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1 Monday, 14 September 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Coric not present]

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

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

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

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

12 This is Monday, September 14th, 2009, and I greet everyone in the  
13 courtroom, our accused, the Defence counsels, I also greet Mr. Scott and  
14 his case manager, as well as everyone helping us.

15 I will first render a new oral decision, and I will read it  
16 slowly. Oral decision on the Prosecution's oral motion to review the  
17 decision pertaining to the Prosecution's request to re-consider the  
18 orders dealing with the cross-examination of expert witnesses  
19 Josip Jurcevic and Vlado Sakic.

20 During the hearing of September 10th, 2009, the Prosecution made  
21 an oral motion to review the oral decision dealing with the Prosecution's  
22 motion pertaining to the cross-examination of expert witnesses

23 Josip Jurcevic and Vlado Sakic issued on September 10th, 2009. The  
24 Trial Chamber reminds the Prosecution that it ruled on the time allotted  
25 to parties as far as cross-examination of these two expert witnesses

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1 concerned in its two orders dealing with the way these expert witnesses  
2 were to be heard, expert witnesses called Josip Jurcevic and Vlado Sakic;  
3 and the orders were dated April 22nd, 2009 and May 6th, 2009 and the  
4 Trial Chamber also ruled on this in its decision of September 10th, 2009.

5 The Trial Chamber considers that the Prosecution's oral motion of  
6 September 10th, 2009, because of its form falls outside the Rules of  
7 Procedure and Evidence -- actually, the Prosecution should have filed a  
8 request for certification regarding the oral decision of September 10th  
9 according to Rule 73(C), if it had wished to do so. The Trial Chamber  
10 also wishes to underline once again that the Prosecution was extremely  
11 late in requesting for the orders to be reviewed and considers, thus,  
12 that this reflects a certain lack of diligence from the Prosecution in  
13 the way it dealt with the expert witnesses' report. Therefore, the  
14 Trial Chamber decides to reject the Prosecution's request.

15 Mr. Kovacic, I believe that you wanted to take the floor but on  
16 something else.

17 MR. KOVACIC: [Interpretation] Good afternoon, Your Honours. Good  
18 afternoon to everybody in and around the courtroom. Thank you,  
19 Your Honour, for giving me the floor. I have a very brief submission to  
20 make, and with our permission, I would like to submit a motion, or  
21 rather, to make a request to allow us approximately a maximum of 200

22 pages, additional 200 pages, to the 3.000-page limit for -- I'm sorry, I  
23 meant to say 200 words, not 200 pages. I'm sorry. I misspoke there.  
24 Well, we're off to a good start it seems today.

25 Anyway, 200 words over the 3.000 limit. And it is a submission

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1 pursuant to Article 92 bis, which we have completed, and when we were  
2 working on the draft, final draft, yesterday and the day before we saw  
3 that we had some 3.200 words, actually a little over that, but we managed  
4 to cut it down to that number and my associates are working now to do the  
5 best we can. But we feel that 3.200 words would be sufficient for us to  
6 set out our arguments and I think we have all -- every reason to ask for  
7 those extra 200 words. So with your permission we can complete the task.

8 JUDGE ANTONETTI: [Interpretation] Let me consult with my fellow  
9 Judges.

10 [Trial Chamber confers]

11 JUDGE ANTONETTI: [Interpretation] Very well. The Trial Chamber  
12 has deliberated on this and is granting this motion. You can, therefore,  
13 use 3.200 words.

14 MR. KOVACIC: [Interpretation] Thank you, Your Honour.

15 JUDGE ANTONETTI: [Interpretation] Let me now ask our usher to  
16 come -- and go get the expert witness.

17 Mr. Kovacic, how long is this examination-in-chief going to last?

18 MR. KOVACIC: [Interpretation] Your Honour, as we've already  
19 stated, according to our schedule, I have envisaged an hour and 20  
20 minutes, and I will adhere to that strictly. Thank you.

21 JUDGE ANTONETTI: [Interpretation] Very well.

22 [The witness entered court]

23 JUDGE ANTONETTI: [Interpretation] Good afternoon, sir. If you  
24 can hear me in your own language, could you please say so.

25 THE WITNESS: [Interpretation] Your Honour, yes, I can hear you

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1 and I can follow. Thank you.

2 JUDGE ANTONETTI: [Interpretation] Could you please tell us your  
3 name, surname, and date of birth.

4 THE WITNESS: [Interpretation] Josip Jurcevic, the 19th of April,  
5 1951, that's when I was born.

6 JUDGE ANTONETTI: [Interpretation] What is your job at the moment?

7 THE WITNESS: [Interpretation] I have a Ph.D., a doctor of  
8 science.

9 JUDGE ANTONETTI: [Interpretation] Where do you work?

10 THE WITNESS: [Interpretation] At the Institute for Social  
11 Sciences called Ivo Pila Pilar in Zagreb, Croatia.

12 JUDGE ANTONETTI: [Interpretation] Very well. Could you tell us  
13 whether you've already been in a witness in a trial regarding events that  
14 occurred in former Yugoslavia or whether this is the first time that  
15 you're testifying?

16 THE WITNESS: [Interpretation] I was an expert witness at a trial  
17 in Vukovar in 1999, 1999/2000, and that was related to the aggression on  
18 the Republic of Croatia.

19 JUDGE ANTONETTI: [Interpretation] Could you please tell us  
20 whether you were a Court witness, a Prosecution witness, or a Defence  
21 witness as far as this trial -- that trial is concerned.

22 THE WITNESS: [Interpretation] The court in Vukovar sent -- sent  
23 instructions to my institute that they should state their scholarly views  
24 with respect to the events in the former Yugoslavia, with respect to  
25 Vukovar and Croatia. And as I deal in matters of that kind, the

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1 institute assigned me to compile an expert report at the request of the  
2 Trial Chamber there.

3 JUDGE ANTONETTI: [Interpretation] When you testified, were you  
4 questioned by the Judges, the Prosecutor, and the counsels for Defence?

5 THE WITNESS: [Interpretation] After writing my written report, I  
6 did testify orally during the proceedings, and I was questioned by the  
7 Judges, the Prosecutor, and the Defence counsel.

8 JUDGE ANTONETTI: [Interpretation] Very well. Could you please  
9 read the statement that is on the card.

10 THE WITNESS: [Interpretation] I solemnly declare that I will  
11 speak the truth, the whole truth, and nothing but the truth.

12 WITNESS: JOSIP JURCEVIC

13 [Witness answered through interpreter]

14 JUDGE ANTONETTI: [Interpretation] Thank you. You can sit down.

15 THE WITNESS: [Interpretation] Thank you.

16 JUDGE ANTONETTI: [Interpretation] Let me give you some details.

17 You are an expert witness called by the Defence of General Praljak.

18 General Praljak asked you to come to provide your own contribution to the  
19 establishment of the truth. Contrary to what you told us when -- as far  
20 as what happened when you testified in -- for the Vukovar case, you  
21 are -- you've been called by one party only. So you're not a Court  
22 witness but you're a Defence witness. However, since you've just made  
23 the solemn declaration, you are now under oath and you are a witness of  
24 justice. If up until now you were in contact with the Defence of  
25 General Praljak, let me tell you that as of now you will no longer be in

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1 contact with them, notably since you're supposed to be heard from for  
2 several days. So let me remind you that you're not supposed to contact  
3 the Defence anymore. And the Trial Chamber is also asking you not to  
4 contact the media, to give them information on the questions or answers  
5 that you might provide or that you might -- or the answer that you might  
6 give in response to questions put to you by the Judges, by Mr. Kovacic,  
7 or by Mr. Scott.

8 The Trial Chamber has your report. We've all studied it  
9 carefully, so we're not opening a blank page. The trial Judges have --  
10 know about your report and because of this we might decide to ask a few  
11 questions. At one point in time if we want to save time or if we believe  
12 at one point in time you're going astray and you're not focusing enough,  
13 we might tell you to make shorter answers and to get back on track.

14 For example, in your report you're talking about the co-operation  
15 between Croats and Muslims. Let me tell you, we've heard a huge  
16 amount of evidence regarding this, so it's pointless to give us any

17 examples of this because we've heard ample evidence on the subject.

18 However, if you want to develop this topic but from another angle, you  
19 may do so.

20 You know that the Trial Chamber is always controlling the way the  
21 witness is heard. Please try and be very specific in your answers.  
22 We're not here to lecture. We want you to answer the questions put to  
23 you very specifically. If you believe that the question is too  
24 ambiguous, or if it's not well formulated, please ask the person putting  
25 it, even if it's a Judge, to reformulate it. Nobody's perfect, of

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1 course. So if you believe that the question is not properly put, ask the  
2 person putting it to you to reformulate it.

3 First you will be questioned by Mr. Kovacic. I'm sure that  
4 you've already met with him during the proofing session. Then once he'll  
5 be done, the other counsels will also ask questions if they want to; and  
6 then the Prosecutor, who's on your right, Mr. Scott, will then take the  
7 floor and put questions to you for cross-examination purposes. The three  
8 Judges in front of you on the Bench -- normally there's four of us, but,  
9 unfortunately, one of us is away today - might ask questions if we  
10 believe we need to. We'll see how the hearing unfolds anyway.

11 There are 20-minute breaks every hour and 30 minutes, for two  
12 reasons, first so the witness can rest and also to change the tapes. If  
13 at any point in time you don't feel well, you feel ill at ease, just  
14 raise your hand and we can have a break. The Trial Chamber remains at  
15 your disposal, of course.



15 from your curriculum vitae, including the chapter -- well, we've provided  
16 all this to everybody on your education, scholarly work, and so on.  
17 You've already told us where and when you were born, but my first  
18 question is this: When did you graduate?

19 A. I graduated in 1975, and I received my doctorate in the year  
20 2000.

21 Q. And which faculty did you graduate at?

22 A. The Faculty of Philosophy in Zagreb.

23 THE INTERPRETER: Could the witness's microphones kindly be  
24 adjusted. Thank you.

25 MR. KOVACIC: [Interpretation]

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1 Q. What course? What department?

2 A. The history of philosophy -- or rather, history and philosophy.

3 THE INTERPRETER: Interpreter's correction.

4 MR. KOVACIC: [Interpretation]

5 Q. Thank you. Did you, at the same time or later on, study at other  
6 faculties as well?

7 A. Yes, both parallelly and subsequently. I studied at a number of  
8 faculties, including two years of law, two years of economics, three  
9 years of political sciences. I graduated in the subject of the study of  
10 Marxism and the theory and practice of self-management socialism. I  
11 studied informatics for six semesters, two semesters of lay theology. I  
12 think that I have remembered them all.

13 Q. Thank you. We'll probably come to that later on, but I think

14 that this is a good moment to ask you this: Why, Doctor, after  
15 graduating and while you were studying history and philosophy in actual  
16 fact, why did you go to study at other faculties? Why was this necessary  
17 to you as a historian? Why did you feel it necessary to do that?

18 A. I intended to work in research, research into modern history, and  
19 you can't do that if you only have classical training and education in  
20 history in view of the methodological complexity and the complexity of  
21 events in modern times, where different levels of knowledge intertwine,  
22 it is necessary to have a knowledge of the basics, the basics of  
23 methodology and other social sciences, in order to be able as objectively  
24 as possible to enter into a causal study of modern history.

25 Q. Now, just to make sure that I've understood your answer, is that

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1 because method and methodology in modern historical terms requires  
2 interdisciplinary -- an interdisciplinary approach and a  
3 multidisciplinary approach; would that be right?

4 A. Yes. For one objectively to understand modern happenings and  
5 events, you have to have a multi disciplinary and interdisciplinary  
6 approach.

7 Q. Thank you. Now, after graduating you went on to do your MA and  
8 Ph.D., your doctoral and master's, thesis. Could you just tell us your  
9 topics in 1996 when you wrote your master's thesis and the year 2000 when  
10 you did your doctoral thesis. I hope I've got it right.

11 A. Yes, you have got it right. I received my MA degree on the topic  
12 of the problems of studying the victims of World War II in the territory

13 of Croatia, and my doctoral thesis was the -- the dissertation was the

14 repressiveness of the Yugoslav system in Croatia in 1945.

15 Q. Thank you. You also provided us with your scholarly research  
16 work and your teaching efforts, and we have this on page 4, 9 of your  
17 curriculum vitae. And from that, let me ask you this: Is it true that  
18 you took part in a number of scientific research projects, either as  
19 project leader or member of the team, and did you also take part in a  
20 series of lectures and did you teach; is that right?

21 A. Yes, I was project leader for a whole series of projects, and I  
22 took part as a researcher on many projects related to the latest or  
23 modern-day history. Similarly, apart from working in the institute, I  
24 teach at several universities. I teach modern world history and modern  
25 national, Croatian, history.

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1 Q. Thank you.

2 A. And also I teach a Ph.D. course on those same topics and that  
3 includes the methodology on modern sciences.

4 Q. Thank you. Now, you attached to your expert report - and we have  
5 provided that to everybody here - a list of your writings included --  
6 including your books, text books, scholarly reports, et cetera, your work  
7 in editorial -- in the editorial field and even documentaries. So for  
8 those who would like to follow, I'm referring to pages 10 to 17 of the  
9 curriculum vitae and its attachments.

10 Could you now just tell us in a word what the main topics of the  
11 works you've published were. What were the issues you dealt with most?

12           A.    The focus of my attention in my scholarly work was on three basic  
13 topics:  The first being the Croatian homeland war; the second, the war  
14 and post-war suffering linked to World War II; and third, research into  
15 the Croatian emigres.

16           Q.    Thank you.  I'd now like to ask you two questions with respect to  
17 the methodology and standards applied to the elaboration of --

18           JUDGE ANTONETTI: [Interpretation] Just a minute.  I have a  
19 question.  You said that you published a number of documents.  You  
20 published one in 1998, *The Origins of the Myth of Jasenovac*.  Can you  
21 tell us what you were trying to demonstrate in this book?

22           THE WITNESS: [Interpretation] That book on Jasenovac -- well,  
23 that was the title given for publishing reasons, it was actually my  
24 master's thesis, which I wrote in 1996 and defended at the faculty of  
25 philosophy in Zagreb.  And in the briefest of terms, it is -- I deal with

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1   the fact that there was manipulation by the communist system into the  
2 victims of World War II in order to achieve certain political and other  
3 goals.

4           JUDGE ANTONETTI: [Interpretation] Very well.  Mr. Kovacic.

5           MR. KOVACIC: [Interpretation] Thank you.

6           Q.    So in relation to the standard and the methodology you used when  
7 you wrote your thesis -- actually, I have a question in relation to that.  
8 Could you tell me what the standards you applied were with regard to this  
9 expert report.  You do refer to that in the introduction, but I would  
10 appreciate an explanation here and now.

11 A. Well, the expert report was drafted on the basis of  
12 methodological standards applied in modern science. The aim of the  
13 expert report was to portray in a causal sense, that is to say the  
14 causes, the actual developments and the consequences of what was being  
15 researched, that is to say what happened in Bosnia-Herzegovina until  
16 1995, from 1991 to 1995.

17 Q. Doctor, everyone who does this kind of work ultimately has his or  
18 her own feeling deep down in their hearts as to what the results of their  
19 work actually were like. This is not exactly customary, but I'm going to  
20 ask you something. You wrote this expert report. You looked at a great  
21 many questions. Are you personally satisfied on the whole with the  
22 result of your labours?

23 A. Yes, I am very satisfied with what I did, if I may say, quite  
24 immodestly. I believe that so far this is the one and only piece of  
25 writing devoted to this particular topic that had a comprehensive

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1 approach, and that is explained in greater detail in the introduction and  
2 in various chapters in the report itself. That means that this expert  
3 report was primarily based on facts. What can clearly be seen is what  
4 the level of the expert report was, and also various propositions that  
5 were made in this expert report can be checked easily.

