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1 Wednesday, 17 June 2009 2 [Open
session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 [The witness entered court]

6 --- Upon commencing at 2.17 p.m.

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

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

12 JUDGE ANTONETTI: [Interpretation] Thank you, registrar.

13 This Wednesday I wish to greet first Mr. Praljak, who is bearing
14 witness, then Mr. Petkovic, Mr. Prlic [as interpreted], and Mr. Stojic.

15 I don't want to forget either the two accused who are not there for
16 several reasons, and I greet also counsel, Mr. Stringer and his
17 colleagues, as well as all the people who assist us.

18 Registrar, we would go now in private session, please.

19 [Private session]

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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1 (redacted)

2 (redacted)

3 [Open session]

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

5 JUDGE ANTONETTI: [Interpretation] You have the floor,

6 Mr. Karnavas.

7 MR. KARNAVAS: Thank you, Mr. President, Your Honours. Good
8 afternoon to everyone in and around the courtroom. As you know yesterday
9 the Prosecution asked for 500 additional words to exceed the word limit.
10 Of course we did not object. In fact, we had indicated our non-objection
11 to that request prior to it being made in open court. Be that as it may,
12 in light of what I have been reading here, and it appears that the
13 Prosecution's argument tends to be misleading of what our position is, in
14 particular their allegations that we're somehow running a Mujahedin
15 defence. I don't know where they get that, but in light of these
16 misleading allegations that are in this response, we wish to file a
17 reply, and so at this point I'm making an oral request to file a reply.

18 In the alternative, I would ask that we have oral hearings on
19 this matter, because I think there are two separate issues: One, should
20 there be an opportunity to re-open the case or for the gentleman to be

21 brought in through somebody else, that may be an alternative. But on the
22 other hand it appears now the Prosecution is making overtures and taking
23 offensive postures to deny the Defence from putting on its Defence case,
24 and they're raising this whole issue as they call it the Mujahedin
25 defence, somehow giving it a catchy phrase, a catchy name to deflect what

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1 is really at issue, because Mr. Schindler's book is not merely about
2 Mujahedin, the thrust of the book is the character of Mr. Izetbegovic and
3 how the international community was duped, how the press went along
4 either being duped or went along with it and there are quotes from it,
5 and of course it goes our underlying theory that Izetbegovic was not an
6 honest broker, that he made overtures of agreeing only to allow the other
7 side to proceed, such as January 15th, to then withdraw his agreement,
8 and then pretend to be the victim of circumstances.

9 So it's a lot more complicated, and in light of what is being
10 argued by the prostitution, we believe it merits a short reply. Thank
11 you.

12 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, if I understand
13 you, first of all you put in a request, a motion, requesting from the
14 Chamber the permission to bring the witness, Mr. Schindler, back. Then
15 the Prosecution put in some motions, filed some motions and asked us
16 yesterday to go above the 500 word limit. So you had these motions, and
17 now you see that the Prosecution has made some mistakes on the foundation
18 of your motion. Therefore, you're asking for the right to reply. Is

19 that it? Did I understand you well?

20 MR. KARNAVAS: Essentially we're asking for leave to reply. We
21 cannot just automatically reply. We have to seek leave, and in the past
22 what we have done is sought leave with the reply. I've been chastised by
23 the Trial Chamber for doing the practice that everyone else does, and so
24 now to avoid being classified as a recalcitrant, unrehabilitated
25 recidivist, I just wish to proceed in this fashion.

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1 JUDGE ANTONETTI: [Interpretation] I am going to consult my
2 colleagues immediately.

3 [Trial Chamber confers]

4 JUDGE ANTONETTI: [Interpretation] The Chamber has deliberated on
5 this matter and grants you this possibility to reply to the motion of the
6 Prosecution.

7 We shall now continue the examination of Mr. Praljak.

8 WITNESS: SLOBODAN PRALJAK [Resumed]

9 [Witness answered through interpreter]

10 JUDGE ANTONETTI: [Interpretation] Judge Prandler would like to
11 take the floor.

12 JUDGE PRANDLER: I'm sorry to interrupt you, Mr. President. I
13 only wish to raise a very technical and practical questions, that
14 whenever there is another speaker using actually the micro, of course as
15 a rule the others should not open their own micro, but I also observed
16 now during the last couple of minutes that -- that Mr. Praljak had his

17 micro on, like now also, I believe, and it is not a good thing because
18 then we overheard when Mr. Praljak has made a kind of gesture or when he
19 looked into his papers, et cetera. So it is a technical matter, but it
20 is always better to -- to close the micro when there is another speaker
21 using it. Thank you.

22 JUDGE ANTONETTI: [Interpretation] Right. Mr. Praljak,
23 Judge Prandler has seen that your microphones were on. So when you see
24 this little red signal, everything which has been said by Judge Prandler
25 was not necessarily translated, so this is not an issue.

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1 What I want to say, Mr. Praljak, I will continue asking you
2 questions, but please try to be as brief as possible in your answers,
3 because the shorter your answers will be, more I will be in a position to
4 ask you questions. If not, I will be obliged to limit my questions,
5 because sometimes your answers are particularly developed. They're
6 interesting, but this also takes away a part of your defence, because you
7 prevent me from asking questions on other points which may be important.

8 Questioned by the Court: [Continued]

9 JUDGE ANTONETTI: [Interpretation] So yesterday I had asked the
10 registrar to show us Article 114 of the Constitution of former
11 Yugoslavia. I'm going to check if you can see it on the screen, on the
12 monitor. Right. So we have this article 114. In your language, too.
13 And I thank the registrar, who is very efficient in helping us. Thanks
14 to him we can work in excellent conditions.

15 This article gives to municipalities and local communities a role
16 in the self-management. So, Mr. Praljak, in the republics of former
17 Yugoslavia, did this principle of giving a role to the local
18 collectivities in the political life, in the economical life, and social
19 life, was it something which existed in everybody's mind?

20 A. Good afternoon, Your Honours. The answer to your question is
21 yes. And, Judge Antonetti and Your Honours, I am doing my best to give
22 as short of answers as possible, but if the question enters into a
23 complicated subject matter, then with all my efforts and with the best
24 will in the world I go on to explain until matters become crystal clear.

25 So, yes, the local communes, local communities, did have the

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1 right to association, and this was true for the whole of Yugoslavia. And
2 they had rights and duties defined by the law and defined in part in
3 Article 114, and then 118, 19, for the communes, so on and so forth.

4 JUDGE ANTONETTI: [Interpretation] Very well. Let us now see
5 Article 118. In English version it's 1D60-0675. I repeat, 1D60-0675.

6 JUDGE TRECHSEL: I would like to be -- to have a clarification on
7 your last answer, Mr. Praljak. I seem to have heard in the original that
8 you have spoken of "podrucje jugoslavije." Why do you use that term here?
9 The Defence has made a great case of the difference between "podrucje"
10 and "teritorij," and I -- I cannot help noticing that perhaps you
11 misspoke or the difference is not that important.

12 A. The difference between the terms is not important in the Croatian

13 language and cannot be defined in precise terms. A, "podrucje," an area,
14 can be an area of a state, of an area of a river valley, a mountain
15 wreath, an area -- for instance, Dalmatia where the Dalmatians live. Its
16 too broad a term to be defined as significant in the legal sense.

17 JUDGE TRECHSEL: Hvala Ljepo.

18 A. You're welcome.

19 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we're now looking
20 at Article 118, and in the English version, but I don't know if it
21 corresponds to your text, I suppose it doesn't because the English
22 translation has several paragraphs while there are only two paragraphs in
23 your language. At some point it is said that the commune of Boro [phoen]
24 and local collectivity can associate and organise by association as an
25 organisation which would be socio-political. Can you confirm that there

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1 was also this possibility of organising local communities on the
2 socio-political plane?

3 A. Yes. But, Judge Antonetti, the important article is 117, if you
4 look at that, because it speaks about the municipalities and defines what
5 the municipalities are duty-bound to do. And then it says defence, the
6 equality of people, the protection of property, and so on and so forth.

7 JUDGE ANTONETTI: [Interpretation] Right. Please don't get into
8 details, because I will make a link with the Constitution of
9 Bosnia-Herzegovina. You will see why I'm asking these questions, because
10 there is a link between the two.

11 Now let us see Article 171, page 1D60-0703. This page will
12 enable us to see also Article 171, 172, and 173 together.

13 A. Do you want an answer?

14 JUDGE ANTONETTI: [Interpretation] So in these three articles, it
15 is about the rights of the citizens, their rights about language, the
16 exercise of their rights and obligations or duties. Therefore, this is
17 acknowledged and all the nationalities are acknowledged, recognised in
18 ex-Yugoslavia. So three articles deal with this matter. Would you
19 confirm to me that in former Yugoslavia there was already recognising of
20 the use of one language by each of the nationalities?

21 A. In declarative terms, yes. In practice, language was prescribed
22 in other ways, and the defence of the country is the inviolable right of
23 each and every citizen and their duty, not only their right and duty, not
24 only their right but also their duty.

25 JUDGE ANTONETTI: [Interpretation] Very well. So please stop

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1 here, because you've just spoken about defence, and that's what I'm
2 interested about, and this is the reason why: We are now going to peruse
3 Article 237 on page 1D60-0725.

4 Now, if the Judges are interrupting me, I wanted to demonstrate
5 something.

6 Judge Prandler.

7 JUDGE PRANDLER: Mr. President, my only reason is to mention an
8 important departure from the original statement of the -- of the

9 Constitution, because in line 16 it is being said there was already
10 recognising of the use of one language by each of the nationalities, and
11 here we do not speak about one language but we speak about the own
12 language, I mean the Constitution speaks about the own language, o-w-n.
13 That means that in the Constitution there was already recognition of the
14 use of the own language by each of the nationalities. I hope that you
15 understand what I'm getting at, and that is why the use of one language
16 should be replaced by the use of the own language by each of the
17 nationalities. I hope that this is understandable.

18 JUDGE ANTONETTI: [Interpretation] Do you agree, Mr. Praljak, with
19 what has been said by my colleague? I share what he says, which is to
20 say that the Constitution recognises for each nationality the use of its
21 own language.

22 A. Correct.

23 JUDGE ANTONETTI: [Interpretation] Right. So let's now look at
24 Article 237 and 238. The question of defence, does the Constitution of
25 former Yugoslavia recognise to citizens, all citizens, possibly to

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1 members of each nationality, this right to defend themselves?

2 A. Yes. Both the duty and right. Not only the right but the duty
3 as well.

4 JUDGE ANTONETTI: [Interpretation] All right.

5 JUDGE TRECHSEL: I would like to have two clarifications. First,
6 what is the difference between "nations" and "nationalities"? If any.

7 A. Yes, there are differences. Nations in Yugoslavia, to make it
8 brief, well, after World War II five nations were recognised in
9 Yugoslavia, the Slovenes, the Serbs, the Croats, the Macedonians, and the
10 Montenegrins.

11 In the coat of arms of Yugoslavia, there were five banners,
12 torches, symbolising -- five flaming torches symbolising those five
13 nations. In 1974, the Muslims were recognised as being a nation,
14 "narod." So one more flaming torch was incorporated into the coat of
15 arms, making it six.

16 The nationalities were the Albanians in Kosovo and the national
17 minorities were not mentioned. The nationalities were, the Hungarians,
18 the Slovaks, the Czechs, the Italians, the Ukrainians, and so on and so
19 forth. The Roma, the Jews. All other members, therefore, of some other
20 nations in Yugoslavia were referred to as nationalities, "narodnost."
21 There you have it.

22 JUDGE TRECHSEL: Thank you. The second question: Does this
23 Article 237 give all these nationalities the right to defend themselves
24 as nationalities or, rather, do they give them the right to defend the
25 Social Federal Republic of Yugoslavia and its social, economic, et

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1 cetera, integrity and institution?

2 A. The latter, Judge Trechsel. So the nations and nationalities and
3 citizens have the right and duty to defend Yugoslavia and its
4 constitutional order, that is to say Communism. That was their duty.

5 JUDGE TRECHSEL: Thank you. Thank you indeed.

6 JUDGE ANTONETTI: [Interpretation] We shall now have a look at
7 Article 239, which will be the last article. This is page 1D60-0726.

8 Have a look at the second paragraph, Mr. Praljak, in your own
9 language, where it is about the rights of the federation and also of the
10 autonomous provinces, and I see that one reads: "... and other
11 socio-political communities."

12 Therefore, it seems according to this article that besides the
13 federation, besides the autonomous regions and republics, the
14 Constitution, the Yugoslav Constitution seems to recognise a role at the
15 level of defence for the socio-political communities. What can you tell
16 us about that? What do you think about this?

17 A. That's what it says, the local communes and the municipalities
18 and groups of municipalities have the right and duty just like the
19 republics, provinces, and so on and so forth.

20 JUDGE ANTONETTI: [Interpretation] Very well. So now let's pass
21 to the Constitution of Bosnia-Herzegovina. I know that you are not a
22 jurist, but you told us you had been a candidate at the same time as
23 Mr. Tudjman. He was the one elected.

24 If you had been elected, maybe you would have been the chief of
25 state. So as a potential chief of state, a Constitution, even if you're

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1 not a jurist, you have -- you know what may be included. Therefore, by
2 asking you questions, I think that I am speaking to a potential head of

3 state, and therefore I want to ask you this: The Constitution of
4 Bosnia-Herzegovina -- the text is 1D01236. Strangely this document has
5 not been admitted yet. Maybe we will request its admission, but please
6 look at page 1D28-0849. If you can go straight to this page and look at
7 Articles 161 and 162.

8 First have a look at Article 161. It is, I recall, the
9 Constitution of Bosnia-Herzegovina. It seems that we read here,
10 Mr. Praljak, in this text that the political organisations, the social
11 organisations, professional organisations, and other associations partake
12 at the preparation of defence and so on. So is this indeed the will of
13 the Republic of Bosnia-Herzegovina to give a role to association or
14 entities which are to organise themselves independently from the
15 republic.

16 A. Yes. All --

17 JUDGE ANTONETTI: [Interpretation] If you say yes, that's enough
18 for me.

19 Is this text in direct line with the text we've seen earlier that
20 related to the Constitution of the former Yugoslavia, the same idea and
21 the same principle being applied?

22 A. Yes.

23 JUDGE ANTONETTI: [Interpretation] Look at Article 162.

24 A. I'm familiar with it.

25 JUDGE ANTONETTI: [Interpretation] You are familiar with it, I

1 assume. We a definition of the armed forces of the Republic of Bosnia and
2 Herzegovina that shall protect the independence, sovereignty, territorial
3 integrity. And if we move on to the second paragraph, it says that the
4 armed forces of the republic, and it is added that each citizen will take
5 part in the resistance in case of an attack. Each citizen with its
6 weapons, who is then considered to be a member of the armed forces of the
7 republic.

8 If words mean anything, Mr. Praljak, as far as the Constitution
9 is concerned, the Constitution of Bosnia and Herzegovina seems to be
10 indicating that in the event of an aggression -- let's remember that the
11 Republic of Bosnia and Herzegovina was attacked. In that case, each
12 citizen will be included in the armed forces. Is this true or not?

