

1 Tuesday, 30 June 2009

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.09 a.m.

5 JUDGE ORIE: Good morning to everyone.

6 Mr. Registrar, would you please call the case.

7 THE REGISTRAR: Good morning, Your Honours. Good morning to  
8 everyone in the courtroom. This is case number IT-06-90-T, the  
9 Prosecutor versus Ante Gotovina et al.

10 JUDGE ORIE: Thank you, Mr. Registrar.

11 There was an issue in relation to P2550, which was marked for  
12 identification, I think. The issue was whether this document should be  
13 admitted under seal. The final conclusion of the parties, and going back  
14 to this, to the origin of this document, it turns out that it should be  
15 admitted under seal.

16 Therefore, this document, which was MFI'd, is now admitted under  
17 seal. Yes. That is now on the record.

18 Is the Gotovina Defence ready to call its next witness.

19 MR. KEHOE: Yes, Mr. President.

20 JUDGE ORIE: No protective measures, Mr. Kehoe?

21 MR. KEHOE: No, Mr. President. I did advise your courtroom  
22 officer as well as Mr. Monkhouse and the Prosecution of a concern I have  
23 with the witness.

24 JUDGE ORIE: About -- yes, I was informed that it might be  
25 necessary that I ask him to repeat my words if it comes to the solemn

1 declaration.

2 MR. KEHOE: Yes, and out of respect to the witness, I don't know  
3 if that is the case, but ...

4 JUDGE ORIE: Yes.

5 MR. KEHOE: The Gotovina Defence will call Pero Perkovic.

6 JUDGE ORIE: Thank you.

7 [The witness entered court]

8 JUDGE ORIE: Good morning, Mr. Perkovic. Can you hear me in a  
9 language you understand?

10 THE WITNESS: [Interpretation] Yes, I can.

11 JUDGE ORIE: Mr. Perkovic, before you give evidence in this  
12 court, the Rules of Procedure and Evidence require that you make a solemn  
13 declaration, that you will speak the truth, the whole truth, and nothing  
14 but the truth. For that purpose, I would like to invite you to repeat  
15 the words as I speak them.

16 I solemnly declare.

17 THE WITNESS: [Interpretation] I solemnly declare.

18 JUDGE ORIE: That I will speak the truth.

19 THE WITNESS: [Interpretation] That I will speak the truth.

20 JUDGE ORIE: The whole truth.

21 THE WITNESS: [Interpretation] The whole truth.

22 JUDGE ORIE: And nothing but the truth.

23 THE WITNESS: [Interpretation] And nothing but the truth.

24 JUDGE ORIE: Thank you.

25 Mr. Perkovic, please be seated.

1 THE WITNESS: [Interpretation] Thank you.

2 JUDGE ORIE: Mr. Perkovic, you will first be examined by  
3 Mr. Kehoe. Mr. Kehoe is counsel for Mr. Gotovina.

4 Please proceed, Mr. Kehoe.

5 MR. KEHOE: Thank you, Mr. President.

6 WITNESS: PERO PERKOVIC

7 [Witness answered through interpreter]

8 Examination by Mr. Kehoe:

9 Q. Good morning, Mr. Perkovic.

10 A. Good morning.

11 Q. Mr. Perkovic, could you state your name for the record.

12 A. Pero Perkovic.

13 Q. How old are you, sir?

14 A. I'm 52.

15 Q. And where do you reside?

16 A. In Vodice, Croatia.

17 Q. Sir, prior to and after Operation Storm in August of 1995, were  
18 you a member of the 15th Home Guards Regiment?

19 A. Yes, I was.

20 Q. I would like to talk to but a few matters concerning the period  
21 of time before and after Operation Storm.

22 But while you were in the 15th Home Guard Regiment, were you ever  
23 given an order to commit a crime?

24 A. No, never.

25 Q. Were you ever given an order specifically to burn a Serb house,

1 or to loot a home, or to mistreat civilians?

2 A. No, never.

3 Q. While you were in the 15th Home Guards Regiment, were you warned  
4 not to commit such actions?

5 A. During the operation we had in Skradin, since that was our  
6 starting point in Operation Storm, we were ordered to take care of  
7 civilians, to have them as far away from any harm as possible. That was  
8 done by our commander.

9 Q. And who was that commander?

10 A. It was Ivo Porusic. He commanded the battalion.

11 JUDGE ORIE: Mr. Hedaraly.

12 MR. HEDARALY: I'd like them, for the record, to be noted that  
13 the witness has referred to some papers that he pulled out of his pocket,  
14 so I think that should be clear on the record, and we should have a  
15 chance to examine this and ask the witness -- perhaps he should be asked  
16 now what those are and when they were created.

17 JUDGE ORIE: Yes.

18 Mr. Perkovic, although I missed it, apparently you have taken  
19 some papers. Could you tell us what you have now in front of you.

20 THE WITNESS: [Interpretation] Before me I have the names of the  
21 commanders in my battalion, the name of my platoon and company, because  
22 so many years have gone by that I no longer remember the name of the  
23 battalion commander. I could get confused easily, and therefore I took  
24 this aide-memoire with me.

25 JUDGE ORIE: Yes. And when did you create that document? When

1 did you write down -- or did you write them down yourself?

2 THE WITNESS: [Interpretation] Yes, I made the notes.

3 JUDGE ORIE: When did you do that?

4 THE WITNESS: [Interpretation] At the hotel.

5 JUDGE ORIE: Please proceed, Mr. Kehoe.

6 And please do not consult these notes without asking for  
7 permission, so if you would just not read names in answer to any  
8 question, and if you do not know the name, tell that you don't know it  
9 anymore but that it may refresh your memory if you consult the document  
10 you produced yourself.

11 Please proceed.

12 MR. KEHOE: Just for the record, Mr. President, we have not seen  
13 these notes nor have we told the witness to prepare them so that the  
14 officer knows that.

15 JUDGE ORIE: I think that became sufficiently clear from the last  
16 answer.

17 MR. KEHOE:

18 Q. Now, Mr. Perkovic, you were accused -- were you accused with  
19 other members of your regiment for committing crimes after  
20 Operation Storm?

21 A. I was accused of a murder of Serb civilians in the village of  
22 Gosici, along with a few other individuals.

23 Q. And when were you arrested, sir, do you recall, approximately?

24 A. Sometime in October, once I came back from the front lines. I no  
25 longer remember the exact date. It may have been early October or

1 mid-October.

2 Q. Were you arrested by the military police, the civilian police, or  
3 both?

4 A. It was early in the morning, and I think both types of police  
5 were there.

6 Q. Thereafter, were you questioned by the civilian police?

7 A. Yes, by the civilian police.

8 MR. KEHOE: Your Honour, with the Court's permission, if I could  
9 bring up 65 ter 1D2728 on the screen.

10 Q. Now, Mr. Perkovic, this is the Official Note of your interview  
11 that we discussed last night, and it is a dated 16 October 1995 by the  
12 Zadar-Knin police administration crime police department.

13 Now, at the outset it has your nickname as Matilda. Is that a  
14 nickname or an alias that you used?

15 A. I have a bar called Matilda, and I guess that's why I got the  
16 nickname Matilda. They asked me for a nickname, and I told them I didn't  
17 have any, and then they said, What do you mean? Of course you do, you're  
18 Matilda. And then I put two and two together and realized that the  
19 nickname was after the bar I owned in Vodice.

20 Q. Well, if we could scroll down to the bottom of this page, and it  
21 notes during the course of this interview that during this time:

22 "While he was out on the ground, the following people were always  
23 with him."

24 I'd like to talk to you just before we get to that about the  
25 statement that you make below -- above that during the course of the

1 interviews.

2 And it notes in this interview that:

3 "Having returned from their leave, his unit went to Rudele, where  
4 they covered two locations, each time three days (3 X 3 shifts). At this  
5 location he took an automobile, a white Zastava 102 [sic], without  
6 licence plates from the garage of a house?"

7 Now the white Zastava that you took that had been -- tell us  
8 about that. Was that a vehicle that had been left behind by someone who  
9 left the area?

10 A. There were many such cars there abandoned. This one was a white  
11 Zastava passenger car, and I simply took it, since, at that time, I did  
12 not have a car.

13 Q. The car did not belong to you; is that correct?

14 A. It did not. It was an abandoned vehicle.

15 MR. KEHOE: If we could turn to the next page of the English and  
16 the -- I believe it is the second page of the B/C/S, at the top.

17 Q. Talking about the people in your unit who you say were almost  
18 always with you. And the last person on that list is an individual by  
19 the name of Ivica Petric. How long had you known Ivica Petric?

20 A. I knew him since 1991, the beginning of the war and throughout.  
21 Before the war, I had not known him since he was quite younger than I am.

22 Q. During the time when you knew him, Mr. Perkovic, did you become  
23 aware that he had had numerous arrests and problems with the law?

24 A. I heard that. The story among the soldiers was that he was a  
25 drug addict and several over things, but I don't know whether any of that

1 was true.

2 Q. Well, let's talk about his drug problem. Did you discuss or  
3 learn -- did you discuss the drug problem with him?

4 MR. HEDARALY: I'm just trying to understand the relevance of  
5 asking about the drug problem of a witness, on the Defence witness list  
6 that has not been called yet.

7 MR. KEHOE: The witness list, I mean, it will become evident as  
8 we go through here, who these people are, where they are, their  
9 involvement with one another. I think counsel has gone through these  
10 statements and knows full well how they all tie together.

11 JUDGE ORIE: The objection about relevance is denied.

12 Please proceed.

13 MR. KEHOE: Thank you, Mr. President.

14 Q. The question I asked you, did you discuss or did you learn about  
15 Mr. Petric's drug problem?

16 A. I never discussed that with him, but certain people at the  
17 Home Guards Unit discussed that. I no longer remember who it was that  
18 was talking about him.

19 In any case, one couldn't notice anything on him, because he was  
20 a good soldier, and it was not noticeable.

21 Q. Well, you say he was a good soldier. He was not an active  
22 soldier prior to being mobilized the day before Operation Storm, was he?

23 JUDGE ORIE: Mr. Hedaraly.

24 MR. HEDARALY: I think that's a leading question.

25 JUDGE ORIE: It certainly is.



1 MR. KEHOE: I'll rephrase the question.

2 JUDGE ORIE: Yes. Could we try to put the questions in such a  
3 way that can be avoided, because this is really something you could  
4 expect, Mr. Kehoe.

5 MR. KEHOE: Yes.

6 Q. Was Petric an active member of a military unit prior to being  
7 mobilized before Operation Storm?

8 A. I think he was in the reserve force of the 15th Home Guard  
9 Regiment, before the Storm. I'm not certain.

10 Q. In your statement in the prior page, you say that he, among  
11 others, was almost always with him. Is that true, that Ivica Petric was  
12 almost always with you?

13 A. That is not true. We were only together in the field.

14 Q. Now, staying on this list, and if we could stay on this page for  
15 the English, but if we could just flip back to the prior page in the  
16 B/C/S. And I want to ask you about an individual by the name of  
17 Nikola Rasic. Do you know him?

18 A. I do. He had been my commander back in 1991. He commanded my  
19 platoon.

20 Q. And did he have a nickname?

21 A. Zec, rabbit.

22 Q. Now was --

23 JUDGE ORIE: Mr. Kehoe, let me just try to understand. You ask  
24 the witness, You say in your statement that Petric was always with you,  
25 and then the witness said, No, that's wrong. It was only when I was out

1 on the field.

2 Now, if you look at the statement, it says, During this time,  
3 while he was out on the ground, the following people were always with  
4 him.

5 MR. KEHOE: Yes, sir.

6 JUDGE ORIE: So you say -- you stated that, He was always with  
7 you, isn't it?

8 That's not true. It was only when I was out in the field.

9 That's exactly what he said, so you misquote him, ask him whether  
10 it's correct, then he says it is not correct, and then he gives the right  
11 quote. So a rather useless exercise.

12 MR. KEHOE: I understand, Mr. President.

13 JUDGE ORIE: Yes. Could you please be more precise.

14 MR. KEHOE: Yes, I will be as precise as I possibly can.

15 Q. Now this individual, Mr. Rasic, was he convicted -- was he  
16 charged or convicted of committing any crimes?

17 A. After Operation Storm, he was convicted of a crime.

18 Q. And what did he do?

19 A. He was convicted because he wounded an old woman. I think he  
20 used a side-arm. He fired at her and wounded her in the face. The trial  
21 was in Zadar, and he got a prison sentence of one and a half years.

22 Q. Now another person you have on this list is Zvonimir Lasan. He  
23 is also on this list as -- as Mr. President correctly points out, that  
24 was almost [sic] with you when you were out on the field. Mr. Lasan,  
25 you're familiar with him as well, are you?

1 A. Yes. He was with us in our platoon.

2 Q. Did he have any aliases or nicknames?

3 A. We called him Laso.

4 Q. He was also -- was he -- pardon me. Was he convicted of  
5 committing any crimes?

6 A. He [Realtime transcript read in error "I"] got six years for the  
7 murder of a Serb civilian in a village where we were not on mission.

8 Q. By the way, going back to Mr. Rasic for a second, the conviction  
9 he got for, you say, shooting the woman in the jaw, was that a Serb  
10 civilian as well?

11 A. Yes, she was.

12 Q. Another person have here is a Miso Jakovljevic.

13 JUDGE ORIE: Mr. Hedaraly.

14 MR. HEDARALY: Just at line -- page 10, line 22 in the  
15 transcript, it says: "I got six years." I think the witness said he got  
16 six years. I think that is fairly important.

17 MR. KEHOE: Thank you, Counsel.

18 Q. Miso Jakovljevic, are you familiar with that man?

19 A. Yes, I am. For a while he was with us, in a counter-sabotage  
20 platoon and at the regiment for a while as well. But on both occasions  
21 it was for short periods.

22 Q. Did he have any nicknames, sir?

23 A. Core.

24 Q. Now the next person you have I'd like to ask you about is, do you  
25 know an individual who is not on this list whose name is Nedeljko Mijic?

1           A.    I know him.  He was with us in the platoon.  He was a suspect in  
2   the case of the murder of Serb civilians in the village of Varivode.

3           Q.    And was -- do you know him by the nickname Zuki?

4           A.    Yes.

5           Q.    Did you ever hear anybody refer to him as Nedjo?

6           A.    No, just Zuki.  That's what they called him when we were in the  
7   field.

8           Q.    Now, staying with your witness statement and -- to the civilian  
9   police, I'd just like to ask you a question in the middle of the English,  
10  and it should be the next page in the B/C/S, it says that:

11                   "Moreover he stated" - this being you - "stated that in Kistanje  
12  he found a Ciganka AP, a Winchester rifle, a Skorpion automatic weapon.  
13  And in the area of Zrmanja he found a 12-calibre hunting rifle, and he  
14  also stated that he had four ... grenades and a Zolja rocket-launcher at  
15  home?"

16                   Now, the weapons that you found in Kistanje, are these weapons  
17  that you found searching houses in Kistanje?

18           A.    Yes, that is correct.  It was found on that occasion.  The  
19  hand-grenades and the Zolja is was what I was issued with.  As for the  
20  other weapons, I came across those while searching the houses.

21                   JUDGE ORIE:  Mr. Hedaraly.

22                   MR. HEDARALY:  Your Honour, I'm having a concern about the  
23  leading.  I mean, this is direct examination.  He should be asked --  
24  without showing him a previous statement should be asked, you know, what  
25  weapons you found in Kistanje, if any?  We've established the police

1 station. The evidence of the witness should not be based on the prior  
2 statement recorded by someone, because I think that is highly leading.  
3 The purpose of direct examination is to elicit the witness's evidence,  
4 and then if he needs his memory to be refreshed or if he can't remember,  
5 then it is a separate issue. But to start off, to read a portion of it,  
6 and then to ask the witness -- and use it as foundation for your next  
7 question, I think that is improper, Mr. President.

8 MR. KEHOE: If I may, Mr. President.

9 JUDGE ORIE: Mr. Kehoe, yes.

10 MR. KEHOE: The Prosecution did that for over a year in various  
11 and numerous instances, not just with their --

12 JUDGE ORIE: And it was always objected to.

13 MR. KEHOE: No, it was not.

14 JUDGE ORIE: Often it was. There was a kind of a general  
15 guidance from this Chamber that, that examination-in-chief, and even in  
16 cross, that it was preferable, first, to ask a witness and only then take  
17 him to a document. It -- the guidance is still valid.

18 MR. KEHOE: And if I may, Mr. President, I will follow  
19 Your Honours' guidance. This was not done with Official Notes repeatedly  
20 by the Prosecution. But I will follow Your Honours' guidance.

21 JUDGE ORIE: Please proceed.

22 MR. KEHOE:

23 Q. In Kistanje, Mr. Perkovic, did soldiers -- or in other villages  
24 did soldiers find weapons in various locations that were being searched?

25 A. There was quite a lot of weapons in different houses, left behind

1 after they had fled. They simply left the weapons behind.

2 Q. And when you say "they," who are you talking about?

3 A. I mean the Serb soldiers and civilians.

4 Q. Now, you found these weapons in Kistanje, and when you were in  
5 Kistanje, did you see any burning going on in Kistanje, sir?

6 A. Seldom. Perhaps one or two houses.

7 Q. Do you know who did that?

8 A. I don't.

9 Q. Sir, I'd like to talk to you about an incident in Cakici.

10 Now, when did you first get to Cakici?

11 A. We came for the first time to the village of Cakici after the  
12 operation in the village of Kistanje. We were mopping up the terrain  
13 around the villages near the Zrmanja. And then as we were moving towards  
14 the Zrmanja we turned to the Cakici, the village of Cakici. Otherwise,  
15 our forces were never in that village.

