

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-04-74-T
Original: English

TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Arpad Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Acting Registrar: Mr. John Hocking

Filed: 27 January 2009

THE PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ĆORIĆ
BERISLAV PUŠIĆ**

- PUBLIC WITH PUBLIC ANNEXES -

**SLOBODAN PRALJAK MOTION FOR ADMISSION OF WRITTEN
STATEMENTS PURSUANT TO RULE 92 *BIS***

The Office of the Prosecutor

Mr. Kenneth Scott
Mr. Douglas Stringer

Counsel for Jadranko Prlić

Mr. Michael G. Karnavas
Ms. Suzana Tomanović

Counsel for Bruno Stojić

Ms. Senka Nožica
Mr. Karim A.A. Khan

Counsel for Slobodan Praljak

Mr. Božidar Kovačić
Ms. Nika Pinter

Counsel for Milivoj Petković

Ms. Vesna Alaburić
Mr. Nicholas Stewart

Counsel for Valentin Ćorić

Ms. Dijana Tomašegović-Tomić
Mr. Drazen Plavec

Counsel for Berislav Pušić

Mr. Fahrudin Ibrišimović
Mr. Roger Sahota

**SLOBODAN PRALJAK MOTION FOR ADMISSION OF WRITTEN
STATEMENTS PURSUANT TO RULE 92 *BIS***

I. INTRODUCTION

1. The Praljak Defence respectfully moves the Trial Chamber, pursuant to Rule 92 *bis* (A) and (B), to presently admit as evidence in this case the statement of Ambassador Jean Paul Klein (“Klein Statement” or 3D03263) attached in Annex 1, and the statement of Jakov Bienenfeld (“Bienenfeld Statement” or 3D03234) attached in Annex 2 (collectively “Statements”). The Klein statement relates to Alija Izetbegović’s offer to Franjo Tuđman and Tuđman’s rejection of that offer. The Bienenfeld Statement relates to humanitarian convoys to and from Sarajevo.

II. SUBMISSION UNDER RULE 92 *BIS* (A) AND (B)

2. Rule 92 *bis* (A) states in pertinent part:

A Trial Chamber may dispense with the attendance of a witness in person, and instead admit, in whole or in part, the evidence of a witness in the form of a written statement or a transcript of evidence, which was given by a witness in proceedings before the Tribunal, in lieu of oral testimony which goes to proof of a matter other than the acts and conduct of the accused as charged in the indictment.

A. The Tendered Statements are Duly-Certified.

3. The Praljak Defence submits that the written statement of Ambassador Klein and Mr. Bienenfeld have been duly certified in full accordance with Rule 92 *bis* (B), in that he has affirmed before a judicial officer: (a) the making of his or her statement; and (b) the accuracy of the statement in recording his or her evidence. Pursuant to Rule 92 *bis* (B), these statements are admissible.

B. The Tendered Statements Satisfy All Preliminary Aspects of Rule 92 *bis*.

4. Under Rule 92 *bis* (A), any relevant or probative evidence can be admitted by this method so long as it does not go to the acts and conduct of the accused, as defined by Tribunal jurisprudence.
5. The Klein Statement does not go to the acts and conduct of any Accused as charged in the Indictment, referring only to Alija Izetbegović’s offer to Franjo Tuđman¹ to annex Herzegovina to Croatia, an offer which Tuđman rejected. The

¹ Alija Izetbegović and Franjo Tuđman are both deceased.

Statement is both relevant and probative given, *inter alia*, Franjo Tuđman's alleged involvement in the alleged Joint Criminal Enterprise.²

6. The Bienenfeld Statement does not go to the acts and conduct of any Accused *as charged in the Indictment*, referring only to Bienenfeld's humanitarian convoys to Sarajevo and the Accused's mens rea as demonstrated by his assistance to humanitarian convoys. The Statement is both relevant and probative given, *inter alia*, the contradiction between the alleged Joint Criminal Enterprise and the facts of aid to Bosnia and Herzegovina and the unlikelihood of someone who assisted these humanitarian convoys joining the alleged Joint Criminal Enterprise.
7. The Statements have been duly certified in full accordance with Rule 92 *bis* (B) in accordance with the law and procedure of the United States in the case of the Klein Statement and in accordance with the law and procedure of the Republic of Croatia in the case of the Bienenfeld Statement.

C. The Factors Listed in Rule 92 *bis* (A)(i) Favour Admitting the Statements.

1. Rule 92 *bis* (A)(i)(a) favours admitting the Statements.

8. Rule 92 *bis* (A)(i)(a) states that if evidence is of a cumulative nature, that is a factor which weighs in favour of admitting evidence under Rule 92 *bis*.
9. The Klein Statement is cumulative with respect to the testimony of Miomir Žužul³ regarding the offer by Alija Izetbegović to Franjo Tuđman to annex Herzegovina to Croatia. Tuđman rejected that proposal. Accordingly, the statement of Ambassador Klein should be admitted under Rule 92 *bis*.
10. The Bienenfeld Statement is cumulative with respect to the testimony of Dr. Adalbert Rebić⁴ discussion of the existence of humanitarian convoys to and from Sarajevo.

