

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**Case No. IT-06-90-T**

**THE PROSECUTOR**  
v.  
**ANTE GOTOVINA et al.**

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**DEFENDANT ANTE GOTOVINA'S MOTION FOR ADMISSION OF  
EVIDENCE PURSUANT TO RULE 92 *QUATER***

**CONFIDENTIAL APPENDIX "A"**

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**REPORT TO THE PRESIDENT****DEATH OF MILAN BABIC**

JUDGE KEVIN PARKER VICE-PRESIDENT

8 JUNE 2006

To H.E. Judge Fausto Pocar  
President

Milan Babic died in his cell at the United Nations Detention Unit in the Scheveningen Penitentiary Facility on Sunday evening, 5 March 2006. By an order dated 6 March 2006, pursuant to Rule 33 of the Rules of Detention, you assigned me to conduct a full inquiry into the circumstances surrounding his death and to report my findings to you. The terms of inquiry were without restriction.

I was assisted by Catherine Marchi-Uhel, Head of Chambers, Robert Reid, Deputy Chief of Investigation, Philip Berikoff, Deputy Chief of Security, and Pascale Chifflet, my Legal Officer. Their efficiency and commitment has been outstanding.

I submit my report.

The Hague Judge K.H. Parker  
8 June 2006 Vice-President

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**REPORT**

Milan Babic was found dead in his cell at the United Nations Detention Unit ("UNDU") in the Scheveningen Penitentiary Facility on Sunday evening, 5 March 2006.

Coronial and police investigations were undertaken by the authorities of The Netherlands. An autopsy, including pathological and toxicological investigations, was conducted by the Netherlands Forensic Institute. The results of these investigations have been reviewed by the District Office of the Public Prosecutor in The Hague. This Inquiry relies on the reports and findings of those investigations, which were conducted entirely independently of this Tribunal. There has also been an independent audit of UNDU by a specialist Swedish Team.

### **Events of 5 March 2006**

On Sunday 5 March 2006, shortly after 1828 hours, Mr Babic was found dead in his locked cell. His body was hanging by a leather belt around his neck. A noose had been formed by threading the belt through its buckle and the other end of the belt had been secured around a metal hinge fitting attached to a wooden window-frame beam or transom. The noose was hanging at a height of about 154 cm from the ground. There was also a plastic bag covering his head. This was a bin liner for the rubbish bin in the cell. The noose formed by the belt was fitted around his neck on the outside of this plastic bag. Mr Babic was hanging against the window with his feet partly resting on a chair.

Mr Babic was found when a guard looked through an observation window in the cell door in the course of a regular check. The guard immediately ran to an adjacent guards' room and telephoned other guards on duty for assistance. In unusual situations such as this, it is a standard practice that at least two guards must be present when a cell door is opened. Two other guards responded immediately. The three men opened the door of the cell. Once in the cell, a check was made for pulse and signs of life. There were none. In the meantime, one of the guards returned to the guards' room and called for the assistance of a fourth guard, who ran to the cell. This fourth guard also checked for a pulse beat of Mr Babic, to no avail.

The third guard also telephoned Dr Paul Falke, the medical officer of UNDU, and informed him. Dr Falke gave instructions for Mr Babic to be taken down immediately. He said he would come to UNDU straight away. The third guard conveyed the instructions of the medical officer to his colleagues. The fourth guard released the belt from the hinge and three guards lowered Mr Babic's body onto the bed. The second guard loosened the belt around Mr Babic's neck and the plastic bag was removed from his mouth and nose.

Shortly before 1845 hours, Dr Falke, the medical officer, arrived at UNDU and was taken to the cell by the first guard. Dr Falke found Mr Babic lying on his bed; a plastic bag was half removed from his head and the belt around his neck had been loosened. Dr Paul Falke examined Mr Babic's body. Having confirmed that there were no signs of life, he did not attempt resuscitation. He pronounced Mr Babic dead at 1845 hours. Dr Falke having a second time confirmed there was no signs of life, the cell was sealed to await the arrival of Dutch investigative authorities.

### **Background**

Mr Babic was born on 26 February 1956 in Kukar, Croatia. He was of Serbian ethnicity. He was married and had two adult children. He was a dentist by profession. He testified for the Prosecution as a protected witness in several trials before the Tribunal. Because of his concerns for their safety, he and his family were relocated to The Netherlands.

On 17 November 2003, an Indictment was issued against him, charging him with five counts of crimes against humanity and violations of the laws or customs of war in relation to crimes alleged to have been committed against the Croat and other non-Serb civilian population between 1 August 1991 and 15 February 1992 in the Krajina region of Croatia. Mr Babic was then the President of the Serbian Autonomous District of Krajina. On 26 November 2003 Mr Babic voluntarily surrendered to the Tribunal. A plea agreement was filed, and Mr Babic pleaded guilty to one count of persecution on 27 January 2004 before Trial Chamber I, which accepted the plea and entered a finding of guilty against him. All four remaining counts were withdrawn. On 29 June 2004, Mr Babic was sentenced to 13 years imprisonment. On 3 September 2004

Mr Babic filed an appeal against this sentence. This was supported by the Prosecution but, on 18 July 2005, the Appeals Chamber confirmed the sentence of 13 years imprisonment.

On 19 September 2005 Mr Babic was transferred from UNDU to another country to serve his sentence ("third country"). On 13 January 2006 Trial Chamber I ordered that Mr Babic be transferred back from the prison facility in the third country to UNDU for a period not exceeding 15 days with a view to his giving evidence, once again as a Prosecution witness, in the case of *Prosecutor v. Milan Martić* (IT-95-11-T). Accordingly, Mr Babic was returned to UNDU on 7 February 2006. He testified in that case on 15, 16, 17, 20 and 21 February 2006 and on 2 and 3 March 2006. His evidence was to continue on 6 March 2006. On 24 February 2006 Trial Chamber I had extended the stay of Mr Babic at UNDU until 10 March 2006 to allow for the completion of his evidence.

### **Dutch investigations**

The authorities of The Netherlands conducted their own investigations into the death. On Sunday 5 March 2006 at 1915 hours, Dr Falke had contacted the Dutch judicial coroner. A coroner attended UNDU that evening. On the instructions of Mr McFadden, Commanding Officer of UNDU, the duty officer had also notified the Dutch police. At around 1930 hours, Dutch police officers arrived at UNDU on the instructions of the duty officer of the Scheveningen Police Bureau. They in turn contacted the Public Prosecutor's Office. The cell door, which had been sealed, was opened to enable the various Dutch authorities to pursue their investigations. That evening, Dr Falke and the guards who had been involved were interviewed and technical investigation staff of the Haaglanden Police undertook an examination of the cell.

At 2245 hours on 5 March 2006 Dr E.J.M. Coster from the office of the Municipal Coroner for The Hague examined the body of Mr Babic. Dr Coster concluded that the death was not natural and rather, "very probably... a consequence of suicide by hanging, possibly supplemented by lack of oxygen as a result of use of a plastic bag placed over the head." The examination revealed no injuries to the head, no signs of strangulation on the neck, no signs of resistance or punctures on the arms, and no abnormalities on the back, stomach and legs. An indentation on the neck was found, the width of which matched, in the opinion of the Dr Coster, the leather belt around the neck. Dr Coster concluded that "[ t] here are no medical indications of a crime". At around 2350 hours the body of Mr Babic was transported to the mortuary of the Leyenburg hospital. The cell was then resealed.

On 7 March 2006 the cell was unsealed in my presence and two Dutch police officers, who were also present, took possession of the leather belt and the plastic bag from the cell of Mr Babic at the request of the pathologists conducting the autopsy.

An autopsy was conducted at the Netherlands Forensic Institute at the request of the family of Mr Babic. A preliminary result revealed that Mr Babic had also suffered a heart attack at about the same time as the hanging. A question was also raised concerning the consistency of a ligature mark on the neck with the belt provided to the pathologists by the investigative police. Further detailed investigations were undertaken of a technical nature and by the Regional Investigation Bureau. The Netherlands Forensic Institute also carried out neuro-pathological and toxicological investigations.

The final autopsy conclusion discloses that the precise cause of the death of Mr Babic has not be determined. This is because, at about the same time, there was both a hanging and a heart attack. It could not be determined as a matter of timing whether a heart attack or the hanging was the actual cause of the death. Further, if a heart attack caused his death, the heart attack could have occurred as

a bodily reaction to the process of hanging or by a process in which a viral infection of the muscle tissue of the heart, which was identified in the autopsy, had a significant part, possibly in combination with a thickening of the walls of the intramyocardial vessels.

A toxicological investigation revealed no indications of a toxicological contribution to Mr Babic's death. Traces of diazepam and desmethyldiazepam and an indication of salbutamol were found. These were findings consistent with medications Mr Babic had used at UNDU. He had medication for asthma, an infected tooth and to assist when he had difficulty sleeping. None of these made any contribution to the death. It is noted that UNDU medical records confirm that Mr Babic had received an antibiotic for a tooth infection for which a dentist had been consulted shortly after he arrived at UNDU in February 2006, and tranquilisers. There is no formal record of the ongoing treatment he was receiving for his asthma which had been established in the prison of the third country.

Thus, the autopsy findings indicate that Mr Babic died as a consequence of hanging, or as a consequence of a heart attack, or from a combination of the two.

The police technical investigation had found disturbed dust on the underside of the transom of the window-frame to which the hinge was fitted consistent with the fastening of the belt. There were also dents from the hinge in the belt. The Regional Investigation Bureau's investigations confirmed that the belt provided to the pathologists was indeed the belt which was around Mr Babic's neck on 5 March 2006 when he was found hanging in his cell.

A question raised by the pathologists about some difference between the width of a ligature mark on the neck by the time of the autopsy and the width of the belt is, nevertheless, the subject of further consideration by the Netherlands Forensic Institute. It is expected that a report on this issue will not be available for some weeks. If anything of significance emerges from this, I will provide a supplementary report. As has been mentioned earlier in this report, it was the opinion of the Coroner who examined the body of Mr Babic in the cell, on 5 March 2006, at a time when the belt had been loosened but not removed from the neck of Mr Babic, that the width of the belt corresponded with the ligature mark as it was at that time.

No indications were found by the police investigations of any involvement of third parties in the death of Mr Babic in any way. The Chief Public Prosecutor has advised the Inquiry, by a letter dated 22 May 2006, with an enclosed report, that from the investigations that have been conducted, there are no indications of a crime and the criminal investigation has been closed.

### **This inquiry**

This inquiry commenced on 7 March 2006. Altogether, some 40 witnesses were interviewed and statements or reports were obtained from them; these included Mr Babic's wife and two adult children. Most significantly, statements were obtained from the guard who last saw Mr Babic alive when his cell was checked just after 1754 hours, the guard who saw the body of Mr Babic hanging by the neck shortly after 1828 hours and the other three guards who rushed to the cell after the body was found. The medical officer, the psychiatrist and the two nurses of UNDU were also interviewed, as well as the language assistants and all guards who had contact with Mr Babic between his return to UNDU on 7 February 2006 and his death. The Judges of the Trial Chamber, before which Mr Babic was testifying, provided a written memorandum of their observations of him, and the court staff and counsel in the trial, including his own lawyer, provided statements or reports.

The inquiry revealed that, on Sunday 5 March 2006, Mr Babic's cell was opened at 0900 hours and

remained open all day save for one hour during lunch time. In the course of the day, Mr Babic was offered the opportunity to take some fresh air and to make use of the gym but declined both suggestions, as he often would. He was locked alone in his cell at around 1715 hours and was last seen alive by a fifth guard, who checked on him in his cell some half an hour before his dead body was found. This guard stated that he did his round of the D2 wing in which Mr Babic's cell was located at "around 1750 hours" on Sunday 5 March 2006. He looked through the viewing window in the door of Mr Babic's cell and saw him lying on the bed with his feet resting on the desk. Mr Babic lifted his hand acknowledging the guard's presence. Mr Babic was then alone in his locked cell. The light in the cell was off at the time. The electronic security system shows that the actual time when this fifth guard entered D2 wing was 1754 hours.

Because of Mr Babic's concern for his personal security, Trial Chamber I had ordered that during his stay at UNDU from 7 February 2006, "Mr Babic shall not have any contact with other accused persons detained at the Detention Unit". In accordance with this order, Mr Babic was segregated from other detainees and was in fact the sole detainee in D2 wing. While he had been able to move freely around the wing during the day, at the relevant period of time he was secured alone in his locked cell. The door of his cell was locked when his body was found. There was no possibility for anyone, aside from guards, to have had contact with Mr Babic in the time between 1754 hours and shortly after 1828 hours when his body was found on Sunday 5 March 2006.

### **Heart condition**

As already discussed, the autopsy revealed that the death of Mr Babic may have been the consequence of a heart condition attributable in part to a viral infection of the muscular tissue of the heart (lymphocytic myocarditis), possibly in combination with a thickening of the walls of the intramyocardial vessels. This inquiry has confirmed that on the arrival of Mr Babic at UNDU on 7 February 2006, the medical officer reviewed his condition. Mr Babic did not complain of any pain in the chest, fever, shortness of breath or other symptom that could suggest the existence of such a viral infection and no such symptoms were apparent to the medical officer. At no time after 7 February 2006 did he complain of, or seek medical assistance for, any such condition, nor were any indications apparent to those who saw him at UNDU or at the Tribunal that he had a viral infection or a heart problem of any type. He suffered from asthma, for which he had an established treatment routine, he reported an infection affecting a tooth for which a dentist was consulted and this was treated with an antibiotic. At times, he experienced some difficulty with sleep and a light tranquiliser was provided. On Thursday 2 March and Friday 3 March 2006, it was noted by those familiar with him that he showed signs apparently of tiredness, and he drank some more water than usual on Friday. His appearance did not suggest illness or a chest or heart problem to anyone who had contact with him. Over Saturday 4 March and Sunday 5 March 2006 he did not participate in any particular physical activity but no sign of illness or physical distress was noticed by guards and no complaint was made by Mr Babic. The medical examination Mr Babic had undergone in September 2005 at the prison facility in the third country did not reveal any such condition. Mr Babic was then found to suffer from asthma and allergies and mentioned some indigestion. Nothing is recorded of any possible problem with his heart, or of an infection, in the medical records of that prison. Throughout his earlier detention at UNDU, before 19 September 2005, there is no record of any complaint of any symptom which might indicate such a condition. On his first admission to UNDU in November 2003, Mr Babic was found to have a slightly high blood pressure. He did not, however, remain at UNDU at the time. When he returned to UNDU in June 2004, his blood pressure had normalised. It is apparent, therefore, that in the absence of a complaint or apparent symptoms, the existence of a viral infection or any other heart problem was unknown to those treating Mr Babic. Indeed, it appears it was unknown to Mr Babic himself.

### **Suicide note**

When I inspected Mr Babic's cell on 7 March 2006 possession was taken by those assisting me of a number of documents from a small book case and the desk in the cell. A hand-written note was found inside the front cover of Mr Babic's personal Bible in the cell.

The text of the note was brief and personal. It was intended, it appears, for his wife. Because of this, I would not normally have set out its text in this Report but, in view of entirely false allegations as to its content which have been given significant attention in some elements of the media, I quote the entire text of the note (translated into English). It read:

My beloved,

Find peace for yourself and don't mourn me. I need peace.

Your Milan.

On Sunday, 5 March 2006. Let the God forgive.

To be certain of its authorship, the note was submitted for examination by an expert on document and handwriting analysis, together with a range of reference material from the cell and Tribunal records which were known to have been written by Mr Babic. The expert concluded that the suicide note found in the cell had been written by the same person as the reference material provided, *i.e.* by Mr Babic. The wife and two adult children of Mr Babic, who were shown the note, also indicated that they recognised his handwriting on the note, although they did not wish to formally attest that the note was in his handwriting. The effect of this note which is confirmed to have been written by Mr Babic and which is dated on the day of his death, provides an insight into his state of mind on that day. It indicates that he then intended to take his own life. He sought peace.

On 27 March 2006, the Secretary General of the Serb Radical Party Aleksandar Vučić was reported in some elements of the media to have stated that another detainee, Vojislav [e{elj], had obtained reliable information to the effect that Mr Babic had left a suicide note accusing the Tribunal of having exerted pressure on him to falsely testify against other Serbian accused. The full the text of the only note found in Mr Babic's cell has been set out. This allegation as to the content of the note left by Mr Babic is entirely false.

### **Risk of suicide**

A number of circumstances have been identified in the course of this inquiry which may well have had a bearing upon Mr Babic's actions in taking his own life or seeking to do so.

### **Difficulties about detention**

Upon his original transfer to the Tribunal on 26 November 2003, Mr Babic was detained on remand at UNDU for an initial period of three days. The Prosecution immediately requested, pursuant to Rule 40 of the Rules of Detention, that Mr Babic be segregated from all other detainees. On 26 November 2003, the Deputy Registrar decided that, as Mr Babic had testified for the Prosecution in the *Milofevic* case and was expected to testify in future cases, it was necessary that he be segregated from all other detainees to ensure his safety. The Deputy Registrar noted that UNDU medical officer had confirmed the physical and mental fitness of the detainee for such segregation.

On 1 December 2003, following approval from the Dutch authorities, the President of the Tribunal granted a joint application for modification of the conditions of detention of Mr Babic and ordered that Mr Babic be detained in the house where he had been living until then as a protected witness. These conditions of detention were extended until he was sentenced to serve 13 years imprisonment on 29 June 2004.

On 5 March 2004, a psychological examination of Mr Babic, made at the request of the Office of Legal Aid and Detention of the Tribunal, identified "a mild stress-related disorder with depressive features as a reaction to continuing separation from... familiar ties and activities". There was, however, no indication of any underlying pathology or incapacity to cope with the usual detention regime.

After he was sentenced to 13 years imprisonment by the Trial Chamber on 29 June 2004, Mr Babic returned to UNDU pending the finalisation of arrangements for his transfer to a third country to serve his sentence. Mr Babic remained detained at UNDU until he was transferred on 19 September 2005. During this period, a regime of half-hourly visual observation of Mr Babic was in place as ordered by the Deputy Commanding Officer and staff members were instructed to immediately report any change in the behaviour of Mr Babic which suggested that further measures should be implemented. While Mr Babic was not then entirely segregated from others, he was segregated from a number of identified detainees.

During this time, Mr Babic experienced a number of difficulties. Both of his children stated that this was a particularly difficult time for him as some other detainees considered him to be a traitor and he felt threatened. According to his Defence counsel, Mr Müller, Mr Babic had suggested that he was the subject of insults, threats and even physical assault by some other detainees. On 30 August 2004, Mr Müller raised these concerns with the Prosecutor, who in turn informed the Registrar. On 9 September 2004, the Commanding Officer of UNDU reported to the Deputy Registrar that he had investigated all suggestions that Mr Babic was being threatened but found no substance in any of them. While he then had no concerns about the safety of Mr Babic, he did undertake to move one particular detainee from the floor. Mr Mc Fadden's overall conclusion was that what Mr Babic was experiencing was the common reaction of a person who had to adjust to being in detention. In reaching this conclusion, Mr Mc Fadden was also able to rely on a limited assessment of Mr Babic made by the UNDU psychiatrist, Dr Vera Petrovic. This assessment was limited because, at that stage, Mr Babic declined to meet her. Both the nurse and the psychiatrist of UNDU had noted that Mr Babic was very nervous when he was first detained at UNDU after receiving his sentence, but neither of them regarded this feeling of uneasiness as uncommon or abnormal.

On 30 September 2004, Mr Babic's counsel, Mr Müller, alerted the Prosecutor to some further difficulties experienced at UNDU by Mr Babic. He reported that his client had lost 15 kg since his last visit less than two months before, that he was suffering from insomnia as a result of the regime in place whereby he was observed every 30 minutes day and night, and that Mr Babic had some concerns as to the intentions of the psychiatrist of UNDU, Dr Vera Petrovic.

Mr Müller also advised this Inquiry that, on what he thought was a third occasion on 25 April 2005, when Mr Babic was awaiting the decision of the Appeals Chamber, Mr Babic revealed to him that he was considering committing suicide. It is Mr Müller's recollection that he immediately met Prosecution counsel Ms Uertz-Reztloff and the Prosecutor herself to inform them of these matters. No written record confirming any such third meeting has been located by Mr Müller or in the Office of the Prosecutor. The Prosecutor recalls various meetings with Mr Müller but does not have any record of any meeting on 25 April 2005. Ms Uertz-Reztloff recalls only two meetings and that, in fact, it was in the course of the second of these meetings on 30 September 2004 that Mr Müller

mentioned that Mr Babic might be suicidal. There is some confirmation of her recollection provided by a short letter Mr Müller sent to the Prosecutor on the day following 30 September 2004, in which Mr Müller expressly made it clear that his personal impression was that his client was not suicidal.

On one other occasion in the same period, on 17 December 2004, Mr Babic expressed concern for his safety at UNDU during a Status Conference before the pre-appeal Judge, Judge Mumba, who reminded him of the complaint procedures available to him, including applications to the President of the Tribunal. No such application, however, was made by Mr Babic.

Despite these concerns in the early months of his detention, by the end of his stay at UNDU, immediately before he was transferred to the third country, Mr Babic did meet with the psychiatrist at UNDU, Dr Petrovic, who concluded that he had "completely adapted to prison life".

On 19 September 2005, Mr Babic was transferred to the third country to serve his sentence. Upon arrival in the third country, Mr Babic underwent a medical examination. From that examination, no referral to the mental health services of the prison was deemed necessary. According to his family, Mr Babic was initially placed under a very strict regime. During the first two months he was not allowed to contact his family; afterwards, they could exchange short telephone calls and a few letters. He joined a religious group there, which he said gave him strength. Mr Babic's prison file from the third country does not reveal any concern that Mr Babic was at risk of self-harm. Mr Babic himself stated during a medical evaluation that he was not experiencing feelings of self-harm. The prison officers who had dealings with him recorded that there was nothing unusual to report and that Mr Babic was an exemplary prisoner.

On 7 February 2006, on his arrival back at UNDU from the third country to give evidence in the *Martic* trial, Mr Babic was seen by the medical officer of UNDU, Dr Falke. Dr Falke did not identify any reason for concern about Mr Babic's mental well-being and was satisfied he could remain in segregation. No special report was received from the prison in the third country where Mr Babic was serving his sentence. Nevertheless, given Mr Babic's circumstances, a special regime was ordered by the Deputy Commanding Officer of UNDU, who also assessed Mr Babic on his arrival. He, too, did not identify any reason for concern about Mr Babic's mental well-being, but in keeping with the Trial Chamber's order, he ordered segregation from all other detainees. The Deputy Commanding Officer of UNDU also discussed with Mr Babic whether he wished to receive visits from any other detainees, should the Trial Chamber allow it. However, the detainees with whom Mr Babic had previously had a good rapport had left UNDU so that Mr Babic did not wish any visits to be organised. Further, in accordance with standard procedures for detainees who are segregated from others, the Deputy Commander also ordered a regime of visual observation checks at 30 minute intervals day and night and instructed that staff should report immediately any behavioural change. No such reports were made. Nothing of concern was raised concerning Mr Babic's behaviour or mental attitude at the weekly staff meetings when his situation was reviewed.

It was the impression of his immediate family that, during this period of detention at UNDU from 7 February 2006, Mr Babic was more at ease. The guards who were in contact with him during that time reported similar impressions. In particular, one of these guards, who had particular past experience in another facility with the supervision of suicidal detainees, observed "absolutely no indicators that anything was wrong, so far as suicidal tendencies, with Mr Babic". None of the guards who had contact with him at UNDU, nor the security guards at ICTY who guarded him when he came to give evidence, noticed anything unusual or which gave reason for concern about his behaviour. Specifically, this included all guards who had contact with him during the last few days before his death. When Mr Babic arrived at the Tribunal to testify on Thursday 2 March and Friday 3 March 2006, and was asked by the security officers how he was feeling (something that is

required in accordance with internal operating procedures), his answer on each occasion was always that he was fine. Mr Babic was being cross-examined by counsel for the Accused Martić on those days. The only different behaviour noted by ICTY security guards was that Mr Babic drank more water than usual during the court sessions on Friday 3 March 2006. It was noticed by those more familiar with him that he seemed particularly tired and not quite himself on that day. The Judges of the Trial Chamber before which he was giving evidence have advised that it was noticed that, on a number of occasions on Friday 3 March 2006, Mr Babic covered his face with his hands during cross-examination, but this was not seen to warrant an intervention by the Trial Chamber as Mr Babic otherwise looked fine. Mr Müller who was in court on both days representing Mr Babic has noted nothing in his statement to the Inquiry that gave him any cause for concern about Mr Babic. The guards who had contact with Mr Babic on Saturday 4 March and Sunday 5 March 2006 did not notice any unusual behaviour by Mr Babic or any conduct which gave cause for concern.

### Family situation and relocation process

It is apparent that separation from his wife and two children and concerns about their long-term future particularly worried Mr Babic. In August 2002, Mr Babic and his family had been placed in the Tribunal's witness protection program. They were temporarily relocated pending the finalisation of arrangements for a permanent relocation. Aside from a brief period in detention at UNDU between 26 and 28 November 2003, Mr Babic and his family remained living together until he was sentenced on 29 June 2004. While detained at UNDU after that, Mr Babic could have daily telephone contact with his family and received visits from them on a weekly basis. When Mr Babic was transferred to the third country to serve his sentence on 19 September 2005, his family remained in their temporary place of relocation pending final arrangements for their placement. They were eventually relocated permanently on 23 February 2006 and arrangements were completed to enable future regular visits between Mr Babic and his family. In the meantime, however, the Inquiry is told that the combined effect of these circumstances and of the initial regime of detention in the third country by which Mr Babic had no contact with his family for a period of two months, and thereafter only a few telephone calls and letters, caused Mr Babic and his family to regard this period from 19 September 2005 as involving particular hardship.

It is also reported to this Inquiry that, after Mr Babic returned to UNDU on 7 February 2006 to testify in the *Martić* case, he told his family and counsel that he felt humiliated when he was required by the authorities of the third country, in accordance with their policy to mitigate the risk of escape during transfer, to travel back from the third country by air to The Netherlands in orange prison clothing.

Between Mr Babic's return to UNDU on 7 February 2006 and the relocation of his family on 23 February 2006, two family visits took place at UNDU, on 13 and 22 February 2006. It is said that there was some degree of tension, resulting from the perception his family had at that time of Mr Babic's revived religious faith, in particular during the first visit. The second visit occurred the day before his family was to be relocated and Mr Babic expressed a number of concerns as to their ability to permanently remain in their country of relocation. Of particular concern to him was that his family had just received visas limited to a stay of six months. While there was an expectation that these visas would be renewed each six months, Mr Babic was concerned that there was no guarantee of this so that his children might not be able to further their education in their relocation country. Before the family was relocated, they met with protection officers from both the Tribunal and their relocation country and received a briefing as to the conditions of their relocation. Mention was made to the family that Mr Babic might not be able to be with them in their relocation country after having served his sentence. This was a matter about which no commitment would be given by the relocation country at that stage. These difficulties were aggravated by Mr Babic's concern as to

his own future. A document, handed to him by the authorities of the third country on his arrival there, indicated that he might not be allowed to remain in that third country after having served his sentence. This document reflected the policy of that country not to allow residence rights and benefits to accrue during a period of incarceration; the question of his remaining in the third country being deferred until completion of the sentence. While there was an expectation that he could be allowed to stay, he had no guarantee of this. In the days preceding his death, Mr Babic raised these matters with his family and the protection officers of the Victims and Witnesses Section of the Tribunal. This conversation was recorded. Mr Babic apparently was extremely worried about these matters. Arrangements were to be made for Mr Babic to discuss his situation with protection officers from the third country; this had not taken place when Mr Babic died.

The relocation process for both Mr Babic and his family had been long and difficult. Only a limited number of countries have been prepared to enter into relocation agreements with the Tribunal. Some of these countries will not accept the relocation of high profile witnesses or indicted or convicted war criminals. Further, his wife and children had specific wishes as to the language spoken in their place of relocation. The resulting considerable difficulty and delays in finding a country which would accept Mr Babic as a prisoner, and a country of relocation for his family, caused much distress to Mr Babic at the time, and also to his family. After initial refusals by other countries, he was accepted as a prisoner by the third country and was transferred there on 19 September 2005. That was some 15 months after he was sentenced. A final response in respect of Mr Babic's family was not received until January 2006 and the family was relocated on 23 February 2006.

His concerns may well have been further exacerbated by the initial difficulties his family experienced settling in their relocation country. Mr Babic talked to his family by telephone on two occasions after their departure for their relocation country. The first conversation took place the day following their arrival there, *i.e.* on 24 February 2006, at a time when his wife and children were feeling particularly isolated and unsettled. The second conversation took place a few days later, on 28 February 2006, which was Mr Babic's birthday. The tone of the second conversation was more positive.

Mr Babic's relocation was dealt with separately from that of his wife and children because he had to be placed in a prison. Approaches were made to a number of countries before relocation was agreed. Mr Babic had to be placed first because his wife and children needed to be in a country from which they could conveniently visit Mr Babic in prison. No assurances of long term residence could be obtained for Mr Babic because of the policy of the country which had agreed to accept him as a prisoner. A policy to similar effect was applied by the country which accepted Mrs Babic and her children as residents. The experience demonstrates the need for care on the part of the staff of the Office of the Prosecutor and of the Victims and Witnesses Section to guard against unrealistic expectations being built up by detainees, other witnesses, and members of their families. It should not be inferred from these comments that there was a failure to do so in this case as Mr Babic's concern and anxiety may have arisen because of the nature of the process and despite the explanations given to him.

Despite these obvious matters of concern, Mr Babic's suicide came as a complete shock to those most familiar with him. His own wife and children described how, initially, they could not believe he had taken his own life. His wider family in Serbia, including his mother and sister, who talked with him by telephone on two occasions between 24 February and 1 March 2006, also reported to his wife that "he sound[ ed] perfectly normal".

Difficulties in the *Martic* trial

Mr Babic gave evidence in the trial of *Prosecutor v. Milan Martić* on 15, 16, 17, 20, 21 February 2006 and on 2 and 3 March 2006. His testimony was due to continue on Monday 6 March 2006. He had given evidence in two previous trials and there was a prospect of yet another trial in the future. According to his son, Mr Babic indicated that he found it very difficult to go back over the events during the war yet another time. Indeed, his son concluded that Mr Babic felt he was being "used" by the Office of the Prosecutor. The Trial Chamber hearing his evidence noticed that Mr Babic appeared unsettled at times on the last two days of his evidence when he was being cross-examined at length by the Defence counsel, in particular at one stage during the hearing on Thursday 2 March 2006. One of the guards in court also noted that on Friday 3 March 2006 Mr Babic drank more water than usual. Video-recordings of the hearings of 2 and 3 March 2006 have been viewed. They do not reveal, however, any significant tension or prolonged embarrassment or difficulty on the part of Mr Babic during his cross-examination. Mr Babic does indeed appear somewhat tired on Friday 3 March 2006, but no conduct is apparent which suggests reason for concern about his behaviour.

Submissions were also made to the Trial Chamber by the accused Milan Martić following the death of Mr Babic. Mr Martić indicated in court that he had seen Mr Babic being driven away from UNDU in a car some time before he died. He seemed to suggest, albeit not directly, that pressures about his evidence had been exerted on Mr Babic by representatives of the Prosecution. When interviewed, however, Mr Martić stated that he never saw Mr Babic entering a car and leaving UNDU on any occasion other than when he was being transported to the Tribunal to testify in the *Martić* case. Mr Martić also said that the specific incident he raised in court had in fact occurred on 22 February 2006. However, on that occasion, he did not see Mr Babic enter a car, but rather he saw him waiting in the entrance of UNDU, carrying a box. This is consistent with both the circumstances and the timing of an actual visit to Mr Babic by his wife and one of his two children. The fact that Mr Babic was then seen to carry a box is in keeping with the usual procedure for the exchange of goods between detainees and visitors. No support has been found for the initial suggestion made by Mr Martić in court of an involvement of the Prosecution in his transport and of some pressure on Mr Babic about his evidence, suggestions which Mr Martić has subsequently expressly disavowed.

#### Assessment of risk of suicide

It may well be the case that some or all of the concerns detailed above weighed heavily on Mr Babic. Despite this, in the days and weeks preceding his death, no one noticed any signs suggesting that he might commit suicide. This includes, in particular his family, the staff of UNDU who had dealings with him on a daily basis, the medical officer and nurse of UNDU, the protection officers of the Tribunal who worked closely with him and his family, security guards at the Tribunal, and the counsel who spent long hours with him in proofing sessions and observed him during his evidence in the *Martić* trial, including his own lawyer, Mr Müller. In these circumstances, no matter has been identified that provides any basis for concluding that in the weeks preceding his death, there was neglect on the part of the staff of UNDU in assessing whether there was a risk of suicide or self-harm.

#### Monitoring of Mr Babic

As has been indicated, Mr Babic was segregated from other prisoners for his own safety. This occurred at his request and was ordered by the Trial Chamber. A system of monitoring his situation by visual checks at intervals of 30 minutes had been established and guards were required to report any change in behaviour. This was an appropriate precautionary regime because of his segregation. The known circumstances did not warrant any more intrusive regime.

#### Personal property including belt in cell

Mr Babic was allowed to retain usual personal items in his cell, including the belt used to hang himself from the window beam. This belt was worn, in particular, with the suit he wore in court. The retention of personal items is in accordance with the Rules of Detention. Rule 13 provides that on admission, "the Commanding Officer shall order that a detainee's body and clothes be searched for articles that may constitute a danger to the security and proper running of the Detention Unit, or the detainee, any other detainee or any member of the staff of the Detention Unit. Such items shall be removed." Rule 24 provides that detainees "may wear their own civilian clothing if, in the opinion of the Commanding Officer, it is clean and suitable." That is and has always been, the normal practice at UNDU. Prison uniforms are not usually worn. Rule 74 provides that a "detainee may keep in his possession all clothing and personal items for his own use or consumption unless, in the opinion of the Commanding Officer or the General Director, such items constitute a threat to the security or good order of the Detention Unit or the host prison, or to the health or safety of any person therein." These provisions are also reflected in the House Rules for Detainees of UNDU.

These provisions are not unique in their effect. It is apparent that, in recent years, there has been a general trend in prison management in Europe and many other parts of the world for detainees to retain ordinary items and wear their own clothing to the extent that it is possible and compatible with safety considerations. The most recent European Prison Rules adopted by the Committee of Ministers of the Council of Europe on 11 January 2006 ("European Rules") do not provide specific guidelines with regard to clothing and personal items. With respect to property in general, the European Rules refer back to the rules governing the individual prison. With respect to clothing the expectations of the European Rules are that prisoners who do not have adequate clothing of their own shall be provided with suitable clothing. These provisions are essentially the same as those set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners. That being so, a growing number of domestic prison facilities in Europe allow detainees to retain their own clothing, including belts and ties, and other items of ordinary and daily use. In Denmark, for instance, the general rule is that detainees may bring and retain their private belongings unless this conflicts with prison order and security regulations. This rule has been interpreted as giving detainees a right to bring and wear their own clothes unless concrete circumstances or observations indicate that the detainee may be at risk of committing suicide, in which case items which could be used to inflict self-harm may be removed. In the United Kingdom, as a general rule, detainees are allowed to have sufficient property in their possession to lead "as normal and individual an existence as possible" within the constraints of the prison environment. There is, however, also a policy of volumetric control to ensure that cells do not become overly cluttered. Items which are commonly allowed in cells include a combined sound system, a computer, smoking materials, approved electronic games and players, an electric shaver etc. Most particularly, it appears that even where a risk of self-harm has been identified, the applicable Prison Service Order in the United Kingdom provides that "[p]ersonal items such as shoelaces and belts must not be removed from at-risk prisoners as a matter of course" and prisoners "shall not be punished for self-harming or unnecessarily denied such items as razor blades for normal activities". In the Dutch Penitentiary Facility in Scheveningen, within which UNDU is housed, the detainees normally wear their own clothes. In a significant number of other national prison systems, this issue is left to the appreciation of the authorities of each prison facility. There are, of course, many prisons in which uniform prison clothing is still required. There is, however, no predominant practice in Europe by which items such as belts, ties, shoelaces, electrical chords and similar items which might be used to attempt suicide may not be kept in a cell.

In light of this clear trend, of which only a few examples have been given, and the circumstances of this case as set out in the report, it cannot be concluded that the standard procedure at UNDU by which personal clothing was permitted in Mr Babic's cell, or the decision that there were no circumstances to warrant the removal of items such as his leather belt, were unreasonable or evidenced any neglect or lack of due care.

In this case, a plastic rubbish-bin liner from the rubbish bin in his cell was also used by Mr Babic to assist in his efforts to suicide. The convenience and the hygiene advantages of a plastic bin liner are obvious. There is no justification for proposing that plastic bin liners should not be used in cells. It should be left to assessment in each particular case, where a risk that a detainee will self harm is identified, whether there is a need to remove the plastic bin liner from the cell.

For essentially the same reasons, the death of Mr Babic does not provide justification for introducing a more restrictive regime about personal property of detainees including items of property which could be used to inflict self-harm. This death should be viewed in the context of the history of self-harm in UNDU since its establishment in 1994. Despite the significant number of detainees who have been held in UNDU, often for prolonged periods and during periods of particular personal stress, there has only been one previous incident of suicide, which was in 1998. This incident did not involve the use of a belt. The present regime with respect to personal property has been in place throughout that time. As reflected in the growing trend in prison management in many national systems, the policy in these matters which is presently followed at UNDU has many advantages in the complex process of assisting detainees to cope with what are often long periods of detention, which usually involve prolonged separation from close family members, in a setting in which former political and military opponents must coexist.

### **Medical records**

Under existing procedures, any medication ordered by the UNDU psychiatrist is prescribed by the medical officer and is recorded in the medical records at UNDU. However, the Inquiry noted that it is not usual for a record of other psychiatric treatment or assessments of detainees by the UNDU psychiatrist to be kept in the medical records. This information is typically retained by the psychiatrist. The present psychiatrist only visits The Hague from Belgrade for a part of each month. She can be called to UNDU if a need arises, but this involves delay. This arrangement is less than satisfactory. There is a need for information of this nature to be readily available to the medical officer and the Commanding Officer, for example, if there is a need to review the condition of a detainee or if some disturbance in a detainee's mental condition arises or is suspected. It will be apparent, from the factual situation concerning Mr Babic set out in this report, that this matter had no relevance to his treatment and supervision in UNDU or to his death. It is a situation which could well be important in another case and which calls for change.

With an exception, the medications used by Mr Babic during his detention at UNDU from 7 February 2006 until his death were recorded in the medical records. He was accustomed, however, to use an inhaler for his asthma. He had with him an inhaler on his arrival on 7 February 2006. This had been prescribed and provided to him in the prison of the third country in which he was serving his sentence. Although the use of the inhaler at UNDU had been approved by the medical officer, no record of this was made in the medical records.

### **Compliance with Rules of Detention**

Except in one incidental matter, the Rules of Detention relevant to Mr Babic's health and detention arrangements were adequately implemented. Rule 34 provides that upon admission to UNDU, a detainee shall be examined by the medical officer or his deputy. With respect to segregation from other detainees, Rule 42 requires the Commanding Officer to seek the advice of the medical officer to determine whether such segregation is medically acceptable. Mr Babic was seen by the medical officer Dr Falke on the day of his return to UNDU on 7 February 2006. No reason was seen by Dr Falke to consider that segregation would be injurious to the mental or physical health of Mr Babic or to consider that he was in danger of suicide or self harm, and for the reasons detailed, this position

did not change thereafter. Rule 43 of the Rules of Detention requires the Commanding Officer to review cases of segregation at least once a week and to report to the Registrar thereon. The Commanding Officer confirmed that, as he was segregated, Mr Babic was reviewed on a weekly basis during UNDU staff meetings. No report to the Registrar was made, however, as there was no change to report. The Rule requires a report to be made.

In accordance with Rules 30 and 34 of the Rules of Detention, medical care, including psychiatric and dental care, shall be fully available to the detainees, subject to any practical arrangements. This care was available to Mr Babic. The details of the treatment provided to Mr Babic, between his return to UNDU on 7 February 2006 and the time of his death, have already been discussed. No difficulty in respect of his heart was reported by Mr Babic and nothing was observed by the medical officer, the nurse or any other staff member to suggest there might be any health issue concerning his heart.

### **FINDINGS AND RECOMMENDATIONS**

In view of the matters set out in this report, the following findings and recommendations are made:

- a. Milan Babic died at the United Nations Detention Unit at Scheveningen on Sunday, 5 March 2006, at a time between 1754 hours and shortly after 1828 hours.
- b. He was alone in a locked cell at the time of his death.
- c. Entirely independently of this Inquiry, full investigations by the Dutch authorities have determined that no other person was present when he died and there is no evidence of criminal conduct by any other person. On 22 May 2006, the Chief Public Prosecutor informed me that the criminal investigation had been closed.
- d. Nothing has been found to support reported allegations that Mr Babic had been murdered.
- e. Mr Babic had hung himself by his leather belt around his neck and had also secured a plastic bag around his neck to restrict air flow to his mouth and nose. He was found dead by a guard shortly after 1828 hours. He was last seen alive by a guard at about 1754 hours.
- f. A note written by Mr Babic, apparently intended for his wife, was found in the cell inside the cover of his personal bible. Its text, which is fully set out in the report, indicates an intention to take his own life. He sought peace. Allegations that this note disclosed that Mr Babic had been under pressure to falsely testify against other Serbian accused are entirely false.
- g. At about the same time as the hanging took effect, Mr Babic also suffered a heart attack.
- h. A full autopsy conducted by the Netherlands Forensic Institute has not been able to determine whether, as a matter of timing, it was the hanging or a heart attack that was the actual cause of death of Mr Babic.
- i. The heart attack may have occurred as a bodily reaction to the effects of the hanging, or by

a process in which a viral infection of the muscle tissue of Mr Babic's heart, which was identified in the autopsy, had a significant part, possibly in combination with a thickening of the walls of the intramyocardial vessels.

- j. When Mr Babic was found hanging by his neck, the reaction of UNDU staff to the emergency situation was prompt and appropriate. The procedures for a medical emergency were followed.
- k. It had not been foreseen at UNDU that Mr Babic was at risk of suicide. This does not reveal any lack of proper care in the circumstances. Medical and other staff's assessments at UNDU had not identified any reason to consider that he was at risk of suicide. That is also the position revealed by the records of the prison in the third country in which he had been serving his sentence before 7 February 2006. No person, including family members and his lawyer, who had contact with Mr Babic between 7 February 2006 and his death, had detected reason for concern that he might commit suicide or self-harm.
- l. There was no knowledge at UNDU of the existence of a viral infection of the muscle tissue of Mr Babic's heart at the time of his death. This does not reveal any lack of proper care in the circumstances. Mr Babic had not complained of any symptoms which would suggest such a condition. No such symptoms had been found on medical examination on 7 February 2006, and none had been recorded in the medical records of the prison in the third country in which he had been serving his sentence before 7 February 2006. No medical or other staff member at UNDU, and no person at the Tribunal where he was giving evidence, had noticed symptoms which would suggest such a condition or any form of infection or illness before he died. It appears that Mr Babic was not aware of the viral infection or of any heart problem.
- m. The presence of personal clothing and other items, including his leather belt, in the cell of Mr Babic was in accordance with the Rules of Detention. By these Rules, an item such as a belt can be removed if it constitutes a threat to security, or good order, or to the health or safety of any person. There was no reason in this case to identify such a threat. In this respect, the Rules of Detention reflect a policy that is well established in prison management in Europe and many other parts of the world and is followed in many prisons. The events of this case are isolated and provide no justification for a change to the policy in this respect of the present Rules of Detention.
- n. Mr Babic was segregated from other prisoners for his own safety, and at his own request. This segregation had been ordered by the Trial Chamber. The system of monitoring by visual checks at intervals of 30 minutes, and the requirement that guards report any change in his behaviour, which had been ordered in writing by the Deputy Commanding Officer, was an appropriate precaution because of the segregation of Mr Babic. The known circumstances did not warrant any more intrusive monitoring regime.
- o. It is recommended that a record be maintained in the medical records of a detainee at UNDU of any assessment, whether formal or informal, or treatment of a detainee by the UNDU psychiatrist. That is not the present practice. It is also recommended that there should be a note in the medical records of any medication which a detainee is using on arrival at UNDU, the continued use of which is approved by the medical officer. It should be made clear that neither of these was of any relevance to the death of Mr Babic or to his treatment and supervision.

- p. The Rules of Detention relevant to Mr Babic's health and detention arrangements were correctly implemented. There was, however, one incidental deficiency affecting Rule 43. Mr Babic's condition was reviewed every week, as required for a segregated detainee, but no consequential report was made to the Registrar as required by the Rule. No report was made because there was no change in Mr Babic's circumstances. Hence the deficiency was of no consequence in this case. Nevertheless, the procedure followed should be adjusted to comply with the Rule.
  
- q. The events of this case emphasize the importance to detainees of the arrangements made for the service of sentences and, in cases where family protection has been found necessary, of the arrangements for relocation of families. These matters depend on the decisions of governments. It is also in the hands of governments what long-term assurances can be given. Care should be taken that these difficulties are fully explained to the detainees and their families so that unrealistic expectations are not built up.

The Hague K.H. PARKER

8 June 2006 VICE-PRESIDENT

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**Case No. IT-06-90-T**

**THE PROSECUTOR**  
v.  
**ANTE GOTOVINA et al.**

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**DEFENDANT ANTE GOTOVINA'S MOTION FOR ADMISSION OF  
EVIDENCE PURSUANT TO RULE 92 *QUATER***

**CONFIDENTIAL APPENDIX "B"**

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**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA****Case No. IT-03-72-I****THE PROSECUTOR****v.****MILAN BABIC****TAB 1**  
**FACTUAL STATEMENT****Introduction**

1. The purpose of this factual statement is to demonstrate that there exists an adequate factual basis for Milan BABIC's plea of guilty to Count 1 of the Indictment, *The Prosecutor v. Milan BABIC*, Case No. IT-03-72-PT ("Indictment"). This factual statement does not contain all of the facts concerning Milan BABIC's conduct relative to the Indictment, and does not preclude additional agreed or proven facts being brought to the attention of the Trial Chamber at the time of sentencing.

**Positions Held by Milan BABIC**

2. Milan BABIC was born on 26 February 1956 in Kukar, municipality of Sinj, Croatia. After completion of his military service in 1983/1984, he remained in the reserve as a member of the reserve medical corps. In 1990, he had obtained the rank of First Lieutenant.
3. Milan BABIC studied dentistry in Belgrade and sometime after receiving his diploma, he was appointed Director of the Health Centre in Knin.
4. Prior to 1990, he was a member of the League of Communists of Croatia. In December 1989, he was a delegate to the last Congress of the League of Communists in Croatia, held in Zagreb. From February 1990, he was a prominent political figure in the Serbian Democratic Party ("SDS") in Croatia, and he held a senior position in the SDS municipal committee in Knin. After Jovan Raskovic's death in 1992, Milan BABIC assumed the position of President of the SDS party, in which function he remained until 1995.
5. From 1990 until 1994, Milan BABIC held the position of the President of the Municipal Assembly in Knin. From 31 July 1990 onwards, he was the President of the Serbian National Council ("SNC"). From December 1990, Milan BABIC was President of the Temporary Executive Council of the "Serbian Autonomous District/ *Srpska autonomna oblast* ("SAO") Krajina," and on 30 April 1991, Milan BABIC was elected President of the Executive Council of the SAO Krajina. Subsequently, on 29 May 1991, he became President of the government of the SAO Krajina. On 1 August 1991, Milan BABIC signed a decision applying the Law on Defence of the Republic of Serbia to the territory of the SAO Krajina making Milan BABIC *de jure* Commander of all armed forces of the SAO Krajina, including special purpose units of the Krajina Ministry, and Commander of the Territorial Defence forces of the SAO Krajina. In fact, he had no actual authority or effective control over the actions of these forces. On 19 December 1991, the SAO Krajina proclaimed itself the Republic of Serbian Krajina/ *Republika Srpska Krajina* ("RSK") with Milan BABIC as President. Milan BABIC held this position until 15 February 1992. In April 1994, Milan BABIC became the Minister of Foreign Affairs of the RSK government and on 27 July 1995 he was elected Prime Minister of the RSK government, a position he held for one week until 4 August 1995.

**Activities of Milan BABIC During the Relevant Period**

6. Milan BABIC believed that Croatian Serbs, in particular those living in areas around Knin, had been discriminated against by the Croatian authorities. He was fearful that if Croatia seceded from Yugoslavia, the Serbian population would become a minority that was discriminated against in a new State of Croatia. Milan BABIC's concerns were reinforced by abuses committed against Croatian Serbs which he heard about. In addition, there was a media campaign directed by Belgrade that portrayed the Serbs in Croatia as being threatened with genocide by the Croat majority and Milan BABIC fell prey to the propaganda.
7. On 17 February 1990, Milan BABIC attended the founding session of the SDS Krajina in Knin. The SDS was founded by Jovan Opacic and Jovan Raskovic, who became the first President of the SDS. Milan BABIC was asked by them to address the founding session of the SDS, which was attended by approximately 10,000 people, and he complied with this request. He was also asked to be on the Main Board of the Party and accepted. The SDS platform, *inter alia*, recited the problems faced by Serbs in Croatia and evoked the threat of genocide, stating that the Serb Diaspora in Croatia was a "historical victim which dates from before Starcevic's *Pravas* (Party of Right) movement and the True Right genocide." The platform endorsed redrawing regional and municipal lines to reflect the ethnic composition of the areas, and asserted the right of territories with a "special ethnic composition" to become autonomous through a referendum. The party platform did not, however, endorse abuse of non-Serbs within the redrawn regional and municipal lines.
8. In the multi-party elections held in Croatia in April and May of 1990, Milan BABIC was elected President of the Knin municipality. The SDS won a majority in five municipalities: Knin, Donji Lapac, Gracac Benkovac, and, after a second election, in Glina.
9. Starting in early 1990, Milan BABIC spoke at rallies in the Krajina and to the media. In his early speeches, Milan BABIC spoke about Serb autonomy within Croatia. In some of his later speeches, his rhetoric became more radical. He spoke of a fear of genocide against Serbian residents of Croatia and endorsed the proposition that all Serbs should have the right to live in a Serbian state. Because Milan BABIC was a respected politician among Serbs in Croatia, his speeches and interviews contributed to this propaganda effort.
10. In June 1990, Milan BABIC participated in the formation of the Association of Serbian Municipalities of Northern Dalmatia and Lika and became the President of the Association. The Draft Statute of the Association stated that its purpose was to introduce Serbian regional autonomy in Croatia pursuant to the Croatian constitution with local control in Serb areas of civic and cultural life. Initially, this Association included the municipalities of Knin, Benkovac, Gracac, Donji Lapac, Obrovac, and Titova Korenica. On 6 July 1990, Milan BABIC convened a meeting of the Association and of all municipalities in Croatia with a Serb majority to consider proposed changes to the Croatian Constitution which were perceived as counter to the interest of those with a Serbian identity. The meeting rejected the proposed Constitutional changes which included the abolition of regionalisation, the abolition of the option of forming associations of municipalities, the introduction of exclusively Croat symbols, and a change in the name of the language.
11. In response to the fear of becoming a discriminated against minority in Croatia, on 25 July 1990, Milan BABIC and other SDS Krajina leaders participated in a Serbian assembly in Srb, attended by approximately one hundred thousand Croatian Serbs. The Assembly passed a Declaration "on the Sovereignty and Autonomy of the Serbian Nation" in Croatia. The Declaration stated that the Serbian nation within Croatia was "a sovereign nation with all the rights entailed in the sovereignty of a nation." The Declaration also established the Serbian Assembly, with its seat in Srb, as the political representative of the Serbian nation in Croatia, and the Serbian National Council ("SNC") as the executive body of the Assembly. The Declaration stated that the SNC had the right to hold a referendum of Serbian people on issues related to sovereignty, and was responsible for implementing the decisions of the Assembly. The Declaration further stated that the Assembly

declared null and void all constitutional and legal changes in Croatia that were inconsistent with the Serbs' sovereignty as a nation or their right to autonomy. Finally, the Declaration stated that if Croatia remained in Yugoslavia, the Serbs in Croatia would demand cultural autonomy, but if Yugoslavia became a confederation of independent republics, the Serbs in Croatia would demand political and territorial autonomy.

12. The first meeting of the SNC was held on 31 July 1990 in Knin. At the second session of the SNC, held on 16 August 1990 in Dvor na Uni, the Council called for a referendum on Serbian autonomy to be held between 19 August and 2 September in all settlements where Serbs lived in Croatia. The voters could vote in favour or against autonomy and sovereignty for Serbs in Croatia. The referendum was adopted by 97.7% of those who voted, most of whom were Serbs. On 30 September 1990, the SNC declared "the autonomy of the Serbian people on ethnic and historic territories on which they live and which are within the current boundaries of the Republic of Croatia as a federal unit of the Socialist Federal Republic of Yugoslavia."
13. On 17 August 1990, the Croatian government declared the referendum illegal. Rumours began to circulate that the Croatian police was moving to suppress the referendum. Milan BABIC had been informed by Dusan Orlovic and Milan Martic that there was movement by Croatian Police and went to Golubic so as to see what was going on. Milan Martic and others were distributing weapons to the Serb population. Serbs organised by Milan Martic also began to arm themselves and erect barricades in Knin in what became known as the "log-revolution."
14. In August 1990, Milan BABIC contacted Slobodan Milosevic to complain about the treatment of Serbs in the area around Knin. Milosevic directed Milan BABIC to meet with the President of the SFRY, Borisav Jovic. On 13 August 1990, Milan BABIC and other leaders from Knin met with Jovic and told him about the problems that the Serbian community had with the Croatian authorities. Jovic said that he would give the Serbs in Croatia his political support and that they would have the support and protection of the JNA in their struggle. This assurance was later repeated by Milosevic himself on other occasions.
15. Milan BABIC originally viewed President Milosevic as the leader and protector of all ethnic Serbs in Yugoslavia. Milan BABIC sought the assistance of Milosevic in protecting the Serb population of Krajina and was assured by Milosevic that they would be protected by the JNA. The trust which Milan BABIC had placed in Milosevic was undermined in March 1991. Milosevic showed him a proposed western border of a new Serbian state on a map, which he understood was agreed to by Milosevic and Tudjman, dividing Bosnia and Herzegovina. Milan BABIC was stunned because he perceived this to be contrary to the interests of the SAO Krajina and everything that Milosevic had told him before about protecting them.
16. From August 1990, a parallel structure started emerging in the Krajina comprised of members of the Ministry of Interior of Serbia, the State Security service of Serbia, the SDS in Croatia and policemen in the Serbian municipalities in Croatia which ultimately answered directly and exclusively to Slobodan Milosevic. The central figures of this parallel structure in Serbia, aside from Milosevic himself, were Jovica Stanisic from the Serbian DB and his subordinate Franko "Frenki" Simatovic. In the Krajina, the central figures were Milan Martic and Dragan Vasiljkovic, aka Captain Dragan. Through the parallel structure, Milosevic manufactured incidents, which provoked reaction and fear among the Serbs, including Milan BABIC, and intensified intervention by the Croatian police. This spiralled up into intolerance, violence, and eventually war. Milan BABIC was not a member of this parallel structure and had no ability to control their actions.
17. Milan BABIC was aware of this parallel structure and shared its goal of creating a state for all Serbs. Although Milan BABIC had different views on the methods and means to obtain the goal of a Serbian state, he provided support to the parallel structure's aim of achieving a state for all Serbs through conflict and force by failing to publicly speak out against their methods, continuing to

exercise the duties of his office, participating in the arming of Serbs in Croatia, creating and staffing political and military structures for a separate Serb entity in Croatia, and obtaining financing for these military structures. Further, in order to achieve the goal of a state for all Serbs throughout Yugoslavia, Milan BABIC met frequently with members of the joint criminal enterprise described in the Indictment, in particular with Slobodan Milosevic, Milan Martic, and Radovan Karadzic.

