



1 Wednesday, 11 June 2008

2 [Open session]

3 [The witness entered court]

4 --- Upon commencing at 2.48 p.m.

5 [The accused entered court]

6 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, could you please

7 call the case.

8 THE REGISTRAR: Thank you and good afternoon, Your Honours. This

9 is case number IT-03-67-T, the Prosecutor versus Vojislav Seselj.

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

11 This is Wednesday, June 11, 2008, and I greet the representatives

12 of the OTP, our witness, as well as Mr. Seselj and everyone helping us.

13 I have an oral decision to deliver. It requires private session.

14 The witness is here, and I don't have a problem with this, because no

15 names are mentioned. There's only a number that is mentioned.

16 So let's move to private session, Mr. Registrar, please.

17 [Private session]

18 (redacted)

19 (redacted)

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21 (redacted)

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23 (redacted)

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**Page 8042**

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11 Page 8042 redacted. Private session.

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12 (redacted)

13 [Open session]

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

15 JUDGE ANTONETTI: [Interpretation] Witness, you can put your

16 headset back on. Thank you for your patience.

17 Mr. Seselj, you have the floor. So far, you've used up 21

18 minutes. You have one hour and thirty-nine minutes left.

19 WITNESS: PERICA KOBLAR [Resumed]

20 [Witness answered through interpreter]

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

22 Q. [Interpretation] Mr. Koblar, you described during the

23 examination-in-chief a locality at Golo Brdo and these bunkers where you  
24 were together with your group. You described heavy artillery fire at  
25 these bunkers, and then you made statements to the contrary in several of

**Page 8044**

1 your statements, as a matter of fact.

2 In the statement that you gave to the OTP in 2004, you say that  
3 these bunkers were very well built, and in other statements you say that  
4 these bunkers were poorly built. What is the truth, then?

5 A. I beg your pardon. Yes, yes, thank you, now I can see. I'm  
6 waiting for the translation to come out.

7 Q. Are they interpreting into Bosnian for you?

8 A. Yes. I stated clearly, in both statements to the OTP and in the  
9 statement that I assume you do have, that these were exceptionally strong  
10 bunkers, which means that this artillery fire that went on for two hours,  
11 at least, before the attack of the police of the Army of Republika Srpska  
12 and the Chetnik unit of Vojislav Seselj, or, rather, Brne Gavrilovic,  
13 they started crumbling these bunkers. I never said that they were poorly  
14 built. I just stated that these bunkers -- or, rather, that from these  
15 bunkers, we could not see the attackers.

16 Q. All right. Were these fortified or unfortified bunkers?

17 A. Fortified.

18 MR. SESELJ: [Interpretation] Could I please have 0021-5347 on the  
19 screen? That is the statement that Mr. Koblar gave on the 19th of  
20 February, 1994, on the official premises of the Military Security Service  
21 of the 101st Motorised Brigade.

22 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, the Registrar is

23 telling me that the text is not on the screen.

24 MR. SESELJ: [Interpretation] Well, Judges, for the OTP, it is a  
25 15-minute job to load it up in e-court, and this is a major omission on

**Page 8045**

1 their part; not to have done that, that is.

2 Q. On page 2 of that document, of that statement of yours, it says:

3 "In view of the fact that the bunkers had not been fortified, we

4 all sought shelter in one bunker, rather, five or six of us."

5 So you keep repeating that they were fortified, the bunkers were,

6 and that is what you said to the OTP investigators in 2004, and ten years

7 before that you say that the bunkers had not been fortified. How come

8 there is this contradiction?

9 A. There is no contradiction whatsoever. In the statement that I

10 made, my unit after escaping from the camp, I said that these were Serb

11 military positions at Golo Brdo and that the bunkers were exceptionally

12 fortified. As for the context that you are referring to, I don't know.

13 Q. Where does it say in your statement that these were Serb military

14 positions? In the statement that you gave in 1994 to the

15 Military Security Service of the 101st Brigade, you made no reference to

16 that. Do you remember that statement of yours?

17 Let the OTP show you that statement. I request and demand that

18 the OTP be instructed to have this statement handed over to the witness,

19 and it's not my fault that e-court is not functioning.

20 JUDGE ANTONETTI: [Interpretation] Can we have it on the ELMO,

21 please.

22 MR. FERRARA: For the record, I read that Mr. Seselj said that it

23 was a major omission on the OTP, on their part, not to have done that,  
24 regarding to the up-load the statement into e-court. I want to specify  
25 that it is not the obligation of the OTP to put a statement in e-court.

**Page 8046**

1 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Ferrara. I had  
2 noted that myself.

3 But now we have the text on the ELMO, so, Mr. Seselj, you have  
4 the floor.

5 THE ACCUSED: [Interpretation] Secondly, they insisted that I  
6 appoint a person who would be trained to use e-court systems on my  
7 behalf, and they even made that offer to me, to train to be able to use  
8 e-court. And now all of a sudden it is not the obligation of the OTP to  
9 upload this. Now, who is saying the truth here? You can conclude that  
10 for yourselves.

11 Q. In this statement of yours that has been placed before you, you  
12 can see that there is no reference to Serb bunkers whatsoever, and on  
13 page 22468, line 8, on the second page -- could you please place the  
14 second page on the ELMO -- it says that the bunkers were unfortified and  
15 that, therefore, you all sought shelter in one bunker, or, rather, five  
16 or six of you did. Do you have this in front of you now?