6 Q. Thank you very much. I have just one more question while we're  
7 still on the subject -- or rather, the introduction to your report,  
8 page 5 in Croatian, page 5 in English. Did you have any specific  
9 problems? Did you have any specific requests when you were dealing with

10 the subject?

11 A. Yes. There were quite a few problems involved. I'll refer to  
12 the two basic ones that are untypical. One is the problem of sources.  
13 Since the institutions of the Republic of Croatia -- or rather, the  
14 institutions in Bosnia-Herzegovina have not really put their archives in  
15 order to this day and that takes up a great deal of time and makes  
16 research increasingly difficult. The second problem was the fact that in  
17 public life, through the media, in the political sphere, et cetera,  
18 because of different interests involved in the public, there are  
19 different stereotypes, or rather, misconceptions regarding reality;  
20 namely, the causes of what had happened and the actual developments that  
21 took place, not even to mention the interpretations of what had happened.

22 Q. Thank you.

23 MR. KOVACIC: [Interpretation] Your Honours, I am going to move on  
24 to the expert report itself now. If you have any questions in relation  
25 to what we've dealt with so far.

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1 JUDGE ANTONETTI: [Interpretation] I shall call you "Professor"  
2 since you are teaching in a number of places. I looked very carefully at  
3 all the books you have written and all the articles you co-authored.  
4 There's one or two that caught my attention. I think you prefaced the  
5 book which Mr. Praljak wrote on the fall of the old bridge. And you  
6 seemingly also wrote in 2006 an article on the activity of this Tribunal,  
7 and you mentioned this concept of joint criminal enterprise with the  
8 question mark: What is it? Could you tell me, please, what you based

9 your article on. To assess the activities of this Tribunal, what did you  
10 read, the judgements or a number of other documents? What exactly,  
11 please.

12 THE WITNESS: [Interpretation] First of all, it is correct that I  
13 wrote the preface to the book, "How the Old Bridge was Destroyed." This  
14 is a compilation of documents and I was the editor too. Second question,  
15 yes, it is true that I wrote that article. Before that, I spoke at a  
16 symposium in Zagreb **in relation to this topic. Several experts**  
17 participated in this symposium, people from different lines of work, both  
18 from Croatia **and other European countries. My topic was the historical**  
19 and political aspects of the activity of The Hague Tribunal. From the  
20 point of view of modern historical science, I compared some of the  
21 fundamental postulates involved since the inception of The Hague  
22 Tribunal, its public activity in particular especially of the OTP, and I  
23 compare that to international legal standards and experiences of the most  
24 important world court in the 20th century. There weren't any before that  
25 in actual fact. And the most important world court in the 20th century

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1 were the Nuremberg Tribunals.

2 The point was not to go into the legal aspect of the matter, but  
3 to assess the public impact in view of the interest of the international  
4 entities involved, particularly different courts. In particular, it was  
5 to send a message out loud and clear that crime does not pay off. I  
6 explained that in the introduction and in the conclusion, and I said that  
7 it was necessary in these global conditions of the world the fact that

8 there is such a great degree of permeation of different factors. I said  
9 that it was indispensable to have an international judiciary at a  
10 comprehensive level. Just like at national level, in every country,  
11 there is an overall judiciary and, therefore, there should be an  
12 international judiciary, and they should have appropriate powers so as to  
13 be effective and efficient. That is what I wrote there.

14 And another thing that I wrote was that it was exceptionally  
15 important to deal with all the difficulties involved in the building of  
16 the international judiciary. This makes the responsibility of current  
17 international courts even greater among the public, especially those who  
18 make decisions regarding the establishment of international courts, but  
19 also it goes beyond that. Utmost attention should be devoted to these  
20 matters. Steps should be taken carefully because all of this will be  
21 only -- enhanced even further. I can speak at even greater length,  
22 Your Honours, but this is it in a nutshell. I am an advocate of having  
23 an international judiciary because this is what the required in the  
24 situation in the world on the whole, especially because the 20th century  
25 was a century in which unspeakable crimes happened and this happened at

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1 an international level. However, in most cases, all these crimes were  
2 not prosecuted or sanctioned.

3 JUDGE ANTONETTI: [Interpretation] Professor, you were born on the  
4 19th of April, 1951, in this small village of Studenci **where you**  
5 seemingly wrote a small article on the life in this village. In 1991 and  
6 1992, you were 40. Did you do your military service? Did you volunteer?

7 Were you called up when the conflict broke out? And if you did, where  
8 did you go?

9 THE WITNESS: [Interpretation] Yes. In relation to the period  
10 between 1990 and 1995, I was a volunteer in the Croatian homeland war,  
11 from the spring of 1991 up until the summer of 1992. I was one of the  
12 founders and commanders of a volunteer unit that was called the platoon  
13 for documentary and informational activity. The unit consisted of  
14 different experts, historians, historians of art, directors, journalists,  
15 et cetera, and the point was to collect material about everything that  
16 was going on, written records, audio records, video records, visual  
17 records, 3D, so on and so forth. We preserved all of this. There were  
18 many exhibitions that were staged, many films were made. Likewise, I  
19 tried to establish a central archive for the Ministry of Defence. In a  
20 way, this is a paradox. I left the army precisely because of the  
21 archives, and in my discharge papers, it says that I was one of the  
22 founders of the central archive of the Ministry of Defence. It hadn't  
23 been established formally yet and it is due to that fact that I left the  
24 HVO, or rather, the armed forces of the Republic of Croatia.

25 JUDGE TRECHSEL: Yes, Witness, inter alia, in your publications

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1 there is a contribution which is entitled: "The Geneva Conventions and  
2 the Experience of Camp Detainees." Now, I'm not asking you to resume the  
3 article. What I would like to know is what detainees did this deal with?  
4 Croatian? Serbian? Muslim? Separate? Together? If you could answer  
5 that question.

6 THE WITNESS: [Interpretation] This was an article and an accurate  
7 answer to your question would be the following: I do not make any kind  
8 of discriminatory distinction on any basis. As for the experience of  
9 camp inmates, our source for this were reports of different international  
10 organisations, including the expert report from 1995 regarding camps.  
11 This could be obtained on the internet as well. Also I compared  
12 international law and the Geneva Conventions on the one hand and the  
13 protection of all victims in camps on the other.

14 JUDGE TRECHSEL: Looking at your list of publications, I got the  
15 impression that Croats and Croatia **only appear as victims. Is it a**  
16 correct impression, that you have never done any research into the  
17 allegations that one can hear of crimes and atrocities coming from  
18 Croats in Croatia?

19 THE WITNESS: [Interpretation] No -- or rather, as you can see  
20 from the list of my work, I do not engage in any kind of discrimination.  
21 I do not emphasise Croatian in any sense. For example, with regard to my  
22 Ph.D., I referred to all the inhabitants of Croatia regardless of their  
23 ethnic background, their gender, their origins in any way. As is  
24 customary in the Western world when one says the "French," the  
25 "Americans," any other term denoting the citizens of a state. That is

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1 what is meant in Croatia too. What is primarily meant are citizens of  
2 Croatia.

3 Now that you've asked this question, I would like to say in many

4 of my speeches and works, I advocated the rights of national minorities  
5 in different ways, socially and from the point of view of the war that  
6 was going on and --

7 JUDGE TRECHSEL: Thank you. You go beyond the strict answer to  
8 the question. I just want to make one thing sure. I was -- clear. I  
9 was certainly not accusing you of discrimination at all, and I know very  
10 well that a scientist is free in picking the subject that he wants to  
11 study. But I have not heard you say that you have studied specifically,  
12 let us say, dark sides of Croatian history where Croatia was rather the  
13 problematic actor.

14 THE WITNESS: [Interpretation] If you're referring to the period  
15 of the Second World War, I wrote articles about that as well. I stated  
16 very clearly what it was all about. I was saying that this was a  
17 criminal system, totalitarian, asocial, that the worst types of crimes  
18 were committed. When speaking of the Republic of Croatia **where I live, I**  
19 **am one of the most prominent scholars who criticised very sharply many**  
20 **bad things in the Republic of Croatia, both from a social point of view**  
21 **and from a scientific point of view, and any other point of view for that**  
22 **matter.**

23 JUDGE TRECHSEL: Thank you.

24 JUDGE ANTONETTI: [Interpretation] Professor, I would like to seek  
25 a clarification from you. You told us that you volunteered, that you

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1 commanded a volunteers' unit which was designed to collect information,  
2 videos. I assume this unit reported to the Ministry of Defence?

3 THE WITNESS: [Interpretation] Yes, ultimately in formal terms  
4 that unit was responsible to the Ministry of Defence, reported to the  
5 Ministry of Defence; but up until I left the military, it was truly a  
6 unit of volunteers, or rather, most of the equipment, most of the  
7 cassettes, most of -- all the things that were needed for production, for  
8 preservation, et cetera, all of that was dealt with by the actual members  
9 of the unit. Everything that was done depended on the goodwill of the  
10 members of that unit.

11 JUDGE ANTONETTI: [Interpretation] When did you leave this unit,  
12 on what date exactly?

13 THE WITNESS: [Interpretation] Well, at that time, I was already  
14 in the Ministry of Defence, one of the founders of the department for  
15 information and psychological operations, and I was the director of  
16 something that did not exist in the actual fact but formally did exist  
17 and that was the archive. And I left in early July 1992. I and almost  
18 the entire unit because we were unhappy with the status and how the  
19 archive was actually treated.

20 JUDGE ANTONETTI: [Interpretation] In August 1992, in September,  
21 what were you doing?

22 THE WITNESS: [Interpretation] I was unemployed up until the very  
23 end of 1994 or thereabouts.

24 JUDGE ANTONETTI: [Interpretation] Until July 1992, you were in  
25 charge of this unit, and then you were in charge of the setting up of the

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1 archives. Did you have the opportunity to meet General Praljak at the

2 time?

3 THE WITNESS: [Interpretation] Yes. In the spring of 1992, that  
4 was the first time when I physically met him personally. We had some  
5 kind of a superficial communication. At that time, he was the assistant  
6 minister and he covered the department where I was. He was in charge of  
7 that too. And I can say that in this hierarchy there was some  
8 misunderstanding for a number of reasons - I'm not going to go into  
9 that - or lack of understanding about the importance of the archive. And  
10 that is why I believe that the whole hierarchy superior to me, including  
11 General Praljak either directly or indirectly, in a way caused my  
12 departure from the army.

13 JUDGE ANTONETTI: [Interpretation] You partly answered the  
14 question I was about to put to you. In the spring of 1992  
15 General Praljak is in hierarchical terms above you; is that right?

16 THE WITNESS: [Interpretation] Yes. But the hierarchy, as I've  
17 just explained to you, giving you an example, did not really mean much in  
18 light of the general disorder in the Croatian institutions at the time,  
19 including the army and the defence ministry.

20 JUDGE ANTONETTI: [Interpretation] In political terms, did you  
21 belong to any political party or were you not affiliated to any party?

22 THE WITNESS: [Interpretation] During the second Yugoslavia, **I was**  
23 not a member of the League of Communists of Yugoslavia, and after 1990, I  
24 did not enroll in any party. I am not a member of any party to this day.

25 JUDGE ANTONETTI: [Interpretation] I saw that you have seven

1 children. Does your wife work?

2 THE WITNESS: [Interpretation] Yes. I am a father of seven. All  
3 seven still live in the same household with me. My wife has a Ph.D. from  
4 the Bremen University in Germany.

5 JUDGE ANTONETTI: [Interpretation] Your wife who has a Ph.D. in  
6 science, is she practicing?

7 THE WITNESS: [Interpretation] Yes, she works in the same  
8 institute where I, myself, work. That's where we met before we actually  
9 got together.

10 JUDGE ANTONETTI: [Interpretation] Last question because I could  
11 spend hours putting questions to you, as you may well imagine. But I do  
12 not -- I don't wish to be tedious vis-a-vis my audience. In this period,  
13 between 1992 and 1994 as part of this volunteers' unit, did you ever go  
14 in the field to Bosnia-Herzegovina or did you never go there?

15 THE WITNESS: [Interpretation] I went to Bosnia-Herzegovina  
16 several times, not on anyone's behest or order. I went there on my own  
17 initiative and members of my unit did the same. The main purpose was to  
18 gather as much material as we could on the ground and to encounter  
19 persons who were also gathering materials as volunteers and establish  
20 co-operation with them.

21 JUDGE ANTONETTI: [Interpretation] I wasn't going to put anymore  
22 questions, but I must put you a question now. You said that you went to  
23 Bosnia-Herzegovina. You went there on the ground. And you and your  
24 colleagues, you collected information. What was your status at the time?  
25 You were a military, weren't you, when you went to the Republic of

1 Bosnia-Herzegovina?

2 THE WITNESS: [Interpretation] It is difficult to explain the time  
3 and the situation to somebody who lives in an order, state, or society  
4 when institutions and, indeed, everything else function well. At the  
5 time very, few things did function, both in the Republic of Croatia **and**  
6 in Bosnia and Herzegovina, in particular in the latter. So it was  
7 possible to just enter Bosnia and Herzegovina at any point, and also the  
8 other way round. That means -- if you're --

9 JUDGE ANTONETTI: [Interpretation] When you were there, were you  
10 working there as a civilian? Weren't you, in fact, in charge of  
11 gathering data for the intelligence services?

12 THE WITNESS: [Interpretation] No, never. In my entire life I  
13 never engaged in any intelligence activity, and I know very well from my  
14 scientific research what intelligence work entails. Several members of  
15 my unit were originally from Bosnia and Herzegovina. Sometimes I went  
16 there to visit them because they had gone to Bosnia and Herzegovina **as**  
17 volunteers, and the primary interest of all of us was to gather  
18 materials, video materials, documents, and so on, about what was going  
19 on. So that I did not go to Bosnia and Herzegovina as an official. Only  
20 on one occasion, I think it was in May 1992, did I actually go to  
21 Posavina in my official capacity, since the chief of the department where  
22 I worked - and it was not clear what was going on there - I and some  
23 other people went there simply to see what was going on in co-operation  
24 with the HVO members from that area.

25 JUDGE ANTONETTI: [Interpretation] My last question: When you

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1 went to the Republic of Bosnia-Herzegovina, did you meet General Praljak  
2 on the ground there or not?

3 THE WITNESS: [Interpretation] No.

4 JUDGE ANTONETTI: [Interpretation] Very well. Thank you.

5 JUDGE TRECHSEL: I have a very short question which calls for a  
6 very short answer. You have told us that the hierarchy was somewhat not  
7 very clear, but still perhaps you can say how many steps were between  
8 Mr. Praljak and you in that department where you both were?

9 THE WITNESS: [Interpretation] I worked in the department which  
10 was called the department for information and psychological operations.  
11 It was headed by the chief, and General Praljak was one of the several  
12 assistant ministers, and he was covering my department and a number of  
13 other departments -- well, in accordance with the structure of the  
14 ministry at the time.

15 JUDGE TRECHSEL: The short answer would have been: There was no  
16 in between. He was your direct superior; is that correct?

17 THE WITNESS: [Interpretation] No, no. Between us there was at  
18 least a chief of the department for information and psychological  
19 operations. So there was at least one person between us, formally  
20 speaking, in hierarchical terms.

21 JUDGE TRECHSEL: Thank you.

22 JUDGE ANTONETTI: [Interpretation] One last question regarding  
23 your resume. I noted that in the previous documentation we have pages of

24 them and it's quite interesting, but you quoted Charles Shrader. Did you  
25 ever meet him?

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1 THE WITNESS: [Interpretation] As far as I am aware, I have never  
2 met him. I've never spoken to him.

