

1 Thursday, 5 September 2002

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.17 p.m.

5 JUDGE AGIUS: Madam Registrar, you can call the case, thank you.

6 THE REGISTRAR: Case number IT-99-36-T --

7 JUDGE AGIUS: Yes, thank you.

8 THE REGISTRAR: Case number IT-99-36-T, the Prosecutor versus  
9 Radoslav Brdjanin and Momir Talic.

10 JUDGE AGIUS: All right. Mr. Brdjanin, good afternoon to you.  
11 Can you hear me in a language that you can understand?

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

14 JUDGE AGIUS: I thank you. And you may sit down.

15 General Talic, can you hear me in a language that you can  
16 understand?

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

19 JUDGE AGIUS: Good afternoon to you too. You may sit down. Thank  
20 you.

21 Appearance for the Prosecution.

22 MS. KORNER: Joanna Korner and Denise Gustin, case manager. Good  
23 afternoon, Your Honours.

24 JUDGE AGIUS: Appearances for Mr. Brdjanin.

25 MR. ACKERMAN: Good afternoon, Your Honours. I'm John Ackerman

1 and Marela Jevtovic for Mr. Brdjanin.

2 JUDGE AGIUS: Good afternoon to you too.

3 Appearances for General Talic.

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

6 JUDGE AGIUS: Good afternoon to you too.

7 Any preliminaries?

8 MS. KORNER: Only as regards the Rule 92 order that Your Honours  
9 issued. It is our intention to call all four witnesses for  
10 cross-examination, as Your Honours ordered, limited in the way that Your  
11 Honours, ordered to half an hour per defendant, accused. And we will call  
12 them, all four, within two days at the end of the Kljuc evidence.

13 JUDGE AGIUS: I thank you, Ms. Korner.

14 MS. KORNER: Subject to -- I should add they haven't been  
15 contacted yet to be told that's what's going to have to happen. So  
16 subject to that.

17 JUDGE AGIUS: Okay. I thank you.

18 So usher, please bring in the witness. Thank you.

19 Do you think you will conclude with the witness today?

20 MS. KORNER: Your Honour, I propose to conclude, whatever happens,  
21 before the first break. I think Mr. Filipovic has had enough of me.

22 [The witness entered court]

23 JUDGE AGIUS: Good afternoon to you, sir.

24 THE WITNESS: [Interpretation] Good afternoon.

25 JUDGE AGIUS: Can I ask you to repeat your solemn declaration once

1 more, please.

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

4 WITNESS: MUHAMED FILIPOVIC [Resumed]

5 [Witness answered through interpreter]

6 JUDGE AGIUS: I thank you. And you may sit down.

7 THE WITNESS: [Interpretation] Thank you.

8 JUDGE AGIUS: And Ms. Korner will proceed and conclude with her  
9 examination-in-chief.

10 Ms. Korner.

11 Examined by Ms. Korner: [Continued]

12 Q. Mr. Filipovic, I want to pick up the story where you left off  
13 yesterday. You told us how you were beaten outside the police station and  
14 that you were then taken inside the police station. What happened to you  
15 when you were inside the police station?

16 A. They didn't take me inside because if they had taken me inside, I  
17 would have gone in on my own two feet. They carried me inside in an  
18 unconscious condition. I came to in the office of the interrogator  
19 Todo Gajic. From then on, that is, when -- from when I came -- regained  
20 consciousness until half past 5.00 on that same day, as far as I was able  
21 to count and recollect, I lost consciousness seven to eight times.

22 They beat me, but the interrogator Todo Gajic himself never beat  
23 me because he knew me personally. And in his presence I was not beaten.  
24 But he first asked me, "Muhis, where is Omer?" And I said, "Omer has gone  
25 to Krasulje together with Vinko to secure Duca's body being taken out."

1 And he said to me, "I told you not to engage in politics. You're a got  
2 professional. It would have been better for you not to get involved in  
3 politics." That is the only thing that the interrogator Todo Gajic would  
4 say to me. Then he would get up and walk out and then people who I didn't  
5 know who were not from Kljuc came in wearing the uniforms of the Serbian  
6 police, camouflage blue uniforms. They would beat me up. And when they  
7 left, then Todo Gajic would come back in.

8 I think it -- on the third occasion they ordered me to strip, and  
9 all I had on me was my slip. They took everything else off. And then  
10 they beat me on my naked body with truncheons, their boots. I think it  
11 was the fifth time. One of them - I don't know his name - but I know that  
12 he used to drive a van in Sumarstvo in Kljuc. His nickname was Lizija.  
13 And he would put a knife to my neck.

14 And as I was lying in the middle of the office helpless, he would  
15 roll a grenade on the floor. And if it had -- as if it had remote  
16 control, it rolled right up to me. And then he said, "Look at the  
17 Ustasha. He even has a hand grenade," whereas I only had my underwear on.

18 I managed to pluck up so much strength to say, "I never saw any such  
19 bombs like that one," because when I served in the military, I never saw  
20 such a hand grenade. This was of a newer brand.

21 Then he put the grenade in my mouth and said, "Shall I activate  
22 it?" And I begged God that he did that, because if one Muhamed got  
23 killed, five Chetniks would get killed as well. So I prayed to God that  
24 he activate the bomb regardless; however, I knew he wouldn't do that,  
25 because the Serbian soldiers are great cowards. They are afraid for their

1 own lives. This was proven at the very end of the war when we formed our  
2 own real army. And sometime around 5.00 p.m. a man walked into the  
3 office. I can't recollect his name. He was a police commander. I'll  
4 remember his name later. And he attacked them when he saw the condition I  
5 was in.

6 Q. Can you pause there for a moment, please. First of all, when the  
7 interrogator, Gajic, came back in, was he questioning you each time about  
8 your brother?

9 A. Only that one time, the first time. And then when he came in,  
10 sometimes it was Gajic; on one occasion it was Zoran Vracar, a butcher.  
11 He was also in the reserve force. And a couple of other men I knew would  
12 come in, and they always asked the same question: "Muhamed, what was all  
13 this for? You're now against us. Wasn't it fine when we were together?"  
14 And I said, "I don't know who is rebelling. We were always in favour of  
15 co-existence with you."

16 However, I can state here that not a single inhabitant of Kljuc  
17 hit me except for this one who put a grenade and a knife to my body, but  
18 even he is not really from Kljuc. He's from Donji Ribnik. And when the  
19 police commander came, he yelled at them and swore at them and said all  
20 kinds of things like "Are you beasts or policemen? How are you treating  
21 the man?" So I don't know whether that was what he really thought or  
22 whether he was trying to impress me, but he said, "Take the man to the  
23 cell." And I was then taken about 5.00 p.m. to the cell. And when I saw  
24 all the people inside, it became clear to me that it had nothing to do  
25 with what they called a rebellion.

1 Q. Before we deal with the people in the cell, can I ask you this:  
2 You told us that the police commander, seeing the state you were in, told  
3 them to stop. At that stage, at the end of all these beatings, what sort  
4 of injuries did you have?

5 A. First of all, let me say I just remembered the name of the police  
6 commander. It's Dragan Stojicic.

7 As for the injuries, I couldn't see myself. My body was still  
8 warm. I was covered in blood. And when they took me in, I was still in  
9 my underwear. Then they gave me my clothes, and I quickly had to put them  
10 on on the way to the cell, and the cell is in the basement, dark.

11 Q. All right.

12 A. And my body was still warm. It was only on the third day that I  
13 felt the consequences of those beatings, when I cooled off, and I realised  
14 that I couldn't move. I couldn't walk.

15 Q. That's what I was going to ask you. I'm going to come on to the  
16 injuries to your leg, but was it at that stage that you received the  
17 injuries to your legs?

18 A. I assume it was then because apart from that time when I was  
19 beaten in the police station, I was also beaten in front of the police  
20 station when they took us out at 6.00 and then in front of the truck when  
21 we were being loaded and then seven or eight times from Kljuc to  
22 Mali Logor (redacted), so that I must have been  
23 injured in that period of time.

24 In the cell I recognised Rebac Domagoj, a Croat; Darko Dzaja, a  
25 Croat; Leopold Flat, a German dentist; Branko Dzaja, Darko's father, a

1 Croat; Luka Brkic, a Croat; and several other Muslims. And then I  
2 realised that they had nothing to do with what they were accusing us of,  
3 because I was thinking to myself, They said that we were rebelling,  
4 whereas these Croats and this German, Dr. Flat, had absolutely nothing to  
5 do with the Muslims, so that it became clear to me that this was all  
6 intended to cleanse Kljuc of non-Serbs.

7 Q. Well, the people that you saw in the cell with you, you said one  
8 was a German and others were Croats. What sort of position did they hold  
9 in Kljuc?

10 A. There were also some Muslims. Well, let me tell you.  
11 Leopold Flat is a dentist. Luka Brkic, a sales clerk in the forestry  
12 company. Rebac Domagoj, a teacher of art. Branko Dzaja, a veterinary  
13 surgeon, a vet. His son, Danko, was a student. He hadn't graduated, so  
14 he worked as a taxi driver in town. They were all well off, employed; the  
15 Muslims also. There was Mirsad Sehic among the Muslims; Djelic Mehmed;  
16 myself. There were 21 of us. And Kujundzic - I can't remember his first  
17 name - he was a driver. He was unconscious, whereas all the rest of us  
18 were able to communicate amongst ourselves with our eyes. We didn't dare  
19 talk, because the Serbs would be peeping through the hole in the door.  
20 And if we talked, they would curse us, our balija mothers.

21 Q. All right. You've already told us that at around half past 5.00  
22 to 6.00 you were taken out of the cell. And when you were taken out, it  
23 was at that stage that you were thrown down the steps of the police  
24 station. You were Placed onto a truck and kept in Mali Logor. How long  
25 were you kept in Mali Logor?

1           A.    First of all, when they took us, there was another round of  
2    beating.  There were steps for us to climb up to board the truck.  And our  
3    hands were tied so tightly behind our backs that for four months I  
4    couldn't move my fingers.  And climbing onto the truck, I fell.  I  
5    couldn't climb, because it is very difficult to climb if you don't have  
6    your hands to help you up.

7           And as I fell, all of them kicked me, and a policeman,  
8    Jovo Perisic came up and said, "What are you doing to the man?"  And he  
9    said, "He's the main Turk.  Leave him be and board him onto the truck."  
10   And then they picked me up like a bag of cement, by the shoulders and the  
11   legs, and threw me onto the truck.

12           When they drove us from Kljuc to Banja Luka, the truck stopped for  
13   the first time.  I think it was around 7.00 p.m. when the truck stopped  
14   near Hasljinak [phoen].  There was an inhabited locality.  And a Chetnik  
15   came out and said, "You, leader, come here."  And then somebody says,  
16    "There are no leaders," he said.  And he said, "Yes, there is.  Filipovic  
17   is amongst you.  Let him come."  And I somehow came up to him.

18           And as I approached, the Serbs are cowards.  Though we were all  
19   tied -- tied up, he didn't dare climb up onto the truck.  But from the  
20   road he hit me twice with his fist in the chin and I fainted.  He yelled  
21   that I should get up again, and I didn't want to, so I thought to myself,  
22    He wouldn't dare climb up.  So this went for seven or eight times until we  
23   reached the Mali Logor barracks.

24           In the meantime, Mrsic Enes managed somehow to untie his hands,  
25   and he untied the hands of all of us, and we all tied our hands in front



1 because after all it's easier to defend yourself when you have your hands  
2 tied in front. And when they wanted to beat me again, I would protect  
3 myself.

4 So when we arrived at the Mali Logor, I kept praying to God to  
5 save me or to help me die. And then they shouted out, "Give us Mehmed  
6 Begic," who disclosed the codes in the post office, and he's a graduate  
7 electrical engineer working in the post office. They first took me and  
8 threw me down and all the others on top. I was choking from the weight,  
9 but I thought to myself, There is God after all, because he has saved me  
10 from the beatings. And I was choking. But all the beatings were focussed  
11 on Mehmed Begic in Mali Logor. He had a good leather jacket. But from  
12 the blows, the jacket was torn to pieces.

13 In the meantime, maybe after an hour of beating, Zoran came up. We  
14 recognised him. I recognised him too. We called him Brkin. His father  
15 was a Brko, a mustachio [phoen]. He was a policeman in the former  
16 Yugoslavia in the reserve force, and he retired as a policeman. He  
17 pretended in front of us, and he cursed God and he said, "What are you  
18 doing? These are my people from Kljuc. They're fine people." My  
19 colleague, Medo Fadil he said, "A colleague, this neighbour of ours, will  
20 save us." And I said, "Excuse me. Fuck you. No one is going to save  
21 us."

22 And then Brkin to impress us yelled at them for a while, and they  
23 stopped. But they had carried out what they intended to do. They had  
24 beaten up Begic Mehmed. Then they boarded us onto the truck again and  
25 drove us to Stara Gradiska. And I wish to point out there was a hole on

1 the tarpaulin on the truck and a man nicknamed Kuljo would peep through.  
2 And he would say, "We've passed this spot and that spot," and he kept  
3 saying, "So long as they don't take us to Kula, because that is where they  
4 kill people." So he told us that we had passed Kula, and we realised we  
5 had come to Bosanska Gradiska. We wondered where they would take us. And  
6 I said then, "We are going to Stara Gradiska," which was a well-known  
7 prison in the former Yugoslavia. So I thought, That is where they would  
8 take us, because Stara Gradiska is just across the river and it is  
9 situated in the Republic of Croatia.