18. On 21 December 1990, under the leadership of Milan BABIC, the Association of Municipalities of Northern Dalmatia and Lika became the Serbian Autonomous Region of Krajina ("SAO Krajina"). The territory of the SAO Krajina was comprised of the municipalities in the Association of Municipalities of Northern Dalmatia and Lika, any other municipalities with a Serbian majority that decided to join the SAO Krajina, and any local communes that decided after referendum to join a municipality that had itself decided to join the SAO Krajina. The Statute of the SAO Krajina stated that the SAO Krajina "shall bear the form of territorial autonomy" within Croatia and that the citizens of the SAO Krajina would rule themselves through referendums or through representatives elected to the SAO Krajina Assembly. Milan BABIC was the leader of the SAO Krajina and in April 1991 was formally appointed President of the Executive Council. In May 1991, he became Prime Minister of the SAO Krajina.
19. Following a nomination by a majority of the Temporary Executive Council of SAO Krajina, on 4 January 1991 Milan BABIC appointed Milan Martic to be Secretary for Internal Affairs of the SAO Krajina. When the appointment was made, Milan BABIC was aware that Martic was a key figure in the parallel structure, and that from October 1990, through a group known as the Council of People's Resistance, Martic fought efforts to bring about a peaceful resolution to the conflict between the Serbs in Croatia and the Croatian authorities. Specifically, Martic and this resistance sought to provoke the Croatian authorities by attacking the Croatian police, shooting non-Serb civilians, destroying non-Serb shops, houses, vehicles with explosives, and mining and blowing up a railway line. Through these provocations, Martic and the parallel structure hoped to escalate the conflict, force the federal authorities to declare a state of emergency, and cause the JNA to intervene.
20. The government of the SAO Krajina never had any effective control over Martic and the police force in Krajina. Attempts to remove him were unsuccessful due to the support that Martic received from Milosevic and other members of the parallel structure.
21. In March 1991, after an incident at Pakrac, Milan BABIC met with Milosevic to ask him what was going on. He was told that he should not worry and return to Knin. He met with Milosevic a second time and asked for the protection of the Krajina. Milosevic told him that he had already purchased 20,000 weapons from Hungary. Milan BABIC did not know about this and told Milosevic that he had no knowledge. Milan BABIC was later shown the weapons that had arrived from the Serbian TO warehouses. Milan BABIC was also aware that in July and August 1991, weapons were obtained through Colonel Smiljanic of the JNA and that the weapons were brought into the Krajina from the military airport in Bihac.
22. Milan BABIC also told Milosevic that the Krajina needed professionals to train the police. On 1 April 1991, Milan BABIC issued a request to the Government of the Republic of Serbia asking that the forces of the Ministry of the Interior of the Republic of Serbia provide technical and personnel support for the police in the SAO Krajina. In April 1991, Frenki Simatovic, Milan Martic, and Captain Dragan established a training camp in Golubic to create special units of the Krajina police. This camp was funded, armed, and supplied by the MUP of Serbia. Milan BABIC was called to visit the camp and, in response, he visited the camp on two occasions.
23. On 18 March 1991, Milan BABIC endorsed, in his capacity as President of the Knin Municipal Assembly, a decision of the Assembly "completely and permanently" separating the Knin Municipality from the Republic of Croatia. On 1 April 1991, in his capacity as President of the

Executive Council of the SAO Krajina, Milan BABIC endorsed a decision of the Executive Council joining the SAO Krajina to the Republic of Serbia. The decision stated that the Constitution and laws of Serbia would apply to the SAO Krajina. One half hour later, Milosevic called Milan BABIC and told him that the authorities in Krajina had to come out in favour of Yugoslavia, and not in favor of Serbia. He did not explain why, but Milan BABIC believed that Milosevic wanted the direct involvement of Serbia in the events in the Krajina to remain secret. This was consistent with Milosevic's plan to make it appear that others were breaking away from Yugoslavia, whereas that part of Yugoslavia that he envisaged to remain in a newly organised state should appear to have remained there in a passive way. The JNA would protect the Serb areas. After repeated interventions by Milosevic, the Krajina authorities reversed their positions and started to say they wanted to remain in Yugoslavia and not be annexed to Serbia.

24. On 30 April 1991, the Assembly decided to hold a referendum in the SAO Krajina on 12 May 1991. Originally the question was to be whether the voters wished to have the Krajina annexed to Serbia and Montenegro. Because of Milosevic's intervention, however, the question was changed to the following: "Are you in favour of SAO Krajina annexing to the Republic of Serbia and remaining in Yugoslavia with Serbia, Montenegro and others who wish to preserve Yugoslavia?" The referendum was approved by 99.80% of those voting.
25. On 29 May 1991, the SAO Krajina Assembly, with Milan BABIC's acquiescence, appointed Milan Martic Minister of Defence of the SAO Krajina. On the same day, the Assembly passed a decision establishing special purpose units of the Ministry of Interior of the SAO Krajina under the name "Milicija Krajine" (the Krajina Militia), which were put under the authority of the Ministry of Defence. At this time, Milan BABIC was aware that forces under the command of Milan Martic were engaged in attacks on Croat civilians. On 27 June 1991, the Assembly re-appointed Martic as Minister of Interior of the SAO Krajina (a role he had not in fact given up while Minister of Defence). Nobody was immediately appointed to replace Martic as Minister of Defence and so for a period of time Milan BABIC assumed the role
26. Beginning in July 1991, Milan BABIC signed orders as Minister of Defence of the SAO Krajina creating TO formations within the SAO Krajina and appointing commanders to these formations. On 11 July 1991, Milan BABIC issued an order mobilising all staffs and units of the TO in the SAO Krajina. As noted above, on 1 August 1991 Milan BABIC issued a decision applying the law on defence of the Republic of Serbia to the SAO Krajina and making himself the Commander of the armed forces of the SAO Krajina, including all special purpose units of the SAO Krajina, and of the Territorial Defence ("TO") of the SAO Krajina. Milan BABIC performed the duties connected with this position. On 8 August 1991, Milan BABIC appointed Milan Martic, under pressure from Milosevic, to be Deputy Commander of the SAO Krajina TO. Milan BABIC also signed orders creating TO formations and appointing TO commanders throughout the territory.
27. In September 1991, at Milan BABIC's request, a TO Staff of the SAO Krajina was formed and on 30 September 1991, Milan BABIC appointed Ilija Dujic to be the Commander of the TO, however Milan BABIC only ratified a decision made in Belgrade. On 28 November 1991, Milan BABIC relieved Dujic of his post at Dujic's request and Milan BABIC then appointed Colonel Radoslav Maksic to be TO commander with the approval of the JNA. In October 1991, Milan BABIC met with JNA General Vukovic from the 9<sup>th</sup> (Knin) Corps, and subsequently with General Blagoje Adzic concerning the TO's relationship to the JNA. Milan BABIC wrote a report asking the JNA to resolve certain problems of co-ordination with the TO. The TO commanders reported directly to the JNA, and it was Slobodan Milosevic who was directly responsible for the appointment of the TO Main Staff in the Krajina. Although Milan BABIC tried to assume command over the TO in September 1991, he was not successful and the TO only took orders from the JNA. Milan BABIC met with Tomislav Simovic, the Minister of Defence of Serbia, seeking financial assistance for the TO of the SAO Krajina.

28. Already aware of the plans of the other JCE members regarding the forcible removal of the Bosnian Muslims, from August 1991, following the attack on Kijevo, Milan BABIC became aware that the JNA and the parallel structure were not protecting the Serbs in Croatia but were, along with local Serb TO forces in the Krajina and Martić's police, engaged in a war for territory to create the western borders of a new Serbian state. Milan BABIC saw that the creation of a Serbian state would include the forcible permanent removal of the non-Serb populations from Serb dominated areas of Croatia through a discriminatory campaign of persecution.
29. This war to create a Serbian state was the basis of the joint criminal enterprise described in the indictment whose purpose was the permanent forcible removal of the majority of Croat and other non-Serb population from approximately one-third of the territory of the Republic of Croatia ("Croatia") in order to make it part of a new Serb-dominated state. Milan BABIC became aware that this Serbian state was being created and maintained through the ethnic resettlement of the Croat and other non-Serb population within the Serb dominated areas of Croatia. Although he had different views on the appropriate methods and means to obtain the goal of a Serbian state he continued to co-operate and support those who sought to execute this plan with violent means. The areas targeted by this plan included those regions that were referred to by Serb authorities as the "SAO Krajina," the "SAO Western Slavonia," the "SAO Slavonia, Baranja and Western Srem" (after 19 December 1991, the "SAO Krajina" became known as the RSK; on 26 February 1992, the "SAO Western Slavonia" and the "SAO Slavonia, Baranja and Western Srem" joined the RSK), as well as the "Dubrovnik Republic/ *Dubrovačka republika*." Milan BABIC's own focus in this regard was on the SAO Krajina. The plan was accomplished in part through a campaign of Persecutions, a Crime against Humanity, in violation of Article 5 of the Statute of the Tribunal.
30. From August 1991, Milan BABIC was aware of the intent of the members of the joint criminal enterprise to forcibly resettle the Croatian and other non-Serb populations within the targeted areas. While he favoured a peaceful solution to the crisis, he knowingly and intentionally participated in the common design involving the perpetration of the crime of Persecutions. As Milan BABIC himself put it, he became an "ethnic egoist, a person who exclusively wanted to see to the interests of people to which [he] belonged" while he "neglected the interests and suffering of the other peoples, at the time the Croatian people."
31. A number of individuals participated in this joint criminal enterprise at different times during its existence, including Slobodan MILOSEVIC; Milan MARTIC; Goran HADZIC; Jovica STANISIC, Franko SIMATOVIC, also known as "Frenki," Vojislav SESELJ; General Blagoje ADZIC; General Ratko MLADIC and other known and unknown members of the Yugoslav People's Army ("JNA"); the Serb Territorial Defence ("TO") of Croatia, Serbia and Montenegro; local and Serbian police forces ("MUP forces"), including the State Security/ *Državna bezbednost* ("DB") of the Republic of Serbia, and Serb police forces of the SAO Krajina and the RSK commonly referred to as "Martić's Police," "*Marticevci*," "SAO Krajina Police" or "SAO Krajina Milicija" (hereinafter "Martić's Police).
32. On 8 September 1991, Milan Martić and a JNA security officer were arrested in Otoko in the municipality of Bosanska Krupa. Various members of the joint criminal enterprise, including Slobodan Milosevic, Radovan Karadzic, Jovica Stanisic, various JNA Generals, and Milan BABIC, were involved in securing the release of Martić.
33. Milan BABIC, participated in the joint criminal enterprise in the following ways:
  - a. In his capacity as the President of the SNC and subsequently as President/Prime Minister in the SAO Krajina and the RSK, he formulated, promoted, participated in, and encouraged the development and implementation of the SDS in Krajina and SAO Krajina/RSK governmental policies which advanced the objective of the joint criminal enterprise. Throughout 1991,

Milan BABIC attended meetings with the Serbian, SFRY and Bosnian Serb leadership defining these policies and presented its positions in international negotiations after receiving instructions from Slobodan Milosevic on the positions to be taken.

- b. He was instrumental in the establishment, support and maintenance of the government bodies ruling the SAO Krajina/RSK, which in co-operation with the JNA and the parallel power structure implemented the objectives of the joint criminal enterprise and participated in the commission of crimes listed in the indictment.
  - c. He assisted in the re-organisation and recruitment of the Territorial Defence forces (TO) of the SAO Krajina and subsequently the RSK, which participated in the crimes listed in the indictment. From at least 1 June 1991 to including 15 February 1992, Milan BABIC was the *de jure* commander of the TO forces.
  - d. While he did not endorse Milan Martić's methods and criminality, nor did he share his state of mind with respect to ethnic cleansing, Milan BABIC, nevertheless co-operated with Milan Martić, which led to Martić's command and control over "Martić's Police" involved in the commission of crimes. In the summer of 1991 Milan BABIC tried to get control over Martić's Police and the parallel structure without success, and thereafter he continued to co-operate with them.
  - e. He participated in the provision of financial, material, logistical and political support necessary for the military take-over of territories in the SAO Krajina, which resulted in the subsequent forcible removal of the Croat and other non-Serb population by the TO forces, who acted in co-operation with the JNA and "Martić's Police."
  - f. He made ethnically based inflammatory speeches during public events and in the media that added to the atmosphere of fear and hatred amongst Serbs living in Croatia and as such helped form the opinion of the public that Serbs could only be safe in a state of their own.
  - g. He requested the assistance of or facilitated the participation of JNA forces to establish and maintain the SAO Krajina, furthering the objective of the joint criminal enterprise.
  - h. He encouraged and assisted in the acquisition of arms and their distribution to Croatian Serbs to further the objective of the joint criminal enterprise.
34. The plan and conduct of the joint criminal enterprise entailed a widespread and systematic attack against the non-Serb civilian population in areas of Croatia. The campaign of Persecutions committed in furtherance of the joint criminal enterprise included those acts set forth in paragraphs 13 through 15 of the Indictment, including Annex I. While he was aware that crimes such as imprisonment (paragraph 15(b)), deportation and forcible transfer (paragraph 15(c)) and the destruction of property (paragraph 15(d)) as described in the indictment, were being committed in the targeted territories, Milan BABIC did not know the details and the scale of the events that were occurring in the villages throughout the targeted areas at the time. However, he knew from what he observed that the crimes listed in the indictment were the likely outcome of the pursuit of the objective of the joint criminal enterprise and the campaign of persecutions. At the end of 1991 or beginning of 1992, in relation to the imprisonment he took steps to alleviate the problems by appointing professional prison staff. With respect to the murders charged in paragraph 15(a) of the indictment, Milan BABIC did not know they were occurring at the time but knew from what he observed that such killings were the likely outcome of the pursuit of the objective of the joint criminal enterprise and the campaign of persecutions.

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**Case No. IT-06-90-T**

**THE PROSECUTOR**  
**v.**  
**ANTE GOTOVINA et al.**

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**DEFENDANT ANTE GOTOVINA'S MOTION FOR ADMISSION OF  
EVIDENCE PURSUANT TO RULE 92 *QUATER***

**CONFIDENTIAL APPENDIX "C"**

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## **EXCERPTS**

**Testimony of Milan Babic in IT-03-72-I  
(Further Initial Appearance: Plea Hearing)**

1 Tuesday, 27 January 2004  
2 [Further Initial Appearance]  
3 [Open session]  
4 [The accused entered court]  
5 --- Upon commencing at 11.16 a.m.

6 JUDGE ORIE: Before we start, I've got no transcript on my screen.  
7 It's okay now. It's okay.

8 Mr. Registrar, would you please call the case.

9 THE REGISTRAR: Your Honours, Case Number IT-03-72-I, the  
10 Prosecutor versus Milan Babic.

11 JUDGE ORIE: Thank you, Mr. Registrar.

12 May I have the appearances. Prosecution, first.

13 MS. UERTZ-RETZLAFF: Yes, thank you, Your Honour. For the  
14 Prosecution, from left to right, the case manager Lakshmie Walpita, the  
15 trial attorney Sabine Bauer, Alex Whiting, and Hildegard Uertz-Retzlaff.

16 JUDGE ORIE: Thank you, Madam Uertz-Retzlaff. And for the  
17 Defence.

18 MR. MUELLER: Your Honours from left to right as well, the case  
19 manager, Mr. Danilo Cirkovic, my co-counsel, Mr. Robert Fogelnest, and I,  
20 myself, Peter Michael Mueller.

21 JUDGE ORIE: Thank you, Mr. Mueller. Mr. Babic, first of all, can  
22 you hear me in a language you understand?

23 THE ACCUSED: [Interpretation] Yes, Your Honour.

24 JUDGE ORIE: Now, I did not yet hear you in a language I  
25 understand because I was on the wrong channel. But I read that your

1 MS. UERTZ-RETZLAFF: Yes, Your Honour.

2 JUDGE ORIE: Could the Chamber receive copies of two extremes;  
3 that is, one in which Mr. Babic used the, I would say, the strongest  
4 language, and another one where he was mildest.

5 MS. UERTZ-RETZLAFF: Yes, we will look for it, Your Honours.

6 JUDGE ORIE: Perhaps the parties could agree upon what was the  
7 strongest one and what was the mildest one. If you have any doubt, you  
8 could also provide one or two others so as to make it for the Chamber to  
9 decide what was the strongest one. So we want to -- we would like to see  
10 the both extremes of these speeches.

11 MS. UERTZ-RETZLAFF: Yes, Your Honour.

12 JUDGE ORIE: I have no further questions at this moment in  
13 relation to the statement of facts, neither do I have any further  
14 questions in relation to the plea agreement as a whole.

15 [Trial Chamber confers]

16 JUDGE ORIE: Then we have come to a point where I'd would like to  
17 invite the accused to plead. And from the plea agreement, I understand  
18 that perhaps we should limit the invitation to plead to count 1. Since  
19 there will be changes in the indictment anyhow, I think that we  
20 should -- I'd like to hear exactly from the Prosecution and Defence what  
21 will be the formulation of the count on which Mr. Babic intends to plead  
22 guilty. I mean, I don't think it's of great use to read all the rest of  
23 the indictment at this very moment since changes not yet known in detail  
24 will be made at a later stage. But I would like at least to know for sure  
25 what is the exact formulation of the count.

1           As I read it up till this moment in the indictment, let me just  
2 take it, it is: "Persecutions on political, racial, and religious  
3 grounds, a crime against humanity, punishable under Articles 5(H) and 7(1)  
4 of the Statute of the Tribunal." And I do understand that the plea would  
5 then be that he pleads guilty to what I just read, adding "by  
6 coperpetratorship in a joint criminal enterprise."

7           Is that a proper understanding of what the charge would be?

8           MS. UERTZ-RETZLAFF: Yes, Your Honour, that would be the charge.  
9 And actually, we did not now intend to amend the indictment. As I  
10 explained, it's pleaded in the alternative. And as long as he makes clear  
11 that he is now pleading guilty to coperpetration instead of aiding and  
12 abetting and the other forms as specified in paragraph 4 of the indictment  
13 and also paragraph 13, we wouldn't actually file an amended indictment.

14           JUDGE ORIE: Okay, yes. You would just ask leave to drop the  
15 remaining charges, the remaining four charges.

16           So then I'll read, then, the -- yes, Mr. Mueller.

17           MR. MUELLER: As you may have already anticipated, Your Honour, I  
18 agree with that, and I agree to that addition to the count 1 in the sense  
19 you have quoted, Your Honour.

20           JUDGE ORIE: Yes.

21           Mr. Babic, may I invite you to stand. I'll read the first count  
22 of the indictment brought against you dated the 6th of November 2003.  
23 Persecutions on political, racial, and religious grounds, a crime against  
24 humanity, punishable under Articles 5(H), and 7(1) of the Statute of the  
25 Tribunal, by participating as a coperpetrator in a joint criminal

1 enterprise. How do you plead to this charge?

2 THE ACCUSED: [Interpretation] Guilty.

3 JUDGE ORIE: Thank you, Mr. Babic. Please be seated.

4 The Trial Chamber records the plea of guilty on count 1.

5 Mr. Mueller.

6 MR. MUELLER: Your Honours, I would kindly ask you for permission  
7 that my client would make an additional short statement. Would you accept  
8 that, please.

9 JUDGE ORIE: Yes, but I would first like to continue the  
10 requirements of the Rules of Procedure and Evidence.

11 MR. MUELLER: As you like.

12 JUDGE ORIE: But I do understand that he would like the  
13 opportunity at a later stage to make a short statement.

14 MR. MUELLER: Yes, please.

15 JUDGE ORIE: Mr. Babic, the first thing this Chamber will have to  
16 do is to satisfy itself that you have made this plea voluntarily and that  
17 no threats or no coercion was exercised. That was also the reason why I  
18 went with you through the plea agreement in this respect.

19 The second thing this Chamber has to do to satisfy itself that  
20 this plea was informed; that's why we put questions to you specifically on  
21 the issue which made the party change the earlier agreement into the new  
22 one. The Chamber also has to consider -- to satisfy itself that the plea  
23 was not equivocal. And finally, the Chamber has to satisfy itself that a  
24 sufficient factual basis for the crime and your participation, that it  
25 does exist.

1           In that respect, I'd like to invite the parties to tell the  
2 Chamber whether in respect of these questions, these issues on which the  
3 Chamber will have to satisfy itself, whether there's any additional  
4 submission you'd like to make or to add any piece of evidence which would  
5 make it easier for the Chamber to establish that, or there is sufficient  
6 factual basis for the plea. Perhaps first I now ask the Defence.

7           MR. MUELLER: There are not. Thank you.

8           JUDGE ORIE: And for the Prosecution.

9           MS. UERTZ-RETZLAFF: Yes, I would like to add something. In the  
10 Milosevic indictment, we named Mr. Babic as a member of the JCE, sharing  
11 the intent of the other members of the JCE to forcibly remove the non-Serb  
12 population from targeted areas. In the contact with him, Mr. Babic,  
13 however, made a distinction between himself and the other members of the  
14 JCE, stressing that he was, first, not aware of the criminal objective and  
15 the means to achieve this objective of the JCE, but only saw what was  
16 going on and from what he saw concluded and understood what the objective  
17 was. So that is from August 1991. He's not one of those who actually  
18 came up with the plan.

19           And he also made clear that he was not in control of the forces  
20 conducting the persecution campaign, and the Prosecution found both of his  
21 statements correct because we, of course, have investigated the members of  
22 the JCE. We have a huge amount of information, and a huge amount of  
23 statements and documents that actually confirm this. So his claim is  
24 supported. And what you find in the factual basis is actually what we  
25 found on the basis on a huge amount of evidence that is not in front of

1 you.

2 JUDGE ORIE: Yes. I do understand that. The Chamber will not  
3 take a decision today. The Chamber will consider whatever has been said  
4 here, and the Chamber will take a decision as soon as possible whether  
5 this plea is accepted or not and all the subsequent decisions that have to  
6 be taken, such as instructing the Registrar to set a day for sentence.

7 Having recorded the plea and having heard the request of the  
8 Defence to give an opportunity to Mr. Babic to make a short statement...

9 [Trial Chamber confers]

10 JUDGE ORIE: I give an opportunity now to Mr. Babic to make a  
11 statement.

12 THE ACCUSED: [Interpretation] Thank you, Your Honour.

13 I come before this Tribunal with a deep sense of shame and  
14 remorse. I have allowed myself to take part in the worst kind of  
15 persecution of people simply because they were Croats and not Serbs.  
16 Innocent people were persecuted; innocent people were evicted forcibly  
17 from their houses; and innocent people were killed. Even I learned what  
18 had happened, I kept silent. Even worse, I continued in my office, and I  
19 became personally responsible for the inhumane treatment of innocent  
20 people.

21 The regret that I feel is the pain that I have to live for the  
22 rest of my life. These crimes and my participation therein can never be  
23 justified. I'm speechless when I have to express the depth of my remorse  
24 for what I have done and for the effect that my sins have had on the  
25 others. I can only hope that by expressing the truth, by admitting to my

1     guilt, and expressing the remorse can serve as an example to those who  
2     still mistakenly believe that such inhumane acts can ever be justified.  
3     Only truth can give the opportunity for the Serbian people to relieve  
4     itself of its collective burden of guilt. Only an admission of guilt on  
5     my part makes it possible for me to take responsibility for all the wrongs  
6     that I have done.

7             I hope that the remorse that I expressed will make it easier for  
8     the others to bear their pain and suffering. I have come to understand  
9     that enmity and division can never make it easier for us to live. I have  
10    come to understand that our -- the fact that we all belong to the same  
11    human race is more important than any differences, and I have come to  
12    understand that only through friendship and confidence we can live  
13    together in peace and friendship, and thus make it possible for our  
14    children to live in a better world.

15            I have asked help from God to make it easier for me to repent, and  
16    I am thankful to God for making it possible for me to express my  
17    repentance. I ask from my brothers, Croats, to forgive us, their brother  
18    Serbs, and I pray for the Serb people to turn to the future and to achieve  
19    the kind of compassion that will make it possible to forgive the crimes.

20            And lastly, I place myself at the full disposal of this Tribunal  
21    and international justice. Thank you very much.

22            JUDGE ORIE: Thank you, Mr. Babic.

23            Is there anything any of the parties would like to raise at this  
24    moment?

25            MS. UERTZ-RETZLAFF: No, Your Honour.

## **EXCERPTS**

**Testimony of Milan Babic in IT-01-54-T  
(Slobodan Milosevic Case)**

Witness: Milan Babic (Open Session)  
Examined by Ms. Uertz-Retzlaff

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1 Monday, 18 November 2002

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.02 a.m.

6 JUDGE MAY: Yes, Ms. Uertz-Retzlaff.

7 MS. UERTZ-RETZLAFF: Good morning, Your Honours.

8 WITNESS: M. BABIC

9 [Witness answered through interpreter]

10 Examined by Ms. Uertz-Retzlaff:

11 Q. Good morning, Witness.

12 MS. UERTZ-RETZLAFF: Your Honour, the witness has not yet taken  
13 the oath.

14 JUDGE MAY: That's quite right. Let the witness take the  
15 declaration. He's having trouble hearing.

16 Yes. Let the witness take the declaration.

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

19 JUDGE MAY: If you would like to take a seat.

20 THE WITNESS: [Interpretation] Thank you.

21 MS. UERTZ-RETZLAFF:

22 Q. Good morning, Witness. Can you hear me?

23 A. Good morning. Yes, I can hear you.

24 MS. UERTZ-RETZLAFF: With the help of the usher, the witness needs  
25 to be shown the witness identification sheet that we had prepared, and it

**Public Non-Redacted Version of Previous Private Session Transcript of Witness Testimony by Order of the Trial Chamber**

Witness: Milan Babic (Private Session)

Page 12861

Examined by Ms. Uertz-Retzlaff

1 Yes, Ms. Uertz-Retzlaff.

2 MS. UERTZ-RETZLAFF: Thank you, Your Honour.

3 Q. Witness, having heard the warning, what is your motivation to  
4 testify here in these proceedings? Can you tell us?

5 A. I would like to state in this trial the whole truth about the  
6 events that came to pass and what I know about and those that I took part  
7 in. Also, I consider that I do bear certain responsibility for everything  
8 that took place during that period of time in the territory of the former  
9 Yugoslavia, and I expect that my role will be assessed correctly both by  
10 the Prosecution and by the other institutions, if it comes to that, at  
11 this Tribunal.

12 Q. Yes.

13 A. I also expect that if it comes to that, that I be treated  
14 leniently.

15 Q. Before the war -- I just want to go now through some of your  
16 positions you held before the war, and it's enough to just give yes or no  
17 answers because we go into more details later on.

18 Before the war, had you been a member of the League of Communists  
19 in Croatia?

20 A. Yes.

21 Q. Did you participate in the last Congress of the League of  
22 Communists of Croatia on December 1989 in Zagreb?

23 A. That's right.

24 Q. On this occasion, did the party in Croatia adopt the proposal to  
25 become independent from the League of Communists in Yugoslavia?

**Public Non-Redacted Version of Previous Private Session Transcript of Witness Testimony by Order of the Trial Chamber**

Witness: Milan Babic (Private Session)

Page 12864

Examined by Ms. Uertz-Retzlaff

1 Q. You haven't answered yet my last question.

2 A. Yes, that's right.

3 Q. In February 1990, did you become a member of the Main Committee of  
4 the SDS party in Croatia?

5 A. Yes, that's right.

6 Q. In April or May 1990, did you become the president of the  
7 Municipal Committee of the SDS for the municipality of Knin?

8 A. That's right.

9 Q. Did you become, later on, the president of the Main Committee of  
10 the SDS?

11 A. Of the Main Committee? The Regional Committee of the SDS of  
12 Krajina, for the Krajina.

13 Q. Yes. And how long did you remain in this position?

14 A. Several months in the second half of 1992.

15 Q. Besides your position in the SDS, did you become the president of  
16 the Knin municipality?

17 A. That's right.

18 Q. And how long did you remain in this position?

19 A. About four years.

20 Q. Did you become the president of the Association of Municipalities  
21 of Northern Dalmatia and Lika?

22 A. That's right.

23 Q. Did you become the president of the Serbian National Council at  
24 some point in time?

25 A. Yes, that's right.

**Public Non-Redacted Version of Previous Private Session Transcript of Witness Testimony by Order of the Trial Chamber**

Witness: Milan Babic (Private Session)

Page 12865

Examined by Ms. Uertz-Retzlaff

1 Q. Did you become the president of the Executive Council of the SAO  
2 Krajina?

3 A. That's right.

4 Q. And how long did you stay in this position; from when to when?

5 A. From the 21st of December, 1990, up until the 30th of April,  
6 1991. And the post was the temporary president of the Executive Council.  
7 And from the 30th of April, 1991, to the 29th of May, 1991, the president  
8 of the Executive Council of SAO Krajina.

9 Q. Did you at some point in time also become the president of the  
10 government of the SAO Krajina?

11 A. That's right. On the 29th of May, 1991.

12 Q. Until when?

13 A. Until December, the 19th of December, 1991.

14 Q. When the RSK was founded, were you its first president?

15 A. Yes, that's right.

16 Q. And how long were you in this position?

17 A. From the 19th of December, 1991, until the 16th of February, 1992.

18 Q. In 1993, 1994, did you run against Milan Martić in the  
19 presidential election?

20 A. I did take part in the elections for the post of president of the  
21 Republic of Srpska Krajina and Milan Martić was one of the candidates too.

22 Q. In 1994, did you get a position in the RSK government?

23 A. Yes. I became Minister of Foreign Affairs in the government of  
24 the RSK.

25 Q. Did you, finally, become the president of the RSK again in 1995?

**Public Non-Redacted Version of Previous Private Session Transcript of Witness Testimony by Order of the Trial Chamber**

Witness: Milan Babic (Private Session)

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Examined by Ms. Uertz-Retzlaff

1           A.     I became Prime Minister of the government of the RSK on the 27th  
2     of July, 1995, until the 5th of August, 1995.

3           MS. UERTZ-RETZLAFF:   Your Honour, we can go now into open  
4     session.

5                                   [Open session]

6           MS. UERTZ-RETZLAFF:   Yes. Thank you. With the help of the usher,  
7     I would like to show the witness a map. It's Exhibit 326, tab 11.

8           Q.     Witness, the map has the title "The Republic of Serbian Krajina."  
9     Are you familiar with this map?

10          A.     Yes, I am.

11          JUDGE MAY:   Is this a map which has been exhibited,  
12     Ms. Uertz-Retzlaff, or not? I don't recollect it.

13          MS. UERTZ-RETZLAFF:   It's a new map.

14          JUDGE MAY:   Let's have a copy, please. We seem only to have got  
15     one copy.

16          MS. UERTZ-RETZLAFF:   We turned them all over to the registrar.  
17     There should be one for each of Your Honours.

18          JUDGE MAY:   Yes. We have it now.

19          MS. UERTZ-RETZLAFF:

20          Q.     Witness, do you have the original -- do you have the original map  
21     with you, by chance?

22          A.     Yes, I do.

23          Q.     Did you provide this map to the Prosecution?

24          A.     Yes.

25          MS. UERTZ-RETZLAFF:   Your Honour, the original map is of a better

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1 quality and would be more useful on the ELMO. I suggest that you allow  
2 the witness to use his map. It's exactly the same map.

3 JUDGE MAY: Yes, if it goes onto the overhead projector.

4 MS. UERTZ-RETZLAFF: Yes.

5 Q. You can use the map, sir, your map. Thank you.

6 MS. UERTZ-RETZLAFF: Your Honour, the original map is actually  
7 two-sided, printed two-sided. On one side is the map as such, and on the  
8 back side are photos and a lot of text, describing what is to be seen on  
9 the map. And the translation of the map, you have -- you should have with  
10 you together with the map. And the translation goes on the map, on the  
11 first side from the left to the right, and the same for the back side.

12 Q. Witness, can we have the page with the landscape -- with the map,  
13 yes. Thank you. Witness, who produced this map? Do you know that? Does  
14 it say?

15 A. It says on the back. I can't see very well. It was published by  
16 the military publishing, the military publishing company in Belgrade.

17 Q. Was that the military publishing company from the RSK or from the  
18 VJ, or another one?

19 A. It was the VJ, the Army of Yugoslavia in Belgrade.

20 Q. And when was it produced? Does it say?

21 A. In 1994. I can't see very clearly. Just a moment. I noticed  
22 somewhere in the text that it said 1994, after the elections in the  
23 Krajina, the elections of 1993.

24 Q. Witness, on the page with the map, you -- can you again turn to  
25 the page with the map? You have there a map. Can we turn it so that the

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1 blue map in the middle is to be seen. Yes. Witness, in the middle of  
2 this map, there is the territorial distribution of Serbs by towns in  
3 Croatia according to the census of the 31st of March 1981, and the blue  
4 colour represents the Serbs. Is that what we see on this map, the  
5 percentage of Serbs in the region?

6 A. That's correct.

7 Q. Was it similar in 1990?

8 A. Yes, it was.

9 Q. Again on this page with the maps, in the right corner there is a  
10 map of Ustasha genocide against Serbian population in the territory of the  
11 Independent State of Croatia. That's in the right-hand corner. Why is it  
12 on this map? Can you explain?

13 A. This falls within a context in which mention of the genocide of  
14 the Serbian people during the Independent State of Croatia in World War II  
15 was mentioned. The context -- or rather, the message was that Serbs had  
16 to bear in mind what the Croatian Ustasha had done to them during World  
17 War II in order to avoid this being repeated in the armed conflicts that  
18 took place between 1990 and 1995 on the territory of Croatia and,  
19 according to this map, also on the territory of Bosnia and Herzegovina.

20 Q. Witness, below this green map there is a blue box, and it gives  
21 certain data on the ethnic composition of Eastern Slavonia, Western Srem,  
22 and Baranja. Could you show us --

23 MS. UERTZ-RETZLAFF: First of all, can the map be folded  
24 differently, please. The map needs to show now -- yes. The map has to be  
25 opened.

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1 Q. First of all, Witness, can you show us this region, the region of  
2 Eastern Slavonia, Western Srem, and Baranja? You have to move the map --  
3 you have to move the map so that it can be seen.

4 A. It's this area here.

5 Q. And it says in the text, in the blue box, it says "Population:  
6 135.800," and it says "95 per cent Serbs, 4 per cent Croats, and 1 per  
7 cent others." Do you know what these figures are, from which time?

8 A. This was the assessment of the army in 1993 and 1994.

9 JUDGE KWON: I think it's at the right bottom side of the map.  
10 Yes.

11 MS. UERTZ-RETZLAFF: Yes, Your Honour. But it's actually not  
12 necessary to put it on the ELMO. We want to look at the regions.

13 Q. How was it in 1990 and 1991? Do you know?

14 A. Just a question, if I may: Are you referring to the data in this  
15 table here or this table here?

16 Q. I'm referring to the table in the right-hand corner of the map.  
17 The right-hand corner. Right. This blue box in the right-hand corner of  
18 the map, it says, for Eastern Slavonia, Western Srem and Baranja, it says  
19 95 per cent Serbs, 4 per cent Croats, 1 per cent others. And my question  
20 was: How was it in 1991 -- in 1990 and 1991? Do you know that?

21 A. I haven't found the information you're referring to, madam. Are  
22 you referring to Eastern Slavonia?

23 Q. Yes. I'm going down, actually, through the blue box from the  
24 left-hand side down, and the first one is Eastern Slavonia, Western Srem,  
25 and Baranja. Do you have it now?

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1 A. Yes. I understand now. Would you please repeat your question.

2 Q. My question was: How was the ethnic composition in 1990 and 1991  
3 for that region? Do you know that? Approximately, not --

4 A. In the territory of Eastern Slavonia, Western Srem, and Baranja,  
5 the ethnic breakdown of the population was approximately half/half. Half  
6 Serbs, half Croats, and there were others as well.

7 Q. And now going down, Baranja -- Banija, sorry -- Banija, it says  
8 here --

9 JUDGE ROBINSON: Ms. Uertz-Retzlaff, it's not very clear to me  
10 because the box to which you refer on the map is not in English, so I  
11 expect we are to follow it from this document.

12 MS. UERTZ-RETZLAFF: Yes, Your Honour. We have it only in this  
13 format. It's --

14 JUDGE ROBINSON: So the data which was just given comes under the  
15 heading "Eastern Slavonia, Western Srem, and Baranja."

16 MS. UERTZ-RETZLAFF: Yes. Yes, Your Honour.

17 JUDGE ROBINSON: It doesn't seem to coincide with what is here, or  
18 is that for a different year? 1990 --

19 MS. UERTZ-RETZLAFF: We are actually now comparing the situation  
20 in 1993, which is the situation marked on the map, and I'm asking the  
21 witness how it was in 1990, 1991, and he is giving these figures. It's  
22 not on the map. It's from his knowledge.

23 JUDGE ROBINSON: All right. Thank you.

24 MS. UERTZ-RETZLAFF:

25 Q. We go now down to Banija, and on the map it says for 1993, the

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1 population is 82.406, and the ethnic make-up is 97 per cent Serbs, 2 per  
2 cent Croats, and 1 per cent Others. And my question to you first is to  
3 show Banija on the map on the ELMO so that the Judges can see where it is,  
4 and then the ethnic composition in 1990 and 1991, if you know.

5 The witness is pointing out the Banija region.

6 A. This is the area of Banija.

7 Q. Yes. And can you tell us what the ethnic composition was in 1990,  
8 1991?

9 THE INTERPRETER: Would the witness please be asked to speak into  
10 the microphone.

11 THE WITNESS: [Interpretation] About 75 per cent was Serbs and the  
12 rest was other ethnic groups.

13 MS. UERTZ-RETZLAFF:

14 Q. And do you recall how many Croats lived there in 1990?  
15 Approximately.

16 A. Up to a third, or 25 per cent to 30 per cent.

17 Q. We go now further down to Kordun. Can you, first of all, show  
18 Kordun on the map, where it is situated?

19 A. This is the area of Kordun.

20 Q. And on the map for Kordun for 1993, it says 98 per cent Serbs, 2  
21 per cent Croats. Do you know how it was in 1990?

22 A. About 75 to 80 per cent were Serbs and 20 per cent or so were  
23 Croats.

24 Q. And now going to Lika, can you show us where Lika is on the map?

25 A. This is the area of Lika.

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1 Q. In the map, it says for Lika 48.389 inhabitants and 90 per cent --  
2 93 per cent Serbs, 5 per cent Croats, 2 per cent Others. And can you tell  
3 us how it was in 1990?

4 A. 1990, two-thirds or three-quarters were Serbs or, rather, 75 to 80  
5 per cent were Serbs and 20 to 25 per cent were Croats and Others.

6 Q. Going further down, Northern Dalmatia. Can you show us Northern  
7 Dalmatia?

8 A. This is the area of Northern Dalmatia.

9 Q. It says on the map population 87.000, and ethnic make-up 90 per  
10 cent of Serbs and 10 per cent of Others. Can you tell us how it was in  
11 1990?

12 A. Approximately 80 per cent were Serbs and 20 per cent Croats.

13 Q. When it says in the -- in the map it says 10 per cent of Others  
14 for Northern Dalmatia, does that mean Croats or who?

15 A. Well, the ethnic make-up of the population during the census in  
16 the area had Croats, Serbs, and those who declared themselves as  
17 Yugoslavs. And there was a smaller percentage of other ethnic groups.  
18 Less than 1 per cent.

19 Q. Witness, the last region is Western Slavonia, but we have already  
20 had a lot of evidence on Western Slavonia, so we do not need to talk about  
21 it now. Thank you.

22 Would you now please turn around the map, because I would like to  
23 ask a few questions from the back side of this map.

24 MS. UERTZ-RETZLAFF: On the map, Your Honours, when you go to the  
25 translation, page 3, there is a list of municipalities of the RSK, and

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1 it's actually 28 municipalities.

2 Q. Do you find the list of municipalities? Do you have it, sir? I  
3 would like to know just two questions. There is the municipality, under  
4 number 23, of Plaski.

5 A. I don't know whether I can see the numbers here.

6 Q. Witness, there is actually the photo -- there is the photo. The  
7 photo is Knin, and below -- yes.

8 A. I found it. I found it. I found it now.

9 Q. I just have a question in relation to number 23, Plaski. Plaski,  
10 when did it become a municipality?

11 A. Recognised as a municipality and their representatives made part  
12 of the Assembly of Republika Srpska Krajina in December 1991. Before that  
13 time -- well, they became a municipality because first they were part of  
14 the municipality of Korenica, and they separated themselves from the  
15 municipality of Korenica in the autumn of 1991, and their delegation was  
16 part of the Assembly of the SAO Krajina in December 1991. So the exact  
17 time when they constituted themselves as a municipality and declared  
18 themselves a municipality I couldn't say, but it was before December or in  
19 late November 1991.

20 Q. And the town of Plaski, was it before then a part of the Ogulin  
21 municipality that was in Croatia?

22 A. The town of Plaski and several surrounding villages were, in 1990,  
23 part of the municipality of Ogulin, but in early 1991 they held a  
24 referendum, and the town of Plaski and several villages around it with  
25 Serbian population joined the municipality of Korenica.

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1 Q. And my other question relates to number 26, the Serbian  
2 municipality of Zadar. The Serbia municipality of Zadar, when was it  
3 introduced and which villages belonged -- or towns belonged to it?

4 A. The former municipality of Zadar, which was a municipality in  
5 1990, two Serbian towns, Donji Zemunik and Smokovic, held a referendum in  
6 early 1991 and joined the municipality of Benkovac. That was the  
7 situation in 1991. And then in 1992 or 1993, I'm not sure exactly when,  
8 the Serbian municipality of Zadar was constituted, but it was defined at  
9 the elections held in the Republic of Serbian Krajina in late 1991 as the  
10 Serbian municipality of Zadar, with one delegate in the Assembly of the  
11 Republic of Srpska Krajina.

12 What the Serbian municipality of Zadar encompassed, what territory  
13 it covered, well, we could say part of the territory of the former  
14 municipality of Zadar which was under the control of Yugoslavia up to May  
15 1992.

16 Q. And did it include the villages Skabrnja and Nadin? Do you know  
17 that?

18 A. In terms of territory, yes.

19 Q. And --

20 A. In 1993 and 1994 and 1995.

21 Q. And there is another text on this back side of the map. It's  
22 headed with the words "Republic of Serbian Krajina." And it actually  
23 gives a few features in relation to the regions we just talked about, and  
24 I have only a few questions related to that. For Northern Dalmatia, it  
25 says that Knin was the administrative centre. Was it so?

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1 A. Yes.

2 Q. And it also says for Northern Dalmatia that it was relatively  
3 undeveloped?

4 A. Yes.

5 Q. Was it like this all the time?

6 A. Excuse me. I apologise. In answer to your previous question,  
7 Knin was not formerly the administrative centre of Northern Dalmatia but  
8 it was the main town. It was the centre of Northern Dalmatia in that  
9 sense.

10 And in answer to your second question, yes, it was an  
11 underdeveloped area, as were the other parts of the Republic of Serbian  
12 Krajina.

13 Q. And I have a question in relation to Banija. In Banija, there is  
14 mentioned the five municipalities: Petrinja, Glina, Kostajnica, Dvor na  
15 Uni and Caprag. The villages Dubica, Cerovljani, and Bacin, are they part  
16 of Kostajnica?

17 A. Yes, they are.

18 Q. There is another article on the back side of the map, and it has  
19 the headline "How Republic of Serbian Krajina Emerged," and would you  
20 please find this. And as we are going through the details later on, I  
21 just have one question and it relates to the first paragraph.

22 MS. UERTZ-RETZLAFF: Your Honour, it's on page 9 of the English.

23 Q. It says here: "In 1989, the Serbian people responded to  
24 increasingly aggressive Croatian chauvinism by establishing the Serbian  
25 Cultural Society 'Zora' in Kistanje, as well as by presenting a united

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1 front regarding national symbols and myths."

2 When was this society established and what was the purpose?

3 A. This society was first established in early July 1989, but it was  
4 formally recognised, legalised as the Serbian cultural association Zora in  
5 the autumn of 1990.

6 Q. Who established this society?

7 A. It was established by people who were of Serb ethnicity from the  
8 area of Knin, Benkovac, or, rather, Dalmatia and Lika. Jovan Opacic, from  
9 Knin, was the president of the society.

10 Q. We can now turn aside the exhibit. Witness, while you were still  
11 a member of the League of Communists of Croatia, did the Knin region have  
12 a particular reputation in the League of Communists?

13 A. Well, starting in February 1989 and July 1989 the League of  
14 Communists of Croatia, the then ruling party, was labelled as a centre of  
15 Serb nationalism because of the events that took place in February and  
16 June and July in the area of Knin.

17 Q. What events had taken place?

18 A. In February 1989, during the strike of Albanian miners in the  
19 Trepca mine in Kosovo, there was political division around this event  
20 throughout Yugoslavia. The Croatian association of trade unions supported  
21 the miners' strike in Trepca, while at the same time a large rally was  
22 held in Belgrade in support of the policy of the Republic of Serbia in  
23 connection with the events in Trepca.

24 In Knin, this gave rise to solidarity in the trade unions, in the  
25 large companies such as the nut and bolt factory. They supported the

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1 policy of Belgrade and they protested against the standpoint taken by the  
2 trade union centre in Zagreb which had expressed solidarity with the  
3 miners in Trepca.

4 Q. Thank you. We do not need to have all the details, sir.

5 Did anything happen in Kosovo Polje near Knin?

6 A. The celebration of the anniversary of the Battle of Kosovo was  
7 held in that year in Kosovo Polje near Knin several days after the large  
8 celebration that was held in Kosovo Polje near Pristina. This was a  
9 ceremony in which many bishops of the Serbian Orthodox Church took part.  
10 It was a religious and cultural event, but at the end of the ceremony a  
11 political incident took place when Jovan --

12 JUDGE MAY: M. Babic, as you'll appreciate, we've heard  
13 evidence about this from other witnesses. The significance, if I may say,  
14 as far as your evidence is concerned is any effect that it might have had  
15 in your region that you can speak of.

16 MS. UERTZ-RETZLAFF:

17 Q. Was what happened in Kosovo Polje near Knin understood in the  
18 Croatian society as a nationalist event?

19 A. The representatives of the ruling party, the League of Communists  
20 of Croatia, and of the Croatian people, described this as a nationalist  
21 event.

22 Q. Why did you join the SDS party? Can you explain that?

23 A. Well, in view of the fact that I was following events surrounding  
24 the political position of the then ruling party in Croatia, that is the  
25 League of Communists of Croatia and its attitude towards Knin and the Knin

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1 leadership of the Socialist Party of Serbia. I think at the time the SPS  
2 already existed so he was an associate of Mr. Milosevic in political and  
3 party terms.

4 Q. And did he tell you with whom Mr. Milosevic was in Kupari?

5 A. No. Slobodan Vucetic was the one who told me this. This was the  
6 man I mentioned who was the vice-president of the Presidency of Serbia,  
7 and today he's the president of the Constitutional Court of Serbia.  
8 Slobodan Vucetic, he mediated between me and Bogoljub Popovic and  
9 Mr. Milosevic in Kupari. He said all three of them were there. That's  
10 what he said to me. All three of them are there, Slobo, Jovic, and  
11 Kadijevic.

12 Q. You mean General Kadijevic?

13 A. That's right. The Federal Secretary for National Defence.

14 Q. And you mentioned Mr. Jovic. Which Mr. Jovic would that be?

15 A. Yes, Borisav Jovic, the President of the Presidency of the SFRY.

16 Q. And were you able to contact Mr. Milosevic in Kupari?

17 A. Indirectly through Slobodan Jovanovic. Slobodan Jovanovic  
18 transmitted our message and then transmitted back a message from  
19 Mr. Milosevic.

20 Q. And what was the message?

21 A. The message sent by Mr. Milosevic was that we should ask  
22 officially to be received by the president of the Presidency of  
23 Yugoslavia, Jovic, and that he would receive us and that we should set out  
24 our problems to him.

25 Q. Why did you and these people who suggested it to you, why did you

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1 want to meet Mr. Milosevic? What did you expect from him?

2 A. Slobodan Milosevic was the political leader of Serbia and of the  
3 Serbian people in Yugoslavia. And in Croatia, the people in Knin saw in  
4 him the protector of the interests of the Serbs all over Yugoslavia. This  
5 political option at the time in the media was that Yugoslavia should be  
6 preserved.

7 Q. You mentioned that you were referred to Borisav Jovic. Did you  
8 meet him in August 1991?

9 JUDGE MAY: Yes, Ms. Higgins.

10 MS. HIGGINS: Your Honour, I just wonder whether, having listened  
11 to the evidence that is being given, whether it is really necessary for  
12 there to be a private session at this moment. So long as the witness and  
13 the Prosecutor takes care not to reveal the witness's position, it seems  
14 that most of the evidence that's being given could be given in open  
15 session. It's important evidence that concerns contact potentially  
16 between this witness and Mr. Milosevic, Your Honour.

17 JUDGE MAY: Yes. That seems to be a point. Yes,  
18 Ms. Uertz-Retzlaff.

19 MS. UERTZ-RETZLAFF: Your Honour, the problem is when we go into  
20 the details of the contacts and also now the next detail on Mr. -- of the  
21 witness's contact with Mr. Jovic, I think it would be quite obvious to  
22 the -- to people outside who the witness is.

23 JUDGE MAY: Let us try and keep these private sessions to an  
24 absolute minimum. Can you deal with the relevant matters now and then  
25 we'll go back into open session?

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1 MS. UERTZ-RETZLAFF:

2 Q. Did you meet Borisav Jovic in August 1991, and if so, where did  
3 you meet him? Who was with you?

4 A. I met him on the 13th of August, 1990, in the Presidency of  
5 Yugoslavia in Belgrade. With him there were some associates, and I was  
6 accompanied by David Rastovic, a representative of the Donji Lapac  
7 municipality, and the man I mentioned a moment ago, Bogoljub Popovic.

8 Q. What did you discuss with Mr. Jovic?

9 A. We explained to him the problems we had, that is that the Croatian  
10 government denied the validity of the referendum, the guards that had been  
11 set up in the Serb villages. Those were the topics we discussed. And  
12 Borisav Jovic said that he gave us his support for a political struggle,  
13 and he said that we would have the support and protection of the army in  
14 our struggle. And he said also that a law was being prepared on the right  
15 of peoples to self-determination, leading to secession, if necessary. And  
16 he suggested that we should bring our referendum in line with the  
17 constitutional provisions, and that his associates suggested to us what  
18 these provisions are and what provisions we would have to respect in order  
19 for a referendum to be legally valid.

20 Q. Did you ask him for help in case of a Croatian intervention  
21 against the referendum?

22 A. We set out our problems, and it was he who said he was giving us  
23 his support and that we would be protected by the JNA in our political  
24 struggle.

25 Q. Did you see anyone else on this occasion in Belgrade? I mean any

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1 official member of the government.

2 A. After him, we met Petar Gracanin, the federal Minister of the  
3 Interior.

4 Q. What was discussed with him?

5 A. The same issues, with the emphasis on the changes in the police,  
6 the new uniforms of the police in Croatia, the new insignia, the  
7 reorganisation of the police force.

8 Q. Did Mr. Gracanin offer any assistance or advice on what to do?

9 A. He said that through the federal organs he would establish contact  
10 with the government of Croatia. And I didn't hear this, but later on  
11 Gracanin told me that he recommended to the Serbs in Knin that they should  
12 erect barricades. It was mostly Bogoljub Popovic who talked with him, so  
13 I don't know whether he said this to him or to another delegation which  
14 was led by Martic or the police in contacts with Gracanin.

15 Q. When did Mr. Gracanin tell you? You said later on he told you  
16 that he recommended the erection of barricades. When did he tell you  
17 that?

18 A. He said this publicly in the media several years later. He  
19 boasted about how he had helped the Serbs and how he had instructed them  
20 to erect barricades.

21 MS. UERTZ-RETZLAFF: Your Honour, we can now go into open session  
22 again.

23 [Open session]

24 MS. UERTZ-RETZLAFF:

25 Q. Witness, you have now mentioned several times David Rastovic.

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1 During the events, what was his role, if any?

2 A. David Raskovic was the president of the Municipal Assembly of  
3 Donja Lapac and the president of the Association of Municipalities of  
4 Northern Dalmatia and Lika and a member of the Serb Democratic Party.

5 Q. Did he have any functions during the war or after the war?

6 A. He kept the function of the president of the Municipal  
7 Assemblies. In 1993, he was a minister in the government of the Republic  
8 of Serbian Krajina. In that year, he was also a member of the Commission  
9 for the Reorganisation of the Serbian Army of the Republic of Serbian  
10 Krajina. He was one of the members of the Presidency of the Regional  
11 Board of the SDS for the Krajina. And in my estimation, he belonged to  
12 the so-called parallel structure in the Krajina.

13 Q. What do you mean when you say "so-called parallel structure in the  
14 Krajina"?

15 A. I mean by this a group of people which consisted of members of the  
16 Ministry of the Interior of Serbia, the public security service of Serbia,  
17 people from the police in the Serbian municipalities in Croatia, and other  
18 people who were in close contact with them and which had not been  
19 established by the legal authorities in Krajina or Croatia or Serbia and  
20 which played a special role in all the events starting from August 1990  
21 and in the following years.

22 Q. Who was in this -- in the centre from the personality? Who was in  
23 the centre of this parallel structure?

24 A. The central figure was the chief of the State Security Service of  
25 Serbia, Jovica Stanisic, followed by his assistant, Franko Simatovic, then

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1 Captain Dragan "Rasko" Vasiljkovic, and other people from the State  
2 Security Service Serbia. Also Milan Martic from the police force in Knin,  
3 several other people from the police force, and many other people later.

4 In fact, later, it was the entire police force in Serbian  
5 municipalities Orlovic, Vitas; and presidents of the municipalities who  
6 were closely related to them, Bozovic, Rastovic, Benkovac, Zecevic, and  
7 other people.

8 MS. UERTZ-RETZLAFF: Your Honours, we will go into more details on  
9 this so-called parallel structure in the course of the testimony.

10 Q. And you mentioned that David Rastovic was within this structure  
11 already. What about Bogoljub Popovic that you mentioned? Where did he  
12 belong?

13 A. Well, he was close to those people. I don't know how integrated  
14 he was into that structure formally and directly, but he was related to  
15 them.

