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1 Monday, 13 July 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness entered court]

6 --- Upon commencing at 2.20 p.m.

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

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

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

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

14 Today is Monday, 13th of July. Good afternoon to you,  
15 Mr. Praljak, to you, Mr. Prlic, Mr. Stojic, Mr. Petkovic, and Mr. Pusic.  
16 Of course, my thoughts go out to Mr. Coric. Good afternoon to the  
17 Defence counsel, to you, Mr. Stringer, and all your associates, and good  
18 afternoon to all the people assisting us.

19 Mr. Kovacic, you wanted to have the floor?

20 MR. KOVACIC: [Interpretation] Your Honours, I apologise for  
21 taking up your time. I will be brief, however.

22 The OTP last week again informed us that documents that they

23 intend to do in their cross-examination will be provided to us piecemeal,  
24 in batches. I read what the Prosecutor said on the 9th of June, 2009,  
25 and what was said can be interpreted in various ways, and that's why I

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1 did not react on the day, on the 9th, when that was last discussed.

2 In any case, now I believe that it should be noted that so far in  
3 the case, in keeping with your instructions that have been in place from  
4 day 1, the party conducting cross-examination has always informed the  
5 other party about documents by submitting the list of documents, so they  
6 always informed about the documents that will be used in  
7 cross-examination.

8 Last week, we received a binder, and the Prosecutor also informed  
9 us that the next binder would follow. We appreciate all the technical  
10 difficulties, but in any case we believe that the Defence is entitled to  
11 receive a complete list of documents, if, for nothing else, than to  
12 provide us with an opportunity to be more efficient. We have to look at  
13 the documents for technical reasons. They may be wrongly translated,  
14 they don't have to be authentic, which is all the things that we can  
15 check before the documents appear in the courtroom. In other words, we  
16 can object in due course; for example, when there are some pages lacking  
17 or when the translation was erroneous.

18 Therefore, I would kindly ask that -- the OTP to provide the  
19 Defence as soon as possible with the list of documents that they intend  
20 to use during their cross-examination.

21 Obviously, we are aware of the fact that that list may be

22 supplemented or subtracted. That has always been the case so far. We  
23 are not requiring 100 per cent accuracy, but we are looking for goodwill  
24 on the part of the OTP, and we would like them to disclose the documents  
25 as soon as possible, just like we did when it was our turn to

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1 cross-examine during the Prosecution case.

2 I would like to remind everybody that the Defence has given up  
3 the right to contact the accused during his testimony in order to  
4 maintain his credibility, but that doesn't mean that we don't -- we are  
5 willing to give up on the chance to look at the document and see, well in  
6 advance, whether there are grounds to object on technical merit.

7 JUDGE ANTONETTI: [Interpretation] Do you have anything to say,  
8 Mr. Stringer?

9 MR. STRINGER: Yes, Mr. President.

10 Good afternoon. Good afternoon, Your Honours, Counsel, and  
11 everyone else around the courtroom.

12 I don't see what purpose it would really serve, given the unique  
13 circumstances that we have here with the witness who's been testifying  
14 for ten weeks. We're four days away from going into a four-week recess,  
15 and I can assure the Trial Chamber that I'm going to use that four weeks  
16 to continue to prepare the cross-examination, based upon the very  
17 extensive testimony that's been given to date.

18 Now, I appreciate or I understand that counsel's indicating that  
19 there won't be any communication with the general over the course of the  
20 recess, at least not about what the cross-examination documents will be,

21 but what we've proposed, I think, is entirely sensible and, I think, is a  
22 good reflection of, in fact, how we can work more efficiently during this  
23 time.

24 We've got another binder ready today that is going to take us  
25 into the next phase probably through the rest of the week. We don't have

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1 any more binders prepared because, to be honest, Mr. President, I'm not  
2 sure exactly where I'm going to go with this when we come back from the  
3 recess. And I'm not under any obligation at this point to tell anyone  
4 where I am going.

5 I can give Mr. Kovacic a list of potential exhibits. It will  
6 probably have about 2500 documents on it. I'm not going to provide those  
7 to him in hard copy at this point because I'm not going to ask my staff  
8 to go through the tremendous and wasteful effort of putting binders  
9 together that are filled with papers that may or may not be used during a  
10 cross-examination that is going to probably extend through the end of  
11 September. So it's just highly inefficient to do anything, I would  
12 suggest, than what we're doing now, which is to provide all the parties  
13 in advance. Mr. Kovacic has had the current binder over the weekend. He  
14 can see what the documents are going to be for today or tomorrow. We've  
15 got the next one available. They're in the order that the witness is  
16 going to be presented with them, which I think -- or based upon past  
17 experience is everyone's strong preference, rather than trying to move  
18 around a large number of binders.

19 So, I -- well, let me just briefly sort of reset what makes this

20 unique. First of all, this is an accused for whom the Trial Chamber and  
21 the Appeals Chamber has ruled that all communications can continue  
22 throughout the time that the witness is testifying, even while he's  
23 testifying on cross-examination, which makes this situation completely  
24 unique compared to any of the other witnesses who've appeared previously  
25 in this trial. And I appreciate counsel's statements about sort of a

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1 voluntary arrangement they've made not to talk about cross-examination,  
2 but there isn't really anything binding about that or there isn't  
3 anything that could prevent that from changing.

4 We view cross-examination and the ability to put a witness -- put  
5 a document in front of the witness, under these circumstances, we view  
6 that as being an essential component of cross-examination, and when  
7 you've got a witness who's going to be testifying on cross for a few  
8 days, which has always been the case in this trial, then, of course, the  
9 procedure that we've always had is one that works for everybody. The  
10 binder are given to the witness, they're distributed to everyone. No one  
11 has contact -- no one's permitted to have contact with the witness at  
12 that time because the witness is under oath, and of course the documents  
13 in the cross-examination will be completed in, say, four hours of court  
14 time, maybe more for a few witnesses, but of course that situation isn't  
15 anything like what we have here, where all communications are  
16 permissible, the examination won't be finished until possibly late  
17 September - I don't know - and it provides, in our view, a very strong  
18 potential to undermine what for the Prosecution is our right to an

19 effective cross-examination, and that is effectiveness being very largely  
20 based upon the documents and the way they're presented to the witnesses  
21 on cross-examination, as has been the case throughout this trial and also  
22 for the other Defence teams.

23 So that's our response. It's -- we're going to go to recess at  
24 the end of this week. We've got all the documents ready to get us  
25 through the week. We're going to be distributing those shortly. I

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1 can't -- I don't have anything that is remotely as final, in terms of the  
2 documents that we're going to be getting into six weeks from now or four  
3 weeks from now, five weeks from now. That's all going to happen over the  
4 break. So as I said, if Mr. Kovacic wants to have a big list of  
5 documents that we might potentially use, and of course I'll include --  
6 you know, I'll go -- I'll be very careful and include documents on there  
7 that I might use so that I won't have any difficulties later, but I just  
8 think it's -- I don't -- if I could suggest, I think that's not what he  
9 wants, frankly, but that's all I can give him at this point. And if  
10 that's what he wants, we can, I suppose, give it. But I think,  
11 Mr. President, that the much more efficient and fair procedure is the one  
12 that we're following here, which is to distribute binders as we get to  
13 the topics. Everyone will have them sufficiently far in advance to go  
14 through them and look to see if there are any translation issues,  
15 et cetera, which I think generally doesn't happen until we're actually  
16 all looking at the document.

17 But, in any event, that's my response, Mr. President, and I think

18 that we've come up, under these unique circumstances, with a situation  
19 that is the best and most efficient, and this is how we intend to  
20 proceed.

21 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, last time you  
22 told us that you were going to address topics by topics. When are we  
23 going to have this list of topics; in the next few days, or are you  
24 planning to wait until we resume on the 17th of August to give us the  
25 list?

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1 And, secondly, are we going to finish with this binder for this  
2 week and then you have a second binder for this week; is that right?

3 MR. STRINGER: Yes, Mr. President. Just to take your last  
4 question first, we've got another binder here, and we can distribute that  
5 whenever. It's ready to go.

6 In response to your first question, I hadn't intended to actually  
7 distribute a list of the topics, itself. The documents or the binders  
8 are arranged by topic, and as you pointed out last week, Mr. President,  
9 the current set of documents relates to what we generally are calling or  
10 thinking of as credibility issues based upon prior testimony of the  
11 witness. The next set of documents will relate generally to the issue of  
12 international armed conflict. I think that will be pretty obvious once  
13 we start going through those documents. And then after that, you know,  
14 we'll get to JCE and the various crime bases, et cetera, after the break.

15 So I hadn't intended on distributing a specific list of the  
16 topics; rather, the binders of the documents will be assembled according

17 to -- or they'll be separated by topic, if I can put it that way. I  
18 could provide you with a list of topics, Mr. President.

19 Again, at this stage, because I'm probably going to be doing a  
20 lot of retooling over the summer break, the list I give you today might  
21 not necessarily resemble the one that I would be working with when we  
22 commence again in mid-August.

23 MR. KOVACIC: [Interpretation] Your Honours, I will not tackle all  
24 the arguments that we've just heard. We're glad that the OTP has  
25 provided us with some more details vis-a-vis their position. However, I

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1 would like to deal with two positions on the part of the OTP.

2 First of all, the fact is that the Prosecutor has heard the  
3 entire testimony, he was listening to it continuously, so the cross could  
4 have been prepared in the same continuous manner. Therefore, I would not  
5 agree with the claim that the OTP prepares their cross-examination from  
6 the moment when the accused finishes examination-in-chief. I fully  
7 believe that that activity should have already been taking place in  
8 parallel with the examination-in-chief.

9 And in addition to that, the Prosecutor knew what would happen.  
10 He knew that General Praljak's testimony will take some time. And also  
11 the Prosecutor knew at the time that the Trial Chamber, two months prior  
12 to the beginning of Mr. Praljak's testimony, issued a decision allowing  
13 the Defence to communicate with the accused during his testimony.  
14 Therefore, all the elements that might serve the OTP to make a decision  
15 as to how to prepare the cross-examination were well known before the



16 testimony and during the testimony itself.

17           And just one more argument that I would like to deal with. If  
18 the Prosecutor thinks that it is all right to provide the Trial Chamber  
19 and the Defence teams with a list of documents which is incomplete and  
20 which is provided batch by batch, then I would like to follow up on  
21 Judge Antonetti's words or, rather, his question about the list of  
22 topics, and I would like to remind you of the way my learned friend  
23 Alaburic did things. Ms. Alaburic prepared quite a lengthy  
24 cross-examination, and that's why she prepared a different method of  
25 preparation, and she duly informed everybody in the courtroom, the Trial

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1 Chamber and the Defence counsel, how she wished to proceed. I remind you  
2 that she provided us with a list of topics and the documents accompanying  
3 every topic.

4           The proposal on the part of the Prosecutor, to provide us with a  
5 large, rough list, I don't think this is at all useful because this is a  
6 list of documents that have been disclosed so far and he can use any of  
7 them. He has to be more specific than that.

8           I believe that we can agree that the list should follow in  
9 blocks, although based on the hitherto practice I believe that the list  
10 of documents that will be used should be disclosed at the beginning of  
11 the cross-examination. If the Trial Chamber is of the opinion that the  
12 Prosecution should be given an opportunity to do it in batches because of  
13 the scope of the cross-examination, still we believe that they should  
14 provide us with the topics and the list of documents accompanying that

15 particular topic before they start dealing with the particular topic.

16 And I would like to underline one more thing. The Prosecutor was  
17 well aware of the situation and had all the elements in place when  
18 Praljak started testifying. He knew everything, the rules of the game  
19 were known, so he should not have taken the risk of waiting for another  
20 kind of solution that would make the job of the Prosecutor easier.

21 JUDGE ANTONETTI: [Interpretation] The Judges are going to look  
22 into the matter. We have two possibilities. The first option is the one  
23 suggested by Mr. Stringer; in other words, we are supposed to get the  
24 list of documents or the documents gradually, bit by bit, after we  
25 resume. The second option is the one proposed by Mr. Kovacic. He'd

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1 rather have everything at one go, but he would not mind, so it seems, to  
2 getting, at the very least, the list of topics from the Prosecutor. The  
3 Judges are going to discuss the matter, and we'll tell you what has been  
4 decided.

5 Before I ask you to proceed, Mr. Stringer, I'd like to turn to  
6 Mr. Praljak. I listened to you carefully last week as to the notion of  
7 defensive action, and I pondered the matter over the weekend. When I  
8 have my additional questions, I think it would be useful to hear from  
9 you, for you to give useful answers to my questions, I would like to have  
10 a map you would prepare yourself, a map in which you're going to position  
11 the JNA units before the Republic of Bosnia and Herzegovina was  
12 recognised. I'd like to know where the units were positioned on the  
13 ground. I also would like to know the breakdown between the HVO-ABiH

14 forces when the international community recognised the existence of the  
15 Republic of BiH. That could be the second card. Another third useful  
16 map would be for you to position the HVO and ABiH units in October 1992.  
17 I'd like to see where they were positioned respectively. Fourth map, a  
18 map showing where the units were in January. You know that famous  
19 ultimatum map in January. We'd like to know where the units were  
20 positioned respectively. Other map, positioning of HVO and ABiH in  
21 April, in the critical period of April to the 9th of May. I'd like to  
22 know where everybody was at the time.

23           Thereafter, it would be useful to have a map showing the HVO-ABiH  
24 positions on the 30th of June, when the HVO Muslims leave the units. I'd  
25 like to know where everybody is at the time. And then when you took up

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1 office on the 24th of July, what was the situation like on the ground,  
2 where were the units, so the 101, 113 Brigade, where were they exactly  
3 positioned. Last map, it concerns the period of October to November.  
4 I'd like to know where the various units were positioned.

5           So unfortunately for you, General Praljak, you know that the  
6 Appeals Chamber dismissed your application for provisional release, which  
7 means that you have to stay here all this time, and you can use this time  
8 to prepare the maps so that we can scrutinise them when we resume. I'm  
9 asking all of this of you not because you're forced to stay here, but  
10 because I think the maps are useful.

11           I have a problem with this concept of defensive action, and I  
12 want to make sure that these were defensive actions and not offensives.

13 That's why it's important to see, through the maps, what happened  
14 exactly. Are we talking about micro or mega-military operations, and if  
15 we can compare the various positionings throughout the dates, we would  
16 have a better grasp of the situation.

17 This is not going to happen tomorrow. After the Prosecutor's  
18 cross-examination, there will be additional questions and re-examination,  
19 and I will have questions about Gornji Vakuf and the maps. Of course, I  
20 could work on the documents we have, but you are better placed than I am  
21 to tell us where the HVO units were. And, of course, what you're going  
22 to prepare will be assessed by the Judges based on the evidence they have  
23 already.

24 So this being said, you may proceed, Mr. Stringer.

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

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1 Mr. President, could I just make one brief reply to Mr. Kovacic's  
2 remarks about this issue of disclosure, because it's very important to  
3 us.

4 We think what's happening, it's quite clear they want advance  
5 disclosure of the topics for cross, they want advance disclosure of the  
6 documents that we're going to be using on cross-examination, so the  
7 witness can go away, study these things over the break, think about them,  
8 think about what his responses are going to be. That's never been the  
9 case for any cross-examination in this trial, and in our view it really  
10 undermines the essence of cross-examination itself. And so that's why we  
11 feel very strongly about this issue, Mr. President.

12 MR. KOVACIC: [Interpretation] To cut a long story short, we are  
13 absolutely not asking the Prosecutor to give us the documents in advance.  
14 We will be satisfied with a list and a list of topics. As soon as  
15 possible, we would like to receive topics and, immediately after the  
16 recess, a list of documents under each topic. We are not asking for the  
17 Prosecutor to provide us with the documents.

18 JUDGE ANTONETTI: [Interpretation] The Bench will discuss this,  
19 and will let you know what we've decided.

20 JUDGE TRECHSEL: Mr. Kovacic, it would be helpful to me, at  
21 least, but I think perhaps also to my colleagues, if you could explain to  
22 us why you attach so much importance to this because, in our experience,  
23 once a witness is under cross-examination, his side, so to speak, mainly  
24 listens and is prepared to intervene if something goes wrong, which is  
25 normally on the spot immediately recognised, so then at one point, of

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1 course, there will be the possibility of redirect. We are aware of that.  
2 But I do not quite see why this requires the kind of disclosure you are  
3 asking for. It's a technical question I'm putting.

4 MR. KOVACIC: [Interpretation] Your Honour, with your leave, I'll  
5 answer your question.

6 We're making this request, first and foremost, because this is  
7 how we have always proceeded in this courtroom. But it's not just  
8 because of that principle, because of common practice, and for the sake  
9 of having a fair trial, but it is, above all, for practical reasons that  
10 we are making this request. As you are well aware, in this courtroom the

11 translation of a document has frequently been inappropriate, so I'd like  
12 to check the documents before they're shown to the witness. When I have  
13 the time to have a look at the document in my office, I can see the  
14 mistakes, so it's good to go through the documents in details, to go  
15 through the translation in details, because initially we might not notice  
16 the mistake. It's important to make this objection immediately, as soon  
17 as the document is presented, because we all know, on the basis of our  
18 experience, that on occasion we have spent a lot of time on dealing with  
19 certain issues, on dealing with certain problems, because the documents  
20 had translation errors.

21 Furthermore, I would like to make this request when we're dealing  
22 with voluminous documents. We need to see whether something has been  
23 taken out of context.

24 The last document we consulted on Friday, well, it took us quite  
25 a while to see what -- where this extract was from, because we have one

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1 heading, one extract from a complete report. No harm was caused, but  
2 it's a good example.

3 So to be brief, this is for practical reasons that we're making  
4 this request in this courtroom. It's not sufficient for me -- well, two  
5 minutes don't suffice to see whether there's a translation error in a  
6 document, or if there's a voluminous document, we might see that it  
7 hasn't been signed, so the issue of authenticity is then raised, and so  
8 on and so forth.

