



Page 44798

1 Tuesday, 15 September 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Coric not present]

5 --- Upon commencing at 9.00 a.m.

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

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

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

12 Today is Tuesday, the 15th of September, 2009, I would like to
13 greet Mr. Prlic, Mr. Stojic, Mr. Praljak, Mr. Petkovic, and Mr. Pusic
14 without forgetting Mr. Coric, of course.

15 [The witness takes the stand]

16 JUDGE ANTONETTI: [Interpretation] I would like to greet the
17 Defence counsel, Mr. Scott, and his associate, as well as all the people
18 assisting us today.

19 I'd like to greet our witness who has just entered the courtroom,
20 and I would like to welcome him.

21 We shall start off with the cross-examination. On the 7th of
22 May, 2009, the Trial Chamber had handed a decision down on a request for

23 review of the request to certify the decision. On the 22nd of April,
24 2009, by which we stated that Stojic, Prlic, and Petkovic's Defence teams
25 would have two hours altogether to cross-examine the witness.

Page 44799

1 We discovered yesterday that the Stojic Defence team would have
2 no questions, which means that Mr. Prlic and Mr. Petkovic can share these
3 two hours between them. We have been told that Mrs. Alaburic would need
4 an hour and 45 minutes, and Mr. Karnavas 45 minutes pursuant to our
5 decision. Well, he told us something between 15 and 20 minutes, but two
6 hours is two hours. It's not two hours and five minutes.

7 You will have to abide by the time constraints, otherwise things
8 run out of control, which leads on to other problems.

9 Mrs. Alaburic I shall now give you the floor. You have given us
10 your binder, which we now have.

11 WITNESS: JOSIP JURCEVIC [Resumed]

12 [Witness answered through interpreter]

13 Cross-examination by Ms. Alaburic:

14 MS. ALABURIC: [Interpretation] Your Honour, good morning to you.
15 Good morning to everyone in the courtroom.

16 Cross-examination by Ms. Alaburic:

17 Q. [Interpretation] Dr. Jurcevic, good morning to you too.

18 Dr. Jurcevic, I wanted to ask you questions on three groups of topics,
19 the HVO army, the Bosniak political and military leadership, and a set of
20 topics of general political nature, primarily about borders. But I would
21 like to start with another topic, because His Honour Judge Antonetti

22 asked you yesterday about your MA thesis, the Myth of Jasenovac, and then
23 His Honour Judge Trechsel asked you if you, as a scholar, dealt -- had
24 dealt with the crimes committed by Croats against citizens of other
25 ethnic backgrounds, and it seemed to me that we did not deal with it to

Page 44800

1 the end and now would I like to ask you some questions about Jasenovac.

2 THE INTERPRETER: Interpreter's note: Could all the microphones
3 that are not in use please be switched off.

4 MS. ALABURIC: [Interpretation]

5 Q. I would like to ask you some questions about Jasenovac.

6 Dr. Jurcevic, do you consider Jasenovac to be a concentration camp run by
7 the authorities of the Independent State of Croatia?

8 A. To be more precise, it was a labour -- a combination of labour
9 camp and concentration camp. I have written about that in scholarly
10 papers, and I have spoken publicly about that on several occasions and it
11 was completely under the authority of the government of the Independent
12 State of Croatia.

13 Q. Doctor, is it controversial in your opinion that Jews were the
14 victims of the Jasenovac concentration camp. Or if you want me to put it
15 that way, Jews too?

16 A. Yes, Jews, Serbs, Croats and others. Well, I've written that
17 extensively in my papers. They are victims of the worst kinds of crimes
18 and atrocities committed in the Jasenovac camp, and I never doubted or
19 questioned that in any way directly or indirectly.

20 Q. That's precisely what I wanted you to explain to Their Honours.

21 A. I'm sorry, it's not only about the Jasenovac camp. Whenever I
22 have written about the NDH, the Independent State of Croatia, I always
23 have stress that had those -- that this was a totalitarian state and when
24 laypersons asked me, I always stressed that this was a criminal state and
25 nobody who espouses humanist position can say anything else.

Page 44801

1 Q. If I -- I monitored your public speeches quite carefully. I
2 think you also condemned the crimes committed by the Independent State of
3 Croatia.

4 A. Yes, definitely. It is one of the greatest criticism levelled
5 against the government of the Independent State of Croatia, and the fact
6 that this was done under the pressure of the Nazi Germany to a certain
7 extent, well, that doesn't mean anything. It doesn't justify it.

8 Q. I simply wanted to clarify that so that we don't have any doubts
9 about your positions about Jasenovac. Dr. Jurcevic, do you know that
10 proportionately the number of Croats was the highest among the partisans?
11 When I say proportionally, I mean I'm referring to the number of Croat
12 partisans in relation to the overall population of Croatia at the time;
13 do you know that?

14 A. Yes. If you look at the partisans in the second Yugoslavia, I
15 would not like to single Croatia out because the units were moving from
16 one area to another, in particular in Bosnia and Herzegovina, but when
17 you look at the initial years up until 1943, speaking in general in
18 Croatia and in Yugoslavia the largest -- there was the largest number of

19 Croats both in the partisan movement and in the Communist movement.

20 Q. Now I would like to move on to the topics that I prepared for
21 your cross-examination. I hope that you have a set of documents that has
22 been prepared for you. If not, I would then like to ask the usher to
23 hand it over.

24 Please look at the documents in the binder. The document is --
25 that is in particular -- or, rather, a separate document is a transcript

Page 44802

1 of the testimony by Dr. Smilja Abramov in the Milosevic case before this
2 Tribunal.

3 A. I have the English version here.

4 Q. Yes. You always have the Croatian behind it. The first document
5 regarding the HVO is the document 4D0355. 4D01355.

6 A. That's the first document?

7 Q. Yes, that's the first document.

8 A. No. I have the session of the Presidency.

9 Q. Dr. Jurcevic --

10 A. Well, yes, right at the beginning. I thought that first you have
11 all the English texts and then all the Croatian texts.

12 Q. You can just look at the tabs where you have the number of the
13 document. That's 4D01355. And if you go further a couple of pages,
14 you'll see the Croatian text. It's an interview with
15 General Milivoj Petkovic published in Vecernji List in August 1994, in
16 August 1994, when he was about to leave Herceg-Bosna, and I will be
17 interested in some of his statements regarding -- well -- or, rather, in

18 light of your expert report, Dr. Jurcevic.

19 If you look at the end of the first column, the question and
20 answer there --

21 MS. ALABURIC: [Interpretation] Your Honours, I would like to note
22 that it's at the end of page 1 and the beginning of page 2 of the English
23 text.

24 Q. When asked what was happening with the HVO in the 28 months that
25 General Petkovic spent in Herceg-Bosna, the general responded and I

Page 44803

1 quote:

2 "We didn't start with an organised army. Those were just armed
3 groups. In some areas they were larger. In other areas they were
4 smaller. I was setting up the organisation, and the staff existed even
5 before I came. I thought that this army had been organised, but during
6 the fighting in Kupres, we could see what we had at our disposal. The
7 formations were not strong enough, organised enough, and they were not
8 connected, one with another. Each municipality had it's own army. Then
9 we started the reorganisation by establishing brigades. There was
10 opposition to that. We established operative zones because the
11 Main Staff, with some 15 people, could not cope with all of that. The
12 biggest problem was the quality of the personnel, because this area --
13 well, it is known that people from this area do not care for the army."

14 These assessments by General Petkovic, do they correspond to what
15 you state in your expert report about the characteristics of the effort
16 to organise the HVO army?

17 A. Well, I have not seen this document before, but everything that
18 you've just read out, the quote fully corresponds to what I concluded in
19 the part of my expert report that pertains to the HVO; but I added in my
20 expert report, in addition to the weaknesses that are listed here, some
21 other problems that are quite important, the bad quality of the
22 personnel, lack of training of the personnel manning those units; and in
23 particular there was a big problem, and we have a number of original
24 documents speaking about that, various forms of nepotism or amoral
25 nepotism where the civilian authorities, the HVO, and the units, there

Page 44804

1 was this whole network of amoral nepotism and other forms of preferential
2 behaviour.

3 Q. Thank you very much. I think that I will have some documents
4 about what you've just told us about, and we can deal with that in
5 greater detail with those documents.

6 Now I would like you to look at the next statement by
7 Mr. Petkovic. It's at page 2 of the translation, and, Dr. Jurcevic, it's
8 in the middle of the second column.

9 When asked what the HVO looked like in August 1994, whether it
10 was a proper army or just the armed populous, General Petkovic says, and
11 I quote:

12 "The HVO is in transition. A lot of things need to be done to
13 establish an army. We are working on turning the HVO into an army, at
14 least in its best part, and those are the Guards Brigades. It will
15 become an army once we have certain peacetime contingent and once we know

16 what to do and how to do it. The rest will be a territorial component."

17 Dr. Jurcevic, how would you comment on this statement by
18 General Petkovic that in August 1994 the HVO was not yet a proper army
19 and that it was still in the process of development?

20 A. Well, this is completely true, but I would like to add from the
21 military point of view there is an important fact that I included in my
22 expert report which I failed to mention a little while ago. There was a
23 big problem in the HVO units because of their local connections. If they
24 received an order to move from their area, there were great problems, a
25 great deal of opposition, not only on the part of the whole of the unit

Page 44805

1 but individuals also would oppose it because there was no chain of
2 command and no structure.

3 Q. Dr. Jurcevic, are you trying to say that the municipal units
4 considered that it was their task to defend their municipality and that
5 they would not gladly receive orders to go and defend the territory of
6 Herceg-Bosna in some other municipalities?

7 MR. SCOTT: Excuse me. As I was advised to yesterday, I object
8 to the leading nature of this question. It's completely leading,
9 suggests the answer to the witness.

10 MS. ALABURIC: [Interpretation] Your Honour, Dr. Jurcevic has
11 already answered my question, so my question is just an effort to sum up
12 his answer to my previous question. That's number one.

13 Number two, I'm cross-examining Dr. Jurcevic, so I do have the
14 right to ask leading questions. I am aware of the fact that the

15 Trial Chamber, in the context of -- in the context of all the questions
16 and answers, will give proper value to every answer provided by
17 Dr. Jurcevic, including this question which was, indeed, leading.

18 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, I was wondering
19 whether before the hearing I should not make a statement on a personal
20 note on this particular issue which comes up time and time again, leading
21 question or not. After having thought about it I felt, well, I wouldn't
22 say anything, but there it is again.

23 It is right that you are currently in the cross-examination
24 phase. When I look into this, a cross-examination is a moment after
25 which the witness has answered a number of questions, and, therefore, the

Page 44806

1 person cross-examining will try to square things according to his or her
2 own view during the cross-examination, and in that case leading questions
3 should not be put.

4 I have already said on several occasions that the Judges are
5 professional Judges, are able to assess an answer on the basis of the
6 quality of the question. If the question is extremely leading and if the
7 answer is included or inferred from the question, the probative value of
8 such an answer will, of course, be less than a question which is a better
9 question. Its probative value will be then much higher than that of a
10 remotely controlled answer.

11 This is in practical terms. Let me remind you that in the Rules
12 of Procedure and Evidence nothing is stated on the issue of leading
13 questions. So what is leading and what isn't is something which is being

14 assessed in practical terms.

15 If you want your question to be properly assessed by the Bench,
16 you must be careful not to put a question which would enable you to infer
17 the answer from the witness. You are a very professional lawyer. You're
18 perfectly capable of doing this given that you have a lawyer for a great
19 number of years, so I'm not concerned about that at all.

20 Admittedly yesterday we did have a problem when Mr. Kovacic was
21 putting questions, but I do remember that at the time he had said when he
22 started off that he may be putting leading questions, and I naively
23 thought that he would put questions without intervening with the answers;
24 but it's very difficult to understand this afterwards, because it's
25 difficult to assess what kind of questions will be put beforehand.

Page 44807

1 So this is what I have to say. Let's avoid making too many
2 objections. What is important is what General Petkovic actually said
3 during this interview, how should it be interpreted, and the answer may,
4 as I say, may be able to shed some light on this.

5 I give you the floor right now.

6 MS. ALABURIC: [Interpretation] Thank you, Your Honour, for those
7 guidelines. I'm going to withdraw my question, because Dr. Jurcevic, in
8 fact, has answered my question already in responding to the previous
9 question. All I wanted to do was to summarise it and to emphasise it,
10 but if you consider that is not necessary, I can move on.

11 Q. The third element from this interview, Dr. Jurcevic, that I
12 wanted to draw your attention to and also to the Trial Chamber, is to be

13 found at the beginning of the fourth paragraph or column. In the
14 English, it is on page 3, and the question relates to the poor results of
15 the war with the Muslims.

16 General Petkovic says that it is true that the results were bad,
17 and then the journalist goes on to ask him the following question and
18 says:

19 "Weren't the Muslims a weaker adversary?"

20 And General Petkovic's answer is as follows, and I quote:

21 "They were not. The placement of the Croatian population -- the
22 distribution of the Croatian population is such that we are in enclaves
23 everywhere. The balance of forces was unfavourable, and we never
24 prepared ourselves for a war against them. Everybody at a local level
25 formed their own judgement according to the following principle: 'They

Page 44808

1 will not go against us.' We have good relations with them. Instructions
2 were given to Bugojno and Vares, but we did not want to start a conflict
3 anywhere."

4 And in this connection, two questions to you, Dr. Jurcevic. In
5 this interview, General Petkovic claims that the Croats did not prepare
6 themselves to go to war against the Muslims in Bosnia-Herzegovina. Is
7 that assertion correct to the best of your knowledge or not?

8 A. To all intents and purposes and judging by everything I used in
9 my research which I have listed here, many other documentation that I
10 list, too, confirm that thesis in full. They confirm what
11 General Petkovic said in this interview in 1994 completely, both on a

12 political level and with respect to people's mentalities, and there were
13 instructions given to Bugojno and Vares as it says in the last sentence.
14 Well, as he said, "They're not going to go against us because we have
15 good relations with them."

16 So I have personal experience there. With the Court's
17 permission, I would like to expound on that, if I may.

18 Q. Go ahead, Doctor.

19 A. My late uncle and his family lived in Bugojno - on my mother's
20 side, that is - and in late 1991 in the autumn when there was an all-out
21 war in the Republic of Croatia **and when all my information told me that**
22 there would certainly be a Serb aggression against Bosnia-Herzegovina, I
23 went to my uncle to warn him and tell him that he should prepare for that
24 advent. I went personally to tell him that because he was my uncle, and
25 he explained to me what the situation was in a similar way. And he would

Page 44809

1 say on friendly terms, "My dear Josip, the situation is different here
2 than to what it is over there. There won't be any war here." So that's
3 my personal experience and testimony about the mentality that prevailed
4 in those parts.

5 Q. There's another claim made by General Petkovic here that I think
6 is important in these proceedings, that is to say that everybody at their
7 local level formed their own judgement as to whether they would go to war
8 against someone and with whom or looking at the specific situation in at
9 a local environment. So does that claim correspond to your knowledge of
10 events on the ground?

11 A. In a way it follows from that, that is true, but it also follows
12 from my previous answers, and particularly from the elaboration of what I
13 said in my expert report, and many authors and, for example, Jovan Divjak
14 and others who were act -- who were part of the Bosnian army, they
15 confirmed this thesis that there was, indeed, continuity in certain areas
16 where the relationships were almost ideal without any conflicts or
17 clashes between the BH army and the HVO.

18 Q. Let's look at the next document now, 4D16 --

19 JUDGE ANTONETTI: [Interpretation] Before you address a document,
20 I wanted to get back to a question which was put by Mrs. Alaburic by way
21 of an introduction which set me thinking, and I was wondering whether
22 this doesn't pose a problem.

23 She asked you a question on the partisans, and you answered by
24 saying that as far as you knew, the partisans were practically for the
25 most part Croatian. I'm using the conditional tense, but I believe that

Page 44810

1 in 1942, Marsal Tito said that most of the partisans were Serbs. At that
2 time, I believe, 90 per cent of the partisans were made up of Serbs from
3 Croatia and Serbs from Bosnia.

4 There might a contradiction in what you told us with what other
5 people have stated. I want my question to be very clear and unambiguous.

6 Can you confirm that, according to you, the partisans were made
7 up of Croats?

8 THE WITNESS: [Interpretation] Well, what I presented in
9 summarised form, it follows and can be checked from -- on the basis of

10 statistical data with regard to the number of partisan units and their
11 structures which were published in detail in much of the literature
12 during the existence of the second Yugoslavia **including summarised**
13 statistics, collective statistics. So in simple terms what I said was
14 correct, and there is an explanation for that.

