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1 Monday, 22 June 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 [The witness takes the stand]

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

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

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.

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

13 Today is Monday, 22nd of June, 2009. First of all, good
14 afternoon to you, Mr. Praljak, and to you, Mr. Pusic, Mr. Petkovic, and
15 to Mr. Stojic. Good afternoon to the accused who are not present for
16 various reasons. And my greetings to the Defence counsel and to the
17 counsel who are not in court today. Good afternoon, Mr. Stringer and all
18 the representatives of the OTP, together with their associates. Good
19 afternoon to all the people assisting us.

20 First of all, I'll give the floor to the Registrar, who has a few
21 IC numbers for us.

22 THE REGISTRAR: Your Honours, the list submitted by the

23 Prosecution entitled "Prosecution Objections to Documents Tendered
24 through Slobodan Praljak by Praljak Defence" will be Exhibit IC1030.

25 JUDGE ANTONETTI: [Interpretation] Thank you, Madam Registrar.

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1 The Trial Chamber has two short decisions to hand down; first of
2 all, regarding the incidents in interpretation on the 18th of June, 2009.

3 Further to the Accused Praljak's observation during the hearing
4 of the 18th of June, 2009, the Trial Chamber instructed the Registry to
5 launch an immediate inquiry into the allegedly offensive remarks by an
6 interpreter during the hearing.

7 On the 19th of June, 2009, Mr. Kovacic sent an e-mail to the
8 Trial Chamber's legal officer in which he made clear that three of his
9 colleagues, who had been listening to the B/C/S booth during the hearing,
10 had told him that the interpreter at issue had not made any offensive
11 remarks. In Mr. Kovacic's view, an inquiry into the incident was,
12 therefore, no longer necessary.

13 Based on the above information, the Trial Chamber concludes that
14 there is no reason for further inquiry into the matter. However, the
15 Trial Chamber reminds all interpreters that they are not to make any
16 personal comments in the booth when their mikes are on.

17 Second oral ruling, which is much longer, it may be complex;
18 therefore, I'll be slow.

19 Oral ruling to clarify the filing of IC lists.

20 At the hearing of the 15th of June, 2009, the Prosecution asked
21 the Chamber for a seven-day dead-line to be given as of the time the

22 latest IC list of the Praljak Defence was filed in order to file their
23 objections. On that same day, the Trial Chamber granted the motion.
24 Proprio motu, the Trial Chamber has decided to make further observations
25 with regarding filings of IC list objections and answers.

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1 The Praljak Defence, during examination-in-chief of the Accused
2 Praljak, filed several IC lists. The Prosecution was to file objections,
3 if any, to such IC lists on the day. The Trial Chamber understands that
4 this method enables parties to best prepare for the rest of their
5 testimony by the Accused Praljak. However, the Trial Chamber reminds
6 parties that in keeping with the Trial Chamber's oral decisions of the
7 18th of May, 2009, and further to directive or guide-line number 8, a
8 final decision on the admission of exhibits will only take place once the
9 testimony by Accused Praljak is over.

10 In order to be able to reach a decision, the Trial Chamber
11 instructs all parties to file, on the day after the testimony of
12 Accused Praljak has been completed, their consolidated IC lists for
13 exhibits to be admitted.

14 With regard to the Praljak Defence, their IC lists may include
15 IC lists filed during the testimony of the accused. The Praljak Defence
16 could also file a different list, but then the onus is on the
17 Praljak Defence to point it out to the Trial Chamber. The same will
18 apply to the Prosecution, should they, during their cross-examination,
19 file IC lists for admission of exhibits. The other parties to the
20 proceedings will be able to file their IC lists, seeking admission of

21 exhibits, once the testimony by Accused Praljak has been completed.

22 When the testimony has been completed, and on the day following
23 the filing of all IC lists seeking exhibits to be admitted, the parties
24 will be able to file their objections. The Prosecution will file a new
25 IC list, including their objections, if any, against IC lists filed by

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1 all parties to the proceedings. This IC list will include the objections
2 filed during the testimony of the Accused Praljak, or the list could be
3 different, with the obligation then for the Prosecution to point the
4 difference to the Trial Chamber. IC lists, including responses to
5 objections, can be filed on the day following filing of IC lists with
6 objections.

7 Very well. Read it again once it has all settled down. It may
8 seem difficult at first blush, but it is quite simple. And once you have
9 read it all, you will understand that it is very simple, indeed.

10 Once Mr. Praljak has completed his testimony, there will be new
11 IC lists that will become the final lists and that may include the same
12 lists or slightly modified lists. But if there is any modification, it
13 must be pointed out to the Chamber.

14 So read it quite at ease. Otherwise, we're going to go into
15 endless discussions.

16 The Trial Chamber was of the view that it was necessary to
17 clarify all this by way of a decision so that you understand that
18 actually you can have an IC list that would be filed, say, today, there
19 might be objections by the Prosecution, and then in the end, when

20 Mr. Praljak finishes in July, there would be a new IC list which would
21 be, as it were, a consolidated IC list.

22 You seem to have some doubts, Mr. Stringer. I mean, you will
23 have this in your own language, and then if it still worries you, well,
24 just ask the legal officer and she will give you all the necessary
25 explanations in tete-a-tete, as it were.

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1 So we're going to continue with the presidential transcripts.
2 Remember, we ended with them last week.

3 WITNESS: SLOBODAN PRALJAK [Resumed]

4 [The witness answered through interpreter]

5 Questioned by the Court: [Continued]

6 JUDGE ANTONETTI: [Interpretation] Madam Registrar -- we have a
7 new Registrar today in court. I hope she will be able to keep up.
8 Please call up P414, and more specifically page 41.

9 MR. KOVACIC: Your Honour. [Interpretation] Good afternoon to
10 everyone in the court. I apologise for intervening. If I may have a
11 minute, while we are looking for the document.

12 Your Honours, I would like to express my concern with regard to
13 the dynamics envisaged in your ruling that you have just read.
14 General Praljak's Defence, in theory, will have, at the end, probably
15 expressed their opposition vis-a-vis the total of six lists. We don't
16 know if everyone else is going to submit something, but we shall, at any
17 rate, have to go through all the IC lists of the Defence teams and the
18 Prosecution in a single day and put forth our objections. We may be in a

19 slightly more inconvenient position than the other parties involved.

20 Therefore, I would kindly ask, if necessary, to give us, in
21 advance, some reasonable period of time for us to review all the six
22 lists, but working on the assumption that at least the Prosecution list
23 is going to be a long one. And that will be a little bit difficult to
24 finalise in one day.

25 Thank you.

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1 JUDGE ANTONETTI: [Interpretation] We take due note of your
2 request. The Trial Chamber will discuss this, and we will hand down an
3 oral ruling on the matter.

4 Yes, Mr. Stringer.

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

6 I simply wanted to join in the concern or the reservations
7 expressed by my friend Mr. Kovacic. If I was looking tentative earlier,
8 it was only because of concern that the requirement that other parties
9 file their responses one day after the IC lists are initially filed, that
10 was the concern I had. Our IC list that we filed today contained
11 responses to about 240 documents, and it takes a long time to go through
12 the transcript and see what was said and determine whether an objection
13 is warranted or not. And I don't know how many exhibits the other
14 Defence teams might be intending to offer on the basis of their own
15 cross-examinations. But the only concern that I had, and I think it's
16 one shared by Mr. Kovacic, is that it may be necessary for one or more of
17 the parties to ask for more time to file their responses or objections

18 once we've got the lists filed.

19 JUDGE ANTONETTI: [Interpretation] Yes. We'll take this on board
20 as well, and you will have a decision that will satisfy everybody, I
21 promise you.

22 Mr. Praljak, we have a presidential transcript of the
23 29th of August, 1992. The meeting had started at 6.00 p.m., ended at
24 7.20, with Mr. Izetbegovic, Mr. Boban, Mr. Manolic, and Mr. Susak. You
25 were not there. And at the meeting, as you can see, that's towards the

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1 beginning of the text, Mr. Tudjman said that the seat towns of Nevesinje
2 and Gacko had no reason to be included in the Croat region, but the
3 problem was for the Bosnian Croat Posavina. What did Mr. Tudjman mean,
4 exactly?

5 A. He wanted to say that within the scope of this internal division
6 of regions, or entities, or any kind of internal structuring of the
7 Bosnia-Herzegovina, the Croatian Posavina or, rather, in some of its
8 municipalities, the Croats constituted a majority. I am aware of this
9 transcript, because this took place after the London Conference, and
10 there's another attempt to see what kind of internal structure of
11 Bosnia-Herzegovina was going to look. Gacko and Nevesinje were populated
12 by the Serbs, and after all, one needed to hear what their view was about
13 the state structure.

14 There was also mention of the embargo, because Croatia was under
15 pressure not to provide any weapons to the HVO, and there was a proposal
16 for a sort of Muslim Croatian state within Bosnia-Herzegovina. So there

17 were always some ideas being put forward in order to find out what the
18 internal structure was going to be.

19 JUDGE ANTONETTI: [Interpretation] Let's have document P466,
20 page 54. P466.

21 A. One more note, Your Honours. In this document 414,
22 Mr. Mate Boban explicitly and clearly proposed a joint command of the
23 BH Army and HVO.

24 JUDGE ANTONETTI: [Interpretation] Very well. We'll have an
25 opportunity to return to the topic of joint command.

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1 So we were going to have a look at page 54. Let me check that it
2 is now on the screen. Yes, it is.

3 This is a meeting held on the 11th of September, 1992, with
4 Mr. Susak, with you, Mr. Praljak, Mr. Agotic, Mr. Lukic, and Mr. Radic,
5 together with Mr. Tudjman. The latter said that Croatia will insist on
6 the fact that the regions that were part of the Croatian Banovina were,
7 demographically and geopolitically, part of Croatia. So this is what he
8 said.

9 Now, how do you understand his reference to those Banovina areas
10 which, as he seems to say, were demographically and geopolitically part
11 of Croatia? And you attended the meeting, so you must have heard him say
12 that. How are we to understand his words?

13 A. Very clearly, Your Honours, in what used to be the Croatian Banovina,
14 in the demographic sense, the Croatian population constituted a majority.
15 Now, when you are preparing an internal structure of Bosnia-Herzegovina, he

16 had in mind that it should be taken into account that this territory, this
17 space, these municipalities, call it what you will, populated demographically
18 by the majority of Croats, that it should represent within Bosnia-Herzegovina
19 -- or, actually, that Bosnia-Herzegovina should be organized in such a way
20 that the people living down there and constitute a majority enjoy equal
21 rights as the other two peoples. He said that they used to be -- he's
22 talking in past tense. They used to be part of geopolitical Croatia. Of
23 course, there was a geopolitical and national interest of the Republic of
24 Croatia. It is not a small matter for Croatia to have the Croats expelled
25 from the Neretva Valley and Herzegovina, Central Bosnia and other parts, and

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1 then, especially in war time, you have the JNA coming or the VRS coming to
2 the borders, or even the Army of Bosnia-Herzegovina. That is unjust and
3 illogical and should be a matter of interest. So he is talking in past
4 tense, and he's talking about the internal structure of Bosnia-Herzegovina.

5 JUDGE ANTONETTI: [Interpretation] Initially, I hadn't planned to
6 ask you the following question, but I have to do now.

7 Look at what Mr. Tudjman said also in the third paragraph. He
8 mentioned their wish to create an Islamist state. You mentioned the
9 issue several times, and so does Mr. Tudjman here.

10 In September 1992, was the emergence of an Islamic state a cause
11 for such risks that all authorities had the topic in mind? Is that the
12 reason why Mr. Tudjman mentioned the issue here?

13 A. That's right, Your Honours. The SDA was made up of people who
14 had been in jail as Young Muslims in the past. You know, when people who

15 are over 40 or over 50 years old had been imprisoned for their ideas,
16 then one cannot ever assume that they would abandon their ideas and that
17 they would come up with a political platform that they had never revoked
18 or invoked, and that is the Islamic platform. And if you have this kind
19 of concern prevailing in the international community as well, then you
20 might say that there was a real concern there.

21 And in the last paragraph, Tadjman is talking here about our,
22 meaning Croatian, engagement should be of such nature only to the extent
23 to ensure that we keep the Croats there and not worsen their position;
24 whereas, on the other hand, we are totally prepared to become disengaged
25 in providing support to the Muslims and Croats only when everybody, the

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1 Serbs and the Muslims and everybody else, is forced to cease all military
2 operations. And that was his hope throughout the whole time in the
3 aftermath of all these conferences, hoping that somebody from the
4 international community would come up with a stronger view, and
5 instruction, and how to carry out all the propositions from Cutileiro
6 onwards.

7 JUDGE ANTONETTI: [Interpretation] Let's move to a document in
8 which there are several relevant pages. It is P00498, page 67 to start
9 with.

10 This is a meeting that took place in Zagreb on the
11 17th of September, 1992, chaired by President Tadjman. We have HDZ of
12 the Republic of Bosnia and Herzegovina who attend the meeting.

13 Page 71, at the very top of the page, apparently Mr. Tadjman said

14 that the problem in Bosnia and Herzegovina has a historic and
15 geopolitical dimension for the Croatian people. The preamble of the
16 Croatian Constitution said that preserving the state entailed that the
17 Croatian Banovina had to be materialised.

18 Mr. Praljak, you remember the Constitution. It recalled the
19 issue of the Croatian Banovina. On page 67, Mr. Tudjman recalled that.
20 Apparently, you didn't attend the meeting, but to the best of your
21 recollection of the time, was the issue of the Croatian Banovina so
22 important, constitutionally, that it caused discussions within the
23 Croatian society?

24 A. Your Honours, in the preamble to the Croatian Constitution, it is
25 stated that nearly 800 years of our personal union and other forms of

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1 union with Hungary, Austria, Turks, et cetera, as far as the Croatian
2 Constitution is concerned, the issue of Bosnia-Herzegovina is the issue
3 that President Tudjman was speaking about. However, Banovina was
4 something that provided security and protection for the Croats in
5 Bosnia-Herzegovina. And the term "Banovina" was being used here as a
6 synonym for the protection of the Croats in the places where they
7 constitute a majority.

8 He further went on to say that Croatia had been helping the
9 Bosnian Croats and that, thanks to that, it defended and saved not only
10 the Croats, but Bosnia-Herzegovina itself.

11 He also added that if this part is lost to the Serbs, the same
12 will happen, what is now happening in Republika Srpska, from where

13 200.000 Croats had fled and who had never -- have never returned to this
14 day. Of course, he was much too realistic a politician, and he knew that
15 assuming that the Serbs had captured this without us managing to defend
16 itself, another 300.000 Croats would flee to Croatia. They would not
17 remain living in something that would be called Yugoslavia.

18 So it is quite clear that we are talking here about
19 Bosnia-Herzegovina, we are talking about the interests of the Croatian
20 people and Bosnia-Herzegovina, and that the assistance was provided to
21 both the Croats and the BH Army in order to fend off the Serbs. Even
22 more was received by the BH Army, not only from us but from other sources
23 as well.

24 JUDGE ANTONETTI: [Interpretation] Let's go to page 69. That
25 might shed light on what you have just said. Page 69, third paragraph,

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1 beginning with the following words: "In other words ..."

2 President Tudjman thus said that Croatia had defended Herzegovina
3 with the HVO so that they could establish a Croatian government there,
4 and he expresses his intention to maintain -- to keep the government.
5 And then he calls on all to work towards military unity and political
6 power. In saying so, through the words that we see here, it seems that
7 Mr. Tudjman is in favour of a Republic of Bosnia and Herzegovina, with a
8 role to be played by the HVO. And since there is already a government
9 there, Mr. Tudjman seems to be in favour of it. This is the third
10 paragraph.

11 What do you have to say to that?

12 A. I'm saying that this also attests to the same identical story,
13 and that is, first of all, Franjo Tujman is aware already, as a general
14 from World War II, of how Tito duped Churchill, and in places where you
15 are defeated, nobody from the international community is going to help
16 you go back or impose a just solution. So where you are, you need to
17 defend yourself.