16 Q. Was he a police person or a military person? I mean Bogoljub  
17 Popovic.

18 A. He was a retired colonel of the JNA.

19 Q. Which role, if any, did he play during the events?

20 A. Not an important role. He had an advisory role in the area of  
21 Benkovac in 1991. In the year 1990, he was president of the Committee for  
22 Security of the SDS, and a little unusually, he made a speech. He made  
23 speeches at rallies, talking about the procurement of weapons, and he  
24 referred to them as planks, meaning rifles. But I don't know to what  
25 extent he was really directly involved.

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1 JUDGE MAY: Yes.

2 MS. UERTZ-RETZLAFF: Are we in private session?

3 [Private session ordered for public release,18 December 2002 (D18520-D18519)]

4 THE REGISTRAR: Yes, we are in private session.

5 MS. UERTZ-RETZLAFF: Yes. Thank you.

6 Q. You mentioned that certain disinformation was received about the  
7 approach of the Croatian police. After having received this information,  
8 what did you do?

9 A. I left the building of the Municipal Assembly of Knin and went to  
10 one of the neighbouring villages. En route, I gave instructions to one of  
11 the employees of the Assembly to turn on the siren for alert. When I  
12 arrived to that village, I told one deputy of the Municipal Assembly to go  
13 to the post office, which was nearby, to use their telephone and call the  
14 centre for information and alerting, to say that we had an emergency,  
15 almost a state of war. The men did go to the post office and called the  
16 centre for information and alerting in Knin.

17 I later heard that this information was passed not to local  
18 communes to which it was directed but to the media in Knin, the office of  
19 the correspondent of the Tanjug news agency in Zagreb, and this  
20 information that was later broadcast said that Milan Babic had declared a  
21 state of war.

22 Some time later, perhaps half an hour, I went back, stopped by in  
23 Golubic, and I saw that there were a number of policemen from the police  
24 station in Knin, led by Milan Martic, distributing weapons to the  
25 citizenry. I asked where the APCs of the Croatian police were, and they

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1       made light of it. They joked and said, "There are no APCs."

2               I returned. I saw that turmoil reigned there, and I gave  
3       instructions that my denial should be typed out, to the effect that there  
4       was no state of war and no emergency in Knin.

5               THE INTERPRETER: Could the witness be asked to approach the  
6       microphone.

7               MS. UERTZ-RETZLAFF:

8               Q. Sir, can you go a little bit closer to the microphone so that the  
9       interpreter can hear you better.

10              MS. UERTZ-RETZLAFF: We can go into open session again.

11   [Open session]

12              JUDGE MAY: Yes, Mr. Milosevic.

13              THE ACCUSED: [Interpretation] The people who are listening outside  
14       complain that they can't hear anything. This witness is speaking in a  
15       very low voice, and combined with voice distortion, it is completely  
16       inaudible. You should either turn up the volume or have him speak more  
17       distinctly and loudly.

18              JUDGE MAY: M. Babic, could you speak up, please, so that  
19       everyone can hear you.

20              Yes.

21              MS. UERTZ-RETZLAFF:

22              Q. Witness, you have mentioned Dusan Orlovic, who was one of the  
23       sources for the misinformation about the Croatian police, and earlier on  
24       you mentioned that he was part of the parallel structure. What position  
25       did he have during the events?

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1           A.    In the summer of 1990, he was being seen all over the place, and I  
2    didn't know exactly what his position was.  I apologise for clearing my  
3    throat.

4           From the end of September and the beginning of October, formally,  
5    and in real terms, he belonged to a structure that was called the People's  
6    Council Against the Oppression of Serbs.  So it was a formal structure  
7    that he publicly belonged to.  After January 1991, when the secretariat  
8    for the interior was established, the secretary, Milan Martic, appointed  
9    him chief of security for Krajina.

10           In my personal view, he was a man from the State Security Service  
11    in Serbia that is answerable to Jovica Stanisic.  He was appointed after  
12    1990, and he was later transferred to Serbia.  I heard from other people  
13    that after 1995 he continued to work in the State Security Service of  
14    Serbia on the territory of Serbia.  I don't know whether this is true.  
15    He -- my source told me that he worked somewhere around Smederevo.

16           MS. UERTZ-RETZLAFF:  Your Honour, I don't know whether it can be  
17    fixed, but now I hear the voice of the witness in the Serbian language  
18    very loudly, and I almost cannot hear the interpreter any more.  I don't  
19    know -- okay.  Thank you.  That was obviously my personal problem with the  
20    equipment.  Thank you.

21           Q.    You mentioned the village -- a village, and you mentioned Golubic.  
22    What did you see?  Did you see any armed formations in Golubic, or in the  
23    village that you mentioned?

24           A.    On the 17th of August, 1990, in the afternoon - it was perhaps  
25    5.00 - I saw policemen from the police station of Knin distributing

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1 of detail and you can ask the witness about them.

2 Yes.

3 MS. UERTZ-RETZLAFF: Thank you, Your Honour.

4 WITNESS: MILAN BABIC [Resumed]

5 [Witness answered through interpreter]

6 Examined by Ms. Uertz-Retzlaff: [Continued]

7 Q. Good morning, Witness.

8 A. Good morning.

9 Q. Witness, yesterday we spoke about this document Mr. Milosevic  
10 referred to this morning, and it was a request by Milan Martic to Defence  
11 Minister of Serbia, Mr. Simovic, from the 18th of September, 1991.

12 I would like to put to you now another document, and it is  
13 Exhibit 352, tab 4. It is a document from the Ministry of Defence of  
14 Serbia dated the 1st of November, 1991, and it refers to a report on  
15 assisting Serbian areas in Croatia.

16 Looking at the letterhead and the stamp on this document, can you  
17 comment on both? Are they what you knew they looked like?

18 A. Yes. Looking at the letterhead and the stamp, I can say they were  
19 the letterhead and the stamp used in the administration of the Republic of  
20 Serbia.

21 Q. And the person signing this letter, it says Deputy Minister Major  
22 General Branislav Kuzmanovic. Do you know whether this person was at that  
23 time in this position and do you know him?

24 A. He became deputy to the Minister Simovic, but I don't know his  
25 exact name. That is the Deputy Minister I met in Simovic's office. I

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1 don't know if it was Kuzmanovic at the time, but there was a person named  
2 Kuzmanovic.

3 Q. In this letter, General Kuzmanovic requests that the following  
4 items be put on the agenda of the government session of the Republic of  
5 Serbia, and it's reporting on assisting the Serbian areas in Croatia. Are  
6 you aware that at that time this was a point of discussion within the  
7 Serbian government?

8 A. I am not sure whether it was a topic of discussion, but I have  
9 already spoken about the way in which the competent ministers,  
10 municipality presidents, and others, sought help for Krajina in Serbia.

11 Q. And in November 1991, did you ask for assistance, or in the month  
12 before, did the government of the SAO ask for assistance from the Ministry  
13 of Defence?

14 A. Beginning with September and October, yes, assistance was sought.

15 Q. Thank you. And now with the help of the usher, another document.  
16 It is tab 5 of Exhibit 352, and it's again the Ministry of Defence of  
17 Serbia, addressing, on the 1st of November, 1991, the government of the  
18 Republic of Serbia, and reports on providing assistance to the Serbian  
19 districts in Croatia. Did you have time to review this complex document  
20 while you had your conversations with the Prosecutor in The Hague?

21 A. Yes, I did.

22 Q. At that time, in November 1991, and the time before, was  
23 assistance provided in the way described in paragraph 1 of this report?

24 A. Assistance was extended. I don't know exactly in what amount.

25 Q. Would you please have a look at attachment 5 to this report,

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1 attachment 5. Sorry, sir. Attachment 4. I made a mistake. Attachment  
2 4. Attachment 4 is the overall assistance required for the Serb-populated  
3 areas in Croatia, and it is here the total amount is 1,2 billion dinar.  
4 Would you know how many Deutschmark that was at that time, in November  
5 1991?

6 A. I can hardly remember the exchange rate that applied at the time.  
7 I couldn't tell you the figure in Deutschmark.

8 MS. UERTZ-RETZLAFF: Your Honour, Morten Torkildsen, the expert we  
9 have in house, actually looked at the figures and found that the exchange  
10 rate, the official exchange rate with Deutschmark at that time, according  
11 to this official exchange rate, of 30 Deutschmarks -- it amounts to an  
12 official Deutschmark value of about 92 million Deutschmarks, and on the  
13 black market it was about 30 million Deutschmarks, almost 31 million  
14 Deutschmarks.

15 Q. Would you now, please, look at attachment 5, and it refers to a  
16 table of the number of personnel of the TO in the SAOs. And I would like  
17 you to comment only on the figures for the SAO Krajina and not for the  
18 other SAOs. And you see here the total amount of personnel for the Knin  
19 Operational Zone with 12.000, the Lika Operational Zone with 5.800, and  
20 the Kordun and Banija zone with 20.000 staff. Is that -- would that be  
21 correct, according to your recollection?

22 A. They are correct, according to the plan that the main headquarters  
23 of SAO Krajina made for these formations. But I have to add that at the  
24 time, especially for the area of the Operational Zone Knin, this staff was  
25 attached to the command of the Knin Corps. But the figures are accurate,

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1 in light of the planning documents of the Main Staff of the SAO Krajina.

2 Q. Would you please now look at attachment 6 to this report, and I  
3 would also like you to look at the columns related to the Knin Operation  
4 Zone, the Lika Operation Zone, and the Kordun and Banija Operation Zone,  
5 and here we have actually the amounts that were necessary to pay these  
6 military staff. Can you comment on the figures for these three zones?  
7 Would they be correct?

8 A. Yes. If you look at the calculations for the manpower in these  
9 columns, the amounts should be correct.

10 Q. Looking at the attachment -- the attachments number 1 and number 2  
11 with the list of equipment needed in communication and in other areas,  
12 could you comment on these items? Were such items needed, would you  
13 know?

14 A. Those were our planned requirements for the Territorial Defence  
15 system of SAO Krajina.

16 Q. Do you know who made this plan for the requirements in the SAO  
17 Krajina? Who put all this equipment together when needed and when?

18 A. As far as I know, beginning with October, these requirements were  
19 planned by the Main Staff of the defence force of SAO Krajina and  
20 especially the chief of the Main Staff, Colonel Kasun, Dusan Kasun.

21 Q. Returning to the letter -- the report, the body of the report  
22 itself, it says actually on page 2, it makes a reference as follows:  
23 "Since there are no legal grounds for this, that is providing for  
24 assistance to meet these needs is not regulated by the law, we propose  
25 that these issues be legally regulated by an appropriate decree especially

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1 in view of the fact that these needs are great and can be expected to grow  
2 and the fact that other ministries also face these problems within their  
3 respective jurisdictions." And then there follows a list of ministries.

4 Do you know whether various ministries in the Serbian government  
5 were approached in this way, and do you know of any decree?

6 A. I know that other Ministers in the government of Serbia were  
7 approached to seek assistance for Krajina, but I don't know specifically  
8 about this group that was supposed to discuss this within the government  
9 of Serbia.

10 Q. Did you yourself in -- did someone from the Krajina actually have  
11 a discussion with Mr. Simovic on these needs and these matters of  
12 financing?

13 A. There were discussions with General Simovic. The Prime Minister  
14 of SAO Krajina talked to him too.

15 MS. UERTZ-RETZLAFF: Your Honour, for one question I would like to  
16 go into private session.

17 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

18 THE REGISTRAR: Your Honours, we're in private session.

19 MS. UERTZ-RETZLAFF:

20 Q. Witness, at that time when those needs arose, were you actually  
21 the head of the TO of the SAO Krajina, and is that the reason why you can  
22 comment on these matters?

23 A. Yes. As Prime Minister, I was at the head of the TO as the  
24 civilian head of the Territorial Defence.

25 Q. Thank you.

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1 MS. UERTZ-RETZLAFF: We can now go back into open session again.

2 [Open session]

3 THE REGISTRAR: Your Honours, we're now in open session.

4 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
5 now put to the witness, from Exhibit 352, the document tab 6, and it is a  
6 letter from Milan Martic as the Minister of Interior of the SAO to the  
7 Ministry of Interior -- to the Ministry of Interior of Serbia and to  
8 Minister Sokolovic, dated the 10th of February, 1992.

9 Q. Looking at the letterhead, the stamp, and the signature, are  
10 these -- is this a genuine document?

11 A. Yes.

12 Q. In this letter, it actually refers to funds needed and that  
13 Minister Sokolovic should exert his influence on Minister Zebic in order  
14 to receive these amounts needed, and there is actually the amount of  
15 38 million dinars.

16 MS. UERTZ-RETZLAFF: And, Your Honour, according to  
17 Mr. Torkildsen, the black market value of this amount is approximately  
18 330.000 Deutschmarks.

19 Q. Can you comment on this letter? Is the contents correct?

20 A. Yes. This letter reflects the circumstances and the situation  
21 that prevailed at the time.

22 Q. These were the documents I wanted to put to you in this context.

23 Were the police and the TO incorporated into the budget of the RSK  
24 at some point in time? Yesterday you said that they were financed outside  
25 of it. Were they put into the official budget at some point in time?

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1           A.    From 1992, a more stable budget began to be developed for the  
2    Republic of Serbian Krajina.  As for the SAO Krajina, it had a very poor  
3    budget.

4           Q.    When the budget of the RSK was in existence, were all the expenses  
5    of the police covered in the budget or did this payment of cash outside of  
6    the budget continue?

7           A.    Yes.  Payments were made in cash, and the budget of the Republic  
8    of Serbian Krajina was also subsidised from the Federal Republic of  
9    Yugoslavia.

10          Q.    Were all the costs of the army covered in the RSK budget or was it  
11    paid otherwise for the costs?

12          A.    The budget of the Republic of Serbian Krajina only partly covered  
13    the expenses of the army, and another part of the budget was subsidised by  
14    the government of the Federal Republic of Yugoslavia, and yet for another  
15    part materiel and equipment were procured outside of the budget.  Also,  
16    most of the officers in the army of the Republic of Serbian Krajina was  
17    financed by the General Staff of the army of Yugoslavia directly.

18          Q.    I would like to put to you as an example a budget, which makes it  
19    easier for us to explain the proportions, and it is Exhibit 352, tab 7.  
20    It's the budget of November 1994.

21                Did you have time to review this document while you had your  
22    conversations with the Prosecutor in The Hague so that you are familiar  
23    with it?

24          A.    Yes.  Yes, I did.

25          Q.    Did you see budgets of this form and this one during the events?

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1 occasion we asked for greater, broader assistance from Serbia, or rather,  
2 from President Milosevic. Nikola Sainovic, Prime Minister of Serbia,  
3 attended the meeting, and he promised that all of these material and  
4 financial needs would be resolved.

5 JUDGE KWON: Ms. Uertz-Retzlaff, it's about the screw factory.  
6 What factory was that, and does it have any relation to arms or something  
7 like that?

8 MS. UERTZ-RETZLAFF:

9 Q. Witness, you heard the question of His Honour. Can you answer  
10 that?

11 A. That factory manufactured screws. In 1991, it did provide some  
12 minor services to the army, manufacturing of hand grenades, and then also  
13 material for manufacturing armoured trains. So those were minor services  
14 that were provided to the army.

15 Q. Witness, one more question.

16 A. In addition to what Franko Simatovic had in Strmica. These  
17 operations were in addition to that.

18 Q. Witness, did Mr. Milosevic ever indicate to you during a meeting  
19 that he was actually in charge of the National Bank or the Serbian  
20 administration?

21 A. This simply went without saying. That was the attitude that he  
22 had.

23 Q. Did you have a -- a discussion with Mr. Milosevic in April 1995  
24 where you discussed the situation in Knin and the assistance that Knin  
25 could get?

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1           A.     In April of 1995, I talked with President Milosevic on three  
2 occasions. In early April, I talked to him about military operations  
3 conducted by the HVO army in the territory of Bosnia and Herzegovina in  
4 the rear of Knin.

5           On that occasion, he told me the following regarding the  
6 assistance: that it was not true that there were only 300.000 people  
7 against 4 million Croats but that there was an entire logistical support  
8 of Serbia standing behind Krajina.

9           JUDGE ROBINSON: Ms. Uertz-Retzlaff, go back to the question that  
10 you asked the witness as to whether Mr. Milosevic ever indicated that he  
11 was actually in charge of the National Bank or the Serbian administration,  
12 and the witness answered: "This simply went without saying. That was the  
13 attitude that he had." I believe that requires some clarification, some  
14 amplification.

15           MS. UERTZ-RETZLAFF: Yes, Your Honour. And on this -- I take this  
16 opportunity to also point out to you that in relation to these points that  
17 the witness just mentioned, there is in the summary, paragraph 95 and  
18 paragraph 267, these two paragraphs are also covered now in this section.  
19 I've pulled it together so that we do not have to repeat anything.

20           Q.     But, Witness, you have understood the remark of Judge Robinson.  
21 Did Mr. Milosevic -- on my question about whether he indicated to you that  
22 he was in charge of the National Bank or Serbian administration, you  
23 referred to this remark he made in relation to the 4 million -- the --  
24 sorry, that you referred to Serbia being behind you, the Serbian system.  
25 What does that mean?

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1           A.     That meant that Krajina had enough people for combat and that all  
2     material and financial means were provided by Serbia.

3           Q.     And your remark that it simply went without saying that  
4     Mr. Milosevic was in charge of the National Bank or the Serbian  
5     administration, what is the basis of you saying that? Why does it go  
6     without saying?

7           A.     Because any problem that was not possible to resolve with  
8     competent Ministers or the governors, that problem would be addressed to  
9     Mr. Milosevic. And after a discussion with him, that problem would later  
10    on be solved.

11           MS. UERTZ-RETZLAFF: Your Honours, we can go back into open  
12    session.

13           JUDGE KWON: Just a second. Mr. Witness, as the President of  
14    Serbia, Mr. Milosevic may have said that you have the full support from  
15    the Serbian people, but how is that related to the control of the bank of  
16    Yugoslavia? Could you clarify, articulate more reasons, reasons of your  
17    thinking?

18           THE WITNESS: [Interpretation] Well, President Milosevic controlled  
19    all institutions of the Republic of Serbia. And after the creation of the  
20    Federal Republic of Yugoslavia in April of 1992, he also controlled  
21    federal institutions of Yugoslavia. President of the Federal Republic of  
22    Yugoslavia, which was Zoran Lilic at the time, used to describe himself as  
23    somebody who was at the disposal of President Milosevic. This is how all  
24    other institutions operated too.

25           JUDGE KWON: Thank you.

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1 MS. UERTZ-RETZLAFF: We can go into open session.

2 [Open session]

3 THE REGISTRAR: Your Honours, we're back in open session.

4 MS. UERTZ-RETZLAFF:

5 Q. You just mentioned President Lilic. When did he make such remarks  
6 that he was at the disposal of President Milosevic?

7 A. That was in 1994, early 1995. I saw him as he left the  
8 presidential palace, Mr. Milosevic's office, and in front of me he greeted  
9 Borislav Mikelic who was then Prime Minister of the Republic of Serbian  
10 Krajina. I know that they were close, personally close. And then Mikelic  
11 asked how he was, and then he said about himself, "Well, I'm somebody who  
12 is at somebody's disposal. I'm a usable man."

13 Q. I would like to put a few more financial documents to you, and the  
14 first one is in Exhibit 352, tab -- tab 13. Sorry, tab 15. It is the  
15 request of the Minister of Finance of the RSK from the 19th of June, 1992,  
16 to the Federal Executive Council and the Federal Secretariat of Finance  
17 and the Yugoslav National Bank, and there is requested a sum of 12,900  
18 billion dinars. And there is also mentioned that it has to go to the --  
19 "Please pay the funds into the giro account of the budget of the Republic  
20 of Serbian Krajina."

21 Is that the giro account in the SDK system or is it a bank  
22 account?

23 A. That was the budget account.

24 Q. And is -- looking at the letterhead and the signature, can you  
25 comment on the genuinity [sic] of this document?

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1           A.    Yes.  This is a letter sent by the Minister of Finance, the then  
2   Minister of Finance, Vojin Peuraca, who was Minister in the government of  
3   the Republic of Serbian Krajina.

4           JUDGE MAY:  Yes, Ms. Higgins.

5           MS. HIGGINS:  Your Honours, just briefly.  Perhaps it's wording  
6   which is used by my learned friend.  Of course the witness can comment as  
7   to the stamp that he sees, but whether he can comment as to the  
8   genuineness of the document, it's evidently a copy.  But as I say, it's  
9   probably just the wording that my learned friend has used.

10          MS. UERTZ-RETZLAFF:  Yes, Your Honour.

11          JUDGE MAY:  Yes, Ms. Uertz-Retzlaff.

12          MS. UERTZ-RETZLAFF:

13         Q.  Can you -- you mentioned the signature.  Do you recognise the  
14   signature?

15         A.  I've seen this signature, yes.

16         Q.  And according -- and in relation to the letterhead, is that a  
17   letterhead used by the government of the RSK at that time, do you know?

18         A.  This is a regular letterhead.

19         MS. UERTZ-RETZLAFF:  Your Honours, as a reference, Mr. Morten  
20   Torkildsen has found out that the equivalent in the black market value for  
21   D-mark is approximately elf million -- 11 million, sorry.  Eleven  
22   million.

23         Q.  The next document is tab 13 in Exhibit 352.  It's a letter of the  
24   Minister of Defence of the RSK to the ministry of -- to the Ministry of  
25   the Republic of Serbia, and it refers to a meeting held on the 12th of

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1 November, 1992, with President Milosevic and various other persons.

2 They're all listed in paragraph 1 of this letter.

3 When you look at the participants, Goran Hadzic, Zdravko Zecevic,  
4 Milan Martic, Stojan Spanovic, Vojin Peuraca, and Bosko Bozanic, did they  
5 have these positions at the time that they are given here in this  
6 document?

7 A. Yes. They were at the time, yes.

8 Q. Are you aware that such a meeting took place in November 1992?

9 A. No, it didn't.

10 Q. Did this meeting not take place or were you not aware of it?

11 A. I was not aware of it.

12 Q. And looking at the letterhead and the stamp and the signature, can  
13 you comment on it?

14 A. Yes. There's a stamp here of the Republic of Serbian Krajina,  
15 Belgrade office, and then Minister Spanovic here. I'm not sure about his  
16 signature, but this stamp does correspond to the stamp used at that time.

17 Q. And did the government of the RSK actually have such an office in  
18 Belgrade at the address given and is that the letterhead of the office?

19 A. Yes. What the stamp says does correspond to that. The government  
20 did have a representative office in Belgrade, and this is the stamp used  
21 by that office.

22 Q. In this letter, there is, in paragraph 2 on the first page, it  
23 says:

24 "The president, Mr. Milosevic, agreed to the concept of creating a  
25 defence system of the Krajina, which would be based on about 23.000 people

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1 in the police, of whom 5.000 in the regular force and 18.000 in brigades,  
2 which would make up the peacetime corps of the army and provide security  
3 for the borders in the Krajina. The view is that this number should not  
4 be reduced and that a manner and system of financing need not be found, as  
5 this number of men should remain in the standing force as the professional  
6 part of the army. It was accepted that the planning of funds for army and  
7 police needs should begin immediately, as was done in 1992 via the RSK  
8 Ministry of Defence and the Ministry of Defence of the Republic of  
9 Serbia."

10 Witness, was there such a defence concept, and was it paid in this  
11 manner described in the letter?

12 A. Yes, there was such a concept of defence. This concept was  
13 established in the fall of 1991 and it was financed in this way.

14 Q. And the letter continues:

15 "President Milosevic said that funds for maintaining equipment  
16 should be planned via the army of Yugoslavia, that he would help in the  
17 implementation of this, and that the army of Yugoslavia should finance the  
18 active officers and civilians who stayed behind in the Krajina. All other  
19 defence finance needs should be planned via the Ministry of Defence."

20 Was that done in this way?

21 A. Yes, it was.

22 Q. Do you know whether Mr. Milosevic actually agreed on this concept  
23 and endorsed it?

24 A. This is how this system functioned. I know of some cases, for  
25 example, the appointment of the army commander. For these matters they

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1 THE ACCUSED: [Interpretation] I wanted to assist the gentleman.

2 JUDGE MAY: No, no. You can assist later.

3 We will adjourn now. Twenty minutes.

4 MS. UERTZ-RETZLAFF: Your Honour, I have just one question in  
5 relation to this and then it will be finished.

6 Q. At that time when you requested the Serbian Law of Defence, was it  
7 already adopted or was it in the process of being adopted?

8 A. The Assembly of the Republic of Serbia had adopted it, and it was  
9 in the president's office for signature, so that it was in the signature  
10 stage.

11 JUDGE MAY: Very well. We will adjourn. Twenty minutes.

12 --- Recess taken at 10.31 a.m.

13 --- On resuming at 10.53 a.m.

14 JUDGE MAY: Yes.

15 MS. UERTZ-RETZLAFF: Thank you, Your Honour.

16 Q. Witness, in the beginning of your testimony you already mentioned  
17 the Serbian media and their relevance at that time. How did the Serbian  
18 media report about the situation of the Serbs in Yugoslavia, in  
19 particular, the Serbs in Croatia, in the years 1990, 1991?

20 A. These media not only followed the events involving Serbs in the  
21 territory of the former Yugoslavia, especially in the territory of  
22 Croatia, but they worked very intensively on creating public opinion, both  
23 about the events and the general situation at the time. As political  
24 tension grew in the territory of the former Yugoslavia, and particularly  
25 the conflicts, political conflicts in Croatia in early and throughout

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1 1990, the reporting of the media from Serbia, and especially Belgrade, was  
2 very idiosyncratic. All reports on these events were accompanied by  
3 reminiscing of events from more distant history, such as World War II,  
4 when Croatian Nazis, or the Ustashas, committed pogroms and mass crimes in  
5 the territory of the former independent state of Croatia. Generally  
6 speaking, I can say that the spectre of reporting and these evocations of  
7 historical events was led by Belgrade, in creating public opinion in the  
8 sense that mistrust was fueled against the current government in Croatia  
9 and animosity towards the new government in Croatia.

10 Q. How was the Croatian government described?

11 A. The Croatian government was described in various ways, depending  
12 on the time period involved. It was described as neo-Ustasha government  
13 at the beginning, and at the time of the armed conflict it was also  
14 described as genocidal and Ustasha.

15 Q. Was anything said about the intention of the Croatian government  
16 towards the Serbian population in Croatia?

17 A. Yes, especially in the beginning of 1990. It was said that the  
18 intention of the Croatian government was to commit a new genocide and  
19 massacres against Serbs, in Croatia especially.

20 Q. Was anything said --

21 THE INTERPRETER: Especially in Knin. Interpreter's correction.

22 MS. UERTZ-RETZLAFF:

23 Q. Was anything said about the Croatian population and their  
24 relationship with Serbs? Could they live together?

25 A. The emphasis was put more on separation.

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1 Q. Did the Serbian media from Belgrade and Serbia report falsely  
2 about events in Croatia?

3 A. One could say that they exaggerated events and made them more  
4 dramatic than they really were.

5 Q. What effect, if any, did this reporting have on the Serb  
6 population in Croatia?

7 A. Yes, it had a great impact, insofar as this reporting created  
8 first mistrust and then hostility towards the Croatian government.

9 Q. And how about the Croatian population? You mentioned they had  
10 distrust and even hostility towards the Croatian government. What about  
11 the attitude towards the Croatian population?

12 A. The relationship was indirect. That is to say that it was  
13 believed that anyone who supported such a government in Croatia was the  
14 same as the government, could be identified with the government.

15 Q. Was there a particular media item that affected you personally?

16 A. Well, all articles that evoked the past impressed me a great  
17 deal. There was even one interview I gave when I myself evoked that  
18 past. The reporters in question specifically asked me to. And I was  
19 particularly impressed by all the efforts to portray the intentions of the  
20 Croatian government and Croatian ministers regarding Serbs in Croatia.  
21 That is what impressed me most and inspired in me a hostility towards the  
22 Croatian authorities.

23 Q. Did you view the so-called Spegelj tape, Spegelj's tape? Do you  
24 know what that is?

25 A. Yes. It was a film broadcast on Television Belgrade about

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1     Spegelj, Boljkovac, both ministers in the Croatian government, and their  
2     intentions regarding Serbs in Croatia, the army, and Knin.

3             MS. UERTZ-RETZLAFF: Your Honour, the Prosecution would like to  
4     play a few sequences of the Spegelj's tape, and it's actually Exhibit 352,  
5     tab 170. If you allow for this.

6             JUDGE MAY: Yes.

7             MS. UERTZ-RETZLAFF: The AV director has the tape and knows what  
8     he has to play. Thank you. You can start.

9                             [Videotape played]

10            THE INTERPRETER: [Voiceover] If it is needed, two or three men for  
11     the liquidation of the leadership.

12            MS. UERTZ-RETZLAFF: Your Honour, you have the English translation  
13     of what we hear in that same tab number. I actually thought that we would  
14     hear the translation, because I thought they were supplied with that  
15     document.

16            JUDGE MAY: I'm told there's a problem about the interpreters  
17     following. I don't know whether they've got the translation or not.

18            MS. UERTZ-RETZLAFF: They did, Your Honour.

19            JUDGE MAY: Do you want to play some more, see how we get on?

20            MS. UERTZ-RETZLAFF: Yes, please.

21            THE INTERPRETER: Interpreters note: The quality of sound is too  
22     bad for interpreting, and we --

23            JUDGE MAY: Let's see how we get on with the next bit. If you  
24     can't interpret, we'll have to abandon it.

25            Do you want to play another section? Yes.

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1 MS. UERTZ-RETZLAFF: Yes, please.

2 [Videotape played]

3 MS. UERTZ-RETZLAFF: Is it still not possible?

4 JUDGE MAY: It seems impossible. We have the transcript of --

5 THE INTERPRETER: We have the transcript now. Interpreters now  
6 have the transcript.

7 MS. UERTZ-RETZLAFF: I think we can abandon it and --

8 JUDGE MAY: Yes. We've got it in English.

9 MS. UERTZ-RETZLAFF: We have it in English, and that should be  
10 enough. The only thing is that the witness, of course, doesn't have now  
11 the text.

12 Q. Did you review this tape in the Office of the Prosecutor while you  
13 were here in The Hague?

14 A. Yes. I saw part of that footage.

15 Q. And did Mr. Spegelj on this tape refer to killing members of the  
16 JNA, and in particular, solving the problem in Knin by slaughtering? Did  
17 he say that?

18 A. Yes, that's what he said.

19 Q. And who produced the video? Do you know that?

20 A. When the film was shown, it was announced that it was produced by  
21 the information service of the Federal Secretariat for National Defence of  
22 the Federal Republic of Yugoslavia. Later, the media reported that the  
23 footage was actually produced by the KOS, the counter-intelligence  
24 service.

25 Q. Did Mr. Spegelj, General Spegelj at that time, did he deny to have

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1 said such things like killing the JNA members and the people in Knin?

2 A. Through the media he denied -- he denied this.

3 Q. This tape, was it -- when was it -- was it broadcast once or on  
4 several occasions and at what time?

5 A. I know that it was broadcast around the 25th of January, and I  
6 know it was followed by articles in the press. It may have been broadcast  
7 several times, but I didn't watch it more than once. I watched it only  
8 the first time.

9 JUDGE MAY: Which year was it, please?

10 THE WITNESS: [Interpretation] 1991. Around the 25th of January,  
11 1991.

12 MS. UERTZ-RETZLAFF:

13 Q. Did this tape have an effect on the Serbian population in Croatia,  
14 in particular in Knin?

15 A. Yes. After this film, there were mass rallies not only against  
16 Spigelj but the entire Croatian government and in support of Yugoslavia  
17 and the Yugoslav People's Army. It had such an effect that the Croatian  
18 government and anyone who supported it was considered as an enemy of the  
19 Serbian people. Great fear reigned, fear of Croatia, especially at that  
20 time.

21 Q. You have already mentioned, actually, an interview you gave to the  
22 media, but I would like to have some additional remarks on this, but I  
23 think it should be in private session.

24 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

25 THE REGISTRAR: Your Honours, we're in private session.

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Witness: Milan Babic (Private Session)

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Examined by Ms. Uertz-Retzlaff

1 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
2 put to the witness the Exhibit 352, tab 26. It's an interview that you  
3 gave in January 1991 to the Nin magazine, and it is an interview signed by  
4 Stefan Grubac. Did this man interview you, and how do you know this man?

5 A. Yes, he did this interview with me. And not only this one but  
6 many others in the second half of 1990 and the first half of 1991. He  
7 became very close with me. And he personally is from Drnis near  
8 Dalmatia. He became close to me in the sense that he made frequent  
9 contact with me and even made suggestions as to how I should make my  
10 public appearances and what to say.

11 In the month of March, he asked me to write a statement on the  
12 occasion of the rallies organised by SPS during demonstrations in  
13 Belgrade. On one occasion --

14 Q. Witness, we'll come to this. I actually wanted just to know how  
15 you know him. And did Mr. Gruban [sic] have contact with Mr. Milosevic?  
16 Do you know that?

17 A. I know that he was in contact with Mr. Milosevic's associates and  
18 close friends.

19 Q. Whom do you mean?

20 A. These persons are from the family circle of Mr. Milosevic. There  
21 is one person, a woman, from the Yugoslav left wing party and another man  
22 whose name I can't recall now. Gruban [as interpreted] also was in  
23 contact with the chief of cabinet of Mr. Milosevic. He accompanied me to  
24 his office.

25 On one occasion, he asked me to make a statement against Vuk

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1 Draskovic, then leader of the opposition in Serbia.

2 Q. Does that mean Mr. Gruban [sic] had an influence on you, on what  
3 you said and when and how often?

4 A. Yes.

5 Q. Here in this interview, actually on page 2 in the English,  
6 Mr. Gruban refers to you and says: "And to the Serb Autonomous Region of  
7 Krajina and Dr. Milan Babic, its `chancellor'...."

8 Did he refer to you in his reports and interviews as  
9 "chancellor"?

10 A. Well, he tended to glorify me, to attach greater importance to me  
11 and my office than I really had.

12 JUDGE KWON: Mrs. Uertz-Retzlaff, I don't think I follow you. Are  
13 we talking about "Mr. Gruban" or "Grubac"?

14 THE WITNESS: [Interpretation] It's "Grubac."

15 JUDGE KWON: Thank you.

16 MS. UERTZ-RETZLAFF: Your Honour, it's actually on the last page  
17 of the -- on page 7. It's "Stefan Grubac."

18 JUDGE KWON: The transcript has been saying it as "Gruban."

19 MS. UERTZ-RETZLAFF: Sorry. It's a name you find on page 7,  
20 "Stefan Grubac."

21 Q. Were there other journalists from Serbia around you at that time  
22 glorifying you as you say?

23 A. Well, there were many journalists. I think simply that I had to,  
24 I was forced to, I was constantly asked to make statements and comment on  
25 any and every event. Especially Krste Bijelic, from the beginning of the

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1 1990s, who was correspondent of the Radio Television Belgrade in Knin,  
2 constantly asked me for statements, and I know he bragged on one occasion  
3 that he made a politician out of me.

4 Q. You said he bragged he made a politician out of you. When did he  
5 say that?

6 A. Sometime in 1991.

7 Q. Mr. Krste Bijelic, was he related or close to Mr. Milosevic?

8 A. In 1991, he became editor of the information programme of  
9 Television Belgrade, an institution controlled by Mr. Milosevic. On one  
10 occasion even, President Milosevic told me tongue in cheek that some  
11 people are reproaching him for appointing Krste Bijelic editor of  
12 Television Belgrade through Mr. Milosevic.

13 Q. When did he tell you that? When did Mr. Milosevic tell you that?

14 A. Sometime in 1991 during one encounter.

15 Q. Yes. And in this interview that we just spoke about of  
16 Mr. Grubac, there is on the last page a reference that you make to the  
17 question Mr. Grubac asked you. "Serbs are being arrested these days and  
18 Croats are not. Who is engaged in 'banditry' in Croatia?" And you refer  
19 in your answer to the "Croatian leadership's Ustashoid police regime."  
20 Does that mean you adopted this language that you described to us in your  
21 own speeches?

22 A. Yes.

23 Q. And in that same section, two questions down, you refer to  
24 Mr. Slobodan Milosevic, and you say that he is "...the president of all  
25 Serbs, not only of Serbia, and he enjoys the support of all Serbs." Was

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1       that so at that time?

2           A.     That is what he held himself out to be and promised support to  
3     Serbs, and Serbs believed him.  I personally believed him too.

4           Q.     Yes.  We can actually turn -- turn away from this document and go  
5     back into open session.

6           THE REGISTRAR:  Your Honours, I recommend that the Prosecution  
7     indicate which tabs should be under seal, in particular tab 26.

8           MS. UERTZ-RETZLAFF:  This tab should be under seal, yes.

9                               [Open session]

10          THE REGISTRAR:  Your Honours, we're back in open session.

11          MS. UERTZ-RETZLAFF:

12          Q.     You mentioned that Mr. Milosevic -- let me ask you differently.  
13     Who controlled the Serbian media?

14          A.     The media in Serbia was controlled by President Milosevic.

15          Q.     How did he do that?  How did he control the media?  In which way?

16          A.     He had two options: either through the institutions of the  
17     Republic of Serbia, which he controlled through his ruling SPS party; or  
18     personally, through people which held posts of editors and media outlets.  
19     I personally know about this second option, way.

20          Q.     What do you know about this second option, that he controlled the  
21     media through people who held posts?

22          A.     I know that he appointed and removed from office directors of  
23     radio/television; that he held, controlled, appointed, directors and  
24     editors of the daily Politika --

25          JUDGE ROBINSON:  To what extent was the media privately or

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1 this.

2 Shall we move on, Ms. Uertz-Retzlaff?

3 MS. UERTZ-RETZLAFF: Yes. We can go into open session.

4 [Open session]

5 THE REGISTRAR: We're back into open session, Your Honours.

6 MS. UERTZ-RETZLAFF:

7 Q. Did the media also report about Milan Martić, and if so, in which  
8 way?

9 A. Yes. They did write about him, especially starting in April of  
10 1991.

11 Q. How was he portrayed? Was he, as well, glorified, as you said in  
12 relation to another person before?

13 A. Yes. His role was glorified in Krajina.

14 Q. Witness, when Yugoslavia started to disintegrate, was there a  
15 major goal for the Serbs in Yugoslavia?

16 A. The discussion on future relations in Yugoslavia, as far as I can  
17 remember, were quite intense in 1990, and there were two options there,  
18 two approaches. One was a political approach of Serbia, which was that  
19 Yugoslavia should be set up as a strong federation; and the second option  
20 or approach was that adopted by Croatia and Slovenia, where they believed  
21 that they should be independent states or that it should be set up as a  
22 confederation. The Serbs opted for the political approach taken in  
23 Belgrade, that of Yugoslavia as a firm federation. In the case of full  
24 disintegration of Yugoslavia, they thought that Serbs had a right to  
25 remain in one state, which is what President Milosevic used to say, that

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1 Serbs cannot live in four states. Even a confederation -- and even a  
2 confederation cannot be considered one state, and that Serbs shall live in  
3 one state.

4 Q. You said that Mr. Milosevic said that. When did you hear him say  
5 that?

6 A. In January of 1991.

7 Q. What was the occasion?

8 A. Personally, during personal meetings. And there was also a public  
9 speech, or something that was publicly announced by the governing  
10 structures of Belgrade.

11 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
12 put to the witness, from Exhibit 352, tab 27.

13 JUDGE KWON: Mr. Witness, before that: Have you ever heard of or  
14 are you familiar with the notion of Greater Serbia?

15 THE WITNESS: [Interpretation] That's a concept that clearly was  
16 explained by Vojislav Seselj, president of the Serb Radical Party.

17 JUDGE KWON: Is it different from all Serbs living in one state,  
18 which Milosevic is referred to say that? Is it the same notion or is it a  
19 different one?

20 THE WITNESS: [Interpretation] It was a different notion; however,  
21 the contents of both of them were quite similar.

22 MS. UERTZ-RETZLAFF:

23 Q. In which way do you mean that? In which way were they similar?

24 A. Well, the concept of President Milosevic meant that Serbs, in  
25 addition to Serbian Montenegro -- so in the state that he advocated, in

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1 addition to Serbian Montenegro is a state where Serbs from Croatia and  
2 Bosnia-Herzegovina should live as well.

3 Seselj formulated that in a different way, namely that the Greater  
4 Serbia should have its boundaries in Karlobag, Ogulin, and Virovitica.  
5 This is where its western boundaries should be, which is similar to this  
6 option advocated by Mr. Milosevic.

7 Q. And to just follow up on this, I would like to show you the map  
8 Exhibit 326, tab 3. This black line, what is it?

9 A. This is a line advocated by Vojislav Seselj and representing  
10 western borders of Serbia.

11 Q. The western borders of the state that Mr. Milosevic had in mind,  
12 where would that be? Would it be --

13 JUDGE MAY: Well, were there any borders? I think we need to be  
14 careful about how this is formulated, because this is the first time that  
15 any such suggestion has been made by the witness.

16 MS. UERTZ-RETZLAFF:

17 Q. All Serbs in one state as you said --

18 JUDGE MAY: Let the witness deal with that. What, as you  
19 understood it, did the notion of "all Serbs in one state" mean?

20 THE WITNESS: [Interpretation] As I saw it, that meant that Serbs  
21 from Croatia, Serbs from Bosnia-Herzegovina, had a right to live in the  
22 same state as Serbia.

23 JUDGE MAY: Was there any suggestion as to where the borders of  
24 that state should be?

25 THE WITNESS: [Interpretation] On television, Borisav Jovic,

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1     sometime around the 10th of September of 1990, explained in which way this  
2     could possibly be implemented, and he spoke of municipalities as  
3     territorial units that would be included in that state which would be a  
4     firm federation and would be created by restructuring the  
5     then-Yugoslavia. Seselj was the only one who spoke about borders,  
6     Karlovac, Karlobag, Ogulin, and Virovitica.

7             President Milosevic spoke of this principle as a proper principle,  
8     that Serbs from Croatia or, rather, that Serbs from four republics have to  
9     be in one state, have a right to that.

10            MS. UERTZ-RETZLAFF: Can you put this map on the ELMO, please?

11            Q. Witness, I don't know whether this map can assist you or whether  
12     we have to take another map, but where -- in which areas -- can you point  
13     out with a pointer in which areas actually the Serbs in Croatia lived?  
14     Was there -- could you point that out?

15            JUDGE MAY: Ms. Uertz-Retzlaff, we can save time. We know that  
16     now. We've had evidence about it. Can we move on, please?

17            MS. UERTZ-RETZLAFF: Okay.

18            Q. Witness, the usher was supposed to show you a document. It's a  
19     proclamation of the working group for preparation of the plan for  
20     unification of Republika Srpska Krajina and Republika Srpska, and on the  
21     bottom there is --

22            JUDGE MAY: Yes, Mr. Milosevic, what's your point?

23            THE ACCUSED: [Interpretation] Since I'm certain that this witness  
24     could not confirm even under the circumstances that he's describing this  
25     invented border, why won't you let him --

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1           A.    From the beginning of 1991, this was a thesis that had been  
2           accepted by President Milosevic, all Serbs in one state.  As far as  
3           Republika Srpska Krajina was concerned and Republika Srpska, this thesis  
4           was an accepted one in 1995 as well.

5           Q.    The quote continues, and I quote to you:  "One-sided and  
6           unconstitutional secession of Croats and Muslims from former Croatia and  
7           former Bosnia and Herzegovina was carried out in order to destroy joint  
8           Yugoslav state, to bring to an end its state-legal identity and  
9           continuity, and to deprive Serbian people of the status of constitutive  
10          nation, to get it to a position of humiliated minority deprived of its  
11          right of self-determination."

12                    Can you comment on this quote?  In which way would the Serbian  
13           people be deprived of its right of self-determination and be a humiliated  
14           minority?

15          A.    It was believed that if Serbs in Croatia and in Bosnia-Herzegovina  
16           agreed to have Croatia and Bosnia-Herzegovina exist as independent states,  
17           then in that case they would lose their status of constituent nation in  
18           those republics, which is a status that they had according to previous  
19           constitutions, and in that case, they would not have the right to unite  
20           together with other Serbs in other republics where Serbs lived.  This  
21           pertains to the notion of minority and that of a constituent nation.

22          Q.    Was there a notion that it would be humiliating for the Serbian  
23           people to be a minority in a state?

24          A.    Yes.

25          Q.    Who created this notion?

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1 Q. And the unification, the second document, was then not signed, as  
2 we can see, by Mr. Kupresanin. Is that due to the intervention of  
3 Mr. Karadzic that you spoke about yesterday?

4 A. Yes, that's right. Karadzic prohibited it. He even asked  
5 deputies from the Autonomous Region of Bosanska Krajina to go back and to  
6 vote again against the declaration. However, they refused and they left.

7 Q. I would like to put a third document to the witness in this  
8 context, and it's tab 45 of Exhibit 352, and it is a letter of Radovan  
9 Karadzic. And in this letter, it -- I quote:

10 "Along with the congratulations, accept our assurances that the  
11 Bosnia and Herzegovina Serb National Council will always by the spiritual,  
12 cultural, political and state unity also mean state unity of the Serb  
13 Autonomous Region of Krajina and all the other Serb regions with the  
14 Serbia mother-country within a free, democratic and federative Yugoslavia,  
15 regardless of its site -- size." Sorry, "size."

16 We do not need to discuss this because it speaks for itself. Can  
17 you tell us -- there is no date on this document. Can you tell us when it  
18 was sent? Do you know that? Approximately.

19 A. It was after the 21st of December, 1990.

20 Q. And how do you know that? Is it because of the congratulation?

21 A. Yes. On the 21st of December was the date when the Serbian  
22 Autonomous District of Krajina was proclaimed in 1990.

23 Q. We have yesterday spoken about the goal "all Serbs in one state,"  
24 and you have testified about how Mr. Seselj understood it and what was  
25 supposed -- what was planned or what was not addressed in relation to the

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1 non-Serb population in this territory. What did you see happen on the  
2 ground to the non-Serb population in the SAOs in Croatia?

3 A. In August 1991, the Yugoslav People's Army entered into the war  
4 with Croatia. The JNA engaged in combat operations in such a way that by  
5 moving the front line closer to the opposing party, using heavy artillery,  
6 it forced the population and members of the armed forces of the Croatian  
7 government and the entire population to withdraw and retreat from those  
8 territories. In this way, the JNA, as of August 1991, engaged in a war so  
9 that the territories that it captured would be left without any Croatian  
10 inhabitants, or very few of them. Houses and buildings were destroyed in  
11 the combat operations and subsequently. Property was looted. And in this  
12 way, JNA gained control of territory together with other armed formations  
13 that were within its ranks.

14 Q. Which other armed formations do you mean?

15 A. They were units of the Territorial Defence under the command of  
16 the Yugoslav People's Army and the militia or police of Krajina, as well  
17 as volunteer units, so-called volunteer units, under the control of a  
18 parallel structure of state security and the police of Krajina and units  
19 commanded by the state security of Serbia.

20 Q. Where did you see such activities unfold? Can you give us the  
21 names of the location where you saw that happen?

22 A. I saw that in the area of Kijevo around Vrljika, the area around  
23 Drnis, the area around Obrovac, that is Maslinica, around Kostajnica,  
24 around Glina, Vidusevac, Petrinja, Slunj, and other places in those  
25 areas.

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1 Q. In the Kostajnica region, were the villages Dubica, Cerovljani,  
2 and Bacin attacked in this way?

3 A. Yes.

4 Q. In the region close to Plaski, were the villages Saborsko,  
5 Poljanak, and Lipovanic attacked in this way?

6 A. They were.

7 Q. And in the region near Knin, were Skabrnja, Nadin, and Bruska  
8 attacked in this way?

9 A. They were.

10 Q. Were these villages that I just mentioned, were these Croatian  
11 villages?

12 A. Yes, Croatian or majority Croatian villages.

13 Q. Did these villages pose a threat to the JNA or the Serb people in  
14 the region?

15 A. They didn't.

16 Q. You mentioned that various formations were involved. Did they get  
17 involved in a certain pattern so that one formation went first, did  
18 something, and then others follow? Can you describe how these forms of  
19 attack actually were conducted?

20 A. As far as I know, there was a rule, and that was that the first to  
21 take part in attacks were police units or volunteer units or units under  
22 the control of the State Security Service. They would engage in  
23 provocations, provocative shootings, individual opening of fire towards  
24 Croatian settlements, and then they would open fire with mortars. In  
25 other words, they would provoke the other side, upon which the JNA would

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1 join in with its artillery and all the units under its control.

2 Q. You mentioned state security. Which state security did you mean  
3 was involved?

4 A. The state security of Serbia.

5 Q. When the JNA had joined and attacked, what happened afterwards  
6 when a village was taken?

7 A. As a rule, there was looting and torching of property.

8 Q. Who did this, which formations?

9 A. This was done also by the JNA, while it held control, especially  
10 in Drnis. I know of a case there. And then the JNA would hand over  
11 control, or rather, it would leave the area without any control for a  
12 certain period of time. The police would not establish its control there  
13 and then the looting would become generalised.

14 Q. Those -- you said that -- what did the Croatian population do when  
15 this attack occurred?

16 A. They fled.

17 Q. Did anyone stay behind? Did any people stay behind, and if so,  
18 what happened to them?

19 A. Very few people stayed behind, mostly elderly people. After that,  
20 there would be individual killings, which in most cases would not be  
21 elucidated.

22 Q. Were people also detained?

23 A. Yes, there was detention as well.

24 Q. Detained people, were they mistreated in detention? Do you know?

25 A. I heard stories that there was mistreatment of people in prison.

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1 Q. Were prisons actually established in Knin, and do you know whether  
2 people were mistreated there?

3 A. There were two prisons in Knin. One was controlled by the police,  
4 and another by the JNA. I heard that there was mistreatment in the prison  
5 controlled by the police.

6 JUDGE KWON: When did you hear that?

7 THE WITNESS: [Interpretation] Towards the end of 1991/the  
8 beginning of 1992. I was told this by the Minister of Justice, Risto  
9 Matkovic. He was the first to tell me. And then later on, in 1992 and  
10 1993, there was quite a lot of talk about this by ordinary people, and  
11 that was the reason why the Minister of Justice, Risto Matkovic, sought  
12 for the ministry to take over control of the prisons that were held by the  
13 police.

14 JUDGE KWON: Thank you.

15 JUDGE MAY: Just clear up something. You said -- see if I can  
16 find it - after the population fled, some people stayed behind, mostly  
17 elderly. After that you said there would be individual killings, and then  
18 this: "... which in most cases would not be elucidated." Now, that's not  
19 clear. What did you mean by "elucidated"? It may be a translation  
20 problem, but perhaps you could just clarify it, please.

21 THE WITNESS: [Interpretation] That an investigation was not  
22 conducted to discover the perpetrator of the killing.

23 JUDGE MAY: Very well.

24 MS. UERTZ-RETZLAFF:

25 Q. Witness, I would like to play now a few intercepts dealing with

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1 the matter, but I forgot to ask you something. Were people also -- those  
2 who stayed behind, these elderly that you said, were they also deported or  
3 forcibly transferred to other places outside of the control of this  
4 Serbian territory?

5 A. I heard that there were cases of individual local officials having  
6 to shelter these people, to protect them from people in the police or the  
7 state security so that they wouldn't kill them, but that this was not  
8 sufficient. And I was told of a group that they had to help leave the  
9 area under their control so that they could cross over into the territory  
10 under the control of the Croatian government. I heard this over the  
11 media, that there were large-scale deportations, such as the one in Ilok.  
12 I also heard stories that people from Kostajnica, Croats, left the town  
13 after the town had been captured by the Serb forces.

14 Q. You said that local officials had to shelter these people, and you  
15 mentioned in this context the police and the state security. They had to  
16 shelter them from the police and the state security. Is that the parallel  
17 structure again that you mentioned earlier on, around Milan Martić and  
18 Frenki Simatović?

19 A. Yes, and the people linked to them and under their protection.

20 Q. Which official --

21 MS. UERTZ-RETZLAFF: I think, Your Honour, we have to go into  
22 private session.

23 [Private session]

24 THE REGISTRAR: Your Honours, we're in private session.

25 MS. UERTZ-RETZLAFF:

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1 Q. And why were you and Mr. Martic there? Why were you taking  
2 part --

3 A. Martic told me that Jovica Stanisic had asked us to come. It was  
4 my impression that we were just supposed to make "un acte de presence"  
5 there in Karadzic's flat. After that, we went to the SDS club in  
6 Sarajevo, which means we had dinner, actually. So he just wanted us to be  
7 present. That was my impression. We didn't have any great role to play  
8 in the conversation at all. We weren't asked, actually, about anything.  
9 We weren't asked our opinions. We just passed through Sarajevo and some  
10 of the settlements around it.

11 Q. You also mentioned that you met Mr. Stanisic in May 1995 in  
12 Bosnia. What was the -- what were the circumstances?

13 A. En route to Vukovar, and an Assembly of the Republic of Srpska  
14 Krajina was being held there in May 1995. I was invited to stop by in  
15 Bijeljina, to go to the municipality there, and from the municipality,  
16 they escorted me to the centre of the security service, or whatever it was  
17 called, the CBS in Bijeljina, and that was where Jovica Stanisic was, as  
18 well as Franko Simatovic, "Frenki", and Radovan Karadzic. Momcilo  
19 Krajisnik was also there. And I was accompanied by Rajko Lazajic,  
20 president of the Assembly of the RSK. Where he actually entered the hall,  
21 the room itself, I can't remember, but I think he went in together with  
22 me. And they had asked for me, because Stanisic and Karadzic had an idea,  
23 that is to say, through the social accounting service in Vukovar, the  
24 branch in Vukovar, to have fictitious payments paid into an account for  
25 military materiel and equipment, for weapons and ammunition which the

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1     Republika Srpska had procured in the Federal Republic of Yugoslavia.

2           Q.     Was it discussed which military materiel were received when?

3           A.     Well, not exactly. They just spoke about weapons and ammunition.

4     I don't know what ones precisely. But it was a large quantity. I can't

5     remember exactly how much, but quite large. According to my assessments

6     at the time and the insight I had into matters of that kind, there was an

7     inflation in May in Serbia, so there was a large money mass that was

8     discussed. As to the type of weapons, I don't remember them specifying

9     what kind of weapons and ammunition.

10          Q.     Was it discussed from where -- you said the Federal Republic of

11     Yugoslavia. Was it said in which way the weapons were received and from

12     which factories or source?

13          A.     They mentioned Kragujevac or Krusik.

14          Q.     Kragujevac is in -- is it in Serbia?

15          A.     Yes.

16          Q.     Who is in control of the factories in Kragujevac?

17          A.     It was a so-called special purpose plant used for military

18     purposes, and it was controlled by the army, that is, the Ministry of

19     Defence; the army of Yugoslavia and the Ministry of Defence, that is, the

20     government of Yugoslavia.

21          Q.     Witness, why were you asked to get involved and make fictitious

22     payments?

