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1 Thursday, 16 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 9.00 a.m.

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

9 THE REGISTRAR: Good morning, Your Honours. Good morning,
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 Thursday, the 16th of July, 2009. I would like to greet
15 Mr. Praljak, first of all, Mr. Pusic, and Mr. Petkovic, Mr. Stojic, and
16 Mr. Prlic, and of course Mr. Coric, the Defence lawyers, Mr. Stewart in
17 particular, Mr. Stringer, as well as his associates, and all the people
18 assisting us.

19 As you know, today is our last day of hearing before our summer
20 recess. We shall resume on the 17th of August. I would like to take the
21 opportunity to wish everyone a well-deserved rest, because when we start
22 again in August, we will have a lot of work ahead of us.

23 We are seeing, actually, the end of the tunnel, since after
24 Mr. Praljak's testimony as a witness, we will hear Mr. Petkovic's,
25 Mr. Coric's and Mr. Pusic's witnesses. So this is now the final part of

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1 these proceedings.

2 As I have said, everyone should get a good rest to prepare for
3 the time when we resume. I know that some of the accused will be able to
4 go home and have a rest at home. Others, for specific reasons, cannot
5 benefit from this. As you know, pursuant to Rule 65 of the Rules of
6 Procedure, some have been granted a provisional release; others have not.
7 This has been ruled by the Appeals Chamber. The Bench sitting in front
8 of you was in favour of enabling some of the accused of contacting their
9 relatives during the summer recess.

10 I therefore would like to wish all and everyone, as I've just
11 said, a well-deserved rest so that we resume in the best conditions
12 possible in August. As you know, all of this is extremely taxing, and we
13 need to have breaks from time to time.

14 From what I understood, Mr. Stewart wanted to take the floor, if
15 he so wishes. Now's the time.

16 MR. STEWART: Yes. Just very briefly, Your Honours. And I'm not
17 sure what I've done to deserve a specific welcome this morning, but thank
18 you. That's appreciated, of course.

19 Your Honours, I'm speaking for myself and Mr. Khan on this point.
20 We have seen Your Honours' orders, of course, and Your Honours' order

21 yesterday in relation to the questions that have been referred now to the
22 disciplinary council of the ADC, and Mr. Khan and I are both members of
23 that council. But I just wanted to reassure Your Honours and everybody
24 else concerned that actually some days before the order, we had seen
25 straightaway that we should not participate, so we have had absolutely no

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1 participation in any discussion of the merits of the matter, and nor will
2 we do. So, in effect, we've -- well, I suppose it's not a bad thing.
3 We've complied with Your Honours' order in advance, which can never be a
4 bad thing.

5 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Stewart.

6 As all's been said, I shall give the floor back to Mr. Stringer,
7 who will resume his cross-examination on the basis of the third binder.

8 MR. STRINGER: Thank you, Mr. President. Good morning. Good
9 morning, Your Honours, Counsel, everyone else in and around the
10 courtroom.

11 WITNESS: SLOBODAN PRALJAK [Resumed]

12 [The witness answered through interpreter]

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

14 Q. Good morning, General.

15 A. Good morning, Mr. Stringer.

16 Q. General, I'm assuming that you still have in front of you the
17 Presidential transcript we were talking about yesterday at the end,
18 P00089. And when we ended the day yesterday, we were on page 17, and we

19 were -- we were -- I can put it this way: We were debating the meaning
20 of some of the phrases and words that are in there. And I was thinking
21 last night about how to get through this without opening up the Pandora's
22 Box again of this issue of "podrucje" versus "territory," because I think
23 that it's something that's been pretty fully fleshed out in terms
24 of the views --

25 THE INTERPRETER: Kindly repeat your sentence, Mr. Stringer. One

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1 word is missing.

2 MR. STRINGER: I've been asked to repeat what I'm saying.

3 I was thinking last night about how to talk about this issue
4 without opening up again the Pandora's Box of this issue of "podrucje"
5 versus "territory." And, General, you've heard a lot of testimony and
6 statements about that issue. Zoran Buntic is one of the witnesses whom
7 I think we talked about that a lot. And I'm going to try and get at this
8 from a different angle to avoid argument or debate about what "podrucje"
9 is and what "territory" is, and so let's see if we can get at this from
10 another perspective.

11 And, actually, I'm going to start by hopefully using a word that
12 we can both work with, accepting that we agree to disagree, perhaps, in
13 terms of ultimately what the objectives were.

14 JUDGE TRECHSEL: If I'm allowed an observation, the word in the
15 original text here is not "podrucje," it is "prostorno," so just for the
16 record that there doesn't arise later on the dispute.

17 MR. STRINGER: Thank you, Your Honour, yes. I do recognise that.
18 It seemed to me that we were starting to go back down that road anyway
19 yesterday, and so it seemed to me that perhaps something that's a little
20 more neutral that we can work with, while we agree to disagree, is the
21 English word "space," which is actually the word in the French
22 translation that came through, "espace."

23 Q. General, so I'm going to suggest to you that that's perhaps a
24 word that I can use that we can work with in a way to avoid a more
25 difficult debate about territory.

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1 So yesterday, when we finished off, we were looking at this one
2 paragraph, this statement of Mate Boban, where he's talking about certain
3 events or contingencies which if they were to take place, could result in
4 the proclamation of independent Croatian territory. And the first
5 question I have for you, General, is this: Without getting into a debate
6 about what could have triggered such a proclamation, what conditions
7 could have given rise to that, if you'll just bear with me and assume
8 that whatever those conditions were, they did come to pass, had there
9 been a proclamation of independent Croatian territory, as Boban refers to
10 here, do you know what the territory or the space would have consisted
11 of? Would it have been actually the territory or the space of the
12 Croatian Community of Herceg-Bosna?

13 A. No, it couldn't have been the territory of the Croatian Community
14 of Herceg-Bosna, not at all, for the simple reason that Croatia,

15 Herceg-Bosna -- Croatian Herceg-Bosna was composed of an entire series
16 of -- how should I put it? I can talk about Croatian terms and their
17 meaning in a certain context, but wherever there were a few Croats in
18 Central Bosnia around Usora and so on and so forth, they became a
19 political entity within Herceg Bosnia, with an organisation that was
20 first and foremost involved in defence, because -- yes, that's not
21 possible, that's not possible.

22 Q. Then it seems to me, General, that this concept of accession is
23 something that really is inconsistent with your interpretation of Boban's
24 words. If you're talking about little pockets of Croat people scattered
25 throughout Bosnia-Herzegovina, the fact is that there's no way that such

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1 pockets could accede to the Croatian state; isn't that true?

2 A. If it's -- if this includes the assumption that you've made, and
3 it's all a matter of making assumptions, well, in such an event, such
4 pockets, and we're talking about your assumption, not about the reality
5 when we're talking about acceding to the Croatian state, so even if such
6 a state had come to pass, even if there was such a reality, such pockets
7 couldn't have acceded to Croatia. And I'm saying "if." But I'll repeat
8 what I have said. Without the international community, this is something
9 that would not have been possible or that was not possible.

10 Q. Now, here Mate Boban continues, and he says that if there is an
11 accession, that this would happen only "at such a time as the Croatian
12 leadership, in whom our people until now have placed their complete

13 trust, should decide that the moment and the time has come."

14 Now, you've talked about the fact that in the Croatian
15 Constitution, it made President Tudjman, in fact, the president of all
16 the Croatian people, no matter where they're located, and what's
17 happening here, then, in making this statement, is that Boban's
18 acknowledging, isn't he, that, in fact, President Tudjman is his
19 president, and it's President Tudjman whose policies and decisions will
20 be those that will guide and govern Boban and the Croats in
21 Bosnia-Herzegovina; isn't that true?

22 A. No, Mr. Stringer. In the Croatian Constitution, it doesn't say
23 that President Tudjman is the president of all the Croats, as far as I
24 know. That's not possible. The HDZ party, which was founded in various
25 parts of the world, said that President Tudjman was also their president

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1 in the creation of the Croatian state, that this problem is one that
2 can't be understood if one doesn't regard the situation Croatia was in at
3 the time, or, rather, if one doesn't regard the situation the entire
4 Yugoslavia was in at the time, together with the entire international
5 community that would change its policies towards Yugoslavia from month to
6 month, not to say from day to day.

7 Q. I'd like to turn to page 19 of this text. And here Ignjac
8 Kostroman begins talking, and what he does -- we'll skip over, I'm not
9 going to read it all, but what he does is to read the minutes of a
10 meeting that was held on the 23rd of December, 1991, which is just four

11 days before this meeting, and he's reading out the minutes of the
12 Presidency of the Croatian Community of Herceg-Bosna in an expanded
13 session with members of the Bosnia-Herzegovina HDZ party.

14 And first of all, General Praljak, you know Ignjac Kostroman.
15 Here he's acting as secretary, I believe -- yes, secretary of the
16 Croatian Community of Herceg-Bosna and administrative secretary of the
17 Croatian Democratic Union. You knew Ignjac Kostroman. I think about a
18 year after this, in December of 1992, you were present with him at that
19 rally in Zenica, weren't you, where you showed us the footage when you
20 were talking to the soldiers about not smoking?

21 A. I did meet him, but I didn't really know him. We met briefly,
22 perhaps on two or three occasions at the most, but I don't think it was
23 even three occasions during that entire period. So I did meet him, but I
24 did not really know him.

25 Q. All right. Now, in item 2 on page 21, Kostroman is reading from

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1 the minutes of this meeting of the Presidency of the HZ-HB, and they're
2 informing President Tudjman of these conclusions. And item 2 says that:

3 "The Croatian Community of Herceg-Bosna has once again confirmed
4 the will of the entire Croatian people of Herceg-Bosna expressed on
5 18 November 1991 in Grude, taking the historic decision to establish the
6 Croatian Community of Herceg-Bosna, which serves as a legal basis for the
7 entry of these territories into the Republic of Croatia."

8 Now, again, without getting into the debate about what the word

9 "territories," or "space," or whatever it is means there, the fact is,
10 isn't it, General, that what the HZ-HB people wanted, at least those who
11 are signing off on these minutes, is the delineation of a Croatian space
12 in Bosnia-Herzegovina which then would serve as the basis for accession
13 to the Republic of Croatia; isn't that what this is about?

14 A. Here it says that it represents a legal basis, a legal basis, a
15 possibility. It's put conditionally, since the Serbs had already broken
16 up Bosnia and Herzegovina and no one knew what was to come. So this was
17 a time at which various possibilities were being examined, and that's
18 all. So if such and such thing occurs, then such and such a thing will
19 follow, and so on and so forth. It was a normal political discussion on
20 the subject of the fate of the people, and no one knew what their fate
21 would be because the Serbs had all the key elements in their hands with
22 their aggression, and there was also the international community that was
23 adapting to that situation. So these actors were in control of
24 everything.

25 Q. Now, he hasn't spoken yet, I don't believe, but Stjepan Kljubic,

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1 who actually at this time is the president of the HDZ for
2 Bosnia-Herzegovina, he's present at this meeting. Item 8 on page 23
3 makes a direct reference to him. This is again item 8 that Kostroman is
4 reading from the minutes, expressing the disapproval or criticism of
5 Stjepan Kljubic. It says:

6 "Kljubic, president of the HDZ, does not have the legitimacy of

7 the HDZ organs to act independently as a representative at state and
8 inter-party negotiations crucial to the interests of Croats in this
9 territory, so he is hereby once again denied that right."

10 So we're going to talk about this more, General, but what's
11 happening here at this meeting is the beginning of the end of
12 Stjepan Kljubic and the beginning of the beginning for Mate Boban and
13 people who shared his views, as opposed to the views of Kljubic. Would
14 you agree with me that Kljubic was on his way out as of this time because
15 he did not enjoy the support of those acting as the Presidency of
16 Herceg-Bosna?

17 A. Stjepan Kljubic was a member -- well, no, that's not how I would
18 put it. Stjepan Kljubic isn't being completely limited. He's just said
19 that he can't act independently, so obviously according to this document
20 and the information that I obtained, Stjepan Kljubic started pursuing his
21 own policies as if they were party policies, and naturally people, as is
22 the case in any party, protested and said that in such public
23 discussions, appearances, and negotiations that are of crucial importance
24 for the Croats, it's necessary to consult the people whose fate is being
25 decided. Obviously, Stjepan Kljubic didn't proceed in this way, so they

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1 denied him the right to act independently.

2 Q. And so, again, we'll get to this. And so what happened after
3 this meeting, or in the weeks that followed, is that Kljubic resigned or
4 left, he was followed for a brief period of time by Mr. Brkic, and then

5 ultimately he was replaced by Mate Boban, who not only was the president
6 of Herceg-Bosna, but he was also the president of the HDZ party in BH.
7 Would you agree with me on that sequence of events?

8 A. Yes, to a large extent, but Mate Boban didn't take up Kljubic's
9 position, and Kljubic also took up the position of the previous president
10 of the HDZ. So it was politically normal. The party elects its own
11 president in a democratic manner, and I don't see why this should be the
12 subject of dispute, especially in legal proceedings. Kljubic also
13 replaced the former president of the party, and nothing happened.

14 Q. Now, on page 29 of this transcript, we see President Tudjman
15 talking. Actually, on page 27, you'll see he begins and he says:

16 "All right, gentlemen. I was unaware of these conclusions, but I
17 did know that there were differences among you, too, with respect to the
18 strategy of the Croatian policy in Bosnia-Herzegovina."

19 Would you agree with me, General, that what he's alluding to here
20 are differences between the Boban people, on the one hand, and the
21 Kljubic people, on the other hand?

22 A. No, the discrepancies were far greater.

23 Q. Now, on page 29, President Tudjman is talking, and he says:

24 "In addition, if Bosnia and Herzegovina was to remain whole, what
25 are Croatia's prospects there? Gentlemen, when Croatia acceded to the

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1 joint Yugoslav state, Croatians made up 24 per cent of the population.
2 Today, they account for a mere 17 per cent. It is quite certain that now

3 that a sovereign, independent Croatian state has been established, the
4 Croatian man will continue to emigrate, as he has done before, from
5 Bosnia and Herzegovina, they will now rush to Croatia in even greater
6 numbers, so that those Croatian areas will be left with ever-decreasing
7 populations and significant Croatian features will increasingly disappear
8 from the area."