16 Q. So did you -- who did you go to Cakici with the first time?

17 A. I don't remember exactly. Perhaps Petric and Zec, Zuki, Lasan  
18 were with me. A couple of others. I don't remember any other names. It  
19 was a long time ago.

20 Q. Did you go in a military vehicle, or did you go in a civilian  
21 car?

22 A. I don't remember exactly. We had a camouflage van used by our  
23 platoon. I don't know whether we used that one or a civilian vehicle.

24 Q. Let me see if I can refresh your recollection with your  
25 statement.

1                   MR. KEHOE: If we go to third to bottom paragraph in the English.  
2 I believe it's on the same page in the B/C/S.

3           Q.       "The first time he was in Cakici was about ten days after the  
4 start of the operation. At the time he was in the company of  
5 Goran Babac, Zvonimir Lasan, Ivica Petric, and Nikola Rasic. He cannot  
6 remember what car they went in, but he believes it was a civilian car."

7           A.       I don't remember exactly. What happened at the police was an  
8 interrogation where an admission was forced out of me, which had nothing  
9 to do with the truth. I wanted to cut their mistreatment short, so I  
10 made statements which had nothing to do with the truth or the actual  
11 situation on the ground.

12          Q.       Well, what did you go to Cakici for?

13          A.       The village of Cakici sits right by the road. It was out of  
14 sheer curiosity that we went there to see if there was anybody there, any  
15 Serb soldiers. Before proceeding to the Zrmanja, we stopped by.

16          Q.       Now, did you stop by and visit anybody?

17          A.       There was an elderly man -- or, rather, two relatives and a  
18 daughter; they lived in the village. And there was an old woman there as  
19 well.

20          Q.       Did you begin to socialise with the woman that was there?

21          A.       She was a young woman, maybe 25, 27, or close to 30. Her father,  
22 or a relative of hers, I don't recall who he was, we became friends. We  
23 asked them if they required anything. They told us they didn't have  
24 cooking stove or any coffee, and we brought them some later on, and we  
25 would stop by to see how they were fairing on our way to the Zrmanja.

1 Q. Mr. Perkovic, did you go back to Cakici sometime after this first  
2 visit?

3 A. We would go back there. I think I was there three times in all.  
4 There was a car in Cakici. I don't know who it was who asked me to take  
5 the car. We went back there, and I helped tow the car out of village. I  
6 don't recall if it was Petric or Ladovic.

7 Q. So you went back and took a car and towed the car with Petric and  
8 Ladovic. Was it their car?

9 A. It wasn't their car. It was an abandoned vehicle, just as that  
10 Stojadin of mine was, or, rather, not mine, belonging to another ...

11 Q. Did there come a time, Mr. Perkovic, where you learned that an  
12 old man had been killed in Cakici?

13 A. I did. Once we came to visit the woman, her father, and that  
14 individual, the father was frightened and crying out of fear. He knew my  
15 name by that time and said to me, Pero, this neighbour of ours was  
16 killed. I went to see if this was true, and I did indeed find him lying  
17 on the ground in his home.

18 Q. Prior to that, did you have a discussion with other members of  
19 your unit that someone had been left behind to sleep in Cakici?

20 A. I never heard of anyone sleeping in Cakici.

21 Q. Let us put this in context.

22 MR. KEHOE: And if we could go to the next page in the English,  
23 and I do believe it's the next page in the B/C/S as well. The English  
24 would be the second to the top paragraph starting with: "Not long  
25 after ..."



1 MR. KEHOE: If I can get some assistance from my colleague, the  
2 way this is in the B/C/S.

3 JUDGE ORIE: Mr. Kehoe, you're just continuing. Why not ask the  
4 witness, for example, whether he had any conversation with one of his  
5 mates, indicating that perhaps something would have happened to any of  
6 the people in that village. You just read again, you don't say you read,  
7 but that's what you are doing. Specific language.

8 MR. KEHOE: I will --

9 JUDGE ORIE: -- very specific for the document.

10 MR. KEHOE: I will ask the question as Your Honour wants.

11 Q. Did you have a discussion with any of the members of your units  
12 indicating that something had happened in the village, Cakici?

13 A. We didn't know that it had happened. It was only when I came to  
14 the village of Cakici that I learned that the old man had been killed. I  
15 didn't talk to anyone about it.

16 MR. KEHOE: That's why I'm going back to the statement.

17 JUDGE ORIE: Yes, of course. Yes, that's fine.

18 MR. KEHOE:

19 Q. In the -- your statement to the police, you noted that:

20 "Not long after that, several days later, Petric and he saw Zec,  
21 Lasan, and Koro in a brown Renault 4 on the Djevraska-Knin road. They  
22 stopped on the road and asked one another where they were going. At that  
23 point, somebody from the Renault 4 said that they had 'left one, a man  
24 behind to sleep.' The three in the Renault 4 continued towards Kistanje,  
25 and the four of them set off for Cakici in Petric's green Stojadin."

1                   Now, did you tell the police that?

2           A.    I didn't tell this to the police because I didn't know that this  
3    had happened on the ground. I heard this information at trial, while I  
4    was in the courtroom, the statement that you have just read out to me.

5           Q.    And your trial was when, sir?

6           A.    My trial took place in the course of the nine months that I spent  
7    in prison, beginning in September. Of course, the trial didn't commence  
8    right away. We were first in detention, and then, in the course of these  
9    nine months, the trial took place.

10          Q.    The trial was after you gave these statements to the police, was  
11    it not?

12          A.    I didn't give this statement to the police, the one that you read  
13    out a moment ago.

14          Q.    Now, when you got to Cakici, what did you find?

15          A.    When I got to Cakici, I found the old man and his daughter in  
16    tears. He said, Someone killed ... he didn't say who did that, and I  
17    didn't know who had killed the man, the old man.

18          Q.    Did you go see the body?

19          A.    Yes, I did. The body was on the ground upstairs in the house.  
20    Of course, I felt sorry for the man.

21          Q.    Did you see how he had been killed?

22          A.    I think by a bullet in the forehead.

23          Q.    Now, there was a -- was there an investigation and trial  
24    concerning this killing?

25          A.    Yes, in Zadar, at the time the Varivode and Gosici was under way,

1 Lasan was tried for the murder and sentenced to six years.

2 Q. And that was -- was that Zvonimir Lasan?

3 A. Yes, Zvonimir Lasan.

4 Q. Now, I would like to turn our attention to the period of time  
5 that you were in Zrmanja.

6 By the way, sir, before we leave Cakici, after you had gone on  
7 that occasion and seen the body, did you ever go back to Cakici?

8 A. No, not at a later date.

9 During the trial, I saw that Core Jakovljevic, and Zec went  
10 there, and that they took the father and the girl to Sibenik. I don't  
11 know the reasons behind it or anything. I heard it during the trial. I  
12 didn't go back.

13 Q. Now, did you learn the identity of the man who had been killed?

14 A. No. I knew the name, but I forgot.

15 Q. Well, with regard to the man's house who had been killed, do you  
16 know if his house, after he was killed, had been set on fire?

17 A. Yes, it was set on fire. I went there once again, and I saw that  
18 the house had been set on fire. I don't know if the body was inside at  
19 the time.

20 Q. Did you learn, in conversation with other members of your unit,  
21 who set that house on fire?

22 A. No. Nobody talked about it.

23 Q. Now, pardon that minor interruption, I just want to move ahead  
24 now to the period of time in Zrmanja, and just talking about that a bit.

25 And with regard to Zrmanja, was there an incident when you and

1 other members of your unit went to Zrmanja and took weapons from an old  
2 Serb man?

3 A. We got -- got to a village there which is the general area of  
4 Zrmanja, and we got across an old man whom we asked if he had any  
5 weapons. We asked about his son, and he said that his son had been a  
6 member of the Serb army. We then asked him, Are there any weapons to be  
7 found? And he said no.

8 Next, Zec or somebody else, I don't recall correctly, took the  
9 man and tied him to a tree. They placed cloths about him and threatened  
10 that they would set him on fire unless he admitted to having weapons. I  
11 asked them, I pleaded with them to stop, and they untied him. We had a  
12 sip of brandy with the man. Later on I chatted with him for a while, and  
13 that was it.

14 The old man had two cows and promised to give us a calf. We said  
15 that he -- we would be visiting him the following day, since we would be  
16 going back. The following day, since we were going back from the field  
17 in the Zrmanja, we wouldn't be sleeping. While on the ground in the  
18 search operations, we returned to his place. He wasn't there. He left a  
19 message for us behind: I left with the lambs; there is no calf.

20 Q. Let's -- before we get to that --

21 A. I apologise. There was an old lady, his neighbour, residing  
22 there as well, and we asked her, I believe her name was Marta, what had  
23 become of the old man, and she said that he had left.

24 Q. Well, let us go back to the incident with Zec, you, and Lasan,  
25 where you were asking this old man for these weapons. Did you give you

1 the weapons?

2 A. He didn't.

3 Q. Let me turn to page 4 in the English of, I believe -- towards the  
4 second-to-last paragraph, scrolling down, beginning at second-to-last  
5 paragraph about seven lines from the bottom.

6 "Then Lasan and Zec tied the old man to the iron railing on the  
7 terrace and set some rags around him on fire. Right after that, the old  
8 man told them he had a rifle, so they untied him, and the old man took  
9 them to a forest just above the house where he showed them two rifles."

10 A. This was a different case altogether. That old man was  
11 subsequently killed by Petric or this other individual, I don't know. I  
12 wasn't present there. I was present when they tied the old man to the  
13 railing, whereupon the old man took us to the forest, retrieved the  
14 rifle, which I took away.

15 Q. Well, let us talk about the instance where the old man was killed  
16 by Petric first.

17 Now, in that instance did you or the other people in your unit  
18 tell you that this old man had found weapons and he had given them to  
19 you, or he had weapons and had given them to you?

20 A. We were going back from this old man's place --

21 JUDGE ORIE: Mr. Hedaraly.

22 MR. HEDARALY: If the witness understood the question, I mean, I  
23 was a little confused. The witness just testified about not seeing the  
24 killing and then he got the weapons. And now the question is, Were you  
25 told by yourself or by other people what the old man had found weapons

1 and had given them to you -- or he had weapon and has given them to you.  
2 We already said that he went to the forest and got the weapons, so I'm  
3 just --

4 JUDGE ORIE: It would assist the Chamber if you would go step by  
5 step, Mr. Kehoe.

6 MR. KEHOE: Yes, Mr. President.

7 Q. After this old man showed you these weapons, did you then talk to  
8 Petric?

9 A. When the old man gave us the weapons, we went back to the  
10 location where I -- where our unit was present. Petric was walking  
11 towards us with this other individual who was also a suspect, and when we  
12 asked them about the weapons, they said that it was the old man who had  
13 given them weapons. Subsequently, we heard that a murder had taken place  
14 there. The commander was furious about it. The story was that an old  
15 man had been killed, and we presumed that it was that old man because he  
16 was the only one in the close proximity of where we were.

17 Q. Well, did Petric tell that you he did it?

18 A. He didn't. I heard that during the trial that Petric and this  
19 other individual were charged with this. I don't recall this other man's  
20 name.

21 Q. Are you saying you don't recall the other man's name besides  
22 Petric who was charged with this?

23 A. Hrusic. I just remembered, Hrusic. I don't know his first  
24 name; I forgot.

25 Q. And did you just say that you learned about this information

1 during the trial of Petric on this killing?

2 A. I heard about the killing while we were at the Zrmanja. But we  
3 didn't know who killed him. Petric got six years for that. But he  
4 shifted the blame on to the other, because they were blaming each other.  
5 They claimed that they had shot past the old man. At any rate, Petric  
6 got six years of imprisonment for that killing.

7 Q. Do you recall the name of this individual?

8 A. Which individual?

9 Q. The individual that was killed.

10 A. Perhaps the family name was Canak.

11 Q. Would that be Djuradj Canak?

12 A. Yes, that's what I heard in the courtroom.

13 MR. KEHOE: Just referring -- we don't need to get into this  
14 because the witness hasn't seen it, but to refer Your Honour and counsel  
15 to D918 of the identity of that individual.

16 Q. Now, when this individual was killed, were you present when he  
17 was killed?

18 A. No, I wasn't. I told you that when we were on our way back, we  
19 met Petric who was on his way to that place, whilst we were going back to  
20 our units.

21 MR. KEHOE: Let me bring up 65 ter 1D2727, if I may. And while  
22 I'm doing that, Your Honour, if I could tender 65 ter 1D2728.

23 JUDGE ORIE: Any objections?

24 MR. HEDARALY: Your Honour, the witness testified that that  
25 statement was not the truth, that it was forced out of him. I don't know

1 if that is a matter -- I leave it the Chamber's hand if that is a matter  
2 of weight rather than admissibility. But that is what the evidence of  
3 the witness is on that document.

4 MR. KEHOE: Certainly it is a matter of weight, Your Honour.  
5 Your Honour will take all this information into account as to what weight  
6 it will be given.

7 [Trial Chamber confers]

8 JUDGE ORIE: Mr. Registrar, that would be number ...

9 THE REGISTRAR: Your Honours, that becomes Exhibit D1539.

10 JUDGE ORIE: And is admitted into evidence. The objection is  
11 denied, to the extent it was an objection.

12 Please proceed.

13 Before we continue, perhaps I could ask one clarifying question.

14 You said you were not present when that individual was killed.  
15 You were on your way back, when you met Petric, who was on his way to  
16 that place. You were going back to your units.

17 Where was your unit at that specific time; do you remember?

18 THE WITNESS: [Interpretation] We were not far from the scene of  
19 crime. Our unit was deployed there because we were sweeping the area.  
20 It was maybe 200 or 300 metres away.

21 JUDGE ORIE: [Previous translation continues] ... where were you  
22 stationed? In a house, in a school, in tents, in ... could you tell us.

23 THE WITNESS: [Interpretation] We were in a yard, in a courtyard,  
24 from where we would go around the houses, sweeping the general area.  
25 That was our assembly point during the day, that particular yard, and at



1 night, we would be going back to where we were stationed.

2 JUDGE ORIE: And where were you stationed at night?

3 THE WITNESS: [Interpretation] In my home, in Vodice. We didn't  
4 go back to the barracks. We never spent the night in the barracks. We  
5 would be going back to our homes, and the sweeping operations took place  
6 only during the day.

7 JUDGE ORIE: Yes. So you were sleeping at home. And during the  
8 day, you were in your unit doing the sweeping operations.

9 Could you tell us for how long a period at that moment such a --  
10 such sweeping operations would take. Would it be five consecutive days,  
11 one day, ten days, 14 days? Could you give us an indication as how this  
12 was organised.

13 THE WITNESS: [Interpretation] To the best of my recollection, the  
14 mopping up started from Kistanje and then Rudele, and it may have lasted  
15 a week, seven days. Perhaps a bit more; I'm not sure.

16 JUDGE ORIE: Before going home, did you first report back to the  
17 yard where you were all gathered, before going home again?

18 THE WITNESS: [Interpretation] Yes. We would assemble there at  
19 the end of the day and go back home together.

20 JUDGE ORIE: And did you then report to your command there, or  
21 what happened at the evening?

22 THE WITNESS: [Interpretation] No. Once the sweeping operation  
23 was over for the day, we would gather and go home collectively.  
24 Sometimes we would drop by Cakici on our way home.

25 JUDGE ORIE: And -- but was there in that yard, was there a

1 commander? Was a command ...

2 THE WITNESS: [Interpretation] Our battalion commander was there  
3 with us.

4 JUDGE ORIE: Do you remember his name?

5 THE WITNESS: [Interpretation] Ante Belak. He learned about the  
6 murder of the old man and was furious at that sort of conduct. I don't  
7 know what he did as a follow-up in that particular case.

8 JUDGE ORIE: And when you gathered there in the mornings, was  
9 this Ante Belak the person who said, You go there, you go there, gave the  
10 instructions, gave the orders, where to go and what to do?

11 THE WITNESS: [Interpretation] We got to the village of Zrmanja  
12 consisting of several hamlets. We wouldn't be specifically told where to  
13 go. We merely spread out and then at some point came back to the  
14 assembly point.

15 JUDGE ORIE: And what was exactly then your task? I mean, what  
16 did that mean, search or mopping-up operations?

17 THE WITNESS: [Interpretation] The mopping-up operation was aimed  
18 at ensuring that there were no enemy soldiers left lurking and to search  
19 for weapons. Primarily it was aimed at finding any remaining Serb  
20 soldiers. That's what the main objective of the mopping-up or the  
21 sweeping operation, was.

22 JUDGE ORIE: Did any of the members of your unit, during that  
23 approximately a week, did they find any enemy soldier?

24 THE WITNESS: [Interpretation] No. I saw certain individuals who  
25 were killed, one or two, and they were covered with quicklime. I saw the

1 individual as we were going back by the roadside, I don't know if it was  
2 the body of a civilian or a soldier.

3 JUDGE ORIE: Did you report this back to your commander, what you  
4 had seen, that you were uncertain about whether you saw the bodies of  
5 civilians or soldiers?

6 THE WITNESS: [Interpretation] We were passing by in a car, and  
7 what I described was what we were able to glean out of the window in  
8 movement. I saw this one body covered with lime.