10 And when they took us inside to the prison, inside the prison in  
11 Stara Gradiska - (redacted).

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

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17 (redacted)

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12 Pages 9597 to 9599 - decision to redact -order dated on 2 April 2003.

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9 (redacted)

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11 (redacted)

12 (redacted)

13           The next day a doctor came, a lady, to examine us. And when she  
14 saw -- so this was my second day in cell number 3. And the doctor  
15 required that we get up, and I said, "Madam doctor, I can't get up. Even  
16 when I do, it's with great effort." (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23           I couldn't move, so the guard designated Teufik to carry me to the  
24 ambulance, to the clinic. And as he carried me, the worst thing is one  
25 cannot see oneself. And Teufik asked me, "What do I look like?" And this

1 Chetnik going in front of us says, "Don't talk," he yelled at us. And I  
2 whispered into his ear, "You're swollen. You're blue." And he said -- he  
3 probably was able to see himself, so he said, "Believe me. I may look  
4 awful, but you're a hundred times worse."

5 So when I entered into the doctor's surgery, I saw above the sink  
6 that there was a mirror, and I asked the doctor, "Could I wash my face?"  
7 And she said, "Yes, please do. You've come to see a doctor. You're not  
8 in prison now." So I went to wash, and as I was washing I looked at the  
9 mirror, and the Chetnik escorting me, he wouldn't let me look. But the  
10 doctor chased him out of the surgery and said, "You have nothing to do  
11 here. This is a patient." And when he left, I washed well. I put my  
12 head under the tap. Believe it or not, my head had doubled in size. One  
13 couldn't see where my nose was, whether I had a nose or not. My head was  
14 like a football.

15 And then she prescribed penicillin and said, "You should thank God  
16 that I still have some penicillin in reserve. And for as long as I'm  
17 here, you will be given penicillin." And true enough, every day I was  
18 given shots in the morning and in the evening, and the fifth or sixth day  
19 after that this lady doctor disappeared. Where she went, I don't know.  
20 Most probably she didn't suit the leadership, because she treated me  
21 nicely.

22 Q. Did you receive any treatment after she left?

23 A. Yes. I received penicillin. And since Stara Gradiska is near  
24 Bosanska Gradiska, I was told to get ready and I was taken to a van and I  
25 was taken to Bosanska Gradiska to the hospital, along with Asim Egrlic.

1 But we were not allowed to talk amongst each other. We just looked at  
2 each other. We exchanged glances and from that we knew what was going on.

3 Q. Did you receive treatment at the hospital in Bosanska Gradiska?

4 A. I will speak about that. When I reached Bosanska Gradiska, I was  
5 put in a corridor. I was on one of those carriages and Egrlic on  
6 another. The corridor was 20 or 30 metres long.

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 We waited for a surgeon for about half an hour. When the surgeon  
15 came out from an operation he was doing -- a gentleman came. He was a  
16 true gentleman. There were three nurses. One of them received me with a  
17 traditional Muslim welcome, Selamalaykum. I couldn't believe her, that  
18 she was a Muslim, so I didn't even want to respond. But she spoke this  
19 very fluently, like a true Muslim woman. But again, I didn't want to  
20 respond.

21 And then this surgeon came. He examined me, and he told me,  
22 "Sir, Mr. Filipovic, you must go to a larger centre than our own. Your  
23 leg has to be operated on. We in Bosanska Gradiska are unable to perform  
24 such an operation." (redacted)

25 (redacted)

1 (redacted)

2 And for the first time in my life I heard the term "third  
3 countries." When I answered the doctor, I told him that I did not want to  
4 go to Banja Luka. And he asked me why. "Well, my surname does not bode  
5 well in Banja Luka. When they learn my name is Filipovic, I will be  
6 beaten even more severely than there in the prison." Then he said,  
7 "Mr. Filipovic, when you go to third countries, you ask to be operated on  
8 immediately. I can only help you in this way.

9 He took a syringe. He called a nurse. He removed two syringes of  
10 fluid from my knee, and he said, "This is all I can do to alleviate your  
11 pain for the time being." He gave me a cast. He bandaged my whole leg.  
12 It was in a cast up to my ankle but only from the inside. From the  
13 outside, it was bandaged. When night fell, the pains would start.

14 Q. All right. Can we just pause then and deal with your leg. First  
15 of all, you say he extracted fluid from your knee. Was anything broken as  
16 far as you could tell?

17 A. Yes.

18 Q. And what was that? What part of the leg?

19 A. Well, I didn't really know what was going on, and I didn't know  
20 until I came to London. Because without an x-ray -- and I didn't know  
21 what was wrong with me really.

22 Q. All right. But clearly your leg, from what you say, was swollen  
23 because they had to extract water from your knee.

24 A. Yes.

25 Q. All right. Other than that visit to the hospital in Bosanska

1 Gradiska, until such time as you were transferred from Manjaca, were you  
2 taken to any other hospital?

3 A. No.

4 Q. You remained in Stara Gradiska, I think, until the 15th of June.  
5 During the time you were there --

6 A. That is right.

7 Q. -- how many people were in the cell with you?

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 MS. FAUVEAU-IVANOVIC: [Interpretation] Mr. President.

18 JUDGE AGIUS: Yes. Yes, Madam Fauveau.

19 MS. FAUVEAU-IVANOVIC: [Interpretation] We have been listening for  
20 half an hour the evidence regarding Stara Gradiska. Stara Gradiska is in  
21 Croatia and it is not in the indictment. At one moment this camp was in  
22 the indictment. And we wanted to be expurged [as interpreted] from the  
23 indictment because it is a camp which is in another republic and Judge  
24 Hunt accepted this and he ordered the Prosecutor to amend the indictment,  
25 not to have Gradiska figure in the indictment. So I understand well that



1 the witness wishes to tell us his whole experience but who the guards were  
2 in Stara Gradiska. That is something which is not relevant to this case.

3 JUDGE AGIUS: Yes, Ms. Korner. I'm --

4 MS. KORNER: It's quite -- I'm sorry, Your Honour. It's  
5 absolutely right. Stara Gradiska was in the indictment. It was removed  
6 because it was in Croatia. That, in our submission, is neither here nor  
7 there. It is part and parcel of the evidence in this case.

8 JUDGE AGIUS: There I agree with you. Where I would like you to  
9 reply to Madam Fauveau is whether the question as to whether the police or  
10 the guards were military or -- is relevant or not, since we're talking of  
11 guards in Croatia.

12 MS. KORNER: It matters no odds, Your Honour. Your Honour is  
13 going to hear evidence that this camp, this barracks, came under the  
14 command of the 5th Corps. There's an order -- it's already been read in  
15 evidence, I think, from General Talic, ordering the movement of troops.  
16 It's not part of the indictment because of Croatia. It's similar fact  
17 evidence, which is relevant.

18 JUDGE AGIUS: It was already in Croatian territory at the time,  
19 no?

20 MS. KORNER: It's always been in Croatia.

21 JUDGE AGIUS: Exactly.

22 MS. KORNER: It's been in Croatia throughout. But the fact is  
23 that for whatever historical Yugoslav -- JNA reason, it came under the  
24 command of the 5th Corps.

25 JUDGE AGIUS: But the effective command.

1 MS. KORNER: The effective command of General Talic. There's an  
2 order. I think so we looked at it later on.

3 MS. FAUVEAU-IVANOVIC: [Interpretation] Mr. President.

4 JUDGE AGIUS: Yes, Ms. Fauveau.

5 MS. FAUVEAU-IVANOVIC: [Interpretation] When we were making our  
6 exception and when Judge Hunt did made his determination that this should  
7 not be in the indictment, the Prosecutor did not react to this, respond to  
8 this. She should have done that.

9 MS. KORNER: [Previous translation continues] ... Your Honour, we  
10 say whether or not it's in the indictment is neither here nor there. This  
11 is a matter of similar fact, closely connected evidence. It's not part of  
12 the indictment because, as Judge Hunt ruled, it's in Croatia. We didn't  
13 appeal the ruling because we thought we had enough camps. But there is no  
14 conceivable way that we can ignore the evidence of what happened in Stara  
15 Gradiska.

16 JUDGE AGIUS: What I want to know -- and perhaps I'll get an  
17 answer from you first before the witness may proceed -- is I take it -  
18 otherwise I would have stopped the series of questions - that the  
19 gentleman, the witness, was taken to Stara Gradiska by Serb guards and  
20 that he was --

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

22 JUDGE AGIUS: -- kept there under the surveillance of Serb guards.

23 MS. KORNER: Correct.

24 JUDGE AGIUS: Correct. And so irrespective of the question as to  
25 whether it's in or out of the indictment - and we agree that it is

1 definitely out of the indictment - I'm going to allow the question or the  
2 Prosecution to proceed with this question because we're still talking of  
3 Serb guards and the Prosecution is alleging that those Serb guards -- you  
4 are alleging, and then it stands to be proved -- that those Serb guards or  
5 at least where the gentleman was taken and kept in Stara Gradiska fell  
6 under the control of the 5th Corps.

7 MS. KORNER: That's right.

8 MS. FAUVEAU-IVANOVIC: [Interpretation] The 5th Corps did not exist  
9 at that particular moment, Mr. President.

10 JUDGE AGIUS: That is ha contention of the Defence.

11 MS. KORNER: The 5th Corps as it was -- the 1st -- the 5th Corps  
12 of the JNA, the 1st Corps -- Krajina Corps as it became after the 28th, on  
13 or about this very period.

14 MS. FAUVEAU-IVANOVIC: [Interpretation] But the 1st Krajina Corps  
15 of Republika Srpska was never responsible in Stara Gradiska, and that is  
16 where the problem lies.

17 JUDGE AGIUS: That stands to be proved. I mean, that's something  
18 that the Prosecution needs to prove, Madam Fauveau. I mean, it's -- I  
19 know it's a contention by the Defence, and it's a contention that --

20 MS. FAUVEAU-IVANOVIC: [Interpretation] It is a different republic  
21 which had its own bodies and its own armed forces.

22 MS. KORNER: Your Honour, I'm -- I'm slightly distressed that the  
23 witness's account of what is clearly a harrowing event is being  
24 interrupted by an argument of law. I propose at this moment to --

25 JUDGE AGIUS: No, please proceed. I mean, our decision --

1 [Trial Chamber confers]

2 JUDGE AGIUS: Please proceed. And without prejudice to the whole  
3 issue as to whether the 1st Krajina Corps was responsible for -- for Stara  
4 Gradiska and also -- because the witness hasn't even answered your  
5 question, first. He may as well answer us by telling us these guards had  
6 nothing to do with the army. I don't know.

7 MS. KORNER: Yes.

8 Q. Mr. Filipovic, can you just deal with that. The guards --

9 JUDGE AGIUS: Please. She is putting the question again to you,  
10 Mr. Filipovic. And you are now kindly asked to answer it.

11 MS. KORNER:

12 Q. Mr. Filipovic, were the guards policemen, ordinary policemen, or  
13 military, or a mixture of both?

14 A. I am irritated by these interruptions of the Defence. As I as a  
15 prisoner was taken to -- as a prisoner to Stara Gradiska, why then wasn't  
16 the question raised? A citizen of Bosnia is taken to a different  
17 republic. I'm a citizen of Bosnia-Herzegovina, and Stara Gradiska is the  
18 Republic of Croatia. (redacted)

19 (redacted)

20 (redacted)

21 Q. All right. So --

22 JUDGE AGIUS: He hasn't answered the question.

23 MS. KORNER: No. All right.

24 Q. Mr. Filipovic, I know it's irritating, but what we're trying to do  
25 is let you tell your story. So if you'll just concentrate on this. (redacted)

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12 Page 9609 - decision to redact -order dated on 2 April 2003.

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4 Q. All right. Now, you say that your brother, Omer Filipovic, was  
5 brought into your cell. When did you first become aware that he, too, was  
6 at Stara Gradiska?

7 A. No.

8 Q. I'm sorry, no what? I thought you said he was brought to your  
9 cell.

10 A. No. On June 11th, the first day of Bajram, my brother was taken  
11 to my cell. Subsequently he told me that the guard had taken him -- he  
12 said, "Brother, you have half an hour. You can talk together. But when  
13 the guard changes at 6.00, the -- you will have more time to talk."

14 I didn't know what was going on. Omer was telling me that he was  
15 in a cell with a Serb, a good Serb from Derventa. And he is a rich Serb,  
16 and the guard is someone who supports him, and he made it possible for  
17 us -- for the two of us to meet, and we spent half an hour together, and  
18 then the guard said, "Finish now. And now we have to go back or else I'll  
19 be in trouble."

20 Omer told me during that first hour, he told me all that had  
21 happened, how he wasn't able to recognise me. He told me about how he had  
22 heard that I was in Gradiska. We were vis-a-vis -- we were -- I was in  
23 the cell vis-a-vis his, and he told me that he had heard that my name  
24 called for syringes. I asked who -- which Filipovic was there, and he  
25 said Muhamed Filipovic. Well, that's not saying much because there are

1 four by that name in Kljuc. I asked, "How does he look?" "He is bald,  
2 thin, and he wears a beard." And he said, "Well, no, that is not my  
3 brother. My brother is big." I used to be a big, sturdy person.