9 I'm going to continue on.

10 And what he's talking about here, by the way, at the very
11 beginning is what happens if Bosnia and Herzegovina were to remain whole;
12 right? He continues, page 30:

13 "Under the present circumstances, gentlemen, from the general
14 Croatian standpoint, a demarcation of borders suits us better from the
15 general Croatian standpoint and from the standpoint of the Croatian
16 population in Bosnia-Herzegovina. This is not the first time that we
17 have talked like this, even in this circle. For tactical reasons we did
18 not raise, because we did not want to be the ones to raise it, the issue
19 of borders, but in the draft Hague Conference on Yugoslavia and generally
20 in the world, which suits us, and the position is even reiterated by the
21 United States, even in the letter I received today from the State
22 Department, it says that they oppose any changing of borders by force.
23 However, it seems to me that conditions are becoming ripe for a political
24 agreement on demarcation in Bosnia-Herzegovina because the world is
25 opposed to war. It would begin because either the army in Bosnia or the

1 Serbs would start it. Certainly, we are not going to start it, just as
2 we did not start it in Croatia."

3 So at this point, the fact -- well, let me just continue, and
4 then we'll come back.

5 Moving across to page 31:

6 "In other words, the survival, the sovereignty of Bosnia in the
7 present circumstances from the Croatian standpoint is such that not only
8 do we not have to advocate it, we must not even raise the issue openly.
9 However, why not accept this offer of demarcation when it is in the
10 interests of the Croatian people, the Croatian people here in this
11 republic and the Croatian people in Bosnia and Herzegovina, because I do
12 not see a single reason -- a single serious reason against it. Moreover,
13 in the talks that I personally conducted with Izetbegovic and Milosevic,
14 in addition one of our people in Bosnia drafted a proposal for
15 demarcation whereby the Croatian areas and those that you have included
16 in this Community of Herceg-Bosna and the Community of Croatian Posavina,
17 in the event of demarcation, Croatia would get not only those two
18 communities, but also, for geopolitical reasons, Cazinska and Bihac
19 Krajina, which would satisfy almost ideally the Croatian national
20 interests, not only present but also for the future, and then from the
21 remaining areas where ..."

22 And he continues on.

23 Now, General, when President Tudjman here talks about demarcation
24 of borders as "suiting us better from the Croatian standpoint," can we
25 agree that he's correct on that? I mean, Croatia's shape, we know that

1 President Tudjman considered it to be an abnormal shape. We know he
2 considered its borders to be absurd. That was the word he used in one of
3 the other things -- other documents we looked at. So the fact is that
4 he's right when he says that a demarcation of borders is -- would be
5 favourable for Croatia, it would be in Croatia's interest to achieve some
6 change in the borders, even if by political agreement?

7 A. What I have read or what you have read out is the wisdom of a
8 politician. He speaks about what America and other parts of the world
9 will offer. It's an offer for demarcation. If such an offer is made, he
10 says that the Croats won't go to war, won't start a war. He says that
11 the world is against war, and that is why demarcation might occur. And
12 if that were the case, if such an offer were made, there's no reason for
13 Croatia not to accept such demarcation.

14 People create states. It's not the other way around. France did
15 not first come into existence and then the French people -- the French
16 people were there first and then they created their state. That was also
17 the case for the Americans. They rebelled against the English, and they
18 created a state they could live in, a state in which they could arrange
19 their affairs.

20 Q. And such a state with different borders, borders that would
21 encompass these areas of the Croatian Community of Herceg-Bosna and
22 Posavina that he refers to here on page 31, those borders would, in fact,
23 have been very beneficial for Croatia to achieve; isn't that true?

24 A. Before Croatia became part of the first and the second
25 Yugoslavia, a very significant Croatian population lived there, actually

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1 an absolute majority, and so there would be no reason against the Croats
2 living in a single state, should that be offered by someone as a
3 resolution of the Yugoslav or Bosnian-Herzegovinian crisis which ended
4 with the Srebrenica incident. So Mr. Tudjman is here speaking, If this
5 happens, then that can happen, et cetera. So there was a political
6 situation in which nobody had a clue as to what was -- what the
7 international community was up to, but we knew what the Serbs were doing.

8 Q. Now, turn to page 34, General, and I'm going to ask you -- I'm
9 going to come back to a passage here that Judge Antonetti asked you about
10 on the 15th of June, although he didn't refer -- at the time he asked you
11 about this, he was referring to paragraph 24 of the pre-trial brief, and
12 he indicated that it would be useful to know the precise location of this
13 quote that he found in the pre-trial brief.

14 Top of page 34, this is Tudjman talking:

15 "It seems to me, therefore, that just as we have taken advantage
16 of this historic moment to establish an independent, internationally
17 recognised Croatia, I believe that it is time that we take the
18 opportunity to gather the Croatian people inside the widest possible
19 borders.

20 "Whether that would be exactly 30 municipalities or 28, even from
21 that viewpoint, that is less important."

22 Now, again, what is happening here, General, isn't it, is that
23 President Tudjman is telling the contingent of the HDZ from Herceg-Bosna,
24 from Bosnia-Herzegovina, he's telling the Herceg-Bosna representatives
25 here what policy is or should be, which is to extend Croatia's borders to

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1 the widest extent possible to include as many Croatian people possible
2 inside those borders? Now, of course, we're talking about extending
3 those borders into the territory of Bosnia-Herzegovina. Isn't that what
4 the Croatian policy is becoming at this meeting?

5 A. No. They are merely considering options there. If there is a
6 historical moment, and it so happened that after 800 years of the
7 Croatian -- a Croatian state was finally established because up to that
8 time Croatia had always been ruled by powerful imperial forces and other
9 forces, so if, in accordance with international rules, an offer should be
10 made, it can be accepted, there is no reason why it shouldn't be
11 accepted, to avert the war. And here he's saying that it isn't essential
12 how many municipalities should be there. So whether all the
13 municipalities that were parts of the HZ-HB are fewer, that's what
14 President Tudjman says, but this was one of the options on the table
15 after Croatia had been recognised by about a dozen countries, and the
16 Serbs are still controlling a third of Croatian territory. And there
17 were talks in Split. All the presidents had had about 40 talks so far,
18 and everything depended on the international community. So President
19 Tudjman also goes on to say that this was a very delicate issue, and this

20 is how a statesman should think.

21 Q. He uses a word here which I think is less controversial than
22 "territory," "podrucje" or another word. He uses the word "opcina,"
23 which is given to us in English as "municipality." Now, the fact is that
24 what he envisioned as being beneficial to the interests of Croatia is the
25 borders being extended to include municipalities, not parts of

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1 municipalities, or space, or pockets where Croats lived, but, in fact, a
2 group of 30, or 28, or some defined number of municipalities in
3 Bosnia-Herzegovina. And isn't it true, General, that really that's the
4 only way that such a change could be workable or even realistic? Whole
5 municipalities, a well-defined area with borders, is the only way that
6 this beneficial change could be implemented if it were to become
7 available?

8 A. It isn't stated this way anywhere. This is a speech about
9 municipalities. The president isn't dealing with petty things here. I
10 completely disagree with your statement, because from this little speech
11 in this transcript, you are drawing conclusions that are false and they
12 are not logically connected.

13 Q. Now, Boban then says that:

14 "The founding municipalities of the HZ-HB now have a population
15 which, according to the census, is 55 per cent Croatian, 27 per cent
16 Muslim, 9 per cent Serbian, and the rest are none of the above.

17 "However, because municipalities in Bosnia-Herzegovina were

18 created similarly as in Croatia, by composing Serbian and Muslim
19 population in the territory of Croatia or vice versa, by cleansing border
20 areas, practically border areas of Herceg-Bosna, this creates
21 approximately 65 per cent of the Croatian population in Herceg-Bosna."

22 And he says:

23 "And, pardon me, according to what I know, the most recent data
24 from Serbia are 63 per cent."

25 So, now what Boban's saying here is that in order to achieve this

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1 Croatian space, they could enhance that space by clearing out Muslims or
2 non-Croats from certain border areas within HZ-HB and thereby ensure for
3 themselves a clear majority in the territory of the HZ-HB; isn't that
4 what he's saying? It's going to be necessary to move some people?

5 A. No, that isn't correct here. What this is about is the
6 following: Exactly due to the wish -- due to the desire for domination
7 in the 1980s, the municipalities were reorganised. I believe that this
8 was conducted by Hamdija Pozderac. But this is not cleansing, it's not
9 cleansing, it's something different altogether. The way municipalities
10 were established was that either a Serbian or a Muslim majority should be
11 in existence everywhere, and by reorganisation, this can be achieved, but
12 there is no -- there is no talk about cleansing. Why, then, not cleanse
13 everybody out of the area, and why have 27 per cent of Muslims? That is
14 not correct.

15 Q. In any event, he's talking about a way to increase the Croat

16 population from 55 per cent to 65 per cent within the territory of

17 Croatian Community of Herceg-Bosna; correct?

18 A. No. By restructuring the municipalities, parts of municipalities
19 that subsequently were added to those municipalities to achieve political
20 effects in Yugoslavia, so by the restructuring of municipalities the same
21 number of Croats would merely constitute a larger share, a higher
22 percentage; no more than that.

23 Q. President Tudjman continues and says:

24 "It seems to me, therefore, that with a prudent policy, a clever
25 demarcation and agreement with the Serbs in Bosnia, we can even achieve

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1 that instead of war, which is threatening because of this unresolved
2 issue and the army build-up, that the army will serve as a guarantee for
3 implementation of such a demarcation."

4 So this brings us back, doesn't it, General, to the issue of
5 Karadjordjevo and the testimony that we read of President Mesic, when he
6 was here on that subject, the article written by Muhamed Filipovic, that
7 in fact an agreement with the Serbs could be achieved whereby a
8 demarcation suiting the interests of Croatia could take place? I mean,
9 Tudjman believed this was possible, clearly, isn't it?

10 A. But the opposite of what you're saying is true. Seven or eight
11 months before this, had he struck an agreement with Milosevic in
12 Karadjordjevo about the carve-up, he wouldn't be saying this. He is
13 asking for a sovereign Bosnia. So the last sentence is:

14 "Actively negotiate both with Karadzic and Izetbegovic."

15 [Realtime transcript read in error "Karadjordjevo and President"]

16 President Tudjman is trying to understand the overall
17 international and Serb policy, trying to find some conditional solutions
18 to avoid war, people dying, and also satisfying the minimum Croatian
19 interests in Bosnia-Herzegovina. If there had been an agreement with
20 Milosevic, this conversation wouldn't have taken place. There would have
21 been a division of Bosnia between the Croats and the Serbs.

22 MS. TOMANOVIC: [Interpretation] I'm sorry. I have to correct the
23 transcript. Page 18, line 12, President Tudjman said "actively negotiate
24 both with Karadzic and Izetbegovic."

25 THE WITNESS: [Interpretation] Yes, that is what I said,

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1 that's why it is impossible to take out small portions of such a
2 complex -- from such a complex text.

3 MR. STRINGER: The interpreters were struggling to keep up with
4 you, so I understand -- Judge Trechsel.

5 JUDGE TRECHSEL: Yes. I first thought nothing would come of it,
6 but I think it has worked in the end. Mr. Praljak, I would like to come
7 back to the speech of Mr. Boban, where, in the English translation, he
8 speaks of cleansing border areas. I don't know whether you can identify
9 the passage in the original text. If so, I would be grateful if you
10 could read it out so that we can hear whether "cleansing" is, in fact, a
11 correct translation. It must be on page 35, in the top -- in the top

12 paragraph. "Ciscenjem," is that the word?

13 THE WITNESS: [Interpretation] Yes, Your Honour Judge Trechsel,
14 but let me read out the whole sentence, because the whole sentence
15 matters. I quote:

16 "However, as the municipalities in Bosnia-Herzegovina are
17 something similar to those in Croatia, they were created to or by
18 composing Serbian and Muslim population in the space of Croatia, or
19 vice versa, by cleansing border areas, practically or in fact border
20 areas of Herceg-Bosna [Realtime transcript read in error
21 "Bosnia-Herzegovina"]. This creates approximately 65 per cent of
22 Croatian population in this same Herceg-Bosna."

23 JUDGE TRECHSEL: Thank you. I only was eager to have
24 clarification that the translation is correct, and that has now been
25 established.

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1 Excuse me, Mr. Stringer.

2 MR. STRINGER: Thank you, Judge.

3 Just for the record, page 19, line 18 says "Bosnia-Herzegovina,"
4 and I think that it should read "Herceg-Bosna."

5 THE WITNESS: [Interpretation] So the municipalities were created
6 in such a manner. But, yes, without the initial part of the sentence,
7 the municipalities were created in such a way as to get a majority of
8 Serbs in Croatia or in Bosnia-Herzegovina, this is not how this sentence
9 of Mate Boban can be understood or interpreted.

10 THE ACCUSED PRLIC: Having in mind this question by
11 Judge Trechsel, and there is wording by Mr. Kljucic, who is already
12 mentioned here, on page 111. That is why -- I'm quoting:

13 "That is why we said that we should have commission for
14 cantonisation. Furthermore, inside Bosnia and Herzegovina, we should
15 redraw several municipalities which the parties have set up to our
16 detriment. We should transfer Dobratnici to Travnik or Jajce, where it
17 used to be. Other areas, Ravno, for example, should be transferred to
18 Neum," and so on.

19 So that's talking about --

20 JUDGE ANTONETTI: [Interpretation] Mr. Prlic, your intervention,
21 is it a question, or a point of clarification, or is it an argument that
22 you're putting forward?

23 THE ACCUSED PRLIC: I understood that Judge Trechsel asked the
24 meaning of word "ciscenje," and this is the explanation about that. This
25 is at least my understanding. Maybe I'm wrong.

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1 JUDGE TRECHSEL: Well, Mr. Prlic, I think that is not a proper
2 intervention. You have been granted the right to ask questions, but now
3 you are practically arguing, like a lawyer, and even the lawyers at this
4 point are not supposed to argue. I asked the question about the
5 language, and that was given, and nothing else was raised by me. I did
6 not approach the merits. I'm sorry.

7 THE ACCUSED PRLIC: Excuse me if I misunderstood that. I just

8 tried to help.

