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1 Monday, 5 October 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 --- Upon commencing at 2.22 p.m.

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

8 THE REGISTRAR: Thank you and good afternoon, Your Honours.

9 This is case number IT-04-74-T, the Prosecutor versus Prlic et
10 al.

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

12 This is Monday, and I greet the accused, the Defence counsels,
13 the Prosecutor, and everyone helping us.

14 Mr. Registrar, I believe you have some IC numbers.

15 THE REGISTRAR: Thank you, Your Honour. That's correct, we have
16 a few IC numbers, as requested by the parties.

17 Some parties have submitted lists of documents to be tendered
18 through Witness Zrinko Tokic. The IC numbers assigned will be as
19 follows: The list submitted by 3D shall be given Exhibit IC1066. The
20 list submitted by 4D shall be given Exhibit IC1067. The list submitted
21 by 2D shall be given Exhibit IC1068. The list submitted by the OTP shall
22 be given Exhibit IC1069. And we have a further document submitted by the

23 Praljak Defence, and the document is the Praljak Defence reply to
24 Prosecution objection to documents tendered through Slobodan Praljak, and
25 that will be Exhibit IC1070.

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1 Thank you.

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

3 The Praljak Defence sent us a new schedule, and it seems that the
4 witness Vlado Zeric [phoen] has been withdrawn, he will not be heard,
5 which means that in the week of October 12, we will only be hearing
6 witness Bragan Krsic [phoen].

7 I believe Ms. Alaburic had a few words for us.

8 MR. STEWART: Your Honour, it was going to be me, but the
9 particular point doesn't arise, so we needn't take the Chamber's time at
10 the moment. Thank you.

11 JUDGE ANTONETTI: [Interpretation] Very well. Let's bring in the
12 witness.

13 Mr. Usher, could you please bring in the witness.

14 [The witness entered court]

15 JUDGE ANTONETTI: [Interpretation] Good morning, sir.

16 THE WITNESS: [Interpretation] Good afternoon.

17 JUDGE ANTONETTI: [Interpretation] Could we please have your name,
18 surname, and date of birth.

19 THE WITNESS: [Interpretation] My name is Vlado Sakic. I was born
20 on the 2nd of September, 1954.

21 JUDGE ANTONETTI: [Interpretation] What is your occupation at the

22 moment?

23 THE WITNESS: [Interpretation] I'm a university professor and a
24 scholar.

25 JUDGE ANTONETTI: [Interpretation] Professor, have you already

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1 testified in court regarding the events that unfolded in the former
2 Yugoslavia or is it the first time that you're testifying?

3 THE WITNESS: [Interpretation] No.

4 JUDGE ANTONETTI: [Interpretation] You never testified.

5 Could you please read the solemn declaration.

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

8 WITNESS: VLADO SAKIC

9 [The witness answered through interpreter]

10 JUDGE ANTONETTI: [Interpretation] Thank you. You may sit down.

11 THE WITNESS: [Interpretation] Thank you.

12 JUDGE ANTONETTI: [Interpretation] Professor, just a few -- just
13 some information so that this hearing runs smoothly.

14 You will be answering questions put to you by the Defence team of
15 General Praljak, and two hours have been allocated for this phase. After
16 this, the other Defence counsel will have one hour altogether to put
17 questions to you, if they deem it useful, and then the Prosecutor, who's
18 on your right, will have two hours for his cross-examination.

19 The three Judges on the Bench -- normally there's four of us, but
20 one of us is ill. But the three Judges on the Bench will also ask

21 questions, if need be.

22 You're a scholar, you're a teacher, you are a faculty teacher, so
23 you know that your answers must be very specific, brief, and to the
24 point. Please refrain from going astray. If you do not understand a
25 question, ask the person putting the question to reformulate it.

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1 We have 20-minute breaks every hour and a half. Unfortunately,
2 we started a bit late, but it's -- we're not to blame, but we will have
3 our first break in about an hour and 25 minutes.

4 You made the solemn declaration, you took an oath, so you're now
5 a witness for justice, and for the days to come you will no longer
6 contact the Defence team of General Praljak.

7 That's all I had to say, and I will now give the floor to
8 Mr. Kovacic.

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

10 Examination by Mr. Kovacic:

11 Q. Good afternoon, expert witness. Good afternoon to everybody else
12 in and around the courtroom.

13 MR. KOVACIC: [Interpretation] Your Honours, I'd just like to say,
14 to save time, a couple of minutes of this witness's testimony -- well,
15 I'd like to ask for the usher's assistance so that we can place on the
16 ELMO the witness's curriculum vitae, and I'd like my learned friend of
17 the Prosecution to agree to having everything down on paper. This is
18 what it looks like, Mr. Scott, this document, if you agree.

19 MR. SCOTT: I'm not sure what I'm being asked to agree to,

20 Your Honour. We look at documents every day in the courtroom. I'm not
21 sure how this is different than any other day, so I'm not being
22 difficult, I just -- I don't understand what counsel is requesting.

23 MR. KOVACIC: [Interpretation] No, no, I haven't requested
24 anything yet, just a little patience. I just wanted to first check to
25 see whether you had the document, and then I'll go on and ask what I

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1 want.

2 So this is a summary of the curriculum vitae, setting out the
3 witness's professional life. He's from the Ivo Pilar Institute, and with
4 your permission and with the permission of my learned friend of the
5 Prosecution, I would like to ask leading questions about the CV, and
6 I think we'll be able to get through it quicker. Of course, we provided
7 a copy of the CV to everyone. This is just a summary of the CV that we
8 have otherwise provided.

9 JUDGE ANTONETTI: [Interpretation] Go ahead.

10 MR. KOVACIC: [Interpretation] Thank you.

11 Q. Now, Witness, you have before you the document. And could the
12 usher place it on the overhead projector, please. Is it there? You have
13 it on the screen. Right, fine. So take a look at it now, please. And I
14 have briefly extracted the main points from your curriculum vitae, so I'm
15 just going to ask you a couple of questions, and it might need some
16 explanation.

17 Under number 1, personal data, just confirm, please, whether all
18 that data is correct.

19 A. Yes, it is.

20 Q. So that data there is correct. Thank you. Now, under point 2,
21 the first section of point 2 relates to some of your earlier activities,
22 various earlier activities. Are they correct?

23 A. Correct.

24 Q. Thank you. And, once again, staying with number 2, the second
25 section under the title "Currently" or -- that has a number of points.

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1 Is that all correct?

2 A. Correct.

3 Q. Thank you. We can now move on.

4 JUDGE ANTONETTI: [Interpretation] Professor, apparently you've
5 been a UN expert regarding criminal matters. Could you tell us what
6 exactly this means?

7 THE WITNESS: [Interpretation] I wasn't an expert in criminal law.
8 What I was was a recognised UN expert, which is a status a little lower
9 than a UN expert, and I was granted that status during 1989-1990, when I
10 was invited by the Helsinki Institute of the United Nations to be a
11 scholarship-holder, and then I was invited to attend the 8th Congress of
12 the United Nations as a recognised expert, as it's called - that's the
13 term used - which was held on Cuba. **And it had to do with the prevention**
14 of crime and conduct with transgressors. And it is within the frameworks
15 of the Economic Council of the United Nations.

16 JUDGE ANTONETTI: [Interpretation] Thank you.

17 MR. KOVACIC: I would kindly ask the usher to turn the next page.

18 Q. [Interpretation] Professor, have a look at that next page,

19 section 3, Roman III. Is that information correct?

20 A. Yes, it is.

21 Q. And let's move on to section IV. If you've looked through it,

22 just tell us, please, whether all that is correct.

23 A. Yes, these are general statements, all of them correct.

24 Q. Now I have a question to ask with respect to that third point,

25 "Board of editors," and specifically -- just let me finish. In your

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1 binder, during the proofing session, you were given 3D03523, which is a
2 book entitled "Military Psychology," but tell me -- and I see here and
3 you said that you were on the editorial board. Do you remember that book
4 for any specific reason?

5 A. I do. But before I tell you, Counsel, can I put right something
6 in section III? It says here that I was the ex-president of the Croatian
7 Penological Association, and the vice-president as well. That's not
8 correct. I was the president of the Croatian Penological Association of
9 Croatia **and the vice-president of the Croatian Psychological Society, so**
10 I held high-ranking positions in two associations.

11 And now to tell you about the book "Military Psychology."
12 "Military Psychology" otherwise is a textbook, and I was on the board of
13 editors, and this book was first -- the idea about it was started by the
14 Psychological Department within the Ministry of Defence of the Republic
15 of Croatia, **and it rallied together a large number of psychologists who**
16 wrote a three-part book, textbook, three volumes, and it was accepted as

17 a textbook at all the -- for all the Croatian universities. Now, it is
18 particularly interesting to note, in this regard, that the book has been
19 translated into Hungarian and that I, personally, like all the editors of
20 the individual chapters and the editor-in-chief, received a review by a
21 well-known Hungarian university professor and well-known psychologist
22 who -- well, he made a high assessment -- he gave high praise for the
23 book, and he sent this review to a large number of European countries
24 with the recommendation that this textbook, written on the basis of the
25 Croatian war of independence, or the war in the former Yugoslavia, that

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1 it was an excellent textbook and that he highly recommended it in Europe,
2 too.

3 Q. Thank you. Now, in section IV, we see there listed one of your
4 activities, the promotion and popularisation of social science there, and
5 there was a project that was called "Scientific Thursday," with many
6 guest speakers. I just mentioned a few of them, and they're listed here.
7 And I have two questions about that, Doctor. What was the aim or,
8 rather, what was the importance of this project, "Scientific Thursday,"
9 and do you perhaps remember any other well-known names? Or I can ask you
10 about them. For instance, at that "Scientific Thursday," did you have
11 Mr. Martin Bell, a British MP and well-known British journalist as a
12 guest speaker? Did he attend?

13 A. Yes, but may I give an explanation here? This "Scientific
14 Thursday" project was an open, public forum for popularising science, the
15 social sciences. I was director of the institute, and I chaired that

16 whole event, and it took place when the aggression against Croatia **was at**
17 its peak. And we tried, in that way, as scholars, to internationalise
18 the events that were taking place, and that is why we invited well-known
19 individuals to be guest speakers, as Alain Finkielkraut, there was
20 Dr. Peter Kampits, an Austrian, Mr. Martin Bell, and I remember
21 Janos Bugajski was there as well, so a series of well-known names in the
22 field; journalists, publicists, cultural figures who dealt with these
23 conflicts. Our last guest speaker a year ago was Jacques Klein, who
24 came, invited by the institution for the ceremony of the peaceful
25 reintegration of Vukovar. He came at my personal invitation for the 10th

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1 anniversary.

2 Q. Now, you mentioned Mr. Jacques Klein. You mean Ambassador
3 Jacques Klein, who was a UN envoy with regard to the integration of
4 Southern Slavonia; right?

5 A. Yes.

6 Q. And --

7 THE INTERPRETER: In East Slavonia, interpreter's correction.

8 MR. KOVACIC: [Interpretation]

9 Q. So all that is correct, all the rest of it under section IV?

10 A. Yes.

11 Q. Now we come to section V, where I list some of the basic
12 characteristics of the social institute. We have already seen that you
13 were the director of the institute, the Ivo Pilar Institute, and I have
14 listed some other facts there. Just tell me if everything there is

15 correct about the institute.

16 A. Everything is correct. There is more to be added, but this is
17 all correct.

18 Q. Of course there is more, but we would need more time to talk
19 about everything. I would like to ask you just one thing in this regard.

20 When I was reading about the institute and when I spoke to you,
21 and when I learned that a lot of importance is given to the
22 multidisciplinary approach to science in your projects, or, rather,
23 multidisciplinary method, could you please tell us why do you think that
24 this is an important fact, in comparison with a traditional specialist
25 approach to various projects? But please be brief.

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1 A. We founded the institute in early -- in the early 1990s, when
2 Croatia **became an independent and democratic state, and our main motto**
3 was through research to facts. You have to understand the political and
4 social background that Croatia **had before that, and if you do, then you**
5 will understand the motto. We immediately opted for a multidisciplinary
6 and interdisciplinary approach because we followed the logic of similar
7 institutions in the West. We wanted to adopt their approach. We wanted
8 to be organised in the same way in our research. For example, my idols
9 were Gallup and the National Opinion Research Centre, a large institute,
10 the Chicago University, **and in Germany Max Planck Institute in the**
11 communist and the former communist area.

12 Q. Thank you very much, and a few more questions just to round off

13 the topic.

14 You have been in enrolled in various projects. Could you please
15 tell me, as a scientist, what would you say that is the focus of your
16 scientific and scholarly interest? What is your main topic? What is
17 your main point of interest?

18 A. I've been involved in scientific research for 30 years now. I've
19 had several areas of interest that I have been involved in, but in
20 general terms, all these areas have to do with the backbone of my
21 scientific and teaching activity, and that's social psychology. Within
22 that general area, my special areas of interest are social psychology of
23 immigration, social psychology of crime, penological psychology. I've
24 also dealt with social psychology of violence, of war, and so on and so
25 forth. This was my main point of interest in the early 1990s. Now I am

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1 intensely involved in the research of social identity, which is one of
2 the areas of social psychology that has been most extensively researched
3 in Europe.

4 Q. And now, please, Professor, let's bring this --

5 JUDGE PRANDLER: I'm sorry to interrupt you, but you know about
6 my role as a watch-dog for the interpreters, so therefore I would like to
7 ask you and, of course, Professor Sakic, that you have to try to slow
8 down and to wait until the translation is ended on both sides, and to
9 start with your answers, Professor, only when the interpreters will
10 finish their own translation. So I hope that you will be doing this and
11 to comply with this request.

12 If I take the floor now, I would also like you -- to ask you,
13 Professor, about one particular small fact and issue.

14 You mentioned that your book and activities had also been
15 discussed and supported by one of the Hungarian professors of sociology,
16 and since I'm Hungarian, I would only like to ask you about the name of
17 that particular professor, if you still remember it.

18 THE WITNESS: [Interpretation] I must say, unfortunately, that at
19 this moment I can't remember his name, but I can look it up and I can
20 tell you tomorrow. I don't remember. I have not expected such a
21 question, I'm afraid.

22 JUDGE PRANDLER: Thank you. Actually, it is not so urgent and
23 not so important, but I would also appreciate if you will find it out.
24 Thank you.

25 And, Mr. Kovacic, please carry on.

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1 THE WITNESS: [Interpretation] I'll find it and I will let you
2 know.

3 THE INTERPRETER: Microphone for the counsel, please.

4 MR. KOVACIC: [Interpretation]

5 Q. We have submitted to the Court document 03721, which is a 3D
6 document, and that is your expert report. Everybody has it, everybody
7 has seen it, everybody has had plenty of time to read it. Let me just
8 ask you whether this is your work. Did you draft this expert report?

9 A. Yes, I drafted it and I signed it.

10 Q. And to bring this to an end, could you please tell us, in a

11 couple of sentences, as a citizen of the Republic of Croatia, where you
12 resided during the events in question from the 1990s onwards, to what
13 extent were you personally familiar with what was going on in the
14 Republic of Bosnia and Herzegovina during the war?

15 A. As for the events in the Republic of Bosnia-Herzegovina, I
16 learned about them just like any other citizen of Croatia, from the
17 media, in conversations with friends and acquaintances, as well as other
18 scholars and scientists that I cooperated with, and then in some other
19 ways which were all public, which means that I didn't use any other ways,
20 save for the normal ways that any citizen used, and also I was reading
21 publications about Bosnia and Herzegovina that were being published all
22 those years.