13 A. Correct. Your Honour Judge Trechsel, I can't switch the
14 microphones off. It would really affect my concentration. I apologise.
15 I can't be expected to switch the microphones off.

16 MR. KOVACIC: [Interpretation] So far no witness has managed
17 microphones themselves. It is a technical service that does that. The
18 counsel as well are having a hard time focusing on that.

19 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the Constitution
20 of the Republic of Bosnia and Herzegovina asks citizens and organisations
21 to play a part. Therefore, if citizens -- if in this case Croatian
22 citizens organise themselves, does this mean that it goes against the
23 Constitution of the Republic of Bosnia and Herzegovina?

24 A. No. Every citizen, every local commune, every municipality,
25 every company which organised itself to defend themselves against

1 aggression did that in keeping with the Constitution of Bosnia and
2 Herzegovina as it was drafted.

3 JUDGE ANTONETTI: [Interpretation] I would now like you to have a
4 look at Article 52. I believe my colleague would like to say something.

5 JUDGE TRECHSEL: I still have a question with regard to
6 Article 162. In the second paragraph, it is clearly said that the armed
7 forces, everyone bearing arms, must be placed under the single command of
8 the armed forces of the republic. So how would you reconcile any armed
9 formation which does not submit to the Supreme Command of the ABiH with
10 Article 162 of this Constitution?

11 A. The single command of the armed forces of the republic is the
12 Presidency [realtime transcript read in error "president"] of the
13 Presidency. We were all under the presidency of the Presidency.
14 However -- I apologise.

15 MS. TOMANOVIC: [Interpretation] I apologise. This is too
16 important and we cannot wait for General Praljak to finish his answer.
17 The general said on page 13, line 7: "The Presidency, not the president
18 of the Presidency, but the Presidency of the Presidency." That was the
19 body that was in command.

20 A. The Presidency of Bosnia and Herzegovina was the Supreme
21 Commander of the armed forces. They recognised the HVO and we were in a
22 position to receive orders from them but not from one of the armed forces
23 which was the Army of Bosnia and Herzegovina. The Army of Bosnia and

24 Herzegovina was one part of the armed forces of Bosnia and Herzegovina,
25 and the HVO was the second one, the HOS was the third element of that

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1 army.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, the question
3 put by my colleague was very important. Mr. Prlic's Defence counsel's
4 intervention was also very important.

5 Look at the two last paragraphs of Article 162. In Article 162,
6 the principle of the armed forces is a principle which relies on a single
7 command. This is why my colleague put this question, and he is quite
8 right in doing so. But this command, according to this article, has to
9 do -- or focuses on an army where each people is represented. In other
10 words, in each army there should be Serbs, Croats, and Muslims. The
11 following article also indicates that these three components may use
12 their own language.

13 Does this mean, Mr. Praljak, that the Presidency -- I don't mean
14 the president, I mean the Presidency. Everyone knows that according to
15 the Constitution, the Presidency includes the various ethnic groups. The
16 Presidency that commands the army has to ensure that each community is
17 appropriately represented, the Serb community, the Croatian community,
18 and the Muslim community. Was this a founding principle of the army of
19 the Republic of Bosnia and Herzegovina?

20 A. That was the principle that was prescribed by the Constitution.
21 For example, we could receive an order from a member of the Presidency,

22 Franjo Boras, who was a Croat, a Croat member of the Presidency.

23 JUDGE TRECHSEL: Excuse me, Mr. Praljak. I do not quite
24 understand. A short while ago you said that only the Presidency was in
25 command of the armed forces. Now you are saying that one member of the

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1 Presidency could be in command of part of the armed forces, if I have
2 understood you correctly. It calls for clarification.

3 A. It is correct, Your Honour. We're talking about technical
4 problems here. The Presidency or one part of the Presidency was in
5 Sarajevo. It was impossible to communicate. Certain members who were
6 outside of Sarajevo could, at the end of the day, say that they were
7 representing the entire Presidency and issue an order. This would not
8 have been in keeping with the prescription that the Presidency has to
9 make a unanimous decision. However, you've seen from the documents that
10 I've shown you when it came to equality, when it came to the appointment
11 of the commander of the Territorial Defence, which Alija Izetbegovic did
12 on his own, you will see that there are no Croats there among God knows
13 how many people.

14 JUDGE ANTONETTI: [Interpretation] You are saying that if the
15 president of the Presidency, Mr. Izetbegovic in this case, cannot be in
16 command because he's in Sarajevo and under siege, one of his colleagues
17 from the Presidency can replace him and give orders instead of him. Is
18 this what you're -- is this what you're telling us?

19 A. That's how I understood the role of a collective Presidency. I'm

20 not entirely sure that this is correct in legal terms. However, in light
21 of the situation, all the members of the Presidency were equal in their
22 rights and duties.

23 JUDGE ANTONETTI: [Interpretation] When Mr. Izetbegovic went
24 abroad, went to New York, to Paris, to London, to the Netherlands - this
25 man travelled a lot - when you exercise command, you exercise it at all

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1 times. As far as you know, did one of the members of the Presidency
2 replace him, or did he have his -- did he travel with his satellite
3 telephone and any time during the day or at night he could contact the
4 brigade commanders or he could contact his military subordinates? How
5 did this work?

6 A. In practice what happened was this: I don't know when, in what
7 year they did buy satellite telephones, and he could indeed communicate
8 with those people who also had those satellite telephones. Those
9 telephones had been bought by the SDA party, and they were used as party
10 telephones and only partly as state telephones.

11 Second of all, Your Honour, he could not appoint anybody because
12 it was well prescribed in the Presidency who was it who replaced the
13 president. It was not any person that would have been appointed by Alija
14 Izetbegovic.

15 JUDGE ANTONETTI: [Interpretation] I would like to go into this
16 question into greater detail because it's a complex one. I would like
17 you to look at Article 52, 1D28-0826. Article 52.

18 A. I know.

19 JUDGE ANTONETTI: [Interpretation] This article mentions citizens'
20 rights and the fact that they are entitled to form local associations.
21 My question runs as follows is this in direct line with what we have seen
22 earlier with the Constitution of the former Yugoslavia?

23 A. Yes. This is very similar and it also speaks about all sorts of
24 protection, but it also says defence and social protection and the right
25 and duties stemming from them are exercised within the scope of defence

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1 and social protection, and then it goes on to say about possible
2 associations, how local communes could be associated, and we are talking
3 eventually about the HZ HB.

4 JUDGE ANTONETTI: [Interpretation] Let's now have a look at the
5 Constitution of the Republic of Croatia. I will give you the number. It
6 is P08532.

7 You have the historical tenets here. What I'm interested in is
8 the reference made to the Banovina. As you see in the Constitution of
9 the Republic of Croatia, there is a historical background dating back to
10 ancient times and recording the history of the republic until modern
11 times. There was a period in history when the Banovina existed.

12 As far as you remember, when this became part of the Croatian
13 Constitution, did this give rise to discussions in parliament? Nobody
14 saw anything malevolent about it and that the Croatia wanted to annex
15 part of Bosnia-Herzegovina. So this is my first question: As far as you

16 remember, was this part of the Constitution challenged by either factor

17 that one stated that the Banovina had existed at some point in time?

18 A. No. There was nothing in dispute in the foundations, and nobody

19 in their own country should be afraid of talking about their history and

20 a thousand-year struggle to create a state. If France, for example,

21 wanted to do something of the sort, I'm sure that it would mention the

22 rule over England, but this would not mean that that gives them the right

23 to again occupy England, or, for example, if they mention Jeanne d'Arc or

24 the French Revolution with Danton and others. This is just a historical

25 depiction of the struggle of the Croatian people. One of the historical

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1 facts is the fact that after the struggle that took place within the

2 Kingdom of Yugoslavia, when the Croatian issue was being decided, at one

3 point in time for a brief period of time there is -- existed something

4 that is called Banovina Croatian Hrvatska, like we had the personal union

5 with Hungary or any other form of statehood. There is nothing in dispute

6 there.

7 JUDGE ANTONETTI: [Interpretation] I'll stop you here because we

8 spent a lot of time discussing this question, and I would like to get to

9 the point.

10 You're a very educated man. You have read many books. You are

11 an academic which testifies to this. I'm not going to quote an example,

12 but you know that when territories have belonged to a country, and when

13 part of these territories no longer belongs to the country in question,

14 this may lead to territorial claims.

15 The fact that this back -- historical background is stated and
16 that the Banovina existed, some people may turn round and say, "Well,
17 yes, the Banovina existed in 1939. Well, we -- this part of the
18 territory of Bosnia and Herzegovina should belong to us." So wasn't it
19 risky to state this?

20 A. There was no danger, Your Honours. We were not drafting the
21 Constitution because it would possibly occur to somebody in America to
22 think that.

23 Just one more sentence. In Banovina Croatia, Your Honours, there
24 was no Baranja, which is a large part of modern Croatia. Banovina also
25 did not contain Istria. It didn't contain the Croatian islands of Vis

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1 and Lastovo, for example. Zadar was Italian. So nobody in their right mind
2 would have accepted to have Banovina again the way it existed in 1939.

3 JUDGE ANTONETTI: [Interpretation] Several maps have not been
4 admitted. I take one randomly. I'm not prejudiced in any way, and I
5 shall call up map P08921. The Prosecutor, during his cross-examination,
6 can show us whichever map on the Banovina he or she wishes. P08921.

7 A. But I find it really strange, Your Honours, that you shouldn't
8 look at the fundamental provisions and see how the Republic of Croatia
9 determined its boundaries and how its sovereignty under those boundaries
10 was inalienable and that there was no way to change the boundaries
11 whether there was Banovina or not.

12 The Constitution of the Republic of Croatia is very precise, and
13 the -- the articles after that define the Republic of Croatia which
14 had -- has nothing whatsoever to do with the Banovina.

15 JUDGE ANTONETTI: [Interpretation] These are your own documents.
16 There is a map of the Banovina in 1929. I believe this is the case.
17 It's a colour map. Is this what is shown in dark green on the map?

18 A. No. No.

19 JUDGE ANTONETTI: [Interpretation] Please show us with your pen
20 what the Banovina looked like in 1929.

21 A. Here you have it from here up here. This and this and this and
22 this. Although this is not -- this is not a good map, Your Honour. This
23 is a division that existed in 1929, whereas the Banovina regions in 1939
24 were completely different. The map is not good. The Banovina that we
25 are referring to right now is not depicted by this map. The Kingdom of

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1 Yugoslavia changed its internal organisation several times.

2 JUDGE ANTONETTI: [Interpretation] Right. The administrative
3 areas did change over time. My question is: In the Banovina of 1939,
4 were parts of the territory which today belong to the Federation of
5 Bosnia and Herzegovina, were there parts?

6 A. Yes. These were the parts, and I can draw them out for you.

7 JUDGE ANTONETTI: [Interpretation] We can't see what you're
8 drawing on the screen. You're saying, "Here it is," but ...

9 A. This part here called Primorska Banovina, this part of the

10 so-called Primorska Banovina is in today's Republic of
11 Bosnia-Herzegovina. However, this part of the Drina Banovina is in
12 today's Republic of Croatia. This part here, this part here --

13 JUDGE ANTONETTI: [Interpretation] The only point was to know
14 whether within the boundaries of the federation as it stands today there
15 was part of the territory which in 1921 belonged to the Banovina. That's
16 the only question I was interested in.

17 A. No, no, no, Your Honours. No. Your Honour Judge Antonetti, this
18 is --

19 MS. TOMANOVIC: [Interpretation] Wait. General Praljak has
20 received a wrong interpretation. Judge Antonetti said Banovina in 1921,
21 whereas it was interpreted to Mr. Praljak as Banovina 1939.

22 A. We have wasted a lot of time, Your Honour, already. Let me just
23 tell you that this is neither '21 nor '39. This is 1929. This is not a
24 good map. Besides, you can see that this is a foul play. This part of
25 Croatia was given to the Zeta Banovina, this part of Croatia was given to

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1 the Drina Banovina, and this part of today's Bosnia-Herzegovina was given
2 to the Primorska Banovina, and this is exactly the reflection of the
3 desire of the then-Serbian royal establishment to take everything, but
4 this is not the good map of the Banovina that is being referred to here
5 in this courtroom.

6 MS. PINTER: [Interpretation] I have a good map of this Banovina
7 map. If you want me to, I can show it to you.

8 THE INTERPRETER: Could the counsel please repeat the number.

9 JUDGE ANTONETTI: [Interpretation] Let's put the right map.

10 THE INTERPRETER: Interpreters note, 1921 was actually said.

11 MS. PINTER: [Interpretation] 3D00867.

12 THE WITNESS: [Interpretation] And I will mark what is in Croatia
13 today, and at that time it was part of Italy.

14 That's not that, no.

15 MS. PINTER: [Interpretation] That map actually contains several
16 pages.

17 THE WITNESS: [Interpretation] This is a map depicting the
18 situation on -- on the -- before the end of the First World War. All
19 this was Austro-Hungary, and this was the Kingdom of Serbia, which after
20 the First World War moved further up north by force and spilled over
21 owing to the Versailles treatment, and it was its reward for the war
22 contest. Again this is not the good map.

23 JUDGE ANTONETTI: [Interpretation] We shall not look for the right
24 map. I tried to look for the right map.

25 A. No, no.

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1 JUDGE ANTONETTI: [Interpretation] -- look for the right map. I
2 tried to look for the right map this morning. Parts of the territory
3 which are part of the Federation of Bosnia-Herzegovina. That's all I was
4 interested in.

5 A. But most of the Croatian territory was under Italy. Here we have

6 it now. This is it. This is the map. This part here, Your Honours,
7 this is your Banovina, and this part of --

8 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, please leave the
9 Italians out of this story. This was not the purpose of my question.

10 So we're going to finish looking at these documents, the
11 documents that relate to the various Constitutions.

12 Please look at P00302.

13 A. But why shouldn't we complete this topic. I apologise, Your
14 Honours, please look here. This part Livno, just a moment bear with me,
15 please.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, I'm the one
17 putting the questions to you, and my questions are limited to this
18 particular topic. If your counsel wishes to address other issues during
19 her cross-examination or his cross-examination, he or she can.

20 Please look at this document, P00302. We've seen this document
21 and spent many hours on it. I'm trying to try to answer some of the
22 questions I have.

23 This decision which is signed and adopted on the 18th of
24 November, 1991, by Mate Boban, in its legal form. We have the reasons
25 which are given and what gave rise to the Republic of Herceg-Bosna.

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1 Mr. Praljak, can you confirm -- this is in the third paragraph of
2 the English version. This should also figure in your version. It states
3 that the people's right to self-determination, sovereignty, which

4 includes the right to associate. Is this mentioned in the text?

5 A. Yes.

6 JUDGE ANTONETTI: [Interpretation] Very well. So those who
7 drafted this text, did they have in mind the Constitution of former
8 Yugoslavia, the Constitution of Bosnia-Herzegovina to be, and is that the
9 reason why they spoke about this right of association? Why was it
10 introduced in the text?

