

**UNITED
NATIONS**

International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia since 1991

Case No. IT-03-69-T
Date: 26 September 2011
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr. John Hocking

THE PROSECUTOR

-V-

**JOVICA STANIŠIĆ
and FRANKO SIMATOVIĆ**

PUBLIC WITH ANNEXES A-H

**STANIŠIĆ DEFENCE MOTION FOR ADMISSION OF TRANSCRIPTS AND
RELATED EXHIBITS IN LIEU OF *VIVA VOCE* TESTIMONY FOR WITNESSES
DST-57, DST-68, DST-71, AND DST-80 PURSUANT TO RULE 92 *BIS***

The Office of the Prosecutor

Mr. Dermot Groome

Defence Counsel for Mr. Stanišić

Mr. Wayne Jordash
Mr. Scott Martin

Defence Counsel for Mr. Simatović

Mr. Mihajlo Bakrač
Mr. Vladimir Petrović

I. Introduction

1. Pursuant to Rule 92bis(A) of the Rules of Procedure and Evidence (“Rules”) the Stanišić Defence (“Defence”) respectfully moves for the admission of transcripts of evidence (and their related exhibits) of four witnesses who testified in previous cases at the Tribunal.¹ The evidence relates to the role of the JNA in providing supplies and assistance to various groups in Bosnia in 1992 and afterwards, as well as the events of 16 and 17 April 1992 in Bosanski Šamac.

2. The witnesses are Simo Jovanović (DST-57), Milos Savić (DST-68), Osman Selak (DST-71), and Stevan Nikolić (DST-80). They are listed as witnesses 26, 27, 31 and 33 on the Defence 65^{ter} witness list. The transcripts of evidence and the list of public exhibits which accompany the transcripts (“92bis materials”) are listed in Annexes A-H.

3. These documents should be admitted into evidence pursuant to Rule 92bis to expedite the trial proceedings. These materials satisfy the procedural pre-requisites of the rule and do not go to the acts and conduct of the Accused. The Defence hereby files its motion.

II. Applicable Law

4. Rule 92bis(A) provides:

A Trial Chamber may dispense with the attendance of a witness in person, and instead admit, in whole or in part, the evidence of a witness in the form of a written statement or a transcript of evidence, which was given by a witness in proceedings before the Tribunal, in lieu of oral testimony which goes to proof of a matter other than the acts and conduct of the accused as charged in the indictment.

5. Rule 92bis(A)(i) provides factors that may be considered in favour of admitting evidence in the form of a transcript or written statement including, *inter alia*, when the evidence in question relates to relevant historical, political or military background. Factors against admitting evidence in the form of a transcript or written statement include, but are not limited to, whether there exists an overriding public interest in the evidence in question being presented orally; (ii) whether a party objecting to admission pursuant to this rule can show that the nature and source of the evidence renders it unreliable; (iii) whether the probative

¹ Note that Milos Savić did not provide *viva voce* testimony. Instead, he was present for a deposition on 7 February 2003 pursuant to Rule 71 of the Rules.

value is outweighed by the prejudicial effect of the evidence; and (iv) whether there are any other factors which make cross-examination appropriate.²

III. Submissions

A. The 92bis Materials Satisfy the Procedural Requirements of Rule 92bis

6. The transcripts record evidence that was given in proceedings before the Tribunal in the case of *Prosecutor v. Slobodan Milošević* and *Prosecutor v. Blagoje Simić et al.* Accordingly, they fit squarely within the definition of a Rule 92bis transcript at the Tribunal. The related exhibits form an inextricable part of the witness testimony and thus should be admitted with the transcripts.

i. The 92bis Materials do not Discuss the “Acts and Conduct” of the Accused

7. The Defence notes that the Tribunal’s jurisprudence has taken a restricted view of what constitutes “acts and conduct of the accused.” They are defined as the personal acts and statements of an Accused, and do not involve all conduct attributed to or related to an Accused, or implicating an Accused, or concerning the underlying conduct or crime base which is charged in a case.³

8. Given that the Tribunal’s definition of “acts and conduct of the accused” is the personal acts and statements of the Accused, it follows that the acts of others will not fall within this definition. The four witnesses describe relationships with the armed groups in Bosnia that are different from the role with which the Accused has been charged. Accordingly, none of these statements go to the personal “acts and conduct of the accused.” This is supported by the fact that the Accused’s name and function are not mentioned in any of the transcripts.

² Rule 92bis(A)(ii) of the Rules.

³ *Prosecutor v. Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92bis (C), 7 June 2002, paras 8-9.

B. The Witness Testimony Relates to Relevant Historical and Military Background to this Case

9. The Trial Chamber has discretion to admit a proposed transcript under Rule 92*bis* into evidence and may consider the factors given in Rule 92*bis*(A)(i). The Defence submits that the material is evidence of military background.⁴

10. The military background explaining and outlining the actions of the JNA and various other armed groups at a time that is relevant to allegations against the Accused provides useful assistance to the Chamber in assessing the core issues in the case. There were many participants, interests, and entities involved in the war in the former Yugoslavia. Context is important, and these transcripts provide this context.

C. There are No Factors Present Against Admitting the Evidence Pursuant to Rule 92*bis*

i. There is no Compelling Public Interest for Viva Voce Testimony

11. There is no compelling public interest in having the evidence being presented orally. On the contrary, presenting this evidence in written form would promote an expeditious trial, something the Accused is guaranteed under the Statute of the Tribunal.

ii. The Nature and Source of the Evidence is Reliable

12. The four transcripts record evidence that was given in proceedings at the Tribunal. Accordingly, the nature and source of the evidence should be assessed as reliable.

13. The source of the evidence is reliable in that the witnesses gave sworn testimony and were subject to cross-examination when they testified in other cases before the Tribunal. None of the witnesses were found to lack credibility in the Trial Judgement in the *Simić* case.⁵ Mr. Nikolić was cited extensively in the Trial Judgement.⁶ Mr. Jovanović was similarly referenced positively, showing that the Trial Chamber found his evidence to be credible.⁷ Mr.

⁴ Rule 92*bis*(A)(i)(b).

⁵ There was no final credibility determination for Osman Selak, as the *Milošević* case had no final trial judgement.

⁶ See eg. *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, Judgement, 17 October 2003 (“*Simić* Trial Judgement”), paras 184, 194, 195, 196, 201, 204, 205, 210, 214, 222-227, 230, 236, 248, 300, 321, 322, 361, 362, 364, 381, 386, 388, 407, 410, 411, 413, 414, 418, 425, 444, 446, 449, 451, 452, 518, 574, 624, 631, 641, 655, 981, 988.

⁷ See *Simić* Trial Judgement, paras 405, 444, 988.

Selak was a witness for the Prosecution and therefore advanced as a witness of reliability and truth by the OTP at the ICTY.

iii. The 92bis Materials are Relevant and Probative

14. Evidence submitted under Rule 92bis must also meet the requirements of Rule 89 (C) in that it must be relevant to the case and have probative value.

15. The tendered evidence is clearly relevant and probative. Mr. Savić describes, *inter alia*, his experiences in a reserve JNA unit from the Smač municipality, as well as military training that took place near Ilok in March 1992. Mr. Jovanović describes, *inter alia*, his personal experience in Smač municipality in 1991 and 1992, including being mobilised into a JNA unit stationed in Obudovac. His testimony encompasses reference to receiving training at Ilok. Further, he discusses the formation of a battalion under the 17th Tactical Group command and his personal experience in the municipality of Bosanski Šamac on 16-17 April 1992.

16. Mr. Selak was a former JNA officer and describes, *inter alia*, the provision of armaments and other logistic supplies to various groups in Bosnia in 1992 and afterwards. He also describes financial matters relating to the war, as well as the withdrawal of the JNA army and its replacement by the VRS army. Mr. Nikolić was the commander of the JNA's 17th Tactical Group. He describes, *inter alia*, that in April 1992 a groups of men trained in Ilok arrived in his area of responsibility and the circumstances surrounding this encounter.

17. The relevance and probative value of the 92bis materials is apparent on the face of the testimony. Each of the four witnesses describes their experience as members of the JNA at times when the Prosecution allege they were either working for the Serbian DB as members of a special unit known as the Red Berets or would have been in a position to testify to that subject. Notably, none of the witnesses claimed that they were members of the Red Berets or were even aware of its existence within the relevant military formations at the relevant time. While the described events do not go to the Accused's acts or conduct, their description of events provides valuable context for the Trial Chamber's consideration of the aforementioned issues.

18. Further, Mr. Selak's testimony provides important context inasmuch as it will provide the Chamber with evidence that allows the Prosecution case (that Stanišić contributed to the

military effort by supplying training, arms and logistics and that contribution was significant) to be fairly assessed.

D. The Trial Chamber Should Also Admit the Related Exhibits into Evidence

19. The exhibits should be admitted with the transcripts of evidence. This is a generally permitted practice at the Tribunal, as exhibits are often closely linked to the witnesses' testimony.⁸ As has become commonplace in these Tribunals, witness testimony is often focused around discussion relating to a particular document, audiotape, or videotape. In regards to these four witnesses, the Defence submits that it would be difficult to comprehend their testimony if exhibits were not admitted.⁹ Further, these documents will assist the Trial Chamber in better understanding the context of the situation they describe in their testimony.

20. In all other respects, the exhibits satisfy the pre-requisites of Rule 92*bis* in the same manner as the transcripts of evidence.

IV. Relief Sought

21. For the foregoing reasons, pursuant to Rule 92 *bis*(A), the Defence requests the Trial Chamber to:

- a. Dispense with the attendance of the four witnesses listed in Appendixes A – H to this motion;
- b. Admit the transcripts of prior evidence of four witnesses, as listed in Appendixes A - H to this motion; and
- c. Admit the exhibits accompanying the transcripts of evidence listed in Appendix A - H.

Respectfully submitted,

Signature Lead Counsel



Wayne Jordash

⁸ *Prosecutor v. Prlić et al.*, Case No. IT-04-74-T, Decision on the Prosecution's Motion for Admission of Transcript of Evidence Pursuant to Rule 92*bis* of the Rules, 28 September 2006, para. 24.

⁹ *See eg. Prosecutor v. Karadžić*, Case No. IT-95-5/18-T, Transcript, p. 11149.

26 September 2011
In The Hague, The Netherlands

Word Count: 1872

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-69-T

THE PROSECUTOR
V.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ

ANNEX A

TRANSCRIPT OF WITNESS TESTIMONY BY SIMO JOVANOVIĆ (DST57) IN THE SIMIĆ
CASE, 2 MAY, 2003, PAGES 18963-19016

1 that transpired later were not getting to me. I was not able to find out
2 about them. I was not particularly interested in it either, since the
3 body -- where it used to be mandatory was not operational any more. I had
4 no other contacts and there was no need for me to go to Samac. And there
5 was no need for me to try to find out what was going on in Samac either.
6 Now, if this happened, if this took place in Samac, I don't know. I don't
7 know who was behind it.

8 Q. So basically, you weren't aware, from May of 1992 on, what was
9 happening in Bosanski Samac as to day-to-day activities, as well as the
10 activities of the Crisis Staff and the War Presidency; you had no
11 awareness of any activities?

12 A. No. We had no contacts whatsoever at the time.

13 Q. And similarly, you had no information as to the activities of
14 Dr. Blagoje Simic, the defendant in this case, during that same period;
15 isn't that correct?

16 A. That is correct.

17 Q. Thank you very much, sir.

18 JUDGE MUMBA: Re-examination?

19 MR. PANTELIC: No. No, Your Honour. Thank you.

20 JUDGE MUMBA: Thank you very much for giving evidence to the Trial
21 Chamber. We are now finished. You are free to leave the courtroom.

22 [The witness withdrew]

23 [The witness entered court]

24 JUDGE MUMBA: Please stand up and make the solemn declaration.

25 WITNESS: SIMO JOVANOVIC

1 [Witness answered through interpreter]

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

4 JUDGE MUMBA: Thank you. Please sit down.

5 Yes, Mr. Pantelic. Just for the particulars. Yes --

6 MR. PANTELIC: I will rather do that, Your Honour, but I think
7 there is rulings of this Trial Chamber that only cross-examination.

8 JUDGE MUMBA: Yes, but just for the record, his particulars.

9 MR. PANTELIC: Yes. Thank you, Your Honour. In the moment, I was
10 so happy to get the opportunity, but it seems that I was not happy, lucky
11 enough.

12 Examined by Mr. Pantelic:

13 Q. [Interpretation] Good afternoon, Mr. Jovanovic. Could you please
14 state your name for the record.

15 A. My name is Simo Jovanovic. My father's name is Stevo, my mother's
16 name is Ana.

17 MR. PANTELIC: Could we have Exhibit D173/1 for this witness, just
18 to verify.

19 Q. [Interpretation] You were born on 5th April 1962, and all the
20 personal data in your statement are correct; is that so?

21 A. Yes, that is so.

22 Q. You were a member of the army of Republika Srpska. You were a
23 member of the special detachment. Is that correct?

24 A. Yes, that is correct.

25 Q. Do you have any additional education or qualifications? Did you

1 attend any courses in the area of security or military doctrines?

2 A. Yes. In 1993 I attended a security and intelligence course in
3 Pancevo.

4 JUDGE WILLIAMS: Excuse me, Mr. Pantelic. Just for the sake of
5 clarity. On page 57, line 16, the witness -- sorry - your question was:
6 "You were a member of the special detachment." Is "detachment" the right
7 word or should it be "battalion"? I'm just -- if you could just clarify
8 so that we get the right word in English.

9 MR. PANTELIC: [Interpretation]

10 Q. We're talking about a special battalion?

11 A. Yes. In other words -- it is a special battalion.

12 JUDGE WILLIAMS: Okay. Thank you.

13 MR. PANTELIC: [Interpretation]

14 Q. At that course that you attended for security and intelligence
15 services, were you familiarised with some procedures and regulations that
16 rule the work of the army and the police? Was that one part of your
17 course?

18 A. Yes, of course it was.

19 Q. So you have some personal knowledge about the functioning of the
20 hierarchy in the military security?

21 A. Yes.

22 JUDGE MUMBA: I think that is sufficient.

23 MR. PANTELIC: Thank you, Your Honour.

24 JUDGE MUMBA: Cross-examination can proceed. Are there any
25 counsel that wish to ask this witness any questions?

1 MR. PISAREVIC: [Interpretation] Good afternoon, Your Honours.

2 Cross-examined by Mr. Pisarevic:

3 Q. [Interpretation] Good afternoon, Mr. Jovanovic. I'm going to ask
4 you a few questions that arise from your statement. As the two of us
5 speak the same language, please hear me out first, make a pause, and then
6 start answering my question.

7 Here I have your statement that you gave according to 92 bis Rule,
8 and as I can see here, you stated that you served in the JNA in 1972 and
9 1973, in Pristina. Tell me, please: After the compulsory military
10 service, or during the service, did you acquire a rank of a reserve
11 officer?

12 A. No, I didn't acquire any ranks. I wasn't awarded any ranks.

13 Q. During the period between 1983 and 1992, were you awarded any
14 reserve officer's rank?

15 A. No. I was proposed by the command, but I was never actually
16 awarded a promotion by my Superior Command.

17 Q. Tell me: In what part of the military did you serve when you were
18 in the JNA?

19 A. I was a member of an infantry unit first. That's where I did my
20 training. And after that I went to Kicevo, where I was additionally
21 trained to be a driver.

22 Q. Here in your statement you also spoke about your life. You said
23 that you were a profession footballer and that you were a member of the
24 Jedinstvo football club from Brcko. How long did you spend playing
25 football in Brcko?

1 A. That was between 1985 and the outbreak of conflicts in the
2 territory of Bosnia and Herzegovina. In the meantime, I spent one year
3 playing football for the Samac-based Borac.

4 Q. While you were playing football, and while you had your
5 professional obligations as a football player, were you officially a
6 permanent resident of Brcko and recorded as such by the police?

7 A. No, I was not a resident, a permanent resident of Brcko. My
8 native place was some 20 kilometres away from Brcko, so I commuted every
9 day when I had to go to Brcko to play football or to do my training.

10 Q. You also said, in paragraph 4 of your statement, that on the 10th
11 of October, 1991, you were mobilised as a member of the Territorial
12 Defence in Obudovac and that you were mobilised by the secretariat for
13 National Defence in Samac. Can you please clarify that. As far as I
14 know, the Territorial Defence, as a segment of the armed forces of the
15 then Socialist Federal Republic of Yugoslavia, did not exist at that
16 time. Where were you actually mobilised? What actually happened? What
17 call-up papers did you actually receive?

18 A. Yes, it does say here that I was mobilised into the Territorial
19 Defence. However, this is a mistake. I was mobilised into a JNA unit
20 which was stationed in Obudovac. This is a mistake in the way my
21 statement was recorded. It was not the Territorial Defence. It was the
22 JNA.

23 Q. Thank you very much. Tell me: What was the name of that unit
24 that you were assigned to?

25 A. I can't remember its exact name. It's been a long time ago. It

1 was 10 or 11 years ago. I know that the commander of that unit was Mr. --
2 Captain, rather, Subotin. And it was a JNA unit. And I can't provide you
3 with any more detail.

4 Q. Very well, then. When you mentioned Captain Subotin, do you mean
5 Captain Marko Subotin?

6 A. Yes, that is who I mean, Marko Subotin.

7 Q. Very well, then. And here also you stated that you were assigned
8 to the command of the military police. What exactly was your assignment
9 when you were mobilised into that unit? What did you do in that unit?
10 Can you please be more specific.

11 A. I don't understand your question. What do you mean by that? Can
12 you repeat?

13 Q. What were your duties and tasks? What was your detachment? So
14 what did you do?

15 A. Now I understand. When I was mobilised by the secretariat of
16 National Defence, I reported to the command, to Captain Marko Subotin and
17 he told me to go to the military police detachment, which was stationed in
18 Obudovac. Our tasks at that time were to provide security for the command
19 post and to provide security for the commander. We would also accompany
20 the commander when he went to certain meetings.

21 Q. Very well, then. Thank you. If I understood you well, you
22 provided the security for the command post of the unit under the command
23 of Captain Marko Subotin and also to accompany or escort Captain Marko
24 Subotin as the commander of that unit. You were his official escorts as
25 he moved about the territory of Samac municipality and generally across

1 Bosnia and Herzegovina. Did I understand you well?

2 A. Yes, you did understand me well. That was not in every single
3 case, but as per commander's orders.

4 Q. Very well, then. You stated here that at one point in time, you
5 became the deputy of the commander. Were you talking about the detachment
6 of the military police? A platoon of the military police? What kind of
7 an establishment was that with the command in Obudovac?

8 A. As I've said, this was a detachment, and I became the -- or a
9 squad. I became the deputy when the 17th Tactical Group was established.
10 I don't remember whether that was in late January or early February,
11 1992. I only know that I was the commander of that squad, which then
12 became a platoon, and the commander of the detachment of the military
13 police was Mr. Jovan Erletic and his state was in Pelagicevo.

14 Q. After that, with your company, you remained in Obudovac and you
15 were under the immediate command of Captain Marko Subotin?

16 A. At that time, when we became a company, that is, when I -- when my
17 platoon joined the military company -- military police company, our
18 immediate commander was Lieutenant Colonel Nikolic, and the orders that I
19 received, I received mostly via Captain Marko Subotin and the commander of
20 the military police, obviously. But mostly those orders were received via
21 Captain Marko Subotin.

22 Q. And you have not answered part of my question that was raised to
23 the place where you were stationed: Did you continue being stationed in
24 the command post of the commander, that is, Captain Marko Subotin in
25 Obudovac?

1 A. Yes. We were stationed in Obudovac, and when necessary and as per
2 commander Nikolic's orders we would be sent elsewhere to perform tasks.
3 In February 1992, one part of my military police went to provide security
4 for the tank brigade. I don't know on what axis, but I know that their
5 passage had to be secured towards Brod. I was not there, so I can't give
6 you any detail. And I know that their commander was Nikolic.

7 Q. Mr. Jovanovic, a little while ago you said that you received your
8 orders exclusively from the commander of the military police company and
9 that you mostly received orders via your commander, Mr. -- Captain Marko
10 Subotin. Is that correct?

11 A. Yes, it is. Let me just explain to the Trial -- to the Honourable
12 Chamber. There was a lack of communication, and the military police
13 particularly did not have enough means of communication, so the
14 communication went from Pelagicevo via Obudovac, and I don't see anything
15 disputable in there.

16 Q. Did you receive orders from the commander of the 17th Tactical
17 Group, Nikolic?

18 A. No.

19 Q. Would it be correct to say that between you, as the commander of a
20 platoon and the commander Nikolic, there were other command structures as
21 the commander of the military police company, your command, the deputy
22 commander for security, and so on and so forth? So they were people in
23 between, there were structures between you, as the company commander, and
24 the commander of the 17th Tactical Group?

25 A. Yes. There were at the time such structures, because that's the

1 way things functioned at the time.

2 JUDGE WILLIAMS: Excuse me, Mr. Pisarevic. I'd just like to get a
3 clarification from Mr. Jovanovic.

4 Mr. Jovanovic, you stated, on page 62, lines 9 and 10, in an
5 answer to a question from Mr. Pisarevic, and I'll quote. You say: "Our
6 immediate commander was Lieutenant Colonel Nikolic." And then you went on
7 and said that you received orders mostly via Captain Marko Subotin. Now,
8 later, on page 63, lines 7 and 8, Mr. Pisarevic asked you: "Did you
9 receive orders from the commander of the 17th Tactical Group, Nikolic?"
10 And your answer is no. So I wonder whether you can clarify those two
11 answers.

12 In the first instance, you mention Nikolic, and then you say you
13 received orders mostly via an obvious subordinate to Nikolic, Captain
14 Marko Subotin. But now in the second response, you simply say no, you
15 didn't get any orders from Lieutenant Colonel Nikolic. So if you could
16 just try and clarify what seems to be a bit of an inconsistency there
17 between the two answers, if I'm reading them correctly.

18 THE WITNESS: [Interpretation] I believe I've understood your
19 question. As I said a while ago, the chain of command, according to the
20 chain of command, I was directly subordinated to Lieutenant Colonel
21 Nikolic. However, the orders that came from the command of the 17th
22 Tactical Group came via lower-ranking units and subordinate commanders,
23 through Captain Marko Subotin. As for the use of police forces, Marko
24 Subotin coordinated this with, I suppose, Lieutenant Colonel Nikolic.

25 JUDGE WILLIAMS: So were any of the orders that you received

1 emanating from Lieutenant Colonel Nikolic being passed through Captain
2 Marko Subotin, as a conduit of the order? So were the orders coming from
3 the top, being relayed to this Captain, and maybe others, and then
4 eventually coming to you through this chain of command?

5 THE WITNESS: [Interpretation] Yes, precisely. In order for me to
6 receive my tasks, I should go to Pelagicevo every day, travel there, and
7 Pelagicevo is not near Obudovac. So we used protected communications to
8 forward information that was essential at the time.

9 JUDGE WILLIAMS: So therefore, your response to the second
10 question that I mentioned from Mr. Pisarevic: Did you receive orders from
11 the command of the 17th Tactical Group, Nikolic? And you said no.

12 THE WITNESS: [Interpretation] Yes, but through Captain Marko
13 Subotin.

14 JUDGE WILLIAMS: Okay. Thank you very much. That puts it in a
15 clear perspective now.

16 MR. PISAREVIC: [Interpretation] Very well. Thank you.

17 Q. Mr. Jovanovic, let us try to, well, clarify this. Your commander,
18 Marko Subotin, could he give you orders, and was he actually issuing
19 orders to you?

20 A. I'm not sure about whether he could --

21 Q. Yes, but did he actually?

22 A. Well, the orders at that time were only to provide security for
23 the command building, to go here, go there, report to the command of the
24 17th Tactical Group, and that was that.

25 JUDGE MUMBA: [Previous translation continues]... of the assistant

1 registrar, please. You can proceed, Mr. Pisarevic.

2 [Trial Chamber confers with registrar]

3 MR. PISAREVIC: [Interpretation]

4 Q. The commander of the military police company, did he give you
5 orders?

6 A. Yes, on several occasions, he did.

7 Q. Did your commander, Marko Subotin, while issuing regular orders,
8 tell you -- well, here. This is an order which came straight from the
9 commander of the 17th Tactical Group, Stevan Nikolic?

10 A. Yes, he did say that.

11 Q. When was that?

12 A. As I said a while ago in my testimony, at one point in time
13 Captain Marko Subotin called me and said that he had received orders from
14 Lieutenant Colonel Stevan Nikolic, for me to take part of my unit and
15 report to Pelagicevo for a reinforced squad to be set up there and that we
16 should go there and carry out the task, as ordered by Lieutenant Colonel
17 Nikolic.

18 Q. Was that the only time?

19 A. No. At some point in the month of March, he called me again and
20 sent me to report to the command post at Pelagicevo; more specifically, to
21 Captain first class, I believe, Makso Simeunovic. There was a task that
22 needed carrying out in the area of the zone of responsibility of the 17th
23 Tactical Group or something like that.

24 Q. Mr. Makso Simeunovic, what was he? What did he do, the person you
25 were supposed to report to at the 17th Tactical Group?

1 A. Mr. Simeunovic was the chief of security of the 17th Tactical
2 Group.

3 Q. Were you ever in a position to see a written order issued to you
4 by Mr. Stevan Nikolic, the commander of the 17th Tactical Group?

5 A. No, I never was.

6 Q. Thank you. Can you look at item 5 of your statement, please. I
7 assume there is a slight imprecision there, but we need to clarify this.
8 You said, towards the end of April 1992, at the proposal of Marko Subotin,
9 from the command of the 17th TG, from the command of the Tactical Group.
10 So what I understand is that here you are asserting that Marko Subotin was
11 actually a member of the command of the 17th Tactical Group. To the best
12 of your knowledge and recollection, Marko Subotin, was he a member of the
13 command of the 17th Tactical Group or not?

14 A. Frankly, I don't remember.

15 Q. Very well. Thank you. Now, Mr. Jovanovic, if you could please
16 find paragraph 13 of your statement, on page 5. It reads as follows:
17 "Also they were told that upon arrival and upon occupying their positions,
18 they should establish communications with the other forces and units of
19 the 17th Tactical Group, units that would also be deployed in the same
20 area, and that activities should be coordinated with the 4th Detachment,
21 which was already in the area."

22 That's your statement. I have a number of questions related to
23 this. When you arrived in the customs-free zone, whom did you find there?

24 A. When I reached the main buildings of the customs-free zone - that
25 was my original destination - I found a JNA unit there, Yugoslav People's

1 Army unit, from, I believe, anti-armour company from Srpska Tisina, and a
2 number of other soldiers were there whom I didn't know, several. I did
3 recognise a number of people who were there, because we are from the same
4 municipality.

5 Q. Very well, Mr. Jovanovic. In your statement, you said: "I
6 believe they were members of the TO, or Territorial Defence." Again, what
7 do you mean by "TO"? Do you mean this, whatever you called it, company or
8 unit, anti-armour, from the village of Tisina?

9 A. No, but there's a mistake there. These were JNA members.

10 Q. You said that you also found a number of persons wearing
11 camouflage uniforms. Did you recognise those persons who were wearing
12 camouflage uniforms?

13 A. No, I didn't.

14 Q. Finally, you said: "And then they retreated to the town, back to
15 their units." Can you tell us, please: Who was it that retreated back
16 into town or to their units to carry out other tasks when you came? Are
17 we talking about the persons who were wearing camouflage uniforms or are
18 we talking about JNA members?

19 A. I stayed in the positions where I found them, and I set up the
20 communications equipment there. And they headed all together down the
21 railroad track leading to the town, or rather, leading towards the road
22 leading into the town. We know very well that when there, once you reach
23 the road, you can head straight into town or you can head back into
24 Tisina, the village of Tisina, but they told me expressly that they were
25 headed back into town.

1 Q. Here, quite obviously, we have two separate groups of persons.
2 Which was the group telling you that they would head back into town?

3 A. It was in the morning, and the weather was bad. I remember quite
4 clearly. I can't tell you precisely which group, but I know they went
5 together --

6 Q. You can't say, just tell us you can't say. It's no problem at
7 all.

8 A. I simply don't remember. It was dark there and there was no
9 electricity there. There was nothing there.

10 MR. DI FAZIO: If Your Honours please --

11 JUDGE WILLIAMS: Mr. Pisarevic, I was just going to say to
12 Mr. Jovanovic: If the translation is correct, and you said now twice,
13 "They headed all together down the railroad track leading to the town,"
14 does "they headed all together" mean members of the two groups, the JNA
15 and the men in the camouflage uniforms, or not? We seem to have some
16 confusion in some of the answers here. So maybe if you could clarify what
17 you mean by when you said "they headed all together down the railroad
18 track leading to the town."

19 MR. DI FAZIO: If Your Honours please, and as a supplement to what
20 Your Honour has just raised now, there's -- the witness started to say:
21 "It was the morning, the weather was bad. I remember quite clearly. It's
22 not clear in the transcript. He then says precisely which group, but I
23 know they went together, and then he was cut off by Mr. Pisarevic. So
24 again, there's a second reference to them, two groups going together. And
25 I suggest that that also arises from Your Honour's question

1 MR. PISAREVIC: [Interpretation] Very well, Your Honours. It seems
2 that this is a good time for a break, so perhaps we should resume after
3 the break.

4 JUDGE MUMBA: We'll take our break and continue at 12.50 hours.

5 --- Recess taken at 12.34 p.m.

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

7 JUDGE MUMBA: Yes. We will have to wait for the accused persons,
8 since they didn't consent to our proceeding in their absence. We just
9 take it that they should be on their way.

10 [The accused entered court]

11 JUDGE MUMBA: Yes. We see that everybody is here now. We can
12 start.

13 MR. PISAREVIC: [Interpretation]

14 Q. Mr. Jovanovic, before the break you were asked to explain how is
15 it that these people left, those members, as you called them, members
16 wearing camouflage uniforms, members of that particular detachment,
17 anti-armoured detachment, company, rather. If you cannot remember how it
18 all took place, please tell us that you don't remember; or if you do tell
19 us, did they leave together? You said they went down the railroad tracks?

20 A. Yes, they did say that they went down the railroad track, but I
21 don't recall anything else.

22 Q. Very well. Thank you. Do you know where is it that they went?

23 A. No, I don't know.

24 Q. Thank you. You and that squad that arrived to that duty-free
25 zone, or custom-free zone, did you ever receive some kind of an order to

1 go into the city of Samac?

2 A. No. I never received the order to go into Samac.

3 Q. Did you ever enter into Samac with your squad?

4 A. No, not with my squad, and I don't really know what you're asking
5 me. The question is not very clear.

6 Q. I'm asking you about the 16th and 17th. During those two days,
7 did you and your squad enter the city of Samac on the 17th and on the
8 18th?

9 A. No, because I was not in that position, and I did not receive that
10 order.

11 JUDGE WILLIAMS: Excuse me, Mr. Pisarevic.

12 Mr. Jovanovic, you said before the break, in response to a
13 question from Mr. Pisarevic, and this is on page 68, lines 11 to 15, you
14 said that they were on the railway tracks and so on. And you went on to
15 say: "But they told me expressly that they were headed back into town."
16 And just now you've been asked a question, on page 70, lines 10 and
17 following, or line 13, Mr. Pisarevic says to you: "Do you know where that
18 is they went?" And you said: "No, I don't know." So which is the
19 correct answer? The one before we took the break or this one? Again we
20 need some clarity for the transcript there on that question.

21 MR. PISAREVIC: [Interpretation] Your Honour, it could be a
22 translation problem. What I wanted to ask is: Did you see where they
23 went. I wanted to know if the witness has any direct knowledge as to
24 where they went. I wanted to know if he knows if they went into town.
25 And if I understood him correctly, the witness said that he did not see

1 them going into town; not that he didn't know, but that he didn't see
2 them. But I will clarify this with the witness.

3 JUDGE WILLIAMS: You see, I think it was the way the question
4 was. You asked him, at least in the English: Do you know? And he said:
5 No, I don't. So it wasn't a question of eyesight in the question as posed
6 in the transcript.

7 JUDGE LINDHOLM: Excuse me for interrupting you, but I thought we
8 were talking about the town of Samac, and now we are talking about a city
9 of Gracenac. Where are we?

10 MR. PISAREVIC: [Interpretation] Your Honour, it is in the city of
11 Samac, as far as I know. I think there's a mistake in the transcript. It
12 is not the city of Gracenac; rather, the city of Samac. We are in Samac.

13 JUDGE LINDHOLM: I hope so.

14 MR. DI FAZIO: I was mystified as well, with respect, if Your
15 Honours please. Can we assume that every reference in the last minute or
16 two or three minutes to Samac has been a mistake and that in fact the
17 transcript should reflect Samac?

18 JUDGE LINDHOLM: Yes.

19 MR. DI FAZIO: Can we assume that? Because I assume that's
20 correct, because the witness has never spoken about Samac at all.

21 MR. PISAREVIC: [Interpretation]

22 Q. Mr. Jovanovic, we are talking about the city of Samac; is that
23 correct?

24 A. Yes.

25 Q. Please tell us: Did you see if those men who left you, did they

1 go to the city of Samac? Yes or no.

2 A. I already said that it was in the early morning hours. It was
3 raining, and the rain was mixed with snow. It was also dark. And they
4 left along the railroad tracks, and those tracks lead into the city. Now,
5 where it is they went after the crossroad, I really don't know, because I
6 didn't see them.

7 Q. Thank you. When you arrived to that duty-free zone, in the
8 morning hours of the 17th and during that day, did you coordinate or did
9 you communicate with the command post of the 4th Detachment and did you
10 also get in touch with members of the 4th Detachment?

11 A. No, not that day. I didn't see anybody from the 4th Detachment.
12 My only contact was through the transmission lines, communication lines,
13 was -- that I was able to get in touch with Aco Jankovic up there.

14 MR. PANTELIC: And the last part of the answer was: Aco Jankovic,
15 who was at the top of silo.

16 JUDGE MUMBA: Thank you.

17 MR. PISAREVIC: [Interpretation]

18 Q. Mr. Jovanovic, please tell us only -- or rather, give us only
19 answers to my question, and my following question is to the effect whereas
20 if you know who replaced you and your company on that -- at that position,
21 and after how many days were you replaced?

22 A. My squad was replaced by the members of the 4th Detachment. I
23 think that it was around the 20th or around the 21st. I cannot remember,
24 because many years have gone since.

25 Q. Thank you. Mr. Jovanovic, do you know: What were the tasks of

1 the 4th Detachment, and which were the lines of defence that the members
2 of the 4th Detachment occupied?

3 A. I do not know this.

4 Q. Did you ever hear from anyone that the members of the 4th
5 Detachment, in any way, shape, or form, took part in the occupation of the
6 city of Samac?

7 A. I really don't know this, because I was where I was.

8 Q. Thank you. Do you know this fact: Do you know when the army of
9 the Republika Srpska was established?

10 A. I do not recall the date.

11 Q. Can you confirm the fact that Colonel Djurdjevic was, for a short
12 period of time, the commander of the 2nd Posavinska Brigade and Infantry,
13 Posavinska Brigade?

14 A. I knew that at the time there was a new commander who had arrived,
15 a certain colonel, but I don't know who. I don't know how long he was
16 there and I don't know how he got to be there.

17 Q. Do you know if, at the end of the month of May, a commander was
18 appointed for the 2nd Infantry Posavinska Brigade, a commander by the name
19 of Dragan Djurdjevic?

20 A. Yes.

21 Q. Do you know: Where were you deployed? In what military
22 formation?

23 A. At the time, I was deployed in the unit which was an intervention
24 team, and they were to go where we had to block the line.

25 Q. Thank you very much. Tell us: Who was the commander of this

1 intervention platoon?

2 A. For what period of time?

3 Q. The period going from the end of the month of May up until the
4 time it existed, June, July, or August. I don't know if it was still
5 active in August.

6 A. It was Captain Josic.

7 Q. Was it Mr. Milan Josic who was the Captain from Obudovac?

8 A. Yes.

9 Q. Were you ever, during that period of time, deployed in the
10 military police, or did you work in the security organ of the 2nd Posavina
11 Brigade?

12 A. Yes.

13 Q. Please tell me: Did you work in the military police or did you
14 work in the security organ?

15 A. For a short period of time, I worked at the military police; and
16 at the time, it was -- it had its command post in Pelagicevo. And very
17 quickly I got transferred into the organ of security.

18 Q. Who was the assistant deputy of the commander for information and
19 intelligence when you started working in the organ of security?

20 A. It was Captain Jez, Zdravko Jez.

21 Q. Are you aware of the fact that Captain Jez was soon removed and
22 arrested after that?

23 A. Yes, I'm aware of that fact.

24 Q. What were you when Captain Jez was assistant commander for
25 security and intelligence?

1 A. At that time, I discharged the duties of an intelligence officer
2 in the 2nd Posavina Infantry Brigade.

3 JUDGE MUMBA: Mr. Pisarevic, the Trial Chamber is wondering,
4 especially the last few questions, how they help the defence of your
5 client. And you've had what is considered to be sufficient time. Some of
6 the questions you're asking are actually in the statement --

7 MR. PISAREVIC: [Interpretation] Your Honour --

8 JUDGE MUMBA: -- of the witness.

9 MR. PISAREVIC: [Interpretation] Yes, but I had to mention Mr. Jez,
10 who is not mentioned, because this helps my client's defence because in
11 the information of the 13 signatories, as we call it here, this event is
12 mentioned, and that is why I wanted to check that with Mr. Jovanovic, who
13 was there. Thank you very much. I have no further questions, Your
14 Honour.

15 JUDGE WILLIAMS: I just think for the record, in the English
16 version here, 76, line 3, presumably it should read 13 signatories, not 13
17 submissions.

18 JUDGE MUMBA: Yes. It should be signatories, yes. Yes. We can
19 proceed with the Prosecution.

20 MR. DI FAZIO: Thank you, Your Honour.

21 JUDGE MUMBA: We shall continue sitting until we finish with this
22 witness. We intend to proceed at 1415 so that he can finish his evidence
23 and leave.

24 MR. DI FAZIO: Do you mean go beyond 1415 or just adjourn briefly
25 at that stage? 1 JUDGE MUMBA: Adjourn briefly then start
again at 1415.

2 MR. DI FAZIO: I'm mindful of that and I'll speed it up as much as
3 I can, if Your Honours please.

4 Cross-examined by Mr. Di Fazio:

5 Q. You joined the SDS when? I'm sorry. I didn't hear your answer.

6 When did you join the SDS?

7 A. I don't remember the date, but at the time I was not engaged
8 anywhere and I joined, I believe that it was in 1990 or thereabouts.

9 Q. Yes. In Obudovac. But you can't recall when, when in 1990?

10 A. Yes, in Obudovac, but I can't remember the date.

11 Q. And you remained a member of the SDS?

12 A. Yes.

13 Q. You saw the SDS carrying out its policies in Bosanski Samac
14 throughout 1992, 1993, 1994, and in the years thereafter. Correct?

15 A. As far as I remember, I know that the work of the party was frozen
16 during 1992 and 1993.

17 MR. PANTELIC: I do apologise to my learned friend. In order not
18 to confuse the witness, maybe my learned friend can be more specific. In
19 which kind of policies? Official programme, statute of the SDS, meetings,
20 rallies, or something else? I mean, otherwise term "policies" is very,
21 very broad term, and I think it might confuse this witness. Thank you.

22 MR. DI FAZIO: With respect, it isn't, and I don't wish to waste
23 much time on the topic. "Policies" is a clear word. It's understood in
24 many languages and countries.

25 JUDGE MUMBA: Yes, Mr. Di Fazio. Carry on.

1 MR. DI FAZIO: Thank you.

2 Q. You saw nothing in the implementation of SDS policies between 1992
3 and recent times that have caused you any misgivings about it?

4 A. Let me tell you: From the time I joined the army, both the 17th
5 Tactical Group, the JNA, and the army of Republika Srpska, I did not
6 engage in any politics. I just carried out orders of my Superior
7 Command. I was not at all interested in politics at that time.

8 Q. All right. Thank you. Let's turn to your statement. You have it
9 there before you. And I'd like you to look at paragraph 13. There you're
10 talking about events on the night of the 16th of April, prior to your
11 going to Bosanski Samac in the middle of the night, and you say that one
12 of the tasks that you were given was to go up and take your position on
13 the Sava and that you were told, told, to establish communication with
14 other forces and units of the 17th Tactical Group and coordinate your
15 activity with the 4th Detachment that was already there. Do you see that
16 passage in about midway through paragraph 13?

17 A. Yes, I can see that.

18 Q. Thank you. All right. Now, in order to establish communication
19 with other forces and units of the 17th Tactical Group, you had to know
20 what other forces and units of the 17th Tactical Group were there. So
21 tell the Trial Chamber what other forces and units of the 17th Tactical
22 Group were operating in Bosanski Samac on the night of the 16th and 17th
23 of April.

24 A. As far as I know, in Samac there was the civilian police and - how
25 should I put it - some dozen or so guys who came from Serbia, as

1 volunteers. They were in the town of Samac. There were some 15 of them
2 or so.

3 Q. I see. So officers of the JNA, the command of the 17th Tactical
4 Group, instructed you, prior to going to Bosanski Samac, to establish
5 communications with police and paramilitaries who had come from Serbia.
6 That was a specific instruction that you received prior to your going to
7 the Sava to take up your position. Correct?

8 A. No. I did not receive any instructions as to the effect to link
9 up with those units, but with the units of the JNA, and my contacts, the
10 contacts that I established, were with some units that were active in that
11 area. But those were JNA units.

12 Q. My question to you a few moments ago was that -- I asked you to
13 tell the Trial Chamber what forces and units of the 17th Tactical Group
14 were operating in Bosanski Samac on the night of the 16th and 17th. You
15 replied: "In Samac, there was the civilian police and the dozen or so
16 guys from Serbia." Were you not implying that they were part of the 17th
17 Tactical Group or part of the armed forces that you had to establish
18 contact with in Bosanski Samac?

19 A. No.

20 Q. All right. Okay. Fine. Well, you tell the Chamber what you were
21 informed about, what you were told you were to do with respect to these 15
22 or so guys from Serbia and the civilian police. What were your orders
23 that you received in respect of those two groups on the night of the 16th?

24 A. As far as Samac is concerned, I did not receive any orders or
25 anything like that in order for me to link up with them. The only order I

1 received was to link up with the anti-armour battalion and with the 4th
2 Detachment, because the 4th Detachment was in the town of Samac and its
3 command post was in town itself. As for the other groups, I did not have
4 anything whatsoever to do with them, the civilian police did their job,
5 and the army did their job.

6 Q. Very well. Then tell the Trial Chamber of the JNA units that you
7 were ordered to link up with. Which JNA units were you ordered to link up
8 with, apart from the 4th Detachment, of course?

9 A. With the anti-armour unit from Srpska Tisina, which was deployed
10 in that area.

11 Q. Was that the only other unit, apart from the 4th Detachment?

12 A. I'm afraid I didn't understand your question.

13 Q. You've mentioned that you had orders to link up with other JNA
14 units. You've mentioned two: 4th Detachment and this anti-armour unit,
15 anti-armour unit, two formations. Did you have orders to communicate with
16 any other units or formations of the JNA?

17 A. No. I'm talking -- I'm saying that I did receive an order to stop
18 the Croatian forces which were about to cross over to the territory of
19 Bosnia and Herzegovina. The army at that time was in charge. That is, I
20 was in charge of going to the border of Bosnia and Herzegovina to prevent
21 the Croatian forces from entering the territory of Bosnia and Herzegovina.

22 Q. I understand that. That's no problem. But I think you
23 misunderstand me. I'm talking about the night of the 16th, before you
24 would even go to the Sava. You've told us that you received orders to
25 link up with JNA forces in Bosanski Samac, and we know of two groupings:

Procedural Matters (Open Session)

1 The 4th Detachment and the anti-armour unit. On the night of the 16th,
2 did you receive orders to link up with any other JNA units apart from
3 those two?

4 A. No, I did not receive such an order.

5 Q. Okay. So we're clear now. Your orders were clear: Link up with
6 two units, 4th Detachment, anti-armour unit, and that's it?

7 A. Yes, that's it.

8 Q. Good. And were you given the means to be able to link up with
9 them?

10 A. What means do you have in mind?

11 Q. I don't have in mind any means. I'm asking you. Were you given
12 the means, for example, radio, smoke signals? How were you going to link
13 up with them?

14 A. As I've already said at the beginning of my testimony, on the
15 bridge I was met by the anti-armour company, which was supposed to be on
16 my right as you're looking from the direction of Bosnia-Herzegovina
17 towards Croatia. And on the left-hand side --

18 Q. Can I stop you? I'll ask you about this later, but all I want to
19 know is what means were you provided to link up with these other
20 formations, or was it a case of your order simply being: Go to the Sava
21 and you'll be met by the 4th Detachment and the anti-armour unit?

22 A. My order was clear, and it said that I would be met there by one
23 unit, and that was the anti-armour company, and that they would give me
24 the communications equipment that they had at their disposal at that
25 time. When we came physically in contact, they gave me a Motorola.

1 That's the name of this piece of equipment, and it worked on one frequency
2 only, and it was the only way I could establish contact with Aco Jankovic,
3 who was on the silo, behind my back, and he was the only person that I
4 could establish contact with.

5 Q. Now, this anti-armour company, was it part of the 4th Detachment
6 or was it completely separate, as far as you could understand, from the
7 4th Detachment?

8 A. As far as I know, it was a separate unit. It was not part of the
9 4th Detachment.

10 Q. All right. We'll return to that in a moment. But if you go to
11 paragraph 13, you say that part of your task was to "coordinate our
12 activity with the 4th Detachment, which was already there." What specific
13 orders or instructions did you have in order to coordinate your activities
14 with the 4th Detachment?

15 A. The more specific orders were as follows: Since the 4th
16 Detachment and its command and troops were in the town of Samac, I was
17 supposed to link up from the bridge on the left-hand side and the shift
18 that I was to receive on the bridge, because I couldn't stay there a long
19 time, I was told that the 4th Detachment would send their troops, they
20 would give us food, cigarettes and everything that my unit might require.
21 That's what the commander Subotin told me and ordered me to do.

22 Q. And no doubt about it, you were informed of this on the night of
23 the 16th, before you set off for Bosanski Samac, before you arrived at the
24 River Sava?

25 A. Yes. Around midnight. Yes, around midnight, on the night between

1 the 16th and the 17th.

2 Q. All right. Okay. And did your commander, whoever was giving you
3 these orders or instructions, tell you of anyone in particular that you
4 should communicate with or liaise with in the 4th Detachment upon your
5 arrival at the banks of the Sava?

6 A. No, he didn't.

7 Q. Okay. I just want to ask you some brief questions about your
8 journey to Bosanski Samac. And again, it relates to paragraph 13. You
9 say in the paragraph that "the town of Bosanski Samac was practically
10 already blocked," and you give descriptions of the directions in which it
11 was blocked. And you also say, I quote: "It could be said to have been
12 completely blocked and surrounded." That's in paragraph 13. Tell the
13 Trial Chamber how you made it through the Croatian lines to enter Bosanski
14 Samac if it was completely blocked and surrounded.

15 A. When I left Obudovac, as I was leaving it, actually, I was told to
16 move through the Serbian-held territory, because the main road from
17 Obudovac and to Bosanski Samac was taken by the Croatian troops, and one
18 could see them already at the beginning of the main Samac-Orasje [phoen]
19 road . And the proposal was to go towards -- through Gornja Slatina,
20 Kruskovac [phoen] and to exit in Crkvina, and from Crkvina towards the
21 bridge. Those were all territories held by Serbs. The second part of
22 Hasici, which was inhabited by the Croatian population, and between Lugovi
23 and Kruskovo Polje, there was an anti-aircraft cannon, and it would have
24 been very dangerous to move through there in a military truck.

25 Q. Thank you. Thank you. And you've provided already some detail in

1 your statement about that. However, I'm interested in this: In paragraph
2 13, you assert that Bosanski Samac could be said to be completely -- these
3 are your words - completely blocked and surrounded. Completely blocked
4 and surrounded. Now, how did you get into the town if the town is
5 completely blocked and surrounded by Croatian forces?

6 A. But what I have just mentioned is far from the town. On one side
7 it is about 5 to 6 kilometres from the town, and on the other side some 7
8 to 8 kilometres from the town. But the town itself was not blocked.
9 Rather, at that time, Croats, wherever they were, they installed their
10 forces there.

11 Q. When you arrived in Bosanski Samac, did you see any evidence of
12 civilians fleeing, weapons being fired, battles being fought, firefights
13 in the street, exchanges of fire over the Sava, anything like that?

14 A. No, I didn't see that. But I heard things like that. Around 3.00
15 or somewhat later, I could hear sporadic shooting.

16 Q. I'll get into that later. Don't worry. But all I'm asking you is
17 about your initial arrival. It's the case, isn't it, that you saw nothing
18 of those matters that I mentioned when you first arrived in Bosanski
19 Samac? That's the case, isn't it?

20 A. No, I didn't see anything. I just saw columns of vehicles, but
21 that meant nothing to me.

22 Q. In fact, the population was asleep in their beds in the middle of
23 the night, for the most part, as far as you could tell, unaware that they
24 were completely blocked and surrounded by Croatian forces; is that so?

25 A. Well, I don't know whether they were asleep. I wasn't there, was

1 I?

2 Q. All right. That's fair enough. Thank you. You arrived and
3 eventually made your way to the duty-free zone, and there you met two
4 groups of soldiers: Camouflage -- soldiers in camouflage uniform and
5 members of this anti-armour unit that you've spoken of. Correct?

6 A. Yes, that is correct.

7 Q. Was it apparent to you that they were both members of two distinct
8 military units?

9 A. I don't know whether they were different. They were there
10 together.

11 Q. Right. So there's no way that you could arrive at any conclusion
12 that the men in camouflage were not part of the anti-armour brigade?

13 A. I said that I had arrived and I saw that group. There were a few
14 of them there. I don't know who they were. In any case, they were
15 together.

16 Q. Okay. As far as you could tell, one group of soldiers, some in
17 camouflage, others not?

18 A. Yes, correct. Some wore JNA uniforms and the others wore other
19 types of uniforms, or a different type of uniform.

20 Q. The others who wore the different types of uniform, did they speak
21 with Serbian accents?

22 A. Since I communicated with a person whom I knew personally, we just
23 greeted each other using our customary greeting: Good luck. And that's
24 all the communication I had with them.

25 Q. All right. And that person gave you a Motorola and instructed you

1 to use that for the purposes of communication with other units in the
2 area, other JNA units in the area; is that so?

3 A. No. That Motorola worked on one frequency only. I did not know
4 of any other. And this was my only connection with the silo, with the
5 person who was there on the silo.

6 Q. So tell the Chamber who informed you of the soldiers being on top
7 of the silos.

8 A. I'm afraid I don't understand your question.

9 Q. How did you find out that there were soldiers -- or there was
10 someone on top of the silo?

11 A. I found out from soldiers who gave me that piece of communication
12 equipment, and they told me that my only communication at that moment was
13 with the man who was on top of the silo. We established contact, we
14 checked the communication lines, and the communication lines worked, and
15 that's all.

16 Q. Okay. Did they explain to you who the man on the silo was from --
17 who he was, rather, and which military unit of the JNA he was from?

18 A. Yes. They told me who he was. I knew the man personally. And
19 everything was clear to me.

20 Q. That's the man Aco Jankovic, from the 1st Detachment?

21 A. Yes, that's correct.

22 Q. Had you been informed, prior to going to the Sava, taking up your
23 positions, that the 1st Detachment was also going to be conducting
24 operations that night? Did you expect them to be there?

25 A. Before I left Obudovac, I was told that our forces, our army, the

1 JNA, should take up the silos and that we should also establish
2 communication with them. They were supposed to take up the silos, but I
3 don't know which -- I didn't know, rather, at the time which unit that
4 was.

5 Q. Were you informed that the 1st, 2nd, or 3rd Detachments would be
6 conducting operations in Bosanski Samac that night?

7 A. No, I wasn't informed. I was only told about the anti-armour
8 company. And as I've already told you, I was not informed what units or
9 what troops were going to be there.

10 Q. Okay. You describe in your statement some exchanges of fire that
11 took place on the night of the 16th and 17th. Essentially, you describe
12 two exchanges, firstly a mortar attack on the vicinity of your positions
13 and the silos; and secondly, an exchange of fire with small -- light arms,
14 I assume, over the bridge towards the Sava. Correct?

15 A. Yes, that's correct.

16 MR. DI FAZIO: I'm sorry. Is now the time that we break, Your
17 Honours?

18 JUDGE MUMBA: Yes, and we'll continue at 1415 hours.

19 --- Recess taken at 1.44 p.m.

20 --- On resuming at 2.17 p.m.

21 JUDGE MUMBA: Yes, Mr. Di Fazio, you continue.

22 MR. DI FAZIO: Thank you, Your Honours.

23 Q. On the night of the 16th and 17th, how -- how far were your
24 positions on the Sava from the SUP building in Bosanski Samac?

25 A. Well, as the crow flies, between 300 and 400 metres.

1 Q. Did you hear the sound of any explosions or armed or small arms
2 fire from the vicinity of the police station?

3 A. Yes.

4 Q. And you know that that was the paramilitaries taking control of
5 the police station, don't you?

6 A. No. I was not aware of that. I heard sounds of shooting but I
7 didn't know who that was.

8 Q. Okay. You subsequently found out, though, didn't you?

9 A. I found out that there had been a shootout outside the police
10 station, that there were armed clashes. I can't remember who exactly was
11 involved in these clashes.

12 Q. Were the -- you know that a Serbian Municipality of Bosanski Samac
13 was established and started governing Bosanski Samac, the municipality,
14 from about the 17th onwards?

15 A. At that time, I was on the line and I was not aware of what was
16 happening in the town, or who had taken over power.

17 Q. But you subsequently found out, didn't you?

18 A. Yes.

19 Q. And you knew, and I suggest to you, at the time, that this Serbian
20 municipality had been -- had declared itself sometime earlier in March at
21 least of 1992.

22 A. I'm not aware of that. I was a soldier. I didn't know about
23 these things.

24 Q. Did you know that there were Serbian police, there was a Serbian
25 police force, headed by Stevan Todorovic, in existence on the night of the

1 16th and 17th of April?

2 A. I didn't know at the time but subsequently while I was at the
3 bridge, I did find out, yes.

4 Q. They were -- the Serbian police headed by Stevan Todorovic were
5 cooperating with members of the JNA carrying out their operations in
6 Bosanski Samac that night of the 16th and 17th, weren't they?

7 A. I didn't know and this had nothing to do with my unit.

8 Q. You saw no evidence of the Serbian police conducting any sort of
9 military operations on the night of the 16th and 17th? Nothing at all?

10 A. No. The night of the 16th and the 17th, no, nothing at all but I
11 did see things on the 18th.

12 Q. What did you see on the 18th?

13 A. I saw the Serb police, they were all over town. I was passing by
14 with another soldier from my unit and I was on my way to the command of
15 the 4th Detachment and that's when I found out about the whole thing.

16 Q. Earlier this morning -- earlier today, you mentioned that your
17 unit was not a member of the -- was not described, cannot be described, as
18 part of a TO. You recall that?

19 A. Yes.

20 Q. Were you aware of any Serbian TO forces operating in
21 Bosanski Samac on the night of the 16th and 17th?

22 A. No.

23 Q. Were you aware of the existence of any Serbian TO forces on the
24 night of the 16th and 17th?

25 A. No, no. I wasn't.

1 MR. DI FAZIO: Can the witness be shown P19, P21 and P23, please?

2 Q. Witness, I'd like to take you through the -- some parts of these
3 documents but as swiftly as possible and I'd ask for the assistance of the
4 usher if I may, first of all, P19, can you have a look at that document,
5 please? I hope you have the ter version, the B/C/S? All right? Now take
6 it from me, I don't need to you look at all of the document but take it
7 from me that's from the 17th Corps headquarters, dated the 17th of April,
8 to the 2nd Military District command and it's describing events in
9 Bosanski Samac on the night of the 17th. And it says members of the
10 Territorial Defence and MUP of the Serb municipality of Bosanski Samac
11 clashed with members of Alija Izetbegovic's Territorial Defence and so on.
12 And it says members of the Territorial Defence and MUP took control of the
13 police station, silo tower and so on. Do you see that? It's the first
14 paragraph. Okay? Now, --

15 A. Yes, yes, I see that.

16 Q. It's this term, Territorial Defence, that I'm interested in. This
17 document refers to Territorial Defence. Have you got any idea what
18 formation it might be referring to when it refers to Territorial Defence
19 of the Serb municipality?

20 A. No. I really have no idea.

21 Q. Thank you. Would you now look at P21? That's from the 2nd
22 Military District command dated the 17th of April to the operational
23 centre of the general staff of the SFRY -- RJ armed forces. Again,
24 describing the events in Bosanski Samac. Midway through the second
25 paragraph, it again refers to "forces of tactical group 17, units of the

1 Serb Territorial Defence, and police," and police, "participated in
2 actions during the takeover of vital facilities in Bosanski Samac." Do
3 you see that? It's about halfway through the paragraph.

4 A. Yes, I see that.

5 Q. Okay. Now again I suppose you can shed no light on what that Serb
6 Territorial Defence is a reference to?

7 A. I really can't tell.

8 Q. Okay. But you didn't see or hear of any police participation in
9 actions involving -- for the takeover of vital facilities?

10 A. No. All I saw of the police was outside in the street, and I saw
11 them bringing people in and carrying some weaponry but I saw this in
12 passing merely.

13 Q. Thank you. I've -- given the witness's evidence I have no further
14 need to refer to any other documents in that group.

15 MR. DI FAZIO: Can the witness be shown P79?

16 Q. Again, I don't need to take you through this document chapter and
17 verse, I'm interested mainly in the second paragraph. There is another
18 reference here once again to this body called the Territorial Defence of
19 the Serbian Municipality of Bosanski Samac, and it goes on to say that
20 they routed paramilitary forces. Now, again, I take it from your previous
21 evidence you couldn't tell us what that means because you've never heard
22 of any Territorial Defence of the Serbian Municipality of Bosanski Samac,
23 correct?

24 A. I really don't know. I'm not familiar with this document and I'm
25 not aware of any Territorial Defence.

1 Q. Okay. Obviously you're aware of the Serbian Crisis Staff that was
2 established very soon after the night of the 16th and 17th, if not before?

3 A. I only learned about that on the 18th.

4 Q. All right. Okay. Did you ever hear of it, that is the Crisis
5 Staff, assuming the leadership of armed forces and taking over the Serbian
6 municipality -- the municipality of Bosanski Samac? Did you ever hear
7 from anyone, see or hear anything that indicated that it had done so?

8 A. No.

9 Q. All right. Thanks for that. I've finished with that, Ms. Usher.
10 Thanks for your assistance. I've finished with that document.

11 The -- in your statement you describe the Rapid Reaction Battalion
12 at paragraph 6 of your statement. It's fair to say, isn't it, that that
13 rapid reaction battalion went under various names, including Strike
14 Battalion, Intervention Battalion, and Special Battalion, all of those
15 different names all refer essentially to the one military unit, correct?

16 A. Yes.

17 Q. And that's the battalion that included in it men such as Lugar and
18 Crni, Tralja, Laki, people like that?

19 A. Yes.

20 Q. In paragraph 6, you say that that battalion was formed in mid-May
21 of 1992. Could it have been earlier? That is, could it have been formed
22 earlier?

23 A. I think it was in that period of time but it's been a long time so
24 I can't recall precisely but I do believe that it was in that period.

25 Q. What I'm trying to get is some -- a little more precision if we're

1 capable. You say it was in that period. Do you mean around mid-May, the
2 15th of May or thereabouts?

3 A. Around the 15th of May, give or take a day or two.

4 Q. All right. Okay.

5 MR. DI FAZIO: Can the witness please be shown Exhibit P74?

6 Q. Okay. Now, I'll take you to the bits that I'm interested in of
7 this document, okay? Look at paragraph 3, do you see that? Okay? That
8 paragraph says that the Special Battalion is located in Obudovac. That's
9 correct, isn't it? I'm sorry, witness, you have to nod so you give an
10 audible answer because it has to be recorded. I take it you meant you
11 agreed with me the Special Battalion was located in Obudovac?

12 A. Yes.

13 Q. All right.

14 A. Yes.

15 Q. Okay. And the Crisis Staff helped it out, didn't it, by providing
16 meals from time to time, it says here, at least once a week, right?

17 A. If I may just clarify this, I have never seen this document, but
18 this Special or Strike Battalion, as you called it, had been set up for
19 familiar reasons, but all those who were members of it were locals and who
20 were people from the local communes across Samac municipality. The Samac
21 and Pelagicevo municipality under creation. This Special Battalion, all
22 those lads like to think of themselves as some kinds of specialists or
23 Special Forces but they were just ordinary people. As far as the Special
24 Battalion is concerned, what I can tell you is that about 80 per cent of
25 us were -- had rural backgrounds, ours was an agricultural area so we got

1 our food back home. The -- there was no order or decision. People were
2 not being told to bring us food but they simply did so. Of their own
3 accord. So even this document, the Crisis Staff, I remember that
4 something or other was adopted at some point but people brought food to us
5 of their own accord.

6 Q. Okay.

7 JUDGE WILLIAMS: Excuse me, Mr. Di Fazio, I just think there was
8 some of a little slip of the tongue here because you said that the Crisis
9 Staff in the singular, this is page 93, lines 89, you said "and the Crisis
10 Staff helped it out, didn't it? Meaning the Special Battalion by
11 providing meals from time to time. It says here at least once a week,
12 right." Well actually paragraph 2 is talking about the direction to the
13 crisis staffs in the plural of the local communes and it's talking about
14 the obligation to organise army lunch meals for TO members at least once a
15 week. It's paragraph 3 that returns to the Obudovac Special Battalion and
16 army lunch meals at least once a month so you seem to have melded the two
17 paragraphs together.

18 MR. DI FAZIO: I may have. If Your Honours please, the document
19 speaks for itself. With respect, if you wish me to go into that topic I
20 will.

21 JUDGE WILLIAMS: Not necessarily, but I just wanted to point out
22 that there was somewhat of a misreading of it into the transcript.

23 MR. DI FAZIO: I accept that. Of course, I accept that Your
24 Honour is quite correct.

25 Q. Now I'm not interested in the food. Okay? I'm not interested in

1 the food issue. But this Special Battalion that's being referred to is
2 that Special Battalion that those Serbian paramilitaries were members of,
3 Laki, Tralja, Crni, Debeli, Lugar, correct?

4 A. Yes, they were.

5 Q. Okay. Now, you see at the top of the document, it says that the
6 Crisis Staff had a session on the 6th of May, 1992. Presumably therefore
7 the Special Battalion existed before the 6th of May, 1992, otherwise the
8 document doesn't make any sense, correct?

9 A. Well, yes. It's been a very long time so it's difficult for me to
10 recall but I really don't know.

11 Q. But you accept my reasoning, as a matter of possibility, if this
12 document is to make sense, the Special Battalion must have existed on or
13 before the 6th of May, 1992, right?

14 A. Well, we have the document here with that date.

15 Q. Okay. You've got no quarrel, have you, with the proposition that
16 this Special Battalion may well have existed before mid-May, as you
17 recall, and have existed on or before the 6th of May, 1992? Right?

18 A. As I said, I really don't remember. It may have been on the 5th
19 or on the 6th but it's been such a long time I can't recall the exact
20 date.

21 MR. DI FAZIO: Thank you, Ms. Usher. I've finished with the
22 document.

23 Q. You know of the massacre of Crkvina in which 15 or so Croats were
24 killed? Murdered by Lugar in a small wheat factory? Lugar and other
25 paramilitaries? You know of that, don't you?

1 A. Yes, yes, I do.

2 Q. That took place on or about the 7th of May? 7th of May, 1992? In
3 Crkvina?

4 A. I can't recall the exact date. I know that it did occur.

5 Q. That Special Battalion was part of the JNA, wasn't it?

6 A. Yes. Well, just a minute, please. I can't remember -- well, yes,
7 yes, yes, the 17th, yes.

8 Q. There is no doubt about it, is there, it was part of the JNA,
9 right? You were in it, you knew that it was part of the JNA, correct?

10 A. That's correct, in view of the fact that the commander of that
11 Special Battalion was Crni from that unit.

12 Q. That's absolutely right. And so Lugar was a member of a JNA unit
13 at the time that he slaughtered those people in the warehouse, correct?

14 A. They were part of the Special Battalion and the Special Battalion
15 was under the command of the JNA.

16 Q. And so Lugar was a member of the JNA at the time that he
17 slaughtered those people in Crkvina, correct?

18 A. Well, if we say that they were members of the battalion, and the
19 JNA, then it follows, I assume, that he was.

20 Q. And under the command of Colonel Nikolic, correct?

21 A. At that time, the commander was Nikolic.

22 Q. And it was known in the ranks of the Special Battalion that Lugar
23 had carried out this act? It was a matter notoriously well known, wasn't
24 it? Amongst yourselves and throughout the community in Bosanski Samac and
25 the municipality.

1 A. We heard about that two or three days later because we were
2 stationed in Obudovac and it was only two or three days later what we
3 heard about what had happened at Crkvina.

4 Q. And it was also a matter that was notoriously well known that
5 Lugar had acted together with other members of the Special Battalion in
6 carrying out that massacre?

7 A. According to my information, I only knew about Lugar. I didn't
8 know about the rest of them taking part.

9 Q. Did you -- you may not have known specific identities but you knew
10 didn't you that members, some members, of the Special Battalion had
11 participated in that act? I mean in addition to Lugar.

12 A. No, no, I was not aware of that. I only heard about him
13 specifically. I heard that after his best friend had been killed, he came
14 over there and he killed those people.

15 Q. Did your commanders in the Special Battalion do anything to
16 discipline him, so to speak?

17 A. Well, as far as I know, no, they didn't. Not those in the Special
18 Battalion.

19 Q. Did you have occasion to fight alongside him in actions later in
20 the year?

21 A. Yes.

22 Q. Did you have any misgivings about fighting alongside a mass
23 murderer?

24 A. No. We were not standing next to each other. This was in
25 Grebnice when the line broke down and he took one of his units to the left

1 and I turned off to the right, so we didn't have any difficulty with that.

2 Q. Okay. All right. We'll leave the topic of Lugar.

3 I'd like to show you, please, another document, and this will be
4 my last topic.

5 MR. DI FAZIO: Can the witness please be shown Exhibit P127?

6 Q. This is a long document, witness, and I'm not going to ask you
7 about every bit of it, you'll be glad to hear. But just to acquaint you
8 with it, if you look at the top lefthand corner of the first page you'll
9 see it's from the command of the 2nd Posavina Infantry Brigade dated
10 December, 1992. You see that? Could you just answer yes or no?

11 A. Yes, yes, I see that.

12 Q. Okay. And another feature that I direct your attention to is at
13 the end of the document. You see it's got 13 people who signed it, all of
14 them military men. Do you see that?

15 A. Yes, I see that.

16 Q. And so that I can assist you to the portions of the document that
17 I'm interested in, if you just look at the first page, you'll see that for
18 the document is divided into paragraphs, it starts off first and then has
19 some text, and second, do you see that? The word is actually written in.
20 And then third and so on and so forth, okay? So I'll be able to point you
21 to the bits I'm interested in. All right.

22 MR. DI FAZIO: Sorry, would Your Honours just bear with me for a
23 moment, please?

24 [Prosecution counsel confer]

25 MR. DI FAZIO:

1 Q. Yes, go to the second paragraph, please. Second paragraph, about
2 halfway through the document. There, the authors of the document are
3 talking about the Serbian commandos, the specials who arrived in
4 Bosanski Samac, and it says that they played an indisputably positive role
5 in the liberation of Samac. From what you know, living in the area and
6 having -- and being in the armed forces, do you agree with that
7 assessment? They did play an indisputably positive role in the liberation
8 of Samac?

9 A. As concerns your assertion, I really can't quite agree.

10 Q. All right.

11 A. But I know that they fought alongside me on certain missions and
12 they were exceptionally good and brave fighters. Several of them were
13 either wounded or killed.

14 Q. Okay. Towards the end of the second paragraph, the authors talk
15 about the negative role of this group, the Special Battalion. Evident,
16 and that it was -- and that negative role was evident in looting, banditry
17 and all types of crimes. Now, did you see any looting, banditry and all
18 types of crimes being committed by members of your Special Battalion?

19 A. Individually, yes, but there was nothing organised like that going
20 on. Even some of my fighters did bits of that.

21 Q. Okay. Turn over the page and go to the fifth paragraph.

22 MR. DI FAZIO: Sorry, before I take you to the fifth paragraph,
23 how did you and the command of the Special Battalion respond to what
24 you've described as the -- to the episodes of looting and banditry that
25 you saw?

1 A. Banditry, no, I didn't see any banditry, and small-scale looting
2 would be reported to the commander, but that was on a very small scale,
3 insignificant items like cigarettes, socks, tennis shoes. As for the
4 rest, I was really not aware of anything else.

5 Q. So you know for sure, you can tell this Trial Chamber for sure
6 that these occasional acts of looting were reported properly to the
7 command of the Special Battalion, these reports were duly acted upon and
8 the matter dealt with? Correct?

9 A. I really don't know about the rest but I know that when that
10 occurred, I filed a report, and some of the stolen goods were seized,
11 cigarettes, socks, small things like that, and we sent these things back
12 to the civilian staff building at Obudovac. I think there are documents
13 testifying to this effect.

14 Q. I see. And tell me, is there any particular reason why you didn't
15 report the slaughter of 15 or 16 people in Crkvina in the way that you
16 reported these minor acts of looting?

17 A. I see no reason for me to go and report that. I did tell you
18 already that I only heard about this two or three days later.

19 Q. Okay. Let's go to the fifth paragraph, then, the one that I just
20 directed your attention to. Just have a read, please, of the first half,
21 the first half, of the fifth paragraph, up until you get to the point
22 where it talks about massive arrests and isolation of Croats and Muslims.
23 Have you had a chance to read the -- that part of the fifth paragraph?

24 A. Well, I've read through it but I know nothing about what it says
25 so I can't comment on that.

1 Q. I see. So it goes a bit further than your description of isolated
2 acts or occasional acts, because it describes unheard-of looting
3 being -- and property being systematically transferred to Serbia.
4 You -- you're not aware of any such activity being based upon -- being
5 conducted by your fellow members of the Special Battalion?

6 A. I was really not aware of anything like that.

7 Q. In your statement, you describe how you -- you fought at various
8 locations around the Republika Srpska and how the front line was fluid and
9 that Croatian forces would occasionally make breaks, penetrate the lines,
10 and so you were called from location to location. You recall that in your
11 statement?

12 A. Yes.

13 Q. Did you ever see, as part of the Special Battalion, any action in
14 Orasje, later in 1992, around, I think around October?

15 A. Not in Orasje.

16 Q. Did you ever engage in military action with the Special Battalion
17 or elements of the Special Battalion close to Orasje, in the latter part
18 of 1992?

19 A. The whole line stretching between Samac and Brcko was the line
20 between Orasje and Serb-populated villages. As I mentioned in my
21 statement, the lines towards them or towards us were being moved there on
22 several occasions. So we used stop-gap measures to stop the lines up, the
23 lines that had been broken up. This happened in Grebnica, in Vucilovac,
24 all the villages that we had held but there was the line, the separation
25 line between the villages.

1 Q. All right. Thanks. Can I ask you, please, to look at the 9th
2 paragraph?

3 MR. PANTELIC: I do apologise to my learned friend for the sake of
4 clarity this witness mentioned several villages which we don't have in
5 transcript so I would kindly ask if witness can repeat the names of these
6 villages slowly for the interpreter so that we could have a clear
7 transcript. Thank you.

8 MR. DI FAZIO: Okay.

9 Q. I think you heard Mr. Pantelic. Could you just repeat again the
10 names of the villages?

11 A. Grebnice. Lebnica. Vucilovac.

12 Q. Is that it?

13 A. Yes, yes, that's it.

14 Q. Okay. Thanks. Now, would you please go to paragraph 9? In the
15 English version it's around page 4 but I think you'll find it fairly
16 easily, the 9th paragraph. Okay. Now, I just want to you look at the
17 second half of that paragraph. You see that it describes the civilian
18 authorities instructed by the Presidency and some government members
19 deciding to engage volunteers from Serbia initially under the control of
20 Debeli and later Crni. Do you see that bit?

21 A. Yes, I see.

22 Q. Good. It refers to a fee for fighting the war, allegedly set at
23 50.000 deutschmarks per man, providing Orasje was conquered and in
24 addition, ample war booty. Were you aware of any such deal?

25 A. It's the first time I hear about this now.

1 Q. Thanks. Go to the signatories of the document, please. Do you
2 know Lieutenant Colonel Mile Beronja?

3 A. Yes.

4 Q. Is he a competent military officer in your estimation?

5 A. It's not up to me to decide whether he is competent or not.

6 Q. Well, we are not talking about -- you're not back in 1992. It's
7 here, so feel safe. I'm asking you, in your estimation, was he a
8 competent brigade commander?

9 A. Yes.

10 Q. And you know Simo Zaric, don't you, Lieutenant Simo Zaric,
11 assistant commander for --

12 A. Yes.

13 Q. Incidentally, do you know him personally?

14 A. Yes.

15 Q. And you would know therefore of his long experience in security
16 matters? You know that he was in the --

17 A. Yes.

18 Q. In the intelligence and security services of the former
19 Yugoslavia? You know that, don't you?

20 A. Yes, I do.

21 Q. And you know that he was in his former career also a Chief of
22 Police in Bosanski Samac? You know that, don't you?

23 A. Yes, I do know that as well.

24 Q. And he is an astute and competent man, isn't he, competent in
25 carrying out his duties? 1 A. Yes.

2 Q. He's the sort of man who is not likely to get his intelligence
3 wrong, is he?

4 A. I suppose not, but I don't know what else to tell you.

5 Q. And just one last question: The Milan Maksimovic, chief of
6 intelligence and security organ, do you know him?

7 A. Yes. He was my superior.

8 Q. All right. He was a competent operator, a competent soldier,
9 reasonably good at his job as chief of intelligence and security organ?