9 Thank you very much.

10 JUDGE TRECHSEL: Thank you very much.

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

12 WITNESS: SLOBODAN PRALJAK [Resumed]

13 [The witness answered through interpreter]

14 Cross-examination by Mr. Stringer: [Continued]

15 Q. Good afternoon, Mr. Praljak.

16 A. Good afternoon, Mr. Stringer.

17 Q. General, I want to take you back to the 4th of May of this year,  
18 which is the date that you began your testimony, and I'm looking now at  
19 page 39500 of the transcript, and this relates to the situation in East  
20 Mostar during the summer of 1993. This is what you said. You were  
21 asking a series of rhetorical questions, if I can put it that way. You  
22 said:

23 "How come that the authorities in East Mostar, after the attack  
24 of the BH Army on the 9th of May, 1993, and the cease-fire that was  
25 agreed after that, did not ask to inspect the main pipes on the boulevard

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1 and the main valves there?"

2 Talking about water:

3 "Why didn't they amend the pipes across the Old Bridge. After  
4 the attack of the BH Army and the treason of the HVO," I think you mean,  
5 well, "treason of the HVO on the part of the Muslim members of the HVO on  
6 the 30th of June, 1993, why didn't the authorities in East Mostar engage  
7 the UNPROFOR and present to them the problem of water like they did the  
8 problem of the wounded and the latter was then resolved?"

9 Do you remember giving that evidence or that statement during  
10 your beginning testimony?

11 A. Yes, I do. I spoke about that matter. I believe the quote is  
12 correct, although I think that I was speaking about the entire year,  
13 since the time that the bridge was destroyed. And I also mentioned this  
14 water problem, the fact that it hadn't been fixed.

15 Q. Now, in your binder, if you look at Exhibit P02611, you'll see  
16 that that is a document, a letter, dated the 2nd of June, 1993, which is  
17 after the day of the conflict on the 9th of May, 1993. And you'll see  
18 that this is a letter from Arif Pasalic to UNHCR and also THW, which was  
19 the German company that was there to fix the water. Do you see that?

20 A. Yes, I've got it.

21 Q. Well, and just looking through this document, what he's sending  
22 across to them is a proposal for the solution of the water supply problem  
23 on the left bank, and you'll see on the second paragraph, this is the  
24 second page of the English version, second paragraph of this proposal, he  
25 says that:

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1 "For the moment being, the complete left bank is supplied by  
2 water through four temporary crossings of plastic pipes having diametres  
3 of 2 inches and 5/4 inches."

4 And he goes on:

5 "Such quantity of water is not sufficient to comply with the  
6 needs of the above-number of inhabitants," et cetera.

7 And then on page 2, at the top, he continues:



8 "From all the above mentioned and in order to avoid catastrophe,  
9 the priority task is realisation of temporary and partial rebuilding of  
10 water supply system on the left bank."

11 And then at the bottom, at the end, he says:

12 "We are also stressing that inhabitants of the left bank are  
13 ready to bear extraordinary efforts and give help to the whole action,  
14 including all the structures of civilian protection and the BH Army."

15 So would you agree with me, General, that despite what you said  
16 or suggested in your testimony on the 5th -- or the 4th of May, at least  
17 here on the 2nd of June we do have an official in East Mostar,  
18 Arif Pasalic, who is complaining about the water situation in East  
19 Mostar?

20 A. Mr. Stringer, I wouldn't agree with that. First of all, that  
21 wasn't a task for Arif Pasalic. He was a commander in the army, and this  
22 was a task for the civilian structures because they dealt with such  
23 issues.

24 Secondly, Mr. Stringer, it's quite explicitly stated here that  
25 the urban area was no longer being supplied by -- with water after the

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1 bridges were destroyed, and that was in 1992, in May and June of 1992.  
2 That's when the bridges were destroyed. This letter was drafted one year  
3 later.

4 Furthermore, if the left bank was provided for a year in this meagre  
5 manner, with two inches and five-fourths of an inch, well, then there is no  
6 reason to believe that the civilian structures within the HVO wouldn't have

7 allowed the 250- to 500-millimetre pipes to be made. They didn't do  
8 anything about this, although the commission, the joint Croatian and Muslim  
9 commission, worked on this, but when they attack, when they were preparing  
10 for an offensive, they said that this would be done. Naturally, I don't  
11 know what happened, but allow me, if I may, just one more sentence.

12 Q. The question is --

13 A. Okay.

14 Q. -- ties back to what you said on the 4th of May, when you  
15 suggested that there were no complaints coming from the BH authorities.

16 Will you turn to the next document, P02923. I'm told this  
17 one's -- it's a confidential document that can't be shown outside the  
18 courtroom, but we can talk about it. This is a report of the ECMM, dated  
19 24 June 1993, and this relates to a meeting in which various individuals  
20 were present, and there's a reference to a Mr. Bilic, who is from the  
21 armija. And then looking at the third page of the English version,  
22 General, it says -- this is the ECMM report. It says:

23 "In the east side, Mr. Bilic has told us again that they have run  
24 out of food, water, medicines, et cetera. Some diseases have broken out,  
25 stomach, skin, et cetera, due to they have no running water."

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1 So would you agree with me, General, that in fact here on the  
2 24th of June, you have another person with the -- among the BH  
3 authorities or the BH Army complaining to the internationals about the  
4 lack of water in East Mostar?

5 A. There's no doubt that Eastern Mostar had a little less water than

6 Western Mostar. I didn't say that was in dispute. All I am saying is  
7 that this was caused by the HVO, because in the previous document it says  
8 that a pipe was laid over the Musala Bridge and this organisation should  
9 have delivered other constructions -- other equipment, and then the water  
10 supply was to be activated, the water was to be disinfected. So you want  
11 to solve a very difficult technical problem in three minutes with pipes  
12 that were very small in diameter. It's not possible and it's not the  
13 HVO's fault. It's the fault of those on the left side, their lack of  
14 activity. And it's true that at the time they had already started  
15 launching attacks.

16 Q. Now, the next document in your binder is P03532.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, in the last  
18 document we've seen, there might be a reason that explains the fact that  
19 the water is not supplied. Look at paragraph 5, the last paragraph,  
20 number 5. It seems that at that time, i.e., when this report was drafted  
21 in June, that the German company, THW, returned to Germany. I had -- I  
22 was under the impression that they had been assigned to supply East  
23 Mostar with water, and now it states that the company has gone back to  
24 Germany. How do you interpret this sentence?

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

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1 document they said that the company was late in delivering some complex  
2 items, they were 20 days late. It had to do with delivering construction  
3 to bridge the river Neretva, and this document was drafted on the  
4 24th of June. On the 24th of June, according to my information, the BH

5 armija had started opening fire on the HVO. We have documents about the  
6 losses suffered by the HVO, the number of dead; naturally, the Serbs who  
7 were also firing around the bridge. The pipe broke, and people probably  
8 returned because they didn't see the possibility of completing their work  
9 either because of the war or because for one year the joint commission  
10 hadn't worked on the delivering water to the Eastern -- to Eastern  
11 Mostar, in particular concerned the northern part that was in the hands  
12 of the armija.

13 It had nothing to do with the HVO at all. I'm talking about the  
14 source in the direction of Rastani. I have demonstrated this, that  
15 Rastani was under the control of the ABiH, and the water at the time had  
16 nothing to do with the HVO, apart from the fact that those sources aren't  
17 sufficient in summer, when it comes to supplying Mostar with water. It's  
18 not sufficient to supply the left bank or the right bank, that if you  
19 have a 2 inch pipes and 4/5ths of an inch pipe, well, this just means  
20 they didn't care. And then if you blame the HVO for this, well, this is  
21 just wrong, it's incorrect.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, irrespective  
23 of the fact that everyone was firing at everybody else at the time, I  
24 stand to be corrected, this German company, THW, had been called in to  
25 get the system to work again. These people were technicians, and

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1 everybody agreed that these people should be working there, and then all  
2 of a sudden they leave. Since they have left, who could have replaced  
3 them to do the same job?

4 THE WITNESS: [Interpretation] Your Honour, no one could have  
5 replaced them. The pipes that were there, well, they've listed the  
6 pipes. The pipes under the bridges were of a diameter between 250 and  
7 500 millimetres. It's the Carinski Bridge and then the Marshal Tito  
8 Bridge, 280 millimetres in diameters for the pipes. The Lucki Bridge,  
9 300 millimetre pipes; Hasan Brkic Bridge, 500 millimetres; the Aviation  
10 Bridge, 300 millimetres. So this is work for a big company. It involves  
11 a lot of money and it would take several months to do. No one in Mostar  
12 could carry out this work, even in theory.

13 These bridges were destroyed at the end of May and beginning of  
14 June 1992. The telephone exchange and the pipes were destroyed at the  
15 time, at the same time, and it says here -- in another document it says  
16 that pipes were laid over the Musala Bridge and for other water supply  
17 systems there were other pipes, but the construction wasn't delivered,  
18 and it says it arrived "20 days ago." So this German company either  
19 wasn't interested anymore or it didn't have enough assistance or enough  
20 money. Whatever may be the case, the problem that was the result of the  
21 Serbian shelling of bridges was a problem that should have be solved in  
22 the course of that year, but at that time it's not a problem that could  
23 have been solved in Mostar in any way.

24 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

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1 Q. General, just a moment ago you said something here. I'm going to  
2 read your words back to you. What you said is:

3 "Well, this just mean --" "this just meant, if I could put it  
4 that way, "they didn't care, they didn't care."

5 Are you suggesting that the Bosnian authorities of the -- the  
6 Bosnia-Herzegovina authorities on the east side were not interested in  
7 restoring the water supply, that for some reason they didn't want that to  
8 happen?

9 A. No, Mr. Stringer, I'm not saying that. It's simple. If someone  
10 for a year really wanted -- passionately wanted to do something, asked  
11 for assistance, and said, We have a problem, summer is going to arrive,  
12 well, the problem should have been dealt with. It's a -- well, I'd like  
13 to do this, but maybe the Americans or the French should come and do this  
14 for us because we have a problem. It's not a matter of not wanting to do  
15 this; it's a matter of not wanting to do this sufficiently. A year is  
16 sufficient time to do much under such conditions, in my opinion.

17 Well, look, Your Honours --

18 Q. Excuse me. I think you've answered the question, which was about  
19 whether or not -- [overlapping speakers].

20 A. Very well.

21 Q. Now, actually staying with this document, which is P02923,  
22 continuing on in the same paragraph 5 about the water, what -- there's a  
23 statement here that says that:

24 "There was broken water, too, which is dropping water  
25 continuously on the main important part of the base," talking about the

2           "When they went to repair it, the HVO fired the workers, and they  
3 had to withdraw," suggesting that the workers were fired upon by the HVO  
4 when they tried to repair the pipe on the Stari Most.

5           So that's really what happened, General, despite the fact that in  
6 your statement of the 4th of May, you suggested that they didn't do  
7 anything to try to fix the pipes across the Old Bridge. In fact, they  
8 did, and they were fired upon by HVO forces; isn't that true?

9           A. No, that's not true. The HVO didn't have a position there from  
10 which it could have used infantry weapons to open fire on the Old Bridge.  
11 You can see that given the positions of the HVO and the ABiH and if you  
12 have a look at the factual situation, if you go to the site, because  
13 apart from Hum, it's impossible to see the Old Bridge and target it with  
14 artillery. Secondly, why would the HVO let soldiers and weapons pass through  
15 only to open fire on a pipe that was being repaired so that they would not  
16 have water, these being five-fourths-of-an-inch or two-inch pipes? This is  
17 just something that the ABiH said. It's just one of the many lies that they  
18 spread, that they told to the international observers.

19           Q. The next exhibit is P03532. Again, in getting back to your  
20 statement on the 4th of May, that here on -- after the 30th of June, why  
21 didn't the authorities in East Mostar engage the UNPROFOR and present to  
22 them the problem of water, this is an UNPROFOR report dated the 18th of  
23 July, 1993, which is after the 30th of June.

24           And this is also a confidential document, Mr. President, and  
25 I think it can't be shown outside.

1           And there is a reference here to a civilian authority in the  
2 Muslim part of Mostar, Mr. Klaric, I'm looking at the top of page 2.

3 This is item number 2A:

4           "Due to the HVO blockade, 35.000 people in the east bank are  
5 without electricity, water supply, and other essential needs. Consequently,  
6 a serious threat of epidemic already exists in this part of the city."

7           So here, in fact, despite what you suggested to the Trial Chamber  
8 on the 4th of May, General, in fact here we have a civilian authority in  
9 East Mostar who is specifically raising the issue of water and the  
10 conditions in East Mostar with the UNPROFOR; isn't that true?

11          A. I don't understand the question about water, about delivering  
12 water in a reservoir. How do you understand this issue of water? Is it  
13 a glass of water? This water issue, what does it mean?

14          Q. Well, let me rephrase the question, then. On the 4th of May, you  
15 said, rhetorically:

16           "Why didn't the authorities in East Mostar engage the UNPROFOR  
17 and present to them the problem of water?"

18           That's what you said to the Trial Chamber. Now, what I'm doing,  
19 General, is I'm showing this document and I'm suggesting to you that, in  
20 fact, the authorities did raise the issue of water with UNPROFOR and that  
21 when you said otherwise, or suggested otherwise, on the 4th of May, you  
22 were wrong. The fact is they did raise the issue of water supply with  
23 the UNPROFOR, didn't they?

24          A. That's what it seems like in this document. When I said that  
25 they didn't address the issue of water and didn't contact UNPROFOR about



1 this issue or about the issue of the wounded, well, I said on that  
2 occasion that the UNPROFOR didn't come to my headquarters and they didn't  
3 address the issue of water, as they did address the issue of the wounded.  
4 The issue of the wounded was solved. The issue of water couldn't have  
5 been solved because it was a technically difficult one, but it could have  
6 been dealt with to a certain extent. As I said, electronic motors,  
7 generators, could have been used to pump water from Neretva through some  
8 pipes, and water could have been delivered, water that was drinkable, it  
9 was clean at the time. So that is the answer that I can give you.

10 And there's one other thing --

11 Q. Excuse me.

12 A. Yes.

13 Q. Then after having looked at this document, and we can look at  
14 more of them, would you agree with me that you were wrong when you  
15 suggested that the authorities in East Mostar did not raise the issue of  
16 water with the authorities -- the internationals such as UNPROFOR? You  
17 were wrong when you said that on the 4th of May, weren't you?

18 A. No, I wasn't wrong, because with regard to the issue of --  
19 addressing the issue of water with UNPROFOR, well, I related that to the  
20 fact that UNPROFOR didn't tell me about this. They tell me, Here, well,  
21 come and fix the water problem while we're attacking. When the HVO  
22 responds, someone will die, and then HVO will be the aggressor. So this  
23 is a perfidious game that wasn't solved for a year. And then the ABiH says,  
24 Come and fix this. They send, for example, a delegation, and then they fire  
25 on the HVO, and then they say the HVO has launched an attack. That's how

1 it's presented to the world. So this is very perfidious and it's a  
2 problem that wasn't solved for a year. When they attacked --

3 Q. Well --

4 A. And, Mr. Stringer, look, if they have Bijelo Polje, the north of  
5 Mostar, and Rastani, why do they need the HVO to fix the water problem?  
6 They don't need the HVO.

7 Q. This is the point: You suggested that the BH authorities never  
8 complained about the water to the UNPROFOR. That was incorrect, wasn't  
9 it? In fact, they did complain to the UNPROFOR.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, it seems that  
11 in this document, the ABiH authorities did mention the problem. Well,  
12 the ABiH authorities, let's say the civilian authorities, Mr. Klaric, who  
13 at 10.00 in the morning on the 17th of July, 1993, over the radio  
14 mentions a series of problems; amongst others, as Mr. Stringer has just  
15 told you, the fact there is the problem with the water, and Mr. Klaric  
16 says to the UNPROFOR representative in charge of civilian affairs that  
17 they have the feeling that the international community has abandoned  
18 them. But when you look at the document, you see that at 20 hours on the  
19 same day, i.e., 10 hours after, the Civilian Affairs Department of  
20 UNPROFOR meet Mr. Stojic, and we have the minutes of the meeting in  
21 question. Strangely enough, unless I am mistaken, the problem of the  
22 water is not -- does not figure on the minutes of the meeting. This  
23 surprises me somewhat.

24 If UNPROFOR realises that the situation as regards water is

25 disastrous, then they should have addressed the matter and discussed it

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1 with Mr. Stojic. In that case, Mr. Stojic would have certainly taken  
2 stock of the situation. In this case here, Mr. Stojic does not mention  
3 water at all.

4 How do you interpret this, General Praljak?

5 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, first  
6 of all, a military has nothing whatsoever to do with the problem of  
7 water. Let's be clear. And I'm talking about this because I know the  
8 situation. At that particular moment, the Army of Bosnia and Herzegovina  
9 controlled a big source, and a complete territory from that source to the  
10 eastern part of Mostar, and I've already said that very loud and clear,  
11 and I've even drawn you a map showing where that was, and it is beyond  
12 comprehension -- well, they did not need HVO help to bring water to East  
13 Mostar. They had the source of Rastani, the territory of Rastani. They  
14 had the territory of Bijelo Polje, which is north of Mostar, and the  
15 entrance into Mostar, and the Croats the railway bridge. There had been  
16 a branch of the water supply. All they had to do was get some pipes and  
17 purify the water, and they did not need the HVO at all. But what they  
18 want is something completely different.

19 All the time, they were accusing the other side just to cover up  
20 their own military operations, and that's the long and the short of it.  
21 They never mentioned the water. Everything they wanted, everything  
22 they -- we offered them, the hospital, the medicines, the wounded,  
23 everything they wanted from us, the HVO offered them, as Mr. Stojic says

24 expressly here, If you so want, we will transfer all the children while  
25 the combat is going on, while your offensive is going on. We want to

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1 avoid any victims. That's the position of the HVO. The HVO told them,  
2 We will transfer the civilians and leave just the soldiers to wage the  
3 battle. That was the HVO position all the time.