15 Until 1943 when the partisans began to burgeon and became a more
16 massive movement - and their progress confirms that until 1943 at the
17 level of Yugoslavia **and the partisan movement - until 1943 was for the**
18 most part on the territory of the Independent State **of Croatia, then the**
19 majority of the people within the partisans were Croats. Later on, in
20 the final years of the war, in 1944 and 1945, once again judging by
21 information, not my data but data published by Yugoslavia and its
22 scientific circles related to that subject, that ratio, for a series of
23 reasons which we needn't go into here, changed.

24 I did not say that there were 80 or 90, but when you look at the
25 list from top to bottom, there were, of course, Serbs from Croatia.

Page 44811

1 There were Muslims and so on and so forth, but until 1944 and the -- 1943
2 and the capitulation of Italy **in 1943, on the 8th of September, the**
3 greatest participation were the Croats, and on the territory of the
4 Independent State **of Croatia, there was a very brutal civil war going on**
5 which had an ideological background and another background.

6 MS. ALABURIC: [Interpretation]

7 Q. Mr. Jurcevic, perhaps we could clarify. When we're talking about

8 absolute figures, absolute numbers, and when we're talking about relative
9 figures or, rather, the share of something with respect to the total
10 population, I have the feeling that Judge Antonetti was speaking about
11 the absolute number, those facts and figures. So according to the
12 absolute number, there would be more Serbs, but if you look at the share
13 compared to the total population, then the participation of Croats was
14 greater. So in the proportionate sense. Could you explain that to us,
15 please?

16 A. Yes, that is true. The explanation you've just given is quite
17 true, not to take up time, and this can all be verified even in
18 encyclopedias, military encyclopedias or some other lexicographic
19 literature from the times of Yugoslavia, **because there was a lot of**
20 research at the time on the topic, because certain information figures.
21 Now, were the Yugoslav -- was the Yugoslav research correct? I don't
22 want to go into that. I didn't check it out. I took over some of these
23 figures from those research studies. I said I didn't verify them. I
24 just took them over regardless of whether they were correct or not. And
25 in relation of -- in -- with respect to the balance of forces. Now we

Page 44812

1 broached the topic, that those ratios were probably correctly
2 demonstrated and shown, but it's also probable that Yugoslav
3 historiography inflated the power and numbers of the partisans during
4 World War II.

5 Q. Very well let's move on to the next document which is 4D1674,
6 4D1674, which is a report from the commander of the brigade from Livno,

7 which was sent to the Defence Department and the Main Staff and the
8 operative zone, and here the brigade commander, at the very beginning,
9 states:

10 "We are unable to carry out the order of the operative zone to
11 send brigade units to Donji Vakuf, because this was -- would lead to
12 further destabilisation of the Livno front line."

13 Tell us, please, Dr. Jurcevic, is this part of the report what
14 you were telling us a moment ago when you said that part of the units
15 refused to leave its territory and go and defend the territory of some
16 other municipality? Is that the document that actually bears out what
17 you were telling us earlier on?

18 A. Yes. It's a typical document in that sense where individual
19 local units, and I would say not for the reasons that are stipulated
20 here, destabilisation of the front as it says here, but that in most
21 cases the reasons were what we've said earlier, the lack of hierarchy
22 functioning, the impossibility for a centralised command of the army,
23 especially when we looked at the local situation, local authorities,
24 local HVO authorities and so on. They functioned in similar fashion, so
25 that this problem, the problem of centralisation for administration in

Page 44813

1 that area and organisation in that area, in the military sense in terms
2 of command or in other areas, was a very great problem with respect to
3 financing and everything else. And I'd like to draw your attention to a
4 document which is the source document which I use in my expert report on
5 page 114, for example. I don't know what the English page is, but

6 anyway, it's a report a from the Ministry of Defence of the Croatian
7 Republic of Herceg-Bosna, and it is called the concluding balance sheet
8 for 1993, and there it lists the basic difficulties and limitations which
9 took place throughout 1993. And then it lists 18 limiting circumstances
10 which substantiate this position.

11 So it's an official report from the times of what was going on,
12 and, among other things, it says the lack of a uniform, financing system,
13 the self-financing of units through existing organs. So self-financing
14 for the HVO units, then the lack of a military establishment in proper
15 terms and the fact that units were being formed and reformed, established
16 and re-established. So the official documents list 18 shortcomings with
17 confirm that in 1993, one could not say that we were dealing with a
18 unified army from hierarchical considerations to finance considerations
19 and everything else set out here.

20 Q. Dr. Jurcevic, look at the fourth paragraph now, please, which
21 speaks about the involvement of the Livno Brigade in the Vakuf area, and
22 it says that there was the -- the threads of a conflict there with
23 unforeseeable consequences and that the Muslim population of Livno was
24 dissatisfied with the involvement of the HVO in Vakuf area as well as
25 with the previous involvement and engagement of people Prozor, but it

Page 44814

1 says that they managed to prevent a conflict in Livno itself.

2 Now, how do you understand this portion with respect to the
3 desires of the Livno Brigade to be engaged in action on the territory of
4 other municipalities against the BH army?

5 A. Well, first of all, I understand it within the context we have
6 been discussing, so localism, local considerations and everything that
7 that entails. And secondly, it shows that -- and this is what history
8 showed before, that there were not -- that there was no animosity in
9 relations, thus far, between the Muslim Bosniaks and the Croats before
10 this period, in the 1990s, and particularly in Central Bosnia. We had
11 some excellent examples of co-existence, multiculturalism, good
12 neighbourly relations and the like under very difficult circumstances as
13 they were during the Second World War and during the second Yugoslavia.

14 So unfortunately, the things that happened in certain localities
15 in Bosnia and Herzegovina in the 1990s put paid to that tradition, and I
16 deal with that and speak about that in the final part of my expert
17 report.

18 Q. Now, two passages later, it says that there was particularly -- a
19 particular dissatisfaction?

20 A. I apologise. What document are you referring to?

21 Q. I'm referring to the same document which is 4D1674, and it's the
22 fourth paragraph. It says:

23 "People in Livno are particularly displeased that other
24 municipalities of the operative zone and the -- the community of
25 Herceg-Bosna, in general, are not participating in this patriotic war in

Page 44815

1 accordance with their human and material resources, and why should Livno
2 bear the greatest burden in this war?"

3 Now, may we have your comments, Dr. Jurcevic, about this

4 assertion of the people of Livno's dissatisfaction?

5 A. This is typical, and I quote another document in my expert report
6 taken from Tomislavgrad wherein this local perception, the popular local
7 perception, was that local communities were the centre of the world, if I
8 can paraphrase in a sort of psychological sense what people thought, and
9 that they bore the greatest burden and that nobody else was doing
10 anything. And this is borne out by the lack of hierarchy and connection
11 and lack of information, the flow of information, and intercommunity
12 sentiments generally.

13 Q. Now let us look at the next document, which is 4D1298, and it is
14 a document which the assistant head of the Defence Department for
15 security --

16 JUDGE ANTONETTI: [Interpretation] Professor, the document we have
17 here on the screen was written on February 13, 1993, by commander -- by
18 the brigade commander Stanko Vrgoc. When he wrote this document, I'm
19 sure he had no idea that later in time international Judges would be
20 scrutinising it. So given this, a priori, this document seems to be
21 reflecting some kind of truth. And when you look into this document, the
22 impression that any reasonable trier of fact could get, of course
23 everybody is entitled to their own opinion, but when you read this
24 document, you feel that the author is really saying what the Croats from
25 Livno are thinking. He's just saying that there's a problem with all the

Page 44816

1 Muslims that came into Livno, that there's 7.500 Muslims that came into
2 Livno. He said that in the units there are almost 33 per cent Muslims,

3 and he also explains that there's a front line and that units should be
4 sent to this front line and not elsewhere. And then maybe he's a bit
5 ironic, I don't know, but in the end, he ends his letter with a military
6 salute with many exclamation marks.

7 So maybe this commander from Livno -- he's talking about a
8 conflict between Muslims and -- and the Croats, but he's not talking
9 about any aggression, but he obviously is putting forth local interest
10 before anything, notably as far as -- as far as what's happening in Livno
11 is concerned.

12 I don't know if you had already seen this document, but I would
13 like to know whether you've seen other documents of the like which would
14 prove or demonstrate that in the Republic of Bosnia-Herzegovina, **the main**
15 point was the defence of local communal interests rather than defending
16 the homeland. People were caring about their own town, their own
17 settlement more than anything and the rest was secondary.

18 Would you give us your take on this, notably since you told us
19 earlier that you went to Bugojno to see your uncle. So you have a
20 first-hand experience on this. Can you answer, please.

21 THE WITNESS: [Interpretation] Well, Your Honour, I believe that
22 you -- that your statement is very accurate. This hierarchy from the
23 relationship between the greater whole and the local unit was actually
24 upside down. I think that what you said is correct on the basis of my
25 own experience, analysis, and documents.

Page 44817

1 JUDGE ANTONETTI: [Interpretation] The second question now: This

2 document will be used by the Judges, you can be sure of that, and in the
3 second paragraph there is a passage that might be a bit problematic. It
4 seems that there is a coordination of the Croatian army, the HVO. Livno
5 is at the border of Croatia. **So is it because of its geographical**
6 situation that there is mention of this coordination between the two
7 forces, and if such coordination did exist, could you tell us exactly
8 what kind of shape it had?

9 THE WITNESS: [Interpretation] According to a whole series of
10 documents - I quoted some of them by way of illustration in my expert
11 report - according to the plans and the implement of the Serbian
12 aggression both against the Republic of Croatia **and Bosnia-Herzegovina,**
13 the territory of the two states, regardless of the borders, so before and
14 after the international recognition of the Republic of Croatia **and**
15 Bosnia-Herzegovina, was treated as a single theatre of war. Some of the
16 documents are incorporated in the expert report, so that the organisation
17 of the defence in the area of Croatian Community or Croatian Republic **of**
18 Herceg-Bosna, and before that in large parts of the Republic of Croatia
19 depended on the local situation. Since the area of Livno and southern
20 parts of that area and of Croatia **were of extreme importance for the**
21 Serbian aggression, one of the rare facts that is really prominent among
22 what we know about that period is that one of the key, if not the key,
23 goals of the Serbian aggression was to take as much of the Adriatic coast
24 as possible. That meant, for the most part, large parts of the territory
25 of the Republic of Croatia, **the axes of the attacks and the efforts to**

1 cut Croatia into two parts around Ston, in the Zadar hinterland, and the
2 other plans that followed the Neretva River valley went from the
3 territory of Bosnia and Herzegovina towards the Republic of Croatia. So
4 any kind of co-operation, strategic, military, between the HVO and the HV
5 was logical in a way and was, in fact, dictated by the aggressor.

6 MS. ALABURIC: [Interpretation]

7 Q. Dr. Jurcevic, could you please tell us whether the municipality
8 of Livno borders with the Republic of Croatia?

9 A. Well, the broader Livno area does border with Croatia.

10 Q. Tell me, when the Army of Republika Srpska or any other aggressor
11 wanted to go from --

12 JUDGE TRECHSEL: I'm sorry. Witness, could you answer precisely.
13 The question was whether the municipality borders. Your answer is
14 whether the -- that the broader area does border. Can you answer the
15 question as it was put? Does the municipality have a common border with
16 Croatia, please?

17 THE WITNESS: [Interpretation] Yes.

18 JUDGE TRECHSEL: Okay. Thank you. Thank you.

19 MS. ALABURIC: [Interpretation] Your Honour, I understood the
20 doctor to be speaking about the broader area of the town of Livno and was
21 not aware of the -- all the details about the borderline.

22 Q. So if the Republika Srpska army or anyone else wanted to attack
23 from the territory of Bosnia and Herzegovina to the Republic of Croatia

24 in the area of Central Dalmatia, what would be the logical step to take?

25 Would they pass through the Livno municipality?

Page 44819

1 A. Undoubtedly that is how it is, and some plans of the Serbian army
2 or JNA elements that were in effect, the Serbian army testified to that.
3 They drafted and implemented those plans in the course of the aggression
4 against the Republic of Croatia. I stressed that they treated that as a
5 single theatre of war. A number of indicators showed that.

6 Q. Dr. Jurcevic, it is only then logical to conclude that the Livno
7 Brigade, by defending the Livno municipality and its territory, was, in
8 effect, in a way defending the Republic of Croatia in that part?

9 MR. SCOTT: Objection. Leading, Your Honour.

10 MS. ALABURIC: [Interpretation] [No interpretation]

11 MR. SCOTT: No interpretation.

12 MS. ALABURIC: [Interpretation] Your Honour, I will ask this
13 leading question and it's up to you to decide whether it's relevant or
14 not.

15 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, without avoiding
16 the problem of the leading question, you could just have asked the
17 following question:

18 Professor, you said you looked at attack -- Serbian attack plans.
19 Could you tell us what the strategic objective was for the Serbs, and, as
20 an answer, he would have said the objective was to attack the Republic of
21 Croatia through Livno in order to occupy Dalmatia, and because this would

22 jeopardise the Republic of Croatia. You would have ended up exactly with
23 the same answer. You elicited exactly what you wanted.

24 MS. ALABURIC: [Interpretation] Your Honour, but let me just say
25 one thing. If I were to ask this kind of question and expect an answer,

Page 44820

1 to my mind, this question would imply that the Livno Brigade was
2 defending the Livno territory in order to defend the Republic of Croatia
3 against potential Serbian aggression.

4 But that is not my question. It is my question -- well, it's
5 related to the segment that you quoted in this element, the defence of
6 Herceg-Bosna on its western borders and the defence of the territory of
7 the Republic of Croatia south of the Dinara. So my question s pertain
8 only to that document. I didn't want to ask any questions, but I wanted
9 to follow up on your questions because I thought it needed to be cleared
10 up.

11 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

12 MR. SCOTT: Well, Your Honour, this builds on the issue I raised
13 at the end of the day yesterday, and, again, I remind everyone that I was
14 chastised for not making individual objections. So that's what I'm going
15 to do.

16 The point is this: When a witness is asked an open-ended
17 question, the witness has to give a full answer and has to give some sort
18 of, presumably, a basis for the answer, not simply yes or no. And there
19 were many instances yesterday where there were leading questions where
20 the witness did very little more than say yes or no. Yes, that's right;

21 yes, that's right; yes, that's right. That is not helpful to the Chamber
22 or to the Prosecution in the sense of knowing the basis of his testimony
23 on what basis he says that, what is -- what is reasons for what evidence
24 he's looked at. It's just simply a yes answer, and I continue in the
25 position I stated yesterday. And I would ask that the -- I would ask the

Page 44821

1 Chamber also inquires into these things. When the witness says these
2 things, what's the basis for having him say it other than just voicing a
3 bald opinion? Thank you.

4 MR. KARNAVAS: For the record, I do want to say something because
5 I think that we're now -- I'm, at least, extremely disturbed by the way
6 this Trial Chamber is approaching the Defence as being one conglomerate,
7 one mono-ethic entity, and we're all being lumped together, at least
8 that's what would occur if I understand the President's comments
9 correctly. Because if the President seems to be suggesting that we
10 should all be conducting direct examination through somebody else's
11 Defence, and that's not appropriate. Now, if that's not the letter and
12 spirit of Judge Antonetti's remarks, then it would appear that Mr. Scott
13 is in error, because Mr. Scott wishes to treat all the Defence as if
14 we're all conducting direct examination, and, therefore, we all have to
15 ask open-ended questions.

16 I do agree with the gentleman. Yesterday there was a some
17 leading. I don't want to be associated with that leading, that has
18 nothing to do with me, but when I stand up to do cross-examination, I'm
19 entitled to ask leading questions, a question that suggestion the answer.

20 And if I need to ask for additional explanations, I will do so; but I
21 should not be compelled to ask open-ended questions during
22 cross-examination. Now, I understand there maybe some instances where
23 I'm going outside the scope of the direct, and I'm trying to elicit
24 positive information, and in those instances, as we've had this
25 discussion based on a rule inspired by the Federal Rules of Evidence, I

Page 44822

1 may be compelled to ask an open-ended question because, after all, I'm
2 asking for new information outside the scope. But if I'm doing
3 cross-examination in a classical sense, I should be entitled to ask
4 leading questions. So I don't think that this is a well-founded
5 objection on behalf of the Prosecutor. But I also think he has every
6 right to object, and as he does object, as when we do object, he's
7 entitled to a decision and ruling from the Bench.

8 MR. KOVACIC: [Interpretation] Your Honours, if I may very
9 briefly. My colleague has been raising an issue that actually was
10 initially raised yesterday. I didn't want to take the floor yesterday.
11 I thought his objections were completely groundless, but I would like to
12 remind you of one thing. This is not an Anglo-Saxon courtroom, and as
13 you, Your Honour, noted a little while ago, our Rules of Procedure and
14 Evidence, the official rules in force here, have -- impose no further
15 restriction on direct -- on examination-in-chief and cross-examination
16 apart from just listing all types of examination. So case law actually
17 gives us guidance.

