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1 Monday, 17 August 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness entered court]

6 --- Upon commencing at 2.15 p.m.

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

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

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

13 Thank you, Your Honours.

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

15 This is Monday, August 17th, 2009, and we are resuming with our
16 hearings. I would like to welcome Mr. Praljak, Mr. Prlic, Mr. Stojic,
17 Mr. Petkovic, and Mr. Pusic. I would not want to forget to also greet
18 Mr. Coric, who's not with us at the moment. I would also like to welcome
19 the counsels. Most of them are here. And I also welcome the
20 representatives of the OTP in this room, Mr. Stringer and Mr. Scott, as
21 well as their assistants. And, of course, I would like to welcome all
22 the people helping us daily; our Court -- our Registrar, our usher, and

23 our interpreters.

24 I would like -- could we please move into closed session for a
25 moment, Mr. Registrar.

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1 [Private session]

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

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10 (redacted)

11 (redacted)

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13 (redacted)

14 (redacted)

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18 (redacted)

19 (redacted)

20 (redacted)

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11 Pages 43276-43277 redacted. Private session.

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1 (redacted)

2 [Open session]

3 THE REGISTRAR: Your Honours, we're back in open session. Thank
4 you.

5 JUDGE ANTONETTI: [Interpretation] Very well.

6 In open session, let me greet again Mr. Stringer. Mr. Stringer
7 will resume his cross-examination. I would also like to thank the
8 Prosecution for having provided us with a document where we have all the
9 different topics that are going to be addressed. This document was
10 circulated to everyone, since it was recorded. It's a document that
11 dates to August 10th. And thanks to this document, we'll be able to
12 follow the cross-examination in a much better fashion. Thank you,
13 Mr. Stringer.

14 You have the floor.

15 WITNESS: SLOBODAN PRALJAK [Resumed]

16 [The witness answered through interpreter]

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

20 Before I begin, I would like to briefly introduce to the Trial
21 Chamber Ms. Amarys Preuss. She's joined the Office of the Prosecutor
22 recently as a legal intern. She's from France. She's currently studying
23 in Aix-en-Provence, and she may be assisting us in the courtroom in the
24 coming months.

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

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1 Q. Good afternoon, General.

2 A. Good afternoon, Mr. Stringer.

3 Q. General, when we left off with the cross-examination questions
4 last month, we were in documents that relate in general to what we're
5 calling the joint criminal enterprise that's alleged in the indictment.
6 And as a way to re-introduce some of the issues that are involved, what
7 I'd like to do briefly, and I don't think you need to go back to the
8 document because we covered it already at length, it's the presidential
9 transcript which is P00089. You may recall, General, that this was a
10 transcript of a conversation that occurred on the 27th of December, 1991,
11 although you were not present. I was asking you about it, and I'm going
12 to ask you -- actually, I'm going to -- perhaps with the assistance of
13 the booth, we could put it up on e-court so that the general could see
14 the part I'm going to read from, rather than taking the time to go to the

15 page, which is page 98.

16 And on page 98, we see that President Tudjman is speaking, and
17 this is what he says. And after I read this to you, General, I'm going
18 to move on and begin my cross-examination again. Skipping down a
19 paragraph, he says to the group:

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

22 "First of all, gentlemen, let us not forget that it, Bosnia, was
23 created in the colonial conquests of an Asian power, at the expense of
24 the Croatian people and Croatian territories, between the 15th and 18th
25 centuries.

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1 "All colonial creations throughout history fell, both in Africa
2 and Asia. Bosnia and Herzegovina did not exist between the two world
3 wars. The Communists invented it, put it back on the map after World War
4 II, even declared the Muslims to be a nation in order to, supposedly,
5 resolve the differences between the Serbian and the Croatian people.

6 "Did they succeed? No, on the contrary. Therefore, Bosnia and
7 Herzegovina should not be taken as something god-given which must be
8 preserved. We must especially not forget how harmful it is. Because of
9 the creation of Bosnia and Herzegovina, Croatia has been put in an
10 impossible situation regarding its territory, regarding administration,
11 not to mention defence. We cannot establish an independent Croatia, such
12 as it is."

13 So, General, with that as our starting point, those words of
14 President Tadjman from December of 1991, I want to take you back to one
15 of the exhibits I showed you just before the break which we decided to
16 leave for now so that we could get you the original language version, and
17 that is Exhibit 1D00401. Do you see that? That is an excerpt from a
18 book by President Tadjman from 1991.

19 Now, General, I see you reaching for what appears to be the
20 original text. Is that correct? Have you brought the book here today?

21 A. Yes, but it wasn't published in 1991. These texts were written
22 15 years before. You have the 1991 edition because I think that's when
23 they were translated into English. Otherwise, they were written before.

24 Q. Okay. Well, I'm reading what's on this Defence exhibit, but I'll
25 accept your statement on that.

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1 Now, what I want to direct you to, and I'm going to turn, in the
2 English version which we have of this exhibit, it's page 112, but I
3 believe that in the Croatian version it is page 103. So if you could
4 turn to page 103, and we'll see if it corresponds, General, because I
5 might have the Croatian version from a different text. And so if yours
6 doesn't correspond, we'll have to go to my version of it.

7 And I'm going to start reading at the bottom of page 112 of the
8 English, and you see if you can follow me. Tell me if you cannot.

9 Tadjman writes:

10 "Several reasons could be given in favour of the decision to

11 unite Vojvodina with Serbia."

12 Do you see that sentence?

13 A. Yes.

14 Q. "The two areas had strong historical, national, economic, and
15 cultural ties, and their union was also in the interest of the state
16 community as a whole. The fixing of the boundaries for Vojvodina and
17 Serbia is a different question and will be discussed later. However,
18 there are many indications that the same logical criteria were not
19 applied in the case of Bosnia and Herzegovina, which, according to the
20 same yard-stick, should have been made a part of the Croatian federal
21 unit."

22 Then he talks about how Bosnia-Herzegovina was established with
23 borders set during the Turkish occupation. He says:

24 "But large parts of Croatia had been incorporated into Bosnia by
25 the Turks. Furthermore, Bosnia and Herzegovina were historically linked

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1 with Croatia, and they together comprise an indivisible geographic and
2 economic entity. Bosnia and Herzegovina occupy the central part of this
3 whole, separating southern (Dalmatian) from northern (Panonian) Croatia.
4 The creation of a separate Bosnia and Herzegovina makes the territorial
5 and geographic position of Croatia extremely unnatural in the economic
6 sense and, therefore, in the broadest national-political sense, very
7 unfavorable for life and development, and in the narrower administrative
8 sense unsuitable and disadvantageous."

9 Now, General, what I want to put to you is that these words
10 written by President Tudjman some 20 or more years prior to the conflict
11 in 1993, if what you say is correct, really are no different than the
12 words President Tudjman was repeating here during this meeting in
13 December of 1991. In other words, his views certainly had not changed in
14 respect of the relation between Croatia and Bosnia-Herzegovina. Would
15 you agree with me?

16 A. No, I don't agree with you at all, not in the smallest part.
17 You've read all this wrongly, or read into this wrongly.

18 Of course, to read books like that and read excerpts from books
19 like this is impossible.

20 President Tudjman, since 1968 or 1969, thereabouts, when he was
21 called to attend a congress in Slovakia, he would send out texts that he
22 had dealt with throughout his lifetime, and that is the fate of small
23 nations within large ideas, whether they were the Russian empire,
24 Pan-Slavistic aspirations, Austro-Hungary, or whatever, or whether they
25 be Germanic expansionist thoughts and thinking, or Turkish invasions or

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1 whatever, but in that respect he always had a crystal-clear political
2 idea and ideals, and they were composed of two parts.

3 Q. My question is this: It seems to me, General, that President
4 Tudjman's words, as expressed in the book I've just read, are entirely
5 consistent with the views of Bosnia and Herzegovina that he expresses in
6 meeting in December 1991; isn't that true? In 1991, he says all history

7 has shown that Bosnia and Herzegovina is no solution for the Croatian
8 people. He makes reference to the historical boundaries established
9 during the Ottoman Empire, et cetera. It's really just remarkably
10 consistent, isn't it, with what he wrote in his book some 20 years
11 earlier?

12 A. No. Bosnia and Herzegovina, as it was formed and as it was
13 constructed politically by Serbian thinkers or Muslim thinkers, was not a
14 solution for the Croatian people, and you can see that on the basis of
15 statistical data, the disappearance of the Croatian people from Bosnia
16 and Herzegovina over the centuries, and that's how it was, the way it was
17 constructed. And then you can draw the historical conclusion that the
18 Croatian people today are rapidly disappearing from the territory of
19 Bosnia-Herzegovina. That is politically quite clear. It is a historical
20 truth, and it means none other than acknowledging that historical truth
21 without territorial pretensions. He's speaking as a historian here, and
22 every sentence here --

23 Q. I think maybe you misunderstood my question, which was whether
24 you would agree with me that the views expressed by President Tudjman in
25 his book are very consistent with the views he was expressing in December

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1 of 1991. It would seem to me that his views have not changed and that
2 they remained remarkably consistent over time. Can we agree on that?

3 A. No, he's not talking about the same things here.
4 President Tudjman, in this excerpt, the one that you were quoting from,

5 stated exactly in what way the national question was being solved in
6 Yugoslavia, either through the Versailles Treaty or the taking over by
7 the Serbs [indiscernible] of territory after their victory in World War
8 I, not only at the expense of the Croatians but of the Hungarians too.
9 There were half a million of them in Banat. There were half a million of
10 the Volksdeutchers in Vojvodina, and the Serbs, under the treaty, were
11 not allowed to move into Vojvodina, which had previously come under the
12 Austro-Hungarian Empire.

13 Anyway, well, if you want an answer, I'm here to give you an
14 answer. And this text is about history, and here we see a fact, that the
15 Croatian people will disappear from Bosnia and Herzegovina if
16 Bosnia-Herzegovina is constructed in the manner it has been constructed
17 today, and that's the truth of it.

18 Q. I asked you whether the views appeared to be consistent. You
19 disagreed with me, you said, "No," so I'll take that answer and I'll move
20 on.

21 MR. STRINGER: What I'm going to do now -- what I'd like to do
22 now, Mr. President, is go back to some of the video footage that we tried
23 and failed to run in Courtroom I just before the break.

24 Q. And, General, I'm going to take you back to the film of a couple
25 of the interviews that you gave to the BBC when they were making the

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1 "Death of Yugoslavia" programme, so let me play these two videos for you,
2 and then I'm going to ask you some questions.

3 So if you want to watch the screen in front of you, you should be
4 able to follow along.

5 [Video-clip played]

6 THE INTERPRETER: [Voice-over] "We shall return to this issue
7 later, but now we're here, I would like to talk about -- so, on the one
8 hand, you had a communications problem regarding both political and
9 military cooperation with Izetbegovic and the Muslim Army. On the other
10 hand, however, the leadership in Zagreb fully supported you. How was
11 this support manifested? Can you give us a specific meeting, an action?
12 Can you give us a story?

13 "Well, there were many meetings. The support consisted of --
14 once it was realised what the intentions were -- well, the problem was
15 that before the war, we were military allies with the Muslims, but had
16 opposing political ideas about a future state. To be honest, the Serbs'
17 political option for Bosnia-Herzegovina was closer to the Croats' view
18 than that of the Muslims. Oneness was out of the question; either we
19 shall amend the Constitution to provide equal rights, or we'll go our
20 separate ways. Now, as soon as there is a lack of trust, you cannot put
21 all -- everything on one card."

22 MR. STRINGER:

23 Q. All right, General. Before we move on to the next one, I want to
24 ask you -- and transitioning now from the views of President Tudjman that
25 were expressed in the various presidential transcripts and his book, and

1 I want to talk now about your views and your objectives in respect of
2 Bosnia-Herzegovina and your involvement down there.

3 You say here that:

4 "To be honest, the Serbs' political option for Bosnia-Herzegovina
5 was closer to Croats than that of the Muslims."

6 It seems to me, General, and I'm going to put this to you, that
7 what you're saying there is that the Serbs' option, which was a
8 separateness, the establishment of autonomous ethnic territories, was
9 closer to the option and the objectives of the Croats, such as yourself,
10 and that this was as part of an effort or a desire to consolidate a
11 Greater Serbia, on the Serb side, and perhaps a Greater Croatia, on the
12 Croatian side. Is that what you're saying when you said that your option
13 was closer to that of the Serbs?

14 A. No. First of all, I cannot agree that in the two texts that
15 we've seen before us, that Mr. Tudjman is talking about two different
16 things which you're claiming. I say that that is not so. And, secondly,
17 it's not a question of any ethnic division and separation within Bosnia
18 and Herzegovina here. And according to you're indictment, ethnic
19 cleansing follows on from that. But there were talks and meetings held
20 in the Assembly of Bosnia and Herzegovina at the very beginning, that is
21 to say, before the war, when the Serbs did not talk about what they were
22 preparing, at least not publicly. So we're talking about the public
23 option, and that is that Bosnia-Herzegovina should be constructed and
24 formed as a community of three constituent peoples, all of them having
25 equal rights. And the main conflict between Izetbegovic and Karadzic, on

1 the other side, was that Izetbegovic from that time on always claimed
2 that Bosnia-Herzegovina should be a civil state, one man, one vote,
3 unitary -- let me -- allow me to finish, please -- unitary, without any
4 protection of national rights, stating in one particular text that it
5 will either be a civil state or there'll be civil war, which is what
6 ultimately happened. And I claim today and I said so then that in that
7 respect, without going into any ethnic questions, it would be a good idea
8 to construct Bosnia-Herzegovina in the sense that it was proposed later
9 on by all the international negotiators, starting with Cutileiro onwards.

10 Q. I'm asking you about your words here and what you said when you
11 indicated that your option or the Croatian option was closer to what the
12 Serbs wanted. Now, that leads to my next question, which is based on the
13 next thing you said.

14 "Oneness was out of the question," and what you're telling us
15 there, and I think you've said it many times here in a different way, is
16 that this is a rejection of the unitary state model for
17 Bosnia-Herzegovina, the one-man-one-vote model, and then in fact what you
18 and those with you on the Croatian side embraced, like the Serbs, was the
19 establishment of an autonomous unit, an autonomous, separate living space
20 for Croatian people in Bosnia and Herzegovina. Isn't that what you're
21 saying here when you say "oneness is out of the question"?

22 A. I never said that unity or singleness, oneness, was never an
23 option. This is quite a different idea from a unitary state that cannot

24 survive and serve all three nations equally well. And Tudjman, in his
25 books, shows this very clearly, that they will --

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1 Q. I'm asking you now about --

2 A. -- disappear --

3 Q. Sorry to interrupt. I'm asking you now about your views. You
4 talked about the views of President Tudjman a great deal in this trial,
5 but I've got you here in the witness box and so I want to talk about your
6 views. And when Slobodan Praljak says to the BBC here that oneness was
7 out of the question, I'm putting to you, sir, that what that means is
8 that you're rejecting the unitary state system of Bosnia-Herzegovina, and
9 you are advocating instead a separateness based on autonomy and territory
10 for different peoples. Isn't that true?

11 A. Yes, that's correct, that's what I advocated then, I advocate
12 that today, and I think that in Bosnia-Herzegovina a catastrophe was
13 provoked because a nation was given a republic, that nation having
14 committed many evil deeds, and this nation is disappearing slowly. So
15 today I am advocating these interests crystal clear and the fact that
16 Bosnia-Herzegovina should have been established at the beginning in the
17 same way that Switzerland is formed. I don't want Judge Trechsel to be
18 angry with me when I say that. You can't, of course, create a
19 Switzerland in the space of a fortnight. But that was a model for
20 Bosnia-Herzegovina. Unfortunately, that did not happen, and even through
21 the mediation of the international community, what happened was that a

22 system was established which was untenable. So I stand by what I said.

23 I fully support my words.

24 MR. STRINGER: Let's go to the next clip, then, to continue.

25 [Video-clip played]

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1 THE INTERPRETER: [Voiceover] "And this brings me to the basic
2 question of whether we are going to wage war. We were no longer ready to
3 wage a war, and so this unity or dis-unity of Bosnia became absolutely
4 clear and obvious. The option of a state which constitutionally -- well,
5 if we cannot agree about the Constitution, if you want us to be
6 second-class citizens, then we would be prepared to secede militarily."

7 MR. STRINGER:

8 Q. Now, that's the next step. You've expressed some agreement with
9 me about -- or you've indicated to us what your view was of how Bosnia
10 and Herzegovina should be configured internally, and here you indicate,
11 I'm putting to you, that you, the HVO, your co-accused,
12 President Tudjman, Gojko Susak, were prepared to exercise a military
13 option in order to create this separate Croatian living space, this
14 separateness, because, as you said, oneness was out of the question, so
15 that military secession, as you refer to it here, is really what the war
16 with the ABiH was all about; isn't that true?