4 And Omer then asked the guard, "Go and see in the book of records  
5 what the father's name is." And the guard came to Omer and he said, "Does  
6 the name Suljo mean anything," to me? Well, that is the name of my  
7 father. And he said, "Well, that is my brother." And when Omer saw me,  
8 he couldn't recognise me. I had been so dehydrated.

9 When the guard said I was thin and bald, well, all that had  
10 happened in a period of ten days. I used to have 120 kilos, and all of a  
11 sudden I got thin. I never used to be bald. I got bald from all the  
12 stresses I experienced.

13 Q. All right. Can we deal now with the rest of this fairly shortly,  
14 and then I want to deal with Manjaca. Had your brother been beaten at all  
15 when you saw him?

16 A. No. In Stara Gradiska he had not been beaten. He told me so. He  
17 said, "Brother, I am very sorry what happened to you." He said, "They are  
18 not beating me. Todo Gajic from Kljuc comes to me to question me on a  
19 daily basis." And he says, "Thanks to Vinko Kondic, I am still alive,  
20 because Vinko Kondic sticks to some rules. Now, if the others, Banjac  
21 were to be asked, I would not be alive today. Vinko sticks to the rules."

22 (redacted)

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21 Q. Thank you. Now, I want to talk, please, about Manjaca. And can I  
22 tell you, Mr. Filipovic, the Judges have heard a great deal of evidence  
23 already about it, so I'm just going to concentrate on certain aspects.

24 Were you taken to Manjaca on the 15th of June?

25 A. Yes.



1 Q. And was your brother Omer also taken there at the same time?

2 A. Yes.

3 Q. Now, when you arrived at Manjaca -- or before you arrived, were  
4 you beaten?

5 A. No. They didn't beat us, but it is as if they had. The bus  
6 usually carries 50 people. There were 150 of us in the bus. The outside  
7 temperature was 30 degrees, and the driver put on the heating as if it  
8 were winter. And we were suffocating there. The driver opened the window  
9 next to him. He did this consciously so as to have a draft, but the rest  
10 of us were suffocating. I would have preferred to have been beaten by a  
11 truncheon than suffocate like that. We were one on top of the others.

12 Q. When you got to the camp, were you beaten at the camp?

13 A. Yes.

14 Q. Was that on the day of your arrival or later?

15 A. On the day I arrived the guard -- I found out his name was  
16 Zeljko Bulatovic -- later on he asked, "Have these people had their names  
17 written down?" We didn't know why this was said. When you say that, it  
18 means you have to write down your name in the record book. But for them  
19 it meant were you beaten. They said, "No." And then Zeljko Bulatovic  
20 came up. He wrote my name in. In fact, he beat me up until I fell.

21 Then when I was beaten up, my late brother came to me to try to  
22 help me up. Then Zeljko Bulatovic started beating my brother and said,  
23 "Why are you helping an Ustasha?" Omer put up his head and he said, "I  
24 have to do that. It is my brother." And he said, "Well, when you have  
25 to, then here are some beatings for you too." Then they started beating

1 Omer.

2 Q. Was that the first time that your brother had been beaten, as far  
3 as you were aware?

4 A. These were the first beatings of my brother Omer.

5 Q. Now, during the course of your stay in Manjaca, were you  
6 interrogated?

7 A. Yes, once.

8 Q. And at the end of that interrogation, did you make a written  
9 statement?

10 A. The person interrogating me was writing things down and then I  
11 signed something. First I was taken there and then I was hit by a rifle  
12 butt. I could barely walk, and he kept hitting me to walk faster, so I  
13 was beaten a few times before I reached there, to the office where the  
14 investigator was, from the cattle shed. And the investigator to my mind  
15 was a correct person. He gave me a cigarette. I told my story. I said  
16 what I had to say. I used tactics. While I was in Gradiska, my brother  
17 told me, "I'm sure not to survive." "But you must survive because of my  
18 children too, and my wife." And he said, "Whatever you have to do, say  
19 that I am guilty." So in my statement then I lied to some extent, and I  
20 tried to fulfil his wish and to confirm everything so as not to be  
21 beaten. And now I can say that that statement was made under pressure and  
22 I was beaten before and after I made the statement.

23 Q. I'm just going to ask you to have a look, please, at your  
24 statement.

25 MS. KORNER: Your Honours, that was copied and handed out to Your

1 Honours in the bundle. It's the one dated July the 2nd, headed "Manjaca  
2 POW camp."

3 I think it might be -- I see we have a new member of the registry  
4 here. If the bundle is given to me and I'll have a look for it, it's  
5 probably quicker.

6 No, it doesn't appear to be there. We've got a -- Your Honours,  
7 it may have been handed out --

8 JUDGE AGIUS: It's not in the bundle.

9 MS. KORNER: No. I think it may have been -- when Your Honours  
10 were given all the statements, were you given that one as well?

11 JUDGE AGIUS: Oh, yes, it may be.

12 MS. KORNER: If not --

13 JUDGE AGIUS: [Microphone not activated] Let me confirm to you --  
14 yes, indeed it is.

15 MS. KORNER: Yes. I thought --

16 JUDGE AGIUS: [Microphone not activated] ERN 0304 --

17 THE INTERPRETER: Microphone, please.

18 JUDGE AGIUS: Yes. I'm sorry about that. Are you referring to  
19 the document ERN in English 03045352?

20 MS. KORNER: That's the one. Thank you very much.

21 JUDGE AGIUS: Yes.

22 MS. KORNER: Your Honours, I'm going to ask that that be given to  
23 the witness. And I'm going to ask Your Honours to look at the B/C/S copy  
24 for obvious reasons as well.

25 If that could be handed to the witness. Thank you.

1 [Trial Chamber confers]

2 MS. KORNER:

3 Q. I want you to turn it over, please, and have a look at the  
4 signatures on the back, first of all, Mr. Filipovic. Apparently it's  
5 signed by a gentleman called Dane Lukajic, somebody called Rada  
6 Maksimovic, and then your name appears. Is that normally what your  
7 signature looks like? I'm sorry, first of all, is that in fact your  
8 signature?

9 A. Yes, it is my signature. Only, my signature isn't like this. You  
10 can compare all the other signatures you have and which I can make now and  
11 you will see that this is a signature done by a hand that couldn't work  
12 properly and I only just managed to sign this, but it is my signature.

13 Q. I just want to ask you about one part of what was put down into  
14 that statement. There's a paragraph which states: "Generally speaking, I  
15 know nothing about how Kljuc as a whole, the town and its local communes,  
16 was armed. Lately, I have also distanced myself from political activity  
17 because I realised that what was being done here could only lead to war."  
18 Was that true?

19 A. No. This was just to save my life. This is in response to what  
20 my brother told me, to play the game and to blame everything on him if  
21 necessary. But it's not true. Because I knew a statement like this would  
22 save me.

23 Q. Yes. Thank you. That's all that I want to ask about it.

24 MS. KORNER: Your Honour, may that be made Exhibit -- I think  
25 we're at -- 1102A and B.

1 Q. Now, as I say, Mr. Filipovic, we've had a lot of evidence about  
2 Manjaca. But I would like to see if you can -- if you could summarise in  
3 a few words, or a sentence or so, what was Manjaca like.

4 A. One could talk about Manjaca for months, days, and years. As you  
5 insist that I summarise it, all I can say is the difference between  
6 Auschwitz, Mathausen, and Manjaca is that over there they had gas chambers  
7 and at Manjaca there were no gas chambers.

8 And I said in my statement that the Serbs -- or rather, in my  
9 testimony that the Serbs made three mistakes. The second mistake they  
10 made was when they put me on a concrete floor. That was the second  
11 mistake. If they had put me in a nice bed, I would probably be under the  
12 ground. But the cold concrete in a sense healed my injuries. Not just  
13 mine, but all the prisoners.

14 Q. I want to ask you -- although I've asked you to summarise, I am  
15 going to ask you about a couple of things. First of all, you've described  
16 how you were beaten by Bulatovic shortly after your arrival. Were you  
17 beaten on any further occasions during your stay at Manjaca? And you've  
18 told us about the interrogation beatings, yes.

19 A. Only on one other occasion, because, Your Honours, throughout that  
20 time I could not move. I was lying down. And only on one more occasion  
21 was I beaten. I think it was on Wednesdays that they would make a roll  
22 call and when they call you out -- the stable was about 100 metres long --  
23 you had to run out of the stable. I couldn't do it quickly, so one would  
24 get a couple of blows.

25 In Manjaca at first the worst situation was with food. We were

1 hungry over there, thirsty. There was no food. Let me just say that one  
2 loaf of bread of 800 grammes would be divided up among 44 men. One can of  
3 minced meat or meat pate would be shared by eight men. So you can imagine  
4 what it was like. When the first consignment of aid came from Merhamet in  
5 Banja Luka, the food improved a little, but the real improvement came when  
6 the International Red Cross took over, and that is when we started getting  
7 food. But by then we had become so weak that we were skeletons. I think  
8 there is a video cassette showing me.

9 At the time I had recovered a little with the help of one of the  
10 prisoners who was the head of the canteen. So when I got to London, I had  
11 already gained some 10 kilos, because this lead chef, when his brother was  
12 killed, said to himself, "I have to save Muhamed," and so secretly he  
13 would bring me sugar and milk so the other prisons wouldn't see it, so  
14 that I regained a little weight over there.

15 Q. We're going show the cassette in a moment, Mr. Filipovic.

16 Did you -- in the barn in which you were housed, were other people  
17 taken out and beaten?

18 A. Yes. I remember a detail. There was an active-duty corporal,  
19 Sinisa, a Romany from Nis. He was from Serbia proper. He wasn't a  
20 Muslim; he was a Serb. He was an active-duty soldier. A junior officer  
21 of the so-called JNA. And I saw with my own eyes and counted 94 blows  
22 with a police truncheon when Zeljko Bulatovic was beating him.

23 And Zeljko Bulatovic demanding persistently that he should repent,  
24 and he said, "I will not repent. I'm not a criminal like you. You will  
25 be held accountable sooner or later." And allegedly he was charged that

1 as a corporal he had revealed some major military secrets to  
2 Franjo Tudjman. I personally believe there was nothing in it. He  
3 bothered them because he was a gypsy and the regime led by the SDS at the  
4 time was similar to Naziism and they didn't want gypsies, Muslims, or  
5 Croats. They bothered them.

6 Q. Now, did you receive any medical treatment for your injuries  
7 whilst you were at Manjaca, before the International Red Cross arrived?

8 A. I was taken to the clinic over there. There were three doctors,  
9 also detainees only they were physicians. Enis Sabanovic examined me. He  
10 took my blood pressure. And my brother took me there, and my brother knew  
11 Dr. Sabanovic and Sabanovic measured my blood pressure, and the device  
12 showed 0. I had no blood pressure at the time. Omer asked him, "Doctor,  
13 do you have any pills to give him?" And the doctor said, "My dear  
14 Filipovic, do you know where we are? This is not a hospital."

15 So when you go to the camp, as the clinic was outside the camp  
16 where their offices were. So when you enter the camp, tell the cooks that  
17 is I said he should be given some red onions and let him drink a lot of  
18 water. So I was given a red onion. I ate it like an apple and I drank a  
19 lot of water. It is well known that red onions increase blood pressure.  
20 And I was given another red onion, so that sometimes when Sabanovic got  
21 hold of any pills or painkiller, he would smuggle it in, because he would  
22 come back in the evening. He would spend the day over there, and then  
23 when he came to the camp either he or Dr. Meho would bring some pills. So  
24 the only medical treatment I had was if one of the doctors would give me a  
25 painkiller now and then.

1 Q. All right. Your brother, Mr. Filipovic, I don't know whether  
2 you'd prefer not to talk about what happened.

3 A. I am ready to testify. That is why I came here. I came here to  
4 testify.

5 Q. Was your brother in the same barn as yourself?

6 A. Yes, until he got in their way, because they realised that my  
7 brother was helping the morale of the prisoners. People had become  
8 resigned to their fate. They were eating grass. In the daytime people  
9 would eat grass they were so hungry. And then my brother would come by  
10 and say, "Don't do that. Don't give them pleasure seeing us Muslims  
11 eating grass." Some would listen; others would not. But they realised  
12 that Omer was improving the morale of the prisoners. After talking to  
13 Omer, a prisoner would find it easier to bear the beatings, and so Omer  
14 was taken to solitary confinement.

15 In the first spell, for 19 days I think he was beaten there,  
16 mistreated. They were so base that in the morning this damn Bulatovic  
17 would bring him breakfast and hot tea. Instead of giving it to him - I  
18 apologise to the ladies - instead of giving him the tea to drink, he would  
19 take off his pants and pour the hot tea over him. He humiliated him in  
20 such a way, but Omer would not give in.

