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1 Wednesday, 15 July 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.17 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
12 et al. Thank you, Your Honours.

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

14 Today is Wednesday, 15th of July, 2009. Let me first greet
15 Mr. Praljak. My greetings to Mr. Prlic, Mr. Stojic, Mr. Petkovic, and
16 Mr. Pusic, without forgetting Mr. Stojic. Good afternoon, Mr. Stringer,
17 Mr. Scott, and your associates. And I'd like to greet the staff members
18 working with us today.

19 First, a housekeeping announcement. We can sit tomorrow morning
20 rather than in the afternoon. We'll sit from 9.00 to quarter to 2:00
21 tomorrow. Whenever we can sit in the morning, we may as well use the
22 opportunity. It's less tiring for everybody to work in the morning.

23 I hope you're available tomorrow morning, Mr. Stringer.

24 MR. STRINGER: Yes, Mr. President, we're available. Again, I
25 express my appreciation of the Trial Chamber and the Registry for

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1 sticking to today's original schedule, which allowed me to take care of
2 my business this morning.

3 JUDGE ANTONETTI: [Interpretation] Very well, thank you.

4 Ms. Pinter, I believe have you some corrections to make to
5 yesterday's transcript. You may proceed.

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

7 Good afternoon to everybody in the courtroom.

8 I'm talking about the record made on the 14th of July, 2009.

9 Page 43036, line 25, instead of "HV," there should be "HVO." Page 43052,
10 line 17, instead of "Klopopan," we should have "Klopotan." Page 43055,
11 lines 18, 19 and 20, and also page 43056, line 13, instead of the word
12 "request," there should be "order." Page 43084, line 25, instead of the
13 word "both," we should have the word "boats." Thank you very much.

14 JUDGE ANTONETTI: [Interpretation] Thank you, Ms. Pinter.

15 Mr. Stringer, you may proceed to continue with your
16 cross-examination.

17 MR. STRINGER: Thank you, Mr. President, and good afternoon to
18 you. Good afternoon, Your Honours, Counsel, everyone else in and around
19 the courtroom.

20 WITNESS: SLOBODAN PRALJAK [Resumed]

21 [The witness answered through interpreter]

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

23 Q. Good afternoon, General.

24 A. Good afternoon to everybody in the courtroom. Good afternoon,
25 Mr. Stringer.

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1 Q. I'm a bit farther away from you today. Maybe you'll like that
2 better. I don't know.

3 A. No.

4 Q. General, yesterday afternoon or evening, when we finished our
5 work, we had been looking at Exhibit P06037, which is in the binder
6 there, which was the report from Mr. Boricic, who was with the trainings
7 organ of the 5th Guards Brigade, and it was a report that he sent to
8 Brigadier Kapular of the 5th Guards Brigade of the Croatian Army. Do you
9 remember when we were talking about this document?

10 A. I remember that, Mr. Stringer.

11 Q. And we were talking about the various components of the
12 5th Guards Brigade and the places where they were deployed. As indicated
13 in here and in some other documents, we were talking about Mostar,
14 Rastani, I believe, Prozor, Gornji Vakuf, as being some of the locations,
15 anyway, where members of the Croatian Army came and fought with the HVO.
16 Do you remember us talking about that yesterday?

17 A. I remember. However, members of the Croatian Army did not fight
18 against the HVO -- or did not fight with the HVO. They were members of

19 the HVO as volunteers.

20 Q. And just going back to something you said yesterday, and I'll use
21 this as our starting point, yesterday you said, and I'll read this
22 verbatim from the transcript, you said:

23 "I can confirm that some of the members of the 5th Guards
24 Brigade, some of the volunteers, participated in the battle-field as HVO
25 units in Mostar, Bijelo Polje, at the beginning, but mostly in Vakuf, but

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1 the figure was never more than 250 men at any given point in time."

2 Do you recall saying that yesterday, General?

3 A. Yes, I remember, and this covers the period during which I was
4 the Commander of the Main Staff.

5 Q. Right. And, in fact, that's the period that I've primarily been
6 trying to focus on with this -- with this set of documents.

7 General, let me take you to another document in the binder. It's
8 closer to the front of the binder. We skipped over it yesterday.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, we're going to
10 go through the documents submitted to you by the Prosecutor. You
11 understand that the Prosecutor is presenting these documents as part of
12 his case; namely, that the Republic of Croatia controlled the HVO. I
13 know that you have not read the trial judgements, you said so, but for
14 you to be properly informed of everything let me remind you that our
15 Trial Chamber, on the 7th of December, 2006, issued a decision on motions
16 of the 14th and 23rd of June, 2006, for judicial notice of admitted

17 facts. As part of the decision, the Trial Chamber decided to do judicial
18 notice of paragraph 200 of the Naletilic judgement. Let me read it out
19 to you slowly for you to hear it properly. This is what the Naletilic
20 Trial Chamber wrote and what our Trial Chamber, at the beginning of the
21 trial, established as judicial notice. I read you the entire sentence,
22 each word being important. Quote:

23 "Croatia participated in the organisation, planning or
24 coordinating military operations conducted in the framework of the
25 conflict between the HVO and the ABiH."

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1 Naletilic judgement, paragraph 200.

2 In other words, other Trial Judges, in their judgements, had made
3 the finding that military operations conducted by the HVO against the
4 ABiH had been organised, planned, and coordinated by the Republic of
5 Croatia.

6 There it is. Keep this in mind, please.

7 Judicial notice is part of the proceedings, but it can be
8 challenged, depending on the evidence adduced that would go -- show the
9 opposite.

10 Did you understand me?

11 THE WITNESS: [Interpretation] Your Honour Judge Antonetti,
12 completely, I'm aware of that. However, I adhere by the claim that the
13 indictments against those men were drafted in such a way that their
14 Defence counsel did not deal with the same problem as we are dealing

15 with. I repeat, this is not correct.

16 The HVO was -- the HVO was independent. There was no
17 coordination, planning or organisation of any activities that I would be
18 aware of, and it seems to me that I know everything. So there was
19 nothing that would be conducted by the Croatian Army.

20 Second of all, the units that we're talking about, especially
21 Thunderbolts and Tigers that I personally requested, in military terms,
22 they were much less significant than allowing us to say, Here we have
23 volunteers. These brigades had a status and the combat readiness of the
24 HVO was raised by 30 per cent when people who fought in Vukovar and in
25 all the other battle-fields in Croatia arrived and joined them as

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1 volunteers. And then when Ms. Nika re-examines me, I will explain once
2 again very precisely what the volunteers meant in a psychological sense,
3 because in any case their numbers were not significant at all in military
4 terms.

5 Just in passing, let me say that there were other volunteers
6 there, like Italians and other countries, just like there were volunteers
7 from at least ten Islamic countries as Mujahedin, just like people from
8 Russia and Greece fought on the side of the Serbs. That theory was
9 non-defended, in procedural terms. It just went like that. Nobody
10 defended it. I am defending it. We have documents. Let somebody show
11 me at least one document proving that any of the actions were organised,
12 planned, and coordinated in that way.

13 JUDGE ANTONETTI: [Interpretation] Thank you.

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

15 Q. Now, General, so let me take you to the next document which is
16 closer to the front of the binder, 3D00909. It's one of your documents,
17 3D00909. It should be closer to the front.

18 A. Yes, I have that.

19 Q. Now, just again with reference to the previous document, P06037,
20 which was the report to Brigadier Kapular on the report of the
21 5th Guards Brigade deployment in Herceg-Bosna, this is also a report now
22 from Brigadier Kapular directed to Mr. Susak, the minister of defence of
23 the Republic of Croatia, and this report is about the same subject;
24 overview of the 5th Guards Brigade engagement in the territory of the
25 Croatian Republic Herceg-Bosna.

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1 Now, and this was, as was indicated in the other report, 6037
2 that we looked at yesterday, Brigadier Kapular is reporting to
3 Gojko Susak that:

4 "On the 6th of July, 1993, a reinforced combat group was
5 transferred from their combat activities in Zadar hinterland to the port
6 of Ploce. As arrived, it was engaged in attack activities in the area of
7 Mostar battle-field in order to defend the HR Herceg-Bosna efficiently
8 and appropriately. As of 6th of July, 1993, to nowadays, the 5th Guards
9 Brigade was entirely, in terms of its formation, engaged in Croatian
10 Republic Herceg-Bosna in three shifts. Due to inability of HVO to

11 organise for us the shift of manpower from its troops, we, by ourselves,
12 had to secure the shift with our own units."

13 Then he just talks -- in paragraph A he talks about the first
14 shift, which is from a period 6th July to 28 July, which is just after
15 you took command of the HVO Main Staff, General, and what he says is
16 that:

17 "One combat group, counting 360 men, was engaged on the Mostar
18 battle-field," skipping a few words:

19 "It was reinforced with squad cannon Howitzer, 155-millimetre
20 D-20, three cannons, Howitzers."

21 It says:

22 "6th of July, 1993, parallel with the first shift, the brigade
23 command directed 26 high-ranked officers to the HVO command in order to
24 help the Main Staff of HVO to the command of rendezvous area of HVO and
25 HVO brigade commands in order to make efficient war and to defend the

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1 Croatian Republic of Herceg-Bosna. One part, nine officers, are still
2 involved in combat tasks in composition of the said commands on high
3 levels."

4 So, General, can you confirm for me, since you were present and
5 since you took command of the HVO Main Staff on the 24th of July, that
6 this is correct, that Brigadier Kapular's report to the Croatian defence
7 minister about the deployment of these HV -- and I know that your
8 position is that they're volunteers, but that these Croatian Army units,

9 soldiers, and equipment were, in fact, deployed, as indicated here, not
10 only in combat activities, but also high-ranking officers placed within
11 and working within the Main Staff of the HVO?

12 A. One guards brigade, Mr. Stringer, does not have 26 high-ranking
13 officers. A guards brigade can have maybe three or four high-ranking
14 officers. None of those men were engaged in the Main Staff. I checked
15 subsequently just to be able to tell you that even Kapular was not
16 engaged in the Main Staff while I was there. I tried to remember, and I
17 arrived at the number of maybe five or six men who were not high-ranking
18 officers, but just officers, who were volunteers and wanted to assist
19 some HVO brigades, so this is not correct. The brigade did not have
20 26 high-ranking officers, and they were certainly not engaged.

21 And you can see that Mr. Kapular, who was in Vukovar, who was a
22 formidable fighter, look at his calculation where he says: "Currently
23 deployed units," and then he says --

24 Q. Let me just follow up with a little bit. I understand that
25 you're not accepting the assertion here by Brigadier Kapular that

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1 26 high-ranking officers were placed within the HVO command. Something
2 you just said, though, I want to come back to.

3 You just said:

4 "I checked subsequently just to be able to tell you that even
5 Kapular was not engaged in the Main Staff while I was there."

6 Now, General, yesterday we looked at P03957, which is in your

7 binder, and you talked about it, and you talked -- and you told us about
8 your request to the defence minister, Mr. Susak, that Brigadier Kapular
9 be placed within the Main Staff for combat readiness. Do you remember
10 that testimony yesterday? 3957 shows it. You asked for and you received
11 Brigadier Kapular to come work as part of your Main Staff for combat
12 readiness; isn't that true?

13 A. Not the way you describe it. I did not ask for him. He wanted
14 to stay, and upon his approval to stay, I asked for the request. And
15 this was the paper that was covering his death or wounding, but this was
16 never approved. Although he wanted to come, obviously the 5th Guards
17 Brigade needed him for some internal changes that were underway, so I did
18 try to put him on the Main Staff. He did not become a member of the
19 Main Staff. He certainly wasn't brought in. He hailed from Capljina,
20 and he was in the area as a volunteer.

21 But if you will allow me, now look at the sum --

22 Q. Well, excuse me, I need to clarify. You just told us now he was
23 in the area as a volunteer. Two minutes ago, you told us that he was in
24 Vukovar, General, so let's just clear this one up first.

25 Brigadier Kapular, the commander of the 5th Guards Brigade, which

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1 I think we agree had a substantial component of its units present in
2 Herceg-Bosna during July, August, and September of 1993, was Kapular
3 present down there during that period of time or was he not?

4 A. Well, now, first of all, Mr. Stringer, you tell us a story, you

5 say he was in Vukovar, and then you ask me just one thing. I don't
6 accept your stories.

7 Mr. Kapular came from Canada, as a Canadian citizen of Croatian
8 origins. Please.

9 JUDGE TRECHSEL: Mr. Praljak, you are escaping. You are going
10 astray and avoiding to answer the question, which is a very, very simple
11 "yes" or "no" question. Read it again and answer it, whether Kapular was
12 present down there during that period of time or not. It's got nothing
13 to do where he came from, from Canada, or Russia, or whatever, nothing.

14 MR. STRINGER:

15 Q. General, let me just -- I'll rephrase the question. This report
16 and the one before it talks about units and equipment from the
17 5th Guards Brigade coming to Herceg-Bosna as from the 6th of July, 1993.
18 Now, during the month of July 1993, to your knowledge, was
19 Brigadier Kapular present in Herceg-Bosna and was he participating in the
20 combat activities down there in a military or in a professional capacity?
21 July 1993.

22 A. Let's just be very precise. We're not talking about July.
23 24th July is the time when I was commander. Please, not July, no.

24 Q. This is --

25 A. You asked me starting from my date, not the whole July but the

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1 24th of July, when I became the commander. From then on, I can provide
2 very precise answers.

3 Q. General, you don't get to ask the questions, then, that you're
4 going to answer. I get to ask the questions.

5 You were present in this region throughout July of 1993. We know
6 that. And so as a person who was present down there, you're qualified to
7 tell us, if you know, was Kapular down there in Herceg-Bosna fighting
8 with or as a part of the HVO. Based on your personal knowledge, do you
9 know; yes or no?

10 A. Mr. Stringer, or you, Judges, you may get cross with me, but you
11 cannot ask me a question starting with, You were in the area. A person
12 cannot be in an area. I told you I was in Boksevica. I told you when I
13 was there.

14 JUDGE TRECHSEL: Would you please just answer the question
15 instead of arguing. You are not here to argue. You are in the role of a
16 witness, under oath. You must say the truth. This is a simple question
17 which you can answer by "yes" or "no," and it's not for you to discuss it
18 and to tell anybody in the courtroom what kind of questions you should be
19 asked. If something is wrong with a question, you have a Defence counsel
20 who will intervene, and the Judges will intervene if something goes
21 wrong, but you are not here to argue. You decided that you would be a
22 witness, and here is a very, very simple question and you are to answer
23 it, full stop. "Yes," "no," "I don't know," "I don't remember."

24 THE WITNESS: [Interpretation] Your Honour, what you're saying is
25 not correct. It's not a simple question that was put to me, no. I'm a

1 witness testifying about the truth. You should answer, then. I wasn't
2 in the area. I wasn't in the area. So there it is. It's very simple.
3 I wasn't in the area, and as of the 24th of July I became the commander.
4 And you're claiming that I was in the area. I wasn't there. I was in
5 Boksevica as a soldier.

6 You're expecting me to answer a question put to me that would
7 lead me to give a false answer. What do you want me to do,
8 Judge Trechsel? Do you want to depict me as an idiot? I'm not an idiot.
9 You're an honourable Judge, but I'm not an idiot. I was in Boksevica,
10 and I did not know what Kapular was doing until the 24th of July, 1993.
11 That's a precise answer. And as of the 24th, he was occasionally in the
12 area. That's it.

13 JUDGE PRANDLER: Yes, now it's okay.

14 So, Mr. Praljak, you are not an idiot, but -- and nobody implies
15 that, but it is really a question of fact. If you claim that you were
16 not there and you do not know, then you have to answer that "I do not
17 know," and that's over. I really don't understand why you're arguing on
18 this very simple issue. Either you know the facts there or not. Then,
19 in this case, you will say, "No, I was not there, I do not know," full
20 stop.

21 Thank you.

22 JUDGE TRECHSEL: I also have a comment to make, Mr. Praljak.

23 Your behaviour here is not correct. You are showing disrespect
24 to the Judges, you are arguing with me. That is not your role. I feel
25 that you lack respect to the Judges, full stop.