2. Rule 92 *bis* (A)(i)(b) favours admitting the Statements.

11. Rule 92 *bis* (A)(i)(b) states that if evidence "relates to relevant historical, political or military background", that is a factor which weighs in favour of admitting evidence under Rule 92 *bis*.

² Indictment, para. 16.

³ T. 27644:24–27646:7, 7 May 2008; T. 31151:14–31152:2, 22 July 2008.

⁴ T. 28325:14–29327:10, 21 May 2008.

12. The Klein Statement and the Bienenfeld Statement relate to the relevant historical and political background of the interactions between Izetbegović and Tuđman. Accordingly, the Klein and Bienenfeld Statements should be admitted under Rule 92 *bis*.

D. There is No Reason to Exclude the Statements.

13. The factors listed in Rule 92 *bis* (A)(ii), which weigh against admitting evidence in the form of a written statement or transcript, are completely absent in this case.
14. Rule 92 *bis* (A)(ii)(a) states that if “there is an overriding public interest in the evidence in question being presented orally” there is one factor which weighs against admitting evidence under Rule 92 *bis*. Here, there is no overriding public interest in calling witnesses to testify *viva voce* in order to present this cumulative, background information. The Klein Statement and the Bienenfeld Statement are quite short. Both are unequivocal. No value would be added by the statements being presented orally. Accordingly, there is no reason to exclude this evidence.
15. Rule 92 *bis* (A)(ii)(b) states that if an objecting party “can demonstrate that its nature and source renders it unreliable, or that its prejudicial effect outweighs its probative value,” that is one factor which weighs against admitting evidence under Rule 92 *bis*. Here, there is no reason to indicate that the Statements are unreliable or prejudicial. Accordingly, there is no reason to exclude the Statements.
16. There is simply no reason for the Ambassador Klein or Mr. Bienenfeld to be called to appear for cross-examination. The Statements should be presently admitted.

E. Practical Concerns Weigh Heavily in Favor of Presently Admitting the Statements.

17. By admitting the Statements now, the Trial Chamber greatly aids all Parties and allows the Trial Chamber to have the advantage of evidence relevant to the evidence presented by the Prlić Defence during the Prlić Defence case.
18. There is no reason to delay the admission of the Statements. There is no indication that any further evidence will be presented on this point, nor is there any indication that any further evidence is needed.
19. The Praljak Defence will be aided by presently admitting the Statements. The contours of the Praljak Defence case are formed in part by the evidence already presented. Given the restrictions placed on the time allowed for the presentation

of the Praljak Defence case, as well as the restriction on the translation of documents, it is all the more important for the Praljak Defence to determine the contours of the Praljak Defence case as soon as possible, and before the first *viva voce* witness for the Praljak Defence is announced.

20. The Prosecution will also be aided by the admission of the Statements. Rather than pointlessly delaying the consideration and admission of the Statement, the Prosecution would know for the remainder of the trial that this is evidence with which they have to contend.
21. The Prlić Defence will be aided by the present admission of the Statements, because it reinforces the evidence they have presented. With the Prlić case closed after clearly establishing the foundation for the admission of the Statements, there is no reason to delay the admission of the Statements.
22. The Stojić, Petković, Ćorić, and Pušić, Defences will be aided by being able to have a better sense of the contours of their cases. Presently admitting the Statements allows each remaining Defence to plan their case accordingly.
23. The Trial Chamber will be able to presently evaluate the evidence presented by the Prlić Defence and any related evidence. The Trial Chamber has long emphasized the need for all parties to do whatever is possible to reduce the duration of the trial. The Praljak Defence respectfully submits that statements submitted pursuant to 92 *bis* should be encouraged and supported in order to minimize the duration of the trial and minimize future complications.
24. Accordingly, the practical concerns of all parties and the Trial Chamber weigh heavily in favor of presently admitting the Statement. There is no bar to the present admission of the Statements in the Defence Guidelines, including Guideline 9,⁵ the Rules of Procedure and Evidence, or the Statute of the International Criminal Tribunal for the former Yugoslavia.

III. RELIEF REQUESTED

25. For the foregoing reasons and in accordance with Rule 92 *bis*, the Accused respectfully requests the Trial Chamber to admit the Statements.

⁵ Decision Adopting Guidelines for the Presentation of Defence Evidence, issued 24 April 2008, paras. 35–36.

