

1 Wednesday, 4 September 2002

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.29 p.m.

5 THE REGISTRAR: Good afternoon, Your Honours. This is the case
6 number, IT-99-36-T, the Prosecutor versus Radoslav Brdjanin and Momir
7 Talic.

8 JUDGE AGIUS: Yes. Good afternoon to you, Mr. Brdjanin. Can you
9 hear me in a language that you can understand?

10 THE ACCUSED BRDJANIN: [Interpretation] Good afternoon, Your
11 Honours. I can hear you and understand you.

12 JUDGE AGIUS: I thank you. You may sit down.

13 General Talic, good afternoon to you too. Can you hear me in a
14 language that you can understand?

15 THE ACCUSED TALIC: [Interpretation] Good afternoon, Your Honours.
16 I can hear you in a language I understand.

17 JUDGE AGIUS: I thank you. You may sit down too.

18 Appearances for the Prosecution.

19 MS. KORNER: Your Honour, Joanna Korner, assisted by Denise
20 Gustin, case manager. Good afternoon, Your Honours.

21 JUDGE AGIUS: Good afternoon to you too.

22 Appearances for Radoslav Brdjanin.

23 MR. ACKERMAN: I'm sorry. Good afternoon, Your Honours. I'm John
24 Ackerman, and I'm here with Marela Jevtovic for Mr. Brdjanin. And I got
25 distracted because our transcript doesn't seem to be working over here on

1 this. I was going to go over and fix it, and then I thought I heard you
2 say "appearances for Mr. Brdjanin."

3 JUDGE AGIUS: For a moment I thought you were checking -- we
4 were. Good afternoon to you.

5 Appearances for General Talic.

6 MR. ZECEVIC: Good afternoon, Your Honours. Slobodan Zecevic and
7 Natasha Ivanovic-Fauveau for General Talic.

8 JUDGE AGIUS: And good afternoon to you too.

9 Anything before we start. Yes, Ms. Korner.

10 MS. KORNER: Yes, Your Honour. The first relates to the witness.
11 I received a message this morning from VWS that Mr. Filipovic, who Your
12 Honours I'm not sure are probably aware of yet, because he hasn't covered
13 it, had to have part of his foot amputated as a result of the treatment.
14 He complained that his foot was causing him some pain, and he was taken to
15 the doctor at around midday. He's back. He says -- and can I say
16 straight away, by chance I ran into him with the VWS person as he was
17 being taken to the witness waiting room, so I took the opportunity -- I
18 didn't imagine anybody would object -- to ask him -- and the VWS person
19 was there -- just about his health. He says he's prepared to go on this
20 afternoon. His foot is still causing him discomfort. I'm not sure if he
21 was given medication. I think he needs something to rest his foot on.
22 And I said to him that if he felt tired in any way, that he should
23 immediately inform Your Honours, and no doubt Your Honours will have the
24 same observation.

25 JUDGE AGIUS: Yes. I thank you, Ms. Korner, for that and also for

1 the part -- for the interest you took. And actually, I did yesterday -- I
2 did notice at some point that he was getting tired and fed up. I did ask
3 him actually whether he was tired.

4 MS. KORNER: I remember.

5 JUDGE AGIUS: But there was a moment when we approached 5.00 he
6 was appearing tired and also fed up. And when he stood up to -- for one
7 of the breaks, he could hardly walk.

8 MS. KORNER: Yes.

9 JUDGE AGIUS: I found he had difficulty in getting started, let's
10 put it like that. I will tell him myself. But in any case, I mean, you
11 know by now that this is something that I take seriously and we will do
12 whatever is necessary.

13 In the meantime, I don't know -- there is in Courtroom III, if
14 there is no one sitting there -- there is a footrest which is not mine. I
15 mean, I'm intruding where -- where I shouldn't. But in Courtroom III
16 there is a footrest which perhaps if the Presiding Judge is not using, we
17 could -- we could borrow.

18 MS. KORNER: Yes.

19 JUDGE AGIUS: Yeah. But that's not high enough. The one there
20 is -- in room 3 -- Courtroom III is much better, because it can be moved
21 and placed high or low as necessary.

22 MS. KORNER: Your Honour, perhaps while I deal with the other
23 matters, that perhaps the -- one of the court staff could make inquiries
24 as to whether there is such a footrest available.

25 Your Honour, the second matter is the investigator Mr. Dupas and

1 an interpreter went over to the hotel this morning to speak to another
2 witness. They were spotted by Mr. Filipovic, who apparently overnight
3 made some inquiries in Banja Luka or -- not in Banja Luka, I imagine, but
4 somewhere about the name of this reporter and has come up with the name of
5 Zimmerman, we think. So I'm passing that on for consideration.
6 Mr. Zecevic just for Your Honours, said that although there's a reference
7 to TV Banja Luka at the end of this particular documentary, it doesn't
8 specifically say it's a production of TV Banja Luka, and I accept that of
9 course. I think it -- Mr. Zecevic can probably help more about that. But
10 as I say, that's the latest information we've got. I don't know whether
11 Mr. Zecevic wants to tell you --

12 JUDGE AGIUS: Yes, Mr. Zecevic.

13 MR. ZECEVIC: Actually, Your Honours, I just informed Ms. Korner
14 that I watched the tape again last night, and --

15 JUDGE AGIUS: You're lucky. You've seen it twice.

16 MR. ZECEVIC: Yeah, I saw it probably five times by now. I know
17 it by heart.

18 The point is that at the very end of the part which Ms. Korner
19 would like to show before -- before the -- this Trial Chamber and in this
20 courtroom is the -- is an advertisement of -- asking the people who do not
21 have registered TV appliances to register them with the TV Banja Luka at a
22 certain address in Banja Luka. That is the only reference which refers to
23 TV Banja Luka. So it might be assumed by that that it -- this particular
24 piece has been aired on TV Banja Luka, but it -- at no point does it say
25 that it's a production of TV Banja Luka or any other production for that

1 matter. Thank you, Your Honours.

2 JUDGE AGIUS: And does the name Zimmerman ...?

3 MR. ZECEVIC: Well, I would be very -- I would be very surprised
4 that there is a journalist in Banja Luka by the name of Zimmerman. I
5 haven't heard so far anybody -- a journalist by that name.

6 [Defence counsel confer]

7 MR. ZECEVIC: My co-counsel is saying there was an American
8 ambassador in Belgrade before the war Zimmerman, but I don't think that's
9 the same person. So I -- we are not aware of any journalist by the
10 surname Zimmerman.

11 JUDGE AGIUS: Okay. I thank you for your assistance.

12 MR. ZECEVIC: Thank you, Your Honour.

13 JUDGE AGIUS: Yes, Ms. Korner.

14 MS. KORNER: Your Honour, the second matter relates to the witness
15 who should have been the next witness whom I've applied for protective
16 measures. I say "should have been." Your Honour, it's become abundantly
17 clear that we can't call him and therefore we're not going to call him.

18 The next witness, therefore, will be Witness 7.196.

19 JUDGE AGIUS: Okay. And -- who hasn't got any --

20 MS. KORNER: Protective measures, no.

21 Your Honour, I'm being careful because basically you never know.

22 JUDGE AGIUS: No, no. I am careful there too.

23 MS. KORNER: The proposed order thereafter for next week,
24 depending on whether 7.196 is able to start on Monday --

25 JUDGE AGIUS: Is he a crime-based witness?

1 MS. KORNER: Yes, and no. In other words, he has a certain amount
2 of information about the resistance. So if -- yes, he's a crime-based
3 witness in the sense he's going to give evidence about a particular
4 incident, but he's also able to deal with those matters. And I'm
5 anticipating that he's likely to be some time in cross.

6 JUDGE AGIUS: Okay.

7 MS. KORNER: Thereafter, Witness 7.135, 7. -- as it is, they're
8 all being lined up for next week.

9 Your Honour, we are replacing the witness that we can't call with
10 another witness from the same area, and his statement has been disclosed
11 to the Defence today, and he'll come at the end of the -- the Kljuc
12 municipality. And we still have one gentleman left from Sanski Most who
13 we're going to be calling.

14 JUDGE AGIUS: Yes.

15 MS. KORNER: Your Honour, and then finally that just brings me
16 very briefly on to the question of timing and Prijedor. At the rough --
17 best rough guess, we would finish Kljuc municipality at -- on or about the
18 20th of September -- the 19th, we estimate it, which is a Thursday. And
19 therefore would probably start Prijedor on the 23rd of September.

20 I, as I said earlier or said yesterday, I agree with Mr. Ackerman
21 that it may be productive for there to be a meeting between the
22 Prosecution and Defence before we start the municipality. The week of the
23 30th is off.

24 JUDGE AGIUS: Yes.

25 MS. KORNER: And therefore, it may be sufficient for one day plus

1 the weekend and to start on the 23rd. But certainly we'll know closer to
2 the time, and I think certainly at least one day off to discuss how to
3 deal with it.

4 The tapes of the previous testimony of witnesses in the Stakic
5 case we're told should be available by Monday, the B/C/S tapes. I'm not
6 sure that I know about the other testimony.

7 All right. Well, that -- they'll be supplied to us by Monday, but
8 apparently of course they have to be edited so that closed session -- all
9 the stuff comes out. But I -- well, Your Honour, I can deal with that.

10 But can I just mention one things: I was contacted by the
11 registrar today about sitting dates.

12 JUDGE AGIUS: Yes.

13 MS. KORNER: Whether we could swap. Your Honour, I understand
14 there won't be -- Bosanski Samac, the Simic case is finished. So I
15 understand there may be a courtroom available for an all-day sitting, in
16 the sense of not all-day in the hours we've been sitting morning and
17 afternoon, but if we were to do the type of Milosevic hours, 9.30 through
18 till 1.00 and then whatever. I don't know whether Your Honours have
19 considered that.

20 JUDGE AGIUS: We have considered it. But before we tell you what
21 our preference is, I would like to know what Mr. Ackerman and Mr. Zecevic
22 think about it. In other words, the options that seem to be open are to
23 either switch to morning sessions, starting at 9.00 and finishing at
24 quarter to 2.00. Alternatively, have the old regime schedule in place,
25 starting at 9.30, finishing at quarter to 1.00, I think, or something like

1 that, and then start again at 2.00, I think, or something like that and
2 finish at 4.00.

3 I know that your preference, Ms. Korner, is to have this -- the
4 full day.

5 MS. KORNER: Your Honour, it is, for two -- can I explain. For
6 two reasons: One is you don't have quite the sort of compression and the
7 need to move. And it gives us extra sitting time, and it would be nice to
8 finish Prijedor by the beginning of December.

9 JUDGE AGIUS: I doubt. What's the total daily hours, Chuqing, in
10 the old system, say, in the Milosevic trial, when they start at 9.00 and
11 finish at 1.00, how many hours do they sit?

12 THE REGISTRAR: It's four hours, 30 minutes.

13 JUDGE AGIUS: Four hours, 30 minutes. And we sit --

14 THE REGISTRAR: Three hours, 45 minutes currently.

15 JUDGE AGIUS: So there's a three-quarter of an hour difference.

16 MS. KORNER: It's quite a major difference, Your Honours if you
17 add it up over the week.

18 And the other thing, as Your Honour knows -- and I know it's an
19 OTP problem, which might be avoided. But Stakic is during one part of it,
20 although I'm going to attempt to persuade Judge Schomburg -- hopefully I'm
21 going to persuade Judge Schomburg to say that these deliberations
22 shouldn't take place, but there will be the -- the submissions under Rule
23 98 and the oral arguments at some stage. I think the first week in
24 October.

25 JUDGE AGIUS: That's what he told me. I mean -- but I didn't jot

1 down the dates at the time, because I didn't think it was important for me
2 to know.

3 MS. KORNER: No. It's -- may I say the deliberations are a
4 concept that escape me entirely at the moment, so I'm appearing before
5 him, I hope, tomorrow morning to ask him about this. But as I understand,
6 he set aside a week at the beginning of October to hear oral argument on
7 Rule 98 submissions. Now, I agree, I can't see how it can take a week,
8 because written motions will be put in by both sides. But that would
9 cause the problem. And the other problem would be once we start Prijedor,
10 in order to minimise the necessity for witnesses to come up early to see
11 different lawyers, the same lawyers that called the witnesses in the
12 Stakic case will be used to call the witnesses in this case. So that's
13 why I -- as I say, that is the preference we have for --

14 JUDGE AGIUS: Now, with regard to the -- yes. Can anyone
15 enlighten me on the position regarding the 28th October to November 1,
16 November 1st? That doesn't seem -- would -- Simic would have restarted by
17 then, no?

18 THE REGISTRAR: Yes, Your Honour. We will restart on the 21st of
19 October in the Simic case.

20 JUDGE AGIUS: Yes. So the last week of -- let's start from last
21 week of October. It cannot be changed in any case. What I'm trying to do
22 is to fill in where there is a court maintenance day off. If we could
23 switch chamber -- courtroom -- if we could switch courtroom, we could add
24 one day, and that can make us recover all these 30 minutes or 45 minutes
25 difference that there may be between one system and another.

1 What are your options, anyway? Let's start with Mr. Ackerman. I
2 always start with Mr. Ackerman not out of disrespect, Mr. Zecevic. Just
3 because it's just more convenient.

4 Yes.

5 MR. ACKERMAN: Your Honour, our preference is -- my preference is
6 that we work the morning schedule as much we can, because I prefer
7 mornings to afternoons, for a lot of reasons. The largest problem that I
8 face in this case is not being able to find sufficient preparation time,
9 and it's extraordinarily difficult.

10 JUDGE AGIUS: That I share with you, because I -- I speak for
11 myself, but I also know that my colleagues have the same problem. When
12 you finish here at 6.30 -- and we finish at 6.30, not 7.00. Apart from
13 the amount of energy that is left in you and -- I mean, one has to -- I
14 mean, I have to look after myself, and that leaves me with very little
15 time for anything else.

16 MR. ACKERMAN: That's right.

17 JUDGE AGIUS: And in the morning when I come here, even though I
18 have an afternoon sitting, I'm still dealing with 101 things that come up,
19 be it Nikolic, Mrksic, Merdja, Blagojevic, and et cetera and I end up
20 having to read documents or agree to decisions or disagree to decisions.
21 So basically you end up coming here at 8.00 in the morning and returning
22 home at 7.00 at night and that's 11 hours, leaving you very little time
23 for anything else. So my preference definitely would be for morning
24 sessions too.

25 What about Mr. Zecevic?

1 MR. ZECEVIC: Your Honours, we absolutely agree. It is our
2 preference as well. And we have the same problem. As you know, even
3 more, because I came into the case rather late. I mean --

4 JUDGE AGIUS: Yeah. But by now -- by now you give me the
5 impression you have recovered the lost --

6 MR. ZECEVIC: Thank you, Your Honours. I did my best. But
7 anyhow, we are now faced with the Prijedor case -- the part of the case
8 which is actually pertaining to the municipality of Prijedor. Most of the
9 witnesses which are -- which are going to be called over here have already
10 been testified, some of them even four times. What we are getting from
11 the OTP is thousands of pages of transcript of material of the witness's
12 testimony over here in other cases. I mean, we really do need a lot of
13 time to prepare for each and every witness because we cannot really afford
14 to just forget about his previous testimonies or whatever. So in that
15 case -- and most of all, because of that, we would prefer the morning
16 schedule. Thank you.