11 A. Most probably, and certainly we're talking about the inalienable
12 right of sovereign peoples to secession, association, and so on. This
13 was taken over from the SFRY Constitution and the Bosnia-Herzegovinian
14 Constitution. So these rights cannot be exhaustible unless somebody
15 exhausts them by resorting to tanks.

16 JUDGE ANTONETTI: [Interpretation] [Previous translation
17 continues] ... association is in this text, is part of this text. You
18 know there was a wide debate on Article 1. This Croatian community is,
19 therefore, established as a political, cultural, and economic community.
20 Then there was a wide debate to know whether it was also a territorial
21 community or not. So what do you have to say on this?

22 A. No, it wasn't a territorial whole entity, and this can be seen if
23 you look at the map and draw a circle around the municipalities which
24 entered into the Croatian community of the HZ HB. Then this has nothing
25 to do with a territorial whole or the borders of the Banovina dating to

1 1939. This is what we call an insight into the basic facts, and you

2 would need all of 13 seconds to address the matter.

3 JUDGE ANTONETTI: [Interpretation] Right. In your own arguments
4 which I read and re-read, you said the Prosecution was using this
5 document to characterize or qualify the criminal -- joint criminal
6 enterprise, and you say that you omitted to quote Article 5. So let's
7 have a look at Article 5. I would ask the Registrar to show us now
8 Article 5 on the monitor.

9 Right. We've got it in English now. And in your own language?
10 Right. So please read out Article 5.

11 A. Yes, I'm going to read:

12 "The Community shall respect the democratically elected bodies
13 of authority of the Republic of Bosnia and Herzegovina so long as the
14 State of Bosnia and Herzegovina remains independent from the former or
15 any future Yugoslavia."

16 JUDGE ANTONETTI: [Interpretation] Right. So what conclusion may
17 we draw from this?

18 A. From this one can conclude that the indictment is nonsensical to
19 the degree of absurdity.

20 JUDGE ANTONETTI: [Interpretation] Apart from that, apart from
21 saying that. This is not enough.

22 A. We say the State of Bosnia-Herzegovina, within its borders, for
23 us Croats is the State of Bosnia and Herzegovina within its borders,
24 independent, democratic, a market economy prevailing. But if somebody
25 wishes to take that state and lead it to Yugoslavia, to the Serbs in

1 Belgrade, either Izetbegovic or Karadzic or any other combination, then
2 I, and I'm speaking in my own name, I then say as far as I'm concerned,
3 what I value is something that is the declaration of independence for the
4 United States of America, and I'm sure that the Prosecution knows this
5 full well. America bases its rights on them. And then the French
6 Revolution also prevails and holds true, and the declaration on human
7 rights from the French Revolution holds true and is valid. Nothing else
8 is valid. Nothing -- you signed the indictment five or six years ago,
9 Your Honour, too, and we're just discussing it now, whether it was based
10 on the Constitution or not. And even if it wasn't based on the
11 Constitution, because it was the Constitution of a dictatorship, you are
12 stopping history by using the law.

13 Here an interpretation of the law in this way means there is no
14 history. There's no French Revolution. There's no struggle for
15 independence from England. There's none of that.

16 JUDGE ANTONETTI: [Interpretation] To remind us that I confirmed
17 this, but I confirmed, as I told you, by looking only prima facie
18 whether -- what the Prosecution was writing, whether there was a document
19 having a link with what he was writing. I did not explore the merits of
20 what he was writing, because that's how it works.

21 This morning, to tell you, Mr. Praljak, I was studying the
22 indictment concerning Mr. Bemba, who is prosecuted in front of the ICC,
23 and in the indictment the ICC; International Criminal Court, when it
24 indicts somebody looks at the merits and examines whether the charges are

25 sound, the charges of the Prosecution are sound, which here is not done.

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1 So perhaps if I had worked just as they work at the ICC, there would have
2 been another indictment. The indictment might have been different, but
3 we don't work this way.

4 So now we are going to examine -- examine a certain number of
5 documents since I explained to you which I wanted first to peruse a part
6 concerning those documents which are mentioned by the Prosecution, and
7 the other part where the documents which are presented by yourself. So
8 first part will be devoted only to those documents which have been cited
9 by the Prosecution in the pre-trial brief.

10 I think Judge Trechsel wants to --

11 JUDGE TRECHSEL: You're absolutely right, Mr. President.

12 Mr. Praljak, I would like to draw your attention to Article 7 of
13 this decision which says that, I quote: "The supreme authority shall be
14 vested in ..." Supreme means in ordinary language highest, the highest.
15 And in paragraph three of Article 1, we have seen the reference to
16 sovereignty.

17 Now, how do you reconcile the establishment of a supreme
18 institution, supreme authority, and sovereignty with what is said in
19 Article 5 that you have read before? How does that go together? What if
20 one asserts a supreme authority? What then does respect for another or
21 for another entity mean? What remains? If you have thought about it and
22 have an answer. Of course, I do not want you to fantasise or ...

23 A. No. In the Croatian language supreme authority relates to
24 organisation. The fact that there was supreme authority in a
25 municipality, for example, does not mean to say that there's no supreme

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1 authority in the republic. The fact that there is supreme authority in
2 the republic does not mean that supreme authority does not exist in the
3 Socialist Federal Republic of Yugoslavia. This is supreme authority for
4 that particular community, not for Bosnia and Herzegovina as a whole.

5 This authority, that is to say the commander of a battalion, is
6 the supreme authority in a battalion, but supreme authority is the
7 commander of the brigade. He commands the -- is above the battalion
8 level. So there's nothing contentious there.

9 And in the Croatian language it says the fact that we -- what we
10 have defined has its supreme authority. So supreme doesn't mean supreme
11 in terms of Bosnia and Herzegovina but supreme in the definition of the
12 HZ HB, which says the internal set up and order of the Croatian community
13 and relations with other communities shall be regulated by separate
14 provisions. So there are social communities, too, and they're taken into
15 account.

16 So this supreme authority here at this level will regulate this
17 on a footing of equality with other communities. At least that's what we
18 thought would happen.

19 JUDGE TRECHSEL: Thank you. I -- I got that point. What about
20 sovereignty? What is the meaning the term "sovereignty"? It comes up in

21 the third paragraph of -- of Roman I. It's not on the screen. It's on
22 the upper page. Now it's coming. Third -- pretty much in the forth
23 line, the second word.

24 A. I don't know how it's been translated. However, it is absolutely
25 clear -- well, let me read it out and then it can be interpreted. It

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1 says:

2 "The Croats in Bosnia-Herzegovina, through their party," that is
3 to say the Croatian Democratic Community, "through the legally elected
4 bodies of power and authority in this republic advocated a sovereign
5 Bosnia and Herzegovina, but always emphasised that in so doing they would
6 protect their own historical territories and the interests of the entire
7 Croatian people."

8 So this is crystal clear, clearer than a clear summer's day. The
9 Croats say that Bosnia-Herzegovina is a sovereign state, and within that
10 state you have three sovereign peoples, and the Croats will protect the
11 interests of their own peoples, the Croats, within Bosnia-Herzegovina.

12 JUDGE TRECHSEL: I will not enter into a discussion about this.
13 I see only once the word "sovereignty," and it refers to Herceg-Bosna,
14 but I do not think it is very conducive to further clarification if we go
15 on discussing this point, which is a bit theoretical.

16 Thank you, Mr. President.

17 A. Just a moment, please. A sovereign Bosnia-Herzegovina.
18 Paragraph two. Is that what we're talking about? There's no

19 Herceg-Bosna there. They strove and supported a sovereign
20 Bosnia-Herzegovina. And that's very important. It's not theoretical.
21 It's a document, concrete.

22 JUDGE TRECHSEL: I was actually referring to the third paragraph,
23 but I can see what you mean. This -- the terminology is open to debate
24 certainly, but it's not a debate that we should continue here.

25 JUDGE ANTONETTI: [Interpretation] General Praljak, I will now

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1 examine what the Prosecution reproaches to you about a joint criminal
2 enterprise, and I will present you a document which both says the point
3 of view of the Prosecution and what they have written about it.

4 For the Prosecution, in your capacity as a military chief of the
5 armed forces of Herceg-Bosna, of the HVO, Slobodan Praljak has directed
6 and commanded either de jure or de facto the armed forces of the
7 Herceg-Bosna and the HVO while he was a commander of the Main Staff of
8 the HVO, and he directed and administered the armed forces of HVO and was
9 responsible for the activities and actions which these forces had towards
10 the achievement of a joint criminal enterprise, and which are connected
11 with the crimes alleged in the indictment. He also played an essential
12 role in the -- in commanding the armed forces of the Herceg-Bosna, of the
13 HVO, both before and after the period when he was commander of the Main
14 Staff of the HVO, in particular in his capacity of a high-ranking officer
15 in the armed forces of the Republic of Croatia and/or deputy minister of
16 the defence of the Republic of Croatia."

17 So because of your post you played a role, and this for the
18 Prosecution is a bolster that's supported by documents which I will show
19 you first of all is P00727.

20 A. Yes, I've found the document and it is before me.

21 JUDGE ANTONETTI: [Interpretation] So you can see it on the
22 monitor now. By 10 November 1992, signed -- well, you read your name
23 there. And you appoint Blaskic, Prkacin, and Pasalic you mention.
24 Therefore, for the Prosecution this document shows that you were
25 directing, managing the armed forces. What would you tell us about this?

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1 A. I say that that's not true. The truth is that I -- under
2 circumstances that have been described up there, I took on the defence of
3 Travnik as I have described it, and you're free to ask additional
4 questions, after the fall of Jajce, that is, and I did so successfully
5 with the help of the of Croats and the Muslims. I did the job.

6 Now, in agreement with the BH Army, and we were at the very end
7 of a possible joint command, at least on the Croatian side, I was given
8 two stamps and seals to use, and the document just refers to the defence
9 of Travnik and the liberation of Jajce.

10 Now, if the JCE is characterised as being one vis-a-vis the
11 Muslims, what's Arif Pasalic doing here then? What's Arif Pasalic doing
12 here, I ask you? And the other man who was considered to be a general of
13 the BH Army, Ante Prkacin, what he's doing there? So this is precisely
14 against all the allegations made in the indictment. A joint struggle, my

15 efforts to realise that joint struggle, and this document which testifies
16 that at least in part I was successful in doing that.

17 JUDGE ANTONETTI: [Interpretation] Right. So your position has
18 now been written in the transcript. Let's see P04131.

19 MR. STRINGER: Excuse me, Mr. President. I apologise for the
20 interruption, but could I ask for a clarification on the General's answer
21 to the last question, because the question, as I understand it from the
22 President, was whether the document in fact shows he was directing or
23 commanding armed forces, and it doesn't appear to me that the general has
24 addressed that specific question. He, rather, turned it into whether he
25 was a member of the JCE. I understood the President's question to be

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1 more related to whether he was commanding armed forces at that period in
2 time.

3 JUDGE ANTONETTI: [Interpretation] Anyone can draw the conclusions
4 they wish.

5 General Praljak, my questions are extremely precise. Try to
6 answer as precisely as possible so that there isn't any interpretation or
7 inference taken from your answers. The second document we want to have
8 on screen is the document you signed. It is dated 12th August 1993.
9 It's bit further in time as compared to the first document.

10 This is an order, and I will not enter into details, because this
11 has to do with several items, and it has to do with the structure of
12 command in the armed forces of the HZ HB.

13 Do you recognise having signed this document?

14 A. This document was signed by General Petkovic. Yes. There's my
15 name down there.

16 Well, I don't renounce General Petkovic's signature. I don't
17 know what I would change. This isn't my signature. This is an order
18 which for me General Petkovic signed.

19 JUDGE ANTONETTI: [Interpretation] Right. So he did this with
20 your agreement, or he did this without telling you?

21 A. No, not behind my back.

22 JUDGE ANTONETTI: [Interpretation] Why is it said in the paragraph
23 that the HQ is directly subordinated to the supreme commander? Why has
24 there been this put in? Was there a reason? Was there another reason, a
25 specific reason?

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1 A. Because as far as I remember, everybody meddled in the command of the
2 Croatian Defence Council, the municipalities and so on. And Petkovic who is
3 a soldier, a professional soldier, and knows that full well and knows how to
4 write this done says quite clearly the Main Staff shall be directly
5 subordinated to the supreme commander so that we avoid a situation in
6 which various parties and individuals suggest what should be done or make
7 their proposals and get involved in the situation, but I'm sure that
8 Mr. Petkovic would be better placed to answer that question than me.

9 MS. PINTER: [Interpretation] For the record, General Praljak's
10 words have not been recorded properly, and it would appear that

11 General Petkovic meddled. I don't think Mr. Praljak said that. So could
12 the general repeat what he said, because if you read the record, it would
13 appear that General Petkovic meddled and interfered. Something has been
14 left out of the transcript.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, we've finished
16 with this document. It also has to do with other logistic questions,
17 communications questions, problems linked with medical issues.

18 Do you recognise that the commander of the HVO had a wider
19 competence in the very functioning of the HVO, militarily speaking?

20 A. I don't know what the word "wide competence" means. We have to
21 define precisely what we mean by command, and then in paragraph 2 it says
22 the Main Staff exerts direct command over the operative zones, the GSOS
23 HZ HB. Which means it does not directly command the brigades. You can't
24 say he had broad competencies. He had precisely defined competencies and
25 authority. And it is true that within those precisely defined

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1 competencies and authority, I commanded, not wide, not broad, not narrow,
2 not anything else.

3 JUDGE ANTONETTI: [Interpretation] Right. Now, I'll ask you
4 something else. The Prosecution says this, listen carefully: "Slobodan
5 Praljak took part in meetings at high level of the armed forces of the
6 HVO and the leaders of the Herceg-Bosna, of the HVO, to which were also
7 attending leaders of the Republic of Croatia concerning the objectives,
8 the programmes, the politics -- or policies, the operations, and the

9 strategies of the leaders of the Herceg-Bosna of the HVO in the framework
10 of the establishment of a Croatian control on the territories which,
11 according to them, formed the Herceg-Bosna and with a view to achieve the
12 goals and objectives of the joint criminal enterprise."

13 So as an example, and we're going to look at the documents,
14 Slobodan Praljak has, for instance, taken part on the 11th and 26th
15 September 1992 in meetings with leaders of the joint criminal enterprise
16 to which he -- it was said that the number of Muslims which were on the
17 territories demanded as constituting the Herceg-Bosna and identified by
18 Franjo Tudjman as being a part of the Banovina constituted a hurdle, an
19 obstacle, to the placing of Croatian control and that from a demographic
20 and geopolitical point of view this territory belonged to Croatia.

21 In both meetings the question of pushing away the Muslims of
22 Bosnia was mooted, and Slobodan Praljak indicated that such a measure was
23 necessary and had to be achieved during the next war between the HVO and
24 the ABiH.

25 In order to exemplify what the Prosecution has written, we are

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1 therefore now going to look at these meetings. The 11th of September,
2 1992, and the 26th of September, 1992.

3 Let's start with the 11th of September. I'm giving you the
4 number P00466. We will see this text which will come on the monitor.