23 JUDGE ANTONETTI: [Interpretation] Professor, just a minute.

24 Mr. Kovacic is no longer putting questions about your resume, but
25 before looking into the crux of your report, I'd like to come back to

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1 your resume.

2 I noted on number II, under number II, that you were a guest
3 speaker at Notre Dame in Indiana, in the Chicago university Notre Dame, a
4 Catholic university. In 2009, President Obama was also a guest speaker
5 at Notre Dame, and actually made a speech at Notre Dame on dialogue and
6 respect for freedom. So you were a guest speaker at this eminent
7 university. Did you give a speech or a lecture, and if so, what was the
8 topic?

9 THE WITNESS: [Interpretation] I did not give a speech or a

10 lecture. I was there to talk to a centre in Notre Dame that was dealing
11 with the research of violence at the time and the establishment of peace.
12 I was there to agree -- a possible cooperation between my institute and
13 that particular centre, which means that I did not deliver a speech or a
14 lecture at the time.

15 JUDGE ANTONETTI: [Interpretation] Very well.

16 Thank you, Mr. Kovacic, and I apologise for interrupting.

17 MR. KOVACIC: [Interpretation] Since your curriculum has already
18 been submitted to the Trial Chamber, together with your expert report,
19 and we have dealt with only a few excerpts - the number under which this
20 was submitted is 3D03727 - I don't have any more questions about the
21 professor's CV. I believe that you've got the impression. I would like
22 to move to the essence, and I would kindly ask the Trial Chamber to allow
23 Mr. Praljak to put questions to the witness because he is the best suited
24 to put questions to the witness because he has been educated in the area.

25 JUDGE ANTONETTI: [Interpretation] Just a minute, General Praljak.

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1 Professor, I have a question. I'm trying to understand how this
2 Ivo Pilar Institute works. As far as the budget is concerned, could you
3 tell us whether this institute is financed directly by the government,
4 whether there are donors, donations, or whether you make your own money?
5 So could you please tell us whether it is an autonomous institution or
6 whether it depends on government funds?

7 THE WITNESS: [Interpretation] Your Honour, the institute, Ivo
8 Pilar, is funded in the same way as all the other institutes and public

9 universities in Croatia are funded. This is a public scientific
10 institute which is funded from the budget of the Ministry of Science and
11 Education. In addition to that, we also rely on donations from Croatian
12 and foreign foundations, and some of our financing comes from
13 market-oriented projects commissioned by our buyers. Our buyers can be
14 from the industry, from other social institutes, from political
15 institutions, and so on and so forth.

16 JUDGE ANTONETTI: [Interpretation] Very well. One last question
17 on this topic.

18 Could you tell us whether the head of this institute is appointed
19 by the government or whether he is elected by a panel of scholars?

20 THE WITNESS: [Interpretation] Your Honour, the head is appointed
21 by the management board, and the management board is composed of
22 scientists and scholars. And the head is appointed based on the opinion
23 of the scientific board, and then the management board selects the head
24 based on that opinion. The Ministry of Science is in charge of
25 supervising the appointment procedure. It does not meddle with the

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1 autonomy of the institute's scientific work.

2 JUDGE ANTONETTI: [Interpretation] Thank you.

3 THE ACCUSED PRALJAK: [Interpretation] Good afternoon, Your
4 Honours.

5 Examination by Accused Praljak:

6 Q. [Interpretation] Good afternoon, Professor Sakic.

7 A. Good afternoon, General, sir.

8 Q. Two things. First of all, time is very precious and short at
9 this Tribunal. We have a lot of work to do. We have a number of
10 documents to go through primarily concerning social psychology. And the
11 second thing is the interpretation. Please wait for my question to be
12 over, and then I would kindly ask you for the shortest possible answers.

13 What we are going to go through from the book that is filed under
14 number 3D352 -- 3D3521, the book has been submitted and we can only go
15 through some of the elements of the book because we don't have much more
16 time. 3D03521. You have the book before --

17 MR. SCOTT: I apologise for the interruption, but -- I'll wait
18 for Judge Trechsel to find -- excuse me, Your Honour, and I apologise for
19 the interruption, but I was under the impression that we were here to
20 hear about the report that the Professor has written and submitted to the
21 Prosecution and to the Chamber, and we would be here to talk about his
22 report and not about some book that is not his report, so I -- unless
23 this is just a passing reference to a particular citation, that's one
24 thing, but I just heard Mr. Praljak say that he intends to spend his
25 entire time going through this book, and I think that's beyond the scope

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1 of this exercise and I object.

2 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, could you please
3 explain? What is the relevance of the book in relation to the expert?
4 Is the book mentioned as a footnote in the expert report?

5 THE ACCUSED PRALJAK: [Interpretation] Your Honour, in the book,
6 in several places you can find a number of experiments which, in a

7 classical textbook of social psychology, a textbook that has had several
8 reprints, which talk about all of the elements based on which the expert
9 has drafted his report and has reached some conclusions. The experiments
10 are mentioned in there, as well as some other things, and in order for
11 anybody to understand the essence of the matter, we have to go through
12 the main parts which concern the behaviour of an individual in extreme
13 circumstances, which, of course, war is one of them. And this is
14 simply -- I don't think that we need to repeat what has been written in
15 the expert report, because everybody can read it, but it is necessary to
16 clarify some other things, which are based in science and proved by
17 experiments, in order to gain an insight and properly understand the
18 behaviour of a certain number of individuals during a war or faced with
19 some other extreme situations.

20 JUDGE ANTONETTI: [Interpretation] Mr. Scott. Mr. Scott, let me
21 remind you that you have two hours for your cross-examination, so if you
22 stand up every time to raise objections, we're going to spend the entire
23 time on objections, whilst it would be more interesting to see the
24 contents of the report.

25 MR. SCOTT: I agree, Your Honour. We should see the contents of

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1 the report and not a book that is not the report. And this is not
2 counting against my time, and that's never been the practice, and I'm
3 sure it's not now.

4 I do object, Your Honour, and if I think there's a proper
5 objection, I will make it. The Prosecution has been very brief in the

6 use of time in this courtroom. We have -- we use less time than anybody
7 else, so I won't be overly sensitive about my use of time.

8 Your Honour, I do object to this procedure. The specific
9 procedure under the Rules is that a report is prepared, it's submitted to
10 the Chamber and to the Prosecution, and to the co-accused, for that
11 matter, so that specific preparations can be made by the Chamber and by
12 the parties to deal with that report, not something else. This is
13 different than another witness. A specific report is prepared, it is
14 made available, and that is what we should be covering.

15 With no offence intended to the witness, if the report doesn't
16 speak for itself, if the witness has not prepared his report so that
17 anyone can understand his report within the four corners of his report,
18 well, with due respect to the witness, that's a problem for him:

19 We are here to receive this report, not something else, and I do
20 object to spending the time going through a book that is not part of this
21 report. And Mr. Praljak, at least in the translation, said before, and
22 I'm looking at it again - I have it on the screen:

23 "What we are going to do is go through the book."

24 We are going to go through the book, which is not his report, and
25 we do object to this procedure.

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1 JUDGE ANTONETTI: [Interpretation] General Praljak --

2 MR. KOVACIC: [Interpretation] Please --

3 JUDGE ANTONETTI: [Interpretation] General, we have an expert
4 witness in front of us. His report deals with two main themes, the

5 history as the main thread for the development in Bosnia and Herzegovina
6 and then the concept of social identity and stabilisation of identity,
7 and then the birth -- the rising of nationalism. And then we have a
8 second chapter, a predictable conflict, various approaches, and then the
9 responsibility of the international community. So this is the extent of
10 his report.

11 You have just alluded to a book. Now, where does that book fit
12 in the expert's report? You could have asked first whether he studied
13 the book before writing his report, and what was the impact of reading
14 the book, because otherwise Mr. Scott is right, we're going to spend time
15 on a book whilst we're here and we're supposed to be looking at an expert
16 report. I spent several hours reading it, and I haven't read the book.
17 If you told me that you were going to put questions about the book, I
18 would have read it.

19 THE ACCUSED PRALJAK: [Interpretation] Judge Antonetti,
20 Your Honour, this isn't a book, it's a textbook. That's the difference.
21 A textbook on physics deals with the laws of gravitation. And when the
22 expert mentions conformism, belonging to a group, outside a group, when
23 he mentions elements of fear, then that is a textbook which sets forth
24 the elements of knowledge about social psychology. It's not a book by an
25 author recounting a tale from his own perspective. These are

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1 experiments -- or, rather, a textbook that speaks about overall knowledge
2 in social psychology and experiments and so on. And when the expert in
3 the book says that an object in a room, a badminton racquet or whatever,

4 can change a feeling of aggression, then that is in a textbook. So it's
5 not a book; it's a textbook. And a math textbook or a physics textbook,
6 in those kinds of books, you repeat all the knowledge in a particular
7 branch, in a certain section, whether it's analytical geometry or
8 Newton's physics.

9 So without these elements that we need to mention here, they form
10 the essence -- the substance, of course, with two or three other chapters
11 mentioned by the expert, historical reasons and so on, the definition of
12 a nation, a state, and so on. Now, unfortunately, I can't go through all
13 that in the space of two hours, but that's why I elected to --

14 JUDGE ANTONETTI: [Interpretation] General Praljak, do put your
15 questions, but let me remind you that the three Judges have read your
16 report. They've all spent time reading your report. So if we are of the
17 opinion that you get outside of the scope of the report, we'll stop you.
18 Is this understood?

19 You have the floor, you may put your questions, but keep in mind,
20 please, that the Judges have read the expert report.

21 MR. KOVACIC: [Interpretation] Your Honour, with your permission,
22 in the procedural sense can I respond to the objection raised by my
23 learned friend Mr. Scott? And I have in mind, first of all, Rule 94 bis
24 of the Rules of Procedure and Evidence.

25 The expert finding has been filed. It was filed on time.

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1 Everybody received a copy, and the party, in this case the Defence, is
2 authorised to seek to tender the expert report any time. Now, according

3 to that same rule, the opposite party, that is to say, the Prosecution in
4 this case, has the right to seek to ask that the witness come in for
5 cross-examination, and nowhere in the Rule does it say that the Court
6 will assess this request. It's an automatic process. So if the other
7 side wants to hear the expert witness live and to cross-examine them,
8 they put in a request and that is what they do, and that is what the
9 Prosecution did. And they are able to cross-examine on the report, and
10 the Defence need not -- it need not at all deal with the expert report.

11 The expert report is a written document. The witness is an
12 expert. We've established why he's an expert, and we've established that
13 he stands by his report.

14 JUDGE ANTONETTI: [Interpretation] One moment.

15 Mr. Kovacic, you know that the Judges are experienced and they
16 know how this Tribunal works. I do not quite agree with what you've just
17 said. If a party wants a report to be tendered into evidence, failing
18 any opposition, the Trial Chamber -- I repeat -- under the Rules, a party
19 asking a report to be tendered, well, if there's no objections by the
20 other party, the report is tendered and the witness will not appear. You
21 can see how things work in other Trial Chambers. But if a party
22 challenges the report when it is sought to be tendered, which is the case
23 here, and wants to cross-examine the witness, then the party is allowed
24 to ask questions of the witness, but it is mainly the cross-examination
25 that is the main purpose of the proceedings, and only then does the Trial

1 Chamber decide to admit the report or not. So do not take for granted

2 that report as being tendered. The Trial Chamber has not yet ruled on
3 it. It will depend on your questions and on the cross-examination. It
4 may happen that it's not going to be admitted.

5 So, please, do not get me wrong and don't be mistaken. The
6 Judges will assess the relevance of their questions based on this
7 handbook on psychology, but at face value it doesn't seem to be relevant
8 to me. But let's wait for General Praljak's questions. But if the Trial
9 Chamber thinks that we're wasting our time, which is sometimes my
10 feeling, we will put an end to it.

11 Are we clear?

12 MR. KOVACIC: [Interpretation] Your Honour --

13 JUDGE PRANDLER: Please carry on. I will listen to you.

14 MR. KOVACIC: [Interpretation] Your Honours, I don't wish to take
15 up any time. I just wanted to respond to the objection raised by my
16 learned friend Mr. Scott, and that objection contained within it the
17 assertion, and I go back to the transcript to see exactly what it
18 contained -- he implied, in actual fact, that the Defence is duty-bound
19 to examine on the matter of the report.

20 Now, I agree, Your Honours, with what you just said and how you
21 explained the Rules of Procedure. I agree with that 100 per cent, and
22 that's the truth of it. The Prosecutor can examine the witness on his
23 expert report for as long as he likes, and that is why the report is
24 being placed on the table just as you said, and I'm only speaking about
25 procedure now. And I'd like to say that in terms of content, Mr. Praljak

1 did show the link because, in our humble opinion, that is the case. We
2 can present it in the way in which we consider it to be methodologically
3 correct to do so. It's up to us to weigh the situation up.

4 But as the objection was raised, it is not based on the Rules of
5 Procedure and Evidence and is not in keeping with the Rules.

6 Thank you.

7 MR. SCOTT: Excuse me, Your Honour, I'd like to just respond ever
8 so briefly.

9 I couldn't disagree more with counsel on this point.

10 Rule 94 bis (A) is quite clear. The reason why it says "the full
11 statement and/or report of any expert witness to be called shall be
12 disclosed," is so that that is the subject matter that is addressed by
13 the witness. It isn't just for fun, it isn't just for leisure time that
14 a particular report is prepared and submitted to the Judges and to the
15 parties. It is so that evidence can be reviewed and prepared ahead of
16 time.

17 And if I may say so, this is bait and switch. This is prepare
18 one set of written materials and give that to everyone, give that to the
19 Judges, give that to the Prosecution, give that to the co-accused, and
20 then come to court and talk about something else altogether, even if it's
21 potentially somewhat related.

22 This is simply, as Your Honour, said, Mr. President, completely
23 contrary to Tribunal practice. Now, if it's one footnote -- if it's one
24 footnote or something like that that's going to take a matter of a minute
25 or two minute, I'll sit down and I won't get back up on it. But, again,

1 what the clear indication has been, and Mr. Praljak has in fact confirmed
2 that in his conversation over the last few minutes, says that he intends
3 to spend his time on the book, and that this is not proper procedure.

4 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you have taken due
5 note of all this. You know that the Judges and everybody are interested,
6 in the first place, in the expert's report. Now, if there's a connection
7 between the book and the report, do show it, but -- because so far we
8 don't know whether there's any connection between the two.

9 JUDGE PRANDLER: To add to what our President just said and
10 repeated, the following: That we know we have had a number of cases when
11 we discussed the possibility of having given the time to Mr. Praljak for
12 asking questions. I would like to emphasise now that we have had a great
13 numbers of weeks where Mr. Praljak, as a witness, himself, has been asked
14 about issues and he answered to them. Now, as we always recall, the
15 general rule is that the accused are represented by their counsel. Now I
16 have the French text before me, the --

17 [Interpretation] "In exceptional circumstances and upon leave
18 granted by the Trial Chamber, an accused can address a witness directly
19 in order to put questions to them."