21 And on one occasion when we were going for lunch Omer had come out  
22 of solitary confinement then upon the insistence of the International Red  
23 Cross, because they were told that no one should be kept in solitary  
24 confinement non-stop for 19 days. So Omer was let out, and I was going  
25 with Omer to have lunch. Bulatovic approached. And I wish to stress that



1 Zeljko Bulatovic called himself Fadil, saying, "You see, I am a balija  
2 like you. I am Fadil Bulatovic. But I prefer to serve Mr. Karadzic than  
3 Alija Izetbegovic," he would say. However, we knew that he was lying,  
4 that this was just to taunt us.

5 And then this Bulatovic went up to Omer and asked him, "So what  
6 are you thinking about now, professor?" And Omer answered, in a  
7 gentlemanly way, "I am thinking that if I survive Manjaca and am released,  
8 I am thinking about the book I shall write." And then he said, "Will  
9 there be any place for me in the book?" And he said, "Yes, indeed,  
10 Mr. Corporal. You will be the main hero in my book."

11 After that statement, Bula took it out on Omer, not just that very  
12 moment. But a few days later he would take out Omer. He would take him  
13 for solitary confinement. He would beat him mercilessly and mistreat him  
14 in all manner of ways.

15 Q. The day he died, did you see him?

16 A. I did see him on the 29th. Omer passed away in the evening of the  
17 28th, and I was allowed on the 29th to see him. So I did see him on the  
18 29th, about 4.00. And when I saw him, I saw him dead. He was absolutely  
19 naked. He had been stripped. And on his hand he didn't even have his  
20 wedding ring.

21 As my cousin Nihad Filipovic was with me, I said to Nihad,  
22 "Examine him closely whether there is a wedding ring." And then according  
23 to the Islamic custom, I read a prayer. But Nihad went down again and  
24 said, "There's no wedding ring." I bent down and kissed my brother. And  
25 if person who was in charge of those two Chetniks - he was an officer, a

1 captain - he came up to me and expressed his condolences and said  
2 literally, "Please accept my sincere condolences, and be assured that I am  
3 not in favour of these things." And then I said, "Thank you, dear God,  
4 that in this fucking Bosnia there is someone who doesn't agree with this.  
5 Did they really have to take his wedding ring off?"

6 And then the van took his body and Esad's body without any orders  
7 or commands. All the inmates in the camp stood at attention so that the  
8 Serbs are afraid of a rebellion. So you -- "this is how you're seeing off  
9 your leader, and one day you'll provide a similar sendoff to Alija  
10 Izetbegovic." And when Omer was exhumed, when I transferred Omer's body  
11 from Banja Luka to Kljuc, I found the wedding ring on Omer's skeleton and  
12 I assume that the captain who expressed his condolences forced these other  
13 two Chetniks to return the wedding ring, because he knew that they were  
14 the people who stripped him and they could -- they were the only ones who  
15 could have stolen it. So the wedding ring was found and when he was  
16 exhumed, we buried him with the wedding ring.

17 For me the worst moment was when we carried him from Banja Luka to  
18 Kljuc and when we opened the coffin. This was the worst moment for me  
19 than all the beatings I got at Manjaca.

20 JUDGE AGIUS: I think we can stop here for the time being. We  
21 will have a break of 15 minutes. Thank you.

22 --- Recess taken at 3.48 p.m.

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

24 JUDGE AGIUS: Yes.

25 MS. KORNER:

1 Q. Mr. Filipovic, just one or two further questions on Manjaca.

2 First, the Esad you mentioned, was that Esad Bender?

3 A. Yes, it was.

4 Q. Who died at the same time, or more or less.

5 A. The 29th.

6 Q. And was he an old friend of the family?

7 A. Yes. He died on my hands, on my arms in Manjaca. He expired at  
8 5.30 a.m.

9 Q. And what sort of condition was he in when he died in your arms?

10 A. He was beaten up. He was sick, lifeless. The day before he told  
11 me, "I'm bleeding. I am urinating blood." Mujo Sehic, another prisoner,  
12 was a contact person between us because we were not sleeping in this same  
13 row. Then Mujo would convey messages to him, his messages to me.

14 Q. Was there any way that the condition of Omer and Esad could have  
15 been unknown to the guards?

16 A. Well, on the night of July 28th, when they beat them up, there  
17 were also other prisoners who had been beaten. Then Omer jumped into a  
18 minefield and asked Esad Bender to be released, and then he would go out  
19 of the minefield. And it would then -- it was very likely for Omer to  
20 tread on a mine because he was exhausted. And then the Chetniks would go  
21 up. The other prisoners had already been released, and they went to the  
22 stable. Then Omer was thrown into a hole. Then he was beaten thoroughly  
23 in that hole. And then he was put into solitary confinement.

24 Q. As I say, just two other questions. First, you've spoken about  
25 aid coming from Merhamet. Did you know Adil Medic?

1 A. Yes, I did.

2 Q. Did you ever or did he ever speak to you when he came to Manjaca?

3 A. When he came to Manjaca, he just waved to me. He was not allowed  
4 to contact me. From every stall there was one prisoner who could go and  
5 talk to him. From our stable it was Omer. He asked a jacket [as  
6 interpreted] and Adil insisted that the representatives of Merhamet and of  
7 the other stables should have a talk with Colonel Popovic. And they said  
8 that we weren't being beaten in Manjaca.

9 Since my jacket was all bloody, Omer asked to be given my jacket,  
10 and this was proof that there was blood in Manjaca and that this was a  
11 jacket of one of the inmates, because the jacket was all bloody. And I  
12 would encounter Esad a few more times. The arrival of Merhamet was  
13 salvation for us. We were fed better, and at the time all the prisoners  
14 who could move were waiting at 12.00 or 1.00 in the afternoon, could see  
15 the trucks coming. And when they saw food coming, they were in a better  
16 mood.

17 Q. Of the aid that Merhamet delivered, how much more food did that  
18 mean that you got?

19 A. I cannot express to what extent it was increased, but it was a  
20 different form of aid. It in fact -- in this way the Serbs did not have  
21 to feed us. They hardly waited for them to come, because they themselves  
22 were in a crisis. And even though we received very little food from them,  
23 they would use it for themselves and we would eat only the food brought by  
24 Merhamet.

25 When we were taken over by the Red Cross, we were better fed in

1 Manjaca than the Chetniks that were securing us. We had three meals. We  
2 had a quarter of bread for every meal. And they asked food from us, and  
3 they said -- and they said that they were -- that we were being better fed  
4 than them.

5 Q. All right. Now, eventually were you airlifted out of -- or you  
6 were taken out of Manjaca and airlifted to England; is that right?

7 A. Yes. I don't remember which day exactly. I think it was the  
8 first Saturday. Spaga, who was responsible for the prison, he said, "All  
9 the names that I read out should take their personal belongings and should  
10 stand here." Amongst them -- I was also amongst them. We waited there.  
11 We waited. It became dark. We thought it was a joke. When we had to  
12 return to the camp again they told us, "You see, no one really wants you.  
13 The Turks should have, in fact, landed on the Banja Luka airport, but they  
14 didn't dare."

15 Then Spaga on Tuesday came again. He came to the stable. He  
16 said, "All the names I read out should stand." And then my name was read  
17 out again. That day it was raining. We went out, and in the meantime the  
18 buses came and one of the main investigators said, "You see, without your  
19 brethren, the orthodox, nothing will come of you. No one wanted you, not  
20 even the Turks." The Russian airplane landed at Banja Luka, and he said,  
21 "Your brothers, the orthodox, will take you away." And he told us, "You  
22 have to go for treatment." We were guessing where we would be taken. We  
23 didn't know where. Somethought we were going to Rovinj, to Croatia.

24 And then we were told the very first time that we would be taken  
25 to England. And one of the guards shouted out, "Filipovic, thanks to

1 Mr. Karadzic you are now a free people. You have been -- you have been  
2 given abolition. And if someone didn't know what that means, Filipovic  
3 explain it to them. And I said that -- in my testimony, I didn't know  
4 what to do. I said, "Thanks to Mr. Karadzic, we are also prisoners. If  
5 it hadn't been for Karadzic, I would never have seen Manjaca. He told me,  
6 "Leave that for later."

7 And then we were put in buses, taken to the Banja Luka airport,  
8 and there one bus -- that was one bus and there was another bus coming  
9 from Trnopolje, bringing a group of prisoners from there. And 68 of us  
10 were then airlifted to London.

11 I would like to explain another detail from Manjaca, because I  
12 think it is important. When Bernard Kouchner -- Mr. Bernard Kouchner  
13 came, sent from the International Community to examine the conditions in  
14 Manjaca, he was -- I was -- I intrigued him. I put my head in a drinking  
15 vessel where the cows would drink. And one of the crutches that one of  
16 the prisoners gave me put -- I put it under me, and Mr. Kouchner asked  
17 Mr. Popovic, "What's the mat we are that prisoner?" Popovic answered  
18 straight away, "This one was hit by a horse." I spoke out. I said I  
19 wasn't hit by a horse. The lady who translated to Mr. Kouchner translated  
20 literally that I was not hit by a horse. Mr. Kouchner was interested. He  
21 didn't want to go.

22 And he asked, and I said that I was beaten by an army. And  
23 Mr. Popovic asked, "Which army?" I said, "There was only the Serbian army  
24 there." "Where"? "In Kljuc, Mali Logor, (redacted)." "Were you  
25 beaten in Manjaca too"? But I was incapacitated even before Manjaca.

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12 Blank pages inserted to ensure pagination corresponds between the French and  
13 English transcripts. Pages 9627 to 9631.

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1           Then he answered, "Kouchner, now you can see what is important is  
2   that he didn't suffer beatings in Manjaca but before Manjaca." I think it  
3   is a detail that should be stated.

4           Q.   Once you got to England, did you finally receive proper medical  
5   treatment for your injuries?

6           A.   On September 15th, from the airport we were distributed in  
7   different hospitals. There were 68 of us in the Russian plane. It was  
8   prepared for us exclusively. There were those who were seriously ill, and  
9   the seats had been removed and beds accommodated.

10           On the 15th I was admitted. I was treated -- I was examined on  
11   the 16th and at 8.00 in the morning I was operated on. I had three  
12   operations on my leg and one on my nose. I apologise. I must add that  
13   during my stay in Manjaca the swelling stopped and my brother told me that  
14   my nose was broken. So you can imagine how long it took for my swelling  
15   to subside, so that my nose could be seen properly.

16           Q.   Can you just tell us, please, as a result of the injuries and the  
17   operations, what aftereffects -- we've all seen you limp. What are the  
18   aftereffects that you've suffered?

19           A.   I have become a lifetime invalid in my right leg. My right leg is  
20   shorter. I have artificial ligaments. I have screws in my knees.  
21   Mr. Stallard [phoen], the specialist in England, performed that operation  
22   and he told me that if I had come in time, I would have saved you. Now  
23   this -- the situation is such that I can just superficially heal you but  
24   not heal you totally.

25           Q.   Mr. Filipovic, those are the physical injuries that -- the



1 physical aftereffects. If you can, can you tell the Court what those  
2 events in 1992 did -- how it affected you as a man.

3 A. Your Honour, I can say that I'm in fairly good spirits. I'm  
4 trying not to -- I'm not a person who seeks revenge. I don't want to seek  
5 revenge in the same way that things happened to us. But for me justice is  
6 when I see these people in -- prisoners and the investigator who  
7 questioned me in Manjaca. He asked me, "Would you seek revenge?" And I  
8 said, "No. Personally I would not seek revenge, but I'm waiting for the  
9 day when I can see these people on the other side of the bars." And I  
10 would like to see the day when my former friend Vinko Kondic is in  
11 The Hague.

12 Q. All right. And finally this: Whilst you were in England, were  
13 you invited to take part in a programme made by channel 4 dealing with  
14 refugees from Bosnia?

15 A. Yes. They asked me if I wished to take part. This is, I might  
16 say, the third mistake by the Serbs who allowed me to go for treatment and  
17 to become cured, because I said to myself, While you are alive, you will  
18 speak the truth and only the truth. And whoever behaved well towards me,  
19 I mentioned this. I mentioned Ratko Radojcic and other Serbs who were  
20 nice to me.

21 So when I was asked do you want to take part, and in their concept  
22 they wanted to make a programme called "Bloody Bosnia." And they wanted  
23 to have three stories there, a Muslim, a Serb, and a Croatian story. They  
24 wanted to have a refugee from all three sides to tell their version of  
25 this story and to have the British audience watch this and judge for

1 themselves what had occurred in Bosnia.