Word Count: 1,605

Respectfully submitted,

By

A handwritten signature in black ink, appearing to be a stylized combination of the names Božidar Kovačić and Nika Pinter.

Božidar Kovačić and Nika Pinter
Counsel for the Accused Slobodan Praljak

ANNEX A

**STATEMENT OF AMBASSADOR
KLEIN**

Unofficial office translation

Newspapers article – “Večernji list” dated 6 March 2007

Title – “Izetbegović offered Herzegovina to Tuđman”

Portion – 2nd page

Klein; “There is a reality in the politics that many do not understand or do not want to see. How many times they told me the same thing; “I would do that like you suggest it, Mr. Klein. But if I say that to my people, I shall loose support.” No, I will not separate anyone; I had similar experiences with everybody. And after President Tuđman told me that Izetbegović indeed offered him the separation of Herzegovina, I actually asked the Bosnia-Herzegovina President in Sarajevo about this issue. He replied to me that, to him, the Croats are the major problem, therefore he wanted to get rid of them, so he thought, this was the best way, but Tuđman did not accept the offer.”

VL; “Today, Tuđman and not Izetbegović, is being accused that he was dividing Bosnia. Do you believe in survival of this state?”

Klein; “Honestly, I think that Bosnia and Herzegovina is still being an experimental story. On the paper, all agreements and laws seem to be excellent, however, in real life, they are slowly applied. Some say that Dayton is dead. And I ask them; do they really want an Islamic state in the heart of Europe? I think that the integration of South-East Europe towards the European Union should be accelerated, which does involve BIH. The Balkan conflict in the 1990’s is not the only one in the world’s history. We in America also had the civil war, however, we continued to live together afterwards.”

RAZGOVOR Jacques Paul Klein, bivši prijelazni upravitelj UNTAES-a: Izetbegović Tuđmanu ponudio Hercegovinu

JADRANKA JUREŠKO-KERO

Umirovljeni američki general Jacques Paul Klein, koji je od 1995. do 1997. bio prijelazni upravitelj UNTAES-a za hrvatsko Podunavlje i potom zamjenik visokog predstavnika glavnog tajnika Ujedinjenih naroda za BiH, često u američkoj javnosti govori o svojim iskustvima iz toga razdoblja. Nakon što je o gospodarskim problemima u novim državama jugoistočne Europe predavanje održao ovih dana u New Yorku na Columbia sveučilištu, Jacques Klein je za Večernji list komentirao aktualne, ali i bivše političke događaje u Hrvatskoj i BiH.

VL: Kako komentirate presudu Međunarodnog suda pravde kojom je Srbija amnestirana od izravne odgovornosti za genocid u Srebrenici?

KLEIN: Želim tu presudu, prije nego što donesem konačan sud, dobro proučiti jer još nisam stigao. Uvjeren sam da sve strane ne mogu biti podjednako zadovoljne, a nikako se ne smije dopustiti da odluka Suda poremeti napore za unapređivanje političkih i gospodarskih odnosa u jugoistočnoj Europi. Pojam genocida očito se različito tumači. Ono što se dogodilo u Ruandi

Izetbegović mi je rekao da su mu Hrvati velik problem pa ih se želio riješiti tako da im da Hercegovinu

genocid je nad genocidima. Također i u Srebrenici! Ratko Mladić je zločinac i nisam siguran da je njemu trebala naredba iz Srbije da ubija jer on je to i sam želio raditi. Ne, ne, nije to amnestija Srbije od odgovornosti, samo govorim o činjenicama. Sramota je da on i Karadžić nisu u Haagu!



Sramota je da Karadžić i Mladić nisu u Haagu, kaže Klein

VL: Pa zašto nisu? Mnogi u Hrvatskoj, ali i na prostorima bivše Jugoslavije, tvrde da Tribunal u Haagu nije ispunio ulogu zbog koje je osnovan prije 14 godina. Hrvatska ispunjava sve obveze, naši generali čekaju suđenje, a srpski zločinci...

KLEIN: Da, da, znam. To je politički sud! I dok sam bio u Bosni, oštro sam reagirao zbog činjenice da nema političke volje za uhićenje Karadžića.

VL: Na predavanju ste naglasili da su Tuđman, Izetbegović i Milošević jedno govorili kad su bili s vama nasamo, a drugo pred svojim ljudima ili u javnosti. A tvrdite da je Izetbegović nudio Tuđmanu da pripoji Hercegovinu!

KLEIN: U politici postoji realnost koju mnogi ne

razumiju ili ne žele vidjeti. Koliko su mi puta, ali baš isto znali reći: Ja bih to napravio kako vi predlažete, gospodine Klein, ali ako to kažem svom narodu, izgubit ću podršku.