18 As my learned friend Mr. Karnavas has just noted, and this is

19 what my learned friend Ken Scott has been saying, well, we don't have the
20 Federal Rules of Evidence here. I'm not going into why we don't have
21 them. If we don't apply one set of rules contained therein, we cannot
22 apply any other rules from there.

23 What I'm trying to say is there are different rules that apply to
24 examination-in-chief of expert witnesses who have come here with an
25 expert report that everybody has read. And here the questions on leading

Page 44823

1 are different than they are with fact witnesses. That's how it is in
2 continental law. It's one thing to ask questions about the expert report
3 that we all have, and it's a different thing when you ask questions that
4 are not based on any such material; and I think that the expeditiousness
5 of the proceedings is critical, and it is gaining in importance every
6 day. So this is a tool that enables us to question witnesses more
7 quickly.

8 So if my colleague had some objections yesterday to leading
9 questions in the examination-in-chief, regardless of the fact that we had
10 an expert report, he had to take the floor immediately because he is
11 sticking to the rules that prevail in an Anglo-Saxon courtroom and this
12 is not it.

13 JUDGE ANTONETTI: [Interpretation] Mr. Scott, before I give you
14 the floor, I would like to remind everyone that the Trial Chamber issues
15 guidelines on this issue.

16 Of course the Judges have thought about all this, all these
17 problems that crop up all the time. In the decision of April 24, 2008,

18 we said the following:

19 "When a topic has already been dealt with during direct
20 examination, leading questions are allowed."

21 When, however, a new topic is being dealt with, a topic which was
22 not mentioned during the direct examination, the Trial Chamber said that
23 this is now a direct examination and not a cross-examination and that,
24 therefore, leading questions are not allowed.

25 It's guideline number 3, paragraph 8. Everything is in the

Page 44824

1 guidelines. So the only problem is the following: When the question is
2 being put, is it a new topic? Yes or no? And all the rest is just
3 posturing and nothing else.

4 Mr. Scott.

5 MR. SCOTT: Thank you, Your Honour. Mr. Karnavas and I are in
6 partial agreement on several points this morning. He said something that
7 was very important, and that was -- and I agree with him, in a classical
8 example of cross-examination where the evidence of a witness is being
9 challenged, in a classical cross-examination, the witness is being
10 tested, that is one thing. Leading questions are fully appropriate, and
11 I certainly agree with that.

12 Again, Your Honour, what I submit is happening now is this is
13 nothing more than a common witness. This is nothing more than a common
14 witness. Ms. Alaburic is not testing the evidence of this witness at
15 all. She's not challenging this witness or his evidence, she's simply
16 continuing a direct examination; and that directly impacts the

17 Prosecution because the Chamber is not giving me any additional time to
18 respond to her questions and it's just a continue -- and I don't blame
19 her for that, but it's a continuing direct examination of what is, for
20 all practical purposes, a common witness. She has not challenged the
21 witness once, Well, witness, you said this, I put it to you the opposite.
22 Witness, you said this, I put it to you the opposite, Witness. Witness
23 you said this, I'm impeaching you with your prior statement. There is
24 not any of that. This is a continuation of friendly questions on a
25 direct examination nature, in which leading questions are not

Page 44825

1 appropriate, and the Prosecution should have time to respond to it. And
2 that continues to be our position. Thank you.

3 MS. ALABURIC: [Interpretation] Your Honours, I'm not going to
4 respond to what me learned friend Mr. Scott has just said because that
5 what he says almost every time when he gets up to react to the
6 cross-examination of Defence teams.

7 Now, the Trial Chamber has made a ruling in the matter, and I
8 don't think we need deal with the comments made by my learned friend
9 Mr. Scott.

10 Now, I'd like to stress that all the Defence teams have the right
11 to conduct a cross-examination related to all parts of the expert report
12 by Dr. Jurcevic, regardless of the fact of whether they -- the -- their
13 colleagues in the Praljak Defence had time during the
14 examination-in-chief to emphasise one point or another. So I can use my
15 cross-examination and base it on the parts of the expert report that

16 Mr. Kovacic did not deal with. That does not mean that I will step
17 beyond the topics of the examination-in-chief.

18 And the next thing I'd like to say, with respect to new topics in
19 the cross-examination, is that the Petkovic Defence considers that every
20 topic which is broached by the Judges when they ask their questions
21 become a topic relevant for cross-examination and cannot be considered to
22 be a new topic introduced.

23 Now, since Judge Antonetti mentioned -- the mention of the
24 Croatian Army in the second portion of the document we discussed, I
25 considered it my duty to expound that topic fully through my questions to

Page 44826

1 show that it was not a question of the Croatian army on the territory of
2 Bosnia and Herzegovina but the Croatian army is mentioned in quite a
3 different context. So that's it.

4 Q. Now, if we can move on to the next document, then, Dr. Jurcevic,
5 it is document 4D1298 that I'd like to deal with now. 1298 is the next
6 document, and it is a document which the assistant head of the Defence
7 Department sends in September 1993 to the head of the Defence Department.
8 And it is information about the thoughts and behaviour of the inhabitants
9 of Livno, in terms of relations between Herceg-Bosna and the
10 municipality. So the inhabitants of Livno vis-a-vis the relations
11 between the HB and the municipality. And I'd like to point out some of
12 the thoughts here. They say that they're not much interested in
13 Herceg-Bosna, that they are excessively concerned about their
14 municipality.

15 Secondly, that their patriotism only extends to the Municipal
16 Boarders and that they feel no need to fight any further. Then that they
17 do not agree with the decision of the Main Staff to transfer pieces to
18 the active front.

19 Next, that they are protesting against mobilisation and taking
20 away their machines for the building of roads, and finally, that all
21 artillery pieces and weapons are considered by them to be the property of
22 Livno and that they can, therefore, not be transferred to other fronts
23 even by an order from the General Staff.

24 Now, Dr. Jurcevic, may we have your comments to that document,
25 please.

Page 44827

1 A. Well, this is another typical document which confirms what I said
2 earlier on and -- the points we touched upon and which I deal with in my
3 expert report. Or, in other words, it is precisely the way Their Honours
4 asked me questions about this, looking at it from different aspects and
5 different sides. These documents bear all that out, that is to say that
6 the local community, whether it be Livno or any other local community,
7 was primary for the population, both in the military and political sense.
8 And this report, dating back to those times of a body of central
9 authority, indubitably confirms what we said at all levels. And I would
10 like to reiterate what His Honour the Judge said that this kind of
11 patriotism and all other responsibilities are only seen as
12 responsibilities towards one's local community, and it is clear from what
13 was latterly stated there as considered to be something quite normal.

14 And they consider it quite normal to reject orders from the Main Staff
15 which one cannot even conceive of let alone write something down in a
16 well-structured and organised state.

17 Q. Let's look at the next document, Doctor, which is 4D1328. 1328
18 is the document number. 4D1328. Yes, it's correct number now.

19 This is a letter of resignation sent to Anto Roso,
20 General Anto Roso, commander of the HVO Main Staff in December 1993, and
21 it says that the resignation has been made because of those people and a
22 group of powerful men who are deeply rooted behind the back of the
23 command of the brigade of which I had been charge until this resignation.
24 It is increasingly important to those group of people - I will repeat the
25 last sentence - to these people and to this group of powerful men,

Page 44828

1 everything else is more important, war profiteering and local rivalry
2 more important than the defence of the homeland.

3 Dr. Jurcevic may we have your comments to that document, please.

4 A. Once again a typical document confirming everything we've said so
5 far, and, in a way, it correctly defines the situation. When we look at
6 it from a politicological aspect and sociological aspect, that is to say
7 when you are witnessing the disintegration of one system without another
8 system being established. So it's a deep institutional crisis that is
9 afoot, and all the negative facets of that come to the fore here,
10 selfishness, crimes, corruption, nepotism, amoral nepotism; that I have
11 already set out when I spoke about the Croatian Community and its
12 shortcomings, and it's the same in my conclusions when we're talking

13 about the Croatian Community -- or, rather, the Republic of Herceg-Bosna,
14 and on the basis of a whole series of documents of -- of this type, I
15 summarise it all and set out the conclusions and consider them to be the
16 lack of quality or the shortcomings that existed. And this document is
17 testimony to the realistic state of affairs in the Croatian Community of
18 Herceg-Bosna both in the civilian area and the military sector of life
19 and work; that is to say some institutions have disappeared because of
20 the situation the BH was facing, new institutions are trying to be
21 established but without success, or very little success. Because as you
22 yourself stressed, we're dealing with December 1993 here, which means
23 that a lot of time has gone by since the decision was made to establish a
24 Croatian Community; that is to say two years on, a Croatian Republic **of**
25 Herceg-Bosna, so during those two years, quite obviously, not even the

Page 44829

1 initial problems of establishment for the system both civil and military
2 were actually functioning properly regardless of the fact that in the
3 Narodni List and the Official Gazette, if you looked at this, everything
4 looked hunky-dory, everything made you think that there was an
5 organisation with a proper hierarchy and so on. But in analysing the
6 documents, there was still a lot of disarray and that was the main
7 characteristic and this was the consequence of the general situation that
8 existed in the area.

9 Q. Thank you. Now, Dr. Jurcevic, in your report -- in part of your
10 report, you write about the doctrine of total national defence and social
11 self-protection or All People's Defence and social self-protection and

12 that is to be found in section 131, para 312.

13 JUDGE ANTONETTI: [Interpretation] Before you address that,
14 Professor, when I put the question to you earlier on, I did not know of
15 the existence of these two documents because I hadn't looked at them. I
16 look at one document after another, so my question had not factored in
17 this document. Now that you have this document, I would have put you the
18 same question, but now I'm asking you for additional information. You
19 said a few moments ago that everything was in disarray. What do you mean
20 by this?

21 THE WITNESS: [Interpretation] I don't know what the translation
22 was, but what I said was that it was a typical situation when one
23 institution -- when institutions in an area actually cease to exist and
24 others were trying to be established but had for the been established
25 yet. And as you said, it was, in lay terms, chaos, and in a scholarly

Page 44830

1 sense the restructuring of the system. So your previous question,
2 although you said that you hadn't seen the document, was probably on the
3 basis of other documents that you've seen during this trial and that led
4 you to make the conclusion that I wholly corroborated and said was
5 correct, and I came to that conclusion on the basis of my own research.
6 So I agree with you that it was a repercussion of the fact that the local
7 community was being seen as the be-all and end-all for everybody's
8 interest and that was just one consequence of the overall situation in
9 the area.

10 MS. ALABURIC: [Interpretation]

11 Q. So, Dr. Jurcevic, I wanted to ask you several questions on the
12 doctrine of total national defence and social self-protection, and you
13 write about this in your expert report. You say that it is the document
14 developed in a period from 1969 onwards to 1974.

15 Now, do you know what events led to the creation of this concept
16 of All People's National Defence? What happened, for example, one year
17 earlier on a world level in 1968?

18 A. Not only the events in Czechoslovakia **to which you're probably**
19 alluding to where the Soviets made a military intervention and the
20 international reasons for the establishment -- the international reasons
21 for setting up the All People's Defence and social self-protection
22 system, that was one of the causes, but there were other reasons, the
23 crisis within the second Yugoslavia **and that crisis loomed five or six**
24 years earlier; that is to say from 1965 onwards, the second Yugoslavia,
25 for the first time because of the social and economic crisis, it opens

Page 44831

1 its borders for the first time and many of its citizens went to work
2 abroad.

3 In 1966, there was a settling of accounts internally which was
4 known as the Tito Rankovic clash. Rankovic was the chief of police and
5 chief of the intelligence services, the secret services. And in 1967,
6 then, when it was about Croatia, **there was a declaration about Croatian**
7 literary language which led to a great storm and was claimed to be a
8 counter revolution and hostile action. And if you add to this 1968 in

9 Czechoslovakia then this same international reason, that is to say a fear
10 that the Soviet Union under certain circumstances might intervene in
11 Yugoslavia as well, all that in addition to everything else, were reasons
12 to form this concept of All People's Defence and social self-protection,
13 and I quote here experts, Yugoslav experts, who wrote the history of
14 Yugoslavia and the history of the League of Communists of Yugoslavia who
15 said themselves that this concept was established and I quote:

16 "In the spirit of Marx's concept of an armed people and that
17 every part of Yugoslavia should be a front line and each of its citizens
18 a warrior, a fighter."

19 And I quote the source, so that is taken from the 1974
20 constitution, that is to say this concept, as I quote it, began to be
21 established in 1969 and was ultimately formulated in the 1974
22 constitution.

23 Q. Tell us, Dr. Jurcevic, if you can remember, in the former
24 Yugoslavia how hold were we when we were trained for defence? The
25 citizens. How was a citizen?

Page 44832

1 A. Well, symbolically from birth, I would say. That is to say in
2 primary school there was what was called -- well, at different levels,
3 too, at secondary school and at university we had sort of pre-military
4 training. That's what it was called. And that was a subject taught by
5 some professionals who had completed studies in All People's Defence and
6 social self-protection, and then there was certain civil protection

7 drives and other ones that were called NNI. That is to say an
8 abbreviation for nothing must be allowed to take us by surprise in
9 translation, where the citizens had to take part in certain, well, I
10 would say, nonsensical drives. And just to show you the absurdity of it
11 all of one such drive that took place -- or, rather, was proclaimed to
12 take place in Split **in the media, and then when the day came to hold that**
13 drive, nothing must take us by surprised as it was titled, the papers
14 wrote that the action or drive was postponed -- was going to be postponed
15 because of rain.

16 Q. Doctor, you mentioned this training. In all socially owned
17 companies and state institutions, were people also trained in the area of
18 All People's Defence and self-protection? Do you have any knowledge
19 about that? What happened in the socially owned enterprises, state
20 institutions, and so on and so forth, other services?

21 A. The essential part of this concept in the armed sense was the
22 Territorial Defence, which was a form of republican army. We can call it
23 that, in the sense of co-ordination and command. And I'm going to quote,
24 once again, the constitution. It's a brief quote for us to be able to
25 understand what this is was all about; this is what it says, including

Page 44833

1 the whole economic system, administrative system, now I come to the 1974
2 constitution, quote, the Yugoslav constitution:

3 "It is the right and duty of the municipalities of the autonomous
4 provinces of the republics and all other socio-political communities each
5 in its -- and on its territory to set up and organise national defence

6 and to be in charge of territorial defence, civilian protection, and
7 other preparations for the defence of the country."

8 Q. Dr. Jurcevic, do you know about Zagreb, the courses in All
9 People's Defence? At what faculty were they organised and run, this
10 whole course of studies?

11 A. At the Faculty of Political Science in Zagreb, there was a
12 special course of study, All People's Defence and social self-protection.
13 I studied social sciences at the time, so I know how it was very well.

14 Q. And do you know when did -- when were the first students enrolled
15 in this course? In All People's Defence. Well, it's not important.
16 It's was in --

17 A. I don't know.

18 Q. It was in 1975. Please look at 4D1603. 4D1603. It's a document
19 from the BH army, the guidelines for fostering and boosting combat morale
20 in the BH army, and I would like to discuss this with you in this
21 context, the concept of defence in Bosnia-Herzegovina as such.

22 In item 1 of this document, the unity of all the components of
23 armed struggle and resistance, it speaks about unity of all the
24 components; on the one hand, the armed struggle, and on the one hand and
25 resistance on the other. So we have two elements of the defence. And in

Page 44834

1 the second paragraph, I will read this out:

2 "Special importance for the fostering and boosting of the combat
3 morale lies in the unit of the army and the people based on the
4 traditions of Bosnia and Herzegovina and its people. It is boosted and

5 built up on all forms of joint preparations of the army and the people
6 for the defence of the country."

7 And now I will skip four lines, and I will continue with my
8 quote:

9 "And overall efforts and the assistance of the people to the army
10 expressed through material support, caring for the wounded and the sick,
11 gathering information about the enemy, uncovering and obstructing enemy
12 agents, provocateurs and saboteurs in the field -- provocateurs and
13 saboteurs in the field, securing important features and supply sources,
14 participation in the fortification of the terrain and other activities."

15 Doctor, tell us whether the struggle of the army and the people
16 defined in this manner is, in fact, an implementation of the doctrine of
17 the All People's Defence.

18 A. That's correct. That's one of the minor forms described here of
19 the whole system of the All People's Defence and social self-protection.
20 There is a whole number of other elements.

21 Q. Now I would like us to move on to the topic whether, and to what
22 extent, the Muslim political and military leadership supported the
23 Vance-Owen Plan and other peace plans put forward by the international
24 community.

