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1 Wednesday, 25 June 2008

2 [Open session]

3 [The witness entered court]

4 [The accused entered court]

5 --- Upon commencing at 2.25 p.m.

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

8 THE REGISTRAR: Good afternoon, Your Honours. This is case  
9 number IT-03-67-T, the Prosecutor versus Vojislav Seselj.

10 JUDGE ANTONETTI: [Interpretation] Thank you, Madam Registrar.

11 Today is Wednesday, June 25th, 2008, and I greet our witness, the  
12 representatives of the OTP, Mr. Seselj, as well as everyone helping us.

13 We are holding this hearing in Courtroom II because there is Mr. Martić's  
14 appeal in Courtroom I, which is why we were sent to this courtroom.

15 Mr. Seselj's cross-examination will continue. Mr. Seselj, you  
16 have 28 minutes left.

17 WITNESS: WITNESS VS-1060 [Resumed]

18 [The witness answered through interpreter]

19 Cross-examination by Mr. Seselj: [Continued]

20 Q. Witness VS-1060, we left off with the topic yesterday, and that  
21 was the statement by Slavko Aleksic given to my legal advisers. From  
22 that statement, you were able to see that Slavko Aleksic is a citizen of  
23 Sarajevo, and from the very first days he took part in the civil war in  
24 Bosnia-Herzegovina as a Serb combatant, and so in that case what you said  
25 doesn't hold true, doesn't stand, that Seselj's men came to the Jewish

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1 cemetery. You agree that they were there already. They were Sarajevo  
2 citizens. Some of them joined the Serbian Radical Party later on,  
3 declared themselves as Serb Radicals, and the people used to refer to  
4 them perhaps as "Seselj's men" in the popular form?

5 A. Well, yes, they were either called "Seselj's men" or "Chetniks."

6 Q. Yes, "Chetniks," of course. I never forget to mention that

7 concept and term here, either.

8 Now I'd like us to look at a few documents that the Prosecution  
9 gave me, because I wanted to convince the Trial Chamber, as I was able to  
10 convince you, of some matters. They are documents which testify to the  
11 fact that Slavko Aleksic was, indeed, a citizen of Sarajevo, that he was  
12 politically active over there, he took part in the political life of  
13 Sarajevo, and later on he was militarily very active. He was active as a  
14 military man. And so I have here a document which was provided by the  
15 Prosecution. It was supposed to be a Prosecution exhibit, but as they're  
16 not going to use any of their exhibits, I'm going to use it as a  
17 provisional Defence exhibit. It's under 65 ter document 00995, and I  
18 hope you have that on e-court.

19 Mr. VS-1060, these are the minutes. Can we have it up on the  
20 screen? Yes. It is the minutes from the 13th meeting of the Serbian  
21 Democratic Party of Novo Sarajevo, held in the municipality building on

22 the 28th of February. It's an extraordinary session. 28th of February,  
23 1992, at 1700 hours.

24 Now, why is this meeting important? It is important because the  
25 president up until then of the Municipal Board of the Serbian Democratic

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1 Party was replaced. One of the initiators of this replacement was  
2 Slavko Aleksic. He was from the local board of Gornji Kovacici so would  
3 you take a look at the members of the Municipal Board and take a look at  
4 number 11 and you will find of Slavko Aleksic there, that name; is that  
5 right?

6 A. Yes.

7 Q. So on the 28th of February, 1992, he was still an official of the  
8 Serbian Democratic Party; do you agree with that?

9 A. I don't have any insight into that, nor do I know about that.

10 This is the first time I hear of it.

11 Q. All right, fine. But this document was disclosed to me by the

12 Prosecution, so you don't need to doubt its authenticity.

13 A. Well, I don't doubt its authenticity. I have the document before  
14 me.

15 Q. All right, fine. Now, this document shows at the end of  
16 February, 1992, he still wasn't a member of the Serbian Radical Party;  
17 isn't that right? He became a member somewhat later on? Slavko Aleksic  
18 doesn't remember the exact date, to be quite frank, because when he  
19 joined up, it just says "1992," and doesn't have the exact date. But,  
20 anyway, that was somewhat later, and to the best of my recollections it  
21 was in the second half of 1992, but that's not important.

22 So this, then, is the first document that the Prosecution  
23 provided me with, and, Judges, since it had these documents in its hands,  
24 it could have rationalised the indictment a little bit and not to hold me  
25 accountable to something they know is a losing battle from the start.

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1 Then we have another document. It is document -- a document once

2 again disclosed by the Prosecution, and it is a document under 65 ter.

3 The number is 1478. 1478 is the document number, so may we have that  
4 displayed on our screens, please, as well.

5 And this is a document dated the 1st of July, 1992. The document  
6 is from the Ministry of Interior of the Serbian Republic of  
7 Bosnia-Herzegovina, The Security Services Centre Sarajevo, The Novo  
8 Sarajevo Public Security Station; and after that we have a list of the  
9 members of the reserve force of the police who executed duties and  
10 assignments of policemen in the Public Security Station of Novo Sarajevo  
11 and who needed to be paid our their salaries for June 1992. And the  
12 amount there is 6.000 dinars.

13 Do you see that?

14 A. Yes.

15 Q. We're now going to look for the name here, the name of  
16 Slavko Aleksic. Here he is on page 2.

17 Turn to page 2, please, and his name comes under 137 corrected to  
18 number 133. Can we see that portion? It's in the second shorter column,

19 the second from the right, "Slavko Aleksic," his signature that he  
20 received a salary for the month of June.

21 A. Then that's probably how it was.

22 Q. Then at the bottom there is the signature of Arsenije Skipina,  
23 the Novo Sarajevo command, and that means that Slavko Aleksic has still  
24 not joined up with the Chetniks in June because he was in the police  
25 force at that time. So the unit which was called the Novo Sarajevo

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1 Chetnik Detachment to begin with, he had to establish after the month of  
2 June 1992; isn't that right?

3 A. I don't have that piece of information.

4 Q. You don't know when it was established?

5 A. That's right.

6 Q. You said "towards the end of May," but you weren't quite sure  
7 that it was, in fact, the end of May?

8 A. Well, I can't say with certainty whether it was the beginning of

9 June or end of May, because I didn't have an insight into when this unit  
10 was formed.

11 Q. I understand you. Now, you must understand me too.

12 JUDGE HARHOFF: Can I just ask for clarification of your question  
13 to the witness, because you said, and this is how it is reflected in the  
14 transcript, that Slavko Aleksic has still not joined up with the Chetniks  
15 in June because he was in the police force at that time. Is that based  
16 on the premise that he could not be a member of both, so does it  
17 necessarily follow that he would not have joined the Chetniks while still  
18 being in the police force? Is that a given fact?

19 THE ACCUSED: [Interpretation] Someone's either in the police or  
20 they're in the army. They can't be in the police and the army at the  
21 same time, Judge. A police unit can be subordinated in wartime to the  
22 army, but if someone's a policeman, he can't be a soldier at the same  
23 time. So quite obviously in June, he was still a policeman, and we have  
24 him here on the payroll and we see that he signed as having received his  
25 salary. And this is a Prosecution document. Therefore, it was after



1 June that he left the police force and, with a group of like-minded  
2 locals, he established the Novo Sarajevo Detachment, and that detachment  
3 later on became the Anti-Armour Company, I think it was, of the 3rd  
4 Battalion of the Sarajevo Mechanised Brigade.

5 MR. FERRARA: Your Honours, the position of the Prosecution is he  
6 was both at the same time a policeman and a member of the Chetnik  
7 Movement.

8 THE ACCUSED: [Interpretation] Well, I have no answer -- no  
9 response to those nonsensical, nebulous statements. I don't even want to  
10 comment. Let the Prosecution deal with that itself. How can someone be  
11 a soldier and a policeman at the same time? I really don't know. I'll  
12 leave it to them. It's up to the Prosecution to fathom that one out.

13 JUDGE LATTANZI: [Interpretation] I apologise. I'd like some  
14 clarification.

15 In the Territorial Defence, there were policemen as well as  
16 military people, wasn't there? I would like to ask the witness whether

17 he knows about it. In the Territorial Defence, were there both military  
18 people as well as policemen?

19 THE WITNESS: [Interpretation] Are you asking me, Your Honour?

20 JUDGE LATTANZI: [Interpretation] You're the witness, so could you  
21 please answer?

22 THE WITNESS: [Interpretation] It is certain that there was not  
23 this delineation, as the accused is saying, there wasn't this separation,  
24 because that's how they behaved in May and June. The Serbian Republic  
25 organised its army sometime in May, so what the accused is now saying

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1 most probably means that the paramilitary units were preparing themselves  
2 at that time. Now, I don't know whether the Prosecution mentions  
3 paramilitaries or whether they came under the army organisation of the  
4 Serbian Republic.

5 JUDGE LATTANZI: [Interpretation] As far as you know, in these  
6 units which you define as being paramilitary units, there was recruitment

7 of policemen as well as military people, or volunteers coming from others  
8 and taken from the different parties, and were all integrated later on in  
9 the military forces? I'm talking about the military forces of Republika  
10 Srpska.

11 THE WITNESS: [Interpretation] Yes, I see. It was difficult to  
12 know that. I didn't know that they were volunteers, that the volunteers  
13 were coming. I didn't know how they were organised. I didn't know how  
14 the Chetniks were being organised. But I have to say that mention was  
15 made of the Chetniks at the end of May. Now, who organised them and how  
16 they were established, we didn't know that, or at least I didn't know  
17 that, but I heard -- as I say, I heard that the Chetniks were due to  
18 arrive at the end of May. I can't tell you what date exactly.

19 Now, whether Slavko Aleksic was there or whether somebody else  
20 organised them, or whether they came from outside, from somewhere else, I  
21 really don't know. I don't have that information.

22 JUDGE LATTANZI: [Interpretation] Thank you.

23 MR. SESELJ: [Interpretation]

24 Q. But at the end of May, you didn't see those Chetniks, but you  
25 just heard that they were coming; is that right?

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1 A. Yes.

2 Q. All right, fine. We've clarified some matters up already, but  
3 let's deal with this. You're an intellectual and you must have known  
4 about these things, and I'm sure you know that before the war, the armed  
5 forces of the SFRY were divided into the Yugoslav People's Army and the  
6 Territorial Defence; isn't that right?

7 A. That's what existed before the war.

8 Q. Right. Now, apart from them, you had the police force, the  
9 police existed?

10 A. The police was organised by the state.

11 Q. Yes, that's right. But the army and the Territorial Defence came  
12 under the authority of the Ministry of Defence, whereas the police force  
13 was under the Ministry of the Interior; right?

14 A. Correct.

15 Q. So if somebody was a policeman, they came under the Ministry of  
16 the Interior, and at the same time that person couldn't have been a  
17 member of the JNA or a member of the Territorial Defence; isn't that  
18 right?

19 A. I have to put you right on that score. I have to put you right  
20 there. They could be in the police and also organise a Chetnik  
21 organisation or Chetnik detachments.

22 Q. Yes, outside his working day?

23 A. Yes.

24 Q. However, this person, as a policeman, would have to earn his  
25 salary, right, and he belonged to a police unit or, rather, the reserve

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1 police force which is engaged during a war. And here on the document, we  
2 see this is a list of the reserve police force, so the reserve police  
3 force was mobilised because of the war that was on. Is that obvious from

4 this document?

5 Can we have the first page back, please, because in the heading  
6 it says that this is a list of the members of the reserve police force.

7 Isn't that right? Do you see that at the beginning of the list?

8 A. Yes, but I have to say that I was not able to know that. I could  
9 not have known that, nor could I have had an insight into all that  
10 organisation and what the police did and what the army did, because the  
11 Army of the Serbian Republic hadn't been organised to that extent yet.

12 Q. Yes, I agree with that. This isn't essential from the aspects of  
13 your testimony. I said that you testified very properly and correctly.  
14 But for me, it is important that through these documents, we clear up  
15 certain matters in principle. And you say that he could have been a  
16 member of the police, and apart from that he could have worked to  
17 organise the Chetnik detachments; is that right, is that what you're  
18 saying?

19 A. Yes.

20 Q. That isn't impossible. Perhaps he did do that, but while he was

21 a member of the police force, he could not have been a member of that  
22 detachment; right?

23 A. Well, he could have organised it. He could have worked to  
24 organise the defence along those lines, the defence of the territory that  
25 had been taken control of.

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1 Q. I agree with that. But the moment that he became a member of the  
2 Novo Sarajevo Chetnik Detachment or, rather, the Anti-Armoured Company  
3 within the Sarajevo Mechanised Brigade, he could no longer be a member of  
4 the reserve force of the police; right?

5 A. Yes. Then that's clear, he moved and became a member of the  
6 Chetniks.

7 Q. So from the moment he became a Chetnik, he could no longer be a  
8 policeman; that's the crux of the matter?

9 A. Yes.

10 Q. Well, that's what I wanted you to confirm.

11 Now I have another document here and we're going to look at this  
12 document under 65 ter, once again. It is 01479. And since the  
13 Prosecution has supplied me with all these documents and didn't want to  
14 use them, then I'm going to make use of them.

15 This is a document of the Ministry of the Interior of the Serbian  
16 Republic of Bosnia and Herzegovina. It is the Public Security Station of  
17 Novo Sarajevo. And members of the Armed Forces of the Bosut Barracks.  
18 Do you know where the Bosut Barracks are?

19 A. Above the Jewish cemetery.

20 Q. Quite right. Now, it says: "List of reserve police employees,"  
21 of employees who worked in this police station in the course of July 1992  
22 and who were given an advance salary payment for the month. And you can  
23 see that he was reassigned as a policeman to the Armed Forces of the  
24 Bosut Barracks, but he was still being paid in July by the police force.  
25 He still received his salary from the police force, and this is the last



1 document of that type which I have at my disposal, and I don't think the  
2 Prosecution has any other documents either. And you can see that here  
3 that he is first on the list of five people, that he received a salary  
4 for July, and that it amounted to 11.000 dinars; right?

5 A. That's what it says here.

6 Q. Now we come to what we were missing earlier on; isn't that right?  
7 This is his transition, when he moved from the police to the armed  
8 forces, right, to the Bosut Barracks above the Jewish cemetery; right?  
9 Do you agree with me?

10 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

11 MR. FERRARA: During the examination-in-chief -- at the beginning  
12 of the cross-examination, the witness said that Aleksic -- a couple of  
13 times, saw Aleksic during the war. He didn't know what he was doing  
14 before the war. He didn't know Aleksic before the war, so I don't know  
15 how the witness can comment on all these documents. If Aleksic was a

16 member of the police, he was a member of the Chetnik movement, how he  
was

17 paid, from who, and so on. I don't know these documents can be used in  
18 that way with this witness.

19 JUDGE ANTONETTI: [Interpretation] Witness, in the written  
20 statement you made, on paragraph 11 you said that you saw  
21 Mr. Slavko Aleksic, but you gave no date. There is no date, actually.  
22 Now, this being said, we need to know whether you saw him in May, or  
23 June, or later on. The documents shown to us by Mr. Seselj seem, and I  
24 say "seem" to establish that this person was a reserve policeman, was  
25 reporting to the MUP, so as far as I know, either you're a soldier or a

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1 policeman. During a military operation, you may be resubordinated to the  
2 military command, but there needs to be some kind of document for this  
3 transfer.

4 When you told us you saw him, this Aleksic, are you sure you saw

5 him in May or June, or did you see him later on? You stayed there until  
6 November 1994. Of course, several years later it's very difficult to  
7 know exactly when it was. I, myself, would be totally unable to say that  
8 I saw someone in May years ago. I would be unable to do so, to say so.  
9 So how can you state that you saw him either in May or June, or did you  
10 rather -- would you rather say, "I did see him, I'm sure, but I can't  
11 really be sure about the date when I saw him"? What's your answer,  
12 please?