17 A. I do.

18 Q. How come I don't? Oh, yes, I see it now, yes, line 8. See, it's  
19 appeared:

20 "Since the bunkers were not fortified, we all sought shelter that  
21 one bunker."

22 So you said they were not fortified, right, and now you're saying

23 they were well fortified, the bunkers?

24 A. Accused, have you read the statement in its entirety?

25 Q. You're not supposed to put questions to me. I am putting

**Page 8047**

1 questions to you. You explain to me why, in 1994, 14 years ago, you said  
2 that the bunkers were unfortified, and four years ago that they were  
3 fortified, and today you repeat that they were fortified. Why? And you  
4 cannot address me as "accused." Let me make that abundantly clear.

5 JUDGE ANTONETTI: [Interpretation] [Previous translation  
6 continues]... sir, answer.

7 THE WITNESS: [Interpretation] Unfortified bunkers, from the point  
8 of view of the BiH Army, mean that we could not defend Golo Brdo from  
9 those bunkers in any situation. After two or three hours - I don't know  
10 how long this went on -- I am going to speak at this pace in order to  
11 give the interpreters time to interpret. The shelling from Lukavica and  
12 from the surrounding hills where the Serb artillery was, led to the fact  
13 that these bunkers had to crumble, so that is the context. Now, you have  
14 been trying to find another context, but this is the context in which  
15 this statement was made.

16 Q. You invented something else now, that the shelling went on for  
17 two or three hours, whereas in this statement from 1994, you say that  
18 shells were falling for 40 minutes and that you were in hiding that long,  
19 and that you could not go to different bunkers. And when there was a  
20 lull in the shelling, then "we went to different bunkers." Look at this  
21 statement of yours. That's what it says. When was it that you were  
22 fabricating or inventing things, then or now?

23 Did you all seek shelter in one bunker?

24 A. Seven of us. That is clearly stated.

25 Q. Is it stated that you remained in hiding for 40 minutes?

**Page 8048**

1 JUDGE ANTONETTI: [Interpretation] Question from the Prosecutor.

2 MR. FERRARA: I think this kind of language is not appropriate to

3 a cross-examination, saying that the witness is inventing something or

4 fabricating something. I ask the Trial Chamber to warn the accused to

5 use appropriate language for cross-examination.

6 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, if there's a

7 contradiction, ask him why there is a contradiction. You're not here to

8 draw the conclusion that he invented this. If you find that there are

9 contradictions, confront him with these contradictions, and it will be up

10 to the Trial Chamber to draw the conclusions.

11 Continue.

12 THE ACCUSED: [Interpretation] Mr. President, what you are

13 allowing here is the witness putting questions to me and that he is

14 addressing me in an inappropriate manner, and I have to intervene

15 personally to defend myself from that. He's supposed to answer

16 questions, and nothing more than that. He's not here to put questions to

17 me. I am asking him why it says in his statement that the shelling went

18 on for 40 minutes and now he says that it went on for two or three hours.

19 Everything that I am doing now has an interior logic of its own

20 which is still hidden to you, but it will not remain hidden for very

21 long.

22 JUDGE LATTANZI: [Interpretation] Mr. Seselj, the Presiding Judge

23 of this Trial Chamber asked -- told the witness twice that he was  
24 supposed to answer, so now you are saying things that are not exact at  
25 all.

**Page 8049**

1 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, furthermore, you  
2 should tell the witness the following: "You made two statements, one  
3 saying that the shelling lasted for 40 minutes, and the other one, that  
4 the shelling lasted for two to three hours," and then you should tell  
5 him, "Explain and tell us why there is such a difference." And then the  
6 witness will explain or answer, rather than saying immediately that he's  
7 making up things or fabricating all this. Maybe he's got a reason to  
8 explain why there's this difference.

9 Go ahead.

10 MR. SESELJ: [Interpretation]

11 Q. Where were the shooting points facing?

12 A. Towards Hrasnica, the Army of Bosnia-Herzegovina.

13 Q. In the statement that you made on the 19th of February, 1994, the  
14 statement that you made to the same service, but this is a longer  
15 statement, one that is 34 pages long, why did you state that these  
16 bunkers did not have any loopholes at all; why?

17 A. Because the entrances to these bunkers, and these bunkers and  
18 these loopholes, were actually made of rocks facing Sarajevo. We could  
19 not use that, except for one MRUD, and you know what that is, and that  
20 could not have been used at all.

21 Q. That is a mine? What is this MRUD?

22 A. Yes, it is a Claymore mine. You know that full well.

23 Q. In the statement that you made on that day, but on many more  
24 pages, on page 600653168 is the number, you stated that these bunkers had  
25 not been adapted to firing at all and that they do not have loopholes for

**Page 8050**

1 shooting. And now you say that there were loopholes, but that they were  
2 facing in another direction. Now, what is the truth?

3 A. I am repeating once again --

4 THE ACCUSED: [Interpretation] Mr. President, he cannot address me  
5 this way. He has to answer questions. He cannot say, "Accused, I am  
6 repeating to you once again."