25 We will skip one document, and we will go to document 4D1235.

Page 44835

1 4D1235. It's a document dated 10th of January, 1993, and it is sent by
2 the commander of the 3rd Corps of the BH army. It is a press release or
3 an announcement on the subject of the talks in Geneva, and the commander

4 of the 3rd Corps says:

5 "On the occasion of the continuation of the political
6 negotiations in Geneva **and on the request of a huge number of units and**
7 **fighters of the 3rd Corps of the BH army, we hereby offer you our**
8 **unconditional support in your efforts to prevent the division of Bosnia**
9 **and Herzegovina on ethnic or any other principle."**

10 Dr. Jurcevic, could you please comment on this document in the
11 context of the peace talks in Geneva? **It is part of your expert report.**
12 And the proposal that was on the table at the time that Bosnia and
13 Herzegovina **should be divided into ten cantons which would be set up**
14 **primarily but not exclusively on ethnic grounds.**

15 A. The Vance-Owen Plan, before the draft was made public, right at
16 the beginning of 1993, had been in the process of drafting for several
17 months. And the public was aware of the fact that it would involve the
18 division of Bosnia and Herzegovina into ten or to seven provinces, and
19 this is a response to this document.

20 Now, whether it was spontaneous or organised, well, I don't know
21 that when it comes to this document, but all peace plans caused major
22 response at all levels of government and also at the international level,
23 because those plans dramatically changed the principles, the approach to
24 Bosnia and Herzegovina as such.

25 Q. Let us look at our next document, 4D76. It's a -- it's a

Page 44836

1 document from February 1993. It's a report sent by the IPD of the

2 4th Corps to the brigades which are part of that corps, and here an
3 interpretation of the Geneva **and** New York **talks is provided.**

4 In item 1 it says, and I quote:

5 "The active involvement of the USA in the Vance-Owen negotiations
6 represents a qualitative shift for the better with regard to increasing
7 pressure on the aggressor ..."

8 And then in item 2 it says:

9 "European countries and the USA do not intend to engage
10 militarily in the theatre of operations in Bosnia and Herzegovina in the
11 foreseeable future, and for as long as in their assessment there is any
12 chance of ending the war in Bosnia and Herzegovina by diplomatic means."

13 And then in item 4:

14 "Expecting that there would be -- any kind of external solution
15 could have a negative influence on the combat morale of members of the BH
16 army, which is why, in the carrying out their daily tasks, all members,
17 commanders and Staffs of the Armed Forces of the Republic of Bosnia **and**
18 Herzegovina **must take an active stand towards the obligations of the**
19 **armed struggle.** Any lulls in combat operations should be used for
20 high-quality preparations for carrying out further operations."

21 Now, Dr. Jurcevic, I would like us to comment a little bit on
22 this document, in particular in the item 2 where it says that the
23 European countries and the USA **do not intend to engage militarily in**
24 **Bosnia and Herzegovina for as long as there is any chance of ending the**
25 **conflict by diplomatic means.**

1 How do you interpret this assessment by the BH Army?

2 A. Well, it followed from the experiences until that time, and it
3 was obvious, as we said yesterday, that any peace plan put forward by the
4 international community could not be implemented, had to be imposed.

5 On the other hand, the other developments, in particular, in
6 1992, in the second half of 1993, the international developments
7 confirmed this position. The international conference produced a large
8 number of papers with great promises, a lot of talk, but nothing
9 happened. The Serbian armed aggression on Bosnia and Herzegovina kept
10 escalating. So this is one of the documents, this paragraph 2, I think,
11 is based on the experience.

12 Q. Dr. Jurcevic, to the best of your knowledge, did the Muslim
13 political and military leadership actually want the European countries
14 and the USA **to intervene militarily?**

15 A. Yes, this follows from their demands. Yesterday I said that as
16 early as 1991 Alija Izetbegovic and the government of Bosnia-Herzegovina
17 had started launching appeals for observers to be deployed. And in 1992
18 there was a whole series of appeals, demands, and so on. In this period
19 and even before that and after, that there was a continuity and it is
20 quite logical for the weaker side, and the central government in Bosnia
21 and Herzegovina **was the weaker side, the Muslim, Bosniak and Croat**
22 structure, in other words, and they wanted, they wished for and they
23 appeal for an international military intervention.

24 Q. Well, a military intervention and diplomatic means are mentioned

25 in item 2. What is your conclusion? At what point it is realistically

Page 44838

1 to expect the European countries and the USA to intervene in Bosnia and
2 Herzegovina based on item 2? What would follow from item 2? When would
3 it be realistic to expect their military involvement?

4 A. Well --

5 Q. Well, I'm not asking you personally, but what do you conclude --

6 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, please slow
7 down. The interpreters are begging for mercy. You're going way too
8 fast.

9 MS. ALABURIC: [Interpretation]

10 Q. Doctor, I'm not asking for your personal opinion, but I'm just
11 asking you what did the drafter of item 2 think on the basis of this item
12 2? What is it that follows from this document?

13 A. Well, what follows from this document is what is explicitly
14 stated here that this is not expected in the foreseeable future, any time
15 soon, and for as long as there is a possibility of achieving a diplomatic
16 solution, but that's a very undefined term and it can go on forever.

17 MS. ALABURIC: [Interpretation] Your Honour, I think that it is
18 time for our break now.

19 JUDGE ANTONETTI: [Interpretation] I believe that you have 45 to
20 50 minutes left. Let's break for 20 minutes.

21 --- Recess taken at 10.33 a.m.

22 --- On resuming at 10.56 a.m.

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

24 MS. ALABURIC: [Interpretation]

25 Q. Did Jurcevic, we will dwell a little bit more on the documents

Page 44839

1 from the Bosniak Muslim side in the conflict, because I believe that it
2 might assist us to better understand the moves the Croatian side.

3 Could we please look at 4D766. It's a proposal of measures to
4 organise the All People's liberation war, which in May 1993, was drafted
5 by the Supreme Command Staff of the Armed Forces of Bosnia-Herzegovina.

6 I would like to draw your attention to some parts thereof, and I
7 would like you to comment on them.

8 In the second paragraph it says, and I quote:

9 "The radical U-turn in the attitude of the great powers to
10 aggression against the Republic of Bosnia and Herzegovina clearly shows
11 that the defence of the state and of the people must be organised and
12 conducted by relying on our own forces. Compared to the situation and
13 conduct so far, this implies a total and final dispelling of all
14 illusions about any possible external military intervention as a decisive
15 factor in putting a stop to the aggression against the Republic of Bosnia
16 and Herzegovina **and a switch to the wartime model which implies maximum**
17 mobilisation of all the segments and the entire potential of the state
18 for its survival."

19 Dr. Jurcevic, can you comment on it in the context of perhaps
20 some strategic decisions taken by the Bosniak Muslim side in the
21 conflict?

22 Microphone for the witness. Yes.

23 A. Well, it follows from this that there is no expectation, or they
24 no longer expected the international community to intervene militarily in
25 any way and that the structures of the Bosniak Muslims in the central

Page 44840

1 government should now concentrate on the wartime model, should switch
2 over to the wartime model.

3 Q. Now let us look at the first little line on page 1 for you. In
4 the English it's on the second page. So the proposals. Let me quote:

5 "In the crucial moment to mobilise and unite all political
6 forces, parties, associations, movements and citizens into a patriotic
7 front, and replacing the strategy that was pursued so far of being
8 victims and seeking internal aid on that basis, to develop a strong
9 combat morale relying on our own forces and providing support to the BH
10 Army in its struggle for the defence of the sovereignty and territorial
11 integrity of our country and salvation of our people in the face of new
12 pogroms."

13 Doctor, I would like to ask you to comment on the part of this
14 quote that pertains to the strategy pursued so far, which was that of
15 creating an image of victims and seeking external aid, the Bosniak Muslim
16 leadership was building in its strategy regarding its relations with the
17 international community and other warring factions on that.

18 A. This strategy of turning oneself into a victim can be seen from
19 what we look at the international perception in the media and elsewhere
20 of the Bosniak Muslims in the previous period, the second half of 1992,
21 in particular the first part of 1993, the first half of that year,

22 because a lot of information was published in the media about camps, and
23 the Muslim Bosniaks were in the focus in terms of diplomatic and media
24 levels, and we have to note that this document was drafted immediately
25 after they gave up -- or, rather, when the Vance-Owen Plan fell through

Page 44841

1 after the referendum when the Serb side, on the 19th of May, announced
2 its final decision renounce the plan.

3 Q. Now, Doctor, in the context of this strategy of being a victim,
4 on the second page, the longest paragraph, which deals with the Ministry
5 of Information. It's at page 3 in the English version, and some
6 activities on the part of the Ministry of Information of Bosnia and
7 Herzegovina **are hereby proposed, including radio and television, and then**
8 somewhere in the middle of the paragraph it says:

9 "It is necessary to make sharp cut in the awareness of the people
10 whom produce programmes and avoid the cliches when depicting the victims
11 and the suffering, and avoiding the affirmation of our own army and our
12 struggle for freedom."

13 Can you -- Mr. Jurcevic, this qualification for the programme of
14 state radio television as showing suffering, can you comment about that
15 within the frameworks of the previous victims strategy that we were
16 talking about?

17 A. Obviously, in the institutions under the supervision of the
18 structures of power and authority, that is to say the Muslim Bosniak
19 majority, did have a strategy by way it waged a psychological war, if you
20 will, towards the international community and tried to depict itself as a

21 victim.

22 Now, I'd like to emphasise the fact, and if he's not suitable
23 tell me, but anyway, there was an internal conflict within the Muslim
24 Bosniak structures themselves when it came to the BH Army because of
25 something we called the Islamisation of the army. And in keeping with

Page 44842

1 that, there were cadres changes.

2 THE INTERPRETER: Could the speaker kindly slow down. Thank you.

3 THE WITNESS: [Interpretation] Certain prominent individuals from
4 the political life of the country. Rusmir Ahmet Cehajic, for example,
5 didn't want to take part in that any more.

6 MS. ALABURIC: [Interpretation]

7 Q. Very well. I'd like now, Dr. Jurcevic, to look at some plans
8 that the political leadership had, the Bosniak Muslim side, principally
9 through the transcripts of the sessions of the Presidency of
10 Bosnia-Herzegovina. In order to do that, look at 4D1118 now, please.
11 And we'll start off with page 7 of the Croatian or Bosnian text, whatever
12 you like to call it, which is in the English page -- the page ends in the
13 following digits on e-court, 1446. Yes, 1446. The last paragraph on
14 that page.

15 Stjepan Kljucic says the following:

16 "It is obvious that Geneva --" I apologise. I have to give the
17 date of this session. It's the 26th of November, 1993. And
18 Stjepan Kljucic says the following:

19 "It is obvious that Geneva has to solve the question of

20 humanitarian survival, and not only for this winter since the
21 negotiations on Bosnia and Herzegovina could last for five years, to
22 definitely deal with the question by force. And we have to insist there,
23 and we have the support of Europe **in at a regard."**

24 I'm going to skip over several lines there and continue. We
25 must --

Page 44843

1 JUDGE TRECHSEL: Could you be so kind and indicate exactly where
2 you are? I have not found the quotation that you've read.

3 THE INTERPRETER: The interpreters note that they have not
4 either.

5 MS. ALABURIC: [Interpretation] In the meantime, we have
6 established that it is not 1446 but 1147. So the following page. In the
7 middle of the page, Stjepan Kljubic speaking. 1447 is the number. Let
8 me repeat. Page 1447 for the English.

9 If we've found it, I can continue quoting Stjepan Kljubic.

10 Q. He says:

11 "We must form an action to prepare for the disavowment of
12 Stoltenberg and Owen, and the formal thesis is the Geneva conference was
13 not successful. A new conference is being prepared with the success of
14 the Geneva **principle, the mediators have to be withdrawn too."**

15 Now, Dr. Jurcevic, to the best of your knowledge, were there
16 really some attempts made for Messrs. Stoltenberg and Owen to be thrown
17 out as mediators in the negotiations, and do you have any knowledge of
18 that?

19 A. Today that is obvious from looking at the basic documents and the
20 fate of the Stoltenberg-Owen Peace Plan which had the largest number of
21 variants offered up, and the events themselves led to this; that is to
22 say, when the conference on the former Yugoslavia died a natural death.
23 After Washington, well that was the process. It was a process. And
24 finally, the Contact Group was established led by the United States of
25 America.

Page 44844

1 Q. I'd now like to ask you to look at page 19?

2 MR. SCOTT: Your Honour, before we go on, this is one where --
3 could we have a little basis for him saying this other than saying that
4 the Owen-Stoltenberg talks came to an end? We know they came to an end,
5 but this specific question was: Does he have knowledge that these men
6 were somehow forced out, there was an effort, a campaign to remove them?
7 I don't think that question was answered.

8 JUDGE ANTONETTI: [Interpretation] This could be a question for
9 the cross.

10 Witness, to save some time, could you tell us on what basis
11 you're basing yourself to answer Mrs. Alaburic's question.

12 THE WITNESS: [Interpretation] Well, on the basis of the events
13 that we know about today, that we know happened, global events. So in
14 April, the 25th of April, 1994, in actual fact, a Contact Group was
15 established, and before that the United States of America intensively
16 or -- became included evermore intensively in the processes evolving on
17 the territory of Bosnia and Herzegovina, so that the International

18 Conference on the former Yugoslavia **sort of withered away, and the fate**
19 of the plan, the peace plan, which was known under the title of the
20 Owen-Stoltenberg Plan, fluctuated or, rather, there were many versions of
21 it, which meant that Owen and Stoltenberg were not accepted. So they had
22 to change their variants often in keeping with the interests that
23 obviously existed within the international community.

24 MS. ALABURIC: [Interpretation]

25 Q. Dr. Jurcevic, tell us, do you know whether some of the

Page 44845

1 participation in these international negotiations published books about
2 the negotiations?

3 A. Robert Owen did. He published a book, for instance.

4 Q. Have you read the book?

5 A. I have. It was a long time ago, but when you read memoirs of
6 this type, I always take them with a pin much of salt, with some
7 reservations with respect to the facts, because the people taking part
8 try to depict their role by asserting themselves, protecting themselves
9 and their actions, justifying themselves and generally portraying
10 themselves in a positive light.

11 Q. I'd like to draw your attention to a particular portion of this
12 transcript in which the president of the Presidency, Alija Izetbegovic,
13 sums up the agreements and how his delegation should act.

14 On page 19 of the Croatian text, which is page 1459 of the
15 English, Alija Izetbegovic is speaking and says:

16 "We could come up with some conclusions for the time being. Let

17 the delegation go up there. There is more or less, and we know what the
18 platform is, plus those efforts regarding the expansion of functions and
19 territories, plus the nonsignature, et cetera."

20 Then on page 21, which is page 1461 of the English, the beginning
21 of the second paragraph he says -- it is said:

22 "Let's save what we can. We have the chance to expand the areas
23 somewhat in which we have an opportunity to create democratic will."

24 Then I'm going down to the end:

25 "There, let the delegation go to Geneva with those thoughts in

Page 44846

1 mind and let them try and say what can be saved, what they can."

2 So in those portions, the ones I've quoted, it says that one of
3 the guidelines to the delegation from the Presidency of the BH is not to
4 sign any document.

5 Dr. Jurcevic, do you have any knowledge about this strategic
6 action on the part of the Bosnian Muslim side, that is to say take part
7 in the negotiations but to refrain from signing any documents?

8 A. Specifically at the end of September the Bosnian -- Bosniak
9 Muslim majority in the Assembly rejected the Owen-Stoltenberg plan, which
10 led to a crisis within its ranks, the greatest crisis to date, which was
11 evidenced in the departure of a member -- a Bosniak member of the
12 Presidency, Mr. Fikret Abdic. He went to the western part of BH and set
13 up an autonomous province there called Western Bosnia with all the
14 consequences that this gave rise to.

15 Q. Very well. Unfortunately, I don't have time to ask you any

16 additional questions because I want us to get through some more
17 documents. The next one of which is 4D1052. And that is the transcript
18 from a Presidency meeting of BH on the 29th of December, 1993.

19 Doctor, take a look at page 8/2, which in the English version is
20 a page ending in 0753.

21 A. I can't find that page.

22 Q. 8/2 in the upper right-hand corner.

23 A. Well, this is a copy. What's the other page number?

24 Q. I'm afraid I can't say now.

25 A. Yes, I've found it. 8/2. Right.

Page 44847

1 Q. Let me just place this in context. They are discussing an
2 offensive by the BH Army in Central Bosnia, or more specifically in the
3 Vitez area. So let's see what they say about that.

4 Alija Izetbegovic, and I quote, says:

5 "But in the discussions we had the previous night, he said,"
6 please, he's referring to Tudjman, "I hear you have an offensive underway
7 against Central Bosnia. So please stop that offensive, and so on and so
8 forth. And that is what he wrote in the letter, 'I told Vesnija [phoen]
9 that there is no offensive. There's just a conflict over there where the
10 armies are confronted and are fighting at Vitez and so on.'"