5 Right. This is a meeting which starts at 6.00 p.m. Radic,
6 Praljak, Susak, Agotic, Lucic, and this is a National Council of Defence

7 which meets, presided by Mr. Tudjman, and there are other figures to
8 which Bobetko, General Cermak, and I will not read out all the names, but
9 about your own intervention, it is to be found at page 14 in the English
10 text, and that's when you take the floor. There. Very well.

11 So you're now going to talk about the military industry
12 questions, and you're going to say that there are some problems, and in
13 particular you talk about the problem of the sales of arms made,
14 manufactured, in Croatia, and you say that there are groups in
15 Bosnia-Herzegovina who have these weapons and that there may be a
16 problem.

17 Do you remember all this?

18 A. Of course I do remember, but I don't see a problem. I had spoken
19 with the factory in Novi Travnik. They had a certain number of coastal
20 guns, which were absolutely useless in the war in Bosnia-Herzegovina.
21 They were paid a lot of money for Croatia to be transported to the
22 islands. And this is what I'm saying here. They have quite a
23 substantial potential. It's a company with both Muslim and Croat
24 employees, and they are producing huge quantities of weapons, and they're
25 saying that they don't know who to address in Croatia because it's all

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1 very delicate. Of course it's delicate, for various reasons, because of
2 the embargo and other things. There's nothing here that I would not
3 subscribe to as I sit here today. The arms that -- that were there, and
4 I could tell you exactly what that factory could produce, was distributed

5 among the HVO and the Army of Bosnia-Herzegovina, and the raw materials
6 for manufacture were transported via Croatia throughout the war.

7 JUDGE ANTONETTI: [Interpretation] We're not going to address
8 every point in detail because you spent a lot of time at this meeting and
9 you addressed a great number of topics. The only thing is that from the
10 Prosecution's standpoint, you took part in high-profile meetings. That's
11 what they're interested in. That is typically an example of a
12 high-profile meeting. And there's a military character to it which you
13 may challenge.

14 The second document seems more interesting. It's a document
15 dated the 27th of September. The number is P00524, and then we shall
16 have a break.

17 Here we have the document on the screen. 26th of September. The
18 meeting starts at 10.00 and finishes at 11.55 for lunch. There are
19 high-ranking or prominent figures who attend, amongst others Mr. Mesic.
20 We see his name.

21 I'm asking you to look at page 17. The issue of refugees is
22 addressed on this page.

23 You take the floor, and you will talk about the refugees. Do you
24 remember this?

25 A. Yes.

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1 JUDGE ANTONETTI: [Interpretation] We will look at the end of your
2 statement, which is at the bottom of page 18 in the English version.

3 I'd like you to -- or you mentioned the fact that there is a
4 problem with the refugees, and "the -- without the expulsion of these
5 people, we will not have a majority here. It will be difficult in any
6 form to expel those people, and without expelling those people we will
7 not have a majority."

8 The word we have in English is "expelling." I don't know which
9 word you used in your language, but one has reason to believe that what
10 you had in mind was the fact that these people had to be expelled. What
11 did you say exactly?

12 A. It is correct that in the transcript there is the word to
13 "expel." I'm saying that without expelling these people, we will not
14 have a majority.

15 In this part here, of course, I'm saying today that the word to
16 "expel" in a court of law sounds completely different than it would in
17 another meeting accompanying by a gestion where words are used without
18 paying too much attention to them.

19 The essence of the matter here is this: The expulsion of Muslims
20 on the part of the Serbs resulted in the ethnic occupation of the area
21 which had been inhabited by the Croats and the Muslims, and the -- their
22 relationship was either well-balanced or the Croats had the majority.

23 And this is what I'm saying here and elsewhere. I'm saying that, first
24 of all, such a situation will lead to and fuel the conflict between the
25 Croats and the Muslims, and I still claim this to this very day. Margaret

1 Thatcher claims it too, as I've already explained. And second of all, it
2 is futile to talk about Herceg-Bosna and protection, because as the war is
3 put to an end tomorrow with the status quo, because of the refugees the
4 Croatian territories in Bosnia-Herzegovina will have been lost save for --
5 for example, the Western Herzegovina, because there is some 30 or 40.000 in
6 Mostar. If in Travnik, which before the war had been a predominantly Croat
7 town and now there's only 20 or 30.000 of them. This is a conditional form,
8 a conditional sentence.

9 JUDGE ANTONETTI: [Interpretation] You are saying that Mr. Susak
10 then picks up this point, and he takes the floor straight afterwards and
11 says approximately 20.000 refugees in Mostar.

12 We know that there was a balance between the Croatians and the
13 Muslims, so if there are that many Muslims, then the situation is no
14 longer balanced and then there is a problem, but how can this problem be
15 settled? By expelling people? Because the Prosecutor will then say that
16 this is ethnic cleansing. That is the case put by the Prosecution.

17 A. Correct, Your Honour. This is correct. If any of this had
18 happened, any of that, then the Prosecutor would have been right. These
19 are just theses. And despite the fact that they are theses they were
20 tabled, the way I continued working and the way Gojko Susak continued
21 working was that we armed the Muslims. We put them in hospitals when
22 they were wounded.

23 Nothing, nothing came out of this. This was just an academic
24 discussion. It is true I use a word which is not good. And if any of
25 this had come to anything, then the Prosecutor would have been right.

1 However, everything was done to the contrary of the opinion presented at
2 that meeting.

3 After that, Praljak, and you saw that documents showing that he
4 ceded thousands of tonnes of arms to the Muslims, and he would not have
5 done that if he had wanted to expel them. It is true that I participated
6 in those meetings, but you have to read the entire transcripts. At one
7 meeting you've seen, Your Honours, how many times here we correct wrongly
8 recorded words in this court, and can you imagine how many wrong words
9 were used under the circumstances of war at such meetings.

10 It is not admissible to single out something out of tens or
11 dozens of such meetings that depict the way I was thinking, the way I was
12 working, and purport that this shows something that never happened in
13 reality.

14 JUDGE ANTONETTI: [Interpretation] That's the reason why I'm
15 telling you what you are charged with.

16 It is now time to have a break. We shall stop now for 20
17 minutes.

18 --- Recess taken at 3.55 p.m.

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

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

21 The Prosecution, Mr. Praljak, states as follows: Your role was
22 that of intermediary, to pass on information, instructions, requests,
23 policies and reactions between the leaders of the Republic of Croatia and

24 the authorities of Herceg-Bosna and the HVO by promoting, facilitating,
25 and fulfilling the joint criminal enterprise.

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1 The Prosecution states that you played the role of an
2 intermediary between the Republic of Croatia on the one hand and the
3 authorities of the Herceg-Bosna and the HVO on the other hand.

4 We shall look at a document which is P3957. We have the document
5 in English, and we also have it in your language.

6 As you can see, this document bears your name. Seemingly you're
7 not the person who has signed it. This is not your signature. Somebody
8 signed it on your behalf. This is a document which stems from you. This
9 is dated the 4th of August, 1993, and it is a request which you are
10 making and sending to Mr. Susak where you mention the question of the
11 officers of the Croatian army. You quote Mr. Tole, Mr. Kapular. This is
12 what the Prosecution relies on to state its case.

13 What is your position?

14 A. My position is this: I refuse to accept the interpretation as
15 offered by the Prosecutor. First of all, it's not correct. Second of
16 all, there's no evidence to corroborate this.

17 This is a clearly expressed position of the Republic of Croatia
18 to the effect that the volunteers of the Croatian army, Muslims or
19 Croats, could go to Bosnia and Herzegovina and join either the BiH army
20 or the HVO. And we have already provided a number of documents to
21 corroborate this. And they -- they would be able to keep their status in

22 the Croatian army.

23 And it is precisely this document that shows the nature of the
24 connections and links that existed at the time. If there had been any
25 underhand dealings as the Prosecution alleges, I would not have issued a

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1 request. I would have called Mr. Susak, and I would have told him to
2 send me what I wanted.

3 First of all, Brigadier Zarko Tole was a member of the HVO, and
4 he was captured in Bugojno in 1992 after having spent almost a year in a
5 Serb prison. He was exchanged, and here I am issuing a request for his
6 release and he was released.

7 Brigadier Ivan Kapular was born in a village near Capljina, and I
8 wanted him to come, but he did not come. His arrival was not approved.

9 It is precisely this document that shows what the role of the
10 Croatian army was in Bosnia-Herzegovina, because if I had to issue a
11 request, if I had to ask somebody to release two people and one is
12 approved and the other is not, then I claim that this document proves
13 everything to the contrary to what the Prosecution alleges.

14 JUDGE ANTONETTI: [Interpretation] We have another document,
15 P03 -- yes.

16 JUDGE TRECHSEL: I'm sorry, it's -- something in your answer,
17 Mr. Praljak, is not quite clear to me. You say, and this is line 17,
18 following, that Zarko Tole had spent almost a year in Serb prison. He
19 was exchanged, and here I'm quoting here, "Here I am issuing a request

20 for his release and he was released." There's a D missing. Now, was he
21 exchanged and remained detained thereafter or -- I do not understand.
22 Perhaps you can explain.

23 A. He was exchanged. There was an exchange between the Army of
24 Republika Srpska and us. I believe that he was in a prison in Knin or
25 was he not, I don't know where he was. Or maybe in Banja Luka, I don't

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1 know. And after a number of things, I knew how he fared. He had been
2 beaten up. And he was then exchanged between the Croatian army and one
3 of the Serb armies, and he was then in Zagreb. He was an HVO soldier.
4 He had been a member of the HVO. He was arrested. He was in Zagreb, and
5 I asked for him to be handed over to me, to be sent from Zagreb. He was
6 in a very poor physical condition. I realised only later that he had
7 suffered certain problems because it was not easy to be imprisoned in a
8 Serb prison. For a year he had been beaten up and ill-treated in
9 different ways.

10 JUDGE TRECHSEL: If I may.

11 JUDGE PRANDLER: Okay.

12 JUDGE TRECHSEL: So it is not quite correct when you say that you
13 asked for him to be released because he was not detained any more. You
14 asked for him to be sent over; is that correct?

15 A. Yes, from Zagreb --

16 JUDGE TRECHSEL: Thank you.

17 A. -- to -- for him to be allowed to join -- or rejoin the HVO,

18 rather.

19 JUDGE PRANDLER: As a follow-up question, I believe that you have
20 emphasised in your previous answer that he was an "HVO soldier," but at
21 the same time in that particular request letter you say that, "We ask
22 you," that is Mr. Susak, "to place HV officers, HV officers, brigadier
23 Zarko Tole and Brigadier Ivan Kapular." So then you are asking a kind of
24 releasing -- a release of Tole, not -- you do not specify that he was an
25 HVO member or not, but you are talking about he being an HV, HV officer.

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1 So how do you see this kind of problem here? Thank you.

2 A. Your Honour Judge Prandler, he was certainly an HVO officer who
3 was arrested in Bugojno. I know this with a million percent certainty.

4 Why am I saying this? I don't know whether after he was
5 exchanged he became an HV officer as reward or something. I don't know.
6 Because of the destiny he had had. But he had been imprisoned as an HVO
7 member. However, the fact remains that people can volunteer as members
8 of the Croatian army under the conditions that have publicly been
9 explained, and they could be either Muslims or Croats, and they could
10 join either the HVO or the BiH army, and all that time the status in the
11 Croatian army would not be changed with regard to their remuneration,
12 social security, and the rank. There's nothing in dispute there.

13 What is in dispute and what is important is the fact that I am
14 asking Susak to give me two officers, and at the same time the indictment
15 alleges that five, six, or even ten HV brigades fought in the territory.

16 How can you reconcile the two?

17 I was humble when I requested those two officers to be handed
18 over to me. One request was approved. The other was denied. And
19 according to the Prosecution, we were closely connected. If we had been
20 so closely connected, why would I have to issue such a request? I could
21 have called somebody and said, "Send me five brigades of the Croatian
22 army." It is precisely this document that testifies to the --

23 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak, we
24 will look at document P03983. The document will appear on the screen.
25 There we have it.

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1 This document is signed by Mr. Tole, and this was issued two days
2 after your letter. On the 6th of August, 1993, Tole orders that Mr. Meho
3 Jelic commands the defence of the town of Mostar. This same Tole, an HV
4 officer, according to you he was also an HVO officer, appoints two days
5 later the commander in Mostar.

6 What is your opinion on this?

7 A. Brigadier Tole volunteered and became the Chief of the Main Staff
8 of the HVO. The Chief of the Main Staff of the HVO. According to our
9 internal division within the command, he was given the south of Mostar
10 and the northern part of Mostar. He was put in command over there, and
11 he was given military administration duties over there, and within the
12 purview of his competencies he issued this order. Those were his
13 responsibilities, competencies, and rights and that's how he issued the

14 order.

15 JUDGE ANTONETTI: [Interpretation] Very well. I shall now move on
16 to another plan. According to the Prosecution, you've organised,
17 ordered, facilitated military and logistical support of the armed forces
18 of Croatia in favour of the forces of Herceg-Bosna and the HVO, and you
19 participated in this by remaining in contact with the minister of defence
20 of the Republic of Croatia, Gojko Susak.

21 THE INTERPRETER: Interpreter notes that we don't have the
22 reference of the text.

23 JUDGE ANTONETTI: [Interpretation] That you asked for military and
24 logistical support.

25 We have two documents that have not been admitted - I don't know

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1 why they haven't - that may reflect the Prosecutor's position. The first
2 is P459.

3 This document stems from Mr. Siljeg. It is addressed on the 9th
4 of September, 1992, to the HVO, municipal HVO, and it covers Livno,
5 Prozor, Posusje, Gornji Vakuf, Bugojno, Jablanica, and Konjic.

6 In this document this is very interesting. It -- he explains
7 that they controlled a humanitarian convoy of Merhamet and there were
8 weapons. This is something we know because you've told us already.
9 There were several trucks that under the cover of humanitarian operation
10 were transporting arms. And Mr. Siljeg discovers that this transport of
11 arms had been approved by Susak or General Praljak.

12 So he is clearly not aware of this, but in the document it says
13 that this comes from Susak or General Praljak.

14 What do you have to say to this, because your role as outlined by
15 the Prosecution that you played a part in obtaining logistical support,
16 well, this document could corroborate this. What do you have to say to
17 this?

18 A. The Prosecution is right. I did play that role, and I played a
19 significant role in that. However, this document confirms that these
20 were weapons for the BH Army, not for the HVO, Your Honours.

21 Your Honours, Merhamet was transporting arms for the Army of
22 Bosnia-Herzegovina, and throughout the entire war, even when they started
23 attacking us, we would let go to the Army of Bosnia and Herzegovina. All
24 we wanted was to have at least some control over all that, because they
25 purchased weapons in Croatia from our own soldiers and they were

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1 undermining the system of the military and the state. There was black
2 market, and we had to install some order, and we wanted them to do it the
3 way we had agreed in Croatia and the places that we had agreed upon.

4 This was a shipment for the BiH army, not for the HVO.

5 JUDGE ANTONETTI: [Interpretation] This is something you've told
6 us already, and your answer reflects what is in this document.