13 THE WITNESS: [Interpretation] Well, I don't know when I saw him,  
14 but I certainly didn't see him in 1992. I saw him later on. I know that  
15 Chetniks began to be mentioned in late May 1992. I didn't see  
16 Slavko Aleksic either in May or in June, nor did I know what his  
17 movements were with respect to the police and the Chetnik unit  
18 established either by Aleksic or somebody else.

19 JUDGE ANTONETTI: [Interpretation] What year was that?

20 THE WITNESS: [Interpretation] I can't say what the year was, but  
21 when I saw him, I saw him with a subara hat on, so it was in wintertime.

22 He wouldn't be able to wear such a uniform in summertime.

23 JUDGE ANTONETTI: [Interpretation] [Previous translation  
24 continues] ... during the winter, because he had this fur hat, and it's  
25 not in the summer, when it's 30 or 35 degrees. But the document we have

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1 here dates from the month of June.

2 JUDGE LATTANZI: [Interpretation] I have another problem, except,  
3 you know -- other than the problem of the date, which is also very  
4 relevant. This is my problem: We're talking about members of armed  
5 forces. You did your national service, and maybe you know. If you don't  
6 know, of course, tell us. But since you did your national service, tell  
7 us whether there were two different institutions, the armed forces and  
8 the army, in the former Yugoslavia. I believe - I'm not really sure, and  
9 we'll see that maybe through other witnesses, or maybe you can help us  
10 understand this - so the same law ruled the military situation in  
11 Republika Srpska, which meant that they were the armed forces, and during

12 a state of war the police was part of these armed forces, and there was  
13 also the army, which is another institution. So the police and the armed  
14 forces -- and the army made up the armed forces. During a state of war,  
15 the police was part of the armed forces. Was that the way it was or am I  
16 wrong?

17 If I'm wrong, of course tell me, but I would like to know also  
18 whether, in a state of war, these armed forces were all placed under the  
19 command of the commander of the army.

20 THE WITNESS: [Interpretation] I can say that I'm not aware of how  
21 the command was organised, but under the law there should be a single  
22 command. When the army was organised in the Republika Srpska, it should  
23 have had a single command.

24 I served in the army, and I'm aware that that's the sort of  
25 organisation that should have been in place. So the Territorial Defence,

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1 the police and the armed forces all had to be under a single command.

2 JUDGE LATTANZI: [Interpretation] Thank you.

3 JUDGE ANTONETTI: [Interpretation] Mr. Seselj.

4 MR. SESELJ: [Interpretation]

5 Q. Is it clear that five members of the reserve force of the police  
6 for some reason were transferred to the armed forces, but the police  
7 continued paying their salaries for the month of June; is that clear to  
8 you from this document?

9 A. It's possible that his salary was paid to him afterwards, because  
10 the Chetnik unit was being organised separately and they didn't have any  
11 funds, perhaps, so it's possible he received his salary later on,  
12 afterwards, after that date.

13 Q. Very well. We have another page within this document. Please  
14 turn to the second page. It's dated the 2nd of August, 1992. It's also  
15 issued by the Ministry of the Interior, the Security Services Centre in  
16 Sarajevo. So there's a list of members of the armed forces who are  
17 carrying out assignments at the Bosut Barracks and who received salaries  
18 for July 1992, in the approval of the chief of the Security Services

19 Centre.

20 So Arsenije Skipina, the commander, calls these five people,

21 members of the armed forces, but he's paying their salary for July; is

22 that clear?

23 A. Yes, but I -- it's possible, yes.

24 Q. There are 16 names here. 11 have been crossed out. Only five

25 have been circled. Those are the five on the first list. So somebody

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1 probably asked for 11 men, and 11 were designated and some returned, but

2 5 remained within the armed forces, and that was in July. This confirms

3 my point, doesn't it, that he moved from the police to the army? Do you

4 agree that that would be the logical interpretation?

5 A. Well, I do believe that he could have worked on organising

6 Chetnik units while receiving a salary from the police, because where

7 else could he have received his salary?

8 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

9 MR. FERRARA: Your Honours, I believe that a kind of question,  
10 "Do you agree it would be the logical interpretation," I don't think can  
11 be admitted. The witness can't answer on these documents because he's  
12 not a policeman, he's not a member of the Ministry of the Interior and so  
13 on. The witness doesn't know anything, as I say, about this matter, so I  
14 don't feel that we can continue the cross-examination on this point.

15 JUDGE ANTONETTI: [Interpretation] The Trial Chamber will decide  
16 what probative value it will give to the answer.

17 Please proceed, Mr. Seselj.

18 THE ACCUSED: [Interpretation] Judges, I have to draw your  
19 attention to the following:

20 The circumstances of the wartime events in Grbavica are included  
21 in the indictment, and alleged crimes are ascribed to me which were  
22 committed by Slavko Aleksic and his unit. This is the only witness  
23 planned by the Prosecution to prove this.

24 You have already seen that there were no crimes, that there is no  
25 criminal responsibility of Slavko Aleksic and members of his unit. The



1 OTP obtained these documents, but did not tender them today. There is no  
2 other witness through whom they can be tendered, because there is no  
3 other witness for the general area of Sarajevo, so they put these two  
4 documents on the 65 ter list without ever intending to use them. But to  
5 their -- unfortunately for them, I went through these documents and found  
6 those that were useful to me. What can I do when I'm so capable and the  
7 OTP so inept? Something has to be done to establish a balance. A kind  
8 of tutor or warden should be imposed on the prosecution to show them how  
9 to do their work.

10 JUDGE LATTANZI: [Interpretation] Mr. Seselj, don't start again or  
11 we'll have to redact what you are saying. You cannot make these  
12 statements, broad statements on the competence of the Prosecutor and the  
13 Prosecution. You can't do that. Otherwise, we'll redact everything, or  
14 we're just wasting time.

15 THE ACCUSED: [Interpretation] Madame Judge, I would accept your  
16 position fully had you said the same when the OTP said they would again

17 ask that counsel be imposed on me because I'm incapable of defending  
18 myself, and yet they pretend that they are capable. I'm constantly  
19 showing you how inept they are, and you can redact whatever you like.

20 JUDGE LATTANZI: [Interpretation] Mr. Seselj, so far the Trial  
21 Chamber has seen no motion as far as this problem of counsel is  
22 concerned, so the Trial Chamber has not even looked into this yet. Why  
23 are you accusing the Trial Chamber of different things? I really don't  
24 understand you.

25 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, proceed. I believe

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1 you have some time left, 10 to 15 minutes. What you said so far is on  
2 the transcript.

3 Mr. Marcussen.

4 MR. MARCUSSEN: In light of what the accused has said, it might  
5 be appropriate for the Prosecution to clarify that the documents that the  
6 accused seemed to seek admitted through this witness, in our respectful

7 submission, are not admissible through this witness, because the witness  
8 is not a witness who has knowledge of police matters. It's not a witness  
9 who has knowledge of military matters. And the accused seems to be  
10 presenting these documents as evidence in support of the Defence case,  
11 which he can do in due course. I refer Your Honours to Exhibit  
12 number P217, which is also relevant to this issue, and basically what the  
13 accused is doing is he's making submissions rather than just  
14 cross-examine the witness within the area of his direct examination.

15 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you have 13 minutes  
16 left. I don't know whether you're going to ask for these documents to be  
17 tendered. Will you ask for these documents to be tendered, yes or no?

18 THE ACCUSED: [Interpretation] Mr. President, how can you expect  
19 me to tender Prosecution documents? I'm using them in my  
20 cross-examination. That's the tactics of my Defence, which fits into the  
21 overall strategy of my challenging all the counts of the indictment. For  
22 me to tender Prosecution exhibits, well, I'm not crazy enough to do that.  
23 Why should I do that?

24 JUDGE ANTONETTI: [Interpretation] Very well. You've answered, so  
25 please continue. You have 13 more minutes left.

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1 THE ACCUSED: [Interpretation] Well, I'll have to cut short what I  
2 had planned to do.

3 Q. The document I showed you yesterday marked Roman numeral II, it's  
4 a statement by Colonel Ratomir Maksimovic. We'll comment on some parts  
5 of this statement, because I'd like to know what you know about this.

6 Colonel Maksimovic handed me this statement in Belgrade. It was  
7 authorised in the 4th Municipal Court. He's willing to be my Defence  
8 witness, but only if I call him as a Defence witness will he testify. So  
9 let's see what he says here.

10 He says:

11 "During the civil war in Bosnia-Herzegovina, I was in the  
12 Department for Morale and Information in the Command of the Sarajevo  
13 Romanija Corps. I arrived in the Command on the 1st of April, 1993, with

14 a rank of colonel."

15 Have you ever heard of Colonel Ratomir Maksimovic in the Command  
16 of the Sarajevo Romanija Corps?

17 A. I never had an opportunity to hear about the people who are on  
18 the territory of attack on Sarajevo or to meet them.

19 Q. He says that on several occasions, he toured the units deployed  
20 in the defence of Grbavica. He says that this was the most dangerous  
21 position throughout the war, all of Grbavica was under the control of  
22 Muslim fire, the Muslim forces held a dominant positions of Mojmiilo and  
23 Debelo Brdo and so on, and he goes on to explain the significance of the  
24 Jewish cemetery, and around the middle of the third paragraph, he says  
25 the following:

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1 "The fall of the Jewish cemetery and its linking up with  
2 Debelo Brdo which was under Muslim control would have had disastrous  
3 consequences for the entire Serbian population of Grbavica and the

4 villages at the foot of Mount Trebevic. The unit," that's his unit,  
5 "controlled the line from the top of the Jewish cemetery to Debelo Brdo.  
6 Aleksic did not have responsibility over the urban parts of Grbavica.  
7 His line of defence implies the area in the countryside, where it was  
8 difficult to move around.

9 Do you agree?

10 A. If you're asking me about the threat to the population, well, had  
11 there been no war and the attack by the Serbian Army, certainly they  
12 would not have been in danger, so probably the Jewish cemetery was  
13 selected for strategic reasons and it was divided into parts.

14 Q. Mr. VS-1060, we belonged to different sides in this war,  
15 according to our intimate feelings, and we cannot agree. We cannot agree  
16 on who is to blame for the war either, can we? We cannot agree on these  
17 points, and there's no need for us to discuss them.

18 A. I agree that we shouldn't even discuss these things, but I do  
19 wish to mention that this was not a civil war. It was the partition of  
20 Bosnia-Herzegovina. So it's pointless to discuss whether it was not a

21 civil war, and we shouldn't waste time on things that I had no  
22 opportunity of learning about or knowing.

23 Q. But the fight was between those who wanted Bosnia-Herzegovina to  
24 be independent and those who wanted it to remain within Yugoslavia. Is  
25 that the most general sort of definition on which we might agree?

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1 A. Well, it would be very difficult for the two of us to discuss  
2 this, I as a witness and you as an accused, because other things happened  
3 before Yugoslavia fell apart, and you are well aware of that. You are an  
4 intellectual and you know how things went in Bosnia-Herzegovina.

5 Q. Well, to cut this story short, do we agree that the Jewish  
6 cemetery, for the Serbian forces and for their aims, was the most  
7 significant point in the entire Grbavica area? Do we agree on that?

8 A. Yes, we do, because it was from that hill above the Jewish  
9 cemetery that they had more control over the central part of Sarajevo.

10 Q. Had the Muslims taken control of the Jewish cemetery, then all

11 the areas of Trebevic and Lukavica would have fallen, all the slopes  
12 around there?

13 A. Well, I can't really say. I'm not a strategic expert, so I don't  
14 know what would have happened afterwards. That is just something that we  
15 can suppose.

16 Q. Let's see what Colonel Maksimovic says:

17 "I met Aleksic when he came to the Corps Command on one occasion,  
18 and when we analysed things in the Corps Command, nothing negative was  
19 ever said about him. Quite the contrary. His unit held the defence  
20 line. They were very disciplined and in keeping with the concept of the  
21 Corps Command."

22 Now, do you have any facts to present here which could challenge  
23 this assertion of Colonel Maksimovic here in this statement of his?

24 A. Colonel Maksimovic interprets this from his own angle. That's  
25 how he sees things, so I can't comment, nor do I have the right to speak



1 about the matter, because I don't know what his intentions were. He is  
2 defending the Serbian Republic here and Aleksic, and he is even praising  
3 him, so I can't enter into things like that. I really don't know.

4 Q. All right, fine. Let's see what he says about the work  
5 obligation. He says:

6 "Aleksic," and this is still on page 1, "never undertook anything  
7 on his own initiative or without the knowledge of the Corps Command. He  
8 acted exclusively pursuant to orders. The Army of Republika Srpska did  
9 not have anything to do with work obligations. That came under the  
10 authority of the civilian authorities, the municipalities which  
11 functioned normally, and the work obligation held true for all the fit  
12 adult population, without any discrimination. It applied to the Serbs  
13 and the Muslims and everybody else."

14 So is that correct, what Colonel Maksimovic says there?

15 A. I think it's shameful that he should have said that.

16 Q. Why?

17 A. Well, first of all, all able-bodied Serbs. All able-bodied Serbs  
18 were engaged in the army, those who could put up a defence, and all those  
19 who were over the age of 65 were exempt. Up to age 65, they were in the  
20 army. So this is not substantiated here, and you shouldn't take this  
21 into account as a valid observation and interpretation.

22 Q. All right. But do you know that in 1992, for instance, the  
23 Crisis Staff of the Serbian Municipality of Novo Sarajevo was  
24 functioning? Did you hear of the existence of this Crisis Staff?

25 A. No, I couldn't have known of the existence of the Crisis Staff,

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1 but I assume it could have existed, although I didn't take part in it. I  
2 was in the work platoon, digging trenches and making bunkers.

3 Q. This Crisis Staff, as one of its tasks, had the food supply for  
4 the civilian population, and it was its task to supply the Grbavica  
5 population with food at a rate of 50 per cent of what was needed in  
6 peacetime?

7 A. Who made that observation?

8 Q. The Crisis Staff.

9 A. What I can tell you is that the population received humanitarian  
10 aid from UNPROFOR.

11 Q. When did UNPROFOR distribute humanitarian aid?

12 A. Well, UNPROFOR always did that. It always followed the trucks,  
13 bringing in supplies, so I saw the soldiers from France and other  
14 countries that acted as escorts and followed these trucks. So this was  
15 supplies not from the Serbian Republic, but the Serbian Republic  
16 distributed what it received from abroad.

17 Q. So it wasn't the UNPROFOR soldiers that distributed the supplies,  
18 it was the state employees of the Serbian Republic; right?

19 A. No. What I'm saying is that humanitarian aid did come in and  
20 that the UNPROFOR soldiers served as an escort, accompanying the  
21 supplies, and stored it in warehouses, and then of course there was an  
22 organisation that distributed the food to the citizens, the supplies to  
23 the citizens.

24 Q. So it is your assumption that all those food supplies distributed  
25 by the state organs of the Republika Srpska came from UNPROFOR; is that

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1 what you're saying?

2 A. That's what we thought, that it was coming from UNPROFOR, that  
3 supplies from UNPROFOR were distributed, and that was mostly food.

4 Q. But it wasn't the UNPROFOR soldiers that distributed the food to  
5 you, but the employees of the Serbian Republic; is that right?

6 A. Yes.

7 Q. That's what I wanted to hear from you.

8 Now let's have another document on our screens under 65 ter  
9 again. D1401 is the number, 01041, and this is a report of the work of  
10 the Crisis Staff of the 5th of June, 1992. It is signed by the  
11 president, Radomir Neskovic, and he says -- he talks about food for the  
12 population in one section.