20 [In English] And that is really that Mr. Praljak has to clarify
21 now on which exceptional questions he would like to ask questions from
22 the -- actually from the expert witness, and because you had several
23 weeks here to express your own position, you have had a great number of
24 documents which you have submitted, yourselves, and therefore I really

25 believe that you have to recognise the limits which -- the limits of the

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1 rights which you have and not to continue and continuously asking
2 questions which are not well founded. So it is why -- that's why I ask
3 you to indicate, very briefly, of course, about the major issues which
4 you would like to raise concerning that book which we are talking about.

5 Thank you.

6 THE ACCUSED PRALJAK: [Interpretation] Thank you, Your Honour.

7 Thank you, Judge Prandler.

8 As a witness, I wasn't able to express my opinion. I was
9 answering questions. That's the first point.

10 The second point is this: When I studied sociology for four
11 semesters, I listened to lectures from systematic psychology and other
12 psychological courses, and after that I spent time dealing with problems
13 of that kind and that subject matter, and I claim and state that a lack
14 of understanding of social psychology, which -- well, every textbook in
15 the world today explains what the basic forms of behaviour are, and
16 without an understanding of that, you can't understand this case. That
17 is why I am the best-placed person to explain the basic mechanisms of
18 human behaviour in given circumstances, whether it's the war in Iraq, **or**
19 whether it's when there's a power cut in New York, or whether it's in the
20 van Gogh Museum in Amsterdam **[as interpreted], or anything else.**

21 So it's the failure to understand human behaviour under extreme
22 circumstances that indictments of this kind are developed. That is why
23 it is necessary to understand the basic scientific premises and

24 understandings of social psychology, and this textbook testifies to that.

25 It is about many experiments performed by many scientists, and I claim

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1 that without a knowledge of that kind and without this particular
2 textbook, and without scientific evaluation, it is impossible to
3 understand how the crimes in Mi Lai were committed, how people behaved
4 when they're placed in prison, where we have the role-playing of prisoner
5 and guard by students and so on, how authority functions, how groups
6 function, and so on and so forth, and all that is contained in Professor
7 Sakic's report.

8 Now, I think I am fully capable of asking questions on that
9 subject matter. I am well versed in those problems. I understood them
10 before the war, I understood them during the war. I was head of the
11 department where Mr. Sakic was working in and where there were a large
12 group of sociologists and social psychologists that dealt with the war in
13 Croatia and dealt with all these problems and were trying to translate
14 scientific knowledge into practice, and I think that gives me every
15 possible qualification, all my knowledge and expertise, to raise these
16 questions.

17 If somebody feels that they can answer these questions better
18 than me, I don't mind. I don't mind having the Judges go through all the
19 elements contained in this social psychology book, social contamination
20 and all the other aspects.

21 JUDGE PRANDLER: I would say that it would be better if you start
22 with your questions now than to continue, for minutes and minutes and

23 minutes, with your arguments which we know quite well. So then please
24 proceed, but within the framework which the Chamber has determined many
25 times ago -- and also many times and a long time ago. So please proceed,

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1 but within this framework.

2 Thank you.

3 MS. ALABURIC: [Interpretation] Your Honour, with your permission,
4 just a correction to the transcript.

5 On page 24, line 13, it was recorded that General Praljak said
6 that, among others, he can explain the Museum of van Gogh in Amsterdam.
7 He didn't say that. He said that he can explain the killing of
8 Theo van Gogh in Holland.

9 THE INTERPRETER: Interpreter apologises.

10 THE ACCUSED PRALJAK: [Interpretation] Well, yes, I can ask -- I'm
11 going to adhere to the Rules.

12 Q. Mr. Sakic, tell me, please, did you have this textbook? Were you
13 an editor? Have you read through it?

14 A. It is a textbook titled "Social Psychology," written by Elliot
15 Aronson and his associates, Timothy Wilson and Robin Akert. It is the
16 definitive textbook on social psychology today, and Elliot Aronson is
17 among the best-known social psychologists in the world, and for purposes
18 of illustration he received all three awards of the American
19 Psychological Association for his work in social psychology.

20 Now, this textbook -- well, I initiated its translation into
21 Croatian. It was translated by the publishing house, Mate of Zagreb, and

22 I cooperated with them and it was translated by my associates.

23 I would like to make a technical comment here. You said,

24 General, that I worked in the Ministry for Military

25 Psychology [as interpreted], the Department for Military Psychology, and

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1 I just wanted to correct that and say what I actually did do.

2 Q. Would you please open page 253 of the Croatian text. This is
3 where the book speaks about conformism and about the massacre in Mi Lai
4 in Vietnam, where 450 to 500 Vietnamese were killed. Could you tell us,
5 just in one sentence, what is conformism, how does it act, and what the
6 consequences can be if people conform to the group?

7 A. I apologise. It's very difficult to say all that in one
8 sentence. I'll try and be as brief as possible.

9 Conformistic behaviour is the most common social behaviour in
10 human groups, and we all conform to a certain implicit or explicit social
11 norms. In order not to expand the matter any further, I would just say
12 that we are interested in the negative aspects of --

13 JUDGE TRECHSEL: I can wait until the sentence is fully
14 translated, but I just wanted, as I took the floor, to draw the attention
15 regarding the transcript to the fact that this is always "conformism" and
16 not "confirmism," with an O and not an I. The verb is correctly
17 transcribed in page 26, line 25. Thank you.

18 THE ACCUSED PRALJAK: [Interpretation]

19 Q. The question was this: Can this lead to perilous things, such
20 as, for example, the massacre in Mi Lai?

21 A. In addition to the positive effects of conformism and social
22 behaviour that we call conformistic behaviour, there are also negative
23 aspects of our conformist behaviour which are most commonly reflected in
24 the so-called information and normative social influence. The negative
25 aspects of information and normative social influence, and some other

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1 negative aspects relative to the information and normative social
2 influences, such as social contamination, can lead to crimes such as the
3 crime in Mi Lai and similar crimes. According to the social and
4 psychological insight and the social and psychological logic, this is
5 absolutely possible.

6 Q. Thank you. We're talking about pages 258, 259, and 260 of the
7 Croatian text. Here, you can see a reference to social contamination.
8 Do you know that the information and social influences can lead to mass
9 disease without any reality, such as the case that took place in the
10 state of Tennessee when --

11 A. Yes, I know that, and it has often very happened in human history
12 and it still continues to happen. This is a recent event, as we can see.

13 MR. KOVACIC: [Interpretation] Your Honours, just to avoid any
14 interruptions and wasting time, when the general mentions pages in the
15 book "Social Psychology," and the number is 3D03521, the pages -- page
16 numbers are the same as in the English text. There are slight
17 discrepancies, but as you can see, the book has been translated in such a
18 way that the illustrations and the appearance of the book has been
19 retained from the English original, which means that the Croatian copy

20 corresponds with the English original.

21 MR. SCOTT: Before you continue, it appears, unless my copy is
22 unique, which is possible - I know there's a lot of copying that goes
23 on - but unless it's -- there appears to be another problem in using this
24 report, because I don't have those pages in the English version. My
25 version skips from page 254 to 260, so I can't follow the testimony of

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1 the witness or the references to the book without having the proper page
2 numbers.

3 MR. KOVACIC: [Interpretation] In that case, there must be a
4 confusion with the numbers because the English pages are only the ones
5 that are being referred to. The general mentioned page numbers 258, 259
6 and 260, and the pages should be there.

7 MR. SCOTT: Well, there is no --

8 MR. KOVACIC: [Interpretation] Could you please check?

9 MR. SCOTT: There is no page 258, 259, or 255, or 256, or 257,
10 so -- the general just referred to those specific pages, and we can't
11 follow this testimony unless we have the proper material.

12 JUDGE TRECHSEL: Trying to assist, do you have figures at the
13 bottom of the page, on the right-hand side?

14 MR. SCOTT: Yes.

15 JUDGE TRECHSEL: This page, 259, where this mass psychogenic
16 illness is mentioned, is 3D430571.

17 MR. SCOTT: I'm sorry, Your Honour, we must have completely
18 different material.

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

20 MR. SCOTT: My apologies. You must have -- I'm waiting for the
21 microphone to come on.

22 JUDGE TRECHSEL: Perhaps the Defence can give you a functioning
23 copy.

24 MR. KOVACIC: [Interpretation] I really don't know what happened
25 here. I have the pages in English, 254, 255, 256, 257, 259, 260, and so

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1 on and so forth, and I will gladly provide my copy to my learned friend,
2 and I'll take his. If you can bear with me for a couple of minutes, I'll
3 take the pages from my binder. Everything has been copied in an
4 automatic photocopier in the Defence room, and I don't see any reason why
5 the Prosecutor's copy should differ from ours. This has not happened
6 before. It just simply cannot be.

7 I apologise. The Prosecution has made its own copy, and
8 that's -- that may be the root of the problem. But I will gladly provide
9 my copy to my learned friend.

10 If I could ask the usher's assistance with providing my learned
11 friend with my copy of the document.

12 Your Honours, the OTP photocopies its own documents. This
13 document has been in e-court for a long time. They've been provided the
14 numbers. So if my learned friend has not prepared properly, that's not
15 our problem.

16 MR. SCOTT: Excuse me, Your Honour. There's no reason --

17 JUDGE ANTONETTI: [Interpretation] Mr. Scott --

18 MR. SCOTT: There's no reason for these personal comments. No
19 moral blame was indicated. All I simply indicated was I didn't have
20 certain pages, and counsel's -- sorry, I don't want to over react, but
21 it's completely inappropriate. All of a sudden, it's my fault, I haven't
22 prepared properly. My goodness. All I said was I didn't have those
23 pages. If counsel has assisted me, I thank him for that, but it's really
24 not necessary to get personal about it.

25 JUDGE ANTONETTI: [Interpretation] Mr. Praljak.

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1 THE INTERPRETER: Microphone for Mr. Praljak.

2 THE ACCUSED PRALJAK: [Interpretation]

3 Q. Please look at page 261, Witness, and tell me in what situations
4 people might conform to the information and social influence.

5 A. Most commonly, this happens when people are confronted in
6 ambiguous situations, in crisis situations, and in situations when the
7 source of information which exerts the information and social influence
8 is another person who is an expert or authority in the matter.

9 Q. I asked you this in order to be able to ask you yet another
10 question. The massacre in Mi Lai, was it the consequence of
11 circumstances, or the decision by one or two commanders, or did this
12 decision come from the top echelons of the American Army? What was the
13 cause of such behaviour? Was it a random situation, was it predictable,
14 was it the result of the chain of command? What can you say about that?

15 A. I would be inclined to side up with my colleague Aronson who made
16 a sociological analysis, a very extensive one about the case in Mi Lai,

17 and based on a number of arguments, one could confirm that from the
18 social and psychological perspective, no military hierarchy or command
19 was needed for the event to happen in the way it did.

20 Q. My second question. In mass psychosis that sometimes appear,
21 would one be able to conclude that based on a fiction or rumours, there
22 can be real damages to a person's health?

23 A. The mass psychogenous disease does relate to bad health without
24 any symptoms. Now that you've mentioned the school in Tennessee, this is
25 an example of an information influence having a major influence. This

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1 was the case here because the information came from the teacher in the
2 classroom, and the teacher was treated as an expert or an authority in
3 that case, and thus the effect of that information on the population, and
4 the information was that she could smell gasoline, and that because of
5 the smell of gasoline that she could smell, she could also feel physical
6 symptoms, such as dizziness, headache, faintness, and so on and so forth.

7 JUDGE TRECHSEL: I'm sorry, Witness. Who do you refer to by
8 "she"? Who is she?

9 THE WITNESS: [Interpretation] I'm referring to the teacher in the
10 classroom, which was the origin of the mass psychogenous disease in
11 Tennessee. **It is a typical example of the information and sociological**
12 influence that caused the spread of the social disease, first in the
13 classroom that she was teaching and then across the school, and everybody
14 fell ill without any organic cause for the illness.

15 JUDGE TRECHSEL: You've answered the question. Thank you.

17 Q. Let's look at page 278 now and part of page 279. Will the
18 process to conform be stronger if a group is compact, and how can
19 different cultural and sociological groups influence the strength of the
20 process to conform to that group?

21 A. In my report, you can find a lot of information about the
22 theories of social identity which discuss the phenomenon of the so-called
23 multi-individualistic or -- as opposed to multi-pluralistic cultures.
24 This is the phenomenon that interests sociologists across the world.
25 Collectivist groups will appear more often in collectivist cultures, of

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1 course, and the collectivism of those cultures can be caused by various
2 social categories. It can be caused by ideology, by religion, by
3 nationalism, and so on and so forth.

4 Q. Thank you very much. And now let's go -- or, rather, in your
5 book you mention Milgram's research with regard to subordination of
6 authorities; is that correct?

7 A. Yes, that's correct, and in my report I mention all the terms
8 that you are referring to from Aronson's book.

9 Q. On pages 288?

10 JUDGE TRECHSEL: I'm sorry, the question is "in your book." Now,
11 the book is not the witness's book, but he speaks of the Milgram also in
12 his report, and I must confess I do not understand why you put this with
13 regard to a book rather than with regard to his book, where he talks
14 about this.

15 THE ACCUSED PRALJAK: [Interpretation] Your Honour Judge Trechsel,
16 when I said "in your book," I misspoke. I meant to say "in your report."
17 I misspoke. I can't say "in your book," because obviously this is not
18 his book.

19 Q. On pages 288, 289, and 290, and 291 - in your report you have
20 referred to those pages - tell me, please, what are the exact conclusions
21 as a result of Milgram's research within the framework of subordination
22 to the authority of a group?

23 A. As you can see from the description of the experiment, Milgram
24 introduced ordinary people to the experiment - they were normal
25 citizens - and that that experiment, in which he researched the

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1 willingness of people to be subjugated to the authority, it showed the
2 extreme proneness of people to be subjugated in certain situations to
3 various authorities. In this particular case, the authority was himself,
4 in his role as a university professor and the leader of the experiment.
5 His conclusion was that this points to the force of the information and
6 social influence, and the negative effects of the information and social
7 influences if they originate from an authority and, of course, if the
8 instructions by the authority and the information that he provides is
9 erroneous and misleading.

10 Q. People in -- who used these experiments to inflict such strong
11 shocks, were they normal, ordinary people, bureaucrats, students,
12 citizens?

13 A. Yes, this was a sample of a civic population in America, and I

14 must say that this is a series of experiments which are the best-known
15 experiments in social psychology which were conducted in all cultures,
16 not only in America, and the results were interpreted and confirmed in
17 other cultures in the same or similar ways.

18 Q. In your report, you mentioned one more thing, the system of the
19 social role and its power. So now on page 302 and 303 of the textbook --
20 well, those are the pages you'll find that reference on, and tell the
21 Trial Chamber about these experiments in Stanford, Banks and Zimbardo
22 conducting them, how people behaved to whom certain roles are assigned,
23 whether they're normal people, whether the group was a group of citizens,
24 a random selection of individuals. So just explain it to us briefly,
25 please.

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1 A. It was a population of students from Stanford University, and
2 they knew that in the basement of their university a prison had been set
3 up, an artificial prison, of course, they knew it wasn't a real one, and
4 they knew that their roles were assigned randomly by a throw of the dice.
5 Now, those who were supposed to play the role of the prisoners, they were
6 dressed in prisoner garb. They had a chain and a lock on their leg, and
7 they had a nylon cap on their head, rubber slippers or shoes. Now, the
8 guards had a yellow uniform; that is to say, they were dressed
9 differently. And they wanted to conduct this experiment over a fortnight,
10 but they had to interrupt it after only six days because there was --
11 what happened was extreme identification both of the prisoners and the
12 guards on their roles. The prisoners became helpless, and the guards

13 launched verbal abuse and very creative in their -- in thinking up verbal
14 abuse, and they behaved very sadistically towards the prisoners.

