

SLOBODAN PRALJAK

DEFENCE CLOSING STATEMENT*

THE REGISTRAR: Good afternoon, Your Honours. This is case number IT-04-74-T, the Prosecutor versus Prlic et al .

JUDGE ANTONETTI: [No interpretation] .

[Interpretation] I'm starting over again. I would like to welcome everybody in the courtroom, the accused, I would also like to welcome the Defence counsel, as well as members of the OTP, and everybody who is helping us in these proceedings. We are continuing today with the closing arguments. General Praljak will have exactly 30 minutes.

Mr. Praljak, you have the floor for your 30 minutes.

THE ACCUSED PRALJAK: [Interpretation] Good afternoon. I extend my greetings to everybody in the courtroom. I especially extend my greetings to the interpreters.

Your Honours, the training of police officers from Bosnia-Herzegovina in Croatia, who were sent by the SDA as early as 1991, the training of pilots of the BH Army in the Republic of Croatia, the training and equipping of entire BH Army units in Croatia, the taking up of hundreds of thousands of Muslim refugees in Croatia, the organization of ex-territorial education and schooling for Muslim refugees in the

Republic of Croatia in the Bosnian language, which at the time didn't even exist, the uninterrupted supply of weapons to the BH Army, ammunition, oil, medication, food, and other necessary logistics for the BH Army in order to wage a war, the medical treatment of more than 10.000 wounded BH

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Army combatants in Croatian hospitals, enabling thousands of Mujahedin to come and join the BH Army, regular logistic bases of the BH Army in Zagreb, Rijeka, Split, Samobor, throughout the war, and so on and so forth, and all of this for free.

Never in the history of war has one people, the Croats, provided so much help to another people, the Bosnian Muslims, even when the latter turned their army, the BH Army, against the Croats, the HVO, in Bosnia-Herzegovina.

Never in the history of war has the commander of one army, the HVO, let convoys with armaments and other equipment pass through to another army, the BH Army, even when that army, the BH Army, used those armaments and all the rest to attack those who let them receive it.

And what about the referendum of Croats for Bosnia-Herzegovina, which was a precondition for the existence of that state, the recognition of Bosnia and Herzegovina by the Republic of Croatia, the appointment of the ambassador of the Republic Croatia to Bosnia and Herzegovina, the signing of all propositions made by the international community on the internal structure of Bosnia-Herzegovina, and the first ones to sign were the representatives of the Croatian Community of Herceg-Bosna and the Republic of Croatia.

That was the policy of Dr. Franjo Tudjman, president of the Republic of Croatia. It was the policy of the Government of Croatia, the Parliament of Croatia and the Ministry of Defence of Croatia. It was the policy of the HVO.

To the Prosecution of this Tribunal, all these are elements of a joint criminal enterprise. Such an indictment uses logic that is offensive even to the cognitive system of a pathogenic virus. What kind of opinion and which positions precede such an indictment?

Firstly, Simon Leach, a former police constable in Great Britain member of the OTP team who investigated crimes committed by Croats in the Lasva Valley, at some meeting in the Prosecution in 1996, produced a piece of paper with names, the names of Franjo Tudjman, Gojko Susak and Vice Vukojevic. He interpreted and explained that these were the goals that his investigation was led to.

Secondly, I quote from Willem Montgomery's book, *"After the Cheering Stops,"* page 114:

"The US special ambassador for war crimes, Pierre Prosper, invited three American ambassadors from the

region, from Serbia, Croatia and Bosnia to come to The Hague in order to meet with the representatives of the ICTY. There are two memories rather impressive. The first one refers to the fact that we heard directly from Carla Del Ponte that the official approach of her office is based on the position that all war leaders of all parties are guilty of war crimes, and, further on, that she considers which these specific crimes are and how their guilt can be proved. At that moment, it seemed, and it still seems to me, that such a position is false for several reasons."

Is Mr. Montgomery a credible witness? What was the reaction of the other three? The positions of Carla Del Ponte are not false for many reasons. Her position is imperial arrogance, a degradation of law and its reduction to Communist purges and Nazi pogroms.

Thirdly, in her book "*La Caccia: lo e I Criminali Di Guerra*," Carla Del Ponte says, on page 254:

"One of the Prosecutors of the Tribunal, a Canadian, well known in his circle for his wit and anecdotes, had an aphorism that did a good job capturing the difference between the Serbs and the Croats who attempted to obstruct the work of the Tribunal. The Serbs are bastards, he used to say. In contrast, the Croats are perfidious bastards."

This Prosecutor of the Tribunal, the Canadian, is using hate speech. Del Ponte uses the phrase "he used to say," which means that it was not a one-off witty remark, but a habitual chauvinistic and racist characterisation of the Croats as perfidious bastards. Carla Del Ponte relays the words of one of the Prosecutors of the Tribunal without any restrictions, which means that she completely agrees with that opinion; on an ongoing basis, too, which we can infer from the language and the phrase "he used to say."