1 And please, Mr. Stringer, continue.

2 No. While I have the floor, Mr. Stringer, could you give us a
3 date for this document?

4 MR. STRINGER: Yes, Your Honour, I can. I can give you what
5 I think is the date, because as you've indicated -- as you've noticed,
6 the date -- the document doesn't bear a date. I would suggest, and the
7 General and others maybe can disagree if they wish, it appears to me that
8 P06037, which was the earlier report to Kapular from the subordinate,
9 which is dated 23 October, then formed part of the basis for Brigadier
10 Kapular's report which we're talking about now, because there's a lot of
11 similarity in the information. And so based on that and the time-frames
12 that are referred to in the Kapular report, 00909, it's our -- it's my
13 belief or suggestion that the document is from late October 1993. But
14 that takes some -- you have to read it in light of the earlier report and
15 in light of the things that are being said, because the document, itself,
16 does not have a date on it.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, the exchange
18 that has just taken place, well, I'm responsible for this indirectly.

19 Yesterday, when you discussed document P6037, you said at one
20 point that Brigadier Kapular was in Zagreb. When you said that, I said
21 to myself, well, this is strange. How is it that Kapular, who is
22 supposed to be in Bosnia-Herzegovina, is in fact in Zagreb? At that
23 time, I felt like putting the question to you and saying, Why are you

24 saying that he is in Zagreb when we have every reason to believe that he
25 is in Bosnia-Herzegovina? And I didn't put the question. Since I had

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1 already put a lot of questions, I felt I should stop. But had I put the
2 question to you yesterday, this issue would have not arisen today.

3 True to fact, the document dated the 23rd of October, 1993, the
4 report is drafted by Dragan Boricic, is addressed to the Ministry of
5 Defence in Zagreb and to Brigadier Kapular. Therefore, we know that on
6 the 23rd of October, he is in Zagreb, since we have a document that
7 states that. This is why we have a problem. Why is he there when, as
8 Mr. Stringer indicated a few moments ago, you had asked him to come? I'm
9 sure you have an answer to give us.

10 I have understood that before the 24th of July, you were a
11 soldier and you were saying that you didn't know. However, on the
12 24th of July, you said that Kapular came on two or three or four
13 occasions, so I don't remember, but if in October he's back in Zagreb,
14 this means that, in fact, he was not on a permanent basis in Bosnia and
15 Herzegovina.

16 You could have told this yesterday already, which would have
17 avoided today's problem.

18 THE WITNESS: [Interpretation] Well, we'd have avoided all the
19 problems if I were allowed to tell the truth without attempts being made
20 to -- Mr. Kapular, from the 24th onwards, was, according to all the
21 information I had, and I had information because he'd report to me, that

22 on two, three, or four occasions, he visited the people there. The
23 volunteers were down there. He was with them. Mr. Leko, rather, was
24 with them. And Mazar, someone from Vukovar who'd died in the meantime,
25 who destroyed 30 tanks in Vukovar. So there were people there. What I'm

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1 saying is that there weren't this many people, and I want to point out
2 that under item -- he says 697 men. And, Judge Antonetti, you have your
3 calculator. It's 563 men, and this report doesn't tally with the report
4 from the field that we had a look at yesterday.

5 I know why such doctored reports are produced, but no one asks me
6 about that. And when I try to explain something, then it seems as if I
7 fail to respect the Court, the Chamber. I do respect the Court, but I
8 can't tell what is not true.

9 To be a soldier in Boksevica is one thing, and, Judge Prandler, I can't
10 say I wasn't there then, but I wasn't in the field. When you say in the
11 field, you're trying to suggest that I know everything. Boksevica, in
12 the field, means I'm a soldier, I stand guard and that I open fire in
13 order to save 300 people in a certain area. These are very precise things.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, how is it,
15 then, that the 5th Guards Brigade, or part of it, is in the Republic of
16 Bosnia-Herzegovina, and the commander of this, Kapular, is not there? Do
17 you have any explanation for this or not?

18 THE WITNESS: [Interpretation] I can answer that, yes.

19 These men are volunteers in the brigade. 80 per cent of the

20 brigade in Croatia was performing its duties as the 5th Guards Brigade.
21 They had to restructure. They had suffered losses, significant losses in
22 Maslenica. This had to be dealt with -- I apologise, I do apologise.
23 The brigade -- the 5th Guards Brigade is in Croatia at its positions.
24 These men are volunteers.

25 JUDGE ANTONETTI: [Interpretation] General Praljak, I should have

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1 perhaps put the question to you yesterday. The 5th Guards Brigade of the
2 Republic of Croatia, well, what is its total strength?

3 THE WITNESS: [Interpretation] The brigade had over 3.000 men,
4 according to all my information, 3.000 and I don't know how many exactly.

5 JUDGE ANTONETTI: [Interpretation] 3.000. Fine. So out of this
6 3.000 men, if we understand this document before us properly, there would
7 be approximately 600, but you said there were less than that. That would
8 be one-fifth, so, i.e., 20 per cent. So 20 per cent of the men of the
9 5th Guards Brigade are volunteers in the Republic of Bosnia-Herzegovina?

10 THE WITNESS: [Interpretation] Not at the same time. From the
11 24th -- well, when the second shift arrived on the 28th, I said that
12 there were about 250 of them who arrived, perhaps a little more, and then
13 this shift was replaced by another shift that had more or less the same
14 number of men.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, which would
16 explain why, if the greatest number of men of the 5th Guards Brigade have
17 their commander in Zagreb and not in Bosnia-Herzegovina, is that the

18 answer you are giving us to the question why Kapular is there and not in
19 this other country?

20 THE WITNESS: [Interpretation] Correct. They had duties at the
21 Zadar battle-field and around Vinkovci too.

22 JUDGE ANTONETTI: [Interpretation] Why didn't you say so? Why
23 didn't you tell Mr. Stringer when he put the question to you? Had you
24 said that straightaway, this -- we could have settled the question.

25 THE WITNESS: [Interpretation] But when I'm asked a question, I

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1 provide a very simple answer, Judge Antonetti. But he says he was in
2 Vukovar. How was it that he was there? You were in the field in that
3 area, and then I don't know what the question is anymore. When a
4 question is put to me throughout these proceedings, I've provided all the
5 information I had in an honest manner. I've tried to present the truth
6 in response to all the questions put to me. You don't agree with me,
7 Judge Trechsel, but why are you shaking your head like that? Please, I
8 do respect you, but, please, you shouldn't always have such an expression
9 when I'm saying I'm telling the truth. Your facial expression says,
10 Praljak, you're lying. That's what you are saying. It's not a matter of
11 respecting the Court; it's a matter of what I can perceive in the
12 courtroom.

13 MS. PINTER: [Interpretation] Your Honour, I would like to say
14 that everything started with the question put by the Prosecution, which
15 is on page 11 of the transcript, line 1. The question was:

16 "You were in the area in July 1993, in the course of July 1993?"

17 In response to that question, the General said:

18 "You can put questions to me, but you can't ask me whether you
19 were in that area. I told you that I was in Boksevica."

20 So it's not true that the general did not answer the question,
21 but the question was phrased in such a way that the answer couldn't have
22 been different. The general didn't spend the entire month of July in the
23 territory of Bosnia and Herzegovina or, rather, in the territory of
24 Herceg-Bosna.

25 JUDGE ANTONETTI: [Interpretation] Very well.

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1 MR. STRINGER:

2 Q. General, this document starts with the period 6 July 1993. Is it
3 your testimony that from the 6th of July, 1993, to the 24th of July,
4 1993, you do not know whether Brigadier Kapular was present in
5 Herceg-Bosna, fighting with or working with the HVO?

6 A. That's correct, I know nothing about that.

7 Q. After the 24th of July, then, which is when you take command of
8 the HVO Main Staff -- P03957 is the document we looked at yesterday,
9 which was your request to the Croatian Defence Ministry and
10 Minister Susak to have Tole, Kapular, come down and work with you, if
11 I can put it that way. And in your testimony yesterday on that I asked
12 you -- this is page 43039 of the transcript:

13 "Did Kapular come and take a position in the Main Staff of the

14 HVO, as requested here?"

15 And your answer:

16 "For combat readiness. I don't know if anyone knows what that
17 means, 'combat readiness.' The Main Staff -- or, rather, I had
18 assistants for combat readiness, for the infantry and so on and so forth.
19 Kapular was to assume some of those duties. He did assume certain
20 duties. I don't know when Gojko Susak released him, I couldn't say so
21 right now, but he released him. And he was born in a village near
22 Capljina, and he assumed certain duties in the HVO Main Staff."

23 And I asked you then, skipping down a couple lines:

24 "Despite assuming these duties in the Main Staff for combat
25 readiness, did Kapular at the same time keep his position as commander of

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1 the 5th Guards Brigade of the Croatian Army?"

2 And your answer was:

3 "It's quite certain that at the time he wasn't acting as the
4 commander of the guard, so someone else was replacing him until he
5 returned to the Croatian Army. So the position he previously had was
6 frozen temporarily."

7 So, General, from that and from what you're telling us today, can
8 we conclude that as from the 24th of July or early August 1993,
9 Brigadier Kapular came down and assumed duties within your Main Staff of
10 the HVO?

11 A. Mr. Stringer, when I answered that question I believe I remember

12 that he was there. When I said "at home," I meant in detention. When I
13 was in detention, I was wondering about whether Kapular was there or not.
14 I thought he was when I answered your question. And then I couldn't
15 remember, and I have the impression that he wasn't there. I can't
16 remember.

17 Q. So are you telling us that your testimony from tomorrow [sic] --
18 are you taking that back now? The testimony I just read to you from
19 yesterday, you take that back, that's not right?

20 A. I can't say anything for certain, as I can't remember correctly.
21 Much time has passed. The war was atrocious. So with all my goodwill --
22 well, at the time I was wondering about whether he was there or not. And
23 I said if he was down there, then in that case he couldn't have been the
24 commander, because you can't reconcile the two. But then when I returned
25 in the evening, I tried to think about all the details, and now I can no

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1 longer remember whether he was there or not, whether he was released or
2 not. So I really can't answer your question.

3 Q. General, I --

4 JUDGE ANTONETTI: [Interpretation] One moment.

5 General Praljak, the document which is quoted, 3957, which is a
6 request which you sent to the Croatian government to have Kapular and
7 Tole join you, this document is dated the 4th of August, which means that
8 on the 4th of August, at any rate, he's not there, he's in Croatia,
9 because you're asking him to join you. That's the first point.

10 Second point. Kapular heads a brigade that comprises 3.000 men,
11 which is, I'm sure, a well-known brigade and a respected and qualified
12 brigade. What interest would he have to join the Herceg-Bosna HVO in --
13 to command which men? The mere fact that you asked him to come, well,
14 first of all, did he agree to it or not, and did he come? This is what
15 the question is all about.

16 THE WITNESS: [Interpretation] Yes, he agreed. I asked for him
17 for combat readiness. He was an excellent combatant. I needed someone
18 who would go from unit to unit to bolster the soldiers' morale, to
19 assist. But now I'm no longer certain that he came, and now I have the
20 impression that he didn't come. So I'm not certain about this. Because
21 the war in Vakuf was terrible, I don't know -- there's no war here so
22 that you can see how it is. There were hundreds of dead and wounded, and
23 as a result it's impossible to remember all of this.

24 Why did he want to come? Because he's from Herzegovina. He's
25 from Bosnia and Herzegovina. He was, in fact, a volunteer in Croatia, as

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1 I was. He was born in Zvirovici. I know the village and the house that
2 he was born in.

3 MR. STRINGER:

4 Q. General, let's move to paragraph B of this document, 3D00909,
5 which relates to the period of time when you were the commander of the
6 HVO Main Staff. Kapular writes, and this is about the second shift --
7 and by the way, before I get to that, I want to go back to the top, based

8 on something you said.

9 You indicated that something less than the entire 5th Guards
10 Brigade was deployed or present in Herceg-Bosna. I want to challenge you
11 on that just a bit, because at the top, in the first paragraph,
12 Brigadier Kapular writes that:

13 "As from 6th of July, 1993, to nowadays, the 5th Guards Brigade
14 was entirely, in terms of its formation, engaged in Herceg-Bosna in three
15 shifts."

16 So the fact is that when you consider that the 5th Guards Brigade
17 went down to Herceg-Bosna in three shifts, when you consider all three
18 shifts, then what the commander of this unit is saying is that, in fact,
19 it turned out that the entire 5th Guards Brigade at one point or another
20 went down to Herceg-Bosna and fought with the HVO; isn't that true?

21 A. No, Mr. Stringer. The report from the field that we examined
22 yesterday is a lot more precise. I'll repeat what I said.

23 Have a look at item C. It says "697." And when you add 563 to
24 that, well, he doesn't even perform addition correctly, let alone do
25 other things well.

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1 Q. Let's put it this way, General: You're saying that the commander
2 of the 5th Guards Brigade doesn't know or is incorrect when he's
3 reporting to his minister of defence about the extent to which his unit,
4 the 5th Guards Brigade, was deployed in Herceg-Bosna? You know better
5 than him?

6 A. I know why he wrote this, and I know this better than he does because his
7 men were with me and I was with them. And in a report that I drafted, I
8 wrote down the 5th Guards Brigade, and 140 men were referred to. I
9 practically knew each individual person, I knew how many of them there were.
10 And here he's trying to attain certain objectives; glory for the brigade, he
11 wants a little money as a benefit for battle-field duties, etc. He needs to
12 get new cannons, so he says, here, the've been sent, but then he says some
13 have broken down, and so on and so forth. So this is what is done in all
14 organisations. Things are doctored, and things are doctored in the
15 military, too, for very prosaic reasons.

16 Q. So your testimony, then, General, is this highly effective
17 brigadier in the Croatian Army, who you've said nothing but good things
18 about since we started talking about him, now your testimony is that he's
19 making a false report about the deployment of his 5th Guards Brigade in
20 Herceg-Bosna and that he's knowingly giving this false report to his
21 minister of defence in order to get more equipment or more notoriety; is
22 that your testimony? He's lying to Susak for improper reasons?

23 A. He's doctored the report. That's done in all armies throughout
24 the world, and especially at a time of war. 90 per cent of the reports
25 are doctored, and I can't address this issue here because no one asks me

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1 about that.

2 Q. Well, the fact is, General, that if there was anyone who had a
3 motive to lie about this issue, it's you; isn't that right? The fact is

4 you're not telling us the truth fully about the deployment of the
5 5th Guards Brigade down in Herceg-Bosna, you're the one who's lying about
6 this. Brigadier Kapular had no reason to lie, and in fact it would be
7 counterproductive and risky, from a professional point of view, for him
8 to lie to Minister Susak. He's got no reason to do that. You're the one
9 who's got the motive to lie. Isn't that true?

10 MS. PINTER: [Interpretation] I would just like to ask my learned
11 friend, Mr. Stringer, to refrain from expressing himself in that way.
12 When Prosecution witnesses were present and when one of the Defence
13 members told the witness that he was lying, then counsel was warned not
14 to tell the witness that the witness was lying. So I would like to
15 request that Mr. Stringer refrain from using such expressions.

16 THE WITNESS: [Interpretation] I don't mind. I'll answer the
17 question, so long as I'm allowed to answer it.

18 Why is it that I'm not lying, Mr. Stringer? In the report from
19 the Uskoplje battle-field from this period of time, and I asked that the
20 HVO -- the entire HVO should report on the actual state of men engaged.
21 I don't know if you remember that document from 1993, and there I
22 enumerated twenty one and mentioned who was ill and who wasn't there.
23 It says the 5th Guards Brigade, 140, 50 men, so why would I then lie to
24 myself, since I knew all these men?

25 And, secondly, look, as I have said, under C it says the third

1 shift is there, and what's the number? When he did the calculations, he

2 wrote down "697."

3 Q. Excuse me, General.

4 A. I apologise. You're telling me I'm a liar. Allow me to defend
5 myself.

6 Q. Well, we're going to talk about the third shift, but I want to
7 talk about the second shift first. So we'll get there, I promise you.