7 As far as you remember, the permission had been granted by Susak
8 or by you? Maybe you don't remember.

9 A. The approval could have been issued by Miroslav Medjimorec,

10 Markica Rebic, General Zagorec, myself. However, this was done under the
11 umbrella of the joint decision by Franjo Tudjman, Gojko Susak, and the
12 Croatian government. This was our platform to do it. We are talking
13 about technical terms, where the arms would be loaded and who was in a
14 position to sign the approval note for such a convoy that was headed for
15 the Army of Bosnia and Herzegovina.

16 JUDGE ANTONETTI: [Interpretation] We shall now look at another
17 document which has not been admitted. This is P3682.

18 I don't understand why this document has not been admitted. You
19 will all understand why when we have the document on the screen. Here it
20 is.

21 We know that you, on the 24th of July, 1993, you took up your
22 position and you wrote to Mr. Tudjman, to the defence minister Mr. Susak,
23 and to General Bobetko, and you explained that the situation is such that
24 you point out to them what the situation is like, that you need to do so.
25 And this is where you may assist us, is that you turned to them for

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1 assistance.

2 Do you remember having written this letter? But I believe you've
3 told us already. Can you confirm that you are the person who sent this
4 letter? And this was a request for support.

5 A. Yes, that is my letter, and it is my signature.

6 JUDGE ANTONETTI: [Interpretation] Very well. What did you expect
7 Mr. Tudjman to do? Did you expect him to reply? The title says

8 "Assistance to HVO units." So this was a request for assistance, which
9 must have been logistical in nature, I assume.

10 A. No, Your Honour. Here -- well, the document is quite clear. It
11 speaks for itself, and it cannot be clearer.

12 First of all, it's clear that I -- there are no HV brigades down
13 there, because if I had had HV brigades, I wouldn't be asking for two
14 battalions.

15 Secondly, it says because of the extremely grave situation and the total
16 aggression on the part of Muslim forces -- so Bugojno had fallen. The BH
17 Army was turned towards the Croats. It was no longer fighting the Serbs
18 but was turned towards the Croats. It was technically well-equipped
19 because we equipped it well technically. It was superior in numbers.

20 The ratio was 1 to 6 or 1 to 7 or 1 to 8, and so I'm asking here, I'm
21 requesting, and if there were any joint idea about what the Prosecutor is
22 claiming I wouldn't have issued a request, I would have received it. And
23 this is what I say -- well, when we were talking about that border belt
24 down there that was contentious around Neum, and I say, "We, the HVO,
25 TG2, Tactical Group 2;" and Judge Trechsel asked what TG2 stood for,

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1 Tactical Group 2 was using 750 soldiers in one shift defending the
2 Croatian borders in the south at Metkovic.

3 So I say, gentlemen, let the Croatian army take over the defence
4 of that southern area and the south borders which will free up some men
5 for me, that is to say 750 soldiers, for me to be able to stand up to the

6 offensive being launched by the BH Army.

7 And secondly, I go on to say that because they were cooperating
8 in many aspects it was not excluded that the aggressor be joint Serb and
9 Muslim forces in that area. And that's what happened. They were joint
10 forces.

11 I was asking for two battalions, one to be deployed in stopping
12 the axis of their attack from Bugojno towards Vakuf and Prozor, and the
13 second battalion to be deployed for cutting across the Jablanica-Mostar
14 axis of BH forces at Salakovac, because despite what the Prosecutor
15 claims, there was an open road, continuous communication between
16 Jablanica, Konjic, and Mostar.

17 And secondly, my second point is that I was given nothing. I
18 obtained nothing.

19 JUDGE ANTONETTI: [Interpretation] You have answered. We can't
20 spend too much time because there are so many questions to be asked.
21 Just now you've given your own explanation, and as for me, this suits me,
22 and I am now going to come to another document, but I would like to ask
23 private session because the document is under seal. So I'm obliged to do
24 this in private session.

25 [Private session]

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11 Page 41596 redacted. Private session.

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20 (redacted)

21 [Open session]

22 THE REGISTRAR: Your Honours, we're in open session.

23 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the Prosecution
24 says that you ordered, directed, and facilitated and supported the
25 domination exerted by the Herceg-Bosna or the HVO on the Muslims of

1 Bosnia and perpetrating of crimes against us on the territory demanded as
2 being the Herceg-Bosna and took part in it by giving orders, directives,
3 directions, instructions, and by giving ultimatums such as ultimatums to
4 which he took part and brought his own participation until January 1993.
5 And between brackets there is including a local ultimatum sent to the
6 Muslims of Bosnia at Gornji Vakuf, closed brackets, and the Prosecution
7 continues, and in April 1993 demanding the subordination of the troops of
8 the BiH under the command of the HVO.

9 So in a word, the Prosecutor says that you took part at -- in
10 ultimatums, in the giving of ultimatums. We'll see now two documents to
11 see examples of what the Prosecutor says. The P1062 [as interpreted].
12 P1162.

13 Right. Well, now we have the documents on the monitor. It's a
14 document of the 16th of January, 8.00 p.m., 2000, from Colonel Siljeg.
15 This is a report. It develops several items, and in this document look
16 simply at the last sentence of the document where Colonel Siljeg mentions
17 you. Your name is mentioned there. And according to what he's
18 writing -- in the English version you can't see this on the screen.
19 Maybe in your version you can't see it either. You have to look at the
20 last page. That's it. It's not the last page yet.

21 A. I have the document.

22 JUDGE ANTONETTI: [Interpretation] Very well. So you have the
23 document now. You see that it's a handwritten document which states that
24 General Praljak sent a message himself that he would annihilate if they

25 didn't accept the decisions of the HZ HB. It's a bit woolly, but one

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1 could draw the conclusion that you made them understand -- the other part
2 was made to understand that if they did not accept the decisions, they
3 would be in a certain way destroyed.

4 Now, maybe it's Colonel Siljeg who harped on it, who -- what do
5 you have to say?

6 A. I have explained to Their Honours that I was sent down there by
7 Mr. Izetbegovic and Franjo Tudjman to calm the already -- the conflict
8 that had already broken out in Gornji Vakuf. And on behalf of the HVO
9 there, you had the Deputy Chief of the Main Staff Milivoj Petkovic,
10 Mr. Andric, and the commander of the operative zone, Mr. Siljeg. They
11 were the commanders.

12 I don't want to say that my influence on them was small, no. However, since
13 the Muslims had been entrenching themselves for months and had brought the
14 HVO into a situation they couldn't get out of in Gornji Vakuf, I accepted
15 the explanation given by the two commanders to the effect that the military
16 situation there was untenable as far as the HVO was concerned.

17 In another document and in the document of Hadzihasanovic about
18 what they had asked for, the two commanders had asked for at a joint
19 meeting, it conveyed what I told them to ask for in great measure, and
20 that was a truce, that the trenches be filled in, that there be joint
21 patrols set up by both military police forces, that a curfew be
22 introduced, and so on and so forth.

23 And let me just say -- let me just finish here --

24 JUDGE ANTONETTI: [Interpretation] Because the second document is
25 going to exemplify what you just said. Look at the P01350.

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1 This is a document which we've already seen. This is a report
2 from Mr. Lukic, dated 29 January 1993, and there was a meeting which was
3 held on the 27th of January where you were attending with Mr. Coric. And
4 you answered questions which were asked of you, and one sees that after
5 that that just as you've said, there were some check-points with the HVO
6 and the ABiH. Is this true?

7 A. But allow me to finish what I was saying. To go back to the
8 previous document, certainly the word "pregazen," "overrun", doesn't come
9 from me. It is a word used by Mr. Siljeg, and that's quite certain, the
10 word "pregazen." And I certainly have no [realtime transcript read in
11 error "to"] right to ask about any decisions of the HZ HB. I had nothing
12 to do with that. I succeeded in what I was there to do, and it is A --

13 MS. TOMANOVIC: [Interpretation] I apologise but there's a mistake
14 in the transcript which is important. On page 51, line 17 and 18,
15 General Praljak said: "I certainly did not have the right to ask for any
16 decisions of the HZ HB," and in the transcript the not -- the negative
17 has been left out and therefore reads differently.

18 JUDGE ANTONETTI: [Interpretation] Try and speak not so fast and
19 be a bit more brief.

20 A. Yes. I don't use the word "pregaziti," overrun, or run over.

21 Second, I made no suggestions with respect to decisions being
22 made by the HZ HB government.

23 Third, it wasn't an ultimatum. It was a pure military request
24 which I supported. If the soldiers of the BH Army failed to leave their
25 positions up on the hills which they had taken control of in Vakuf

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1 -- by which they have taken control of the HVO in Vakuf,
2 that, yes, was my position.

3 The other proposals were as I made them. And the most important
4 thing is that when this limited military goal was achieved, which is
5 termed "active defence," by the firm position that I had taken, the
6 attack on Vakuf was stopped. So the defeat of the BH Army in Gornji
7 Vakuf could have been realised in the space of a single day. Since that
8 was not the HVO's objective despite heavy HVO losses and the great desire
9 on the part of the soldiers to finish up their military victory, I used
10 my authority to stop this on the 23rd of January, 1991, and once again
11 called for the establishment of a -- joint check-points, to deal with the
12 conflict and to see what could be done next. And here in this document
13 P01350, it says that a check-point was indeed established and so on and
14 so forth.

15 So at this meeting I explained to the military policemen, and a
16 lot of them were killed up there, what the position was that I brought
17 from Zagreb and how it was to be implemented. And then further on in the
18 text we can see the sensitivity of conflicts of this kind and that it was

19 the Muslims in the military police of the Croatian Defence Council were
20 not being sent into the field to prevent them from shooting at their own
21 people.

22 So this is highly sensitive ethnically speaking. In human terms
23 as well, but also in military terms. You can't do what the BH Army did
24 in Gornji Vakuf with Hanefija and all the rest of them without the --
25 given the opportunity to respond. That was my position and I've

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1 described all the rest of the situation.

2 JUDGE ANTONETTI: [Interpretation] The Prosecution say that you
3 took part in the joint criminal enterprise and perpetrating the crimes,
4 that you facilitated them, that you supported them by planifying --
5 planning, approving, preparing, supporting, ordering and/or directing
6 operations and military actions during and in the framework which these
7 crimes were perpetrated. In a word, the Prosecution says that you
8 directed military operations which led to crimes. And he alleges in the
9 pre-trial brief, in a document we will see now, P03026 ...

10 A. Yes, I'm familiar with this document.

11 JUDGE ANTONETTI: [Interpretation] For the transcript, this is a
12 document of the 30th of June, 1993. The author of the document is
13 Mr. Siljeg, and this is being sent -- this document is being sent to the
14 authorities, in particular Mr. Stojic, Mr. Petkovic, and this document
15 seems to mention you, because there is Brada, which is mentioned. So it
16 says that you have taken recognisance of the report on the situation in

17 Mostar and of the order which comes from the defence department, chief of
18 defence, and the president of the HVO, of the HV, Mr. Prlic. So Stojic
19 and Prlic -- it is I who has say so.

20 So therefore the following measures are requested: First, order
21 to take Blagaj to Obradovic; two, at all costs prevent their linking
22 between Mostar and Jablanica; and, three, start working as at Breznica.

23 According to you, what does exactly -- what does this report say
24 exactly?

25 A. Your Honours, let me answer that point. You were able to see

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1 from the dozens of orders what -- what they were, what my conduct was
2 both with the prisoners in Capljina, the helicopters and the wounded and
3 the road of salvation, and the forcible disbanding of the camp in Dretelj
4 with the Serbs in 1992 and so on and so forth, and I reject all
5 possibility put forward by the Prosecutor in this section. And here on
6 the 30th of June I was on Boksevica hill, and you know where Boksevica is
7 to be found. It is above -- or, rather, between Konjic and Jablanica.

8 And on Boksevica hill we had our defence lines there which were
9 being held only because -- only so that from the region of Slatina -- is
10 it Slatina? Yes, Slatina. That the population -- that the Croatian
11 population could be pulled out of that area and the remaining soldiers
12 after the BH Army in Konjic had done what it had done.

13 Has that all been interpreted?

14 I'm a soldier up there, an ordinary soldier, on guard, at my

15 position just like any other rank and file soldier. That's the
16 authority -- I had authority but no other competencies. The guys just
17 listened to me. And Siljeg came to visit us, and he says that the BH
18 Army had attacked all the HVO lines on the 30th of June, when they
19 attacked north camp and killed the people there, when they attacked
20 Stolac and so on and so forth. And I say to him in an ordinary
21 conversation as a responses to what was going to happen next, in my
22 opinion Obradovic should take control of Blagaj, and that's what I think
23 today as well, and he should have deployed the tanks that were used
24 against the Chetniks because now we were facing a BH Army aggression, a
25 crystal clear BH Army aggression. No doubt about that. And we should

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1 attack the army from the south of Mostar.

2 And secondly, which was logical in military terms, to try and cut
3 off all communication between Mostar and Jablanica. And similarly, that
4 Dreznica, in military terms, because you could move towards Mostar from
5 Dreznica, from the right bank of the Neretva River to prevent that. That
6 was my military advice, the military advice I gave to Siljeg, and he
7 conveyed that correctly to Bruno Stojic and Milivoj Petkovic.

8 And I was up on that hill, and I stayed there until the 10th of
9 July.

10 JUDGE ANTONETTI: [Interpretation] Be as synthetic as possible, as
11 concise as possible. You take a lot of time while there are other
12 elements, items on which I need to know your position, and they are just

13 as important, perhaps even more important.

14 There is a witness, but I won't give his name because he's a
15 protected witness and part of what he said was in a closed session and he
16 might be identified, so this witness said this, on pages 12266. He heard
17 you say something. This is what you've said:

18 "We agreed with the Serbs. We made an agreement which is to say
19 that we were going to provoke them by artillery shelling at Agido
20 [phoen]," excuse my pronunciation, "on their part through artillery
21 shelling they will destroy Stolac, all the balijas, and raze Stolac to
22 the ground." This is what he said. Where you're sitting now, this is
23 what he said.

24 A. He was nothing but a criminal and a liar, the most terrible sort
25 of that. And you don't remember all the documents that have been

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1 presented here.

2 JUDGE ANTONETTI: [Interpretation] [Previous translation
3 continues] ... said, he's a protected witness.

4 A. And after that, from the office of President Mesic, not of
5 President Tudjman, you heard that on that day and a day later I was in
6 Zagreb, at a meeting there, and the documents exist and have been
7 admitted. He was a liar and you received that. Why you keep on asking
8 me about that.

9 Second of all, how --

10 JUDGE ANTONETTI: [Interpretation] Wait a minute, General Praljak.

11 I have to ask you such questions, because when the Judges will meet
12 together at the end of the trial and they will have to apprise on that,
13 they will have also judge what the witnesses said, what you said, what
14 the Prosecution has said, what other people has said, and all this will
15 have to be weighed. So if I don't ask you this question today, now that
16 you are facing me, I wouldn't be doing my job. Therefore, this is the
17 reason why I am obliged to tell you this, because this is part of the
18 indictment charge, and you have to say so on that particular day or the
19 next day you were this or that meeting. All right.