9 JUDGE ORIE: Please proceed, Mr. Kehoe.

10 MR. KEHOE:

11 Q. Mr. Perkovic, I'd like to show you an individual that you  
12 previously noted, a Mr. Rasic, with the name of Zec --

13 JUDGE ORIE: Mr. Hedaraly.

14 MR. HEDARALY: I know we haven't heard the question yet, but I  
15 have even more concerns now about showing him the note of someone else.  
16 I don't know if the matter was put to the witness or not. But, I mean,  
17 if it was, was the answer clear? I mean, the purpose of showing him  
18 something is either to contradict something or to ask him to clarify or  
19 to ask him if he agrees with it. In all cases, it would be leading.  
20 Whatever Mr. Kehoe intends to do with this document, the matter should be  
21 elicited from the witness, and only if his answer is that he does not  
22 recall should a document be shown to him.

23 JUDGE ORIE: Mr. Kehoe, you are --

24 MR. KEHOE: If --

25 JUDGE ORIE: -- put on notice that you could expect. But we do

1 not know what your question will be, and as I earlier said, we can listen  
2 to the question, but before putting it on the screen, perhaps you  
3 could --

4 MR. KEHOE: If I may, Judge, and we just e-mailed to Your Honour,  
5 as well as the OTP, any number of instances during the Zganjer direct  
6 examination where the MUP statements Official Notes were shown and used  
7 as the leaping-off point of questions so --

8 JUDGE ORIE: But wasn't it -- is it my recollection that he, as a  
9 professional, had to deal with those notes in his official capacity, and  
10 he was not the one who provided the information. So the comparison is --  
11 well, quite inventive, if I could say so.

12 MR. KEHOE: Mr. President, I -- I can certainly ask this witness  
13 about Official Notes coming from --

14 JUDGE ORIE: Yes. But this witness never had to deal with  
15 Official Notes in his professional capacity. That's quite a difference.  
16 But please proceed, Mr. Kehoe. Let's not enter into an endless debate.  
17 I think that I gave guidance before. This is about the substance of  
18 these notes by someone who, apparently, has some personal knowledge on  
19 the basis of his own observations, or has not, and that's what we expect  
20 you to ask the witness about. And if their answers create a need to  
21 further look at the documents, we'll have an opportunity to do so.

22 MR. KEHOE:

23 Q. Mr. Perkovic, just turning to this document, were aware that  
24 Mr. Rasic was interviewed in -- on the 12th October, 1995, about the  
25 particular incident where this old man was killed?

1 JUDGE ORIE: Mr. Hedaraly.

2 Turning to this document, Mr. Kehoe, that is exactly what  
3 Mr. Hedaraly was objecting against, and that now you say, turning to this  
4 document --

5 MR. KEHOE: If I may, Mr. President.

6 JUDGE ORIE: No.

7 MR. KEHOE: If I could turn your attention to page 10154, where  
8 Your Honour, Mr. President, led Mr. Buhin [phoen] through an MP note.

9 MR. HEDARALY: That was his own note.

10 MR. KEHOE: Excuse me.

11 MR. HEDARALY: That was his own note. Don't point.

12 MR. KEHOE: Excuse me.

13 JUDGE ORIE: Mr. Hedaraly, you should wait until Mr. Kehoe has  
14 finished.

15 I'll have a look at. You said ten thousand ...

16 MR. KEHOE: 154.

17 JUDGE ORIE: Let me just find it first.

18 Could you assist, ten thousand ...

19 [Defence counsel confer]

20 JUDGE ORIE: Which line would you like to take me to?

21 MR. KEHOE: If I can pull up here, Mr. President. Line 5.

22 [Defence counsel confer]

23 JUDGE ORIE: I read a small portion of his statement that was  
24 shown to the witness which is not in evidence. It was an Official Note  
25 compiled on the 13th of October, and it relates to the Grubori situation.

1 It describes what you reportedly have said as follows. What I did is I  
2 put to that witness at that time what was reported what he had said, and  
3 then I asked him whether that reflected what he stated, which is, of  
4 course, something totally different from putting to this witness a  
5 statement given by another person. It's incomparable, and I would like  
6 to you strictly adhere to the guidance I gave before. We're not going to  
7 compare every -- we have now carefully compared what you are doing at  
8 this moment to what I did at that moment.

9 If you want to ask the witness whether -- if this is a statement  
10 given by him, and if you want to ask him whether this document reflects  
11 what is he said, something which I allowed you to do with the previous  
12 document.

13 MR. KEHOE: Yes, Mr. President.

14 JUDGE ORIE: No problem with that. I allowed to you do that.  
15 This, however, is a totally different situation. If you have any  
16 questions in relation to this document, first, put them to the witness,  
17 and if then it would turn out to be useful to put this document to the  
18 witness after he has answered the questions, you may do so, but not to  
19 start with.

20 MR. KEHOE: And if I may just supplement that, Your Honour, if I  
21 can -- Your Honour, I can also look at 9931 where --

22 JUDGE ORIE: Mr. Kehoe, I'm not doing -- I gave you my clear  
23 guidance, and I want you to adhere to that.

24 MR. KEHOE: Mr. President, I would like is us be treated the same  
25 way the Prosecution was when --

1 JUDGE ORIE: Mr. Kehoe.

2 MR. KEHOE: [Overlapping speakers] ...

3 JUDGE ORIE: Mr. Kehoe, it is it clear that, of course, you  
4 insist, and rightly so, to be treated in the same way.

5 MR. KEHOE: Yes.

6 JUDGE ORIE: And then you put me with quite a strong voice, Look  
7 there, and we find something which is, first of all, not something the  
8 Prosecution did; what I did. Second, it's different from what you are  
9 doing now, and I don't want to spend, at this moment, any further time on  
10 it. You have received my guidance. Please proceed in the way I asked  
11 you to do.

12 MR. KEHOE:

13 Q. Now, sir, were you aware that Mr. Rasic had given a statement to  
14 the police in the 12th of October, 1995?

15 JUDGE ORIE: If we take the document from the screen, of course,  
16 Mr. Kehoe is entitled to ask whether this witness is aware of any  
17 statement given.

18 MR. HEDARALY: But then the next is obviously --

19 JUDGE ORIE: The next question, we'll see, Mr. Hedaraly. Let's  
20 not anticipate on what will be the next question. I think Mr. Kehoe has  
21 fairly well understood what he is expected to do.

22 MR. KEHOE:

23 Q. Were you aware of that, Mr. Perkovic?

24 A. I heard about that, once I was released from the prison, after  
25 nine months, that the two of them, Zec and Jakovljevic had been detained

1 two days before we were, and that they were interrogated. After I left  
2 the prison, I heard that Ivica Koljevic went to Tribun [phoen] to see Zec  
3 and that they had a fight, a brawl. I don't know what the reason was,  
4 but I was always interested in knowing why the police brought me in,  
5 following what, and then I learned that the two of them had been  
6 interviewed before. And then, I suppose, that they may have said  
7 something which was not true.

8 Q. [Previous translation continues] ... Were you aware that  
9 Mr. Rasic told the police that you were present when Petric killed this  
10 man?

11 JUDGE ORIE: Mr. Hedaraly.

12 MR. HEDARALY: Your Honour, I mean the witness's answer was  
13 clear, so now is he impeaching his own witness? Is he trying to  
14 confront --

15 MR. KEHOE: That's correct. That's correct. I'm confronting him  
16 with inconsistent information coming from other individuals which were  
17 entitled to --

18 THE WITNESS: [Interpretation] I don't know.

19 JUDGE ORIE: The witness is aware, apparently, that at least he  
20 heard that a statement was taken.

21 Did you ever see that statement?

22 THE WITNESS: [Interpretation] No, never. That was after we were  
23 released from prison.

24 JUDGE ORIE: Yes. Did ... let me just check one second.

25 Now, do you know anything about whether, when Mr. Rasic gave his



1 statement, whether he told the truth, or did you ever receive any  
2 information that he did or did not tell the truth when that statement was  
3 taken?

4 THE WITNESS: [Interpretation] I hear here for the first time that  
5 he said I was present at the place of the murder. I didn't know that  
6 before.

7 JUDGE ORIE: Were you aware at all about the content of the  
8 statement he gave at the time? Apart from what you heard here.

9 THE WITNESS: [Interpretation] Do you mean the two days before we  
10 were brought in? When they had been brought in?

11 JUDGE ORIE: My question was, whether you learned about what was  
12 written down as his statement any earlier than this week.

13 THE WITNESS: [Interpretation] At the trial, I heard what he said  
14 in his interview. But this part, in which he said that I was at the  
15 place where Canak was murdered, there was no such discussion in the  
16 courtroom. I wasn't aware of that.

17 JUDGE ORIE: So you were aware of the content of his statement  
18 from what you learned at this trial but not that he would have said that  
19 you were present during the murder.

20 THE WITNESS: [Interpretation] No.

21 JUDGE ORIE: Please proceed, Mr. Kehoe.

22 MR. KEHOE: Your Honour, at this time, we'll offer 1D2727 into  
23 evidence as a bar table submission.

24 MR. HEDARALY: And we'll object to that, Your Honour.

25 Mr. Rasic is a witness on the Defence witness list that we have

1       been told would not be called, so this is an attempt to -- to -- to  
2       backdoor evidence. This very chamber, twice, did not accept such  
3       statements. Once happened when Mr. Cayley objected to witness 70 as an  
4       Official Note about the Grubori investigation of one of the witnesses the  
5       Prosecution has dropped, and therefore the Prosecution withdrew that  
6       note. There was also the incident with Mr. Hjertnes, and if the Chamber  
7       remembers, there was a report Mr. Hayden testified to. There was a  
8       reference to Mr. Hjertnes, what he had said, and that was redacted  
9       because the Prosecution had dropped him from its witness list. And the  
10      Chamber essentially said that we should not be allowed to, therefore,  
11      backdoor evidence of a witness that it had dropped. If the Gotovina  
12      intends to call Mr. Rasic, then we can MFI the note until he comes to  
13      testify. Informally, we were told he would not be testifying. If that  
14      has changed, then we can MFI it. But if he is not coming, then it should  
15      not be admitted into evidence.

16               MR. KEHOE: Mr. President, Mr. Hedaraly knows full well why the  
17      -- I know why the Prosecution is objecting, but they know the full reason  
18      why the Defence is overing these.

19               If we can go back, and I can cite to you during their opening  
20      statement, their pre-trial brief, and any number of instances during the  
21      trial where the argument the by the Prosecution was --

22               JUDGE ORIE: If you please would slow down.

23               MR. KEHOE: Yes, I'm sorry. My apologies.

24               The argument was that crimes were committed, and, essentially,  
25      the Croatian authorities did nothing. All of these records go directly

1 to that particular issue.

2 Now, with regard to this, and we will have others on that score,  
3 where they admitted where these notes are going to reflect that in fact  
4 that took place. That there were investigations, that there were  
5 prosecutions, that there were people being interviewed, that the  
6 authorities did doing something, that they were acting in concert.  
7 Whether or not they did it well or not, that can be waived by the  
8 Trial Chamber. But certainly in the face of the allegations of the  
9 Prosecution during their case, this objection by counsel is misplaced.

10 MR. HEDARALY: Perhaps --

11 [Trial Chamber confers]

12 JUDGE ORIE: The document will be MFI'd, and both parties are  
13 invited to make a very brief submissions, I would say, content, 3,  
14 400 words, pointing at similar situations, pointing at differences,  
15 because, Mr. Hedaraly, it may be clear that Mr. Kehoe apparently,  
16 although that may not have transpired immediately very clear, but  
17 apparently is seeking admission of this document to show the  
18 investigatorial activities, rather than the truth of the content.

19 Both parties can make a one A4, 3 to 400-words submission.

20 Mr. Registrar, the document will be MFI'd under number?

21 THE REGISTRAR: Your Honours, that becomes Exhibit D1540, marked  
22 for identification.

23 JUDGE ORIE: D1540 keeps that status for the time being.

24 Please proceed.

25 MR. KEHOE: Thank you, Mr. President. If I could turn to 1D2732.

1 Q. And as this is coming up, Mr. Perkovic, with regard to this  
2 killing, were you aware that Mr. Mijic, Zuki was interviewed concerning  
3 this matter by the police in 16 October 1995?

4 JUDGE ORIE: Mr. Kehoe, you we are now -- of course I'm  
5 interested, are we now talking about the content, about the substance of  
6 it? Because that is it how we started with the last document, and we  
7 ended up in a totally different area, it was not content but, rather,  
8 investigative activities.

9 I'd like to know, do you want to -- to invite the witness to  
10 comment on investigative activities, or about content or ...

11 MR. KEHOE: In this instance, it's both. Was he aware, and then  
12 with regard to the next --

13 JUDGE ORIE: Yes. And I think last time, I asked you not to have  
14 it on the screen when we start putting questions to the witness, isn't  
15 it?

16 MR. KEHOE: And the -- and I didn't put it on the screen. It's  
17 actually for Your Honours' purposes. I didn't put the area that we are  
18 talking about which is the last page, and I did that purposely.

19 JUDGE ORIE: Please ask the witness, and then we'll have on the  
20 screen once we need it.

21 MR. KEHOE:

22 Q. Were you aware that Zuki was questioned about this incident?

23 A. I knew he was detained and that he was questioned about the case  
24 during the proceedings.

25 Q. Now, did you ever learn that Zuki told the police that Petric was

1       angry at the old man because he had not told him about these weapons?

2       Did you learn that?

3       A.    I learned that in the proceedings.

4       Q.    And when you say you learned that during the proceedings, you  
5       learned that at trial?

6       A.    Yes, in the course of the trial.

7       Q.    Were you aware that a Mile Hrustic was at Zrmanja when this  
8       killing took place? Did you know that?

9       A.    When we were returning from the old man, we encountered two of  
10       them moving in his direction.

11       Q.    So they were moving -- I'm sorry, just by way of clarification.  
12       Are you saying that, When we were returning from the old man, we  
13       encountered two of them -- two individuals moving in the direction of the  
14       old man? I'm just trying to get clarification of your answer.

15       A.    Yes, they were moving in his direction. He was angry, asking  
16       about how come he gave us the rifle, whereas he had not given it to him,  
17       and then they left. We didn't follow them.

18       Q.    Now, can you give us the identity. You just said, "they were  
19       moving in the direction. He was angry asking about how come he gave us  
20       the rifle, whereas he had not given it to him."

21               Who is that "he"?

22       A.    Petric, I think.

23       Q.    And the other person -- was the other person moving -- who was  
24       the other person that was moving in the direction of the old man with  
25       Hrustic?

1           A.     The other person was Hrustic; he was with Petric.

2           MR. KEHOE: Your Honour, at this time, we'll offer into evidence  
3     1D2732. And in support of this application, as opposed to an MFI, Your  
4     Honour, I would of course MFI it at this point, but I ask the Court to  
5     consider its decision of 30 January 2009 as a basis for the admission of  
6     the MUP statements into evidence. But we can address that at a later  
7     time.

8           JUDGE ORIE: Mr. Hedaraly.

9           MR. HEDARALY: The objection is identical. It's another witness  
10    that will not be called. Just for the record, Your Honour, the witness  
11    answered the question. There was no need to show him that this other  
12    person said he was angry. The witness, when asked himself, did -- and  
13    that is essentially what we think should happen. But for the record, the  
14    objection is the same, and it is going to be covered in the same  
15    submission.

16          JUDGE ORIE: Would you please -- you will understand, Mr. Kehoe.  
17    That the 30th of January is not something which immediately brings back  
18    to my mind the exact line, how we decided the matter.

19          Could you please include this in any submissions. You get five  
20    extra lines for that.

21          MR. KEHOE: Thank you.

22          JUDGE ORIE: So may go up to 450 words.

23          The document, meanwhile, being MFI'd.

24          Mr. Registrar.

25          THE REGISTRAR: Your Honours, that becomes Exhibit D1541, marked

1 for identification.

2 JUDGE ORIE: Thank you, Mr. Registrar.

3 Please proceed.

4 Could the Chamber receive the submissions by, let say, by the end  
5 of this week?

6 MR. KEHOE: Yes, Mr. President.

7 JUDGE ORIE: Please proceed.

8 MR. KEHOE: Mr. President, do you want me to continue on or ...

9 JUDGE ORIE: Oh, it's time for a break.

10 Could you tell us how much more time you would after the break,  
11 Mr. Kehoe.

12 MR. KEHOE: Approximately an hour, Your Honour.

13 JUDGE ORIE: One hour.

14 MR. KEHOE: Yes.

15 JUDGE ORIE: It's my information that the witness was scheduled  
16 for one hour and a half.

17 MR. KEHOE: He was, Mr. President, and I ask for Your Honours'  
18 indulgence in this regard.

19 JUDGE ORIE: Let me just -- one second.

20 [Trial Chamber and registrar confer]

21 JUDGE ORIE: Mr. Registrar is retrieving the information, I have  
22 to correct myself. You may have noticed that was a bit hesitant in the  
23 beginning as far as P2550 was concerned. The issue was not admission  
24 because there is still an objection which needs to be decided. The issue  
25 at this moment was whether it should remain under seal. For the time

1 being, it should. But where I said that it is admitted under seal, I was  
2 anticipating on what may or may not happen, but that was not correct.

3 MR. MISETIC: Mr. President, let me also add a second objection,  
4 which I didn't do when you give the initial ruling.