15 Q. Now, in that expert did anybody intervene on the side of the
16 guards to influence them in their behaviour or was their behaviour
17 spontaneous because of this spontaneous social role or, rather, the
18 well-defined social roles they were supposed to play?

19 A. No, the expert implied that nobody would interfere. The people
20 conducting the experiment were just the observers, and when they saw that
21 things had gone too far and could have adverse repercussions, they
22 interrupted the experiment, stopped it.

23 Q. Thank you.

24 A. Now, this experiment was repeated many times and similar results
25 were always obtained.

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1 Q. Now, you also mention individuation and de-individuation and the
2 loss of people in a group; 321, 323 are the pages numbers. So tell us
3 what actually happens when you put people into a uniform, when you put
4 them into a large group? Lynchings are mentioned, and they were
5 examined. So, tell us, what people -- what are people capable of doing
6 when they can hide behind a mass and when that mass is depicted by a
7 uniform or whatever, by the clothes they wear? What happens?

8 A. For de-individuation to take place, we have to mention that
9 before that, there must be a firm cohesion in a group, where individuals
10 are prone to de-individuation, and then you have collective behaviour,
11 collective behaviour is the behaviour of a certain group faced in

12 spontaneous -- faced with spontaneous situations, and that this -- what
13 happens in war very frequently, spontaneous situations in which the group
14 complies with hastily-designed rules, and then you have these rules
15 affecting the social norms of a group. In extreme behaviour of this
16 kind, the extremist collective behaviour, in which each attack on the
17 group is felt by the individuals of that group as being an attack against
18 an individual, and what happens is extreme instances of de-individuation,
19 in which, to simplify terms, the individual melts into the whole, he
20 loses the normal restrictions that he would have in behaviour,
21 limitations, and then is ready, given that type of situation, to engage
22 in deviant and impulsive behaviour, including the most extremist.

23 Q. Now, in groups of this kind, does the aggressiveness of
24 individuals increase because the individual has been immersed into this
25 group and de-individualised in the mass?

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1 A. Aggressiveness in that group is justified, and one type of
2 aggressive behaviour leads to another type of aggressive behaviour. They
3 feed each other.

4 THE ACCUSED PRALJAK: [Interpretation] Your Honours, I think this
5 is a good time for a break, and I'd like to have a break, please, if I
6 may. I'm a little tired.

7 JUDGE ANTONETTI: [Interpretation] Very well. We'll break for 20
8 minutes.

9 --- Recess taken at 3.46 p.m.

10 --- On resuming at 4.07 p.m.

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

12 Let me first read an oral decision, oral decision on how Witness
13 Dragan Curcic is to be examined.

14 Witness Dragan Curcic must testify before the Trial Chamber under
15 Rule 92 ter on October 12 and 13, 2009. In a letter of September 29,
16 2009, the Prosecution asked the Trial Chamber to be allowed to have two
17 hours for its cross-examination. During the hearing of September 30th,
18 2009, the Prosecution made its -- renewed its request, whereas the
19 Petkovic Defence made an oral submission to the Trial Chamber on the same
20 day, in order to be granted leave to cross-examine witness Dragan Curcic
21 for 45 to 60 minutes.

22 The Trial Chamber notes that according to the latest updated
23 schedule of the Praljak Defence witnesses sent today, the
24 examination-in-chief of Witness Dragan Curcic will be an hour long.
25 Given the topics addressed by the witness in his written statement, the

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1 Trial Chamber decides to grant leave --

2 THE INTERPRETER: To grant, interpreter's correction.

3 JUDGE ANTONETTI: [Interpretation] -- the Prosecution's request
4 and to give it two hours for its cross-examination.

5 Furthermore, the Trial Chamber decides to allocate one hour and
6 thirty minutes to all Defence teams for their cross-examination, and
7 invites the Defence teams to distribute this time allocated among
8 themselves.

9 The Trial Chamber believes that given the time allocated to all

10 Defence teams, and given that no specific request was made by the other
11 Defence teams, that the Petkovic Defence should have enough time for its
12 cross-examination, without requiring any additional time. As a
13 consequence, the Trial Chamber rejects the time for additional time made
14 by the Petkovic Defence.

15 In a word, the Praljak Defence will have one hour, the
16 Prosecution will have two hours, and all other Defence teams will have an
17 hour and thirty minutes altogether.

18 MR. KOVACIC: [Interpretation] Your Honour, I'd like to inform
19 you -- well, thank you for that decision. Everything is clear.

20 I'd just like to tell you that with respect to the Curcic
21 distribution time, the Defence needs one hour, and that is a maximum --
22 the maximum time. So during the preparations, we find that it might be
23 considerably less than an hour. So I just wanted to inform you of that.

24 Thank you.

25 JUDGE ANTONETTI: [Interpretation] Witness, I have a follow-up

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1 question concerning the topics that you addressed earlier.

2 You talked about the Milgram experiment, and a French movie was
3 actually made out of this experiment. It was called "I comme icare," and
4 the lead actor was Yves Montand. So everyone knows about the Milgram
5 experiment. It was carried out in several countries, and it demonstrates
6 that about 70 per cent of people obey authority, whatever orders are
7 given by the authority. Do you agree with this percentage?

8 THE WITNESS: [Interpretation] Your Honour, according to Milgram's

9 experiment, well, that is roughly the percentage according to which those
10 examined use a maximum shock of 450 volts, which inflict on the person --
11 well, the experiment referred -- looked at how punishment affected
12 learning and memory. Now, you're talking about an analogous application
13 of those results now, which would, in fact, mean that about 70 per cent
14 of people were ready to become subjugated to the orders of an authority
15 according to the principles of spontaneous conformism, and the very fact
16 that the authority and behaviour of an authority is socially permissible.

17 Let me just add -- well, you're talking about the film. However,
18 the experiment was also done on German television in 1980 publicly, and
19 it gave the same results.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 General Praljak.

22 THE ACCUSED PRALJAK: [Interpretation]

23 Q. Professor Sakic, Judge Antonetti asked you about a subjugation
24 [realtime transcript read in error "subrogation"] to authority, so are we
25 talking about the structure of society or subjugation to an authority

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1 within a group? Which?

2 A. Well, we're talking about subjugation to the phenomenon of
3 authority. Authority can be a broad concept. It can be any person who,
4 in a given situation, has the best solutions for the group. That is what
5 we mean by authority within the group. Now, power, for example --
6 authority in the context of power under a state is the president of a
7 state or the prime minister.

8 Q. Correct. But these people are citizens, and as citizens they
9 knew that the torture of others is not an acceptable form of social
10 behaviour, in none of the countries in which the experiment was
11 conducted; is that correct?

12 A. That is correct, and that is precisely why people, during these
13 experiments, had a great deal of psychological problems and impressive
14 reactions, but they did not give up on the various levels of shock. So
15 that's what's interesting in that particular experiment.

16 THE ACCUSED PRALJAK: [Interpretation] Thank you.

17 JUDGE TRECHSEL: May I just propose a change to the transcript.

18 On page 39, line 10, the word "subrogation" to an authority is
19 used, and also on two lines further up. I think that the word is
20 "subjugation," "submission." Is that correct, Witness?

21 THE WITNESS: Yes.

22 JUDGE TRECHSEL: Thank you.

23 THE ACCUSED PRALJAK: [Interpretation]

24 Q. Now, Professor, what I've been asking you about, everything we've
25 been discussing, is it incorporated as knowledge in your expert report?

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1 A. Yes, these are basic theoretical concepts which I used in my
2 report. However, I used a much broader context as well, a broader
3 theoretical context, taken from this book and from other books, as you
4 can see from the listed references.

5 Q. Thank you. Now let's take a look at page 314 and 315, parts of
6 317, 18, 19, 20, and 21, where group decisions are discussed, so whether

7 one head is better than two, whether there is a blindness, polarisation
8 towards extremes, or what I call the radicalisation of the group towards
9 the most radical of its members. So could you link all this up with a
10 theory of cultural values which, of course, must also be introduced into
11 any social and psychological study because there are, of course,
12 cultures -- differences between cultures and civilisations? So, just
13 briefly, what you can tell us about that.

14 A. What we're dealing here -- what we're dealing with here is how
15 decisions are made in a group. Today, the civilised world, at different
16 levels and in different systems, makes decisions usually in groups, it is
17 a group decision, because the realisation was reached that if a group
18 follows a certain scenario in making its decisions, then the decisions
19 will be better taken by the group than by an individual. Now, what
20 you're talking about is the negative aspect of decision-making within
21 groups, and there are several phenomena there; the phenomenon of losses
22 within the process and then the phenomenon of group blindness which is
23 based on the theory of the group. The author is Bibla Tanaj [phoen], an
24 American psychology, that talks about this group blindness.

25 THE INTERPRETER: Microphone for Mr. Praljak, please.

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1 THE WITNESS: [Interpretation] Do you want me to give a more
2 extensive explanation? It would require some time.

3 Anyway, these losses in the process occur when a group does not
4 take on board all the arguments, but makes its decisions exclusively on
5 the basis of information on which all the members of the group agree, and

6 decisions like that usually have negative consequences.

7 Now, group blindness is a more serious phenomenon, and the
8 problem occurs there because a decision is made in highly-cohesive groups
9 which have their guiding light -- guiding leader, the person who does not
10 discuss matters on the basis of information relevant to a decision, but
11 guides the group in conformity with his own opinions and positions. Then
12 there are bad methods in that, and, finally, while the group is making
13 its decisions, is isolated. So the symptoms of group blindness exist on
14 many counts; illusions of invulnerability, the supremacy of a group, or
15 they think that they are -- have a position of supremacy towards others,
16 and then there is auto-censorship within the group, and then people who
17 think differently are made to keep silent. And then there are guardians
18 of opinions, those who guard the others to see that they follow the
19 thinking of the leader. So the decisions are partial, they don't take
20 into account any risk factor, they don't use broad sources of information
21 and data, and ultimately they have no alternative if they prove
22 unsuccessful.

23 Q. Thank you.

24 A. You said something about culture and civilisation.

25 Q. Well, we'll leave cultural aspects.

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1 A. Do you want me to go on about the risks?

2 Q. Well, we'll skip that. A war is a conflict. Now, could you tell
3 us about what you've written? Well, look at 325 -- page 325, 326, and
4 could you tell us what the elements of a conflict and what elements of

5 cooperation are, either on a theoretical level or practically, as we're
6 going to see later on? The pages are 325 and 326. Go ahead, please,
7 Witness.

8 A. Well, in this context of conflict and cooperation, basic
9 questions have to be asked, that is to say, in what way the individuals
10 who are in conflict can be brought to cooperate or how to resolve the
11 conflict, and this analyses the many dilemmas, one of them being the
12 social dilemma, and the most useful procedure for the individual, if he
13 is elected by the group, becomes detrimental to the whole group. Another
14 important aspect of this same question is the following: The attempt to
15 resolve the conflict through threat.

16 Q. All right, thank you.

17 A. Do you want me to expound?

18 Q. Well, you've written about that in your report, threats as a
19 means of resolving conflicts. But in the USA, why are there more
20 killings than in other countries, comparing the figures to Canada, for
21 example?

22 A. Well, there are many interpretations of this, but most frequently
23 it is because of the presence of large quantities of arms in America,
24 lots of weapons that you can carry legally, and a lot of illegal weapons,
25 too, for that matter, so that social psychology and aggressive

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1 behaviour -- well, the presence of weapons, as Leonid Berkovich said,
2 this is an aggressive sign, in the theoretical sense, and therefore it
3 can give rise to additional aggression with the ordinary man. And so

4 because of the many weapons that people have in the American society, the
5 consequences will be greater linked to the higher rates of killings,
6 compared to Canada, where it is illegal to carry arms.

7 Q. Now look at page 329, please, and the application of threats in
8 the resolution of conflicts and how people behave. And you have there
9 that famous Deutsch and Krauss experiments, so could you explain that to
10 Their Honours? I think you mention it in your expert report.

11 A. Yes, that's right. It would require a little time, so do you
12 want just the conclusions?

13 Q. Yes.

14 A. Well, this expert showed -- they're classical experiments
15 conducted by two psychologists, Deutsch and Krauss in the 1960s, and they
16 showed that threats -- well, what they wanted to see was whether threats
17 could be used to resolve a conflict between two sides, as threats are
18 very often present in our daily lives. A mother, for example, tries to
19 threaten her child, or in school, or whatever, to regulate behaviour.
20 But in this experiment, we found that a threat, not only does it not
21 establish cooperation among the two sides, but the greater the threat,
22 the greater the conflict between the two sides.

23 Q. Is it then true that when threats become realistic before the
24 outbreak of a war, for example, that there is a greater probability that
25 the conflict will flare up, unless there are any factors to act against

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1 this, rather than finding peaceful solutions, not only in war, the war in
2 the former Yugoslavia, but any conflict or war, generally speaking?

3 A. In keeping with that experiment, threats never achieve the
4 desired effect. Other measures are called for in case of war and in the
5 case that you mentioned, too.

6 Q. Thank you. Let's now move on to a very important section that
7 people have been dealing with from time immemorial, and that's the
8 question of aggression dealt with here on page 417, 418, 19, and onwards.
9 So, please, what are the -- what is aggression? Is it nature or nurture?

10 A. Aggression is hostile behaviour towards another person, with the
11 aim of inflicting psychological or physical pain. There are two basic
12 types of aggression, hostile aggression and instrumental aggression.
13 Hostile aggression aims at inflicting pain, it has no other aim, whereas
14 instrumental aggression does not have the aim of primarily inflicting
15 pain, but there is another objective, another aim; for example, to loot.
16 And that is why war can be considered to be the most widespread form of
17 instrumental aggression, because basically a war, according to
18 Erich Fromm, always has a rational goal; that is to say, to use
19 aggression to achieve another goal. It is not violence -- it is not just
20 violence and the killing of people, of itself. Now, there are biological
21 and social elements linked to aggression.

22 Q. One more question with this regard. Within the understanding of
23 Erich Fromm, when he speaks about war as instrumental aggression, does
24 this also comprise hostile aggression, and to what extent does hostile
25 aggression, within the instrumental aggression, influence the duration of

1 a war, its development, its spiralling, and so on and so forth?

2 A. I've already explained that in my report. Fromm's thesis has
3 been widely accepted nowadays with regard to explaining the causes of
4 war. He claims that war is caused by irrational instincts in a human
5 being. This is a thesis that is unacceptable, he says. He says that
6 from Greek -- ancient Greek times to modern times, every war has had
7 rational goals and objectives, be it economical goods, territories, and
8 so on and so forth. Very well, then, yes.

9 Q. On page 419 --

10 A. I meant to explain the appearance of the other type, how does war
11 appear. War is a new context for a psychological -- sociological
12 psychologist, and within that new context not every rule applies, those
13 rules that a war starts with, and within that new context there can also
14 be hostile acts of aggression, not only instrumental aggression but also
15 hostile aggression that are aimed at inflicting pain, and that has been
16 happening in every war so far.