23          A.     At the time, the Prime Minister of Srpska Krajina was Borislav

24     Mikelic, and Stanisic was in the Serbian Security Service, and they had a

25     disagreement about the distribution of oil and of petroleum derivatives,

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1 and maybe that's why they didn't discuss it with him. He was in charge of  
2 such things.

3 JUDGE MAY: The witness will have to make plain what the plan was,  
4 because it's not at all clear.

5 What was the plan - just explain it to us so we can understand  
6 it - that they were discussing.

7 THE WITNESS: [Interpretation] They were discussing -- or rather,  
8 they were asking that, through the branch of the public accountancy  
9 service in Vukovar on the territory of the Republika Srpska Krajina, a  
10 fictitious payment should be made, on paper only, to factories in Serbia  
11 producing military equipment, and this equipment was purchased from Serbia  
12 by Karadzic, by the authorities of Republika Srpska.

13 MS. UERTZ-RETZLAFF:

14 Q. Witness, why couldn't the -- why could Republika Srpska not simply  
15 pay for the weapons they had gotten?

16 A. Because -- well, it couldn't pay because I assume they had no  
17 money, and they couldn't make this fictitious payment from Republika  
18 Srpska because there were no payments and no transactions between  
19 Republika Srpska and Yugoslavia. They had been cut off.

20 Q. Was there an embargo imposed on Republika Srpska at that time?

21 A. The Federal Republic of Yugoslavia imposed, because of the amounts  
22 from the international community, an embargo, but this was only a  
23 pretense, and these were ways of actually getting around the embargo.

24 MS. UERTZ-RETZLAFF: Your Honours, we actually have left a little  
25 bit the proofing summary, the order of the proofing summary, in relation

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1 to the limited time that I have. We are now talking about paragraph 272  
2 in the proofing summary, the relationship with the Bosnian Serbs, Serbia  
3 Bosnian Serbs.

4 Q. Did you actually assist in the way that you were asked to assist,  
5 that is, fake payments?

6 A. First of all, I was not in charge of this, and secondly, I didn't  
7 like this. I didn't see any reason why I should be asked to do this. I  
8 was the Minister of External Affairs, and Stanasic had complete control  
9 over Vukovar. I didn't go into any explanations, but I said it couldn't  
10 be done. And Krajisnik said, "Yes, yes, it can be done. I know. I'm an  
11 economist." However, I did nothing in this regard. I simply knew that  
12 this would be an inflationary move against Serbia and that we would suffer  
13 the consequences for it.

14 Q. You mentioned that there was a disagreement with Mr. Mikelic --  
15 between Mr. Mikelic and Mr. Stanasic in relation to oil. Was the  
16 Republika Srpska at that time also supported with oil deliveries?

17 A. Yes. The State Security Service transported secretly over the  
18 River Sava petroleum derivatives for the Republic of Srpska Krajina.

19 Q. From where to where?

20 A. I know that in this way, distribution of oil from Mirkovci,  
21 Eastern Slavonia, which was then processed in the Pancevo refinery near  
22 Belgrade, was transported, and I also heard there had been some illegal  
23 purchases going against the embargo, imports of oil into Yugoslavia, and  
24 then it was distributed from Yugoslavia.

25 Q. And what was the problem with Mr. Mikelic in this regard?

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1           A.    In regard to the distribution of quantities, what was for Serbia  
2           and what was for Republika Srpska Krajina, because Mikelic was authorised  
3           to distribute the oil taken from Mirkovci and processed in the Pancevo  
4           refinery.

5                    MS. UERTZ-RETZLAFF:  Your Honours, there is a mistake in the  
6           transcript, obviously.  There is a reference to -- there is a reference to  
7           Mr. Krajisnik, that he said, "Yes, yes, it can be done."  I do not think  
8           that the witness actually said that.

9           Q.    Who said -- who confirmed that it could be done, this fake  
10          payment?

11          A.    It was Stanisic and Karadzic who asked me to do this.  When I said  
12          it couldn't be done, Krajisnik said yes.  He said he knew it could be  
13          done, because he was an economist.

14          Q.    Yes.  Thank you.

15                    In relation to the matters that you just referred to, that is, the  
16          oil deliveries, I would like to put two documents to you.

17                    JUDGE MAY:  We're still in private session.  Do we need to be in  
18          private session?

19                    MS. UERTZ-RETZLAFF:  We can go now into open session.

20   [Open session]

21                    THE REGISTRAR:  We're in open session, Your Honours.

22                    MS. UERTZ-RETZLAFF:  I would like to put to the witness two  
23          exhibits from Exhibit 352, tab 93 and tab 94.  The first document, tab 93,  
24          is a document listed under the title "Ministry of Defence of the RSK," and  
25          it's dated the 2nd of August, 1994, to The President of the Republics.  In

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1 this document, there is referred to a dramatic situation in relation to  
2 the fuel needed by the army and the limited amount that they actually get.

3 Q. Witness, this document, looking at the stamp and looking at the  
4 signature, is this a -- is that how you remembered the stamp and the  
5 letterhead?

6 A. Yes, yes, and the content as well.

7 Q. This shortage, who decided, actually, who received the deliveries  
8 of oil? Who made this decision about the deliveries of the oil that was  
9 provided to the RSK and the RS? Do you know that?

10 A. Jovica Stanisic, Mihalj Kertes, and Boro Mikelic. They controlled  
11 the flow of oil.

12 Q. How do you know that?

13 A. I know because Boro Mikelic told me. Radovan Stojicic "Badza"  
14 also told me, and so did people from Mirkovci.

15 Q. And the other document that I would like to put to you, it is a  
16 petition in relation -- to the president of the RSK and other officials of  
17 the RSK, in relation to the state of affairs in the Krajina Petroleum  
18 Refining and Sales Enterprise, seated in Mirkovci, and that is dated the  
19 15th of July, 1994, and it's also again about the distribution of  
20 petroleum and petroleum products. Can you comment on this document in  
21 relation to the letterhead and the contents?

22 A. First of all, it says who received this and what the date was and  
23 under what number it was registered, and the signatures are those of  
24 people from Mirkovci.

25 MS. UERTZ-RETZLAFF: Can we go in private session for one

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1 question?

2 [Private session]

3 THE REGISTRAR: Your Honours, we're in private session.

4 MS. UERTZ-RETZLAFF:

5 Q. Witness, you are listed here as one of the persons who received  
6 this document. Did you receive this document?

7 A. Yes. And I was also told orally about these requests by people  
8 from Mirkovci.

9 Q. Are these also the people who informed you about the role of  
10 Stanasic and Kertes in relation to the oil production there?

11 A. That's correct. That's correct.

12 Q. Thank you. Witness, I would like to return now to what we  
13 discussed about --

14 JUDGE MAY: Open session?

15 MS. UERTZ-RETZLAFF: Yes. Yes, Your Honour.

16 [Open session]

17 THE REGISTRAR: We're in open session.

18 MS. UERTZ-RETZLAFF:

19 Q. We have -- we did speak about the events that unfolded, and you  
20 described the pattern of attacks that occurred and what happened to the  
21 non-Serb population in the territories. When you saw the events develop,  
22 did you realise what the plan was for the non-Serb population in the  
23 regions that were to become part of the joint Serbian state?

24 A. As for the SAO Krajina, I understood that this was a consequence  
25 of the way in which the war was waged rather than part of a plan.

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1           A.     Karadzic also addressed him as Mr. President. Milosevic addressed  
2     him by his name.

3           Q.     First name or last name?

4           A.     He called him Radovan.

5           Q.     When did you meet Mr. Milosevic for the first time and for the  
6     last time?

7           A.     The first time I personally met him in October 1990. The last  
8     time in August, around the 8th of August, 1995.

9           Q.     When you -- when you saw him for the first time in October 1990,  
10    what was the topic of the conversation that you had?

11          A.     I had been given the task by the president of the Serb Democratic  
12    Party, Mr. Raskovic, who gave me Milosevic's telephone number, to call him  
13    and to go and see him and ask him whether he would oppose the idea of the  
14    Serb Democratic Party with its seat in Knin but which is also active on  
15    the territory of Serbia, whether he would oppose its participating in the  
16    elections that had been scheduled to be held in Serbia.

17          Q.     Does that mean you had to ask him for his consent or what?

18          A.     In a way, I was to test the ground to see whether he would oppose  
19    this. So yes, to see whether he would oppose it or not. I was to get  
20    from him his non-opposition.

21          Q.     And did you get this non-opposition?

22          A.     Yes, I did. He said, "Well, in Vojvodina where the SBO has some  
23    influence, yes, it could participate."

24          Q.     Witness, when you met him on this first occasion and on later  
25    occasions, did you speak with him about the situation in Croatia and what

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1 one myself.

2 Q. Who was in charge in this training camp in Golubic?

3 A. Franko Simatovic was.

4 Q. How do you know that?

5 A. From him personally.

6 MS. UERTZ-RETZLAFF: Private session, please.

7 [Private session]

8 THE REGISTRAR: We're in private session.

9 MS. UERTZ-RETZLAFF:

10 Q. When did he tell you that, that he was in charge there?

11 A. In the first half of May, 1991. I was called to -- I was invited  
12 to go to the centre, and he was the host there, and he showed me around.  
13 He showed me what they were doing in the centre, in and around the centre.

14 Q. Did they have a shooting range?

15 A. Yes, they did. They had a shooting range between Golubic and  
16 Strmica, on the right side of the road.

17 Q. Did Mr. Simatovic show you this shooting range, and did he explain  
18 something about the equipment there?

19 A. That's right. When he showed me round the centre in the youth  
20 settlement of Golubic, he took me to the shooting range. And I didn't see  
21 the actual targets that were usually shot at, but there was a gun or a  
22 machine-gun of some sort, an anti-aircraft gun, multiple-barrelled. And  
23 he showed me this device and said that they had used it to shoot at the  
24 Croatian policemen in Borovo Selo on the 2nd of May, 1991.

25 Q. When you visited this Golubic camp, what was the state in -- in

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1 May 1991? What was the state of organisation? Did they have files on  
2 people they trained? How -- what was the grade of, degree of organisation  
3 there? Was it run professionally?

4 A. Yes, that's right. Nikola Manovic, who was the assistant to  
5 secretary Martic, showed me the records and files for each municipality  
6 and for all the recruits at the centre, the trainees. I asked him whether  
7 there were any people from Knin, and he said, "Yes, of course," and he  
8 opened a separate drawer and showed me all the files. I took a brief  
9 look, but I didn't recognise the names, and I didn't go into that any  
10 more. And there were people there in uniforms, with long-barrelled  
11 weapons. They were well-disciplined, their hair was neatly cut, and so  
12 on.

13 MS. UERTZ-RETZLAFF: We can go into open session again.

14 [Open session]

15 THE REGISTRAR: We're in open session.

16 MS. UERTZ-RETZLAFF:

17 Q. Witness, does that mean that people from all municipalities were  
18 trained there, all municipalities from the SAO?

19 A. That's right, yes.

20 Q. Were these people also equipped there with weapons and uniform and  
21 other equipment?

22 A. Uniforms and long-barrelled weapons, yes, as far as I know.

23 Q. Those people trained there, did they later become members of the  
24 police or the TO, or both?

25 A. They became members of the special police force, or "milicija,"

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1 and members of the so-called volunteer detachments, whose name was changed  
2 later on, and they became known as units of the Territorial Defence later  
3 on, but in structure they remained the same.

4 Q. You said that Mr. Simatovic was in charge of the camp. What role  
5 did Captain Dragan have?

6 A. He was a training instructor to begin with, and later on he  
7 commanded one of the units of the special police forces.

8 Q. Was he the only trainer or were there also other trainers?

9 A. There were others.

10 Q. Who was his deputy, if he had any?

11 A. He had several deputies, or "komandirs," in his units. I don't  
12 know that he actually had a deputy, but he had subordinates, commanding  
13 officers, in his unit under him.

14 Q. Was there a certain Ciga Simic, a trainer there and sort of  
15 commander of a unit?

16 A. As far as I know, he was a commander. I don't know whether he was  
17 an instructor.

18 Q. What was the relationship between Frenki Simatovic and Captain  
19 Dragan? Was Captain Dragan a subordinate of Frenki?

20 A. He was a subordinate, but as far as I know, their relations are  
21 comradely. In terms of hierarchy, however, he was subordinate.

22 Q. And Milan Martic, how was he -- what was his subordination  
23 situation, if any?

24 A. He was actually subordinate, or under the influence of people from  
25 the State Security Service of Serbia, and Slobodan Milosevic personally.

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1 Q. How do you know -- to whom was -- you said he was actually  
2 subordinated or under the influence. To whom was he subordinated?

3 A. Ultimately, it was Slobodan Milosevic.

4 Q. How do you know that?

5 A. From the way Milosevic treated him. I had personal insight into  
6 this.

7 MS. UERTZ-RETZLAFF: Private session, please.

8 [Private session]

9 THE REGISTRAR: We're in private session.

10 MS. UERTZ-RETZLAFF:

11 Q. When did you have opportunity to see Mr. Milosevic treat  
12 Mr. Martić? How often did you see them together, and how did he treat him  
13 then?

14 A. The first time I saw them together was in August, between the 9th  
15 and 10th of August, and the 15th or 16th of August, 1991, in President  
16 Milosevic's office in Belgrade. On other occasions later, I saw them in  
17 1995, 1994.

18 Q. And when you saw them, how did he treat Mr. Martić?

19 A. As a person who was expected to obey him, as someone who was his  
20 man.

21 Q. Did, for instance, Mr. Milosevic give him instructions or even  
22 orders?

23 A. I know that in August he asked to become the commander of the  
24 Territorial Defence of the SAO Krajina. Later on, I know -- I heard from  
25 Martić that he instructed him not to accept the Z-4 plan for the

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1 resolution of the political status of the Krajina which had been offered  
2 by the international community. I know, because Milosevic personally told  
3 me, that he gave him orders concerning military activities in the area of  
4 Livanjsko Polje on the territory of Bosnia and Herzegovina.

5 Q. When did Mr. Milosevic tell you that? What was the occasion?

6 A. About Livanjsko Polje, in early April 1995.

7 Q. How did it come that Mr. Milosevic talked to you about it?

8 A. I asked a meeting with Milosevic, as Minister of Foreign Affairs  
9 in the government of the Republic of Krajina. I wanted his opinion about  
10 the Z-4 plan and I wanted to complain to him that the Croatian army, the  
11 HVO from Bosnia and Herzegovina, was threatening Knin across the Dinara  
12 mountain chain. And I took with me a sketch, a map, to show him what this  
13 was all about.

14 Q. Yes. And how, then, did these talks end up with Milan Martić?

15 A. Milosevic said -- this was a conversation with Milosevic in April,  
16 and it was about Martić and General Mladić. Milosevic took the map I had  
17 brought. He showed the territory, the wedge that had been made by the  
18 Croatian forces on Livanjsko Polje, and he said, "I have already told  
19 Mladić and Martić to cut this off." And then he indicated a direction  
20 from Glamoc to Dinara. He showed the line where he had told them to cut  
21 it off.

22 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
23 show the witness the map again, tab 11, tab 11 of the Exhibit 326.

24 Q. Is it on this map, or ...? Witness, is this part on the map, or  
25 would you need another one to show us?

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1 A. It can be found on this map, but it's not very visible. It can't  
2 really be seen well.

3 MS. UERTZ-RETZLAFF: We can use, actually, this municipality map,  
4 and it is -- I have here a smaller version that fits on the ELMO, and it  
5 is actually Exhibit 333. It's a small version. You should have that as  
6 well.

7 Q. Can you show us what Mr. Milosevic showed you on the map? Can you  
8 tell us which municipalities there are? Because we can only see the  
9 municipalities.

10 A. This is the municipality of Livno and Bosanski Grahovo on the  
11 territory of the Republic of Bosnia and Herzegovina. The Croatian forces,  
12 starting in November and December 1994, had broken through Livanjsko  
13 Polje, in the direction of Grahovo, and taken a wedge-shaped area here,  
14 and Milosevic indicated that he had told Mladic and Martic to cut it off  
15 in this direction here.

16 Q. In the territory of Bosnia and Herzegovina?

17 A. That's correct.

18 Q. Were Mladic and Martic at that time cooperating there and involved  
19 in military actions together?

20 A. Military operations were being conducted there by the army and  
21 militia of Republika Srpska. I don't know to what extent the forces of  
22 the Republic of Serbian Krajina took part in that.

23 MS. UERTZ-RETZLAFF: Yes. We can go back into open session.

24 [Open session]

25 THE REGISTRAR: We're back into open session.

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1 MS. UERTZ-RETZLAFF:

2 Q. Witness, you mentioned a certain Fica as well. Was he also a  
3 person from the Serbian MUP, or who was he?

4 A. I heard from him personally that he was from the personal  
5 bodyguard of President Milosevic.

6 Q. What role did he have in the SAO Krajina?

7 A. He was one of the instructors from the State Security Services of  
8 Serbia.

9 Q. In the Golubic camp, or where?

10 A. In Golubic, as far as I know.

11 Q. And you mentioned that later on other camps, similar camps, were  
12 organised. Who was in charge in the camp in the Benkovac area?

13 A. I know about Captain Dragan, that he was.

14 Q. Was there also such a place in Kistanje?

15 A. Not in the same way.

16 Q. What was in Kistanje?

17 A. I can say that it was Frenki's private base, not a military base.

18 Q. What was there that made it Frenki's private base? Who was  
19 there?

20 A. Frenki had an assistant who had some connections with Kistanje.  
21 His name was Goran Starcevic. I think this was one of the places where he  
22 stayed around Kistanje.

23 Q. Was there a police formation there, or what do you consider a  
24 base?

25 A. His place of residence, his and that of his assistants. It wasn't

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1 a military or a police base. It was where he lived. That's how I  
2 understood this.

3 Q. And during the conflict in Croatia, that is, summer 1990 to winter  
4 1991, was Frenki actually constantly in the SAO Krajina?

5 A. Frenki was in the SAO Krajina, as far as I know, on two -- two  
6 times. The first time was from around the 8th of August, 1991, and then  
7 from September and throughout 1991.

8 Q. Let me clarify something. You said earlier on that you actually  
9 saw Frenki in April 1991. Now you say from around the 8th of August,  
10 1991, you saw him. Is there a mistake in the year? Let us just clarify.  
11 When did he come to the -- when did he come to stay in the SAO Krajina?

12 A. In April 1991. That's when he came.

13 Q. And you mentioned the 8th of August. What date does that mean, or  
14 is that a mistake?

15 A. 1991. 1991. That was when he was supposed to leave the Krajina.  
16 I assumed that he had left as of that date.

17 Q. And when did he return?

18 A. As far as I know, in September 1991. He was there again.

19 Q. And did the same apply to Captain Dragan, the same periods?

20 A. Yes. Captain Dragan left in early August, on the 7th or 8th of  
21 August, 1991, and came back again sometime in November.

22 JUDGE MAY: Ms. Uertz-Retzlaff, if that's a convenient moment, we  
23 will adjourn.

24 MS. UERTZ-RETZLAFF: Yes, Your Honour. Thank you.

25 JUDGE MAY: We will adjourn now for 20 minutes.

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1 --- Recess taken at 12.16 p.m.

2 --- On resuming at 12.38 p.m.

3 JUDGE MAY: Yes.

4 MS. UERTZ-RETZLAFF: Thank you, Your Honour.

5 Q. Witness, we have mentioned now several armed formations outside of  
6 the army, the JNA, police, special police, TO, MUP, Serbian MUP. Was  
7 there a clearly defined command structure linking all these groups? Was  
8 there a clearly -- clearly a command structure, how these all fit  
9 together?

10 A. Yes, there was.

11 Q. What was the command structure from the top down to the  
12 municipality level?

13 A. There were two lines of command or chains of command. One line  
14 went through the Presidency of Yugoslavia, the JNA, and the Territorial  
15 Defence units directly under its command. The other line went through the  
16 State Security Service of Serbia, that is the Ministry of Interior of  
17 Serbia, and through a parallel structure, the milicija or police of the  
18 Krajina and special volunteer units and the regular police and the groups  
19 belonging to the state security service. At the top of both lines was  
20 Slobodan Milosevic, or they coordinated and subordinated themselves on the  
21 ground while engaging in operations, however, these two lines were quite  
22 clear.

23 Q. Joint actions, were there any joint actions between these two  
24 command structures, that is the military JNA structure and the police and  
25 volunteer structure? Did they conduct joint actions, and if so, who was

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1 then in command in the field?

2 A. For the most part, they engaged in joint operations. I know from  
3 August 1991 onwards, it was the JNA that played a command role in these  
4 operations.

5 Q. You mentioned that already the police structure and on top of it  
6 you mentioned Mr. Milosevic, and you explained why you got to this, why  
7 you thought so and what your facts are to this effect. What -- why is  
8 Mr. Milosevic, as the President of Serbia, why is he on top of the JNA  
9 military structure? Did you get information to this effect, that he had  
10 this position in relation to the JNA?

11 A. He was the main political figure, the most influential person, the  
12 most powerful person who had the political initiative, and he subordinated  
13 all other structures to his political initiative, that of Yugoslavia,  
14 including the JNA.

15 Q. Do you know --

16 JUDGE ROBINSON: Sorry. I just wanted to ask the witness.

17 Are you familiar with the concept of a Commander-in-Chief?

18 THE WITNESS: [Interpretation] Yes.

19 JUDGE ROBINSON: Are you saying that Mr. Milosevic was  
20 Commander-in-Chief of the JNA?

21 THE WITNESS: [Interpretation] Yes. Formally this was the  
22 Presidency of the SFRY, but de facto it was Milosevic.

23 MS. UERTZ-RETZLAFF:

24 Q. When -- how did Mr. Milosevic actually control or command the JNA,  
25 then, when he's not the formal commander? What -- how did he command the

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1 parallel structure with a view to influencing negotiations in The Hague.

2 Q. Witness, those TO commanders that were then appointed, were they  
3 controlled by the politicians in the Krajina? Did they report to the  
4 politicians in the Krajina or not?

5 A. No, they did not. They themselves didn't establish control over  
6 the unified TO of SAO Krajina, but it remained subordinated to the  
7 competent units of the JNA, according to various regions, and they  
8 themselves were subordinated to the JNA command.

9 Q. I have to put to you just another document in this context, and  
10 it's tab 73 of the Exhibit 352. This is an order -- a certificate,  
11 actually, by the SFRY Presidency signed by Vice-President Branko Kostic  
12 and Colonel Milo Kostic, in relation to promotion of Colonel Kasum to the  
13 Chief of Staff of the TO Defence in April 1992; correct?

14 A. He's promoted to the rank of general, but he was previously  
15 appointed to the Chief of Staff of the TO of the Republic of Serbian  
16 Krajina.

17 Q. Does that mean afterwards - we are talking now about April 1992 -  
18 this relationship between the TO --

19 A. Yes, that's right.

20 Q. This relationship of the TO staff, the officers there, and the  
21 JNA, or VJ, as it later was called, remained the same?

22 A. It remained the same until August 1995. Virtually, it was  
23 Slobodan Milosevic who appointed the commanders of the Serbian army of the  
24 Republic of Serbian Krajina.

25 Q. Witness, in relation to the TO in the Krajina, did you have

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1 area. And also, later on, from the beginning of 1993, in fact, the heavy  
2 weapons were taken from the warehouses which were held by the peace  
3 forces, and from the beginning of 1993 onwards, the armed formation  
4 existed under the name of the Serb army of the RSK, although it existed  
5 from May 1992 in actual fact, this Serbian army with part of the weaponry.

6 Q. Were multi-ethnic police forces, police units, established? That  
7 is, Croats and Serbs?

8 A. No.

9 Q. Was the return of Croats to their villages implemented?

10 A. No, it was not.

11 Q. Why not?

12 A. They were not allowed to return, by the authorities in Krajina.

13 Q. When you say "the authorities in Krajina," whom do you mean? In  
14 which way were they prevented to return?

15 A. The police prevented them, Martić did, and the political position  
16 taken was that they shouldn't return. This position was taken up by the  
17 government.

18 Q. Was Mr. Milosevic in any way involved in these reactions to the  
19 Vance plan?

20 A. Could you explain what you mean, please, and repeat the question?

21 Q. You mentioned that the Krajina authorities did not implement the  
22 Vance plan, and I was asking you whether Mr. Milosevic did in any way get  
23 involved in this action or influence the authorities in Krajina not to do  
24 that.

25 A. Yes, Milosevic did perform militarisation, or rather, he held the

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1 position that demilitarisation shouldn't be put into effect. Then he  
2 supported militarisation, or rather, the creation of military formations  
3 and the creation of an army, another army in Krajina, the Serbian army of  
4 the RSK. He appointed commanders, financed them, gave logistics support,  
5 right up until 1995, August 1995, in fact.

6 Q. You mentioned that the JNA left the RSK. When did they start  
7 leaving the RSK, and when was the withdrawal completed?

8 A. The withdrawal from Croatia across Krajina began in the month of  
9 October 1991. Garrisons, Zagreb, Zadar, Sibenik, Sinj, and other parts  
10 through the maritime coastal route, which I didn't see, but I heard about  
11 them, and the withdrawal from Krajina itself, or that portion of Krajina,  
12 was completed in May 1992.

13 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
14 put to the witness now two exhibits: Tab 75 and tab 76 of Exhibit 351.

15 Q. Tab 75 is a decision of the RSK Assembly dated the 18th May 1992,  
16 amending the RSK constitution and law on defence to establish a Serbian  
17 army of the RSK; and the other one is from 1993, a decision of the RSK  
18 Assembly, dated the 20th of April, 1993, amending the RSK constitution to  
19 change the structure of the Serbian army of the RSK and its command.

20 Is this the army that you referred to just a minute ago?

21 A. Yes, that's it.

22 Q. Yes. Thank you. I only want to refer to the document from 1992,  
23 and there is the Article 1, where it says: "The Republic of Serbian  
24 Krajina shall have a Serbian army in peacetime. The Serbian army shall  
25 comprise TO units in the event of the imminent threat of war, and during

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1 wartime, special purpose police units shall join the Serbian army."

2 Which special police forces are referred to in this article? What  
3 does that mean?

4 A. They were the special police forces that existed since -- were in  
5 existence since 1991, and we've already discussed that issue here, talked  
6 about them. The ones that began to be established in April 1991.

7 Q. Yes. Witness, this Serbian army of the Krajina, did they take  
8 over the property of the JNA and the weapons that were left behind?

9 A. Yes, that's right. Part of the weapons were hidden when the JNA  
10 withdrew, and in 1993 it was taken from the warehouses which were guarded  
11 by the UN peace keepers.

12 Q. Was it an independent army? We have already spoken about  
13 financial dependence. Was it an independent army?

14 A. No. It was part of the military structures of Yugoslavia.

15 Q. What was the basis of -- in which way were they dependent, a  
16 dependent part of the structure of Yugoslavia?

17 A. Well, most of the commanding cadre, commanding staff, were active  
18 officers of the JNA who were on the JNA payroll. They were paid by the  
19 General Staff of the Yugoslav army and appointed to those positions by the  
20 personnel department of the General Staff of the Yugoslav People's Army.  
21 The commanders of the army were appointed by the president of Serbia and  
22 later the president of Yugoslavia - president of Serbia up until 1995,  
23 Slobodan Milosevic - and it was financed, logistics support was given from  
24 Yugoslavia. As far as personnel were concerned, Krajina supplied the men  
25 for the army and the regulations and provisions for it to be able to

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1 function.

2 Q. Witness, I would like to move now a little bit further in relation  
3 to meetings with Mr. Milosevic, and I would like to know if, in 1994, RSK  
4 officials took part in negotiations with the Croatian authorities. Do you  
5 know that?

6 A. Yes, they did.

7 Q. When they went to meetings with the Croatian authorities, did they  
8 have contacts with Mr. Milosevic beforehand?

9 A. That's right, yes. His approval was sought, and the contents of  
10 the conversations, the discussions themselves, were determined by him. He  
11 would also follow the discussions as they proceeded and was informed of  
12 the process.

13 Q. Did you have to ask approval before committing to any agreements?

14 A. That's right, yes. It was a form of consultation. But actually,  
15 he determined whether something would be accepted or not, and what would  
16 be accepted.

17 Q. What would happen if anyone would not -- would take an isolated  
18 action without consulting Mr. Milosevic first? Do you know?

19 A. Well, it couldn't have been done, because those people would have  
20 been sanctioned and borne the consequences. There were even instances of  
21 physical jeopardy. People were put in prison who had independently made  
22 agreements with Croatia. The Daruvar agreement is a case in point, where  
23 people from Western Slavonia drew up an agreement with Croatia, and the  
24 Dzakula example as well.

25 Q. Did the officials from the Krajina ever make an agreement with the

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1 Croats without an approval, beforehand consultation?

2 A. I think that the Daruvar one could have been a case in point, but  
3 I'm not quite sure. What I do know is that the plan Z-4 was accepted  
4 through Ambassador Albright. Not directly, without Milosevic's approval  
5 beforehand, or prior to asking approval from Milosevic.

6 Q. Which negotiations took place in 1994? What kind of negotiations  
7 were held with the Croats? Were they related to a political solution or  
8 were they just on economical issues?

9 A. From mid-1994 until the beginning of 1995, there were -- they were  
10 agreements about economic relations with Croatia: The oil pipeline, supply  
11 of electricity, the water supply, the opening of the highway, the railway  
12 transport system.

13 Q. And did Mr. Milosevic allow you to agree to such economical  
14 relations?

15 A. Yes. Yes. And he took a very active part in the drafting of the  
16 agreement itself, even with regard to the name of a mixed oil company that  
17 had been established.

18 Q. Witness, I would like to go now to a meeting on the 5th of  
19 September, 1994.

20 MS. UERTZ-RETZLAFF: And I have to ask for private session for  
21 this meeting.

22 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

23 THE REGISTRAR: We're in private session.

24 MS. UERTZ-RETZLAFF:

25 Q. Witness, did you participate in a meeting in September 1994,

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1 together with Milan Martić and Mr. Mikelic; and if so, what was discussed  
2 on that day?

3 A. I was at that meeting. Jovica Stanišić, I think, was there. We  
4 were in Milošević's offices, and he offered a luncheon in the same  
5 building, in a room adjoining his offices. In a strange, dark room. At  
6 the meeting, he criticised Martić because Martić had declared his support  
7 for Radovan Karadžić regarding the plans for Bosnia-Herzegovina.

8 Q. Let me clarify a matter. Who criticised Mr. Martić; Mr. Stanišić  
9 or Mr. Milošević?

10 A. Mr. Milošević. He said to Martić, "I don't want to make a second  
11 Karadžić out of you." And he smiled. He smiled timidly. And he says --  
12 he said, "Well, Babić is in cohorts [as interpreted] with the clergy,"  
13 meaning in the political sense. And to that I retorted, "That is the  
14 spiritual dimension. That is my personal choice." I've just been  
15 reminded of that.

16 Q. Witness, you said that Mr. Milošević criticised Martić because he  
17 had declared his support to Radovan -- for Radovan Karadžić. Report in  
18 relation to what -- support in relation to what?

19 A. Milošević was exerting pressure on Karadžić and the Assembly of  
20 Republika Srpska to accept the international plan for a peaceful  
21 settlement for Bosnia-Herzegovina, and in August, since Karadžić and the  
22 Assembly of Republika Srpska rejected the plan, he imposed a blockade,  
23 formally, on Republika Srpska. Milošević did this.

24 Q. And in which way had Martić supported Mr. Karadžić? What had he  
25 said or done publicly?

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1           A.    He publicly supported Karadzic in rejecting the plan. He even  
2   went to vote, because there was a referendum after that. He went to  
3   Drvar, within the territory of Republika Srpska, though he was not a voter  
4   from the area.

5           Q.    You said that formally Milosevic did not support -- or impose,  
6   sorry. Sorry. He imposed a blockade formally, you said. And did  
7   anything happen informally?

8           A.    I do know that informally there was supply of oil derivatives and  
9   that the army of Republika Srpska was assisted by Milosevic.

10          Q.    And how do you know that?

11          A.    I know on the basis of a meeting at Bijeljina that I've already  
12   referred to, when Stanisic and Karadzic asked me to make the payments.

13          Q.    Sir, let me stop you. You do not need to repeat anything. Do you  
14   have anything in addition to that? Do you have any information in  
15   addition to that, that he continued to support?

16          A.    I heard, after arriving in Belgrade in 1995, that around  
17   Srebrenica, the army of Yugoslavia had been involved in the wartime events  
18   around Srebrenica. The army of Yugoslavia from the territory of  
19   Yugoslavia, across the Drina River.

20          Q.    Who told you that?

21          A.    People from Perucac, along the Drina, in Serbia, a place on the  
22   opposite bank.

23                MS. UERTZ-RETZLAFF: We can go into open session again, Your  
24   Honour.

25                                [Open session]

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1 THE REGISTRAR: We're in open session.

2 MS. UERTZ-RETZLAFF:

3 Q. Witness, you mentioned the Z-4 plan. What were the main points of  
4 the Z-4 plan?

5 A. The main point, or the gist of the plan, was that the territory of  
6 the Republic of Serbian Krajina, which had earlier been known as the  
7 Serbian Autonomous Region of Krajina and which was now known as Sector  
8 North and Sector South under the protection of the United Nations, should  
9 be given political, territorial autonomy within the Republic of Croatia.  
10 It would have a parliament, a government, institutions, a currency that  
11 would be special in appearance but it would be printed by the National  
12 Bank of Croatia, competence over the regional police and the courts, which  
13 would imply a high level of autonomy.

14 Q. Who made this suggestion of the Z-4 plan? Was it an international  
15 proposal?

16 A. The Z-4 was given that name because it was proposed by four  
17 ambassadors in Zagreb, that is, by the international community.

18 Q. In the transcript earlier on, it was said that -- it is actually  
19 on page 61 of the transcript, line 14, it says that Ambassador Albright  
20 accepted the Z-4 plan. Is that correct, Ambassador Albright?

21 A. Ambassador Galbraith, the ambassador of the United States in  
22 Croatia, Peter Galbraith. He was the main creator and proponent of that  
23 plan.

24 Q. This plan, did that actually mean the reintegration of the three  
25 regions of the RSK, that is, Krajina, Western Slavonia, Eastern Slavonia,

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1 into the Croatian Republic?

2 A. That's right. Only the Western Slavonia would be settled  
3 immediately, whereas Eastern Slavonia, within a period of five years, and  
4 the territory of SAO Krajina would have a high degree of political and  
5 territorial autonomy in Croatia.

6 Q. Were the politicians of the Krajina in a position -- did they  
7 accept this Z-4 plan, you in the RSK?

8 A. At the beginning of March/end of February, the politicians in  
9 Krajina rejected the plan. The plan was accepted only by the last Prime  
10 Minister of the Republic of Serbian Krajina in August 1995.

11 Q. And when you said March and February, which year? Is it also  
12 1995?

13 A. That's right, 1995.

14 Q. Who opposed the Z-4 plan?

15 A. The President of the Republic of Serbia, according to what Milan  
16 Martic said, the President of the Republic of Serbian Krajina, and he said  
17 half an hour prior to the beginning of the meeting with the international  
18 community that President Milosevic had said that the plan should not be  
19 even considered.

20 Q. When did Mr. Milan Martic consult with Mr. Milosevic, and of what  
21 time period are you speaking when you say -- when you refer to a meeting  
22 with the international community?

23 A. It was that week. I think it was the end of February/beginning of  
24 March. So the beginning of the week, Martic went to Belgrade for  
25 consultations. Whether it was Monday or Tuesday. And then on Thursday,

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1 an announcement was issued of the supreme defence council of the Republic  
2 of Serbian Krajina, in negative terms, about the plan, and then I think it  
3 was the following Monday when there was the meeting with representatives  
4 of the international community at which Martić said half an hour prior to  
5 the meeting that Milošević had said that the plan should not even be taken  
6 into consideration. And at the meeting with representatives of the  
7 international community, Ambassador Farista Džijan [phoen] handed it to  
8 him. He wouldn't even take it into his hands.

9 Q. On that occasion, then, did the Krajina authorities reject the  
10 plan, in that meeting then with the internationals?

11 A. Actually, it was not even taken into consideration, so it was not  
12 accepted.

13 MS. UERTZ-RETZLAFF: We would need to go into private session for  
14 a meeting of the witness.

15 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

16 THE REGISTRAR: We're in private session.

17 MS. UERTZ-RETZLAFF:

18 Q. Did you speak with Mr. Milošević yourself about the Z-4 plan?

19 A. I did, at the beginning of April 1995.

20 Q. What did you discuss?

21 A. He was the first to mention the fact that the plan Z-4 was a good  
22 one but that the territory of the municipality of Slunj should have been  
23 divided lengthwise. He didn't give any explanations for this. And then  
24 we actually discussed the events in Livanjsko Polje and the hinterland of  
25 Knin, the aggression of the HVO towards Knin. I've already spoken about

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1 that. And then he also said that there weren't 300.000 people of Krajina  
2 towards 4 million Croats but that there was the whole logistics of Serbia  
3 behind us, and that was that meeting.

4 Q. Witness, you said that Mr. Milosevic was in favour of the Z-4 plan  
5 when you spoke to him; is that understood? He had only some remark in  
6 relation to Slunj.

7 A. It appeared that way, yes. However, one never knew with him for  
8 certain whether he really stood behind what he said; at least, I was not  
9 always sure.

10 Q. You have already mentioned this meeting in relation to the  
11 fighting that took place at the same time in Bosnia with participation of  
12 Milan Martić and his forces, and you mentioned the region of Livno and  
13 this gash and the line that Mr. Milosevic showed you to this effect. Was  
14 there also fighting at that time in the Bihac region, with participation  
15 of RSK forces?

16 A. Yes. That was --

17 JUDGE MAY: I see the time. In fact, it's after a quarter past.  
18 Can we go back, when we come back, into open session?

19 MS. UERTZ-RETZLAFF: Yes, Your Honour.

20 JUDGE MAY: Very well. We'll adjourn now. Twenty minutes.

21 --- Recess taken at 12.16 p.m.

22 --- On resuming at 12.40 p.m.

23 [Open session]

24 THE REGISTRAR: We're in open session, Your Honours.

25 JUDGE MAY: Yes.

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Witness: Witness MILAN BABIC (Open Session)

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Examined by Ms. Uertz-Retzlaff

1 MS. UERTZ-RETZLAFF: Thank you, Your Honours. And Your Honours,  
2 for your orientation, we are at the moment at paragraph 280 of the  
3 proofing summary, but I will also address paragraph 312, because it fits  
4 into the context and would speed up matters.

5 Q. Witness, Martić or RSK force participation in Bosnia, did Milan  
6 Martić and RSK forces participate in the fighting in Bosnia and  
7 Herzegovina already as early as summer 1992?

8 A. That's right, in the so-called corridor in Bosnia and Herzegovina.

9 Q. Is that the Posavina corridor?

10 A. Yes, that's right.

11 Q. What is the importance of the Posavina corridor for Bosnia and for  
12 -- for the Serbs in Bosnia and Herzegovina and for the Serbs in the  
13 Krajina region? What was the importance of this corridor?

14 A. It is the corridor linking Bosnian Krajina and the Republic of  
15 Serbian Krajina with Serbia, or rather, the Federal Republic of  
16 Yugoslavia.

17 Q. And in which time period did RSK forces, with Milan Martić,  
18 participate in the fighting in 1992?

19 A. At the beginning of the summer of 1992. In June already they were  
20 there, at the end of June.

21 Q. And who was in charge, in overall charge of the operations in the  
22 Posavina corridor?

23 A. The army of Republika Srpska and General Mladić.

24 Q. You have mentioned the fighting in 1994, 1995, in the region of  
25 Livno in Herzegovina, and my question was before the break: Did forces

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1 from the RSK also participate in the fighting around Bihac?

2 A. They did.

3 Q. Who -- what were the forces on both sides? Who was fighting whom  
4 in Bihac?

5 A. On one side, there was the 5th Corps of the army of Bosnia and  
6 Herzegovina, which was defending its territory, and it was being attacked  
7 by the forces of the army of Republika Srpska and the forces of the  
8 Republic of Serbian Krajina, consisting of the Serbian army, the police,  
9 and the state security service of Serbia.

10 Q. Who --

11 A. And - sorry - the forces of Fikret Abdic.

12 Q. The forces of the police forces of the state security service of  
13 Serbia that participated, who led them? Who commanded them in this  
14 fighting?

15 A. I was told it was Frenki, that he was in command, or rather, the  
16 DB from Petrova Gora.

17 Q. And who told you that?

18 A. People from Kordun, from the region, members of the government of  
19 Krajina.

20 Q. This participation of the RSK forces in Bosnia and Herzegovina,  
21 did this cause problems for the position of the RSK towards the  
22 international community and the Croatian authorities?

23 A. Yes. In 1994 in particular, and in 1995, this compromised the  
24 position of the Republic of Serbian Krajina in relation to the  
25 international community, because the area of Bihac was a protected area by

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1 the international community.

2 Q. Did it increase the danger of an all-out attack on the RSK by the  
3 Croatian forces?

4 A. Yes. That was the reason why the Croatian army and the HVO from  
5 the territory of Bosnia and Herzegovina launched an offensive to deblock  
6 Bihac. That was what was publicly announced by the authorities in Croatia  
7 in Bosnia and Herzegovina, and it meant cutting off the Republic of  
8 Serbian Krajina from Republika Srpska and Yugoslavia.

9 Q. Did the RSK authorities and the Republika Srpska authorities  
10 actually have a military agreement on assisting each other in that time  
11 period?

12 A. I know there was an agreement between Martić and Karadžić, that  
13 is, between the authorities of Republika Srpska and the Republic of  
14 Serbian Krajina, and that agreement referred to brigades of the army of  
15 Republika Srpska that would assist the army of the RSK. As for other  
16 parts of the agreement, I'm not sure about that.

17 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
18 show the witness the Exhibit tab 96 of Exhibit 352.

19 Q. Witness, this is a document of the 30th of July, 1995, referring  
20 to a visit by Mr. Akashi, the special representative of the  
21 Secretary-General of the United Nations, and other persons, in relation to  
22 an agreement, a proposed agreement. The proposed agreement referred to,  
23 is that the Z-4 plan?

24 A. No. This was -- this should have been a component part of the Z-4  
25 plan, or rather, a precondition for the implementation of the Z-4 plan.

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1 So this was an agreement on the disengagement of the army of the Republic  
2 of Serbian Krajina in the Bihac pocket; or, to be more precise, this was  
3 not an agreement, it's an announcement on agreement, announcement of  
4 approving the proposals made by Mr. Akashi to the leadership of the  
5 Republic of Serbian Krajina.

6 Q. And the proposal was that no troops or individual soldiers of the  
7 RSK would get engaged in the Bihac pocket, and refrain from any  
8 cross-border activities; is that what is proposed here?

9 A. That's right.

10 Q. The person -- there is a handwritten note on it saying the 20th of  
11 September -- or sorry. No. Thank you. I withdraw my question.

12 This proposal to disengage in the RSK, was that actually  
13 implemented?

14 A. No.

15 Q. What did happen? What was instead done?

16 A. Combat continued. [Realtime transcript read in error "Maksic"]  
17 Mrksic nor Milan Novakovic, who was in command there, nor Martic nor the  
18 police nor the MUP of Serbia were they withdrawn from the fighting in that  
19 region.

20 Q. In the transcript, it says Maksic. Is that correct or -- in the  
21 document as such it says General Mrksic.

22 A. That's right. Mile Mrksic, General Mile Mrksic, the commander of  
23 the army of the Republic of Serbian Krajina.

24 Q. Yes. Thank you.

25 MS. UERTZ-RETZLAFF: We can take this away.

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Witness: Witness MILAN BABIC (Private Session)

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Examined by Ms. Uertz-Retzlaff

1 Q. Witness, in 1994, did the Minister of Interior of the RSK have a  
2 problem to get control over the police in the territory of Eastern  
3 Slavonia, Baranja, and Western Srem?

4 A. Yes, that's right.

5 Q. Why did he --

6 A. The Minister of the Interior; is that what you said?

7 Q. Yes. Yes. Who was the Minister of Interior in 1994?

8 A. Until the end of 1994, it was Ilija Prijic, who was replaced in  
9 that capacity, and the Assembly nominated, appointed, Mr. Perisic, but he  
10 didn't take up his post either in Eastern Slavonia or in the rest of the  
11 RSK either. So from the end of 1994 until August 1995, the RSK did not  
12 have a Minister for the Interior. One of the deputies was the acting  
13 minister.

14 Q. Did a delegation from the RSK then meet Mr. Milosevic to consult  
15 him in this problem?

16 A. Yes, that's right. In 1995, April, around the 26th of April, in  
17 fact.

18 MS. UERTZ-RETZLAFF: Your Honour, I have to apologise, but we need  
19 to go into private session for this.

20 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

21 THE REGISTRAR: We're in private session.

22 MS. UERTZ-RETZLAFF:

23 Q. Were you part of this delegation?

24 A. Yes, I was.

25 Q. Who else was present? Who else was present from both sides?

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Witness: Witness MILAN BABIC (Private Session)

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Examined by Ms. Uertz-Retzlaff

1           A.     The delegation was led by -- yes, Borislav Mikelic, Uros Funduk,  
2     Slobodan Milosevic, Jovica Stanisic, as far as I remember.

3     Whether there was anybody else, I can't quite remember now.

4           Q.     What did you ask of Mr. Milosevic, if anything?

5           A.     We asked that Milosevic allow Slobodan Perisic to be appointed, or  
6     rather, that Slobodan Perisic, who was elected the Minister of the  
7     Interior for RSK, should take over that function as Minister of the  
8     Interior of RSK.

9           Q.     And what was Mr. Milosevic's reaction to this? What happened at  
10    the meeting?

11          A.     First of all, Jovica Stanisic commented this request, and he said  
12    -- Jovica Stanisic, that is, "We have invested too much in all that," and  
13    he was thinking of MUP Krajina, "for us to relinquish it to somebody  
14    else now." And to that, Slobodan Milosevic reacted and said the  
15    following: He told the delegation of the RSK, that is, to us, "You must  
16    understand that we must assist you in this way, via the state security  
17    service, because it works in a specific clandestine way, and that's why we  
18    can't help you, assist you, through the public security service." In that  
19    way, he lent his support to Jovica Stanisic and his position on the issue.

20          Q.     Was that situation solved on the day of this meeting? Was the --  
21    could Mr. Milosevic help you in relation to the Minister of Interior?

22          A.     No. The RSK was left without a Minister of the Interior.

23                 MS. UERTZ-RETZLAFF: We can go into open session again, Your  
24    Honour.

25                                 [Open session]

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Witness: Witness MILAN BABIC (Open Session)

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Examined by Ms. Uertz-Retzlaff

1 THE REGISTRAR: We're in open session.

2 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
3 put a document to the witness, and it is tab 97 of Exhibit 352.

4 Q. Witness, this is a document referring to Minister Peric and his  
5 position, and it is also referring to people and their affiliation to  
6 certain police forces. Who prepared this document?

7 JUDGE KWON: Are we now in open session?

8 MS. UERTZ-RETZLAFF: Yes.

9 A. I learnt about this document from Slobodan Peric. I got it from  
10 him.

11 Q. In this document, actually, at the -- the last paragraph, it says:  
12 "At all the meetings, Milosevic agrees that Peric should take over the  
13 MUP, while Stanasic immediately after that agrees with Martic that it  
14 should be prevented."

15 Was the situation as described in this paragraph?

16 A. Specifically, I know what I have described. That was the  
17 situation. But yes, although I didn't hear that Milosevic had agreed, in  
18 fact.

19 Q. Was there a problem in May 1995 in relation to the commander of  
20 the armed forces of the RSK after the Operation Flash?

21 A. Yes, that's right.

22 JUDGE KWON: You have something to say, Mr. Milosevic?

23 THE ACCUSED: [Interpretation] I can't find this document, because  
24 in tab 97, the one I have, I have an announcement for Tanjug by the  
25 president of the Republic of Srpska Krajina, and not the document that

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1 you're talking about. So I have taken this out very carefully from tab  
2 97.

3 JUDGE MAY: Coming up.

4 Yes.

5 MS. UERTZ-RETZLAFF: Your Honours, I have no explanation for this  
6 situation.

7 JUDGE MAY: He's got a copy now.

8 MS. UERTZ-RETZLAFF: Oh, okay. Good. Tab 97. I don't think I  
9 need to repeat this now.

10 JUDGE MAY: No.

11 MS. UERTZ-RETZLAFF: No.

12 Q. Just one more question in relation to tab 97. Did you provide  
13 this document when you had your conversations with the Prosecutor in The  
14 Hague?

15 A. Yes.

16 Q. I think you have not yet answered my question whether there was a  
17 problem arising in relation to the commander of the armed forces of the  
18 RSK after Operation Flash. Who was the commander of the armed forces of  
19 the RSK during the Operation Flash?

20 A. General Celeketic.

21 Q. Was he dismissed after the Croatian forces took Western Slavonia  
22 in their Operation Flash?

23 A. That's right, yes, around the 9th of May, 1995.

24 Q. Did you, in the Supreme Defence Council in the Krajina - I don't  
25 mean you personally, but the Supreme Defence Council of the RSK - agree

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1 about a new candidate, Mile Novakovic?

2 A. I have to explain that the Prime Minister of the RSK, as member of  
3 the supreme council, Defence Council, proposed General Mile Novakovic for  
4 the new commander. However, Slobodan Milosevic refused, and he appointed  
5 General Mile Mrksic for the new commander of the Serb army of the RSK.

6 Q. Witness, did the Supreme Defence Council of the RSK agree? Did  
7 the authorities in the Krajina agree on Mr. Novakovic?

8 A. It agreed with the decision that it be General Mile Mrksic, and  
9 this was formalised. It was officially stated.

10 MS. UERTZ-RETZLAFF: Your Honour, I have to ask for private  
11 session, to clarify a matter.

12 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

13 THE REGISTRAR: We're in private session.

14 MS. UERTZ-RETZLAFF:

15 Q. Witness, did you see Mr. Milosevic in relation to the TO  
16 commander, the new TO commander, together with the delegation; and if so,  
17 when?

18 A. Yes, I did, about the 9th of May, or perhaps on the 9th of May,  
19 1995, in the offices of President Milosevic.

20 Q. When you went there with the delegation, who accompanied you?

21 A. The delegation was led by the Prime Minister, Borislav Mikelic. I  
22 don't remember whether there was anybody else. Yes, there was [redacted]  
23 [redacted].

24 Q. Did Mr. Mikelic make a proposal to Mr. Milosevic as to who should  
25 be the new commander?

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1           A.    He proposed General Mile Novakovic, who, on one occasion, was the  
2 commander, in 1993. He was the commander of the Serbian army of Krajina  
3 at that time.

4           Q.    Did Mr. Milosevic reject this proposal, or how did he -- did it --  
5 how did it happen that suddenly it was Mr. Mrksic?

6           A.    He rejected it, yes, and he gave some sort of reason. And he also  
7 said it's been decided that it should be General Mile Mrksic.

8           Q.    Do you know who made this decision that Mile Mrksic -- when you  
9 say he said it had been decided that it should be General Mile Mrksic, do  
10 you know who he meant who decided it?

11          A.    I heard that Milosevic said that. He interrupted the meeting,  
12 left the room, and came back after a short period and said, "The new  
13 commander will be Mile Mrksic." Some people who were present heard  
14 mention of the Supreme Defence Council, but I don't remember that. I  
15 heard that Milosevic had said that Mile Mrksic was the new commander and  
16 that he had been appointed by Milosevic; at least, that's how I understood  
17 it at the meeting. When I said the Supreme Defence Council, the Supreme  
18 Defence Council of Yugoslavia was mentioned by some people.

19          Q.    Yes.

20                MS. UERTZ-RETZLAFF: Open session again. Thank you.

21                               [Open session]

22                THE REGISTRAR: We're in open session.

23                MS. UERTZ-RETZLAFF:

24          Q.    Did the RSK government then approve the appointment -- or the  
25 decision by an official appointment of General Mile Mrksic?

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1           A.    It followed the regular procedure via the Supreme Council of  
2    Defence for the RSK and the Assembly of the RSK as well, and that's how it  
3    was decided that Mrksic -- or rather, they adopted the proposal and  
4    verified it legally, that Mile Mrksic should be the commander.

5           Q.    When did Mile Mrksic arrive in the RSK as commander?

6           A.    He was seen on the 16th of May, 1995.  The Assembly appointed him  
7    between the 18th and 20th of May, 1995.

8           Q.    What position did he have before he came to the RSK?  Do you know  
9    that?

10          A.    He was the commander of the Guards Brigade of the JNA in Belgrade,  
11    and he was in command of it during the attack on Vukovar.  And before  
12    that, he was something in the General Staff, held some post, but I don't  
13    know what exactly.

14          Q.    When he arrived in the RSK, did he officially become an employee  
15    of the RSK forces, or did he remain to be employed as a VJ officer?

16          A.    He was an officer of the army of Yugoslavia.

17          Q.    And the previous two commanders that you mentioned, Mile Novakovic  
18    and Celeketic, were they also members of the VJ throughout their time in  
19    the RSK?

20          A.    Yes.

21          Q.    During your conversation with the Prosecution in The Hague, did  
22    you review several orders signed by Milan Martic related to the  
23    appointment, promotions, and release of General Celeketic?  Do you recall  
24    that?

25          A.    Yes.

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Witness: Witness MILAN BABIC (Private Session)

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Examined by Ms. Uertz-Retzlaff

1 MS. UERTZ-RETZLAFF: Your Honours, I don't think we need to put it  
2 all to the witness. It's tabs 98, 99, 100, and 101 of Exhibit 352. They  
3 all deal with General Celeketic, his promotion and his release.

4 Q. But I would like to put to you tab 102, and it's 102 of that same  
5 exhibit, 352. And that is actually a document by Dusan Zoric, the  
6 military post 1740 -- 90, Belgrade, from 21st December, 1994, regarding  
7 the promotion of Colonel Milan Celeketic to the rank of Major General.  
8 Can you tell us who this person Dusan Zoric is, what position did he have?

9 A. He was head of the personnel department of the General Staff of  
10 the army of Yugoslavia, or was the acting head.

11 Q. Yes. Thank you.

12 MS. UERTZ-RETZLAFF: Your Honour, we have to go into private  
13 session, and I'm dealing now with paragraph 293 and the following two in  
14 the proofing summary.

15 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

16 THE REGISTRAR: We're in private session.

17 MS. UERTZ-RETZLAFF:

18 Q. Witness, did you have a conversation with Mr. Milosevic on the Z-4  
19 plan in August 1995?

20 A. Yes, a telephone conversation.

21 Q. At that time, had you discussed the Z-4 plan with Mr. Galbraith?

22 A. Yes, with Ambassador Peter Galbraith, on several occasions,  
23 several times before that.

24 Q. And immediately before you had this telephone conversation, what  
25 was the option given to you by Mr. Galbraith?

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1           A.    He offered that we should accept and adopt the Z-4 plan and the  
2    disengagement of the armed forces of Krajina in the Bihac pocket. He said  
3    that we should accept a new mandate for the UN peacekeepers, which was  
4    known as the UNCRO mandate, United Nations Croatia, and that  
5    communications and roads be opened in Croatia.

