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1 Tuesday, 6 October 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness takes the stand]

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

7 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, kindly call the
8 case.

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

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

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

14 Today is Tuesday, the 6th of October, 2009. Let me first greet
15 you, Professor. Good afternoon to the accused, the Defence counsel,
16 Mr. Scott and his case manager, and my greetings to all the people
17 assisting us.

18 I think you have two IC numbers for us.

19 THE REGISTRAR: That's correct, Your Honour.

20 The Praljak Defence has filed their objection to a document
21 submitted by the Prosecution for Witness Zrinko Tokic. This list shall
22 be given Exhibit IC1071. And the Prosecution has submitted their

23 objections to Praljak Defence's list of documents tendered through

24 Witness Tokic, Zrinko. This list shall be given Exhibit IC1072.

25 Thank you, Your Honours.

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

2 Very well. We're going to start the examination of the expert
3 witness, cross-examination, that is. We have received a binder. Thank
4 you.

5 You may proceed, Mr. Scott.

6 Yes.

7 MR. KOVACIC: [Interpretation] Your Honours, I apologise.

8 Yesterday, I read out to the witness his curriculum vitae and
9 some documents, and they were supposed to be admitted as IC documents.
10 Unfortunately, at the end of that part I forgot to request for the
11 documents to be marked for identification, so I am kindly asking for the
12 documents to be admitted as IC documents now.

13 JUDGE ANTONETTI: [Interpretation] An IC number for
14 identification, please, Registrar.

15 THE REGISTRAR: Yes, Your Honour.

16 The document just mentioned by counsel shall be given
17 Exhibit IC1073. Thank you, Your Honours.

18 JUDGE ANTONETTI: [Interpretation] Please proceed, Mr. Scott.

19 WITNESS: VLADO SAKIC [Resumed]

20 [Witness answered through interpreter]

21 Cross-examination by Mr. Scott:

22 Q. Good afternoon, sir.

23 A. Good afternoon.

24 Q. Sir, you've already heard it said in the courtroom since
25 yesterday a number of times, as I hope you appreciate by now, our time is

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1 limited, and I'll be most grateful if you can please give concise answers
2 to my specific questions, if you'll listen to my question carefully. And
3 if I need you to say something more to expound on it or give it a further
4 explanation, then I'll certainly ask you to do that. But I would greatly
5 appreciate your assistance if you can do that.

6 Just on a preliminary matter and just to make sure that I have a
7 couple of basic details correct, sir, both from your CV and from your
8 testimony yesterday, I have your date of birth as being the 2nd of
9 September, 1954; is that right?

10 A. That is right.

11 Q. And could I get the name of your father, please?

12 A. Ivan.

13 Q. Do you have any military training or service experience, sir, in
14 connection, presumably, prior to the time that you began your academic
15 work or at some point along the way? Did you have any military service?

16 A. I served in the JNA in 1980, Counsel.

17 Q. And that was a period of the compulsory service; is that correct?

18 A. Correct.

19 Q. And what was the time-period? You say 1980. Was it for the
20 calender year 1980?

21 A. Counsel, it was from the end of 1979 to the end of 1980. I was
22 supposed to serve for a year, and I only served 10 months. The
23 compulsory service lasted for 15 months, but for those who had graduated
24 from a university, it was 12 months. And as I left the JNA, I had a rank
25 of a non-commissioned officer. I was a lance corporal.

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1 Q. All right. And I was just going to ask you a bit more about
2 that. So you told us you left the service, your active service, with the
3 rank of lance corporal. Did you receive any particular training or
4 expertise, any particular specialisation in connection with your JNA
5 service?

6 A. That was the lowest rank in the JNA after special training. That
7 was all I had. I did not undergo any further military training, and I
8 did not get any other ranks.

9 Q. All right. My question was a bit less focused on rank and
10 whether you were, as part of your service, given a particular area of
11 specialisation. For example, did you receive any training in artillery?
12 Did you receive any training as an infantry soldier? Did you receive any
13 training as a communications officer? Any area of specialisation?

14 A. Counsel, I was an infantry lance corporal, which means that I
15 underwent infantry training, but it was a specialist training. Recruits
16 are earmarked in advance to undergo training for lance corporals. I was
17 one of those who underwent such training in the Republic of Slovenia in a
18 place called Vipava.

19 Q. Did you serve in the Croatian armed forces at any time during the

20 war? And for these purposes, when I say "during the war," I'm talking
21 about the period 1991 to 1995.

22 A. In 1991, I found myself in the Ministry of Justice and
23 Administration, in its Department for the Implementation of Penal
24 Sanctions, and I stayed there until September 1992. That was the time of
25 the most fierce conflicts, and I was involved in those. In September, I

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1 became the assistant minister of justice, which means that I was the head
2 of the prison system in Croatia.

3 Q. Let me stop you there. I'm sorry. Let's just take it a piece at
4 a time. You've just told us that -- you said the height of the conflict,
5 or at least at that particular period, if I heard you correctly, was in
6 September 1992, and you said something to the effect of, I was involved
7 in that. You then immediately said that also in September, you were
8 assistant minister of justice, so let me clarify. How or in what role
9 were you involved in the conflict in September 1992 or around that time?

10 A. Not at the time. At the time, I wasn't, Counsel. That was the
11 Government of Democratic Unity or the popularly known war government.
12 After the agreement was reached between the minister of justice and the
13 minister of defence, as I was the head of the prison system and the
14 judiciary police, which under the law which prevailed in Croatia at the
15 time was the third military formation, they formed several units, and in
16 the month of March 1992 they formed a brigade, the 98th Brigade, which
17 was a reserve brigade of the Croatian Army composed of judiciary police
18 and other staff members of the prison system. And in order for --

19 Q. Thank you, sir. As I've said, we have to be -- we have to mind
20 our time quite carefully, please, and you've answered my question. Was
21 it in connection within that service that you subsequently were awarded
22 the rank of colonel by President Tudjman?

23 A. I was promoted to the rank of colonel because in the month of
24 March 1992, or, rather, the beginning of 1992, I was appointed as the
25 person who could provide orders to the soldiers of that brigade, and then

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1 I was promoted to the commander of the brigade. Since the commander of
2 that brigade could not be a person without rank, I was offered the rank
3 of brigadier, in view of my high education. I said, jokingly, that I
4 wanted to be a colonel, although that was a lower rank, and then they
5 gave me the rank of a colonel in order for me to be able to command that
6 brigade. President Tudjman gave me the rank of a reserve colonel of the
7 Croatian Army. As the assistant minister and the commander of the
8 brigade, I was in charge of the judiciary police which partly
9 participated in the Croatian defence war and partly guarded prisoners in
10 the Croatian prison system.

11 It should be noted here that some of the prisoners at the
12 beginning of the war, when I was still not the head of the prison system,
13 were abolished, and those were prisoners who were charged with less
14 serious crimes. This is something that is customary in every war, that
15 prisoners are amnestied.

16 Q. And apart from continuing to serve in your duties in connection
17 with the Ministry of Justice and the Croatian penal system, were you

18 involved in any military operations, combat operations, if you will, in
19 connection with the war?

20 A. Counsel, I did not participate in combat operations. I only
21 supervised the training of that brigade and its deployment to certain war
22 zones, operations zones. Those were operations as in Slavonia, in Lika,
23 and on the southern front. Soldiers who were in that brigade were placed
24 under the direct command of those operations zones who were in charge of
25 their deployment and their combat activities.

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1 Q. Do I understand you correctly to say that, then, you were
2 involved in the training of these soldiers, but once they were sent out
3 in the field, into particular operational areas, they were actually
4 placed under the command of someone else?

5 A. Counsel, I did not participate in their training. I supervised
6 their training. And it is true that they were placed under the direct
7 control of other commanders.

8 Q. And for what period of time were you involved in that function,
9 sir? Just give me a year. All I need are just approximately from a
10 date -- from one date to another date?

11 A. Counsel, that was from the 16th of January, 1992, to the end of
12 the month of June 1992. That brigade was then disbanded pursuant to the
13 decree of the Ministry of Defence and the government. All such units
14 were disbanded because the system --

15 Q. Thank you. Could I ask you to look in the binder to -- you'll
16 have a binder there in front of you that has numbers on the tabs, and the

17 way we'll proceed is if you can turn, please, to the tab that's marked
18 3D03727. My apologies, my apologies. Well, let me refer to that. I
19 don't know if we need to turn to it. That's a copy of your CV. I'm not
20 sure that we really need to look at it, but if I can just refer to that,
21 sir.

22 In your CV, you indicate that you were awarded with a certificate
23 of participation in the homeland war. Now, was that certificate of
24 participation in connection to what you've just told us, this six months
25 of some sort of supervisory capacity concerning this brigade? Is that

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1 the service for which you received the certificate of participation?

2 A. That's correct. I received the lowest certificate and award, and
3 everybody who were with me in the staff and supervised that brigade
4 received the same certificate. When the brigade was disbanded, we
5 received those certificates, the lowest recognition one could obtain.

6 Q. So the answer to my question, sir, it would have been briefer if
7 you could have just said, Yes, the answer to my question was yes. All
8 right?

9 So if you could turn in the binder to P11016, P11016. And on
10 that page, sir, do you see this is a record -- this is part of the
11 "Official Gazette" from the Republic of Croatia?

12 A. 11 --

13 Q. P11016. It's also on the screen in front of you, if that will be
14 faster, sir.

15 A. [In English] Yes.

16 Q. Is that, sir -- is that the -- on that gazette, we have the
17 English translation, but about the middle top of that page -- the middle
18 column of that page, does that include you as item number -- as one of
19 the number 2s in the first group in connection with your appointment or
20 award of the rank of colonel by President Tudjman?

21 A. [Interpretation] Correct.

22 Q. And in connection with -- going back to your period, for a
23 moment, to the time when you were -- from 1984 to 1991, you've told us
24 that you were in the Croatian Ministry of Justice as head of the
25 Department for Offenders Treatment, which is also reflected in your CV,

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1 and then you've told us that from 1991 to 1992, you were an assistant
2 minister of justice; is that correct?

3 A. The part about the assistant is correct. However, I was the head
4 of that department from 1986 to 1991. I was the head of the Department
5 for Treatment, and I -- just one department in the judiciary system, and
6 that is one department that supervises all experts in the
7 judiciary/prison system. And after that, I was an adviser.

8 JUDGE ANTONETTI: [Interpretation] Professor, I now discover that
9 you were deputy minister of justice. You could have mentioned that in
10 your CV, which would have helped us save time. As such, as deputy
11 minister for justice, did you meet the deputy minister for defence,
12 General Praljak? At the level of the Croatian government, would deputy
13 ministers meet or not?

14 THE WITNESS: [Interpretation] Your Honour, I was not deputy

15 minister of justice. I was an assistant minister for just one sector.
16 In the Ministry of Justice, there were different sectors in the Ministry
17 of Justice, and I was assistant minister for the implementation of penal
18 sanctions. I did not deputise for the minister; therefore, I did not
19 participate in the government session and I did not have meetings with
20 other ministers and deputy ministers. I only supervised the prison
21 system, and within the context of the brigade I also supervised the
22 deployment of that brigade and its training.

23 JUDGE ANTONETTI: [Interpretation] Why did you fail to mention
24 this in your CV?

25 THE WITNESS: [Interpretation] Your Honour, in my curriculum vitae

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1 it says that in 19 -- or, rather, that I worked in the Ministry of
2 Justice, and I believe that it does say that I was an assistant minister.
3 I've never hidden that. It says that in my curriculum. It says that I
4 was commended. I didn't mention the rank of a colonel in my curriculum
5 because this is not scientific information. This is not something you
6 volunteer in your scientific CV. This was part of my patriotic duty. I
7 joined the defence at the moment when Croatia was at a risk and when it
8 faced total Serb aggression, and I did not and I do not believe that this
9 is an important part of my CV.

10 MR. KOVACIC: [Interpretation] Your Honour, maybe I can refer you
11 to 3D03727, page 3D42-6773, and here you will see, under "Employment,"
12 "Assistant minister and activities social science." That is what you
13 will find in the original CV which has been submitted as a document

14 accompanying the expert's report.

15 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Scott.

16 MR. SCOTT: Thank you, Mr. President.

17 Q. Just to follow up on the President's questions, however, and just
18 to round this off, as I look at your CV - and I confirm it again now -
19 you didn't say anything in your CV about your military service or your
20 rank of colonel. You don't think that's material information that
21 someone reviewing your CV would want to know about?

22 A. Counsel, sir, my CV is a scientific CV. I have been offering it
23 to the scientific world for 30 years, and what I sent to the Trial
24 Chamber is my CV that has been published on the web, that everybody is
25 familiar with. The details that you mention would be listed in a CV that

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1 would have other purposes rather than scientific purposes. The Trial
2 Chamber did not request from me to specify those things, and the Defence
3 team didn't do it either. I have never hidden this fact. On the
4 contrary, I'm very glad that I was an active member in the defence of
5 Croatia **in those times.**

6 Q. Sir, during the time that you had these positions with the
7 Ministry of Justice and you were involved with the penal system or the
8 treatment of offenders, isn't it the case, sir, that you became the
9 subject or have been the subject of some controversy over your
10 involvement in those matters at the time and in connection with your work
11 and the processing of political prisoners and dissidents?

12 A. Counsel, sir, during the totalitarian regime in Croatia it was

13 not only my dilemma, as I worked in that system, it was the dilemma of
14 everybody in Croatia regarding the processing of political prisoners. I
15 have to say that while I worked in the Ministry of Justice, I did not
16 have any contact with political prisoners and I never worked with them.

17 Q. What do you mean by you had a dilemma, sir? What dilemma did you
18 have in that regard ?

19 A. Well, yesterday we spoke about two phenomena tied to information
20 conformity. One is public giving in and the other is privately accepting
21 facts. My dilemma was that I never publicly accepted some things. I
22 never publicly accepted -- or, rather, I never privately accepted the
23 fact, but I publicly conformed, like everybody else in Croatia, when this
24 was in keeping with the job that I did. What I did in the Ministry of
25 Justice was closely tied to what I was interested in, and that was social

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1 psychology, and working in that area, I acquired the status of a
2 recognised expert for the United Nations.

3 Q. Well, I know you want to talk about that, and you mentioned that
4 yesterday, but let's stay on topic. You said you had a dilemma, and what
5 you're telling us, sir, in so many words is you were in a situation where
6 what you were required to do in connection with your job was directly in
7 conflict with your personal feelings and values; correct?

8 A. Counsel, sir, while I worked in the justice --

9 Q. Sir, my question is rather simple --

10 A. -- nobody ever asked me to get engaged in such activities.

11 Q. -- excuse me, sir, excuse me. I've asked you now several times,

12 please. Listen to my question and please answer my specific question.

13 If I want to ask for an explanation, I will. If the Judges want to have
14 more information, they will certainly intervene. The question that I put
15 to you now only calls for a yes or no. You've told us, sir, that you
16 felt you were in a dilemma that you said everyone was in at the time
17 because you had to conform to working in that system. You did things
18 that you had to do for your job, but privately, in your soul, whatever
19 one might want to call it, you felt conflicted; correct? Yes or no.

20 A. Counsel, sir, I can't answer by just yes or no. I didn't do
21 that. If I'd done that, I don't know whether I would have accepted to do
22 it. If somebody had forced me to do that in the system of justice, I
23 would probably not have accepted the job, but I can't be sure. So my
24 dilemma was not whether to do something that was not in conformity with
25 my humanitarian positions. I was not put in such a position. If I had,

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1 I don't think I would have done it even at a risk of some consequences.

2 Q. Sir, are you telling the Judges, under oath, that you have not
3 been the subject of a controversy reported in the Croatian media about
4 your involvement in these matters?

5 A. Counsel, sir, this has nothing whatsoever to do with what you
6 just asked me a little while ago. I am under oath, and I've been telling
7 the truth. If you're asking me about the media, it's a different thing,
8 it's a different category. Ask me about the media, and then I will
9 answer your questions about the media.

10 JUDGE PRANDLER: Excuse me, may I -- I would like to ask both of

11 you, as usual, that please kindly slow down. Especially our expert
12 should take this into account, that the interpreters have got some
13 difficulties to follow you when you talk very quickly, and also, of
14 course, as usual, you have to stop -- both of you have to stop between
15 questions and answers.

16 Thank you.

17 MR. SCOTT: My apologies, Judge Prandler.

18 THE WITNESS: [Interpretation] My apologies, too.

19 MR. SCOTT:

20 Q. Well, sir, unfortunately because our time is limited, we need to
21 move forward, and perhaps if we have more time, we can come back to that.

22 Now, you've told us that from 1992 to date, you've worked at the
23 Ivo Pilar Institute of Social Sciences, and you helped establish that
24 institute in the very beginning; correct?

25 A. Counsel, that is correct. However, I wasn't the only founder.

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1 It was a group of Croatian scientists and scholars.

2 Q. The answer to my question, again, is, yes, you were involved as
3 one of the founders of the organisation. Who were some of the other
4 founders, sir?