18 Secondly, to maintain the Croatian authority in the area which we
19 had defended ourselves in is exactly what the HVO put in its documents;
20 that all the institutions of Bosnia and Herzegovina are recognised as
21 long as they do not wish to join Yugoslavia. The HD-HZ [as interpreted]
22 will stop as soon as an internal solution for Bosnia and Herzegovina is
23 found. You saw that in the document by Mr. Jaganjac, and as I said,
24 there is no HZ-HB; there's only the Vance-Owen Plan, if the Muslims
25 accept the Vance-Owen Plan.

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1 And then in the last paragraph, you see where it clearly says the
2 Muslims want war. And then he repeats, We mustn't quarrel with the
3 Muslims, we mustn't quarrel. I agree, but also we cannot submit to the
4 fez, we must not recognise the majority. We cannot submit our policy
5 under Alija Izetbegovic or the Serbs. So it means we would be equal in
6 Bosnia-Herzegovina, the Croats are an equal people.

7 And again he also speaks about, and I already said that, that the
8 Muslims in refugee centres -- are in refugee centres, can be found in
9 cafes, so there was talk that after the war with the Muslims, there would
10 be war with the Catholics. So this accords with their desire to be in a

11 majority in Bosnia and Herzegovina.

12 MS. TOMANOVIC: [Interpretation] We have an important mistake in
13 the transcript on page 12, line 8. General Praljak said, "HZ-HB will
14 cease to exist." In the transcript, it says "HDZ would cease to exist."

15 JUDGE ANTONETTI: [Interpretation] Very well.

16 Let's now take a look at page 70. At first, I didn't intend to
17 ask you any questions on this, but when I was looking at the transcript
18 earlier this morning, I thought that this was very important.

19 Mr. Tudjman is talking about the Mujahedins. He mentions them,
20 saying that they might be 1.100 to 1300 of them, and they would come from
21 Sudan, but also from Afghanistan and Iran. Very well. You have already
22 developed this theory of the Mujahedins. You've developed it over --
23 when you were asking questions to many witnesses. And here Mr. Tudjman
24 is confirming the fact that there are 1300 Mujahedins.

25 Now, here's my question: When you were commanding the HVO, did

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1 the intelligence you gather make it possible for you to know that in
2 front of you, you had the ABiH, but that within the ABiH there could have
3 been - I'm only saying there could have been - up to 1300 foreign
4 combatants? Of course, some of the Mujahedins might be local people, but
5 did you know that there were these categories of people in the ABiH and
6 that there were these 1300 combatants in front of you? Were you aware of
7 it, as commander, because Mr. Tudjman is talking about it?

8 A. Yes, Your Honour, we were completely aware. We did have
9 information, and on the basis of everything that I knew then, and later,

10 I still assert that the number of Mujahedin in Bosnia-Herzegovina, the
11 number of foreign nationals in Bosnia-Herzegovina, was above 5.000 at a
12 certain period in time. I think at one point in time in 1993, actually
13 in late 1993, there were more than 4.000 Mujahedin in the Army of Bosnia
14 and Herzegovina.

15 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you showed us a
16 video, a video I know well, where we see an exchange of prisoners.
17 HVO soldiers are exchanged for Mujahedin, under the auspices of UNPROFOR,
18 and this exchange occurs in Zenica. Among the prisoners exchanged, there
19 were a few Mujahedins who had been captured by the HVO. And if I
20 remember well, this exchange occurred in April, after Mr. Totic had been
21 kidnapped.

22 Now, at the time, did you get any information on the
23 investigations on these Mujahedins? Did you know what their goals were,
24 what -- how they had come about? Did you know anything about them?

25 A. We had plenty of information about that. Also, we knew from

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1 which countries they were coming, their numbers, and what they did.
2 There were several factors, acceptance by a certain part of the structure
3 around Alija Izetbegovic and some of his officers, but there was also
4 resistance among parts of the population, in terms of the Mujahedin,
5 because they abused them, because, in their opinion, these people were
6 not good Muslims because they were drinking, the women were not covering
7 themselves, and so on and so forth. But they enjoyed covert and overt
8 public support of Alija Izetbegovic, Dzemal Merdan, Fikret Muslimovic and

9 so on, and we did have all of those -- we knew about all of those things.

10 JUDGE PRANDLER: Thank you, Mr. President.

11 I would like to ask you a question from you, Mr. Praljak. On the
12 same page, we find the sentence here in the second paragraph, the last
13 sentence of it, and I quote:

14 "They figure there are four million Turkish citizens with origins
15 in Bosnia who are prepared, and are organising in their own way, to
16 return to Bosnia and Herzegovina."

17 Frankly, I am taken aback. I have never heard about it. Of
18 course, it is not a very big thing if I did not hear about it, but I fear
19 really that it is somehow out of proportions and, for me, it is
20 ridiculous. I wonder -- I mean ridiculous that President Tudjman spoke
21 about the four million Turkish civilians.

22 As we all know, the Turkish presence in Bosnia-Herzegovina
23 finally happened to terminate in the 19th century, in 1878 at the latest,
24 and that is why I believe that speaking about four million Turks with
25 early origins in Bosnia, it is somehow something which is -- which cannot

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1 be substantiated. So I wonder, what is your view about it?

2 A. My position, Your Honour, is opposite to yours. These are facts.
3 These are true facts that you can check still today.

4 What occurred were two major exoduses of Muslims from Bosnia and
5 Herzegovina, and -- well, let's say three. After the Berlin Congress in
6 1879, when -- 1878, when Bosnia was given to Austria to manage, and then
7 with the annexation, Austria in a way took charge and ruled over Bosnia,

8 as of 1908, when the Muslims who, for several centuries, especially the
9 upper class, ruled that region, could not reconcile themselves to the
10 fact that a significant or substantial change had occurred in the
11 internal order of the state, so a vast number of Muslims left Bosnia and
12 Herzegovina as well as Montenegro, Sandzak. And in particular, after
13 World War I, after the Serbs, as the victors in World War I, were given
14 to run Yugoslavia, the old Yugoslavia, there was another major exodus.
15 There is a vast population in Turkey that had come from what we call the
16 former Yugoslavia.

17 So this figure is not exaggerated, Your Honours. I think there
18 is publicly-available data if you're interested. I can look for the
19 precise figure, if you wish.

20 JUDGE ANTONETTI: [Interpretation] General Praljak, if I
21 understand you well, after the Berlin Congress there was an important
22 exodus, a great number of Muslims who knew that Austria was about to
23 manage the country and who decided to leave for Turkey. And after
24 World War I, because of Serbian hegemony, there was a second exodus. So
25 almost 90 years later, this could have resulted into four million Turks

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1 who had origins in Bosnia-Herzegovina, whose great-grandfathers were in
2 Bosnia-Herzegovina?

3 A. Especially in 1908, there was a major one. And then after
4 World War I, when the Serbs abolished the land rights of the Beys and the
5 Agas, who had vast estates, when they implemented the agrarian reform, a
6 well-known act, and they distributed the land to the serfs, to the

7 people, so they moved from Yugoslavia, also they moved out from
8 Macedonia, Yugoslavia, Sandzak. Muslims were leaving all of these places
9 and going towards Turkey. It was not only that they were moving out from
10 Bosnia-Herzegovina.

11 JUDGE ANTONETTI: [Interpretation] Very well. Let's look at
12 page 71 now, Madam Registrar, please.

13 JUDGE PRANDLER: I'm sorry. I do not want to continue the
14 discussion, and I do not want to prevent Judge Antonetti to continue his
15 own questioning, but I would like only to say that I am sure that these
16 figures are exaggerated. I also know something about the former
17 Yugoslavia, about the history of that region, from the 19th and
18 20th century, but, anyway, I believe this kind of figure of four million
19 is part and parcel of the kind of the, quote/unquote "Muslim threats,"
20 and therefore I do not think that it is being substantiated by any other
21 major source.

22 Thank you.

23 JUDGE ANTONETTI: [Interpretation] General Praljak, I asked for
24 page 71 to be placed on the screen.

25 Look at the last paragraph in this page, please. Tudjman is

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1 saying that during his negotiation with Izetbegovic, Izetbegovic not
2 wanted to sign a military agreement which would have allowed the Croats
3 to directly involve themselves in Bosanska Posavina. As far as you're
4 concerned, could you tell us why Izetbegovic refused to sign this
5 military agreement?

6 A. Because he was hoping that he would sign an agreement with the
7 Serbs to the -- or at the expense of the Croats because they would find
8 some sort of historical agreement. If a military agreement were to be
9 signed with the Croats, then he would clearly opt for a choice of who was
10 the aggressor and who was helping him, and this was not possible in the
11 case of Mr. Izetbegovic. He wanted to sit on both chairs and be in with
12 all the players. And as far as reaching agreements, he tried to reach an
13 agreement with the stronger side. Had the Serbs not done what they did
14 to them, he would have entered into an agreement with them against the
15 Croats. In this way, he signed an agreement only on the border areas,
16 and that prevented Croatia from sending its regular troops, because there
17 was no military agreement, and that is how we lost Posavina.

18 JUDGE ANTONETTI: [Interpretation] Very well. Let's look at
19 page 78, then, because there might be a reason explaining why
20 Mr. Izetbegovic did not want to sign this agreement.

21 Page 78, first paragraph, please.

22 Here, Tudjman said that he was in favour of an agreement that
23 should be signed between Croatia and Bosnia that would allow Croatia to
24 legally interfere in Bosnia-Herzegovina. Don't you think that this was a
25 reason why Mr. Izetbegovic was so reluctant? Mr. Tudjman is saying if

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1 there had been an agreement, Croatia could legally have interfered in
2 Bosnia-Herzegovina. This is what's written. What's your opinion on
3 this, please?

4 A. Correct, Your Honours, but legitimate in terms of defence. If you

5 connect that it means the defence of Posavina, that's the area where both
6 Croats and Muslims were killed and persecuted. He's not saying that that
7 army should go to Nevesinje and Gacko, not there where the Serbs were, but
8 in places where the Serbs wished to expel either the Bosniaks or the
9 Muslims. And you know, yourself, how many Bosniaks and Croats were
10 expelled from Bosnia.

11 JUDGE ANTONETTI: [Interpretation] Let's take a look at document
12 P524, page 10. This is a meeting of the National Defence Council, held
13 on September 26. You attend -- you are attending this meeting, as well
14 as Mr. Mesic, Lukic, Sarinic, Susak, and of course Mr. Tudjman. During
15 this meeting, Mr. Tudjman is announcing that the political and military
16 situation is quite difficult and that the conclusion of an agreement
17 could justify the engagement of Croatia and Herzegovina. It seems to be,
18 anyway. Mr. Tudjman is saying that the military situation is very
19 difficult and that the best solution might be, after all, to reach an
20 agreement so that Croatia could be joining forces with
21 Bosnia-Herzegovina.

22 You attended this meeting. Do you remember this?

23 A. Yes. All I can add is that the same identical story goes on, and
24 that is that Tudjman is saying perhaps the Serbs would stop firing on
25 Jajce if the hydroelectric power-station would be given to them. Again,

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1 he says that we have to go with the Muslims in order to be able to defend
2 our positions; that it was necessary to understand the Serbs, too.
3 However, without resolving Bosnia and Herzegovina, the problem in Croatia

4 itself will not be resolved; Drina up to the Baranja.

5 Well, it's a principled and clear political position in a war.

6 You don't wish to attack anyone, you don't wish to wage war. You want an

7 independent Bosnia and Herzegovina where the Croatian people would be

8 sovereign and a part of the -- and constituent element, and --

9 THE INTERPRETER: The interpreter did not catch the last sentence
10 by Mr. Praljak.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, you see that
12 right after all this, Tudjman said that Panic said before the
13 United Nations that, We had 30.000 regulars and 10.000 irregular Croatian
14 soldiers. I don't know who this Panic is. I assume it must be
15 Mr. Milosevic's ambassador.

16 A. Panic? No, at the time Panic was the president of Serbia.
17 Milosevic was the president of Yugoslavia. Panic was a Serb who -- it's
18 important. He was an American citizen. He had lived for 30 or 40 years
19 in the United States. He was a businessman, and the Americans managed in
20 some way to get him to Serbia. But, however, that man, as much as he
21 wished to, had no clue about politics, and he had a lot of
22 misconceptions, and he didn't really last that long. He was not really
23 well versed in matters, but somebody told him that there were
24 30.000 regular troops over there, Croatian troops, so -- but, you see,
25 what can I say? We had problems getting 10 people, never mind

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1 30.000 people. These are figures stemming from war propaganda.

2 JUDGE ANTONETTI: [Interpretation] Very well. So Panic

3 exaggerated the figures?

4 A. Yes, absurdly so.

5 JUDGE ANTONETTI: [Interpretation] Let's take a look at P00866
6 now, pages 8, 9 and 10.

7 This is a meeting held on December 5th, 1992, with Bobetko, Susak
8 and Tudjman. According to this document, I don't believe that you
9 attended this meeting, Mr. Praljak. Mr. Tudjman, in these three pages,
10 is saying the following: Croatia had secured Croatian territory in
11 Bosnia-Herzegovina, the western territories that were of strategic
12 importance to Croatia. He also says that the Croatian people in
13 Bosnia-Herzegovina benefit from complete independence in the area of
14 HZ-HB; as well, they also benefit from international recognition, and
15 that he was also -- he also writes to part of Bosanska Posavina. And he
16 says that recognising the rights of the Croats in Bosanska Posavina could
17 have been possible if the borders had been correctly drawn out, and that
18 the strategic interest of Croatia is to make sure that the Cazin, Bihac
19 and Krajina side of the Serbs, given the geopolitical position of
20 Croatia.

21 So in this meeting, Mr. Tudjman is taking stock of the situation
22 as of December 1992, and he is saying, as far as Croatia is concerned,
23 the western Croatian territory is of strategic importance. Do you agree
24 with what Mr. Tudjman was saying at the time?

25 A. Yes.

1 JUDGE ANTONETTI: [Interpretation] Very well. In a number of

2 presidential transcripts, we see that Mr. Tudjman is always mentioning
3 Bosanska Posavina. Why is he always mentioning this region? He's
4 mentioning it at all meetings all the time.

5 A. Because 150.000 Croats lived in that area, which is not a
6 negligible number for a people numbering a total of 4 million. I mean,
7 it's not a small number if we were talking about cows, never mind people.

8 JUDGE ANTONETTI: [Interpretation] Very well. This is your
9 explanation to explain why Mr. Tudjman was so interested in this region.

10 Let's move to another document, P01544. Now we're going to move
11 to 1993. We would like to have page 24 on the screen, please.

12 This is a meeting held on February 24th, 1993, National Council
13 for Defence, a meeting held at 6.00 p.m. It lasts for an hour and a
14 half. We have Sarinic, Marinic, Vedris, Jarnjak, Bobetko, Tus, Sanader,
15 Sansevic [phoen], Tudjman, Pasalic, Greguric. It seems that you did not
16 attend this meeting. However, on page 24, Tudjman seems to say that the
17 Croats must maintain their position according to which Bosnia-Herzegovina
18 should remain independent, but it should remain so as the union of three
19 people, three constitutive people.

20 It seems that Mr. Tudjman is recognising the independence of
21 Bosnia-Herzegovina and actually is not challenging it, but he seems to be
22 calling for a union of the three constituent peoples. What is your
23 opinion on this, please? How do you perceive what he just said?

24 A. Well, always in the same manner, and that is Bosnia-Herzegovina
25 is independent, it should be independent, just as it is spelled out in

1 the BH Constitution. Franjo Tudjman understands the BH Constitution, and
2 at this meeting that I -- I am familiar with it, first of all, for
3 instance, the relationship between Franjo Tudjman and Turkey were great.
4 Croatia and Turkey were on great terms. Hido Biscevic, who was in the
5 Cabinet, served as an ambassador there, and he took care of all those
6 things in Turkey. Turkey helped Croatia a great deal. It fully
7 understood. Demirel, the Turkish president, visited Croatia several
8 times. He fully understood Franjo Tudjman's positions.

9 And if I may be allowed to say, in a recent TV programme, a good
10 journalist from Croatian TV visited him in Istanbul or in Ankara. He
11 spoke about Franjo Tudjman in -- with great praise, although he's now
12 retired, he's no longer active in politics, and he also speaks about the
13 number of refugees who found shelter in Turkey. But I will find this
14 information for you. And the International Criminal Tribunal is
15 mentioned here, the one that I am facing now. It is clearly spelled out.
16 The position of all the structures of the government in Croatia is quite
17 clear, of the people, of the army, of the parliament, of the government,
18 regarding Bosnia and Herzegovina. It was all clear, regardless of all
19 the difficulties and the shifting policies pursued by Alija Izetbegovic,
20 the international community, the Mujahedin, the aggression against us,
21 the arms embargo, and so on and so forth.