17 A. I agree with you in very few things, but what you said, that we
18 agree on certain matters, is not correct, unfortunately. Mr. Prosecutor,
19 we agree on basically nothing. Either you do not wish to interpret the

20 problem clearly or you are putting forth the agenda proposed by the
21 indictment. I do not agree with that, and I do not agree with your
22 interpretation of this part.

23 This interview came about after my talks with Mr. Izetbegovic in
24 Mostar in 1992. I have mentioned that. During that --

25 Q. This interview came about after the war?

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1 A. No, no, no. Yes, the interview, but the ideas I'm expressing in
2 the interviews is simply conveying the discussion I had with
3 Mr. Izetbegovic in 1992 on the topic of the unitary state of
4 Bosnia-Herzegovina. And to use a metaphor or comparison, I said that
5 Mr. Izetbegovic, within the domain of his political options, when
6 discussing the unity of the Army of Bosnia and Herzegovina and the HVO,
7 proposed a thesis which he often repeated, stating that we need to fight
8 the Serbs, and once we beat them, although it wasn't clear to me how we
9 were supposed to do that, and Mr. Izetbegovic was even more lost on that
10 topic because he kept negotiating with them, it was then that he proposed
11 that we agree on the framework of the state. I asked him, given that
12 death is mentioned, although you omitted that part from your quotation --

13 Q. And I know you've told us previously about this discussion with
14 Mr. Izetbegovic, so I'm going to -- and I'm going to cut you off to try
15 to make it move a little faster here.

16 What you said in the interview here is -- you've said before in
17 this courtroom, essentially, that that was a basic question. Izetbegovic

18 wanted to fight first and agree on the framework later; you and the
19 others wanted to agree on the framework first and then fight on that
20 basis. Isn't that a correct understanding of your testimony on this?

21 A. Correct. I asked to --

22 Q. Excuse me.

23 A. Well, I said that people being killed is too dear a price and
24 that we have to have a plan first and then set out to implement it. This
25 is not talking about seceding one part of Bosnia and Herzegovina and

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1 annexing it to Croatia. I'm talking here about what I had foreseen, and
2 that is that a conflict would ensue because we did not wish to be ruled
3 by anyone the way we had been ruled throughout history.

4 Q. And the fact is that no agreement with Izetbegovic or the
5 government in Sarajevo was ever reached beforehand; correct? That's a
6 "yes" or "no."

7 A. Unfortunately, as I'm stating here as well, and you could see
8 that he kept lying, cheating, and breaking every deal, such a deal was
9 not reached. He did consent to one type of agreement -- well, excuse me,
10 but let me finish. We cannot bring this down to a simple "yes" or "no."
11 These are international relations. If you are asking me for an answer,
12 I'm trying to give you as short one as possible.

13 Mr. Izetbegovic did not have a plan at first. The plans he
14 consented to --

15 Q. General, I asked you whether there was agreement or not. You

16 said that there was not, and we all know that there wasn't.

17 A. When, when? There was an agreement in 1993 by way of the
18 Vance-Owen Plan. He broke that. Then there was another one in early
19 summer --

20 Q. We'll talk about Vance-Owen later and the fact that it never came
21 into being because the three sides never accepted it. It never became
22 operative as an international instrument or treaty.

23 What I'm putting to you, and you're free to disagree with me, and
24 you probably will, but what I'm putting to you, General, is that when you
25 make this statement here in this interview, that, "If we cannot agree

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1 about the Constitution, if you want us to be second-class citizens, then
2 we would be prepared to secede militarily," you told that to the BBC
3 interviewer as the statement you made to Izetbegovic, what I'm putting to
4 you is, in fact, the war with ABiH, certainly in the area of
5 Herceg-Bosna, was about just that, it was about the HVO's objective to
6 obtain or to impose its vision, its separate living space, within that
7 Herceg-Bosna territory. That's what the war was ultimately about; isn't
8 that true?

9 A. You are using a rather strange term, "living space," which in
10 German has a bad -- negative connotation, "lebensraum." I disagree with
11 you. We did not ask for such type of space to live in. We were asking
12 for another thing. We did not want to become second-class citizens in a
13 state we helped create. If someone wanted to subdue us, as the Serbs and

14 the Army of Bosnia and Herzegovina tried to do so, I said we would fight.

15 I can tell you this: I'm sorry that we have Bosnia and
16 Herzegovina as it is now, and if it were up to me, I would have never
17 signed that. We were simply forced to do so by the forces which directed
18 our fate through centuries. We were supposed to sign something which is
19 unjust, which is beyond reason.

20 Q. Let me take you --

21 JUDGE TRECHSEL: Excuse me. May I be allowed to make a little
22 correction to the transcript. As it is a German term, I don't know
23 whether someone else will be able. It is "lebensraum," not "trama" or
24 the "traum," which would be possible but means something quite different,
25 "lebensraum." And the reference, Mr. Praljak, you made critically is

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1 "volk ohne raum." That was one of the key sentences of the Nazis. Would
2 you agree to that? Thank you.

3 THE WITNESS: [Interpretation] Yes. Mr. Prosecutor said the
4 Croats wanted their own "lebensraum" or living space. This is a grave
5 accusation. It is not correct. Correct is what I say. I stand by my
6 words, save for certain interpretations. We did not want to be
7 second-class citizens in our own state. That was key. The right not to
8 be second class is one's natural and just right. That was my position.
9 Unfortunately, another thing happened.

10 MR. STRINGER:

11 Q. And there's been testimony in this trial by a number of

12 witnesses, and I believe you've talked about it as well, that over time
13 demographically the percentage or the proportion of Croatian or Croat
14 people in Bosnia-Herzegovina was diminishing, and it's for that reason
15 that the unitary system or the one-man-one-vote system for you would not
16 work for Bosnia-Herzegovina because Croats or Croatian people could
17 always be out-voted in such a system, correct, assuming that people would
18 always vote along ethnic lines, of course?

19 A. It is in our interest, national, economical interests. We went
20 through various empires, the Turkish, Austro-Hungarian, Italian, and so
21 on and so forth. It was for such state institutions that there are more
22 Croats as emigres from Australia to the Americas than in the territory
23 covered by Croatia. The percentage of the Croat population was reduced
24 significantly after the agreement after the end of the war for the simple
25 reason, and that was that there are some natural laws in place in a

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1 society which can be packaged nicely using skilled words by those who are
2 ignorant of history. In this way, solutions were offered to us which can
3 end in disasters when small nations are concerned. This is precisely
4 what is happening to the Croats in Bosnia-Herzegovina.

5 Q. On the 29th of June, this is what you said about the objectives
6 or the aspirations of those that you were with. You say:

7 "We were hoping --"

8 This is page 42159 of the transcript, line 22:

9 "We were hoping all the time that the leadership would finally

10 understand that Croats in Bosnia-Herzegovina wanted only one thing, and
11 that was an autonomy in the area that could have been 17 or 18 per cent
12 of the territory of Bosnia-Herzegovina, an area in which they were an
13 absolute or relative majority, equal to anybody else, and that was all;
14 nothing else, only that, and there were also some human connections."

15 Do you recall that testimony? Shall I read it to you again?

16 A. I recall my testimony. Some documents speak about that as well,
17 including certain statements I gave at meetings with the French
18 delegation in Zagreb. We kept repeating that as parrots. That was our
19 natural request. Nothing has changed in the meantime, save for the fact
20 that there are no longer 17 or 18 per cent of us. Even that figure is,
21 historically speaking, incorrect, because many people from Austria and
22 other countries did not come to join the census. This is something that
23 is often taken at face value but may not necessarily be correct.

24 Q. So now within this autonomous area where Croats were going to
25 have an absolute or a relative majority, was it envisioned that because

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1 of their majority, in terms of population, the Croats then would be
2 autonomous in terms of self-governance? They could govern that territory
3 as well; correct?

4 A. Sir, not Croats. In that area, which had after all ultimately
5 been set up since Cutileiro, the rule of civic democracy would be
6 in place. In such a case, the protection of other ethnicities in that
7 area would be a mirror image to the protection Croats who were outside

8 that territory would enjoy. This would ensure protection both ways and
9 would be a precondition for a sensible development of that state, but the
10 way it was set up was not incorrect, and the state as it exists today is
11 untenable.

12 Q. So what you wanted was an autonomous territory within
13 Bosnia-Herzegovina where Croats were an absolute or relative majority,
14 but where there could be protections for minority also living in that
15 territory; is that what you're saying?

16 A. Not minorities. These would be equal citizens, not minorities.
17 One cannot have three constituent peoples within a state and that those
18 same peoples would at the same time be minorities. That's impossible.
19 The state should have been constructed in keeping with what the
20 international factors proposed, and that is to say that the state was
21 supposed to be made up of either cantons or republics. That is -- the
22 name is of lesser importance, in which way the national interests of each
23 of the peoples would be protected.

24 MR. STRINGER: Mr. President, I'm going to ask the Trial Chamber
25 to intervene, I'm trying to get more succinct answers from the general.

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1 I think I'm entitled to that. I think he's wasting a lot of time, going
2 far beyond what is needed in terms of his testimony, and so I'm going to
3 ask the Trial Chamber to intervene rather than continuing to argue with
4 him or cut him off.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, the Prosecutor

6 is asking you difficult questions, but they are essential questions. So
7 if you are not in agreement with a question asked, say so, say that
8 you're not in agreement with the question. And then if he wants you to
9 complete your answer, he will tell you why, and then you will eventually
10 develop, because the Prosecution has got time and he wants to use the
11 time in the best possible way. So when he feels that you do not answer
12 exactly to his questions, he tries once again to reposition you on the
13 question, and finally he requests the Chamber to tell you this is what
14 should be -- this is the problem. So when you are in a cross-examination
15 stage and you say, "I agree," or, "I don't agree," or, "I don't
16 understand," if he then wants you to be specific, then he will ask you
17 to be specific.

18 You will have noted that for the last hour or so, I did not
19 intervene. I let things happen normally while the Prosecutor was asking
20 questions his question on this important subject, and therefore I'm
21 letting the Prosecution continue. I may have, myself, questions to ask,
22 but for the moment try and answer precisely to the questions asked from
23 the Prosecution. And if you think the question requires some
24 specifications, tell him. Tell him you disagree or tell him, "I might
25 answer, but I need more time," and you'll see what he wants exactly.

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1 So let's go on.

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

3 MS. PINTER: [Interpretation] Pardon me, Mr. Stringer.

4 In the transcript, there is something missing. What is the
5 exhibit number of the video excerpts we saw? I don't think we have that
6 in the transcript. We don't have the number. I cannot follow it, and I
7 was unable to locate it in e-court.

8 MR. STRINGER: Thank you, Counsel. The first clip was P09447, or
9 it was a part of it. The video, itself, is longer. And then the second
10 clip came out of P09488.

11 Q. Now, General, I want to come back again to your testimony about
12 your objective here for an autonomous area, where Croats would be an
13 absolute or relative majority. Would you agree with me that such an
14 area, for it to exist, would have to have an identifiable border?

15 A. That is correct.

16 Q. Would you agree with me that such an area that you envisaged,
17 that you're speaking about here, would not be a temporary entity under
18 Bosnia-Herzegovina or within Bosnia-Herzegovina, but that what you wanted
19 was a permanent autonomous area for Croat people in Bosnia-Herzegovina ?

20 A. Yes, it was supposed to be permanent. We agreed with the
21 international proposals which went along those lines.

22 Q. And would you also agree with me that in order to maintain these
23 Croat -- or to achieve and maintain these absolute or relative Croat
24 majorities, it would be necessary to control, over time, the ethnic
25 composition of that territory?

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1 A. What do you understand by controlling the ethnic composition?

2 Can you explain that to me? How do you envisage one controlling an
3 ethnic composition?

4 Q. Well, I guess that's what I'm asking you. Given the trends that
5 were taking place over the decades, where Croatian people were moving
6 away either to Croatia or elsewhere, Muslim people were moving in from
7 other places, in order to maintain this Croatian autonomous area, perhaps
8 you could tell us, how was it proposed or envisaged that Croatian people
9 would maintain their majorities?

10 A. Nothing was proposed or envisaged of that type. Such type of
11 control, without going back to certain fascist and Nazi systems, is
12 impossible. The only discussion that occurred was that this would
13 prevent the departure of Croatian people, be it to Germany, France,
14 Switzerland, or Croatia, because they would be able to enjoy their
15 ethnic, national, and civil rights. Since that failed to realise, the
16 situation that we now have in Mostar [as interpreted] is that by now we
17 have the Muslim majority, and this is the result of the lack of
18 comprehension, and that is something that anyone historian could explain
19 to you.

20 MS. ALABURIC: [Interpretation] Your Honours, I apologise to
21 Mr. Stringer. I have a correction at page 25, line 3.

22 General Praljak discussed Sarajevo, rather than Mostar. Is that
23 correct, General?

24 THE WITNESS: [Interpretation] That is correct, but I could have
25 said "Zenica" or any number of cities. This would serve as a protection,

1 preventing people from leaving, which is something that more or less
2 occurred en masse.

3 MR. STRINGER:

4 Q. General, I'm going to put it to you that certainly based on the
5 situation that prevailed in 1991 and 1992 and 1993, that in order to
6 achieve this autonomous Croatian area, where Croats would be an absolute
7 or relative majority, what was absolutely required, in terms of
8 controlling the demographics, was to move Muslim people, non-Croats, out
9 of many of these areas in order to tip the balance ethnically back toward
10 Croats. Isn't that true? Isn't that what was necessary?

11 A. You mean remove them the way you did with the Indians? No, we
12 did not have that. Quite the contrary. When Herceg-Bosna was being
13 established and during the fight, in hundreds of examples, as you could
14 see, Croats protected each and every Muslim in that territory. In terms
15 of military-judicial practice, there was no distinction between the two.
16 Please do not interpret it that way and impute that to the Croats. It is
17 incorrect, and I refuse to discuss this along such lines unless you show
18 evidence.

19 Q. Well, I'm going to put it to you directly, General, we're going
20 to be talking about a lot of places like Prozor in October of 1992,
21 Gornji Vakuf, January, the events in Mostar and Western Herzegovina
22 throughout the summer of 1993, where we see hundreds -- thousands of
23 Muslims evicted from their homes, put in camps, driven away. And what
24 I'm putting to you is that that was all part of this need, on your part

25 and the part of your colleagues in the HVO, to establish a Croatian

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1 autonomous area where Croatian people would be a majority -- an absolute
2 or relative majority. Isn't that what all these crimes that took place
3 were about, the creation of a Croatian area in Bosnia-Herzegovina?

4 A. No, absolutely not. In Prozor, that was not the case. 90 per
5 cent of the people returned after the incident which was caused by the
6 Muslims. Gornji Vakuf was divided. Mostar, which under that
7 interpretation, was supposed to be the central part of Herceg-Bosna, was
8 split in two. In the Muslim part, there were 140 Croats left, whereas in
9 the Croatian part there were at least 7.000 Bosniaks. Everything you
10 said is not true, and you keep using these empty words.

11 Q. Let's talk about the Muslim refugees who came into Herceg-Bosna
12 from other parts of Bosnia and Herzegovina after they were evicted and
13 driven away by the VRS, the Serb armies. As a starting point, it was
14 going to be imperative --

15 JUDGE ANTONETTI: [Interpretation] I have a question to ask, a
16 follow-up question.

17 The Prosecutor asked you a series of questions on the
18 geographical entity which might have been established where Croatians
19 would have had a majority or a relative majority, and while listening to
20 him I wondered whether he wasn't creating a parallel between the
21 Vojvodina, because a moment ago we saw, in the book written by
22 Mr. Tudjman, that there was a whole paragraph concerning the Vojvodina.

23 As you know, Mr. Praljak, since everybody knows about this, this is
24 public knowledge, I can speak about it, Vojvodina is a province -- an
25 autonomous province of Serbia where there would be 25 different ethnic

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1 groups, as one reminds me of, and which is -- and six different languages
2 which are used, including Hungarian. Hungarian is one of the languages
3 used in Vojvodina, but Vojvodina is a province which is an autonomous
4 province.

5 Now, do you and your friends and others thought maybe to create
6 in Herceg-Bosna an autonomous province within Bosnia-Herzegovina? Was it
7 a possible assumption, hypothesis, which had been muted, or was the
8 Herceg-Bosna scheme had nothing to do with you?