Mislim da je BiH eksperimentalna priča, sve na papiru izgleda odlično, ali u stvarnom životu sporo se primjenjuje

Ne, neću izdvajati nikoga, sa svima sam imao slična iskustva. A nakon što mi je predsjednik Tuđman rekao da mu je Izetbegović zaista nudio odcjepljenje Hercegovine, u Sarajevu sam to otvoreno pitao bosansko-hercegovačkog predsjednika. Odgovorio je da su njemu Hrvati velik pro-



Neki kažu da je Dayton mrtav. A ja ih pitam: žele li doista islamsku državu u središtu Europe? Mislim da treba ubrzati integraciju BiH u Europsku uniju.

Jacques Klein

blem pa ih se želio riješiti te je mislio da je to najbolji način, ali Tuđman nije prihvatio tu ponudu.

VL: A danas Tuđmana, a ne Izetbegovića, optužuju da je dijelio Bosnu! Vjerujete li u opstanak te države!

KLEIN: Iskreno mislim da je Bosna i Hercegovina još uvijek eksperimentalna priča. Sve na papiru, svi dogovori i zakoni izgledaju odlično, ali u stvarnom životu sporo se primjenjuju.

Neki kažu Dayton je mrtav. A ja ih pitam: žele li oni zaista islamsku državu u središtu Europe? Mislim da treba ubrzati integriranje jugoistoka Europe, dakle i BiH, u Europsku uniju. Nije sukob devedesetih na Balkanu jedini u svjetskoj povijesti. I mi smo u Americi imali građanski rat pa smo poslije nastavili živjeti zajedno!

ANNEX B

**STATEMENT OF MR.
BIENENFELD**

IZJAVA - JAKOV BIENENFELD

Ime i prezime: Jakov Bienefeld
Datum rođenja: 28.7.1948
Mjesto rođenja: Zagreb
Nacionalnost: Židov
Vjeroispovjest: Židov
Adresa: Ul. Ivana Trnskog 3 (VIP-DATA), Zagreb

Interview je obavljen u Zagrebu, u dva navrata tijekom veljače 2005. godine. Interview je vodio Božidar Kovačić, odvjetnik iz Njivica, branitelj okr. Praljak Slobodana u predmetu pred MKSJ br. IT-04-74-PT.

Na traženje branitelja g. Praljak Slobodana izjavljujem da sam voljan dati izjavu o događajima u kojima sam sam na neki način učestvovao tijekom ratnih zbivanja u BiH 1992 - 1994. godine.

Upozoren sam da moram govoriti istinu i da neistinita izjava predstavlja kazneno djelo po zakonu RH a i po pravilima ICTY, te izjavljujem da to u potpunosti razumijem te da ću sve opisati istinito i po najboljem sjećanju.

Po potrebi spreman sam o niže opisanim događajima i osobno svjedočiti pred vijećem ICTY u Haagu, bilo direktno bilo putem video-linka.

Na postavljena pitanja izjavljujem kako sljedeći:

1. Još kao mladić aktivirao sam se u radu Židovske općine u Zagrebu. Tijekom 1990. godine odlukom Vijeća Židovske općine u Zagrebu, zadužen sam za pitanja sigurnosti te institucije.
2. Negdje 1990 ili 1991, Vijeće Židovske općine u Zagrebu je prihvatilo inicijativu JOINT-a (The American Jewish Joint Distribution Committee), i odlučilo da organizira izvlačenja Židova, kao i osoba drugih nacionalnosti, iz BiH ako se to pokaže potrebnim. Vijeće je mene zadužilo za tu aktivnost pa sam bio direktno zadužen za organizaciju i izvršenje plana za iseljenje pripadnika židovske zajednice iz Sarajeva te za dovođenje humanitarne pomoći u okupirano Sarajevo.
3. Humanitarna pomoć prikupljena je u RH i inozemstvu, a ja sam organizirao konvoje za prevoz pomoći u Sarajevo. Pomoć je bila namjenjena stanovništvu Sarajeva, bez obzira na vjersku ili etničku pripadnost.
4. Mi smo dopremali pomoć u Sarajevo, a tamo su podjelu iste preuzimali Židovska Općina i društvo Benevolencija. Od osoba u tim aktivnostima u BiH razne uloge imali su Ivica Čeršnić, Jakov Finci, Danilo Nikolić (sada predsjednik Židovske općine Sarajevo) i drugi.
5. Napominjem, da je plan bio da se omogući izlazak Židova, ali i pripadnika drugih nacionalnosti, iz Sarajeva. U konvojima koje sam osobno organizirao i vodio ukupno je prevezeno oko 1200 ljudi od kojih je samo oko 400 bilo Židova.
6. Što se tiče dopreme pomoći, posebno lijekova, mogu reći da smo mi u Sarajevo dovezli više lijekova nego sve druge organizacije zajedno. Napominjem, da je Židovska općina u Sarajevu otvorila dobrotvornu apoteku u kojoj su svi ljudi mogli dobiti potrebne lijekove.