20 A. Excuse me. Excuse me, please. Your Honours, I remember things
21 very well. My brain is still working, only not as good as it used to.

22 That witness said as follows: The HVO launched an action in the
23 direction of Stolac. Two hours into that operation a group of the HVO
24 troops returned. They could not proceed because it was pounded from all
25 sides, and they had sent him. Mind you him, let's not mention his name.

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1 And that group told him this: "Go to Capljina, to the Main Staff, and
2 request assistance." And then he actually enters the staff, the
3 operations staff. There he is standing behind a wall. You can't see
4 him. There are no guards, nothing of the sort. It's as simple as that.

5 It's as if he was in a bistro in France, entering a bistro to
6 have a cup of coffee.

7 And there's Praljak there saying what he's saying. Praljak can't
8 see him, but he can see Praljak. He can hear Praljak.

9 Listen here. This is an ultimate nonsense. That person should
10 be arrested and convicted to two years of prison. And if this had been
11 done to every false witness, these trials would look entirely different
12 than they do.

13 JUDGE ANTONETTI: [Interpretation] This was a Prosecution witness,
14 and therefore I had to tell you, I had to remind you. On this particular
15 theme of military operations I have one last document which is also
16 important, P04265. 4265.

17 A. I would kindly ask Judge Antonetti to allow me to say something
18 else.

19 After the event related by that person, the HVO armed a brigade
20 of the BH Army in the territory, the Bregava Brigade. Please, really.
21 I'm familiar with this document, yes.

22 JUDGE ANTONETTI: [Interpretation] This document is a document
23 that comes from the HVO, 17th of August, 1993, at the time you were
24 exercising the command. This is addressed to the Main Staff, and it is
25 addressed to you since you're in charge, and the chief. And Napalm bombs

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1 are mentioned. The bomb was dropped at a height of 600 metres.

2 According to what we understand, one bomb was dropped and the others
3 went.

4 It's quite possible. We don't know whether the bomb that was
5 dropped fell in a river and what happened to the others. We don't quite
6 know what happened to the others. This is a bit of a mystery.

7 As far as you know, if you need to drop a Napalm bomb, you need a
8 fairly large sized aeroplane or helicopter. I don't know.

9 What do you have to say to this?

10 A. This was sent to the Main Staff of the HVO, to the chief. I was
11 the commander thereof. So this detail is wrong, but never mind that.

12 A month elapsed for this when I learned -- learned that they used
13 some sort of an aircraft, farming aircraft, and launched a bomb.

14 First of all, it has nothing whatsoever to do with Napalm.
15 Napalm bombs can be manufactured by only very technically developed
16 states. And when I inquired about what sort of Napalm they were
17 mentioning, they had actually mixed something that looked like a Molotov
18 cocktail. It is not known whether the first one fell into the Neretva,
19 and nothing is known about the second one, whether it was activated at
20 all.

21 In any case, you've seen a document by which I had forbidden any
22 sorties or flights after I'd seen that.

23 MR. STRINGER: Excuse me, Mr. President. I'm going to object to
24 the witness's blatant mischaracterization of what the document that's in
25 front of him says. Now, he's just claimed that neither of the bombs

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1 deployed properly. The fact is the document on its face says that one of
2 them did work properly and was deployed in the area of Mahala in Mostar
3 and that it affected an area of about 500, 600 metres. So if he's
4 claiming that neither of these worked, it's false because the document

5 says otherwise.

6 MR. KOVACIC: Your Honour, I think that this is the argument.
7 Everyone has a right to understand the document as it is. Mr. Praljak,
8 on one way, I on the other, Mr. Stringer on his.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, this is exactly
10 one of the questions you could have put during your cross-examination.
11 You may not agree with him, and you can turn to Mr. Praljak during your
12 cross-examination and say, "This is not right for such and such a
13 reason."

14 Mr. Praljak, a witness came to testify here who mentioned this
15 bomb. The witness said that there had been a bomb, and he fired 15 shots
16 against the plane with his rifle, and Samir died after the bomb was
17 dropped.

18 You're telling us today that you discovered this question of the
19 Napalm bomb one month later. This is precisely what you're telling us,
20 is it?

21 A. Yes. That's the first truth. Second of all, I did not really
22 investigate it into its coverage.

23 The second thing that I'm refuting, and I know this with a
24 hundred percent accuracy, it was not a Napalm. That Lovric, he didn't
25 know how to draft a document let alone to be able to tell what Napalm

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1 was. Please, Your Honours, if Napalm was to be deployed across 500 or
2 600 metres of space, then 300 people would have burnt down not just one

3 man -- one person. I could have dropped a normal bomb from my Air Force
4 on the positions of the Army of Bosnia-Herzegovina under the laws of war,
5 but I didn't do that either.

6 JUDGE ANTONETTI: [Interpretation] Let's assume that this is not
7 Napalm but a shell. So you are telling us, since you were the commander
8 you were not aware of this, you may be right, or you were not well
9 informed, but in Mostar at the time the international community observers
10 were there with their binoculars. There were spies. Everybody was there
11 and everybody was observing what was happening, and a small private
12 aeroplane dropped something without the person in charge of the HVO being
13 made aware of this. This is possible.

14 A. I really can't understand your understanding of the army. There
15 is an aircraft or air force commander. Do you think that the commander
16 of the French air force knows what every single person in every battalion
17 does? Every commander is responsible, every soldier is responsible,
18 every soldier is aware of the rules of war because they have been issued
19 with booklets. Please.

20 And second of all -- please allow me, Judge Trechsel. Are you
21 saying, are you claiming that a bomb should not be thrown on the
22 positions of the BiH army at the moment when that army is attacking us?
23 Could you please put that in the decision, in the judgement? We were
24 allowed to throw bombs. We were not allowed to throw Napalm, but we did
25 not have a Napalm in any case and this is a responsibility I'm --

1 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you are quite
2 right. According to the laws of war, you are entitled to drop bombs on
3 the enemy. Nobody is challenging this. But in this document, the place
4 where the bomb was dropped is mentioned, and this is Mahala. You know
5 that there were civilians in this area. This is what the question is
6 about.

7 Seemingly, if you join this up or relate this to the witness
8 said, that Samir died as a result, maybe Samir was a soldier of the ABiH,
9 but maybe Samir was a civilian.

10 Do you understand? So you're right when you say that one is
11 entitled to drop bombs when there is fighting, but the problem is that
12 some people are protected, and in Mahala, as far as I know, there were
13 civilians.

14 A. The BiH army was also there in Mahala. In Mahala there were
15 combat positions of the BH Army from which every offensive was launched
16 in the direction of Hum and elsewhere. And this is a fact. The army
17 that holds civilians in their -- in the area where they were -- their
18 combat position, is that war crimes. Muslims did that in Mostar, in
19 Sarajevo. That was their tactic, that's how they waged the war,
20 civilians and troops being mixed in order to achieve a higher number of
21 wounded civilians, and then the other side would be accused of committing
22 immoral acts. Despite that, there were no more sorties after that, and
23 you saw a document in which I said, No, only upon my approval or for the
24 wounded, because even the rights that stemmed from the rules of war I did
25 not use in order to avoid any civilian victims, and there were very few

1 civilian casualties in Mostar as you know.

2 JUDGE ANTONETTI: [Interpretation] Let us move on to the next
3 topic. We have a request from the Bench.

4 JUDGE MINDUA: [Interpretation] Witness, could you remind me of
5 the position and rank of Mr. Miroslav Lovric?

6 A. He was the commander of the air defence. I'm talking about the
7 overall strength of the air defence, and I don't know what his rank was,
8 to be honest. He was the commander of air defence. In other words, he
9 had the right to issue decision either in agreement with the commander of
10 the operative zone or the commander of a brigade.

11 At that particular moment, the commander of the Main Staff did
12 not have to know anything about that, because at that moment given the
13 communications as they were, the commander of the Main Staff was in Vakuf
14 fighting every day for 20 hours, and in the south of Mostar as well.

15 JUDGE MINDUA: [Interpretation] All right. Thank you very much.
16 I put the question to you, because if I have understood correctly, you
17 said that this was not a Napalm bomb but some other product. Have I
18 understood you properly?

19 A. There's no doubt about that. Those people did not have a clue
20 about what Napalm was. Napalm could be produced by maybe 10 or 12 states
21 that had high-technology. And if Napalm indeed had been thrown,
22 everything within the radius of 500 or 600 metres would be ablaze, not
23 just one man. And we don't even know whether he was a member of the BH

24 Army or whether he was a civilian.

25 JUDGE MINDUA: [Interpretation] All right. I'm now coming to my

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1 last question.

2 This commander who prepares a report for the commander or the
3 chief of the Main Staff of the HVO, he talks about weapons that don't
4 exist. Is it customary when such reports are sent to the Main Staff?

5 A. Your Honour Judge Mindua, the great Churchill said there are
6 three situations in which everybody lies. First, after a hunt. Second,
7 on the eve of the elections, and thirdly, in war. In war, everybody
8 lies.

9 Reports are being blown up out of proportions. The positions are
10 mistakenly represented. By the nature of the beast, war is represented
11 in all sorts of way. They want to portray their strength as being bigger
12 than it is. They blow up the number of enemies killed out proportion.
13 War is a situation in which everybody lies. In every war, in every army.
14 Churchill was lied to. DeGaulle was lied to. You saw reports from the
15 Second World War here near the Arden range. War is nothing but a pack of
16 lies in reports and on papers.

17 JUDGE MINDUA: [Interpretation] Thank you very much.

18 MR. STRINGER: I'm going [previous translation continues]... not
19 responsive to Judge Mindua's question. I think that answer is not
20 responsive in the least to the question about reporting to the Main
21 Staff.

22 THE WITNESS: [Interpretation] Your Honour Judge Mindua, this is
23 what I'm saying. This was not Napalm. I checked that. And this person
24 suggests that Napalm should be produced and enhanced. So if he had
25 thrown it, he must have had it. Why is he suggesting that it should

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1 be produced and enhanced? You either have it or not. You can't enhance
2 it. This is a nonsense.

3 JUDGE ANTONETTI: [Interpretation] General Praljak, according to
4 the Prosecution, you commanded, facilitated, and supported the operations
5 and activities of the military police of the HVO with which you pursued
6 the objectives of the joint criminal enterprise. So you controlled --
7 you commanded and supported the operations of the military police, and in
8 support of this we shall look at look at document P4125.

9 A. Your Honours --

10 JUDGE ANTONETTI: [Interpretation] One moment, please. I shall
11 first put my question. This document is dated the 12th of August, 1993.
12 It stems from you, seemingly, because I think I recognise your signature.
13 And it's a request for resources and equipment. All the forces should be
14 gathered quickly and placed under the command of Colonel Obradovic, and
15 you specify that the chiefs of the military police and the commanders of
16 the police stations of Capljina, Citluk are in charge of executing the
17 order, and you ask Colonel Obradovic to keep you informed on a regular
18 basis.

19 If we look at numeral 4, this seems to be stating that there is a

20 link between you and the military police.

21 What do you have to say to this?

22 A. First of all, this order was drafted in connection with the order
23 by the head of the defence department who had his own rights. This order
24 was the product of an agreement between Mr. Stojic and myself, and it
25 talks about a terrorist attack by a group of Muslim armed forces, Mostar

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1 Buna, Zitomislici, Capljina.

2 Your Honours, you will remember the massacred bodies in the
3 bodies in the barracks in Capljina. We had shown them here, and those
4 were not soldiers. They were members of the HV [as interpreted], but
5 they were carrying food. They were not armed. They were people who were
6 in charge of the distribution of food. They were killed in the most
7 beastly way. You had an opportunity to see the photos in this courtroom.

8 In a situation when somebody gets behind your lines and
9 infiltrates their terrorist group, interim orders are issued and you
10 involve hunters, military police, you mobilise people, because after what
11 you have seen the massacred bodies of the people who had been bringing
12 food, I still adhere by this document. I stand by it. This document was
13 sent to the military police based on the agreement between Mr. Stojic and
14 myself, and you can see it in the preamble. This was our right, and this
15 was also our duty.

16 I was not in command over the military police save for the
17 instances when it was resubordinated to me under lines. It was an

18 institution parallel to the HVO and it was also connected with the
19 defence department and this is my answer.

20 MS. PINTER: [Interpretation] Your Honour, just for the record,
21 page 65, line 1, the general said HVO, not the HV. He said that they
22 were members of the HVO and not of the HV.

23 JUDGE ANTONETTI: [Interpretation] General Praljak, the
24 Prosecution states as follows: You contributed to a system of
25 mistreatment by controlling it, conducting it, assisting it and/or taking

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1 part in this. This system included a network of prisons, of
2 concentration camps, and other detention centres used for the purpose of
3 arresting, detaining, and incarcerating thousands of Muslims from Bosnia
4 in -- in illegal and harsh conditions. There they were killed,
5 mistreated, beaten, and brutalised. The Muslim detainees were
6 automatically taken away from these detention centres by the forces of
7 the HVO and forced to perform forced labour during which a great number
8 of them were injured or killed.

9 There is what -- this is how the Prosecution describes your
10 participation in the joint criminal enterprise. The Prosecution quotes a
11 document which we will see right away P04260.

12 Mrs. Pinter is giving you the document. I thank her for
13 facilitating everyone's work. You have the document on your screen very
14 soon.

15 This is a document which stems from you. We have it in the

16 English version. It is addressed to the Rama Brigade, to the Uskoplje
17 Brigade, and to the military police of Rama, and you say in this document
18 that from the 17th of August, 1993, onwards, all prisoners are to be
19 withdrawn from the tasks they have been given in your prospective zones
20 of responsibility.

21 So this document states that you put an end to a situation on the
22 face of it. So what do you have to say to this?

23 A. I keep on repeating that you have to bear in mind the military
24 situation at that moment or throughout that time.

25 As you could see in the previous document, on the 17th of August,

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1 after I had been in the south of Mostar, I was in Rama. On the 16th of
2 August I learned from Mr. Tole that some units had been taking prisoners.
3 It was a brief piece of information that he had received from a prisoner.

4 As soon as I received that order -- and until that moment I had
5 never learned about that, or I had never seen anybody digging anything
6 either in -- on the lines or around the lines.

7 I immediately issued an order to the effect that the prisoners
8 should not be used to work at all. No work at all. And immediately
9 after that when I arrive in Grude, I issued an order that I don't have
10 which applied to all operation zones, and by that order I banned any work
11 in military units, and later on I saw some statements showing that some
12 prisoners were actually not very happy with the news, because some used
13 the opportunity to work privately.

14 I didn't know anything about this. I issued two orders. The
15 second is much longer, more extensive, and by these two orders I put a
16 strict ban on any such practices.

17 And as far as the detention centres are concerned, besides
18 Heliodrom I was fully convinced that those were prisons. I did not have
19 any control over the prisons. The prisons did not have anything to do
20 with the Main Staff or the HVO army, when it came to their setting up
21 control, investigations. And this is clear from the fact that we issued
22 passes to the journalists. How -- somebody would have to be mad to do
23 what is implied and then provide the journalists with passes to see what
24 kind of a criminal he was.