17 MS. KORNER: Well, Your Honour, I -- you know, I can see when I'm
18 outvoted. I mean, the only reason I was asked when this case was going to
19 end --

20 JUDGE AGIUS: No. I understand, Ms. Korner. I understand the
21 interest that you have to get this over and done with.

22 What I would like to ask you to check -- not you personally
23 obviously. Get someone from your staff or have the Registry do this
24 exercise -- whether we can steal a day, because I notice that the week of
25 the 9th September to 13th September, that's -- we are already morning

1 sitting.

2 MS. KORNER: Yes.

3 JUDGE AGIUS: And that's when there was a court maintenance.

4 MS. KORNER: When was that.

5 JUDGE AGIUS: Next week Friday. Friday, the 13th is court
6 maintenance. So if we could find a courtroom available -- Courtroom III
7 is court maintenance. Courtroom II -- Courtroom II in the afternoon --
8 Courtroom II in the afternoon, as far as I read my schedule, my agenda,
9 Stakic seems to be sitting from 9.00 to 13.45 but not in the afternoon.
10 So if we could utilise with obviously the concurrence of the Defence as
11 well -- if we could steal that afternoon and have an extra sitting on that
12 day, on Friday, the 13th in Courtroom II, we would at least gain -- gain
13 something like three and a half hours. That would be at least one thing
14 that I can recommend to you. Otherwise -- otherwise it seems we have 16th
15 September to 20th September when we can move to the morning. And that
16 would be where Simic is sitting, Courtroom III. And in that week I
17 notice, Madam Chuqing, that at least in my -- again, that Galic seems to
18 have also a sitting on the 20th of September in Courtroom III, although it
19 is in italics.

20 MS. KORNER: Your Honour, I'm anxious obviously to get
21 Mr. Filipovic going. I wonder if we could perhaps try and come to -- to
22 some sort of arrangement. I mean, it -- I heard Judge Schomburg this
23 morning announcing how much it costs to run court each day, but one of the
24 reasons really is that -- and I've raised it before and I don't know
25 whether administration -- I cannot understand why we should be forced to

1 lose a whole day for court maintenance on -- you know, every three weeks.
2 I really can't. And it does seem to me that this constant, constant days
3 off because of court maintenance --

4 JUDGE AGIUS: And we seem to get them all in this case. We seem
5 to get them all. Actually, we have got special treatment in the sense
6 that we -- now it's changing, but we had one-third morning sittings,
7 two-thirds afternoon sittings, which I didn't like and which I contested.
8 But then also the rest seems -- we switch courtrooms only to find that we
9 switch in the week when there is a courtroom --

10 MS. KORNER: I know.

11 JUDGE AGIUS: -- court maintenance, and it ends up some months we
12 have two or three courtroom maintenance days off. It's unfortunate,
13 because I would rather sit a whole -- a whole week than have a Friday off
14 just because there is --

15 MS. KORNER: Your Honour, I think perhaps one ought to make it
16 clear to the administration in this building that outside of Milosevic,
17 this is possibly the biggest case running.

18 JUDGE AGIUS: I know.

19 MS. KORNER: It's certainly the -- the most document-heavy, and
20 it's one that ought to get treatment that doesn't mean unnecessary unless
21 asked for by Defence or UN holidays, unnecessary days all. I mean,
22 literally somebody in the team counted up the sitting days in October, and
23 it's something like 13 because of court maintenance and whatever. And 13
24 out of a potential, what is it, four weeks -- 20 days-odd sitting is
25 ridiculous, absolutely ridiculous. And if you know -- the general public

1 are going to worry about the length of time these trials take.

2 JUDGE AGIUS: No. In October -- in October we have --

3 MS. KORNER: But Your Honour, I'm --

4 JUDGE AGIUS: But by the way, let's not lose -- waste time.

5 MS. KORNER: Anyway, Your Honour, I've made the point. I keep on
6 making it. But we keep on being told that general public won't stand for
7 these long trials. What they don't understand is that these trials do not
8 sit anything like proper court days or five days a week. And anyhow, I've
9 made that point before.

10 JUDGE AGIUS: Okay. In the meantime, please liaise with the
11 Registry to see what changes we need to make after you have consulted also
12 with Judge Schomburg tomorrow with regard to the dates when Stakic is
13 sitting so that we try to avoid --

14 MS. KORNER: I think it's just the only potential conflict on
15 Prijedor, Your Honour, would come on that first week in October.

16 JUDGE AGIUS: Yes. But we --

17 MS. KORNER: Other than that --

18 JUDGE AGIUS: You will find me behind you if you need -- whatever
19 you need there.

20 MS. KORNER: Thank you.

21 JUDGE AGIUS: -- in order to avoid any -- any unnecessary waste of
22 time or clashes.

23 [Trial Chamber confers]

24 JUDGE AGIUS: [Microphone not activated] So let's -- usher, the
25 witness, please.

1 [The witness entered court]

2 JUDGE AGIUS: [Microphone not activated] Mr. Filipovic, good
3 afternoon to you.

4 THE WITNESS: [No interpretation]

5 JUDGE AGIUS: [Microphone not activated] Welcome back. I kindly
6 ask you to repeat your solemn declaration, please.

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

9 WITNESS: MUHAMED FILIPOVIC [Resumed]

10 [Witness answered through interpreter]

11 JUDGE AGIUS: [Microphone not activated] I thank you. You may sit
12 down.

13 THE INTERPRETER: Microphone, please, Your Honour.

14 JUDGE AGIUS: Now, before you continue giving evidence, I
15 understand that you had some health problems today.

16 THE WITNESS: [Interpretation] I went to see a doctor.

17 JUDGE AGIUS: If you have any problem throughout your stay in this
18 courtroom, if you need to rest, if you need a break -- a short break, if
19 you're tired, if you want to stop, you only have to say it.

20 THE WITNESS: [Interpretation] It's fine for the time being.

21 JUDGE AGIUS: We are not here to make your life difficult. We
22 appreciate the fact that you have come here to give evidence. And
23 certainly we do not wish to put you in a position where you have to be
24 inconvenienced more than by the fact of giving evidence. So let me
25 know -- just make me a sign, stop me, and say "I'm not feeling well. I'm

1 tired. I would like to stop here or I would like a break, or whatever,
2 and you will be given all the attention that you require.

3 THE WITNESS: [Interpretation] Thank you.

4 JUDGE AGIUS: Ms. Korner.

5 Examined by Ms. Korner: [Continued]

6 Q. Mr. Filipovic, I was going to come on to the events of the 26th of
7 May onwards, but you mentioned yesterday and we looked at some documents
8 relating to dismissal of non-Serb personnel. And I just want to deal with
9 that as a general topic before dealing with the major events.

10 Could you be handed, please, Exhibit 973.

11 MS. KORNER: Which I think that Your Honours will find in volume
12 2.

13 JUDGE AGIUS: Volume 2?

14 MS. KORNER: Volume 2, yes.

15 JUDGE AGIUS: Okay.

16 MS. KORNER:

17 Q. Now, Mr. Filipovic, this is the -- a document from -- it looks
18 like the Sanica wood processing plant, addressed to the Kljuc Municipal
19 Assembly and dated the 21st of June, "Re information on managerial staff
20 with reference to your correspondence, the 18th of June, we hereby forward
21 you information regarding the situation in the managerial staff of Muslim
22 and Croatian nationality who perform the duties at the level of foreman
23 and above."

24 Just looking at that list of names, did you know any of those
25 people personally?

1 A. I did.

2 Q. Without mentioning -- going through each name, how many of them
3 roughly?

4 A. Between 12 and 13 of them.

5 Q. All right. Did they all lose their jobs?

6 A. They did.

7 Q. Thank you. Could you now have P974. Again, this is on the same
8 topic. The date of this document is two days later, the 23rd of June, and
9 relates to a wood processing plant and other enterprises. Did you know
10 people who are named there?

11 A. I did.

12 Q. And those whom you knew, did they lose their jobs?

13 A. They did. One of them during the war worked as a cleaning man,
14 but he was otherwise an engineer. And as he remained in Kljuc throughout
15 the war, he cleaned the streets as a member of the public utility company.

16 Q. And which one was that?

17 A. Under number 1 from joint services, Eniz Pobric. He was also a
18 member of the business board and one of the managerial staff members of
19 this company.

20 Q. Thank you. Could you now look, please, at 978. This starts --
21 again, this is a list of various companies and enterprises which starts
22 with the municipal assembly. And did -- leaving aside the municipal
23 assembly because the Muslims left, but people who had jobs there, are you
24 able to say just looking at that first page, did those people that you
25 knew lose their jobs?

1 A. They did. From the 27th of May onwards, not one of them was
2 working.

3 Q. Then could you look now, please, at 983.

4 MS. KORNER: Your Honour, I understand that this document is the
5 subject of dispute, or objected to -- documents, I should say.

6 Q. This is a decision relieving Mr. Kapetanovic of his duty as a
7 judge; pointing -- the next document, a Mr. Dmitrovic. These documents
8 are dated in July. And then the next document, your brother is relieved
9 of his duties as vice-president of the Kljuc Municipal Assembly.

10 On the 21st of July, where was your brother, Mr. Filipovic?

11 A. On the 21st of July?

12 Q. Yes.

13 A. He was in the Manjaca concentration camp.

14 Q. And then we can see that there are various decisions relieving
15 people of their jobs, all those mentioned to do with the municipal
16 assembly and judges.

17 Who was -- there's a lady mentioned called Merima Filipovic,
18 secretary of the municipal secretariat. Was she a relation of yours?

19 A. It is my sister-in-law, the wife of my late brother.

20 Q. All right. Thank you. Yes. And if we -- still on the same
21 topic, could you be handed 1017, please.

22 JUDGE AGIUS: [Microphone not activated] That is in volume ...?

23 MS. KORNER: It's volume 2 as well, Your Honour. These are all in
24 volume 2.

25 JUDGE AGIUS: 10 ...?

1 MS. KORNER: It's behind divider 51 in mine.

2 Q. Could you just turn over the page. Is that the signature of
3 Mr. Banjac? If you could turn over the page and have a look at that.

4 A. It is. Yes, it is.

5 Q. Thank you. It says: "On the 7th of August, 1992 the War
6 Presidency, as it was then called, stated that all state organs and
7 socially owned mixed and public enterprises and public institutions in
8 Kljuc shall dismiss the following workers: All workers who participated
9 in the armed uprising and are currently in prison in Manjaca, near Banja
10 Luka, or on the run; all workers who did not respond to military
11 mobilisation; all workers who did not respond to work obligation. And the
12 public security station and Kljuc municipal secretariat for National
13 Defence shall submit details of these individuals at the request of
14 organs, companies, and communities."

15 Again, in reality, who were the people who were in Manjaca or
16 did not respond to military mobilisation or did not respond to work
17 obligation? What nationality?

18 A. They were Muslims and Croats. For example, my wife got a call-up
19 paper for mobilisation. She refused, and she was dismissed from her job.

20 Q. Yes. Thank you. You can put that away.

21 And then the final group. If you go, please -- if you could be
22 handed 1023 and 1024, please. This covers 5, 6, 7. This is Kljuc court.
23 It is the remit of the commission to implement disciplinary proceedings
24 against employees who have been absent from work without explanation
25 during June, July, and August. And on the basis of established state of

1 facts to adopt a suitable decision or ruling, there are a number of these
2 rulings. And if we look at P0 -- P1024, we see that disciplinary
3 proceedings were taken against an employee named Fedhija Eljezovic,
4 resident of Kljuc assigned to the position of an enforcement clerk in the
5 court for having missed more than three consecutive days of work in the
6 period from 28 May to 3 June. By any chance did you know this person,
7 Mr. Filipovic?

8 A. This is a lady, Ms. Fedhija Eljezovic, and I did know her
9 personally. She was the secretary of the president of the court.

10 Q. And it said that she didn't turn up for work on the 28th of May to
11 the 3rd of June. And do you know why she didn't turn up for work?

12 A. Well, one has to laugh at that question. She couldn't come. The
13 whole of Kljuc at that time was buzzing with policemen and soldiers. And
14 if a person of Muslim or Croatian ethnicity came out, immediately - and I
15 apologise for using a Bosnian word - it would be addressed with the words
16 "Where are you, balija? Fuck balijas. Kill the Ustashas." So no one
17 dared come out of their houses for the whole period of time.

18 Q. Thank you very much, Mr. Filipovic. That's all I'm going to ask
19 you about dismissals, except maybe just one last -- I'm sorry, one last
20 document. 1034, please.

21 This is a letter apparently from the forestry enterprise that we
22 saw addressed to the -- dated the 4th of September, 1992, addressed to the
23 municipal assembly, the War Presidency. "Since in certain enterprises and
24 institutions at the level of Kljuc municipality the employees of Croatian
25 and Muslim nationality are treated differently, in the sense of continuing

1 to carry out their duties and assignments, as well as the calculation of
2 salaries, we would like you to tell us what to do in that regard when
3 employees of our enterprise are in question." Actually, and I don't need
4 to ask you anything about that. Thank you, Mr. Filipovic. Yes, thank
5 you. If you could give that back to the usher.

6 Now, Mr. Filipovic, I want to ask you about the events of the 27th
7 of May.

8 MR. ACKERMAN: Your Honour, I'm sorry --

9 JUDGE AGIUS: Yes.

10 MR. ACKERMAN: I'm sorry to interrupt. But we started the day
11 with Ms. Korner complaining that we don't have time to get through these
12 things, and then she's reading documents without asking questions, which
13 is just taking up time unnecessarily it seems to me. She just went
14 through this document, read it to us, and said she had no question about
15 it. And she's been doing that. She's doing what I complain about her
16 wanting to read documents. So when she gets a witness here, she reads the
17 documents in the guise of asking questions, but then she doesn't ask
18 questions. She just reads the document. If we really want to move
19 rapidly through this, I think we can dispense of the document reading.

20 JUDGE AGIUS: Yes, Ms. Korner.

21 MS. KORNER: Your Honour, we've been over this over and over
22 again.

23 JUDGE AGIUS: [Microphone not activated]

24 THE INTERPRETER: Microphone, please, Your Honour.

25 JUDGE AGIUS: If you don't reply and we proceed, we can get there

1 quicker.

2 MS. KORNER: Your Honour, I'm just making the point, this case, as
3 I said earlier, is about documents. And somehow these documents have got
4 to be made part of the court record.

5 Q. Right. Could you be handed --

6 JUDGE AGIUS: [Microphone not activated] We are getting to the
7 27th.

8 MS. KORNER: It's now the 27th of May. And I'm going to use for
9 the basis the report that was written about that, Your Honour. That's
10 Exhibit 1012.

11 JUDGE AGIUS: In which --

12 MS. KORNER: It's in bundle -- binder 2 as well.

13 JUDGE AGIUS: [Microphone not activated] 1012.

14 MS. KORNER: And if the witness could be handed that.

15 [Trial Chamber and registrar confer]

16 MS. KORNER:

17 Q. Now, Mr. Filipovic, this is a report that was written in July of
18 1992 apparently by the Banja Luka services centre or by the Kljuc SJB on
19 the events that happened in Kljuc. And I think you've had an opportunity
20 to read through it before. It -- there's a general background to begin
21 with. And if we just look at the beginning, the introductory notes, it
22 goes through the inhabitants of Kljuc and states, as we've looked at
23 before, that there was a decrease in the members of Serbs who lived
24 there. And you've already explained to us about that.

