yugoslavia, whoever they are, Croatsians, Serbs,
23 Muslim. There was already in their mentality the possibility that they
24 could associate not necessarily within a global state but in communities
25 of specific interest as the Croatsians did. Is this sort of affiliation

Page 9546

1 which I'm trying to check, so I just wanted to ask you, General Praljak,
2 this article in the Constitution, didn't it foreshadow what the Croatsians
3 between themselves were going to do later in Mostar, Livno, Ravno, and so
4 on?

5 A. Not only was it possible, it was even encouraged, Your Honours.
6 This was encouraged. Different basis was used, and I did not use the
7 example of a suit for no reason at all. They wanted to avoid the market
8 economy approach. Everything else was encouraged. There were
9 territorial associations. There was a cultural associations, and I'll
10 know all that only to well.

11 JUDGE ANTONETTI: [Interpretation] D60-0640. All this took a lot

12 of time, so I say once again. Yes, just a moment. My colleague wishes
13 to ask you a question.

14 JUDGE TRECHSEL: As long as we still have it on the screen, I'm
15 interested in the last subparagraph of Article 56 which in fact speaks
16 about self-managing communities of a territorial nature. And if one
17 reads this, that such communities may be set up for an area wider than
18 the territory of a commune, that communities may be set up for the
19 territories of several communes as part of this self-managing community
20 of interest. One could come to the conclusion that that's exactly what
21 HB, Herceg-Bosna, was, that Herceg-Bosna was a creation in application of
22 the Constitution of the Federal Socialist Republic of Yugoslavia. What
23 is your comment to this hypothesis?

24 A. You're absolutely right, Your Honour Judge Trechsel. Not only
25 were they able to but they were encouraged to form associations applying

Page 9547

1 different principles in order to achieve a more efficient administration,
2 in order to be able to solve different problems, in order to be able to
3 produce a suit.

4 Everybody was encouraged. Local communes, municipalities,
5 everybody. You could have an association of municipalities which
6 produced tobacco or wine or which wanted to organise some sports games.

7 Association was allowed on any principle: Association of
8 communes, municipalities, groups of municipalities, what have you.

9 JUDGE ANTONETTI: [Interpretation] Within the same frame of mind,

10 let's look at Article 59. This is 1D60-0640.

11 Mr. Praljak, one gets the impression when reading this article 59
12 that these communities of interest may be set up, may constitute
13 themselves, but this depends from a political and social assembly which
14 should under certain conditions of procedure constitute rules, find
15 solutions, and so on. So it wasn't possible overnight to decide to
16 create a community. It had to follow certain rules, procedural rules.
17 Is this true or not?

18 A. Correct. They would appoint their delegates, the delegates would
19 create an assembly. They would have to have a Statute that would apply
20 to their work. They would have to declare what they want to achieve, and
21 they had to declare all that to the socialist alliance.

22 JUDGE ANTONETTI: [Interpretation] We are now going to stop,
23 because there is another article I would like to study, Article 114,
24 which I will already give to the registrar. The page, we will be able to
25 see it tomorrow, it's 1D60-0673. Like that we can begin tomorrow

Page 9548

1 afternoon. And I will still have a few articles of the Constitution to
2 ask you questions about. The Yugoslav Constitution is a real monument.
3 I have just highlighted certain articles. We could have spent hours on
4 it, but I'm just mentioning those which are specifically interesting for
5 the matter at hand.

6 So it's nearly 7.00 p.m. I wish everyone a good evening and to
7 read constitutional texts or constitutions tonight, and we will talk

8 about it tomorrow. Thank you. The Chamber is adjourned.

9 --- Whereupon the hearing adjourned at 6.58 p.m.,
10 to be reconvened on Wednesday, the 17th day
11 of June, 2009, at 2.15 p.m.

12

13

14

15

16

17

18

19

20

21

22

23

24

25