5 Let me ask you some -- how about was Miroslav Tudjman one of the
6 founders?

7 A. There were 30 founders, so there was Miroslav Tudjman as well.

8 Q. Miroslav Tudjman was one. How about Miomir Zuzul, who has been
9 another witness in this case; was he one of the founders of that

10 institute?

11 A. Miomir Zuzul was not among the founders of the institute. He was
12 a supporter.

13 Q. And Mr. Jurcevic, your close colleague who testified in this case
14 recently, was Mr. Jurcevic one of the founders of the institute?

15 A. He was also one of the founders.

16 Q. Wasn't this institute, sir, at least at the time and for some
17 years, wasn't the institute largely, if not entirely, a defender of or a
18 vehicle for the Tadjman government, sort of to provide the Tadjman
19 government what was seen as "intelligentsia" support?

20 A. Counsel, I categorically state that that is not correct.

21 Q. Well, let me -- sir, it's no big secret. It happens -- frankly,
22 it happens in the United States as well. We have what some people call
23 think-tanks, and sometimes when you have a Republican administration,
24 there are certain think-tanks that work closely for the government, and
25 when you have a Democrat administration, there are those think-tanks that

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1 work closely with that government. And that's what this was, isn't it?

2 The institute was a think-tank, to use my word, it was supposedly the
3 "intelligentsia" to give credence, to give some sort academic
4 intellectual weight to the policies and practices of the Tadjman
5 government; isn't that correct?

6 A. Counsel, I categorically state that none of those assumptions of
7 yours is correct. The institute, Ivo Pilar, from the beginning was
8 envisaged as a scientific institute in the social development of the area

9 and scientific development. That's how the institute was set up, and
10 today it has international recognition as one such institution. We
11 cooperated with all the various strata in the Croatian society, with the
12 economy, with social institutions, with political institutions. We have
13 broad cooperation, and that we weren't just oriented towards
14 President Tudjman. I can quote one example to bear that out.

15 Q. Excuse me, sir, but you've told us already, and in fact
16 Mr. Jurcevic told us the same thing, this is an institute funded by the
17 government, it was founded by people closely -- part of or associated
18 with the government, including the son of Franjo Tudjman, including
19 yourself, including Mr. Jurcevic. You would have been an assistant
20 minister of justice. This was a government operation, wasn't it?

21 A. Counsel, I have to say, once again, that that isn't correct
22 either. The institute was established on the 18th of November, 1991, **on**
23 the basis of a decision taken by the Assembly of the University of
24 Zagreb, **as a university institution, therefor.**

25 MR. KOVACIC: [Interpretation] Your Honour, I didn't want to raise

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1 an objection before the witness was allowed to answer. However, just
2 look at that question asked by the Prosecution. It's pure speculation,
3 because for a question to be asked in this way, you have to know the
4 legal framework in Croatia **at that time and how, according to that legal**
5 **framework, and only according to that legal framework, university**
6 **institutions and other similar institutions could be established. Now,**

7 if the Prosecutor doesn't know that, it's his problem, but he has to ask
8 the witness. Otherwise, this is speculation, which is not permissible,
9 because he wants to put it to the witness that it's a government
10 institution. There is no government institution. That's just not
11 correct, and the witness explained how it was established. I'm not going
12 to take up more time with the cross-examination, although there'd be lots
13 of interesting things to go into there, but that was my objection.

14 Thank you.

15 JUDGE ANTONETTI: [Interpretation] Your objection is noted in the
16 transcript.

17 Yesterday, I asked the witness a few questions on the financing
18 of the institute and the appointment of its head, so I did wonder about
19 what the position of this Ivo Pilar Institution was in relation to the
20 Croatian government, which is why I asked all these questions yesterday.
21 But maybe Mr. Scott has something else in mind. I don't know. Let's see
22 where he's going.

23 Mr. Scott.

24 MR. KOVACIC: [Interpretation] Just a moment, please.

25 Your Honours, to avoid any misunderstanding, yes, that's the crux

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1 of it, but you put the question correctly. You didn't speculate and say
2 that it was an institution of this kind or that kind. What you did was
3 to ask the witness directly about certain things and aspects in order to
4 be able to understand what kind of institution it was.

5 Now, my learned friend is speculating. He says it's a government

6 institution. First of all, that did not stem from yesterday's questions,
7 and, secondly, the most important point, it does not follow from the law.
8 If he doesn't know the law, he shouldn't ask, or he should learn the law
9 and then ask.

10 That's my objection. The.

11 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, we don't know
12 whether Mr. Scott had any other questions. Maybe he has other elements,
13 you know, at hand and he would like to demonstrate that this institute is
14 totally dependent on the government. I don't know what he wants to
15 prove, but let's wait and see.

16 But my fellow Judge has questions.

17 JUDGE TRECHSEL: No, I would just add to what the President said
18 that we are not so naive as not to know that the legal framework is one
19 thing and the political orientation is another thing, and these are two
20 different matters, and I do not see why the Prosecutor should not be
21 allowed to inquire about the political orientation of this institute,
22 even if formally it's a university institute, it's formally independent
23 and so forth.

24 Mr. Scott.

25 MR. KOVACIC: [Interpretation] Yes, I'll take on board what you've

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1 just said, and I agree with what you've said, but let him ask about the
2 political orientation, then. I apologise. Maybe I wasn't clear enough
3 in what I said.

4 All I'm saying is that I object to the way in which the question

5 was formulated, because in the way it was asked, it was a speculation
6 implying a fact that is not correct. Legally, it is not correct, nor is
7 it based on the facts as we've heard them so far. That's my objection.
8 Just look at that question, look at the way it was worded.

9 JUDGE TRECHSEL: Mr. Kovacic, I think you're slightly overdoing
10 it. We accept that the legal thing is one, but Mr. Scott did not ask
11 about the legal thing, but on affiliation, not legal but of loyalty, and
12 that's a matter which I see no reason to object to.

13 Please, Mr. Scott.

14 MR. SCOTT:

15 Q. Sir, in your --

16 MR. KOVACIC: [Interpretation] Just for the record, Your Honours,
17 the question is on the record. Everybody can read it. I'll say no more.
18 Thank you.

19 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

20 MR. SCOTT:

21 Q. Sir, in your CV, you also tell us that you received a medal and
22 award for the foundation of the institute. When did you receive that
23 medal? All I'm asking for now is a date. You don't need to give me any
24 other explanation. When did you receive the medal?

25 A. Counsel, the medals were distributed by the institute, itself,

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1 autonomously to its founder members. I think it was in 1996 or 1997.

2 Q. All right. And is it not correct, sir, that a number of people
3 who had been identified previously with the Croatian Ministry of Defence,

4 a section or department that's been frequently referred to in this
5 courtroom as IPD, Information and Propaganda, sometimes someone referred
6 to it as Information and Psychological Operations, those people, people
7 like Mr. Zuzul, Mr. Jurcevic, and others, these were mostly the same
8 people who moved over and were closely involved with the institute;
9 correct?

10 A. Counsel, several of them took part in the founding, and they took
11 part in 1990 and 1991, when the IPD still didn't exist. So the agreement
12 to found the institute came in 1990, immediately after the democratic
13 elections, and we set into motion the initiative before anybody knew of
14 any IPD.

15 Q. Well, again, sir, I mean, I'm not -- excuse me.

16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, why do you want to
17 take the floor?

18 THE ACCUSED PRALJAK: [Interpretation] IPD is not propaganda.
19 We've established that a hundred times through the documents. It's
20 Information and Psychological Operations or Activities.

21 MR. SCOTT: I disagree, Your Honour, but I'm not going to take
22 the time to deal with it. There's clear evidence in this record about
23 the use of IPD being propaganda. There's been multiple witnesses who
24 have said that.

25 Q. Be that as it may, sir, and I'm not bashful about using the

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1 example of my own government, the United States, there's certain outside
2 groups and governmental agencies, and there evolved a relationship which

3 some people call a revolving door. One day, they're in government, the
4 next day, they're in a closely-related privately organisation, a
5 revolving door, in and out, back and forth, and that was the relationship
6 between IPD and the Pilar Institute, wasn't it?

7 A. Counsel, the Pilar Institute --

8 Q. Sir, yes or no. I asked you several times. You're not listening
9 to my question, sir. Now, I'm going to get serious about this. We're
10 using time on the clock. My question can be answered yes or no. Was a
11 revolving door relationship -- excuse me, Your Honour. Can I finish my
12 question?

13 JUDGE ANTONETTI: [Interpretation] Witness, listen to the question
14 put to you by the Prosecutor. He wants you to answer by yes or no. The
15 jurisprudence of this Tribunal goes along that line. Even at the
16 Nuremberg trial, this question was amply discussed when the
17 Prosecutor Jackson did not want the witness to answer by making speeches
18 or lectures, and the Nuremberg Tribunal allowed the witness to specify
19 his answer, and Prosecutor Jackson was very unhappy about this. But
20 that's the way it was at the time.

21 However, here the jurisprudence is more restrictive. The
22 Prosecutor puts a question to the witness during the cross-examination,
23 and the witness is supposed to answer by yes, no, I don't know. And if
24 the Prosecutor wants additional information, then he will put another
25 question to the witness, Why are you saying yes, Why are you saying no?

1 And then you can develop, because, remember, the Prosecutor has a limited

2 amount of time and he wants to use it wisely. He is in control of the
3 cross-examination. You are in his hands. Every time you go astray, of
4 course, the Prosecutor will want to put you back on track.

5 So please answer yes, no, I don't know, and if Mr. Scott wants
6 additional information, he will allow you to do so.

7 Mr. Scott.

8 MR. SCOTT: Thank you, Mr. President.

9 Q. Sir, if you can turn in your binder to P11027, P11027. Turn
10 there, please. The Croatian original article, sir, should be behind the
11 translation which I see you have in front of you.

12 Sir, we're not going to have time to go through this article in
13 detail, but basically it sets out this relationship and the involvement
14 of Miroslav Tudjman, Miomir Zuzul, the relationship between all these
15 people, IPD, this institute, and again, sir, that was the relationship,
16 wasn't it? It was closely identified with the Croatian intelligence
17 services; isn't that right?

18 A. Counsel, that is absolutely incorrect, and this whole article is
19 rampant with lies about the institute, and we denied them.

20 Q. All right. Your position is that it was not. And, in fact, sir,
21 among these various people that we've talked about so far this afternoon,
22 you have worked closely with a number of these people, you have published
23 and otherwise participated in a number of works with the various of --
24 these same people. In your CV, sir, if I'm not mistaken, you've
25 co-published or been -- participated with Mr. Zuzul in five publications,

1 you've associated yourself with Mr. Jurcevic in five publications, you've
2 written at least one article with Markica Rebic, head of one of the
3 Croatian intelligence services, and by the way, sir, is that the same
4 Markica Rebic who was convicted of contempt by this Tribunal for
5 disclosing the testimony of a protected witness in the Blaskic case? It
6 is, isn't it?

7 A. Counsel, sir, with all due respect, you have asked me so many
8 questions now that I don't know what you're, in fact, asking me. So can
9 you ask me the questions one by one, and then I'll be happy to answer.
10 This way, you've put forward certain theses and you've actually asked ten
11 questions in one, so you're putting me in an impossible situation. I
12 can't answer like that. There were different people different times, my
13 different knowledge of these people, and so on.

14 Q. Let me summarise it this way: Sir, you were part of a circle of
15 people, and had been for a long time, closely connected to Mr. Zuzul,
16 Mr. Jurcevic, Miroslav Tudjman, Markica Rebic, and a number of other
17 people in that same circle and that colours your world-view and, in fact,
18 reflects your world-view, doesn't it?

19 A. That is not correct. I dealt with scientific scholarly activity
20 after 1992. They dealt with other things.

21 Q. Let's look at Exhibit P11020, P11020.

22 While you're turning to that, sir, I'll just say for the record
23 this is a document put together by the UNPROFOR, the UN Protection Force,
24 as of March 1, 1994 --

25 THE INTERPRETER: Microphone, Mr. Scott, please.

1 MR. SCOTT: There it is.

2 Q. And, sir, this is a document prepared by UNPROFOR about the
3 Croatian intelligence and security organisations or hierarchy. If we
4 look at the document, sir, and the drawing, you'll see President Tudjman
5 at the top of the page, you'll see Mr. Sarinic and Mr. Susak, and in the
6 third role on the far left, I think you'll see "Vlado Sakic, director,
7 Institute of Social Research." That's you, isn't it?

8 A. I can't see where that is.

9 Q. Okay, sir. If you look -- and there's a chart as part of that
10 exhibit. If you're at P11020, you should see a handwritten chart, a
11 diagram?

12 A. [In English] Okay.

13 Q. I think you're on the wrong document, sir, you're on the wrong
14 document.

15 If I could have the usher's assistance. P -- unless I have the
16 wrong number. If I do, I apologise. 11020, on the screen also in front
17 of you.

18 That's you in the box marked "Vlado Sakic"; correct?

19 A. Counsel, I am the head of the Institute for Social Research. I
20 don't know what all this is about, nor has this got anything to do with
21 reality. I've never seen this document before.

22 Q. If you'll look, please, at Exhibit P11023 --

23 JUDGE ANTONETTI: [Interpretation] Professor, UNPROFOR was
24 headquartered in Zagreb, and in March 1994 it drafted a document where it

25 is placing the structure of the Croatian Intelligence Service. Now,

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1 maybe they made a mistake, but this is what they believe the structure of
2 this intelligence service was. In this organisational chart, you seem to
3 be part and parcel of the Intelligence Service. And in Chapter C in this
4 document, all these people are mentioned, and you are mentioned under
5 small F. You are mentioned as an expert in analysis and so forth and so
6 on. And Mr. Scott is saying that you are part and parcel of the Croatian
7 Intelligence Service, so do you think that the UNPROFOR made a mistake?
8 Is that your answer?

9 THE WITNESS: [Interpretation] Your Honour, that's precisely what
10 I want to clarify. This was written in 1994; right? Counsel, was this
11 written in 1994? When was this written?

12 MR. SCOTT:

13 Q. Sir, as both I have indicated to you and as is stated in the
14 document, and as President Antonetti indicated to you, it was written
15 March 1994.

16 A. Your Honour, in 1994, I was not the director for the Institute
17 for Social Sciences called Ivo Pilar. That's the first point. Secondly,
18 the Ivo Pilar Institute was never, throughout its existence, part of any
19 intelligence system, nor did it ever deal with any type of intelligence
20 work. I'm saying that by way of telling the truth, under oath, and the
21 fact that I wasn't actually the director of the institute at that time
22 just shows you the merits of the people who wrote this.

23 JUDGE ANTONETTI: [Interpretation] Very well.

24 Mr. Scott now.

25 JUDGE TRECHSEL: Perhaps I think we should look at this a bit

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1 more closely.

2 There are two kinds of relations indicated. Some are indicated
3 with a straight line. That is what actually belongs to the Secret
4 Service. Other relations are broken lines. The relation here to the
5 Social Research Institute is a broken line, which indicates that the
6 meaning of this scheme is not that the institute is a part -- belongs to
7 the Secret Service. And if we look on page -- on top, the number is
8 R0026529, under letter F, it is only said that the institute is linked to
9 the Croatian Information Service.

10 I just want to set this clear. I'm not saying whether this is
11 how it is or not, but the allegations coming from this paper is not that
12 the institute belonged to the Secret Service.

13 MR. SCOTT: Thank you, Judge Trechsel.

14 THE WITNESS: [Interpretation] Your Honour, nor did he belong to,
15 nor was he linked up with it, and what it says here is incorrect.

16 JUDGE TRECHSEL: That was not a question I put to you. It's for
17 the Prosecutor to put the questions now. I just wanted to clarify how I
18 interpret the document.

19 MR. SCOTT: Thank you, Judge Trechsel, and I agree with that, and
20 I was going to pursue that further. But you've done so, and thank you.

21 Q. Isn't it correct, sir, with that helpful clarification by
22 Judge Trechsel, this is, indeed, sir -- come on. This is, indeed, the

23 relationship that you had. Maybe you weren't actually inside the
24 Croatian Information Service that Miroslav Tudjman was the head of, but
25 you or the institute, you had a close working link to these

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1 organisations, didn't you?

2 A. Counsel, no.

3 MR. KOVACIC: [Interpretation] If we've finished with this, I'd
4 just like, out of an abundance of caution, to draw your attention to
5 this. This is a UN document, and it says "Confidential" quite clearly
6 there, and it deals with intelligence matters. And as far as I know,
7 that wasn't in its mandate; that is to say, they were forbidden from
8 dealing in intelligence. So I assume that the document could be
9 confidential, so out of an abundance of caution I don't want us to do any
10 harm by using it.

11 MR. SCOTT: Unnecessary, Your Honour. I don't think there's any
12 big surprise that somebody operating in UNPROFOR at the time would
13 probably like to know who was doing what in various positions of the
14 governments that they were dealing with on a regular basis. I don't
15 think that should come as a surprise to anyone.