8 The second shift, as indicated in item B, according to
9 Brigadier Kapular, is from 28th of July until the 28th of September,
10 1993. This was the Second Combat Group consisting of approximately
11 700 men, engaged within combat activities on the Mostar and
12 Uskoplje-Prozor battle-front. Isn't that true, General, that during this
13 period of time you had some 700 men come down from the Croatian Army,
14 with all of their equipment, to assist you in the conflict against the
15 Army of Bosnia-Herzegovina?

16 A. Not correct, not correct.

17 Q. All right. But Brigadier Kapular goes on to say -- he's talking
18 about the first part of the combat group, some 310 men engaged in the
19 Rama-Uskoplje battle-field on the 28th of July, 1993. Is that part
20 correct, since this was right after you took command of the Main Staff on
21 the 28th of July? Do you accept that Brigadier Kapular is saying here
22 that 310 of his men were engaged on the Rama-Uskoplje battle-field, or is
23 he not telling the truth to Minister Susak about that?

24 A. 245 men, according to Vinko Mazar's report, who is a commander
25 from the 5th Guards Brigade. This is a document that you can look at,

1 you showed it yesterday, 245 men, and the second group was not in Mostar.
2 There may have been few men left behind, but there weren't -- in any
3 case, 245 men in total, including drivers and -- and Mazar writes that in
4 his correct report to his commander. And then, in turn, that one doctors
5 the facts, adds up numbers.

6 Q. So when you say someone's doctoring the numbers, is this
7 Brigadier Kapular you're talking about?

8 A. Yes, Brigadier Kapular is the one who increased the figures.

9 Q. Now, skipping down a couple of lines, but again staying with --

10 JUDGE TRECHSEL: Excuse me, Mr. Stringer. I have a question
11 regarding this.

12 Mr. Praljak, who was Major Z. Zeko?

13 THE WITNESS: [Interpretation] Leko, L, Leko. Zvonimir Leko. He
14 was a Herzegovinian by origin. He fought in Vukovar. He was wounded
15 three times. A formidable lad. He was the commander of that group or,
16 rather, the infantry group of 140-plus men. He fought with them in Rama,
17 and at one point he spent 40 days in a row in a trench until he was
18 completely exhausted.

19 JUDGE ANTONETTI: [Interpretation] General Praljak, you are
20 testifying under oath. You are supposed to tell the whole truth. When
21 you claim that the 5th Brigade was not there, you may be right about it,
22 maybe it's not the truth. I have nothing to make any finding whatsoever.
23 However, you know that the Prosecution has a lot of means available by
24 September. For instance, they can launch investigations to trace back

25 Kapular. I don't know whether he's still alive; to try and find

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1 Major Zeko; to try and find all those who were in the 5th Brigade, in the
2 5th Guards Brigade. And the Prosecution can, end of August, early
3 September, come back with all those statements, saying that, Throughout
4 that time, we all were in the Republic of Bosnia and Herzegovina, under
5 Kapular's command. So, you see, technically it is feasible for them.
6 And if the Prosecution decides to do so, what would you do then, what
7 would you say?

8 You, yourself, of course, with your investigators, can do the
9 same thing.

10 THE WITNESS: [Interpretation] Your Honour, if you give me
11 additional time and if you tell me, Bring Mr. Leko, he's going to be here
12 within 24 hours. Or if you say, Bring Mazar here, he will be here within
13 24 hours. Or ask me to bring here Brekalo, Juric, or any other. All of
14 them will come within the next 24 hours. Just give me additional time
15 and tell me who you want to see, which of the people you want to see here
16 to tell you the truth, and they will be here. There you go.

17 Okay, I can ask for additional investigation. I would like this
18 to be checked either by the Trial Chamber, the Prosecutor, the Defence,
19 whoever.

20 JUDGE ANTONETTI: [Interpretation] My fellow Judge wants to speak.
21 But if I understand properly, you're telling me that all the members of
22 the 5th Brigade, if they were to be heard, would confirm what you say;

23 namely, that there were volunteers and that the 5th Brigade of the
24 Republic of Croatia were not entirely, as is claimed by this document,
25 there, but that some were there as volunteers. I just note what you say.

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1 But Judge Trechsel has a question, I believe.

2 JUDGE TRECHSEL: Just one information I would like to have about
3 Major Leko. It's wrongly transcribed in the translation.

4 Where did he hail from?

5 THE WITNESS: [Interpretation] Herzegovina.

6 JUDGE TRECHSEL: Do you know the village or town?

7 THE WITNESS: [Interpretation] I don't know where Leko hailed
8 from, exactly which village. But for your information, Your Honour
9 Judge Trechsel, he was an HVO member from the year 1992, when I came down
10 there.

11 JUDGE TRECHSEL: Thank you.

12 JUDGE ANTONETTI: [Interpretation] One last question. As far as
13 you know, Ivan Kapular, just the same as Ante Roso, or Gotovina, or
14 Milenko Filipovic, had they been soldiers in the French Foreign Legion?

15 THE WITNESS: [Interpretation] No. I believe that Kapular, and I
16 say "I believe," that he was a member of the Canadian Army, but I'm not
17 sure.

18 JUDGE ANTONETTI: [Interpretation] All right.

19 MR. STRINGER:

20 Q. General, this is what Kapular says about the first part of the

21 combat group that went to Rama-Uskoplje on the 28th of July. He says,
22 this is at the very bottom of the first page of the English:

23 "If the first part of the combat group hadn't been used, the
24 entire town of Uskoplje would have fallen."

25 Would you agree with his assessment of that, in terms of the

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1 impact that the Croatian Army soldiers had in the balance of power, if
2 you will, as between the HVO and the armija at that point in time?

3 A. For the hundredth time, they were not HV soldiers, they were
4 HVO volunteers. I admire your persistence. You're going to ask me a
5 hundred times, and I'm going to repeat a hundred times. They were
6 volunteers in the HVO, and in military terms I was their commander.

7 Q. I'll rephrase it --

8 A. And they were -- let me answer. Yes, they meant a lot. They
9 were formidable fighters, first-class fighters. They were very
10 courageous, and they left in October, after having lost ten men, and they
11 had over a hundred wounded, and all that after they had fought in Vukovar
12 and Zadar. I believe that at the end of that stint as volunteers of the
13 HVO, half of the brigade perished.

14 Q. And it wasn't just these quality fighters who came down from the
15 Croatian Army, it was also the big guns and the equipment, the MTS that
16 they brought with them, that helped carry the day for the HVO on the
17 Uskoplje-Rama battle-field; isn't that true?

18 A. Correct, but not to the extent described here by

19 Commander Kapular. The answer is yes, but not in the amount stated
20 herein.

21 Q. All right. Now, we can talk about the third shift now, which he
22 says is from the 28th of September, and he's saying that: "Currently
23 located in Herceg-Bosna." He said that brigade units are currently
24 engaged on lines, defence of the town of Uskoplje, and then he mentions
25 Stublic and then in-depth Prozor. He gives a list of the currently

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1 deployed units, the 4th Motorised Battalion, one-third of the motorised
2 battalion, a tank company. We can all read all of that. And then he
3 concludes that the total number of engaged number of men on the field,
4 697.

5 So, in fact, General, and I note this is one of your documents,
6 which appears to have been made in the later part of October 1993, in
7 fact, even as of that time, according to Brigadier Kapular, there was a
8 very, very large contingent of the HV -- 5th Guards Brigade still present
9 in Herceg-Bosna; isn't that correct?

10 A. I repeat, do your sums and you will see it says "697." My sum is
11 563. The difference is 164. In the report, sent on the 18th of
12 September from the same theatre of war by Commander Vinko Mazar, says we
13 have a total of 245 men. And I'm telling you, these are war reports that
14 contain errors in all wars, in all armies. It's up to you whether you
15 want to believe me or not. Maybe you can consult some books on war
16 doctrine. Every commander will say that they have less ammunition than

17 they actually do. Everybody who's in charge of an ammunition depot says
18 that they have less than they should. People are requesting more than
19 they actually need. It's only natural. But let me not go there.

20 Q. And then in paragraph 2, he says that:

21 "From the 6th of July until now, within the combat activities on
22 the battle-fields of HR Herceg-Bosnia, save the manpower of the brigade,
23 the following combat technique was engaged:"

24 I'm not sure how good that translation is. He makes reference to
25 eight tanks, eight T-55s, and you'll recall perhaps, General, that that

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1 number is the one that's also contained in the exhibit we looked at
2 yesterday, P06037. And if you keep that number in mind, eight tanks, if
3 you skip down to item 4, he's talking about what the brigade -- the
4 assets of the brigade in total, and he indicates that the brigade has
5 25 T-55 tanks. So that would suggest, wouldn't it, General, that about
6 one-third of the brigade's tanks, 8 of the 25 of them, were actually
7 deployed down in Herceg-Bosna as part of the combat activities there
8 against the Armija of Bosnia-Herzegovina, is that correct, eight T-55
9 tanks?

10 A. Not while I was there, there were not eight tanks there. In the
11 battle-field where they were deployed, and that was Vakuf, there were
12 three tanks. I believe that there was an RAK. And I really can't
13 remember that they brought a 152-millimetre Howitzer D-20. While I was
14 in command, this fact does not stand.

15 Q. So your recollection is that there were three tanks of the
16 Croatian Army that were in the area of Gornji Vakuf during this period,
17 which is roughly August-September 1993?

18 A. Not correct that there were three Croatian Army tanks. Three
19 tanks came from Croatia and became the tanks of the HVO, and at the end
20 of the day, when it came to the hierarchy, I was in command of those
21 tanks. They were not HV tanks; they were HVO tanks.

22 Now, as for the origin of things that came to Bosnia and
23 Herzegovina, if we were to count the states involved, then half of the
24 world would be involved in that war in Bosnia-Herzegovina. That's where
25 they all came from.

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1 Q. General, the next exhibit that I have here is P06468. This is
2 dated the 6th of November, 1993, and these are appointments made by
3 Mr. Gojko Susak and Janko Bobetko, who is the chief of the Main Staff of
4 the Croatian Army. And they are appointing various individuals to the
5 Main Staff of the HVO. Do you see this? Do you have the document?

6 A. Yes.

7 Q. Now, were you familiar with this fact? This is just at the time
8 that you are resigning your position as commander of the HVO Main Staff.
9 Were you aware, General, that pursuant to an order of the supreme
10 commander of the armed forces of the Republic of Croatia,
11 President Tudjman, that these 14 individuals are being appointed by
12 General Bobetko and by Gojko Susak, first among those being Ante Roso,

13 who, in fact, took command of the HVO Main Staff?

14 A. I was aware of those problems. Franjo Tudjman, the commander of
15 the HV, never issued an order for something to that effect to be written.
16 He never signed anything of that kind, either him or Susak or Bobetko. I
17 know that there was a huge misunderstanding with this regard and that
18 this was actually done by somebody who tries to be very smart. This
19 document does not have a signature. It's not valid.

20 Franjo Tudjman was very cross when he saw this, and he said, What
21 kind of a moron is able to write something like this?

22 Q. And President Tudjman was so cross because he was worried that if
23 this document or something like this were to fall into the hands of, for
24 example, some of the European countries or the Americans, that it could
25 result in severe repercussions for the Republic of Croatia; isn't that

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1 true?

2 A. President Tudjman was worried, thinking, Who is it who could
3 write something like that, for him to order another army to appoint
4 people to the Main Staff. He can release volunteers, he can promise them
5 promotion, but Mr. Tudjman was too clever a gentleman to appoint army
6 commanders in a different state. He was not so much concerned about
7 America, and so on and so forth, although he had to bear that in mind as
8 well. He knew very well that such a nonsense could shed a totally wrong
9 light on what was going on in Bosnia and Herzegovina, especially among
10 those who managed the war and were making it take the directions that it

11 did, and there were a lot of such people.

12 Q. But isn't it true, General, that in fact it was President Tudjman
13 who did ultimately make the appointments and the decisions, albeit
14 perhaps not officially or formally, but it was President Tudjman who
15 appointed and approved persons such as you, Milivoj Petkovic, Ante Roso,
16 Lasic, Siljeg? All of you from the Croatian Army, in fact, would not
17 have held the positions you held in the HVO if President Tudjman did not
18 approve of that? Isn't that how it really was?

19 A. Not correct.

20 Q. Was it your testimony that it was Mate Boban who had the ultimate
21 authority on the appointments to the command positions in the HVO?

22 A. Correct. Mate Boban could appoint and dismiss or discharge. He
23 could talk to anybody he wanted to, he could take advice, but he was the
24 one who appointed people. And he appointed me because he needed me,
25 because I had the knowledge, I had a high -- which you also checked

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1 during your investigation, I had a reputation among lads, and he needed
2 me. And I, myself, wanted to fight after having spent a year on
3 peacemaking.

4 But, please, do not forget one thing. I am a citizen of Bosnia
5 and Herzegovina.

6 Q. So it's your testimony, General, that President Tudjman played no
7 role in the appointment of officers to command positions in the HVO; is
8 that your testimony?

9 A. This is not my testimony. A role is one thing; an appointment is
10 a different thing. You can play a role as an adviser. You can assist
11 with something being done. You can help, you can raise the level of
12 motivation in order to help people make a decision to go somewhere, but
13 all that does not fall under the category of decision. Decision was not
14 Franjo Tudjman's. Franjo Tudjman could arm the BiH Army. He negotiated
15 with Alija Izetbegovic, who in turn negotiated with the international
16 community. In Bosnia and Herzegovina, Mate Boban was the one who
17 appointed commanders and discharged them of their duties; up to the
18 brigade level, that is.

19 Q. The next exhibit is P06797. This a document of the Republic of
20 Croatia Ministry of Defence, Welfare Administration, 22 November 1993.
21 Just one last little bit about the southern front, General.

22 The person who's writing this order, Mr. Blaskovic,
23 Boris Blaskovic, he's sending this out to the operations zones and the
24 heads of the welfare departments and the Operative Administration of the
25 Defence Ministry, and he says:

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1 "This is an order to be very careful during filling out of death
2 forms so that in the case of a person killed in the territory of the
3 Republic of Bosnia and Herzegovina, one is supposed to fill in the
4 southern battle-field and not the exact place of death. The matter is
5 that this has been still happening, especially in the recent time, that
6 some people are mentioning the name of the place of death as, for

7 example, Mostar, Bugojno or other places."

8 Now, is it true, General, that the Croatian public, the families
9 of those who died in Bosnia-Herzegovina, would have been misled about the
10 place of death and that this was, in fact, a cover-up to prevent the
11 world from knowing that you had a lot of soldiers from the Croatian Army
12 who were fighting and dying on the battle-field in such places as Bugojno
13 and Mostar in Bosnia-Herzegovina?

14 A. Not a single Croatian soldier was killed. They were killed as
15 HVO members. And why is this gentleman writing this? He's writing this
16 precisely for the fact that I've already repeated several times.

17 Peace will come. There will be bureaucrats, there will be red
18 tape, and if they died as HV volunteers, somebody will say, You are not
19 entitled to a pension or your families are not entitled to pension, or
20 you're not entitled to treatment.

21 The fact that they had to be mentioned as having been killed in
22 the southern front is a social problem, not a psychological problem.
23 People who went down there were volunteers, as professionals.

24 And as for what the general public thinks about war is important,
25 but not as important as defending a people from the brutal aggression

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1 launched by an army that were allies until only yesterday, and that at
2 the moment when the international community established a republic and
3 when Alija Izetbegovic wanted to extend his own republic all the way down
4 to the sea.

5 Q. Well, the fact is, General, that this issue could have very
6 easily been dealt with administratively and honestly and openly if the
7 Croatian Ministry of Defence didn't want to cover up the fact that so
8 many of its soldiers, on its payroll, entitled to pensions of the
9 Croatian Army, were, in fact, engaging in and being killed in operations
10 down in Bosnia-Herzegovina. This could easily have been dealt with
11 without this sort of deceit; isn't that true?

12 A. No, this could not have been done in any other way. There's
13 still a huge problem in Bosnia-Herzegovina, because members of the HVO
14 are asking for their pensions that they received in Bosnia-Herzegovina,
15 which are very low, to be equal to the pensions of the Croatian soldiers,
16 because they believe, as everybody else does, that the Croats did not
17 attack anybody; they only defended themselves. Both in Croatia and in
18 Bosnia-Herzegovina, the tension still persists. And after the war,
19 Croatia made a number of donations to Bosnia-Herzegovina, which couldn't
20 do it itself, to pay the HVO soldiers, their treatment, their pensions,
21 their salaries.