9 THE WITNESS: [Interpretation] That was precisely the foundations
10 of our thinking for the establishment of Bosnia-Herzegovina, precisely to
11 create autonomous provinces. You are well-acquainted with the situation,
12 that is to say, in Vojvodina before World War II there were more than
13 half a million Hungarians, half a million of what were known as
14 Volksdeutchers, there were 200.000 Croats in Backa and Srem, those
15 provinces, there were some Jews, and so on and so forth, Romanians, and
16 an autonomous province was established. The Serbs were -- of course,
17 they were in the majority, individually speaking, but I don't think the
18 number exceeded 35 or 36 per cent compared to the total population. So
19 in the Socialist Republic of Yugoslavia, there were already existing
20 models. Kosovo was in Serbia, too. It was an autonomous province, the

21 autonomous province of Kosovo. Before, there was Sandzak. Sandzak was
22 autonomous during World War II, with an anti-fascist movement, the
23 Sandzak anti-fascist movement, and then was divided up between Serbia and
24 Montenegro, six districts to Serbia, two districts to Montenegro, and the
25 Bay of Kotor as well, which was [indiscernible] since 1918, was part of

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1 Bavaria, and during World War II it was a separate area, and so on and so
2 forth. So wherever this principle of autonomy was not respected, but the
3 unitary principle was applied, the minority nation disappeared, and
4 that's the law, that's how things went.

5 After World War I and World War II -- well, after World War II, perhaps
6 the Hungarians fared worse. 1.300.000 of them remained in Slovakia,
7 Transylvania, and I'm sure the Judge -- Judge Prandler will know this better
8 than me. A million and a half in Romania, half a million in Yugoslavia and
9 so on. But, anyway -- and so where the Hungarian people were in the vast
10 majority, these territories of Hungary were clipped, and we see all these
11 post-World War Two examples, migrations of Germans in the Sudetenland,
12 Silesia, and so on. So all the proposals were made to prevent a situation of
13 that kind occurring and to have a logical solution, and there were already
14 logical solutions in the offing, and that was autonomous provinces within
15 Bosnia-Herzegovina, whether they be called cantons or autonomous province
16 or whatever. The name was immaterial. The essential point was that the
17 constitutional order should guarantee each and every nation their rights,
18 without having to move out and relocate. We moved during the Turkish

19 Empire, the Kingdom of Yugoslavia, and during modern-day Yugoslavia, and
20 the number of Croatian emigres amounts to three and a half million of the
21 second, third, and fourth generation, and that's a catastrophe.

22 So, Your Honours, all this is tantamount to just stories put out, intended
23 to pass off normal political thinking as a criminal act. So in that
24 respect, we treated the Muslim people as our equals until the spiral of war
25 escalated and brought terrible things to pass, as is the case in every war,

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1 but not at a single moment did anybody that I talked to or I knew --
2 nobody's thinking went along those lines. The only question was how to
3 prevent what had happened in the past from happening again. But it did
4 happen when we had an "Islamic Declaration Plan" at the basis of a state,
5 and then when this person wanted to make you a second-class citizen. So
6 that was the situation. And we lost in Bosnia and Herzegovina because a
7 very distorted state came into being in Bosnia-Herzegovina, thanks to the
8 American political thinking, and so on and so forth.

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

10 Q. General, when we talk about this, just for the record, I should ask
11 you, when we talk about this Croatian -- this autonomous Croatian area that
12 you spoke about in your testimony in June, what we're talking about is the
13 territory of the Croatian Community of Herceg-Bosna, correct, which then
14 became the Croatian Republic of Herceg-Bosna? That is what was envisioned to
15 be the autonomous Croatian area that you have been talking about; correct?

16 A. No. Herceg-Bosna was established as a defence organisation. In

17 every portion of Bosnia and Herzegovina, there was sufficient numbers of
18 Croats for them to be able to associate and to set up an armed uprising
19 to prevent themselves from being exterminated. But as far as I know,
20 certain parts of Herceg-Bosna were to remain parts of, for example, the
21 autonomous province of the Croats.

22 Q. I'm going to go back to my original -- the last question I was
23 going to, which was to take you back to 1991, 1992, and into 1993.
24 You've testified a lot about the so-called ethnic occupation, as I think
25 you put it, where many Muslims came into the Croatian territories from

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1 elsewhere, driven out by the Serbs. Do you recall that testimony?

2 A. Yes.

3 Q. Now, in order to achieve this autonomous Croatian area and to
4 achieve the majorities that were envisioned, it would, at the very least,
5 be necessary to move those people back out, send them home, send them
6 elsewhere, but to move them out of this Croatian territory; isn't that
7 true?

8 A. The basis of every setup in Bosnia-Herzegovina, in logical terms,
9 was that first of all the results of the war should be abolished to
10 enable all people to go back to their own homes, and to abolish the
11 effects of ethnic cleansing or the fact that people had left out of fear
12 and so on, to create conditions whereby each person could safely go back.
13 That's a humanistic option which is always repeated again and again, but
14 never actually takes root. Everybody goes home satisfied that they've

15 created another Frankenstein who -- well --

16 Q. Some parts of Herceg-Bosna or some parts of this Croatian
17 territory where the HVO is exerting its authority, its military authority
18 and its political authority, it was also going to be necessary to change
19 the demographic composition among Muslims who were living in these
20 territories for years and generations, such as Jablanica and Stolac;
21 isn't that true?

22 A. No, completely incorrect. Had we wanted to change the ethnic
23 composition of Stolac, then in 1992 we would not have enabled all the
24 Muslims to return to their homes and to set up their own armed force with my
25 help, to set up a brigade, and to fight together with us, and you've seen

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1 documents to that effect here before. So not in our wildest dreams did
2 we wish to do anything to persecute any nation within Bosnia-Herzegovina.
3 What happened in 1993 has completely different causes, and those causes
4 belong to the whole war situation and so on.

5 Q. And then, thirdly, of course, in order to maintain this
6 demographic composition of majority -- absolute or relative majority, it
7 would be helpful as well, wouldn't it, if Croats from other territories
8 and other areas of Bosnia-Herzegovina were to come down and live within
9 this autonomous Croatian area that you've talked about, to set it up, and
10 then to have other Croatian people move in? That would assist in
11 maintaining the requisite majorities, wouldn't it?

12 A. No, no. As far as I know about the plans drawn up by the

13 international community, not a single cantonal line was drawn to have
14 people relocate somewhere or come in somewhere, but on the basis of the
15 1991 population census and the descriptions thereof.

16 Q. I'm not asking you about plans of the international community.
17 I'm asking you about the goals and the policies of the HVO. And it was,
18 indeed, a goal and a policy of the HVO to bring Croat people from other
19 parts of Bosnia-Herzegovina into Herceg-Bosna in order to strengthen
20 those territories as being Croatian territories; isn't that true?

21 A. Untrue. That is an insinuation not backed up by any proof or
22 evidence. You're just saying it just like that.

23 Q. Well, let me then put this to you: that in order to achieve or to
24 maintain any sort of demographic control, what's likely to result and
25 what may, in fact, be envisioned right from the start is violence, some

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1 form of violence, to move people away from places where they are living,
2 and that you knew, and your co-accused knew, and President Tudjman knew,
3 in the meetings that were taking place all the way back, as far back as
4 1991, that when you were talking about creating an autonomous Croatian
5 area, contrary to the legal-constitutional framework of
6 Bosnia-Herzegovina, this was going to result in violence, violence
7 necessary in order to drive non-Croat populations out; isn't that true?

8 A. I have no idea what you're talking about. Would you break that
9 up into smaller questions, where the Croatian area was mentioned, who
10 mentioned it first, where the order was given for any population movement

11 and relocation? So unless you ask me specific questions, then I take
12 your questions to be just off the bat, which might have, in your history,
13 American history, might have certain good examples, but not in our part
14 of the world.

15 Q. Well, General, I'm talking about your words here when you're
16 talking about what you wanted; autonomy in the area, territory of
17 Bosnia-Herzegovina, where there were absolute or relative majority. Now,
18 in order to achieve that, when you talk about maintaining demographic
19 control, that is always going to result in violence, isn't it, because
20 it's going to result in the prevention of people moving or staying as
21 they wish; isn't that true?

22 A. That's completely untrue. Tell me, please, in any country --
23 well, there's migration all over the world; England, America, France.
24 Now, if you're preventing 10 million of your citizens to gain citizens'
25 rights, but you're using them as a labour force, that doesn't mean to say

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1 we did that down there. Perhaps you could perform this analysis in
2 America, but we adhered to -- let me finish. We adhered to the stands
3 and --

4 MR. STRINGER: No. Mr. President, there is an argument that's
5 taking place here that's rather one-sided. I'm not going to argue with
6 the general, and I'm not going to accept repeated personal remarks of the
7 kind that are starting to flow in my direction. I'm going to ask the
8 Trial Chamber to take control of this.

9 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, don't make any
10 personal comments on what might have happened in the US, or in France, in
11 Hungary, or elsewhere. The Prosecutor is asking you questions on
12 Herceg-Bosna. He has a case to put, and he's putting it to you
13 relentlessly. You can agree with it or not. I thought I understood that
14 you really disagree, so tell him, "I disagree," and just let him put his
15 questions.

16 But I do have a follow-up question to ask you. On several
17 occasions, the Prosecutor is saying an absolute majority or relative
18 majority. While listening, I'm wondering about one thing. In
19 Herceg-Bosna, was there a majority or a relative majority of Croats? I'm
20 wondering, and I'm wondering because, thinking about Vojvodina, in this
21 autonomous province of Vojvodina, the Serbs represented 65 per cent of
22 the population, and the Hungarians 14 per cent, so there was a Serbian
23 majority, and still it was an autonomous region, so I would like to know
24 whether Herceg-Bosna could have operated with a majority of Muslims,
25 possibly, but with a strong presence of Croats.

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1 When the Prosecutor is putting this question to you, I think that
2 in his mind the majority in Herceg-Bosna was a Croat majority. Do you
3 agree with him or not on this point?

4 THE WITNESS: [Interpretation] Herceg-Bosna did not have the
5 borders that we're talking about, but let's assume that there was some
6 kind of Herceg-Bosna which --

7 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I'm asking a very
8 specific question. When you're talking about Herceg-Bosna, I would like
9 to know whether there was a Croat majority in that region, or whether
10 there were maybe 40 per cent of Croats but more Muslims. That's what I'd
11 like to know. In Vojvodina, the Serbs were a majority, they were 62 or
12 65 per cent of the population. I would like to know whether in
13 Herceg-Bosna there was a Croat majority. Yes or no?

14 THE WITNESS: [Interpretation] Yes. But Judge Antonetti,
15 Your Honour, look at it this way: In 1918, when the Serbs crossed the
16 Danube, there were not more than 35 or 37 per cent of Serbs in Vojvodina,
17 and then they impose that kind of administration and system whereby the
18 Hungarians moved out, half a million Volksdeutchers were sent home, the
19 Croats were sent home, and when they established the autonomous province
20 there was 65 per cent of them. That's what we wanted to avoid. That's
21 what this is all about. So where we were in the majority and the
22 province of Posavina, Odzak, that area and West Herzegovina, there was an
23 absolute Croatian majority there, and it was in this absolute Croatian
24 majority, to the surprise of the Serbs, is the Banovina Hrvatska of
25 Croatia was established. It was established when the Croatian had an

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1 absolute majority.

2 JUDGE ANTONETTI: [Interpretation] Very well. The Prosecutor is
3 asking a second question to you, and you haven't answered it. He put a
4 very simple question to you. He was asking whether you and also those in

5 the HVO, maybe Tudjman and others, didn't have the political will to make
6 sure that this region would be peopled by Croats, you know, with Croats
7 coming from elsewhere in order to increase the number of Croats there.

8 That's what the Prosecutor is asking. Do you agree with him; yes or no?

9 THE WITNESS: [Interpretation] No, and three times "no." And I
10 say that here and now, and I say that in this text in the interview. I
11 address that issue too. But then we should look at the integral text,
12 and if we have time to do that, well, we have time. If not, we don't.

13 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you have the
14 floor. So he is answering "no" to the question you put to him, the idea
15 you had that they might have wanted to increase the number of Croats by
16 bringing Croats from Croatia.

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

18 Q. General, the next exhibit is -- I'm going to move to is 3D01279,
19 1279.

20 A. I haven't got that.

21 MR. STRINGER: We've got the next binder which we meant to
22 distribute before, but this is all continuation of the same topic,
23 Mr. President.

24 Mr. President, maybe now that -- we could take the break. We're
25 approaching the time, and we could make the distribution now and then

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1 start with this when we come back.

2 JUDGE ANTONETTI: [Interpretation] Very well. It's time for the

3 break, anyway.

4 We'll have a 20-minute break, and we'll resume with a new binder.

5 --- Recess taken at 3.38 p.m.

6 --- Upon commencing at 4.06 p.m.

7 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you have the
8 floor.

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

10 Q. General, the next exhibit, I think you have it there in front of
11 you, 3D01279. This is one of the issues of "Croatian Soldier" magazine
12 that you talked about during one part of your direct testimony, and I
13 just wanted to use this to introduce the idea that there were other
14 visions within the Croatian people or among Croat people in
15 Bosnia-Herzegovina of the structure and relationships between the Croats
16 and the Muslims. And I noticed in this article, in this issue, at the
17 very end, the very last page of your version, the original language
18 version, and it's on page 25 of the English, this article, at the very
19 last paragraph, talks about:

20 "The Serbs are doing everything they can to prevent any
21 possibility of living or co-existing with the other two national groups
22 long into the future."

23 Do you see that?

24 A. Yes, the Serbs are doing everything that they can to prevent any
25 possibility of, and so on and so forth, yes.

1 Q. And it continues down and it says -- and for the record, this is
2 from August 28th of 1992. It continues on, and it says:

3 "The Croatian Community is not attempting to take advantage of
4 the war situation to prejudice and impose political solutions to the
5 future organisation of BH. Instead, it is cooperating and participating
6 in the talks sponsored by the European Community, which are based on
7 organising the state into cantons. However, it is interesting that there
8 are attempts to cause rifts within the Croatian political body by forming
9 the HOS/Croatian Defence Force units, who advocate a unified Bosnia and
10 Herzegovina as their goal."

11 And just briefly on this, General, you made a reference at one
12 point during your direct examination to the HOS, and I just wanted to ask
13 quickly on that: Would you agree with me that during this period of time
14 in mid-1992, and perhaps earlier, that there was this HOS which was a
15 militia that was formed with a large number of both Croats and Muslims
16 who were unified within this particular militia called "HOS"?

17 A. What is your question?

18 Q. Is that -- was this "HOS" -- this militia called "HOS," was it
19 composed of Croats and Muslims together?

20 A. Yes, much as the HVO. However, the HOS was a party force of the
21 Croatian Party of Rights. The basic idea was based on the policy of the
22 independent state of Croatia, including Ante Pavelic's policies, to the
23 effect that Bosnia-Herzegovina and Croatia together comprise a single
24 state; that is to say, that the Croatian state stretches up to the Drina,
25 not Bosnia, and that Muslims are actually Croats of a different religion.

1 That is the basic political principle of the Croatian Party of Rights
2 which, during the war, organised HOS. Because our policy was completely
3 different, we had serious problems with them. However, Izetbegovic
4 recognised them as long as he needed them.

5 Q. And in terms of difference in policy, this article here indicates
6 that at least one of the differences in policy is that HOS advocates a
7 unified Bosnia-Herzegovina, and I take it that is different from the
8 vision of Bosnia-Herzegovina that was envisioned by the HVO.

9 A. No, you are not right, sir. The Croatian Party of Rights at
10 elections received 5 per cent of votes in Croatia. In
11 Bosnia-Herzegovina, they received none. Unfortunately, Davor Gjenero was
12 not precise here. He only put it partially. The unified state of
13 Bosnia-Herzegovina, that is not correct. For HOS, Croatia and
14 Bosnia-Herzegovina, as a unitary state, stretching up to the Drina, was
15 supposed to be a single state, treating Muslims as Croats, as of the
16 constitutional assembly in 1921 and the formation of the kingdom of
17 Serbs, Croats, and Slovenes, out of 40 plus deputies, 20 deputies declare
18 themselves Muslims, 1 -- 2 declare themselves Croats. Based on such
19 distorted view of history, they advocated policies without a foundation.
20 Save for that, it also relied heavily on the idea of the NDH or the
21 independent state of Croatia.

22 Q. The next exhibit --

23 JUDGE ANTONETTI: [Interpretation] General Praljak, the document

24 which Mr. Stringer is showing you is important, it's an important
25 document, and I thank Mr. Stringer for showing it to you. When one reads

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1 the last paragraph, it seems that there is -- that there are two aspects
2 on the Croatian point of view, one which is the HOS, impersonated by the
3 HOS, and the other one by the rest. The HOS, you say, represents 5 per
4 cent of the voters in Croatia and 0 per cent for Bosnia-Herzegovina. If
5 I have understood what you said, the HOS wanted a state, a unified state,
6 and this unified state would have been Croatia and Bosnia-Herzegovina in
7 one single state.