9 JUDGE TRECHSEL: I do excuse you, of course. I mean, you are not
10 a lawyer, and we're learning this.

11 MR. STRINGER:

12 Q. General, if you would turn to page 39, please. I want to spend
13 some time on some passages that perhaps we haven't focused on previously
14 in the trial. On page 39, a man named Barac is speaking. Do you know
15 who Neven Barac is?

16 A. No.

17 Q. If you look on page 38, you'll see that he introduces himself
18 as -- he says:

19 "I will say a few words about the work of the Croatian Democratic
20 Union deputies in the Parliament in Bosnia and Herzegovina. I am the
21 president of the caucus."

22 And you'll see at the bottom of page 38, he says:

23 "We have advocated this for the following reasons. We believe
24 that such a Bosnia, if it were to stay integral, would benefit most of
25 Croatia and the Croatian people in Bosnia and Herzegovina."

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1 And then on page 39, he says:

2 "I wanted to say this only so we could hear a position now on how
3 to act from here on in.

4 "We have had this position so far for these reasons and,
5 secondly, because the Muslims have matured and created a nation, whether

6 we admit it or not. They do not accept the ideas of dividing the Bosnia
7 of 60 years ago.

8 "How we will ever win over these 38 municipalities, that is, the
9 municipalities with Muslim population, I do not know.

10 "It is not a question at all of Western Herzegovina, where Croats
11 are 98.8 per cent of the population in Grude. That is not a question at
12 all. It is a question of the other part where we are mixed. That is why
13 I have described how we have worked so far."

14 And moving across to page 41, Boban intervenes or speaks and
15 says:

16 "I think the Muslim people are practically -- I'm not defending
17 them, when it comes to my personal opinion. I would also want Croatia,
18 the one in the borders of 50, 60 years ago, but I think that is hard to
19 divide them. They are a people with their own firm positions, and
20 I think that it will be very hard. As soon as Herceg-Bosna emerged,
21 there were objections from Jablanica, for instance, and from other
22 places, which are not accepting such conceptions.

23 "We may confront each other in some way, and that will, it seems
24 to me, subside."

25 Now, what's happening here is that you have a voice, this person

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1 named Barac, who's saying that this Herceg-Bosna concept or a
2 banovina-type concept from 60 years ago, 60 years prior, simply wouldn't
3 work or it couldn't work in anything other than the most highly Croatian

4 areas in Western Herzegovina. The problem he raises is that the people
5 are mixed throughout these territories, throughout much of these
6 territories; isn't that true? There are always going to be difficulties
7 because of the extent to which Croats and Muslims were mixed in many of
8 the areas of Herceg-Bosna?

9 A. Mr. Barac is the vice-president of the caucus of the HDZ, as I
10 see, and they advocate a sovereign Bosnia-Herzegovina in its existing
11 borders. And this text -- this entire text speaks about a democratic
12 discussion within a party and a very delicate situation, as
13 President Tudjman put it. And Mate Boban said exactly what he said; that
14 the Muslims are a corpus with firm positions, a body with firm positions.
15 And here the people are speaking about options, but these options are
16 always conditional. If the Muslims should agree with the Serbs to join
17 Yugoslavia, what should be done then, and what should be done if not,
18 and -- but there is always the distinction between an integral
19 Bosnia-Herzegovina, which refers to its borders, and a unified
20 Bosnia-Herzegovina, as interpreted by the Muslims, is a unitary state.
21 And we will see later that the Croats cannot agree to such a unitary
22 state because equality is always insisted upon. And I hope that you will
23 arrive at that.

24 Q. I can assure you, we'll arrive at that, though it might be after
25 the summer recess.

2 "What I would also want Croatia, the one in the borders of 50,
3 60 years ago."

4 Now, we can talk about under what conditions that might take
5 place, but the fact is, and it seems fairly evident, that Boban, as well
6 as Tudjman, would like to have had a Croatia that extended back to the
7 area of the banovina from 1939, which is, of course, what they're
8 referring to here when they say "50 to 60 years ago"; isn't that true?

9 A. Well, Mr. Stringer, if it had been possible to avoid a war or --
10 and if that could be achieved by agreement with the two other peoples,
11 I can tell you right here I would prefer to be part of a Croatian state
12 than a Bosnia-Herzegovinian state. That's my political right. Why
13 should anybody be guilty of that? Why wage war for that? Franjo Tudjman
14 said, We won't wage war for that. But if it should be agreed with
15 everybody, and if it should become legally possible, why not? And that's
16 the entire story. I mean, why beat about the bush?

17 Q. Well, I take your point, General, but it seems to me that what
18 Boban here does is actually he anticipates the opposite. He anticipates
19 that it's going to be something that won't be achievable by peaceful
20 means. He's anticipating that, in fact, there may be a confrontation
21 with the Muslims. "We may confront each other." Quite prophetically, he
22 anticipated the possibility of conflict on this issue, and he says:

23 "It seems to me that this will subside."

24 So here in December of 1991, General, let me put it to you this
25 way: Boban's identified what it is he'd like to see happen. He

1 anticipates that there's going to be confrontation with the Muslims that
2 results from that, and he underestimates the extent to which the Muslims
3 will agree to the vision of Herceg-Bosna that he -- that he advocates;
4 isn't that true? All of you underestimated the extent to which the
5 Muslims or the armija in Bosnia and Herzegovina would resist the policies
6 and the aspirations, once it came time for implementation, that are being
7 expressed here in this conversation between Boban and Tudjman?

8 A. That's quite wrong, Mr. Stringer. Boban says, We can do this.
9 Perhaps there will be a conflict, but things will calm down. That's the
10 first thing.

11 And, secondly, Alija Izetbegovic had already written his
12 Islamic Declaration, Mr. Stringer. And two or three months after this,
13 the Croats voted in a referendum and allowed Badinter's commission to
14 say, Yes, we can legally found this state on international terms. After
15 these discussions, three months later these very same Croats held a
16 referendum and confirmed the international legal status of a whole Bosnia
17 and Herzegovina -- of an integral Bosnia and Herzegovina.

18 If anything of what you had said were correct, we would never
19 have held a referendum. We would have reached an agreement with the
20 Serbs, and things would have looked completely different. Your theses
21 are not correct and they have no basis in reality. And up until the --
22 well, the conflict with the ABiH occurred much later because they weren't
23 prepared, and the Serbs took 70 per cent of the territory. They should
24 have reacted then. They should have prevented ABiH attacks on Croatia at

25 the time, and so on and so forth, everything that you have said. But

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1 they failed to do that, so they tried to make up for a lack of territory
2 by acting to the detriment of the Croats.

3 Yes, thank you.

4 Q. Actually, we're going to talk about this at length later on, but
5 the conflict between the ABiH and the HVO, in fact, was about their
6 resistance to this implementation of Herceg-Bosna that was going to be
7 taking place in the months following this very conversation. Isn't that
8 essentially what the conflict was about, competing views of what this
9 area of Herceg-Bosna should look like inside the territory of
10 Bosnia-Herzegovina?

11 A. That's not correct either. Look, this is in 1991, and the ABiH
12 and the conflict between -- well, it wasn't a conflict between the ABiH
13 and the HVO, it was the aggression of the ABiH on Konjic, Travnik and so
14 on, against Croats, and this was contrary to the internationally-signed
15 agreements on what Bosnia and Herzegovina should look like.

16 Well, please, allow me to complete my sentence. You can't
17 interrupt me all the time. I have the right to complete at least one
18 sentence.

19 Q. I understand that. I'm going to continue putting the Prosecution
20 case to you, and if you don't accept it, you can say so, and you do that.
21 But at the same time, you know how it works with time, and every time I
22 put the Prosecution case to you can't be an invitation for you to take a

23 lot of time making a speech. You've said all of these things before.
24 You've given very lengthy testimony, and I think you've really been given
25 every opportunity to express your own views. So I think we need to try

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1 to find a balance here between -- I'm trying to give you the space to
2 answer the questions without taking up too much time.

3 General, could you please pass over to page 74, then, of this
4 transcript and this continuing debate, conversation, that's taking place
5 with President Tudjman in Zagreb. At this point, on page 74,
6 Dario Kordic speaks up, introduces himself as the president of the
7 Busovaca HDZ Municipal Board, chair of the Travnik Regional Community,
8 vice-president of the Croatian Community of Herceg-Bosna. And then on
9 page 75, he says:

10 "I think that the Croatian spirit in the territory of the
11 Croatian Community of Herceg-Bosna, Posavina, and particularly in Bosnia,
12 has grown stronger during the past 40 days since the Croatian Community
13 was declared in Grude than it had in the entire year since the elections
14 in Bosnia-Herzegovina.

15 "The Croatian people in the region, subregion of Travnik, live
16 with the idea of acceding to the Croatian state, and they are ready to do
17 so at all costs. The young men are teeming with the Croatian spirit.

18 "I say this because I come from the field. We have visited every
19 single village in the territory of this subregional community of
20 Herceg-Bosna."

21 The next paragraph, he's talking about the many Croatian flags on
22 the houses, and the municipalities on the Bosnian part. Continuing over
23 to the next page, he says:

24 "I think that any other option would be considered treason, save
25 the clear demarcation of Croatian soil in the territory of Herceg-Bosna,

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1 and preservation against destruction of the Croatian body politic through
2 a well-defined state mechanism of the Croatian state serving as a
3 guarantor to the Croats of Herceg-Bosna, even if only for three months or
4 a year. However, we must believe in it."

5 Now, General, we can -- we can talk about differing views, and
6 we're going to continue to talk about differing views here, but here now
7 we have the vice-president of the Croatian Community of Herceg-Bosna
8 talking in no -- talking very clearly and unequivocally about at least
9 his own view that, in fact, accession to the Croatian state is the goal;
10 isn't that true? Wasn't that the goal of at least some of the people who
11 were in the leadership positions of the HDZ in BH and the
12 Croatian Community of Herceg-Bosna?

13 A. It's correct, as you have said, that there were people who had
14 this objective, and they would express themselves in fierce political
15 terms to encourage themselves. He was in such an awkward position. But at the
16 end of page 76, you have the reasons for which he expresses himself in
17 such perhaps extreme terms.

18 Dario Kordic had read the Islamic Declaration. He mentions the

19 71 per cent of Muslims that are mentioned there. He says that the
20 Muslims want a civil republic, and I've told you about the text where I
21 said Alija Izetbegovic said either a civil republic or a civil war. At
22 the time, there was Cengic's statement that their house was in Turkey and
23 that there was applause by the SDA party for Libyan and other Islamic
24 ambassadors. They said that these people, this world, was heading
25 towards religious unification and not towards the creation of a modern

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1 state of equal people.

2 So Dario Kordic was upset by this, and that's why he said what he
3 said. That's his right, to express his political opinion. But later he
4 has to go to a referendum about Bosnia and Herzegovina. Later, he was
5 overruled.

6 Q. Now, if you'll skip over to page 84 for another of the voices
7 from the competing camp or the competing point of view, if I can put it
8 that way. This is Ivan Markesic. He introduces himself as
9 secretary-general of the HDZ of Bosnia-Herzegovina. Page 85, he says:

10 "When I learned of the forming of the Community of Herceg-Bosna
11 and Croatian Posavina, I thought, and thus tried to fit it into HDZ
12 positions, that it represented a special form of expression of the
13 political will of people living in a certain area. However, in Duvno I
14 became convinced that it is a territorial organisation, while everything
15 in the decision on founding is quite a different matter. I would like to
16 say that the positions expressed here show a clear split in the HDZ of

17 Bosnia and Herzegovina, in the party in which I am the general secretary.
18 I could not and, I must confess, I still cannot reconcile myself to this
19 manner of forming communities for a simple reason. How can I -- with
20 what morality can I receive the Croats from Banja Luka, the 29.000 from
21 Zenica, where there are more than 20.000, or 20.000 from Tuzla, over
22 34.000 from Sarajevo?"

23 And he asks:

24 "What about an integral solution for the Croatian question in
25 Bosnia-Herzegovina? I estimate that in certain areas where there are

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1 compact Croatian entities, there is an aspiration. After all, who of us
2 would not like to live in the state of Croatia? I take this opportunity
3 to salute its recognition. However, I think that the real circumstances
4 in which we find ourselves will not permit this. The circumstances in
5 which Croats in Bosnia and Herzegovina live, the people they meet, the
6 political options, none of this will allow it. I do not know how it
7 would be possible in Bugojno, Gornji Vakuf or Travnik, just to say
8 suddenly, We are going into Herceg-Bosna and we will be joined to the
9 Republic of Croatia.

10 "We can wish for this, but I must tell you openly you live here
11 in Zagreb and probably I can tell you sincerely you can have quite a
12 different view of our area down there. We who live down there who all
13 the time are meeting those people who are tied to that piece of land that
14 we live on, where we are a constitutive part of Bosnia and Herzegovina.

15 You see these things quite differently, thinking it is simple and
16 convenient to join all of this up, saying, in the name of the Croatian
17 people, that you would join it all to Croatia."

18 And he goes on, and he points out another problem with the
19 policy, or the plan, or the aspiration that's being discussed by others
20 at this meeting. He says, quote, on page 89:

21 "Excuse me, but we are also starting with the facts. Forgive me
22 for saying so, but in this way, with this partition, you are making
23 possible for the first time for Serbia to expand into the area of Bosnia
24 and Herzegovina, where it has never been before."

25 So, now, this is a dissenting voice, this is a different opinion,

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1 General, and it's the opinion of someone who's not from Herzegovina;
2 isn't that true? This is the opinion of a Croat, secretary-general of
3 the HDZ party, who comes from an area where Croats are mixed, where they
4 lived with Muslims, where they lived with others, and he's very clearly
5 of the view that the partition that he believes is being discussed here
6 is simply not achievable; isn't that correct?

7 A. Partially, he expresses that view, but you can see what his
8 position is, and that his opinion is partially different. Mention is
9 made of Franjo Tudjman's position, too, that dates back to 1989, his
10 position on an integral Bosnia and Herzegovina, a sovereign Bosnia and
11 Herzegovina, but a solution to the Croatian issue in Bosnia and
12 Herzegovina, the solution to the Croatian problem in Bosnia and

13 Herzegovina, and at that point in time such a solution was between the
14 Serbian option -- somewhere to be found between the Serbian option of
15 taking 70 per cent of the territory and the Muslim Islamic Declaration.
16 And Markesic, at the end, says the HDZ should persist with its request
17 for a sovereign BH for as long as it's possible for this to be attained,
18 but if this is not possible, in such a situation we'll opt for a
19 different solution.