16 Q. And, sir, in fact the institute --

17 MS. TOMANOVIC: Sorry, sorry.

18 [Interpretation] I don't think we have had a ruling with respect
19 to this document's confidentiality. All the documents in this courtroom
20 which come from the UN are confidential, and I see -- I don't see why the
21 question isn't -- the Prosecutor isn't raising the question of this

22 document's confidentiality. I'm wondering what the reason for that is.

23 JUDGE ANTONETTI: [Interpretation] Mr. Scott, does this document
24 come under Rule 70 or was it disclosed so you could use it in a public
25 setting?

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1 MR. SCOTT: Your Honour, I specifically have not taken a position
2 about confidentiality. I've used it publicly because I don't believe
3 there's any issue about it, and that's our position. I don't know why
4 counsel is so concerned about something where the Prosecution's tendered
5 the document and believes there's no issue about it. If they have some
6 information to the contrary, then we can certainly pursue it further.

7 Q. What I'd like to come back to is the point, sir, that not only
8 was your institute supporting the Tadjman regime from time to time and
9 closely, but that institute has also been closely involved in providing
10 support to the Defence teams of various accused coming before this
11 Tribunal; correct?

12 A. I don't know about that.

13 Q. Well, let's next turn to P11023, P11023. This is a report from a
14 Croatian government agency, and in the third paragraph it says:

15 "As far as the work with the Defence witnesses of Dario Kordic is
16 concerned, lawyers have emphasised the need to hire social psychologist,
17 whereas M," I believe that's Miomir Zuzul, "has suggested them to address
18 Mr. Vlado Sakic, director of Institute Ivo Pilar, in Zagreb regarding
19 that matter."

20 That was Mr. Zuzul's recommendation that you be retained on

21 behalf of the Dario Kordic Defence team; correct?

22 A. Counsel, I've never heard of this, I never learned of this,
23 nobody told me this.

24 Q. Zuzul never approached you to work for Mr. Kordic?

25 A. As far as I can remember, Zuzul never approached me. My contacts

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1 with him were very rare at the time, and I would certainly remember if he
2 had spoken to me about that. But since I'm one of the best known social
3 psychologists in Croatia, I can imagine that his proposal was that I
4 should be the expert in the case, just like the Defence has now asked me
5 to be their expert. Zuzul knows it because we went to
6 unit [as interpreted] together.

7 Q. And do you also know a man named Milan Gorjanc?

8 A. Milan Gorjanc, no, it doesn't ring a bell.

9 Q. I'll spell it, at least using English pronunciation,
10 G-o-r-j-a-n-c. He apparently is something of a Defence expert, something
11 about dealing with Defence. Did you -- you've never had any dealings
12 with Mr. Gorjanc? Did you know that he was also being put forward at the
13 same time as a witness for Mr. Kordic?

14 A. Counsel, I've never heard of this person, and I've never heard of
15 him having been put forth.

16 MS. ALABURIC: [Interpretation] Your Honours, I object to the
17 wording of my learned friend's question, the last one that he put to the
18 witness. It is not clear, from the way the question was put, who could
19 have put forth Mr. Gorjanc as a witness. Maybe this can be clarified to

20 avoid any confusion in this courtroom, please.

21 MR. SCOTT: I'll be happy to.

22 JUDGE TRECHSEL: Excuse me.

23 Witness, on page 27, line 16, your answer is noted as:

24 "Zuzul knows it because we went to unit together."

25 I suspect that there is a mistake. Can you recall what you said

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1 and repeat it, please?

2 THE INTERPRETER: Interpreter notes: It was "university" or
3 "uni."

4 JUDGE TRECHSEL: The interpreters tell me that it was
5 "university" or "uni" as short for "university." Can you confirm that?

6 THE WITNESS: [Interpretation] Yes.

7 JUDGE TRECHSEL: Thank you.

8 THE WITNESS: [Interpretation] Your Honour, no, I don't understand
9 what it says here. We were not in a unit together. We went to
10 university together. And, second of all, I don't know what he knows. I
11 only know that he never invited me. I was never invited by anybody to
12 appear as an expert. That's all I know.

13 JUDGE TRECHSEL: Your answer would have been, yes, full stop. I
14 asked you whether it meant "university." Yes would have been the correct
15 answer. Instead, you talk and talk. Please be economic with your words.

16 Mr. Scott.

17 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

18 MR. SCOTT: Thank you.

19 Q. Just to respond to counsel's question and to clarify, it might
20 ring a bell, sir, if you saw the name in print, because maybe I
21 mispronounced something. But if you look at the last paragraph of the
22 document, the same document, P11023, you'll find the passage where it
23 says that:

24 "After this talk, D. Kordic'S Defence lawyers have talked to
25 Milan Gorjanc, potential Defence expert witness - JNA colonel who served

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1 in the area of Sarajevo and Central Bosnia," et cetera.

2 So does that refresh your recollection at all about the
3 involvement of Mr. Gorjanc in these matters, or potential involvement?

4 A. Counsel, I didn't have anything whatsoever to do with the Kordic
5 Defence or with Mr. Gorjanc. I don't know who Mr. Gorjanc is. I
6 don't --

7 Q. All right. Let's move forward to your report and some of the
8 methodology that you employed there. Let me ask you about that in terms
9 of -- as I review your CV, sir --

10 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

11 MR. KOVACIC: [Interpretation] Your Honour, I -- Your Honours, I
12 apologise. We received these documents before the cross-examination.
13 Maybe the Prosecutor should tell us whether this is only one part of a
14 document. I can see two pages, without any heading and any signature. I
15 don't know what the origin of those two pages is. For the time being,
16 it's very impossible to tell where they come from and what they serve.

17 JUDGE ANTONETTI: [Interpretation] Yes. Mr. Prosecutor, P11023,

18 where does it come from?

19 MR. SCOTT: It was produced to the Office of the Prosecutor,
20 Your Honour, by the Croatian government, from one of the intelligence
21 services.

22 MR. KOVACIC: [Interpretation] Your Honour, this is not
23 information, this is not a department. The government is huge, it has a
24 number of agencies, 10 ministries, and also the question arises as to the
25 time. But what I'm interested in is whether some part of the material

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1 can be identified. We should at least hear the heading of that material,
2 the title of the body. This would allow us to check the authenticity of
3 the document.

4 JUDGE ANTONETTI: [Interpretation] Can you meet that request,
5 Prosecutor, or don't you know anything about it?

6 MR. SCOTT: Mr. President, I can make further inquiries, as time
7 allows, but the document -- everyone in the courtroom -- everyone in the
8 courtroom has exactly the same document that I have. It says "Info" on
9 the top, at least in translation. It's dated the 22nd of November, 1999.
10 I did research the document to the extent of confirming that it was
11 produced to us by the Croatian government, and that's the only additional
12 information I can provide at this time.

13 JUDGE ANTONETTI: [Interpretation] Please continue.

14 MR. SCOTT:

15 Q. Sir, in connection with your report, and I believe you told us
16 yesterday, that you don't have any particular expertise about Bosnia and

17 Herzegovina or Herceg-Bosna. I believe you testified yesterday that
18 essentially you knew about these events to the same extent as anyone who
19 might have followed these events in the media at the time would know;
20 correct?

21 A. I said that, and I said that I read publications, scientific and
22 others, and that I spoke to my colleagues, scientists and scholars.

23 Q. In reviewing your CV, sir, and in the long list that you've
24 provided to us in the publications and the writings that you've done,
25 which are considerable, you have never written an article, for example,

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1 on the war in Bosnia-Herzegovina, itself, or the creation of
2 Herceg-Bosna, or anything about that, have you?

3 A. Counsel, not directly about Bosnia-Herzegovina. I wrote about
4 the Serb aggression, which encompassed the territory of
5 Bosnia-Herzegovina. Hence, in my papers, you can find information about
6 Croatia **and** Bosnia and Herzegovina because it was a one-and-the-same
7 aggression.

8 Q. Well, let me ask you this: What Herceg-Bosna documentation did
9 you review, preparing your report? If you could just give us a couple of
10 examples.

11 A. Counsel, I said that I had read the scientific publications.

12 Q. I know, sir, but I just want to -- which Herceg-Bosna documents
13 have you read? Did you read the establishment on 18th of November, 1991?
14 Did you read the meetings of any of the HVO government sessions? Have
15 you read any of the HVO military orders? The answer is, no, isn't it,

16 sir, you've never reviewed a single HVO document; correct? Correct?

17 A. Sir, yes, I did read Dr. Jurcevic's expert report, and I'm
18 serious of other --

19 Q. And that's exactly what you did, sir, and now you're hopefully
20 maybe saving some time, because what you did, in its entirety, is you
21 relied, for your fact base, if you will, for your fact base, you relied,
22 some of us might say "lock, stock and barrel," on Mr. Jurcevic's expert
23 report prepared for the Defence of Mr. Praljak to give to these Judges,
24 and you took that as gospel, and that's the only thing you've used, isn't
25 it?

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1 A. Sir, that's not true. I have told you that I read other
2 scientific publications, for example, Markesic's book, "How We Saved
3 Bosnia-Herzegovina," and a number of other professional publications and
4 reports on damages that were inflicted on Bosnia and Herzegovina, media
5 reports, and so on and so forth.

6 Q. Okay. I'm going to go back, sir, because I'm trying to be fair
7 with you. If you reviewed an HVO document, minutes of the sessions of a
8 meeting of the government presided over by Jadranko Prlic, an order from
9 General Petkovic, who was a chief of the HVO military, if you reviewed
10 any of those documents, just give us one example, please.

11 A. Sir, in my book, documents and individual events, as a social
12 psychologist, does not have the same significance as it does for a lawyer
13 or a historian. For me, events are important if I can analyse them. I
14 can't --

15 Q. Excuse me, sir. I'm going to cut you off. You heard what
16 President Antonetti told you. Now, I didn't ask you what was significant
17 to you or not significant. My question is a very straight forward one.
18 Give me an example, please, of an HVO or Herceg-Bosna document that you
19 reviewed in connection with your work; give me the order of General
20 Petkovic on such and such a date; give me the minutes of the meeting of
21 the government on such and such a day. Just identify for us, please, one
22 document that you reviewed in connection with your work.

23 A. Sir, I did not read any individual documents.

24 JUDGE PRANDLER: Mr. Scott, I'm sorry to interrupt you?

25 I would to ask the witness about the following, which partly

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1 comes from your questions, but I also, when I read the document, I found
2 out the following, and I am asking you, Professor, about the very content
3 of your study here and actually the ratio of various major chapters here.

4 If you have a look at the pages, then you will see that you have
5 devoted 10 pages to the war in Bosnia and Herzegovina, 10 pages. On
6 page 2 of the report, 2 and 3 of the report, you will find the pages and
7 the parts of the report, and from page -- the whole report, I'm sorry,
8 the whole report is about 110 pages, including also the references. Now,
9 the part 3 of human aggressiveness and war, it is actually which deals
10 with the war in BH, and the causes of war in BH, 1991, 1995, in the
11 context of the proposed theoretical framework, it starts at 95 and it
12 ends at 105, and all the rest, in my view, quite general. In the first
13 major part, it is the part A, "Socio-psychological Framework Needed for

14 Understanding the War in BiH, 1991-1995," from page 4 to page 60-61. It
15 is then more than 60 per cent of your study.

16 Then the second major part, the application of the
17 socio-psychological framework to the war in Bosnia and Herzegovina, and
18 here we find again a historical background, and you, for example -- what
19 I read again and watched the interesting developments which you refer to
20 of Bosnia and Herzegovina between 1878 up to the end of the First World
21 War, that is at around 40 years, you wrote more about that period of
22 time, and I read it with interest because I am Hungarian. But, on the
23 other hand, it is much more than what you devoted to the question of the
24 war in Bosnia and Herzegovina between 1991 and 1995.

25 So my question is that when you wrote this report and when you

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1 worked on it, what kind of reasons led you to have those, in my view,
2 rather strange ratio of various parts of the study which I referred to?

3 THE WITNESS: [Interpretation] Your Honour, my expert report, and
4 you have noticed it well, consists of several parts, but there are
5 basically two main big parts. One is a theoretical apparatus that I have
6 used, and I'm talking about a series of social and psychological
7 theories. I meant that that was the way to best serve this Trial
8 Chamber, to offer it a number of contemporary social theories. And then
9 in the second part, I incorporate relevant factors which had led in two
10 directions. The first one was the establishment of identity groups or
11 war groups in Bosnia and Herzegovina throughout the historical period,
12 and the second was an important factor which was the breakup of

13 Yugoslavia, without which I believe nobody can understand what happened
14 in Bosnia-Herzegovina from 1992 through 1994. I believe that I would
15 best serve the Trial Chamber in that way; first, to offer a theoretical
16 framework and then, within that context, to say something from the point
17 of view of social and psychological theories, which postulates from those
18 theories can be applied to the general events in Bosnia and Herzegovina.

19 In my expert report, I indicated that the perspective of a social
20 psychologist does not imply this type of facts that the counsel is
21 referring to. All it takes is processes and events which can be
22 incorporated within a certain theoretical framework. If there's a series
23 of such events and if they have their background, social psychology is
24 interested in the causes and consequences, and if there is such a
25 phenomenology, then one is able to produce such an expert report. If the

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1 expert report had to be at a lower level, tied to individual events in
2 Bosnia-Herzegovina, then I would have said to the person who commissioned
3 the report, Give me some room and I will explain every single event,
4 every single crime, I or some other colleague of mine will produce an
5 expert report based on the same theoretical background, and it will be a
6 particular expert report. My colleague Aronson did that for the incident
7 in Mi Lai.

8 JUDGE PRANDLER: Thank you, Professor, for your answer. Frankly,
9 I am not convinced. My question remains that if somebody is going to
10 prepare a report on something like the war in Bosnia and Herzegovina,

11 five years' war, then it doesn't devote only 10 per cent of everything
12 what he's writing. I, myself, I used to write, and I something know
13 about this material.

14 So I am not convinced, but please, Mr. Scott, please continue.

15 MR. SCOTT:

16 Q. Sir, just continuing on with some of these questions. You do say
17 in your report -- and in fact one of the things we've been talking about
18 the last hour or so is something what lawyers and judges call bias, and,
19 in fact, sir, and I suppose to your credit, you do admit in your report
20 that you are aware of the bias that you have, and you tell us that you
21 took some steps or tried to take some steps to correct for your own bias.
22 You refer to that on page 65 of the English version and on page 63 of the
23 Croatian language report. You say that you're aware of the possible
24 biases and world-view -- and world-view, and that you, paraphrasing to
25 make it into refer to you, and that you, as a scientist, have tried to

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1 minimise their influence.

2 Now, if you tried to minimise their influence, sir, perhaps we
3 could start with you telling us what biases or what world-view do you
4 have that causes you to think that you need to correct for that?

5 A. Counsel, as a scientist, I referred to Weber's principle of
6 neutrality, and I said that as a scientist with a certain cultural
7 background, I shared the fate of all scientists in the world. I have
8 this cultural background bias.

9 Q. Well, I understand that, sir. But what -- tell us, specifically,

10 though. Don't leave it so vague for the Judges. They have to try to
11 understand your testimony. And in doing so, you've said that you have
12 certain biases and world-views, and just make those explicit, please.
13 Just what bias and world-view do you have that might reflect your work in
14 this case? You apparently thought it was important enough, sir, to put
15 in your report.

16 A. Sir, Counsel, in order to be fair and objective, I did not say
17 "world-view," but I said my origin, since I am a Croat, and one of the
18 warring parties were Croat, so I simply admitted that, and I said that,
19 as much as I could with the force of my conscience, I made it sure that
20 that cultural background would not influence the objectivity of my expert
21 report. It is very customary in social psychology and in scientific
22 words that the authors state their national background in order to
23 eliminate the fact that value bias does not exist or that they should be
24 neutral.

25 Q. Tell us, sir, what steps you took. If we can't get it in terms

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1 of what your bias is, we can't be more explicit about that, what steps,
2 then, did you take to address that bias?

3 A. Counsel, I believe that I wasn't biased. I used the theoretical
4 apparatus, and I applied the apparatus to general circumstances in
5 Bosnia-Herzegovina, the Serbian aggression, and the war in the territory
6 of the former Yugoslavia.

7 Q. Sir, I'm not making this up. I'm referring to your own report,
8 and if you want to turn in your report to page 63 of the -- let me -- I'm

9 trying to save as much time here as possible. If you'll turn to page 65
10 of the Croatian language version of your report. And for the English
11 readers, if you turn to page 66, which is 3 -- in your report --

12 A. I don't know --

13 Q. Your report, for the record, is 3D03721. It was in the Defence
14 material. Let me just read it to you, sir. Please listen. It's very
15 short. And, again, as I've said in the courtroom before, if I say it
16 wrong -- or it's on the screen in front of you. Better yet. It's right
17 on the screen in front of you, sir.