17 THE INTERPRETER: Microphone for Mr. Praljak.

18 THE ACCUSED PRALJAK: [Interpretation]

19 Q. On page 419, and you have also dealt with the problem of
20 aggression in different cultures, here reference is made to the West
21 European civilisation circle that we belong to. Then there is a
22 reference to oligarchy, aggression, the culture of honour, and so on and
23 so forth. Could you please tell us something about that?

24 A. In the book, the phenomenon has not been paid much attention.
25 The phenomena has otherwise been a very widely studied, and it is a

1 subject of many -- it has been the subject of many studies within the
2 disciplines of anthropology, social psychology, and sociology. It should
3 be noted here that an American circle of anthropologists has dealt with
4 this topic very intensely from the 30s to 50s of last century. Among
5 them were Margaret Mead and Ruth Benedict as its most prominent
6 representatives. And it should also be noted that President Roosevelt
7 contacted Ruth Benedict during the war and he contacted her group as well
8 in order to explain the phenomena of different propensity to aggression
9 in different culture, and especially with regard to the then American
10 enemies, Germans and Japanese.

11 Q. Professor Sakic --

12 A. So it is a common standpoint shared by anthropologists,
13 sociologists, and social psychologists that not all cultures are equally
14 prone to aggression. In other words, there are societies which have,
15 within their system of values, an increased propensity towards aggressive
16 behaviour. Fromm speaks about that in his book, "The Anatomy of Human
17 Destructivity."

18 Q. And now, Professor, a question that goes beyond this context. In
19 the Second World War, do you know how many American psychologists worked
20 for the American military, especially when it came to establishing
21 positive selection, and how many interviews and other investigations they
22 carried out in order to select higher officers and officers? Are you
23 familiar with that?

24 A. Of course. America **has actually introduced psychology and**
25 psychologists into the discipline of war. The most -- the best-known

1 case prior to the Second World War is Woodworth's series alpha and beta
2 intelligence tests. Those tests were used to test American soldiers or,
3 rather, those who applied that they wanted to go to Europe to war, and
4 they were subject to those tests. Based on the selection pursuant to
5 taking those tests, American soldiers were sent to Europe, only the
6 capable ones, and this prevented a higher number of casualties.

7 In the Second World War, not only a vast number of psychologists
8 were involved; they were involved at the level of every bigger unit.
9 There were also centres and clinics which dealt with various
10 psychological aspects of war. Let me just give you an example. A
11 well-known social psychologist, Allport, one of the best known in the
12 second half of the 20th century during the Second World War, organised a
13 clinic for rumours. That clinic dealt with the psychology of propaganda,
14 and the research and result of the research that they proposed was --
15 were used by the American military, and especially in the Pacific in the
16 navy battles with the Japanese Navy. It is estimated that more success
17 was achieved through rumours in fighting the Japanese Navy than through
18 direct military actions.

19 Q. Thank you very much. Could you now tell us, briefly, something
20 about what has been researched in a chemical sense? Actually, it is well
21 known that some people excrete either testosterone or serotonin in the
22 central nervous system and that they are more prone to aggressive
23 behaviour and the commission of crimes. Or, in other words, what does
24 social psychology, together with pharmacology, know about that problem?

25 A. You are mentioning here the biological causes?

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1 Q. I'm talking about 421, 422, and 423, at the end, alcohol and
2 aggression.

3 A. You're mentioning the biological causes of aggressive behaviour.
4 The biological impact on aggressive behaviour has been studied within the
5 framework of many theorists within social sciences. However, here we're
6 talking about those that have been proven, the biological causes that
7 have been proven, and we're talking about stimulation of an area in the
8 brain called oblongata which leads to an increase in aggressive
9 behaviour. The experiments involved animals. Furthermore, increase the
10 secretion of testosterone, which is a chemical substance in the brain,
11 also leads to the inhibition of aggressive behaviour, which means that
12 the propensity towards aggressive behaviour is reduced. The increased
13 testosterone of the male sexual hormone increases aggressive behaviour.

14 Alcohol is a chemical substance which indirectly influences an
15 increase in the propensity towards aggressive behaviour. In other words,
16 it reduces critical thinking and increases propensity towards reacting in
17 a provocative way. It should be said about alcohol that it is the most
18 common cause or that it is present in almost 70 per cent of violent acts
19 committed by humans, ranging from traffic accidents, domestic violence,
20 and in war. In the territory of the former Yugoslavia it was widely
21 present because the Serbian paramilitary formations used it in large
22 quantities, and it is known that when under the influence, they increased
23 the shelling of towns around which they were deployed and inflicted a lot

24 of damage to such cities which came under their fire.

25 Q. Can we then agree that the others consumed alcohol as well?

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1 A. Yes. I mentioned just one example. Others did as well. There
2 was no control. Alcohol was present in large quantities in the war.

3 Q. Do you know from history that sometimes alcohol was used, for
4 example, in the First World War and in the Second World War, as the legal
5 means to increase aggression against the Russian troops and other troops?

6 A. It is true, although the effects of that were negative, because
7 under the influence of alcohol, human capabilities are reduced, critical
8 thinking is reduced, and then troops under the influence of alcohol are
9 prone to taking higher risks.

10 Q. Let's now move to the situational causes of aggression, which are
11 described on pages 423, 424, 425, 426, 427, and 428, 429 also. We will
12 go through all that very briefly, through 430. Could you tell us, do
13 pain and discomfort have any impact on aggression? You have a
14 correlation between violence and the warmth of summer. Could you explain
15 that? And the warmth of summer.

16 A. Those are situational aspects of aggressive behaviour. Pain -- I
17 believe that each and every one of them has an influence on increased
18 aggressive behaviour; pain, discomfort provoked by bad smells, and so on
19 and so forth, and it has been proven that warmth also leads to aggressive
20 behaviour. A well-known case of that happened in the 1960s in the United
21 States of America, when protests were staged against the war in Vietnam.
22 Some called those long, hot summers because the number of protests

23 increased significantly in respect of other seasons. Laboratory
24 experiments have confirmed that hypothesis. In hot conditions, when it
25 is very warm, because of that people are more prone to behave more

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1 aggressively.

2 Q. Let's say that there is a group of students whose hands are
3 immersed in cold water, and if we were to examine the influence of that
4 on aggression.

5 A. That would be the influence of pain. Those whose hands are not
6 immersed in cold water will react differently. Those whose hands are
7 immersed will react more aggressively.

8 Q. Professor, soldiers who spend a long time in trenches, in cold
9 conditions, who feel the cold, and who are under-nourished and tired, can
10 we expect that they will display a higher level of aggression?

11 A. This is a sum of all the factors that we have just spoken about.
12 They are acting in synergy in such a situation, and troops faced with
13 such situations are more prone and more willing to behave aggressively
14 than those who are faced with more regular situations in war, as it were,
15 if one can at all speak about a regular situation in war.

16 Q. Let's now move on to social situations that lead to aggression;
17 frustration, direct provocation.

18 A. Frustration is the most common situational cause or impetus to
19 aggressive behaviour. As we all know, frustrations happen when we are
20 prevented from realising our goals, and it will be pronounced more
21 strongly if those goals are closer to our hearts and more important to

22 us.

23 Q. Very well.

24 A. If you will, I can go on talking about frustration. There is a
25 frustration theory which is well known in social psychology. According

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1 to that theory, there's no doubt that frustration increases aggressive
2 behaviour. And the second social situational impetus to aggressive
3 behaviour is provocation. When one individual or -- let's put it this
4 way: Provocation, in itself, can lead to more aggressive behaviour, and
5 especially if it takes place in certain situations. For example, if a
6 provoked individual is under the influence of alcohol, then his
7 propensity to aggression can increase, or if provocation takes place in
8 situations that are not customary.

9 The aggressive sign, we've already spoken about that. Do I need
10 to repeat?

11 Q. We will repeat that because this is the product of a very bizarre
12 experiment. You've already mentioned that in your testimony and in your
13 expert report. We're talking about pages 428 and 429, and spilling over
14 to 490 [as interpreted]. Let's try and experiment [as interpreted]
15 briefly the experiment, and what does it mean for aggression if there is
16 a change of apparently insignificant thing; for example, if one group has
17 a racquet and the other group has a piece of weaponry, a pistol or a gun,
18 and what did social psychologists conclude? Is it a man who kills
19 another person or is it a rifle that kills another person?

20 A. It's a series of experiments conducted by the American

21 psychologist Berkovich, one of the most famous social psychologists who
22 studied aggressive behaviour, which changed people's concept and how the
23 presence of weapons affect aggressive behaviour. He took two groups of
24 individuals, took them to two different rooms. In one room, there
25 were -- was a weapon. Weapons were present in one room, in another a

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1 badminton racquet. And then he exposed them to different situations in
2 which they manifested different behaviour, aggressive behaviour and so
3 on. The group placed in the room with the weapons was far more
4 aggressive, statistically speaking, compared to the other group in the
5 other room with just a badminton racquet. So the presence of an
6 aggressive sign increases the propensity towards aggressive behaviour,
7 which means, in turn, that in a war the presence of weapons in large
8 quantities influences aggressiveness which goes beyond people's control,
9 faced with irregular and extraordinary situations.

10 Q. So can we then conclude that a rifle or the impersonality of
11 using a weapon by just pressing the trigger can increase aggressiveness
12 in otherwise normal people?

13 A. Yes, and I can mention some impressive analyses conducted by
14 American psychologists. In American households, weapons are very often
15 present, and they conducted an analysis to see who -- or an analysis of
16 killings and suicides, and it was established that it is natural for
17 citizens to take up weapons for their own protection. Now, the
18 experiment was to see the extent to which these weapons were used for
19 self-protection and how far they were used for some other purpose. And

20 they established that only in 2 per cent of the cases were the weapons
21 used for self-protection, whereas in all the other cases those weapons
22 were used for killing, killings within families, usually between the
23 spouses, or suicide by children or somebody else within the family, or
24 murders and killings in the neighbourhood, which means that the presence
25 of weapons leads to these tragic situations, tragic outcomes, the very

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1 presence of weapons. Of course, motivations are different, but the fact
2 that there are weapons to use, this leads to aggressive behaviour.

3 Q. And did you compare this to a very similar -- was that compared
4 to a very similar culture, such as the culture and society in Canada?

5 A. There are statistics, world statistics, comparisons. We know
6 that in Canada **there are far less weapons available and then far less**
7 **extreme killings, and there are six to seven less killings in Canada than**
8 **there are in the United States.**

9 Q. Professor, that brings me to my last topic, which I feel is very
10 important to me and my defence case, and that is how to reduce
11 aggression. And this is to be found on pages 438, 439, 440, 441, 442,
12 443, 444, and 445. It's a very important section, in my opinion, and
13 that would complete my questions on the book.

14 Now, punishment. Does punishment reduce aggressive behaviour, on
15 page 438, and what is important to stress here in this whole -- on this
16 whole subject?

17 A. Investigation has shown that the effects of punishment on

18 aggressive behaviour -- well, they weren't only conducted within social
19 psychology, but they've been conducted for thousands of years. We know
20 full well what the role of punishment has in our civilisation. Now,
21 social psychologists performed an experiment by varying the examinees and
22 the situations, and they found that punishment of the classical kind,
23 that is to say, by incarcerating people or implementing the death
24 sentence, the extreme forms of punishment, according to those analyses
25 and according to simulation situations in the laboratory, they found that

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1 punishment gives rise to -- well, doesn't have any effect or a negligible
2 effect on others, preventing them to perform the same acts, and also has
3 very little influence on people who have been convicted.

4 Now, experiments show -- well, the question arises as to whether
5 punishment should be used at all and whether it is efficacious, and a
6 series of experiments were conducted. Well, many psychologists have
7 dealt with that. We don't need to mention their names. But it was found
8 that punishment can be effective only if it is speedy, that is to say,
9 follows on from the act committed, if it is consistent, and if the
10 perpetrator cannot avoid the punishment, if he knows that he cannot avoid
11 punishment. But it has to be expeditious -- or, rather, all these three
12 factors must be present for punishment to be effective in the cases of
13 violence.

14 Q. Now my question. I have a question. Abolishing the death
15 sentence or keeping it, did it ever affect the increase of serious crimes
16 in America or any other country?

17 A. It did not affect the rates of these acts, because in certain
18 states the death sentence was first abolished and then reintroduced and
19 it was seen that neither case affected the rate of these crimes committed
20 that merited that kind of punishment.

21 Q. Now, Professor, there was an example here from the experiment
22 done in Norwegian schools with respect to violence, and Olweus, a social
23 psychologist, conducted an experiment. Now, what I'm interested here is
24 this: A situation like that, as it is explained in the textbook, which
25 lasted for two years and only gave partial results -- or let me put it

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1 this way: Given that kind of situation, aggression in schools, with the
2 suicide of a little boy, could it have been resolved by an instruction or
3 order given by the government, saying -- or whoever, saying, I forbid you
4 to do such and such? And if not, then why did they need two years of
5 hard work on the part of teachers, psychologists, parents, state
6 institutions and the like, for them to observe that the result was
7 halved?

8 A. This is a well-known prevention programme devised by Olweus, the
9 Norwegian psychologist, against bullying. This draft programme and
10 programmes of prevention were later devised throughout the world. It is
11 true that where -- by mere orders, you cannot reduce violence, and in
12 this particular case violence in schools. What you need is to take a
13 series of steps and measures according to a certain scenario and
14 procedure. They need to be put in place. And in implementing those
15 measures, all the actors included in schools must take part; that is to

16 say, teachers, and parents, and the local authorities, and the highest
17 authority, too. In this particular case, that's what happened. On the
18 basis of a programme of prevention, a scientific programme of prevention,
19 this procedure was put in place, and within the space of two years the
20 number of cases of bullying in Norwegian schools dropped by half, were
21 halved.

22 Q. Why didn't they issue an order for it to stop?

23 A. Because that couldn't happen. You couldn't do that because
24 bullying is influenced by psychological factors, and you can't abolish it
25 with the sweep of a hand.

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1 Q. And what about a war? Is a war a worse situation or a better
2 situation than the Norwegian society that took two years to resolve the
3 problem?

4 A. Wars are experimental and extreme situations, the most extreme
5 situations in the psychological aspect, and of course it is not possible
6 to stop a war by merely issuing an order. Wars should be prevented,
7 first and foremost, without them ever having flared up.

8 Q. Now, it says here in most American towns the probability of an
9 individual, who commits a violent crime, will be uncovered, arrested, and
10 convicted is not great. Now, under A, is that correct, is that assertion
11 correct? Is the same true for England, et cetera? And, B, does that
12 then, the fact that the probability of the perpetrator being apprehended
13 and convicted, et cetera, does it influence the repetition of those acts,
14 of those acts being repeated? And you spoke about that a moment ago.

15 A. Well, we've already spoken about that. I don't want to mention
16 America or England. **It holds true for any country or, rather, wherever a**
17 crime is at a high level, then there is more probability that there will
18 be more cases or, rather, that the perpetrators will not be taken into
19 custody and handed over to the courts. And in that context, then, there
20 is a very special relationship towards criminal behaviour that is
21 developed, and aggressive behaviour, because it is indirectly being
22 encouraged, because if you don't arrest the perpetrators and bring them
23 to justice, then others think that they will get away with their acts,
24 and then this encourages their violent aggressive behaviour.