20 So, Mr. Stringer, it's an open, broad discussion that involves
21 people who are democratically looking for a solution. There is no
22 solution mentioned here. Only possibilities are mentioned. And the
23 meeting referred to in Tomislavgrad, as far as I heard, didn't bear any
24 fruit, no conclusions were adopted or published in HDZ documents, and
25 therefore the people were desperate. I mean, well, they had no idea

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1 about what was going to happen, apart from the fact that they thought
2 that someone was going to -- or was preparing to kill them, as was the
3 case in Vukovar, Dubrovnik, and so on and so forth. And, furthermore,
4 add to that the embargo and see how you would manage in such a situation.
5 You're waiting to be slaughtered like cattle under such an embargo.

6 Q. Page 90, Ignjac Kostroman begins talking. We can skip over that.
7 He says:

8 "Many harsh words have just been said against Herceg-Bosna, as if
9 it were a case of a classic conspiracy against the sovereignty of BH."

10 And then he goes on. He's critical of Stjepan Kljucic, which we

11 can move over.

12 I want to go now to page 98. President Tudjman starts speaking.

13 A. Look, which page?

14 Q. 98.

15 A. 98. It would be good to read out when Kostroman says this isn't
16 a conspiracy against the sovereignty of Bosnia-Herzegovina, this is a
17 discussion. But, well, fine.

18 Q. Well, no one denies this is a discussion, General. It's a
19 discussion, would you agree with me, that sheds light on differing views
20 and visions for the territory of the Croatian Community of Herceg-Bosna?

21 A. No.

22 Q. Isn't that what this is about?

23 A. No. The subject is how to survive without war, how to adopt the
24 international -- adapt to the international community, how to reach an
25 agreement with the other two peoples, how to save lives, how to find out

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1 what the international community wants, in fact, and how to avoid errors
2 and lose everything, which is what the situation was for 800 years
3 because that's how the policies of the great powers pursued, and so on
4 and so forth. So that's the problem. Your country, Mr. Stringer, is
5 powerful. We were just wondering what to do in order to ensure our
6 survival.

7 Q. And one of the threats to the survival of the Croatian people in
8 Herceg-Bosna, I think it's not controversial, is the fact, and President

9 Tudjman alludes to it earlier in the same discussion, the fact that the
10 numbers of Croats living in Bosnia-Herzegovina are diminishing and have
11 been trending downward for a number of years, particularly after the
12 establishment of the Croatian state. I mean, it was a well-known and
13 recognised fact that the percentage of the Croatian population in
14 Bosnia-Herzegovina was declining; isn't that true?

15 A. President Tudjman mentioned something that's called a
16 sociological law. If you create a poor state for people, then the people
17 from that state disappears. Yugoslavia was bad for the Croatian people.

18 Q. Well, General, you're not answering my question. Is it --

19 A. Well, very well. I don't understand your question. Could you
20 please repeat your question?

21 Q. Well, earlier here in this transcript we saw President Tudjman
22 state that the percentage of the Croatian population in
23 Bosnia-Herzegovina had declined from 25 per cent, I believe it was, to
24 17 per cent. Do you recall that? And that was the truth, isn't it?
25 That was a concern?

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1 A. Correct. The percentage was even greater before. There was the
2 imperial conquering of Karadjordjevic's Yugoslavia. There was
3 domination, the relationships hadn't been arranged, and as a result the
4 number of Croats in Bosnia-Herzegovina diminished, as well as in Croatia.
5 So now throughout the world, there are more than three and a half million
6 of us.

7 Q. On page 98 of the transcript, President Tudjman begins speaking,
8 and he says:

9 "All of history has shown that Bosnia and Herzegovina is no
10 solution for the Croatian people."

11 And he goes on talking about the creation of Bosnia as part of
12 colonial conquests of an Asian power, at the expense of the Croatian
13 people and Croatian territories, between the 15th and 18th centuries. So
14 this is a reference, isn't it, to the Ottoman Empire? And then he goes
15 on to talk about the Communist -- continue on to page 99. After
16 recounting this history, he says:

17 "Therefore, Bosnia and Herzegovina should not be taken as
18 something God given which must be preserved, and we must especially not
19 forget how harmful it is.

20 "Because of the creation of Bosnia and Herzegovina, Croatia has
21 been put in an impossible situation regarding its territory. Regarding
22 administration, not to mention defence, we cannot establish an
23 independent Croatia such as it is."

24 Now, General, the fact is that if Tudjman's not satisfied with an
25 independent Croatia, such as it is, on the 27th of December, 1991, then

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1 what he's looking to do is to extend the borders of Croatia, to redraw
2 borders, and to push the border eastward into Bosnia-Herzegovina, with
3 ultimately restoration of the banovina as being the ultimate goal or most
4 desirable objective; isn't that true?

5 A. No, it isn't. President Tudjman spoke about historical
6 circumstances, and, Mr. Stringer, historical circumstances were such that
7 we served only as a base. They would take children and turn them into
8 Turkish soldiers. They did that for several centuries. They would take
9 children from us. So your thesis is not correct.

10 Tudjman was a rational politician. He has the right to
11 historical reflection, and he wrote an excellent book that is called
12 "Big Ideas and Small Peoples." When you have big ideas, small peoples
13 disappear.

14 Yes, I've answered your question. Your thesis is not correct. I
15 completely disagree with it. He examined the possibility that the
16 Serbs -- well, you forget to say that the Serbs had already broken up
17 Bosnia and Herzegovina. And he didn't know what was going to happen with
18 the Muslim-Serb relationship, and if anything were to happen, it wouldn't
19 have been possible for him to defend Dubrovnik.

20 Q. Let me rephrase the question. When President Tudjman says here,
21 "Bosnia-Herzegovina should not be taken as something God given, which
22 must be preserved, and we must especially not forget how harmful it is,"
23 are you saying that he, in fact, is telling us that the sovereignty --
24 the territorial integrity of Bosnia is something to be cherished and
25 protected? It's quite the opposite, isn't it?

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1 A. The historical reflections of Franjo Tudjman were correct,
2 there's no question about it, absolutely correct. And he quite clearly

3 expressed them; that his political pragmatism, the fact that he was a
4 realist, in political terms, in relation to the world he was in, well,
5 made him say, Okay, this isn't fair. You beat us here, you diminished us
6 here, you drove us out, you killed us, you conquered us as an imperial
7 force, you looted us, but, very well, if we can prevent that, fine; if we
8 can't prevent that, then we'll bow our heads and accept the political
9 situation, such as it is.

10 Yes, yes, I apologise.

11 We'll accept the political situation, such as it is, and we will
12 act as dictated by this lack of justice, not as dictated by justice.

13 Q. Well, General, I think you just hit the nail on the head when you
14 talked about President Tudjman's pragmatism, political pragmatism. In
15 fact, what's happening, given his very -- no one disputes his grasp and
16 his deep knowledge of history. As a politician, what he sees is the
17 disintegration of Yugoslavia as an opportunity for Croatia to right all
18 the past wrongs, as he sees them and as you see them, past wrongs over
19 the centuries against the Croatian people and the Croatian territories
20 that they claim, and in fact this disintegration of Yugoslavia is now an
21 opportunity to politically achieve something that would right all those
22 past wrongs, and in fact that's going to involve pushing the borders of
23 the Croatian state eastward to encompass the areas of the former banovina
24 and to make those part of the Croatian state that he wishes to establish.
25 Isn't that how it was?

1 A. No, Mr. Stringer. On page 100, the president says what the
2 international community has to say. They are against modifying the
3 borders. The president says that Lasic also says that tampering with the
4 borders would open a Pandora's Box and we don't want this to happen. So
5 they are opposed to changing the borders forcibly. President Tudjman
6 also says that in Split he spoke to Izetbegovic tete-a-tete, and with
7 Milosevic tete-a-tete, and also the three of them who held discussions,
8 and they tried to find a solution. I quote. They tried to find a
9 solution that would be satisfactory for the Serbian people, the Croatian
10 people, and the Muslims. So they were looking for a satisfactory
11 political solution for the three constituent peoples. They were looking
12 for a peaceful solution. The borders were not to be changed by force.
13 That was the Croatian position that was publicly adopted, and in secret.
14 But if -- yes.

15 Well, if we could have a break now.

16 MR. STRINGER: Yeah, I've got one more question and we'll be
17 finished with this transcript, Mr. President, and then we can take the
18 break, if I could ask.

19 Q. If you could turn to page 113. I've got one question to wrap up
20 this meeting.

21 Finally, after all this, after 113 pages of transcript, the
22 president of the HDZ finally speaks up, Stjepan Kljubic, and he says:

23 "After this, I can no longer occupy a post down there. I mean,
24 we must be sincere. First, I am a private person. I could not be broken
25 even during Communist times, when Branko Mikulic persecuted me ..."

1 And the next paragraph, he says:

2 "Well, let me tell you, regarding the policy here, it is not
3 possible for the seventh dwarf to get up and make a ruckus about it. I
4 did everything you told me to do. We cannot go on. You want
5 Herceg-Bosna, you want Boban. Well, you're welcome to them, gentlemen.
6 I resign. I am always ready to resign, Mr. President."

7 Now, we know that despite those words, Kljucic continued in his
8 position as president of the HDZ for a little while after this meeting,
9 when he was then replaced by Miljenko Brkic and then subsequently by
10 Mate Boban, but the last question I've got on this transcript, General,
11 is that that really sums up the end result of this very important meeting
12 on the 27th of December, 1991. It was Boban, Kordic, Kostroman, and
13 Herceg-Bosna policy that eventually carried the day and won out. From
14 this point, the -- those voices such as Ivan Markesic, Barac, Kljucic,
15 the ones who sought a more conciliatory or moderate position in respect
16 of Bosnia and Herzegovina policy, they lost the battle here. Boban
17 carried the day, and it was Boban, carrying out Tudjman's policy on
18 Herceg-Bosna, that really was in effect from this moment, this day
19 forward. Isn't that true?

20 A. These are your constructs, Mr. Stringer. We're speaking about a
21 democratic party. Elections are held democratically, and Mr. Kljucic,
22 who was a sports journalist before, a very decent gentleman with a bow
23 tie, he was so giving in to the positions of Mr. Izetbegovic, that Tudjman

24 said to him that Croats could not go to Serboslavia. There was a war on, and

25 Mr. Kljubic is engaged in speculative conversations, as Serbs occupy 70 per

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1 cent of Bosnia-Herzegovina. The state, in reality, is no longer in

2 existence. It only exists on paper.

3 Q. We know what the situation is by now in Bosnia-Herzegovina at

4 this time, so I think that you don't need to expound on that.

5 MR. STRINGER: Mr. President, I have no more questions on this

6 document.

7 JUDGE ANTONETTI: [Interpretation] Very well. We're going to have

8 our break.

9 --- Recess taken at 10.35 a.m.

10 --- On resuming at 10.57 a.m.

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

12 I have a few questions to ask you, Mr. Praljak, following the

13 in-depth examination of this document of about 125 pages by Mr. Stringer.

14 First of all, Mr. Praljak, I would like you to look at the last

15 part of the document. You see that on the last page, it says that the

16 meeting finished at 2155 hours and then they went for dinner, so I can

17 only assume that their conversation must have carried on over dinner.

18 Given Croat customs, do you have discussions of a professional nature

19 during dinner or are you talking about the weather?

20 THE WITNESS: [Interpretation] In accordance with my experience,

21 dinner gives rise to even more intensive discussion, so it gets even

22 worse.

23 JUDGE ANTONETTI: [Interpretation] Very well. So you can safely
24 assume that discussions of a political nature that we see in this
25 document carried on over dinner, and that we only have part of the

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1 discussion reflected in this document?

2 THE WITNESS: [Interpretation] It is highly probable that -- or
3 practically certain that the political discussion continued over dinner.
4 Probably the participants formed groups and tried to weigh their
5 arguments. I'm sure that this was the case. It isn't the Croatian way,
6 to have -- to have a conversation -- to engage in small talk over dinner,
7 as the French. We're not at that level, psychologically, yet.

8 JUDGE ANTONETTI: [Interpretation] Very well. When we look at
9 this document, do you think that a conclusion could be drawn by everyone,
10 including by yourself, and, namely, that within the Croat population of
11 the Republic of Bosnia-Herzegovina, there was a group which was perhaps
12 against the ideas of Tudjman, and there was another group who seemed to
13 be more inclined to be in line with Tudjman's ideas? Could we draw the
14 conclusion that there were two groups, and one basically led by
15 Mr. Kljubic, and in the other group we may have had Mr. Kordic?

16 THE WITNESS: [Interpretation] I do not agree, Your Honour. There
17 weren't -- there were not two groups there. Every area where Croats
18 lived had its own problems; Posavina, Central Bosnia, Herzegovina,
19 Sarajevo, so there was several groups and several political options. The

20 clergy, on the one hand --

21 JUDGE ANTONETTI: [Interpretation] Okay. Let's not go into this
22 debate. If you do not like the word "group," could we perhaps say that
23 there were two political options, the first one being represented by
24 Mr. Kljubic and the second one by Mr. Kordic?

25 THE WITNESS: [Interpretation] I don't think so. We may say that

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1 there is the political opinion of Mr. Kljubic which differs from that of
2 Mr. Boban, but Kordic at that moment was not an important player, in the
3 area of politics, to be the leader of any kind of political group, at
4 least to my knowledge. But I think I have good knowledge of it, but
5 conditionally speaking.

6 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we saw earlier on
7 that Mr. Kljubic has decided to resign. It is very clear. If everyone
8 agreed in the framework of a meeting, there would be no problem, but if,
9 during a meeting, someone is handing down their resignation, it means
10 that there is a problem. Don't you agree with that?

11 THE WITNESS: [Interpretation] That's correct, there was a
12 problem.

13 JUDGE ANTONETTI: [Interpretation] Very well. And the problem was
14 explained by Mr. Kljubic, wasn't it?

15 THE WITNESS: [Interpretation] Well, not in the way I would
16 consider truthful. Mr. Kljubic tried to play an intellectual role to
17 which he wasn't up to, in my opinion; namely, that everything be agreed

18 in offices. And in the process, he failed to see the basic problems, and
19 that is the total Serbian occupation of Bosnia-Herzegovina, the splitting
20 up of the country. And due to the encirclement of -- or, rather, the
21 environment of Sarajevo, he didn't understand the policy of
22 Alija Izetbegovic. He wanted to be an autonomous player and have others
23 obey him. At such times, that wasn't possible, and that was held against
24 him.