7 JUDGE ANTONETTI: [Interpretation] Witness, answer the question  
8 put to you by the accused. He's asking you about the bunkers, to know  
9 whether there were those loopholes or not, whether they were facing  
10 Sarajevo or not.

11 I'm a bit lost at the moment. I have no idea where the accused  
12 wants to take us, but he obviously has his own logic.  
13 You were there, you were in the bunker, so you're the best one to  
14 tell us exactly what the bunker was like. So just tell us quietly  
15 whether there were loopholes or not. You don't have to worry about  
16 anything. Just answer the questions.

17 Mr. Seselj, you may resume, and try to elicit the evidence that  
18 you want to elicit.

19 THE ACCUSED: [Interpretation] In the statement that this witness  
20 made on that same day in 1994, it says, and we have it before us on the  
21 screens, it's towards the end of the second paragraph:

22 "I have to note here that while touring the positions that we had

23 arrived at, I established that the bunkers were not adapted for a  
24 situation of firing. They do not have loopholes or gun-holes, and there  
25 was no shelter in front of them in order to be able to fire securely. It

**Page 8051**

1 is my assessment that these bunkers were only used for the accommodation  
2 of people and for their rest."

3 That is what the witness said in 1994, and now the witness is  
4 saying something completely different. Now he is saying that these were  
5 old Serb bunkers that were facing in the opposite direction, that used to  
6 be made by Serbs and used against the Muslims, and that's why their  
7 gun-holes faced the other positions. So that's the contradiction  
8 involved.

9 THE WITNESS: [Interpretation] Mr. President, I will try to  
10 explain this as briefly as possible.

11 Since we, the Army of Bosnia-Herzegovina, in respect of this  
12 important feature above Sarajevo, Golo Brdo, we arrived there to guard  
13 that feature, there is no contradiction involved, because this statement  
14 was given from my very own point of view as a member of the Army of  
15 Bosnia-Herzegovina. From those positions, from those gun-holes, none of  
16 us could defend ourselves. Why would we be defending ourselves from the  
17 direction of Igman, Bjelasnica, or Hrasnica, instead of defending  
18 ourselves from the direction of Ilidza, Blazuj and Hadzici?

19 There is no contradiction involved, because I think that Mr. --  
20 now I'm going to say "Seselj," is better acquainted with total national  
21 defence, and to suggest questions like this to the Court is actually just  
22 an attempt to suggest one's own views, because it was well known who was

23 the aggressor at the time and the attacker, on the one hand, and, on the  
24 other hand, who was defending themselves, whereas I and my 24 colleagues  
25 at Golo Brdo could not defend ourselves from these bunkers. And I said

**Page 8052**

1 all of this to your man, who is a greater man than you are,  
2 Branislav Gavrilovic, because he proved himself a man during the course  
3 of the war, at least at the time that I was taken prisoner.

4 THE ACCUSED: [Interpretation] I see, Judges, that you are quietly  
5 listening to the witness lecture you. Maybe you even learned that  
6 lesson, but still you should not allow the witness to act in this way.

7 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you might not like  
8 the witness's answer. As far as I'm concerned, his answer is perfectly  
9 logical. This position in Golo Brdo was above Sarajevo. He realised,  
10 when he was there, that from his position, he could not defend himself  
11 from these bunkers. He is providing a technical explanation for this,  
12 and he is saying that it was important to make a distinction of who was  
13 the enemy of whom.

14 You might not be happy with his answer, and you put other  
15 questions to him to question what he's saying. And this is why you jump  
16 out of your skin, because you are saying that he has said this already to  
17 Gavrilovic. So he's consistent in what he's saying.

18 Please proceed.

19 THE ACCUSED: [Interpretation] Well, I didn't doubt that you would  
20 find this very consistent, because you're on the opposite side, and what  
21 is not consistent to me, by the logic of things, has to be consistent to  
22 you. This is completely logical to me.

23 JUDGE ANTONETTI: [Interpretation] We are not on the opposite  
24 side. We have a witness here who is providing his account of the story.  
25 He might be telling the truth, he might be lying, but at first hand he

**Page 8053**

1 has taken the solemn declaration and we assume that what he is saying is  
2 truthful. You may disagree entirely with what he's saying, and you are  
3 making his life difficult by putting your questions to him. That is why  
4 these proceedings unfold in this manner in an adversarial system in this  
5 courtroom. It is not because a witness does not provide answers in line  
6 with what you expect from him that you need to accuse the witness of  
7 something. You might be right, he might be right. He might be wrong,  
8 you might be wrong. We will see at the end of this trial.  
9 For the time being, he's providing us with his version of the  
10 facts, which is logical. And the way he talks about it, it's for you to  
11 demonstrate that this is illogical. This is what you did yesterday when you  
12 discussed the issue of the tunnel under the airport. This was very  
13 interesting, and your questions were very interesting. I found them  
14 extremely relevant, and it did shed some light on some of the issues. I  
15 didn't say so yesterday, I didn't say that your questions were out of  
16 context. Today, I'm saying the same thing. Your questions are extremely  
17 interesting. The witness is answering in a different manner to what you  
18 expect from him, and you can say to him, "I disagree with you," and move  
19 on to another topic.