25 THE INTERPRETER: Microphone, please.

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1 THE ACCUSED PRALJAK: [Interpretation]

2 Q. Since the difficulty stipulated here is that it is difficult to
3 have the perpetrators brought to justice, which then in turn leads to the
4 population carrying on that type of behaviour, if we take the example of
5 Bosnia-Herzegovina, with the disintegration of the social system and the
6 social institutions, is the possibility of arresting, punishing,
7 detecting certain crimes higher than in modern societies or lower than in
8 modern societies?

9 A. It is clear that in well-ordered societies, democracies and so
10 on, that more perpetrators are apprehended and taken to court, but of
11 course many people avoid this. You can't compare the situation in
12 America **and** Western Europe to Bosnia-Herzegovina, because in
13 Bosnia-Herzegovina, during the war, what happened was that we had a

14 disintegration of the entire system. And when you have a disintegration
15 in the system, itself, then it's very difficult to establish a new system
16 even under peaceful conditions, in peacetime, especially as --
17 particularly if they are based on a new political platform. So this
18 makes the situation far more complicated, and it is much more difficult
19 to control any forms of behaviour which relate to violations of the norms
20 that held true up until then or norms that are valid in a given context.

21 JUDGE ANTONETTI: [Interpretation] Professor, you say that in
22 Bosnia-Herzegovina there was a disintegration of the institutional
23 system, and then earlier you talked about the sentence and the fact that
24 a sentence could have something to do with the behaviour of an
25 individual. Now, you might know or you might not know, but in World War

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1 I, at least in my own country, 2.400 people were sentenced to death and
2 600 people were actually executed during World War I. During World War
3 II, the US Army executed 147 soldiers, 98 of which are buried in a
4 cemetery under number E, letter E. So all countries had measures in
5 order to punish deserters or criminals, and according to the evidence as
6 we have heard so far, it seems that during the conflict in the former
7 Yugoslavia **hardly any death sentences were pronounced, even though in the**
8 former Yugoslavia **there was death sentence. Do you link this to the**
9 disintegration of the institutional system, or do you believe that there
10 is another reason behind this and that could explain that death sentence
11 was not applied at the time?

12 THE WITNESS: [Interpretation] Your Honour, the basic reason --

13 well, there are other reasons, too, but the fundamental reason for the
14 disintegration of the institutional system of the former Yugoslavia,
15 well, other republics took over the legal systems. However, when it came
16 to the army, they were not able to implement measures of the kind that
17 you've mentioned because the army, the military in all these new states,
18 was established anew because Serbia **took control of the former Yugoslav**
19 **People's Army**, and this establishment of new armies encouraged people to
20 voluntarily join the army and other methods that were not regular
21 methods. On the other hand, when there was a war, leaving the army did
22 not mean -- did not imply any sanctions or punishment, nor did the
23 military hierarchy have the possibility of punishing those who deserted
24 their military units, so that's what I meant, with the relative
25 disintegration of the social system and state system.

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1 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak.

2 THE ACCUSED PRALJAK: [Interpretation]

3 Q. Mr. Sakic, we now come to the question of catharsis and
4 aggression and aggressive conduct on aggression later on, so that's an
5 important topic which speaks of a possible spiral; that is to say, that
6 one act that went unpunished leads to another violent act more easily,
7 and how this effect spirals during the war and affects an increase in the
8 number of criminal acts performed.

9 A. Catharsis is a term that originates from Greek drama. It was
10 introduced into psychology by Sigmund Freud. He was the first, and he
11 was the creator of the so-called hydrological theory, according to which

12 if impulses are piled up in a limited space, and he imagined a space that
13 the hydrological theory recognised as the space of a bottle, so if
14 aggressive impulses are piled up, they have to result in an explosion or
15 there has to be a shift towards a different form of expression. The
16 aggressive instincts have to be expressed in a non-aggressive way, and in
17 psychological terms, it is known catharsis. In psychology, it was
18 believed until maybe 30 years ago, that it is good to have a system
19 allowing us to shift our aggressive instincts in order to replace our
20 aggressive impulses.

21 Q. What happened? What has been proven?

22 A. Just the opposite has been proven. If we behave aggressively in
23 a socially-accepted way, for example, in sport, in other forms of human
24 behaviour, it is not true that we will be less aggressive, but rather if
25 we engage in aggressive behaviour that is socially approved, our

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1 propensity towards our aggressive behaviour grows rather than drops, and
2 there is a lot of social experiments that prove that.

3 Q. Can we say that there is the lightness of repetition as a result
4 of that?

5 A. In layman terms, you can call it that, the lightness of
6 repetition.

7 Q. You're saying that any expression of aggression does not inhibit
8 a propensity towards performing further acts of aggression, but that the
9 contrary is true. Tell me, is this correct? How do people justify
10 aggression? For example, in the Second World War, how was the bombing of

11 cities justified? You can find it on pages 443, 444, and 445.

12 A. General, sir, to your first question, the answer is, yes,
13 aggressive behaviour results in new aggressive behaviour, which means
14 that there is no catharsis. As for your second question regarding the
15 second phenomena, which is blaming the victim for the aggression, this
16 points to the propensity of groups that behave aggressively, who commit
17 an act of aggression against another group or an individual. They will
18 never feel remorse, they will never repent, or they will never apologise
19 for such behaviour. What will happen will be the phenomenon of --

20 JUDGE ANTONETTI: [Interpretation] Professor, let me stop you
21 because this, what you're saying, can be connected to the hydraulic
22 theory of Freud. According to this theory, there can be an aggressive
23 behaviour when there's an excess, but according to this hydraulic theory,
24 does this mean that the military command must check at all times to make
25 sure that the soldiers are under control, because if suddenly the command

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1 finds out that the soldier will go over a certain threshold, where
2 they'll go overboard, then this might lead to an aggressive behaviour on
3 the part of the soldiers? So don't you think that what you're saying
4 implies that the military command must take all this into account to make
5 sure that no blunders are committed, if I could say so?

6 THE WITNESS: [Interpretation] Your Honour, you are right. In
7 highly-organised armies, this can be implemented. A commander has to do
8 that. And I also wrote that in my report, that a commander should
9 have -- must have at his disposal experts who will control such

10 situations, the social and psychological situations in a military unit,
11 and report back to the commander. If there is such an expert, then
12 soldiers who are under a lot of pressure will be excluded. However, it
13 happens, even in the most and best organised armies, that there are
14 oversights. An oversight of that nature happened in the military unit
15 Charlie's Group that we've already discussed, which committed a crime in
16 1968, in the month of March. They committed a crime in Mi Lai. It is
17 the commander's duty. However, the commander, himself, cannot do this
18 himself. He has to have experts on his side that will help them in
19 modern warfare.

20 JUDGE ANTONETTI: [Interpretation] Does this mean that if the
21 commander has no specialist, he, himself, cannot assess correctly the
22 potentially aggressive behaviour of his troops?

23 THE WITNESS: [Interpretation] There is a difference among
24 commanders. They can and they should. If they are well trained, if they
25 come out of military schools, they have to go through psychological

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1 training. Those who are trained should be able to recognise such
2 soldiers in such situations and prevent such situations that we've been
3 discussing.

4 JUDGE ANTONETTI: [Interpretation] Very well.

5 General Praljak, for the rest of your examination-in-chief, you
6 still have 30 minutes. I want to keep you abreast of this.

7 THE ACCUSED PRALJAK: [Interpretation] Thank you, Your Honour. I
8 believe that this will suffice.

9 Q. In any case, Professor, look at the table on page 445, the
10 influence of war on states in war and states without war. Despite the
11 fact that there are people in such states who know that war will cause a
12 period of increased violence and an increased number of crimes in society
13 after the war, how is that prevented? Why is it not completely
14 prevented? Is it the case of them not caring, not being educated? Do
15 some deviant forms of behaviour in crisis situations during war, after
16 the war, do they have to be at a certain level? Is it just the case of
17 not -- nobody being able to reduce their numbers in any way?

18 A. Let me first finish my previous answer to your question about
19 blaming the victim. I need to tell you two more sentences.

20 We are prepared to blame the victim even more strongly in order
21 to justify our behaviour. This is -- this has been explained by the
22 cognitive theory of -- a cognitive dissonance theory. I'm saying
23 "cognitive dissonance" for the interpreters. It's a well-known theory.

24 And now this: I don't know -- it is not for me to tell why such
25 phenomena are not stopped. I can only testify, as a scientist, that it

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1 is well known that after all wars, and there are books written to that
2 effect, not only research that is presented in this particular book, that
3 the number of all forms of deviant forms of behaviour, not only violence
4 and aggression, that there is an upward trend and that that trend lasts
5 for a shorter or longer period of time, depending on the measures
6 undertaken by certain governments to eliminate such behaviour or to
7 reduce the effects of war on the postwar period.

8 Q. You've already had an occasion to see, read, and analyse the
9 paper that I'm going to talk about, because it speaks about well-known
10 issues. I've prepared for you 3D03156, which contains certain elements
11 of what is known, in theory, as looting, and any examples that are
12 presented are the electricity outages in New York and the behaviour of
13 the population there, the consequences of Katrina in New Orleans, the
14 disorders in France **that has taken place recently, the response of a**
15 certain number of Dutch citizens after the murder of film director
16 Theo van Gogh. I would kindly ask you to use the documents that you have
17 produced and tell us some basic things: A, could those things be
18 foreseen? When they happened, when was the time to intervene? B, as for
19 the perpetrators, who could be punished and how -- how many of them went
20 unpunished? And if you will, you can expand your answers to everything
21 that we see today, the conflicts in Gaza, Baghdad, the killing of
22 civilians in Afghanistan, **and so on and so forth. So you have plenty of**
23 time. Give me a general standpoint on: A, the possibility to predict,
24 prevent, punish, prevent, and everything else that an organised society,
25 with a huge apparatus, with ample possibilities, could or possibly should

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1 do in order to prevent such things from happening.

2 MR. SCOTT: Excuse me, Your Honour. I'd like to object to the
3 relevance of this.

4 What's the relevance of whether the killing of Mr. van Gogh could
5 be intervened and foreseen, and one individual murder, and how it relates
6 to the facts in this case and to the mass expulsions of Muslims and the

7 hundreds of thousands over a period of months? I just don't see the
8 comparison between those two comparisons at all, so if Mr. Praljak can
9 explain the relevance.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, in this
11 courtroom you don't have only psychologists, eminent psychologists like
12 yourself and the expert witness, so could you please tell us what is the
13 relevance of all this? What's the purpose of talking about
14 Theo van Gogh's murder? What's the point? What are you trying to
15 demonstrate? I mean, we're laymen and we're trying to understand what
16 your point is.

17 THE ACCUSED PRALJAK: [Interpretation] Very simple, Your Honours.
18 My point is simple, and I've presented it as a witness. It is not a
19 problem that one could have prevented the killing of van Gogh. However,
20 the response to the killing of Theo van Gogh, the burning of mosques, and
21 so on and so forth, in a highly organised and highly civilised, in
22 comparison with the crimes that happened in Uzdol which, according to the
23 statements of international factors, did not result in a retaliation on
24 the Croatian side, puts me in a position to say how I acted, what I knew,
25 and what was my force and the force of my assistance. This is what I'm

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1 saying. This is my point that I'm trying to make.

2 In the conditions as were in place in Bosnia-Herzegovina,
3 compared to New York **and** New Orleans, how come that American state, once
4 the case happened, how the American state could not prevent further --

5 JUDGE ANTONETTI: [Interpretation] General Praljak, let me try and

6 sum up what you're saying, because it's quite complex.

7 You're telling us that you, as command of the HVO, had to deal
8 with the events in Uzdol, events that we all know of, of course - at
9 least I hope so - and faced with a situation, you behaved as a military
10 man in order to avoid any retaliation or vengeance. And to back your
11 demonstration, you're saying, Just look at what happened elsewhere. Look
12 at what happened to Theo van Gogh, to the riots in France, and so forth
13 and so on.

14 Did I sum up what you said? Is that what you were trying to
15 demonstrate in relation to what happened in Bosnia and Herzegovina.

16 THE ACCUSED PRALJAK: [Interpretation] Correct, Your Honours. Let
17 me put it simply, and let me correct myself.

18 After the case that happened in Uzdol, I did not behave as a
19 commander. I acted as a social psychologist, as a strong male figure, a
20 pedagogue, as a psychologist, as a military commander, as a father. In
21 such matters, you had to wear --

22 JUDGE ANTONETTI: [Interpretation] Before you put your question to
23 the expert -- Witness, I have a question for you.

24 Earlier, you mentioned about -- you mentioned the cognitive
25 theory. I believe that this theory was born in the US in 1967 --

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1 THE INTERPRETER: 1957, interpreter's correction.

2 JUDGE ANTONETTI: [Interpretation] And according to this theory,
3 if I understood it correctly, anyone who's under stress must be in a
4 situation where he could change.

5 Mr. Registrar, I believe that the witness does not hear the
6 interpretation. It seems that there's a technical problem.

7 THE WITNESS: [Interpretation] I heard your question after a short
8 interruption.

9 Your Honours, this is a theory that was established by Westinger,
10 a well-known American, a psychologist in the 50s of last century. This
11 theory says that in certain situations -- let me be very brief within
12 this context -- that we, as individuals, are prepared to behave in a
13 consequential way in situations when -- and that we are prepared to do
14 that even when that behaviour is contrary to the facts. In the context
15 of aggressive behaviour, this means that even if we behaved aggressively
16 towards innocent individuals, within that context we will not feel
17 remorse and guilt. We will sooner blame the other side and think that
18 the other side deserve what happened to it, and this is -- this is to
19 help us to be true to ourselves. And this is the essence of the context
20 that we've been talking about.

21 JUDGE ANTONETTI: [Interpretation] Very well. Now, to link this
22 up with the very complicated demonstration made by General Praljak, first
23 let me ask you whether you know about the Uzdol events. Do you know
24 anything about what happened in Uzdol, Mr. Witness?

25 THE WITNESS: [Interpretation] I do know from the media and as far

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1 as any citizen in Croatia knows about it, because there was wide media
2 coverage.

3 JUDGE ANTONETTI: [Interpretation] Very well. So when a person, a

4 military commander, finds out that the enemy committed a massacre,
5 according to all the theories that you've mentioned, what does the
6 individual do, in the most general case?

7 THE WITNESS: [Interpretation] Well, I'm not answering as an
8 expert here. I can answer just like any other citizen would. The
9 commander should, first of all, try and calm his unit down to prevent
10 them from any retaliation and revenge. And according to the Geneva
11 Conventions, that is pursuant to the Laws of War. So in situations like
12 that, it is important to act on the soldiers psychologically to calm them
13 down and to prevent them from any retribution, acts of retribution, and
14 then to plan military actions based on rational grounds with respect, of
15 course, for the Laws of War.

16 JUDGE PRANDLER: I would like to go back to Mr. Praljak's
17 statement. It is already not on the screen. But, among other things,
18 you said that, I acted as a social psychologist, a strong male figure, as
19 a military commander, as a father, et cetera, et cetera. Really, I
20 believe that we all know that it is your construction about yourself that
21 you are a "uomo universale," but, on the other hand, I really feel that
22 it would be better to stick to your present role, and this present role
23 is that you are asking questions from the expert and not praising
24 yourself. So I really use these terms because it is already a bit too
25 much to listen. You are not putting questions, but you are pleading.

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1 That's all, thank you.