The lack of any reaction to such a pro-fascist manner of speech about one nation is something I cannot comprehend. I'm interested to know whether the indictment against me may have been drafted under the impression of such an opinion. If, by any chance, I, Slobodan Praljak, had written or said anything like that, anywhere, at any time, about any people or nation or group during the war in the territories of the former Yugoslavia, I would have been sentenced to five years of imprisonment only for that.

I really would like to know whether the saying "quod licet Iovi non licet bovi" is something that is a valid rule here in this Tribunal.

I really would like to know whether the international organizations which established the Tribunal and which ensure that it is fair, support the position mentioned in the book, this book.

The Prosecution has compared me to the Nazis and my activity to the Holocaust. Well, let me then describe the role of Goering, which character, according to the Prosecution, I compare.

- This Goering placed his Jews - actually Muslims - in his country cottage and took care of them.
- He put his Jews in his apartment in Zagreb.
- He fed them and gave them medical treatment.
- He exposed himself to sniper fire in front of the JNA barracks at Grabovina in order to save the wives of his enemies.
- He protected the captured JNA soldiers with his own body and saw to it that they make it to their homes safe and sound.
- He pulled out captured Serb civilians from the Dretelj Camp, although he was being threatened with weapons; not alone, though. The camp was held by HOS members, who were mostly Muslims.
- He evacuated wounded Jews - actually Muslims - from the hospital in East Mostar; not alone, of course.
- He organised the evacuation and accommodation of 15.000 Jews - actually Muslims - from Stolac and the Dubrava Plateau, across the Neretva, and 3.000 of their cars.
- He didn't do that alone, either.
- He transported a wounded Jewish woman - actually Muslim woman - by helicopter from East Mostar to Split; not alone.
- He received a Jewish - actually Muslim - family with a child suffering from leukemia near Uskoplje and transported them to Split to be treated.

- He helped them to get Croatian citizenship in order to travel to Switzerland and be treated medically at the expense of the Croatian state budget; not alone, though.
- He organised that the Salvation Road for Jews - actually Muslims - be built in order to be able to leave to another country, Goering's country, Croatia.
- He didn't do it alone though.
- He guided them and fought with the Jews – actually Muslims - defending and liberating Mostar and Capljina and Travnik and Konjic and other places.
- He didn't do that alone either.
- He, of his own accord, let the captured Jews - actually Muslims - go who were captured after the conflict in Rama or Prozor, and he prevented retaliation after the Jews - actually Muslims - committed crimes in Uzdol.
- He didn't do that alone, and the same applies to Doljani and Grabovica.
- When necessary, he personally let through convoys transporting food for the Jews - actually Muslims - as well as convoys with armaments, even when the 3rd Corps of the BH Army, the 4th Corps of the BH Army, the 6th Corps of the BH Army and parts of the 1st Corps of the BH Army launched an attack against Goering, against the western borders of Bosnia-Herzegovina, at the port of Ploce, after they had signed a truce with the Serbs.
- He didn't do that alone either, and so on and so forth.

I'll skip Goering's - that is Praljak's - behaviour in the courtroom, but that behaviour makes one a war criminal according to the logic applied by the OTP.

The Prosecutor quoted Goethe's Faust about the mirror that we should look -- that you would use to look at ourselves. My *actus reus* are my mirror, my point and my very essence, because they follow from the *mens rea* of that one who we call Slobodan Praljak.

Unfortunately, Judges Prandler and Trechsel refused to accept my 150 witnesses who were supposed to testify about the activities and deeds of the accused Praljak, and

about the general situation in which such deeds were necessary, but, unfortunately, not always sufficient, and I really fail to understand the legal procedure that forbids me to testify about Mladic's diaries.

Do I regret the victims? Yes, I regret all innocent victims of all war. I especially regrets the victim of those 500 wars or so after 1945 that have taken place and still go on, despite all moralists' speeches that we hear daily.

I especially regret every child that, in reality, dies of hunger every four seconds. Peace in dictatorship is a preparation for war. The longer and the worst the dictatorship, the more negative energy builds up and the more blood and evil will follow later. It doesn't matter whether we're talking about Tito or Saddam. And those who bring down a dictator and who later try to diminish the evil that occurs according to the force of the laws of physics, but those who made possible the dictatorship and by their silence made it last longer.

The same applies to Yugoslavia after Tito as well as to Iraq after Saddam. What the Prosecutor calls nationalist is something the Croats felt a necessity for freedom, both the freedom of the people and citizens' freedom. In this sense, I am a Croatian nationalist. I do not renounce the policy of Dr. Franjo Tudjman because that policy created the Republic of Croatia and made possible the survival of Bosnia-Herzegovina as a state. I do not renounce the inherent sense and point in the legal establishment of the HZ-HB, the expression of the will of the Croats in BH to become and remain a sovereign and constitutive people in that state.