20 THE ACCUSED: [Interpretation] I see you are encouraging the  
21 witness in the insolence he already displayed. Well, then, you explain  
22 to me, Mr. President, why he said in 1994 that the bunkers had no

23 gun-holes at all and now he says they had gun-holes but they were facing  
24 the opposite way. And that they were not fortified bunkers but bunkers  
25 to accommodate personnel, and now he says they are fortified. Why isn't

**Page 8054**

1 it indicated in the statement to Bosnian authorities that those used to  
2 be Serb bunkers?

3 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you will never  
4 manage to confuse the Bench, however talented you are. Let me pick up  
5 the question again, and you will see that what you are trying to  
6 establish comes up against what the witness is saying.

7 Witness, if I have understood you correctly, there is a hill  
8 above Sarajevo. Answer by saying "yes" or "no."

9 THE WITNESS: [Interpretation] Golo Brdo, where I was arrested,  
10 captured.

11 JUDGE ANTONETTI: [Interpretation] Very well. On this hill, there  
12 are some bunkers?

13 THE WITNESS: [Interpretation] Nine.

14 JUDGE ANTONETTI: [Interpretation] Nine bunkers. Now, over time,  
15 these bunkers had been placed there for what reason; to defend who  
16 against whom?

17 THE WITNESS: [Interpretation] Those bunkers were built by the  
18 Army of Republika Srpska.

19 I will give the interpreters a breather.

20 Until the day I was captured, that was the 17th of July, they  
21 changed hands more than once. I hope you understand.

22 JUDGE ANTONETTI: [Interpretation] Just a minute. Nine bunkers

23 were built by the Republika Srpska in order to defend themselves against  
24 whom?

25 THE WITNESS: [Interpretation] I don't know whom they were

**Page 8055**

1 supposed to be defending themselves from. Those bunkers were built in  
2 order to attack Sarajevo.

3 JUDGE ANTONETTI: [Interpretation] Very well. The  
4 Republika Srpska has built nine bunkers in order to attack Sarajevo. The  
5 gun-holes were in which direction, in the direction of Sarajevo or on the  
6 other side?

7 THE WITNESS: [Interpretation] Facing Sarajevo, yes.

8 JUDGE ANTONETTI: [Interpretation] So the gun-holes pointed in the  
9 direction of Sarajevo? In other words, if you were to place artillery  
10 pieces or guns, these would shoot in the direction of Sarajevo. When you  
11 reached the bunkers, well, the bunkers were still there, weren't they?

12 THE WITNESS: [Interpretation] Yes, both the bunkers and the  
13 gun-holes faced Sarajevo.

14 JUDGE ANTONETTI: [Interpretation] All right. Please proceed,  
15 Mr. Seselj.

16 MR. SESELJ: [Interpretation]

17 Q. Why, in the statement given to Muslim authorities, you said the  
18 bunkers had no gun-holes?

19 A. I gave my statement to the Military Security Service of my unit,  
20 the 101st Brigade, not to Muslim authorities. In that statement, I'm  
21 saying this again, it is clearly stated -- I don't remember how many  
22 pages there are in that statement -- why I was giving that statement.

23 And you're saying this is a contradiction, but it all depends on your  
24 point of view.

25 We were supposed to defend Golo Brdo, not to shoot at Sarajevo

**Page 8056**

1 from Golo Brdo.

2 Q. Why, in the statement from 1994, did you say that those bunkers  
3 had no gun-holes?

4 A. They had no gun-holes in case of attack by the Serb Army or  
5 Chetnik units.

6 Q. It says here they had no gun-holes whatsoever and they were not  
7 adapted to cases of gunfire, and the space around them had no cover for  
8 protection. You said in your opinion, they were there only to  
9 accommodate personnel in times of rest. If they were made for rest and  
10 to accommodate personnel, they are not facing any side in particular.  
11 And let me tell you, Judges, that a bunker is a defensive  
12 structure, not an offensive structure. It cannot be built to attack  
13 something or someone. A bunker is not a tank to roll on caterpillars.

14 A. Let me clarify this. From that feature, Golo Brdo, there was  
15 never any artillery fire. That hill, Golo Brdo, was an elevation  
16 overlooking Ilidza from which one could see Lukavica, the airport, all of  
17 Sarajevo, the neighbourhood of Ilidza. The only thing that was not  
18 visible was Blazuj and Hadzici. Blazuj and Hadzici, though, were under  
19 the control of the Serb Army. Therefore, that hill, Golo Brdo, was used  
20 by the Army of Republika Srpska to control the road of Mount Igman that  
21 was used to bring humanitarian aid into Sarajevo, to control the  
22 Sarajevo Airport --

23 JUDGE ANTONETTI: [Interpretation] Witness, I understand what you  
24 are saying. Mr. Seselj doesn't want understand what you are saying.  
25 You're saying that if there were an attack from Blazuj or

**Page 8057**

1 Hadzici -- I apologise for my pronunciation -- which were under Serb  
2 control, you could not defend yourselves because there were no gun-holes  
3 pointing in that direction, since they faced the Sarajevo Airport and the  
4 rest of the area.