11 Now, on the following page, it is 8/3, and in the English it's on
12 the same page, Izetbegovic going on to say, and I quote:

13 "I have not promised that we would stop anything except that this
14 request for a Christmas truce came later and we accepted it, but we can

15 only speak about a violation of that truce if there's something on our
16 side. Otherwise, there are no other obligations."

17 The end of the page Ganic, Ejup Ganic begins, which is on the
18 following page, Your Honours, and the last digits on that page are 54,
19 Ejup Ganic, and I'm going to precis what he says. He says that possibly
20 a valve could be opened to Vitez and that the population should leave the
21 area and to go to Boban.

22 And now I'm going to quote another page on 9/3, which is page
23 0756 in the English. Kljucic is trying to advocate that Vitez should not
24 be taken control of, and that is what Kljucic says:

25 "Since they have accused us before the UN and because we must

Page 44848

1 give an answer, you," that is to say Alija Izetbegovic, "should go on
2 television and say that there is no offensive against Vitez by the BH, in
3 the BH, and we're not children after all. As Ivo says, some people have
4 more experience than others in life. Some are wiser, some are more
5 gregarious, others speak less and do more, et cetera. It's clear to us
6 that strategically for the BH army, Vitez is the most important, as is
7 Novi Travnik, because as my namesake said, there we have capacities for
8 20 years."

9 Now I'm going to skip over the next portion and carry on with
10 Kljuic's other proposal:

11 "First of all because of the international community, I want you
12 to say we don't have an offensive going, and, secondly, just between us,
13 let's stop the offensive by the 18th -- or until the 18th. Let's see

14 whether that agreement will happen. You will go there for talks and
15 you'll see. Thirdly, let me say that if we expel the few Croats left
16 from this -- from this enclave, then all of us Croats who are for B and H
17 will be defeated because we won't have a people."

18 Dr. Jurcevic, do you know that there was a clash at one point
19 between the BH army and the HVO in Central Bosnia and more specifically
20 in the Vitez area?

21 A. Yes. It was one the partial conflicts between the BH units and
22 the HVO.

23 Q. What we've just quoted as being the plans of the Bosniak Muslim
24 leadership, does that correspond to what you knew about the actual events
25 on the ground?

Page 44849

1 A. Yes. Here on the basis what we've just read, the minutes from
2 the session of the Presidency, it is clear that Novi Travnik and Vitez
3 were of immense importance because of the combat materiel that could be
4 produced there, and it was obvious that according to their concept the
5 views of the Bosniak Muslims, their structures, that not only the HVO but
6 also the civilians were not desirable there and an option that was being
7 put forward here is to open this valve and to let them leave.

8 Q. Doctor, please look at the next document, which would be 4D930.
9 It's the transcript of a session of the Presidency of the Republic of
10 Bosnia and Herzegovina. The date is the 14th of January, 1994. I think
11 that the Prlic Defence and the Petkovic Defence have already used this
12 document, but let us try and look at a part that I don't think we have

13 discussed so far. The page is 3/3 in the Croatian text. In the English
14 text, it's the part that ends at page -- or, rather, page that ends with
15 272.

16 Again it's a statement or part of an intervention by
17 Alija Izetbegovic. It begins at the previous page, but let me focus on
18 this part, and I quote:

19 "Our solution -- this solution with the three republics were
20 imposed on us with the presence of a strong army which doesn't want any
21 other option, and the international community is not ready to remove them
22 from those territories, and it is our assessment that we cannot remove it
23 ourselves."

24 Dr. Jurcevic, can you tell us what army is Mr. Izetbegovic
25 referring to?

Page 44850

1 A. Well, most probably the HVO, if we're talking about this area,
2 the same area that we've just discussed. It's not clear from the
3 document.

4 Q. Well, this document pertain to the plan for Bosnia and
5 Herzegovina **to be organised as three republics, and it says here that the**
6 solution with three republics was imposed on us because of the presence
7 of one strong army that don't want anything else.

8 A. What is the date of this document?

9 Q. 14th of January, 1994.

10 A. It's in the eve -- on the eve of the preparations for the
11 Washington Agreements, and by this time, the USA has been involved he

12 very actively here.

13 Q. Let us read that through.

14 A. What terrain are we talking about, what territory?

15 Q. I will follow -- I will follow on with the quote:

16 "I went toward Kosevo hill today and people told me that there
17 are Chetniks in those houses."

18 JUDGE TRECHSEL: Could you slow down, please. It should be
19 repeated every ten minutes, because nobody seems to care really.

20 MS. ALABURIC: [Interpretation] I am trying to monitor the
21 transcript, and I will try and do a better job in the future.

22 Q. So let me continue with the quote. So there is mention of
23 Chetniks, and it's only about 200 metres in distance:

24 "They have been here for about a year and a half already or when
25 we go toward the airport we pass through a Chetnik check-point. We

Page 44851

1 cannot remove it. Can we remove that army? That is the problem. The
2 presence of that army with 600 to 700 tanks, 2.000 artillery weapons, and
3 approximately 100 to 150.000 soldiers in the field that refuses to have
4 any other solution forces us to think -- to consider whether we should be
5 doing else."

6 Now, Dr. Jurcevic, can you tell us now with an army
7 President Izetbegovic was referring to?

8 A. Well, on the basis of the technical data, it is obvious that he
9 was speaking about the Serbian army.

10 Q. On --

11 JUDGE TRECHSEL: I'm sorry. I really wonder whether someone is
12 listening to what is said from the Bench. Now you have been overlapping
13 all the time. You must wait, Witness, until the translation is over, and
14 then answer it. And you must wait until the translation is over. I know
15 it's difficult. You have temperament and all that, I can really
16 sympathise. Maybe in the same situation, I'd fall into the same trap,
17 but please use your time to your benefit. If we lose half of it, you
18 lose it.

19 MS. ALABURIC: [Interpretation] Very well, Judge Trechsel.

20 Q. Yes, Doctor, let us try and be really good and behave.

21 Well, my colleague Mr. Kovacic tells me that the doctor is
22 behaving but that I'm not. So I'll try to behave.

23 So you told us that it is clear now what the army was, and now my
24 question to you is: In the context of this intervention by
25 Alija Izetbegovic, can you comment and say how come that the Bosnian

Page 44852

1 Muslim leadership was considering and accepting the solution that Bosnia
2 and Herzegovina **should be set up as a compound state. What is the cause**
3 of all that?

4 A. The basic concept of the most powerful structure within the
5 Bosnian -- Bosniak Muslim ranks was to have a unitary Bosnia and
6 Herzegovina **as a state. However, the circumstances that evolved, if I**
7 **may say, forced their hand, forced them to take part in talks, and**
8 **because the actual situation in the field, they had to accept other**
9 **solutions, and this follows from what we've just read here.**

10 Q. Doctor, you mentioned the unitary state, and now I would like to
11 ask you a couple of questions about the concept of the unitary state as
12 the opposite --

13 JUDGE ANTONETTI: [Interpretation] Before you address that topic,
14 Professor, the more we move on in this trial, the more we are exposed to
15 a variety of documents, and I understand that all of this is extremely
16 complex. A while ago we saw a document of the 4th Corps, which was a
17 very clear document. It explained that it is not through diplomatic
18 means that we will find a solution to the problem. The solution is of a
19 military nature. This is what the document seemed to be saying. And now
20 in this document Izetbegovic assesses the military situation, and he says
21 the Serbs have 600 to 700 tanks, 2.000 artillery pieces and 100 to
22 150.000 men on the ground; so as far as he was concerned, he felt it was
23 impossible to win that battle.

24 On the Muslim side, we see, therefore, that there are diverging
25 views.

Page 44853

1 Mr. Praljak was, a few weeks ago, in your seat. He explained
2 Izetbegovic's and Halilovic's positions. They did not always share the
3 same view.

4 In light of the trial of strengths and the fact that
5 Mr. Izetbegovic spells this out, do you think that there was a likelihood
6 of being able to solve this issue through or by using force, or do you
7 think this could be resolved through diplomatic means?

8 THE WITNESS: [Interpretation] Well, Your Honour, if I may, this

9 synthetic presentation, I will try to make it as clear as possible.

10 With the break-up of Yugoslavia, **in** Bosnia and Herzegovina the
11 key problem was how to maintain Bosnia and Herzegovina as a single state.
12 The dominant structures in the Bosniak Muslim side were in favour of
13 keeping Bosnia and Herzegovina together as a state; but as part of their
14 solution, they tried to achieve the greatest possible benefits for their
15 people, their component, and they advocated a unitary state because they
16 were in the majority, and they were the only people that was growing
17 demographically, and by dint of having a unitary state, the constitutive
18 mechanisms that were in place until 1990 would be cancelled out, would no
19 longer apply.

20 A part of the Bosniak Muslim structure did not agree with that,
21 and they distanced themselves from the SDA and from the ruling structure.

22 The second constituent people in Bosnia and Herzegovina, **Croats,**
23 were also in favour of Bosnia and Herzegovina continuing to exist, but
24 they favoured the concept of compound state, which would, by way of
25 respecting their interest as the people in the absolute minority, which

Page 44854

1 also was demographically decreasing, in some part or some several parts
2 would be granted the right of subsidiary government or governments.

3 The third constituent people, the Serbs in Bosnia **and**
4 Herzegovina, **or their dominant structures, openly, and by all means at**
5 their disposal, didn't want to have that part that was emerging at the
6 Republika Srpska to be part of the Republic of Bosnia and Herzegovina,

7 but they wanted that to become part of the State of Serbia.

8 So these were the basic concepts and the basic problems and we
9 know what happened as part of all that within that framework. You asked
10 me for my opinion, and it is my opinion -- well, you asked me whether it
11 was possible to achieve a diplomatic solution. Theoretically, of course
12 it was possible, and it was possible in practice had the international
13 community applied the mechanisms that it had at its disposal. And as
14 time went by, from 1991 or the spring of 1992, the conflict escalated.
15 The problems became more complex, and that includes the Bosniak Muslim
16 conflicts, and the end game in 1995 showed that, showed that the
17 possibility of a diplomatic solution diminished day by day.

18 Your Honour, I don't know if you're happy with my opinion. If
19 you are not, please ask me some follow-up questions, because your
20 question was synthetic in nature and very complex.

21 JUDGE ANTONETTI: [Interpretation] Thank you for having summed
22 this up. I will give the floor back to Mrs. Alaburic while letting her
23 know that she has 13 minutes left.

24 THE INTERPRETER: Interpreters note please insert 100 to 150.000
25 men, instead of 100 to 150. It said 13 minutes, not 30. I --

Page 44855

1 MS. ALABURIC: [Interpretation] Your Honour, before I continue, I
2 have one question. If I needed some ten minutes to wrap up --

3 JUDGE ANTONETTI: [Interpretation] One moment, please. It's
4 working.

5 MS. ALABURIC: [Interpretation] Your Honour, if I needed ten more

6 minutes to wrap up all the topics I wanted with Dr. Jurcevic, would you
7 allow me to use the ten minutes from the -- this piece abstracted to the
8 time that was allotted to General Petkovic's Defence case?

9 JUDGE ANTONETTI: [Interpretation] I will put the question to the
10 other members of the Bench.

11 [Trial Chamber confers]

12 JUDGE ANTONETTI: [Interpretation] You will be given ten extra
13 minutes, but this will be taken off of the overall time that has been
14 given to the Defence team, and Petkovic team. You have 23 minutes left,
15 so try and finish around 12.00. That would be fine.

16 MS. ALABURIC: [Interpretation] Yes. Thank you very much,
17 Your Honour.

18 Q. Doctor, in answer to his Judge -- His Honour's question, you said
19 one thing that I find very interesting, and that is that the Muslims as a
20 majority people in Bosnia and Herzegovina, although they did not have the
21 absolute majority, preferred the unitary system in Bosnia and
22 Herzegovina; did I understand you correctly?

23 A. Yes, and I did explain why basically.

24 Q. Now, let us talk about this topic of unitary versus compound
25 system using the former Yugoslavia as an example. Doctor, can you tell

Page 44856

1 us which peoples in the former Yugoslavia, or what people was more in
2 favour of a unitary or more centralised state system?

3 A. If you are talking about the whole of Yugoslavia, then again, and

4 that's only logical, it would be the Serbian people, which was the most
5 numerous people in Yugoslavia.

6 Q. To the best of your knowledge, all the other people in Bosnia **or,**
7 rather, in Yugoslavia, **did they prefer a unitary system or a compound**
8 federal system?

9 A. Well, it was not only in Yugoslavia **but in -- in general terms.**
10 If you have a compound state or a compound community, those who are in
11 the minority, one of the mechanisms of protection that they have is to
12 have a compound state. It is a mechanism to protect their interest. Not
13 minority interest but interest. It is very important within a state
14 system. If you have a unitary state, then it is only logical, and also
15 on the basis of the experience not only from Yugoslav past but the
16 history of other compound states such as the Soviet Union, it is quite
17 obvious that all the other mechanisms, the unitary mechanisms, would make
18 it possible for the majority people to dominate.

19 Q. Doctor, to the best of your knowledge can it be considered that
20 the party that is in favour of a unitary system of a community is a
21 greater patriot than those who are in favour of a compound or federal
22 system in that very same community?

23 A. Well, that's not only my opinion. I would say that this is the
24 prevailing opinion, and it's even a value as -- as the principle of
25 subsidiary, not only when it comes to states but when it comes to various

1 other forms of social relation, the principle of subsidiarity, that means

2 delegating some powers to some other elements and also some protective
3 mechanisms given the complexity of the community, it is a democratic
4 civilisational standard from the point of view of human rights.

5 Q. Dr. Jurcevic, you spoke about the League of Communists of
6 Yugoslavia **yesterday as being an integrative factor in the former**
7 **Yugoslavia. So I'd like to ask you now about that integrational factor**
8 **in Bosnia-Herzegovina.**

9 Now, the League of Communists in Bosnia-Herzegovina, was it a
10 factor of integration there too?

11 A. Of course. In similar fashion as was the case when we look at
12 Yugoslavia **as a compound community, with the proviso that it ceased in**
13 **1990 after the elections to be a factor to be reckoned with.**

14 Q. Can you explain to us what the basic mechanism was within the
15 League of Communists which had -- which acted as a factor of integration?
16 What was it that was an important factor there?

17 A. The constituent character of the three nations, if you're
18 referring to Bosnia-Herzegovina, and federalism at the level of
19 Yugoslavia.

20 Q. Tell me, please, cadres policy in Bosnia-Herzegovina and the
21 other republics, was that under the control of the League of Communists?

22 A. Absolutely, yes.

23 Q. Tell us, please, the League of Communists in Bosnia and
24 Herzegovina, **did it take care to see that there was an equal**
25 **representation of all the nations, not only the three constituent nations**

1 but all the other ethnic groups living on the territory of
2 Bosnia-Herzegovina?

3 A. Yes, and that was one of the conditions for maintaining stability
4 in the territory of Bosnia and Herzegovina.

5 Q. Tell us, please, Doctor, with the disappearance or disintegration
6 of the League of Communists of Yugoslavia and, therefore, of BH as well,
7 was it necessary to find new factors of integration in Bosnia and
8 Herzegovina **to make things viable?**

9 A. Of course, and they were, indeed, found, or they became such and
10 gained legitimacy after the results of the first multi-party elections in
11 Bosnia-Herzegovina at the end of 1990.

12 Q. Tell us, please, the Croatian leadership in Bosnia-Herzegovina,
13 did it want Bosnia-Herzegovina to be established as a federal state like
14 the former Yugoslavia **was, to the best of your knowledge?**

15 MR. SCOTT: Excuse me, Your Honour. Which Croatian leadership in
16 Bosnia-Herzegovina? The witness, in his report, goes on at some length
17 about the -- the Croatian -- Bosnian Croat positions being diverse,
18 heterogeneous, mixed, not the same; so which Croatian leadership is
19 counsel asking about?

20 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, could you ask
21 the witness to clarify or clarify your question.

22 MS. ALABURIC: [Interpretation] Yes, I will, but before that, let
23 me ask another question.

24 Q. Dr. Jurcevic, tell me, do you know how much of the BH population

25 were Croats at the first democratic elections in 1990? Or, rather, which

Page 44859

1 Croats from Bosnia voted for the HDZ?

2 A. The vast majority, and the HDZ, on the basis of that secured I
3 think it was 44 seats in parliament in the State of Bosnia-Herzegovina.

4 Q. Let me be more precise, Doctor. When I say the Croatian
5 leadership, I mean that leadership, which at those first democratic
6 elections, won the mandate to set up the local and central government.
7 Can you answer in that way? So the Croatian leadership --

8 MR. SCOTT: Excuse me, Your Honour. Is she talking about the HDZ
9 leadership under Stjepan Kljucic that was elected in 1990 and was head of
10 the party? Which Croatian leadership are we talking about?

11 JUDGE ANTONETTI: [Interpretation] Please clarify, Mrs. Alaburic.
12 There are different Croatian leaderships. It's important to know which
13 one you mean exactly.