25 It then goes through the events -- the attitude towards the

1 Yugoslav crisis, the attitude to mobilisation, the status of the
2 municipality in the Autonomous Region of Krajina. And perhaps we should
3 just look at one of the things that's said there, under paragraph 4, where
4 it talks about the decision to join Kljuc to the Autonomous Region of
5 Bosnian Krajina, a decision in which May of 1991, a decision which was
6 confirmed in December of 1991. And then it goes on to state that "Since
7 it was clear that the idea of a unitary BH was not going to win the day,
8 all the activities of the SDA and the Muslim Bosniak organisation were
9 directed towards the dividing of the municipality and the creating of a
10 Muslim municipality. From the security aspect, the distribution of the
11 population in the municipality was exceptionally unpropitious since more
12 than 70 per cent of Muslims lived in the north-west part of the
13 municipality, which borders on Sanski Most."

14 Then it deals with the work of Kljuc, the SJB. And it then goes
15 on to deal with what it calls the goals of the armed rebellion. And it
16 states this: "Two whole months have passed since the Muslim extremists
17 and fundamentalists started an armed rebellion in the area of Kljuc
18 municipality. Their activities were coordinated over the entire area of
19 the Bosnian Krajina and the centre of the armed rebellion was located in
20 the area of the Prijedor-Kozarac municipality with the intention of
21 spreading it in all directions."

22 Leaving out the rest of this description, "The main goals of the
23 rebellion were the destruction of the legally elected organs of
24 government; 2, the weakening of the fighting power of the Army of the
25 Serbian Republic of BH; 3, the withdrawal of our units from the front line

1 and the creation of room for manoeuvre for the forces of the Republic of
2 Croatia."

3 Now, Mr. Filipovic, do you agree with this assertion that there
4 was an armed rebellion which had those goals, an armed rebellion by the
5 Muslim population?

6 A. I don't agree. That is not true. Because there's this paragraph
7 on page 8 where it says that "All our information points to the fact that
8 the Muslim Territorial Defence was formed primarily for defensive action."

9 Q. Okay. I'm going to come to that. Let's just deal, then, with
10 what's put under "Operational information."

11 "Previous operational work had established that in addition to
12 the regular forces of the Serbian Republic of BH, there was a parallel
13 system of Muslim Territorial Defence in existence on the territory of the
14 Kljuc municipality. The officially appointed commander was a reserve
15 sergeant, Omer Filipovic," and gives his positions. "And it was known
16 that the internal organisation of the Muslim Territorial Defence was
17 similar to our own organisational scheme." And it goes on to suggest
18 that, as the Muslims had not responded to mobilisation, the majority of
19 reserve officers formed detachments, platoons, and companies on the
20 principle of functional organisation in local communities." And then it
21 talks about the Green Berets.

22 And then it says this: "All this information pointed with great
23 certainty to the fact that the Muslim Territorial Defence was primarily
24 being organised to perform defence activities. Their guards were
25 protecting only the approaches to villages, while a system of defence was

1 established on the edge and within each village."

2 Do you agree with that assessment?

3 A. I insist that we were preparing exclusively for defence and not
4 for any attack, and I persist in denying what it says in the report of the
5 public security station, that is, that the illegal commander was, they
6 were legal. I claim that they were illegal and that we were legal.

7 Q. It then talks about in the next paragraph that the orders of
8 officers were executed unquestioningly. The Muslim clergy also played an
9 active part in everything."

10 As far as you were concerned, what was the role played by the
11 Muslim clergy, as so described?

12 A. The Muslim clergy played an exclusively religious role. And on
13 Fridays, at the prayers, if there was any talk, then they would say,
14 "Let's get ready for what lies in wait," quite opposite to what Serbian
15 religious officials were doing, who were instigating ethnic unrest. So I
16 claim with responsibility that the Muslim and Croat religious officials in
17 Kljuc tried to bring back to reason the people and exclusively during the
18 time of prayers, because it was not allowed to hold any such meetings in
19 mosques and Catholic churches outside of those times.

20 Q. All right. Let's go on then to the next paragraph: "Later
21 operational work established they did not find organising either easy or
22 simple. Their main reasons for this were their fears that in conflict
23 with the Serbs, they could only be defeated. Their belief that they did
24 not have any reason or motive to attack their neighbours and their trust
25 in the official organs of authority in the municipality. An additional

1 problem for the majority of Muslims was securing the financial means to
2 purchase weapons, since these weapons could only be bought for foreign
3 currency."

4 Would you agree that that was a fair assessment?

5 A. This is correct. In those days in Kljuc you couldn't buy anything
6 for Yugoslav dinars because there was the machinery operating in Belgrade
7 Topcider and they printed so many dinars and sent them to Bosnian Krajina
8 that there were dealers who had boots full of dinars buying foreign
9 currency from the people, the aim being to carry foreign exchange from
10 Bosnia-Herzegovina to Serbia and the Autonomous Region of Krajina, so that
11 it was not possible to buy anything except with foreign currency or gold.

12 Q. Then it goes on in the next paragraph to say, or to assert that
13 "By means of determined propaganda to the effect that they would be
14 physically liquidated by the Serbs, the SDA and MBO leaderships together
15 with the most extreme members of the younger generation of Muslims, every
16 day gained more adherence as a result of their crazy indoctrination.
17 Under the pretext of preparing for the defence of their villages and
18 houses, the Muslims were developing a system of defence and organising
19 their Territorial Defence. All our information points to the fact that
20 the Muslim Territorial Defence was in fact formed primarily for defence
21 activities." And let's stop there. You referred us to that line already,
22 Mr. Filipovic. But the suggestion is that it was propaganda that you and
23 the SDA were putting out to -- that you would be physically - you the
24 Muslims - would be physically liquidated by Serbs.

25 First of all, were you asserting, were you saying these things?

1 A. That proved to be true subsequently, that we were right. The
2 subsequent course of events proved that we were right. In Kljuc between
3 800 and 1.000 men and civilians were killed. So whatever we had alleged
4 were later confirmed by the events, and this showed that we had been right
5 and that we had told our people the truth.

6 Q. All right. And then the paragraph goes on to say that
7 "Operational work carried out established that a number of meetings were
8 held in Prijedor and Sanski Most in May." Pausing there. You've already
9 dealt with those. "At which the decision to initiate an armed rebellion
10 was made, and their intention was to achieve the goals enumerated above.

11 "The change in concept switching from defensive to offensive
12 activities had disastrous consequences for the Muslims living in the area
13 of Kljuc municipality. The attacks that they mounted on the 27th of May,
14 1992 gave the army of the Serbian Republic of BH every right to take
15 energetic action to settle accounts with the organisers and participants
16 in these activities."

17 And now let's come to the combat activities that, as they put it,
18 that day. "Combat activities in the area of Kljuc municipality started
19 on the 27th of May, 1992. On that day, Muslim extremists and
20 fundamentalists carried out a number of synchronised combat actions
21 against members of the police force and the army of Serbian BH which were
22 intended to destroy the bulk of our forces on the front line and thus
23 weaken our positions." And then they set out -- I'll come back to what
24 they say about synchronised, but let's look at the account of the
25 actions.

1 They start with what they say is the setting of ambushes in the
2 area of Gornji Ramici. And it is -- and I'm summarising this, it's
3 alleged that roadblocks had been set up on the approach to the village,
4 that a traffic patrol and military police went there, that they were fired
5 upon, and that Mr. Stojakovic, the assistant commander of Kljuc, was
6 killed and two other people injured -- in fact, three. And then it goes
7 on to say: "Immediately thereafter, a representative of the public
8 security station arrived at the scene of the incident and negotiated with
9 commanders of the unit in the presence of Omer Filipovic. And he promised
10 that a team of experts could go to the scene."

11 Now, firstly, were you there when this incident took place?

12 A. I was not. I was not. Only I'd like to make a correction here.
13 Whoever wrote this report, this has nothing to do with Gornji Ramici.
14 This was in the area of Krasulje.

15 Q. All right. But were you aware of an incident in which
16 Mr. Stojakovic was killed?

17 A. I learnt about it later.

18 Q. Do you know of any involvement by your brother in the incident or
19 its aftermath?

20 A. My brother did not participate. He was just there as security so
21 that Vinko Kondic could come on site, because the inhabitants of the
22 village of Krasulje would not let anyone pass without Omer. However,
23 Omer's presence was a guarantee that Vinko and all the others who came
24 would come.

25 Q. All right. Did you hear any accounts of that incident from anyone

1 who was there?

2 A. Yes, afterwards, but not on the 27th, because I was imprisoned on
3 the 28th. But from Omer I heard by phone, because I'd remained in Kljuc,
4 and Omer called me up and he told me that a problem had cropped up, and he
5 explained what it was all about by phone. And following that event, I
6 learnt of this when -- from people in Gradiska, in Manjaca.

7 Q. All right. Can we look at what they describe as the second
8 incident, an ambush in the area of Busija and the village of Pudin Han.
9 This was a -- there was a convoy, and I think there's been mention of it
10 before -- oh, I'm sorry.

11 MS. KORNER: I didn't notice that Mr. --

12 JUDGE AGIUS: Yes, Mr. Zecevic.

13 MR. ZECEVIC: I'm sorry, Your Honours. But the witness has said
14 at 28, line 22. He said, "Because I remained in Kljuc -- and he says "I
15 was supposed to remain in Kljuc." And it's -- it hasn't been translated.
16 It might be fairly important in my opinion. If this can be clarified,
17 please.

18 JUDGE AGIUS: Yes. Mr. Filipovic, you've heard what Mr. Zecevic
19 has just pointed out. In your testimony, did you just say that you had
20 remained in Kljuc or that you were to remain in Kljuc, or expected --

21 THE WITNESS: [Interpretation] I remained there, and I was supposed
22 to remain there, to be with the people, because the others went to
23 Velagici and Krasulje.

24 JUDGE AGIUS: Please proceed.

25 MS. KORNER:

1 Q. Now, can we look at the second incident that's described, where
2 the allegation was that there were unarmed soldiers travelling from Knin
3 to Banja Luka which was a convoy ambushed. The ambush set on both sides
4 of the road, some 80 extremists took part in it. And the operation was
5 organised and commanded by Amir Avdic and Nedzad Djeric. What do you know
6 about that incident, Mr. Filipovic?

7 A. Well, I found out about the incident when I was imprisoned on --
8 captured on the 28th, and then when I was beaten and then they said, "So
9 you were the one who ordered that young Yugoslav soldiers should be
10 killed." And this was the first time I heard about it, on the 28th at the
11 police station. I didn't know about that. I hadn't known about it
12 earlier.

13 Q. Amir Avdic, was he imprisoned in Manjaca with you?

14 A. No. Amir Avdic, he made a breakthrough through Sjlaka [phoen].
15 He imprisoned -- captured some of the high-ranking Serb soldiers,
16 officers, and then he was able to go to Bihac, and then he became one of
17 the commanders of the 5th Corps of the Army of Bosnia and Herzegovina.

18 Q. You say you learnt about it, first of all, when you were beaten,
19 and then when you were in Manjaca. Did you learn about it from someone
20 who was there?

21 A. Well, all those who were from Velagici, if they were not directly
22 in that part, because Velagici is a village --

23 Q. Yeah. I'm sorry. It's fine.

24 A. All this happened in an area of a few kilometres.

25 Q. I'm sorry, not the Velagici incident. We've already heard

1 evidence of that. The incident of Pudin Han, that's described here.

2 A. Well, this is all, Madam Prosecutor. This is all one thing. We
3 residents, we made a distinction and we called it Pudin Han because the
4 whole area in fact was Velagici.

5 Q. Okay. But was there somebody who had taken part in this so-called
6 ambush who told you what had happened?

7 A. No. While I was in Stara Gradiska and Manjaca, I was ill. I
8 couldn't move. You saw my pictures. I only -- I was only able to start
9 walking when I came to London to be treated.

10 Q. Then can we look, please, at the third incident that's described
11 here, the setting of an ambush in Tocina. "On the same day, in the
12 immediate vicinity of the junction in Pudin Han and in the area called
13 Tocina, an ambush was set in which between 20 and 30 extremists took
14 part. Operational work revealed that there had been some hesitation on
15 the part of the some participants in the ambush who had refrained from
16 attacking the police patrol." Do you know anything about that incident?

17 A. No, nothing.

18 Q. "4, the blowing up of the M-5 road between Velagici and Laniste."
19 An attempt was made to carry out -- the blast was carried out with 80
20 kilos of explosive but did not have more significant effect. Do you know
21 anything about that?

22 A. No, I know nothing about that. But with 80 kilogrammes of
23 explosive, you can blow -- you can bring down this building. But I don't
24 know anything specific about this event.

25 Q. Then an attack on a checkpoint in Velagici. In one -- in the

1 attack a policeman, Mr. Marijanovic, was hit with three bullets in his
2 bulletproof jacket. It doesn't say whether he was killed or not.

3 And then finally, 6, the capture of seven soldiers of the Serbian
4 Army of BH in the village of, one I can never pronounce, Crljeni.

5 A. Crljeni.

6 Q. Yes. Now, I think you started -- you started to tell us about
7 that, Mr. Filipovic, and I think you do know something about this
8 incident.

9 A. Well, I know that it happened on the 25th. And as I told you
10 yesterday, Atif Dedic came and informed Omer and myself about what had
11 happened, and I know about -- that much about the incident, that people
12 were captured but that Omer strictly stated that nothing should be done to
13 them, that they would in future be used for exchange purposes. And I
14 don't know any more about the incident.

15 Q. All right. Now, it is said in that paragraph that began that
16 these were "synchronised combat actions against members of the police
17 force and the Army of the Serbian Bosnia-Herzegovina intended to destroy
18 the bulk of our forces on the front line." Now, was -- as far as you're
19 concerned, as one of the members of the Muslim TO and Crisis Staff, were
20 these synchronised attacks intended to destroy the Serbian police and
21 army?

22 A. That is not true. I keep insisting on the fact that we were
23 defending ourselves, Crljeni specifically has no connection or no relation
24 with other villages, so we were not equipped as well as the Serb army.
25 The Serb army had radio transmitters, and we hadn't -- the people from

1 Crljeni didn't have any contact with Muslim people from the surrounding
2 villages. So we cannot speak of synchronised action at all.

3 Q. All right. And then it says this, in paragraph 7, "Deployment of
4 our forces." And that may be where we have to break. "On the same day,
5 the command of the 30th Division issued an order to deploy units of the
6 Army of the Serbian Republic. On the next day negotiations commenced to
7 retrieve bodies of the dead, the injured person with the surname of
8 Despot and to save the seven captured soldiers. All these activities were
9 carried out successfully and without any casualties among our forces. The
10 operation of the 30th Division reinforced by forces of the Kljuc public
11 security station was carried out rapidly, energetically, and efficiently.
12 The resistance of the extremists and fundamentalists was crushed. On that
13 occasion, our forces inflicted serious casualties on them and a certain
14 quantity of their weapons used in the armed resistance was destroyed. In
15 the next few days, the military policeman Milorad Markovic died in combat
16 while performing mopping-up activities in the village of Gornji Prhovo and
17 the civilian Brane Davic killed in the hamlet of Skrbici. It talks about
18 crushing the resistance of extremists and fundamentalists. How long did
19 any resistance last, Mr. Filipovic?