4 JUDGE TRECHSEL: Mr. Praljak, I have two questions. One relates  
5 immediately to this.

6 I'm surprised that no one told UNPROFOR that the ABiH had  
7 sufficient water and the possibility to bring it to East Mostar. I see  
8 no trace that anybody, in response to the complaints of the East Mostar  
9 authority, came up and said, Look, you have your own water, you can get  
10 it, and told UNPROFOR, Why do they complain, they have their own water?  
11 I do not understand why no trace of this is found in these documents.

12 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour,  
13 because documents are weak. They don't even say 5 per cent of what was  
14 said at the meeting. And everybody picks and chooses whatever suits them  
15 best.

16 As far as I was informed, they were told at the meetings very  
17 exactly where their sources were, and we saw documents, and a witness was  
18 here talking about their control of the source, the territory, the pipes.  
19 All they had to do was cross the river, cross the Neretva, and bring  
20 water to East Mostar.

21 JUDGE TRECHSEL: I have two questions, Mr. Stringer. I'm sorry.  
22 I would like to ask the other one too.

23           A while ago, Mr. Praljak, you have said that the HVO had no  
24 possibility of firing at the bridge because for a moment it was not  
25 possible. When I heard this, it came to my mind that we have seen videos

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1 of a tank which, for whatever reasons, was situated on territory which was  
2 under the control of the HVO and was firing at the bridge. Now, I seem to  
3 detect a certain contradiction there which I would invite you to clarify.

4           THE WITNESS: [Interpretation] Your Honour Judge Trechsel, I said  
5 just the opposite. I said that from Hum you could open artillery fire on  
6 the Old Bridge. I didn't say that it wasn't possible. I said that it  
7 was, indeed, possible, and that from Hum you could destroy the Old Bridge  
8 in a minute at any point in time. And I also said that fire was not  
9 opened from Hum on the Old Bridge even when the military were crossing,  
10 when the arms were being transported across the bridge, when the repairmen  
11 were repairing the pipeline. I said that you could not see the Old Bridge  
12 with infantry weapons from the HVO positions in Mostar. I don't know how it  
13 was interpreted, but I expressly said that one could open artillery fire from  
14 Hum and target the Old Bridge. And I already said earlier that if I had  
15 wanted to destroy the bridge I would have done that in the matter of minutes.

16           JUDGE TRECHSEL: Thank you, Mr. Praljak.

17           In fact, it says "apart from Hum." I wonder perhaps the "apart"  
18 was not in the transcript when I saw it, but you are right in that point.

19           JUDGE ANTONETTI: [Interpretation] General, in relation to what  
20 you have just said, we saw a video showing the tank firing at the bridge,  
21 but my memory is very good, and I remember that there were tracer

22 bullets. How do you account for that?

23 THE WITNESS: [Interpretation] I don't understand the word  
24 "tracer." What do you mean, when it hits or -- when you're recording a  
25 tank shell with a camera, you can actually see it, you can see its

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1 trajectory, but it all depends on the casing, whether it will explode  
2 immediately or with a delay. Different casings can be used for different  
3 types of artillery tools.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, your counsel,  
5 over the recess, may have a look at this video again. He will see that  
6 when the tank fires at the bridge, at the same time you can see tracer  
7 bullets straight -- with a straight trajectory and hitting the bridge.  
8 Where was the one who fired the tracer bullets? Where could he be, if  
9 not on the Hum hill?

10 THE WITNESS: [Interpretation] No, Your Honour, Hum is up there,  
11 and judging by the trajectory of the projectiles, I was with some people,  
12 some of those shells were not from a tank, and my impression was that  
13 fire was not open only by that assumed tank that you can't see very well,  
14 but that there was a third party which was not the HVO that opened fire  
15 on the bridge at the time using an artillery weapon that wasn't a tank.  
16 Looking at the trajectory in the direction of Neretva - but let me just  
17 finish - and from the north side something hit the bridge, there is a  
18 rubber [as interpreted] and there is a flash of light. I tried to talk  
19 to experts to ask them where the projectile came from. I even raised the  
20 issue in a television show, stating that a shell came from the BiH Army

21 side and that its calibre was smaller than a tank calibre. But it did  
22 not come from Hum, and you can tell that very clearly from its  
23 trajectory.

24 JUDGE ANTONETTI: [Interpretation] Well, so you are saying that  
25 the tracer bullets that can be seen were fired not from where the tank

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1 was positioned, but from an area under ABiH control, and you say that it  
2 was the ABiH that fired the bullets, not the HVO; is that what you're  
3 saying?

4 THE WITNESS: [Interpretation] With a high degree of certainty. I  
5 raised the issue publicly, I can't claim that for a fact, but I believe  
6 that with a very high degree of certainty.

7 JUDGE ANTONETTI: [Interpretation] Very well. Those who have time  
8 on their hands can do what I'm going to do, view the video, and they will  
9 see very clearly tracer bullets hitting the bridge.

10 THE WITNESS: [Interpretation] Tracer bullets of some kind, yes.  
11 I said that publicly on a TV show. I asked that, I showed that. I asked  
12 for answers. Nobody came forth, and the question that I raised was:  
13 Where did this come from? It came from the northern side. There was a  
14 huge ball, there was a shadow of the explosion, that's what we saw.

15 MR. STRINGER:

16 Q. General, the next exhibit is P03925. 3925. If you would find  
17 that one in your binder, please. This is also under seal.

18 General, just getting back to this -- the main point here, which  
19 is whether BH authorities complained to UNPROFOR about the water

20 situation in East Mostar, this is a report of the Spanish Battalion,  
21 dated 3 August 1993, and this is item number 1.2, page 4 of the English.  
22 And 1.2, subparagraph 1, says -- this is in the Spanish Battalion report:  
23 "According to BH -- Bosnia-Herzegovina sources in the town, the  
24 first cases of typhoid have been recorded in the Muslim part of the town,  
25 as a consequence of drinking untreated water directly from the River

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1 Neretva."

2 And so again, General, here is another reference in the UNPROFOR  
3 documents about appeals and complaints about the water situation in  
4 Mostar being made to the UNPROFOR; isn't that true?

5 A. I didn't find it. Could you please direct me to the page number?

6 Q. This is a -- if you look, you'll see section 1 is "Zone of  
7 Influence," and then there is 1.1, which is the routes. Do you see that,  
8 1.1, which is about the routes, the roads?

9 A. Yes, yes. Well, nothing --

10 Q. And then if you continue, you'll get to 1.2, which is about  
11 areas, and underneath that there is a reference to Mostar and shelling.  
12 And then underneath that, it says "Other Reports," and then paragraph 1:

13 "According to the BiH sources in the town, the first cases of  
14 typhoid have been recorded as a consequence of drinking untreated water  
15 directly from the River Neretva."

16 Do you see that?

17 A. Yes, yes.

18 Q. So, again, despite what you said on the 4th of May, in fact, the



19 BH authorities in East Mostar were reporting the situation to the  
20 UNPROFOR throughout this period of time which falls after the 30th of  
21 June. Would you agree with me that this issue was reported to the  
22 UNPROFOR on a repeated basis?

23 A. Here UNPROFOR conveys what the Bosnian-Herzegovinian sources in  
24 town report, that's all. This is not a confirmation on the part of  
25 UNPROFOR. It just says, The Army of Bosnia and Herzegovina told us this

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1 and that. I don't really don't think much of this, and if you want me  
2 to, I'll show you all other --

3 Q. I'm not asking you what you think of this. I'm asking you about  
4 your prior sworn testimony here, when you claimed that they did not  
5 engage the UNPROFOR and present to them the problem of water. I'm  
6 reading to you from what you said under oath on the 4th of May. The fact  
7 is that's not true, is it? They did present to UNPROFOR the water  
8 problem, didn't they? Would you agree with me that you were wrong on the  
9 4th of May when you said that?

10 A. No. You always want to leave out one part of my testimony and  
11 you want to turn me into somebody with a very low IQ and purport that I  
12 should know what they told UNPROFOR. What I said was that they did not  
13 provide UNPROFOR with any information they [as interpreted] reached me.  
14 I'm not such a stupid man to say that I know what you said to your  
15 associate. What I said was that the UNPROFOR never raised the problem  
16 with the HVO, as they raised the issue of the wounded which was then  
17 resolved. Please, don't make me look stupid. Don't underestimate my

18 intelligence. I'm not lying here.

19 MR. KOVACIC: [Interpretation] Maybe we will save time. I believe  
20 that there has been a misunderstanding in dates. Maybe I have a -- I did  
21 not hear my colleague well. The report was drafted on the 3rd of August,  
22 1993, so this was after the 30th of June, 1993.

23 MR. STRINGER: Well, let me just read again from the general's  
24 testimony on the 4th of May. This is what he said:

25 "After the attack of the BH Army and the treason of the HVO, on

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1 the part of the Muslim members of the HVO, on the 30th of June, 1993, why  
2 didn't the authorities in East Mostar engage the UNPROFOR and present to  
3 them the problem of water?"

4 That's what he said. Now, here we're talking about specifically  
5 the time-frame after the 30th of June.

6 Q. So let's see perhaps, General, if we can put it to you this way:  
7 When you said that they didn't present the issue of water to the  
8 UNPROFOR, would you agree with me that that's not correct? In fact, they  
9 did present the issue of water to the UNPROFOR after the 30th of June?

10 A. No, I do not agree with that, either, because my sentence says  
11 precisely this. I am a logician and please don't make me -- no, no. My  
12 sentence, if it has been translated properly from Croatian, it says they  
13 did not present the problem to UNPROFOR that UNPROFOR would then  
14 implicitly complain to me. Sir, there's no chance for you to receive  
15 from me something based on an incomplete sentence or implying what I  
16 said. It will not happen. I don't lie, I am not an imbecile, I will

17 never collide my own sentences. That's why --

18 JUDGE ANTONETTI: [Interpretation] General Praljak, do you agree  
19 that the UNPROFOR was informed, prior to the 3rd of August, that, from  
20 what they said - maybe they lied, but we don't know that - they said that  
21 there were cases of typhoid that were the consequences of people getting  
22 water from the River Neretva and drinking untreated water, that that was  
23 the cause for typhoid cases? Do you agree that that is what is said in  
24 this document?

25 THE WITNESS: [Interpretation] If UNPROFOR had told us, We were in

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1 hospital, our doctor was there, we stated there was a case of typhoid, I  
2 would have believed that. This is just war propaganda which was spinned  
3 by a lying team called the Army of Bosnia-Herzegovina. This is  
4 propaganda, that's what I'm aware. If there were cases of typhoid, then  
5 there were medical records on those cases, so the Prosecutor should  
6 provide us with the written record of the cases of typhoid in East  
7 Mostar.

8 MR. STRINGER:

9 Q. General, before we move to the next document, let me ask you  
10 this. We're going to come back to this later when we talk more about  
11 East Mostar. Based on what you've said, at least today, your position is  
12 that the ABiH, the armija, did have the ability to restore the water  
13 service to East Mostar if they wanted to do it, that they just didn't do  
14 that for whatever reason; is that correct?

15 A. The BiH Army, I repeat, had control, after the 30th of June, over

16 a large source of water, one of the two main sources of water for the  
17 city of Mostar. It had continuous control over the territory from that  
18 place and a water-pipe to the Neretva River. All they had to do was to  
19 bridge the Neretva River. They received a huge amount of money from the  
20 international institutions of Muslim countries, and whether they decided  
21 to spend that money on those things or not, it's not up to me to  
22 speculate what they did. As far as I know, they had enough money, and I  
23 absolutely know that they had their own source, they had the means to  
24 bring water to wherever they wanted to. Why they didn't do that, it's  
25 not up to me to speculate.

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1 Q. Do you deny that, in fact, the water situation in East Mostar,  
2 and the humanitarian situation in general in East Mostar after the 30th  
3 of June, 1993, do you deny that the situation there was, in fact,  
4 disastrous for the population in East Mostar? Do you agree with that or  
5 no?

6 A. I deny that completely. It wasn't disastrous. Look at any of  
7 the footage recorded by the international monitors. You will see that  
8 the situation of those people is anything but disastrous. They never had  
9 a shortage of food. All that is propaganda. You should -- you would be  
10 best advised to look at the tapes and see what people looked like, the  
11 same people who pretended that their situation was disastrous.

12 MR. STRINGER: Well, let's look at some tape, then.

13 Mr. President, we have a small segment from a video that's in  
14 evidence, P06365. It's in Sanction, and it's just very short, just a few

15 seconds. We'll show that, and then I'll ask the general some questions  
16 about it.

17 [Video-clip played]

18 "The man on the right died, but managed to save the other man.  
19 Not long afterwards, another emergency. A woman was lying on the  
20 riverbank. She had been doing her family's washing. She was already  
21 dead, shot by a Croat sniper."

22 MR. KOVACIC: Could we be advised what is the date of this  
23 shooting?

24 MR. STRINGER: It's P0365 and it's in evidence. It's the Bowen  
25 BBC documentary called "Unfinished Business." It's from August and

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1 September of 1993.

2 MR. KOVACIC: Thank you.

3 Q. Now, General --

4 A. Can we please go --

5 Q. Let me ask you a question. If you want to see it again, we can  
6 come back to it, I assure you, we'll show it again.

7 What I want to do first, though, is take you to the next  
8 document, which is P04440, 4440.

9 This is another document that I think is confidential,  
10 Mr. President, an ECMM report.

11 Do you have that document, General?

12 A. No. Could you repeat the number of that document? I've not got  
13 it, no.

14 Q. 4440, ECMM report dated 23 August 1993. 4440.

15 A. 4440, yes, okay.

16 Q. It's an ECMM report.

17 A. And what is the question about the document that you showed me  
18 previously? I don't know what is the direction of the flow of the  
19 Neretva, whether the woman was wounded on the left or the right bank. I  
20 believe that it was on the right bank, which excludes that it was done by  
21 the HVO. But I believe that you should approach all such matters with  
22 all due respect towards the dead people, you know.

23 Q. Paragraph 2 of this document, General, in front of you relates to  
24 a meeting with the UNHCR, and the ECMM report is reporting that according  
25 to him, HVO snipers kept the population even --

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1 A. I'm not receiving a translation.

2 Q. I'll start again. It's all right. Can you hear me now?

3 A. [In English] Yes.

4 Q. All right. Paragraph 2 of this report, concerning the situation  
5 in Mostar, reporting about HVO snipers kept the population even from  
6 getting water from the Neretva River, urging the international  
7 organisations put severe pressure on getting access to the east bank for  
8 humanitarian aid convoys as soon as possible.

9 So with this document and the video footage that we've just seen,  
10 General, would you agree with me that, in fact, the water situation in  
11 East Mostar was so bad that people were forced to risk their life by  
12 trying to get down to the river to get water to drink and to do laundry?

13 A. [Interpretation] From the tape you showed us, I can't conclude a  
14 thing. I can only conclude that a person was killed, a man was killed.  
15 And the woman lying on the bank, I believe that she's lying on the right  
16 bank, given the direction of the flow, and this excludes any possibility,  
17 if you know what the banks of the Neretva look like, that they are very  
18 steep, and the Judges saw that for themselves. In 95 per cent of the  
19 places in Mostar, you can descend down to the river and not be visible  
20 from anywhere but from the first row of houses close to the river.

21 I now repeat, I exclude any possibility that an HVO sniper, save  
22 for in some places, but in 95 per cent of the places if you come to get  
23 water from the Neretva, you can't be targeted except from the positions  
24 of the BiH Army.

25 And as for humanitarian convoys at --

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1 Q. I'm asking you about the water. We're trying to limit this to  
2 the water in your statement at the beginning of your testimony, General.  
3 So we've got your answer, and I'm going to move on to the next topic.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, you know  
5 Mostar. The Judges know Mostar a little because we went there, but we  
6 did not know the situation back in 1993. Is it a tradition in Mostar for  
7 women to go and do their laundry in the Neretva River? Is that something  
8 customary or, as is suggested by the Prosecutor, is it so that this lady  
9 could not do her washing at home and, as could be seen in the footage,  
10 she went to the bank to do her laundry? Because we can see her laundry  
11 on a rock, so she had to dip her laundry in -- she was putting the

12 laundry into the river when she was hit.

13 These are terrible pictures, of course, because you can see her  
14 lying dead, hit by a bullet, on the ground.

15 I'd like to know this: Did it happen that women would go and do  
16 their laundry in the river, as is done in many countries in the world, or  
17 is this a case when she went to the river because she had no water at  
18 home?

19 THE WITNESS: [Interpretation] I can't answer that question with  
20 regard to that woman, but I know that in Mostar, before I went to  
21 university, I always did the laundry for my mother by going down to the  
22 Neretva River. We would go down to the river to do the laundry, in  
23 particular when we had to wash sheets, such items. Later, I don't know  
24 how frequently this was done, but all civilians who were killed, and  
25 we've seen hundreds -- thousands of civilians who were killed, and it's

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1 terrible when we see such images, unfortunately this continues  
2 ad infinitum. But what is interesting here is -- well, I'm not sure, but  
3 if we could have a look at it again, I think she's on the right bank.

4 Your Honours, if you can remember what the Neretva looks like,  
5 the banks were like this [indicates]. Someone at the bottom of the  
6 Neretva, well, could be hit in this way. It's from an angle of 45  
7 degrees from above. So it's not possible -- 90 [as interpreted] per cent  
8 of the places you can go down to the Neretva, it's not possible to hit  
9 someone in such places unless you're firing from a building by the  
10 Neretva or from the bank of the Neretva. You can check this and you can



11 say, Praljak, you're just a liar, Mostar is still there, the Neretva  
12 River is still there, and the houses are still there. I went swimming in  
13 the Neretva, I went down there in Santiceva Street where I lived, and I  
14 was very familiar with the situation.