10 A. Yes.

11 MR. DI FAZIO: Thank you very much. No further questions.

12 JUDGE MUMBA: Re-examination?

13 MR. PANTELIC: Yes, Your Honour, thank you.

14 Re-examined by Mr. Pantelic:

15 Q. [Interpretation] Mr. Jovanovic, the Prosecutor just asked you a
16 few moments ago a question regarding these 13 signatures. In your
17 statement you've stated that you were arrested on behalf of the eastern
18 Bosnian corps. Do you remember this?

19 A. Yes, I do.

20 Q. That was an incident involving some scouts from the Krajina Corps?

21 A. Yes.

22 Q. Tell me, what do you know about this information? When we talk
23 about that period of time, I suppose that this is when you got arrested as
24 well? It was at the end of that year, 1992?

25 MR. DI FAZIO: If Your Honours please, this is a totally knew

1 topic, totally new. I didn't go near that topic.

2 MR. PANTELIC: It's related to P127, Your Honour, with all due
3 respect. This topic is related to P127. So I'm going to explore this
4 issue with this witness.

5 JUDGE MUMBA: In what way is it related?

6 MR. PANTELIC: I'm just going to ask this. You will see.

7 JUDGE MUMBA: Because the Prosecution didn't raise that in their
8 cross-examination.

9 MR. PANTELIC: Yes, Your Honour, the Prosecution is not aware of
10 many facts. The Defence is aware of the Defence case so it will help and
11 support Defence case. The Prosecution has its case. We have our case so
12 it's related, Your Honour.

13 JUDGE MUMBA: Yes, but there are rules to be complied with
14 adducing evidence from witnesses so you have to comply with that. This is
15 re-examination.

16 MR. PANTELIC: Yes, Your Honour but we have to interpret these
17 rules in broader manner, of course. I will ask the question.

18 Q. [Interpretation] Tell me, please, if I recall correctly, this
19 happened at the end of 1992; is that correct?

20 A. Yes.

21 Q. What do you know personally of the motives of the author of this
22 information within the 2nd Posavina Brigade? Please explain the Trial
23 Chamber what was the relationship between the civilian and the military
24 authorities, and tell us, if you know?

25 A. I see this information for the first time in my life now. With

1 regards to the officers that signed, I know them personally, all of them.
2 When we talk about the civilian authorities and the military authorities,
3 at the time, I really couldn't tell you about them. I don't know anything
4 about it.

5 Q. Very well. Do you know if there was an attempt to convene, to
6 reconvene a special session of the assembly at the time?

7 A. I only heard about it later on, a few days later, I heard that
8 there had been an attempt to reconvene an assembly but I don't know who
9 was attempting to do so and when either.

10 Q. Do you know by chance if later on the brigade reacted to this
11 information and how, how did the command of the brigade react to this
12 information later on?

13 MR. DI FAZIO: If Your Honours please I renew my objection. I
14 thought we might see how it was going to be related, how the -- this
15 re-examination was going to clarify something that I raised. I raised one
16 confined aspect of P127, one very confined aspect and that is the issue of
17 looting by the Special Battalion. I raised no other issue in respect of
18 that document. If Mr. Pantelic think that is simply because I referred to
19 P127 that opens up the field in respect of any questions on any aspect of
20 P127, then he is mistaken. It's that aspect that I raised and only that
21 aspect that is permitted to be clarified in re-examination, namely
22 looting. And in my submission, he is now going well beyond that
23 particular topic. Simply because I referred to a document doesn't mean
24 that you have open slather on that document. Re-examination means
25 clarification of a topic that the cross-examiner left obscure.

1 MR. PANTELIC: Your Honour, I simply ask this witness what is his
2 personal knowledge of the events after this particular information, and he
3 said, when I asked him, do you have personal knowledge, he said yes, it is
4 not in the transcript but he said yes. So I just want to have a brief
5 answer from this witness what is his personal knowledge of the events
6 surrounding this information in December 1992.

7 [Trial Chamber confers]

8 JUDGE MUMBA: Yes, Mr. Pantelic, the Trial Chamber is of the view
9 that you restrict your re-examination to what was raised by the
10 Prosecution in cross-examination and also, when you are asking questions,
11 you better be specific. If you talk about information, you better specify
12 what information you are asking about.

13 MR. PANTELIC: Yes, certainly, Your Honour, thank you.

14 Q. [Interpretation] The information that is before you, bearing
15 number P127, you have commented some bits and pieces of that information
16 with the Prosecutor. What I would like to know, in the month of December,
17 1992, what did you know concerning the fate of that information and the
18 reaction of the command of the 2nd Posavina Brigade with regard to that
19 information and please tell us if you know?

20 MR. PISAREVIC: [Interpretation] Your Honour, this is an objection
21 for the simple reason is that this information was adopted by the command
22 of the 2nd Posavina Brigade so I do not understand the question. After
23 the first of December, what was the reaction of the command of the
24 brigade? Whereas it is the command of the brigade which adopted this
25 information..

1 MR. PANTELIC: Maybe we could have the answer of the witness,
2 Your Honour.

3 JUDGE MUMBA: No. We can't allow that question as stated before.
4 You are going outside the cross-examination, Mr. Pantelic. And you're
5 wasting time.

6 MR. PANTELIC:

7 Q. [Interpretation] Mr. Jovanovic, how many soldiers were -- you've
8 given an answer to a question asked by the Prosecutor. You've told us
9 that those were young men from Pelagicevo and Samac. How many members
10 were there? How many soldiers?

11 A. Altogether, from 80 to 100 and then it grew up to 200 and 300 men
12 but to be very precise, I can tell you that through this intervention unit
13 or whichever way we call it here, lots of men have gone through this
14 Special Battalion because lots of men have lost their life and also lots
15 of people were wounded.

16 Q. How many Serb volunteers was there, in terms of members of that
17 battalion?

18 A. Approximately 15.

19 Q. Was there a Dutch man as well?

20 A. Yes, there was one, yes, there was a Dutch man.

21 Q. Did he die?

22 A. Yes.

23 Q. Is there some kind of a monument erected in his name in your neck
24 of the woods?

25 A. I really don't know.

1 JUDGE MUMBA: [Previous translation continues] ... All this.

2 MR. PANTELIC: To show --

3 JUDGE MUMBA: You're abusing the time allowed.

4 MR. PANTELIC: To explain.

5 JUDGE MUMBA: You better sit down.

6 MR. PANTELIC: Just a last question, Your Honour.

7 Q. [Interpretation] Please, tell me the following, when the
8 Prosecutor asked you about this death in Crkvina, this person that got
9 killed, please tell us, in what area of responsibility is Crkvina? It
10 belongs to which detachment?

11 A. It was in the area of the 2nd Detachment.

12 MR. PANTELIC: Thank you. I have no further re-examination.

13 JUDGE MUMBA: Thank you very much, Mr. Jovanovic. We are finished
14 with your evidence. You may leave the courtroom.

15 [The witness withdrew]

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-69-T

THE PROSECUTOR
V.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ

ANNEX B

CHART OF EXHIBITS RELATED TO TRANSCRIPT OF WITNESS TESTIMONY BY SIMO JOVANOVIĆ (DST57) IN THE SIMIĆ CASE, 2 MAY, 2003, PAGES 18963-19016

JOVANOVIĆ, Simo , DST-57 of 92 bis Exhibits , Case No. IT-03-69-T			
Exhibit Number	65 ter Number	Title (ENG)	Main Date
P10		Excerpts from the Minutes of the founding session fo the Serb Autonomous District Nothern Bosnia Assembly, 4/11/1991 in Doboj.	14-Nov-91
D173/1		Witness statement of Jovanovic, Simo in BCS only	
P74		Order to all Crisis Staffs of Local Communes	6-May-92
P127		Report on certain Developments undermining morale among the solider and increasing the complexity of the security and political situation in the 2nd Posavina Infantry Brigade and Samac Municipality	1-Dec-92
D176/1		Witness statement of Marusic, Branislav in BCS only	
D163/1		Witness statement of Simic, Cedomir in BCS only	

THE INTERNATIONAL CRIMINAL TRIBUNAL
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THE PROSECUTOR
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FRANKO SIMATOVIĆ

ANNEX C

TRANSCRIPT OF WITNESS DEPOSITION BY MILOŠ SAVIĆ (DST68) IN THE SIMIĆ CASE, 7
FEBRUARY 2003, PAGES 373-401

1 Q. Do you know whether there was an order on imprisoning non-Serbs,
2 on torturing them?

3 A. No, I don't know about that. I believe that there was no such
4 decision; however, I was only concerned with doing my work.

5 MR. VUKOVIC: [Interpretation] Thank you. I have no further
6 questions.

7 PRESIDING OFFICER: Thank you, Mr. Cordasevic, for coming here
8 today to give your deposition. It's concluded now and you can go. Thank
9 you.

10 Ten minutes' break.

11 [The witness withdrew]

12 --- Break taken at 11.12 a.m.

13 --- On resuming at 11.32 a.m.

14 [The witness entered]

15 WITNESS: MILOS SAVIC

16 [Witness answered through interpreter]

17 PRESIDING OFFICER: Good morning, Mr. Savic. Could you please
18 stand and read the solemn declaration in front of you.

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

21 PRESIDING OFFICER: You may sit down.

22 Mr. Pantelic.

23 MR. PANTELIC: Yes. Thank you.

24 Examined by Mr. Pantelic:

25 Q. [Interpretation] Good morning. For the record, please tell us

1 your first and last name.

2 A. My name is Milos Savic.

3 Q. Do you have a nickname?

4 A. Yes, I do. Mrki.

5 Q. Mr. Savic, you will be explaining that later on, but since you are
6 a very seriously war-disabled person, to the extent of 90 per cent
7 disabled, should, at any point in time during your testimony, should you
8 not feel well or need a break, please feel free to ask for one. We won't
9 hurry. We'll adjust to your physical abilities. So please feel quite at
10 ease, and if at any point in time you feel you're unwell, please let us
11 know, and Madam Presiding Officer will take care of it.

12 When were you born, Mr. Savic?

13 A. I was born on the 9th of January, 1957.

14 Q. And where were you born?

15 A. In the village of Gajevi.

16 Q. That is Samac municipality?

17 A. Yes, it is.

18 Q. Are you married?

19 A. Yes, I am.

20 Q. Where are you residing now?

21 A. In Bajevo [phoen].

22 Q. Could you repeat the name, please.

23 A. In Gajevi. I'm currently living in Gajevi.

24 Q. Your current occupation is a farmer, is it not?

25 A. Yes. I'm working on my own land. I'm tilling my own land.

1 Q. But you have a secondary-school degree and you are a mechanic by
2 occupation?

3 A. Yes.

4 Q. You did your national military service when?

5 A. In 1976, 1977.

6 Q. And what branch of the army did you serve in?

7 A. In a motorised unit. I was a driver.

8 Q. Up until 1990, you were not politically active?

9 A. No, I was not.

10 Q. And in 1990, you became a member of which party?

11 A. Of the SDS.

12 Q. Are you still a member of the SDS?

13 A. Yes, I am.

14 Q. Will you please explain whether, at the end of 1991, you received
15 a call-up paper, that is, whether you were mobilised to units of the JNA?

16 A. At the end of October/beginning of November 1991, I was called up
17 by the Territorial Defence of Samac and I was mobilised to a company in
18 the village, in the village I lived in.

19 Q. Your village unit belonged to which larger unit?

20 A. It was part of the 1st Detachment of the Tactical Group 17,
21 Pelagicevo, under the command of the JNA.

22 Q. Tell me, Mr. Savic: What was your duty in the 1st Detachment when
23 you were mobilised?

24 A. I was a courier in my company.

25 Q. Describe for us briefly what your military engagement in that

1 period meant, what kind of military duties you had during the day, whether
2 you were accommodated in a barracks or in a camp, or anything like that.

3 A. In those days, I stayed on in my own house. During the day, the
4 commanders would call if there was any need to distribute call-up papers,
5 to tell people to come to a meeting, to be familiarised with weapons, and
6 things like that.

7 Q. Tell me, Mr. Savic: The other members of the 1st Detachment from
8 your village had also been mobilised, like you?

9 A. Yes. The whole village had been mobilised. Everyone had received
10 call-up papers, and more or less everyone had responded to them.

11 Q. But your village and the environs, how would you describe it
12 ethnically? Was it a mixed community or a Serb-dominated community?

13 A. My village is a Serb village. There were only some five or six
14 Muslim households in it.

15 Q. Within the 1st Detachment, of which you were a member, were there
16 members of other nationalities in addition to Serbs?

17 A. Yes, there were.

18 Q. What nationalities were they?

19 A. Muslims, and I think there were some Croats as well. I know those
20 people from the street, but it's difficult to tell all of them.

21 Q. So you were mostly at home, and if need be, you performed these
22 military duties as a kind of reserve force?

23 A. Yes, precisely so. All I did was what I did at home. I farmed
24 the land, I looked after the livestock, and I did this courier work when
25 necessary, and in the evening I worked in a restaurant called Zvijezda, as

1 a waiter.

2 Q. Could you briefly explain for us the atmosphere in the territory
3 of Samac municipality, and of course in your village itself and around it,
4 regarding interethnic relations in the period from January 1992 to April
5 1992. What are your personal impressions and memories of that period?

6 A. As far as I can remember, the situation was rather tense there was
7 a lot of coming and going through the villages, there were barricades in
8 some villages that we didn't go into much, but we had reliable information
9 about them. We were -- this psychosis had spread from Croatia, so that
10 over here where we were, we expected something like that to happen too.

11 Q. If I'm not mistaken, when we discussed your testimony in these
12 proceedings, you mentioned that towards the end of March 1992 you went to
13 attend a course, some kind of military training in handling certain
14 weapons and so on.

15 A. Yes.

16 Q. Tell us a little about that, how it came about that you went to
17 this course, upon whose orders, where it was held, and how long it lasted,
18 and what you were taught. You tell us in your own words, and if
19 necessary, I will put some additional questions to you.

20 A. Towards the end of March, a report arrived to my company, from the
21 battalion, that our company - that is, four younger men, who were ready
22 and willing to learn about weapons - should go, and the deputy company
23 commander -- actually, in the company, they agreed, pursuant to the orders
24 of the 1st Battalion of the 17th Tactical Group, who the four men would
25 be, and the company commander read out those four names. I was among

1 them. Savic Milos, Lukic Petar, Lukic Cedo [phoen], and Duzic Zeljko
2 [phoen]. And from the village of Gajevo, we went in a private vehicle to
3 Batkusa, and then, with the others, we moved on. There were about 15 to
4 18 of us. We didn't know exactly where we were going, but knowing the
5 surroundings, I realised we were close to Ilok. We were travelling in
6 civilian clothes, without weapons, because around Orasje and Brcko there
7 were barricades, searches of passengers, and to facilitate our trip, we
8 travelled as civilians.

9 We got to somewhere close to Ilok, to a camp there. We found a
10 group of inspectors there, people we hadn't known. They were wearing
11 camouflage uniforms and they addressed us officially. They never
12 mentioned any names, only nicknames, and I don't even remember those
13 nicknames now. They called each other by nickname. And when we arrived
14 there, they told us that the training would be quite strenuous, a lot of
15 physical, hard work, physical fitness training, that we would be some sort
16 of an intervention unit. We didn't really know what that meant.

17 We stayed there 12 to 15 days, then we returned home. We had
18 learnt as much as we could regarding the handling of those rifles,
19 hand-held rocket launchers, grenades, and suchlike.

20 Q. Very well. If I am right, you must have returned to your unit,
21 that is, the 1st Detachment, if my calculations are right, around perhaps
22 the 13th or 14th of April, something like that.

23 A. I'm not quite sure. I think it was around the 12th. I never took
24 note of those dates anywhere, but it was thereabouts.

25 Q. When you returned, what kind of military assignment did you have?

1 A. Of course, when we returned, we went back to our detachment and we
2 tried to pass on some of the knowledge we had been taught by our
3 instructors to our friends and comrades in the village. That was our job.

4 Q. Tell me, Mr. Savic, whether you are aware of the arrival of a
5 group from Serbia, around about that time, in the territory of Samac.
6 What do you know about that?

7 A. I didn't have any direct knowledge. I heard from others that a
8 group of some 30 guys had arrived. We didn't know who they were or what
9 they were, but we heard that they had arrived.

10 Q. What do you know about them? Were they independent in their
11 activities or did they come under the control of a unit or a command?

12 A. They were independent of us, but they were under the command of
13 the 17th Tactical Group.

14 Q. Tell me, Mr. Savic: In your unit, and on the basis of your
15 personal knowledge at that time, was there an information about the
16 military situation in the Samac area? Because, after all, you were a
17 military man at the time. You ... END OF RECORDING ... at that time you
18 were a soldier?

19 A. As far as I can remember, the situation was rather tense. There
20 was some information, either through intelligence people or informers. We
21 were told that an action was being prepared on the other side of the Sava
22 River from Prud, which was inhabited mostly by Croats. And during our
23 training period, there had been barricades, and it had not been possible
24 to enter or leave Samac. And as far as I was informed, apparently this
25 had been done, these barricades had been erected by the Muslims.

1 Q. Will you please describe to us now, to the best of your
2 recollection: What did you, as a soldier, as a member of the 1st
3 Detachment, do, or rather, what were your assignments and duties in the
4 night between the 16th and 17th of April, 1992? Slowly and clearly, from
5 beginning to end.

6 A. On the 16th of April, I was in the village, in my own village, at
7 home, when a courier arrived from Batkusa, where the command of the 1st
8 Detachment was. He came to tell me that we should go to Batkusa
9 immediately. It was late afternoon/early evening. We went there. That
10 is where the command was. We spent an hour, two or three there, and then
11 we were told that we had to go to Samac, that is, a group of us who had
12 undergone training, that we should go to Samac to assist in protecting the
13 silos where food was stored, the wheat, the grain was stored.

14 Q. Who told you that, that you should go there?

15 A. The commander, and he received orders from his superiors.

16 Q. Now tell me: Around what time was this that you went to the silo
17 in Samac, to that position?

18 A. We went to that position at the silo just before midnight, I
19 think. I think it was before midnight. And when we arrived there, we
20 found men from the 4th Detachment who were already there. So we climbed
21 onto the silo, which is about 20 or 30 metres high, and we took our
22 positions there. And then our commander, Aco Jankovic, was in
23 communication, and we heard that their communications were operating.
24 Now, whether he intercepted that communication or not, I don't know. But
25 anyway, he told us that they were not allowing any civilian vehicles from

1 Babina Greda or Sikirevci to move towards the Samac bridge. And around
2 2.00 a.m., we were able to see a large line of headlights moving towards
3 the Samac bridge. These were not civilian vehicles; these were ATCs or
4 tanks. They made a lot of noise. Ordinary vehicles would not make such a
5 noise.

6 Q. And where was this coming from?

7 A. It was coming from the Croatian side. We couldn't see the
8 vehicles, but we could see their lights, because it was night-time, and we
9 were positioned high up.

10 Q. And around what time -- did an armed operation begin, and around
11 what time?

12 A. What happened was that they opened fire at us at the silo. Shells
13 hit the silo where I was, and in town there was a bit of shooting from
14 infantry weapons.

15 MR. WEINER: Madam Presiding Officer, this witness -- according to
16 the summary, Mr. Savic was born on January 9th, 1959 -- and you can remove
17 this time that I'm speaking from your time of direct examination. I have
18 no objection to that. He now lives in Samac. He was a member of the
19 reserve JNA unit in 1992. He attended the military course in the village
20 near Ilok, and afterwards he joined the special battalion in Samac. He
21 will testify on the following facts and events related to the defendant:

22 The defendant was not in charge of recruiting volunteers for
23 special training, and defendant never organised such activity. Half of
24 his -- more than half; three quarters of his testimony has been outside of
25 this summary. 1) We have not received any proper discovery or notice of

1 any of this man's testimony so far today; and 2) it's totally outside the
2 scope of the summary that was provided to us. I have allowed him to go on
3 a bit. I've given them some latitude. But now this is well beyond any
4 type of notice that we've been provided. This is another notice violation
5 and discovery violation on behalf of the defendant Blagoje Simic, and I
6 want the record to note that.

7 MR. PANTELIC: Yes. Maybe that's the position of the Prosecution,
8 but the interpretation of the Defence is very simple. We are speaking
9 about the personal involvement of this witness in the training outside of
10 territory of Samac, then his membership in a special battalion, and
11 inevitably, all events when he was a member of the special battalion,
12 including the night of 16th to 17th of April. So everything is linked and
13 connected to his personal involvement and his personal knowledge. And I
14 think that this objection from the Prosecution side is unfounded, and I
15 will proceed, and I will leave to Trial Chamber to finally decide about
16 the objections.

17 MR. WEINER: I understand that, and it would be very nice if you
18 gave us notice. You list one particular event that this person is going
19 to testify to. The rest of it, we've had no notice of.

20 MR. PANTELIC: In fact --

21 MR. WEINER: Here it is. Do you want to read it? Do you want to
22 read it for the record?

23 MR. PANTELIC: Yes, yes, but in fact it is not in dispute that
24 there was an armed conflict on the night of 16th or 17th of April.

25 MR. WEINER: It's not in dispute; however, there was a conflict --

1 MR. PANTELIC: That's a well-known fact in these proceedings.

2 MR. WEINER: However, if you want to discuss it, you have to list
3 it in your summary, to give proper notice for the other side.

4 MR. PANTELIC: That's a background of the events where this
5 witness was involved.

6 MR. WEINER: It's a summary of the facts, and we've had no notice
7 of these facts. That's for the record.

8 MR. PANTELIC: We don't have to put any kind of -- you have that
9 in your indictment, all these facts, so that's very simple. We are
10 speaking about the indictment.

11 PRESIDING OFFICER: You can proceed now.

12 MR. PANTELIC: Yes. And I kindly ask to have additional five
13 minutes because of this --

14 PRESIDING OFFICER: It's not five minutes --

15 MR. PANTELIC: Give me three -- give me three --

16 PRESIDING OFFICER: Three.

17 MR. PANTELIC: Okay.

18 PRESIDING OFFICER: Three. Three. It's three minutes, actually.

19 MR. PANTELIC: I ask more to get what --

20 PRESIDING OFFICER: Yeah, yeah, sure. It's three minutes.

21 MR. PANTELIC: Okay.

22 Q. [Interpretation] So, Mr. Savic, please describe, in brief: When
23 you were on top of the silo, what -- how did this military operation go?
24 What happened? Did anyone shoot at the silo, or what?

25 A. A shell was fired from the Croatian side at the silo and hit the

1 silo, on which I was. And also in town we could hear some skirmishes,
2 some shooting. Whether these were smaller groups or not, we couldn't
3 tell, because it was night and we couldn't see, in fact, and we had no
4 reports coming from town at all.

5 Q. All right. Let me ask you this, because in some of the notes
6 which I jotted down when we talked, when I talked to you, perhaps you
7 recollected some things wrong. You said that when your detachment came
8 and was assigned to the silo, that you met members of the 4th Detachment.
9 Do you still stick to this, or was it perhaps something else?

10 A. I think they were members of the 4th Detachment.

11 MR. WEINER: Are you impeaching your own witness, Counsel?

12 MR. PANTELIC: No, no, no. I'm just -- there was a problem with
13 the interpretation. I mean, not from interpreters' booth; it's a problem
14 with his explanation of that. So I just tried to clarify that. Because
15 he mentioned 1st Detachment and then the other one.

16 Q. [Interpretation] Okay, Mr. Savic. What happened at dawn on April
17 17th?

18 A. At dawn on the 17th of April, there were JNA units in town who
19 were, in fact, our lads who had been mobilised, who had been called up.
20 They moved around town disarming these smaller groups and manning all the
21 vital facilities in town, and this was the information that was available
22 to us up there on the silo.

23 Q. And where was your group at dawn on the 17th of April?

24 A. Our group remained on the silo.

25 Q. So you spent the whole day on the 17th of April on the silo?

1 A. Yes, we were there all day on the silo. All the reports or the
2 information that we received, what we could hear, was -- what I could hear
3 when I went to the artesian well to fetch water in town, when I heard that
4 they were handing over their weapons there, that people were bringing
5 their weapons and surrendering them over at the police station. This I
6 heard from people I know, from people I knew.

7 Q. Another question regarding this group which went for training:
8 Were members of this group elected on the basis of party affiliation or
9 was this strictly a matter of military categorisation or military
10 principle?

11 A. This group which went there for training was there on a purely
12 military principle basis.

13 Q. And what happened afterwards? Where were you wounded?

14 A. I was wounded on the 25th of May, 1992. We spent some time
15 there upon the silo, and we spent the time until I was wounded, or rather,
16 we were there three or four days; and from there, we went to a part of
17 Grebnice. Our unit was standing by there in order to intervene in case of
18 any casualties which needed to be pulled out, the dead, wounded needed to
19 be pulled out, so that we were there in the Grebnice and Novo Selo, Samac
20 area, and Obudovac and that area, generally, with that task.

21 So we stayed there for two to three days and were transferred to
22 the centre of Obudovac from there. There, an intervention unit was
23 established consisting of young men, mostly lads from the unit in which I
24 had been trained. We were there, and the military police. Also was there
25 from these companies, i.e. battalions.

1 Q. Tell me: Did Dr. Blagoje Simic play any role whatsoever in
2 sending you personally to that training?

3 MR. WEINER: Objection. This is direct examination. This is not
4 cross-examination. You can't ask leading questions like that.

5 MR. PANTELIC: Okay.

6 Q. Tell me, Mr. Savic: What is your personal knowledge as regards
7 Blagoje Simic, in connection with the training that you underwent? What
8 do you know about that?

9 A. My personal knowledge -- to my personal knowledge, Blagoje Simic
10 and the SDS had nothing to do with the sending of these lads to that
11 particular training course.

12 Q. Did you talk to the other young men who underwent this training?
13 Did you ask them about the phases on which they had been sent there?

14 A. Well, I did not -- I hadn't known all these guys before we arrived
15 at this camp. There, of course, we met, because we worked together, we
16 were accommodated together. And as we had not much contact with the
17 instructor other than during the training, we talked among each other. So
18 they told me that they had been summoned for training within the framework
19 of a call-up. You couldn't very well refuse a military summons at that
20 time.

21 Q. Did any one of these people who were with you mention Blagoje
22 Simic?

23 A. No, no one made any reference to Blagoje Simic, or mentioned
24 anyone else, for that matter.

25 Q. And in the end, Mr. Savic, please tell us, because you yourself

1 were severely wounded and spent a long period in hospital with treatment
2 and recovery: How many of your friends got wounded or killed during these
3 military operations at the Samac front line? Do you have an approximate
4 number?

5 A. Are you referring to the period which I spent there, until the
6 25th of May?

7 Q. No. Generally, if you know.

8 A. I know that it is a large number, but I don't know what number it
9 is.

10 Q. And until the time of your wounding, do you know how many people
11 had been wounded or killed?

12 A. I don't know. I know that we went there to pull out the dead and
13 the wounded, but as to the exact number, I don't know. I can't tell you
14 that.

15 Q. That is quite okay. Thank you.

16 PRESIDING OFFICER: Cross-examination.

17 Cross-examined by Mr. Weiner:

18 Q. Good afternoon, Mr. Savic. My name is Phillip Weiner. I'm with
19 the Office of the Prosecutor, and I'm going to ask you some questions over
20 the next 25 minutes. Okay? Do you understand that? Okay.

21 Sir, let's talk about the selection process of the soldiers, like
22 yourself, for training. You were not in charge of that training, first;
23 isn't that correct?

24 A. I have not understood the question. I'm sorry.

25 Q. You were not in charge of the training in Ilok?

1 A. No, I wasn't.

2 Q. You were not involved in selecting any of the persons to be
3 trained?

4 A. No, I wasn't.

5 Q. You were not involved in making recommendations of the persons to
6 be trained?

7 A. No, no, I was not involved in that.

8 Q. Basically, you had no responsibilities in the decision-making
9 process as to those persons who would be trained? You were just a
10 trainee. You had no decision-making -- you weren't involved in the
11 decision-making process of who would be sent to training. Correct?

12 A. Yes. I had nothing to do with that. I went there with these
13 other lads on orders.

14 Q. Okay. Now, you indicated you were a member of the SDS. Did you
15 know the defendant Blagoje Simic?

16 A. I did not know Blagoje Simic before.

17 Q. But you knew he was a leader in the SDS, local SDS leader?

18 A. I had heard this from people, because people said that he was the
19 elected president.

20 Q. Now, having not known him at the time, you weren't present with
21 Dr. Simic in any meetings that he was involved in?

22 A. I was not at a single meeting, because I was not politically
23 affiliated. I was just a plain party member.

24 Q. You weren't present with Dr. Simic in any meetings where there
25 were discussions about potential trainees; correct?

1 A. I did not attend a single meeting.

2 Q. You weren't present with Dr. Simic during any conversations that
3 he had with others, be it political leaders or military, concerning the
4 training programme or the selection of trainees; you weren't present for
5 any of those types of meetings or conversations?

6 A. I told you that I was not politically active. I was just in my
7 unit.

8 Q. My question is, if you listen to my question carefully: You
9 weren't present when Dr. Simic had any conversations with anyone else,
10 whether it's military personnel or political leaders, concerning that
11 training or the selection of trainees; you weren't present for any of
12 those conversations. Isn't that correct? Correct?

13 MR. PANTELIC: Objection. This is --

14 A. I wasn't --

15 MR. PANTELIC: -- misleading question, and this witness is trying
16 to be confused, because certain assumptions that Blagoje Simic was at
17 certain meetings with certain people in order to make this kind of
18 mobilisation is absolutely unfounded. So maybe you could rephrase your
19 question in order not to mislead this witness. Thank you.

20 MR. WEINER: There's no misleading of the witness.

21 Q. The question is: Were you present for any conversations Blagoje
22 Simic had relating to the training or trainees -- or the selection of
23 trainees? Yes or no.

24 A. No.

25 Q. And obviously, you were never present for any telephone calls

1 Blagoje Simic made relating to the training or trainees.

2 MR. PANTELIC: Objection. Calling for speculation.

3 MR. WEINER: Whether he was present or not is not speculation.

4 Q. The question is: Were you present --

5 MR. PANTELIC: The speculation is whether Mr. Blagoje Simic was
6 speaking about that or calling someone with that regard. That's
7 speculation.

8 MR. WEINER:

9 Q. Were you present, sir, for any telephone calls which Blagoje Simic
10 made relating to the training or the selection of trainees? Were you
11 present while he made any telephone calls in relation to that subject?

12 A. No, I wasn't present, because I had no opportunity to be near him
13 at all, and I don't think that he had anything to do with the assignment
14 of that group for training.

15 Q. Sir, were you present during conversations between Blagoje Simic
16 and SDS officials? Yes or no.

17 MR. PANTELIC: Objection. On which occasion? Which period?
18 With -- who was present there? What -- it's absolutely irrelevant
19 question. You have to be more specific. What is the personal knowledge
20 of this witness of such-and-such meeting where these people were present,
21 at which time, et cetera. Otherwise, it's absolutely irrelevant

22 MR. WEINER:

23 Q. Sir, were you present, prior to the notice of training, for any
24 meetings between -- or meetings or conversations between Dr. Blagoje Simic
25 and SDS officials?

1 A. I was not present at any consultation meeting, at any meeting of
2 any kind, because I was in my village. I didn't even know Blagoje Simic.
3 I only met him after I had been wounded and after I returned from hospital
4 and the recovery at hospital. The only thing which I had heard was that I
5 had heard that this man was the president of the SDA [sic]. I didn't know
6 him at all. We live several -- or were some several kilometres away. He
7 did his job at a school and I was doing mine. I had no occasion to meet
8 him.

9 Q. You said in your testimony a second ago - and I think it's a
10 mistake, and I just want to clarify the record - you said president of the
11 SDA. Do you mean president of the SDS?

12 A. My mistake. Sorry. SDS. SDS.

13 Q. Thank you. Finally, one last question on this same subject. You
14 were never present for any conversation or meeting between Dr. Blagoje
15 Simic and any military officials? And once again, this is prior to your
16 receiving notice. You weren't present for any of that; correct? You were
17 not; correct?

18 A. No, I wasn't present.

19 Q. Now, you went for training in Ilok? Am I pronouncing that right:
20 Ilok? And where is that located? Is that in Serbia?

21 A. In Croatia. It's more or less at the border.

22 Q. And who conducted this training?

23 A. The training was conducted by some instructors, by men, members of
24 special units, in camouflage uniforms, men whom we didn't know, and we
25 couldn't learn what unit was actually involved.

1 Q. Now, sir, let's continue on units. You indicated you were a
2 member of the 1st Detachment. You were aware that there were four
3 detachments until the area; correct?

4 A. Yes.

5 Q. These four detachments were part of the 17th Tactical Group?

6 A. Yes.

7 Q. Stevan Nikolic was the commander of that group?

8 A. Yes, he was.

9 Q. And there were other units in that group, including a tank or APC
10 unit from Brcko, a small tank or APC unit, and various other units in that
11 group; correct? If you know.

12 A. I don't remember.

13 Q. Now, you heard that there were volunteers from Serbia which came
14 and was added to that 17th Tactical Group, the volunteers from Serbia
15 came, about April 11th or so?

16 A. Yes.

17 Q. And were you aware that they arrived in Batkusa?

18 A. I heard in the village that they had arrived, some sort of a group
19 of about 30-odd people.

20 Q. And were you aware that they had arrived by JNA helicopters?

21 A. I didn't -- I wasn't aware, but I heard.

22 Q. And had you also heard that they were met by JNA personnel and
23 that Colonel Nikolic saw to it that they were given housing, food,
24 transportation? Were you aware of that or did you hear that?

25 A. No.

1 Q. But you didn't know where they were staying or who was providing
2 for their food or housing or any of that?

3 A. No, I didn't know. We didn't know.

4 Q. And when you talk about these Serb volunteers, you're talking
5 about the ones Crni, Debeli, Lugar, that group of Serb volunteers?

6 A. I don't know. I know that this is the group that I later heard
7 among whom were men with these nicknames that you are now mentioning, but
8 whose volunteers these were, I don't know. I know that they were there
9 and that they were under the command of the 17th Tactical Group.

10 Q. And they were brought in to assist the 17th Tactical Group?

11 A. I don't know that.

12 Q. Well, they didn't come in to fight the 17th Tactical Group; they
13 came in to be part of the 17th Tactical Group.

14 A. Well, that is probably so, but I had nothing to do with it. I was
15 not there in the command. This was not information that I was privy to.

16 Q. Okay. Now, the 17th Tactical Group was involved, as you
17 testified, in war operations or military operations early morning hours
18 April 16th, April 17th, April 18th and 19th, is that correct, including
19 the detachments, these special groups, involved in military operations
20 during those days; correct?

21 A. The 17th Tactical Group was the command, and they did the
22 commanding. It was at their orders that I went to the silo.

23 Q. And your small group wasn't the only group that was out there;
24 there were other groups that apparently had been ordered out, because you
25 saw 4th Detachment people. There were other groups of people from the

1 17th Command [sic] also out there during the 16th, 17th, and 18th and
2 19th?

3 A. Yes.

4 Q. Now, did you see these camouflage people, while you were up in
5 these silos, moving around, the 16th, 17th, 18th? Does it come -- these
6 camouflage people, did they come from Serbia, moving around the city,
7 during those days?

8 A. Are you referring to these camouflage uniforms?

9 Q. Like the Serbs from Serbia were wearing, that special group with
10 the camouflage uniforms, did you see them moving through the city from --
11 that were part of the 17th Tactical Group, on the 16th, 17th, 18th, and
12 19th of April?

13 A. Yes.

14 Q. And would you agree with me that the various groups within the
15 17th Tactical Unit were coordinating their activities? Such as your
16 group, the 1st Detachment, was up in the silos; another group was guarding
17 the bridge; another group was on the waterfront. So the various units
18 were being coordinated by the commanders. Or you were told what to do by
19 your commander --

20 A. Yes.

21 Q. -- and you relieved the 4th Detachment that was at the silo, or
22 did you work together with them at the silo?

23 A. I think that we were together, as far as I can recollect.

24 Q. So your commander sent you to the silo. So the 1st Detachment --
25 members of the 1st Detachment were sent to the silo, and whoever was in

1 command of the 4th Detachment sent some of their people to the silo;
2 correct?

3 A. That's correct, because I saw them there.

4 Q. And obviously, you have to do what your commanders tell you to
5 do.

6 A. Naturally.

7 Q. And as you know, in the JNA army, there's a chain of command, or
8 there was at that time -- while the JNA was in Bosnia, there was a chain
9 of command.

10 A. Yes.

11 Q. And you had Colonel Nikolic, of the 17th Tactical Group, in
12 charge. He had -- correct? Colonel Nikolic was in charge of the 17th
13 Tactical Group and he gave orders downward and eventually got to the
14 soldiers, like yourself, and you were told what to do; correct?

15 A. Yes.

16 Q. And you couldn't just disobey the orders of the commander; you did
17 what you were told to do, obviously.

18 A. Yes.

19 Q. And even the group that came in from Serbia was part of the 17th
20 Tactical Group, which answered to Colonel Nikolic?

21 A. Yes. There were -- yes, they were there under that command.

22 Q. Okay. Then eventually the military unit changed because the JNA
23 was ordered out, in May, and the army of the Republika Srpska was
24 established; isn't that correct? If you know.

25 A. Yes.

1 Q. And those groups that were part of the 17th Tactical Group became
2 part of the 2nd Posavina Brigade -- I'm sorry. 2nd Posavina -- yes, 2nd
3 Posavina Brigade.

4 A. Yes.

5 Q. And that also had a chain of command, or a disciplined order to
6 it, as any army would?

7 A. Yes.

8 Q. And it ran from, in the chain of command, from the soldiers, or
9 privates, all the way up to the top, to General Mladic, who was the chief
10 commander, or the general in charge?

11 A. Yes.

12 Q. And between General Mladic and the soldiers, you had people of
13 various ranks?

14 A. Yes.

15 Q. And within this 2nd Posavina Corps [sic], you had -- were the four
16 detachments - the 1st Detachment, 2nd Detachment, 3rd, and the 4th - from
17 Samac?

18 A. There were already battalions in existence then.

19 Q. But you had -- what used to be those detachments were now in that
20 2nd Posavina Brigade. And were you aware that Crni, or Dragan Djordjevic,
21 was even made commander in May, of that whole brigade, of the 2nd Posavina
22 Brigade, Dragan Djordjevic, whose nickname was Crni; one of the people
23 from Serbia was named the commander?

24 A. I heard that he had been nominated, and then immediately following
25 his nomination, I was wounded and I left. So I'm not fully familiar with

1 that, because I sort of skipped over that period.

2 Q. But before you were injured, you had heard that he had in fact
3 been nominated to be the commander of the brigade?

4 A. Yes.

5 Q. As a result, all the soldiers within the brigade had to answer up
6 the line, eventually to Crni, or Dragan Djordjevic, if he took that
7 position. Because he was the commander, you would have to do what he
8 said.

9 A. We had to carry out those tasks.

10 Q. And in carrying out those tasks, the different soldiers in,
11 whether it was the 17th Posavina Group - I'm sorry - the 2nd Posavina or
12 the 17th Tactical Group, had to work -- had to follow their orders and
13 work together, had to coordinate their activities when they're told to do
14 so?

15 A. Yes.

16 Q. And as part of the coordination, you all had radios so you could
17 communicate with each, or different groups had radios so you could
18 communicate; isn't that true?

19 A. Yes.

20 Q. And let's just finish off with that one period of April 16th,
21 17th, 18th, and 19th. You said you saw the camouflage people out there.

22 A. Yes.

23 Q. You saw the tanks arrive, the JNA tanks?

24 A. We saw one tank in the morning, after the dawn, by the silos.
25 That's where it was.

1 Q. You saw one JNA tank, and as I said, you had radios. The radios,
2 you used them with the same frequency so you could talk with each other?

3 A. I didn't have it, because I was not involved in establishing
4 communication. I heard it from our commander.

5 Q. The radios that the commanders were using had the same frequency
6 so they could talk with each other and coordinate their activities?

7 A. Probably so, but I had nothing to do with communications.

8 Q. I know you had nothing to do with it. I'm just saying that
9 because -- for an army to function, you have to use the same radio
10 frequency, obviously, as you know, having been in the military. Correct?

11 A. Probably so. I was a driver in the army, and again, had nothing
12 to do with communications.

13 Q. And all these different groups, whether it was the tank, the 1st
14 Detachment, the 17th Detachment, the specials from Serbia, you were all
15 coordinating and working together to fight the enemy; correct?

16 A. We did not command; we were issued orders, and we fought the
17 enemy.

18 Q. You were issued orders and you were all working together, after
19 being issued orders, to fight the enemy; correct?

20 A. There was no combat there.

21 Q. Well, you were working together, or you were coordinated to defend
22 the city and be prepared to fight, then; isn't that correct?

23 A. In order to defend the city.

24 Q. And, like any other army, you got your orders and everyone was
25 working together in a coordinated effort, which is the plan of operation

1 of any army; correct?

2 A. I don't know how the planning is done. I suppose that the
3 Superior Command does the planning, and we simply had to carry out the
4 orders.

5 Q. Well, following the orders, everyone had certain assignments to
6 do, and they're coordinated, because everyone's doing a certain job or
7 chore or assignment; isn't that correct?

8 A. Yes.

9 Q. Thank you very much.

10 PRESIDING OFFICER: Re-examination.

11 MR. PANTELIC: Yes. Thank you.

12 Re-examined by Mr. Pantelic:

13 Q. [Interpretation] Mr. Savic, perhaps there's a misunderstanding
14 here or the question was not quite specific, the question of my colleague
15 Prosecutor which had to do with combat. You said that on the -- that from
16 the Croatian side, a shell was fired at the silo.

17 A. Yes.

18 Q. You also said there were skirmishes and occasional firing during
19 the night between the 16th and 17th of April, in Samac.

20 A. Yes.

21 Q. Do you know where the bunker was located by the bridge? Was there
22 any firing from there directed at Samac?

23 MR. WEINER: Madam Presiding Officer --

24 MR. PANTELIC: I withdraw.

25 MR. WEINER: -- I did not raise --

1 MR. PANTELIC: I withdraw. I withdraw.

2 Q. [Interpretation] So this is what we mentioned. Is this your
3 understanding of a combat operation? Is this combat?

4 A. Yes.

5 Q. Just one more question. From the 17th on, was Samac shelled?
6 Were shells landing?

7 A. Yes, they were. There was firing from Slavonia and from Prud.

8 Q. From the 17th on, was the front line established, the defensive
9 front line around Samac? Or rather, were ... END OF RECORDING ...
10 positions there set, facing enemy lines?

11 A. Yes.

12 Q. What do you personally know regarding the link between the SDS and
13 the 17th Tactical Group? I would like to know whether the SDS in any way
14 participated in operations of the 17th Tactical Group.

15 A. According to what I know, the SDS did not cooperate with the 17th
16 Tactical Group.

17 Q. What do you know about whether Blagoje Simic, as an individual,
18 acted in cooperation with the 17th Tactical Group?

19 A. I have no knowledge about that, but this was never mentioned.
20 There were no rumours to this effect either.

21 Q. Thank you, Mr. Savic. We've completed our examination.

22 PRESIDING OFFICER: Thank you, Mr. Savic, for coming. You can go
23 now.

24 THE WITNESS: [Interpretation] Thank you.

25 PRESIDING OFFICER: We'll start again at 10 to 2.00.

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-69-T

THE PROSECUTOR
V.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ

ANNEX D

**CHART OF EXHIBITS RELATED TO TRANSCRIPT OF WITNESS DEPOSITION BY MILOŠ
SAVIĆ (DST68) IN THE SIMIĆ CASE, 7 FEBRUARY 2003, PAGES 373-401**

SAVIĆ, Milos, DST-68 of 92 bis Exhibits , Case No. IT-03-69-T			
Exhibit Number	65 ter Number	Title (ENG)	Main Date
		None	

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-69-T

THE PROSECUTOR
V.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ

ANNEX E

TRANSCRIPT OF WITNESS TESTIMONY BY OSMAN SELAK (DST71) IN THE MILOŠEVIĆ
CASE, 12-13 JUNE 2003, PAGES 22196-22386

International Criminal Tribunal
for the former Yugoslavia



Tribunal Pénal International
pour l'ex Yougoslavie

Page 22196

1 Thursday, 12 June 2003

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.03 a.m.

5 JUDGE MAY: Yes, Mr. Groome.

6 MR. GROOME: Your Honour, the Prosecution calls Mr. Osman Selak.

7 Your Honour, while we're awaiting the arrival of the witness, the

8 Prosecution will be tendering three exhibits through Mr. Selak, the first

9 being transcripts from the Brdjanin and Talic case and Tadic case in which

10 he testified and which is the subject of an order from this Chamber.

11 Secondly --

12 JUDGE MAY: Let's deal with them one at a time.

13 THE REGISTRAR: Your Honour, the transcript is Prosecution Exhibit

14 462.

15 MR. GROOME: The next exhibit, Your Honour, is a set of exhibits,

16 76 tabs, which are the exhibits that were tendered in the course of the

17 testimony of this witness during those two trials. They are in two

18 binders but consecutively numbered tab numbers 1 through 76.

19 JUDGE MAY: Yes. Yes. Let's give them a number first and then

20 we'll swear the witness and then we'll hear any objections.

21 THE REGISTRAR: Your Honour, Prosecution Exhibit 463.

22 [The witness entered court]

23 JUDGE MAY: Yes. Let the witness take the declaration.

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

Page 22197

1 JUDGE MAY: If you'd like to take a seat.

2 WITNESS: OSMAN SELAK

3 [Witness answered through interpreter]

4 JUDGE MAY: Yes, Mr. Kay.

5 MR. KAY: It was an issue of clarification concerning the
6 transcripts. The Court will remember the order in which we pared down the
7 transcripts from the original trial.

8 JUDGE MAY: Yes.

9 MR. KAY: I take it that part of exhibit which makes up 462 will
10 be the extracted portions of the transcript.

11 JUDGE MAY: Yes.

12 MR. GROOME: And finally, Your Honour, there is a binder with new
13 exhibits that we will seek to tender through this witness.

14 THE REGISTRAR: That's Prosecution Exhibit 464.

15 JUDGE MAY: Yes

16 Examined by Mr. Groome:

17 Q. Sir, I'd ask you to begin your testimony before the Chamber by
18 telling us your name.

19 A. My name is Osman Selak.

20 Q. I'd ask that we begin by having you take a look at Prosecution
21 Exhibit 464, tab 1, and sir, I ask you, is this a summary of your
22 educational and professional background made after you arrived here at The
23 Hague with the assistance of members of the OTP staff?

24 A. Yes.

25 Q. And is that your initials on the bottom of the exhibit?

Page 22198

1 A. Yes, that is my signature.

2 Q. And are you willing to answer additional questions with respect to
3 your qualifications?

4 A. Yes, I am.

5 Q. Can you tell us what was the highest rank that you achieved in the
6 JNA?

7 A. The highest rank was commander of the logistics base. And in
8 March 1992, head of the department for cooperation with the peacekeeping
9 operations of the United Nations in Bosnian Krajina. After that, I was
10 replaced because I was considered politically unsuitable.

11 Q. How many men did you command, have under your command during the
12 time you were a commander?

13 A. The logistics base of which I was the commander after the
14 mobilisation in September 1991 numbered about 2.300 to 2.500 men. The
15 number varied depending on needs. It would be increased with the increase
16 of the zone of responsibility of the logistics base.

17 Q. Now, sir, the Chamber and the accused and the amici all have
18 copies of your prior testimony in the two trials in which you've testified
19 before the International Tribunal. I'm going to just ask you to -- or
20 draw your attention to some particular points that were not covered in
21 your previous testimony and ask you to comment on them. The next thing
22 I'm going to ask you to look at is Prosecution Exhibit 464, tab 2.

23 MR. GROOME: If the usher could hand up the exhibit to the
24 witness.

25 Q. Sir, prior to testifying today have you had an opportunity to read

Page 22199

1 this document?

2 A. No.

3 Q. I'm asking you after you came to The Hague but before testifying
4 here this morning did you have an opportunity to read this document?

5 A. In the OTP, yes.

6 Q. Can you please summarise what that document is for us?

7 A. Here the commander of the republican staff of the Territorial
8 Defence of Bosnia-Herzegovina is ordering to the district staffs of the
9 Territorial Defence through the municipal staffs of Territorial Defence to
10 carry out the collection of all weaponry and ammunition from social and
11 public enterprises and to place that weaponry in JNA warehouses.

12 Q. And what is the date of this order or document?

13 A. The 23rd of October, 1990.

14 Q. During your time with the JNA, did you ever receive a copy of this
15 document?

16 A. I did have an order to collect weapons from TO units in my zone of
17 responsibility, which we did. A part of that assignment was carried out
18 by the 5th JNA Corps in the territory of Bosnian Krajina.

19 Q. And during what period of time did you collect or have the
20 responsibility for collecting weapons from the Territorial Defence units?

21 A. From the end of 1990 until the end of 1991 weapons were collected
22 on a continuous basis. I don't know about the corps because it never
23 provided that information, though all the weapons, pursuant to the law,
24 should have been stored in the warehouses of the logistics base. However,
25 what the corps collected was never returned to the base.

Page 22200

1 Q. And were you aware through your subordinates that weapons were in
2 fact being collected from the various Territorial Defence depots in your
3 area of responsibility?

4 A. Yes.

5 Q. The next matter that I seek to ask you a question about is
6 something which you testified in great detail in the Brdjanin and Talic
7 case and the Tadic case. I would just note for the record or for the
8 Chamber's benefit the reference in the Brdjanin and Talic transcript for
9 this portion of testimony is transcript number 12.925 to 926.

10 The question I want to ask you simply is: Did there come a time
11 when General Uzelac requested from you that you dispense weapons from your
12 stores that you deemed to be in violation of JNA regulations?

13 A. Yes, General Uzelac required of me that I issue weapons to TO
14 units in Sipovo and Mrkonjic Grad and for the 5th Kozara Brigade on Mount
15 Mrakovica near Prijedor. This was contrary to the law, because weapons
16 could be issued only following an officially declared mobilisation, and
17 this had not been done.

18 MR. GROOME: Your Honour, in the interest of saving time, I will
19 not replay for this witness an intercept that was played during the
20 witness Milan Babic. It was an intercept between -- I'm just informed
21 that it was in fact not finally tendered with Milan Babic. If I may come
22 back to it in a little while.

23 Q. Sir, I'm now going to ask you to take a look at tab 4 of
24 Prosecution Exhibit 464. And, sir, this is a two-part document, a cover
25 letter and then an assessment request or assessment report attached to

Page 22201

1 that cover letter. Can I draw your attention first to the cover letter,

030612IT

Page 6 of 120

2 and the first thing I would ask you to comment on is the date of the
3 letter. According to your knowledge and experience, the translation has
4 the date as the 20th of September, 1992. Is that date correct?

5 A. On the title page it says March 1992. Let me look at the end
6 where the signature is. Milutin Kukanjac.

7 Could you repeat the date that you indicated?

8 Q. Well, perhaps it's just a translation error. Do you read the date
9 as -- the date on the top of the cover letter as being March 20th?

10 A. No.

11 Q. Sir, I believe you're --

12 A. No. I don't see that. I see the 19th of March under (c).

13 Q. Sir, I believe you're looking at the assessment report. I'm
14 asking you to look at the cover letter first. A copy of that cover letter
15 is on the television screen in front of -- on the --

16 MR. GROOME: If the usher could set up the television screen.

17 THE WITNESS: [Interpretation] Yes.

18 MR. GROOME: And if the usher could also hand an original to the
19 witness, that's easier.

20 THE WITNESS: [Interpretation] The date is the 20th of March, 1992,
21 issued by the command of the 2nd Military District, and it is addressed to
22 the General Staff of the armed forces of the SFRY to the Chief of Staff
23 personally. The document was signed by the commander of the 2nd Military
24 District, Colonel General Milutin Kukanjac.

25 MR. GROOME:

Page 22202

1 Q. Now, General Kukanjac, is that a person whose signature you are
2 familiar with?

030612IT

Page 7 of 120

3 A. Yes, it is. I saw it hundreds of times, and I was even present
4 when he signed some documents.

5 Q. Sir, can I ask you to read for us the last sentence of the cover
6 letter just above the signature.

7 A. "Please return these documents to us after use. For thoroughly
8 justified reasons, we propose that only a very limited number of people be
9 acquainted with these documents. Commander Kukanjac."

10 Q. Now, that letter refers to the assessment which I now ask you to
11 turn your attention to, and could I ask you to look at the first page of
12 the assessment and tell us the date that's printed across the front of the
13 assessment.

14 A. On the first page of the conclusions, the date indicated is the
15 19th of March, 1992, under point (c), if that is what you mean.

16 Q. Yes. I want to now draw your attention to item (5)(f). It's
17 being displayed on the television screen in front of you, and you have the
18 hard copy on the desk in front of you. Can you perhaps for -- take a look
19 at the screen in front of you?

20 A. Yes.

21 Q. Could I ask you to read item (f) for us and explain its
22 significance.

23 A. Point (f), "The Yugoslav People's Army has distributed 51.900
24 pieces of weapons (75 percent), and the Serbian Democratic Party, 17.298
25 pieces of weaponry."

Page 22203

1 Q. Are you able to tell from this document where those weapons would
2 have come from?

3 A. The quantity distributed by the Yugoslav People's Army came from

4 the warehouses of various logistics bases and from the surplus of weaponry
5 in corps obtained by the pull-out of units of the JNA from Slovenia and
6 Croatia. And the Serbian Democratic Party received these weapons both
7 from the JNA and from the transports coming from Slovenia and Croatia,
8 sidestepping the logistics bases by stopping corps units and distributing
9 those weapons to the Serbian Democratic Party and to the Territorial
10 Defence units and their volunteers.

11 Q. The section I'd ask to draw your attention to it is the section
12 immediately under that where it says "Experiences." Can you see that?

13 A. Yes.

14 Q. Now, I'm asking you to skip the first paragraph in that section,
15 and could you read the second and third paragraph of that section?

16 A. Yes. "Some leaders of the Serbian Democratic Party at all levels
17 are, through various channels, requesting weapons from the Yugoslav
18 People's Army and the Ministry of National Defence of Serbia thereby
19 fighting for superiority which has created divisions and dissatisfaction
20 among the people."

21 Q. If you could you continue with the next paragraph.

22 A. "Some SDS leaders are advocating disassociation from the Yugoslav
23 People's Army and the creation of a different army which could have
24 negative consequences for the JNA, especially regarding the plan to
25 replenish its units."

Page 22204

1 Q. The next section I would ask you to draw your attention to and
2 seek your comment is under item number (6), and it is being displayed on
3 the screen in front of you, and if I could draw your attention to the
4 third paragraph from the top that begins "For the Territorial Defence."

030612IT

Page 9 of 120

5 It's also on the screen in front you, Mr. Selak. It may be easier to --

6 A. Yes. Yes. "For the Territorial Defence, 78.400 weapons and 1.500
7 tons of ammunition."

8 Q. Does that indicate at least in this one instance the quantity of
9 weapons that were distributed to Territorial Defence units?

10 A. Yes. This is for the Territorial Defence, but it was also
11 distributed among the people in apartment buildings, in various streets,
12 villages. Houses were marked with black markers to indicate that they
13 were Serb houses. And I saw this personally in Derventa, and to those
14 houses weapons were distributed.

15 Q. Now, sir, if I can just ask you to summarise the rest of the
16 document, and would it be fair to say that the document goes on to
17 describe other locations in which weapons were distributed to both the
18 Territorial Defence and civilians in the manner you've just described?

19 A. Yes. The district commander clearly indicates the locations, the
20 quantities of weapons and ammunition given to units of the Territorial
21 Defence in those localities. And he even suggests that a part of the
22 reserves from the ammunition depots in the logistics base at Sevarlije
23 near Doboij be relocated to Loznica in Serbia.

24 Q. Sir, if I can now draw your attention to another exhibit. It is
25 tab 6 of Prosecution exhibit 464. If I could ask the usher to return tab

Page 22205

1 number 4. And I would first draw your attention to the signature on this
2 document. Do you recognise the signature?

3 A. Yes, I do recognise the signature of Colonel Bogdan Subotic. We
4 have been comrades for many years. We worked together at the military
5 academy in Banja Luka for 17 years.

6 Q. Can I ask you to summarise the contents of tab 6, Prosecution

7 Exhibit 464 for us?

8 A. The content of this document is that the Minister of Defence of
9 the Army of Republika Srpska is asking the command of the 2nd Military
10 District of the JNA in Sarajevo that active military officers be engaged
11 to bring up to strength the republican and municipal defence of Sarajevo
12 and the Dobojski region.

13 Q. What is the date of this document?

14 A. The date is the 27th of April, 1992.

15 Q. And could I ask you to read the first sentence of the document.

16 A. "Pursuant to essential needs for replenishment with the most vital
17 personnel in the Territorial Defence of the Serbian Republic of
18 Bosnia-Herzegovina and in accordance with agreement reached and promises
19 made in Belgrade, we are asking you to assist us as soon as possible with
20 providing senior officers for the following positions." And now the
21 specialties are indicated, and for some people the actual names and ranks
22 are given.

23 Q. Now, sir, you were a Muslim commander in the JNA during the period
24 of this document. My question to you is: Were you ever aware of an
25 agreement and a promise from Belgrade with respect to Territorial Defence

Page 22206

1 units that were in your area of responsibility?

2 A. Such information never reached me because I was not invited to
3 such meetings because I was not suitable in view of the policies being
4 pursued precisely by Belgrade and the Serbian republic or, rather, the
5 Defence Ministry of the Army of the Republic of Srpska.

6 Q. And, sir, why were you considered unsuitable?

7 A. Being a Bosniak, that is a Muslim, they probably felt that I
8 shouldn't hear these things because arming units of the TO and volunteer
9 units applied only to the Serbian people and not to the Bosniak and
10 Croatian peoples in Bosnia and Herzegovina.

11 Q. Thank you. I'm finished with that exhibit.

12 MR. GROOME: Your Honour, the next series of nine documents all
13 relate to a similar area and is documents related to weapons received by
14 different Territorial Defence units. In the interests of saving time, the
15 witness has been asked to prepare a summary chart which is tab 7 of
16 Prosecution 464. I will show that to the witness now and with the Court's
17 leave go through each of the documents rather briefly and ask that tab 7
18 and the witness's comments as recorded in that document be used in
19 conjunction with the Court's assessment of these documents or if the Court
20 prefers, I can go into greater detail with live testimony of the witness's
21 perception of each document.

22 JUDGE MAY: No. In the interests of time, the course which you
23 suggest is appropriate.

24 MR. GROOME:

25 Q. Sir, I'm going to ask you to look at Prosecution Exhibit 464, tab

Page 22207

1 7. It is a table of a summary of nine different documents. Sir, do you
2 recognise that table?

3 A. Yes, I do.

4 Q. Is that a table that you prepared in conjunction with members of
5 the OTP staff earlier this week?

6 A. Yes, it is and I signed each page myself.

7 Q. And did you verify the accuracy of all the comments regarding the

8 documents made in your own language?

9 A. Yes, I verified each one, and I provided comments for each of the
10 documents separately.

11 Q. I'm now going to ask you to comment briefly on some of those
12 documents. I would ask that that table be kept up on your desk in front
13 of you in case you need to refer to it.

14 MR. GROOME: I would ask that the witness be shown tab 8 of
15 Prosecution Exhibit 464.

16 Q. Mr. Selak, keeping in mind that we have some of your comments
17 regarding this particular document, can I just draw your attention to the
18 list of names there? Can you describe what is the purpose of the 10
19 people listed there?

20 A. The purpose of this list of ten names is that these people were
21 participants in the national liberation war during the Second World War,
22 and the president of the Municipal Board of the Association of War
23 Veterans of the National Liberation War requests that these persons be
24 provided with personal weapons.

25 Q. Are you able to tell from the names of these people their

Page 22208

1 ethnicity, and if so, can you describe the respective ethnicities that are
2 represented on this list?

3 A. Yes. Judging by their names, these are all Serbs with the
4 exception of number 5, Faik Avdic, who is a Muslim, a Bosniak.

5 Q. I now ask you to look at Prosecution Exhibit 464, tab 9. This is
6 a series of related documents one dated the 13th of December, 1991, the
7 second dated the 3rd of January, 1992, and the third dated the 8th of
8 January, 1992. Can I draw your attention first to the 13th of December

9 document and ask you, can you summarise what is that document?

10 A. Here the commander of the Territorial Defence of Bosanski Petrovac
11 demands, he doesn't request, he demands these materiel and technical
12 equipment for Bosanski Petrovac and it refers to infantry weapons, and
13 there are 15 different types of weapons listed.

14 Q. And I want to draw your attention to item number 15. It's a
15 request for clothing sets for soldiers, and the number that's requested is
16 1.200. Based upon your experience as the commander of a logistics base,
17 are you able to interpret what that means, the 12.000 uniforms that are
18 requested as opposed to the items that are requested in items 1 through
19 14?

20 A. One thousand, two hundred, yes.

21 Q. Based upon your experience, does that allow you to draw any
22 conclusion with respect to the number of weapons that are requested as
23 opposed to the number of uniforms that have been requested?

24 A. On an average, the numbers of the Territorial Defence units with
25 respect to the size of the municipality was between 4 to 500 men. That

Page 22209

1 might vary according to the size of the municipality. But in Bosanski
2 Petrovac, they had already mobilised 540 men and that's what it says in
3 this document. Now they're asking combat sets for another 1.200 which
4 means that the unit of Territorial Defence for Bosanski Petrovac were a
5 number a total of 1.700 roughly, which means mobilisation of the whole
6 population of military-able men for Territorial Defence.

7 Q. And is the -- are you able to conclude whether or not the people
8 that the uniforms are requested for, whether they were armed previously to
9 this request?

10 A. No. No, they weren't. They weren't armed previously. And this
11 is just a part of the weaponry. These are small quantities, different
12 types of pistols, rifles, et cetera, for several hundred men. However,
13 the -- they had weapons issued to them before, because the 530th Logistics
14 Base was also there and JNA units were pulling out of Croatia and Slovenia
15 in that territory there. So the TO units would take weapons from them and
16 arm themselves in that way.

17 Q. Now, if I can draw your attention to the 3rd of January document,
18 3rd of January, 1992, my first question to you is: Can you tell us who is
19 the author of the document?

20 A. This document was written by the commander of the 553 -- and 30th
21 base in Petrovac, Colonel Milan Skondric. I know him personally, and he
22 took over from me in July 1992, Banja Luka, took over duty from me.

23 Q. Can I ask you to read the second paragraph of this document
24 beginning with the words "having evaluated political and security
25 situation."

Page 22210

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030612IT

Page 15 of 120

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12 Blank page inserted to ensure pagination corresponds between the French and
13 English transcripts.

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Page 22211

1 A. "Having evaluated the political and security situation throughout
2 the 530th POB Logistics Base zone of responsibility and taking account of
3 the tasks which the newly formed units of the Bosanski Petrovac
4 territorial staff have, we have concluded that these will serve to control
5 the territory administrative and lateral communications, protect
6 facilities of particular significance and coordinate action by the JNA,
7 the Yugoslav People's Army units, in the eventual or possible execution of
8 combat operations in this area."

9 Q. As --

10 JUDGE KWON: Mr. Groome, could you confirm whether the translation
11 of this document was provided?

030612IT

Page 16 of 120

12 MR. GROOME: To the Chamber?

13 JUDGE KWON: I don't think we have it. The document signed by

14 General Skondric.

15 MR. GROOME: Your Honour, maybe I can give the ERN number and

16 confirm it that way, and if not I will have a copy provided. The ERN

17 number is 03000471.

18 JUDGE KWON: It's the first document, yes.

19 MR. GROOME: I'm sorry, because --

20 JUDGE KWON: That was the mistake. Yes.

21 MR. GROOME: Because of the ERN numbers, they were ordered

22 sequentially by ERN number rather than by date. They were just ERNed in

23 the correct order.

24 JUDGE KWON: I found it.

25 MR. GROOME:

Page 22212

1 Q. Sir, drawing your attention to the last phrase that you just read

2 to us, "The eventually execution of combat operations in this area," as a

3 commander of the JNA in January 1992 were you aware of any planned combat

4 operations in this area, planned as of January 1992?

5 A. In January 1992, in the area of responsibility of the 530th

6 Logistics Base, there were no combat operations of any kind. Bosanski

7 Petrovac covered the territory -- the logistics base of Bosanski Petrovac

8 covered the area up to Kljuc, towards Daruvar and in that area of

9 Bosnia-Herzegovina and there was no combat going on there.

10 THE INTERPRETER: Interpreters note: In the eventuality of.

11 MR. GROOME:

12 Q. Sir, I draw your attention now to the 8th of January, 1992,

13 document. My question to you is: Are you able to tell whether this
14 request was approved by the JNA?

15 A. Yes. It was approved by Colonel Gradmir Petrovic from the
16 technical service who came from the 5th Military District of Zagreb where
17 he was the head of the technical service. I knew him. Unfortunately, he
18 was killed in Sarajevo immediately after these operations.

19 Q. Mr. Selak, I would like to draw your attention now to another
20 exhibit. It's Prosecution Exhibit 464, tab 10, and can we have your
21 comments on the table which is tab 7. My question to you simply is if you
22 would read the first or the title or the letterhead of this document for
23 us?

24 A. "The Socialist Republic Bosnia and Herzegovina, Assembly of the
25 Serbian municipality of Bosanska Krupa, Executive Board," is sending a

Page 22213

1 letter to the military post of 1754 of Bosanski Petrovac which is the
2 530th Logistics Base of Petrovac, but they're using a military postcode,
3 1754 in this case, and is requesting arms for the Territorial Defence.

4 Q. Mr. Selak, is it fair for us to conclude from that document that
5 the people requesting the document did so in the name of the Serbian
6 municipality of Bosanska Krupa and did it in direct communication to the
7 JNA?

8 A. Yes.

9 Q. I now draw your attention to Prosecution Exhibit 464, tab 11.
10 This is a letter of correspondence from the JNA dated the 23rd of April,
11 1992. Can I ask you to read the first line of the first paragraph?

12 A. "The Serbian municipality of Bosanska Krupa asks the command of
13 the 530th Logistics Base and the 10th command corps for help in forming

14 the Territorial Defence units and providing quartermaster and technical
15 material supplies for them (weapons and ammunition) in the first place."

16 Q. Is this an order or a document from the JNA indicating or
17 recognising the Serbian municipality of Bosanska Krupa?

18 A. Yes. And he quotes: "Bearing in mind the order of the Federal
19 Secretary for National Defence, strictly confidential," and the number is
20 359-1, the 29th of February, 1992, as well as the political situation in
21 this municipality, "we think that certain material supplies should be
22 approved, and they should be issued by the 530th Logistics Base." And it
23 is signed by assistant commander for logistics of the 10th corps, Grujo
24 Boric.

25 Q. Sir, you've just read from the second paragraph and highlighted to

Page 22214

1 us a reference to a top secret order --

2 A. Yes.

3 Q. 359-1, dated the 21st of February, 1992. In the context of this
4 letter, it appears that this letter has something to do with
5 logistics. You as the commander of a logistics base at this time, did you
6 ever see order 359-1?

7 A. I can't remember having seen this document under this number
8 because a lot of documents pass through my hands, but I do know that it
9 existed and that it was referred to in communication with units in the
10 area under my responsibility.

11 JUDGE MAY: Yes, Mr. Milosevic.

12 THE ACCUSED: [Interpretation] I don't think questions of this kind
13 can be asked. We don't have the actual text of the order itself, so this
14 can be quite distorted. It's quite distorted to put it in context with --

15 and in connection with anything else. For the question to be asked and
16 answered, we would have to have the complete text of the order itself.
17 JUDGE MAY: The witness says he doesn't remember any such document
18 as this and he's replied in those terms, so there's no evidential value in
19 his response, however, we have the document for what it's worth. Yes.

20 MR. GROOME:

21 Q. Sir, I now draw your attention to Prosecution Exhibit 464, tab
22 13. And I simply ask you is this another reference in JNA military
23 correspondence to the Serbian municipality of Bosanska Krupa?
24 A. Yes. Bosanski Petrovac is what this is. The military post of
25 Bosanski Petrovac. And the request is for Bosanski Novi in actual fact.

Page 22215

1 Q. And can I draw your attention --

2 MR. GROOME: My apologies, Your Honour, I misspoke. It's tab 12
3 that the witness is looking at now, not tab 13.

4 Q. Sir, could I ask you to look at -- this document also refers to
5 confidential order 359-1; is that correct?

6 A. Yes.

7 Q. Does it also refer to a confidential order 2268-1 of the 30th of
8 December 1991?

9 JUDGE MAY: Which tab is he looking at?

10 MR. GROOME: 12, Your Honour. 464, tab 12.

11 Q. If I draw your attention to the last line just above General
12 Kukanjac's signature.

13 A. Do you want me to read it out?

14 Q. No. I'm just asking you does it refer to another confidential
15 order 2268-1 of the 30th of December, 1991?

16 A. Yes. Yes, it does. And the signature is of General -- Colonel
17 General Milutin Kukanjac who signed it personally.
18 MR. GROOME: Your Honour --
19 JUDGE ROBINSON: Mr. Groome.
20 MR. GROOME: Yes, Your Honour.
21 JUDGE ROBINSON: I notice here it says: "From the surplus in the
22 10th corps unit and available reserves issue weapons," et cetera. I'd
23 like to find out in what circumstances would there be a surplus in the
24 10th corps unit. If the witness can help us with that. How did it come
25 about that there was a surplus? Was that a pretty regular ordinary

Page 22216

1 circumstance?
2 MR. GROOME:
3 Q. Mr. Selak, are you able to address Judge Robinson's query? Please
4 explain.
5 A. Yes, Your Honour, I can answer that question. I said a moment ago
6 that when the units pulled out along with materiel from Slovenia that a
7 lost of units had to pass through this territory, and the units of the
8 corps took for themselves certain materiel and equipment, especially
9 weapons and ammunition. However, every unit has a certain portion of
10 materiel and equipment, and not to create a surplus for them they gave the
11 surplus to the Territorial Defence, and the rest came from the logistics
12 base.
13 JUDGE ROBINSON: Thank you.
14 MR. GROOME:
15 Q. Sir --
16 MR. GROOME: Your Honours, if I could just point out for the

030612IT

Page 21 of 120

17 record, the confidential order 2268-1 referred to in tab 12 as well as tab
18 15, that was introduced in the Prosecution case as Prosecution Exhibit
19 387, tab 20.

20 Now, if I could ask that the witness be shown Prosecution Exhibit
21 464, tab 13.

22 Q. And if I could first, Mr. Selak, draw your attention to the seal.

23 Do you recognise the seal on this document?

24 A. Yes, this is the seal of the staff of the Territorial Defence of
25 Bosanski Novi.

Page 22217

1 Q. And does this document indicate the issuance of a number of
2 different supplies including military armaments to the Municipal Assembly
3 of Bosanski Novi?

4 A. Yes.

5 Q. Sir, the documents that we've seen from the JNA that refer to
6 different municipalities as Serbian municipalities during this early part
7 of 1992, does that indicate to you a disposition of the JNA at that
8 particular time?

9 A. Yes. This does tell me of the disposition and behaviour of the
10 JNA towards the arming of the units of Territorial Defence. Weapons and
11 other materiel and equipment were given to other Serb municipalities, and
12 I personally had some problems with respect to certain units, with General
13 Uzelac, in fact, and later on with General Talic, but more with Uzelac.
14 And we came to a verbal clash.

15 THE ACCUSED: [Interpretation] Mr. May.

16 THE WITNESS: [Interpretation] Because he was not my superior.

17 JUDGE MAY: Yes, Mr. Milosevic.

18 THE ACCUSED: [Interpretation] This question is quite
19 inappropriate, that is to say to link it to tab 13, because the document
20 in tab 13, in fact, relates to the Socialist Republic of
21 Bosnia-Herzegovina, the Municipal Assembly of Bosanski Novi, and not to
22 the Serb Republic of Bosnia-Herzegovina and the Serb municipality, and
23 that is vital.

24 JUDGE MAY: You can ask questions about that when it's your turn,
25 but don't interrupt, please, the evidence.

Page 22218

1 MR. GROOME: For the record, that question was in relation to Tabs
2 10, 11, and 12.

3 THE ACCUSED: [Interpretation] I am indicating to you --

4 JUDGE MAY: No. It's not an objection. It's a point about the
5 document. You can ask the witness about it. You will have your chance in
6 cross-examination, as you know, and you can point out these things.

7 MR. GROOME: I now ask that the witness be shown Prosecution
8 Exhibit 464, tab 14. Perhaps the witness could be shown tab 14 and tab
9 15. They are closely related documents. If 14 and 15 could be placed
10 before him at the same time.

11 Q. Sir, are these two requests for armaments from the municipality of
12 Bihac?

13 A. Yes.

14 Q. What was the ethnic make-up of Bihac?

15 A. The ethnic composition of Bihac was a majority Bosniak population.

16 Q. And having -- having read the documents, does it indicate to you
17 that the municipality of Bihac, their request for weapons was treated in a
18 manner differently than the Serbian municipalities represented in the

19 documents you've spoken to earlier?

20 A. Yes. This is precisely borne out by what I said a moment ago,
21 because the commander of the military district here and Colonel Petrovic,
22 the technical services head, is being sent on requests for equipment to
23 the Federal Secretariat of national defence and the technical service in
24 Belgrade, and it refers to an order of the Chief of Staff of the SFRY,
25 2268, 13th of December, et cetera.

Page 22219

1 Q. I'll now ask that you take a look at Prosecution Exhibit 464, tab
2 16?

3 A. Yes.

4 Q. Do you recognise the signature on this document?

5 A. Yes. The signature is Colonel General Milutin Kukanjac, commander
6 of the 2nd Military District.

7 Q. And can you summarise the contents of this document for us?

8 A. Yes. This is a little strange and unusual, actually, for a
9 commander of a military district to order the command of the light
10 division of anti-aircraft defence. So the order is directly to them that
11 due to the current situation in the city of Sarajevo, the staff of the
12 Territorial Defence of Novo Sarajevo, where there is a majority Serb
13 population, to issue rifles, semi-automatic rifles of the 7.62 millimetre
14 type and 250 pieces of those, in fact. And this document indicates that
15 the commander of the district directly went down to the level of a
16 division and is in charge of the direct arming of the Territorial Defence
17 Staff with the Serb majority population. It's not quite logical. It's a
18 little illogical, but that's how it was, and it concerns the light
19 artillery battalion.