20 A. Your Honour, the resistance lasted two days. After two days, when
21 negotiations were asked that Omer should make it possible for secure -- to
22 take out the body of Duce and Omer should surrender and all the civilians
23 would be saved and Serbs would not be Serbs if they did not keep their
24 words, and they have been doing this for several hundreds of years. After
25 Omer surrendered from all the weapons, all these villages were fired upon

1 from Brescica so that all the casualties mentioned here were casualties of
2 helpless people who were killed by mortars and by other weapons. Ratko
3 Bulac was commander of the unit and Marko Ademovic.

4 Q. Thank you.

5 JUDGE AGIUS: I thank you, Ms. Korner. Thank you, Mr. Filipovic.
6 We'll have a break of 15 to 20 minutes. Thank you.

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

8 --- On resuming at 4.08 p.m.

9 MS. KORNER: Your Honour, I'm going to -- oh, sorry, I see
10 Mr. Ackerman on his feet. Sorry.

11 JUDGE AGIUS: Yes, Mr. Ackerman.

12 MR. ACKERMAN: Your Honour, I'm able to report that the name of
13 the commentator is Hajdar Zimmerman.

14 JUDGE AGIUS: I thank you, Mr. Ackerman.

15 MS. KORNER: Sorry -- well, I was going to talk about the video
16 anyhow. But do I understand that Mr. Ackerman is confirming from his own
17 information that Zimmerman is the name of the reporter, despite the lack
18 of belief that this was a Bosnian name?

19 MR. ACKERMAN: Didn't I just say that the name of the reporter is
20 Hajdar Zimmerman?

21 JUDGE AGIUS: Yeah.

22 MR. ACKERMAN: I think I just said that. Didn't I just say that?

23 MS. KORNER: Yes. I was just checking. Thank you.

24 JUDGE AGIUS: Zimmerman is also amongst the Maltese names. So
25 it's not just --

1 MR. ACKERMAN: Well, it's a very common Bosnian name, Your
2 Honour.

3 MS. KORNER: All right. And -- this was said in the absence of
4 Mr. Filipovic, so I think we ought to confirm that we're grateful to
5 Mr. Filipovic for making the inquiry overnight.

6 But Your Honour, on the subject of the video, I understand it was
7 given to the -- to the Court, because did I have it made an exhibit yet?

8 JUDGE AGIUS: Well, I mean --

9 MS. KORNER: I'm asking the Court to confirm that.

10 JUDGE AGIUS: I haven't received it.

11 MS. KORNER: No, I know Your Honours haven't.

12 Oh, the Registry, do you have the video now?

13 THE REGISTRAR: Yes.

14 MS. KORNER: Then I wonder if it could be handed to the
15 technicians now in advance, and if it could be -- if we can try to get it
16 to the part where -- at the end of the bullfighting or whatever, the
17 fiesta scenes. And on my guess it's around 22 minutes or thereabouts.

18 Q. Mr. Filipovic, have you still got the report that we were looking
19 at, because I just want to deal with some other aspects of it. It's the
20 structure that -- no, I'm sorry. Paragraph 3, "Protection and
21 confiscation of weapons." If we could just deal with that. "The public
22 security station in the course of its activities and in keeping with a
23 decision of the Crisis Staff collected 270 legally owned hunting rifles
24 and 200 legally owned pistols. And then the following, illegally owned
25 weapons, 100 automatic rifles, 9 semi-automatic, and 9 submachine-guns, 45

1 hunting rifles, one 60-millimetre mortar, 40 pistols," and so on and so
2 forth. "And according to our assessments, public security station
3 employees confiscated over 60 per cent of illegally owned weapons. The
4 fact that no weapons were found in the possession of members of military
5 units presented a special problem in this work."

6 And then it talks about "A certain number of automatic weapons,
7 hand grenades, and a few Zolja hand-held rocket launchers were taken away
8 by the worst extremists and fundamentalists who fled in the direction of
9 Bihac, estimation number of 200."

10 And I think we're going to come to another estimate of weapons in
11 a moment.

12 Can we look then at the structure and the composition of the
13 so-called Muslim Territorial Defence, paragraph 4: "The structure of
14 units of the so-called Muslim Territorial Defence was explained in the
15 introduction. All the information we obtained during our operations was
16 quite accurate."

17 Can I just pause there for a moment, Mr. Filipovic. Were you
18 aware that, as it were, members of the Serbian security forces were
19 obtaining information about the Muslim Territorial Defence?

20 A. That is called spying, espionage. They were spying on us. And in
21 various ways, they obtained information about us.

22 Q. But did you appreciate that at the time, that they were getting
23 accurate information about your numbers and your weaponry?

24 A. We assumed that they knew this. In my statements I always use the
25 figure of 500 to 700 men, and they knew that. There were 500 to 700 men

1 that were loyal to their city, to their people, and to their state.

2 Q. All right. And then it lists there the various people who were
3 involved. There was a Colonel Efendic who was the commander of the
4 Territorial Defence staff; your brother.

5 A. I would just like to correct you. It says here "Colonel Hasan
6 Efendic, commander of the staff." He was commander of the Bosnian staff
7 in Sarajevo in the government.

8 Q. Yes.

9 A. And he appointed Omer Filipovic; therefore, he was legally
10 elected.

11 Q. Yes.

12 A. A minister or whatever position he had. Those are the people who
13 do the appointments, not people who organised a revolution.

14 Q. All right. Then it goes on to name various people. You've told
15 us about Mr. Avdic, and then Mr. Egrlic, Mr. Kapetanovic, and then the
16 Crisis Staff that you have also told us about. So clearly they did have
17 good information.

18 It then goes on to list --

19 A. I would just like to -- I apologise. Kapetanovic Emir, he was in
20 the building where the Bosnian Municipality of Kljuc was housed. He had
21 his surgery. And by chance when a part of Velagici was attacked, he
22 stayed behind there. So -- and he's a physician, a gynaecologist, a
23 specialist. And he had his own surgery there. And on the tape that I
24 have provided, you will find that.

25 Q. We'll --

1 A. So that he was not in the staff.

2 Q. We're about to watch the tape in a moment. I just want to finish
3 the document, Mr. Filipovic.

4 Then they list what they say are the various companies and the
5 heads of these companies, and then they say, "Based on information
6 obtained through operational work, the so-called Muslim Territorial
7 Defence numbered between 1.300 and 1.500 people, most of them did not have
8 uniforms nor did they receive the appropriate insignia."

9 The figure, 13 to 15 hundred people, do you agree with that?

10 A. I wouldn't agree. It says here "through operational work." They
11 don't want to say that at Manjaca and in Stara Gradiska by beating they
12 obtained confessions from people saying that they were members. If you
13 beat somebody unconscious, if you use an axle or a 2-inch telephone cable,
14 a man would admit that he's a Martian, not to mention a member of the
15 Territorial Defence, just to stay alive. Therefore, these operational
16 information was information obtained by investigators at Manjaca through
17 beatings.

18 Q. It goes on to say: "According to our checks, they had available
19 800 guns of all types (including legally owned weapons)." And I think
20 you've already told us that you described the weaponry.

21 Now, there's some more to this report, although I think at this
22 stage -- yes, can we just look, please, at paragraph 8, which is headed
23 "Prevention and detection of persons responsible for criminal acts,"
24 where it states that "A large number of criminal acts were committed in
25 the course of combat activities. They were mostly serious thefts and

1 arson. A large number of houses located in Pudin Han, Velagici, Donji
2 Biljani, Sanica, Prhovo, and Plamenice were destroyed and set alight." It
3 is suggested that effectively these were isolated criminal acts. What do
4 you say about that?

5 A. I wouldn't agree that they were isolated acts. These were acts by
6 obedients who plundered, and making a certain gain they distributed the
7 looty to the leaders, because they went to war to rob us, to loot us,
8 because they thought until the end of their lives they could keep what
9 they stole from the Muslims and Croats. There isn't a house from which
10 they didn't steal something ranging from furniture, cars, not to mention
11 human lives.

12 Q. Yes. Thank you. You can put that report aside. And then can we
13 just deal with a few of these other documents that deal with these
14 incidents. Could you be handed P915, please?

15 JUDGE AGIUS: 915.

16 MS. KORNER: Yes. Your Honour, that's back to volume 1. I'm
17 sorry.

18 JUDGE AGIUS: Oh, I see.

19 MS. KORNER:

20 Q. This is a report, a news broadcast from Banja Luka
21 Radio/Television, which deals with the -- that report. And as you rightly
22 point out, here we have the correct village. "At around noon Muslim
23 extremists from the village of Krasulje in the Kljuc municipality ambushed
24 and killed deputy commander of the Kljuc public security station, Dusan
25 Stojakovic. After that villagers joined by Muslim fundamentalists from

1 the neighbouring village of Velagici skirmished with the police."

2 Can you then, please, be shown document 916, please.

3 [Trial Chamber confers]

4 MS. KORNER:

5 Q. This is a --

6 MS. KORNER: Your Honour, this, I should say, is objected to, and
7 it is specifically objected to. It's a record of the Kljuc Municipality
8 Crisis Staff meeting held at 8.00 on the 28th of May. Again, the order
9 was that there was to be a surrender of weapons and if they do not,
10 thorough measures will be undertaken to disarm them, which may have
11 disastrous consequences for their personal safety, for that of their
12 property.

13 Q. Now, I asked you about earlier disarmament calls, and you said you
14 hadn't heard anything. Do you recall, however - or were you already
15 arrested in the early hours of the 28th of May - a call for the surrender
16 of weapons?

17 A. This is 8.00, and on the 28th of May at 10.30 I was arrested. And
18 one of my neighbours around 9.30 told me, using my nickname, Muhis,
19 "They're asking that you surrender on Radio Kljuc and they went to your
20 house." So I arrived home around 10.00, I think it was, and my legal
21 weapon for which I had a licence, having first searched the house as in a
22 crime film, they took away my weapon without any receipt or anything. So
23 it's nothing more than looting. So they arrested me at 10.30 some 200
24 metres away from my house.

25 Q. We then see that there's a call in relation to the commander of

1 the police station, that there should be -- and the Muslims from Velagici
2 and Pudín Han ordered to surrender the perpetrators of the crime against
3 the convoy.

4 And then over the page, "The commander of the so-called
5 Territorial Defence and Green Berets, Omer Filipovic, is hereby called
6 upon to surrender to the legal --" sorry, it's not over the page. It's
7 paragraph 5 for you -- "is hereby called upon to surrender the legal -- to
8 the legal military forces of the Serbian Republic.

9 "6, all members of the armed forces from Kljuc and the White Eagles
10 who have returned from Kupres, are hereby ordered to place themselves
11 under the command of the 30th Division."

12 And then: "Citizens requested to remain calm."

13 Did you hear on the radio a call -- you say you were told by your
14 neighbour there was a call for you to surrender, but for your brother to
15 surrender?

16 A. Also for him. This call was addressed to him too. And here it
17 mentions the White Eagles, a paramilitary Chetnik formation. So under the
18 alleged legal Serbian forces, there were the paramilitary Chetnik forces,
19 called the White Eagles.

20 MS. KORNER: I'm sorry, Your Honour. I'm just checking
21 something. Yes.

22 Q. Thank you. That's all I need to ask you on those documents.

23 There are a series of Defence -- of documents issued to the
24 command of the defence of Kljuc.

25 MS. KORNER: Sorry, Your Honour. I just want to check, if I may.

1 Q. Yes. Could you look now, please, at Exhibit 922. Again, in
2 relation to your brother. This was apparently a radio statement of the
3 command of the Kljuc defence, an announcement that citizens -- it's quite
4 difficult to read because there's a lot crossed out. But "Citizens of
5 Muslim nationality are being informed about the latest agreement between
6 Omer Filipovic, the commander of the so-called Muslim Territorial Defence
7 and the command of the Kljuc defence." And then it makes -- it gives
8 various demands for surrender of various Muslims.

9 And then it states at the bottom: "In case of non-observance of
10 the said provisions of this agreement, it will be considered as if they
11 are in an armed conflict and measures will be taken towards them as
12 towards all enemies."

13 And then apparently something. "Dear listeners, fierce armed
14 conflicts between legal Serbian defence forces and the Muslim
15 paramilitaries in the areas of Kljuc, Sehici, Pudun Han, Velagici, Ramici,
16 and Krasulje, the resistance of the illegal Muslim forces in this area has
17 been broken. That was the main reason for the earlier achieved
18 agreement."

19 And then in connection with that, Exhibit, please, P923. Again,
20 this is an order from the same date, stating "Since Mr. Omer Filipovic on
21 behalf of the Muslims and all the people who possess weapons has asked for
22 a postponement of the deadline until 10.00 hours on the 29th of May and in
23 token of understanding for this proposal, the Kljuc defence command has
24 accepted his proposal under the condition seven captured soldiers," et
25 cetera, et cetera.

1 Obviously by this stage, at 4.00, you were already in custody,
2 Mr. Filipovic. But whilst you were in custody, did you become aware of
3 what was happening?

4 A. I didn't know. This was the 29th. And on the 29th I was already
5 in Stara Gradiska in another state. Stara Gradiska is not
6 Bosnia-Herzegovina but the Republic of Croatia. So on the 28th I was
7 transferred -- I was captured and transferred. I can say what I know
8 about this. They did not respect the agreement reached with Omer
9 Filipovic. The order was and the agreement was for Omer to surrender and
10 for all civilians to be released home. However, before this break I said
11 that after Omer entered the police car, from all sides a cannonade of
12 shells fell on Pudin Han and Velagici, so that they did not abide by the
13 agreement and Omer was captured and taken to Stara Gradiska as well.

14 Q. All right. Yes, thank you, Mr. Filipovic. I think now the thing
15 to do would be to ask that the video that was made could be played.

16 Mr. Filipovic, if there's any point at which you wish to make a
17 comment about what we see, if you just say "stop" into the microphone, the
18 technicians will stop it.

19 THE INTERPRETER: The interpreters would like know whether they
20 are expected to translate.

21 JUDGE AGIUS: Yes, certainly.

22 [Videotape played]

23 THE INTERPRETER: [Voiceover] "We establish that there was a link
24 between the official leaderships of the SDA and the Muslim Bosniak party
25 and that the leaders of those parties were directly involved in the

1 procurement of weapons, the formation of units, and that this whole
2 process was organised through the parties."

3 MS. KORNER: Can we pause for a moment. Can we pause.

4 THE INTERPRETER: [Voiceover] "The municipality of Kljuc had 37.000
5 inhabitants."

6 MS. KORNER: Thank you. The gentleman we just saw, we've all
7 been told who it is. But could you identify him for us, please,
8 Mr. Filipovic.

9 A. This is my former friend Vinko Kondic.

10 Q. Yes. Thank you.

11 MS. KORNER: Yes. Carry on.

12 JUDGE AGIUS: May I ask, this video recording goes back to 1992, I
13 would imagine. No? Which -- which particular period in 1992?