6           Q.    At that time, were you the president of the RSK?

7           A.    I was the Prime Minister of the government of the Republic of  
8    Serbian Krajina. Martic was the president, in fact.

9           Q.    Why did you not simply accept it?

10          A.    I accepted in my capacity as Prime Minister, but I informed  
11    Ambassador Galbraith that this could not be put into practice without the  
12    will and acquiescence of President Milosevic.

13          Q.    How -- and did you then -- you said you had a telephone  
14    conversation with Mr. Milosevic on the 3rd of August, 1995. How did you  
15    reach him? Did anyone help you?

16          A.    Yes. Jovica Stanisic did, from Jovica Stanisic's cabinet or  
17    offices.

18          Q.    Did you go to his office, and where was it?

19          A.    I did go to see Stanisic in his office, which was located in the  
20    building of the Federal Internal Affairs Ministry.

21          Q.    Who was present? Who else was present when you saw him?

22          A.    Radovan Stojicic, nicknamed Badza was there, and so was the head  
23    of the counter-intelligence service of State Security of Serbia, a man  
24    whose name I don't remember, but he resembled Frenki.

25          Q.    Is that the same man you mentioned earlier on to have seen in

**[Confidentiality lifted for the testimony of witness Milan Babic by order of the Chamber]**

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1 another meeting with Kertes?

2 A. That's right. That's the man, on the 4th of January, 1992.

3 Q. Did you explain to these three gentlemen that you wanted to accept  
4 the Z-4 plan and discuss it with Mr. Milosevic?

5 A. That's right. I said that I had accepted this with Galbraith, and  
6 they looked at each other in a slightly hostile fashion. They were a  
7 little hostile. But they did put me in touch with Milosevic.

8 Q. And what did Mr. Milosevic say to you in relation to the Z-4 plan?

9 A. He repeated -- or rather, he mumbled something. To give an  
10 example, it's as if he was speaking out of a dream. He just said, "Yes.  
11 Yes. Just slowly, slowly, everything should be conducted calmly." Those  
12 were his words over the phone. And he said, "Contact Vlatko Jovanovic.  
13 Consult him."

14 Q. And did you do that?

15 A. Yes, I did. I met Minister -- Foreign Affairs Minister Vlatko  
16 Jovanovic. He was the SFRY minister in the ministry building.

17 JUDGE MAY: Yes.

18 THE ACCUSED: [Interpretation] Just a technical correction. The  
19 witness says that I answered him calmly, and here it says, it's been  
20 translated as, "Yes. Yes. Just slowly..." So there's a difference  
21 between "slowly" and "calmly," especially when we're talking about war and  
22 peace. There's a big difference between the two words. So the witness  
23 said "mirno," and it was translated as "slowly."

24 JUDGE MAY: Yes. That's to be noted.

25 MS. UERTZ-RETZLAFF:

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1 Q. Witness, what were the exact words that Mr. Milosevic said to you?

2 Just to clarify this matter. What exactly did he say to you?

3 A. "Yes. Yes. Everything should be done calmly, or peacefully,"

4 "mirno."

5 Q. Witness, did you actually at that time have time to do it slowly

6 or calmly, or was there an urgency? What had Mr. Galbraith told you how

7 much time would you have to make up your mind?

8 THE ACCUSED: [Interpretation] Mr. May, the witness didn't use the

9 word "slowly" at all.

10 JUDGE MAY: We heard. Yes.

11 MS. UERTZ-RETZLAFF:

12 Q. Witness, was there an urgency, a special urgency on the 3rd of

13 August, 1995?

14 A. Yes. Reactions were to come the following day. I was to give a

15 statement, and this was to be implemented, what I had accepted and what I

16 was to make public by way of a statement.

17 Q. Did you actually have an ultimatum from Mr. Galbraith to accept

18 the plan right now, otherwise consequences would happen?

19 A. He said what we could expect if we didn't accept, which meant a

20 Croatian aggression, and that we could fare the same as Western Slavonia.

21 Q. And did you accept it publicly, and could prevent this aggression?

22 A. Yes, I did. I made a statement to that effect, that I accepted.

23 Q. Was the RSK then attacked?

24 A. Yes, it was, the next day, in the morning.

25 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to

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1 show the witness the Exhibit tab 103 of Exhibit 352, and it relates to  
2 minutes of the first session of the RSK government from July 1995,  
3 referring to the international negotiations. And there is no need to  
4 discuss it. It speaks for itself.

5 And in addition to that, I would like to put to the witness tab  
6 104 of that same exhibit, 352. It is a coded cable dated 3rd August 1995.

7 Q. And I would like to quote from this document. First of all the  
8 question: Have you been shown this document and been translated part of  
9 it during your conversation with the Prosecutor?

10 A. Yes, orally it was shown to me.

11 JUDGE MAY: We need to know what this is, where it comes from.

12 MS. UERTZ-RETZLAFF: Your Honour, it's a code cable from the UK  
13 embassy in Zagreb, regarding a conversation between Ambassador Galbraith  
14 and the Prime Minister of the RSK.

15 THE ACCUSED: [Interpretation] Mr. May, I'm afraid I have a record  
16 from the first session of the government under this tab.

17 JUDGE MAY: Make sure the accused gets the right document.

18 THE ACCUSED: [Interpretation] Yes. I'm just checking the  
19 transcript. 104.

20 MS. UERTZ-RETZLAFF: Your Honours, when I read this quote, we need  
21 to go into private session, because I just saw that it is necessary.

22 THE REGISTRAR: We're in private session.

23 MS. UERTZ-RETZLAFF: Oh, yes. Thank you.

24 Q. The quote is: "RSK Prime Minister tells my American colleague  
25 that to avoid war he is ready to meet Tudjman's conditions and will

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1 announce this today. Unclear whether he has other RSK leadership on  
2 board. Milosevic being briefed by Americans on Galbraith's discussions  
3 with Babic, need to get Belgrade backing to lend credibility."

4 Witness, was this the situation at that time, and is this quote  
5 correct as to your discussions with Mr. Galbraith?

6 A. Yes, with the exception of the fact that I don't know about any  
7 briefing of Milosevic by international factors. All I know is that a  
8 member of the French embassy in Belgrade had told me that Milosevic did  
9 not support us.

10 JUDGE KWON: Ms. Uertz-Retzlaff, if you look at the paragraph 9 of  
11 the same document, it says: "Galbraith assured us that he had the full  
12 support of state department." What is -- who are "us" here?

13 MS. UERTZ-RETZLAFF: "Us" is the UK embassy. It's actually a  
14 report of the US - sorry - the UK embassy, referring to a discussion of  
15 Mr. Galbraith with the witness and their further discussions on the matter  
16 and the considerations of Mr. Galbraith.

17 JUDGE KWON: Yes. I was mistaken. Thank you.

18 MS. UERTZ-RETZLAFF:

19 Q. Did you see Mr. Milosevic after the attack, the so-called  
20 Operation Storm, on the 8th of August, 1995?

21 A. Yes, around the 8th of August, 1995, in the Boticeva Street, a  
22 villa in Boticeva Street.

23 Q. The villa in Boticeva Street, what is it? What kind of a building  
24 is it? Is it an official building?

25 A. It is the residence of the government of Serbia.

**[Confidentiality lifted for the testimony of witness Milan Babic by order of the Chamber]**

Witness: Witness MILAN BABIC (Private Session)

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1 Q. Did you ask for this meeting with Mr. Milosevic?

2 A. The initiative first came from Buba Morina, the commissioner for  
3 refugees of the Republic of Serbia in Banja Luka, saying that I should go  
4 to Belgrade to see where the refugees from Krajina would be accommodated.  
5 So I went to Belgrade. I reported to the Prime Minister, Mirko  
6 Marjanovic, who asked me for a statement. After I had given that  
7 statement, he linked me with President Milosevic and he made the  
8 appointment for meeting Mr. Milosevic.

9 Q. What kind of a statement asked he of you to make?

10 A. Mirko Marjanovic asked me to make a statement to the effect that  
11 Yugoslavia was not to blame for the exodus of the Serbian people from  
12 Krajina. He even had a prepared text of a few sentences, and he also  
13 indicated what I should write down.

14 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
15 put the tab 105 of Exhibit 352 to the witness.

16 Q. Is this the statement that you made on request of Mr. Marjanovic?

17 A. Yes.

18 Q. We do not need to comment on this further.

19 Witness, and when you then saw Mr. Milosevic, what did he -- what  
20 did you ask of him, or what did you discuss with him?

21 A. I came to see him. This was on the eve of his departure for  
22 Moscow for a meeting with Yeltsin. First of all, the security would not  
23 let me in and then he came out and let me in, and we spoke in the room  
24 next to the entrance because in the conference hall there were other  
25 officials from Yugoslavia and the army. I could see this from the

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1 registration plates of the cars. This was a brief meeting that I had with  
2 him. I asked where the people would be accommodated, the people from  
3 Krajina who had fled.

4 Q. What was his answer to this?

5 A. He said, "In Kosovo." I asked, "How many people can fit into  
6 Kosovo? It's overpopulated, and there was ethnic tension." He said,  
7 "100.000, and many can also go to Republika Srpska and in Republika  
8 Srpska." And I asked him whether we could go to Eastern Slavonia. He  
9 said, "No, not for the time being." Then I asked him, "And where will the  
10 government go, the government of Krajina?" And he said, "Let it stay in  
11 Belgrade. If necessary, for negotiations. And you personally," he said,  
12 "you can apply to Mirko Marjanovic regarding your own personal needs."

13 Q. Did the --

14 MS. UERTZ-RETZLAFF: We can go into open session, Your Honour.

15 [Open session]

16 THE REGISTRAR: We're in open session.

17 MS. UERTZ-RETZLAFF:

18 Q. Did the refugees from the RSK actually end up in Kosovo or in  
19 Bosnia and Herzegovina, or where did they go?

20 A. At first, that same day, as soon as the refugees started coming  
21 from Krajina, Ratko Mladic, the commander of the army of Republika Srpska,  
22 blocked the bridge across the Vrbas, and he wouldn't let refugees go any  
23 further. I went to see him.

24 MS. UERTZ-RETZLAFF: We should go into private session for this  
25 meeting.

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Witness: Witness MILAN BABIC (Private Session)

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1 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

2 THE REGISTRAR: We're in private session.

3 MS. UERTZ-RETZLAFF:

4 Q. You said you went to see Mr. Mladic. Where did you meet him, and  
5 why did you want to see him?

6 A. In Banja Luka, because Mladic had blocked the way and prevented  
7 people from moving any further. And the refugees had formed two columns:  
8 One going from Bosanski Novi and Prijedor towards Banja Luka, and another  
9 one from Bosanski Petrovac, Mrkonjic Grad, via Manjaca, towards Banja  
10 Luka. So there was a block, and the situation was really difficult. Many  
11 had relatives in Vojvodina, in Belgrade, in other places, and they  
12 couldn't stay there on the road. And as far as I heard from the  
13 authorities of Republika Srpska, they intended to put up the refugees at  
14 the camp at Manjaca.

15 And I went to see Mladic to appeal to him to deblock the road, and  
16 I went to see him in a building in Banja Luka. He said that he would lift  
17 the blockade but after Derвента. He said they should stay here in  
18 Republika Srpska. This is our land. And he did deblock the passage  
19 across the Vrbas, but then he blocked the way at the crossings into Serbia  
20 on the Drina and the Sava Rivers, where all adult males, able-bodied males  
21 were separated from their families and made to stay in Republika Srpska  
22 and the rest of their families crossed into the Republic of Serbia.

23 MS. UERTZ-RETZLAFF: We can go into open session.

24 [Open session]

25 THE REGISTRAR: We're in open session.

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1 MS. UERTZ-RETZLAFF:

2 Q. Witness, you said that able-bodied males were separated from their  
3 families. For what reason? What were they supposed to do?

4 A. They were integrated into the army of Republika Srpska, and those  
5 who had crossed into Serbia, they were arrested and taken to Eastern  
6 Slavonia, to a camp under Arkan or to the front line, the so-called front  
7 lines.

8 Q. Does that mean they were forcefully recruited into the VRS and  
9 into the army -- into Arkan's unit?

10 A. That's right.

11 Q. Where did those who reached Serbia, where did they settle?

12 A. They were accommodated in two ways: First, people who had  
13 relatives, close relatives, the first generation, could stay with their  
14 families. All the others were transported by the police to certain  
15 centres all over Serbia, including Kosovo, in columns of tractors or cars  
16 or in trains. I heard the stories of many people when they arrived by  
17 train in Pristina and other towns in Kosovo. They were flabbergasted and  
18 they took the first chance to flee from there.

19 Q. Witness, did refugees from the Krajina arrive in Vojvodina?

20 A. Yes.

21 Q. Were Croatian inhabitants then driven out of Vojvodina? Do you  
22 know that?

23 A. There was some incursion into Croatian homes and throwing the  
24 inhabitants out; however, the Serbian police intervened and prevented  
25 people moving into Croatian homes.

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1 [Open session]

2 JUDGE KWON: Ms. Uertz-Retzlaff, if the witness could point the  
3 location of Samarica in this third tab in this map.

4 MS. UERTZ-RETZLAFF: Yes.

5 Q. Witness, you heard Their Honours asking.

6 A. Yes, I can. Samarica is a hill which is located where the  
7 Bosanski Novi -- or rather, Dvor na Uni, Kostajnica, and Petrinja  
8 municipalities meet, which means here.

9 MS. UERTZ-RETZLAFF: The witness is pointing, actually, at the  
10 word "Banija," in the region of the word "Banija." This map is not  
11 specific enough to show the place itself. Thank you.

12 JUDGE KWON: Is it near from Petrinja?

13 THE WITNESS: [Interpretation] It's between Kostajnica and  
14 Petrinja, yes.

15 JUDGE KWON: Thank you.

16 MS. UERTZ-RETZLAFF:

17 Q. Witness, when you were in the region in November, did you see the  
18 villages Dubica, Cerovljani, and Bacin; and if so, what did they look like  
19 in relation to the destruction that ...

20 A. Those villages were destroyed.

21 Q. Were there churches in these villages and were they destroyed as  
22 well?

23 A. I don't know exactly. I arrived in Kostajnica from the Petrinja  
24 direction, and I saw those villages afterwards, later on, and they had  
25 been completely destroyed and without any inhabitants.

1 Q. The villagers, or the people living, the Croat people living in  
2 these villages, had they posed a threat to the Serbs in the region in  
3 October/November 1991?

4 A. No, they had not. The fighting was over by mid-September.

5 Q. You mentioned already you heard of killings. Did you get  
6 information that 120 Croatian villagers from these three villages had been  
7 killed in October 1991?

8 A. I didn't receive information to that effect. My information was  
9 different, in 1994/1995.

10 Q. What was your information?

11 A. I heard from people from Dubica that they had taken revenge in  
12 Bacin for what had happened in 1941.

13 Q. I would like to now move on to the region Korenica, Ogulin, and in  
14 particular, the villages Saborsko, Poljanak, and Lipovanic. You have  
15 already mentioned the training ground in Slunj and the officer Cedomir  
16 Bulat being in charge there. Do you know which JNA corps were active in  
17 this region end of November until mid - sorry - end of October until  
18 mid-November 1991?

19 A. The command was active there, the command from Plitvice, that is,  
20 Mukinje, and from the training ground. I had information that this was  
21 the operative zone of the 6th Lika Division and units within it, or in  
22 coordination -- acting in coordination with it or subordinated to it. I  
23 also heard that there was an advance command position of the Rijeka Corps,  
24 and that the Vojvodina Brigade was active there for a while, as well as  
25 members of the paratroop units from Nis, and the Territorial Defence from

1 MS. UERTZ-RETZLAFF: Open session, please.

2 [Open session]

3 THE REGISTRAR: We're in open session.

4 MS. UERTZ-RETZLAFF:

5 Q. In October/November 1991, were the villages Saborsko, Poljanak,  
6 and Lipovanic surrounded by Serb villages?

7 A. Yes.

8 Q. Did these villages at that time pose a threat to the Serbs in the  
9 region?

10 A. No.

11 Q. When -- do you know when these villages were attacked?

12 A. There was fighting there around the 17th of November or  
13 mid-November in 1991. So mid-November there was combat around Slunj, and  
14 that is the region.

15 Q. Did you get the information that end of October until the 12th of  
16 November, Croat civilians were killed in these three villages? Do you  
17 know anything of that?

18 A. No, I didn't.

19 Q. I would like -- did you hear it later on? Did you get any  
20 information later on about this?

21 A. Later on I saw - that is in 1994 - that the villages had been  
22 destroyed and that they were abandoned, that there were no inhabitants in  
23 them.

24 Q. I would like now to move to the third region, that is Northern  
25 Dalmatia with Skabrnje, Nadin, and Bruska, and particularly the time

1 period November 1991 to February 1992. These villages that I just  
2 mentioned, are they all in the Benkovac municipality or the Serbian -- the  
3 so-called Serbian Zadar region?

4 A. Yes.

5 Q. Who was the president of the Benkovac municipality at that time,  
6 November 1991 to February 1992?

7 A. Zdravko Zecevic.

8 Q. Was he related to Frenki, Martic, and the others of the parallel  
9 structure?

10 A. Yes.

11 Q. Was there a Crisis Staff in Benkovac? Do you know?

12 A. There was a Crisis Staff in Benkovac which was a body that was not  
13 envisaged by the documents of the municipality but was formed on the  
14 initiative of the local authorities in Benkovac itself.

15 Q. Was the Martic police involved in the Crisis Staff?

16 A. Yes, there were representatives, that is of the civilian  
17 authorities, the police, the TO; therefore, all the structures that  
18 existed within the municipality of Benkovac.

19 Q. Was the JNA involved in this Crisis Staff?

20 A. I don't know.

21 Q. You have already mentioned that Captain Dragan had a training  
22 facility in the Benkovac region. Was he there in November 1991? Do you  
23 know?

24 A. He would come in November 1991.

25 Q. And Frenki, was he also in this region in November 1991?

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1 A. I don't know where Frenki was at that time.

2 Q. In relation to the Martić police in the region in November 1991,  
3 do you know who was in charge of them there in this particular region of  
4 Benkovac?

5 A. There was the regular police and the special police. The head of  
6 the special police was Goran Opacic.

7 Q. Are you aware that Skabrnja and Nadin were attacked in November  
8 1991?

9 A. There was some fighting there, but I don't know exactly the  
10 location.

11 MS. UERTZ-RETZLAFF: With the help of the usher, I would like to  
12 put to the witness two exhibits. The first is tab 164 of Exhibit 352, and  
13 the other one is tab 75 of that same exhibit.

14 Q. And looking at the first one, it is actually a note about fighting  
15 concerning the Yugoslav army and Martić in the villages -- in the Croatian  
16 villages in Benkovac municipality of September 1991.

17 Witness, this is a document compiled by the Croatian authorities,  
18 and looking -- looking at it, on the second page there is a quote, and I  
19 quote on the second page:

20 "In accordance with Colonel Mladic's orders, Martić's terrorists,  
21 together with military reservists, are entering all houses by force,  
22 robbing and taking everything they need and destroying the rest."

23 And my question is: Did that happen in that region as indicated  
24 here in this note? Do you know?

25 A. Yes, that is how it was.

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1 Q. And I have here the second document. It is a report of the SAO  
2 Krajina headquarters of the 17th of September, 1991.

3 JUDGE MAY: Let's go back to the previous one,  
4 Ms. Uertz-Retzlaff.

5 MS. UERTZ-RETZLAFF: Yes.

6 JUDGE KWON: Which is the first document? Is it tab 165? 164.

7 MS. UERTZ-RETZLAFF: 164.

8 JUDGE MAY: Let's get this right. It's 164, is it?

9 JUDGE KWON: Yes.

10 MS. UERTZ-RETZLAFF: And it is actually a document provided by the  
11 Croatian authorities, and I just wanted to address the contents of this  
12 document with the witness, whether such attacks as described here, with  
13 robbing and destroying, took place in the region. That was the purpose of  
14 putting it to the witness. Yes.

15 JUDGE MAY: Yes, we have that.

16 MS. UERTZ-RETZLAFF: The next document, tab 75.

17 Q. Witness, it's a report of the SAO Krajina headquarters of the 17th  
18 of September, 1991. And if you look at the seal and the header, is that  
19 a -- are they authentic?

20 A. They are.

21 Q. And what position did this person Maglov, Petar have? Do you know  
22 that?

23 A. I can't remember exactly.

24 Q. In this document, there is the mentioning of the TO Benkovac staff  
25 on the first page and an order given by Milan Martić. And as point 2,

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1     there is mentioned: "Have an armoured train go from Kosovo station to  
2     near Tepljuh and open heavy fire on the region of Siveric." What kind of  
3     an armoured train was it?

4     A.    It was an armoured train that Frenki made in Strmica, a combat  
5     armoured train.

6     Q.    And who was in charge of this train? Do you know who commanded  
7     the conduct of this train?

8     A.    Guska was his name.

9     Q.    To whom was he related? Was he part of this parallel structure?  
10    Who was he subordinated to?

11    A.    Frenki and Martic.

12    Q.    In relation to the villages Skabrnja and Nadin, did they pose a  
13    threat to the Serbs in the region, or the JNA, in November 1991?

14    A.    To the Serbs, no; but in a sense, they jeopardised the flank of  
15    the JNA forces in the region of Zemunik.

16    Q.    In which way did they jeopardise the flank of the JNA units? Was  
17    the Croatian army in these villages in November 1991?

18    A.    I don't know exactly. I just know that General Vukovic said that  
19    before the winter he had to level the lines where his units had been  
20    deployed in that region, to even them out. I said General Vukovic.

21           MS. UERTZ-RETZLAFF: Private session, please, for one question.

22    [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

23           THE REGISTRAR: We're in private session.

24           MS. UERTZ-RETZLAFF:

25    Q.    Witness, to whom did General Vukovic say that, and why?

1           A.    He told me that in his office, at the headquarters of the 9th  
2   Corps in Knin.  Actually, he invited me and asked me to point to the  
3   Northern Dalmatian region on the map and indicate the Serbian settlements  
4   in that area, that is, from Sibenik towards Zadar, the municipalities of  
5   Knin, Sibenik, Benkovac.  And I pointed them out to him.  In the area of  
6   Benkovac, it's not really possible to indicate with precision because the  
7   population is mixed to quite a considerable degree.  And such compact  
8   areas of Serbian and Croatian settlements are distributed in the form of a  
9   curve, so that as I pointed them out, this was in a curving position.  And  
10  then he waved his head and said, "I can't leave it like that until the  
11  winter.  I have to make the lines straight."  That's what he said, that he  
12  had to deploy his unit in a straight line.

13          Q.    Were the villages Skabrnja and Nadin disturbing the straight  
14  line?

15          A.    Yes, in a sense.  In relation to that line, they were indented.  
16  The area of Zemunik and towards Zadar, where the 9th Corps units were  
17  deployed, they formed a kind of wedge, and Skabrnja was inside it.

18          Q.    Witness --

19                MS. UERTZ-RETZLAFF:  We can go to open session again.

20                               [Open session]

21                THE REGISTRAR:  We're in open session.

22                MS. UERTZ-RETZLAFF:

23          Q.    Do you know when these villages, Skabrnja and Nadin, were attacked  
24  and which -- in which way, which forces took part in it?

25          A.    I learnt later -- I wasn't fully informed at the time.  I was

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1 later informed that these were Skabrnja and Nadin, in November 1991. JNA  
2 units took part, as well as units that were coordinated by the Crisis  
3 Staff in Benkovac, which means the TO and the police and all armed  
4 formations that were in the area of Benkovac.

5 Q. Did you get information that Croatian civilians were murdered  
6 during the attack?

7 A. I learnt later that they had been.

8 MS. UERTZ-RETZLAFF: Private session, please.

9 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

10 THE REGISTRAR: We're in private session.

11 MS. UERTZ-RETZLAFF:

12 Q. Who informed you, and what did this person tell you?

13 A. I was informed by [redacted]

14 [redacted]

15 [redacted]. He

16 said that they went there to straighten out the region, to straighten out  
17 the lines in Skabrnja. And he said that Goran Opacic had also taken part  
18 in the attack, or rather, at the beginning of the attack, but afterwards  
19 that he had left. He told me that for personal reasons, because Goran  
20 Opacic, in June 1992, mistreated me in person, and that is probably what  
21 prompted [redacted] to mention him specifically to me.

22 Q. Does that mean Goran Opacic mistreated you in person, or this  
23 [redacted]?

24 A. No. Goran Opacic mistreated me. He mistreated me and some other  
25 people from the Regional Board of the SDS of Krajina in Benkovac.

1 Q. Why did he -- what was the occasion that he mistreated you, and  
2 what did he actually do to you?

3 A. On the 13th of June, 1992, after, in Djevske -- no, in  
4 Bratiskovci. I beg your pardon. That's a village which was joined from  
5 the Sibenik municipality to the Knin municipality. And he said that  
6 Slobodan Milosevic was not to be trusted, believed. And when at that  
7 meeting I tried to prove to the people what he wanted to give to Croatia  
8 in March 1991, that means when I was talking about Bihac and the road from  
9 Benkovac to Drnis, so two days after that, or three days later, Goran  
10 Opacic and his men waited for me in Benkovac and wanted to liquidate me  
11 physically.

12 Q. Witness, let me clarify something. Who said that Slobodan  
13 Milosevic was not to be trusted?

14 A. I did. I said that to the people at the meeting in Bratiskovci.

15 Q. Witness --

16 MS. UERTZ-RETZLAFF: We can go back into open session.

17 [Open session]

18 THE REGISTRAR: We're in open session.

19 MS. UERTZ-RETZLAFF:

20 Q. This person Goran Opacic that you mentioned, did he have a  
21 nickname?

22 A. Klempo was what they called him.

23 Q. Was he close to Milan Martic?

24 A. Yes, close, intimate.

25 Q. I would like now to move on to Bruska. You have already mentioned

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1 Bruska and how you visited it. In December 1991, was there any fighting  
2 in or around the village?

3 A. I don't remember.

4 Q. Are you aware that ten civilians were killed in the village of  
5 Bruska on the 21st of December, 1991, and how it came about?

6 A. I did hear about that, later on. And how it came about was that  
7 Goran Opacic, with a few of his men, threw a bomb into the house where the  
8 inhabitants were sitting. And Croats were killed, the Croats who were  
9 there, and a Serb postman who was sitting there with them.

10 MS. UERTZ-RETZLAFF: Closed session, please, for one question.

11 [Private session ordered for public release, 18 December 2002 (D18520-D18519)]

12 THE REGISTRAR: We're in private session.

13 MS. UERTZ-RETZLAFF:

14 Q. Who informed you about that?

15 A. [redacted]

16 Q. And when did he inform you?

17 A. Two years ago, a year and a half ago.

18 Q. Did the Croatian villagers return to the region of Skabrnja or  
19 Bruska before Operation Storm? Do you know?

20 A. No.

21 MS. UERTZ-RETZLAFF: We can go back into open session.

22 [Open session]

23 MS. UERTZ-RETZLAFF:

24 Q. Witness, with the help of the usher, I would like to put to you  
25 Exhibit -- tab 166 of Exhibit 352. And there is a document of the

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1 Ministry of Internal Affairs dated the 28th of September, 1992, signed and  
2 stamped. Can you first of all comment on the header and the stamp and the  
3 signature?

4 A. This is a document which corresponds to the contents, but the  
5 signature is not that of Martić. Somebody signed for him, probably  
6 someone from the command of the special police units.

7 Q. And the stamp, is it the stamp that was used at that time?

8 A. Yes, it is.

9 Q. In this document, there is a reference made to -- I quote: "We  
10 have the --" I can't read that word. Sorry. Mine was not readable. "We  
11 have the surely information that during the 29/30-1992 by force  
12 immigration of the population is planned for Skabrnja, Novigrad, and  
13 Pridraga." And a little bit further down: "... we inform you that we  
14 will be forced to prevent by force arrival of -- on the territory of  
15 RSK."

16 Do you know that anything happened at that time, in September  
17 1992, in relation to the return of the population?

18 A. I know that people talked about it and that it was the position by  
19 the people in the government that the Croats should not be allowed to  
20 return. I don't know exactly, in any precise terms.

21 Q. Thank you.

22 MS. UERTZ-RETZLAFF: It's enough for the document.

23 JUDGE KWON: Ms. Uertz-Retzlaff, who interpreted, translated this  
24 document? I'm interested in the form of the document. Was it faxed?

25 MS. UERTZ-RETZLAFF: It is actually a UN -- we received this

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1 like to draw attention to the fact that, according to my accounts, the  
2 examination-in-chief lasted 24 hours. You told me I would have 20 hours.  
3 So would you please reconsider and establish whether my calculations are  
4 right. I may be wrong. It is quite possible that I made a mistake.

5 JUDGE MAY: Mr. Milosevic, let me deal with that. You are wrong,  
6 in fact. It was 20 hours. I noted it.

7 THE ACCUSED: [Interpretation] Very well.

8 MR. MILOSEVIC: [Interpretation]

9 Q. First of all, is it true to say that this was no secret map?

10 A. This was a public document.

11 Q. I see. A public document. It was all over the Krajina. It was  
12 like a leaflet; isn't that right?

13 A. No, not a leaflet but what it is; a map with data.

14 Q. Yes, with data: A summary, information on the back of the map,  
15 even a summary in the English language should it have to be shown or  
16 distributed to foreigners.

17 A. I don't know for what purposes it was used. I obtained it in  
18 1994.

19 Q. And this was issued by the Serbian army of Krajina with the help  
20 of the journal Vojska from Belgrade; is that right?

21 A. Yes. That is what it says, with the assistance of the publishing  
22 institution Vojska of Belgrade.

23 Q. And there's the stamp of the Republic of Srpska Krajina, and the  
24 stamp of the Serbian army of Krajina?

25 A. Yes. The new emblem from 1994, or coat of arms.

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1 Q. Would you now please comment, as you did before, with regard to  
2 this map, but first of all, before you do that, please tell me, what was  
3 the percentage share of the population in Knin municipality by ethnicity.  
4 In Knin municipality.

5 A. Knin municipality had about 90 per cent of the population were  
6 Serbs, or up to 90 per cent, and 10 per cent were others. Nine per cent  
7 were Croats, about 1 per cent were Yugoslavs.

8 Q. So that would roughly be the composition in 1981.

9 A. I may be wrong, plus or minus 1 or 2 per cent.

10 Q. Do you remember that the leadership of the Republic of Srpska  
11 Krajina would frequently emphasise the fact that Croats in Knin were  
12 living on a footing of equality like all other citizens and that the  
13 authorities of the Republic of Srpska Krajina are not behaving towards the  
14 Croats in the way in which the Ustasha authorities are behaving towards  
15 the Serbs? Is that right or not?

16 A. The Croats know best how they lived in Knin, as do the people from  
17 Serbia and Knin. I will give you just three examples. There is no doubt  
18 that they didn't feel at ease during the time of inter-ethnic  
19 disagreements and conflicts, but it is also a fact that already in October  
20 some citizens of Croatian ethnicity and Albanians suffered damage because  
21 of the events in Knin.

22 In April 1991, the police of Krajina selectively started seizing  
23 weapons from citizens - not all of them, but from Croats - and this  
24 especially happened in the village of Potkonj in Kninsko Polje, and  
25 Vrpolje. They experienced unpleasantness or worse than that, certain

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1 suffering. The inhabitants of the Croatian village of Kijevo, on the 26th  
2 of August, 1991, during the attack of the JNA.

3 Also in 1993, Croats in Knin felt not only unsafe, but they were  
4 physically mistreated by refugees from Benkovac after the attack of the  
5 Croatian army on Ravni Kotari, especially people from Islam Grcki and the  
6 surroundings who would come to Knin. The police brought them there in an  
7 organised fashion and instigated them to move into Croatian houses so that  
8 the Croats had to flee and seek shelter in the centre in Vrpolje, and then  
9 the police organised their resettlement by buses via Zitnic towards the  
10 territory controlled by the Croatian government.

11 That is as far as Knin is concerned. I don't want to be cynical,  
12 but the Croats in Knin fared better, in spite of what I just said,  
13 compared to how they fared in areas where there were armed conflicts.

14 Q. I remember, for instance, that Milan Martic said with pride that  
15 Croats in Knin were living in conditions of complete equality, which we  
16 received with the greatest measure of approval, and another colleague of  
17 yours, a protected witness, not quite as protected as you but also  
18 protected, confirmed that in Knin, the Croats did indeed live on a footing  
19 of equality. Are you denying that now?

20 A. I'm just telling you how equal they were.

21 Q. So you are claiming that they were not equal in Knin.

22 A. I don't -- I know that they didn't feel comfortable and that I  
23 know many Croats in Knin who felt in jeopardy.

24 THE INTERPRETER: Microphone, please.

25 MR. MILOSEVIC: [Interpretation]

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1           A.    Yes.  The decision was taken for the government to sit  
2 permanently.

3           Q.    Fine.  Since such a decision was taken for the government to sit  
4 continuously and that a conflict was clearly in the offing, how did it  
5 happen that you fled from Knin together with your wife, children, and  
6 mother-in-law two days prior to the Croatian offensive?  Were you informed  
7 about it?

8           A.    It is not true I fled from Knin.  In the last week of July,  
9 Yasushi Akashi was in Knin, the head of the UN mission for the former  
10 Yugoslavia, and during talks that he had with representatives of the  
11 authorities of the Republic of Serbian Krajina, he informed me that the  
12 American Ambassador Peter Galbraith, who I had met earlier, wanted to  
13 continue discussions with me about the so-called Z-4 plan, that is, the  
14 political status of the Serbian Krajina or, rather, the status of the  
15 territory that constituted the Serbian Krajina at the time.  I accepted  
16 the invitation and a meeting was scheduled through Juri Mijakotnik, the  
17 head of the UN mission in Sector South, and it was scheduled for a  
18 Wednesday - I have to think over the date - in the American embassy in  
19 Belgrade, and that was the reason why I left.

20          Q.    He was in Zagreb and you were in Knin.  Why didn't you talk in  
21 Knin, but rather both of you had to go to Belgrade to meet there?

22          A.    The first proposal was that we should talk on a boat, on a ship,  
23 and that I should be transported by helicopter via Split to that ship.  
24 And I said that that wasn't convenient, that it was safer for me to have  
25 the meeting in Belgrade.  Martic and the others proposed that it should be

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1 in the office of the Krajina -- in the Krajina offices in Belgrade, but  
2 through Mijakotnik, I proposed a meeting in the American embassy in  
3 Belgrade as it was safer and more accessible for me, and he accepted  
4 that.

5 Q. So you did not comply with the decision of the Assembly for the  
6 government to be continuously in session in Knin but you left Knin on the  
7 2nd of August, 1995.

8 A. That was the decision of the government, not the Assembly. The  
9 Assembly doesn't decide how the government will sit.

10 Q. Well, fine. But the decision was for it to sit permanently  
11 because of the danger. How could you leave Knin, and how did you remember  
12 taking your wife, children, and mother-in-law with you?

13 A. I left in the capacity of Prime Minister for -- to negotiate with  
14 international mediators regarding the political status of Krajina and  
15 preventing Krajina being captured by force of arms and for a political  
16 solution to be found for Krajina. That was the reason. Each member of  
17 the government had his assignments. And my priority at that point in time  
18 was to find a political settlement for Krajina and to accept the Z-4 plan  
19 which I supported as Foreign Minister during two conversations I had with  
20 Galbraith but whom I had informed previously about the political  
21 relationships and the balance of forces in Krajina and around Krajina with  
22 regard to the acceptance of that plan.

23 When I became Prime Minister, my political authority increased,  
24 and as the Prime Minister, I was able to accept that document, and that  
25 was the reason why I gladly and immediately agreed to that talk.

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1 Q. Yes. But you haven't answered why you needed to take your whole  
2 family to the negotiations.

3 A. My family did not attend the negotiations. They did not.

4 Q. But why did you take them to Belgrade?

5 A. They were not with me.

6 Q. And where were they then?

7 A. My mother-in-law was very seriously ill. She was suffering from  
8 cancer, and she needed treatment, and she went for treatment several  
9 times.

10 Q. But where were they physically? Would you tell us, please.

11 A. They were not with me. They did not -- they were not involved in  
12 politics. They have nothing to do with my political decisions and my  
13 political activities.

14 JUDGE MAY: M. Babic, what is being put is that you fled with  
15 your family. Now, you say that you left because you were attending,  
16 wanting to go to a meeting and wanting to attend talks. Now, what you are  
17 being asked about is if it's right that you were going to the political  
18 talks, why was it necessary for your family to go? Your answer is that  
19 your mother-in-law needed treatment.

20 Now, can you just explain, if it's the case, why was it necessary  
21 then for the rest of your family to go too? Can we just hear your  
22 explanation?

23 THE WITNESS: [Interpretation] My mother-in-law didn't go with me.  
24 She was accompanied by my wife. There was a holiday, a school holiday.  
25 The children were on holiday, and I wanted them to be safe. It was a

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1 highly unsafe situation. I didn't have any special protection at the  
2 time, and there was fighting around Knin.

3 My mother-in-law died one month or two months later.

4 MR. MILOSEVIC: [Interpretation]

5 Q. Is there no dispute, then, that you left Knin together with your  
6 family?

7 A. I went on my -- to do my own business, and they went to take care  
8 of their own business.

9 Q. I didn't claim that you took your mother-in-law, wife, and  
10 children for talks with Galbraith. I just asked you whether you went  
11 together with them from Knin.

12 A. On the same day, yes. We didn't use the same transport, nor the  
13 same route, nor on the same business.

14 Q. Well, I never assumed that your wife and children took part in the  
15 negotiations. I just said that together with them you left Knin, two days  
16 prior to the attack.

17 JUDGE MAY: The witness has answered the matter. He's given his  
18 explanation.

19 THE ACCUSED: [Interpretation] Mr. May --

20 THE WITNESS: [Interpretation] With great effort. I wouldn't ask  
21 you, if you were a witness, about your family.

22 MR. MILOSEVIC: [Interpretation] It's not your family that is in  
23 question, sir.

24 JUDGE MAY: Mr. Witness, it's not an improper question. It's  
25 relevant. You see, the issue is -- the accused is putting that you fled

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1 and you took your family with you. He's entitled to put that. You've  
2 given your explanation.

3 Now, Mr. Milosevic, unless you've got some new point to make on  
4 this, we should move on.

5 MR. MILOSEVIC: [Interpretation]

6 Q. Will you please explain to me now: You said here, in private  
7 session, that you had agreed with Galbraith, or rather, that you accepted,  
8 in talks with Galbraith, the plan for a settlement that was offered to  
9 you. Is that right?

10 A. That was one of the elements I agreed with in the capacity of  
11 Prime Minister.

12 Q. Fine. From what has been shown to us here, on that day there was  
13 a meeting in Geneva, chaired by Thorwald Stoltenberg, and you sent some  
14 ministers there, didn't you?

15 A. Yes. The Minister of Foreign Affairs went.

16 Q. But that doesn't matter.

17 A. And Martić sent three negotiators. So the government sent one and  
18 the president of the Republic sent three.

19 Q. Very well. Answer this very specific question for me, please: If  
20 you say that you accepted the proposals given to you by Galbraith, why  
21 didn't you inform your negotiators in Geneva that you had accepted it, so  
22 that they might tell their collocator in Geneva, that is, the Croatian  
23 side, about it? Why didn't you inform them of that?

24 A. I did. I talked to Milivoje Vojnović, the Foreign Minister of the  
25 government of the Republic of Serbian Krajina, who was a member of the

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1 delegation, and I talked to Milo Novakovic, who was also a member of the  
2 delegation.

3 Q. So you informed them that you had accepted, and they didn't say so  
4 over there; is that right?

5 A. I said what I had accepted, and my suggestion was that they accept  
6 all the proposals of the international mediators, and they did accept  
7 them.

8 Q. Fine. If they accepted, as you are saying, the proposals of the  
9 international mediators, why does it emerge from the note written by the  
10 British ambassador, as far as I could see, a note to the governments of  
11 participating countries, that Stoltenberg had told them from Geneva that  
12 they were not informed about anything? Does that mean that they informed  
13 their collocutor or they didn't?

14 A. I know what I said here. I'm sorry. I'm sorry. I haven't  
15 finished my answer. I was told by people who listened to Pasalic, who was  
16 a member of the Croatian delegation, that he said that the Serbs were  
17 buying time. So according to my direct knowledge, the Croatian delegation  
18 was informed, and as far as I know, and this was what Ambassador Galbraith  
19 told me, and he had discussed my statement with Tudjman.

20 Q. So that means that the Croatian side knew that you had accepted  
21 the proposals. That means that the American side knew that you had  
22 accepted the proposals. But nevertheless, the very next day an offensive  
23 was launched by the Croatian army, encouraged by those same Americans  
24 whose propositions you had accepted, and an offensive of the army which  
25 had been informed about your acceptance launched the offensive.

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1           A.    I had informed the ambassador that those proposals can be  
2    implemented only if you agree with them.  I was informed -- or rather, the  
3    doubts were expressed of the international mediators as to Martić's  
4    agreement with it, and also I was told that they had information - and I  
5    was told this by an official of the French embassy - that you were not  
6    supporting this, and this was on the day the Croatian offensive and the  
7    bombing of Knin by the Croatian army started.

8           Q.    Didn't you say here that you called me and informed me that you  
9    had agreed, and that I had said, "Fine, calmly," or "peacefully"?  Those  
10   were your words.

11          A.    I quoted you as I remember.

12          Q.    And did you hear -- but I also saw, on the videotape of your  
13   interview, explaining a conversation with me, you said that you had asked  
14   me about the Z-4 plan and that I had said that the plan was a good one.  
15   Is that right?

16          A.    Correct, only that Slunj needs to be divided vertically, though  
17   Slunj should have been part of SAO Krajina.

18          Q.    I don't know why you said that.

19          A.    I don't remember that either, but that doesn't matter.

20          Q.    But I did say that the plan was good, didn't I?  Then why are you  
21   accusing Martić that he said the plan should not be taken into  
22   consideration when you yourself say that Martić said that the plan cannot  
23   be reviewed until the mandate of the UN is extended?  Are these two  
24   different things or not?

25          A.    I'm not accusing Martić.  I'm just conveying his words, that you

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1 said that the plan should not be even taken into consideration until the  
2 Vance Plan was implemented. And at that point in time, there was a new  
3 idea, a new concept, the UNCRO mandate of the peace forces, not the Vance  
4 Plan. The Vance Plan was no longer a plan of the international  
5 community. That plan was something that you did not comply with. You did  
6 not implement it. You did not allow demilitarisation. And in 1995, you  
7 said that the proposal for a political settlement should not be even  
8 considered until the plan that you obstructed is implemented.

9 Q. And isn't it true that Boro Mikelic said that it wasn't true?

10 A. No. He went to the next-door office and talked to him, or  
11 telephoned - I don't know - but he sat there and kept quiet.

12 Q. And how do you link this up, then, with your conversation with me  
13 where I said that the plan was a good one?

14 A. Well, I'm talking about the facts. I'm stating the facts. You  
15 were deceiving me. That's what it means.

16 Q. So I was deceiving you, and behind your back I told Martic not to  
17 even consider the plan?

18 A. That's what Martic said.

19 Q. Oh, I see. That's what Martic said, and I told you something  
20 else. So the important thing is what Martic told you that I had said and  
21 not what I had told you personally?

22 A. The important thing is what you did and how you behaved.

23 Q. And you yourself explained that Martic had said to the  
24 representatives of the international community: We're not going to  
25 consider it until the mandate of the United Nations is revived.

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1           A.    The Vance Plan.  The Vance Plan was extended, renewed, in a  
2   different way, and it was UNCRO later on.

3           Q.    You never mentioned Vance's plan.  Vance's plan was already four  
4   years old at the time.  So whether it was UNPROFOR or UNCRO, there's no  
5   difference there.  It was a mandate given to the United Nations.

6           A.    The United Nations renewed their mandate in a different way and  
7   UNCRO was formed later on, so until the plan -- Vance's plan was realised;  
8   at least, that's what you had said.  And the plan was no longer in the  
9   offing among the international community.  It was not implemented because  
10  you obstructed its implementation.  And you prevented the demilitarisation  
11  of Krajina and remilitarised it again, and this was in opposition to the  
12  plan.  And all this happened in the second half of 1992, in 1993, in 1994,  
13  and in 1995 as well.  And even when you spoke to me, when you said that  
14  the plan, the Z-4 plan, was a good one, when you said that to me, you also  
15  said, in the same breath, that the logistics of Serbia was with us in the  
16  fight against Croatia.  So those were your words as well.

17          Q.    Mr. C-061, let's not make these fabrications and constructions,  
18  because --

19          A.    You put Milo Brksic [phoen] in command of the operations in Bihac.

20          Q.    I haven't announced a tape, and I don't want to abuse the time or  
21  use up my time in this way, but I shall be showing you an excerpt of what  
22  you yourself said, a tape of that, and then we'll be able to see what it  
23  was that I did and just how many untruths there were in your statements  
24  and testimony itself.  But let's not discuss that point now.

25                From what you said here during your examination-in-chief, it would

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1 appear that Galbraith told you that a Croatian offensive was in the  
2 offing, that it would follow. Is that right, Mr. C-061?

3 A. Not in those very words, but that was the sense of it.

4 Q. Right. That was the sense of it. If we did not react, that  
5 Croatia would. But did you inform anybody of this? Because you were the  
6 only man who knew about this Croatian offensive. So did you inform  
7 anybody about that?

8 A. This was a conversation in the evening, between 8.00 and 10.00,  
9 one or two hours. And the next day I made a statement, and I talked to  
10 you, I talked to Vlatkovic -- Vlatko Jovanovic, and I said what I had  
11 agreed with Galbraith. I asked for your support in the matter. I made my  
12 statement, and the negotiations took place in Geneva, and the next day the  
13 Croatian offensive started.

14 Q. Well, why didn't you inform anybody? Why didn't you tell anybody  
15 that a Croatian offensive was in the offing, if Galbraith had indeed told  
16 you, as you yourself say?

17 A. He said something along those lines, that Croatia would opt for a  
18 military settlement. He didn't say the Croatian offensive would begin the  
19 next day. He said that we would fare the same as Western Slavonia. So it  
20 was by way of a comment on his part. He didn't actually announce a  
21 Croatian offensive.

22 Q. So you didn't become conscious of the fact that he knew something  
23 about a Croatian offensive of some kind?

24 A. He was the intermediary in the talks between me and Tudjman, or  
25 rather, as I understood it, he proposed the American concept that

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1     Krajina -- according to which Krajina, or rather, its part, which was  
2     called SAO Krajina, be given political and territorial autonomy in  
3     Croatia. That was the Z-4 plan.

4     Q.     That's not what I'm asking you.

5     A.     Well, that was their proposal. That was their proposal. That's  
6     how I understood it.

7     Q.     I'm not asking you that. What I'm asking you is this: Are you  
8     saying that it wasn't clear to you at that time, that he did not inform  
9     you that there would be a Croatian offensive?

10    A.     He said that Croatia would settle the issue militarily and that it  
11    would be detrimental to us.

12    Q.     Did you inform anybody about that?

13    A.     Well, I talked about that and I took steps to prevent it. I  
14    accepted his views and stands. I asked your support. I called upon the  
15    delegation in Geneva to accept it. So as far as I remember, those were  
16    the political moves I made.

17    Q.     Well, let's leave your political moves aside, and answer my  
18    question directly. Did you inform anybody whatsoever that Galbraith told  
19    you that there would be a Croatian offensive to follow?

20    A.     He said that we would fare badly unless we agreed and accepted, so  
21    I urged that we did, in fact, accept. He didn't say that there would  
22    actually be a Croatian offensive.

23    Q.     All right. So you didn't know that there would be a Croatian  
24    offensive; is that what you're saying? Let's clear up one point.

25    A.     Yes. I had no idea that there would be one so fast, especially as

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1 we had made the statement. I had made a public statement saying that I  
2 accepted and that the delegation in Geneva accepted the proposals made by  
3 the international community.

4 Q. All right. Let's put all the pieces of this puzzle together, and  
5 the facts. You accepted the proposals, the Geneva delegation accepted the  
6 proposals, the Croatian side was informed that the agreement had been  
7 accepted, the American side and the other sides were also informed,  
8 because they had talks with you, and nonetheless an offensive did follow.  
9 Are those the facts?

10 A. Yes, they are.

11 Q. All right. Very well. Now, is it also true that once the  
12 offensive was launched in the -- early in the morning the next day, you  
13 personally, from the bureau of the government in Krajina in Belgrade, sent  
14 faxes to Dvor na Uni and Kostajnica to tell people to withdraw? Is that  
15 true?

16 A. I think that Milivoje Vojnovic sent some form of correspondence  
17 along those lines.

18 Q. I'm not asking about Vojnovic. I don't even know what your  
19 representative's name was in Belgrade. What I'm asking you is about you  
20 personally. Did you send faxes to Kostajnica and Dvor na Uni that people  
21 were withdrawing?

22 A. I don't remember that.

23 Q. Let me just see if we could move back into open session at this  
24 point. Let me just check.

25 Well, quite simply, I'd like to link all this up, what you're

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1 saying now with what was presented here as being intercepts; that in 1991,  
2 on the 11th of December, 1991, a conversation between myself and Karadzic  
3 - and it is page 0212900 - that you intentionally tried to give Tudjman  
4 an alibi for this entire situation, or, for example, the conversation on  
5 the 23rd of November. I don't even want to quote what I said on that  
6 occasion. But that you were leading up to the fact that your people would  
7 be slaughtered, that Tudjman would step on you, and I said that you were a  
8 rascal. So those are your exhibits, exhibits that were put forward here.  
9 Was I right, then, in 1991, Mr. C-061? Wasn't I right when I qualified  
10 you in that way, in view of what you've just recounted to us all here?

11 A. You were not right. You were in favour of the Vance plan and  
12 demilitarisation. But you did not fulfil Vance's plan, which you  
13 advocated, and you hold me responsible. It is a fact that I was against  
14 the plan and asked that it be modified. But it is a fact that you came  
15 out in favour of the plan and forced the Krajina Assembly to adopt the  
16 plan, and then you violated the plan. You didn't respect it. Those are  
17 the facts.

18 Q. And is it true that precisely in conformity with that plan, that  
19 the JNA withdrew from the area of Krajina?

20 A. The JNA did withdraw, but the weapons remained. And a portion of  
21 the officers stayed on in the TO. General Torbica became the commander of  
22 the Territorial Defence, the structure of the Territorial Defence stayed  
23 on, and in 1993 everything was -- became a function of the general  
24 situation, as an army, as the Serb army of the Republic of Srpska Krajina.

25 JUDGE MAY: The last reference is to Exhibit 353, tab 45. Yes.

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1 JUDGE MAY: Was it right that there were some Croats who remained  
2 in Knin, or not?

3 THE WITNESS: [Interpretation] Yes, there were. I know them.  
4 There was my neighbour, Grandmother Kaja. Let me mention her. There were  
5 others too. I don't want to mention names. I spoke of the serious  
6 suffering of Croats in Kijevo, when the JNA attacked the village with  
7 artillery. I spoke about the terrible, awful expulsion of Croats from  
8 Vrpolje in 1993. I spoke about the fact that the Croats in Knin did not  
9 feel at ease in an atmosphere of interethnic and political conflict. And  
10 I also mentioned the events from April 1991.

11 JUDGE MAY: No need to go over those events again. It's just that  
12 question of whether some remained.

13 Yes, Mr. Milosevic.

14 MR. MILOSEVIC: [Interpretation]

15 Q. That's very, very good, because the next quotation from this  
16 statement denies precisely what you are saying. He says: "If that had  
17 been so, would the Knin Croats, in 1996, that is, after Storm, would they  
18 have signed a petition calling on the Serbs to return to Knin?  
19 Unfortunately, Mr. Curko, who handed the petition to the Sabor in Zagreb  
20 was met and beaten up by HDZ members."

21 Is that true or not?

22 A. I don't know of the details, but I do know that many Croats from  
23 Knin were sorry that the Serbs had left Knin and that they did express  
24 their wish for them to return.

25 Q. Let me go on. In a location Rupe, in which, according to the

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1 witness, Croatian civilians were killed, everyone knows that these are  
2 fabrications. Those civilians who remained ate together with the army  
3 members, the JNA. There's a case of Ivan Tepic, from Rupe, who asked to  
4 join his family in Sibenik, which of course he was allowed to do, but  
5 after arriving in Sibenik, he said how the Serbs hadn't hurt him but, on  
6 the contrary, they had given him food which they themselves were short of,  
7 and he was killed by Croats in Sibenik.

8 I will not go on to read what relates to you in person.

9 A. But regarding this particular event, I was talking about the trial  
10 to the -- of the perpetrators of crimes, and I recall that there was a  
11 trial of a group from Zelenik, for an event that took place -- Drvenik,  
12 I'm sorry. I think the reason was that one of their men was killed  
13 somewhere around Rupe and that they took revenge for this over their  
14 neighbour Croats. They killed them, and that is why they were put on  
15 trial. So I referred to this in that context.

16 Q. Probably you mixed something up.

17 A. No. I'm not quite sure whether the crime evented near Rupe or in  
18 Drvenik, Ervenik, and then I corrected myself.

19 Q. So you don't even remember where your testifying about what  
20 happened.

21 A. I remember they committed a crime against their neighbours and  
22 that is why they were put on trial.

23 Q. He asked: "Why he is not testifying about the 10.000 missing  
24 civilians that were withdrawing from the Croatian army together with  
25 American instructors who were sowing death on innocent, old men and women,

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1 some of whom did not wish and some of whom could not leave their homes."

2 JUDGE MAY: That's not a question that the witness can deal with.

3 That's a comment by whoever wrote the letter. Yes.

4 MR. MILOSEVIC: [Interpretation]

5 Q. "Dobrijevic says that the SDS was formed near a pit in Lika,  
6 where, during the Second World War the Ustasha criminals, with the help of  
7 Hitler, were building the statehood of Croatia based on crimes."

8 JUDGE MAY: Totally irrelevant. Yes, move on.

9 MR. MILOSEVIC: [Interpretation]

10 Q. Is that where the SDS was formed, Mr. MILAN BABIC?

11 A. On the 27th of January, 1990, Television Belgrade broadcast that  
12 Academician Raskovic had announced the formation of a Serb party in  
13 Croatia. Later on, from the participants in that meeting in Serb, I heard  
14 that there was a ritual performed over the pit, a religious ritual, at the  
15 pit Kuk, near Lapac, where the Ustashes in 1941, had killed and thrown the  
16 killed Serbs into that pit. A strange ritual took place to mark the  
17 beginning of the formation of the Serbian Democratic Party.

18 Q. Well, can you comment on what Dobrijevic says? "As regards a  
19 witness hidden by a screen, I would just ask him where all those  
20 fabrications come from. He's testifying about areas on which he never set  
21 foot."

22 JUDGE MAY: That is a worthless comment, completely worthless.  
23 Now, let's move on, and relevant questions. Your time is going,  
24 Mr. Milosevic. Unless you ask proper questions, it will come to an end.  
25 Yes.

