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1 Wednesday, 24 June 2009

2 [Open session]

3 [The witness entered court]

4 [The accused entered court]

5 [The accused Prlic and Coric not present]

6 --- Upon commencing at 9.01 a.m.

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

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

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

14 This is Wednesday, June 24th, 2009, and I greet Mr. Praljak as
15 well as Mr. Pusic, Petkovic, and Stojic. I also greet those who
16 unfortunately are not here with us for various reasons. I welcome
17 Defence counsels, Mr. Stringer, and his associates, and everyone else
18 helping us in the courtroom.

19 The Trial Chamber will issue an oral decision regarding the
20 dead-lines for the submission -- the filing of IC lists. This is the
21 title of the oral decision: Oral decision for modification of dead-lines
22 regarding filing of IC lists after the testimony of accused Praljak.

23 Through an oral decision of June 22nd, 2009, the parties were informed of
24 the dead-lines they were to abide with after the testimony of accused
25 Praljak regarding the filing of their IC lists to admit documents, to

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1 make objections to these IC lists, and to eventually reply to the
2 objections, to possibly reply to the objections.

3 THE INTERPRETER: Interpreter's correction.

4 JUDGE ANTONETTI: [Interpretation] The Trial Chamber recalls that
5 these are dead-lines provided for in the guide-line number 8, provided
6 for in the decision on the adoption of guide-lines regarding the
7 presentation of Defence evidence. During the hearing of June 22nd, 2009,
8 the Praljak Defence and the Prosecution sought leave from the
9 Trial Chamber in order to obtain extension of the dead-lines provided for
10 in the oral decision. Given the volume expected -- the volume of
11 documents expected, which may be -- for which admission may be sought by
12 the parties, the Trial Chamber decides to exceptionally grant leave to
13 the Praljak and to the Prosecution motions. Therefore, the Trial Chamber
14 decides to modify its oral decision of June 22nd, 2009, only as far as
15 dead-lines are concerned. And the Trial Chamber also requests all
16 parties to abide by the following dead-lines.

17 IC lists regarding the request to admit exhibits must be filed
18 three days after the last day of Mr. -- the accused Praljak's testimony.
19 The filing of the objections regarding these IC lists must occur within
20 seven days after the filing of the IC lists. The filing of any possible

21 replies to these objections must be made three days after the filing of
22 the -- of the objections.

23 This is the decision. So once Mr. Praljak is finished with his
24 testimony, within the three days after that date the IC lists will have
25 to be filed. Should there be any objections, they will have to be filed

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1 within seven days and should there be any replies to the objections this
2 filing should be done within three next days. It's a bit complicated,
3 but I'm sure that when you read the document -- when you read the
4 decision it will be very clear. I hope that thanks to this decision
5 everyone will work properly. It is true that there are a lot of
6 documents and that an extension was absolutely necessary.

7 WITNESS: SLOBODAN PRALJAK [Resumed]

8 [Witness answered through interpreter]

9 Questioned by the Court: [Continued]

10 JUDGE ANTONETTI: [Interpretation] Mr. Praljak. I will now finish
11 with my questions. I hope I'll be finished today. Normally I should. I
12 have about 12 documents to show you, documents that I want to put
13 questions to you about. After that, as I told you earlier, I will be
14 asking you questions about sniping regarding seven casualties, but we'll
15 come to that later.

16 Let's take a look at document -- at the document on the screen.
17 It's document P 00742. As you see, Mr. Praljak, this is a document
18 issued by the minister of Croatia -- by the Republic of Croatia --

19 THE INTERPRETER: Interpreter's correction.

20 JUDGE ANTONETTI: [Interpretation] -- Ministry of Defence, dated
21 November 14, 1992, this is an order following a request that allegedly
22 you would have made and asking for the transfer of a number of officers
23 from the Split Operative Zone to Capljina. Your counsels mentioned this
24 document. Could you tell us what the purpose of showing this document --
25 what is the purpose of showing this document, please?

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1 A. The officers in question were in Split. I spoke to them. And
2 they agreed to go for a month to Central Bosnia, to Travnik,
3 Novi Travnik, and other places. After the fall of Jajce and after we
4 witnessed the lack of organisation among the HVO units and among the
5 BiH units, I went to the Split Operations Zone and I spoke to people and
6 asked around to see who would be willing to spend a month in that area
7 and to help organise the military there. This means that I asked for a
8 gunman, a signalsman who would be establishing communication, a person in
9 charge of the organisation of the brigade there, one person who would
10 explain how to set up the line, and so on and so forth. A few people
11 volunteered but not everybody left. At first there were eight and
12 finally we agreed that five would suffice and five people indeed went to
13 Central Bosnia to assist both the HVO and the BiH army, to organise
14 themselves as I've just explained. They stayed there only a month and
15 then they returned.

16 JUDGE ANTONETTI: [Interpretation] Very well. I will now move to

17 paragraph 192 which deals with what happened in Stupni Do, and we will
18 take a look at a document that we have already seen but I believe that it
19 is important to take a look at it again, P 06026. On the screen we have
20 the English version but most importantly we have the B/C/S original, a
21 document that I went -- that I fetched this morning very early in order
22 to really scrutinise it, at the crack of dawn.

23 General Praljak, this is a document, it's a report by Mr. Rajic
24 and sent to Mr. Kordic, Mr. Petkovic, and Mr. Blaskic, as well as
25 Mr. Mario Bradara. This document dates back to October 23rd, 1993.

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1 There is an incoming mail stamp October 28, 1993 -- 93, actually. This
2 document was officially registered under the number 5021.

3 In this document Mr. Rajic is reporting on the attacks by the MOS
4 in the Bobovac responsibility area. He is mentioning also what is
5 happening in Stupni Do, saying that the Muslims have set up their forces
6 and that -- he says that there was an attack in the morning Bogos. He
7 explains that a number of members of the MOS were killed along with some
8 civilians. Regarding HVO casualties he says that there were two persons
9 killed and seven wounded. He continues saying that Pejcinovic Duznovic
10 and Gavran had been placed in isolation. Also on the document we have
11 some things that are handwritten, the word Petkovic that was underlined
12 as well as the three names that I mentioned that were also underlined,
13 Pejcinovic, Duznovic and Gavran, and two sentences have been added also.

14 My first question is this one, Mr. Praljak: Is this your

15 handwriting, please?

16 A. Yes.

17 JUDGE ANTONETTI: [Interpretation] Very well. Second question:
18 When did you learn of this document? I see that there's this stamp for
19 incoming mail dated October 28th. Does this mean that you obtained this
20 document at that date or did you know about it before that?

21 A. [Previous translation continues] ... on the 23rd of October,
22 1993, around 11.00 in the evening, 2300 hours approximately.

23 JUDGE ANTONETTI: [Interpretation] Very well. I unearthed a
24 translation problem regarding the handwritten sentence. In the Rajic
25 judgement, the beginning of the sentence is translated as follows: "Sort

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1 out," whereas in the document we have here it says "deal." I don't
2 understand why we have this "sort out" in the Rajic judgement without any
3 footnote that could help anyone understand what document is referred to
4 in these conclusions.

5 So to make things clear, Mr. Praljak, could you please very
6 slowly read out the handwritten sentence, the first handwritten sentence.

7 A. "Sort out the situation in Vares without any mercy shown towards
8 anybody.

9 "Find people who are up to the time and task" -- could you scroll
10 up a little bit, please. Thank you. "... those who are up to the time
11 and task."

12 JUDGE ANTONETTI: [Interpretation] Very well. Reading the

13 sentence -- getting the French translation from this sentence is "settle
14 the situation in Vares" or "sort out the situation in Vares" --

15 THE INTERPRETER: [Previous translation continues] ... Your
16 Honours, which is the same thing as "deal."

17 JUDGE ANTONETTI: [Interpretation] [Previous translation
18 continues] ... judgement is sort out.

19 Mr. Registrar, could we have the last page of the English
20 document, please.

21 As you see, on the second page we don't have "sort out" but "deal
22 with," sort out or deal. I don't understand why it's not the exact same
23 words that are used.

24 THE INTERPRETER: [Previous translation continues] ... deal are
25 synonyms.

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1 JUDGE ANTONETTI: [Interpretation] I believe this is important,
2 Mr. Praljak, because in the Rajic judgement it says that you were ordered
3 to settle the situation in Vares without mercy towards anyone, but
4 there's absolutely no reference to the content of the document. Any
5 reasonable trier of fact looking at this could conclude that through this
6 order he asked for everyone to be killed. So we need to look at the
7 document.

8 First question, Mr. Praljak: When Mr. Rajic wrote this report,
9 there's always been -- there's already been casualties. He says in his
10 report that there were casualties on both sides. Do you agree with this?

11 A. Yes.

12 JUDGE ANTONETTI: [Interpretation] Therefore, Mr. Rajic made his
13 report after the events?

14 A. Yes.

15 JUDGE ANTONETTI: [Interpretation] So saying "show no mercy"
16 cannot be applied retroactively. There already are casualties anyway.

17 A. Correct, but this does not refer -- it does not at all refer --

18 JUDGE ANTONETTI: [Interpretation] Very well. I wondered, and I
19 wish -- I hope that you can shed some light on this, I really wondered
20 why it said "deal with the situation." Maybe I'm making a mistake, but
21 you underlined these three names and you also added something in
22 handwriting. So isn't there -- I was wondering whether there was a link
23 between these names that were underlined and what you wrote, settling the
24 situation of the three that are in isolation, and if there errors were
25 made or mistakes were made, show no mercy, even though these are people

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1 from the HVO, which might explain why you said it to be so tough and to
2 show no mercy towards anyone. Is this the real interpretation or should
3 there be another one?

4 A. This is a good interpretation. He isolated men. The situation
5 was unclear even before and this is how it's said in Croatian, this is
6 how I normally say it. Petkovic, deal with that situation, sort it out,
7 Petkovic, because there's a state of disorder. With whoever, whatever is
8 happening (sentence unclear). And the second sentence is: Find men who

9 are up to the situation. I believe that anybody faced with such a
10 situation would say that, and I believe that the same phrase is used in
11 other languages as well. Deal with the situation. There is a state of
12 disorder. Some people have been isolated. I am not privy to all the
13 facts, but I understand the situation, I adhere by what I said, this was
14 sent to Petkovic and Petkovic fully understands what I'm writing to him.

15 JUDGE ANTONETTI: [Interpretation] I would like the usher to place
16 a paragraph 39 of the judgement under the ELMO.

17 Mr. Usher, could we please have that. Can you please put this
18 paragraph of the judgement under the ELMO. It's in English but all
19 counsels will be able to see it.

20 MR. STRINGER: Excuse me, Mr. President, may I address the
21 Trial Chamber very briefly. Perhaps now is a good time. During the last
22 series of questions about the sort out versus "deal with" language that's
23 in the English translation, the interpreters on the English channel a
24 couple times made clarifications or comments which only appear in the
25 record partially. I'm looking at line 15 of page 6 and then also

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1 page 17, and because the President has noticed that there is a difference
2 between the translations "deal with" and "sort out," could I suggest that
3 the interpreter's full clarification be put on the record because it
4 doesn't appear there at the moment. Thank you.

5 JUDGE ANTONETTI: [Interpretation] Very well. We'll try to solve
6 this. If there's a problem we'll ask the CLSS to make -- to do the

7 translation.

8 Mr. Praljak, could you please read again this first handwritten
9 sentence slowly.

10 A. "Sort out or deal with the situation in Vares showing no mercy
11 towards anybody."

12 Your Honours --

13 JUDGE ANTONETTI: [Interpretation] There's a problem with
14 translation. The English interpreters said "sort out or deal" -- for
15 them it's the same thing, it means the same thing.

16 A. Please. The root of the word "srediti" in Croatian is the word
17 "order," "Ordnung." "Ordnung," which is read "order" -- it's not
18 "order." No, no, it's not. I'm not going to go into English because I
19 don't speak English. "Ordnung" in German. There is something that is
20 not order, non-"Ordnung," chaos. And the word "sort out" or "deal with"
21 or "srediti" in Croatian means to re-instate order in the courtroom, in
22 the street, in a company in the police, deal with the situation, install
23 order, and this is the correct explanation of the Croatian word "srediti"
24 which means "install order."

25 JUDGE ANTONETTI: [Interpretation] Very well. Now I wanted to

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1 have paragraph 39 on the ELMO. When you read it as it is in the
2 judgement, it looks like you ordered Mr. Rajic to show no mercy and that
3 this order was known by local HVO commanders and so that because of this
4 there might be a very aggressive attitude against the Bosnian Muslims in

5 the Vares area. Now what paragraph 39 forgets to mention is that this
6 handwritten sentence was added after the events and does not take into
7 account these three Croats who were placed in isolation by Rajic.

8 Let's finish with this document, Mr. Praljak. You said that when
9 you meant sort out the situation it meant --

10 A. Correct.

11 JUDGE ANTONETTI: [Interpretation] [Previous translation
12 continues] ... so everything comes back to order --

13 A. Let me say, by finding men, and how is he going to find men among
14 the Muslims? He has to find men among the Croats and such men that will
15 be up to the situation, faced with the situation, and deal with the
16 situation, install order, sort out the situation. Everything is known
17 here. They received this on the 24th in the morning and they did
18 whatever they had to do. Everything is so clear and has been for such a
19 long time.

20 JUDGE ANTONETTI: [Interpretation] Very well. Let's have a look
21 at the next document, P 06020.

22 JUDGE TRECHSEL: I must confess, Mr. Praljak, that everything is
23 not so clear to me. Restore order, all right. What was the disorder?
24 What did this actually mean? What was the problem that should be solved?

25 A. Well, Your Honour, Judge Trechsel, to be quite frank, we cannot

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1 start this trial a hundred times all over again. You have documents that
2 came from Emil Harah, from Vares, and from others in that area, a huge

3 pile of documents, and they clearly show the kind of disorder or lack of
4 order that existed there. The brigade commander could no longer do his
5 job, he's asking to be removed from office, he says that he has gone
6 crazy, he receives information about smuggling and all that -- well, it's
7 all in evidence, it's been in evidence for two years in this trial.

8 JUDGE TRECHSEL: Thank you.

9 JUDGE ANTONETTI: [Interpretation] There's a follow-up to the
10 question by Judge Trechsel. The fact that the Bobovac Brigade commander
11 is not able to carry out his mission, could this be a reason why a new
12 commander must restore order in the brigade, by orders or by an
13 investigation and that order has to be restored? Is that one way of
14 understanding the text?

15 A. Yes, that's how you must understand it. In the document it says
16 that an attack was launched by the BH army, and there is no time for
17 investigations. You do that after the fact. At that time you need to
18 make decisions, instantly, clear, precise decisions. And then later on
19 you can investigate who did what. But in a situation where it says that
20 BH army launched an attack and before that in a whole series of
21 documents -- well, we don't want to go through them again. I'm simply
22 writing an instruction to General Petkovic saying, Petkovic, sort out the
23 situation. Get them out of here. The commander must be removed from
24 office from his post within three minutes and later on you do the
25 paperwork, whereby he's formally removed from his post, but you have to

1 make prompt, instant decisions.

2 JUDGE ANTONETTI: [Interpretation] Finally we'll have a last
3 document, P 06020. This is a report from Emil Harah on -- at 1145 on the
4 23rd of October. It is sent to you personally. He recounts the events,
5 and towards the end he says that Ivica Rajic insisted that Harah should
6 send you the report. What does this mean?

7 A. Well, Mr. Ivica Rajic was superior to -- for that -- in that part
8 of the theatre and then Tihomir Blaskic was the next higher-up instance.
9 This is a simple military report that just shows that the units of the
10 3rd Corps are attacking the Bobovac Brigade from the areas of Zenica,
11 Kakanj, towards Vares, and then we can see his conviction that another
12 corps of the BH army would help him fight off the 3rd BH Army Corps. And
13 then he says lines are very extended -- well, nothing on the basis of
14 document, I could not reach any conclusions apart from the fact that they
15 are under attack. And that because of this order Vares would fall.
16 That's why I sent this -- the two sentences to Petkovic, that unless
17 there is an immediate and very harsh response to re-introduce order into
18 the situation -- well, I don't have anything to add to it.