14 MS. KORNER:

15 Q. Mr. Filipovic, can you assist? This video recording, I know it
16 was sent to you, but can you say what period of 1992 this was from what's
17 on the film?

18 A. The recording was made in my assessment at the beginning of June
19 1992. It was a recording made by Banja Luka Television. And I received
20 a copy in 1993 in England from a friend in Germany.

21 Q. And when you say "in your opinion it was made in June 1992," what
22 do you base that on?

23 A. I base it on the fact that it is immediately after the conflict
24 which occurred on the 27th, 28th, and 29th of May. So immediately after
25 that one can see destruction. And there's also some data. For instance,

1 what was filmed in Kljuc, you can establish the date. My theory may not
2 be correct, because you can see on the recording that he's in Kljuc. One
3 can find out when the mosque was destroyed. So then recording was done
4 after that, because it can be established when the mosque was destroyed,
5 or it may be the filming was in two parts, in Kljuc and Velagici. I
6 assume that this in Velagici was in June.

7 Q. Thank you.

8 MS. KORNER: Yes. If we could carry on playing the video. Thank
9 you.

10 [Videotape played]

11 THE INTERPRETER: [Voiceover] There were 49 per cent are Serbs,
12 44.5 per cent Muslims, 0.9 per cent Croats, and 5.6 per cent Yugoslavs and
13 others. These wartime events have left their imprint on this environment
14 and will effect overall developments in Kljuc municipality in many ways.
15 The Crisis Staff is taking over power. Many decisions have been taken,
16 including the introduction of a curfew, the stopping of work of all
17 companies and most other establishments, which means switching to wartime
18 conditions. During the last few days the Crisis Staff has issued an order
19 that citizens may move from 7 to 20 hours that, shops will also be working
20 --

21 THE WITNESS: [Interpretation] Stop. You can see here that the
22 mosque is intact. So if we can find the date of the demolition of the
23 mosque, we can establish that the film was made before that.

24 MS. KORNER: Your Honour, we do have a date, and I'll -- there's a
25 document that gives it.

1 JUDGE AGIUS: Okay. Thank you. Thank you, Mr. Filipovic.

2 MS. KORNER: Yes. I'm sorry, could we carry on.

3 [Videotape played]

4 THE INTERPRETER: [Voiceover] Spirits can be served up to 6.00
5 p.m. What is most important, decisions have been taken on the working
6 hours of enterprises and especially of Sip Kljuc in which the annual
7 maintenance we begin a month ahead of time. As of 20th of June, a regular
8 line Vrbljani-Banja Luka through Sitnica has been introduced. The bus
9 will be leaving at 5.30 and from Kljuc at 7.00 and from Banja Luka at
10 3.00. Also, other bus lines will be introduced at the level of Kljuc and
11 other neighbouring municipalities. The wartime activities in Kljuc have
12 left tragic consequences, as is the case in many other areas, because they
13 have refused to surrender their weapons and declare that they want to
14 fight. The representatives of villages inhabited exclusively by Muslims
15 have got what they wanted. Negotiations were conducted with the most
16 extreme forces, and their response was that they do not want the civilian
17 population to suffer but that they would not suffer under any
18 circumstances and that they would fight to the death rather than surrender
19 and disarm. So this was an extremist wing which gives a real picture of
20 Muslim fundamentalism.

21 In the area of Kljuc municipality, by operational work we have
22 established that there's a link between the official leadership of the
23 Party of Democratic Action and the Muslim Bosniak organisation and party
24 and that the leaders of these parties were directly involved in the
25 procurement of weapons, the formation of units, and that this whole

1 process was organised via the parties.

2 Tell us, what happened when it became clear that they do not wish
3 to negotiate or to hand over the weapons, that they want war. What did
4 the Serbian side do? What did the police do?

5 We responded by setting ultimatums for deadlines for the surrender
6 of weapons and we said that after that we would destroy the enemy forces
7 and that we would protect the civilian population in the area because
8 there were cases when they threatened the entire civilian population.
9 They opened fire at their own civilians, and they would not allow the
10 civilians to flee to certain localities.

11 When talking about these villages --

12 The fiercest fighting was in Pudin Han, Velagici, Gornji Ramici,
13 and to a certain extent in Donja Sanica, boarding on Sanski Most the
14 villages of Vrhpolje and Hrustovo, which are known from before as the
15 greatest strongholds of Muslim fundamentalists.

16 How many Muslims live in those villages?

17 In those areas of Kljuc municipality there are about 12 and a half
18 thousand Muslims and they represent more than 70 per cent of the total
19 population. Let me also say that in this area, there are about 4.300
20 members of the Serbian nationality and that they should have represented
21 the Bosnian municipality of Kljuc as the SDA and MBO deputies -- as they
22 call themselves, the Muslim national block -- already in December were the
23 only ones in Bosnia-Herzegovina to declare a Bosnian Muslim municipality
24 of Kljuc.

25 What was the result of the activities of our police and the Army

1 of the Serbian Republic of BH?

2 The operations were carried out energetically. And in a very
3 short period of time of a few hours, the units were broken up. Most of
4 the members surrendered with -- some with small arms, others with
5 automatic weapons. Some 20 to 30 per cent of the most extreme withdrew
6 and continued operating in the areas of Sanica and Sanski Most
7 municipality, which were still in their hands and according to some
8 reports a part tried to reach the municipality of Prijedor and Bihac.

9 Many houses have been destroyed. The population has fled. Many
10 have been captured. The newly-built mosque has been destroyed which
11 officially had not been opened yet. Nevertheless the Serbian army and
12 police hit only the houses from which resistance was put up. The new
13 mosque in Velagici, or rather Pudina Han, was one of the largest Muslim
14 strongholds.

15 THE WITNESS: [Interpretation] Stop. I should like to point out
16 that it is not true that the mosque was a fierce stronghold of our men.
17 They just needed a pretext to destroy all sacral buildings of Muslim and
18 Catholic faith. So 17 mosques were destroyed in Kljuc and one Catholic
19 church. So this was just a pretext for them to destroy religious
20 buildings. To this day the Orthodox church in Kljuc is intact.

21 JUDGE AGIUS: Yes. Go ahead.

22 [Videotape played]

23 THE INTERPRETER: [Voiceover] In Krasulje, Gornji and Donji Sanica,
24 Plamenica, Prhovo, and Ramici, during the mopping-up operations, other
25 buildings were also destroyed but much less than in Velagici and Pudina

1 Han.

2 What about other Muslim villages?

3 With the exception of parts of villages where ambushes were
4 organised and where members of the Muslim Territorial Defence and the
5 Green Berets set up ambushes, we did not engage in any other operations.
6 In the town of Kljuc and the surrounding villages, such as Dubocani and
7 others, inhabited exclusively by Muslims, there was no destruction nor was
8 a single shot fired in those areas, because in these areas the population
9 had not been ideologically indoctrinated, that is, the Muslim population.
10 And where there was no resistance, we did not have to carry out any
11 destruction. Quite a large quantity of weaponry has been confiscated.
12 What kind of evidence do you have, what proof of all the -- of the SDA
13 activities and their ring leaders?

14 This is only a part of the confiscated objects which provides
15 evidence that they organised --

16 THE WITNESS: [Interpretation] I ask the Court to wind back the
17 tape, where the chief of police, Vinko Kondic, says that they engaged in
18 an organised fashion in their defence.

19 JUDGE AGIUS: Which part would that be?

20 THE WITNESS: [Interpretation] Maybe a couple of seconds back
21 only. While Vinko was speaking.

22 JUDGE AGIUS: Stop here and -- okay. We can start playing from
23 here.

24 THE INTERPRETER: Could the interpreters be assisted with the page
25 of the transcript.

1 THE WITNESS: [Interpretation] They are ring leaders. This is just
2 a part of the confiscated material which documents that they organised
3 defence.

4 There you have Vinko Kondic who says that we organised our
5 defence.

6 MS. KORNER: Your Honour, I heard the interpreter request the page
7 of the transcript. It's page 4 of the English. I don't know what it is
8 in B/C/S.

9 THE INTERPRETER: Thank you very much.

10 MR. ACKERMAN: Well, I think in all fairness it should be pointed
11 out that right after Mr. Kondic says, "It's shows that they had organised
12 defence," he says "and prepared themselves to undertake aggressive combat
13 activities at the most suitable moment for them."

14 JUDGE AGIUS: [Microphone not activated] Yes. Let's continue with
15 the recording. The technicians, please. We'll continue from where we
16 stopped.

17 Okay. Thank you.

18 THE INTERPRETER: Microphone please, Your Honour.

19 JUDGE AGIUS: I see. Thank you.

20 [Videotape played]

21 THE INTERPRETER: [Voiceover] They chose a favourable moment for
22 combat activities. Regarding the political and security situation, we
23 drew attention to all the problems appearing in the territory of Kljuc
24 municipality, so that the location of units is given in the municipality
25 of Kljuc, the positions of the former Yugoslav People's Army, their axis

1 of withdrawal, their activities in certain localities, then also
2 assessments of the security situation are indicative of the difficult
3 position of the Muslims in certain regions. Then they use the old
4 assessments that certain areas are traditionally Chetnik strongholds. And
5 their overall indoctrination was such to use propaganda that there was no
6 life for them in this area.

7 But the inhabitants of these villages should not be misled to
8 believe that the Serbs are naive. It is known that some weapons are still
9 concealed and it would be best for them to hand it over as soon as
10 possible. The sooner they do so, the better, because for as long as they
11 have weapons, there is a potential danger of war spreading to these
12 villages. Let this programme be an appeal for them to surrender their
13 weapons as soon as possible so that they may live in these areas for
14 years -- hundreds of years ahead, because otherwise it is quite clear what
15 can happen, because the Serbs nowhere on this planet and least of all in
16 Kljuc have reason to beg anyone for anything.

17 During the performance of combat operations in this area, the
18 members of the Army of Republika Srpska and members of certain units
19 established full control, and in these areas there were no -- there was no
20 significant fighting nor attempts to control certain areas. These were
21 more individual exchanges of fire by fanatics who still remained in the
22 woods. They did not wish to surrender. But from one day to the next
23 there are more and more people who have surrendered.

24 That people had this in mind long ago is illustrated by an
25 example. Before the Second World War a large number of Croats lived in

1 the village of Velagici. Since from 1941 to 1945 almost all able-bodied
2 men were in the army of the independent state of Croatia, there was no
3 going back. They sold their houses and property after their war and moved
4 away. However, not a single house was sold to a Serb by a Croat from
5 Velagici. They all sold their houses to Muslims. And there were examples
6 that the Serbs made them better offers.

7 The second example: At the right side along the asphalt road to
8 Velagici and Pudín Han, looking from the direction of Kljuc, there was not
9 a single house. Pursuant to orders given by the higher authorities - we
10 know by whom - several houses have recently been built on that side. They
11 were bit on the slopes so that it would be easy for them to observe the
12 road and block it when the need occurred.

13 The third example is even more typical: Muslims, too, following
14 the example of their allies, Croats, slaughtered their neighbour, a Croat,
15 in Velagici because he had decided to stay and did not want to commit
16 crimes against the Serbs.

17 Can you imagine what a great hero Asim Egrlic was from the village
18 of Egrlic of the same name, just of Kljuc. He was the President of the
19 municipal SDA. It's best shown by the fact that he injured himself at a
20 barricade and he couldn't run away, as his brother did, and the Serbs know
21 where his brother is hiding.

22 What is the organisational military structure of the Green Berets
23 and the MBO and who is in their leadership? What kind of evidence is
24 there available?

25 In the region of Kljuc municipality, we managed to prove through

1 operational work that there was a bond between the official leadership of
2 the SDA and the Muslim Bosniak Party, the party, the organisation, and
3 that the leaders of these parties were directly involved in the
4 procurement of weapons, in the establishment of units, and that the whole
5 process was organised and realised through political parties.

6 Were they well armed in this area?

7 According to the information available to us from before, there
8 were no significant quantities of weapons in Kljuc. That was explained in
9 the material that we seized and found, as well as in the operational
10 processing of each particular case. Our assessment is that in the Kljuc
11 municipality in various types of formations they had between 1300 and 1500
12 men and an appropriate quantity of weapons. However, there was a quantity
13 of weapons legally possessed, that is, hunting weapons, pistols, et
14 cetera. The rest, the illegally held weapons that we discovered and
15 requisitioned, some 60 per cent of, are the weapons probably seized from
16 the Serbian Army Territorial Defence.

17 THE WITNESS: [Interpretation] Stop. Your Honours, you can see
18 here what kind of weapons they were, old-fashioned Kuburas [phoen].
19 Rifles. You can look for yourself, as if this kind of weapons can hurt a
20 military force. Here you have proof what kind of weapons were involved.

21 MS. KORNER:

22 Q. Well, Mr. Filipovic, it's quite difficult to see on the picture.
23 Can you just show us what sort of a weapon it was by -- I'm not sure you
24 can, I suppose.

25 [Videotape played]

1 A. These are what we call Kuburas. Medieval fighters had such
2 weapons. You put one bullet in. Then you fire it. One could get killed
3 ten times in the meantime before putting in the second bullet.

4 Q. All right.

5 MS. KORNER: I think we can just make out -- yes, I see.

6 JUDGE AGIUS: [Microphone not activated] Let's have a --

7 THE INTERPRETER: Microphone, please, Your Honour.

8 JUDGE AGIUS: Let's have a very short rewind, going back to
9 when -- to the moment that cache of weapons is being shown, just a couple
10 of seconds I would imagine. A little bit more.

11 [Videotape played]

12 JUDGE AGIUS: We need to rewind a little bit more.

13 MS. KORNER: Can we pause there for a moment. Can we pause for a
14 moment.

15 Q. What are we -- do you know what we're looking at there,
16 Mr. Filipovic?

17 JUDGE AGIUS: There's the word "Zastava" there.

18 MS. KORNER: Looks like some amazing contraption on top, but ...

19 JUDGE AGIUS: Yeah. There was definitely a rifle that I could see
20 before.

21 THE WITNESS: [Interpretation] It's a box. In Serbia there was a
22 factory of weapons called "Zastava." And I claim with full responsibility
23 that we didn't have a single box of weapons. This is a JNA document. JNA
24 was supplied with Zastavas, weaponry.

25 MS. KORNER: All right. Can we --

1 JUDGE AGIUS: Yeah. We can continue playing the tape, I suppose.

2 MS. KORNER: I can just hear some amazing noises. That's all.

3 JUDGE AGIUS: Yeah. That's a printer, I think.

4 MS. KORNER: I see.

5 Can we just continue for a moment to the next, where we see the
6 other weapons.

7 [Videotape played]

8 THE INTERPRETER: [Voiceover] A number of the members of the
9 units --

10 JUDGE AGIUS: Pause.

11 MS. KORNER: Pause. All right.

12 Q. Is that what we can see to the right-hand part of the screen? One
13 can just make out what looks like some kind of a pistol.

14 A. Yes.

15 Q. Thank you.

16 MS. KORNER: All right. Yes. Perhaps we can continue playing
17 now.

18 [Videotape played]

19 THE INTERPRETER: [Voiceover] We will come to these automatic,
20 semi-automatic weapons, different types of rifles, bombs, and some
21 mortars. In one of the seized -- the documents it says that the Muslims
22 in Kljuc were allegedly in danger.