13 Just move down one line, please. Thank you.

14           It says the local communes made up lists of civilians with their  
15 first and last names, and it was according to these lists that food  
16 supplies amounting to 50 per cent of peacetime supplies were distributed  
17 to those on the lists.

18           Is it true that the food you received and that you say was  
19 procured by UNPROFOR, is it true and correct that it amounted to about  
20 50 per cent of peacetime supplies?

21       A. I can't claim that, I can't claim that that was so, because I  
22 wasn't included into any of that. All I do know is that I had to go and  
23 collect the supplies where they were stored, what each citizen had a  
24 right to.

25       Q. All right, fine. But what you received during the month --

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1           JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you have one more  
2 minute.

3           MR. SESELJ: [Interpretation] All right. We won't dwell on food

4 and food supplies. I'm going to use up my minute in this way:

5 Q. You mentioned the case when you were digging trenches and making  
6 bunkers along the embankment of the Mijetska River, and you said that  
7 next to you, right beside you, Enes Hadziahmetovic was killed, and you  
8 assume he was killed by this man, Aleksandar Trivkovic. While you were  
9 building a wall, he went to a building. Two shots were fired, Enes was  
10 killed and the second bullet missed you. Is that a proper interpretation  
11 of what you said?

12 A. All I can say is that that was what the others present had  
13 concluded as well, because he just left us there, the two of us there.  
14 He went off. We continued working. We were standing up and working.  
15 And then quite suddenly two bullets were fired, and I know where they  
16 hit. I was not able to claim this for a fact, but that's the assumption,  
17 that that's what he did. But I have to add this: It's very strange that  
18 somebody claims that they don't know that the man -- that the soldier  
19 existed at all, whereas his neighbours, who were working and engaged in  
20 trench-digging, knew each other very well because they were neighbours.

21 And he was born near the Drveni Most, the Wooden Bridge.

22 Q. I don't have much time. It's not important. The people who I've  
23 contacted know nothing about this man. Anyway, you have no proof and  
24 evidence that he did the shooting. You didn't see him shoot, but you and  
25 the people around you assumed that it could have been him; is that right?

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1 A. Yes.

2 Q. But the bullets could have been from a sniper fired from the  
3 Muslim side; isn't that right?

4 A. No, because we were in such a place that it couldn't have been  
5 the Muslim side, as you say, who fired the bullets, the sniper fire from  
6 the Muslim side.

7 Q. Were you able to establish where -- which direction the bullets  
8 had come from?

9 A. From the opposite residential building opposite to the  
10 Zeljeznicar football field.

11 Q. Is that the building that Trivkovic went in?

12 A. Trivkovic went there. Now, where the shooting came from, I don't  
13 know.

14 Q. So you have no proof and evidence that he did the shooting, that  
15 he targeted?

16 A. I didn't see him, but that is my assumption.

17 Q. All right. Let's round that up. That's just your assumption and  
18 not something you know for a fact on the basis of proof and evidence,  
19 that he did the shooting. And I assume that is enough for the minute  
20 that I had left. If my minute isn't up, I'll be happy to continue.

21 JUDGE ANTONETTI: [Interpretation] Very well. Sometimes one  
22 minute becomes a stretched minute, it can be long. But does the  
23 Prosecutor have any redirect? Mr. Ferrara?

24 THE INTERPRETER: Microphone, please.

25 Re-examination by Mr. Ferrara:



1 Q. Mr. Witness, in the direct examination yesterday, you affirmed  
2 there were Seselj men in Grbavica amongst the various volunteers. As  
3 well as in your statement, where you mention the presence of Seselj  
4 volunteers in Grbavica five times. In paragraph 9, 11, and 15 the word  
5 volunteers is used five times in English version and at least three times  
6 in the B/C/S version. However, in the cross-examination you say, and I  
7 quote:

8 "I never say and I never knew and I hear this for the first time  
9 now that there were volunteers, Seselj men or Chetniks. I --"

10 THE ACCUSED: [Interpretation] Objection, objection.

11 MR. FERRARA: I didn't finish my question, Your Honours.

12 THE ACCUSED: [Interpretation] But I stepped in with an objection.

13 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, please wait for the  
14 Prosecutor to finish his question before you raise an objection. I don't  
15 even know what the Prosecutor wanted to say.

16 Yes, please go on, Mr. Ferrara.

17 MR. FERRARA: Thank you, Your Honour.

18 However, in the cross-examination, you say, and I quote again,

19 it's transcript 8628, lines 4 to 7:

20 "I never said and I never knew, and I hear this for the first

21 time now, that there were -- that there were volunteers, Seselj men or

22 Chetniks. I never said that. I didn't know that they were volunteers."

23 So my question is this: Please let us know what your final

24 answer were, the one you gave in the examination-in-chief and the

25 statement or the one you gave during the cross-examination? Were there

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1 volunteers in Sarajevo, and in Grbavica in particular?

2 THE ACCUSED: [Interpretation] Objection. The Prosecutor cannot

3 draw attention to the witness for contradictions among the things he said

4 in his statements and during the testimony, because the witness testified

5 here in the court, whereas the statement was written for him by the

6 Prosecution, in the previous statement. So what it says in the previous

7 statement is not the witness's responsibility, it's the Prosecution's  
8 responsibility, and how that came to be in the statement, we should  
9 examine the Prosecutor. So you can't have the Prosecutor trying to catch  
10 the witness out in contradictions of this nature. That is quite  
11 improper. The Prosecutor can only deal with what the witness stated here  
12 in court, and nothing other than that, absolutely nothing.

13 MR. FERRARA: Your Honours, I agree with Mr. Seselj. Maybe there  
14 is a misunderstanding in the interpretation, because I say at the end of  
15 my question "in the direct examination the witness affirmed there were  
16 Seseljevci volunteers in Grbavica," as well as in his statement; not only  
17 in the statement, but also in the examination-in-chief.

18 Later on in the cross-examination, he said exactly the opposite,  
19 so the contradiction is between what he said in the examination-in-chief  
20 and what he said in cross-examination.

21 THE ACCUSED: [Interpretation] It's not true, and I have to tell  
22 you something else.

23 I asked the witness whether he had heard that the volunteers of

24 the Serbian Radical Party, or Seselj's volunteers, whichever you like,  
25 whether they came to Grbavica 2 and took part in the fighting for Hrasno,

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1 because a group was surrounded there, so I referred to the transcript  
2 from the intercepted conversation. And the witness said that he had  
3 heard nothing about that, and the witness confirmed several times that  
4 Slavko Aleksic's unit he considered to be Seselj's men and that he  
5 considered them to be Chetniks, and that that was one and the same as far  
6 as he was concerned. So whenever he says "Chetniks," and "Seselj's men,"  
7 he's speaking exclusively about the unit of Slavko Aleksic.

8 And as for the volunteers of the Serbian Radical Party group  
9 which in April of 1992 fought in Grbavica 2, (redacted)  
10 (redacted), he'd never heard of this group on Grbavica 2. That's what he  
11 said.

12 JUDGE ANTONETTI: [Interpretation] Very well. One more reason to  
13 put to him this question, just to elucidate this contradiction. So,

14 Mr. Witness, could you please answer the question that the Prosecutor  
15 asked you?

16 THE WITNESS: [Interpretation] Thank you. The interpretation  
17 wasn't correct here. I said that Seselj's Chetniks existed, or Seselj's  
18 men, or "Chetniks," but I said that I'd never heard of them being  
19 volunteers. I did say that volunteers came, Russians, Belorussians and  
20 others, but not within the formation of the Chetniks. So that's not the  
21 same thing.

22 And let me repeat once again, please: We knew where the Chetniks  
23 were and Seselj's men were, but I never heard of volunteers up until now,  
24 up until Mr. Seselj mentioned them.

25 JUDGE ANTONETTI: [Interpretation] Very well. This is what I

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1 understood yesterday. It was very clear.

2 Judge Lattanzi.

3 THE INTERPRETER: Microphone, Your Honour, please, microphone.

4 JUDGE LATTANZI: [Interpretation] In order to make sure we  
5 understand you even better, so when we talk about Chetniks, those were  
6 soldiers of the Republika Srpska who were qualified as Chetniks; they  
7 were Chetniks, according to you?

8 THE WITNESS: [Interpretation] Please, let me repeat once again.  
9 The Chetniks or Seselj's men, "Seseljevci," as the people called them,  
10 they were one army. Now, whether they belonged in command terms, and I  
11 mentioned that several times, to the Serbian Republic, to the army or  
12 not, I don't know that. However, they did exist.

13 Now, were they volunteers in the Chetniks? I don't know that.

14 That's something I could not have known.

15 JUDGE LATTANZI: [Interpretation] I'm terribly sorry, but I'm not  
16 sure I understood you correctly.

17 According to this name that people were giving them or that you  
18 were giving to them, those were all the soldiers of the Republika Srpska  
19 who were called "Chetniks"?

20 THE WITNESS: [Interpretation] Well, if you didn't understand,

21 I'll repeat it again.

22 What was in existence was the Army of the Serbian Republic. Now,  
23 I don't know according to what command the command establishment was  
24 between the Chetniks and the Serbian Army, but the Chetniks, or Seselj's  
25 men, whichever you like to call them, were one army, and that army was

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1 stationed at the Jewish cemetery. They were one group of soldiers. Now,  
2 which command they belonged to and how they were established, I don't  
3 know that.

4 JUDGE HARHOFF: [Interpretation] Maybe we should think of putting  
5 the question to the witness this way:

6 Witness, could you explain to us, what is, according to you, the  
7 difference between "volunteers" and "Chetniks"? What is the difference  
8 between these two categories, to your mind? How do you make a difference  
9 between the two?

10 THE WITNESS: [Interpretation] I didn't know that at all, and let

11 me repeat again, I didn't know that the volunteers existed, except for  
12 the ones I mentioned from Russia, Belorussia and so on. I didn't know  
13 that volunteers existed. I don't know to this day whether they  
14 belonged -- well, to who these volunteers belonged to. Mr. Seselj  
15 mentioned the fact that the volunteers arrived from the Radical Party  
16 from Serbia, but I did not know that, nor could I ever have said that I  
17 knew about them, about cases like that, because I didn't.

18 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Ferrara.

19 MR. FERRARA:

20 Q. In the cross-examination, transcript 8646, line 19, you said that  
21 it would have been better had the Grbavica police station not existed at  
22 all. What did you mean by this? Can you clarify your statement?

23 A. Well, it was like this, you see. Here's why I said that: There  
24 was looting at Grbavica, and everybody acknowledges that, and Mr. Seselj  
25 acknowledges it too. And I believe him when he says that there could



1 have been looting. At least that's what he says. But they did  
2 absolutely nothing to prevent the looting that was going on at Grbavica  
3 and the other parts taken over by the Serbian Republic. That's why I  
4 said it.

5 Q. Who was in charge in this police station?

6 A. I think it was the Ministry of the Police of the Serbian  
7 Republic, that they disposed of that police station at Grbavica.

8 Q. In the cross-examination, using the statement by Aleksic and this  
9 military booklet, Mr. Seselj sought to show that despite Aleksic being a  
10 Chetnik leader, the volunteers, fighters he controlled, were not  
11 organised by this party. It's transcript 8642, lines 11 to 20.

12 Madam Registrar, please, can we show to the witness the  
13 Exhibit P217. This is the Seselj order number 124, dated 13 May 1993,  
14 admitted as Exhibit P217, for the proclamation of Chetnik vojvoda, and it  
15 states that:

16 "Slavko Aleksic, son of Ilija, Serbian Chetnik vojvoda, has been

17 a member of the Serbian Chetnik Movement and the Serbian Radical Party  
18 since their establishment, participating activity and organising and  
19 promoting the idea of the Serbian Chetnik Movement and the Serbian  
20 Radical Party in Sarajevo and the surrounding area. When the Muslim  
21 paramilitary units began terrorizing the Serb population, he immediately  
22 organised, trained and personally led all the actions of the volunteer  
23 units of the Serbian Chetnik Movement?"

24 As far as you know, when you saw Aleksic, was he surrounded by  
25 Chetnik volunteers?

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1 A. I claim once again that I never mentioned volunteers, nor could I  
2 have known who was a volunteer and who wasn't. I could have just seen  
3 something in passing.

4 Q. When you saw Aleksic, was he surrounded by Chetniks?

5 A. Whether he was surrounded by Chetniks or other soldiers, I  
6 couldn't know that. Or if they were Chetniks, then they had long beards,

7 that's all I can say, and long hair. But you could have people looking  
8 like that and being other types of soldiers.

9 THE ACCUSED: [Interpretation] Objection. The Prosecutor is now  
10 torturing the witness much more than he objected to the way in which I  
11 was cross-examining. How could the witness know this? This is a  
12 proclamation from 1993, and only in a few sentences, in concise form, do  
13 we have something about Aleksic's merits. And among those, it says that  
14 he joined the Serbian Chetnik Movement, the Serbian Radical Party, from  
15 its very inception. But from its inception in Sarajevo, not from its  
16 founding in Belgrade, because the party was founded in Serbia on the 23rd  
17 of February, 1991, whereas it was formed in Sarajevo only in 1992, and  
18 the Serbian Radical Party and the Serbian Chetnik Movement, both. And we  
19 saw when that would have been according to his membership in the Serbian  
20 Democratic Party.

21 Now the Prosecutor is trying to make the witness say something  
22 that's impossible.

23 JUDGE ANTONETTI: [Interpretation] Very well.

24 Mr. Ferrara, the only important element with regard to the  
25 proclamation of Mr. Aleksic as a vojvoda is the sentence where it says he

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1 was named commander of the Chetnik detachment of Novo Sarajevo, that's  
2 all, so put a question to the witness only with regard to this, because  
3 for the rest it's a wastes of time.

4 MR. FERRARA:

5 Q. Did you ever see Aleksic wearing a uniform of the VRS army with  
6 the insignia of his alleged rank of captain?

7 A. No, I did not.

8 Q. Today, in page 19, 20, lines 23, 25, 13 of page 20, you answered  
9 to the following question of Mr. Seselj:

10 "Well, do we agree that the Jewish cemetery for the Serbian  
11 forces and for their aims was the most significant point in the entire  
12 Grbavica area; do we agree on that?"

13 And you answered:

14 "Yes, we do, because it was from that hill above the Jewish  
15 cemetery that they had more control over the central part of Sarajevo."

16 Can you explain, what did it mean to have more control over the  
17 central part of Sarajevo? Should it be easiest for sniping on the  
18 central part of Sarajevo from this point?

19 A. Yes, that's it, precisely.

20 MR. FERRARA: I don't have further question, Your Honour.

21 JUDGE ANTONETTI: [Interpretation] Very well.

22 Witness, on my behalf and on behalf of the Trial Chamber, we  
23 thank you very much for coming to The Hague to testify. I wish you a  
24 safe journey home.

25 Before you leave this courtroom, we will make a 20-minute break,

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1 which will enable you to exit this courtroom slowly, and we'll take a  
2 20-minute break.

3 [The witness withdrew]

4 --- Recess taken at 3.33 p.m.

5 --- On resuming at 4.04 p.m.

6 JUDGE ANTONETTI: [Interpretation] Very well. Madam Registrar,  
7 let's move into private session.

8 [Private session]

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10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

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11 Pages 8687-8690 redacted. Private session.

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13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 [Open session]

18 THE REGISTRAR: Your Honours, we are back in open session.

19 MR. FERRARA:

20 Q. Mr. Witness, when you grew up, how was the relationship between  
21 the different ethnicity in your village?

22 A. I have to praise my village and the surrounding area. Never,  
23 until I reached the age of 22, did I notice that somebody was looking at  
24 me in a different way because I belonged to a different ethnic group or a  
25 different religion. We really lived well, in harmony. And I can also

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1 confirm that my village, Kostijerevo, is a mixed village. There are  
2 Serbs living there as well. It would be difficult to find another such  
3 place in Bosnia-Herzegovina where people lived in such harmony.