25 JUDGE ANTONETTI: [Interpretation] One last question for my part.

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1 I am thinking about all this, so this is not a statement, but
2 looking at this document we see that, on the one hand, we have
3 Mr. Tudjman explaining his understanding of the role that could be played
4 by Croats of the Republic of Bosnia-Herzegovina within the Republic of
5 Croatia, or in a confederation type of state, or within the framework of
6 an association of states -- and I will remind you, Mr. Praljak, that the
7 Croat constitution and the constitution of the former Yugoslavia, as well
8 as the constitution of the Republic of Bosnia-Herzegovina, provide for
9 legal systems allowing this sort of solution. So as I was saying, when I
10 see Mr. Tudjman explaining at length and going back to history and
11 talking about banovina, and when I see also Mr. Tudjman stating, in a
12 very clear manner, that the United States do not want any change in the
13 borders, I'm wondering whether there is any compatibility between
14 Mr. Tudjman's position which may be shared by others, others such as
15 Kordic, Kostroman or others, with the position of the international

16 community. I'm wondering how Mr. Tudjman could solve this problem,
17 because we see at the beginning of the meeting he talks about the
18 position of the United States, but at the same time it doesn't stop him
19 from touching on the issue of borders, and this is what I don't manage to
20 understand. Do you have an explanation that could help us? Thank you.

21 THE WITNESS: [Interpretation] I believe I can help you.

22 He found a very clear solution to that situation by calling the
23 Croats to go to a referendum and vote about an integral Republic of
24 Bosnia-Herzegovina, two or three months after this meeting.

25 Franjo Tudjman was fully aware of that. He only states a possibility

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1 here. If the United States agree, and the Muslims, and the Serbs, and it
2 can all happen in a peaceful way, then we have a solution. But the
3 subsequent events, the signed agreement, all show that this is a
4 democratic and open putting forward of all options, and they can also be
5 discussed openly, including things you don't want to try out, so just to
6 see whether it makes sense, it's logical. I believe that the entire
7 world functions like this. All governments put forward positions --
8 extreme positions, half extreme, logical, et cetera, and once you discuss
9 all that, what follows is action. And from the actions, we can tell what
10 is really happening. And the actions that followed, we know what they
11 were like.

12 JUDGE ANTONETTI: [Interpretation] One last question.

13 Mr. Stringer asked you several questions regarding page 34, where

14 Mr. Boban talks about border cleansing and talks about 60 per cent of the
15 Croat population --

16 THE INTERPRETER: Or 60 per cent Croat population, correction
17 from the interpreter.

18 JUDGE ANTONETTI: [Interpretation] -- in Herceg-Bosna. This part
19 of the transcript, as everyone understood, is very important, but I'm
20 talking to a specialist in this field because you studied engineering, so
21 I believe that you are very good at math. We know that in
22 Bosnia-Herzegovina, Croats made up 17 or 18 per cent of the population,
23 but let's take 17 per cent. And, in fact, you said that the percentage
24 was higher, but as time went by it decreased. You did not explain why
25 there was a decrease. There could be various reasons linked to

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1 migration, linked to the economic situation. Perhaps Croats were looking
2 for work abroad. In fact, you personally went abroad, especially in
3 Germany, which could explain why the percentage decreased to 17 per cent.

4 But what I would like to know is the following: With a
5 population of 17 per cent, how could Mr. Boban say that, In some regions
6 we would move to 65 per cent? With what method could he come to this
7 percentage? Of course you heard Mr. Stringer, according to him, it could
8 be the consequence of ethnic cleansing, stating that by dealing with
9 the -- by removing the Muslims, we would come to this percentage. But is
10 it as simple as that? That's my question.

11 THE WITNESS: [Interpretation] It is not at all the way it was

12 stated here. It's completely different.

13 Mr. Boban initially says the following: These municipalities
14 that are at the foundation of HZ-HB, so these being as they were,
15 according to the census in that area, there are 55 per cent of Croats,
16 27 per cent of Muslims, twenty - nine per cent of Serbs, and the rest is
17 accounted for by others living there.

18 And now we arrive at the following. One of the insidious aspects
19 of the system in which we lived was the reorganisation of municipalities
20 in such a way that one municipality, if it had been normally established,
21 there would have been 52 per cent of Croats, but then you add to it a
22 part of another municipality, a territory, and there are, say, a number
23 of villages inhabited exclusively by Muslims. Thus, you reduce the share
24 of Croats in that municipality to, say, 35 per cent. This is how the
25 municipalities in Croatia were established in order to have a Serb

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1 majority or a relative majority in some municipalities in Croatia, and
2 that's how municipalities in Bosnia-Herzegovina were established to get a
3 Muslim or Serb majority in some municipalities.

4 And Mate Boban says here if we were to remove these parts of
5 municipalities at the brink of these municipalities which were joined by
6 Rankovic and Pozderac and others, and if we were to re-establish the
7 municipalities in a natural way, then in that same HZ-HB, there would be
8 not 55 per cent of Croats, but due to this elimination of joined villages
9 or towns, the absolute number of Croats would remain the same, but their

10 relative share would rise from 55 per cent to 65 per cent. This is what
11 this says explicitly.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, what you are
13 saying here is news to me, because until now I had not understood that
14 municipalities had been rearranged in their delineation in Bosnia and
15 Herzegovina, and by having a re-delineation of the borders of
16 municipalities, some populations had been transferred from one
17 municipality to another on paper. So if what you say is true, when did
18 this restructuring happen or this new carving up?

19 THE WITNESS: [Interpretation] In Croatia, that happened right
20 after the Second World War, and in Bosnia-Herzegovina, especially as
21 regards the Serb side, also after the Second World War. As regards the
22 1980s, or the late 1970s or early 1980s, while Hamdija Pozderac, a Muslim
23 Communist politician was in power, that was done. Let's take Mostar.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, we have the
25 1991 census, so it is based on the census results that questions were

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1 raised until now both by the Prosecutor and by the Defence counsels. So
2 let's talk about this 1991 census. It basically sets out the population
3 make-up; Serbs, Croats, Muslims. Based on that, everyone is working on
4 the municipalities, so there has not been a new carving up of the
5 municipalities before that census, or has there been one?

6 THE WITNESS: [Interpretation] Yes, the municipalities were
7 re-delineated earlier. That's what happened to the Travnik municipality,

8 to a large extent this applies to Mostar also. And besides that,

9 Your Honour, the 1991 census --

10 JUDGE ANTONETTI: [Interpretation] Okay, thank you. I understood
11 very well. I'm sorry if I'm being very brief, but I want to give the
12 floor back to Mr. Stringer as soon as possible.

13 If I understood correctly, because everything is quite complex
14 and we must try and avoid to look at those things in a very broad brush,
15 when Mr. Boban talks about 65 per cent of the Croat population in
16 Herceg-Bosna, according to you, does he have in mind the new delineation
17 of municipalities which took place after the Second World War, which
18 means that there was some changes in the ethnic make-up, which means that
19 he wants to go back to the situation that they had at the end of the
20 Second World War? Is that what you're trying to make us understand?

21 THE WITNESS: [Interpretation] That's correct. He wants the
22 municipalities to be re-delineated to the state before the new
23 delineation by Hamdija Pozderac, and that would have increased the
24 relative share of the Croats from 55 to 65 per cent; no cleansing, no
25 driving out of people. In one part of the transcript, a municipality is

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1 mentioned where this happened.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, in Mr. Boban's
3 intervention, in English it says "cleansing," which is quite a
4 troublesome word. In the B/C/S version, the original version, what word
5 does he use?

6 THE WITNESS: [Interpretation] Correct, it's the word "ciscenje,"
7 "cleansing," which has a very negative or awkward meaning, but the
8 previous sentence explains what it's about. Because the word "composing"
9 is used, if I were to compose this audience, I could make it up of more
10 or fewer women, et cetera.

11 JUDGE ANTONETTI: [Interpretation] If I go back to what was said
12 before, in your language, and please apologise for my pronunciation, is
13 "ciscenje." This is what we see on line 23, page 46. But he seemed to
14 be saying that, according to him, it meant a new carving up of municipal
15 borders. But this word, as it is in the transcript, is it a word of a
16 general meaning or is there a connotation of cleansing, which means that
17 when you clean, you remove; whereas, in a new municipal carving up or
18 delineation, you are not removing anything, you are basically drawing new
19 municipal borders on a map, you are carving up a new map for political
20 reasons or for other reasons without having to remove or to practice any
21 cleansing? So the word that has been used, which has a connotation that
22 no one can deny, because when you talk about cleansing, you immediately
23 think of ethnic cleansing, so I was wondering whether this word in your
24 language is used in a general context or is it very targeted to a
25 specific action?

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1 THE WITNESS: [Interpretation] In the Croatian language, just as
2 in any other language, the meaning of a word is determined by the
3 context. It is correct, Your Honour, that this word in Croatian, too, is

4 used in the sense cleanse a suit, clean a window. It mostly has a
5 technical meaning, clean up a room, clean -- to clean or cleanse the air.
6 But due to the subsequent events in Bosnia and Herzegovina, it got
7 connotations which it used not to have in Croatian. Now, of course, as
8 any other word, it gets a sense which was additionally added, and that's
9 the sense of ethnic cleansing. So whenever you see the word "cleansing,"
10 which was used before the ethnic cleansing, you immediately think of
11 ethnic cleansing, but here this does not apply. Here, they are speaking
12 about changing municipality borders, because if you add Citluk and
13 Siroki Brijeg to Mostar, then Mostar will be 60 or 70 per cent Croatian,
14 but if you take it -- take some parts away from it, it will be different.
15 That's how things were done.

16 JUDGE ANTONETTI: [Interpretation] There's another question.

17 JUDGE TRECHSEL: I would like to ask two, as it were, negative
18 questions, but first: Did you read the whole transcript here, did you
19 read this?

20 THE WITNESS: [Interpretation] Yes.

21 JUDGE TRECHSEL: All right, and you can certainly help me. I
22 have missed, in the discussions here, what we have seen, any reference,
23 one, to an attack by the ABiH, and that came later, in fact; is that
24 correct?

25 THE WITNESS: [Interpretation] Your Honour, this is 1991. The

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1 attack of the Army of BiH only started in the spring of 1993. I mean,

2 they are centuries apart, in a manner of speaking.

3 JUDGE TRECHSEL: Thank you. And the second reference that I
4 think was not made here, there is no reference to the fact that the
5 Sarajevo government does not work, that it's not a functioning
6 government. This is not used as an argument for the creation of
7 Herceg-Bosna in this transcript, in this discussion?

8 THE WITNESS: [Interpretation] No, Your Honour.

9 JUDGE TRECHSEL: That's all, thank you.

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

11 Q. Just to follow up on a few of the points raised by His Honour.
12 General, we're just talking about this word "cleanse" as it's used in
13 Croatian. When he said "cleanse the border areas," what Boban was
14 invoking was an idea of cleansing by which one rids oneself of something
15 which is undesirable, to clean or to wash, a window, a piece of clothing,
16 something that has a spot or is dirty, and what needs to happen is that
17 that needs to be cleansed; that is, the undesirable parts of that need to
18 be gotten rid of. I mean, isn't that the idea that he's invoking here,
19 and the undesirable thing being that of Muslims or non-Croats in this
20 area of Herceg-Bosna?

21 A. No, Mr. Stringer. He's speaking about areas. If he had wanted
22 to say, We'll cleanse the Muslims, he would have said so. But then why
23 only from border areas? Why not from all areas? He's speaking about the
24 areas of municipalities that were unnaturally and intentionally added in
25 a politically rotten way to enable a people to be the majority in a

1 municipality which it normally wouldn't have. That's a problem which I
2 know well; how, by changing municipality borders, one people was put in a
3 position to dominate another. And he's saying, Let's get rid of these
4 border areas, and not, We'll expel the Muslims. And that same Mate Boban
5 later had 10.000 Muslims in the HVO, and then there were refugees,
6 et cetera. So come on.

7 Q. Well, are you suggesting, General, that -- so what Boban is
8 proposing here, if I understand you correctly, is that they're going to
9 go in -- the Herceg-Bosna people are going to redraw the borders of the
10 various municipalities in Herceg-Bosna, and to do it in a way that
11 guarantees that the Croats are a majority in each of these areas, each of
12 these municipalities, and that that's all going to be done, and the
13 Muslims are going to be okay with that even in a municipality like
14 Jablanica, where they form nearly 70 per cent of the population, that
15 they're just going to stand by and watch while Boban and his people
16 gerrymander and rig the borders of the municipalities to create a bunch
17 of Croatian majorities that didn't previously exist; is that what you're
18 saying was going to happen, and this was all going to happen peacefully?

19 A. No, Mr. Stringer, it wasn't that way. You cannot change the
20 number of -- or you can't change the population in Jablanica. But by
21 adding Muslim villages to Prozor and Rama in an unnatural way, you can
22 raise the number of Muslims there, and by adding those villages to the
23 Jablanica municipality, you can raise the number of Muslims in that
24 municipality. A compact territory was split up between other

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1 on certain conditions, et cetera. So it's about that. So if we want to
2 go into that, I can tell you about the gerrymandering of municipalities
3 in Bosnia and Herzegovina. You have seen an example in this transcript
4 what this was like. But nobody is saying that the number of Muslims in
5 Jablanica can be reduced, but it can be increased.

6 Q. You've mentioned the refugees, and we're going to get to that
7 later, because we're just talking about December of 1991, before the war
8 has come to Bosnia and Herzegovina, before the referendum on
9 independence, before the encirclement of Sarajevo that you were invoking
10 earlier in your testimony in response to Judge Antonetti's question.
11 And, in fact, the Serbian occupation of Bosnia-Herzegovina, the
12 encirclement, the siege of Sarajevo, none of that was happening in
13 December of 1991, was it? That came some months later?