15 MR. STRINGER: I think it's time for the break, Mr. President. I  
16 don't know if you want to break at this point or --

17 JUDGE ANTONETTI: [Interpretation] Yes, you're quite right. I had  
18 completely forgotten about our break.

19 We shall have a 20-minute break now.

20 --- Recess taken at 3.46 p.m.

21 --- On resuming at 4.10 p.m.

22 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you have the  
23 floor.

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

25 Q. General, I'm going to move on to the next item on this current

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1 grouping of documents. Let me ask you if you remember your testimony of  
2 the 13th of May this year, during your direct examination, and you were  
3 asked this actually by Judge Antonetti, Judge Antonetti asked you - and  
4 this is page 40014 of the transcript - Judge Antonetti asked you whether  
5 at the time that you were the commander of the HVO Main Staff, which is  
6 the time between the 24th of July and the 8th of November, 1993, whether  
7 during that time, as Judge Antonetti said:

8 "Since you were in charge of the military operations as commander  
9 of the HVO, I'd like to know whether, as far as you know at that time,

10 you felt that, as far as your command was concerned, or maybe as far as  
11 the instructions you were obtaining from Mr. Boban ...," and I'm skipping  
12 down, "Did you feel at the time that the Republic of Croatia actually  
13 played a role in the military operations that you led?"

14 And your answer, General, was as follows:

15 "Never, Your Honour, not even Boban told me anything at any  
16 point ...," and now the part I'm interested in:

17 "At the time that I was commander, I think that I met with  
18 Mr. Boban only briefly on two occasions."

19 I'm skipping down a couple of lines. You say:

20 "During that time I never saw, I never spoke, I never met with  
21 Mr. Franjo Tudjman, and I think that I saw Gojko Susak only on one  
22 occasion, I think."

23 And then skipping down, you said:

24 "I saw Gojko on that occasion because he had been visiting with  
25 his mother, who lived near Siroki Brijeg. We met very briefly. I told

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1 him that we managed to restore the lines, and he never influenced in any  
2 way, never said anything ..."

3 So skipping down, this is line 23, page 40015, you said it again:

4 "I never spoken to Franjo Tudjman, and I think that I only met  
5 and spoke with Gojko Susak on that day when he came to visit his mother."

6 Now, General, the next exhibit in the binder there is one of the  
7 presidential transcripts, and this is P05080, and it is a meeting with  
8 President Tudjman, Mate Boban, and others, including yourself, on the

9 15th of September, 1993.

10 So let me ask you first, General, on the 15th of September, 1993,  
11 were you, in fact, the commander of the HVO Main Staff?

12 A. Yes.

13 Q. And do you -- I can direct you to page 18 of the transcript, and  
14 you can see that your name appears there. Actually, I'm sorry, page --  
15 that's right, page 18. President Tudjman invites you to speak. Do you  
16 see that? Page 18.

17 A. Yes.

18 Q. And as is indicated on the top of page 1, Mate Boban was also  
19 present at this meeting. And then if you look at page 18, you'll see  
20 also that Gojko Susak -- I'm sorry, not page 18. Page 16, you'll see  
21 that Gojko Susak is president and speaks as well. You'll see the  
22 reference there to Mate Boban.

23 So, in fact, General, when you testified under oath on the 13th  
24 of May that you didn't see, speak to, or meet with Franjo Tudjman during  
25 the time that you were commanding the HVO Main Staff, that wasn't true,

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1 was it, that wasn't correct? You, in fact, met with him at least on this  
2 occasion on the 15th of September in his office?

3 A. Correct.

4 Q. The next item, General, relates to your testimony on the 19th of  
5 May, and you were asked about -- or you were talking about the meeting  
6 that occurred between President Tudjman and President Milosevic in April  
7 of 1992 at Karadjordjevo, and on page 2 -- I'm sorry, page 40328 of the

8 transcript, you testified that:

9 "The story --" and I'm reading back your words to you on your  
10 direct: "The story about the division of Bosnia-Herzegovina appeared  
11 only in 1993."

12 Continuing on, talking about Karadjordjevo:

13 "I claim based on everything I know, on the facts that I'm aware  
14 of, that the meeting was not secret, and there is no single participant  
15 that will assert it dealt with the division of Bosnia-Herzegovina. That  
16 political lie appeared only in 1993 in order to put pressure on Croatia,  
17 and only for that reason."

18 And then page 40332 of your testimony, you say:

19 "That story, and this is my experience which I am testifying to,  
20 appeared only in 1993, two years subsequently, two years after the  
21 meeting, and I know that the story turned up out of the blue because of  
22 the political show-downs -- because the political show-downs had  
23 started."

24 Do you remember that testimony, General, that you said that  
25 stories about the division of Bosnia-Herzegovina coming out of

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1 Karadjordjevo only emerged in 1993?

2 A. I remember that, and I said that that was the case according to  
3 all of the information I had. At all the meetings I attended, this was  
4 never discussed up until 1993, this subject was never discussed up until  
5 1993, or, rather, this story was never told up until 1993. That's when  
6 they started spreading the story.

7 Q. All right. Now -- and I see that you've turned to what I think  
8 is the next exhibit there in your binder, P10968. Do you have that,  
9 General, P10968?

10 A. Yes.

11 JUDGE ANTONETTI: [Interpretation] One moment.

12 General, before we move on to the next exhibit, what is a real  
13 problem is that the Prosecutor is going in one direction and the  
14 documents we're seeing are very important documents. It's sometimes  
15 difficult to follow the Prosecutor all the way, because we don't know  
16 whether the Prosecutor is going to get back to this document at a later  
17 stage. I'm caught between a rock and a hard place, because I would like  
18 the Prosecutor to develop his case; on the other hand, I am also  
19 concerned with establishing the truth.

20 As far as the document we have just seen is concerned, clearly,  
21 in light of what Tadjman says and in light of what you say, you didn't  
22 always agree with Tadjman. He's asking you for your opinion, and you  
23 answer, and according to your answer it seems that there's a slight  
24 discrepancy between you two. This is quite clear on page 19, where  
25 President Tadjman says this, and this is important because this relates

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1 to the joint criminal enterprise, when it took place, when it started,  
2 when it ended, because Tadjman here says -- and you are between  
3 yourselves, there are no representatives from the international  
4 community, there is nobody else, there is Tadjman, Boban, and you  
5 yourself and other people, but this is a select committee.

6 And he says this:

7 "But the struggle against the Muslims should stop."

8 His position is clear. There should be no further operations  
9 against the Muslims. And you then take the floor again.

10 Do you remember that on that day, this is in the month of  
11 September, the 15th of September, to be precise, Tadjman says, in a  
12 select committee, to Boban and to you, "The fight against the Muslims  
13 should end"? Do you remember this?

14 THE WITNESS: [Interpretation] Yes, I can confirm that I attended  
15 the meeting and that I did say what is claimed. I forgot about the  
16 meeting when giving my testimony, but I stand by what I have said. I  
17 don't think there is a discrepancy, although I didn't always agree with  
18 Susak or with Boban or with Franjo Tadjman, for the simple reason that I  
19 have my own opinions based on facts, and they should be presented quite  
20 clearly at each and every meeting, and that is what I did here. But the  
21 fighting would end, Your Honour, when the Muslims stopped attacking.

22 I'll repeat this again. I didn't sign for any offensive  
23 operations, apart from taking back a hill that had been lost and Rastani  
24 that we had lost, so you have to read through the entire text. This  
25 agreement was signed. The whole situation is explained, and I spoke

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1 about the situation we were in. It's quite clear.

2 Franjo Tadjman's sentence is in the conditional. The fighting  
3 against the Muslims should come to an end, should. So this expresses a  
4 desire. And I say the fighting will come to an end when -- well, it's

5 quite -- clearly the offensive is petering out. I said Zepce, Kiseljak,  
6 Vitez, et cetera, are being supplied, I said how they were being  
7 supplied. I stand by this statement. I also said the Muslims wanted to  
8 reach Neum. Everything I have repeated is a fact, and what you have here  
9 is also a fact.

10 JUDGE ANTONETTI: [Interpretation] There's a person whom I don't  
11 know. Ivan Milas, who is this person?

12 THE WITNESS: [Interpretation] Ivan Milas is a lawyer by  
13 profession. He was living in Austria for a long time. That's where he  
14 worked. He had emigrated there. He had a certain position in the HDZ.  
15 I don't really know what kind of a position, but he was a high-ranking  
16 HDZ official, and he was the guard of the seals in Croatia. That was a  
17 somewhat strange position, but that was the title of the position. At  
18 the time, he was a member of the parliament.

19 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I'm sorry to have  
20 interrupted you. I wanted to clarify Tudjman's position on the fighting.

21 MR. STRINGER: Yeah, Mr. President, thank you.

22 THE WITNESS: [Interpretation] Tudjman said earlier on that in  
23 that agreement, when the international public was addressed, it was  
24 necessary to say that the Muslims were attacking us, it was necessary to  
25 say how many people had been expelled, and so on and so forth. And I can

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1 show you where this is said.

2 MR. STRINGER:

3 Q. Okay, General, now I've moved on to the next topic which related

4 to your testimony about Karadjordjevo and your assertion that reporting  
5 about an alleged plan to divide Bosnia-Herzegovina didn't emerge until  
6 some two years after the meeting. I then directed you to P10968, which  
7 is an article written by a gentleman named Muhamed Filipovic. Do you see  
8 the article there, do you have it?

9 A. Yes.

10 Q. And just to remind the Trial Chamber, General, this is the same  
11 Muhamed Filipovic whose book you presented to the Trial Chamber during a  
12 part of your direct examination; do you recall that?

13 A. Correct.

14 Q. That's Exhibit 3D03554. And on the 18th of May, 2009, actually,  
15 what you told the Trial Chamber was that Mr. Filipovic was a participant  
16 in the parties in the war. He was a partisan from the year 1943. You  
17 went on to talk about his experience and his background as a student of  
18 philosophy. He obtained his PhD, was a faculty member at the School of  
19 Philosophy in Sarajevo. He authored 10 or 11 books. He was a member of  
20 the academia of Bosnia-Herzegovina, one of the most prominent  
21 intellectuals, and - these are your words - on the 18th of May:

22 "He's one of the most prominent intellectuals among the ranks of  
23 the Muslim Bosniak people in Bosnia-Herzegovina."

24 Now -- so that's Muhamed Filipovic.

25 I'm looking at the first paragraph of this article that he

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1 published on the 10th of June, 1991, which is probably only about six  
2 weeks or so after the meeting in Karadjordjevo, where he says:



3            "In recent times, reports have been arriving from many sources  
4            and from various parties to the effect that an agreement to partition  
5            Bosnia-Herzegovina is being prepared between Serbia and Croatia. The  
6            first reports on this began to circulate after the meeting, shrouded in  
7            secrecy, between Tudjman and Milosevic, first in Karadjordjevo, and then  
8            in the vicinity of Osijek. At the time, it was said that while  
9            considering aspects of the conflict between Serbia and Croatia, they  
10           talked about a partition of Bosnia-Herzegovina similar to what was done  
11           through the 1938-1939 Cvetkovic-Macek agreement as a way to resolve the  
12           Serbo-Croatian conflict."

13           Now, I'll just continue down in this article from Professor  
14           Filipovic. I'm on the second page now, halfway down the second page of  
15           the English translation:

16           "Two days ago, Tudjman let it be known at a press conference,  
17           although in a rather roundabout way, that work is actually being done on  
18           a partition of Bosnia-Herzegovina, but he shifted the burden of this  
19           idea, as well its motive, onto Milosevic's policy and Serbian policy in  
20           general."

21           And then he continues on with the quote there that we can all  
22           read.

23           And then I'm skipping down a paragraph, and what Filipovic says  
24           is this:

25           "All of this has been done without us, against us, and against

1           the interests of the majority of the population of Bosnia-Herzegovina,

2 like proprietors of our fate and our country. Naturally, this disregards  
3 our own desires, and we Bosnians and Herzegovinians, who have not  
4 succumbed to the virus of partition and the corrosion of our body and  
5 minds, will bitterly resist this. There are no methods whatsoever for  
6 achieving this without violence, but this must be avoided because  
7 otherwise it will be responded to in kind."

8 Now, General, the first question is this: When you gave your  
9 testimony on the 19th of May, when you claimed that there were no reports  
10 about the partition of Bosnia-Herzegovina until 1993, that wasn't  
11 correct, was it; that wasn't true? In fact, this very respected man, who  
12 you've introduced the Trial Chamber to during your direct examination,  
13 this well-respected individual, in fact, reported on this issue of  
14 partition coming out of Karadjordjevo, and he did so a mere six weeks  
15 after the Karadjordjevo meeting took place; isn't that true?

16 A. If the date is correct, well, what it says there is then true,  
17 but I didn't say that Muhamed Filipovic wrote something said in  
18 "Vjesnik," I spoke about the information I had about whether this was  
19 something that was being discussed at the time. I said that quite  
20 precisely. I said according to the information I had, the issue appeared  
21 when pressure was exerted on Croatia in 1993. As far as this text is  
22 concerned, I can analyse it item by item, I read through it. Quite  
23 clearly, it's just hearsay, speculation.

24 And the second thing is that at the time nothing was done in  
25 secret. I've demonstrated this. At none of the meetings of all the

1 presidents of the Republic of Bosnia-Herzegovina was anything done  
2 in secret. It was all done with agreement of the international  
3 community. Everything was published, everything was in the open, but it  
4 was a matter of a proposal made by Alija Izetbegovic and Kiro Gligorov,  
5 the president of Macedonia.

6 Very well, very well.

7 Q. I'll take you back again to what you said under oath on the 19th  
8 of May. You said:

9 "The story about the division of Bosnia-Herzegovina appeared only  
10 in 1993."

11 I'll keep reading from your testimony, General. You continued  
12 and you said, and this is page 40328 of the transcript, you said:

13 "You saw yesterday, Your Honours, that at the same time when this  
14 notorious meeting was taking place, Filipovic was talking to Tudjman and  
15 Tudjman was offering things for Bosnia and Herzegovina which were totally  
16 different, and this was simultaneous."

17 So now, General, based on what you told us in direct, Filipovic  
18 is, in fact, having direct communications about Tudjman -- with Tudjman  
19 about this issue, and so would you agree with me that he was, in fact, in  
20 a much better position than you to give an opinion as to whether the  
21 division of Bosnia-Herzegovina was on the table at Karadjordjevo?

22 A. Of course, he wasn't. He went to a meeting with Franjo Tudjman  
23 and he spoke about this in his book. He spoke about what was offered to  
24 him. He was in the opposition. He was opposed to the political -- he  
25 was in opposition with Alija Izetbegovic's programme, and surely at the time

1 in VONS, in the council, I had better information about what was discussed  
2 at the meeting, better information than what Muhamed Filipovic had. What he  
3 has put down in the text is speculation. Where there is smoke, there is  
4 fire, rumours are spread, and things of that nature that are said. He's  
5 a prominent intellectual in Bosnia-Herzegovina, but I don't find him that  
6 prominent, although I do respect him in certain fields.

7 Q. Would you then at least agree with me, General, that when you  
8 said that the story about the division of Bosnia-Herzegovina appeared  
9 only in 1993, would you agree with me, sir, that when you said that, that  
10 was wrong? In fact, the story appeared very swiftly after the  
11 Karadjordjevo meeting occurred in 1991?

12 A. I'm telling you what I was aware of. I'm telling you about the  
13 story that circulated at meetings. I'm telling you about what I heard  
14 from people with whom I had contact in Croatia at the time. This is a  
15 text by Filipovic that appeared in "Vjesnik" and it's of no relevance  
16 with regard to the matter. We are discussing -- the text is correct, but  
17 the real story appeared in 1993, once pressure had been exerted on  
18 Croatia so that Croatia would give in. And I stand by my testimony, and  
19 I don't agree with your interpretation, not at all.

20 Q. Let me take you to the last passage that I read from this  
21 Filipovic article, where he says that, talking about partition:

22 "There are no methods whatsoever for achieving this without  
23 violence."

24 General, would you agree with me that those words were, in fact,  
25 quite prophetic, in that anyone who considered partition of

1 Bosnia-Herzegovina, anyone who considered the creation of  
2 ethnically-based territories, was, in fact, aware of the strong  
3 likelihood that violence would be a result of such a plan?

4 A. I don't understand your question. What does it have to do with?  
5 It's a speculative question. I could address this issue for an hour, if  
6 you're interested in that. But to provide you an answer to a very  
7 complex question very briefly, in a few words, well, I'll refuse to do  
8 that. I will not confirm any of your speculations. Filipovic was  
9 involved in the historical agreement of Alija Izetbegovic with the  
10 Croats -- not the Croats [as interpreted]. Izetbegovic deceived him in  
11 the historical agreement. Well, look, if you want the truth, then ask me  
12 about the truth. If you want to play games with me so that you can  
13 obtain an answer that is not truthful, well, I'll just tell you that I  
14 can't answer your question, a question which --

15 Q. Thank you.

16 A. Thank you.

17 Q. Now, General --

18 JUDGE ANTONETTI: [Interpretation] Mr. Prlic has noticed  
19 something.

20 THE INTERPRETER: Microphone for Mr. Prlic, please.

21 THE ACCUSED PRLIC: I think there is mistake in transcript,  
22 because General Praljak mentioned historic agreement among Muslim and  
23 Serbs, but in transcript it's mentioned that this is historic agreement  
24 of Alija Izetbegovic with Croats. And I take this opportunity to specify

25 that.

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1 JUDGE ANTONETTI: [Interpretation] General Praljak, when you talk  
2 about a historic agreement, was this between the Muslims and the Serbs or  
3 was it between Izetbegovic and the Croats?