3 JUDGE ANTONETTI: [Interpretation] Thank you.

4 Mr. Kovacic.

5 MR. KOVACIC: [Interpretation] Thank you, Your Honour.

6 Q. Professor, in your expert report, in compliance with our  
7 instructions, you started with the history of Bosnia-Herzegovina up until  
8 the break-up of the second Yugoslavia. **If we look at the contents at the**  
9 **beginning of the analysis, that's chapter 1, and you can see that it**  
10 **covers 58 pages in the Croatian language. But I would first like to ask**  
11 **you a general question and then we will deal with a short excerpt from**  
12 **that chapter. So my general question about this chapter that deals with**  
13 **the recent history of Bosnia-Herzegovina up until the break-up of the**  
14 **SFRY. Do you stand by everything that you wrote in terms of sources and**  
15 **the contents and so on?**

16 A. I stand by what I wrote in that part and in every part of my  
17 expert report, and the standards as to the foundations of all that are  
18 quite clearly stated.

19 MR. KOVACIC: [Interpretation] Your Honours, I will not go into  
20 that chapter at all.

21 Q. I have a couple of questions for you at the beginning, Professor,  
22 regarding the last part of the chapter that is entitled: "The break-up

23 of the institutional system of the second Yugoslavia in the period of  
24 1990 to 1992." It's at page 53 in the Croatian text and those who follow  
25 the English version, that's at page 46.

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1 Let me now try just ask you a few questions to sum up this  
2 chapter. So first question, could you please just answer yes or no if  
3 you can. Before the break-up of the SFRY, so before 1990/1991, was the  
4 League of Communists of Yugoslavia a relevant, cohesive factor in the  
5 SFRY?

6 A. Yes. The League of Communists of Yugoslavia was the only key  
7 factor since it covered all the institutions in the state and social  
8 system in Yugoslavia. **All the other political organisations were, in**  
9 **fact, banned.**

10 Q. Very well. Thank you. And now when we came to the time when the  
11 second Yugoslavia, **the system of it broke down, what was the watershed in**  
12 **the history of the League of Communists of Yugoslavia, the SKJ?**

13 A. In January 1990, there was the 14th extraordinary congress of the  
14 League of Communists of Yugoslavia, **where the League of Communists of**  
15 **Yugoslavia ceased to exist.**

16 Q. Just a moment, I would like to interrupt you, sir. That's at  
17 page 48 in the English version. I think it's the third paragraph on that  
18 page. So please go ahead, Professor.

19 A. That was the key incident in the break-up of the second  
20 Yugoslavia, **and this belief that this is the key event that the break-up**

21 of the League of Communists of Yugoslavia necessarily entailed the  
22 break-up of the SFRY was first broached immediately in the aftermath of  
23 the congress in a number of analyses that appeared in the media and in  
24 scientific papers in the former Yugoslavia. **It is particularly obvious**  
25 now when you look at it from a certain temporal distance.

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1 Q. After the formal break-up of the SKJ, did the multi-party system  
2 finally evolve or did it actually emerge at an earlier date?

3 A. The multi-party system in the former Yugoslavia began in a  
4 variety of ways in different republics. And one could say that in most  
5 of the republics some semi-legal forms of forming of parties started as  
6 early as in 1989. For instance, in mid-1989, in May, first the -- the  
7 first party was formed, and it was registered, but it was a semi-legal  
8 establishment or formation, that was the Croatian Social Liberal  
9 Alliance. **And then in June in weird circumstances, if I may say that,**  
10 the Croatian Democratic Union was formed, and it actually won the first  
11 multi-party elections.

12 Q. When did the first multi-party elections take place after the new  
13 political parties were formed in Croatia?

14 A. The first multi-party elections in Croatia were held in two  
15 rounds. The first round was in mid-April, and the second round was at  
16 the very beginning of May 1990.

17 Q. Did the communists take part in the elections, or rather, the  
18 parties of communist province or not?

19 A. Yes. At the elections one of the parties that participated was a

20 party that used to be the League of Communists of Croatia. It changed  
21 its name and became known as the Party for Democratic Change-League of  
22 Communists of Croatia. **That was its official name. And it took part in**  
23 the 1990 elections independently.

24 Q. Could you please tell us what results did this party achieve, or  
25 rather, what the results were of the elections?

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1 A. A clear winner of the election with a majority of seats in the  
2 parliament, although, in fact, it did not mean that it won the majority  
3 of the votes in the elections, it was the Croatian Democratic Union  
4 followed by the Croatian Social Liberal Party or Alliance as it was known  
5 then and the League of Communists of Croatia, the Party for Democratic  
6 Change faired really badly at the elections. It did win some seats in  
7 the parliament but with a negligible number of votes.

8 Q. Thank you. Now, I don't want to go into a simultaneous process  
9 which was going on in the other republics, but just one question and I  
10 don't need you to elaborate. Just tell me if at that time elections were  
11 going on in Bosnia-Herzegovina, multi-party elections, that is, in BH?

12 A. In relation to the Republic of Croatia, **the multi-party processes**  
13 in Bosnia-Herzegovina lagged behind, if you compared them to Croatia. **So**  
14 it was only after the elections were over in Croatia that new parties  
15 began to be formed in Bosnia-Herzegovina. And the elections themselves  
16 in Bosnia-Herzegovina were held in November 1990.

17 Q. Very well. Thank you. Now, without going into the situation in

18 other republics, although that would be interesting too, but it's  
19 sufficient if we look at what happened in Croatia and Bosnia-Herzegovina  
20 with respect to this period of time, what was happening - and let's go  
21 through the different levels of power - what was happening with the  
22 Presidency of the SFRY. Those following in English, I'd just like to  
23 tell them that it's page 35 of the English and 39 of the Croatia.

24           Anyway, what happened to the Presidency or what was happening to  
25 the Presidency of the SFRY?

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1           A. The Presidency of the SFRY, which was a parity body and that  
2 means that there were the representatives of six republics and two  
3 autonomous provinces in it, was in a former blockade, facing a blockade,  
4 with a ratio of 4:4; because Serbia, **contrary to the constitution,**  
5 succeeded in having four votes: Serbia **and Montenegro and illegally and**  
6 unlawfully, it took over two votes and seats in all the bodies including  
7 the Presidency which belonged to the autonomous provinces of Kosovo and  
8 Vojvodina, which already in 1989 had been abolished by Serbia. Serbia  
9 had abolished their autonomy but they kept their seats in the federal  
10 bodies, so that the Presidency, both in 1990 and 1991, was facing a  
11 certain blockade. And whenever there was any voting, there was a 4:4  
12 ratio and no decisions could be passed.

13           Q. Thank you. Now, the next force in that structure was the JNA.  
14 What happened with the JNA? Did it remain or what should have happened  
15 according to the constitution?

16           A. That topic is dealt with in greater detail in the expert report

17 on the basis of the research conducted by different experts, both from  
18 Croatia and also from other states on the territory of the former  
19 Yugoslavia. And they found that the key changes with respect to  
20 transforming the Yugoslav People's Army into a Serb army began to take  
21 place in the mid-1980s, that is to say from 1985 onwards.

22 Q. Let's not go into the details, but as I understand it the changes  
23 started earlier on. But what happened at this particular point in time?

24 A. In 1990 on the 17th of August, in actual fact, the JNA openly  
25 took the side of the Serb aggression against the Republic of Croatia.

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1 Q. Very well. Thank you. We might go back to that later on in  
2 order to explain what this open act of aggression constituted, but I have  
3 just one more question in relation to the JNA and that is this: At that  
4 time, in the summer of 1990 and 1991, was it quite clear without any  
5 dilemmas whatsoever that the JNA -- well, was the JNA what it should have  
6 been according to the constitution or not by that time?

7 A. The many steps taken by the JNA in 1990 and 1991 which are set  
8 out in detail in the expert report clearly and indubitably showed that it  
9 had ceased to be a joint army and that it was a key factor of something  
10 that we can call a Serbian army.

11 Q. Thank you.

12 MR. KOVACIC: [Interpretation] Now, for those who are following  
13 that is to be found on page 48 of the report; in the Croatian version  
14 it's page 56.

15 Q. This dynamic of change was evolving, as you said, but how would  
16 you describe the situation in the Republic of Croatia **and** Slovenia **within**  
17 the context of their further affiliation to the Yugoslav Federation or  
18 the lack of it, their independence at that time, and we're talking about  
19 1990 and 1991.

20 A. Those two states were, on the basis of the first multi-party  
21 elections and the referendum that took place later on, undergoing a  
22 process of becoming independent and sovereign, and this process is  
23 described in greater detail in the expert report. And you have the  
24 guide-lines for their work and you can read about that in the report  
25 itself.

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1 Q. Now, following on from that, the two republics you mentioned, the  
2 Republic of Croatia **and the** Republic of Slovenia, **did they, on the basis**  
3 of an ultimatum, stop all links with the Federation or did they propose  
4 some structural changes and organisational changes for a new Yugoslavia?

5 A. The dissociation of Yugoslavia **was a complex process and these**  
6 two new states, Slovenia **and** Croatia, **were offering a new model, the**  
7 concept of a new Yugoslav agreement. They offered it up jointly, first  
8 of all in September 1990, and they put forward the confederal principle.

9 Q. With respect to this proposal and other similar proposals, were  
10 any discussions or meetings held at the level of the representatives of  
11 all the republics?

12 A. The greatest intensity of meetings of different types within

13 Yugoslavia by different protagonists, especially the protagonists of the  
14 new states, was bilateral or trilateral, tripartite, or with six sides  
15 taking part and this happened in the first half of 1991. And meetings of  
16 this kind were held in their dozens, and the most important of those were  
17 six meetings which took place between the leaders, the presidents of the  
18 Presidencies of the newly established states and every subsequent meeting  
19 was held in the next independent state.

20 MR. KOVACIC: [Interpretation] Anybody who wants to read about  
21 this in greater detail can do so in the report on page 50 of the English,  
22 paragraph 3, and on page 58 of the Croatian.

23 Q. Now you mentioned the referendum in Croatia --

24 JUDGE ANTONETTI: [Interpretation] Professor, earlier I put -- I  
25 asked you whether you were a member of a political party, whether you had

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1 political activities, and you said no. But I believe that you are going  
2 to be a candidate in the presidential election, aren't you?

3 THE WITNESS: [Interpretation] Your Honour, the interpretation I  
4 got of your question was whether I was a member of any political  
5 organisation, and my categoric answer was that I was not. At the  
6 beginning of July this year, I put forward my candidatures, an  
7 independent candidate, for president of the Republic of Croatia.

8 JUDGE ANTONETTI: [Interpretation] When is the election planned?

9 THE WITNESS: [Interpretation] Those elections will take place, or  
10 rather, will start because there will probably be two rounds, either  
11 during the first weekend of December this year or the first weekend in

12 January next year.

13 JUDGE ANTONETTI: [Interpretation] If I understand you correctly,  
14 beyond your academic career you're also an eminent personality in  
15 Croatia?

16 THE WITNESS: [Interpretation] Over the past 20 years when  
17 elementary human rights appeared on the territory of Croatia, I was very  
18 active in social life, in the social life of the country, and especially  
19 in the civilian life of the country. I was very active in the area of  
20 human rights and social cohesion.

21 JUDGE ANTONETTI: [Interpretation] Very well. Therefore my  
22 question was not correctly translated which is why there was an ambiguity  
23 but now everything is clear.

24 MR. KOVACIC: [Microphone not activated]

25 THE INTERPRETER: Microphone, counsel, please. Microphone.

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1 MR. KOVACIC: [Interpretation]

2 Q. You mentioned the referendum in the Croatia. Could you tell us,  
3 please, what was the percentage of voters voting for, in favour of, the  
4 independent state of Croatia?

5 A. The referendum in Croatia was held on the 19th of May, 1991, and  
6 a little over 93 per cent of the voters, those who went out to vote,  
7 voted in favour of an independent state of Croatia and 84 per cent went  
8 to the -- to vote -- of the population went to vote.

9 Q. Now, when Slovenia -- when did Slovenia and Croatia declare their

10 independence?

11 MR. KOVACIC: [Interpretation] It's 51 of the English and 59 of  
12 the Croatia **in the report.**

13 THE WITNESS: [Interpretation] They proclaimed their independence  
14 on the very same day, that is to say their parliaments took the decision  
15 for the state to be independent on the 23rd of June, 1991.

16 MR. KOVACIC: [Interpretation]

17 Q. You said at the beginning that the JNA, in fact, had effected a  
18 coup d'etat through its actions. We can go back to that. But just  
19 briefly -- well, no, let me ask another question: The Republic of  
20 Croatia **and the** Republic of Slovenia, as you said, proclaimed their  
21 independence. Did they implement it or did something else happen?

22 A. Well, at that time it wasn't consumed in formal terms because the  
23 European Community exerted pressure both on Slovenia and Croatia; **and on**  
24 the 7th of July, 1991, the so-called Brioni Declaration was passed. And  
25 the main decision within that declaration was that the -- that a

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1 three-month moratorium be placed on the implementation of these two  
2 countries' independence.

3 Q. Professor, in your opinion the Republic of Croatia **and the**  
4 Republic of Slovenia, **by taking that step did they want to demonstrate**  
5 that they were still ready to continue negotiations and to try and find a  
6 solution within some kind of Yugoslavia?

7 A. In most of their documents and all their prominent bodies did

8 seek a political solution, and as a scholar myself, I would like to say  
9 that they couldn't have sought any other solutions since neither of them  
10 had any armed force and they were in the process of establishment.

11 Q. Does that imply that they had no other way out but to "accept,"  
12 in quotation marks, the advice given by the European Community?

13 A. Yes, that's right. Neither of them had any other options because  
14 already at that time both of them, as indeed the other parts of the  
15 former Yugoslavia, **were quite clear on the fact that any more serious**  
16 changes, geopolitical ones, could prevail if it was verified by the  
17 international community. That is to say nothing could be done without  
18 verification from the European and international community, and this  
19 applied to all the parts of the former Yugoslavia.

20 Q. Thank you.

21 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, regarding the  
22 Brioni Declaration and the moratorium, you're saying we could only accept  
23 the wise advice given by the European Community. Very well. That's one  
24 way of looking at things. Now I'd like to know the following, whether  
25 the average Croat did feel at the time that this was intervention in

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1 sovereign affairs or did the average Croat believe that it was just a  
2 friendly declaration or friendly support provided? How was it felt by  
3 the man on the -- in the street, you know, the fact that foreign powers  
4 were suddenly interfering with the fate of your country?

5 THE WITNESS: [Interpretation] In 1990 and 1991 in Croatia - **and I**  
6 can testify to this personally because I have a broad circle of contacts

7 and I had them at the time - the predominant view was that the strong  
8 security mechanisms in Europe **would certainly not allow any armed**  
9 **destruction anywhere in Europe, and that included** Yugoslavia. However,  
10 as time passed and the Serbian armed aggression gained in force, it --  
11 there was, in the first half of 1991, great dissatisfaction when the  
12 European Community made the decisions, even with respect to financial aid  
13 to the former Yugoslavia, **or rather, the state which barely still existed**  
14 at the time. And it is in that sense and since Slovenia and Croatia, **to**  
15 be quite specific, had no protection -- that is to say they had no armed  
16 forces of their own, it was thought that only the international community  
17 could stop the Serbian aggression and there are details about that in the  
18 report. And it says that already at that time in the second half of  
19 1991, Alija Izetbegovic and the government of B&H sent out appeals to the  
20 European Community to send in monitors and a goodwill mission; however,  
21 it fell upon deaf ears.

22 JUDGE ANTONETTI: [Interpretation] Well, I think it's time for the  
23 break. We'll break for 20 minutes.

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

25 --- On resuming at 4.14 p.m.

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

2 MR. KOVACIC: [Interpretation] Thank you, Your Honours. Perhaps  
3 for the transcript I've just been told that at the very beginning of the  
4 testimony of this witness it was not noted that the expert report of the

5 witness that we are dealing with is in e-court under number 3D003720 [as  
6 interpreted] and the CV is 3D03725. This was just for the purposes of  
7 the transcript. I'm repeating the first number, 3D03720.