4 Q. Did there come a time when this relationship changed?

5 A. Well, I couldn't say that. In a way, it started when the  
6 national, or "nationalist," at some people called them, parties were

7 established starting in 1990. At the rallies where these parties were  
8 promoted, one could observe national insignia, people wearing historical  
9 uniforms from World War II, and this indicated that the friendship and  
10 harmonious coexistence was starting to crumble.

11 Q. Did you attend any of these rallies?

12 A. No, I never attended any political rally or the founding of any  
13 political party.

14 Q. Can you describe any further facts showing how the relationship  
15 changed, not only referring to the political rally but in the daily life?

16 A. Relationships didn't change all that much when the parties were  
17 established, but they deteriorated suddenly when the conflict broke out  
18 in Croatia. The Serbs from Bosnia volunteered, let's say, to go to war  
19 in Croatia, or they might have been mobilised; I don't know. But I do  
20 know one thing. Some Bosniaks in my village received call-up notes, but  
21 they tore them up and threw them away. I asked a man of Serb ethnicity,  
22 whom I knew well - he was from Drinjaca - I said to him, "What does this  
23 mean if somebody gets rid of a call-up note saying he should report to a

24 barracks in Tuzla?" And he just shrugged his shoulders and said, "Oh,  
25 forget about that." So nobody was mobilised or went to volunteer or to

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1 report, of their own free will, to those barracks.

2 Q. When you say that at these rallies one could observe national  
3 insignia or people wearing historical uniforms from World War II, do you  
4 know what kind of insignia or what kind of uniform they were?

5 A. Well, I did have an opportunity of seeing on television, what  
6 this looked like. The cameras took pictures. In the case of Serbs, I  
7 saw them wearing Chetnik uniforms, the sort that were worn in World War  
8 II, and also cockades. There were people in T-shirts with eagles, and  
9 there were unusual flags being brandished, and I saw all that on  
10 television.

11 Q. Did it come a time when the Serbs started organising autonomous  
12 guards in your village?

13 A. During the war in Croatia, we had joint guards together with the

14 Serbs. At that time, I was employed in Belgrade.

15 One evening, I returned home and found my older brother with an  
16 M-48 rifle, but I knew he didn't have a rifle. So I asked him, "Where  
17 did you get this rifle?" And he said, "Well, we have joint guards with  
18 the Serbs in the village, under the pretext because the Serbs said that  
19 there should be guards in case somebody tried to infiltrate our area from  
20 the outside and sow dissent among the people." And I asked him who had  
21 organised this, and he gave me a name and he said, "We are now changing  
22 shifts. You can join in if you like." And I said I didn't want to  
23 because I would be staying only for a short time and I would have to go  
24 back to work again.

25 Q. Did it come a time when this joint guards or mixed guards was

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1 stopped?

2 A. Well, these joint guards stopped when the war ended in Croatia.

3 I think it was in November 1991.

4 Q. Why?

5 A. In November, I finished my work in Belgrade and came home for my  
6 winter vacation. My employer, for whom I worked in a private company,  
7 sent someone to escort me to the bus. I asked him why, and he said,  
8 "Well, things are happening in Belgrade. All sorts of things are going  
9 on. I just want you to board the bus safely." And he told this man, who  
10 drove me to the bus stop, to see me off. I found this very odd, although  
11 I'd seen all sorts of things in Belgrade, nationalist incidents against  
12 Muslims, and I myself had been in a scrape like that, and I might even  
13 have lost my life, but I was saved by a man, a restaurant owner.

14 When I arrived in Kostijerevo, I saw that there were no longer  
15 any joint guards, so I asked what was going on, "Why aren't there any  
16 guards anymore?" And at that time in 1992, there was to be a referendum  
17 for the independence of Bosnia-Herzegovina, and so I learned from my  
18 family that they no longer wanted to have joint guards together with us  
19 because we had already decided to vote in favour of Bosnia-Herzegovina  
20 seceding from the rest of Yugoslavia. Some political parties were

21 calling for something like that. So that was the end of cooperation with  
22 the Serbs in my village.

23 Q. So when you say that they no longer wanted to have joint guards,  
24 what do you mean? Who are "they"?

25 A. Well, these Serbs from my village. They said, "How can you want

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1 us to continue keeping guard together when you're being called to  
2 referendum and we see that you're all going to vote in favour of  
3 secession, and we want to stay in Yugoslavia. We had a good time in  
4 Yugoslavia, we lived well." And we said, well, yes, we did, but  
5 Yugoslavia is no longer what it was, it's no longer what it used to be,  
6 and it's no longer entire, it's no longer intact, and one can no longer  
7 even call it Yugoslavia. And then they said, "Well, you see, Serbia,  
8 Montenegro and Bosnia, well that's enough for a good, strong Yugoslavia  
9 to continue to exist."

10 Q. At that point, you [indiscernible] them. Did you organise the

11 guarding of your village?

12 A. From that point on, separate guards were held.

13 Q. Did you participate in this guard?

14 A. Of course I did, yes. Every evening, we went out. The guards  
15 were held only at night in the village, simply to make sure that nobody  
16 passed through the village and saw us all asleep and threw a hand grenade  
17 or caused an incident, something that might then cause a conflict or  
18 something like that.

19 Q. Did you have any kind of uniform or weapon?

20 A. We didn't have any kind of uniform. But as for weapons, we had  
21 hunting rifles which we borrowed from neighbours who had them, and then  
22 we passed them on to the next shift.

23 Q. How many rifles did you have?

24 A. Six, six hunting rifles. One was a traditional and one carbine  
25 which looked like an M-48. There were hunters in the village who had



1 licenses for those weapons, and they lent them to us, so we all kept  
2 guard.

3 Q. When was your village attacked, and by whom?

4 A. The village was attacked on the 30th of May, 1992. I remember  
5 well. We had spent the whole night before that in the woods.

6 What I want to say is for a month before that, we often slept in  
7 the woods. We abandoned our houses at night and then went back to them  
8 in the morning.

9 Q. Before the date of the 30th May 1992, did someone come to your  
10 village on 19 [sic] April 1992?

11 A. I have to correct you.

12 Q. Sorry, 29, I'm sorry, 29, not 19.

13 A. The 29th, you mean, April?

14 Q. Yes.

15 A. On the 29th of April, 1992, the Yugoslav People's Army, with its  
16 reserve force, mobilised men of the -- of Serb ethnicity who had

17 uniforms. They called us to hand over all the weapons we had at the  
18 local commune in Drinjaca. People who had weapons went there and handed  
19 them in. They made a list on a piece of paper. They noted down the make  
20 of each rifle and its owner.

21 Q. Were there only members of the JNA or also members of a  
22 paramilitary formation?

23 A. I wasn't there, but my brother was. He told me that everything  
24 had been in good order, that there was a major there who thanked them for  
25 handing in their weapons. He praised all the people who had brought in

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1 weapons, and he said that he would do his best to get them to go back to  
2 the companies and factories where they had worked before. He said, "You  
3 are loyal citizens. You won't have any problems."

4 Some people were very happy to hear this. They were overjoyed  
5 because they would not be punished for having possessed illegal weapons  
6 and because they would be able to go back to work, because in those two

7 months that had elapsed from the outset of the war, people had become  
8 very poor, they had become destitute. They hadn't prepared for war.

9 I know my village well, and people weren't really that  
10 prosperous, that well off. They all had small salaries in the local  
11 factories, so they could barely make ends meet anyway.

12 Q. After this date, you say that you slept for one month in the  
13 wood, so were there any changes in the village after this date, regarding  
14 the daily life, the work life?

15 A. When the town of Kula, the last strongholds of the Bosniaks  
16 defending the town fell on the 29th of April, everything suddenly changed  
17 as regards relations with the Serbs. They felt encouraged. People had  
18 to beg them for information, beg them to tell them whether there was any  
19 food to be bought, and they would say, "We don't know anything right now,  
20 but probably those who have dirtied their hands would have to be held  
21 responsible under the law." That's what they said.

22 Q. Were you allowed to go to work?

23 A. No. Some people did try to go to work, and they got as far as

24 the barricade in Karakaj, where they were slapped and insulted, and they  
25 returned home. Fortunately, none of the people from my village got

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1 killed there, but there was mis-treatment.

2 Q. Now let's move to the date that you said before, the 30 May 1992.

3 Can you describe what happened that day? Did anyone come to your village  
4 on that day?

5 A. On the 30th of May, 1992, we returned to our homes from the  
6 woods. I was sitting there with a relative of mine, and we were  
7 listening to a Serbian radio station, Radio Zvornik. Up until that time,  
8 it had been a joint radio station, but now they called it "Serbian Radio  
9 Zvornik."

10 Suddenly we heard the following information: All citizens from  
11 the Drinjaca-Kostijerevo local commune are requested to stay at home and  
12 not to panic because the army will arrive. We didn't know why, but the  
13 army would be coming to the village to check something. They said, "Be

14 patient, cooperate with them, don't be afraid."

15       We were upset by this information because we wondered why the  
16 army would be coming. We had handed in our weapons. But soon this news  
17 spread through the village. People didn't really believe it. They said,  
18 "Well, we've done nothing wrong, so why should we flee now?" But about  
19 an hour or a little more later - I can't be sure exactly how long - we  
20 saw a truck hauling a gun entering the village, and we saw some soldiers  
21 moving across the fields. They were firing shots; not a lot, but they  
22 were firing, and someone was yelling at them, telling them to stop  
23 firing.

24       We panicked. We stood in front of our houses. Some people fled  
25 to a nearby wood, and the soldiers quickly spread through the village.

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1     Q. Who were these soldiers? How were they dressed?

2     A. These soldiers were wearing olive-grey uniforms, the uniforms  
3 worn by the reserve force of the JNA. It was no different from the

4 regular army. I had served in that army for a year, so I'm really  
5 familiar with that uniform.

6 Q. Did you offer them any resistance?

7 A. No.

8 Q. Did they round up everyone, including the Serbs of your village?

9 A. We waited for them in front of our houses, and when they arrived  
10 at the front of the house, they would simply tell us to put our hands up,  
11 which we did. They would look to see what we had in our bags, because we  
12 always had bags ready so we could flee to the woods, if need be. But  
13 this time we were sort of resigned. We saw there was nowhere to flee to.  
14 They were rather rough with us.

15 Let me just tell you a fact. A soldier kicked my brother in the  
16 stomach just because he couldn't reply to the greeting, "God be with  
17 you." And I tried to whisper the correct response to him, but he didn't  
18 know what to say. He was young and he'd never heard that, so he didn't  
19 know.

20 Q. Where did they take you?

21 A. They took us all to in front of a house, a house belonging to a  
22 Bosniak, and his name was (redacted), and they collected us up there,  
23 from wherever area we had come from. They gathered us together in front  
24 of that house.

25 Q. How many people were you at that time?

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1 A. Well, I think there were about -- counting the women and children  
2 and men, about 150 of us in that part where I lived.

3 Q. Did you see who commanded these men?

4 A. Well, when those soldiers surrounded us, when they were standing  
5 around, I noticed a young man. He had a Motorola. He might have been 25  
6 years old, something like that. Anyway, he had a Motorola and he was  
7 wearing camouflage equipment, and he would talk to someone over that  
8 Motorola fairly frequently.

9 Q. Please, can you repeat exactly the name of the -- yes,  
10 Your Honour. My colleague was suggesting me to redact the name of the --

11 in the line 2, page 80, because it was possible to identify --

12 JUDGE ANTONETTI: [Interpretation] Yes, you're absolutely right.

13 Madam Registrar, could you please redact line -- page 49, line 5.

14 MR. FERRARA:

15 Q. Did you hear this man talking on his Motorola?

16 A. Well, I couldn't quite understand what they were saying. He was

17 about ten metres away from me, so I didn't understand what they were

18 talking about. But the last time they talked, I did hear him confirm

19 something. He said something in the affirmative and said, "Drinjaca,"

20 and said there were a lot of them. He mentioned the word "Drinjaca."

21 Q. Where were you taken?

22 A. Then he issued an order, telling us to get up, to stand up, and

23 then he said that the men should pick up the children, take them up in

24 their arms, and to form a column of men and women, and if they were

25 husband and wife, they could stand next to each other, but that the man



1 should carry the child. And then he said, "We're going to Drinjaca."

2 MR. FERRARA: Madam Registrar, can we please have the photo  
3 bearing 65 ter number 4150 on the screen.

4 Q. Mr. Witness, do you recognise the building depicted on this  
5 picture?

6 A. Yes. This is the cultural centre in Drinjaca, which is where we  
7 were incarcerated. We were put up there.

8 MR. FERRARA: Your Honours, I'd like to tender this photo into  
9 evidence.

10 JUDGE ANTONETTI: [Interpretation] Yes. Madam Registrar.

11 THE REGISTRAR: Your Honours, that will be Exhibit P475.

12 MR. FERRARA:

13 Q. When did you arrive to this building, to the cultural centre?

14 A. I think it was -- well, it's difficult to tell you the exact  
15 time, but I think that it was around noon.

16 Q. When you arrived at this Dom Kulture, were there other detainees

17 there?

18 A. When we went into the cinema hall, there was nobody there, but  
19 there were soldiers in uniforms from the reserve force of the JNA  
20 outside, and I recognised some Serb neighbours of mine, people from my  
21 village.

22 Q. Were you free to leave if you wanted to?

23 A. Could you tell me what you mean ? Explain what you mean. What  
24 place, to leave what place?

25 Q. To leave this Dom Kulture. Can you go out from this building?

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1 A. No, we couldn't. No, not at all.

2 Q. Did there come a time when other people were brought in the  
3 centre?

4 A. The cultural centre was packed jam full of people. They brought  
5 in civilians from another part of Kostijerevo, as well as Drinjaca,  
6 Sopotnik and Djevanje, so that the cultural centre was full of people,

7 crowded full of men, women and children.

8 Q. Approximately how many people altogether were gathered in the  
9 building?

10 A. Well, it's difficult to say, but I think there were perhaps as  
11 many as 300, counting the women and children.

12 Q. What was the ethnicity of these people gathered in the cultural  
13 centre, and how did you learn it, if you know?

14 A. They were all Bosniaks, Muslims, and I know the people I lived  
15 with, all my own people.

16 Q. Inside this cultural centre, without telling us the names or  
17 identifying them, or saying else that can identify you, can you tell us  
18 what other members of your family were present at that time?

19 A. At that time, there were my three brothers and my father, but I'd  
20 like to mention that one of my brothers was still a minor. He was only  
21 17.

22 Q. Did there come a time when an army officer entered the cultural  
23 centre and addressed you people?

24 A. An officer came by soon afterwards. I didn't know his name at  
25 the time, but he was wearing a uniform, the uniform of a JNA officer, and

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1 two stripes to denote rank. And he said:

2 "You needn't be afraid. Nothing will happen to you. The  
3 situation is such that I have to tell you that you are going to be  
4 transferred to some villages near Zenica, and the Serbs who live there,  
5 they will come into your village -- your villages and your homes."

6 Later on, I learnt -- well, two days later I happened to see the  
7 man on television, and his name was Branko Studen. He was a lieutenant  
8 by rank.

9 Q. What happened to the women and the children in the cultural  
10 centre? Were they allowed to go?

11 A. What he said at the time was this:

12 "We're going to take the women and children outside now, and the  
13 men will remain. We'll conduct an interview with them, and then they'll

14 be able to go outside too, and they'll be exchanged."

15 And then panic followed. The women and children began to cry.

16 They said they didn't want to leave their menfolk. He said, "Calm down,

17 you needn't be afraid. They'll be done in half an hour and follow you

18 out in half an hour's time." And so the women and children grew a bit

19 calmer. We were separated from them. We said goodbye to them. They

20 opened the double doors leading into the hall, and they all went outside.