22 JUDGE PRANDLER: Yes, Mr. Stringer, I'm sorry to interrupt you.

23 Concerning this order, in paragraph 3 we can read that:

24 "All required forms are to be filled out correctly and
25 completely; i.e., not only the information concerning the HV member,"

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1 "concerning the HV member who had been killed, but also the information
2 regarding his family members," et cetera.

3 My question, Mr. Praljak, is: If, as you claim, if everybody --
4 there was a volunteer only and everybody who was killed, let's say
5 quote/unquote "in the southern front," then why this order, in its
6 paragraph 3, uses the expression "HV member"? It is my question.

7 THE WITNESS: [Interpretation] Well, if they say the HVO, then
8 someone will say, The HVO, well, it's a different state, you can't do
9 that. So as in the case of the Muslims, an HVO member, who voluntarily
10 became an HVO member, but had his rights maintained, well, that was never
11 in dispute. We arranged things so that they would maintain their rights,
12 that the family of these men would have their rights, that he would -- so
13 that he would be buried, so that he would be medically treated, as if he
14 was a member of the HVO. Wherever he was killed, if he was a volunteer,
15 he would be treated as if he were a member of the HVO. And that was the
16 case in the ABiH as well, if you had a look at the documents, so when he
17 goes there, his rank is waiting for him, his flat, his salary.

18 So this was an overall position that has quite clearly been
19 presented here. Someone will mistake -- confuse the HV and the HVO, but
20 this position is absolutely clear wherever they went to fight against a
21 common enemy. Well, if you left the HVO [as interpreted], wherever you
22 went, you would have all the rights you would have had if you'd remained
23 in the HVO [as interpreted]. That's what I've repeated, that's how it
24 was, and I worked on this when I was the head in the IPD.

25 JUDGE PRANDLER: Thank you for your answer, but I was not

1 convinced. Thank you very much.

2 MS. PINTER: [Interpretation] I apologise, Mr. Stringer.

3 For the sake of the transcript, the General, on page 36, line 8
4 to 10, spoke about the HV, not the HVO.

5 MS. NOZICA: [Interpretation] I apologise, Your Honours, for
6 interrupting.

7 I have been looking at the order, and I think it would be correct
8 for me to say something. I can't see, in item 1 of this order, anything
9 that has to do with the other items, and although Mr. Praljak is
10 testifying here, I think we have to be cautious. These are instructions
11 that are being given for all HV soldiers and their family members who
12 have certain needs, so I don't see how items 2, 3 and 4 -- I don't see
13 how these items have anything to do with item 1.

14 Thank you.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, to be clear,
16 this military document dates back to November. You were no longer
17 holding the post then, so you could say that this document does not
18 concern you, since you were no longer in any position of responsibility
19 at the time. But let's set this aside.

20 This document seems to show that there is a problem. When a
21 soldier is killed in the Republic of Bosnia and Herzegovina, one should
22 not mention the place of death, such as Mostar, Bugojno, or other places.
23 Remember paragraph 195 of the Naletilic judgement. This Trial Chamber
24 has made judicial notice of paragraph 195, which I'm going to read out
25 slowly. I quote:

1 "If voluntary defenders may have represented part of the Croatian
2 troops present in Bosnia and Herzegovina, it is in fact Croatia that
3 organised the dispatch of the vast majority of them, while trying to hide
4 or conceal their presence by asking them, for instance, to change
5 uniforms and insignia, and by putting on HVO uniforms and insignia."

6 End of quotation; Naletilic judgement, paragraph 195.

7 So the Naletilic Trial Chamber had made the finding that the
8 Republic of Croatia had concealed something.

9 Now, we have this document here, and it may fall into this
10 category of concealment, as it were. What do you say to this?

11 THE WITNESS: [Interpretation] Your Honour, if the Republic of
12 Croatia had tried to conceal something, such a document would never have
13 been drafted, nor would there have been the initial documents from 1992.

14 General Tus, myself, Gojko Susak's announcement, this was all
15 public, and instructions were provided very precisely. They wouldn't
16 have concealed Muslim documents where they said, Please release those
17 people, they'll go to such and such places, but they'll retain the rights
18 of the HVO or, rather, the HV. I apologise. I'm sorry I can't convince
19 Judge Prandler, but it's simple.

20 I worked on this as assistant minister for IPD. A volunteer who
21 fights against a common enemy or who is defending the Croatian people has
22 to take off his insignia when he goes to another army, to the HVO, he's
23 under the command of the HVO, but if he's killed and while he's in that

24 area, or if he is wounded, he'll be treated as if he were an HV soldier.

25 He'll be receiving his salary, he'll be provided with medical care and

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1 hospital, because there were no hospitals down there. His family --

2 well, he'll be buried, he'll receive an allowance. I don't know what I

3 could say about this.

4 Nothing was concealed. These were volunteers, and I'm repeating

5 what I said, at one point in time while I was down there during the most

6 intensive fighting. As for the 24th of July until the 9th of November,

7 there was never at any point in time more than 500 men down there,

8 altogether.

9 I also mentioned the figure of 700 with reference to Naletilic,

10 and then I made certain calculations and I said 500, but at no point in

11 time were there more than 500 volunteers, but 60 men from the Tigers,

12 from the 1st Guards Brigade, meant a lot to me. They just rose up. It's

13 as if a marine were to arrive on the scene.

14 JUDGE ANTONETTI: [Interpretation] It's time for the break. It is

15 five minutes to 4.00, and we've over-stepped the time. We shall have a

16 20-minute break.

17 --- Recess taken at 3.53 p.m.

18 --- On resuming at 4.20 p.m.

19 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, I believe you

20 have a correction to make on the transcript.

21 MS. ALABURIC: [Interpretation] Your Honour, good day. Good day

22 to everyone in the courtroom.

23 As you requested, if we notice that there's some problems with
24 the translated documents, we inform you at the time. I'd like to draw
25 your attention to a problem that concerns the translation of document

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1 3D909, which is a document that we spent the entire first session
2 discussing.

3 In the English text, the translation indicates that it concerns
4 the entire 5th Guards Brigade that was engaged in Herceg-Bosna. That's
5 literally stated in the fifth line of the English translation. The
6 Croatian original, however, is different. In that part of the text, the
7 Croatian original states that the 5th Guards Brigade, and I quote -- that
8 "its entire establishment was engaged in Herceg-Bosna." I quote -- I
9 repeat "it's entire establishment part" or, rather, "element was engaged
10 in Herceg-Bosna."

11 So reference is made to an establishment part of the 5th Brigade
12 that was engaged in Herceg-Bosna. And if this is compared with the
13 beginning of the passage, which refers to reinforced combat group,
14 which in the -- from the hinterland of Zadar was transferred to
15 Herceg-Bosna, and then it also refers to combat groups in the first and
16 second shift, if this is done, I think it's clear that the 5th Brigade --
17 or, rather, the entire 5th Brigade wasn't engaged in Herceg-Bosna, as
18 translated in the English version. So given the discussion with
19 General Praljak, I was of the opinion that it was important to clarify

20 this.

21 Thank you very much.

22 JUDGE ANTONETTI: [Interpretation] Thank you, Ms. Alaburic, for
23 having clarified this. To tell you the truth, I had a question about
24 this. When I saw that in the English, words had been placed in brackets,
25 I then looked at the B/C/S version. Since I'm not conversant in the

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1 B/C/S, I wondered whether this had been translated properly, and I had
2 thought that the Defence counsel, who speak both languages, were going to
3 make a comment.

4 Notwithstanding that, I also did have a technical question that
5 came to mind. When a unit or a brigade, i.e., 3.000 men, move from one
6 place to another, this is an extremely sophisticated and complicated
7 operation. Technically speaking, moving such a unit is always difficult.
8 Part of the unit always remains in the barracks, there are maintenance
9 vehicles, and not everybody goes from A to B, not all the people. So the
10 adjective "entirely" did not fit in with the military situation in
11 question. I was waiting for the B/C/S experts to say something about
12 this.

13 JUDGE TRECHSEL: Thank you, Ms. Alaburic, for having pointed out
14 a problem with translation.

15 I would like to know what that means. I must say that the words
16 that I have heard in English, I cannot make heads or tails of. I have no
17 idea, whatsoever, what it is supposed to mean. So I don't know whether

18 you can explain. Maybe I will listen to the French translation once more
19 and then understand something. So far, I do not know what this means.

20 MS. ALABURIC: [Interpretation] Judge Trechsel, I've spoken to
21 General Petkovic as well, and we both tried to understand the meaning of
22 this term, and we will now tell you what we believe it means.

23 One brigade has its own establishment. It's a list of all the
24 parts of the brigade or its components, and it includes all the
25 positions, the duties in the brigade. There is something that is called

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1 an establishment part within a brigade, so that is something that comes
2 under the description of all the organisational units and their tasks, so
3 it's part of this organisation. And according to our understanding, in
4 Herceg-Bosna a part of the brigade was engaged, and this depended on the
5 volunteers who volunteered, and then such a part could be formed. If we
6 then have a look at the first shifts and how men and equipment were
7 engaged, we can see, in fact, what this part represented, this part of
8 the 5th Guards Brigade. And according to our rough assessment, an
9 assessment we made during the break, that would correspond to what
10 General Praljak, in fact, said with regard to the total number of men in
11 the territory of Herceg-Bosna as volunteers. And if we compare all the
12 equipment that the 5th Guards Brigade had at its disposal with the
13 equipment that was engaged in Herceg-Bosna, in that case this would also
14 correspond to the assessment that was about -- it represented about
15 one-third of the tanks, and so on and so forth.

16 So this is how we understand this, but we admit that this
17 expression is very unclear, but we believe that it can be interpreted
18 within the relevant context as we have interpreted it.

19 JUDGE TRECHSEL: Thank you.

20 I have noted that what I have heard now was quite different from
21 what you had first given, and you admit, yourself, that this is not
22 clear. And, indeed, the method of interpretation that I understand and
23 that I see here, is it is so interpreted by Mr. Praljak that it is
24 corresponding to what he has said, this is natural, but it's, of course,
25 far from objective and cannot be taken at face value. I think we'll have

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1 to -- we'll have to wait and hope that we get clarification on this.

2 Of course, we are also interested to know what the effective
3 number of military men in this 5th Guard Brigade are, because so far we
4 have just one figure that has been given to us without any objective
5 clarification. So all I can state is that this is something which is
6 unclear. And you have helped, Ms. Alaburic, to point out the unclarity,
7 which is of value, and I thank you.

8 MR. STRINGER: Mr. President, in view of the obvious importance,
9 I think, that all the parties and the Trial Chamber attach to this
10 document, which is one of the Praljak Defence documents, I mean, clearly
11 we see, you know, translations -- this is an unofficial office
12 translation. Prosecution translations have mistakes in them or sometimes
13 can be improved upon. Perhaps this one can be improved upon as well. I

14 don't know. I'm at a disadvantage to really comment on anything that
15 counsel has said.

16 Could I suggest, however, that perhaps we, one of the parties or
17 even the Trial Chamber could ask the CLSS, who are really sort of the
18 professionals at the highest level, to review the translation. Perhaps a
19 revised or an approved CLSS version could be made that could be
20 substituted for this if there's any significant difference.

21 JUDGE ANTONETTI: [Interpretation] Yes, that is what we shall do.

22 General Praljak, had you been more careful, you would have
23 realised there was a problem. When the Prosecutor said that the
24 5th Guards Brigade was entirely in Bosnia-Herzegovina, you should have
25 responded that, technically speaking, this was impossible. All you

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1 needed have done was to indicate, for instance, take the case of the
2 US troops in Afghanistan. When one unit goes off to Afghanistan, there's
3 always a group of men that remain behind in the USA. The same applies to
4 France. This is a standard practice in the military. In this case, you
5 didn't say anything, so one had -- one could have believed that you
6 disagreed with the Prosecutor. And this adverb "entirely" did oppose the
7 problem. You should have, with the technical expertise you have, stepped
8 in and said something. It's not for me to correct this afterwards.

9 THE WITNESS: [Interpretation] Thank you, Judge Antonetti. I
10 quite simply wasn't paying attention to this.

11 In 1993, I drafted a report in the course of the war. I would

12 have been happy if there had been several thousand of them, but I wrote
13 down a number in that document at the time, the document you've seen. In
14 desperation, it says "Fuck it," if you remember those words. I then
15 stated how many members of the 5th Guards Brigade were in Uskoplje. But
16 in 1993, in such conditions, would I have lied, I would have been happy
17 to have thousands of soldiers. Our situation was desperate, and the
18 number is mentioned there. I know how many of them were there. I was in
19 the war, and that's why I miss certain things like this. I understand
20 that they are important to you.

21 And I'm claiming that at the very same time in Zagreb, the ABiH
22 received more from Croatia than the HVO. This included logistics bases,
23 and thousands of Muslims were equipped in Croatia and sent to the ABiH.
24 I don't understand this problem, I'm stupid in this case.

25 JUDGE ANTONETTI: [Interpretation] General Praljak, had you used

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1 your mental calculator, you would have realised when the Prosecutor gave
2 us a breakdown of the units, the first, the second and the third, A, B
3 and C of the documents, when you did the sum total of the figures that
4 had been mentioned, we reached the figure of 2.000, approximately. And
5 you said that the brigade comprised 3.000 men, so a thousand were
6 missing, and you didn't notice that.

7 Admittedly, when one answers questions for months and months,
8 perhaps one is not so alert anymore. Fortunately, the Judges of the
9 Bench are still able to do their sums.

10 THE WITNESS: [Interpretation] I indicated the place where a
11 mistake was made with regard to 150 men. The figure was increased by
12 150. I noticed that these figures are not correct. I know why they're
13 not correct. I understand the brigade commander, who's fighting to
14 obtain more. In Croatia, there was nothing. If you saw the document
15 where it says there, No trousers, no boots, that's what it says. They
16 had nothing, and he's struggling to obtain these things. So naturally,
17 he will doctor the figures, and then he asks for these details.

18 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, the Trial Chamber
19 will ask CLSS to translate this part of the document.

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

21 Q. General, we're just about done with this set. One of the
22 documents we looked at a few minutes ago was P06468, which was the
23 document whereby there was an indication that pursuant to an order of
24 President Tudjman, and on the, I guess, approval or the support of
25 Gojko Susak and Janko Bobetko, a group of individuals from the Croatian

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1 Army were appointed to the HVO Main Staff, and the first among those
2 being Ante Roso.

3 Do you have 6468 there, or do you recall that one? And I know
4 you challenged the document or you challenged whether President Tudjman
5 was, in fact, making the appointment -- the appointments that are
6 indicated here. Do you remember the document?

7 A. Yes.

8 Q. If you'll just keep that in mind, because I want to move to the
9 next one, which is P06831, which is one of the Presidential transcripts.
10 It's from the 23rd of November, 1993.

11 Now, General, I know that this is a meeting that takes place
12 after you've resigned or given up your position in the HVO, but it
13 relates to events that were taking place while you were with the HVO and
14 while you were still associated with President Tudjman's government as an
15 adviser. So I want to ask you some questions about it.

16 It is on the 23rd of November, 1993. President Tudjman is there
17 with Janko Bobetko and Gojko Susak. And I'd like to direct you to page 8
18 of the transcript, and I'm going to read some passages to you.

19 MR. STRINGER: Now, Mr. President, just --

20 THE WITNESS: [Interpretation] Before you start, at the time I
21 wasn't President Tudjman's adviser, so you shouldn't refer to facts that
22 you haven't checked.

23 MR. STRINGER:

24 Q. No, I actually meant to say that I understand that you were not
25 his adviser at the time. Maybe that wasn't interpreted correctly.

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1 A. Okay, okay.

2 MR. STRINGER: So just for reference, Mr. President, on page 7,
3 you'll see this is the transcript where President Tudjman asks who
4 ordered the bridge in Mostar to be destroyed, and then turning to page 8,
5 actually, they move to another topic.