5 This is what I have understood. Am I right in this?

6 THE WITNESS: [Interpretation] Absolutely correct.

7 JUDGE ANTONETTI: [Interpretation] Mr. Seselj.

8 THE ACCUSED: [Interpretation] I am in awe, Mr. President, at your  
9 understanding. I am too dumb to understand why it's written here that  
10 those were not combat bunkers at all, that they had no gun-holes, they  
11 were only bunkers used exclusively as shelter. It's not clear to me  
12 because I'm too dumb.

13 Q. Second question: Since we've established I'm dumb, it's easier  
14 now to proceed. You said that after this artillery attack, you returned  
15 each to your own bunker. You were not alone in one bunker, were you?

16 A. No.

17 Q. What was it, then?

18 A. I said that in the first bunker -- you can read that in the  
19 statement -- in the first bunker there were three men, in the second  
20 bunker two, but at the moment of the artillery attack, we were seven. So  
21 in that bunker in which I was, together with Hilmija Numic, and I'll be  
22 waiting for the interpreters, after the beginning of the artillery attack

23 we were in the second bunker which is on top of Golo Brdo. And when  
24 there occurred a lull and the bunkers crumbled in, we caved in, we  
25 transferred to the third bunker which is at the very end of Golo Brdo.

**Page 8058**

1 JUDGE ANTONETTI: [Interpretation] Witness, one point I'd like you  
2 to clarify for the Bench.

3 The nine bunkers that were built by the Republika Srpska,  
4 according to what I've understood, but maybe I have misunderstood, these  
5 bunkers were designed to help -- were designed to be able to shoot at  
6 Sarajevo and the airport, and the Serbs could shoot from there. That was  
7 the initial purpose of this bunker, and that's why there were gun-holes  
8 on it; is that right?

9 THE WITNESS: [Interpretation] In my view, and I would appreciate  
10 it if you could allow me to indicate on the monitor what it looks like,  
11 approximately, the purpose of that Golo Brdo was to control the airport,  
12 the Igman road, and to control the arrival of humanitarian aid into  
13 Sarajevo.

14 JUDGE ANTONETTI: [Interpretation] To control, if need be, by  
15 shooting at those people that got into the way of the control?

16 THE WITNESS: [Interpretation] Absolutely. And Richard Holbrooke  
17 wrote in his book, and "The War," I believe, is the title, said that the  
18 first American officers to get killed were killed by fire from Golo Brdo  
19 on the Igman road.

20 THE ACCUSED: [Interpretation] I hope you understood,  
21 Mr. President, that it was not possible to shoot from Golo Brdo at  
22 Sarajevo, because there's no such weapon. You could possibly use a

23 Howitzer of 203 millimetres, but that sort of thing does not fit into the  
24 bunker.

25 THE WITNESS: [Interpretation] I never said there was any heavy

**Page 8059**

1 artillery on Golo Brdo.

2 THE ACCUSED: [Interpretation] You are interfering with my  
3 dialogue with the Judges, and that is not allowed either.

4 JUDGE ANTONETTI: [Interpretation] Proceed, Mr. Seselj.

5 Mr. Seselj, to avoid wasting any time, the witness is telling us  
6 that Richard Holbrooke, in his book, explained that American officers  
7 were killed and shot at from Golo Brdo. I don't know anything about  
8 this. The witness is saying this. You probably know more about this  
9 than I do.

10 THE ACCUSED: [Interpretation] I'm not interested in that, Judge.

11 I'm not interested in how American officers died. I wish many more had  
12 died. They got killed because they strayed into a minefield and their  
13 vehicle ended up in an abyss. They did not get killed by fire from  
14 Serbian positions. It doesn't matter how they got killed. I only wish  
15 more of them had got killed.

16 JUDGE ANTONETTI: [Interpretation] One moment, Mr. Seselj. There  
17 might be a mistake in the translation into French. I have the feeling  
18 that you are saying that not enough people were killed, more should have  
19 been killed. This is what I understood, but maybe you didn't say this.

20 THE ACCUSED: [Interpretation] I said I wish we were fortunate  
21 enough to see more of them get killed, because the greater American  
22 losses, the less repression there would be on the rest of the world.

23 That's what I said.

24 Q. You said this fire lasted for half an hour, that --

25 MR. FERRARA: Your Honour.

**Page 8060**

1 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

2 MR. FERRARA: It is really inappropriate, this kind of conduct by  
3 the accused. It's not a cross-examination, it's not a question. I don't  
4 know what it is. It is a political speech or something else, but I don't  
5 think it is something that should happen in the Tribunal.

6 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, the  
7 cross-examination -- during cross-examination, you should put questions  
8 to the witness to call into question what he has said when he answered  
9 the questions of the Prosecution. All the rest is inappropriate.  
10 Please proceed.

11 MR. SESELJ: [Interpretation]

12 Q. In this 1994 statement, you said that the shelling lasted for  
13 half an hour and that the shooting was directed at the bunker in which  
14 you were, and then the shooting stopped. When the shooting stopped, you  
15 went outside the bunker, you left the bunker. And then a little further  
16 on, you go on to say that you went to your own bunker, taking up a shirt  
17 and a leather jacket, because nearby you could hear explosions. And then  
18 you go on to say that they were explosions caused by hand grenades.  
19 Is that what you said?

20 A. I don't know what it says in that statement, because it was given  
21 several days after I fled from the camp, but once again you're trying to  
22 put words into my mouth. Things that I uttered, but you're trying to

23 interpret them and put them in your own way, and you can't do that.