19 MS. ALABURIC: [Interpretation] Your Honour, I don't know if you
20 will find it inappropriate for me to intervene regarding this document,
21 but protected witness EA spoke about this document and said that it was a
22 forgery, and also in 92 bis statement of a witness who was -- knew about
23 these events, he said that no document of this sort with this kind of
24 signature was ever written. So perhaps this might be of some assistance
25 so that we don't deal with things that are ultimately irrelevant.

1 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Stringer, we're going
2 to address this.

3 Yes, Mr. Stringer.

4 MR. STRINGER: [Previous translation continues] ... simply to say
5 and -- and I think we should address it. My recollection is that there
6 was a different document that the witness talked about. I could be
7 wrong, but I think we should double-check whether in fact this is
8 authentic or not. I had the recollection that there was a different
9 document that Witness EA was talking about.

10 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, are you sure that
11 is the right document mentioned by Witness EA as a forgery?

12 MS. ALABURIC: [Interpretation] [Previous translation continues]
13 ... in the course of the next break I can provide all the references, the
14 transcript pages, and the 92 bis statement where this is indicated.

15 JUDGE TRECHSEL: Mr. Praljak, as we have these two documents
16 before us, there is one term that comes up in both and it's the word
17 "mop-up." Rajic writes:

18 "The town of Vares has been mopped-up and all Muslims of military
19 age placed under surveillance ..."

20 And in this document Emil Harah also speaks of a Muslim village
21 nearby the town that they mopped-up. How would you translate "mopped-up"
22 or how would you describe what it means?

23 A. Well, Your Honour, Judge Trechsel, to be quite honest, probably

24 as I sit here today we should use another term in Croatian, but that term
25 was so widely used, it's such a usual term if you look -- if you watch

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1 movies or read books or papers. I don't know what the English word is
2 but in Croatian you always say it has been "mopped-up," "ocisceno," in
3 terms of there are no military units there, after combat action they have
4 been defeated. This use of the term "ciscenje," "mop-up operation," it's
5 a military term pure and simple. It means all the armed members of the
6 enemy force have been defeated. In the movies you can see it when the
7 units advance they always say it's been mopped-up, it's all clean now.
8 When they go into a building they say "clear," "cisto." It's the same
9 term as used in Croatian. If you look at movies and you have the FBI
10 enter a house or the SWAT teams in New York, in Croatian the word is
11 "cisto" "ocisceno," and this is the sense in which this term was used.

12 JUDGE TRECHSEL: I will also be frank with you, Mr. Praljak, in
13 the context of these proceedings one wonders whether it does not refer to
14 ethnic cleansing.

15 A. Your Honour, no. No. In military sense when you say "ciscenje,"
16 "mopping-up," that's what it means, what I've just explained to you. The
17 members of the military units of the enemy side have been "ocisceni,"
18 "mopped-up." There are no members left, they are not hiding anywhere.
19 It's been cleaned of them, so to speak, and now unfortunately this word
20 "clean" or "cleanse" now has this other meaning of ethnic cleansing, but
21 that's another thing.

22 JUDGE TRECHSEL: You have answered the question. Thank you.

23 JUDGE ANTONETTI: [Interpretation] General Praljak, following what
24 Ms. Alaburic said. If this is a forgery I have a very simple first
25 question for you. As far as you can remember, on the 23rd of October,

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1 1993, after 11.45, so maybe the next day or the day after, the 24 or the
2 25th, were you made aware of a report by Emil Harah?

3 A. Your Honour, I cannot answer this question with any kind of
4 reliability, not even theoretically after all these years.

5 JUDGE ANTONETTI: [Interpretation] Let's look at the contents of
6 the document. If this is a forgery, it is a forgery that was very well
7 made because we have a number 01-703-1/93. So those who would have made
8 the forgery can run the risk of checking whether there was in the books a
9 document before and one after, a 702 or 704. There is no signature also
10 so one may think this was a message sent by electronic means or by
11 packet. If this is a forgery, why was it done by the authors thereof?
12 What would you say as to the move they had in mind? If you don't have
13 any idea, I could have one for you.

14 A. I have no idea, Your Honours. I really don't know.

15 JUDGE ANTONETTI: [Interpretation] Any reasonable trier of fact,
16 knowing the facts of the case, could he imagine that in sending this
17 report at 11.45 on the 23rd of October would show that you were aware or
18 in the know of the operation that Harah upon instructions by Rajic is
19 busy with the operation, has something else to do than sending written

20 reports, sends you the report so that you be informed in realtime of
21 anything that may happen and everything that happens. And the fact that
22 we have our name here, could it be a reason to conclude that you were in
23 the know of things before, during, and after the event?

24 A. Well, I can't give you a very specific answer to that question,
25 apart from saying that I do know one thing for a fact and that's that

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1 forged documents, documents that were forged in order to support an
2 argument or the case here at this Tribunal, there were many of those. I
3 know that for a fact and I know that some things that relate to Vares, in
4 the press in particular, were blamed on me in such a way to implicate
5 that I knew about the events in Stupni Do before they occurred. I know,
6 however, what I know and I know for a fact that I came to the Main Staff
7 around 2300 hours and I remember only that document and the previous
8 documents, and I know exactly what I thought when I wrote this to
9 Petkovic and I was quite specific in what I wrote and I stand by it. I
10 claim that they are forged documents, including the document with my
11 signature that I approve the release of the prisoners -- well, of the
12 hundreds of documents on the last day when I was not there at all, they
13 tried to foist this on me, so to speak.

14 MS. ALABURIC: [Interpretation] Your Honour, if I may, just bring
15 your attention to the last sentence here which indicates that on that
16 day, the 23rd of October, at around 1100 hours, Ivica Rajic was in
17 Kiseljak because it says here from Kiseljak he is controlling or running

18 the action. So perhaps this might be a key to explain this whole
19 document.

20 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Praljak, Ms. Alaburic
21 is telling us that Mr. Rajic was running the operations from Kiseljak
22 whilst he was present on the ground. So this may be an explanation.

23 A. Well, based on the information I received later, Ivica Rajic was
24 not in Kiseljak at the time. So if this is a forgery, obviously the goal
25 was to say, Well, I was not in Vares or anywhere near Vares, I was in

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1 Kiseljak. He was not in Kiseljak at the time, and Emil Harah had to know
2 that Ivica Rajic was not in Kiseljak but that he was already doing things
3 in Vares that were not admissible. He tells me, I've placed Muslims
4 under surveillance. He doesn't say, I detained them, or whatever.

5 JUDGE ANTONETTI: [Interpretation] We're going to be much faster
6 now. Indeed we are going to examine a few documents rather cursorily.
7 Paragraph 203, 3D 00278. That's the number of the document. This
8 document is about you. It's going to be on our screens soon. Here it
9 is. It says what your situation is for the administration, and it is
10 clearly said that you had submitted a request as early as the 1st of June
11 seeking permission to leave the Republic of Bosnia and Herzegovina.

12 THE INTERPRETER: Interpreter notices that the translation is
13 different in writing.

14 THE WITNESS: [Interpretation] Yes.

15 JUDGE ANTONETTI: [Interpretation] Paragraph 280, 1D 02962. You

16 are here demonstrating that there was no criminal enterprise because if
17 there was any, how can you account for the fact that the so-called
18 victims would go for a meeting in Zagreb, where they're going to ask for
19 a law to be endorsed by the Croatian government? This is 1D 02942.
20 We've seen this document already.

21 Do you -- are you aware of this document, Mr. Praljak?

22 A. Yes, I've seen it before.

23 JUDGE ANTONETTI: [Interpretation] Very well. In your
24 submissions, this is what you said. Can you give us an explanation?

25 A. This is one of possibly hundreds of documents, and my case is

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1 quite clear. Croatia was - well, how should I put it? - like an open
2 possibility to do whatever they wanted as far as the BH was concerned,
3 and Muslims in particular, sessions of the government, financial
4 assistance, military assistance -- well, they had dozens, hundreds of
5 organisations in Zagreb and all over Croatia, military, civilian,
6 educational, religious, it was open ground for them. They were fomenting
7 propaganda against Croatia in Croatia itself.

8 At times Croatia looked more like the colony of Alija
9 Izetbegovic, the government in Sarajevo, and the BH army. No questions
10 were asked, no requests were made, they never said please, its state and
11 all its institutions used it as it saw fit. I sometimes objected to
12 that. I said, Well, there should be more order here, because you never
13 knew who represented what ministry, what government. Hundreds of those

14 occasions, Your Honours. So -- and now this state is accused of a joint
15 criminal enterprise -- well, I simply cannot see the logic.

16 JUDGE ANTONETTI: [Interpretation] I am nearly done. Let's go to
17 the contents of paragraph 346 that deals with a visit by MPs from the
18 Sabor. We've seen this document already; it is 3D 01391. I'll repeat,
19 3D 01091.

20 A. I don't know what that is.

21 JUDGE ANTONETTI: [Interpretation] One moment. You're going to
22 see it soon. This is a report by the Assembly, a report by MPs who went
23 to Bosnia and Herzegovina. In paragraph 340 your counsels say that you
24 lobbied the Sabor for MPs to go and visit the Republic of Bosnia in order
25 to have a fact-finding mission and say what the situation was about. So

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1 this is a detailed report of the people they have met and of their
2 conclusions following the visit. I noted that the visit was really
3 dependent on the UNPROFOR because the UNPROFOR had to secure their safety
4 and their transport. Can you confirm this?

5 A. Yes.

6 JUDGE ANTONETTI: [Interpretation] Very well. It appears that
7 General Wahlgren, in person, was the person in charge of the logistics of
8 this mission?

9 A. Yes.

10 JUDGE ANTONETTI: [Interpretation] Well, in your recollection,
11 were these MPs always escorted by UNPROFOR servicemen?

12 A. When they went to the eastern side of Mostar and when they were
13 supposed to go to Konjic, Jablanica, and Central Bosnia as they wanted,
14 they had an escort.

15 JUDGE ANTONETTI: [Interpretation] When reading this report I see
16 that these MPs, who belonged to various parties even though they're all
17 in the national union government, conclude that there was a conflict
18 between the Croatian side and the Muslim side. They cannot assess who
19 originated, who initiated the conflict. In paragraph 4(a), they conclude
20 that the causes of the conflict would be due to different comprehension
21 of the internal system of Bosnia and Herzegovina. What does this mean
22 exactly?

23 A. Well, that's what I've been saying all this time. That's
24 precisely what it means. They understood that -- well, the BH, if the
25 two sides, the Muslim and Croat side, have different ideas about internal

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1 organisation of Bosnia and Herzegovina, the internal organisation of
2 Bosnia and Herzegovina. Muslims wanted a unitary state based on the one
3 man/one vote principle; and the Croatian approach was that there should
4 be provinces or cantons or some kind of constituent parts, what I used to
5 call some kind of self government for areas or settlements where Croats
6 are in the majority.

7 But if you allow me, Your Honours, I addressed the Croatian
8 Sabor, the parliament, quite violently. They tried to stop me but they
9 couldn't. You have to understand, as the war goes on the politicians and

10 all "smart people" are trying to get as far as they can from the war.
11 They sit in cafes, they meet in Geneva, London, Paris, staying in nice
12 hotels and they talk about what should be done, and they're really smart,
13 they're all being very, very smart. That's how it's done today, and what
14 they're saying is usually based on wrong information. And I was
15 desperate, I was quite angry. It was my demand, You should go. And then
16 they, Your Honours, they who are still involved in the war, who are still
17 suffering through it, they're to blame, they're the scapegoats. Well,
18 agree, we have a solution, everybody's saying that. And I'm telling
19 them, Well, come down here, and they say, Well, Praljak's stupid, Praljak
20 simply doesn't want the war, please make an arrangement with the other
21 side and put a stop to the war. Praljak and Petkovic and all the others
22 in the HVO don't want to have the war.

23 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you've said this
24 already. In the conclusions under (c) and (d) of paragraph 4, this is
25 put down to part of the Muslim sides that openly rejected the Vance-Owen

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1 Plan and they were, so does the text say, the provocateurs. But I've
2 noted something else, but there's no solution suggested in the
3 conclusions, unfortunately so. They've noted that there were crimes, and
4 it is said that individuals in uniform with pro-fascist insignia
5 committed crimes in Muslim villages. And it is said that they must be
6 identified and punished. So this delegation of MPs has realised that
7 there have been crimes in Muslim villages, and we can better understand

8 this sentence when we know that the MPs met with an SDA delegation.

9 The very fact that these MPs knew and wrote in this report that
10 crimes had been committed, was this something they told you? Did they
11 tell you that these people had to be punished? Were you made aware of
12 this, this thing that they noticed in April?

13 A. Your Honours, I knew that even without them. That's why I asked
14 for them to go down there and try and put a stop to the war. We can go
15 on investigating, we have investigated things, people have been punished
16 for the crimes they committed, they will continue being punished, but the
17 war would go on resulting in casualties. And their duty is to stop the
18 war and to say precisely who is the one who's behind the war, who's
19 causing the war to go on. I was in Croatia and I was not in a place to
20 be in charge of the investigation of any crimes. I was just here as a
21 person who completely understood the situation, fully, completely, why
22 things happened, what's going to go on happening, and with what result.

23 JUDGE ANTONETTI: [Interpretation] I still want to take a look at
24 paragraph 366 on cooperation between Croatia and Bosnia-Herzegovina. The
25 document is 3D 00299. This is a letter by Hasan Efendic to the Ministry

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1 of Defence of the Republic of Croatia on January 4th, 1993. The document
2 is on the screen. In your submissions you mention this document. What
3 is the importance of this document to your defence case?

4 A. To confirm what I've been saying all this time, which is that
5 vis-a-vis the volunteers from the Croatian army, Muslims, Croatia treated

6 them in the same way as they treated Croats. Here you see a request is
7 being made for a colonel, a major, and a doctor, also a colonel, to be
8 allowed to join the BH army and still keep the status in the Croatian
9 army as is -- as was laid out from the very outset.

10 You have been fighting in the Croatian army and now your first or
11 second homeland has come under attack. You can go and fight for your
12 second or first homeland, Bosnia and Herzegovina, and we will not rob you
13 of your bare essentials, which is social security, a pension fund, and
14 salaries in the Croatian army. Once you finish your mission there, once
15 you were defeated or come victorious, we will take you back because
16 that's the only honest and logical thing to do because it was our joint
17 fight. The same thing applied to Muslims as it did Croats, and I claim
18 that a lot more Muslims from Croatia or via Croatia, trained in Croatia,
19 went to fight in Bosnia-Herzegovina than Croats. But this does not take
20 into account the Mujahedin.

21 JUDGE ANTONETTI: [Interpretation] Last document, P 00149. It
22 deals with the diplomatic relations between the Republic of Croatia and
23 Bosnia-Herzegovina. In your submissions you say that these relations
24 were excellent. This is a letter sent by Mr. Tudjman to Mr. Izetbegovic,
25 as you see, dated April 7th, 1992, and recognising the Socialist Republic

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1 of Bosnia and Herzegovina as a sovereign and independent state. I'm sure
2 you know this document.

3 A. Yes.

4 JUDGE ANTONETTI: [Interpretation] You mentioned this document in
5 your submission, but to what purpose? What were you trying to
6 demonstrate through this document?

7 A. Your Honour, this is similar to the previous document. First of
8 all, this was an issue pertaining to the international conflict, and this
9 gentleman is the military attache in Croatia and he's taking troops to
10 take them to Bosnia and Herzegovina, all the while the alleged joint
11 criminal enterprise is at play against that same people. And it says
12 here, or rather, the president of the state says:

13 "Pursuant to Articles 94 and 99 of the Constitution of the
14 Republic of Croatia and in keeping with the conclusion of the parliament
15 issued on the 27th of March," which means that the parliament of the
16 Republic of Croatia reached a conclusion and the government issued a
17 proposal on the 6th of April, by which they bound Franjo Tudjman to
18 recognise Bosnia-Herzegovina. Franjo Tudjman was not the one who issued
19 decisions on the recognition of Bosnia-Herzegovina; it was the
20 parliament. And the document is important because the -- there were
21 already allegations in the indictment about the joint criminal
22 enterprise.