8 JUDGE TRECHSEL: There's one figure too much, Mr. Kovacic,  
9 probably one of the first zeros.

10 MR. KOVACIC: [Interpretation] 3D03720.

11 JUDGE TRECHSEL: Only one zero at the beginning.

12 MR. KOVACIC: Yes, yes, you are right. This is what I said. It  
13 was wrongly recorded. Yes. Thank you, Your Honour, anyway.

14 JUDGE TRECHSEL: You're welcome.

15 MR. KOVACIC: [Interpretation]

16 Q. So, Professor, you've already said that the JNA aggression was  
17 underway. In that situation and we've already mentioned so there's no  
18 need for me to repeat this, that this aggression was underway against the  
19 newly independent state, there were negotiations going on. Did this new  
20 state start functioning as a proper state when we say that it became a  
21 state? Did it really function as a state?

22 A. No, no. This did not actually take place, or at least not fully,  
23 in many different fields. At that moment what was most important was  
24 defence. So if we look at defence as the most important thing at that  
25 point in time, we can see the extent to which the state did not function.

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1 Actually, in 1991 -- or rather, 1991 was the key year for the  
2 survival of the new Croatian state and its defence against the armed  
3 Serbian aggression. What was of crucial importance that year were

4 volunteers. Croatia **did not have armed forces or arms, and in many of**  
5 the theatres of war, as dictated by the aggressor, there were  
6 volunteer -- volunteers who defended the country and then a standard  
7 defence, if I can put it that way, came into being. However, volunteers  
8 were of crucial importance. It was the Vukovar battle that is a special  
9 military phenomenon that was a particular turning point.

10 Q. How and when did a cease-fire come into being, if we can call it  
11 that? That is to say when did the aggression against Croatia subside?

12 A. After many cease-fire agreements that were signed unsuccessfully  
13 in 1991, finally the international community organised the following: On  
14 the 2nd of January, 1992, **the so-called** Sarajevo cease-fire was signed  
15 and it meant a kind of cessation in the Serbian attempts to take other  
16 parts of Croatia. **The aggression was then diverted to the entire**  
17 territory of Bosnia-Herzegovina. About a quarter of Croatian territory  
18 remained occupied, though.

19 Q. Would you please just explain what you mean when you say that the  
20 aggression was then diverted to the territory of the Republic of  
21 Bosnia-Herzegovina? Let me ask you specifically. What happened with the  
22 JNA forces in Croatia **when the cease-fire came into effect and when UN**  
23 protected areas were created, where did the JNA forces go?

24 A. Towards the end of 1991, again as organised by the international  
25 community, negotiations took place in Croatia, certain agreements were

1 reached, and there was a process of withdrawing a significant part of the

2 forces of the JNA from many areas in the Republic of Croatia. **They**  
3 withdrew from the occupied zones too after the cease-fire, and most of  
4 these forces came to the territory of Bosnia and Herzegovina that was  
5 full of armaments anyway.

6 Q. Thank you. In this period you pointed out the importance of the  
7 report of the so-called Badinter Commission. Could you please explain to  
8 me, as briefly as possible, why that document is something that you  
9 consider to be so important, rather, this position taken by the  
10 Badinter Commission. You write about it on page 53 in the English  
11 version, page 62 in the Croatian version.

12 JUDGE ANTONETTI: [Interpretation] Before you answer that  
13 question, I have a follow-up question to put to you that relates to your  
14 previous answer. It took a while for me to phrase it properly, given how  
15 important it is. You said that the international community achieved the  
16 withdrawal of the JNA from the Republic of Croatia, **a free territory --**  
17 the free territory and the occupied territory. They then moved into the  
18 Republic of Bosnia-Herzegovina. When I was listening to you, I wondered  
19 why the international community did not require at the time that they  
20 withdraw via areas which would have enabled them to go straight back to  
21 Serbia **without occupying Bosnia-Herzegovina in any way. Was this**  
22 something which had been contemplated or not, as far as you know?

23 THE WITNESS: [Interpretation] This question would merit a complex  
24 answer; however, the Serbian aggressor treated the territory of Croatia  
25 and Bosnia-Herzegovina as a single theatre of war. I refer to that

1 extensively in my expert report and I don't want to go into the reasons  
2 now as to why the decision was made to continue the total aggression  
3 against Bosnia-Herzegovina and to conserve, as it were, the situation in  
4 the Republic of Croatia. **One of the reasons is that it became clear to**  
5 the Serb aggressor and to the international community that Serbia **no**  
6 longer had armed forces that could break Croatia fast, especially not  
7 after the battle of Vukovar, where the Serbian aggressor suffered  
8 significant losses. There was a fear that the continuation of a war  
9 between Serbia **and** Croatia **would spill over into central** Europe and  
10 further on. So from a political and military point of view, the  
11 aggression was fully transferred to Bosnia-Herzegovina, and therefore,  
12 the forces of the former JNA which had become the key part of the Serbian  
13 army. In accordance with this agreement, the JNA was no longer called  
14 the JNA. They became new military formations in the territory of the  
15 Republic of Croatia, **but most of these forces were transferred to**  
16 Bosnia-Herzegovina.

17 JUDGE ANTONETTI: [Interpretation] My question lies at the heart  
18 of a theory you put forward in your expert report. You are saying that  
19 the Serbs were faced with a single warring party, which were the Croats  
20 and the Muslims. This is what you state in your report. And now you are  
21 saying that when they withdraw -- withdrew in the Republic of Bosnia **and**  
22 Herzegovina, **they withdrew into what they considered to be the territory**  
23 of the other warring faction they were faced with. Does this mean that

24 in the eyes of the international community, there was a clear  
25 understanding of the situation, but the fact was that the problem lay in

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1 Croatia **and not in Bosnia-Herzegovina, that this was done knowingly?**

2 This is just an assumption I'm making.

3 THE WITNESS: [Interpretation] From a phenomenological point of  
4 view, there is no doubt that the problem was transferred to the territory  
5 of Bosnia-Herzegovina. Of course the reasons and the interests involved  
6 had to do with all the protagonists in the territory of the former  
7 Yugoslavia, including the international community. Everyone had their  
8 own motives. That could be explored further and discussed further.  
9 However, there is no doubt that the focus of the aggression was shifted  
10 to the territory of Bosnia-Herzegovina **and we can say that the situation**  
11 **in Croatia was conserved, as it were.**

12 Whenever I speak about the Serbian aggression, I never say the  
13 "Serb aggression," because that would mean that it was an ethnic thing  
14 denoting the Serbs. I always say "Serbian" because it means that it's  
15 the Serbian state that organised this, and there were different  
16 protagonists involved. Ethnically you can look at Croats too, there were  
17 some Croats who engaged in this aggression in the Serbian army. On the  
18 other hand, there were ethnic Serbs among those who defended the Republic  
19 of Croatia. **Therefore, I believe it would be a good thing to define**  
20 **things very precisely, so not ethnically, terminologically, but from this**  
21 **other point of view.**

22 MR. KOVACIC: [Interpretation]

23 Q. Can we just briefly go back to the question about the  
24 significance of the Badinter Commission for this entire process. Why was  
25 it that important for us?

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1 A. It was only in the beginning of September that the  
2 International Conference on the former Yugoslavia started to function.  
3 One of its most important parts was the arbitration commission, the  
4 so-called Badinter Commission, which gave this international commission  
5 opinions, or rather, answers to different questions that had to do with  
6 legal and historic questions. There were several such questions  
7 involved. All of them were important, but I think that you mean what  
8 happened in December. I haven't actually referred to this page of the  
9 expert opinion. I think that you are referring to the position, stating  
10 that the dissolution of Yugoslavia **has reached its final stage.**

11 Q. Yes, yes.

12 A. Well, that is correct, indeed. At that point in time, Yugoslavia  
13 was in the final stages of its dissolution and I supported that with some  
14 additional conclusions in this expert report.

15 MR. KOVACIC: [Interpretation] For those who are following this in  
16 English, the page is 51 and 52 as well.

17 Q. So in order to complete this particular period of time, after  
18 that what happened was the international recognition of the Republic of  
19 Croatia **and since we've already made this comparison, also** Slovenia **was**  
20 internationally recognised; isn't that right?

21 A. Yes, that's right. The process of preparing the international  
22 recognition of these two states took place at an international level, at  
23 the level of all of Europe, and it culminated on the 15th of January,  
24 1992, by the international recognition of Croatia and Slovenia by the  
25 European Community, the EC. As for Bosnia and Herzegovina, a

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1 precondition was set, namely that Bosnia-Herzegovina would be recognised  
2 as a state only after a referendum took place involving the participation  
3 of all the citizens of the country and on the basis of internationally  
4 accepted standards.

5 Q. Thank you. I think that we have now come to a topic that you  
6 discussed in the second part of your report entitled:  
7 "Bosnia-Herzegovina from 1990 to 1995."

8 MR. KOVACIC: [Interpretation] In Croatian it is page 63. In  
9 English it is page 54.

10 Q. First of all, now that we have come to that part, perhaps you  
11 could explain to the Judges, it is a very basic fact, as far as you're  
12 concerned, but we want the Court to familiarise itself with what matters  
13 to us. As opposed to the other republics of the SFRY, how was the  
14 question of peoples resolved in the constitution of Bosnia-Herzegovina?  
15 I'm talking about the period while the SFRY still existed.

16 A. Bosnia-Herzegovina was the only republic of the former  
17 Bosnia-Herzegovina --

18 THE INTERPRETER: The only republic of the former Yugoslavia,

19 interpreter's correction.

20 THE WITNESS: [Interpretation] -- that from the 1970s onwards, and  
21 this was finally defined by the 1974 constitution -- well, this was a  
22 very specific characteristic of Bosnia-Herzegovina, and very often that  
23 is why Bosnia-Herzegovina was called a small-scale Yugoslavia.

24 MR. KOVACIC: [Interpretation]

25 Q. I think that all know the answer to this question, but these were

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1 what peoples?

2 A. I'm going to speak of them in terms of the 1991 census. It was  
3 the Muslim Bosniaks, and I explain in my expert report why I call them  
4 that; and Serbs; and Croats, the three constituent peoples.

5 Q. Very well. You mentioned that a referendum took place. What  
6 were the results -- or rather, when did it finally take place, this  
7 referendum?

8 A. The referendum was held during two days, the last days of the  
9 month of February -- rather, the 29th of February and the 1st of March,  
10 1992. That's when it was held. Somewhat over 64 per cent of the  
11 inhabitants of Bosnia-Herzegovina voted in this referendum in favour of  
12 state independence; out of that number, 99.4 per cent voted. However,  
13 the referendum was held in spite of the protests of the Serbs throughout  
14 Bosnia-Herzegovina, that is to say out of 109 municipalities in  
15 Bosnia-Herzegovina the referendum was held in 107 municipalities.

16 MR. KOVACIC: [Interpretation] For those who are following this in  
17 English, it is pages 86 and 87 of the expert report, that is where this

18 is contained, what the professor referred to just now.

19 Q. Professor, if we look at the official figures as to how many  
20 inhabitants of Bosnia-Herzegovina voted and how many of them belonged to  
21 which one of the three peoples, how could the referendum be declared  
22 successful if how many people voted in favour of a particular  
23 proposition?

24 A. Not a single one of the constituent peoples in Bosnia-Herzegovina  
25 had a proper majority on its own. In order to have any kind of decision

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1 reached, at least two of the constituent peoples had to participate.

2 Q. According to the existing information we have, what were the two  
3 peoples that voted?

4 A. Muslim Bosniaks and Croats.

5 Q. So apart from the Muslims, the Croats were the ones who  
6 contributed to the success of the referendum; is that correct?

7 A. Yes, without the participation of the Croats, the referendum  
8 would have failed -- or rather, no decision could have been made about  
9 the independence of the state of Bosnia and Herzegovina.

10 Q. And, Professor, this was so despite the fact that there was a  
11 great deal of disagreement among the Croats about the actual wording of  
12 the referendum question. Can you tell us something about that?

13 A. Yes. As the referendum was being prepared, the Muslim Bosniaks  
14 and Croats alike did not at any point in time bring into question the  
15 final result, which was the independence of Bosnia-Herzegovina. There  
16 was some disagreement about the wording of the question, where the Croats

17       tried to include in the question the rights that they enjoyed at that  
18       time and at that level. In other words, the status of a constituent  
19       people. It was not adopted, but the Croats participated in the  
20       referendum because that was the prerequisite of the recognition of  
21       Bosnia-Herzegovina as an independent state. And in fact, the Croats  
22       voted for the -- at the referendum for the question that was worded by  
23       the Muslim ruling structure.

24       Q.     Professor, now we come to the question whether the Croatian  
25       leadership -- the Croatian institutions in any way participated in the

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1       law being among the Croatian population in Bosnia and Herzegovina in  
2       favour of them participating in the referendum.

3       A.     Throughout the time when the referendum was being prepared, and  
4       in particular while it was being conducted, the key institutions of the  
5       Republic of Croatia **lobbied in a number of ways, advocated and promoted**  
6       the participation of Croats from Bosnia and Herzegovina in the referendum  
7       and their vote for the independence of the state of the -- of Bosnia **and**  
8       Herzegovina.

9       Q.     Professor, please, did the Republic of Croatia **or its political**  
10       leadership have any vested interest in Bosnia and Herzegovina becoming an  
11       independent state?

12       A.     Yes, definitely. The interest of the Republic of Croatia **in that**  
13       was manifold. It was in the interest of the Republic of Croatia **in**  
14       having Bosnia and Herzegovina as an independent and integral state. I

15 don't want to now go into reasons which are elaborated in my expert  
16 report. It's enough to just look at the map and to realise that Bosnia  
17 and Herzegovina **or** Croatia **cannot in any sense, including the sense of**  
18 security, stable states if there are no stability in the other states.  
19 So one state cannot be stable without the other being stable. There were  
20 some additional reasons too which were present as Croatian priorities  
21 because one-fourth of the Croatian territory was occupied at the time and  
22 most of those areas bordered with Bosnia and Herzegovina, and the  
23 possibility of re-integration of that territory into republic -- into the  
24 Republic of Croatia **depended to a great extent on the developments in**  
25 Bosnia and Herzegovina.

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1 Q. Thank you. And after the referendum the results were declared,  
2 and did Bosnia **then gain international recognition as an independent**  
3 state?

4 A. Yes. As the international community had stipulated, the  
5 referendum was conducted under its auspices, and then on the 7th of April  
6 the process of international recognition of a new independent state, the  
7 state of Bosnia and Herzegovina, began.

8 Q. Thank you very much. I think that you we have the fundamental  
9 elements of the situation at the time. Just one more question perhaps.  
10 So when Bosnia-Herzegovina on the 7th of April, 1992, gained  
11 international recognition - and I would like to remind you that I've  
12 asked the same question about Croatia - **did it function as a state should**

13 or at least as we believe a state should function? So was it able to  
14 exercise all the prerogatives of its power?

15 A. As has been explained in some detail in the expert report, Bosnia  
16 and Herzegovina **at the time found itself in very difficult situation,**  
17 both from the point of view of security, the effort to organise the  
18 state, and the -- its capability to function. The situation it faced was  
19 much more difficult than Croatia **did in 1990 and 1991.**

20 Q. Thank you very much. At page 78 and -- 78 in the English  
21 version, 93 in the Croatian version you talk about the emergence of the  
22 Croatian Community of Herceg-Bosna. Could you please explain to us --  
23 well, it's explained in detail. But could you please tell us in just a  
24 couple of sentences what the purpose was, what the objectives were, and  
25 why, indeed, it was established -- or rather, let me cut to the chase. I

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1 think we've talked about that here in court for a long time. But could  
2 you please turn to page 95 through 99. That's 79 through 82 in the  
3 English version. We have the photocopies of various forms that you put  
4 on those pages.