14 MS. ALABURIC: [Interpretation] Your Honour, I'd just like to
15 remind you that the Croatian Community of Herceg-Bosna was founded at the
16 time when Mr. Kljucic was the president of the HDZ. So that, from its
17 very inception -- yes, that's right, he was president of the HDZ, and,
18 therefore, we cannot speak about any difference of views or separation of
19 ways amongst the politicians who were ethnic Croats and occupied leading
20 positions at the time when the Croatian Community of Herceg-Bosna was
21 founded.

22 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, perhaps the
23 witness has a different point of view. You said one cannot talk about

24 diverging views. That is your point of view. But what about the
25 witness? The professor, perhaps he has a different point of view. You

Page 44860

1 were anticipating his answer. Put the question to him and ask him.
2 According to him, what are the names of the important Croatian leaders,
3 those from the HDZ, and streamline your question, otherwise Mr. Scott
4 will get to his feet again and there's no getting out of this.

5 MS. ALABURIC: [Interpretation] Your Honour, in lines 5 and 6,
6 your question to me was recorded as saying that it was necessary to know
7 what I mean when I say the Croatian leadership, so that my explanations
8 were not leading questions suggesting the answer but a clarification and
9 in a way a response to Mr. Scott who mentioned Mr. Stjepan Kljubic. So I
10 think that my question is sufficiently clear.

11 Q. Tell me, Dr. Jurcevic, is my question sufficiently clear as far
12 as you're concerned, or do you need me to be more precise and tell you
13 which people and structures I mean?

14 JUDGE TRECHSEL: I'm sorry, Ms. Alaburic. I don't think that the
15 essential question is whether the question is clear to Mr. Jurcevic. The
16 essential question is whether it's clear to the Bench, and I can
17 associate myself with the question of Judge Antonetti and I'm a bit
18 amazed that you seem to have answered in such an evasive way. Which
19 leadership? The leadership under Mr. Kljubic or some other strata. I
20 think that should not be a problem to answer clearly.

21 MS. ALABURIC: [Interpretation] Your Honour, I, on the other hand,
22 consider that if there is any difference then this expert witness can

23 tell us: Under Stjepan Kljubic, that's how it was; under Mate Boban,
24 when he was president of the HDZ, this is how it was; and I think that as
25 far as this expert witness is concerned, who has explained the events to

Page 44861

1 us according to the different periods and gave us a lot of nuances in his
2 qualifications, I don't have to specify my question in that way. Were we
3 dealing with a witness who was not well-acquainted with the political
4 events in Bosnia-Herzegovina, then I would feel it necessary to ask him
5 whether he feels the HDZ leadership in 1991, 1992, or some other year was
6 as it was; but in view of everything that the witness has told us here, I
7 really don't think that I have to specify to him, and that if there are
8 any difference, he would not be able to answer and tell us what the
9 differences are.

10 Q. Now, Dr. Jurcevic?

11 MR. SCOTT: Your Honour, I still disagree. We cannot pretend
12 that the witness has not given us a 190-page report in which the witness
13 goes on for some pages about the HDZ BiH being diverse, having being
14 heterogeneous, not having the same views and that the faction -- a
15 particular faction prevailed ultimately by the end of 1992, which was
16 different from the leadership in 1990. Now, he can't ignore that.
17 That's his report. So which Croatian leadership is Ms. Alaburic talking
18 about, the ones that were elected in 1990 or the ones that existed at the
19 end of 1992 or whatever date she's talking about?

20 JUDGE TRECHSEL: Well, I think that Ms. Alaburic has a bit
21 clarified that she wants the witness to give a differentiated answer, and

22 let's see what we get.

23 MR. SCOTT: Then my last comment, and I apologise, Your Honour --

24 THE INTERPRETER: Microphone, Mr. Scott.

25 MR. SCOTT: My last comment would be: Can we, once again,

Page 44862

1 specify time. What time-frame are we specifically talking about?

2 MS. ALABURIC: [Interpretation] Let me repeat my question,

3 Your Honour.

4 Q. Tell us, please, Dr. Jurcevic, will you know who I mean if, when
5 I say Croatian political leadership, I have in mind people who as
6 representatives of the Croatian people in Bosnia-Herzegovina took part at
7 international negotiations on the future of Bosnia-Herzegovina?

8 A. Yes. Not related to the names of the particular people. When
9 you say authorities, you mean the structures that be. Of course, the
10 structure's also a dynamic body, but as a structure, it persists and has
11 a power. And in view of the heterogeneous character, it is quite clear
12 that a structure also existed regardless of its changeable character, and
13 the most important thing is that there was a dominant structure and one
14 of the attributes of dominance was participation in international
15 negotiations.

16 Q. Let me remind you that we were talking about a unitary and
17 compound state. And in view of that, I'm going to ask you the following
18 question: What kind of Bosnia-Herzegovina did the representatives of the
19 Croats from Bosnia-Herzegovina advocate during the international
20 negotiations?

21 MR. SCOTT: Your Honour, why it is so difficult to ask who he's
22 talking? This man has talked to us for two days now. He claims to have
23 great knowledge of these events. He's written a long -- why can't he
24 tell us and why can't counsel be more clear in saying which Croatian
25 leadership is he talking about. We're going around and around, and I

Page 44863

1 suggest to the Chamber it's not by accident.

2 JUDGE ANTONETTI: [Interpretation] Witness, you are well-versed in
3 all these events. When one reads your report and your footnotes, all the
4 articles you have read, you followed up on all the trials here. Since
5 you are aware and knowledgeable about a number of things, you do know
6 that there were rifts between a number of individuals among the Croatian
7 leadership. You know there were diverging views, and the Prosecutor
8 states it and says it again and again. So this is something we know.

9 What would be useful would be if you could tell us, No, the
10 Croats all agreed from Boban to Kljubic that they wanted a unitary
11 system. Or you say, No, there were diverging views and they did not all
12 agree. And then you say who is who and what is what. This is what the
13 Prosecutor would like to hear and this is what the Bench would like to
14 hear also because we are not as specialised as you are in this field.
15 Even if we have been sitting as the Bench of this trial for the last four
16 years, we've heard a lot of witnesses, we've read a swathe of pages, but
17 I don't claim to have the same level of knowledge as you do. So please
18 try and give us some more detail about the names of these people. This
19 is what we would like to elicit from you. Is this something you can do

20 or not?

21 A. It's possible, but I think that even with the explanations --
22 with the explanations, it would take up too much time. Now if the
23 question was the structures which took part and represented the Croatian
24 side at international negotiations, then that's a very clear question and
25 the answer is simple. But the processes of heterogeneity within the

Page 44864

1 Croatian national body and within the structures is quite another matter,
2 quite another question; and I think we're dealing with a question of
3 principle here, at least that's how I understood it. If it is not the
4 case, then please tell me, but anyway, at the negotiations and in other
5 political matters in BH, especially those under international
6 supervision, there is a continuity in advocating this question of
7 principle on the part of the most dominant section of the population
8 represented in the structures. Of course there were individuals who
9 changed their position depending on their motives, circumstances, and
10 other interests; however, I understood that this was a question of
11 principle because we were discussing --

12 JUDGE ANTONETTI: [Interpretation] It is true that Mrs. Alaburic
13 did talk about the issue of representation of Croats in international
14 negotiations, and you're saying that they represented without a single
15 voice at the time. Maybe, but was part of the political ideas of Croats
16 in Republic of Bosnia-Herzegovina excluded from the single voice? And
17 could you tell us which Croats were not included in the political
18 negotiation and when.

19 We know that Mr. Kljubic at first was president of the HDZ and
20 then there's going to be a problem. This is what we're trying to
21 understand thanks to you. We know that there will be Mr. Boban in
22 Geneva, but according to you, does Mr. Boban represent the political
23 ideas of the Croats in Republic of Bosnia-Herzegovina at a hundred per
24 cent or only at 70 per cent or 40 per cent? We'd like to know that.

25 THE WITNESS: [Interpretation] The structure was -- well, the

Page 44865

1 Croatian structure in BH was advocated and represented by different
2 individuals, but when we talk about the organisation in
3 Bosnia-Herzegovina, then in the ruling structure, it was dominant,
4 although in other structures, too, that Bosnia and Herzegovina should be
5 a compound state.

6 For example, when the structure from Herceg-Bosna advocated a
7 certain unit from which other parts of Croats in central BH and Posavina,
8 they were against -- when they stepped down, they were against the
9 structure precisely because they were excluded from that compound state
10 or, rather, for not participating in the entity which was Croatian. That
11 is to say that would be protection for them or, rather, they would be
12 afraid of not being protected by that entity. So the explanation lies
13 somewhere along those lines. So indubitably without a doubt even with
14 the problem of the referendum and all the international plans, there was
15 continuity on the part of the Croatian national interest, which, despite
16 its heterogeneous character and because of other matters and

17 considerations --

18 JUDGE PRANDLER: I'm sorry, Dr. Jurcevic, but really to the
19 question which was asked by the President, by Judge Antonetti, you are
20 giving a rather long but very general answer. What was asked from you,
21 what is your position and answer and reply concerning Mr. Boban's
22 position or others' position. Did Mr. Boban's position represent 70 or
23 40 per cent of the -- of the Croats over there, et cetera. So please
24 kindly try to give us a quite-to-the point answer. Thank you.

25 THE WITNESS: [Interpretation] Having been asked this concrete

Page 44866

1 question, if it relates to a particular detail, it's impossible to answer
2 because when the situation is changing from one minute to the next in
3 Bosnia-Herzegovina, **there was no research into public opinion nor was any**
4 kind of referendum held where the Croats could, as individuals, as the
5 population, state their views about these issues.

6 The only relevant indicator and indices were the elections held
7 in 1990, and they lent legitimacy to that dominant structure allowing
8 them to represent certain interests. I concluded that they were
9 represented by this structure very poorly, and I stated my reasons.
10 Apart from that, I also said that it was a highly unstable structure and
11 that only within that Croatian structure were there great cadres changes
12 afoot. And by way of arguments, I said that only in the Croatian
13 structure and at the head of the HDZ you had frequent changes as opposed
14 to the other two structures where there were no such changes. And so at
15 the level of my expert report, that is an important indicator. And it is

16 also common knowledge that several weeks after -- or, rather, before the
17 elections, after the establishment of the HDZ, the first president was
18 replaced, Mr. Perinovic. The next person that came along was Kljubic,
19 and at the end of 1994, we see a situation where Kresimir Zubak headed
20 it.

21 So in these dramatic circumstances with such frequent changes at
22 the number-one post, the number-one party post, leading the post, which
23 according to the elections of 1990 was only structure to have legitimacy
24 this testifies to the lack of stability and heterogeneous character of
25 that same structure which certainly harmed Croatian national interests or

Page 44867

1 harmed the Croats and the Croatian national interests in
2 Bosnia-Herzegovina. Because this lack of stability, once it is linked up
3 with the general instability in Bosnia-Herzegovina and the contradictions
4 coming from the international community, the problems and -- and
5 stratification within the Muslims structures themselves, it is quite
6 clear what this is about defined at that level. And in this regard, it
7 would be very difficult in view of the complexity of the situation in
8 Bosnia-Herzegovina generally now, and it's not relevant for the level
9 that I followed in my expert report, what the personal motives and
10 interests were, or the interests of some smaller group and very often
11 they could be identified and equated to some material interests or some
12 other security considerations or personal interests or something else,
13 why they changed their opinions and why they were --

14 JUDGE ANTONETTI: [Interpretation] Let me stop you. If we

15 understand correctly, you're saying that at the level of the structure of
16 the HDZ, the HDZ was quite heterogeneous and the best proof of this is
17 that there were changes at the head of the HDZ, and you mentioned three
18 names, saying that the last one, Zubak, for example, had been dramatic.
19 We understand that.

20 So as far as you're concerned, you believe that the HDZ was a
21 very heterogeneous party. However, the HDZ was not the sole party in the
22 Geneva negotiations, if I'm correct. I think that there was the Croatian
23 Community of Herceg-Bosna. There was also a person called Mate Boban.
24 So as far as the Croatian council of Herceg-Bosna is concerned, whose
25 founding text was in Grude, was this a monolithic structure or was this

Page 44868

1 also a very heterogeneous structure?

2 THE WITNESS: [Interpretation] The structure in Herceg-Bosna, in
3 the Croatian Community and the Croatian Republic of Herceg-Bosna **as you**
4 have noted yourself was, of course, heterogeneous; and we could see on
5 some specific documents of military origin, and that goes also for the
6 civilian relations, that you could see this heterogeneous character and
7 that the mechanisms of power did not change.

8 So localism and all other various interests were dominant within
9 the community and the Republic of Herceg-Bosna. So the heterogeneity was
10 present at all levels, and today on the basis of some documents that show
11 that subordinate unit quite simply refuses to obey an order from the Main
12 Staff. But when we're talking about the structure in international
13 relations, well, they were always the first to sign up. They did not

14 make any conditions, and they did not renounce their signatures, unlike
15 the other two sides, the Serb side and the Bosniak Muslim side which were
16 much more cohesive internally. And all the situations, including the
17 international plans, were seen in a different way. They made demands,
18 then signed and then renounced the signatures at times, and sometimes
19 even finally.

20 JUDGE ANTONETTI: [Interpretation] Very well. Mrs. Alaburic, you
21 have the floor. With the ten additional minutes, you have 13 minutes
22 left. So we could stop at 12.30 for the break, of course if we have no
23 further objections.

24 MS. ALABURIC: [Interpretation] Thank you, Your Honour.

25 Q. Dr. Jurcevic, this -- we will deal with the same topic but using

Page 44869

1 a different methodology. Can you tell us very briefly whether Bosnia and
2 Herzegovina at that time was a unitary or a compound state? At this
3 time, now. So I'm correcting the interpretation. So is Bosnia and
4 Herzegovina today a unitary or a compound state?

5 A. Well, it is a specific form of a compound state.

6 Q. And this form of organisation of Bosnia and Herzegovina as a
7 compound state, is it something that international community put forward
8 in Dayton?

9 A. The international community tabled it and then imposed this
10 solution.

11 Q. In the course of the conflict in Bosnia-Herzegovina, did the

12 international community ever table a proposal for the future organisation
13 of Bosnia and Herzegovina that would not entail it being a compound
14 state?

15 A. All the proposals on the part of the international community, and
16 I think are all public and publicly known, were such that the -- that
17 Bosnia and Herzegovina should be a compound community.

18 Q. To the best of your knowledge, did Alija Izetbegovic, on behalf
19 of the Muslim side in the negotiations, ever refuse a proposal put
20 forward by the international community with the justification that what
21 he wanted was a unitary Bosnia and Herzegovina?

22 A. Well, for instance --

23 Q. Clearly. Not conclusively but clearly rejected a proposal giving
24 this reason as a justification.

25 A. As far as I know, no. Although you can, of course, interpret

Page 44870

1 things in different ways.

2 Q. Unfortunately, we don't have time for interpretations. Could you
3 please tell us the names of prominent Croatian politicians in Bosnia **and**
4 Herzegovina **who advocated a unitary system in** Bosnia and Herzegovina.
5 Are you aware of anyone?

6 A. Well it's difficult to give their names. Again, you could
7 interpreter -- well, on the basis of some statements given at some point
8 in time you could speculate about that.

9 Q. Let me move on to my next topic and that's the borders of
10 Bosnia-Herzegovina. And now I would like --

11 JUDGE TRECHSEL: Excuse me. Your last question is not -- your
12 answer, I'm sorry, is not quite clear to me. You say you can speculate
13 about that. Does that mean that you cannot say positively?

14 THE WITNESS: [Interpretation] Yes. I couldn't say that
15 categorically that a prominent Croat politician did advocate that
16 position.

17 JUDGE TRECHSEL: Thank you.

18 THE INTERPRETER: Microphone, please.

19 MS. ALABURIC: [Interpretation]

20 Q. Let us look at 4D1349. It's the first proposal, the proposal
21 tabled by the International Conference on the former Yugoslavia. So this
22 is how the international community proposes to resolve the Yugoslav
23 crisis. This document, are you familiar with it? Did you see it at any
24 point in time?

25 A. Yes, I did.

Page 44871

1 Q. And in item 1.1(a), it says that the Yugoslav crisis will be
2 resolved in such a way that sovereign and independent republics with
3 international personality for those that wish it will be established, and
4 in item (e) it says that there would be recognition of the independence
5 within the existing borders, unless otherwise agreed, to the republics --
6 to those republics who wish again.

7 Can you tell me on the basis of this document what were the basic
8 positions of the international community when it came to creating
9 independent states from the former Yugoslavia?

10 A. It was consistently stated by various institutions of the
11 international community. There were two basic criteria. The first was
12 not to recognise any changings -- changing of the borders achieved by
13 force, and the second was consistent respect for human rights.

