

Milošević imao uticaja na bosanske Srbe, tvrdi general

Author: [IWPR](#)
[ICTY](#)

Day 246

Milosevic ran into trouble with his cross examination of two witnesses from the municipality of Doboj. Perhaps it was because, as he told witness B-1115, 'I know nothing about Doboj.' Whatever the reason, the majority of his questioning did not concern the crimes alleged to have happened in Doboj.

To witness B-1445, a local politician in Doboj, the Accused asked general questions about who was responsible for the break-up of Yugoslavia and whether Bosnia's declaration of independence caused the ensuing violence. Other questions concerned the Izetbegovic/Gligorov Plan for a peaceful solution of Yugoslavia's dissolution, formation of the Patriotic League, alleged BiH army offensives against Doboj, alleged attacks on the Yugoslav People's Army (JNA) in Sarajevo and Tuzla, the general arming of Muslims and a weapons shipment for the BiH forces from Austria. None of these addressed B-1445's testimony, which focused exclusively on the Serb takeover of Doboj.

It was the question about a planeload of weapons arriving from Austria that prompted Judge Richard May to lose patience. 'Here is a witness from Doboj. And you are making generalized points. I don't know what you think the purpose of cross examination is. It appears you think it is to put as much detail as you can about the Serb side generally. It is going on two years now. You must understand witnesses can only answer on matters where they have direct knowledge. There is no point asking or arguing about things he knows nothing about. You can call your evidence about planes from Austria if it is relevant. Now, ask something he can actually answer.' Milosevic argued, 'I cannot know in advance if the witness knows something or not.' Of course, Mr. Milosevic has the witness's written statement in advance and knows what he or she has been called to testify about. Court rules do not allow parties to go on 'fishing expeditions' to try to find something of use that the witness might know. Nor is it advisable to do so, as one might not like the fish one catches.

Immediately prior to B-1445's testimony, Judge May had warned the Accused about irrelevant questioning of witness B-1115, also from Doboj. B-1115's evidence concerned the Bosnian Serb attack on and fall of Gornja Grapska in Doboj municipality and events and conditions surrounding his subsequent 17 month detention. [See: CIJ Report 'Silent Witness: What the Public Doesn't Hear,' October 17, 2003]

Milosevic, however, spent much of his cross examination questioning B-1115 about alleged Muslim and Croat attacks on Doboj which occurred while the witness was imprisoned. The Accused asked a series of questions about alleged attacks on a number of Serbs and Serb villages, prompting the witness to answer, "[Y]ou must understand, for 520 days - 17 months - I was in the hands of the Serb Army." Ultimately, it prompted an intervention from Judge May as well, "You complain about not having sufficient time. All you do in cross examination is not to challenge the evidence, but to put a contrary complaint about what you allege Muslims did to Serbs. I don't know if you challenge that 37 civilians were killed in the attack. A series of contrary allegations is not a defense."

In other words, even if Muslims attacked Serbs at a later time, it does not justify or negate an earlier attack by Serbs on Muslims. Both can be true. Both can be crimes. The one at issue in this trial to which this witness is testifying is the Serb attack on Doboj. If that is established, and if it is connected to the Accused, the allegation or fact that Muslims later attacked Serbs is irrelevant in this trial. It does not cancel out the crime against the Muslims. Muslim or Croat attacks on Serb civilians are the subject of other proceedings.

As Judge May pointed out, Milosevic's extensive cross examination on irrelevant matters contributes substantially to the length of the trial. It also makes the prosecution case appear longer than it need be. As lead Prosecutor Geoffrey Nice has pointed out on more than one occasion, the Prosecution has taken less time presenting its case than Milosevic has on cross examination. A professional defense counsel would take far less time than Milosevic, even foregoing cross examination of many witnesses, especially crime base witnesses. Mr. Milosevic will not do that. While he now participates in the proceeding, generally following Tribunal rules, he continues to maintain he is merely using the opportunity to make his historical case on behalf of the Serbian Nation. Since that is irrelevant to the trial, the Trial Chamber properly intervenes to stop him from addressing matters irrelevant to the proceeding, though not soon or often enough.

Milosevic's reliance on the Court's practice of giving him an hour to cross examine 92 bis witnesses likely contributes to irrelevant and time-wasting cross examination. It not only affects the length of the trial but also the time he has available to rest and prepare his case. Not for the first time, the Accused works against his own interests.

Location: Balkans
Macedonia
Serbia
Kosovo

Topic: War crimes

Focus: Coalition for International Justice (CIJ) Trial Reports Archive

Source URL: <https://iwpr.net/sr/global-voices/milo%C5%A1evi%C4%87-imao-uticaja-na-bosanske-srbe-tvrdi-general>