22 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you have just
23 spoken about the ICTY. I was planning this question at the end of my
24 questioning, but we may as well deal with this now, since you have
25 addressed the issue.

1 Lately, I've been wondering, when our Tribunal was set up, what
2 was being said in Zagreb during the meetings which you attended, chaired
3 by Mr. Tudjman, and also at the level of the National Defence Council. I
4 sense that we do not have all the transcripts. There may be transcripts
5 that have not been adduced into evidence or that were not given to the
6 Trial Chamber because, as you know, the parties are the ones submitting
7 documents. You are under oath, and you're supposed to tell the truth,
8 the whole truth.

9 During the meetings you attended in Zagreb, the very concept of
10 this Tribunal, which was going to charge people later on, was that
11 discussed at the level of the government?

12 A. Yes. It is actually discussed here in the transcript that you
13 have in front of you, and you will see Franjo Tudjman's position; the
14 Tribunal is necessary, war crimes should be investigated, this will be a
15 good thing. Mr. Milas, a lawyer who had lived in Vienna for a long time,
16 is skeptical towards how the -- vis-a-vis how this Tribunal would
17 adjudicate its cases. I was, of course, au courant with all of that, I
18 wrote about it in "Hrvatski Vojnik." We advocated this Tribunal, but I
19 meant something else, cooperation with the Tribunal in The Hague. I
20 thought that we would be cooperating, not that we would be surrendered
21 pursuant to any indictment that is drafted here for any old reason.

22 There was a French proposal on how the Tribunal should be set up,
23 on 70 pages, and this is being discussed here, and Sweden and another
24 country, another government, with its legal experts were supposed to go

25 through it, and then the Americans and the British came and just dumped

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1 it and they introduced a procedure that is not appropriate. The European
2 legal system under which the Prosecutor would be an investigator, who
3 would be cooperating with me to determine whether I was a war criminal or
4 not, that was supposed to be the way, and not the freedom to put whatever
5 one saw fit in an indictment, and then an indictee must prove their
6 innocence over a period of five years; and if you take such a long time,
7 then probably that person is guilty.

8 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I'm going to take
9 a starting point that will be easy for me, because you were not concerned
10 there. I'm speaking about Ahmici, when Ahmici happened, with all the
11 fallout we know about in the media. Did the government meet, did
12 Mr. Tudjman seek meetings, and did nobody say, Well, there was Ahmici,
13 serious events took place, no doubt that is going to give rise for
14 demands in the international community for inquiries, and this might sort
15 of go back to us, come up? Did nobody speak about that?

16 A. Well, Your Honour, this was talked about interminably,
17 unfortunately, but proper investigations were not an important thing.
18 Everybody knew what happened from a distance of 200 kilometres,
19 8 kilometres, 2 kilometres, but there were no good investigations in the
20 field. The first story was that there were no rifles among the Muslims.
21 For two years, a trial went on at this Tribunal, Your Honours, before the
22 Court accepted that in 1993 the Muslims were armed, that they had their
23 units, a huge quantity.

24 Well, read -- read it for yourselves, the transcripts.

25 MR. STRINGER: I apologise for the interruption, but we do

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1 object. The testimony is irrelevant and it's not responsive to the
2 President's question, whether the Ahmici incident was discussed in Zagreb
3 among the Serbian government.

4 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you're trying to
5 tell us that there was a lack of investigation, but I put a very specific
6 question to you. I asked whether, in Zagreb, General Tus, you, Bobetko,
7 Susak, Tudjman, Mr. Sanader, or Mesic, whether you discussed the creation
8 of this Tribunal, which we inevitably saw, give rise to investigations in
9 the years to come, with possible prosecution. That was my question.

10 Now, with regards to what you've just said, of course, the
11 Appeals Chamber more or less confirmed what you said, but that was not
12 the purpose of my question. I want to know whether you spoke or
13 discussed the risk that there may be people held to account later on.
14 I'm thinking of political and military leaders.

15 A. Well, Your Honours, not that we discussed; here there is a
16 demand. We demanded that this Tribunal be set up. It's not only that
17 there was talk. In this transcript, you can see that the demand is made
18 for this Tribunal to be set up to investigate all the crimes. You saw
19 that in "Hrvatski Vojnik," a number of texts, articles.

20 Croatia was among the first countries to put forward that this
21 Tribunal should be set up to investigate each and every crime, and for
22 each criminal to be punished. This was the case continuously.

23 You can read this transcript, what Franjo Tudjman says. I have
24 them noted down here, but I didn't jot down the page. It's 0186750 --
25 the last number is 506, so it's 01867506, and I'll read it. You can find

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1 it.

2 JUDGE ANTONETTI: [Interpretation] Yes, tell us what Tudjman said.

3 MS. PINTER: [Interpretation] The page is 40, the page 40 in the
4 transcript.

5 THE WITNESS: [Interpretation] Well, yes, we have it here. Well,
6 yeah, here it is. Because they would be -- the International Criminal
7 Tribunal would be in charge of them, it would have jurisdiction over
8 them, and this is a positive phenomenon, but we will not be able to avoid
9 investigations into war crimes in our territory. But, of course, as I
10 have stated quite openly, I told everyone in those diplomatic talks at
11 state level, Please, gentlemen, there was an aggression in the Croatian
12 territory, crimes and so on.

13 Well, I don't want to go on quoting, but he says that the
14 decision to establish the War Crimes Tribunal must be, and I quote:

15 "The decision to set up the War Crimes Tribunal should be used by
16 us in order to strengthen the legal system in our country."

17 And then he goes on to say:

18 "We have been always saying that we are in favour of having the
19 rule of law."

20 So the man in the street, our public, must understand that we
21 have an obligation before the international community, that this is in

22 our own interest, and therefore it must be respected from that point of
23 view too, full stop. So let's use this, and "this" here is the
24 International Tribunal, to put a stop to those arbitrary acts and all
25 terrorist acts.

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1 So, Your Honours, it was not that there was just talk. Croatia
2 supports the position of the International Criminal Tribunal, justice and
3 the rule of law. I said this in public several times.

4 I had some reservations regarding cooperation, the organisation,
5 and the political influence aiming at equalising the responsibility of
6 all sides, and I have the same criticism today. I have a great deal of
7 material here indicating that the indictments were drafted according to
8 political dictates from various -- yes, yes, yes, the Prosecution, yes,
9 that's exactly as I'm saying. It's also the result of poor work.

10 MR. STRINGER: It's irrelevant, Mr. President, and not
11 responsive.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, you read the
13 page in which Mr. Tudjman said that, if I'm to understand, that the
14 Tribunal will make it possible to solve some crimes, and that he was not
15 opposed to the Tribunal being created. This is important. This page is
16 now on record.

17 P -- yes?

18 A. Not an obstacle. He says, We want this because we want to have
19 rule of law. Your Honour Judge Antonetti, you're now -- yes. So, no, we
20 want it for the sake of the rule of law and the functioning of the legal

21 system. That's why we want this Tribunal. We put forward its
22 establishment. We want it, and we will support it.

23 JUDGE ANTONETTI: [Interpretation] Thank you for this explanation.

24 Let's have a look at P02122, page 8.

25 The meeting was held on the 27th of April, 1993. This is an

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1 important date, 27th of April, 1993. Many attendees; Tus, Tudjman,
2 Bobetko, Greguric, Manolic, Mesic, and more.

3 On page 8, Mr. Tudjman can be seen to say that the strategic
4 interests of the West and Croatia is to cooperate with the Muslims, but
5 that they had to make sure that they kept the territories of Bosnia and
6 Herzegovina which were of interest to Croatia. So Mr. Tudjman seems to
7 be saying two things: First thing, the need to cooperate with Muslims;
8 second thing, that they had to be careful and attentive. What is your
9 comment on this?

10 A. That's correct, yes, and I agree with it. Cooperation,
11 Bosnia-Herzegovina, but not in such a way that, in the end of a peace
12 process, we end up being in absolute minority throughout Bosnia and
13 Herzegovina, because then Muslims and Croats would be expelled from areas
14 taken by Serbs, and then we will have done nothing, or, for instance,
15 that Muslims would move from Sandzak and Serbia to Bosnia-Herzegovina; in
16 other words, so that we don't face an ethnic catastrophe, occupation.
17 Let's say what would happen if France would join with India in a joint
18 state, and then you will see how many Frenchmen would remain living in
19 France.

20 JUDGE ANTONETTI: [Interpretation] Let's go to page 16, where
21 mention is made of ethnic cleansing. Page 16 should be called up on the
22 screen. Here it is.

23 Fourth paragraph, Tadjman says that:

24 "The world is not going to allow us to execute ethnic cleansing."

25 Well, this is a rather ambiguous sentence. We do not know

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1 whether this speaks about the Serbs or the whole world, but here Tadjman
2 speaks about ethnic cleansing. Can you see the words, Mr. Praljak, as
3 used by Mr. Tadjman, himself, "ethnic cleansing"?

4 A. Yes, Your Honour. At that time, ethnic cleansing committed by
5 Serbs -- was already committed by Serbs on a great scale. They moved
6 30.000 to 35.000 people into Baranja and those areas. They -- he says,
7 We can take Knin by military means, but there would be a lot of blood.
8 He's constantly hoping that there would be a deal, that a deal would be
9 made, a normal political, human deal, and this is what he's saying here
10 yet again.

11 JUDGE ANTONETTI: [Interpretation] If Mr. Tadjman says that the
12 world, that is, the international community, is not going to allow ethnic
13 cleansing, even though in this instance it is by the Serbs, in saying so,
14 could this sentence apply to Croats as well? Might he think that the
15 international community is not going to allow Croats, either, any ethnic
16 cleansing?

17 A. Well, Franjo Tadjman was hoping that the world would not allow
18 ethnic cleansing. Unfortunately, it was allowed, and to this day it was

19 completed, in the aftermath, quite peacefully. And if you look at the
20 new census in Bosnia and Herzegovina, which would probably be conducted
21 in 2011, and if you then compare it with the previous one in 1991, you
22 will see that the ethnic cleansing was, indeed, carried out in large
23 parts of Bosnia and Herzegovina, in Sarajevo, in Republika Srpska, and so
24 on, so on. In Vares... The only place where it was not conducted was in
25 areas inhabited by Croats, because Croats managed to defend their areas.

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1 That's what I wanted to say.

2 JUDGE ANTONETTI: [Interpretation] Let's go to P02302, page 7.

3 This meeting was held on the 11th of May, 1993. This is an
4 important date because that is two days after the 9th of May, as
5 everybody understood. Meeting starting at 8.30 p.m. until 10.30, with
6 Mr. Tudjman, Mr. Sanader, Mr. Mesic, Mr. Manolic, Mr. Susak, General
7 Bobetko, General Tus, and you don't seem to have attended the meeting.

8 On page 7, Mr. Tudjman spoke and said that:

9 "They, the Muslims, are populating areas with refugees from
10 Central and Eastern Bosnia. This is happening in Mostar, but also in
11 other areas that are purely Croat places in Herzegovina, so that they
12 changed or are changing the national composition of those places."

13 So this raises the issue of refugees, of Muslim refugees, and
14 in -- by reason of their number they're going to change the ethnic
15 make-up. Is that true or overstated? What do you think of this?

16 A. No, that's not an exaggeration. This is correct, Your Honour.
17 In the transcripts, you can see that I said that several times in 1992.

18 There is an ethnic occupation of the Muslims who had been expelled from
19 the Serbs and who moved into areas where Croats used to be in a majority
20 of sorts. So when you have people coming in, it's not Muslims or Croats
21 coming in; you have people coming in. And we are constructing the road
22 of salvation. We receive them in Posusje. You are receiving people in
23 Croatia, in Mostar, in Capljina, in Posusje. But when the war is over,
24 those people become citizens. And you effectively lost areas,
25 territories where you used to be in the majority, because somebody

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1 expelled Muslims and they moved into those areas. And here at the end,
2 Tudjman says that in some places where this is going on, people are
3 cursing Boban, Susak and Tudjman because they're arming Muslims, and they
4 then turn their weapons against us.

5 Well, the people are not stupid. Everybody knew everything, I
6 assure you. And the people there, they have this historical sense, they
7 know exactly what's going on, and it was very difficult for
8 Franjo Tudjman to pursue this policy of arming the Muslims and then other
9 people were killed with the same weapons. Well, somebody should try and
10 see what it looks like, what it feels like.

11 JUDGE ANTONETTI: [Interpretation] In this text, Mr. Tudjman
12 speaks about the situation in Mostar, and it is written here, black and
13 white, he says that there are Muslim refugees arriving in Mostar, and the
14 refugees are going to change the ethnic make-up of Mostar, but it is true
15 for East and West Mostar.

16 If Mr. Tudjman is right in saying so, when the refugees arrived

17 in East Mostar, did they go there because it was the only place where
18 they could go, or were they encouraged to go there so that they would
19 actually sort of create a place that would fester in East Mostar? So
20 what I'm trying to ascertain is whether it was somehow automatic that the
21 Muslim refugees would go there because they had no other place to go or
22 were they encouraged to go there. So why did they go to East Mostar?

23 A. When, in 1992, those refugees started coming in from
24 Eastern Bosnia and Herzegovina, I think that at that time those ideas
25 were not bandied about. They could have gone to Croatia, and hundreds of

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1 thousands of them did go to Croatia. But as time went by, and in
2 particular after the fall of Jajce, all my information indicated that
3 certain circles in the Muslim leadership were distributing a certain
4 number of their refugees into areas where Croats and Muslims were in the
5 balance, in terms of the number of population; Bugojno, Travnik,
6 Novi Travnik, Mostar, and so on. The surplus went to Croatia, and a
7 number of them were kept in that area with the wholehearted support of
8 Croats who wanted to let them have the areas that were left vacant when
9 the Serbs left. They distributed vacant housing to them mostly in
10 Western Mostar, Your Honours, because there was more housing available
11 there.

12 JUDGE ANTONETTI: [Interpretation] Sorry for interrupting you.

13 You said earlier on that they were kept. When you said that, I
14 remembered the testimony of witnesses who came to say that Muslims in
15 East Mostar were free to go, but that as a matter of fact, they were

16 prevented from doing so by the BH Army. So I'm trying to understand. If
17 East Mostar is being shelled, is -- if East Mostar is being shelled by
18 the HVO, if you have a civilian, a non-combatant, knowing that he's being
19 shelled, I guess he'll want to leave, to flee. And if he does so, he
20 reduces the ethnic composition. So by shelling, if the HVO did shell,
21 wasn't it the aim to have these people go to re-establish the balance,
22 but when the HVO realised that they would not leave, what was the point
23 of keeping on shelling? At the level of the military authorities, did
24 you have this kind of discussion? Did you discuss what was to be done,
25 unless you tell me straight away that you did not shell but that the

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1 Serbs did?

2 A. Well, you've asked many questions, Your Honour, and you made a
3 number of statements.

4 First of all, I said that there were time-periods. The first
5 wave of refugees in 1992, who came to Mostar, 30.000 to 35.000, that's
6 one thought, that's one issue. They were taken in, and I think that
7 among the Muslims, the Muslim leadership at the time, there was no clear
8 idea that they should remain there. But later on, in 1993 -- in late
9 1992, after the fall of Jajce, so we're talking about the end of 1992 and
10 the beginning of 1993, there is a clear intention that the Muslim
11 refugees, expelled by the Serbs, should remain in the territory where
12 Croats are in the majority or where there is a 50:50 ratio, at least to a
13 certain number.

14 And now as regards the period after the conflicts that started on

15 the 30th of June, 1993, the HVO never shelled civilians, and I don't
16 know -- well, you put that forth as an argument, but I am challenging it.
17 So you can see that the HVO, in the six months, fired about 600 shells,
18 Serbs fired 250 shells, and those shells were aimed at military targets.
19 You saw how many times they set up their mortars near the hospital, and,
20 well, there was a number of cases in Sarajevo. Their intention was to
21 get a response and to get civilian casualties that they could then parade
22 before the international community in order to brand the other side as
23 criminals.