23 If you recognise a state, if [as interpreted] you recognise its
24 territorial integrity and everything else -- and now -- well, can you --
25 could you imagine that degree of cunning and craftiness pursuant to which

1 we will first recognise a state and then we will cut off its face. I

2 don't have any comment to that. The way somebody's mind worked in order
3 to reach such conclusions is just beyond me.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, I will now
5 address a new topic. I will be talking about sniping. Now, my personal
6 analysis of this, and of course it's my own and each and everyone can
7 have its own opinion, but my own analysis of the situations that any
8 casualty -- when there's a casualty of sniping the criminal judge must --
9 in order to find the responsibility must make sure that he knows where
10 the shot came from. If this trier of fact cannot ascertain for sure
11 where the shot came from, there will always be doubt as to where it
12 actually came from, as to the origin of the shot. In the past as a
13 professional Judge, I had to deal with this problem -- also when I was a
14 prosecutor. And in my personal experience, I must say that when you have
15 a casualty that was shot at, you must absolutely know exactly where the
16 shot came from, where it originated, and who was holding the weapon.
17 That's the only way that you can correctly find the responsible person.

18 So personally I selected seven victims who were shot at when you
19 were commander of the HVO between June, July, and November. We need to
20 save time, of course, you know I have really scrutinised this very
21 carefully previously, and I will give you the main details of the cases
22 and you will comment on this inasmuch, of course, as you have knowledge
23 of all this.

24 First incident on July 27, 1993, the victim was Arif Gosto. He
25 was shot in the lower part of his leg while he was helping the fire

1 brigade put out a fire in the Saric Harem cemetery. According to him it
2 was well-known that HVO snipers were shooting from the Stotina plateau.
3 According to the OTP expert, Mr. Patrick van der Weijden, the range of
4 the tier and the type of wound seemed to suggest that the calibre of the
5 munition -- of the weapon used could be very well a sniping weapon, 7.62
6 millimetres, 51 millimetre, 7.62 -- 54 millimetre -- or 792 R -- minus R.
7 So it seems that the shot originated from the Stotina plateau. What do
8 you say to this?

9 A. First of all, let me say the date is the 27 June 1993, when I
10 wasn't down there. That's the first thing I have to say. And secondly,
11 I did not have the time to analyse this case in great depth, or rather, I
12 didn't do it for a simple reason. I did not have all the element which
13 would either confirm or show that this is impossible like I did in some
14 other cases.

15 And my general objection would be as follows. The 600- or 7
16 00-metre distances, Your Honours, would require two men as sharpshooters,
17 the gun should be very well calibrated. The distance is so far that it
18 would take a super professional -- I don't know whether you ever held a
19 rifle and tried to target something at a 600-metre distance. Did you
20 ever see how objects move if you move your sighting device by just a
21 millimetre. In any case, this was on the 27th of June, I wasn't there, I
22 can't talk about it, and I did not have enough elements at my disposal to
23 completely refute this allegation as I did with others, with similar
24 ones.

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1 the name is Omer Dilberovic, it happened on August 30th, 1993, it's a
2 Muslim who lived in the Pasica [phoen] area of East Mostar. He was hit
3 in the right leg when he was just crossing an open space, a 20-metre-long
4 open space in Mazulidjice [phoen]. This victim said that he heard the
5 detonation of the bullet and that the bullet came from the western side
6 of Mostar, but he cannot really say where the shot originated from.

7 According to the expert the shot came from the Ledara building
8 located 677 -- 677 metres from where the victim was. According to the
9 expert, this is the building that gives the best view of the site where
10 the incident occurred, and according to the expert, the sharpshooter was
11 in the higher floors -- the upper floors. What can you say about this?

12 A. I can say that this is absurd. Maybe you could -- well, the
13 first distance is 700 metres. The person climbed the Ledara building,
14 and did not show precisely how you can actually see the place from the
15 Ledara, but, Your Honours, could I please place this part on the ELMO,
16 this part here? Can I show this part here, please?

17 Here you can see the direction of movement, the victim's
18 movement. The bullet came from here and hit the victim in the right
19 upper leg from this direction. And now could you please look at the
20 photo of the place where the victim was. You can't see the two roads
21 here which you can see in the drawing. Let's put the two images on the
22 ELMO at the same time. So this is the place where the victim was hit.

23 Where is this man going? Is he going from here? From there? Where is
24 Ledara? Is he going down the road? Why is he walking by the houses? I
25 don't -- I can't see where this person is moving to and from. We don't

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1 have any elements that would establish his movement, although I have come
2 up with a possible variant.

3 Since Ledara is very high up, I looked at the wound, there should
4 be a gap between the entry and exit wound which you can't see on the
5 victim's legs. See, he took a shot of the place but he didn't show the
6 movement, he didn't show any directions. Where is the victim going on
7 this road? Where is Ledara? This is something, the sketch does not
8 correspond to the photo which is supposed to depict the same place. And
9 this is not how you do things.

10 JUDGE ANTONETTI: [Interpretation] Are you asking for this drawing
11 to be admitted? Yes. Let's give it a number.

12 A. Your Honour, I've already tendered all the sketches under my
13 expert's report.

14 JUDGE ANTONETTI: [Interpretation] Very well. Let's move to the
15 third incident, September 7, 1993, the victim's name is Alija Jakupovic,
16 it's a fireman. He was hit in the back of the skull while he was driving
17 the fire truck after having put out a fire. He was crossing an open
18 space that was about 100 to 150 metres long in Street -- in Lakisica
19 Street. We know, according to Elmer Demic, who was another fireman in
20 Mostar, that the shots hit the fire truck as well as the driver of the

21 fire truck. And according to Elmer Demic, the shots came from white
22 buildings shaped -- from Centre 2 that was located in the west of Mostar.
23 It was a number of high-rises of different levels. The expert says that
24 this incident might have been caused by the use of the calibres I
25 mentioned earlier. According to him, the shot probably originated from

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1 the Ledara building. There was about 786 metres from where the victim
2 was located. He believes that the sharpshooter was in the upper floors
3 of this Ledara building.

4 General Praljak, what's your take on this?

5 A. Your Honour, I believe that you shouldn't provide your thoughts
6 in an expert opinion. You have to provide your claims and you have to
7 prove them. First, there is a discrepancy between the statement of the
8 victim, who says that he is from the city and the expert who says that
9 that came from Ledara. Maybe, maybe, I don't --

10 JUDGE TRECHSEL: I'm sorry, Mr. Praljak, you are saying things
11 that are not correct. You are saying to us, Your Honour, you have to
12 prove your claims, you have to prove them. We do not have to prove
13 anything. It is the Prosecutor that proves and we are just here to see
14 who in the end has succeeded in proving them. Maybe it's a problem of
15 translation or transcript.

16 JUDGE ANTONETTI: [Interpretation] There might have been a problem
17 in the translation into English because in French it is not what I heard.

18 Mr. Praljak, what did you say exactly? You didn't mention the

19 Judges, did you, because I didn't hear that.

20 A. [Previous translation continues] ... you. I said the expert must
21 not use in his expert report "I think" and there shouldn't be a
22 discrepancy between the victim, who says this came from some buildings;
23 and the expert, who says that this is from Ledara.

24 But let's look at the previous photo, there is a road on which
25 the fire brigade truck is moving and this shot was taken from the

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1 possible place from which the shot came. This is the sketch. This is
2 how the fire brigade truck is moving and it comes at 90 degrees vis-à-vis
3 the direction of movement and you can see it here. And what happened,
4 the bullet pierced the last -- the back window and the man was wounded in
5 the back of his head.

6 How did this happen? If I'm sitting like this and if I'm moving
7 in the direction of Judge Trechsel, if the shot comes from here, how can
8 it hit me here? And this is what the person drew. He says the bullet
9 came from here, the witness, and the photo we saw we can see that the
10 back window was pierced and we can see that the back of the victim's head
11 was hit. Maybe there's some bullets that make a curved trajectory, but
12 this would be illogical nonsense and it is really sad that an expert is
13 allowed to draw something like this. You see, the bullet is supposed to
14 come from here, the vehicle is moving in this direction, here's the
15 vehicle, and this bullet which was apparently shot from here hit him in
16 the back of the head. And if you were looking at the window that was

17 broken, you really can't draw such a conclusion. What the expert is
18 claiming here is nothing short of stupidity.

19 JUDGE ANTONETTI: [Interpretation] I will now move to another
20 victim, but it's a protected witness so I will not mention any names.
21 This occurred on September 29, 1993, Witness DB. He is hit on the right
22 shoulder blade by a sniper while he was -- he is hit while he was trying
23 to help someone - I'm not going to mention the name of the other person
24 that will help identify him - but he's shot by a sniper while he's trying
25 to help someone that was also -- had already been shot by a sniper. This

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1 happened in the Brkica Street, about 50 metres from the fire station.
2 This is on page 13.014 and 13.015. This is the testimony, but the victim
3 was not able to be certain where the shots came from.

4 The place -- you have no view of any place the shot might come
5 from when you are located where the victim was hit, but this -- he was
6 close to the Spanish square. So the shot might have originated from any
7 place around this Spanish square because all of the roads about this
8 Brkica Street make a tunnel which limits the possibility of shooting.

9 According to the expert, the most possible place the shooting
10 might have occurred is 1-metre-80-high platform located among the trees
11 on the western side of the Spanish square about 600 metres from where the
12 incident occurred. And the expert concludes, therefore, that the shot
13 probably originated from this platform. When he went on site he says
14 that he actually saw the platform, it was still erected. Apparently he

15 even climbed on this platform and from there he had view on the place
16 where the incident occurred.

17 A. No photos were taken and that platform -- he never asked himself
18 whether that platform existed during the conflict. Second of all, I
19 enclosed a series of photos which clearly depict that from that platform
20 you could not see the place that he describes in his report, and not even
21 a crazy man in Spanish square on a separation line could shoot from a
22 platform. This is one absurd after another.

23 We're talking about a 750-metre distance and a man on a platform.
24 You can't see a thing from that platform. I took tens of photos from
25 that platform in the direction of the -- of opposing side. The Spanish

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1 square was the place of fierce combat between the HVO and the BiH army,
2 and to have somebody on that platform shooting at a distance of
3 750 metres and you can't see a thing from there -- he never even tried to
4 take a photo to see whether there was any visibility.

5 These are two pages of the same piece of evidence, the sketch
6 here and the explanation arises from there, it could be this, it could be
7 that, it could be other. I really -- I don't know. I'm claiming -- but
8 let's cut this long story short. I'm claiming that from the platform you
9 could not see that place. I'm claiming as well that - and this can be
10 checked, this can be verified, I hope that you can, I don't know whether
11 you can at all send somebody down there to take any shots. Maybe the
12 Prosecutor can check. I did my check and I enclosed my photos. You

13 can't see the place where the thing allegedly happened from the platform.

14 Second of all, from a platform that was not there, nobody could
15 shoot from there because that was the time of the conflict because the
16 Prosecutor or expert claims that there may have been a tree there, but if
17 you're standing in a tree and you are shooting at somebody, that person
18 you're shooting at can lower you down from that tree as if you were a
19 monkey, and this is not what happened.

20 JUDGE ANTONETTI: [Interpretation] [Previous translation
21 continues] ... incident of September 29, 1993, the victim's name is
22 Damir Katica who was 14 at the time. His friend Neno Mackic -- he had a
23 friend Neno Mackic, and they were shot several times when they were both
24 crossing street Orucevica Sokak in the Donja Mahala area. According to
25 Damir Katica, the shots came from a house located on the Stotina hill.

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1 This house was the only place possible that the shots could come from.
2 It was well-known that snipers used this house to shoot from in Stotina.
3 When he testified he said that the tree and the house that had a
4 satellite dish and that are in between this house and Stotina and the
5 place the incident occurred was much smaller at the time, so the house
6 and the tree were much smaller at the time. And he says that this house
7 was controlled by HVO. Now, the expert says the following. He says the
8 house is 470 metres from where the victim was shot.

9 General Praljak, what can you say about this?

10 A. Well, let's look at the sketch here made by the expert. The boy

11 is moving in this direction. The shot comes from this direction, this is
12 Orucevica Street. This is the spot where the boy was hit, right in the
13 middle of this road here. And we have seen from the statements that the
14 road is wide. You can see here, Your Honours, this is the arrow marked
15 by the expert on the photograph. This is the narrow street, it's about
16 5, 5 and a half metres wide. So at the middle, having passed 2 and a
17 half metres running, the boy was hit from a distance of 487 metres.

18 Let us move on -- well, this is a sketch that I made. This is
19 Stotina, this is the movement of the boy. This is where he's standing,
20 and this is the direction in which he's moving. Then I also made some
21 calculations here. 480 metres, the boy is running 4 metres per second,
22 he's 14 to 15 years of age, these are standard values, and for a bullet,
23 7.62 or any similar, to pass 470 metres, it takes 0.7 seconds once the
24 bullet leaves the muzzle. And at this rate of speed, the boy takes
25 0.5 seconds to run 2 metres. So he would already be here in 0.5 seconds

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1 if you take a normal way in which a boy runs.

2 So there's no targeting. There's just firing. The bullet
3 leaving the muzzle, flying through the air, it takes 0.7 seconds for this
4 whole procedure, and the boy was hit after 0.5 seconds because he was hit
5 when he passed 2 and a half metres. So he was hit before the bullet
6 actually reached him. Well, we've seen this here. This is the front
7 side, this is where the bullet entered the body. Now, we were shown
8 this. If you're running in this direction and the bullet is coming from

9 this direction, how is it possible that he is hit here, here? If I'm
10 running towards you from here and the bullet is coming from the left-hand
11 side, how can I then be hit here, and so on and so forth? So he was hit
12 from the direction in which he was running. He was running in this
13 direction and he was hit from the same direction, and he had hit him here
14 and exited in the back.

15 Secondly, Stotina, even if we were to speculate now is 60 or
16 70 metres elevated, and the entry and exit wounds are completely
17 straight. It's level, and even if we were to speculate, the bullet
18 should have entered further up from the exit wounds. I should have made
19 a calculation as to the number of centimetres, but I don't want to burden
20 you with that. These are just speculations. So if you want to, please
21 look at this. 500 metres, that's five large football stadiums --
22 football pitches. If you run across a street of that size which is this
23 wide, a sniper should observe this person, notice this person, target,
24 fire, and hit in a very short period of time. Well, I don't know what
25 conclusions you can draw, but nothing of the sort can be done except in

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1 maybe science fiction novels.

2 JUDGE ANTONETTI: [Interpretation] Last-but-one incident. On
3 10th October, 1993, Munib Klaric, he lives in West Mostar. He was hit in
4 the heel by sniper fire whilst he was fetching water in the Neretva
5 River. He was in Podharemi in Mejdan in East Mostar in front of the
6 steps that end the Kusalova Street and he's backed with his back to the

7 Neretva River and to the Stotina hill. He believes that the fire
8 originated from Stotina because of the positions of the entry and exit
9 wound and because the sharpshooter was positioned on Stotina with a clear
10 line of sight on to the position where he was wounded. As to the expert,
11 he says that the most likely place is the house which is 449 metre away
12 from the position where the victim was.

13 What do you say to this?

14 A. Well, similar as before. Here is the sketch, this is the
15 Neretva. There is an area here. There are stairs here. And this is the
16 trajectory of the bullet fired from Stotina. Well, please look at this.
17 We'll now see what -- well, the photographs that were shown to us, how
18 the man was positioned at the time when he was hit. So the bullet is
19 supposed to come from this direction. The angle is 30 degrees -- well,
20 that's 90 degrees, that would be 30 degrees in relation to this building,
21 so a 30-degree angle laterally. The bullet comes from the side. Look at
22 the entry wound from the above. The exit wound is down here, just below
23 the heel, and I calculated that the angle here is 45 degrees.

24 So we have a man standing here, facing in this direction. His
25 heel is facing the Neretva. The bullet hits him, according to the expert

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1 report, at an angle of 30 degrees in relation to his body. The bullet
2 enters his heel from above and exits at an angle of 45 degrees on the
3 underside of the heel, and I simply cannot understand it, to be quite
4 frank. I put in all the angles here in an effort to show how this man

5 might have been standing. So this bullet, it was probably -- it had
6 probably been fired in the air, and the descending trajectory -- in its
7 descending trajectory the bullet can be deadly, but there's not a chance
8 that this kind of a wound is caused by a bullet coming from this
9 direction, a bullet that would then exit on the underside of the heel at
10 that angle. It's quite clear, but we should perhaps do some forensic
11 medical expert analyses, but the way this expert did it, I asked him
12 whether he was he ashamed and he said he was not. But I am embarrassed
13 for him.