18 Now, it says at the end of that -- on page 66, in the middle
19 paragraph that starts with the words: "In order ...," you say:

20 "In order to reduce any possibility of personal value bias, the
21 author of this expertise has used, in addition to the undisputedly expert
22 review of Josip Jurcevic on the same subject available to the author, the
23 historical perspective of Noel Malcolm, especially in areas that were
24 most sensitive with respect to values."

25 That's in your report, isn't it? That's clearly a yes-or-no

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1 answer, sir.

2 A. Yes.

3 Q. And I'm just curious, because in the English version, one
4 curiosity. In the English version, you have these words that it says --
5 let me be very clear. In the English version, it has the words "in
6 addition to the undisputedly expert review of Josip Jurcevic on the same
7 subject available to the author," but in the Croatian language version

8 that language isn't in there, and I'm just curious as to how that
9 discrepancy occurred.

10 A. Counsel, I really don't know how this happened. I, myself, said
11 that I used Josip Jurcevic's expert report, but I don't know how this
12 might have happened. I really don't know. I did not collate the English
13 and the Croatian version at the end when they were finalised, so I really
14 can't tell you how this happened.

15 Q. I see. But the reality is, sir, you relied, as I said to you
16 some moments ago, you relied virtually entirely -- you simply took
17 Mr. Jurcevic's report and you relied on that as the factual basis for
18 your report, didn't you?

19 A. Counsel, as I've written, I took him and Noel Malcolm, when it
20 came to value, attitude towards various groups. I took that from
21 Noel Malcolm, and I indicated that.

22 MR. SCOTT: Your Honour, I see that the clock -- but if I can --
23 might finish this point with one or two questions.

24 Q. Sir, I do see that, and I do see the language I pointed you to a
25 moment ago. And you say you used the historical perspective of

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1 Noel Malcolm, but, sir, isn't it correct, and the Judges have probably
2 read your -- I'm sure they have, and if we all had time, we could go
3 through all the references, we could go through all the citations to
4 Noel Malcolm, and I put to you, sir, the only time you cite to Noel
5 Malcolm is when you're talking primarily about Bosnia during the Ottoman
6 Empire. Not exactly the core part of your report, is it?

7 A. Counsel, historical background was relevant for that chapter, and
8 that's why I used Noel Malcolm the most and also what Dr. Jurcevic wrote.
9 I used the two authors in that chapter. When I needed a historical
10 perspective, I cited historians.

11 Q. Sir, I put to you that what really happened here, and part of it
12 may be -- some of the mystery may be illustrated by the discrepancy
13 between the English and the Croatian versions, I put to you what happened
14 here is after -- essentially, after you'd completed your report, it
15 occurred to you or someone that just citing Mr. Jurcevic was probably not
16 a great idea, didn't show much balance, but -- so you could salt into
17 your report a few references to Noel Malcolm in connection with the
18 history of the Ottoman Empire; correct?

19 A. Counsel, of course it's not correct. If that was correct,
20 Josip Jurcevic would be found in Croatian and not in the English version
21 that was sent to the Court. It's simply not true.

22 MR. SCOTT: We can take the break now, if it's agreeable.

23 JUDGE ANTONETTI: [Interpretation] Very well. It's a quarter to,
24 and we will break for 20 minutes.

25 --- Recess taken at 3.45 p.m.

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1 --- On resuming at 4.10 p.m.

2 JUDGE ANTONETTI: [Interpretation] Mr. Scott, you have the floor.

3 MR. SCOTT: Thank you, Mr. President.

4 Q. With the usher's assistance, there's one part of your report that
5 seems to me to be one of the -- probably not the only one, but one of the

6 sections that really kind of goes to the core of what you seem to be
7 saying, and this is from page 88 of the English version. It can also be
8 found on page 85 in the Croatian language, at least just to focus -- I'm
9 not getting anything yet. There we go. Just to give us a focal point.
10 And you'll have it -- I think you'll have it on e-court.

11 But you say, and this is on page 88, English, page 85 of the
12 Croatian, about halfway down through that paragraph:

13 "In accordance with the socio-psychological framework of
14 spontaneous group formation in crisis situations, in addition to
15 collective behaviour, processes of deindividuation appear to a greater
16 extent in which there was a weakening of the usual restrictions and
17 behaviour that opened up possibilities for uncontrolled crimes.
18 Precisely such crimes and on these theoretical foundations, in the main
19 occurred in the conflicts of Bosniaks, Muslims, and Croats during 1993
20 and early 1994. Therefore, in accordance with the provided theoretical
21 framework, is not possible to fully control these processes because, as a
22 rule, they occur spontaneously."

23 Now, the part that I want to focus on at this moment, and we'll
24 see how much time we have to finish these things, but let's focus on
25 spontaneous group formations and the fact that these things occurred

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1 spontaneously. It seems to me, sir, that you simply take as a given --
2 you postulate that Herceg-Bosna and what the Prosecution submits in this
3 case was the pursuit of a Greater Croatia, you just posit that these
4 things were spontaneous, don't you?

5 A. Counsel, this doesn't refer to that, nor is that the case. This
6 refers to the formation of individual groups and not to Herceg-Bosna.

7 Q. Well, sir, what we want to talk about this case, I put to you,
8 what the Prosecution wants to put to you, and what the Judges want to
9 know about, is the formation of Herceg-Bosna. That's the group -- that's
10 the group I put to you, and the formation of that group wasn't -- or the
11 operations of that group weren't spontaneous at all, were they?

12 A. Counsel, as a social psychologist, I don't look at the
13 establishment of Herceg-Bosna but the formation of war groups as ethnic
14 groups and ethnocentrism within them, and the war groups of Bosniaks,
15 Croats and so on, and their homogenisation according to ethnocentric
16 principles, I view and look at in reaction to the aggression which came
17 from the Serb side.

18 Q. Sir, if that's the case, you've just defined the core of this
19 issue out of the context -- out of the scope of your report. We're
20 here -- we're here to talk about what happened in this case, not in some
21 theoretical -- not what happened in Tennessee, or Stanford, or somewhere
22 else. We're talking about this case, and you're saying you didn't even
23 consider that what was happening was not spontaneous, but, in fact,
24 highly organised, directed from the top down, and not spontaneous at all.
25 And you just -- are you telling us you just jumped right over that whole

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1 point?

2 A. Counsel, we know that Herceg-Bosna, when it was constituted, was
3 constituted when -- that is to say, when the conflicts started between

4 the Bosniaks, Muslims, and Croats, then the two ethnic groups in conflict
5 set up certain institutions as protection. Of course, in that conflict,
6 which was a reaction, once again, to the basic source, so I said clearly
7 that we can ask ourselves whether the conflict would have come about at
8 all had there not been the Serb aggression on Bosnia-Herzegovina.

9 Q. Well, let me take you to a few specific examples, sir. When you
10 did your report, when you're preparing a report and concluding that these
11 things were just spontaneous and essentially no one could be held
12 responsible, that there was no plan, did you read the record of a
13 presidential meeting where President Tudjman said:

14 "The solution lies in the partition of Bosnia and
15 Herzegovina ...," and where he says that that would be achieved "...

16 because this is equally in the interest of Serbia and Croatia, while the
17 Muslim component has no other exit than to accept the solution"? Did you
18 consider that in forming your views?

19 A. Counsel, I think that there is a misunderstanding, a basic
20 misunderstanding between us. I acted as a social psychologist. I didn't
21 deal with any political frameworks, and that is up to the political
22 science people and historians, not me. I dealt with groups and their
23 homogenisation, and the different groups that were participants in the
24 war in Bosnia-Herzegovina. I think that's the relevant analysis, because
25 social psychology offers you the possibility of showing how this

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1 homogenisation took place which was at the base of the conflict. Had
2 there been no homogenisation, the conflict would have not come about. So

3 I didn't deal with any political documents or anything like that.

4 Q. You didn't deal with any political documents. You just decided
5 that the groups you were interested in were some other groups and not the
6 leadership of these organisations; is that right?

7 A. No, I didn't deal with that. All I dealt with was social
8 psychology and the socio-psychological context, how those groups were
9 formed and how certain leaders can emerge in situations like that. But I
10 didn't deal with the political framework. That wasn't my assignment. It
11 went beyond the frameworks of the nature of my expertise.

12 JUDGE ANTONETTI: [Interpretation] Professor, on page 85 of your
13 report, you titled the chapter "Process of War Group Formation." Very
14 well. It's extremely interesting. And in the Republic of
15 Bosnia-Herzegovina, a number of people set up the Croatian Council for
16 Defence of the Croatian Community, so a number of persons are going to
17 set up an entity. I believe that for the Judges, for myself and my
18 fellow Judges, for everyone, it would have been very interesting to know
19 what was the psychological or the sociological process which made it
20 possible for a number of people to get together in order to form this
21 group, but I don't feel that this was addressed in your report. Was this
22 deliberate or did you just decide not to attack the problem from this
23 angle?

24 THE WITNESS: [Interpretation] Your Honour, in my expert report
25 that is all explained. Of course, individual groups, when they become

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1 homogenised, they establish certain institutions. There's no dilemma

2 there. But the process of homogenisation took place before, and we
3 didn't expect there to be a conflict at all between the Bosniak Muslims
4 and the Croats at the beginning of the Serb aggression on Slovenia and
5 Croatia. **What was expected, and that's what happened, that if there was**
6 a conflict, then the Bosniak Muslims and the Croats would cooperate,
7 collaborate, and that's what happened. However, as the Serb aggression
8 moved from Croatia **to Bosnia-Herzegovina, we had a new context, and**
9 that's what I write in my report, too, and then in Bosnia-Herzegovina you
10 don't have two ethnical homogenous groups being formed, that is to say,
11 of the Croats and Bosniak Muslims, but they just functioned on a general
12 level; but what was actually being created was within this ethnic corpus
13 many other subgroups and substrata were formed which were homogenised
14 into a third line and on a third level under different situations, and
15 then they become homogenised and without always having common goals.
16 Part of their goals were common goals, but other goals were not common
17 goals. So that's the psychological logic of that process in keeping with
18 the theories of social identity, realistic conflict, that I offered up,
19 and the theoretical apparatus from the beginning.

20 JUDGE ANTONETTI: [Interpretation] Professor, a group is set up of
21 individuals, you agree with me, and these individuals setting up the
22 group or making up the group might make up a homogenous group. I don't
23 know. We know that individuals make up a group, but let me give you a
24 couple of examples in the situation of General Praljak and the situation
25 of a witness we've heard recently, Colonel Skender.

1 According to what we know, General Praljak was an artist in
2 Croatia and then he became a minister for defence. And then he left this
3 eminent position to go and help out in the Republic of
4 Bosnia-Herzegovina. That's one example.

5 Second example. Colonel Skender, legionnaire in the French Army,
6 who was very high ranking for a foreigner because he became lieutenant
7 colonel, and he could have just sat idly in Corsica, taking advantage of
8 the landscape, and what -- he decided to go and join the HVO. So I was
9 wondering what his motivation was. Did he want to integrate a group, did
10 he want to be part of a group?

11 This is the kind of question that we have, and any reasonable
12 Judge must put these questions and could try to find answers to these
13 questions through a report like yours, but your report doesn't seem to
14 answer our concern. So what can you say about all this?

15 THE WITNESS: [Interpretation] Your Honour, it is true that at
16 that level -- that my report does not refer to that level, but from the
17 theoretical context, we can provide a probable answer to questions of
18 that kind as well. Now, I explained the theories of ethnocentrism, of
19 nationalism, the formation of ethnic groups according to
20 socio-psychological criteria, and the principles according to which these
21 groups are formed; religion, culture, language, and common ancestors.
22 That is characteristic for ethnic groups. So when an ethnic group is
23 under threat, then homogenisation within that ethnic group occurs
24 according to those principles, the ones I've just set out, and that's how

25 those ethnic groups come into being in the first place, all those who are

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1 similar. And that's the principle of group formation, similarity under
2 crises, those who are similar and have similar characteristics, and they
3 become homogenised and then make up more or less cohesive groups.

4 In Bosnia-Herzegovina, the situation was as follows: The
5 Muslims, Bosniaks, and Croats homogenised at a given point in time for
6 two reasons. In the subgroups, there were different ethnic strategies.
7 They were never identical on both sides, and I say this in my report, so
8 that because of that, in some places they cooperated, in other places
9 they fought each other, so there wasn't a uniform united, ethnic
10 strategy. But ethnocentrism occurred in both these parts, and in the
11 subgroups, too, and that's the third level of the process of
12 homogenisation. So new contexts were formed and certain events took
13 place.

14 So in answer to what you asked about Mr. Skender and Mr. Praljak,
15 probably both of them arrived according to those principles because they
16 have certain characteristics that link them. Now, as for Mr. Praljak, I
17 don't know. He was in the Ministry of Defence in the Republic of Croatia
18 when cooperation documents were signed with Bosnia-Herzegovina, so
19 probably it was within that context that he cooperated and went to
20 Bosnia-Herzegovina in the first place.

21 JUDGE ANTONETTI: [Interpretation] Professor, if I understand you
22 correctly regarding this theory of ethnocentrism, it's sufficient to have
23 people that have religion, culture, language and ancestors in common to

24 make up an ethnic group, and if I understand you correctly, the Croatian
25 community which was set up in Herceg-Bosna was set up in this context,

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1 people who said, We have a common language, common religion, common
2 history, and because of this we will belong to this group.

3 THE WITNESS: [Interpretation] According to those
4 socio-psychological theories, that would then be correct. Religion,
5 language, culture, those are -- and common ancestors, those are the
6 factors, but it's a little different from the establishment of national
7 communities, because with national communities you have to have a nation
8 and a national state, which is a more complex phenomenon, and for ethnic
9 communities and groups, what you said, Your Honour, is true.

10 JUDGE ANTONETTI: [Interpretation] Very well. I think I somewhat
11 perceive what you're saying. It's quite complicated, but you'll agree
12 with me that it is complex.

13 JUDGE TRECHSEL: Thank you, Mr. President.

14 First, I read, Witness, on page 46, line 9, the following
15 sentence:

16 "In the subgroups, there were different ethnic strategies."

17 It's a short sentence. In the subgroup, there were different
18 ethnic strategies. You have said that here a short while ago. Could you
19 explain what you mean by this, ethnic strategy in a subgroup?

20 THE WITNESS: [Interpretation] Your Honour, at the level of ethnic
21 communities, that is to say, at the level of their organisation,
22 political organisation, of course various decisions were made, agreements

23 reached, and so on. Now, those decisions and agreements were made by
24 those who were in charge, who led those ethnic groups, and of course they
25 tried to apply that to all the ethnic groups, entire ethnic groups.

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1 However, because of the situation in Bosnia-Herzegovina, and I've spoken
2 about that several times already so I don't want to repeat myself, it was
3 difficult to implement that because many subgroups were formed due to the
4 objective conditions prevailing in Bosnia-Herzegovina, the separation
5 within the same ethnic corpus due to the wartime conditions and other
6 factors. However, in those groups and subgroups, of course, you had
7 discussions and debates, and in each of the ethnic groups the principles
8 were followed of the ethnic group to which you belonged, to which one
9 belonged, rather than agreeing to other principles. However, certain
10 strategies were formed within the subgroups, at the level of the
11 subgroups, which, in the socio-psychological context, as I write in my
12 report, frequently did not need to have any points in common, anything
13 linking them to those general principles or decisions. And so those are
14 the spontaneous situations that I refer to, and those norms in those
15 groups are then established by a leader or a group of individuals, and
16 that happens under wartime conditions.

17 JUDGE TRECHSEL: Okay. Let's return to these groups where the
18 Prosecutor got interrupted. I wonder what you have in mind by these
19 groups that are the result of spontaneous group formation. Was it the
20 HVO?

21 THE WITNESS: [Interpretation] No, no, it wasn't the HVO.

22 JUDGE TRECHSEL: Thank you. Is it -- was it criminal gangs like
23 the one known as Kinder Platoon?

24 THE WITNESS: [Interpretation] Your Honour, yes, yes, criminal
25 gangs do come under that category. But not only criminal ones, but they

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1 were based on other principles too.

2 JUDGE TRECHSEL: Thank you.

3 Please, Mr. Scott. Excuse me for interrupting.

4 MR. SCOTT: Thank you, Judge Trechsel.

5 I'm getting French translation on the English channel.

6 THE INTERPRETER: Sorry, the interpreters are sorry.

7 MR. SCOTT:

8 Q. Sir, I want to go back to the other groups, and I don't think,
9 sir, and I'll put to you, you can't simply skip over and choose the
10 groups you want to talk about or you've already started your entire work
11 with a conclusion in mind. The group I want to talk about is the
12 leadership group, if you will. And you said leaders come into existence,
13 and the leader I want to talk about are people such as Franjo Tudjman,
14 Mate Boban, Jadranko Prlic, Bruno Stojic. That's the group I want to
15 talk about, and you can't just simply skip over them like they don't
16 exist, sir.