6 Q. And that's the one I would like to talk to you about, General.

7 The top of page 8, President Tudjman, after asking for a written report
8 about the destruction of the Old Bridge, he says, and I'm quoting:

9 "Thirdly, how, Minister of Defence and chief of the main
10 headquarters, could you have issued such an order confirming that Croatia
11 is waging war, that it is directly involved, and I constantly emphasise
12 that you should have built all this up as something voluntary, that these
13 are volunteers who have left the Croatian Army, who fight there under HVO
14 command, and here you are appointing the main headquarters, minister of
15 defence of Croatia and chief of the main headquarters."

16 Now, we can go on, General Praljak, just to make it clear that
17 what President Tudjman is referring to here is P06468, which was the
18 document on the appointments to the HVO Main Staff.

19 On the next page, President Tudjman says:

20 "But not that we should make appointments --"

21 Let me just back up a little bit. Bobetko says:

22 "We here agreed that after the meeting here we should get
23 together people who should help to work there."

24 President Tudjman says:

25 "But not that we should make appointments. It was said, if you

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1 please, that I released with my own order that stayed here, General Roso,
2 but General Roso was appointed by the president of the Republic of
3 Herceg-Bosna."

4 And then skipping down a few lines, Bobetko says --

5 A. I apologise, I apologise.

6 Q. Is -- are people having trouble following --

7 A. It's not being correctly interpreted. We'll go too far and I'll
8 have to go back to this.

9 MS. TOMANOVIC: [Interpretation] I apologise. Mr. Stringer,
10 you're being incorrectly interpreted into Croatian, so perhaps you should
11 repeat what you said. There's a mistake that has been made, and it's
12 quite important.

13 MR. STRINGER: Okay, I'll start over. Thanks for the warning.

14 Q. Let me start with just the first quote that I read, where
15 President Tudjman says: "Thirdly," now, "Thirdly," quote:

16 "How, minister of defence and chief of the main headquarters,
17 could you have issued such an order confirming that Croatia is waging
18 war, that it is directly involved, and I constantly emphasise that you
19 should have built all this up as something voluntary, that these are
20 volunteers who have left the Croatian Army, who fight there under HVO
21 command, and here you are appointing the main headquarters."

22 Just to stay with that one, General, doesn't this essentially
23 confirm that this whole business of volunteers was a sham and that
24 essentially your testimony about these Croatian Army soldiers being
25 volunteers is just a repeat of the sham that President Tudjman was

1 talking about all the way back in November of 1993 as a way to mislead

2 the international community and the world about Croatia's involvement in
3 Herceg-Bosna?

4 A. No, no, that's not correct. It can't be correct. He said,
5 "present them as volunteers" in a sentence -- well, no, these are
6 volunteers who left Croatia and they were under the command of the HVO,
7 and that was also valid for the Muslims, for the Army of Bosnia and
8 Herzegovina, and I'll repeat what I said. At that time, that was all the
9 more the case than for the HVO. The position is very clear.

10 The sentence "They should be presented," well, it doesn't change
11 anything with regard to the constitutional decree which was confirmed
12 publicly on television by Gojko Susak, and it was repeated on several
13 occasions. No one could order the Croatian Army to cross the border of
14 Croatia. If that was done, the soldier could refuse to obey the order
15 and there wouldn't have been any consequences. This was a well-known
16 fact.

17 But there was assistance, yes. And I'll repeat this
18 ad infinitum. Thousands of Muslims were equipped in Croatia. Entire
19 brigades were sent there.

20 Q. Let me skip over to page 9, and I'll read you a quote. This is
21 the president:

22 "Look, the Republic of Croatia, the Ministry of Defence, Zagreb,
23 pursuant to a command of the supreme commander of the armed forces of
24 Croatia, the president of the republic, Tudjman, in accordance with
25 Article 52 of the Defence Law, Official Gazette number 7493, and the

1 decision on the foundations of the organisations of the Ministry of
2 Defence, the following are appointed to the main headquarters of the
3 Croatian Defence Council or" -- I think that should be "of the
4 Croatian Community of Herceg-Bosna. First, Colonel
5 General Ante Roso ..."

6 And then it continues.

7 General, can we agree that here, when he's speaking,
8 President Tudjman is referring to -- he's actually reading this document
9 we were looking at before, which is P06468, this unsigned document as you
10 pointed out?

11 A. This is a completely erroneous way of understanding the document.
12 Here, the president says -- I can see him as if he were standing here.
13 He says, Look, look, you stupid morons, look, Bobetko, what are you
14 doing? This is what it says, Look, General Bobetko, he says before that,
15 are you normal, what's the matter with you? In this whole transcript
16 he's repeating, Are you people normal? Look at what it says here, you --
17 you morons, what did you write here? Anybody who can speak and read
18 Croatian can read this. And then he goes on, General Bobetko. Susak
19 says there's no signature, and the president says, You also don't know
20 anything about this. And Susak says, No. And then the president says,
21 Come on, people.

22 JUDGE PRANDLER: Mr. Praljak, you cannot be followed, really,
23 when you read -- when you speak so quickly, but also I would like to ask
24 Mr. Stringer to slow down a bit because it is difficult to follow you,

25 sir. Thank you.

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1 MR. STRINGER: Yes, Your Honour.

2 THE WITNESS: [Interpretation] I can repeat. I can do it slowly,
3 if you want.

4 MR. STRINGER:

5 Q. I think you and I actually are -- can talk about this part of it.
6 I'm looking at page 10. Whereas you point out, General, Gojko Susak
7 says:

8 "I don't know about it."

9 And then Bobetko says:

10 "This was our proposal about how we could form this group to help
11 them, help Roso. There is no headquarters at all, no command."

12 And then the president asks General Bobetko:

13 "General, did you sign this?"

14 And Bobetko says:

15 "I looked at this last night, and I say now that these things
16 have to be seen through to the end. This command has to be set up. It
17 did not go anywhere. I don't know how it got here, but it did not go
18 anywhere. We had to start from somewhere, whom we should send there."

19 And Tudjman says:

20 "We should have made an agreement and we should have sent people
21 there."

22 And Bobetko says:

23 "Lucic got the assignment."

24 And President Tudjman says:

25 "To send to Roso, as commander of the main headquarters of the

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1 HVO, who was appointed there by the main headquarters, not that we should
2 appoint him, providing proof that we are giving the orders there."

3 Now, General, what this tells us, doesn't it, is that it was, in
4 fact, President Tudjman who was giving the orders about who would be
5 appointed, and that what he's so upset about here is the fact that
6 someone put into writing that fact, something that, if it got out, would
7 tell the world the extent to which the president of Croatia was making
8 the appointments of the highest military commanders to the HVO?

9 A. Not correct. Lucic was given the task to assemble volunteers.
10 Lucic subsequently got the task to collect and also was already in the
11 HVO. And then Bobetko says people volunteered, and then later on a
12 reference is made to what they should be promised if they volunteer, and
13 so on and so forth. Volunteers were being assembled, the president is
14 angry, he's very cross, because somebody drafted a stupid document, not
15 because that document changed anything. Volunteers had to be assembled.
16 See who would volunteer. They had to be provided with incentives, ranks,
17 assistance. And he says this is assistance. He doesn't appoint. He
18 says, I dissolved Roso of his duties. Whether Bobetko is going to
19 appoint him or not, Bobetko can, of course, accept suggestions. Croatia
20 will release these people, but Lucic has to find volunteers and provide

21 them with incentives. This is a completely different ball game.

22 Q. Now, the Lucic that you're referring to, who is that person?

23 A. General Lucic was first commander of the 1st Guards Brigade, its
24 first and fantastic commander, and at that particular time he was the
25 head of the Personnel of the Ministry of Defence of the Republic of

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1 Croatia. I believe so. I don't know whether it's completely correct. I
2 believe that he was the personnel guy at the time.

3 Q. All right. If you would then turn to page 14, skipping over,
4 they are talking about volunteers, they're talking about -- on page 12,
5 Bobetko says:

6 "He was looking for volunteers, and we gave him volunteers."

7 President Tudjman wants to know who wrote the order. They
8 continue talking about it. Bobetko says that he suggested men to him.
9 The men reported as volunteers, so they're talking about them being
10 volunteers.

11 And then Tudjman says on page 14:

12 "Select the men, and we said that because they are going as
13 volunteers, we will give them some privileges in rank and flats. And we
14 all agreed that together, not this kind of document that Croatia was
15 appointing its own men there. Officials from the main headquarters,
16 et cetera, at that, that we are running the main headquarters."

17 So, again, and you've just alluded to this a moment ago, General,
18 the fact is that these Croatian Army officers and others who went down

19 and fought in Herceg-Bosna with the HVO, were given incentives to do
20 that. They were given incentives by the Croatian Defence Ministry, by
21 the government, to promote their decision or to encourage them to go down
22 and fight in Herceg-Bosna; correct?

23 A. If you have the right to decide, then you don't have to provide
24 anybody with incentives. You just give them an order to go. If,
25 however, you had to provide people with incentives, then you don't have

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1 the decision power, you can't tell them to go. And this is what I'm
2 saying. Only it is not from the Public Staff, but the Main Staff.

3 It is true that Crnjac was born near Siroki Brijeg, Roso -- all
4 those men had already been members of the HVO, and people are being given
5 incentives, that's true, because at that time Franjo Tudjman made an
6 international agreement about the union of three republics, and since he
7 is a participant in international agreements, he was duty-bound to save
8 the Croatian republic which was mercilessly carved up by the Army of
9 Bosnia and Herzegovina, but he did not have the right to issue orders,
10 because if he had had the decision-making power, he would not have to
11 provide incentives to send people down there.

12 I'm just telling you what it's written here.

13 Q. Well, the fact is that when President Tudjman is able to put his
14 highest-ranking military officers in the HVO Main Staff, continue to pay
15 them and give them incentives for going down there, then the reality is
16 that they are going to be -- continue to be subject to his policies and

17 his directions; isn't that true?

18 A. Incorrect. President Tudjman, if he was in a position to
19 command, he would have issued commands. Why would he offer somebody
20 ranks and provide them with incentives? You provided incentives for
21 those that you can't command. If you have power over somebody, then you
22 don't have to give them any benefits. You just tell them, Do this
23 because you're paid. However -- he says, on the other hand, Give them
24 apartments, give them ranks, because he could not get enough volunteers
25 that Lucic promised. They had a certain number of people, of volunteered

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1 ones, they were promised apartments and ranks, and this and that and the
2 other.

3 Q. So then, General, you're saying that you and all the other
4 Croatian Army officers, the highest-ranking members of the Croatian Army
5 who went down to Herceg-Bosna, were not down there implementing policy
6 and military objectives decided upon by President Tudjman and
7 Minister Susak?

8 A. This a fabrication. What military goals? Please define
9 "military goals." Defending oneself from the Army of Republika Srpska,
10 the bloodshed, what America could not prevent in Srebrenica, is what I
11 was fighting for in Bihac. This is the difference. I was implementing
12 the goal of defence from attacks, destruction, uricide, genocide,
13 everything else, while the rest of the world kept silent. This is the
14 policy you're talking about.

15 I'm answering your question. I'm talking about the policy that I
16 was pursuing. You're asking me about policy, and I am telling you, I
17 went there as a volunteer because I'm a Herzegovinian, I'm a Croat, my
18 mother and father were there, my sister was there, and they were being
19 slaughtered, sir.

20 Q. We'll talk more about President Tudjman's policy, Croatia's
21 policy in respect of Herceg-Bosna, but the fact is that you and the other
22 generals here from Croatia were down there to implement Croatia's policy
23 to defend Herceg-Bosna and to fight militarily against the Army of
24 Bosnia-Herzegovina; isn't that correct? Can we agree on that?

25 A. No, we can't agree on that. I was defending Bosnia-Herzegovina

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1 from the Serbs for a year, and then in the next conflict I allowed
2 Bosnian and Herzegovinians to arm themselves and to fight the Serbs in
3 Tuzla, and you have a document on that. When I was attacked by the
4 BH Army --

5 JUDGE PRANDLER: Mr. Praljak --

6 MR. STRINGER:

7 Q. Thank you, General.

8 A. -- then I had to defend myself.

9 JUDGE PRANDLER: Mr. Praljak, really, stop this.

10 THE WITNESS: [Interpretation] Yes, yes.

11 JUDGE PRANDLER: I'm trying to remind you I know that you are
12 very much in a way agitated, and you would like to express your views and

13 your feelings, but please be aware of the fact that there should be a
14 translation, and they, the poor people over there, they have to follow
15 you. So even if you are agitated, and even if you are probably much
16 driven away by your feelings, you have to remember that you are in the
17 witness stand.

18 Thank you.

19 THE WITNESS: [Interpretation] I apologise, Your Honour
20 Judge Prandler. You're absolutely correct, you're absolutely correct.

21 I've been here for years, for years, and I've been listening
22 to --

23 MR. STRINGER:

24 Q. Excuse me --

25 A. Excuse me. I am responding to His Honour Judge Trechsel [as

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1 interpreted]. I apologise, I'll try to calm down. Go ahead, sir. Thank
2 you.

3 MR. STRINGER:

4 Q. General, I'm going to be putting the Prosecution case to you.
5 You know what the Prosecution case is.

6 The next page is 15. This conversation continues.

7 General Bobetko makes a reference, as you've indicated, to General Lucic.

8 He says:

9 "The whole operation of these volunteers, the collecting, was run
10 by Lucic, who got the assignment."

11 Do you see that, page 15?

12 A. Yes.

13 Q. And the president says:

14 "Did he prepare this?"

15 And I think President Tudjman here is talking about this document
16 that we've been talking about on the appointments. Bobetko says:

17 "I have to ask him."

18 Tudjman says:

19 "Find out. This is a political horror. I don't know how they
20 will react to this. At any rate, it is a horror."

21 And, again, the problem here, the aspect of this that
22 President Tudjman finds so horrible, is the fact that if the
23 international community, if the media, anyone outside of this small
24 circle of people, were to learn that, in fact, Croatia's true role in
25 staffing up the HVO's Main Staff, and the true role of Croatia's sending

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1 soldiers down to fight in Herceg-Bosna, whether as volunteers or as not,
2 in some other capacity, the fact is that if the word got out about that,
3 this would be tremendously damaging for Croatia's standing in the
4 international community, and that's why it had to be covered up; isn't
5 that true?

6 A. No, everybody knew. Hundreds of journalists went down there,
7 there were hundreds of spies, all the international organisations, the
8 UNPROFOR was there, everybody knew why I was there, who I was, who Roso

9 was. The Americans knew, the Brits knew. Nothing could be hidden.
10 Everything was out in the open. And President Tudjman was an intelligent
11 person, intelligent enough to be appalled by the stupidity of the
12 document that somebody drafted. He was appalled when he saw that he was
13 the one who might be put in a position to appoint the Main Staff. It
14 would have been a political horror, and he didn't do that. But to
15 assemble volunteers, to help a state defend itself, that was his duty as
16 an international negotiator, as a person who was helping Bosnia and
17 Herzegovina, and as a person who had the right and the constitutional
18 obligation to defend Croats from an aggression, no matter where it came
19 from, in a way that was admissible under the international law.

20 Q. Page 17 of this transcript, President Tudjman says:

21 "Where is Roso, who was sent there as commander?"

22 Susak says: "Everywhere."

23 Tudjman says:

24 "Is he partly responsible for that?"

25 Susak says: "Yes."

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1 Then Tudjman says:

2 "Then let him be commander."

3 Susak says:

4 "President, they have Skender up there. He is a very good
5 officer who has exceptional qualities, and he is there all the time."

6 Tudjman says:

7 "General Bobetko, now something is unclear to me. I said that
8 Roso should take over command down there and that he should be
9 responsible, as far as we are concerned -- as far as we're are concerned,
10 and that we should give him support."

11 And then he continues on. But what this tells us, General, is
12 that, as he says in his own words then, President Tudjman is the one
13 who's actually saying, Who's going to be the commander of the
14 HVO Main Staff? Isn't that true?

15 A. It says here that he said that Roso should take over command, but
16 this conversation is the president here -- if you read it in Croatia, the
17 president is desperate because of the omissions made on the part of these
18 people, and in such conversation these people do not -- these words do
19 not have the qualifications as you wanted.