14 JUDGE ANTONETTI: [Interpretation] Last witness -- but earlier on,
15 regarding the first witness I had said that it was on the 27th of July,
16 inside, and you spoke about the 27th of June. I checked the 92 bis
17 statement by this witness. He said it happened on the 27th of July, so
18 he may have been wrong but in his statement he spoke about the
19 27th of July.

20 As to the last witness, it happened on the 30th of October -- or
21 last victim, rather, 30th of October, 1993, Enver Dziho and Stojan Kacic,
22 they were the victims. Enver Dziho was hit when he was crossing Ali
23 Sekitar [phoen] Street near the Razvitak building. As to Stojan Kacic,
24 he was a paramedic and he was hit in the leg when he was transporting
25 Dziho, who had been wounded, right up to the ambulance. So there's a

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1 first victim, Dziho, and a second victim, the ambulance man who was
2 carrying him.

3 According to a resident of Mostar, Dzermal Barakovic, he was the
4 driver of the fire brigade, he thinks that the bullet hitting Kacic came
5 from the green building located at the Spanish square. The expert said
6 that high-rise buildings are likely positions for sniper fire. In this
7 case the green building is located 743 metres away from the place where
8 the victims were. According to the expert, although this is a large
9 distance, 743 metres, it is a possible distance for a marksman who is
10 competent and well equipped. So what do you have to say this before the
11 break?

12 A. Well, I've lined up all the photographs here. If you recall, I
13 asked the victim, Please tell me, sir, do you still wonder where the
14 bullet that hit you was fired from, and he said, Yes, General. At the
15 place, at the spot, where these two people were wounded, it is
16 impossible -- you cannot have the line of vision, line of sight, from the
17 western side of Mostar, from the glass house or anywhere else. And here
18 the expert even provided the wrong photograph, a false photograph,
19 indicating that there is line of sight when there isn't any. But we have
20 quite specific and concrete documents. It is impossible to see --

21 JUDGE ANTONETTI: [Interpretation] No, I won't have any more
22 questions after the break.

23 A. Yes -- well, huh -- well, look at the sketch. This building is
24 supposed to be in this direction, the direction from which the bullet
25 came. He made the photograph here, view of the Spanish square -- well,

1 nobody knows what this is. Here he showed a building that has nothing to
2 do with the glass house, glass building, that makes no sense. These are
3 probably some balconies on the hotel. This here, what he drew in, has
4 nothing to do with the place of the incident because this old building is
5 not there in the street. This is all a lie, a deceiving lie, and you can
6 see here it says, "A view from the platform on the Spanish square." I
7 don't know what view it is, but this has nothing to do with the actual
8 view of the spot.

9 Let us move on. Your Honour, this is the spot where the incident
10 took place. This is the Marsala Tita Square, the Razvitak building is
11 here, here. And where do you see the building that was shown by the
12 Prosecutor? Look, this is Razvitak. It's a totally different part of
13 Mostar. This is an attempt to deceive you. This is what you can see
14 from the spot of the incident facing west. This is an old building in
15 Mostar, another photograph of the same scene where they were hit. This
16 is the firefighters' hall. Let us move on.

17 Now, of course, Your Honours, I took close-ups. This is the
18 Bristol Hotel which completely obscures the view now even closer.
19 There's nothing in the back that you can see. This is the Spanish
20 square. This is the secondary school. This is the boulevard. Now we're
21 facing east, slowly turning eastwards. This is what you can see from the
22 Spanish square in a direction -- well, this is what we would see if we
23 looked east from the platform. This is where the demarcation lines were.
24 Now let us look at the glass building which is not on the square itself.
25 Just a moment.

1 This is what you can see on the Spanish square, again if you're
2 facing east. This is the platform that in his opinion could be used to
3 fire from -- well, look at it, please. This was probably done for some
4 kind of a performance. I put a man here up on the ladder. This is the
5 man that I asked to go up there so that I could photograph him, and then
6 I went up there and I had a look at -- had a look eastwards to see what
7 is it that you can actually see. Please look, well it's absolutely --
8 okay, so this is a close-up using a different objective. This is the
9 Marsala Tita Bridge, and the street goes left here and it is only further
10 down that it reaches the fire brigade hall. An even greater close-up,
11 and so on and so forth. You can just go down there and check it.

12 This man tried to make all of you fools -- all of us fools. And this is
13 completely impermissible for an international Tribunal. This Tribunal tried
14 to save some people, but instead they should have put them in jail for this
15 kind of thing. In normal courts, in national courts, such people are tried
16 for contempt of court or attempts to pervert the course of justice and they
17 are convicted and punished. That is my opinion. You can check any claim that
18 I made on the ground and you can take me with you, in handcuffs.

19 JUDGE ANTONETTI: [Interpretation] I have no more questions.

20 The Trial Chamber would like to know approximately how much time
21 you're going to use.

22 Mr. Karnavas, you're going to be the first to speak, so what is
23 the likely time you're going to need?

24 MR. KARNAVAS: Good morning, Mr. President. Good morning,
25 Your Honours. Good morning to everyone in and around the courtroom. To

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1 be very frank, I don't know the -- with any degree of exactitude,
2 therefore I would say that I would prefer to have all of my time
3 available to myself. I will try to be as expeditious as possible,
4 however. I'm not sure I quite answered the question, but suffice it to
5 say, I will take the rest of the day.

6 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, approximately?

7 MS. NOZICA: [Interpretation] Your Honour, good morning. I also
8 think that I will need all the time that I have been allotted. I believe
9 that at the beginning of my examination I will petition the Court to
10 allot any remaining time proportionately to me, if any is left.

11 JUDGE ANTONETTI: [Interpretation] You know that you had been
12 given 20 hours divided in five, that's four hours per Defence team.

13 Ms. Alaburic.

14 MS. ALABURIC: [Interpretation] Your Honour, good morning. I
15 believe that six hours would be sufficient for the General Petkovic
16 Defence to deal with some topics with General Praljak, and I believe that
17 with this request for additional time that we have submitted we can fit
18 in within the time-frame the time that is allotted to the Defence. And
19 if any time remains, we would also like to get our portion of the
20 remaining time if any.

21 JUDGE ANTONETTI: [Interpretation] You are asking for additional

22 time. I haven't heard of any motion to the effect.

23 MS. ALABURIC: [Microphone not activated]

24 THE INTERPRETER: Microphone, please.

25 MS. ALABURIC: [Interpretation] Your Honour, we have not made any

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1 requests for additional time because this is the first time that we are
2 stating the time that we would want to have, but as far as I could
3 understand from my colleagues that are preparing for the
4 cross-examination, we believe that with the additional time that we would
5 then get we could fit in.

6 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.
7 As my colleagues, I hope and I will do my best to complete my examination
8 in the time that has been allotted to me, the four hours, if you divide
9 the 20 hours; but if I fail to do so and if there is any time remaining,
10 I would also like to participate proportionately in the use of that time.

11 JUDGE ANTONETTI: [Interpretation] Mr. Ibrisimovic.

12 MR. IBRISIMOVIC: [Interpretation] Thank you, Your Honour. Well,
13 nobody has spoken to me about any re-distribution of time. If we decide
14 to examine Mr. Praljak, we will probably need just one session and all
15 the time that we haven't -- we'll have not used -- well, it's up to the
16 Court to decide what to do with that time.

17 JUDGE ANTONETTI: [Interpretation] Let's have a break. Let's
18 break for 20 minutes.

19 --- Recess taken at 10.50 a.m.

20 --- On resuming at 11.16 a.m.

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

22 Mrs. Alaburic.

23 MS. ALABURIC: [Interpretation] Your Honours, with your leave I
24 would like to say what I've established with regard to document P 06020,
25 which is a report by Mr. Emil Harah dated 23rd October 1993. I said

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1 about that document that this document has been forged, and everything
2 I'm going to say I have already run by Mr. Stringer so there's not going
3 to be any discord among the two -- between the two of us. Can we please
4 go into private session because I'm going to be talking about protected
5 witnesses, whose names I would still like to mention in full.

6 JUDGE ANTONETTI: [Interpretation] Private session, please.

7 [Private session]

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

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14 (redacted)

15 [Open session]

16 THE REGISTRAR: We're back in open session, Your Honours.

17 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I saw you waving a
18 document based, apparently, on the 1991 census in the area of Travnik and
19 in the central area. Do you seek to tender the document? We can give
20 you an IC number.

21 THE WITNESS: [No verbal response]

22 JUDGE ANTONETTI: [Interpretation] Yes?

23 THE WITNESS: [Interpretation] Yes.

24 JUDGE ANTONETTI: [Interpretation] Registrar, please, an I C
25 number for the document.

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1 THE REGISTRAR: Yes, Your Honour. This document shall be given
2 Exhibit IC01031. Thank you.

3 JUDGE ANTONETTI: [Interpretation] Usher, please show the document
4 to Mr. Stringer in case he has any objections to raise.

5 MR. STRINGER: We don't object to its admission, Your Honour.
6 We, of course, reserve the right to challenge its correctness.

7 Mr. President, could I make one brief remark in response to what
8 my learned friend Ms. Alaburic has just said. I don't think we need to
9 go back into private session, and just to indicate that what counsel said
10 is correct in terms of -- and obviously the Trial Chamber can go back and
11 see Witness EA. In her earlier intervention Ms. Alaburic indicated that
12 Witness EA testified that the document was a forgery. That was
13 technically incorrect because he said he didn't know, he hadn't seen it

14 and he would not say whether it was or was not. However, as counsel's
15 correctly indicated, there's an earlier witness statement, the 92 bis
16 statement from a different witness, which does claim that the document is
17 a forgery.

18 My only sort of qualification is at the very end counsel
19 indicated that the Prosecution would agree or share the view that the
20 document was a forgery, and I think in light of the testimony from both
21 of the witnesses or the evidence from both of the witnesses I think it's
22 ultimately for the Trial Chamber to make that decision. The Prosecution
23 was putting it to Witness EA that it was a forgery. The witness declined
24 to accept that suggestion. He did say that he had, in fact, ordered the
25 reporting or reporting as was indicated in the exhibit so that there is

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1 some -- there is some degree of corroboration, if you will. But I
2 wouldn't want to accept that the Prosecution now shares the view that
3 it's a forgery. I think that the record is complete on this and that
4 it's ultimately for the Trial Chamber to assign whatever weight it wants
5 to the document.

6 JUDGE ANTONETTI: [Interpretation] Well, it is now on record.

7 I'll ask my colleagues whether they have questions themselves.

8 No questions for Judge Mindua, for Judge Prandler, or for Judge Trechsel.

9 Mr. Karnavas, you have the floor. You have given us your
10 documents. You may proceed.

11 MR. KARNAVAS: Thank you, Mr. President, Your Honours, good

12 afternoon -- or good morning, again, to everyone in and around the
13 courtroom. Before I begin I do want to make one observation in light of
14 what I just heard from the Prosecution. It is my understanding when a
15 party, Prosecution or Defence, puts something to the witness, it is based
16 on a good-faith basis because it's an allegation in a sense. So I would
17 not quite share the liberal interpretation of the way it was put, but
18 I'll leave that for another day.

19 Cross-examination by Mr. Karnavas:

20 Q. Good morning, Mr. Praljak.

21 A. Good morning, Mr. Karnavas.

22 Q. Okay. Good. Now, if I could have your undivided attention, I'm
23 going to be moving rather quickly, initially through just some
24 housekeeping matters, I would say, and I'm going to be referring to the
25 transcripts at time. S.

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1 O let's start off with the issue of June 30th, 1993,
2 Judge Antonetti on page 41.602 made references to some documents, one in
3 particular that was authored by Siljeg, Mr. Siljeg. And so with that I
4 would like to point -- direct your attention to P 03026, P 03026. We've
5 seen this document before. This is a document that was shown to you by
6 President Antonetti, and I'm going to direct your attention first to the
7 very first line because that's something that caught everyone's attention
8 where it says - this would be on page 2, Your Honours, of the English
9 version - it says:

10 "Brado was familiarised with the report from Mostar with a
11 conversation between A. Pasalic and S. Halilovic, and with the command
12 issued by the head of the defence department and president of the
13 HVO HB HZB based on the following is requested ..."

14 Now, my focus is where it says "with the command issued by," and
15 it would give the impression that my client, Dr. Jadranko Prlic, was
16 actually issuing commands. Was a command issued by Dr. Jadranko Prlic to
17 your understanding?

18 A. No.

19 Q. All right. And do you know at any time -- at any point in time
20 whether Dr. Prlic was issuing commands to anyone, including -- or I
21 should say especially to Mr. Siljeg?

22 A. I don't know. I know that while I was in command he never issued
23 an order to me or any of my subordinates, as far as I know. I'm sure
24 about myself, and as for the others I never heard, nobody ever informed
25 me that he would have issued a lower-ranking commander with an order of

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1 any kind.

2 Q. All right. Now, sticking with this subject if we could go to
3 P 03038, and in conjunction with this document we'll be looking at
4 P 03039, Your Honours. So if you have both of them handy. If we look at
5 P 03038, we see it's dated 30 June 1993. We see a number, number
6 02-1-765/93. Now, as I understand it, the first part of this particular
7 document is a proclamation until you get to the bottom part where some

8 sort of an order is being issued to that effect to a certain extent, it
9 would be the second page on your document. But let's look at the first
10 part. Is this an order or a proclamation?

11 A. It's a proclamation.

12 Q. And if we look at the next page where it does say that:

13 "Pursuant to the authorisation and the new situation, the head of
14 the HVO HZ HB defence department, Mr. Bruno Stojic, issues the following
15 order ..."

16 When we look at the order this is not an operational order, is
17 it?

18 A. No, it's not.

19 Q. All right. And if we look at the next document which is P 03039
20 and we look at where it says "subject," we can see the number, order
21 number, and of course it goes to Mr. Siljeg. And we see -- and we
22 compare the contents, essentially the order is the same, is it not?

23 A. Yes.

24 Q. And we've agreed that this again is not an operational order, in
25 the sense that neither Dr. Jadranko Prlic nor Mr. Bruno Stojic are

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1 issuing operational orders to Mr. Siljeg?

2 A. Siljeg says precisely that this is a message.

3 Q. And for those of us who may have forgotten what happened on and
4 about that particular day, is it not a fact that that was after -- it was
5 around that time when there was an incident that caught everyone's

6 attention?

7 A. It was not an incident, Mr. Karnavas. It was a treason and
8 aggression. It was high treason, that's what this could have been
9 considered, because the HVO fighters of Muslim ethnicity attacked their
10 comrades-in-arms according to a pre-designed plan. They disarmed them,
11 they killed many, and the BiH army on that day launched an open
12 aggression against the Croatian Defence Council. You can't call this an
13 incident, can you?

14 Q. All right. I apologise. I'm trying to be as neutral as I can so
15 the evidence comes from you rather than me, even though this is
16 cross-examination.

17 Now, I'm going to stick with this period for right now, so if we
18 could look at some documents that precede this period and then follow
19 that period because there is an issue before the Court concerning reverse
20 ethnic cleansing. And so if I could direct your attention to 1D 01668,
21 1D 01668. This is a document we've seen before, and they are minutes
22 from a meeting. And we can see the agenda, the very first item on the
23 agenda, it talks about the head of the department -- the defence
24 department. It says:

25 "In his report he said that the Muslim forces were carrying out

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1 coordinated attacks in Central Bosnia and northern Herzegovina to seize
2 areas ... which according to the Vance-Owen Plan were intended to be
3 included in the areas with the majority Croatian authority (provinces 8

4 and 10), continued to isolate, terrorise, and destroy everything that is
5 Croatian. In the general area of Travnik, in the municipalities of
6 Kiseljak, Vitez, Vares, and the municipalities of Konjic and Jablanica,
7 as well as in locations where Croats are the minority population, (for
8 example, in Sarajevo, Zenica, Tuzla), the survival of every single Croat
9 and the Croatian people as a whole is seriously threatened."

10 And my question to you, sir, at this point in time, does this
11 accurately reflect what was happening on that location on or about the
12 middle of June 1993?