24 Over the four and five -- four or five months of their attacks,
25 600 shells from our side is insignificant, in military terms. And they

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1 never targeted any civilian areas. If civilians had been targeted in
2 Mostar, and you could see here the ethnographer, there would not have
3 been 524 dead soldiers and no civilian casualties. I'm not saying that
4 nobody got killed, but the HVO really made sure that even the mortars
5 that were transported around on trucks -- and let me tell you this: When
6 the US ambassador, and this was said here, when he came to East Mostar,
7 they would always use that opportunity and would fire on us. We would
8 have casualties, people were killed and wounded. And then when we
9 responded militarily, then they would show Galbraith, Well, look, they're
10 firing on us. Of course, Galbraith didn't see where their mortars were
11 mounted on a car somewhere close to where he was, the mortars that are
12 being fired to kill my lads.

13 This was a perfidious game played throughout the war, and there

14 are piles of very specific analyses by military observers and reporters
15 from abroad that show that.

16 JUDGE ANTONETTI: [Interpretation] Very well. You've given me an
17 answer for the assumptions I was making. There was no statement on my
18 part; only assumptions.

19 We'll now have a 20-minute break. I have about 12 transcripts,
20 presidential transcripts, to go through.

21 --- Recess taken at 3.48 p.m.

22 --- On resuming at 4.13 p.m.

23 JUDGE ANTONETTI: [Interpretation] The hearing is back in session.

24 Let's call up -- let's call up document P02466, page 10.

25 We have page 10 on the screen.

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1 This is a meeting held May 20th, 1993, from 6.00 p.m. to
2 7.30 p.m., with Mesic, Manolic, Valentic, and many others including
3 Bobetko, Tus, Pasalic, Tudjman, and more. During this meeting, and you
4 see this on page 10, Mr. Tudjman says that Croatia cannot afford to lose
5 areas that were in the Banovina, even though a good number of refugees,
6 most of them being Muslims, are there. Croatia cannot accept either that
7 Muslims change the demographic structure of Mostar and Travnik, because
8 if it was -- if it did, the south of Croatia and Dalmatia would be
9 jeopardised. Mr. Tudjman is saying a number of things. There is a clear
10 reference to Banovina, and there is also a very clear reference to the
11 fact that there could be modifications to Mostar and Travnik, as you
12 said.

13 So what is your take on this, please?

14 A. Well, Mr. Tudjman speaks about Banovina in precisely those terms
15 as it is supposed to be understood. The areas, well, conditionally
16 speaking, instead of saying areas that were inhabited by Croats in the
17 absolute or relative majority, you cannot allow that, in the actual fact,
18 the demographic picture should be changed by war, and there was a risk
19 that it might be changed by aggression, in particular by the aggression
20 of the BH Army, because we had managed to defend ourselves against Serbs.
21 And here at the beginning, he says that Stoltenberg understood that, and
22 so did Owen, and that he talked with Izetbegovic tete-a-tete in Split,
23 and that this conflict with Croats that he initiated was suicide policy,
24 and so on and so forth. And he forecasts that there would be another
25 140.000 Croat refugees and Muslims. Well, it's a consistent policy.

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1 Ethnic structure in a state should not be changed by war. Well,
2 and, of course, we will protect the Croats. That's what we had fought
3 for, and we didn't endanger anyone, in legal terms or in any other way.
4 But Banovina has nothing to do with the state of Croatia. It's Bosnia
5 and Herzegovina and the position of Croats in Bosnia and Herzegovina.
6 And the plans that were drawn up by the international community were
7 always in the same vein up until Dayton or Washington, when there was
8 this pressure that resulted in the division of Bosnia and Herzegovina
9 into two states.

10 JUDGE ANTONETTI: [Interpretation] Let's move to June now, P02719,
11 page 40, please.

12 This is a conversation between Mr. Tudjman and Mr. Izetbegovic.

13 It's quite a long conversation. And apparently it started after

14 12.00 p.m., so it must have been a very important conversation.

15 I'm interested in page 40, the one we have on the screen right

16 now. It seems that Izetbegovic is accusing Mate Boban of being in favour

17 of the Vance-Owen Plan, while doing everything to make sure that it

18 cannot be implemented. So here it's a criticism of Mate Boban.

19 Mate Boban would be playing a double game, saying, on the one hand, Yes,

20 I agree with the Vance-Owen Plan, but, on the other hand, doing

21 everything he can to make sure that it's not going to work. At least

22 this is what Mr. Izetbegovic is saying.

23 So what do you have to say regarding this? Was this Mr. Boban's

24 traditional position or is Mr. Izetbegovic accusing him of things that

25 are not really true?

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1 A. What Mr. Izetbegovic is saying is entirely untrue. Croats were
2 the first to accept the Vance-Owen Plan unreservedly, and you can -- you
3 could see Prlic's commitment and the commitment of the HZ-HB to adopt the
4 new structure under the Vance-Owen Plan, and the destruction thereof by
5 the Muslim leadership in Alija Izetbegovic.

6 And then he says, Well, we attacked Bosnia and Herzegovina [as
7 interpreted]. That's not true. You saw the plans from April by the
8 BH Army to attack Mostar and Central Bosnia and so on. This is a lie.
9 Now, whether this is a lie because his people were telling him different,
10 I don't know that, but I don't really believe that he was so ill-informed

11 about the situation down there. After all, I, myself, pleaded with him
12 to give me the people as we had arranged to calm the situation down. He
13 never did anything of the sort down there, and then he said, Well, he'll
14 call in two days or three days, he'll think about it, and so it all fell
15 through.

16 MS. TOMANOVIC: [Interpretation] Just a moment. A correction for
17 the transcript. I do apologise.

18 Page 37, line 22, the General said: "And then he says, Well, we
19 attacked Mostar." In the transcript, it says "Bosnia-Herzegovina," and
20 there is a mistake there.

21 THE WITNESS: [Interpretation] Yes. Well, then Mr. Izetbegovic
22 says here that Mate Boban -- or, rather, the HVO attacked Mostar, which
23 is not true.

24 MS. TOMANOVIC: [Interpretation] Again, the word "Mostar" is not
25 there on page 38, line 9.

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1 JUDGE ANTONETTI: [Interpretation] This has been corrected. Let's
2 move to July now, with document P03240, page 63.

3 This is July 6. This is the 14th session of the National Defence
4 Council, a meeting started at 10.00 p.m. and ended at 11.30 p.m.

5 Attending, Mr. Tudjman, Mr. Greguric, Mr. Zerkovic [phoen], Vedris, and
6 more, but it seems that you did not attend this meeting, Mr. Praljak.

7 However, you might know this document, and we're interested in page 63.

8 This is right after what -- just after Valentic's words. Tudjman
9 takes the floor again and talks about Jablanica and its hydroelectric

10 power-plant. It seems that Mr. Tudjman asked Bobetko and Susak to seize
11 Jablanica. So please explain what this means. What does it mean to
12 seize Jablanica? This is July 6th. What did he mean when he said, I
13 told Janko and Susak to seize Jablanica?

14 A. Well, I can't really comment on it, but I can say that
15 Mr. Valentic is talking about Herceg Novi, the problem of Herceg
16 Novi with -- well, it's to the south of Dubrovnik. It has nothing to do
17 with this sentence by Franjo Tudjman. It was about the water supply for
18 Herceg Novi and the electricity supply to Dubrovnik. Herceg Novi is in
19 Montenegro, and Herceg Novi receives its water from Dubrovnik, the
20 Dubrovnik area, and Dubrovnik receives its power from the -- a Serb
21 power-plant in Bosnia-Herzegovina, near Trebinje, north of Dubrovnik.
22 And then some arrangements had to be made for Herceg Novi to get water
23 and for Dubrovnik to get power in return.

24 Now, what the president means when he speaks about the
25 power-plant, well, Croatian and Bosnia-Herzegovinian electricity

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1 generation systems were linked up, and Croatian power-plants supplied
2 Bosnia and Herzegovina with electricity. And you had a witness here,
3 Your Honours. I questioned this witness. The power from Jablanica,
4 well, they let the water just flow by and they didn't want to put this
5 power-plant into the system, the electricity generation system of Bosnia
6 and Herzegovina and Croatia. At the same time, they took electricity
7 from Croatia to keep their power distribution system. Now, I don't know
8 what the president managed to do in the end.

9 JUDGE ANTONETTI: [Interpretation] Fine. Let's move to September,
10 P04740, page 10. This is a meeting that started at 10.00 and ended at
11 11.45 a.m., with Mr. Mesic, Manolic, Greguric, Susak, Granic, Bobetko,
12 Tudjman, and Boban, and others, but you're not attending. In this
13 meeting, Tudjman says that he talked to Bobetko and with Mate Boban, and
14 they said that they were going to head Herceg-Bosna, as far as defence
15 was concerned. And then he says that only the volunteers that come from
16 Bosnia-Herzegovina, whether they're part or not of the Croatian Army,
17 will be allowed to defend these areas.

18 I found this quite interesting. It's on page 10, as you may see
19 on the screen. I found it very interesting because Mr. Tudjman is
20 mentioning volunteers, and as far as he's concerned, this can only be
21 volunteers that come from Bosnia-Herzegovina, and not just any Croats
22 that would not originate from Bosnia-Herzegovina.

23 Could you tell us whether what Mr. Tudjman is saying now is in
24 line with what you said up until now, which is that the volunteers
25 originated from Bosnia-Herzegovina?

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1 A. Yes, Your Honour, that was the position that was implemented
2 consistently. And if I may be allowed to say -- this is an important
3 point to make. So this is 19 -- what year, 1993? Yes, 1993. Tudjman
4 says that as regards the position towards Belgrade, well, at that time
5 there were rumours, and he says that they must be suppressed. And he
6 said, I said publicly, and I have repeated, and I quote:

7 "There is no -- there has been no agreement to divide Bosnia and

8 Herzegovina between Croatia and Serbia. There is none."

9 Full stop. So at this session of his core leadership, he tells
10 them the rumours must be suppressed because there has been and there is
11 no agreement about the division of Bosnia and Herzegovina. That's 1993,
12 Your Honours.

13 JUDGE ANTONETTI: [Interpretation] Fine. And now we're going to
14 move to October, to Fikret Abdic. I noted that this transcript might be
15 of interest.

16 P05997, please, page 3 and 4. Page 3 and 4, because Mr. Abdic is
17 talking, and it's interesting to look at what he says on page 3 and 4.
18 It's on the screen. Thank you.

19 Could you please scroll up so we can -- scroll Mr. Abdic's words
20 up, please. And then it continues further on, on the other page.

21 He is proposing for mutual recognition of Herceg-Bosna and the
22 autonomous province of Western Bosnia, and the signature of a peace
23 agreement. Tudjman is going to reply, saying that the province that
24 would be led by Abdic could be part of Croatia, but with an autonomous
25 status.

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1 Mr. Praljak, it seems that in the framework of the discussion
2 between Mr. Abdic and Mr. Tudjman, there seems to have been a plan which
3 would allow Croatia to recognise the autonomous province that would be
4 under the leadership of Abdic and that there would be a peace agreement
5 among these two entities. And then starting from there, Mr. Tudjman is
6 saying that this province could have a place in Croatia, could be allowed

7 in Croatia, but would have an autonomous status. It would be an
8 autonomous province.

9 I think that in the former Yugoslavia, there were two autonomous
10 provinces. I mean, of course, tell me if I'm wrong, because I'm not a
11 specialist of Croatia, I'm just a Judge trying to understand things, but
12 I think that at the time you had Vojvodina and Kosovo, they were two
13 autonomous provinces within the former Yugoslavia. So I'd like to know
14 whether they're now trying to set up an autonomous province that would be
15 similar to that, and Croatia being allowed, through some kind of
16 partnership agreement, to cooperate with this autonomous province as
17 closely as possible, for example.

18 You have the conversation on the screen between these two people.
19 At the time, have you heard anything about this? Because if this project
20 was true, I mean, this would mean dismantling Bosnia and Herzegovina,
21 because one part of it could fall under the realm of Croatia.

22 A. First of all, Your Honour, at that time there were no autonomous
23 provinces of Kosovo and Vojvodina. They had already been abolished, and
24 very much so, with the destruction of the Constitution of the Socialist
25 Federative Republic of Yugoslavia, and this unilateral destruction was

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1 something that nobody in the world responded to. The Serbian leadership,
2 headed by Slobodan Milosevic, simply abolished two autonomous provinces
3 without any legal foundation. Vojvodina and Kosovo. That's number one.

4 Number two, here Mr. Abdic is not talking about the recognition
5 of Bosnia and Herzegovina, but the recognition of the Croatian Republic of

6 Herceg-Bosna, of sorts, and then his autonomous province, and he took
7 part in the talks in Geneva, so he did have an autonomous province of
8 sorts.

9 Now, as to its significance, nobody knew what would get
10 recognised in the end, because as you could see, it changed all the time.
11 And he says here, Croatia is our support. We rely on it. We will use
12 the Croatian state infrastructure. Well, this is far removed from any
13 secession. We're talking about strategic interests here, and Mr. Abdic
14 says Bosnia, as a whole, is gravitating towards Croatia, of course those
15 parts that were not controlled by the Serbs, and this is entirely true.

16 So this is a conversation between two people, what would happen
17 if things turned out in this way or that, because at that time nobody
18 knew what the fate of Bosnia would be.

19 At that time, Your Honours, there was a great deal of talk
20 already in all diplomatic contexts and so on that after the war,
21 Bosnia-Herzegovina would find it difficult to survive and that perhaps it
22 was better, so this is just taking some options into consideration. But
23 there were no agreements, or treaties, or anything, or signatures.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, you are right,
25 Mr. Abdic is talking about recognition by the Republic of Herceg-Bosna,

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1 and vice versa. Why is it that this never came to? Politically, it
2 would have been a good way to dismantle part of the Republic of
3 Bosnia-Herzegovina and to have an agreement with a good number of Muslims
4 in the framework of mutual recognition. So Tudjman and Abdic are

5 mentioning this plan, but why is it that it never came to anything? What
6 prevented it from being implemented?

7 A. Your Honour, it never occurred to anyone to implement it without
8 the confirmation or the green light of the international community.
9 These were just talks about what would happen if this were to be
10 received, if the green light were to be received from the Muslims, from
11 the Croats, from the Serbs; Muslims and Alija Izetbegovic, of course,
12 indicating that a large portion of the Muslim leadership wanted an
13 independent state, and I provided evidence to that effect. The only
14 problem was the -- how much territory would be allotted to each side.

15 So it was a war about territory, it was not a war about people
16 wanting to live in a certain way, on their own. Not on the Croatian
17 side. But -- so this did not come to pass for a very simple
18 reason; because the Americans would at one point get involved more
19 heavily and would start exerting pressure on Tadjman and Izetbegovic to
20 create a federation and a confederation with Croatia, so a federation of
21 Croats and Muslims in the areas that had not been taken by the Serbs,
22 followed by a confederal treaty that would tie this federation with
23 the Republic of Croatia, which was clearly spelled out in the
24 Washington Agreement.

25 JUDGE ANTONETTI: [Interpretation] As far as you know,

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1 General Praljak, did Fikret Abdic participate in the Geneva negotiations?

2 A. In some negotiations, yes.

3 JUDGE ANTONETTI: [Interpretation] And as far as you know, did he

4 have an international stature or was he just not very important?

5 A. Well, it depends on the combinations. They didn't consider him
6 to be especially important, but when there was an emphasis on the
7 division, then they accepted him. But when this was pushed in the
8 background, they didn't -- no longer accepted him. That depended on the
9 political games.

10 JUDGE ANTONETTI: [Interpretation] Very well. Let's leave
11 Mr. Abdic, and we will now move to November, just a few days before you
12 actually depart, leave.

13 Page P06454 -- document P06454. It's a meeting held in Zagreb on
14 November 5th in Villa Dalmatia -- no, it's not in Zagreb, this is a
15 meeting that was held in Split. The attendants are Mr. Tudjman,
16 apparently with Boban, Prlic, and yourself, as well as Petkovic. Do you
17 remember being in that villa November 5th?