5 What argument do you support with these forms by way of an  
6 example?

7 A. Well, since there are various stereotypes present in the public  
8 about what the Croatian community and later the Croatian Republic **of**  
9 Herceg-Bosna actually was, in addition to other facts that I mention in  
10 my expert report, here I provided on a number of pages copies -- well,

11 these are official documents that were published in the Official Gazette,  
12 copies of various civilian, military, and educational and other documents  
13 showing that without any exceptions and systematically the state, the  
14 Republic of Bosnia and Herzegovina, gets top billing, followed by one of  
15 its territorial elements, the Croatian Community, later Croatian Republic  
16 of Herceg-Bosna.

17 Q. Thank you very much. When it comes to setting up some  
18 infrastructure on the borders facing the Republic of Croatia, **what kind**  
19 of designations were present there?

20 A. Well, it is yet another very obvious and mass fact which speaks  
21 about the nature and character of the Croatian Community -- Republic of  
22 Herceg-Bosna. Decisions were made, formal decisions, vis-a-vis the  
23 Republic of Croatia **and also border crossings were set up between the two**  
24 states; whereas in the rest of Bosnia and Herzegovina there were no such  
25 decisions or designations.

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1 Q. Am I right if I conclude on the basis of your response that the  
2 HZ HB did -- that had it not set up those border crossings and signs,  
3 they would not have existed; is this your testimony?

4 A. Yes, that's one of the arguments or premises coming from that.  
5 The central government, as I explained in detail in my expert report,  
6 supporting with documentary evidence, was blocked. It was unable to  
7 function in a number of fundamental areas including the setting up of  
8 borders. So it is true that had the local authorities of the Croatian  
9 Community of Herceg-Bosna set up those border crossings, they would not

10 have existed.

11 Q. Thank you. We have to go through all this very briefly. But  
12 tell me, what act marks the beginning of the aggression of the JNA and  
13 the Bosnian Serbs against Bosnia and Herzegovina?

14 JUDGE ANTONETTI: [Interpretation] Professor, there's something  
15 that's still on the screen, and I believe it's quite important. Counsel  
16 just asked you to explain why there is the Republic of Bosnia and  
17 Herzegovina followed by the Croatian Community of Herceg-Bosna. You are  
18 saying that this is a regional entity. Very well. I'm sure that you  
19 know that some might believe that it is a state within a state. So could  
20 you please tell us why you can affirm that it is a regional entity.  
21 Could you expand on this?

22 THE WITNESS: [Interpretation] Well, according to a number of  
23 decrees, decisions, and other documents that were issued in the Croatian  
24 Community or Republic of Herceg-Bosna, including the decision on the  
25 foundation thereof, it is defined that it is a political, cultural,

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1 economical, and regional whole that respects the -- or recognises the  
2 Government of Bosnia and Herzegovina. When we speak about the state  
3 politicological, in term of political science, sociologically, and I also  
4 think in legal terms it is quite clear what it means, a state. It means  
5 that there has to be sovereignty. It means that no higher power is  
6 recognised in terms of sovereignty. But when we're talking about a  
7 region or a regional whole, I would not say -- I would not use the term

8 "entity," because the term "entity" gained other connotations as the  
9 developments in Bosnia and Herzegovina continued.

10 We could see, on the basis of the decisions on the border  
11 crossings and some other decisions, that it was a regional whole that was  
12 created in order to defend itself, and in some decisions with the interim  
13 nature is stressed -- in other words, that it would continue to operate  
14 only during the threat of war or with the state of war. Those who say  
15 that it was a state, I would like to say that I think that those  
16 arguments are unfounded and not objective from a scientific point of  
17 view, but a layperson is always entitled to present their views in a  
18 pluralist society. But it is difficult on the basis of the documents  
19 that I've looked at and all my work on my expert reports, it is difficult  
20 for any scholar complying with scholarly standards would be able to say  
21 that the Croatian Community or later Croatian Republic of Herceg-Bosna  
22 was something that we could label a state.

23 JUDGE ANTONETTI: [Interpretation] Please look at page 82 in the  
24 English version. There is a document in your own language.

25 Could we please have page 82 in English on the screen. We don't

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1 need to have it in B/C/S because I'm interested about the document itself  
2 and it is in B/C/S and the English version.

3 This is the document, and I note Republic of Bosnia-Herzegovina  
4 in small print, and below in large print, there's reference to  
5 Herceg-Bosna. So how can you explain this? Shouldn't it have been the  
6 opposite in terms of the size of the print?

7 THE WITNESS: [Interpretation] Why that is so, well there are  
8 several interpretations. But at any rate, the size of the font is one of  
9 the elements that can be used when one analyses those documents.  
10 According to another analysis, the Republic of Bosnia and Herzegovina **is**  
11 at the top in those documents and in other documents too. There are some  
12 documents that I've provided here where it is different. Now, who the  
13 graphic designer was, I don't know. But the most important thing is when  
14 you look at those documents in the other context, the decisions and  
15 everything that existed in the actual fact, as we've spoken about here  
16 and in my -- I spoke about that in my expert report, it is undoubted that  
17 on the basis of the size of the font as a graphic element it is difficult  
18 to conclude, in the face of all the other documents, to conclude  
19 selectively that it was a state. It is my opinion, scientific opinion  
20 and any other kind of opinion, if it had been a state, there would not  
21 have been the -- the Republic of Bosnia and Herzegovina **would not have**  
22 been mentioned at all.

23 JUDGE ANTONETTI: [Interpretation] Professor, I read your report  
24 from beginning to end. I read it over and over again. And at one point  
25 in time, I noted that you said that in history the population of the

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1 Republic of Bosnia-Herzegovina **were -- they were all illiterate, almost**  
2 all of them were illiterate. I was looking at this, and I was wondering  
3 the following: What about, you know, the farmer, the dieppe [phoen],  
4 okay. He's illiterate but he had good eyesight, you know, and he sees

5 the design and what is the conclusion that he draws from the design, from  
6 these fonts?

7 THE WITNESS: [Interpretation] Statistical data about the  
8 illiteracy in Bosnia and Herzegovina are presented for the period of  
9 Austro-Hungary. I used the data presented in another study by another  
10 scholar. I think the population is 97 per cent; 97 per cent of the  
11 population was illiterate at the time. In the 1990s, when those  
12 documents that we're talking about were made, the majority of the  
13 population was literate, able to read. But if I were to answer your  
14 question from the point of view of logic, if the person is illiterate,  
15 the size of the font means nothing to them because they cannot read them  
16 anyway.

17 JUDGE ANTONETTI: [Interpretation] Yes, you're right. A person  
18 cannot read. But Herceg-Bosna is something that he must comprehend? No?  
19 Let me sum up. You're saying that we shouldn't place any importance on  
20 this kind of document because this kind of document must be put back  
21 within an entire set -- a larger set of documents. Is that what you're  
22 telling us? If I'm wrong, please tell me.

23 JUDGE PRANDLER: Professor, I would like to have a follow-up  
24 question to what the President asked you about. First of all, I believe  
25 that when you answered a few minutes ago that herein on page, I believe,

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1 50, second line that it is written that the -- and I quote:

2 "I think the population is 97 per cent; 97 per cent of the  
3 population," you repeated, "was illiterate at the time, in the 1990s."

4 I believe that it is a mistake and probably you may have spoken  
5 about the 1890s because you said in a previous sentence that statistical  
6 data about the literacy in Bosnia and Herzegovina are presented for the  
7 period of Austro-Hungary, which would mean that you spoke about -- the  
8 situation from 1868, that is, 1870, 1880, 1890, et cetera --

9 THE INTERPRETER: Interpreter's note: The --

10 JUDGE PRANDLER: -- although I have certain doubts, myself, that  
11 the illiteracy was so high that --

12 JUDGE TRECHSEL: You are speaking too fast.

13 JUDGE PRANDLER: I am reminded that I speak too fast. Okay.

14 Then let me repeat that although I'm afraid probably that figure of  
15 97 per cent is too high as far as the illiteracy is concerned towards the  
16 end of the 19th century, but, of course, it is a question of facts and it  
17 could be found out. But I believe that the very fact that that was  
18 already -- that that was already towns, the Croat towns itself, and  
19 Sarajevo, **et cetera, I fear that it is somehow overstated and**  
20 exaggerated, but, of course, again I say I stand to be corrected, and it  
21 could be looked into it -- and, frankly, I also know that this very issue  
22 is not so important for us now if we are dealing with your report. Thank  
23 you.

24 THE INTERPRETER: Interpreter's note: The punctuation was not  
25 recorded correctly. There should have been a full stop. The full stop

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1 was at the wrong place. The sentence began with the words "in the  
2 1990s."

3 JUDGE PRANDLER: Thank you, the interpreters, for clarifying that  
4 it was a mistake most probably in the transcript and later on also there  
5 is a chance to make the relevant corrections over there. Thank you.

6 THE WITNESS: [Interpretation] I apologise if I made a mistake, if  
7 I said something else. The data pertains to the late 19th century, so  
8 you are right, it's the Austro-Hungarian period. I did not do any  
9 research into that. I simply took over this information from a study  
10 done by a scholar who did research into that period and that area. I  
11 would not now go into estimates, or rather, what this data was based on  
12 and what methodology was used. And after all, it is not really relevant  
13 for our purposes here. But at any rate, that pertains to the end of the  
14 19th century, so more than 100 years ago. That's not the information  
15 that I obtained. It's contained in a footnote. The reference is in the  
16 footnote.

17 JUDGE ANTONETTI: [Interpretation] Professor, you did not answer  
18 my question when my fellow Judge put his question a bit fast before you  
19 could answer mine. So I put it again. I wonder when you read the  
20 document such as the one we have here with the Republic of  
21 Bosnia-Herzegovina with very small print and with the Croatian Community  
22 of Herceg-Bosna with big font should be considered in an even bigger  
23 perspective.

24 THE WITNESS: [Interpretation] No -- well, as a scholar, I don't  
25 consider any document to be unimportant. It can be very important,

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1 secondary, tertiary, or whatever. But if we look at some other documents

2 that I have photocopied here, we can see that there are other examples,  
3 examples of a different kind. For example, in the Croatian text, number  
4 97 -- well, you can see that where it says the Republic of  
5 Bosnia-Herzegovina in the title, you see that written in bigger letters  
6 on some forms. On the other forms, the letters are the same size. And  
7 on other forms again you have them written in different ways. So one of  
8 the conclusions is that it was not systematised. There wasn't a  
9 systematic way of writing this. But if there were any further  
10 consequences from the document, then most probably on all the documents,  
11 the font size would be like that. But on all the documents that I saw,  
12 including the written documents, the Republic of Bosnia and Herzegovina  
13 was always first. And on different documents the font size would change.  
14 Now, whether there were any intentions in these specific documents,  
15 whether they wanted to achieve anything through these documents, I don't  
16 know. And it can't be a general conclusion because there are documents,  
17 as I say, where the letters Republic of Bosnia and Herzegovina is in a  
18 bigger font size, but in others it's smaller but always in the same  
19 place.

20 JUDGE ANTONETTI: [Interpretation] Professor, you're right, there  
21 are a number of documents that go against the fact that in some other  
22 documents Republic of Bosnia and Herzegovina is in small font and the  
23 Croatian Community of Herceg-Bosna is in large font. I agree with that,  
24 but look at page 81, documents on the registration of vehicles.

25 Could we please have page 81 on the screen, Mr. Registrar. Thank

1 you.

2 Let's assume that a driver is touring and ends up in Finland,  
3 driving in Finland. You know where Finland is, I'm sure. And the  
4 policeman from Finland and asking him for his registration card. Don't  
5 you think that the Finnish policeman is going to be a bit confused when  
6 he is going to see this kind of document? This is an assumption, you  
7 know.

8 THE WITNESS: [Interpretation] At all events you are right when it  
9 comes to the inconsistencies of the system of these documents, and  
10 anybody who sees that might think -- well, whatever they like. They can  
11 think whatever they like. That's their right. But the fact remains and  
12 one fact that springs to view, and I mentioned this when talking about  
13 the Croatian Community of Herceg-Bosna, I emphasised as far as that  
14 community is concerned and as far as the overall structure of Croats in  
15 BH are concerned that they were in a very poor organisational state.  
16 They were heterogenous, both structurally and on an individual level.  
17 They were unbalanced. They were reactive, and so on and so forth.

18 Now, in view of the fact of when these documents came into being,  
19 I think had anybody arrived with respect to the catastrophic security  
20 situation and the generally bad situation in the area, they wouldn't even  
21 notice these documents or any other ones for that matter, or any other  
22 ones for that matter, that were notes in better situations. Because all  
23 that's important here is life itself, to save one's life, and cultural  
24 issues and all other issues were marginalised.

25 JUDGE ANTONETTI: [Interpretation] Very well.

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1 Mr. Kovacic.

2 MR. KOVACIC: [Interpretation]

3 Q. Just another question as a follow-up. It might be interesting  
4 with respect to the question that the Presiding Judge asked about the  
5 Finnish police and how they would react. Now, Professor, in all the  
6 documents about the HZ HB and all the negotiation documents, documents  
7 that were issued, decisions that were passed, and so on and so forth,  
8 that there was confirmation that the Croatian Community of Herceg-Bosna  
9 had pretensions of being an internationally recognised subject.

10 A. I saw a large number of documents, only part of which were  
11 included in this expert report, but I did not come across a single  
12 document anywhere which would be an explicit example of this or which  
13 would contain any such thing in an implicit way.

14 Q. Thank you. Now, those pretensions, could you read between the  
15 lines perhaps, looking at the basic documents on the constitution of the  
16 community of Herceg-Bosna, would that be read between the lines  
17 somewhere?

18 A. I claim that it would not because I looked through the  
19 Narodni List and the collection they have, and always in first place  
20 whenever there's any document or decision you have the state, that is to  
21 say the Republic of Bosnia-Herzegovina, that comes first; and in a whole  
22 series of various other documents, without a doubt the position taken was  
23 that the original state of the Croats was Bosnia-Herzegovina, the mother

24 state, and that was not brought into question anywhere in any official  
25 document.

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1 Q. Thank you. Now to go back to where we were, and I'd just like to  
2 ask you to give me brief answers. When and by what act did the JNA  
3 aggression and the Serbs start against Bosnia-Herzegovina? What was the  
4 defining moment?

5 A. The start of an armed aggression can be dated to 1991. Examples  
6 are quoted in the expert report itself, from May onwards.

7 Q. Thank you. Now, is it true and correct that the JNA armed  
8 members of the SDS **and other Serbs living in Bosnia-Herzegovina even**  
9 before these actions undertaken in 1991?

10 A. Yes, and we have testimony to that in various documents and  
11 reports and writings and testimony from the then-actors who were  
12 positioned in the central powers in Herzegovina.

13 Q. Thank you. From your answers so far and from the expert report  
14 itself, it would follow - and this is a subject we discussed here on many  
15 occasions - that at the point in time when the aggression was launched  
16 the start of armed forces, the establishment of armed forces began in  
17 Bosnia-Herzegovina. Can you tell me something then about the  
18 Patriotic League. What was the Patriotic League and who set it up?

19 A. The Patriotic League was a military and political organisation  
20 which came into being within the Muslim Bosniak structures in Bosnia **and**  
21 Herzegovina **and within -- most within the SDA, or rather, the party of**

22 Muslims, Bosniaks in Bosnia and Herzegovina, and the actors themselves,  
23 that is to say the people who participated in that can testify to that.

24 Q. What about the Territorial Defence, did that exist at the  
25 beginning?

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1 A. It was one of the first armed forces which burgeoned and in 1992  
2 they -- these forces became renamed and called the Army of Bosnia and  
3 Herzegovina.

4 Q. Thank you. Now, bearing in mind the strength of the Territorial  
5 Defence and its importance and on the basis of the concept of total  
6 national defence in Yugoslavia, **wasn't that a very strong force when the**  
7 aggression started?