8 THE WITNESS: [Interpretation] Correct.

9 JUDGE ANTONETTI: [Interpretation] Very well. And the other
10 Croatians, the other -- the HVO, for their part, were following the
11 European Community trend. They wanted to have a Bosnia-Herzegovina
12 organised like a state, but a state constituted or made up with cantons,
13 which means, if I understand the text properly, there should be the
14 Republic of Croatia as a state, the Republic of Bosnia-Herzegovina as
15 another state, but within the Republic of Bosnia-Herzegovina there would
16 be cantons, including the famous 3, 8, and 10, which would, by majority,
17 have a Croatian population. Is this, indeed, what the text says?

18 THE WITNESS: [Interpretation] Correct. And it reads on that the
19 Croatian Community of Herceg-Bosna or Croats in Bosnia-Herzegovina never
20 manifested any disloyalty to the Bosnia-Herzegovinian state, they were
21 not disloyal to it. They defended its territory, a significant portion

22 of the territory, and its population. It is also stated that we weren't
23 efficient in repelling the aggressor. Then it says that the Croatian
24 Community is not trying to take advantage of the war situation in order
25 to prejudice and impose any political constitutional solutions of

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1 Bosnia-Herzegovina.

2 We cooperated in the negotiations under the auspices of the
3 European Community, which had a plan based on the cantons, including the
4 three you mentioned. According to the census, there were some 60 per
5 cent of Croats.

6 JUDGE ANTONETTI: [Interpretation] Right. I had to interrupt you.

7 This text, which was published on the 28th of August, 1992, I
8 don't know who wrote it, but if one looks at the beginning of the text,
9 where the Serbians are mentioned, I believe I understand that the
10 Serbians have ethnic cleansing as a solution, but this is not the
11 solution of the Croatian Community. Is this what is, indeed, written in
12 this text?

13 THE WITNESS: [Interpretation] Correct, Your Honour Antonetti.

14 JUDGE ANTONETTI: [Interpretation] Therefore, if I understand
15 properly, in 1992, in August, there was a text which was a quasi-official
16 text coming -- published in the "Croatian Soldier" where reference is
17 made to ethnic cleansing by the Serbs, but this is condemned by the
18 Croatian -- by the Croats because they say this is not the solution. Do
19 you agree or not?

20 THE WITNESS: [Interpretation] That was fully our position, and we
21 behaved accordingly.

22 JUDGE ANTONETTI: [Interpretation] Well, this is what I read here,
23 would be saying. You are the one who actually started this.

24 So I'm giving you the floor again.

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

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1 Q. Is it true, General, that HOS recognised the legitimacy or the
2 direction of the Government of Bosnia and Herzegovina in Sarajevo and
3 that this was one aspect that put it at odds with the HVO?

4 A. That is not correct.

5 Q. All right.

6 A. We recognised their authority as well. HOS was, unfortunately, a
7 party force. Many great guys were among their ranks who wanted to fight,
8 but, politically speaking, that option was not acceptable. And because
9 of that reason, and because one could not afford to have political
10 armies, with a lot of effort on the part of the HVO we managed to
11 dismember HOS, having many of their troops move over to the HVO.

12 Q. Okay. The next exhibit is P00524, which is the minutes of a
13 meeting of the National Defence Council on the 26th of September, 1992.
14 General, you were present at the meeting, and you've testified about
15 these minutes already earlier, and --

16 A. Mr. Stringer, excuse me. All of my Croatian pages are empty.

17 Q. Turn to page 17.

18 A. I can't have a look at anything because I only have the English
19 texts. Perhaps there is something here. Sorry, yes.

20 Q. I'm looking at page 17 of the English text, and, General, for you
21 that should be -- I'll refer to the ERN number. It should be the page
22 with the numbers ending 2856 on the ERN number, 2856. And I'll read you
23 what you said. You're speaking, and you say:

24 "Mr. President, we have open threats in Croatia from all those
25 staffs. They reject any possible talks about Herceg-Bosna or something

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1 similar. They do it openly at the tables of the restaurants and secretly
2 in Baska Vode, in Brela ..."

3 I'm going to skip down:

4 "As it seems now, and due to the people settling on the territory
5 from Travnik and below, I'm afraid our chances will be bad at the moment
6 when the war is over. There's been a great change in the ethnic
7 structure. And to solve that with them by war, the civil, international
8 rights, et cetera, and it will be difficult in any form to expel these
9 people from there, and without expelling those people we will not have a
10 majority there."

11 So, General, this goes back to what I was talking to you before
12 the break, about the need to control or to manage the demographic or
13 ethnic structure within the territories that you wanted to be autonomous
14 Croat territory, and here in this meeting what you're doing is saying
15 that an obstacle to that is the fact that you have a lot of refugees,

16 that it will be difficult to expel them, and without expelling them
17 you're not going to have a majority. So I take that to mean, General,
18 that you considered expulsion necessary to the creation of this
19 autonomous Croatian area that you've been talking about; is that correct?

20 A. No, completely incorrect. I'm only saying here that one cannot
21 use war to change ethnic structure of any part of Bosnia and Herzegovina,
22 and that is what was taking place, the ethnic structure. We are not
23 talking about expulsions here, and not of the people who were originally
24 there, but who came because of the war and the result of the efforts of
25 the international community. The principle was that war cannot be used

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1 to change ethnic structure. This is a fundamental principle of
2 international law, as far as I know.

3 As for the rumours, at the beginning I was referring to the staffs of the
4 Army of Bosnia-Herzegovina in Brela and in Baska Voda in Croatia. It
5 was openly discussed that they could not hurt the Serbs, but that the
6 expelled population would colonise the areas where Croats were in
7 majority and Muslims in minority, and would thus gain a half of the state.

8 The basic principle of international talks was what I repeated,
9 and that is that war cannot be used to change ethnic structure. The
10 Serbs used that and proclaimed that as their elementary military goal.
11 It is clearly stated here.

12 Q. But what you are acknowledging, General, is the fact that the
13 presence of all those Muslims now in these areas does constitute an

14 obstacle to the establishment of a majority Croatian area; isn't that
15 true? At the very least, the demographics were now an obstacle to the
16 establishment of Croatian majority territory in this area?

17 A. No, sir, in that area, without those who were expelled, we did have
18 a majority. Those who were expelled and ethnically cleansed trespassed
19 to others' properties, houses, occupying other peoples' flats, changing
20 the ethnic composition as a result of the war, which is impermissible
21 under international law. I merely said that if the conclusion of the war
22 would be in violation of international law, and if, for example, there is
23 a war between, say, Switzerland and India and there are 15 million
24 Indians in Switzerland as refugees, that would be impermissible, because
25 that would mean the end of the Swiss. This is what I meant by saying

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1 that those people had originally been driven away.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, Mr. Stringer
3 has asked you a very pertinent question. He tells you, in his question,
4 that the refugees have created a new situation. How are you going to
5 solve the situation? And I am looking at what Mr. Susak says after you.
6 Well, see what he is saying. It's very interesting. He says there are
7 20.000 refugees in Mostar and that the orders come from Sarajevo in order
8 to create new Muslim brigades, in a way, at Mostar, Capljina, Stolac.
9 Therefore, Mr. Susak says here, "We have 20.000 more Muslims at Mostar."
10 If you add up these 20.000 Muslims with those who are already there, the
11 Croatian majority doesn't exist any more in Mostar.

12 THE WITNESS: [No interpretation]

13 JUDGE ANTONETTI: [Interpretation] You agree. So how did you
14 think you would solve the problem? The Prosecution believes that you
15 were going to solve it by ethnic cleansing. What do you say? How are
16 you going to solve this problem? Because he advocates because of the
17 number of refugees you don't have a Croatian majority anymore.

18 THE WITNESS: [Interpretation] I simply said that if this is not
19 resolved and it would take place after that, we would have the violation
20 of international or domestic law and it would be very difficult to drive
21 those people away. If you allow violations of law and international law,
22 and if you allow a people to occupy you, then there is no solution, there
23 is no rule of law anymore, and you lose a state. The solution is
24 international law, which was supposed to be used to stop the war and
25 bring about peace by just means. That means allowing everyone to go back

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1 to where they hailed from. Otherwise, what would take place is what,
2 indeed, did take place, because the 200.000 Croats from Republika Srpska
3 are no longer there. This was an unjust war with an unjust end, and I am
4 sitting here accused of producing that although I spoke out against it.
5 That is why we spoke against it. We said to international negotiators,
6 let us try and grasp the problem at the outset but no one could
7 understand it. The powerful ones devise a solution and, after all that,
8 they look to find someone to blame for the solution. Well, I'm not to be
9 blamed for that. I foresaw this back in 1991, I spoke about that, and

10 all of a sudden now it seems I'm guilty. Well, fine.
11 We were unable to resolve the problem, we knew that, and we did take them
12 in. We constructed roads, we brought food, and we never expelled anyone.
13 After that, the war brought about certain changes in movements because it
14 could not be stopped, but that was not because of our political or
15 military attitude and position. We only defended ourselves, although
16 within the framework of international talks we were always on the
17 losing end, irrespective of the fact that we signed everything. The only
18 thing that matters is force and the stronger side, unfortunately.

19 JUDGE ANTONETTI: [Interpretation] Mr. Prosecutor.

20 MR. STRINGER:

21 Q. General, the next part I want to take you to is found on page 23
22 of the English, which in your version is the page ending with the numbers
23 2888.

24 Now, General, in this part of the transcript, President Tudjman
25 is talking. He's talking about his discussions with Mr. Eagleburger,

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1 also Vance and Owen, and then there's discussion of a board on which
2 yourself and General Bobetko would participate. And then Tudjman says,
3 in the middle of page 23:

4 "We will openly tell Izetbegovic, when he comes here, what we
5 said in the beginning. There can be no discussion about them
6 establishing military and civilian government in areas that used to be
7 within the Croatian Banovina."

8 Now, General, I'm going to put it to you that President Tudjman
9 is saying that because, in fact, those areas are supposed to fall within
10 this autonomous Croatian territory that we've been talking about so far
11 today, which was itself based upon re-establishment of the Croatian
12 Banovina; isn't that true?

13 A. It is not, sir. Banovina Hrvatska encompassed the whole of
14 Croatia, et cetera. What is discussed here are the areas of Vanja
15 [phoen] and Hrvatska which were in Bosnia-Herzegovina, and such areas
16 were formed because of the absolute Croatian majority. He's only saying
17 here that we should tell Izetbegovic not to use force as he did in Mostar
18 and Rama in order to establish his Muslim authority, but that he should
19 stick to -- well, Sancevic was Croatian ambassador to Bosnia-
20 Herzegovina. Again, what was discussed was that we should establish
21 something that would be able to exist and function as the state of
22 Bosnia-Herzegovina, rather than by means of force either by the Serbs or
23 Muslims.

24 Q. Well, what's being said here is that the president of Croatia is
25 deciding that the president or the Presidency of Bosnia-Herzegovina isn't

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1 going to have a say in what authorities are established within these
2 areas; isn't that true? What business is it of Tudjman? It's not his
3 country.

4 A. This is what the behaviour of Mr. Eagleburger and the
5 international community was. If he's still alive, you should call him

6 up, you should bring him here, as well as Messrs. Vance and Owen.
7 Throughout the negotiations, they honoured Franjo Tudjman as a person of
8 influence and authority. Prlic and Boban and others will decide on the
9 fate of their peoples, but they saw Tudjman as a partner. Eagleburger
10 did not tell him, "Well, you have nothing to do with this."
11 Unfortunately, this difficult process lasted for years and
12 Franjo Tudjman's role was actively asked for.

13 Q. In September of 1992, when this discussion is taking place, in
14 fact, the military and civilian government, certainly the civilian
15 government, in areas located within Bosnia-Herzegovina under the
16 constitutional framework, is going to be a war presidency, since a decree
17 on a state of war has been declared; isn't that true? Isn't there
18 already a framework in place for the establishment of a legitimate
19 civilian government within Bosnia-Herzegovina?

20 A. Well, I think that you could consider it that way, and this
21 civilian authority was set up on the basis of the elections. Authorities
22 were formed on the basis of the results of the elections and not as is
23 done in Western democracies, whereby the winner decides all. In the
24 HZ-HB, the parties became part of the government in relation to the
25 election results. Regardless of the fact that the HDZ was the winner and

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1 could have filled all the seats, the government was set up together with
2 the SDA proportionately to the number of votes. This was the case in
3 Rama, Mostar, and so on and so forth, so a more democratic base.

4 JUDGE ANTONETTI: [Interpretation] Just a minute. The Judges have
5 a few questions to ask. Judge Prandler first and then I will have a few
6 questions.

7 Judge Prandler, please.

8 JUDGE PRANDLER: Thank you, Mr. President.

9 I would like to go back to a few pages here, and in order not to
10 forget it, actually, the same transcript, page 17, 17 of 71, and 18 of
11 71. Here you, Mr. Praljak, you speak about the questions of the
12 refugees, and then I would quote that:

13 "There were some talks in the government that the refugees from
14 Bosnia-Herzegovina should be allowed to enter Croatia in any way and at
15 any price, since these refugees are already on the territory where the
16 Croatian people are."

17 And then you continued:

18 "Then from Croatia, under the pressure of the international
19 community, they should be sent to the border and to hell with them."

20 And now my first question is that: It was your idea to send them
21 to the hell, to put it in a way rough -- in a way rather roughly, and
22 because then you continued later on that there has been a great change in
23 the ethnic structure, and on the next page, that is, 18, you continued
24 that:

25 "... and it will be difficult in any form to expel those people

1 from there, and without expelling those people we will not have a

2 majority there."

3 And I repeat again "and without expelling those people we will
4 not have a majority there."

5 So my question is: If it was your view at that time that those
6 people, I mean refugees, should be sent to other countries, and what
7 solutions or forms of solution would you have preferred that very time
8 when the discussion took place?

9 THE WITNESS: [Interpretation] Judge Prandler, Your Honour, I
10 never said that they should go to hell. I don't know what the
11 translation of that was, but that's not what I said. I said that they
12 should be placed at the borders and send them where they see fit to go.
13 It's not a good translation.

14 Now, I'm going to state my position, which is this and was always
15 this: When Croatia had over 500.000 refugees, occupied as it was, it was
16 my position that the refugees should be sent to the borders, towards
17 Slovenia and so on, and then in the way -- in a humane way, because we
18 couldn't take them in anymore, that they should be sent out to Europe,
19 and that is because I claimed then, as I do now, because, you see, it's a
20 big problem, even for large countries such as Germany, France, and so on,
21 when such a large number of refugees arrives, then those countries would
22 be more included in a just solution to the Bosnian crisis. That was my
23 position. And, Your Honour, you were able to see what happened when
24 Hungary was faced with a large number of refugees, and Hungary asked that
25 they be taken back. But when this problem broke out, nobody minded

1 whether it was a burden or not, how much it cost or didn't, and how it
2 would all end, so I thought that this should be solved in the following
3 way: to show these other countries what the problems were so that the
4 problem could be solved.

5 And I didn't say, "Let them go to hell." That's a wrong
6 interpretation, completely wrong, not the right translation. So it might
7 have been -- I might have said it in a rather blatant fashion, but the
8 fact remains that unless the question of ethnic occupation is resolved,
9 then we've got nothing to discuss. We have somebody waging a war with a
10 view to changing the population structure, and then, of course, it is the
11 political and moral -- and it will be a political and moral catastrophe,
12 and that's what happened to us. And our conduct and behaviour toward
13 refugees is the kind that I've already explained.

14 JUDGE PRANDLER: Thank you, General Praljak. Then it would be
15 enough for me, as far as your answer is concerned. Thank you.

16 MR. KOVACIC: [Interpretation] Your Honour, I wanted to say the
17 following: Yes, the translation is quite incorrect. The end part of
18 that text in English on page 17 of 71, where it says "then from Croatia
19 under the -- [In English] "... the community, they should be sent to the
20 border and to hell with them," [Interpretation] nowhere in the Croatian
21 version do you have that. In the Croatian version, it says that under
22 pressure from the international community, they should be placed at the
23 border, and send them to wherever they want to go. Allow them to come
24 into Croatia, and then under pressure from the international community,

25 to be placed at the borders and let them fend for themselves and go where

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1 they like. Precisely like the general just said.

2 And there is another problem. Some pages of this document have
3 been admitted into evidence. Now, according to the e-court versions, it
4 is the English pages, that is to say, the translations, that have been
5 exhibited, whereas the Croatian pages are in complete disarray. The
6 pages numbers aren't correct, and General Praljak's experience, that
7 part, continues ten pages later. So the Croatian pages have been mixed
8 up. So we should look through that exhibit once again and see which
9 pages have been admitted into evidence, and to deal with the translation
10 mistakes as well.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, I had a
12 question on pages 22 and 23.