20 Roso was earlier in the HVO, in Livno. Skender is mentioned
21 here, and Zvonimir Skender was a high officer in the foreigner's legion.
22 He had served there for 33 years as a Croat, so we can easily accuse
23 France because it also provided a volunteer. As far as I know, he still
24 has the same citizenship, he still has the pension.

25 Q. Page 18. We're at the bottom there, continuing this

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1 conversation, and Susak says:

2 "I thought that Boban was appointing. Last night, Boban copied
3 out an order where the headquarters was appointed, very likely from these
4 people."

5 And Tudjman says:

6 "Boban did it at once. As soon as we sent it, he said so."

7 So, again, what this tells us, General, is the fact that Boban
8 was essentially the puppet of Tudjman, he was down in Herceg-Bosna acting
9 ostensibly as the commander-in-chief of the armed forces of Herceg-Bosna,
10 but the fact is that the appointments that he made, as well as the
11 policies that he implemented down there, were the policies of the
12 Republic of Croatia, and the appointments he made were the policies for
13 which he got the green light from the president of the Republic of
14 Croatia. Isn't that how it really was?

15 A. No, it's not. Boban did not have any staff. The situation down
16 there was bad, and Boban requested assistance from the Republic of
17 Croatia because there was a lot of crime which had to be resolved. I
18 told you why I went. I gave you the reasons why I went down there. And
19 Boban received assistance from the Republic of Croatia, it would give him
20 volunteers which seemed to be able to carry the burden, and he will do
21 what he will do. So that -- that's why we have the organisation MPRI in
22 Croatian Army, with the top American generals whom we paid and who helped
23 us to prepare Storm and Flash. They proposed, and Franjo Tudjman
24 appointed people, but they were not to blame if something didn't go well.
25 Those are services, and Boban --

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1 MR. STRINGER: Mr. President, I've finished this document. I've
2 finished this binder. I don't know if the Trial Chamber has more

3 questions on this issue or not.

4 JUDGE ANTONETTI: [Interpretation] I do have questions. I did not
5 want to interrupt you, Mr. Stringer, just to let you do your work.

6 General Praljak, I have a host of questions for you. First of
7 all, I must tell you that I prepared for this hearing, as I always do,
8 this morning, doing three things. I hide nothing. I can tell you what I
9 do exactly. I re-read the decision on judicial notice as to the
10 involvement of Croatia with the HVO.

11 In this respect, I wanted to point out that in number 32 of our
12 decision regarding the Blaskic judgement, paragraph 95, I can read this
13 from the Blaskic judgement. Listen carefully. I quote:

14 "Besides the direct intervention of the HV forces, the
15 Trial Chamber finds that Croatia exerted an indirect control over the HVO
16 and the HZ-HB."

17 This is paragraph 95. So we note that there are contradictions
18 between Trial Chambers. One mentions a direct control, whilst the other
19 mentions indirect control. The Blaskic Trial Chamber finds that Croatia
20 exerted an indirect control. All this shows how complicated things are.

21 Secondly, in view of the preparations, in order to prepare for
22 the hearing, I read the entire pre-trial brief of the Prosecution in the
23 Karadzic case, in relation to the part played by General Mladic, for I
24 wanted to compare what a VRS general was doing and what an HVO general
25 was doing, but I'll return to this later because it might be of interest

1 too.

2 I read some on the Storm operation. You mentioned the operation
3 many times, and I was trying to understand why the Republic of Croatia
4 intervened in 1995 with General Gotovina, among other people.

5 The Prosecutor now turns to a document I had examined already. I
6 thank the Prosecutor for using this document. This is P6831. As you can
7 see, this is the report of a conversation between three people: Tudjman,
8 Bobetko and Susak. Apparently, the most important people in the Republic
9 of Croatia are present. What are they discussing in this document? They
10 address the issue of the destruction of the Mostar Bridge. One can see,
11 and I had already pointed it out to you, Tudjman wants to know who
12 destroyed the bridge. Susak replies, and you can hear the noise of paper
13 being shuffled, so we don't know who destroyed the bridge. Still,
14 Tudjman continues and he says that this is going to cause political
15 consequences and damage, and he wants the authors to be -- the
16 perpetrators to be punished before a court-martial.

17 So upon reading this, there's no doubt they are together, they're
18 not playing a double game. Tudjman wants to know the whole truth about
19 the issue of the Mostar Bridge. That's crystal clear.

20 Needless to say, sometimes when you try to get to the truth,
21 there can be a boomerang effect. And since there is a true major
22 political problem, Mr. Stringer called your attention on the sentence of
23 the political horror regarding all these appointments, so the impression
24 may arise that Mr. Tudjman is politically in trouble with regard to the
25 world out there. And you know the general rule: When there's a problem,

1 you look for people -- for names, you try to blame people. And he can --
2 he has two people in charge within reach, Susak and Bobetko, so now he
3 addresses the issue of appointments.

4 If you read the Presidential transcript carefully, you may sense
5 that he's discovering the moon. He asks Bobetko and Susak why he could
6 appoint the people who are in Bosnia and Herzegovina, with names being
7 mentioned in an Official Gazette, whilst they are volunteers. So one
8 could think that he directly blames Susak and Bobetko. Does he do so in
9 order to exonerate himself of his own responsibility or is that how
10 things really happened, because we have two cases here, I mean we, as
11 Judges; we have the Prosecution case and then we have yours. But it may
12 be even more complicated, and any competent Judge will endeavour to
13 address an issue from all sides.

14 In the event that the appointments were done without Tudjman
15 knowing it, he may have said, Politically, we need to support and assist
16 Herceg-Bosna, send volunteers. We seem to have some evidence of that in
17 this document because the people -- the person in charge of this was
18 Lucic, but it may be that he never said that this had to be translated,
19 in legal terms, into appointments; if there were volunteers, they just
20 had to go there and it was no longer within the jurisdiction of the
21 Republic of Croatia. And then he sort of incriminates Susak and Bobetko,
22 who try to justify what they have done and explain to him how all this
23 could happen -- could have happened. And Susak, we can see this, is

24 trying to sort of get rid of the problem regarding the appointment of
25 Ante Roso. He attributes the responsibility to Boban. So the impression

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1 is that everybody is trying to sort of -- to sort of find a scapegoat.

2 So is everybody trying to position themselves, because they know
3 there's going to be a hurricane within the political international arena,
4 it's just dooming on the horizon, or is this a reality; namely, that
5 Tudjman said, Well, we're going to help them, but now, logistically and
6 operationally, he gave the hand to Lucic, and then he realises what a
7 catastrophe -- a disaster it has been?

8 Well, General Praljak, I was lengthy because I wanted to avoid
9 any problem in the interpretation. I wanted to show you the path of my
10 thinking, of my thought process.

11 You know President Tudjman. You were his adviser, you know him
12 well. When this famous meeting took place in November, on the
13 23rd of November, when the Mostar Bridge was being addressed, was Tudjman
14 somebody who could put the responsibility onto other people's shoulders
15 or did he become aware of a reality; namely, that there were -- had been
16 administrative problems through these appointments, because he said that
17 the Republic of Croatia would never get involved to the extent that their
18 involvement would turn into legal instruments that could incur the
19 liability of the Republic of Croatia? What do you think of this?

20 THE WITNESS: [Interpretation] Thank you, Your Honour.

21 This text clearly demonstrates the second thesis you mentioned.

22 As I know Mr. Tudjman, I can see how desperate he is because of something
23 incredibly stupid. Something incredibly stupid was done, and it
24 shouldn't have been done. I can see that he's shouting here. In spite
25 of all of this, he says, Well, General Bobetko, and then Bobetko says,

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1 and I quote, I made proposals for individuals who would assist them. The
2 HVO is what he has in mind. And the president adheres to his position.
3 He says, Well, look at what you have done. And then he reads out the
4 Republic of Croatia, the ministry, and so on. I'll skip that. And then
5 Susak says, There's no signature. No one signed it. And the president
6 asks him, I quote, And you aren't aware of this? I can reproduce the
7 tone. Susak says, No, I'm not aware of this. General Bobetko obviously
8 made a mistake. I should add he obviously accelerated a bit in the
9 situation, and so it goes on.

10 Lucic was assigned a task. There's nothing that's in dispute
11 when it comes to assistance. At no point in time have I claimed that
12 assistance wasn't provided. All I can add is that at this time -- well,
13 you can remember the documents. The ABiH at this time had its logistics
14 bases in Croatia for weapons, equipment, and so on and so forth, but
15 Franjo Tudjman here is simply assisting. He says, Mate, we have to name
16 this. We gathered volunteers. We will compensate the volunteers. This
17 has to be stated.

18 He doesn't want Vakuf to be lost. This is in the Croatian
19 republic, it was signed by the international community. Even an

20 agreement was reached between Franjo Tudjman and Alija Izetbegovic, and
21 Izetbegovic didn't respect this agreement. He continued to use the army
22 to take as much territory as he could. Franjo Tudjman says, Down there,
23 we were politically and militarily defeated. I'll continue. And then he
24 says someone from the international community told him, he says, Mr.
25 Tudjman, can you solve the problem of Vakuf? That's on one of the pages.

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1 He asks whether the problem of Vakuf can be solved, if there was a
2 mistake, Vakuf and Rama, we'll admit the fact that that's how it is.
3 That's how the international community acted.

4 So you have to examine the legal aspect, but there's nothing
5 here -- he says -- he continues to say this is politically atrocious,
6 horrendous. He's mad as a dog, not because the international community
7 could interpret this in a certain way, but because, with regard to Bosnia
8 and Herzegovina, and apart from what the international community did, and
9 apart from the negotiations he participated in, outside the constitution
10 of the Republic of Croatia, he didn't meddle in the affairs of Bosnia and
11 Herzegovina. There was the ambassador of Bosnia and Herzegovina in
12 Zagreb at the time. There was a Croatian ambassador in Sarajevo. They
13 were packing weapons for the ABiH in the barracks of the Croatian Army at
14 the time. I'm fully aware of this because I was the person who organised
15 this. This equipment, these weapons, were sent down there.

16 So with regard to the ABiH and the HVO, throughout the war he
17 maintained the very same distance, the distance appropriate to a

18 statesman from a different state. And naturally when the HVO was to be
19 defeated by the ABiH, well, he simply had to provide assistance. Why
20 should he allow the ABiH to defeat the HVO?

21 And in court, I have to defend myself because I was defending myself as if
22 it was interference from a different country. While at the same time 5.000
23 Mujahedin passed through Croatia, and they went to help the Army of Bosnia
24 and Herzegovina. Several thousand men were equipped in Croatia, helicopters,
25 pilots, were provided and so on, full equipment was provided.

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1 So all the documents show -- it's not just me, but all the
2 documents show that Croatia acted in an incredibly correct manner with
3 regard to the Muslims and the ABiH, and this was to the detriment of the
4 HVO, and not a single French statesman or Swiss statesman would have
5 acted against his own people in this way as Tudjman did. He allowed the
6 ABiH to grow stronger, and this was to the detriment of the HVO, and
7 finally they attacked them as they attacked them.

8 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

9 MR. STRINGER:

10 Q. General, you can put that set of documents aside, and you can
11 take the binder there that's sitting next to you.

12 MR. STRINGER: Mr. President, if we could say that the next --

13 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, one moment,
14 please.

15 You know that I look at all the documents. Among them, there is

16 a document that you haven't mentioned. This regards a request regarding
17 prisoners. I can't find the number. Did you not mention it deliberately
18 or was this something that escaped you? This could prove useful if one
19 is to establish the truth.

20 MR. STRINGER: My recollection, Mr. President -- I know the
21 document you're referring to. I believe I -- my thinking yesterday,
22 while I was on my feet, was to skip the document because an answer that I
23 had already gotten from the general was such that I felt like I could
24 pass over that one.

25 JUDGE ANTONETTI: [Interpretation] All right. Please proceed.

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1 MR. STRINGER: I was going to say, Mr. President, the documents
2 in this binder, as well as the next one that follow, if we get to it this
3 week, which I think is unlikely, relate to the issue of joint criminal
4 enterprise. So I'd hoped to not start this issue now, since we've got a
5 four-week break coming up, but I don't really have any other way to avoid
6 it.

7 So we're going to start JCE today or at this moment, and we're
8 going to continue with it after the summer recess begins -- or after the
9 summer recess is over.

10 Q. General, just the other day we were talking about the testimony
11 of former -- or President Stipe Mesic, who had been the president of
12 Croatia and held a number of other positions within the Croatian
13 government through the course of his career, and I asked you whether,

14 based on the positions he held and his experience, whether you agree that
15 he was in a better position than you to talk about what Croatian policy
16 and Tudjman's views were in respect of Bosnia-Herzegovina. Do you
17 remember when I put that to you about President Mesic?

18 A. Yes, I do.

19 Q. Now, you've got the binder open, and you can see that the first
20 exhibit there in front of you is an excerpt from the book written by
21 Mr. Mate Granic, who was the foreign minister of the Republic of Croatia
22 during much of the time of the conflict that this case is about, and he
23 has a long and distinguished career of involvement and service in the
24 Croatian government. So I want to ask you a few things about what he
25 wrote in his book, because we've talked a lot about books during the

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1 course of your direct testimony, and what I want to first talk about is
2 the role, according to Mr. Granic, that Mr. Susak played within the --
3 within the Cabinet or the inner circle of President Tudjman.

4 I'm looking at page 3 of the English version. In the original
5 language version, this is the end of page 31.

6 JUDGE TRECHSEL: Mr. Stringer, would you be so kind and inform
7 the Chamber and everyone else on the time this book was published, when
8 and where? That's normally used to identify books.

9 MR. STRINGER: I will have to come back to you with that,
10 Your Honour. I don't have that in front of me. I just have the excerpts
11 in front of me that I'm going to use, but we can get that to you. And as

12 soon as I have that information, I will supply it, Your Honour. This is
13 a book --

14 JUDGE TRECHSEL: Thank you.

15 MR. STRINGER:

16 Q. It's a book called "Foreign Affairs: Behind the Scenes," and
17 this is Exhibit P10402, for the record. And page 31 of the original
18 language version, page 3 of the English, he's talking about Susak, and he
19 says:

20 "What I did not know at that time --"

21 And he's talking about, at this point in time, Tudjman's position
22 whether the Greguric government should be dissolved. And Granic says
23 that:

24 "What I did not know at that time and what became clear several
25 months later was that the influence of the war in Bosnia-Herzegovina on

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1 Susak's views. The minister of defence became Tudjman's right-hand man
2 in all the operations in BH, and he probably did not like the idea of
3 having to explain his moves to the ministers, some of whom, like Budisa
4 and Tomac, were members of the opposition."

5 And then just continuing on, this is page 14, Granic writes --
6 he's writing about a conversation that he had with President Tudjman at
7 the time that he was going to become the minister of foreign affairs, and
8 Granic writes, referring to President Tudjman:

9 "He told me that we would especially be discussing Bosnia and

10 Herzegovina, but then added, 'Mate, only Gojko Susak is in charge of the
11 Croats in Bosnia and Herzegovina.' He spoke about BH with so much
12 passion that tears almost came to his eyes, although we had just started
13 talking about the topic."

14 And then I'm just going to continue and then ask you a few
15 questions.

16 Then on page 50 --

17 MS. PINTER: [Interpretation] I apologise, Mr. Stringer.

18 I can see the document is an exhibit, but when quotes are given
19 from a book, and that was the case in Praljak's case, we had to say the
20 title, the publisher, we had to provide various details so that we could
21 identify the text and see what it was about. We can't check this now,
22 and we can't be sure that this is the book concerned.

23 MR. STRINGER: I've got it, Mr. President. I have the
24 information. It's in e-court. This is published in the year 2005 in
25 Zagreb by Algoratam Publications.

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1 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, Ms. Pinter, I shall
2 answer.

3 You have noticed that my colleague asked the same question, and
4 Mr. Stringer said that he would do what we had asked him and that he
5 would let us know, but I'm surprised by your intervention, Ms. Pinter.
6 Since you are Mr. Praljak's Defence counsel, does this mean that you have
7 not read Mate Granic's book?