14 A. Sarajevo was encircled several months later, but the occupation
15 of Bosnia and Herzegovina by the JNA, and the weapons handed out to the
16 Serbs in Bosnia and Herzegovina, had already taken place to a large
17 extent. As you know, the JNA had taken over all areas around Mostar.
18 People had been killed, there was shooting from the hills at the time,
19 and the international community requested that the JNA leave Croatia and
20 Slovenia, and their troops went to Bosnia and Herzegovina; the Rijeka
21 Corps, the Ljubljana Corps, numerous people, many weapons.

22 Q. Also in response to a question, the President was discussing the

23 statement of Stjepan Kljubic at the Presidential meeting, the
24 Presidential transcript, and the President suggested or indicated that
25 the problem -- this is line 8 on page 41:

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1 "And the problem was explained by Mr. Kljubic, wasn't it?"

2 And what you said was:

3 "Well, not in the way I would consider truthful."

4 So now we've been -- we've been on this cross-examination,
5 General, for almost a week, and I'm counting now four people who you call
6 to be -- you claim are untruthful or are liars because what they're
7 saying doesn't coincide with your world-view; former President Mesic,
8 Major Boricic, who was a major with the training organ of the Croatian
9 Army. He wrote the report on the deployment of the 5th Guards Brigade in
10 Herceg-Bosna that we were talking about earlier. You said he wrote a
11 false report or his numbers were not correct and truthful. You said the
12 same thing about Brigadier Kapular, the commander of the 5th Guards
13 Brigade. You said he submitted a false report to Croatian Defence
14 Minister Susak. And now it's Kljubic who's not being truthful in this
15 conversation when he's characterising the events taking place in this
16 conversation.

17 So that's how it is, isn't it, General, that whenever someone
18 says something, however many years ago, before this Tribunal was even up
19 and running, whenever someone said something that doesn't coincide with
20 your testimony, you claim that that person is a liar?

21 A. Mr. Stringer, that's not true. I didn't say that
22 Brigadier Kapular was lying. All I know is the precise reason for which
23 he doctored the report sent to Gojko Susak. I know the precise reason.
24 It's because he wanted more boots, more weapons, because he had a poor
25 army that was poorly equipped, so he changed the figures a bit. Please

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1 allow me to answer.

2 And Stipe Mesic, on page 41 and 42, in the entire transcript that
3 consists of 115 pages, he says -- I haven't said anything about Mesic.
4 If Mr. Mesic is discussing division here, and he was aware of what was
5 going on in Karadjordjevo, why doesn't he state that here?

6 JUDGE ANTONETTI: [Interpretation] One moment.

7 Mr. Stringer is conducting his cross-examination, he's putting
8 the questions. Therefore, answer his question precisely.

9 MR. STRINGER:

10 Q. General, I put the Mesic testimony in front of you. You were
11 invited to comment on it. We're done with that. The same with Kapular
12 and the others. What I'm pointing out here is the fact that you claim --
13 you're very quick to claim others are lying when whatever they say is
14 inconsistent with what you say, so we don't need to go back into the
15 merits of Mesic's testimony on Karadjordjevo.

16 Now, one last point on this, and again this is a response you
17 gave to the questions from Judge Antonetti --

18 A. What's your question, what's your question? That you're saying

19 that I am saying that Kapular is lying? What's the question? And that
20 you know --

21 Q. You've clarified that for us. You said that he doctored -- he
22 submitted a doctored report to the minister of defence. So that is noted
23 in the record, and I'm ready to move on.

24 A. Okay, well, then don't repeat your thesis. Move on.

25 Q. You said, in response to a question from Judge Antonetti about

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1 Kljubic, you said he wanted to be an autonomous player and have others
2 obey him. At such times, that wasn't possible, and that was held against
3 him. You just said that a few minutes ago on page 41 of the transcript,
4 and that was -- the fact that he wanted to be autonomous, the fact that
5 he wanted to be the president of the HDZ in Bosnia-Herzegovina, was his
6 undoing, wasn't it, because, in fact, it was President Tudjman who was
7 going to be the one calling the shots on HDZ policy in
8 Bosnia-Herzegovina, and the fact that Kljubic wanted to be autonomous was
9 inconsistent with what Tudjman's views are, and that's why the puppet,
10 his puppet, Boban, was ultimately installed, who was anything but
11 autonomous and whose sole purpose was to do the opposite? His purpose
12 was to implement policy and to take instructions from President Tudjman.
13 Isn't that true?

14 A. That's not true. That's without any basis, it's illogical, it's
15 absurd, it's something that has just been fabricated.

16 Q. Let's go to the next exhibit, General. We're going to skip ahead

17 in time. We've been talking about this conversation in the Presidential
18 Palace on the 27th of December, 1991. We're going to skip ahead about
19 18 months.

20 P02719, it's another Presidential transcript. It's a
21 conversation taking place on the 11th of June, 1993, and it's a
22 conversation between President Tudjman and President Izetbegovic of
23 Bosnia-Herzegovina. And I just want to take you to one part of this
24 quickly. We'll come back to this transcript later, but the point I want
25 to raise with you now is on page 14, it starts on page 14, where

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1 Izetbegovic is complaining to President Tudjman about some of the conduct
2 and activities of Boban and others in Bosnia-Herzegovina. And on
3 page 14, Izetbegovic says, bottom half:

4 "UNPROFOR's official statement was that the weather was bad, that
5 they could not go ..."

6 He's talking, I believe, about a meeting with Boban that did not
7 come to pass. He continues:

8 "... that's what we heard that day and later too; and then we
9 heard that Boban claimed how he had been shot at. As for Boban's
10 statements, you can believe him. I have the right not to believe him. I
11 have a hundred reasons not to believe him. Boban is constantly stirring
12 up quarrels down there; you have to know that. I have to tell you that.
13 You can believe me or not, that is up to you, but you have to know that
14 he and several other people are behind those conflicts down there."

15 And then President Tudjman asks:

16 "Who else, in your opinion?"

17 And Izetbegovic mentions, on the next page:

18 "Kordic, Kostroman, from Busovaca, and he, these three, four
19 people."

20 Tudjman says:

21 "So the ones who were defending Busovaca are in your --"

22 And then Izetbegovic cuts him off. He says:

23 "You know, if there are a hundred people here and if two of them
24 were to tell you that this man Kordic is smart, do not defend him, you
25 can defend anyone."

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1 And Tudjman says:

2 "I am not defending him at all."

3 And Izetbegovic continues talking about Kordic. And I'm going to
4 move across to page 16, and Tudjman says:

5 "You mentioned Kostroman. Where is he and what is he?"

6 Izetbegovic says:

7 "I think he is in Kiseljak or in Busovaca, in those parts,
8 anyway."

9 And Izetbegovic says, quote -- sorry, President Tudjman says:

10 "Mr. Izetbegovic, I neither knew or appointed Boban, Kordic or
11 Kostroman. These people emerged, appeared down there during the defence
12 against the Serbian aggression. The only message they were receiving

13 from us in Zagreb was to cooperate with you, which is what I also
14 recommended to you, asking you to establish cooperation."

15 Now, we've just finished looking at this transcript from
16 27th of December, 1991 - Tudjman, Kordic, Kostroman, Boban - the others,
17 where Tudjman talks at length about how Bosnia-Herzegovina is not God
18 given, how it's not in Croatia's interests that it be preserved, making
19 those statements directly as the president of the Republic of Croatia to
20 these gentlemen, Boban, Kordic, Kostroman. And then what we see here is
21 Tudjman not telling the truth to Izetbegovic, telling Izetbegovic
22 something completely different, telling Izetbegovic that, in fact, his
23 message to them is to cooperate with Izetbegovic.

24 Now, he was misleading Izetbegovic at best, wasn't he? He was
25 concealing from Izetbegovic the true nature of the instructions and the

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1 relationship between Tudjman, Boban, Kordic, and Kostroman; isn't that
2 so?

3 A. Well, what you're claiming is totally absurd. Between this
4 period and the other one, well, more than a year and a half had passed.
5 In the meantime, Bosnia and Herzegovina had been recognised by Croatia
6 after the referendum had been held. I don't know how you want to
7 understand the policies. In such difficult times, no one knew anything.
8 Well, these weren't positions. These were discussions, Mr. Stringer.
9 There are no positions expressed there, no conclusions.

10 After Izetbegovic had taken Travnik and had appointed his

11 generals, after he had ruined Konjic and killed people, after his army
12 had killed people, after Kakanj had been taken, after Zenica had been
13 cleansed, in the midst of Zagreb he lied to Tudjman. Izetbegovic lied to
14 Tudjman. These were pure lies, and this is what he would always do.

15 Q. And, in fact, what we see here, and since you've used the word,
16 General, Tudjman lied to Izetbegovic here, didn't he, when he told
17 Izetbegovic that his message to Kordic and Kostroman and to Boban was to
18 cooperate, when, in fact, his message was the opposite, and the policies
19 of Herceg-Bosna were the opposite as well; isn't that so?

20 A. Naturally, that was not the case. Otherwise, how would the
21 Croats have voted in the referendum? You're really trying to depict me
22 as someone whose IQ is 80 or 82, Mr. Stringer.

23 Q. Let's move --

24 THE WITNESS: [Interpretation] Do you think my IQ is lower,
25 Judge Trechsel? Is that what you think?

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1 JUDGE TRECHSEL: I'm -- I have no thoughts about your IQ. Maybe
2 I do not have the same view of it that you have, but that's not the
3 subject here. But I find your response to Mr. Stringer -- I cannot
4 follow. Mr. Stringer puts it to you that at one point, as we have seen
5 in a document, Tudjman had said one thing, and then at another point in
6 time and to other interlocutors, he says something else. And he asks you
7 whether you see a contradiction, and instead you pretend that you are
8 taken for unintelligent. I do not see any -- I simply cannot follow you.

9 I don't understand what you're trying to say, except that I do not see
10 that you answer the question.

11 THE WITNESS: [Interpretation] I was saying, in answer to the
12 question, that at the meeting no conclusions were presented. Everything
13 was stated in conditional. Certain thoughts were expressed, thoughts and
14 positions of a political kind. And from that point in time, what
15 happened is what we have seen in hundreds of documents in this court.
16 There were refugees, there was the recognition of Bosnia and Herzegovina,
17 and so on and so forth. So linking this up, well, I don't understand it,
18 but I'll answer the question.

19 Mr. Stringer, I fully disagree with your conclusions. I fully
20 disagree with your conclusions and theories. That's how it is.

21 MR. STRINGER: Very well. The next exhibit is 1D00 --

22 JUDGE ANTONETTI: [Interpretation] One moment.

23 General Praljak, we have just seen this document, which is a
24 conversation between Mr. Izetbegovic and Mr. Tudjman on the 11th of June.
25 The document doesn't state where this took place. I assume that this was

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1 in Zagreb.

2 THE WITNESS: [Interpretation] Yes, in Zagreb. It's a transcript.

3 JUDGE ANTONETTI: [Interpretation] Very well, in Zagreb. I
4 noticed that the conversation started off at 1.00 in the morning,
5 approximately, 25 minutes past midnight. The topic must have certainly
6 been important. But after midnight in Croatia, in the various

7 administrations, was there always a civil servant there who was ready to
8 record the conversations? Since you attended these meetings in this
9 office or meeting room where these meetings took place, was it in
10 Mr. Tudjman's office, was this in a meeting room? And we saw a
11 photograph of this. Whether it was in a meeting room or in an office, a
12 recording procedure is something quite specific. You need everything to
13 be ready. Were they able to record this conversation after midnight? In
14 logistical terms, this has been to be organised.

15 THE WITNESS: [Interpretation] Correct, Your Honour. Very often,
16 President Tudjman would call you at 1.00 or 2.00 in the morning and ask
17 you to come. We were at war, we were creating a state. Everyone was
18 prepared to react at any time, 24 hours a day. At least those in my
19 circle couldn't act as if they had specific working hours.

20 JUDGE ANTONETTI: [Interpretation] Very well.

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

22 Q. General, the next exhibit is 1D00401. This is an excerpt of a
23 book written by Dr. Tudjman in 1981, this book entitled "Nationalism in
24 Contemporary Europe." And I'm looking at page --

25 A. I'm not receiving any interpretation.

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1 MS. PINTER: [Interpretation] We are not receiving any
2 interpretation into the Croatian language, so could -- or we don't have a
3 translation into the Croatian language, so could the Prosecutor please
4 read out slowly so that it can be interpreted?

5 THE WITNESS: [Interpretation] No, I want to have the Croatian
6 version. This is an academic book, and I need to have the text.

7 [The witness stands down]

8 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Stringer,
9 Mr. Praljak would like to leave the courtroom for a few minutes. He
10 needs to leave the room.

11 This is an important document we have before us, since it stems
12 from Mr. Tudjman, and it is in English. The accused is entitled to have
13 any document in his own language when it is part of his trial. Maybe you
14 have a translation of this document into B/C/S. Perhaps you have. You
15 could then address this document after our break or in August, when we
16 resume.

17 MR. STRINGER: Yes, Mr. President. It's a 1D document. It's
18 admitted into evidence, and at the moment I cannot tell you whether it's
19 been -- there's got to be a B/C/S version out there somewhere, because I
20 doubt that President Tudjman wrote the book in English. So we're going
21 to check, and I can skip over this for the time being. Perhaps counsel
22 for Mr. Prlic can shed some light.

23 MS. TOMANOVIC: [Interpretation] As far as this book is concerned,
24 a Croatian version certainly exists, but we received the English version
25 of the book. We don't have the Croatian version. Since we've worked

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1 with this book with Ambassador Sancevic, or we used this book with
2 Ambassador Sancevic, it wasn't a problem for him. Thank you.

3 JUDGE ANTONETTI: [Interpretation] This book must have been
4 published in the Croatian language. Clearly, the Prlic Defence team has
5 been using the English version of the book.

6 I would like to draw your attention to the title of the book,
7 "Nationalism in Contemporary Europe." You are certainly going to be
8 using this to present your case, so it would only be fair for Mr. Praljak
9 to be able to read the entire book before purposefully answering your
10 question.

11 What do you think?

12 MR. STRINGER: That's fine, Mr. President.

13 This exhibit was used by the Prlic Defence on the direct
14 examination of their witness, Ambassador Sancevic. Apparently it didn't
15 cause any problems at the time, as counsel's indicated. I think I came
16 back to it also with Ambassador Sancevic on the cross-examination. If
17 the general wants to look off of an original language version, he's
18 certainly entitled to do that, and I can pass over this document for the
19 time being and move on, and we'll see if we can find these pages in the
20 original language version. If so, then I'll come back to it.