13 Earlier, the Prosecutor was telling you in his question -- he was
14 asking you why President Tudjman decided to get involved in what was
15 happening in Bosnia-Herzegovina, and quickly you answered by saying
16 because he was asked to do so, and then you continued speaking about
17 something else. I was listening to you, and I was wondering the
18 following. What you just said is very important. If Mr. Tudjman is
19 looking into what is happening in Bosnia-Herzegovina, it's not because he
20 wants to recreate this banovina. It may be because he was asked to take
21 care of it, which is what you said. So here's my question. It's quite
22 simple. What evidence do you have to back this, to say that Mr. Tudjman

23 was looking into what was happening in Bosnia-Herzegovina because the
24 international community had asked him to do so and to play a role in
25 this? Do you have any evidence to back this?

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1 THE WITNESS: [Interpretation] Yes, I do. Well, look at the
2 beginning. Why would Eagleburger and Vance-Owen talk so many times, why
3 would they invite him to Geneva sessions, however many there were. Why,
4 if they did not recognise the HZ-HB [realtime transcript read in error
5 "HDZ"] did they invite Mate Boban as an equal participant in negotiations
6 about the internal establishment of Bosnia-Herzegovina, together with
7 Alija Izetbegovic? Had Franjo Tudjman wanted to -- well, why did he need
8 Ambassador Stancevic, the ambassador of the Republic of -- the ambassador
9 of the Republic of Croatia, to Bosnia-Herzegovina? Why do the British
10 and French ambassadors go to visit Franjo Tudjman? Because they're
11 seeking him out, wanting to know his opinions and position. And, of
12 course, Mate Boban and the others down there will either sign or not sign
13 the document. He can make his suggestions and proposals, and he
14 recognised Bosnia-Herzegovina and Sancevic down there, and then he
15 negotiates just like hundreds of other people with their mostly very
16 stupid proposals, and here we have how this all ended.

17 MS. TOMANOVIC: [Interpretation] Good afternoon to everybody in
18 the courtroom. I'd just like to put right an error in the transcript.

19 On page 52, line 8, the general said "if they did not recognise
20 the Croatian Community of Herceg-Bosna, why then did they invite

21 Mate Boban to the negotiations?" In the transcript, it says the HDZ and
22 not the HZ-HB, so it should read "HZ-HB."

23 THE WITNESS: [Interpretation] At all negotiations from the very
24 beginning, that is to say, before Bosnia-Herzegovina was recognised from
25 the Cutileiro plan -- well, we've gone through all this. The Croats were

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1 always the first to sign. They did not question the existence of
2 Bosnia-Herzegovina and asked for a minimum of political and moral
3 correctness for a constituent peoples to be placed in a position of
4 equality. I think that is so clear and we've said it so many times here
5 that I don't know what else we can add.

6 JUDGE ANTONETTI: [Interpretation] Fine. General Praljak, in a
7 nutshell, if I understand you correctly, Mr. Tudjman insisted on the
8 interior affairs of Bosnia-Herzegovina because, according to you, he had
9 been asked to do so by the international community in order to find a
10 solution to the situation. Is this what you're telling us?

11 THE WITNESS: [Interpretation] Correct, precisely that. They
12 asked him for that, he made his proposals, but his political options was
13 this: Croatia has recognised Bosnia and Herzegovina, you have an
14 ambassador. However, if they're asking a board to be set up, and the
15 board is something that the international community is calling for, made
16 up of the Croats, then he says Bobetko and Praljak, as far as military
17 issues are concerned, and we're going to send a politician. So this is
18 what Croatia is offering down there, to help them find a solution, and

19 that, of course, fell through as well.

20 MR. STRINGER: Mr. President.

21 Q. General, in fact, the reason why -- or if the international
22 community sought out President Tudjman's assistance or participation,
23 it's because they knew that he, as the president of Croatia, was the
24 person who was dictating policy within the HZ-HB, that Mate Boban was a
25 puppet, essentially, and that in all matters of substance, particularly

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1 involving international negotiations, it would be Tudjman who would
2 ultimately be making decisions on behalf of the HVO and HZ-HB. Isn't
3 that how it really was?

4 A. No. Had you shown the clip to the end, you would have seen that
5 I say -- at one point I inform Franjo Tudjman that we would cross the
6 Neretva River. So if what you claim is true, then I couldn't have
7 informed him of that, and I informed him. I said I was going, and you,
8 Mr. Tudjman, can do what you will with it later on, et cetera. So
9 Herceg-Bosna, in the political sense, and Mate Boban as the number-one
10 man, if you will there, was autonomous. It is true and correct that
11 Franjo Tudjman did take into consideration, and this was his
12 constitutional duty, to look into Croatian interests, and we from
13 Bosnia-Herzegovina, and I'm talking about a double role here, that we
14 very often gave way because the international community managed to
15 persuade Franjo Tudjman, and I explained this in the text where we --
16 Croatian integralists did not want to see a Croatian state not be

17 established, so we gave way, but it wasn't a just thing or a moral thing
18 to do, to give way. But power is might, of course, might is power.

19 Q. If you would turn, please, to page 54 of the English. For you,
20 General, it's page 2865 of the transcript P00524. We're going to come
21 back to the HOS for a few moments.

22 General, at this part of the discussion, Gojko Susak is talking,
23 there's discussion about the gentleman named Ante Prkacin, and I believe
24 that you mentioned him once or twice in your direct testimony in
25 connection with a unit that was brought in, attempting to get to Jajce in

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1 October of 1992. Is that the same man?

2 A. Correct, the same man.

3 Q. And they're talking about Prkacin being in Zagreb, and wearing a
4 Croatian uniform, and the rank that he was representing himself to hold,
5 and President Tudjman says:

6 "Feel free to send military police to him, if he has got one,
7 feel free to take it away from him."

8 And they're upset about him -- his conduct in connection with
9 wearing the uniform.

10 And then turning to the next page, you say this, General. You
11 say:

12 "Mr. President, please, I would like to say that it is not so
13 simple. Openly speaking, we have used Mr. Prkacin, I personally and in
14 cooperation with others, for destruction of the HOS down there. He has

15 done a good job down there."

16 And the president asks then:

17 "What is he, a major general?"

18 And you say:

19 "Nobody speaks about that whatsoever, nobody has said that. That
20 is how he calls himself. He was allegedly offered a major general rank
21 by Alija Izetbegovic, who invited him up there."

22 And you continue:

23 "However, when we needed him and all of his troops, he was fully
24 available to do whatever was required. On the other hand, we can also
25 say it here, although it was repeated ten times, the HOS issue has been

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1 solved just now in Zagreb ..."

2 Now, General, when you said here that you personally, and in
3 cooperation with others, used Mr. Prkacin for the destruction of HOS,
4 what are you -- what are you referring to there? What did you do to
5 destroy HOS down in Bosnia-Herzegovina?

6 A. What they mean is that the HOS was an irregular party army and
7 that, for example, if somebody were to do something within the HVO and
8 you punish him, then he would take his rifle, report to HOS and place
9 himself under the protection of another army, or if he were to have
10 committed theft or something like that, he would go to HOS. That
11 couldn't be tolerated, of course, at the beginning of the war, and this
12 impossible situation --well, it was difficult to maintain law and order

13 anyway, and with two armies, of which one had its political leader and
14 you didn't know who it was responsible to, and no organ of Herceg-Bosna
15 could do nothing about it, then Mr. Prkacin went down there at my
16 request, and the request of others, and he was shown that there would be
17 an even bigger catastrophe. And as he was a reasonable man, he accepted
18 that and the problem was solved.

19 And now here, as far as Croatia is concerned, that is to say --

20 Q. Sorry to interrupt you. I want to ask you about the HOS events
21 in Bosnia-Herzegovina. The commander of HOS, up until shortly before
22 this meeting, which occurred on September 26th, 1992, the commander of
23 HOS down in Bosnia-Herzegovina was a man named Blaz Kraljevic; is that
24 correct?

25 A. Correct.

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1 Q. And it's true, isn't it, General, that about six weeks before
2 this conversation took place at the Presidential Palace, Blaz Kraljevic
3 was assassinated, he was shot to death with others in his car, in the
4 Mostar area in August of 1992; isn't that true?

5 A. The word "killed," well, you could -- or "assassinated," you can
6 only use words like that when the investigation has been completed. It
7 is true that he died. Whether he was killed, assassinated, or what, I
8 wouldn't go into that until the investigation is finished, and we'll here
9 what the law courts have to say about that.

10 Q. Well, General, you know exactly what happened down there, don't

11 you? He was ambushed and shot to death; isn't that true?

12 A. No, that is not true. I don't know enough about it to be able to
13 say, and I don't think you do either. And the court investigation is
14 still underway, and we'll have to wait to see what the findings are.
15 Everything else would be speculation, which I don't want to enter into.

16 Q. And the end of Blaz Kraljevic was, in fact, the end of HOS? The
17 destruction of Blaz Kraljevic was, in fact, the destruction of HOS; isn't
18 that true?

19 A. No.

20 Q. All right.

21 A. On the contrary. The situation deteriorated somewhat and it
22 required a great deal of effort to deal with the situation, because there
23 were various rumours going 'round, stories going 'round, so what was
24 needed was a calm end to the situation, whatever it was and whatever had
25 caused it.

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1 Q. Now, when you say that you used Mr. Prkacin for the destruction
2 of HOS, what did you have him do?

3 A. Mr. Prkacin was an independent person, and regardless of the fact
4 that it says here that they used or "you used Mr. Prkacin," well, we
5 talked to him frankly, we asked him to go down and take a look at the
6 situation for himself, which was an impossible situation of two armies on
7 the ground, and that if he arrives at the conclusion that I suggested to
8 him by quoting examples, and if he came to see that my positions were the

9 right ones, not only mine by Boban's and the others, that he could then
10 help solve the situation. And he did help in that respect. I don't
11 think you can use the term "to use Prkacin," that's the wrong word, but
12 in talks like this the wrong words are very often uttered. Well, not
13 very wrong, not terribly wrong, but --

14 Q. The assassination of Blaz Kraljevic was very much in the
15 interests of the HVO at that time; isn't that true?

16 A. I don't agree with the word "killing" or "murder." Once again,
17 the investigation is underway. So until we know the facts, I cannot
18 accept the fact that killings or murders would be in anybody's interest.
19 Yes, it would be in everybody's interests to resolve the situation, but I
20 cannot accept that the HDZ was the kind of organisation which would
21 settle matters through killings and murder, certainly not.

22 Q. The death of Blaz Kraljevic was very much in the interests of the
23 HVO; isn't that true?

24 General, tell us if you want to take a break.

25 A. No, no, no, we can continue.

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1 No, I can't agree with your interpretation. Mr. Blaz Kraljevic
2 was an emigre from Australia. He had a history behind him, a strange
3 history and a strange past, and I did clash with Mr. Blaz Kraljevic in
4 Capljina. That was quite open and clear. I said there couldn't be two
5 commanders on the territory in which I was, so we had this difference of
6 opinion. I had my very set, definite views. But your insinuations about

7 a killing and a murder as the end of it all, that's not true. Not many
8 of his members were deluded -- well, he paraded in his uniform and went
9 'round collecting some very good guys, but there were also some bad guys
10 who were engaged in some inadmissible activities, but who nevertheless
11 had military protection. And that's the truth of
12 it.

13 Q. Yes, well -- hold on.

14 A. But there were first-class guys, too.

15 Q. After Blaz Kraljevic died, many of the HOS soldiers then actually
16 came over and joined the HVO; isn't that true? The HVO was stronger by
17 virtue of the fact that the HOS was destroyed; correct?

18 A. Even before Blaz Kraljevic's death, many people who had been in
19 HOS joined up with the HVO, and I talked to them, and I had individual
20 talks and group talks. Cano Stanak [phoen] was a case in point, a
21 brilliant fighter who came over to the HVO. HOS had all sorts. There
22 was some very good and brilliant guys who wanted to lay down their lives
23 for the truth and for Bosnia-Herzegovina, and then there were others that
24 Blaz Kraljevic or some people around him had collected. And luckily the
25 situation ended on a positive note, except for the fact that the BH Army

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1 gave Prkacin -- well, it was in their interests to weaken the HVO through
2 HOS, but they took some units over and they treated HOS as part of their
3 defence force, which we no longer did.

4 Q. The next exhibit related to this topic is P10983. This is an

5 article from a publication called "Borba," from the 8th of September,
6 1992, and it's talking about this issue of the death of Blaz Kraljevic.

7 Page 2 of the English says:

8 "But at precisely the time --"

9 This is about a quarter of the way down from the top:

10 "But at precisely the time when Major General Blaz Kraljevic,
11 whose fighting name is 'Arrow,' was killed on 9 August in Kresevo, near
12 Mostar. News about the conflict between the HVO and the Muslim units,
13 but also between the HVO and HOS/Croatian Defence Forces, began to break
14 through what amounted to a news blockade. HOS units, it was reported at
15 the time, had been recognising the legitimacy and legality of the civil
16 authorities and military commands in Sarajevo, while HVO units did not
17 want to do that."

18 And it skips down and says:

19 "The very day before his murder, which many in Herceg-Bosna
20 blamed directly on the HVO, Kraljevic declared, for instance, that the
21 Croatian Defence Council was solely to blame for the conflicts between
22 Muslims and the HVO and Travnik. 'We are fighting for a state which will
23 be free. It is not important whether the borders are on the Drina, a
24 little bit this way, or a little bit that way. Everything depends on the
25 will of the Croatian and Muslim people who live here. And from the time

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1 of Starcevic to this day, it has been clear to everyone who has any
2 knowledge of Croatian history that the Croatian Rights Party has always

3 been a party of the Muslims and Catholics.'" "

4 And he continues on. It says:

5 "The very day after Kraljevic was riddled with bullets, his
6 deputy, Colonel Ivica Primorac, transferred from the ranks of the HOS
7 into the ranks of the HVO."

8 Now, let me take you to the next document and then we can talk
9 about these two, because they're somewhat similar.

10 MS. ALABURIC: [Interpretation] I apologise to my learned friend
11 Mr. Stringer and to His Honours.

12 The document Mr. Stringer just read out, document P10983, is not
13 in e-court.

14 My other intervention has to do with this: It is a new document.
15 Since the Bench adopted certain rules on the ability to introduce new
16 documents during cross-examination, when the Prosecutor is examining,
17 then Mr. Stringer should stipulate what this document is about and to
18 what aspect of the indictment it is related to.

19 MS. PINTER: [Interpretation] I have another question. Given the
20 nature of the questions put to Mr. Praljak, does this mean that the
21 Prosecutor, although it is not stated in the indictment, does the
22 Prosecutor see Mr. Praljak as the person responsible for the death of
23 Blaz Kraljevic? Does this amount to an extension to the indictment?
24 Because it is not currently in it. We were not notified in time that
25 such a thesis about the responsibility of Mr. Praljak would be put forth.

1 This is what we conclude on the basis of the questions that were put to
2 him concerning the murder. I would kindly ask the Prosecutor why he is
3 asking these questions. Otherwise, I would deem this a speculation.

4 MR. STRINGER: Mr. President, in response to Ms. Alaburic's
5 remarks, the document, I'm told, is in e-court, or it is now. It's one
6 of the newer ones that we added just within the last couple of days, but
7 I'm told that it is there. And if we -- if we tender the document after
8 the completion of General Praljak's testimony, then at that time we'll do
9 what we always do, which is indicate for what purpose it's being tendered
10 into evidence.

11 And then in response to the remarks from Ms. Pinter, I've gone
12 into this as part of the JCE part of our cross. We have
13 General Praljak's words at the National Defence Council meeting, where he
14 says that he used Prkacin to destroy HOS. The Prosecution's not prepared
15 to make any more specific allegation than that. However, it's extremely
16 pertinent, in our view, to the issue of the joint criminal enterprise,
17 the destruction of a unit that, in fact, had an allegiance to
18 Bosnia-Herzegovina, which in our position is not the -- was not the
19 policy of the HVO. So we're not expanding the indictment. It's our
20 position that all of this goes directly to the existence of JCE,
21 furtherance of the objectives, and the general's involvement in that.

22 MS. ALABURIC: [Interpretation] Your Honour, if I may, I wanted to
23 share something with you and my learned friend. That right at the moment
24 as we were exchanging our views, this document was introduced into
25 e-court. Therefore, my first objection is no longer important, since the

1 situation has now changed.

2 As for the other part, I would like to draw the attention to this
3 Bench's decision pertaining to the intention to use new evidence and
4 documents. If we violate that, we would declare that guide-line null and
5 void. If we allow the introduction of new documents, irrespective of
6 whether they meet the criteria put forth by the Bench or not, then the
7 bottom line might be that it is completely irrelevant in admitting this
8 document. We would end up with an examination which would be based
9 solely on such documents, and indirectly such a document could become
10 evidence.