2 MS. KORNER: All right. I'd now like, please, the video that's  
3 been handed in to the technicians to be played.

4 Your Honours, before that happens there's a transcript -- it is  
5 English, in fact.

6 JUDGE AGIUS: Yes.

7 MS. KORNER: It's only the first page. Your Honours got  
8 everything, but it's only the first page.

9 And if Mr. Filipovic -- is it on the video? Mr. Filipovic's  
10 monitor is on video, is it? Thank you. Sound.

11 [Videotape played]

12 MS. KORNER: I'm sorry. I can't hear any sound.

13 THE REGISTRAR: I've been informed that there is no sound on this  
14 tape.

15 JUDGE AGIUS: [Microphone not activated] If there is no sound, how  
16 is it that we have a transcript?

17 MS. KORNER: There is sound, Your Honour. I don't know what's  
18 happened.

19 I'm afraid to say we asked for an excerpt to be made of it, and I  
20 didn't appreciate it -- because I've seen it -- I took it off the original  
21 and I didn't appreciate --

22 JUDGE AGIUS: So it may have --

23 MS. KORNER: I'm going to ask for the original to be brought down  
24 now, Your Honour.

25 JUDGE AGIUS: [Microphone not activated] All right.

1 THE INTERPRETER: Microphone, please, Your Honour.

2 JUDGE AGIUS: Watching it without sound doesn't make sense.

3 MS. KORNER: It doesn't, no.

4 JUDGE AGIUS: [Microphone not activated] Apart from the fact  
5 that -- even though we have transcript here and it has to be --

6 MS. KORNER: No. I think Your Honour ought to hear the proper --  
7 yeah.

8 JUDGE AGIUS: [Microphone not activated] It's confirmation --  
9 would be confirmation of what we have here in any case, even though the --

10 THE INTERPRETER: Microphone, please.

11 JUDGE AGIUS: Is it off again? Yes. Sorry.

12 Do we have to wait long for this, Ms. Korner?

13 MS. KORNER: Well, I hope it won't take more than five minute, but  
14 it may be just as well if Your Honours rise. We may have to get it from  
15 upstairs. I'm sorry about that.

16 JUDGE AGIUS: Yes. So we'll have a short break until the tape  
17 arrives.

18 --- Break taken at 4.29 p.m.

19 --- On resuming at 4.36 p.m.

20 MS. KORNER: I'm told, Your Honour, that there is sound.

21 JUDGE AGIUS: [Microphone not activated] This is definitely mine.  
22 That's probably because I have this here.

23 Okay. Let's proceed. There's something that has -- something  
24 that has gone wrong here.

25 [Videotape played]

1 MS. KORNER: Can we stop. Can we have the sound.

2 Your Honour, I'd like the video stopped until --

3 Can we go back, please.

4 [Videotape played]

5 MS. KORNER: Can we go back to the beginning, please.

6 JUDGE AGIUS: Stop.

7 MS. KORNER: Can we go back to the beginning of the video.

8 JUDGE AGIUS: Please take us back to the beginning of the video, a  
9 short rewind.

10 [Videotape played].

11 At the time we were inseparable. In those days it never mattered  
12 that my brother Omer and I were Muslims and our best friend Vinko was the  
13 Serb. Our families lived next door to each other. Every weekend we'd eat  
14 together. Our children would play together. Then the war came to  
15 Bosnia. Omer had become a prominent man in our town Kljuc. Then, when  
16 the Serbs captured Kljuc, our friend Vinko became chief of police. Vinko  
17 of course knew all about Omer's position and he must have seen him as a  
18 threat.

19 One night the Serb militia came for us. Omer, me, and all the  
20 other Muslim men were arrested. But it was Omer they really wanted. We  
21 were taken to Manjaca camp. There the guards would come for Omer at dusk,  
22 beat him for hours, then return him in the motor vehicles. Each day he  
23 grew weaker.

24 One day Vinko entered the camp in his police uniform. He looked  
25 at me. Vinko knew what was happening there. He knew what was happening

1 to the man he'd once called his best friend. The last day they came for  
2 Omer everyone knew he was going to die. Omer waved to me and said  
3 goodbye. When I close my eyes at night, I see him waving again and  
4 again.

5 When they carried me off the plane in London, I didn't feel  
6 relieved, just helpless. I wondered if I'd ever see my family again. Of  
7 course I knew I wouldn't see Omer. He was buried the same day I left  
8 Bosnia. I often think back to the old days when Omer, Vinko, and I would  
9 eat together. I ask myself, what was really going through Vinko's mind as  
10 we sat around the table laughing together. My Red Cross certificate says  
11 I'm 38. It is not true. I'm really only one year old, because it's only  
12 in the last year I've learned what people are really like.

13 MS. KORNER: Your Honour, that's all I'd ask of Mr. Filipovic.  
14 I'd ask that the video be made Exhibit 1103 and the transcript 1103.1 and  
15 .2.

16 JUDGE AGIUS: I understand there is no objection on the part of  
17 the Defence. Okay. So it's so admitted.

18 And that's all. That brings your examination-in-chief to the end.

19 MS. KORNER: Yes, that's all I ask.

20 JUDGE AGIUS: Okay. I just wanted to make sure.

21 Who's going to go first?

22 THE WITNESS: [Interpretation] May I, Your Honours, say something?

23 JUDGE AGIUS: Yes, go ahead.

24 THE WITNESS: [Interpretation] There's a mistake here. Those are  
25 people from channel 4. I was telling them the story, and I don't know how

1 it came about that he said "one night Vinko came to the camp." Vinko did  
2 not come to the camp, so I don't know how he came to say that. So I just  
3 wanted to make that correction. Everything else is all right.

4 JUDGE AGIUS: Okay. I thank you.

5 Now, as I tried to explain to you the first -- the very first time  
6 you sat on that chair in this courtroom, after the examination-in-chief by  
7 the Prosecution, the Defence, both accused, are entitled according to our  
8 rules to cross-examine you. In cross-examination -- the first  
9 cross-examination will be that on behalf of Radoslav Brdjanin. And the  
10 attorney who will be cross-examining you is the lead attorney,  
11 Mr. John Ackerman.

12 Now, I think I have already explained to you also that these  
13 gentlemen who are defending the accused are doing their duty here. They  
14 are being paid by this Tribunal to do their duty, and that is to defend  
15 their clients. Because like everyone else, the accused here are presumed  
16 to be innocent until they are proved guilty.

17 So I leave you now in the hands of Mr. Ackerman. And my advice to  
18 you, again, is to answer the question, the whole question, and nothing but  
19 the question.

20 Mr. Ackerman.

21 [Trial Chamber and registrar confer]

22 Cross-examined by Mr. Ackerman:

23 Q. Good afternoon, Mr. Filipovic.

24 A. Good afternoon.

25 Q. I want to start by telling you that I and I think everyone in this

1 courtroom feels a great deal of sorrow and sympathy with you for what  
2 happened to you and your brother and your family and everything else that  
3 you've just explained to us. And I hope that you'll accept that in the  
4 spirit that I offer it to you.

5 I want to begin by talking to you about the elections that  
6 occurred in --

7 MR. ACKERMAN: I seem to be having trouble with my earphones or  
8 something, Your Honour. I can't hear half the time.

9 JUDGE AGIUS: Can you hear me?

10 MR. ACKERMAN: Just a minute.

11 JUDGE AGIUS: Can you hear me? No.

12 Could it be the sound? Because there has been some --

13 MR. ACKERMAN: No. It's something wrong with the earphones. They  
14 just come on and come on.

15 JUDGE AGIUS: Usher, could --

16 MR. ACKERMAN: Let me get another pair.

17 JUDGE AGIUS: There are plenty around, so that's not a problem.

18 Let's try. Can you hear me? Okay. Let's see. Can your  
19 assistant hear me?

20 MS. JEVTOVIC: [Microphone not activated]

21 JUDGE AGIUS: If there is a problem, Mr. Ackerman, perhaps --  
22 exactly. You're going to switch places. Alternatively I was going to  
23 suggest to you to move to the -- to the other -- yes.

24 Let's see if it works now. Can you hear me?

25 MR. ACKERMAN: Yes.

1           JUDGE AGIUS: Good. So there is nothing wrong with your hearing,  
2 as I started suspecting for a while. So let's go ahead.

3           MR. ACKERMAN:

4           Q. Sir, following the -- I want to go back to that time when the  
5 multi-party elections were held and just kind of some background.  
6 Following those elections, the SDS wound up winning over 50 per cent of  
7 the seats in the Municipal Assembly of Kljuc, did they not?

8           A. Yes.

9           Q. And that meant that the SDS controlled the assembly in any matter  
10 requiring a simple majority vote; correct?

11          A. Yes.

12          Q. And that result of those elections, those democratic elections,  
13 was not acceptable to you and your brother, was it?

14          A. That's not right.

15          Q. Well, isn't it the case that -- I just have to find it. Just give  
16 me a second -- you gave a statement to the Prosecutor on 28 August, 2002,  
17 here in The Hague. You spoke with Ms. Korner and Mr. Ackheim. And I'd  
18 ask the Prosecutor to give you a copy of that statement so you can see  
19 what I'm referring to.

20                 If you look on the second page. On the English version, it's the  
21 third paragraph, beginning with "This would be done by the Serbs being a  
22 majority." Do you see the part I'm referring to?

23          A. Yes.

24          Q. You told the Prosecutor -- you were talking about the results of  
25 the elections and the Serbs have been a majority in the assembly and that



1 you believed that would be detrimental to the Muslims.

2 You said "This would be done by the Serbs being a majority through  
3 passing laws and issue decisions depriving the non-Serbs of their land and  
4 property." And then I'll skip a sentence. "During a press conference, my  
5 brother and myself carried a yellow ribbon on our sleeves. We told the  
6 audience that we would end up like the Jews of Kljuc if the Serbs had  
7 their way." That's true, isn't it?

8 A. True.

9 Q. What did you mean when you said you would end up like the Jews of  
10 Kljuc?

11 A. Your Honours, I have to elaborate now and say at length what it is  
12 I expected. I'm sufficiently intelligent and educated to know what  
13 happened to the Jews during the Second World War. We knew what would  
14 happen to us. We would be disenfranchised, individuals killed,  
15 individuals deprived of their property. They would be segregated. We  
16 need not necessarily have had to have yellow ribbons like the Jews in the  
17 Second World War. Maybe a green ribbon or some other ribbon would be  
18 given to us, but we had to be marked, because a state was being  
19 established in which the Serbs were to have exclusive power, and that is  
20 what I meant at the time.

21 As for what I said about property, I can say on well-founded  
22 grounds that we lived in a state in which the Serbs were dominant and we  
23 were always deprived of property by the reforms of King Aleksandar then  
24 the Rankovic reforms who had influence over Tito. We were deprived of our  
25 property. We Filipovics had plenty of land we could boast of.

1           However, after the end of the reforms, we had seven or eight  
2           dulumis left. And we had thousands of dulumis of land. King Aleksandar  
3           took our land, and the same applies to the Assembly of the ARK of Krajina.  
4           So that is what I meant to say.

5           JUDGE AGIUS: [Microphone not activated] We'd like to know what a  
6           dulum is. A dulum, I understand, is a measure. It's like --

7           THE WITNESS: [Interpretation] Yes, it is. It is 1.000 square  
8           metres of land.

9           JUDGE AGIUS: Okay. Thank you.

10          MR. ACKERMAN:

11          Q. What you said in your statement, this fear that you had of winding  
12          up like the Jews of Kljuc, resulted from the Serbs being a majority  
13          through passing laws and issuing decisions. And I take it that it was  
14          your position they could do that because they had won the election and  
15          controlled the assembly.

16          A. As an attorney, you know that some decisions are made by relative  
17          majority and some by an absolute majority. And according to the statute,  
18          for some decisions they need add two-thirds majority and they didn't have  
19          it. And that is why we were in parliament, because we could prevent some  
20          decisions from being taken, because the SDS did not have a two-thirds  
21          majority. And for all other decisions for this a simple majority was  
22          needed, the other parties didn't need to be present. The SDS would make  
23          its decisions having 31 deputies in parliament.

24          Q. Where did you and your brother hold this press conference where  
25          you wore yellow ribbons on your sleeves and talked about the minority

1 status of the Muslim people? Where did you have that press conference?

2 A. In the office of the cultural centre where the Muslim Bosniak  
3 organisation had its premises.

4 Q. And I take it it was attended by representatives of the media?

5 A. A press conference was called for the press. So all  
6 correspondents of newspapers working in Kljuc, then a reporter from Radio  
7 Kljuc, and from our local newspapers, who worked together with Radio  
8 Kljuc. All the other correspondents working for other BH newspapers.

9 Q. And what you and your brother said at that conference was at least  
10 to some extent reported in the media in Kljuc, wasn't it?

11 A. I don't know. I don't remember.

12 Q. You didn't see the newspaper? You didn't listen to the radio?  
13 You didn't know if they paid attention to you or not?

14 A. I did listen. Only, I don't know whether they did, whether it was  
15 published just then. I don't know whether they published it. I think  
16 that something was published. I'm convinced that it was published, but I  
17 didn't hear it with my own ears.

18 Q. And the purpose of this, of course, was to -- was to try to stir  
19 up the Muslim people of Kljuc and get them frightened of the Serbs and to  
20 get them to support you and your brother in the campaign you were waging?

21 A. That's not true. The Muslim people were already scared, and they  
22 didn't need to be frightened further. They were so frightened that they  
23 didn't know what to do. And this was just to open the eyes of those who  
24 still saw the Serbs as their neighbours, their kums, and their friends.

25 Q. And the yellow ribbon on your sleeves was designed to emphasize

1 that, I take it?

2 A. No, that's not true. We didn't need to emphasise anything. I  
3 don't know why anyone should be bothered by that. We just wanted to say  
4 that we would feel in a state being minded by the SDS, just as the Jews  
5 felt in Nazi Germany. The course of events has proven that we were  
6 right. We were persecuted. Our sisters, mothers were raped.

7 Our children were expelled from school. We were forced to go to  
8 school, to teach our children to make the cross and to bow to St. Sava.  
9 Simply something was imposed upon us that we didn't want. It's the same  
10 as if -- Mr. Ackerman, I don't know of what faith you are. I am a  
11 Muslim. I cannot impose upon you something that you don't want. You have  
12 your democratic right to be what you wish to be, and that is my right too,  
13 and the SDS wanted to deprive us of that right.