7. U pripremnaju konvoja za prevoz židova i osoba drugih nacionalnosti iz Sarajeva te za prevoz humanitarne pomoći u Sarajevo kontaktirao sam mnoge osobe za koje sam vjerovao da bi mogle pomoći u osiguravanju nesmetanog prolaza kroz područja pod kontrolom svih zaračenih strana u BiH. Kontakte sam ostvarivao posredstvom mnogih ljudi dobre volje i raznih vladinih i nevladinih organizacija. Radi tih razloga sam nekoliko puta sam putovao u BiH.
8. Tako sam, među ostalim, uspostavio direktan kontak sa g. Praljka Slobodanom. Prvi puta sam ga osobno susreo u Zagrebu 1992. godine, mislim da je to bilo sredinom godine. Izložio sam mu naše planove i pitao je li on može pomoći. Bez okljevanja Praljak je rekao da će učiniti sve što može u cilju realizacije nesmetanog prolaza konvoja iz i u Sarajevo.
9. Praljak je i izvršio obećanje. Prvi konvoj nakon tog razgovora vodio sam 14.11.1992. i to je bio konvoj kojim smo prevezli prvu grupu ljudi iz okupiranog Sarajeva.
10. Što se tiče hrane, lijekova, medicinskog materijala i drugih potrepština za život ta je roba skupljana u Splitu. Uz neposredu pomoć Praljka u Hercegovini i u Hrvatskoj sam našao prevoznike i šofere. Mene su posebno impresionirali šoferi iz Hercegovine koji su prihvatili sudjelovanje u konvoju unatoč velikog rizika za život.
11. Svaki puta kad sam pripremio konvoj bilo za prevoz osoba iz Sarajeva, bilo za prevoz robe u Sarajevo, javio bih se Praljku, ili osobama na koje bi me on uputio, te bi ih obavijestio o željenom planu putovanja. U pravilu nakon dan ili dva Praljak ili ljudi koje je on zadužio javili bi mi detaljni plan putovanja (rute i vrijeme).
12. Veličina konvoja je varirala, obično se konvoj sastojao od 2 do 5 autobusa kada se radilo o konvoju za prevoz ljudi iz Sarajeva, odnosno 10 – 15 kamiona kad se radilo o konvoju za prevoz pomoći u Sarajevo.
13. U pravilu konvoji su se kretali na ruti Split – Metković – Stolac – Todorići – Nevesinje – Foča – Lukavica - Sarajevo. U nekim prilikama ruta je bila nešto drugačija.
14. Jednom prilikom, mislim da je to bilo sredinom 1993., uspjeli smo organizirati prevoz osobnih stvari sarajevskih židova iz Sarajeva. U tome je Praljak imao ključnu ulogu. On je na neki način sve dogovorio i sa snagama VRS te je pošiljka prevezena iz Sarajeva vozilima HVO-a pod pratnjom HVO-a na relaciji Srb – Stolac – Međugorje. Ja sam preuzeo pošiljku u motelu «Ana Marija» u Međugorju.
15. Ukupno sam vodio 11 konvoja. Svi prolasci su bili uspješni. Nikada nitko u konvoju nije bio ranjen ili ubijen. Pamtim jedan incident kad su vojnici VRS pri kontrolnom pregledu ukrali neke dragocjenosti iz stvari Židova koje smo prevozili iz Sarajeva. Čim sam saznao za taj događaj vratio sam konvoj natrag i inzistirao na povratu ukradene robe što je ubrzo i učinjeno. Moram reći da su nas u mnogo slučajeva zaplašivali, ali to nikada nije bilo na dijelu pod kontrolom HVO. U više prilika snage VRS su sa nekoliko metaka pogodile kabine kamiona, u pravilu iza vozača. Uvjeren sam da su to bili snajperski hici sa svrhom da nam pokažu da nas mogu sprječiti ukoliko to žele, dakle sa svrhom da pokažu da ovisimo o njihovoj dobroj volji.
16. U više navrata Praljak je osobno pregovarao sa višim časnicima VRS u cilju realizacije nesmetanog prolaza konvoja. Znam da je razgovarao sa članovima GŠ VRS, sjećam se da je bio spominjan izvjesni General Milovanović sa kojim sam i sam više puta razgovarao na Palama. Taj razgovor je ishodio Praljku i mislim da je prvi susret bio u kolovozu ili rujnu 1993. Tom prilikom meni je u pratnji kao pomoć bio časnik HVO Keža Žarko koji me dočekao na aerodromu u Dubrovniku (Čilipi) te me vozio na Pale. On je imao

dokumente koji su nam osigurali prolaz kroz sve kontrolne točke a koje je Praljak ishodio od HZHB odnosno od HVO ali i od VRS.