13 A. Yes.

14 Q. Now, if we look at page 3 in the English where we have
15 conclusions - I don't know the exact page, I'll give it to you in a
16 second - it would be page 3. If we look at the conclusions, you see that
17 there is a -- proposal was made to the Presidency of the HZ HB and the
18 supreme commander of the HVO to urgently request military assistance from
19 the Republic of Croatia to protect the Croats in BH. Now, we already
20 know who the Presidency was and just once more the supreme commander of
21 the HVO was who?

22 A. Mate Boban.

23 Q. And now if we look at the next conclusion he says:

24 "A proposal was made to the Presidency of the HZ HB and the HVO
25 supreme commander to adopt a decision to pull out all military units from

1 areas outside the designated Croatian provinces, together with the

2 Croatian inhabitants living there. To this effect, demand cooperation
3 and assistance from UNPROFOR and UNHCR."

4 Question: Given that -- given your position and your
5 understanding of the events, can you please explain to us why such a
6 conclusion was being proposed?

7 A. Because -- well, while there was an ongoing aggression by the
8 BiH army against the HVO, in the areas under the control of the BH army
9 there was about 15 to 18.000 HVO soldiers fighting under the command of
10 the BiH army which had been agreed in advance, which means that in one
11 area of Bosnia and Herzegovina the BiH army launched an operation to
12 conquer the areas inhabited by Croats, it attacked the HVO, whereas there
13 is another area where the HVO together with the BiH army set out to
14 defend the territory from the Serbs. It was not an easy fact to accept
15 or support. That's why the proposal was worded as you see it, but it was
16 never implemented.

17 Q. All right. And then if we look at number 5 it said:

18 "Issue a special proclamation to volunteers from the Republic of
19 Croatia and the emigre community to enlist in the HVO to defend Croatian
20 areas in BH."

21 Now, General Praljak, isn't it a fact that Herzegovinians, Croat
22 Herzegovinians, went to Croatia when initially Croatia was attacked by
23 the JNA?

24 A. Yes, over 13.000 -- at least 13.000 fought in the Croatian army.

25 Q. And as I understand it the Herzegovina -- President Tudjman as

1 well as the Croatian army at the time, such as it was or being developed
2 relied on the Croatian Herzegovinians to defend Croatia?

3 A. Yes. We were good fighters in the Croatian army because we had a
4 very high level of national awareness. We were Croatian patriots of the
5 entire nation, not only of some isolated regions or some such.

6 Q. And isn't it a fact, General Praljak, that many of those
7 volunteers that went there stayed there and one of the reasons that you
8 had these sorts of conclusions was to get some of those volunteers to
9 come back, those who had volunteered to go fight for Croatia now to come
10 back and now defend their own villages and cities; isn't that a fact?

11 A. It's a fact, very few returned, unfortunately, for all sorts of
12 reasons.

13 Q. All right. Now, let's go to the next document, 1D 02309. Now,
14 we're going to actually July 1, 1993, sticking again with our theme about
15 that period of time. Here we have a letter from Mile Akmadzic, he came
16 in and testified, and we can see at the very top, to the
17 Secretary-General of the United Nations, to the chairman of the Security
18 Council of the UN, to the chairmen of the International Conference on the
19 former Yugoslavia. And here he talks about the events of
20 June 30th, 1993. If you look at this could you please tell us whether,
21 first of all, Mr. Akmadzic's account is accurate?

22 A. Yes.

23 Q. Can you tell us now whether anybody from the UN came to do an
24 investigation and see what exactly had happened? Did they send somebody,

25 some commission, anybody to see what would happen to the Croats that were

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1 slain by the Muslims?

2 A. No. The reporting continued in a totally erroneous and false
3 way.

4 Q. All right. Now, if we look at the next document, P 03413, now
5 we're -- it's a little bit beyond this period. This is dated
6 13 July 1993, and we see over here there's a conclusion of the HVO HZ HB
7 reached on 15th of June, 1993, I don't know what the -- yeah, and it
8 says:

9 "The Croatian people in Central Bosnia and Northern Herzegovina
10 are under threat of massacre and extermination. Muslim units in the area
11 are many times stronger and their strength is increasing by the hour.
12 Therefore, if we do not undertake the appropriate measures, exodus of the
13 Croatian people from those areas and their ancestral homes will be
14 inevitable ..."

15 And I won't go on, but can you please tell us whether indeed that
16 was the situation as described by Dr. Jadranko Prlic?

17 A. Yes.

18 Q. Now, there are some proposals down here, but can you please tell
19 us whether the UN sent any forces there to prevent any massacres
20 occurring or any atrocities occurring against the Croats in Central
21 Bosnia in and around that time?

22 A. No, nobody wanted to write or hear about that. Nobody wanted to

23 know. Nobody cared, and there were persistent claims that the HVO was
24 attacking somebody.

25 Q. Now, we --

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1 JUDGE ANTONETTI: [Interpretation] One moment, please. I do not
2 wish to interrupt you because I know how unpleasant it is to be
3 interrupted when you want to sort of highlight something, but my question
4 goes along the same lines.

5 General Praljak, you referred on several occasions to the fact
6 that I had presided over another trial in which Muslim generals were
7 tried. We now have an official and public judgement of the trial
8 proceedings. In Guca Gora, the Croatian population had fled from
9 Guca Gora, I remember, although there was not even one BH army soldier.
10 They had fled because they were terrorised, and then only later did the
11 Mujahedin arrive. But when they arrived there was no one left, everybody
12 had left.

13 So what did you find? Do you think that this was a rather
14 frequent event in Croatian villages because of rumour, because they'd
15 heard that something had happened 10 or 20 kilometres away from there?
16 Did that cause the population to leave because they were afraid, and
17 understandably so? Did you witness this sort of thing, recurrent event?

18 THE WITNESS: [Interpretation] I knew of such cases. It was not
19 always necessary -- or rather, there were two possible options, or maybe
20 even three. The military fled because it had been defeated and it was

21 followed by the population; or the population fled before the military
22 and the HVO would then have nothing to defend and then they would leave;
23 and the third option was this, where there was no HVO protection, they
24 fled in fear. Fear is a justified feeling. If 3 kilometres away
25 somebody kills somebody else or ten people are killed or somebody's

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1 decapitated, the fear grows out of proportion and people tried to flee
2 for their dear life to avoid getting massacred.

3 MR. KARNAVAS: Thank you, Mr. President.

4 Q. Before I ask my next question, General Praljak, if it would be of
5 assistance, we could take your binder and give you the documents one by
6 one if that would help. I leave it to you. Would that be of assistance?
7 My colleague Ms. Tomanovic could assist me.

8 A. [No interpretation].

9 Q. Okay. All right. And picking up just at one --

10 JUDGE TRECHSEL: Mr. Karnavas, as you're speaking about the
11 binder, can you explain whether at all there is any logic in the way the
12 documents are? Because I failed to detect that. It's also rendered more
13 difficult that sometimes you have "EXH" in front but I have not found any
14 reason for this.

15 MR. KARNAVAS: All right. My apologies, Your Honour. To be
16 honest -- the exhibits, I'm told, are marked specifically. The order, I
17 must apologise, I was working -- I was working throughout the night to
18 sort of accommodate the time allotted to me plus the way the proceedings

19 are going, and then it wasn't until this very -- the session this morning
20 that I re-arranged my own, trying to figure out where I'm going. But I
21 will -- I think we'll -- I think we'll be able to move along rather
22 quickly and I'll be slower with the documents.

23 JUDGE TRECHSEL: Thank you, yes. And if you can give a hint,
24 this is the next number but it is not following immediately, it's on
25 the --

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1 MR. KARNAVAS: I understand --

2 JUDGE TRECHSEL: Thank you very much.

3 MR. KARNAVAS: My apologies.

4 JUDGE TRECHSEL: Please understand also and be sure that this is
5 to assist you --

6 MR. KARNAVAS: I understand --

7 JUDGE TRECHSEL: -- and your client so that we can fully follow.

8 MR. KARNAVAS: I understand.

9 Q. Now -- but picking up where Judge Antonetti left off, because we
10 will be talking about the Mujahedin, but as I understand it, they were
11 primarily located in and around Zenica; is that correct? That's where
12 they were headquartered?

13 A. Most of them were there, but they were employed in a much wider
14 area, Mr. Karnavas.

15 Q. Right. But I -- and I take it Zenica was under constant threat
16 and attack, either by the Croats or the Serbs?

17 A. Yes. Against Croats? What?

18 Q. Was Zenica the sort of place that required the Mujahedin to be
19 there for the protection of Zenica?

20 A. No.

21 Q. That was my point. Can you think of any reason why, then, you
22 had this huge number of foreign fighters stationed in a place where they
23 were not required when the fighting against the Serbs, at least, were in
24 other places?

25 A. Those men as part of a wider policy appeared in Bosnia and

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1 Herzegovina much more to the purpose of spreading Islam than to the
2 purpose of being engaged in a defence war for the benefit of Bosnia and
3 Herzegovina. They wanted to spread Islam and train people for further
4 activities across Europe and the world. Their primary goal was not to
5 defend Bosnia and Herzegovina is what I'm saying.

6 Q. All right. And at that time Sarajevo was still under siege?

7 A. Yes.

8 Q. And I understand, and we'll get to it, at one point you had
9 encouraged Izetbegovic to assist in the liberation of Sarajevo, but he
10 basically did not want to have that discussion with you?

11 A. No, he did not want to have that discussion. I believe that he
12 never, ever seriously wanted to lift the blockade of Sarajevo. There
13 were two operations which seemingly were meant to lift the blockade of
14 Sarajevo; however, the way they were planned and the forces, the little

15 forces that were used, give rise to the belief that there was no real
16 intent behind them.

17 Q. And that's one of the reasons I asked. You offered to assist in
18 deblocking - this was in 1992, as I understand it, when Izetbegovic came
19 to the Mostar area - you offered to deblock -- to assist in the
20 deblocking of Sarajevo. But it begs the question, a question that hasn't
21 been asked in this courtroom: Why aren't the Mujahedin in Sarajevo
22 trying to deblock Sarajevo? Why have them in Zenica where there is
23 nothing there to defend, because Zenica is more or less protected? Why
24 have them there?

25 MR. STRINGER: I'm going to object to the question in that it

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1 invites the witness to speculate about something he doesn't have personal
2 knowledge about, Mr. President.

3 MR. KARNAVAS: Your Honour, the General -- first of all, we're
4 talking to a general who served. So if he doesn't know, who would? I
5 think in light of his involvement in and around the area, he's meeting
6 with Halilovic, he's meeting with other military commanders, why -- how
7 is it that he's not capable of rendering an opinion?

8 And I've already laid down the foundation. Zenica doesn't need
9 protection, yet there you have the Mujahedin running around. You know,
10 they don't -- they're not needed there. Sarajevo is under attack, and as
11 the general indicated, it might be because Izetbegovic's plan was to have
12 his own people get killed in order to play the victim, in order to get

13 the international community to try to come in, because as we heard and
14 was written by Mr. Owen, he wanted the internationals to come in and get
15 involved in the fighting. So he was sacrificing his own people as -- as
16 we will go along is because he had intentions of establishing an Islamic
17 state.

18 MR. STRINGER: Mr. President, again, now the theory of -- the
19 conspiracy theory continues to expand, but it doesn't answer the basic
20 objection, which is that the witness is being invited to speculate on a
21 theory of the Defence. It's a theory they can make, but it's more for
22 later and it's not really for this witness because he doesn't know
23 anything about that particular question.

24 MR. KARNAVAS: I'll rephrase it, Your Honour. I'll rephrase it.
25 I'll rephrase the question.

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1 JUDGE ANTONETTI: [Interpretation] One moment because there may be
2 within the Trial Chamber some disagreement on the issue. I have to turn
3 to my fellow Judges to see whether you're allowed to continue in this
4 vein, so I'm going to talk with my colleagues.

5 [Trial Chamber confers]

6 THE INTERPRETER: Could the microphones please be switched off.

7 [Trial Chamber confers]

8 JUDGE ANTONETTI: [Interpretation] After discussing the matter,
9 the Trial Chamber is of the view that one should avoid speculations.
10 There is agreement on this.

11 Secondly, the Trial Chamber is of the view that the witness can
12 explain why the Mujahedin were in Zenica because there must be some
13 military reason for it. So militarily was their presence there
14 legitimate or not? It could be an interesting issue.

15 But personally let me add this, let me add this to the
16 Trial Chamber's ruling, personally in the other trial proceedings I had
17 an opportunity to ask the very same question as the one put by
18 Mr. Karnavas. I asked a witness how it was that the 3rd Corps with
19 130.000 men did nothing to lift the blockade of Sarajevo. Those who know
20 all about the case file can legitimately ask themselves that question,
21 and I'd asked a witness why nothing had been done to move to Sarajevo
22 rather than to launch an attack in Central Bosnia. There may be reasons,
23 specific reasons for that.

24 So, please, Mr. Karnavas, do try to focus your questions on facts
25 and do avoid speculation as much as you can because automatically this is

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1 going to raise objections by the Prosecution and we will have to settle
2 the matter.

3 MR. KARNAVAS: Very well, Mr. President.

4 Q. Staying with this topic, do you know whether any of the Mujahedin
5 were redeployed to Sarajevo to try to deblock Sarajevo during this
6 period? That's a factual question I think that you can certainly give an
7 answer to.

8 A. No, they were not. But I am a witness, now I'm speaking as a

9 witness. I spoke to Mr. Izetbegovic in the autumn of 1992. At the time
10 we were strong. The HVO had some victories behind it and it was strong.
11 And I proposed that we lift the siege of Sarajevo jointly, and Mr.
12 Izetbegovic said in diplomatic terms that, No, no, the international
13 community would intervene. And I told him, Look, you have 5.000 people
14 dead already. And if they did not intervene after 5.000 deaths that
15 means they would not intervene at all. And he again refused and he said,
16 Well, they'll intervene.

17 So the correct conclusion is that Mr. Izetbegovic - and this is
18 what I'm saying, this is my conclusion, not your conclusion - that he was
19 hoping that because the Serbs were shelling Sarajevo and there is a lot
20 of casualties, that this would create a critical mass in the world public
21 opinion and that the international community would intervene. I
22 maintained that it would not. I was proven right. And I still maintain.

23 It's not only the Mujahedin but also the elite Muslim units, the
24 7th, 17th, and so on, the whole of the 3rd Corps and elements of the
25 1st Corps that were outside of Sarajevo never took any serious action to

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1 deblock Sarajevo. This is not just some rumour or anything; this is what
2 I know.

3 Q. All right. Thank you. We'll leave that for now and I want to go
4 back to where we were because we were talking about that period of
5 June/July. But now I'm going to move to November 1993, staying with the
6 topic of reverse ethnic cleansing because now we're going to look at

7 1D 01269 and 1D 01270, we'll look at them together. So 1D 01269,
8 1D 01270.

9 And the first document, 1D 01269, we can see is dated
10 4 November 1993. If we look at the bottom of the page we see that it's
11 signed by Franjo Komarica. At the top we see that he is the bishop of
12 Banja Luka. And for those who may have forgotten, Banja Luka is within
13 the Republika Srpska at the time, Serb-occupied territory; right?

14 A. Yes.

15 Q. And this is the same bishop who was nominated for the Nobel Peace
16 Prize because throughout the war he refused to leave Banja Luka and chose
17 to stay there to try to protect the Croats that were living in and around
18 the Banja Luka area; is that correct?

19 A. That's correct.

20 Q. All right. Now, if -- it would appear, if we look at this, that
21 Mr. Komarica is either trying to get assistance to help Croats who are
22 trapped or he too is engaged in a joint criminal enterprise as a member
23 or he is at least aiding and abetting because this would be providing
24 substantial assistance, it could be concluded, by asking for help, urgent
25 help, to get these Croats out of the area.

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1 Can you please tell us, if you know, based on your experience,
2 your knowledge at the time, whether what Bishop Komarica is describing in
3 this letter, are these accurate facts or is this flight of fancy, simply
4 to promote reverse ethnic cleansing?