21 And when we men stayed on our own in that room in the hall, he said to

22 us, "Don't worry. I know that you're not to blame for anything. I know

23 how you lived here together with the Serbs. I heard all about that.

24 You'll be exchanged, but before that some experts in military matters

25 will come in to ask you some questions. So cooperate with them, answer

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1 their questions, help them in their work, and when they finish with you,

2 you'll be able to go freely -- well, they'll put you onto buses and

3 you're going to be exchanged together with your families."

4 Q. What happened after Branko Studen had left the centre?

5 A. After telling us that, he left the hall. A lot of soldiers

6 remained, guarding us on both sides. They stood along the wall and they

7 stood up on the platform and watched us from there. They were up on the

8 stage, and they sort of played around with us. They would throw hand

9 grenades about, pulling out the pin. Anyway, they asked for cigarettes.

10 This went on for some time; not long.

11 Suddenly, some people came into the hall wearing camouflage

12 uniforms, whom I hadn't seen up until then. I noticed six of them, in

13 particular. The leader, the man who was their leader, also wore a

14 camouflage uniform, but he had a very big beard and sunglasses. And he

15 rolled up his sleeves. He had a camouflage hat on his head. And judging

16 by the uniforms, they resembled members of Arkan's units more than

17 anything else, although I can't say with certainty that they were

18 actually Arkan's men. But judging by their uniforms, and we were able to

19 distinguish all these paramilitaries, I would say that was them.

20 Anyway, when he entered, he went wild in the hall. He made a lot

21 of noise, shouted. He said, "Come on, balija, on your feet, all of you."  
22 He started swearing. He used all kinds of swear words, and then he said,  
23 "Now I want to hear a song." And we looked at him, and he said that he  
24 wanted us to sing the song about General Draza Mihajlovic. And we knew  
25 that was a Chetnik song.

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1 I was a little taken aback. I didn't know what to do. I looked  
2 at the people around me, but the people began to sing this song. It's  
3 not a difficult song to sing. The rhymes are good. It's easy to rhyme.  
4 So can you imagine 91 people singing the song about  
5 General Draza Mihajlovic and his guards? And they laughed while they  
6 were singing, and then all hell broke loose.

7 They would pull people out from where they were sitting. They  
8 would take people up onto the stage, onto the platform, and beat them.  
9 They beat people so badly -- well, as we say, they don't need a bullet,  
10 being beaten up that badly, they would die of the beating. And I just

11 can't believe what the man was doing. He was either mad, or drunk, or  
12 drugged, but no normal person would behave that way. He was a beast, a  
13 beast of a man, and he was their leader.

14 Q. Was only this man that beaten you -- that beat you, or also the  
15 other five, because there were six as you said?

16 A. They all did the beating, but he was the only one walking around  
17 the hall, jumping up and down onto the stage, shouting, and he took Mujo  
18 Sabanovic, a neighbour of mine. The man was quite heavily built, he was  
19 over 100 kilograms, and he took him up onto the stage. And then all of  
20 them, in 15 seconds flat -- well, the man fell down, he fell to the  
21 ground and was unconscious. Then they would lift him up again, and then  
22 I saw something that astounded us all. I thought that would be the end  
23 of all of us when this happened.

24 He took out a knife. I'll never forget that knife. We call it a  
25 Rambo knife. And he hit him three times with the knife in his right



1 shoulder blade, and the man fell down to the ground straight away. Then  
2 they pulled him off the stage and pushed him to where he was sitting  
3 before that. And then they said, "Come on, bind his wounds." And the  
4 man sitting next to him - his name isn't important - he tore the T-shirt  
5 he had on him, and while he was bandaging up his right shoulder, I saw  
6 three holes from the knife and blood streaming down his shoulder. The  
7 man was trembling, and I thought he'd die any minute. That beating went  
8 on for a very long time, and it was already getting dark. I could see  
9 that when I looked out of the window.

10 They did this at intervals, but in my opinion they beat up about  
11 25 to 30 people on that occasion. They beat them up. And this man  
12 personally slapped everybody in the hall twice, showing them some  
13 photographs, people of -- people on photographs. I knew the people on  
14 the photographs and I could see that they were sitting somewhere, at some  
15 festivity, celebrating something, and there was an SDA party flag, that  
16 is, the Bosniak Nationalist Party -- well, not the Bosniak Nation Party

17 but the party that secured the largest number of votes. And he said,  
18 "Tell us where they are so I can slit their throats like rabbits,  
19 slaughter them like rabbits." Nobody wanted to say who the people were  
20 or that they knew them. And then he said, "Right, you don't know who  
21 they are." And then he proceeded to slap everybody. He would take  
22 everybody in order, slap people one by one.

23 Q. Were people beaten only by hands or also using other kind of  
24 weapons?

25 A. No, they don't use their hands for the beatings. I noticed

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1 various objects. They were quite close by. They had some sort of wooden  
2 batons. They had pieces of iron. One man had a police baton, a police  
3 truncheon. So beaten like that, you're done in ten seconds. You don't  
4 need longer than that to fall down.

5 Q. During these beatings, did anything in particular happen to  
6 Valid Husenovic?

7 A. What I'm going to tell you now was really difficult to observe.

8 I don't know how they happened to learn that he was present at  
9 the local commune, but, anyway, they beat him so badly, and it was all  
10 going on just two or three metres away from me, and so it was close by.

11 I had the feeling that they weren't beating a human body, they beat him

12 so badly, just as if they were beating -- they were hitting some plastic

13 bags full of something. That's how they went at it. And then they said,

14 "Look at them Ustashas." Well, we weren't Ustashas, but they said,

15 "Ustashas, balijas, and they said look at your commander, look at what's

16 happening to him." And then he said, "You, Commander, look at your army,

17 look at your soldiers, what you've led them to." And he looked at us,

18 all beaten, all black and blue, and then they continued to beat him.

19 They beat him in several bouts, and at one point he said to them,

20 "People, give me a rifle to kill myself with. I can't take this

21 anymore."

22 Q. During these beatings, did anything in particular happen to

23 Muriz Abidovic?

24 A. Muriz Abidovic, I think it is.

25 Q. Muriz Abidovic.

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1 A. Well, that was up on the stage. A soldier, wearing an  
2 olive-green uniform, I saw he had some cable 'round his hand. He took  
3 him to behind the stage, to a room there. That's where the dressing  
4 rooms were for people to get ready before their performance. And five  
5 minutes later, he brought him back. However, the man looked as if he was  
6 going to faint any moment, and so I concluded that he might have used an  
7 electric current to extract information from him. But, anyway, he was  
8 brought back in this terrible state. I don't know what he actually did  
9 to him, but as he had this electric cable or wire, then I assumed he did  
10 something with electricity.

11 Q. You said that in the hall there were also JNA soldiers. Did they  
12 try to prevent or to stop this kind of beatings?

13 A. You know what? At the time, we believed that the soldiers

14 wearing the olive-green uniforms were, in a way, still part of the  
15 Yugoslav People's Army, judging by the uniforms and judging by everything  
16 else, the logistics of the whole thing, the command cadres. We knew that  
17 they were being mobilised to create some sort of future Serbian army, but  
18 we thought that it was still under the command of the Yugoslav People's  
19 Army.

20       Anyway, they did nothing. Their task was only to observe all  
21 this with their rifles. They didn't undertake anything in particular.

22       Q. How long did these Arkan's men remain for?

23       A. Well, I said in my statement that they were Arkan's men, judging  
24 by their uniforms. It doesn't necessarily mean that they were. But  
25 judging by the description, the black gloves without -- with the fingers

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1 cut off, and the pistols they had, and the knives and the uniforms, they  
2 looked as if they were Arkan's men, but I can't say for sure whether they  
3 actually were members of Arkan's unit. But judging by what they looked

4 like, they resembled Arkan's men.

5       However, I can't understand why their leader, the one with the  
6 beard, why he would always insist upon "Chetniks," and us singing Chetnik  
7 songs, and he often mentioned the Chetniks. Judging by his appearance,  
8 he looked like a Chetnik himself, at least how we think of Chetniks, with  
9 beards and so on. However, I didn't see any insignia on his hat or  
10 anything like that, no cockade or anything, but the way he behaved was  
11 like a Chetnik. And on one occasion, while he was poking Muriz Sabanovic  
12 with a knife, he jumped down from the stage, and with this bloody knife  
13 that he had stabbed him with, threatened us and said, "You'll see what  
14 the Chetniks are this evening."

15       And at that moment, I thought, well, can there be anything worse  
16 than what we've seen already. But when he said, "You'll see what the  
17 Chetniks can do," it could be analysed, whether he meant that he was a  
18 Chetnik or whether he meant that some other people -- some other men  
19 would come in who were Chetniks, I don't know. But they stayed in the  
20 hall until about 2100 hours, at least that's what I thought judging by

21 the fact it was already getting dark. I could see outside the window,  
22 and it was raining outside and foggy, so it might have been around  
23 9.00 p.m.

24 Anyway, then they left the hall, never to return.

25 But I'd just like to mention -- I'd like to tell you what the

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1 conditions were there. Nobody was able to go to the toilet. There was  
2 no water or food the whole day. And if anybody really needed to go to  
3 the toilet, then he would have to raise three fingers.

4 I saw the symbol at the beginning of the war, I saw them make  
5 this sign with the three fingers, and I don't know what that means to the  
6 present day.

7 And they had to say, "Sir," a Serbian soldier, "may I be  
8 permitted to go to the toilet." And if permission was given, the soldier  
9 would escort the person to the toilet and escort him back.

10 Q. What happened after this man left?

11     A. Before he left, they ordered us to keep our heads down between  
12     our knees and remain that way. And then they said, "If anybody happens  
13     to move, kill them straight away, shoot at them." And there was silence.  
14     About 15 soldiers remained inside the hall. Nobody else appeared for  
15     about -- well, for a long time after that. I'm not quite sure how long,  
16     but let's say 15 minutes, maybe half an hour. But this seemed to be an  
17     eternity, because my neck hurt me so much with my head down between my  
18     knees, so I can't really say how long it went on for. I could just hear  
19     the soldiers 'round about talking amongst themselves, but we didn't dare  
20     lift our head up.

21             And then suddenly there was a noise of something hitting  
22     something or falling down, and somebody said out loud, "Lift your heads  
23     up," cursing our balija and Ustasha mothers in those seconds. We raised  
24     our heads, and in that moment I saw some men whom I hadn't seen up until  
25     then in the hall, and I felt that they were behind us as well and that



1 they were coming in from the left side. And what I saw at that moment  
2 was people wearing olive-green uniforms, the SMB type, but different from  
3 the ones who were already there, they looked a little different. They  
4 had some wide trousers to above the knees, and some of them had some  
5 insignia, cockades. And I also saw on their shoulders some badges, and  
6 they looked similar to what they had on their heads.

7       At the time, I wasn't -- well, it was just a matter of seconds,  
8 so you didn't dare look at them for too long. I was afraid to meet their  
9 eyes, that something might happen to me if I did, they could call me out  
10 or do something to me. So I'm telling you all this from my own  
11 viewpoint.

12       Anyway, I was a bit anxious and I thought to myself, these must  
13 be Chetniks, so I kept that in my head bowed, and I linked that up to  
14 what the other one in the camouflage uniform with the beard said when he  
15 said, "You'll see who's going to turn up this evening, the Chetniks ."

16       And suddenly he said -- or one of them said, "Heads down," and we

17 put our heads down. And then they asked for ten volunteers to step  
18 forward. I was wondering whether to come forward myself, because I  
19 thought that they would ask the ten of us to bring in some food and  
20 water, because we had had nothing all day. I couldn't imagine that they  
21 had come to shoot us, to execute us.

22 So I thought about this, and I said -- well, there's an old  
23 proverb. "Never be the first," it says, "and never be the last either,  
24 so always keep to the middle ground."

25 And he said, "No volunteers?" And we kept silent. And he said,

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1 "Why don't you want to be volunteers? We have volunteers wherever they  
2 ask for us, we have volunteers anywhere and everywhere. We always want  
3 to be volunteers and you don't. Why don't you want to be a volunteer?"  
4 And we kept silent. And he went on and said, "If you don't want to  
5 volunteer, we're going to select ten of you," and then they started, "But  
6 you'll be sorry if you don't come forward and volunteer yourselves."

7           And I heard that he counted out ten men, from 1 to 10, and felt  
8   them pulling these people out of their seats, and I heard them taking  
9   them away towards the exit. And then they started beating them there  
10   with their feet and with something else. I felt they were being hit with  
11   something else. And they said, "Quickly, outside." And then they swore  
12   at them. They cursed their mothers and everything else. They often  
13   referred to us -- well, swore at our Turkish mothers and so on.

14           And I didn't know what was going to happen, but I heard that next  
15   to the wall -- you see, there was silence. When they were taking people  
16   out, there was silence. Just a few people were talking next to me.  
17   Anyway, they took us -- they took them outside, 'round the hall, and from  
18   the other side we heard a burst of gunfire. There was shooting. We  
19   heard that very well. We could hear it very well inside the hall. And  
20   then, I thought, that's the end of it.

21           Five minutes later, they came back into the hall and asked for  
22   another ten volunteers. Nobody came forward. They said, "You don't want  
23   to volunteer? Right, we'll select you, then." And they took out a

24 further ten men. They took them to the same place, more or less, and you  
25 could hear a burst of gunfire from automatic weapons, just as before.

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1 And then they came back again. They came back to the hall again.

2 And this went on every five minutes. They would come back, take  
3 ten men out, take them to the same place, and kill them there. Well, I  
4 assumed that they killed them.

5 Q. Who came to take you out, these Chetniks or also the JNA soldier?

6 A. JNA soldiers, that is, the soldiers of the Serb army were there  
7 in that room, but also the others came, whom I recognised by their  
8 uniform.

9 Let me say that I was in the fifth group, and I will describe  
10 you -- describe to you how I felt. I was beside myself, because I knew  
11 that the minutes of my life were numbered. Somebody hit me in the back  
12 with a rifle and said, "Get out quickly." I stood up. I didn't dare  
13 look at that man, and I hurried towards the exit. And I saw, in the room

14 where there were no room -- no chairs, lots of water, because they had  
15 beaten people up there. Maybe they'd poured water over them. I don't  
16 know what they had done. They collected us all near the door, and then  
17 they ordered us to go out, to go outside very quickly.

18 So we went outside very quickly. We left the dom. In front of  
19 us, there was a row of soldiers in olive-grey uniforms. I can't say that  
20 at that point in time I saw anyone with a cockade, but the ones who were  
21 taking us out said, "Go left," and the soldiers in front of us were  
22 holding rifles, and they weren't doing anything.

23 When we got close to the place where we always heard the shots  
24 coming from, a man from our column, who was in front of us, said, "Men,  
25 let's flee," and right away we heard the command, "Shoot," and they fired

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1 shots, bursts of gunfire. And I was wounded in my right hip. I felt  
2 severe pain, I knew I had been hit, and I fell down immediately.

3 Q. What happened after you were hit?

4 A. Sorry, I didn't hear your question.

5 Q. What happened after you were hit in your hip?

6 A. When they had finished firing, I was down on my stomach, and I  
7 felt that they were still close by. But I was in severe pain. I was  
8 aware, however, that I hadn't been mortally wounded and I could hear what  
9 was going on around me. They were drawing closer, probably checking to  
10 see whether anyone was still alive. One of them kicked me in the back  
11 and said, "Oh, this one seems to be still alive." And someone who was a  
12 few metres away said, "Well, what are you waiting for? Fire a few more  
13 shots into him." And then a whole burst of fire was directed at my back,  
14 but they all missed except one bullet, which hit me in my right shoulder.  
15 The pain was so severe that I can't describe it. The shot was fired at  
16 very close range.