11 If the Bench recalls the contents of that decision, I believe
12 there is no question about the Prosecutor's obligation by which he has to
13 notify in advance on the intention to use such documents.

14 JUDGE ANTONETTI: [Interpretation] [Previous translation
15 continues]... the new document. You didn't indicate this. Is there a
16 reason to that?

17 MR. STRINGER: We don't have to, Mr. President. We're free to
18 use any document that we wish on cross-examination. Now, whether we
19 tender it into evidence remains to be seen. If we tender it into
20 evidence, we will, in conformity with the decision, indicate whether it's
21 something that is tendered for culpability or --

22 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, wait, wait,
23 Mr. Stringer. The Chamber made a decision about new documents, where it

24 was said -- I'm not going to -- I don't have the text now in front of me,
25 but it was said that when, during a cross-examination, a new document was

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1 introduced, it could be only used to test the reliability of a witness.

2 Now, here it's not on the reliability of the witness, it is on the joint
3 criminal enterprise, this matter.

4 MR. STRINGER: Well, Mr. President, his testimony goes -- on this
5 point goes to the joint criminal enterprise, and the testimony obviously
6 is evidence. The topic, in our view, is highly relevant to the existence
7 of joint criminal enterprise.

8 Now, General Praljak said this in a meeting with General Tudjman,
9 that he was involved with or he used Prkacin to destroy HOS. We know
10 what the position of HOS and Blaz Kraljevic was. The general denied
11 knowing whether Kraljevic was murdered, or killed, or how he died. This
12 document was put there on the assumption that he would claim that he
13 wouldn't know, even though it's our submission that he does know very
14 well what happened, and that --

15 MR. KHAN: Your Honour, Mr. President, I have heard my learned
16 friend's eloquent, as always, response to the objection that's been put
17 forward regarding the death of Blaz Kraljevic. I do note that the
18 Prosecution, with the greatest of respect, seems to back off somewhat
19 when they say that they are not willing -- they're not prepared to make
20 any more specific allegation than they have done. But, Your Honours,
21 when you review the transcripts and have in mind the focus of my learned

22 friend's questions, it at least appeared patently obvious to me that my
23 learned friend was making an allegation that General Praljak, in some
24 way, shape, or form, was in the know, if not ordered, he knew about the
25 killing of that individual. My learned friend has said but a moment ago

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1 that they believe that General Praljak knows more than he says.

2 Your Honours, it's not for the Prosecution, in the discharge of
3 their onerous obligation, to prove the case beyond reasonable doubt, to
4 seek to do so by innuendo or by leaving a whiff of suspicion. If they
5 have evidence, they should put it forward. If they do not have evidence,
6 the allegation should not be made.

7 Now, that is my respectful submission. My learned friends, like
8 the Defence, have on numerous occasions lamented the lack of time
9 available to the parties, and spending the amount of time we've spent on
10 this issue, given General Praljak's answer, unless there is clear
11 evidence that they've put -- they wish to put to controvert
12 General Praljak's denial of any involvement in that, we should move on.

13 That's my respectful submission, Your Honours.

14 MR. STRINGER: Well, Mr. President, I've been extremely cautious
15 on this. The general said it in the meeting. It's the general that
16 said, "I used Prkacin for the destruction of HOS."

17 THE WITNESS: [Interpretation] No, I didn't say "I did." It reads
18 "we used."

19 MR. STRINGER: Mr. President, I'm not going to argue with the

20 witness.

21 THE WITNESS: [Interpretation] It is a misquotation.

22 MR. STRINGER: The general said --

23 JUDGE ANTONETTI: [Interpretation] Let Mr. Stringer say what he
24 wants to say, Mr. Praljak. You shouldn't interrupt Mr. Stringer,
25 General.

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1 Right, Mr. Stringer, would you please conclude what you wanted to
2 say.

3 MR. STRINGER: I read to the general his words. He says:

4 "I would like to say that it is not so simple. Openly speaking,
5 we have used Mr. Prkacin, I personally and in cooperation with others,
6 for destruction of the HOS forces down there."

7 Now, I asked the general to tell us how did he use Mr. Prkacin,
8 which was fair. I -- I'm not shy about putting our case to the general,
9 and if I wanted to put to him that he was responsible for murdering
10 Kraljevic, I would have done it. But I was careful about reading the
11 text of what he said, giving the general an opportunity to explain
12 exactly what he meant when he said it. For us, it's not -- it doesn't
13 matter who killed Kraljevic. What matters to the Prosecution on this is
14 that in the Presidential Palace, a major general of the Croatian Army, a
15 member of the National Defence Council, is telling the president of
16 Croatia that he used others for the destruction of HOS, and I'm putting
17 it to him that the destruction of HOS was based upon different policies

18 of HOS and its leadership and the fact that it was in the interests of
19 the HVO.

20 So I don't care whether the general's involved or not in the
21 murder of Blaz Kraljevic. I'm interested in his role in the destruction
22 of HOS, and I've been very careful, I believe, about limiting it to that.

23 MR. KOVACIC: Your Honour.

24 JUDGE ANTONETTI: [Interpretation] Yes.

25 MR. KOVACIC: [Interpretation] If I may, I have to go back to the

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1 objection of my learned friend Ms. Nika Pinter. This is a new charge,
2 one way or another. The Prosecutor puts it crystal clear, this is
3 relevant for the existence of the JCE. General Praljak mentioned what he
4 did on the record about HOS and Blaz Kraljevic, and the Prosecution is
5 now using that to connect that to the JCE. Your Honours, just think
6 about that. If that story about the death of Blaz Kraljevic is so
7 important for the existence or assessment of existence of the JCE, then
8 in any case it should have been mentioned in the indictment.

9 Another important thing. This Defence, in its possession, has a
10 number of documents about Blaz Kraljevic, about his death, including
11 different reports about his death, different rumours, et cetera. When we
12 were preparing the 68 ter list -- sorry, 65 ter list, we didn't find it
13 necessary to include them on the list. Why would we? No one was charged
14 with the death or the killing of Blaz Kraljevic. In no case it can be
15 important for the existence of the JCE or any other charge. Therefore,

16 this story is irrelevant.

17 General Praljak may answer any question. We will not oppose
18 that. But this has nothing to do with anything. This is merely wasting
19 time. Since the Prosecutor seems to be operating on the basis of certain
20 rumours, as I can tell you, in Bosnia-Herzegovina, where we worked a lot,
21 we know for at least -- at least, and it seems I'm testifying, of at
22 least 30 rumours about the reasons and the way Blaz Kraljevic was killed.
23 It changes from village to village, from one social circle to another.
24 You hear different theories, as General Praljak said. Officially, the
25 judicial investigation was not completed. No one can say for certain how

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1 Blaz Kraljevic was killed. Therefore, this is just speculation.

2 JUDGE ANTONETTI: [Interpretation] [Previous translation
3 continues]... to us why he asked this question.

4 Now, Mr. Praljak, you told us that you would answer every
5 question. Mr. Stringer tells you, in front of Mr. Tudjman, you said that
6 you had used Mr. Blaz Kraljevic to destroy the HOS -- no, Mr. Prkacin,
7 Prkacin, to destroy the HOS, and Mr. Stringer would like to know about
8 this destruction. What was the reason for it? This is the merit of the
9 question. We're not talking about the murder of Mr. Blaz Kraljevic.
10 What the Prosecution wishes to know, and the Chamber also wishes to know,
11 is why you wanted to destroy the HOS, because this, in front of
12 Mr. Tudjman, you don't explain. So please tell us why you used
13 Mr. Prkacin to destroy the HOS.

14 THE WITNESS: [Interpretation] I'll repeat. The word used is
15 what's in the text, but it actually means this: Prkacin at that time, or
16 thereabouts, commanded HOS for both Croatia and Bosnia-Herzegovina. HOS
17 existed in Croatia as well as an army. And if you see, therein I say
18 only recently did the Croatian state manage to break up HOS in Croatia,
19 because they had their headquarters, their generals, and units. Hence,
20 the Croatian state was too weak to keep up two armed forces, because at
21 that point the HV was in its inception.

22 Secondly, Prkacin was the military boss of HOS for both states.
23 He cannot be used. He can only be convinced. This number-two man,
24 Mr. Ivica Primorac, was the second person in HOS in Bosnia-Herzegovina.
25 He realised that what was going on in that organisation, in addition to

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1 the fighting. When they realised what we had, and that is to say that
2 the existence of two armed forces would only result in an increase in
3 crime and further divisions, and the absolute inability to conduct a
4 unified struggle, they concluded that HOS should simply disappear or,
5 rather, transfer to the HVO.

6 Your Honours, on the one hand we have the accusation that
7 Franjo Tudjman, in his political ideas, saw Bosnia-Herzegovina as part of
8 Croatian territory, and then we opposed HOS and the political party which
9 saw Bosnia-Herzegovina as a single state with Croatia stretching all the
10 way to the Drina with no Serbs in it. Their political option is a state
11 without Serbs. That was the NDH policy, Ante Pavelic's policy. All of

12 us who thought about -- along political lines, this idea gave creeps.
13 This person came from Australia, started doing something which at such
14 turbulent times could result in a disaster.

15 I have nothing to do with his fate, but I intensively cooperated
16 with the second person in HOS, Ivica Primorac, and with Prkacin, with
17 their best commander, Primorac. I talked to them so that they would see
18 where all this was taking us, in terms of organisation and setting up the
19 state of Bosnia-Herzegovina and the HZ-HB. I am very proud that we
20 succeeded in this. I wasn't in it alone. Boban worked on it as well, as
21 well as many others. Otherwise, it would have been a disaster. Two
22 armed forces? We barely managed to assemble one, and we had a minimum of
23 control over the situation, and then someone else pops up, having no
24 authority over most of its soldiers, just popping up all over the place
25 after certain operations, and even having the camp for Serbs in Dretelj

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1 which I managed to disband by means of force, a rifle against rifle.

2 Sir, I positioned anti-aircraft machine-guns to open fire if they
3 refused. They had their own camp. Come on.

4 MR. STRINGER:

5 Q. General --

6 THE WITNESS: [Interpretation] Could we have a break, Your
7 Honours? We are almost at the time for the break.

8 JUDGE ANTONETTI: [Interpretation] All right. We are going to
9 take a 20-minutes break.

10 --- Recess taken at break 5.29 p.m.

11 --- Upon commencing at 5.51 p.m.

12 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.

13 Mr. Stringer, you have the floor.

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

15 I'm going to move on to the next topic, General, or the next
16 exhibit, I should say, and show you a videotape, part of which we saw
17 during your direct testimony. You played a part of the speech that you
18 gave in Zenica in December of 1992, and I'd like to show more of that
19 video and ask you some questions about it.

20 This is P00842, it's in Sanction, and I'm going to let it play
21 for longer than probably normal for videos, and there are going to be
22 some parts that I'm going to ask that we skip over, but I'm just going to
23 let this roll, Mr. President, if that's okay, and then I may stop at
24 certain points with questions. But it's going to take a couple
25 minutes -- a few minutes, I should say.

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1 Q. Let me actually -- and before we start, General, do you recall
2 the speech that I'm referring to now, the speech you gave in Zenica in
3 December of 1992?

4 A. Well, partially, yes. I know the basics of what I said, the
5 essential points.

6 Q. We'll show it. It's the one that you -- you showed it to us.
7 You were telling the soldiers not to smoke cigarettes during the time of

8 the ceremony. That's the incident I'm talking about, and so we'll play
9 that now.

10 [Video-clip played]

11 THE INTERPRETER: [Voiceover] "At the ready for the homeland, at
12 the ready.

13 "I'm going to inform you with our guests today, and they are the
14 vice-president of the Community of Herceg-Bosna, Mr. Dario Kordic,
15 General Praljak, General Ante Prkacin; the operations zone commander,
16 Colonel Tihomir Blaskic; the secretary of the Croatian Community of
17 Herceg-Bosna, Ignjac Kostroman; the president of the Zenica Croatian
18 Defence Council, Mr. Dominik Sakic; the president of the HDZ, Josip
19 Pojavnik; the Croatian Defence Council vice-president, Zvonko Popovic;
20 Veronika Malbasic; and the president of the Bureau for Defence, Jozo
21 Jerkic."

22 MR. STRINGER:

23 Q. Okay. Just before we continue, General, a few questions. He's
24 going to speak later, but the General Prkacin that's introduced at the
25 beginning, is that the Prkacin that we've already been talking about

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1 today?

2 A. Yes.

3 Q. And the flags that have been shown there, and there is one on top
4 of the structure that's behind the speakers, are those Croatian flags,
5 that is to say, flags of the Republic of Croatia, or some --

6 A. No.

7 Q. -- variation of the Croatian flag, or what flag is it?

8 A. It's the flag of the Croatian people in Bosnia and Herzegovina.

9 It's not the flag of the Republic of Croatia.

10 Q. Is it the flag of the Croatian Community of Herceg-Bosna?

11 A. Well, I don't think that any decree proclaimed it as such, that
12 the -- the Republic of Herceg-Bosna, Croatian Republic of Herceg-Bosna,
13 didn't proclaim it that. It didn't want to have a hymn or flag. It was
14 a flag of the Croatian people in Bosnia-Herzegovina, quite simply,
15 nothing more than that.

16 Q. And then the song that was just playing, was that the national
17 anthem of Croatia?

18 A. It's the Croatian national anthem, but also the anthem of the
19 Croatian people, and Croats in America sing it when there's a festivity,
20 and Australia, or wherever. So it is also the Croatian national anthem
21 in Croatia, but it's much broader than that. It's the national anthem of
22 the Croatian people, wherever they may be.

23 MR. STRINGER: We can continue now.

24 [Video-clip played]

25 THE INTERPRETER: [Voiceover] "I swear to discharge my duties as

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1 a member of the Croatian Defence Council with honour and loyalty, and
2 that I will observe conscientiously and responsibly the official orders
3 and commands. I swear on my life to protect and defend my homeland,

4 Herceg-Bosna, its right to exist, and all its citizens.

5 "Fellow soldiers --"

6 MR. STRINGER: Okay.

7 Q. General, what we've heard is the swearing in, and they talk about
8 this more later, but is this the swearing in for members of the
9 Jure Francetic Brigade in Zenica?

10 A. Correct.

11 Q. So this was a brigade that fell under the command of
12 General Tihomir Blaskic, or Colonel Blaskic at the time there, who was
13 the head of the -- or commander of the Central Bosnia Operative Zone?

14 A. Correct.

15 Q. Now, if a Muslim person wanted to join this brigade to fight,
16 would the Muslim person have to swear his loyalty to his homeland of
17 Herceg-Bosna?

18 A. I don't know whether there were any Muslims there, but there were
19 a lot of Muslims in the HVO. It was a temporary oath and pledge for
20 Herceg-Bosna. I see nothing bad in that. You could either keep quiet or
21 say it out loud.

22 Q. And Jure Francetic was actually a Ustasha -- a well-known Ustasha
23 commander of the World War II era; isn't that correct?

24 A. Of an Ustasha formation on the territory of Bosnia-Herzegovina, a
25 professional unit, not the political section. As far as I know, that was

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1 who Jure Francetic was. He died, I think, in 1943. He was killed when

2 his plane was shot down somewhere in Croatia.

3 Q. Do you know the name of the man who administered the oath to the
4 soldiers just there?

5 A. No, I can't remember. Probably I know who he was, but not from
6 looking at it from here. I could, I suppose, remember if I were to be
7 shown a photograph or whatever, but not just like this off the bat.

8 [Video-clip played]

9 THE INTERPRETER: [Voiceover] "Fellow soldiers, non-commissioned
10 officers, and officers, I congratulate you on completing your swearing-in
11 ceremony.

12 "Thank you.

13 "Jure Francetic, a Croatian Knight, fought alongside the Serbs at
14 the Salonika front. In World War II, he defended the Croatian and Muslim
15 peoples. He expelled the Chetniks from Sarajevo from Mount Romanija and
16 the left banks of the Drina River. We, as his followers, don't want
17 anything more. We believe this to be the Muslim army's objective, too,
18 because only together are we able to stand up to the bloody plans of the
19 Chetniks. On this occasion, I would like to wish you all a Merry
20 Christmas and a blessed New Year 1993, with the wish that we celebrate
21 the next holidays in peace and freedom, because we owe it to our homeland
22 Herceg-Bosna. I would like to ask the commander of the Central Bosnia
23 3rd Operations Zone, Colonel Tihomir Blaskic, to take the floor.

24 "Dear combatants, soldiers of the Croatian Defence Council,
25 commanders and deputy commanders, officers and non-commissioned officers,

1 the Croatian people, and numerous local representatives of Zenica city
2 council and Zenica municipality, on behalf of the Croatian Defence
3 Council Main Staff, chief of Central Bosnia Operation, I congratulate you
4 sincerely on being sworn in today.

5 "Thank you.