5 JUDGE ORIE: Yes, which is withdraw this.

6 MR. MISETIC: Yes. We will object on equality of arms grounds.  
7 I'm assuming that the reason it's under seal is because the matter -- the  
8 subpoena is confidential in the other proceeding. And if -- or under  
9 seal in the other proceeding. If that is the case, the Prosecution  
10 should not be allowed to use materials for which it, exclusively in these  
11 proceedings, has access and for which the Defence would not be able to  
12 obtain access to other documents that may be relevant to that issue that  
13 may also be under seal.

14 Again that presupposes that the subpoena is non-public, and  
15 therefore it is something that only the Prosecution would be able to  
16 retrieve in these proceedings.

17 JUDGE ORIE: Unless there would have been a request to have  
18 access to confidential material in other proceedings.

19 MR. MISETIC: Yes. But in this particular case, we would have  
20 had no --

21 JUDGE ORIE: Clue.

22 MR. MISETIC: -- clue to go to the Blaskic proceeding and then  
23 start examining subpoena issues in that case.

24 JUDGE ORIE: Mr. Hedaraly.

25 MR. HEDARALY: Your Honour, that document was tendered, and



1       therefore shown to the Defence, so they have had a chance to review it,  
2       and therefore they can --

3               JUDGE ORIE: But the issue is that the Defence has no access to  
4       confidential materials in other cases, so they can't make a selection,  
5       as, apparently, you were able to do, because you, apparently, had  
6       knowledge of confidential documents in other cases from your colleagues.  
7       Or -- I don't take it, it was yourself in the Blaskic case.

8               MR. HEDARALY: Your Honour, it was not at that, Mr. President --

9               JUDGE ORIE: You see the point.

10              MR. HEDARALY: I see the point. And I guess what -- is that the  
11       Defence is free to make such a request [Overlapping speakers] ...

12              JUDGE ORIE: [Overlapping speakers] ... Yes, but then you also  
13       know that the case law does not allow fishing expeditions in that  
14       respect. Give me whatever could be relevant from all cases; that's the  
15       issue. Give it some thought, and we'd like to hear the position of the  
16       Prosecution after these thoughts have been developed within the next two  
17       days, I would say.

18              Then we'll have a break, and we will resume at 11.00.

19                               --- Recess taken at 10.38 a.m.

20                               --- On resuming at 11.03 a.m.

21              JUDGE ORIE: If you would just give me one second.

22              Mr. Kehoe, you used, until now, a little bit over one hour. If  
23       you could try to really finish within the next hour.

24              MR. KEHOE: Mr. President, I will. I give -- quote my --

25              JUDGE ORIE: Please proceed.

1 MR. KEHOE:

2 Q. Just without blowing up, I am referring to 1D2731. And with  
3 regard to this same killing, sir, Mr. Perkovic, were you aware that  
4 Mr. Hrustic gave a statement to the police in October of 1995?

5 A. Are you referring to Mr. Hrustic or Rasic?

6 Q. Mr. Hrustic.

7 A. I know that he was interrogated, just as we were.

8 Q. Were you aware that Mr. Hrustic picked Mr. Petric out of a -- or  
9 picked out a photo of Mr. Petric out as the killer of Mr. Canak?

10 A. Whose photo?

11 Q. The individual who was killed.

12 A. I don't know about that. This wasn't something that happened at  
13 trial, that he indicated a photo.

14 Q. The photo I'm talking about is Petric's photo. Were you aware  
15 that Mr. Hrustic picked out Mr. Petric's photo as the killer of  
16 Mr. Canak?

17 A. I know that, during the trial, he stated that Petric had killed  
18 Mr. Canak. I know that Hrustic stated that he fired a shot past the old  
19 man, whereas Petric shot the old man. Petric, on the other hand, claimed  
20 quite the opposite, but it was Petric who was ultimately convicted by the  
21 court.

22 MR. KEHOE: As bar-table submission, Your Honour, we'll offer  
23 into evidence 65 ter 1D2731 consistent with Your Honours' prior rulings.

24 JUDGE ORIE: Yes.

25 MR. HEDARALY: Part of the same submission, then, Mr. President.

1 JUDGE ORIE: Yes. Just for my information, Mr. Kehoe, you asked  
2 the selection of a photograph of Mr. Petric. Have I misunderstood the  
3 testimony until now, that Mr. Petric and Mr. Hrustic knew each other?

4 MR. KEHOE: They did.

5 JUDGE ORIE: Yes. So, therefore, selection of a photograph is  
6 whether you say Mr. Petric or where you point at the photograph is -- is  
7 from my understanding of photo spreads, identification procedures is  
8 totally irrelevant, isn't it?

9 MR. KEHOE: Not really, Judge. I think it is probably very  
10 pertinent. I mean the photo spreads that you know about where police  
11 officers do, you know, recognise the individual who killed Mr. Canak.

12 JUDGE ORIE: Yes, if you know him now -- if they give me five  
13 photographs of all Defence counsel, then --

14 MR. KEHOE: I hope you don't pick me. Pick Mr. Misetic.

15 JUDGE ORIE: No. But the value, the identification value is  
16 close to zero if you know the people.

17 MR. KEHOE: Not necessarily, Judge. I mean obviously -- I can  
18 tell you a perfect example -- [Overlapping speakers] ...

19 JUDGE ORIE: [Overlapping speakers] ...

20 MR. KEHOE: [Overlapping speakers] ... The perfect example is,  
21 let's say you're doing an investigation, and you do a photo spread. And  
22 for some reason, heaven knows why, the witness who picked him out in a  
23 photo spread, police somehow deceases. Can you as a police officer then  
24 come in and say, I showed a photograph to Mr. X, and he identified this  
25 individual --

1 JUDGE ORIE: But if you give the name, if you know the person,  
2 then it is totally superfluous. That's what I understand -- [Overlapping  
3 speakers] ...

4 MR. KEHOE: [Overlapping speakers] ...

5 JUDGE ORIE: [Overlapping speakers] ... But let's not engage in  
6 this very interesting discussion, as I cut off some other discussions  
7 throughout this morning.

8 Please proceed.

9 MR. KEHOE: [Overlapping speakers] ... Yes, Your Honours, I just  
10 offered that item consistent with Your Honours --

11 JUDGE ORIE: It will be MFI'd.

12 Mr. Registrar, that will be number?

13 THE REGISTRAR: Your Honours, that will become Exhibit D1542,  
14 marked for identification.

15 JUDGE ORIE: Yes. And for every additional document, 25 more  
16 words.

17 Please proceed.

18 MR. KEHOE:

19 Q. Mr. Perkovic, in addition to this killing of Mr. Canak, did the  
20 police also ask you, and I believe you touched on it this morning, about  
21 the incident where this man's feet were burnt, in Zrmanja?

22 A. Yes, I was asked about it.

23 Q. Yes. And what did you tell the police happened on that event?

24 A. I'm not sure which person you're referring to. To the person we  
25 referred to earlier on, or to Canak?

1 I described Zec setting some rags on fire that were placed  
2 beneath the man.

3 Q. I'm talking about the individual, not Mr. Canak who was killed,  
4 but the man who lived.

5 A. I said that they tied up the man. I don't know if it was Petric  
6 or Zec who tied him up -- or, rather, I know that for a fact that Zec  
7 tied him up. I'm not sure if Petric was involved. I know that they  
8 placed some rags beneath the old man and set them on fire. Subsequently,  
9 they put the fire out by stamping it with their feet. It was no big  
10 fire, just to make it clear.

11 Q. Let me turn your attention to D1539, your first statement, and  
12 turn to page 5 in the English, and I will check the B/C/S.

13 MR. HEDARALY: Just for clarification purposes, there are two  
14 incidents, fires. Could you make sure the witness knows -- there's one  
15 on page 4 and page 5.

16 MR. KEHOE: The witness says this is the individual who is alive.  
17 I think that's what we clarified -- the other one is dead.

18 If we can go to the last page in the English and the  
19 second-to-last page in the B/C/S.

20 And it notes at the top of the page:

21 "Three days after this, Zec, Petric and he ," this is your  
22 statement to the police, "went to another old man in Zrmanja. The old  
23 man was about 170 to 180 centimetres tall, skinny, about 65 to 70 years  
24 of age, had grey hair and slightly balding. Petric and Zec asked the old  
25 man for weapons, and when the old man told them that he did not have a

1 rifle, Zec and Petric tied him with wire to a tree in the yard next to  
2 the house. They gagged him with a rag, threw some rags around the old  
3 man's feet and set them on fire. Pero said that at that time he had gone  
4 behind the house so he would not have to watch this. He told them to let  
5 the old man go."

6 A. That's what happened with Canak, the person who was killed.

7 Q. Okay. So in the incident where the individual lived, did a  
8 similar sequence of events take place, where Zec and Petric burned the  
9 man's feet?

10 A. I don't know about Petric, but I do know about Zec. I know that  
11 it was on the patio of the old man's house where they tied him up to the  
12 railing. I don't recall if Lasan was with us. I know that they tied him  
13 up, and they placed these rags under his him, just as they did in the  
14 other case.

15 Q. And when you saw them do that, sir, what did you do?

16 A. I saw that the old man was suffering, and I told them to untie  
17 him. Then the old man took us to the place where the rifle was so that  
18 he could give it to us.

19 (redacted)

20 (redacted)

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Page 19492 redacted.

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6 Please proceed.

7 MR. KEHOE: Yes, Mr. President.

8 Q. Now, in addition to the events we talked about in Cakici and  
9 Zrmanja, were you also investigated for killings that took place in  
10 Gosici?

11 A. I was a suspect in relation to Gosici. I was the subject of an  
12 investigation that went on for nine months.

13 [Defence counsel confer]

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

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1 (redacted)  
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6 JUDGE ORIE: No, that is perfect. I gave the relevant  
7 instructions to Mr. Registrar.

8 MR. KEHOE:

9 Q. Now, Mr. Perkovic, if we can turn our attention to 1D2725, your  
10 second statement, or second Official Note to the police, 17 October 1995.

11 Now, Mr. Perkovic, this second statement, did you give this  
12 statement to -- or this information to the police on the 17th of October,  
13 1995?

14 A. Whatever I stated to the police was the result of their  
15 mistreatment of me. We were being interrogated day and night and another  
16 day. We were beaten, brain-washed, and such-like. I said certain things  
17 that had nothing to do with the situation on the style -- on the ground,  
18 as the reconstruction took place with the participation of the  
19 investigating magistrate at the scene of crime, they realized that they  
20 had nothing -- whatever I stated, did not reflect the situation on the  
21 ground, because I mentioned certain high-rise buildings, several-storey  
22 buildings which did not exist on the ground. When the reconstruction of  
23 the crime took place, we attended the scene in the village of Gosici, and  
24 one was able to see that these were one-storey family houses there.

25 When I was being interrogated, I was out of sorts, I was

1 mistreated, and I told the investigating judge as much. You could see by  
2 reading my statement that I had never in fact been to Gosici.

3 Later on, as the trial progressed, I told the judge where it was  
4 that I was present, indeed, on the ground, in which village. I also  
5 showed the judge the village when we were on the -- when we were doing  
6 the on-site village. There were even some villagers there who confirmed  
7 that we had not mistreated them.

8 I accounted for my statement to the police by saying that I  
9 simply wanted to cut their manhandling short, and that that was why I  
10 said what I said in the statement.

11 MR. KEHOE: Your Honour, at this time, we'd like to offer into  
12 evidence 65 ter 1D2725.

13 JUDGE ORIE: Mr. Hedaraly.

14 MR. HEDARALY: And I would raise the same concern I did for the  
15 previous Official Note, which I believe that the Chamber admitted.

16 JUDGE ORIE: Yes, this is a statement given by this witness.

17 Mr. Registrar.

18 [Trial Chamber confers]

19 [Trial Chamber and registrar confer]

20 THE REGISTRAR: Your Honours, that becomes Exhibit D1543.

21 JUDGE ORIE: And is admitted into evidence.

22 MR. KEHOE:

23 Q. Now, understanding that you take issue with some of these items,  
24 sir, that -- did you in fact tell the police that you had met Zec,  
25 Petric, and Patak at an inn called the Centaur [phoen] in late August

1 before you went to Gosici. Putting aside whether or not it is true, did  
2 you tell the police that?

3 A. No, I didn't.

4 Q. Did you tell the police that before you left Vodice, your  
5 village, that you put on camouflage uniforms?

6 A. At times we would assemble in Vodice and then go to -- to the  
7 field in Zrmanja. I told you that I would make certain statements that  
8 had nothing to do with the truth.

9 Q. And I'm asking you what you told the police, sir. I understand  
10 that you take issue. I'm just asking that you told the police these  
11 things. So we understand each other, exactly where my questions are  
12 coming from you.

13 Did you tell the police that after you got to Gosici that Petric  
14 went into a house, and after he left the house, the house was shortly on  
15 fire. Did you tell the police that?

16 A. I never mentioned Gosici. I talked about the village to which I  
17 subsequently took the investigating judge to see. There was a confusion  
18 in my head, and I said things that had nothing to do with the truth. I  
19 told them that I was in that particular village with Petric, and no  
20 houses were on fire, nobody came to any harm. It was the police who  
21 wrote down Gosici, and I signed the statement without reading it. I  
22 talked about a different village, where there was no shooting going on.  
23 I -- I talked about the village that I referred to in my earlier answer.  
24 It's a village beyond Ervenik, the village that I took the investigating  
25 judge to see. I didn't mention Gosici at all.

1 Q. Well, on the village that you were talking about, did Petric go  
2 into a house and put the house on fire, or you noticed the house was on  
3 fire after he left?

4 A. No. We got there, went into the house, searched the place a bit,  
5 and left. There were pigs about. We took a couple of pigs into our car  
6 and left. I talked about the house, about the appearance of the door,  
7 the colour of the door, and nothing else.

8 Q. Well, sir, with regard to this incident in Gosici, were you aware  
9 that Mr. Petric gave a statement to the police about this incident?

10 A. He did mention it, but he also said that he mentioned it on  
11 account of the mistreatment he was accorded.

12 Q. And with regard to the events in Gosici, you were in fact charged  
13 with those -- with crimes from Gosici, weren't you?

14 A. Yes, I was a suspect in the case of the killing of Serb civilians  
15 in Gosici.

16 Q. Now, during the course of -- of interviews with Mr. Petric, did  
17 you become aware that Mr. Petric said that you and he stole sheep and  
18 sold them to an individual by the name of Branko?

19 A. He was a butcher from the general area of Vodice. He bought the  
20 sheep.

21 Q. Well --

22 A. As we were on our way back from the field, we would see sheep  
23 milling freely about, and we'd take some, because Petric had been told by  
24 this butcher to bring them some sheep, if he came across any.

25 MR. KEHOE: I'm referring for is 1D -- 65 ter 1D2747,

1 Mr. Petric's statement of 16 October 1995, Counsel.

2 Q. Now the sheep that you and Mr. Petric took, did you sell it to  
3 Branko?

4 A. Yes.

5 Q. Did you split the money?

6 A. Yes.

7 Q. Did you ever find out who these sheep belonged to?

8 A. To put it simply, this was abandoned livestock, wondering freely  
9 about. There were sheep, cows, et cetera.

10 Q. Did you come to learn that Petric told the police that you and  
11 Petric went to Gosici looking for this forester? Did you know that  
12 Petric told the police that?

13 A. I did hear about him telling certain things to the police, but he  
14 told them things because they mistreated him. But he was referring to  
15 the calf that belonged to that old man, whereas they kept referring to  
16 the forester. I know that Petric, just like me, told them things that  
17 had nothing to do with the truth.

18 MR. KEHOE: Your Honour, at this time, we'll offer 65 ter 1D2747,  
19 consistent with Your Honours' other rulings.

20 MR. HEDARALY: Same position, Your Honour. I think it's another  
21 statement of [indiscernible] -- of a witness on the --

22 JUDGE ORIE: Yes. To be MFI'd, and 25 words to be added to the  
23 submissions.

24 Could I ask some clarifying questions, Mr. Kehoe.

25 MR. KEHOE: Yes, Mr. President.

1           JUDGE ORIE: Mr. Perkovic, you told us that you never mentioned  
2 Gosici, that you were confused at the time, and that, actually, you  
3 talked about a village beyond Ervenik, the village that you took the  
4 investigating judge to see.

5           Now, you were then asked whether you saw Petric in that village  
6 go into a house and put the house on fire, and you said, No, we got  
7 there, and you went into the house and searched the place, although this  
8 is misspelled in the transcript, a bit and then you left.

9           Was there, in that house, was there someone still living in that  
10 house?

11          THE WITNESS: [Interpretation] There were civilians in the  
12 village, about a dozen.

13          JUDGE ORIE: In that house as well? The house -- or did you go  
14 through all the houses in that village?

15          THE WITNESS: [Interpretation] We did not. We only entered that  
16 house, and there were people living in it. And we also saw some other  
17 civilians living there as we passed by.

18          JUDGE ORIE: And then you said there were pigs, and you took a  
19 couple of pigs. Those pigs were at that house?