17 And then something changed in my head and in my eyes, and I  
18 thought I was dying. But I could still hear their voices. And then I  
19 saw that, again, I wasn't dead.

20 They started celebrating, they fired shots in the air, and then

21 they went back into the room, and I assume they had gone to fetch the  
22 next group.

23 I felt blood seeping underneath my body, and my reason became  
24 active. I thought they might pile up our bodies and burn them or bury us  
25 in a mass grave, so I tried to get up. However, this arm of mine was

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1 quite useless. I held it close, and I started fleeing.

2 While I was fleeing between the school and a building where  
3 teachers lived, in the school playing ground, some ten metres away from  
4 the place where I had been hit, there was a large group of people. One  
5 of them was calling out for his mother, but I couldn't recognise his  
6 voice. It all happened in a few seconds.

7 Q. How were the condition of this large group of people?

8 A. They were all lying down on the concrete. They were all dead  
9 except for the one who was calling out for his mother. I don't know who  
10 he was. He was a Muslim who had been shot, executed.

11 Q. As you ran away from this building, from the cultural centre, did  
12 you notice anything in particular when you were still in the proximity,  
13 and what?

14 A. As I was getting up on my feet, wounded as I was, and I was doing  
15 this really fast, in those two or three seconds I saw dead people around  
16 me. They were people who had been in my group, and probably as I had not  
17 been the first in the column, there might have been some from the  
18 previous group as well.

19 When I managed to run away, wounded as I was, between the  
20 building where teachers lived and the school I had attended for eight  
21 years - I knew the terrain very well - I fled in the direction of my  
22 village over the fields. It was raining, it was nighttime. I moved  
23 along as fast as I could, although I was very tired and exhausted, but at  
24 one point I couldn't go on because of the pain and the exhaustion. I had  
25 to sit down. And then I looked at my wound and saw that it was huge. I



1 put my finger inside and pulled it out again, but it was still warm. It  
2 wasn't so painful. So I put all my clothes on top of that wound and  
3 pressed it with my hand to stop the bleeding. And I heard at several  
4 intervals identical bursts of fire and the firing afterwards.

5 I was sitting there resting, and suddenly I heard a man who was  
6 weeping, moaning, and saying, "People, what have you done? What is this,  
7 what is this?" He repeated that several times. And then they silenced  
8 him.

9 Q. Where did this voice come from?

10 A. The voice came from the place where the people had been executed.  
11 I think this must have been a Serb, because of course they wouldn't have  
12 allowed a Bosniak to yell at the top of his voice, saying, "What have you  
13 done, what is this?" But to this very day, I don't know who the person  
14 was, when he saw this horror of 90 people killed in one place.

15 Q. Do you know what happened to the bodies of those who had died,  
16 who had been executed?

17 A. I assume the following: Some 10 or 15 minutes later, a truck  
18 arrived from the direction of a shop in the vicinity of the cultural  
19 centre where the execution took place, and it stopped nearby. And I  
20 heard the sides of the truck being let down, and they were doing  
21 something there. It went on for about 20 minutes. They were doing  
22 something. I assumed they were collecting dead bodies.

23 Later, the sides of the truck were put up again, and the truck  
24 went back towards the shop and then switched the engine off again,  
25 probably waiting for instructions. I assumed that they were collecting

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1 the corpses.

2 Q. Can you describe exactly this second group that came into the  
3 hall before you were taken away; the uniform, if they wore some hat?

4 A. I noticed that some of them had those wide trousers, and even  
5 their collars were not like those on the JNA uniforms, the olive-grey  
6 ones. When I looked at the side, I saw cockades. I know what cockades

7 look like. I had been in Belgrade. I had seen them being sold in  
8 stores. I'd even held one in my hand. I wanted to inspect it and see  
9 what it looked like. It's quite large and quite heavy. I saw that, but  
10 what Chetnik unit this was -- well, we knew they were Chetniks, but  
11 whether it was some sort of special unit, whether they were local  
12 Chetniks, or whether they were Chetniks from elsewhere, I didn't  
13 recognise any of the Serbs from my local area among them.

14 Q. Did they wear a particular hat?

15 A. Well, let me tell you, I saw -- I saw caps which looked like the  
16 olive-grey caps, but they were a bit broader than that, and we recognised  
17 those caps as Chetnik caps.

18 Q. What do you mean when you say "Chetnik"?

19 A. Well, you know, when we say "Chetniks," I'm referring to all the  
20 Bosniak people. We see them with the kind of Chetnik uniforms I've  
21 already described, and cockades on their caps, because these were not  
22 worn by the regular units of the JNA or by the Territorial Defence units  
23 of the Serbian people which were later transformed into the Army of

24 Republika Srpska. It was a paramilitary formation, that's how it was  
25 treated. For the most part, it consisted of volunteers. That's what

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1 they declared themselves to be. They always said that they were  
2 volunteers. But in my view, someone had to provide them with logistical  
3 support and someone had to recruit them, with the exception of certain  
4 individuals who wanted to put on such uniforms in spite of their command.

5 Q. To you, what's the difference between a Chetnik and a member of  
6 the Seselj unit or the so-called Seselj man?

7 A. I don't see any difference. I can't -- well, in my view, there's  
8 no difference. A Chetnik is a Chetnik. They're all the same, as far as  
9 I'm concerned. I know that in World War II - we learned that in  
10 school - their commander was General Draza Mihajlovic, and there was a  
11 Chetnik army which collaborated with the German aggressors; but as for  
12 the Chetniks in this war, in our war, we knew who their chief was, the  
13 chief of that party and their chief, and I never distinguished between

14 Chetniks and Seselj's men. In my view, they're all the same. I don't  
15 know who would be the commander of other Chetniks, if there were other  
16 Chetniks. I don't know if there were two kinds of Chetniks.

17 Q. Are you aware of anybody, other than you, that survived from what  
18 happened in the cultural centre that night? I will not ask you to  
19 mention their names.

20 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara, you have 12  
21 minutes left, just for your information.

22 MR. FERRARA: Thank you, Your Honour.

23 JUDGE ANTONETTI: [Interpretation] We'll soon have the break.

24 MR. FERRARA: Before or --

25 JUDGE ANTONETTI: [Interpretation] I think the best would be to

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1 break now. Then you can put things back into focus and think about it  
2 over the break in order to put the right questions for the end of your 12  
3 minutes.

4 Thank you, we'll have a 20-minute break.

5 --- Recess taken at 5.29 p.m.

6 --- On resuming at 5.52 p.m.

7 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.

8 Mr. Ferrara, you have the floor.

9 MR. FERRARA: Thank you, Your Honour.

10 Q. Mr. Witness, did you make a list of all the people that you could

11 recall were present that night in the dom, in the cultural centre?

12 A. Yes, I did make a list. I know a lot of people by first and last

13 name, but I consulted some family members and then I made a final list of

14 all the people.

15 MR. FERRARA: Ms. Registrar, can we please have the document

16 bearing 65 ter number 1382 on the screen.

17 Q. Do you recognise this document?

18 A. Yes. Yes, I wrote that. These are the people who were shot that

19 evening.

20 Q. How many people were shot that evening?

21 A. That evening, 88 people were shot, and 5 others were killed while  
22 being brought in, in the course of the day, but I didn't include them in  
23 the list because I don't know how they were killed or by whom. That's  
24 why I made this list only of the people who were in the cultural centre.

25 Q. Without saying the name, to avoid your identification, do you

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1 recognise the names of any of your relatives in this list?

2 A. Well, here I can see the name of my father, three brothers, two  
3 uncles -- or, rather, two cousins, and there are others who are familiar  
4 to me:

5 MR. FERRARA: Your Honours, I'd like to tender the document into  
6 evidence. I'll just point out to the Chamber the English translation of  
7 that exhibit does not repeat the names contained in the original. So in  
8 order to properly use the English version of the document, one must refer  
9 to the original.

10 The documents must be under seal, of course.

11 JUDGE ANTONETTI: [Interpretation] Madam Registrar, a number,  
12 please, under seal.

13 THE REGISTRAR: It will be Exhibit P476, under seal.

14 MR. FERRARA: Madam Registrar, can we please have the document  
15 bearing the 65 ter number 2567 on the screen.

16 Q. Mr. Witness, do you recognise in this document any name of any  
17 people who were present in the Drinjaca Dom Kulture on the night you have  
18 described until now? The second page and so on of that document.

19 A. Oh, yes, I recognise them all.

20 Q. You said that your father and brothers did not survive what  
21 occurred that night. Did you take part to the exhumation identification  
22 procedure?

23 A. I did, in the identification procedure, but not the exhumation  
24 procedure. There's a special team that does that. However, in September  
25 1998, all the family members were invited to Tuzla to assist the team for



1 identification, so I attended that, and I immediately recognised my  
2 father and three brothers. And I want to say that half of them were in  
3 black plastic body-bags, so that even six years later the bodies were  
4 well preserved, and you could easily recognise the faces. I didn't know  
5 about such things before. I was surprised by this. It was easy to  
6 recognise them. The bodies that were not in bags were all squashed and  
7 unrecognisable, so DNA analysis had to be carried out to establish their  
8 identity.

9 MR. FERRARA: Your Honours, I would like to tender the documents  
10 into evidence, under seal.

11 JUDGE ANTONETTI: [Interpretation] Madam Registrar, a number,  
12 please.

13 THE REGISTRAR: Your Honours, that will be Exhibit P477, under  
14 seal.

15 MR. FERRARA:

16 Q. So what happened to you, left with gunshot wounds? Did you

17 receive any treatment anywhere for these wounds?

18 A. I received first aid from a man of Serb ethnicity on the second  
19 day, when I arrived at the Serb village some two kilometres away from my  
20 village. Everybody there knew me and I knew them, and there I found  
21 three school friends of mine in that village. That man gave me first  
22 aid. He dressed my wound. He gave me his son's shirt and pullover to  
23 wear, and I wish to thank him. I will never forget his kindness as long  
24 as I live. I wanted to thank him, because I'm quite well off. I want to  
25 help him. But he refused help. He said that, "All that matters is that

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1 you're alive." He really refuses to receive anything from me as a token  
2 of gratitude.

3 Q. Did you receive any treatment in a hospital, and when?

4 A. I was treated for a month and a -- well, for a month and a half  
5 they only dressed my wound, which refused to heal, and then on the 15th  
6 of July I crossed the occupied territory and got to the village of Nezuk,

7 in Zvornik municipality from Cerska. And then I went to the clinic in  
8 Zvornik, and there I continued with treatment and physical therapy. They  
9 couldn't operate because it was very complicated, so that unfortunately  
10 I've been an invalid in my shoulder. I can't use my arm well, only a  
11 little bit, but there are jobs I can do with this degree of invalidity.

12 MR. FERRARA: Madam Registrar, can we please have on the screen  
13 the document with the number 7244.

14 Q. Do you recognise this document?

15 A. This is a report from the orthopaedic surgeon. I carried it  
16 around in my pocket. It was folded four ways. But I can recognise my  
17 name and, yes, that's the document. It's the medical finding from the  
18 orthopaedic surgeon.

19 MR. FERRARA: Your Honours, I'd like to tender the document into  
20 evidence, under seal.

21 JUDGE ANTONETTI: [Interpretation] Madam Registrar, could we  
have  
22 a number?

23 THE REGISTRAR: Your Honours, that will be Exhibit P478, under  
24 seal.

25 MR. FERRARA: Just last couple of questions.

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1 Q. What did you do after escaping from the dom cultural centre? Did  
2 you go to your village?

3 A. I went to my village, but I didn't go near the houses. At one  
4 point, I noticed some sort of soldiers with a lamp coming close to the  
5 houses, and very quickly they set fire to them. I don't know who they  
6 were, exactly, because I couldn't see what they looked like. I was about  
7 100 metres away, so it was hard to observe who the people were, but I saw  
8 the houses set fire to. They moved in my direction, but they passed  
9 along the road some 50 metres away from me and went on to set fire to the  
10 other houses.

11 I continued my journey. This went on until 5.00 or 5.30 in the  
12 morning, and I arrived at the house of (redacted), a school friend of

13 mine. I saw there was no one there in front of the house, but I have to  
14 say before that I saw a Bosnian woman who had been left there by her  
15 husband and a neighbour. They ran into an ambush, and (redacted),  
16 was killed on that occasion, and she said to me, "Come and see this," and  
17 I said, "Well, I've seen enough," and that woman went off.

18 Later I saw her on the free territory, and then I came to (redacted)  
19 (redacted) house, where I had a drink of water. I was very thirsty,  
20 and then I began to shake and tremble all over. And I took a nap in his  
21 barn, in his cow shed. When I woke up, the sun was out, it was warm, and  
22 I moved on. And I went to some neighbours of mine, and along the road I  
23 saw that all the houses had been burnt. I saw livestock grazing among  
24 the crops. It was chaos.

25 MR. FERRARA: Your Honours, I believe we should redact the name

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1 of this woman in the line 14, page 103.

2 JUDGE ANTONETTI: [Interpretation] Yes, Madam Registrar, we need  
a

3 redaction.

4 MR. FERRARA:

5 Q. Did you ever reach the village of Mijatovo Brdo?

6 A. Yes. I arrived in that village. Nobody saw me. That's very  
7 odd. After that night, after what happened in that village of mine, two  
8 women recognised me, and they quickly gathered 'round me and offered me  
9 help. They mentioned my name. They asked what had happened. At that  
10 point, I did something nobody had ever done, and I'm still surprised at  
11 myself. I was probably already hallucinating. I had lost a lot of  
12 blood. I was exhausted, and I didn't care whether they would kill me or  
13 not, because at that point I thought that there were no Bosniak Muslims  
14 left alive anywhere. I thought I was the only one left, and I said to  
15 myself, "Why should I go on living?" But something else happened.

16 Q. What else happened? Very quickly, because I don't think I have  
17 any more time.

18     A. This man who dressed my wound, he said to me, when I saw the  
19 others looking in a different direction, not looking at me, I should run  
20 away, because they had been ordered not to cooperate with any Bosniaks.  
21 But then I was approached by a Serb - I can give you his name, if you  
22 like - and he said, "You won't leave so easily because you're a witness  
23 to the execution and you'll talk." And I said to him, "Well, you have a  
24 rifle. Kill me, but remember, those are not 90 birds that somebody shot.  
25 People will be asking questions." And then another local person, who had

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1     been to school with me, swore and -- we had been good friends at school.  
2     He swore and he said, "Well, you see what happens. They come and they  
3     bring soldiers here, they do all sorts of things here, and then they go  
4     away and leave us here to fight with you." And I asked him what I should  
5     do next, whether he could help me, and he said, "Well, I don't know  
6     anything. They will decide over there."  
7     And then another neighbour, who still lives in my village, who's

8 making up other stories, took me towards the neighbouring village,  
9 Paljevici, a Muslim village, and he said, "I'll see you off along your  
10 way, and then go on, I don't dare go any further," and I asked him, "What  
11 happened?" And he said, "Don't ask me anything. I don't know." Will we  
12 ever come back?" And he said, "Well, I don't know what laws the Serb  
13 authorities will pass about you Muslims," and we went to a field and he  
14 was already pointing his rifle at me and I saw he was about to kill me.  
15 And he fired a bullet right away, but fortunately he had an M-48 and you  
16 had to reload it each time, because all the others I saw had automatic  
17 and semi-automatic. He had to keep loading, but each time he missed me.  
18 And I suddenly felt strength to run away because my life was at risk. I  
19 crossed the river, I fled over streams and meadows. I saw him shooting  
20 on the other side of the river. He thought I was close by. He thought  
21 he would -- I would start running and he would see me and kill me. And  
22 the saddest thing is that man is still living there, and he's making up a  
23 story. He says he saw me off. He says he didn't try to kill me. Well,  
24 then, why did he run after me for 300 or 400 metres and keep shooting at



25 me? Why didn't he say, "I've been ordered to kill you. I'll fire shots

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1 in the air and you can run away." He never did that, he never said that.