17 Now, when you concluded -- you said a moment ago, by the way,
18 that there was no initial anticipation of conflict with the Muslims, but,
19 sir, the quote that I read to you from President Tudjman some minutes ago
20 now, about the need for a partition of Bosnia-Herzegovina and the fact

21 that the Muslims would simply have to go along, sir, that was June 1991.
22 It wasn't 1993, it wasn't 1994; it was June of 1991 that Mr. Tudjman said
23 that. Now, did you also -- and you talked about homogenisation of
24 groups. When you consider that part of your report, did you read -- did
25 you read part of the record of a meeting on the 27th of December, 1991,

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1 where Boban says that by cleansing the border areas of Herceg-Bosna, that
2 would create about 65 per cent of the Croat population in Herceg-Bosna?
3 Did you consider that in your process of homogenisation? Yes or no, sir?

4 A. Counsel, again I claim that I did not take political decisions
5 into consideration, and I told you why. I was talking about the process
6 of creating groups, conflict among groups, and from that point of view
7 I'm saying whether it was possible to organise something, something to
8 the effect of -- if any kind of organisation was possible.

9 Q. I'm talking about the organisation of Herceg-Bosna, and you know
10 full well the role that Herceg-Bosna played in these events. That's the
11 organisation -- that's the group formation that I want to talk about.
12 And you're saying you just skipped over -- you just kind of skipped over
13 that, that wasn't convenient to you to deal with that?

14 A. Counsel, I'm not avoiding anything. I am just not dealing with
15 the functioning of political institutions at the time. I'm dealing with
16 the social and psychological aspects of a process to form war groups.

17 Q. What you're not dealing with, sir, is the facts of this case.
18 You can talk about theory all you want. We can sit here all day and read
19 textbooks about social psychology. We have to apply it to the facts of

20 this case.

21 Now, did you read -- when you did that, did you read the report
22 by Milivoj Petkovic dated the 26th of June, 1992, where he says that the
23 HVO goal, I emphasise the word "goal," is to put under control the
24 remaining area of Croatian municipalities, including Mostar and Stolac,
25 and to establish Croatian rule over all municipalities? Did you consider

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1 that document in doing your work?

2 MS. TOMANOVIC: [Interpretation] Just a moment, please, just a
3 moment. Could you please wait, sir?

4 This is the third or fourth time that my learned friend is asking
5 a question of the witness as to whether he read any other documents, and
6 he puts all of the documents out of any context. This expert's task was
7 to come up with an expert report that was commissioned by the
8 General Praljak Defence team, and the expert moved within that framework.
9 He has repeated several times that he did not deal with the facts of this
10 case. And now the Prosecutor chooses, among the tens of thousands of
11 documents that are already in evidence --

12 [In English] Would I be please allowed to finish.

13 JUDGE ANTONETTI: [Interpretation] Yes, Ms. Tomanovic, we're all
14 trying to make a wise use of time. What you're saying, you know, the
15 Judges know it fully well. The Prosecutor is putting questions, and the
16 witness is answering, and then the Trial Chamber will draw its own
17 conclusions. Don't think that the Judges are naive or fools. You know,
18 they understand. They understand what's going on. You don't have to

19 warn the Judges, you know, to be careful. It's pointless.

20 If the Prosecutor wants to waste his time, let him waste his
21 time. If he wants to repeat the same question three times, the witness
22 said he didn't see the document, and the Prosecutor is still pressing on,
23 let him do it.

24 Now, regarding substance, you might be right. The expert report
25 was not dealing with the subject. It's obvious. This was a

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1 psycho-sociological report and not a report on facts or politics. But if
2 Mr. Scott wants to use his time on this, let him do it.

3 JUDGE TRECHSEL: I largely agree, and I think that the objection
4 ought to be sustained because the witness has made it very clear that he
5 has not read any document of what is a document in the sense we use the
6 word here, and therefore I think it's really a question that should
7 not -- the kind of question that should not be repeated.

8 MS. TOMANOVIC: Just a second. [Interpretation] Let me take
9 another 30 seconds of your time.

10 Given the fact that Mr. Scott mentioned the name of my client,
11 and in case any of the documents relative to my client are used, I'm
12 going to refer to the decision on the adoption of guide-lines for
13 presenting a Defence case, guide-line number 1, and I'm going to ask to
14 cross-examine this witness, and I rose only to save some time.

15 Thank you very much.

16 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

17 MR. SCOTT: Thank you, Your Honours, and I take on board and I

18 take it that much of my task is accomplished and we've established
19 clearly that this witness does not and did not deal with the facts of
20 this case. That was exactly the point.

21 Q. The problem is, sir -- the problem is your report doesn't pretend
22 to be -- it doesn't purport to be simply a setting out of theories. You
23 say that these things actually happened. You assert that people in the
24 HVO were out of control. You assert that people who committed crimes
25 were out of control. You just simply -- you don't say these were

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1 theoretical possibilities. You say that's what happened. And what I'm
2 putting to you, sir, you can't possibly say that because, as we've just
3 established, you didn't study the facts of this case, did you?

4 A. Counsel, it's suffices for me to read facts that I found in other
5 publications. That's how Aronson did his analysis of Mi Lai, and that
6 was enough for me.

7 Q. So relying on Mr. Jurcevic's report was enough for you?

8 A. And many others, Counsel.

9 Q. We're not going to go back to that point at this point. All
10 right. In light of the comments from the Chamber, let me not take more
11 time on that.

12 Let's turn to a part of your report where you talk about the use
13 of symbols and heroes and values. If you'll go to -- in your report,
14 which the report, for the record, is 3D03721, you talk about -- for
15 instance, on page 6 of the English version, on page 6 and 7 of the
16 Croatian language of the document, you talk about a system of values,

17 culture, and identities, and you refer to something called the "onion
18 diagram," which is then on the page 7 of both the English and the B/C/S
19 versions, and there's a chart there on the middle -- or a diagram on the
20 middle of the page, and you have values, practices, rituals, heroes,
21 symbols. Do you see that -- well, you're familiar with that, aren't you?
22 Yes?

23 A. Yes, I can see this in front of me.

24 Q. Now I'd like to refer you to another exhibit in talking about
25 this topic, and that is P11024, P11024. And there are other parts of

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1 this document that if we had time we might get to, but I need to go right
2 now, specifically, to -- excuse me, pages 8 and 9 of your article.
3 There's only one -- let me just read it to you, because there's only one
4 specific part for now that I want to deal with.

5 You say that, in talking about Serbian volunteers, in that
6 paragraph -- it starts on the top of page 9 of the -- or continues over
7 the top of page 9 in English:

8 "Besides, he was the one who awarded Seselj the military title of
9 Chetnik," "duke" is the translation, "and this actually created a
10 symbolic continuity in Serbian, fascistic, and imperialistic territorial
11 pretensions to Croatian territory."

12 Can you tell the Judges what you meant in this article when you
13 described this as symbolic continuity?

14 A. Counsel, I'm answering questions pertaining to my expert report.
15 How can I artificially establish a link between one document and another

16 and compare them? I can talk about the Chetnik movement, how it
17 developed, and what were its reflections, what its reflections still are,
18 but I cannot establish a link between my expert report and one of my
19 professional papers that I presented as a symposium of the Association
20 for Victimology and that I published in a book of papers that was edited
21 by Dr. Separovic, the vice-president of the World Victimology Society
22 that was organised in Croatia. **I really can't understand your question,**
23 and it really defies reason, I might say.

24 Q. Well, you've told us all sorts of concepts about individuation
25 and group behaviour and conformism, so just tell us, what do you mean

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1 when you use the term "symbolic continuity"?

2 A. I don't understand. Again, I don't understand your question.
3 You have to tell me what context I said it.

4 Q. Sir, it's your document. I read it to you just now. You're
5 referring to the Serbs and their involvement in this conflict. You
6 say -- I took you to your report where you talk about the role of
7 symbols, heroes, rituals and values. I showed you another document which
8 you've confirmed that you wrote in which you talk, in the context of the
9 Serbs, about the symbolic continuity in Serbian and fascistic, et cetera.

10 Now, I don't have to explain to you, sir, your own work. You
11 don't know what you meant when you said -- used the words "it showed a
12 symbolic continuity"? That has no meaning to you, your own words?

13 A. Counsel, sir, I don't know my expert report by heart. That's why
14 I wanted to know about the context. However, when you say "symbolic

15 continuity," I incorporated that into the so-called diagram --
16 arch-diagram, and this is something that is used in anthropology,
17 sociology, and it goes from anthropologic to sociologic to psychological
18 perspective, and that's how I try to incorporate to show that there was
19 symbolic continuity, because the Chetnik movement is an organisation
20 which was illegitimate in the first Yugoslavia, and then the continuity
21 was interrupted in the second Yugoslavia. However, Prince Djues [phoen],
22 who was a Chetnik and who cooperated with Italians and fascists, and he
23 participated together with him in the Second World War, he, in a
24 symbolical way, handed over that duty to Vojislav Seselj, together with
25 the title of "vojvoda," and that's when the Croatian aggression against

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1 -- when the Chetnik aggression against Croatia started, and that's how
2 the Chetnik movement continuity -- continues within the framework of the
3 Serb aggression against Croatia.

4 JUDGE ANTONETTI: [Interpretation] Witness, I can't ask any
5 questions because I am the Presiding Judge in the Seselj case, I'm not
6 allowed to ask questions, so I have to put this on record.

7 MR. SCOTT:

8 Q. Well, sir, let's go to some other symbology. And if I could ask
9 you to turn to Exhibit P10522, P10522. Sir --

10 A. [In English] Okay, I see.

11 MR. SCOTT: Excuse me, Your Honour, I might have some -- I'm told
12 it's not in the binder for some reason, so I -- I don't know why.

13 Q. Sir, if you can look at the overhead -- or, excuse me, on the

14 screen in front of you. My apologies.

15 MR. SCOTT: If we can just -- if we can just for the purposes of
16 everyone orienting themselves to this document, if you could go to the
17 next page, Mr. Registrar? Oh, it is in the binder, I'm told. I'm sorry.
18 Can you go to the next page ? Yes.

19 Q. Sir, these are all images from the World War II independent state
20 of Croatia. If you go to the next document -- the next page, please.

21 Let's stop on that one for a moment, because that's the one --
22 because our time is so limited, that I want to focus on.

23 This is a photograph of Jure Francetic, and he has a big U on his
24 helmet, and that stands for "Ustasha," doesn't it?

25 A. [Interpretation] I suppose so. I don't know what Jure Francetic

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1 looks like. Now I see him and I can see his name depicted, so I believe
2 you, that it is indeed Mr. Jure Francetic.

3 Q. And Mr. Francetic, in fact, was one of the most notorious Ustasha
4 war criminals of World War II, wasn't he?

5 A. Yes, that's true.

6 Q. And what values -- what symbols do you think are communicated
7 when Mr. Francetic is made a hero and one of the HVO units, in fact the
8 unit that some of the people in this case attended the swearing-in
9 ceremony, when an HVO unit is named the Jure Francetic Brigade, what
10 value, what symbol, what message, does that communicate in group
11 formation?

12 A. Counsel, I don't know. I don't see a link between that and my

13 expert report.

14 Q. Sir, you told us you want to talk about group formation, and
15 you've talked in your report -- and I've taken you to the page where you
16 talk about the importance of symbols, heroes, values. When we have an
17 HVO unit -- the Chamber knows this evidence, they've seen the video of a
18 swearing in ceremony, and it was the Jure Francetic Brigade. What kind
19 of message do you think it sends to the members of that brigade to have
20 their unit named after a notorious war criminal? Come on, you're the
21 social psychologist. You can answer that.

22 A. Counsel, I am not justifying this. If I had participated in
23 that, I would have told them not to call the unit Jure Francetic. And I
24 said it very clearly in my expert report, what my views were -- are of
25 the extremist political organisation known as Ustasha that existed during

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1 the Second World War.

2 JUDGE TRECHSEL: I'm sorry. Witness, you did not answer the
3 question. The question was: What is the message that this name for the
4 brigade conveys? The answer was not whether you agree or anything of
5 that, but what is the message that is conveyed if a brigade is called
6 after Francetic?

7 THE WITNESS: [Interpretation] Your Honour, the message is clear.
8 The message is implied. A link was being established between the
9 independent state of Croatia **and the Croatian Army at that moment. I**
10 really am not familiar with this unit. I don't know when and where it
11 was formed. But the message, however, is obviously clear, the message of

12 those who created that unit, so there could be no avoiding the link
13 between that unit and the troops -- the army that existed in the
14 independent state of Croatia.

15 JUDGE TRECHSEL: Thank you.

16 THE WITNESS: [Interpretation] Your Honour, is there any proof for
17 what the counsel is claiming? The messages are clear. I know what he is
18 aiming at, and I provided my answer. However, I don't know whether -- I
19 don't know, I don't know what this is all about. I'm simply confused.

20 JUDGE ANTONETTI: [Interpretation] Witness, you're now asking a
21 question of me. You ask for evidence that may be in the possession of
22 the Prosecutor. He shows you a photo. I'm seeing it for the first time,
23 myself. We can see a person who seems to be called Jure Francetic. He
24 is in a black uniform. He wears a soldier's helm with a U on it, and the
25 Prosecutor asked you whether it says -- it means "Ustasha," and you say,

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1 Yes. And he tells you that there was a brigade with the name of
2 Francetic, did you know that or not? He's asking you what is conveyed by
3 this symbol. That's all. And you said, in your answer, that you would
4 not have used the name.

5 Mr. Scott.

6 THE WITNESS: [Interpretation] Correct.

7 MR. SCOTT: If we can go on, please, to Exhibit P04020, P04020.

8 This is an order dated the 8th of August, 1993, over the name of
9 Milivoj Petkovic.

10 Q. Briefly, sir, I'd like to direct your attention -- the

11 courtroom's attention to paragraphs 2, paragraph 3, and paragraph 4, and
12 in several -- in those three paragraphs, sir, the document refers to
13 Muslims with the -- what we've come to know a derogatory term called
14 "balijas." "Baliija," in the second -- in paragraph 2, "baliija" in
15 paragraph 3, "baliija" in paragraph 4. Now, what value or symbol or
16 message does that convey, when a commander uses ethnically derogatory
17 language in the orders to the troops under his control, under his
18 command?

19 A. Counsel, the social and psychological logic does not apply to the
20 chapter that you are quoting. You're not privy to the theoretical and
21 methodological apparatus, and I understand that that's why you're putting
22 things into a wrong context. But let me put things in the right context,
23 and let me then interpret things.

24 This belongs to the context of -- of prejudice, as we know them
25 in the socio-psychological context. In a socio-psychological context,

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1 this belongs to the way -- prejudices are created towards external
2 groups, and those prejudices are particularly developed in extreme and
3 crisis situations, and they develop very fast. This happened during the
4 war, during the conflict between Bosniak Muslims and Croats.

5 The cognitive part of any prejudice is a stereotype. What
6 stereotype achieves is the process of generalisation applied to all
7 members of a group, based on the same characteristics, and no differences
8 are recognised as existing within that group. And in that logic, a
9 stereotype actually leads to the behavioral part of a prejudice, which is

10 discrimination, and ultimately conflict. One of the stereotypes which
11 were applied in referring to Bosniak Muslims during the war was obviously
12 the stereotype of "baliija." This is the same as if --

13 THE INTERPRETER: Microphone, Counsel, please. Microphone for
14 Ms. Alaburic.

15 MS. ALABURIC: [Interpretation] With your permission, Your
16 Honours, for the record, I'd just like to make an objection from the
17 Petkovic Defence. We didn't want to influence the witness in his answer,
18 but I'd like to draw your attention to the fact that my learned friend
19 Mr. Scott erroneously interpreted this document, because in that document
20 it is not the Muslims that are being referred to, that is to say, members
21 of an ethnic group, but about an enemy army. I say that so that we can
22 understand the use of this term, regardless of its positive or negative
23 connotations, better.

24 Thank you.

25 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

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1 MR. SCOTT:

2 Q. I want to move forward, sir, to another part of your report.
3 I think you'll find it on page 85 of the Croatian version, but I believe
4 it's on page -- I may have written the page down wrong. You make this
5 assertion in your report, and it says:

6 "Taking into account that many subgroups were not under any
7 institutional control and that possibilities of sanctioning any deviation
8 in the Law of War were minimal or none, according to theoretical

9 framework it is obvious that commanders at various levels could hardly
10 and often not at all fully control the war situation and behaviour of
11 these subgroups."

12 Now, this comes back to the issue that I raised with you a few
13 minutes ago, sir. The problem here is that you don't simply say that
14 your report is a collection -- essentially a textbook on concepts. You
15 say that's what happened. You say that they were not under control.
16 What do you base that on? Who told you they were not under control?