21 [The witness takes the stand]

22 JUDGE ANTONETTI: [Interpretation] Move on to another document,
23 then.

24 MR. STRINGER:

25 Q. General, we've been talking a lot about the meetings with

1 President Tudjman, his meetings with Boban and the others, meetings
2 taking place in Zagreb, events taking place there. I want to bring this
3 down to events in Bosnia-Herzegovina and try and get this closer down to
4 the ground level and out of the Presidential offices in Zagreb. And in
5 order to do that, I want to take you to the testimony from Mr. Vulliamy,
6 who was the journalist with "The Guardian," who testified in this case.

7 MR. STRINGER: And we have an excerpt of his testimony in
8 Sanction, Mr. President, that we can put on the screen so others can
9 follow along. Page 1499 of the transcript.

10 Q. And beginning on line 16, Mr. Vulliamy is asked:

11 "Do you recall any of the events that happened when you met with
12 Mr. Mate Boban?"

13 And we're going to go through a little bit this meeting which
14 occurred in August of 1992. He says on line 18:

15 "Yes. I recall -- I recall the meeting well."

16 This is Vulliamy meeting with Boban in August of 1992:

17 "It was at his office in a town called Grude, a small town and
18 quite a menacing place, although there was no actual fighting there."

19 It goes down -- I'm going to skip over some lines. He says, on
20 line 24:

21 "... Mate Boban was very much the name that one associated with
22 the apex of power among the Bosnian Croats."

23 And on to page 1500 of the transcript, I'm going to move to
24 line 10. He's asked the approximate date of the meeting he had with
25 Mr. Boban. On line 10, Mr. Vulliamy says:

1 "Well, it would have been -- it would have to be approximate, I'm
2 afraid. It's -- travelled on the 12th. It's the -- just before the
3 middle of August. If I can guess it, it's 12, 13, 14th of August,
4 something of that area.

5 "Q. Of which year?

6 "A. 1992."

7 And then Mr. Vulliamy was asked to recount his recollection of
8 the meeting on plans for the Croatian Community of Herceg-Bosna, and
9 Vulliamy says:

10 "Yes --" line 19:

11 "He made it clear and he was, incidentally, willing and wanting
12 to have this conversation. He made it clear that he did not and could
13 not recognise the constitution of Bosnia and Herzegovina, nor could he
14 recognise Sarajevo as its capital. The reason he gave was that the
15 constitution guaranteed the rights of individuals, but not of people, and
16 the word he used for people was 'narod,' which is an important word
17 because it means people as an ethnicity or it is -- does it mean people
18 going shopping? It means a people, the 'Hrvatski Narod,' the Croatian
19 people ."

20 This is page 1501, line 3:

21 "He then went on to describe in some detail how he wanted the
22 various 'narod,' Serbian, Muslims and Croatians, to be divided within
23 Bosnia by a system of what he called cantons or provinces, which he

24 likened, I think, for sort of public relations reasons, to Switzerland
25 and the European Union, and how one group of these cantons or provinces

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1 would be specifically Croatian. He talked about how Herceg-Bosna was
2 connected to Croatia, and the words he used were culturally, spiritually,
3 economically, and he said that it -- that Herceg-Bosna had been separated
4 from Croatia by what he called 'unfortunate historical circumstances.'
5 And he then talked about the HVO as specifically -- he didn't -- he
6 didn't talk about the HVO in relation to the HDZ, to his party, but he
7 talked about them as the legitimate military force on what he called the
8 free territory, and went on to make some remark that -- of a nature that
9 the Croatian people were ready to arm to defend this freedom, as he put
10 it, which was language which my experience told me was not always
11 defensive."

12 Now, two questions on this for you, General.

13 First of all, Boban's views, expressed to Mr. Vulliamy in this
14 conversation in August of 1992, are essentially a mirror image of the
15 views of President Tudjman, aren't they, these cultural and spiritual
16 links between Herceg-Bosna, Croatia, and the unfortunate historical
17 circumstances that resulted in separation from Croatia? So wouldn't you
18 agree with me, based on what we've seen already, that Boban's views were
19 essentially the same views as President Tudjman on this issue?

20 A. Well, I'm in an awkward situation here. I don't know -- I don't
21 know how I can answer to such a question. These are the positions of

22 Mate Boban he put forward at a meeting with Mr. Vulliamy. I don't know
23 what they spoke about. I only know what Vulliamy says that they spoke
24 about. But based on this account, I can say that everything is all
25 right. Vulliamy just says that Grude is a frightening place, which is

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1 very English, a very English thing to say.

2 That is correct that the notion of "narod," "people," is not
3 defined in the constitution of Bosnia-Herzegovina, because it was defined
4 in the constitution of the Socialist Republic of Bosnia and Herzegovina,
5 so that there are peoples that have an original sovereignty. And then
6 Boban speaks about cantons. This idea was present all the time in our
7 minds. Why not have a political system such as in Switzerland? There,
8 they also had a civil war, and eventually they came up with cantons.

9 Boban speaks about cultural and economic links between Croats
10 that live in two countries, but that can be said for all of Europe. Why
11 shouldn't the cultural and economic links be boosted?

12 And I don't know Vulliamy's experience, but the HVO, by that
13 time, had already defended Bosnia-Herzegovina from the Serbian Army, lest
14 they should be overrun, and I don't see any -- anything here that is -- I
15 don't see any contradiction there.

16 So a cantonal system, as in Switzerland, et cetera, and about the
17 experience of Mr. Vulliamy and his way of interpreting a certain word,
18 well, that's up to him. That's his right as a journalist, and no one is
19 denying him that right. I only know what our positions were.

20 Q. And so, General, I take it from what you're saying, that the
21 views here expressed by Mr. Boban were not only the views voiced by
22 President Tudjman, as we've seen in the earlier transcripts, but that
23 he's essentially setting out views that are consistent with your own --
24 your own position, in terms of the establishment of a canton or an area
25 that would be specifically Croatian within Bosnia-Herzegovina.

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1 A. No, not specifically Croatian. So, yes, today, Mr. Stringer,
2 even today I claim that the cantonal system is the best system for
3 Bosnia-Herzegovina, and even now I say that the HVO was a regular defence
4 force that saved Bosnia and Herzegovina, and I still think that the Swiss
5 model, if the European communities had adopted it and imposed it, would
6 have been the best. The Croats wanted nothing but equality with other
7 peoples and the protection of their national and sovereign interests, and
8 I still think that we must develop cultural relations with everybody.
9 And what Mate Boban thought --

10 Q. Let's take a look and see what you said on this same subject some
11 years ago. I've got a video-clip that I'm going to play for you. It's
12 P0 -- or it's from P09447, and this is the documentary "Death of
13 Yugoslavia." Do you remember giving these interviews to the journalist
14 for this programme on the death of Yugoslavia, General?

15 A. I remember. Just tell me the year. It wasn't a few years ago.
16 Please be precise about the date when this was made. Let's be precise
17 here.

18 Q. I was going to ask you if you could tell me the year. Let's play
19 the video, and then we'll see how much you remember about it.

20 Let's go ahead and start it, then.

21 A. This is your evidence, so please tell me when this was made.
22 Enlighten us.

23 [Video-clip played]

24 MR. STRINGER: I'm not getting sound.

25 MS. PINTER: [Interpretation] Your Honours, while we're waiting

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1 for this video, I believe that the general has the absolute right to know
2 the time when this was made, because we have already heard from him that
3 he is not certain of dates and years, so he cannot say precisely. And
4 apart from that, he has a right to know when this was made.

5 Whenever we submitted a document or a video, we had to state when
6 and where it was made, et cetera.

7 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, do you have the
8 dates? Are you going to give it later on?

9 MR. STRINGER: I don't have the date handy, Mr. President. I can
10 provide it after the break. I think the plan was to ask the general if
11 he recognises this. I don't think that there's much dispute about his
12 face appearing on the screen. I think the normal procedure is to have
13 him look at it and see if he can tell us if he remembers when he gave
14 these interviews. I can supply the date, Mr. President, and I'll do it.

15 JUDGE ANTONETTI: [Interpretation] Please proceed.

16 THE WITNESS: [Interpretation] Yes, there is a certain likeness
17 between this man and myself.

18 MR. STRINGER: Mr. President, we're not getting the sound.
19 Perhaps we could take our break a little bit early. We could fix the
20 sound and I could come back with the date of the footage.

21 JUDGE ANTONETTI: [Interpretation] Very well. We'll have our
22 break now, and perhaps you can sort this technical hitch.

23 --- Recess taken at 12.08 p.m.

24 --- On resuming at 12.30 p.m.

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

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1 I hope that the video is working.

2 MR. STRINGER: Yes, Mr. President. I'm told the video is
3 working, and I can provide the Trial Chamber and the parties with this
4 information, and also the general.

5 The interviews of General Praljak that are shown on this are from
6 April of 1995. The interviews form part of what I believe is a
7 well-known BBC production called "The Death of Yugoslavia" which
8 accompanied or is also the name of a well-known book by Laura Silver and
9 Alan Little, entitled also "The Death of Yugoslavia." The BBC
10 documentary, the film part, was broadcast for the first time in September
11 of 1995, and I've been told that the actual footage here of the
12 interviews with General Praljak were received by the Office of the
13 Prosecutor and me on the 14th of April, 1998. I had forgotten that, but

14 apparently my name is the name that's on our internal documentation as
15 being the recipient, probably the requester of the video.

16 So again, General, the interviews are from April 1995. The
17 broadcast was in September of 1995. The footage received by the Office
18 of the Prosecutor, 14th of April, 1998. So, General, let's -- let's just
19 run this, and we can then talk about it.

20 [Video-clip played]

21 MS. PINTER: [Interpretation] Your Honours, beneath the image
22 there is a text, but we're not getting interpretation and there is no
23 sound.

24 THE REGISTRAR: Your Honours, for the record, I've called the
25 technician and he'll be in here in a minute. Thank you.

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1 MR. STRINGER: Let's skip over to P00466. I think everyone will
2 be happy to go to another Presidential transcript while we're waiting for
3 the problem to be fixed.

4 Q. General, can you take P00466 in your binder?

5 A. Yes.

6 Q. Okay. Now, we're moving ahead in time a bit from the
7 December 1991 Presidential transcript that we talked about earlier today.
8 This is now September 11th of 1992, and this is the first session of the
9 National Defence Council, Republic of Croatia, and you are present at
10 this meeting, General, along with Gojko Susak and others, as indicated on
11 the cover page. And at one point during the questions that

12 Judge Antonetti was putting to you earlier, you were asked about
13 something on page 54, and so I would like to take you to that for
14 clarification. Actually, yeah, turning to page 54 to 57.

15 Actually, General, forgive me. Let's go back to page 51, because
16 since we're having all these other technical problems I'll maybe take a
17 few extra minutes with this transcript.

18 On page 51, again this is September of 1992, so this is not long
19 before the events in Prozor that we know about, and also the fall of
20 Jajce, and about halfway down the page you say:

21 "And war with the Muslims can be anticipated."

22 Susak says:

23 "We have been aware of that for over a week now, and we made
24 preparations on what needs to be done."

25 And then, General, you state:

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1 "We have six dead on the post. The situation is culminating, the
2 roads are blocked now down there. Tonight they will let some through.
3 They are not letting through, right or left. The people have just calmed
4 down not to go through -- the people have just calmed down not to go
5 through right away. That is one problem."

6 And then you continue and you say:

7 "Another problem is that the Serbs, with their way of solving the
8 Muslim issue, have put us in the position where we will lose everything
9 we defended because the Muslims will settle in there. We are left a

10 minority everywhere except in the part of Western Herzegovina. And that,
11 I think, needs to be a special subject for talks, with precise political
12 decisions on how to solve that."

13 There is a passage, though:

14 "Not everyone is always benignant," which I would suggest in
15 English is "benign," perhaps, "but they are not too bad either. And
16 there it seems, if you want, I have -- I wouldn't want any -- I wouldn't
17 want to be annoying, but if tonight it's late, then whenever and
18 wherever."

19 So here what you're doing is, and you've talked about this in
20 your testimony, General, the problem now that's developing with the
21 arrival of a large number of Muslim refugees into Herceg-Bosna from areas
22 they've been driven away from by the Serbs, so carrying on from what we
23 were talking about earlier, in addition to the sort of natural or the
24 flow -- the downward trend of Croatian people in Herceg-Bosna, by the
25 latter part of 1992 the situation was much worse because of Muslim

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1 refugees arriving from other parts of Bosnia and Herzegovina; can we
2 agree on that?

3 A. The situation was disastrous. It was not merely worse. The
4 reduction in percentages as a consequence of what had happened, the Serbs
5 from 70 per cent of the territory that they had occupied by that time,
6 had expelled Muslims and Croats. The Croats went to Croatia; Muslims,
7 too, but a large number didn't only settle in Herceg-Bosnia, but also

8 other free territory not occupied by the Serbs, and that had caused a
9 disastrous situation. It was a complete disaster, and this was a very
10 strong impetus to change the situation, political and psychological, in
11 the Muslims.

12 All right, all right.

13 Q. And it was a disaster on a number of different levels. Clearly,
14 it was a humanitarian disaster and placed a tremendous burden not only on
15 the refugees who were arriving, but also the people who had been living
16 in these areas their entire lives. So we can agree that there was a
17 humanitarian disaster in the making; correct?

18 A. Well, humanitarian, social, psychological, and every other
19 aspect. It was an extremely chaotic situation.

20 Q. And for the Croatian policy vis-a-vis Herceg-Bosna, it was a
21 political disaster because now this desire or this objective to create a
22 Croatian space, canton, area, was tremendously more complicated now by
23 the fact that the numbers, in terms of demographics, were swinging even
24 greater in the wrong direction for you, in that the Muslim numbers were
25 increasing. Isn't that also correct?

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1 A. No. That was a human disaster. It's a disaster for the entire
2 people. And in such a situation, of course, it's a national disaster
3 because the Croats are then wiped out from these areas. The same as
4 happened in Sarajevo, which now is 96 per cent Muslim. It's not a
5 political disaster, because nobody wanted to separate anything. This

6 is -- this is a pure disaster which topples any sort of a rational
7 system.