4 THE WITNESS: [Interpretation] Between Izetbegovic and Milosevic  
5 and Karadzic and Silajdzic and Mladic at the time. It was a historical  
6 agreement that they were reaching according to which Bosnia and  
7 Herzegovina was to be taken into Yugoslavia. The Croats had nothing to  
8 do with it. They were fully informed about this. Filipovic was involved  
9 in this, but Izetbegovic deceived him. Zulfikarpasic worked on this  
10 together with Filipovic.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, I wonder  
12 whether you understood Mr. Stringer's question. When Mr. Stringer showed  
13 you the document, he was asking you to confirm or deny Mr. Filipovic's  
14 view, who says in this document that if partition -- ethnic partition is  
15 to be made, this would result in violence. So Filipovic was ringing the  
16 alarm bells at the time. If there was a project aimed at partition, this  
17 would mean resorting to violence and war. I think that this is what  
18 Mr. Stringer wanted to highlight when he put his question to you, and I  
19 don't believe that you understood the question.

20 THE WITNESS: [Interpretation] Your Honour, I completely  
21 understood the question.

22 First of all, this does not have to be the truth. There were  
23 examples where such things happened without any war. The natural

24 division between the Czechs and the Slovaks did not result in a war. The  
25 national divisions within the Soviet Union did not result in any

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1 conflicts along the ethnic lines. So this does not have to necessarily  
2 be the truth. And I have a lot more examples to that effect.

3 Second of all, when it comes to Bosnia and Herzegovina, the  
4 international community and Croats never spoke about a national divide,  
5 but rather about a dominant national and cultural divide, and the first  
6 such divide was proposed by Cutileiro. Why don't you bring Cutileiro and  
7 the international community here? They were the first one that proposed  
8 that. And this was one of the conditions, if not the condition, of the  
9 future referendum. And the first request for the separation or division  
10 within the political thought came from the Serb side. They were the ones  
11 who occupied the whole story, and then the things went further on as they  
12 did, and the Croats participated in that only as a party that was under  
13 constant attack by the Serbs and then by the --

14 JUDGE PRANDLER: I waited for the translation.

15 So, Mr. Praljak, my first question is -- or, rather, remark is  
16 that, of course, you make talk about plans like Cutileiro, et cetera, but  
17 don't -- I believe it would not be right approach on your behalf if you  
18 would then say that all the international efforts aimed at ethnic  
19 divisions. I believe that it cannot be held, this position. Definitely,  
20 some of the plans like also the Vance-Owen, et cetera, took into account  
21 the ethnic and national, in a way, divisions of certain parts of  
22 Bosnia-Herzegovina, but always with the approach that the integrity and

23 unity of Bosnia-Herzegovina should be upheld.

24 So I would like to say this, it is what the international plans  
25 and proposals represented, and it is another question what has -- what

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1 was actual the situation and that those plans did not succeed. And I  
2 meant always that please try to slow down and to talk in -- also, frankly  
3 sometimes Mr. Stringer is speaking a bit too quickly, but also on your  
4 behalf, you should make further efforts, Mr. Praljak, to slow down.

5 Thank you.

6 THE WITNESS: [Interpretation] Your Honour Judge Prandler, I don't  
7 know how this was interpreted. I said expressly that the international  
8 plans were not based only or exclusively or -- on international divide,  
9 their efforts to keep the dominant population, taking into account  
10 cultural, economic, and transport ties, this is what your objection went  
11 to, I said they did not, and only Vance-Owen later took into account only  
12 partly that certain citizens lived in a certain area as a majority or  
13 a -- in any case, the borders of Bosnia and Herzegovina were never  
14 questionable, especially not within the framework of the Croatian policy.  
15 The Croatian policy never challenged the borders of Bosnia-Herzegovina.

16 MS. ALABURIC: [Interpretation] Your Honours, let me address you.  
17 I know it is not appropriate to object to a question that has already  
18 been asked and answered, but if you allow me, I would, with some delay,  
19 like to object to my learned friend Stringer's question which has been  
20 recorded on line [as interpreted] 50 of the record, lines from 12 to 16.  
21 In my learned friend Stringer's questions, there are two questions. The



22 first part of the question refers to the division of Bosnia and  
23 Herzegovina, and the second part of the question refers to the creation  
24 of ethnically-based territories, and I assume that this refers to the  
25 existing borders of Bosnia-Herzegovina. This means that the question

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1 contains two theses to which one can provide two different answers, and I  
2 believe that General Praljak's answer and the intervention on the part of  
3 His Honour Judge Prandler is the consequence of the fact that the  
4 question put by my learned friend Stringer contains two theses that beg  
5 for two different answers. Can we just make a distinction and say that  
6 we're talking about two different questions that have to be answered and  
7 approached in two different ways?

8 I apologise for having intervened.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, were there two  
10 aspects to your question or not?

11 MR. STRINGER: Well, Mr. President, I think that we could -- to  
12 some extent, we're all interpreting what was written by Mr. Filipovic  
13 here, when he's talking about the virus of partition. I can only tell  
14 you that as I see it, I don't distinguish between partition within the  
15 borders of Bosnia-Herzegovina or whether, in fact, partition is going to  
16 involve some changing of the borders of Bosnia-Herzegovina. So I see  
17 it -- and the intent of the question was really without distinction as to  
18 those two, that when you are talking about creating territories based on  
19 ethnicity, violence is quite likely going to result, particularly when  
20 some of that territory or all of it falls within the boundaries of a

21 place like Bosnia-Herzegovina.

22 We're going to come back to this, Mr. President, obviously at  
23 length as part of the JCE part, and so I was -- I'm satisfied with the  
24 answer given by the witness at this stage, and I'm prepared to move on,  
25 if that's -- but I see -- I think Judge Trechsel had --

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1 JUDGE TRECHSEL: Yes, you see quite correctly, Mr. Stringer.

2 Mr. Praljak, on the same page of this document, there is a  
3 passage I would like you to comment upon. It is the third paragraph on  
4 page -- the second page, where I read:

5 "Today, we know from reliable sources of the international  
6 political public that Tudjman, during his visit to Great Britain, spoke  
7 on three occasions about the partition of Bosnia as a real possibility  
8 and solution that is acceptable in terms of his policy."

9 Now, you can say that you think that this is not true, or that  
10 it -- that Tudjman meant something else, or you can say that you do not  
11 want to comment. It's all up to you, but I wanted to give you an  
12 opportunity to state your view on this.

13 THE WITNESS: [Interpretation] My position is as follows: A,  
14 Muhamed Filipovic, who does not have any information about the diplomacy  
15 of the state that he belongs to, cannot speculate about these things.  
16 These are just staple phrases, information from well-informed circles,  
17 international circles. You can hear such phrases every day. Whenever  
18 somebody wants to raise an issue in newspapers, then this is how they  
19 start, We learned from well-informed sources, and then you write whatever

20 after that, you wait for a reaction, and then you -- this is just like  
21 launching things. And that's all the comment I have.

22 JUDGE TRECHSEL: Thank you.

23 MR. KOVACIC: [Interpretation] I would like to express concern  
24 about the arguments provided by my learned friend Stringer which we find  
25 on page 55, at the beginning there. I'm afraid that what is implied here

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1 is a change in the indictment, because my learned friend says, and I  
2 paraphrase, that he does not make a distinction between the division of  
3 Bosnia within its boundaries, which means that the changes would involve  
4 changes to the boundaries of Bosnia and Herzegovina, and further on he  
5 says, when we are talking about the creation of territories based on  
6 ethnicities, force will probably have to be used as a result of that, and  
7 especially given the fact that some of the territories are within certain  
8 boundaries in Bosnia and Herzegovina.

9 This is a new thesis on the part of the Prosecutor. We don't  
10 find it in the indictment. If I may paraphrase the indictment, I'm not  
11 going to go into legal details of the indictment, the indictment says  
12 that Croats and Croats in Bosnia-Herzegovina, through joint criminal  
13 enterprise, wanted to take one part of Bosnia and Herzegovina, and what  
14 is implied here is that Croats in Bosnia-Herzegovina who were working on  
15 special territorial determination to see what ethnicity will have a  
16 majority, in what part. In agreement with the international community,  
17 starting with Cutileiro, it seems now that this too is the object of  
18 incrimination. I know that my learned friend doesn't think that, but if

19 he would kindly state for the record that he stands by the indictment as  
20 written so that we don't have to wonder at a later stage what the  
21 Prosecutor meant.

22 JUDGE ANTONETTI: [Interpretation] Wait a minute, General Praljak.  
23 Mr. Stringer has to answer, since your lawyer raised a legal point as to  
24 the scope of the indictment, asking whether there was any change to the  
25 Prosecution's case, so we've got to give Mr. Stringer an opportunity to

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1 be more specific.

2 MR. STRINGER: Well, Mr. President, again this is  
3 cross-examination. I'm not purporting to make speeches about the scope  
4 of the indictment. It says what it says, and I can assure the Trial  
5 Chamber that the Prosecution's theory on the scope of the JCE is not  
6 changed. So that's -- that's that. It's not changed in the least.

7 Now, again, I -- we're going to come back to this whole JCE  
8 issue, and my strong preference, if I can put it that way, Mr. President,  
9 is if I could just continue with this part of the cross. We're going to  
10 be in a position to discuss these issues in detail at some length at a  
11 later time.

12 JUDGE ANTONETTI: [No interpretation]

13 MR. STRINGER: Thank you.

14 Q. General Praljak, setting aside the Filipovic article now, I want  
15 to -- we have mentioned --

16 A. But --

17 Q. We have mentioned Karadjordjevo, and it's time for us to move on

18 to talk a little bit more about that. And at one point during your  
19 direct examination on the 19th of May, you talked about the testimony  
20 that President Stipe Mesic gave in this Tribunal in Karadjordjevo, and  
21 I'm looking at page 40330 of the transcript on the 19th of May, in which  
22 you said that:

23 "Stipe Mesic perjured himself and he was telling lies here, and  
24 he did that because he wanted to retaliate against Franjo Tudjman.  
25 Mr. Mesic did not present truthful facts."

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1 Do you remember that testimony, General?

2 A. If you are quoting accurately, then yes, I did state that. I  
3 would kindly ask you, when you are quoting from my statement, then quote,  
4 don't paraphrase. There is a quote, state the page, the line, and then  
5 say, I quote, so that I don't have to comment upon your interpretation  
6 by saying "yes" or "no". Give me a quote and I'll say, yes, that's right.  
7 I'm not going to confirm your interpretation of my words. Please.

8 Q. I'm not interpreting. I'm reading from the transcript. But I --  
9 because you're taking the interpretation, I'll try to be more clear about  
10 when I'm reading your words. But I can assure you, General, that I'm  
11 just reading your words as they appear on the transcript, and the  
12 transcript says that according to you, you said, and I'm quoting:

13 "Stipe Mesic perjured himself and he was telling lies here ..."

14 So, General, do you recall that testimony?

15 A. Yes, I remembered this, and I adhere by my words.

16 Q. Now, I want to talk a little more about that, in Karadjordjevo,

17 which the meeting itself, I believe I'm correct in saying, it occurred at  
18 the end of March of 1991; is that correct?

19 A. This happened on the date when it happened. You have to say the  
20 exact date, not "towards the end of March or thereabouts." If you have  
21 the date, please state the date. And you do have the date.

22 Q. At the end of March 1991, General, you were not a member of the  
23 Croatian Army, were you?

24 A. No.

25 Q. Nor were you a member of the Government of the Republic of

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1 Croatia; correct?

2 A. Correct.

3 Q. These meetings, if there were meetings taking place between  
4 President Tudjman and other members of his cabinet or his government, you  
5 were not participating in those meetings at that time, were you?

6 A. Correct, I wasn't.

7 Q. Now, I believe, and correct me if I'm wrong because I don't have  
8 the transcript reference for this, I believe that something you said in  
9 your earlier direct testimony indicated to us that during the spring of  
10 1991, you were in the Sandzak region, shooting some documentaries,  
11 filming some documentaries. Is that what you were doing at the time  
12 Karadjordjevo took place?

13 A. Well, I can't confirm that I -- while the meeting in  
14 Karadjordjevo was taking place, that I was in Sandzak at that precise  
15 time. I was there for a very short period of time, in Sandzak, shooting

16 a documentary, but I was following newspapers very closely. I was  
17 informed about the meetings of all presidents of all the republics. Rest  
18 assured that my journey to Sandzak was not only aimed at shooting the  
19 documentary, but also to investigate the situation in Sandzak, because  
20 big Serb rallies had taken place there. On the eve of my arrival there,  
21 Vuk Draskovic held a huge rally. About 100.000 people turned up.

22 Q. Now, on the other hand, would you agree with me that President  
23 Mesic was, in fact, one of the inner circle of President Tudjman's  
24 government, in that he was meeting regularly with other members of the  
25 government and President Tudjman during the period of Karadjordjevo, late

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1 March/April 1991?

2 A. Correct, and it is really surprising that he never said a word --  
3 I apologise, that he never said a word of that at all the meetings. Ah,  
4 yes, I apologise.

5 Q. You gave us the answer. Now, it's also true, isn't it, that  
6 President Mesic and President Tudjman went back a long way? In fact,  
7 both of them served prison time together in the early 1970s as a result  
8 of the Croatian Spring incidents; isn't that true?

9 A. Not true. It is not true that they knew each other that well,  
10 according to my information. And as far as I know, Mesic was never in  
11 prison. Oh, well, yes, yes, it seems he was. Okay, he was, then.

12 Q. All right. Now, I want to take you to President Mesic's  
13 testimony, then, on this issue from the Blaskic case, which is now  
14 public.

15           And we've got it in Sanction, Mr. President, the transcript's  
16 there, because I want to put some of this to the general.

17           This is page 7136 of the transcript from the Blaskic case,  
18 starting at line 11. President Mesic said, and I'm quoting:

19           "Tudjman, at one point, told us that he was going to go to  
20 Karadjordjevo alone -- this was on 30 March of 1991 -- that he wanted to  
21 see what they wanted."

22           And I'm going to skip down a couple of lines where President  
23 Mesic talks about why he was against the meeting, and then on line 20 he  
24 says, quoting:

25           "Tudjman came back from Karadjordjevo that same day, and he told

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1           us that the army was not going to attack us and that he had guarantees of  
2 Veljko Kadijevic, who was the Chief of Staff, and of Milosevic, and that  
3 it would be difficult for Bosnia to survive, and that we could get  
4 borders of the Banovina."

5           And then I'm going to skip a couple of pages of his testimony,  
6 and I'm going to go to page 7137, line 16, where President Mesic  
7 testifies, and I'm quoting:

8           "The Croatian public policy always proceeded from the position  
9 that Bosnia was a state and that it was unified, and that Croatia was the  
10 first to have recognised Bosnia-Herzegovina. However, in objective  
11 terms, taking into account everything that happened subsequently, when  
12 Milosevic created a Serb republic within the territory of  
13 Bosnia-Herzegovina, the Croats formed the Croatian Community of



14 Herceg-Bosna, which later became the Republic of Herceg-Bosna. It became  
15 clear that this did not consolidate Bosnia-Herzegovina, but, on the  
16 contrary, it undermined it, especially since, after a certain period of  
17 time, Fikret Abdic appeared on the scene and proclaimed the autonomy of  
18 and Western Bosnia, the area of Cazin, Kladusa and Bihac.

19 "Therefore, on the one hand, we had a public expression of  
20 determination to support a unified Bosnia on the part of Croatia,  
21 whereas, in fact, we were following in Milosevic's footsteps, because of  
22 what Milosevic had done, and this was fatal precisely for the Croats,  
23 because, due to it, 850.000 Croats -- the majority of 850.000 Croats have  
24 moved from Bosnia-Herzegovina so that there are only about 350.000 left  
25 in Bosnia-Herzegovina."

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1 And so my first question to you about this testimony, General,  
2 is: Wouldn't you agree with me, sir, that President Mesic, based upon  
3 his position, who he was and where he was during the period of time here,  
4 spring of 1991, he is in a better position to know President Tudjman's  
5 policy in respect of Bosnia-Herzegovina, would you agree with me on that,  
6 in a better position than you to be know?

7 A. On the assumption that Mr. Mesic said that in 1991 or 1992, or  
8 1993, I would agree with you. However, if somebody says that in a court  
9 of law after 2000, then I can only say that the gentleman lied for  
10 political reasons because he wanted to blacken the president as much as  
11 possible, a man whom he could only look up to. At the time, Mr. Mesic  
12 was the president of the presidency of Yugoslavia and he could do things

13 differently. This is a man -- and besides he says "us --" he says -- he  
14 says not "me" but "us." Who are the others?

15 Q. You're not answering my question.

16 A. I am.

17 Q. Isn't he in a better position to know what the policy was than  
18 you were? You didn't even know Tadjman at this period of time, spring of  
19 1991, so isn't it true that he knows better than you what Croatian policy  
20 was when he talks about Karadjordjevo?

21 A. Of course he was in a better position, and because the position  
22 of Croatia was a principled position, he stuck to that policy, together  
23 with Franjo Tadjman. And then when he had to turn coats for political  
24 reasons, he turned coats. If he was a principled man, if he did not  
25 agree with the policy of Franjo Tadjman for principled reasons, he had to

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1 leave the position that he had. This is not a principled man, who only  
2 subsequently learns the truth. He knew that Franjo policies -- Tadjman's  
3 was correct, corroborated by thousands of documents that I showed, and  
4 then for purely political reasons he provides his statement as a secret  
5 witness, the president of the state. And he lies to the Croatian general  
6 public that he was the witness of the Defence. He was the witness of the  
7 Prosecution. Well, you excuse me, I'm begging your pardon.