23 In Sanski Most, while the triage hospital would be situated in
24 Hripavci. As for the danger for Muslims is concerned, let me mention
25 that it was up to this last war, was that the Muslims owned most of the

1 trade companies and shops here in Kljuc. They owned restaurants, bakers'
2 shops, jewellery stores, garages, et cetera.

3 JUDGE AGIUS: Stop.

4 THE WITNESS: [Interpretation] Stop. Stop.

5 I would like to point to Your Honours that Muslims were workers.
6 They worked there where money was generated in bakeries and mechanic
7 shops, unlike the Serbs who were in leadership bodies. And when they say
8 the Muslims were rich, it is true that they were richer than the Serbs in
9 the Kljuc municipality. But we can say that they earned this through
10 their own efforts and work.

11 JUDGE AGIUS: Okay. We may -- can continue.

12 [Videotape played]

13 THE INTERPRETER: [Voiceover] In the municipality we can say that
14 there were more mosques than Orthodox churches.

15 MS. KORNER: Can we pause, please. Pause.

16 JUDGE AGIUS: Pause.

17 THE WITNESS: [Interpretation] Pause. Pause.

18 MS. KORNER: Stop the film. Thank you.

19 Q. Can you tell us who that is, Mr. Filipovic?

20 A. Jovo Banjac, president of the municipal assembly and president of
21 the Crisis Staff, commander or president of the Crisis Staff.

22 Q. Before -- he appears to be wearing some kind of a military uniform
23 here. Before your --

24 A. It is true. He is wearing a military uniform, a JNA military
25 uniform, of the Serb army.

1 Q. Before your arrest in May, on the 28th of May, did you see
2 Mr. Banjac wearing this type of military uniform at all?

3 A. No. He was wearing civilian clothes. He was a fat person and it
4 was difficult for him to find proper clothing. But when the situation got
5 tense, he was in a great hurry to procure a JNA uniform.

6 MS. KORNER: Thank you. Yes. If we could carry on playing the
7 film. Sorry.

8 [Videotape played]

9 THE INTERPRETER: [Voiceover] In the municipality of Kljuc we did
10 not suspend a single Muslim director before that nor did we have any
11 intention.

12 Are you saying that up to the war, up to May 27, the Muslims had
13 more directors than they should have proportionally in respect to the
14 population size?

15 They had many directors, as were legally elected in institutions.
16 In the old government, during the old government we did not wish to
17 replace them, we wanted everything to be as it should normally be in
18 peacetime.

19 The same as the Croat television TV Sarajevo, has become a huge
20 factory of lies. How far they are ready to go is best shown in an example
21 taken from Kljuc. Alija Izetbegovic congratulated Omer Filipovic by means
22 of TV Sarajevo on allegedly taking over the town on the Sana River
23 accomplished by the Green Berets. To make the victory complete and to
24 arouse hopes of enraged and hopeless Alija's combatants who fought the
25 holy jihad in Sarajevo and other front lines in Bosnia and Herzegovina,

1 Alija Izetbegovic tried even harder by congratulating Filipovic for the
2 arrest of more than 4.000 Serbo-Chetniks. I'm using this opportunity to
3 mention the abominable lies created in the factory of lies spread by HTV,
4 Sarajevo TV and radio, in which they broadcast news that Muslim extremists
5 led by Omer Filipovic, the commander of the Territorial Defence of the
6 so-called Bosnia and Herzegovina, took over Kljuc and arrested several
7 thousand Serbo-Chetniks.

8 JUDGE AGIUS: Can we just --

9 MS. KORNER: I was about to ask.

10 Q. Mr. Filipovic --

11 A. This was Ljuban Bajic. I spoke of him yesterday. He was so
12 clever that my brother had to do his graduation papers for him in order
13 for him to become professor.

14 JUDGE AGIUS: Having heard that, let's proceed. Thank you.

15 [Videotape played]

16 THE INTERPRETER: [Voiceover] Not only in the area controlled by
17 the forces and the military units. These are also lies. You can convince
18 yourself of this. I think you can establish -- you can see the reputable
19 Muslims and talk to them, and you'll make sure that these are notorious
20 lies, that there were no massacres, imprisonment, killing of Muslims in
21 the Kljuc municipality. Those are rumours that allegedly Filipovic and
22 Egrlic was killed, and apart from them also Omer Zubcevic, a dentist
23 from Kljuc. They are in Kljuc safe and sound, although Filipovic knows
24 very well and we publicly state to his supporters to open their eyes and
25 to open the eyes of all the Muslims who follow him, a toast to his

1 health, and Omer Filipovic heard this in prison somewhere because already
2 on 28th of May, only a day after the outbreak of the war in the area of
3 Velagici and Pudin Han he has been led away by the Army of the Serbian
4 Republic of B and H and he has no clue of the alleged arrest of the 4.000
5 Serbs. It is true that rather a lot of Muslim extremists were captured
6 during the cleansing of Velagici, Pudin Han, Krasulje, and here we
7 found -- Omer Filipovic had complete lists of the composition of the
8 Crisis and War Staff were found, as well as of the military structure of
9 the Green Berets and who should be liquidated in Kljuc and where to get
10 arms.

11 Most of the members of the Crisis Staff have been arrested, they
12 namely had a Crisis Staff and a War Staff. The War Staff was commanded by
13 Omer Filipovic, coordinators in the field were Amir Avdic and Nedzad
14 Djeric. And Asim Egrlic was responsible for political matters. The first
15 three are JNA reserve officers. Filipovic is a lieutenant. He was
16 brought in as commander and arrested together with Asim Egrlic who has
17 been wounded and on the first day in the course of the combat actions he
18 was brought in as well. The president of the Party of Democratic Action
19 was brought in. The other is president of the MBO party. Avdic and
20 Djeric are still on the run and they constitute the harshest most extreme
21 part of the Green Berets in the Kljuc municipality. The Crisis Staff was
22 composed somewhat more broadly. It consisted of Asim Egrlic, Omer
23 Filipovic, Iksan Zukanovic, Suad Mesic, Ibrahim Egrlic, Muhamed Filipovic,
24 and a certain number of couriers and drivers, which is not that -- their
25 number is not so important. Most of the Crisis Staff members have been

1 brought in as well and are being operatively check on, so we will
2 establish the individual part of the responsibility in the participation
3 of everyone together with the military investigative authorities.

4 It is characteristic that in this area also workshops were found
5 in which the Muslims manufactured old-fashioned pistols and mortars. The
6 master craftsmen were Muhamed Konjevic from Sanica, Cazim Medanovic and
7 others and the workshop was found in Dubocani. All this shows that the
8 Muslims in the Kljuc municipality have been preparing themselves for
9 the war with the Serbs for a long time, that they planned everything as if
10 they had not known that the Serbs can fare well as well, especially when
11 defending their hearths and home soil. But a few Muslim, women, children,
12 and elderly men who remained in Velagici and Pudina Han are in great
13 distress for lack of food. Therefore, they started to steal victuals
14 from each other. The best proof for this is the example that they are
15 already coming to the police at the checkpoint to report thefts.

16 Regarding the situation in these wartime circumstances, everything
17 is fine. But some women from Velagici and Gornji Vojici have been
18 complaining the thefts of even flour, salt, and oil.

19 Do you have any concrete names who came, who reported such
20 things?

21 I do. This morning a woman came complaining. Her name is Bida
22 Halilovic from Gornji Vojici.

23 Well, but yesterday evening at half past 7 here is a witness in
24 the village who saw candles burning at half past 7 from here house.
25 Things were stolen she had received the day before from her daughter --

1 sister-in-law. So she and her four or five little young children could
2 survive. Flour, oil, and the like were stolen. They saw lights in the
3 night and they didn't dare to go out. And in other words -- well, the
4 other woman under suspicion is she a Muslim?

5 Also a Muslim. And the theft as well. They are stealing amongst
6 themselves.

7 Who now remained here in Velagici?

8 Do you mean from us?

9 From them. The Muslims that is.

10 Only women and young children are left and the occasional grown-up
11 man who has not been under suspicion and released.

12 Where are the others?

13 The others, most of them fled into the woods. A few of them have
14 been --

15 When the fighting started in Velagici and Pudin Han, by the plan
16 of the Green Berets, war should have spread to the town of Kljuc.
17 Therefore, the Muslim extremists opened fire from the nearby hill of
18 Hamlovici, from the top of the Egrlici and from the new Luka housing area,
19 but the Serbian defenders were prepared and neutralised them quickly. The
20 hardest resistance came from the mosque and the Catholic church in town
21 from a stable at Hamlovici when the fire was neutralised Muhamed
22 Filipovic, called Maho, and Ago Sahatlic and his son were brought in
23 almost 10.000 medical syringes and a major quantity of bandages were found
24 which was intended for the Green Berets.

25 JUDGE AGIUS: Stop.

1 MS. KORNER: Your Honour, I was going to ask to stop anyhow
2 because I want to ask Mr. Filipovic about this.

3 THE WITNESS: [Interpretation] Stop.

4 MS. KORNER: In addition, I would have thought that the
5 interpreter is going need a break with the speed --

6 JUDGE AGIUS: As soon as we finish this, I think.

7 MS. KORNER: Well, now.

8 JUDGE AGIUS: How much more is there?

9 MS. KORNER: I just want to ask -- there's another six or seven
10 pages.

11 Part of it is irrelevant, I think, Your Honour. I'll come back to
12 what Mr. --

13 JUDGE AGIUS: Anyway, ask the question and then we'll break.

14 MS. KORNER: All right.

15 Q. Mr. Filipovic, you've heard an allegation there that there was
16 resistance at the mosque and the Catholic church in town and something
17 about a fire. And that's -- after that you were brought in. Can you tell
18 us whether there's anything -- any truth in this.

19 A. No. No, there is no truth in this. When I said "stop," I
20 intended to say this. When they mentioned fire, this happened at 5.30 on
21 the 28th, when we were taken to Stara Gradiska. At the moment when we
22 were taken down the police steps, firing started from that area and then
23 we were pushed into the police station quickly because they said that the
24 Green Berets were attacking. The answer was a logical answer to this.
25 One had to find an excuse for 22 persons to be captured and taken to

1 prison and to say that they were captured during the fighting and this was
2 not the case. They said that Mahmut Filipovic had 10.000 syringes. This
3 is not true. He was head of a surgery, of a laboratory in the health
4 centre. And material was -- he issued material, medical material. Mahmut
5 Filipovic has nothing to do with that. But one went so far as to blame
6 everyone. I claim with responsibility that there was no firing by the
7 Muslims from the mosque and Catholic church. Only the birds could
8 approach that area, with the exception, of course, of the Serbs.

9 Q. All right. Thank you.

10 MS. KORNER: Your Honour, then before the break, if Your Honour
11 goes -- I don't know whether it's possible for the video people to just
12 skip that. There's a whole lot -- a bit about sugar, at page 17 -- sorry,
13 fish, not sugar. I really don't think it's necessary to go through that.
14 It's on page 17 of the transcript. And the -- roughly the counter is
15 57.45.

16 Your Honour, I've checked -- the other thing is -- I knew I'd seen
17 a document unhelpfully I'm not sure it's dated, but I think we can date
18 it. It's Exhibit P923 -- I'm sorry, P984, which is a report that at 3.00
19 a.m. the mosque in Kljuc was blown up. It's -- on the index it says July
20 1st. I'm not sure why, but it can be dated in that they were discussing
21 the municipal assembly meeting for the first time again, and that was July
22 of 1992. So it's -- it's June/July.

23 JUDGE AGIUS: Thank you. So let's have a 15-minute break now,
24 resuming at just after half past 5.00. Thank you.

25 --- Recess taken at 5.16 p.m.

1 --- On resuming at 5.34 p.m.

2 MS. KORNER: Your Honour, just before we continue with the video,
3 can we just confirm with Mr. Filipovic that the person they're talking
4 about here is somebody called Mahmud Filipovic and not you.

5 JUDGE AGIUS: I didn't quite get this, Ms. Korner. The
6 person ...?

7 MS. KORNER: In that part where we stopped the video.

8 JUDGE AGIUS: Mm-hm.

9 MS. KORNER: Page 11 of the transcript.

10 JUDGE AGIUS: Mm-hm.

11 MS. KORNER: I thought that Mr. Filipovic was saying this was
12 someone called Mahmud Filipovic and not him.

13 Q. Is that right?

14 A. Mention is made of Mahmut, with a "T" at the end, Filipovic.
15 Mahmut, with a "T."

16 Q. And it's not you.

17 A. No.

18 Q. Thank you.

19 MS. KORNER: All right. If we carry on with the video, please.

20 [Videotape played]

21 THE INTERPRETER: [Voiceover] Adequate measures were taken against
22 all captured persons, interrogations, and all information which was
23 available before to the public security organs so that not against a
24 single one of the members of these parties, the SDA, such measures were
25 taken as could be heard in the media. Is it correct that --

1 MS. KORNER: Stop, please. Thank you.

2 Q. We saw the name of this man in Cyrillic on the subtitles, but can
3 you just tell us -- confirm who that is.

4 A. Bosko Lukic.

5 Q. And did the subtitle give his position?

6 A. I wasn't watching, but he's wearing an olive-green shirt of the
7 JNA. But he was commander or chief of the Territorial Defence. If you
8 wind it back, we'll see. But I didn't pay attention.

9 Q. All right. Just so that we can confirm for the transcript.

10 MS. KORNER: Can we go back to the subtitle.

11 [Videotape played]

12 MS. KORNER: Stop. And then run it forward again, please, and
13 then pause to where we can see the subtitle.

14 THE WITNESS: [Interpretation] Chief of Staff of the 17th Brigade.
15 That is what it says here.

16 MS. KORNER:

17 Q. Yes. Thank you.

18 A. But before the outbreak of the war, he was in the Territorial
19 Defence.

20 Q. Thank you.

21 MS. KORNER: Yes. We can -- sorry, if we carry on, please,
22 playing the video.

23 [Videotape played]

24 THE INTERPRETER: [Voiceover] So that information that was already
25 available to the public security organs, so that not against a single one

1 of the members of these parties, that is, the SDA, were measures taken as
2 could be heard in the media.

3 Is it correct that Egrlic and Filipovic were captured and that
4 there are proceedings against them?

5 It is correct that they have been captured, that they are in
6 custody, and that proceedings will be taken against them by the competent
7 organs.

8 What is your message to the extremist group still hiding around in
9 the woods?

10 The extremist groups will finally be forced to surrender and to
11 surrender their weapons, otherwise they will not stand a chance.

12 So it's better for them to do that right away?

13 The sooner the better. The lesser the consequences for them.

14 How far Muslim lies go is shown by these examples. Sarajevo Radio
15 and TV and the HTV have been broadcasting information that allegedly the
16 Serbs executed all distinguished Muslims in Kljuc. Other Western media
17 are carrying these reports. They speak of many examples. This is
18 best disproved by the following recordings and words:

19 "Now, look, I do not know what to say --"

20 MS. KORNER: Can we pause. I'm sorry.

21 Q. Do you know this man? Can you tell us his name from the
22 subtitle?

23 A. I know him personally. It is Omer Zubcevic, a dentist in the
24 Kljuc health centre. He was not in the Manjaca camp. They're
25 interviewing him here, and you can imagine what the interview is like. He

1 was told what he should say and then filmed.