14 Q. Dr. Jurcevic, in your opinion, Franjo Tudjman and the leadership
15 of the Republic of Croatia, **were they aware of the fact that the moment**
16 Bosnia and Herzegovina becomes an independent internationally recognised
17 state, it would be recognised as such within it's borders as they were
18 defined by AVNOJ, in other words, the borders of the Socialist Republic
19 of Bosnia and Herzegovina as it was within Yugoslavia?

20 A. Yes. It was clear to Tudjman and to others who participated in
21 that, and Tudjman, I think, had some additional reasons not to tamper
22 with the AVNOJ borders anywhere in particular, not in Bosnia and
23 Herzegovina, **because that would be introducing the criterion into this**
24 whole situation in the former Yugoslavia **for the parts of the Republic of**
25 Croatia **that had been occupied to achieve recognition. And it was clear,**

Page 44872

1 furthermore, the international community stated that several times, that
2 it would not be accepted.

3 Q. That was my second question. So the leadership of the Republic
4 of Croatia **was aware of the fact, or do you know whether it was aware,**
5 that it was impossible to change the borders by force? So in any other
6 way but by an agreement of all the interested parties?

7 A. Yes, it was absolutely aware of that. And perhaps just one

8 additional fact. The Republic of Croatia, realistically speaking, did
9 not have the military force that it would need to change the situation,
10 and you can see that from the fact that it was only in 1995, that it was
11 able to carry out an operation to liberate its territory; and it was only
12 in 1988, because of a lack of political and military strength, it agreed
13 to a very, very problematic process of the reintegration -- peaceful
14 reintegration of the Danube basin in the eastern part of Croatia.

15 Q. Now, we don't have time to address this issue about the borders
16 of the Republic of Bosnia-Herzegovina because I would like us to look at
17 4D1453. It's our next document. It's a transcript of the testimony by
18 Professor Smilja Avramov. She teaches international law at the Belgrade
19 University. She's a professor there, and she was one of the key advisors
20 to the Serbian President, the late Slobodan Milosevic. It's a separate
21 document, so it's not in the binder. It was attached thereto because
22 it's a voluminous document. And now I would like to draw the attention
23 of the Judges to the pages, relevant pages, and I will rephrase and
24 paraphrase what Smilja Avramov said.

25 So 32412 is the page for Your Honours, through 414, and then page

Page 44873

1 32428 and 32436, and then we will comment on that later on.

2 In the initial pages, Smilja Avramov speaks about the testimony
3 about Stjepan Mesic about the events Karadjordjevo, labelling this
4 testimony as nothing but lies; because at the meaning between Milosevic
5 and Tudjman, no borders were drawn, borders between Bosnia and

6 Herzegovina. And then she goes on to explain how the scholars in Serbia
7 considered the AVNOJ borders to be revolutionary borders which have not
8 been internationally recognised, and that if Yugoslavia were to break
9 down those borders could not be internationally recognised in any way.

10 And they tell me that the transcript has stopped. All right.
11 The important thing is that we have the central transcript working.

12 Let me quote a sentence which is important because Croatia **is**
13 mentioned. It's at page 32413. The end of the penultimate paragraph,
14 she says:

15 [In English] "My position was that only these international
16 treaties could be the basis for future borders with which the Croatian
17 side did not agree."

18 [Interpretation] And these are the treaties that follow the
19 Second World War -- or, rather, the First World War in 1919 and 1923.

20 And then on page 32428, she says:

21 [In English] "The borders remain open if Croatia **and** Slovenia
22 insist on seceding, then there is the possibility that Serbia would
23 accept this but under one condition, that we use peaceful means to decide
24 upon the question of borders."

25 [Interpretation] End of quote. And then and then at the last

Page 44874

1 page that I mentioned, Smilja Avramov says this -- that halfway down the
2 last paragraph:

3 [In English] "On the 18th of October, without any preparation,

4 without any previous information, I was informed 24 hours beforehand. We
5 received the so-called Carrington paper, which puts to us the distinct
6 disintegration of Yugoslavia **without any alternatives."**

7 [Interpretation] I'll skip a couple of lines:

8 [In English] "They accept it, revolutionary principles, you see.
9 They accepted states within the borders that were established during the
10 revolution, the AVNOJ borders which was unacceptable for us."

11 [Interpretation] If we recall the document that we have just
12 seen, that would be the Carrington paper that was issued on the 18th of
13 October.

14 Now, Dr. Jurcevic, tell us can you comment in this context on the
15 position taken by the Serbian leadership, in particular
16 Slobodan Milosevic, and the leadership of the Republic of Croatia,
17 Franjo Tudjman, on the AVNOJ borders. Let me be more specific in my
18 question because -- so I'm asking you about the difference regarding the
19 position of the AVNOJ borders, and I would like to apologise to the
20 interpretation. Their interpretation was correct.

21 A. The differences were so large that it's, in fact, a
22 contradiction. The Serbian side, headed by Milosevic, and the whole
23 structure advocated the changing of the borders and the Croatian state,
24 headed by Franjo Tudjman, insisted on the AVNOJ borders, of course, each
25 because of their own interests.

Page 44875

1 Q. Mr. Jurcevic, I will have to interrupt you because I have very
2 little time. I have unfortunately completed this part. Your Honour --

3 JUDGE ANTONETTI: [Interpretation] We're running out of time.

4 MS. ALABURIC: [Interpretation] Let me just say what we've
5 prepared. My colleague Ms. Senka Nozica and I prepared three documents
6 which would show to you the use of fonts today in Bosnia and Herzegovina.
7 So you would see that the designation of the state Bosnia and Herzegovina
8 in those documents is done in a smaller font than the text that follows
9 in those documents.

10 So since you, Your Honour Judge Antonetti, expressed an interest
11 in this question whether the size of the font is -- goes beyond the
12 graphic design of a document, has some other meaning, I would like to
13 just show you those three documents and then you can give appropriate
14 weight to the size of the fonts, if you allow me to do that. But I would
15 like us to move on into private session, because the documents that
16 Madam Nozica gave me - and I would like to thank you for that - are
17 private documents. So to protect the identity of the persons who are
18 mentioned in those documents, perhaps we should go into private session.

19 JUDGE ANTONETTI: [Interpretation] Let's move to private session.

20 [Private session]

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)

2 (redacted)
3 (redacted)
4 (redacted)
5 (redacted)
6 (redacted)
7 (redacted)
8 (redacted)
9 (redacted)
10 (redacted)
11 (redacted)
12 (redacted)
13 (redacted)
14 (redacted)
15 (redacted)
16 (redacted)

17 [Open session]

18 THE REGISTRAR: Your Honours, for the record we are back in open
19 session.

20 JUDGE ANTONETTI: [Interpretation] Very well. Let's break for 20
21 minutes. Then Mr. Karnavas will have the floor.

22 --- Recess taken at 12.31 p.m.

23 --- On resuming at 12.54 p.m.

24 JUDGE ANTONETTI: [Interpretation] The court is back in session.
25 Mr. Karnavas, you have the floor.

1 MR. KARNAVAS: Thank you, Mr. President, and again good morning
2 to everyone in and around the courtroom.

3 Cross-examination by Mr. Karnavas:

4 Q. Good morning, Professor. Now, I want to turn to your report,
5 which for the record is 3D03720, and I'm going to ask you to look at
6 page 129, that is in your language; and for us it would be page 109, 109
7 would be the English version. And when you -- 129. And when you have
8 it, let me know.

9 For the purpose --

10 A. What did you say, 129 what?

11 Q. We will provide it to you.

12 MR. KARNAVAS: If I could guess the assistance of the usher right
13 now, we could move along quicker.

14 Yes.

15 THE WITNESS: Yes, I understand.

16 MR. KARNAVAS:

17 Q. All right.

18 A. [In English] Yes.

19 Q. And I want to focus your attention to one particular paragraph.

20 For us in English, it would be the second paragraph starting with, "Prior
21 to this on May 22, 1993," and in parentheses you say:

22 "Only three days after the failure of the Vance-Owen Peace Plan

23 (five members of the and UN Security Council) (France, the Russian

24 Federation, Spain, the UK and the US) had issued a joint statement on the

25 BH expressing a their 'profound concern' over the continuation of clashes

1 in Bosnia and Herzegovina."

2 And it goes on. So what I want to do, Professor, is focus on the
3 first part of this paragraph, the first line, in fact, where you say:

4 "On 22 May 1993, only three days after the failure of the
5 Vance-Owen Peace Plan."

6 Now, over the weekend we did have a chance to meet, did we not?

7 A. [Interpretation] That's right.

8 Q. And in during period of time, I asked you concretely if you were
9 aware of any negotiations or agreements that came out of Medjugorje on or
10 about that period of time. Do you recall that?

11 A. Yes.

12 Q. Now, I want to show you -- I want to share with you 1D02404. You
13 should have it there. Everybody should have it. Its been distributed.
14 1D02404. We've seen this document before or various of it. This
15 exhibit. It's an exhibit.

16 Now, were you aware of the existence of this particular document
17 at the time that you were preparing your report and came to -- and made
18 that assertion about the death or the end of the Vance-Owen Peace Plan?

19 A. No, and I didn't use it in my expert report.

20 Q. Now, having looked at this, at Exhibit 1D02404, would you like to
21 take the opportunity now to perhaps either amend your assessment or
22 comment?

23 A. Yes, I can comment on it. As it says here in the introduction
24 and the methodology part of my expert report, I, in fact, made a

25 synthesis which consistently followed a certain level when it came to the

Page 44879

1 international community and Bosnia-Herzegovina in that chapter, and when
2 it comes to the peace agreements, then I followed them in such -- until
3 they fell through as an integral solution for BH.

4 I didn't enter into the level of bilateral agreements between two
5 of the parties, because then in all other -- I would have to look at all
6 the other cases and then my expert report would be longer. So this
7 agreement, if I am allowed to comment, relates to two sides, two parties,
8 in Bosnia-Herzegovina; that is to say the Croatian and the Muslim Bosniak
9 side. And this document, in fact, shows that those two sides, despite
10 the fact that an integral solution for BH fell through on the 19th of May
11 after having been rejected by the Serb side after the referendum, it was,
12 in fact, the Vance-Owen Peace Plan that a part of the international
13 community took part and that resulted in this particular agreement, and
14 they worked on it for some time to come. So that this document testifies
15 to the fact that part of the international community, although the plan
16 failed, did continue its initiative and attempted to apply it. And
17 certain structures from Bosnia and Herzegovina took part in that process
18 including the Croatian and the Muslim Bosniak side, and they acted under
19 the leadership of part of the international community, obviously.

20 Q. All right. And just to make sure that I'm crystal clear, would I
21 be correct, would we be correct, in understanding your assessment that at
22 least with respect to those individuals that were involved in this
23 particular agreement and wherever they were representing, the Vance-Owen

24 Peace Plan had not failed at that time, and, in fact, they were making
25 efforts to implement it to the extent as is reflected in this particular

Page 44880

1 agreement?

2 A. Yes. They continued to act in keeping with the plan which the
3 Serb side rejected. When I say the plan failed, what I meant was that it
4 failed as an integral solution for the whole of Bosnia-Herzegovina,
5 because if one party, in this case the Serb party, rejected it, that
6 meant that it fell through as an integral solution. But obviously it
7 wasn't a failure from the aspects of the other two sides, not in my
8 opinion, but also according to the opinion of the international
9 community -- or, rather, that portion of it which took part in an attempt
10 to implement the agreement.

11 Q. All right. Now, my next topic, and this will be my last topic,
12 if we could move to another document, and this is Exhibit 1D02961,
13 1D02961. This is a document that was first discussed through a previous
14 witness, and I can provide the information for the record if that is
15 necessary.

16 If you could just look at this document first. And again over
17 the weekend when we met, I did, in fact, show you this document, and you
18 had a chance to look it over; is that correct?

19 A. Correct. That is fully correct.

20 Q. Now, we'll discuss the text in a minute, but first if we could
21 look at this document. Toward the end, we see that there are some
22 symbols. And the B/C/S page at the end is 1D580046, but you'll be able

23 to see it. We're looking at the symbols because this has been somewhat
24 contentious in this particular trial.

25 Now, do you recognise these symbols and, if so, can you please

Page 44881

1 tell us what are they?

2 A. Yes. It's appeared on our screens. It is the coat of arms and
3 flag which was used on the territory of the Croatian Community of
4 Herceg-Bosna.

5 Q. Now, are they the same as those used in the Republic of Croatia?

6 A. No. They're similar.

7 Q. All right. Now, we can see from this document that it was
8 generated in 1997. And have you had a chance to look at part of the
9 text, especially with respect to the part that talks about the historical
10 background, and given -- and for your purposes, it would be on page -- if
11 you look at the bottom, it will be 1D580047.

12 A. Yes. A summary of the study of the Croatian Community. Yes, I
13 have looked at the text.

14 Q. Now, because of your background, I suspect that you would be
15 qualified to give us an opinion, an expert opinion, as to the correctness
16 of this particular overview and, if so, could you please share that with
17 us.

18 A. In the briefest possible terms, it is a customary amateur report
19 or study which in similar forms and similar circumstances is used in
20 Croatian social life, not only during this period but prior to that as
21 well, and in similar documents like statutes for various associations and

22 organisations and the like, it was customary to quote or to put it into
23 some historical context to give it more weight, but this was an amateur
24 work altogether.

25 Q. By and large, can you give us an opinion as to the quality of it?

Page 44882

1 I know you said it's amateur, but is it -- is it more or less accurate?

2 Do you find anything that's glaringly inaccurate from a historical point
3 of view, in light of your background that is.

4 A. Well, nothing special. Certain fragments have been taken. Three
5 pages of text going through the whole of history, taking certain
6 fragments from the different periods of history, and they're not
7 structured in a scholarly or scientific way, neither are they very deep.
8 So it's a superficial, amateur piece of work.

9 Q. All right. Now if we look at the beginning of this document, we
10 see there is a statute, that is the statute of the Croatian Community of
11 Herceg-Bosna, and as I've indicated, we see that it's dated -- it has a
12 date of 24 May 1997 as to when it was passed. And, of course, you having
13 been a historian, being from the region and also knowing the events, it
14 would be fair to say that at this period of time when this statute was at
15 least adopted by those who adopted it, Bosnia and Herzegovina was under
16 international care, if I could put it that way. It's a benevolent way of
17 saying that it was governed by the Office of the High Representative,
18 OHR; correct?

19 A. Yes.

20 Q. And --

21 A. At that time Bosnia-Herzegovina, and in way today, too, was under
22 the dominant and decisive supervision of the international community.

23 Q. And, in fact, the OHR, or the High Representative, I should say,
24 has not hesitated in the past to either dismiss political figures who
25 after being elected if in any way they were in violation of either the

Page 44883

1 spirit or the letter of the Dayton Peace Accords. You're familiar with
2 that, are you not?

3 A. Yes. I would even say that unusually for Europe in a radical
4 way, without any explanations. Some individuals were stripped of their
5 rights and very radically so in certain circumstances on the part of the
6 OHR or High Representative in Bosnia-Herzegovina.

7 Q. All right. Now, I want to share with you one last document, and
8 that is Exhibit 1D03148, 1D03148.

9 MR. KARNAVAS: For Your Honours, we just translated the most
10 relevant part. We can translate the entire document if you wish. This
11 document we received from the Office of the Prosecution, so it's their
12 document.

13 Q. If you could look at this very quickly and look at the first
14 part. It would appear, would it not, that the establishment of the
15 Croatian Community of Herceg-Bosna in 1997, as the statute shows,
16 including the -- the flags and the coat of arms attached thereto, were,
17 in fact, registered officially and approved by the powers that be in
18 Bosnia-Herzegovina, which would also include the Office of the High
19 Representative. Does this not reflect that, sir?

20 A. Yes. And I think that -- that you don't challenge that. We can
21 speculate, of course, but anyway, the powers that be did their job.

22 Q. And one last question: Those flags and that coat of arms, is it
23 not a fact that those are not symbols that came into being in the last 5
24 or 10 or 15 years but actually go back, much further back in history,
25 perhaps centuries?

Page 44884

1 A. Yes. Both the coat of arms and the flag are symbols which were
2 used and which were created over history in a similar form, and they were
3 used from the 1990s; but generally speaking, from the 1990s, they
4 represent something that we can call folklore, symbols of general usage
5 used on occasions of this kind when organisations are being set up or
6 associations and are used in daily life too.

7 Q. Okay. But this is for Croatia **or for** Bosnia and Herzegovina?
8 Just to make sure that we're clear on the record.

9 A. On the territory of Bosnia and Herzegovina. These symbols here,
10 the ones we have. You mean the coat of arms and the flag; right? And as
11 I said, they are similar. Similar coats of arms have their historical
12 source on the territory of the Republic of Croatia, **this graphic design**
13 with the squares, but, yes, these were used in Bosnia-Herzegovina.