20          THE WITNESS: [Interpretation] They were around milling about the  
21 village.

22          JUDGE ORIE: Yes. So you're saying, these pigs, did they belong  
23 to these villagers?

24          THE WITNESS: [Interpretation] Yes, they did. The civilians there  
25 even helped us catch the two pigs.

1 JUDGE ORIE: Did they give you permission to take these pigs  
2 or ...

3 THE WITNESS: [Interpretation] We asked them, and they said it was  
4 okay. They helped us catch them.

5 JUDGE ORIE: And then they gave them as a gift to you, under  
6 those circumstances?

7 THE WITNESS: [Interpretation] Yes.

8 JUDGE ORIE: Yes.

9 THE WITNESS: [Interpretation] No one threatened them or anything.  
10 This was all done in a friendly manner.

11 JUDGE ORIE: Yes. And you sold them as well as the lambs or ...

12 THE WITNESS: [Interpretation] No, we did not.

13 JUDGE ORIE: What did you do with the pigs?

14 THE WITNESS: [Interpretation] We split them between ourselves.

15 JUDGE ORIE: And then you -- for consumption?

16 THE WITNESS: [Interpretation] Yes.

17 JUDGE ORIE: They didn't ask for any compensation for the pigs?

18 THE WITNESS: [Interpretation] No, nothing.

19 JUDGE ORIE: Please proceed, Mr. Kehoe.

20 MR. KEHOE: Mr. President, can I just ask a couple of follow-up  
21 questions from your inquiry?

22 JUDGE ORIE: Yes, of course.

23 MR. KEHOE:

24 Q. Mr. Perkovic, when you were getting these pigs, you were walking  
25 in this village with Mr. Petric, weren't you?

1           A.    Yes.  When we were in Kistanje, when we took it up, we saw there  
2           was a lot of firewood in a house.  Then Petric asked that we come back  
3           with a van, which I had, to have the firewood taken to his house in  
4           Vodice.  We did so, and on our way we entered the village where the  
5           people were, and that's where we got the two pigs.

6           Q.    And when you got these two pigs, you were armed, weren't you?

7           A.    One always moves about with a weapon.  It was still in the period  
8           when you could have Serb stragglers in the villages, soldiers.

9           Q.    Now, going back to Mr. Petric and Mr. Petric's statement, and I'm  
10          referring to 1D2726 at this point, did you come to learn, Mr. Perkovic,  
11          that Mr. Petric told the police that both you and he had set fire to the  
12          forester's house in Gosici?

13          A.    The police brought me to see Petric to confront him.  They asked  
14          him that question, and then he winked at me and responded, Yes.  But he  
15          had obviously been treated and beaten by the police.  They confronted us.  
16          I was interrogated in one room and he in another, and then he said that  
17          we were in Gosici.  Then I told them that we had nothing to do with  
18          Gosici and that we never went there, that this had to do with Zrmanja and  
19          the calf promised by that man.  I think they got some things mixed up.

20                MR. KEHOE:  Your Honour, at this time we'll to offer into  
21          evidence 65 ter 1D2726, consistent with Your Honours' rulings.

22                JUDGE ORIE:  Mr. Hedaraly.

23                MR. HEDARALY:  That's another one of the --

24                JUDGE ORIE:  That's another one of the MFI'd 25 additional words  
25          for the submissions.



1 Mr. Registrar.

2 THE REGISTRAR: Your Honours, in addition to this document, the  
3 last document didn't receive a number. That was 1D2747. That will  
4 become Exhibit D1544, marked for identification.

5 The current document is 1D2726, and that will receive  
6 Exhibit D1545, also marked for identification.

7 THE WITNESS: [Interpretation] May I add something?

8 JUDGE ORIE: One second, please.

9 Yes, the first one, then, was 1D2747, which now received D1544,  
10 yes, I just wanted to check that, as always, Mr. Registrar had been very  
11 accurate.

12 Both the 1544 and D1545 are marked for identification.

13 You would like to add something, Mr. Perkovic. Please do so.

14 THE WITNESS: [Interpretation] When we were confronted, Petric and  
15 I, during the interrogation at the police station, the police brought me  
16 in the room where Petric had been, and then they asked Petric, Tell us if  
17 you were in Gosici. He winked at me and he said, yes, and then I jumped  
18 and said, Petric, what you are talking about? We never went to Gosici in  
19 our lives. And then the police also came -- some additional police came  
20 to the interrogation room, and then they started beating us, mistreating  
21 us, and so on and so forth.

22 JUDGE ORIE: Thank you for this addition.

23 Please proceed, Mr. Kehoe.

24 MR. KEHOE: Yes, sir.

25 Q. Turning our attention to 65 ter 1D2729, Mr. Perkovic, were you

1       aware that Mr. Ladovic, Patak gave a statement concerning your  
2       participation in Gosici to the police? Were you aware of that?

3       A.     Patak is a drunkard. He is simply silly. And he said things to  
4       the police much the way I did on occasions. He was also mistreated by  
5       the police, interrogated for the same amount of time, and no wonder he  
6       told them all sorts of things.

7       Q.     Well, staying with that, were you aware that he told the police  
8       that you and Petric and he and others met at the cafe in Vodice before  
9       you went on to Gosici? Were you aware of that?

10      A.     Sometimes from Vodice, we went in the field to Zrmanja, but no  
11      Gosici were involved. I didn't know about Gosici itself.

12      Q.     Well, staying with Mr. Ladovic, were you aware that he told the  
13      police that it was in fact your idea to go to Gosici that day?

14      A.     No, I did not.

15      Q.     And likewise, were you aware that he told the police that you and  
16      Petric had set fire to a house in Gosici? Were you aware of that?

17      A.     No.

18             MR. KEHOE: Your Honour, at this time, subject to Your Honours'  
19      other prior rulings on this score, we offer into evidence 65 ter 1D2729.

20             JUDGE ORIE: Which will be marked for identification,  
21      Mr. Hedaraly.

22             Mr. Registrar.

23             THE REGISTRAR: Your Honours, that becomes Exhibit D1546, marked  
24      for identification.

25             JUDGE ORIE: And will keep that status for the time being.

1                   Please proceed.

2                   MR. KEHOE:

3           Q.    Now --

4                   MR. KEHOE: Thank you, Mr. President.

5           Q.    Going back to your actual trial, sir, you were in fact tried for  
6 the events in Gosici, were you not?

7           A.    Yes.

8           Q.    And it went through the court system up to the higher courts, did  
9 it not?

10          A.    First, there was a proceedings after which I was imprisoned for  
11 nine months. Then I was acquitted. And then the prosecutor appealed the  
12 court decision, and the proceedings were returned to the Sibenik court  
13 because that area fell under the Sibenik county. Therefore, the case was  
14 heard before the Sibenik court.

15                   Finally, as the proceedings developed, the prosecutor dropped  
16 charges, although it was coming to its close. We -- witnesses were heard  
17 but ultimately the Prosecutor, Mr. Zganjer dropped charges.

18                   MR. KEHOE: Mr. President, if I might have one moment. I do  
19 believe I'm near conclusion.

20          Q.    One last question, Mr. Perkovic, concerning Varivode. Were you  
21 ever accused of the killings that took place in Varivode?

22          A.    No.

23          Q.    Thank you, sir. Thank you very much.

24                   MR. KEHOE: Mr. President, I do believe I got in under the wire  
25 time-wise, and I appreciate it, thank you.

1 JUDGE ORIE: Yes, you did, Mr. Kehoe.

2 Any questions for the witness, Mr. Cayley?

3 MR. CAYLEY: Nothing from us, Your Honour, thank you.

4 JUDGE ORIE: Mr. Mikulicic.

5 MR. MIKULICIC: No questions, Your Honour.

6 JUDGE ORIE: Mr. Hedaraly, I take it there's a need to  
7 cross-examine the witness.

8 MR. HEDARALY: Yes, Mr. President. Thank you.

9 JUDGE ORIE: Is it already possible to give us any indication  
10 time-wise? It is a viva voce witness, that is different from 92 ter  
11 witnesses.

12 MR. HEDARALY: There is still a lot of ground to cover under  
13 90(H), but I will try to finish today, Mr. President. I don't want to  
14 offer that as a guarantee at this time, but I will definitely try to do  
15 so.

16 JUDGE ORIE: Please proceed.

17 MR. KEHOE: If I may, just by pure convenience, if counsel is not  
18 going to complete today, we had a witness waiting, so if I can just can  
19 tell VWS to take --

20 JUDGE ORIE: Well, I do understand that you certainly -- if you  
21 will be able to finish today that not much time will be left, which makes  
22 it a wise thing to do, is to start for five or seven minutes.

23 MR. HEDARALY: That's correct, Your Honour. That being said,  
24 perhaps it will be cut short depending on the examination. But that is  
25 it my estimate at this time.

1                   JUDGE ORIE: Yes. I suggest that we -- we wait until the next  
2 break and then get a further indication and if there's no chance that the  
3 next witness will start today, you will then know that in approximately  
4 30 to 45 minutes.

5                   Please proceed.

6   [Prosecution counsel confer]

7   Cross-examination by Mr. Hedaraly:

8           Q.    Good morning, Mr. Perkovic.

9           A.    Good morning.

10          Q.    I am counsel for the Prosecution in this case, and I just want to  
11 ask you some questions about, first of all, the Gosici incident for which  
12 you were tried and on some other matters. If at any time any of my  
13 questions are unclear, please feel free to ask me to rephrase so that can  
14 I clear up any misunderstanding.

15                   First of all, you mentioned you were interviewed by the police on  
16 16 and 17 October; right?

17          A.    I don't know whether it is that date, but, yes.

18          Q.    Let's look quickly at D1539, which is the Official Note of the  
19 interview you were shown -- about the first interview you had with the  
20 police.

21                   And can you, while the document comes up, can you tell us did  
22 that interview take place on the same date that you were arrested?

23          A.    The interview that the police will with me was at the time when I  
24 was brought in. That was in the 36 hours, the day and night, at that  
25 time. All interrogation was during that period.

1 Q. So if the date on the note of 16 October is accurate, that means  
2 you would have been arrested either on the 16th or shortly beforehand; is  
3 that right?

4 A. Yes.

5 MR. HEDARALY: If we can go to the last page -- actually, the  
6 last paragraph of this Official Note of 16 October.

7 Q. And will you see a reference in the last paragraph:

8 "Asked whether he heard about what had happened in Varivode and  
9 Gosic. He stated several times that he heard that ten civilians had been  
10 killed in Varivode, but he personally has never been to neither Gosic nor  
11 in Varivode."

12 Do you remember saying that to the police officers?

13 A. I told them that I heard of some Serb civilians being killed in  
14 Gosici. I went there once with a van, and I was stopped by the police at  
15 a check-point. They told me I had to wait. I asked what it was all  
16 about and they told me that some Serbs had been killed in the village of  
17 Gosici. I had no knowledge of Varivode.

18 Q. And you stated there and you stated several times today already  
19 you had never in fact been to Gosici; is that right?

20 A. Even to the present day, I don't know where they are. I was  
21 taken somewhere by the judge and the police, but I couldn't see where we  
22 were going. We arrived at this place and the judge saw that, basically,  
23 there had nothing to do with what I was telling him about. There were no  
24 higher buildings there, just ground-floor houses. We were even taken to  
25 Varivode.

1 Q. Thank you for that answer. That's on the 16th of October. On  
2 the next day you were interviewed again, and that was also referenced  
3 today. That's D1543.

4 MR. HEDARALY: And if we can go to the bottom of page 1 in  
5 English and the last paragraph in B/C/S.

6 Q. And when that note comes up on the screen, you will see a there's  
7 a sentence at the bottom where -- in the police note, the police writes  
8 down that you went to a village he thinks is Gosici. So a village you  
9 thought was Gosici. So is that something that you told the police, that  
10 you went to a village you thought was Gosici?

11 A. I have been talking about that village in Ervenik all the time.  
12 But at the time I didn't think much about what I was saying because I so  
13 physically and psychologically abused that I signed anything. And what I  
14 told them I repeated before the investigating judge. He had pictures of  
15 the village of Gosici and he could conclude for himself that what I was  
16 talking about had nothing to do with the truth. Admittedly, that was not  
17 his intention, though, because he just needed someone to put away. The  
18 pressure was so great at the time to discover the perpetrators that they  
19 had to do something. There were threats levelled stating that you will  
20 be sent to The Hague and Croatia will not be admitted into the EU. They  
21 did what they had to. We were physically and psychologically mistreated  
22 by the police. He was the one who beat me the most, this Markovic guy  
23 and a colleague of his.

24 They just wanted to force an admission from us and to tell us  
25 that we were in Gosici. They just wanted to have us displayed as

1 perpetrators. The police were not doing their jobs properly. And the  
2 courts were not going about it properly as well. So many years have  
3 passed by and it is still unknown who the perpetrators of the murders in  
4 Gosici and Varivode is. And I ask you what is the reason for that.

5 Q. Mr. Perkovic, sometimes I will pause just to have the full answer  
6 interpreted. We'll get into some of these matters in more detail. You  
7 don't have to give all your answer in one shot. I will ask you specific  
8 questions. If there is anything that you want to add that I have not  
9 covered, the Presiding Judge will give you an opportunity to do so.

10 But let's try to focus on the question so we can go through this  
11 methodically, and we'll talk about the other aspects that you have  
12 mentioned.

13 Is that okay with you?

14 If we can go to 65 ter 7308.

15 Now, on that same day, where you said you were mistreated by the  
16 police, you were also taken to an investigating judge, to give a  
17 statement to the investigating judge. Is that correct?

18 A. After 36 hours, they took me to see an investigative judge.

19 MR. HEDARALY: And if we go to page 3 of the English and page 3  
20 of the B/C/S -- and just for the Court's reference, there are some  
21 handwritten notes on these documents. There is some highlighting. This  
22 is how we obtained them pursuant to a Request for Assistance from the  
23 Croatian government, so we don't know who made those markings, just so  
24 that it's clear it wasn't the Prosecution in this case.

25 Q. Now, do you see a handwritten note on the right saying "no upper



1 floor"?

2 A. I don't know where that is. I don't see it.

3 MR. HEDARALY: If we can move to the right of the -- in B/C/S.

4 It says in B/C/S "nema kata."

5 A. I see it, no upper floor.

6 Q. If we go to the next page, returning to the issue of the village  
7 of Gosici.

8 MR. HEDARALY: The next page in English, page 5; page 4 in the  
9 B/C/S, the next-to-last paragraph.

10 Q. You apparently said to the investigative judge:

11 "I would like to check if that is it indeed that particular  
12 village, because I am accused of killing some old lady, and I know I did  
13 not do it."

14 Do you remember saying that to the investigative judge?

15 A. That is correct. "I never spoke to the investigative judge ... I  
16 always said that when we were on the upper floor of the house that no one  
17 was killed there." I was talking about a village in Ervenik. This is  
18 the way I pictured it in my head.

19 Q. Thank you.

20 A. As for what it says, no upper floor, I don't know what it's  
21 about.

22 MR. HEDARALY: Your Honour, if we can have 65 ter 7308, the  
23 record of the interview with the investigating judge, tendered into  
24 evidence.

25 MR. KEHOE: Can we have MFI, so I can just take a look at it at

1 the break. And then I will just get back and see -- see just looking at  
2 the entire document. Thank you.

3 JUDGE ORIE: It will be MFI'd for the time being.

4 Mr. Registrar.

5 THE REGISTRAR: Your Honours, that becomes Exhibit P2556, marked  
6 for identification.

7 JUDGE ORIE: Thank you, Mr. Registrar.

8 Could I ask one clarifying question.

9 Mr. Perkovic, you said that you were threatened that you would be  
10 sent to The Hague and that Croatia would not be admitted into the EU.  
11 Who said that to you?

12 THE WITNESS: [Interpretation] The police. Alongside the beating,  
13 they used a bat to hit me with. They also brought me a paper stating  
14 that I was discharged from the Croatian military. As of day one, in  
15 1991, I was fighting for Croatia, and what fate do I meet in the end? I  
16 was simply brushed aside. I was beside myself. I could not believe such  
17 things were happening to me.

18 JUDGE ORIE: Did the investigating judge also put to you that it  
19 was -- that the discovery of the perpetrators was important for admission  
20 of Croatia into the European Union?

21 THE WITNESS: [Interpretation] He didn't say that to me.

22 JUDGE ORIE: So it was just the police. Was it one police  
23 officer or several police officers?

24 THE WITNESS: [Interpretation] Several of them who interrogated  
25 me. There were three or four of them at one point, and all of them were

1 questioning me and beating me.

2 JUDGE ORIE: And all of them told you that it was important to --  
3 whether true or not, to find some perpetrators in order for Croatia to  
4 have a better chance to be admitted to the EU?

5 THE WITNESS: [Interpretation] They said, It is because of you  
6 that we will not be admitted. Because of you who had committed crimes.

7 JUDGE ORIE: If I would tell you that the application for  
8 membership of the EU came years and years after the month of August 1995  
9 -- month of October 1995, do you have any explanation as why they said  
10 that it was because of you that Croatia would not be admitted? Whereas  
11 there was no application --

12 THE WITNESS: [Interpretation] I don't know that. That's what the  
13 policeman said, You are going to The Hague, and Croatia will not be  
14 admitted to the European union because of you who committed crimes.

15 JUDGE ORIE: Thank you.

16 Please proceed, Mr. Hedaraly.

17 MR. HEDARALY: Thank you, Mr. President.

18 Q. You had another interview with the investigative judge roughly  
19 ten days later. Do you remember that?

20 MR. HEDARALY: If we could have 65 ter 7309 in the meantime on  
21 the screen.

22 Q. Mr. Perkovic, you remember meeting the investigative judge on  
23 27 October 1995?

24 A. It was the following day, one day after they placed me in  
25 detention that I asked to be able to steak to, I think it was the

1 president of the court, and I told the man that I had never been to  
2 Gosici and had nothing to do with the murders. That's why I went over  
3 there, to tell him that, and nothing more than that.

4 Q. Let me show you a record of an interview that you gave to the  
5 investigative judge ten days after your first one.