20 MR. GROOME: Your Honour, in the interests of saving time, I will
21 not refer to two exhibits that I originally intended to refer to. They
22 were dealt with in some manner in the Brdjanin and Talic case. They are
23 in the binders or the Prosecution Exhibits now 463, tab 35, and 463, tab
24 36. They are documents or other examples of the -- what the witness is
25 describing in the last few minutes. Respectively they were in the

Page 22220

1 Brdjanin and Talic case DB117 and DB117.

2 I will now ask the witness to take a look at Prosecution Exhibit
3 464, tab 19.

4 JUDGE KWON: Excuse me, Mr. Groome. I was just advised that your
5 reference to the tab 20 of Exhibit 387 is incorrect. Please check it out
6 later.

7 MR. GROOME: Yes, Your Honour.

8 Q. Sir, can I ask you to take a look at this Exhibit 464, tab 19, and
9 ask you to -- or draw your attention to the three numbered paragraphs on
10 that page. And my question to you is: After the withdrawal of the JNA
11 from Bosnia, did some members of the JNA remain behind in the VRS army,
12 some officers?

13 A. Yes.

14 Q. And some of the officers that remained behind, were they Serb or
15 Montenegrin officers?

16 A. They were Serbs and Montenegrins.

17 Q. Does this document in paragraphs 1, 2, and 3 indicate the
18 conditions under which a Serb, a Montenegrin officer, formerly in the JNA,
19 presently serving in the VRS could return, leave Bosnia, and re-enter
20 service in the JNA in the Federal Republic of Yugoslavia?

21 A. No. What it does is explain that any leave must have
22 authorisation and that disciplinary action will be taken for anybody who
23 leaves the unit of the Army of Republika Srpska of their own accord.
24 Q. And does the document indicate who will -- who will subject these
25 such people to disciplinary action, which army?

Page 22221

1 A. Disciplinary measures will be taken both in the Federal Republic
2 of Yugoslavia and in the Serb republic as well, and in the JNA.
3 Q. I now want to draw your attention to an exhibit that was tendered
4 through you in the Brdjanin and Talic case. It is tab 32, Prosecution
5 463. It is your own work notebook. Before I ask you substantive
6 questions about your notebook, can I ask you a few questions about how you
7 made the entries in this notebook? And my first question to you is: Do
8 you have the original of this notebook with you here in court?
9 A. Yes, I do. I have it in my briefcase.
10 MR. GROOME: With the Court's permission, I ask that the witness
11 be allowed to use his original copy.
12 JUDGE MAY: Yes.
13 MR. GROOME:
14 Q. Mr. Selak, while you are taking out the original copy, can I ask
15 you, were you required to keep a work notebook detailing your activities
16 as commander of the logistics base?
17 A. Yes. Every officer of the Yugoslav People's Army was duty-bound
18 to keep a work notebook for his official contacts. And there were two
19 formats for this, the one I am holding in my hand now and a small pocket
20 version. And the notebook was registered in the general protocol and
21 logbook. It was assigned a number, and that is in fact an official

22 document in the control and command of units.

23 Q. And the entries that you made in your personal notebook, did you
24 make them contemporaneously with the events, meetings or matters,
25 contained in the notebook?

Page 22222

1 A. Yes. That's precisely what I did and I made the entries according
2 to the dates. My last notebook was left with Mr. -- Colonel Skondric who
3 took over duty from me, but I took this with me, this one with me and the
4 first date and entry is the 19th of December, 1991. And I recorded all
5 the meetings I had with my subordinates, with the officers, with my
6 superiors, and all other official meetings as well.

7 JUDGE KWON: Mr. Groome, if you could give me the Exhibit number
8 once again.

9 MR. GROOME: Your Honour, we provided courtesy copies earlier --
10 was it last week?

11 We provided courtesy copies of these exhibits this morning, and
12 it's under tab 32 of the big binder.

13 Q. Mr. Selak, I ask to draw your attention at this point to an entry
14 on the 4th of May, 1992.

15 MR. GROOME: And for the assistance of the Chamber, the ERN number
16 is 01104766. So 766 would take you to the page of 4th of May, 1992.

17 Q. Mr. Selak, on the 4th of May did you attend a meeting during which
18 there was a discussion or a decision with respect to financial matters
19 discussed?

20 A. Yes. I informed the commanding officer in the base command about
21 the orders I had received from my superior. And among other things, I
22 informed them that the military computer centre was being transferred to

030612IT

Page 27 of 120

23 the Federal Secretariat for National Defence of the 1st Military District
24 in Belgrade.

25 Q. What was discussed at that meeting?

Page 22223

1 A. At that meeting, I informed my superiors regarding the condition
2 of logistics support on certain breakdowns in communications towards the
3 2nd district, that the command of the 5th Corps was in Banja Luka from the
4 15th of May. Let me point out that up until then, it was in the building
5 of the penitentiary in Stara Gradiska in Croatia. And the Federal
6 Secretariat for national defence was set to visit units in Banja Luka.
7 That is the 5th corps.

8 Q. On this same day -- I'm sorry. Can I now draw your attention to
9 your diary entry on the 4 of the June, 1992.

10 MR. GROOME: And if I could indicate to the Chamber the ERN
11 number. 01104801 to 4804 are the pages that I'll be referring to in the
12 English translation.

13 Q. On the 4th of June 1992, did you have a meeting during which
14 General Djukic called about who would be responsible for the salaries of
15 officers in the VRS army?

16 A. Yes. During General Djukic's statement, assistant for logistics
17 of the Main Staff of the Army of Republika Srpska, he said among other
18 things, and I noted it down literally, that the federal government
19 regarding financing, that the federal government would finance this army,
20 and he's referring to the Army of Republika Srpska, with the numerical
21 strength as it was on the 19th of May, 1992, as stated on its account.
22 The government of the Serbian Republic of Bosnia and Herzegovina has taken
23 a decision on the financing of military conscripts.

24 Q. Who was --

25 A. -- Through the account as stated on the 19th of May, 1992.

Page 22224

1 Q. Who was to be financially responsible for the pay due conscripts

2 in the VRS army?

3 A. For military conscripts for Republika Srpska as of the head count
4 of the 19th of May was the federal government, and above that number the
5 Government of Republika Srpska. So any number in excess of the number of
6 the 19th of May would be financed by them. And there were problems there
7 because of the level of salaries between active-duty and reserve command
8 officers, because active-duty officers had much higher salaries than
9 reserve officers, and there was a lot of dissatisfaction. And this was
10 discussed at meetings in the commands, and there was some political
11 problems over this.

12 JUDGE MAY: Mr. Groome, you can help me with where we can find the
13 statement by Djukic. I have page 4810, which seems to refer to the
14 remarks of Djukic, but it would be helpful if we can find this in due
15 course.

16 MR. GROOME: I believe it's on 4804, Your Honour -- I'm sorry
17 4803. And perhaps, Your Honour, over the break we could provide courtesy
18 copies with that passage highlighted to the Chamber if that would be of
19 assistance.

20 JUDGE MAY: Yes, that would be.

21 MR. GROOME: And I have our copy here, Your Honour. It is at the
22 bottom of page 4803 where it says "General Djukic:" And it has his notes
23 regarding that conversation.

24 Q. Mr. Selak, your testimony here today, are you reading verbatim of

25 your notes or are you referring to your notes to refresh your recollection

Page 22225

1 about what General Djukic said at that meeting?

2 A. I wish to read exactly what I noted down at the meeting, and I did

3 my best to note down everything. So can I read it verbatim, please?

4 "Financing: The federal government shall finance this army

5 according to the head count as of the 19th of May, 1992, that had

6 previously been on its account. The government of the Serbian Republic of

7 Bosnia and Herzegovina has decided to finance military conscripts -

8 difference," which means only the difference between the two.

9 MR. GROOME: Your Honour, that portion of what the witness just

10 read is on the top of ERN ending 4804, and you can see "Financing:".

11 JUDGE MAY: I have it.

12 MR. GROOME:

13 Q. Now, Mr. Selak, you were still a commander after the JNA formally

14 withdrew from Bosnia; is that correct?

15 A. Yes.

16 Q. Did there come a time when members of your command had to travel

17 to Belgrade after the 19th of May to collect their salaries that they were

18 due?

19 A. Yes. I would send the head of my financial service to Belgrade to

20 collect salaries for officers and civilians employed in the logistics

21 base. That is their monthly salaries.

22 Q. And did that procedure for obtaining the salaries, did that exist

23 until the time that you left the service of the VRS as it was at that

24 time?

25 A. Yes. And later on as well, because we received our pensions from

Page 22226

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13 English transcripts.

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Page 22227

1 Belgrade. Officers received their pensions from Belgrade as well. And
2 salaries were received regularly throughout the war, because I had
3 contacts with my colleagues in Banja Luka, active-duty officers who
4 normally continued to receive their salaries. And there was this dispute
5 between active-duty and reserve officers over the difference in their
6 salaries.

7 Q. Mr. Selak, you've just referred to the salaries for civilians in
8 your command also being received from Belgrade. My question to clarify
9 that point is: Were all the civilians working in your command? Were they
10 all paid from Belgrade?

11 A. All those employed in the Yugoslav People's Army and later in the
12 Army of Republika Srpska who were on the payroll up until the 19th of May,
13 1992, continued to -- remained on the payroll of the Federal Secretariat
14 of national defence in Belgrade. I had quite a number of civilians,
15 mechanics, people working in the warehouses. In the command itself there
16 were very many civilians employed who normally received their salaries in
17 the same way they had done before.

18 Q. Perhaps to help us understand the magnitude of this payment, what
19 would have happened if the payment -- all the payment that you were
20 receiving from Belgrade for your employees, both military and civilian,
21 what would have happened if that had ceased?

22 A. People would have no means of livelihood. They would have to find
23 food in public canteens. They would get flour and bread, the essentials,
24 but it's not just a question of salaries but also weapons, ammunition,
25 fuel for tanks and planes. There would be a total break-up of logistics

Page 22228

1 support, and without logistics support, there can be no army.

2 Q. Would have you been able to operate your command without the
3 support that it received from Belgrade after the official withdrawal of
4 the JNA?

5 A. No, neither me nor anyone else. One cannot live from the air.

6 Q. I want to now draw your attention to a previously admitted
7 exhibit, and it was Exhibit 427, tab 50. We have provided a courtesy copy
8 to the Chamber and the parties here in the Court. In the English
9 translation the portion that I'm going to draw the witness's attention to
10 is ERN 01905597 or page 24 in the translation.

11 I'm going to read you a passage from the English translation of
12 this document. It says: "After the opening after corridor towards the
13 FRY and securing of basic and some consumer goods from that area, there
14 was a positive effect on the overall combat readiness, reinforcement and
15 the capability of units to carry out further tasks. During the year and
16 particularly with the interruption of payments and the separation from the
17 Yugoslav army in the period from May until the end of August, we
18 experienced serious difficulties in getting supplies for combat and
19 non-combat needs."

20 This reference to the corridor, is that a reference to the
21 Posavina corridor, do you know?

22 A. Yes. The corridor going from Banja Luka, Doboj, Brcko, Bijeljina,
23 Srpska Raca on the border with Serbia, and from there on to Belgrade.
24 That is the corridor, the main artery for all the people of Bosnian
25 Krajina, for the 1st Corps which used to be the 5th Corps.

Page 22229

1 Q. Can you explain to the Chamber what would have happened from a
2 logistics point of view if the Posavina corridor, that artery as you have

3 referred to it, had been severed for a significant period of time?

4 A. As a soldier, I am saying quite frankly I shudder at the thought.

5 If I was a corps commander and base commander, I would not have been able

6 to carry out my tasks. The units would not have fuel, ammunition, food,

7 money to meet their regular needs for medicines, and everything else. So

8 the unit would be totally cut off and its very survival would be called in

9 question.

10 Q. In preparation for your testimony before the Chamber, did you

11 assist members of the OTP staff in preparing two diagrams which illustrate

12 the flow of logistics support both prior to the 18th of May, 1992, and

13 after the 18th of May, 1992?

14 A. Yes.

15 MR. GROOME: I'm going to ask that the witness be shown

16 Prosecution Exhibit 464 tab 20.

17 Q. My question to you: Is this the diagram indicating the flow of

18 logistics prior to the 18th of May, 1992?

19 MR. GROOME: Could I ask that it be placed on the ELMO. Your

20 Honour, we have the English version on the sanction system, and we will

21 have the B/C/S version on the ELMO so the witness can refer to it during

22 his testimony. The B/C/S version, please, on the ELMO.

23 Q. Mr. Selak, could I ask you to take the pointer on the desk in

24 front of you?

25 MR. GROOME: And if I could ask the director to zoom out a little

Page 22230

1 bit so we can see the entire diagram. Thank you.

2 Q. Now, Mr. Selak, can I ask you to do this in a systematic way? Can

3 I first draw your attention to the box labelled "JNA General Staff."

030612IT

Page 34 of 120

4 A. I can't hear. Could you please repeat your question? I couldn't

5 hear it. I didn't hear your question.

6 Q. Okay. The B/C/S version is now on the ELMO in front of you, so

7 when you point to something, the rest of us will be able to see it.

8 I'd ask you to do this in a systematic way. Can you begin with

9 the box indicating "General Staff" and then just explain to us how the

10 logistics structure of the JNA operated prior to May 18th, 1992.

11 A. In the General Staff of the Yugoslav People's Army, there was a

12 logistics administration which engaged in logistics matters for the

13 Yugoslav People's Army. The head of the logistics administration in those

14 days was Lieutenant Colonel Vladan Sljivic. The direct link from the

15 logistics administration towards the command of the 2nd Military District

16 went to the assistant commander for logistics of the 2nd Military

17 District, Major General Ratko Milicevic. The command of the 2nd Military

18 District or, rather, Major General Ratko Milicevic was in command of all

19 the basis that were subordinated to him. There were four of them in those

20 days in the territory of Bosnia and Herzegovina, and I'm now pointing

21 the -- to the Logistics Base in Banja Luka which I was the commander.

22 I -- it was my duty and responsibility to logistically supply the

23 entire Banja Luka Corps. It was the 1st Corps. The 2nd Corps near Bihac

24 and other units in the territory and area of responsibility of the Banja

25 Luka Logistics Base.

Page 22231

1 Q. Mr. Selak, the line connecting the 5th corps command with your

2 logistics base, the 993rd rear service base, what does that line indicate?

3 A. This line marks the competence of the rear base logistically

4 supplying the corps, for the corps to submit its requests for logistics

5 supplies to the logistics base, and then the logistics base in Banja Luka,
6 if it is unable to resolve the problem on its own, informs the commander
7 of the 2nd Military District of the same, which can solve the problem with
8 resources from other bases. If it is unable to do so, it will send the
9 request to the logistics administration of the Federal Secretariat for
10 National Defence in Belgrade which will deal with it for the whole
11 territory of Yugoslavia or addressing itself to certain work organisations
12 or companies that were manufacturing supplies for the needs of the
13 Yugoslav People's Army.

14 Q. Mr. Selak, the line connecting your service base with the 2nd
15 Military District Command, does that represent the channel from which --
16 or through which you communicated your logistical needs on a macro-level,
17 which you then in turn distributed to the 5th Corps and other units that
18 made requests of you?

19 A. They were passed on to other units. And there were daily direct
20 contacts between the corps and the base. So there was no need for any
21 interference regarding logistics supplies between the base and the corps.
22 They had direct links. Only if the problem could not be resolved, then
23 the 2nd Military District Command could interfere. And they were
24 responsible both for the 5th Corps and the logistics base.

25 MR. GROOME: If I could ask now that Prosecution Exhibit 21 of 464

Page 22232

1 be placed on the ELMO, the B/C/S version. I would also ask that
2 Exhibit 20 be left with the witness in case he needs to refer to it.
3 Mr. Usher, this is an exhibit that we need to have placed on the
4 ELMO now, and that is tab 21 of 464.

5 Q. Mr. Selak, does this next diagram represent the flow of logistics

6 after the JNA officially withdrew from Bosnia-Herzegovina?

7 A. Yes.

8 Q. Can I ask you rather than going over the structure again, can you
9 point out to the Chamber what changes came into place after the JNA
10 withdrew?

11 A. The changes after the withdrawal of the JNA were that the command
12 of the 2nd Military District was disbanded and the Army of Republika
13 Srpska was formed, the commander of which was Colonel General Ratko
14 Mladic. And his assistant for logistics was Major General Djordje Djukic.
15 The 2nd Krajina Corps was formed. I'm talking about my zone of
16 logistic responsibility. And we provided logistic supplies for the Army
17 of the Republic of Srpska Krajina that was in the territory of Croatia.
18 That is the 1st and 2nd operational groups.

19 Also, the bases changed their numbers. They acquired new
20 locations, new places of deployment so that the 27th Logistics Base which
21 used to be the Sarajevo base which was in town was relocated to Pale,
22 Republika Srpska, where the Main Staff of the Army of Republika Srpska was
23 also headquartered.

24 The 30th logistic base in Bilici, this was a newly formed base --

25 Q. Mr. Selak, in the interests of time, the Chamber will have this

Page 22233

1 diagram to study it more carefully. Could I draw your attention to a few
2 particular points of it that I would ask you -- or seek your comment on.

3 The first is you have a thick line between the VJ General Staff
4 and the VRS command. Can you please comment on that relationship.

5 A. That was the relationship that had existed -- existed before too.

6 That is the General Staff of Yugoslavia was competent for the Army of

7 Republika Srpska regarding many questions of control and command as well
8 as logistics support.

9 Q. Now, can I draw your attention to the line connecting the 14th
10 rear service base, the renamed base that you were commander of, and the
11 line that connects that to the technical administration base of the VJ and
12 Commander Colonel Milisav Brkic. Can you describe what that line
13 connecting your base and this direct VJ administration base, what does
14 that line indicate?

15 A. This dotted line means that there were daily direct personal
16 contacts between officers of the technical service in the logistic base in
17 Banja Luka and the technical administration base in Belgrade, the
18 commander of which was Colonel Milisav Brkic who used to be the head of
19 the technical service of the military district in Sarajevo. We
20 communicated regularly by phone. I had his telephone number, and my
21 assistants in this service would regularly have contacts with him to
22 shorten the time needed to provide various technical supplies, because
23 administration is slow, it takes time. So Brkic would write instructions
24 to a subordinate unit to issue the materiel we're asking for so that the
25 unit should be provided with the required materiel in time.

Page 22234

1 Q. I'd like now to ask you some questions on a different topic.
2 During the course of 1992 to mid-May of 1995, did you have occasion to
3 call General Djukic, who is a member of the VRS army, in Pale?

4 A. Yes. General Djukic and I were comrades and friends. We were
5 together at the military academy. He was two years my senior. He was at
6 Pale, assistant commander of the Army of Republika Srpska for logistics.

7 Q. The party I would like to ask you to focus on is was there

030612IT

Page 38 of 120

8 anything unusual about the phone number at which you used to contact Major
9 General Djukic, member of the VRS army in Pale in Bosnia? Was there
10 anything unusual about that phone number?

11 A. Yes.

12 Q. And what was that?

13 A. General Djukic had the call-up number 011. This surprised me when
14 I first learnt it, and I have this number in my agenda. I was surprised
15 to hear a Belgrade area code, because 011 is the Belgrade area code, and
16 this was the area code that was later used by General Ratko Mladic as
17 well.

18 Q. Drawing your attention to General Ratko Mladic, did you have
19 occasion on April or early May of 1995 to contact him regarding a personal
20 matter? And it's not important that you go into substance of the personal
21 matter.

22 A. Yes.

23 Q. And what was -- was there anything unusual about his phone number?

24 A. Again, it started with the area code 011, which means it is the
25 area code for Belgrade.

Page 22235

1 Q. I want to now draw your attention to the subject matter of convoys
2 to Belgrade. During the time after the withdrawal of the JNA but before
3 you left your post, were you aware of convoys that were going between
4 Bosnia and Serbia bringing back and forth logistical supplies?

5 A. Yes. My logistics base would regularly send convoys of trucks and
6 tank trucks for fuel towards Serbia and Belgrade where the technical
7 administration would indicate where we would collect what and drive it to
8 the territory of the logistics base in Banja Luka, that is, to my

9 warehouse.

10 MR. GROOME: Your Honour, I may be moving, so quickly -- I

11 apologise for not giving you paragraph numbers of the witness summary.

12 I'm now dealing with paragraph 68.

13 Q. Can you describe in general terms -- I will talk about some

14 specific examples or ask you to address some specific examples after the

15 break, but prior to the break can I ask you to describe in general terms

16 the types of vehicles that were used in these convoys and the approximate

17 number of convoys in an average convoy?

18 A. The types of vehicles were trucks with trailers, covered with

19 tarpaulin of course, tank trucks for fuel. The columns would consist of

20 45 to 50 vehicles, sometimes more, but these were not only for the needs

21 of the army but also for the needs of citizens. I'm talking about

22 Banja Luka now, because there was a problem of food shortages. So I

23 allowed my convoys to include 10 or 15 vehicles for the transportation of

24 oil, sugar, flour and other foodstuffs. Combat security of the column was

25 provided by the corps in Banja Luka with APCs that went in front and at

Page 22236

1 the end of the column. They secured the column around Brcko and Bijeljina

2 to protect it from any possible difficulties. This was regularly done

3 while I was the commander of the base, and as I was saying, this corridor

4 was the life artery for life -- enabling life in these areas.

5 MR. GROOME: Your Honour, is that a convenient place before --

6 JUDGE MAY: Yes. How much longer do you think you might be,

7 Mr. Groome?

8 MR. GROOME: Fifteen minutes, Your Honour.

9 JUDGE MAY: Fifteen minutes. Very well.

10 Mr. Selak, we're going to adjourn now for 20 minutes' break.

11 Could you please remember in this break and any others there may be in
12 your evidence not to speak to anybody about it until it's over, and that
13 does include the members of the Prosecution team. Could you be back,
14 please, in 20 minutes.

15 --- Recess taken at 10.32 a.m.

16 --- On resuming at 10.55 a.m.

17 JUDGE MAY: Yes, Mr. Groome.

18 MR. GROOME: Your Honour, before I continue, I realise that I've
19 been moving rather quickly through rather large volumes of documents. If
20 it's of assistance to the Court and the other parties and the amici, I
21 have asked Mr. Kerr next to me to provide a copy of those pages in those
22 large documents which we've specifically referred to with the section
23 highlighted. He will have them in advance of the cross-examination or as
24 soon thereafter as the cross-examination begins.

25 JUDGE MAY: Very well.

Page 22237

1 MR. GROOME:

2 Q. Mr. Selak, we concluded the first session this morning with you
3 discussing convoys. You gave rather extensive testimony in Brdjanin and
4 Talic, and for the record I would point to transcript page numbers 13111
5 to 3115 where you discussed using a war diary of the 1st Krajina Corps
6 about convoys that were going back and forth between the 1st Krajina Corps
7 and Belgrade; is that correct? Do you recall testifying on that subject
8 in Brdjanin and Talic?

9 A. Yes.

10 Q. Did you have an opportunity to review that same war diary, and

030612IT

Page 41 of 120

11 that is for the record Prosecution Exhibit 463, tab 24, or Prosecution
12 Exhibit 1590 to use the Brdjanin and Talic designation. Did you have an
13 opportunity to review portions of that war diary earlier this week?

14 A. Yes.

15 Q. And do you recall seeing an entry in that diary from the 7th of
16 July, 1992, describing a convoy of 15 trucks being dispatched to Belgrade
17 to get logistical supplies for the 1st Krajina Corps?

18 A. Yes.

19 MR. GROOME: For the record, the B/C/S ERN number of that page is
20 01304553 and the English is L0088327.

21 Q. Did you also see another entry referring to a convoy on the 9th of
22 July 1992 discussing 45 trucks in a convoy --

23 A. Yes.

24 Q. And for the record the B/C/S is 01304559 and the English L0088334.

25 Now, I have one more question with respect to convoys. Was there

Page 22238

1 a document that travelled with the convoy detailing the materials or the
2 supplies that were contained or being transported in the convoy?

3 A. Yes. Along with the convoy there had to be all the prescribed
4 documents stipulating the type and quantity of material being transferred
5 to Belgrade and from Belgrade towards Banja Luka for the corps.

6 Q. And was the purpose of that document, in part, in the event that
7 the convoy was stopped so it could demonstrate or show what exactly it was
8 carrying?

9 THE INTERPRETER: The interpreter asks Mr. Groome to slow down
10 when he gives ERN numbers thank you.

11 THE WITNESS: [Interpretation] The document clearly stating who the

12 supplier of the goods is and who the goods are being sent to with a
13 signature and a stamp.

14 Q. And what is the name of this document that accompanies the convoy?

15 A. The official document was referred to as the materijalni lista or
16 materiel list or bill of lading which was used for the issuance of the
17 materiel and equipment and the reception of it at the other end.

18 MR. GROOME: I ask that the witness be shown Prosecution Exhibit
19 464, tab 22. It is a document dated the 9th of July, 1992.

20 Q. Mr. Selak, have you had an opportunity to read this document
21 prior -- after coming to Holland but before testifying here today?

22 A. Yes.

23 Q. The document is authored by a Colonel Vaso Tepsic? Did you know
24 Colonel Vaso Tepsic?

25 A. Yes.

Page 22239

1 Q. And I want to draw your attention -- this is a document concerning
2 logistical matters. I want to draw your attention to the second paragraph
3 under number 3, and if I could ask you to read the portion that begins
4 with "The commodities from RO Incel..." If you could read that sentence
5 for us, please.

6 A. Point 3 of the order, and I quote: "On the 9th of July, 1992, the
7 motor vehicles shall be dispatched to the work organisation Incel" - let
8 me explain that is the cellulosis paper factory of Banja Luka - "by 1600
9 hours to load 100 tonnes of toilet paper. The motor vehicles shall spend
10 the night in the Incel work organisation. On the 10th of July, 1992, at
11 0630 hours, the motor vehicles shall be collected at the work organisation
12 of Incel, refuelled at the Kozara barracks" - which is in Banja Luka,

13 that's my explanation - "and shall set off for Belgrade at 0700 hours.
14 "The commodities from the work organisation of Incel shall be
15 delivered according to the delivery order in Belgrade. The senior officer
16 of the group shall be responsible for the delivery and shall organise the
17 handover of the technical equipment and materiel, the TMS, for military
18 post 4022 Banja Luka in Belgrade," and that is the corps command, my
19 explanation.

20 Q. Mr. Selak --

21 A. -- "and shall take them to Banja Luka."

22 Q. -- Can you please explain what types of materiel that would make
23 up TMS, what's referred to as TMS in this document?

24 A. Technical equipment and materiel, TMS, refers to ammunition,
25 weapons, spare parts, fuel, oil and lubrication for vehicles, et cetera.

Page 22240

1 So technical material, not construction material and the like.

2 Q. Can you --

3 A. Medical supplies and so on.

4 Q. Can you in a sentence or two based on your experience as a
5 logistics commander interpret what is being discussed or described in this
6 document?

7 A. This document is about vehicles and says that vehicles from the
8 corps units shall be driven to Belgrade and that empty vehicles going to
9 Belgrade should be used to take from the paper factory 100 tons of toilet
10 paper. But on the return journey that they should pick up materiel and
11 equipment from the units of the Yugoslav People's Army on the territory of
12 Yugoslavia or, rather, the Federal Republic of Yugoslavia.

13 Q. I want to now draw your attention to a different document, and

030612IT

Page 44 of 120

14 this is Prosecution Exhibit 464, tab 23. You have been handed the
15 original document. Have you had a chance to read this document prior to
16 testifying this morning?

17 A. Yes.

18 Q. I want to ask you some specific questions regarding this document.

19 First of all, can you tell us the date of this document?

20 A. The date on the document is - just a moment, please. Yes - the
21 28th of May, 1993.

22 Q. Who is this document addressed to?

23 A. The document is addressed to the person of General Momir Talic.

24 Momir Talic, the corps commander.

25 Q. And he was the commander of what corps in May of 1993?

Page 22241

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13 English transcripts.

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Page 22242

1 A. The 1st Krajina Corps of the Army of Republika Srpska.

2 Q. And does the sender of this fax or this correspondence indicate a
3 fax number where they can be reached, and if so, what can you tell us
4 about the location of the fax based on the number?

5 A. This number is the fax number in Belgrade, the area code 011,
6 763/653.

7 Q. And does this letter regard logistical supplies in specifically D2
8 diesel oil and other motor oil products?

9 A. Yes, it does. It explains the ways in which requests should be
10 tabled for it to be authorised in Belgrade, a request as -- made as
11 "humanitarian aid" for the needs of the Banja Luka region. Fuel 1.000
12 tons of D-2 fuel, et cetera.

13 Q. Mr. Selak, can I ask you to read the first sentence of this
14 letter?

15 A. "General, today I was informed at the Federal Administration for

16 Commodity Reserves by the Deputy Manager Nedjo Bodirolga, that all
17 provision of goods in the Republika Srpska can be issued only upon a
18 decision by the FRY government and only as humanitarian aid."
19 Q. And then can I draw your attention to the second paragraph. Could
20 I ask you to read the last sentence of the second paragraph.
21 A. "I suggest that Mr. Radic should table a request to the Yugoslav
22 government for humanitarian aid for the needs of the Banja Luka region."
23 Q. Mr. Selak, my apologies. It's the paragraph after that. Could I
24 draw your attention to the last sentence in that paragraph.
25 A. I see. "In addition to the other goods, I should like to also

Page 22243

1 mention 1.000 tons of D-2 and certain quantities of motor fuel MB-86
2 octane or 98 octanes."
3 Q. Mr. Selak, I will read a particular sentence for you and I would
4 ask you to find it on your copy. The sentence I'm reading begins with,
5 and I quote, "It shouldn't be mentioned that this is for the needs of the
6 army and it will be the way you agree." Can you find that portion on the
7 original in front of you? Have you been able to find it?
8 A. Yes, yes, that's clear. I've found it.
9 Q. My question to you is --
10 A. Can I read it out? Shall I read it out?
11 Q. It's okay. My question to you is: Does this letter indicate that
12 at least in May of 1993, military supplies, in this particular case of
13 diesel oil and other motor oil products, had to be authorised by the FRY
14 government before being given to the RS and they had to be disguised as
15 humanitarian aid? Is that a correct conclusion from the reading of this
16 letter?

030612IT

Page 47 of 120

17 A. Yes. Yes. That is my conclusion.

18 JUDGE KWON: Mr. Groome, would the witness be able to identify the
19 author of this letter?

20 MR. GROOME:

21 Q. Can I ask you to answer Judge Kwon's query if you're able?

22 A. The signature here is that of Colonel Zudic or Budic. However,
23 General Talic wrote up in the right-hand corner "Amidzic." He is Colonel
24 Amidzic, assistant for logistics, because the other Colonel was killed.
25 So Bosko Amidzic replaced him and Talic is writing to him, to Amidzic.

Page 22244

1 Amidzic has to go to Radic, and reach an agreement, and Radic is president
2 of the municipality of Banja Luka.

3 JUDGE KWON: Thank you.

4 MR. GROOME:

5 Q. Now, Mr. Selak, I'd like to once again ask you to refer to your
6 work notebook. And if I could draw your attention to your notebook back
7 again to the 4th of June, 1992. And on the 4th of June, 1992, did you
8 make a note regarding requirements for materiel that General Djukic had
9 advised you of, those requirements to be fulfilled by the Federal Republic
10 of Yugoslavia?

11 And for the record, the ERN number is 01104811.

12 A. May I begin?

13 Q. Yes. Are you able to find your notes regarding --

14 A. Yes, I am able to. Yes, yes, I've found it. General Djukic at
15 the meeting with the -- Radic, president of the municipality, in his
16 speech Djukic, in addition to other things, stipulated that we should draw
17 up a specification of the materiel from the Federal Republic of

030612IT

Page 48 of 120

18 Yugoslavia.

19 Q. And did General Djukic indicate the chain or the path that such
20 requests to Federal Republic of Yugoslavia had to take?

21 A. Yes. The requests were to pass through the usual channels,
22 through the command and Main Staff of the Army of Republika Srpska, and
23 then it was sent on to Belgrade from them to the General Staff of the Army
24 of the Federal Republic of Yugoslavia, in fact.

25 Q. Can I draw your attention to the 15th of June, 1992. Do you have

Page 22245

1 entries in your work notebook with respect to a meeting with General Momir
2 Talic? And the ERN number is 01104823.

3 A. Yes. On the 15th of June, 1992, there was reporting to the 1st
4 Krajina Corps commander with respect to logistical support, and on that
5 occasion, General Talic said that the transport of materiel should go from
6 the Federal Republic of Yugoslavia, that that should be organised,
7 transport from the FRY, and that is what I stipulate in my diary or,
8 rather, work notebook.

9 Q. And did you note or is there any note that you've made that
10 indicates the size or quantity of the supplies that were being requested
11 by Momir Talic?

12 A. Yes. I mention here 66 types of ammunition which was critical.
13 We needed those supplies. Seventy-five types of ammunition. Also we were
14 running out of those. There were not enough generators, tyres, tarpaulins
15 for vehicles, spare parts, and expendable material. And then there was a
16 shortage of certain foodstuffs and that all this was being requested via
17 the Federal Republic of Yugoslavia, the replenishment and resupplies.

18 Q. And finally could I draw your attention to the 5th of July, 1992.

19 Do you have notes in your workbook or your notebook with respect to the
20 same issue of supplies being requested and received from the Federal
21 Republic of Yugoslavia? And I'd ask you just to answer yes or no to that
22 question.

23 A. Yes.

24 MR. GROOME: Your Honour, in the interests of time I won't go into
25 the detail of that, and again we'll provide a courtesy copy with the

Page 22246

1 translation highlighted.

2 Q. Mr. Selak, my final question to you is a matter that I began to
3 ask you early on in your testimony and it is with respect to General
4 Uzelac and -- about a request from him to you to dispense weapons. Do you
5 recall that portion of your testimony?

6 A. Could you repeat the question, please? General Uzelac -- what did
7 you say.

8 Q. Do you recall earlier today I asked you about -- did you ever
9 receive an order from him or request from him to dispense weapons which
10 you determined were in violation of JNA regulations?

11 A. Yes. General Uzelac, I think it was in November 1991, asked me,
12 as assistant -- he sent assistant logistics commander to my office and
13 asked me to issue weapons to the Territorial Defence of Mrkonjic Grad,
14 Sipovo, and for the 5th Kozara Brigade.

15 MR. GROOME: Your Honour, I didn't have the reference before --

16 THE WITNESS: [Interpretation] In Prijedor.

17 Q. Mr. Selak, I'm going to read a portion of an exhibit previously
18 tendered, and it is an intercept dated the 8th of July, 1991, between the
19 accused Mr. Milosevic and Mr. Karadzic. It was introduced as Prosecution

20 Exhibit 353, tab 31, and it was referred to in transcript --

21 JUDGE MAY: Not yet. Not yet admitted.

22 MR. GROOME: I'm sorry. Marked for identification, Your Honour.

23 And it referred to transcript 13.340 to 45.

24 Q. I'm going to read a small portion of that transcript of that

25 intercept and ask you if this relates -- the matter that's being discussed

Page 22247

1 here relates to the request that you received from General Uzelac. And

2 this is Mr. Karadzic speaking: "Yes. That's underway. But tell me, can

3 we arrange the same thing, that they give me back the armament of the TO

4 in Sipovo and Mrkonjic Grad?" Mr. Milosevic: "That's a small matter."

5 Mr. Karadzic: "All right. Let them arm them there. Here I've got 170

6 ready in Mrkonjic and 150 in Sipovo and they are ready to go to Kupres."

7 Milosevic: "Is Uzelac also in charge of that?" Karadzic: "No, no. This

8 is -- er I think that is him, yes, yes." Milosevic: "Tell him that

9 brother, no problems." Karadzic: "All right." And finally

10 Mr. Milosevic: "We cannot discuss every small detail like this."

11 Based upon your later interaction with Mr. Uzelac, does this

12 conversation relate to the request made by General Uzelac to you?

13 A. Yes. That was precisely it.

14 MR. GROOME: I have no further questions, Your Honour.

15 JUDGE MAY: Yes, Mr. Milosevic.

16 THE ACCUSED: [Interpretation] Mr. May, a moment ago Mr. Groome

17 said quite rightly that he went through all this great number of documents

18 very quickly, and indeed he did. As you can see, I received here this

19 morning some transcripts and the various tabs which were just skimmed

20 through. I wish to draw attention to the fact that it is absolutely

21 impossible for me to cross-examine this witness in the course of today.

22 That's --

23 JUDGE MAY: Mr. Milosevic --

24 THE ACCUSED: [Interpretation] That's quite obvious. Let me put it

25 quite simply.

Page 22248

1 JUDGE MAY: We have considered the position, the time taken by the
2 Prosecution. We've also considered the fact that this witness has given
3 evidence before in transcript form now before us. So bearing all those
4 matters in mind, you've got three hours starting from now, which will
5 indeed take you into tomorrow.

6 THE ACCUSED: [Interpretation] I don't think three hours will be
7 sufficient, but if that's your decision and ruling, I have nothing to do
8 with that. It's up to you to decide.

9 MR. GROOME: I will just note for the record that the transcripts
10 were provided at the beginning of March.

11 JUDGE MAY: Yes.

12 Cross-examined by Mr. Milosevic:

13 Q. [Interpretation] Mr. Selak, you spoke about the corridor, and you
14 said that it was the lifeline for those parts, the main artery; is that
15 right?

16 A. Yes.

17 Q. Tell me roughly now, please, how many inhabitants were there
18 living west of Brcko?

19 A. West of Brcko in my assessment and according to the 1991
20 population census, there were about 800.000 to 1 million people.

21 Q. Right. A million people living west of Brcko.

22 A. Including Doboј.

23 Q. All right. Fine. So that -- and it was just this corridor that
24 served to supply this 1 million inhabitants. If you add to that the
25 inhabitants of the Republic of Srpska Krajina which had no other

Page 22249

1 connection or links with the rest of the country at all, that was the sole
2 lifeline too?

3 A. Yes, that's right.

4 Q. So that was the only lifeline and connection which supplied the
5 population with what they needed to survive, this 1 million, 2 or 300.000
6 people living in that part. That's right, is it?

7 A. With the exception of the requirements for combat, ammunition and
8 weapons, and all the other things the army needed. So it wasn't only a
9 question of food. The question of food wasn't the only problem.

10 Q. Do you mean to say that there was sufficient food and medicines
11 and clothing and oil and fuel, not to mention all the other requirements?
12 So that wasn't the problem according to you. It was just weapons and
13 ammunition that were the problem.

14 A. I didn't say that food was not a problem, because in my convoy,
15 sir, I always included vehicles transporting food, because I was well
16 aware of the problem and that we ought to solve it in humanitarian terms.

17 Q. Yes. So that's what it's all about. The sole link through which
18 life was ensured and the survival of these people, and as I say there were
19 about 100 -- 1.300.000 inhabitants was in fact this corridor, this
20 lifeline and connections with Yugoslavia. Now, were they able to receive
21 aid and assistance from anybody else? Could supplies come in from anybody
22 else?

23 A. Well, there was no policy -- had policies and politics been
24 different, there could have been other corridors and communications.
25 Q. Yes. I do agree. If the policy wasn't what it was, had there not

Page 22250

1 been a war, had there not been an armed secession, then none of that would
2 have been necessary.

3 Now, tell me this, as you're well acquainted with that: So this
4 sole corridor through which supplies came in and through which the
5 survival of 1.300.000 persons depended upon, how many different corridors
6 were in existence which you in Bosnia-Herzegovina used to supply
7 yourselves from Turkey, Iran, Saudi Arabia, Malaysia, Indonesia, and the
8 Western countries and so on? Do you have any knowledge of --

9 JUDGE MAY: No. Before we go into this kind of polemic, the
10 witness can only deal with the area in which he was responsible.
11 Did you receive any support from outside, and a number of
12 countries are mentioned such as Turkey, Iran, et cetera? Did you receive
13 any supplies from them?

14 THE WITNESS: [Interpretation] Not a single pfennig. Not a single
15 kilogramme of oil or anything else, Your Honours.

16 MR. MILOSEVIC: [Interpretation]

17 Q. Well, that will be easy to demonstrate. But we don't have to do
18 that with this witness.

19 Now, to save time, I should like to move on. Of course I can't do
20 it as quickly as Mr. Groome did, but anyway, I shall go through the tabs.
21 But this passage through the tabs, let me start by quoting one that
22 Mr. Groome omitted, probably unintentionally, but it was tab 18, in fact.
23 He skipped that one.

24 JUDGE MAY: Let the witness have the documents as they're referred

25 to. Tab 18. Yes.

Page 22251

1 MR. MILOSEVIC: [Interpretation]

2 Q. Take a look at this then, please. It is addressed to -- the last
3 sentence says -- the last sentence of the document is, as you can see,
4 "inform all members of the Army of the Serbian Republic of
5 Bosnia-Herzegovina about the contents of this report in the most suitable
6 way." Isn't that right, Mr. Selak?

7 A. Yes.

8 Q. So all the members of the Army of Republika Srpska are being
9 informed of the contents of the document.

10 Now, let's go back to the first page. The date on that is 21st of
11 May, 1992. That's right, isn't it, Mr. Selak?

12 A. Yes.

13 Q. And the text begins with the following words: "On the basis of
14 the decision on the withdrawal of the JNA (Yugoslav People's Army) from
15 the territory of Bosnia-Herzegovina, a major transformation of the army
16 has taken place. All members of the Federal Republic of Yugoslavia have
17 left the territory of Bosnia-Herzegovina, while officers and soldiers born
18 in this republic have returned to the territory of the Serbian Republic of
19 Bosnia-Herzegovina and joined the armed forces." Is that right?

20 A. That's what it says in this document, yes.

21 Q. However, Colonel Vukelic who is the signatory for the commander
22 for moral guidance for the 1st Krajina Corps did not have the right to
23 write this last sentence that you quoted because he could have informed
24 only members of the 1st Krajina Corps of the contents and not all the

25 members of the Army of Republika Srpska. That wasn't under his

Page 22252

1 competence.

2 Mr. Selak, even if that is so --

3 A. Yes, that is so.

4 Q. Everything refers to the Army of Republika Srpska. Now, whether
5 he had the right to do so, whether he was authorised by somebody to
6 dispatch this to whom he did, you don't know that and that's not the
7 essential point either. What is essential is what is written here in the
8 document.

9 A. Yes. But not all the members of the Federal Republic of
10 Yugoslavia left the area of Bosnia-Herzegovina, the territory. Just a
11 small portion. So this is not correct.

12 Q. All I'm asking you about, Mr. Selak, is what it says in the
13 document. Now, all the things that are incorrect in documents that you
14 commented on here, we'll come to that due course.

15 Does it go on to say under number 1 there is an explanation saying
16 that the countries of the European Community have interfered, the
17 so-called German bloc, which have had centuries-long aspirations to
18 dominate these areas and which have, because of this, waged two world wars
19 unsuccessfully. In their estimation, this is a suitable time to achieve
20 the centuries-old aspirations, to create many tiny, dwarfish mini-states
21 in these areas which would be very suitable for all kinds of manipulation
22 and dependency. Is that right, Mr. Selak?

23 A. That is what it says in the document.

24 Q. Of course you don't agree with that.

25 A. No, I don't.

Page 22253

1 Q. Very well. One of these mini-states was to have been Bosnia and
2 Herzegovina in which all key issues would remain unresolved especially
3 relations between the constituent peoples, and those unresolved relations
4 and the violence that was resorted to, did that provoke the civil war,
5 Mr. Selak?

6 A. Your Honours, this document was written by Colonel Vukelic who was
7 born in Serbia, assistant for moral guidance, and as such a document it is
8 addressed to the soldiers with the aim of politically influenced them.

9 Q. Mr. Selak, that is what it says here.

10 JUDGE MAY: Just a moment. Just help us with this. What was the
11 role of the officer for moral guidance? What was his position in one of
12 these units.

13 THE WITNESS: [Interpretation] Your Honour, his position was
14 assistant corps commander for moral guidance. So he would see to raise
15 the morale of the officers and soldiers of the corps. And this document
16 is indicative of this, to explain the aims of the battle and what it is
17 they are to achieve, what are their goals right down to the lowest-level
18 troops.

19 JUDGE MAY: Very well. If it says what it says here, we will have
20 in mind your explanation. So you can simply agree with what it says. I
21 mean, don't agree with the sentiments, but agree that that is what the
22 document says.

23 Yes, Mr. Milosevic.

24 THE WITNESS: [Interpretation] Yes.

25 THE ACCUSED: [Interpretation] It's a document which Mr. Groome

Page 22254

030612IT

Page 57 of 120

1 submitted here, only he didn't quote from it. It's not my document.

2 JUDGE MAY: I think we better clarify that. Some records appear

3 to indicate that the Prosecution were no longer relying on this document.

4 Even if that's so, it maybe convenient simply to retain it in the bundle

5 and give it the same document number.

6 MR. GROOME: Yes, Your Honour. In the interests of time, I

7 withdrew it yesterday evening, but I have no absolutely no objection to it

8 being retained.

9 JUDGE MAY: Yes. Well, we'll reinstate it and we'll do that with

10 any other documents if they're referred to which were in the bundle. Yes.

11 We'll reinstate that one. Yes.

12 THE ACCUSED: [Interpretation] Mr. May, thank you very much.

13 MR. MILOSEVIC: [Interpretation]

14 Q. In point 2, does it go on to say: "In such conditions, the

15 Serbian people in Bosnia-Herzegovina and Croatia found themselves in the

16 most difficult situation even though the oldest and a constituent people

17 they are exposed to unscrupulous deprivation of their rights,

18 transformation into a national minority and genocide. The Serbian people

19 neither could nor wanted to accept such humiliation and loss of rights.

20 In Bosnia-Herzegovina, the Serbian people have organised themselves

21 politically and are firmly resolved to struggle alone to secure their

22 historical right, national dignity and interests."

23 Is that what it says, Mr. Selak?

24 A. Yes.

25 Q. Let me leave out some of this to save time. On page 2, having

Page 22255

1 previously explained where the Serbian people live in Bosnia it says:

2 "They do not want anything that is not theirs and has not been theirs for
3 centuries but will not cede to anyone an inch of their territory. The
4 peace-loving Serbian people primarily care about peace, a peaceful and
5 just solution to all disputes in this areas. That is why its political
6 leadership, bodies and institutions are persistently initiating
7 negotiations on a peaceful separation."

8 You know very well that the Cutileiro plan was signed by all three
9 parties, aren't you?

10 A. Yes. There were negotiations.

11 Q. Very well. Then -- and signed. It also says that after the
12 proclamation of the constitution of the Serbian Republic of
13 Bosnia-Herzegovina it still wasn't called Republika Srpska. It was called
14 the Serbian Republic of Bosnia-Herzegovina. And the constitution of its
15 state bodies, the Army of the Serbian Republic of Bosnia-Herzegovina was
16 formed as an armed force of the Serbian people. Then that there was the
17 Main Staff, that Lieutenant Colonel Ratko Mladic has been appointed
18 commander, and so on. And then in the following paragraph, please follow:
19 "The uniform of the JNA has been retained, which we otherwise have at
20 our disposal," as they had no other.

21 In the one but last paragraph in the last sentence it says, please
22 follow: "This army is struggling for truth, freedom, a fatherland for the
23 survival of its people, for peace and progress, and that is why its
24 behaviour toward its own people and the enemy has to be dignified and
25 chivalrous and dignified." Now, please, I draw attention to the last

030612IT

Page 59 of 120

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13 English transcripts.

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Page 22257

1 paragraph. "It will defend its own people from all dangers and assist it.

2 It will hit at the enemy, an armed struggled, whereas captured and wounded

3 members of the enemy, as well as the civilian population, will be treated

4 in a soldierly, civilised and humane manner in keeping with the norms of
5 international laws of war. That is why all levels of command and control
6 must be engaged most energetically in building up the moral and combat
7 image of our members and must implement all available measures to curb any
8 possible incidents of conduct that could tarnish the dignity and
9 reputation of that image."

10 Is that so, Mr. Selak?

11 A. That is what is written there. But they behaved differently.

12 Q. There is no doubt that there were individuals who behaved
13 differently, but this was the approach that the Army of Republika Srpska
14 adopted in the struggle that was being waged on the territory of the
15 former Socialist Republic of Bosnia and Herzegovina. Is that so or not?

16 A. No. That was not the approach, because 280.000 victims were not
17 killed by individuals but the army, paramilitary organisations, and
18 volunteer units. This was written with a different intention, but actions
19 differed from words. More than 60.000 people were moved out or killed or
20 detained in camps, and I am talking about Prijedor alone, the
21 responsibility of the Banja Luka Corps, not to mention others.

22 Q. Very well, Mr. Selak. We will certainly come to those matters.

23 In Serbia at one point in time there was 1 million refugees. I
24 don't know who they had fled from and why. Among them, of course, 50.000
25 Muslims from Bosnia and Herzegovina who were treated on an equal footing

Page 22258

1 with others, as you know.

2 JUDGE MAY: Mr. Milosevic, you've been told before. You're asking
3 questions now, not making statements. If you want to give evidence, you
4 can do so in due course.

030612IT

Page 61 of 120

5 No need, Mr. Selak, to respond to that.

6 Yes.

7 THE ACCUSED: [Interpretation] Yes, Your Honour.

8 MR. MILOSEVIC: [Interpretation]

9 Q. In order to make the most efficient use of the time available to
10 me, I will now cover several other tabs. I started with number 18, as I
11 said. In tab 1, the personal particulars are given, your personal
12 particulars. I won't read out all of this.

13 You were promoted to the rank of colonel in 1986, commander of the
14 Logistics Base 993. Then in March 1992, chief of the liaison group for
15 contacts between UNPROFOR and the JNA. That is what it says.

16 And then it says on the 19th of May, 1992, you applied for
17 retirement from the service of the JNA. That is the information that you
18 provided.

19 A. Yes. And I have those documents, the originals of those
20 documents, in my briefcase.

21 Q. I believe you, but you explained that you were thrown out of the
22 JNA, and here it says that you submitted a request for retirement.

23 A. You didn't understand me. I was replaced from the position of the
24 chief of the liaison group for contacts between UNPROFOR and JNA in April
25 1992, and I again became commander of the logistics base in Banja Luka.

Page 22259

1 And it was from that position that on the 19th of May I submitted a
2 request for retirement.

3 Do I need to repeat that?

4 Q. Who was the chief of the liaison between UNPROFOR and the JNA and
5 whether that was replacement or reassignment, you were commander of the

6 logistics base, and you went back to take up that same duty. So I assume
7 you were temporarily appointed chief of the liaison group, because that
8 usually is not a job performed by an officer from the logistics area but,
9 rather, from the information administration or another administration.

10 A. No, Your Honours. There were three groups for cooperation with
11 UNPROFOR. The first group was in Belgrade, a second in Sarajevo, and a
12 third in Banja Luka. I have in my briefcase the original document on my
13 appointment as chief of that group, and it doesn't say that it was a
14 temporary appointment but that I was appointed chief of the group, being
15 in the 7th payroll group. And I was there for about one month and ten
16 days. I have the document in my briefcase, Your Honours, and if you wish,
17 I can show it to you.

18 Q. Does it say in the document when you were sent back to the
19 logistics base that you were replaced or re-appointed to the same job?

20 A. No. It says because there was no longer any need for my
21 engagement in the group for cooperation with the UN that I should return
22 to take up my former position of commander of the logistics base.

23 Q. There's nothing discriminatory in that?

24 A. No. It doesn't say so. But in the Tribunal, there is a document
25 in which General Vukelic, the commander of the Banja Luka Corps, in March,

Page 22260

1 requests that because of political unsuitability I should not be appointed
2 to this position of chief of liaison with the UNPROFOR. I had this
3 document in my hands in the Brdjanin trial.

4 Q. Very well. And then on the 10th of July you went on leave, and on
5 the 1st of October, your retirement was accepted. I'm just reading from
6 your own information, not any documents of my own. That your request for

7 retirement was accepted on the 1st of October, 1992.

8 A. Yes. I have all the original documents here. I can show them.

9 Q. I'm not doubting any of this. You yourself submitted a request
10 for retirement. Then you asked to go on leave, and your request that you
11 submitted was accepted. So there's nothing abnormal. No one threw you
12 out of the JNA.

13 A. No, they didn't, but the implication was that I was no longer
14 suitable, because the corps commander held meetings with his assistants
15 for half an hour and only then would I be called in so that I wouldn't
16 hear what they had discussed before I joined them.

17 Q. So as not to go into marginal issues, Mr. Groome quoted from a
18 document from tab 2 in which the republican staff of the Territorial
19 Defence of Bosnia-Herzegovina, Sarajevo, it is the 23rd of April, 1990,
20 orders the district and Municipal Staff to collect weaponry and place it
21 under the control of the JNA; is that right?

22 A. Yes.

23 Q. How did you explain why this was done?

24 A. The withdrawal of the weapons from TO units throughout Yugoslavia
25 started at the end of 1990 by decision of the Assembly of the SFRY.

Page 22261

1 Slovenia would not agree to it. Partially, Croatia didn't either.
2 However, Bosnia returned everything to warehouses. And the commander of
3 the republican staff issued an order for the weapons to be transferred to
4 JNA warehouses, and if JNA has control over it, then it is known to whom
5 they would be issued.

6 Q. Now, whether that was known or not is your own conclusion, but
7 what you have here, you have also tab 3 which Mr. Groome did not quote

8 from. I don't know whether he withdrew that one too, but it relates to
9 the same matter. Please look at tab 3. And it is in response to a
10 question of a member of parliament in the Assembly of Serbia. And the
11 delegate or member of parliament made a question, and the corresponding
12 ministry has to provide an answer. And here he's quoted, and it says:
13 "As we have learnt at the federal level, a decision has been taken to
14 abolish the Territorial Defence. Pursuant to that decision, weapons and
15 war materiel have been withdrawn from the warehouses of factories and
16 local communes. Thus the people were disarmed; it was until a few days
17 ago we used to say, 'we are the army.'
18 "My question is: Where are the weapons and what will happen to us
19 now that we do not have the concept of All People's Defence? How shall we
20 resolve these issues?
21 "What to do, where and how, if a rifle is shot from somebody's
22 shoulder at marked Serbian houses?"
23 So a deputy in the parliament of the Republic of Serbia is putting
24 this question precisely because an identical procedure is being carried
25 out in Serbia, weapons taken and placed in JNA warehouses. And then we

Page 22262

1 have the answer.
2 Is it clear and was it clear to you at least in those days,
3 Mr. Selak, that this was also done in Serbia? So not just in Bosnia and
4 Herzegovina. It was a decision of the federal authorities, and it was
5 implemented as you see. It fully coincides which you yourself said
6 occurred in Serbia. The same applied to the Republic of Serbia. Are you
7 aware of that?
8 A. The weapons were relocated by the Yugoslav army, later distributed

9 it to members of only one ethnic group, as has been proven through a host
10 of documents available in the Tribunal.

11 Q. We'll come to that too, as you have information regarding these
12 minor distortions which throw a completely different light on the matter,
13 but we'll come to that.

14 Mr. Groome also referred to tab number 4 containing the
15 conclusions regarding the assessment of the situation, and he insisted
16 that you read out the date. This was addressed by the commander of the
17 2nd Military District, Milutin Kukanjac. And he also speaks about the
18 situation on the ground under (a). "Krajina (without Eastern Slavonia),"
19 as that was not the area of responsibility of the 2nd Military District,
20 he says: "According to reliable information, gradually and very
21 persistently," and this was the situation on the 19th of March, 1992, he
22 takes -- "the moderate elements, the leadership recently constituted in
23 Vukovar, is taking the initiative," that is, the leadership of the
24 Republic of Serbian Krajina.

25 And then he says that, "The new authorities are working on ousting

Page 22263

1 Milan Babic from the office of President of Knin municipality." You know
2 that the problem with Babic occurred precisely because he refused to
3 accept the Vance Plan, and the majority in the Assembly of the Republic of
4 Serbian Krajina supported it as is the -- as did the leadership of Serbia,
5 supported that plan.

6 And he says here that, "The behaviour of Milan Babic and his
7 supporters could cause certain problems during the transfer of territory
8 between our forces and the UN forces and the withdrawal of our forces."
9 However, he doesn't believe it will cause any major problems.

10 Then he speaks about the situation in Bosnia and Herzegovina.

11 With respect to Krajina, did Milutin Kukanjac give a correct

12 description of the situation as it was at the time?

13 A. I cannot talk about the political situation in the so-called

14 Serbian Krajinaz. I went there only officially to tour the units. But I

15 can't talk about the political situation, and I don't want to make any

16 mistakes.

17 Q. Very well. But this is a document that has been tendered through

18 you. So please -- please note under (b) he says that in the federal

19 republic of Bosnia-Herzegovina, "The situation is virtually dramatic,

20 especially in Herzegovina (Mostar, Capljina), around Bosanski Brod,

21 Travnik, and some others. Polarisation along national lines is

22 increasingly evident. Interethnic hatred in all spheres of life is

23 increasingly more obvious. All this has an inescapable effect on members

24 of the army and the options of individuals, especially in the ranks of the

25 Muslims."

Page 22264

1 And then he says: "Regardless of statements on the need for

2 cooperation and tolerance, the national parties are drawing increasingly

3 further apart. This is the characteristic of the Serbian Democratic Party

4 and the Party of Democratic Action."

5 So he is saying that these parties are drifting further away from

6 one another. He's not taking anyone's side in that situation.

7 A. You could explain it that way. However, the second part of the

8 document says other things, gives other instructions and guidelines in

9 that same document.

10 Q. Let's go to the end of the document.

11 A. Yes, I agree we should go to the end of the document because it
12 says that under the European Community talks that several important points
13 have come to the fore. And he says: "First, Alija Izetbegovic, the SDA
14 party, Party of Democratic Action, most Muslims are negotiating and
15 believe that an independent sovereign Republic of Bosnia-Herzegovina will
16 be created under their auspices in which they would play dominant role.
17 Second, the Serbian people have opted for Yugoslavia," it says, "and if
18 they can't have this then the only consideration is a confederal
19 Bosnia-Herzegovina, which means a respect for all three nations living in
20 Bosnia-Herzegovina which would then be a separate state but a confederal
21 one, along confederal lines."
22 And then he says the third variance simply does not exist. Simply
23 there is no third variant. And "Third, the Croatian people and their
24 party, the HDZ," that's the following paragraph, "are advocating albeit
25 cautiously a confederal Bosnia-Herzegovina; in practice, the Croatians

Page 22265

1 have done much for this option. Their advocacy for the unit -- for a
2 unitary Bosnia-Herzegovina is more formal in nature. Such behaviour is
3 more indicative of Muslim/Croatian coalition against the Serbs rather than
4 a realistic option." Is that true and correct, Mr. Selak.
5 A. Well, you're reading all this from the document quite correctly.
6 Q. All right. Fine. And then he goes on to say under 4 that he had
7 a visit from Cutileiro and that Cutileiro said that all sides are at
8 starting positions and that he wants to hear the opinions of the
9 commander, and he presented him with those views. And so on and so forth.
10 And he says, "two facts are quite evident: First, that the Serbs
11 are satisfied and second, that the document," and he's referring to the

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Page 68 of 120

12 Cutileiro plan, "are interpreted with so much variety that nothing is
13 clear any longer." Is that what it says?

14 A. That's what the document says.

15 Q. And then he goes on to speak about the situation in the field and
16 the JNA, and he says, "The relationship of the HDZ towards the JNA is
17 growing more antagonistic by the day." Then he goes on to say that there
18 is reference to a "so-called 'Yugo army' that brutally murdered Croats and
19 destroyed houses." And then he goes on to quote under quotations, "'That
20 is a Serbo-Chetnik army.' And that one gets the impression that any talks
21 of the possibility of the army remaining in the Croatian areas in
22 Bosnia-Herzegovina and some kind of cooperation simply does not stand a
23 chance given the present situation." Is that right?

24 A. Yes. But the army did stay on to the strength of four corps of
25 the Army of Republika Srpska.

Page 22266

1 Q. Then he goes on to say "the role of the army" -- and anyway, I
2 read out to you the piece of information saying that the Army of Republika
3 Srpska was established.

4 A. That's what I'm saying.

5 Q. That it was made up of the citizens of Bosnia-Herzegovina just
6 like the Army of Bosnia-Herzegovina made up the citizens of
7 Bosnia-Herzegovina -- was made up of them that is to say that is the
8 Muslims?

9 A. Yes, but the Serb army received 20 tanks, 1.018 APCs, and 1.260
10 howitzers, et cetera, whereas the others didn't receive a single rifle.

11 Q. Yes, we'll come to that who was issued with what and what actually
12 happened there, but among others it says under point (3), "The role of the

13 army in preventing bloodshed in Sarajevo on the 3rd and 4th of March 1992
14 had strong reverberations in the positive sense of the word among all the
15 citizens of Bosnia-Herzegovina." And then it goes on to say that, "The
16 party's leaders at all level are trying to minimise the role of the army
17 with the Croatian people, that among that night among his people and are
18 proving quite successful. And I'm sure you'll remember that the army did
19 prevent bloodshed and all the rest of it. Do you remember those events,
20 Mr. Selak?

21 A. I don't remember the key details. I know it happened but I can't
22 remember the specifics and details. I can't comment. It's not that I
23 don't want to; I can't comment on the details.

24 Q. And point B says, "the role of the JNA army that night revived the
25 Muslim people's trust towards the JNA to a great degree. The district

Page 22267

1 command has received most telegrams, letters and telephone calls from
2 Muslims as a sign of gratitude to us for preventing bloodshed. We have
3 learnt that the leadership of the SDA and some other parties are reviewing
4 a plan that would again turn the Muslim people against the JNA. Up to
5 now, they have not proved successful." My comment afterwards:
6 Unfortunately they did succeed; isn't that right sir?

7 A. No, unfortunately, 1.078 lives were what it cost. That was the
8 result. Those were the lives that were lost of all this.

9 Q. The result of the referendum?

10 A. The result of the aggression against Bosnia-Herzegovina.

11 Q. And who perpetrated the aggression, the Bosnian Herzegovinians
12 against themselves?

13 A. No. But with the forces of Greater Serbia and Montenegro.

14 Q. The Army of Republika Srpska was composed of people from
15 Republika Srpska, from Bosnia-Herzegovina, or perhaps from Yugoslavia.
16 Which was it?
17 A. From Serbia and Montenegro.
18 Q. Well, the few volunteers from Serbia and Montenegro, Mr. Selak,
19 can you compare that at all with the number of Mujahedin who had come in
20 to fight on the Muslim side?
21 A. Yes. Those from Ukraine, Belorussia, and Romania, the ones that
22 came in from Yugoslavia and the volunteers from Yugoslavia, Arkan's men,
23 Seselj's men and all the rest of them.
24 Q. Well, you can count them on the fingers of one hand.
25 JUDGE MAY: This kind of argument is not going to get us anywhere.

Page 22268

1 Let's move on to something else.
2 MR. MILOSEVIC: [Interpretation]
3 Q. Very well. Mr. Groome drew your attention in particular to a
4 portion of this document entitled: "Certain experiences" or, rather,
5 "Experiences" is the chapter heading. That's on page 5 of this document.
6 A. Yes, I've found it.
7 Q. Now, I'm going to draw your attention to something that Mr. Groome
8 might have omitted to focus on. He spoke -- speaks of certain experiences
9 and says, "most of the armed Serbs did not wish to leave their territory
10 proper." And in brackets it says, under inverted commas, doorstep or
11 threshold, from their own threshold, in fact, "but to defend their
12 villages, parts of towns and nearby military facilities; this especially
13 pertains to Serbs in areas where the Muslims are the majority population."
14 So they are afraid for their -- the lives of their families and safety of

15 their families because they are in jeopardy. Isn't that so, Mr. Selak?

16 A. What you've just read out is what it says in the document. Now,

17 what their actual behaviour and conduct was --

18 Q. You mean to say they didn't have anything to fear?

19 A. Well, we see what happened in the territory controlled by the Army

20 of Bosnia-Herzegovina, that there were no camps, that there was no

21 genocide as happened the other side. So that tells you something, doesn't

22 it, sir?

23 Q. Well, I don't -- I assume that you know that there were 400 camps

24 in Bosnia-Herzegovina and Croatia for Serbs. I'm sure you are aware of

25 that?

Page 22269

1 A. I also know that there were 640 camps which were held by the Serbs

2 where they incarcerated women and children, children as young as 1 year

3 old and elderly persons.

4 Q. You don't know that. In you did know that then you would also

5 know about the people who brought you here to testify, not even the people

6 who brought you here to testify can claim that.

7 JUDGE MAY: I'm not going to allow these sort of arguments to

8 continue. Stick to this document. If you've got any specific questions

9 about it, ask them.

10 MR. MILOSEVIC: [Interpretation]

11 Q. Well, he also indicates that certain leaders of the Serbian

12 Democratic Party are advocating a distancing from the JNA and creation of

13 some other army, "disassociation from the JNA and the creation of a second

14 army which could have negative consequences for the JNA," and that's quite

15 true. And that the SAO assemblies are making ultimatums on the army and

16 that is true too, "issuing conditions or ultimatums to the army," which is
17 true. And then he goes on to say that "it would be indispensable to put a
18 stop to the arming of volunteer units until the situation quiets down"
19 and so on and so forth.

20 And then further on in that same document it refers to warehouses,
21 depots. It is RMR, which means materiel, war reserves, the situation and
22 problems of dislocation. And then it goes on to state that from
23 Donji Lapac, this should be transferred to Bosanski Petrovac because it is
24 more secure. Donji Lapac is on Serb territory as well but in Krajina.
25 A. Like Bosanski Petrovac too.

Page 22270

1 Q. What did you say?

2 A. Just like Bosanski Petrovac.

3 Q. I assume Bosanski Petrovac is in Bosnia?

4 A. But it is a majority Serb population. So it wasn't relocated to
5 Gornji Vakuf or Travnik.

6 Q. All right. It was relocated to the Bosnia-Herzegovina territory
7 and the Golubic depot near Knin and Golubic is mentioned as a training
8 centre here. And it has been relocated to Bosansko Grahovo where a new
9 depot was to be formed?

10 A. Yes, Bosansko Grahovo, there 90 per cent of the population were
11 Serbs, Your Honours. Take a look at the 1991 population census.

12 Q. He's relocating it from Knin?

13 A. Yes.

14 Q. Moving it to a more secure location?

15 A. Yes. Yes.

16 Q. So from the Doboje depot to the Tumare, Trsko Brdo depot which is

17 ten kilometres from Zavidovici, and then the Sevarlije depot which you
18 quoted is thrown out of the territory of Bosnia-Herzegovina completely and
19 is being sent to Serbia, relocated there. So, not only is he not bringing
20 in from Serbia, he is sending reserves out into Serbia. Isn't that so,
21 Mr. Selak?

22 A. Yes. But take a look at the date, because it was only later that
23 these shortages of ammunition, weapons and all the rest of it was making
24 itself felt. At that time it was ballast, dead weight, and they didn't
25 want that to fall into hands of the enemy or, rather, the other side.

Page 22271

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13 English transcripts.

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Page 22272

1 Q. So this is transference from the depots and not handing out of any
2 kind. Then it says the relocation of these reserves are being unified
3 with the JNA for security purposes.

4 And on page 8, he specifies that "in the Faletici depot and
5 Hadzici depot, Usivak, Igman, and Krupanjska Rijeka, there is a vast
6 quantity" - and the word is vast - "vast quantity of Territorial Defence
7 means and resources and those of the JNA." So that is what you used.
8 Isn't that right, Mr. Selak?

9 A. Yes. And we know the reason why this left Hadzici and Faletici,
10 because it was a Muslim-populated area. So I can prove that too on the
11 basis of the 1991 population census.

12 Q. And then it goes on to say, "bearing in mind the option that soon
13 Bosnia-Herzegovina would be recognised as a state and that the Serb people
14 did not wish to remain and live in a 'ghetto' state, one could expect
15 numerous problems vis-a-vis the JNA." Are you aware of that?

16 A. That is what it says in the document. But I'm not surprised to
17 see who wrote it and that the person who wrote it should have this kind of
18 attitude.

19 Q. And it says, "caution the authorities in Bosnia-Herzegovina even
20 more strongly through the use of various methods that they should not make
21 any moves against the JNA which could provoke a reaction or clash. There
22 has been much success in this respect following the well-known events that
23 took place in Sarajevo in early March this year, and then he goes on to
24 say that this was also precisely said by Jose Cutileiro a couple of days
25 ago in talks," et cetera, "and that attention was drawn to the severe

Page 22273

1 consequences of the EEC, should support this negative stand towards the
2 JNA." Then he speaks of the need to "eliminate all lies about the army."
3 So judging by all this, is what General Kukanjac states and writes
4 in this document, is it an expression of the objective state of affairs
5 that reigned at the time, that prevailed at the time, and that the JNA had
6 an equal attitude towards one and all, behaved equally towards everyone or
7 do you claim the contrary?

8 A. He did write that the JNA had relationship of equality to
9 everybody, but what he did, the pulling out of reserves and his subsequent
10 behaviour and conduct deny this, Your Honours.

11 Q. All right. That is what you claim.

12 A. Yes. I am here under oath, under the solemn declaration, and I'm
13 telling you how things were, how things stood.

14 Q. All right. Fine. I'm going to try and move on. You spoke of the
15 next portion in detail. Mr. Groome emphasised that in tab 7, in order to
16 save time that there were a number of documents organised within tab 7. I
17 didn't analyse them all, but I know that tab 7 has been compiled in
18 tabular form with columns. And we have your comments here, Mr. Selak,
19 which means that there's a document where you -- which is called the "List

20 of participants in the national liberation war from Kotor Varos to be
21 provided with identify arms." That is one document. And they were the
22 veterans, in fact, the Partisans of the national liberation war, who were
23 provided with these sidearms for their own protection. Is that right,
24 Mr. Selak?

25 A. Yes.

Page 22274

1 Q. You said there was one Muslim on the list?

2 A. Yes.

3 Q. Did you happen to notice that beside the name of that particular
4 Muslim it says that he was the leader of the department, commander of the
5 department that numbered 10 to 15 people?

6 A. Ten men in fact, that he was the komandir, the commander. Yes
7 that was stated.

8 Q. And that he was a Muslim, the commander was a Muslim?

9 A. Yes.

10 Q. So would you call that a hostile act against Muslims?

11 A. Yes, but they were World War II veterans, over 65 years of age, 70
12 years of age. They were not conscripts. And there were Muslims in Serbia
13 and in Republika Srpska who stayed on, and every man is responsible for
14 his own behaviour and conduct.

15 Q. That is my view too. Everybody should be held responsible for
16 their own conduct and behaviour, not for other people's conducts and
17 behaviour.

18 A. Yes, yes, I agree with you completely.

19 Q. Then you have the TO Bosanski Petrovac document from the Municipal
20 Staff there written by Captain First Class Obo Brzic [phoen], and you say

21 the request of the 13th of December by the Territorial Defence of Bosanski
22 Petrovac to the logistics base, and all that took place while the SFRY,
23 the Socialist Federal Republic of Yugoslavia was in existence and the
24 Socialist Federal Republic of Bosnia-Herzegovina too. Is that right,
25 Mr. Selak

Page 22275

1 A. Yes. That is the date. It pertains to those times, that period
2 in history.

3 Q. Then you have that Colonel Skondric supports the request and
4 expounds on why he feels this should be issued. And Gradmir Petrovic is
5 mentioned as well. So all that relates to the time of normal
6 communication between the army and the JNA.

7 Now, do you recall, Mr. Selak, that this morning Mr. Groome asked
8 you where the weapons came from when he spoke about the volunteers, and
9 your answer was -- you explained to him that in part, it came from the
10 logistics bases there, from the territory of Bosnia-Herzegovina itself,
11 and that in part, as you said, I believe, it came from the part of the
12 weaponry of the units which were withdrawing from Slovenia and Croatia. I
13 believe you said that, didn't you?

14 A. The units or the material reserves from the depots and bases,
15 because the logistics base in Zagreb and Karlovac were disbanded. So
16 those technical resource and materiel were transported to the territory of
17 the Banja corps in trucks.

18 Q. All right. So you said this was from the logistical bases and the
19 resources of the units withdrawing from Slovenia and Croatia; is that
20 right?

21 A. Yes, because the Zagreb Corps was disbanded.

22 Q. Does that show that at that period of time on the territory of
23 Bosnia-Herzegovina there was a vast concentration of weaponry, generally
24 speaking, and military materiel; is that right?
25 A. Yes.

Page 22276

1 Q. So the military materiel and weaponry did not come from Serbia.
2 It was already located in Bosnia-Herzegovina, wasn't it?
3 A. At that time, yes.
4 Q. That's what I wanted to hear, because the opposite is being
5 claimed here. I won't belabour the point, and continue along this
6 tabulary compilation of documents.
7 JUDGE MAY: Just a moment. That may be a convenient moment to
8 adjourn.
9 Yes. Mr. Selak, you wanted to say something.
10 THE WITNESS: [Interpretation] Your Honours, may I be allowed to
11 explain something with respect to this document, the document that the
12 accused has just asked me about? I didn't answer your question.
13 MR. MILOSEVIC: [Interpretation]
14 Q. You did answer my questions.
15 JUDGE MAY: Just a moment. Let -- let the witness finish and then
16 we'll adjourn.
17 THE WITNESS: [Interpretation] Your Honours, the weapons and
18 military materiel which was pulled out of Slovenia and Croatia passed
19 through the territory of Bosanska Krajina too. There was no need to have
20 weapons and materiel from Serbia for the territory of Bosanska Krajina.
21 That's what I said. I don't know about the eastern part of
22 Bosnia-Herzegovina which borders on Serbia and Montenegro. So much from

23 me.