2 Q. And how do you know that he was told what he should say?

3 A. I assume so, as I was told in Manjaca. I would be taken to the
4 interrogator after being beaten up, and then I'd have to answer
5 questions. So I assume he, too, was threatened. If you want to remain
6 alive, say ...

7 Q. Yes. Thank you.

8 MS. KORNER: Yes. We can carry on playing the video. Thank you.

9 [Videotape played]

10 THE INTERPRETER: [Voiceover] As for their attitude towards me, our
11 presence here tells everything.

12 Nobody ever used any force or anything.

13 We are really delighted here. And they helped us and offered us
14 whatever we might need because -- because of shortages of foodstuffs and
15 such things, we can't get hold of them. They offered us all that. So I'm
16 speechless. I don't know what else to say. You see me here sound and
17 well.

18 So the official authorities have treated you absolutely normally?

19 Totally. They asked us whether we had food. Nobody mistreated
20 us. My children or my husband. They even always asked what we might
21 need. So I don't know what else we could have wished for. In these
22 times, you see our apartment was inspected but nothing, not one glass, was
23 broken. Everything was normal, regularly. They checked neatly. I don't
24 know who could state such things, and there was also Dr. Hadzic. Now,
25 he's over in Zgon with his mother because she's on her deathbed. He's

1 over there with his mother and family. No one ever touched him. So as
2 far as we are concerned, we have been together for several days -- he left
3 because his mother is sick.

4 Does this mean that the Serbs treated loyal Muslims, that is,
5 decent citizens of Muslim ethnicity correctly and according to plan?

6 Absolutely. Yes, absolutely. As far as I have access, and I
7 think I have, I have nothing to say. As far as I have heard, everything
8 was correct and decent. I'm telling you, not a hair went missing from his
9 head.

10 We came across another one for whom Sarajevo TV claims that he is
11 in the nether world at the Kljuc stadium. I'm referring to Dr. Emir
12 Kapetanovic. What I have to say is that I, my brother, Nermin, and my
13 family are safe and sound. Nobody from the authorities has harassed us,
14 nobody bothered us, arrested us, nor summoned us to the SUP, probably
15 because they had no cause to do so. I have nothing else to say.

16 JUDGE AGIUS: Stop.

17 THE INTERPRETER: [Voiceover] Otherwise I don't have go often to
18 town --

19 THE WITNESS: [Interpretation] I wish to point out what I said a
20 moment ago, that these were stage-managed clips on Television Banja Luka.
21 Here Kapetanovic is playing a basketball match in days when people were
22 not allowed to walk around. The very next day he appeared in the Manjaca
23 concentration camp. Therefore, Television Banja Luka and that of the ARK
24 needed to show that the gynaecologist Emir Kapetanovic was sound and safe,
25 and the next day he appeared in Manjaca.

1 As for Dr. Zubcevic, the previous one, the dentist, he's ashamed
2 of what he stated then. To this day he has not come to Kljuc. That's as
3 much as I have to say.

4 JUDGE AGIUS: Yes. We can proceed.

5 [Videotape played]

6 THE INTERPRETER: [Voiceover] I am a gynaecologist by profession.
7 My practice was out of town.

8 But your practice is in the area where there was conflict.

9 My practice was out of town. I moved there due to circumstances
10 because I could not afford to pay rent in town. It was in the zone of war
11 operations, and alas, it was hit. The practice does not exist any more.
12 The bottom line is a lot has been destroyed. They told me at the SUP to
13 report the damage, which is normal, as all other citizens. I hope that of
14 course something will be repaired and I'll be able to buy something. The
15 current authorities know what was involved and what to do about it.

16 All these lies in Kljuc municipality exist and persevere thanks to
17 the fact that the Muslim extremists have managed to put out of action the
18 repeater in Ramici so that the best part of the municipality cannot follow
19 the TV programme. The only exception is the part towards Ribnik which
20 receives the broadcast from Mrkonjic Grad. Therefore, an appeal from
21 Kljuc that the relay be repaired as soon as possible and that Banja Luka
22 helps them.

23 How is the information in this area otherwise?

24 Already before the aforementioned conflicts in Kljuc on the 27th
25 of May this year, the Muslim extremists carried out an act of sabotage at

1 the repeater in the village of Ramici so that most of the people of Kljuc
2 could not receive broadcasts from any TV centre. That is one problem.
3 The other is that Radio Kljuc has very poor reception throughout the
4 municipality so that the citizens of Kljuc could not always and in time
5 receive necessary information. This problem became even more complicated
6 when the electricity was cut. Namely, in the last ten days Kljuc has poor
7 electricity supply, so that Radio Kljuc could not perform the role in
8 informing the Kljuc public during the war operations that it should have
9 had. The next problem that was present in the last ten days was the
10 problem of telephone connections with the world. Namely, we had no
11 telephone connections with Banja Luka and the connections with Prijedor
12 were rather poor. Also, bus lines were disrupted so that we could not
13 receive the press from any part of the republic and the other republics of
14 Yugoslavia.

15 Regarding the arming of the Muslims in Kljuc municipality, it is
16 well known who participated and how. Let us only mention that the main
17 suppliers were Teufik Vukcic, a plumber, and a Romany by the name of Zijo
18 from Curcici, the owner of a cafe, a boutique, and a goldsmith shop. A
19 big friend of Nihad Durakovic, the former president of the League of
20 Communists of Bosnia-Herzegovina. Zijo is one of the wealthier people in
21 Kljuc and is now hiding in Vienna where he also has another company.

22 At the end of this block about the war, we should like to point
23 out the heroes of the Serbian defenders. We should like to mention the
24 fearlessness and courage of Nikola Vracar, professor at the Lazar Djukic
25 high school centre, who performed a real heroic deed and saved the life of

1 several comrades by skilfully and timely throwing a grenade when he and
2 his comrades were ambushed. Unfortunately not the life of Dusan Dule
3 Stojakovic, assistant commander of the public security station from Kljuc
4 who was killed by the Muslims.

5 What is the assessment of the political security situation now?

6 The political security situation in Kljuc is quite complicated.
7 We feel free to say that in the last ten days the situation has improved
8 somewhat, that it is calming down. One may say that life is being
9 normalised and we will try to secure normal life and work throughout the
10 municipality in the future, including economic and public institutions
11 which will start functioning normally.

12 Let me ask you frankly, do you think that it is possible after all
13 these events for Muslims and Serbs to live together in your municipality?

14 Generally it is difficult to answer this question. I think that
15 life has to be totally --

16 JUDGE AGIUS: Stop.

17 THE INTERPRETER: [Voiceover] -- ethnically demarcated and the
18 areas --

19 JUDGE AGIUS: Yes.

20 THE WITNESS: [Interpretation] Here we see from what Jovo Banjac is
21 saying that already in advance they had preconceived the resettlement of
22 peoples and the commission of genocide. From what he says, you will see
23 that he's suggesting the resettlement of the population.

24 JUDGE AGIUS: Yes. Go ahead.

25 [Videotape played]

1 THE INTERPRETER: [Voiceover] And the areas cleansed from all those
2 who cannot live together in this area.

3 Is this better done by war or peacefully?

4 In my opinion the only solution would be a peaceful one, never by
5 war. I think that we haven't -- don't have much influence on this, since
6 small communities like Kljuc. I think that the leadership of the level of
7 the Republic of Bosnia and Herzegovina, the former Republic of Bosnia and
8 Herzegovina, together with the Serbian Republic of Bosnia and Herzegovina
9 have to do this job, and we will do everything at our level, at the
10 municipal -- at the level of the municipalities belonging to the Serbian
11 Republic of Bosnia-Herzegovina. We should do what is necessary.

12 If I understood you correctly, this means that Karadzic in the
13 first place and the government of the Serbian Republic, should find a
14 solution in talks with Alija Izetbegovic, with Boban, in this case, with
15 Izetbegovic, because it concerns the Muslims of your municipality.

16 I think that is the only situation. If this solution is not
17 achieved, I'm afraid that the situation will become worse because the war
18 is not over yet. The war continues and can easily turn into a war up to
19 the extermination of one or other people.

20 It is important in all this to point out that the parties of Kljuc
21 municipality signed peace agreements, but MBO, SDA, and the liberals
22 secretly prepared for war. This is best illustrated by the fact that at
23 the session of the municipality council of parliamentary parts on the 14th
24 of May in discussing the current political situation, it was established
25 that the situation was difficult but that there were no pronounced

1 inter-ethnic conflicts. I quote, "Because in this area no existence of
2 any paramilitary formations such as the Green Berets or White Eagles or
3 similar had been noticed." And only ten days after that, the armed
4 conflict broke out. Storage depots were found, trenches dug by the Green
5 Berets in Velagici, Pudin Han, Krasulje, and other villages with Muslim
6 population. Several days before our visit the last group of refugees
7 returned from Kljuc to Slavonia from the area of the town on the Sana
8 River where they had stayed for several months and found shelter in the
9 tourist hotel with the families of many Kljuc citizens. Leaving Kljuc on
10 the banks of the clear and full of fish Sana River behind us in Kljuc,
11 only stayed the Serbian flag made by Ljubica Amidzic from Rudenice to
12 wave, which the Muslim extremists tried to tear down several times but
13 were prevented. We went to Gornji Ribnik to visit the fish farm. The
14 traffic blockade also affects the fish because there is less food.

15 We are faced with a fait accompli because there is no substitute
16 for fish feed produced in the veterinarian institute in Zemun and Padinska
17 Skela. We tried to combine some products, adding vitamin components to
18 lessen the disaster we are faced with and to save what we can. The
19 current situation is devastating for the reasons given above. However, we
20 have engaged all available means to try to offer a quantity of fish on a
21 market in the Banja Luka region so as to mitigate the disaster, which we
22 expect to occur in a couple of days. The reasons are clear.

23 MS. KORNER: [Previous translation continues] ...

24 JUDGE AGIUS: Fast-forward to where.

25 MS. KORNER: Can we fast-forward past this. We'll see a subtitle

1 "Business working again." And then we'll see Mr. Dakic apparently.

2 JUDGE AGIUS: Okay. So -- okay.

3 MS. KORNER: That's it. Stop.

4 JUDGE AGIUS: Okay. Stop.

5 MS. KORNER: And can we just identify him as well before we move
6 on with the film.

7 JUDGE AGIUS: Okay.

8 MS. KORNER: Yeah. We can go on. I just want the picture of the
9 man with the -- yes, stop, please.

10 JUDGE AGIUS: Stop.

11 MS. KORNER:

12 Q. Mr. Filipovic, that is ...?

13 A. Tihomir Dakic. Dakic, vice-president of the executive board. He
14 was a member of the Crisis Staff as opposed to the others. He's the only
15 one in civilian clothes, all the others in uniforms, military uniforms.

16 Q. All right. And in fact --

17 MS. KORNER: Your Honour, I'm not sure that -- unless my learned
18 friends -- Defence counsel want this played, it's about the economy. If
19 we could -- we could perhaps fast-forward.

20 JUDGE AGIUS: Are you interested, Mr. Ackerman, Mr. Zecevic?

21 MR. ACKERMAN: No, I'm not.

22 MR. ZECEVIC: No, Your Honours.

23 JUDGE AGIUS: We can perhaps fast-forward this as well.

24 MS. KORNER: There's only one part we should come to. I don't
25 know how difficult it is to find it. About the economic -- well, Your

1 Honour, perhaps we can leave it. The transcripts going to be made an
2 exhibit. And the rest is really about economy. So perhaps we can leave
3 the video there. Thank you.

4 Your Honour, all that -- what is said, and I draw Your Honours'
5 attention to page 19 of the transcript. In respect of the connection with
6 Serbia.

7 Your Honour, we've had the video made an exhibit but not the
8 transcripts. So could I ask -- the video was made P1100. Could I ask
9 perhaps that the English version of the transcript be P1100.1A and the
10 B/C/S .1B.

11 JUDGE AGIUS: [Microphone not activated] So it will be.

12 MS. KORNER:

13 Q. Right. Let's deal immediately, Mr. Filipovic, with
14 Mr. Kapetanovic, although I was going to come to these documents a little
15 later.

16 Could you be shown, please, Exhibit 1033.

17 JUDGE AGIUS: [Microphone not activated] This is in which --

18 MS. KORNER: It's in volume 2.

19 Your Honour, you will need to look for this in the B/C/S. Because
20 it's a list of names, only the introduction and a few of the names were
21 translated.

22 JUDGE AGIUS: Yes.

23 MS. KORNER:

24 Q. This is a letter being sent from Kljuc to Banja Luka CSB dated the
25 29th of August, and it states: "Pursuant to your dispatch, we are sending

1 you the following information: There are no camps, prisons, or collection
2 centres in our municipality. We send all prisoners to the Manjaca
3 prisoner of war camp at Dobrinja and we cannot provide information in
4 respect to the request."

5 Now, "In reference to item 4, please find enclosed a list of all
6 prisoners from the Kljuc municipality."

7 Now, it starts at number 1 and ends at 1.163.

8 Can we look at number 131, please. Is that you, Mr. Filipovic?

9 A. It is.

10 Q. And then if we go to the very last page. 1161.

11 A. That is Kapetanovic Emir. As I said a moment ago, he did his
12 bit. He appeared in the programme. And then he came to Manjaca.

13 Q. By this date in August I think your brother was dead, but is
14 that -- is that his name at 1162?

15 A. It is. They wanted to cover it up, to say that Omer was not in
16 Manjaca at all. And upon the insistence of the International Red Cross,
17 we insisted that Omer's name be entered because he was registered with the
18 International Red Cross and we requested that his name be included in the
19 list. And I can tell Their Honours that the Serbian authorities issued a
20 medical report saying that Omer had died of natural causes, which is a
21 mere lie. He was killed.

22 Q. All right. Then next, please, I want you to look at a document
23 that's not in the bundle as yet, Your Honour. It's one of the documents
24 that we copied. It's the criminal report of the 9th of June, 1995. It
25 was in that extra bundle we added. It's dated the 9th of June, 1995.

1 MS. KORNER: Do Your Honours have your -- were you given --

2 JUDGE AGIUS: Since it hasn't got a number, it will be difficult
3 to trace it.

4 MS. KORNER: This is one of the reasons I keep on saying we're not
5 going to hand them out to you in advance, because it's easier if we give
6 them to you at the time.

7 I think the easiest thing is to put the first page onto the ELMO
8 and -- no. It looks like this. It says -- it's headed "Republika Srpska.
9 Ministry of the Interior. Prijedor public security centre. Public
10 security station Kljuc."

11 THE REGISTRAR: Can I just get a copy from you?

12 MS. KORNER: No, you can't because we handed out specifically --
13 this is the one copy I have and we handed them out specifically so that
14 they're there and available.

15 All right. We have got another copy here.

16 JUDGE AGIUS: How does it start?

17 MS. KORNER: It's headed, Your Honour -- it's 03037541, "Republika
18 Srpska, Ministry of the Interior --"

19 JUDGE AGIUS: All right.

20 MS. KORNER: All right. That's it. Thank you. And we've handed
21 out an extra copy again.

22 [Trial Chamber and registrar confer]

23 MS. KORNER: Your Honour, as requested to -- whatever it was, the
24 day before Mr. Filipovic gave evidence, we handed over copies of a number
25 of documents. But anyhow, Your Honour, I'm going to ask a few questions

1 about it. But may this now be made Prosecutor's Exhibit 110 -- yes,
2 1101.