8 A. Well, in realistical terms it should have been a strong force to  
9 reckon with in the numerical terms. However, since the aggressor, or  
10 rather, the JNA, already in 1990 took weapons away from the Territorial  
11 Defence, both in Bosnia and Herzegovina and in Croatia **as well as in the**  
12 other republics, well, for the most part at least, then the Territorial  
13 Defence of Bosnia-Herzegovina was confronted with a series of problems  
14 which are discussed and described in my expert report.

15 Q. Now, on those grounds can we say that the Territorial Defence  
16 started out as a very weak power, it had -- it didn't have enough weapons  
17 or equipment?

18 A. Part of the Territorial Defence in Bosnia-Herzegovina did not  
19 cross over to the Serbian side, so that side was very poorly armed and

20 poorly equipped. They didn't have enough uniforms and so on. And just  
21 to illustrate that, let me say that the leaders from the BH army  
22 testified that during the first [indiscernible] of the war and according  
23 to them that was 1992 to 1993, most of the soldiers belonging to the  
24 Territorial Defence, that is to say the BH army, spent in civilian  
25 clothes and footwear. And even in 1994 when the number of soldiers was

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1 at its peak, they still did not have one rifle per soldier.

2 Q. Thank you. Now, what about the HOS, who was that, the H-O-S,  
3 what kind of military force was that and to whom did it belong?

4 A. The HOS was a volunteer armed force which appeared on the  
5 territory of Bosnia-Herzegovina predominantly in areas where the Croats  
6 were the majority population. However, HOS was composed of both Croats  
7 and Muslims, Bosniaks, and it was an army or a group of people which was  
8 established and supervised by the Croatian party of rights from Croatia.  
9 So the headquarters for HOS was formed already in January 1992.

10 Q. Can you tell us just briefly the relationship between the HOS and  
11 the HVO at the very beginning while the members were all volunteers and  
12 later on when they were better organised, say in 1992.

13 A. The relationship between the two differed. That would be my best  
14 answer, my best shot, and it depended on the local circumstances, the  
15 situation that prevailed and temporal considerations. But ultimately a  
16 conflict broke out between the two, and from 1992 onwards, HOS  
17 gradually -- or rather, from mid-1992, HOS gradually ceased to exist,  
18 either as a group or individuals, and it disseminated to become the HVO

19 or BH army.

20 Q. Just one more question with respect to HOS. What was their  
21 political platform? What did they want to achieve? What kind of Bosnia  
22 were they fighting for?

23 A. The basic political platform of HOS was a platform of the  
24 Croatian party of rights, which at that time was unequivocal in  
25 advocating a Croatia up to the Drina River, that is to say Croatia

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1 including the territory of the state of Croatia and the state of Bosnia  
2 and Herzegovina.

3 Q. Thank you.

4 MR. KOVACIC: [Interpretation] Now can I know how much time I have  
5 left. Could the Registrar tell me how much time I had left.

6 JUDGE ANTONETTI: [Interpretation] A while ago you had 20 minutes  
7 left, that is at least five minutes ago. I believe you must have  
8 something like 10 or 15 minutes left.

9 MR. KOVACIC: [Interpretation] Thank you, Your Honour. Yes, I  
10 thought as much.

11 JUDGE ANTONETTI: [Interpretation] Professor -- you have nine  
12 minutes left, to be precise. Mr. Kovacic, you have nine minutes left.

13 Professor, Mr. Kovacic asked you a question about the HOS and you  
14 told us that this was an offshoot of a political party, the party of  
15 rights. We have heard a lot of testimony about that. General Praljak  
16 has also testified, and as things stand today, the question I have  
17 relates to this. At the time in 1992/1993, what was Tudjman doing in the

18 political arena? Was he working on the basis of a consensus or did he  
19 have to cooperate with various trends in the Croatian political life?  
20 The HOS could have been one of these trends but was reduced to nothing.  
21 You lived through this period, and as far as you remember, did  
22 President Tudjman represent the aspiration of all the people who had  
23 voted for him or did he represent the sum total of various different  
24 trends?

25 THE WITNESS: [Interpretation] Your Honours, the time has come for

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1 me to ask you to separate your one question into smaller questions,  
2 because I think you have four or five different questions within that  
3 one. So could you ask them again, please, one by one. That will prevent  
4 me from going into the subject at length.

5 JUDGE ANTONETTI: [Interpretation] What I would like to know is  
6 the following: At the time when President Tudjman had been elected, had  
7 he been elected on the basis of a political platform which all the voters  
8 identified with?

9 THE WITNESS: [Interpretation] The first presidential elections  
10 under the new constitution for the president of the Republic of Croatia  
11 happened at the beginning of August 1992. And at those elections the  
12 over -- well, Franjo Tudjman was elected president by an overwhelming  
13 majority. Since it was the electoral right of each and every voter to  
14 vote as they saw fit, we can say that Tudjman was elected by the will of  
15 the majority of voters in the Republic of Croatia. **Now, what the**  
16 structure was in the social or political sense is difficult to say.

17 JUDGE ANTONETTI: [Interpretation] We have heard a lot of  
18 witnesses here. General Praljak told us himself that several Croats  
19 living in the Republic of Bosnia and Herzegovina were entitled to vote in  
20 Croatia **because they had dual nationality. Therefore, when an election**  
21 took place, presidential election, or an election in the Sabor, a  
22 Croatian living in Bosnia and Herzegovina was entitled to vote. What I  
23 would like to know is this: When President Tudjman was elected by Croats  
24 living in Bosnia-Herzegovina, for instance, the question I'm putting to  
25 you is when he prepared his political platform did he need to factor

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1 these people in?

2 THE WITNESS: [Interpretation] That would be a reasonable  
3 assumption, both for Tudjman and for other politicians. But the  
4 following should also be taken into account. At that time and today it  
5 was not only Croats who lived in Bosnia-Herzegovina who had Croatian  
6 citizenship, but also a significant number of Bosniak Muslims did and a  
7 number of Serbs as well. Now, this would be the logic of political  
8 thinking. In accordance with the number of votes they have, politicians  
9 would certainly take that into account. However, viewed on the whole,  
10 those who have the right to vote in the Republic of Croatia **and who are**  
11 also citizens of the Republic of Bosnia-Herzegovina, they are not a  
12 significant factor in terms of prevalent vote, either in parliamentary  
13 elections or presidential elections in Croatia.

14 JUDGE ANTONETTI: [Interpretation] You are saying that those who  
15 lived in the Republic of Bosnia and Herzegovina voted in the Sabor or in

16 the parliament or voted when there was a presidential election, but these  
17 did not represent a significant number of people for this to matter.  
18 Now, as far as a question of Herceg-Bosna is concerned, as far as  
19 President Tudjman is concerned, was this a minor issue or was this a  
20 crucial issue? I'm talking now in political terms. I'm not talking in  
21 strategic terms.

22 One moment.

23 General Praljak, please sit down because this might affect the  
24 answer of the witness.

25 THE WITNESS: [Interpretation] Here comes the answer. My opinion

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1 is partly contained in the expert report, so it is well-founded and it is  
2 in the introductory part of the third part of the expert report, speaking  
3 of the relationship between the Republic of Croatia **and** Bosnia **and**  
4 Herzegovina.

5 In the introduction, I very succinctly, but very objectively and  
6 correctly, stated what the strategic interests of the Republic of Croatia  
7 were, that is to say of the institution of the Presidency, or rather, the  
8 president, who was Franjo Tudjman, in relation to the area of Bosnia **and**  
9 Herzegovina **and** developments therein. Up until 1995, particularly after  
10 1992 when Croatia **received international recognition, the reintegration**  
11 **of the occupied territories of the Republic of Croatia became a priority.**  
12 And on the basis of my entire expert report, especially the third part  
13 where in a very concrete and well-documented manner on the basis of a

14 large number of documents of a political and military nature from the  
15 territory of Bosnia and Herzegovina, I'm primarily referring to the  
16 documents of the Army of the BiH and the main institutions of the state  
17 of Bosnia-Herzegovina, there is a political interest involved and a  
18 security and military interest involved on the part of Franjo Tudjman.  
19 And it was aimed at the entire state of Bosnia-Herzegovina. Otherwise it  
20 would be difficult to explain the large continued support that I  
21 explained in detail in the third part, that the Republic of Croatia  
22 institutionally provided to the military and political segment of the  
23 central authorities of Bosnia-Herzegovina.

24 So if I were to make a hierarchy, so to speak, of primary  
25 interest were developments throughout Bosnia-Herzegovina. In view of the

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1 strategic interests of the Republic of Croatia **in that period, the area**  
2 that was covered by the Croatian Community of Herceg-Bosna and also by  
3 Croats who were in minority -- well, those were of secondary importance.  
4 Synthetically this can be seen from what Franjo Tudjman signed in  
5 Washington **and** Dayton. **The political outcome of that was, as is the case**  
6 today, the constitutional position of the Croatian people in Bosnia **and**  
7 Herzegovina **that was there at the time when they left** Yugoslavia.

8 JUDGE ANTONETTI: [Interpretation] Let me break down my initial  
9 question. I had questions because the strategic aspect had been left  
10 out. I was about to discuss this. We have heard witnesses and  
11 General Praljak has told us that in light of the fact that there was an

12 aggression, President Tudjman had to take this into account, which means  
13 according to General Praljak and other people that an effort was made to  
14 supply in arms the Army of the Republic of Bosnia and Herzegovina, the  
15 ABiH, because if this had not been done, the Serbs would have broken  
16 through the front line and would have constituted a threat. Therefore,  
17 President Tudjman needed to take an interest in what was happening in  
18 Herceg-Bosna. Do you agree with the people that claim this or not?

19 THE WITNESS: [Interpretation] In part. Actually, most of the  
20 occupied territories of the Republic of Croatia - **and that was the**  
21 **priority of their integration from the point of view of the interests of**  
22 **the Republic of Croatia - they bordered with the areas of**  
23 Bosnia-Herzegovina where Croats were not a majority. The second fact to  
24 be taken into account is that in terms of logistic and other survival  
25 Croats received their support through the other parts of

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1 Bosnia-Herzegovina.

2 So the occupied territories of the Republic of Croatia **had to be**  
3 taken into account. That is to say those parts had more importance  
4 because of all these factors. If we had a map here, I could show you  
5 exactly what I mean. Herceg-Bosna -- or rather, this area that we should  
6 look at, it had a certain degree of significance but not -- it was not a  
7 primary priority. The area of Herceg-Bosna was important for the  
8 southern parts of the Republic of Croatia, **that is to say they're very**  
9 narrow. So from a security point of view, they were easy to destabilise.

10 As for these southern parts the area -- the area of what we call  
11 Herzegovina **was important or what we could call, in this sense, the**  
12 Croatian Community of Herceg-Bosna. But viewed on the whole, and that is  
13 obvious if one looks at the map with all this information that I referred  
14 to, that objectively speaking for the Republic of Croatia **other parts of**  
15 Bosnia-Herzegovina were far more important.

16 JUDGE ANTONETTI: [Interpretation] I put my question and meaning  
17 to address a political aspect. That is when General Praljak was like a  
18 Jack-in-a-box and he jumped up. I don't know if he wants to say  
19 something. Whatever the case may be he cannot testify.

20 What is it you wanted to say?

21 THE ACCUSED PRALJAK: [Interpretation] I'm not going to testify,  
22 Your Honour, I've had enough. But the question that you put, please,  
23 could it have the right time sequence, 1991, the elections in 1991, and  
24 then further on. You are speaking of a fact as if it did not have a  
25 dynamic characteristic. It is always important for your question to have

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1 this dynamic characteristic. Thank you.

2 JUDGE ANTONETTI: [Interpretation] Fine. I admit that dates have  
3 to be referenced with a great deal of precision. The Prosecution steps  
4 in sometimes to correct the dates. As far as my question is concerned, I  
5 had not established a distinction when I took into account the time  
6 factor. My question applied, as far as you are concerned, to 1992 and  
7 1993, or in light of the time factor, do you think you would change your  
8 answers?

9 THE WITNESS: [Interpretation] Well, this is my understanding of  
10 your question. It is comprehensive and that is how I answered it. Of  
11 course we can go into individual time-periods, but then we would have to  
12 look at matters at a different level too, what happened in  
13 Bosnia-Herzegovina in addition to this, what happened in Croatia, what  
14 the attitude of the international community was; but that is for you to  
15 decide and for you to say. I think, Your Honour, that as we've gone into  
16 all these details - that is my feeling at least, if it's wrong, you  
17 please tell me - we started this series of questions -- I don't want you  
18 to think that I'm evading anything or avoiding something or trying to  
19 dodge some of your questions, I think that you put the questions of the  
20 HOS and you asked about the state institution of the Republic of Croatia  
21 and Franjo Tudjman, their attitude towards the HOS and its armed force,  
22 if I can put it that way.

23 JUDGE ANTONETTI: [Interpretation] Just before the break we  
24 addressed this, but I shall stream-line my question and address a part of  
25 the question. We all know that President Tudjman was campaigning in a

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1 presidential election. As far as you remember, in the Croatian political  
2 life were there a change or were the voters still in the same state of  
3 mind?

4 THE WITNESS: [Interpretation] The first elections took place in  
5 1990. The second ones in 1992. And the situation in Croatia was equally  
6 difficult. In a way, I think that the prevalent feeling was the same,  
7 including the elections of 1995. That was reflected in the presidential

8 elections, the parliamentary elections, and local election as well. The  
9 voters gave their confidence to President Tudjman and the party that he  
10 headed, the HDZ. However, at that time -- well, we're moving to a  
11 different level, aren't we? At that time in Croatia, there were  
12 intensive political conflicts going on of different interests that could  
13 be noted in the case of the HDZ itself. The first major stratification  
14 of the HDZ, or rather, the rift in the HDZ in 1994 and this led to a  
15 parliamentary crisis.

16 JUDGE ANTONETTI: [Interpretation] My last question is an  
17 extremely delicate question. I need to be extremely careful. This is in  
18 the form of an assumption. The basic voter in 1991 and 1994 before the  
19 rift inside the HDZ which you have just talked about, let's take the case  
20 of a standard voter. As far as you know, because you're a specialist in  
21 these matters, i.e., the history of your country, as far as the Croats in  
22 the Republic of Bosnia-Herzegovina are concerned, what do you think the  
23 standard voter wanted? Do you think he or she wanted two republics,  
24 perhaps even being part of a federation or a confederation? Or did such  
25 voter want a unique, single, republic in which Croatia would have taken

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1 in the geographical area of Herceg-Bosna? What do you think the man in  
2 the street, the voter, thought about these various options? If you are  
3 able to answer of course, otherwise let us know if you can't, which I  
4 fully understand.

5 THE WITNESS: [Interpretation] For the Croats in  
6 Bosnia-Herzegovina, their first or top priority was security for sure.

7 The Croats in Bosnia-Herzegovina are a constituent people, and they  
8 achieved that through their long life in that territory. According to  
9 the research carried out by my institute and the research carried out  
10 sociologists who study mentality and other things, these people really  
11 feel that Bosnia-Herzegovina is their home.

12 From a political point of view, from 1990 when Bosnia-Herzegovina  
13 started disintegrating as a state, since the Croats are the weakest in  
14 Bosnia-Herzegovina if we are going to be very explicit, they were the  
15 smallest people in Bosnia-Herzegovina, so in view of the entire history  
16 dynamics involved in Bosnia-Herzegovina, this instability, there is no  
17 doubt about that, this instability and lack of security, so due to many  
18 historic experiences, even those that were within living memory dating  
19 back to the Second World War, for example. So when this new card game  
20 was being played in the area, if I can use that figure of speech, they  
21 saw somewhat of a guarantee in the fact that they could have an entity of  
22 their own in Bosnia-Herzegovina. And that was explicitly stated with  
23 regard to several peace plans that were offered by the international  
24 community. That was a specific indicator too. The Croats were the only  
25 ones who accepted all the peace plans offered by the international

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1 community. As a rule, they signed them without any strings attached  
2 and --

3 JUDGE ANTONETTI: [Interpretation] You're not answering my  
4 question. You're putting yourself in the shoes of a Croat who lives in  
5 Bosnia-Herzegovina. My question had to do with a Croatian voter who

6 lives in Zagreb, for instance, what was his or her point of view as  
7 regarded the Croats in Herceg-Bosna? This is what I'm interested in.