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1 in the areas inhabited by the Serbs, not only where they were the majority  
2 but where they were the minority as well, you caused incidents to take  
3 place and then deployed the Yugoslav People's Army in order to retain  
4 those territories by force of violence within that state, sidestepping the  
5 decisions of the majority in the territories where they were living, and  
6 by creating incidents and waging a war, you fanned the flames and you  
7 incited Slovenia and Croatia to step down from the state of Yugoslavia and  
8 the state that you were creating. That is how I understood your  
9 conceptions of the matter.

10 Q. Well, others didn't understand it in this way. Now, what your  
11 understanding was under the circumstances in which you find yourself  
12 today, I'm not wondering about that now. But let's be a little more  
13 specific with respect to your accusations and the fabrications and the  
14 fact that dangers were conjured up to which the Serb people were exposed  
15 to in Croatia.

16 During your examination-in-chief here, you claimed, and I think  
17 that we even saw an excerpt played from the film, the tape, about Spigelj,  
18 this film of Spigelj was a fabrication. It was a forgery. And that the  
19 Federal Secretariat for National Defence played it. That was what was  
20 claimed, that it was played as a sort of propaganda device, in order to  
21 incite clashes and conflict. And that it was just propaganda, pure and  
22 simple. So please answer me this: Do you know what weapons, if it was  
23 indeed a forgery, what weapons were they using to shoot from at that same  
24 JNA in Croatia and at the Serbs in Croatia, and whether or not those  
25 soldiers and those compatriots of yours that were being killed from some

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1 sort of forged or falsified weapons as well that had been conjured up that  
2 you saw heard about in this falsified document and tape about Spegelj?

3 A. Well, I said with respect to the Spegelj tape two facts: First I  
4 had heard that Spegelj himself had denied certain statements and  
5 observations made in the film; and second, I said, and I can repeat that  
6 if you like, that the film itself caused a frightening effect on the Serb  
7 people, especially the Serb people in Croatia and in Knin itself, because  
8 it was in that film and via that tape that it was stated that the Croatian  
9 government, the Croatian authorities, would slaughter the Serbs in Knin,  
10 that it would kill the officers of the Yugoslav People's Army, their  
11 wives, and that this would be a general slaughterhouse. And this caused  
12 great reaction and hostility towards the Croatian government. And the  
13 Croatian government, or rather, its special police force, and especially  
14 its guard corps, used real weapons against the armed formations and units  
15 of the Yugoslav People's Army and all the other units which were under its  
16 control and command.

17 Q. So this was, then, a propaganda campaign, was it, to frighten the  
18 Serbs? Or was it a taster of -- by the Federal Ministry of Defence of  
19 what was to come, the dangers in store, the dangers that threatened,  
20 because of illegal arming and the threats that were being made and the  
21 wave of nationalism that was rampant in Croatia and the violent  
22 secessions? Is that what you're claiming? That's what you're saying,  
23 isn't it?

24 A. Information put out in this way resulted in the hostility of the  
25 Serb people towards the Croatian government.

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1           A.    About the 20th of April, 1991, you said that you had purchased  
2    20.000 pieces of weaponry in Hungary for us.  This was a little strange  
3    and a little funny because the public was informed in this way that  
4    weapons were bought by the government of Croatia in Hungary, and later on  
5    I learnt that this was not so, that you had bought weapons in Hungary, but  
6    that you in fact distributed weapons from the warehouses of the  
7    Territorial Defence in Yugoslavia.

8           Q.    Well, this would seem to me to be nonsense too, this matter of  
9    Serbia purchasing weapons in Hungary.  And secondly, have you forgotten  
10   what you yourself said earlier on, that you procured weapons from the  
11   Territorial Defence warehouses in Krajina, and from the TO warehouses in  
12   Western Bosnia and you even mentioned the name of a lieutenant colonel who  
13   supplied you with the weapons, that the TO warehouse had somewhere around  
14   Bihac or wherever.  Have you forgotten about all that?

15          A.    I said that the Serbs in Krajina were armed from two sources.  One  
16   source was from Serbia, via the DB of Serbia, the state security of  
17   Serbia, and the second was by the JNA in the Krajina area.

18          Q.    So you claim that you never said that you got your weapons from  
19   the Territorial Defence warehouses in Krajina and in Bosnia; is that what  
20   you're saying?  But that you were supplied exclusively from Serbia and by  
21   the JNA?

22          A.    As far as Bosna and Krajina are concerned, I mentioned the Bihac  
23   airport, which is partially in Bosnia-Herzegovina and partially in  
24   Croatia, or rather, Krajina.  Now, where the Bihac airport base is located  
25   in more specific terms, I said I don't know, but I said I know that

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1 weapons came in through two roads into Krajina, one from Serbia, the  
2 Grahovo direction, and the other was from Bosanski Novi.

3 Q. All right. So you were not supplied from the Territorial Defence  
4 warehouse in Krajina, you were not supplied by -- from the Territorial  
5 Defence warehouse in the Bihac region, but you were supplied by Serbia and  
6 the JNA; is that what you're saying?

7 A. The JNA supplied us with weapons, that is to say, in concrete  
8 terms, the Bihac area, Sveti Rok, and also in part the Knin Corps  
9 distributed weapons, I don't know where from.

10 Q. So did you organise demonstrations in front of the Knin Corps to  
11 call for weapons to be distributed to you and the army refused to give you  
12 the weapons, supply you with those weapons? Wasn't that how it was?

13 A. The first demonstrations in front of the Knin Corps took place in  
14 January 1991 and with respect to the incidents that were taking place in  
15 the Vrljika area, the fact that people were arrested by the Croatian  
16 police, the demonstrations were held in front of the Knin Corps building  
17 to block the passage between Knin and Cetinje because of the fact that a  
18 funeral was taking place to bury a person who had died under strange  
19 circumstances. He was killed in Sibenik but was to be buried in Cetinje.  
20 Now, what you have in mind when you're referring to --

21 Q. Well, I'm thinking about the part of the report that we read out  
22 in private session --

23 THE ACCUSED: [Interpretation] As far as I understand, we're in  
24 open session now, are we? Is this a public session?

25 JUDGE MAY: Yes, open session. So stick to what you can deal with

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1 in open session.

2 THE ACCUSED: [Interpretation] I am bearing in mind the fact that  
3 we're in open session.

4 MR. MILOSEVIC: [Interpretation]

5 Q. As I was saying, part of the report which belongs to the documents  
6 supplied by the opposite side, a document I quoted from with respect to  
7 your activities, where mention is made of those particular activities, the  
8 ones that General Mladic reacted to, and he did so quite rightly and in  
9 conformity with the rules of service, and he endeavoured to thwart them.  
10 That's what I'm talking about, and that's what it says in the report  
11 itself, the report from the Knin Corps.

12 A. Several reports were quoted here by Mladic. I think that to the  
13 second army in Sarajevo that was, in 1992. I don't know what the -- the  
14 one you're thinking about.

15 Q. All right. So avoid going into a closed session again, let's  
16 round off this Spigelj matter. Is this a forgery, what you just saw, when  
17 Spigelj is talking about the fact that they have 80.000 men who are armed  
18 with Kalashnikov rifles and that he goes on to enumerate several more  
19 thousand officers of the army of Yugoslavia who should be killed, and that  
20 nobody should be allowed to reach the barracks alive, and so on and so  
21 forth? You saw several of these excerpts. Are they falsified material?  
22 Is it just propaganda on the part of the Federal Defence Secretariat or,  
23 as you say, my propaganda? I saw this tape when you did yourself. But  
24 quite obviously it was not a forgery of any kind. It wasn't a falsified  
25 tape. Do you still claim that it is a forgery?

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1           A.    At that time we all believed in it, and I did too. We all  
2   believed that it was the truth and that there would be a great pogrom and  
3   slaughterhouse of the Serbs slaughtered by the Croatian authorities. I  
4   just said that Spegelj himself, publicly, or rather, the Croatian  
5   government, denied some of the allegations from this film, this tape.  
6   Now, whether it's a forgery or not, and the background of it and how it  
7   came into existence, I really can't say. I don't know. I just spoke  
8   about the effect it had on the Serbs in Krajina and in Knin specifically.

9           Q.    In the film about Spegelj, there was no mention made of Knin at  
10  all. Knin was not mentioned at all, and your assertions, your claims that  
11  in the Spegelj film it was rigged to the effect that Spegelj was  
12  threatening the Serbs in Knin is not true?

13          A.    Whether Boljkovac or Spegelj was speaking, it was a conversation  
14  between Spegelj and Boljkovac. That's what it was.

15                MS. UERTZ-RETZLAFF: Your Honour, what Mr. Milosevic said is not  
16  correct. What we played here in the courtroom was actually someone  
17  referring to Knin and that the people should be slaughtered there.

18                JUDGE MAY: I don't recollect that, but no doubt you can refer us  
19  to the passage.

20                Yes, Mr. Milosevic.

21                MR. MILOSEVIC: [Interpretation]

22          Q.    Very well. Now, do you consider that the events at the Miljevacki  
23  Plateau and Maslenica Bridge in Rani Koperi [phoen], in Peruca, Zemunik,  
24  Borovo Selo, the Medak pocket, Gospic, Pakrac, Petrinja, Vukovar, and then  
25  the Storm and Flash Operations, were they forgeries too, or, as you are

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1 September 1991. In September 1991. I know about this.

2 Q. When in September? When in September?

3 A. Well, starting in September and onwards. Whether it was --  
4 whether it had happened before, I don't know, but people told me this in  
5 November 1991.

6 Q. Well, how could it happen when the barracks in Petrinja were under  
7 a blockade?

8 A. I don't know. I don't know. I know there was a conflict there  
9 and that they took part in the fighting. As I said, the barracks of the  
10 Petrinja garrison were on the outskirts of Petrinja and some were in other  
11 places. You mentioned two other places.

12 Q. There were two barracks. Petrinja is not New York. And do you  
13 know that Colonel Tarbuk, the commander of the Petrinja garrison, from  
14 leaders of the civilian authorities that you as the TO commander had  
15 appointed, explicitly demanded that the burning and looting of Croatian  
16 homes organised by you be stopped?

17 A. I didn't organise it, and I am not aware of that order.

18 Q. Very well. And do you know that precisely because of the blockade  
19 of the Petrinja garrison in Banija a motorised brigade under the command  
20 of Colonel Boric came from another area to take over this function of a  
21 buffer zone since the Petrinja garrison was unable to do that as it was  
22 under blockade by paramilitary forces of Croatia?

23 A. I'd heard of Colonel Boric, but where exactly he was engaged, I  
24 don't know.

25 Q. Very well. And is it true, Mr. C-061, that your man, the

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1 president of the municipality of Petrinja that we mentioned a moment ago,  
2 Dr. Radovan Maljkovic, broke off contacts with the JNA garrison of Colonel  
3 Tarbuk, and he wrote a letter to Zeljko Raznjatovic, Arkan, the commander  
4 of the Serbian volunteer guards, asking him to come to the area?

5 A. I saw that letter on the Office of the Prosecutor of this  
6 Tribunal. That is the first time I heard of that letter.

7 Q. Very well. Then tell me, can you explain why you broke off  
8 relations with the army and wrote a letter to Arkan? Why did you do  
9 that?

10 A. We didn't break off our relations with the army at all. We  
11 supported the mobilisation, and we felt the JNA was the most powerful  
12 force to protect the Serbian people in Krajina, and it was really no  
13 reason. It wouldn't be logical, and it's simply not true. We supported  
14 the Yugoslav People's Army as the armed force of Yugoslavia, which was  
15 under your command, to protect the Serbian people in Krajina.

16 Q. We've already talked about commanding, so you don't have to  
17 mention it each and every time. You learnt your lesson well enough.

18 Tell me, please, is it true that this same Dr. Radovan Maljkovic,  
19 at the elections in Krajina at the end of 1993, on behalf of your party,  
20 in fact, therefore a close associate of yours, became a deputy in the  
21 Assembly of the Republic of Srpska Krajina where he was one of the most  
22 extreme -- greatest extremists? The people around you were the most  
23 extreme, as can be seen from all the documents. Is that true or not?

24 A. It is true that Dr. Radovan Maljkovic was elected deputy of the  
25 Assembly of the Republic of Srpska Krajina in the constituency of Petrinja

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1 and that his nomination had come from the Serbian Democratic Party of  
2 Krajina, and the rest are your allegations, which are not true.

3 I can also say the following, and that is why you're mentioning  
4 Radovan Maljkovic; he was a political opponent of Borislav Mikelic who was  
5 very influential in Petrinja and Banija. So that is my opinion why you  
6 are mentioning his name right now, Radovan Maljkovic. Borislav Mikelic  
7 was a man who, even before he left the area, had a lot of influence in  
8 Petrinja, Kostajnica and Dvor na Uni. He couldn't in Glina because he had  
9 a personal opponent there.

10 Q. As far as Borislav Mikelic is concerned, even in the former  
11 Yugoslavia he was one of the most prestigious businessmen and the manager  
12 of the largest factory of that time in the country, called Gavrilovic  
13 [phoen], so certainly the most influential person in Petrinja as the  
14 Petrinja combine by far extended the boundaries of his municipality.  
15 Therefore, whether he was influential or not is not a question. He  
16 certainly was influential. What was strange about that? The question is  
17 how he used that influence, and he used it for a peaceful solution and not  
18 for conflict.

19 A. He told me that he assisted in arming Banija.

20 Q. He told you that. Well, that's fine. Oh, I see that he has  
21 merits for that. We'll come to some other questions with respect to  
22 Mikelic who engaged in negotiations for a peaceful settlement which you  
23 obstructed, as we established yesterday.

24 Is it not clear that everything that you're attributing to the  
25 Yugoslav People's Army and the police force of Krajina was actually done

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1 1995, the UN Security Council demanded that Croatia pull out of the areas  
2 under UN protection, that it had come to that? Of course, without any  
3 sanctions towards Croatia, but they even had to request that this be done.  
4 Do you remember that?

5 A. Well, I remember and I said that via the civilian representatives  
6 of the UN, I discussed this issue with them, with the UN representatives.  
7 However, Croatia retained control over the Okucani region which it had  
8 taken in the Flash operation.

9 Q. Tell me, please, how many people were killed in the Flash and  
10 Storm operations? How many were expelled?

11 A. Well, I don't know, but dozens of -- I don't know the exact  
12 figures. In the Storm operation, what was expelled or the people that  
13 took refuge, according to what I know and my assessments, is between 200  
14 and 240.000 Serbs in the Storm operation, Operation Storm.

15 Q. All right. Let's remain there, because quite obviously you have  
16 your own approach to all these issues. But let's go back for a moment, as  
17 we're in open session, after the operation, Operation Storm, you came to  
18 see me for a talk of some kind, and you said that it lasted for just  
19 several minutes, and that before that you had been to see Mirko  
20 Marjanovic, and you said that I had told you that we're going to send the  
21 refugees to Kosovo.

22 A. That's what you -- you said you would put up 100.000 in Kosovo and  
23 that a large number of others, that is to say the rest, could go to  
24 Republika Srpska. And when I asked you whether we could go to Eastern  
25 Slavonia, your answer was, "No, not for now."

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1 Q. That is not true, but let me just ask you about the facts. Let's  
2 stick to the facts. Do you know that in Serbia, after Operation Storm and  
3 in view of what was going on in the Republika Srpska, in  
4 Bosnia-Herzegovina as well, there were 1 million refugees?

5 A. According to my information and my assessments, there were  
6 approximately 800.000. Between 800.000 and 1 million refugees.

7 Q. Ah, a million refugees.

8 A. My assessment was 800.000 refugees after the events that took  
9 place in Kosovo, after the war in Kosovo. That means 800.000, maybe up to  
10 1 million. There were refugees in Serbia and Vojvodina.

11 Q. What are you talking about the war in Kosovo? I'm asking you  
12 about after Operation Storm.

13 A. Between 600 to 800.000 refugees.

14 Q. There were 1 million refugees at the time in Serbia. Do you  
15 happen to know that in Kosovo the total was only 10.000 refugees, just  
16 10.000 refugees in Kosovo?

17 A. I know for certain there were less than 100.000 because they  
18 couldn't have been put up there. So many people couldn't have been  
19 accommodated there.

20 Q. Of course they couldn't have been accommodated there. But far  
21 under the -- below the percentage, because 1 per cent of the refugees  
22 which existed in Serbia were in Kosovo, and this represents 10 per cent of  
23 the territory Serbia, Kosovo does. So it was ten times below average.  
24 That was the figure of refugees in Kosovo province. Are you acquainted  
25 with those facts and figures?

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1           A.    Yes.  That is why we were astonished when you said that 100.000  
2 people would be put up in Kosovo.

3           Q.    Let me ask you, did you go to Marjanovic for a meeting?

4           A.    Yes.

5           Q.    Did Marjanovic tell you that we would receive all the refugees?

6           A.    He said the following -- would you allow me to answer your  
7 question, please?  He said the following:  He stated that he would accept  
8 and take in all those who came to Serbia but first that people could be  
9 accommodated with their relations if they were the immediate family;  
10 father, mother, brother, sister, children, et cetera.  All the others  
11 would be escorted.  They would be under escort, police escort, and under  
12 the control of the staff you set up, Jovica Stanisic, nicknamed Badza, he  
13 was the Communications Minister, and one other man, I can't remember his  
14 name, they would all be displaced and settled around Serbia, according to  
15 your plan.  That's what he told me.

16          Q.    Did he mention them going to Kosovo?

17          A.    He said those two things to me.  He didn't say where they would be  
18 put up but in what way they would be accommodated.

19          Q.    Is it logical to assume that when 250.000 people are coming in, a  
20 staff be set up, a headquarters, to settle them all over Serbia because  
21 Belgrade would not be big enough to fit them all in?  Wouldn't that be  
22 logical?

23          A.    As far as Belgrade is concerned, according to my information you  
24 did not permit people to turn off the main road and come into Belgrade.

25          Q.    There were an enormous number of refugees in Belgrade itself.

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1           A.    As far as I knew, the only way people could go to Belgrade was if  
2           they had any immediate relations there, close family, or if they fled from  
3           the column and left it secretly, without the permission of the police  
4           force.

5           Q.    Well, is it logical that a government and its staff should gear  
6           the refugees to an equal distribution over Serbia?  Serbia is not large  
7           enough to be able to take all the refugees into its capital city.

8           A.    As far as I know, you did not permit refugees to be put up in  
9           Belgrade.

10          Q.    Because there was sufficient numbers in Belgrade already.  So what  
11          do you want to say about that?  The fact is that the police -- you said  
12          that the police escorted the columns --

13                JUDGE MAY:  Mr. Milosevic, I'm going to bring this argument to an  
14          end.  He's given his answer as far as he knows.  Now, you can call  
15          evidence about it if you wish, but he can't take the matter any further.

16                MR. MILOSEVIC:  [Interpretation]

17          Q.    You explained to us in this courtroom that I wanted to put the  
18          refugees up in Kosovo province according to some sort of secret plan that  
19          I had.  I'm now going to show you the Official Gazette of the Socialist  
20          Federal Republic of Yugoslavia, a copy of the Official Gazette, so not of  
21          Serbia but of Yugoslavia, and the date is the 9th of February, 1990, which  
22          was the time when Yugoslavia was an integral country, a whole country, and  
23          when the president of the Yugoslav state Presidency was Janos Djezjenovcek  
24          [phoen], when the Federal Assembly had a Chamber of Nationalities, and  
25          when it had the Executive Council, the Federal Council, and when that

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1 in Geneva was met by a CIA representative and was told that the next day  
2 at the negotiations with Croatia they were not to accept anything and to  
3 refuse everything that was offered them? Is that correct? Is that true?

4 A. I heard later on, and I think Milivoje Vojnovic told me, that  
5 there were two men who tried to prevail upon them not to accept the  
6 agreement. One of them was the Yugoslav Ambassador to the United Nations  
7 in Geneva, I've forgotten his name now, and the other man was somebody who  
8 allegedly had a Serb surname, but he -- Vojnovic said that he was in fact  
9 working for the CIA, and he too said that they should not accept the  
10 agreement, agree to it.

11 Q. Very well, then. Can you tell me and the public in the public  
12 gallery, and especially the Serbian public following this, what was the  
13 task in Geneva of the representative of the CIA who met the delegation of  
14 Republika Srpska Krajina while you were sitting there talking to  
15 Ambassador Galbraith in Belgrade?

16 A. I spoke to Ambassador Galbraith in Belgrade the day before. We  
17 discussed the Z-4 plan, the new mandate of UNPROFOR, the situation in  
18 Bihacki Zepa and the opening of the roads on that day. And the man you  
19 say was a CIA agent, they -- he did not meet them, they met him in  
20 private, and they said he was from the CIA, the Vojnovic, this man  
21 Vojnovic.

22 Q. I'm not saying that Vojnovic was a CIA agent.

23 A. That's not what I'm talking about. I'm talking about what  
24 Milivoje Vojnovic, a member of the delegation of the Republic of Srpska  
25 Krajina in Geneva told me about the events and the way in which

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1 negotiations were conducted in Geneva. That's what I'm talking about.

2 Q. Can you deny in public here that you were aware on that occasion  
3 that the Clinton Administration was supporting the Croatian army in  
4 Operation Storm, not only verbally but also by providing logistic and  
5 other support?

6 A. The ambassador of the USA, Peter Galbraith, the Ambassador to  
7 Zagreb told me he had the support of the American government for the Z-4  
8 plan and what we were discussing. I don't know about the rest that you're  
9 talking about.

10 Q. What we agreed on about the Z 4 plan? Who agreed about the Z-4  
11 plan?

12 A. At the meeting, I agreed to the Z-4 plan proposed by Peter  
13 Galbraith, the Ambassador of the USA in Zagreb, and he also mediated with  
14 Tudjman. He told me that he had the support of the US government and that  
15 this was a good plan for the Serbian Krajina and that he was mediating  
16 between the government of the Krajina and the Croatian government, that is  
17 Tudjman, in order to have the Z-4 plan implemented in the Krajina.

18 Q. Very well. Since I only have about 12 minutes left, let me just  
19 go into some of the intercepts, although some are doubtless doctored.

20 Karadzic calls me Sloba. He never actually called me Sloba. And  
21 there are other details, a sort of frame or ram is mentioned. I don't  
22 know what this refers to, but look at this conversation. It's tab 44.  
23 It's a conversation between Radovan Karadzic and Slobodan Milosevic taped  
24 on the 23rd of November, 1991.

25 He asks me whether some sort of meeting had gone well, and I said,

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1 him about a number of these things and the witness should have a copy of  
2 them, by the way, Exhibit 353, tab 44.

3 MR. MILOSEVIC: [Interpretation]

4 Q. Is it clear to you, Mr. Babic, that it was evident to me then that  
5 you were actually helping Tudjman with your vehement radicalism which went  
6 against the interests of the Serbian people in the Krajina?

7 A. I was then asking for protection from the JNA, and everybody knows  
8 this. I wanted the JNA to remain there and protect the Serbian people  
9 until a political solution should be found.

10 Secondly, your assessment and the way you referred to me, that  
11 says more about you than it does about me.

12 Q. Well, in this second conversation, tab 45, I say, "This man is an  
13 idiot."

14 JUDGE MAY: [Previous translation continues] ... has he got one?  
15 Tab 45. Yes. Yes, Mr. Milosevic.

16 MR. MILOSEVIC: [Interpretation]

17 Q. And it says, "I think that he is helping Tudjman on purpose,  
18 providing him with an excuse for this situation," that is for violence  
19 against the Serbs. And later it says: "It must be made public that we  
20 support this. It must be clearly seen. And this is the best evidence  
21 that we are in favour of peace."

22 So you knew that I think and I thought, in the autumn of 1991,  
23 that you were playing into Tudjman's hands and giving him an excuse for  
24 what he was doing against the Serbs at that time.

25 A. Mr. Milosevic, if you're referring to this plan and an excuse for

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1 Tudjman, let me say the following: It was you and Tudjman who accepted  
2 this plan without asking us. You imposed this plan on the people of the  
3 Krajina. You failed to comply with this plan, and you prompted Tudjman's  
4 aggression against the Krajina.

5 Q. Very well. We shall be able to explain this easily.

6 Look here. Here's another conversation. I will quote from it  
7 just to make it clearer that this was my position all along, and you are  
8 mentioned as a close associate of mine, so let everyone be clear about  
9 this. And this is tab 20. I apologise. Tab 20. 05 is the last number  
10 on the page. The first sentence says: "I don't know whether anyone can  
11 say something to him so that he will either quieten down or maybe he could  
12 be dismissed." And then, "He will do enormous damage, so that's all that  
13 can be done."

14 Then this goes on to say: "The only card they have to play is  
15 Milan Babic, their only trump card," because you were doing what you were  
16 doing. This is my conversation with Karadzic. And he agrees with me, and  
17 as you yourself said, he tried to convince you to accept the Vance Plan.  
18 And he explained to you that the formula of peace was the best formula.  
19 Radovan Karadzic did this in my presence.

20 And then I go on to say: "If someone had shot me, I would never  
21 have been able to imagine who Tudjman's trump card would be," and that was  
22 you.

23 A. Mr. Milosevic, in 1991, you waged a horrific war. You dragged the  
24 Serbian people into that war. You did not protect the Serbian people.  
25 You brought shame upon the Serbian people. You brought misfortune on the

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1 Croatian people, the Muslim people, and ultimately the Croatian people.

2 Q. I'm putting facts to you, Mr. Babic, and you can hold speeches  
3 which we can read in the papers from sources such as the ones you are  
4 involved with, but what I have read out to you is what your closest  
5 associates write to you, and the public can judge what is true and what is  
6 not true.

7 A. Mr. Milosevic, I have been putting forward facts here for ten days  
8 now.

9 Q. Since you are living from one day to another and thinking only of  
10 your own pragmatic interests, is it clear to you that Croatia will have to  
11 give the Serbian people the status of a constituent nation again? Because  
12 the Krajina lasted much longer than the Paris commune. Do you think --

13 JUDGE MAY: We're now moving into present politics, and I don't  
14 think that is part of our trial at all. Now, if you've got any more  
15 questions about the relevant period, you can ask it, Mr. Milosevic. Five  
16 minutes remain. But current politics are not going to assist.

17 THE ACCUSED: [Interpretation] I had a pile of documents here  
18 submitted by you, but time does not allow me to go into them.

19 MR. MILOSEVIC: [Interpretation]

20 Q. You accused Martić of holding prisons in Knin. You said here that  
21 in those prisons Croats were tortured or mistreated. I don't know  
22 anything about anyone being tortured. According to all the statements I  
23 received, and this was confirmed by some of the witnesses and quoted by  
24 me, the Croats lived on an equal footing in Knin, even held posts, various  
25 posts. And in one of the documents you brought, there is an order here,

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1 Osman Vukic, a policeman from Zadar, is to be released. He had been  
2 arrested in Knin. This order was implemented immediately, and it was  
3 signed by the Prime Minister, Dr. Milan Babic. So you were the one who  
4 was able to release someone. So why then are you pointing the finger at  
5 Martic?

6 If Croatia was in your heart and not on your lips and in your  
7 mind, so you released this man Osman Vukic, why did you not release them  
8 all if you knew someone was being tortured and mistreated? As you see,  
9 you had the authority to do this --

10 JUDGE MAY: Question. Question, Mr. Milosevic, now.

11 Mr. Babic, would you like to answer that?

12 THE WITNESS: [Interpretation] I have already spoken of this  
13 document. It was not the norm for the Prime Minister to release someone  
14 from prison. This was one of three occasions when someone interceded with  
15 me from Zadar and Sibenik, some medical doctors, and I asked in the MUP in  
16 Knin that this be done, and they then asked me to sign such a document.  
17 But this was not the usual procedure. It was the police that ran the  
18 prison. They held prisoners there for a long time, and then they  
19 exchanged them for imprisoned policemen from the Krajina.

20 MR. MILOSEVIC: [Interpretation]

21 Q. Why are you constantly using the third person singular when you  
22 should be using the first person plural when you -- for things that you  
23 should be held responsible for, although no one should answer before this  
24 Tribunal?

25 A. I'm only speaking of facts and of what I knew at the time.

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1 Please speak into the microphones.

2 Did Arkan actually take part in the fighting in Petrinja in  
3 November 1991, do you know that?

4 A. I don't know about that.

5 Q. In relation to this 622nd --

6 JUDGE MAY: If we are moving from the document, we should give it  
7 an exhibit number first.

8 THE REGISTRAR: Your Honours, this will be Prosecutor's Exhibit  
9 352, tab 172.

10 MS. UERTZ-RETZLAFF: Yes.

11 Q. In relation to the 622nd Motorised Brigade, I would like to put to  
12 the witness another exhibit which is also not yet tendered.

13 It is an order of the Commander Spiro Nikolic of the 1st  
14 Operational Group Command, dated 19 October, 1991, and it's placing TO  
15 units under JNA units. And we have here the mentioned in this order the  
16 622nd Motorised Brigade. Witness, looking at the document at the head,  
17 the header and the format and the signature, is that an authentic  
18 document?

19 A. Yes, at least according to what I can see here.

20 Q. And Major General Spiro Nikolic, was he the commander of the 1st  
21 Operational Group Command, and where was this group command?

22 A. Yes, that was the command at Samarica.

23 Q. Mr. Milosevic, during cross-examination, put to you that you  
24 forced Colonel Trbojevic to effect mobilisation in Gracac and Donji Lapac  
25 and to expel all Croats from Gracac. You have already addressed the

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1 mobilisation of volunteers for the 1st Light Brigade, and we would not  
2 have to comment on this any more. But my question is were Croats expelled  
3 from Gracac, and if so, did you order this, or who?

4 A. From the Gracac region, the Croats were expelled, yes, during the  
5 combat and fighting with the 1st Partizan Brigade and previously through  
6 the operations led by Frenki Simatovic, and Mile Martic.

7 THE INTERPRETER: Could the witness repeat the last phrase.

8 MS. UERTZ-RETZLAFF:

9 Q. Could you repeat the last phrase. The interpreters didn't hear  
10 you.

11 A. Operations led by Milan Martic, and before the 1st Partizan  
12 Brigade went into operation to deblock the warehouses in Svetilok [phoen],  
13 and in the Gracac area, the Croatian village of Lovinac they did go into  
14 operation. Frenki, or Franjo Simatovic as he was known in Gracac, and  
15 Milan Martic with mortars -- with a mortar unit. They were the first to  
16 open fire on the village of Lovinac, and thus expel the Croats from the  
17 Gracac area, municipality.

18 Q. Were Croatian villages including Lovinac set on fire? That's what  
19 you discussed with Mr. Milosevic. Were they set on fire and who did it?

20 A. Yes. The villages were set on fire. They were looted, and this  
21 was done by those structures, the structures that attacked them.

22 Q. And which structures did attack them? Is that what you just  
23 mentioned, Frenki?

24 A. Yes. Right.

25 Q. In relation to Kijevo, Mr. Milosevic questioned to you and put to

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1 you that there was no coordination between General Mladic and the Martić  
2 police. And I would like to put to you a document.

3 MS. UERTZ-RETZLAFF: The document which is also not yet an  
4 exhibit. And it is --

5 JUDGE MAY: Do you want the last one exhibited or not, Ms.  
6 Uertz-Retzlaff?

7 MS. UERTZ-RETZLAFF: Yes, please.

8 THE REGISTRAR: Your Honours, that will be marked Prosecutor's  
9 Exhibit 352, tab 173.

10 MS. UERTZ-RETZLAFF: And the next exhibit that I would like to be  
11 exhibited is the 16th Session of the Assembly of the Serbian People in  
12 Bosnia-Herzegovina held in Banja Luka on the 12th of May, 1992.

13 JUDGE MAY: What is this?

14 MS. UERTZ-RETZLAFF: It is an --

15 JUDGE MAY: It's an enormous bundle of paper.

16 MS. UERTZ-RETZLAFF: Yes, and I only want to discuss with the  
17 witness page 46 of the English, of the translation, and page 35 of the  
18 Serbian version. It's just about Kijevo and what Mr. Mladic himself on  
19 this session said about Kijevo. It's 37, page 37 [sic], and there's just  
20 one quote.

21 Q. And Witness, for you, it's marked. And it is Mr. Mladic speaking,  
22 General Mladic speaking, about what happened in Kijevo, and he says the  
23 following: "The Knin Corps was successful because under a single command  
24 in the zone of the Corps were the JNA, the Territorial Defence forces, and  
25 Martić's police. Isn't that right, Martić? And because he --

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1 JUDGE ROBINSON: Is it marked in the English at page 46?

2 MS. UERTZ-RETZLAFF: Page 47.

3 JUDGE ROBINSON: I thought you said 46.

4 MS. UERTZ-RETZLAFF: Sorry, page 47.

5 Q. Okay. And I continue: "And because he and I, I call him and say,  
6 give me 40 policemen here at Kijevo, and you took part in the fighting,  
7 isn't that right, Milan? And we did what we had planned, and we planned  
8 -- and we will have artillery here, and this artillery acts."

9 MS. UERTZ-RETZLAFF: Your Honours, from the whole document, you  
10 can see that also Mr. Milan Martic is present during the Assembly meeting  
11 in Banja Luka. And so General Mladic refers to him.

12 Q. Witness, were you aware that such an Assembly meeting took place  
13 in Banja Luka?

14 A. I heard about it.

15 Q. And did this quote from General Mladic, did it actually reflect  
16 what happened in Kijevo?

17 A. Yes, it did.

18 Q. Both in your -- I want to move now to another chapter.

19 JUDGE MAY: Exhibit this document.

20 THE REGISTRAR: Your Honours, this will be Prosecutor's  
21 Exhibit 352, tab 174.

22 MS. UERTZ-RETZLAFF:

23 Q. Witness, both in your examination-in-chief and while questioned by  
24 Mr. Milosevic you spoke about the appointment of the TO main staff in  
25 October and November 1991 and the arrival of the officers Maksic, Kasum,

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1 and Vuletic in Knin. And Mr. Milosevic put to you that those officers  
2 actually volunteered to serve in the TO. And I would like to know from  
3 you when they came, when they came to Knin, did they continue to be  
4 members of the JNA, or did they quit their service in the JNA?

5 A. They were on the payroll of the JNA, or rather, they were in the  
6 JNA.

7 Q. And did they transfer back to the JNA or VJ at a later point in  
8 time?

9 A. They went back to the army of Yugoslavia. They were transferred  
10 there.

11 MS. UERTZ-RETZLAFF: With the help of the usher in this relation,  
12 I would like to put to the witness another document. And it is an order.  
13 It's an order by Gojko Krstic, the chief of the personnel administration  
14 of the VJ headquarters of the 22nd April, 1992, addressed to the TO of the  
15 RSK on the deployment of 72 officers.

16 Q. And, Witness, when you look at the position, there is -- there are  
17 72 people listed in this document. And on position 1, you see Kasum  
18 Dusan, and on position 5 you see Aleksandar Vuletic. Are these the people  
19 that arrived, and are they still on the JNA members, or rather VJ?

20 A. Yes, those are the two people.

21 Q. And looking at the document at the format, including the header  
22 and the person who signs it, is this an authentic document?

23 A. Yes.

24 Q. And Major General Gojko Krstic, in which administration was he  
25 chief? Do you know which administration of the VJ it is?

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1 Milosevic spoke about steps to be taken and plans, he said that at that  
2 time, Slovenia and Croatia were already independent and therefore why  
3 should they speak about plans. My question to you is at that time, was  
4 there a moratorium agreed upon so that Slovenia and Croatia postpone their  
5 declaration of independence until October?

6 A. That's right. It was the Brioni agreement with the  
7 representatives of the European Community, and the moratorium held true  
8 for three months.

9 Q. In relation to the Mirkovci oil wells, you said to a question of  
10 Mr. Milosevic that oil was produced in Mirkovci and then processed in  
11 Pancevo. Pancevo, is that in Serbia near Belgrade?

12 A. Yes, that's right.

13 Q. Who was in charge of the Pancevo refinery? Do you know that?

14 A. I don't know exactly who was the manager. It was a state-owned or  
15 socially owned company, oil refinery.

16 Q. Of Serbia?

17 A. That's right.

18 Q. You mentioned that quotas of the processed oil for RSK and RS  
19 existed. Who decided about the quotas?

20 A. As far as I know, Mikelic, Stanisic, or rather, the DB and  
21 Mikelic.

22 Q. And that is the dispute they had you referred to during your  
23 testimony about the quotas?

24 A. That's right.

25 Q. Mr. Milosevic put to you in relation to the army, the involvement

1 of the JNA in Croatia, he put to you that in relation to the involvement  
2 of the JNA in Croatia, the JNA intervened only for two matters, that is,  
3 to separate the clashing parties, and to deblock their own barracks. Is  
4 this a proper description of their conduct in the Serb-controlled regions,  
5 in the SAOs?

6 A. The JNA intervened in the first place in order to deploy in the  
7 SAO regions, and then beyond them, and to keep that territory in the state  
8 that was being created by Milosevic.

9 Q. Was the JNA in summer 1991 a neutral force that protected both the  
10 Serbs and the Croats equally, or did it side with one side?

11 A. It was on the Serb side; that is, on the side of Milosevic.

12 MS. UERTZ-RETZLAFF: Your Honours, I see my half hour is over.

13 JUDGE MAY: Are you asking for a little longer?

14 MS. UERTZ-RETZLAFF: No.

15 JUDGE MAY: You aren't. Good. Thank you very much.

16 Mr. Babic, that does conclude your evidence. Thank you for coming  
17 to the International Tribunal to give it. You are free to go now.

18 THE WITNESS: [Interpretation] Thank you.

19 [The witness withdrew]

20 MS. UERTZ-RETZLAFF: Your Honours, there are two technical matters  
21 left open. Two exhibits that Mr. Milosevic wanted to tender were marked  
22 for identification, and it's, first of all, the list, the list with the  
23 5.000 names. And the problem that the Prosecution has with this list, it  
24 is actually the following: You cannot see from the list who produced it,  
25 when, and on which basis, what is the foundation of this list. And I

## **EXCERPTS**

### **Testimony of Milan Babic in IT-95-11-T (Milan Martić Case)**

1 MR. MILOVANCEVIC: [Interpretation] Thank you, Your Honour.

2 JUDGE MOLOTO: Thank you. Thank you, Mr. Whiting.

3 MR. WHITING: Thank you, Your Honour.

4 WITNESS: MILAN BABIC [Resumed]

5 [Witness answered through interpreter]

6 Examination by Mr. Whiting: [Continued]

7 Q. Good afternoon, Mr. Babic. Can you understand me clearly in a  
8 language you understand?

9 A. Good afternoon.

10 JUDGE MOLOTO: Before you start, Mr. Babic, can we remind you that  
11 you are still bound by the declaration that you took to tell the truth and  
12 nothing else but the truth. Thank you very much, Mr. Babic.

13 MR. WHITING: Thank you, Your Honour.

14 Q. Mr. Babic, can you understand me clearly?

15 A. Yes, I can.

16 Q. Again, if at any time you can't understand me in a language that  
17 you understand, or if you don't understand my question, please tell me.

18 A. All right.

19 Q. Mr. Babic, yesterday when we finished, you were telling us that  
20 Milan Martić was appointed on the 27th of June 1991 to the position  
21 Minister of Interior after having been formally appointed for a short  
22 period of time as Minister of Defence. After Mr. Martić became -- was  
23 formally appointed to Minister of Interior I should say who became the  
24 Minister of Defence?

25 A. Since no one was appointed Minister of Defence at the time, as the

1 Prime Minister, for a while I performed those tasks as well.

2 Q. Until when did you do that?

3 A. Until that fall, when the new minister was appointed.

4 Q. Who was the new minister that was appointed?

5 A. Lieutenant Colonel or Colonel Milan Tarbuk.

6 Q. And do you recall when he was appointed?

7 A. Perhaps in November. I'm not certain.

8 Q. Yesterday you -- we also talked about how on the 1st of August  
9 1991 there was a decision passed in the SAO Krajina to apply the Law of  
10 Internal Affairs of Serbia to the SAO Krajina and we looked at and put  
11 into evidence that Law of Internal Affairs of Serbia. Do you remember  
12 that?

13 A. Yes.

14 Q. And do you recall how long that law was in effect in the SAO  
15 Krajina?

16 A. That law was in effect until December 1991; more or less it was  
17 copied and adopted as one of the laws of the SAO Krajina. It was  
18 Milosevic's recommendation that we do not -- we do not declare the Serbian  
19 laws in Krajina per se but that we copy them and then put them into force  
20 as the laws of the SAO Krajina.

21 Q. When did he make that recommendation?

22 A. He recommended that by that summer, late summer or beginning of  
23 fall 1991, when we started putting into force Serbian laws in our  
24 territory, but those at the time were not our own laws. He said that we  
25 shouldn't state that in such an open manner.

1 Q. Do you know why he stated that?

2 A. He said that the obvious links with Serbia shouldn't be so  
3 obvious.

4 Q. And why not? Why shouldn't they be obvious?

5 A. He envisaged a concept of creating a new state which would be a  
6 reduced Yugoslavia, including the Serbs in all of the former republics, in  
7 a way that we should act covertly and take over the territories,  
8 militarily speaking, wherever the Serb people lived, and he had the idea  
9 of creating this new state in a rather passive way or slowly so that it  
10 wouldn't be seen as a Serb expansion but in simply putting together a new  
11 Yugoslavia in its reduced forms, and this can be seen from some of the  
12 laws put into force on the 1st of April, such as the one by which we  
13 attempted to join SAO Krajina with Serbia.

14 Q. I'll ask you more questions about that later, but I'll just ask  
15 you this now. Why, in your understanding, did this have to be done  
16 covertly?

17 A. So that the international community wouldn't accuse Serbia for  
18 destroying Yugoslavia and trying to create Greater Serbia, but rather to  
19 have things done covertly in terms of what was done by Milosevic from  
20 Serbia and the Serbs who supported his concept in creating this new state,  
21 as well as so that Serbia wouldn't be blamed by the international  
22 community for the war and the break-up of Yugoslavia, to cover its real  
23 role.

24 Q. So what was -- if there was a covert strategy, what was the public  
25 position? What was publicly stated?

1           A.    The public strategy began being voiced as of the summer of 1990,  
2    by putting forward the policies of Milosevic and the Socialist Party,  
3    presenting their wish to retain the firm type of federation and to  
4    preserve the right on self-determination up to secession, and he advocated  
5    such idea with the federal bodies by which republics and municipalities  
6    were to voice their opinion on the matter. That was the public view, the  
7    right to self-determination, up to secession, in those areas where a  
8    certain people was in majority. The covert strategy, however, was  
9    creating paramilitary forces, first in Croatia and then elsewhere, then to  
10   provoke incidents and to try and include the JNA into the events, first to  
11   separate the warring parties and then to deploy the JNA in those  
12   territories that were envisaged as the future Serb state and to later on  
13   retain the de facto situation that was supposed to have been recognised at  
14   a later stage by the international community.

15           Q.    We will come back to there topic, as I said.

16           MR. WHITING: For the benefit of the Chamber, the decision that  
17   the witness referred to with respect to the creation of the Law of  
18   Internal Affairs in the SAO Krajina is actually contained in the 89(F)  
19   statement and it's at tab 44.1 and 44.2, just for future reference on that  
20   topic.

21           Q.    Mr. Babic, you testified yesterday that in May of 1991, it was  
22   your initiative to put Milan Martic into the position of Minister of  
23   Defence and that your purpose was to weaken him. And you gave some  
24   explanations and reasons for that. At the beginning of August of 1991 --

25           A.    Yes.

1 Q. Mr. Babic, this decision of August 1st 1991 to disband the State  
2 Security Service in the SAO Krajina, was it successful?

3 A. No. But it created a lot of turmoil in Knin at the time and  
4 caused problems to me personally.

5 Q. Could you explain?

6 A. Well, I believe on the same day, and on the following day, the  
7 head of the DBA in Serbia, Jovica Stanisic, showed up in Knin and he  
8 addressed me in a very strict manner asking me, well, what have you done?  
9 And I started to explain in a way that we were going to set up a separate  
10 national security agency and that perhaps it would be a good idea for him  
11 to assist us in that as an experienced expert in these matters at some  
12 point in the future, and in a way I was both justifying myself and on the  
13 other hand I was trying to escape from this pressure that he was putting  
14 me under but he only scowled really and went off. In other words, he  
15 found that unacceptable.

16 On the next day conflicts broke out with his staff, Stanisic's  
17 staff, Captain Dragan and Frenki who were in Knin. The occasion was the  
18 markings of the TO that were being placed where captain Dragan's units  
19 were located, and that led to a further increase of tensions between  
20 myself and all of them. If you would like me to give you a description of  
21 the events that followed, I could do it now.

22 Q. Let me first ask to bring up 65 ter Exhibit 108.

23 JUDGE MOLOTO: Just for clarification of the Bench, "the tensions  
24 between myself and all of them," who were the "all of them"?

25 THE WITNESS: [Interpretation] Stanisic, Simatovic, and Captain

1 Dragan.

2 JUDGE MOLOTO: Thank you.

3 MR. WHITING:

4 Q. Mr. Babic, do you see on your screen a document dated the 2nd of  
5 August 1991?

6 A. I do.

7 Q. What is that?

8 A. It is a decree on the insignia worn by the members of the armed  
9 forces, the Territorial Defence and special purpose units of the SAO  
10 Krajina, and it was passed by the president of the government, the head of  
11 government of the SAO Krajina on the 2nd of August 1991.

12 Q. And what was the purpose of this decision?

13 A. The purpose was for the armed forces in Krajina to be given the  
14 relevant insignia as it is enshrined in all the international standards,  
15 in order to fully fit in within a legal system which was being created on  
16 the territory of the SAO Krajina. And in order for to us have a unified  
17 Defence system which was in the making.

18 Q. If we could scroll down to section 4 of the document, could you  
19 read that section, please?

20 A. "All members of the armed forces shall wear the same badge in  
21 their caps as the members of the armed forces."

22 Q. Could you read it again? Because I think there was a problem with  
23 the interpretation.

24 A. Number 4?

25 Q. Yes, yes, number 4.

1           A.    "Members of the police shall wear the same badge on their caps as  
2 members of the armed forces."

3           Q.    Thank you.

4           MR. WHITING:  Could this be admitted into evidence, please,  
5 Your Honour.

6           JUDGE MOLOTO:  The document is admitted into evidence.  May it  
7 please be given an exhibit number.

8           THE REGISTRAR:  That will be Exhibit number 188, Your Honours.

9           JUDGE MOLOTO:  Thank you very much.

10          MR. WHITING:

11          Q.    Mr. Babic, I'm going to ask you to explain for us what happened as  
12 a result of this decision but I want to show you two other decisions first  
13 before we do that.

14                Could we see 65 ter Exhibit number 105, which is also Exhibit 31  
15 in evidence?

16                Mr. Babic, do you recognise this document?

17          A.    Yes.  It is the decision about the application of the Law on  
18 Defence of the Republic of Serbia on the territory of the Serb Autonomous  
19 Region of Krajina.  It was passed by the government of the SAO Krajina on  
20 the occasion of the second session held on the 2nd of August 1991.

21          Q.    And why was this passed?

22          A.    In order to create a legal basis for the setting up and the  
23 unifying of all the TO units in order to have uniform in a single united  
24 system of the armed forces in Krajina.

25          Q.    This is already in evidence so I won't move it into evidence.

1     Could we see -- well, before we do that, could we look at number 6 on this  
2     document? I'm going to read it and ask you could comment on it. "The  
3     president of the government of Serb Autonomous Region of Krajina is by his  
4     position commander of Territorial Defence, i.e., armed forces of Serb  
5     Autonomous Region of Krajina."

6             Did that refer to you?

7             A.    Yes. Since in the original law there is no reference to the head  
8     of government but the president of the republic as is the case in Serbia.  
9     And in Krajina, we had different situation so those powers according to  
10    the decree in Krajina would have referred to the head of government, that  
11    is to say myself.

12            Q.    Were you trying to get control through this decision over the  
13    armed forces of the SAO Krajina?

14            A.    Yes.

15            Q.    Were you successful?

16            A.    No, no, I wasn't.

17            Q.    Could we look now at 65 ter Exhibit 107, please?

18                    Could that be -- I think it's a little hard to read. I wonder --  
19                    Mr. Babic, do you recognise this document?

20            A.    I do. It is the information about the passing of the decision on  
21    the application of the Law of Defence on the Republic of Serbia on the SAO  
22    Krajina and it is addressed to, as you can see, presidents of municipal  
23    assemblies, commanders of municipal territory defence on the territory of  
24    the SAO Krajina, and the date is 2nd of August 1991.

25            Q.    Is it from you?

1 A. It is.

2 MR. WHITING: If we could scroll down, please? The -- that's  
3 good.

4 Q. The second paragraph I'll read it out, "In accordance with the  
5 said law, the Prime Minister of the SAO Krajina, Dr. Milan Babic, is  
6 commander of all armed forces in the Territorial Defence of the SAO  
7 Krajina."

8 Is this a follow-up to the previous document that we saw?

9 A. Yes, it is. It is just a document including the information about  
10 the previous decision.

11 MR. WHITING: Could this be admitted into evidence, please,  
12 Your Honour.

13 JUDGE MOLOTO: The document is admitted into evidence and may it  
14 please be given an exhibit number.

15 THE REGISTRAR: That will be Exhibit number 189, Your Honours.

16 JUDGE MOLOTO: Thank you very much.

17 MR. WHITING:

18 Q. Mr. Babic, I want to go back now to the decision with respect to  
19 the insignia that's Exhibit number 188, from the 2nd of August 1991. You  
20 started to explain what happened as a result of that decision. Could you  
21 tell us what the result of that was?

22 A. The result was that I encountered a great deal of opposition on  
23 the part of the State Security Service and the police force that was under  
24 their control at the time, and also I ran into a great deal of opposition  
25 and resistance on the part of the commander and the Chief of Staff of the

1 9th Drina Corps. Following the decision on the insignia --

2 Q. I'm going to interrupt you for a moment. The commander and the  
3 Chief of Staff of which corps?

4 A. The 9th Knin Corps --

5 Q. Thank you.

6 A. -- of the JNA.

7 Q. Thank you. And who was the commander and Chief of Staff of the  
8 9th Knin corps?

9 A. At the time, it was JNA Spiro Nikovic and Lieutenant Ratko Mladic  
10 was the Chief of Staff.

11 Q. Let's talk about that first. Did you -- what kind of resistance  
12 did you get or opposition did you get from them? How did that occur?

13 A. You mean within the police force or the JNA? Which --

14 Q. I'm sorry, let's start with the JNA. What happened with the JNA  
15 with respect to this decision?

16 A. The Chief of Staff of the 9th Knin corps, Colonel Ratko Mladic,  
17 invited me to the office of the corps commander at their command in Knin.

18 Q. Where was that located?

19 A. In the centre of town, in the centre of Knin.

20 Q. Can you tell us with respect to the fortress which you've already  
21 talked about?

22 A. Just below the fortress, about 100 metres below.

23 Q. Did you go to the meeting?

24 A. I did.

25 Q. What happened?

1           A.    I was received by Colonel Mladic who was absolutely furious.  He  
2           was shouting that they would not tolerate any separatist politicians, that  
3           they would not acknowledge any of that and that everyone had to be under  
4           the same command and wearing the same insignia, and he went to another  
5           office and he brought a red star and very angrily he banged it on the  
6           table, and he said, "Go on, take that.  That's the common insignia."  And  
7           I just shrugged, and I took the thing, put it in my pocket, and left.

8           Q.    What was it that he gave you?

9           A.    The red five-pointed star which was the insignia of the JNA.

10          Q.    What was the reaction now from the state security and the police?  
11          What happened?

12          A.    I said to some of the staff, who were in my building at the town  
13          hall to create this insignia and to place it on the building at the Knin  
14          fort, where the command headed by Captain Dragan was, and also the units  
15          which were under the command of the DB.  They made the sign and they took  
16          it up there, but Captain Dragan said that he wouldn't stand for it, and he  
17          said something disparaging about myself, and he sent the man back.  And  
18          then after that --

19          Q.    Mr. Babic, I'm sorry to interrupt you but can you remind us again  
20          who Captain Dragan was and what position he held at that time?

21          A.    Captain Dragan was Dragan Vasiljkovic and he was known under the  
22          name Captain Dragan in Knin.  He was an employee of the State Security  
23          Service of Serbia and his role was training of special police units in  
24          Krajina, as well as the volunteer groups at Golubic camp and he was a  
25          commander of a special unit which was under the direct control of the

1 State Security Service of Serbia and at the time that unit was stationed  
2 in Knin, and his command post was at the Knin fort at the time.

3 Q. That unit that he directly commanded, what was it called? Did it  
4 have a name?

5 A. At the time, they were called "Knindzas."

6 Q. And Captain Dragan and the Knindzas, were they under a command,  
7 were they under anybody's command at the time?

8 A. Yes, they were under the command of Frank Simatovic.

9 Q. Now, I interrupted you when you were telling us that the -- you  
10 sent the man up with the insignia and then he came back and what happened  
11 after that?

12 A. He didn't just send the guy back but he also chased away a whole  
13 unit of Territorial Defence from the municipality of Knin, people who were  
14 guarding the water supply and the reservoirs that were placed around the  
15 fortress, just above and just below the fortress walls. And having heard  
16 of what happened, I myself went up to the fort to see what was going on.

17 Q. And what happened then, when you went up there?

18 A. I arrived at the time when Captain Dragan was holding meeting with  
19 this unit in the building of the business club. I didn't know that the  
20 unit was there at the time so I entered the building, believing that he  
21 must be there alone or maybe accompanied with a couple of more people but  
22 whether I entered the meeting room I was rather surprised. There were  
23 between 30 and 60 people there, uniformed men, his entire unit, and he was  
24 sitting at the top table, and since I went in, I continued bravely on my  
25 way and I sat on the only empty chair which was next to Captain Dragan and

1 I was later told that Frenki was sitting there before my arrival but  
2 whether he heard that I was on my way, he slipped off and hid in the  
3 adjoining room.

4 Nobody addressed me. Nobody -- I addressed no one. I just sat  
5 there and I heard the end of Captain Dragan's speech, delivered to his  
6 unit. He said that politicians are to blame for his departure, and  
7 that -- and he told his men that they shouldn't worry about his departure,  
8 that he was leaving them in the hands of Frenki. That was the end of his  
9 speech. Thereupon everybody got up. Nobody addressed me in any way, and  
10 they lined up in front of the building and I went out of the building  
11 together with a driver, I think, and maybe there was somebody else with  
12 me, and I hurried to the part of Golubic where the buildings housing the  
13 municipal offices were situated and there was the second of the executive  
14 council of the municipality who had his office there.

15 Q. Mr. Babic, let me just ask you a few questions about what you've  
16 just told us. First of all, do you know approximately what date this  
17 occurred?

18 A. This happened immediately after the 2nd of August, around about  
19 that time. Maybe even on the same day or a day or two later, I can't  
20 remember. Perhaps even on the same day or the very next day.

21 Q. You've referred a number of times to Frenki and just so our record  
22 is clear, it would be you referring to when you refer to Frenki?