14 Q. So you -- among other things, you believed as a people, as an  
15 ethnic Muslim population that you had a right of self-determination to  
16 determine your own destinies and not be governed by a majority with which  
17 you did not agree.

18 A. That was guaranteed by the constitution. You know that the  
19 constitution is the highest law of a nation, and the constitution  
20 guaranteed this to us, because we are a nation. According to the last  
21 constitution, we had that right. We were until then Muslims. We had the  
22 same right as the Serbs and the Croats because the constitution says that  
23 the Muslims, Serbs, and Croats are the nations of Bosnia-Herzegovina;  
24 therefore, Bosnia-Herzegovina was not Serbian, Croatian, or Muslim, but  
25 Bosnia and Herzegovina was the state of the citizens of

1 Bosnia-Herzegovina, that is, of Serbs, Croats, and Muslims. And the Serbs  
2 prohibited this. They deleted everything that was Bosnian and gave the  
3 prefix "Serbian." If it was a fir wood, they would call it a Serbian fir  
4 wood. That's just a joke. For them everything was Serbian.

5 Q. I think I would like you to answer my question, and that was this:  
6 Did you believe as a member of a -- an ethnic minority that you had the  
7 right to govern --

8 A. We were not a national minority.

9 Q. I'm not talking about national. I'm talking -- I'm talking about  
10 Kljuc now. In Kljuc you were a minority. Did you believe in Kljuc that  
11 you had the right to govern yourselves and determine your own destinies?  
12 That's my question.

13 JUDGE AGIUS: And may I add, because you didn't finish your  
14 question, Mr. Ackerman, your question also said "and not be governed by a  
15 majority with which you did not agree."

16 MR. ACKERMAN: Yes.

17 A. I wish in connection with this answer to say that we are not a  
18 minority. We are an equal nation to the Serbian nation. Therefore,  
19 Mr. Ackerman says "you were a member of a minority." We know what a  
20 national minority is. We are not a minority. We are a nation, an equal  
21 nation. According to the census of 1991, we were almost equal in number  
22 to the Serbs. I was saying earlier on in my testimony that if it hadn't  
23 been for certain policies in 1962, we would have been the majority nation  
24 in Kljuc.

25 Q. You still have not answered my question. When the Serbs won the

1 election, the SDS won the election in Kljuc, and acquired the majority of  
2 the seats in the assembly, did you, having less than a majority of the  
3 seats - you, meaning the members of the MBO and the SDA - feel like you  
4 had a right of self-determination, I'll call it, that is, to govern  
5 yourselves and not be governed by a majority with which you did not  
6 agree? Is that what you believed?

7 A. That was guaranteed to us by the constitution, Mr. Ackerman. I  
8 don't know how to answer you. That was guaranteed us by the constitution,  
9 and we just requested that the constitution be observed. I don't want you  
10 to take me to some other question, because this is something -- the SDS  
11 needed a two-thirds majority. They implemented certain things. We were  
12 not afraid of anything. We didn't fear the SDS rule, but we wanted them  
13 to rule in a democratic manner. At an interparty meeting we make certain  
14 agreements and that's fine. But we were bothered by the way in which they  
15 implemented their decisions.

16 JUDGE AGIUS: [Previous translation continues] ... And I wouldn't  
17 press it any further.

18 MR. ACKERMAN: I'm going to something else, Your Honour.

19 JUDGE AGIUS: Okay.

20 MR. ACKERMAN: I believe he's not answered my question, but he's  
21 not going to and I'm going to give up.

22 Q. You and your brother organised the Kljuc version of the Patriotic  
23 League, didn't you?

24 A. Yes. Yes. Together with some other friends of ours.

25 Q. And your efforts to organise and arm the Muslim people of the

1 Kljuc municipality met with considerable success, didn't it?

2 A. Why, it depends how you look at it. You have been able to see  
3 from my testimony how successful we were. But we tried. We didn't have a  
4 big ally like the Serbs, called the JNA, to arm us. If we had NATO or  
5 someone else, maybe we would have done better.

6 Q. Well, you actually acquired arms. You armed a number of people  
7 who were your followers, your adherents. And the Patriotic League --  
8 well, let me stop there, because that was a question I just asked you.  
9 You gained a lot of adherents and you armed a lot of people, didn't you?

10 A. My answer to this question of yours, Mr. Ackerman, would be that  
11 it was the Serbs who were more successful in doing that by their moves,  
12 because from one day to the next they would take a move which the -- which  
13 pushed the people closer to us.

14 Q. Well, did you hear me ask you a question about how successful the  
15 Serbs were arming themselves? I didn't ask you that, did I?

16 A. I didn't answer either. I said that the Serbs assisted our people  
17 more in their efforts. They brought it home to the people more, they did,  
18 than we did from the leadership of the SDA and the MBO.

19 JUDGE AGIUS: You should take my advice, Mr. Filipovic. I advised  
20 you already, answer the question, the whole question, and nothing but the  
21 question. Don't go beyond the parameters of the question, because you  
22 will end up in a labyrinth. The question was a very simple one: Do you  
23 consider that you were successful in organising and arming your people?  
24 The answer should have been yes or no.

25 THE WITNESS: [Interpretation] No.

1 JUDGE AGIUS: Okay.

2 THE WITNESS: [Interpretation] No, we were not sufficiently  
3 successful. I don't know why it matters if I add that we didn't have  
4 allies, but we were not successful enough.

5 JUDGE AGIUS: That explains why you weren't successful, but I  
6 would stop there. Why draw comparisons with the Serbs and give further  
7 explanations.

8 Mr. Ackerman.

9 MR. ACKERMAN:

10 Q. The Patriotic League, Mr. Filipovic, was a -- a Bosnia-wide  
11 organisation. It wasn't just Kljuc. It was a large organisation. Every  
12 municipality in Bosnia, or nearly every one, 65, 70 thousand armed people  
13 at least. Correct?

14 A. Yes. It existed in every municipality, but I don't know how many  
15 members it had.

16 Q. Did you and your brother attend meetings of the Patriotic League  
17 outside the Kljuc municipality?

18 A. No.

19 Q. Did either of you go to the meeting at -- I think it's Mehurici by  
20 Travnik for a military forum that Sefer Halilovic organised for the  
21 Patriotic League? Did either of you attend that?

22 A. No.

23 Q. Did you know that the Patriotic League had nine regional  
24 headquarters?

25 A. No.



1 Q. Did you know what the regional headquarters was for the Kljuc  
2 municipality?

3 A. No.

4 Q. There came a day -- and I'm moving along now -- did there not when  
5 in the Municipal Assembly of Kljuc, after the multi-party elections, that  
6 an item was suggested on the agenda regarding a proposal to join the  
7 Autonomous Region of Krajina? Correct?

8 A. Yes.

9 Q. And at that point the assembly members from the SDA and the MBO  
10 were still participating in the assembly, weren't they?

11 A. Yes.

12 Q. And it was the joint position of the SDA and the MBO that the  
13 Kljuc municipality should not join the Autonomous Region of Krajina;  
14 correct?

15 A. Yes.

16 Q. And when it came -- became clear that there was going to be a vote  
17 and it was going to pass, all of the representatives from the SDA and the  
18 MBO left the assembly, and then you proclaimed the municipality of  
19 Bosanski Kljuc; correct?

20 A. Yes.

21 Q. Wasn't this an illegal rebellion against the legally established  
22 democratic government of Kljuc?

23 A. It wasn't illegal because we believed that the law passed by the  
24 state of Bosnia-Herzegovina was law, and the SDS implemented decisions  
25 which were not supported by the official authorities in Sarajevo, and we

1 supported the decisions of the official authorities in Sarajevo.

2 Q. The decision was made by the representatives elected by the people  
3 of Kljuc, wasn't it?

4 A. Which decision?

5 Q. The decision to join the Autonomous Region of Krajina.

6 A. But an Autonomous Region of Krajina in Bosnia-Herzegovina needed  
7 to be voted by the parliament of Bosnia-Herzegovina.

8 Q. The people -- the decision was made by the elected representatives  
9 of the people of the Kljuc municipality, wasn't it?

10 A. Without our support. The decision was taken by representatives of  
11 one people only, by the decision of the Serbs. The decision was taken to  
12 join the Autonomous Region.

13 Q. Well, I don't know if you follow other democratic legislatures  
14 around the world, but in my country lots of decisions are made by  
15 republicans only but we all have to live with them. That's the democratic  
16 system.

17 MS. KORNER: What's the question?

18 MR. ACKERMAN:

19 Q. And what you're saying is that if you don't like the decision made  
20 by the majority, then you can go off and form your own --

21 JUDGE AGIUS: Mr. Ackerman, I correct you here. He did explain  
22 two things. First he explained that the decision to -- for Kljuc to join  
23 the Autonomous Region of Krajina and also for the creation of the  
24 Autonomous Region of Krajina should have been forthcoming from the  
25 parliament of Bosnia and Herzegovina.

1 MR. ACKERMAN: Well, don't -- Your Honour, please don't treat  
2 that, Your Honour, as if that's a truthful answer.

3 JUDGE AGIUS: No, I'm not treating that as a truthful answer, but  
4 that's what he told you. So in actual fact he drew a line where the  
5 legality according to him stood. In other words, he explained to you in  
6 abundantly clear terms that according to him they were in the right, they  
7 acted legally, while the SDS in the Municipal Assembly of Kljuc acted  
8 illegally. So --

9 MR. ACKERMAN: Yes, I understand, Your Honour. And I'm about to  
10 accept that reasoning on his part.

11 JUDGE AGIUS: I'm not saying it's good or bad.

12 MR. ACKERMAN: Yeah.

13 JUDGE AGIUS: I'm not saying -- but he did explain to you.

14 MR. ACKERMAN:

15 Q. Sir, just let me ask you this. The Judge has taken us a couple of  
16 steps down if road. But now that we're there, we'll take it the whole  
17 way.

18 What you did with your abandonment of the Assembly in Kljuc and  
19 the proclamation of the municipality of Bosanski Kljuc is virtually  
20 identical, isn't it, to that moment when the SDS members left the  
21 republican assembly because they were opposed to a resolution calling for  
22 independence of Bosnia-Herzegovina and created the Serbian Republic of  
23 Bosnia-Herzegovina? They did the same thing with the same legal basis  
24 that you had for what you did. Right?

25 A. But the difference is that we weren't threatening anyone, as

1     opposed to when Mr. Karadzic abandoned the parliament and said that one  
2     nation would disappear from the face of the earth. And he was referring  
3     to the Muslims. And when we walked out of the Municipal Assembly of  
4     Kljuc, we didn't threaten anyone. We just wanted to support the laws of  
5     the State of Bosnia and Herzegovina.

6     Q. Well, actually the reason that you did that was because the  
7     Muslims in Kljuc and all across Bosnia-Herzegovina were not prepared to  
8     settle for a minority status. They wanted to be in control and they  
9     wanted to carry the day. They wanted to be able to cast the deciding  
10    votes on everything. Now, that's what was going on, wasn't it?

11    A. That's not right. We wanted to remain in Yugoslavia. We in  
12    Yugoslavia were not a majority nation but we were recognised as a nation.  
13    And we wanted to live in a state in which we had been living for  
14    centuries. We felt that we couldn't live in Yugoslavia if Slovenia and a  
15    part of Croatia leaves that country.

16            JUDGE AGIUS: Mr. Ackerman, we need to have a break now.

17            MR. ACKERMAN: Yeah. It's a good time.

18            JUDGE AGIUS: 15 minutes, resuming at five past -- 5.35. Thank  
19    you.

20                            --- Recess taken at 5.19 p.m.

21                            --- On resuming at 5.38 p.m.

22            MR. ACKERMAN: May I proceed, Your Honour?

23            JUDGE AGIUS: Yes, Mr. Ackerman.

24            MR. ACKERMAN:

25    Q. Mr. Filipovic, when we were talking a few moments ago about the

1 acts of legislative bodies, you talked about the constitution that  
2 protected a nation like the Muslims, the Serbs, the Croats. And in fact  
3 what that constitution provided, did it not, was that no -- no majority  
4 could make a decision against the legitimate interests of one of those  
5 constitutive bodies, constitutive peoples?

6 A. I know that.

7 Q. That's true, isn't it? And that's what you were talking about  
8 when you talked about the constitution?

9 A. I answered that question. And I said that as far as I knew, yes.

10 Q. And when we talk about what happened in the republican assembly  
11 regarding the issue of independence, the Croats and the Muslims announced  
12 that they were going to make a decision against what the Serbs said was  
13 their -- an important interest of the Serbs, which was in violation of the  
14 constitution, the same way that you and I talked about what happened in  
15 Kljuc. And that's why the Serbs walked out, because the constitution was  
16 being violated by the Muslims and the Croats in insisting on voting for  
17 that against the interests of the Serb people. Correct?

18 A. It wasn't the Serbs that walked out of the assembly. It was the  
19 representatives of the SDS. But other Serbs from other political parties  
20 remained who were carrying out their function of deputy in parliament. So  
21 my answer is that only the representatives of the SDS walked out, and  
22 perhaps representatives of some other parties too - perhaps Seselj's  
23 party.