24 JUDGE MAY: Very well. Yes.

25 MR. GROOME: Your Honour, Mr. Kern has returned with the excerpts

Page 22277

1 that were referred to of Mr. Selak's notebook. With the Court's
2 permission, I would ask the Registrar to pass this to the accused so he
3 may use it during the break if he wishes.

4 JUDGE MAY: Yes, we will do, but we will adjourn first. Let's
5 adjourn. Twenty minutes.

6 --- Recess taken at 12.17 p.m.

7 --- On resuming at 12.39 p.m.

8 JUDGE MAY: Yes, Mr. Milosevic. We'll sit on until 2.00 to try
9 and make up time. Yes.

10 MR. MILOSEVIC: [Interpretation]

11 Q. Mr. Selak, will you look at tab number 9 that you've commented
12 on. It is dated the 3rd of January, 1992. It is -- says that it is on
13 behalf of Milan Skondric, the 530th logistics base. Mr. Groome asked you
14 in connection with what it says here in the second paragraph that the
15 point is "to control the territory administrative and local
16 communications, protect facilities of particular significance, and
17 coordinate action by the JNA units in the eventuality of combat
18 operations."

19 Mr. Groome asked you whether any combat activity had been planned
20 and you said that you were not aware of any.

21 My question is: Is it clear from this document that no reference
22 is made to any planned combat operations? It says quite the opposite. It
23 says should or in the eventuality of any combat operations in this area.

24 It means should a state of necessity occur. So there was no plan for
25 executing combat operations but only should people be in jeopardy. That

Page 22278

1 is the expression used. Is that clear or not, Mr. Selak?

2 A. That is what it says in the document signed by Colonel Skondric.

3 However, there were plans for the use of JNA units, war plans, which were
4 updated every year so that such plans did exist.

5 Q. Yes. For decades, ever since the institution called the army
6 exists, it always has its plans. But Mr. Groome didn't ask you whether
7 the army had its plans but whether you were aware of any planned combat
8 operations, any plan of combat operations. And it is quite clear from
9 here that the -- from this that the reference is to the eventuality of
10 combat operations should the armed forces have to be used. So my comment
11 is that no reference is made to specific plans, to concrete plans, but
12 only to the possibility of any combat operations.

13 A. Yes, that's right.

14 Q. I'll leave out some of your exhibits because I don't have too much
15 time. Now, for instance, let's have a look at number 12. "To the command
16 of the 10th corps, the 530th logistics base, to the commander personally."
17 Telegram of the 10th corps regarding the formation of the Territorial
18 Defence of the Serbian municipality of Bosanska Krupa. And an explanation
19 is given.

20 This actually, and am I right, Mr. Selak, that this is a local
21 exchange of correspondence between you and the municipality in your area?

22 A. No. The commander of the 2nd Military District is sending a
23 report as to how the 10th Corps command should act, as well as the 530th
24 Logistics Base, and that if they don't resolve the problem themselves they

25 should address themselves to the technical administration of the SSNO.

Page 22279

1 That is the Federal Secretariat for National Defence.

2 Q. And you need to resolve it as the commander of the logistics base?

3 A. No. Colonel Skondric, the 530th Logistic Base. Which was later

4 joined with our base later on.

5 Q. Was it within your terms of reference?

6 A. In that period of time, no. So I won't ask you anything more

7 about this in particular, as I believe that such things and relations with

8 the Territorial Defence were of no -- nothing secret to you. You were

9 well aware of these things.

10 A. They should not have been a secret, because I logistically

11 supplied all the units in my area of responsibility including the

12 Territorial Defence, all the needs for combat.

13 Q. So was this a secret for you or not?

14 A. No, it wasn't any secret. I was well aware of them.

15 Q. That is what I wanted to hear. You have here in tab 15 the

16 request for the replenishment of TO units and the SJB, the public security

17 service, isn't it?

18 A. Yes.

19 Q. And then it says "The request of the district staff of the TO for

20 Bihac."

21 A. Yes.

22 Q. Was this during the period when the JNA was functioning normally?

23 There were no conflicts. The Territorial Defence of Bihac is quite

24 regularly requesting replenishment in weapons.

25 A. This is a unique case of the chief of the service of the command

Page 22280

1 of the 2nd Military District to send to the General Staff in Belgrade
2 permission to issue infantry weapons to the TO staff of a municipality
3 which had a Muslim majority.

4 Q. Very well. The point was to meet the request of that
5 municipality.

6 A. Yes, but this is the only case, not for Petrovac, Grahovo, Drvar,
7 Kljuc, and other municipalities, but only for Bihac which had a majority
8 Muslim population.

9 Q. Tell me, please, was this some sort of discrimination towards
10 Bihac which had a Muslim majority?

11 A. I'm not talking about discrimination but a lengthier way of
12 dealing with this problem.

13 Q. As we now have Exhibit 16 too, or tab 16 where he talks about the
14 AP 7 -- command of the 2nd Military District, "Due to the demonstrated
15 need and the current situation in the city of Sarajevo issue the following
16 to Novo Sarajevo Territorial Defence Staff, 250 automatic rifles, 7.62
17 millimetres." You have already commented on this document.

18 Tell me, were the Serbs in Sarajevo endangered or not?

19 A. In those days when this was happening, I did not have any explicit
20 or daily reports about events in Sarajevo.

21 Q. So you're unable to answer that question. So that -- then I won't
22 bother you with it.

23 A. But for the army commander of a military district to send an order
24 to the battalion is rather illogical. And in Novo Sarajevo, the majority
25 of the population were Serbs.

Page 22281

1 Q. Look, please, at tab 18 now in which Talic explained on the 7th of
2 May, 1992, that members of the JNA who are not from Bosnia-Herzegovina are
3 leaving Bosnia and Herzegovina; is that right?

4 A. Not Talic. This is Vukelic, the assistant for moral guidance.

5 We've already commented on this if that is the document you're referring
6 to.

7 Q. No. I'm sorry. I referred to tab 18 at the beginning. I'm

8 talking about tab 17. My mistake. I gave you the wrong number.

9 From this we see that members from the JNA who are not from the
10 territory of Bosnia and Herzegovina are leaving Bosnia and Herzegovina.

11 Is that right, Mr. Selak?

12 A. Yes.

13 Q. Thank you. Let us move on.

14 A. But upon their request, not in obligatory form, because there's
15 another document, Your Honours, in which it is clearly stated that
16 officers from the Army of Republika Srpska born in Serbia and Montenegro
17 cannot leave their positions without the permission of the General Staff
18 of FRY.

19 Q. Mr. Selak, as you know that the decision was taken for all of them
20 to leave, I assume you're talking about tab 19 which refers only to the
21 desire to prevent chaos so that people should not leave in a disorganised
22 manner but that their departure should be registered and implemented in an
23 organised way, not that they shouldn't leave.

24 A. From the logistics base of which I was in command, I don't know of
25 a single case of a Serb born in Serbia or Montenegro to have left in June

Page 22282

1 or July except for a Bosniak from Montenegro, but not a single Serb did

2 so.

3 Q. So that is in contradiction with what we noted a moment ago,

4 because we said that they had left, all of them.

5 A. I am talking about the logistics base.

6 Q. So actually you mean the administrative staff.

7 A. No, no, not administrative staff. Ammunition depots, fuel

8 warehouses are not held by administrative staff. They are specialists for

9 ammunition and weapons, chemical devices and so on.

10 Q. Yes. Those are ancillary services but experts, and they cannot

11 leave until they are replaced, but they are all leaving once a solution is

12 found, an appropriate solution is found.

13 A. I repeat, I don't remember that any one of them had left. And

14 there's a table of the corps command, Your Honours, in which it can be

15 seen after the 18th of May how many officers remained in the corps command

16 who were born in Serbia and Montenegro. On the table, you can see their

17 names mentioned.

18 Q. Which is the table you're referring to?

19 A. It was in the Brdjanin case or Tadic.

20 Q. So we'll look into that subsequently. Let us please look now at

21 this table of yours that you prepared, and it is under tab 21, and it says

22 here a review of the logistics flow between the Army of Republika Srpska

23 and the army of Yugoslavia linked to the 14th Logistics Base after the

24 18th of May.

25 In that connection, in your work notebook that you quoted from,

Page 22283

1 the date was the 4th of June, 1992. You described what General Djukic

2 said. Who would be responsible for the salaries of the Army of Republika

3 Srpska, as you say, with the head count on the 19th of May, 1992, which is
4 the date when the JNA is leaving and it is no longer the JNA in
5 Bosnia-Herzegovina; is that right?

6 A. The JNA officially was leaving, but the units remained and were
7 renamed the Army of Republika Srpska.

8 Q. The Army of Republika Srpska consisted of members who were from
9 Bosnia and Herzegovina.

10 A. No.

11 Q. Just as the Army of Bosnia and Herzegovina consisted mostly of
12 members and officers from Bosnia-Herzegovina only they were Muslims.

13 A. No. There were Serbs and Croats. The Bosniaks were the majority,
14 of course. But when we're talking about this order of General Djukic's,
15 it was implemented throughout the duration of the war, Your Honours.

16 Q. Let us clear one thing up, please. You're talking about salaries
17 for those people.

18 A. Yes.

19 Q. Is it clear to you, Mr. Selak, that the people retained their
20 required rights to a personal income and social insurance? Is that clear
21 or not?

22 A. Yes. But they retain the same workplaces.

23 Q. They retained their acquired rights. You even mentioned pensions,
24 and certainly someone receiving a pension is entitled to receiving that
25 pension out of the social insurance funds to which his contribution had

Page 22284

1 been invested for that pension during his years of service, and you
2 yourself said here when talking about salaries, you used the expression
3 "One cannot live off air alone. If they hadn't received salaries, they

4 would have nothing to live on." And you even explained that they would
5 have to get their meals from charity canteens, et cetera.
6 So the members of the JNA up until then who stayed on in Bosnia
7 and Herzegovina and who joined the Army of Republika Srpska retained their
8 acquired right to a personal income and social insurance. So what? Do
9 you believe that they shouldn't have retained those rights and that they
10 should have got their meals from soup kitchens and would have nothing to
11 feed their families with?

12 A. Something else are at stake. You know that in our people, in the
13 Balkans there is a saying: I work for the one who pays me. Si if I'm
14 paid by the FRY, then I work for them too, don't I?

15 Q. Mr. Selak, in your case that is absolutely not true. You're
16 saying that those people retained their rights to a personal income and
17 insurance and that was a kind of aid which no one is disputing that the
18 Federal Republic of Yugoslavia did provide to former members of the JNA.
19 But what I am endeavouring to challenge is that by your comments on this
20 table, you said that this showed that the General Staff of the army of
21 Yugoslavia - I've noted down what you said and I'm quoting - was competent
22 or responsible when it came to control and command of the Army of
23 Republika Srpska, which is absolutely not true.

24 So do you know that the Army of Republika Srpska was an
25 independent army, that Republika Srpska adopted its own constitution and

Page 22285

1 that pursuant to that constitution there was a Supreme Command?
2 JUDGE MAY: We will deal with these things one at a time.
3 You're not disputing then, Mr. Milosevic, as I understand it, that
4 the Federal Republic of Yugoslavia did provide salaries, did pay for the

030612IT

Page 87 of 120

5 personnel of the VRS; is that right?

6 THE ACCUSED: [Interpretation] Mr. May, people retained their
7 vested rights to a salary and social insurance.

8 JUDGE MAY: So you're not disputing that they paid. I mean,
9 whatever you call it.

10 THE ACCUSED: [Interpretation] What I am saying is that from what
11 Mr. Selak is saying is something that I am challenging, that is that the
12 army of Yugoslavia had any kind of authority with regard to the control
13 and command of the Army of Republika Srpska.

14 JUDGE MAY: Let us pause there. You've heard what the accused is
15 challenging. Did the army, the VJ, the army of Yugoslavia have any sort
16 of authority with regard to the control and command of the VRS?

17 THE WITNESS: [Interpretation] Your Honours, when the army of
18 Republika Srpska was formed, General Adzic, the chief of staff, signed the
19 order saying that the commander of the VRS would be Lieutenant Colonel
20 Mladic. That is one point.

21 And secondly, throughout the duration of the war I was in
22 Banja Luka. There were regular communications, supplies, everything went
23 via Belgrade. The politicians made the decisions, headed by the accused
24 and Karadzic, and then this was carried out and implemented by the army.

25 MR. MILOSEVIC: [Interpretation]

Page 22286

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030612IT

Page 88 of 120

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Page 22287

1 Q. Mr. Selak, let us be quite precise. Did the Army of

2 Republika Srpska have its own command?

3 A. Yes, it did. And in the Republic of Srpska, was there a Supreme

4 Defence Council?

5 A. All the institutions existed of the Army of Republika Srpska as

6 being an independent state, and those within its composition. And this

7 was signed by the President of the Assembly of Republika Srpska.

8 Q. Krajisnik.

9 A. Yes, that's right, Momcilo Krajisnik.

10 THE INTERPRETER: Microphone, please. I'm sorry, but we didn't
11 hear the question.

12 THE WITNESS: [Interpretation] In formal terms, yes, but not de
13 facto.

14 JUDGE MAY: Would you repeat the question, please.

15 MR. MILOSEVIC: [Interpretation]

16 Q. Is it clear that the Army of Republika Srpska was, therefore, an
17 autonomous and independent army, not under the command of any kind of
18 General Staff of the Army of Yugoslavia?

19 A. There is a document in the Tribunal which states that an officer
20 leaving the Army of Republika Srpska will be held responsible and
21 accountable in the Federal Republic of Yugoslavia. And I was shown that
22 document a few days ago.

23 Therefore, that gives you an answer.

24 Q. It doesn't provide an answer. You said a moment ago that in
25 formal terms it was separated but not de facto, in actual fact.

Page 22288

1 A. Yes, and I say that again. I can confirm that.

2 Q. All right. Now, is there any kind of combat assignment, any kind
3 of order, the usual type of order in an army which could go from the
4 General Staff of the Army of Yugoslavia towards the Main Staff of the Army
5 of Republika Srpska? Was there ever any such order or did they have their
6 own Supreme Defence Council and their own Supreme Staff?

7 A. Your Honours, there was no need for decisions of this kind because

8 the goals were the same, and that was to create a new Yugoslavia.

9 Q. Mr. Selak, you're a soldier yourself, a military man, and you know
10 that if a chain of command exists, then that chain of command must
11 function. It must be operational. Now, as you cannot show us a single
12 order, nor did any order ever exist, then that chain of command does not
13 exist by the same token; isn't that right, Mr. Selak?

14 A. My answer was yes. In formal terms no, but actually it did.

15 Q. All right. That is your conviction. I'm not going to dwell on
16 that point. But I say that if there are no orders there cannot be a chain
17 of command. You know that as a soldier. You graduated from all the
18 military schools.

19 A. There wasn't need for orders of that kind because it was the
20 politicians that order the army. And you were in command on the 30th of
21 June, 1991. Mamula, Mr. Jovic, and all the rest of them said the same
22 thing at the time.

23 Q. Neither Jovic said that, nor could Mamula have because Mamula had
24 retired long before that.

25 A. Well he gave a statement to that effect.

Page 22289

1 Q. What Mamula said when he was a pensioner and retired, I really
2 can't say. I don't know. But both in formal terms and actual terms, that
3 is quite impossible. But let's move on.

4 Mention was made here of civilians, civilians serving in the army
5 were usually various types of experts, professionals.

6 A. Yes.

7 Q. They don't wear uniforms, but they are employed by the army. They
8 can be a driver. They can be a mechanic.

9 A. They can also be doctors and explosives professionals.

10 Q. I don't know what you mean by this pyrotechnics technician. What
11 does that mean?

12 A. For explosive devices and lethal devices. That's what I mean.

13 Q. All right. Fine. Mr. Selak, I'm sure you didn't have any
14 explosive devices and devices of that kind in the Bosnia-Herzegovina army.
15 And you say that over there they adhered to war law and the customs of war
16 and that there were no war crimes, ethnic cleansing or anything of that
17 kind. That's what you claim, isn't it?

18 A. Well, the figures speak for themselves. How many casualties there
19 were, civilians, children, and all the rest of it, and how many
20 combatants. The Association of Bosnia-Herzegovina Camp Inmates has the
21 precise facts and figures. As to the casualties, children ranging from
22 the ages of 1 year to old men of 60 and 70.

23 Q. Unfortunately, all of this was very tragic, and all this did exist
24 on all three sides during the civil war.

25 A. It was not a civil war.

Page 22290

1 JUDGE MAY: Let us not go into these generalisations. Come back
2 to more concrete questions.

3 THE ACCUSED: [Interpretation] All right. I won't enter into any
4 generalities, generalisations. May we see brief footage from a tape where
5 we can see the kind of conduct and behaviour of that Army of
6 Bosnia-Herzegovina?

7 JUDGE MAY: What's the relevance of this for this witness? Is he
8 shown on it?

9 THE ACCUSED: [Interpretation] No, he isn't shown.

10 JUDGE MAY: Then there's no point showing it to him.

11 THE ACCUSED: [Interpretation] All right. Well, it will have some
12 sense for something else in due course, but we're talking about crimes,
13 precisely the crimes of those -- that army, the Army of
14 Bosnia-Herzegovina.

15 THE WITNESS: [Interpretation] Everybody must be held accountable
16 for their own conduct.

17 MR. MILOSEVIC: [Interpretation]

18 Q. Yes, I completely agree with that, that everybody must be
19 responsible for their own conduct and behaviour. Mr. Selak, you say you
20 are from Visegrad by origin; is that right?

21 A. Yes.

22 Q. And your statement of 1996 says so on page 1, paragraph 1. You
23 say that during the Second World War, crimes were committed against
24 Muslims there.

25 A. Yes, terrible crimes.

Page 22291

1 Q. Who committed those terrible crimes against the Muslims
2 in -- during the war?

3 A. The Chetniks.

4 Q. Tell me, please, as you're from Visegrad yourself, and as you say
5 crimes were committed against the Muslims, do you know that the uprising
6 against the occupiers was started precisely in Serbia on the 7th of July,
7 1941? Are you aware of that?

8 A. The uprising started in Drvar. There was an uprising in Drvar in
9 Bosnia-Herzegovina at the same time.

10 Q. Yes, one month later or several weeks later. It doesn't really

030612IT

Page 93 of 120

11 matter. But all the people rose up --

12 JUDGE MAY: This isn't a matter for the witness. Whatever was in

13 his statement is totally irrelevant.

14 THE ACCUSED: [Interpretation] Very well.

15 MR. MILOSEVIC: [Interpretation]

16 Q. As you are from Visegrad yourself, in your town after the

17 multi-party elections were held in 1990, were threats and pressure brought

18 to bear and physical attacks against Serbs as well, and were they the

19 genocidal slogans about the need to eradicate the Serbs from Visegrad? Do

20 you remember those slogans?

21 A. I'm sure that's not true.

22 Q. All right then. Is it true and correct, Mr. Selak, that on the

23 1st of July, 1991, we're talking about 1991, on the

24 liberation -- Liberation Square in Visegrad, a statute was pulled down to

25 Nobel prize winner Ivo Andric, Nobel Prize winner for literature. He was

Page 22292

1 an author, Ivo Andric. And this was perpetrated by the brother of one of

2 the leaders of the Party for Democratic Action in Visegrad. And the head

3 destroyed with a hammer, smashed with a hammer, the marble head of this

4 statue. And this entire event was televised, was filmed by Muslim

5 television at that time, that is to say the 1st of July, 1991, when the

6 statue to Nobel Prize winner, the sole Nobel Prize winner in Yugoslavia,

7 Ivo Andric, was destroyed for the simple and only fact that he was a Serb.

8 Do you know about that fact? Have you heard about that event?

9 JUDGE MAY: Do you know nothing about this, particularly of your

10 own knowledge?

11 THE WITNESS: [Interpretation] What I know is this, that the statue

030612IT

Page 94 of 120

12 was toppled. Who did that, I don't know. I don't know the details. But
13 I know on the bridge of Visegrad thousands of people were slaughtered and
14 that the entire Bosniak population had to leave --

15 JUDGE MAY: That's another matter.

16 Yes, Mr. Milosevic, move on.

17 MR. MILOSEVIC: [Interpretation]

18 Q. So you do know. It's the 1st of July, which makes it in the
19 middle of 1991 exactly.

20 JUDGE MAY: You made the point.

21 MR. MILOSEVIC: [Interpretation]

22 Q. And I'm sure you will remember already in August 1991 there was a
23 slogan put out, a pamphlet distributed by the Muslims in Visegrad which
24 was distributed with 20 instructions, what should be done to the Serbs to
25 expel them or destroy them.

Page 22293

1 A. I'm hearing that for the first time.

2 Q. Don't -- you don't remember that one of the instructions was
3 prevent your children from playing with Serb children, urinate in front of
4 them, et cetera?

5 JUDGE MAY: Mr. Selak, were you in Visegrad at this time?

6 THE WITNESS: [Interpretation] No. I was in Banja Luka.

7 THE ACCUSED: [Interpretation] Mr. May, Mr. Selak is from Visegrad
8 originally.

9 JUDGE MAY: Of course he's from Visegrad originally. It doesn't
10 mean he was there at the time. He was in Banja Luka.

11 Are we going to have any witnesses from Visegrad?

12 MR. GROOME: Your Honour, that is one of the witnesses -- that is

13 one of the municipalities we are proposing to introduce through 92 bis (D)
14 evidence, so there will be evidence but in 92 bis (D) form.

15 JUDGE MAY: There may be one or two live ones.

16 MR. GROOME: There may be one or two live ones. If I might also
17 to clear up this matter, I believe the witness left Visegrad at the age of
18 5, so he hadn't been at Visegrad for a very long time.

19 JUDGE MAY: Yes. But then it be sensible to have at least one
20 witness live so that these matters can be put to...

21 MR. GROOME: Yes, Your Honour.

22 JUDGE MAY: We'll make sure there's one witness live from Visegrad
23 and you can put these matters to him.

24 Mr. Selak, when did you leave Visegrad? When did you leave?

25 THE WITNESS: [Interpretation] Your Honour, I left Visegrad in

Page 22294

1 1941. I was fleeing from the Chetniks, and I reached Sarajevo, and I was
2 placed into a children's hostel there where I spent some years, 14 in
3 fact.

4 MR. MILOSEVIC: [Interpretation]

5 Q. Mr. Selak, does that mean that you never went to Visegrad after
6 that?

7 A. Yes, I did.

8 Q. And during those critical years, did you go to Visegrad on a
9 visit?

10 A. No, because my duties were elsewhere in Banja Luka. I couldn't
11 leave Banja Luka for even a week.

12 Q. But I'm sure you'll remember as a JNA officer at that time, you
13 were still a JNA officer, that is to say April 1992 when this man Murat

14 Sabanovic, who otherwise demolished the Ivo Andric statue and threatened
15 to destroy the hydroelectric power plant --
16 JUDGE MAY: No. You're not wasting time with this. You've heard
17 this witness left in 1941. It's absolutely pointless to ask him more
18 questions about it. To ensure that you have somebody you can put these
19 matters to, we will make sure that a witness from Visegrad gets here.
20 Now, no more questions about that for this witness.
21 THE ACCUSED: [Interpretation] Well, Mr. May, Yugoslavia was a
22 small country, and Bosnia, one of its republics, even smaller. Everybody
23 knew about everything, and I am sure the witness knows about that event
24 without a doubt. But he doesn't like giving answers to that, and I can
25 understand that too.

Page 22295

1 JUDGE MAY: What we've said is that this is irrelevant as far as
2 this witness is concerned. Now, let's move on to something he can deal
3 with.
4 MR. MILOSEVIC: [Interpretation]
5 Q. Mr. Selak, let's go back to your statement. You completed the
6 military technical academy in Zagreb. That's right, isn't it. That's
7 what it says on page 1 of the statement given in 1996?
8 A. Yes.
9 Q. After you completed the Vojno Tehnicka academy, you had all the
10 prerequisites for becoming a Lieutenant Colonel but you achieved the rank
11 of Colonel?
12 A. No. I got the first rank of an officer, second lieutenant, after
13 completing the academy. I was given the rank of Colonel in 1986.
14 Q. Were you appointed to the rank Colonel ahead of time?

15 A. Extraordinary appointment.

16 Q. Right. So you were promoted to the highest officer's rank but

17 General; is that right? Before a general?

18 A. Yes, that's right.

19 Q. Now, this promotion, the fact that you were promoted, that fact,

20 does that testify to the fact that there was no - how shall I put this -

21 no discrimination on an ethnic basis in the army?

22 A. No. My official marks and the appreciation I got was excellent

23 work. And on the basis of this, I was given the legal prerequisites for a

24 promotion to the rank of Colonel, because my units were assessed with

25 these exceptional marks.

Page 22296

1 Q. That's fine, Mr. Selak, and highly positive for yourself

2 personally, but extraordinary promotion is not a right. May we then

3 conclude that the fact that you were promoted ahead of time to the rank of

4 Colonel, that this in fact meant that there was no discrimination, because

5 you were a Muslim, against you? Would that be right?

6 A. Your Honours, in 1991, there were Muslim Colonels in the Yugoslav

7 People's Army, only 28 of them, in fact. According to the national and

8 ethnic key, there should have been 200-odd. There were supposed to be 14

9 Generals, whereas there was only three Generals and so on and so forth. I

10 have an official scale and I can document that. So Selak was one of

11 those. Judged by his merits, on his merits and the results of his work.

12 JUDGE ROBINSON: Ethnic key, there should have been a certain

13 number. What is this that you're referring to?

14 THE WITNESS: [Interpretation] I said ethnic key, and when I said

15 that I mean the number of inhabitants, Muslim inhabitants, Serbs, Croats

16 and so on. The break-up of the population in relation to ethnicity. So
17 that when we speak of ethnic affiliation for high-ranking officers of the
18 JNA, I'm taking -- let me take Montenegrins, there were fewest of those.
19 There should have been four Generals, whereas there were 19 Montenegrin
20 Generals. As to the Serbs, there should have been 56 Generals; there were
21 77 Generals. Muslims, there should have been 14, whereas there were only
22 three. So that was discrimination on ethnic grounds and that is the true
23 of it.

24 MR. MILOSEVIC: [Interpretation]

25 Q. Mr. Selak, are you really claiming that in the Yugoslav People's

Page 22297

1 Army there was discrimination on ethnic -- on an ethnic basis?

2 A. In the General Staff and high up, yes, because I do have
3 documents, Your Honours, in my briefcase according to which five of my
4 requests for extra tuition and relocation to my superiors from Banja
5 Luka -- my superiors from Banja Luka sent good marks about me to Belgrade
6 and positive opinions but none of my requests were authorised, and I have
7 them in my briefcase.

8 Q. All right, Mr. Selak, but you received the rank of Colonel ahead
9 of time and yet you say you were discriminated against. Does that seem to
10 you to be logical?

11 A. What I said was in the course of my military service and the
12 results of my work therein, they had to give me the rank of Colonel
13 because the base commander implied a rank of Colonel. I excelled myself
14 in my work so there was no logic that somebody working like that with
15 those marks should not be promoted to Colonel.

16 Q. Very well, Mr. Selak. You mentioned the national key, that is the

17 balance between the positions and the population. Surely that depends how
18 many people opt for military service. In some ethnic groups there were
19 more people who wanted to be soldiers than in others. Surely that was the
20 structure of the army and not only the ethnic composition of Yugoslavia as
21 a whole.

22 A. Your Honours, I have information, individual information, that
23 candidates for military schools, that is Croats and Bosniaks, I'm talking
24 about these two groups, that there was discrimination against them at
25 systematic medical examinations. They were found to be physically unfit.

Page 22298

1 Fortis [phoen] the football player of 18 years wanted to enroll at the
2 military academy was rejected because he was found to be physically
3 unfit. And that was the procedure applied to Muslims and Croats. I know
4 that for sure. In Donji Vakuf, I know the name of the man.

5 Q. Very well, Mr. Selak. I'm very glad that you were able to state
6 such things, because it is very easy to establish that that is an untruth.

7 A. That is the truth.

8 Q. It's very -- it's a good thing that you were able to say any such
9 thing.

10 You said that in the course of 1992, you were appointed liaison
11 with the UN forces for a brief period, that is the UN forces designated
12 for Krajina and Bosnia and Herzegovina. You say that in your statement of
13 1996, on page 3, but that you were replaced because did you not agree with
14 the decisions of the political leaders. And you say that you were
15 replaced by the Serbs; is that right?

16 A. I was replaced by the General Staff of the JNA that had appointed
17 me, but it was upon the intervention of the corps commander General

18 Vukovic, who unfortunately was killed, and he can't confirm that.

19 Q. Tell me, please, was the reason that you were moved from that
20 position the fact that you engaged in some sort of espionage activities?

21 A. No, no. Espionage, that is not true.

22 Q. Mr. Selak, on page 1 of your statement dated the 10th of March,
23 2001, you admit yourself that during your first contacts with the
24 International Criminal Tribunal, as you call it, you did not consciously
25 disclose information about your links with the Muslim resistance movement

Page 22299

1 in Banja Luka prior to July 1992. Is it true that you stated that?

2 A. I said that there was a resistance movement. And when I retired,
3 I was elected commander of the resistance movement staff in Banja Luka.

4 JUDGE MAY: Now, the point that the accused is making is that you
5 didn't, when you first spoke to members of the Prosecution staff, disclose
6 those links. That's apparently what it says in your statement. Now, is
7 that right that you didn't, when you first met the Prosecutors, disclose
8 those links?

9 THE WITNESS: [Interpretation] Yes, because I was afraid, Your
10 Honours, for the lives of my associates who were living in the territory
11 of Republika Srpska.

12 MR. MILOSEVIC: [Interpretation]

13 Q. So you did not intentionally disclose information about your links
14 with the Muslim resistance movement in Banja Luka prior to July 1992. Is
15 that right or not?

16 A. Yes it is.

17 Q. And is it true that while you were still in the service of the JNA
18 with the rank of colonel, on two occasions through couriers you conveyed

19 information to Muharem Krzic in Banja Luka? That is what is stated on
20 page 2, paragraph 3.

21 A. Yes, in order to protect the Muslim people from the genocide that
22 was being prepared against it by the JNA and the paramilitary units.

23 Q. I am just asking you whether you did that. You're now explaining
24 some subsequent reasons. Is it also true that you conveyed that
25 information to the government in Sarajevo using your code name Lido?

Page 22300

1 A. Yes.

2 Q. And tell me, is it true that whatever you learnt you passed on to
3 the embassies of Bosnia-Herzegovina in Zagreb and Slovenia?

4 A. Yes.

5 Q. You conveyed to Krzic information having to do with Sarajevo, is
6 that true?

7 A. Not having to do with Sarajevo but having to do with the lives and
8 survival of Bosniaks in Bosnian Krajina and Banja Luka, only that. I
9 don't know anything about Sarajevo.

10 Q. On page 2 of your statement of March 2001, you can find it in
11 paragraph 4.

12 A. No. The information may have reached Sarajevo, but the
13 information was about life in Banja Luka and saving Bosniaks in Banja
14 Luka.

15 Q. Is it true that as far as the quality of that information, it was
16 more or less rumours?

17 A. No. These -- this information related to the survival of Muslims,
18 arrests of Muslims, the formation of groups such as Voltar, Merhamet,
19 arrests, killings, throwing into the Vrbas River. I reported such things.

030612IT

Page 102 of 120

20 Q. What about this Merhamet group? Is that a Muslim group?

21 A. It's an humanitarian organisation, Merhamet. All the leaders of
22 that organisation in Banja Luka were arrested.

23 Q. Because they engaged in humanitarian activities?

24 A. No. In order to make it clear to the Muslim population that they
25 should leave Banja Luka because they have nothing to look -- expect there

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Page 22302

1 because they were going to arrest the more prominent representatives,
2 politicians, economists, and these would be followed by the population at
3 large.

4 Q. You say, Mr. Selak, that you received information about the
5 shelling of Sarajevo from the commander of the air force, General
6 Ninkovic, with whom you were on good terms; is that right?

7 A. Yes. That is what I said. In order to protect the population
8 from the possibility of the bombing of Sarajevo by the JNA air force.

9 Q. Well, did the JNA air force bomb Sarajevo?

10 A. It did. That is the Army of Republika Srpska did, rather, planes
11 of Belgrade shelled Konjic, Sarajevo, Zvornik, and even Visegrad.

12 Q. Very well. Now, tell me, please, we can see that you said about
13 what you had heard, you say that on one day you happened to come across
14 General Talic, and you heard Ninkovic saying, "We are now prepared to hit
15 Sarajevo." And on the basis of this sentence, you said that you conveyed
16 to the SDA plans on the bombing of Sarajevo.

17 A. Not SDA. That party never interested me. I was interested in the
18 people. I was afraid that the bombing could happen and that people should
19 take shelter so as not to be killed. It was just for preventive purposes.

20 Q. I see. For preventive purposes you said that they might be
21 shelling.

22 Tell me, in your statement you say that in most cases information
23 regarding military activities of the 1st Krajina Corps you received while
24 drinking coffee with your Serb colleagues; is that right?

25 A. Whether I was having coffee or meeting with my colleagues in the

Page 22303

1 street who were, until yesterday, my associates, in any event, I did get
2 information in that way too. However, there were no armed actions. Not a
3 single bullet was found, so as not to give an excuse to the Serbian army
4 to commit genocide as had occurred in Prijedor. The resistance movement
5 in Banja Luka didn't fire a single bullet.

6 Q. In your statement, you also say that there were always problems
7 with nationalism in the SFRY. You also say that there was only Serb
8 nationalism.

9 So my question, Mr. Selak, is: Did any member of your family or
10 was any of your friends persecuted on a nationalistic basis by the Serbs?

11 A. I did not have any such case within my family, but there was
12 nationalism not only among the Serbs but among the other peoples as well.

13 Q. I am glad you said that at least. And on page 4, paragraph 3, you
14 give an example. You say that on one occasion an officer called you a
15 Turk but that he was punished because of that. Is that right or not?

16 A. Your Honours, allow me to explain this particular incident. I
17 can't just say yes or no. I was in the military academy. My final year
18 at the academy, and we were going to have a bath, having a shower, and I
19 had a -- jokingly a fight were my colleague, a Serb. A Lieutenant Colonel
20 Milan Curovija, who was our supervisor didn't realise that it was a joke.
21 I raised this colleague of mine up in the air. He thought I was going to
22 throw him down on the concrete, and he said, "You Turk, let him go." Your

23 Honour, I'm not a Turk. I'm a Bosniak. This offended me. I don't wish
24 to denigrate the Turks at all in any way, but this was in his
25 subconscious, because they called us Turks in a derogatory fashion, and

Page 22304

1 that's why Curovija used the term. And he was punished. I heard he was
2 punish. He tried to apologise to me three years later. He came to Banja
3 Luka. But same occurred with General Adzic in 1991 in September.

4 Q. Let us not lose any more time. Even during this joke and the
5 person who said to you, "Let him go, you Turk," he was punished for doing
6 that.

7 A. That's what I learnt. I was a cadet at the time, but I heard that
8 he had problems.

9 Q. On page 5 of your 1996 statement --

10 THE INTERPRETER: I'm sorry, we didn't get the question. Could it
11 be repeated, please?

12 JUDGE MAY: Just a moment. The interpreters didn't get the
13 question. So let's start again. Page 5 of your 1996 statement.

14 MR. MILOSEVIC: [Interpretation]

15 Q. Yes, page 5. You say that the Assembly of the SFRY was controlled
16 by the Serbs. Will you please explain to me how?

17 A. Because the majority of the deputies were Serbs and Montenegrins.
18 And having a majority, let's take the Macedonians too who supported them
19 in those days, that is what I had in mind when I said there was out-voting
20 in the Assembly.

21 Q. You were a senior JNA officer, so I assume that one of your duties
22 was to be familiar with the constitution of Yugoslavia. You know that the
23 Assembly had two Chambers. The Chamber of Republics and Provinces

24 consisted of the same number of deputies from each of the republics. So
25 it was absolutely not possible according to the constitution to have any

Page 22305

1 out-voting or any regulation to be passed in that way, that is by
2 out-voting. Are you aware of that or not? How can you say something so
3 nonsensical?

4 A. Your Honour, it was this same Assembly that took the decision on
5 collecting the weapons of the TO and placing them in JNA warehouses. The
6 republics were against this, and Slovenia would not allow it. But there
7 was this out-voting in the Assembly itself. It's -- the initiative came
8 from the General Staff and then the Assembly adopted it.

9 Q. We have already established that the same procedure was applied in
10 Serbia as well. There was no discrimination. Slovenia did not respect
11 federal laws. Surely it should not be praised for that. What I'm asking
12 you is whether you as an officer, who had to be familiar with the
13 constitution, that it was not possible to have any out-voting in the
14 Assembly of Yugoslavia. If you're claiming you don't know, tell us --
15 JUDGE MAY: He says there was, so I don't think we can go on much
16 further with it.

17 THE ACCUSED: [Interpretation] Very well. If you think that this
18 is an argument when I'm asking him whether he knows what the constitution
19 says and what the Assembly looked at, let us cease with the arguments.

20 JUDGE MAY: Yes.

21 MR. MILOSEVIC: [Interpretation]

22 Q. Talking about these things, that the weapons had to be placed
23 under JNA control, do you know that this was done for security reasons and
24 in all the republics? For reasons of security, not for any other

25 discriminatory reasons, but only Slovenia did not abide by that decision?

Page 22306

1 A. That is not true, Your Honours, because there were no problems
2 with weapons in the warehouses of the TO units, because my officers would
3 occasionally go to check the security and technical operability of
4 these weapons. We entered the warehouses and checked the weapons, and
5 there were no problems regarding that. The aim was to take the weapons
6 from the population, from the TO, and to return it to the JNA so that it
7 could issue those weapons to whom they wanted in accordance with their own
8 plans rather than the republic, which was the only one that had any
9 authority over the TO weapons on its territory.

10 Q. You even saw that this question was raised in the parliament of
11 Serbia with the same argument. So Serbia was in the same position as the
12 others. It was a matter for the army, which was a Yugoslav army and not a
13 republican army. Surely you know that as a JNA officer. But the SFRY
14 constitution explicitly said that the defence of the country should be
15 done by the JNA and the Territorial Defence.

16 Q. Yes, but in the case of any danger of war, everything should be
17 under the control of the JNA.

18 A. Yes, in the event of war. And this was peacetime.

19 Q. But as you see, there was a war after all. I just saw that you
20 claimed that you had some information. Do you know, for instance, that in
21 October 1991, not to mention before that, I'm talking about October 1991
22 now, 27 per cent of the officer cadres in the JNA - this is the end of
23 1991 - were neither Serbs nor Montenegrins? They were not even Yugoslavs,
24 because many declared themselves as Yugoslavs. Twenty-seven per cent of
25 the officer cadres.

Page 22307

1 A. Your Honours, I have a table. I didn't bring with me the
2 document. It's in my new work notebook where I noted that the nationality
3 or ethnicity of people in the territory of Yugoslavia in the ranks of
4 majors, lieutenant colonels, colonels, and generals, how many there should
5 have been according to the ethnic composition and how many there were.

6 A. You're talking about the number of the inhabitants and not the
7 number in the JNA.

8 A. Yes, I do have the ethnic background of all these officer ranks.

9 Q. But the structure in the JNA can be compared with the structure of
10 the officers but not the population of Yugoslavia with the structure of
11 the officers' personnel. You can't have a baker as a general, if he's
12 not.

13 A. It's interesting to note that there should have been four
14 Montenegrin generals and there were 19. Isn't this illustrative?

15 Q. But Montenegrins joined the army in large numbers as opposed to
16 some other ethnicities that had no inclination towards the military.

17 A. Yes, but they made very fast progress in their careers.

18 Q. Do you have an example of a Montenegrin making faster progress
19 than a Muslim because he was a Montenegrin?

20 A. The table speaks for itself, Your Honours. I don't wish to
21 comment on that.

22 Q. Let us not waste time on this. This table could be compared with
23 a proper reference group and certainly not with the population of
24 Yugoslavia.

25 Do you know, for instance, that in the air force which is an elite

Page 22308

1 branch of any army, so the highest education is required, the longest
2 years of study, 52 per cent of the flying personnel were neither Serbs nor
3 Montenegrins nor Yugoslavs, 52 per cent?

4 A. Your Honour, I don't have those figures, and I can't comment on
5 them.

6 Q. You spoke about some bombing. That's what I'm asking you about.
7 The JNA, nor the Yugoslav army were never against the Muslims and that
8 both in the JNA and in the Army of Yugoslavia later on, there were
9 occupying the touch positions were most generals who were Muslims. You
10 will remember that the president of the -- the president of the SKS was a
11 Muslim -- League of Communists of Yugoslavia was and so were the
12 commanders of the army, the commander of the centre of high military
13 schools.

14 A. Don't speak in the plural and say "commanders of the army." There
15 was just one case.

16 Q. Well, how many armies were there? Three armies. So one of the
17 armies.

18 A. There were five armies.

19 Q. And one was a Muslim commander, right? Of one of them?

20 A. I'm talking about the whole of the Yugoslav People's Army. The
21 year is 1991, the exact figures. That's what I'm quoting. And you can't
22 deny that. And --

23 Q. We'll take a look at the real facts and figures. I don't want to
24 waste time on that now. But do you know that the head of the intelligence
25 department administration was also a Muslim?

Page 22309

1 A. I don't remember who he was.

030612IT

Page 110 of 120

2 Q. You don't remember?

3 A. No, I don't.

4 Q. All right. And do you know that in the Army of
5 Bosnia-Herzegovina, which was established when the conflict broke out,
6 that 1.100 officers of the JNA were there who were Muslims? Eleven
7 hundred of them.

8 A. I'm hearing that figure quoted for the first time. I didn't have
9 that figure. In the Army of Bosnia-Herzegovina, there were both Serbs and
10 Croats and, of course, most of them were Bosniaks because many of the rest
11 left and went to join the Army of Republika Srpska. There were generals
12 too. Jovo Divljak, a case in point, an honourable name. Stjepan Sivljak
13 [phoen], a Croat and there were others too. But I just mention these two
14 because I know them personally.

15 Q. All right. And do you know that in the Army of Republika Srpska
16 there were Muslims too?

17 A. There were until August 1992.

18 Q. All right. We'll get to that in due course. But tell me this, do
19 you know that not a single former member of the JNA who remained outside
20 despite the fact that there was no chain of command, that is to say the
21 Army of Yugoslavia with anybody outside, that not a single individual who
22 had once been a member of the JNA remained outside the Federal Republic of
23 Yugoslavia had no assignments, official assignments even to send out
24 information to the Army of Yugoslavia, nothing at all?

25 A. I don't understand your question.

Page 22310

1 Q. I said let's set aside the fact that there is no chain of command
2 from the Yugoslav army towards any formations outside Yugoslavia.

030612IT

Page 111 of 120

3 A. Yes.

4 Q. Do you know that not a single individual who was formerly a JNA
5 member, including all those who received assistance in the form of
6 salaries and social assistance and so, on never had any official
7 assignment by which he would send out any information at all to the Army
8 of Yugoslavia, not even a single piece of information?

9 A. We knew the course of information flow from the bottom to the top,
10 from the underlings to the superiors. So there was no need for that by
11 individuals.

12 Q. But I said there were no official channels and there were no
13 unofficial channels either because nobody had any assignments or were
14 given tasks to do this.

15 A. That's what you claim but practice has proved you wrong.
16 Information did pass and it was passed in a regular manner from the
17 municipalities to the Crisis Staffs, to the Government of Republika Srpska
18 and right up to you in Belgrade.

19 Q. You mean the Government of Republika Srpska reported to me?

20 A. Well, you had continuous contacts and meetings. Yes, you did.

21 You know that full well yourself.

22 Q. All right. All right. If you say so. Now, tell me can we
23 question or challenge at all this fact, that the nucleus of the newly
24 created Army of Bosnia-Herzegovina, that is to say the army in which you
25 say most of the members were Muslims, was precisely in the officer cadre

Page 22311

1 sense composed of that portion of members who had previously been JNA
2 officers? Is that correct or not?

3 A. Of course it is. That's quite normal.

4 Q. Why then, if you say this is normal, is it not normal or does not
5 apply to the Army of Republika Srpska? So if something is normal for the
6 BH army why shouldn't it be normal for the Army of Republika Srpska?
7 A. Because they did away an all the officers who were Croats and
8 Bosnians from that army, Bosniaks. There were several non-commissioned
9 officers who changed their names, and my superior officer changed his
10 name. He took a Serb name and he stayed on in the army. And there
11 were -- there were very few such examples, Your Honours. So you can't
12 compare the Army of Bosnia-Herzegovina with this other army, because in
13 the BH army, there were both officers and soldiers who were Serbs, Croats,
14 and Bosniaks. That's quite true. But not in the Serb army. No, there
15 weren't.

16 Q. Well, that's not true. And let me quote an example. I skipped it
17 a moment ago to save time, but in April, even in April 1992, that is to
18 say after the recognition of Croatia, et cetera, there was about 600
19 Croatian soldiers, although in January, Croatia was internationally
20 recognised as a state. And in April there were still 600 Croatian
21 soldiers.

22 A. That's true. That was April. But I'm talking about August, the
23 month of August.

24 Q. All right. Fine.

25 A. Yes. Yes, that's what I said.

Page 22312

1 Q. And are you aware of this, that nobody wielded any influence on
2 the JNA officers who originated from Bosnia-Herzegovina to leave Serbia,
3 nor did they have to leave Serbia if they wanted to stay and live there
4 and reside there and had Yugoslav citizenship, of course, before that,

5 quite normally as JNA officers?

6 A. Yes, Your Honours, but Vojislav Seselj stated publicly that all
7 officers should be replaced who were Muslims and Croats, who stayed on
8 occupying their positions in the army of the Federal Republic of
9 Yugoslavia, and that is what was done.

10 Q. That is not what was done. That's my first point. And secondly,
11 whether Seselj said that or not, you can ask him. You can ask Seselj
12 yourself. I don't know, I can't say.

13 You mentioned, as this is your speciality, your profession, you
14 dealt with logistics and materiel and equipment and so on, that the
15 materiel and equipment was left in Bosnia-Herzegovina when the army
16 withdrew. They left their equipment and for example, in Slovenia the army
17 took everything away. Do you know that that is absolutely not true? And
18 that nothing was taken out of Slovenia once the army left.

19 A. Your Honours, the units of the Yugoslav People's Army withdrew
20 from Slovenia and also from the Republic of Croatia. In Banja Luka, on
21 the railway line, army railway line, I would see 43 truckloads of military
22 materiel, weapons, et cetera, being taken away. Even office tables. It
23 was miserly to watch.

24 Q. You're talking about the pulling out of the JNA units, are you?

25 A. Yes.

Page 22313

1 Q. When they relocated?

2 A. Yes.

3 Q. That's another matter. Now, do you know, because you were in
4 Bosnia and Herzegovina at that time, that the ratio of Serbs at the time
5 in Bosnia-Herzegovina or the relationship towards the pulling out of this

6 equipment was such that their attitude towards it was that they were ready
7 even to enter into a conflict and clash with members of the JNA in order
8 to prevent any kind of pulling out of military materiel and equipment
9 because they thought themselves to be under threat? Now, were they under
10 threat or were they not? Tell me, Mr. Selak.

11 A. They were not under threat. They were not in jeopardy. It was
12 politics, all politics, waged by you from Belgrade and the politics of the
13 SDS.

14 Q. Not to go back to the transcript here, I'm just here to ask you
15 and I want to ask you whether you know about this fact because I was
16 quoting from an UNPROFOR report, in fact, and it was on the basis of that
17 report that the UN Secretary-General compiled his own report and submitted
18 it to the Security Council on the 30th of May, 1992, in which it states
19 quite specifically, it indicates the withdrawal of the JNA from
20 Bosnia-Herzegovina and indicates the problems that they're having with the
21 blockade of the barracks on the part of the Muslims. And it also points,
22 that same report by the UN Secretary-General, points to the fact that the
23 Army of Republika Srpska was not under the control of Belgrade. And it
24 also indicates that there was the presence of the Croatian army. Are you
25 aware of that Mr. Selak? Do you know about that?

Page 22314

1 A. Your Honours, the withdrawal of the Yugoslav People's Army from
2 Bosnia-Herzegovina of 86.000, 40.000 men left to Serbia and Montenegro.
3 And the rest -- the people that stayed on were the 1st Krajina Corps in
4 Banja Luka; the 2nd Krajina Corps, which was established in Western
5 Bosnia, Petrovac, Bihac, Drvar, et cetera; the Eastern Bosnian Corps,
6 which was formed from the 17th Corps of the JNA in Tuzla; and part of the

7 12th Corps of Novi Sad; the Sarajevo-Romanija Corps; the former Sarajevo
8 4th Corps; and part of the 14th corps. The Drina corps was partially from
9 Uzice, and the Herzegovina Corps was the 13th Rijeka Corps.

10 All the materiel and equipment, Your Honours, all the weapons and
11 equipment and men stayed on in these corps. They just changed their
12 names. It was no longer the Yugoslav People's Army. It became known as
13 the Army of Republika Srpska and its corps.

14 In Banja Luka, for example, the corps changed its name. The 5th
15 Krajina Corps changed its name on the 18th of May to become the 1st
16 Krajina Corps.

17 Q. Mr. Selak --

18 A. That's the truth of it, the truth of the matter.

19 Q. Mr. Selak, I don't want to quote all the corps and brigades,
20 including the Mujahedin brigades and others which your army had over
21 there, but everything that you've just enumerated and quoted, is it true
22 or is it not that everything you've just said, they were all units of the
23 Army of Republika Srpska?

24 A. Yes, they were all units of the army of Republika Srpska. That's
25 right. I have a map. I can give you some names if you like, the names of

Page 22315

1 commanders and so on.

2 Q. And all those commanders, were they from Republika Srpska, all of
3 them? General Talic, for example. He's just died. Was he an honourable
4 General? Was he from Republika Srpska? Did he perhaps come from
5 Belgrade?

6 A. What about his assistance for moral guidance, Colonel Vukovic from
7 Serbia? I have a diagram, a schematic of the officers after the 18th of

8 May in the Banja Luka Corps, all the names saying who -- stating who was
9 from Bosnia-Herzegovina and who was from Montenegro.

10 Q. And why shouldn't somebody have the right to stay on of their own
11 free will if they thought they could help the people to defend
12 themselves. Why shouldn't they have that right? Did somebody order them
13 to stay on or did they all stay on because they wanted to?

14 A. Well, the order was that they weren't allowed to leave their
15 positions arbitrarily.

16 Q. All arbitrariness is prohibited in any army, and you know that
17 full well because you're an army man yourself. Arbitrariness is always
18 prohibited in the army.

19 Do you know that the Presidency of Yugoslavia on the 4th of May,
20 1992 passed a decision according to which all JNA members who were
21 citizens of the FRY by the 19th of May should withdraw from the territory
22 of Bosnia-Herzegovina at the latest? That was the deadline?

23 A. Not all members, Your Honour, but soldiers doing their militaries
24 service there and they did indeed return. They were young men of 18.
25 They were doing their regular military service over there. It did not

Page 22316

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030612IT

Page 117 of 120

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13 English transcripts.

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Page 22317

1 apply to officers.

2 Q. All right. If that's your answer, I don't want to argue the point
3 with you.

4 Do you know that the Presidency of Bosnia-Herzegovina on that same
5 day when that decision was passed on the withdrawal of the JNA from
6 Bosnia-Herzegovina, that it donated the FRY and the JNA as the aggressor?

7 A. Those were the facts. That was fact.

8 Q. And do you know that the leadership of Bosnia-Herzegovina, on the
9 6th, that is to say after the 6th of April when it was recognised, the day

10 that Hitler bombed Belgrade, issued an order on the blockade of JNA
11 barracks and facilities and not to respond to the call-up for
12 mobilisation? Is that how it was?

13 A. No. A blockade was impossible. As to the proclamation of the
14 mobilisation call, that is correct, but a blockade was impossible because
15 the army had might on its side.

16 Q. Did you want to say there was no blockade?

17 A. There was no blockade in the real sense of the word. Perhaps
18 blockades of smaller facilities but not of units, no.

19 Q. And do you know that those decisions had as their repercussions
20 the fact that the military materiel belonging to the JNA couldn't be
21 pulled out? They had a lot of difficulty pulling out materiel and
22 equipment.

23 A. That's not true.

24 Q. All right. Now, did you hear, for example, the attack on the
25 military column in Sarajevo?

Page 22318

1 A. Yes.

2 Q. And do you know that in Dobrovoljacka this was perpetrated by the
3 members of the Green Berets?

4 A. That's just one case.

5 Q. For the town of Sarajevo I'm talking about.

6 A. Your Honours, that was just one case in point.

7 Q. Well, it was led by the head of the Territorial Defence of the
8 day, Hasan Efendic was his name. Isn't that right?

9 A. I don't know who led that, who was in command. I know about the
10 incident but I don't want to say who headed it. I don't know.

11 Q. Well, do you know that the command post was precisely in the
12 Presidency of Bosnia-Herzegovina, in the building itself?
13 A. Well, what did you expect? Did you expect him to put his head on
14 the block for it to be cut off? People were defending -- preparing to
15 defend themselves, to defend the republic and the population.

16 Q. Is that why they attacked the military column pulling out of
17 Sarajevo?

18 JUDGE MAY: This will be a last question and answer. Yes.

19 Yes, Mr. Selak.

20 MR. MILOSEVIC: [Interpretation]

21 Q. All right. Do you know this, that by -- through the attack on the
22 volunteer column in Dobrovoljacka Street that it was Ejub Ganic who was in
23 command?

24 A. Your Honours, the column that was attacked, the official
25 information was that it was taking flour, carrying flour and other things,

Page 22319

1 not military materiel. But what it was doing was carrying weapons,
2 transporting weapons.

3 JUDGE MAY: I said that it's time. It's 2.00. We have to adjourn
4 now.

5 Yes, Mr. Groome.

6 MR. GROOME: Just to answer Judge Kwon's earlier question
7 regarding a particular exhibit. Two exhibits tendered today, 464, tabs 12
8 and 15, in the text of both of those documents they refer to a
9 confidential order 2268-1 of December 1992. That particular exhibit was
10 tendered on the 6th of February this year as 387, tab 20. Now, under that
11 tab there are two orders, 2268-1 is the second order that's contained in

030612IT

Page 120 of 120

12 tab 20 of 387.

13 And two minor matters. Mr. Selak has referred to a table from the
14 Brdjanin and Talic case. That, I believe, Your Honours, is 463, tab 2,
15 which was tendered earlier today.

16 And finally, Mr. Selak has also referred several times to an
17 ethnic key, and he seems to be looking at a printed document. Could I ask
18 that arrangements be made that he provide a photocopy to myself, the
19 accused, the amici so we can review it overnight and make a determination
20 whether it's appropriately tendered as an exhibit?

21 JUDGE MAY: Yes. We will adjourn now. Nine o'clock tomorrow
22 morning, please.

23 --- Whereupon the hearing adjourned at 2.00 p.m.,
24 to be reconvened on Friday, the 13th day of June,
25 2003, at 9.00 a.m.

International Criminal Tribunal
for the former Yugoslavia



Tribunal Pénal International
pour l'ex Yougoslavie

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Page 22320

1 Friday, 13 June 2003

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.03 a.m.

6 JUDGE MAY: Yes, Mr. Kay.

7 MR. KAY: May I raise one matter at this stage? It concerns the

8 time available to the accused for cross-examination. This is obviously a

9 very important witness. We appreciate that there has become a witness

10 congestion problem for the Prosecution. That was not the accused's

11 responsibility nor fault. The witness that was preceding this witness in

12 terms of the case was not of such importance. The Prosecution time was

13 quite a sufficient period that has eaten into the time for this witness.

14 I appreciate he was taken fairly swiftly by Mr. Groome in something under

15 two hours, but it has had the unfortunate effect of reducing the amount of

16 time available to the accused if other witnesses are sought to be fitted

17 in today.

18 JUDGE MAY: Yes. We'll think about that.

19 [Trial Chamber confers]

20 JUDGE MAY: Very well. You can have an extra half hour. You've

21 got an hour and a quarter.

22 WITNESS: OSMAN SELAK [Resumed]

23 [Witness answered through interpreter]

24 Cross-examined by Mr. Milosevic: [Continued]

25 Q. [Interpretation] Mr. Selak, we left off yesterday discussing the

Page 22321

1 attack on the military column of the JNA in Dobrovoljacka Street. I'm
2 sure you will remember the event and several officers were killed on the
3 occasion, among them a woman who was also in the column, a young soldier,
4 and the rest were transferred to the Dom and the gym where the members of
5 the military police of the Patriotic League interrogated them and so on.

6 I'm sure you're aware of the event. Yes?

7 A. I know about this event, Your Honours. However, I don't know the
8 details of it, so I can't testify to that because I don't know the real
9 truth of what happened.

10 JUDGE MAY: What was the source of your information about what
11 happened?

12 THE WITNESS: [Interpretation] The information media, the radio,
13 the television, the papers.

14 JUDGE MAY: Yes. No point asking him about what he read in the
15 papers.

16 I'm going to interrupt you for one minute, Mr. Milosevic. There
17 is a matter which we should have dealt with -- I should have dealt with at
18 the outset to assist the Prosecution involving witness B-1047, who is
19 going to give evidence soon. This is an application to admit his evidence
20 in lieu of viva voce under Rule 92 bis. We have seen the objections
21 raised by the amicus. We uphold those objections. We do so for two
22 reasons. First of all substantive, that this is a witness giving evidence
23 about a new municipality, Sanski Most, and a new incident in it. It is
24 important evidence. We think it should be given live.

25 Secondly, procedural, that it is out of time, and we said on the

Page 22322

1 last occasion that we gave a ruling that we would regard such matters with
2 care and would by no means necessarily give leave if applications were
3 made out of time.

4 MR. GROOME: Yes, Your Honour.

5 JUDGE MAY: Thank you. Yes, Mr. Milosevic.

6 MR. MILOSEVIC: [Interpretation]

7 Q. Mr. Selak, and do you know that it was precisely because of those
8 events, the time you were still in active service, the blockades, the
9 attacks on the column, and so on that the officers, their families, and
10 soldiers from other republics were transported by air from Sarajevo, Banja
11 Luka, Tuzla, to Yugoslavia? They were flown to Yugoslavia precisely
12 because of those attacks. Do you remember that?

13 A. Your Honours, that wasn't only because of the attack. It was that
14 people from Croatia, Serbs from Croatia were travelling to Bosnia and
15 Serbia, and they were being transported by planes and by cars and also by
16 railway. I know that because from Banja Luka, you would either take a
17 plane or some other means of transport. So in addition to the families
18 leaving, they would take their property with them too, their movables.

19 Q. All right. And do you know that the officers who were originally
20 from Bosnia-Herzegovina and Croatia had the right to decide, after the
21 15th of May, whether they would like to remain in their own republics and
22 be placed at the disposal of their peoples, that was their right?

23 A. Everybody stated what they wanted to do individually. I know that
24 from my particular unit not a single Serb and Montenegrin -- born in
25 Serbia and Montenegro did not ask to leave their positions in Banja Luka,

Page 22323

1 for example.

2 Q. You mean from your logistics base?

3 A. No, from Banja Luka.

4 Q. From the whole of Banja Luka?

5 A. I'm talking about the corps command. I know about that. I don't
6 know about the individual units so I don't want to talk about that. I
7 don't want to testify about the individual cases I don't know about. But
8 as to the corps command and the command of the base, I do know that and I
9 do know that not a single officers or non-commissioned officer wanted to
10 return or left.

11 Q. All right. That's something you claim, but let's move on. We'll
12 come to that.

13 In the 1996 statement, you say that it became clear from 1991 that
14 non-Serb officers cannot be trusted and that they weren't welcome. This
15 is on page 6. Now, do you have, as I see that you have various data
16 available to you, do you happen to know how many Muslims there were in the
17 army of Republika Srpska at all?

18 A. I haven't got any information exact information as to the officer
19 cadres who were Muslims or Croats by ethnicity in the army of Republika
20 Srpska, but yesterday when we -- we were discussing that matter, and there
21 was some misunderstanding that arose. It was considered that I remained
22 in the army of Republika Srpska.

23 Your Honours, I did not. On the 18th of May, 1992, there was
24 official proclamation of the army of Republika Srpska. Whereas on the
25 19th of May I tabled my request for retirement, and the General Staff, the

Page 22324

1 administrative department did in fact retire me, accepted my request. So
2 I was no longer an officer of the army of Republika Srpska. My officers,
3 Croats and Bosniaks from the base, that is to say nine of them, I think it
4 was nine of them, left the logistics base and went to the Federal Republic
5 of Yugoslavia. And later on, they had to go to other states.

6 Q. Well, I assume they went to other states of their own free will,
7 didn't they, other countries?

8 A. Yes, because they feared for their lives if they were to stay in
9 the Federal Republic of Yugoslavia. And I have a concrete case in point
10 where a man saved his life and he now lives in Ireland. His name is
11 Captain Tako Redzep [phoen].

12 Q. Tell me, were any of the officers killed from the former JNA when
13 they went to the Federal Republic of Yugoslavia? Can you quote a single
14 example of any case of that kind?

15 A. I have no information about that, Your Honours.

16 Q. Well, I'm glad to hear that at least, that you say you don't know.
17 But you're saying now that you didn't remain yourself. You didn't stay on
18 and that there was a misunderstanding when it came to you. I didn't claim
19 that you stayed on in Republika Srpska and the army. I said quite the
20 contrary, that you were at the head of some secret organisation, Muslim
21 one, in Banja Luka and you confirmed that yourself.

22 A. Not Muslim, of the Banja Luka people, Bosniaks and Croats who
23 feared for their lives, and people were fleeing, and we advised them to
24 leave and save their lives because there was a lot of arrests and abuses
25 and beatings, corpses were thrown into the Vrbas River and so on and so

Page 22325

1 forth. So we advised the people to escape from Banja Luka if they could.

030613IT

Page 6 of 107

2 Q. All right, Mr. Selak. In your 1996 statement, you say that to the
3 end of 1992, Muslim officers and Croats were replaced who held posts of
4 leadership in the army such as the commanders of brigades, platoons,
5 regiments, and so on.

6 A. There was an order issued by General Mladic, and I have it, Your
7 Honours, here with me. I think the OTP has it as well. And that order
8 orders Muslims and Croats to be replaced from their duties and to be sent
9 to the army of the Federal Republic of Yugoslavia for further
10 disposition. That was May, I think, 1992. The order was a May order of
11 1992.

12 Q. That is probably something that refers to individual cases, but
13 for example, do you happen to know about this, that the 2nd Semberija
14 Brigade, Paso Halilovic [phoen] was in command of that particular brigade,
15 do you know about that? And throughout the war he was the commander, so
16 I'm asking you very specifically.

17 A. I'm hearing the name of that man for the first time. I've never
18 heard of him before. I don't know about his name or the post he occupied,
19 so I can't comment because I don't know the man.

20 Q. Well, I'm just quoting an example which denies -- refutes what
21 you've just said.

22 A. Individual cases are not the general rule.

23 Q. I quite agree with that except that you were speaking about
24 individual cases yourself.

25 Now, do you know that to a great measure Croats and Muslims from

Page 22326

1 the JNA left because they wanted to of their own free will, and for the
2 most part they would join up the newly established military formations

030613IT

Page 7 of 107

3 that were created on ethnic grounds in Bosnia-Herzegovina. Is that true?

4 Is that correct?

5 A. No, it is not true, Your Honours, because yes, there were

6 paramilitary formations, yes there were volunteer units, and the JNA

7 officially supported these and appointed officers and supplied them with

8 weapons and materiel. There is official data to bear that out. But, Your

9 Honours, I would like once again to refer to the order by the commander of

10 the army of Republika Srpska, General Ratko Mladic, who under number 28/4

11 of the 9th of June orders and I quote: "To the officers -- that officers,

12 Muslims and Croats, should be sent on leave straight away, forthwith, and

13 that they should be sent to the army of Yugoslavia in order to deal with

14 their status in the service." And it was on the basis of this order that

15 people did indeed leave and go to the Federal Republic of Yugoslavia. And

16 this was strictly confidential.

17 Q. But as you yourself said nothing happened to them; is that right?

18 When they arrived in the Federal Republic of Yugoslavia?

19 A. But they had reason to leave the Federal Republic of Yugoslavia

20 and go to third states.

21 Q. That's not true. They didn't leave all of them. But you weren't

22 listening to go my question. I said that the Muslims and Croats mostly --

23 the majority of them, left the JNA and joined up with the other units, the

24 Muslims and Croats, Croat units. You said paramilitary units, but I said

25 that the Croats and Muslims left the JNA to form the newly established

Page 22327

1 formations which were formed on an ethnic basis in Bosnia-Herzegovina.

2 A. Your Honours --

3 JUDGE MAY: Mr. Selak, you've answered that question. You said

030613IT

Page 8 of 107

4 no, it's not true. Now, let's have another question.

5 MR. MILOSEVIC: [Interpretation]

6 Q. How come that 1.100 officers, officers of the former JNA, found
7 themselves in the army of Bosnia-Herzegovina then?

8 A. Well, what should they have done, Your Honours? They had to
9 defend their own people or should they have left them to be slaughtered?
10 The result of this was had this not happened, there would have been even
11 more victims and unfortunately, as I said, 287.000 were killed.

12 Q. Well, I'm asking you about the facts and you are now expounding on
13 those facts. So what I'm saying is true, is it not?

14 A. Yes, it is true that the people -- these officers joined the army
15 to defend their own people. And I fully agree with that. I approve. I
16 couldn't go myself because I was prohibited from leaving Banja Luka.

17 Q. I am just noting and observing what you said, and we can make a
18 whole image from the different mosaic pieces of how these individual
19 armies were formed in this process.

20 A. Well, you, Milosevic, gave over the whole of the JNA --

21 JUDGE MAY: Don't address --

22 A. -- handed it over --

23 JUDGE MAY: Don't address the accused, please, Mr. Selak.

24 THE WITNESS: [Interpretation] I apologise.

25 MR. MILOSEVIC: [Interpretation]

Page 22328

1 Q. As I was saying, in your statement you also claim and state that
2 the officers, like all the others who stepped over to the new Yugoslav
3 army in the SRY -- FRY, were given very low-ranking positions because
4 people didn't trust them. That was not true.

030613IT

Page 9 of 107

5 A. Yes, it was true, Your Honours, and I have cases to quote as
6 examples.

7 JUDGE MAY: We went over this yesterday. I don't think we need to
8 go over it again.

9 MR. MILOSEVIC: [Interpretation]

10 Q. In your statement from 1996, you say that the units of the Banja
11 Luka Corps were engaged in Croatia. So now I'm asking you the following.
12 Do you know that according to the report of the command of the Argentine
13 and Nepalese battalions respectively in the UN, the army of Republika
14 Srpska was not engaged in Western Slavonia, and the last soldier was
15 withdrawn from there around the 5th of June, 1992, as well as the command
16 of the 5th Corps of the JNA from Stara Gradiska. Are you aware of that?

17 A. I know that the units withdrew in the month of July but the tanks
18 remained preserved there and weapons did as well. I'm talking about the
19 KP Dom in Stara Gradiska and Croatia and that was guarded by the army. I
20 know that there were ten tanks there, T34 self-propelled transporters and
21 also artillery weapons.

22 Q. Mr. Selak, please answer my questions. Oh, let me get closer to
23 the microphone. I'm being told by the interpreters that they can't hear
24 me.

25 And do you know that the main task of the JNA at the time was the

Page 22329

1 creation of buffer zones between the conflicting parties and the
2 mobilisation of the JNA and the TO which was under the command of the JNA
3 according to the constitution of the SFRY and the law on People's Defence
4 and also on the protection of military facilities? Is that right,
5 Mr. Selak?

6 A. That was official policy, but that was not the way people behaved
7 in practice. So it was practice that refuted this altogether.

8 Q. All right. Mr. Selak, in your statement -- oh, I see. So you're
9 saying that official policy was one thing and in practice other things
10 happened?

11 A. You know about that the best, because you issued orders for that
12 kind of thing, and you imposed such solutions.

13 Q. All right, Mr. Selak. I was on official policy and you are
14 talking about some official policy?

15 A. You took over the army -- the control over the army in June 1991.

16 Q. All right, Mr. Selak. You cannot testify about that. That's for
17 sure.

18 In your statement, on page 11 you say that there is a list of
19 members of the Banja Luka Corps who are responsible for the war, as you
20 put it, and for the atrocities that were committed by members of the
21 corps. On the basis of what are you accusing these people when you know
22 full well what their duty was of each and every one of these officers in
23 the corps?

24 A. Your Honours, these are people who are responsible for carrying
25 out genocide in the territory of Bosanska Krajina, especially in the

Page 22330

1 municipalities of Prijedor, Sanski Most, Kotor Varos, Bosanska Gradiska
2 and other municipalities. That is precisely what I spoke about. I talked
3 about their responsibility for having carried out genocide. About 2.000
4 people were killed in one day in Kozarac, and it is these people who are
5 responsible for all these crimes in the mentioned municipalities.

6 Q. All right. We're going to get to that, and it's somewhat

7 different from the way you've put it or, rather, it is quite different.

8 And on page 8, in the last paragraph you even deal with the
9 reasons for the war. You say that the three main reasons for the war in
10 Bosnia-Herzegovina are Serb nationalism, propaganda of the Serbian
11 Orthodox Church, and the propaganda of the Serb academy of sciences and
12 arts. That is what you said, Mr. Selak; is that right?

13 A. That's what I said, and I stand by that.

14 Q. Very well. Now, tell me, since you are delving into all these
15 issues, mainly issues you don't know about, tell me, is it correct that
16 this war in Bosnia-Herzegovina started when at the referendum, without the
17 participation of the Serb people, an illegal decision was reached on the
18 independence of the Republic of Bosnia-Herzegovina, although it is a fact
19 that the constitution of Bosnia-Herzegovina said that the republican
20 consists of three peoples who had equal rights according to the
21 constitution. Is that right?

22 A. No, that's not right. Your Honours, the Serb people in their
23 referendum in October 1991 stated that they wanted to stay behind in
24 Yugoslavia. And at the referendum on the 29th of February and on the 1st
25 of March, 1992, they did not vote en masse. They simply did not take part

Page 22331

1 in the vote. Sixty per cent of those who voted at the referendum voted in
2 favour of an independent sovereign Republic of Bosnia-Herzegovina which
3 was recognised by the European Union and by the United Nations, and that
4 is the truth.

5 Q. Well, that's the tragedy of it all, that this recognition led to
6 the conflicts that took place later.

7 Do you remember that the main foreign representatives at that time

8 who were dealing with Yugoslavia-related issues, namely Cyrus Vance and
9 Lord Carrington indicated that recognition before having all three peoples
10 accede to it would mean the beginning of a civil war? Do you remember
11 these warnings? Do you remember these facts, these facts which are
12 undeniable, and after all, recorded in their public statements?

13 A. I remember that Karadzic stated --

14 Q. I am asking you whether you remember this.

15 JUDGE MAY: What does it matter what this witness knew or didn't
16 know? It could be something he read in the papers. Again, it cannot
17 assess the Tribunal to hear, quite honestly, with respect to him his views
18 about it. Now, have you got some more concrete questions which the
19 witness can deal with it?

20 THE ACCUSED: [Interpretation] Mr. May, he is specifically talking
21 about the reasons for the war, and I'm asking him about what the actual
22 reasons for the war are. So I'm asking him on the basis of his
23 statement. It's not that I'm making up new questions.

24 JUDGE MAY: No. He didn't give any evidence about this, as I
25 recollect. And really, it's not a matter for him what started the war.

Page 22332

1 All he can tell us about is what was happening in Banja Luka and his
2 experience. His general views, I'm afraid to say, are totally irrelevant.

3 THE ACCUSED: [Interpretation] All right. What he wrote in these
4 statements of his are irrelevant matters; right? So there's no need for
5 me to question him about that?

6 JUDGE MAY: If he did give them in evidence, yes, certainly.

7 MR. MILOSEVIC: [Interpretation]

8 Q. All right. Since you're talking about the independence of

9 Bosnia-Herzegovina, is it correct that the decision was passed without the
10 presence of Serbian members of parliament in the parliament of
11 Bosnia-Herzegovina?

12 A. The members of parliament from the ranks of the Serb people, Your
13 Honours, left the session of parliament of their own free will. They
14 obstructed the debate on this issue within parliament. That is what I do
15 know.

16 Q. All right. Is it correct that Alija Izetbegovic, who did not hide
17 his ambitions to create a state of an Islamic orientation --

18 A. That's not correct.

19 JUDGE MAY: Were you present in the debates at the Assembly?

20 THE WITNESS: [Interpretation] No, Your Honour.

21 JUDGE MAY: Were you a member of the Assembly?

22 THE WITNESS: [Interpretation] No, Your Honour.

23 JUDGE MAY: No. All irrelevant, Mr. Milosevic. Now, let's move
24 on to something he can deal with.

25 THE ACCUSED: [Interpretation] All right. All right. Then I'm not

Page 22333

1 going to ask him. But he did talk about his own explanations of the
2 reasons that led to the war, and now you're saying that I can't ask him
3 about that.

4 MR. MILOSEVIC: [Interpretation]

5 Q. But do you remember --

6 JUDGE MAY: No. I'm going to stop you because you are
7 misunderstanding the point.

8 The views of witnesses about why historical events happened are
9 irrelevant. Now, it may be necessary at some stage for us to rule on it,

10 but we shall do so on the evidence of those who can give evidence about
11 it. If you want to give evidence about it, you can, if you think you can
12 assist us. But the views of the base commander in Banja Luka at the
13 relevant time, with due respect to him, are not relevant to these
14 proceedings. That's the point.

15 So you debate -- try and debate with these witnesses all these
16 political points. It's all totally irrelevant, and you'll be stopped.
17 Ask them about their evidence. And if they say -- if they give views in
18 statements, then that is not evidence unless it's given in court.

19 THE ACCUSED: [Interpretation] All right. All right, Mr. May. It
20 is political issues that are being tried here, nothing else. What have I
21 got to do with everything he's been testifying about anyway.