25 On the 20th of September, I sent my own soldiers to Dretelj, to

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1 the prison, because I was absolutely convinced that it was nothing else
2 by -- but a prison, a regular prison. This is the information that I was
3 privy to at the time. Everything else was subsequent information to the
4 facts, and what I'm saying is the truth and can be proved by documents.
5 I would not have allowed a TV crew, if a crime had been committed and if
6 I'd known about that. I would not have been so crazy.

7 JUDGE ANTONETTI: [Interpretation] You mentioned the Heliodrom. I
8 would like to remind you but I'm sure you remember, there's a witness who
9 came here, I'm not going to quote his name. I don't wish to jeopardise
10 the protective measures he may have had. On page 14584 and following
11 pages, this witness was unable to give us the exact date, but it was

12 between the 17th and the 18th of August, 1993. Between the 16th and the
13 18th he was in the cinema of the Heliodrom, and you were in the
14 refectory. He said he knew you because he'd seen you on photographs.
15 He'd admired you during the fighting against the common enemy during the
16 war, and he says that it was you.

17 If you were at the Heliodrom in August of 1993, any reasonable
18 trier of fact could infer thereof that since you were at the Heliodrom,
19 you may have seen that there were people detained there. So my question
20 is very simple. Were you there or weren't you there?

21 A. No, I wasn't. From the 17th I was in Rama. On the 16th I was in
22 Rama. On the 18th I was in Rama-Prozor. I was never at Heliodrom. Or
23 maybe in 2000 or 1998 I attended some celebration for the first time over
24 there and Josip Praljak was there who was a relative of mine who I assume
25 would have seen me. It would have been in some report. It would have

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1 said General Praljak was there. So regardless of our kinship relations,
2 we met only after the war, because I didn't function in that way. I
3 didn't function on -- based on family relations.

4 I was never at Heliodrom during the war. When he says the 16th
5 and 17th and 18th, where I was was that -- on the 15th I was in Grude
6 with Bruno Stojic when he fainted because there was -- the BH Army
7 offensive was routed in the south and I returned to Rama.

8 JUDGE ANTONETTI: [Interpretation] We shall have a 20-minute
9 break.

10 --- Recess taken at 5.44 p.m.

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

12 JUDGE ANTONETTI: [Interpretation] Okay. Five minutes before we
13 finish this session we will have a close session for the Defence of
14 Mr. Stojic [as interpreted]. I think Mr. Stringer wants to tell us
15 something.

16 MR. STRINGER: Yes. Thank you, Mr. President. Mr. President,
17 tomorrow is the due date for Prosecution response to a motion for
18 reconsideration that's been filed by the Prlic team. It was the motion
19 for reconsideration was filed on the 4th of June. It's in reference to
20 documents related to the Defence expert Milan Cvikl, and tomorrow is the
21 due date for the Prosecution response.

22 Now, as the Trial Chamber and the parties are aware, there have
23 been a number of decisions filed by the Trial Chamber today in respect of
24 release issues, and in fact on one of those the Prosecution was asked to
25 file an urgent response today, which we've done, but all of that has sort

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1 of distracted us from some of the other filings that we've been working
2 on, and the request is to ask for permission to file our response to this
3 Cvikl motion on Monday of next week. I've conferred with Mr. Karnavas
4 and there is no objection to that request.

5 [Trial Chamber confers]

6 JUDGE ANTONETTI: [Interpretation] All right. Yes. Taking
7 account of the fact that the Chamber gave a number of decisions and there

8 was an urgent motion, the Chamber understands very well that you couldn't
9 do normally your job and that we will give you until Monday for answering
10 to the Prlic motion. You have until Monday.

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

12 JUDGE ANTONETTI: [Interpretation] You understand that we have a
13 colossal rhythm. You see the number of decisions we have to give every
14 day, so we are close to an overdose, and the urgent motions which are
15 received at the last minute.

16 Right. So, Mr. Praljak, we'll continue. Unfortunately, I think
17 we're lagging behind a bit. I was hoping to finish tomorrow, but it's
18 clear I won't be able to finish tomorrow.

19 It's said that you instigated, facilitated, and encouraged the
20 obstruction of humanitarian assistance to Bosnian Muslims by not exerting
21 your authority to effect a constant and uninterrupted flow of
22 humanitarian assistance including to east Mostar where your lack of
23 action resulted in substantially blocking all humanitarian aid in July
24 and August 1993.

25 So this is a matter we know well. We don't need to show you

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1 documents about this, on this point, and -- so this is one of the counts
2 of the Prosecution in its pre-trial brief. What do you have to answer to
3 this?

4 A. Well, in actual fact, nothing. You've seen it all. You have the
5 documents. You were able to see how many times I issued orders not to

6 interfere with humanitarian aid and assistance. You saw me up on the APC
7 when I let them go through despite the people who wanted to stop it going
8 through for their own reasons. You have the documents, the latest
9 statement from me, the fact that I replaced the leadership in Vakuf when
10 I suspected that they might have stopped humanitarian assistance from
11 going through at the point in time when the combat had stopped and about
12 the 15th of August. This is 1993 when that convoy passed through.

13 It never ever happened that humanitarian assistance did not get
14 to where it was going. Sometimes in the most infinitesimal percentages
15 some idiot would try to do that, but nobody stopped a single humanitarian
16 convoy from getting through, and you saw my input in all that based on
17 the documents. So I have nothing further to say. Humanitarian aid,
18 wounded, and everything else. I've said it all. You've seen it all.

19 JUDGE ANTONETTI: [Interpretation] [Previous translation
20 continues] ... also says that you participated in the seizure of movable
21 and immovable property and transfer of its ownership to the Herceg-Bosna
22 HVO military.

23 So you would have participated to everything which has been
24 mentioned in -- by the witnesses, people's whose flats were taken away
25 from them, persons who obviously were -- saw their money and their cars

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1 and their wallets taken away, stolen from them, and this is what is meant
2 by this text.

3 What is -- what do you have to say about it?

4 A. Once again, my -- it's difficult for me to give an answer because
5 I just can't understand the allegations that are made. You saw how I
6 behaved in Rama. You saw all the documents about that. So I never had
7 anything to do with any of those allegations, and it never ever happened
8 that I would allow something like that to be done. I wouldn't sanction
9 it -- or, rather, I did sanction it. I fought. Well, I have nothing
10 further to say. Let them show a single document. It's very difficult
11 for me to talk about things like that. I didn't, I did not, and I did
12 not once again.

13 JUDGE ANTONETTI: [Interpretation] The Prosecution says that you
14 also participated in a joint criminal enterprise in the perpetration of
15 the crimes alleged in the indictment. You facilitated in these matters,
16 you supported them and encouraged them by planning, approving, preparing,
17 supporting, ordering and/or directing military operations and actions
18 during and as part of which cultural and religious property such as
19 mosques were destroyed and private property of Bosnian Muslims was
20 looted, burnt, or destroyed without justification or military necessity,
21 and failing to prevent, stop, or punish or redress such destruction and
22 looting.

23 Destructions, therefore, of mosques, destruction of buildings
24 belonging to private persons, looting of the goods of Bosnian Muslims.
25 You're alleged to have facilitated, supported, encouraged all this. And

1 in your capacity of superior person responsible under Article 7(3), you

2 would have done nothing to prevent or to punish the authors of this --
3 these destructions, or looting, or to remedy to stop that. This is
4 reproached to you in very general terms.

5 Therefore, General Praljak, what would you answer to this without
6 any -- any need for us to pull out some documents?

7 A. I -- or, rather, none of this is correct or true, none of it.
8 The mosques that are stipulated was -- is incorrect. They were already
9 destroyed by the Serbs. We've seen that. I never issued any orders,
10 either written or oral to that effect. They knew what my position was in
11 the minutest detail. No action was ever launched except for military
12 defence, and I reject and refute all these allegations that have been
13 listed here without any proof whatsoever. It was quite the opposite.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, still
15 according to the Prosecution you would have participated and supported a
16 system of ill-treatment conceived and achieved to evict or transfer
17 forcibly many Muslims of Bosnia and to facilitate and to support the
18 system by deporting them out of Bosnia-Herzegovina to other countries or
19 transferring them to parts of Bosnia-Herzegovina not claimed or not
20 controlled by Herceg-Bosna or HVO forces, which included your proposal
21 that Bosnian Muslims be expelled from the territory claimed by
22 Herceg-Bosna during the war between the HVO and ABiH.

23 So this is a very long sentence, but you have understood that it
24 is a question that has to do with the Muslims who would be deported,
25 evicted from their homes and will have to leave their home and will find

1 themselves in this or that area and for some of them in Croatia or other
2 countries, third countries.

3 There are several facets. You have already studied and spoken on
4 this matter. What do you have to say on this?

5 A. I reject it wholly, except that I had refugees. Well, I should
6 have expelled them first and killed them in my weekend cottage, and
7 dozens of -- and dozens and dozens of them passed through my flat in
8 Zagreb, and a witness will be coming in to state his views about that
9 while I was Chief of the Main Staff down there. Ninety-eight percent was
10 devoted to the defence against the Muslim onslaught that began before the
11 24th, but I'm counting as of the 24th to the 8th, ceaselessly without
12 interruption with the wish to route us.

13 All my energy, 99 percent of my energy, was spent in holding the
14 lines and preventing their onslaught. I did that, and so did all my
15 fellow commanders. So none of what the Prosecutor alleges here is true
16 and correct. Except for the fact that I can say that even under those
17 conditions in West Mostar, for example, this kind of thinking and
18 dissemination of information was that 7.000 Muslims lived there and
19 several thousand Serbs lived there, which is -- which are figures not
20 recorded anywhere else, although certain individuals did during the night
21 do things that were contrary to the law. But to say that the HVO or
22 Slobodan Praljak or anybody else did what the Prosecutor alleges, then
23 7.000 Muslims wouldn't have received assistance and lived in West Mostar
24 along with several thousand Serbs.

25 So it was our policy, including the policy of the soldiers and

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1 commanders of the HVO, was to look at the problems, and had that been our
2 view we could have solved the problem in two days. But no, no, and I
3 state again no, we did not do any of what is alleged there, which doesn't
4 mean to say that individuals or groups who were out of control might have
5 done something, but then that requires an investigation and inquiries
6 into who the perpetrators were, whereas the merit for seeing that 7.000
7 Muslims did live there along with several thousand Serbs is thanks to us.
8 And I'm proud of that, quite contrary to the allegations made here,
9 because I contributed to the fact that those people lived there along
10 with my commanders.

11 JUDGE ANTONETTI: [Interpretation] The Prosecution indicates that
12 you were responsible for ensuring that the HVO armed forces conducted
13 themselves in accordance with the Geneva Conventions and international
14 humanitarian law and that all prisoners, detainees and other persons held
15 by the HVO armed forces, were treated in compliance with such conventions
16 and law, and that you failed to do so, and to support this the
17 Prosecution indicates -- that there is a document we are now going to
18 see, P5188.

19 This is an order which you just signed -- which you have signed
20 as a military [indiscernible], applying an order given from -- by
21 Mr. Boban. You had instructions from him which are to be found in
22 several paragraphs.

23 According to this, if I understand rightly, there's something
24 missing in this document, some references to the respect of international
25 conventions, applying these conventions, so what can you say to this?

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1 A. Your Honours, if you -- well, I was in the IPD, and it was
2 transferred to the HVO. If you gave out thousands of instructions on the
3 subject, if you held seminars -- I wrote documents and reports on
4 international conventions and international law. So if you did that,
5 which is what I did, then you did your utmost to ensure that each and
6 every soldier knows full well what he is allowed to do and what he is not
7 allowed to do. Every soldier, every NCO, and every officer. And you
8 can't keep repeating this then in every order. You can't refer to
9 humanitarian law in each and every order. Everybody was well-versed with
10 that. And then you have military orders. And in a civilian society you
11 can't keep repeating the same thing over and over again. You can't say
12 you're going on a trip, but you have to stick to traffic rules. You'd
13 learn that once you learn to drive a car. You'd pass your test and then
14 you go ahead and bear all that in mind.

15 So that's what I did in the HVO and in the HV, and you had many
16 documents before you to bear that out, referring to the International Red
17 Cross and so on. So umpteen times we did everything within our power.
18 And orally, I don't even need to tell you how many times I
19 repeated this to everybody, that war must be conducted in a chivalrous
20 fashion and that we must not do that. This -- there were articles in the

21 "Hrvatski Vojnik," "Croatian Soldier," so I emphatically reject all
22 accusations on that level. What does it say here? This is one of
23 Mate's orders or what is this?

24 JUDGE ANTONETTI: [Interpretation] In order to finish with this
25 chapter, it is also said that you participated in the commission of

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1 crimes by the forces of Herceg-Bosna and HVO against Bosnian Muslim and
2 instigated, encouraged, facilitated, and condoned by failing to prevent
3 and punish such crimes by -- and by commending, rewarding, promoting, or
4 leaving in place HVO officers and soldiers who committed or played a role
5 in such crimes.

6 Now, in clear terms, Prosecution reproaches you for when
7 sometimes crimes occurred, instead of punishing the perpetrators, some of
8 them were promoted, got promotion, whether officers or soldiers, that
9 they were rewarded. What do you have to say about this?

10 A. Well, I can with certainty say that I never commended anyone for
11 anything. When people did something good, I don't remember ever signing
12 any commendation for anyone. I think it was everybody's duty to do the
13 best they could. That's the first point.

14 Secondly, I didn't have the right, nor did I promote any officer.
15 Not because of what the Prosecutor is saying, but for anything else. I
16 don't remember every -- ever signing a chit saying this promotes someone
17 to something.

18 I don't know how the Prosecutor can write something like that

19 without showing documents and saying, "Here, you did this," "There you
20 did that."

21 Your Honours, this is quite unacceptable. It is below any
22 acceptable limit for any trial. It's just not true. Who? Where? What?
23 When? Except for putting my life in jeopardy to prevent some idiot doing
24 anything. And now -- well, I point a pistol at some idiot, and once I
25 have run the risk of having some idiot kill me, then, on the other hand,

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1 I say, "Okay. I'm going to commend you for having mistreated someone
2 over there." I just can't follow and understand the logic of all this.
3 There is no logic.

4 Honourary Prosecution, there is no elementary logic here. You
5 are behaving as if you were Gods, as if you didn't mind whether you were
6 dealing with men, anthropoid monkeys, rats or whatever.

7 MR. STRINGER: [Previous translation continues] ... individual
8 members of the Prosecution team or the Prosecution collectively.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, don't look at
10 Mr. Stringer, who to my knowledge was not one of the drafters of the
11 indictment. He arrived later. He's just doing his job like everybody
12 here is doing their job. So look at me. Look at me and tell me that you
13 challenge what has been said here.

14 JUDGE TRECHSEL: I think the -- everyone has been speaking at the
15 same time, and the words said by Mr. Stringer are reported in a very
16 mutilated way. I think you have the right to make your record and to say

17 the full sentence so that it is retained in the record.