24 I'm here to testify about what I lived through, what I saw.

25 THE ACCUSED: [Interpretation] Why don't you intervene,

**Page 8061**

1 Mr. President? Why doesn't he answer my questions? Were hand grenades  
2 thrown or not, were there hand grenades explosions or not? This is  
3 unacceptable.

4 JUDGE ANTONETTI: [Interpretation] The witness is -- the question  
5 is: "Were hand grenades used, yes or no?" You answer by saying "yes" or  
6 "no," even if the accused is trying to make you change what you said  
7 during your first statements. Either you stand by what you said in your  
8 statements or you change your view. You can say "yes," "no," "I  
9 disagree."

10 Please proceed, Mr. Seselj.

11 MR. SESELJ: [Interpretation]

12 Q. I'm waiting for the answer to my question, which was: After the  
13 shelling, were there explosions, hand grenade explosions?

14 A. I don't know what a hand grenade sounds like when it explodes or  
15 a [indiscernible] or whatever, but the explosions were less strong than  
16 the previous ones.

17 Q. You were in the bunker and you heard these explosions close by;  
18 is that right?

19 A. Around -- at Golo Brdo.

20 Q. Not at Golo Brdo, but in the vicinity. That's what you said in  
21 your statement; isn't that right? It says:

22 "In my immediate vicinity, explosions could be heard, and I

23 didn't know what had caused them. It was only later on that I  
24 established that they were hand grenades exploding."

25 That's your 1994 statement.

**Page 8062**

1 Now, the statement that you gave to The Hague investigators in  
2 2004, on page 4 of that statement it says:

3 "My rifle was next to me, and I stayed in the bunker for about  
4 ten minutes, long enough to button up my shirt and put on my leather  
5 jacket. My rifle was next to me, and I could hear explosions at that  
6 time which had not come from artillery pieces but from hand grenades or  
7 hand-held launchers."

8 A. Correct.

9 Q. So your bunkers were shot at either by hand-held launchers, which  
10 were popularly known as "Zoljas," those were hand-held rocket-launchers,  
11 right, or hand grenades?

12 A. I don't know what it is in the army, but it could be Zoljas,  
13 hand-held rocket-launchers, or it can be what we called a Tromblon, a  
14 rifle-launch grenade, or rifle-propelled grenade, but I'm not a  
15 specialist in weapons and military matters.

16 Q. All right. Whether it was a rifle-propelled grenade or a hand  
17 grenade or a hand-held launcher, because you don't use the word Tromblon  
18 or rifle-propelled grenade anywhere, but they were -- that was firing in  
19 the vicinity of your bunker, wasn't it ?

20 A. Yes. Can I explain to you --

21 Q. You've answered. You said "yes." So hand pieces were used to  
22 target your bunker? There wasn't any shooting from rifles; you didn't

23 hear anything like that, did you? Did you hear a single bullet being  
24 fired from a rifle?

25 A. No.

**Page 8063**

1 Q. All you heard were hand grenades; right?

2 A. Yes.

3 Q. So the Serb soldiers approached your bunker and started throwing  
4 hand grenades at it, or they targeted it from a distance of 200 metres,  
5 at most, with hand-held rocket-launchers, so when you use a  
6 rifle-propelled grenade, that would be firing at a distance of 200  
7 metres, 300 at the outside limit. That's when you fire close up, close  
8 to.

9 A. Are you going to ask me a question or what?

10 Q. I am making an observation, and I expect you to give a yes-or-no  
11 answer.

12 JUDGE ANTONETTI: [Interpretation] Witness, please answer the  
13 questions accurately.

14 THE WITNESS: [Interpretation] Would you repeat the question,  
15 then?

16 MR. SESELJ: [Interpretation] No, I won't, because this kind of  
17 insolence I'm not going to tolerate. The Trial Chamber can tolerate you,  
18 but I won't.

19 THE WITNESS: [Interpretation] Well, can the Trial Chamber then  
20 ask the question again, repeat the question for me, please?

21 MR. FERRARA: The witness is asking to repeat the question. I  
22 don't see any kind of insolence, also because I don't see the question,

23 also. And if you can read the transcript, I don't see a question; I see  
24 like a kind of a statement without any question.

25 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, I didn't quite

**Page 8064**

1 understand the question, so put the question again.

2 THE ACCUSED: [Interpretation] No, I'm not going to repeat the  
3 question and ask it again, because you're just wasting my time. This  
4 whole machinery is put in place to waste my time. I'm going to move on.  
5 I'm not interested in what the witness is going to answer, what answer  
6 he's going to give. It's quite clear to me and it's quite clear to the  
7 public, and that is enough for me.

8 Q. Now, shooting at your bunkers had to be -- had to cause certain  
9 losses. Hand grenades are being thrown into your bunker right from  
10 nearby, or rifle-held grenades or hand-held rocket-launchers. How come  
11 nobody was killed in your immediate vicinity from the effects of all that  
12 shooting? Tell me that, then.

13 A. Mr. President, we are going to come back now to the previous  
14 question.

15 Q. No. Answer the present one.

16 A. Let me answer that question as well. How --

17 THE ACCUSED: [Interpretation] Don't allow the witness to do this.  
18 Let him answer how come there were no losses from this direct fire.