22 MR. MILOSEVIC: [Interpretation]

23 Q. But tell me now that these tensions that existed, that were
24 present during the referendum throughout the territory of
25 Bosnia-Herzegovina culminated in the killing of Nikola Gardovic, a Serb,

Page 22334

1 and the wounding of Radenko Mirovic, also a Serb, and this is on the 1st
2 of March and it was during a wedding?

3 JUDGE MAY: You've been told that you are not to ask him
4 questions. Now, if you waste more time by not obeying instructions, the
5 whole cross-examination will be brought to an end. It's up to you whether
6 you want to go on or not.

7 THE ACCUSED: [Interpretation] All right. I am dealing with the
8 things that the witness talked about in relation to various events.

9 MR. MILOSEVIC: [Interpretation]

10 Q. Do you know anything about the attack on the military convoy in

11 Tuzla that was withdrawing from that town and when 49 soldiers were
12 killed?

13 A. Your Honour, I heard about this particular incident over the media
14 as well, and I don't want to make any comments because I haven't got any
15 accurate information. I'm testifying under oath, and I don't want to do
16 any wrong.

17 Q. All right. Do you know about the directive that pertained to all
18 of Bosnia-Herzegovina, and Izetbegovic issued this directive to the Main
19 Staff of the TO for an all-out attack against all JNA barracks. You were
20 a soldier then. This was the 12th of April, 1992. Are you aware of that?

21 A. Your Honour, this is the first time I hear of this document. I
22 did not have it in my hands, and I never heard a word about it.

23 Q. All right, Mr. Selak. In your statement, on page 10, paragraph 1,
24 you say that municipal leaders wanted to be protected from paramilitary
25 formations and mistreatment that was carried out by the SOS. And then it

Page 22335

1 says in brackets "Serb defence forces." And that these SOS were political
2 and police forces of the Serb Democratic Party that did work for them.

3 Now, tell me, since this is what you allege, who commanded this
4 SOS? You allege this is what happened. Who commanded these forces?

5 A. When I was head of the group for -- for cooperation with the UN,
6 my offices were in the Bosna Hotel. On the first floor in the same hotel
7 were paramilitary formations, or rather, the headquarters of the Red
8 Berets. And the White Eagles and others were in Banja Luka. They were
9 even selling weapons at the Kozara barracks. I noted this in my official
10 notebook, that paramilitary formations are selling weapons in the Kozara
11 barracks, and their headquarters were in the Hotel Bosna and they had

12 their training grounds at Manjaca.

13 Q. Who are these Red Berets, please?

14 A. These are military formations of the Serb Democratic Party that
15 were assisted by the Yugoslav People's Army. There is documentation here
16 about them in the OTP where this is approved, that is to say to set up
17 such organisations as forces of the SDS.

18 Q. All right. Let's add this to the list then. So you claim that
19 the Serb Democratic Party had Red Berets of their own; right?

20 A. They had their own paramilitary formations. That's for sure.

21 That's something I know and there are documents to that effect.

22 Q. Since you say that paramilitary units trained at Manjaca, is it
23 correct that General Talic, at the meeting held in March 1992 ordered all
24 paramilitary formations to leave the Manjaca training grounds?

25 A. This was the month of May when a camp for prisoners of war was

Page 22336

1 established at Manjaca. He issued an order to establish this kind of camp
2 for 2.500 men, and then he had to withdraw the paramilitaries from their
3 training grounds in Manjaca.

4 Q. So it's not that he abolished them altogether, it was for this
5 detention centre for prisoners of war.

6 A. This is what the war book says. I'm not going to comment on his
7 orders.

8 Q. Manjaca is often referred to, and I heard this when I came here.
9 Is it correct, the information that I received, that this centre for
10 prisoners of war went on for a total of about three months?

11 A. No, Your Honour. On the 1st of June while reporting to the corps
12 commander, and I was present, he ordered the establishment of a camp for

13 prisoners of war at Manjaca. The commander of the camp was Bozidar
14 Popovic, then a lieutenant colonel and then a full colonel. The camp went
15 on until the 18th of December 1992.

16 Q. When was it established? What did you say?

17 A. Well, the month of June. The orders were received on the 1st of
18 June and I was in Manjaca on the 12th of June and I was dealing with
19 logistics, and I saw inmates in barns because, actually, this was a cattle
20 farm. So they were preparing the premises for taking in prisoners of war
21 who ranged from the age of 15 up to 80.

22 Q. So it went on for longer than three months?

23 A. I said from June to December.

24 Q. So that is about six months. And did anybody mistreat prisoners
25 of war there?

Page 22337

1 A. It's not only that they mistreated them, they killed them. I
2 haven't got the names here, but I do have them in Sarajevo in my notebook,
3 the names of persons who were killed in Manjaca. I know about 11 people
4 who were killed in Manjaca. I have their names, and they originally come
5 from Kljuc and Sanski Most most of them. I do have these names, Your
6 Honours.

7 Q. All right then, since you were there, since you saw the prisoners
8 of war and now you say that you have some names, did you see anybody
9 mistreat a prisoner of war?

10 A. I did not see that because I was officially touring the logistics.
11 I only saw inmates, men who were building a fence around the barns. I did
12 not go in, and I did not check out the details.

13 Q. All right. You said a few minutes ago that you're testifying

14 under oath and that you don't want to speak about things you are not aware
15 of; then please stick to what you saw yourself.

16 A. I said what I saw, and I stand by that. There were people who
17 were killed.

18 Q. And what you said in relation to Colonel Bozidar Popovic is
19 something that you also heard from someone? Is that right? You didn't
20 see him do that?

21 A. No, I knew him. He was my neighbour where I lived in Banja Luka
22 and I know him very well.

23 Q. All right. You know him. Did he tell you about that? Did he
24 tell you that he killed some prisoners of war? Did he tell you about
25 that?

Page 22338

1 A. No. Your Honours, I never said that, that he did any of the
2 killing, but people under his command were killing people. And of course
3 he is responsible for having allowed that as camp commander.

4 Q. Are you sure he allowed it?

5 A. Your Honours, I believe that no comment is required in this
6 respect, because it is only natural that a commander is responsible for
7 actions taken by his subordinates and he did not take any sanctions
8 against them.

9 Q. Are you sure he did not take any sanctions if something happened?

10 A. Yes, I am sure.

11 Q. Was the Red Cross there?

12 A. Yes, the Red Cross did come there.

13 Q. All right. Will you explain, please, since in your statement,
14 this is the statement of 2000, on page 8, in the fifth paragraph, you say

15 that you're not sure how members of paramilitary units were being armed at
16 Manjaca; is that right? You yourself say that you're not sure, that you
17 don't know what happened, but you put it in your statement?

18 A. Your Honours, allow me to explain this. In the November, I was in
19 the office of the corps commander who at the time was General Uzelac.
20 Colonel Subotic called him up on the phone. He was later army Minister of
21 Republika Srpska, and he asked him about the training of paramilitary
22 units at Manjaca, of non-military organisations. And later on, General
23 Uzelac asked me what was the first name of Subotic. He didn't know his
24 first name. Subotic used to be assistant chief at the military academy
25 for logistics, and he personally organised the training of paramilitary

Page 22339

1 formations at Manjaca. I know this because I know Subotic very well, and
2 he told me that. He said that there were people being trained who were
3 not from the JNA.

4 Q. Were they members of the TO?

5 A. No, no, no. They were not the TO. I said that the headquarters
6 of those formations was at the Bosna Hotel in Banja Luka.

7 Q. I quoted you saying that you didn't know how they were armed, and
8 you also go on to say that you didn't know which groups were being trained
9 there nor who was the commander, because you personally didn't witness
10 that training.

11 A. Your Honours, at the -- on the 1st of June when we were briefing
12 General Talic, he ordered that all the soldiers at Manjaca be armed. I
13 have that note here in this notebook, Your Honour.

14 Q. So he ordered the soldiers to be armed.

15 A. Yes, that they be given weapons. That soldiers be given weapons.

16 He said "soldiers." Of course he wouldn't say civilians.

17 Q. He used the term "soldiers." But you believed they were

18 civilians.

19 A. That they were paramilitary units, because there was no need for

20 him to explain that to us. We gathered that.

21 Q. But as you didn't see any of that, let us finish with Manjaca.

22 You don't know which units were there, nor how they were armed, nor who

23 was their commander. You didn't see any of that yourself, did you? Is

24 that right, Mr. Selak?

25 A. Your Honour, I didn't go to Manjaca later on to watch the

Page 22340

1 training, but the information of the corps commander and his order was

2 explicit, and it explained everything, that the people who were being

3 trained at Manjaca should be armed and pulled out of Manjaca so that the

4 prisoners of war could be accommodated there. Where they went after that,

5 I don't know.

6 Q. Do you know of the decree of the Presidency of Bosnia and

7 Herzegovina issued on the 8th of April when the republican staff of the TO

8 was abolished and the staff of the TO of the Republic of Bosnia and

9 Herzegovina was formed?

10 A. I'm aware of that order. I don't know the details, but I do know

11 of the order.

12 Q. Do you remember that by that same order the president relieved of

13 duty General Lieutenant Colonel Drago Vukosavljevic was relieved of his

14 duty and Hasan Efendic appointed Staff Commander?

15 A. No, I don't know that. I didn't have that order in my hand. I

16 was in Banja Luka at the time.

17 Q. Did you have in your hand a book by Hasan Efendic in which he
18 wrote, "On the first day of its renewed statehood, the Republic of
19 Bosnia-Herzegovina was creating or, rather, legalising the armed forces
20 after 1884 and 1941. Bosnia has its own army once again."

21 A. I heard of that book. I never had it in my hands, Your Honours,
22 and I can't comment on it.

23 Q. Since you confirmed at least the part that does not relate to the
24 book but to the event, how then can you say on page 13 that the Serbs
25 prevented the mobilisation of Muslims? Who could have prevented the

Page 22341

1 mobilisation then? What prevention of mobilisation are you talking about
2 when you see that the TO was being organised, and he himself claims that
3 the army of BH was formed after 1887 and 1941. So what prevention of
4 mobilisation are you referring to?

5 A. Your Honours, a witness of what I'm going to say now is General
6 Galic. As Colonel, he was commander of the 30th Partisan Division based
7 in my warehouse at Kula near Mrkonjic Grad. We were attending a meeting
8 with the president of the municipality of Donji Vakuf, Kemal Tezic, he was
9 president of the municipality. The president of the municipality Simic
10 Osanic [phoen] from Bugojno was also present, as well as his deputy who
11 was president of the SDS in Bugojno. I was present and Colonel Galic.
12 We were debating how we could calm down the situation. Also, the
13 problem of mobilisation was discussed. And the President of the
14 municipality of Donji Vakuf said on that occasion, Why did the Secretariat
15 for National Defence of Donji Vakuf municipality put away the call-up
16 papers for Muslims and Croats? And those papers were distributed only to
17 TO conscripts who were Serb. That was the procedure applied in all other

18 municipalities.

19 The secretariats for national defence in which the Serbs had a
20 much larger percentage than the others, they put away the call-up papers
21 for Muslims and Croats so that those call-up papers were given only to
22 Serbs.

23 In my official notebook, I have a note from that meeting at Donji
24 Vakuf where the president of the municipality refers to that.

25 Q. And what did he say --

Page 22342

1 JUDGE MAY: Just a moment. Let's clarify this.

2 Can you give us the date of the meeting, please?

3 THE WITNESS: [Interpretation] Just a moment, please, for me to
4 find it. If I can have a moment, please.

5 JUDGE MAY: Yes.

6 MR. GROOME: Your Honour, if it assists the
7 Chamber --

8 THE WITNESS: [Interpretation] Your Honour, on page 133. I've
9 found it. On the 13th of April, in my notebook, on page 133, it says:
10 "PSO, president of the Municipal Assembly of Donji Vakuf, Kemal Terzic."

11 JUDGE MAY: Yes.

12 MR. GROOME: I was going to suggest we look for it but since the
13 witness has found it --

14 JUDGE MAY: Yes, Mr. Milosevic.

15 MR. MILOSEVIC: [Interpretation]

16 Q. Mr. Selak, I don't know what the mayor of Donji Vakuf said, but do
17 you remember that it was Izetbegovic himself who demanded that the Muslims
18 do not respond to the call-up for mobilisation and that those who were

19 already serving in the army should abandon the army? Do you remember
20 that?

21 A. I never saw that document. There were comments about it, but I do
22 not wish to comment on it because I didn't have it in my hands. There was
23 mention of it when that document was issued and whether it was legal,
24 whether one individual can make such a prohibition I can't say.

25 Q. That's the whole point, that everything that was done then was

Page 22343

1 done illegally.

2 You mentioned Donji Vakuf in 1992. Do you remember that as early
3 as the 21st of November, 1991, in the local commune of Donja Puharska, a
4 protest rally of Muslims was organised against the decision of the legal
5 authorities of the SFRY to implement partial mobilisation of able-bodied
6 men of all ethnicities, of course. The Muslims were protesting because
7 they didn't want to be drafted. And among the leadership was
8 Dr. Mirza Mujagic, who was present president of the municipal party, and
9 another member of the party leadership. So they protested against this
10 partial mobilisation as early as November 1991. Do you remember that,
11 Mr. Selak?

12 A. No, I don't. I'm speaking under oath. I'm under oath, and I
13 stand by that.

14 Q. That is your regular response. You speak about Bosko Kelecevic
15 and you say that he was directly responsible for planning and following
16 the attack as you call it of Prijedor, Kozarac, and Derventa. How did you
17 get that knowledge? As you say, you're under oath.

18 A. Your Honour, Colonel Bosko Kelecevic later General was Chief of
19 Staff in the corps command and deputy corps commander. The Chief of Staff

20 is the person who plans operations, and the corps commander signs them.

21 That is what the procedure is and combat rules stipulate this.

22 Q. So that means that you derived that conclusion by deduction, not

23 on the basis of your knowledge but on the basis of the fact that

24 specialised bodies do the planning.

25 A. No, I attended meetings with the corps commander when he issued

Page 22344

1 orders to his subordinates, and they noted this in official notebooks upon

2 which they started the planning with exact deadlines who should do

3 what by what time and then the plan would be submitted to him for signing.

4 Q. I see. So you attended decisions being taken and orders being

5 issued regarding the attack on Prijedor, Kozarac, and Derвента; is that

6 right?

7 A. No, I wasn't present to that.

8 Q. That's what I'm saying. You couldn't be present. Is it also true

9 that you could have no knowledge about any attack within the framework of

10 the corridor operation in the first half of June, 1992, because you were

11 already a pensioner by then? Is that right?

12 A. I was not present at that, and I cannot speak about the details.

13 Q. But you did speak about it.

14 A. Not about the details.

15 Q. In your statement, you mentioned the attack on Kozarac in 1992 and

16 also the events in Prijedor. Do you know that in 1991 there was an event

17 in the immediate vicinity, that is in Croatia, when the conflicts

18 escalated and especially there were attacks on Serb villages in Western

19 Slavonia which seriously disturbed the Serbian population living in the

20 border area towards Croatia? Do you remember that?

21 A. I do. I remember a similar situation. General Adzic ordered me
22 when we were attending a meeting in November 1991 to tour the units of the
23 5th Corps together with a group of officers in Pakrac and Lipik. Colonel
24 Talic went with me who later became corps commander. When the artillery
25 battalion and the entire artillery was shelling the towns of Pakrac and

Page 22345

1 Lipik, I watched this from an observation post. Not another shell was
2 returned from the Croatian side. They were shelling houses. This was the
3 order of the corps commander and Colonel Talic said it was all right, hit
4 at them hard, and I attended this event. I was present there.

5 Q. Very well, Mr. Selak. Now, tell me, please, that atmosphere in
6 connection with those events and the attacks on Western Slavonia, did it
7 prompt the Serbs from Western Slavonia to move and to flee because you
8 were shelling them from Bosnia and Herzegovina? Is that what you're
9 claiming?

10 A. I'm not claiming that. Their Honours know why the population
11 fled, both Serbs, Croats, and Bosniaks. People were trying to save their
12 lives. I too would have fled if I had been in their place, because in the
13 area of combat operations, one could not be safe. And it is common
14 knowledge who did the aggression.

15 Q. You're trying to say that those Serb settlements in Western
16 Slavonia were attacked by the Serbs, that an aggression was committed by
17 them by your corps or as far as Bosnia and Herzegovina -- from
18 Bosnia-Herzegovina? Is that what you're claiming?

19 A. Your Honour, the president of the Crisis Staff in Okucani, or
20 rather, the commander of the TO of Okucani reported to me that there
21 were 2.500 men present. In fact, there were 500 men. The army was arming

22 citizens of Serb ethnicity in that area. I also have that piece of
23 information in my notebook.

24 Q. I do hope you will answer my questions instead of responding by
25 commenting on other matters in response to all my questions.

Page 22346

1 JUDGE MAY: The problem is that you misrepresent all the time what
2 he's said.

3 Now, who was it that the artillery was shelling in November 1991
4 when you were in Pakrac and Lipik.

5 THE WITNESS: [Interpretation] Your Honour, I was close to Pakrac
6 on the hill, at an observation post of the brigade command when Croatian
7 towns, Pakrac and Lipik, were being shelled. And I saw both of them
8 through binoculars, that houses were being shelled. There was a meadow in
9 front us which was about 1 kilometre long and one could see well. There
10 was no fire being opened against JNA units.

11 MR. MILOSEVIC: [Interpretation]

12 Q. How much time did you spend at that observation post?

13 A. Two hours, because at 5.00 p.m. I had to be at the Mahovljani
14 airport near Banja Luka to brief General Adzic as to what I had seen in
15 the area of combat operations around Pakrac and Lipik.

16 Q. And what did you tell him?

17 A. First of all I told him that the logistics had provided everything
18 necessary for the unit and that large quantities of ammunition were being
19 spent without cause and that we could run out of ammunition. And then for
20 the second time that day, General Uzelac was present. He said to me --
21 General Uzelac's name was Nikola, and he said to him, "Nikola, you are
22 going with Selak to Bihac. You deal with the Serbs and Osman will deal

23 with the Turks." And I responded, "Surely you mean the Muslims, General."

24 Both of them were quiet and he gave me a look and after that I had

25 problems. And that was the end of my meeting with General Adzic.

Page 22347

1 Q. Now, tell me, please, according to the SDA plan as you're talking

2 about the municipality of Prijedor, far before the beginning of the armed

3 conflict did the municipality of Prijedor lose a significant portion of

4 its Muslim population? In fact, only young, able-bodied men stayed

5 behind, and extremists representing the SDA. Do you remember that? You

6 had the information. This was in the zone that you were in.

7 A. That is not true. In Prijedor, the majority population was

8 Bosniak. After the 1991 elections, they should have formed the executive

9 branch, that is the government. There were problems. And the 33rd

10 Mechanised Brigade was in Prijedor under Colonel Arsic, and he, together

11 with the Crisis Staff, was in charge of everything, so that the Muslims in

12 Prijedor did not or could they have planned combat operations.

13 Individuals and groups perhaps, but there were no military formation, Your

14 Honour.

15 Q. So you mean only terrorist groups were being formed and not

16 military units?

17 A. No, not terrorist groups but people in local communes were

18 organising themselves using hunting weapons and what they could purchase

19 from paramilitary formations or JNA units. And there's a list, Your

20 Honours, in the Tribunal of the names of people who received which rifle.

21 And I testified about that in the Brdjanin case.

22 Q. Very, very well, Mr. Selak. But since you speak about that, do

23 you remember that the president of the SDA in Prijedor in February 1991,

24 president and a member of parliament of Bosnia-Herzegovina, Mirza Mujagic
25 and President of the Municipal Assembly, Professor Muhamed Cehajic, and

Page 22348

1 the secretary of the SDA, Becir Medunjanin went to the JNA barracks to
2 protest with the officers because of the arrival of a military unit that
3 had been dislocated there from Slovenia to Croatia or Prijedor.

4 A. Your Honours, a battalion arrived from Pancevo to Prijedor, the
5 barracks there, and when the battalion was put up at the barracks, I
6 arrived with a group of officers to see unit. It was a logistics
7 battalion with some weaponry. Where it ended up, I don't know. But as
8 for Mirza Mujagic and his activities, I can't speak about that because I
9 don't have the necessary information. What I do know is that there wasn't
10 military organisation at a larger level but just in the local communes.
11 Now, what Mr. Mirza Mujagic himself did, I really don't know those details
12 at that time.

13 Q. Were you informed as a high-ranking officer that on the 19th of
14 April, 1992, that the Ministry of Interior and defence of
15 Bosnia-Herzegovina sent strictly confidential dispatches to the
16 authorities in Prijedor with an order to block communications of military
17 facilities to attack military units and to seize the weapons, technical
18 materiel -- materiel and equipment? Were you informed about that in view
19 of the fact that you were in charge of logistics, materiel, equipment, and
20 so on as you have already explained to us?

21 A. Your Honours, I know nothing about that document, but there is no
22 logic to it because how can the population seize weaponry from a motorised
23 brigade, a unit that numbered over 3.000 men?

24 Q. All right. This was all empty -- the empty-handed population on

25 your side. All people unarmed on your side.

Page 22349

1 A. Well, I said what I said.

2 Q. All right, Mr. Selak. Tell me this then, please, do you remember
3 an event that took place on the 1st of May, 1992, in the night in Kozarska
4 Street where from the back a reserve military policeman, a Serb, Radenko
5 Capo [phoen], was killed? He was from Gornje Jelovac. And that it was
6 known that the perpetrator was a member of the illegal paramilitary
7 formation of the Green Berets Rahi Music nicknamed Muha [phoen]? Do you
8 remember that event which seriously jeopardised?

9 JUDGE MAY: No. How could he remember this? It's pointless
10 asking these questions.

11 THE ACCUSED: [Interpretation] Well, the point is the following:
12 It's as if you were to ask -- if I were to ask about something that took
13 place in Scheveningen and he was here. And I asked him whether he knows
14 what happened here. Prijedor is just by Banja Luka and in the area of his
15 activities. So that is the analogy.

16 JUDGE MAY: Let us find out from the witness. Was Prijedor within
17 your area of responsibility?

18 THE WITNESS: [Interpretation] Yes, Your Honour.

19 JUDGE MAY: Very well. Very well.

20 MR. MILOSEVIC: [Interpretation]

21 Q. All right then. Do you remember the killing of this man called
22 Dzapo [phoen] killed by a member of the Green Berets, Rahi Music by name?
23 A. No. I don't know the individual details and the individual cases
24 either in Banja Luka or elsewhere. I know of many people who were killed
25 but as to the details of the individuals I can't say.

Page 22350

1 Q. All I'm trying to do is to try to establish together with you,
2 Mr. Selak, the general atmosphere that prevailed at the time, because the
3 very next day -- this happened on the 1st of May. The very next day a
4 cousin of the person killed shot at four Muslims and then the Municipal
5 Assembly of Prijedor expressed their condolences and regrets to the
6 families of the people killed on both sides and appealed to the population
7 to observe peace and calm and mutual respect, and a curfew was even
8 introduced in order to prevent further incidents from breaking out, from
9 9.00 in the evening to 6:00 in the morning. I'm sure you'll remember
10 that. That was still -- that means that was the 1st and 2nd of May, 1992.
11 So I'm sure you'll remember that.

12 A. I was in Prijedor when the battalion arrived. I have no
13 information of that kind. They didn't reach the command of the logistics
14 base. Whether they reached the corps, I don't know. Perhaps certain
15 political circles, the security organs and so on, it might have reached
16 them but the corps in Banja Luka did not get that information.

17 Q. Did you receive the information that despite efforts made by the
18 commune due to these two incidents, that is to say both on the Muslim side
19 and the Serb side, that they were trying to quell the situation but what
20 happened was quite the reverse, that during the night armed
21 paramilitaries, Croatian ones and the SDA ones, the Party of Democratic
22 Action in Ljubija, took control of the public security station there,
23 disarmed and shut up the police of Serb nationality and blocked this local
24 commune? Do you remember that?

25 A. That piece of information is not correct.

Page 22351

1 Q. All right. What about the 3rd of May, 1992? Did the leadership
2 in the local commune of Kozarac set up an armed unit of Territorial
3 Defence? They were actually called -- they were actually the Green Berets
4 but they weren't called the Green Berets, and the strength was 2.500 men.

5 A. That is not true, Your Honour. This is total untruth. That is
6 absolutely not true.

7 Q. It was one of the largest formations, in actual fact, which was
8 established at that period.

9 A. The list that the OTP has here, Your Honours, speaks of 186 or 85
10 men. Don't hold me to the digit. But the list stipulates exactly how
11 many people were concerned, which weapons were issued, the number of the
12 rifles, and 120 people were armed with some hunting rifles as well. In
13 the entire local commune, and that served to protect the population of the
14 Kozarac local commune in which on the 28th of May, over 2.000 people were
15 killed in the space of one day. And allow me to say a few words about
16 that, Your Honours, if you will, because Colonel Dragan Marcetic, for
17 example, assistant corps commander at the time, reported as the leader of
18 the team to the corps. And he said that on that particular day, 800
19 people were killed in Kozarac. General Talic looked towards me, glanced
20 at me, because he had all -- he turned towards me, then turned towards
21 Colonel Marcetic again, and he said, "I suppose you want to say that 80 to
22 a hundred people were killed and you can inform the Main Staff of the
23 Republika Srpska of that." And I have this piece of information jotted
24 down in my notebook. There is another document in the OTP according to
25 which the corps had reported to the Main Staff of the army of Republika

Page 22352

1 Srpska that in fact only 80 people had been killed.

2 Colonel Marcetic had already reduced the figure from 2000 to 800
3 men, whereas General Talic had ordered that the report should say that
4 only between 80 and a hundred people had in fact been killed. And that's
5 the truth, Your Honours.

6 Q. Mr. Selak, not to waste time and lose time on this you therefore
7 claim that it is not true that in Kozarac a unit was established of the
8 Green Berets to the strength of 3.500 men fighters; is that what you say?

9 A. Yes, that's what I do say.

10 Q. You say that only a unit of 120 people?

11 A. 180 to 186 was the number, the strength of the unit.

12 Q. Ah, I see. And how many inhabitants does Kozarac have?

13 A. I haven't got the exact figures. It is a local commune, in fact.

14 Q. Yes, and how many inhabitants?

15 A. It is a local commune of Prijedor. I don't know the exact number
16 of inhabitants. But what is true is that unit was formed to protect the
17 local commune of Kozarac because it borders on Mount Kozara which is where
18 the 5th Kozara Brigade had been mobilised and the commander of that
19 brigade was Pero Colic. And that was 100 per cent Serb Territorial
20 Defence or unit.

21 Q. And in Kozarac this wasn't a 100 per cent Muslim unit; was it?

22 A. Yes, it was. But it was about 175 people. Half of them didn't
23 have weapons.

24 Q. And the Serbs and Muslim were killed so the Serb brigade and the
25 Muslim brigade and you claim that in Kozarac 2.000 people were killed,

Page 22353

1 is that what you're claiming?

2 A. Yes.

3 Q. Oh, come on.

4 A. Your Honours, there are documents to bear that out. I haven't got
5 those documents with me, but if need be, we will find the documents with
6 the names of the people killed and their numbers. The camp in Omarska was
7 established at that time where the people were incarcerated. The entire
8 population were expelled and many of these people were transferred to the
9 Manjaca camp near Banja Luka.

10 Q. All right. We'll establish these -- it's easy to establish those
11 facts. Just don't keep referring to the fact that they here in the OTP
12 have those facts and figures. We know the type of facts and figures they
13 have here. Just tell me this: At the time when these incidents were
14 taking place in the area of the municipality of the initiative of the
15 local population themselves, joint mixed multinational armed patrols began
16 to be formed. This was in the village of Petrov Gaj in Trnopolje, et
17 cetera, where there was a multi-ethnic population and similar initiatives
18 were undertaken from different villages, from Kozarusa, for example, Cela,
19 these are all Muslim villages. And these multinational patrols were set
20 up to prevent the clashes and conflicts and the really tragic events that
21 followed, that came to pass.

22 A. I had no official information about that so I don't want to speak
23 about something in general terms. I can't stand by that, so I can't
24 answer that question, Your Honours. I can't give an explicit answer to
25 that question.

Page 22354

1 Q. All right then. What about the 10th of May in Hambarine? Was
2 there a meeting of the leadership of the SDA that was held when the
3 barricades were erected? I'm sure you'll remember that.

030613IT

Page 34 of 107

4 A. I don't know. I am not a member of the SDA. I was an officer of
5 the Yugoslav People's Army. As I say, I was not in Prijedor except once
6 during the war and I can't testify about the details, about the
7 organisation in Prijedor. I don't know. All I know is the reporting that
8 was done to the corps commander and anything that I was able to hear from
9 the subordinate organs.

10 Q. Well, do you how people were killed, people who had just come to
11 do away with the barricades, not to attack anybody, just to abolish the
12 barricades in order to ensure the flow of traffic and they were killed?
13 Do you remember that? All that took place at the beginning of May. You
14 were still there in the army.

15 A. There were barricades and checkpoints set up everywhere, even
16 Banja Luka. Now, who organised those barricades, who erected them when
17 and why I really can't say; I don't wish to comment. People organised
18 themselves in order to protect their lives, and I can't find fault with
19 that.

20 Q. So what you're saying is the barricades were put up, workers come
21 to do away with the barricades, to abolish them in order to allow the free
22 flow of traffic. And then I'm sure you'll remember in Hambarine from an
23 ambush four members of the unit who this come to abolish the barricade
24 were killed without attacking anybody. They didn't attack anybody. I'm
25 sure you'll remember that.

Page 22355

1 A. I don't remember that, but I do remember that in Hambarine there
2 was a detainee camp which included women and children. Are they prisoners
3 of war?

4 Q. Of course they aren't, Mr. Selak. And I certainly do not consider

5 that women and children can be considered to be prisoners of war.

6 Tell me this now please: Was it precisely on that same day, and

7 we're talking about May, so before the attack took place, that the

8 authorities in Kozarac was taken over by the Red Berets and the

9 municipality started its mobilisation and moved to work under wartime

10 conditions? Is that how it was before the conflict that you mentioned

11 where you say that many people were killed?

12 A. No. The Green Berets as a formation did not exist. What did

13 exist was a Territorial Defence unit of the local commune of Kozarac with

14 the number of people that I mentioned a moment ago. They were not the

15 Green Berets as far as my information tells me. The official name was not

16 the Green Berets. That is not correct.

17 Q. Okay. The official title of them was not Green Berets. Now, you

18 claim that these paramilitaries on the Serb side, that they did have an

19 official title calling them paramilitary formations is that what you're

20 saying?

21 A. There are documents to bear that out, documents belonging to the

22 5th Corps which mention paramilitary formations specifically and their

23 numbers ranging between 5.100 people, although I think that the numbers

24 were far higher.

25 Q. All right. Never mind. If it exists in the documents, we'll be

Page 22356

1 able to find them.

2 A. Yes, you do have the documents.

3 Q. Tell me, please, on the 23rd of May, in Prijedor, at the

4 crossroads between Esad Suhajlovic Street [phoen] and Miso Jasvec [phoen]

5 Street, after these Muslim barricades, you knew Captain Mihajlo Brodo

6 [phoen], I assume, and his associates.

7 A. No, I did not know him. Unfortunately I did not know a large
8 number of officers. Banja Luka had over 1.000 officers alone, so I
9 couldn't know them all.

10 Q. All right. I won't ask you about that particular settlement
11 then. Now, do you remember that on the 24th of May there was a clash
12 between two different streams of the SDA, that is to say between the
13 Muslims themselves in Kozarac and there was an armed settling of accounts
14 in which the commander of the local Muslim paramilitary unit of the SDA
15 was killed? His name was Osman Didovic because he considered that the
16 time had not -- was not ripe yet for a final settling of accounts to take
17 place, a final showdown with the authorities, the Serb authorities in the
18 municipality?

19 A. How can you ask me about details of that kind when I was in Banja
20 Luka myself. Now, what the SDA did and the SDS or any other party in
21 Prijedor, I really can't testify about details of that kind. I was --
22 never had access to those documents nor did I ask for access to them, Your
23 Honours.

24 Q. All right. Fine, Mr. Selak. I can't ask you about any details,
25 what happened barely 20 minutes -- 20 kilometres from where you were. You

Page 22357

1 have come in here to testify against me. I was the president of a
2 different state hundreds of kilometres away from there.

3 A. Yes, but you, Milosevic, were in command of the JNA units from
4 June 1991, and that -- the results of that we know about.

5 Q. That is, first of all, not true, and secondly, that's not true.

6 And secondly, you couldn't know about any of that.

030613IT

Page 37 of 107

7 JUDGE MAY: Let us leave these general matters and deal with
8 concrete matters. You've got five minutes left, Mr. Milosevic.
9 THE ACCUSED: [Interpretation] Only five minutes?
10 JUDGE MAY: Yes.
11 THE ACCUSED: [Interpretation] Well, then I'll have to skip over
12 many matters here and go back to the tabs. I think this particular tab
13 was 23, tab 23. Let's just clear that point up.
14 MR. MILOSEVIC: [Interpretation]
15 Q. Now, it is the letter written in handwriting to the person of
16 Mr. Momir Talic. That's what it says. The date is the 28th of May, 1993
17 and you quoted from that document, Mr. Selak, did you not?
18 A. Yes.
19 Q. Well, when we place this in the context of the material time, you
20 will be able to see that the document speaks of something quite different
21 in fact. Now -- so the date is indisputable. It is the end of May, the
22 28th of May, 1993, in fact. That's right, isn't it?
23 A. Yes.
24 Q. Now, do you remember that on the 1st of May, the 1st and 2nd of
25 May in Athens, the Vance-Owen Plan was signed by all three sides?

Page 22358

1 A. I remember the date [as interpreted]. I remember that the plan
2 was signed but I can't remember the date.
3 Q. Yes. Now, do you remember that it was not accepted at the
4 Assembly -- adopted at the Assembly at Pale and that because of that we
5 introduced an embargo towards the Republika Srpska as a means of coercion
6 and duress for them to accept the plan, the peace plan? The embargo did
7 not only -- did not refer to humanitarian aid alone. Otherwise, all other

8 commercial and other transactions, there was a total embargo in place. It
9 just did not apply to humanitarian aid.

10 Now, this particular letter shows that the deputy director of
11 commodity reserves, deputy manager, said that according to a decision by
12 the FRY government, nothing can be given except humanitarian aid. Is that
13 a document which bears this out?

14 A. This document shows how this official order could be bypassed,
15 circumvented.

16 Q. Whether somebody tried to bypass something or not, I cannot know
17 myself. But I do know that thousands of tonnes of diesel fuel for the
18 area which we -- in which we have established was inhabited by a million
19 people necessary for hospitals and so on, the distribution of goods and
20 food, was just a drop in the ocean. It didn't represent any great amount.
21 And who knows how much motor oil and lubricants.

22 So, does this document then show us when we place it in the
23 context of the relevant material time that as a consequence of the
24 endeavours to exert pressure for people to adopt the plan that this
25 embargo was put in place and the commodities deputy manager says we cannot

Page 22359

1 provide you with anything except humanitarian aid. Have we cleared that
2 point up? Is that clear?

3 A. No, we have not.

4 Q. Then explain to me what this is about?

5 A. Your Honours, when we're talking about fuel, I was eyewitness in a
6 work organisation called Auto Servis when the fuel tanks were adapted to
7 trailer tanks, and they were masked with tarpaulins and the fuel was
8 transported, Your Honours, precisely in an unlawful manner, illegal

030613IT

Page 39 of 107

9 manner.

10 Q. I'm not asking you about any smuggling.

11 A. But this is what the document speaks about, how to sidestep the
12 provisions that were made and supply people with fuel.

13 Q. This is a decision of the government of the FRY to the effect that
14 nothing can be issued, no supplies could go through except humanitarian
15 aid. Now, whether there was smuggling going on, that's another issue
16 altogether. That's not what I was asking you about.

17 Let me just consult my notes for a moment. I don't know how to
18 make the best use of the five minutes I have left.

19 JUDGE MAY: It's less now. It's less now. You can ask two more
20 questions.

21 THE ACCUSED: [Interpretation] Mr. May, at the end of these tabs I
22 did not see -- I did notice this. It's 25, I think. It's tab 25.
23 This is an order on defence securing the territory and offensive actions,
24 command of the 1st Krajina Corps.

25 MR. MILOSEVIC: [Interpretation]

Page 22360

1 Q. Do you have this document before you?

2 A. No, I don't.

3 Q. What does it say here? Does it say "order"? "This is an order
4 issued by the corps commander." Is that right?

5 A. Yes.

6 Q. Does it say in paragraph 2 that in the combat operations that took
7 place so far the enemy carried out different types of genocide against the
8 Serb people and often against their own people wishing to portray this to
9 the international public as if it were done by the army of the SR of

10 Bosnia-Herzegovina, that is the Serbian Republic of Bosnia-Herzegovina,
11 hoping for foreign intervention against the territories of the Republic of
12 Serbian Krajina? That is the 31st of July, 1992. Is that right?

13 A. That's what it says. That is what it says under the heading
14 "Enemy," and this is an assessment of the enemy by the corps commander.
15 Your Honours, can I say something about this?

16 JUDGE MAY: Yes.

17 MR. MILOSEVIC: [Interpretation]

18 Q. Is an explanation needed?

19 A. Yes.

20 JUDGE MAY: Let him answer.

21 THE WITNESS: [Interpretation] Your Honour, this -- this is an
22 assessment of the enemy. This happened regularly. The enemy would be
23 besmirched so that the soldiers would think that they were fighting for a
24 just cause. And it was deceptions of this kind that raised the morale of
25 uninformed persons because they thought that this was correct information.

Page 22361

1 MR. MILOSEVIC: [Interpretation]

2 Q. Oh, so this is incorrect information and it is usual for the corps
3 commander to give incorrect information?

4 A. No, this is his assessment to a greater extent and also it's a
5 suggestion to his own men to make this suggestion further on to the very
6 last soldier.

7 Q. All right. Mr. Selak, please look at page 2 of this order.

8 Middle of the page. "Along the Svilaj-Odzak-Modrica axis, the enemy has
9 engaged between four and five brigades of the Croatian army." So it is
10 the Croatian army that is present in the territory of Bosnia-Herzegovina.

11 And it says the 102nd, 105th, the 106th, the 107th, the 108th Brigades.

12 Mr. Selak, do you know that not only here but also at Kupres, for
13 example, there was the presence of the Croatian army of Leopard tanks,
14 German made, and so on? Do you know about that? I'm asking you whether
15 you knew about the presence of regular Croatian army troops in the
16 territory of Bosnia-Herzegovina at the time.

17 A. Yes, I was aware of that. And I know that the regular Croatian
18 army entered the territory of Bosnia-Herzegovina just as the Novi Sad,
19 Valjevo and Uzice Corps entered the territory of Bosnia-Herzegovina and
20 this was aggression against the sovereign State of Bosnia-Herzegovina.

21 Q. And I'm asking you about whether you knew about operations of
22 these brigades and do you know about operations in the north of
23 Bosnia-Herzegovina and down in the area of Kupres?

24 A. Yes. I didn't know the number of brigades, but I knew that there
25 were operations taking place. I didn't know which brigades were exactly

Page 22362

1 involved, but there were operations in Kupres. The Banja Luka Corps had
2 also sent there own men there because indeed units of the regular Croatian
3 army were there.

4 Q. All right. Mr. Selak, it was my understanding that I do not have
5 the right to put any more questions although I have quite a few left?

6 JUDGE MAY: If you had not wasted your time putting irrelevant
7 questions which the witness can't deal with you would have had more time
8 for the others.

9 Yes. If you'd care to begin, Mr. Kay.

10 Questioned by Mr. Kay:

11 Q. Mr. Selak, a general matter first of all, and that is that the

030613IT

Page 42 of 107

12 context of your evidence concerning what was happening within the JNA in
13 1990 to 1991, 1992, was at a time when certain republics of the former
14 Yugoslavia were considering separation?

15 A. Yes, that's the period concerned.

16 Q. The JNA within which you served was a national institution for the
17 former Yugoslavia, and it was being affected, just as any other
18 institutions were, by the politics of the time. Would you agree with
19 that?

20 A. Yes.

21 Q. The JNA as a national institution, like any other army, was very
22 conscious of its historical past, the conflicts that cause it to come
23 about and the history of the people to whom it served, and that was
24 something that was particularly taught to officers and soldiers within the
25 JNA?

Page 22363

1 A. Yes.

2 Q. As part of that history, the events of World War II formed a very
3 significant part of the teaching to the soldiers of the JNA, and in
4 particular the Ustasha forces and the involvement of the axis powers?

5 A. Yes. But you did not mention the Chetniks in addition to the
6 Ustashes. They also supported the fascist forces in the territory of
7 Bosnia-Herzegovina.

8 Q. Thank you. And that's a very useful observation, because
9 throughout this institution of the JNA, as the republics were making
10 noises and steps towards separation which would have meant the dissolution
11 of the old Yugoslavia, a great deal of distrust was apparent within the
12 military as people started looking towards their own ethnic groups.

030613IT

Page 43 of 107

13 That's what happened?

14 A. Yes.

15 Q. The JNA was one of the largest armies in the world. You'll

16 probably know better than me the full scale of that size in comparative

17 world terms, but it was an enormous army spread throughout Yugoslavia.

18 A. The units of the Yugoslav People's Army covered the entire

19 territory of Yugoslavia according to strategic assessments related to the

20 protection of the state that would come by way of aggression from

21 neighbouring states.

22 Q. Would you agree that it was an enormous army? It was probably the

23 largest in Europe or one of the largest in Europe.

24 A. It was not the largest in Europe. According to the information we

25 had, it was among the three or four best equipped and best trained armies,

Page 22364

1 but whether that was actually correct or not is something I cannot say

2 because we could not compare all of this to the other countries of Europe.

3 This is the kind of information that we were being given, but I cannot

4 confirm it or deny it.

5 Q. Very well. But within the military itself, there were issues

6 being raised as to what should happen to the army during this period of

7 conflict between the republics, as the republics were voicing their desire

8 to go independent.

9 A. Well, doesn't any state or any republic have the right to decide

10 about its own fate? A referendum of the people or, rather, its elected

11 Assembly has the right to think about this and to pass decisions about

12 this.

13 I, as a soldier, gave an oath to the Yugoslav People's Army, but

14 the then-Yugoslav People's Army. I would have given my life for it. But
15 in the 1990s, it was no longer that. It was no longer my army, the one
16 that I had sworn an oath of allegiance to.

17 Q. But the issue was that throughout the military, this was a problem
18 for the military as to what should happen to it. Who did it belong to?

19 Where should it go? And in 1990 and in 1991, there had been no
20 independent creation of other armies within the separate republics?

21 A. Yes. There was no organised army except in Slovenia. But the
22 weapons of the Territorial Defence were not returned to the JNA units.
23 The republics had the command and control over the Territorial Defence
24 units, so the republic of Slovenia had their own units straight away, as
25 soon as they assessed that there could be a conflict and that they should

Page 22365

1 defend their state.

2 JUDGE MAY: Mr. Kay, when you come to a convenient moment.

3 MR. KAY: One more question.

4 Q. You were a logistics officer. By any means of comparison, the JNA
5 was a very large army. What was to happen to it had not been decided, say
6 for a limited way in Slovenia by 1991. This institution, which was a
7 Yugoslav institution, was still there as a whole body but with an
8 undecided future; isn't that right?

9 A. The Yugoslav People's Army was, in terms of its size, a major
10 encumbrance for the economy of Yugoslavia, and I thought that the army
11 should be downsized. However, in view of the ethnic make-up of its
12 officers, it is quite clear why such a large army, such a strong army was
13 held for so long, so that it could be abused by political factors, and
14 indeed this did happen, this kind of abuse.

15 JUDGE MAY: We will adjourn now for 20 minutes.

16 --- Recess taken at 10.37 a.m.

17 --- On resuming at 10.59 a.m.

18 JUDGE MAY: Yes, Mr. Kay.

19 MR. KAY: Thank you, Your Honour.

20 Q. Mr. Selak, you gave evidence concerning the ethnic composition of

21 the JNA, and I now want to ask you some questions about that.

22 When you gave evidence in the Tadic case, and I'm looking at the

23 transcript of that case at page 1827, you stated that when the first

24 mobilisation was carried out in 1991, the ethnic composition reflected the

25 situation on the ground. However, at the end of 1991 and 1992, this was

Page 22366

1 seriously disrupted. And you went on to say the ethnic composition became

2 99 per cent Serb.

3 Do you stand by that statement that the original ethnic

4 composition reflected the situation on the ground?

5 A. Yes. The first mobilisation was in May 1991, and it did reflect

6 the ethnic composition on the ground from which the war units were being

7 mobilised.

8 Q. However, in this time when certain republics were seeking their

9 separate identity, what took place was a withdrawal of certain ethnic

10 groups from the army.

11 A. Well, you see, I'm claiming that the units in the area of Banja

12 Luka Corps and in my area of my responsibility when the 5th Corps of the

13 JNA was being mobilised as well as the logistic base in Banja Luka, I

14 speak about them. I cannot talk about the ethnic composition in Slovenia,

15 Croatia, Macedonia, and other areas because I didn't have the necessary

030613IT

Page 46 of 107

16 information at the time.

17 Q. As a military officer, though, of high rank involved at your
18 level, you were aware, though, weren't you, over the situation that was
19 developing, what the political situation was having an effect upon within
20 the army?

21 A. I did have that information, but I'm talking about precise figures
22 regarding the percentage of a particular ethnic group that responded to
23 the call-up or did not respond. We had information about political
24 developments and about the demobilisation, but I didn't have the figures
25 by municipalities, by regions. I didn't have access to those figures nor

Page 22367

1 did I need them after all.

2 Q. I'm not asking about the specifics in that form but the general
3 effect. And it would be right to say that as the republics were exerting
4 their voices and their politics to achieve independence, this was having
5 an effect upon the composition of the army as ethnic groups sought to
6 group together.

7 A. We can say that of the reserve force that was mobilised and not of
8 the active-duty force. The republics had authority regarding the command
9 and equipment of TO units. If we consider the republic of Slovenia, they
10 did not return their weapons to JNA warehouses, whereas the other
11 republics did. So I cannot tell you exactly regarding Slovenia, how many
12 did, how many did not, but the republics were those who had the
13 decision-making powers according to the constitution when it came to
14 Territorial Defence.

15 Q. In the reserve, again before or at the time of 1991, the reserve
16 officer corps corresponded in ethnic terms to the territory of each unit

17 at that time.

18 A. That is how it should have been, but specifically we can't know.

19 But in essence, yes, it did reflect in May 1991. Already by September,
20 there was less response, and we even had to send the police to bring
21 people to join army units, that is, the military police.

22 Q. And looking at the context of this, it again was because of the
23 political conflict that was happening as to certain parts of the former
24 Yugoslavia wanting to separate. It was reflecting what was happening at
25 the political level; isn't that right?

Page 22368

1 A. It was the political factor that led the army. The army was an
2 executive organ of the political powers. And this went from the level of
3 the General Staff right down to lower-level units.

4 Q. But as regards to what was happening, this was finding its way,
5 feeling its way throughout the whole institution of the army because there
6 was uncertainty as to what was to happen to the army?

7 A. Yes, there was uncertainty, and it is a question as to how the
8 assistant commanders for moral guidance from the General Staff to the
9 battalion, what directives they received and how they reacted. So
10 certainly there was a dilemma as to what would happen with the whole of
11 the JNA. I myself had dilemmas because I wasn't indifferent to it, as to
12 what would happen tomorrow with the people and myself personally. It was
13 only logical that we were worried about it.

14 Q. That's what I was going to ask you about next, your own experience
15 of this matter, because you had viewed yourself as being a military
16 officer within the Yugoslavia army?

17 A. Yes. I was of a Yugoslav orientation, but I was for the equality

18 of all nations without any domination by one nation or group or an
19 individual over others. A life design of man throughout the territory of
20 Yugoslavia [as interpreted].

21 Q. Those issue and that debate had not been resolved in 1991 or in
22 1992 as to what exactly was going to happen. Leaving Slovenia on one
23 side, as to Croatia and Bosnia-Herzegovina, whether in fact they were
24 going to be independent states. In 1991, the early part of 1992, that had
25 not been resolved. That's right, isn't it?

Page 22369

1 A. Croatia was the first to embark upon independence. And I wouldn't
2 like to go into that. I am speaking for Bosnia-Herzegovina.
3 The accused, Milosevic, told me that as an officer, I was a spy --
4 no. I was a fighter. I would never have agreed to Muslim domination. I
5 wanted all three nations to live on a footing of equality in
6 Bosnia-Herzegovina. I would never have played myself in the service of
7 one nation. This is my homeland and this is my state, though this has
8 been -- I have been accused of this. And that was my position then and
9 still is my position now. I wish every man, every citizen of
10 Bosnia-Herzegovina to be able to live with me and to be able to move
11 freely and lead a normal life, and this should be true of each and every
12 citizen.

13 Q. Moving on then from that issue to the withdrawal of equipment, the
14 withdrawal of equipment from Slovenia and Croatia in terms of the JNA made
15 military sense at the time, didn't it?

16 A. It made military sense, yes, so that the equipment and materiel
17 should not be left to Slovenia. And everything was withdrawn. I had a
18 question yesterday to the effect that everything was not pulled out.

19 Everything was pulled out, even the furniture. The order of
20 General Kadijevic, the Chief of Staff, and we have that order here, he
21 ordered that all mobile property be withdrawn from Slovenia to Croatia,
22 that is to Bosnia and Herzegovina and Serbia, and that was in fact done.
23 And deadlines were fixed, July 1991 and October 1991.

24 Q. In military terms, no army leaves its possessions and material and
25 equipment in a place where it may not have control over it. To you as a

Page 22370

1 logistics officer, that would have made sense at the time; isn't that
2 right?

3 A. Yes. But that same equipment was left in Bosnia-Herzegovina and
4 was handed to the army of Republika Srpska 100 per cent. Both the weapons
5 in Bosnia and Herzegovina, and that was withdrawn from Slovenia and
6 Croatia, and this was handed over to the army of Republika Srpska. How
7 can that be explained?

8 Q. In terms of Croatia, we have already discussed the knowledge of
9 the military concerning historical political events, and the issues of
10 World War II which involved Croatia were very much in the thinking of the
11 military as to what would happen if that equipment was left in their
12 hands. That is what they thought about it. That's right, isn't it?

13 A. Normally they thought about it, indeed, but if we're saying that
14 it was the Yugoslav People's Army, wasn't it logical for the equipment and
15 materiel that was in Croatia, that was in Slovenia, that was in Bosnia to
16 be left where it was instead of withdrawing everything to
17 Bosnia-Herzegovina, Montenegro, and Serbia. So that means that is
18 Yugoslavia. And if that was the Yugoslav army, I made a mistake as to
19 where I was, where I served.

20 Q. Exactly. This was in the context of the Yugoslavia army, because
21 the feeling then was that there might still be a Yugoslavia in the future,
22 that separatism may not happen, that independent states may not be
23 created, that there was still that chance and hope that you yourself had
24 hoped for?

25 A. Once Slovenia had withdrawn and the war started in Croatia, I was

Page 22371

1 sceptical that a solution would be found. Unfortunately, I was proven
2 right, and I feared that Bosnia-Herzegovina would be a victim of those
3 policies.

4 Q. As you said in your evidence in the Tadic case, and I'm looking at
5 the transcript at page 1850: "Slovenia, Croatia slowed down the tempo of
6 its activities so that in the meantime the Croatian people put up
7 resistance and the formation of the Republic of Croatia took place, and a
8 part of the weapons that was not returned was used for the struggle
9 against the army or, rather, for the acquisition of independence."
10 Do you -- please respond.

11 A. Yes, but let us look at Knin, Slavonia, Baranja. Weapons were
12 distributed in an unauthorised manner to the citizens there, and that is
13 when the fighting started. At the Plitvice lakes we know what happened,
14 in Gospic as well. Therefore, I cannot judge the policies of the Croatian
15 government and the Croatian people because according to the constitution
16 they had the right to decide their own fate so I wouldn't like to enter
17 into a polemic about that. From a military aspect, yes, but regarding
18 political motives and solutions of the Croatian people, I would rather
19 not, because Slovenia had a right to this and Croatia as well as a part of
20 the federal Yugoslavia.

21 Q. But in terms of the military and the prevailing political issues,
22 the military was aware that weapons left in places which were seeking to
23 secede, that secession not being agreed, that those weapons could be used
24 to achieve independence, and that's what they wanted to prevent.

25 A. Who approved those political decisions? It is well known who had

Page 22372

1 a majority vote in the Assembly of Yugoslavia, in the Presidency.
2 Therefore, it is known who made the political decision. And the army was
3 there just to carry it out. And it was abused and utilised to achieve the
4 political goals in Yugoslavia.

5 Q. In relation to that material and equipment that was withdrawn,
6 you've said that it was used for the replenishment of units. And in your
7 evidence previously in Tadic and the Brdjanin case you stated you were
8 referring to your own area of Banja Luka.

9 "Replenishment" is a restocking of materials that were needed for
10 the equipment of the military; is that right?

11 A. No, that is not what I meant. Units of the corps in my area of
12 responsibility and other units were 105 per cent to capacity. Five per
13 cent were reserves. And this was provided in peacetime. There were
14 reserve stocks in the logistic base in Banja Luka. All that came from
15 Slovenia and Croatia entered base warehouses and was registered. However,
16 what corps units took when the motorised transport came to the territory
17 of Banja Luka Corps, that material was taken by the units and there was no
18 record of that. Even General Talic spoke about that, saying it wasn't
19 recorded. Unfortunately, that surplus, in we can call it that, was not
20 recorded and it was distributed at will by the commander who decided to do
21 so, whether he was brigade commander, regiment commander, or division

22 commander. So there were never any proper records of that, how many
23 weapons of what kind ended up where and those were surpluses.
24 The units, Your Honours, were not entitled to have more than 5 per
25 cent extra equipment because that would encumber them in their movement

Page 22373

1 between combat operations. That is why they had a logistics base to cover
2 all their needs on a daily basis.

3 Q. From the 18th of May, 1992, the command of units and bases came
4 from that period from the Main Staff of Republika Srpska in Pale?

5 A. Yes. The decisions were officially made by the Main Staff of the
6 Army of Republika Srpska at Pale.

7 MR. KAY: Thank you. I have no more questions.

8 Re-examined by Mr. Groome:

9 Q. Mr. Selak, in response to a question by Mr. Milosevic, you read a
10 quote of General Mladic of the -- and you said you -- this was from the
11 9th of June. I just want to simply ask you, you appear to be reading from
12 your work notebook. Were you, in fact, reading from your work notebook
13 which has been introduced as 463 tab 32.

14 A. Yes.

15 Q. Please note that the English translation of that quote is
16 01104831. If I also might note there was some discussion about the work
17 notebook with respect to an incident in Donji Vakuf. The ERN number for
18 the translation of that portion of the workbook is 01104738.

19 Now, Mr. Selak, during the time that General Tito was alive, was
20 there a policy regarding the ethnic make-up of the officers' corps of the
21 JNA reflecting the ethnic make-up of Yugoslavia in general?

22 A. It was felt or, rather, it -- the commanding staff should have

23 reflected the population or at least roughly in percentage-wise it should
24 correspond to the ethnic composition of the population of Yugoslavia.
25 I never had any official information up until then as to the

Page 22374

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12 Blank pages inserted to ensure pagination corresponds between the French and
13 English transcripts. Pages 22374 to 22380.

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Page 22381

1 extent to which that was really properly balanced.

2 Q. Now, during the -- your cross-examination, you took out what
3 appeared to be a printed form, and you talked about this issue, about the
4 difference between the ethnic representation of the officer corps and the
5 ethnic composition of Yugoslavia. I'm going to hand back a copy of that
6 to you, and I would ask that it be assigned an exhibit number.

7 THE REGISTRAR: Your Honours, the next exhibit would be
8 Prosecutor's Exhibit 464, tab 26.

9 MR. GROOME: Your Honour, if I might just check with the
10 Registrar. I believe it's 46 --

11 THE REGISTRAR: 464.

12 MR. GROOME:

13 Q. Sir, can I ask you -- can you just tell us the figures that are
14 reflected in that exhibit which you brought here with you, based upon your
15 experience as a Colonel in the JNA, does that -- do the figures in that
16 table represent your experience as a Colonel in the JNA during 1991?

17 A. Yes. I even thought it was even more drastic, and I was bothered
18 by this. It troubled me.

19 MR. GROOME: The Prosecution would be tendering that as an
20 exhibit.

21 Q. Now, Mr. Kay asked you a question. He have said: In military
22 terms, no army leaves its possessions and materiel and equipment in a
23 place where it may not have control over it, and you responded that yes,
24 that was true. My question to you was -- or is: The assets left behind

25 in Croatia and Bosnia, did they include air force assets of the JNA such

Page 22382

1 as planes and aircraft and helicopters?

2 A. Yes, because from the Pleso airport in Zagreb, planes arrived
3 together with all the personnel, and all the officers were relocated at
4 the Banja Luka airport under the control of the army of Republika Srpska,
5 and the commander of the air force was General Ninkovic, whom I knew
6 personally. I also knew the commanders who came from Bihac and the others
7 from the Pleso airport near Zagreb. And about 40 planes, roughly. The
8 number varied. Some went to Belgrade. There were daily flights between
9 Banja Luka and Belgrade.

10 Q. Now, you've testified that in the case of Slovenia, the JNA
11 withdrew everything including tables that it owned. My question to you
12 is: In your view as a logistics commander would it have been technically
13 possible to have withdrawn all of the JNA property and resources from
14 Croatia if that was the desire?

15 A. I don't know. I think that from Varazdin it was not withdrawn
16 because there was a problem. The corps commander in Varazdin was
17 convicted in Belgrade later on. I think the armaments were left behind.
18 The rest was pulled out even by ship, by rail, et cetera. So how much was
19 left, I think not much because the army managed to pull out all of it at
20 the time.

21 Excuse me, when I was answering the gentleman's question as to
22 whether the army should have pulled out, if it was Yugoslav, then what was
23 in Slovenia should have been left in Slovenia. What was in Croatia should
24 have been left in Croatia, because it was their property. The people
25 there financed the needs of the Yugoslav People's Army.

Page 22383

1 Q. You refer to a case of a commander in Varazdin. Was that
2 commander court-martialed for having left some JNA assets in Croatia that
3 he was unauthorised to leave there?

4 A. Yes.

5 Q. Now in the case of Bosnia, you've talked about a significant
6 number of military assets that were left in Bosnia upon the JNA
7 withdrawal. In your view as a logistics commander, would it have been
8 technically possible for the JNA to have withdrawn the assets that were
9 subsequently left in Bosnia-Herzegovina?

10 A. The JNA could have withdrawn a major portion of that equipment.
11 It did withdraw it from all the garrisons in which the Croats and Muslims
12 or Bosniaks were in the majority so that the Tuzla Corps was withdrawn
13 towards Bijeljina and handed over to the army of the VRS, the 4th Corps to
14 Pale and handed over to the VRS. Also, the Banja Luka Corps remained
15 within the VRS. A total of five corps were formed in the territory of
16 Bosnia-Herzegovina for the VRS using the property, the assets that were in
17 Bosnia-Herzegovina and the assets withdrawn from Slovenia and Croatia so
18 that they were fully replenished with all the weapons and materiel they
19 needed. They even had a surplus.

20 Q. So is it your testimony that instead of the assets being withdrawn
21 as they were in Slovenia, they were redistributed to areas in Bosnia where
22 there was a predominantly Serb population?

23 A. Yes.

24 Q. Now I'm going to be asked that you be shown Prosecution Exhibit
25 464, tab 23 once again. This is a document that Mr. Milosevic questioned

Page 22384

030613IT

Page 57 of 107

1 you about this morning.

2 My question to you is: This document is a handwritten document.

3 It's not -- it doesn't appear on the official letterhead of the FRY
4 government; is that correct?

5 A. Yes.

6 Q. Now, at the top of that document there's a name, Amidzic. Do you
7 know who Amidzic?

8 A. Yes, I do. It's Bosko Amidzic, Colonel of the quartermaster
9 service. And before that he was head of the quartermaster service in the
10 corps. With the death of Mr. Vaso Tesic, the deputy for logistics, he
11 took over as corps commander for logistics and that is the Amidzic who is
12 mentioned here.

13 Q. Now this morning Mr. Milosevic put to you the proposition that
14 this letter taken in the context of the rejection of the Vance-Owen Plan
15 is a clear indication that an embargo was established between the FRY and
16 Republika Srpska. My question to you is in drawing your attention to that
17 the sentence that reads: "It shouldn't be mentioned that this," referring
18 to the diesel fuel, "is for the needs of the army and it will be the way
19 that you agree."

20 Does that sentence reflect the proposition that Mr. Milosevic put
21 to you or more accurately reflect the proposition that soon after the
22 embargo was put in place, that steps were being
23 taken to circumvent it?

24 JUDGE MAY: I'm not sure that's a proper way to put a question in
25 re-examination, Mr. Groome. It's a leading question.

Page 22385

1 MR. GROOME: I will withdraw it then, Your Honour.

2 JUDGE MAY: Thank you.

3 MR. GROOME: Your Honour, at some point I think there may be some
4 confusion over the exhibits, so if I may take stock and if the Court would
5 like me to do that now or --

6 JUDGE MAY: Yes.

7 MR. GROOME: Your Honour, the Prosecution in binder 464 tendered
8 Exhibits 1, 2, 4, 6 through 16, and 19 through 23. It was our intention
9 to withdraw the remainder. The accused in his cross-examination, however,
10 has worked with Exhibits 3, 17, 18, and 25. The Prosecution has no
11 objection to the introduction of those exhibits, and that would leave
12 Exhibits 5 and 24 to be withdrawn.

13 JUDGE MAY: Very well. Thank you.

14 THE ACCUSED: [Interpretation] Mr. May?

15 JUDGE MAY: Yes.

16 THE ACCUSED: [Interpretation] Just a technical matter. What we've
17 just been given, these tables that Mr. Groome was commenting on, as far as
18 I can deduce from this, these are excerpts from somebody's book.

19 JUDGE MAY: We'll ask the witness.

20 Where did you get the tables from, Mr. Selak?

21 THE WITNESS: [Interpretation] I took these from the archives of
22 the army of Bosnia-Herzegovina. There is complete documentation about it
23 in the research centre for the camp -- it's in -- Bosnia-Herzegovina was
24 where I contacted somebody, and they made -- they gave me access to this.
25 It is an authentic document, and there is documentation stored there, and

Page 22386

1 we can provide it for you, Your Honours. The fact that somebody might
2 have taken this to write a book, these facts and figures to write a book,

030613IT

Page 59 of 107

3 I really can't comment on that.

4 JUDGE MAY: Very well.

5 THE ACCUSED: [Interpretation] Well, is it quite clear that this is
6 no official document? It has been and it says extracted. It is page 57,
7 58. So it is an excerpt of something. And in the footnotes we can see it
8 says author Mirsad Abazovic, et cetera, and it is -- they are quotes from
9 a book.

10 JUDGE MAY: Very well. Let's clarify the matter.

11 Mr. Selak, thank you for coming to the Tribunal again to give your
12 evidence. It is concluded and you are free to go.

13 THE WITNESS: [Interpretation] Thank you, Your Honours.

14 [The witness withdrew]

15 MR. NICE: Your Honour --

16 JUDGE MAY: Yes, Mr. Milosevic. There is some difficulty.

17 Yes. Apparently there's been some confusion in the preparation of
18 witnesses.

19 MR. NICE: Well, Your Honour, I recall addressing the Chamber
20 specifically two days ago saying that I was hoping to conclude Dr. Babovic
21 and indeed one other witness today, which I was going to accomplish
22 because I was going to take Dr. Babovic extremely shortly under the
23 general provisions, just serving his report and tendering him for
24 cross-examination, and I can remember saying that two days ago. And at
25 that time, the order of witnesses was exactly as it is today and there had

Page 22387

1 been notification given.

2 [Trial Chamber confers]

3 JUDGE MAY: It may be if we break early we might be able to

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-69-T

THE PROSECUTOR
V.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ

ANNEX F

CHART OF EXHIBITS RELATED TO TRANSCRIPT OF WITNESS TESTIMONY BY OSMAN SELAK (DST71) IN THE MILOŠEVIĆ CASE, 12-13 JUNE 2003, PAGES 22196-22386

SELAK, Osman , DST-71 of 92 bis Exhibits , Case No. IT-03-69-T			
Exhibit Number	65 ter Number	Title (ENG)	Main Date
P462		Transcripts of Selak's Testimony in Brdjanin and Talic case and Tadic case	
P463/2		76 tabs which are the exhibits that were tendered in the course of the testimonies above	
P463/24		War Diary 1	24 June 1992 to 30 August 1992
P463/32		Selak's work notebook	
P463/35		Order on delivery of weapons to Military Post 7980 Banja Luka	5-May-92
P463/36		Issuing of weapons and equipment to Kotor Varos Municipal Territorial Defence Staff	9-May-92
P464/1		CONFIDENTIAL	
P464/2		Gathering and submission of remaining weaponry to JNA warehouses	23-Oct-90
P464/4		B/C/S	1992
P464/13		Request for the distribution and issue of MS	16-Mar-92
P464/12		10th Corps Command Telegram no 19/81-442	24-Apr-92
P464/19		Report by Miroslav Rankovic on territory transfers of commanding officers	30-May-92
P464/7		CONFIDENTIAL	
P464/8		List of Participants in the NOR from Kotor Varos	19-Nov-91

P464/9		Request for allocation of MS to Bonanski Petrovac / Municipal Territorial Defence Staff	3-Jan-92
P464/10		Request for arming the TO, Assembly of the Serbian Municipality of Bosanska Krupa	10-Mar-92
P464/11		Report detailing the request for, and approval of, assistance for the Serbian Municipality of Bosanska Krupa	23/04/92
P464/23		Report to Mr. Momir Talic, suggesting the request of humanitarian aid for the needs of Banja Luka	29/05/93
P464/21		Overview of the VJ/VRS Logistics Flow relating to the 14th Rear Service Base after 18 May 1992	18-May-92
P464/15		Request for the replenishment of TO and SJB units with weapons	3-Mar-92
P464/14		Submitting Request of TO District Headquarters in Bihac for supplying with weapons and military equipment	21-Feb-92
P464/16		Issuance of 7.62mm Automatic rifles to the Command of the PVO	2-Mar-92
P464/6		Request for personnel replenishment with AVN	27-Apr-92
P464/22		Transport of TMS / material and equipment / Order	9-Jul-92
P464/20		Overview of the JNA Logistics Flow relating to the 993 Rear Service Base Prior to 18th May 1992	18-May-92
P464/26		Ethnic Structure of Professional Officer Personnel in the JNA in 1981	1991

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-69-T

THE PROSECUTOR
V.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ

ANNEX G

TRANSCRIPT OF WITNESS TESTIMONY BY STEVAN NIKOLIĆ (DST80) IN THE SIMIĆ
CASE, 14-15 APRIL 2003, PAGES 18451-18617

Witness: Stevan Nikolic (Open Session)
Examined by Mr. Pisarevic

Page 18451

1 Monday, 14 April 2003

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.04 a.m.

6 JUDGE MUMBA: Good morning. Please call the case.

7 THE REGISTRAR: Good morning. Case number IT-95-9-T, the
8 Prosecutor versus Blagoje Simic, Miroslav Tadic and Simo Zaric.

9 JUDGE MUMBA: Yes. We have a new witness. Can the usher please
10 assist? Please make the solemn declaration.

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

13 WITNESS: STEVAN NIKOLIC

14 [Witness answered through interpreter]

15 JUDGE MUMBA: Thank you. Please sit down.

16 THE WITNESS: [Interpretation] Thank you.

17 JUDGE MUMBA: Yes, counsel, Mr. Pisarevic?

18 MR. PISAREVIC: [Interpretation] Good morning, Your Honours.

19 Examined by Mr. Pisarevic:

20 Q. [Interpretation] Good morning, Mr. Nikolic.

21 A. Good morning.

22 Q. We have already had the redacted statement distributed so could
23 one copy of this redacted statement be placed before the witness himself?
24 Thank you.

25 Mr. Nikolic, while preparing for your testimony before this

Witness: Stevan Nikolic (Open Session)
Examined by Mr. Pisarevic

Page 18452

1 Honourable Trial Chamber, we discussed the way in which we could do our
2 best to have your testimony recorded in the transcript in the best
3 possible way. So do remember to pause between question and answer, let us
4 not speak at the same time, let us not overlap. So when a question is put
5 to you, please wait for a few seconds, don't speak too fast, so that the
6 interpreters could interpret this properly, because we want your testimony
7 to be recorded appropriately.

8 Could you please state your full name and surname for the
9 transcript?

10 A. My name is Stevan Nikolic.

11 Q. Thank you. Mr. Nikolic, you have given your statement in Belgrade
12 in February 2003. According to a decision made by the Trial Chamber,
13 certain paragraphs, numbers 30, 32, 39, 40, 41, 42 and 44 have been
14 redacted from your statement, and it was decided that you would testify
15 about those matters, including these paragraphs, before the Honourable
16 Trial Chamber. The remaining part of your statement will be as it is.

17 Mr. Nikolic, you stated that on the 12th of April, 1992, you
18 invited Stevan Todorovic, Mico Ivanovic, nicknamed Mijak, to a meeting, as
19 well as the leaders of this group of the many-coloured ones that appeared
20 in the territory of the village of Batkusa on the 11th of April, 1992,
21 Dragan Djordjevic, nicknamed Crni and Srecko Radovanovic, nicknamed
22 Debeli. Do you remember that?

23 A. I do.

24 Q. Tell us now, this meeting that you scheduled for the 12th of
25 April, 1992, in Donji Zabar. Was it actually held?

1 A. The meeting being was held in Donji Zabar, the way I had scheduled
2 it. Those who I invited to the meeting came to the meeting and in
3 addition to them, Mr. Blagoje Simic attended this meeting as well as
4 Mr. Mirko Jovanovic and there was another group of people and I do not
5 remember exactly what their positions and assignments were.

6 Q. As for the persons present at this meeting, what did you say to
7 them and what did they say to you?

8 A. Let us clarify this. The meeting was scheduled because a group of
9 some 30 men landed in my area of responsibility in the village of
10 Batkusa. In order to establish who these people were and with what kind
11 of assignments they came and who had sent them and on the basis of the
12 orders that I had to receive from my superior command, I scheduled this
13 meeting, the way I did. At this meeting I insisted on this particular
14 information. I wanted to know who these men were. They stated who they
15 were. A group of them stated that they were members of the police of the
16 Republika Srpska Krajina and another group said that they were members of
17 the police of the Army of Republika Srpska. In addition to that, I wanted
18 to say what their tasks were, who invited them and so on and so forth and
19 at this meeting in fact we established that.

20 THE INTERPRETER: Interpreter's correction not the police of the
21 Army of Republika Srpska but the police of Republika Srpska.

22 MR. PISAREVIC: [Interpretation]

23 Q. What have you said? I'm sorry, it's all right. Please proceed.

24 A. At this meeting, we talked about the situation in the area of
25 responsibility of the 17th Tactical Group, and also the reasons why these

Witness: Stevan Nikolic (Open Session)
Examined by Mr. Pisarevic

Page 18454

1 police forces came. I asked first and foremost for an explanation why
2 they had come because their arrival in my area of responsibility was not
3 announced. It was explained to me that they came in two helicopters, that
4 in the first helicopter were the members of the police of the Serb
5 municipality of Bosanski Samac who were sent for training to Sarengrad
6 near Ilok. And in the second helicopter were the members of the police of
7 the Republika Srpska Krajina. There were about 30 of them. I've already
8 said the group was led by Srecko Radovanovic, nicknamed Debeli, and Dragan
9 Djordjevic, nicknamed Crni.

10 Q. All right. Thank you. At that meeting, did other invited persons
11 take part, and also were there other persons who were simply present at
12 the meeting?

13 A. Yes. Yes. Mr. Stevan Todorovic did most of the talking. He said
14 that he was responsible for the arrival of this group. He contacted them,
15 he organised this, and he took them in and they were supposed to
16 organise -- they were supposed to carry out police work in the territory
17 of Bosanski Samac. In addition to Stevan Todorovic, others also took part
18 in this. Mr. Blagoje Simic said that as far as he knew this was organised
19 by Mr. Todorovic. He thought that it was the right thing to do, that this
20 was proper for Todorovic to organise this and that he didn't want to
21 interfere any more and the others started discussing how they would be
22 engaged, where they would be and so on and so forth. All in all, I could
23 say that the leading person at the meeting was Mr. Todorovic.

24 Q. Thank you. At this meeting, was it specified under who this group
25 of policemen that had come would be?

1 A. This was specified. Mr. Todorovic said that he took these people
2 in, that he was responsible for their accommodation, for their engagement,
3 and for their work and conduct. I cautioned him saying that these were
4 police forces and that my powers did not include the use of such forces,
5 and he said that it would all be in his hands, including logistic
6 support. He said that he would put up this group in the village of
7 Obudovac near the playing field there and that he would lead them.

8 Q. Thank you, sir. If I understood you correctly, these people who
9 came were policemen, right, and they were under the responsibility of the
10 police; is that right?

11 A. Yes. That's right. I personally checked the documents of some of
12 them and I saw that they had documents of the police of the Republic of
13 Serb Krajina and of the Serb police.

14 Q. Mr. Nikolic, over here these people were often referred to as
15 volunteers, these people who had come. Can you tell us something about
16 this, whether they could have had the status of volunteers at all in the
17 Yugoslav People's Army?

18 A. Well, you see, according to the law in the Yugoslav People's Army
19 they could not have become volunteers. I think that Official Gazette I 89
20 from 1991 is where the Presidency regulated the status of volunteers and
21 how they should be treated. This is the way it was roughly. Volunteers,
22 whoever wanted to enter the police or the military, had to go through the
23 Secretariat for National Defence and until entering the Secretariat for
24 National Defence they are volunteers. The Secretariat for National
25 Defence can do two things. If this volunteer had done his military

1 service on the basis of the level of his training and his military ID, he
2 can be sent to one of the units. If not, then it is the duty of the
3 secretary to send him for an assessment, a psychological and physical
4 assessment and only then can such a person be sent to a unit. When these
5 people get to a certain unit, if they had not gone through their military
6 service, they have to undergo training and only once they have completed
7 their training can they be used in combat operations. Those who had done
8 their military service and had then reached the -- a particular unit have
9 a shorter training and their knowledge is checked and then they start
10 operating within the unit. There is no status of volunteers there.