18 A. Yes.

19 JUDGE ANTONETTI: [Interpretation] Is this the presidential
20 residence? What exactly is this villa?

21 A. It used to belong to Tito. It was one of the villas that existed
22 in every larger town all over Yugoslavia.

23 JUDGE ANTONETTI: [Interpretation] On page 1, Tudjman says that
24 the problem of republic Herzegovina is of interest to the people of
25 Bosnia-Herzegovina, but also the Croatian people in the future of the

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1 Croatian state and its borders. It's quite an interesting sentence.
2 Mr. Tudjman is clearly stating that this -- the problem of

3 Bosnia-Herzegovina is the problem of the Croatian people and
4 Bosnia-Herzegovina, but also a problem for the Croatian state, and that
5 this might have some consequences on the borders. What did he mean? Did
6 he want to just highlight that the problem was extremely complex?

7 A. Yes. He explicitly, in dozens of places, says that the problem
8 of Bosnia and Herzegovina is a political, historical, psychological
9 problem, it's a highly complex problem in those terms, and that the
10 international community often fails to understand the complexity of the
11 problem, and that's what he's repeating here. The problem of Bosnia and
12 Herzegovina is the problem of the Croatian people in Bosnia and
13 Herzegovina.

14 But if you look at the map, Your Honours, the map that you have
15 seen hundreds of times, of course it is important whether in Bihac, for
16 instance, which is in the hinterland of Knin and Croatia, whether there
17 would be Muslims or Serbs there, just as it is very important who would
18 be on the borders of Bosnia and Herzegovina; Croats in Herceg-Bosna or
19 some other side, which would be inimical. In light of the fact that it
20 took such a long time to establish peace, Franjo Tudjman did not have any
21 guarantees. For instance, if Muslims and Serbs reached an agreement and
22 if they had taken the south of Croatia, nobody in the world would have
23 batted an eyelid, just as nobody has batted an eyelid for Cyprus or any
24 other problem. We should not be overly optimistic about the world
25 politics.

2 Bosnia-Herzegovina must decide their own fate, but Croatia, because
3 they're Croats and because Croatia shares the border with this country,
4 has a vital interest in how this will be solved. And this was my
5 position at the time, and it is my position now.

6 JUDGE ANTONETTI: [Interpretation] Can we move to page 2. Indeed,
7 we're going to have Provinces 3 and 8 addressed by Mr. Tudjman.

8 I hadn't planned this question originally, but I think it's
9 important to put it to you.

10 Page 2, here it is. Last paragraph, last line. In a very clear
11 fashion, Mr. Tudjman speaks about the Vance-Owen Plan, and he says that
12 there should be a union of the republics, of the Croatian and Muslim
13 republics, which explains all the documents we have seen, because early,
14 at the beginning of the trial, I was very surprised when I saw the words
15 "union of republics," and I must confess that I didn't know what it meant
16 at all, but as time went by, I understood what it was about. And here,
17 Mr. Tudjman says that the actual solution is a confederation, a final
18 confederation, so there will be a union of republics to be followed by a
19 confederation with Croatia. What was your take on this? Mr. Tudjman, I
20 was going to say. Yes, Mr. Praljak, but you, too, attended the meeting.

21 A. Unfortunately, I'm not Tudjman. He was highly educated, smart,
22 wise. I'm less so, although I don't underestimate myself.

23 So, very clearly, the Muslim offensive fell through, and given
24 what had been happening in the months that preceded this time, the
25 president of a state says calmly, Look, we'll put together a union of

1 Muslims and Croats in Bosnia and Herzegovina. And then he says, And have
2 as close ties as possible with Croatia, including a confederation. He is
3 proposing this, he's not imposing it. And he says, And that there should
4 be as close ties as possible, with Croatia, of course, all the way up to
5 a possible confederation with Croatia.

6 And the Americans picked up on that later on as the basis for the
7 Washington Agreement. But once they no longer needed it, they just set
8 it aside. They signed it, and then at one point it was as if it never
9 existed.

10 JUDGE ANTONETTI: [Interpretation] I don't know whether your
11 memory is correct, but since Mr. Prlic is not present, I'm not going to
12 insist. If he had been here, I would have called up that page in
13 particular. But this was page 53. I don't have it with me, but on
14 page 53, Mr. Prlic said that within Herceg-Bosna, the quality of the
15 staff was not sufficient. And you, yourself, said that the level of
16 military competence was very low within the HVO. Do you remember that?
17 You said that here orally, but there is evidence. That's the document in
18 which Prlic talks about the poor quality of the men, and you tie in and
19 say that, yes, changes would be necessary.

20 A. That is correct. I partly recall Mr. Prlic's intervention, and I
21 read it subsequently. I fully agree with his discussion, and I, of
22 course, remember well my own contribution. If I can put it briefly in
23 two minutes, Your Honour, by your leave.

24 JUDGE ANTONETTI: [Interpretation] Yes.

25 A. Especially from Herzegovina, but also very much so from

1 Bosnia-Herzegovina, there were many people who emigrated right after
2 1945. That's the first thing.

3 The second thing: An enormous mass of people from the poor areas
4 left to work abroad. In terms of percentage, many more Croats left than
5 the members of other ethnicities. That's why the census in 1991 does not
6 reflect accurately the totality of Croats, because a great many Croats
7 from Germany, Switzerland and Austria did not participate in this census.

8 Thirdly, for example, in Western Herzegovina, there was the fact
9 of not a single factory. Because of that, all of us who left Western
10 Herzegovina stayed mostly in Croatia. Only later, some people remained
11 in Zagreb.

12 A great many Herzegovinians and Croats in Bosnia-Herzegovina were
13 against the order of things, against the system in the former Yugoslavia.
14 Many of them were imprisoned. In comparison with the two other peoples,
15 among the Croatian population in Bosnia-Herzegovina there were very few
16 intellectuals left. Many, many people from Herzegovina left and stayed
17 in Zagreb, thousands upon thousands, after receiving their degrees.
18 Therefore, not enough qualified personnel remained; that is to say,
19 people who, under such circumstances, could be made useful. They simply
20 did not return from Zagreb. The odd few, including myself, did. That
21 included the army, the civilian life. And in such conditions, we were
22 short of people who could do quality work. This is what it's all about,
23 and that's what the truth of the matter was.

24 JUDGE ANTONETTI: [Interpretation] We're still in November, but

25 now the next day, because on the next day there was a meeting.

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1 P06485, page 2, please. This was in the Presidential Palace, on
2 the 6th of November, with Mr. Tudjman. I'm interested in what he said on
3 page 2. I'll first check that you have that page before you.

4 He said it was important to take control of Gornji Vakuf, but to
5 stay covered by sending volunteers only. And he added that he might even
6 send directly an HBV [as interpreted] brigade to Mostar so that an HVO
7 brigade would be available, it being specified that the brigade would
8 only carry out defensive actions.

9 So Mr. Tudjman mentioned two things here. He speaks about
10 Gornji Vakuf, but he says there should be volunteers there, and he also
11 envisions that there could be a brigade of the Croatian Army in Mostar so
12 that an HVO brigade could be made available. But if there is an
13 HV brigade, it would only be engaged for defensive action.

14 What do you think of this?

15 A. Precisely what the president mentioned. The issue of
16 Gornji Vakuf being taken over, and you can see that the same opinion was
17 shared by many military analysts and foreigners who discussed this, was
18 the issue of our survival. If lines were broken through at Gornji Vakuf
19 and Rama, save for a small part of Western Herzegovina, there would be no
20 other location for us to establish secondary lines.

21 Second of all, unfortunately, the Muslim desire for conquest in the
22 direction of the sea, i.e., south of Mostar, did not cease at that moment,
23 and Mr. Franjo Tudjman said that should that happen and they advanced

24 further towards Mostar, the use of Croatian Army would not be excluded.

25 Concerning Mr. Izetbegovic and his discussion on the number of

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1 Muslims in Central Bosnia, I prepared an excerpt from the 1991 -- sorry,
2 1981 to 1991 census for Travnik, Novi Travnik, Vitez, Busovaca, Kiseljak,
3 Kresevo, and Vares. Here it is. It is signed. If you wish, you may
4 take it as evidence that Mr. Izetbegovic was not telling the truth. He
5 talked about the facts as they stood in the ethnically-occupied part of
6 Western Bosnia, Central Bosnia --

7 MS. PINTER: [Interpretation] Your Honours, excuse me, but a
8 correction for the transcript.

9 Page 50, lines 1, 2 and 3, it is misstated that the general said
10 that "it was our decision to liberate the part held by the Muslims." The
11 General actually said it was a wish on the part of the Muslims to occupy
12 territory.

13 THE WITNESS: [Interpretation] Yes, yes.

14 MS. PINTER: [Interpretation] Their desire to occupy did not
15 cease, and in the transcript it turned out that it was the Croats who
16 were trying to do that. You must slow down, General.

17 THE WITNESS: [Interpretation] Yes. Although a truce was signed,
18 an offensive on the part of the army of Bosnia-Herzegovina was well
19 underway, including the areas south of Mostar. That is why Tudjman
20 envisaged a possibility that the HV would assist the HVO so as to prevent
21 any further occupation of Croatian areas. That did not happen, but I
22 believe his decision was logical because the Muslims had, by that time,

23 signed the truce which they did not abide by, and the war continued into
24 1994.

25 JUDGE ANTONETTI: [Interpretation] General, keep this document,

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1 please. When it comes to your defence or to your strategy of defence in
2 my questions, you can address this document. I first want to finish with
3 the transcripts. Only very few are left.

4 Can we call up P07198.

5 MR. STRINGER: Excuse me, Mr. President. I apologise for the
6 interruption.

7 I know that various counsel have often very helpfully risen when
8 they feel that corrections need to be made to the transcript. I'm not
9 sure that what just happened here was sort of a misinterpretation on the
10 part of the interpreters in the booth that counsel drew our attention to
11 or whether, in fact, it was more in the nature of a suggested
12 clarification. And I don't know and I'm not making any allegations, but
13 I think that it wasn't a very -- it wasn't the very normal sort of
14 correction where we have a year or a word that's clarified or corrected.
15 And so I think that on this point, I think that when we go back to
16 finalise the transcript, it would be useful to listen to what the general
17 said, see whether, in fact, it was correctly interpreted and appearing in
18 the transcript, and if so, then obviously any clarification that he's
19 made can remain on the transcript. But I think that just to sort of go
20 back and make corrections without actually double-checking whether
21 they're necessary is something that should be done in this one instance.

22 Thank you.

23 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, yes, you have a
24 response?

25 MS. PINTER: [Interpretation] This was not a suggestion to the

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1 general. We truly wanted to correct the transcript.

2 You know that after each hearing, we submit verification requests
3 should we come across problematic areas, and we have just filed that the
4 general's contribution be listened to and clarifications be made, and
5 then we will make sure what actually happened.

6 THE WITNESS: [Interpretation] You're free to listen to what I
7 said. I did say what the clarification was about.

8 JUDGE ANTONETTI: [Interpretation] Let's move to P07198, page 21,
9 pages 21 and 22.

10 This meeting was held after you left, since it was on the
11 13th of December, 1993. There are many attendees, but at some point you
12 were mentioned. I don't know where you were on that date, but obviously
13 you did not attend that meeting. But General Tudjman spoke about you.
14 That's towards the end of the last-but-one paragraph. We see your name,
15 "General Praljak."

16 During the meeting, Tudjman said that he had taken steps, sent
17 men to Bosnia and Herzegovina, and that General Praljak thought that the
18 Croats were doing something wrong in Bosnia and Herzegovina; that he had
19 told Praljak to go to Bosnia-Herzegovina, and that 14 days later,
20 General Praljak admitted that he was wrong.

21 What do you have to say to what Tudjman said about you at the
22 meeting?

23 A. It is rather brief and a bit unclear, Your Honour.

24 Oftentimes, I had certain objections to the type of behaviour of
25 certain Croatian officials. Sometimes there seemed to be too much anger

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1 or emotional involvement when we heard about things that the Muslims had
2 done. But throughout that period, until May, I was still trying to
3 persuade them that we should be working on, as we were, that common
4 language should be found with the Army of Bosnia and Herzegovina.

5 In May, I came back and I told Franjo Tudjman that it is my
6 forecast that the determinants of political thought would win over an
7 attempt to establish a sound union with the Muslims. I told him, It's
8 finished now, they are attacking us. And that was the reason why I asked
9 to be sent down there to help.

10 This has to do with certain, say, mistakes; for example, the
11 problem of registering vehicles. Muslims were objecting to the HZ-HB
12 sign on the plate, but, on the other hand, Austrians would not honour any
13 green card, in terms of insurance for cars from Sarajevo. There were
14 hundreds of details of technical nature, but are often misinterpreted.
15 To the Muslims, this meant, yes, they're trying to impose their
16 registration plates, but without such plates one could not go to Austria
17 or Switzerland, because you wouldn't get the right papers. But then I
18 put it crystal clear that the Muslim decision to attack the HVO towards
19 the end of May and in June had ripened by that time and that they will

20 use all of their military assets to attack.

21 That's why I said I was wrong even in the attempts to persuade
22 those people. This is what it was all about.

23 JUDGE ANTONETTI: [Interpretation] Let's take page 22, because
24 there's a detail that drew my attention. I would like you to speak to
25 it. Same document, page 22.

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1 Go to the second paragraph, where he mentions mistakes. Tudjman
2 is going to speak about Ahmici and about Stupni Do, and he said this is
3 terrible. But I'm interested in what follows, because we see plural
4 pronoun "they," and I'm wondering who they are, "they." They must be the
5 Muslims. And Tudjman said:

6 "Together with the English, and they donned black uniforms, and
7 all this was filmed. All this was to compromise Croatia."

8 So what did Mr. Tudjman want to say about Ahmici?

9 A. [No interpretation].

10 JUDGE TRECHSEL: Mr. Praljak, you have been so fast that much of
11 what you have said is completely lost. So you have to go back to where
12 you started answering the President. There's nothing in the transcript.

13 JUDGE ANTONETTI: [Interpretation] Please start again.

14 THE WITNESS: [Interpretation] Franjo Tudjman's basic assertion
15 about Ahmici and Stupni Do was that it was horrific, it was horror. The
16 second thing is what we knew and what I'm repeating here at this
17 Tribunal, starting with the KOS and various Muslim units which were
18 active under Alija Izetbegovic's guide-lines, such as Sevas [phoen],

19 Black Swans, as well as in terms of different international players who
20 had unclearly defined wishes. All of those aided and assisted the crimes
21 in their commission, in terms of what security services would do in such
22 situations.

23 What horrified us was that there were thousand-fold more
24 information about Ahmici than you would have Uzdol, Doljani, and so on
25 and so forth, about Konjic. This could not have been accidental. This

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1 is no mere chance. On Croatian Television, according to some of my
2 research, Ahmici were mentioned at least a thousand times in different
3 context. As for the Trusina crime near Konjic, only twice, only 2
4 percentiles. This was an organised production of chaos, of lies and
5 deceit, in which hundreds of secret services, dozens of services,
6 assisted in the commission or carrying out of such dirty work, blaming
7 Croatia.

8 Franjo Tudjman was desperate by that point in time because he did
9 not know who it was that was doing that and why.

10 JUDGE TRECHSEL: Mr. Praljak, who was in charge of and
11 controlling Croatian TV?

12 THE WITNESS: [Interpretation] The Croatian government, seemingly,
13 but you had former employees in the television company, in the
14 broadcasting company. No purge was carried out in Croatia, no
15 ideological purge, unfortunately.

16 JUDGE TRECHSEL: But wouldn't it then have been for the Croatian
17 government to see that the information is less one-sided, less than you

18 now say it was? Who else could have changed that?

19 THE WITNESS: [Interpretation] The Croatian government could, if
20 it had been able to, but they were not, because if you touched a single
21 journalist in Croatia, all institutions, starting with Amnesty
22 International downwards, would keep repeating that Croatia was
23 suppressing freedom of journalistic reporting. These people were
24 formerly employed in the dictatorship -- dictatorial system for decades.
25 Many of them were in favour of Yugoslavia rather than Croatia. But you

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1 could not touch them; otherwise, that would constitute an attack on the
2 freedom of expression of a single journalist. And when you put it all
3 together, you realise that you have Ahmici mentioned 1.000 times, and
4 Trusina only twice, then you realise there was something there. And I
5 won't even mention other instances.