17 A. Counsel, the events that took place in Bosnia-Herzegovina were
18 publicised in the media, on television. I said I read publications, I
19 read expert reports. There are sufficient sources for this
20 socio-psychological logic. But this is an application of a theoretical
21 framework to the real situation. It was a spontaneous organisation of
22 groups that I spoke about yesterday, and we repeated that several times
23 today. So it's within the context of conformity, conforming --

24 THE INTERPRETER: Could the witness kindly slow down. Thank you.

25 MR. SCOTT:

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1 Q. Sir, you just did it again, though, you make the assertion. It's
2 one thing for you to comment, and I understand if you want to come in and
3 give the Judges a lecture on various concepts, the area that you're
4 involved in, in terms of social psychology. But the problem, sir, and I
5 put to you again, the problem with your report is it purports to go
6 beyond that and say, Well, I'm not talking about theory; I'm talking
7 about what actually happened. You're saying here "were possibilities of

8 sanction" -- "subgroups were not under control. Possibilities of
9 sanctioning were minimal or none. Under these circumstances, they could
10 not fully control the war situation."

11 You don't say those were possibilities. You're telling these
12 Judges that that's exactly what happened on the ground, and then you turn
13 around and tell us, Well, I didn't look at the actual documents. So are
14 we back at saying again: You didn't actually look at the facts of this
15 case, did you?

16 A. Counsel, no, we seem to be going round in circles here.

17 Q. Would you look, please, at Exhibit P03019. And I'm going to show
18 you, as quickly as possible, about four exhibits, and then I'll put a
19 couple of questions to you, so I'll appreciate your cooperation. P03019.

20 A. Would you repeat that, please.

21 Q. P03019. Sir, the first one I want to show you is, if you have
22 3019 in front of you, this is an order dated the 30th of June, 1993, **over**
23 the name of Milivoj Petkovic. I'm directing your attention to
24 paragraph number 8, second sentence. Paragraph numbered 8:

25 "Isolate all able-bodied men in Muslim-inhabited villages in your

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1 area of responsibility and leave women and children in their houses or
2 apartments."

3 And then we have this, and I'm going to come back to this, I'm
4 going to ask you and the courtroom to focus on this, and the number of
5 this order we have -- for simplicity's sake, I'm going to focus on the
6 last digits just so we have to repeat fewer digits in the courtroom, but

7 it's 1244/93, you'll see that in the number above, the last part being
8 1244/93. And then you'll see -- under Petkovic's name, you'll see that
9 the operative zone commander, which is the level of the HVO military
10 hierarchy immediately below Mr. Petkovic, the operation zone commander,
11 Mr. Lasic, sends it on below to brigades under his command, including the
12 2nd Brigade and the 3rd Brigade. Do you see that?

13 A. Yes, I do.

14 Q. Now, if you'll go to Exhibit P03128, it should be just close by
15 the one you looked at, 3128. This is another order dated the 2nd of
16 July, 1993, a couple of days later. It is over the name, again, of
17 Mr. Petkovic, and indicating "in agreement, Bruno Stojic." And the
18 number on the top of this order is, and the last, again, the last digits,
19 1259/93, 1259/93. And, again, we have a series of orders going down to
20 various units.

21 I'll note for the Chamber in terms of some recent questions, the
22 involvement of Mr. Naletilic, Tuta, the Tuta ATG, the orders and giving
23 directions to military police units, the order to -- in item number 3,
24 the defence of the town of Mostar, commanders Brigadier M. Lasic,
25 et cetera. You have that order, and I'll ask you, sir, to keep that

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1 number in mind, 1259/93.

2 If you go to Exhibit P03117, P03117, the very front, I believe --
3 right in front of the last one, this is an order dated the 2nd of July,
4 1993, by Mr. Miljenko Lasic, the operative zone commander, the same day,
5 2nd of July, 1993. P03117. And Mr. Lasic says, in the first paragraph:

6 "On the basis of General Staff/Main Staff order" and we see
7 "1259/93," which is the document we were just looking at, and Mr. Lasic
8 relays -- sends the order down his chain of command. Among other things,
9 he appoints a military police officer as the sector commander, an order
10 by Mr. Lasic to a military police officer, but we see the reference to
11 1259/93. Mr. Lasic sends it to the 2nd Brigade, the 3rd Brigade, the 3rd
12 Military Police Battalion --

13 JUDGE PRANDLER: Mr. Scott, please really slow down a bit. Thank
14 you.

15 MR. SCOTT: My apologies, Your Honour.

16 Q. And the last one, before I put a couple of questions to you, is
17 P03156. This is an order the next day, 3 July 1993: "Pursuant to the
18 order of the General Staff number 1259/93," and then also the reference
19 of his immediate commander, Mr. Lasic, "3822/93," then
20 Mr. Broljic [phoen] makes his order to his units.

21 Now, all these have to do, sir, with the arrest of Muslim men --
22 among other things, the arrest of Muslim men in the first part of July
23 1993. Don't those documents indicate to you, sir, these were not random,
24 spontaneous acts, were they? Were they, sir?

25 A. Counsel, once again there's a misunderstanding here. You're

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1 talking about the wartime context, that is to say, orders within the
2 wartime context and facts that I have no reason to doubt that they're as
3 said, and you link that up with something that cannot be linked up. It's
4 got nothing to do with the formation of ethnic groups on a wartime

5 principle. All it has to do with here is with -- with all the war
6 operations. Now, as I say, as I've said several times, I don't have an
7 insight into that area and so can't comment on it, and I can't
8 incorporate it into the theoretical model that I offer up, nor is this at
9 the level of an expert report, the level and assignment I was given. So
10 I would have to analyse all this separately, all these documents that
11 you've put before me, and then, on the basis of that analysis, I would be
12 able to offer up a social-psychological answer. But this is the first
13 time I'm encountering all this.

14 You've quoted a series of orders which you say are linked up in
15 one way or another, but I was not able, rationally, to follow that
16 attentively enough because I don't know the subject matter, so it's
17 impossible for me to answer, although I have the best will in the world
18 to answer. But I cannot answer or incorporate it within the context that
19 I was talking about. There's no theoretical -- this cannot be placed in
20 the theoretical framework which I offered because it's quite a different
21 subject matter.

22 MS. NOZICA: [Interpretation] Your Honours, I apologise, but for
23 the transcript I'd like to say that it would be proper -- I've waited for
24 the witness to finish his answer first, but it would be proper to ask the
25 witness whether he knows what happened in the area on the 30th of June,

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1 because if these orders are being placed in some kind of context, one
2 must know how they were engendered. But I think the witness has already
3 answered that in his own way.

4 Thank you.

5 JUDGE ANTONETTI: [Interpretation] Professor, in your report you
6 state that there are some rogue groups, uncontrolled groups. Very well,
7 we can read it. And the Prosecutor is using documents to show you that a
8 number of facts occurred after orders were given, after a succession of
9 orders were given.

10 This is the month of July, early July. There are problems
11 between the Muslims and the HVO, so we can't understand what is
12 happening. But it seems that a number of orders were given to isolate
13 Muslims, isolate, arrest, detain. We're not going to go into this. And
14 the Prosecutor did use the word "isolate." Now, he would like to know
15 whether the conclusions of your report actually took into account
16 situations where things did not happen randomly, where things happened
17 after orders had been given. That's the crux of the problem. And given
18 these kind of orders --

19 THE INTERPRETER: If you had known, interpreter's correction.

20 JUDGE ANTONETTI: [Interpretation] If you had known that these
21 orders existed, would you have written the same conclusions in your
22 report or would you have changed your conclusions?

23 THE WITNESS: [Interpretation] Your Honour, this part is -- can be
24 incorporated into the part where I say that after the conflict between
25 the Muslims and the Croats, that certain crimes occurred on both sides,

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1 there were crimes committed on both sides, so I put that in context and
2 said that that was -- well, I said what the cause was and what the

3 consequence was, but I said at the end -- in my conclusions, I put this
4 in a sort of qualitative/quantitative ratio of the crimes committed by
5 the Serbs, as the aggressors leading to the Bosniak Muslim conflict, and
6 I said there was a conflict between these two groups, but from the
7 socio-psychology aspect, you can't ascribe the same responsibility to
8 everyone, given the context. So that's the overall context that I place
9 this in, if we're dealing with an event which was deemed a crime. But,
10 once again, as I say, I'm not clear on these individual situations. I
11 don't know what all this is about. I don't know what the war context is
12 or what the consequences were, so I would have to be informed of all that
13 and then I could answer within the context of my analysis.

14 Of course, you can answer this question, but I can't do it like
15 this, off the bat, because I don't know enough of the facts, I don't know
16 the whole scope or context of the situation.

17 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

18 MR. SCOTT:

19 Q. Sir, you also say, in the part that I quoted to you a moment ago,
20 that there were no measures -- essentially, there were no measures. It
21 is obvious that commands at various levels could hardly or often not at
22 all fully control the war situation and behaviour of these subgroups.
23 Now, at the risk of getting the same answer and getting further direction
24 from the Chamber, but on this specific topic I'm going to again ask you:
25 Did you review any documentation as to the disciplinary measures

1 available to the HVO, the implementation of disciplinary measures? Did

2 you review any documents where a commanding officer disciplined any of
3 his troops for improper behaviour, or do you -- again, you just simply
4 assert that they were out of control, but you don't really know?

5 A. Counsel, no, I didn't, and I didn't take that logic. I saw that
6 the commander had very restricted possibilities, and the way in which --
7 I addressed the way in which these groups were formed very hastily. And
8 as they were mostly volunteers, as the volunteer principle existed, then
9 sanctions and punishment and disciplinary measures didn't exist in the
10 same way as a commander would have with an ordinary army and ordinary
11 soldiers, and so control wasn't possible as of the kind we know in
12 highly-civilised societies and organised armies.

13 Q. I'm going to stop you there, sir. And I apologise to the
14 interpreters, but if I just wait until the answer -- until Mr. Sakic
15 stops talking, we spend too much time, I apologise for that.

16 But, sir, I'd like you to look quickly, please, at P02595,
17 P02595? While you're finding that -- do you have it, sir?

18 A. [In English] I expected it --

19 Q. 2595. And while you're looking at that, so I can save time, this
20 is a record of an order by Mario Cerkez, dated the 1st of June, 1993, and
21 in this document Mr. Cerkez, as the brigade commander, takes disciplinary
22 measures against one of his soldiers in the form of a redeployment.
23 Under the order, it talks about the individual's name, it says:

24 "... against whom disciplinary measures were not undertaken in
25 the past, will suffer the following consequences due to his violating the

1 disciplinary rules;" et cetera, and then the first item under that, he is
2 being redeployed from the Batiska [phoen] Brigade to the line of defence.
3 So that's one example I wanted to show you.

4 Would you please look at Exhibit P02650. It should be the
5 next -- very next document, sir, P02650. This is an order a few days
6 later on the 6th of June, 1993, also by Mario Cerkez, about the
7 disciplinary measures taken against the soldier, Bosnjak, and in this
8 instance, in fact, it indicates that while Mr. Bosnjak was originally
9 ordered to spend seven days in detention for a disciplinary violation,
10 Mr. Cerkez sees fit to reduce it from seven days to two days. Do you see
11 that? Do you see that?

12 A. Yes.

13 Q. Can you please go to Exhibit P11033, P -- second to last, P11033.

14 Would you agree with me, sir, that another way of controlling
15 behaviour is to -- not only discipline them, in the sense of sending them
16 to detention, but also to remove or relieve people of their position or
17 responsibilities? You'd agree with that, wouldn't you?

18 A. [Interpretation] Well, that could be one possible measure. I
19 don't know what act was perpetrated, because it's out of context. You
20 keep wanting me to say something about individual cases, whereas I have
21 no knowledge of the context, and I keep repeating the same thing. I
22 can't give an answer if I don't know the context, but I can look at it
23 from the context of analysis.

24 What would happen had all these soldiers left the unit at that
25 time, all of them? Would there have been any sanctions? If they were to

1 leave the army, would the commander be able to take any disciplinary
2 measures against them?

3 Q. You got that wrong. I didn't ask you, in any of these
4 situations, to address the facts. I didn't ask you what these soldiers
5 did to deserve the punishment. I didn't. I'm talking about concepts and
6 measures here. And you did agree with me a few moments ago that removing
7 an officer, removing someone, would be another way of sanctioning
8 behaviour, and in P11033, dated the 5th of July, 1993, a decision by
9 Mr. Stojic, we have Mr. Stojic relieving from duty the assistant
10 commander for security in the Stjepan Radic Brigade; correct?

11 "Mr. Dodic has been relieved of duty."

12 Do you see that?

13 A. Are you asking me whether this document is correct? I see that
14 that's what it says there, but --

15 Q. I'm asking you do you see it, sir?

16 A. [In English] Yes.

17 Q. So when were --

18 A. Yeah.

19 Q. Again, sir, I'm forced to ask you --

20 A. Yes.

21 Q. -- when you conclude and you tell these Judges in your report,
22 you didn't say it was just a possibility, you said there were no measures
23 available. Did you review documents like this to see if what you said
24 was true or not?

25 A. Counsel, I'm just talking about a general situation where you

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1 have volunteers and where people leaving groups and units was not
2 sanctioned. I wasn't speaking about the internal setup or internal
3 relations within individual units and the possibility of taking certain
4 disciplinary measures, so I didn't deal with the military political
5 aspects of the matter.

6 Q. Sir, again we'll certainly let the Judges read your entire report
7 and all the assertions you made about the lack of disciplinary measures,
8 and they'll certainly draw their own conclusions about that.

9 Now, I'm going to come back to the topic of in looking at the
10 behaviour, group behaviour, and certainly I think we have to be able to
11 agree that your report deals with group behaviour, did you study and
12 consider the role of the leadership of these groups in relation to group
13 behaviour?

14 A. Counsel, I dealt with it in -- as concerns that part relating to
15 group decisions.

16 Q. Well, in terms of the group decisions made by Herceg-Bosna, did
17 you study those?

18 A. No, no, I didn't. I didn't deal with group decisions in
19 Herceg-Bosna.

20 MS. NOZICA: [Interpretation] I apologise to my colleague, but
21 while he continued his examination I checked this out. The document,
22 11033 that he called up and that we have in our binder, which is also on
23 our screens, has absolutely nothing to do with Mr. Bruno Stojic, and I

24 would just like to have that established. It's the Osijek Military
25 District, the Croatian Army, and has nothing whatsoever to do with

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1 Mr. Stojic. I think that my learned friend might have made a mistake.

2 JUDGE ANTONETTI: [Interpretation] Mr. Scott, I had noticed that.
3 Maybe you made a mistake in the number you gave.

4 MR. SCOTT: I probably did, Your Honour, and --

5 THE INTERPRETER: Microphone, Mr. Scott, please.

6 MR. SCOTT: I probably did, Your Honour, and I thank counsel for
7 bringing it to my attention. I'm sure it was my mistake. I think the
8 correct number should have been P03186, I hope, if the usher can pull it
9 up on the --

10 MR. KOVACIC: [Interpretation] Yes, but I apologise if that is the
11 case. I wasn't clear. When the witness answered, he was looking at
12 P11033. That's the document he was looking at in his response. So in
13 view of that correction, I think we should verify that, because this is a
14 document from Croatia, and in his expert report this witness does not
15 talk about Croatia. He doesn't say that disciplinary measures were not
16 possible in Croatia. This is the end of 1993, so that's one thing, and
17 the situation in Bosnia and Herzegovina is quite a different matter. So
18 I think that Mr. Scott will have to go back to the document and ask his
19 question again.

20 JUDGE ANTONETTI: [Interpretation] Mr. Scott, please put your
21 question again to the witness, but when we have the document on the

22 screen, only then.

23 MR. SCOTT: We'll come back to it, Your Honour. I don't think
24 we'll be able to finish before the break, although we're getting close,
25 but if I can come back to it.

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1 No need for Mr. Kovacic to talk about what was happening in
2 Croatia. I intended to show a document, and I do have in front of me,
3 the 5th of July, 1993, by Mr. Stojic. Apparently I've written the wrong
4 number on it. I will make efforts to find it and put it to the witness,
5 Your Honour.

6 But before the break, unless the Court would like to take the
7 break now and then we can come back to it? Makes no difference to me.

8 JUDGE ANTONETTI: [Interpretation] Let's take a break for 20
9 minutes.

10 --- Recess taken at 5.27 p.m.

11 --- On resuming at 5.50 p.m.

12 JUDGE ANTONETTI: [Interpretation] The court is back in session.
13 You have 18 minutes left, Mr. Scott.

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

15 I don't think, to be honest, this is going to change any of the
16 testimony, because I think the answers will be the same, but to be clear,
17 and I apologise for having the number wrong myself, I had simply wrote it
18 on my outline, it was nobody else's fault but mine, the correct number is
19 P03186, P03186. It should be available to everyone now. It's also on
20 e-court.

21 Q. And I referred, sir -- just so you know that I was not trying to
22 misdirect you, but when I referred to an order dated or a decision dated
23 the 5th of July, 1993, by Mr. Stojic, removing Mr. Dodik from duty, this
24 is the document I was referring to, if you have that now.

25 Do you have P03186? It's loose on top. It should be -- I think

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1 I see it right there next to you there, sir. Do you have it, sir?

2 A. [In English] Yes.

3 Q. And just so record is clear, that doesn't change your testimony.
4 You say that you did not consider this or the other documents I've shown
5 you, in terms of the potential measures that were available to officers
6 and commanders of the HVO, in terms of disciplining or sanctioning
7 behaviour, does it?