11 Q. If I understood this correctly, this group that came, according to
12 no regulations that existed then in the Yugoslav People's Army could it
13 have joined the Yugoslav People's Army and obtained the status of a member
14 of the Yugoslav People's Army?

15 A. Yes, you're right.

16 Q. Mr. Nikolic, now we are going to talk about what happened on the
17 17th of April, 1992. What do you know about the events that occurred
18 between the 16th and 17th of April, 1992? What did you find out? How did
19 you find out about this? Could you please tell the Honourable Trial
20 Chamber about it?

21 A. Sometime around 3.00 in the morning or perhaps after 3.00 in the
22 morning, I was awakened by the duty officer and he gave me the telephone
23 and it was Mr. Blagoje Simic. He had called me to say the following,
24 roughly: I am calling as president of the Crisis Staff and I wish to
25 inform you that the Serb police and the Serb Territorial Defence have

Witness: Stevan Nikolic (Open Session)
Examined by Mr. Pisarevic

Page 18457

1 taken measures because there was a danger of a conflict breaking out in
2 Samac. Therefore, they took over Bosanski Samac. They have taken
3 authority in Bosanski Samac. This is under way and it will be finished
4 soon.

5 I cautioned against the possible consequences and I pointed out
6 that what should be avoided at all costs was an interethnic conflict,
7 casualties, and I cautioned him against anything that could be done in
8 this direction. Also I said that my powers do not go that far. I cannot
9 appoint governments and I cannot dismiss governments, but I ask and I
10 insist that this be carried out in a proper way, in order to enable the
11 system to function properly.

12 JUDGE WILLIAMS: Excuse me, Mr. Pisarevic, I wonder, Mr. Nikolic,
13 when you say, and this is on page 6, line 25, when you say that Dr. Simic
14 called you and informed you that -- in the English translation it then
15 says the Serb police and the Serb Territorial Defence have taken measures
16 et cetera, can you explain what was meant by Serb Territorial Defence?
17 Just for the sake of clarity, what you understood that to mean.

18 THE WITNESS: [Interpretation] I have understood the question. I
19 must admit that in principle I did not understand what this meant, the
20 Serb Territorial Defence because I had no idea that it had been organised
21 as such. It was quite clear what the Serb police was but I assumed that
22 in the meantime, some units were organised as a Serb Territorial Defence
23 that were placed under the command of the organs of authority, and that
24 they were engaged as such. Later on, in the coming period, it was proven
25 that such units had already been organised.

1 JUDGE WILLIAMS: And just one other question. You mention that it
2 was your understanding that these units organised as a Serb Territorial
3 Defence were placed under the command of the organs of authority. Could
4 you perhaps tell us what your meaning is there, the organs of authority?

5 THE WITNESS: [Interpretation] I mean the Crisis Staff specifically
6 in Bosanski Samac, as the representatives of government, or those who had
7 taken over power in Bosanski Samac at that moment.

8 JUDGE WILLIAMS: Thank you very much.

9 JUDGE LINDHOLM: I have another question. It goes to the
10 transcript, page 6 line 11, the question by counsel, "If I understood this
11 correctly, this group that came, according to no regulations that existed
12 then in the Yugoslav People's Army could have joined the Yugoslav People's
13 Army in the status of a member..." I don't understand that question. I
14 don't think it makes -- I think it makes no sense. Could you perhaps have
15 a look at it and repeat your -- what you intended to ask? Thank you.

16 MR. PISAREVIC: [Interpretation] Yes, we shall certainly clarify
17 this question.

18 Q. You have heard what Honourable Judge Lindholm is interested in.
19 The question was the following. This group that came, at that time, could
20 it have directly become part of the Yugoslav People's Army or not? That
21 is the core of this question, if I understood His Honour properly.

22 A. Your Honours, this is a group that belonged to the police forces.
23 There were no grounds whatsoever on which they could become part of the
24 Yugoslav People's Army. The Yugoslav People's Army had combat manpower
25 with certain specialties and it had the military police. That is to say

1 there was no other police. These are professional policemen. I think
2 that you understand what I'm saying. Professional policemen. Police
3 officers that deal with the civilian structure of society.

4 Q. Mr. Nikolic, let's not go too far. I think that the core of the
5 question put by His Honour is the following: This group or any other
6 group in April, in the month of April, could it have, as such, joined the
7 Yugoslav People's Army?

8 A. It could not have. Only if it were a formation unit that would be
9 sent from some other establishment into the 17th Tactical Group.

10 Q. If I understand you correctly, this formation unit would have
11 already been with -- within the JNA and then it would have had nothing to
12 do with volunteers?

13 A. That's right.

14 JUDGE LINDHOLM: Thank you.

15 MR. PISAREVIC: [Interpretation] Very well.

16 Q. So this meeting came to an end on the 12th -- oh, yes, yes. So
17 what did you do after that, after Mr. Simic informed you about what had
18 happened?

19 A. I called my corps commander, that is my superior commander,
20 commander of the 17th Corps, General Savo Jankovic, and I conveyed to him
21 a preliminary piece of information, what I had learned, that is, and I
22 said that the Serb police and the Serb TO had taken over the key functions
23 in Bosanski Samac. I explained the situation to him in somewhat greater
24 detail, and he said to me that the units of Tactical Group 17 should
25 remain outside what was going on at all costs, outside everything that was

1 going on in Samac. And that we should do our job in accordance with the
2 assignments that the tactical group had been given.

3 Q. Those units of the 17th Tactical Group of the Yugoslav People's
4 Army also included the 4th Detachment?

5 A. That's right. The 4th Detachment was part of the tactical group
6 number 17.

7 Q. Very well.

8 A. The 4th Detachment of the JNA, that is what it was called.

9 Q. Very well, thank you. You've already explained in your statement
10 what happened next and I will not be asking you about that. But do you
11 remember, and did you discuss with Mr. Simo Zaric the next day, on the
12 18th of April, 1992, do you remember discussing it?

13 A. Yes. The next day, but to answer this question with Your Honour's
14 leave I'd need to perhaps explain the situation that the tactical group
15 number 17 was in at the time, namely that is the time when the regular
16 forces of the Republic of Croatia and the forces of the Croat Defence
17 Council had already launched an offensive against the northern part of
18 Posavina. Across the Sava River, across the Bosna [Realtime transcript
19 read in error "boza"] River and from the municipality of Orasje and the
20 village of Domaljevac [Realtime transcript read in error "moemal yea
21 vamp"]?

22 A. The major part of the tactical group forces, that is the manoeuvre
23 structures and by this I mean not detachments but units which are mobile
24 which may be used.

25 MR. LAZAREVIC: The transcript on page 10, line 19, here it says

Witness: Stevan Nikolic (Open Session)
Examined by Mr. Pisarevic

Page 18461

1 "boza river" this means Bosna River and the village is Domaljevac on line
2 20.

3 JUDGE MUMBA: Yes, I think that will be corrected.

4 MR. PISAREVIC: [Interpretation]

5 Q. Yes, do go on.

6 A. Thank you. So fighting was already under way at the majority part
7 of the manoeuvring units of the tactical group number 17 was already
8 being engaged in those combat operations. Under the circumstances, at the
9 time, Mr. Simo Zaric was in Bosanski Samac and in the wake of the events
10 in Bosanski Samac, I told him and Mr. Radovan Antic the commander of the
11 4th Detachment ordered to first put the detachment on full combat
12 preparedness and in -- early in the morning I issued an additional task to
13 them, telling them that the major part of the detachment should act with
14 the deployment plan, and the deployment plan meant the Defence of the
15 boundary areas of the municipality of Bosanski Samac, that is taking
16 positions on the right bank of the Sava and the right bank of the Bosna.

17 Q. Mr. Nikolic, you already spoke about this in your statement so let
18 us not repeat that all, and my question was: What you're telling us
19 about, it all happened on the 17th, and my question was whether you and
20 how met or talked on the 18th, that is the next day, with Mr. Zaric and
21 what did Mr. Zaric tell you on that occasion? Did he tell you that some
22 members of the 4th Detachment who were of Muslim and Croat ethnicity
23 arrested?

24 MR. RE: It's leading, I object.

25 JUDGE MUMBA: Yes, Mr. Pisarevic?

1 MR. PISAREVIC: [Interpretation] Yes, of course. I withdraw this
2 question.

3 Q. But tell me, do you remember the 18th of April and so on and so
4 forth, of course what I mean is did you talk with Mr. Zaric?

5 A. Yes, on the 18th of April, I talked with Mr. Simo Zaric indeed
6 because Mr. Simo Zaric called me from Bosanski Samac and quite upset said,
7 "I'm at the MUP, that is at the police station. There is some problems
8 here because even some members of the 4th Detachment have been arrested,
9 that is members of our regular unit." And he said to me, that he was
10 asking me to take some urgent measures to have those members set free.
11 And I called Mr. Blagoje Simic and he told me when I'm not abreast of what
12 is going on there, this Mr. Todorovic is at the head of these actions so
13 call Mr. Todorovic please and the problem will be solved. I called
14 Mr. Todorovic and after, well, let's say, after pretty heated discussion
15 during which he told me I don't know who members of the 4th Detachment are
16 and I said it's very simple because they all have documents showing that
17 they belong to the 4th Detachment so all you have to do is ask them to
18 show these documents so the understanding was that Mr. Zaric should refer
19 to the authorisation by Mr. Todorovic to take over the members of the 4th
20 Detachment and that is what he did.

21 Q. And after that, did Mr. Zaric send you a report telling you that
22 your order had been put through?

23 A. Yes, he did send me a report. We also met, and I was fully
24 briefed about the situation.

25 Q. Could Mr. Zaric go to the police station and take over the members

1 of the 4th Detachment without your order to that effect?

2 A. Mr. Zaric, if we are talking about the chain of command, two
3 superiors. His first superior was Captain Radovan Antic the commander of
4 the 4th Detachment, and then the next one up the ladder was I. He had
5 nothing to do at the MUP until and unless I ordered him to do something.
6 So he carried out an order that I had given him.

7 Q. After that, did you speak with Mr. Simo Zaric again and did your
8 command receive information through security agencies? What was going on
9 in Samac and what did Mr. Zaric ask you to do on that occasion when you
10 talked?

11 A. At the time I was busy with combat operations against regular
12 members of the army of the Republic of Croatia and the Croat Defence
13 Council but I was nevertheless also following with attention the
14 developments in Bosanski Samac and not only in Bosanski Samac but
15 throughout the area of responsibility. Mr. Zaric, as the assistant
16 commander of the 4th Detachment for intelligence and security, was
17 duty-bound to monitor the situation in Bosanski Samac. I'm explaining
18 this in order to make you understand the problem. So Mr. Zaric called me
19 and said there are quite a number of arrested members of the Croat and
20 Muslim ethnicity, they are being arrested, some are beaten, they are
21 harassed and one of them had already been killed. That is roughly what
22 Mr. Zaric told me.

23 Q. Did Mr. Zaric ask you to protect or in some way try to prevent the
24 arrests of Croats and Muslims?

25 A. Yes. He if I may put it that way, he asked me and requested that

1 I take certain steps to prevent that or to reduce it to the minimum.

2 Q. And do you remember what Mr. Zaric asked you to do towards the end
3 of April or rather on the 26th of April, 1992? What did he ask you to do
4 to protect those incarcerated persons?

5 A. Yes, I do remember that. I think it was around the 26th of April,
6 when Mr. Zaric called me. My assistant responsible for security Captain
7 Maksimovic answered the phone and first the two of them talked first and
8 then Makso, that is my security assistant, handed me over the phone and
9 said Mr. Zaric is calling because there is some problems in Samac.
10 Mr. Zaric told me that the treatment of prisoners, that is the detainees,
11 at the police station, and in the TO building, was quite brutal. He said
12 that some had been beaten up and that is when he mentioned that a man had
13 been killed, I believe he said, and said, "Please do something to solve
14 the situation and to rescue those people somehow." And I told him to stay
15 at the police station, that is to stay put, to then contact and call
16 Captain First Class Momcilo Petrovic who was in Brcko to talk to him, to
17 discuss the possibility of transferring those prisoners to Brcko. I said
18 that I'd also call Petrovic and that I would also send Makso Simeunovic,
19 my security assistant to take over those men or to take some steps.

20 Q. Thank you. Why was it necessary to establish contact with Captain
21 Petrovic and what you said in Brcko? In Brcko what is it a garrison,
22 barracks, where in Brcko to be transferred?

23 A. Well, you see, there was a JNA garrison in Brcko. That garrison
24 had a regular military prison, besides in the barracks there was plenty of
25 room. So that a certain number of detainees could be properly

1 accommodated there and be provided with some decent living conditions.

2 Secondly, pulling them out across the Tinja river, that is outside the
3 area of responsibility of the 17th Tactical Group would practically
4 protect those people because they would be beyond the reach of any other
5 possible reprisals.

6 Q. If I understand your meaning properly, the transfer of prisoners
7 to the garrison in Brcko puts them outside the area of responsibility of
8 the 17th Tactical Group, that is your area of responsibility, and thereby
9 the civilian authorities and -- in Bosanski Samac has no powers over what
10 happens in Brcko; is that correct?

11 A. Yes, it is.

12 Q. And what did you do? Did you order Makso Simeunovic to carry out
13 that task?

14 A. I called my corps commander, General Jankovic explained the
15 situation to him and he said, "Nikolic, you must bear in mind that our
16 competences do not extend that far, that no state of war has been
17 proclaimed." However, I insisted, I wanted to do something for the simple
18 reason, and that was the humanitarian one. We wanted to help those
19 people. And he said, right, do something but please do it elegantly, to
20 avoid any fighting, any bloodshed or anything, because we have no
21 authority to settle accounts with anyone in this manner. After that, I
22 called captain Makso Simeunovic. I ordered him to take sufficient number
23 of vehicles to ensure a police escort [as interpreted], go to Bosanski
24 Samac to establish contact with Mr. Zaric.

25 Q. Just a moment, let us see.

Witness: Stevan Nikolic (Open Session)
Examined by Mr. Pisarevic

Page 18466

1 MR. LAZAREVIC: Your Honours maybe just one word is missing here
2 in the transcript. To ensure military police escort in page 15, line 20.
3 Here it says just police escort and actually he said military police
4 escort.

5 JUDGE MUMBA: Yes, perhaps the witness can restate that.

6 MR. PISAREVIC: [Interpretation]

7 Q. Mr. Nikolic --

8 A. Your Honours, I ordered my assistant, Makso Simeunovic, the chief
9 of security in the tactical group number 17 to take a certain number of
10 vehicles, sufficient to accommodate all those prisoners, to take -- to get
11 the escort from the military police platoon at the disposal of the
12 tactical group number 17, to go to Bosanski Samac, to meet or rather
13 communicate with Mr. Simo Zaric, and take over the detainees. To my
14 knowledge, Makso Simeunovic carried out this task fully. The -- he
15 transferred the detainees to Brcko. He handed over to the command of the
16 garrison in Brcko, that is the Captain First Class Momcilo Petrovic,
17 handed them over to him, they were accommodated there. He returned,
18 informed me that he had carried out that task, and that was the end of my
19 concern about those people.

20 Q. Whilst those people were in the police station in Bosanski Samac
21 and the TO headquarters, did you and your security assistant Mr. Makso
22 Simeunovic, issue any orders to Mr. Simo Zaric regarding the conduct of
23 interviews or rather collection of information about the illegal arming of
24 citizens in the municipality of Bosanski Samac?

25 A. Yes. Should I explain it?

1 Q. Yes, please do.

2 A. Well, you see, illegal armament of paramilitary organisations of
3 literally all the parties was under way, we knew that and we were
4 monitoring it. Many of these shipments were seized and measures were
5 instituted against them. There is also some information, that some
6 members of the army, I mean the JNA, also participated in these
7 dishonourable deals, and that is I told Mr. Zaric, as a man who was
8 experienced in police matters, to interrogate a certain number of people
9 whom -- who he -- in his opinion could have some information, to collect
10 this information, and to brief me about this. That is to tell me what it
11 is that he'd learned from them.

12 Q. And how did you enable Mr. Zaric to enter the police station?

13 A. I did it by calling Mr. Todorovic. I told him Mr. Zaric is
14 coming, so I urge you to enable him to talk with some of the detainees,
15 because there is reasonable doubt that they have something to do with the
16 weapons contraband, with the cooperation with paramilitary organisations,
17 and there is also doubt that some JNA members are participating in it.
18 Mr. Todorovic said he had nothing against it and Mr. Zaric could do that.

19 Q. And did Mr. Zaric report to you after the task?

20 A. Yes, yes, he did.

21 Q. Mr. Nikolic, now we shall move on to the event which happened in
22 Crkvina on the 8th of May, 1992. The event in Crkvina is a crime which
23 happened when, in the -- in a -- when 16 people were killed in a
24 warehouse. How did you learn about this event?

25 THE INTERPRETER: Could the counsel speak into the microphone?

1 MR. PISAREVIC: [Interpretation]

2 Q. And from whom did you learn this?

3 A. I learned about this unfortunate incident from Mr. Zaric once
4 again. I suppose in view of the nature of his work and the movement --
5 area of responsibility of the 4th Detachment and the reconnaissance in the
6 area, that is how Mr. Zaric learned about this event. He called me and
7 said, have you heard about what had happened? He was very upset and I
8 said no, I don't know, what's it about? Since I was busy with combat
9 operations which were already under way. And were very intensive. And he
10 told me that in Crkvina, there had been a crime committed by a man called
11 Lugar, that he had killed 16 people, and that it was -- that it was
12 terrible and that something had to be done about it, that we had to see
13 what we should do. And I listened to him and when he finished I said,
14 "Fine, you do your job and I'll see what is going on and what can be
15 done."

16 I called Mr. Todorovic, and he answered rather diplomatically. He
17 said perhaps it did happen, perhaps it didn't, he doesn't know anything
18 about it but I insisted. I wanted to talk to those who had -- who were
19 involved in this. My signals service has ensured the line to
20 Mr. Radovanovic for me, Srecko Radovanovic called Debeli and the
21 communication with Mr. Djordjevic called Crni. I must admit that they
22 were also pretty upset by this incident and quite taken aback and I asked
23 them what is going on, what has happened? And they thought that
24 Mr. Mirko Lugar, had committed a crime in which he had killed those people
25 while being mentally disturbed, and I said that steps have to be taken to

Witness: Stevan Nikolic (Open Session)
Examined by Mr. Pisarevic

Page 18469

1 prevent any such thing happening again and so on and so forth and to
2 Todorovic I also said that he should investigate the matter because at
3 that time he represented the police. How far had he gone in his
4 investigation?

5 MR. RE: Your Honours, it may assist if we have a date, no date
6 has been given for Mr. Zaric informing Mr. Nikolic of the Crkvina
7 massacre, nor of the witness's conversations with Mr. Todorovic.

8 JUDGE MUMBA: Yes. Counsel will deal with that.

9 MR. PISAREVIC: [Interpretation]

10 Q. Mr. Nikolic I told you that we would be talking about the events
11 of the 8th --

12 A. And the 9th.

13 Q. Yes. Tell us when did Mr. Zaric inform you about the crime and
14 when did you talk with Djordjevic and Radovanovic and Todorovic?

15 A. I think it was on the 9th. The 9th of May.

16 Q. And that was early in the morning?

17 A. That was in the morning before noon.

18 Q. Please, did you, after the information that you were given from
19 Mr. Zaric, did you issue any orders to Mr. Zaric?

20 A. I ordered Mr. Zaric, I told him to collect the information, all
21 the information that he could, and to come to me, that is to come to the
22 command post. I also called Makso Simeunovic, chief of security, head,
23 and we -- the three of us sat down and talked a little and I said the
24 following. Knowing that Mr. Zaric knows people of influence in Belgrade,
25 and I also knew a certain number of those people, I said that he should

1 pack his bags, go to Belgrade, communicate with key individuals dealing --
2 addressing such problems, solving such problems, and jobs of that kind,
3 and to take whatever was necessary to find whatever channels to avoid --
4 to prevent any such thing happening again.

5 Q. Did you know this individual that Mr. Zaric also knew who worked
6 for the security in the Yugoslav People's Army?

7 A. Yes, I did.

8 Q. And what was his name?

9 A. The man that we knew is Colonel Maksimovic, who was born somewhere
10 around Bosanski Samac, I believe that he was born in Obudovac. Mr. Zaric
11 went to see him and through him he talked with the highest security bodies
12 in the army.

13 Q. Mr. Zaric went to Belgrade and when did he return to Belgrade, did
14 he report to you and what did he tell you, whom did he see and whom did he
15 notify of the crime?

16 A. Mr. Zaric went to Belgrade, carried out the task, returned, and
17 said that he had informed the security administration of the Yugoslav
18 People's Army practically. At what time it was headed by General
19 Aleksandar Vasiljevic. In addition to Aleksandar Vasiljevic, there were
20 several other people present at the meeting but he was the key person
21 there.

22 Q. Did he tell you, do you remember that he had also put together an
23 official report of the meeting?

24 A. Yes. Thank you. He said that at the security administration, an
25 official record had been made of the meeting and that it had been said

1 that this memo would go through all the relevant bodies and that measures
2 would be taken to avoid any such situations happening -- from happening
3 again.

4 Q. And when you left the area of the municipality of Samac, that is
5 from the position of the commander of 17th Tactical Group, did the 17th
6 Tactical Group cease to exist at the time?

7 A. Well, from the municipality of Bosanski Samac, that is I left the
8 post of the commander of the 17th Tactical Group because it didn't cover
9 all the municipality Bosanski Samac only. I left this position on the
10 19th of May because I received the -- from the command of the 17th Corps
11 according to which all the members of the Yugoslav People's Army who had
12 not been born in Bosnia-Herzegovina had to return by 2400 hours on the
13 19th of May and had to report to specified garrisons in the Federal
14 Republic of Yugoslavia and I did that and I took along all the officers
15 that were there who fell within this category. I turned over the duty and
16 I left.

17 Q. And after that, were you not in the territory of
18 Bosnia-Herzegovina or Republika Srpska?

19 A. After that, I was no longer visited that territory.

20 Q. Thank you very much. Your Honours, I have finished.

21 JUDGE MUMBA: Yes, cross-examination? I see Mr. Pantelic, you
22 want to put some questions? Yes, you can go ahead.

23 MR. PANTELIC: Yes, Your Honour, that's correct.

24 Cross-examined by Mr. Pantelic:

25 MR. PANTELIC: Your Honour I do apologise, I have to rearrange my

1 papers. Just a couple of seconds, please. In the meantime, I would also
2 kindly assistance of the -- of Ms. Registrar, if the interpreter's booth
3 can be provided with a copy of P16A ter. It's a transcript, it's a
4 transcript of the video footage that we shall use in these proceedings.
5 Thank you. And also, Mr. Usher, I need your assistance also for
6 interpreter's booth, one copy of the part of Blaskic judgement.

7 Q. [Interpretation] Good morning, Mr. Nikolic. My name is
8 Mr. Pantelic and I defend Mr. Blagoje Simic.

9 A. Good morning.

10 Q. Before we begin, would you kindly tell me, the 17th Tactical
11 Group, you were the commander of this group, what was the area of
12 responsibility? Was it north, south, east or west? Please give us the
13 boundaries of the responsibility of the 17th Tactical Group?

14 A. The zone of responsibility of the 17th Tactical Group was mouth of
15 River Tinja into Sava, so north-east to the east River Tinja to the north
16 River Sava, up until the point where the River Bosna goes into River
17 Sava. The western boundary followed along River Bosna and up until the
18 depth going to Modrica up to the municipality of [Realtime transcript read
19 in error "^^"] Gradacac. What's excluded is Orasje and Domaljevac.

20 MR. LAZAREVIC: Your Honours, maybe we need just one small piece
21 of evidence here in the transcript. Until the depth going to Modrica up
22 to the municipality of and here we don't read which one was and it would
23 be helpful now to know which municipality it was.

24 MR. RE: Before my friends go on, I actually have a large colour
25 map blown up with ten copies which I was going to show to the witness in

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18473

1 cross-examination. It may assist Mr. Pantelic if he uses that for the
2 area of responsibility and perhaps the witness marked it on with a text or
3 something at this stage.

4 JUDGE MUMBA: Yes.

5 MR. PANTELIC: I'm grateful to my learned friend, yes.

6 JUDGE MUMBA: Yes. I think the witness can be shown that.

7 MR. PANTELIC: I think it will be assistance for all participants.

8 Thank you.

9 MR. RE: The writing is not as clear as it could possibly be
10 because it's been blown up from a one to 50.000 but we can certainly work
11 out where everything is.

12 MR. PANTELIC: I see that my learned friend has a smaller map.
13 Maybe it will be more convenient for the witness to mark.

14 MR. RE: The smaller one is obviously easier to handle. The
15 larger one was because the writing wasn't as distinct but I can certainly
16 give the witness the smaller one if it will assist.

17 MR. PANTELIC: Yes.

18 MR. RE: I have three copies of the smaller one here.

19 MR. PANTELIC: [Interpretation]

20 Q. Mr. Nikolic, you're a retired officer, aren't you? You are a
21 Colonel, aren't you?

22 A. Yes, I am but I'm retired right now.

23 Q. Very well. Colonel, kindly take a felt pen, it's a black coloured
24 felt pen?

25 MR. PANTELIC: Could the witness have a marker?

1 Q. [Interpretation] Colonel, kindly draw a line on this map and show
2 us where the area of responsibility of your tactical group was so that we
3 can clearly understand what is going on. Lots of witnesses have testified
4 on this but you were the commander of this tactical group and we would
5 like to hear this from you. Sir, it doesn't really have to be very
6 precise down to the millimetre. Just so that we can have an idea to the
7 best of your recollection as to what your area of responsibility was. We
8 know that ten years have gone by since. Thank you.

9 A. [Marks]

10 Q. Colonel, you said that Domaljevac and Orasje were not part of the
11 area of responsibility. Would you kindly show us where that is?

12 A. Yes, that's correct. This is Orasje and here we have -- we have
13 it.

14 Q. For the transcript, I would just like to say that on this map that
15 you drew, the black line drawn by yourself with a felt pen is the area of
16 responsibility of the 17th Tactical Group and the crossed out area is the
17 area that belongs to the municipality of Domaljevac and Orasje and they
18 did not belong to the area of responsibility of the 17th Tactical Group;
19 is that correct?

20 A. That is correct.

21 MR. PANTELIC: Could we have an exhibit number if there is no
22 objection obviously from the other parties?

23 JUDGE MUMBA: Yes.

24 THE REGISTRAR: The map will be treated as Exhibit D180/1.

25 MR. PANTELIC: Thank you.

1 Q. [Interpretation] The 17th Tactical Group, according to military
2 terminology, you know we are laymen here, Colonel, would you kindly
3 explain to us what does the 17th Tactical Group, where does it belong?

4 A. It is a temporary formation. The command of the corps, army
5 corps, formed it for the area of which it was supposed to act on and
6 according to the tasks that it has, the formation was temporary and it
7 was only valid for the time, certain time period.

8 Q. With regards to the number of soldiers, can you tell us --

9 MR. PANTELIC: Yes, I have assistance of my learned friend, in the
10 answer --

11 Q. [Interpretation] So the 17th Tactical Group, what is that military
12 unit? What -- how -- what is the level of it?

13 A. It's at the level of the motorised brigade, for instance.

14 Q. How many soldiers did you have under your command in the 17th
15 Tactical Group?

16 A. Depending of the period in question, and the number of people that
17 would answer the call-up, we would have from 3.500, up to 4.700 and up to
18 4.800 soldiers. Counting the manoeuvrable structures and the
19 non-manoevrable structures.

20 Q. Very well. So you have explained the structure of the 17th
21 Tactical Group in your statement, under paragraph 19. I will not go over
22 that now. Could you kindly tell me, Colonel Nikolic, you have completed
23 the highest military schools, haven't you?

24 A. Yes.

25 Q. As part of your training in those schools, as part of your calling

1 that you obtained, you must have undergone certain regulations and you
2 must know the regulations of the brigade from 1964, this --

3 THE INTERPRETER: 1984. Interpreter's note.

4 Q. And it was given by the Secretariat of the national defence,
5 issued by them; is that correct?

6 A. Yes.

7 Q. The regulations of the -- for the brigade, from 1984, of the
8 Yugoslav People's Army, those regulations talk about the structures of the
9 brigade. Just to remind you, I do have the schematics from that
10 regulation, from that period, and I would like to you give us your
11 comments on it. Colonel Nikolic, we have the schematics here showing us
12 the formation of a brigade. What I'm interested in is the following:
13 Tell us, was this structure also used and applied with regards to the 17th
14 Tactical Group or was it different?

15 A. I told you that the rank of the tactical group belongs
16 approximately to the rank of a brigade but the structure was not like
17 this. Before I arrived here, I told Mr. Pisarevic, and I insisted, that I
18 would like to get all the rights to give you the precise information from
19 the Secretariat of National Defence but I did not get this authorisation.
20 However, I will try to answer to the best of my knowledge. All the units
21 are manoeuvre units, meaning that wherever a brigade goes, they go as
22 well. When we talk about a tactical group, a tactical group was composed
23 of a command. It had headquarters and there were also units attached to
24 the headquarters, such as you see here, we have the headquarters and then
25 the reconnaissance unit and the command and that was very similar to the

1 17th group. We did not have the command for political matters, because we
2 didn't need it and then the security organ was existed at the time because
3 it was linked to the police operations and then we also had the
4 reconnaissance unit. I also said what units the tactical group was
5 composed of but what the particular -- the particularity of this was that
6 it had also non-manoeuvrable structures, meaning that units that are
7 linked to a certain area and everything that took place under the area of
8 responsibility of the 17th Tactical Group, those units never moved from
9 their positions. Those are the detachments of the JNA and the platoons of
10 the JNA, the companies of the JNA, there were four or six, and the number
11 of those units was changing, depending on the situation. The system or
12 the organisation of the command such as we can see it here, of course we
13 did not have the committee of the SKJ and we did not have any political
14 organs if you want, if -- I hope that I've answered clearly.

15 Q. Very well. I was just waiting for the end of the translation or
16 the interpretation rather. You have stated that the security organ was
17 subordinate to the units of the superior over the units of the police, as
18 it is described here on the schematics; is that correct?

19 A. Yes, that is -- that was the case. Makso Simeunovic was my
20 assistant for security and he commanded directly to the units of the
21 military police, which means that I did not have the right to -- it
22 doesn't mean that I didn't have the right to command those units but they
23 were under his command.

24 Q. Thank you. How many men did that unit of the military police
25 count?

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18478

1 A. About 30 members. It was -- it had the strength of a platoon, and
2 three men from that unit were in charge of my personal security, whereas
3 the other departments were in charge of all other police tasks. One
4 department was carrying out all the police tasks and the other one was
5 taking care of the -- regulating the traffic. The three men who were part
6 of my personal security team, I can tell you that one was Edin, he was a
7 Muslim; another one was Pero, he was a Serb; and the third one was Cule
8 [phoen], he was a Croat. I just want you to know that...

9 Q. In paragraph 115, at paragraph 115 of this regulation, we talk
10 about the role of the commander of the brigade and I would like to read it
11 out for you, just to remind you, although I'm sure you know it by heart.

12 MR. LAZAREVIC: I have no problem about showing certain documents
13 and certain sketches to the witness but we have not received these
14 documents earlier, and what is Mr. Pantelic wants to quote to the witness
15 we don't know that so if he does want to do that, could it be pleased be
16 placed on the ELMO so that we know what he's talking about?

17 MR. PANTELIC: Yes, no problem. It's actually a part of the
18 regulation that already Colonel Nikolic said that he's familiar with
19 during his education and I'm simply would like to refresh his memory.
20 It's no problem.

21 JUDGE MUMBA: Mr. Pantelic, the Trial Chamber is of the view that
22 you should concentrate on the areas which was touching your client which
23 the witness discussed in his evidence. We don't need all these details at
24 all, all these matters that you're discussing. Go to the events that
25 happened on the dates that the witness has discussed in relation to the

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18479

1 activities of your client, attendance of the meeting, the telephone call,
2 and matters such as were mentioned by this witness.

3 MR. PANTELIC: Yes, Your Honour.

4 JUDGE MUMBA: That is why your cross-examination is limited to --

5 MR. PANTELIC: I will do that, Your Honour, no problem with me. I
6 just want a very briefly cover the issue of the role of Colonel Nikolic in
7 that regard because directly and indirectly it's relevant to the case of
8 my client. So I will be very concise and very efficient, if you allow
9 me. I will not go into details, no, Your Honour. I will do --

10 JUDGE MUMBA: Because he has already explained what his role was.
11 We don't need a repetition of that.

12 MR. PANTELIC: Yes I'll do that.

13 Q. [Interpretation] Mr. Nikolic, as part of your training, and
14 background, I imagine that you were acquainted with the regulation issued
15 by the Presidency of SFRJ in 1988 with regards to what to do in case of
16 war?

17 JUDGE MUMBA: [Previous interpretation continues] ...

18 MR. PANTELIC: Your Honour it's just a part of this important
19 document which I already tendered into evidence, just to have a
20 confirmation of his personal knowledge of the role of commander with
21 regard to the international humanitarian law and conventions. It's just
22 one paragraph, Your Honour, related to the events in Samac. If you allow
23 me, please. It's just a couple of questions.

24 MR. RE: Your Honours, the Prosecution knows where Mr. Pantelic is
25 going on this. We certainly don't object to him pursuing this. I mean

1 subject to Your Honour's directions of course pursuing this for a limited
2 period, this small area in which he wishes to go.

3 [Trial Chamber confers]

4 JUDGE MUMBA: Yes, Mr. Pantelic.

5 MR. PISAREVIC: [Interpretation] If I may, Your Honour, the
6 regulations that Mr. Pantelic is evoking, it is the way the international
7 humanitarian law is seen in case of war, and if I recall correctly, the
8 Colonel said that the state of war was never proclaimed. I just wanted to
9 explain what my learned colleague is probably trying to do and we are not
10 objecting to it.

11 MR. PANTELIC: I think it's a matter for the final judgement of
12 this Trial Chamber, whether it was conflict or not.

13 JUDGE MUMBA: Yes, Mr. Pantelic, you can go over what you wanted
14 to cover but very briefly.

15 MR. PANTELIC: Very briefly, yes, thank you, Your Honour.

16 Q. [Interpretation] Colonel, tell us are you aware of this regulation
17 on how to apply the international humanitarian law, this regulation from
18 1988 so how to apply the humanitarian law in case of war, this regulation
19 replaced the one from 1972. Are you familiar with it?

20 A. I did not understand your -- I didn't hear actually your
21 interpretation because I just heard the interpreter's all of a sudden say
22 something but I didn't follow your question.

23 Q. Terribly sorry. Tell us, are you familiar with the regulation on
24 how to apply the international humanitarian law in case there is a war in
25 the former Yugoslavia in the regulation of 1988 which replaced the

1 regulation issued in 1972?

2 A. All the commanders of the former JNA are familiar with those
3 regulations, and that particular regulation was applied throughout all the
4 units. That was the principle of our work. Every time when there was a
5 new regulation, the new order, it was always applied and it was published
6 in the Official Gazette, all members had to get familiar with it.

7 Q. You will agree with me undoubtedly that as part of those
8 regulations and orders, we can see that there is a definition about the
9 personal responsibility in case of a violation of law of war. What was
10 your answer to this question?

11 A. I said yes. That's correct.

12 Q. These regulations also talk about the responsibility of military
13 commanders and they state their responsibility with regards to the doings
14 of their subordinates; is that correct?

15 A. Yes.

16 Q. These regulations also make sure that the -- or talk about the
17 violations of the laws of war?

18 A. Yes, but I cannot remember textually the way it is written.

19 MR. PANTELIC: Obviously our friends from interpretation booth are
20 not in good shape and from this morning so we have to repeat again. The
21 transcript is not accurate.

22 Q. [Interpretation] My question is the following: Or was the
23 following: Amongst other things, these regulations talk about the
24 procedure on how to find and how to make sure that the evidence is
25 collected when there is a violation of the laws of war?

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18482

1 A. Yes. But I do not remember them textually. I couldn't recite
2 them to you.

3 Q. Yes, of course. We did not want to go into details here. We just
4 wanted to make sure that you're aware of these facts.

5 My colleague, Mr. Pisarevic, asked you a question about your
6 understanding of volunteer units and your understanding of those.

7 MR. PANTELIC: Could the witness be shown Exhibit D166/1, please?

8 Your Honour, I believe it's time for our break. Maybe we can
9 leave this topic until after the break.

10 JUDGE MUMBA: No, we still have a minute to go. Go ahead.

11 MR. PANTELIC: Okay. From this angle, I cannot see the official
12 watch and that's why --

13 Q. [Interpretation] Mr. Nikolic --

14 A. Yes?

15 Q. I would like to you look at this regulation -- order. You were in
16 the 17th Tactical Group, but tell us, when did you become a member of it?

17 A. It was in the end of the month of October, 1991. It's when the
18 creation started of the 17th Tactical Group and I ended the creation of
19 this group on the 15th of January, 1992.

20 Q. This order is from the month of December of 1991. I would like
21 you to look at point 7?

22 MR. LAZAREVIC: [Previous interpretation continues] ... Because
23 this is not any order. This is something different that we have here.

24 MR. PANTELIC: Yes, yes, that's my mistake, sorry, Your Honour. I
25 do apologise. Although we should discuss that document too but Your

1 Honour now I believe it's 10.30.

2 JUDGE MUMBA: Yes. We shall take our break and continue at 1100
3 hours.

4 --- Recess taken at 10.30 a.m.

5 --- On resuming at 11.01 a.m.

6 JUDGE MUMBA: Yes, Mr. Pantelic.

7 MR. PANTELIC: Yes, thank you, Your Honour. Could we have Exhibit
8 D177/1, please?

9 Q. [Interpretation] If it's easier, because the print is very small,
10 you can take it and you can read it.

11 THE INTERPRETER: The interpreters note that they do not have a
12 copy.

13 MR. PANTELIC: [Interpretation]

14 Q. Since this is an order of the Presidency of Yugoslavia, were you
15 aware of it?

16 A. Yes, I was.

17 Q. In item 7, it says that within ten days, all individuals and
18 forces that are outside the armed forces of the SFRY should accord their
19 positions and all individuals and groups of volunteers will be removed,
20 all of those who do not carry this out. Did you have any such cases in
21 the 17th Tactical Group?

22 A. We had a case in the 17th Tactical Group when a group of
23 volunteers came who were somewhere on the front line, and I think there
24 were about 15 of them. As for these 15 odd men, I personally, since they
25 did not have any documents, no proof whatsoever of having been sent by an

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18484

1 appropriate authority, I had them disarmed, I put them into vehicles at
2 the Sava River near Raca, I transferred them back and practically expelled
3 them from my area of responsibility.

4 JUDGE WILLIAMS: Excuse me, Mr. Pantelic, do you think that we
5 could just clarify in the translation here, page 33, line 13, where your
6 question, it comes as a question, two questions in a row, I think, in any
7 way, in any event, it says, the armed forces of the SFRY should accord --
8 accord, their positions. I am just wondering what that means, accord
9 their positions.

10 MR. PANTELIC: Should -- it's issue of translation. Authorised is
11 better translation, instead of accord, should authorise their presence
12 within the zone of responsibility of a particular JNA units.

13 JUDGE WILLIAMS: Thank you.

14 MR. PANTELIC: [Interpretation]

15 Q. Since the persons you mentioned arrived by helicopter -- I shall
16 repeat this, since the persons you mentioned arrived by military
17 helicopter, I'm referring to the people were Serbia who introduced
18 themselves as representatives of the police of Krajina; is that right?

19 A. Yes.

20 Q. And when speaking to them, did you find out how come they reported
21 to these units and arrived by military helicopter in Batkusa? Did you
22 find out how they were engaged?

23 A. As far as I know, they came at the request of Mr. Stevan
24 Todorovic, who had some connections in Belgrade and they came to work on
25 police activities in the territory of the municipality of Bosanski Samac.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18485

1 All of them had IDs and I claim with full responsibility because I saw
2 them that they had IDs of the MUP of the Republika Srpska Krajina or IDs
3 of the MUP of the Republika Srpska. I informed my corps commander about
4 that, after the meeting, and after these facts were established and then
5 he said to me that allegedly, I mean I don't know whether it's this way,
6 there is an agreement between Republika Srpska and the Republic of Srpska
7 Krajina on mutual assistance and cooperation. And this was purportedly
8 the reason why they came, the fact that they arrived in helicopters of the
9 Yugoslav People's Army.

10 Q. All right. Tell me, in agreement with the higher command, what
11 did you do about putting them under control of your tactical group or
12 rather under your personal command?

13 MR. LAZAREVIC: This is a double-barrelled question. I have no
14 problem for witness to answer this question but this question cannot be
15 simply answered. First he's putting them under control of your tactical
16 group or your personal command. These are two very, very different
17 things.

18 JUDGE MUMBA: Yes, Mr. Pantelic, can you rephrase your question?

19 MR. PANTELIC: Yes, yes, Your Honour.

20 Q. [Interpretation] Tell me, you informed your superior command the
21 17th Corps, about their arrival?

22 A. I did not hear the question because of this other thing I was
23 hearing.

24 Q. You informed your superior command, the 17th Corps, about their
25 presence in your area of responsibility; is that right?

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18486

1 A. Yes.

2 Q. Tell me, what were the instructions of the 17th Corps regarding
3 their stay in your area of responsibility?

4 A. I explained a while ago that the commander of the corps said to
5 me, since these are members of the police, we do not have any authority
6 over them and that I have no authority to put them under my command unless
7 I submit a special request and then this request would be granted at a
8 certain level, then this kind of order would come to the head of MUP and
9 to me, and then they could be engaged somewhere. On the other hand, they
10 were not under my control. Am I clear?

11 Q. During your stay until the 19th of May, 1992, did you use the
12 members of these alleged units of the Krajina police in some combat
13 operations?

14 A. I used members of the Serb police, or rather members of the police
15 of the Serb municipality of Bosanski Samac and Pelagicevo under formation.
16 That would be a precise answer.

17 Q. Did you use Lugar and Crni in military operations?

18 A. I used all that I got from MUP, from Mr. Todorovic, and in
19 accordance with my own requests. My request went to the corps commander
20 or rather the commander of the 17th Corps. He had his own lines and
21 connections through which this went, and then Mr. Todorovic and I both
22 received orders accordingly. I that I could and he that he could place at
23 my disposal the forces I needed. Had a state of war been proclaimed, then
24 in fact everybody would have been under my command. Then that would have
25 meant the organs of authority, the organs of the police, and the business

1 community, the economic sector. When there is a state of war, then they
2 are all under the command of the army but that was not the case then.

3 Q. If I understood you correctly, Lugar, Crni and Debeli were used in
4 military operations under your command?

5 A. Between 40 and 50 members of the Serb police of the Serb
6 municipality of Bosanski Samac and Pelagicevo were used.

7 Q. Tell me, Colonel Nikolic, which officers of the command of the JNA
8 air force did you know in Belgrade? Who did you maintain contact with?

9 A. I did not know -- well, I knew in principle who the commanders of
10 the air force corps were, et cetera but I did not have anyone special.
11 The only person I spoke to once was Colonel Jeremic. This was some kind
12 of air support, as to whether it would be there or would not be there and
13 his telephone was the contact telephone so no one personally. I mean even
14 Mr. Jeremic, I didn't know him personally.

15 Q. I'm asking you this because Simo Zaric, in his book, on page 259,
16 says that when you send him to Belgrade, to visit, if necessary, some of
17 his people and your people in the command of the air force, so I'm
18 interested in hearing who this pertains to. Is this Colonel Jeremic or
19 some other person?

20 A. No. Wait a minute. The command of the air force could not have
21 influenced the situation in Tactical Group 17 or in the 17th Tactical
22 Corps at all unless it is air support or something else.

23 MR. PANTELIC: [Interpretation] Wait a second.

24 MR. RE: Could we have the English page number? There was the
25 B/C/S page number of 259. Could we have the English page number if

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18488

1 possible, please?

2 MR. PANTELIC: Unfortunately I don't have the English version with
3 me.

4 MR. LAZAREVIC: If I may have the floor for one second? Your
5 Honours we still don't have a ruling of the Trial Chamber in respect to
6 Mr. Zaric's book so at this point I'm a bit curious about the situation
7 what is going to be, because Mr. Pantelic obviously is using and quoting
8 portions of the book as they are so...

9 MR. RE: I note that Mr. Lazarevic did exactly the same thing with
10 Mr. Simeunovic's evidence. I don't have the transcript page reference
11 with me at the moment. I have it upstairs but I certainly found that in
12 re-examination of Mr. Simeunovic after Mr. Pantelic's cross-examination,
13 Mr. Lazarevic himself quoted passages or extracts from Mr. Zaric's book in
14 relation to the Brcko incident so the Defence itself has already put the
15 book into -- put sections of the book into evidence.

16 MR. LAZAREVIC: I can confirm what my learned colleague said it
17 was during re-examination because of some misquoting but the issue of the
18 use of Mr. Zaric's book during proceedings was raised later and we are
19 awaiting for a ruling.

20 [Trial Chamber confers]

21 JUDGE MUMBA: The ruling which the Trial Chamber has yet to
22 deliver is whether or not the whole book should be produced in evidence.
23 But as far as the excerpts that parties are using, which are relevant to
24 the issues that are under discussion, that can be done.

25 MR. PANTELIC: [Interpretation]

1 Q. Colonel Nikolic, he mentions some of his people and your people at
2 the command of the air force. Let's be very precise. Who were your
3 people at the command of the air force?

4 A. I did not have my people in the air force. If you mean by that
5 some special connections or friends.

6 Q. But it is an uncontested fact that Lugar and his group came by
7 helicopters of the air force; isn't that right?

8 A. According to eyewitness statements, that's the way it was.

9 Q. Tell me, Mr. Nikolic, the period I'm interested in is October 1991
10 until your departure from the area of Samac Posavina, that is the 19th of
11 May. Tell me, in that period, did you as commander of the 17th Tactical
12 Group make plans with the leadership of the SDS in Samac about military
13 operations, including the takeover of authority by armed force in Samac?
14 Could you describe this to the Trial Chamber what your relations with the
15 SDS were?

16 A. My relations with any members of any party was -- were
17 non-existent so in fact I didn't have anything with the SDS or the SDA or
18 the HDZ. If there were any relations, these were relations where I could
19 and always did receive people. I talked to people regardless of the party
20 they belonged to. All of this with the objective of bringing the
21 situation back to normal, if possible, and also keeping law and order. I
22 did not take part in any plans that were being elaborated by the SDS if
23 so, or I was not a member of any party. I'm not a member of any party
24 nowadays either.

25 Q. So we will agree that the SDS and specifically Blagoje Simic did

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18490

1 not make any plans with you as commander of the 17th Tactical Group on
2 joint activity and forcible takeover of power in Bosanski Samac?

3 A. That's right. I often talked to Mr. Simic and Mr. Todorovic but
4 these were conversations that had nothing to do with military actions.
5 They were interested, like anybody else, in what was going on, et cetera.

6 Q. At any rate, on the basis of intelligence information that came to
7 the 17th Tactical Group you personally had knowledge that a programme of
8 illegal arming was taking place within the area of responsibility of the
9 17th Tactical Group, by the SDA and the HDZ; is that right?

10 A. I did have knowledge that there was an illegal arming of all
11 parties, the SDA, the SDS and the HDZ, precisely due to such information I
12 insisted that Mr. Zaric talk to all the persons who were detained. We
13 received information through our intelligence service, I got it also
14 through my scouts, and also through radio reconnaissance. I must say that
15 processing this information at the level of the tactical group and the
16 17th Corps was correct, and that we did have a picture of what was taking
17 place, who was being armed, and to what extent this had gone.

18 MR. PANTELIC: Could we have now Exhibit D166/1, please?

19 Q. [Interpretation] Take a look at this document. You can take it
20 into your hands so you can see it.

21 THE INTERPRETER: Could the interpreters please have a copy on the
22 ELMO?

23 MR. PANTELIC: [Interpretation]

24 Q. Please look at these two pages?

25 JUDGE MUMBA: Is it possible to have a copy on the ELMO?

1 MR. PANTELIC: [Interpretation]

2 Q. Could you please put your copy on the ELMO so that we could follow
3 it as well? Tell me, Colonel, just put it on -- where you had put it.

4 Yes. Now, tell me, did you personally ever see this document?

5 A. I did.

6 Q. Could you explain when, on which occasion and in which period?

7 A. You see, I think that this document encompasses the month of
8 March, the end of March, rather, and the beginning of April. This is a
9 document that we discussed in the command of the 17th Corps at a
10 particular briefing. The document that was compiled by our military
11 intelligence service on the basis of collected data on the situation in
12 terms of who was armed and where in various areas, within the area of
13 responsibility of the 17th Corps. This is a document that was sent to the
14 security organs and we were all familiarised with it. It was updated and
15 corrected on the basis of new information received. We sent new
16 information to the 17th Corps, the command of the 17th Corps to us, and
17 then we corrected what had changed or improved in a particular area or
18 unit.

19 Q. Specifically, I'm interested in the following: On the basis of
20 your intelligence information from your zone of responsibility and in
21 relation to this document, does this mean that the SDS in your area of
22 responsibility did not have any armed formations?

23 A. The document shows that it didn't, and it is true that it is --

24 Q. I'm not talking about other municipalities.

25 A. We are not talking about other municipalities.

1 Q. Please look at page 2. Can you remember, since more than ten
2 years have elapsed, in your area of responsibility, what were the villages
3 here where there were forces of the HDZ, as it is mentioned here, what was
4 the information that you got from the field, the intelligence information
5 you got in the period from October 1991 until April, mid-April, 1992?

6 A. I have understood your question. You see, a short while ago, when
7 I marked the area of responsibility, you saw that I excluded Orasje and
8 Domaljevac. That was not accidental. That was because this was an area
9 that was populated by Croats almost 100 per cent, and my commander said
10 that there is no reason for us to touch this, for a simple reason so that
11 people would not be upset in any way, et cetera. However, they were used
12 as a basis for having the regular forces of the Republic of Croatia come
13 to the territory of Bosnia and as a basis for setting up Croat Defence
14 Council units. So critical places were Orasje, Domaljevac, I think -- I
15 can't say exactly now, I can't just say it off the cuff, Hasici, et
16 cetera. These were these areas that were grouped over there where that
17 bend of the Sava River is, where the Tinja flows into the Sava. We even
18 knew that they had anti-aircraft guns and during a particular
19 reconnaissance of mine, the helicopter that I was in, was hit by an
20 anti-aircraft gun from one of those villages.

21 Q. Can we agree that there was rather intensive activity from the
22 autumn of 1991 until April, 1992, by Croat units in terms of preparing for
23 an attack on Posavina?

24 A. We can agree in principle. However, from the month of March,
25 perhaps the beginning of April, all of this was intensified, and serious

1 forces were there. We know that the 101st Brigade of the ZNG was engaged
2 there and the 108th Brigade and the 106th Brigade of the HVO, if you allow
3 me I have to say one more thing. Why I know this. I know this for a
4 simple reason, because we took prisoners, some of the members of these
5 units. Perry Colton, an American, is a person who we took prisoner
6 because he destroyed the bridge on the Tinja river. When we took him
7 prisoner, he said publicly on television that he belongs to the
8 reconnaissance and scouting unit of the 101st Brigade of the ZNG. And I
9 also have to say that 17th Tactical Group also had a radio reconnaissance
10 unit, platoon that was put at its disposal. So we listened to entire
11 conversations so I don't think that there could have been any serious
12 surprises.

13 Q. Tell me, please, did Simo Zaric inform you as to whether he
14 perhaps talked to members of the SDS about armament? Did you get any kind
15 of information from Simo Zaric?

16 A. I did not have such information. You see, in Bosanski Samac, we
17 established the 4th Detachment of the JNA. On a few occasions, at the
18 memorial centre, I held meetings with reserve officers, irrespective of
19 their ethnicity and I was convincing people that the only possible
20 solution for keeping the situation as it was from preventing a conflict
21 was that everybody should join this detachment or such detachment. That
22 was the solution. So at that moment, in that place, there was not a
23 special reason for doing anything on the sly over there.

24 Q. Simo Zaric in his book on page 168 says that there was a meeting
25 between the HDZ and the SDA on the 19th of March in Prud and he speaks

1 about the well organised operative work of the army and also a man that
2 was planted there at that meeting. What do you know about that particular
3 event?

4 A. I know that this meeting was held. I know that we had an
5 intelligence man of ours there and I cannot give you that person's name.
6 At any rate we did have full information. We knew literally quite
7 everything that would happen and we knew what they were planning and we
8 knew who attended the meeting and we could make some estimates in terms of
9 what would happen in the future.

10 Q. On page 169, Simo Zaric, then says that in the command of the 17th
11 TG, one expected a strike of the Muslim-Croat police on Samac. Does this
12 confirm what you just said?

13 A. Yes, it does. Two things have to be distinguished here. One
14 thing is what the civilian authorities in Samac did, and the -- it is
15 another matter what the Tactical Group 17 did. Tactical Group 17 and I'd
16 like to be given a minute to explain certain things. It had three
17 principal tasks. The first one was to prevent the transfer of the combat
18 operations from Republic of Croatia to the territory of
19 Bosnia-Herzegovina, so this was the first task; the second task was
20 preventing the outbreak of a major interethnic conflict; and the third
21 task was to control and secure the communications in the area of
22 responsibility in order to ensure an unhampered supply of the JNA units
23 and the population.

24 Q. I have to interrupt you because you've already said that in your
25 statement so let us please be efficient.

1 When we talked before your testimony about the information that
2 you had, you mentioned that sometime around the 10th or 11th April, 1992,
3 so-called tongue was caught and from that man, you learned a number of
4 things concerning the technical [as interpreted] group 17. So could you
5 tell us who was this tongue whom you captured?

6 A. Why, yes. He was a member of regular Croat -- Croatian Army units
7 who was caught by our reconnaissance patrols and after the interrogation,
8 he gave us a certain number of information. He was then transferred to
9 the prison in Sremska Mitrovica and from there, he was exchanged within
10 the framework of the exchanges which were taking place like everybody
11 else. At that time, we learned more or less that across the River Sava,
12 across the Bosna River, and from the area of Orasje, Domaljevac, there
13 could be an attack between the 12th and the 17th of April. Now, the date
14 was the problem. That was what that prisoner stated.

15 JUDGE MUMBA: Mr. Pantelic, you are coming close to one hour for
16 your cross-examination.

17 MR. PANTELIC: Your Honour, this particular part is relevant to
18 the forcible takeover subcharge 1 in the indictment, all these events. We
19 heard a lot of testimonies from Prosecutor's witnesses regarding the
20 pre-conflict period in Samac, saying that they didn't -- they were not
21 involved in any kind of preparation, there was no military movements, et
22 cetera. The position of the Defence is the following: The absolutely
23 legitimate action to prevent the incursion from Croatian side was of JNA,
24 4th Detachment and all forces there, specifically 17th Tactical Group, due
25 to the fact that they were in possession of the possible attack from

1 Croatia and they reacted. It's absolutely in accordance with the military
2 doctrine. The Prosecution has the opposite approach and the Trial Chamber
3 will make the final judgement. So it is of the relevance for the Defence
4 case to elicit and to have from such important witness, a military person,
5 number 1, in this region. So we have to conclude, to finalise, all
6 previous evidences heard here.

7 [Trial Chamber confers]

8 MR. LAZAREVIC: And one, if I may, one small correction for the
9 transcript, on page 44, line 23, concerning the here it says technical 17,
10 this means 17th Tactical Group.

11 JUDGE WILLIAMS: Excuse me, Mr. Pantelic, I'm just wondering, I
12 mean in terms of the relevance to the indictment and the Defence of your
13 client, Dr. Simic, the emphasis surely is on the night of the takeover, or
14 the early morning of the takeover. Why the 17th Tactical Group and the
15 4th Detachment did nothing to stop the takeover, and the connection
16 between the 17th Tactical Group, the 4th Detachment and the civilian
17 authorities headed by your client, Dr. Simic. I mean I think those are
18 things that we need to have information on, and maybe not necessarily all
19 of the details about the radio reconnaissance and so on. I mean I think
20 we have enough of that now to show that this was being done and so on.

21 MR. PANTELIC: Yes, Your Honour, I will establish the evidences
22 with that regard. First of all, we think that -- my client was not a part
23 of any forcible takeover. Secondly, our position is that the military
24 operation was absolutely legitimate in order to prevent the incursion from
25 the Croatian side, and in the fact -- in light of the fact that Serbia

1 Republic of Bosnia-Herzegovina was established in January and after that,
2 Serbian municipality Samac and Pelagicevo in formation, we have this
3 position, that everything was legitimate. Specifically with regard to the
4 military operation, the position of Defence of Dr. Blagoje Simic is that
5 he personally, nor he, nor the other civilian authorities, were not
6 involved in this kind of military action, kind of prevent action.

7 JUDGE MUMBA: Yes, that's precisely the point, that you go to the
8 crucial role which the Crisis Staff played, because it's in that capacity
9 that your client is involved in.

10 MR. PANTELIC: That's correct, and I tried to find this relation
11 with the military organs, with the military authorities.

12 Q. [Interpretation] Ergo, let's conclude, Colonel Nikolic, can we
13 agree that on the basis of the previous intelligence available to the 17th
14 Tactical Group, and in line with the military doctrine, everything was
15 done to forestall any attack of the Croatian forces from Prud and that
16 side?

17 A. The units of the Tactical Group 17 did everything they could to
18 prevent the incursion of the regular Croatian forces into the territory of
19 Bosnia or members of the Croat Defence Council who already were in the
20 territory of Bosnia and to prevent their incursion in the area of
21 responsibility of the tactical group.

22 Q. In relation to the 16th and 17th April, 1992, Mr. Simo Zaric on
23 page 212, referring to the period of the time when the operation of the
24 seizure of weapons from armed civilians, that is unlawful armaments in
25 Samac started. He said then that it was necessary to cooperate with the

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18498

1 police and the volunteers in the defence of the town and it was
2 coordinated through the command of the 17th Tactical Group. Do you agree
3 with Simo Zaric's view?

4 A. I do not agree with that position. I've told you what was the
5 task of the 4th Detachment. The majority of forces of the 4th Detachment
6 took the right bank of the Sava and the right bank of the Bosna, to
7 prevent the Croatian forces forcing their crossing into Bosnia. A
8 platoon, a reinforced platoon, was designated to collect weapons, but I
9 ordered literally to Simo Zaric and Antic and I mean the commander of the
10 detachment, these may not be breakings into houses, these may not be
11 seizure by force. It needs to be done in a civilised -- in an urban
12 manner and why was that?

13 A. Because that day around 12.00 somebody called Ibela, whatever his
14 name was --

15 Q. Sorry, sorry, sorry. I have to interrupt you because we are going
16 into this unnecessarily?

17 A. So my answer is no there was no such coordination. The detachment
18 did its part of the job and the police did its part of the job.

19 JUDGE MUMBA: Mr. Pantelic, before you proceed, can the witness
20 complete his answer because he was stopped by you when he was trying to
21 say because somebody called Ibela. Can the witness complete his answer,
22 please?

23 MR. PANTELIC: Yes, sure.

24 Q. [Interpretation] Will you please, you mentioned Ibela?

25 A. Thank you, Your Honours. Well, the thing is that a Muslim called

1 Ibela called me and he must have seen me somewhere meanwhile during my
2 stay there, so he called me and said openly, "I command a group of an
3 illegal Muslim unit that has been armed by the SDA. What should I do?"
4 And I told him, "Don't do anything, just go home and the members of the
5 4th Detachment turn up, when they fetch up in front of your house then
6 bring out the weapons that you don't have licences for and hand them
7 over." And that is how it was done. That is what I wanted to say.

8 Q. Mr. Simo Zaric several times spoke to the OTP and I'm referring to
9 the one of the 3rd of June, 1998, and this is P142 exhibit. And when Simo
10 Zaric on page 22 spoke about the takeover of Samac, he, in answer to the
11 investigator's question, said the following: "I think that part of the
12 responsibility should be borne by the command of the 17th Tactical Group
13 and I mean Mr. Nikolic." Do you have any reason to doubt the veracity of
14 Mr. Zaric's words, his answer to the Prosecutor, just yes or no.

15 A. Well, my responsibilities is mentioned here and I cannot answer
16 yes or no. We have to clear up these matters.

17 Q. Please, I'm asking you about this part?

18 THE INTERPRETER: Your Honours we are sorry but everybody is
19 speaking over each other.

20 MR. LAZAREVIC: Maybe the witness could be shown page 22 of the
21 interview and then give his command. I have it right here.

22 JUDGE MUMBA: Yes. The usher can take that to the witness.

23 MR. PANTELIC: No problem, P142, please.

24 JUDGE MUMBA: And Mr. Pantelic, please avoid speaking over the
25 witness.

1 MR. PANTELIC: I do apologise, Your Honour.

2 Q. [Interpretation] You see down at the bottom, I said not going into
3 your interpretation because you will explain it to counsel Pisarevic when
4 he asks you about this and I'm asking you very concretely, do you have any
5 reason to doubt the veracity of Simo Zaric, who told the Prosecutor's
6 Office that he believed that part of the responsibility should be borne by
7 the command of the 17th Tactical Group and he's referring to Mr. Nikolic.
8 Do you have any doubts about that or not?

9 MR. LAZAREVIC: The way it was said, said maybe, it is some
10 opinion or something, and Mr. Pantelic is trying to ask the witness
11 whether he has reason to doubt about facts. These are not facts that was
12 stated in this statement, these are some possible conclusions, some
13 understanding or something like that but not facts.

14 MR. PANTELIC: It's a position of Simo Zaric, according to his
15 personal knowledge. I want to see from this witness, Your Honour, whether
16 he shared that knowledge or whether he has some sort source of his
17 personal knowledge or opinion, simply as that.

18 JUDGE MUMBA: What Mr. Lazarevic is saying is that you should have
19 put it precisely as it was said by Mr. Simo Zaric, that it was his
20 conclusion.

21 MR. PANTELIC: Your Honour, that's a conclusion of Simo Zaric.

22 JUDGE MUMBA: Any way, the witness has got the text and he has
23 read it.

24 MR. PANTELIC: He can give his comment.

25 JUDGE MUMBA: Yes, he can comment.

1 MR. PANTELIC:

2 Q. [Interpretation] Tell us, what do you think about this?

3 A. I've read the text. It is vague. One cannot see what kind of
4 responsibility is meant when the command of the 17th Tactical Group is
5 mentioned. Of course, I've made mistakes in my life and I'm sure that the
6 command of the 17th Tactical Group also had its shortcomings but I really
7 do not see in this text what is it that Simo thinks. What is it that he
8 blames us for specifically. That is what I don't understand.

9 Q. No, Colonel. Simo doesn't say that. Nobody is guilty but do you
10 agree with me when I say that the 17th Tactical Group headed by you
11 personally did everything within its power to prevent the attack of the
12 Croatian troops on Samac, including the takeover of the vital positions in
13 the town of Samac? Do you agree with me?

14 THE INTERPRETER: The counsel is again speaking over the
15 interpretation.

16 MR. LAZAREVIC: Maybe --

17 MR. PANTELIC: It's absolutely another topic Your Honour, I do not
18 understand.

19 MR. LAZAREVIC: He's talking about the takeover of Bosanski
20 Samac.

21 MR. PANTELIC: It's another topic Your Honour, I don't understand
22 the intervention.

23 JUDGE MUMBA: Can we have one person speaking at a given time?
24 Mr. Lazarevic, what is your intervention?

25 MR. LAZAREVIC: Yes. My invention was that what this portion of

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18502

1 Mr. Zaric's interview indicating -- it has nothing to do with the question
2 of Mr. Pantelic. He was referring about the takeover of Bosanski Samac,
3 and asking two questions, first whether the 17th Tactical Group has any
4 role in the takeover. The other one was whether they have done anything
5 in what respect, to do the takeover, to avoid the takeover, to do
6 something against the takeover? I really didn't understand what it has to
7 do with this portion of the interview.

8 JUDGE MUMBA: Mr. Pantelic?

9 MR. PANTELIC: Your Honour, as I said, I finished with this
10 interview. That's another line of questioning. It's not -- there is
11 nothing --

12 JUDGE MUMBA: As far as you're concerned, the witness gave the
13 answers to your questions?

14 MR. PANTELIC: Yes, I'm going to another topic.

15 JUDGE MUMBA: Very well.

16 THE WITNESS: [Interpretation] Should I answer this?

17 MR. PANTELIC: [Interpretation]

18 Q. I'll have to repeat the question for the transcript. Do you agree
19 with me when I say that the 17th Tactical Group under your command did its
20 utmost to prevent the incursion in Samac of the Croatian troops, including
21 a preemptive action of taking over the vital positions in the town of
22 Samac on the 16th, 17th of April?

23 A. I agree with the first part of your question. The Tactical Group
24 17 did all within its power, in its area of responsibility, to prevent the
25 incursion of Croatian forces. We did not take Bosanski Samac. Of the

1 vital facilities in Bosanski Samac, I only put some observers on the silos
2 and those who were checking fire and I believe I'm clear.

3 Q. Well, that is what I want to know. I'm talking about the 17th --
4 16th and 17th of April. Isn't it?

5 A. No, no, no please, we are talking as of the moment when I raised
6 the combat preparedness to a higher level so that is the time I'm talking
7 about. When I raised the combat preparedness and it started at about
8 11.00 in the morning on the 17th but before that, we had not taken any
9 positions in Bosanski Samac, nor had we had any part in the takeover of
10 power in Bosanski Samac.

11 Q. If I put it to you, if I suggest to you, that members of some
12 detachments of the 17th Tactical Group participated in the preemptive
13 takeover of vital facilities in Samac between the 16th and 17th of April,
14 1992, will you then agree with me?

15 A. That is possible, but I did not authorise that. I am not aware of
16 such a case. I am aware of some cases when, for instance, people who were
17 engaged in the first JNA detachment were at the same time were at the
18 disposal of the TO. I know of such a case. And when I tried to
19 investigate why was that first preliminary report, why did it say the
20 police and the Serb TO, and I inferred that somebody from there had been
21 engaged and sent somewhere as TO, and then it did transpire so later on,
22 because the commander of the 1st Detachment, Mico Ivanovic [Realtime
23 transcript read in error "me yat"], Mijak, was subsequently appointed the
24 commander of the TO.

25 Q. And the security assistant was?

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18504

1 A. Stevan Todorovic.

2 Q. I mean in the 1st Detachment?

3 A. That's right, Stevan Todorovic was the security assistant and that
4 is why we seriously investigated the detachment later on to see what
5 had happened there. It is quite possible that somebody acted against the
6 orders and they forgot involved somewhere but that was without our
7 knowledge. I hope I was quite clear now.

8 MR. PANTELIC: Just for the record, the complete answer, last
9 answer starts at page 53, line 22, until page 54, line 2. Just for the
10 record.

11 Q. [Interpretation] But of course we shall agree that the 1st
12 Detachment was part of the 17th Tactical Group, wasn't it?

13 A. Yes, it was.

14 Q. And we shall also agree that --

15 MR. LAZAREVIC: Yes, Your Honours, we have a problem, maybe
16 counsel and witness are speaking too fast but obviously here we have a
17 1st Detachment on page 54, line 9, and then there is here on page 53, line
18 19, Mico, here it says something "me yat", actually it's Ivanovic,
19 Mico Ivanovic, nicknamed Mijak.

20 MR. PANTELIC: [Interpretation]

21 Q. So let's clear this up. The 1st Detachment was an integral part
22 of the 17th Tactical Group, wasn't it?

23 A. Yes, it was.

24 Q. And as the commander of the 17th Tactical Group, did you on the
25 17th of April, 1992, take certain measures against the - how shall I put

1 it - unauthorised military involvement of some of the members who were
2 under your command? What did you, for instance, do with regard to the
3 commander of the 1st Detachment and his security assistant?

4 A. Let me say, Stevan Todorovic quit the detachment and came to be
5 the Chief of Police or whatever you call it. And Mico Ivanovic stayed
6 on. We had no proof that he had misused his position, although even
7 before that, an interview was conducted with him in which he had to
8 explain what he had been doing at the time when those two helicopters
9 landed. And his explanation was then, since it was his area of
10 responsibility, that was why he had gone out and met those helicopters --
11 and saw those helicopters land. Then when I had already left, it turned
12 out that they were playing a twofold game and they were showing a
13 collusion between Todorovic, Ivanovic and Milos Bogdanovic. So to make it
14 clearer to the -- Your Honours, the collusion between Todorovic, commander
15 of the 1st Detachment, Mico Ivanovic, and the late Milos Bogdanovic who
16 was killed and he was the head of the Secretariat for National Defence and
17 he was the one who issued summonses, who called up people and sent them to
18 combat units. But it also happened that there, in the 1st Detachment,
19 they had dual -- dual combat orders, combat assignments but that
20 transpired on later, and after I'd left, and I have no reason to talk
21 about this.

22 Q. But did you start any proceedings before the military court
23 against Stevan Todorovic, who had left the unit unauthorised?

24 A. It wasn't unauthorised.

25 Q. But was it with your accord?

1 A. Milos Bogdanovic appointed another man and Todorovic was removed
2 from that position.

3 Q. Right. But you must know that towards the end of April, 1992,
4 Simo Zaric was appointed the head of national security in the territory of
5 the municipality of Samac whilst at the same time he was still an officer?

6 A. I don't understand, what does it mean head for national security?

7 Q. Do you have any information that in late April, 1992, Simo Zaric
8 was appointed head for national security in the municipality of Samac?

9 A. No, I do not have such knowledge.

10 Q. Tell me, your relations with -- your relationship with Simo Zaric
11 is a special one. Explain to the Chamber why did you send Simo Zaric to
12 Belgrade to report about the incident in Crkvina rather than your security
13 assistant, Makso Simeunovic?

14 MR. LAZAREVIC: We already have the answer, the witness was
15 talking in pretty much details about all this.

16 JUDGE MUMBA: Yes, Mr. Pantelic.

17 MR. PANTELIC: [Interpretation]

18 Q. In view of the chain of command in the army, your assistant was
19 Makso Simeunovic, wasn't he?

20 A. Yes.

21 Q. Wasn't he the one who should have taken certain measures at the
22 higher body?

23 A. Well, measures can be taken by the one whom I order it to, and who
24 I should order it to is up to me because I'm the commander and I decided
25 that it should be Mr. Zaric because he knew people. Had I sent Mr. Makso

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18507

1 Simeunovic, he would have probably wander around Belgrade looking for who
2 to talk to and it's a question whether somebody would agree to receive
3 him. So there was a problem there. And therefore, I sent Mr. Simo Zaric,
4 and when I -- when you said that my relationship with Simo Zaric was a
5 special one, I must respond to it in this way. When I was appointed the
6 commander of 17th Tactical Group and when I was sent to form it, I
7 didn't -- I didn't fall out of the blue into this area, because I had come
8 already in possession of certain information. I did not meet Mr. Simo
9 Zaric by accident. I already had information that Mr. Zaric had rescued
10 JNA soldiers who were fleeing from the fire opened on them by Croatian
11 units and getting them out, rescuing them from the Sava River. Mr. Simo
12 Zaric was doing, you know, whenever you go somewhere, you go with some
13 information, you go there with reason, and you therefore establish contact
14 with people who prove to be reliable, who prove to be humane and so on and
15 so forth, even acquaintanceships we didn't just come across one another in
16 the street and by happen stance I came to know Mr. Zaric.

17 JUDGE MUMBA: Mr. Pantelic, you should be winding up.

18 MR. PANTELIC: Yes, Your Honour.

19 Q. [Interpretation] Mr. Nikolic, I must ask you to cut your answers
20 shorter to try to answer yes or no and so on and so forth and then you
21 will explain it to Mr. Pisarevic because you are wasting time?

22 A. Yes, I shall happy to do it but please ask me questions so that I
23 can answer them.

24 Q. At any rate, there is a question that they are leading
25 questions --

1 THE INTERPRETER: The counsel and witness are not breaking between
2 question and answer.

3 JUDGE MUMBA: Yes, Mr. Pantelic, you should know better about
4 pausing and you should be winding up.

5 MR. PANTELIC: Yes, Your Honour. Yes.

6 Q. [Interpretation] Mr. Simo Zaric in his conversations with the
7 Prosecution, on page 142 of the document, speaks of the moment when he
8 started -- when he got his retirement on the 1st of September, he said he
9 was then mobilised by the JNA and he was with General Jankovic in Tuzla,
10 he had a meeting with him, and he was also -- another person was also
11 there, Mr. Masulovic, who was the assistant of the general and you were
12 also present during this meeting. During that meeting, did you engage
13 Simo Zaric practically as your man who would be responsible for the
14 tactical group, for this area of responsibility?

15 A. In general terms, yes, if you will, but I would like to explain.
16 In order to appoint somebody at the position of an information officer or
17 a security officer, one must check everything and one must also give his
18 agreement with the previous -- we were the -- with the superior officer so
19 this person can be work -- rather in this position. You cannot proceed
20 without any verifications.

21 Q. I understand you fully. Tell me now, since the 5th Detachment of
22 the 17th Tactical Group was located in Obud -- is that correct?

23 A. Yes.

24 THE INTERPRETER: Obudovac.

25 MR. PANTELIC:

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18509

1 Q. [Interpretation] Can you tell us when this unit in charge of the
2 manoeuvre tasks was created, this unit that had a name, this special name
3 tactical group, can you tell us?

4 A. It is not a unit that comes from a 5th Detachment headed by
5 Captain Zoranovic. It is a company belonging to the 1st Motorised
6 Battalion. It is a manoeuvre unit, and we took one of these companies
7 and we trained this company and that company was my reserve company. The
8 reserve company of the commander of the 17th Tactical Group for
9 intervention, when the moment was appropriate, whenever there was a
10 problem and when the problem would become so great they would have to
11 intervene.