14 Q. Thank you, Professor. I have no further questions. I want to
15 thank you very much for coming here to give your evidence.

16 MR. KARNAVAS: Your Honours, that concludes my cross-examination.
17 Thank you.

18 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Karnavas.

19 Mr. Scott, we have half an hour left. Can you start your
20 cross-examination?

21 MR. SCOTT: Yes, Your Honour. I'd be pleased to. It will take a
22 moment to organise ourselves and pass out the binders, please.

23 THE INTERPRETER: Interpreter's note: Interpreters have not
24 received any binders.

25 MR. SCOTT: Is the Chamber --

Page 44885

1 JUDGE ANTONETTI: [Interpretation] Mr. Scott, I see that the
2 interpreters are saying that they have -- haven't received any documents.
3 I know that it was a huge amount of work for you to prepare all these
4 binders, and I thank you for that because they have been well prepared as
5 they always are; but admittedly, had you been able to give the
6 translation booths a binder as well, this would make their work easier,
7 and it's easier for them to follow. This is something which would be
8 nice to have. It's a wish on my part, but it is not an obligation.

9 MR. SCOTT: Thank you, Mr. President. I'm certainly not in a
10 position to be able to create additional binders in a short time, and
11 that is in the three and a half years that has not been the practice. I
12 have no doubt that it would be helpful to the translation booths who --
13 all of whom have my great thanks for the good work they do, but we have
14 not prepared on that basis. We've acted consistently with the past three
15 and a half years of practice on that. Hopefully, if there's a particular
16 issue, we can try to assist as much as possible.

17 Cross-examination by Mr. Scott:

18 Q. Good afternoon, sir. Sir?

19 A. Yes, good afternoon, Mr. Prosecutor.

20 Q. Perhaps we can start by --

21 MR. SCOTT: If I can have the usher's assistance with the ELMO.

22 Unfortunately, we will have to remove, I think, some of the materials

23 there. It may be helpful to have another other trolley or something

24 there. If I can ask the usher's assistance, please.

25 Q. Maybe we can just start on the note of just recognising your

Page 44886

1 presidential candidacy. Is that a poster or board that has been prepared

2 in connection with your candidacy for president of the Republic of

3 Croatia?

4 A. Mr. Counsellor, thank you for promoting my candidature. Yes,

5 this is one of the promotion posters or the customary type of poster that

6 you see in Croatia's political life.

7 Q. And perhaps the blue text beneath the red line, if you will, can

8 you just tell us what that -- help those of us who don't speak Croatian,

9 what that says?

10 A. It says -- well, my name first, first name, last name, Josip

11 Jurcevic. Under that it says on the red band, "Croatian President," and

12 then underneath that in blue, "When, if not now!"

13 Q. All right, now, just touching on your background. We've see how

14 far we can get this afternoon before, obviously, continuing into

15 tomorrow. I understand that you graduated --

16 MR. SCOTT: That can be taken down, usher. Thank you very much.

17 Q. I understand from your CV which has been marked as 3D03725; which
18 should be in the first binder if anyone cares -- wishes to look at it at
19 the moment, I believe. Yes. Sir, you've indicated that -- we know that
20 you graduated with a degree in history and philosophy --

21 MR. KOVACIC: Ken.

22 MR. SCOTT: Yes.

23 MR. KOVACIC: I think you should advise the witness that this
24 [indiscernible] number is his expertise.

25 MR. SCOTT: Yes, okay.

Page 44887

1 MR. KOVACIC: Sorry, his CV.

2 MR. SCOTT: It's a CV.

3 Q. 3D03725, sir, that was a copy of your CV that was provided to us
4 by Mr. Praljak's counsel. We've already talked about the fact you
5 graduated with an undergraduate degree in history and philosophy in 1975,
6 and then, sir, you tell us in your CV on the second -- I believe, it's on
7 the second page under employment, and I'm not trying to be unkind, but
8 just to put your total testimony in context, you say yourself that from
9 1975 to 1991 you had no steady employment; is that correct?

10 A. Correct, yes.

11 Q. And then --

12 A. And not before that either, because I was studying then, and I
13 gained full employment in 1994, towards the end of the year.

14 Q. All right. Thank you, sir. And in 1991, according to your CV,
15 you went to work at the Croatian Ministry of Defence as the founder and

16 director of the Croatian Ministry of Defence Central Archives; correct?

17 A. On the first day I responded to a question from the Bench, and I
18 spoke about that in greater detail. So in 1991 --

19 Q. Sir, the -- excuse me, sir?

20 A. -- I was a volunteer --

21 Q. My time is very limited, and I will tell you that now to be as
22 courteous as possible. I'll ask you to give very short answers. If you
23 can possibly answer my questions yes or no, please do so. If you ramble
24 on, with great respect, sir, I'm going to cut you off. My question is
25 very simple. You went to work at the Ministry of Defence as the founder

Page 44888

1 and director of the central archives in 1991; correct? Yes or no?

2 A. You can't give yes or no answers to certain questions, because
3 then the Court will -- or you will extract from me a simple answer but
4 the wrong one.

5 Q. Sir, on your CV --

6 A. So it would be more exact to say.

7 Q. I'm not -- listen to my question, please. We're going to get
8 started on the right foot here. We're not going to do this. Your CV
9 says, does it not: "1991-1992, Ministry of Defence of the Republic of
10 Croatia, founder and director of the Croatian Ministry of Defence Central
11 Archives." It says that, yes or no?

12 A. Yes. Yes.

13 Q. And can you tell us how given your -- your track record, so to
14 speak, of no steady employment in the previous 16 years, how did you come

15 to have that particular position?

16 A. I have described that in part. I described it to Their Honours
17 yesterday, but if need be, I can give you all the details too. I was one
18 of the founders.

19 Q. Who hired you? Who hired you? Who was the individual who gave
20 you or made it possible for you to have that job?

21 A. It wasn't a permanent job. That's number one.

22 Q. That wasn't my question sir.

23 A. It was --

24 Q. I didn't ask you whether it was permanent or not. Who gave you
25 the job? Sir, our time limited. Listen to my question. Please answer

Page 44889

1 my question. I would greatly appreciated it. Who gave you that job?

2 A. I was enabled to do that job by the Main Staff of the Ministry of
3 Defence, the Main Staff of the Croatian army.

4 Q. And who was that, sir? Who was the individual, the human being
5 who gave you that -- made that position possible for you?

6 A. It wasn't an individual, it was an institution. My unit was the
7 only unit dealing with the gathering of material, and when it decided to
8 set up a -- when the archives were decided to be set up, then they
9 employed me and a whole unit to be a sort of central archive, but that's
10 the story apart, because it was not an archive that was formally
11 registered. And there is a detailed explanation about that in the
12 Gotovina trial where I responded and said I would testify about the
13 archive and how it came into being, and I provided the Court with a

14 written explanation of all that.

15 Q. Thank you, sir. Thank you, sir. That wasn't my question.

16 A. I was employed by an institution, not an individual.

17 Q. And you indicated yesterday or -- yes, yesterday, that there was
18 one individual between you -- in terms of supervision of the hierarchy,
19 if you will, that there was one individual between you and
20 Mr. Slobodan Praljak. Can you identify who that individual was, please?

21 A. When it comes to the archives or the IPD administration, then it
22 was its head, but that head changed. And when the archives were
23 established and upon my arrival and taking up this status, Mr. Praljak
24 still was not the assistant minister or in charge of this, but the person
25 is deceased, Anton Mijatovic. The other person is living, and he's

Page 44890

1 Ante Mulacic [phoen], and the third person who came later was Ivan Tolj.
2 They were the heads of that particular department administration.

3 Q. You also told us that during this time, in fact, you worked for
4 something called the department for information and psychological
5 operations; is that correct?

6 A. Within the frameworks of the department for information, you had
7 seven parts. One was the central archives of which I was, in formal
8 terms, the founder and director.

9 Q. And -- but from what you told us yesterday, sir, your work there
10 did not -- was not exclusively working on the archive, and, in fact, you
11 were somewhat dismissive of your work on the archive, and you at least
12 gave me the impression, I'll give you a chance to correct it, but you

13 were really primarily engaged in other things; is that correct?

14 A. No, that's not correct. I don't know how you gained that
15 impression.

16 Q. Is the department for information and psychological operations,
17 is that sometimes referred to as the IPD?

18 A. Yes. That's the acronym.

19 Q. And I note in your CV that there seems to be a gap, unless I've
20 missed it, but again under the section of employment. 1993 seems to have
21 gone missing. Can you tell us what you were doing after -- between 1992
22 and 1994?

23 A. I was unemployed.

24 Q. You joined the Ivo Pilar, excuse me if I mispronounce that,
25 Institute of Social Sciences in 1997 and you've been there continuously

Page 44891

1 to the present time; is that right?

2 A. Yes. I have been in a full-time job there since that year.

3 Q. Do you have any current position or title that's associated with
4 your employment there?

5 A. Yes. I am a leader of a functional centre for research into
6 peace, war, and on terrorism, and I am a senior scientific associate.
7 That's my official job title.

8 Q. And who is your superior at the institute, please, in terms of
9 who you report to or take direction from?

10 A. In scientific terms, I am responsible to the Ministry of Science
11 which approves various projects, and the administrative director of the

12 institute is Dr. Vlado Sakic.

13 Q. And Mr. Sakic is another person who will be an expert witness for
14 Mr. Praljak; correct?

15 A. Yes. He has a doctorate in psychology, and he specialised in
16 social psychology.

17 Q. And when you refer to the Ministry of Science, that's the
18 Ministry of Science of the Republic of Croatia; is that correct?

19 A. Yes, that's correct.

20 Q. Sir, directly or indirectly, sir, essentially you work for the
21 Government of Croatia?

22 A. It's a public institute, and it is part of the Ministry of
23 Science and Education of the Republic of Croatia, which means that it is
24 part of the state public system like all the other primary, secondary
25 schools, universities and so on, because that's the system in Croatia.

Page 44892

1 And the Ministry of Science is the go-between between the budget on the
2 one hand and this whole scientific research community and system on the
3 other.

4 Q. Now, sir, as you told us yesterday, in addition to your academic
5 involvements, you have been a rather prominent, in fact, social and
6 political activist, I believe you said, over the past 20 years; correct?

7 A. It's correct in part. I mentioned that I was very active in
8 social life, not in political life. I was very active in the civil
9 society of the Republic of Croatia, mostly in the field of social

10 cohesion and human rights.

11 Q. And would it be fair to say, sir, that during that time, during
12 those 20 years of activism you have been often identified as someone on
13 the -- on the right wing of the political spectrum?

14 A. Well, it would depend on how talk to, because there were various
15 stereotypes that were attributed to me, but there are other opinions,
16 too, because, unfortunately, in Croatia politics permeates everything.
17 Everything is seen through politics, and people only look at things in
18 black and white, right or left. It's part of our Communist heritage.

19 Q. You are --

20 A. And --

21 Q. Excuse me, sir. You are also a member or perhaps an officer, you
22 can assist us, please, but you're active in the Croatian homeland war
23 volumes association? I thinks' sometimes called the UHDDR?

24 A. You have one U too many here. It's a NGO. All those are NGOs,
25 so it's part of the civil society. These are associations that proceeded

Page 44893

1 from the Croatian homeland war, and if you look at this page -- could I
2 please have the Croatian version on the monitor at the same place. I
3 would like you to move on in the Croatian version so that we have the two
4 versions at the same place.

5 MR. KOVACIC: If I may help. If there is no document in binder,
6 maybe I can borrow my copy of the curriculum.

7 MR. SCOTT: I believe it should be in the first binder. My
8 apologies.

9 Q. If you go behind the English -- okay?

10 A. [In English] Okay. Yes.

11 Q. We'll also try to assist you on the screen if we can, but you
12 should always have the document as well. Yes. All right.

13 Well, looking under "Membership," sir, I think that is what you
14 were referring the courtroom's attention to. If you look under
15 "Membership," you mention a number of organisations there. Lest I be
16 misunderstood, I'm not questioning at the moment the value or validity of
17 any sort of veterans' association, but in the particular political
18 circumstances of Croatia, and your comments a moment ago that everything
19 in Croatia is political, these are considered as right-wing
20 organisations; correct?

21 A. [Interpretation] No. That association cannot be considered a
22 right-wing association, not based on its statutory provisions. And as
23 regards my activism in those associations, it is a well-known fact in
24 Croatia that I advocated the interest of the victims of the Croatian
25 homeland war, and that includes the volunteers, and that I have been in

Page 44894

1 fierce conflict with the government structures in the Republic of
2 Croatia, including the current government, the HDZ government, because of
3 its discrimination of the participants in the Croatian homeland war.

4 You can see a number of speeches that I made and other public
5 appearances which are socially in tone. So if you speak about me as a
6 person that has links with the right-wing end of the political spectrum

7 has nothing to do with my social background, my family background, my
8 active -- activism, my positions, and my values that I espouse in my
9 public appearances, and it has nothing to do with the value judgements or
10 the assessments, evaluations of my scientific work which is based on the
11 humanist paradigm.

12 Q. Let me go back for a moment to the institute where you worked
13 with Mr. Sakic. In fact, you told us Mr. Sakic, as I understood your
14 testimony, is the head of the institute. How long have the two of you
15 worked together at that institute?

16 A. He is one of the founders of the institute, in 1991. I have been
17 working in the institute since 1997, but I worked with the institute on a
18 number of projects that had to do with the Croatian homeland war. I was
19 not a full-time staff member but as an external associate, and there is a
20 large number of external associates who work on those projects in the
21 institute.

22 Q. And have the two of you, other than this case, and we'll come at
23 some point to the work you've done on this case and perhaps the work that
24 Mr. Sakic has done, but putting that to the side for the moment, apart
25 from this case, have you and Mr. Sakic worked closely together before?

Page 44895

1 Have you co-published any materials? Are the two of you close
2 colleagues?

3 A. It would depend on the projects. In the institute, the Ministry
4 of Science has approved various multi-disciplinary projects because the
5 institute employs sociologists, demographers, psychologists, economists,

6 and so on and so forth.

7 Q. Sir, can you just answer my question, please. My question was
8 really not to ask you about the structure of the institute. But the two
9 of you, Mr. Sakic, have you worked together closely through the years and
10 co-published materials and that sort of thing?

11 A. We worked on some projects just as I had on -- with some other
12 scholars on projects that were either carried out within the institute or
13 outside of the institute.

14 Q. All right. And one last background question, if you will, sir,
15 before moving forward. During the time that you were at IPD in the
16 Croatian Ministry of Defence, did your time there ever overlap with
17 Mr. Zuzul?

18 A. Yes. At the beginning, there were seven or eight founders of the
19 IPD.

20 Q. And was Mr. Zuzul --

21 A. And one of them was Mr. Zuzul. Miroslav Tudjman was also among
22 them, Ivan Tolj, Dr. Knezovic, Rogic, Marinko Lozancic. I may have
23 missed someone because it was a long time ago.

24 Q. All right. Thank you, sir. But at least three of the founders
25 we now know were Mr. Zuzul, who has previously testified in this case;

Page 44896

1 Mr. Sakic, who is going to testify in this case; and Miroslav Tudjman,
2 who is the son of President Franjo Tudjman; correct? Those were three of
3 the several founders of the IPD.

4 A. No, Mr. Sakic was not among the founders of the IPD.

5 Q. My apologies. That was the institute. I stand corrected.
6 You're right, sir. Mr. Zuzul and Mr. Tudjman were among the founders;
7 correct?

8 A. That's correct, yes.

9 Q. Very well.

10 MR. SCOTT: Mr. President, I'm mindful of the efficient use of
11 time, but I'm about to start another topic that I'm not going to be able
12 to finish in the next four minutes. If we might stop there.

13 JUDGE ANTONETTI: [Interpretation] Yes, you're absolutely right.
14 It's best to continue tomorrow if you have a new topic to address.

15 Let me tell you that you've already used up 24 minutes. For some
16 kind of reason which I do not know, we have to sit in room number I, in
17 Courtroom I. Courtroom III **will be used by the Popovic case.** I don't
18 know why they've been sent to Courtroom I, but now the Judges are going
19 to have to lug their binders, their heavy binders over the court.
20 Fortunately, we'll get some help, I hope so anyway, otherwise we'll
21 strain our backs. We'll be very careful anyway lugging all that.

22 So we will meet tomorrow at 9.00 in Courtroom I.

23 Professor, let me renew what I already told you. We now have
24 confirmation that you are an eminent leader. Please do not contact the
25 media. We've already told you so and I repeat. I repeat this.

Page 44897

1 I wish you all a pleasant afternoon and we resume tomorrow.

2 --- Whereupon the hearing adjourned at 1.43 p.m.,
3 to be reconvened on Wednesday, the 16th day

of September, 2009, at 9.00 a.m.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25