19 JUDGE ANTONETTI: [Interpretation] Witness, the question put by  
20 Mr. Seselj is an interesting one. When Mr. Seselj puts good questions, I  
21 say so. When he puts bad questions, I say so also.

22 He has asked the following question: How is it that in light of

23 the attack and that there is shooting with Zoljas, rocket-launchers, that  
24 you are inside the bunker, there are no victims on your side? That's the  
25 question he's put to you.

**Page 8065**

1 I could have put that question to you also, because this is a  
2 question of a technical nature. What do you have to say to that?

3 THE WITNESS: [Interpretation] That question has been answered  
4 already. That question has already been put by the gentleman concerning  
5 positions of the bunkers. The answer to the question, why there were no  
6 losses, lies precisely in the fact that the bunkers were positioned in  
7 such a way that none of us in the BH Army was able to see. I've said  
8 that in my previous answer, I believe.

9 JUDGE ANTONETTI: [Interpretation] This is what I had understood.  
10 Given the position of the gun-holes and the attackers, when they arrived  
11 and started shooting with their weapons, first of all, their shots could  
12 not penetrate the bunker because there were no gun-holes, since they were  
13 coming from another direction, which explains why no one was hit, since a  
14 bunker is designed to protect even if you shell it with heavy shells.  
15 Grenades could not have been thrown inside, since the gun-holes faced the  
16 other way.

17 This is what you've just said, isn't it?

18 THE WITNESS: [Interpretation] Exactly. That was the answer to  
19 the prior question about this contradiction concerning bunkers on  
20 Golo Brdo.

21 MR. SESELJ: [Interpretation]

22 Q. Did the Serbian soldiers come from the direction where these

23 gun-holes were, allegedly, although they didn't exist, or from the  
24 direction where the entrance to the bunkers is?

25 A. Serb units came at these first two bunkers, where the four of us

**Page 8066**

1 were, did not come. It was the unit of Branislav Gavrilovic that came  
2 from the direction of Ilidza.

3 Q. Answer my question, please. A Chetnik unit is always a Serb  
4 unit, and when that Serb unit arrived, brimming with Chetniks, did it  
5 come from the direction of the alleged gun-holes or from the direction  
6 where the entrance to the bunkers was located? Answer that.

7 A. Mr. Seselj, I don't understand why you identify all Serbs with  
8 Chetniks.

9 Q. Because every honourable Serb is a Chetnik. Answer my question.  
10 You didn't come here to learn --

11 JUDGE ANTONETTI: [Interpretation] Witness, the question is not to  
12 know whether there were Chetniks or whether it was a Serbian unit. This  
13 is another problem. Right now, we are looking at a technical problem.  
14 You have fighters coming, headed by Gavrilovic. We know that on  
15 your side there are no casualties. Mr. Seselj says that since the  
16 loopholes are looking at Sarajevo, the entrance must have been on the  
17 side of the attackers. This is what he's saying. It might be right, it  
18 might be wrong, but he's asking you where the attackers came from. You  
19 said exactly that they were coming from a direction that seemed to be on  
20 the opposite side of the loopholes, but was there -- on that side were  
21 there the entrance doors to the bunker?

22 THE ACCUSED: [Interpretation] There were no doors, there was just

23 an entrance to the bunker, something that was dug, a little entrance that  
24 was dug into the bunker. There were no doors on any of the bunkers.  
25 Let the witness answer from which direction the Serb soldiers,

**Page 8067**

1 the brave heroes, appeared and captured him.

2 THE WITNESS: [Interpretation] Mr. President, I really have to  
3 make a distinction here. The Army of Republika Srpska came from the  
4 direction of Blazuj and Hadzici, whereas the unit of  
5 Branislav Gavrilovic, the Chetnik unit, came from the direction of  
6 Ilidza; that is, the segment that we were not able to see at all. The  
7 Army of Republika Srpska, on the other hand, and the military police of  
8 the Army of Republika Srpska came from the direction of Blazuj and  
9 Hadzici, another area that could not be covered from bunkers. I want to  
10 make that really clear, because Branislav Gavrilovic's unit is one thing,  
11 the military police of the Republika Srpska and the Army of Republika  
12 Srpska are another thing.

13 THE ACCUSED: [Interpretation] Judges, I think this makes no sense  
14 at all, and you keep tolerating it. I'm asking where the Serb soldiers  
15 who captured him came from.

16 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, don't say it makes  
17 no sense and you're tolerating it. The witness is giving up his  
18 explanation. He is saying that there are two directions, one coming from  
19 Republika Srpska and the military police who left Blazuj, and came from  
20 Blazuj, and that's the first unit. And he says there's another unit  
21 headed by Gavrilovic, and according to him these are Chetniks, and he  
22 says that they come from Ilidza.

23 I fully understand what he is saying. Maybe you're having a hard  
24 time understanding what he is saying, but this is exactly what he is  
25 saying. If you do not agree with this, tell him that there was only one

**Page 8068**

1 unit and not two. You may be right. But he is giving us his  
2 explanation, and his explanation is perfectly understandable.  
3 Continue.