6 MR. HEDARALY: And if we go to the bottom in the English and top  
7 of page 2 in the B/C/S.

8 Q. And it reports that you told him, When you asked me before about  
9 Gosic, I told you something; however, I can say now that I don't remember  
10 that we have ever been to Gosic. I don't even know which village that  
11 would be [sic]. When I talked to you, I was still under the impression  
12 of what I've heard in the police, where they questioned me for a long  
13 time."

14 MR. HEDARALY: And then if we go to the next page in English at  
15 the bottom, the same page in the B/C/S.

16 Q. You say again:

17 "Everything I told you on 17 October, I told you under the  
18 impression of what I've heard in the police."

19 And my question for you is: Do you remember, after giving your  
20 first statement to the judge, giving them a second statement, where you  
21 indicated that what you said in your first interview was not correct?

22 A. No. I met him only once, and I told him that what I said to the  
23 investigating judge had been said under the impression of what had been  
24 going on when I was being interrogated by the police. So that's what I  
25 told the judge at the time. But it was only once more that I met with

1 the investigating judge at my request.

2 MR. HEDARALY: If we can tender 65 ter 7309, Your Honour.

3 MR. KEHOE: Same as before, Your Honour. If we could just MFI  
4 it, just take a look at it at the break, appreciate it.

5 JUDGE ORIE: Yes, it will be MFI'd for the time being.

6 Mr. Registrar.

7 THE REGISTRAR: Your Honours, that becomes Exhibit P2557, marked  
8 for identification.

9 JUDGE ORIE: Thank you, Mr. Registrar.

10 Please proceed, Mr. Hedaraly.

11 MR. HEDARALY: Thank you, Mr. President.

12 Q. And finally, you recalled later that in fact you were in Knin the  
13 day before the murders in Gosici, and you were in Cista Vglika the day  
14 after; is that right?

15 A. No. When I was in prison, I saw that I was charged with the  
16 murder of the Serb civilians in Gosici. In the calendar I saw that on  
17 the 25th of August, the freedom train was running. That was the same  
18 date when I was charged with these murders. On that day I was wearing  
19 civilian clothes and was with my friends aboard the freedom train. In  
20 other words, I was not on duty in the army. I was off duty in civilian  
21 clothes. I was in Cista Vglika, that's a village that was occupied where  
22 we had a plot land. I went to Cista Vglika with my father in order to  
23 have our property that was there evaluated for damage by a damage  
24 assessor. I had eye-witnesses who saw me aboard the freedom train.  
25 There was a soldier. There was a name -- a man by the name of Cipal,

1       which the general here might know. Unfortunately, he didn't remember  
2       seeing me. But there was another soldier who was in civilian clothes at  
3       the time who remembered seeing me aboard.

4       Q.    Let me show you part of the judgement in your case, which is at  
5       P1076, and if can I start with page 9 of the second translation in the  
6       English.

7               MR. HEDARALY:  There are two translations uploaded.  So page 9 of  
8       the second translation, which would be page 22 of the original B/C/S.

9       Q.    And there's a reference there where it says that -- the judge is  
10       talking about you and saying:

11               "Of course, he was trying to remember where he was on the day in  
12       question on August 27 ... after he was detained.  And he could determine  
13       that in relation to the previous day, August 26th, because he was in Knin  
14       waiting for the liberty train to arrive.  He was seen by Zivko Mato,  
15       Antonio, and Ante Roca [phoen] from Vodice.  A day after Knin and the  
16       liberty train, so immediately after the day in question he was in Cista  
17       Velika, his father's village with his father Ante and his aunt."

18               Is that consistent with your recollection of where you were on  
19       those days?

20       A.    Yes.

21               MR. HEDARALY:  And just for the record, I don't need to go  
22       through it.  There's another reference to where he was at page 79 of the  
23       English judgement, page 73 of the B/C/S.

24       Q.    I want to briefly mention the mistreatment that you talked about.

25               MR. HEDARALY:  If we can go to page 71 of the English, page 67 of

1 the B/C/S of that judgement.

2 Q. And there's a general statement here about all of the accused in  
3 that case, some of which were mentioned today.

4 Actually, can you name for us who else was accused with you of  
5 the murders of Gosici?

6 A. Ivica Petric; Nikola Rasic, aka, Zec; I, and who was the fourth  
7 one? Patak Ladovic. I'm not sure if it was him. I don't remember  
8 anymore. There were four of us who were charged.

9 Q. Okay. And it says there:

10 "The accused, who gave different statements during the  
11 investigation, are explaining the reasons for it, and particularly  
12 explaining that their defence is result of mental and physical pressure  
13 and mistreatment in the police station which forces the court to analyse  
14 not only numerous evidence but the parts where the truthfulness of the  
15 evidence of the defence of the accused could not be controlled." And it  
16 goes on.

17 Now, you described briefly for us the mistreatment that you were  
18 subject to. During the trial or any other time, did you hear that the  
19 other accused in your case had also been mistreated by the police?

20 A. I heard stories, and in the course of the interrogation itself, I  
21 heard moans from the beatings. I heard, in other words, them being  
22 beaten in the neighbouring rooms, and I also heard them say so in the  
23 courtroom.

24 Q. And I think you described for us how you were mistreated.

25 MR. HEDARALY: In the interest the time, Mr. President, I won't

1 go into the details, but it can be found on page 84 of the judgement in  
2 English, the portion where the judge in that case discusses the claims of  
3 mistreatment by Mr. Perkovic.

4 Q. So you now, Mr. Perkovic, that is on the record, so I'm not going  
5 to ask about the mistreatment. But it is -- you have testified to it,  
6 and it is the judgement itself, just so you know.

7 MR. HEDARALY: If we can go to page 96 of the English judgement,  
8 and page 85 of the B/C/S.

9 Q. It says -- it's the top paragraph in the B/C/S, the first full  
10 paragraph in the English:

11 "In the course of investigation, eye-witness Dusan Borak and  
12 Bozo Borak were asked to recognise the accused in a line up of men, among  
13 them who were accused Perkovic, Ladovic, Rasic, and Petric. Both  
14 witnesses agreed and were convinced that among the men in the lineup,  
15 they did not recognise any of the men they had seen in Gosic on the day  
16 of the crime, while witness Dusan Borak said to be certain that none of  
17 the men in the lineup had been there."

18 Do you remember being part of such a lineup?

19 A. Yes, while I was in detention in Zadar, we were sent for the  
20 identification parade, and they invited the Serb civilians. I think that  
21 during the trial in Zadar, there were eye-witnesses who confirmed that  
22 they had never seen us, so I'm not referring to the situation which took  
23 place in the prison, but, rather, to what happened in the courtroom  
24 itself.

25 Q. And did you -- did you know, or did you ever read that judgement



1 of the -- of the trial court in Zadar which acquitted you of the crimes  
2 in Gosici?

3 A. That's a pile of paper, I didn't even read that through. I know  
4 the way the trial proceeded, and I suppose the minutes merely reflect  
5 that.

6 Q. Do you remember if -- were any reasons given to you as to why you  
7 were being acquitted of those crimes?

8 A. Are you referring to the first trial or the second? There were  
9 two in Zadar and ...

10 Q. The first one, the one in Zadar.

11 A. We were acquitted in respect of Gosici and Varivode. It was said  
12 there was no evidence that we had perpetrated these offences and for --  
13 and as for the other suspects in respect of other crimes, they were  
14 convicted.

15 Q. Were you aware -- were you told by the judge in Zadar or anyone  
16 else that the reason you were acquitted was because the -- the statement  
17 you gave to the police and the investigative judge was unreliable and  
18 inconsistent with other evidence?

19 A. No. Rather, he was able to see that for himself, once he  
20 attended the scene and the reconstruction of the events. He was able to  
21 satisfy himself that we were not the perpetrators. He didn't comment on  
22 the statement taken by the police, although we had told him that he had  
23 been mistreated.

24 MR. HEDARALY: I just move on, Mr. President.

25 The judgement is in evidence and has -- has all the details.

1 Q. Now, about the second -- the second trial in Sibenik, you said  
2 that the state attorney's office abandoned prosecution. Were you ever  
3 told why?

4 A. They didn't say anything but the papers did. I have a newspaper  
5 article with me in the hotel which says that for four, six years people  
6 who had not committed crimes were being tried, while there was evidence  
7 indicating that other perpetrators existed. This isn't something that  
8 the prosecutor himself stated. This was the papers. Even the judge in  
9 Zadar made a statement, which I have a copy of in the hotel, that it was  
10 not the actual perpetrators who were being tried in Sibenik.

11 Q. Did you show these newspapers articles to the members of the  
12 Defence when you talked to them yesterday?

13 A. Yes, I did.

14 MR. HEDARALY: Your Honour, I don't know if the Chamber is  
15 interested in those -- in those newspaper articles that the witness has  
16 at his hotel. I don't think it is critical in light of the evidence, but  
17 I leave it in the Chamber's hands.

18 JUDGE ORIE: Mr. Kehoe.

19 MR. KEHOE: I'm sure counsel can get them on a wire service.  
20 They were public newspaper articles regarding these events. Which -- the  
21 wire service articles that the Office of the Prosecutor gets on a daily  
22 basis, so I'm sure they can get these. I don't have them. I never took  
23 anything from the witness.

24 JUDGE ORIE: Yes. Of course, we haven't seen those newspaper  
25 articles, and I do not know exactly from what date they are. It might

1 not be easy to retrieve them.

2 Would you mind to give a copy to Mr. Hedaraly of those newspaper  
3 articles?

4 THE WITNESS: [Interpretation] I have all the newspapers on me.  
5 The journalists wrote these articles at the time of these trials, 1995,  
6 1996, or 1997. For as long as three trials lasted.

7 JUDGE ORIE: Mr. Hedaraly, again it is up to you if you are  
8 interested to --

9 MR. HEDARALY: I mean I would be interested --

10 JUDGE ORIE: [Overlapping speakers]... for the Chamber, then ...

11 MR. HEDARALY: I mean, maybe the best way is if we get a copy, we  
12 can make a selection if we deem anything is -- could assist the Chamber  
13 in this case.

14 JUDGE ORIE: Yes. The witness refers to what was written at the  
15 time about the event.

16 Would you mind if through the intervention of the Victims and  
17 Witness Section that you would give the relevant newspapers to us so that  
18 they can be copied and that you get the originals returned to you?

19 THE WITNESS: [Interpretation] Very well.

20 JUDGE ORIE: Would you also assist us to find in those newspapers  
21 where exactly the relevant articles are found.

22 THE WITNESS: [Interpretation] I don't have complete newspapers.  
23 These are article clippings. I cut out the relevant articles, indicating  
24 that there are other suspects, et cetera.

25 JUDGE ORIE: Yes.

1           Mr. Registrar, could you inform the Victims and Witness Section  
2           that they assist in receiving from the witness the newspaper clippings,  
3           and that they will be copied, and the originals to be returned to him.

4           Please proceed, Mr. Hedaraly.

5           MR. HEDARALY: Thank you, Mr. President.

6           If I can have 65 ter 7310 on the screen.

7           Q. And you mentioned you were never given a reason by the prosecutor  
8           why it was dropped. Let me show you the statement of reasons.

9           MR. HEDARALY: Go to the statement of reasons as to why the  
10          indictment against you was dropped in Sibenik. Go to the second page of  
11          that document.

12          Q. It says many things. The portion I'm interested in is in the  
13          middle of English. It says:

14                 "Namely, the heard witnesses who resided in Gosic and Varivode at  
15          the time of perpetration of the crimes indicated a completely different,  
16          bigger number of the perpetrators and a completely different way of  
17          perpetration of the crimes ..."

18          And there's some more detail.

19          MR. HEDARALY: Just move to the next page of the English, the  
20          last paragraph of the text.

21          Q. It says:

22                 "Since these first statements of the accused, which I reiterate  
23          by their content objectively, were never an unexplicit, unequivocal, and  
24          complete confession of the crimes, were completely eliminated as true and  
25          reliable during the repeated procedure of the trial before the court. So

1 with the lack of any other facts and evidence, that would be the ground  
2 for establishment of the criminal responsibility of the accused for the  
3 mentioned crimes, the quoted indictments should be dropped."

4 Mr. Perkovic, is that consistent with your understanding as to  
5 why the indictment against you was dropped by the Sibenik court?

6 A. Well, I was able to see that the witnesses themselves testified  
7 that there was a larger group of individuals involved. I understood this  
8 to have been the reason why the charges were dropped. They heard these  
9 difference statements and concluded that we were not the perpetrators.

10 MR. HEDARALY: Mr. President, if could I tender 65 ter 7310 into  
11 evidence.

12 MR. KEHOE: No objection, Judge.

13 JUDGE ORIE: Mr. Registrar.

14 THE REGISTRAR: Your Honours, that becomes Exhibit P2558.

15 JUDGE ORIE: And is admitted into evidence.

16 Please proceed.

17 MR. HEDARALY: Thank you.

18 Q. Mr. Perkovic, to your knowledge, is it -- has the investigation  
19 into the crime -- the murders in Gosici and Varivode, have they been  
20 solved to this day?

21 A. No. Nobody has been convicted for that, and nobody knows who  
22 committed the crime.

23 Q. And now you stated earlier that -- in your testimony a little  
24 earlier when you gave that long response and then the Judge asked you  
25 some follow-up questions, that, essentially, and I'm paraphrasing you, I

1 don't believe that's correct, that in your opinion the police were not  
2 interested in -- in finding the perpetrators, but just to charge someone.  
3 Is that right?

4 A. The police didn't do their job properly. They didn't conduct a  
5 reconstruction on the scene of the crime. They didn't find bullet  
6 casings, et cetera. Evidently, since they didn't go about doing it, they  
7 didn't feel it was in their interest to do so. It was only on the basis  
8 of the statements that were forced out of us and on the basis of what we  
9 said in the courtroom that they were trying to have us convicted, rather  
10 than on the basis of the evidence that existed on the ground. The pace  
11 of it all was a very accelerated one. I'm referring to Gosici and  
12 Varivode, not to the other cases.

13 Q. And you mentioned earlier today in your answers, in one of your  
14 first answers to my questions, that they were under a lot of pressure to  
15 process someone. Can you tell us what -- do you know what was the basis  
16 of that pressure?

17 A. In my opinion, they wanted to find the perpetrators and to have  
18 the perpetrators processed. I know that there were quite a few soldiers  
19 who were in detention with me who were brought to justice. So the  
20 general tendency was to have all the perpetrators of crimes punished.  
21 It's just that it was not done in respect of Gosici and Varivode. I know  
22 that, in general, soldiers were being punished for the crimes they did.  
23 Why it was not done in this case, I don't know.

24 Q. And when you were saying they were being punished for the crimes  
25 they did, what crimes -- what type of crimes are you referring to?

1 A. Individual cases of murders of civilians.

2 Q. And do you know any -- any -- any specific examples of people  
3 being punished for murders of civilians?

4 A. Well, we just heard about them. Ivica Petric; the individual,  
5 Lasan from Vodice; Mario Dukic, who was with me in the prison; Zec, who  
6 was convicted for wounding the old lady; then there was another one who  
7 was commander of mine during the war. Apparently there was an old woman  
8 who was about to throw a hand-grenade, and he killed her, and he is just  
9 now serving his six-year sentence. The trial went on for quite a while.

10 So I know of several such cases where people were tried and  
11 convicted. There was even mention of a village just above Sibenik. Some  
12 people were suspects in the murder of certain elderly people. The first  
13 accused in that case absconded. He left Croatia. This is the case  
14 involving the place called Prukljan, where an old man and woman were  
15 killed. The other co-accused in the case are still being tried. There  
16 were four of them. Three are in are in the prison, whereas one of them,  
17 who was the first accused, absconded.

18 JUDGE ORIE: Mr. Misetic.

19 MR. MISETIC: Mr. President, just two issues. I believe in page  
20 76, line 10, the witness described the ethnicity -- I'm sorry.

21 JUDGE ORIE: I have page 76, line 10, I have a question. So I  
22 have some --

23 MR. MISETIC: I'm -- apparently the numbering is off in the  
24 LiveNote on the ...

25 JUDGE ORIE: I will have a look at it. One second.

1 MR. MISETIC: It's line 11 on the LiveNote on the main system,  
2 but there is one line off on the system on my computer, so it's line 10  
3 in my --

4 JUDGE ORIE: It was part of the answer as well?

5 MR. MISETIC: Yes.

6 And then there is a second issue, which is I'm told there was the  
7 name of one additional perpetrator that was missed.

8 JUDGE ORIE: Yes. The first, I think --

9 Murders of civilians, did you refer to Serb civilians?

10 THE WITNESS: [Interpretation] Yes, Serb civilians.

11 JUDGE ORIE: Yes. You mentioned quite a number of persons that  
12 were put to justice. You mentioned Ivica Petric, Zec. And did you  
13 mention another person in this context?

14 THE WITNESS: [Interpretation] The little guy called Lasan or Laso  
15 and Sunjerga, Zeljko Sunjerga, who is serving his sentence right now. He  
16 was convicted in respect of an old woman. And he is serving a six-year  
17 sentence. Apparently she had a hand-grenade under her dress, and was  
18 about to throw it to him. At any rate, he was sentenced to six years of  
19 imprisonment.

20 Then is there a Mario Dukic, I mentioned him as well. He was  
21 with me in the detention, and he was sentenced to six years.

22 JUDGE ORIE: Thank you for this explanation.

23 Mr. Hedaraly, please proceed. I'm also looking at the clock.

24 MR. HEDARALY: I did that too. And I think this is the right  
25 time for the break. I do think that if I am finished today, there will



1 not be much time left for the next witness.