5 A. These are accurate facts, and if we had enough time for you to
6 look at a film depicting the looting, the pillage of Vares by the
7 7th Muslim Brigade after it entered the town, then you would see what it
8 looked like. Here there is a request for 3 tonnes of diesel, this is the
9 cooperation with the Serbs, the fuel was needed for the buses to take the
10 people out. The plan to attack Vares was drafted a long time before the
11 events in Stupni Do and it started -- it all started a long time before.

12 Q. All right. And it appears that what he is suggesting here --
13 he's asking the president of the HVO HZ HB to provide some resources, if
14 we can call it that, to the Serb side in order to -- for this evacuation
15 to occur; is that right?

16 A. That's correct, yes, they needed fuel.

17 Q. Now, was there any other way for those people that were trapped
18 to leave the area without at least getting some sort of outside help?

19 A. No.

20 Q. All right. And just one final question. Do you believe that
21 Bishop Komarica, who stayed there, stayed with his flock, if you will, in
22 the middle of the war, you knowing him because you did testify to that
23 earlier on direct examination, is he the sort of person that would be
24 engaging in reverse ethnic cleansing of the Croats from their ancestral
25 lands in Bosnia?

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1 A. Well, that's inconceivable. I know the bishop, Komarica, and I
2 know what he did later and the nomination, he was nominated with five

3 other people to -- for the Nobel Peace Prize and this is inconceivable.

4 Q. All right. Now we're going to switch to another topic, just a
5 brief one. This whole notion of the map of the Croatian Community of
6 Herceg-Bosna, we've heard all sorts of testimony about the Banovina,
7 we've seen maps, and there was even a question that came from the Bench
8 that we had not shown otherwise or haven't -- hadn't proved, at least
9 that's how I interpreted it. And so I want to just look at a couple of
10 documents and have you discuss them a little bit.

11 The first one is 1D 02253, 1D 02253. And then after that we will
12 be looking at 2255, basically they're very similar in nature. If you
13 have the document we see that this is a decision, it's dated 8 July 1992,
14 and it says:

15 "Pursuant to the statutory decision on temporary establishment of
16 the executive authorities and administration in the Croatian part of
17 Teslic municipality, the HVO, the Croatian Defence Council of
18 Teslic-Komusina hereby adopts the following ..."

19 And they form -- we here have a decision to form an --
20 administrative offices in the territory of the Croatian part of
21 Teslic-Komusina municipality. Now -- and then if you -- and I'm not
22 going to get into the whole debate about territory versus area because we
23 could see it's been translated differently, the word "teritorija" is not
24 there. But is this a geographical area that you can look and put on the
25 map and draw a line and say this is part of the Croatian Community of

1 Herceg-Bosna which then would be part of the so-called Banovina which the
2 Prosecution claims was being attempted to re-emerge?

3 A. Mr. Karnavas, this had nothing to do with Banovina, nothing. If
4 you allow me, this is a decision taken on the basis of two principles.
5 The first is the principle of the right of any human being or a people to
6 self-defence as the ultimate right; and this is also based on the laws in
7 force in Bosnia and Herzegovina, the right and duty to organise
8 yourselves and defend yourselves against the enemy.

9 Q. All right. But my question was more towards the geographical --
10 I mean -- because there seems to be this impression at least or
11 perception that somehow we can just put all of these municipalities on a
12 map, draw a line, and say, Here it is. This is the area that was trying
13 to be occupied or conquered or taken or annexed away from Bosnia and
14 Herzegovina. And that's why I wanted you to look at this decision and
15 then we'll look at the other decision.

16 From this decision can you -- can you conclude that there's some
17 sort of a territory that you can carve out on the map? That's the
18 question.

19 A. No, not as a whole. You can draw in just bits and pieces which
20 were Croatian, but there is no whole that would coincide with Banovina or
21 with any other kind of a whole.

22 Q. Okay --

23 JUDGE TRECHSEL: Excuse me.

24 MR. KARNAVAS: Yes.

25 JUDGE TRECHSEL: Could we be assisted in getting an idea where we

1 are talking about because I do not -- I am not familiar with this place.
2 The name does not figure in Google maps, perhaps on the map back there,
3 and to which municipality of Herceg-Bosna it would belong. That's what I
4 would be interested in learning, if at all.

5 MR. KARNAVAS: Okay -- if at all, I'm glad I heard the last part.
6 Judge Trechsel, if it would be more of assistance if we could do that
7 during the break as opposed to -- I mean, we could do that right now, but
8 maybe during the break we could locate it on the map and then come back
9 to that.

10 JUDGE TRECHSEL: I'm all in favour of the economy of forces and
11 time. Thank you, Mr. Karnavas.

12 MR. KARNAVAS: All right. Because we're going to look at the
13 next document which is 1D 02255, and this is a decision concerning Usora.
14 And as you may recall last time there was a question, Where is Usora?
15 And I misspoke, I indicated that it was in the Republika Srpska when in
16 fact today it's in the Federation, and as I understand it, it's next to
17 Doboij which is in the Republika Srpska.

18 Q. But if you look at this decision, can you conclude that some sort
19 of territory is being carved out that can be added on?

20 A. That's correct.

21 Q. All right. Now, this -- Usora was where? How big of an area are
22 we talking about?

23 A. It's a small area, small -- it's a small territory.

24 Q. When we say "small" -- I mean, some may think that it's maybe,
25 you know, a hundred square kilometres or -- how would -- what are we

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1 talking about really?

2 A. Well, maybe a hundred kilometres square, 10 by 10, 10 kilometres
3 by 10 kilometres. But, Mr. Karnavas, you can draw things in but there is
4 no link. These are elements of the Croatian people that are simply
5 getting organised to defend Bosnia and Herzegovina. Wherever they were
6 they are -- they were aware of what was going on, and they were saying,
7 Let us try to save our own lives and our homes and the state that we live
8 in. That's what they were saying.

9 Q. All right. Let's go on to another topic then. We'll move rather
10 quickly. I want to talk a little bit about this January 15, 1993, the
11 so-called - and I underscore that "so-called" - ultimatum. Now,
12 Judge Antonetti discussed that with you quite extensively, and you also
13 told us the role that you played in this. But I thought it might be good
14 to just look at a few things concerning the minutes that were -- took
15 place at the meeting in Zagreb between Tudjman, Cyrus Vance, Lord Owen,
16 Alija Izetbegovic, Mate Boban, on 15 January 1993, and I'm referring to
17 P 01158, P 01158. And there's a purpose for this because later on I will
18 take you to task as far as your generous view of Izetbegovic.

19 Now, if we look at page 16, Your Honours, in the English version,
20 it's the portion where we hear from Ahtisaari, who, as I understand it,
21 recently won the Nobel Peace Prize. And here's what he's saying?

22 And, Mr. Praljak, if you could look at -- on the bottom of the
23 page -- or the top, it's 1 -- 01322259, that's the number.

24 He says:

25 "As the chairman of the Working Group, I feel bound to say

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1 something about the process we are still talking about.

2 "It took many months for the proposals we are discussing today to
3 come into existence and we have these proposals on the table today.

4 "I here refer to military, constitutional, and geographical
5 proposals or the map.

6 "If we consider the package that is before us on the table as a
7 whole, I think it would be fair to say that it most closely reflects the
8 views of the Government of Bosnia and Herzegovina or Mr. Izetbegovic's
9 delegation.

10 "I think we must and it is also very important to take into
11 account the fact that both the Muslims and Mr. Boban's delegation
12 recognised and accepted the constitutional solutions, which has
13 certainly, in a way, made the job easier for the co-chairmen to put more
14 pressure on the Serbs ..."

15 Now, let's -- and then he goes on a little bit. He talks a
16 little bit about what President Tudjman has indicated very clearly, that
17 there needs to be a compromise, that's on page 17, I won't read it. Then
18 President Tudjman speaks.

19 And then if we go, Your Honours, to page 20, we see Alija

20 saying -- Alija Izetbegovic saying:

21 "Let me remind you that the one item, one provision, from the
22 papers proposed to us my Messrs. Vance and Owen stipulate and clearly
23 state that Bosnia and Herzegovina will be a state where communication
24 will exist, where communication between all provinces will be open ..."

25 And then he goes on to say:

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1 "A special corridor means that Bosnia-Herzegovina will not be
2 open, that is a mere formality in these provisions ..."

3 And the corridor he's speaking about, is he not speaking about a
4 corridor with the Serbs -- I mean that's a -- at least that's what he is
5 alluding to. Is that correct?

6 A. Yes.

7 Q. Now let's look at what Mr. Vance says, Mr. Cyrus Vance.

8 "Can I ask you, Mr. President, do you have any positive proposal,
9 positive suggestions, so that we could continue working in a constructive
10 spirit, in a constructive way?"

11 Answer: "The aggressor should be asked to accept our proposal in
12 its entirety with regard to the text and to accept the proposed
13 amendments to the map. That's what he should be asked to do. In my
14 opinion, that's a constructive approach to this question."

15 Now, can you tell us, what sort of an answer is Alija Izetbegovic
16 giving here? Who is the aggressor that he's speaking of?

17 A. Serbs.

18 Q. Okay. And then Cyrus Vance asks him to - the next page, it would
19 be page 22, Your Honours - he says:

20 "Are you prepared to accept the map as it is?"

21 And the answer is: "No."

22 Now, you had indicated - and we're going to get to this at some
23 point - that it was your belief that Alija Izetbegovic was a kind man, a
24 good man, an honest man to some extent who simply was being mishandled,
25 that he would agree to something but then the hard-liners, and you've

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1 indicated one of them was Silajdzic, at another time you said it might
2 have been Halilovic, they were the ones that were getting him to change
3 his mind. And I take it you still maintain that position as you provided
4 it to us under oath during direct examination?

5 A. Yes, I do, but you have to clarify. One thing that was sure,
6 Mr. Karnavas, that is -- well, what Mr. Cyrus Vance is saying here, Give
7 us your proposal, Mr. Izetbegovic. So Mr. Izetbegovic never came up with
8 any kind of a positive proposal as to how the state of Bosnia and
9 Herzegovina should look like. That's number one, the first fact.

10 And secondly, well, I was nice, I was charming and I was calm,
11 but it's also a fact that everything he signed he cancelled. Every
12 international agreement that was signed, the signature was cancelled
13 later on. Now, I speculated this was because he was actually run by
14 other people --

15 Q. That's fine --

16 A. -- but maybe he was also in the group.

17 Q. -- well, that's what we're going to get to, but not yet, not yet.
18 I'm just laying the foundation, as it were. But if we go to page 28 in
19 this particular document -- and this is where Mr. Mate Boban is speaking.

20 MR. KARNAVAS: He starts on page 27, Your Honours, in your
21 English version.

22 Q. And if you look at, General Praljak, 0132-2270, here he's saying,
23 it's very clear, on the paper at least:

24 "When we signed the package, we knew that each of the three sides
25 facing the Croats would not, that they would have different objections,

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1 different proposals, different -- ask for different corrections.

2 "At any cost, one should listen to reason and make compromises
3 and accept certain concessions in order to stop the war and make Bosnia
4 and Herzegovina the state foreseen by Mr. Izetbegovic in his speech when
5 he said that tomorrow it should be a free country with a free flow of
6 people and capital.

7 "Incompatible with his thinking is the claim that any territorial
8 organisation means giving something to someone when Bosnia-Herzegovina is
9 a unified whole.

10 "Nobody can give anything to anyone, everyone has equal rights,
11 and the rights have been determined by arguments.

12 "And I would go back to the statement by Mr. Vance and Lord Owen
13 when they said that we had really exhausted all arguments. We've

14 exhausted all arguments a long time ago."

15 And I don't want to go on, but this is Mate Boban. And to your
16 understanding, is Mate Boban being accurate at least in his
17 interpretation of the Vance-Owen peace process or peace plan that was
18 being discussed at the time?

19 A. Yes, that's correct, not only that but even the things that
20 preceded this. So the fundamental sentence that came out of the heads of
21 the Muslim leadership was, We are in charge here and we are here to give
22 others something. It horrified Serbs right at the beginning, and Croats
23 too. Who are you giving something when we actually have it, we have the
24 right to it? And this fundament in their heads, this is the basic reason
25 why they attacked Croats. It was all theirs. We were superfluous there.

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1 We were superfluous there. We could go to Croatia because that was our
2 homeland and Serbs could go to Serbia.

3 Q. All right. Now, just a few more excerpts from this, if we look
4 at page 33 - and then we're going to go on to page 34 in English and I'll
5 give you the numbers - this is where Izetbegovic now -- and if you could
6 look at 1 -- 01322275, Mr. Izetbegovic begins by saying he is grateful to
7 Lord Owen for raising the question, because earlier we could see that
8 Lord Owen is trying to move the process along, and so here is what
9 Mr. Izetbegovic proposes. This would be on page 34.

10 "Perhaps we should now form a mixed arbitration commission
11 composed by you to help us resolve these problems in a just way.

12 Mixed" -- and then he goes on:

13 "That's the idea that first comes to my mind."

14 So let me paint the picture, General Praljak. You have these
15 internationals, one representative of the UN, one the EU. You have
16 Ahtisaari there who's saying, For months we've put this proposal
17 together, now it comes time for Izetbegovic to make a decision. And now
18 he's saying to these international arbitrators in a sense, because that's
19 what they're trying to do, arbitrate, he says, We should form a mixed
20 arbitration commission, that would be useful.

21 Now, does that sound like Izetbegovic really is interested in
22 resolving the issue to you?

23 MR. STRINGER: Objection, Mr. President. Again, it's calling for
24 speculation. Anyone can read the transcript and draw conclusions and
25 make arguments about what's being said. The General's testimony about

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1 his interpretation really isn't any more relevant than anyone else's. So
2 obviously he can confirm or talk about factual things, but we suggest
3 that this is irrelevant. It's not very helpful evidence, frankly.

4 MR. KARNAVAS: Well, this is why it's helpful, Your Honour --

5 THE WITNESS: [Interpretation] No --

6 MR. KARNAVAS: Let me -- let me tell why it's relevant. I've sat
7 here and I've listened to testimony and I've listened to questions from
8 the Bench and some of the questions were concerning Mr. Izetbegovic and
9 his personality. Now, there's going to come a time in my

10 cross-examination where I will go through some of the General's comments
11 about Mr. Izetbegovic's personality where he paints him in a rather
12 generous way. And then I will show you documents and we will go into
13 Schindler's book and we will go into the Islamic Declaration which was
14 being waved at the SDA parties as one of their platforms, and I will show
15 you that what really Izetbegovic had in mind was exactly what was in his
16 "Mein Kampf," the Islamic Declaration, and that he was making trips to
17 Iran, he was gathering -- he was building an armed force well before the
18 HVO started, and that he had alternative motives, and that all of this is
19 not because Izetbegovic was being mishandled by his poor brothers and
20 sisters from his earlier days, but rather, this is Izetbegovic at the
21 apex, he's at the very top. He is the one that authored the Islamic
22 Declaration for which he went to jail for. And as soon as he got out, he
23 went to Iran; as soon as he got out, he published it. And to suggest
24 that somehow that is not part of his psyche and that's what he's trying
25 to do is to create a Muslim state, something that he started when he was

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1 a young man when the Muslims in Bosnia and Herzegovina, not all of them
2 but some of them, the Young Muslims, as the organisation, was
3 collaborating with the Nazis --

4 JUDGE TRECHSEL: I'm sorry, Mr. Karnavas, you are testify --

5 MR. KARNAVAS: Well --

6 JUDGE TRECHSEL: You are telling us all this but I thought you
7 were supposed to ask questions from a witness --

8 MR. KARNAVAS: Your Honour, when somebody attacks me that I am
9 going into an irrelevant area --

10 JUDGE TRECHSEL: No, that -- sorry, Mr. -- no, no --

11 MR. KARNAVAS: [Overlapping speakers] -- I will respond.

12 JUDGE TRECHSEL: You were not attacked for going into an
13 irrelevant area at all. You were attacked for asking the general to
14 speculate. What you think Izetbegovic wanted. If you ask him what
15 indicia he saw or what his interpretation of something that he witnessed
16 was, that's one thing; but if you ask him to tell us what Izetbegovic was
17 thinking out of his conception, I think that in fact is a bit
18 speculative.