17. U mnogim situacijama bilo je sasvim jasno da bez pomoći Praljka konvoji nebi mogli proći. Pomagali su i drugi ljudi, kao na pr. Ljubo Česić Rojs, Mate Boban, Ante Jelavić i drugi, ali je pomoć odnosno angažman Praljka bio najznačajniji, posebno u pogledu kontakta sa srpskom stranom koja ga je očito respektirala iz meni nepoznatih razloga.
18. Gosp. Praljak mi je također dao veliku pomoć u uspostavljanju kontakata sa čelnicima VRS i/ili JNA u vezi nekih drugih akcija koje sam vodio. Naime, neposredno poslije pada Vukovara (19.11.1991.) angažirao sam se na rezmjeni zarobljenika iz RH koji je uhitila JNA ili VRS. i prije toga sam posredovao na nekim razmjenama zarobljenih osoba od strane JNA u RH. U tim aktivnostima uspio sam ishoditi oslobađanje više osoba koje su bile poznate u javnosti. Tako na pr. oslobođen je General Đuro Dečak, dr. Vesna Bosanac, dr. Juraj Njavro, vod vukovarskih branitelja i nekoliko drugih osoba. Gosp. Praljak je na neki način uspio meni omogućiti kontakt sa Generalom JNA Vasiljevićem sa kojim sam imao nekoliko sastanaka u BiH gdje sam se također u vezi iste stvari sastao i sa generalom Mladićem, Bearom (na Palama) te i sa nekim drugim časnicima JNA/VRS čijih se imena danas više ne sjećam. Pomoć koju bi je pružio general Praljak bil je bitna i teško da bih u tim akcijama uspio bez njegove pomoći.
19. Tijekom mojih boravaka u BiH osobno nikada nisam imao nikakve kontakte sa pripadnicima HV niti sam vidio bilo kakove organizirane snage HV u BiH osim u pograničnim djelovima između RH i BiH.
20. U nekoliko prilika, imao sam prilike duže razgovarati sa Praljkom o raznim pitanjima vezanim za ratno stanje u BiH 1992/93. Iz tih razgovora, ali i iz aktivnosti Praljka o kojima sam bio informiran, shvatio sam da je Praljak protivnik rata, posebno sukoba između Bosanskih Hrvata i Muslimana, te da on, u datim okolnostimam čini sve što može da u toj kaotičnoj situaciji pomogne ljudima koji su bili direktno pogođeni ili ugroženi ratnim zbivanjima.
21. Čvrsti stav moje organizacije je bio da se slobodni prolaz konvoja nesmiije «kupovati» jer bi to moglo kompromitirati cijeli projekt i prouzročiti suprotne učinke. Na izričit upit branitelja, a na temelju mnogih činjenica, uvjeren sam da mi je Praljak dao pomoć i podršku za konvoje isključivo iz humanitarnih razloga i za to nije niti očekivao niti primio nikakvu protuuslugu ili naknadu.
22. Mogu reći da je Praljak moj «usputni» poznanik i bila je sreća upoznati ga u to vrijeme jer mi je to omogućilo realizaciju akcije koja je bila vrlo teško izvodiva. Po mom uvjerenju Praljak je nesumnjivo hrabra i moralna osoba, a opisanim djelovanjem je spasio mnoge živote.

.....
(Jakov Bienenfeld)

U Zagrebu, 25.2.2005.

Ja, **JAVNI BILJEŽNIK, Renata Kutija Kušpilić** iz Zagreba, Maksimirska 3, potvrđujem da je:

Jakov Bienenfeld, Zagreb, Novakova 26, čiju sam istovjetnost i ovlaštenje za zastupanje utvrdila prilikom potpisivanja Zapisnika o deponiranju potpisa, poslovni broj: OU- 367/03 priznao potpis na pismenu kao svoj.


Potpis na pismenu je istinit.

Javnobilježnička pristojba za ovjeru po tar. br. 11 ZJBP u iznosu od 10,00 kn naplaćena i poništena na primjerku isprave koji ostaje za pismohranu.

Javnobilježnička nagrada zaračunata u iznosu od 30,00 kn, trošak u iznosu od 0,00 kn, 22% PDV u iznosu od 6,60 kn, ukupno naplaćeno 46,60 kn.