8 THE WITNESS: [Interpretation] Well, it is difficult to speak  
9 about that because there are no reliable studies, but let me share with  
10 you an impression but this is not strong scientific argument. Some  
11 interests, political and other interest, in the power struggle in the  
12 Republic of Croatia, in social and public life in all of its aspects,  
13 continuously labelled the Croats from Herzegovina as negative,  
14 universally negative. So that the term Herzegovinian, unfortunately, is  
15 used to discriminate against those people, generally, and it has become  
16 to have a negative connotation and discriminatory connotation. This  
17 stereotype had been created in the Croatian public through concerted  
18 efforts of the media and one could analyse it. This is my impression.  
19 But if you were to look at the media in Croatia and if you were to  
20 analyse it using methods that exist, what the positions were -- what the  
21 views were expressed in the public life about Herzegovinians, negative  
22 rather than neutral views would prevail.

23 Now, I don't know whether I've responded to your question.

24 JUDGE ANTONETTI: [Interpretation] Right. It's time to have a  
25 break now. After the break, Mr. Kovacic, you will have ten minutes left.

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

2 --- On resuming at 6.05 p.m.

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

4 Witness, I had something to tell you. I told you earlier but I

5 will repeat it. We will end the session at 7.00 p.m. and sometimes we're  
6 quite rushed and I don't want to miss having -- I want to tell you what I  
7 have to say. We know that you are an eminent Croat personality, so  
8 please do not contact the media to tell them anything about the hearing.  
9 Please don't tell them anything, otherwise, you know, the Prosecutor  
10 might say that you contacted the media, that you were under oath, and  
11 that you violated this oath and so forth and so on. So once you're back  
12 in your country, you can say what you want, but up until then you're  
13 under oath. So I must tell you not to contact the media. Okay.

14 Please answer so it's on the transcript.

15 THE WITNESS: [Interpretation] Your Honour, yes, I have understood  
16 you fully and I will comply with your instructions.

17 JUDGE ANTONETTI: [Interpretation] Mr. Prlic.

18 THE ACCUSED PRLIC: Mr. President, I have just have one, I think,  
19 very important remark regarding the transcript. Maybe it was translated  
20 on French but it was not translated on English, this is page 66 or 67. I  
21 don't have LiveNote, so I am not able to follow that, but I am sure and I  
22 checked with my colleagues as well that two times, at least one time very  
23 clearly, witness answered on your question, I'm now paraphrasing: Main  
24 goal of Croats was to ensure the same level of rights as they achieved in  
25 1990. It was the very crux of the answer and it was not translated.

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1 This is not just technical, minor mistake; I think this is important to  
2 be said. Maybe you heard that on French, but on English there is no such  
3 wording.

4 JUDGE ANTONETTI: [Interpretation] Very well. Professor, can you  
5 confirm what was said which was that you made an explicit reference?

6 THE WITNESS: [Interpretation] Yes. Yes. This is correct.  
7 Several times in the context of your questions, this is precisely what I  
8 answered, that this was the fundamental motive, reason, or interest  
9 driving the Croats in BH, and I explained why I said that.

10 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

11 MR. KOVACIC: [Interpretation] Thank you, Your Honour.

12 Q. So just to go back a little bit, we started listing all the  
13 groups that were active in the defence of Bosnia-Herzegovina. We stopped  
14 at the HOS and could you please tell me -- well, I don't think there's no  
15 need for me to ask again what the HVO was. We have been hearing about  
16 that for three years, but could you please tell us very briefly, really  
17 very briefly, what are the basic characteristics of the HVO as a defence  
18 force?

19 A. The basic features or characteristics are listed in some detail  
20 in the expert report and there are documents from that time that made the  
21 same assessment. It was an army that was manned by volunteers and it had  
22 serious of defects throughout the time of its existence. If you compare  
23 it with the regular armies, the personnel were not trained and it was  
24 very closely linked with the local unit, with the local administrative  
25 units. It was a big problem. The central funding was not implemented.

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1 They were funded locally -- well, I could go into that, but it is all  
2 explained in great detail in the expert report, so I do not want to waste

3 your time.

4 Q. Yes. Thank you very much. This element, the voluntary basis for  
5 its organisation, why do you describe these people as volunteers? What  
6 are the different elements? We have different situations here. Could  
7 you please clarify that a little bit.

8 A. First of all, they came into being as volunteers. They were  
9 untrained, and throughout the war, it was impossible to train them.  
10 There were no military institutions or personnel who could carry out this  
11 training. So the problem -- one of the key problems of the HVO in  
12 general was how to set up something that would be an army of the kind  
13 that we are -- used to see in regular, well-organised states.

14 Q. After the general mobilisation was called up in the area  
15 affecting all the conscripts and call-up papers were even sent to some  
16 individuals, and if we have a soldier, ex-conscript, ex-, who received  
17 the call-up papers, did they have to comply with them and go and report  
18 to their unit?

19 A. No. There were no mechanisms in place to implement the  
20 mobilisation, the call-up, using some coercion and there was no prevalent  
21 opinion among the people that something had to be done in terms of the  
22 draft and in terms of those who volunteered to join so that the  
23 hierarchy, the chain of command, was simply non-existent or at a very,  
24 very low level. You can see that from a number of documents and  
25 examples.

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1 Q. Thank you very much. Now I would like to move on to some minor

2 questions because I don't have much time. They pertain to the chapter:

3 "The relationship between the Republic of Croatia **and** Republic of Bosnia

4 and Herzegovina." **That's at page 128 in the English version. I would**

5 like to ask you two or three things if I may. You can surely give me a

6 yes or no answer. Did the Republic of Croatia **recognise the Republic of**

7 Bosnia and Herzegovina?

8 A. Yes, together with the USA **and the European Union, it was the**

9 first to do so.

10 Q. Very well. So it was immediately after Bosnia and Herzegovina

11 declared its independence; is that correct?

12 A. Yes.

13 Q. Now, was an agreement on friendship signed by the two states?

14 A. Yes, friendship and co-operation, as I state in my report.

15 Q. Thank you. And even after this agreement was signed, were there

16 efforts to establish full co-operation, especially since October 1992

17 until April 1992, so in that time-period, or rather, April 1993 -- so

18 were there efforts made by the Croatian side to establish full

19 co-operation?

20 A. Yes, and I elaborate that in my expert report.

21 Q. After the recognition of the Republic of Bosnia and Herzegovina

22 by the Republic of Croatia, **were diplomatic relations established?**

23 A. Yes, very quickly.

24 Q. And in line with that, did the Republic of Bosnia and Herzegovina

25 open its embassy in Zagreb?

1 A. Yes.

2 Q. And in addition to the embassy of the Republic of Bosnia and  
3 Herzegovina in Zagreb, did the Croatian government also approve the  
4 opening or setting up of a logistics centre for the BH army that was  
5 active in the embassy?

6 A. Yes, in the embassy and there were many other logistics centres,  
7 either of the BH army as a whole or some units or groups that had an  
8 interest in supporting the BH army.

9 Q. Did Croatia ever, to the best of your knowledge, or is there any  
10 evidence to that effect, I mean scholarly evidence, did it disrupt the  
11 work of those centres in any way and their functioning?

12 A. No, and information from various state bodies from Bosnia and  
13 Herzegovina, its army, and people working in those logistics centres  
14 speak about that very persuasively.

15 Q. Were wounded soldiers of the BH army treated medically in the  
16 Republic of Croatia?

17 A. Yes, and there is comprehensive documentation about that in the  
18 Republic of Croatia, and I provide synthetic information about that with  
19 the sources in my report.

20 Q. The medical treatment of the BH army soldiers, did it continue  
21 even after a large-scale conflict between the HVO and the BH army  
22 erupted, so from the summer of 1993?

23 A. Yes.

24 Q. Thank you.

25 A. And as to the quality of the treatment provided, we can see that

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1 from various letters of gratitude sent by various units and individuals  
2 by the BH army to the Croatian medical institutions and physicians,  
3 doctors.

4 Q. Professor -- well, we have seen this here before but let us make  
5 this quite clear. Did a single tonne of food and medicines, could it  
6 enter Bosnia and Herzegovina using any other route apart from going  
7 through the territory of the Republic of Croatia?

8 A. Well, any assistance that reached Bosnia and Herzegovina could  
9 only reach it through the territory of the Republic of Croatia **because**  
10 the other borders of Bosnia and Herzegovina faced the Serbian aggressor.

11 Q. Thank you. Did various humanitarian organisations operate in the  
12 Republic of Croatia **without any disruptions and their sole purpose was to**  
13 provide aid to Bosnia and Herzegovina?

14 A. Yes, to an unusually high degree.

15 Q. Were there organisations among them that dealt with providing aid  
16 only to the Muslim people?

17 A. Most of those organisations in the Republic of Croatia **did**  
18 precisely that. You have specific information and data in my expert  
19 report.

20 Q. Did aid reach Bosnia and Herzegovina from overseas?

21 A. Yes, from all the continents apart from South America.

22 Q. And was this humanitarian aid then transferred from ships to  
23 shore in Croatian ports?

24 A. Yes, in huge quantities, in particular in the port of Ploca. I  
25 think more than 611.000 tonnes.

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1 Q. And there are data to that effect from various sources about  
2 everything that I've asked you about?

3 A. Yes, there is very concrete, specific, accurate documentation  
4 about that from various sources, international, Croatian, and BH sources.

5 Q. Thank you, Professor, for your answers to the questions posed by  
6 the Praljak Defence.

7 MR. KOVACIC: [Interpretation] Your Honours, I think that we have  
8 just gone briefly through the expert report. We can see just how  
9 detailed it is and how much information is provided. All we wanted to do  
10 was demonstrate its weight and value, and since we don't have much time  
11 for the rest of our Defence case, we consider that that suffices and this  
12 gives the other Defence teams a chance to examine the witness.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 Professor, I have a follow-up question regarding the work done by  
15 you. You said that the international community played a crucial role in  
16 solving the conflict. In your report, you mention what the international  
17 community did, talking about the Lisbon Declaration. Then you talk about  
18 the Vance-Owen Plan, then the Stoltenberg plan, and you end up with the  
19 negotiations under the aegis of the USA **which will result in the** Dayton

20 agreements of March 1st, 1994. Obviously you have taken a close look at  
21 all this and there is a question that springs to my mind. Why it that  
22 Europe with all these succession of plans failed in the end and how  
23 come -- why is it that the US managed to find a solution in March  
24 suddenly? Can you explain this if you have an idea of course or maybe  
25 you can say that it's too complex, and I'll just withdraw my question.

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1 THE WITNESS: [Interpretation] Your Honour, the question I would  
2 say is a key question. Now, if we speak about motives the answer can be  
3 complex, but in essence it's very simple. The international community  
4 was the sole group that had the political strength and will to impose a  
5 solution on Bosnia and Herzegovina, and Europe as you, yourself, said and  
6 there was a complex relationship there within Europe, so I don't want to  
7 analyse it, but anyway the powers on the European continent did not  
8 profess their readiness for Bosnia-Herzegovina and previously for Croatia  
9 to use their security, political, and other resources to bring an end to  
10 the crisis. And so the fate of all the peace plans was that they failed.

11 Now, when the USA arrived they wielded all the mechanisms,  
12 political, diplomatic, military, and probably intelligence and other  
13 methods, and the main reason being is that if you look at the territory  
14 of the second Yugoslavia or Bosnia-Herzegovina, why the problem couldn't  
15 be solved peacefully and why a political solution and peace plans weren't  
16 adopted and accepted was the fact that the Serb aggressor -- it didn't  
17 suit the Serb aggressor. And most often as had previously been the case

18 in Croatia, they entered into negotiations for tactical reasons, but  
19 strategically, and this can be seen specifically on occupied territory,  
20 they used the negotiations gradually to neutralise any possible military  
21 intervention and finally and ultimately over 70 per cent of the territory  
22 was -- of Bosnia and Herzegovina was occupied. It was only after the  
23 Washington Accords in 1994 and the different actions on the part of the  
24 United States, including - as is said in certain texts and documents  
25 publicly accessible - by sending retired officers, and I assume others

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1 too, other types too, did full co-operation take place between the  
2 BH army, the HVO, and the Croatian army which was reflected in the  
3 ultimate outcome, the liberation actions led in 1994 and 1995, and at a  
4 point in time when those forces were able to do away with the results of  
5 the aggression against B&H, a meeting was -- an agreement was reached.  
6 That is to say at the point in time when those forces could resolve the  
7 occupation by military means, the negotiation process speeded up once  
8 again because it suited certain interests within the international  
9 community.

10 JUDGE ANTONETTI: [Interpretation] Very well. Thank you for that  
11 answer.

12 One last question. General Praljak testified for almost five  
13 months, and very often he mentioned the following, he often talked about  
14 the aggression of the Serbs. He always -- often qualified them as  
15 aggressors. And I thought I understood when -- that maybe he -- the  
16 international community should have been harsher and rougher in dealing

17 with the Serbs who were aggressors. At least that's what I thought I  
18 understood, and what he was saying and looking at what he said it  
19 might -- you might feel that the international community decided not to  
20 intervene, not to do anything, and because there was an aggression  
21 underway, the Republic of Croatia and the HVO, the military component of  
22 it, did what they had to do in order to face this aggression because no  
23 one was intervening to put an end to it. So this was the idea put forth  
24 by Mr. Praljak. And could you give us your take on it. Do you believe  
25 it's realistic? Is it unrealistic? Is it a true assessment of the

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1 situation? Is it completely out of the blue?

2 THE WITNESS: [Interpretation] Basically it's correct. The  
3 elements of that are explained here in a scholarly way, in the expert  
4 report that is, which speaks about the basic goals of the Serbian armed  
5 aggression and their ideological, political, and then ultimately  
6 operational outcomes, especially linked to the situation in Serbia at the  
7 end of the 1980s, when the first aggression by Slobodan Milosevic and the  
8 powers that be were exercised in Serbia first against all the  
9 institutions of public and social life. And anybody who didn't want to  
10 become part of the project of a future aggression was eliminated. And  
11 there are countless -- there is countless evidence of that.

12 Now, the international community did not - and I've written about  
13 this -- well, I proclaimed it a breakdown of international security and  
14 humanitarian systems because it did not do its job on time, the job that  
15 it could have been, and then - and I've also written about this - I think

16 that the international community is not a simple concept nor does it have  
17 simple interests nor is it monolithic. It is a conglomerate or a market  
18 of different national, multinational, and other interests that exist in  
19 today's world. And when the decision was made at the level of the  
20 United States and probably some other international powers that we  
21 mentioned a moment ago, then the problem was solved by, I would say, the  
22 regional forces; that is to say the Republic of Croatia **as a state and**  
23 Bosnia-Herzegovina itself, who then pooled their efforts, they became  
24 united, and then from coercion from the international community looking  
25 at it objectively and scholarly, it is paradoxical that the victims of a

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1 Serb armed aggression which lasted for ten years from 1990 to 2000  
2 including Kosovo, although it was quite clear from the 1990 situation  
3 from what was publicly stated where the aggression would go, how it would  
4 move and so on and that many parts of the former Yugoslavia were  
5 predestined to be victims of an aggression never up until the  
6 international community exerted pressure did these victims pool their  
7 efforts to resolve the problem. So when it comes to responsibility, we  
8 can say that the victims too, in the state of victims states that is,  
9 made a mistake and their situation became clearer because they had been  
10 completely disarmed and it was quite clear that Serbia would play a hand,  
11 play its strongest suit faced with a situation of that kind, which was  
12 armed force.