6 "This is definitely a historic day for the Jure Francetic
7 Brigade, but let me emphasise that the actual historic day for us
8 occurred much earlier than today, when the Croatian people and the
9 municipality of Zenica understood that the time had come to take up arms
10 to defend their right to exist in their own land. You, my dear brethren,
11 took this oath on the 13th of August and much earlier, when you went on
12 your first and most difficult mission to assist the defenders of the city
13 of Jajce, and when 460 of you left these parts to defend those Croatian
14 territories, and not just Jajce but also Zepce and all the territories
15 where the command told you to go. Today's ceremony is, therefore,
16 definitely a historic event, yet another in a string of events most
17 relevant to the growth and creation of the Croatian Defence Council, the
18 Croatian People's Army."

19 MR. STRINGER: Okay.

20 Q. General, we've heard a few references now to the homeland being
21 Herceg-Bosna, and now Tihomir Blaskic talking about the Croatian Defence
22 Council as the Croatian People's Army. Now, this is December of 1992, so
23 there's already been a conflict in Prozor by this time, but what we're
24 seeing here, General, is the establishment of essentially a purely

25 Croatian military unit whose function is to protect Herceg-Bosna, without

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1 regard to really anything beyond Herceg-Bosna such as the broader
2 Republic of Bosnia-Herzegovina; isn't that true? This was a Croatian
3 army for a Croatian homeland and only that?

4 A. No, that is not correct. Here -- well, if you heard mention of
5 Jure Francetic as a fight on the Salonika front, which dates back to the
6 First World War, where the Serbs were fighting, the Serbs were fighting
7 there on the side of the victors in World War I, and Jure Francetic at
8 the time was a fighter at the Salonika front, and these are famous facts
9 and the famous history of the Serb people.

10 Secondly, here reference is made to citizens. It specifically
11 says "citizens." And then, furthermore, there was mobilisation, and of
12 course there is always death involved in the realisation of national
13 rights.

14 There was a delegation from Zenica here, not only from the
15 Croatian people. Now, I don't know whether there were any Muslims in the
16 unit, but mention is made of that, too.

17 So taking all of this into account, if we look and see -- if we
18 look at the beginnings of the bloody war, rather the Serb take-over, this
19 kind of rhetoric is allowed, and it has nothing in it that could be taken
20 as being invalid or something that is not in order.

21 THE ACCUSED PRLIC: [Interpretation] Let me just say that I did
22 not mention -- that I did not note that these words that Mr. Praljak

23 mentioned now were translated in the original text, the words that the
24 delegation of the municipality of the town of Zenica. I did not note
25 that word, "delegation," in the English language, and since Mr. Praljak

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1 mentioned that now, I'd like to intervene because of the translation and
2 the interpretation.

3 THE WITNESS: [Interpretation] Well, it's very important, and I'd
4 like it to be added that Herceg-Bosna is always mentioned in two forms,
5 and that is throughout history Herceg-Bosna was equated and was identical
6 to Bosnia-Herzegovina. And in Franjo Tudjman's books, the ones we
7 skipped through, he speaks about -- when he speaks of Herceg-Bosna, he
8 speaks of Bosnia-Herzegovina. That was the term used at a given period
9 of history. So Herceg-Bosna, mentioned in the historical context, is
10 Bosnia-Herzegovina. That's the name we gave to Bosnia-Herzegovina.
11 That's how we called Bosnia-Herzegovina.

12 Now, the second part is this other Herceg-Bosna with all the
13 connotations that we've discussed again and again and has the different
14 organisational connotations as having emerged from this war, the latest
15 war.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, Mr. Prlic said
17 something. He knows English very well, so nothing escapes him. He said
18 that they were representatives of the municipality of Zenica during this
19 swearing-in ceremony, and this is not in the English text. Now, given
20 the fact that there were representatives of the municipality of Zenica,

21 does this mean that there were Muslims present during this event?

22 THE WITNESS: [Interpretation] Correct, Judge Antonetti,
23 Your Honour. And if you might allow me to take just a minute of the
24 Court's time to explain --

25 JUDGE ANTONETTI: [Interpretation] Just a minute. You're telling

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1 us that Muslims were present. When people are singing the Croatian
2 anthem, because in answering a question put to you by Mr. Stringer you
3 did say that this was the Croatian anthem, well, these Muslims who were
4 present, what do they feel? Do they think it's natural, do they feel
5 that this is natural, or is this an interference with the regular anthem
6 of the Republic of Bosnia-Herzegovina?

7 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour,
8 Bosnia-Herzegovina at that time did not have its own national anthem.
9 Unfortunately, it still hasn't got an anthem, and today's anthem was
10 written by someone from the international community or something like
11 that. Bosnia-Herzegovina at the time had no national anthem, so this is
12 the national anthem of the Croatian people. It wasn't the national
13 anthem of goodness knows what. And to be frank, it doesn't speak about
14 any war or anything like that. It's a very mild text, and it is also the
15 anthem of the Croatian state in Croatia, but it's much more than that.
16 It's the national anthem of the Croatian people which is sung today as
17 well, quite normally at many festivals and festivities, as a second hymn
18 within Bosnia-Herzegovina. The Bosnia-Herzegovinian anthem is played and

19 then it's the national anthem that is played -- or, actually, it's not a
20 national anthem; it's an anthem because there is no state to proclaim it
21 a national anthem. But Bosnia and Herzegovina at that time did not have
22 either an official song of any kind or a national anthem.

23 JUDGE ANTONETTI: [Interpretation] Well, you've understood, of
24 course, that for the Prosecutor this is incriminating evidence, but
25 you're saying that at the time there was no official anthem. Is that

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1 what you're saying? That's your answer to his question?

2 THE WITNESS: [Interpretation] Correct, that's correct.

3 JUDGE ANTONETTI: [Interpretation] And then we saw a second group,
4 a band with a guitar, and people are singing. What are they singing?

5 THE WITNESS: [Interpretation] Well, I don't know now. Perhaps we
6 should play it again. I don't know what they were singing when this
7 guitar was going. It was still the national anthem, they were still
8 playing the national anthem; right? Is that right?

9 JUDGE ANTONETTI: [Interpretation] Very well, it's another thing,
10 just a song. Very well.

11 THE WITNESS: [Interpretation] I really don't know now.

12 MS. TOMANOVIC: [Interpretation] I apologise. Just a correction
13 for the transcript, but I can wait. I'll take my turn after you.

14 JUDGE TRECHSEL: Thank you. I'll refrain from saying "ladies
15 first," because it would not be fitting, I think.

16 I would just like to point out that in one of the addresses given

17 at the beginning, the speaker speaks of representatives of Zenica city
18 and Zenica municipality, so it's not true that this does not figure in
19 the transcript. Also, the deputy chief of Zenica, sort of, is mentioned
20 in the beginning.

21 So I think that there has been an oversight, perhaps. Excuse me.

22 THE ACCUSED PRLIC: I didn't see that. I didn't see that.

23 JUDGE TRECHSEL: It can happen, of course.

24 MS. TOMANOVIC: [Interpretation] I would like to make another
25 correction to the transcript.

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1 On page 76, lines 8 and 9, linked to the oath that was taken by
2 the soldiers, the general said that the reference in the oath was to
3 citizens. In the transcript, this was translated as "citizens,"
4 "gradjani," "citizens." I would like to remind the Trial Chamber of our
5 discussions with counsel. Buntic, who was Dr. Prlic's witness, and
6 I think that at the time we cleared up the difference between these
7 concepts in the Croatian language. In Croatian, you have the word
8 "gradjani," which is translated by the word "residents," and
9 "drzavljani," which is translated as "citizens." Now, the difference in
10 these two terms is essential, because the word here used is "gradjani."

11 THE INTERPRETER: And counsel says that is "residents,"
12 interpreters note.

13 THE WITNESS: [Interpretation] Correct, it refers to all the
14 people in the territory. Everybody will be defended. The word

15 "gradjani."

16 THE INTERPRETER: Interpreters note, "citizens."

17 THE WITNESS: [Interpretation] It is not the Croats who are going
18 to be defended, it is the "gradjani" who are going to be defended.

19 JUDGE ANTONETTI: [Interpretation] Mr. Prosecutor.

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

21 I'm listening to the English channel, and I think there is some
22 disagreement between what's being said here in the courtroom and what's
23 coming from the interpretation booth on the English translation of the
24 word, but beyond that I'm not going to make any more comments because I
25 doubt that it would be helpful.

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1 Q. General, something you said earlier that I want to challenge you
2 on. Are you claiming that when they say "Herceg-Bosna" here, what they
3 really mean is "Bosnia-Herzegovina"?

4 A. Well, of course, I would have to listen to the tape, but in
5 historical documents and in documents generally, Franjo Tudjman's books
6 that we went through so quickly, so rapidly, very often what happens is
7 this: The concept "Herceg-Bosna" coincides with the concept of
8 "Bosnia-Herzegovina."

9 Q. Well, I'm not going to -- I'm going to put it to you that if
10 you're suggesting that Herceg-Bosna, as it's being used here, is a
11 reference to the entirety of the Republic of Bosnia-Herzegovina, that is
12 an evasion on your part, it's not accurate, and it's really not based on

13 anything that we've seen or heard previously in this entire trial. Isn't
14 that true?

15 A. No, I told you precisely what I meant. I would have to listen to
16 the tape again because I can't say what the man was thinking of, but I'm
17 just saying historically speaking, historical documents, even
18 Franjo Tudjman's documents, and I can quote you pages from his books, in
19 a paragraph he might say "Herceg-Bosna," and in another paragraph he
20 might say "Bosnia-Herzegovina," meaning the same state territory. So
21 these are two concepts which in literature and in speech were very often
22 interchangeable. They had the same -- they meant the same.

23 Q. Now, when Tihomir Blaskic --

24 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, just a small
25 detail in passing, an ancillary question.

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1 Earlier we saw Mr. Kordic. I watched him closely, and I noted
2 that he was dressed in a uniform, in a military uniform. He had a
3 military uniform on. Mr. Kordic was an elected official from the
4 municipality. Does this mean that at the time there was a bit of a
5 confusion between the two roles, that you could be a civilian and
6 military and there was no difference between the two? Otherwise, how
7 could you explain that Mr. Kordic would be dressed in a military uniform?

8 JUDGE TRECHSEL: A point of order. Could we see that passage
9 again, because according to my recollection it was a gentleman standing
10 slightly behind the military, in civil clothes, and so we have looked at

11 the same but seen different things, and I --

12 JUDGE ANTONETTI: [Interpretation] Could we please take a look at
13 the frame?

14 MR. STRINGER: Yes. Mr. President, I think there won't be any
15 disagreement. If we look at the frame that's on the screen now, we have
16 the speaker in the middle, at the microphone, and then behind him on the
17 left, wearing the sunglasses, is Dario Kordic.

18 JUDGE TRECHSEL: Right.

19 JUDGE ANTONETTI: [Interpretation] So I was right. Thank you.
20 This is Kordic. He's got sunglasses and he's wearing a military uniform.
21 Can you say, "Da," so that it's recorded, Mr. Witness?

22 THE WITNESS: [Interpretation] That is correct.

23 JUDGE ANTONETTI: [Interpretation] Why is he wearing this military
24 uniform?

25 THE WITNESS: [Interpretation] Yes. Because he held a rank.

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1 I can explain this precisely, because I participated in all that.

2 JUDGE ANTONETTI: [Interpretation] Why does he have a rank?

3 THE WITNESS: [Interpretation] Because in 1992 the Serbs kept
4 asking for negotiations about Sarajevo and in Sarajevo, et cetera.
5 Tihomir Blaskic went to such negotiations. It lasted for days. Honestly
6 speaking, we all knew it would lead to nothing. At the same time, he
7 could not work on the organisation of the Croatian Defence Council. I
8 asked Mate Boban, Your Honours, to assign a rank to Kordic. Otherwise,

9 the Serbs would not have accepted him as a negotiator. For him to go
10 there and waste his time during those false negotiations, I wanted
11 Blaskic to dedicate himself to our defence. Boban listened to me and
12 Kordic was given a rank. Otherwise, he would not have been accepted as a
13 collocutor at those lengthy negotiations. And Blaskic could then
14 dedicate himself to our defence. That's the truth of it.

15 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Stringer.

16 MR. STRINGER: Yes, Mr. President.

17 We can go back to it, but I would point out for the record, at
18 the beginning of the transcript which everyone, I believe, has in their
19 binders, the speaker introduces Dario Kordic as the Herceg-Bosna
20 vice-president. And in addition, and the general was present, and he can
21 correct me if I'm wrong, but the other civilian persons who are
22 introduced there are within the structure of the HVO or HDZ, as opposed
23 to a different governmental structure.

24 Q. Is that correct, General?

25 A. I would have to explain how it came about that I was there. I

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1 wasn't very familiar with the whole procedure. I'll do so, with your
2 leave.

3 I know for sure that there were Muslim representatives from
4 Zenica there. I can explain to you how it was that I came there to this
5 gathering.

6 Q. Just for the record, you're saying there were Muslim

7 representatives present. Are you saying that there were Muslim
8 representatives who were present who were on the stage there behind the
9 speaker or were they somewhere else?

10 A. I don't know. I can't say with any certainty whether they were
11 on the stage, but I remember some discussion about the Muslims being
12 there.

13 MR. STRINGER: Well, why don't we continue with the video, then.

14 [Video-clip played]

15 THE INTERPRETER: [Voiceover] "It started with the Croatian
16 Democratic Union of Bosnia-Herzegovina, which was the first to find its
17 way in these difficult times ..."

18 MR. STRINGER: Mr. President, this is - I don't think it's in
19 dispute - Ignjac Kostroman. The Trial Chamber knows what his position
20 was in the HZ-HB or the HVO, so I'm -- we all have the transcript. I'm
21 proposing to skip over him. We could just advance a little more quickly,
22 at least, without losing our place, to the next speaker.

23 Okay. And then this is the priest speaking, and I believe when
24 we saw this video earlier Judge Antonetti asked you whether HVO units had
25 priests or chaplains among their ranks, and I believe you testified that

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1 they did not, so I'm going to skip over the remarks of the priest here.

2 Q. Just one question on this, General. Did you consider it
3 inappropriate that a priest was addressing the unit at the swearing-in
4 ceremony?

5 A. I did not see that to be inappropriate. There was no reason to,
6 in such conditions when the state was falling apart and people were
7 defending their lives.

8 MR. STRINGER: So if we can continue, then, skipping along.

9 Now, Mr. President, this is, I believe, Dominik Sakic who was a
10 local HDZ or HVO person. I'm proposing to skip over his speech. And
11 then we'll get to your speech, General.

12 THE INTERPRETER: [Voiceover] "Soldiers, NCOs, COs,
13 congratulations on your oath to your people. We've applauded you.
14 Please don't smoke during the celebration. Put out your cigarettes.
15 Gentlemen, the idea of the people is a great idea, and it isn't as cold
16 as it seems. Twenty-five minutes is not too long. We can stand 25
17 minutes in file without smoking a cigarette. Keep in mind that there are
18 many nations older than us, more numerous than us, not greater than us
19 but more numerous, who do not have their own state. You can't set up a
20 state so easily. Every day, you have to devote yourself to your people's
21 idea of a state. The state is not a mother, it is a child to be nursed
22 and helped by each of us and not taken advantage of. Keep defence in
23 mind when you start digging, when you guard your weapons, when you walk
24 in the street, and in every other situation. The idea of the Croatian
25 people will exist in these territories depending on our willingness to

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1 devote ourselves to this idea.

2 Merry Christmas, Happy New Year, bless you and good luck.

3 Remember your friends who are no longer with us. It will give you
4 strength in difficult times. Good luck and God bless you. Thank you."

5 MR. STRINGER:

6 Q. General, you're addressing a unit that's been referred to by its
7 direct commander, General Blaskic, as the Croatian People's Army. Here
8 you speak and you use on two occasions the notion of a state, you say you
9 can't set up a state so easily, every day you have to devote yourself to
10 your people's idea of a state.

11 Now, isn't it true, General, that the state you're referring to,
12 the entity that you're referring to, is not the state of
13 Bosnia-Herzegovina, but rather you're referring to an autonomous Croatian
14 area that we've been talking about today, whether it is named
15 Herceg-Bosna or whether it has a different name? Isn't that the state
16 that you're referring to here?

17 A. In Zenica, for me in Zenica to say that we were there to create a
18 Croatian state, no, sir. My speech is crystal clear. I stand by every
19 word of it today, about what I said, that they shouldn't smoke. I stand
20 by each and every word. I wouldn't change a single one.

21 Q. And if a major general of the Croatian Army, who's also a member
22 of the National Defence Council of the Republic of Croatia, is addressing
23 a unit such as this in Zenica and speaks of a state, that could be viewed
24 as highly provocative, couldn't it, by persons who were not members of
25 this unit or who do not wish to associate themselves with the Croatian

1 state?