8 MS. PINTER: [Interpretation] Yes, Your Honour, because the
9 50.000 documents that I have had to read and the book that I have had to
10 read, this is material that the general wanted us to deal with, he wanted
11 this to be part of his defence, so I haven't read Mate Granic's book
12 because, in our assessment, it wasn't necessary.

13 JUDGE ANTONETTI: [Interpretation] All right.

14 JUDGE TRECHSEL: Mr. Stringer, you have been quoting, I believe,
15 on what, in our copy, is page 4. And it starts with a quotation mark and
16 someone is speaking, but who is it, because there seems to be a jump
17 between the previous page and this. I mean, it's not quite clear.

18 MR. STRINGER: Yes, Judge Trechsel. I think that the quote
19 there -- well, we can read it. I'd skipped over it. We can read it.
20 The quote says:

21 "You will have complete freedom --"

22 Let me start with the beginning, sorry, of the excerpt. Page 49
23 of the original, page 3. And if I could just read it, General --

24 JUDGE TRECHSEL: I withdraw my question, because it becomes clear
25 that the first sentence, of course, is spoken by Tadjman.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Praljak needs to leave the
2 courtroom for a few minutes, so perhaps we could have the break now,
3 because it's 25 to 6.00. The best would be to have the break now. We
4 shall have our 20-minute break.

5 --- Recess taken at 5.33 p.m.

6 --- On resuming at 6.02 p.m.

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

8 Mr. Stringer.

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

10 Q. General, at the break we were just starting to talk about the
11 book published by former foreign minister Mate Granic, and we were
12 looking at a part of page 49, an excerpt of the book on page 49, page 4
13 of the English, where Granic says, referring to Tudjman:

14 "He told me that we would especially be discussing Bosnia and
15 Herzegovina, but then added, 'Mate, only Gojko Susak is in charge of the
16 Croats in Bosnia and Herzegovina.'"

17 And then he ends -- the Tudjman quote. And then Granic
18 continues:

19 "He spoke about BH with so much passion that tears almost came to
20 his eyes, although we had just started talking about the topic."

21 And then one other excerpt on page 50, same page, page 4 of the
22 English. Granic writes:

23 "In the government of 1991 and 1992, only Minister of Defence
24 Gojko Susak, who had become Tudjman's right-hand man for military and
25 material aid, and political contacts of the HDZ with Bosnia-Herzegovina,

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1 was involved with the matters related to Bosnia and Herzegovina,
2 especially its Croats. Susak was responsible only to President Tudjman
3 for the Croats there and for the implementation of policies related to

4 BH."

5 Now, General, you became a member of the National Defence
6 Security Council of the Republic of Croatia. You attended many of these
7 meetings with President Tudjman, Susak, and others. Do you agree with
8 Mate Granic's statement here that it was Susak who had primary
9 responsibility or authority, if you will, in respect of Croatia's policy
10 for the Croats in Bosnia-Herzegovina?

11 A. No, I don't agree with that.

12 Q. Do you -- well, subject to or second to President Tudjman, would
13 you agree that it was Susak who had primary authority, in terms of
14 policy, for the Croats in Bosnia-Herzegovina?

15 A. I wouldn't agree with that either. Susak -- well, Croats from
16 Bosnia-Herzegovina were involved in policies in Bosnia-Herzegovina. But
17 assistance, well, a lot of the military assistance -- because naturally
18 he was a minister, Susak provided such assistance. Martinovic, the
19 Ministry of the Interior also took care of matters. If you remember the
20 documents, they took care of the Muslims who were training for police --
21 to be policemen in Bosnia and Herzegovina. And Mr. Granic was actively
22 involved in the policies with regard to Bosnia and Herzegovina, when
23 there were negotiations underway, and when he gave a speech, when I let
24 through the convoy, and prior to that he gave a speech and asked the
25 people to let the convoy through, but his authority was not sufficient.

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1 He discussed matters with Prlic, in Makarska, about dissolving detention

2 centres, et cetera. Mate Granic played an important role that if he
3 didn't agree with Tudjman, he should have resigned in time. He wrote
4 this book in 2005, when he read the indictment against us, and then
5 fearing that he might be a member of the JCE, he tried to distort many
6 things, to make himself seem -- to distance himself from many things, and
7 this is quite incorrect.

8 Q. On page 70 of his book, and this is page 5 of the English, this
9 is what Granic says about Mate Boban:

10 "Mate Boban had a special role in this conflict. I heard of him
11 the first time in 1992, when he became leader of the HDZ in BH."

12 I'm going to skip a couple of sentences, and then he continues:

13 "We were never close, and we supported completely different
14 positions. Boban was a very narrow minded man, full of hatred for the
15 Bosniaks. He supported Bosnian Serbs, believing he could enter into an
16 agreement with them, regardless of the criminal policies of Karadzic,
17 Mladic, and their assistants. It was clear to me that he was the biggest
18 obstacle to peace in Bosnia-Herzegovina. At meetings, he never spoke
19 about the Bosniaks or Muslims, but he only used words like 'Turks' or
20 'balija.'"

21 Now, Boban was from Grude. General Susak originally was from
22 Siroki Brijeg. You were originally from Siroki Brijeg. We're going to
23 talk about this more for the rest of the day today and tomorrow. The
24 three of you shared roughly the same views in respect of the
25 configuration or the way that Bosnia-Herzegovina should be organised for

1 Croats, and your view was one which was for a separation of Croats from
2 the other groups; is that true?

3 A. No, that's completely wrong.

4 Q. All right. When Granic here says that Boban had a negative view
5 of the Bosniaks, do you agree with that statement or do you disagree?

6 A. Mate Granic says that for the Croats in Bosnia-Herzegovina, Susak
7 was there. Well, he was at meetings with Mate Boban, at numerous
8 meetings, why, at the VONS, did he at no point say, Mate Boban, your
9 positions are wrong? Why didn't he react?

10 Q. That's not my question, General. My question -- my question was
11 whether he was correct when he wrote that Boban had a negative view of
12 the Bosniaks. I'm paraphrasing. Do you agree with his assessment of
13 Boban's views of the Bosniaks?

14 A. I don't. Quite the reverse. Boban had a good view of the
15 Bosniaks, but not of the policies pursued by Alija Izetbegovic. And as
16 time passed by, he increasingly came to see that Alija Izetbegovic wasn't
17 pursuing policies for Bosnia and Herzegovina that would ensure that
18 Croats were on an equal footing with them. He was conducting Muslim
19 policies exclusively. So he didn't agree with the policies pursued by
20 Alija Izetbegovic.

21 Q. Now on the next page -- the next excerpt on page 71 of the book,
22 bottom of page 5 of the English, he talks about Tudjman's views, and he
23 says:

24 "As the minister of foreign affairs, I often spoke about the

25 situation there with Tudjman. Bosnia and Herzegovina was his favourite

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1 topic. He always talked about it at the strategic level, while he left
2 to Susak all practical issues, including military aid, the financing of
3 Croats or political relations with the BH HDZ."

4 And then he talks about how Tudjman received information from
5 other sources. He mentions Mr. Sancevic, the ambassador who testified
6 earlier in this trial, and then he continues:

7 "Tudjman's obsession was to recreate the Croatian banovina which
8 had been established in 1939 based upon the Cvetkovic-Macek agreement
9 according to which Herzegovina and parts of Central Bosnia and Bosnian
10 Posavina were joined to Croatia. The president often told me that
11 banovina was the best solution. However, an idea of dividing BH into
12 three republics, connected in a loose confederation, was also floating
13 around, which Lord Owen, who also tried to change borders, firmly
14 supported. This made Tudjman believe that the British and the French
15 politicians wanted to divide BH, which was not possible without the
16 agreement by the USA. Tudjman was convinced of this until the beginning
17 of the Washington negotiations."

18 Now, General, we've talked so much about the banovina, this
19 Cvetkovic-Macek agreement from 1939, and here yet again we spoke about it
20 last week when reviewing President Mesic's testimony in the Blaskic case,
21 and now here we have President Tudjman's minister of foreign affairs
22 essentially saying the same thing, that Tudjman's obsession or his dream

23 was to achieve the re-establishment of a Croatian banovina as it existed
24 after 1939.

25 Now, I'm going to put the question to you I put with respect to

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1 President Mesic. Isn't it true, General, that President Tudjman's
2 foreign minister would be in a better position than you to know about
3 Tudjman's views on re-establishing a Croatian banovina?

4 A. No, he was not in a better position to know this better than me
5 for two reasons. First of all, before that he was a physician, an MD.
6 He knew very little about politics, about history.

7 Second of all, he's not telling the truth here. This is a book
8 that is nothing but an excuse or a justification. What he should have
9 stated here, if this were a serious book, he should have said
10 Franjo Tudjman spoke about his political views of Bosnia and Herzegovina
11 50 times in public, he signed all the international agreements.

12 And it says here Tudjman was convinced about that until the
13 beginning of Washington negotiations. Well, Washington negotiations did
14 not fall out from the blue sky. They were the result of Franjo Tudjman's
15 policies. This is not true, this is a distorted image, and the gentleman
16 should have started with Cutileiro and say when Mate Boban and
17 Franjo Tudjman refused to sign an international agreement, and no
18 international agreement has anything whatsoever to do with a banovina or
19 a division of Bosnia and Herzegovina.

20 Q. Well, General, you've said this many times. You've just reminded

21 that President Tudjman didn't talk about the banovina when he made public
22 speeches, but that's a bit facile to suggest that President Tudjman
23 didn't want to re-establish a banovina simply because he didn't announce
24 it to the world publicly, isn't it? Is that how foreign policy is
25 conducted at this level, the president of any state is going to go to the

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1 world and tell them exactly what his plans are, his objectives? In fact
2 it's often quite the contrary, isn't it?

3 A. In the American politics, maybe that is the case. However, in
4 the political state of Croatia, where President Tudjman was aware that he
5 was leading a population of four to four and a half million people, and
6 when all the world powers were breathing down his neck, he could not even
7 start thinking about doing something without the big powers knowing it.
8 As a historian, he was talking about certain things as a historian.
9 However, as a politician, as somebody holding a PhD in History, it never
10 occurred to him that he might be able to do something that would be
11 contrary to the fact that Bosnia and Herzegovina was a state admitted
12 into the United Nations, that he had recognised the state, that he had
13 sent his ambassador there, and so on and so forth. Not at all.

14 Q. General, the next exhibit in your binder is P --

15 JUDGE ANTONETTI: [Interpretation] One moment. Before moving on
16 to the next exhibit, I have one first question.

17 I discovered this document a few minutes ago, before the break,
18 and I realise that Mr. Granic talks about the commanders of the

19 professional units that had been appointed by Mr. Susak. This is on
20 page 29 and 31, on page 2 in English. And then he quotes the names of
21 the commanders who seem important in his eyes; Mirko Norac, Ivan Korade,
22 Marijan Marekovic, Milenko Filipovic, and Ivan Kapular, the famous
23 Ivan Kapular we mentioned earlier. As I read this list, I said to
24 myself, Well, General Praljak is not mentioned, General Petkovic is not
25 mentioned. Why?

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1 MS. PINTER: [Interpretation] Your Honours, I apologise. The
2 general can answer your question, but I would just like to inform you
3 that this document, i.e., the page from which you were quoting, it
4 doesn't exist in the Croatian language. It only exists in the English.
5 It's your page 30. We don't have it in Croatian. Page 29 has been
6 translated, and after that page 31. Page 30 has not been translated.
7 The general hasn't got it in front of him and he can't read from it.

8 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, this page
9 seemingly has not been produced in B/C/S, the page from which I have
10 given the list of names.

11 MR. STRINGER: We'll check that, Mr. President, and we will fix
12 it.

13 JUDGE ANTONETTI: [Interpretation] Irrespective of this, if I tell
14 you, General Praljak, it is because I have quoted the names of these
15 commanders from the document I have before me. How is it that
16 Mate Granic did not think of you and did not think of General Petkovic?

17 Is there a reason for this or isn't there one?

18 THE WITNESS: [Interpretation] I don't know. General Petkovic was
19 a JNA officer. Upon invitation by President Tudjman to all the officers
20 of the JNA in 1991, when the aggression started, to join the Croatian
21 Army, and that they would be allowed to keep the rank that they had in
22 the JNA, that immediately upon joining the Croatian Army they would be
23 given the same rank, a lot of officers of the JNA joined the Croatian
24 Army. As far as I know, Milivoj Petkovic was one of them. He was a
25 general. He immediately was engaged in combat in Zadar. And as far as I

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1 know, he repelled the Serb attacks against that city very successful.

2 As far as I'm concerned, I had my significance in Croatian
3 society as a film director, as an anti-Communist, as an intellectual, if
4 you will, if you want to call it that way, and as somebody who was a
5 volunteer -- a very successful volunteer in the theatre of war.
6 Irrespective of the position of Mate Granic as the foreign minister of
7 Croatia, in any case that man was significant by his function, but I did
8 not think much of him. He was just a civil servant who was supposed to
9 do his job. He was not very well educated in that respect, and I am not
10 referring to his medical education, he did not have any kind of
11 passion, and he is the kind of man who will do things for his own gain
12 that I personally would never do.

13 JUDGE ANTONETTI: [Interpretation] My second question now.

14 On page 70 of the book, Mate Granic describes Mate Boban. I

15 shall not return to this. Simply, he says that when Mate Boban speaks -
16 I shall check this on the basis of the Presidential transcripts - he
17 talked about the Muslims, calling them Turks or balija. You attended a
18 number of these meetings, which we know on the basis of these
19 Presidential transcripts. Boban was present at these meetings, as far as
20 you remember. Is it true that when Mate Boban talked about the people
21 who lived in Bosnia-Herzegovina, he talked about the Turks and the
22 balija?

23 THE WITNESS: [Interpretation] I never heard such an expression.
24 You have Presidential transcripts. As far as I know, he never used any
25 such thing. And it says and it reads very clearly there what Mate Boban

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1 talks about; Alija Izetbegovic's politics, what his proposals were, how
2 difficult he found to hear such politics. He advocated the positions of
3 the Croatian people. Within the international community and
4 negotiations, he had to talk about equality which did not exist on the
5 Serb or Muslim sides. We've seen over 40 Presidential transcripts, and I
6 don't remember having seen anywhere the terms "Turks" or "balijas." I
7 may be mistaken. Maybe the Prosecutor can prove me wrong by finding such
8 a place.

9 JUDGE ANTONETTI: [Interpretation] In the document, the Prosecutor
10 mentioned Boban's obsession with the banovina. This is what Mr. Granic
11 says, and he says that a confederation with three republics had been
12 contemplated; a Croatian republic, for instance, within the ABiH, a

13 Serbian republic within Bosnia-Herzegovina, and a Bosnian republic that
14 would all be part of a confederation. He says that this was mentioned in
15 the presence of Lord Owen, and he adds -- and the minister of foreign
16 affairs takes the floor and says that Tudjman believed.

17 Now, there's a nuance between believing and thinking that the
18 British and the French were in favour of this division.

19 And then he adds, and to me this is interesting, that this would
20 only be possible with the agreement of the United States. So Mr. Granic
21 seems to be saying that Mr. Tudjman had that in mind, i.e., the banovina,
22 but that idea could only be fulfilled with approval -- with the approval
23 of the Americans.

24 The political analysis or the political view of politics on the
25 world stage presented by Mr. Granic, is this in line with what the

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1 politicians at the time thought; i.e., without the Americans, nothing
2 could be achieved?

3 THE WITNESS: [Interpretation] By and large, yes. President
4 Tudjman was aware, and he repeated it on several times, the world of this
5 kind, and he was aware of the facts, of the powers of, and I quote, of
6 this -- and this kind of world. He thought that the world was not
7 ethical, that the world is looking after its own interests. For
8 800 years of Croatian history, the interests of others were dominant. He
9 was well aware of the world powers, and that's why he signed -- or,
10 rather, co-signed Cutileiro's agreement, the Vance-Owen Plan, the

11 Vance-Stoltenberg's Plan, the plan on the federation with the
12 confederation with Croatia, the Dayton Accords, and this was all in an
13 effort to protect the interests of the Croatian people.

14 Your Honour Judge Antonetti, if that banovina came into play,
15 then if -- then it would be this: If the borders of Bosnia-Herzegovina
16 were to be regulated from within, then that part of the former Bosnia and
17 Herzegovina should have been that part with the Croatian majority that
18 would constitute the Croatian republic within Bosnia and Herzegovina.