2 JUDGE ORIE: The next witness to be released, doesn't have to  
3 remain stand by.

4 MR. KEHOE: Yes, Mr. President.

5 Thank you, counsel.

6 JUDGE ORIE: We will have a break, and we'll resume at ten  
7 minutes to 1.00.

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

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

10 JUDGE ORIE: Mr. Hedaraly, please proceed.

11 MR. HEDARALY: Just two very brief procedural matters,  
12 Your Honour.

13 Mr. Kehoe has informed us that he will not object to the two  
14 exhibits that were MFI'd, P2556 and P2557.

15 MR. KEHOE: That's right.

16 JUDGE ORIE: Yes, therefore, I take it that Mr. Hedaraly would  
17 not misinform the Chamber.

18 P2556 and P2557 are admitted into evidence.

19 MR. HEDARALY: Thank you, and the second issue was with respect  
20 to the witness discussed, Bogdan Brkic [phoen], it was a mistake in  
21 e-court that the statement was admitted under seal, there were never a  
22 protective measures motion being filed for him, so therefore I know the  
23 redaction has been made, but there is no need to redact a reference that  
24 was made. And both parties apologise for the confusion and the mistake.

25 JUDGE ORIE: Your apologies are accepted.

1 MR. KEHOE: Mr. President, you know -- my -- I am just being  
2 showed something by Ms. Katalinic. Apparently, whether it was a mistake  
3 on our part, I think, Mr. President, the order has under seal. You  
4 admitted under seal. So --

5 JUDGE ORIE: We'll review everything in relation to this.  
6 Mr. Registrar will assist me, and we'll inform you about the results.

7 [Trial Chamber and registrar confer]

8 JUDGE ORIE: It will be resolved, and all of the information of  
9 the parties will be checked.

10 Please proceed.

11 MR. HEDARALY: Thank you, Mr. President.

12 Q. Mr. Perkovic, in an answer earlier today at draft transcript 64,  
13 lines 7 and 8, we were talking about being interviewed by the police, you  
14 also said:

15 "They also brought me a paper stating that I was discharged from  
16 the Croatian military."

17 Can you please explain to us what happened and what you were  
18 told.

19 A. I really don't know what happened. When I was being abused, they  
20 simply put a piece of paper on the table and told me, As of today, you  
21 are no longer with the armed forces. Sign it. And so I did.

22 Q. Now, to your knowledge, the day you were arrested, you were still  
23 a member of the 15 Home Guard Regiment?

24 A. Yes.

25 Q. You also participated in the -- actually, let me strike that.

1                   Let me just -- one last thing. Were you told anything else about  
2 why you were signing that form?

3           A.    No, they didn't say anything.

4           Q.    Were you given a choice as to whether you could sign it or not?

5           A.    No. They just put it in front of me and said, Sign it.

6           Q.    Thank you. You also participated in the liberation of Grahovo  
7 prior to Operation Storm; is that correct?

8           A.    For a month, we were deployed along the lines at the Sator  
9 mountain. We were there until Grahovo was liberated, and then we left.  
10 We were included in the operation in Grahovo.

11          Q.    So you were part of one of the units that actually took back  
12 Grahovo for the Croatian army; is that correct?

13          A.    No, we didn't advance towards Grahovo. We just spent one month  
14 prior to its liberation there, and then, on one morning, the operation  
15 took place in Grahovo, and we left the next day. But we did not go into  
16 Grahovo itself. We were replaced, and then it was that shift that moved  
17 slightly towards Grahovo.

18          Q.    Do you have any knowledge about looting and burning that occurred  
19 in Grahovo after it was liberated?

20          A.    I don't. We were not in the field.

21          Q.    Okay. Now, during Operation Storm, your job was to mop up or  
22 clean the terrain; is that right?

23          A.    That was after Operation Storm. During Operation Storm, we had a  
24 different task.

25          Q.    Can you tell us what your task was during Operation Storm?

1           A.    Our task was to leave Skradin on the 4th, during the night. We  
2    had to take the villages of Ljubicici and Tepici just following the  
3    village of Laskovice. We had one group advance towards the enemy, and  
4    we, as part of the other unit, circumvented it coming from the back. We  
5    fought that whole day, and the next day around 10.00, we were replaced by  
6    other troops who penetrated the lines. By that time Knin had fallen, and  
7    then they withdrew. We went home for a few hours to wash and went back  
8    in the field.

9           We spent the night there, and then what followed was the  
10   continuation of the operation to Kistanje. We followed the tank. We  
11   didn't take the main road, but we went another way. And passing through  
12   the villages, we saw some civilians who remained. No one touched them or  
13   anything, and when we got in Kistanje, we realized that they had just  
14   left the village, because the food on their tables was still warm.

15          Q.    And let me go back to the mopping up, or the terrain cleansing in  
16   which you were involved after Operation Storm. And you said earlier in  
17   answer to one of the Presiding Judge's questions, that you were not given  
18   specific instructions as to where to go. You would simply spread out and  
19   look for enemy soldiers.

20          Is that right?

21          A.    Our task was to mop up the village, to see whether there are any  
22   leftover enemy soldiers or weapons. It's not that that we were allowed  
23   to with wonder about like sheep, but we were given the task of mopping up  
24   that particular village. It was in the Zrmanja area. There were several  
25   villages there, and some of our troops were sent to one village and then

1 others to the other, et cetera.

2 Q. And the specific instructions you were given was to go and make  
3 sure there were no enemy soldiers left behind; is that right?

4 A. Yes.

5 Q. Let me show you 65 ter 7312, staying with this mopping-up issue.  
6 And this is the testimony of your platoon commander, Mr. Gojevic, during  
7 your trial.

8 MR. HEDARALY: If we can go to page 11 in the English. I believe  
9 it's going to be the page marked with the number -- or stamped 0874 in  
10 the B/C/S.

11 Q. And there your platoon commander, Mr. Gojevic, at the top is  
12 discussing about terrain cleansing and he says:

13 "This meant, as I understood it, to search the terrain and find  
14 the enemy's soldiers, if there were any; and before the order to go to  
15 this field trip, we were not particularly told how to deal with the  
16 civilians. We did not have any special orders regarding dealing with the  
17 civilians; but, of course, nobody told us that it is allowed to set the  
18 fires, to loot, or to kill either, as you ask. For me, personally the  
19 meaning of terrain cleansing was clear."

20 Now, Mr. Perkovic, is it true that you were not particularly  
21 instructed as to how to deal with civilians?

22 A. Not in Zrmanja. But prior to Operation Storm, in Skradin, the  
23 chief commanding officer there did caution to us take care of civilians,  
24 so as to avoid any murders of Serb civilians. That was at the very  
25 outset of Operation Storm, and I suppose, later on, I didn't need to be

1 told anything on top of that.

2 Q. So the specific order that you got before Operation Storm, if I  
3 understood you correctly, was to take care of civilians so as to avoid  
4 any murders of Serb civilians.

5 Is that right?

6 A. Yes, it is.

7 Q. Were you given any specific caution, in terms of looting or  
8 burning houses?

9 A. I don't recall anyone saying anything about that. I don't think  
10 we were told that. I don't remember.

11 Q. You mentioned Kistanje earlier on, that you arrived in Kistanje.  
12 Can you remember when you arrived Kistanje?

13 A. We arrived in Kistanje -- well, Operation Storm was launched on  
14 the 5th; that was day one. Within two days, I think. We arrived in  
15 Kistanje on the 6th.

16 Q. Would it change your answer if I told that you Operation Storm  
17 was launched on the 4th of August and not the 5th of August?

18 A. We had an operation on the 4th, we were replaced subsequently, we  
19 spent the night on the 5th. And the, 6th we were in Kistanje. The 4th  
20 was Operation Storm was launched. Then we went to the two villages I  
21 referred. We fought there the whole day and night, went back home for a  
22 few hours, then spent the night in the fold field. And I think on the  
23 6th in the morning or around noon, we were in Kistanje.

24 Q. Is it possible that you arrived in Kistanje on the 5th of August?

25 A. It is not. If the operation was launched on the 4th, then the

1 night between the 5th and 6th, we spent in the field on a meadow, and on  
2 the morning of the 6th, we went in Kistanje.

3 Q. Let me show your Official Note from 16 October, D1539. And in  
4 the fifth full paragraph, you say:

5 "The launch of Operation Storm, his unit received the task of  
6 mopping up two villages north of Rupe. They went into action during the  
7 night at around 3.00 or 4.00." So that is the night before the 4th of  
8 August. "The same day they entered the aforementioned places where they  
9 spent one day and night, until they were relieved. The next day they  
10 went into action for the liberation of Kistanje where they also sent one  
11 day and night."

12 My question for you is: Is it possible that you're mistaken and  
13 that you were in Kistanje on the 5th of August?

14 A. No. On the 4th is when Operation Storm began. Our task was  
15 Ljubicici and Tepici. We spent the whole day and night there. The next  
16 day we went home. And on the third day, the 6th, we went to Kistanje.

17 Q. Go ahead.

18 A. On the 4th and the 5th, it was when the Ljubicici-Tepici  
19 operation took place. We were relieved on the 5th, went home, and then  
20 went back in the field. The, next day, it was Kistanje, the 6th.

21 MR. HEDARALY: Let me show you one more document, and we'll leave  
22 this topic after. If can I have 65 ter 2884. This is a report of the  
23 operation written by General Gotovina. And if we go to page 3 at the  
24 bottom. Page 2 in the B/C/S. Actually, it's page ... page 2 in the  
25 version I have. Go to page 3, please, in the English. In the B/C/S, you

1 see in the middle, it says: "Day two of the offensive operation."

2 You see it says:

3 "15th DP," which is 15 Home Guard Regiment, "captured the general  
4 Kistanje area."

5 And I don't want to insist on this, but I'll just ask you again  
6 if it is possible you were there on the 5th, and if you still believe you  
7 were there on the 6th, that's fine. But I want to show that you document  
8 to you and ask you if that changes your recollection at all.

9 A. On the 4th we went to Ljubicici and Tepici. That was our task.  
10 We spent the whole day and the whole night there. On the 5th we were  
11 relieved to go home, spend the night in the field, when we returned. And  
12 on the 6th, we went into Kistanje.

13 MR. KEHOE: Just for clarification, if we could just turn the  
14 page and just take a look at -- I think it's on the next page, it is it  
15 not, Counsel?

16 JUDGE ORIE: Mr. Hedaraly.

17 MR. HEDARALY: Yes, that's right. It's on the screen now. The  
18 B/C/S was the right one, but now we see the English. Thank you, counsel.

19 Q. That's fine, Mr. Perkovic. Thank you for your answers.

20 MR. HEDARALY: If I can tender 65 ter 2884.

21 MR. KEHOE: I will just take a look at it, Mr. President, We can  
22 MFI. But I don't think I have any objection, if I could just take a  
23 glance at it.

24 JUDGE ORIE: It will be MFI'd for the time being.

25 THE REGISTRAR: Your Honours, 65 ter 2884 becomes Exhibit P2559,



1 marked for identification.

2 JUDGE ORIE: Thank you, Mr. Registrar.

3 Please proceed, Mr. Hedaraly.

4 MR. HEDARALY: Thank you, Mr. President.

5 Q. Now, when you were in Kistanje on the 6th, as you -- as you have  
6 testified that you were, did you notice any looting taking place in  
7 Kistanje?

8 A. No, not that day.

9 Q. When did you see looting in Kistanje?

10 A. The next day, in the morning. We were supposed to go home. A  
11 truck came by with some goods on it, and they said they were going back  
12 to Vodice. I asked if I could get a ride, since we could go home. We  
13 got up, and they stopped along the road. We went to relieve ourselves.  
14 Someone came up. There was some shouting. I asked him what it was all  
15 about, and they said that a general was there shouting at them for taking  
16 away those items, asking what kind of soldiers were they to loot. I  
17 think there was a person there, perhaps he was Krsticevic or someone  
18 else, in any case, a general came in a car that was on the main road, and  
19 he asked him why they were looting.

20 Q. Just to make sure that I understand, was that truck carrying  
21 goods from the houses in Kistanje, from the Serb civilian houses in  
22 Kistanje?

23 A. From Kistanje, yes.

24 Q. And --

25 A. I think that was from Kistanje. The truck was there. I asked

1       them if I could hitch a ride.  But I don't know their names.  We left  
2       Kistanje the next day.

3           Q.    And did you see any HV soldiers loading up goods on that truck?

4           A.    I didn't see anyone do that.

5   [Prosecution counsel confer]

6           MR. HEDARALY:

7           Q.    And what did -- this general, you said he was shouting at them.  
8       Did he do anything to prevent the truck from leaving?

9           A.    He shouted at them, asking what kind of soldiers they were for  
10       taking items away.  They simply went on, passed by the check-points and  
11       the police, and I suppose they took that stuff home.

12          Q.    So the general did not stop them from taking the property on the  
13       truck; correct?

14          A.    He didn't prevent them.  He only shouted at them.

15          Q.    And you said that was the day after you arrived in Kistanje; is  
16       that correct?

17          A.    Yes, in the morning.

18          Q.    Let me show you P980, and maybe that can also help with the  
19       dates.

20               MR. HEDARALY:  This is a statement of a witness who arrived in  
21       Kistanje 10.00 on the morning of August 6th.  And he says something  
22       similar to what you have stated, so that we can get the timing right.

23               If we go to page 8 of the statement of Mr. Dawes.

24               MR. KEHOE:  Excuse me.  Mr. President, he already said at the  
25       time.  I mean, he is trying to change the time after the witness has

1 given him the time. So now he has --

2 JUDGE ORIE: How --

3 MR. HEDARALY: Your Honour, I don't want to -- I don't know if we  
4 want to address it in front of the witness, but there's a -- there's a  
5 date issue, and that statement -- I have put the matter to the witness.  
6 Now that statement is going to either --

7 JUDGE ORIE: Yes. Do we have to go then, if you say there is  
8 another witness who said -- perhaps, not to put the whole of the  
9 statement. It is all about the date.

10 MR. HEDARALY: It's about the date, and it's linked to the event  
11 that he saw, which matches what he saw. And that is in evidence,  
12 Your Honour, so I have explored the matter with the witness.

13 MR. KEHOE: And here is the issue. The issue is that he has been  
14 asking him about this particular date in various different forms, and he  
15 obviously doesn't like the date that's given to him. But that's the date  
16 he says. That's the bottom line.

17 JUDGE ORIE: Is it just about the date, or about the observations  
18 on what that witness saw and what this witness has told us? If that  
19 is --

20 MR. HEDARALY: It's about both.

21 JUDGE ORIE: About both. Then try to -- let's try to get it  
22 separate.

23 If you could just for my information, without yet putting it to  
24 the witness, you said it was P8980.

25 MR. HEDARALY: At P980 at page 8.

1 JUDGE ORIE: Let me just have a look.

2 MR. HEDARALY: And I believe the page --

3 JUDGE ORIE: One second. You said page -- page 8.

4 Could you further assist us as to the paragraph. And is it  
5 page 8 in e-court, or is it -- that's the same, I see.

6 Do you have any specific paragraph in mind, Mr. Hedaraly?

7 MR. HEDARALY: I'm -- my e-court seems to be -- I believe it's  
8 the second full paragraph. But I'm getting it up right now, and I'll ...

9 JUDGE ORIE: I -- hardly could be the second full paragraph,  
10 which is not specific for any ...

11 Is --

12 MR. HEDARALY: Page 9.

13 JUDGE ORIE: Page 9.

14 MR. HEDARALY: I'm sorry, it was page 9, Mr. President. It's my  
15 mistake.

16 JUDGE ORIE: Let's have a look.

17 MR. HEDARALY: And the second full paragraph talks about the  
18 timing. And then the next paragraph about his observations.

19 JUDGE ORIE: On page 9, second full paragraph, I have no date  
20 yet, so I'm afraid I have to go back to the next page --

21 MR. HEDARALY: It's the bottom of the page before.

22 JUDGE ORIE: Yes. We have one piece of testimony which not  
23 necessarily contradicts what this witness tells us, isn't it?

24 MR. HEDARALY: Well, not necessarily, Your Honour, but I think --

25 JUDGE ORIE: [Overlapping speakers] ...

1 MR. HEDARALY: It can be put --

2 JUDGE ORIE: Let's see whether we can --

3 There was some discussion, Mr. Perkovic, about the day on which  
4 you arrived Kistanje. This Chamber has heard evidence on events on the  
5 6th of August, which refers to Kistanje, and tells about looting of  
6 items, such as TV sets, stereos, small tractors. Are you certain about  
7 the date you described?

8 THE WITNESS: [Interpretation] That isn't true.

9 JUDGE ORIE: [Previous translation continues] ... it's evidence  
10 received before this Chamber. But you have a -- have you been in  
11 Kistanje the day before you said you were there?

12 THE WITNESS: [Interpretation] No. No. We were the first to  
13 enter Kistanje on the 6th, and there was no looting or burning. Two  
14 houses may have been on fire. What was involved in was the mopping up of  
15 the village in search of enemy soldiers or weapons. And we managed to  
16 find several rifles or pistols in the village. It was only on the  
17 following morning that we were relieved, on the 7th, and were able to go  
18 home. I'm telling you that this is the way things happened.