18 MR. STRINGER: Thank you, Judge Trechsel. The objection was to
19 the witness's addressing individual members of the Prosecution team in
20 the way that he has. It's our position that he can certainly comment on
21 the indictment as he's being -- as he's doing, but attacks or -- or
22 comments on individual members of the Prosecution team are not
23 appropriate.

24 JUDGE TRECHSEL: Well, to equalise, I think Mr. Praljak has also
25 spoken too fast. So in the transcript I do not find the name of any

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1 member of the Prosecution team. So I think that we can go on then and
2 leave that as it is.

3 JUDGE ANTONETTI: [Interpretation] General Praljak, I am now going
4 to examine in detail with several documents the contents of paragraph 232
5 of the indictment, which is important according to me, and it would be
6 useful to have -- to know of your own point of view.

7 Paragraph 232 of the pre-trial brief, the Prosecutor writes this:
8 "The HV and the HVO were acting as a military organisation, a single, a
9 unified military organisation." So we're going now to have a look at two
10 documents. First of all P00156. This is a document we've already seen
11 but which fits in the framework of what is said here.

12 Now, you know this document. President Tudjman appoints
13 Mr. Bobetko as commander of all the units of the Croatian army for the
14 southern front, from Split to Dubrovnik, and the Croatian navy is

15 subordinated to him.

16 Now, on this document which we have already seen, what can you
17 tell us? Does this fit the theory of the Prosecution according to which
18 the HV and the HVO were a single and unified military organisation?

19 A. No. I don't see a reference here to the HVO. There's no
20 reference for the HVO. I apologise.

21 Mr. Stringer, I really didn't mean you personally, and please
22 accept my apology.

23 No. This is an order issued by Franjo Tudjman for the southern
24 theatre of war in Croatia, from Split to Dubrovnik. And if you take into
25 account everything that has been clearly demonstrated in this courtroom

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1 about the intents of the JNA and about what was going on, he says in very
2 simple terms --

3 JUDGE ANTONETTI: [Interpretation] Let's see the second document
4 which will shed light on the former. P00170.

5 In this document, which was created on the 21st of April, 1992,
6 while the first document was the 10th of April, that is 11 days later,
7 Mr. Bobetko, who is the commander for the southern front, sends this
8 document to Mr. Roso and to Mr. Miljenko Crnjac. Excuse my
9 pronunciation. And he indicates that Major General Ante Roso is
10 responsible for the region of Livno.

11 Then I'm trying to understand. Livno is in Croatia or in the
12 Republic of Bosnia?

13 A. In the Republic of Bosnia and Herzegovina, Your Honour. This
14 order --

15 Q. How is it that General Bobetko, who is a general in the Croatian
16 army, he has a territorial area that falls within his remit, an area
17 which belongs to Bosnia-Herzegovina, and he wants all the reports to be
18 sent to the IZM of Grude.

19 A. Your Honour, this is what I have already said about General
20 Bobetko. He did not have the right to sign this, not in this form. He
21 should have assisted. However, he was not allowed to issue any orders.
22 Nevertheless, General Bobetko simply -- for him the -- the borders did
23 not mean much, and in that respect he wanted to be actually greater than
24 he was, hence the misunderstandings as I explained them. He had a lot of
25 misunderstandings with me because I didn't any recognise of such things,

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1 and he issued an order to me and asked for reports that he never received
2 from me.

3 This was an unlawful interference that lasted for a while until
4 the moment General Petkovic took over command in his own way. However,
5 it is also true that taking into account his advanced age,
6 General Petkovic had a much harder time opposing General Bobetko than I
7 did, because as I've already told you, people were tolerant of elderly
8 men irrespective of the fact that they violated their rights.

9 Franjo Tudjman appoint him very precisely to be in charge of the
10 area between Split and Dubrovnik, and he could coordinate tasks in that

11 area. But you know, some people want to be greater than they actually
12 are. He was not in a position to sign this order. He did, and now what?

13 JUDGE ANTONETTI: [Interpretation] We will have a look at
14 paragraph 232.15, which discusses Roso's position. P09596.

15 You can see this document which comes from the Republic of
16 Croatia. It concerns Mr. Roso, because on the 20th of October, 1993, it
17 is stated that Mr. Roso's active military service comes to an end, and he
18 is removed on the 15th of October and is relieved of his duty.

19 What do you have to say to this?

20 A. No. I don't know, Your Honour. I don't know anything. I saw
21 the documents among the documents before, I suppose.

22 It is possible that -- look, I've already made some indications
23 that after the Muslim offensive I would be looking as a result of some
24 discourse that I've already spoken about that I would leave the area, and
25 there was also a problem that I've already spoken about, and if you will

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1 allow me to share this with you.

2 You know, in order to do certain things well, in a military
3 generals should not be so close to so many soldiers. However, given the
4 nature of the -- of the war and the situation at hand that was rather
5 bad, I already came to know at least one-third of the soldiers who were
6 deployed. And if you will allow me, Your Honour Judge Antonetti, you
7 will remember the document that I reported, the elements of the
8 volunteers from the 5th --

9 JUDGE PRANDLER: I'm sorry, Mr. Praljak, to interrupt you, but
10 since I'm also an elderly man, you may probably accept, because we
11 spoke -- you spoke about elderly men like General Bobetko, and I'm also
12 an elderly man, so I hope you will accept my advice that really you have
13 to talk about the subject matter and to talk about the question which
14 President Antonetti asked you, because really sometimes you are going
15 beyond the -- I would say the limits of the question concerned. Thank
16 you.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, I cautioned
18 you at the beginning of the afternoon already. Please provide brief and
19 short answers. This is in the interest of everybody, because if in your
20 answers there are things which are not useful, this is detrimental to
21 everyone.

22 My questions tend to be lengthy because I want you to understand
23 what it is I'm getting at. Sometimes, unfortunately, I don't achieve
24 this, which may explain why your answers are longer than what I expect.
25 I'm trying to do my best.

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1 Another document which is a similar document. It's P06520
2 [as interpreted], which concerns you, as a matter of fact. This document
3 P06521. It's the same as a 3D00280, 280.

4 This document is a document that relieves you of your duty. It's
5 a document we've seen already. As the document states, because of your
6 state of health you are relieved as of the 24th of October, 1993.

7 This document, when you compare it with the document that
8 discusses Mr. Roso, a reasonable trier of fact could infer that the HVO
9 officers, some of them at any rate, are officers of the Republic of
10 Croatia.

11 A. Correct. This is correct. Not at the same time though. Not at
12 the same time. When I was in the Croatian army, I was in the Croatian
13 army. When I was in the HVO, I was in the HVO. Those were two different
14 militaries which coordinated certain things which were precisely
15 described, and there's nothing to add to that.

16 I repeat: The same was present in the Army of Bosnia-Herzegovina
17 when it came to serving in the Croatian army. There was no difference
18 there at all.

19 JUDGE ANTONETTI: [Interpretation] I'd like to get back to
20 General Roso and look at document P00195. Here we have it.

21 The first article is what I'm interested in. I would like you to
22 provide us with your comments. It states that:

23 "The only legal military units in the territory of the HZ HB are
24 the units of the HVO."

25 This is what he says. Do you agree with him or don't you agree?

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1 Has he made a mistake?

2 A. He was wrong. I don't agree. He should not have written that.
3 It was beyond the -- his remit, but General Roso issued some other orders
4 which were not within his remit. Besides, at that particular moment he

5 was the commander of the operation zone in Livno, and he did not have any
6 competencies that would allow him to write something like this.

7 The Chief of the Main Staff of the HVO at the time was
8 General Petkovic, and General Roso did not have any right whatsoever to
9 say who was legal and who was not.

10 First of all, he could not do it as a member of the military,
11 because that was a civilian problem, not a military problem, but that was
12 his problem, you know, and has nothing whatsoever to do with me.

13 JUDGE ANTONETTI: [Interpretation] Very well. We shall look at
14 document P00197. This is a document we've seen already briefly.

15 I'm sure you remember this document, don't you, Mr. Praljak?

16 A. I saw this document earlier in this courtroom, and I know nothing
17 about the document or the events that it describes, none whatsoever. I
18 don't have anything to do -- I didn't have anything to do with Busovaca.
19 I don't -- I'm not sure whether at the time I was even in command of the
20 zone, and I don't think I was.

21 JUDGE ANTONETTI: [Interpretation] This is dated the 10th of May,
22 1992.

23 A. You know, Your Honours, that from the 10th of April for a while I
24 was the commander of the operative zone in Mostar. At that time I wasn't
25 even that. So what I'm saying is that I don't have any direct or

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1 indirect connection with this document, and I can't provide any comments
2 upon it.

3 JUDGE ANTONETTI: [Interpretation] This document is signed by
4 Mr. Kordic. What I'm interested in is the first article where it says
5 that the agreement between the HVO and the so-called Busovaca TO is
6 terminated.

7 In paragraph 3, it states all paramilitary formations of the TO
8 are -- must hand in their weapons. So this is why there is an ultimatum.
9 And he adds that an arrest warrant has been issued against three people,
10 including the famous Merdan.

11 On the face of this document, could we say that part of the HVO
12 or a group of individuals, I don't know, feel that -- that they are the
13 only ones there and that the others don't count, and the Territorial
14 Defence of Busovaca is completely sidelined? What do you have to say to
15 this?

16 A. This document speaks about that, but first it says that they were
17 attacked. An agreement had been reached between the HVO and the TO
18 Busovaca on everything, but then an attack ensued, and that was part of
19 the tactic of the TO forces.

20 There were always minor things. Somebody was brought in,
21 somebody was being beaten up. And then the reactions on the Croatian
22 side were sometimes inproportionate, there is no doubt about that, but
23 there was always a kind of creeping aggression which took very small
24 steps, and then when things accumulated the other side reacted
25 nervously. That's correct.

1 However, while I was there this was taken care of. Towards the
2 end of 1992, the BiH army cooperated relatively well with the HVO except
3 for Crljenica and so on and so forth. It depending largely from one
4 place to another, from one person to another.

5 JUDGE ANTONETTI: [Interpretation] Paragraph 232.18. The
6 Prosecutor states that Tudjman shared the military responsibility -- I
7 shall repeat and read it out slowly.

8 In paragraph 232.18, it states and the Prosecutor says, and I am
9 quoting:

10 "Tudjman shared military responsibility in Herceg-Bosna between
11 the generals of the HV and the HVO and even prepared plans for the HVO in
12 the absence of any member of the HVO."

13 To illustrate this point, we shall look at document P06831, which
14 is a transcript from a meeting of the 23rd of November, 1993. You are no
15 longer holding a position. We know this.

16 Let's look at page 7 of the English version. Page 7.

17 MS. PINTER: [Interpretation] Your Honour, I apologise. Would you
18 happen to have the ERN number --

19 JUDGE ANTONETTI: [Interpretation] I'll find it.

20 MS. PINTER: [Interpretation] -- for the page?

21 JUDGE ANTONETTI: [Interpretation] Well, the page number, there
22 are a lot of figures here. 0132-3000 to 100, 3100, 0032-3126. We have
23 the text before us now.

24 I noted the following: Tudjman takes the floor at one point -
25 this is in the middle of the document - and he talks about the Mostar

1 bridge and you can see that he says that it is a fiasco, and he puts a
2 question and says, Who ordered the destruction of the bridge and why was
3 this done? Clearly the -- clearly President Tudjman had not ordered the
4 destruction of the bridge. It seems that he -- it comes out of the blue
5 for him. And he puts a question, and Susak answers, and we don't know
6 what he answers because paper can be heard, rustling of paper. This is
7 strange, and we don't know.

8 Mr. Praljak, you who are very familiar with the way the political
9 and military structures operate, when Mr. Tudjman says that he is
10 discovering that the Mostar bridge was destroyed, is this plausible or
11 not?

12 A. He learned that the bridge had been destroyed on the day. He was
13 watching TV, of course. But he for many reasons, and I know because I've
14 read everything, he was angry for several reasons. I can share them with
15 you if you want me to do so.

16 He asks here who has inflicted this terrible damage, because the
17 whole world was aware of the fact that the HVO was the one responsible.
18 My name already came into play, and he wanted to know who it was.

19 Just in passing, Your Honour Judge Antonetti, sometime before
20 2000 I wrote to UNESCO asking them to launch an investigation about the
21 Old Bridge. It just occurred to me subsequently that this happened. But
22 nobody could care less about that request.

23 So really he didn't have a clue who it was who destroyed the Old

24 Bridge. And he's also here angry about some other things, because
25 Bobetko had signed an order that he should not have signed as I have just

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1 explained to you a while ago. He signed an order on behalf of Franjo
2 Tudjman and the ministry concerning Prozor. Although in the previous
3 sentences and previous agreements Franjo Tudjman told him clearly, Yes,
4 volunteers from the Croatian army will be rewarded if they go down there
5 and try to put a stop on the Muslim offensive near Vakuf and break a
6 corridor towards Central Bosnia. And believe me, one of the people who
7 were in charge of the war in Bosnia-Herzegovina -- and the president says
8 here one of the co-presidents asked me if we were able to defend Gornji
9 Vakuf. One of the co-chairpersons of the conference. And this could
10 have been Stoltenberg who asked him, Okay, if you are defeated by the
11 Muslims what kind of a plan can we come up with if you're stuck by Vakuf
12 and if we strike a balance then we will have a political force to ask
13 them to do something. This is this political military game which is
14 complicated, and all the big players in that game were outside of Bosnia
15 and Herzegovina and Croatia.

16 JUDGE ANTONETTI: [Interpretation] Your counsel needs to take the
17 floor. I shall mention paragraph 132, and then by way of a transition I
18 shall mention the transcripts in which your name is mentioned. I will
19 then address the presidential transcripts, and I will finish off with
20 your case which you state in your submissions which you filed in April
21 and quote the documents that you mention. This will -- we will not

22 finish tomorrow undoubtedly, probably on Monday.

23 I would like to move on faster, but you answer slowly. So we're
24 running behind time.

25 THE INTERPRETER: Interpreter's note: Paragraph 232.

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1 THE WITNESS: [Interpretation] I don't agree. I can't be any
2 shorter. Please don't force me to cut myself short. I'm really trying
3 very hard to reduce my words to a minimum, but this was complicated. If
4 a co-chairperson asked Tudjman to stop them near Vakuf, this is an
5 important piece of information. Please don't ask me to do that. I've
6 been here for five years. I'm defending my honour. Allow me to do so.
7 If we have time do so, we have to make time if we don't have the time.
8 We can stay here for two years searching for the truth for -- for the
9 sake of God.

10 JUDGE ANTONETTI: [Interpretation] I agree with you, Mr. Praljak.
11 I know that you are putting a great deal of effort into this, and so are
12 we all, but the clock is ticking and we can't spend 20 years here because
13 in 20 years I won't be here anymore.

14 You have the floor. Let's move into closed session.

15 [Private session]

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

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11 Pages 41639-41641 redacted. Private session.

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1 (redacted)

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19 (redacted)

20 --- Whereupon the hearing adjourned at 7.10 p.m.,

21 to be reconvened on Thursday, the 18th day

22 of June, 2009, at 2.15 p.m.

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