23 A. That's Franko Simatovic. He was known in Knin as Frenki. He was  
24 an employee of the State Security Service of Serbia and he was the chief  
25 of one of its departments, I think the second administration. That's what

1 Milosevic told me.

2 Q. When did Milosevic tell you that?

3 A. Around the 25th or the 26th of August 1991.

4 Q. You told us earlier that Captain Dragan was commanded by Frenki  
5 Simatovic. How did you know that?

6 A. When he said that he was leaving the unit to him, under his direct  
7 control, that's one source of information, and my other source of  
8 information was when I saw Frenki in May in the training camp at Golubic  
9 where he was acting as the host. That's where Captain Dragan was training  
10 men. Also, Jovica Stanisic told me that they were paying Captain Dragan.

11 Q. When did Jovica Stanisic tell you that?

12 A. In mid-August, after these events that I've started to describe in  
13 Belgrade. In August 1991, after Captain Dragan left and after I asked  
14 Milosevic to remove Frenki from the Krajina.

15 Q. Do you know why -- you told us about the speech that  
16 Captain Dragan made but -- and about the fact that he was leaving, but do  
17 you know why he left?

18 A. I assume that he responded too openly and too vehemently. I think  
19 that was the reason. The state security wanted to calm the situation down  
20 so they sacrificed him.

21 Q. What do you mean he responded too openly and to vehemently? To  
22 what?

23 A. To my decisions, and to the setting up of the system of  
24 Territorial Defence and the placing of all forces under a unified  
25 Territorial Defence system, and under the control of the government of the

1 Krajina.

2 Q. And when you say the state security wanted to calm the situation  
3 down so they sacrificed him, are you talking about the state security of  
4 the SAO Krajina or the state security of Serbia?

5 A. The state security of Serbia. They were its chief protagonists.

6 Q. How far is Golubic from Knin approximately?

7 A. A few kilometres.

8 MR. WHITING: Your Honours, if it's of assistance to the Chamber  
9 on page 25 of the atlas, which is in evidence though I don't have at my  
10 fingertips the number - it's page 25 - there is a map which shows both  
11 Knin and Golubic in the lower right. It's Exhibit 23.

12 JUDGE MOLOTO: Thank you.

13 MR. WHITING:

14 Q. Mr. Babic, you told us that you -- I interrupted you when you were  
15 telling us that you had left Knin and you went to Golubic. What happened  
16 there?

17 A. I went to Golubic to tell the secretary of the executive council  
18 of Knin municipality that they should not allow Captain Dragan to disband  
19 them. However, as I was on my way to Golubic, I was followed by members  
20 of Captain Dragan's unit. I didn't even notice them following me right  
21 away. It was only when I arrived at the place where this man called  
22 Strbac was supposed to be the members of the unit were already entering  
23 the village and shouting out to each other, setting up checkpoints. They  
24 were shouting, "Go there. You hold this point. You go to that house." I  
25 quickly went to hide in the pine woods and they entered the little house

1 of the Territorial Defence or the armed forces of the Krajina SAO, which  
2 was issued on the 8th of August 1991 by me.

3 Q. And it's Mr. Martic who is appointed as deputy commander?

4 A. Yes.

5 Q. Now, after -- just to be clear, after he was appointed deputy  
6 commander did he continue to hold the position of Minister of the  
7 Interior?

8 A. Yes.

9 Q. How did Mr. Martic react, if you know, to being appointed as  
10 deputy commander?

11 A. I don't know precisely because I don't think I had any contacts  
12 with him until we had that meeting in Milosevic's office. I thought that  
13 he was getting information from Milosevic and through his people.

14 Q. Tell us now about that meeting in Milosevic's office. How did it  
15 occur and who was present?

16 A. I was invited to come to Milosevic's office. I arrived there, and  
17 when I arrived Mr. Martic was already there. That was my first meeting  
18 with Mr. Martic, in Milosevic's office. The meeting lasted for quite a  
19 long time, an hour or two, perhaps two hours, but it boiled down to one  
20 thing: Milosevic persistently kept repeating that Mile should be the  
21 commander of the Territorial Defence, that Martic should be the commander  
22 of the Territorial Defence, that Martic should be the commander of the  
23 Territorial Defence, in the presence of Martic. Martic was smiling and  
24 nodding to show his approval. I don't even remember him saying anything.  
25 I kept explaining persistently that Mr. Martic was not qualified to hold

1 that position, that this was something that a general of the army should  
2 do, and that I, as Prime Minister, was not in command of the armed forces.  
3 This required a professional soldier. That was my defence. That was what  
4 I said to Milosevic. The meeting, however, ended in the same way it had  
5 begun. I kept repeating my standpoint. Milosevic kept demanding the  
6 appointment and Martic kept nodding his approval. And then we parted. It  
7 was an exhausting meeting. It went on for a long time. And things were  
8 left at that. Martic moved to the command post in the Knin fortress and  
9 until the 30th of September he actually was the commander of the  
10 Territorial Defence, awaiting his formal appointment to that post. On the  
11 30th of September, a general was appointed to that post, with the approval  
12 of Milosevic, and pursuant to his decision, and Mr. Martic then  
13 demonstratively left that command post and moved to the police station.

14 Q. Mr. Babic, it's time for a break but just for the purposes of the  
15 record I just want to clarify one thing in your answer. You said that  
16 was -- at the beginning of your answer you said "that was my first meeting  
17 with Mr. Martic in Milosevic's office."

18 Just to be clear, was that your first meeting with Mr. Martic or  
19 your first meeting with Mr. Martic in Milosevic's office?

20 A. That's when I saw and met Mr. Martic for the first time in  
21 Milosevic's office.

22 MR. WHITING: Thank you.

23 JUDGE MOLOTO: Is that a convenient time?

24 MR. WHITING: Yes, Your Honour.

25 JUDGE MOLOTO: Thank you. The Court will take an adjournment, and

1 we'll come back at 4.00 this afternoon. Court adjourned.

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

3 --- On resuming at 4.01 p.m.

4 JUDGE MOLOTO: Yes, Mr. Whiting.

5 MR. WHITING: Thank you, Your Honour.

6 Q. Mr. Babic, before the break, you said that Mr. Martic, in August  
7 and September, in fact, carried out the duties of the commander of the TO  
8 in the SAO Krajina. What did -- can you be more specific? What kinds of  
9 duties? What did he do?

10 A. I had very few contacts with him during that period. What I do  
11 know as to his activities is the following. I know he cooperated with the  
12 command of the 9th corps concerning the engagement of their units for  
13 combat activities. I also know that he went to Kostajnica to coordinate  
14 activities around Kostajnica and I know that he was arming the zone staff  
15 of the TO at Kordun at the time, as TO commander.

16 Q. Can you tell us how you knew all of these things? These three  
17 different things that you've just recounted?

18 A. I had good insight in all three. After his appointment, I was at  
19 the fortress and I wanted to see what the situation was after Captain  
20 Dragan departed. When I came there, between the 15th and the 18th of  
21 August, 1991, I found Mr. Martic in the office, together with Lieutenant  
22 Colonel or Colonel Zdravko Tolimir, who was chief of security of the Knin  
23 corps. They were discussing something intimately but they interrupted  
24 their discussion after my arrival. A few days after that, Mr. Martic  
25 issued an ultimatum to the police station and the inhabitants of Kijevo

1 and from some of the people who were with the JNA at the time I heard that  
2 people from the JNA dictated that letter, put that letter together, to  
3 him, but I didn't correlate his meeting with Tolimir at the time, perhaps  
4 later. Next time I saw him was in -- after Mr. Vukovic assumed command of  
5 this 9th Corps.

6 THE INTERPRETER: The interpreter missed the exact date.

7 THE WITNESS: [Interpretation] I was invited to come and meet the  
8 new commander and Mr. Martic was invited as well, as well as the commander  
9 of corps, the then Colonel Ratko Mladic.

10 MR. WHITING:

11 Q. What's the date of that?

12 A. I can't remember the exact date, sometime in September 1991. That  
13 is the same day or the next day after General Vukovic arrived in Knin.

14 Q. What happened at that meeting?

15 A. Vukovic asked Martic to brief him on the deployment of the units,  
16 and how they coordinate with the JNA units in the area. He was explaining  
17 something on the map, it was unmarked, and General Vukovic asked Mladic to  
18 clarify the situation. Mladic was also pointing at some things on the map  
19 throughout the area of Northern Dalmatia. They were naming troops and  
20 units and General Vukovic was quite astonished. He said, "Where is my  
21 corps? I want to see the operations map until this evening and I want to  
22 receive a full report." That's what he said at that meeting.

23 Q. Just to be clear, what did Mr. Martic do in that meeting? Did he  
24 brief on the deployment of the units?

25 A. First, General Vukovic asked him to brief him on the deployment of

1 his units, that's what he said, his units, and he gave him a marker.

2 Q. And what did Mr. Martic do? What did he --

3 A. He was pointing at some things on the map, more or less. He was  
4 looking for certain locations. He was moving about the map, trying to  
5 find locations. He had difficulty with some of them. And the general  
6 became impatient. He said, "Mladic, you clarify it for me." Since Mladic  
7 seemed quite lost as well, the general interrupted the conversation. The  
8 map was not marked in any way. It was empty, blank.

9 Q. Mr. Babic, when Mr. Martic started to talk about his units, what  
10 units was he talking about?

11 A. He didn't specify their names. He just said that "our units  
12 follow your tanks." That's the sentence he uttered.

13 Q. And what did you understand him to mean by that, if anything?

14 MR. MILOVANCEVIC: [Interpretation] Objection, Your Honour. The  
15 witness previously explained that Mr. Martic did not specify anything, and  
16 now we are asking the witness to make conclusions and to speculate but  
17 what is it you make conclusions about if Mr. Martic did not specify any  
18 units? Then these are just witnesses' assumptions.

19 JUDGE MOLOTO: The question is what did he make of that  
20 unspecified statement. He can give an interpretation to that statement,  
21 can't he? Objection overruled.

22 MR. WHITING: Thank you, Your Honour.

23 Q. Mr. Babic, when Mr. Martic said, "Our units follow your tanks,"  
24 what did you understand him to mean by that, if anything?

25 A. There were two types of units, TO units, where they were formed,

1 Bosnia-Herzegovina, and that there is no border check there. He could use  
2 that road to go via Glina and Topusko to reach Petrova Gora in the end.

3 Q. And Mile Dakic was -- did he hold any position or who was he at  
4 that time?

5 A. He was the then commander of the zone staff of the TO for Kordun.

6 Q. Now, I'm going to go back to an earlier answer that you gave when  
7 I -- when I asked you if, as a result of these decisions at the beginning  
8 of August 1991 you were able to get control over the TO, you responded  
9 that you were not and you gave two reasons. You said Milosevic said that  
10 Martic should be commander of the TO, you've explained that. And because  
11 of the influence of the JNA and the Secretariat for National Defence. Do  
12 you have anything to add to that second part of the answer, any  
13 explanation about the influence of the JNA that prevented you from gaining  
14 control over the TO at that time?

15 A. The list of military recruits and all the affairs concerning  
16 national defence fall under the jurisdiction of the Secretariat of  
17 National Defence and its offices in various municipalities. According to  
18 the federal law these offices have to contact federal authorities when  
19 such questions arise. Both the municipal and the republican level had to  
20 contact the federal level.

21 Another obligation they had was to keep their list of people to be  
22 mobilised in case of need and to coordinate with the JNA units in the  
23 field. That is in their area, concerning the so-called organisational  
24 mobilisation issues. And often, such offices could not have functioned or  
25 could not do anything in relation to a recruitment or mobilisation prior

1 to them coordinating with the JNA units or with the higher instance of the  
2 Secretariat. The other way was that certain municipalities were under the  
3 influence of the League of Communists and in particular the movement for  
4 Yugoslavia which was the military wing, and as it happened in the field,  
5 many people elected were the prominent people who would then have to  
6 choose whether they would organise police units or the TO units, depending  
7 on whose influence was greater in a particular area, whether the state  
8 security or the army's, and that was the situation in the field in 1991.

9 Q. Mr. Babic, yesterday you testified that you had made a number of  
10 appointments to TO positions during the fall of 1991. Can you explain to  
11 us a little bit how those appointments were made? What was the process  
12 for those appointments being made?

13 A. Those appointments first started being made slightly before the  
14 1st of August, and it went on throughout August and September for the most  
15 part in 1991. After this initiative concerning the setting up of the  
16 united system of Territorial Defence within SAO Krajina, I issued a number  
17 of decrees and I made several political appointments. I appointed people  
18 who I thought embraced the political concept of the system, such as  
19 Dr. Jovic or Mile Dakic who was the president of the Independent Yugoslav  
20 Democratic Party and some other people, but because of the conflicts that  
21 I referred to earlier and because of the resistance put up by the  
22 volunteer groups and the 7th Banija division at Banija and because of the  
23 resistance from the JNA, these people could exert no influence, and  
24 finally I started receiving proposals for the General Staff of the JNA and  
25 from Milosevic himself regarding further appointments and that happened by

1 the end of September 1991, and that is when the system as such started  
2 functioning, as soon as I started signing the appointments for people who  
3 had been sent from Belgrade.

4 Q. How would that happen specifically? Concretely, specifically?  
5 That is, how would you receive these proposals from the General Staff of  
6 the JNA and from Milosevic himself?

7 A. Well, from Milosevic himself. I mean, I explained that how we  
8 started talking about it, at the meeting that Mr. Martic attended as well.  
9 I said that Territorial Defence could only be led by an expert military  
10 person, such as an army general or somebody else from the army, and that's  
11 when the whole story started regarding the setting up of the Main Staff of  
12 the Territorial Defence for SAO Krajina. Milosevic dragged his feet a  
13 little bit but then in the end he promised his assistance. And --

14 Q. Did you have a further meeting with Mr. Milosevic concerning the  
15 setting up of a Main Staff of the Territorial Defence?

16 A. I met him at least once in the beginning of September, perhaps it  
17 was the 6th or the 7th of September I can't recall the exact date now and  
18 I was also in touch with him once again by the end of September, and I was  
19 also in touch with the Serbian Defence Ministry, through Minister Simovic  
20 in particular.

21 Q. In these meetings with Mr. Milosevic in September, can you tell us  
22 what was discussed concerning the setting up of the Main Staff?

23 A. He said that he would send people for the Main Staff. Since one  
24 person put their name forward already, he volunteered, it was a colonel  
25 from the command of the defence of the city of Belgrade, who presumably

1 had some military training, and he had all the preconditions to be made  
2 general. So he was one of the candidates plus some other people. And  
3 Milosevic said that they would send these people down. That was his  
4 decision at the time.

5 But time went by, it all lasted for a while, two weeks went by and  
6 I called him up and I asked about the staff and he said they are on their  
7 way. They will be there tomorrow. But basically, yes, in a couple of  
8 days they did arrive. Some officers from the General Staff from Belgrade  
9 and they said that they had an order from the General Staff for them to  
10 become members of the Main Staff of the TO of the SAO Krajina and I asked  
11 who the commander was, whether it was Colonel Maksic who came down with  
12 them as well, and they said, no, you should get in touch with Minister  
13 Simovic and he'll explain everything. He was the Defence Minister of  
14 Serbia at the time. And I called him on the phone from the office of the  
15 then command of the Main Staff. It was Martic's office, in fact, within  
16 the fortress and he was present there and everybody was waiting to hear  
17 what Simovic was going to say and Simovic said we have decided that the  
18 commander should be Ilija Djucic.

19 Q. Now, Mr. Babic, I want you to explain something because you  
20 testified earlier that you had a meeting with Mr. Milosevic and Mr. Martic  
21 in which Mr. Milosevic pressured you to appoint Mr. Martic to be the  
22 commander of the TO. And you testified that you didn't do that but now  
23 here in September, Mr. Milosevic is agreeing to help you set up a Main  
24 Staff of the TO. How did that occur? How did that -- what changed?

25 A. Well, there was an essential change, in fact. The JNA became an

1 active participant in the war, the JNA went to war and under such  
2 conditions all TO units automatically came under the command of the JNA,  
3 so that he had no further problems about this command issue, with regard  
4 to that particular line of command, through the JNA and the TO, and  
5 according to my assessment he must have decided that it was no problem and  
6 therefore the command should go through the JNA and not the police force.

7 Q. When did that happen, that the JNA became an active participant in  
8 the war? When did that change occur?

9 A. By the end of August 1991.

10 Q. Was there a specific event?

11 A. Yes. An attack at Kijevo in the municipality of Knin.

12 Q. When the General Staff was created at the end of September 1991,  
13 did that give you any power over the TO?

14 A. No. The Main Staff came under the command of the 9 corps and the  
15 zone staff for Kordun and Banija was under the command of the 2nd  
16 operational or rather the command of the 2nd Operational Group or zone of  
17 the JNA, which was located at Simajic [phoen] under the command of  
18 General Spiro Nikovic.

19 Q. Now moving ahead in time to October of 1991, did you have a  
20 meeting with General Vukovic of the 9th Corps concerning the TO?

21 A. Yes. With regard to the positions of the TO, supplies, funding,  
22 command and so on.

23 Q. Who was present at that meeting?

24 A. The commander of the Main Staff of TO, General Ilija Djuic.

25 Q. And who else?

1 Q. Did this action of stopping to pay funds into the republican  
2 budget compensate for what had been cut off in the other direction or did  
3 those municipalities have to seek funding from elsewhere?

4 A. It was not enough. These municipalities were not very well  
5 developed, and with the escalation of tensions and the cutting off of  
6 communications, the economy became stagnated and began to wither away  
7 gradually. Assistance was sought in Belgrade, from Serbia; that's to say  
8 from Milosevic.

9 Q. How was that done?

10 A. It was done in several ways. Assistance was sought directly from  
11 Milosevic asking him to provide funds for certain companies and  
12 institutions. Certain ministries of the Republic of Serbia also helped  
13 certain ministries or structures in the Krajina. Municipalities in the  
14 Krajina found sponsors among Serbian municipalities. Companies found  
15 sponsors in Serbia. These were always in which funds were channelled from  
16 Serbia and the Krajina became completely dependent in economic and  
17 monetary terms on Serbia.

18 Q. Which ministries from the Republic of Serbia helped ministries or  
19 structures in the Krajina?

20 A. The Ministry of Defence, the Ministry of the Interior, the  
21 Ministry of Energy, the Ministry of Health.

22 Q. Did you have a meeting in December of 1990 with Mr. Milosevic  
23 concerning a factory in Knin?

24 A. Yes. The director of the factory asked me to ask Milosevic for  
25 assistance. He wanted Milosevic to help pay the debt of the nut and bolt

1 factory in Knin. It owed money to the Split Bank, amounting to some 48  
2 million dinars and the factory was actually facing bankruptcy because of  
3 this debt.

4 Q. What was the name of the factory?

5 A. Tvornica Vijaka Knin, TVK for short.

6 Q. Did you meet with Mr. Milosevic on this subject?

7 A. Yes. I told him this and I asked for his help. He promised he  
8 would solve the problem. He promised to help us and provide the money.

9 Q. Did he?

10 A. Yes, he did.

11 Q. Do you know how he did that?

12 A. He didn't tell us, but I assumed how this was done. Ante  
13 Markovic, the then Prime Minister, announced that Serbia had intervened in  
14 the payment system of Serbia and pulled out a large amount of money.

15 THE INTERPRETER: Interpreter's correction: Yugoslavia, not  
16 Serbia.

17 MR. WHITING:

18 Q. And when was that announcement made?

19 A. I think it was either at the end of 1990 or the beginning of 1991.  
20 I don't recall the precise date.

21 Q. How did the accounting system in the Krajina work at that time, at  
22 the end of 1990, beginning of 1991? That is for public structures.

23 A. In all of former Yugoslavia and in all the republics, there was a  
24 unified accounting system through which payments were made. As tensions  
25 between the Krajina and Croatia escalated, Croatia interrupted payments

1           A.    Yes.  According to the regulations that had been in force until  
2           then, they had to have accounts in their own municipalities.  However,  
3           they opened so-called non-residential accounts on a territory which was  
4           not their home territory.  So instead of opening accounts at home, they  
5           opened accounts in Serbia.

6           Q.    Now, I forgot to ask you a question about the nut and bolt  
7           factory, TVK.  Did that factory have any military function then or later?

8           A.    Yes.  On a small scale.

9           Q.    Do you know what it did?

10          A.    The factory produced a kind of bomb.  It was called a Tikusa  
11          [phoen].  The factory supplied some of the materials needed for Frenki's  
12          armoured vehicle pool.

13          Q.    And when was that?  When did it do those things?

14          A.    Of April 1991.

15          Q.    Now, did -- the SAO Krajina was created at the end of 1990.  Did  
16          it -- did it at some time have a formal budget?

17          A.    The Krajina established or set up its budget after the government  
18          was set up on the 29th of May 1991.

19          Q.    And where did the money come from for that budget?

20          A.    The budget was very impoverished.  It was practically  
21          non-existent.  Initially, funds for the budget arrived from revenue  
22          collected in the municipalities in the Krajina.  Later on, it was funds  
23          from Belgrade or Serbia that flowed into the budget.

24          Q.    How was the police in the SAO Krajina financed?

25          A.    The police was mainly financed with funds and materiel coming

1 through the Serbian State Security Service and Ministry of the Interior.

2 Q. How do you know that?

3 A. That was the general rule, as it was in the case of other  
4 ministries. The information about the funds coming from the state  
5 security of Serbia for the Golubic camp was something I personally heard  
6 from Jovica Stanisic who was the chief of the state security.

7 Q. And when did he tell you that?

8 A. He told me that in August 1991, after Captain Dragan had left  
9 Knin, after he had been withdrawn. He told me that he had been given a  
10 large amount of money for the camp and that they were now looking for him  
11 to get the money back, as he hadn't spent it.

12 Q. At the government session in July of 1991, did Milan Martic talk  
13 about funding or funding of the police?

14 A. Yes.

15 Q. What did he say?

16 A. He had very big demands for funds for the police. The government  
17 of the Krajina was unable to meet these demands. There was very little  
18 money in the budget for all kinds of needs that had to be funded from the  
19 budget. Mr. Martic, in agreement with the then Minister of Finance, Bauk,  
20 used all the funds in the budget which had been earmarked for either  
21 things but even that was not enough. So at a government session, he asked  
22 for more. We told him there wasn't any more. And he then said that he  
23 would work for the one who was paying him.

24 Q. What did you understand him to mean by that?

25 A. That he would work for the Ministry of the Interior of Serbia.

1 Q. Now, could you tell us how the TO was financed?

2 A. The Territorial Defence was financed through the JNA and through  
3 the giro account into which funds were paid from the ministry and the  
4 government of Serbia, through certain technical channels.

5 Q. Which ministry?

6 A. The Ministry of Defence.

7 MR. WHITING: Could we look at 65 ter Exhibit 211, which is also  
8 Exhibit 41 in evidence, please?

9 Q. Mr. Babic, do you recognise this document?

10 A. Yes, I do.

11 MR. WHITING: Could we look at the next-to-last page, please?

12 Q. I'm sorry, I should have asked you what it is.

13 A. Do you want me to read out the correct title? Can you show me the  
14 front page, please?

15 Q. Yes.

16 MR. WHITING: I'm sorry, could we go back to the front page,  
17 please?

18 THE WITNESS: [Interpretation] That is a request for necessary  
19 ammunition and other military equipment. Addressed to the Ministry of  
20 Defence of the Republic of Serbia, to Lieutenant General Tomislav Simovic  
21 personally, and the date is the 18th of September 1991. The needs  
22 mentioned are the needs of the Serbian Autonomous District of Krajina the  
23 Main Staff of the Territorial Defence.

24 MR. WHITING: Could we go to the next-to-last page, please? And  
25 scroll down to the bottom.

1 Q. Do you recognise the signature on the right?

2 A. Yes. It's Mr. Martic's signature.

3 Q. Do you recognise the stamp?

4 A. Yes. It's the stamp of the staff of the Territorial Defence.

5 Q. Do you recognise the name on the left?

6 A. Yes. Savo Radulovic from the municipal TO Staff in Knin.

7 Q. And tell us again who was Tomislav Simovic at the time?

8 A. He was the then Defence Minister with the government of Serbia.

9 Q. Why is this request for assistance coming from Milan Martic?

10 A. At the time, he was in charge of the TO.

11 Q. Were you aware of this request at the time?

12 A. Yes, I was.

13 Q. Did you yourself have meetings with Mr. Simovic, Tomislav  
14 Simovic?

15 A. Yes, I did.

16 Q. When did those occur and where?

17 A. There were several. We saw each other a couple of times in  
18 September of 1991 and then in November of 1991 in Belgrade at his office.

19 Q. What were those meetings about?

20 A. During one of the initial meetings we discussed the organisation  
21 of the TO and the needs to finance and equip the TO. During the second  
22 meeting, we discussed the peacekeeping operation of the UN in the  
23 Krajina.

24 Q. Why did you speak to Tomislav Simovic, the Minister of Defence of  
25 Serbia, about these issues?

1 Q. Yes, Mr. Babic.

2 A. The army was also financed through the grants from the Ministry of  
3 Defence and from the budget of the Republic of the Serbian Krajina.

4 Q. The Ministry of Defence of Serbia or the Ministry of Defence of  
5 the SAO Krajina?

6 A. The Ministry of Defence of Serbia, as well as donations from  
7 Serbia given to the budget of the Republic of the Serbian Krajina.

8 Q. Thank you.

9 MR. WHITING: Your Honour, I think it's a convenient time.

10 JUDGE MOLOTO: Thank you very much. Court will adjourn for 30  
11 minutes. We'll come back at quarter to six.

12 Court adjourned.

13 --- Recess taken at 5.17 p.m.

14 --- On resuming at 5.47 p.m.

15 JUDGE MOLOTO: Yes, Mr. Whiting.

16 MR. WHITING: Thank you, Your Honour.

17 Q. Mr. Babic, I want to talk to you about a different topic, and that  
18 is about media. If we could focus on 1990-1991, how did the Serbian media  
19 report on the situation in Croatia?

20 A. In the beginning of 1991, the media campaign against Croatia  
21 really gathered momentum, and it was shown in the media that Croatia was  
22 basically preparing for the slaughter of the Serb population in Knin, as  
23 well as the JNA members and their families. In January 1991, as I said,  
24 these reports started appearing in the press and all that fell within the  
25 framework of the preparations for the disarming of the so-called, as they

1 called them, Croatian paramilitary forces, and basically trying to  
2 organise a military coup in Croatia. This campaign obviously, since  
3 tensions increased and armed conflict started, this press campaign turned  
4 into a real war propaganda at the start of the war.

5 Q. Was there, in the Serb media, talk about history, about things  
6 that had occurred in history?

7 A. In the Serb media, these reports appeared much earlier, especially  
8 in the course of 1990. There was a lot of talk about genocide perpetrated  
9 by the Ustasha regime of the independent state of Croatia against Serb  
10 people, and there were daily reports about that, about the suffering of  
11 the Serbs, the Jasenovac camp, and all that was mentioned in the same  
12 breath as the new Croatian government which was basically suspected of  
13 being prone to repeat that.

14 Q. So what was said about the new Croatian government in this media?

15 A. First of all, there was talk about it being a nationalist  
16 government, an Ustasha-leaning government or Ustasha completely.

17 Q. What is that a reference to, Ustasha?

18 A. The Ustashas are Nazis, Croats, in fact, who were a puppet  
19 government of Hitler's Third Reich on the territory of the then so-called  
20 independent state of Croatia. Nazi collaborators from Croatia in World  
21 War 2.

22 Q. So it's a historic term from World War II?

23 A. Yes, it is.

24 Q. Was the report -- where was this reporting coming from?

25 A. It started and for the most part, continued in Belgrade, in Serb

1 media, the dailies and weeklies appearing in Belgrade, and TV reports as  
2 well.

3 Q. Was the reporting accurate?

4 A. As to the reminders of historic facts, certain accurate historical  
5 data were reported but then it was presented in a special journalistic  
6 manner and it was brought within the same context of the new Croatian  
7 government which was only an assumption, and at the time it was incorrect.  
8 Later on, in the course of the war, and especially in the beginning of  
9 1991, things escalated so much and the entire Yugoslav general public was  
10 acquainted with the film about the Martin Spigelj, and apparently it was  
11 funded by the intelligence service of the JNA, the making of the film, I  
12 mean.

13 Croatian ministers and the Croatian press, of course, denied the  
14 facts presented in that film and it was basically impossible to find out  
15 the truth. But for the most part the media exaggerated things, emphasised  
16 certain things too much, and after the start of the war, they published  
17 inaccurate reports, especially after the unrest around Pakrac in March  
18 1991. There were lots of things which were totally inaccurate or blown  
19 out of proportion.

20 Q. Was there any discussion in the media, the Serb media, about Serbs  
21 and Croats living together in Croatia?

22 A. For the most part, there were references to fears of repeat  
23 performance of this genocide by the Croatian authorities. And in this  
24 way, they fed Serb fears of the new Croatian authorities and they made  
25 them want to somehow defend themselves from Croatia.

1 Q. Were you able to observe what effect this media that you've  
2 described had on the population, on the Serb population in Croatia?

3 A. Initially, there was distrust. Then it turned into fear. And  
4 afterwards, animosity towards the government.

5 Q. What about towards the Croatian people? Did it have an effect on  
6 the Serbs' attitude or feelings about the Croatian people?

7 A. Being reminded of historical events and possible fear of what  
8 might happen in the future, of course, increased this feeling of  
9 uncertainty and -- which turned into hatred in the end.

10 JUDGE NOSWORTHY: I would like to ask a question at this point.  
11 Was the media that you're referring to an independent media or was it  
12 controlled in some way by the Republic or the Krajina? I'd like to find  
13 out that before you proceed.

14 THE WITNESS: [Interpretation] For the most part, the press was  
15 under the control of the authorities in Belgrade, in much the same way as  
16 the state broadcasting company. There was a local radio station in  
17 Krajina, that was all.

18 MR. WHITING:

19 Q. What was the relationship of Slobodan Milosevic to the press in  
20 Belgrade?

21 A. Milosevic was in control of the state media.

22 Q. How did he control the state media?

23 A. By appointing directors and editors of the media.

24 Q. And how did he do that in -- what was the mechanism for him  
25 appointing directors and editors of the media?

1           A.    Through the control exercised through the state bodies, the  
2   assembly and the government, and they were the ones who appointed people  
3   to those positions.

4           Q.    Do you know any specific examples of directors or editors who were  
5   appointed by Slobodan Milosevic?

6           A.    Yes, I do remember.  He himself used to talk about it.

7           Q.    When did he talk about that?

8           A.    In March 1991, after the events in Belgrade where people were  
9   protesting against RTV Belgrade and the director of that TV station,  
10  Mr. Mitevic.  At the time I visited Milosevic in Belgrade and he said the  
11  following:  "Here, I gave them a new director," and he gave me his name, I  
12  can't recall it now.  "His father was a Ljotic man, supposedly they will  
13  be happy now."  And I also heard about or rather from Zika Milic who was  
14  the editor of Politika, it was a daily newspaper, that it was Milosevic  
15  who kept him in his post.

16          Q.    When did you hear that?

17          A.    I met with him in the period between 1990 and 1995, and he said  
18  that to me in 1995.

19          Q.    Now, Mr. Babic, did you yourself participate in making extremist  
20  statements in the media?

21          A.    Yes, initially.  Initially, it was a bit toned down and then my  
22  tone became ever sharper as time went on.

23          Q.    When did that happen?

24          A.    In the course of 1991 in particular.

25                MR. WHITING:  Could we see 65 ter Exhibit 48, please?

1 Q. What did he say about, if you recall, about disarming and arrests  
2 of Croatian police officers?

3 A. He said that they were being successful and that they had arrested  
4 several people and he mentioned the numbers, how many of those police  
5 officers they were holding.

6 Q. After that, was there any -- were there any other periods where  
7 Milan Martić was promoted in the media?

8 A. He was particularly promoted in September, about the detentions  
9 and arrests near Bosanska Krupa and Otokac.

10 Q. And that's September of what year?

11 A. 1991.

12 Q. Now, you testified at the beginning of today about a covert  
13 strategy and a public strategy that was followed by Mr. Milosevic with  
14 regards to the future of Yugoslavia and a state for all Serbs. Do you  
15 remember testifying about that?

16 A. Yes.

17 Q. What were Milan Martić's views on that subject?

18 A. He blindly followed Milosevic's policy or the policy of the  
19 service. He was a man of the service. That's what we can say about him.  
20 What was planned there and what was done there, he continued to do. He  
21 was a follower of the -- of Milosevic's security services. And he  
22 believed in Slobodan Milosevic as his leader and the leader of all Serbs.

23 Q. How do you know that?

24 A. He talked about it publicly and that was his opinion in private as  
25 well. Even after the elections in 1995, both before and after the

1 events. But throughout the rest of the time, ever since I first met him,  
2 up until July and even later, he kept convincing us that we, the Serbs in  
3 Croatia, and since I was from the SAO Krajina, so that included us as  
4 well, that we would be protected by the JNA, from Croatia.

5 Q. I want to talk now about some events during the spring and summer  
6 of 1991. Were there armed clashes between the police of the SAO Krajina  
7 and Croatian police?

8 A. The conflicts started on the 31st of March 1991, at Plitvice.  
9 That was a big conflict. And it continued up until open war in August or  
10 rather war actually started in June, by the end of June.

11 Q. Did the JNA respond to these clashes?

12 A. The JNA according to plan was deployed between the warring  
13 factions. They were holding the so-called buffer zone between the warring  
14 parties of Krajina and Croatia, in the periods of time between April or  
15 perhaps as early as March and that's the bit I'm not all that familiar  
16 with but at any rate between April 1991 and August 1991. In that period  
17 of time, the JNA was in charge of the so-called buffer zone between the  
18 warring parties.

19 Q. You said that this was done according to plan. What do you mean  
20 by that?

21 A. According to plan, in the same way. Simply according to plan.  
22 I'm not saying that I saw a layout or an actual plan of deployment, but  
23 the JNA always deployed itself in the same way after incidents and  
24 provocations. Staged by the police of Krajina, the JNA would always come  
25 out or rather first the Croatian police would respond and then the JNA

1 Q. I'm sorry, who was present there? Was it Mr. Orlovic or  
2 Mr. Martic or both?

3 A. Both.

4 Q. And were they present for the second meeting in August?

5 A. That was the second and only meeting in August. The first one was  
6 by chance when I met Stanisic in the street and he was by himself.

7 Q. You described earlier in your testimony a conversation that you  
8 had with Jovica Stanisic about your decision of August 1st 1991 to disband  
9 the DB in the SAO Krajina. Did that occur when you met him by chance in  
10 the street or did that conversation occur at the cafe?

11 A. We met by chance in the street, or at least it seemed so. He may  
12 have been there waiting for me to see me, but we didn't discuss that at  
13 the cafe.

14 Q. Now, you described -- well, let me ask you this first. Do you  
15 know what the relationship was between Mr. Stanisic and Mr. Martic? What  
16 kind of relationship did they have?

17 A. Quite friendly, they cooperated closely, and Martic listened  
18 carefully to what Stanisic had to say. It wasn't any sort of formal  
19 subordination but rather taking advice from a senior colleague. It didn't  
20 involve any sort of obedience.

21 Q. And what relationship did Mr. Stanisic have with Mr. Milosevic, if  
22 you know?

23 A. He was his subordinate.

24 Q. Now, you described a meeting that occurred with Mr. Stanisic in  
25 January of 1991. Did you see -- did you have occasion to see Mr. Stanisic

1 again in Belgrade, later that year?

2 A. Yes. I saw him in March 1991.

3 Q. Can you describe the circumstances of that meeting? What happened  
4 then? Why were you in Belgrade? What was happening?

5 A. It was end March 1991. Before that, there was the crisis with the  
6 Yugoslav Presidency and they didn't pass the decision on the introduction  
7 of state of emergency and the deployment of the JNA, and Borisav Jovic  
8 resigned temporarily with the Presidency and then he was returned and  
9 re-established, when it became clear that there was a serious crisis in  
10 the functioning of the state leadership and the JNA, Mr. David Rastovic  
11 came to see me. He was the president of the Donji Lapac municipality. He  
12 said that we were urgently to go and see Mr. Milosevic, to ask him what  
13 his ideas were as concerns our protection under such circumstances and  
14 that was the reason for the meeting, and we asked to see Milosevic. He  
15 received us in Belgrade in his cabinet office, and we asked him what we  
16 should do, and that we felt unsafe.

17 Q. What did he say?

18 A. He said it was the first time he mentioned any sort of JNA  
19 protection, and he also said, "I purchased 20.000 pieces of weapons in  
20 Hungary for you". And we just looked at each other, and we said "We have  
21 no idea what you're talking about." And then David Rastovic left the room  
22 to look for someone else. I forgot this person's name. He was a retiree  
23 who lived in Belgrade but originated from Krajina. He was a civilian with  
24 some function, I can't actually recall, and he wanted to ask him whether  
25 he knew anything of what Milosevic was saying because I presumed he had a

1 role to play in the purchase of weapons. He also came to Milosevic's  
2 office and he said that nothing was done. Then Milosevic uttered some  
3 rather strong words and he said they cheated him. He left the room and  
4 invited someone. Shortly after, Radmilo Bogdanovic came to the office.  
5 He was about to resign his ministerial position and Mr. Jovica Stanisic of  
6 the DB. That was the meeting when I saw Stanisic again in Belgrade.

7 Q. What happened when they arrived to the meeting?

8 A. Milosevic asked them what happened to the weapons. And Radmilo  
9 Bogdanovic said they had sent 500 pieces to Banija. I said I had no  
10 knowledge of that. Radmilo Bogdanovic said, "Well, you're not supposed to  
11 know everything." After that, I turned to Milosevic and I told him that  
12 there were problems in the functioning of the SUP, that there are  
13 insufficient numbers of qualified people, and it was short of people  
14 capable of organising internal affairs in Krajina as the competent  
15 Secretariat and that we needed criminal scientists, attorneys, those  
16 versed in internal affairs so that we could establish the ministry -- that  
17 is the secretary of the Interior in a proper way, and he promised to help,  
18 and that was the end of the meeting.

19 Q. We'll come back to that point that you've just made later in your  
20 testimony. But I want to ask you some more questions about the weapons  
21 that you learned about at that meeting. After that meeting, at any point,  
22 did you learn anything else about those weapons?

23 A. I learned that those weapons did not originate from Hungary at all  
24 but rather from a warehouse of the TO, and that it was being transported  
25 to Krajina under the auspices of Mihalj Kertes and the Ministry of the

1 Interior of Krajina as well as some people in Bosnia.

2 Q. You say that they came from a warehouse of the TO. Which TO?

3 A. The Serbian TO.

4 Q. And how did you learn this information?

5 A. I believe it was in May or June 1991, the then police commander in  
6 Knin, who was Martic's aide, and another person from the police station in  
7 Knin, I can't remember his name, in any case they take me to the village  
8 of Raducic. The other person's name was Milenko Zelenbaba that was the  
9 commander of the police station. And Jovo -- I can't remember the last  
10 name. They took me to Raducic, close to Knin, and they showed me some  
11 weapons in a warehouse. There were rifles, mortars there. They told me  
12 those pieces came from Serbia and basically that Braco was kicking his way  
13 in to the TO warehouses. When he said "Braco" he had Mihalj Kertes in  
14 mind. Later on I heard from Mile Grbic from Bosanski Novi that the  
15 weapons that they were carrying over from Serbia was being brought in  
16 across Una to Banija and I suppose the sources of the weapons were the  
17 same.

18 Q. Okay. Let me ask you a few questions about what you've told us.  
19 First of all, Milenko Zelenbaba, he was the commander of which police  
20 station?

21 A. Knin.

22 Q. And was he a subordinate of Milan Martic?

23 A. Yes. And a friend of his as well.

24 Q. You mentioned the name Mihalj Kertes. Who was he?

25 A. Mihalj Kertes, that's his name. He was up until 1990 and in the

1 JUDGE MOLOTO: The document is admitted into evidence. May it  
2 please be given an exhibit number.

3 THE REGISTRAR: That will be Exhibit number 206, Your Honours.

4 JUDGE MOLOTO: Thank you very much.

5 MR. WHITING: With the assistance of the usher I'd like to show  
6 the witness two more articles. This one I actually have a translation.  
7 If the English could be put on the ELMO and the translation given to the  
8 witness.

9 Q. This is an article from the 3rd of April 1991, from Tanjug.  
10 You've already told us what Tanjug is. And I'm just going to read the  
11 last paragraph and you can read it, Mr. Babic, in the translation that you  
12 have in front of you. "Martic expressed his conviction that Slobodan  
13 Milosevic will arm the Serbs in Croatia. In view of the fact that the  
14 Croatian state has armed the Croats, it is normal for the Serbian state to  
15 arm its people to establish a balance. Martic said that 30.000 people  
16 from Krajina have volunteered so far to defend Krajina and Knin."

17 Was that consistent with some of the statements that you were  
18 reading in the media at that time, Mr. Babic?

19 A. It is.

20 Q. And for the record, this is ERN R0293885. And if this could be  
21 given -- be admitted into evidence, please?

22 JUDGE MOLOTO: The document is admitted into evidence. May it  
23 please be given an exhibit number.

24 THE REGISTRAR: That will be Exhibit number 207, Your Honours.

25 JUDGE MOLOTO: Thank you very much.

1        Presidency of Yugoslavia intervened and organised a cease-fire and the  
2        start of a political dialogue. This is the period of time that this  
3        information refers to. And this is Mr. Martic's stance in relation to  
4        those events.

5                MR. WHITING: Could this be admitted into evidence, Your Honour?

6                JUDGE MOLOTO: The document is admitted into evidence. May it  
7        please be given an exhibit number.

8                THE REGISTRAR: That will be Exhibit number 208, Your Honours.

9                JUDGE MOLOTO: Thank you.

10               MR. WHITING:

11               Q. Mr. Babic, you've testified a number of times, you've spoken a  
12        number of times in your testimony, about a camp that was set up in Golubic  
13        in March or April of 1991. You also testified in -- you also testified  
14        about your meeting in March of 1991 with Mr. Milosevic where you asked for  
15        assistance for the Ministry of the -- or rather the Secretariat of the  
16        Interior, as it was called at that time, in the SAO Krajina and asked for  
17        professionals and he said he would give you assistance. After that  
18        meeting, what kind of assistance did you get?

19               A. We didn't get the kind of assistance that I expected in terms of  
20        expert assistance in setting up the Secretariat of the Interior. People  
21        came along who basically pursued the militarisation of the police force in  
22        Krajina and that was the kind of assistance provided by Milosevic.

23               Q. What do you mean when you say the militarisation of the police  
24        force in Krajina?

25               A. Well, the police force was turned into a paramilitary force or a

1 military organisation following that.

2 Q. Could we look at 65 ter Exhibit 56, which is in evidence as  
3 Exhibit 29.

4 Mr. Babic, do you recognise this document?

5 A. Yes, I do. It's the order of the executive council of the SAO  
6 Krajina dated the 1st of April 1991, and it was issued by myself.

7 Q. And again that's the day after the events in Plitvice?

8 A. It is.

9 Q. This document has two parts to it, an order and a conclusion or a  
10 request. The order is for mobilisation of the Territorial Defence of the  
11 SAO Krajina. Why did you order that and did it have any effect?

12 A. It was in response to the events at Plitvice and following our  
13 impression that Croatia was -- that the Croatian armed forces were  
14 involved in an attempt to occupy Krajina. It was a call for an uprising  
15 rather than a real mobilisation because we didn't have the actual  
16 preconditions for a true mobilisation.

17 Q. Did it have any effect? Did it result in anything?

18 A. No.

19 Q. The second part is a request to the government of Serbia that the  
20 forces of the Ministry of Interior of the Republic of Serbia provide  
21 technical and personnel support to the SUP of the Serbian Autonomous  
22 Region of Krajina. Why did you make that request?

23 A. In order to honour the terms of our agreement with Milosevic, in  
24 order for him to live up to his promise.

25 Q. Does this refer to the promise that he made to you in -- when you

1 met with him in March of 1991?

2 A. Yes. That's what it refers to.

3 Q. Now, you told us a moment ago that the -- what happened after  
4 these requests for assistance is in fact the militarisation of the police  
5 in the Krajina. Can you explain how that occurred? What happened  
6 specifically, concretely?

7 A. In April, a training camp for Special Forces of -- for special  
8 police forces was set up, and it remained in operation throughout the  
9 spring and the summer of 1991, and that's where special units used to  
10 train, and those were special units from the Krajina Police force, and  
11 they would go to various parts of Krajina, various municipalities, when --  
12 and they were deployed there and they increased their numbers. There was  
13 a camp in that youth centre and camp at Golubic. Afterwards, near  
14 Benkovac, and a similar sort of thing at Samarica, but I don't have any  
15 specific information about that.

16 Q. Just for the assistance of the Chamber, the Golubic can be found  
17 on page 25 of the atlas. And I believe the witness has already testified  
18 that it's a few kilometres from Knin, just north of Knin.

19 Mr. Babic, I want to talk about the Golubic camp. Who set up that  
20 camp, if you know?

21 A. That camp was set up by the secretary of the Secretariat of the  
22 Interior of Krajina, Martic, with the assistance of the state security of  
23 Serbia, Captain Dragan, and Franko Simatovic.

24 Q. How do you know that?

25 A. Well, I was there, and they told me as much. In fact, I visited

1 and they reported to me to that effect.

2 Q. How many times did you visit the camp in Golubic?

3 A. Twice.

4 Q. Tell us about the first time that you visited. When was it? And  
5 who did you see there?

6 A. My first visit was in April 1991, middle of the year maybe, I  
7 don't know the exact date. I was actually going to visit Belgrade and  
8 somebody from the police station told me to stop by Golubic, and on the  
9 way --

10 Q. I'm sorry, I have just have to interrupt you because there may  
11 have been a slight misunderstanding with the translation. When did that  
12 visit occur?

13 A. In the first half of April, maybe mid-April, not later, 1991.

14 Q. Okay. I'm sorry to interrupt. So somebody from the police  
15 station told you to stop by Golubic and so what happened?

16 A. So I stopped by and went there in a small cabin called commander's  
17 lodge because it used to be the place where the commander of the labour  
18 action was housed, I met the then secretary of the SUP of SAO Krajina, and  
19 some men I didn't know who were with him. And then Martic told me the man  
20 next to him was Captain Dragan, that he had come to help train the special  
21 police forces, and he told me a rather long story about who Captain Dragan  
22 was, how he had come to be there, and it was rather bizarre so I didn't  
23 really understand. I understood that he had come from somewhere abroad,  
24 Martic was mentioning Obrovac, some political parties. It was not a very  
25 consistent story but the bottom line was that it was some sort of

1 specialist and that he would be engaged in the training and that that  
2 place was going to be the special training centre. I wasn't particularly  
3 impressed by the whole thing. They were just sitting around a table in  
4 that small lodge.

5 Q. On that occasion, did you see any training? Did you see anybody  
6 being trained?

7 A. No, nothing was going on there. They were the only ones who were  
8 there, sitting in the commander's lodge.

9 Q. And did you learn anything more on that occasion in terms of what  
10 the purpose of the training was going to be, who was going to be trained  
11 there, and so forth?

12 A. Well, they said that special police units would be trained there.  
13 They called them specialists, in shorthand.

14 Q. Now, what was the second occasion for you to go to Golubic? When  
15 did that happen?

16 A. The second time was in May 1991.

17 Q. What happened on that occasion?

18 A. I came there and in that little cabin or lodge where the  
19 headquarters of the camp was located, I found Franko Simatovic, Nikola  
20 Amanovic and some other men. Nikola Amanovic was Martic's assistant at  
21 the Secretariat for internal affairs. On the training ground that was  
22 just further away from those cabins, there were men involved in drills,  
23 policemen, men in camouflage uniforms undergoing training exercises. And  
24 they explained to me what the training consisted of and who was being  
25 trained.

1 Q. What did they tell you about that, about what the training  
2 consisted of and who was being trained?

3 A. Well, Nikola Amanovic told me that groups were all municipalities  
4 were coming in, a certain number of people from each municipality, either  
5 from the police force or from outside the police force, and underwent  
6 training from some -- for some time. They acquired military skills,  
7 obtained weapons, and underwent ideological training in some way, and  
8 after that they returned to their localities in Krajina. They also showed  
9 me a file system containing lists of people for each municipalities and  
10 the dossiers on each person undergoing train there, since I was president  
11 of the Knin municipality, I asked, "By the way, is there anybody from Knin  
12 here?" He said, "Yes, we do have some men." He opened the Knin file and  
13 showed me a list of names. The names were not familiar. I don't remember  
14 them. That's what I learned at that office on the training ground there  
15 was Captain Dragan or one of his assistants maybe, I couldn't see very  
16 well, and there were men on the training ground.

17 Q. Let me just interrupt you for a moment. I want to ask you a few  
18 questions of the first of all, is the name Nikola Manovic or Nikola  
19 Omanovic?

20 A. It's actually Amanovic, A-manovic.

21 Q. Okay. And you mentioned that part of the training was ideological  
22 training. Do you know what that consisted of? What did you mean by that?

23 A. Well, people were taught not to be too strongly attached to  
24 political parties because they would be working for the state involved in  
25 defence. Their primary loyalty should be to the state. It was some sort

1 of military police drill. I don't know what else to call it.

2 Q. Did you understand what Captain Dragan's role was going to be at  
3 the camp?

4 A. He was an instructor, a specialist for training, drills, exercises  
5 and formation of units. He even formed a standing unit that he was in  
6 command of himself. It's the unit called Knindzas. We have already  
7 referred to it, and at that time he was its commander.

8 Q. Right. You told us about the Knindzas yesterday in your  
9 testimony. What did you understand Frenki Simatovic's role to be at the  
10 camp?

11 A. Well, he acted as some sort of host there, maybe supervisor, a  
12 senior person there.

13 Q. And what did you understand to be Milan Martic's role at the camp,  
14 if any?

15 A. Well, he was the secretary in the Secretariat of internal affairs.  
16 That was his job. He led the administration of the camp or rather his  
17 assistant was in charge of the administration of the camp and he was  
18 overseeing the whole camp.

19 Q. Do you know what happened to people once -- after they were  
20 trained at the camp? Where did they go? What became of them?

21 A. They would go back to municipalities to form special police units.

22 Q. How do you know that?

23 A. Well, I was kept informed and I saw one inspection of a unit that  
24 took place near Vrhovine. Martic inspected the unit. It was in July,  
25 maybe, 1991.

1 Q. Now, you were telling us about the second visit to Golubic. What  
2 happened when you left the camp? Did you go somewhere?

3 A. Frenki took me to show me the target range on the camp-ground, a  
4 depression between Udalic [phoen] -- it was actually a target range where  
5 trainees at the camp had target practice and he showed me the targets.

6 Q. I'm just going to interrupt me for a moment. You have to slow  
7 down a little bit because the interpreter is having a little trouble  
8 keeping up with you. Where was this target range located?

9 A. On the right-hand side of the road between Golubic and Strmica  
10 village.

11 MR. WHITING: For the benefit of the Chamber, that Golubic Strmica  
12 road is evident in the atlas on page 25.

13 Q. So did you go to the target range with Frenki Simatovic?

14 A. Yes. And towards the end of that valley there were targets  
15 standing and somewhere in the middle of that meadow, there was a  
16 multi-barrel anti-aircraft gun. There were no men on the range at that  
17 moment. Frenki just showed me that anti-aircraft gun. It was either with  
18 two or three barrels. And he told me that his men used that gun to shoot  
19 at Croatian policemen on the 2nd May in Borovo Selo. It was later built  
20 on to the armoured train that Frenki manufactured in Strmica. It was  
21 mounted on it.

22 Q. Can you tell us about that armoured train?

23 A. It was a short train consisting of a diesel locomotive and several  
24 cars, two or three maybe. It was reinforced with metal plates and some  
25 other types of reinforcement, sandbags. It was provided with an

1 anti-aircraft gun, and it was used as a combat weapon. On the railway  
2 between Drnis and Knin and towards Zadar. It was a combat, armoured  
3 train. It was not built to perfection. It was not very sophisticated,  
4 not the kind you see in movies.

5 Q. How do you know that Frenki manufactured that train?

6 A. Well, he showed me that they were doing it, and he asked me to  
7 write a letter to the factory producing screws in Knin, to enable him to  
8 get metal plates and some other material for building their train.

9 That's the same factory that Milosevic had earlier saved from  
10 bankruptcy, that he was financing, and they were kind of indebted to him  
11 and had to return the favour.

12 Q. Do you know who paid for the camp at Golubic?

13 A. Jovica Stanisic.

14 Q. How do you know that?

15 A. He told me that much himself in August 1991, in Belgrade.

16 Q. I think you've spoken about this but could you remind us again  
17 about that conversation?

18 A. Well, I talked to Stanisic in Belgrade after Captain Dragan and  
19 Frenki were withdrawn from Knin. He invited me to have coffee with him at  
20 a restaurant. Maybe he wanted to patch things up a bit, to justify  
21 himself. I don't know. He even took his wife along because she was  
22 originally from Knin and I suppose he wanted to create a more intimate  
23 atmosphere, a friendlier atmosphere. So we met in that restaurant called  
24 Seher in Belgrade and on that occasion he was full of criticism for  
25 Captain Dragan. He didn't even mention Frenki. So I thought that they

1 village; is that correct?

2 THE WITNESS: [Interpretation] Yes, it is.

3 JUDGE MOLOTO: Were there any Serbs living in Kijevo, to your  
4 knowledge?

5 THE WITNESS: [Interpretation] I don't think there was a single  
6 Serb house or maybe one at the most. In short, my answer would be no.  
7 There were no Serbs in Kijevo.

8 JUDGE MOLOTO: Thank you very much, Mr. Babic.

9 MR. WHITING: Thank you, Your Honour.

10 Q. Mr. Babic, how did you first hear about an attack on Kijevo?

11 A. I heard about it for the first time because I was told by a driver  
12 or somebody who was in my entourage in Belgrade on that day, in the  
13 afternoon, when the attack was carried out.

14 Q. Before you learned about the attack, did you have a meeting with  
15 Slobodan Milosevic?

16 A. Yes. That was the same day, after the attack.

17 Q. What happened in that meeting?

18 A. Slobodan Milosevic asked me to come to Belgrade, to come and see  
19 him. So I did. And during the meeting, he said that Frenki should go  
20 back to Krajina, that he was a good man and he praised him. I already  
21 explained that the other day. And that's when I learned from him that  
22 Franko Simatovic was the head of the second department of the State  
23 Security Service. If need be, I can go through the entire meeting again.

24 Q. No. Was there any conversation that related to this -- to the  
25 attack on Kijevo in any way?

1           A.    After that part of the conversation, I asked questions about the  
2    protection of the Serb village Otisic between Vrlika and Sinj.  It was a  
3    Serb village and there were certain incidents, provocations, as the story  
4    was among the Serb, and those incidents were created by the Croatian  
5    police searching Serb houses and looking for weapons amongst the Serb  
6    population of the village.  That was an issue that irked the Serbs there.  
7    I expressed those concerns to Milosevic and I asked him to do something to  
8    protect the population.  I supposed it could have been done the way it had  
9    been done before that, that is to deploy the JNA in the buffer zone  
10   surrounding Otisic, between Vrlika and Otisic on one side and on the other  
11   between Vrlika -- Sinj and Otisic.  After my explanation, Milosevic said,  
12   "Has that not been dealt with by now?"  And I said, "I don't know."  And  
13   that was the end of it.  When I left, I was told by someone there that  
14   early that morning, the army attacked Kijevo.