24 Q. Now, when we broke a few minutes ago, the question I asked you  
25 was -- you took the position you took in the municipality of Bosanski

1 Kljuc because all across Bosnia-Herzegovina at that time, Muslims were not  
2 willing to find themselves in a minority situation. They wanted to be the  
3 majority and be in control. And I think you told me that that wasn't the  
4 case. So I'd like you to look, please, at Exhibit 854, P854.

5 Now, this document, sir, you've looked at earlier in your  
6 testimony. This was the -- it's a Radio Kljuc report of a meeting that  
7 was held in Kljuc. The speaker was Professor Muhamed Filipovic, and he  
8 was talking about who is destroying Bosnia. And if you look at the third  
9 paragraph, he said, according to the radio record: "Slovenia and  
10 Croatia's decision to secede from Yugoslavia would only make the situation  
11 more complicated for all and particularly for Bosnia and Herzegovina,  
12 which cannot consent to agreements like the one between Cvetkovic and  
13 Macek and the way they are making arrangements with --" and the sentence  
14 is not finished, "where Muslims would be a minority in a rump Yugoslavia  
15 and we do not want to live in this kind of Yugoslavia."

16 Now, that's what Professor Muhamed Filipovic said at this meeting;  
17 correct?

18 A. This is an interpretation by a journalist, but I agree on this  
19 report of his to Radio Kljuc. We did not wish to live in a Yugoslavia  
20 without Croatia and Slovenia. According to the constitution of 1974, this  
21 was not Yugoslavia for us, and this also applies to the other  
22 constitutions. I can say today that I wish that the Yugoslavia of then  
23 existed, the Yugoslavia based on the constitution of 1974.

24 Q. Further on down, if you go down to a paragraph that begins with  
25 the word "talking," Professor Filipovic said that "It cannot be

1 tolerated. That there are some people in Bosnia-Herzegovina who recognise  
2 it and others who do not, as Serbia is sovereign in its own constitution,  
3 so Bosnia-Herzegovina, otherwise it will not be equal and Muslims will be  
4 outvoted. BH authority must function over every inch of the country of  
5 BH." Correct?

6 A. I cannot see that in my text.

7 Q. It should be the last paragraph.

8 A. May I just read it through?

9 Q. Please. Take your time.

10 A. Here it is clearly stated. It is stated, and I said -- and it is  
11 only logical that on the territory of Bosnia and Herzegovina that the BH  
12 authority must be in control and that there should be six equal republics,  
13 equal -- with equal rights or states, however you like to put it.

14 Q. There was a plan, was there not, to achieve majority status on the  
15 part of the Muslims by force of arms if necessary, wasn't there?

16 A. I don't know about that.

17 Q. Could you look, please, at Exhibit - I'll make sure I've got the  
18 right would you please - Exhibit DB95.

19 MS. KORNER: Could we ask what DB95 is. Because we don't have  
20 it -- you don't have it either.

21 JUDGE AGIUS: [Microphone not activated] No, we don't either. And  
22 I don't think it can be right. DB95?

23 MR. ACKERMAN: Yes. You should have it, because it was given to  
24 everybody much earlier today.

25 JUDGE AGIUS: [Microphone not activated] It hasn't been --

1 MR. ACKERMAN: It just wasn't distributed. We turned it in  
2 and ...

3 MS. KORNER: It wasn't given to us, Mr. Ackerman, so we should --

4 MR. ACKERMAN: I'm sorry, it should have been distributed long  
5 ago. We just didn't get it done.

6 MS. KORNER: Thank you.

7 MR. ACKERMAN: We have -- we have three more new exhibits, Your  
8 Honour, and I'd ask that the registry distribute those to you and the  
9 Prosecutor at this point so we don't do this again.

10 Q. Sir, the document you're looking at is a document that really has  
11 two dates on it. I think the operative date is 29 April, 1992. It's a  
12 document that appears to have been issued by the Minister of Internal  
13 Affairs of the Republic of Bosnia-Herzegovina, Mr. Alija Delimustafic. Do  
14 you know that Alija Delimustafic was in fact the minister of the internal  
15 affairs in Bosnia-Herzegovina in April of 1992?

16 A. I do.

17 Q. I think the problem, sir, is you're not close enough to the  
18 microphones and they're having a hard time hearing your answers.

19 This document is addressed to the chief of all security services  
20 centres to the chief of all public security stations, and to the secretary  
21 of the Secretariat of the Interior in Sarajevo. It instructs those  
22 organisations to take all necessary steps and action within their  
23 jurisdiction to assure implementation of the order of the Territorial  
24 Defence staff commander of the Republic of Bosnia-Herzegovina.

25 This order -- and then the next paragraph: "This order regarding



1 implementation of the decision of the Presidency of the Republic of  
2 Bosnia-Herzegovina."

3 It deals with the imminent withdrawal of JNA troops from  
4 Bosnia-Herzegovina and requests that, in paragraph 1, "All roads in the  
5 territory of the Republic of Bosnia-Herzegovina being used by units of the  
6 former JNA for pulling out materiel and equipment are to be completely  
7 blocked in direct coordination with the Ministry of the Interior.

8 Larger areas with military installations from which they are  
9 trying to pull out materiel and equipment are to be blocked by using  
10 various man-made and natural obstacles, which shall be guarded by the  
11 units of the Territorial Defence of the Republic of Bosnia-Herzegovina.

12 Unannounced convoys of former JNA units and convoys without MUP  
13 escort shall not be allowed to leave the barracks or to communicate within  
14 the territory of the Republic of Bosnia-Herzegovina."

15 Now, those were all measures, weren't they, sir, to -- for the TO  
16 of Bosnia-Herzegovina to take control of the weaponry that was in the  
17 hands of the JNA troops that were leaving the country; correct?

18 A. The JNA was not retreating from Bosnia-Herzegovina. It was  
19 withdrawing from Croatia, and it was going into Bosnia and Herzegovina.

20 Q. Well, aren't you aware that there was a time when Milosevic  
21 ordered the withdrawal of the JNA from Bosnia-Herzegovina?

22 A. That was Mr. Milosevic's game. I know that the JNA was coming  
23 from Croatia to Bosnia and Herzegovina. If Kljuc is understood as part of  
24 Bosnia and Herzegovina. I was in Kljuc. I told you what I could watch,  
25 only the first paragraph of Television Sarajevo. There were no military

1 facilities, military facilities in Kljuc, except that the barracks that  
2 was being built in Laniste. I don't know if there were other barracks or  
3 other facilities in other parts. All I know is that they were coming.

4 Q. Sir, you've told us that your only interest in arming yourselves  
5 in Kljuc and presumably throughout Bosnia-Herzegovina was to defend  
6 yourselves. Would you look, please, at paragraph 4.

7 "The planning and launching of combat activities throughout the  
8 territory of the Republic of Bosnia-Herzegovina is to be accelerated and  
9 these activities are to be coordinated with the Territorial Defence staffs  
10 of the region, district, and Republic of Bosnia-Herzegovina. In the  
11 course of planning combat activities, extensive measures should be planned  
12 for protecting the people and the property of the citizens of the Republic  
13 of Bosnia-Herzegovina."

14 That's what that document says, does it not?

15 A. Yes, it does. But it is the first time that I see this document.

16 Q. Did anybody ever tell you about having received it?

17 A. Would you tell me what is the date of this document?

18 Q. Well, you've got it there in front of you. It says "29 April,  
19 1992."

20 A. At a meeting. But when was it sent? What does this 11th of May  
21 mean?

22 Q. I can't -- I can't answer that question. I don't know that. It  
23 says that that date was added by hand in the upper right-hand corner. It  
24 may have to do with when it was sent somewhere. I don't know. I don't  
25 think any of us do.

1           My question is: Did anybody ever --

2           A.    So the meeting of the Presidency was on the 29th, but I don't know  
3 when the document was then sent out.

4           Q.    My question was: Did anybody ever tell you that they had received  
5 this document?

6           A.    No.

7           Q.    Was this document the basis, if you know, for any of the  
8 blockading activities that were being done by the Muslim people in the  
9 Kljuc municipality?

10          A.    No. Mr. Ackerman, we didn't have a document addressed to the  
11 public security station. Public security was under the control of the  
12 SDS, so there was no way of sending that document. I see the document for  
13 the very first time, and someone would have mentioned it then.

14          Q.    I want to completely change -- I'm finished with that document  
15 now. Thank you.

16                I'm going to a completely new subject now. On the first day of  
17 your testimony you were questioned by Ms. Korner about before the  
18 multi-party elections and the difficulties that came from that, about what  
19 the relationships were like between the various groups in the Kljuc  
20 municipality, how Muslims and Croats and Serbs got along with each other.  
21 And your answer to her was - and I'm going to quote it for you - "it's all  
22 so mixed that it's impossible to really separate individual ethnic  
23 groups"; right?

24          A.    Yes, it is right.

25          Q.    And her question was about 1990. 1990 was, if my math is correct,

1 45 years after the end of World War II, wasn't it?

2 A. Well, if your calculations are right, then it is that year. 1945,  
3 1990.

4 Q. And during World War II, you've described for us and many other  
5 witnesses have the situation that obtained in the Krajina area during the  
6 war with the -- the horrible slaughter of many Serbian people by  
7 Ante Pavelic's group. You talked about them. And that all happened in  
8 that period 45 years before 1990, didn't it?

9 A. That happened during World War II.

10 Q. And you know that thousands of Serbs were slaughtered in the -- in  
11 the Krajina area during World War II, don't you?

12 A. Only thousands of Serbs. All the victims were Communist. They  
13 were Muslims, Croats, Serbs, gypsies. The Ustashes killed those who did  
14 not think like them. They killed an Ustasha Croat if he did not support  
15 their government.

16 Q. Well, the -- yeah, you're right. It was the Ustasha that were  
17 doing it, but there was also a quite well-known Muslim SS unit too, wasn't  
18 there?

19 A. It wasn't even conceived then. I was born in 1955.

20 Q. But you heard that there was a Muslim SS unit?

21 A. I heard about that.

22 Q. I'm really not -- I'm not trying to establish any history in the  
23 sense that it explains anything. What I'm trying to say is this: How  
24 long was it, if you know, after 1945 before these groups were able to  
25 develop the close relationships that you talk about in 1990? How many

1 years did that take before that got itself patched up?

2 A. I could say that in Yugoslavia there was a regime, a Communist  
3 regime that held things under control. The police force was powerful. So  
4 was the army. This was under the command of Marsal Josip Broz Tito, and  
5 he quickly succeeded in achieving that, because his thesis was  
6 "brotherhood and unity." So I don't know when it was, because I was a  
7 child.

8 For as long as I can remember we lived what nowadays is known as  
9 co-existence. We co-existed with our neighbour, Serbs and Croats.  
10 According to the tales of my parents, it was the same. My father would  
11 frequently say to us children, "I was a rich man in the kingdom, but I  
12 never ate so well as I did during Tito's rule."

13 Q. So it's your sense that that happened rather quickly after the  
14 war, partly because of the -- the force of Tito?

15 A. I don't think it was relatively quickly. It needed time, because  
16 it took time for the Marsal to capture Draza Mihajlovic with his troops  
17 and police and the others -- other renegades. So we would need to remind  
18 ourselves of the history when Kalabic, Braza Mihajlovic, and the other  
19 Ustasha extremists were arrested, when Tito captured them. It was after  
20 that that life became normal.

21 Q. Yes. And when you finally get to 1990, what you told us the --  
22 and you're not alone. Many other witnesses have told us this. There  
23 was -- your words, "It's so mixed that it's really impossible to separate  
24 individual ethnic groups," that there was a lot of intermarriage, that you  
25 all celebrated each other's holidays, things of that nature. Correct?

1 A. Correct. In my own family I have a sister-in-law that is a Serb.

2 Q. I'd like you to look at the map that is P1097.

3 MR. ACKERMAN: Can I see it before you take it over there? Yes,  
4 that's it.

5 Q. Now, if we can back up so we can see most of the map, that might  
6 be helpful. That's fine.

7 Now, sir, if you look at the -- the ethnic map of the Kljuc  
8 municipality. And this isn't designed to be mathematically precise, but  
9 what you see there is a section of the Kljuc municipality where the  
10 villages and hamlets are all green, don't you?

11 A. Yes. Yes.

12 Q. And --

13 A. I can see some marked in green and some in blue and some in black.

14 Q. Yes. And the ones that are green you have told us and the map  
15 indicates are -- are Muslim villages. And I think you've told us that in  
16 some of those villages there might have been one Serb family or something  
17 like that. But they are virtually 100 per cent Muslim villages, aren't  
18 they?

19 A. Yes.

20 Q. And if you look at -- down south of Kljuc, all of the blue  
21 villages, those are all characterised as Serb villages, aren't they?

22 A. Yes, according to the 1991 census.

23 Q. And I think you'd agree that there are very few Muslims living in  
24 any of those villages that are in blue, or that there were in 1990.