13 Because at that point in time Serbia, in view of the plans to  
14 have all Serbs living in one Serb state, it did not suit Serbia to enter

15 into a process of diplomatic or any other peaceful solution to the  
16 problem because it was a long, unwieldy process, depending on different  
17 mechanisms which can crop up. And the only absolute advantage that they  
18 had was in their armed force. And the decision was made as it was made  
19 and what happened happened.

20 JUDGE ANTONETTI: [Interpretation] Professor, I listened carefully  
21 to what you said. You seem to confirm what General Praljak had told us,  
22 but if we look at things from this angle, if we believe that the  
23 international community was duty-bound to act then there would have been  
24 a military conflict with everything we see now in Iraq and Afghanistan  
25 occurring. So as far as you're concerned, looking at it from a

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1 historical point of view, Croatian point of view, someone who was  
2 involved in all these events, according to you, do you think that the  
3 international community agreed -- was in agreement to oppose the Serbs or  
4 was there a lack of agreement from this international community, a lack  
5 of agreement that was known by the Serbs and which the Serbs used to  
6 their advantage?

7 THE WITNESS: [Interpretation] As I've already said, the  
8 international community was a complex market of different interests, and  
9 bearing that fact in mind, Serbia **very skillfully dealt with all that on**  
10 a psychological level and promotional level to a political level using  
11 many inherited instruments from the second Yugoslavia, especially its  
12 diplomacy because many cadres in the first and second Yugoslavia had  
13 their own contacts were -- well, had good contacts. And as I say in my

14 expert report, before 1990 they were not able to prepare themselves in  
15 institutional terms for the events that were to follow. And the fact  
16 that in all the elections except in Serbia and Montenegro **newly**  
17 established parties came to power is testimony to that. And that only in  
18 Montenegro **the power was carried on by the structures that had existed**  
19 **previously in Yugoslavia. So that that is one of the facts that had a**  
20 **vital influence on the subject we're discussing here today and, of**  
21 **course, linked to your question, Your Honour.**

22 JUDGE ANTONETTI: [Interpretation] Thank you.

23 Mrs. Alaburic, I will give the floor to my colleague.

24 MS. ALABURIC: [Interpretation] Just a correction to the  
25 transcript. Line 21 it says only that the old structures in Montenegro

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1 carried on the structures and the power. The witness said Montenegro **and**  
2 **Serbia, so the "Serbia" was left out of the transcript. Thank you.**

3 JUDGE ANTONETTI: [Interpretation] Mr. Scott.

4 MR. SCOTT: Thank you, Your Honours. Perhaps it's not necessary,  
5 but out of an abundance of caution, I didn't want to interrupt  
6 Mr. Kovacic, but during the last ten or perhaps a bit longer minutes of  
7 his direct examination, he asked a number of leading questions which the  
8 witness gave general answers. I just want to make sure and I assume that  
9 that testimony has no particular evidentiary value beyond what's in the  
10 report itself. Either it's documented in the report or it's not. I  
11 simply wouldn't want to, a year from now, read references to his

12 testimony as having some value other than what's fully supported in his  
13 report. I didn't object. I take it that's the state of the evidence.  
14 If it's properly documented in his report it might have some value. The  
15 fact that he gave some answers to leading questions in court to similar  
16 effect, Your Honour, I would say doesn't add additional weight to his --  
17 that particular evidence. I just wanted to make that clear for the  
18 record.

19 While I'm on my feet, Your Honour, I just ask can we leave enough  
20 time this evening to inquire about the intentions of other Defence teams  
21 so that we can, perhaps, better plan the day tomorrow? I don't know how  
22 many other Defence teams intend on asking questions of this witness.  
23 Thank you.

24 MR. STEWART: Your Honour, a particular problem is that Mr.  
25 Scott, not objecting at the time, as just referred in a pretty general

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1 way now to a number of leading questions. And he's asked for some sort  
2 of assurance in relation to the evidential weight of those answers,  
3 leaving none of us really knowing where we are. Because if we're talking  
4 about a period of 10 or 15 minutes, which answers is he talking about?  
5 It really needs to be more specific than that and that is one of the  
6 problems. We're not encouraging people to pop up like a Jack-in-a-box  
7 all the time, but an objection at the appropriate time would have been  
8 helpful in this case.

9 JUDGE ANTONETTI: [Interpretation] There are two topics that have  
10 been addressed here, the topic addressed by Mr. Scott and the question

11 you are putting. The Trial Chamber needs to answer your questions, but  
12 this question has already been put in the past. Evidence are of two  
13 kinds: A, an expert report; and B, questions and answers which the  
14 latter provides during the multiple questions put by you, by Defence  
15 counsel, and by the Bench.

16 But when a question is leading, the probative value diminishes,  
17 of course, compared with a non-leading question. That goes without  
18 saying. What does a Bench do when it deliberates? It will look into the  
19 specificity of it, will look in the form of the question, and if the  
20 Bench realises that the question is a leading question, the Bench can  
21 infer that it prompted the question. This is on a case-by-case basis.  
22 It's very difficult to say today that this has no value. This is a  
23 difficult thing to do. In addition, his testimony is not finished  
24 because we haven't heard the questions of the other Defence counsels.  
25 There are your questions that need to be put. Now to determine the

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1 probative value at this stage is something which seems difficult. It  
2 seems to me to be an exploit.

3 MR. SCOTT: First off, Your Honour, to respond to Mr. Stewart's  
4 questions, at least in the past -- in the past 20 minutes, my objection  
5 is to all the leading questions. Any lawyer who reads the record knows  
6 what a leading question is. When the answer is yes or a generic response  
7 was, I saw something to that effect, it's not particularly helpful. It's  
8 very clear as to what the nature of the questions and answers were,  
9 number one.

10           Number two, Your Honour, again I mentioned on Thursday  
11           expectations develop in the course of a three and a half year trial. I  
12           had thought it would not be advisable to jump to my feet every time a  
13           leading question is asked. However, if I'm now being told that that is  
14           the practice, then I will be on my feet and every leading question and  
15           every question I think is proper, if that's the way the Chamber wants to  
16           proceed. I thought it was improper. I didn't want to interrupt counsel.  
17           I thought it would make the point. If I had done so inadequately then I  
18           will do it in the future --

19           MR. STEWART: Michael, can I just finish off what I got to say,  
20           please? Just this once, okay?

21           JUDGE TRECHSEL: I think Mr. Karnavas ought to get the floor now  
22           because he's frustrated. Even before you took the floor, he had clearly  
23           signalled that he wanted to speak.

24           MR. STEWART: Your Honour, I'm going to accept that my own  
25           frustration should defer to Mr. Karnavas' frustration.

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1           JUDGE TRECHSEL: We try to distribute frustration equally over  
2           everyone.

3           MR. STEWART: I think it's safer if his has priority.

4           MR. KARNAVAS: And I appreciate the courtesy extended to me by  
5           Mr. Stewart. I just wanted to say, first and foremost, every attorney  
6           whether they're Defence or Prosecution has an obligation to make their  
7           record and to make it in a timely fashion, and if not it is waived. They  
8           can't close the doors after the horses have run out of the barn. So they

9 can't wait until the end of the testimony and say, Oh by the way, now I  
10 want to strike everything. Now what could have been done in this  
11 instance, Mr. Scott knows it without having to pop up every time, he  
12 could say, I object to any leading question and I have a continuing  
13 objection for any further leading question. That preserves his record.  
14 It also gives the attorney some indication that perhaps he is leading and  
15 to cure the problem. But to allow the attorney to go on, even if he may  
16 be experienced, on issues especially where the attorney may believe that  
17 these are issues that are of a background nature and not issues that are  
18 really critical, I think that is setting a trap for the attorney and then  
19 somehow coming and asking for the Trial Chamber to step in and say  
20 disregard everything and figure it out by the way. It is the obligation  
21 of the attorneys to stand up, object, articulate what the basis of the  
22 objection is, and if it's -- if they believe that it's going to be a  
23 continuing problem to say I have a continuing objection regarding these  
24 sorts of questions. Thank you.

25 MR. STEWART: Your Honour, in English we often say age before

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1 beauty, but I have no idea where that leaves the priorities between  
2 Mr. Karnavas and me, on either account.

3 Your Honour, what I was going to say -- there was that -- so far  
4 as leading questions are concerned, yes, Mr. Scott is quite right that  
5 most experienced lawyers can recognise most leading questions most of the  
6 time, but the numerous debates had in the course of this case indicate  
7 that drawing a line, sometimes between what is a leading question and

8 what is not a leading question, is a very serious debate.

9 But, Your Honour, the fundamental point here perhaps is -- and  
10 this is -- we suggest the solution that the sort of assurance Mr. Scott  
11 seeks as to the evidential weight of answers to questions is one that,  
12 bluntly, he really cannot expect. He will have to do what we all have to  
13 do. He will have to form his own judgements about the likely weight  
14 which may or may not be attached to particular answers and he will then  
15 have to pursue his case, his cross-examination, in the light of such  
16 judgements as he makes, and that's what we do all the time, Your Honour.  
17 That's our job, basically, or one of them -- part of our large job.

18 JUDGE ANTONETTI: [Interpretation] Mr. Stewart, you raised another  
19 issue a while ago. You wanted to know how the other Defence counsel were  
20 going to present the cross-examination. The best would be to ask who is  
21 going to take the floor when. We -- the Prosecution has been granted  
22 three hours and one hour and a half for all other teams. So you have an  
23 hour and a half. We would like to know how this one hour and a half is  
24 going to be allocated. I believe my colleague wanted to say something  
25 too.

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1 JUDGE TRECHSEL: That is, indeed, the fact. It was before  
2 Ms. Alaburic started speaking, so by ways of frustration, it's not  
3 unilaterally down, it's also -- I have a very small question,  
4 Mr. Jurcevic, a terminological one. In your studies, have you come  
5 across any substantiation and support for the thesis that the term  
6 "Herceg-Bosna" is tantamount to Bosnia and Herzegovina? Is that the

7 same? Can it be said that this is the same?

8 THE WITNESS: [Interpretation] Yes, in essence you could say that  
9 it is the same -- or rather, the term "Bosnia and Herzegovina" in its  
10 contemporaneous meaning has been in use since the Austro-Hungarian times,  
11 since 1858. And from that time on -- for instance, when it comes to the  
12 Karadjordjevic dynasty in the time of the first Yugoslavia, in some of  
13 their documents --

14 JUDGE TRECHSEL: Excuse me. I'm talking about the period 1995,  
15 maximum. Between 1990 and 1995, you say they are the same. Have you any  
16 support for this? Have you come across any documents where they say  
17 "Herceg-Bosna" and where, in fact, what they mean is Bosnia and  
18 Herzegovina? Or, of course, vice versa they say "Bosnia and  
19 Herzegovina," but they mean Herceg-Bosna?

20 THE WITNESS: [Interpretation] Yes, because both terms have their  
21 historical heritage, and that's why I wanted to give you this example  
22 that in the time of the first Yugoslavia, even if some official documents  
23 of the Serbian dynasty, the other term "Herceg-Bosna" was used for Bosnia  
24 and Herzegovina.

25 JUDGE TRECHSEL: Excuse me, you should listen carefully to the

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1 question and limit the answer to the limit of the question. And the  
2 question is 1990 and 1995 and I asked you whether you could point to such  
3 documents.

4 THE WITNESS: [Interpretation] Well, I'm thinking about the

5 minutes from the meetings of the Bosnia and Herzegovina Presidency. And  
6 some months ago in order to answer this question for myself I Googled  
7 this term and there are various links that you get and you can see  
8 scanned books and other documents from this period, 1990 to 1995, where  
9 this term is used in public media, discourse, as a substitute term for  
10 Bosnia and Herzegovina, just as very often in official documents and  
11 discourse in this period, 1990 to 1995, the term "Bosnia" is used to  
12 denote Bosnia and Herzegovina and that's incorrect usage. In various  
13 international documents, the term "Bosnia" is used rather frequently  
14 instead of the correct term "Bosnia and Herzegovina."

15 JUDGE TRECHSEL: Thank you.

16 JUDGE ANTONETTI: [Interpretation] Let me get back to the topic  
17 addressed by Mr. Stewart, namely, how the counsel are going to share out  
18 that time. Mr. Scott mentioned this also. The best would be to ask each  
19 team when they would like to take the floor and how much time they will  
20 be taking.

21 Mr. Karnavas.

22 MR. KARNAVAS: Good afternoon again, Mr. President, Your Honours.  
23 It is my belief that I will have approximately 15 to as much as 20  
24 minutes, but I believe more in line with the 15. And it was my  
25 understanding that the Stojic team was going to go first, but I -- as I

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1 understand it they may not have any questions. I don't know. But then  
2 after that it was going to be the Petkovic team. So I will follow the  
3 Petkovic team. And so if they could reserve 15 minutes for my cross, and

4 I understand from my colleagues they may not have any other questions.

5 So that's -- I think that assists you.

6 JUDGE ANTONETTI: [Interpretation] Mrs. Nozica.

7 MS. NOZICA: [Interpretation] Good afternoon, Your Honours. As my  
8 learned friend Mr. Karnavas said, our internal organisation is such that  
9 Mr. Stojic's Defence would be the first to ask questions but we would  
10 like to inform you that we will have no questions for this witness.

11 JUDGE ANTONETTI: [Interpretation] You have no questions. Fine.

12 Mrs. Alaburic.

13 MS. ALABURIC: [Interpretation] Your Honour, I would like to  
14 remind you that the request for the cross-examination of this witness  
15 were filed only by the Stojic, Prlic, and Petkovic Defence teams, and in  
16 your decision of the 7th of May, 2009, that pertained to the motion filed  
17 by the Petkovic Defence asking you to review your decision on the right  
18 of the cross-examination by Defence teams, you decided that the three  
19 teams would have a total of two hours to cross-examine Dr. Jurcevic. And  
20 I have to admit that this was the time that we counted on and the  
21 Petkovic Defence would like to use the -- all of the time allotted to the  
22 Defence and if my colleagues from the other Defence teams would not have  
23 any questions, well then I would like to divide that time with  
24 Mr. Karnavas as he's indicated. So we anticipate that the Petkovic  
25 Defence would use one hour, 45 minutes to cross-examine this witness.

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1 JUDGE ANTONETTI: [Interpretation] Let me first check whether you  
2 have been granted two hours. I'm sure you're right, but I shall check

3 this out since in my mind it was an hour and a half. So you would be  
4 having an hour and 45 minutes and Mr. Karnavas would be having 15  
5 minutes.

6 Let me ask the Coric and Pusic Defence teams whether they have  
7 any questions for this witness.

8 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.  
9 The Coric Defence will not have any questions for this witness. Thank  
10 you.

11 JUDGE ANTONETTI: [Interpretation] Thank you.

12 Mr. Ibrisimovic.

13 MR. IBRISIMOVIC: [Interpretation] Mr. President, the same goes  
14 for the Pusic Defence.

15 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic will have one  
16 hour and 45 minutes. Mr. Karnavas will have 15 to 20 minutes and he can  
17 fill this in. And Mrs. Alaburic will start. This is how the hearing  
18 shall unfold tomorrow. That said, we may be getting other documents in  
19 the form of binders. The best would be to start tomorrow.

20 Mr. Scott, would you like to add anything?

21 MR. SCOTT: No, Your Honour. Thanks. Not at this time.

22 JUDGE ANTONETTI: [Interpretation] Professor, as you know, we will  
23 be sitting in the morning tomorrow. We start at 9.00. The witness unit  
24 will look after you and escort you into the courtroom. In the meantime,  
25 I wish you all a pleasant evening.

2 to be reconvened on Tuesday, the 15th day of  
3 September, 2009, at 9.00 a.m.

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