2 MR. FERRARA: Your Honours, that concludes my

3 examination-in-chief.

4 JUDGE HARHOFF: Mr. Witness, before we move on to the

5 cross-examination, I just have one question for you to clarify; namely:

6 What happened to the women and children who were taken out of the dom,

7 cultural centre, before the beatings of the men began?

8 THE WITNESS: [Interpretation] Those women were taken out, and as

9 far as I heard from my wife later on, they were put into buses -- they

10 crammed them into one bus, they could barely stand, there were so many of

11 them, and they were driven away to Celopek, near Zvornik. That's a

12 Serbian village, and they were held in some barns or sheds belonging to a

13 factory farm.

14 They stayed there for three days in these poor conditions with

15 the children in these barns. They slept there. And then later on, they  
16 let them go to the free territory, which is the separation line, the  
17 villages of -- the separation line between the BH Army and the Bosnian  
18 Serbs, and they let them go there.

19 But I have to add also something that surprised me. Our people  
20 surprised me. They saw some things from their own angle of vision, and  
21 they don't want to testify, and some women, too -- I had heard that some  
22 young girls had been raped there. However, nobody wants to testify and  
23 talk about that. And I can't do it because I wasn't there, I didn't see  
24 it happen. But there were rumours going around. However, the women  
25 don't wish to testify. For what reasons, I cannot say.

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1 JUDGE HARHOFF: I'm sure it must have been terrible for them, but  
2 my question went to know whether they survived. And I understand from  
3 you that at least most of them, most of the women and children, did so.  
4 Did you catch up with your wife and children?

5 THE WITNESS: [Interpretation] Yes. Well -- well, all of them  
6 were released. They're all alive and well. Now, what conditions they  
7 were kept in for the three days, that's another story again.

8 However, after a month and a half, I met up with my wife. They  
9 didn't know that, they didn't know that I had survived, that I was still  
10 alive, because there was no way in which information could be passed on  
11 to free territory, where the BH Army was controlling the area. It was 40  
12 kilometres up in the woods, and they didn't know that I was alive. So  
13 when I met up with my wife, when I went to Tuzla and they heard that I  
14 was alive, it was happiness and a shock and a feeling I will never  
15 forget, because I had a little baby, an eight-month-old baby at the time.  
16 It was terrible, but we were so happy that tears of happiness ran down  
17 our faces. The women cried, although many of their folk didn't survive.

18 They asked me what happened to their relatives and people, and I  
19 said, "Don't worry, they'll come back alive. They've been captured." I  
20 thought up a story just to calm them down, because how could I tell them,  
21 "Your sons and husbands have all been executed"? There would have been

22 panic all round and there would have been chaos. They would have fainted  
23 and things like that.

24 JUDGE HARHOFF: Thank you.

25 JUDGE ANTONETTI: [Interpretation] Wait a minute. I need to

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1 consult with my fellow Judges.

2 [Trial Chamber confers]

3 JUDGE ANTONETTI: [Interpretation] I have one question to put to  
4 you, sir.

5 You told us about this execution which occurred at several  
6 stages, and obviously you're a survivor. What could be surprising, when  
7 listening to your story, is the bestiality of this execution. It seems  
8 that everything was done extremely methodologically, in a very  
9 methodological way, and I wonder why. So in your area beforehand, were  
10 there any fights pitting Muslims against the Serbs, which may have  
11 justified such horrible retaliation? As far as you know, were there any

12 of those fights beforehand?

13 THE WITNESS: [Interpretation] For all the time I spent living  
14 there, the 22 years, I never heard that the Muslims, the Bosniaks, and  
15 Serbs fought for any reason at all. Well, just imagine how we lived. We  
16 lived together in such a way that when we were working out in the fields,  
17 if you were working with the Bosniaks, Muslims, the Serb women would  
18 cook  
19 us lunch, and vice versa. We'll help each other out. We would celebrate  
20 young men going to the army. Our Muslim women would dance with Serb  
21 young men at festivities and holidays and so on. We got on so well  
22 together that I really can't say anything here that wouldn't be the  
23 truth, that there were any conflicts or that it was terrible. There  
24 absolutely was none of that before. I really can't say there was, and I  
25 would tell you if there was something that might have caused this kind of  
situation or people taking revenge for some reason and so on.

1           And in World War II -- well, my father told me how his father,  
2           that is to say, my grandfather, was killed by some four Chetniks whom his  
3           mother knew. They were from a nearby village, and they just called them  
4           to bring his documents, his wallet with his documents later on, so I  
5           really don't know. They helped each other. And I heard them -- people  
6           say that during World War II, some Ustashas would turn up and they would  
7           hide the Serb peasants. People helped each other.

8           But in this war, it was quite a new version of events. Something  
9           quite different happened. There must have been some plan according to  
10          which these things took place. We fought for a big Yugoslavia, a joint  
11          country of all the nations and nationalities, whereas in this war  
12          everybody wanted to gain something for themselves without worrying about  
13          the means used to the end. Unfortunately, that's how it was.

14          JUDGE ANTONETTI: [Interpretation] Very well. Thank you for this  
15          answer.

16          Mr. Seselj, you have the floor for your cross-examination.

17 Cross-examination by Mr. Seselj:

18 Q. Mr. VS-1064, I'm going to ask you one or two questions about the  
19 latest thing -- the last thing you just said.

20 You said that your grandfather, during World War II, was killed  
21 by the Chetniks; is that right?

22 A. Yes.

23 Q. Did you not perhaps make a mistake? Your grandfather was killed  
24 after the Second World War as an Ustasha, and he was killed by Ozna,  
25 O-Z-N-A, which was the communist -- or a form of communist police; isn't

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1 that right?

2 A. No.

3 Q. Very well. Your grandfather took part in the slaughtering of  
4 Serbs and taking Serbs from away from the village of Lijesanj, Kostevo  
5 [phoen], Mijatovo Brdo to be slaughtered, Djevanje, Drinjaca,  
6 Srpska Kamenica and other villages around Drinjaca. For example, he took

7 part in the slaughter of 38 members of the Ostojic family from Drinjaca,  
8 25 from the Mladjenovic family, the complete destruction of the Simic  
9 family; isn't that right?

10 MR. FERRARA: Your Honours.

11 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

12 MR. FERRARA: I object to the question about the grandfather of  
13 the witness. I think this is really not relevant.

14 THE ACCUSED: [Interpretation] It cannot be irrelevant because the  
15 Presiding Judge -- Mr. President, you started this topic, you broached  
16 the topic, you asked what the cause was. The causes of the hatred are  
17 very deep-rooted and are to be found in the Second World War. I am not  
18 justifying retaliation or revenge of this sort, but since you raised the  
19 question, let me tell you that I have a lot of information about that.  
20 And it's not the only place where this kind of terrible revenge took  
21 place. I'm not justifying the revenge but you broached the subject, so I  
22 had to follow on.

23 JUDGE ANTONETTI: [Interpretation] Yes, it's true, I did want to



24 know the reasons for what had happened, and I did put this question to  
25 the witness. But the witness did not really answer very accurately.

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1 However, the accused believes that among these reasons, there's probably  
2 some elements rooted in World War II. I know absolutely nothing of this.  
3 I believe that maybe the witness does not know any of this either, or  
4 much of it.

5 Witness, did you know any of this?

6 THE WITNESS: [Interpretation] Well, let me just tell you this: I  
7 am so surprised with this question and all this information that I really  
8 don't know what this is all about, because let me tell you one thing.

9 You know that after -- or, rather, during the former Yugoslavia,  
10 well, somebody would have told us in my family. We would have known  
11 about it. They would have said, "You did such-and-such." So we would  
12 have expected the Serbs to tell us that, "Your grandfather did  
13 such-and-such," whereas I'm astounded at hearing this piece of

14 information. It's quite unbelievable. I have no words to express my  
15 feelings. This is terrible.

16 Well, according to his information, 200 people were killed, and  
17 my grandfather was responsible. My grandfather worked in a mill, so  
18 how -- him being an Ustasha and him killing people, well, some of my Serb  
19 neighbours would have told me that. They would say, "Your grandfather  
20 did that, and he was in such-and-such a unit, and we're taking revenge on  
21 that." No. When they saw me, the people took pity on me and said,  
22 "What's all this that's happening? It's madness."

23 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, I think it's best  
24 to move to something else. Move on to something else. Given what  
25 happened to this witness, I don't think you need to add any -- to add to

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1 his ordeal, so please put another question to him.

2 THE ACCUSED: [Interpretation] Mr. President, I had a few more  
3 questions on the topic, but since you insist, I'll give up on them. But

4 I just want you to know that there's the other side of the coin as well,  
5 because these are very complex issues, complex problems.

6 Q. Mr. VS-1064, you told The Hague investigators -- you gave a  
7 statement on the 15th and 16th of January, 2001, for the first time;  
8 right?

9 A. It wasn't the first statement. I think it was the second  
10 statement.

11 Q. The second was on the 22nd of May, 2003. I have both those  
12 statements.

13 A. But I think the first one was in 1996, in actual fact.

14 Q. In 1996, you didn't give any statement to The Hague  
15 investigators.

16 A. I remember giving a statement in Tuzla in 1996, to a man who  
17 introduced himself as working for The Hague Tribunal, and I gave him a  
18 statement.

19 Q. Then The Hague Tribunal did not disclose that statement that you  
20 gave to the Tribunal in 1996. They haven't disclosed it to me. Now,

21 whether this statement exists or does not, I don't know that, I can't  
22 know that. I was given two statements that you gave to The Hague  
23 Tribunal. If the Tribunal has a third statement that you gave to  
24 The Hague Tribunal, dating back to 1996, they can tell us so straight  
25 away. But to the best of my knowledge, that statement does not exist.

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1 There was no 1996 statement.

2 MR. FERRARA: Yes, Your Honour. The statement --

3 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

4 MR. FERRARA: Yes. The statement is December of 1996, but it was  
5 not a statement given to the ICTY investigator, but to the authorities of  
6 Bosnia-Herzegovina. It was disclosed to the accused on the 20th of July,  
7 2007, and it has received number 59. It exactly is the statement given  
8 to the Agency for Investigation, Documentation of Bosnia-Herzegovina,  
9 Sector 8, Tuzla. So it's not an ICTY investigator.

10 THE ACCUSED: [Interpretation] All right, so the Prosecutor has,

11 in fact, confirmed my point. You just gave two statements to The Hague  
12 Tribunal. The first was on the 15th and 16th of January, 2001.

13 Q. That's right, isn't it?

14 A. I think so, yes.

15 Q. Now, in that statement, you make no mention of Seselj's men at  
16 all; right?

17 A. No, I don't.

18 Q. Right. Now, on page 6 of that statement, paragraph 3, you  
19 describe the arrival of this other unit which conducted the executions  
20 later on, and this is what you say:

21 "When Arkan's men left, 15 minutes later another military unit  
22 arrived. There was about 30 men, and they were wearing Chetnik uniforms.  
23 On their right sleeve, they had the insignia of the White Eagles, and on  
24 their caps, large cockades. They were all between 20 and 30 years of  
25 age."

1 Is that what you said?

2 A. Yes, I did.

3 Q. All right, fine.

4 A. But I have to explain with respect to the White Eagles. Later  
5 on, I consulted people to see what they were wearing, and people told me  
6 well quite possibly they were these White Eagles, although I -- it's all  
7 the same to me. Whether they're Chetniks and Seselj's men, I make no  
8 distinction between them.

9 Q. Well, I'm clear on the fact that you don't distinguish between  
10 the White Eagles, the Chetniks and Seselj's men. All I'm doing is  
11 observing what you said on different occasions. Now, the fact that you  
12 don't distinguish between them, that's all right, too.

13 Now, in the statement of the 22nd of May, 2003, that you gave to  
14 The Hague investigators, you make no mention of Seselj's men at all, do  
15 you?

16 A. I never called them "Seselj's men," "Seseljevci."

17 Q. All right, fine. Now, in 2003, you testified in the

18 Slobodan Milosevic trial; right?

19 A. Right.

20 Q. I have here the extensive transcript of your testimony provided

21 by the Prosecutor, and there, too, not in any place do you mention

22 Seselj's men; isn't that right?

23 A. That is right, but I have to tell you one thing. Do you think

24 somebody's going to say to me, in the hall, "Listen to us, we were sent

25 by Seselj, and, here, let me show you our ID cards to prove that we were

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1 sent by Seselj." Nobody's going to say that, are they?

2 Q. I'm not asking you to do guesswork. I'm just drawing your

3 attention to certain facts that have been documented.

4 So there are two statements given to The Hague Tribunal by you in

5 which you make absolutely no mention of Seselj's men, and then there is

6 testimony during the Slobodan Milosevic trial where you never, ever

7 mention Seselj's men at all.

8 Now, the day before yesterday, here in The Hague you talked to  
9 the representatives of the OTP; right?

10 A. Yes.

11 Q. And they put it to you and suggested to you that you should say  
12 today that as far as you're concerned, all the Chetniks were Seselj's  
13 men, because you can't distinguish among the Chetniks themselves; isn't  
14 that right?

15 A. No, it's not.

16 MR. FERRARA: Your Honours, Your Honours.

17 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

18 MR. FERRARA: I object absolutely this kind of question. We  
19 didn't put anything in the mouth of the witness. We didn't suggest  
20 anything to the witness. We wrote a proofing note. We disclosed the  
21 proofing notes to the Trial Chamber, to the accused, where we clarify  
22 what does it mean for Chetniks, for Seselj men and so on. So I ask that  
23 this kind of a sentence in the statement of the accused will be



24 immediately redacted.

25 THE ACCUSED: [Interpretation] No, my question cannot be redacted.

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1 JUDGE ANTONETTI: [Interpretation] Just a minute, Mr. Seselj.

2 Let me go back to the meeting you had yesterday with the OTP in

3 order to prepare this hearing. Mr. Ferrara just told us that you gave

4 some details. Now, what is extremely important is the following: We

5 need to know whether when the term "Seselj's men" appeared, whether you

6 volunteered this of your own will or whether it is the Prosecutor who

7 said, "In your statement when you're talking about Chetniks, you should

8 please tell us exactly who they were," and then you would have answered,

9 "Among Chetniks, there were Seselj's men." So we need to know exactly

10 what happened yesterday. How was this topic addressed?

11 THE WITNESS: [Interpretation] I'll be quite frank, how this came

12 about.

13 The man did ask me that I should explain to him what "Seselj's

14 men" meant, "Seseljevci," and what "Chetniks" meant, and I answered the  
15 following: As far as I'm concerned, me personally, I can't distinguish  
16 between "Seselj's men" and "The Chetniks." As far as I'm concerned, all  
17 Chetniks are one and the same. Now, whether he was recruited by Seselj  
18 or -- the ones I mentioned earlier on, or they put on the uniform because  
19 they wanted to, I can't know that. They didn't show us their ID cards  
20 saying, "We're Seselj's men, here you are," or, "I'm another sort of  
21 Chetnik," or whatever. That's not what happened.

22       However, when people talk about that, when they know who their  
23 boss is, who the leader is, for example, you know today in  
24 Bosnia-Herzegovina there's the Serbian Radical Party and it's called "The  
25 Serbian Radical Party of Dr. Vojislav Seselj," and I saw this on

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1 television quite recently. Everybody wears T-shirts with  
2 Vojislav Seselj, and the parliamentarians all wear T-shirts with "Seselj"  
3 on them, so this exists in Bosnia-Herzegovina. And I can tell you that I

4 personally make no distinction between Seselj's men and Chetniks, because  
5 as far as I was concerned it was a surprising question when I heard it  
6 from the Prosecutor. I said to him, quite rightly, the man wanted me to  
7 explain. I can't explain.