19 JUDGE ANTONETTI: [Interpretation] General Praljak, I'm not going
20 to address the issue of the banovina. We shall certainly revisit the
21 issue. But what I'm interested in is the political analysis which is
22 presented here by Mr. Granic.

23 If I talk about the fact that Mr. Tudjman's project to create the
24 banovina can only be fulfilled with the agreement of the Americans, this
25 is what is put down in writing here. In that case, Mr. Tudjman is aware

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1 of the Americans' position, because the ambassador who came here as a
2 witness discussed this with us. He was either on the telephone or in his
3 office, discussing the matter with Tudjman. The ambassador is no longer
4 alive. We have his statement, and he also mentioned a number of things.

5 Now, if Tudjman knows that nothing can be done without the
6 approval of the Americans, now if we assume that, could one imagine that
7 behind the Americans' back he would be controlling the HVO and the HZ-HB,
8 for them to conduct their policies in favour of Mr. Tudjman's view, even

9 though the Americans have vetoed this? Is this something which one could
10 imagine that Mr. Tudjman had a hidden agenda when he knew perfectly well
11 what the American position was?

12 Do you understand my question?

13 THE WITNESS: [Interpretation] It is inconceivable. Even in the
14 wildest dreams of a drunken man, inconceivable. President Tudjman tried
15 to involve the Americans in the MPRI. They are top generals who were
16 asked to help the Croatian Army. He was waiting with Operation Storm
17 until all the negotiations were over, for the Americans to understand and
18 give their permission for the liberation of Croatia.

19 Not even in the wildest dreams, Your Honours, he would not have
20 done something in Bosnia-Herzegovina. He was waiting with
21 Operation Storm, an operation to liberate Croatia. There had been
22 negotiations for three years, and finally he was allowed to liberate Croatia
23 and save Bihac, because Srebrenica had ended the way it did. To his
24 question, Can we start, Americans didn't say anything and tacitly said,
25 Go. It's inconceivable, inconceivable.

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1 Well, I've answered, I've answered.

2 JUDGE ANTONETTI: [Interpretation] I have no further questions
3 about this book for the time being.

4 MR. STRINGER: Mr. President, we've gotten page 30 of the
5 original language version in the courtroom. It was missing from the --
6 from the binders, and so that's been given to all the parties. And at

7 this point I don't know that we need to go back to it, but Ms. Pinter
8 can -- she can decide.

9 MS. PINTER: [Interpretation] No, I can't decide. It is the
10 Trial Chamber who has the power -- the decision-making power in this
11 courtroom.

12 This page was not in e-court. I would kindly ask for this page
13 to be put on e-court for this to be able to turn up as an exhibit,
14 because this page, without a Croatian version, this is not a complete
15 exhibit.

16 JUDGE ANTONETTI: [Interpretation] Yes, Ms. Pinter, but that's
17 something to be done by the Registrar. He's the one who is going to
18 up-load the document into the e-court system. It had been admitted,
19 there was an oversight, but now everything has been settled and repaired.

20 Please continue, Mr. Stringer.

21 MR. STRINGER:

22 Q. General, you can put the -- you can put that aside. That's the
23 page that refers to the question -- that has the text that
24 Judge Antonetti was asking about, where the generals -- some of the
25 generals were appointed by Gojko Susak. I want to go to the next

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1 document.

2 A. No.

3 Q. The next document is P00089. This is one of the Presidential
4 transcripts. It's from the 27th of December, 1991. It is a transcript

5 that we've spent a lot of time with throughout the course of the trial,
6 and I think it's going to be necessary for you and me to spend some more
7 time with it, General. Hopefully, we can finish with it before the end
8 of the day tomorrow.

9 First of all, just -- actually, if I can take you back, because
10 it's an interesting transition, to the Granic book, P10402, page 50,
11 page 4 of the English. Granic writes:

12 "Except the president, very few people in the state leadership
13 and the HDZ were dealing with the problem of Bosnia and Herzegovina.
14 Although I was the deputy prime minister in Greguric's government, I only
15 learned about a meeting on Bosnia-Herzegovina held on 27 December 1991 in
16 the Presidential Palace, several years later while reading a magazine."

17 Well, General, if we look at this Presidential transcript, that's
18 the date, 27 December 1991, I'm going to suggest to you that the meeting
19 that Granic refers to in his book is the very meeting here that's
20 reflected in this transcript, so we'll talk about this.

21 General, just to sort of set the stage, this is a meeting of
22 President Tudjman. As indicated on the first page, he's welcoming
23 guests, the HDZ delegation from Bosnia and Herzegovina. And as you turn
24 the pages, present here is Stjepan Kljujic, who at the time was the
25 president of the HDZ in Bosnia-Herzegovina. There are others as well

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1 we'll be talking about. Dario Kordic is present, Ignjac Kostroman is
2 present, a number of people, although, General, you were not present; is

3 that correct? You were not present at this meeting?

4 A. No. At that time, I was in Sunja, near Sisak, on the front-line.

5 Q. Now, turning to page 17 of the transcript, Boban begins speaking,
6 and what he says, this being December of 1991, he says:

7 "All of you know that recently there has been an alternative
8 entity in the territory of Bosnia and Herzegovina, or rather, a
9 continuity of the policies of the Croatian Democratic Union and the
10 Croatian people in general. Something new exists called the
11 Croatian Community of Herceg-Bosna and the Croatian Community of
12 Posavina in the north of Bosnia."

13 And, General, I think you'll agree with me that the Decree on the
14 Establishment of the Croatian Community of Herceg-Bosna dates from just
15 the previous month of November 1991; is that correct? If you don't know,
16 that's okay.

17 A. I wouldn't speak about dates. You have to show the document.
18 I'm not denying what you're saying, but please don't ask me to confirm
19 what I don't have before me and what I did not participate in in the
20 first place.

21 Q. Fair enough. In the next paragraph, Boban continues, and I'm
22 going to skip down a few lines, and he says:

23 "Should Bosnia and Herzegovina remain an independent state
24 without any ties with the former disintegrating or any future Yugoslavia,
25 or should Bosnia itself disintegrate, the area where about 650.000 Croats

1 live would implement internationally recognised democratic methods of
2 proclaiming this to be independent Croatian territory, which will accede
3 to the state of Croatia, but only at such a time as the Croatian
4 leadership, in whom our people until now have placed their complete
5 trust, should decide that the moment and the time had come."

6 Now, just from this, General, would you agree with me that at
7 least as of December of 1991, Mate Boban, who was the president of the
8 Croatian Community of Herceg-Bosna, what he wanted was an independent
9 Croatian territory in Bosnia-Herzegovina that would at some point accede
10 to or become a part of the Croatian state? Would you agree with me that
11 that's what he wants, as he indicates here?

12 A. What he's saying here is completely contrary to what you're
13 saying. It's completely opposite to what you're saying. I don't agree
14 with you, but I agree with what Mate Boban says here. You are not saying
15 what Mate Boban is saying here, so I can't agree with you. But I agree
16 with Mate Boban, although I wasn't there, who says if there should be
17 disintegration, then we would use internationally recognised and
18 democratic method which might result in, which means if the Muslims and
19 Serbs in Bosnia-Herzegovina agree, based on the historical agreement, and
20 if they want to take their parts away from Bosnia-Herzegovina and join it
21 with Yugoslavia, and I then tell you, before this Trial Chamber, Praljak
22 would have fought to keep -- not to keep the part where the Croats live
23 in Yugoslavia, but not if that state disintegrated. It disintegrated,
24 but if somebody else destroyed that country, then I would use
25 internationally recognised methods for the Croats to be given what they

1 are owed to. And from then on, how they would manage that, that would be
2 subject to further agreements.

3 Q. Actually, General, Mr. Boban is -- has identified two
4 possibilities under which this proclamation of independent Croatian
5 territory would take place. You focused on the second possibility, but
6 I think you skipped over the first one. He says:

7 "Should Bosnia and Herzegovina remain an independent state
8 without any ties with the former disintegrating or any future
9 Yugoslavia ..."

10 So if Bosnia and Herzegovina remains an independent state or if
11 Bosnia disintegrates, then under either of those scenarios, according to
12 Boban, there's going to be a proclamation of an independent Croatian
13 territory and accession to Croatia. Isn't that what he was saying?

14 A. No, no, no, no. If Bosnia and Herzegovina remains an independent
15 state -- I'm quoting:

16 "If Bosnia and Herzegovina were to remain an independent state
17 that had no links of any kind with the former disintegrating Yugoslavia
18 or any other future Yugoslavia, then," and that's the meaning, then the
19 Croats will remain in Bosnia and Herzegovina, they will fight for Bosnia
20 and Herzegovina, and they'll represent a constituent part of such a
21 Bosnia and Herzegovina. However, it says "or," but that's wrong. If it
22 disintegrated, well, it's as clear as day. All the policies pursued were
23 such all the time.

24 Q. So I'll move on. I think that you've given us your

25 interpretation of this statement from Mr. Boban.

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1 Let me pass over to --

2 JUDGE ANTONETTI: [Interpretation] One moment. You said you were
3 going to move on, but let me return to this text, Mr. Praljak, for it is
4 important. Since we have here a statement by Mr. Mate Boban, everybody
5 will have noticed that when he speaks, he doesn't mention Turks or
6 balijas. He may have mentioned that somewhere else, but not here. This
7 being said, his statement seems to focus on two things. He informs all
8 the participants that the Croatian Community has been created. This has
9 been said by Mr. Stringer when he asked you whether this was in relation
10 to previous events. You were not able to answer his question, but one
11 could think that there is a direct link. But note, Mr. Praljak, that
12 Mr. Boban gives a definition of the Croatian Community. He says it is a
13 political, cultural, and economic community. There's no notion of
14 territory. This is something that I observe.

15 Do you agree with me that in his definition there is no mention
16 of territory in the B/C/S text? Well, I read the English text.

17 THE WITNESS: [Interpretation] In the B/C/S text, that's what it
18 says, too, there's no "territory," and it says "of Croatian communities,"
19 "communities," at various places, in various locations, Posavina,
20 et cetera. And, Your Honour, it says the territorial and political and
21 economic unit of the Croatian Community -- of the Croatian people,

22 correction, in Bosnia and Herzegovina.

23 JUDGE ANTONETTI: [Interpretation] Yes, because indeed if we look
24 at the end of this sentence, he says "in Bosnia and Herzegovina."

25 The other part, which is the more important or interesting part,

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1 is the one in which he says that an independent Croatian territory can be
2 create -- could be created, but I observe this in English: All this is
3 in the conditional tense. A series of conditions have to be met to get
4 there. Yugoslavia has to disintegrate, Bosnia would have to
5 disintegrate. Then the international community would have to recognise
6 this through democratic methods. And then the lock, the final lock,
7 would be that even if all this were to be done, the Croatian people in
8 the Republic of Croatia would have to agree to it. So there's a series
9 of requirements to be met.

10 Now, in your language, is it the same? Are all the requirements
11 or conditions specified in your text?

12 JUDGE PRANDLER: May I propose that the text -- the Croatian text
13 from page 17 of the Croatian text, in that very long paragraph which
14 starts with [B/C/S spoken], et cetera.

15 [Interpretation] In that sense, it's established that --

16 [In English] The paragraph could be read out, and of course we
17 would receive the interpretation in the languages as well.

18 JUDGE ANTONETTI: [Interpretation] Yes, Judge Prandler has an
19 excellent idea. Would you mind reading out the paragraph starting with

20 the words "U tom"?

21 THE WITNESS: [Interpretation] I will read it out very slowly, but
22 I'd like to point something out. I'll show you that it's just this word
23 "or" which is wrong. It should be "but." It's not "ili," it's "ali."
24 So when I reach that point, I'll point that out to you. I'll read it
25 out, Judge Trechsel, and then I'll tell you what the meaning of the

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1 sentence is.

2 JUDGE TRECHSEL: Mr. Praljak, on what authority are you changing
3 this text? Because you do not like it?

4 THE WITNESS: [Interpretation] No, Your Honour. No,
5 Judge Trechsel, I didn't say that I would change it. I said I'd read it
6 out as it is, but I will point out that the word "or," "ili," is
7 nonsensical.

8 I'll quote now. In that sense, it is established that this is a
9 framework for the expression of the political will of the Croatian people
10 which, in the best possible way, has been expressed by the HDZ,
11 which the people have entrusted with conducting
12 affairs, and this is by establishing Croatian communities which have
13 territorial, political, and cultural, and economic feature
14 of the Croatian people in Bosnia and Herzegovina.

15 And if Bosnia and Herzegovina were to remain an independent state, but
16 without any links to the former disintegrating Yugoslavia, or without any
17 links to any future Yugoslavia, or -- and here it wrongly says "or"

18 instead of "but", or if it were to break up, then that territory, in which
19 about 650.000 Croats live, that territory would therefore, through those
20 internationally recognised methods, and through democratic methods, that
21 territory would then resolve the issue so that that territory would be
22 proclaimed as independent Croatian territory and so that it would accede
23 to the Croatian state, but at such a time when the Croatian leadership,
24 which our people have full trust in when it comes to governance, decides
25 that the time has come. Full stop, end of quote.

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1 JUDGE ANTONETTI: [Interpretation] General Praljak, one moment.
2 What I'm about to say is important.

3 The translation as I got it into French introduces the concept of
4 space, spatial. I told you earlier on that there was only political,
5 cultural, and economic, in English, and there was no "space" or "spatial"
6 being mentioned. But the way you read it in your own language, when I
7 got the interpretation, there was a mention of the spatial and political
8 determination. So in your language, the notion of space was mentioned.
9 This is just what I wanted to say in relation to the English translation,
10 that maybe they are once difference.

11 Yes, you wanted to speak, Ms. --

12 MS. TOMANOVIC: [Interpretation] Correct, yes, what you have just
13 said is what I wanted to say, because it's my duty to say this.

14 On page 89, line 11, 16 and 19, whenever the word "territory" was
15 translated, I believe that it's been erroneously interpreted.

16 General Praljak mentioned the word "area" or "space." We've already had
17 a discussion about this with the lawyer, Mr. Buntic, who explained the
18 distinction between the word "territory" and "space" or "area." He
19 explained what the legal distinction was.

20 JUDGE ANTONETTI: [Interpretation] Thank you, Ms. Tomanovic.
21 Sorry for speaking before you. I was a bit faster than you were, but I
22 had observed that too.

23 Yes, Mr. Praljak.

24 THE WITNESS: [Interpretation] Even that word "space" is not used.
25 It says "the spatial and political." It's not "space" on its own, it is

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1 "spatial and political," the term that was used, where HDZ members are,
2 where HDZ members establish something of their own. I know what he has
3 in mind, but it's -- the term used is "spatial and political." It means
4 the party has its members here and there and it has its organisations.

5 MS. PINTER: [Interpretation] Your Honours, for the sake of the
6 interpretation, the transcript, page 89, line 9, and I'm getting up for
7 this reason, because after "territory," which should be "area," there is
8 a comma.

9 THE WITNESS: [Interpretation] There's no comma.

10 MS. PINTER: [Interpretation] And in the original text, there is
11 no comma, so it's a complete sentence. It hasn't been divided.

12 THE WITNESS: [Interpretation] Yes, this is the syntax, this is
13 the expression.

14 JUDGE ANTONETTI: [Interpretation] Very well. At any rate, I'm
15 sure Mr. Stringer will address the issue again tomorrow, which will give
16 us the opportunity of returning to it.

17 You know that we're going to sit in the morning tomorrow, as
18 early as 9.00, so we're going to have a very short evening and a short
19 night, but I look forward to seeing you all tomorrow morning. Have a
20 good evening.

21 And we will be sitting here in Courtroom I, so make sure that you
22 bring all your binders; but for Judge Trechsel, who has a very efficient
23 secretary who is going to come and pick up his binders. But the rest of
24 us Judges are going to take our own binders.

25 The hearing is adjourned.

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1 [The witness stands down]
2 --- Whereupon the hearing adjourned at 7.01 p.m.,
3 to be reconvened on Thursday, the 16th day of July,
4 2009, at 9.00 a.m.

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