Posl. br.: **OV-3683/2005**

U Zagrebu, **08.03.2005.**


JAVNI BILJEŽNIK
RENATA KUTIJA KUŠPILIĆ



STATEMENT – Jakov BIENENFELD

Name and last name: Jakov BIENENFELD
Date of birth: 28 July 1948
Place of Birth: Zagreb
Nationality: Jewish
Religion: Jewish
Address: Ivana Trnskog Street 3 (VIP-DATA), Zagreb

The interview took place in Zagreb on two occasions during February 2005. The interview was conducted by Božidar KOVAČIĆ, an attorney from Njivice, defence counsel to the accused Slobodan PRALJAK in case number IT-04-74-PT before the ICTY.

At the request of the defence counsel to Mr Slobodan PRALJAK I hereby declare that I am willing to give a statement regarding the events in which I participated in some way during the war in BH between 1992 and 1994.

I have been advised that I must speak the truth and that a false statement constitutes a crime pursuant to the law of the RH /Republic of Croatia/ and the rules of the ICTY, and I declare that I fully understand this and that I will recount everything truthfully and to my best recollection.

If necessary, I am prepared to testify about the events described below before the ICTY trial chamber in The Hague, either in person or via video-link.

I have given the following answers to the questions put to me:

1. As a young man I was active in the work of the Jewish Municipality in Zagreb. During 1990, I was assigned by the Jewish Municipal Council in Zagreb to deal with security issues at this institution.
2. Some time in 1990 or 1991, the Jewish Municipal Council in Zagreb accepted an initiative from JOINT (The American Jewish Joint Distribution Committee) and decided to organise a pull-out of the Jews and persons of other nationality from BH if necessary. The Council assigned me to deal with this activity and I was directly responsible for the organisation and implementation of the plan to move out members of the Jewish community in Sarajevo and bring humanitarian aid in to occupied Sarajevo.
3. Humanitarian aid was collected in the RH and abroad, and I organised convoys to deliver aid to Sarajevo. The aid was intended for the population of Sarajevo, regardless of their religious or ethnic affiliation
4. We delivered the aid to Sarajevo, where it was taken over by the Jewish municipality and the *Benevolencija* society. Of the people conducting these activities in the BH, the following had various roles: Ivica ČERŠNIĆ, Jakov FINCI, Danilo NIKOLIĆ (who is now the president of the Jewish Municipality of Sarajevo) and others.

5. The plan was to enable people, Jews and non-Jews, to leave Sarajevo. A total of 1200 persons, of whom only about 400 were Jews, were transported in the convoys that I personally organised and led.
6. As far as bringing in aid, especially medicine, was concerned, I can only say that we brought more medicine into Sarajevo than all the other organisations put together. The Jewish Municipality in Sarajevo opened a charitable pharmacy where everyone could obtain the medicine they needed.
7. When preparing the convoy to transport Jews and persons of other nationality from Sarajevo and when preparing the transport of humanitarian aid to Sarajevo, I contacted many people whom I believed could help ensure unobstructed travel through those areas under the control of the warring parties in BH. I set up these contacts through people who were willing and through various governmental and non-governmental organisations. It is for these reasons that I travelled to BH several times.
8. This is how I established direct contact with Mr. Slobodan PRALJAK, amongst others. The first time I met him in person was in Zagreb, in what I believe was mid-1992. I laid out our plans to him and asked if he could help. Without hesitation PRALJAK said he would do everything he could to ensure unobstructed passage of the convoy from and into Sarajevo.
9. PRALJAK kept his promise. The first convoy I led following this conversation was on 14 November 1992 and this was the convoy in which we transported the first group of people out of occupied Sarajevo.
10. As far as food, medicine, medical supplies and other essentials are concerned, these goods were collected in Split. With the direct assistance of PRALJAK I even found haulers and drivers in Herzegovina and in Croatia. I was especially impressed by the drivers from Herzegovina, who agreed to take part in the convoy despite the great risk to their lives.
11. Every time I prepared a convoy for either transport of persons out of Sarajevo or for the transport of goods into Sarajevo I would speak to PRALJAK or to persons he would direct me to, and I inform them of the desired plan of travel. In principle, one or two days later, PRALJAK or the people he tasked would inform me of a detailed plan of travel (routes and time).
12. The size of the convoys varied, and they usually consisted of two to five busses when transporting people out of Sarajevo, and 10 to 15 trucks when transporting aid into Sarajevo.
13. In practice, the convoys would travel the Split – Metković – Stolac – Todorčić – Nevesinje – Foča – Lukavica – Sarajevo route. On certain occasions the route would be slightly different.
14. On one occasion, I think it was in mid-1993, we managed to organise a transport out of Sarajevo for the personal belongings of Sarajevo Jews.

PRALJAK played a key role in this. He also found a way to arrange everything with the forces of the VRS /Republika Srpska Army/ and the package was transferred from Sarajevo in HVO /Croatian Defence Council/ vehicles with an HVO escort using the Srb – Stolac – Medugorje route. I took over the package in the *Ana Marija* Motel in Medugorje.