6 I only had the right once, one single time to say publicly on
7 television, that I wasn't correct or -- but any journalist could say
8 thousands -- dozens upon dozens of times that it was Praljak who brought
9 the Old Bridge in Mostar down.

10 JUDGE TRECHSEL: I leave it at that. I'm not entirely convinced.
11 There are also other media and so forth.

12 But leaving that aside, I would like to point to something that I
13 read on page 22 in this transcript, and that's where the
14 President Tudjman says: "So let's --"

15 I quote:

16 "So let's try and influence the Muslim leadership to stop the war

17 with the Croats and agree on the demarcation that would be acceptable to
18 Croatia ."

19 Why does he say that a demarcation within Bosnia and Herzegovina,
20 as I understand it, should be acceptable to the Republic of Croatia?

21 A. To protect the Croats in Bosnia-Herzegovina, Judge Trechsel,
22 demarcation in Bosnia-Herzegovina of such nature so as to make it acceptable.
23 After all, Croatia had to take care of the people down there in an exceptional
24 manner. It could not consent to all Croats in Bosnia-Herzegovina being driven
25 out. This was a sense of duty, to assist the people there, and this was our

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1 policy throughout. But this is drawing boundaries in Bosnia-Herzegovina.
2 In such discussions you cannot always put it strictly in the context of
3 demarcation between Croats and Muslims. These are shortened speeches
4 which were typed out. But the gist, the meaning of the sentence is clear.

5 JUDGE TRECHSEL: Yes, I think so, too, the meaning is clear. He
6 speaks of an agreement, which can only be an agreement between the Croats
7 of Herceg-Bosna and the Muslims of Herceg-Bosna. Now, why -- why should
8 Croatia have to be content? As a guardian over the Croats of
9 Herceg-Bosna, does Tudjman think that they are not able -- when they pass
10 an agreement, that they cannot be trusted? I do not understand why the
11 Republic of Croatia must be contented.

12 A. Your Honour, Judge Trechsel, because if the Muslims ... it was
13 the time of their offensive. Croatia could not be content, if the HVO
14 loses the war down there and then has to sign an agreement with the
15 Muslims, that it only had the right to Western Herzegovina. Of course

16 the Croatia had an interest there. It had an interest in
17 Bosnia-Herzegovina to protect the Croatian population in a way that
18 nothing would be taken away from anyone, but that we should not be
19 defeated either.

20 JUDGE TRECHSEL: That is not what it says here. He says, Let us
21 agree on a demarcation. Influence the Muslim leadership. Stop the war
22 with the Croats. Agree on a demarcation, which, of course, must be
23 acceptable to the Croats and to the Muslims of Bosnia-Herzegovina. But
24 why must that be acceptable to Croatia?

25 A. Your Honour, have a look, please. He says this: "Let us try,"

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1 and I quote, "to influence the Muslim leadership." "Let us try to
2 influence the Muslim leadership," so that they would cease waging war
3 against Croats, so that they would consent to that demarcation, or such a
4 demarcation that would be acceptable for Croatia, so that in such a way
5 preconditions could be made in which Croats in Sarajevo could remain -
6 there were 30.000 of them - and so that we remain in Central Bosnia, that
7 the Croats in Central Bosnia remain there, full stop. And then later,
8 you understand, they will have to seek support in the West. In other
9 words, it is important now to explain to the Muslims that they should
10 cease their attacks, that a demarcation line is drawn in such a way that
11 Croats remain in Central Bosnia and Sarajevo, and then, as he thought,
12 support should be sought from the West.

13 Franjo Tudjman held it in a higher regard than I do, it seems.
14 This would be acceptable for Croatia in that way, because Franjo Tudjman

15 was, under constitution, tasked with securing such interests, much as
16 France had its interests in all citizens of France as well as those in
17 Quebec, and Italy takes care of its citizens outside Italy as well. Any
18 country would do that. Much the same way, we were trying to take care of
19 that issue. That is why, after all of what was said about
20 Bosnia-Herzegovina, one issue remained was whether Croatia would be
21 satisfied with it. Of course, it should be happy in preserving Croats in
22 Bosnia-Herzegovina and in the territories where they live and in which,
23 in the past, they had been in absolute majority, at least in terms of --
24 or even in terms of religion.

25 JUDGE ANTONETTI: [Interpretation] General Praljak, let's now move

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1 to P07464, page 54.

2 This is a meeting held on January 2nd, 1994. You are not
3 attending. It's at 10.45 a.m. with Susak, Sagmatic [phoen], Sarinic,
4 Tudjman, and others. On page 54, it's quite interesting, notably
5 regarding what Mr. Tudjman says. His words are in the middle of this
6 page. I'll sum it up. He says that if the Serbs of Bosnia-Herzegovina
7 would go to Serbia, would join Serbia, Herceg-Bosna would join Croatia.
8 And he adds that if the Serbs of Bosnia-Herzegovina join Serbia, the
9 Croats can absolutely not accept to stay in the union alone.

10 So Mr. Tudjman is actually talking about the entire problem of
11 Serbs, Muslims, and Croats, and the idea he's putting forth is the
12 following. He says that if the Serbs of Bosnia-Herzegovina, i.e., of
13 Republika Srpska, join Serbia, then the Croats of Herceg-Bosna must join

14 Croatia. This is what he is stating in this paragraph.

15 Was this how the debate was coined in January 1994? No one knew
16 what the outcome was going to be. Everyone knew about the existence of
17 Republika Srpska. So what can you tell us about all this?

18 A. Your interpretation is quite correct, and what is written here is
19 also quite correct. You saw, in the previous excerpt, that Tudjman is
20 speaking about the survival. The key word here is not the satisfaction
21 of Croatia, but the survival of Croats in Sarajevo and the survival of
22 Croats in Central Bosnia. And it is logical -- well, he says here if the
23 international community, and this had already been mooted, if it allows
24 Republika Srpska to leave the union, and Alija had already signed such an
25 agreement in September 1993 with them, then the Republic of Herceg-Bosna

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1 had the same right to leave that union because it would simply disappear.
2 It would be overwhelmed by the majority of the other people. It is a
3 demographic issue, not a legal issue. There are no Croats left in Vares,
4 in Sarajevo, and in other places. Look at the situation as it is now.
5 The demographic trends after the war are quite clear.

6 And, secondly, he says here, But then the Muslim union, or,
7 rather, the Muslim republic, what we are offering to them is all ties
8 with Croatia, and he goes on to enumerate. With the Bosnian republic,
9 the Croatia state is ready to enter into all kinds of treaties, all the
10 way up to a confederal treaty or any other kind of union they wish to
11 have. Well, there you have it. Again there is an offer of a union that
12 is made to the Muslims in any shape and form they want.

13 JUDGE ANTONETTI: [Interpretation] Very well. We still have three
14 transcripts to go through. P07475, page 6, first.

15 This is a meeting with Tudjman, Susak, Bobetko, held at the
16 Presidential Palace. I believe this transcript was very important for
17 the following reason. I assume that you have read all the judgements
18 that were rendered by this Tribunal; the Naletilic case, the Kordic case,
19 and the Blaskic case. I'm sure you know that in his submissions, the
20 Prosecutor is taking up all that; notably, the problem of total control.
21 You know that the Appeals Chamber defines overall control characterizing
22 an international conflict by the fact that Croatia was allowed to
23 participate in the military operations. Overall control goes beyond
24 effective control. You have to have the involvement in military
25 operations. At least that is the jurisprudence of the Appeals Chamber.

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1 Now, of course, I don't follow everything that the
2 Appeals Chamber says, but I do look at everything and others'
3 submissions, so I looked at the transcript. And obviously here on the
4 screen we see that the people who attended this meeting are looking very
5 closely at the military operations occurring in Busovaca and other
6 places. I'm not going through the entire page -- all the pages, but you
7 see that all the attendants here are really looking very closely into
8 what is happening militarily wise.

9 So could you tell us why Mr. Tudjman, who is the leader of
10 Croatia, is organising this meeting, this hour-long meeting? It's longer
11 than that, actually, an hour and a half. And in this -- during this

12 meeting, they really look very closely and they scrutinize the military
13 operations. But these are events that are occurring in another state,
14 not in Croatia.

15 A. Well, it's difficult for me to grasp this, for a very simple
16 reason. Military operations are considered at the Joint Chiefs of Staff
17 in the US Army for every single point on the globe, and the French troops
18 are in Africa, in the Horn of Africa and so on. There were no actions,
19 but the whole thing begins with the defence minister's statement in
20 "Oslobodjenje" that the BH Army needs to capture everything all the way
21 down to the coast, and that's what they had been doing for months. Well,
22 for five months, they had been attacking the area. And it is the duty
23 of --

24 JUDGE ANTONETTI: [Interpretation] While you are talking, I would
25 like the Registrar to call up page 7 of this. But you can proceed.

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1 A. And, Your Honours, it is understandable, if you look at what I
2 said before, it is necessary to make sure that the Croatian people in
3 Central Bosnia survive; the survival of the Croats in Sarajevo, the
4 survival. For God's sake, we have to make sure that the people survive.
5 If the French and the Americans and all those who could didn't do
6 anything to ensure it, for the people in Srebrenica and Bihac to survive,
7 Franjo Tudjman is sticking to the elementary human way of thinking. He
8 didn't sign the treaty on a safe area and then let whoever wanted to do
9 what they wanted. He cares about the survival of the Croatian people in
10 Bosnia-Herzegovina and Bosnia-Herzegovina. He didn't want to see another

11 300.000 people expelled, for us to be discussing here whether this is
12 international conflict or not. Down there, you would have had genocide,
13 expulsion and ethnic cleansing, and we would have two more people sitting
14 in the dock here. And that would be all.

15 JUDGE ANTONETTI: [Interpretation] Please look at the middle of
16 the page. Dreznica, is that in Bosnia-Herzegovina?

17 A. Yes. Well, it's, yeah, further up from Mostar.

18 JUDGE ANTONETTI: [Interpretation] Very well. Now, just check
19 what Mr. Tudjman is saying, verbatim. He says, and I quote:

20 "Wait a minute."

21 He's talking to Bobetko:

22 "Wait a minute, Janko."

23 Janko is Bobetko; right?

24 "If you take," and he then says: "If we take Dreznica," He says
25 "we." "We." "We," that's the Croats from Zagreb. Just look at what

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1 he's saying. When you read this sentence, General Praljak, I must say
2 that you really -- one really feels that Tudjman, Bobetko and Susak are
3 supervising the military operations going on in Bosnia-Herzegovina, they
4 are looking very closely at what's happening on the field. And let me
5 add one thing. They seem to be doing this by looking at a map.

6 A. Yes, Your Honour, it's done on the basis of the map of the
7 Croatian Republic of Herceg-Bosna, which was -- which was included in the
8 list. And what he says here, "we," well, he's talking about Croats, and
9 you are not talking in legal terms when you're sitting at the table;

10 you're talking in non-legal terms here. But here he says, Janko, taking
11 Dreznica, which of course, well, President Tudjman doesn't know that, he
12 says, but, We would then show that this was a major offensive. First of
13 all, it would not be. And, secondly, he says, Well, never mind Dreznica.
14 It is important to ensure the survival of Croats in Central Bosnia. And
15 Muslimovic, or whatever his name is, General whoever, Alagic, is taken --
16 they had already taken Vares. They had taken Fojnica. They had taken
17 Travnik. They moved their own people there. And this is an effort to
18 ensure the survival of the remnants of Croats, so few were left there.
19 And this is all about the road from Gornji Vakuf to Kiseljak, to dig it
20 through so that we can establish communications with them. No offensive,
21 no taking of territory, but salvation.

22 And it all started with the Muslims saying, We want to reach the
23 western borders. You cannot divide the two. You cannot talk about what
24 Franjo Tudjman is doing unless you know what the enemy is doing at the
25 same time.

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1 THE INTERPRETER: Interpreter's note: The witness is kindly
2 asked to speak slower.

3 THE WITNESS: [Interpretation] The question is: Where do you
4 defend the French borders? America is defending its borders,
5 strategically speaking, wherever it is under attack - yes, I will slow
6 down - in Afghanistan, in Iraq, and perhaps tomorrow in North Korea. And
7 if Iran goes on with its nuclear programme, the question is: Who's going
8 to bomb it?

9 Well, these are threats, and you have to respond to threats with
10 something. And here we're not talking about taking territory, not waging
11 war. And this all fell through, Your Honours. Nothing came of this.

12 JUDGE PRANDLER: You're already going very much beyond the
13 questions and the realities of the life, so speaking about US actions,
14 North Korea, et cetera, it is really better if you would refrain from it.

15 Thank you.

16 JUDGE ANTONETTI: [Interpretation] I believe my colleague has a
17 question.

18 JUDGE TRECHSEL: Mr. Praljak, I would invite you to look at the
19 next page, page 8. I read the following. It's practically the second
20 sentence :

21 "Whence this border, if we manage to hold it militarily and
22 politically, too, therefore to hold Novi Travnik, Vitez, Busovaca, and to
23 get Bugojno, Gornji Vakuf, and this, we must get in order to have
24 17.5 per cent."

25 This is not -- if one reads Mr. Tudjman, this is not about saving

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1 the people and survival. It is about having 17.5 per cent.

2 What is your commentary on this?

3 A. Well, it's really difficult for me to talk about it here at this
4 trial. Well, Judge Trechsel, Your Honour, who killed all those Croats in
5 Bugojno in the meantime?

6 JUDGE TRECHSEL: Sorry.

7 A. Yes.

8 JUDGE TRECHSEL: I'm not asking about who killed someone or not.

9 And you have said it's difficult for you to talk about it. You don't
10 have to. If you say, "I don't really know, I don't have a clear answer
11 on this," nobody's going to blame you for it. I mean, you were not there
12 in the first place.

13 A. Well, I was there, first of all, Your Honour Judge Trechsel. I
14 was there; not at the meeting. I was there at the time.

15 JUDGE TRECHSEL: I was only talking about the meeting.

16 A. Well, you don't have to be at the meeting to know that
17 17.5 per cent is less territory than there is population in the
18 Republic of Croatia and that, in terms of land registry books, Croats
19 have 36 per cent of the territory of Bosnia and Herzegovina as their
20 property. And why would it mean to capture territory if you are
21 defending 17.5 per cent of the territory that we inhabited? And how
22 could it refer to the capturing of Bugojno, where we had been expelled,
23 killed? The sense can be found in the connections, and the sense of the
24 language lies in the context.

25 Judge Prandler, I am not getting out of our boundaries. The

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1 context gives meaning to words, and taking them out of the context serves
2 no purpose. I'm sorry.

3 Franjo Tudjman, the territory is 2 per cent less than the number
4 of Croats in Bosnia and Herzegovina. This is not a question of
5 capturing. This is a question of salvaging, against -- in the face of a
6 ruthless attack first by the Serbs and then by the BH Army.

7 So what are we talking about here? We were supposed to let them
8 kill us, expel us, slaughter us, take everybody in, arm the BH Army, and
9 then that would be the only circumstance in which we would not be guilty.
10 And I do not accept that.

11 JUDGE TRECHSEL: Mr. Praljak, I did not speak about what anybody
12 was supposed to do, or not to do, or tolerated. I just asked for an
13 explanation of this sentence regarding 17.5 per cent. That's all.

14 Thank you.

15 JUDGE ANTONETTI: [Interpretation] Now, the transcript before
16 last, P07485, if we could please have page 7 on the screen.

17 This is the 34th session of the National Defence Council, with
18 Greguric, Tudjman, Bobetko, Susak, and so forth and so on. You did not
19 attend this meeting, but we know that at first you were in the
20 National Defence Council. Does this mean that when you came back, you
21 were banned from taking part in these kinds of meetings?

22 A. No, they did not prohibit me, but at one point I volunteered to
23 leave the council. And if you want to know the reason, I'll share it
24 with you.

25 JUDGE ANTONETTI: [Interpretation] You say that you left this

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1 council on your own volition. Very well.

2 Let me address what Tudjman is saying about Mate Boban. It's on
3 page 7, and I believe it's quite interesting. According to what he says,
4 he says he's been informed of Mate Boban's retirement; that he has
5 informed people about it, complaining that Boban was the main obstacle to

6 cooperation with Muslims. And he says that he was not the one who
7 appointed him in the first place. That's what he says.