3 Q. All right. In June of 1995, not so long before Dayton, I
4 suppose --

5 JUDGE AGIUS: This is being numbered?

6 MS. KORNER: It is. 1101, Your Honour, 1101.

7 JUDGE AGIUS: [Microphone not activated] And the transcript of the
8 video being ...?

9 MS. KORNER: 1100.1A and B.

10 Q. Now, in June of 1995, Mr. Filipovic, were you made aware that the
11 public prosecutor in Kljuc was filing a criminal report against you and a
12 number of other people?

13 A. I couldn't be aware because I had been expelled from my town, so
14 that in 1995 I was living in London.

15 Q. Right. So there was no contact with you in London to inform you
16 that you were apparently with some dead people about to be prosecuted.

17 A. No.

18 Q. All right. When did you first find out that these charges had
19 been filed?

20 A. When I returned to Kljuc. When I returned there, this document
21 was in the police station, so that I was made aware of it, that I came
22 under number 8, charged -- that I was charged. And this could have held
23 water if they had waited for Dayton. But before Dayton, they were
24 illegal.

25 JUDGE AGIUS: Yes. You were not born on the 27th of January,

1 1955. You were born on the 27th of October.

2 THE WITNESS: [Interpretation] No, I wasn't.

3 JUDGE AGIUS: No?

4 THE WITNESS: [Interpretation] That's right.

5 MS. KORNER: I don't --

6 A. Yes, that's right. But my father's name is Sule and my mother's
7 name is Aisa. So it's a typing error.

8 Q. Yes. Can we look at number 1 there please, on the list. Your
9 brother, at that stage well and truly dead and buried is being charged; is
10 that correct?

11 A. Correct.

12 Q. Number 2, Mr. Egrlic.

13 A. Correct.

14 Q. And then number 5, please.

15 A. Emir Kapetanovic?

16 Q. Is that the same Emir Kapetanovic who was in Manjaca and who we
17 saw on that video?

18 A. Yes, it is.

19 Q. And --

20 JUDGE AGIUS: And the dentist, Omer -- the one -- the one we saw
21 on the --

22 THE WITNESS: [Interpretation] I think he's not on this list
23 because he had done his bit in another way. After his statement, the
24 Serbs put him on a convoy and deported him. This same gentleman is now
25 living in America.

1 MS. KORNER:

2 Q. In all, some 239 people are charged. And the charges are that on
3 grounds of reasonable suspicion of having committed the gravest form of
4 the crime of armed rebellion.

5 And I'm not going to go through the description, because
6 effectively it just covers the same ground as the events you've already
7 dealt with.

8 MS. KORNER: Your Honour, I should add -- I think this document
9 was supplied to us as a result of a request to the authorities in the RS.
10 I may be wrong. Because I think we were asked for the attachments, and
11 all that was supplied was a copy of the criminal report. And we don't
12 have the things that were -- it says at the end "Attachments in evidence."

13 JUDGE AGIUS: Yes, Mr. Zecevic.

14 MR. ZECEVIC: Actually, it was the Defence who requested the
15 attachments.

16 MS. KORNER: Yes.

17 MR. ZECEVIC: Under the Rule 68. And these attachments according
18 to our information are with the municipal court in Kljuc, and this is not
19 Republika Srpska. It's Federation right now.

20 MS. KORNER: Oh, well, then -- yes, Your Honour, that's quite
21 right. But you're -- I'm sorry, Your Honour, it's quite right. And we
22 were asked for the copies of the attachments, but all we were supplied
23 with was this, so ...

24 JUDGE AGIUS: Okay. Thank you, Mr. Zecevic.

25 MS. KORNER: All right. And -- I stand corrected, of course it's

1 Kljuc, so it's the -- yes.

2 Q. That's all I want to ask about that document. Thank you very
3 much, Mr. Filipovic.

4 Now, Mr. Filipovic, I just, I think, want to ask you about a
5 couple of other documents and then I'll come to your arrest and
6 incarceration in Manjaca. And if I may just find my list of documents.
7 Now, Mr. Filipovic, I'd like you to be shown on the same topic of the
8 events in Kljuc, please --

9 [Trial Chamber confers]

10 MS. KORNER:

11 Q. Yes, P967, please. And that's in volume 2. P967 in volume 2. It
12 should be after -- if the dividers are the same as mine, divider 47 in the
13 beginning. Yes, thank you.

14 MS. KORNER: Your Honour, this is a document that has been
15 objected to in specific terms.

16 Q. This is a diary apparently, Mr. Filipovic, that was recovered.
17 And it's got a name on it, on the front -- on the inside, I think, of the
18 front cover, which is Ilija Buvac; is that right?

19 A. That's right.

20 Q. Do you know that man?

21 A. Yes, I know him personally. He is currently living in Kljuc.

22 Q. There's a list apparently on the front page of various people who
23 are related to him. Again, do you recognise those as his relations?

24 A. Buvac Ilija. Darinka Buvac, that's his wife. Drago Buvac, son.
25 Dimitar Buvac, son, who was investigator of the Serb police. Svetozar

1 Buvac, son. Dragica Buvac, daughter.

2 Q. All right.

3 A. Stanija Buvac, daughter, but she died a long time ago. Her
4 nickname was Seka.

5 Q. That's fine. I just want you to identify them as you know them.

6 Now, I just want to ask you about a few entries. Apparently, this
7 gentleman kept a diary during the time of these events. If we go to the
8 entry for Thursday, the 28th of May, so the day of your arrest. He states
9 that at around 1800, so at that time you were definitely on your way to
10 Stara Gradiska I think, "An attack was carried out on Kljuc from the --
11 from various hill sectors and the army and the TO of the Serbian Republic
12 of Bosnian Krajina repulsed the attack an hour later."

13 You told us about this time you were being carted off to Stara
14 Gradiska. Do you remember anything about an attack?

15 A. Well, I spoke -- I mentioned this early on. At about 5.30 p.m. we
16 were taken out, and then the shooting began from the direction of the
17 hospital and from the direction of Hamlovici. There could be no question
18 of an attack because here it says that in the city there is not a soul
19 except for the army and the police. So in other words, no attack could
20 have taken place from the direction of the hospital, because the hospital
21 is in the town. And when we were exposed it was said that the balijas
22 were attacking the hospital. And we were ordered to return. We were in
23 the corridor then. The shooting started, and that at about 6.00 p.m. the
24 shooting ended. We were loaded onto trucks and taken to Stara Gradiska.

25 Q. All right. And then the only other matter about this diary that I

1 want to ask you about is this: There's an entry for Saturday, the 30th of
2 May, 1992. There's something about -- somebody called Ibro Adzamovic
3 from Rejzovici was killed on the street even though he had not
4 participated in combat. And then it states: "Today Omer Filipovic,
5 commander of the Kljuc Green Beret Army, Municipal Staff (Muslims),
6 surrendered in Kljuc to the military forces of the Serbian Republic of the
7 Bosnia-Herzegovina." And was that right, he did surrender on that day,
8 the 30th of May?

9 A. I think that he surrendered on the 29th. But perhaps I was
10 informed later. But to the best of my knowledge, I think it was on the
11 29th.

12 Q. All right.

13 A. You mentioned the killing of Ibro Adzamovic. And it was said
14 that he was killed although he had not taken part in combat. He was
15 killed in the very centre of Kljuc, near the house of Cedo Acimovic, so
16 there's no question of a front line being there. And in the report of the
17 public security station it was said that this person had been killed on
18 the front line. And at the home of Cedo Acimovic on the Marsal Tito
19 Street, there is no front line. It is in the very centre of the town.

20 Q. All right. Mr. Filipovic, we come now to - because you've
21 mentioned a number of times - your arrest. I don't think we can finish it
22 this afternoon, but perhaps you can start. What happened to you on the
23 28th of May?

24 A. On May 28th, 1992, as I have already stated, a neighbour informed
25 me that on Radio Kljuc it was demanded that I should surrender, me and my

1 brother. I said that I had no reason to surrender and if they needed me,
2 they should come and fetch me.

3 And I went home. I saw my wife was nervous and panicky. I asked
4 her what happened, and she told me that the police and the military were
5 there, that they had searched the house. I walked into the house. We
6 have -- we see that there was -- I saw that everything was tumbled. They
7 took -- my wife told me that they had taken the pistol and Radenko Ciric,
8 a policeman who was calmer and more civilised than the others, he told my
9 wife, "Madam, it would be good for him to come because someone might kill
10 him if they see him walking around." And she said, "Why should you kill
11 him?" And then someone with an accent, the Ekavica accent, who said that
12 he was Kragujevac told my wife, "Call him." And my wife refused because
13 she said, "I don't even call my children, let alone my husband. He must
14 be around the house somewhere."

15 And then they left, but they left an ambush of two persons on my
16 land. My school friend who used to sit in the same desk with me,
17 Radojcic Ratko and Radenko. And since it was the end of May, there was
18 very high grass. They were lying in the grass, and I didn't notice them.
19 Before that my sister-in-law asked me to see what had happened to her
20 house because my sister-in-law and her children were in my house, and
21 our houses are about 30 metres apart.

22 Q. Can we pause there, Mr. Filipovic. Can we come directly to what
23 happened at the time you were actually arrested.

24 A. At that moment I went -- when I found out what happened in my
25 sister-in-law's house, I went to my garden, about 30 or 40 metres away.

1 And two people jumped in front of me and they said, "Put up your hands.
2 Surrender." And I did not wish to put up my hands. I thought I had
3 nothing to surrender for. "I know both of you, Rade. We used to be
4 neighbours." His house was 100 metres from mine and we used to share the
5 same desk in the seventh grade of elementary school. He told me, "Give me
6 your ID. Who are you?" And I said, "I knew many things before, but the
7 fact that you have lost your memory so fast, don't you remember that we
8 used to share a desk?" "Your ID."

9 Then Ratko Radojcic said, "Muhamed give him the ID because he's
10 heading the patrol and he might just do anything." I was angry. I threw
11 the ID at him. It hit him on his chest and it fell onto the ground. Then
12 he read through it. He asked who my father was. I then understood the
13 situation. I said, "I have no idea who my father is." And he
14 answered, "I don't know. You know very well who my father is, so I don't
15 want to answer that question."

16 And then I was taken away. And I remained alive thanks to Ratko
17 Radojcic at that moment, who -- he -- well, he could not forget years
18 of friendship, that he didn't want me to be hit by a sniper shot. But
19 my -- since my home is not on the main road -- going out onto the main
20 road, I went 10 metres in front of the two of them and then we -- when we
21 arrived to Musa Music's house, then Rade said, "Let him go." I stopped
22 and Ratko ran up to me and said, "Muhamed, you're an officer. You know
23 how to march. Stand by my right side." I didn't even think of this until
24 I came across this tape. And then I realised that I was to have been
25 shot. But since I was from Ratko's right side, I was not shot from

1 Ratko's house.

2 At the post office we reached -- we turned to the left. We
3 reached the police station. And near the Orthodox church I saw uniformed
4 Serb soldiers, policemen. I don't know what they were. And at the moment
5 when I appeared there, at the same time everyone said, "Here is the
6 leading Turk."

7 Q. Can we deal with that. At the police station, people -- officers
8 said, "Here is --" or uniformed men said, "Here is the leading Turk."

9 A. Yes.

10 Q. How were you treated at that stage?

11 A. Well, just let me finish. Before I came to the stairs of the
12 police building, I came across a guards post. Bajic -- I don't know his
13 real name. I know his surname is Bajic. Bajic, he used to work at the
14 post office, and he told me, "See how beautiful it is. Kiss it." He was
15 referring to the Serb flag. I refused. "Let your father kiss it. I
16 won't." And I used that opportunity to be protected by Ratko, because
17 Ratko stood in front of him and told him not to touch me. So that was the
18 second moment when I was saved.

19 From that point to the staircase of the police, there were about
20 15 or 20 metres. Here Ratko could not save me, and a whole crowd of
21 people approached me. They hit him [as interpreted]. They said -- Ratko
22 said, "I have to reach Vinko." And the rest of them said, "Well, fuck
23 Vinko." I only remember falling unconscious. And I saw from the window
24 of the priest's home that I saw the priest looking behind the curtain, and
25 then I just thought that if Muhamed were to die in about 15 or 20 years,

1 one would find out how he died. And what I remember is that I came to in
2 the office of Todo Gajic, the investigator, and he -- and the beating
3 started at 10.30 until 5.30, and I believe as far as I could count I lost
4 consciousness seven or eight times.

5 Q. All right. I think we'll have to leave what happened in the
6 office until tomorrow. But two things: The interpreter said that "they
7 hit him" --

8 JUDGE AGIUS: "They hit him."

9 MS. KORNER: I'm sorry.

10 Q. -- which could be -- when you were being hit outside the police
11 station, I'm sorry, who was being hit outside the police station?

12 A. Muhamed Filipovic.

13 Q. You.

14 A. Yes.

15 Q. I'm sorry. I know it seems mad, but we have to get this right for
16 the translation.

17 How many roughly were outside the police station and beating you?

18 A. At least 50. And I only know one of them. I was able to
19 recognise one of them, Dusan Sladojevic, who was a driver, a bus driver
20 in Kljuc. I recognised him because; the others I didn't, because the
21 tactics with the Serbs was that Kljuc went to other towns, to Sanski Most,
22 and people from Sanski Most would come to Kljuc, so that the victims could
23 not recognise their executors. I remembered Sladojevic Dusan -- Dusan
24 Sladojevic. And I thought at the moment that we would meet in court, that
25 there would be a rule of law some day in this country.

1 Q. And when they were beating you, what were they using? Any
2 instruments or just hands and feet?

3 A. Feet, fists, rifles, and nearby Kljuc there was a factory of
4 furniture, a furniture factory. And legs of chairs were used that were in
5 fact worked on. Not like baseball bats but -- so they used these legs of
6 chairs, army boots, rifle butts, whatever they could get their hands on.
7 Lizija [phoen] in the office even put a bomb in my mouth, a knife under my
8 throat.

9 Q. All right. And just one final question: When you were originally
10 looking at the town plan of Kljuc and you identified the police station
11 with the flight of stairs -- you'd said you'd been thrown down a flight of
12 stairs. Did that happen then or later?

13 A. On the 28th at about 5.30 -- between 5.30 and 6.00. I think it
14 was closer to 6.00 that I was thrown down the stairs. It was about 6.00,
15 6.00 p.m.

16 Q. So that was as you were being taken out of the building.

17 A. Yes. My hands were tied on my back, and I fell down the stairs
18 like a sack of cement to the very bottom.

19 JUDGE AGIUS: Okay. Thank you, Mr. Filipovic. That brings us to
20 the end of our work for today. We will continue tomorrow, at the same
21 time, 2.15, this same courtroom. I thank you. Have a nice evening.

22 --- Whereupon the hearing adjourned
23 at 6.31 p.m., to be reconvened on Thursday,
24 the 5th day of September, 2002, at 2.15 p.m.

25