12 Q. Who was the commander of this special unit?

13 A. The commander of this special unit was Captain Grbic. I cannot
14 recall his first name at this present time.

15 JUDGE MUMBA: Yes, Mr. Pantelic, your time is over now. You have
16 decided to use --

17 MR. PANTELIC: Your Honour, I just need ten minutes to finish.

18 JUDGE MUMBA: No, no, no, no. We gave you enough time. We
19 directed you as to which areas you should be concerned with, about the
20 Defence of your client, and you've decided to use your time according to
21 your best solution.

22 MR. PANTELIC: Your Honour, please, I just have five positions of
23 my client and I'm done, please, with regard to that. It's only a couple
24 of minutes.

25 MR. RE: Your Honours the Prosecution doesn't object to

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18510

1 Mr. Pantelic -- we understand there might have been a little time wasted
2 but if there are matters which he feels are necessary to the Defence of
3 his client but has not yet put, perhaps he could outline those so the
4 Trial Chamber knows and could control it that way. Because we don't want
5 to stop him putting all matters.

6 JUDGE MUMBA: No, Mr. Re, the point is he was directed by the
7 Trial Chamber as to which areas he should be concerned with but he decided
8 to use and he has used up so much time.

9 MR. RE: But if he hadn't put those matters to the witness which
10 are vital to his Defence for whatever reason there could be problems later
11 if he doesn't do so now. And if it's only going to take a little bit more
12 time in the context of the entire trial it may not be time wasted.

13 [Trial Chamber confers]

14 JUDGE MUMBA: Yes, Mr. Pantelic, we shall give you ten minutes.

15 MR. PANTELIC: Thank you very much, Your Honour.

16 Q. [Interpretation] My client has these following positions.

17 MR. PANTELIC: Before that, Your Honour, please, I would like to
18 introduce one document into evidence. Mr. Usher, please.

19 JUDGE MUMBA: Is it a new document.

20 MR. PANTELIC: It's a Prosecution document. It was disclosed to
21 the Defence a long time ago. Three copies for the Bench, two, and one for
22 the Defence, please -- for the Prosecution, please. It's ERN number
23 0063-6936.

24 Q. [Interpretation] In the meantime, Mr. Nikolic --

25 JUDGE MUMBA: What is the description of the document? What is

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18511

1 the title?

2 MR. PANTELIC: It's a note with a telephone number and the name of
3 the witness.

4 Q. [Interpretation] Mr. Nikolic, you told me that after the 19th of
5 May, you were transferred to Cuprija and you became a commander of the
6 unit of the JNA; is that right?

7 A. After --

8 Q. No, no. Just tell us yes or no?

9 A. Yes.

10 Q. If you consult this document, tell us, please, is this the
11 telephone number of your garrison in Cuprija. If you remember?

12 A. No, I do not remember. My telephone was 053.

13 THE INTERPRETER: Could the witness please repeat the telephone
14 number?

15 A. It was a number from Jagodina and not a number from Cuprija. It
16 is quite possible that this is the central, main number of the switch
17 board.

18 JUDGE MUMBA: The interpreters didn't catch the number the witness
19 was giving earlier on.

20 MR. PANTELIC: [Interpretation]

21 Q. Let's go, let's take it one number at a time, please. This is a
22 switch board number in Jagodina?

23 A. It's possibly a number of the military switch board in Cuprija --
24 Jagodina, sorry.

25 Q. Your nickname is Kriger, isn't it?

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18512

1 A. My nickname is Lieutenant Colonel Kriger. It has been Kriger ever
2 since I was a lieutenant.

3 MR. LAZAREVIC: The witness didn't repeat his telephone number.
4 There was an intervention by the interpreters. In order to --

5 MR. PANTELIC: No, no, no, Your Honour, I switch on that because
6 he said that's a probably -- it's line 17, page 61, it's probably a number
7 of the military switch board in Cuprija, the unit that he was deployed so
8 I don't need any particular -- his personal numbers et cetera?

9 MR. LAZAREVIC: Yes, but it was said what his number was.

10 JUDGE MUMBA: Yes and it should be -- it should be recorded
11 because the interpreters didn't catch it.

12 MR. PANTELIC: [Interpretation]

13 Q. What was your private number at the time, sir?

14 A. I said to the Trial Chamber the following: I wanted to say what
15 was the number that was entered under my name as a commander and it is
16 222430. I remember it very clearly now. 222430. That was the number,
17 with the area code 035. That is the Jagodina area code but it was
18 transferred to that number, it was direct line.

19 Q. And the number that figures on this note is the number of the
20 switch board of the military unit in Cuprija; is that correct?

21 A. Yes, it is quite possible.

22 Q. Your nickname Kriger comes from an officer, it was a series in the
23 former Yugoslavia, and that was the name of the role of an actor?

24 A. Yes, Stevo Zigon was playing that role and I was wearing glasses
25 and I looked like him and that's why I was nicknamed Kriger because in

1 that television series his name was Kriger.

2 Q. It's a SS officer, isn't he, or the Wehrmacht?

3 A. That's right.

4 JUDGE MUMBA: That is how you're using your time, you see? This
5 is a problem with you.

6 MR. PANTELIC: [Interpretation]

7 Q. Mr. Nikolic, if I put to you that Lugar Miljkovic was with you,
8 was in touch with you, in contact with you, before and after you were
9 hired in Samac, would you -- would you agree with me?

10 A. No.

11 Q. If I put to you that you were responsible for the area of
12 responsibility or in the area of responsibility for all the volunteers,
13 including killings, beatings, mistreating people, would you agree with me?

14 A. No.

15 Q. If I put to you that on the 16th, the night between the 16th to
16 the 17th of April, 1992, there was no Serb Crisis Staff in existence,
17 would you agree with me?

18 A. The gentleman said that Blagoje Simic was the President of the
19 Crisis Staff, whether it existed, when it was formed, I don't know, but I
20 all know that everybody was making Crisis Staff, the HDZ, SDS, SDA,
21 everybody was forming Crisis Staffs so I don't know when this one was
22 formed.

23 Q. If I put to you that Blagoje Simic never called you at 3.00 a.m.
24 on the 17th of April in Pelagicevo, would you agree with me?

25 A. No. I will not agree with you because I did receive that phone

1 call.

2 Q. If I put to you that you, according to your order, you have
3 created the Crisis Staff in Samac, would you agree with me then?

4 A. No, never.

5 Q. If I put to you that the TO as a component of the armed forces of
6 the JNA was part of the armed forces of the JNA would you agree with me
7 then?

8 A. The Territorial Defence, the TO? No. The Territorial Defence was
9 a component of the armed forces of the SFRY and it was under the command
10 of the republic staffs of the TO but the JNA never had units of the TO.
11 The JNA, during the combat activities, according to our military doctrine
12 could have done tasks for the units of the TO but that was when the
13 greater Yugoslavia existed, when Yugoslavia existed as a whole, when it
14 got dismantled they no longer existed in such a way.

15 Q. If I put to you that in the month of April, up until the 19th of
16 May, the TO for the area of responsibility covered by the 17th Tactical
17 Group was under your command, would you agree with me then?

18 A. No. I can only agree with one thing is that I had engaged some of
19 the units of the TO who were belonging to the TO of the Serb republic.

20 Q. If I put to you that the police was also a part and was under your
21 area of responsibility and under you, is that correct?

22 A. No. I was never -- I never had the authority, any legal
23 authority, over the police.

24 Q. And then would you agree with a portion of the interview that was
25 given by Simo Zaric on Novi Sad television when he says that the 4th

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18515

1 Detachment of the TO was preparing for attacking Samac and that it carried
2 out that mission, would you agree with that?

3 A. No, because the expression is not correct. And I would like you
4 to give me a minute so that I can explain this. Whenever somebody hears a
5 detachment, everybody knows or thinks TO. That was a habit and even my
6 commander said or even the person who was working for me would write down
7 TO as soon as one would hear detachment. The 4th Detachment was not a
8 detachment of the TO but it was the detachment of the JNA precisely in
9 order not to make any ambiguities because TO was organised at the republic
10 level.

11 Q. If I put to you that you were responsible as a commander of a
12 military unit for the fact that you did not press charges against Lugar
13 who killed people in Crkvina on the 8th of May, 1992, would you agree with
14 me then?

15 A. No, I do not agree with you, but I can only declare the following.
16 My command knew everything, I reported it to them, and later on,
17 everything I told them was used in the trial against the gentleman that
18 you've mentioned in Banja Luka. I don't know what the outcome of this
19 was.

20 Q. If I tell you that as a commander of an important military unit
21 such as the 17th Tactical Group, you did not do everything in your power
22 to arrest and to detain people, authors of the crime, authors of crimes
23 who were conducted by these people in your area of responsibility?

24 A. No I do not agree with you because my authority was only to
25 declare that -- was only -- I was only competent if the state of war was

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Pantelic

Page 18516

1 proclaimed, the taking over the people from Bosanski Samac and the
2 transferring of these people outside of my area of responsibility was
3 legal [as interpreted]. I am -- I did this for humanitarian reasons and I
4 will answer for this.

5 JUDGE MUMBA: That's it, Mr. Pantelic.

6 MR. LAZAREVIC: Your Honour there is something in the transcript
7 that was not recorded what the witness said.

8 JUDGE MUMBA: Where?

9 MR. LAZAREVIC: Here. On page 65, line 22. The witness literally
10 said even that was illegal but I did it. And here it says it was legal.

11 JUDGE MUMBA: Yes, perhaps the witness can --

12 MR. PANTELIC: Yes, can I go over that with the witness, Your
13 Honour, this particular part of his statement?

14 Q. [Interpretation] For the transcript, Mr. Nikolic, could you please
15 tell us even if the transferring of people from Samac was what? What
16 did you say, for the transcript?

17 A. In order for everything to be absolutely clear, after the
18 conversation I had with the commander of the 17th Corps who very clearly
19 said to me do everything in your power so that there is no conflict, that
20 these people should be taken from Samac and should be transferred outside
21 of your area of responsibility and these people would be sent to prisons
22 or other detention centres, I did this. I agreed, and in fact, I did not
23 have the authority to do this, and my commander, the corps commander, did
24 not also have the right to order me the following -- that following
25 order. We did this only to protect these people in order to protect them,

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18517

1 not to have them under the attack. If I am guilty of this, well, I will
2 then agree. And that's why I'm sitting here.

3 MR. PANTELIC: Thank you, Your Honour, I've finished with this
4 witness.

5 JUDGE MUMBA: What about this document with the number?

6 MR. PANTELIC: Yes, maybe we could have ID, since I have to -- it
7 speaks for itself but I will ask for the official translation so up to now
8 maybe, up to then maybe we could have the ID number.

9 JUDGE MUMBA: Yes. Can we have the number, please?

10 THE REGISTRAR: This will be treated as document D181/1 ter ID.

11 JUDGE MUMBA: Thank you. Yes, the Prosecution?

12 Cross-examined by Mr. Re:

13 Q. Good afternoon, there, Mr. Nikolic. I have some questions to ask
14 you for the Prosecution. A moment ago you just spoke about the trial in
15 Banja Luka. That was of Crni, wasn't it, just yes or no?

16 A. I am not sure who was involved in that trial, all of the people
17 who were involved but I know that the above-mentioned person was also on
18 trial and Mirko Lugar was one of the people amongst other people.

19 Q. If I ask to you answer something yes or no as to whether or not
20 Crni was involved please just answer yes or no, I'm just after very
21 specific information, please. Look the trial in Banja Luka that was to do
22 with the -- please, let me finish the question.

23 A. I don't know.

24 Q. Well, if you don't know, how could you know that the information
25 you gave was used against them in the trial? Which is the evidence you

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18518

1 gave a moment ago.

2 A. I found that out later, because that trial took place after I left
3 Bosnia.

4 Q. I'm unclear. Can you please tell the Trial Chamber do you know
5 what the trial concerned? Firstly, yes or no, if yes, I'll ask you what,
6 if no, we'll move on.

7 A. No, no.

8 Q. Well, if I tell you it had nothing to do with the Crkvina massacre
9 that would be a revelation for you, wouldn't it?

10 A. Yeah, yes.

11 Q. If it had nothing to do with the Crkvina massacre the information
12 you passed on couldn't have been used, could it, sir? It's a matter of
13 logic.

14 A. I said what I wrote down and whom I sent that information and I
15 was expecting this information to be served in the Court of law and serve
16 the purposes of justice. Now, I don't know if they used that information
17 that I gave or not.

18 Q. Okay. Now, in your evidence earlier, you gave evidence of clashes
19 between forces from the Republic of Croatia and troops from the JNA. To
20 be quite clear, that was the army of the Republic of Croatia and the HVO
21 combined, which were fighting the JNA forces in your area of
22 responsibility, wasn't it?

23 A. Yes.

24 Q. This was of course after the declaration by Croatia of
25 independence from Yugoslavia in 1991, recognised in early 1992, wasn't

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18519

1 it? What I'm saying is that between January and May when you left Bosnia.

2 A. It's too fast. Your question was interpreted to me too quickly.

3 If I understood you correctly you're asking me when did this take place,

4 what period did it cover? These clashes became even greater and I said it

5 started at the end of March and they lasted up until I left Bosnia up

6 until the 19th of May.

7 Q. All right. The defendant over there, Mr. Miroslav Tadic, you know

8 him, don't you?

9 A. Yes.

10 Q. You knew him because he was among other things the assistant

11 commander for logistics in the 4th Detachment which was ultimately under

12 your command? Didn't you?

13 A. Yes.

14 Q. How long have you known Mr. Tadic for?

15 A. Well, I cannot give you the exact figure but let's say after I

16 arrived and after the tactical group was formed, that was on the 17th so

17 up until the end of October so from the month of October, 1991 and on.

18 Q. Mr. Zaric, how long have you known Mr. Zaric for, Mr. Nikolic?

19 A. I met both of them at approximately the same time, with a small

20 difference in -- concerning the time period but I probably met them at the

21 same time.

22 Q. You're saying you met Mr. Zaric for the first time in October

23 1991, just to be clear, that's what you're saying, around that time?

24 A. I cannot tell you the exact date. The tactical group was formed

25 or I started working at the formation of the tactical group around that

1 date but I cannot give you the exact date.

2 Q. Perhaps it would really assist if you would listen very carefully
3 to the question and answer it as precisely as possible. The question I
4 asked you was: Was it around that date? Doesn't really require an
5 explanation. I'm only interested in approximately. Now, I'll move on the
6 question I want to ask you is: Would you consider yourself a friend of
7 Mr. Zaric's or Mr. Tadic's, from the time you first met them?

8 A. I would say it differently. I am a man who recognises what they
9 did and who respects what they did.

10 Q. What do you respect about what Mr. Tadic did, Mr. Nikolic?

11 A. To begin with, the time when they accepted the soldiers who were
12 running away from Croatia up until the time when they were saved and then
13 later on, from what happened to the 4th Detachment, I'd say that I would
14 respect them or I would assess their work very positively.

15 Q. And of course you're aware of Mr. Tadic's role as the head of the
16 exchanges in Bosanski Samac for some period, aren't you?

17 MR. LUKIC: Objection, Your Honour.

18 JUDGE MUMBA: Yes?

19 MR. LUKIC: [Interpretation] If you're asking this question or if
20 one is asking this question, we should also ask about the time. We know
21 that the witness left around the 20th of May and we know that the first
22 exchange took place on the 21st of May, 26th of May, so if we are asking
23 this question, we should ask the question about the involvement of Tadic
24 during these exchanges.

25 MR. RE: The answer the witness gave which prompted me to ask that

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18521

1 question was I am a man who recognises what they did and who respects what
2 they did. That's a very open answer. He didn't say it was confined to a
3 certain period. I'm just asking him what he knows and what he respects.
4 Whether it be before he left the territory or afterwards. He knows or he
5 doesn't. Why did he say that? What does he respect about them? I can
6 divide the question into three but it will take longer.

7 JUDGE MUMBA: I think Mr. Lukic's concern was maybe he thought
8 ahead that you are going to discuss what Mr. Miroslav Tadic was doing in
9 connection with exchanges. That's why he was particular about time.

10 MR. RE: Your Honour my question was, you're aware of Mr. Tadic's
11 role of the head of the exchanges in Bosanski Samac for some period,
12 aren't you? The witness hasn't answered whether he knows Mr. Tadic's
13 role. When doesn't really matter. I just want to know whether he was
14 aware of Mr. Tadic's role in exchanges.

15 JUDGE MUMBA: Yes, you can go ahead then.

16 MR. RE:

17 Q. You understand that Mr. Nikolic?

18 A. Absolutely.

19 Q. [Previous interpretation continues] ... you are you were aware of
20 Mr. Tadic's role as chairman of the exchange commission, were you?

21 A. That role, I am not aware of that. I knew that he was involved
22 and I knew what he was doing only when I was his commander, at the time he
23 was doing what he was to do, as an assistant for logistics in the 4th
24 Detachment.

25 Q. So your respect for his contribution is confined to his job as

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18522

1 assistant commander for logistics before you left the territory, is that
2 so?

3 A. That's correct. And then it would not go further because I have
4 no idea what else was done.

5 Q. All right. What about Dr. Blagoje Simic? When did you first meet
6 Dr. Simic, Mr. Nikolic?

7 A. I cannot recall with precision, but I believe that I met
8 Mr. Blagoje Simic sometime in the month of December, maybe, 1991, sometime
9 around that date, but I couldn't really give you a precise date.

10 MR. RE: It's 12.30, Your Honour.

11 JUDGE MUMBA: Yes, we will take our break and continue afterwards.

12 --- Recess taken at 12.30 p.m.

13 --- On resuming at 12.53 p.m.

14 JUDGE MUMBA: Yes, Mr. Re, you're continuing.

15 MR. RE:

16 Q. Mr. Nikolic, your evidence earlier to Mr. Pisarevic was of you
17 having some contact with Mr. Todorovic and Dr. Simic before the takeover
18 on the 16th and 17th of April, 1992. This is just an introductory
19 question. You remember that evidence? Just yes or no.

20 A. I spoke to them many times. I don't know whether we talked before
21 the 16th and 17th.

22 Q. Can you please listen very carefully to my question? And only
23 answer that and not another one? It will be much quicker for all of us if
24 we do it this way. What I want to ask you about is the contact you had
25 with Mr. Todorovic and Dr. Simic. Firstly, were you present at the

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18523

1 meeting establishing the Serbian Municipality of Samac on the 29th of
2 February, 1992?

3 A. No.

4 Q. Were you present at the meeting on the 28th of March, 1992 --
5 sorry, 1992, in Obudovac in relation to the appointment of the executive
6 council and officers of the Serbian Municipality of Samac?

7 A. No.

8 Q. Did you send a representative to either of these meetings to
9 attend on your behalf?

10 A. Colonel Mico Djurdjevic went to one meeting but I don't know
11 exactly which one. I mean out of those that you mentioned.

12 Q. But Colonel, when Colonel Mico Djurdjevic went, was it as your
13 representative or a representative of the JNA or the 4th Detachment or the
14 17th Tactical Group? In what capacity was he there?

15 A. I cannot recall exactly now which meeting this was, but if he went
16 to this meeting, he went as a representative of the 17th Tactical Group.

17 Q. Third meeting I wish to ask you about is the meeting at which the
18 Crisis Staff was formed in St. Sava hall in Obudovac on the 15th of April,
19 1992. Did you attend this meeting yourself or did a representative of the
20 JNA or the 17th Tactical Group attend that meeting, that's the formation
21 of the Crisis Staff?

22 A. I did not attend it, and I did not send a representative.

23 Q. You first met Dr. Simic in -- sorry you said I think in December,
24 1991, and your evidence a little bit later was that you had talked to him
25 many times. I just want to ask you approximately, I'm not trying to pin

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18524

1 you down to a number, how often did you or how many times did you speak to
2 him between when you first met him and the takeover on the 17th of April,
3 when he telephoned you at 3.00 a.m. In the morning?

4 A. Well, perhaps six or seven times. I don't know exactly.

5 Q. Did you communicate with him after the formation of the Serbian
6 Municipality of Samac in his official capacity as the head of that -- or
7 the chairman or the president of that municipality? That's between the
8 29th of February, 1992 -- I'll just finish it -- and the 17th of April,
9 1992?

10 MR. PANTELIC: Objection, Your Honour, unless there is an evidence
11 with regard to the capacity of Dr. Blagoje Simic as a chairman, I think
12 it's a little bit confusing.

13 MR. RE: I'll withdraw the question in that form. It was my
14 confusion.

15 Q. Did you communicate with Dr. Blagoje Simic between December -- I'm
16 sorry, between the 29th of February, 1992 and the 17th of April, 1992, in
17 his capacity as the local president of the SDS and his activities
18 connected with the Samac municipality, Serbian municipality?

19 A. I did not have any contacts with him as with a representative of
20 the SDS but I did have contacts with him in his capacity of president of
21 the municipality.

22 Q. That's the Serbian municipality before the takeover, to be quite
23 clear?

24 A. Before the takeover and after the takeover, I had contacts with
25 him. Before the takeover I contacted with him as with Blagoje Simic, a

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18525

1 particular personality, and after the takeover he was president of the
2 municipality. I had to contact with people, those who held certain
3 offices, I had no other way to go.

4 Q. Again, please be precise. My question was only confined to before
5 the takeover. Likewise, your evidence earlier was that you had contact
6 with Mr. Todorovic. Now, Mr. Todorovic was appointed as the chief of
7 police of the -- or chief of the public security station of the Serbian
8 Municipality of Samac on the 28th of March, 1992. Between that date, when
9 he was appointed the chief of public security station and the takeover on
10 the 17th of April, 1992, what communication -- sorry, did you communicate
11 with him in his capacity as the chief of the public security station?

12 A. First of all, I did not know at all when he was appointed chief of
13 the public security station. I communicated with him as with Stevan
14 Todorovic, in his personal capacity. When he introduced himself and when
15 he said that he was appointed municipal chief of security, then I
16 contacted with him as with head of the public security station because I
17 was resolving certain problems and I explained a while ago what kind of
18 contacts these were.

19 Q. What I'm trying to ask you about is before the takeover. You were
20 aware that he had -- or he had been appointed as the chief of the police
21 of the Serbian Municipality of Samac before the takeover, weren't you?

22 A. No. If you wish to have a full answer, I knew that when they took
23 over the municipality and when Todorovic said that he was head of the
24 station.

25 Q. Todorovic was before the 17th of April, working in a wicker

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18526

1 factory, a factory that made baskets. Why were you communicating with him
2 before the takeover in his capacity as Stevan Todorovic?

3 A. I think that God all mighty himself cannot give an answer to that
4 question. He was simply after me all the time and wanted to talk to me,
5 whenever any kind of occasion arose, he chased me, asked me questions.

6 MR. RE: Would Your Honours just excuse me for one moment? I'm
7 just trying to find something.

8 JUDGE MUMBA: Yes.

9 MR. RE:

10 Q. You were of course aware that a democratically elected government
11 was supposed to be in power in the municipality of Bosanski Samac, having
12 been elected in October, 1990, as of April, 1992, weren't you,
13 Mr. Nikolic?

14 A. I was not sent either to appoint or dismiss governments. I was
15 sent to carry out a combat assignment.

16 Q. I'll ask my question again and please answer the question I'm
17 asking you. The question was: You were aware in April 1992, weren't you,
18 that there was a democratically elected government which was supposed to
19 be in power in the municipality of Bosanski Samac, weren't you?

20 A. I knew that there was that government.

21 Q. You've already told us you knew that Dr. Simic was connected with
22 the Serbian municipality, and that this Serbian municipality had
23 proclaimed itself at the same time?

24 MR. PANTELIC: Objection. We didn't hear that he said that
25 Dr. Blagoje Simic was connected with Serbian municipality.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18527

1 MR. RE: I'm sorry, I don't have the transcript in front of me. I
2 can try and locate it. It will take me a moment.

3 JUDGE MUMBA: Perhaps -- yes, perhaps it will help, Mr. Re, if
4 you're specific instead of using the word "connected."

5 MR. RE: Your Honour, I did ask a question earlier, I'm searching
6 for the answer he gave. I can't find it on the lap top to my left. Maybe
7 it's on the lap top to my right, if I can just have a moment to find it.

8 MR. PANTELIC: Your Honour in the meantime maybe I can be of
9 assistance, it is not in dispute in this case that Dr. Blagoje Simic was
10 elected in election of 1990 as a vice-president, vice-chairman of the
11 municipal assembly of Bosanski Samac. And he was on the same position
12 until the 17th of April, 1992, when he became president, allegedly, in
13 this period of president of Crisis Staff, Serbian municipality but he
14 never was president of Serbian municipality, information or any other
15 function.

16 MR. RE: Yes, I withdrew that question. I asked another
17 question. The question was: Did you communicate with Dr. Simic
18 between -- in his capacity as the local president of the SDS and his
19 activities connected with the Samac municipality, to which the answer was:
20 I did not have any contacts with him as a representative of the SDS but I
21 did have contacts with him in his capacity as president of the
22 municipality. It's on the record.

23 Q. If I could take you back to my question sir, and the question I
24 was going to ask you --

25 A. That was not the answer.

1 Q. I'm asking you about your contact with Dr. Simic before the
2 takeover on the 17th of April, 1992. We've already established that there
3 was a democratically elected government in power. And a Serbian
4 municipality had proclaimed itself. Now of course you're aware that this
5 Serbian municipality which proclaimed itself was one which concentrated
6 power in the hands of Serbs only and that non-Serbs could not participate
7 as elected representatives of the municipality which was covering an area
8 which had a non-Serb majority. You're aware of that, aren't you, sir?

9 A. Absolutely.

10 Q. Of course, the proclamation of a Serbian municipality and the
11 takeover of power by Serbs to the exclusion of the non-Serbs wouldn't
12 exactly promote interethnic harmony, would it, sir?

13 A. Are you asking me for my opinion?

14 Q. You were there, sir.

15 A. I was there but I'm not an expert. If you're asking me, I can
16 have an opinion of my own. I believe that there can be no harmony if only
17 one people governs, if only one ethnic group governs.

18 Q. Of course, sir, and it could lead to, sorry, the usurping of power
19 by one ethnicity at the expense of the others could lead to ethnic
20 clashes, couldn't it?

21 A. Yes.

22 Q. And given the extremely delicate nature of interethnic relations
23 in Bosnia-Herzegovina in the first half of 1992, you would agree, wouldn't
24 you, that such a takeover by the Serbs would result in ethnic clashes
25 because of what had been occurring in other parts of Bosnia, wouldn't you,

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18529

1 sir?

2 A. I was there precisely to prevent that kind of interethnic
3 conflict, and where this led to can be seen from what happened.

4 Q. Well, in your statement, you said that the mission or the task of
5 the 17th Tactical Group was to, among other things, prevent the outbreak
6 of ethnic clashes in the tactical group's area, sorry, zone of
7 responsibility. Of course --

8 A. That's right.

9 Q. Allowing the Serbian -- or the Serbs to take over the municipality
10 at the expense of the non-Serbs breached that fundamental task or
11 objective or mission of the 17th Tactical Group, didn't it? That is to
12 prevent the outbreak of ethnic clashes, because ethnic clashes occurred as
13 a result of the takeover, didn't they?

14 MR. LAZAREVIC: I believe it's a call for speculation. I mean
15 what was the reason for clashes, whether they would appear because of the
16 takeover or for some other reasons, we have also evidence that there were
17 arming between parties and.

18 MR. RE: [Realtime transcript read in error "MR. LAZAREVIC:"]
19 Stop, stop, you cannot do that. You cannot clue the witness. You can
20 object but not do that. I press the question on the basis that the
21 witness was there and was charged with "preventing the outbreak of the
22 ethnic clashes in the tactical group's zone of responsibility," paragraph
23 14 of his statement in evidence here.

24 JUDGE MUMBA: Yes, the witness can answer. Except that in the
25 transcript, there is no separation from Mr. Lazarevic's objection and

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18530

1 after the time you start talking.

2 MR. RE: Yes.

3 JUDGE MUMBA: I hope it will be corrected.

4 MR. RE: Yes, Mr. Lazarevic has indicated he objected to his own
5 question which wasn't the case. That will be corrected in the
6 transcript --

7 Q. My question, Mr. Nikolic, was allowing the Serbs to take over the
8 municipality at the expense of the non-Serbs it breached the fundamental
9 mission or objective of the 17th Tactical Group, that is to prevent the
10 outbreak of ethnic clashes because ethnic clashes did in fact occur as a
11 result of the takeover, from which you saw, didn't they?

12 A. Allow me to explain this. I believe that things cannot be put
13 that way because the 17th Tactical Group was not the one who was supposed
14 to regulate who will and when and where take over government, and plan
15 government, et cetera. My task was to prevent the killing of people,
16 prevent the possibility of interethnic conflicts breaking out, et cetera.
17 As I already said a while ago, everybody created Crisis Staffs, everybody
18 had units of their own, everybody wanted to be the one that's going to be
19 in power. Then it would seem that I was supposed to take the tactical
20 group and start attacking everyone and that would have been senseless.

21 Q. Sir, you cannot disagree with me, can you, that what happened on
22 the 17th of April, 1992, was a military takeover by Serbs and Serb forces
23 of a democratically elected government and all the instrumentalities of
24 government, you can't disagree with that, can you?

25 A. I have agreed with that.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18531

1 Q. Can you tell us the extent of your communications with Dr. Simic
2 before the takeover, how often you spoke to him and what you spoke to him
3 about in the period leading up to the 17th of April when you received that
4 telephone call at 3.00 a.m. in the morning?

5 A. I can say to you that he and Mr. Todorovic often wanted to talk to
6 me. They were particularly interested in the assignments of the tactical
7 group, what the army was doing, et cetera. I have the impression that
8 they saw me as a communist officer who they did not trust very much. For
9 them, after all, I was Tito's officer. Therefore, their attitude towards
10 me was a sceptical one. I often had the impression that they were trying
11 to keep me under some kind of control. Why? They know that the best. I
12 did not allow that. And I did my job professionally.

13 Q. What sort of things did Dr. Simic say to you when he contacted you
14 or communicated with you in the months prior to the takeover on the 17th
15 of August -- sorry, April?

16 A. Well, various things were discussed, attempts were made to discuss
17 politics, possible events, possible developments, I said that I was not
18 interested in that, I was given a task that I had to carry out and that is
19 the only thing that I'm interested in.

20 Q. Was it you contacting him or him contacting you?

21 A. For the most part, he contacted me.

22 Q. For the other part, when you contacted him -- maybe there is a
23 misunderstanding here. You said for the most part, meaning he mostly
24 contacted you. When you contacted him, what did you contact him about?
25 How many times did you contact him before the takeover and why did you

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18532

1 contact him?

2 A. There weren't any reasons for me to contact him before the
3 takeover. For the most part he and Todorovic came to me, and they tried
4 in different ways to find out what was going on, they tried to collect
5 information, things like that.

6 Q. In what capacity was he contacting you, Dr. Simic, local medical
7 practitioner, in what capacity was he, Dr. Simic, contacting you? The
8 head of the local JNA?

9 A. I have to say to you that you obviously do not understand the Serb
10 mentality. Every day I had 50 people who came to see me, to ask me about
11 something, to see what was going on. That is an approach that is quite
12 unbelievable and it took a lot of my time and that is how these contacts
13 took place as well.

14 Q. Your evidence earlier to Mr. Pisarevic was that you put observers
15 on the silos. Now, these observers, I take it, were armed, weren't they?

16 A. Yes, yes. All members of the tactical group, of Tactical Group
17 17, were armed.

18 Q. Were they armed with sniper rifles, the ones who were on the
19 silos?

20 A. No, no. The silo is sufficiently far away. I mean it was used as
21 an observation point, because -- if you understand what I'm saying,
22 because it rises so high then one could observe from there even without
23 optical instruments what was going on and even what was going on on the
24 other side of the Sava River.

25 Q. All right. Now, was it on the 17th, the morning of the 17th of

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18533

1 April, that you placed people, placed your men, on the silos using it as
2 an observation post?

3 MR. LAZAREVIC: We already have the answer to that, if my
4 colleague was reading this carefully, he said after this -- after the 4th
5 Detachment was raised, his combat readiness. It is in the transcript.

6 MR. RE: I'm only after the date. If I've missed it, I apologise.
7 I'm just after the date.

8 JUDGE MUMBA: Yes, go on.

9 MR. RE:

10 Q. Was it on the 17th, the morning of the 17th, that you placed those
11 people in the silos?

12 A. No. I placed people on the silo on the 17th, sometime in the
13 afternoon, when there was already a danger of forces from Croatia crossing
14 over to the Bosnian side.

15 Q. You've already agreed with me that it was a military takeover of
16 the municipality by the Serbs. Now that of course would qualify in your
17 own understanding as an armed insurrection against legitimate organs of
18 government, wouldn't it, at least on a local level?

19 A. Probably, yes, but that is why there were organs of authority at
20 republican level that were supposed to take certain measures. It is well
21 known who is accountable to who.

22 Q. You had intelligence information and reliable intelligence
23 information at the time, that members of the 1st Detachment under your
24 command, that's Stevan Todorovic and Mijak Ivanovic, participated in the
25 takeover, didn't you?

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18534

1 A. Yes. But Todorovic had already been replaced and as for Mijak, we
2 got this information much later.

3 Q. When you say much later, what's much later, Mr. Nikolic? Before
4 you left Bosnia?

5 A. Well, say, I think, no, no, no. No. Well, I still was in Bosnia
6 but after that, he was relieved and another man was appointed, and he went
7 to become a TO commander.

8 Q. I'll just take you back a step. You've already agreed that I
9 think you said probably it would amount to an armed insurrection, which of
10 course as you know was illegal under federal Yugoslavian code, you had
11 information that at least one member, a commander of one of your
12 detachments had participated in an armed insurrection. You found out
13 about that a bit later. You found out about that when you were still the
14 commander, didn't you?

15 A. Look, I can't now pinpoint the time when that was established, all
16 I know is that from the Secretariat, the information arrived that he was
17 being transferred to another position and that another man was being
18 appointed to his post but I can't give you the date.

19 Q. As the commander, what steps, if any, did you take to ensure that
20 this person, Ivanovic, who participated in at least the preemptive strike
21 or the preemptive planning of the takeover of Bosanski Samac, if not on
22 the day, what actions did you take to ensure he was brought to justice for
23 his illegal activities?

24 A. Look, those illegal activities, if they indeed existed, became
25 obvious only after my departure so that there was nothing in particular

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18535

1 that I could do.

2 Q. Your evidence to Mr. Pisarevic or I think maybe it was
3 Mr. Pantelic, was that you used police in some of your military
4 activities. I don't think it's in your statement there. You said it
5 earlier this morning. Were these regular police? I just want to ask you
6 about regular police from the --

7 A. I remember that, yes.

8 Q. I just want to ask you, please confine yourself to regular police,
9 that's not the paramilitaries, regular police from the Samac police
10 station. I want you to tell the Trial Chamber when you used these police
11 and what you used them for, how you managed to obtain these police to help
12 you on the front line.

13 A. The Tactical Group 17 was surrounded, and sometime between the 7th
14 to the 10th of May, certain problems had to be resolved because the road
15 from Brcko towards Loncari and Orasje was blocked and likewise the road
16 which from Samac goes to Modrica. Since the attacks of the forces from
17 Croatia were considerable and engaged all my units, then in the villages,
18 I collected those small detachments which by that time had already become
19 TO detachments, sent a request to my corps commander to establish contact
20 with relevant authorities, and to have Todorovic informed that I was being
21 authorised to engage the police, and about 40 to 45 policemen were taken
22 on and that is how we carried out those operations, that is unblocking the
23 roads in both directions.

24 Q. I was only asking you about regular police from the Samac police
25 station. You used both on the actions between the 7th and 10th of May to

1 clear the roads towards Modrica and towards Brcko; is that correct --

2 Orasje, sorry, Brcko?

3 A. That's right. All the policemen that I could get.

4 Q. And these police of course were subordinated to you for that
5 period of time, weren't they?

6 A. Look, at the time, when the task was being carried out, when the
7 communication between the civilian authorities and my corps command which
8 was responsible for this was established, then these policemen were
9 attached, that is resubordinated to me, for a while. After that period
10 elapsed, it was my duty to return them to let them go back to their police
11 station.

12 Q. You were the commanding officer in relation to the clearing of the
13 road to Brcko and Modrica between the 7th and the 10th of May, and all
14 troops involved in that were subordinated to you, weren't they?

15 A. When you say all troops, then you must understand that the
16 overwhelming majority of forces were already engaged on the right bank of
17 the Sava and on the right bank of the Bosna River, in fighting members of
18 the Croatian formations and the forces of the Croat Defence Council. So
19 at that time, I no longer had any forces at my disposal. I was simply
20 trying to get every man I could get, in order to put together units which
21 could clear those roads and ensure normal communication.

22 Q. You were the officer who issued the order for the clearing of
23 those two roads, weren't you, Mr. Nikolic?

24 A. Yeah. I never gave any orders to cleanse the roads. My only
25 order to the units was to take steps when the roads were blocked, to make

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18537

1 the enemy pull away from those roads so that normal communication could be
2 re-established.

3 Q. You issued orders on the 7th of May in relation to the unblocking
4 or clearing of the roads in the area of Modrica on one side and Brcko on
5 the other over the next three days, didn't you, Mr. Nikolic?

6 A. I issued one order for -- to free the communication towards
7 Modrica because that was the task I got from my commander and my second
8 order was to liberate the communication from Loncari towards Brcko.

9 Q. In issuing those orders, you drew up battle plans subordinating
10 various units, coordinating them to do the two separate tasks, didn't you,
11 Mr. Nikolic?

12 A. The plans for the execution of these tasks were drawn at the
13 Tactical Group 17 and were carried out as such. Except that the plan
14 concerning Modrica when the attack started a commander of a paramilitary
15 unit, some Perija, had already fled, and the road had already been
16 cleared so that that attack never would -- would never really got in full
17 swing, never was completed, I mean it was finished. It was all over by
18 around 10.00 in the morning.

19 Q. You issued orders for the subordination -- of the attack in which
20 various units were subordinated to your command for those two areas,
21 Modrica and Brcko over those three days, didn't you? You were the
22 commanding officer, the units you issued the orders to were subordinated
23 to you for that period, weren't they?

24 A. Correct, so I issued the orders and I commanded them during the
25 execution of the task.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18538

1 Q. Now, of course, two of those groups included battalions headed by
2 Crni and Lugar, didn't they, sir?

3 A. This is how it was.

4 Q. Lugar and Crni headed two of the groups that you issued orders to
5 between the 7th and the 10th of May, correct? Easy question.

6 A. Excuse me, the question is simple but the answer isn't and I must
7 give you a precise answer. Since the crime in Crkvina happened between
8 the 8th and the 9th, this order was issued -- was written on the 7th of
9 May.

10 Q. I'm not asking you about Crkvina. I'm asking you only about the
11 issuing of the orders and I'm going to show you two orders.

12 MR. RE: Can the usher please show these two orders to the
13 witness?

14 THE WITNESS: [Interpretation] Right.

15 JUDGE MUMBA: Do you have exhibit numbers, Mr. Re?

16 MR. RE: No. They are not in evidence at the moment.

17 JUDGE MUMBA: Not yet.

18 MR. RE: Please put them on the ELMO.

19 Q. Now, sir, look, I just want to say to you if you have some
20 difficulties, if you feel that answering a question may incriminate you,
21 the Trial Chamber will warn you and specifically in relation to command
22 responsibility, and Article 21 of the document Mr. Pantelic referred to
23 you which is D179/1, and if my questions suggest to you that you were in
24 charge of those troops at the time the Crkvina massacre was committed and
25 that you as a commanding officer based on those orders had a duty to

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18539

1 punish or prevent, and if the answer you give based on those documents,
2 incriminates you, you have a right to object and the Trial Chamber may
3 direct you to answer the question. I'm just alerting the Trial Chamber to
4 that at this very moment, based on those orders. So can you please look
5 at the two orders, sir?

6 MR. LAZAREVIC: Yes, and just one -- to be fair to the witness, he
7 asked to explain. It is really unfair because this is a situation that my
8 colleague is referring to, and I believe that the witness has the right to
9 give a full explanation of these documents that have just been tendered.

10 MR. RE: I won't interfere with the witness's right to give a full
11 explanation. I want to ask him about the two orders which on their face
12 subordinate Lugar and Crni's units to him for those two attacks. This is
13 corroborated by other evidence before the Trial Chamber, specifically
14 P127.

15 JUDGE MUMBA: I don't understand, Mr. Lazarevic, because the
16 witness is given the documents and he can answer the questions according
17 to the way he understands them.

18 MR. LAZAREVIC: Yes, I just wanted the witness not to be
19 interrupted in giving his --

20 JUDGE MUMBA: His answers.

21 MR. LAZAREVIC: Because he cannot simply answer yes or no when
22 he looks at the document.

23 JUDGE MUMBA: Yes, of course, the witness will be allowed to give
24 his answers as complete as he wishes them to be.

25 MR. RE:

1 Q. I'm sorry. Firstly, sir, can you please look at the document, the
2 two documents I have given you? Which one have you put on the ELMO there?

3 A. I've put the one which says, "Command, the left column."

4 Q. If you look at the page, you'll see it's the 7th of May, 1992, and
5 it is a two page document?

6 A. That's right.

7 Q. Document that you've signed, isn't it?

8 A. That's right.

9 Q. And it's an order for units to be ready to attack on the 10th of
10 May, 1992, in the direction of Modrica, isn't it? That's what you've just
11 given the evidence about?

12 A. Not on the 10th. This is the order about the preparedness for
13 attack on the 8th at 6.00 and it seems that we've put wrong documents on.
14 I put the document number 2 and you put document number 1. Do you want me
15 to put on document number 1? Here it is in front of me.

16 Q. Please put it on the screen and if you could just possibly turn to
17 your side so that everyone, the interpreters and everyone can see the
18 order? Right. This is the one for the attack on the 10th of May, 1992,
19 again this is also an order you issued with your signature on it, isn't
20 it?

21 A. That's right but let me explain what this is about. If I may, of
22 course.

23 Q. In a moment, sir, you'll have a full chance in a moment. I just
24 want to ask you a few questions first. If you look at the text of the
25 document it's got the words Lugar written in large letters on the top

1 right of the front page. Is that your handwriting, sir?

2 A. No, it isn't. This is the handwriting of somebody in the staff.

3 Q. All right. If you look at the body of the text, number 1, which
4 is about halfway down the first page, it says, "A north column composed of
5 the Lugar group and Territorial Defence company enforced with Praga
6 platoon from the second battery shall carry out the attack in the
7 direction of Milosevac village, Obalj [phoen], Garevac village, Modrica."
8 And so on. If you go down further it's supported by 128 millimetre mortar
9 battery and 82 millimetre mortar platoon. You can see that, can't you,
10 sir?

11 A. I see it everything, and I know this order by heart, literally.
12 May I explain?

13 Q. Not yet, not yet. You will have your chance. If you go down, you
14 will see that the words, "Commander of column, Lugar." Lugar is in
15 inverted commas. That clearly indicates that Lugar was the commander of
16 one of the units, doesn't it?

17 A. That shows that he was supposed to be one of the commanders of the
18 columns but it doesn't show that he was because this document should be
19 accompanied by other documents. There is a supplement to the order for
20 this task in which the actors were changed, and they were changed after
21 the crime in Crkvina, and that is what I'm trying to explain to you but
22 you're not letting me to do that. So we have a different situation now,
23 because the crime happened, I removed certain people. For instance the
24 commander of the south column, the third one, it says, Crni, and yet it
25 was Major Zoran Jovanovic, and the first one, war it says Lugar was as a

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18542

1 matter of fact Srecko Radovanovic, Debeli. That is what I'm trying to
2 tell you. So I took steps to remove those people from there. But if
3 documents are being shown, then all the documents need to be shown,
4 documents cannot be taken out of the context. This is only one of the
5 orders and it shows when it was planned, it shows that there is a time,
6 objectively, during when I established all the contacts with my superior
7 command and Mr. Stevan Todorovic when he was ordered to resubordinate the
8 policemen to me for this task, he insisted that some of his men, if at all
9 possible, to have some of his men appointed commanders of the columns and
10 I told him where that could be done and where that could not be done.

11 Q. If I could just take you back to the document, sir, if you turn
12 over the page, it refers to the third column, the commander of that column
13 was Crni, doesn't it? That's what it says. This was on the 7th of May,
14 you issued the order for Lugar's men and Crni's men to take part in an
15 attack and to be subordinated to your command for that period, wasn't it,
16 sir?

17 A. No. On the 7th, the preparations were done. The date up here
18 shows when was the preparation done, and when the document was done. The
19 document is delivered to those who are supposed to carry it out and it is
20 made more precise by previous order which you should have shown me, when
21 are -- which units to report, and to be subordinated to the commander of
22 the Tactical Group 17. So they reported immediately before the task and
23 as soon as the task would be over, they would be relieved of their duty
24 and sent back to perform their law enforcement jobs.

25 Q. If I could just take you to the second document you have there,

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18543

1 also dated the 7th of May, 1992, if you could just turn to your right to
2 have a look at that, that's dated the same day, you've already agreed it
3 has your signature on it. It again, about halfway down the page, in
4 relation to the attack in the general direction of Markovic Polja,
5 Grabovica [phoen], Brcko, refers to the use of the Lugar group, doesn't
6 it? That's 2.1.

7 A. That is correct, yes. That is so.

8 Q. And that was for according to this, an attack on the -- according
9 to your evidence an attack on the 8th of May, wasn't it, 6.00 a.m. on the
10 8th of April, wasn't it?

11 A. That's right. That is the attack which --

12 Q. That's the date? And according to your evidence, you didn't hear
13 about the Crkvina massacre until the 9th of May, did you? Yes or no.

14 A. Well --

15 Q. I just asked you about the date?

16 A. No, no.

17 Q. I thought your evidence earlier was that Mr. Mr. Zaric told you
18 about the Crkvina massacre on the 9th, the morning of the 9th.

19 A. That is correct. The massacre happened between the 8th and the
20 9th. In the afternoon and in the morning of the 9th.

21 Q. Of course according to these -- according to these attack plans
22 the attack was supposed to occur on the 8th of April, first thing in the
23 morning, that is the day before or long before or hours before the Crkvina
24 massacre wasn't it? Wasn't it? According to the face of this document.
25 Yeah?

1 A. We started the attack as planned. The attack was over at 11.00 in
2 the morning. The road was unblocked and around 12.00 already or perhaps
3 even earlier, all those who had been incorporated in the Tactical Group 17
4 as temporary reinforcement had already been released and sent back to
5 their usual jobs. That is what I'm trying to explain to you, and then in
6 the next document, when this happened, I simply eliminated them, wrote
7 another order, and engaged other individuals. That is what I'm talking
8 about.

9 Q. I see, sir. So you're saying that you actually used Lugar and his
10 men on the 8th up until about mid-day, and then let them go home; is that
11 right? Even though your other order said they were to be used on the
12 10th as well, you let them go after using them on the 8th? Is that what
13 you're telling us?

14 A. Yes, it is. That is what I'm trying to tell you because they had
15 nothing to do for me. They were performing their law enforcement jobs and
16 I had to just borrow them while I needed them. Otherwise, they were in
17 the police. And you keep talking about Lugar or this or that but I'm
18 talking about policemen, about law enforcement officers in the police
19 station in Bosanski Samac, and I engaged everybody that I could lay my
20 hands on in Bosanski Samac.

21 Q. Sir, the order says, this is the first one, about the attack, was
22 100 men from the special detachment of the Lugar group, with an 82
23 millimetre mortar platoon and 60 millimetre mortar squad, Praga platoon,
24 the command of the column Crni. Those are the troops you used on the 8th
25 of May, Lugar and 100 men from his special detachment. It doesn't say

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18545

1 local police, does it, sir? Does it?

2 A. No, not the local police, when they report to me and when they are
3 attached to me, then in the order will not mention them as the local
4 police. Once the task is over I turn them back to their regular jobs. So
5 that in this particular case, there was Lugar and some men from the
6 special detachment and I just explained it a moment ago that in the
7 motorised battalion, the first motorised battalion, a company of 60, 70
8 men had been specially trained for active operations, and he was given
9 some of them to carry out the task.

10 MR. RE: May the documents be tendered into evidence.

11 MR. PANTELIC: I do apologise to my learned friend. Sorry, sorry,
12 Your Honour. It's just a clarification, if you're looking at this
13 document which is on the ELMO, let's clarify that with the witness, it's
14 just a suggestion, we have a date 8 of April which is absolutely
15 inconsistent with the top left-hand side. Obviously it's an error in
16 writing. So maybe we could clarify that although the testimony is very
17 clear of this witness but still, for the sake of transcript. Yes. Thank
18 you.

19 MR. RE: Certainly but may the documents be tendered into evidence
20 at this point?

21 JUDGE MUMBA: Yes, can we have the explanation first?

22 MR. RE: Thank you.

23 Q. Sir, you can see that it does say the 8th in handwritten letter,
24 the 8th of April, on the document headed "lijeva kolona." That's the one
25 the 8th of April -- the 8th of May you just explained to us where Lugar

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18546

1 and Crni were involved in the clearing or the operations in Brcko, it says
2 the 8th of April, that's clearly a mistake isn't it? It clearly is meant
3 to be the 8th of May, from your evidence just then, isn't it, sir?

4 A. Yes. I can explain that. This is a mistake here. Somebody in
5 the staff made this mistake because he should have written the 8th of --
6 the 5th month, May. That is one thing. Secondly, in the army, you have
7 so-called preceding orders, regulating which units will be subordinated to
8 whom, report to whom, how it will be prepared and so on and so forth, so
9 they were taken over on the eve of the attack. We started the attack
10 towards Brcko because the Croatian units had taken the village of
11 Grebnica, in front of us we have Perry Colton, an American, whom we
12 captured as a member of the first Brigade of the ZNG and who had destroyed
13 the bridge across the Tinja. Tinja was crossed these from Grebnica pulled
14 out and all there was over by, say, around 10.00 that day. Around 11.00,
15 I sent those people off and I said, you go back to your jobs. And that
16 was then followed or rather there was already a plan prepared for the
17 attack towards Modrica. And the grouping is done when the task is about
18 to be carried out. And that is the principal matter because it shows if
19 you group people earlier then it becomes common knowledge, the moment
20 you've grouped your people together the enemy already knows that they are
21 there together and what they are about to do. So that when this was done,
22 there was no crime, but there was a communication and there was an order
23 to Todorovic that he had to attach his police and that solved the matter.

24 JUDGE MUMBA: There was a request to admit. Is there any
25 objection from the Defence? None at all. Can we have the number, please?

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18547

1 THE REGISTRAR: The order with ERN number 0063-6931 will be marked
2 as document P174 ter ID.

3 The order with the ERN number 0063-6932 will be marked as document
4 P175 ter ID.

5 JUDGE MUMBA: We don't have English translations.

6 MR. RE: Don't we? We should have. Certainly Mr. Leese has
7 photocopied them all.

8 JUDGE MUMBA: So they should be admitted as exhibits, not just
9 marked for identification.

10 THE REGISTRAR: Yes, they will be exhibits P174 ter and P174, and
11 P175 ter and P175.

12 JUDGE MUMBA: Thank you.

13 We shall adjourn and continue our proceedings tomorrow.

14 --- Whereupon the hearing adjourned at
15 1.51 p.m., to be reconvened on Tuesday,
16 the 15th day of April, 2003, at 9.00 a.m.

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1 Tuesday, 15 April 2003

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.02 a.m.

5 JUDGE MUMBA: Good morning. Please call the case.

6 THE REGISTRAR: Good morning. Case number IT-95-9-T, the
7 Prosecutor versus Blagoje Simic, Miroslav Tadic, and Simo Zaric.

8 JUDGE MUMBA: Yes, Mr. Re.

9 MR. RE: Thank you, Your Honours. I'd ask the registry officer
10 to notify Your Honours there are two matters I wish to raise before the
11 witness resumes his evidence.

12 The first is, I suppose, the two oral motions. The first is in
13 relation to evidence the Defence counsel, Mr. Pisarevic, led yesterday
14 from this witness. The second is in relation to an application I wish to
15 make to cross-examine him as to an inconsistency. I'll come to the second
16 one in a moment. The first one is --

17 THE INTERPRETER: Will you slow down, Mr. Re, please.

18 MR. RE: I apologise. I will slow down.

19 The first one is in the Prosecution's submission a fairly serious
20 matter relating to the date of the Crkvina massacre. Yesterday before the
21 Trial Chamber, counsel for Mr. Zaric, Mr. Pisarevic, at page 17 of the
22 LiveNote version led - when I said "led," I mean led in the most egregious
23 fashion - from the witness the following evidence: Mr. Nikolic, now we
24 shall move on to an event which happened in Crkvina on the 8th of May,
25 1992. The event in Crkvina is a crime which happened when 16 people were

1 killed in a warehouse. How did you learn about this event?

2 Over the page at page 18, I -- I didn't object at the time because
3 it was too late. Mr. Pisarevic had already -- already deliberately raised
4 the date of the 8th and had put it to the witness on the record about
5 something happened -- happening on the 8th of May.

6 At the following page I objected or sought clarification as to
7 when Mr. Nikolic -- or Mr. Zaric informed Mr. Nikolic of the -- of the
8 massacre. There was an exchange.

9 At the bottom of page 18, Mr. Zaric -- I'm sorry, Mr. Pisarevic
10 again said: Question: I told you we would be talking about the events of
11 the 8th.

12 Answer: On the 9th. Meaning Zaric told me on the 9th.

13 Mr. Zaric then led -- sorry, Mr. Pisarevic then led again, put
14 words in the witness's mouth. It was hopeless trying to object once the
15 witness had already been told what the answer was supposed to be.

16 Question: Yes. Tell us, when did Mr. Zaric inform you about the
17 time and when did you talk with Djordjevic and Radovanovic and Todorovic?

18 Answer: I think it was on the 9th, the 9th of May.

19 Question: And it was early in the morning. That's Mr. Pisarevic
20 putting words in the witness's mouth. No point in objecting because the
21 evidence is already given by Mr. Pisarevic.

22 Answer: He didn't get the answer he wanted. The answer was, "That
23 was in the morning before noon."

24 Now, the importance of this and what counsel did yesterday and in
25 the Prosecution's submission can only be deliberate and in response to

1 those two documents was to lead evidence which is contrary to the opening
2 statement and Mr. Zaric's own records of interview with the Prosecutor.

3 I take Your Honours to P140 -- 141 ter, at page 58 of the ter
4 version. When the Prosecutor, Ms. Paterson, said to Mr. Zaric, "I'd like
5 you to know --" she asked him, "I'd like to know what you know about the
6 killing of the men in Crkvina on the 7th of May, 1992. Do you know, for
7 example, why some of the men were being detained and transferred?"

8 Mr. Zaric's answer was, "The case in Crkvina was one of the worst
9 things that happened." And there's a fairly lengthy answer in which he
10 does not challenge the date but it goes on further. At page 60, he
11 describes, informing Mr. Nikolic, and he says, "Before 8.00 the next
12 morning, that is, the 9th -- sorry, the 8th. I was there to speak to the
13 security officer and Commander Nikolic." And goes on to say, describe how
14 he informed Nikolic on the morning of the 8th about the Crkvina massacre.

15 He then goes down the page to say, "I told you yesterday I spoke
16 to --" sorry, he spoke to Nikolic. "I was given approval. I was told I
17 could go the next day and speak to Colonel Maksimovic. He had been a
18 high-ranking officer in the SSNO of Yugoslavia," et cetera. Down a bit
19 further, "I told you yesterday I spoke to General Gligorovic and General
20 Vasiljevic also attended the meeting. All this happened on the 9th of
21 May." That's in Belgrade. And he refers back to the previous day, the
22 previous statement of Mr. Zaric to the Prosecutor, at P140 ter, when at
23 page 57, Mr. Zaric says, "In the beginning of May, it was the 9th of May,
24 I was in Belgrade. I went to the SSNO, the security service of the SSNO,"
25 et cetera. "The reason I went there was because of the tragic incident

1 that took place in Crkvina."

2 Mr. Zaric's own case, his own statement was that the massacre took
3 place on the 7th, he informed Mr. Nikolic on the morning of the 8th, and
4 he went to -- Nikolic told him to go to Belgrade on the 9th of May.

5 In Mr. Pisarevic's opening statement on the 24th of February, at
6 transcript page 15.705, Mr. Zaric -- Mr. Pisarevic said of Mr. Zaric's
7 records of interview or statements, "Upon his arrival, Zaric of his own
8 free will decided to give to statement to the Prosecutor and spoke with
9 the investigators on three occasions, not concealing anything and not
10 avoiding any subject, no matter what it was. As always, Mr. Zaric was
11 completely sincere, while providing the statements. These interviews have
12 been tendered into evidence in this case. Many facts that were not known
13 until then were in fact affirmed through the statement of Mr. Zaric, which
14 speaks best about the approach of Mr. Zaric to these proceedings right
15 from the very beginning. The aim of the Defence of Mr. Zaric is to bring
16 up each one of these untrue claims by witnesses of the Prosecution - this
17 is important - and to present evidence which would completely shed light
18 on each such episode and confirm all that Mr. Zaric stated in his
19 interview."

20 And to confirm all that Mr. Zaric stated in his interview of
21 course would be to not contest Mr. Zaric's own statement that the massacre
22 occurred on the 7th. Now, in fact, of course it goes further because
23 there was uncontested evidence given of the date of the massacre. It was
24 in closed session. I refer Your Honours to the page number T11 -- it's
25 transcript 11592 onwards. The cross-examination was in open session.

1 That's by Mr. Pisarevic at transcript pages 11.625 to 11.636 on the 30th
2 of July last year -- or sorry, the year before -- sorry, 2002. In that
3 cross-examination, Mr. Pisarevic, counsel for Mr. Zaric, did not in any
4 way challenge the date, the only date -- or the date which in the
5 circumstances of that evidence was clearly reliable and uncontested
6 evidence. There was no contest to the -- the date, no suggestion that the
7 date was mistaken or it occurred on another day. It wasn't, in fact,
8 until Mr. Nikolic or Mr. Zaric -- Mr. Pisarevic put words into
9 Mr. Nikolic's mouth yesterday that there seemed to be any shift in the
10 Defence case as to the date of the Crkvina massacre.

11 The leading, and the Prosecution says it was outrageous leading
12 in the circumstances by Mr. Pisarevic, had to have been intentional in the
13 light of the two orders, P174 and P175 tendered into evidence yesterday,
14 and the witness's evidence in relation to the dates and the subordination
15 of those paramilitaries to him. And that's quite important, of course, to
16 Mr. Nikolic because if those troops were subordinated to him on the 8th,
17 as his evidence was, and in the morning, he would have been responsible
18 for -- he would have been their superior officer in relation to any acts
19 that they had committed. He would have been under a duty under Article 21
20 of the Yugoslav code to punish people under his command and under his
21 effective control for acts that, according to Mr. Zaric's own statement in
22 evidence, Mr. Nikolic must have already knew -- would have already known
23 about.

24 So my application in relation to that, having outlined the
25 circumstances which led Mr. Pisarevic to put that evidence into the

1 witness's mouth before the Trial Chamber, is that the Prosecution on an
2 oral motion seeks -- requests the Trial Chamber to direct Defence counsel
3 not to do that again, not to ask leading questions, especially in relation
4 to changes in their case, in relation to things which were before or
5 hitherto uncontested but contested in the most strange way possible by --
6 by a Defence counsel, lead counsel, suggesting another date to a witness
7 in the context -- the context is something which is quite contested. That
8 is my first application.

9 The second one relates to the cross-examination of Mr. Nikolic
10 himself and the evidence he has given. And it goes back to that same
11 point.

12 The Prosecution applied or made an application in relation to the
13 evidence of, I think it was Mr. Omeranovic, to cross-examine the witness
14 on the redacted portions of his 92 bis statement, only on the basis of
15 prior inconsistent statement, not leading it as truth of the allegations
16 contained therein but only as to inconsistencies and the witness's credit.

17 Following Your Honours' oral ruling, the Prosecution filed a
18 motion either for redetermination in the light of considered legal --
19 written legal arguments or requests for certification under Rule 73(B).
20 That request was filed Friday week before last and is outstanding. Now,
21 the issue -- obviously the reason why the Prosecution filed it was because
22 we anticipated that the issue may reappear, and it has, before Your
23 Honours have ruled on our request for redetermination.

24 So I seek leave, Your Honours' leave, in the light of your
25 previous ruling, to cross-examine Mr. Nikolic in relation to matters

1 contained in paragraph -- in paragraph 42 -- or sorry, 44 of his redacted
2 92 bis statement, which was of course a statement which was a sworn
3 statement, as to when Mr. Zaric told him about the Crkvina massacre. It
4 contains an inconsistency between Mr. Zaric's record of interview and, of
5 course, the evidence the witness gave yesterday, which of course brings me
6 back to the whole point about Mr. Pisarevic suggesting not only a date but
7 a time, early in the morning, which is inconsistent with the sworn
8 statement of a witness whose statement he took and has actually brought to
9 court. But it was redacted for the purposes of admission into evidence.

10 These are very serious matters in my submission. So firstly, I
11 seek the Trial Chamber's direction of -- to Defence counsel. And
12 secondly, I seek leave to cross-examine as to the inconsistencies in
13 paragraph 44 only as to the witness's credit and only on a prior
14 inconsistent statement because he said -- because his evidence yesterday
15 was different to matters which are contained in a statement which was
16 sworn under 92 bis and has a declaration under 92 bis (B) appended to it.
17 Those are my two applications, Your Honours.

18 MR. PISAREVIC: [Interpretation] Your Honours, may I address the
19 Court, please?

20 [Trial Chamber confers]

21 JUDGE MUMBA: Yes, Mr. Pisarevic.

22 MR. PISAREVIC: [Interpretation] Good morning, and thank you.

23 To begin with, I'd like to say that all this that my learned
24 friend spoke about could appear as the OTP sees it, but it is absolutely
25 not true. The witness's statement, which was certified as far back as

1 February and was already as far back as December 2002, in the part which
2 was stricken out, that is, paragraph 44, the witness testifies about this
3 date which he's aware. The existence of an order that the Prosecutor
4 refers to was disclosed to the Defence a day before the witness came to
5 testify. The Prosecution never disclosed this order to Mr. Zaric's
6 Defence. We simply did not know that the Prosecution had those orders in
7 their possession. And since I did not know that, I could not start
8 construing something in August, October, or a few months earlier.

9 So my question was asked because the witness said in his testimony
10 that it had happened on the 8th of May. True, Mr. Zaric said that it was
11 on the 7th at the time of his interview, but the Chamber should then
12 establish which date is correct. We also have testimonies of other
13 witnesses who said that it was on the 8th of May. I never had any
14 intention or any need at all to try to hint anything to the witness, to
15 lead him, to try to make him provide a specific answer. There is no
16 foundation to this Prosecution's claim. Above all, because the Prosecutor
17 is aware that this order was disclosed to the Defence a day before only,
18 and that was the first time that we ever saw it.

19 And I think that as regards to the witness, my learned friend can
20 examine him about all the facts. The witness has made a solemn
21 declaration and he should answer the questions. However, I believe the
22 Prosecutor is using too many words to explain something, and very often
23 what he explains here or trying to construe here looks more like a closing
24 argument than anything else. But there will be other time to go into what
25 is true and what is not true, what has been proven and what hasn't. Thank

1 you.

2 JUDGE MUMBA: Yes, Mr. Lukic.

3 MR. LUKIC: [Interpretation] Your Honours, if I may. Just two
4 words. Just two words, please.

5 I'd like to suggest to the Chamber with regard to this date of the
6 massacre in Crkvina, of course the Trial Chamber will establish facts.
7 But this same OTP, which claims that it happened on the 7th of May, has
8 indicted Mr. Seselj and in his indictment - and he's also charged with the
9 massacre in Crkvina - it says the 8th of May, so that I merely wish to
10 draw attention to that fact that that is one of the claims of the
11 Prosecution. I merely wish to draw attention to that particular fact.

12 And as for the cross-examination which has to do with the drafted
13 statement made under 92 bis and the Trial Chamber at the time when I
14 examined Djordje Tubakovic and the Prosecution in relation to this said
15 in brief we never pronounced ourselves on that. But I will just mention
16 with reference to an earlier decision of the Trial Chamber that one cannot
17 measure the consistency against something that does not exist. It is
18 simply not possible, and I believe that the Trial Chamber should abide by
19 its earlier decision that something like that cannot be allowed.

20 MR. RE: Your Honours, can I briefly respond to just two matters
21 Mr. Pisarevic raised. The first one is he said just then the witness
22 referred to the date in paragraph 44. Yes, he did. But he said, "I
23 remember that on the night of 8th/9th May, 1992. Simo Zaric informed me
24 that a horrific crime had occurred." My point was that Mr. Pisarevic
25 yesterday tried to put words in his mouth that it occurred the next

1 morning.

2 The second point is in relation to disclosure of those two
3 orders. It wasn't the day before. It came about as a result of the
4 Prosecution doing its search in relation to Colonel Nikolic and the two
5 documents coming up there. We disclosed them on Thursday, the 9th of
6 August -- sorry, the 9th of April, which was the first opportunity we had
7 to disclose them to the Defence, having only found them on Wednesday. And
8 in any event, the witness testified yesterday that he knew these
9 documents, I think the words he used were off by heart. There's no
10 mention of those orders in his 92 bis statement anywhere. He says they
11 weren't subordinated to him. There's no mention of the fact that he used
12 these paramilitaries or -- sorry, or police, as he calls them, in any
13 actions.

14 [Trial Chamber confers]

15 JUDGE MUMBA: The Trial Chamber will rise for 15 minutes to deal
16 with the oral motions.

17 --- Break taken at 9.23 a.m.

18 --- On resuming at 9.45 a.m.

19 JUDGE MUMBA: On the oral motions raised by the Prosecution, the
20 Trial Chamber has observed that the first point on different dates given
21 at different stages of the proceedings, that on different dates of any
22 event that are given by the witnesses is normally a common feature in
23 criminal trials. It is a matter for evaluation of the evidence at the end
24 of the trial in order to determine the date, if it is material. If a
25 witness is misled or is led by counsel who puts a leading question to the

1 witness, that again raises the question of how much weight should be
2 attached to the evidence of the witness, who almost in all cases has
3 actually made a solemn declaration to tell the truth. In this case, the
4 Prosecution can still cross-examine the witness on the date if it is
5 material to them.

6 On the orders which are now exhibits P174 and P175, disclosed to
7 the Defence before the witness started to give evidence, if it was
8 material to the Defence, as they claim, that these orders -- these
9 exhibits were disclosed to them late, they should have raised an
10 objection. And depending on the factors, the Trial Chamber would have
11 been able to rule whether or not those exhibits could be put to the
12 witness. Of course, counsel at all times when examining a witness in
13 chief should avoid leading questions.

14 On the second oral motion, to use matters in paragraphs that are
15 struck out, even for credibility purposes, the Trial Chamber's stance
16 remains the same, that no such matters can be resurrected at any stage for
17 any purposes.

18 On the written motion on a similar matter raised by the
19 Prosecution, the Trial Chamber will give its ruling in due course.

20 So the proceedings will continue. The cross-examination can
21 continue. And the witness should be brought in.

22 [The witness entered court]

23 JUDGE MUMBA: Yes, Mr. Re. You are cross-examining.

24 MR. RE: Thank you, Your Honours.

25 WITNESS: STEVAN NIKOLIC [Resumed]

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18559

1 [Witness answered through interpreter]

2 Cross-examined by Mr. Re: [Continued]

3 Q. Good morning, Mr. Nikolic. I will continue from yesterday.

4 A. Good morning.

5 Q. On the 17th of April, 1992, you issued orders for weapons to be
6 collected, and you gave evidence yesterday, in Bosanski Samac, didn't you?

7 A. Yes, I did, to a part of the 4th Detachment.

8 Q. You issued the orders to Mr. Antic and Mr. Savic, that's Jovo
9 Savic; is that correct?

10 A. I issued the order to Mr. Radovan Antic, and he was the commander.

11 Q. Mr. Antic delegated the supervision of the weapons collection to
12 Mr. Zaric and Mr. Tadic, didn't he?

13 A. That's right. And it goes by itself. To the security office,
14 that is, those whose -- who have it as part of their job description.

15 Q. And Mr. Antic issued those orders -- or sorry, delegated the
16 supervision to Mr. Zaric and Mr. Tadic on the 17th of April, 1992, didn't
17 he?

18 A. Yes, on the 17th of April, after I tasked him with it.

19 Q. And on the 17th of April, 1992, Mr. Tadic and Mr. Zaric were both
20 involved in the supervision of the weapons collection, based upon your
21 order, in Bosanski Samac, weren't they?

22 A. In Bosanski Samac, yes.

23 Q. You gave evidence yesterday of the intelligence which you were
24 provided about the illegal arming which was occurring prior to the
25 takeover on the 17th of April. I'm just saying that to lead you back.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18560

1 You remember that evidence, don't you?

2 A. I do, yes.

3 Q. Mr. Zaric, of course -- and your evidence was yesterday that you
4 tasked or delegated him with intelligence gathering or collection in the
5 region. Mr. Zaric was a trusted and reliable source of information to
6 you, wasn't he?

7 A. That was his job because of the place that he had in the 4th
8 Detachment.

9 Q. Some people do their jobs badly. What I'm suggesting to you is
10 that Mr. Zaric was a trusted and reliable gatherer or source of
11 information to you and others in the command who needed it, wasn't he?

12 A. The information provided by Mr. Zaric we forwarded to the command
13 of the 17th Corps, and there were people who were competent to establish
14 whether this information was accurate or not, half true or whatever.

15 Q. I'm asking you about your assessment of the quality of the
16 information that Mr. Zaric provided. As far as you're concerned, was his
17 information accurate, reliable, and trustworthy?

18 A. To my mind, yes, he was a trustworthy person. One could rely on
19 the information he provided.

20 Q. He had excellent contacts in the Samac municipality, didn't he?

21 A. Yes. He was a man of prestige. He knew the job from before and
22 he had good contacts.

23 Q. These contacts spread way beyond Samac, didn't they? They spread
24 even to Belgrade, where he had excellent contacts there as well.

25 A. He did.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18561

1 Q. Which is, of course, one of the reasons why you sent him, as
2 opposed to anyone else, to Belgrade in relation to the Crkvina massacre,
3 wasn't it?

4 A. That's true.

5 Q. Mr. Zaric had provided reliable and accurate information to you
6 prior to the takeover in relation to the illegal arming of all of the
7 nationalist or national parties, hadn't he? SDS, HDZ, and SDA.

8 A. As of the moment when the 4th Detachment started to operate, he
9 supplied this information to my security assistant, Mr. Makso Simeunovic
10 regularly.

11 Q. And on the information you had, all three parties were equally
12 guilty of illegally arming themselves before the takeover, weren't they?

13 A. According to the overview which we saw here yesterday, in the
14 territory of Bosanski Samac we didn't have any information that the SDS
15 was also procuring weapons. But I think that yes, there was information
16 that all the three parties were illegally arming themselves.

17 MR. LUKIC: [Interpretation] Just a moment. The witness's answer
18 has not been separated from the question. The witness's answer begins on
19 page 14, line 11.

20 JUDGE MUMBA: Yes. I think that should be corrected, to show that
21 the witness had answered the question, actually.

22 MR. RE:

23 Q. When you say there was information -- or sorry, I'll put that in
24 quotes. When you say there was "information that all the three parties
25 were arming themselves," you of course mean the HDZ, the SDA, and SDS,

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18562

1 don't you?

2 A. I do, yes.

3 Q. Of course, the takeover was led or the takeover, according to your
4 evidence, was led by the Crisis Staff, which was led by the SDS, wasn't
5 it?

6 A. The Crisis Staff, yes, led the takeover of power. Now, whether
7 the SDS ran the Crisis Staff, I cannot give you a reliable answer because
8 basically I wasn't interested in that.

9 Q. You knew that Dr. Simic was on -- was the president of the Crisis
10 Staff and a very prominent SDS member. You knew that, didn't you?

11 A. I knew it.

12 Q. You knew that Mr. Todorovic, the chief of police, was also on the
13 Crisis Staff and an SDS member, didn't you?

14 A. I knew that too.

15 Q. And Mr. Ninkovic, Bozo Ninkovic, likewise on the Crisis Staff and
16 an SDS member?

17 A. Bozo Ninkovic -- no, I mean, I cannot remember who that man is.

18 Q. What about Mirko Jovanovic? You knew that he was an SDS member
19 and on the Crisis Staff, didn't you?

20 A. I learned that too.

21 Q. And of course Dr. Simic -- your evidence was that Dr. Simic,
22 Mr. Jovanovic, and Mr. Todorovic, all three SDS members, came to the
23 meeting in relation to the arrival of the police, volunteers,
24 paramilitaries, call them what you will, from Serbia just after their
25 arrival.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18563

1 A. That's right.

2 Q. And of course they were the people who told you that the
3 paramilitaries were -- or these police, as you've described them, were
4 under their control, weren't they?

5 A. That is what Mr. Todorovic said primarily. And the rest didn't
6 deny it during the course of the conversation.

7 Q. Of course, police from the Serbian Republic of Krajina had no
8 business being in the municipality of Bosanski Samac in April 1992, did
9 they, sir? Especially not armed and in camouflage uniforms.

10 A. I've already answered yesterday that the explanation of my corps
11 commander was, after I had submitted my report, that there is a certain
12 agreement. I hadn't seen that agreement between Republika Srpska and
13 Republika Srpska Krajina on mutual assistance. And that it is on that
14 basis that this group was sent to Bosanski Samac and at the request of
15 Mr. Todorovic.

16 Q. One of the things that you, as the local JNA tactical -- 17th
17 Tactical Group commander was very concerned about was the illegal arming
18 and the potential for ethnic unrest or clashes in the period leading up to
19 the takeover; correct?