8 Q. The next document is P00037.

9 JUDGE PRANDLER: Mr. Stringer.

10 MR. STRINGER: Yes, Your Honour.

11 JUDGE PRANDLER: I really hesitated to take the floor and to

12 say -- to tell you, Mr. Praljak, that although, of course, your opinion  
13 should be integrated into the -- into what we have also in this  
14 transcript, and your testimony is very important; on the other hand, I  
15 really feel that since you have spoken about Mr. Mesic already on a  
16 number of occasions, that you have also to understand that here we only  
17 want to listen to you about those issues which you personally  
18 participated at, I mean, the reporting or information about those  
19 questions, when you were a party to it, so that is why when you answered  
20 the question asked by the Prosecution and by Mr. Stringer, then again I  
21 also say that you should have already answered that you were in a better  
22 position to say what was at that time the Croatian policy -- President  
23 Tudjman's policy or not. And you have already many times have, in a way,  
24 instead of answering the question, you went on to say that Mr. Mesic is a  
25 liar, et cetera, et cetera, so I believe that you, at that court, when

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1 already President Mesic's words had been included into the transcript,  
2 you have to -- you are -- you are, of course, open and there is a  
3 possibility to tell us what is your opinion about that, but you have  
4 always to have to talk about issues which are being raised either by the  
5 Defence or by the Prosecution or by the Bench. And it is what I wanted  
6 to tell you.

7 Thank you.

8 MR. STRINGER: Thank you, Your Honour.

9 THE WITNESS: [Interpretation] Your Honour, I am answering the  
10 questions, if it's possible to do so without concealing the truth. I was

11 asked about something I simply said that I knew was publicly stated.  
12 Apparently Mr. Mesic, when returning from The Hague, publicly stated that  
13 he was a Defence witness. That's not correct. That's the first thing.

14 Secondly, Judge Antonetti asked me about other 30 transcripts,  
15 many of which referred to Stipe Mesic. In none of those transcripts did  
16 Stipe Mesic say, Franjo Tujman, you and Slobodan Milosevic tried to  
17 agree on the division of Bosnia. I don't agree with your thesis, as  
18 Judge Antonetti said, when I have minor problems or when I don't agree  
19 with Tujman, I would say that. I had a lower-ranking position. So  
20 those are certain events that I participated in.

21 In the 40 transcripts that were shown here, Stipe Mesic never  
22 said anything about Karadjordjevo and about Franjo Tujman's policies.  
23 He agrees -- he's a high-ranking official and agrees with the policies  
24 pursued by the Croatia. Those are the facts, and you are free to draw  
25 your own conclusions.

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1 JUDGE ANTONETTI: [Interpretation] In a secondary fashion, let me  
2 ask this: Mr. Tujman had many meetings. We saw the meetings. Is it  
3 true that he let everybody speak freely? It is somewhat amazing that a  
4 head of state can have hour-long meetings, as we noticed, in which  
5 everybody has their say. Was he a very liberal man, a very permissive  
6 man? Did he give everybody or anybody an opportunity to express their  
7 views, even views that were contrary to his?

8 THE WITNESS: [Interpretation] Those who thought differently, who  
9 thought the opposite of what he thought, those who would sometimes

10 babble, it's not just that he allowed them to speak, he actually asked  
11 them what they thought. This can be seen in the transcripts. These were  
12 lengthy and open discussions. Sometimes he might say, We've exhausted a  
13 subject, or, I have to go to an important meeting, and it was only on  
14 those occasions that he intervened and tried to hurry the proceedings up.  
15 Everyone else could say what they wanted, whether he agreed with it or  
16 not. You can see that in all the transcripts, the voluminous  
17 transcripts. They are so voluminous, it's really difficult when you see  
18 how much empty blabbering there is there.

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

20 Q. General, the next exhibit you have in front of you there, P00037,  
21 this is a presidential transcript of the 8th of June, 1991. So this is  
22 rather early, General. This is some -- in fact, this is even before you  
23 join the Croatian Army; correct?

24 A. Correct.

25 Q. If I recall correctly, you joined the Croatian Army on the 3rd of

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1 September, 1991?

2 A. Correct.

3 Q. And the 8th of June here is actually about 17 days before Croatia  
4 declared its independence; is that also true? I say independence from  
5 the former SFRY.

6 A. Yes, the 25th of June is when all links were severed, after the  
7 air force bombed the presidential residence and almost killed  
8 Franjo Tudjman, so the JNA carried out bombing. They knew where Markovic

9 was.

10 Q. I just asked you about the date is all, but thank you. So on  
11 this day, this is a session of the Supreme State Council of the Republic  
12 of Croatia. General, would you agree with me that you were not present  
13 at this meeting?

14 A. I wasn't present.

15 Q. Now, if you'll turn to page 5 of this document, and President  
16 Tudjman is talking about, at the top of the page in English, whether "we  
17 should discuss the manner in which to establish an alliance or break up."  
18 And then I'm skipping down a paragraph. He says:

19 "So this is the reality that we cannot overlook. Also,  
20 gentlemen, if we opt for Croatia's independence, either within an  
21 alliance or total independence, Croatia's borders, such as they are  
22 today, are absurd, they are impossible, in the sense of administration  
23 and trade ..."

24 And then I'm going to skip down a bit farther, two lines. He  
25 continues the next paragraph:

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1 "Therefore, from our point of view, no less than from the  
2 Serbian, there is the problem of - there is a need to find an essential  
3 solution to the problem, isn't that so, because the establishment of  
4 Bosnia, the borders of BH after World War II, are historically absurd, a  
5 resurrection of a colonial creation from the period between the 15th and  
6 the 18th century.

7 "So we have finally reached a point where, on the level of

8 official representatives of all Yugoslav republics, this issue is  
9 included in the agenda and it has been agreed that it should be solved.

10 "Also, it seems that Izetbegovic, as the president of BH,  
11 realises that he is helpless as regards the Serbian movement aimed at  
12 breaking up BH. He also knows that the Croats of Herzegovina do not  
13 accept that situation."

14 So he's going on.

15 So would you agree with me, and maybe you don't know, General,  
16 because you weren't really involved in the government or even maybe the  
17 army at that time, that even before the breakup, the final breakup of the  
18 SFRY, the Serbs and the Herzegovinians did not accept the notion of  
19 having a unified or independent Bosnia-Herzegovina with its borders  
20 intact?

21 A. That's not true. That's completely false. If you would like an  
22 answer to this issue that is debated here, well, it's stated quite  
23 clearly that the partition of Bosnia and Herzegovina is something that  
24 the Serbs are working on. And the other important thing that you  
25 skipped, Mr. Stringer, is the fact of the proposal made by

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1 Alija Izetbegovic. What was his proposal with regard to Yugoslavia? It  
2 was that Bosnia and Herzegovina should --

3 Q. Excuse me.

4 A. I've answered the question. I've answered it. Herzegovina  
5 wasn't against Bosnia-Herzegovina. And, well, it's not true what you  
6 have asked me about, that the Serbs and Herzegovinians wanted to change

7 the borders of Bosnia and Herzegovina. That's incorrect.

8 Q. If President Tudjman said that, then he was incorrect; is that  
9 what you're telling us?

10 A. That's not what President Tudjman said here, because you can't  
11 take a sentence out of context. You need to see what the essence of the  
12 subject is. The way in which you have extracted this sentence is absurd,  
13 it's not correct, and I'm not going to answer that question. We'll  
14 either deal with the truth or -- but trying to confuse me with these  
15 sentences, that is not going to be successful. This is incorrect, and I  
16 will continue to tell you that you are not right. This is not something  
17 that Tudjman claimed.

18 Q. Well, then let's move to page 38 of this same transcript. The  
19 president starts talking, and this is President Tudjman, and he's talking  
20 about a proposal by Izetbegovic and Gligorov which he says is actually an  
21 attempt to preserve and somewhat bolster the 1974 constitution:

22 "Basically, that is it ..."

23 He goes on to say, and I'll just read it as a quote:

24 "Serbia accepted it, but giving it its own interpretation in  
25 regard to the creating of an effective democratic federation, and they

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1 are sure not to change their position in this regard. Therefore, the  
2 solution lies in what was said there, in the partition of Bosnia and  
3 Herzegovina, and if we achieve that, then we can possibly look for a  
4 basis for an alliance of sovereign republics and states.

5 "I think we shall achieve it because that is in the interests of



6 Serbia and Croatia, while the Muslim component has no other exit than to  
7 accept this solution, although it will not be easy to find this solution,  
8 but essentially that is it."

9 Now, General, this is just a couple of months after  
10 Karadjordjevo. Would you agree with me that what President Tudjman is  
11 describing here as a partition is consistent with the report and the  
12 testimony of President Mesic about the discussion at Karadjordjevo?

13 A. It's not correct. It's completely false. At the time,  
14 Izetbegovic suggested that the Muslim people should remain within  
15 Yugoslavia, and he claimed that there were 6 million of them in  
16 Yugoslavia at the time, and only at that time the Croats said that they  
17 wouldn't remain in such a Yugoslavia. Izetbegovic could take the Serbs  
18 and Muslims into Yugoslavia but he couldn't take the Croats into  
19 Yugoslavia, and under such conditions the suggestion made by Izetbegovic  
20 was that Yugoslavia should be maintained, that they should join the  
21 Serbs, that they should amend the 74 -- 1974 constitution, because in  
22 that way Kosovo, Sandzak, and et cetera -- including Kosovo, Sandzak,  
23 et cetera, there would be six and a half [as interpreted] Muslims in that  
24 state, that was a good project for the Muslims, a good plan for the  
25 Muslims, but not for the Croats. And Franjo Tudjman said -- and

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1 Izetbegovic wasn't preparing for anything at the time. It was then said,  
2 If that's what is to happen, then we will have a partition in such a  
3 case, but not because of an agreement with Milosevic. Izetbegovic was  
4 trying to reach an agreement with Milosevic, not Franjo Tudjman.

5 Q. Will you turn, please, to page 47.

6 JUDGE TRECHSEL: There is a misrepresentation in the transcript,  
7 page 70, line 13. It says that there would be six and a half Muslims in  
8 that state, and it's probably six and a half million or something like  
9 that.

10 THE WITNESS: [Interpretation] Correct.

11 JUDGE TRECHSEL: Thank you.

12 MR. STRINGER:

13 Q. On page 47, General, President Tudjman says the following. He's  
14 talking about an association, and I want to ask you about this. He says:  
15 "Therefore, from that proposal, at that meeting ...," although to  
16 be clear, I'm not suggesting that he's talking about Karadjordjevo here  
17 when he talks about "that meeting":

18 " ... the only basis is that the starting point is the  
19 sovereignty of the republics and the association of sovereign republics,  
20 sovereign states. This starting point is acceptable. The rest is a  
21 matter for discussion, and it is true what they said. If we come to an  
22 agreement about this important contested matter between Croatia and  
23 Serbia, that is, Bosnia and Herzegovina, if we achieve realistic borders  
24 for the Republic of Croatia, and if this problem of the Serbs outside  
25 Serbia is solved so that Serbia is satisfied, then we can work on Serbia

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1 accepting such a foundation for an association which would be also  
2 acceptable to us and to others, or accepting total disassociation.

3 "If it came to the possibility of creating such association, then

4 there would be the matter of dispersing the federal bodies, which one  
5 would go where, what these bodies would be. In any case, it would be  
6 untenable for all of them to remain in one centre."

7 So, first of all, General, would you agree with me that what  
8 President Tudjman's talking about here is some sort of an association  
9 based upon the fact that the former Yugoslavia doesn't exist anymore?

10 A. Here, reference is still being made to a federation that would  
11 represent something that was like the former Yugoslavia, so no one is  
12 discussing a state that wasn't composed of all the republics of the  
13 former state. Above all, it has to do with the federation of sovereign  
14 republics, and President Tudjman is quite clear about this. But as all  
15 realistic politicians, he's trying to see what the other players on the  
16 political scene are trying to do. America wants to maintain Yugoslavia,  
17 France also wants to maintain Yugoslavia, and --

18 Q. I'm not asking you what France wanted.

19 A. Well, very well. But here's what Izetbegovic wants. Izetbegovic  
20 wants a special link with the Serbs, to Serbia, and he speaks about the  
21 Serbian problem in an objective way, as it's presented, as Izetbegovic  
22 presents it, and he says, Well, here's our starting point: It's a  
23 federation -- yes, I apologise, yes. I'm sorry.

24 JUDGE ANTONETTI: [Interpretation] Mr. Prlic would like to say  
25 something.

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1 THE ACCUSED PRLIC: I'm not sure am I helping and to whom I'm  
2 going to help, but I think that everything is going to be in different

3 light if just one sentence is written on page 4. This is a third  
4 chapter:

5 "Therefore, I proposed a meeting of the presidents of Bosnia,  
6 Serbia, and Croatia, which the two of them accepted, and the other three  
7 as well."

8 Which means that agreement was made, amongst six president of  
9 republic, that three of them had discussion, and then this discussion had  
10 actually took place in Split June the 12th. If we have this in mind, all  
11 other situation is possible to be judged from different point of view.

12 MR. STRINGER: Well, Mr. President, I thought I -- I wanted to  
13 make it clear at the beginning I wasn't suggesting that the meeting  
14 referred to here is the meeting at Karadjordjevo that we were talking  
15 about, so I think that there is some -- it's clear from the record, at  
16 least, that when he's talking about a meeting, he's not talking about  
17 Karadjordjevo, and he's talking about discussions that took place among  
18 representatives of the various republics.

19 Q. What I'm most interested in, General, though, is, again, given  
20 the fact that as we know from what he said earlier, President Tudjman  
21 believes the border of Croatia, as it existed at that time, to be absurd,  
22 an absurd creation of the post World War II era, that in fact as part of  
23 this process by which Yugoslavia is going to dissolve, it's going to be  
24 an objective -- or he wishes to achieve, to use his word here, realistic  
25 borders, isn't that what President Tudjman wanted here, isn't that what

1 he's saying, that as part of these negotiations, as part of these events,

2 Croatia should strive to get borders which are greater, or more useful,  
3 or in the greater interests of Croatia than what he called the absurd  
4 borders that existed at the time?

5 A. That's not correct. Franjo Tudjman says if Alija Izetbegovic  
6 will take Bosnia and Herzegovina into Yugoslavia, to an enemy state  
7 that's already launched attacks, that is shelling his presidential  
8 residence, well, in such a case these borders can't be maintained.  
9 Izetbegovic can take out the Muslims, but, We won't sell out in such a  
10 context, we are a sovereign people. Franjo Tudjman always spoke about an  
11 alliance of sovereign states, and if Bosnia-Herzegovina were to be  
12 independent, if Bosnia and Herzegovina were an independent state, then  
13 the borders would not be changed in any way, but if Bosnia and  
14 Herzegovina, because the Muslims and Serbs so desired, wanted to go into  
15 Yugoslavia, to join Yugoslavia, we, the Croats, and independent people,  
16 will not agree to this. It's very simple, Mr. Stringer.

17 Q. So then, General, the --

18 JUDGE ANTONETTI: [Interpretation] General Praljak, one moment,  
19 please.

20 Mr. Stringer's question relates to the heart of the indictment.  
21 This raises the question: Was there a plan to form a Greater Croatia?  
22 If that was the case, this should be set against Milosevic's project of a  
23 Greater Serbia, if there is such a project. There would be two such  
24 projects in that case, a Greater Croatia, a Greater Serbia, and we can  
25 see, on reading the document at page 47, that President Tudjman says as

1 follows:

2 "The problem of the Serbs outside Serbia must be resolved."

3 And as he says this, I believe, but I stand to be corrected, he  
4 has the issue of the Serbs living in Croatia in mind, in Krajina.

5 Now, if there are two projects, Tudjman's project for a Greater  
6 Croatia and Milosevic's project for a Greater Serbia, as far as you are  
7 concerned, what is left of Bosnia-Herzegovina? If these are two serious  
8 and realistic projects, what share is left for Bosnia-Herzegovina?

9 THE WITNESS: [Interpretation] Your Honour, I've presented  
10 voluminous evidence about how Croatia conducted itself. We've seen  
11 hundreds of examples. I'll repeat this once more.

12 Here, it says there was a suggestion made at the meeting the only  
13 starting point is that we should base ourselves on the sovereignty of  
14 republics, that should be a starting point. It should be an alliance of  
15 sovereign republics. You're forgetting the third player here,  
16 Alija Izetbegovic. Alija Izetbegovic, at a meeting in Split, but we've  
17 all forgotten what was going on there, at a meeting in Split he expressed  
18 the desire for a Muslim Bosnia and Herzegovina, and the B plan was that  
19 he should have his own territory in which he could create such a state.

20 Croatia is a posteriori. If Izetbegovic wants his Muslim state,  
21 and he wanted such a state from the very beginning, it's just a question  
22 of how much territory he would have. And before Izetbegovic, the Serbs  
23 wanted their own Greater Serbia. So is it not possible to say, If that's  
24 what you want, well, then we'll go to the slaughter-house and you can  
25 kill us as you did in Croatia, because someone will come and say you had

1 a plan. There was no plan. There were meetings at which there were  
2 discussions. They were open, public. You can read about them. There  
3 were proceedings in Croatia. There was a plan that has to be created  
4 through acts, through signed documents of an international kind.

5 There are two sentences that have been misunderstood, there is  
6 one false testimony, and although there is a lot of evidence, signed  
7 documents, et cetera, we're trying to find out about a plan for a Greater  
8 Serbia [as interpreted]. What kind of Serbia? We don't even have a  
9 Croatia, so we're flogging a dead horse. We don't even have a Croatia.

10 MR. STRINGER:

11 Q. Tadjman here, President Tadjman, talks about achieving realistic  
12 borders, realistic borders. Now, earlier in the transcript President  
13 Tadjman describes the existing borders as absurd. Is it your testimony,  
14 General, that in fact President Tadjman was satisfied with the borders of  
15 Croatia as they existed in June of 1991?

16 A. Absolutely, as far as Croatia is concerned. He only took account  
17 of the fact that there were 800.000 or 900.000 Croats in  
18 Bosnia-Herzegovina, an independent people, and when Yugoslavia broke up  
19 and when the idea of Bosnia and Herzegovina being broken up was supported  
20 by Izetbegovic and Milosevic, well, he was only interested in the  
21 national interests of the Croats, because that's the position they had  
22 placed him in.

23 Q. General, if you'll set this document aside, we're going to move  
24 to the next set of documents, unless the President or a member of the  
25 Trial Chamber has any questions.