15. I led a total of 11 convoys and all were successful. No one in the convoys was ever wounded or killed. I remember one incident when during a checkpoint search, the VRS soldiers stole some of the Jews' belongings we were transporting from Sarajevo. As soon as I found out about this I sent the convoy back and insisted that the stolen items be returned, which was quickly done. I must say that on many occasions they frightened us, but this never happened in the sections under HVO control. On a few occasions, the VRS forces fired several bullets at the truck cabin, usually right behind the driver. I am convinced that these were shots from a sniper that were intended to show us they could stop us if they so wished, i.e. to let us know we were dependent on their good will.
16. On several occasions, PRALJAK personally negotiated with the high ranking officers of the VRS to secure undisturbed passage of the convoys. I know he spoke to the VRS GŠ /Main Staff/ and I remember that there was mention of someone by the name of General MILOVANOVIĆ, with whom I spoke several times on Pale. That conversation was made possible by PRALJAK and I believe that the first meeting was in August or September of 1993. On that occasion, HVO officer Žarko KEŽA assisted me as an escort and met me at the airport in Dubrovnik (Čilipi) and drove me to Pale. He had documents that would ensure we could pass through all the control points, which PRALJAK got from the HZHB /Croatian Community of Herceg-Bosna/ and the HVO, but also from the VRS.
17. In many situations it was very clear that without PRALJAK's help the convoys would not have been able to get through. Other people, such as Ljubo ČESIĆ ROJS, Mate BOBAN, Ante JELAVIĆ and others, also helped out but PRALJAK's help and involvement were the most significant, especially regarding contact with the Serbian side, which obviously respected him for reasons unknown to me.
18. Mr PRALJAK was also of great assistance in establishing contacts with the heads of the VRS and/or the JNA regarding other operations I was leading. Immediately after the fall of Vukovar (on 19 November 1991) I became involved with the exchange of prisoners from the RH arrested by the JNA or the VRS, and before that I was an intermediary during the exchange of persons arrested by the JNA in the RH. During those activities I managed to secure the release of several persons who were publicly known. For example, this is how General Đuro DEČAK, Dr Vesna BOSANAC, Dr Njavro JURAJ, and a platoon of Vukovar defenders and a few others were liberated. Mr PRALJAK somehow managed to put me in contact with JNA General VASILJEVIĆ, with whom I had a few meetings in BH, where for the same reasons I also met with General MLADIĆ, BEARA (on Pale) and some other JNA/VRS officers,

whose names I do not remember. The help offered by General PRALJAK was important and it would have been difficult without his help.

19. During my stay in BH, I had no personal contact with members of the HV, nor did I ever see any kind of organised HV forces in BH except in the border areas between the RH and BH.
20. On a few occasions I had the opportunity to have an extended conversation with PRALJAK about various issues regarding the state of war in BH in 1992/1993. From these conversations and from PRALJAK's activities that I was informed of, I realised that PRALJAK was opposed to the war, especially between Bosnian Croats and Muslims, and that under the circumstances he was doing everything possible in this chaotic situation to help people who were directly affected or endangered by the war events.
21. The firm position of my organisation was that there should not have to be "bribing" to allow the convoy to pass freely as this could compromise the whole project and have an adverse effect. At the direct inquiry of the defence counsel and based on many facts I am convinced that PRALJAK helped me and provided support for the convoys for purely humanitarian reasons, and he did not expect nor did he receive any counter-favour or remuneration for this.
22. I can say that PRALJAK is my "casual" acquaintance and I was lucky to have met him at that time because this helped me to launch an operation that was very difficult to carry out. It is my belief that PRALJAK is undoubtedly a courageous and moral person, and with the actions described he helped to save many lives.

Done in Zagreb on 25 February 2005

Jakov BIENENFELD
/signed/

I, public notary Renata KUTIJA KUŠPILIĆ from Zagreb, with an office on Maksimirska, number 3, hereby confirm that:

Jakov BIENENFELD, residing on Novakova 26, whose identity and authority for representation I have established while signing the Record of Depositing of Signature, business number: OU-367/03, has recognized the written signature as his own.

The signature is authentic.

The public notary fee for certification, pursuant to tariff no. 11 of the ZJBP /Law on Public Notary Fees/, in the amount of 10,00 Kuna was paid and cancelled on the copy of the document retained for archives.

The public notary remuneration has been calculated in the amount of 30,00 Kuna, expenses in the amount of 0,00 Kuna, plus value-added tax of 22% in the amount of 6,60 Kuna, totalling 46,60 Kuna.

Business number: **OV-3683/2005**

In Zagreb, **8 March 2005**

PUBLIC NOTARY

Renata KUTIJA
KUŠPILIĆ /signed and stamped/