2 A. Mr. Prosecutor, people can do lots of things, but we are speaking
3 here about a rational human mind, from that perspective, I am a citizen
4 -- a national of Bosnia-Herzegovina who was born and raised there in
5 Zenica, where there weren't all that many Croats. And before that, I
6 participated in the defence of Travnik after Jajce had fallen, in joint
7 combat. I stand by every word of mine. Only in complete malice one
8 could find anything here that would be against --

9 JUDGE ANTONETTI: [Interpretation] General Praljak, the question
10 of the Prosecutor was very important. He presents to us the document,
11 which we have already seen. Remember, I had asked you a question about
12 the boy who holds the flag, and I had asked you whether, in the Croatian
13 Army, there were young, minor boys, so I remember very well this video.
14 Now, this question of the Prosecutor is very important.

15 You're making a speech, and in this speech you are speaking about
16 the creation of a state. The question is the following, therefore: Do
17 you refer to the state of the Republic of Bosnia-Herzegovina or are you
18 referring to the state of the Herceg-Bosna, this under oath? Can you
19 answer understand oath? To which state are you referring when you're
20 uttering these words?

21 THE WITNESS: [Interpretation] For the umpteenth time, and giving
22 any oath, I would still repeat the same, I had in mind the state of
23 Bosnia-Herzegovina. In Zenica, by that time there were 80 per cent
24 Muslims, and the HVO was establishing a unit there to fight for Bosnia
25 and Herzegovina. This was not the flag of the Republic of Croatia, but

1 the flag of the Croatian people in Bosnia and Herzegovina. These units
2 were there to defend Zenica and that area from the Serb aggressor. What
3 was meant was exclusively Bosnia-Herzegovina. The issue of the way
4 Bosnia-Herzegovina would be structured and set up is another matter.
5 These two questions are being mixed up here. Yes, Bosnia-Herzegovina,
6 but such a Bosnia and Herzegovina in which the Croatian people would be
7 on an equal footing with the two other peoples in a sustainable mode of
8 survival. Any state which would prejudice that would have been
9 unacceptable, and this we see happening today.

10 JUDGE ANTONETTI: [Interpretation] Judge Trechsel, a question.

11 JUDGE TRECHSEL: Do you know whether Bosnia and Herzegovina had a
12 national anthem?

13 THE WITNESS: [Interpretation] Bosnia and Herzegovina did have --
14 no, Judge Trechsel, Bosnia and Herzegovina did not have an anthem. There
15 was the Yugoslav anthem, and within Yugoslavia, as far as I know, only
16 Croats had their national anthem, and I think Slovenians who sometimes
17 sang their anthem. The Serb anthem, "Boze Pravde," was not allowed in
18 Yugoslavia. The Croatian one was only permitted at 12.00 news. Then
19 "Lijepa Nasa" was played. Otherwise, only "Hej Slaveni," the Yugoslav
20 anthem, was played.

21 JUDGE TRECHSEL: Thank you.

22 MR. STRINGER: Okay. We're going to move on now.

23 The next speaker, General, although I don't think we need to

24 listen to his speech, is Ante Prkacin, and we have the text. I don't
25 think we need to listen to his speech. It's about Jure Francetic. And

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1 then after that, we get to Dario Kordic, and I did want to play the
2 Dario Kordic part.

3 [Video-clip played]

4 THE INTERPRETER: [Voiceover] "Dear Croatian brethren, dear
5 Croatian soldiers, I greet you on behalf of the Croatian Community of
6 Herceg-Bosna, and on behalf of the greatest son of the Croatian people of
7 Herceg-Bosna, the president of the Croatian Community of Herceg-Bosna,
8 Mr. Mate Boban. You heard about messages these days. They tell us why
9 we are fighting for liberation and a political solution for the Croatian
10 people. This is because we don't want, ever again, to repeat the
11 mistakes that we kept making in the past. So, from this place today, at
12 this ceremony made by the Croatian Defence Council, Jure Francetic
13 Brigade, the Croatian soldiers show that they are as brave as the people
14 before them and the people before me said, and will certainly fulfill our
15 mission with all our heart and soul, the mission laid before us by
16 generations of Croatian soldiers from centuries ago, and by our families
17 and children, who definitely deserve a better future. In the name of
18 that, long live the Croatian Community of Herceg-Bosna, long live
19 everyone. Merry Christmas and happy holidays. At the ready for the
20 homeland.

21 "At the ready."

22 MR. STRINGER: All right.

23 Q. All right. Now, just getting to the first few lines of this
24 speech, General, he's greeting the soldiers on behalf of the
25 Croatian Community of Herceg-Bosna and on behalf of the greatest son of

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1 the Croatian people of Herceg-Bosna, Mate Boban. Now, the fact is that
2 all the references in this -- in these various speeches to Herceg-Bosna
3 are references to just that, Herceg-Bosna, the Croatian Community of
4 Herceg-Bosna, and not Bosnia-Herzegovina; isn't that true?

5 A. I'll try to find a better position, since my back aches.
6 The point is that Dario Kordic was a very strong-worded politician, which
7 is natural in times such as these. One cannot use philosophical concepts
8 to induce people to go and fight and perhaps be killed. Dario Kordic was
9 talking about a political solution and liberation. He was referring to
10 the liberation of Bosnia-Herzegovina, if you heard it, but within the
11 framework of that liberation we need such a political situation in which
12 Croatsians would no longer be suppressed. This is what's in there.

13 Q. I'll repeat my question. My question is this: Do you agree with
14 me that all the references here to Herceg-Bosna are references just to
15 that, Herceg-Bosna, and that this isn't intended as any sort of reference
16 to Bosnia-Herzegovina, which is what you were suggesting earlier? Isn't
17 that true?

18 A. I don't know that. I don't know whether he meant Herceg-Bosna as
19 Bosnia-Herzegovina or Herceg-Bosna as a project which was supposed to

20 liberate Bosnia and Herzegovina and enable its survival. What
21 Dario Kordic had in mind at that time, I don't know, but "Herceg-Bosna"
22 was used in two ways, both as a temporary unit for the Croatian people,
23 until a resolution is found for Bosnia-Herzegovina, and as a synonym for
24 Bosnia-Herzegovina. In any case, Dario Kordic mentions the political
25 solution and liberation. One could say that when he says "Herceg-Bosna,"

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1 he means "Bosnia and Herzegovina." He says the liberation of the country
2 within which preconditions favourable to Croats were needed. This is
3 what I heard, and you can perhaps play it again.

4 Q. Well, General, I mean, I don't know why you'd want to defend
5 Dario Kordic. I'm going to suggest to you it's clear that Dario Kordic
6 had no interest whatsoever in any political solutions other than autonomy
7 and separation from the Republic of Bosnia-Herzegovina. We both know
8 that to be true, don't we?

9 A. No. Perhaps you're more knowledgeable than me. I don't see what
10 you're saying. It's not in any documents. And as for what Dario Kordic
11 meant will always remain unclear. What I read from this is liberation
12 and political solution. "Liberation" refers to Bosnia-Herzegovina, and
13 the politician solution pertains to the status of the Croatian people
14 within such a Bosnia-Herzegovina. As far as I know him, he was quite
15 loyal to the general political position and its implementation. I don't
16 know any more than that. Dario Kordic had to abide by the conclusions
17 and positions signed by the authorised officials who represented the

18 Croatian people in Bosnia-Herzegovina.

19 Q. All right, General. Well, at the very end, and this is going to
20 be my last question on this videotape, at the very end we don't get it
21 through the interpretation into English, probably not into French, but I
22 understand that in the language he's speaking, the Serbo-Croatian, Kordic
23 says the words at the very end "za dom," and all of the soldiers respond,
24 "Spremni." Now, isn't it true, sir, that that's a Ustasha greeting or
25 statement, if you will, from the World War II era, it's also a very

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1 highly provocative one, especially to be using in Zenica in December of
2 1992; isn't that true?

3 A. I disagree with you that there is such a language as
4 Serbo-Croatian. What Dario Kordic said was in Croatian, and that is one
5 of the reasons for the war, because it was generally thought that small
6 nations should not divide such things as languages, and it resulted in
7 such things we witnessed. Those at the bottom of the food-chain do not
8 enjoy the same dignity as those at the top.

9 And as for "za dom, spremni," it was used by both the Ustasha and
10 "domobrani." In the Croatian military practice, however, historically
11 speaking, it had been used even before that. Therefore, whether in this
12 context it implied the NDH greeting or was this a reference to some
13 earlier Croatian uprising -- uprisings which took place in, say, Lika,
14 well, I don't want to speculate on that.

15 In any case, if I may have another moment, I wanted to refer to

16 Kraljevic and who had letter U and the black Ustasha uniform, and then
17 everyone who came from abroad said, "Look, all Croats are Ustashas."
18 This was a disaster because the Croatian people did away with that a long
19 time before that. This was a highly-sensitive issue.

20 MR. STRINGER: Unless there are more questions on the video,
21 Mr. President, I'm ready to move to the next exhibit.

22 JUDGE ANTONETTI: [Interpretation] Just a technical question.

23 We see on the screen, on the monitor, this flag. There are three
24 colours, red, white and blue, and one can see the chess-board on the
25 white. At the period of the Socialist Republic of Yugoslavia, did you

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1 have the chess-board?

2 THE WITNESS: No.

3 JUDGE ANTONETTI: [Interpretation] In the days of the Socialist
4 Republic of Bosnia and Herzegovina, the flag was red, white and blue?

5 THE WITNESS: [Interpretation] No.

6 JUDGE ANTONETTI: [Interpretation] So which one was it?

7 THE WITNESS: [Interpretation] The three colours intermingled, but
8 in different order. The Serb one was in one order, then the other
9 republics had the other order. The three colours were there as from the
10 times of the French Revolution. In any case, there were the three
11 colours in different order, the white, red and blue, with the
12 five-pointed star in the middle. In Croatia, historically speaking, the
13 Croatian flag and coat of arms were tolerated. However, this is not the

14 coat of arms of the Republic of Croatia. This is the historical Croatian
15 coat of arm. The state coat of arm of Croatia does not look like this.

16 JUDGE ANTONETTI: [Interpretation] A final question. You told us
17 that there were Muslim representatives. Why were they not given the
18 floor?

19 THE WITNESS: [Interpretation] Well, that's what I wanted to
20 explain, Your Honours.

21 I came to this meeting because Prkacin asked me to go to the
22 Zenica prison, where he wanted to intervene for someone, and I was his
23 driver, in actual fact, while he was negotiating in there, so I was
24 acting as a driver, and I was talking to the people there that way. He
25 went to the municipality to talk to the Muslims, to see what this man had

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1 done wrong and so on, and that's where we were invited to the meeting
2 from. And I'm not ashamed. I told them what I said and I told them what
3 I wanted to tell them, but as I say, I wasn't informed -- well, I saw the
4 Muslims, I saw that. Now, why they weren't given the floor, why they
5 weren't given a chance to speak, I don't know, and I didn't take part in
6 any of the preparations for the meeting.

7 JUDGE ANTONETTI: [Interpretation] [Previous translation
8 continues]... being organised by whom? Who had decided that this
9 ceremony would take place; Colonel Blaskic?

10 THE WITNESS: [Interpretation] The HVO. Yes, Blaskic, correct.
11 And this unit was established in Zenica, and he was the organiser.

12 JUDGE ANTONETTI: [Interpretation] Right.

13 MR. STRINGER:

14 Q. General, the next document in the binder should be
15 Exhibit 3D00482. You testified about this document already on the 7th of
16 May. 3D00482. These are minutes made of a meeting that took place on
17 the 15th of January, 1993.

18 A. The 13th was the meeting, the 13th of January.

19 Q. I stand corrected. The 13th was the date of the meeting, and
20 then the minutes here that we're looking at are dated two days later on
21 the 15th of January. These are talks in which you participated with
22 General Quesnot, who was the chief of the staff of the Presidency of the
23 Republic of France, according to this document, and as you've indicated,
24 the meeting itself was held on the 13th of January. And I want to direct
25 your attention to some of the remarks that you made.

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1 First, I'm just noting on the first page, on the second
2 paragraph, it's indicated here that at this meeting you appeared in your
3 capacity as a major general and assistant minister of defence of the
4 Republic of Croatia, and you were there with other high-level individuals
5 in the military of the Croatian Army.

6 Turning to the next page, I'm going to take you to the paragraph
7 that begins with the words:

8 "According to General Praljak's opinion, such situation in Bosnia
9 and Herzegovina is going to last for a long period of time."

10 Do you see that?

11 A. Yes, yes.

12 Q. And you talk about the Serbs, the Serbian leadership and the
13 promises they've made to their people, and then you say:

14 "As far as the Muslims are concerned, a common -- actually, a
15 Muslim state has been promised. They had many dead people within the
16 ethnic cleansing, and now they are trying to capitalise their victim.
17 The Croatian position has been clear from the very beginning. The
18 territory that belongs to the Croats matches the borders of the Banovina
19 Hrvatska from 1933 division of Yugoslavia, synchronised with the 1981
20 census. The 1991 census is not valid. The Croats stand for Bosnia and
21 Herzegovina as integrity, as state, as well as the rights of Croats as
22 constitutive nation. The problems among the Croats and Muslims are
23 results of variety of goals within the political fights. The Croats
24 fight for the state of Bosnia-Herzegovina, with autonomy for the Croats,
25 while the Muslims fight for the civil state."

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1 Now, just to take the second part of this first, General, I'm
2 going to suggest to you that what you're saying here is consistent with
3 what you've said on several occasions throughout your testimony, that the
4 autonomy for Croats is an objective of the Croats of Bosnia-Herzegovina.
5 They want autonomy. They do not want to exist within a civil or unitary
6 state in Bosnia-Herzegovina; is that correct?

7 A. Completely correct. I never agreed, and don't today, no matter

8 your threats, that I be a part of a unitary Bosnia-Herzegovina which
9 denies the existence of a nation to which I belonged. So what I said
10 there I consign today as being fully true. So the Banovina just refers
11 to the part in Bosnia-Herzegovina, but in conformity with the population
12 census it can be smaller. The Muslims want their majority and their own
13 state, the Serbs want 80 per cent of the territory, and the Croats want
14 what they have a right to under the Constitution and according to their
15 rights, a form of autonomy on the territory where they represent the
16 absolute majority or vast majority, of course, with all the other people
17 living in the territory.

18 Q. All right.

19 A. And today, too, I consign this and subscribe to it fully.
20 I think it is politically correct, reasonable, and I have nothing more to
21 add.

22 Q. Well, let me suggest to you, General, that there's been a slight
23 modification or variance between what you've just said and what's
24 reported or ascribed to you in this document. What you're saying -- what
25 you said in this document is that the territory, that autonomous area

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1 that belongs to the Croats here, matches the borders of the Banovina
2 Hrvatska, so what you're saying here is two things. There's going to be
3 an autonomous Croatian territory, and that in fact that territory is
4 going to be the equivalent of the territory that was the banovina within
5 Bosnia-Herzegovina. Isn't that clearly what you're saying?

6 A. Well, it coincides with the borders, of course, of the Banovina
7 of Croatia from the Yugoslav division, the part that refers to
8 Bosnia-Herzegovina, of course, and it says dovetailed with the 1981
9 population census, which means less than the Banovina, because we'd
10 already lost a percentage of the population there, Mr. Prosecutor. So it
11 means synchronised or dovetailed, so we're even less than the Banovina,
12 where we were in a lesser position than we were in 1939, and it says the
13 Croats are striving for an integral Bosnia-Herzegovina as a state, and
14 the rights of the Croats as a constitutive nation, and then it goes on to
15 explain the problems. And I say this to the largest French delegation.
16 This is crystal clear, and that is the policy and the politics that I am
17 advocating here on behalf of -- well, that was Croatia's policy, and
18 Tudjman's, and Jadranko Prlic's, and all of us. The constituent element
19 are the Croats, so don't confuse us with the Muslims, or the Serbs, or
20 the embargoes enforced, and this is just crystal clear, as clear as can
21 be.

22 Q. And --

23 JUDGE PRANDLER: Please calm down, Mr. Praljak, calm down, and we
24 may finish.

25 JUDGE ANTONETTI: [Interpretation] It's 7.00 p.m. We have to

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1 finish now. We will continue tomorrow. We have important questions to
2 ask on the basis of the documents. We will discuss these matters.

3 As you know, tomorrow we will be sitting in the morning, so we

4 will meet in a few hours for a hearing which will start at 9.00 a.m.

5 Therefore, I wish everybody a pleasant evening, and we'll meet
6 again tomorrow morning.

7 [The witness stands down]

8 --- Whereupon the hearing adjourned at 7.01 p.m.,
9 to be reconvened on Tuesday, the 18th day of
10 August, 2009, at 9.00 a.m.

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