The HZ-HB, by its frail organisational structure made possible the creation of the HVO, which in 1992 was able to defend the BH and the south of Croatia in 1993, prevented the implementation of the aggressive plans of the BH Army.

The Muslim policy and the BH Army unable to regain the territories that were occupied by the JNA and the VRS, and that was due, to a large extent, to the weapons embargo that is incomprehensible to an ethical human mind, moved to launch a counter-offensive against the HVO.

By liberating areas from Croats, they committed crimes at Konjic, Capljina, Doljani, Bugojno, Grabovica, Uzdol, and elsewhere. The facts are plain to see for the killed, expelled and detained Croats. Social relations are an area where the laws of cause and consequence apply, whereas the spiral of evil, once initiated, does not justify crime, but it does significantly reduce the possibility to implement the law,

whoever's task that is on paper. It is always like that, and everywhere.

The HVO defended itself from an aggression in 1992, in 1993, and 1994, and a commander's duty is not to lose the war.

My conscience is clear.

Legal proceedings are the interpretation of laws and facts in a trial proceedings, as rhetoric, and, as such, does not seek to find the absolute truth. It seeks to find a probable truth beyond all reasonable doubt, which can be contradicted hardly or not at all.

In an attempt to discover such truth, knowledge is not enough. One needs to ponder, one needs to apply logic, one needs to apply rational and logical argumentation, data, facts, statements, and statistics do not mean a thing if they are not in a logical relationship with assertions. Through connecting various types of knowledge can we get closer to the truth.

In these proceedings, one requires knowledge from the field of sociology, sociology of war, knowledge about societies in which state and social structures are completely destroyed, in which individuals return to their natural state.

One needs to apply knowledge from the field of war psychology as well as the knowledge of war skills, armament, and the understanding of the real term of the military, and so on and so forth.

Possible mistakes in the interpretation of facts are probable and just as well fatal. Exaggerated and false reduction of terms and of logical connections, making conclusions on the basis of false presumptions, avoiding comparing similar systems and phenomena, arbitrary equalising of terms "power" and "desire," which is so dear to intellectuals, arbitrary accusations because the world is not how one wishes or conceives it to be. These are all fields of possible logical errors in the final assessment of facts.

I sincerely hope that the honourable Trial Chamber will adhere to scientific methods and notions.

In the last century, millions of people were convicted in trial proceedings pursuant to racial laws, for example, in the USA and Pretoria, dictatorial, religious and Nazi laws in Germany, Serbia, Slovakia, the independent state of Croatia, fascist laws which were applicable in Italy, Communist laws which

were applicable in the former Soviet Union and Yugoslavia, and so on and so forth.

The court rhetoric has been under the influence of unreasonable social and political powers for too long, and that is why it has been criticised; unfortunately, not loudly enough.

In order to not end up in moral desperateness, it is high time for it to become what it has to be, a moral and reasonable process.

Do I have the right to hope?

I would kindly ask the honourable Judge Antonetti to tell me how much more time I have.

JUDGE ANTONETTI: [Interpretation] Madam Registrar, could you please confirm the time. [Trial Chamber and Registrar confer]

JUDGE ANTONETTI: [Interpretation] You have five minutes left.

THE ACCUSED PRALJAK: [Interpretation] Enough. Laws of this Tribunal may be what they are. However, they do not apply to the Americans. For other peoples, laws of the Permanent Court apply, and those laws again differ from the laws applied here at the ICTY, the International Criminal Tribunal for the former Yugoslavia, laws which are applied to me.

This abolishes a significant condition of the court rhetoric, which is the principle of the equality of arms among the participants in the trial proceedings. And now I quote Perelman:

"In a relation where inequality is a significant and characteristic of relations among people, there is no foundation for a reasonable and judicious process."

And for the end, I'm not guilty, and I'm not referring here to the feeling of guilt, coldly, rationally, with a logical analysis that has been critically examined dozens of times.

I know I'm not guilty.

Your Honour Judge Antonetti, if your judgement is the opposite of my conclusion, I will respect the general principle of challenging every opinion, conclusion, or attitude. I shall reconsider my position on my own responsibility openly and courageously.

If I recognise a mistake after that, I shall serve my time because you are righteous. I will know what I could have done better, how I could have done it better, where I could have done it better, and when I could have done things better, in my thoughts and in my words, in what I did and in what I failed to do.

If, however, you do not convince me and if your interpretation of facts is not a good-enough or a falsely application of sum of social sciences, and what is not possible thus becomes possible, what is not simple thus becomes simple, and the power to do something thus becomes just a substitute for a desire or a wish, then I will be in jail only because the Tribunal is might, and this wouldn't be anything new under the sun, really.

My half hour is finished. I would like to thank you for your attention now and over the past several years. Thank you very much.