8 A. No, it doesn't, because it did not fit either in the methodology
9 or in the gist of my expert report.

10 MS. NOZICA: [Interpretation] Your Honours, just for the record, I
11 would like to object. This document does not show any link whatsoever.
12 This is a decision on disciplinary measure. It doesn't show that this
13 person was removed from his position because of something that was not
14 admissible. This is just an administrative document, and we don't see
15 why this was done, and we can only see whose proposal it was. This is a
16 document to dismiss somebody from his duties and has nothing whatsoever
17 to do with any disciplinary measures.

18 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

19 MR. SCOTT: Thank you, Mr. President.

20 Q. Sir, before we -- we need to come back for the purposes of the
21 record and clarify that. But now that we've done that, I'd like to go
22 back to the last topic that we were on before we got to that point. And
23 I did ask you, specifically, if you had studied the role of the -- the
24 role of the leadership of Herceg-Bosna in decisions and the behaviour of
25 Herceg-Bosna, and you indicated that you had not. And I'm looking at the

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1 transcript today, page 70 to 71.

2 Sorry, I'm getting a lot of interference.

3 And you indicated on page 70 to 71:

4 "No, no, I didn't, I didn't deal with group decisions in
5 Herceg-Bosna."

6 Correct?

7 A. I didn't deal with any form of decision-making, with any
8 political or military decision-making processes in Bosnia and Herzegovina
9 or in Herceg-Bosna.

10 Q. All right. I just want to make sure that that was clear.

11 I apologise to Your Honours. I'm just, for some reason, I'm
12 getting a lot of interference in my headset.

13 Sir, I'd like to turn to the last topic in the last few minutes
14 that we have.

15 You've talked in your report about the role of, what you, perhaps
16 at some points called criminal elements or extremist. But rather than
17 these people being out of control, do you allow, sir, for the possibility
18 that they were being used, they were doing exactly what people around

19 them, various military and political leaders, wanted them to do, or did
20 you not consider that scenario?

21 A. Counsel, I already said that to the Trial Chamber. I said that
22 during the Serbian aggression, some groups were used and their leaders
23 were criminals, with criminal files across the globe. Those groups were
24 instrumentalised and used with the purpose of aiding the Serbian
25 aggression.

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1 Q. What do you mean, sir, when you say they were instrumentalised?

2 A. I'm saying that when such groups and when criminals are
3 instrumentalised, they accept to participate in such actions because they
4 know that the real reasons for their participation, looting and the acts
5 of violence which have nothing whatsoever with war goals, will not be
6 punished. Whatever they steal will belong to them. Criminal groups are
7 anti-social and asocial groups, and their primary goal is always personal
8 gain.

9 Q. But you would agree with me, wouldn't you, sir, that in terms of
10 a concept, and you told us this afternoon repeatedly that you're dealing
11 often with concepts and not the actual facts, but conceptually there's
12 nothing that would make that phenomenon, if you will, unique to the
13 Serbs? The Muslims could do that, the Croats could do that, various
14 criminal elements could be instrumentalised, to use your term; correct?

15 A. Counsel, of course it is possible in every military.

16 Q. And can you tell us, before I go to my couple of final questions,
17 who was Vice Vukojevic?

18 A. Counsel, I know Vice Vukojevic from the late 1990s as an MP in
19 the Croatian Parliament.

20 Q. Wasn't he widely regarded in the 1991-1995 period, and perhaps
21 even still today, as a Croat nationalist of a rather extreme sort?

22 A. Counsel, I can't confirm this. I can't answer your question, I'm
23 afraid. Could you perhaps ask me a somewhat clearer question? What do
24 you mean? Who?

25 Q. Sir, you told us all day now and all day yesterday about your

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1 extensive work in these areas. You've been at the institute for the last
2 17 years. We've heard extensively about your connections, the network of
3 people that you've been associated with. In all that time, in all those
4 contexts, you're telling the Judges you've never heard, in any discussion
5 or conversation, or read any media article, that describes Mr. Vukojevic
6 as an HDZ hard-liner, a Croat nationalist who was very close to Minister
7 of Defence Susak?

8 A. Counsel, then ask me that. Are you saying that the media -- or
9 are you asking me -- or maybe you should ask me about the media and
10 whether I read such articles in the media. I read it in the media, that
11 that's how he was treated, yes.

12 Q. Okay. Well, we'll settle for that for the time -- for purposes
13 of the time. My first question was to you was he was -- not what your
14 view was, but was he widely regarded as, and I think you've just answered
15 that question.

16 Sir, can I ask you to turn to P07695, P07695, about the middle of

17 the binder. This is a record of a presidential meeting on the 27th of
18 January, 1994, and I'd like to direct your attention -- and the page
19 number will be the same in both the English and the Croatian version,
20 page 6 -- starting on page 16. And perhaps in dealing with this, you can
21 remind us -- the Judges, please, who was Dr. Franjo Greguric as of -- in
22 January -- what position did he hold in January 1994?

23 A. Counsel, I don't know what his position was. I believe that he
24 was prime minister, but I don't know whether he was prime minister in
25 1994. He was prime minister in 1992, during the Government of Democratic

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1 Unity, and I don't know for how long that government was in place.

2 Q. All right. Sometime around this period of time in the mid-1990s,
3 Mr. Greguric was prime minister of Croatia, the Republic of Croatia;
4 correct?

5 MR. KOVACIC: Objection. [Interpretation] The witness said it
6 clearly, that he didn't know about that time. It was asked and answered.

7 MR. SCOTT: Well, I think the question was -- I wasn't
8 specifically saying -- he said he wasn't sure if it was in January of
9 1994. I simply came back to allow, then --

10 Q. Sometime during this period, sir, in the early 1990s, 1992, 1994,
11 Mr. Greguric was prime minister; correct?

12 A. If you say so. I don't know. I can't see it from the document,
13 and I did say that I didn't -- don't know for how long he was
14 prime minister.

15 Q. Well, he was prime minister at some point in the mid - in early

16 1990s, sir; yes or no? Come on.

17 A. All I know, I've already told you. He was the prime minister in
18 the Government of Democratic Unity. I don't know for how long. There
19 were ten prime ministers in Croatia in the early 1990s, and it never
20 occurred to me to memorise the dates when they were prime ministers.

21 Q. Well, when Mr. Greguric was meeting with Mr. Tudjman on the 27th
22 of January, 1994, and I'm going to about the middle of page 16, Greguric
23 says to Tudjman:

24 "I must tell you, Mr. President, I will no longer even share the
25 bench with Vico Vukovic."

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1 And I think that's a miss, but you'll see later in the context
2 the full name. I think there's a misspelling of the name. Mr. Greguric
3 and Mr. Tudjman are having this conversation, and then President Tudjman
4 responds, at the bottom of page 16:

5 "Yes, but we cannot finish it without Vice Vukojevic. How do you
6 fail to grasp that? Vice Vukojevic, too, went to Herzegovina where the
7 borders of the Croatian state are being determined."

8 Sir, isn't that an example of what I put to you earlier, what you
9 said in the context of someone being instrumentalised? President Tudjman
10 knew there were objections about Mr. Vukojevic, but responds specifically
11 to Mr. Greguric, Yes, but we can't do the job without him, to that
12 effect, doesn't he?

13 MS. ALABURIC: [Interpretation] Your Honours, I would kindly ask
14 my learned friend Mr. Scott to assist us with the transcript, because if

15 I'm following the developments in the courtroom well, then this sentence
16 refers to three people, Vice Vukojevic, Jozo Manolic, and Stipe Mesic.
17 Would you please be so kind and confirm this? Or maybe we're all
18 misreading the transcript.

19 MR. SCOTT: Thank you, Counsel. I thought I'd been clear that
20 starting on the bottom of page 16:

21 "President: --"

22 Well, let's go back -- and given what's been said, let's go back
23 to the end of what Mr. Greguric says to put this in further context. I
24 was trying to save time. I apologise:

25 "Those men are in the hospital and external appearances are

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1 deceiving, you know, cars. Everything looks good. We've become terribly
2 impoverished. They don't money and are dissatisfied. A host of people
3 have come to me and said, The situation is difficult. The war should be
4 ended. The sooner it ends, the better it will be. There is no other
5 way."

6 "President: Yes, but we cannot finish it without Vice Vukojevic.
7 How do you fail to grasp that? Vice Vukojevic, too, went to Herzegovina,
8 where the borders of the Croatian state are being determined."

9 That's what I read. Now, if counsel wants to read further down
10 the page, Mr. Tudjman, in fact, does indeed confirm that if he could, he
11 would get rid of Mr. Vukojevic, but he just said:

12 "I can't, I need them because of the war. I would get rid of
13 Vukojevic and Manolic and Mesic for other reasons, I would point out, if

14 you read the entire transcript, "I would get rid of them but I need them
15 because of the war."

16 Q. Now, let me go back to my question, sir. Isn't this an example
17 of someone like Mr. Vukojevic being "instrumentalised" to get the job
18 done?

19 A. Counsel, based on what I'm reading, I can't answer your question.
20 I can't find any context where to put it. I can't answer the question.
21 All I know about, the activities of President Tudjman at the time, I know
22 from his interview, public appearances, during which he advocated a
23 peaceful solution. He was always showing willingness to negotiate, and
24 there are many traces of him trying to reach a peaceful solution for the
25 situation in Bosnia and Herzegovina. That's all I know.

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1 Q. Okay. You haven't read the presidential transcripts, where he
2 said something to the contrary? Yes or no, sir.

3 A. No.

4 Q. Sir, I'd like you to go, last of all, to P07570, P07570. This is
5 a record of another meeting, in fact, very close in time, 12th of
6 January, 1994, another meeting with President Tudjman.

7 President Tudjman, at the middle of page 62, please, the same in
8 the English and in the Croatian language, someone named Pranjic is
9 talking about a particular situation, and President Tudjman comes in, in
10 the middle of the page, and says:

11 "President: All right. Tell me, have they perpetrated crimes in
12 Krizancevo Selo? That's right. Please do not delude yourselves again.

13 Do you know whom they removed? They have removed those who fought each
14 other, you see, and I want to tell you something else, and we should be
15 aware of this. They are howling against Mrcip [phoen] to me, but,
16 gentlemen, I too am against that, but this was a life-and-death struggle
17 from Vukovar to Gospic, and if it hadn't been people like these men, we
18 would not have Croatia. **Let's get that clear."**

19 Again, sir, isn't this a pure example of Tudjman saying, We need
20 these people like this, we need the Vukojevics, we need the Mrcips, we
21 need these people to get the job done; correct?

22 A. Again, I'm answering the same way. Based on this, I can't arrive
23 at such conclusions. I can't establish a link with my expert report.
24 This applies to a different situation, and it has nothing whatsoever to
25 do with the crux and the purpose of my expert report.

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1 Q. Well, sir, the reason it doesn't have anything to do with your
2 report is because you didn't review any of the documents related to this
3 case. That's why you can say it has nothing to do with your report,
4 because your report doesn't have anything to do with the facts of this
5 case. Correct?

6 A. I absolutely disagree.

7 Q. Well, sir, you told us all afternoon you didn't read a single HVO
8 document, you didn't review a single Herceg-Bosna document, you've never
9 seen the documents before, I didn't consider the facts, I've never seen a
10 presidential transcript. Is that -- well, you didn't, did you, sir? You
11 didn't consider any of that material?

12 A. Counsel, my analysis referred to a socio-psychological context
13 and the application of that context to the war in Bosnia and Herzegovina.
14 I was dealing with a context, primarily context, and I used all the
15 available literature that I used. I used the information for that level
16 of my analysis from the publications that are relevant.

17 Q. Tudjman says here, does he not, sir:

18 "If it hadn't been for such men, we wouldn't have Croatia";
19 correct?

20 A. Yes, I can read that.

21 MR. SCOTT: Thank you, Mr. Sakic. No further questions.

22 THE WITNESS: You're welcome.

23 JUDGE TRECHSEL: I have two questions I would like to put to you,
24 Witness, and they -- or expert, may go, in fact, directly to your report.

25 Questioned by the Court:

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1 JUDGE TRECHSEL: The first refers to what is page 65, and there
2 you speak of culture, system of value, identity, and you say that the
3 human population has developed its diversity through genes, language, and
4 culture. Do I have to understand you as saying that nationality is
5 something that can be found in genes?

6 A. Your Honour, I quoted Hofstetter [phoen], and I quoted him a lot.
7 This is a theoretical presumption that is applied in anthropology,
8 sociology, psychology, and partly in medicine that is currently dealing
9 with the gene that exists in the origin of various species, and you know
10 that medical scientists are involved in that. You know that nationality,

11 at least partly, has to do with the genes, with culture, and with the
12 language, and these three elements all make up the similarities
13 between -- among the various members of the group. And in that,
14 nationalities differ from each other.

15 JUDGE TRECHSEL: So you're actually telling the Chamber, under
16 oath, that Brits have a typical British gene, as French have a French
17 gene, and the Germans have a German gene, and the Italians have an
18 Italian gene, so that from a drop of blood one can say what nationality
19 the person has?

20 A. Your Honour, this is absolutely impossible to prove
21 theoretically, and I never said that. I only said that medicine is
22 involved in the study of the so-called haplotids [as interpreted].

23 JUDGE TRECHSEL: Sorry, here you speak of identity and of
24 diversity through genes. Now, I hear that you're saying that I cannot
25 take this as it stands here because there is no possibility to identify

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1 nationality by analysing genes. I'm leaving open the question whether
2 one day, one will find out. I will leave that open. But so far there is
3 no research that shows that the French have different genes or a
4 different gene as compared to the Germans; is that correct?

5 A. That's correct, yes.

6 JUDGE TRECHSEL: Thank you. The second question relates to
7 page 12 of your report, and there you mention Wilhelm Wundt. You call
8 him founder of experimental psychology. I'm not challenging that. But
9 you refer to his book "Voelkerpsychologie," "Psychology of Peoples," in

10 10 volumes. Are you saying that this constitutes a valuable
11 contribution? Can you tell me in what way this has been valuable?

12 A. Your Honour, just a moment. I would like to correct something.

13 Wilhelm Wundt was the founder of the experimental laboratory and
14 the experimental psychology. This happened in Leipzig 1889. Second of
15 all, I didn't say that it was a valuable contribution. It was just an
16 overview. I drafted a small introduction, as is customary among the
17 scientists, and I provided an overview showing from when this national
18 and ethnical identities were being studied. As you can see, I also
19 quoted Ibn Khaldun who studied ethnic identities of the indigenous tribes
20 in Asia way back in the 14th and 15th century, so this is only an
21 overview. I did not say that this was a valuable contribution. In my
22 expert report, I relied on contemporary sociological studies.

23 JUDGE TRECHSEL: Mr. Prlic, you have checked the translation, I
24 suppose. Yes, please.

25 THE ACCUSED PRLIC: This is your favourite topic, I know, and

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1 there is absolutely nothing like that in Croatian language, that this is
2 valuable contribution, so the translation doesn't relate what was said
3 here.

4 JUDGE TRECHSEL: Thank you. I take your word for it, unless
5 someone --

6 THE ACCUSED PRLIC: Yeah, because I am able to read just one
7 sentence in the Croatian language?

8 JUDGE TRECHSEL: Yes, please.

9 THE ACCUSED PRLIC: [Interpretation] "From the first positivist
10 phase, one should certainly mention the 10-volume book by the founder of
11 experimental psychology, Wilhelm Wundt, 'The Psychology of Peoples,' an
12 intra-cultural comparative psychological analyses of various countries
13 based on the languages, mis-moral [as interpreted], arts, and laws."

14 JUDGE TRECHSEL: Thank you, Mr. Prlic. A valuable contribution.

15 Witness, do you know what today's evaluation of
16 "Voelkerpsychologie" is? How is it regarded in contemporary science?

17 A. Your Honour, it is -- it belongs to the history of psychology and
18 is only used in the history of psychology when it is mentioned -- when
19 you want to say where psychology started from and how it developed. It
20 would not stand the test of time, the social identity theories as
21 contemporaries, Tyfol [phoen], Turner, and all the people I mentioned in
22 my report and which are contemporary theories. It wouldn't pass muster.

23 JUDGE TRECHSEL: Thank you. And are you aware of the historical
24 effects this theory had, the use that was made of "Voelkerpsychologie"?

25 A. Your Honour, yes, I do know about that. It was used -- I know

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1 that it was used in Nazi Germany. However, that does not mean that if it
2 was used there, it should be ascribed to the author. The author is a
3 well-known name. It's the interpretations of the theory or
4 re-interpretations, if I may say so, were used, and the author absolutely
5 does not deserve it.

6 JUDGE TRECHSEL: Mr. Wundt is not on trial here and I will not go
7 further in this, but I still have another question.

8 In your analysis, you speak rather in detail about historical
9 developments and about Serb crimes. I have not found any relevance --
10 any reference in your whole report, but maybe this is an oversight, but I
11 found no reference to the crimes of the Ustasha. Can you explain this?
12 Do you think that this is an element which has absolutely no connection
13 to the events of 1991 to 1995?