25 A. Yes. In 1990, Mr. Ackerman. But you're prompting me to say that

1 Zablace, Rastoka, Orahovljani at the end of the Second World War, these  
2 were villages with majority Muslim populations, Sitnica, Orahovljani.  
3 They have now gone to Mrkonjic Grad, Kopjenica. They're no longer in  
4 Kljuc municipality. Srebrenica is missing here near Ribnik. So through  
5 many years and thanks to the moves we've been talk about for so long,  
6 people moved out and these became majority Serb settlements.

7 Q. If you just look at the map and the colours on that map, that  
8 doesn't really match one your assertion that "It's all so mixed that it's  
9 impossible to separate individual ethnic groups," does it?

10 A. I don't agree with you because -- where's Kopjenica, for example?  
11 Find the village of Kopjenica. It is a 100 per cent Serb village.

12 Q. Why -- can you explain to us if these -- if there is such ethnic  
13 harmony why the Muslims all seem to live in their own villages and the  
14 Serbs all seem to live in their own villages, they don't live together.

15 A. I keep trying to explain to you, but you either don't want to  
16 understand, because a Muslim was chased out of Rastoka, Gornji Ribnik,  
17 Zablace, Orahovljani, he had nowhere else to go but he went to Kljuc. He  
18 couldn't go from Sitnica. Where? To Ratkovo? So he had to go to Kljuc,  
19 and that's where he went, just as now that I have been expelled and all  
20 the Muslims from Kljuc. Where should we go? If we had gone to Banja  
21 Luka, we would have been killed in Banja Luka. We were expelled to  
22 Travnik, and the people expelled from Kljuc arrived in Travnik and were  
23 put up there.

24 Q. Yeah. But this -- this map is the ethnic make-up of the Kljuc  
25 municipality before there was any war or anything like that, isn't it?

1 MS. KORNER: Your Honour, I think we've -- we've mentioned this  
2 before. This was Mr. Inayat's best estimate of -- but we haven't actually  
3 got the complete figures, so provided Mr. Ackerman is just saying there's  
4 a majority, but we can't say that there weren't Serbs living in what is  
5 shown as Muslim villages without actually getting the actual figures.

6 MR. ACKERMAN: Well, he's actually -- you're correct. And he's  
7 actually testified that a couple of those villages that are green -- those  
8 Muslim villages actually had a Serb family in them.

9 MS. KORNER: But it was put as the question. I'm sorry, but the  
10 only reason I interrupted -- excuse me for just one moment. The only  
11 reason I interrupted is this map is the ethnic make-up. Yes, but not in  
12 the way --

13 JUDGE AGIUS: Yes. I think in a way, Mr. Ackerman, Ms. Korner is  
14 correct. And if I remember well, the witness also in the beginning of his  
15 testimony did explain that there was a difference between villages and big  
16 cities where -- in big cities sort of there was a -- everyone from all  
17 ethnic groups living together, but not so in the -- in the small villages  
18 and small towns. That's if I remember correctly. You know, I mean,  
19 it's -- I don't know how much important this is to you, but ...

20 MR. ACKERMAN: Well, Your Honour, I started -- I started my  
21 questioning about this with the proposition that with regard to this map  
22 that I knew it was not mathematically precise.

23 JUDGE AGIUS: Yes, yes.

24 MR. ACKERMAN: And so I understand.

25 JUDGE AGIUS: Anyway, I mean, you're free to continue if you want



1 to.

2 MR. ACKERMAN: I think I've made my point; I hope.

3 Q. I want to -- in your testimony on the first day - it's page 9300  
4 of the transcript - let me just remind you with it. You talked about  
5 after the elections and the SDS winning the majority of the seats. You  
6 said as a result of that, they took over all of the institutions of power  
7 which have decisive power, being the military, the police, and money.

8 My question is simple: When you say they took over the  
9 institution having to do with money, what is that institution? What do  
10 you mean by that?

11 A. The tax administration, the SDK.

12 Q. [Previous translation continues] ... I'd like you to look now at  
13 Exhibit P3. Now, this document, sir, is dated April 10th of 1991, is it  
14 not?

15 JUDGE AGIUS: Can we have it put on the ELMO, please.

16 [Trial Chamber and registrar confer]

17 JUDGE AGIUS: Okay. Let's go ahead.

18 Yes, Mr. Ackerman.

19 MR. ACKERMAN:

20 Q. The date that's contained in the -- the Serbo-Croat version of  
21 this document is 10 April, 1991, but it clearly is not that date. Can you  
22 by looking at it and looking at the context of it give us your best  
23 estimate of the date of the document.

24 A. I don't know.

25 Q. What do you know about this document?

1           A.    I said earlier on what I thought of this document.  This document  
2           shows that a decision was confirming a previous decision to join the  
3           Community of Municipalities of Banja Luka, and I claim that it is not  
4           legally valid because if it was legally valid, it needed to be entered  
5           into all the registers of the municipality.  And I said what I thought  
6           earlier on.  So this was just a decision whereby the president of the  
7           municipal assembly, Jovo Banjac, formally informed the gentlemen in Banja  
8           Luka that Kljuc continued to be in ARK Krajina and this was not something  
9           that was discussed in the parliament of Kljuc at all.

10          Q.    And so would it be fair to say that this document was probably  
11          issued very close to the time that the vote was taken in the Kljuc  
12          Assembly to join the Autonomous Region of Krajina and when you all walked  
13          out of the assembly?  Does it appear to be a document from about that  
14          time?

15          A.    I don't know.  I wouldn't be able to say.  I think it dates to --  
16          back to an earlier period because this went on for a long time, these  
17          debates.

18          Q.    Well, it does mention the Autonomous Region of Krajina, doesn't  
19          it?  It actually calls it the Autonomous Region of Bosanska Krajina.

20          A.    Yes.  That's what I've said.  I've answered that question.

21          Q.    So it certainly didn't predate the formation of ARK.  It has to be  
22          after that.  Correct?

23          A.    The Autonomous Region of Bosanska Krajina was formed, and they  
24          considered Kljuc to be a part of that region.  However, officially when it  
25          was actually established, the exact date, I don't know, and I consider

1 this decision to come from the period when the Autonomous Region was  
2 formed and after that, because they needed to check whether Kljuc was in  
3 the Autonomous Region. And then Mr. Banjac sent this decision, saying  
4 that the previous decision was being confirmed.

5 Q. All right. I'm finished with that document. I'd like you to look  
6 now at P855. This is another document you saw on the first day of your  
7 testimony, and it's -- I think it's a Radio Kljuc document, but it -- it  
8 advertises a memorial service to be held on August 2nd at the Orthodox  
9 church in Kljuc in memory of the victims of the events of July and August  
10 1941. And you'll recall having seen it earlier in your testimony.

11 And the question that was asked of you about that was the effect  
12 that this had on the -- the Muslim people of Kljuc and the suggestion that  
13 this was designed to -- to frighten and scare the Muslim people so that  
14 they would leave town and not feel comfortable in the area. And did you  
15 agree with that proposition, that that's what that was for?

16 A. I agree. This document proves that the SPS and the SDS were  
17 working together.

18 Q. And you agree with what I suggested was the -- one of the purposes  
19 of it; correct?

20 A. Yes.

21 Q. So in your view at least, there was a motive among the leadership  
22 of the SDS and the Serb people in Kljuc to -- to frighten and intimidate  
23 in some ways the Muslim people to try to cause them to leave the area.

24 A. When -- are you asking me to answer that?

25 Q. Yes, I'm asking you to answer that. Do you agree with that?

1           A.    I said that I agreed that this was one of the theses intended to  
2    frighten us in Kljuc, because when the war started revenge was taken of us  
3    because of the lost battle at Kosovo in 1398, with which we had absolutely  
4    no common, because we are Bosnians. And at Kosovo Polje, the war was  
5    between the Turks and medieval Serbia.

6           Q.    Let me ask you this: You just talked about that period after  
7    1945, that Yugoslavia was a Communist country; correct?

8           A.    It was a Communist country, right up to 1990.

9           Q.    Yes. And a Communist country in one form or another - some more  
10   stringent than others - either discouraged, prohibited, prevented, or  
11   punished religion, didn't they?

12          A.    That is not true. It was not prohibited. The Communists simply  
13   had their own theory. If you want to be a member of the League of  
14   Communists, you can't be a manager if you were not a member. Religion was  
15   not prohibited. It was allowed in the Communist state. Who wanted to  
16   could go to pray, but there were three nations living in  
17   Bosnia-Herzegovina in Kljuc; two nations expressed their religious  
18   feelings, whereas one nation, that is, the Serbian nation, leaned more  
19   towards the Communist Party. They were greater Communists than we were  
20   while they needed it. And I'm sure that the days will come when the Serbs  
21   will be greater Bosnians than we are.

22          Q.    So it is your position that religion was freely practiced without  
23   penalty in Yugoslavia throughout the Communist era?

24          A.    Yes. But you couldn't hold a managerial post and be a believer,  
25   but an ordinary worker and an ordinary man in the street was free to go to

1 the church or to a mosque.

2 Q. Well, but that changed in 1990. Then you could hold a managerial  
3 post and participate in religious activities, couldn't you?

4 A. Yes.

5 Q. And perhaps for the first time in 45 years it was possible to have  
6 a fitting memorial that everyone could attend for those who were killed  
7 during that war, wasn't it?

8 A. Yes. Only let me say again, among those victims there were not  
9 just Serbs. There were quite a number of Muslims that were killed by the  
10 Ustasha.

11 Q. There's something I'm very curious about, and maybe you can help  
12 us understand it. If it was as you say a position of the SDS and the  
13 Serbs to do things to frighten the Muslim people into leaving, can you  
14 explain why it is on that tape that we saw yesterday that the interviews  
15 of the Muslim people, which you said were coerced, that they were forced  
16 to say these things, had the exact opposite design. And that is you don't  
17 have to worry about the Serbs in Kljuc. They are wonderful people.  
18 They've treated us perfectly. There's no problems. You can feel safe  
19 here. It seems to me that had exactly the opposite motive, to make the  
20 Muslims feel like it was okay to stay. Can you explain to me -- I mean,  
21 how do you reconcile those two things? Can you?

22 A. Well, you should ask Mr. Zubcevic Omer. He is currently in  
23 America, and he's ashamed of that very statement. And to this date he  
24 hasn't come to Bosnia-Herzegovina.

25 Q. Well, but he's not the one that's responsible, according to you,

1 for the content of that statement. You said that the Serb authorities  
2 forced him to say those things and forced the other Muslim that was  
3 interviewed to say those things, comforting things, things to make the  
4 Muslims of Kljuc feel safe. How does that square with your contention  
5 that what they were trying to do was frighten the Muslims? How do you  
6 reconcile those two? I'm not going to ask him. I'm asking you. You're  
7 the witness.

8 A. I said that Mr. Emir Kapetanovic made this statement, and maybe  
9 the next day or the day after he appeared at Manjaca. If he was doing  
10 well, why didn't he stay and play basketball in Kljuc? So if everything  
11 was fine and he was playing basketball, why didn't he go on playing  
12 basketball? Why did he crop up at Manjaca?

13 Q. Well, it's time to conclude for the day, sir, and we'll continue  
14 this tomorrow.

15 MS. KORNER: Your Honour, just before we conclude, on the  
16 exhibits. I've just -- oh, yes, first of all - and it all relates to  
17 the same exhibit - I'd made the transcripts of the last video we saw .1  
18 and -- I'm sorry, whatever I'd made them. But anyhow, could they be  
19 made .1A and .1B to keep them consistent with the rest.

20 Now, just -- this has been happening over and over again, but  
21 today it's so obvious that I think we're going to try and put a stop to  
22 it. Mr. Ackerman and sometimes Madam Fauveau are reproducing exhibits  
23 that we've already given numbers to as Defence exhibits. And it's going  
24 to be -- Mr. Ackerman is always concerned about not confusing the  
25 transcript. Because the very exhibit I've produced, Mr. Ackerman now

1 wants to produce as DB99 -- 98. So can I suggest that we stick  
2 to the number it was given today rather than giving it an added extra  
3 number of DB98.

4 MR. ACKERMAN: Well, yes. But see, I did that before you did. I  
5 made it DB98 before you made it whatever you made it. So you're the  
6 one -- you're the one that's grabbing my exhibit.

7 MS. KORNER: Well, but Your Honour --

8 MR. ACKERMAN: But it's not complete. I'm only interested in the  
9 first page.

10 MS. KORNER: Well, that's right. And it's only the first page  
11 that should be exhibited. I know that everybody was given a copy of that  
12 huge bundle, but that's the only --

13 JUDGE AGIUS: Well, I suggest you sort this amongst yourselves,  
14 Because I mean -- what you're saying makes more sense, obviously.

15 MS. KORNER: I mean, Your Honour --

16 JUDGE AGIUS: I can't blame Mr. Ackerman for it either.

17 MS. KORNER: Well, quite honestly, Your Honour, he knew that we  
18 were going to produce this as an exhibit. But anyhow, let's try and keep  
19 one exhibit number now that we're -- the same one.

20 JUDGE AGIUS: Yes. I would suggest you do.

21 MS. KORNER: All right.

22 JUDGE AGIUS: All right. Thanks, Mr. Filipovic. We'll see you  
23 again tomorrow at the same time, 2.15. Thank you.

24 --- Whereupon the hearing adjourned  
25 at 6.31 p.m., to be reconvened on Friday,

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the 6th day of September, 2002, at 2.15 p.m.