19 JUDGE ORIE: As you said, you went home and got transportation  
20 from a truck which was passing. Is that ...

21 THE WITNESS: [Interpretation] Yes, it was passing there. It had  
22 been to Kistanje and was loaded full of items.

23 JUDGE ORIE: [Previous translation continues] ... what time --

24 THE WITNESS: [Interpretation] On the 7th, in the morning.

25 JUDGE ORIE: What time, approximately, in the morning, if you

1 remember?

2 THE WITNESS: [Interpretation] At around 10.00 or 11.00 a.m.

3 JUDGE ORIE: Mr. Hedaraly, please proceed.

4 MR. HEDARALY:

5 Q. Can you tell us who relieved you in Kistanje?

6 A. I don't know that. I wasn't interested in knowing exactly who it  
7 was. I knew it was our army. I didn't know which particular unit. We  
8 were very tired, and we only wanted to advance in that area. I wasn't  
9 interested in those details.

10 Q. Were you aware that a member of the 113th Brigade told this Court  
11 that by the 6th of August, 35 to 30 per cent of the town was already  
12 destroyed when he arrived in Kistanje?

13 A. That was not the case; I'm sure of it.

14 MR. KEHOE: If I may.

15 JUDGE ORIE: What the witness told us, I take it, that you want  
16 to say that what this witness may have told this Court is, as far as you  
17 know, not correct. Is that what you wanted to say?

18 THE WITNESS: [Interpretation] Not that many were on fire. That's  
19 for sure.

20 JUDGE ORIE: Thank you.

21 MR. KEHOE: Mr. President, just by way of clarity, that witness  
22 was Mr. Gojanovic that gave that testimony.

23 MR. HEDARALY: I --

24 JUDGE ORIE: And ...

25 THE WITNESS: [Interpretation] We spent the night in Kistanje.

1 The army was billeted in the various houses and slept there.

2 JUDGE ORIE: I think you have answered the question. I do not  
3 know what the name of the witness adds.

4 MR. HEDARALY: Yeah. I was -- I mean, I'm trying to follow the  
5 Chamber's guidance in asking the questions. And --

6 MR. KEHOE: Well, I think is it certainly pertinent for the  
7 Chamber when counsel is referring to a witness who that witness was.

8 JUDGE ORIE: Oh, yes. You just wanted to assist the Chamber.  
9 That is appreciated.

10 Please proceed, Mr. Hedaraly.

11 MR. HEDARALY:

12 Q. You said not that many houses in Kistanje were destroyed. Did  
13 you go back to Kistanje after the 6th of August -- or after the 7th, when  
14 you left?

15 A. We went along the road towards Zrmanja, which goes past the  
16 village of Kistanje, or, rather, we went through the village of Rudele  
17 which is beyond Kistanje and then on towards Zrmanja.

18 Q. Did you ever see the village of Kistanje after the 7th of August?

19 A. Yes, I did. And more houses were on fire than was the case on  
20 the first day.

21 Q. Let me show you P2349, which is a report from the Sibenik  
22 Operations Group. It's at page 6 at the bottom in the English, page 4 at  
23 the bottom in the B/C/S. And there's a statement there that I want to  
24 ask you about.

25 And the statement says -- it should be page 6 in the English, I

1 believe. The second item, 8.

2 MR. KEHOE: Counsel, I think it's 5 in the English.

3 MR. HEDARALY: Thank you, Counsel. My apologies. Here we go.

4 Thank you.

5 Q. It says:

6 "The behaviour of the Croatian army when entering settled areas  
7 was correct, but when the above-mentioned settlements, in particular  
8 those with Serbian population were taken, the unit commanders lost  
9 control over their units which resulted in a large number of burned  
10 houses and many instances of looting, in particular, in the area of  
11 Djevraska, Kistanje, and Drnis."

12 Is what is reported here consistent with your observations at the  
13 time?

14 Yes, I'm asking if that is consistent with what you observed at  
15 the time.

16 A. When we were at Zrmanja, and when we were going back, I only saw  
17 that there were army units which supplied food and water to the civilians  
18 in an organised manner. So I only know about Serb civilians, a lot of  
19 them elderly, who organised food supplies. So right after we went  
20 through the area, we were followed by Red Cross officials, offering food  
21 to Serb civilians.

22 JUDGE ORIE: Mr. Hedaraly, I'm looking at the clock. There may  
23 be a need for further questions, I do not know, Mr. Kehoe, whether you  
24 would need much time. There may be some questions from the Bench.

25 MR. KEHOE: Briefly, Mr. President.



1 JUDGE ORIE: Briefly means?

2 MR. KEHOE: Five minutes.

3 JUDGE ORIE: Five minutes.

4 MR. Hedaraly, how much time would you still need? There may be  
5 some questions from the Bench as well.

6 MR. HEDARALY: I will try to finish in the next five minutes.

7 JUDGE ORIE: Yes, please do so.

8 MR. HEDARALY: I'm just reminded, I did not tender 65 ter 7312,  
9 the testimony of the platoon commander. Before I forget, if we could do  
10 that at this time.

11 MR. KEHOE: No objection.

12 JUDGE ORIE: Mr. Registrar.

13 THE REGISTRAR: Exhibit P2560, Your Honours.

14 JUDGE ORIE: And is admitted into evidence.

15 MR. HEDARALY: Thank you, Mr. President.

16 Q. Did you see any other instances of soldiers burning houses, other  
17 than the ones in Kistanje?

18 A. On my way through the village of Zrmanja, I saw houses that were  
19 burned. Quite a few civilians went into the village and looted.

20 MR. HEDARALY: If we can go -- just go back briefly to the  
21 statement you gave to the investigative judge on 17 October; that is  
22 P2556. And it is at page 5 of the English. It's is at page 4 of the  
23 B/C/S, at the bottom of the page in the B/C/S, and at the bottom as well  
24 in the English.

25 Q. And you say, talking about some of the people that may have been

1 killed, the last sentence said: "It was normal to come to a village and  
2 shoot around."

3 Can you explain to the Court what you meant by that statement.

4 A. These were certain individuals who, like, for instance, Radovic,  
5 would just go into a village and open fire. I didn't consider that  
6 individual to be any serious sort of person, this Radovic. He merely  
7 opened fire on the roofs on the walls of buildings. The intention wasn't  
8 to frighten any civilians who may have been there, but simply wilfully  
9 opening fire.

10 MR. HEDARALY: Mr. President, in the interests of time, I'll  
11 conclude my cross-examination.

12 JUDGE ORIE: Thank you, Mr. Hedaraly.

13 [Trial Chamber confers]

14 JUDGE ORIE: Judge Kinis has one or more questions for you.

15 Questioned by the Court:

16 JUDGE KINIS: Witness, I have some -- several questions for you.

17 The first I wanted to know approximately distance from your --  
18 I'm saying it's Vodice, your place where you are living, yeah, and this  
19 -- and place where your units were dispatched at that time. How long a  
20 distance it was? When you mentioned you travelling through different  
21 villages encountered in Google Maps, there was approximately  
22 93 kilometres. Is it correct, or it's -- it's not?

23 A. Do you mean the distance to Zrmanja or to Kistanje?

24 JUDGE KINIS: [Previous translation continues] ... to Zrmanja  
25 where your unit was located.

1           A.    Yes.  That would be the distance in kilometres.

2                    JUDGE KINIS:  Which means every day you were travelling back from  
3   Zrmanja to Vodice to spend the night?

4           A.    We engaged in sweeping terrain only during the day.  It was only  
5   for a short period of time that we -- some of us slept in the village of  
6   Rudele, while others still went home.  We would be sweeping the terrain  
7   in the direction of Zrmanja during the day and go home to spend the  
8   night.

9                    JUDGE KINIS:  How was organised this chain of command in your  
10  regiment, if you were allowed to freely to go to home and back, and there  
11  was no control at all?

12           A.    There was control.  The commander saw that he need not keep all  
13  the soldiers on the ground all the time.  Soldiers were tired, and so he  
14  instructed them to spend nights at home.  It was only elements of these  
15  men that spent nights in the field.

16                    JUDGE KINIS:  Did you travel by personal vehicles, or do you have  
17  some service cars?

18           A.    Both.  Military vehicles and civilian vehicles were used.

19                    JUDGE KINIS:  And, for instance, during operation -- during  
20  operation, you withdraw some sort of weapons.  How do you be -- treat  
21  with these weapons?  Did you submit these weapons to -- to your superior,  
22  and you should sign some documents that you receive?  Or is it just  
23  voluntary matter?

24           A.    The weapons that were found were not officially handed over.  
25  People who found weapons kept them.  But to tell you the truth, I don't

1 remember anymore whether the weapons were handed over or not. As for our  
2 personal side-arms that we were issued with, we would take those home.

3 JUDGE KINIS: And what happened with those weapons, afterwards?

4 A. Quite a few individuals who had these weapons at home handed them  
5 over to the police.

6 JUDGE KINIS: Thank you.

7 JUDGE ORIE: I have a few questions for you.

8 You told us that you returned on the 7th of August, and that a  
9 general shouted at soldiers, What kind of soldiers you are, looting? And  
10 you told us that you passed several check-points.

11 Do you remember check-points were manned by police, military  
12 police, the military? Could you tell us who manned those check-points.

13 A. Check-points were manned by both the civilian and military  
14 police, and I mean all the more important check-points.

15 JUDGE ORIE: Yes. Could you tell us how many check-points  
16 approximately you passed, because you came from Kistanje, you went to  
17 Vodice, which is a distance of some 35 kilometres. Is that ...

18 A. Two or three check-points, perhaps.

19 JUDGE ORIE: Two or three check-points.

20 And both civilian and military. And you said there was no  
21 hindrance in passing those check-points; you would just let through, is  
22 that --

23 A. No. Yes.

24 JUDGE ORIE: Could you describe what kind of goods were on the  
25 truck.

1 A. Cement mixer, TV set, that sort of thing.

2 JUDGE ORIE: Yes.

3 MR. HEDARALY: Just for the record, Your Honour, I think the  
4 answer at line 25, perhaps needs to be clarified.

5 JUDGE ORIE: Yes. I think I said you would just be let through,  
6 and that is what is in line.

7 Is there any dispute about that?

8 MR. KEHOE: No.

9 JUDGE ORIE: No.

10 Now, you told this general shouted at these soldiers. Was it --  
11 what kind of general was it? Do you know more specifics about --

12 A. I didn't see him. I was just about to pass water, and he yelled  
13 and went on about his business. It was -- it took a minute, perhaps.

14 JUDGE ORIE: You said you didn't see him. How did you know that  
15 the person yelling was a general, if you didn't see him?

16 A. Because the others ones told me so. I heard some sort of racket  
17 and then I asked what it was all about.

18 JUDGE ORIE: Yes. And did the others tell you whether this was  
19 a -- was it a HV general, or was it a ...

20 A. Yes, that's correct.

21 JUDGE ORIE: [Previous translation continues] ... that's what they  
22 told you.

23 You were a member of the 15th Home Guard Regiment, and you told  
24 us that you had to sign for your resignation when you were arrested. Had  
25 you been on active duty on, from the beginning from Operation Oluja?

1           A.    Yes, throughout. I didn't even know when I was signing the paper  
2           what it was I signed. When I signed it, they told me, As of this moment,  
3           you are no longer a Croatian soldier.

4                    JUDGE ORIE: Yes. And you had no been demobilized before that  
5           date; that is, before the 16th or 15th of October.

6           A.    No, not at all. I was out in the field at Ostrelj in Bosnia.  
7           When I came back from Ostrelj, they took me into custody.

8                    JUDGE ORIE: Yes. You told us about the nickname that was  
9           suggested to you, if I may so, by the police when you gave your  
10          statement, the nickname Matilda. Did never anyone called you  
11          Pero Matilda, or Matilda?

12          A.    Well, yes. They called me Matilda. I told you that I didn't  
13          have a nickname of any sort. And then they said, Well, since you own  
14          this bar, Matilda, we'll call you Matilda. So whenever there was a  
15          mention of Pero, then everybody would ask, Which Pero? And they say,  
16          Pero Matilda. That's how they knew me.

17                   JUDGE ORIE: Well, I understand you that this was invented only  
18          on the day when you were interviewed by the police, that then they came  
19          up with this suggestion and that -- or would there have been other  
20          peoples who would have called you Matilda at any earlier date?

21          A.    Well, I suppose they did call me Matilda. They'd call me Pero,  
22          and then if somebody didn't know which Pero they referred to, they would  
23          say Matilda. That's how it was.

24                   JUDGE ORIE: Yes. And that was prior to giving this statement to  
25          the police. You were aware that if Pero was not clear enough, that they

1 would call you Pero Matilda.

2 A. Yes.

3 JUDGE ORIE: Thank you.

4 A. They wouldn't say Pero Matilda. They would say Pero from  
5 Matilda, meaning the bar. That's how they would know me.

6 JUDGE ORIE: Which was named after your mother, isn't it?

7 A. Now, I know. Yes, yes, her name is Matilda.

8 JUDGE ORIE: Any further questions.

9 MR. KEHOE: Just very briefly, Mr. President.

10 JUDGE ORIE: Yes, Mr. Kehoe.

11 Further examination by Mr. Kehoe

12 Q. Mr. Perkovic, Judge Kinis asked you - this was at page 95, line  
13 20. Judge Kinis asked - excuse me, line 18 is the question - "did you  
14 travel by personal vehicles, or did you have some service cars?"

15 And your answer was: "Both. Military vehicles and civilian  
16 vehicles were used."

17 Sorry. Now, after Operation Storm, what did you drive around in?  
18 A military vehicle or a civilian vehicle?

19 A. There were military and civilian ones.

20 Q. And which was the civilian vehicle that you travelled around in?

21 A. I would sometimes use the Zastava that I took, and at other times  
22 I would take the military van we were issued with, Though I used the van  
23 more frequently than the Zastava car which you drove around Vodice.

24 MR. KEHOE: [Indiscernible]

25 JUDGE ORIE: Yes, I had -- I must admit that I had it on my mind,

1 a question which is to some extent related, Mr. Kehoe.

2 This statement you gave on the 16th of October talks about the  
3 Zastava. Now you told us that it was an abandoned car today, which you  
4 took. Where did you find it?

5 THE WITNESS: [Interpretation] I think it was around the village  
6 of Rudele, when we were out in the field. I think it was there.

7 JUDGE ORIE: But was it on the a road? Was it in a field? Was  
8 it in a yard of a house? Was it on a parking lot? Where did you find  
9 it?

10 THE WITNESS: {Interpretation] In the yard of a house.

11 JUDGE ORIE: Yes. And what made you believe that a car found in  
12 a yard of a house is an abandoned car? Apparently no one was sitting in  
13 it. But what made you believe on that -- in those early stages that it  
14 was an abandoned car?

15 THE WITNESS: [Interpretation] Because there were no civilians  
16 around. This was just one of the many abandoned vehicles. Since I  
17 didn't have a car of my own and I needed one to move about Vodice, I took  
18 it.

19 JUDGE ORIE: Yes. Did you know who was living in that house in  
20 which -- in the yard of which you found this car?

21 THE WITNESS: [Interpretation] No.

22 JUDGE ORIE: Was it a civilian house? I mean, was the house such  
23 that you would expect civilians to live in it?

24 THE WITNESS: [Interpretation] I don't know who lived in it. It  
25 must have been civilians. Who else?



1 JUDGE ORIE: [Previous translation continues] ... an ordinary  
2 house where you would find a family --

3 THE WITNESS: [Interpretation] Yes, it was a village.

4 JUDGE ORIE: Yes.

5 What did you finally do with the car? Did you keep it?

6 THE WITNESS: [Interpretation] I kept it, until the police took  
7 it. And I think they took it before I was detained. Because it didn't  
8 have a licence plate. It had not been registered.

9 JUDGE ORIE: Had you taken it off, the licence plate?

10 THE WITNESS: [Interpretation] It didn't have any plates.

11 JUDGE ORIE: Thank you for those answers.

12 Have my questions triggered any further need to --

13 MR. KEHOE: No, Your Honour.

14 JUDGE ORIE: Then, Mr. Perkovic, this concludes your testimony in  
15 this Court. I would like to thank you very much for coming to The Hague  
16 and for answers you've given on questions put to you both by the parties  
17 and by the Bench, and I wish you a safe trip home again.

18 THE WITNESS: [Interpretation] Thank you.

19 JUDGE ORIE: [Previous translation continues] ... escorted out of  
20 the courtroom.

21 [The witness withdrew]

22 JUDGE ORIE: Mr. Kehoe, let me first briefly deal with one  
23 matter, and I'd like to turn into private session for a second for that  
24 purpose.

25 [Private session]

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Page 19551 redacted. Private session.

1 (redacted)

2 [Open session]

3 THE REGISTRAR: Your Honours, we're back in open session.

4 JUDGE ORIE: Yes, Mr. Kehoe, briefly, please, because I know  
5 already with which of my colleagues I will have problems this afternoon.

6 MR. KEHOE: Yes, Mr. President, P2559 was MFI'd. We have no  
7 objection to its admission into evidence.

8 JUDGE ORIE: Then P2559 is admitted into evidence. I finally put  
9 on the record, I think, that we have some six documents which are part of  
10 the cluster for which we started. We have 3 to 400 words, and I leave it  
11 to you to add the 25 for all the next, and we would like to receive  
12 submissions in relation to that by the end of this week.

13 If there is no other matter, we will resume tomorrow, Wednesday,  
14 1st of July, quarter past 2.00 in the afternoon, in Courtroom II.

15 --- Whereupon the hearing adjourned at 1.56 p.m.,  
16 to be reconvened on Wednesday, the 1st day of July,  
17 2009, at 2.15 p.m.

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