2 THE ACCUSED PRALJAK: [Interpretation] Judge Prandler, you're

3 speaking in the plural, that I'm not asking questions, that I'm pleading.
4 Judge Antonetti asked me why things were happening in countries like
5 that, and I could tell you what happened in 1956 in Hungary, for example,
6 so don't you tell me that I -- well, I'm building up the kind of truth
7 that I can prove in this court, and it seems to me that you --

8 JUDGE TRECHSEL: No, no, excuse me.

9 THE ACCUSED PRALJAK: [Interpretation] I asked a question, and let
10 him answer.

11 JUDGE TRECHSEL: Excuse me. You seem not to have understood the
12 point that my colleague, His Honour Judge Prandler, made. It is just a
13 technical point that you should refrain from giving testimony and saying
14 how things were, in your view, and what you wanted to do, and so forth,
15 but just ask questions. That was all, and that's a technical point, and
16 that's completely correct. So now you can continue.

17 Please answer the question, Witness.

18 THE WITNESS: [Interpretation] Your Honours, General, sir, I can
19 answer in the most general way with respect to this social psychological
20 context that I mention in my expert report. And according to that
21 context, all the situations that you mention belong to classical types of
22 crisis situations. And as I've already said today, in crisis situations
23 you have all the forms of behaviour; group behaviour that we called
24 conformism, normative social influences, spontaneous conformism, and the
25 like, all the other forms of behaviour, aggressive conduct, most of them

1 depending on the situation, and part of them depending on biological

2 factors.

3 So there are now differences between different crisis situations.
4 Not all crisis situations are identical, and you will see different types
5 of group behaviour and different types of groups forming. You'll have
6 different groups forming after elemental disasters, for example, or after
7 an uprising, for example, or a power cut, but all these forms can be
8 explained by the theoretical framework that I offered up. And there is
9 the possibility there of analogy, while respecting the framework,
10 analogies to the situation in Bosnia-Herzegovina during the war between
11 the Bosniak Muslims and Croats or, rather, throughout the war in
12 Bosnia-Herzegovina generally, so that's that general level and my general
13 answer.

14 Now, if you want me to go down the lower levels, then ask me
15 questions that way.

16 THE ACCUSED PRALJAK: [Interpretation]

17 Q. All I'm interested in is knowing whether you have looked through
18 all the documents that I attached, showing what the facts were like.

19 A. Yes, I have looked through them.

20 Q. Thank you. Now, I'm drawing to the end, and let's look at
21 3D03097, please. It's a book by Konrad Lorenz, a Nobel Prize winner,
22 "The So-Called Evil," and in Chapter 13 I'd like to look at Croatian
23 page 205, going over to 206.

24 MR. KOVACIC: [Interpretation] Your Honour, to avoid subsequent
25 problems, I would like to repeat the number. It is 3D030558.

1 THE ACCUSED PRALJAK: [Interpretation] No, no, Konrad Lorenz,
2 3D03097 is the number, Konrad Lorenz.

3 MR. KOVACIC: [Interpretation] Mr. Praljak has the old version.
4 It is 3558. The other document number is also on e-court, but we've
5 combined it with a single number.

6 THE ACCUSED PRALJAK: [Interpretation]

7 Q. Have you found page 205 and 206, Witness?

8 A. Yes, I have.

9 Q. Just briefly, he speaks about compensation mechanisms and says
10 that those with compensation mechanisms, under normal conditions, that
11 person will be able, under daily conditions, not to use them up and won't
12 break down in a war. What I'm interested in is the following: Is it
13 true that social conduct, the social conduct of individuals, can be
14 broken down when there are too many burdens that can be of a different
15 nature, including everything we've said so far?

16 A. We're talking about the strength of an individual, in the
17 psychological sense, how strong people are, and we know that people
18 differ widely. You have stable individuals, unstable individuals, and
19 there are characteristics governing the two. If we look at the overall
20 personality of an individual, then the moral side is one of the
21 characteristics of a person's make-up or character, and Konrad Lorenz
22 speaks about morals, the moral aspect, the moral dimension of an
23 individual, and whether, if it is brought under pressure, whether it can
24 succumb, whether a person can break down, and whether disassociation can
25 step in.

1 Now, in that context I have to say that every person has limited
2 capacities, so stable individuals will be able to bear more social
3 pressure or negative pressure, and those who are less stable and who have
4 weaker or lower moral standards, then -- well, moral strength will be
5 able to resist pressure, but it all depends on the amount of stability
6 and the amount of pressure exerted. And I have to say in this regard --

7 MR. KOVACIC: [Interpretation] In English, Your Honours, the pages
8 of that book are 248 and 249, in the English text. Thank you.

9 THE INTERPRETER: Microphone, please.

10 THE ACCUSED PRALJAK: [Interpretation]

11 Q. Fatigue, hunger, et cetera, work in the same way, and since he
12 was in a war, he says, I know that the moral decompensation can be
13 precipitous, and, secondly, goodwill, and its ability to resist, how long
14 can it last? The length of a war, does it have an effect on moral
15 decompensation, as explained by moral psychology, let's say moral
16 decomposition of the individual? So if a situation goes on for any
17 length of time, then even the strongest individual will be susceptible to
18 moral decompensation if exposed to fear, hunger, or whatever for any
19 length of time?

20 A. We have seen from moral contamination that moral decompensation
21 can take place in the space of several minutes in an individual, and
22 social contamination depends on social influences and pressures. And in
23 this extreme situation such as a war, well, the longer a war lasts, the
24 more people will succumb, as Lorenz says, will become morally

25 decompensated, and the repercussions and consequences will be graver.

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1 Now, I'm not entering into polemics with Konrad Lorenz here. We
2 should believe him because he's the only person who received the Nobel
3 Prize for psychology. But in view of these conclusions which he derived
4 from philosophy, they can be translated into the language of social
5 psychology and they function perfectly well within that context.

6 JUDGE ANTONETTI: [Interpretation] One moment.

7 Witness, you are now mentioning Konrad Lorenz, a Nobel Prize, who
8 was -- who took over Kant's chair, by the way. He was special in that he
9 served in the German Army. He was made prisoner, and I think he was
10 detained until 1948 by the Russians, so he was very familiar with
11 army-related problems. But his theory of aggressive is based on animal
12 behaviour, among other things the mating ceremony of the male around the
13 female animal in order to eventually attack another male. That theory of
14 aggressiveness, with the underlying notion of territory, do you apply it
15 to what happened in BiH between the Muslims and the Croats?

16 THE WITNESS: [Interpretation] Your Honour, may I say a few words
17 of introduction before I answer your question.

18 I didn't use Konrad Lorenz in my expert report. I was just
19 answering the question from the general, and I translated it to the field
20 of social psychology and then answered it that way, but I'll explain why.

21 Konrad Lorenz is an exceptional psychologist, and he has made a
22 great contribution to science. However, he ranks among the
23 traditionalists in science who, through philosophy and social science,

24 has existed from the times of Plato and Aristotle, the Greek
25 philosophers. It's what's called nativism and empirism in philosophy,

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1 and then later on in the social sciences, too. He's a nativist; that is
2 to say, he is of the Plato orientation, so he gives biological factors,
3 the predominant role. It is biological determinism. That is what we
4 must say about Konrad Lorenz.

5 The other important thing to note is, and you've correctly
6 noticed that, that he's ethologist. He won the noble prize for the study
7 of animal behaviour, primarily, and it's on the basis of his vast
8 experience and the many laboratory experiments he performed and his
9 observation of animals, he applies analogy and transfers those analogies
10 to other situations on the basis of his vast scientific knowledge and his
11 knowledge as an intellectual.

12 And, psychologically speaking, what he -- what it says in that
13 chapter is correct. However, there are parts, not the ones I discussed
14 with the general, but there are parts which I, as a social psychologist
15 myself -- or social psychology today has shown that they are unfounded.
16 One of those is what he, too, says; that aggression -- well, the theory
17 of catharsis, he accepts that as correct, and the reason he gives is that
18 he followed Sigmund Freud in many of his explanations, on the one hand,
19 and, on the other, in social psychology, the experiments that I spoke
20 about had still not been undertaken. It was just Leonid Berkovich and
21 his followers who applied those tests to investigate catharsis and show
22 that Freud was wrong in his view of catharsism, as was Konrad Lorenz.

23 JUDGE ANTONETTI: [Interpretation] It's already quarter to 6.00.
24 We're basically running out of tape. We're going to break for 20
25 minutes.

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1 --- Recess taken at 5.47 p.m.

2 --- On resuming at 6.08 p.m.

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

4 THE ACCUSED PRALJAK: [Interpretation]

5 Q. Professor, I've almost reached the end of my examination. I have
6 just one more thing to ask you.

7 Could you please look at your expert report, and this is 3D03721.
8 Open it on page 28 of the Croatian version, which is 3D42-6219. At the
9 beginning of the page, you have summarised a certain matter, or, rather,
10 different phenomena, and you say that all the previously-described
11 phenomena contributed to the understanding of the behaviour of the
12 soldiers which is very often not the consequence of --

13 MR. KOVACIC: In the English version, at page 29. This is the
14 bold title under number 4, "Ethnic Groups and Ethnocentrism."

15 THE ACCUSED PRALJAK: [Interpretation]

16 Q. I continue. The behaviour of soldiers is often not a consequence
17 of orders given by formal commanders, but are often a consequence of
18 social situations and strong emotional situations in which soldiers find
19 themselves. Furthermore, you say that it's very difficult to control and
20 lead such a group of people, especially without a proper psychological
21 support.

22 My question is this: You were in Croatia at the beginning of
23 aggression. Tell me, did volunteers enable the existence of the Croatian
24 state? Volunteers, regiments, people, men, women, who volunteered to go
25 and counter the aggression that had come from Serbia, did they allow for

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1 the Croatian state to be as it is today, yes or no?

2 A. I can't answer with either yes or no. I can provide a short
3 answer.

4 When Yugoslavia was breaking up and when the Serb aggression was
5 going on against Slovenia and Croatia, when the Yugoslav People's Army
6 dissolved and transformed into the Serbian Army --

7 JUDGE TRECHSEL: Mr. Praljak, may I draw your attention to the
8 fact that the last one was a very typically leading question. You,
9 yourself, said, finally, Yes or no, and as this is direct, you're
10 supposed to ask non-leading questions, please.

11 THE ACCUSED PRALJAK: [Interpretation] My fault, yes.

12 Q. Tell us about volunteers. Did the state create volunteers or did
13 the volunteers create the state?

14 A. In such a situation, volunteers were the decisive military
15 formations which responded to aggression by the Serbs teamed up with the
16 Yugoslav People's Army, and that's why they take most credit for the
17 defence of Croatian democracy and independence in the Croatian war for
18 independence.

19 Q. Thank you. And now tell me, in Bosnia and Herzegovina, was the
20 situation identical or even more pronounced given the fact that Croatia

21 had some authorities in its unoccupied areas? Tell me, was the situation
22 more or less pronounced with regard to Croatia -- in Bosnia and
23 Herzegovina, were volunteers an even more contributing factor to the
24 persistence of an independent state of Bosnia and Herzegovina?

25 A. At that time, Croatia was more organised in terms of its

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1 institutions. For example, during the first couple of years, at the
2 beginning of the war, while it was exposed to the most fierce aggression,
3 at the same time it received 800.000 displaced persons and refugees from
4 other parts of Croatia and from Bosnia and Herzegovina. According to
5 public polls by the institute that I lead, and we have polled people for
6 20 years continuously, the Croatian general public attributed that as a
7 big success on the part of the Croatian authorities. This means that
8 Croatia was much better organised than Bosnia-Herzegovina, and within
9 that context volunteers were even more important there than they were in
10 Croatia. Actually, they were the only way out when it came to countering
11 aggression in Bosnia and Herzegovina.

12 Q. You're not here as a military expert. However, from a
13 psychological and sociological point of view, a comparison between an
14 army which exists in an organised state and volunteer units of the sort
15 that we saw in the war, when it comes to the possibility of control,
16 command, information, what is the difference, in social and psychological
17 terms, between those two?

18 A. Social psychology is trying to answer the question, and it is

19 best suited to answer them. A lack of hierarchal organisation and a lack
20 of authority or command, it results in a special context, and groups and
21 units cannot be managed and controlled in such situation as they can be
22 in an organised system. This is especially true because the commander
23 does not dispose with the means that are normally at the disposal of any
24 other military commander in the world. In the first couple of years,
25 this is -- this did not exist in Croatia or in some military units in

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1 Bosnia-Herzegovina. The behaviour that can normally be punished in
2 regular armies could not be punished, and I'm talking about the willful
3 abandonment of the unit or any sort of behaviour that goes beyond the
4 context of normal behaviour in war.

5 THE ACCUSED PRALJAK: [Interpretation] This brings my
6 examination-in-chief to an end. Thank you, Mr. Sakic, for your answers,
7 and thank you for coming here to provide your testimony.

8 THE WITNESS: [Interpretation] Thank you.

9 MR. KOVACIC: Your Honour, thank you so much. The Praljak
10 Defence does not have any further question.

11 JUDGE TRECHSEL: Thank you.

12 Mr. President, I would like to ask one or a few questions of the
13 witness.

14 What you have told us is quite interesting. However, we are not
15 here to establish a history, but to carry out a criminal trial, and I
16 would like you to tell me whether you are aware of any textbooks in
17 criminal law or criminal procedure law where the developments you have

18 exposed here are of any relevance under the point of view of criminal
19 law.

20 THE WITNESS: [Interpretation] Your Honour, I am not an expert in
21 penal law, so I'm not able to answer your question. I have not studied
22 law textbooks. I have only read some books on international law. I have
23 not read any textbooks on criminal or penal law because I have never been
24 interested in the matter.

25 JUDGE TRECHSEL: Thank you. I can absolutely appreciate that. I

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1 asked you the question because psychological experts and, of course,
2 psychiatric experts have a rather established place in the courtroom. It
3 does seem that this is not the case for social psychology experts. Would
4 you share this view?

5 THE WITNESS: [Interpretation] I apologise. I'm afraid I did not
6 understand your question. What did you mean when you said that they are
7 not present?

8 JUDGE TRECHSEL: You're absolutely entitled to ask back, and I'm
9 sorry if I was not clear in my question.

10 What I mean is that in criminal proceedings, one often finds
11 experts in psychology. I am not aware, but maybe you are aware of
12 whether colleagues of yours, specialists in social psychology, are
13 sometimes called to give expert evidence in criminal proceedings. Do you
14 know of such cases or is it something that is not --

15 THE WITNESS: [Interpretation] Your Honour, I understand your
16 question now.

17 Not only do I know that there are social psychologists who have
18 been in that position in Croatia, I have also been involved in penal
19 psychology, which is part of the context of social psychology, because
20 social psychology also deals with punishment, as we've seen earlier
21 today. I was also an expert of the Ministry of Justice of Croatia in
22 some criminal cases dealing with releasing persons from prisons who had
23 been convicted of serious crime committed under grave psychological and
24 social circumstances. My task was to provide my opinion as to whether
25 circumstances have been -- or, rather, conditions have been put in place

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1 in the environment that was to receive such a person for that person to
2 be released from prison, given their previous psychological portrait.

3 JUDGE TRECHSEL: Thank you. That is quite convincing. It is, of
4 course, not what I had in mind. It's a different stage in the full
5 criminal process than the one we are in here. There is no question of
6 releasing any of the accused from prison because they are still presumed
7 innocent. None of them is convicted, and nobody knows whether any of
8 them will ever be convicted. The question I put relates to the stage
9 before the courts and before the Court's verdict. Have you any
10 experience of that or can you inform us of the role of social
11 psychologists in that phase?