1 MS. PINTER: [Interpretation] Your Honour, for the sake of the  
2 transcript, since my colleague Stringer interrupted the subject, on  
3 page 75, line 21 and 22, when the general spoke about plans, he didn't  
4 speak about a plan for a Greater Serbia, but he said there wasn't a plan  
5 for a Greater Croatia. So could this be corrected in the transcript so  
6 that the sentence is understandable?

7 JUDGE ANTONETTI: [Interpretation] General Praljak, I must say I  
8 was expecting a more precise answer. I was assuming that Milosevic had  
9 the idea of forming a Greater Serbia. With this idea in mind, if we  
10 follow this through, at the time, for Milosevic, the Serbs living in  
11 Croatia were a problem, and Mr. Tudjman mentions this.

12 Now, if we put ourselves in the shoes of Mr. Tudjman, and  
13 Mr. Stringer clearly highlighted this, he says that the borders may be a  
14 problem. In that case, did Mr. Tudjman also have the idea of a Greater  
15 Croatia in mind, and geographically speaking this would encompass  
16 Bosnia-Herzegovina, for instance? So there are two individuals that meet  
17 up with other people, and they could, and I'm deliberately using the  
18 conditional sense, could both have this idea in mind; the Greater  
19 Croatia, on the one hand, and the Greater Serbia, on the other hand. So  
20 what I would like to know is this: What would be left for  
21 Bosnia-Herzegovina, what would be left? And Mr. Izetbegovic's idea of  
22 having a republic, what would be left of that? This is what I would like  
23 to know.

24 THE WITNESS: [Interpretation] I answered that question. I don't



25 know who put it to me, but I have already answered it on one occasion.

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1 But I'll repeat the answer. That's why I'm a bit surprised by such  
2 questions.

3 Your Honours, imagine Milosevic, who was very powerful at the  
4 time and his political plan was very clear - it had been put down on  
5 paper, it appeared in a well-known document published by their  
6 academy - on the other hand there was Franjo Tudjman who was also  
7 relatively powerful. There was no ABiH. The Muslims didn't even have  
8 rifles. They had nothing. So how long would it take to divide Bosnia  
9 and Herzegovina if there had been an agreement between Milosevic and  
10 Tudjman?

11 And one other question. It's a question I would like to put.  
12 How long would Bosnia-Herzegovina last in 1992, in the spring of 1992, if  
13 I or someone else had reached an agreement with Mladic about the  
14 partition of Bosnia and Herzegovina? How long would the nonexistent  
15 ABiH, which was poorly armed, survived, how long would it have survived  
16 for? Everything would have been over in 24 hours.

17 So how can one speak about an agreement of any kind between  
18 Milosevic, who had the JNA, and Franjo Tudjman, who at the time had  
19 nothing, but they'd reached an agreement, the assumption is that they'd  
20 reached an agreement, at least. The political solution would have been  
21 found within 24 hours in such a situation. A military solution would  
22 have been found if Petkovic, or myself, or Roso, had reached an agreement  
23 with Mladic. And this meeting in Split, at that meeting Izetbegovic was

24 present. There was a plan for a Greater Bosnia and Herzegovina.

25 Your Honours, there is the Islamic Declaration, which is a plan

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1 for a Greater Bosnia and Herzegovina, Muslim Bosnia and Herzegovina.

2 This is a plan that exists in textual form, and there's a plan that has

3 been written down on a Greater Serbia, but there is no Greater Croatia.

4 All we were doing was trying to save ourselves, and -- am I going too

5 fast?

6 Very well, let's have a break, please, and then I'll go over this

7 again.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, you can see

9 that on page 48 of this document - during the break, you may look at

10 it - you can see that Mr. Tudjman, feeling that this issue is an

11 extremely complex one, wishes to set up a working group comprising three

12 to five people, and this working group would include the Vice-President

13 Ramljak, Professor Sokol, Mr. Milas, Ivan Milas, Mr. Seks, I don't know

14 who he is, and this group would seemingly be asked to look into

15 constitutional issues, because of course this undoubtedly raises

16 constitutional issues, and to work on a document which would be designed

17 for confederation. Mr. Tudjman may have realised that it was much more

18 complicated than meets the eye. Do you agree with this?

19 THE WITNESS: [Interpretation] Yes, I agree. An attempt is being

20 made here to stick to the confederal concept of Yugoslavia, and

21 Alija Izetbegovic does not agree to that. You know what this is.

22 JUDGE ANTONETTI: [Interpretation] Right. We'll have the break

23 now, because it is now a quarter to 6.00 and we need to have our second  
24 break.

25 --- Recess taken at 5.43 p.m.

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1 --- On resuming at 6.06 p.m.

2 JUDGE ANTONETTI: [Interpretation] Please proceed -- oh, yes,  
3 Mr. Kovacic.

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

5 I believe that it was a good idea to correct a thing in the  
6 transcript in order to avoid any further confusion.

7 On page 78, lines 11 and 12, I can see two mistakes that totally  
8 change the meaning. I believe that this is due to the fact the general  
9 was speaking really fast. The first sentence is this:

10 [In English] "In this meeting in politic, at that meeting  
11 Mr. Izetbegovic was present."

12 [Interpretation] I believe that the general said:

13 [In English] "At this meeting in Split, at that meeting  
14 Izetbegovic was present."

15 [Interpretation] And then the next sentence reads as follows:

16 [In English] "There was a plan for a Greater Herzegovina."

17 [Interpretation] End of quote. As far as I could hear the  
18 general, he said -- maybe the general, himself, could correct the  
19 transcript, because in the following sentence he goes on to explain, but  
20 again the explanation is not complete. Maybe he should repeat the whole  
21 chunk.

22 THE WITNESS: [Interpretation] I was speeding. I apologise to  
23 everybody, including Judge Prandler. I do tend to speed up.

24 What I was going to say was this: Nothing was done behind  
25 anybody's back. All these theories were put forth publicly. They were

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1 said publicly at the meeting in Split. At that meeting, a reference was  
2 made to the cantonisation of Bosnia-Herzegovina. Some commissions were  
3 set up to discuss -- they were supposed to discuss that. There was no  
4 secret plan. Everything was publicly said, and I showed that in the book  
5 that I showed to you. There was a series of such meetings. On the 25th,  
6 there was shelling. The JNA wanted to kill Franjo Tudjman, Mesic, and  
7 Markovic. The Croatian Parliament passed the declaration on independence  
8 which was frozen at the request of the European community, and for three  
9 months after that, in the face of the aggression against Croatia, there  
10 were discussions about all that.

11 So this is all very clear, very prescient. There was no Greater  
12 Croatia. It never occurred to anybody within the politics to think about  
13 that. And although I was not a member of the government, I, as a person  
14 that was dealing with that, I read all that very well and I knew that all  
15 very well. There you go.

16 MR. KOVACIC: [Interpretation] With the Trial Chamber's leave, I  
17 would like to remind General Praljak to correct the transcript.

18 Did you talk about the Greater Herzegovina or a Greater  
19 Bosnia-Herzegovina, and who would that Greater Bosnia-Herzegovina belong  
20 to, to correct the transcript?

21 THE WITNESS: [Interpretation] There were two plans that were  
22 written down. The Serbian plan was written down and was being  
23 implemented. That was the Academy's platform that we already discussed.  
24 And then what happened was the war. And then there was the  
25 Islamic Declaration which used the SDA structure to express the desire

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1 for Bosnia-Herzegovina to become an Islamic state. Those two plans were  
2 published. Croatia did not have anything even remotely close to that,  
3 nor did it behave along these lines, not in a single detail.

4 I repeat, nothing was done behind anybody's back. Everything was  
5 subject of discussion. Alija Izetbegovic participated in all the  
6 meetings of the presidents of the presidencies of the republics, and as  
7 you've seen, there are maybe 40-plus such meetings.

8 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Stringer.

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

10 Q. General, you've got the next set of documents there with you, and  
11 these are also arranged in the order that we're going to talk about them.

12 So if you could turn to the first document in your binder, which  
13 should be P00734.

14 And, Mr. President, just for your information, the others -- this  
15 next set of documents relates largely or loosely to the issue of  
16 international armed conflict, I think, although it's safe to say that  
17 that issue is certainly not going to be limited to this set of documents.

18 General, this is a document from the 12th of November, 1992. It  
19 appears to be over your signature. Do you recognise this as yours?

20 A. I recognise this.

21 Q. And this is your letter to Ivan Cermak, who was an assistant to  
22 the -- assistant minister of defence of the Republic of Croatia. And  
23 what you're writing here is about Colonel Siljeg, and you say that he is  
24 a "colonel in the Croatian Army, kept on the records through the 115th  
25 Brigade, currently holding the position of commander of the Operative

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1 Zone North-West Herzegovina on the front-line since 1 February ..."

2 And then you go on to talk about his salary, and you want to make  
3 sure that his salary is in alignment with the regulations of the Republic  
4 of Croatia and to pay off the outstanding amount.

5 But, General, would you agree with me first - I don't think it's  
6 controversial - that on this day, the 12th of November, 1992, Colonel  
7 Siljeg was, in fact, the commander of the North-West Herzegovina  
8 Operation Zone of the HVO?

9 A. Correct, I believe that this is correct.

10 Q. And the time-frame here, 12th of November, this would be not too  
11 long after the events in Prozor and the fall of Jajce; is that also  
12 correct?

13 A. Yes.

14 Q. And when you say here that he's on the front-line since 1  
15 February, what you're saying there is the reference to the front-line is,  
16 in fact, the front-line inside the Republic of Bosnia-Herzegovina;  
17 correct?

18 A. I can't confirm this. I can't confirm whether he was there from

19 the 1st of February, 1992, whether he was on the front-line inside the  
20 Republic of Bosnia-Herzegovina. This does not arise from this with any  
21 certainty. I don't know what he would have been doing there from the 1st  
22 of February. I suppose that he was in Croatia on the front-line. I  
23 don't know. I don't think that he could have been there as of the 1st of  
24 February, in the front-line in Bosnia-Herzegovina. There was no  
25 front-line at the time there.

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1 MR. STRINGER: All right.

2 MR. KOVACIC: [Interpretation] For my -- maybe just a remark. My  
3 learned friend, about the translation, I don't think this is correct. In  
4 the original text, it says "in the theatre of war from the 1st of  
5 February," and the translation of the document into English says "on the  
6 front-line." I believe that the front-line and the theatre of war are  
7 not one and the same.

8 Thank you.

9 MR. STRINGER:

10 Q. General, what's indicated here is that during the time that he  
11 was the commander of the North-West Herzegovina Operative Zone, at least  
12 in November of 1992, Colonel Siljeg was being paid by the Croatian Army.  
13 Can you confirm for us, General, that it was the Croatian Army, Republic  
14 of Croatia that continued to pay the salary of Colonel Siljeg as of this  
15 time?

16 A. At that time, Siljeg obviously -- it seems that the salary did  
17 not reach him regularly, but he was supposed to be on the payroll of the

18 Ministry of Defence of the Republic of Croatia, as a volunteer, in the  
19 theatre of war in Bosnia and Herzegovina.

20 Q. You mention the word "volunteer," and we'll come back to this.  
21 Is it true that anyone, any of the volunteers, as you put it, who came  
22 from the Republic of Croatia and fought in Bosnia-Herzegovina, that those  
23 volunteers continued to be paid by the Republic of Croatia Defence  
24 Ministry?

25 A. Not every volunteer, but most of them from the Croatian Army who

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1 volunteered to defend Bosnia and Herzegovina and who hailed from the  
2 area - Siljeg is also a native of Bosnia-Herzegovina - they had the  
3 right, both Muslims and Croats, to keep the salary that they had hitherto  
4 been entitled to.

5 Q. Okay. General, I'm going to ask you to skip one document and  
6 move to P00132. This is a document dated the 27th of January, 1993. It  
7 is from a Colonel Tomislav Kasic-Alisic. And it's attaching -- on the  
8 second page you'll see what's attached to this is a statement of the war  
9 allowances, and this appears over your signature, and so that would be my  
10 first question. General, could you recognise your signature at the  
11 bottom of the second page, which is the table of the war allowances?

12 A. Correct, this is my signature, and I requested -- or, rather,  
13 this was one of the groups that had gone to defend Bosnia-Herzegovina, at  
14 my request, after my propaganda activity. Could you please correct  
15 P001332? That's what I have here as the number of the document, 1332,  
16 and you said "132." There's one "3" missing, at least in my binder.



17 Q. You're correct, General, it's P01332, so you have the correct  
18 document.

19 If I could direct you to the first page of this exhibit, which is  
20 the letter -- or the request from the colonel, and he's directing this to  
21 Mr. Susak.

22 JUDGE TRECHSEL: I'm sorry. A remark to the transcript, which is  
23 page 84, line -- 85, first line. I think Mr. Praljak said "after my  
24 propaganda activity." Is that correct, Mr. Praljak, you said "after my  
25 propaganda activity"?

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1 THE WITNESS: [Interpretation] Well, that was just one part,  
2 request and propaganda activities --

3 JUDGE TRECHSEL: You said that?

4 THE WITNESS: [Interpretation] Yes, yes.

5 JUDGE TRECHSEL: Thank you.

6 MR. STRINGER:

7 Q. Okay, General. Back to the first page of this exhibit, P01332,  
8 the letter or the request from the colonel. He's passing on your request  
9 and -- to Minister Susak, requesting that Mr. Susak approve the payment  
10 of war allowances that these people are entitled to, and he makes  
11 reference to the southern battle zone. And we'll get to it later, but  
12 I think that I recall from your testimony, you've indicated that the  
13 southern battle zone or the southern front is a reference to the area --  
14 or an area inside Bosnia-Herzegovina where conflict was taking place  
15 between Croats and Muslims; is that correct?

16 A. No, that's not correct.

17 Q. Let me ask it this way, then: When you make a reference or when  
18 there's a reference to the southern front, is that a reference to a  
19 location in Bosnia-Herzegovina?

20 A. No.

21 Q. We'll come back to that and I'll give you an opportunity to tell  
22 us what you think the southern front is. I've got more documents on the  
23 southern front, and we'll come back to that.

24 A. I can do it.

25 Q. Now, it says here -- what the colonel is saying here is that:

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1 "We are requesting you to approve the payment of war allowances  
2 we are entitled to, as combatants, in the southern battle zone, who were  
3 sent here based on your order of the minister of defence, as it can be  
4 concluded from the attached documentation."

5 He goes on to say:

6 "... though we are continuously on the first front-line in  
7 Herceg-Bosna. We have been deployed there by commander of the southern  
8 battle zone, General Janko Bobetko."

9 So, again, General, doesn't this confirm that members of the  
10 Croatian Army were present in Herceg-Bosna in January of 1993 and that  
11 they were there, as is indicated here, on an order of the minister of  
12 defence?

13 A. No. First of all, they were sent on the order of the assistant  
14 minister of defence, General Slobodan Praljak. It was I who sent them,

15 and General Bobetko received them. I repeat, it was important, very  
16 important that the volunteers who would go there to defend Bosnia-Herzegovina  
17 have -- it was a sine qua non. If they were to die there, that their  
18 families should continue enjoying all the allowances that come after their  
19 death or wounding, and that the Croatian state should guarantee that as it  
20 would to its soldiers. They were therefore volunteers. I found them through  
21 my propaganda activity. I sent them there because that's what they wanted,  
22 and now I am asking for these men to be given a salary or an allowance.

23 MR. KOVACIC: [Interpretation] I am afraid that some time has been  
24 lost in this cross-examination due to a misunderstanding between my  
25 learned friend and Mr. Praljak, due to an erroneous translation. In the

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1 original document, P1332, they were sent upon your order, the assistant  
2 minister of defence, General Slobodan Praljak, which is missing from the  
3 English. It says in the English "who were sent here based on your order  
4 of the minister of defence."

5 [In English] "As it can be concluded ..."

6 [Interpretation] And so on and so forth, which means that  
7 General Praljak was left out from the translation. And in the original,  
8 he is there. And it arises from the original that what Mr. Praljak said  
9 is exactly correct. "Upon my request," he said.

10 MR. STRINGER: I appreciate counsel's intervention. Perhaps I  
11 could just ask the general to read the first sentence of the document in  
12 the original language version.

13 JUDGE ANTONETTI: [Interpretation] Mr. Prlic was on his feet.

14 THE ACCUSED PRLIC: The translation, in the document, in the  
15 Croatian language, it was written "A/A, engaged in HVO."

16 MR. STRINGER: Excuse me, Mr. President. Sorry.

17 THE ACCUSED PRLIC: It was allowed for me --

18 MR. STRINGER: Let me ask the witness to read the document so  
19 that we don't have repeated comments about what the document or the  
20 translation should or should say. Let's just read it.

21 THE ACCUSED PRLIC: No, but it's not translated in document.

22 MR. STRINGER: Let's just read it.

23 If Dr. Prlic will recall, we'll ask the witness to read the  
24 document in his own language, and then we'll all take the translation  
25 together.

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1 THE ACCUSED PRLIC: No, this is not the issue, this is not the  
2 issue.

3 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I, myself, wanted  
4 to raise the issue, but Mr. Prlic asked this. I don't know whether you  
5 want to ignore that, but you know that in the B/C/S document we have  
6 handwritten "A/A," and then there is a sentence in B/C/S, and I can see  
7 "HVO" written there. It's important. And then Mr. Praljak could maybe  
8 read --

9 THE ACCUSED PRLIC: This sentence doesn't exist in translation.

10 JUDGE ANTONETTI: [Interpretation] And indeed the sentence was not  
11 translated into English. I've noticed that.

12 So, Mr. Praljak, can you read out the handwritten entry?

13 THE WITNESS: [Interpretation] "Salaries in the HVO," which means  
14 that -- what's this first thing? Excuse me. "Salaries in the HVO."  
15 They should be paid for what the HVO cannot pay them, of course, of  
16 course.

17 MR. STRINGER:

18 Q. General, why don't you just continue now to read the first  
19 typewritten sentence, just so that we can round that off.