19 MR. KARNAVAS: Your Honour, he's given an opinion about
20 Izetbegovic.

21 JUDGE TRECHSEL: Yes.

22 MR. KARNAVAS: And I'm showing that Izetbegovic is not the person
23 that he thought he is. Now -- we can see clearly through this. If the
24 gentleman really was an honest negotiator, then he wouldn't be playing
25 these games. And what I'm doing is impeaching, actually, in a subtle

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1 way, General Praljak's impression of Izetbegovic. He thought -- and the
2 question came directly from President Antonetti. And nobody -- no one
3 from the Bench or the Prosecution objected that he was asked to
4 speculate. He was giving an opinion as to the gentleman's character.
5 Now I'm going through here and I'm asking him, you know, does this

6 reflect, you know, the opinion that he shared? And we can see here --

7 that's why we went through the various pages.

8 JUDGE TRECHSEL: Mm-hmm.

9 MR. KARNAVAS: Now, if my technique is off, I'll try to correct
10 it.

11 JUDGE TRECHSEL: I'm trying to assist you in that, and maybe if
12 you asked: Do you maintain that view? How do you conciliate what you
13 find here with what you have expressed before, I think that would be
14 main-stream cross --

15 MR. KARNAVAS: Thank you --

16 JUDGE TRECHSEL: -- as I have learned inter alia from you,
17 Mr. Karnavas.

18 MR. KARNAVAS: I will endeavour to improve my technique and I
19 will begin so immediately.

20 Q. All right. Suffice it to say, it was at this particular meeting
21 or shortly before or after -- I believe it was before when Mr. Susak who
22 at the time was the defence minister indicates that a gentlemen's
23 agreement had been reached?

24 A. I would like to say just one thing before I answer your question,
25 Mr. Karnavas, if you will give me a minute. You misunderstood my

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1 characterisation of Mr. Izetbegovic. I was talking about his civility,
2 his courtesy in talks. I never had any doubts about Mr. Izetbegovic's
3 policies. So please do not get the two confused. I was talking about a

4 genteel person, gentleman, but not about my interpretation of his
5 positions. After the meeting in Mostar, which took more than an hour and
6 a half, I knew perfectly well and also on the basis of the Islamic
7 Declaration, I knew what policy would be pursued with a great deal of
8 certainty. So these are two different things.

9 Secondly, if you allow me, regarding Ahtisaari, Mr. Izetbegovic
10 had already signed the constitutional principles and Mr. Ahtisaari says
11 at the time, You signed and now if you declare this null and void, the
12 war will go on, and Mr. Izetbegovic did cancel it. And he establishes a
13 committee. And you know what Churchill said, if you want not to solve
14 things, set up a committee.

15 In other words, if an agreement had been reached and signed, then
16 you have to implement it. You don't set up arbitration commissions
17 because arbitration commissions arbitrate over things that have not been
18 agreed. If something has been agreed, then there's no need for an
19 arbitration commission. That's all I wanted to say.

20 Q. Thank you, General Praljak, and in fact we can see that on
21 page 44 that's exactly what Mr. Boban tells us. Where he says:

22 "I think that if we must look" -- this would be on -- the last
23 three numbers would be 286 so you can find that. He says:

24 "That's why I think that if we must look for a committee or
25 arbiters between us here and we are here, then I think nothing will come

1 of our cooperation. At the same time, this means that somebody does not

2 want agreement. We are for agreement. I think arbitrators and
3 committees should be set up between Muslims and the Serbs, the Croats and
4 the Serbs, and not at all between the Muslims and the Croats. We meet
5 every day, Mr. Izetbegovic, and I spend dozens of hours talking and
6 making arrangements. It all has come to nothing."

7 Now, this is what's being said at this point in time, yet as I
8 understand it, it was your understanding at the time that an agreement
9 had indeed been reached, and as a result, that's what you communicated in
10 Mostar, which then we have the decision of January 15, 1993. Is that
11 correct?

12 A. It was reached and signed, Mr. Karnavas. The agreement was
13 reached and it was signed. The -- when they came to Zagreb, the
14 constitutional solutions were already in place and they needed to be
15 implemented. And I took part in some talks with Mr. Izetbegovic, not
16 this one, but the talks about the agreement on how to avoid the conflict.

17 Q. All right. If we could look at now -- at P 01150 --

18 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, it's almost time
19 for the break, so maybe it's best if we look at this document after the
20 break.

21 MR. KARNAVAS: Very well. And, Your Honour, I am going to be
22 referring to another document as well in a very short period of time. I
23 wonder if I could give directions to General Praljak so he will know --

24 JUDGE ANTONETTI: [Interpretation] We still have ten minutes,
25 ten minutes left.

1 MR. KARNAVAS: Okay. Very well, very well. I think I can finish
2 this chapter and then move on.

3 Q. If we look at P 01150 and this is January 16, 1993, and we can
4 see this comes from Bozo Rajic, and we can see the goal that the -- what
5 the goal is in the very preamble, "with the goal of establishing peace on
6 the whole territory of the Republic of Bosnia and Herzegovina and
7 protecting citizens and their property," and then he hereby orders it.
8 And this is based on what you had communicated to Mr. Rajic, who at the
9 time was the minister of defence for Bosnia and Herzegovina. Is that
10 correct?

11 A. That's correct. Mr. Rajic received this order which had been
12 agreed on by Mr. Izetbegovic, the co-chairman; Gojko Susak; and I worked
13 on the implementation, and I took part in a great deal of the talks and I
14 drafted this together with Mr. Izetbegovic. And the order that was
15 worded in this manner was handed to Mr. Rajic to -- who was a minister in
16 Mr. Izetbegovic's government.

17 Q. All right. Now, if we look at 1D 01195, 1D 01195, this is from a
18 newspaper article dated 21 January 1993, and it's an interview with
19 Bozo Rajic, minister of defence. Okay. We cannot --

20 MR. KARNAVAS: I think if you could somehow enlarge -- that's the
21 best we can do.

22 Q. But I just want to go over some things that Mr. Rajic said. He
23 was asked:

24 "To what extent and in how much of the sovereign state of BH are

25 you able to perform your duties as minister of defence?"

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1 And he says, the latter part of this paragraph:

2 "I intend to create a Ministry of Defence appropriate to the
3 model and needs of a sovereign state. Although incomplete, my
4 information indicates that the current ministry is just a government
5 office at the level of a Registry, an extension of the BH army Main
6 Staff. There is no concept in which it can or should be that ..."

7 Now, is he making a correct statement to your understanding? If
8 you don't know, don't speculate.

9 All right. Let me repeat it again. He states in here that he
10 intends "to create a Ministry of Defence appropriate to the model and
11 needs of a sovereign state. Although incomplete, my information
12 indicates that the current ministry is just a government office at the
13 level of a Registry, an extension of the BH army Main Staff. There is no
14 concept in which it can or should be that ..."

15 Now, to your understanding, is Mr. Rajic correct in the manner in
16 which he's describing what the Ministry of Defence is at that point in
17 time when he's serving as minister of defence for BiH?

18 A. The situation was worse than Mr. Rajic describes it here.

19 Q. All right.

20 MR. KARNAVAS: And let's go to the second page, Your Honours.

21 Q. Further down in the -- he's asked:

22 "The order stipulates that the commanders of all three armies in

23 BH will submit regular reports to you as minister of defence and that
24 each army will conditionally withdraw to their own provinces ..."

25 So further down, that's the part I want to reference you to, he

Page 41972

1 states:

2 "To be honest" --

3 MR. KARNAVAS: This is in the first paragraph, Your Honour, right
4 after that, in the middle of it.

5 Q. "To be honest, I did not expect that the BH army would do so
6 emphatic -- would be so emphatic in its rejection of this plan, which is,
7 in fact, simply the implementation of the agreement from Geneva. It is
8 amazing that circles in the BH army do not see the particular
9 effectiveness of an order like this. Why? Because it assumes the
10 withdrawal of each army to its own provinces ..."

11 Later on he says:

12 "However, sometimes in politics a very short time is sufficient
13 to make a serious volte face. I believe profoundly that after two rounds
14 of negotiations in Geneva, if not before, everything will be different
15 and on new grounds."

16 He continues:

17 "There are several reasons why I issued an order of this kind. I
18 wanted there to be a true ray of peace. I believe that the Ministry of
19 Defence must make a statement in this regard, albeit at a junction -- at
20 a juncture when it was unacceptable to attempt to place the entire area

21 and everything that is happening in it in the services of one interest,
22 that being the state of Bosnia and Herzegovina such as it is and such as
23 it can be.

24 "Furthermore, I felt as a Croat in BH that I should say that we
25 recognise the state of BH. I wanted to reaffirm the suspended offices of

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1 state, the Presidency, the Government, and the Ministry of Defence and to
2 tell people that defence was returning as an active office in the state
3 of Bosnia-Herzegovina. Finally, I wanted to score some points on the eve
4 of the continuation of the Geneva negotiations, to give the politicians
5 and negotiators another argument to link the armies in BH to a single
6 place for discussion and decision-making ..."

7 And then he talks about his good intentions.

8 To your understanding, is Bozo Rajic, the way he's describing the
9 events here, is he correct? I mean, was it necessary at the time to
10 link-up -- was it necessary for the Ministry of Defence to have some
11 authority?

12 A. Yes, of course. If there is a minister and the Ministry of
13 Defence, then they were supposed to do their job, at least with regard to
14 the armies that obeyed to them, and those were the BH army and the HVO.
15 The Serbs, the Republika Srpska army, they of course had their own plans,
16 the BH army had its own plans, and the only ones who were constantly open
17 to negotiations to the setting up of a joint command, who supported all
18 international treaties, were Croats, both the Presidency and the

19 government, both Croatia and the HVO.

20 THE INTERPRETER: Interpreter's remark, could the witness please
21 repeat who else was in favour of that.

22 THE WITNESS: [Interpretation] -- and everybody was hoping that
23 something would happen in the next round of talks. Let me tell you one
24 thing. In order to resolve a situation, to find a remedy, you have to
25 recognise the symptoms. And I'm telling you that the symptoms in Bosnia

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1 and Herzegovina show that that was cancer and all the international
2 agents were treating flu, and here you have the misconceptions that
3 resulted from this.

4 MR. KARNAVAS:

5 Q. All right. Well, let's finish with this document so we can take
6 the break. I just need a couple of minutes. If we go on to the next
7 page, page 3, because it ties in with your answer here. On the second
8 paragraph where it says:

9 "The latest incident in Gornji Vakuf demonstrates that these two
10 destructive factors in the BH army notwithstanding there is political
11 leadership in this entire operation. Recent orders from the BH army
12 Main Staff and statements from Alija Izetbegovic have unambiguously
13 indicated that the SDA, the Party of Democratic Action, stands as the
14 political body atop this command period -- pyramid, and that the fighting
15 is being waged by directive in a clear mission to obstruct the Geneva
16 process and if not possible to exclude them entirely, to develop -- to

17 devalue the achievements particularly of the Croatian people. It is also
18 another attempt, albeit by means of violence, to establish a civic,
19 unitary, and centralised state. If in the past we guess that
20 the security -- if in the past we guessed and secretly wished that this
21 was simply a case of extremism, on this occasion we have to say this is a
22 matter of politics of the organised and deliberate conduct of those
23 operations. This is a battle for land to destroy the Vance-Owen
24 project."

25 Now, this is his obvious -- interpretation of the events, but you

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1 were there, you knew what was happening on the ground, you met with
2 Izetbegovic. Can you please tell us whether Mr. Rajic is accurate in his
3 accounting of what the intents are?

4 A. Yes, I fully agree with Mr. Rajic's analysis.

5 Q. And I'll leave it at that for now.

6 MR. KARNAVAS: We can take our break, Mr. President.

7 JUDGE ANTONETTI: [Interpretation] Very well. We'll have a
8 20-minute break.

9 --- Recess taken at 12.44 p.m.

10 --- On resuming at 1.10 p.m.

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

12 Please proceed, Mr. Karnavas.

13 MR. KARNAVAS: Thank you, Mr. President.

14 Q. First we're going to go to a document to kind of round this area

15 up, another Presidential transcript and then we will go to a map to
16 discuss the issue that was brought up earlier with Judge Trechsel's
17 question.

18 So first let's look at P 01240, P 01240. This is a Presidential
19 transcript. It's dated 20 January 1993, so this would have been five
20 days after the previous transcript that we looked at, and I'm going to
21 direct your attention to page 5 -- the discussion actually begins on
22 page 4, it's Mr. Akmadzic, we saw him here, and there is a discussion
23 about Gornji Vakuf and it says in the middle of the paragraph -- or for
24 your purposes, General Praljak, it's 3 -- so it will be 301 and 302,
25 those are the pages that you need to look at.

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1 And we see in the middle it says:

2 "... Mr. Izetbegovic refused at the meeting today -- refused at
3 the meeting today, although in Geneva he said he accepted that there was
4 no dispute over the provinces that belonged to the Croatian people
5 conditionally and the provinces that belonged to the Muslim people."

6 So he refused to go to Geneva but he made this conditional
7 acceptance.

8 But then if we go to page -- further down, I believe it's 19 --
9 19 in English and if you could look at 317, the last numbers on the page
10 would be 316 to 317. Here we have Lord Owen. He says:

11 "We know because Mr. Izetbegovic gave an official statement that
12 he would accept the constitutional principles and the cease-fire document

13 although Silajdzic constantly tried to drive him off that course.
14 However, in recent weeks I still think that they have shown more
15 willingness to be involved in the Geneva process and we may be able to
16 keep them on this course. And this may be the right moment now to talk
17 about the provisional government or the interim government. Mr. Vance
18 also agreed with this."

19 To your understanding -- we have here Lord Owen saying that
20 Izetbegovic offered an official statement agreeing to the constitutional
21 principles. Do you know whether Izetbegovic -- do you know whether
22 Izetbegovic kept that agreement or kept that promise, to accept the
23 constitutional principles? It's cause for a yes or no.

24 A. No, he did not.

25 Q. Okay. Now, let's look at the next para -- the next portion of

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1 this document because we have the president - and this would be
2 President Tadjman - he says:

3 "I would add, what may influence Izetbegovic in further talks is
4 the fact which I mentioned to the gentlemen up there, that they asked us
5 yesterday and today to continue aircraft support for their forces in the
6 Bihac area and to transfer two helicopters to them. I don't know whether
7 you know, gentlemen, that a ship was confiscated in the Adriatic Sea
8 yesterday. It carried wheat, but also some serious weapons, apparently
9 from Pakistan. It can be assumed, if that is the case, that this was
10 sent to them, so in their belligerence they will have to face the problem

11 of how to continue the war if they can't secure, and the ship was stopped
12 by the peacekeeping force in the Otranto and examined in the Adriatic
13 port ..."

14 And here's what I want to focus on a little bit. What is Mr. --
15 what is President Tudjman talking about, if you know, that is, when he
16 says that the "continued aircraft support for the forces in the Bihac
17 area ..."

18 What is he talking about? Who is providing that support?

19 A. The Croatian state and the Croatian air force constantly, without
20 any interruptions, provided support to the Bihac region, and only thanks
21 to that the Bihac region managed to survive until the Croatian army
22 liberated the area. I am fully aware of that as a participant and one of
23 the organisers of the operation.

24 Q. All right. And when he's talking about weapons being --
25 apparently coming from Pakistan being confiscated, to your knowledge was

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1 there -- was that permissible at the time, for weapons to be --

2 A. No.

3 Q. All right. And were the helicopters being used also to transport
4 weapons or to assist the Muslim forces in transporting weapons from
5 Croatia to the Bihac area?

6 A. Yes.

7 Q. At the time was there an embargo?

8 A. Yes.

9 Q. Now, I may be -- this may call for speculation, but do you think
10 that Mr. Vance, who was for the United Nations, and Mr. Owen, who was for
11 the European Union, would have heard that there had been an embargo? Or
12 was that something secret that nobody would have known about?

13 A. They were aware of the embargo. It was no secret. This was done
14 pursuant to a decision by the Security Council.

15 Q. All right. Well, in your meetings, at least when you were
16 present, do you recall at any time these negotiators, Vance or Owen, or
17 anyone else advocating that Croatia not provide assistance to the Muslim
18 forces in BiH, not provide military assistance, transport weapons?