15          Q.    After you learned that the army had attacked Kijevo, did that give  
16   you any understanding about what the remark from Mr. Milosevic might have  
17   meant?

18          A.    The next day, I was back in Knin, and I went through the area  
19   because that's where my house is, where my parents and grandparents lived,  
20   as well as the parents of my wife, and I went there to see what was  
21   happening.  Therefore, I'd been to the area a day after the attack.  I  
22   reached Vrlika and I passed through Kijevo.

23          Q.    I think you may have misunderstood my question.  After you learned  
24   about the attack on Kijevo, by the army, did that affect in any way your  
25   understanding of what Mr. Milosevic had said in the meeting with you, when

1 he said, "Hasn't that problem been taken care of? Or dealt with by now?"

2 A. It had been dealt with the way that wasn't the ordinary way used  
3 until that time. Therefore, my understanding of how the situation was  
4 dealt with was different from what it may have been in the past.

5 Q. Now, you said that your family lived in the area. Can you tell us  
6 more specifically where in the area?

7 A. My mother and grandmother lived in my native village of Kukar on  
8 the outskirts of Vrlika and my parents -- my wife's parents lived in  
9 Vrlika which is a place between Civljane and Otisic in the territory of  
10 the municipality of Sinj. That is the territory controlled by the  
11 Croatian government.

12 Q. Now, who -- do you know who participated in the attack on Kijevo  
13 on the 26th of August?

14 A. The 9th Knin corps units as well as the JNA units, the police of  
15 Krajina and the local TO.

16 Q. Just so there is no confusion on the record, I think I can clarify  
17 the answer. The 9th Knin Corps, they are JNA units, are they not?

18 A. Yes.

19 Q. So the attack was done by the 9th Knin corps, the police of the  
20 Krajina and the local TO, am I understanding your answer correctly?

21 A. Yes.

22 Q. You said that you went -- you passed through Kijevo on the  
23 following day. What did you see?

24 A. I saw that the village was destroyed, and some units of the Knin  
25 corps deployed along the road. From the point when one enters Kijevo up

1 to Vrlika next to the road there were units of the police battalion of the  
2 Knin corps of the JNA, and in Civljane, there was a column of armoured  
3 vehicles of the JNA.

4 Q. You said that the village was destroyed. Can you be more  
5 specific, please?

6 A. One could see damaged houses, houses damaged by shells, either  
7 from guns or tanks, that is artillery.

8 Q. How did the damage to the houses compare to the damage to the  
9 police station in Kijevo?

10 A. It seemed to me that the surrounding houses sustained more damage  
11 than the station itself.

12 Q. Do you know if anything happened to the houses in Kijevo in the  
13 days following the attack?

14 A. They were being plundered and torched.

15 Q. Who was doing that, if you know?

16 A. The residents of the neighbouring villages and some uniformed  
17 people. The village was unprotected, and the plundering was done by  
18 whoever was there.

19 Q. Was this -- when you refer to the residents of neighbouring  
20 villages and uniformed people, can you identify the ethnicity of these  
21 people who were engaging in the plundering?

22 A. Serbs.

23 Q. Did something happen to --

24 JUDGE MOLOTO: Can I interrupt? When you say "uniformed people,"  
25 what do you mean, Mr. Babic?

1 THE WITNESS: [Interpretation] Reservists from JNA units or the TO.

2 JUDGE MOLOTO: Okay. Thank you. I'm sorry to interrupt.

3 MR. WHITING:

4 Q. What about police? Do you know if police engaged in that activity  
5 as well?

6 A. What activity?

7 Q. You said that uniformed people engaged in plundering and  
8 His Honour Judge Moloto asked you which uniformed people and you said  
9 reservists from the JNA units or the TO, and my question is what about the  
10 police? Do you know if the police engaged in plundering as well?

11 A. I don't know.

12 Q. Did something happen to your house and your family during this  
13 event?

14 A. Members of the Croatian police and armed forces were issued an  
15 order to kill the members of my family, and they also torched my native  
16 house in the village. My mother and grandmother fled, and they killed my  
17 father-in-law in his house in Vrlika. My mother-in-law managed to escape.

18 Q. Mr. Babic, how do you know that there was an issue ordered?

19 A. I was told that by a JNA officer who was in Civljane, in the JNA  
20 unit there. He said that they intercepted a radio communication between  
21 the armed forces, between the Croatian national corps guard and the  
22 police, and that they overheard that an order was issued for them to kill  
23 members of my family.

24 Q. Why, if you know, would such an order be issued, with respect to  
25 your family?

1           A.    I suppose out of vengeance with regard to myself.  I was a Serb  
2    politician in Krajina and everybody knew me, and my family lived on the  
3    Croatian territory, on the territory under the control of the Croatian  
4    government.  Probably they took the opportunity when the war started to  
5    take revenge.

6           Q.    Do you know why the JNA and TO and police forces attacked Kijevo?  
7    What was the reason for attacking Kijevo?

8           A.    At that time, the so-called deblocking action for barracks and  
9    military facilities in Croatia had already started, and it was the  
10   Croatian forces that were involved in that, following orders from the  
11   Croatian government, and it was a process that regarded all of Croatia.

12           JUDGE MOLOTO:  Can I follow something here?  Are you saying,  
13   Mr. Babic, that there is no connection between this attack and this  
14   warning that was sent to the Split police administration, Kijevo police  
15   station, and Kijevo local commune?  Is that attack not a follow-up on this  
16   warning?

17           THE WITNESS:  [Interpretation] Yes.  I would like to say, in reply  
18   to your question, that this ultimatum and this provocation that followed  
19   from the local TO militia afterwards was an agreed trigger for the JNA to  
20   start their own offensive.  So it had been a concerted effort which  
21   started with this ultimatum and then went on to develop into this  
22   offensive by the JNA.

23           JUDGE MOLOTO:  Thank you.

24           JUDGE NOSWORTHY:  There is something that I would like to clear up  
25   as well at this stage.  Mr. Babic, you had said earlier that there was not

1 exclusive interview." And then later, in the end of the second paragraph,  
2 it says, "Martić says that 'last year's raid by the people on the arms  
3 depots belonging to police had not been pre-planned.' He believes that  
4 the truce has no chance 'because we are also carrying out re-groupings and  
5 receiving new supplies of arms in reply to their moves. We have also  
6 artillery, our air force, and an army that is on our side and there is  
7 nothing to hide about this fact.' Martić also says that he did not even  
8 dream he was going to have such military might at his disposal."

9 Now there is an a reference to the truce. Is that the truce that  
10 you testified about earlier that was in place in August of 1991?

11 A. That's correct.

12 Q. And is this -- are these statements consistent with what you were  
13 hearing in the media at that time?

14 A. Yes.

15 MR. WHITING: Could this document be admitted into evidence,  
16 please, Your Honour?

17 JUDGE MOLOTO: The document is admitted into evidence. May it  
18 please be given an exhibit number.

19 THE REGISTRAR: That will be Exhibit number 215, Your Honours.

20 JUDGE MOLOTO: Thank you.

21 MR. WHITING:

22 Q. Now, Mr. Babic, you've testified a number of times about a pattern  
23 that was occurring in 1990 and particularly in 1991 with respect to  
24 provocations and attempting to draw the JNA into the conflict. I want to  
25 focus now on events after August 1991. After August of 1991, were there

1 attacks by Serb forces on Croat villages in the SAO Krajina or around the  
2 SAO Krajina?

3 A. Yes.

4 Q. Did you observe a pattern to how these attacks were carried out?

5 A. Well, the forces of the police would usually stage a provocation  
6 against Croatian-populated areas or the police force on the other side.  
7 The Croatian side would respond, after which JNA units would get involved  
8 with artillery and they would move into an offensive and advance towards  
9 Croatian-populated areas to reach certain positions.

10 Q. And what would then happen in those villages? What would be the  
11 result of the attacks?

12 A. Well, the same thing that happened in Kijevo. The residents would  
13 flee or would be expelled. The houses would be damaged in combat and  
14 later looted and torched.

15 Q. Did any individual -- would any Croat civilians remain, and if so,  
16 what would happen to them?

17 A. Few Croat civilians stayed to live there. There was overwhelming  
18 uncertainty. People were killed and their murders were not investigated.  
19 Civilians were forced to move out of their homes, to Croatian territory.  
20 There were mass expulsions of population in some areas such as Kostajnica.

21 Q. Do you know, after the attack occurred, what the roles of the  
22 different forces involved would be in this pattern?

23 A. Well, I've already tried to describe it. The police forces or the  
24 parallel structures, as we called them, would stage provocations. JNA  
25 units would move in with artillery and launch an attack, and advance.

1 They would be followed by TO militias, volunteer units who would loot and  
2 torch.

3 JUDGE MOLOTO: And torch what?

4 THE WITNESS: [Interpretation] Croatian houses.

5 MR. WHITING:

6 Q. Where did this occur? Where did you see this pattern occurring?

7 A. That happened in the broad area of Krajina. I would continue to  
8 see the consequences for months later. Not long after the incidents in  
9 Kijevo, a month or maybe two later, I would see the consequences  
10 throughout Krajina.

11 Q. Mr. Babic, you made a reference in your answer, you spoke about  
12 volunteers. Can you tell us how volunteers fit into this picture? How  
13 were they organised and what relationship did they have with the other  
14 units?

15 A. There existed two types of volunteers. First there were so-called  
16 volunteer groups and units formed from the Serb residents of Krajina, or  
17 they would form a parallel structure from the DB, the state security  
18 service in Banija and in Kordun, the most famous was the 7th Banija  
19 division. In August and September 1991, these units reorganised  
20 themselves into Territorial Defence units. Another type of volunteers  
21 were individual volunteers or volunteer units coming from Serbia.  
22 Individual volunteers would join JNA units, and volunteer units acted  
23 independently, although I must say there was only one of these in SAO  
24 Krajina, whereas in other territories, such as Eastern Slavonia there also  
25 existed such units, as units.

1 Q. The one volunteer unit that acted independently, that existed in  
2 the SAO Krajina, what was it called, if you know, and where did it  
3 function, if you know? Where did it operate?

4 A. That is the largest and the best known, 7th Banija division. It  
5 was called. It was active in Banija. That is Dvor Na Uni, Kostajnica,  
6 Petrinja, and Samarica. That is the area where weapons were first brought  
7 in by Radmilo Bogdanovic, where arms shipments came through Bosanski Novi.  
8 That unit resisted for a long time efforts to join the -- to integrate  
9 them with the Territorial Defence, once it was formed for the area of  
10 Banija, and the unit refused for a long time to subordinate itself to that  
11 staff. And its transformation into the TO of Dvor and Kostajnica finally  
12 happened after Mr. Martic took over authority over the Territorial  
13 Defence. So that this unit became part of the Territorial Defence by end  
14 September 1991.

15 Q. Okay. But you also spoke, as I understood it, about individual  
16 volunteers or volunteer units coming from Serbia and you said, and I  
17 understood this but correct me if I'm wrong, to be different from the 7th  
18 Banija division, you said "Individual volunteers would join JNA units and  
19 volunteer units acted independently, although I must say there was only  
20 one of these in SAO Krajina whereas in other territories such as Eastern  
21 Slavonia there also existed other units, as units."

22 What were you referring to when you spoke about one of these in  
23 SAO Krajina?

24 A. In SAO Krajina, that was a unit that had been established by one  
25 political party in Serbia, the Serbian renewal movement, and it was active

1           A.    For a long time, for a few months, until the beginning of October  
2    1991.

3           Q.    In 1991, did you have occasion to go through Kostajnica,  
4    Mr. Babic?

5           A.    Yes.   In November 1991.

6           Q.    What did you see?

7           A.    Areas that were populated by Croats were destroyed, and there were  
8    no Croats left there.  They had either fled or were expelled or moved out  
9    after the fighting.

10          Q.    Did you have occasion to go specifically through Dubica during  
11    1993?  Or around then?

12          A.    Yes.

13          Q.    Do you remember which year it was?

14          A.    Well, I passed there in 1993, towards the end of 1993, during the  
15    election campaign in Krajina.

16          Q.    What did you see in Dubica?

17          A.    Well, many of the settlements where Croats lived were destroyed  
18    and there were no Croats left there.

19          Q.    Were there any Serbs there?

20          A.    Yes.

21          Q.    Did you later hear anything about what had happened in Dubica?

22          A.    I heard in 1994 and 1995, I'm not sure, at a patron saint's day in  
23    Dubica where there were quite a few people they said that they had taken  
24    their revenge on the Croats from that area for what happened in 1941.

25          Q.    Who did you hear that from?

1           A.    The local Serbs, who were at this gathering.  That is what they  
2    were saying.

3           Q.    So am I to understand from the way you've answered that question  
4    that you heard that from more than one person?

5           A.    Yes.  Several people talked about that.

6           Q.    Did you hear from any other source at any other time anything  
7    about what had happened at Dubica?

8           A.    I heard it I think it was in around year 2000 when the ICTY made  
9    it known that crimes around Dubica were being investigated and that's when  
10   I heard from Savo Strbac that a mass crime committed against Croats in  
11   1991 was under investigation.

12          Q.    Did he tell you anything about what had happened there or did he  
13   just tell you that it was under investigation?

14          A.    He told me that an investigation was underway but he told me more  
15   about his area, Benkovac, which he knew more about.

16          Q.    Okay.  I'll get to that in a moment.  Let's talk now about the  
17   area of Korenica and Ogulin, specifically about Saborsko, Poljanak, and  
18   Lipovanic.

19                MR. WHITING:  And Your Honours, Korenica and Ogulin are visible on  
20   map 3 of the map book but it's also on page 19 of the atlas in the lower  
21   right part of the page.

22          Q.    Can you tell us again which units were operating in this area  
23   during the fighting, Mr. Babic?

24          A.    Yes.  I've already mentioned that those were units from the  
25   training ground in Slunj.  There was a command or rather parts of the

1 Rijeka Corps. There was a special airborne unit from Nis. Then the 5th  
2 Partizan Brigade of the JNA, the Territorial Defence of Korenica  
3 municipality, and Plaski municipality. There were police units, and the  
4 base of the state security service had some units, I don't know which.

5 Q. And is that the state security service of the SAO Krajina or of  
6 Serbia?

7 A. Frenki's units, Frenki had its base there, Franko Simatovic from  
8 the State Security Service of Serbia.

9 Q. Saborsko, Poljanak, and Lipovanic, do you know if those were Croat  
10 villages, Serb villages, or mixed?

11 A. I think Saborsko was a Croat village, and the other one was mostly  
12 Croat but I'm not quite sure.

13 Q. Do you know if there were Serb villages nearby?

14 A. Yes.

15 Q. Do you know when there was fighting there?

16 A. The conflicts there started on the 31st March 1991. There was a  
17 skirmish with the police which I talked about. However, the attack by the  
18 JNA began in end August, maybe early September 1991.

19 Q. With respect to Saborsko, do you know specifically which units  
20 participated in the fighting in and around Saborsko?

21 A. I know only that the 5th Partizan Brigade commanded by Cedo Bulat  
22 was involved in that northern area around Slunj and Plitvice lakes. I  
23 don't know any more about that.

24 Q. Did you have occasion to pass through these villages at a later  
25 date, the ones we've just been talking about?

1 A. Yes, in 1993, I passed through.

2 Q. And what did you see?

3 A. Well, villages that used to be populated by Croats and Croat  
4 houses were devastated and there were no Croat residents any more.

5 Q. Let's talk now about Northern Dalmatia and specifically about  
6 Skabrnja, Nadin and Bruska.

7 MR. WHITING: It's at page 25 of the atlas, Your Honours.

8 Q. Remind us again which units were operating there in that area.

9 A. Units of the 9th JNA Knin Corps were active there. Units of the  
10 TO from the area of Benkovac, and the units of the Krajina Police.

11 Q. The units of the Krajina Police in that area, do you know who  
12 commanded them?

13 A. The special unit was commanded by Goran Opacic. The regular  
14 police was under the command of Drazic, I think. I think Drazic was the  
15 commander then. I'm not quite sure about that, about the regular police.

16 Q. Do you know what the relationship was between Goran Opacic and  
17 Milan Martic?

18 A. Goran Opacic was both subordinated to and close to Milan Martic.  
19 They were friends.

20 Q. Who was the president of the Benkovac municipality at that time?

21 A. Zdravko Zecevic.

22 Q. Did he have any relationship that you know of to Milan Martic?

23 A. Yes. In 1991, until November, he was deputy president of the  
24 assembly of Krajina, but he was also part of the parallel government,  
25 together with Martic, and in February 1992, he became Prime Minister of

1 the government of the Serbian Krajina, when I was replaced.

2 Q. Was there a different kind of an organisational structure in  
3 Benkovac at that time?

4 A. Benkovac had a peculiar structure, different from other parts of  
5 Krajina. They had a sort of Crisis Staff. It was called Crisis Staff of  
6 Benkovac.

7 Q. Who was represented on the Crisis Staff?

8 A. The leadership of the Benkovac municipality, the police, and the  
9 Territorial Defence.

10 MR. WHITING: Could we look at 65 ter Exhibit 124, please?

11 Q. Mr. Babic, do you recognise this document?

12 A. Yes. It has been shown to me.

13 Q. What is it?

14 A. It's a report from the Crisis Staff of the north, Dalmatia. It's  
15 the Crisis Staff of Zagreb, and that's a report that the government of  
16 Croatia had at the time.

17 Q. So just to be clear because just a moment ago we were talking  
18 about the Crisis Staff of Benkovac, this is a different Crisis Staff?

19 A. We spoke earlier about the Serbian Crisis Staff in Benkovac, and  
20 this is the Croatian Crisis Staff from the same area, Benkovac.

21 Q. This document describes various events that occurred at that time.  
22 In the first paragraph it talks about mortar shells, second paragraph  
23 about an artillery attack, talks about private homes being targeted in the  
24 third paragraph, and so forth. Have you had an opportunity to read this  
25 entire document?

1 A. Yes.

2 Q. Is the report in this document about what happened in these areas  
3 accurate, to your knowledge?

4 A. It reflects faithfully the situation as it was in that area.

5 MR. WHITING: Your Honour, could this document be admitted into  
6 evidence, please?

7 JUDGE MOLOTO: The document is admitted into evidence. May it  
8 please be given an exhibit number.

9 THE REGISTRAR: That will be Exhibit number 221, Your Honours.

10 JUDGE MOLOTO: Thank you.

11 MR. WHITING: Could we look at 65 ter Exhibit number 144, which is  
12 in evidence as Exhibit 40?

13 Q. Do you recognise this document?

14 A. Yes. It's a report from the Krajina TO dated 16-17 September  
15 1991.

16 Q. If we could scroll down a little bit, it says there that "at 1750  
17 hours, Secretary Milan Martic issued the following order." And then in  
18 point 2 there is a reference to the "armoured train." Is that the  
19 armoured train that you spoke about earlier in your testimony?

20 A. Yes.

21 Q. Now, if we could scroll down a little bit further, just below  
22 point 4, it says, "At David Rastovic's request to organise the mopping up  
23 of Lovinac and Sveti Rok overnight using the Gracac forces." And it goes  
24 on. Can you remind us again who David Rastovic was at that time?

25 A. The president of the municipality of Donji Lapac was a member of

1 this parallel government that I talked about, a close associate of Milan  
2 Martic.

3 Q. Is it strange that in this report he's described as giving a  
4 request to mop up various areas?

5 A. He was involved in those fights, with Franko Simatovic and Martic.

6 Q. You described for us earlier remarks that Frenki Simatovic had  
7 about an attack on Lovinac. Is this related to that attack?

8 A. Yes. It happened after these events. I heard it from Simatovic  
9 after these events.

10 Q. In October of 1991, did you have a conversation with General  
11 Vukovic of the 9th Corps relating to the area that included Skabrnja?

12 A. Yes.

13 Q. Can you tell us about that conversation? How it came about and  
14 what occurred in the conversation.

15 A. After the signing of the agreement with representatives in Zadar,  
16 that is the agreement between the JNA command and the city of Zadar, about  
17 a cease-fire and the pullout of JNA units from Zadar, around that time, I  
18 was invited by General Vukovic to see him at his office, at the command of  
19 the 9th Corps in Knin. So I came, and he had in front of him a map of  
20 north Dalmatia, which was the area where the units of the 9th Corps of the  
21 JNA were deployed. He asked me to point out Serb-populated areas in that  
22 territory, Serb settlements. And he told me to pay special attention to  
23 the edge of that zone where his units were deployed. I enumerated all I  
24 knew and showed him all the Serb villages. He kept looking at the map and  
25 shaking his head, and then he said, "I can't wait for winter this way. I

1 have to level it." He meant that he had to narrow down defence lines and  
2 regroup his forces and shorten the front line in order to have a better  
3 situation for the winter. That was the reason.

4 MR. WHITING: Your Honour I have just one last question on this  
5 topic and then it would be a convenient time for the break.

6 Q. What -- what did you understand him to mean that he had to shorten  
7 the front line and did this have any consequence for Skabrnja?

8 A. That area, especially the area of Benkovac and the environs of  
9 Zadar, was such that the contact line between Serb and Croat settlements  
10 was a curved line. I already explained how I understood Vukovic's  
11 comment, that he had to level it out and shorten the front line. If he  
12 deployed his units only across Serb settlements, he would get a very long  
13 line of deployment, and if he shortened it and made it a straight line, it  
14 would be a smaller area to defend, a shorter contact line with the  
15 opposite side. That's how I understood it.

16 Of course, he didn't give me any details, but from what happened  
17 later on, I understood what happened. Skabrnja and Nagin [as interpreted]  
18 were deeper into the territory surrounded by Serbs and JNA and other  
19 forces, including the TO leveled that line in the military sense, and  
20 occupied the area of Skabrnja. Savo Strbac told me that expressly when I  
21 asked him why that had happened in Skabrnja and he said as much. He said  
22 they were deep into our territory and we had to take control. So my  
23 understanding of Vukovic's comment turned out to be correct. Of course, I  
24 couldn't know then what consequences that takeover would have and the  
25 consequences for the local population were terrible.

1 Q. Mr. Babic, I'll ask you some more questions about your  
2 conversation with Savo Strbac about this after the break but we are now  
3 overdue and I apologise for going over.

4 JUDGE MOLOTO: Court adjourned. We will come back at quarter to.

5 --- Recess taken at 10.20 a.m.

6 --- On resuming at 10.46 a.m.

7 JUDGE MOLOTO: Mr. Whiting.

8 MR. WHITING: Thank you, Your Honour.

9 Q. Mr. Babic in the answer that you gave before the break, there was  
10 a reference as translated to us to Skabrnja and Nagin. Is it Nagin or  
11 Nadin?

12 A. Nadin. But I would like to say one more thing, if you allow me.  
13 Maybe I wasn't precise enough about the names of two people in Benkovac.

14 Q. Please do. Please explain.

15 A. Concerning Drazic, I think he was for a while commander of the  
16 municipal TO Staff, whereas I had spoken earlier about the regular police.  
17 I wasn't sure. For a while, it was Vujko who commanded the regular  
18 police. That was perhaps the inaccuracy.

19 Q. Thank you for that clarification.

20 Before the break, you started to tell us about a conversation that  
21 you had with Savo Srbcac about what had happened at Skabrnja. When did you  
22 have that conversation?

23 A. That conversation was in year 2000, around that time, in Belgrade.

24 Q. What did he tell you about Skabrnja?

25 A. He said that at the time, he headed the commission in charge of

1 exchanging bodies of the dead between Benkovac and Zadar, that is between  
2 the Serb and Croat sides. He was on the Serb panel in Benkovac in charge  
3 of exchanging bodies. He spoke about events in Skabrnja because the Croat  
4 press reported it, and I don't know what the reports of the ICTY  
5 investigators were, but he commented on the press coverage. He said there  
6 had been no mass killings of civilians in Skabrnja and there had been no  
7 mass burials without marking the graves. He said that people were killed  
8 individually in fighting and everybody was buried in an individual grave  
9 that was marked, and the bodies were later delivered to the Croat side.  
10 That was his comment, and he also added that it wasn't true that Goran  
11 Opacic who was also known as Klempo had been involved in the fighting all  
12 the time. He said Goran Opacic had been there at the outset but later  
13 left. And that was his comment on those events, that I heard.

14 And I did ask him, "Why did you do this over there? Why did this  
15 fighting occur at all?" And he said, "They were deep in our territory."  
16 And I said, "Who was involved?" And he answered, "Well, everybody, the  
17 police and the army."

18 Q. Did you also have a conversation with him about what happened at  
19 Bruska?

20 A. Yes. He said Klempo, that is Goran Opacic, chief of the special  
21 police from Benkovac had thrown a hand grenade into a house in Bruska  
22 where there were Croats gathered and a Serb postman, killing everybody,  
23 and he said the man was mad. He said it was absolute madness, a folly,  
24 what he had done.

25 Q. Did Savo Strbac have any connection to your making contact with

1 the Office of the Prosecutor after you saw the Milosevic indictment?

2 A. Yes. He put me in touch with the office of the Tribunal in  
3 Belgrade. In fact, he transmitted to them my message that I wanted  
4 contact with the Tribunal, and they informed the investigations here in  
5 The Hague, after which I got in touch with the investigators and the OTP.  
6 Even before that, he talked to me about cooperating with the Tribunal but  
7 concerning the investigation of the Croat Operation Storm in Krajina.

8 Q. Is that why he put you in touch with the OTP?

9 A. Yes. In fact, he is leading a non-governmental organisation that  
10 investigates crimes against Serbs committed by Croats, members of the  
11 Croat armed forces, in 1995.

12 Q. Mr. Babic, do you know if Savo Strbac made any statements  
13 concerning you at the time you pled guilty at the Tribunal?

14 A. Yes. At the moment when he put me in touch with the Tribunal, he  
15 was convinced that I would deny everything that was being said about me  
16 and about the Serbs in Krajina. After I started cooperating with the  
17 Tribunal, however, and after I testified in the Milosevic case, and  
18 especially after I pleaded guilty, he stated, before the press, that I  
19 used to be a firm man, and I had become a walkover, a rag.

20 Q. Mr. Babic, in the fall of 1991 or after, did you hear of any  
21 investigations or punishment of any Serbs in the SAO Krajina for having  
22 committed crimes during the war or during fighting?

23 A. In the course of 1991, I don't remember. Later on, there were  
24 investigations.

25 Q. What did you learn later on about investigations?

1           A.     There was one case in the area of Knin where members of the Serb  
2     army of the SAO Krajina had suffered some losses fighting with Croats and  
3     after that they killed Croat civilians in their own village, out of  
4     revenge, and then they were arrested either by the police or the military  
5     police and they were put in prison but I seem to have heard they had  
6     escaped.

7           Q.     Do you know when that occurred?

8           A.     1993.

9           Q.     Did you hear about any other investigations for -- related to  
10    crimes committed against Croat civilians in 1991?

11          A.     No.

12          Q.     Mr. Babic, you spoke earlier in your testimony about prisons in  
13    Knin. Can you tell us, were there in the -- in the summer or fall of  
14    1991, were there any prisoner exchanges between the Croat side and the  
15    Serb side?

16          A.     Yes. Prisoners and detainees, yes.

17          Q.     What do you know about that?

18          A.     The police of the Krajina, or rather Mr. Martic, exchanged  
19    Croatian policemen that had been taken prisoners for Serb policemen who  
20    had been taken prisoner.

21          Q.     Do you recall any specific occasions when that occurred, that you  
22    could describe for us?

23          A.     Well, I recall three situations that I was involved in.

24          Q.     Tell us about them, please.

25          A.     I remember something that happened during the summer, perhaps it

1 was the month of June, beginning of August, when the commander of the Knin  
2 Corps, General Nikovic, called me into his office and said to me that  
3 Martic has a prisoner from Sibenik, a policeman, and that he talked to  
4 representatives of the Sibenik police in terms of whether Martic could  
5 release him, and then he wanted the two of us to reach agreement. He  
6 said, "Let's you and me ask Martic together to release him." I think the  
7 policeman was released. But Mr. Martic, I guess, did not get any one in  
8 return in this exchange and then he said, in the newspapers later on, that  
9 he regretted having done it. That was one situation.

10 Another situation was when I also received a message from some  
11 doctor from Zadar who is from the same area that I'm from, that Martic has  
12 a policeman who was taken prisoner and he asked me whether I could do  
13 something to have him set free. Then I called some of Martic's people, I  
14 think it was Amanovic, and asked whether they would release the man. They  
15 said they would. But since there was no exchange in return, then I would  
16 have to sign the document. I think that this man was also released.

17 The third case was around the 10th or 12th of September 1991,  
18 during the visit of Ambassador Wijnaendts after the statement was signed  
19 in terms of accepting the European proposal on a cease-fire in Croatia.  
20 Ambassador Wijnaendts asked whether he could take some Croat prisoners  
21 along with him. I conveyed this information to Nikola Amanovic, Martic's  
22 assistant, to brought a list of prisoners that the Krajina Police held,  
23 and we handed this list over to Ambassador Wijnaendts who circled a group  
24 of people on this list that he took along with him. Those are the cases  
25 that I'm aware of.

1 Q. You said with respect to the second case, the one -- when you  
2 received a message from a doctor in Zadar, that they told you that you  
3 would have to sign a document. Did you sign a document?

4 A. Yes, I did.

5 MR. WHITING: Could we see 65 ter Exhibit 99, please?

6 JUDGE MOLOTO: Before we do that, is this document, this one of  
7 16-17 September 1991 in evidence?

8 MR. WHITING: No, it isn't. Could it be put into evidence,  
9 please? Thank you, Your Honour.

10 JUDGE MOLOTO: Thank you. The document is admitted into evidence.  
11 May it please be given an exhibit number.

12 [Trial Chamber and registrar confer]

13 MR. WHITING: Your Honour, I see my notes and perhaps you're being  
14 told this as well by the Registrar, that it's already in evidence as  
15 Exhibit 40.

16 JUDGE MOLOTO: Thank you very much. I apologise for the  
17 confusion.

18 MR. WHITING: Well, thank you. I could very easily have missed  
19 that.

20 Q. Mr. Babic, could we scroll down on the document, please? So we  
21 could read the text? Is -- do you recognise this document, Mr. Babic?

22 A. Yes. This is the document that I was asked to sign in order to  
23 release the policeman from Zadar who was taken prisoner by the Krajina  
24 Police.

25 JUDGE MOLOTO: Sorry, that document is not coming on my screen.

1 Thank you.

2 MR. WHITING:

3 Q. Mr. Babic, aside from signing that document, did you do anything  
4 to release this person?

5 A. No.

6 Q. Do you know who released him?

7 A. Mr. Martic.

8 Q. Mr. Babic, did you hear anything during 1991 about how prisoners  
9 were treated in the prisons in Knin?

10 A. I heard towards the end of 1991, in the autumn, or at the end of  
11 1991, from the justice minister in the Krajina government, Risto Matkovic  
12 that prisoners in jail were being mistreated by the police, who were  
13 detaining them there.

14 Q. Why did Risto Matkovic tell you that, if you know?

15 A. He said to me that we could, if I agree, have him talk to  
16 Mr. Martic, Minister of the Interior; if I agree, that he take measures  
17 and bring in professional prison guards so that this mistreatment would  
18 stop and that order would be imposed.

19 Q. Did that happen?

20 A. Yes.

21 Q. When did it happen?

22 A. Towards the end of 1991. I cannot remember exactly now.

23 Q. Did somebody take charge of the prisons?

24 A. Professional prison guards, under the administration of Taus. I  
25 think that was the name of the man who brought in this group of

1 Q. Do you know what happened to Veljko Dzakula after the Daruvar  
2 agreement was negotiated and announced?

3 A. He was charged with treason and arrested by the MUP of Krajina,  
4 and he was kept in jail. I also heard that he had been beaten up in  
5 Belgrade after giving an interview in the studio B radio.

6 Q. What was the Z-4 plan?

7 A. The plan Z-4 was a political solution for Krajina. It envisaged  
8 autonomy for the area, that encompassed the Serbian Autonomous District of  
9 Krajina, and it envisaged the integration of that area into Croatia with  
10 that status. It also envisaged the integration of Western Slavonia into  
11 Croatia without any special status. Immediately, as soon as it was  
12 proposed in 1995, and probably the integration of Eastern Slavonia, Srem,  
13 and Baranja within a certain period.

14 Q. Did you have any role in the negotiations or meetings with respect  
15 to the Z-4 plan?

16 A. Yes. From the beginning of 1995, from January until August 1995,  
17 I had several meetings with the main proponents of the plan, primarily the  
18 American ambassador in Zagreb, Mr. Peter Galbraith, and I also attended  
19 meetings of political representatives and the leadership of the Republic  
20 of Serbian Krajina when that plan was proposed by the Z-4 group to the  
21 president of the RSK and that was Mr. Martić at the time.

22 Q. What was Martić's position with respect to the Z-4 plan?

23 A. He did not wish to even consider it.

24 Q. How do you know that?

25 A. I was there at the meeting.

1 Q. Can you describe this meeting to the Chamber, please? When did it  
2 occur, how did it occur?

3 A. That meeting was held in early February, I believe, end of January  
4 or early February 1995, in Knin. I was invited by Martić, together with  
5 Prime Minister Mikelic, with the speaker of the assembly, Rajko Lezajic,  
6 representatives of the police and the army of the Republic of Serbian  
7 Krajina. A large group of people in fact. Martić called us into his  
8 office, perhaps half an hour before he was to meet the ambassadors from  
9 Zagreb. He said the ambassadors were about to bring a plan, that it  
10 contained nothing he wasn't aware of. He knew all that was in the plan.  
11 And then he took out a piece of paper from his drawer and he said, "They  
12 will be bringing nothing new. And President Milosevic says that we should  
13 not accept even to consider it." After that we went to meet the  
14 ambassadors. There, at that meeting, on behalf of the group of  
15 ambassadors who had arrived from Zagreb, Ambassador Kerestedzijanec  
16 proffered a plan to Mr. Martić, but Martić refused even to touch it. He  
17 said, "No. We won't even consider it before the Vance Plan is  
18 implemented." The Vance Plan, however, had already been cancelled by  
19 Croatia.

20 Q. Was Ambassador Galbraith present at that meeting?

21 A. Yes. As I said, Ambassador Galbraith was the architect of the  
22 whole plan, and its main proponent, but I understood that out of the  
23 respect that Mr. Martić had for the Russian ambassador personally, the  
24 Russian ambassador was chosen to officially hand in the plan.

25 Q. Did you have any conversation with Ambassador Galbraith?

1           A.    I just told him one single sentence in English, a very short one,  
2           and that I said, "I'm sorry," after the talks failed.

3           Q.    Why did you say, "I'm sorry"?

4           A.    Because I was in favour of that plan, and because I had met him  
5           several times before that and discussed it.

6           JUDGE MOLOTO:   Just before I forget, Mr. Babic, did you get to  
7           know the content of this piece of document that Mr. Martic pulled out of a  
8           drawer?

9           THE WITNESS: [Interpretation] Yes.   At my previous meeting with  
10          Mr. Galbraith, Mr. Galbraith explained the contents of the plan to me.  He  
11          didn't --

12          JUDGE MOLOTO:   May I interrupt?  I'm not talking about the plan.  
13          I'm talking about the document that you say, when you met Mr. Martic.  
14          Before the ambassadors arrived, he told you he was not interested in the  
15          Z-4 plan and he pulled a document from his drawer.  But you never said  
16          anything about that document.  I just want to know what is the  
17          significance of this document.

18          THE WITNESS: [Interpretation] That document was in fact the Z-4  
19          plan.  Maybe a shorter version of it, but it contained the essence of the  
20          Z-4 plan.  Martic already had it in his drawer.

21          JUDGE MOLOTO:   Did you come to know the contents of the Z-4 plan?

22          THE WITNESS: [Interpretation] It was the same as what had been  
23          described to me by Mr. -- or, rather, Ambassador Galbraith.  What I said  
24          already about the contents of the Z-4 in my evidence.  It referred to the  
25          SAO Krajina, the Western Slavonia and the Eastern Slavonia, and it would

1 have given status of high autonomy to the SAO Krajina within Croatia.

2 JUDGE MOLOTO: Thank you very much, Mr. Babic. You can proceed,  
3 Mr. Whiting.

4 MR. WHITING: Thank you, Your Honour.

5 Q. Mr. Babic, was the Z-4 plan successful?

6 A. The Z-4 plan was not successful because the day after I accepted  
7 it as Prime Minister, the Croatian armed intervention against Krajina  
8 followed. It was known as the Operation Storm, and in the beginning of  
9 August 1995, Krajina was retaken by Croatian forces.

10 Q. When you accepted the Z-4 plan on the day before the Operation  
11 Storm in August of 1995, who did you communicate that to?

12 A. Actually, I accepted it two days before that. I said that to  
13 Ambassador Galbraith at the talks that were held in Belgrade, at the  
14 American embassy there, and the following day I made a public statement  
15 about that. I also informed the delegation of the Republic of the Serb  
16 Krajina about that. On that day they were engaged in talks with the Croat  
17 side in Geneva.

18 Q. Did Mr. Martić accept the Z-4 plan?

19 A. As far as I know, no.

20 MR. WHITING: Your Honour, I had hoped to finish today. I would  
21 say I have about ten minutes, maybe 12, 13 minutes, left. And so I think  
22 since we have reached the hour, I will have to finish it tomorrow.

23 JUDGE MOLOTO: You'll have to finish tomorrow. Thank you very  
24 much, Mr. Whiting.

25 Court adjourned, to be reconvened tomorrow morning at 9.00 in the

1 Tuesday, 21 February 2006

2 [Open session]

3 [The witness entered court]

4 [The accused entered court]

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

6 JUDGE MOLOTO: Mr. Whiting, you can have your last 13 minutes.

7 MR. WHITING: Your Honour, did you -- did the Court want to  
8 caution the witness before we started?

9 JUDGE MOLOTO: Indeed. Thank you very much.

10 Mr. Babic, as always, once again you are being reminded you're  
11 bound by the declaration you made to tell the truth and nothing else but  
12 the truth. Thank you very much.

13 MR. WHITING: Thank you, Your Honour.

14 THE WITNESS: [Interpretation] Yes, Your Honour.

15 WITNESS: MILAN BABIC [Resumed]

16 [Witness answered through interpreter]

17 Examination by Mr. Whiting: [Continued]

18 Q. Good morning, Mr. Babic, can you understand me?

19 A. Yes. Good morning. I can.

20 Q. Mr. Babic, what was Operation Flash?

21 A. Operation Flash was a Croatian military police intervention on the  
22 territory of Western Slavonia which was held by the Serbs, at the  
23 beginning of May 1995.

24 Q. Do you know what if anything precipitated Operation Flash?

25 A. Well, what precipitated it was, and what was the reason for the

1 operation, were the events that took place along the motorway from Okucani  
2 on the territory of the Republic of Srpska Krajina.

3 Q. Can you tell us what those events were?

4 A. Those events came about after a long period of negotiation between  
5 the representatives of the government of Croatia and the government of the  
6 Republic of Srpska Krajina which I took part in. The negotiations went on  
7 for some months, about the normalisation of relations between the Republic  
8 of Srpska Krajina and Croatia in the sense of linking up the electrical  
9 power system and the water work system and opening up the motorway between  
10 Zagreb and Belgrade, opening the railway lines and things like that.  
11 After those talks, a portion of the agreement was realised and that was  
12 the opening of the Belgrade-Zagreb motorway across the territory which was  
13 controlled by the Republic of Srpska Krajina, and that was Western  
14 Slavonia, that area there, and a small part of Eastern Slavonia. The  
15 motorway functioned or was opened for a time until -- in 1995, until May  
16 1995, and after the motorway was running normally, incidents took place  
17 along the motorway and it was closed.

18 Q. Who closed it, if you know?

19 A. Well, as far as my information told me, from the Prime Minister,  
20 Mikelic, Mr. Martic, with policemen and people from the area of Okucani  
21 issued orders to close off the motorway.

22 Q. What happened after the motorway was closed?

23 A. Negotiations were conducted to discuss its reopening. However,  
24 Croatia opened the motorway by force or rather there was a military police  
25 operation, an onslaught by which it opened the motorway and took control

1 of the territory of Western Slavonia which had hitherto been under the  
2 control of the Serbs. So those were the operations and they went on for  
3 several days, the 1st, the 2nd, and the 3rd of May, in fact. Everything  
4 was over by then.

5 Q. And is that what we referred to earlier as Operation Flash?

6 A. Yes. Yes. That is Operation Flash.

7 Q. Did Milan Martić, to your knowledge, do something after Operation  
8 Flash?

9 A. Well, he -- on the second day of the -- of Operation Flash, he  
10 ordered the shelling of the town of Zagreb in retaliation for Croatia's  
11 intervention in Western Slavonia.

12 Q. And how do you know that he ordered it?

13 A. He said himself, on television, that he had issued the order.

14 Q. Mr. Babic, I'd like to look at intercept 593, please.

15 And there is a beginning part there that I would like to ignore  
16 and just start with Mikelic and Milosevic, and in your declaration, you  
17 stated that you recognised the voices of Slobodan Milosevic and Borisav  
18 Mikelic. You've referred in your testimony to Borisav Mikelic. Could you  
19 remind us again who he was at that time, in 1995?

20 A. Borisav Mikelic was at the time the Prime Minister of the Republic  
21 of Srpska Krajina.

22 Q. There was at the time that you yourself was in the government --  
23 were in the government as the Minister of Foreign Affairs; is that  
24 correct? You testified about that earlier.

25 A. Yes.

1 JUDGE MOLOTO: Sorry, in which government SAO Krajina or Srpska  
2 Krajina?

3 MR. WHITING: At this time it's the RSK in 1995, the Republic of  
4 Srpska Krajina.

5 JUDGE MOLOTO: Okay. Okay.

6 MR. WHITING:

7 Q. Can you tell me how many times you had occasion to speak with  
8 Borisav Mikelic?

9 A. Well, frequently. I can't give you an exact number but over the  
10 course of two years, I was a member of the government of which he was  
11 Prime Minister, so fairly often. Sometimes daily. Every day.

12 Q. Could you tell us just in general terms what this conversation is  
13 about?

14 A. In this conversation, they are discussing topics linked to the  
15 events which took place in Western Slavonia, and that was Martic's order  
16 of the shelling of Zagreb and the consequences thereof, what came before  
17 the event, then there is mention there about certain additional matters  
18 such as the meeting of a joint council of the supreme defence between the  
19 Republic of Srpska Krajina and Republika Srpska, mention is made of the  
20 problems that the Minister of the Interior is encountering, and  
21 preparations for an assembly meeting of the Republic of Srpska Krajina.  
22 But for the most part it's all linked to this particular events in Western  
23 Slavonia and Operation Flash and the shelling of Zagreb.

24 Q. I have to pause for a moment because I lost my transcript. I just  
25 have to get it back up here.

1 I'd like to play a clip that starts at page 2 of the English and  
2 page 2 of the B/C/S. It starts with Mr. Mikelic saying, "Boro speaking."  
3 Do you see that? On page 2 of the transcript. Sorry, actually I think  
4 it's on page 1 of the B/C/S. It starts on page 1, at the bottom of page 1  
5 of the B/C/S transcript. Do you -- yeah.

6 MR. WHITING: And if we could turn the Sanction on from the AV  
7 booth, please. It actually starts with, "Hello, Mr. President."

8 [Intercept played]

9 THE INTERPRETER: [Voiceover] "Hello, Mr. President, what's up?"

10 MR. WHITING: The procedure that we agreed to yesterday with  
11 respect to this -- these transcripts and we may have to provide the B/C/S  
12 to the French booth, is that in the -- is that the English -- the  
13 interpreters do not need to read the English transcript and we'll just  
14 listen to the original.

15 THE INTERPRETER: Yes, thank you.

16 MR. WHITING: And the French booth is now being provided with the  
17 transcript in B/C/S which we should have done before we started today, and  
18 my apologies. And as soon as they have it we can start playing it. And  
19 again for the benefit of the French booth, it starts at the bottom of page  
20 1 of the B/C/S or the top of page 2.

21 Okay. If we could play it now.

22 [Intercept played]

23 MR. WHITING:

24 Q. Mr. Babic, in that clip, Slobodan Milosevic says, "No one doubted  
25 Tudjman's unscrupulousness even before, but if there had not been for

1 Martic's capriciousness the road would not have been opened for his  
2 unscrupulousness. Martic's capriciousness has opened the road for the  
3 unscrupulousness of Tudjman because if he had not done that thing with the  
4 motorway, which he did and started the fires, this one would never have  
5 dared due to the international situation, to put in question a decision  
6 which has been set and sanctioned by UN regarding the regime in Western  
7 Slavonia." What do you understand that to mean?

8 A. Well, this is provocation, in fact, on the part of Martic, which  
9 took place when the motorway was closed, the violation of the agreement  
10 reached between the government of Krajina and government of Croatia under  
11 the auspices or leadership of the United Nations, who were the guarantor  
12 of that agreement. So that is the provocation. It was a provocation to  
13 close the motorway and violate the international agreement.

14 Q. And when Mr. Milosevic says, "If he had not done that thing with  
15 the motorway, which he did and started the fires, this one never would  
16 never have dared." Dared do what, as you understand it?

17 A. To militarily attack Western Slavonia.

18 Q. I'm going to play a second clip and this one begins on page 3 of  
19 the English transcript, page 2 of the B/C/S. It begins with where Mikelic  
20 says, "Martic was in Banja Luka yesterday."

21 Now, when we listen to this clip, Mr. Babic, I'm going to ask you  
22 to listen very carefully to see if you can tell who says what in this  
23 clip. It's a little hard to hear in the courtroom. It's actually -- I  
24 can say it's easier whether we have listened to it outside the courtroom  
25 but playing it through the system in the courtroom, a little hard but I

1 MR. WHITING:

2 Q. Were you able to tell who says that second part that he said he  
3 made a decision on shelling Zagreb, Karlovac, Sisak, he is a man -- "what  
4 a smart man is ashamed of a crazy man is part of, he pointed it out as his  
5 achievement." Were you able to tell who said that in the clip?

6 A. Milosevic.

7 Q. Thank you. I'm going to play another clip which is on page 4 of  
8 the English, it's on page 3 of the B/C/S. And this is a clip starts with  
9 Milosevic saying, "At the assembly his resignation should be demanded."  
10 Do you see where that is?

11 A. Yes.

12 [Intercept played].

13 MR. WHITING:

14 Q. Mr. Babic, in that clip, Mr. Milosevic says, "He is a criminal who  
15 does not think, he reacts like an animal and not like a man. Yesterday he  
16 ordered to shell Zagreb." Who do you understand him to be talking about?

17 A. Milan Martic.

18 Q. He then makes reference to 7.000 people in encirclement. What do  
19 you understand that to be a reference to?

20 A. That was, yes, about 7.000 civilians and soldiers in an  
21 encirclement which were located in the Pakrac area, because the Croatian  
22 army and police cut across the escape route to the population and the  
23 soldiers towards Banja Luka or the territory of Republika Srpska. They  
24 were under siege. They were in an encirclement, the Serbs were encircled  
25 by the Croatian police and military.

1 Q. And to your knowledge, did the shelling of Zagreb have any effect  
2 on those people who were encircled, in any way?

3 A. Well, it could have led to Croatian retaliation and have the  
4 people as victims of that.

5 Q. Finally I want to play a clip -- no, not finally. There are two  
6 more.

7 There is -- the fourth clip is on page 5 of the English and page 5  
8 of the B/C/S. And it starts with Milosevic saying, "It should be said at  
9 your assembly."

10 A. Yes. I've found it.

11 [Intercept played]

12 MR. WHITING:

13 Q. In that clip, Milosevic says, "When everything was ready for the  
14 motorway to be open, Martić said it was out of question to open the  
15 motorway. So after that, Croatia attacked and Tudjman said that he must  
16 open the motorway" .

17 What is that a reference to, as you understand it?

18 A. I've already mentioned that once the motorway was closed off,  
19 there were negotiations to reopen it, and it was already agreed that the  
20 motorway would be reopened, and then Martić said it was out of the  
21 question, and that he would not allow for the motorway to be opened, and  
22 this is what it's all about.

23 Q. Finally the last clip, it's on page 6 of the English and it's at  
24 the bottom of page 4, top of page 5 of the B/C/S. And it's about halfway  
25 down the page on the English, and it starts with Milosevic saying, "He

1 cannot violate the constitution. He caused half of it by violating the  
2 constitution." I think it's at the bottom of page 4. Okay.

3 MR. WHITING: If we could play that clip, please.

4 [Intercept played]

5 MR. WHITING:

6 Q. Mr. Babic, in that last clip, Mr. Milosevic says, "He behaves like  
7 a mad dog. Even Hitler did not do that. He tore Krajina apart. He is a  
8 dangerous troublemaker and a criminal. He is boasting about having  
9 shelled Zagreb. The thing a smart man is ashamed of a lunatic is proud  
10 of." Who do you understand him to be talking about in that clip?

11 A. Milan Martić.

12 MR. WHITING: Your Honour, could this intercept be marked for  
13 identification, please?

14 JUDGE MOLOTO: The intercept 593 --

15 MR. MILOVANCEVIC: [Interpretation] Your Honour, I apologise. I  
16 believe that I have not seen the date of this conversation, and I don't  
17 know whether there is an indication to that effect. Could we do that  
18 before we mark this document for identification? Otherwise we do not  
19 object for this document to be identified, but we would like to have the  
20 date in order to avoid any subsequent dispute with this regard.

21 MR. WHITING: Well, I think all I can do now is ask the witness if  
22 he has any indication about what the date is based on the context of the  
23 statement, and we can put further evidence in about when this intercept  
24 was -- what the date of the intercept is.

25 JUDGE MOLOTO: Okay.

1 MR. WHITING:

2 Q. Mr. Babic, given the references in the discussion, are you able to  
3 tell approximately what the date of the conversation is?

4 A. It may have been the 3rd or the 4th of May, after the 1st or the  
5 2nd of May so it could have been the 3rd or the 4th of May. At that time,  
6 after the shelling of Zagreb, which took place on the 2nd of May. It may  
7 have been on the 2nd of May as well, because a mention is made of the  
8 second shelling so it could have been on the 2nd but in any case between  
9 the 2nd of May and the 4th of May.

10 JUDGE MOLOTO: Of what year?

11 THE WITNESS: [Interpretation] 1995.

12 JUDGE MOLOTO: Thank you.

13 MR. WHITING:

14 Q. There are a number of references to an assembly that is going to  
15 occur. Do you recall approximately when that assembly occurred?

16 A. This is a different date, before this conversation took place, and  
17 the date is the 17 and 18 of May 1995. So this conversation did take  
18 place between the 2nd of May and the 17 of May 1995, and that's for sure.

19 MR. WHITING: Thank you. Could it be marked for identification,  
20 please?

21 JUDGE MOLOTO: Thank you. Intercept 593 is marked for  
22 identification. May it please be given an exhibit number.

23 THE REGISTRAR: That will be marked for identification number 233,  
24 Your Honours.

25 JUDGE MOLOTO: Thank you.

1 MR. WHITING: I see the Bench perhaps has a question.

2 JUDGE NOSWORTHY: Yes. Mr. Whiting, I'm very sorry I'm not  
3 comprehending. I thought the witness said when you asked him about the  
4 date of this assembly that it was a different date before this  
5 conversation took place and the date is the 17th and 18th of May 1995.  
6 Could we get a clarification?

7 MR. WHITING: Yes, Your Honour. I think -- yes we can try and  
8 clarify that.

9 Q. Mr. Babic, the assembly that's referred to, when did that occur,  
10 if you know?

11 A. On the 17th and 18th of May 1995.

12 Q. And based on what you have -- what you see in this transcript, are  
13 you able to tell whether this conversation occurred before or after the  
14 assembly on the 17th and 18th of May 1995?

15 A. Before the assembly.

16 Q. Thank you?

17 MR. WHITING: I hope that clears it up.

18 Q. Mr. Babic, I asked you with respect to some of the transcripts but  
19 I neglected this question with respect to others so I want to put this  
20 question to you with respect to all of the intercepts that you've listened  
21 to during your testimony and you've spoken about during your testimony  
22 here in this trial. And the question is this: With respect to all of the  
23 intercepts, are the statements that are made by the people in the  
24 conversations consistent with what you understood, what you knew to be  
25 their positions at the time?

1           A.    Yes.

2           Q.    Having listened to the intercepts and looked at the transcripts  
3           and considered them, is there anything that causes you to doubt the  
4           authenticity of any of the intercepts that you have spoken about in your  
5           testimony here in this trial?

6           A.    No.

7           Q.    Mr. Babic, finally, I want to begin -- I want to end where we  
8           began. And I want to ask you this. I want you, if you could, to tell the  
9           Trial Chamber in your own words what you were responsible for in 1991.  
10          What did you plead guilty to? What do you take responsibility for?

11          A.    In 1991, I succumbed to the passions of politics and ethnical  
12          egotism. I believed that it would be possible to achieve the goal that  
13          Slobodan Milosevic set and that was to create a one-state for all Serbs.  
14          I believe that this was doable by ethnic separation without any clashes,  
15          starting from an approach within the then political system of Yugoslavia,  
16          which said that the municipality is a basic unit and that there is room  
17          for self-determination. I used my political authority. I invested it in  
18          the organisation of the Serbian Autonomous Province of Krajina. I had my  
19          personal fears and I had mistrust of the government of Croatia and I  
20          shared those with the people of Krajina and I openly conveyed my fear to  
21          these people, and that's how I instigated their mistrust of the government  
22          and I also contributed to the hatred between the peoples and the Serbian  
23          people towards the Croatian state. I became a popular politician in  
24          Krajina. I occupied a highest position in Krajina. I won the trust and I  
25          created the institutions of the Serbian Autonomous Province of Krajina. I

1 created its institutions.

2 When the war started and when I realised that the creation of the  
3 Greater Serbian state is being carried out by force by the persecution of  
4 Croats, I kept quiet and I continued performing my public duties. I did  
5 have an opportunity to step back, to resign, to withdraw, but I remained  
6 in my position and I became responsible or co-responsible for whatever  
7 happened in Krajina.

8 MR. WHITING: Thank you.

9 JUDGE MOLOTO: I would like to ask just one question, Mr. Babic,  
10 on the statement you've just a made. Are you saying that you,  
11 Mr. Milan Babic are not responsible for any act of violence against  
12 anybody other than for the position you held as Prime Minister of the SAO  
13 Krajina?

14 THE WITNESS: [Interpretation] No. What I'm saying is that I  
15 contributed to the acts of violence by performing my duties, by creating  
16 institutions, by setting up institutions, one of them being the  
17 Territorial Defence, by speaking in public, by instigating people, by  
18 persuading them that life in a Serbian state separated from Croats is a  
19 guarantee of safety, and I am responsible for that.

20 JUDGE MOLOTO: Let me ask you the same question differently. Have  
21 you, during your term as a leader in the SAO Krajina, given an order to  
22 anybody to commit crime, to kill anybody, to loot, to destroy homes? You  
23 never gave that order to anybody?

24 THE WITNESS: [Interpretation] No, never.

25 JUDGE MOLOTO: Thank you.