20 A. And I quote:

21 "We are hereby addressing you with a request to approve the  
22 payment of war allowance which we are entitled to as combatants in the  
23 southern theatre of war, and we were sent on your order, the assistant  
24 minister of defence, General Slobodan Praljak, which arises from the  
25 documentation attached herewith."

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1 Full stop.

2 I sent those men down there; I, Slobodan Praljak. This is my  
3 statement.

4 Q. General, the next question is: In the upper left-hand corner,  
5 there's a reference to a group of officers and soldiers in the 101st HV R  
6 Brigade, the letter R. Do you know what that -- what is the R Brigade?

7 A. "Reserve." "R" stands for "Reserve," reserve brigades. So on  
8 the 27th of January, fighting in Croatia stopped. After the cease-fire,  
9 people were being demobilised, and I -- actually a lot of people  
10 approached me and volunteered, and I knew people from this brigade  
11 because they were in the theatre of war of Sisak for a while. I believe

12 that some elements were even in Sunja under my command; not that I think,  
13 I know that. I knew the lads, and they were willing to go and defend  
14 Bosnia and Herzegovina.

15 Q. And when they were down there fighting -- well, first let me ask  
16 the next question. When it says here, near the end, it says:

17 "... we are continuously on the first front-line in  
18 Herceg-Bosna ..."

19 Do you know what the location is where those soldiers were  
20 actually deployed? That first front-line, do you know the location  
21 that's referred to there?

22 A. I don't.

23 Q. And then the last question on this document, then: While these  
24 soldiers were down there in Herceg-Bosna, just to confirm, they remained  
25 on the payroll of the Republic of Croatia's Defence Ministry?

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1 A. This should have been the case. I don't know whether the duty  
2 was met, but it says here that one of them received monies, the  
3 allowance, and they were in Herceg-Bosna. And this is another proof that  
4 we were not dealing with any brigades. There were only 12 men, and if we  
5 have 12 men, you can't be talking about HVO brigades.

6 Q. All right. Now, we're going to move ahead about --

7 JUDGE ANTONETTI: [Interpretation] General Praljak, look at the  
8 document you've signed, the chart where these 12 people get a monthly  
9 allocation of 60.000 dinars. Right at the top, this hasn't been  
10 translated, there are a few words or sentences in your language. Did you

11 write this? If it wasn't you, what does this mean? It's illegible.

12 THE WITNESS: [Interpretation] Truth be told, this is not my  
13 handwriting and I can't read it. I am not very good at reading other  
14 people's handwritings. With the best of will, I'm trying. Vujic signed  
15 his name. Maybe this means that he received the monies. I really can't  
16 say, Judge Antonetti, Your Honour, what this is.

17 JUDGE ANTONETTI: [Interpretation] Very well.

18 Mr. Stringer.

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

20 Q. General, we can turn to the next document, which is P01458. This  
21 is now, well, 13 days later. This is the 10th of February, 1993. Take a  
22 look at -- take a moment to look the document over, General. I don't  
23 know if you've ever seen it before or not. Do you recognise this?

24 A. This is a regular document, but believe me or not, I never saw it  
25 before. I was never involved in the matters of salaries, when it was

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1 due. My wife had power of attorney on my behalf to go to the bank and  
2 withdraw the money, and that's all.

3 Q. So this document indicates that as of this time, as we know, you  
4 were assistant minister of defence of the Republic of Croatia, and you  
5 were also a major-general in the Croatian Army; is that correct?

6 A. There's no doubt about that.

7 Q. And also during this time, February 1993, now this is not too  
8 long after the events in Gornji Vakuf, you were -- let me put it to you  
9 this way: You were on the payroll -- you stayed on the payroll of the

10 Republic of Croatia during the period of time that you were down in  
11 Bosnia-Herzegovina, say during the events at the time of the Gornji Vakuf  
12 incident?

13 A. At the time of the Gornji Vakuf events, and I call it an attack  
14 launched by the ABiH, the HVO was blocked. From the 16th to the 23rd,  
15 that's when I stayed there. I was receiving my pay in the Ministry of  
16 Defence because I went there at the request of Franjo Tudjman and  
17 Alija Izetbegovic.

18 Q. And just moving forward throughout the remainder of 1993, did you  
19 remain on the payroll of the Croatian Ministry of Defence throughout  
20 1993, say, until the 8th of November, 1993?

21 A. Most probably, yes. I'm almost certain that that was the case,  
22 but as I never had a look at the papers, at the pay slips, to see whether  
23 the salary had arrived, I never tried to see what the Personnel Service  
24 had done, to see whether the HVO had paid. Well, I don't know, but it's  
25 most likely that the HVO paid the salary.

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1 Q. All right. Now, we've just gotten an interpretation here that I  
2 want to clarify. When you -- let me just ask this: When you were  
3 commander of the HVO Main Staff, were you paid by the Republic of  
4 Croatia? Were you still on the salary or the payroll of the Republic of  
5 Croatia during the time that you were commander of the HVO Main Staff?

6 A. Most probably, yes, although as I have said, I didn't pay  
7 attention to this. I was probably receiving the same pay. But I should  
8 add that my pay was lower than the pay of soldiers in the guard. I was a



9 civilian, that's how I was treated in the ministry and up. Our pays,  
10 well -- well, our salaries were lower than those of the soldiers. But I  
11 didn't a bit.

12 Q. So on the transcript here -- can I clarify that? If I could --

13 MR. KOVACIC: [Interpretation] There's obviously confusion. The  
14 same question was put, and the same answer was given, because in the  
15 transcript, page 92, line 8, it should have said Praljak said that he was  
16 receiving his salary from the HV, as far as I can remember, and then you  
17 continued with another question.

18 THE WITNESS: [Interpretation] Not the HV; the Ministry.

19 MR. KOVACIC: [Interpretation] It says "the HV." Now it's clear  
20 why the question was put twice.

21 MR. STRINGER: Actually, I'm a bit more confused now.

22 Q. General, I'm looking at line 7 of page 92, and you said:

23 "It's most likely that the HVO paid the salary."

24 That's what we have in the transcript, but I understood you to be  
25 saying "HV," and not "HVO."

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1 A. It's correct that I was most probably being paid by the Ministry  
2 of Defence, not the HV. So my salary was lower because I was part of the  
3 civilian structure. But I'm not 100 per cent certain that at one point  
4 in time -- well, this was paid into my account, and during the war I had  
5 nothing to do with money. My wife managed, as best she could, so it's  
6 most probably the case, almost certain, that I received my salary in the  
7 Ministry of Defence of the Republic of Croatia. That's a precise answer.

8 Q. Very well, thank you. General, the next exhibit is one of the  
9 presidential transcripts. It's Exhibit P03112. And this is a meeting of  
10 the VONS, the Defence and National Security Council of the Republic of  
11 Croatia, on the 2nd of July, 1993, with a number of individuals present,  
12 and I want to ask you some questions about this.

13 This is jumping ahead a little bit. We were just in February of  
14 1993 and now this is in July, the 2nd of July, 1993. So this is very  
15 shortly after the events of the 30th of June, 1993, and the attack or the  
16 offensive of the Army of Bosnia and Herzegovina. And so President  
17 Tudjman opens this meeting, and one of the agenda items, and I'm looking  
18 at page 2, is "Croatian Policy Towards Bosnia-Herzegovina." And he goes  
19 on to talk about what the policy is and what the policy had been. You'll  
20 see on page 3 he's talking about some criticism that's come from others  
21 about what that policy has been. He, now on page 4 -- I'm on the top of  
22 page 4. He notes that in the ranks of the ruling HDZ, including council  
23 members, there was no unanimous support for the policy re-implemented, if  
24 you like, I'm quoting now:

25 " ... which I implemented listening to all members of this

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1 council and others, but nevertheless I issued the decisions that I  
2 thought were in accord with the historic interests of the Croatian people  
3 and the Croatian state."

4 And turning to page 5, Tudjman talks about how certain  
5 individuals had actually even asked President Tudjman to replace Minister  
6 Susak to limit the influence of Mate Boban's Herzegovinian Croats.

7 Continuing on to page 6:

8 " ... because that policy, the Croatian policy towards the  
9 Muslims, has resulted in a catastrophe and is threatening the existence  
10 of Croatia."

11 And this is Tudjman talking about criticism of others, and then  
12 he says:

13 "And then they conclude, both abroad and here, that there has  
14 been neither confirmation nor denial of such statements and reports."

15 So my first question on this -- on this transcript, General, is  
16 whether you're aware of -- or were you aware at the time that there was,  
17 in fact, intense criticism even among the Croat leadership or Croat  
18 leaders in Croatia and elsewhere, whether there was intense criticism of  
19 the Tudjman policy in respect of Bosnia-Herzegovina?

20 A. I was aware of the fact.

21 Q. Turn to page 50 of the transcripts, so we're going to skip quite  
22 a ways ahead, because I'm more interested in this now in terms of the  
23 discussion about how that policy is going to move forward from this point  
24 in time.

25 At the top of page -- well, at the bottom of page 50, you see

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1 that Defence Minister Susak begins talking, and he's talking about the  
2 attitude or the views of some other countries, the Europeans, Great  
3 Britain, the United States. The top of page 2, he says:

4 "That is why I think we must do what we must do in Bosnia and  
5 Herzegovina and, in all public statements, still speak about a unified

6 Bosnia and Herzegovina, and all we stress, that we will do everything to  
7 protect the interests of the Croatian people there. The Croatian people  
8 there will understand this, and I think that what we are doing, what is  
9 opportune in politics."

10 And then the discussion continues, and I want to skip over to  
11 page 54 and what President Tudjman says. He says:

12 "All right, gentlemen, let's finish.

13 "With regard to sanctions, I do not think that in such a  
14 situation they pose a serious threat. There have been, even Greguric's  
15 government, even the current government, prime ministers called me, they  
16 took steps, and at the same time my assessment was, no, I think this  
17 threat is even smaller today, but we must be careful not to give them any  
18 direct cause to serve as an excuse for their policy. Clearly, we must  
19 not do this. But at the same time we must take steps to protect Croatian  
20 interests in the territorial sense, too. And you two, please, Minister  
21 Susak, General Bobetko, see about this and meet with Herceg-Bosna leaders  
22 there, with General Praljak, Petkovic, Ambassador Sancevic, and their  
23 leaders there, with Boban and Prlic, to discuss exactly what should be  
24 done. But it goes without saying do not lead the operation in such a  
25 way as to make it a direct involvement. And what I said earlier is very

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1 important, in terms of, I don't know, a trade, of payments, I don't know  
2 what, do not let the people there feel left on their own, but let's take  
3 care in this respect."

4 So these passages, General, where they're talking about criticism

5 from the outside, the possibility of sanctions resulting from Croatian  
6 policy, Minister Susak here talking about doing what is opportune in  
7 politics, which I would suggest to you is an indication of a two-track  
8 policy - this is the top of page 52, top of page 52 - that what's being  
9 talked about here by Susak, and then also by President Tudjman on  
10 page 54, is a two-track policy whereas publicly things are going to be  
11 said, but in fact there is going to be, behind the scenes, activities,  
12 discussions and policies of -- Croatian policy carried out by you and  
13 others, as indicated here, which are different from what are the public  
14 statements being made in order to avoid sanctions. Would you agree with  
15 me on that?

16 A. Absolutely not. Earlier on, Gojko Susak said, and I quote,  
17 "I think that Great Britain, too, and all European countries, including  
18 the USA, are looking for any kind of excuse to identify us with each  
19 other and to impose the same sanctions on us as those imposed on the  
20 Serbs."

21 Mr. Stringer, the policies pursued by the USA, Great Britain and  
22 France was devious. They were defending their own interests. That's  
23 what they do everywhere in the world. They presented a different truth  
24 on the HVO, the truth contrary to the facts, and they exerted the  
25 pressure. They tried to create their own truth. They tried to impose

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1 sanctions on Croatia. And Gojko Susak says, Well, look, we'll adapt, but  
2 we can't abandon what is our right. We're a constituent people, we're  
3 defending Bosnia and Herzegovina, we have spilt blood for Bosnia and

4 Herzegovina, for an integral Bosnia and Herzegovina, but we want to  
5 defend the interests of the Croatian people within that Bosnia and  
6 Herzegovina. Since Zimmermann and the others, we're dealing with  
7 policies of force, Mr. Stringer, and that force, because it's force,  
8 isn't justice. It's not moral, it's not a matter of morality; it's not a  
9 matter of truth, either.

10 Q. So the challenge, then, was to somehow find a way to continue to  
11 exert Croatia's policy in BH, while at the same time concealing that from  
12 the internationals, the Europeans, the Americans, the British, in order  
13 to avoid the sanctions that were going to flow from the implementation of  
14 Croatia's policy in BH. You had to hide it, and that's what's being  
15 discussed here, isn't it?

16 A. No, Mr. Stringer, there was nothing to hide. Here, mention is  
17 made of how far we will bend our heads to satisfy the needs of force.  
18 Nothing was said about Konjic, nothing was said about the 9th of May, it  
19 was a lie, nothing about the 30th of June, so force was used to spin the  
20 truth, and we were bending our necks so much that it would hurt to please  
21 others, because someone -- what someone said from the international community  
22 was truth, regardless of what was, in fact, the truth. And that's how  
23 international policies are created. And I'm claiming here, in your  
24 presence and in the presence of the Judges, that this is not correct.  
25 And as that was the case, well, this is how it was presented for the

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1 Croatian public, too, and that's why I intervened in the Parliament,  
2 because they would sit down and then they would read out what it is said

3 in the "Frankfurter Allgemeine Zeitung," and then they would say that's  
4 the truth. It wasn't the truth.

5 Q. So when President Tudjman says here, "Do not lead the operation  
6 in such a way as to make it a direct involvement," you don't agree with  
7 me that what he's saying there is that the work you and the others are  
8 doing, Praljak, Petkovic, for example, in Bosnia-Herzegovina, is not to  
9 be direct in a way that would give rise to international sanctions and  
10 condemnation; it has to be concealed? Isn't that what he's saying?

11 A. Well, there was nothing to hide. What kind of direct  
12 involvement? Not even two battalions were provided. I don't know what  
13 are you talking about. You've selected four sentences here -- well, I'll  
14 go slowly.

15 Q. Let me ask you this question, then, General --

16 A. I mean, on the basis of two sentences, Mr. Stringer, we can't  
17 discuss this matter. I'd like to, but I can't answer your question, a  
18 question that involves the term "meddling," involvement. There was no  
19 involvement or meddling. At the time, there were 5.000 Mujahedin. That  
20 is meddling. What are we talking about, please?

21 Q. Let's talk about this, then: If Croatia is not meddling, as you  
22 put it, let's talk about the role that you held down there in Bosnia and  
23 Herzegovina at this time. This is shortly before the time you took  
24 command of the Main Staff. I believe in early July 1993, you were part  
25 of the military operations in the Boksevica area; correct?

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1 A. Boksevica, correct.

2 Q. But at all times, you were down in Bosnia and Herzegovina, and  
3 your job was to see to it that President Tudjman's policies were  
4 implemented and carried out; isn't that true? He was your boss. At all  
5 times, you were answerable to him, and it was your job to implement his  
6 policy; correct?

7 A. No. I was implementing the policies of the Croatian state. I  
8 wasn't there on a permanent basis. I went there at very precise points  
9 of time, often on my own initiative, not because there was an agreement  
10 with Mr. Tudjman or Susak; for example, the two months I spent in 1992  
11 down there, well, no one authorised this. I also reached an agreement  
12 with Alija Izetbegovic. I was in contact with him. I was in contact  
13 with his adviser for military affairs. This had always to do only with  
14 peace, it had always to do only with peace and reconciliation, in Mostar  
15 and in Central Bosnia and in Vakuf and in Prozor. It was always done  
16 like this permanently, until I assumed my duties.

17 Q. All right. So that when you were in Bosnia and Herzegovina --

18 THE INTERPRETER: "And I defended myself," interpreter's  
19 addition.

20 MR. STRINGER:

21 Q. When you were in Bosnia and Herzegovina, I'll correct myself then  
22 based on what you just said, you were there implementing policy of the  
23 Republic of Croatia, as opposed to an individual policy of President  
24 Tudjman?

25 A. I was implementing the policies of Bosnia and Herzegovina, above



1 all, when fighting the Serbs, when assisting with the refugee problem,  
2 assisting with the wounded, when it came to -- yes, very well. No, the  
3 question is too difficult. My policies were parallel to the policies of  
4 the Republic of Croatia and the policies of Franjo Tudjman, Gojko Susak,  
5 Bruno Stojic, Jadranko Prlic, and all the others.

6 Q. And those were the policies that you were there implementing and  
7 trying to carry out on the ground in Bosnia-Herzegovina; correct?

8 A. Policies? I had work to do in the field of calming down  
9 conflicts. We don't have to use such terms, "policies." I described the  
10 events very precisely. We should adhere to the events and their purpose.  
11 When there was a meeting for weapons to be handed over for Tuzla, then  
12 there was such a meeting. When there was another meeting for weapons for  
13 Tuzla, then that was another meeting, where Croatia was to give weapons  
14 for Tuzla. When I was giving weapons for Sarajevo, and this might have  
15 involved Bruno Stojic, I might have acted on my own, but these were  
16 weapons for Sarajevo. So let's adhere to the fact. We don't have to use  
17 grand words to cover things that are incorrect.

18 MR. STRINGER: Mr. President, I think I've finished with this  
19 document, and I can save the next one for tomorrow.

20 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, the Registrar has  
21 told me that you've already had two hours and forty-five minutes.

22 As you all know, we will be sitting in the afternoon tomorrow.  
23 We shall meet again in this courtroom at a quarter past 2.00.

24 I wish all and every one a pleasant evening.

25 [The witness stands down]

1 --- Whereupon the hearing adjourned at 6.59 p.m.,  
2 to be reconvened on Tuesday, the 14th day of July,  
3 2009, at 2.15 p.m.

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