20 A. I took all measures to stop illegal arming. I worked within the
21 scope of my own possibilities.

22 Q. When you met Dr. Simic, Mr. Jovanovic, and Mr. Todorovic shortly
23 after the arrival of these police, as you call them, from the Republika
24 Srpska Krajina, neither -- they didn't hold an official position connected
25 to the policing of the democratically elected Municipality of Bosanski

1 Samac, did they?

2 A. They had police IDs. And now, whether they had any powers, no.

3 Q. I'm not talking about the police or paramilitaries who came. I'm
4 talking about Simic, Jovanovic, and Todorovic. Neither of those three had
5 any official capacity in relation to policing in the democratically
6 elected Municipality of Bosanski Samac, did they? That's as of about
7 April the 10th, 11th, 12th, 1992.

8 A. That's right.

9 Q. But you've already agreed they were all SDS members, and you were
10 concerned about illegal arming of the parties, and they were -- they said
11 that they had put these people under their command. A week later there
12 was a takeover, and you say by the police, as you call them, and the
13 Crisis Staff. My question is: You sent Mr. Zaric into the SUP after you
14 spoke to Mr. Todorovic to allow him to interrogate people in relation to
15 the illegal arming. That was your evidence yesterday. Now, the only
16 people held in that police station were Muslims and Croats, weren't they,
17 at that stage?

18 A. For the most part.

19 Q. Well, when you say "for the most part," how many Serbs were there?

20 A. I think there was a Serb or two there. I'm not sure.

21 Q. Okay. Your orders were to Zaric to go and interrogate, that is,
22 to interrogate the Muslims and Croats, wasn't it?

23 A. The order was not to interrogate the Muslims and Croats. The
24 order was to use his best judgement to see who would the best people be to
25 have information about illegal arming, and then he should talk to these

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18565

1 people and inform the command of the 17th Tactical Group about that. So
2 not at a single moment did I distinguish between people on ethnic,
3 religious, or racial grounds. This is shown by my own security detail.
4 One was a Serb, one was a Croat, and one was a Muslim.

5 Q. Thank you, sir. But you've already agreed that only Muslims and
6 Croats, bar possibly one or two Serbs, were actually held in the police
7 station, and the police station was the place where you told Mr. Zaric
8 by -- Mr. Todorovic to go and seek information, that is, interview or
9 interrogate people. Clearly he wasn't going to be interviewing any Serbs
10 in that police station, was he, Mr. Nikolic?

11 A. If there weren't any there, there was no reason for him to talk to
12 them. However, if there was a Serb, I mean, he would have had to talk to
13 everyone who could have possibly been involved in the illicit arming.

14 Q. That's exceedingly hypothetical in relation to the possibility of
15 a Serb being there and him speaking to that person.

16 You, of course, didn't issue him with any orders to interview
17 Serbs in Bosanski Samac who had been involved with illegal arming, did
18 you?

19 A. I issued him an order to talk to everyone who he suspects of
20 having been involved in illegal arming. I did not distinguish on ethnic
21 grounds at all. And I explained yesterday. The reason for this was that
22 in the -- among the officers of the 17th Tactical Group, we realised that
23 there were people who were involved in illegal arming and that was a
24 tactic. We wanted to find out who was behind this.

25 Q. Well, let me just take you back to the question I was asking you.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18566

1 You've already agreed that Jovanovic, Simic, and Todorovic were SDS
2 members and that there was information that the SDS had been involved in
3 illegally arming. What specific orders did you issue to Mr. Zaric to
4 interview SDS people in relation to illegal arming? And if you issued the
5 orders, where can we find a copy of these orders?

6 A. Let me start my answer from the end. Everything that was
7 commanded in Tactical Group 17 are official documents, and it stayed
8 behind at Tactical Group 17. All the documents can be found there, I
9 assume. There is no reason for them to be anywhere else.

10 As for this, I repeat once again, I did not tell Mr. Zaric to talk
11 to Muslims or to Serbs or to Croats. I told him to speak to persons who
12 he suspects of possibly having participated in the illegal arming.

13 Q. As far as you're aware, Mr. Zaric only interviewed or interrogated
14 people held prisoner in the SUP.

15 A. Yes, as far as I know.

16 Q. They were only Muslims and Croats; correct?

17 A. I don't know exactly. I did not go into the SUP. And I am not in
18 a position to establish who all the people detained were there. I just
19 know that later when we took over a number of prisoners and we transferred
20 them outside our area of responsibility, that they were Muslims and Croats
21 for the most part.

22 Q. Well, it's a fair conclusion to draw that the people you took from
23 there on the 26th of April just all happened to be Muslims and Croats,
24 that it was only Muslims and Croats being held there, isn't it,
25 Mr. Nikolic?

1 A. The first conclusion is quite correct. The people we transferred
2 were Muslims and Croats. And now, whether anybody stayed behind, that is
3 something I don't know. For example, Izet Izetbegovic stayed behind. He
4 was a Muslim. We did not succeed in transferring him to the other side in
5 that group. I assume that some other prisoners were left behind as well,
6 but I cannot corroborate that.

7 Q. Mr. Zaric, of course, provided you in the command with reports of
8 his interrogations or interviews, didn't he?

9 A. Yes. He submitted this report to the Chief of Security, and then
10 we together analysed this at the level of the staff, or rather, the
11 command of the tactical group. And then we sent this analysis to our
12 superior command.

13 Q. He sent them through Maksimovic, didn't he?

14 A. Yes, yes, he handed it over to Maksimovic. Yes. Yes. To Makso
15 Simeunovic, because he was Chief of Security. So this is the top
16 leadership of the command, and then we discussed it there, and then we
17 sent it on to our superior command.

18 Q. Because you discussed it, you were aware of the contents of all
19 the reports that Mr. Zaric submitted, and you were also interested in who
20 these people were who had been illegally arming, weren't you?

21 A. I was mostly aware of the reports. Although, according to our
22 rules, the security organ does have the right to use certain information
23 at his own discretion. So there's always the possibility that according
24 to one's official capacity or, rather, one's specific job, that
25 information can be provided along those lines.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18568

1 Q. None of the reports that Mr. Zaric provided to you through
2 Mr. Maksimovic were in relation to Serbs, that is, the interview or
3 interrogation of Serbs in the police station or anywhere else, were they?

4 A. Well, interviews could not be conducted in that way with people
5 who were in positions of authority. Whereas, it was possible to interview
6 persons who were detained in that way.

7 Q. So is your answer that Mr. Zaric did not provide any reports of
8 interviews with any SDS or Serbs in relation to the illegal arming?

9 A. As far as I can remember, no, if this does not mean that perhaps
10 those who had taken over power and authority had not been illegally armed.

11 Q. You said Mr. Zaric was supposed to, as far as you were concerned,
12 conduct his investigations without any ethnic prejudice or any ethnic
13 bias, interview all parties concerned who may have been illegally arming
14 themselves. What I suggest to you: That if Mr. Zaric only provided you
15 with reports on the interrogations or interviews of Muslims and Croats, he
16 couldn't have been doing his job according to your orders, could he, sir?

17 A. Basically, yes. Although, I would not dare claim that in these
18 particular pieces of information that were sent, a Serb or two were not
19 mentioned. After all, one of the smugglers who was later sentenced was a
20 Serb who was a member of the JNA, and he did take part in this smuggling.

21 Q. In your experience -- I withdraw that.

22 The police and the JNA in Bosnia and Herzegovina in 1992, the
23 first half of 1992, before the takeover, were separate entities, weren't
24 they? The police had civilian duties; the military had military duties.

25 A. That's right. However, the police, objectively speaking, in every

1 conceivable way, specifically in Bosanski Samac, cooperated with groups
2 that were arming themselves, notably the HDZ and the SDA. Probably with
3 the others too.

4 Q. Sir, I wasn't asking you that, so please don't throw those three
5 things in. I'm talking about jurisdictional matters. The police had
6 quite separate legal jurisdictional duties to the military before the
7 takeover in Bosnia -- sorry, in Bosanski Samac in 1992, didn't they?

8 A. In principle, that's the way it was.

9 Q. The police, of course, were concerned with -- sorry, I withdraw
10 that. The role of the police, as in any normal society, was of civilian
11 law and order enforcement and protection, wasn't it?

12 A. That's right.

13 Q. The police in Bosanski Samac didn't wear camouflage uniforms in
14 the course of their normal duties, did they, sir, as the civilian police?

15 A. They did not wear camouflage uniforms.

16 Q. Nor, of course, did they paint their faces black; did they, sir,
17 in the normal course of their civilian police duties?

18 A. Correct.

19 Q. Of course they didn't wear patches or labels, such as white
20 eagles, did they, in the normal course of their civilian policing duties?

21 A. Correct.

22 Q. Or patches of wolves or tigers. Police didn't wear those in the
23 course of their normal civilian policing duty, did they, sir?

24 A. Correct.

25 Q. Police, of course, normal civilian police in Bosanski Samac in --

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18570

1 up till April 1992 didn't go on training missions with JNA or
2 paramilitaries subordinated to the JNA, did they, sir? It would have been
3 completely outside the normal policing duties, wouldn't it?

4 A. The police did not train with the JNA. The JNA trained on its
5 own, and the police --

6 THE INTERPRETER: The interpreter did not hear the end of the
7 sentence.

8 MR. RE:

9 Q. Could you just repeat the last part of your sentence. You said
10 the JNA trained on its own and the police -- we just missed the last
11 part. Just please repeat the last part, from "and the police."

12 A. And the police carried out its own duties and its training
13 according to its own plan.

14 Q. The civilian police didn't have access to military helicopters
15 either, did they, sir? This is in April 1992.

16 A. No.

17 Q. And an 82-millimetre platoon or mortar platoon comprises about --
18 normally between four and six weapons and 15 to 20 men, doesn't it?

19 A. Roughly so.

20 Q. 128-mortar battery is normally between four and six men with four
21 to six or eight weapons, isn't it?

22 A. They had four to six weapons, according to the establishment.
23 Most often four. And the battery was supposed to have, say, about 40 men,
24 tentatively.

25 Q. And a 128-millimetre rocket launcher battery comprised about four

1 weapons and 20 to 25 men, didn't it?

2 A. Such a mortar battery does not exist in the JNA. If you're
3 talking about 128-millimetre calibres, that refers to multiple rocket
4 launchers.

5 Q. That's what I'm referring to, the multiple rocket launchers. And
6 I'm suggesting that that is normally about four weapons and 20 to 25 men
7 in the battery. Do you agree with that?

8 A. That's right.

9 Q. The platoon -- the things I've just referred to, the 82-millimetre
10 platoon, 128-millimetre mortar battery, and the rocket launcher battery,
11 are all, of course, artillery accompaniments to troops in battle, aren't
12 they?

13 A. Yes, these are combat units. Artillery units have multiple rocket
14 launchers, and infantry units have mortars of 60 and 82 millimetres.

15 Q. And in an attack in which you divide the attacker -- the attacking
16 troops into columns, the mortar batteries and platoons support each of the
17 attacking columns, don't they, sir?

18 A. Invariably in attack and in defence artillery support is organised
19 among other forms of support. It is engaged or not engaged, depending on
20 the actual situation involved.

21 Q. And the column commander, if there are columns in an attack,
22 directs the mortar batteries and the mortar -- and the platoons where to
23 fire; correct?

24 A. That is not correct. Artillery support is commanded by the person
25 who is commanding the operation, or rather, these combat operations.

1 Commanders of columns or echelons can request fire against certain
2 targets, but they need not receive this kind of fire support.

3 Q. If battle plans -- if you draw up battle plans and they show that
4 the column is being supported by an 82-millimetre platoon or
5 128-millimetre mortar battery or 128-millimetre multiple round rocket
6 launcher battery, those are going into battle supporting the attacking
7 columns, aren't they, sir?

8 A. Yes. But their fire is organised on the basis of the approval
9 issued by the person who is commanding the combat operation. Not just
10 anybody can use this for engaging targets.

11 Q. The column commander, if these units are -- if these platoons or
12 batteries are supporting the column, can direct or does direct -- give
13 directions as to where the platoon or battery should direct their fire;
14 correct?

15 A. The commander of an echelon or column can engage independently,
16 that is to say, on the basis of his own decision, only that which is under
17 his direct command. If mortars of 60 millimetres or 82 millimetres are
18 under his direct command, then he can request fire from these particular
19 weapons and decide on that. As for bigger calibres, multiple rocket
20 launchers, they are never under the command of an echelon or column; they
21 are always under the command of the person who is in charge of the combat
22 operation, who commands it.

23 Q. The column commander can direct where they fire. The column
24 commander has to be experienced in warfare because of the consequences of
25 directing fire in the wrong direction. You'd agree with that, wouldn't

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18573

1 you?

2 A. I would rephrase that a bit. The column commander can point out
3 the target and ask for that target to be engaged if fire had come from
4 that target, and the commander of the mortar unit or of the artillery unit
5 is professionally trained to target that particular objective and also to
6 destroy it if necessary.

7 Q. Sir, you wouldn't place police officers, that is, police officers
8 who deal with civilian structure of society in charge of columns which
9 have supporting platoons and mortar batteries in a battle, would you?

10 A. That is why I did not put them in charge of that. I explained
11 yesterday that a request for engaging police went through the organs of
12 the corps command to the civilian authorities. As for the engagement of
13 these people, commanders were those with certain experience. However,
14 artillery fire is not something that they are involved in.

15 Q. Crni and Lugar, according to your descriptions yesterday of the
16 people who arrived in Batkusa were - this is at page 8 of the transcript
17 yesterday - police officers who deal with civilian structure of society.
18 That's how you described Crni and Lugar and their colleagues yesterday.
19 Do you follow?

20 A. I described them as members of the police, partly members of the
21 Serb police, partly members of the police of the Republic of Srpska
22 Krajina, who were trained in the area around Ilok.

23 Q. Sir, the orders we -- I showed you yesterday and we put into -- to
24 evidence, dated the 7th of May, 1992, clearly put Crni as the commander --
25 sorry, Lugar as the commander of a column called Crni which had an

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18574

1 82-millimetre platoon and multiple rocket launcher battery supporting
2 him. That doesn't make sense in terms of your evidence that these people
3 were police officers. You wouldn't put a police officer in charge of a
4 column accompanied by an 82-millimetre platoon and multiple rocket
5 launcher, would you, sir, and send them into battle? It would be the
6 grossest dereliction of your command, wouldn't it, sir?

7 A. I would just like to clarify things. These people, Lugar and
8 Crni, they were in charge of ordering units -- commanding units such as
9 platoons or companies, and they were not able to command other units
10 because that was in the hands of the other people who were commanding
11 those operations.

12 With regards to requests to engage members of the police and
13 during the conversation I had with Mr. Todorovic, he insisted that if he
14 gives me members of the police, he wanted that his own men command those
15 members of the police, meaning the men who are commanders anyways. I had
16 nothing against it because those tasks they were doing were objectively,
17 if you will, infantry -- of infantry nature.

18 JUDGE MUMBA: We'll take our break and continue at 11.00 hours.

19 --- Recess taken at 10.32 a.m.

20 --- On resuming at 11.05 a.m.

21 JUDGE MUMBA: Yes, Mr. Pisarevic.

22 MR. PISAREVIC: [Interpretation] Your Honour, if I may, I would
23 just like to inform the Trial Chamber about some information. Mr. Simo
24 Zaric has to leave tomorrow and he has to go to a hospital, and he is not
25 going to be able to attend the proceedings. Since the Defence of

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18575

1 Mr. Zaric has also in store another witness who's been waiting for his
2 turn for nine days and it is Mr. Vaso Antic, and since Mr. Zaric is not
3 ready to waive his right to be present during his defence, I would like to
4 ask the Trial Chamber to see if it is possible to finish with the witness
5 Mr. Antic today, bearing in mind the fact that the Trial Chamber has given
6 a decision that Mr. Antic will be examined for an hour during the chief
7 examination and an hour for his cross-examination, meaning two hours in
8 whole.

9 I would like to request and ask the Trial Chamber to take the
10 necessary measures that the members of the OTP, bear in mind that you have
11 given them a certain delay or a certain time, and if that would be the
12 case, we would be able to finish today. If not, we would face the
13 following situation, that Mr. Antic will have to come back to The Hague.
14 This is all I wanted to inform the Trial Chamber. Thank you.

15 [Trial Chamber confers]

16 JUDGE MUMBA: Yes. The Trial Chamber has actually been
17 considering the time that was allotted for cross-examination and has
18 allowed the Prosecution to go over that by half an hour. And in view of
19 the importance of this witness, the Trial Chamber will allow the
20 Prosecution another half hour to wind up their cross-examination. As to
21 whether or not that will allow us to complete the other witness, that will
22 remain to be seen.

23 MR. RE:

24 Q. You heard that, Mr. Nikolic. I want you to give the shortest
25 possible answers to my questions which I will try to make as precise as

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18576

1 possible.

2 Yesterday -- I withdraw that.

3 The action in relation to the clearing of the corridor to Brcko,
4 that occurred on the 10th of May, didn't it? Yes or no, please.

5 A. It took place on the 8th of May, and on the 10th of May we
6 deblocked the road towards Modrica.

7 Q. That's in the area of -- was that in the area of Milosevac?

8 A. When we speak to the road going towards Brcko, we are talking
9 about the direction of Gorica.

10 Q. Vidovica, no?

11 A. No, no, no.

12 Q. All right.

13 A. No, not Vidovica. It's the direction that you take from Loncari
14 going to going towards Gorica going in the direction of Brcko. That's the
15 order -- there is a mistake in that order, if you recall.

16 Q. Please, a moment ago, yes or no questions, please.

17 Now, what I'm just asking you: The fighting in the direction of
18 Modrica, was that in the area of Kladari?

19 A. Yes, that is approximately that area.

20 Q. Garovac?

21 A. Garovac, yes, well, I cannot really tell you exactly which
22 villages were around there.

23 Q. Modrica?

24 A. I can give you the whole direction, if you want me to.

25 Q. That's around Modrica. The fighting there occurred on the 10th,

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18577

1 is that right, the 10th of May?

2 A. That's correct. On the 10th of May, in the morning we started the
3 attack and the attack was over at about 10.00.

4 Q. All right. Now, were there any other attacks before you left
5 Bosnia in that particular area, the area referred to in that order which
6 you looked at yesterday?

7 A. There were other very serious combat operations around, Vidovica,
8 Kopanica, there were also other serious combats around the area of village
9 of Grebnice and also around the village of -- around, actually, Bosanski
10 Samac from the direction of the River Sava and Prud.

11 Q. The police that you used in the various actions were known as
12 members of a special battalion, weren't they? When you used them in
13 battle, they were called a special battalion; correct?

14 A. No. They were divided into groups, and you will see in the order
15 that you can see such-and-such a group with members of the special
16 battalion or special company, if you will.

17 Q. Mr. Zaric informed you of the Crkvina massacre and he went to
18 Belgrade the day after he informed you of that, didn't he?

19 A. That's right.

20 Q. Yesterday you gave evidence that Mr. Todorovic and you had
21 both received orders - I'm quoting from the transcript at page 36 - "that
22 I could place at my disposal the forces that I needed." I want to ask
23 you: Who gave you these orders? I want you to answer it as precisely as
24 possible. Who gave you those orders? Firstly who. Then I'll come to
25 what the orders were. All right? In that order.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18578

1 A. It was my command, the command of the 17th Corps. And for
2 Mr. Todorovic, he was supposed to get this message from the civilian
3 authorities.

4 Q. Next question: When did you receive those orders that you could
5 place at the disposal any forces you needed? Just the date, please, as
6 best as you can do.

7 A. Approximately around the 5th or the 6th of May. Then on the 7th
8 of May, the planification began and also the preparing of documents began.

9 Q. Did you receive orders in writing; yes or no?

10 A. For the most part of the orders, they arrived through the fax, and
11 it was a coded -- coded orders. Those were coded orders. Whereas, the
12 other ones arrived by way of --

13 Q. That was a way of yes or no --

14 A. Oral orders.

15 Q. Sorry. That was a yes or no answer. Was it in writing? Answer:
16 Yes. What did the orders say?

17 A. Yes. In the orders we could read the following approximately,
18 that there was an agreement -- an agreement was reached, and that it was
19 possible to place all the necessary means in order to carry out the task
20 for the following reason: That the JNA didn't exist any more and the
21 Federal Republic of Yugoslavia was formed and there was the army of the
22 federal -- the federal army existed, and we were orphans, if you will,
23 with regards to the army. So we had the Territorial Defence of the
24 Republika Srpska and the police of the Republika Srpska. And if you look
25 at the orders, you will see that I have gathered all the information that

1 I was able to gather in order to carry out this mission. And not -- it's
2 not a mission of clearing, but it was a task --

3 Q. Stop. My question was: What did the order say? It said there
4 was an agreement. Who -- I just want a simple answer. Who signed the
5 orders you received on the 5th or 6th of May, or the 7th? Who signed
6 them? That's all I want to know.

7 A. The orders that I received were signed by the commander of the
8 17th Army Corps.

9 Q. Who was that?

10 A. I believe that at the time it was Commander General Nedeljkovic.

11 Q. Thank you. And you said an agreement was reached, the order
12 referred to an agreement being reached. What did the order say about who
13 the agreement was between, the parties, please, the parties to the
14 agreement referred to in the order?

15 A. I understood your question. I will not try to go in depth. There
16 was an agreement reached between the members of the JNA on the one hand --
17 sorry, the VRS and the authorities of Republika Srpska, and through that
18 order it was agreed upon what I just told you of earlier.

19 Q. Your evidence yesterday was of soldiers assisting people to
20 leave -- sorry, moving prisoners from the Bosanski Samac TO to Brcko.
21 That was about the last few days of April 1992. And your evidence was
22 that Mr. Zaric told you of terrible things that had been happening to
23 those prisoners in the police station. Do you remember that evidence,
24 don't you? Just yes or no.

25 A. I remember.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18580

1 Q. Thank you. Mr. Zaric had told you who the people -- I withdraw
2 that. Mr. Zaric had told you that it was the police, as you called them,
3 from Serbia who were committing these atrocities against the prisoners
4 with Mr. Todorovic's active encouragement, hadn't he? That's what
5 Mr. Zaric told you.

6 A. I would like to clarify. He told me that the police, with the
7 encouragement of Todorovic is mistreating the people and there were
8 already -- that there was even one man who was killed. But if you're
9 talking about the 24th of April, it happened on the 26th of April. Sorry.

10 Q. I'm interested in the information. Zaric told you that the
11 police, that is, the people from Serbia - that's what I'm calling the
12 police, because you're calling the police - were the ones that had been
13 mistreating the prisoner, didn't he? Before the 26th of April, didn't
14 he?

15 A. No, he didn't tell me that those were men from Serbia. He told me
16 the police, as far as I remember. I cannot quote literally what was told
17 to me, but it was the police, and they belonged to those forces, and those
18 were probably the ones who participated in this.

19 Q. When you say "belonged to those forces," you mean the ones who
20 came in the helicopters from Krajina. They're the ones Mr. Zaric was
21 talking about, wasn't it -- weren't they?

22 A. Those men were part of the Serb police of the Municipality of
23 Bosanski Samac and Pelagicevo, and those were those men.

24 Q. Thank you. Despite Mr. Zaric informing you of the murder and the
25 mistreatment and your own role in moving prisoners away from these men,

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18581

1 you used these very same men in combat on the 8th of May, didn't you,
2 Mr. Antic -- I'm sorry, Mr. Nikolic? I'm sorry.

3 A. I believe that it is very simple to explain the reasons for this.
4 Those men who were there, some of them had ranks, very important ranks,
5 and they participated in combat activities. And even that meant that they
6 had had experience, and up until that time there was no crime committed,
7 so I didn't have any reason to believe that one of them was a criminal,
8 and this is the reason why I put them in command.

9 With regards to the tactical group, we were looking for somebody
10 to command it. We didn't know who because the whole system was in a very
11 shabby state, and so we chose people with experience. Each of these men
12 were followed by the work of the command of the tactical group. So nobody
13 could commit any kind of activity without us controlling them. And during
14 those combat activities, I can confirm to you that no crime was committed
15 and nothing that was in violation of humanitarian rights.

16 Q. Sir, the question --

17 A. Human rights.

18 Q. I'm sorry, I just spoke over the interpreter. The question I was
19 asking you was: Zaric had told you and you knew yourself that these men
20 from Serbia had committed very, very serious crimes in the TO and the
21 police station, yet you still used these same men, that is, collectively,
22 in your battle. It's a simple yes or no. You used those men, didn't you?

23 A. Some of these men, yes, I used.

24 Q. Now, sir, did you make a report when Mr. Zaric informed you about
25 the Crkvina massacre; yes or no? That's all I want to know. Did you make

1 a report?

2 A. Yes.

3 Q. A written report; yes or no?

4 A. Yes. A written report, yes.

5 Q. Have you referred to that report in preparing yourself to give
6 evidence here?

7 A. I don't have that report with me. I don't even have one single
8 document with me. When I changed function, I also gave all the
9 documents. The only documents that I saw were the documents that you
10 showed me here.

11 Q. Sir, again that was a no answer. The question was: Have you
12 referred to it? The answer is no. You see?

13 A. I'm sorry.

14 Q. That's all right. That's all right.

15 When was the first time that you had to recall the date of the 8th
16 of May in relation to these proceedings? When was the first time in
17 relation to following when it happened, did you -- following the 8th of
18 May, 1992 that you actually had to recall it for these proceedings? Was
19 it recently?

20 A. I remember that date because it's a specific date. I remember
21 that date. I remember the 26th. It was also an important date, and also
22 other dates which meant something to me. But I must say that there are a
23 lot of dates that I do not remember.

24 Q. Mr. Zaric in his statements to the Prosecutor, there were three
25 records of interview or statements to the -- interviews with the

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18583

1 Prosecutor in evidence -- agreed that the massacre took place on the 7th,
2 that he informed you on the morning of the 8th, and he went to Belgrade on
3 the 9th of May, 1992. That's what Mr. Zaric has said to the Prosecutor,
4 and it's in evidence. That's different to what you say, isn't it?

5 A. I told you that I was informed on the 8th in the afternoon -- or
6 rather, the 9th in the morning, and this is why I sent Mr. Zaric to
7 Belgrade that very day. It was on the 9th of May.

8 Q. Sir, you've given several different versions now. Can you please
9 tell the Trial Chamber again when Mr. Zaric informed you. Yesterday you
10 said it was before midday on the 9th. Earlier today you said that
11 Mr. Zaric went to Belgrade the next day. Now you've said, "I was informed
12 on the 8th in the afternoon -- or rather, the 9th in the morning, and this
13 is why I sent Mr. Zaric to Belgrade the same day. It was on the 9th of
14 May." Which is the correct version of when you were informed and when you
15 sent Mr. Zaric to Belgrade?

16 A. I believe that I got the information in the night between the 8th
17 and the 9th and that Zaric went to Belgrade on the 9th.

18 Q. So that's version number three, sir. The 9th -- the night of the
19 8th or 9th --

20 A. I cannot tell you exactly right now. Let's say maybe in the
21 morning on the 9th, and that's why Zaric went to Belgrade right after
22 that.

23 Q. When Mr. Pisarevic suggested to you yesterday it was early in the
24 morning, you said no, it was before midday. You didn't say to him at the
25 time, I'm not sure about the time, Mr. Pisarevic, I just think it was the

1 morning. You didn't say that yesterday, did you?

2 A. I still don't know the right time. I'm just giving you an
3 approximation. I cannot really tell you that I got the information at
4 6.00 a.m. or at 9.00 a.m.

5 Q. You've got no reason to disbelieve what Mr. Zaric said in his
6 statements -- two statements to the Prosecution about the -- about when he
7 informed you and when he went to Belgrade, do you, sir?

8 A. That event, I recall it as I explained it to you. I don't know
9 what Mr. Zaric stated precisely.

10 Q. Perhaps you could help by telling the Trial Chamber where you were
11 when Mr. Zaric informed you.

12 A. I suppose that I was at my command post.

13 Q. When you say you supposed, is it that you've got no memory of it
14 and you just think that's where you must have been?

15 A. For the most part of my time, I was at the command post, and all
16 the informations would get to the command post in Pelagicevo. So this is
17 why I can say that it was probably in Pelagicevo.

18 Q. Are you telling the Trial Chamber you have no independent memory
19 now, 11 years later, of him actually telling you but you're just assuming
20 that because you were in command and a terrible thing happened and it was
21 Zaric who told you, it must have been at that command post but you can't
22 quite remember when it was? Is that what you're saying?

23 A. I would like to say that it is almost impossible that he may have
24 told me this just like that, orally. So an official place for all
25 official conversations took place at the command post.

1 Q. What I'm just asking you is: Is it true that -- is it the case
2 that you now have no independent memory and you're just assuming it must
3 have been at the command post? That's all I'm asking you. Your memory is
4 gone. You just remember Zaric told you, and you assume it must have been
5 at the command post because that's where you -- where you thought you
6 would have been?

7 A. I am almost sure that I was there, but it is quite possible that
8 after 11 or 12 years I could be wrong.

9 Q. All right. And you can't remember whether it was night or day
10 either, can you, when Mr. Zaric told you this?

11 A. I must admit that at that time I didn't get much sleep, so that I
12 can't really say whether it was night or day, and I think it is well nigh
13 impossible to give a precise answer to that question.

14 Q. Which of course leads you to the date. If you can't say where you
15 were or whether it was night or day, you've got the same difficulties in
16 remembering the precise date that he told you, don't you?

17 A. I don't. I mean, this date stuck in my memory. I mean, one
18 remembers something and one forgets other things.

19 Q. Mr. Zaric wrote a book about his war experiences. Have you read
20 his book?

21 A. Yes. I was given the book as a present. I've read it. Mr. Zaric
22 wrote this book expounding his point of view. That is how he saw things,
23 I guess. There are many things in it that I do not recall, and there are
24 also quite possibly many things that I might add to what he said in this
25 book.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18586

1 Q. He refers to you in the book, and he -- he wrote about the
2 transfer of prisoners from [as said] Brcko in that book, didn't he?

3 A. Well, so he did. Although, I told you yesterday that when the
4 prisoners were transferred from my area of responsibility to Brcko, they
5 simply ceased to be my concern because another unit and a different
6 command took over the care for them.

7 Q. Sir --

8 JUDGE LINDHOLM: Excuse me.

9 MR. RE: Your Honour.

10 JUDGE LINDHOLM: Mr. Re, but in your question it reads "from." It
11 should be "to."

12 MR. RE:

13 Q. Yes. I'm sorry, I correct that. I meant to Brcko. That is, from
14 the TO to Brcko. That's what I'm referring to.

15 A. Yes, I've got that.

16 Q. Thank you. Now, in his book -- it's page 176 of the English,
17 175/176 and I'm paraphrasing. He said it was for humanitarian reasons and
18 in addition it was to -- a further interrogation of the people -- or some
19 of the people who were suspects, and that was the removal of them from
20 civilian to military custody to enable further interrogation of them. And
21 that's -- that's correct, isn't it?

22 A. My chief objective was to take them over and take them out of
23 Bosanski Samac to prevent any terrorising of those people. Who later on
24 investigated those people, who accommodated them, and how, that is
25 something that I do not really know.

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18587

1 JUDGE MUMBA: Yes. Mr. Re, the time is up.

2 MR. RE: I'm sorry, that wasn't quite half an hour, Your Honour.

3 We started at nine minutes past. That's --

4 JUDGE MUMBA: No. The time is up. That's all.

5 MR. RE: Oh, I'm sorry, Your Honour. I just wish to --

6 JUDGE MUMBA: Can you just ask your last question, perhaps.

7 MR. RE: Yes. Thank you. The area I wish to ask him about is the
8 command of the paramilitaries. In matters in Mr. -- I could do that in
9 what I thought was the time remaining. This is the reason I'd done it
10 this way. In relation to Mr. Zaric's record of interview and P127 as
11 to --

12 JUDGE MUMBA: Please wind up, Mr. Re.

13 MR. RE: Thank you, Your Honour.

14 Q. Sir, I just want to ask you about control of the paramilitaries.
15 Mr. Zaric, in his record of -- or his statements to the Prosecutor - and
16 I'm referring to P140 ter at page 54 and page 55 - says that you,
17 Commander Nikolic -- he asked you, I'm sorry, what should be done about
18 the paramilitary groups, that's those police. And after a couple of days
19 you said that you were putting them under your command. That's in April,
20 a few days after they arrived. And he said, "I would like to tell you,
21 Prosecutor, the way I saw Mr. Nikolic until that very moment, I always saw
22 him as a great Yugoslav." Mr. Zaric in his record of interview with the
23 Prosecutor said that you said that you had put the paramilitaries under
24 your command. Is that true or untrue?

25 A. I never said anything like that. In my statement, I said who

Witness: Stevan Nikolic (Open Session)
Cross-examined by Mr. Re

Page 18588

1 received this group of paramilitaries, who fed them. Doesn't it look
2 unnatural to you? Somebody receives them, he gives them to drink and to
3 eat, and then I'm responsible for it? I mean, it makes no sense. I never
4 put that group under my command. And I engaged them on such occasions
5 when I was authorised to do so by my command, because the competencies of
6 the 17th Tactical Group did not include that. I had no right to do that,
7 as there was no state of war.

8 Q. On page 73 of P140 ter - that's his interview with the Prosecutor
9 on the 1st of April, 1998 - he said, in relation to Crni, who was very
10 close to Stevan Todorovic and the police, "At some point, he was also made
11 commander of the battalion and at some point his superior was Nikolic -
12 that's you - for a very short time before he left for Yugoslavia." That's
13 what Mr. Zaric said. He said that the -- Crni was under your command for
14 some point before you left Yugoslavia. Is that true or untrue?

15 A. That is not true. Crni was never under my command, and I was
16 never under his command. So that when I left, Crni organised a military
17 coup, removed the commander who had taken the duty over from me, and
18 assumed the command.

19 MR. RE: That's as far as I can go in that time. Although, I'd
20 just like to say for the record there were issues with the takeover and
21 the arrest which the Prosecution wished to explore but understands the
22 time limits and couldn't -- and also in relation to several miscellaneous
23 issues --

24 JUDGE MUMBA: Yes, Mr. Re, the time was given to the Prosecution
25 to deal with the matters they thought were important. And inserting the

1 time, the Trial Chamber did look at the issues which this witness
2 covered.

3 MR. RE: Yes. There's just --

4 JUDGE MUMBA: We even extended the time because of the importance
5 of this witness, so there should be no more argument about this.

6 MR. RE: Your Honour, if Your Honours please, I'm not arguing. I
7 just wish to place on the record I also wished to ask him about Exhibit
8 P164, a comment in his video, and those were the matters which I would
9 have -- which the Prosecution would have asked but we couldn't within the
10 time limits -- we didn't think we could. But that's it.

11 JUDGE MUMBA: Yes. But you kept on repeating certain questions,
12 about details, especially on the armaments. So you used your time that
13 way.

14 MR. RE: That's right. Your Honour, because it's in the -- P174,
15 175, in order to make the submission at the end I have to get certain
16 concessions from the witness and to save time, I didn't show him the
17 documents again. So that was the point of those questions. It will
18 become very apparent in the final trial brief.

19 JUDGE MUMBA: Yes. The re-examination.

20 MR. PANTELIC: Yes, Your Honour, thank you.

21 Ms. Registrar, could we have Exhibit P174 and 175 in front of the
22 witness, please.

23 Further cross-examination by Mr. Pantelic:

24 Q. [Interpretation] Colonel Nikolic, would you please put one of
25 these documents on the ELMO so that we could follow.

1 MR. PANTELIC: Mr. Usher, would you please put one of the
2 documents, no matter which, on the ELMO. [Interpretation] It doesn't
3 matter which.

4 Q. [Interpretation] Under item 1 -- if it is easier for you to turn
5 right and then read the document directly.

6 A. I can see this.

7 Q. Item 1 of this document, P174, there is a word, or rather, part of
8 the sentence, "TO company reinforced by Praga Platoon." Can you see
9 that?

10 A. I do.

11 Q. 2, it says, "The company again reinforced by Praga Platoon." Can
12 you see that?

13 A. Yes, I do.

14 Q. Under 3, in the same order, it says, "TO, company reinforced by
15 the anti-aircraft battery and armoured combat vehicle."

16 Under 3.4 it says, "TO company Kruskovo Polje." Do you see that?

17 A. I do.

18 Q. It means that TO units were also under your command when it came
19 to certain combat operations.

20 A. This means the following --

21 Q. Just say yes or no, because we have no time.

22 A. No, I can't answer it that way. This is very important. The JNA
23 no longer exists. There is the Army of Yugoslavia as of the 27th of
24 April. This is happening in May. So practically the TO defence is being
25 formed and is being expanded in the Republika Srpska.

1 Q. Mr. Nikolic, please, you've already told us that. And it's in the
2 transcript. I'm asking you simply: In the case of combat operations for
3 strategic or other reasons, you also had TO units and they were under your
4 command. It's simple, isn't it?

5 A. Yes, it is, because there are no other units. These are the only
6 ones in existence.

7 MR. PANTELIC: Mr. Usher, please put the other document, P175, to
8 the ELMO.

9 Q. [Interpretation] In this document the second sentence under 2.1 it
10 says, "With TO units from Plazulja and Vukovac [phoen]."

11 A. That's right.

12 Q. On page 2 of this document.

13 MR. PANTELIC: Number 2.

14 Q. [Interpretation] Under 2.9 it says, "Krepsic TO company will block
15 the part of Krepsic," and so on and so forth. Do you see that?

16 A. I do.

17 Q. And the same answer applies to this document, as in the former
18 one?

19 A. Yes, it does, since there is -- since the JNA is no more or its
20 companies or its units. Then there is the TO. And that is basically my
21 answer.

22 MR. PANTELIC: [Previous interpretation continues] ...

23 Q. [Interpretation] When you replied -- when you gave your answer to
24 the Prosecutor, you several times used the words "civilian authorities"
25 "civilian powers," so on and so forth. Later on you were more definite

1 and said those were the authorities of Republika Srpska. It has to do
2 with the police. Do you remember that?

3 A. Yes, I do. Because Republika Srpska had been proclaimed. It had
4 its agencies. And I wasn't the one to say whether that was good and not
5 right or wrong. I was only performing the military part of the job.

6 Q. And when you mentioned civilian authorities, you mean the
7 authorities of Republika Srpska; is that right?

8 A. Yes, it is.

9 Q. And at that time you were aware that the Ministry of Police of
10 Republika Srpska had already been set up.

11 A. Yes, I knew that, on the basis of the -- pursuant to the decisions
12 of the Assembly of Republika Srpska, its agencies, and so on.

13 Q. And as an experienced soldier and an accomplished man who has come
14 out of the military academy, and so on and so forth, you are quite aware
15 that the municipal assembly had absolutely no jurisdiction over the
16 police.

17 A. In this case, in Bosanski Samac the municipal assembly had
18 jurisdiction of the police and they commanded the police in point of
19 fact. As a matter of fact, I don't know. Perhaps somebody issued tasks
20 to them, but the police could not be ranked either with the TO or the JNA,
21 that is, the Army of Yugoslavia.

22 Q. But could it be ranked as somewhere in the hierarchy of the
23 Ministry of Police of Republika Srpska?

24 A. Well, since it was in this municipality, then it would be only
25 natural for it to be in the chain of command of the Ministry of Interior

1 of Republika Srpska.

2 Q. Until the 19th of May, 1992, you used in some combat operation
3 equally Lugar and Crni and Debeli, not only in this minor operation but
4 also in some other.

5 A. I used them in these two operations, clearing the roads. Except,
6 after the crime that happened, I didn't use Lugar on the 10th in the
7 operation conducted in the direction of Modrica. That I insisted that
8 some men who had already appeared in bad light be excluded.

9 Q. As of the 17th of April, 1992 -- from the 17th of April, until the
10 19th of May, 1992, apart from these two operations, you also used them in
11 other operations, didn't you?

12 A. One group only participated in an operation of a breakthrough, a
13 breakthrough the Croat -- Croatian forces between Vidovica and Kopanica,
14 and it was all done. At that time Stevan sent that group to help out, to
15 stop the break-through.

16 Q. Tell me, when was that?

17 A. I can't know the exact date.

18 Q. Was it before or after the massacre in Crkvina?

19 A. No, no, no. That was long before that. That was an incident
20 which happened before the road to Brcko and Modrica was cleared, long
21 before that.

22 Q. And after your return to Yugoslavia, that is, Serbia, that is,
23 after the 19th of May, 1992, did you initiate a criminal investigation
24 against Lugar with relevant bodies?

25 A. No, I did not do it because I had no authority to do that. The TO

1 of Republika Srpska had already been formed, and we from Yugoslavia were
2 merely guests there. But yesterday in my statement --

3 Q. We'll move on. All that you said, Mr. Nikolic, please rest
4 assured is all written down. Sorry I have to interrupt you, but we are
5 running short of time. Sorry.

6 Can you positively say that in 1992, from April to May 1992, there
7 was an agreement between the Republic of Serb Krajina and Republika Srpska
8 about their mutual assistance? Have you seen this agreement? Are you
9 aware of it, or are you just making surmises?

10 A. No. I did not get such agreements. General Sava Jankovic, my
11 superior, told me that there was such an agreement and the rest wasn't
12 really any of my business.

13 Q. Members of special units which we mentioned came from Kragujevac,
14 isn't it?

15 A. Several of them. Four or five were from Kragujevac. We
16 established that later on.

17 Q. And you come from Kragujevac too?

18 A. Yes, I come from Kragujevac.

19 Q. Did you conduct combat operations at Vidovica?

20 A. I've already said that.

21 Q. Yes or no?

22 A. Yes, that is between Kopanica and Vidovica. Not I personally, the
23 tactical group.

24 Q. And the tactical group under your command, did it conduct
25 operations at Kladari?

1 A. I am not sure where that is.

2 Q. Did you conduct operations in Garovac?

3 A. If these are villages on the way to Modrica, then that's that.

4 Then that is it. But otherwise, no.

5 Q. Do you know that when Dr. Blagoje Simic attended the meeting that
6 you described to us, that at that time he was the vice-president of the
7 Municipality of Bosanski Samac, elected in the elections of 1990? Were
8 you aware of that fact?

9 A. That is how he introduced himself. Otherwise, the discussion
10 wouldn't have made sense.

11 Q. Did you know that Mirko Jovanovic was the president of the
12 executive board of the Municipality of Bosanski Samac elected in the
13 elections of 1990?

14 A. Yes, I knew that, and he also introduced himself as such.

15 Q. In other words, they were their legal representatives of the
16 Municipality of Bosanski Samac at the time.

17 A. That's right.

18 Q. Since we yesterday discussed about the document related to the
19 paramilitary organisation in the area of the 17th Corps and that according
20 to that information there were no SDS formations in Samac. Today,
21 however, you told the Prosecutor that all the three political parties were
22 arming themselves. Are you also making conjectures about possible
23 armaments of the SDS, or is it that you have some facts there?

24 A. Well, the question was put to us by life [as interpreted]. And in
25 the municipality we could see that all, the first, the second, the third

1 political party were arming themselves. Whether it was not in Samac, I
2 suppose reason for it is that they all joined the 4th Detachment.

3 Q. So the SDS wasn't illegally arming itself in Samac.

4 A. We didn't have that information in Samac.

5 Q. When you were about to leave Samac to Belgrade on the 19th, to
6 whom did you transfer the duty?

7 A. Pursuant to the order of the corps commander, I handed over the
8 duty to Colonel Mico Djurdjevic, who was born in the village of Tisine
9 Mala, I think, that is, born in that particular area.

10 Q. In your reply to the Prosecutor you said that you knew that
11 Blagoje and Stiv and others were members of the SDS. Now, my question to
12 you is: Do you positively know that Stevan Todorovic was a member of the
13 SDS? Did you ever see his admission -- his application or his membership
14 card, or is it just a surmise?

15 A. No, I didn't see his application form. I didn't see anybody's
16 application form. But this was information that was supplied to me by
17 official agencies.

18 Q. Then do you have any personal knowledge about who allegedly sat
19 [Realtime transcript read in error "set"] on this -- on the Crisis Staff
20 of the municipality? Did you see a decision or something, an order or
21 something, or is it again a surmise on your part?

22 A. No, I didn't see any disposition or decision, nothing like that
23 was sent me. But from the behaviour of these people and from their
24 statements they made, it was quite clear that they were members of Crisis
25 Staff. Because if somebody says, "I'm a member of the Crisis Staff," then

1 that's what it means.

2 JUDGE WILLIAMS: Excuse me.

3 MR. PANTELIC: Yes, Your Honour.

4 JUDGE WILLIAMS: Excuse me, Mr. Pantelic. Just for the sake of
5 clarity, could you take a look at your question, page 49, beginning line
6 19, because there must be something missing. You said, "Do you have any
7 personal knowledge about who allegedly set on this?" I don't really
8 follow what you mean.

9 MR. PANTELIC: I will repeat the question. Actually, I personally
10 cannot remember what was the exact form. I will clarify that.

11 THE INTERPRETER: Your Honour, the word should be "s-a-t."

12 MR. PANTELIC: [Interpretation]

13 Q. So my question was whether you have any personal knowledge --

14 JUDGE MUMBA: Yes. Actually, it's -- the interpreter was saying
15 that the word should be "s-a-t," meaning who sat on the Crisis Staff,
16 meaning the members of the Crisis Staff.

17 MR. PANTELIC: Members of the Crisis Staff, yes. Thank you.

18 JUDGE MUMBA: Yes.

19 MR. PANTELIC: [Interpretation]

20 Q. Tell me, Colonel Nikolic, at the time did you know that the Croat
21 municipality, Omerovac [phoen] -- Samac was -- had been founded?

22 A. Yesterday I said that there was hardly a place where a Crisis
23 Staff or a municipality of sorts had not been formed, whether Serb or
24 Croat or Muslim, it depended on the area.

25 Q. My question is specific.

1 A. Specifically, I know -- specifically, I know that the Crisis Staff
2 existed in Orasje, that a municipality of sorts was set up there, in
3 Domaljevac, and so on and so forth.

4 Q. We are talking about April 1992, aren't we?

5 A. That's right, about April.

6 MR. PANTELIC: Thank you, Your Honour. I've finished with my
7 questioning.

8 JUDGE MUMBA: Yes, Mr. Pisarevic.

9 MR. RE: May it please Your Honours, there is a matter arising out
10 of what Mr. Pantelic asked, and I would ask leave for re-cross-examination
11 on one point. The question was at 48/13, did you know Mirko Jovanovic was
12 president of the executive board of the Municipality of Bosanski Samac
13 elected in the elections of 1990?

14 Answer: Yes, I knew that. And he also introduced himself as
15 such.

16 Question: In other words, they were the legal representatives of
17 the Municipality of Bosanski Samac at the time.

18 Answer: Yes.

19 The witnesses -- I didn't cross-examine on this. There was no
20 reason to. The witness's statement in paragraph 31 refers to the meeting
21 and says that between Simic, Jovanovic, and the Bosanski Samac IO in
22 Donji Zabar, he says, "I was told in no uncertain terms I had no
23 jurisdiction over members of the Serbian police or members of the republic
24 of the Serbian Krajina MUP. They were under the jurisdiction of the
25 Serbian Municipality of Bosanski Samac. That's the Serbian Municipality

1 of Bosanski Samac and Pelagicevo in the process of formation and that the
2 Serbian Municipality of Bosanski Samac and Pelagicevo was in the process
3 of formation had the overall responsibility for their accommodation and
4 food and control over them. I knew I had no jurisdiction."

5 That's something I didn't cross-examine on because I knew I had no
6 reason to. Mr. Pantelic has raised something which is contrary to the
7 statement and the witness has given an answer which is contrary in my
8 submission to his statement, and I'd simply ask leave for a few moments
9 re-cross-examination on that point, as to which is the correction version.

10 MR. PANTELIC: Your Honour, I must object. Allow me to explain.
11 It is not in dispute in this case if we are -- if we make reference to the
12 statute of the former Bosanski Samac municipality, where there are
13 elections -- election results and it is not in dispute. We have -- we
14 heard that from Mr. Izetbegovic, from Mr. Tihic, and many other witnesses
15 who were duly elected officials among all three ethnic groups in Samac on
16 the basis of elections in 1990, and we know that at that time
17 Mr. Mato Nujic, a Croat, was the president, chairman of the municipal
18 assembly, and the vice-president was Dr. Blagoje Simic, as well as the
19 president of the executive board was Mr. Mirko Jovanovic, and the
20 vice-president was Mr. Izet Izetbegovic.

21 And in addition, my learned friend asked this witness in his
22 cross-examination, who was present at that meeting, whether that was
23 Dr. Simic, Mr. Jovanovic and Mr. Todorovic. The witness said yes, as I
24 mentioned before. But we didn't clarify in which capacity were -- that
25 was the basis for my questioning, although I -- as I said, this is not in

Witness: Stevan Nikolic (Open Session)
Further cross-examination by Mr. Re

Page 18600

1 dispute the official function of these people. So as a matter of
2 principle, I object to the request of my learned friend. Thank you.

3 [Trial Chamber confers]

4 JUDGE MUMBA: The Trial Chamber will allow the Prosecution to ask
5 the witness just one question so that he can clarify which is the right --
6 which is the correct version, according to the witness.

7 Further cross-examination by Mr. Re:

8 Q. You heard the exchange, Mr. Nikolic. A moment ago -- I'm going to
9 ask you a very long question. A moment ago Mr. Pantelic suggested to you
10 that Mr. Jovanovic, Dr. Simic, and Mr. Todorovic were -- I'm sorry, that
11 Mr. -- I'll start again. I'm sorry. He asked you, "Did you know that
12 Mirko Jovanovic was president of the executive board of the elected
13 Municipality of Bosanski Samac, and you said you knew that and he
14 introduced himself to me as that.

15 Mr. Pantelic then said --

16 MR. PANTELIC: I do apologise. Just for the sake of transcript
17 and clarity. We have two elected executive board presidents, and it's the
18 same person, Mr. Mirko Jovanovic was elected in Serbia. So in order to be
19 precise, just make a reference that he was elected in 1990 -- on the
20 elections 1990, because we have elections also in 1992. It's a legal
21 question. We shall discuss that in our closing arguments. So when you
22 make a reference of Mr. Mirko Jovanovic in capacity of president of
23 executive board, democratically elected or whatever you want to use, just
24 mention that it was in 1990. Otherwise, it should be a confusing area.

25 MR. RE: I'm going to quote the exact question back to the

1 witness. The question and answers, and I'm going to quote his --

2 JUDGE MUMBA: Yes. And the witness -- yes. And the witness
3 should be allowed to say which time -- which period he's referring -- his
4 answer refers to.

5 MR. RE: Yes.

6 Q. As I say, it's going to be a long question, so bear with me. If
7 you need me to repeat anything, just stop me.

8 Mr. Pantelic asked you, question: Do you know that when Dr. Simic
9 attended that meeting that you described to us at the time he was the
10 vice-president of the Municipality of Bosanski Samac elected in the
11 elections of 1990? Were you aware of that fact.

12 You answered: That is how he introduced himself. Otherwise, the
13 discussion wouldn't have knead sense.

14 Question: Did you know that Mirko Jovanovic was the president
15 of the executive board of the Municipality of Bosanski Samac elected in
16 the elections of 1990?

17 Answer: Yes, I know that, and he also introduced himself as
18 such.

19 Question, that's Mr. Pantelic: In other words, they were their
20 legal representatives of the Municipality of Bosanski Samac at the time?

21 Answer: That's right.

22 Those are the questions and answers a few moments ago. In your
23 statement, which is in evidence here, referring to the meeting you said,
24 in relation to the meeting at Donji Zabar, at which you gave evidence of
25 Mr. Simic -- Dr. Simic, Mr. Jovanovic, and Mr. Todorovic attending -- or

1 Mr. Jovanovic attending, "I was then told in no uncertain terms that I had
2 no jurisdiction over members of the Serbian police or members of the
3 Republic of Serbian Krajina MUP, that they were under the jurisdiction of
4 the Serbian Municipality of Bosanski Samac and Pelagicevo in the process
5 of formation and that the Serbian Municipality of Bosanski Samac and
6 Pelagicevo in the process of formation had the overall responsibility for
7 their accommodation and food and control over them. I knew that I had no
8 jurisdiction over them, but still I wanted to know why they had come and
9 have some information on their objectives and tasks." That's what your
10 statement said. That's what the questions and answers were.

11 My question following is: How do you reconcile saying that Simic
12 and Jovanovic were there in their capacity as elected representatives when
13 in your statement you're implying that they are there in the capacity
14 relating to the Serbian Municipality of Bosanski Samac, the unelected
15 one? How do you reconcile the two versions?

16 A. If we are talking about a meeting which was held on the 12th of
17 April, that is the time when Mr. Blagoje Simic was the vice-president of
18 the municipality, legally elected, when Mirko Jovanovic was the president
19 of the executive board, and there's no dispute about that.

20 If we are talking about the jurisdiction which took place later by
21 Mr. Todorovic, I was told actually that some preparations were going on,
22 that some municipality -- that a Serb Municipality of Bosanski Samac was
23 about to be put in place, and that -- and that they had the jurisdiction
24 over these things, and that that is how it would be when the changes took
25 effect. I cannot reproduce the whole discussion, but it is quite clear

1 that on the 12th, at that particular moment, there were lawful
2 representatives of the elected authorities.

3 MR. PANTELIC: It is not recorded and translated properly what the
4 witness said, so I just want to ask him to repeat a part when he spoke
5 about what Todorovic said to him at that time, because this very important
6 part is not in the transcript. Thank you.

7 MR. RE: What I don't quite understand, Your Honours, is the
8 statement says it was at that meeting. The witness's answer is a little
9 bit unclear as to whether it was then or later, because the statement is
10 fairly clear on that. And I was asking him to reconcile the capacity at
11 which Simic, Jovanovic attended that meeting with the statement that the
12 Serbian municipality had jurisdiction. I'm not quite sure that's the
13 answer. There seems to be something a little bit strange --

14 JUDGE MUMBA: No. The witness in his answer did mention a date,
15 so he's discussing the attendance of those people on -- he mentioned the
16 meeting on the 12th of April, 1992.

17 MR. RE: Yes. The contradiction is between the statement, talking
18 about the Serbian municipality, and the evidence that they attended in
19 their capacity as the elected representatives. That was -- that was what
20 my question was directed towards. And I'm not sure the answer clarifies
21 it. But I was only allowed one question, so I don't think I can --

22 JUDGE MUMBA: No. But that is a matter for submission, isn't it,
23 if there is a contradiction in what he has just said and what he said in
24 his 92 bis statement. Because in his answer, he has given a date, and
25 that is material.

1 MR. RE: Could the witness be asked in what capacity -- it's not
2 quite clear from the answer -- in what capacity Dr. Simic, Mr. Jovanovic,
3 and Mr. Todorovic, who was there, attended that meeting? That's as far as
4 I want to go, in what capacity he now says they attended the meeting.
5 Could I ask that question?

6 MR. PANTELIC: If I may, Your Honour, prior -- I don't have a
7 problem with that. But please, could my learned friend can clarify that
8 with the witness, what he said when he mentioned Todorovic in his last
9 answer, because I said due to some problems in the interpretation we
10 didn't -- we heard that in B/C/S language but we didn't hear that very
11 important issue. I don't want to -- to coach the witness. That's why I'm
12 not going over what he said. I don't know. It's very important thing.
13 It's not in the record.

14 JUDGE MUMBA: Let's do it this way: Can the witness tell the
15 Trial Chamber or repeat his evidence as to what Mr. Todorovic told him,
16 the point Mr. Pantelic says is not in the transcript.

17 THE WITNESS: [Interpretation] I understand, Your Honour. This is
18 the core of the matter. This was a meeting that was held on the 12th of
19 April. I said that after this unit landed, I invited Todorovic to this
20 meeting and Mijak, commander of the 1st Detachment. In addition to them,
21 Mr. Blagoje Simic came and Mr. Mirko Jovanovic came and some other people
22 too. I said that in my statement yesterday. So that is not in dispute.
23 I knew -- I knew -- and that is how they introduced themselves, but I also
24 knew that, that Mr. Simic was vice-president of the municipality. I knew
25 that Mirko Jovanovic was president of the executive board. I knew that

Witness: Stevan Nikolic (Open Session)
Re-examined by Mr. Pisarevic

Page 18605

1 Todorovic at that moment in the 1st Detachment carried out the duties of
2 Assistant Commander for Security and Intelligence matters and that Mijak
3 was carrying out the duty of commander of that detachment. There were
4 some other persons there, too, and of course there was Mr. Radovanovic and
5 Mr. Djordjevic, that is, Crni and Debeli.

6 There is no denial. I asked -- I knew what their positions were,
7 and I asked whether they came in that capacity, and they said yes. Also
8 yesterday I said that Mr. Todorovic did most of the talking. And inter
9 alia, he said that he was the one who invited these people, that he would
10 be the one who would be the head of MUP, that is to say, of the future
11 Serb Municipality of Samac and Pelagicevo in the process of formation,
12 that they were under his jurisdiction, that he would take care of them,
13 that he would accommodate them, that held support logistically and that I
14 had nothing to do with that. So this shows that there was already an
15 idea, a moment, a time when there would be a Serbian municipality created.
16 And then, on the other hand, these are the legal representatives of the
17 authorities, if I managed to explain it.

18 JUDGE MUMBA: Yes. Thank you very much. I think that has been
19 cleared by the witness.

20 Any re-examination, Mr. Pisarevic?

21 MR. PISAREVIC: [Interpretation] Thank you, Your Honours.

22 Re-examined by Mr. Pisarevic:

23 Q. [Interpretation] Mr. Nikolic, I'm just going to put a few
24 questions to you. You said when you testified here that you met Mr. Zaric
25 towards the end of October 1991. Can you tell the Trial Chamber here when

1 your contacts with Mr. Zaric became more regular, more direct, et cetera.

2 A. Yes. Yesterday in my statement I said that I met Mr. Zaric in
3 October, that I met him on purpose with certain instructions and some
4 information about his work and his merits and so on. These contacts were
5 relatively few. They were intensified when the detachment was first
6 established and when the 4th Detachment was finally established on the 5th
7 of January, 1992.

8 Q. Did I understand you correctly? Did you say 2002 or 1992?

9 A. I'm sorry, it's 1992.

10 THE INTERPRETER: Interpreters kindly ask that Mr. Pisarevic speak
11 into the microphone.

12 MR. PISAREVIC: [Interpretation]

13 Q. Also --

14 JUDGE MUMBA: Mr. Pisarevic, please speak close to the
15 microphone. And also remember to pause.

16 MR. PISAREVIC: [Interpretation]

17 Q. You mentioned yesterday that on one occasion Colonel Djurdjevic
18 was at a meeting representing the 4th Detachment. Can you remember which
19 meeting this was and when it was held, something more specific about this
20 meeting? Can you remember that?

21 A. I think this meeting was somewhere around the end of April -- no,
22 the end of March, the beginning of April. This was a meeting that was
23 held, including the representatives of different political parties from
24 several municipalities, Modrica, Gradacac, Orasje, Bosanski Samac, and so
25 on. This meeting -- or rather, I was invited to this meeting by

1 Mr. Blagoje Simic. I said that I thought I had no place there but that I
2 would send a representative if that can be helpful or can make a
3 contribution, since Mr. Mico Djurdjevic was from that area, he said, "I'd
4 like to go to see what was going on, to familiarise myself with the
5 situation and perhaps we can have some more serious information as to what
6 can be expected," and that is how I sent Mr. Djurdjevic.

7 Q. Thank you. Also, you mentioned that you contacted Blagoje Simic.
8 Did you also have contacts with Mr. Tihic and Mato Nujic?

9 A. During my testimony yesterday, I said -- perhaps I used an
10 inappropriate expression. I do apologise to the Honourable Trial Chamber
11 when I said that they were all chasing me like devils, that they were all
12 saying that they wanted to talk to me about something. So I claimed that
13 there was not a single person who wanted to talk to me and that I did not
14 find the time within 24 hours to receive him and talk to him. I talked to
15 Mr. Sulejman Tihic too. I remember that conversation from Obudovac, where
16 he and Mr. Izo Izetbegovic were present. We talked, as usual, about all
17 sorts of things, starting with politics and I don't know what all, and I
18 said that the key thing at that moment was to find solutions that would
19 not contribute to a deterioration of inter-ethnic relations. I was very
20 pleased with what Mr. Tihic said. I think his reproach was very
21 reasonable, and I expected him to act in a way which would help prevent
22 this.

23 Q. Thank you. We'll go back to another question now. The following
24 has been suggested to me, and I didn't hear you properly: On whose behalf
25 did Mr. Djurdjevic go to this meeting, on behalf of the 17th Tactical

1 Group or the 4th Detachment?

2 A. The 17th Tactical Group, because Mr. Djurdjevic was my assistant
3 commander for engineering.

4 Q. Thank you. Did you have any contacts with Lugar, Crni, Debeli
5 after you left Bosnia-Herzegovina, that is to say, after the 19th of May,
6 1992?

7 A. I did not have any contacts with them. I must say to the
8 Honourable Trial Chamber that I should not be misunderstood. Mr. Pantelic
9 put the question this way, that they are from Kragujevac and that I am
10 from Kragujevac. I did not know a single one of them. I came to
11 Kragujevac in 1998 [as interpreted]. I was posted there. I was in the
12 guards units. And I literally spent all my time either in the field or in
13 a state of combat readiness. I did not know a single one of these
14 persons. I did not know what they were doing and I did not have any
15 contacts with them after the 19th of May. I went to command the 152nd
16 Mixed Brigade in Cuprija and that is where I did my job.

17 Q. I certainly would have asked you that. But now that you've
18 answered, I just don't find this clear: Did I hear you properly? Did you
19 come to Kragujevac in 1998 or 1988?

20 A. 1988, yes.

21 Q. Thank you. You were asked here about the contacts and connections
22 Mr. Zaric had in Belgrade. Do you know - and I think that you've already
23 said this - that it was Jugoslav Maksimovic, a colonel there?

24 A. Yes, that's right. The Prosecutor asked me who was my connection
25 and who was Zaric's connection and I said that Colonel Jugoslav Maksimovic

1 was his connection and my connection and he was one of the top people in
2 the military security service.

3 Q. And Mr. Zaric went precisely to Jugoslav Maksimovic as a security
4 officer.

5 A. Yes, that's right. Mr. Zaric went and conveyed all of this to
6 him, Mr. Maksimovic brought the key people from the Security
7 Administration to this meeting, including the head of the administration
8 General Aleksandar Vasiljevic. And as concerns what happened in Crkvina,
9 an official note was compiled at the security administration, and that is
10 why I feel so bad when people ask me what I could have done, what more I
11 could have done. I don't see what I could have done in addition to all of
12 this.

13 Q. Thank you. You were also asked about illegal arming during the
14 course of 1992. Did you take any measures in order to prevent illegal
15 arming in Bosnia-Herzegovina?

16 A. Well, you see, all the organs of security and intelligence were
17 engaged inter alia on one of the priority tasks, and that is precisely the
18 prevention of illegal weapons and ammunitions being brought in. There was
19 an agreement between Delimustafic, Minister of the Interior, and the head
20 of the Security Administration, General Vasiljevic. This agreement was
21 made to place joint checkpoints of the military police and the civilian
22 police in order to prevent all of this. It is in this connection that I
23 went to talk to Vinko Dragicevic who was head of MUP. We could not reach
24 any agreement.

25 Q. Thank you.

Witness: Stevan Nikolic (Open Session)
Re-examined by Mr. Pisarevic

Page 18610

1 A. If necessary I can explain what happened.

2 Q. Thank you. You have already spoken about this. This is in your
3 statement. So I just wanted to ask you: So did you place these
4 checkpoints?

5 A. I placed a checkpoint at a better place, if I can put it that way,
6 better than the place where the police of Bosanski Samac had placed its
7 checkpoints. So I got hold of all illegal deliveries. When they
8 understood that regardless of whatever they were doing these deliveries
9 came into my hands, nevertheless, then they came to see me and they said,
10 "Oh, we want our checkpoint to be there too," and I said, "There is no
11 dispute about that --"

12 JUDGE MUMBA: Mr. Re.

13 MR. RE: I object, Your Honour. I didn't ask anything about
14 checkpoints. I asked about information about illegal arming leading to
15 the interrogation of people who were imprisoned afterwards. That was as
16 far as I went. That was the extent of my cross-examination. It doesn't
17 arise.

18 JUDGE MUMBA: Yes, Mr. Pisarevic, the Prosecution -- the
19 Prosecution is right. There was no discussion on checkpoints.

20 MR. PISAREVIC: [Interpretation] Yes, Your Honours. It's not
21 specifically checkpoints, but what was said was what the colonel as the
22 commander did in order to prevent illegal arming. So the placement of
23 checkpoints is one of the things that was done in order to stop illegal
24 import of weapons, military weapons, into Bosnia-Herzegovina. And now I'm
25 going to ask about the collection of information. This is going to be my

1 last question, at any rate.

2 Q. Both you and Mr. Makso Simeunovic, what were you guided by when
3 you sent Mr. Zaric, or rather, when you ordered Mr. Zaric to go to the
4 police station and to conduct interviews with certain persons that he
5 deemed necessary? What did you want to establish in this way?

6 A. Since it had already been established that at the police station
7 there was a certain number of detainees from conversations from Todorovic
8 it was said to me that these were people who were involved in smuggling
9 and other illegal activities. If that was so, then I said it would be a
10 good thing if Zaric went. Perhaps he is going to learn something from
11 them that we are also interested too and these are the kind of people that
12 they have there. And we were only actually interested in knowing whether
13 there were some people there who took part in the illegal arming and
14 transfer of military equipment from Croatia to the territory of
15 Bosnia-Herzegovina. That was our main task.

16 Q. Were you interested in which officers of the JNA were included in
17 that?

18 A. Yes, I've already said this, that on the basis of the information
19 that we had sent and not only we, all members of the 17th Corps were
20 engaged in this particular work, and on this basis some people were later
21 indicted for having taken part in illegal arming. Actually, it was easy
22 to establish this. We knew where each rifle had left. When you find this
23 rifle elsewhere and then you see who sold this person that rifle and then
24 the matter is resolved.

25 Q. Thank you. I have no further questions.

Witness: Stevan Nikolic (Open Session)
Questioned by the Court

Page 18613

1 regular combat report, in which I, inter alia, was supposed to mention
2 under one particular item what I had done a particular day, who I had
3 talked to, what I had done, and I was duty-bound to give an assessment of
4 my own. My assessment was more or less as follows: That in the entire
5 territory, regardless of whether it was covered by Croats, regardless of
6 whether it was covered by Muslims or Serbs, there is a tendency - and I
7 already said that in my previous statement - that is to say, that they
8 were all making Crisis Staffs and they all had this tendency of making
9 their mini municipalities, et cetera, and that is how I put it to my
10 commander. That's what I wrote in my report to him.

11 JUDGE WILLIAMS: And lastly, Mr. Nikolic: In your -- in your
12 statement, you mention that -- in paragraph 34 that after Mr. Antic or
13 Mr. Zaric met with you on the 17th of April, 1992, that you issued orders
14 that the 4th Detachment wasn't to get involved in the situation in
15 Bosanski Samac town and so on. And I would just like to have a clear
16 picture. Why did you issue that order that they should not get involved?

17 A. I have understood the question. You see, if I were to get
18 involved in everything that was going on in ethnic communities, in
19 existing municipalities, then the work of the 17th Operative Group would
20 be reduced to coup d'etats, mini coups, vis-a-vis one government or
21 another government. We were ordered to avoid this at any cost. What kind
22 of government would be set up was not our problem, our problem was that we
23 should do our part of the job, namely the three tasks that I refer to. If
24 there is a conflict that, we should try to prevent it, to separate the
25 sides, et cetera. And that is why I did not want to bring the detachment

Witness: Stevan Nikolic (Open Session)
Questioned by the Court

Page 18614

1 into a situation that would make them deal with internal matters of
2 government. And since the detachment had a mixed composition,
3 you can imagine what this would have led to. Then I would have
4 practically been the one who had started an inter-ethnic conflict in
5 Bosanski Samac. That is why I wanted the detachment to remain on the
6 sidelines and to carry out only the assignments that they were supposed to
7 carry out. After all, that is what was suggested to me by my commander.
8 And in these many talks that we had, there was a general position that we
9 should not interfere into what was being done by politics and that we
10 should carry out our military tasks.

11 JUDGE WILLIAMS: Thank you very much.

12 A. Thank you.

13 JUDGE LINDHOLM: Thank you. I have a very short question to you,
14 Mr. Nikolic: Mr. Radovan Antic gave evidence here before this Chamber a
15 month ago about what you told him and Mr. Zaric in the morning of the 17th
16 of April, 1992 about a phone call you had received from Dr. Blagoje Simic
17 in the very early morning hours of the 17th of April, 1992. Mr. Antic's
18 statement differs, if my memory serves me well, in certain respects from
19 what you told us yesterday. So now I'm kindly asking you: Could you be
20 so kind, to the best of your recollection, to tell us once more what
21 Dr. Blagoje Simic in fact told you about what had happened in Bosanski
22 Samac in the -- during the night 16th and 17th of April?

23 A. I have understood. Dr. Blagoje Simic called me and said that a
24 Crisis Staff had been established that represents the Serb Municipalities
25 of Bosanski Samac and Pelagicevo in the process of formation, and that

Witness: Stevan Nikolic (Open Session)
Questioned by the Court

Page 18615

1 certain actions and measures were taken in order to take over authority in
2 Bosanski Samac, and that this process was already underway and that
3 literally it had been almost brought to an end. When Mr. Antic and
4 Mr. Zaric came to see me, they were quite worked up. I don't know if this
5 is the right expression. And they wanted to see what the position of the
6 detachment was. They wanted to get involved in some way. And I said that
7 I thought that the best solution was that we obey what the corps commander
8 said and that we should not get involved in this, believing that there
9 would probably be other places too where somebody would take over in one
10 way or the other, and then this would involve the military in government
11 affairs. And I literally insisted on fleeing from any kind of meddling in
12 government.

13 JUDGE LINDHOLM: Thank you. Thank you very much.

14 JUDGE MUMBA: Yes.

15 MR. PANTELIC: Yes, Your Honour. I have a question, Your Honour,
16 on the basis --

17 JUDGE MUMBA: No. You had the opportunity.

18 MR. PANTELIC: I have, according to the rules, Your Honour. May I
19 respectfully remind you that after the questions of the Bench --

20 JUDGE MUMBA: Yes. But what has been raised which hasn't been
21 raised before. In connection with what?

22 MR. PANTELIC: Just one question, with regard to my client, Your
23 Honour, on the basis of discrepancies -- alleged discrepancies between the
24 statement of Mr. Antic that His Honour Judge Lindholm just mentioned and
25 this witness.

1 JUDGE LINDHOLM: Perhaps I can clarify -- this matter in a very
2 short manner.

3 If I -- my memory serves me well, Mr. Radovan Antic said here in
4 this room nothing else about what Mr. Blagoje Simic had said to
5 Mr. Nikolic than Mr. Blagoje Simic told him over the phone that the Crisis
6 Staff had decided to take over authority in Bosanski Samac. That's the
7 difference. It's -- now when I heard it again from Mr. Nikolic, I think
8 there is no real discrepancy. It was just two different ways of telling
9 about the same thing. Thank you.

10 JUDGE MUMBA: Yes, Mr. Pantelic.

11 MR. PANTELIC: Just one question, Your Honour, very shortly.

12 JUDGE MUMBA: Yes.

13 Further cross-examination by Mr. Pantelic:

14 Q. [Interpretation] Colonel Nikolic, my client, Dr. Blagoje Simic,
15 claims that on that morning at 3.00 a.m. he did not call you at your
16 headquarters and also that telephones in Samac were not operating. Do you
17 agree with that position; yes or no?

18 A. I do not agree with that position.

19 MR. PANTELIC: Thank you. I've finished with the questions, Your
20 Honour.

21 JUDGE MUMBA: [Microphone not activated] Thank you, Mr. Nikolic.
22 I think we are now finished with your evidence. You may leave the
23 courtroom.

24 Yes. We shall now take our break. And I notice that we've gone
25 over, so we shall resume at 12.55.

Witness: Vaso Antic (Open Session)
Examined by Mr. Pisarevic

Page 18617

1 [The witness withdrew]

2 --- Recess taken at 12.36 p.m.

3 --- On resuming at 1.02 p.m.

4 [The witness entered court]

5 JUDGE MUMBA: Yes. Can the witness make the solemn declaration.

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

8 WITNESS: VASO ANTIC

9 [Witness answered through interpreter]

10 JUDGE MUMBA: Thank you. Please sit down.

11 Yes, Mr. Pisarevic.

12 MR. PISAREVIC: [Interpretation] Thank you. Your Honour, I would
13 like to ask the usher to distribute these redacted versions of the
14 statement of Mr. Antic.

15 THE WITNESS: [Interpretation] Thank you.

16 Examined by Mr. Pisarevic:

17 Q. [Interpretation] Mr. Antic, during the proofing for your testimony
18 today, we have already spoken about this technical part of your testimony.
19 I would like to ask you, therefore, to remember what we said so that your
20 testimony can be taken down as best possible.

21 You know very well that you gave a statement. Your statement is
22 certified. It is in the hands of the Trial Chamber and other participants
23 in the case. And it was decided that you will testify here under items
24 15, 19, 24, and 25.

25 For the record, kindly state your full name.

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-03-69-T

THE PROSECUTOR
V.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ

ANNEX H

CHART OF EXHIBITS RELATED TO TRANSCRIPT OF WITNESS TESTIMONY BY STEVAN NIKOLIĆ (DST80) IN THE SIMIĆ CASE, 14-15 APRIL 2003, PAGES 18451-18617

NIKOLIĆ, Stevan , DST-80 of 92 bis Exhibits , Case No. IT-03-69-T			
Exhibit Number	65 ter Number	Title (ENG)	Main Date
D180/1		Map showing zone of responsibility of 17th Tactical Group	
D177/1		Order of the Presidency of Yugoslavia	1-Dec-91
D166/1		Survey of Paramilitary Organisations in the Area of Responsibility of the 17th Corps	
P142		Interview with Simo Zaric	3-Jun-98
P174		To Command "Lugar" Instructions for Combat]	7-May-92
P175		To Command "Leva Kolona" Instructions for Combat	7-May-92
D179/1		International Committee of the Red Cross Guidelines on the Exchange of Prisoners	24-Mar-93
D164		Witness Statement of Jovo Lakic	16-Dec-02
D28/4		Appeal for support to the People of Bosanski Samac.	