14 A. Your Honour, I did mention the Ustashes in the context of an
15 extremist organisation, and the crime in Jasenovac I also mention in my
16 expert report and said that there were these extremist groups that had a
17 vital influence on the future of Yugoslavia, and I describe all this in
18 my expert report. And the greatest crimes -- well, the rest wasn't
19 relevant or important for an analysis.

20 JUDGE TRECHSEL: Just an additional small question. Would you
21 agree to a statement which designs Jasenovac as a myth? Do you think
22 that's a correct way of speaking of that place?

23 A. Your Honour, I did not deal with the question of Jasenovac. When
24 you speak about myths in the social and psychological sense, then it is
25 referred to as being an incorrect formulation of reality or something

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1 that is invented, but it can be a part of an ideology, too. And when we
2 speak of the myth of Jasenovac, when that is mentioned, as far as I
3 understand it, it means primarily the Serbian abuse with respect to the
4 number of victims in Jasenovac, within the context of their aggressive
5 aims against Croatia and the homogenisation of Serbs along that
6 principle, in the sense that all Croats were Ustashes.

7 So from that perspective, when we speak about the number,
8 exclusively of figures, the number, and that number sometimes reached a
9 million, you can speak about a myth because that is an invention of the
10 fact that there were a million, but that there were 800.000 or whatever,
11 that is absolutely true.

12 JUDGE TRECHSEL: Thank you.

13 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, any redirect?

14 MR. KOVACIC: [Interpretation] Thank you, Your Honour. I think
15 that I do have a couple of questions.

16 Re-examination by Mr. Kovacic:

17 Q. [Interpretation] Witness, the first thing I want to ask you is
18 this: In view of the fact that the Prosecutor spent quite a lot of time
19 insisting on and clearly putting to you his case, that you, in fact,
20 assume that the events during the conflict in Bosnia-Herzegovina were not
21 organised and directed from top to bottom, that is the Prosecution's
22 case, that's what the Prosecution is saying, that this was just your
23 assumption and that you put that assumption forward. Can you tell me
24 whether what the Prosecutor is alleging is correct?

25 A. No, it is not correct.

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1 Q. All right, fine. Now, do you, in fact, presume in any way that
2 those events in Bosnia **were organised at the top, and managed and**
3 **directed from the top downwards, and that they weren't spontaneous at all**
4 **in the sense of these theories of social psychology that you talked**
5 **about?**

6 A. No, I'm not presuming that, and I didn't deal with that at all.

7 Q. So after the Prosecutor's interventions, do you, in fact, stand
8 by -- stand entirely by the assertion and claims you made in your expert
9 report?

10 A. Counsel, yes, I stand entirely by what I said in my expert
11 report, all my claims there, and I think that the expert report is
12 homogenous, and that methodologically it is founded upon scientific
13 theory, and that the applications were sound.

14 Q. Thank you. Now, linked to a series of questions asked by my
15 colleague for the Prosecution, let's get one thing clear. As a scholar
16 scientist, and also as a citizen in Croatia during the events in Croatia
17 and later -- and also in Bosnia, **what were you, in fact, interested on**
18 **primarily and principally as a scholar, as a scientist, the details of**
19 **the events or just the global processes?**

20 A. Counsel, as a scientist, I was always interested in processes and
21 global processes, national, local and global processes. That was what I
22 dealt with, dealing with the war in Croatia **as well, but my scientific**
23 **activities were also geared towards organising public meetings, the**
24 **internationalisation of the conflict. As it happened so**
25 **contextualisation was very important for me in that regard.**

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1 Q. In order to apply the modern theories of social psychology, is it
2 at all necessary for you to know the details at a lower level, is that
3 necessary, or does it suffice, for you to carry out your analysis, for
4 the purposes you carried them out, to view just the global context of the

5 events?

6 A. Counsel, for my analysis I used what was sufficient for me, and I
7 said yesterday that for me to analyse events at a lower level, that I
8 could do that, too, but then I would have to look at the event at that
9 lower level. So you can use the same theoretical framework, but you
10 apply it differently. There are such analyses, yes, but they are
11 lower-level analyses, at lower levels. I could do that, but the approach
12 would be different and then I would, of course, have to read the
13 different individual documents and so on, different material. I would
14 use different material for me to be able to do that.

15 Q. Thank you. Now, you were shown document P11027. It was the
16 article from the "Nacional." Just a short question, and I would like an
17 even shorter answer. You said that you denied the allegations and
18 statements made in that article?

19 A. Yes, that's correct, we did deny them.

20 Q. Were there other situations in which either you, personally, or
21 your institute denied what was written?

22 A. Counsel, there were a number of writings about the institute. We
23 denied them every time. And as the director of the institute, I always
24 dealt with these questions and denied any things that we -- the type of
25 things that we heard raised here today.

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1 Q. And another question in that regard. Doctor, if the article were
2 correct, would you then deny it?

3 A. If the article were correct, I wouldn't deny it, because there

4 were quite a lot of articles about the institute that were quite proper
5 and correct, praising the institute, in fact, as a respectable
6 international institution.

7 Q. Thank you. Now, as an example of the existence of disciplinary
8 measures, sanctions, punishment in Bosnia within the HVO, the Prosecutor
9 used document P02595. Let me remind you it's a document where a
10 commander from Central Bosnia, Mario Cerkez in this case, pronounced a
11 disciplinary measure against a soldier, a policeman in a brigade. Not to
12 waste time, I think you remember that case.

13 Now, tell me, since you dealt with a penology, and I'll have
14 another question for you on that subject, do you know anything about --
15 well, you said you didn't know anything about that particular event and
16 that particular document, but my question to you is this: Do you perhaps
17 know anything about whether the disciplinary measure was implemented or
18 not?

19 A. No.

20 Q. Thank you. Now, Doctor, precisely because you dealt with
21 penology, the purpose of sanctioning perpetrators or punishing
22 perpetrators is contained in two parts. Somebody has to make a decision
23 and find somebody guilty of something, according to the law, and then
24 those disciplinary measures have to be carried out; right?

25 A. Yes.

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1 Q. Now, since you're an expert in penology, tell me, please, the
2 decision, itself, about establishing disciplinary measures and punishment

3 without applying it, without applying them, is there any sense in that
4 and is anything achieved?

5 A. No, nothing is achieved either generally or specifically.

6 Q. Thank you. Now, a moment ago the Prosecutor asked you about
7 Vice Vukojevic, and according to the Prosecutor, it is a notorious fact
8 that Mr. Vice Vukojevic was an extremist nationalist, Croatian
9 nationalist. You said you don't know him, personally, but perhaps from
10 the press or in any other way, you might happen to know that he was taken
11 to trial a number of times for libel in the former Yugoslavia?

12 A. I wrote about that -- I read about that, as well as what we
13 mentioned a moment ago.

14 Q. Thank you. Now, your expert report, the section where you talk
15 about the model of behaviour of people in conflict, the model that you
16 explained to us, can it be applied to a perfectly-established and
17 well-disciplined army?

18 A. These theories would not, of course, be as recognised as they are
19 if they could not be applied globally, which means, in other words, they
20 must be applicable to all phenomena on a global level. And also what the
21 general talked about yesterday, the elements such as elemental disasters,
22 rebellions, and so on, those theories must be able to be applied there,
23 too. Otherwise, they would be revised or would have to be refuted and
24 denied and then would have been relegated to history.

25 Q. Tell me, Professor, what is the probability of such

1 irregularities and deviations appearing in a conflict involving only two

2 highly-disciplined and organised militaries? And compare that with the
3 conflict in Bosnia-Herzegovina, which was completely different. Would
4 that incidence be higher or lower?

5 A. Of course, they would be lower. Of course, they would be lower,
6 and that is the meaning of training of modern armies. Every soldier has
7 to be informed about the Geneva Conventions, has to be physically
8 prepared, psychologically prepared, and it is only logical that such --
9 that incidents of such things would be lower.

10 Q. Thank you very much. Doctor, the OTP tried to create an
11 impression that you were not honest in your CV. Let me just ask you a
12 very simple thing here.

13 Is there anything in your life and in your activity, or are there
14 many other things that are not in this curriculum?

15 A. This curriculum vitae contains my professional activity from 1979
16 until the present day, with the war episode, and there is nothing else
17 that might describe me properly that is hidden from that curriculum. My
18 life motto was always to primarily be governed by profession and science.

19 Q. Professor, I understand that you have played basketball a lot and
20 that you're still active in the sport.

21 A. I did not mean that type of activity. I was an active player of
22 football, basketball, table tennis. I am a passionate athlete.

23 Q. If you were to write a curriculum vitae to apply for a job in my
24 company as a clerk, would you put it in your curriculum vitae that you
25 were a good athlete?

1 A. No, I wouldn't. Maybe I would to brag, because if I put it in my
2 CV, that I am an athlete, that would also mean that I am healthy, but if
3 I was applying for a position of a clerk, I would -- I would put it in my
4 CV that I speak languages, that I can use a personal computer, and
5 something to that effect.

6 Q. In any case, the curriculum that you offer is the model that you
7 use in your circles in your profession; is that correct?

8 A. Yes. This curriculum vitae follows a European protocol.

9 Q. Thank you very much. And my last question to you. The
10 Prosecutor spent a lot of time asking you about the founders of your
11 institute, and then he expanded that and asked you about some names,
12 Zuzul, Tudjman, Josip Jurcevic, and so on and so forth. I would like to
13 simplify that and ask you as follows: First of all, as a psychiatrist,
14 as a professor, as a scientist, do you know many colleagues who share
15 similar characteristics, people who belong to the same circle in Zagreb?

16 A. Given my professional activities, the fact that I founded the
17 department and participation in the work of the university, I have met
18 almost the entire intellectual structure in the social and humanist areas
19 in Croatia, **people who hold doctoral degrees and higher, and that's why I**
20 was able to coordinate the foundation of a department. Anybody who
21 embarks on such a job will know how demanding that job is.

22 As far as my acquaintances are concerned, Zuzul and Tudjman are
23 well-known scientists, and I socialised with them as scientists, and in
24 the initial stages they participated in the foundation, then
25 establishment of the institute. When the institute was finally

1 established, they then joined the ranks of politicians and I remained
2 working at the institute, and all my subsequent encounters with them were
3 sporadic and informal. We were just acquaintances.

4 Q. And let me ask you this, then: Professor, can one speak or can
5 one say that given the size of that sub-cultural circle in Zagreb, in
6 practical terms, you actually know everybody who belongs to that
7 sub-cultural circle with the same characteristics? Just yes or no.

8 A. Most of them.

9 Q. And there was another implication or an insinuation according to
10 which the cultural circle, the intellectuals, when the aggression
11 started, when Zagreb **was shelled, did these people predominantly remain**
12 **living in Zagreb, did they predominantly join the struggle in one way or**
13 **another, or did they predominantly flee Zagreb?**

14 A. A vast majority remained in Zagreb, and a vast majority was
15 involved in some defence tasks.

16 Q. You were among them; correct?

17 A. Correct.

18 Q. Do you see that as a good act? Are you proud of yourself for
19 that or do you feel ashamed for having responded to the call of your
20 country to defend it from aggression?

21 A. Even if I had not worked in the Ministry of Justice, I would have
22 still joined. I would have harnessed my capabilities maybe not in the
23 way I did in the Ministry of Justice, but I would offer my capabilities

24 to join the defence of Croatia because there was no other way out, there
25 was no other option.

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1 Q. We are talking about your science here. Can the same thing be
2 said about many other people, that they joined as best as they could and
3 they found a place where they could be of the best use? Can one say that
4 this was the general characteristic or the general model that prevailed
5 at the time?

6 A. This was the case of general defence, and the public polls
7 carried out by the Pilar Institute show that a majority of Croatian
8 citizens, including intellectuals, were prepared to engage in the
9 struggle for Croatia because they perceived a democratic and independent
10 Croatia as their basic goal and they wanted to defend it.

11 MR. KOVACIC: [Interpretation] Thank you very much, Professor.
12 Thank you very much for coming here and for testifying in this case.

13 JUDGE ANTONETTI: [Interpretation] Ms. Tomanovic, earlier you
14 mentioned the problem of the additional cross-examination. Remember that
15 in its guide-line number 1, point 10, this is what the Chamber wrote: In
16 the exceptional circumstances where the Trial Chamber authorised a party
17 to have an additional cross-examination, this examination shall be
18 limited to matters determined by the Chamber. Therefore, we have to have
19 an exceptional case. And when Mr. Scott believes -- the Trial Chamber
20 believes that when Mr. Scott talked about Mr. Prlic, he said nothing new
21 because Mr. Prlic is in the indictment. Therefore, the Trial Chamber

22 believes that there was nothing exceptional about this matter, and
23 because of this, there is no need for an additional cross-examination.

24 MS. TOMANOVIC: [Interpretation] I was waiting for the
25 interpretation, which took a bit longer.

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1 I absolutely agree with you, Your Honour, and at this moment I
2 will not request time for additional cross-examination because nothing
3 new has been said, indeed.

4 JUDGE ANTONETTI: [Interpretation] Thank you.

5 Just a minute. Judge Prandler has a few questions -- one
6 question, I believe.

7 JUDGE PRANDLER: Thank you very much, Mr. President.

8 Further questioned by the Court:

9 Frankly, I should have asked my questions a bit earlier, but I
10 was not quite aware of the fact that we finish today.

11 Then I would like to come back to the end of the report and where
12 the expert, in a way, taking into account all the factors of the war in
13 Bosnia and Herzegovina. And it is -- these are from pages 101 and 102
14 and 3. And I only would like to ask the expert if he upholds his
15 approach and conclusions when starting with page 101, he speaks about
16 the, and I quote "basic determinants of the war in B and H in relation to
17 causes, course of the war, and war group goals." And under this heading,
18 actually, he mentions three, and the fourth one was also basic
19 determinants. The first one, what he says, that the first and basic
20 determinant of the war in B and H is aggression. Aggression was

21 initiated by Serbia. **It is the first conclusion.**

22 Now, the second fundamental determinant, again on page 101, he
23 says that in the areas of Croatia and B and H, Serbia **committed genocide,**
24 ethnic cleansing, culturalicide and urbicide, and he continues that it is
25 the second fundamental determinant of the war in B and H.

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1 And then on page 102, then the third determinant, according to
2 the expert, that is the ethnic conflict of or probably between Bosniak
3 Muslims and Croats caused by Serbian aggression on B and H. And it is
4 the third determinant.

5 And, finally, the fourth determinant of the war is a continuation
6 and finalisation in B and H relates to the inefficiency and wrong
7 decisions of the international community, and not to prevent aggression
8 and intentions of Serbia, **as far as the aggression from** Croatia to
9 B and H territory.

10 Now, my question is that, to the expert, to -- actually, to
11 Professor Sakic, if you maintain your position that those main -- those
12 four main determinants had to be mentioned in your report, when you
13 summarised the position of yours concerning the war in B and H, noting
14 that it has been done with all objectivity, scientific, to avoid any
15 one-sidedness, and if you really feel that you still maintain these four
16 factors as major determinants for the war.

17 A. Your Honour, I do stand by all that, absolutely.

18 JUDGE PRANDLER: Thank you for your answer.

19 JUDGE ANTONETTI: [Interpretation] Very well.

20 Professor, your testimony is now over. I thank you, on behalf of
21 my fellow Judges and myself, for having come here to testify for
22 General Praljak's Defence, and I would like our usher to please escort
23 you out of the courtroom.

24 THE WITNESS: [Interpretation] Thank you.

25 [The witness withdrew]

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1 JUDGE ANTONETTI: [Interpretation] Very well.

2 Mr. Kovacic, next week we will be hearing your last witness. It
3 will be the last witness of the Praljak Defence. After that, we will
4 have an idle week, and then we will start with the first witness of the
5 Petkovic Defence. Is that the way the schedule is supposed to be?

6 MR. KOVACIC: [Interpretation] Your Honour, as regards the Defence
7 plan for General Praljak, as you said, we have a witness coming in on
8 Monday. When we realised that we might get through Mr. Sakic, we thought
9 we might change the schedule, but it was difficult to do that. It was
10 not practical, there were a lot of difficulties, and therefore the
11 witness will come in as planned on Monday.

12 Thank you.

13 JUDGE ANTONETTI: [Interpretation] Very well. Everything is
14 crystal clear.

15 Mr. Scott, do you have anything to address?

16 MR. SCOTT: No, Your Honour. Thank you very much. I hope
17 everyone will have a few days off. Thanks.

18 JUDGE ANTONETTI: [Interpretation] Yes, we'll have a few days, and
19 we can use those days to read the thousands or millions of pages of
20 documents. It will be very useful. And, of course, to get ready for the
21 next witness on Monday.

22 I wish you all a pleasant evening, and we will resume on Monday
23 at 2.15.

24 --- Whereupon the hearing adjourned at 6.51 p.m.,
25 to be reconvened on Monday, the 12th day of

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1 October, 2009, at 2.15 p.m.

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