8 So what's your take on this?

9 A. Well, it's not about what I think. I know what happened. I made
10 this demand in Split. I made myself very clear. I asked for possible
11 removal from office of Mr. Boban, but not for those reasons, but because
12 Herceg-Bosna had to be better organised. This pressure on Franjo Tudjman
13 to remove Mate Boban from office came as pressure on the weaker side.
14 Everybody pisses on a rabbit. That's a fact of international relations.
15 Whoever is the weaker side gets to feel the pressure.

16 And that's why I left the National Defence and Security Council,
17 because I no longer wanted to condone this appeasement policy because we
18 were weaker. Our policy was consistent and just, and the fact that
19 somebody wanted to stop the war double quick by forcing the weaker side
20 to accept any kind of compromise, I was no longer willing to accept it.
21 And that is how the signature in Dayton -- the signature of the
22 Dayton Accords ended up. Serbs got their own state, and Croats lost
23 everything, their identity, because the weaker side gets pissed on. I
24 didn't want to accept it then, I do not accept it now.

25 Mate Boban was not opposed to the cooperation with Muslims. He

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1 was against this policy of appeasing Muslims and Serbs at the expense of
2 their own -- of his own people, beyond every acceptable measure, and in
3 this sense he was right. And I, personally, was against his involvement
4 in the effort to structure HZ-HB better, and I explained how, in order to be

5 able to withstand every pressure, whether it's coming from the US, France or
6 anywhere else, a pressure which was unjust, unprincipled, illogical and
7 which created a state which has not survived today. After 15 years, the
8 situation is much worse now than it was during the war.

9 JUDGE PRANDLER: Mr. Praljak, I didn't want to interrupt you, but
10 I believe that there is an important departure in the text of the
11 transcript. When you spoke, I believe that you wanted to say the
12 opposite, and I quote here from line 4:

13 "And I personally was against his involvement in the effort to
14 structure HZ-HB better in order to be able to withstand every pressure
15 from the US, from France, wherever."

16 I believe that, the contrary, you were complaining a few minutes
17 ago about Boban, that he was not strong enough to stand up and to do
18 something, kind of reorganisation as far as the structure of the unity
19 and the state was concerned, and that is why now you said something else.

20 Would you clarify this, please? Thank you.

21 A. Thank you, Your Honour. Precisely so. In a way, in Split, and I
22 don't think that everything is in the transcript, when I criticised
23 Mate Boban, that was precisely along the lines that you've just presented
24 to us. It was because -- and it might be because of the fact that he
25 went to those meetings, and some omissions in terms of information and

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1 for failing to reduce the amount of bad democracy in the municipalities,
2 failing to impose a more strong -- a stronger structure of administration
3 in Herceg-Bosna, and this is where his responsibility lies, to my mind.

4 His guilt has been fabricated here, in terms of his refusal to cooperate
5 with the Muslims, because Franjo Tudjman was being forced, and he had
6 been blackmailed in terms of Croatian territories taken by Serbs, he was
7 constantly being blackmailed, that Croatia forced Mate Boban to give in,
8 at the expense of the Croatian people in Bosnia and Herzegovina.

9 And this is what happened in Dayton. Croats had to give in, and
10 their fate in Bosnia and Herzegovina is very bad. And Serbs got, as
11 their reward, a state after everything that happened down there. This is
12 how world politics is run. It's powerful, but I beg to differ with it,
13 and this is why I complained and why I demanded that I be allowed to
14 withdraw from the National Security and Defence Council.

15 JUDGE TRECHSEL: Mr. Praljak, perhaps you have noted, on page 7,
16 at end of the middle paragraph, the President Tudjman speaks of a
17 conference and agreement with International Administration of the
18 European Union, "over Mostar that is usually recognised as the capital of
19 the Republic of Bosnia and Herzegovina." Can you explain this somewhat
20 surprising statement?

21 A. Well, they wanted some kind of special administration over
22 Mostar. And why just over Mostar, we don't know that. And they passed
23 an electoral law in Mostar that is still in force which is unique in the
24 whole world. Regardless of how many inhabitants there are, there must be
25 parity between Croats and Muslims. This parity need not be achieved in

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1 Tuzla, in Sarajevo, but it has to be achieved in Mostar. And this is
2 what I'm talking about. The weaker side is being killed.

3 JUDGE TRECHSEL: You may have missed my point. It's the first
4 time that I hear that Mostar is being regarded as the capital, not of
5 Herceg-Bosna, of Bosnia and Herzegovina. That's what it says here.

6 A. No, no, these are just mistakes in those shorthand transcripts.
7 The capital of Bosnia-Herzegovina, well, that's Sarajevo. It's just a
8 mistake that one has to have in those kinds of transcripts.

9 JUDGE TRECHSEL: I apologise to the interpreters. I have
10 overlapped. I was saying that I had supposed so, but wanted to have it
11 clarified. Thank you.

12 MR. KOVACIC: [Interpretation] Your Honour, if I may be of
13 assistance. The basic translation error of the presidential transcripts
14 lies in the fact that in the English text, it says: "Mostar is usually
15 recognised." In the Croatian, it says: "Mostar that is usually
16 recognised as the capital." The basic meaning in Croatian would be --
17 [In English] "Is recognised as capital city."

18 [Interpretation] So usually in the English is or should be "by
19 the way recognised." This was aside on the part of the presidents.
20 That's not the gist of the sentence.

21 JUDGE ANTONETTI: [Interpretation] Last transcript and then we'll
22 have the break. P07910. P07910, page 35, please.

23 The first two paragraphs, once again this is about a meeting that
24 was held on the 20th of February, 1994, from 9.00 to 11.00 in the
25 morning, with Susak, Zubak, Granic, Sokol, Matic, Akmadzic, and Kaspar,

1 and Mr. Tudjman. Tudjman said that the Croats should make sure that the

2 Muslims do not influence the Croats in Herceg-Bosna, that they should
3 accept -- because now they're forced to by the world, they should accept
4 the division of Bosnia and Herzegovina, whilst making sure that the
5 Croatian region in Bosnia and Croatia are not Islamicized. So
6 Mr. Tudjman is now saying that there is a non-Islamicization. He deems
7 that as a positive thing, but he adds that the Croats in Bosnia and
8 Herzegovina should not let themselves be influenced by the Muslims.

9 What is your take on this?

10 A. There was Islamicization, Your Honour, to a great degree. This
11 is fear. We're talking about fear here, the fear of Muslims, by
12 increasing their numbers by at least 50 per cent, would simply take over
13 dominance over Croats, and the principle of one man, one vote. And Susak
14 was trying to persuade Tudjman to enter a confederative relationship with
15 the Muslims, who numbered 2.400.000. Otherwise -- and that they feared
16 to accept that, fearing the influence of the Arabic countries. And that
17 is what we feared. This concerned over 50 per cent of all Croats. This
18 was not a mere 50 per cent of the population.

19 I could discuss this for hours, in terms of France, Algeria, and
20 you know that better than I do. This is fear. This has to do with
21 reconciling the wishes of the West, that is strong, with the national
22 interests of Croatia, although the Croatian national interests were not
23 against anyone and we had all the right to bear our national interests in
24 mind.

25 JUDGE ANTONETTI: [Interpretation] Well, it's time for a break, a

1 20-minute break. And after the break, we'll have a document from list 6,
2 4D01317, but it's got another number, P00592.

3 --- Recess taken at 5.50 p.m.

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

5 JUDGE ANTONETTI: [Interpretation] We are back in session.

6 So we have document -- or the document here. Let's go to
7 Article 27.

8 This is Article 27. General Praljak, I thought it was necessary
9 to present to you this Article 27, compared to your responsibility as set
10 forth in our Article 7(3). I've had questions for you already, but we
11 have to be comprehensive with regard to the scope of responsibility of a
12 military commander who, in this case, was at the highest level, since you
13 were the HVO military commander.

14 This is a Decree on Military Courts. I shall not go into the
15 detail of each and every article, but I thought this Article 27 is
16 important, because it seems - I insist on the word "seems" - it seems to
17 impose on a military commander, no matter what his rank is, the
18 obligation to take all necessary steps and measures to prevent crimes, to
19 also launch inquiries and order investigations.

20 Now, let's look at paragraph 2 in Article 27. The military
21 prosecutor has to be informed. When we were at another document, you
22 said that you just informed the SIS and the military police. I see a
23 contradiction between this article, that imposes on you the obligation to
24 be informed of everything, and the fact that you inform a service that is
25 free not to do anything at all.

1 So first question: When you took up your position, did you know
2 of the existence of Article 27?

3 A. I did. I knew it from before, from the Croatian Army, because
4 there is a similar article to this one.

5 JUDGE ANTONETTI: [Interpretation] In your recollection, who was
6 the military prosecutor for Mostar and the Mostar area? Second question:
7 Did you meet with him?

8 A. I don't know who was in charge for the Mostar area. A lot of
9 time has passed, and because of everything that took place, I don't seem
10 to be able to recall his name. I never met him.

11 JUDGE ANTONETTI: [Interpretation] So you had no meeting with him.
12 Let's take a hypothetical case. It will make it easier to understand.

13 Let us imagine that you have, among your men, a soldier who
14 committed a crime, raped a civilian person, and you prosecute that man.
15 Did it happen to you that you ordered prosecutions, and did you seek to
16 remain in touch with the follow-up proceedings?

17 A. In certain cases, yes; in others, no, depending on whether I knew
18 and who took over the duty to do so. First of all, the emphasis here is
19 put on prevention. Crimes can be best prevented by what we had been
20 doing, and that is to say, by educating.

21 Second of all, we have a mention of the company commander being
22 the least senior officer in charge of a territory. If that company
23 commander knew or witnessed the commission of a crime, he was obligated
24 to undertake these measures.

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1 of control. That is why frequently it would be learned that something
2 had been done. However, the investigation was made all that more
3 difficult for the commander, if he did not see that or if no one reported
4 it to him. After that, what happened is what would happen in any other,
5 say, civilian society; an inquiry -- an investigation is launched. I can
6 cite a number of examples. If I were present, I would bring such a
7 person to justice, and any of my junior officers were obliged to do so,
8 down to the level of company.

9 JUDGE ANTONETTI: [Interpretation] One last question on this topic
10 before moving on.

11 Remember, we saw a report on crimes in Prozor/Rama, in which it
12 was said that a military policeman did commit wrongdoings. If the
13 commander gives an assignment to the military police, and the military
14 police themselves are guilty of crimes, nothing will happen. So in such
15 a situation where you had doubt and suspicions regarding the military
16 police, what did you do about it?

17 A. The report you saw and the reports that came in came either from
18 the SIS or from the military police themselves and were addressed to
19 those people tasked with undertaking measures. Hence -- and of course,
20 Your Honours, such investigations were carried out, and I can enumerate
21 many, although Mr. Coric would be better at that, in terms of statistics
22 and numbers. But, say, in Rama, at night you can hear shooting,
23 disorder. But who was it that was doing it? So the question was not

24 whether it was being done, but who did that. Unfortunately, you cannot
25 see people doing that. They did such things secretly. And when you are

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1 powerless to detect the perpetrators, you try to -- and as I told you on
2 several occasions about the meetings, educating people, asking them to
3 investigate and report, to do everything possible. Unfortunately,
4 frequently not much could be done, because I believe you can imagine how
5 things were -- looked like.

6 JUDGE ANTONETTI: [Interpretation] It is enough on this topic.
7 I'll now move to the last part of my questions, in two parts. First I'll
8 have questions without going to documents. These questions are based on
9 your defence as spelled out in your pre-trial brief, following the
10 Prosecution's pre-trial brief, so my questions will be general ones. And
11 once this is done, I shall return to your submissions of the
12 9th of April, and I shall focus on specific paragraphs in your
13 submissions. I'll have some 50 documents to put to you then. The
14 essential part for you is your defence, as you set it forth in your
15 submissions.

16 And, firstly, you say that the Prosecution caricatures the
17 historic reality. Could you expand on this?

18 A. I don't know what my attorneys wanted to say by the exercise of
19 caricaturing a historical past. I'm sorry.

20 JUDGE ANTONETTI: [Interpretation] Second question. Did you read
21 your lawyers' pre-trial brief or not? I know that you did not read the
22 Prosecution's pre-trial brief, but did you read the one written by your

23 lawyers, because if you don't read the Prosecution's pre-trial brief,
24 that can be understood, but, I mean, your strategy of defence, as
25 presented by your counsel, was not read by you?

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1 A. I partially did leaf through, but not in detail. I partially
2 hoped that we would put forth clear facts in the proceedings.

3 JUDGE ANTONETTI: [Interpretation] It is stated that the
4 Prosecution sort of hid the part played by the Serbs and by the JNA. Can
5 you tell us to what extent or in which way what the Serbs did had an
6 impact on your action, on the HVO? How was the Serbian problem
7 important? And you claim that this was understated, if at all, by the
8 Prosecution in their pre-trial brief.

9 A. By your leave, I would spend two or three minutes on that topic.

10 Unfortunately, there is not a single war which does not result in
11 horrific consequences, in terms of violations of international law and
12 the international laws of war, including this. The greater the chaos,
13 the worse things take place on the ground. Those who happened to be
14 there are faced with an enormous problem of dealing with it. The Serb
15 and JNA aggression, resulting in hundreds of thousands of those expelled,
16 killed, when cities were bombed, created a crazed nation or people who
17 lost their moral ground. Things happened which are natural to such
18 chaos. Those who happened to be in that situation sometimes cannot
19 control that chaos. But unless they did something wrong themselves, they
20 should not be blamed.

21 Irrespective of how hard someone tries, there are 8.000 killed in

22 traffic accidents in France, or so-and-so many people are killed in
23 factories.

24 JUDGE TRECHSEL: Mr. Praljak, I'm sorry, I must interrupt you.
25 I think it's absolutely improper to make such a comparison. We are

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1 talking here about war crimes, and they have nothing to do with traffic
2 accidents. Next, you will also talk about the Mexican flu and whatnot.
3 Please stay with what we are called to deal with.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, my question
5 was very specific. This is your defence, as you present it, your case.
6 I told you what the Prosecution's case was, and now, because I want to be
7 absolutely impartial, I'm presenting your case. And your case is, among
8 other things, that the Serbs did play a part; hence my question.

9 What was their part which may have had all the consequences?
10 Without going into generalities, tell us how the Serbs' actions may have
11 impacted on the Muslims and on the Croats.

12 A. Catastrophically in any regard; socially speaking,
13 psychologically speaking, economically speaking, ethnically speaking,
14 morally speaking, any which way you put it. When there are 700.000 or
15 800.000 refugees in a country of 4 million, when there are so many killed
16 and wounded, let's say in Mostar, then production of chaos begins, and
17 all civilised norms are done with, so that even the most powerful
18 individuals can no longer control them. The consequence of that cannot
19 be transferred onto my back, because I was unable to control it all.

20 My defence is very simple.

21 THE INTERPRETER: Could the witness please repeat the last part
22 of the sentence. It was incomprehensible.

23 JUDGE TRECHSEL: Someone should tell you, Mr. Praljak, at one
24 point the interpreters intervened to say that they had not understood
25 you, and that was after you had said, "My defence is very simple." So

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1 you should continue from there.

2 A. My defence is very simple. If one goes through all the reasons,
3 that I'm not going to repeat now, resulting in the situation as it was in
4 Bosnia-Herzegovina, then there is a breakdown of everything, including
5 what we call a civilised way of living, respecting each other. My
6 defence is such -- is that I put all of my knowledge, effort, and ability
7 at any point in time and anywhere, resulting in important consequences in
8 the effort to reduce such results of chaos.

9 As for the fact that it may not have been enough, I would like to
10 see what someone else would have done otherwise and in which way. If it
11 is stated that I'm guilty, then such a person should put to me what he or
12 she would have done in my place. This is all I'm asking for in this
13 trial.

14 JUDGE ANTONETTI: [Interpretation] In your counsels' submissions,
15 you said that the Serbs in Bosnia-Herzegovina boycotted the referendum.
16 In your view, the fact that they boycotted the referendum, did it have
17 any consequences? If so, which were they?