12 THE WITNESS: [Interpretation] I don't have any information about
13 that, as far as similar cases go, but I can give you my personal
14 position.

15 If psychology and psychologists can be court experts, as you,

16 Your Honour, have stated yourself, together with psychiatrists and so on
17 and so forth, in criminal cases, then in a case such as this -- in this
18 case, within the discipline of psychologists, social psychology can say a
19 lot more than any other branch of psychology. Therefore, if
20 psychologists can participate in other criminal cases, I believe that
21 they may as well participate in this one, then I also believe that social
22 psychology can be of great assistance to the Court in its work within the
23 context that we are in because of all the facts that we have already
24 heard today.

25 JUDGE TRECHSEL: Well, that will be for the Chamber to decide, of

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1 course. Thank you.

2 JUDGE ANTONETTI: [Interpretation] Witness, I have a few follow-up
3 questions for you.

4 I first go back to the period of 1992, when there was the
5 aggression by the Serbs on Croatia. **At the time, in which department,**
6 **precisely, did you work, were you working?**

7 THE WITNESS: [Interpretation] Until 11 of August, 1992, I was
8 employed by the Ministry of Justice of the Republic of Croatia. **From the**
9 **11th of August, I joined the Ivo Pilar Institute, and I've been there**
10 **ever since.**

11 JUDGE ANTONETTI: [Interpretation] At any point in time, as part
12 of your various remits, did you come across General Praljak or did you
13 not know him at all?

14 THE WITNESS: [Interpretation] General Praljak is a well-known

15 film director and intellectual in Croatia. I heard of him even before
16 the war. I didn't know him personally, however. I didn't socialise with
17 him either during the war or thereafter. However, we did sit together
18 during the 1990s in some mixed companies because we share some friends,
19 we have some friends in common.

20 JUDGE ANTONETTI: [Interpretation] So in the 1990s you met him or
21 you came across him. Since we are talking about social sociology --

22 THE WITNESS: [Interpretation] [Previous translation continues]...
23 meet with him.

24 JUDGE ANTONETTI: [Interpretation] In relation to the study you
25 carried out, let me ask you this: Does General Praljak come across to

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1 you as a leader or as a commander?

2 THE WITNESS: [Interpretation] I apologise. I don't understand
3 the question fully. Could you please expand or clarify?

4 JUDGE ANTONETTI: [Interpretation] I'll put it again. I have read
5 and read again your report. I read it very thoroughly. You mentioned
6 the issue of a leader, that you say that there can be a leader in a group
7 and there can also be a commander, and sometimes the leader prevails over
8 the commander. Is this what you said in your survey or study?

9 THE WITNESS: [Interpretation] Yes, Your Honour.

10 JUDGE ANTONETTI: [Interpretation] So based on this, I thought --
11 well, what category would General Praljak be in? Would he be a leader,
12 or a commander, or both? Since you know him, maybe you can answer my
13 question.

14 THE WITNESS: [Interpretation] As I said, Your Honour, I didn't
15 know him personally. We just had a few of these encounters. But I know
16 the work he did sufficiently, and according to my understanding and
17 according to the psychological theories that I've been explaining about,
18 it would be closer -- in view of his previous education and experience,
19 it would be closer -- or he would be closer to the leader category rather
20 than the commander category, because as a commander, in actual fact,
21 well, a commander is closer to the category of people who have
22 professional military training and education, which he doesn't have, but
23 his ability to communicate with people would rather define him as a
24 leader.

25 JUDGE ANTONETTI: [Interpretation] In your report, and I'm summing

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1 up here, you say that there are subgroups, Muslim and the Croats, that
2 sort of were created spontaneously and were heterogenous in nature. You
3 say of the subgroups that they had no specific military training, that
4 they were organised in very little time. You also say that the groups
5 and subgroups were made up of volunteers, most of them were patriots with
6 no particular ethnocentric bias. And you add that next to the civilian
7 volunteers, you could also note the presence of soldiers and officers
8 from the former JNA that had left the JNA. And you say that in a
9 situation characterised by the absence of institutional control,
10 extremists from all over the world came, on a voluntary basis, to join
11 these small groups with a not negligible amount of criminals among them;
12 therefore, the distribution of work within the subgroups would be

13 depending upon specific circumstances. And then you deal with the
14 Milgram theory.

15 So we're talking about groups of volunteers who were on the
16 ground, who had no prior training, who may not even have had a commander
17 up to the task. You seem to say that because of their behaviour, they
18 may have been influenced by criminals or thugs that came from abroad,
19 from outside of the territory. Is this something you wanted to emphasise
20 in your report?

21 THE WITNESS: [Interpretation] Your Honour, I base my applications
22 on the basis of the theoretical framework. In part, we can say that,
23 too, but my fundamental intention was to say, within a given theoretical
24 framework, that in Bosnia-Herzegovina a context was set up after the Serb
25 aggression which was the basis for the chaos that ensued, because you

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1 have to realise how many persons were expelled from one area to another,
2 how many displaced persons there were and refugees, and the reasons for
3 which the army was set up and became established in the way it was. So
4 given that kind of situation, it was a situation which decided who would
5 be the leader.

6 Now, with respect to the Katrina or whatever, the leader will
7 become the person who best corresponds to the aims and objectives of the
8 group. Now, in a specific situation, in conformity with the social
9 psychological framework, it can be a criminal, it can be a military
10 commander, depending on the circumstances, or it can be a civilian. So
11 it doesn't have to mean that it's always the person with the best

12 military knowledge who becomes the leader, but the person who is best
13 able to solve the problems or realise the goals of a group, given a
14 situation where there's no hierarchal order or well-ordered institutional
15 apparatus. So that is the psychological explanation.

16 When the situation is well ordered institutionally, then other
17 rules come into play, and social psychology has different explanations
18 for that kind of situation because it's behaviour according to regular
19 social norms which can be customary, based on customs, or different
20 theories, or whatever.

21 JUDGE ANTONETTI: [Interpretation] Professor, if I understand
22 things properly, because this is a very complex field of knowledge, very
23 sensitive concepts that may be alien to us at times, you seem to say that
24 in a system where you have a failing institution there may be groups that
25 come together, people who are volunteers, and such groups may be led by a

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1 military commander or a leader, but you also explain that failing the
2 institutional system, the leader, if he is a criminal or if he has
3 personal motives, he may lead the group into the wrong direction. Is
4 this how your thinking would be?

5 THE WITNESS: [Interpretation] Your Honour, yes, that is
6 absolutely correct. If someone imposes himself as a leader, and there
7 was situations like that in Croatia and Bosnia-Herzegovina during the
8 war, if the leaders are criminals, then their basic activity is not a
9 military activity or, rather, engaging in warfare. That is a sporadic
10 activity, as far as they're concerned, the fighting part, because their

11 basic aim is to gain an advantage, to loot, to thiefe, and so on. And
12 there were groups like that. We know that Serbia, for example, organised
13 such groups, such as Arkan's men and Captain Dragan's men, those groups,
14 people who had criminal files in many foreign countries. And it is
15 common knowledge that they performed the worst crimes in Croatia and
16 Bosnia-Herzegovina. And it is also well known that they reaped gain from
17 that because they did not expect to be punished because of looting and
18 other criminal actions.

19 JUDGE ANTONETTI: [Interpretation] Very well. Thank you for your
20 answer.

21 On page 87 of your report, you speak of the September 1991
22 resolution of the Security Council, and you say of it that it's going to
23 have a strong psychological impact on the Croats and Muslims, and you say
24 that the increasing threat and the quicker pace of the homogenisation
25 process, in the chaotic situation of the disintegration of Yugoslavia,

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1 that given all this, this resolution is going to open up space for
2 international organised crime, and you say that this led to the creation
3 of criminal groups that are going to be important actors of the war. So
4 is this what you said in page 87 of your report, that the resolution of
5 the Security Council actually sort of gave rise or opened up an avenue
6 for the creation of criminal groups?

7 THE WITNESS: [Interpretation] Your Honour, it never entered my
8 mind to say that the resolution had a direct effect on that. What I said
9 was that the resolution was -- caused this indirectly, and then that is

10 linked up to what I said earlier; that is to say, if there are no
11 weapons, there is aggression [as interpreted]. We cannot speak about the
12 disintegration of Yugoslavia, **because there were democratic elections at**
13 that time, so aggression was against independent, autonomous states, that
14 is to say, Bosnia and Herzegovina and Croatia, **and what happened was that**
15 the only way of standing up to the aggression was to procure weapons
16 because the weapons had been taken away from Bosnia-Herzegovina and
17 Croatia. **That is to say, the JNA disarmed Bosnia-Herzegovina and**
18 **Croatia, and so it's logical that this opened the way to those who were**
19 able to procure weapons. And the UN resolution existed, so how can one
20 say? Of course, they were criminal groups, internationally organised
21 crime, and those groups in Croatia **and Bosnia-Herzegovina which joined in**
22 this whole process, if there was no other way open to those states, and
23 of course those groups were then, in the initial stages but not later
24 on -- not later, but, anyway, at first they were important actors in the
25 war and players in the war.

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1 JUDGE ANTONETTI: [Interpretation] Under the heading
2 "Responsibility of the International Community," I am an independent
3 Judge, and as you see, I deal with all subjects, excluding none. This is
4 what you say: You say that the resolution of September 1991 resulted in
5 the following in Croatia **and Bosnia-Herzegovina: People felt abandoned,**
6 and the international community had sided openly, publicly, with
7 Milosevic. So what you're saying is that a Croat or a Bosnian Muslim may

8 have felt or perceived the intervention of the international community as
9 them supporting Milosevic, the Serbs, in other words, and abandoning
10 Croats and Muslims in the process. Is this what you said in your report?

11 THE WITNESS: [Interpretation] Your Honour, that is correct. I
12 didn't say "openly," but I said that's how they interpreted -- that is,
13 the Bosniaks, Muslims, and Croats in Croatia interpreted this as well as
14 the Croatians citizens in Croatia, **notice how they saw it, that's how**
15 they understood it at the time, and this is also an indirect influence
16 which led to the fact that there was accelerated homogenisation that took
17 place because they felt a greater threat. There was the threat from
18 **Serbia which was open and clear, and this was indirect influence, as they**
19 interpreted it, because they were left without any weapons. So they felt
20 the threat to be even greater, and on the basis of that threat there was
21 accelerated homogenisation on ethnic grounds in Croatian national and
22 here on ethnic grounds, which then had its own defence potential and
23 values, but also some negative features which then had an affect, in
24 turn, on the situation and the conflict between the Bosniak Muslims and
25 the Croats. That's the psychological explanation. I don't want to enter

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1 into any military explanations.

2 JUDGE ANTONETTI: [Interpretation] Professor, I really want to
3 fully grasp what you are saying.

4 There was an embargo on weapons imposed by the international
5 community following the Security Council resolutions. Did it cause the
6 Serbs to keep their weapons and, therefore, keeping military supremacy?

7 Did it cause the Croats and Muslims to be, as it were, victims of the
8 embargo because they had no weapons? Is this how your report should be
9 read?

10 THE WITNESS: [Interpretation] Yes, you could read it in that way.
11 In that context, the Bosniak Muslims and Croats were the victims, yes.

12 JUDGE ANTONETTI: [Interpretation] In your country, in Croatia,
13 were articles written, books written, was research done on this topic,
14 which is how a Croatian citizen or a Bosnian Muslim citizen perceived the
15 situation? Were there any polls or studies carried out or is this still
16 a subject that is not researched into to date?

17 THE WITNESS: [Interpretation] Your Honour, that subject has been
18 researched, and there are numerous scientific and other publications
19 dealing with it, and it is still intensively being researched. Not all
20 the subjects have been exhausted, although a large number of subjects
21 have been dealt with within the frameworks of studies -- social studies.
22 And when I say this, I have principally Croatia in mind. As for
23 Bosnia-Herzegovina, the situation is somewhat worse there. There's been
24 less research there. But the problem is that, as we scholars like to
25 say, there's still not an overview of the research, but it takes place

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1 within certain war groups, or ethnic groups, or whatever you like to call
2 them.

3 JUDGE ANTONETTI: [Interpretation] Thank you for your answers.

4 We've got ten minutes left. I'm now turning to the Defence
5 teams. You have one hour for cross-examination. Maybe someone could

6 start and we could finish tomorrow, unless you'd rather start tomorrow.

7 Let me start with 1D.

8 MS. TOMANOVIC: [Interpretation] The Prlic Defence has no
9 questions for this witness. Thank you.

10 JUDGE ANTONETTI: [Interpretation] Very well. 2D, Mr. Khan.

11 MR. KHAN: Good evening, Mr. President, Your Honours.

12 The Stojic Defence has no cross-examination for this witness.

13 JUDGE ANTONETTI: [Interpretation] Thank you. Ms. Alaburic for
14 3D.

15 MS. ALABURIC: [Interpretation] The Petkovic Defence does not have
16 any questions for this witness either. Thank you.

17 JUDGE ANTONETTI: [Interpretation] 4D for Mr. Coric.

18 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.
19 No questions.

20 JUDGE ANTONETTI: [Interpretation] 5D.

21 MR. IBRISIMOVIC: [Interpretation] Thank you, Mr. President. No
22 questions.

23 JUDGE ANTONETTI: [Interpretation] 6D.

24 Yes, Mr. Kovacic.

25 MR. KOVACIC: [Interpretation] Your Honour, since we are not

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1 allowed to communicate with the witness, and something very unpleasant
2 happened today --

3 THE WITNESS: [Interpretation] Everything's all right.

4 MR. KOVACIC: [Interpretation] I see, you've learnt about it. I

5 was just going to convey a message to the witness from the Victims and
6 Witness Unit, but he seems to know about it, so thank you. I have
7 nothing to add.

8 JUDGE ANTONETTI: [Interpretation] Mr. Scott, are you going to
9 start your cross-examination tomorrow?

10 MR. SCOTT: Yes, Your Honour. It's just given the hour, I think
11 it makes more sense to start tomorrow. Thank you.

12 JUDGE ANTONETTI: [Interpretation] Very well.

13 Witness, I remind you that you're not to speak to anybody, since
14 you're now a witness of the Court, of justice. Mr. Scott will start his
15 cross-examination tomorrow. We sit in the afternoon, as you know, so we
16 shall be back here tomorrow at 2.15.

17 Can you hear me?

18 THE WITNESS: [Interpretation] No. Your Honour, no, I cannot
19 hear.

20 JUDGE ANTONETTI: [Interpretation] I was -- can you hear me now?

21 THE WITNESS: [Interpretation] I can hear you now, yes.

22 JUDGE ANTONETTI: [Interpretation] So I was telling you,
23 Professor, that the Prosecutor would start his cross-examination at 2.15
24 tomorrow because we sit in the afternoon, so until then you're not to
25 have any contact with General Praljak's Defence team or other Defence

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1 teams.

2 Do we understand each other?

3 THE WITNESS: [Interpretation] Yes, I do understand. We

4 understand each other.

5 JUDGE ANTONETTI: [Interpretation] This being said, we shall
6 reconvene tomorrow.

7 --- Whereupon the hearing adjourned at 6.51 p.m.,
8 to be reconvened on Tuesday, the 6th day of
9 October, 2009, at 2.15 p.m.

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