8 Now, whether the people were recruited by Seselj or who, I don't  
9 know. As far as I'm concerned, if someone's a Chetnik, he's a Chetnik  
10 and they're all the same. You have Chetniks, you have Arkan's men, you  
11 have this reserve force that was to be formed later on, the Army of  
12 Republika Srpska, Yugoslav People's Army. I know of no other military  
13 formations.

14 So let's clarify this. As far as I'm concerned, and I can  
15 confirm this here and now, a Chetnik and a Seselj's man are not  
16 interesting. It's all the same to me. Now, the fact that someone were  
17 recruited by Seselj, for example, and then were called "Seseljevci" or  
18 "Seselj's men," I never heard them say, "Listen here, we're Seselj's  
19 men," I never heard anybody put it that way.

20 JUDGE HARHOFF: Mr. Witness, just to make sure we understand you

21 correctly, you also mentioned during your testimony "Arkan's men." Are  
22 they also Chetniks, in your view, and is there any distinction or  
23 difference between "Arkan's men" and "Seselj's men"?

24 THE WITNESS: [Interpretation] Your Honour, I do distinguish  
25 uniforms from Arkan's men, what I saw on the battlefield of Croatia and

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1 on television. It's easy to distinguish between them. I can't say  
2 Arkan's men were Chetniks.

3 Now, in Drinjaca, in that cultural centre, I can't say that they  
4 were mobilised by Arkan, for example, because someone might put on a  
5 uniform just for the hell of it because they liked the uniform, without  
6 being in the unit. They liked to resemble Arkan's men, for example, or  
7 they like to look like Chetniks, because the Chetniks in Bosnia and  
8 Croatia -- well, somebody might like to look like that, but I don't want  
9 to guess. I don't know who mobilised them. But I do distinguish Arkan's  
10 men's uniforms, the Chetniks' uniform, and regular JNA units and the

11 uniforms they wore, and the future Army of Republika Srpska. So I see  
12 four different formations, and I distinguish four different units.

13 Now, whether people call themselves "Chetniks," or "Seselj's  
14 men," I heard people say, our Bosnian, Bosniaks, say, "Seseljevci,"  
15 "Seselj's men," because they know that Seselj is the head of the  
16 Radical Party producing those Chetniks, sending them to the battle front.  
17 So they declare themselves as volunteers.

18 Now, whether they're volunteers under Seselj, whether Seselj's  
19 suggested this to them, I don't want to enter into that. It's not up to  
20 me, and I can't know things like that. But things are quite clear.

21 And let me state again, that's my view, that's how I view  
22 Chetniks, how I see them. Now, if there's someone else, another Chetnik  
23 vojvoda, for instance, who had special insignia and -- then I wouldn't  
24 say that they were Seselj's men. I would say that they belonged to this  
25 other man. But we know of no other man who was involved in this or

1 meddled in Vojislav Seselj's business. Now that there are Chetniks in  
2 Croatia, Bosnia, Serbia and all over the place, we know of only one boss,  
3 one head.

4 JUDGE ANTONETTI: [Interpretation] Very well, Witness. One last  
5 question before I hand the floor back to Mr. Seselj.

6 When you were detained, yourself, your brother, your father -- or  
7 your brothers, your father, your cousins, and before you, yourself, were  
8 shot at, and you survived and fled, did you hear, from the people who  
9 arrested you, that they were Seselj's men? Had you ever heard anything  
10 like that, personally?

11 THE WITNESS: [Interpretation] I never heard them say of  
12 themselves that they were Seselj's men or any other person's men. It  
13 lasted for a very brief moment. They entered and started calling people  
14 out. They didn't introduce themselves and say who they were or who their  
15 boss was. Why would they have to tell us that, when we're not going to  
16 need it anymore, anyway, because we knew -- well, when I saw them, I knew

17 it was the end. And I'd heard all kinds of stories from World War II in  
18 my village about men like that, so I could guess what was going to  
19 happen. And I said during my testimony once -- I said to myself, "This  
20 is the end," because they have no mercy. When they appear, they leave  
21 nothing alive after them. They have absolutely no mercy. You can plead  
22 as much as you like. You're just a balija, as far as they're concerned,  
23 or a Turk, or whatever, and they have no mercy.

24 I have -- whether they call me a Turk or not, I have nothing to  
25 do with that, but that's what they appeared to be, and I knew what was in

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1 store and what their aim was.

2 JUDGE LATTANZI: [Interpretation] I have a question for the  
3 witness.

4 Witness, tell us, when is it that you heard for the first time  
5 mention about the Seseljenci? Was it during the war, after the war, was  
6 it only now? When was it that you have heard this expression or term for

7 the first time?

8 THE WITNESS: [Interpretation] I can't say with any certainty.

9 Later on, I joined the defence of my country in the way in which I could  
10 contribute to my country. Let me put it this way: Quite frankly,  
11 "Seseljevci" wasn't a word mentioned often. Some Seseljevci were  
12 mentioned, but let me state again we Bosniaks only know of Chetniks, and  
13 we're not interested in any other names that they might be called. We  
14 just refer to them as Chetniks. Now, whether they're Seselj's men or  
15 whoever, how can we distinguish between them and say, "These are Seselj's  
16 men"? Nobody's going to come up to you and say, "We're Seselj's men,"  
17 nobody's going to say that, but the uniforms were the kind they were, and  
18 uniforms speak words.

19 I can't say that they were American marines if they were not.

20 Looking at the uniforms, we know who was what. Now, whether their boss  
21 was Seselj or not, we couldn't know that, and they're not going to say,  
22 "Wait a moment, you're going to be attacked by Seselj's men." Heaven  
23 forbid, that's not what they would say.



24 MR. FERRARA: Your Honours --

25 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Ferrara.

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1 MR. FERRARA: -- Mr. Seselj said that the first time the witness  
2 referred to Seselj's men was yesterday. The witness, in a statement  
3 given in 1996, called this man that entered the scene --

4 THE ACCUSED: [Interpretation] The Prosecutor cannot --

5 MR. FERRARA: [Previous translation continues] ... I'd like to  
6 finish, Your Honours.

7 THE ACCUSED: [Interpretation] Can we please -- he cannot finish  
8 his sentence. The Prosecutor cannot introduce by the back door material  
9 from the Muslim Security Service. He cannot be allowed to do that.

10 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, wait just a moment  
11 for Mr. Ferrara. Mr. Seselj, you were calm so far. I would like you to  
12 stay that way.

13 Now, Mr. Ferrara is telling us something, mentioning a document

14 from 1996. I don't have that document.

15 MR. FERRARA: Mr. Seselj said the first time the witness spoke of  
16 Seselj's men was yesterday during the proofing, or two days ago.

17 In 1996, the witness gave a statement to --

18 THE ACCUSED: [Interpretation] That's not what I said.

19 MR. FERRARA: Your Honours.

20 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, let the Prosecutor  
21 finish what he has to say, and then you will state your position.

22 MR. FERRARA: Gave a statement on the 2 -- 2nd of November, 1996,  
23 to the agent of investigation and document of Bosnia-Herzegovina, Tuzla,  
24 and there he mentioned -- he indicated these men as Seselj's men two  
25 times, in the English version and also in the B/C/S version. They are

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1 called "Seseljevci." So it's not the Prosecutor that mentioned for the  
2 first time the proofing note.

3 JUDGE ANTONETTI: [Interpretation] Very well. So, Mr. Seselj --

4 yes, Mr. Ferrara.

5 MR. FERRARA: The premise of the question is misleading the --  
6 the witness, because he said that, "You never mentioned the Seselj men,"  
7 before the question.

8 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you have the floor.

9 It seems that the document in which this was mentioned in 1996 --

10 THE ACCUSED: [Interpretation] Judges, you know very well that  
11 this behaviour by the Prosecutor is impermissible. He's referring to a  
12 document of the Muslim Secret Police. At the proofing session, he  
13 considered this document with the witness, and the witness corrected the  
14 content of that document, allegedly. That's what transpires from the  
15 proofing notes I was given, in the first paragraph.

16 If it's correct that this witness gave that statement to the  
17 Muslim authorities, he said that all the Serb soldiers who were there  
18 were Chetniks, all of them. And now, allegedly, the witness is  
19 correcting himself and says, "When in the statement it says 'Chetnik,'  
20 referring to the people in front of the cultural club and during the

21 counting, this does not refer to Seselj's men." The witness clarified he  
22 didn't use this term when he made the statement, but said "Serb soldiers"  
23 or "VRS soldiers." The person who took the statement must have  
24 misunderstood this. Some people used the term "Chetnik" to refer to all  
25 Serbs, but the witness does not do this.

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1 The witness even corrected the document of the Muslim  
2 authorities, which the Prosecutor does not have the right to use. The  
3 Prosecutor cannot use a document of the Muslim Secret Police. He has his  
4 own statements, two statements taken by his own investigators, and that's  
5 what he has to base his case on. And this is a double trick or attempted  
6 trick, but since I've unmasked it very efficiently, it's failed.

7 JUDGE ANTONETTI: [Interpretation] Very well.

8 Witness, you met with representatives of the AID in 1996.  
9 Mr. Seselj tells us that that's the secret police, and the Prosecution  
10 states that it depended on the Ministry of Interior, they were able to

11 investigate, but we will not go there.

12       According to your memory, in 1996, that was almost 12 years ago,  
13 regarding the investigators of AID, would you have mentioned, yourself,  
14 the term "Seselj's men," or were they the ones who put that question to  
15 you or did they bring that term up? Because you were very clear earlier.  
16 You said that according to you, there were Chetniks, and there was the  
17 VRS, the JNA, but to your mind -- okay, you said that there were also  
18 Arkan's men, but you had not mentioned Seselj's men. But in 1996, did  
19 you mention that term or was it the police officer who put that in your  
20 statement? Do you remember or not?

21       THE WITNESS: [Interpretation] I remember I gave that statement a  
22 very long time ago. I think it was a matter of terminology. If I said  
23 "Chetniks," I don't know whether someone suggested this or if someone  
24 used the term "Seselj's men." I can't remember now. But if somebody  
25 wrote down that I said that they were Seselj's men, well, I say that I

1 never distinguished between Chetniks and Seselj's men. It might be a  
2 matter of terminology, but let me repeat. I want to tell the truth. I'm  
3 not interested in anything else.

4 I cannot say, if someone is wearing a Chetnik uniform, that he is  
5 Seselj's man, because he hasn't shown me a card saying he's Seselj's man.  
6 But we in Bosnia know -- for example, when we talk about Chetniks, we  
7 know that they have only one chief. It doesn't matter whether someone is  
8 said to be a Chetnik or Seselj's man, because I know they have only one  
9 chief and there are branches in Serbia and in Bosnia-Herzegovina, and  
10 they all function as the Radical Party and they wear his T-shirts. If  
11 someone said "Seselj's men," I might have agreed, I might well have  
12 agreed.

13 What I want to say is the following: I don't want to enter into  
14 the issue of whether someone is Seselj's man or not, because evidently I  
15 can't give the proper answer to that, but let me tell you that I consider  
16 them to be one and the same army, with a single chief at its head, and

17 that's the most precise answer I can give you.

18 JUDGE ANTONETTI: [Interpretation] Very well.

19 Mr. Seselj.

20 THE ACCUSED: [Interpretation] I have no more questions.

21 JUDGE ANTONETTI: [Interpretation] Very well.

22 Mr. Ferrara, do you have any redirect?

23 MR. FERRARA: No, Your Honours.

24 JUDGE ANTONETTI: [Interpretation] Witness, on my behalf and on

25 behalf of my fellow Judges, I thank you for coming here to testify in

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1 The Hague. Thank you for telling us about these events that were so

2 tragic for yourself and your family.

3 Thank you very much, once again, and I wish you a safe trip back

4 to your country of residence.

5 I'm now going to ask the usher to escort you outside of this

6 courtroom, and you may actually leave right now because the blinds are

7 lowered.

8 [The witness withdrew]

9 JUDGE ANTONETTI: [Interpretation] I am now going to ask  
10 Mr. Marcussen to tell us what is going on for the rest of the week. So  
11 we won't have any more witnesses for the rest of the week? Am I  
12 mistaken?

13 MR. MARCUSSEN: That's correct, Your Honour, there will be no  
14 witness for tomorrow.

15 JUDGE ANTONETTI: [Interpretation] Very well. So we have a  
16 schedule that is in place for next week. We will inform the parties of  
17 our decisions regarding the witnesses that will come to testify as  
18 viva voce witnesses and who will come to testify under 92 ter.

19 We have ten more minutes. Mr. Seselj, would you like to raise a  
20 housekeeping matter, if you have any? I don't know if you do.

21 THE ACCUSED: [Interpretation] There is an issue, Mr. President.  
22 Whether ten minutes will suffice, I don't know. I thought I would have  
23 the opportunity of raising it tomorrow.



24           The OTP has delivered to me a motion to have VS-1020 [as  
25 interpreted] -- that witness's statement introduced under Rule -- and I

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1   absolutely oppose this. I think that 92 ter cannot apply here, and I  
2   have not received the entire material. The last document here is not  
3   complete. This is addendum 5. It's a handwritten text dated the 8th of  
4   October, 1991. I have received only the first six pages.

5           JUDGE ANTONETTI: [Interpretation] Just a moment, please.

6           Is it 1020 or 1026, Mr. Seselj?

7           THE ACCUSED: [Interpretation] The witness, 1112, 1112.

8           JUDGE ANTONETTI: [Interpretation] Oh, yes, okay, 1112. Very  
9   well. There was a mistake in the transcript. So to confirm, it's 1112.

10          Go ahead, please. So, in fact, no, the Witness 1112 is scheduled  
11 for the second week of July. We're not going to disclose his name, for  
12 the time being, but he is to testify over a period of three days. But  
13 for the time being, in fact, he is a viva voce witness.

14 [Trial Chamber and Registrar confer]

15 JUDGE ANTONETTI: [Interpretation] Yes. So, Mr. Seselj, upon  
16 consulting the legal officer of the Trial Chamber, there's a pending  
17 request, and the Trial Chamber has not decided yet on that matter. So I  
18 will not be able to tell you today what the outcome is for this motion,  
19 the motion being pending. The Trial Chamber has not ruled on it yet.

20 But, in any event, it's quite simple. This witness will either  
21 come to testify as a viva voce witness or the motion under 92 ter will be  
22 granted, and that will be that. So for the time being, I can't tell you  
23 anything else.

24 [Trial Chamber confers]

25 JUDGE ANTONETTI: [Interpretation] What would be useful, however,

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1 and this is what my fellow Judges are telling me, and I should have  
2 thought about it myself, actually, give us your arguments to tell us why  
3 you are against the fact that he testifies as a 92 ter witness,

4 independently of your general position that we already know. But on that

5 particular case, please tell us why you are against it.

6 (redacted)

7 (redacted)

8 (redacted)

9 JUDGE ANTONETTI: [Interpretation] One moment, please. Maybe this

10 is a confidentiality issue. Yes, Mr. Marcussen.

11 MR. MARCUSSEN: I'm sure the accused did not mean any harm but

12 maybe if the accused needs to discuss the nature of the evidence of this

13 witness, we should do it in private session and redact what has just been

14 said.

15 JUDGE ANTONETTI: [Interpretation] Very well. Let's go into

16 private session.

17 [Private session]

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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11 Pages 8748-8751 redacted. Private session.

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1 (redacted)

2 (redacted)

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4 (redacted)

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10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 --- Whereupon the hearing adjourned at 7.06 p.m.,

17 to be reconvened on Tuesday, the 1st day of

18 July, 2008, at 8.30 a.m.

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