18 A. The consequence was that of a complete malfunctioning of that
19 state. They boycotted the referendum, they organised their own

20 government, and took over 70 per cent of the Bosnian-Herzegovinian
21 territory, militarily speaking. By this, they rendered that state
22 inexistent in reality; it only existed on paper. Hundreds of thousands
23 were driven from homes. Sarajevo was under siege, et cetera, et cetera.

24 JUDGE ANTONETTI: [Interpretation] The fact that one of the three
25 components -- we know that we have the Serbs, the Croats, and Muslims as

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1 constituent peoples. The fact that one of them did not participate in
2 the referendum, could that sort of anticipate or forecast problems?

3 A. Your Honour Antonetti, there were indications for years prior to
4 that, clear to anyone who reflected on the situation in Yugoslavia and in
5 Bosnia-Herzegovina separately. There were dozens upon dozens of such
6 indications. This one was crystal clear. This was a political position
7 of the Serbs, who said, We do not wish that state to be the way others
8 would like to have it.

9 JUDGE ANTONETTI: [Interpretation] Could you, without going into
10 detail, tell me -- I mean, this has been written. It was said that the
11 Serbs in Bosnia and Herzegovina, in the JNA, attacked in 1991, not so
12 much in 1992. Could you give me a date? When did it start, where did it
13 start? Be brief, please, without detail. I just want to have the
14 backdrop.

15 A. In 1991, they came to Mostar, started causing trouble. In 1992,
16 they bombed, killing civilians in Mostar, Grude, Posusje, Siroki Brijeg,
17 Ljubusko, as well as in Bijeljina, Foca, Ravno in 1991, in Uniste before
18 that. It is on the border towards Knin, where they killed and expelled

19 the population without anyone as much as raising a finger. And so on and
20 so forth.

21 JUDGE ANTONETTI: [Interpretation] I'm still with your
22 submissions, just as I referred earlier on to the Prosecution's
23 submissions.

24 In your submissions, you stated that the HZ-HB and the HVO were
25 set up with a defensive purpose in mind. Can you be more clear about

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1 this?

2 A. Precisely, if you didn't want to be expelled or killed, the way
3 we had already witnessed in Croatia, in Vukovar, in Ilok, Dubrovnik,
4 wherever, you had to offer resistance. This is both a right and a duty,
5 to do so, and this duty and this right made some people organise
6 municipalities and to defend themselves against force. This is a duty of
7 a human being, of every citizen, and this is why HZ-HB came into being,
8 as a means of defence. And it managed to defend both itself and Bosnia
9 and Herzegovina, and I took part in it in 1992, with good results, and
10 I'm proud of it.

11 JUDGE ANTONETTI: [Interpretation] In your written submissions,
12 you say that it was out of need. I insist on this word "need." It is
13 out of need that the Croats in Bosnia-Herzegovina set up the HVO and a
14 civilian executive government of the HVO. According to you, these were
15 to be temporary structures, and they were supposed to operate as a war
16 government. Therefore, in your defence case, you are saying that all
17 this was done out of need. Could you please expound on this?

18 A. Yes, I can. The necessity was to defend ourselves, and the
19 necessity stemmed from the fact that Alija Izetbegovic was not taking
20 care of it at all. A few days before there was a full-on aggression in
21 Sarajevo, he claimed this: It takes two to wage a war. So if he doesn't
22 want to fight the other side, the Serbs wouldn't want to fight. That's
23 nonsense. He didn't react to Uniste, he didn't react to Ravno, except to
24 say that this not our war. Well, you see, it was my war. Burning down
25 the village of Ravno and killing people there, that was Praljak's war.

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1 It may not have been Izetbegovic's war, but it was Slobodan Praljak's
2 war. And everything was supposed to be interim, temporary, just as it is
3 indicated in all the documents, until the whole story was brought to its
4 conclusion by some kind of an international agreement and peace.

5 We, or at least some of us, were hoping that the great powers
6 would pursue a principled policy that would put an end to it all.
7 Unfortunately, this did not happen before 1995, and again it was done in
8 a way that was not just. It resulted in peace, but it did not result in
9 justice.

10 JUDGE ANTONETTI: [Interpretation] Very well. Given this, you
11 state the following: The Croats got organised and armed themselves in
12 order to defend themselves from the attacks made by the JNA and the
13 Bosnian Serbs, before the Muslims actually did the same. So you are
14 actually saying that you got organised first, you, the Croats. So could
15 you give us some examples of this and some facts regarding this?

16 A. Yes, I can. In the areas where I was, it was clearer, Mostar,

17 Capljina, Bugojno, Kupres, Livno, because Croats had already seen what
18 had happened to them in Croatia. Well, it was quite simple. You don't
19 have to be smart. All you need to do is just watch the TV and see how
20 your people are being killed and expelled, and you understand that this
21 is going to happen to you, too. And it's as clear as day.

22 But what Croats organised, they did organise it, but Muslims took
23 part in it to an extent that they wanted. They joined the HVO units
24 without any problems, in other words. We did not make Croat units. We
25 organised the defence of some areas, involving all the Muslims that had

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1 signed up and all those who wanted to fight.

2 That's my response.

3 JUDGE ANTONETTI: [Interpretation] You're saying -- and this might
4 be interesting, you're saying that the forces under Muslim control in
5 Bosnia-Herzegovina were only consolidated around the end of -- between
6 the end of the summer and the winter of 1992, end of the summer and
7 winter of 1992. What can you say on the way the Muslim forces were
8 actually set up?

9 A. The Muslim forces had already been organised in the format of the
10 Patriotic League. Well, formally, there was a large number of people who
11 had signed up, but their leadership was convincing them that there would
12 be no war. And this resulted in the fact that the idea that the war was
13 on their door-step was hard to grasp by some Muslims. The more Serbs
14 attacked, the more atrocities they committed in Bijeljina and Brcko, the
15 more Muslims joined the BH Army. The army grew in strength, in

16 proportion to what was happening in Sarajevo, in Bihac, and so on. So,
17 Your Honours, they simply -- in mental terms, they lagged behind Croats;
18 not because we were smarter, but because all this had happened to us
19 before. And they were convinced, because Alija Izetbegovic had convinced
20 them, that the Yugoslav People's Army would be the guardian of peace in
21 Bosnia-Herzegovina, for God's sake.

22 JUDGE ANTONETTI: [Interpretation] You also say, as far as the
23 founding text of HZ-HB are concerned - we know we've been through
24 this - notably the decision made on November 18, 1991, on the creation of
25 the Croatian Community of Herceg-Bosna, and so forth and so on, you're

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1 saying the following, and I quote: According to you, this text shows how
2 worried the Croatian Community was in 1991. This is a text that dates
3 back to November 1991. So they were worried for the following reasons:
4 Izetbegovic could very well choose to be part of a Serb-dominated
5 Yugoslavia. So if I understand you correctly, the Croats in
6 Bosnia-Herzegovina were afraid that Izetbegovic choose the Serbs and end
7 up being part of a Serb-dominated Yugoslavia. And as a reaction to this,
8 if I understood you right, there was a decision to set up the
9 Herceg-Bosna Croatian Community.

10 Is this the way it was?

11 A. Yes. Let's look at this from the point of view of pure -- of
12 simple math. Uniste was the centre of Bosnia-Herzegovina. It was
13 occupied in the summer of 1991. The Bosnian leadership -- or, rather, it
14 was annexed by Knin. The Bosnia and Herzegovina leadership keeps silent.

15 B, the captured Croatian soldiers from Kostajnica were given over to
16 Serbs to put in their camps. Nobody says a word. C, the attack on Ravno
17 happens on two occasions. The things that they did not tear down and the
18 people that they didn't kill on the first occasion, they did that on the
19 second time, and Izetbegovic says, This is not our war because there are
20 only Croats living in Ravno. D, he's making a historical agreement with
21 Milosevic. Well, I spoke about it. Well, what are we supposed to think,
22 and what are we supposed to do?

23 JUDGE ANTONETTI: [Interpretation] Let me now deal with another
24 issue, something that is contrary to the Prosecution's case, but it is an
25 issue that you expound on.

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1 According to you, Croats never attacked the Muslims in
2 Bosnia-Herzegovina. According to you, it's the ABiH who attacked Konjic
3 and Klic [as interpreted] in March 1993, before the combat in Ahmici and
4 Sovici. You also add that in June 1993, they attacked the Croatian
5 village of Bijelo Polje. And, finally, you say that the HVO had reasons
6 to believe that the ABiH's strategy was directed towards occupying part
7 of the coast of the Republic of Croatia on the Adriatic Sea. And you
8 also add that this was confirmed in September 1993, when the ABiH
9 launched its Neretva-1993 offensive.

10 To sum things up, your case is in complete contradiction with the
11 Prosecution's case. You say that it's the ABiH who attacked first and
12 that their main objective was to reach the Adriatic coast. You said this
13 over and over again, of course. But could you, as briefly as possible,

14 tell us about your case, about this case? This will also -- of course,
15 this will be noted on the record.

16 A. The Army of Bosnia-Herzegovina attacked in Travnik. It was the
17 first to do so, and it emptied Travnik of Croats. The Army of B and H
18 attacked in Konjic and emptied it of Croats and the HVO. The Army of
19 Bosnia and Herzegovina, in April, drafted plans to attack the western
20 part of Mostar. On the 9th of May, it attempted to carry it out. The
21 Army of B and H, on the 30th of June, 1993, attacked HVO forces in the
22 Northern Camp and in Bijelo Polje, and their members within the HVO ranks
23 rebelled with arms against their own armed force, killing and capturing
24 many Croats. The Army of Bosnia-Herzegovina attacked Bugojno and emptied
25 it of all Croats. The Army of B and H initiated an offensive at Bugojno

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1 which went on until they realised they would never capture a part of the
2 coast that does not belong to them.

3 The Army of Bosnia and Herzegovina attacked along the front-line
4 of 200 kilometres for several months. The Army of B and H, together with
5 the Muslim leadership, arranged with the Serb side a peace or a truce in
6 September and a division of Bosnia-Herzegovina. These are all facts that
7 cannot be disputed. The Army of Bosnia-Herzegovina attacked Vares,
8 driving away the Croats, and so on and so forth.

9 If the Prosecutor has any proof, any evidence on the attacks and
10 offensive operations of the HVO, I would kindly ask them to put them to
11 the Tribunal, except for the tactical movements resulting in regaining
12 lost territory and the movements -- slight movements of the lines. If

13 they have anything to that effect, let them show us.

14 JUDGE PRANDLER: General Praljak, I only would like to ask you, I
15 wonder if you may provide us with some dates when you mention those
16 events? I believe it would be very helpful for us and for everyone if
17 you could add that. Of course, now I know that you may not be prepared
18 to give us the exact dates as of now, but at least to try to do so in
19 order to give us more facts as far as the -- as far as what happened
20 there and as far as the attacks occurred, in your view, before any other
21 steps which were undertaken by the HVO.

22 Thank you.

23 A. In Konjic, the attack started in late March 1993. In Travnik,
24 the attacks started in June 1993, in early June 1993. In Bugojno --
25 well, first in Mostar. In Mostar, the preparations for an attack and

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1 orders are issued in April 1993. The attack was carried out on the
2 9th of May, 1993. On the 30th of June, 1993, they attacked
3 Northern Camp, where the HVO units were stationed. Bijelo Polje, in
4 Stolac, they committed murder. They disarmed wherever they could. HVO
5 soldiers of Muslim ethnic background disarmed HVO soldiers of Croatian
6 ethnic background, in accordance with the previous instructions they
7 received from the 4th Corps. The attack on Bugojno started sometime in
8 mid-July 1993, and it continues on with the attack on Vakuf. And those
9 attacks continue into 1994, with greater or smaller intensity.

10 What they refer to as the offensive in 1993 was launched in
11 September 1993, and Muslim commanders wrote what they wrote about it. I

12 have nothing to add to their words. It's just a continuation of an
13 offensive that had already started in Central Bosnia a long time ago, an
14 offensive on Vitez, Busovaca, Kiseljak, Novi Travnik.

15 And then it continues on with some cease-fire agreements that
16 were signed, that they violated up until the time when the Washington
17 Agreement was signed.

18 In Vares, they attacked four or five days before the 23rd.
19 Before Stupni Do, the attacks had already started by the 3rd Corps.
20 There are orders issued by them to that effect, and I quoted from a book
21 written by the general who was in charge of the operation,
22 General Alagic.

23 The balance of powers in Central Bosnia, between the HVO units
24 and the two corps of the BH Army, was such, and those people were
25 encircled. It was more than 10:1.

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1 Now I leave you in peace to decide whether any commander, even if
2 they wanted to, with no logistics support - it was possible to resupply
3 the units only by helicopter - how can a commander launch any offensive
4 against the enemy that outnumbers him 10:1. We were defending ourselves,
5 we were barely holding on, and all this, in political and military sense,
6 was defined by the agreement with Serbs in September 1993, the political
7 and military agreement, what they wanted. Fortunately, we were not as
8 weak as all that, and we managed to hold on, albeit with great casualties
9 and efforts. I was the commander of the Main Staff, and I don't have any
10 criticism to levy against myself, my lads, my subordinate commanders. We

11 managed to defend ourselves.

12 So that's my answer to you, Your Honour Judge Prandler.

13 JUDGE ANTONETTI: [Interpretation] General Praljak, this ratio of
14 10:1 leads me to my last question, because we're almost finished for the
15 day.

16 In your written submission, you say something that has already
17 been stated, but I'll remind you. You say that if the Croats had really
18 wanted to attack the Muslim Bosnians, they would have done so in the
19 summer or the fall of 1992, when the Croats were at the very top -- at
20 the very height and apex of their military power, compared to the Muslims
21 in Bosnia. So you say that if you had been the attack -- if you had been
22 the ones who attacked, you would have done so before 1992, before they
23 were actually setting up their forces. Could you please expound on this?

24 A. Yes, I can. If I had had -- and I'm not as stupid as all that so
25 that you cannot understand me. So had there been a plan that I was

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1 supposed to implement, in 1992 I would not have distributed more rifles
2 to the Muslims than to Croats. We would not have, after the liberation
3 of Stolac, when there were no Muslims there, returned all the Muslims who
4 wished to return to that town, trained and set up their brigades, armed
5 them, kept on supplying weapons and ammunition to them throughout the
6 war. For God's sake, this is what I'm saying, loud and clear, in 1992,
7 had there been any plan because of all those things. So I could have
8 disarmed every Muslim in Mostar, and I could have captured Vakuf, Rama,
9 and all that, instead of fighting all those morons up there, getting

10 their rifles, and returning 75 per cent of the Muslims to their homes.

11 We did not want to fight the war against Muslims, not at that
12 time or ever. All the transcripts, all the speeches, they all referred
13 to the defence and the survival of Croats, and the 17.5 per cent of the
14 possible territory that Croats should have some kind of a
15 self-administration or self-government over. That's the minimum
16 solution, and that was the policy -- that was the position of all of us,
17 and this is how we acted. This is how we treated the wounded, the
18 refugees, the population, the medicines, weapons.

19 I simply cannot understand how somebody could draft an indictment
20 like this. I simply cannot understand it. You have thousands of
21 documents that speak to the contrary.

22 JUDGE ANTONETTI: [Interpretation] That's another problem.

23 But it's now 7.00 p.m. We will stop for the day. Tomorrow,
24 General Praljak, I'll ask you my final questions on your defence case, on
25 your defence strategy, so please keep all this for tomorrow. You'll have

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1 time to talk about this tomorrow. But tomorrow, I will talk about the
2 submissions of April. There's about 50 documents. I will say what you
3 wrote -- I will say, You wrote this in your pre-trial brief, this is --
4 or in your submission, this is the document that backs it, and could you
5 please comment on this. I've prepared this for quite a while, so I will
6 immediately go to the crux of the matter.

7 So I invite all the other counsels of Defence to also get ready
8 for their own cross-examination. I don't know who's going to start. I'm

9 sure there will be also questions from my fellow Judges. But once my
10 fellow Judges are done with their questions, the Defence will have to be
11 ready for cross-examining Mr. Praljak. You can sleep over this, of
12 course.

13 This week, we're sitting in the morning, so we will resume
14 tomorrow at 9.00 a.m. Have a nice evening.

15 --- Whereupon the hearing adjourned at 7.02 p.m.,
16 to be reconvened on Tuesday, the 23rd day of June,
17 2009, at 9.00 a.m.

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