8 Q. But as the number of Muslims living in these parts of
9 Herceg-Bosna increases, there is a corresponding decrease in the
10 possibility of a political solution where there is going to be -- this is
11 going to be a Croatian space in which Croats are the majority. I
12 mean, that's pure mathematics; right?

13 A. That is pure mathematics. If somebody takes 500 million people
14 from somewhere else to America, then the question will be raised: Whose
15 is America? So if you settle an area for hundreds of years and then
16 somebody expels the people from there, and nobody reacts, and now we
17 speak about I don't know what, and back then everybody watched on coolly
18 how a human disaster, above all human, was unfolding.

19 Q. General, moving on to page 54, you say:

20 "Listen, we are done for, we've lost. Listen, first the
21 bloodshed is going to happen. I don't know what, and we will come into
22 the same position as the Serbs. All this has to be left. There are
23 cases of dysentery and refugee camps and the West. And then later if the
24 West manages to get the territories from where the Serbs had expelled
25 them, let them return there.

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1 "Because since we cannot," and then there's a word missing,
2 "refugee problem here, our people, to the places they fled from, there's
3 no theoretical chance in Bosnia we will lose. We don't stand a chance to

4 defend it."

5 And now what you're saying here, General, is the fact that with
6 this influx of Muslims into Herceg-Bosna, the Croatian lands of
7 Herceg-Bosna, that really there isn't going to be any way to achieve this
8 Croatian space, territory, that you and the others advocate, at least not
9 as long as all these Muslim refugees continue to live there?

10 A. No, Mr. Stringer. Here I'm speaking as a sociologist who has
11 read everything from August Comte to Durkheim and Weber, and more recent
12 authors know what happens in such situations. This is a classical
13 scientific analysis.

14 Q. Well, General, I'm asking you not about what others have written
15 about sociology. I'm asking you specifically about this Herceg-Bosna
16 territory.

17 In order to achieve this Croatian space, this canton, whatever
18 you want to call it, the problem that you faced at this point, that
19 you're highlighting here, is that you've got too many Muslim refugees,
20 too many Muslim people, present in this area, and that you're not going
21 to be able to achieve that Croatian canton or territory because all of
22 those people now have arrived; isn't that true? The numbers are
23 undermining your objectives in establishing Croatian space?

24 A. That is not correct. We were not creating a Croatian space. We
25 wanted to establish the conditions that existed before the war, and I'm

1 saying here that the war changed the ethnic composition, that this area

2 was ethnically occupied, and you are insinuating when you're saying that
3 we want a pure Croatian space. I'm just saying that international law
4 and the great powers must do what they can for the -- to enable the
5 refugees to return from where they had come from. That was their duty,
6 but it was not fulfilled to this day, as we all know.

7 Q. Now, President Tudjman begins speaking, and he says:

8 "We do have a chance, in the sense that we will say what we said
9 in the beginning. We have to, and we will insist on the request that the
10 areas which used to be within the Croatian Banovina were demographically
11 and geopolitically part of Croatia.

12 "Accordingly, all those changes we created by the war."

13 It might actually be "were created by the war."

14 So I'm going to skip over, and I'm going to get back to the text
15 that Judge Antonetti brought you to earlier during his questioning, and
16 this is on page 56.

17 And President Tudjman says:

18 "Gentlemen, gentlemen, let's not orient. We have nothing to
19 conquer. Let's defend --"

20 This is about halfway down the page:

21 "Gentlemen, gentlemen, let's not orient. We have nothing to
22 conquer --"

23 A. Which page is that?

24 Q. 56. Are you with me, General? He says:

25 "Let's not orient. We have nothing to conquer. Let's defend

1 those Croatian --"

2 You interject, General, and you say:

3 "Nowhere, Mr. President, it is impossible to pass further."

4 And President Tudjman says:

5 "And let's get ready to cleanse them out of Croatia. As I said,
6 do not get involved in conquering Bosnia."

7 And you say at the top of page 57:

8 "No, Mr. President, believe me, the attacks have stopped."

9 And then Minister Susak says:

10 "Nothing out of Banovina, we did not trespass, not even one
11 metre."

12 Now, this discussion, General, what's happening here is that
13 President Tudjman is yet again defining the Croatian territory --
14 Croatian space as being that of encompassing the Banovina territory
15 within Bosnia-Herzegovina, and what he's telling you and what he's
16 telling Minister Susak is that that is the outside limit -- that's the
17 limit of the area that you are going to defend, if I can put it that way.
18 So what, in effect, is happening here is that you're all agreeing that
19 you're going to fight for the Banovina, despite the tremendous amount of
20 aggression and offensive action being taken by Serbs at this very point
21 in time throughout Bosnia-Herzegovina. The president's instructions to
22 you, accepted by you and Susak, are that what you're going to defend is
23 Croatia, and for you Croatia means Banovina, and you're not going to take
24 one step out of the Banovina, but you're going to defend the Banovina, as

25 opposed to defending the Republic of Bosnia-Herzegovina. Now, isn't that

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1 the correct interpretation of what's being discussed here?

2 A. Partially correct, but you have skipped significant parts of the
3 transcript. Prior to this, we had a large-scale operation against the
4 Serbs in the Neretva Valley, and this was referred to here. And there is
5 no good reason for us to attack the Serbs, Trebinje, Nevesinje, which is
6 where they were in an absolute majority. We didn't want war. We wanted
7 to defend ourselves. We weren't an offensive army.

8 Franjo Tudjman, when someone from the international community
9 thought they'd stop the Serbs, well, as he says on page 41, at the
10 bottom, well, he says he's interested in us not conquering anything.
11 Banovina, well, this wasn't created because Croatia wanted to expand, but
12 this was inhabited by Croats mostly, and Muslims and other people too,
13 and we defended this. We weren't interested in conquering Banja Luka.
14 We proposed a peaceful solution when we defended this, and those policies
15 were correct, quite peaceful.

16 Q. All right, General. So what you're going to defend is the
17 Croatian territory as delimited by the Banovina. You're not interested
18 in doing anything to move the Serbs out of Nevesinje, Trebinje, for
19 example, which is the place where all these Muslims have been expelled.
20 You're only interested in Croat space. You're not interested in
21 restoring territory -- free territory to the Republic of
22 Bosnia-Herzegovina, then. Isn't that so?

23 A. That's not correct. You shouldn't refer to Croatia, because it's
24 not Croatia that is concerned. In Mostar, there weren't only Croats whom
25 we were defending. In Stolac, there weren't only Croats either.

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1 Q. Well, General, let me cut you off there --

2 A. On the contrary.

3 Q. You're telling us this doesn't concern Croatia, but we're talking
4 about a conversation that's taking place here in the office of the
5 president of the Republic of Croatia. It's a conversation in which the
6 participants are the president of Croatia, the defence minister of the
7 Croatian Army, and you, who is in the process of being sent down to
8 command HVO forces in Bosnia-Herzegovina at the same time that you're an
9 assistant minister of defence of the Republic of Croatia and a member of
10 this National Security Council or National Defence Council that's been
11 convened here. So it's a bit untrue, isn't it, General, to say that this
12 isn't about Croatia? In fact, it's all about Croatia, and it's all about
13 Croatia's policy in relation to Bosnia-Herzegovina?

14 A. Mr. Stringer, I don't know how this was interpreted, when it says
15 it doesn't concern Croatia. I didn't say that. That's the first thing.

16 That from the 11th of September, that's the date of the
17 conversation, in 1992, and the 24th of July, 1993, when I became the
18 commander, well, you said, You were in the process of becoming a
19 commander, well, this is nonsensical. This was a lot later, and many
20 things had changed by then.

21 I'm only disputing your claim that this is Croatian territory.
22 It was the territory of Bosnia and Herzegovina, mainly inhabited by
23 Croats, but there were also many Muslims who were in the HVO, in the
24 armija, and there were many other peoples too. And first we didn't want
25 to expel the Serbs from Nevesinje, and we didn't have the forces to do

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1 that either, Mr. Stringer, with such an ABiH that didn't attack Serbs,
2 hit the Serbs anyway. We didn't have the force. We wouldn't launch an
3 attack. We were defending an area, and at this time we attempted to
4 launch a large-scale attack against the Serbs and it was partially
5 successful. The Army of Republika Srpska was very strong.

6 THE INTERPRETER: The interpreter would like to make a
7 correction. The accused previously said "it is not Croatia," not "it
8 doesn't concern Croatia."

9 MR. STRINGER:

10 Q. General, maybe you and I are talking at cross-purposes here.
11 Maybe we don't understand each other about what is Bosnia-Herzegovina and
12 what is Croatia. If you look at the bottom of page 56, when
13 President Tudjman says, Let's get ready to cleanse them out of Croatia,
14 do not get involved in conquering Bosna, President Tudjman's Croatia and
15 your Croatia was not only the Republic of Croatia but also the Banovina
16 area within the Republic of Bosnia-Herzegovina, isn't it? I mean, that's
17 what Croatia is for all of you, is Croatia plus Banovina; isn't that what
18 he's saying here?

19 A. No, no, and no.

20 Q. So when he says -- when Susak says, then, on page 57: "Nothing
21 out of Banovina," he's not talking about only defending Croatian
22 territory that you thought of as Croatia, which was the Banovina region
23 in Bosnia-Herzegovina. It's pretty evident, isn't it, General, that when
24 they talk about Croatia, they're talking about -- or they're including
25 the Banovina region of Bosnia-Herzegovina?

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1 A. Mr. Stringer, you can have any impression you like. That's --
2 those are your charges, and they're nonsensical, but they're -- there's
3 no word of this. As far as Croatia is concerned, Franjo Tudjman says
4 that Croatia quite simply became, well, a place where anyone could do
5 what they wanted to do. That's contained in another transcript. We had,
6 in fact, become a house without a boss. Everyone was walking around with
7 arms, and the Muslims were active, obtaining weapons, and so on and so
8 forth. So my answer to your question is that what you are saying makes
9 no sense at all.

10 Q. So I've put to you the Prosecution's view or its interpretation
11 of these words here. You don't accept them, so we'll move on.

12 MR. STRINGER: Unless there's a question from the Chamber,
13 Mr. President, I've got --

14 THE WITNESS: [Interpretation] But have a look at page 57, where
15 Franjo Tudjman says, Well, we don't want the Islamic people to say that
16 we are the aggressor in Bosnia, that we're conquering in Bosnia, so

17 that's why you shouldn't attack. The world says, We're accusing you of
18 an attack, and so on and so forth. Mr. Stringer, you're extracting
19 sentences. Okay.

20 MR. STRINGER: Could we get the last word interpreted?

21 THE WITNESS: [Interpretation] I apologise.

22 MR. STRINGER: Thank you.

23 Q. I want to go back now -- let's go back to President Tudjman's
24 book, 1D00401. We've got the original language version that I'm told --

25 THE WITNESS: [Interpretation] Your Honours, if possible, could

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1 Mr. Stringer leave this for after the break? With regard to
2 Mr. Tudjman's theoretical ambushes, well, I wouldn't want to discuss this
3 by having this text put before me - this is an academic work, I think I
4 have the book - because this isn't serious. If possible. If not, I'll
5 manage somehow.

6 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, what do you think
7 of this? I assume that this is an important part of your case, this
8 document, I mean. Would it be a problem for you to address this issue
9 after the summer recess, or do you really want to put this question
10 today?

11 MR. STRINGER: I can come back to it, Mr. President.

12 JUDGE ANTONETTI: [Interpretation] I think it would be useful if
13 you got back to this. In the meantime, Mr. Praljak will have time to
14 read the book, if he hasn't read it already, and he will therefore be

15 able to answer your questions. And I think that is in everybody's
16 interest.

17 MR. STRINGER: Mr. President, we'll try, for the third time, to
18 see if we can get the video to roll. And if it works, then we'll be able
19 to continue with this part of it.

20 Q. So, General, coming back, we spoke earlier about the conversation
21 that Ed Vulliamy had with Mate Boban, where Boban explained his views
22 on -- or his vision on Herceg-Bosna, if you will, and you voiced your
23 agreement with much of what Boban said in that conversation. And I want
24 to expand and I want to try to bring this down now and talk a little bit
25 about your own views and your own vision for Herceg-Bosna because, as we

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1 know, you're originally from that area. And so I want to show you some
2 of the things you said back in 1994, when these film clips were taken.

3 So let's roll the first one, and then I'll ask you a couple of
4 questions about it.

5 [Video-clip played]

6 MR. STRINGER: All right. Okay, I apologise, Mr. President. I
7 don't think this is working, and I'm not going to waste any more time on
8 this today. So --

9 JUDGE ANTONETTI: [Interpretation] Mr. Praljak.

10 THE WITNESS: [Interpretation] Your Honours, since you granted my
11 request, too, could we conclude with this? We have another 40 minutes.
12 This is the fourth day -- the 40th day, and I can remain if necessary,

13 but if not, it would be good.

14 JUDGE ANTONETTI: [Interpretation] You are saying that you have
15 had enough and you had rather we adjourn now?

16 THE WITNESS: [Interpretation] Yes, I would like to make that
17 request. I can continue, but as things aren't running smoothly, you
18 know --

19 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, since we have
20 technical problems and since Mr. Praljak is telling us that he had rather
21 stop now because he is exhausted, I think it's for you to say. We have
22 40 minutes left, so ...

23 MR. STRINGER: This might be one of the few times that I agree
24 with the general. I'm at the end of this binder, and if the videos
25 aren't going to work, then I'm going to have to distribute the next

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1 binder before I can even continue. And so I think that given the fact
2 that the video is not working, this is a logical point.

3 JUDGE ANTONETTI: [Interpretation] For two technical reasons,
4 i.e., Mr. Tudjman's book, which Mr. Praljak would like to examine, and
5 due to the fact that we cannot show the video and there's no soundtrack,
6 and, third point, since the accused has asked for us to adjourn because
7 he's tired and exhausted, we will adjourn for today, which means that we
8 shall resume on Monday, the 17th of August.

9 Mr. Stringer, you will then address the last binder with
10 Mr. Tudjman's text, in addition to the video, and then we will move on to

11 the next binders.

12 Fine. The court stands adjourned, and we shall reconvene, as I
13 have said, in August.

14 [The witness stands down]

15 --- Whereupon the hearing adjourned at 1.07 p.m.,
16 to be reconvened on Monday, the 17th day of August,
17 2009, at 2.15 p.m.

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