19 A. No. They knew -- the Americans and everybody else were aware of
20 the assistance being provided, regardless of the embargo, and so on and
21 so forth. Everyone turned a blind eye, and as time went on, that
22 practice became more frequent. Weapons came from Turkey, Iran, and so on
23 and so forth. The first flight from Iran, the Americans requested for
24 the weapons to be seized. They knew what flight the arms were on, what
25 kind of arms. Their information was complete. Some of the weapons were

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1 destroyed, and to the rest they just turned a blind eye and allowed the
2 weapons to stay on the flight.

3 Q. All right.

4 A. But, Mr. Karnavas, in the transcript here -- I'm aware of the
5 transcript and there are two very important things, the first being that
6 in Sarajevo Izetbegovic did not want two members of the Presidency of

7 Bosnia-Herzegovina, Croats, to participate in the conversations, he
8 wanted to eliminate them; and secondly, after the defeat of his
9 aggression in Vakuf he accused Croatia of holding tank brigades over
10 there and he wanted that problem to be raised before the Security Council
11 of the United Nations. When that fell through, when that occupation fell
12 through in Gornji Vakuf after a large number of our casualties, he
13 accused Croatia that it had sent a number of brigades over there which is
14 a notorious lie and a sheer impertinence. Akmadzic says it very
15 expressly that this is a lie, that this is not true. However, many did
16 not accept that fact.

17 Q. All right. Well, let me just deal with that very quickly. I
18 didn't want to spend too much time with document, but first of all, who
19 are the two members of the Presidency that Izetbegovic did not want them
20 attending, that you make reference to?

21 A. Boras and Lasic.

22 Q. All right. And the next part was with respect to Gornji Vakuf
23 you said that Izetbegovic wanted to go before the United Nations and, as
24 I understand it, accuse the Republic of Croatia as well; is that correct?

25 A. Yes, and President Tudjman says here before Owen, he presents a

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1 problem to Owen and says, What do I say to the international community
2 when they hear such blatant lies? And Mr. Owen says to him, Try to
3 pursue your principal policy, try to calm things down because they knew
4 that that was not true. I can refer you to a number of pages where you

5 can find that if you want me to.

6 Q. The Trial Chamber will be able to see that, but I guess just
7 touching on that point because on the one hand, you got weapons going in
8 with the assistance, to a great extent, of United Nations countries,
9 including members of the Security Council. They either know or they're
10 assisting in the process. And on the other hand, you have -- and that's
11 for the benefit of Izetbegovic. And now Izetbegovic at the same time
12 wants to turn around and complain to the very same institution that
13 somehow the Croats are responsible for Gornji Vakuf. That's what you're
14 telling us?

15 A. Correct.

16 Q. Do you recall at any point in time Izetbegovic -- I mean,
17 President Tudjman ever saying that the time has come where we simply have
18 to stop assisting the Muslims? Cut the -- stop them at the border, don't
19 let any of their refugees come in. The ones that are in country, send
20 them back or send them to some neighbour countries like Slovenia or
21 Hungary, stop providing the aid. Did you ever hear President Tudjman say
22 that, given the way Izetbegovic and his cohorts were behaving and acting
23 towards the Republic of Croatia?

24 A. Nobody ever said that, Tudjman, the government, Gojko Susak,
25 myself, nobody. Truth be told, Izetbegovic actually believed that

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1 Croatia should be his springboard for the fight against Croats in Bosnia
2 and Herzegovina, and we just yielded into that. Croatia served as the

3 logistical, organisational and every other base for the Army of Bosnia
4 and Herzegovina, for their attacks against the HVO in Bosnia-Herzegovina,
5 and that's how things went on throughout the war.

6 Q. All right. Now, before we go to the next document perhaps we can
7 look at the map and kind of just deal with that matter. 1D 02843 -- it's
8 in e-court -- it will be in e-court. And then maybe you could point out
9 the two areas that I had mentioned earlier. And -- now, I know that
10 there's -- you've covered -- you have a code and it covers -- you'll see
11 the code covers the municipalities, the entire portions of the
12 municipalities. But I first want you to just look at that and orientate
13 yourself and then if you could find, for instance, the Teslic area, it
14 says --

15 A. Here you have Usora.

16 Q. Okay. If you could --

17 A. [Marks]

18 Q. All right.

19 A. Number 1, if you will, Usora. Here's Teslic, for example.

20 Q. Could you put like 1 for Usora and 2 for Teslic, just so we have
21 it later on.

22 A. [Marks]

23 Q. Now, did -- the HVO existed in all those municipalities?

24 A. Yes. And the big map that I drew which I used to show where the
25 HVO was, I forgot to say that there was also one in Olovo. There was a

1 small HVO unit in Olovo. I would like to add that to the map.

2 Q. Okay. Now, when you look at this particular map - and as I
3 indicated, it's coloured where -- we've coloured the entire
4 municipalities - can you tell us with any degree of certainty whether the
5 Croatian Community of Herceg-Bosna covered that entire area or whether it
6 covered portions of various municipalities as depicted in this
7 colour-coded map?

8 A. It covered parts of the municipalities where the Croatian
9 population was compact in one way or another, maybe in three villages or
10 five or in small part of the municipality. For example, like in Olovo
11 they were not numerous but they managed to organise themselves and put
12 together a unit comprising several hundred people that were willing to
13 defend themselves.

14 Q. All right.

15 MR. KARNAVAS: If any of the member of the Bench has any
16 questions on this, otherwise I will be asking for an IC number and move
17 on.

18 JUDGE ANTONETTI: [Interpretation] Please give an IC number,
19 Mr. Registrar, please.

20 THE REGISTRAR: Yes, Your Honour. This document shall be given
21 Exhibit IC 01032.

22 MR. KARNAVAS: Seeing no questions from the Bench I'll move on to
23 the next document, then.

24 Q. Okay. If we could look at --

25 JUDGE TRECHSEL: While we still have this on, we've heard there

1 were HVO in these communes. That is not to say that they are regarded as
2 belonging to Herceg-Bosna?

3 THE WITNESS: [Interpretation] It was later on that they assembled
4 into Herceg-Bosna, but it was not a well-rounded territory that could be
5 separated from the rest. It's impossible. In Olovo there were four [as
6 interpreted] villages that were Herceg-Bosna in a part that had a
7 majority Muslim population and we fought in that area together. We're
8 talking about defence operations in the entire territory.

9 JUDGE TRECHSEL: I'm quite aware of how complicated matters were
10 ethnically, but on the list of municipalities forming the HZ HB they do
11 not figure, do they, in the list of 18 November 1991?

12 THE WITNESS: [Interpretation] Yes, Usora is on the list. It has
13 made it to the list, Your Honour, Judge Trechsel.

14 JUDGE TRECHSEL: Thank you.

15 MR. KARNAVAS: And, Your Honour, you can see there is a colour
16 code and there is exhibit numbers or document numbers. This map was made
17 based on these exhibits which are already in the evidence, which -- and
18 that forms the basis for this colour-coded map. So in the event you wish
19 further clarification, we can go to the documents, I can do that tomorrow
20 if necessary. Well, I'm hoping I don't have to --

21 JUDGE TRECHSEL: No, thank you.

22 MR. KARNAVAS: -- but if necessary we can do that. Okay.

23 Q. If we go on to another document now, and we may have to spend a

24 little bit of time on this. I'm going to fast-forward in time. We're
25 going to look at 1D 03141 and I'm fast-forwarding in time because then

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1 we're going to -- I'm going to use this as a -- sort of a basis to go
2 backwards. If you could give this a quick glance, first of all, and this
3 is an article published 19 April 2002 regarding global terrorism, and it
4 refers to a particular case, the Pogorelica case.

5 And let me first ask you, have you heard of this particular case?

6 A. Yes.

7 Q. And if we look -- if we see this document it tells us that this
8 case is about certain intelligence services, foreign intelligence
9 services, working in conjunction with Bosniak intelligence services in
10 BiH during and after the Dayton peace -- prior to and after the Dayton
11 Peace Accord.

12 Now, let me ask you this: Were you aware that the Iranian
13 services were operating in Bosnia-Herzegovina?

14 A. Yes. The Pasdaran and another secret service, VEVAK -- I'm not sure of
15 the exact name, it consists of four or five letters. In any case there were
16 hundreds of them in Bosnia and Herzegovina. And the whole problem, Mr.
17 Karnavas, grew out of proportion when the Americans felt the threat coming
18 from that group of people and when they realised that that problem had to do
19 with the attack on some American military targets and the attack of - in New
20 York. That's when they actually saw clearly what that was all about.

21 Q. All right. But if we look through this document, at least there

22 are claims being made that the Americans were well aware that the Iranian
23 services - and we can see some of their handiwork today on
24 television - that the Americans were well aware that these services were
25 operating in Bosnia in 1993/1994 and thereafter at least. So do you know

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1 anything about that? For instance, if we were to look at page 2 where it
2 says Bosnia and Iran, at the very last paragraph it says:

3 "Explaining the relations with Iranian structures, Alispahic
4 compared them for investigators as well to the level of contacts with
5 other services and structures of Western European countries, only
6 emphasizing" the differences ...

7 And then he says later on that he paid an official visit to the
8 United States in 1993, "asking their services to help us ..." In other
9 words, to help the Bosniaks.

10 Now I just have one question. If Alija Izetbegovic is the
11 president of the Presidency and if he is supposedly representing the
12 entire nation, how is it - assuming this is correct - he's trying to
13 engage foreign services to operate in Bosnia on behalf of only his people
14 or his party?

15 A. Because Alija Izetbegovic never gave up on the foundations that
16 he presented in his Islamic Declaration. Mr. Karnavas, what the American
17 other secret services knew was not accepted by their respective
18 politicians until the incident in New York when the two towers collapsed.

19 Q. All right. If we go to page 3, at the very top it says:

20 "The sources familiar with the intelligence situation in Sarajevo
21 during the war" -- this would be page 1D 51-1814.

22 It says:

23 "The sources familiar with the intelligence situation in Sarajevo
24 during the war explain that MUP and AID, AID, held at the same time
25 relations with Iranians, American, French, and Italian intelligence

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1 services. At a time, Dani published a statement of H.K. Roy, head of
2 CIA, in Sarajevo, stating that in the summer of 1995 Nedžad Ugljen" - and
3 I'm mispronouncing the name - "had betrayed him to the head of the
4 Iranian intelligence services in Sarajevo ..."

5 We don't have to go on. But MUP we're talking about the Ministry
6 of the Interior, AID, that's the Muslim services; correct?

7 A. Correct. Maybe I can say something else, Mr. Karnavas. Mr. Roy
8 saved his head by fleeing Sarajevo after he heard that the Iranians were
9 getting ready to assassinate him. He had helpers, and I'm not going to
10 go into that, but all I want to say is that he saved himself by fleeing
11 Sarajevo but just barely.

12 Q. All right. Well, there are rumours that the Izetbegovic -- I
13 don't want to say "government," but Izetbegovic or his -- and/or his
14 followers were also engaged in sort of assassinations, political
15 assassinations, as you know, one being against Mr. Halilovic after
16 Mr. Halilovic had a fall-out with SDA?

17 MR. STRINGER: Objection to questions about rumours,

18 Mr. President.

19 MR. KARNAVAS: Well, it's not a rumour that his wife and his
20 brother-in-law were killed --

21 MR. STRINGER: I object to counsel giving evidence, Mr.
22 President. If he wants to ask the witness if he has knowledge about such
23 things, but again, rumours and counsel just giving his own evidence or
24 suggestions to the witness in advance of questions is not appropriate.

25 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, please put a

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1 question to the witness and the witness will provide you with what you're
2 expecting.

3 MR. KARNAVAS: Will do, Mr. President.

4 Q. If we look at the bottom -- further down we can see that there
5 was an agreement that was signed with the Americans, with General
6 Wesley Clark, on 12 February 1996, and then four days later, the very
7 last paragraph, we see that there was an air-drop in the Pogorelica, this
8 camp. And we can see here -- and there's a quotation by Bradley Graham
9 "about 200 Iranian military instructors were still in Bosnia," and
10 Mr. Graham -- and this is on 1D 51-1815, that's the page number.

11 He says:

12 "'Their base camp is in Fojnica, some 30 miles north-west from
13 Sarajevo. There is concern that Iranians and Bosnians are now trying to
14 find a new status for their guard members by turning them into civilian
15 trainers, instead of military instructors,' said the US officer

16 monitoring in the region."

17 And then if we turn the next page, we see here at the very -- at
18 the second paragraph:

19 "By use of helicopter and transporters, IF OR forces occupied the
20 camp and arrested, in the building or in -- or on the way there eight
21 Bosnians and three Iranians. US Admiral Leighton Smith visited the camp
22 the day after and unusually severely condemned the activities there:

23 "'One does not have to be a genius to realise that what we found
24 here was obviously a terrorist training course ... nor can one deny that
25 the terrorist training in this camp was being carried out in direct

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1 cooperation with the people from the government ...'"

2 IFOR is the international force at the time; correct,
3 General Praljak?

4 A. Correct. And through a classical military operation those forces
5 stormed the camp, arrested and found all the documents that made them
6 conclude that this was a terrorist training camp. Of course they
7 belonged to al-Qaeda as it turned out later; that's number one.

8 Second of all, this person --

9 MR. STRINGER: [Previous translation continues] ... may I get in
10 the record an objection based on the time-frame of this issue which is
11 from February of 1996. So we object as irrelevant and beyond the
12 time-frame of the indictment. Thank you.

13 MR. KARNAVAS: I would appreciate if the gentleman would wait for

14 the answer first; and second of all, Mr. Stringer wasn't here at the time
15 when they brought in testimony and we wasted approximately two weeks of
16 time with a Mr. Miller regarding the so-called joint criminal enterprise
17 extending well beyond. At the time I objected loud and vociferously.
18 The Trial Chamber decided nonetheless to hear the evidence. And so when
19 we're -- I'm moving backwards. What I'm trying to show is that even
20 after Dayton and signing all these agreements to behave, there is
21 Izetbegovic pursuing his goal, a goal that started way before which is
22 why Izetbegovic never wanted to put forward his proposal as to how
23 Bosnia-Herzegovina should be governed internally. Therefore, there was
24 no joint criminal enterprise on the part of the Croats, but rather on the
25 part of the Muslims headed by Mr. Izetbegovic.

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1 MR. STRINGER: Just two quick responses, Mr. President. I was
2 here when Mr. Miller testified. Again, we object to the speeches by
3 counsel. It's more speech than cross-examination and questions to the
4 General. So our objection is still that it's beyond the scope of the
5 indictment in that it relates to February 1996 which is well beyond the
6 time-frame of the indictment. Thank you.

7 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you're saying
8 that the joint criminal enterprise started before 1992 and continued
9 after 1995, then there should be no problem; but what the Defence is
10 trying to tell us through its questions is that Mr. Izetbegovic continued
11 with its own enterprise which was to Islamize the country after 1996 and

12 I guess he wants to make a parallel between the two -- at least that's
13 what I think.

14 Mr. Karnavas, am I right or wrong or did I understand what you
15 were trying to demonstrate?

16 MR. KARNAVAS: Yes, you are correct, Mr. President. This is --
17 and I want to make sure because there is always this argument about a tu
18 quoque. This has nothing to do with tu quoque. This has to do exactly
19 with the MO of Alija Izetbegovic, and it is our contention that one party
20 would move earnestly and they were led to believe that they could move
21 earnestly in a particular direction, only to later find out that there
22 was no agreement and then complaints were being made to the Security
23 Council. And so that's our -- that is our position because the main
24 interlocutor for the Muslims is Alija Izetbegovic. And he'd been
25 portrayed as the president of a country with the ABiH as the army for the

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1 country when in fact he's there for one constituent nation. And we grant
2 him his right to fight for that particular nation, but he's certainly not
3 there as an honest broker trying to assist everybody in
4 Bosnia-Herzegovina. That's our main position and I think it's assistant
5 with attacking the Prosecution's theory of the case, which is joint
6 criminal enterprise.

7 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Karnavas, it's
8 a quarter to 2.00. Time flies with you. I'm sure we'll come back to
9 this document tomorrow morning, so we'll keep it close at hand. We will

10 resume tomorrow at 9.00 a.m. I wish you all a good afternoon.

11 --- Whereupon the hearing adjourned at 1.45 p.m.,
12 to be reconvened on Thursday, the 25th day of
13 June, 2009, at 9.00 a.m.

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