4 THE ACCUSED: [Interpretation] I am in awe at your perfect  
5 understanding. The witness said in the statement there were no gun-holes  
6 at all. Here, he said there were gun-holes. I keep persistently asking  
7 one and the same question and wasting my own half hour. From which  
8 direction did the Serb soldiers come from, the direction where the  
9 gun-holes were or the direction where the entrance to the bunker was?  
10 And he goes into the tactical situation on the battlefield and the axis  
11 of movement of various Serb units. What kind of thing is this?  
12 I am asking: Where did the Serb soldiers who captured him come  
13 from; from up front, where the gun-holes were, or from the back, where  
14 the entrance to the bunker is? It's a simple question, and he keeps  
15 avoiding the answer, and I know why he's avoiding the answer.

16 THE WITNESS: [Interpretation] Well, let me tell you. The unit of  
17 Branislav Gavrilovic came from the direction of Ilidza, where those  
18 already overgrown gun-holes looking at Sarajevo existed, looking also  
19 towards Hrasnica and the airport, so they came from the direction from  
20 which none of us in the bunker could be seen, because the entrance to the  
21 bunker faces the Ilidza road.

22 I don't know how else to explain it. Maybe the Prosecutor will

23 enable me to draw it, what this Golo Brdo looks like. Did you have any  
24 occasion to see it?

25 MR. SESELJ: [Interpretation]

**Page 8069**

1 Q. I climbed it.

2 A. You even went up there?

3 Q. Yes, I did go up there, and I saw the place where you were  
4 defeated, and I publicly commended Branislav Gavrilovic on the brilliant  
5 action.

6 A. And Brne is a ten-times greater man than you are.

7 Q. Now, what is this? The first bunker they came across, Brne's  
8 soldiers alone without Brne, because they were led by Zuti, that's the  
9 nickname of the soldier who was Brne's deputy, his nickname was Zuti, the  
10 first bunker they came across was the one in which three of your fellow  
11 combatants were, Zivko Krajisnik, Robert, and Rusmir. Was that the first  
12 one?

13 A. Yes.

14 Q. All three of them, these soldiers killed with hand grenades?

15 A. That's not correct. That's a pure lie on your part.

16 Q. It's true. They killed them with hand grenades, and then you,  
17 who were in the second bunker, surrendered, and another three of you,  
18 including that Serb, Despotovic, also surrendered. You said here that  
19 you recognised the body of Rusmir Hamalukic?

20 A. Can I ask you, Mr. President, to slow these things down, because  
21 things are being suggested to me here, things that are lies. I came here  
22 to testify about what was true, what happened, not to deal with these

23 lies.

24 JUDGE ANTONETTI: [Interpretation] Witness, you told us what  
25 happened with Robert, Rusmir and Krajisnik. You gave us your

**Page 8070**

1 explanation. Mr. Seselj is entitled to give another explanation. He is  
2 entitled to that, and he just gave us his explanation. He said that in  
3 the attack on the first bunker, the attack was headed by Zuti. And  
4 during this attack headed by Zuti, hand grenades were launched, and  
5 according to him, your comrades were killed by these hand grenades. This  
6 is what he is telling us, and he is asking questions to you about this.  
7 Either say that you agree or you don't agree.

8 THE WITNESS: [Interpretation] I understand, Mr. President, what  
9 he is saying, what he is putting to me, but please do not allow us to  
10 jump from one subject to another, because he's just trying to impose his  
11 own opinion both on me and on you. Please give enough time for what he's  
12 saying to be interpreted to you, because I understand him, and then we  
13 can go back to the first bunker, the second bunker, and a third bunker.  
14 The first and the second bunker was captured by Brne's Chetniks,  
15 and a third bunker was captured by the police of Republika Srpska.  
16 That's the point, because this is not a bazaar, this is a court of law,  
17 and some kind of procedure has to be respected.

18 JUDGE HARHOFF: Mr. Witness, in order to maintain respect and  
19 decorum in this courtroom, we have repeatedly instructed both parties not  
20 to accuse witnesses of lying, and so therefore I would suggest that you  
21 abstain from accusing Mr. Seselj from lying as well.

22 JUDGE ANTONETTI: [Interpretation] Witness, you're entitled to

23 give us your version of what happened. You're under oath, so you must be  
24 telling the truth. However, the accused is entitled to give another  
25 version of the facts. Even if you don't like it, he is entitled to say

**Page 8071**

1 that he does not agree with your version, and you must answer his  
2 question, all his questions. And in the end, the Bench will decide who  
3 was right, whether it was you or him.

4 THE WITNESS: [Interpretation] Of course it's not up to me to  
5 judge, but I'd just like you not to allow this tempo to proceed, him to  
6 proceed at this rate. I don't know the speed at which the interpreters  
7 can interpret and what they're interpreting to you, what you're hearing  
8 from the interpreters.

9 JUDGE ANTONETTI: [Interpretation] Don't worry. Our interpreters  
10 can follow. They can follow you when you're talking. The interpreters  
11 are interpreting simultaneously. I can even follow Mr. Seselj, even  
12 though he's speaking extremely fast. When we lose track of what is said,  
13 you know, and when something's missing, we have a little caret on the  
14 transcript.

15 THE WITNESS: [Interpretation] I don't have that on my screen.

16 JUDGE ANTONETTI: [Interpretation] You don't have the transcript  
17 in English in front of your eyes? Well, if you do, you know, you can see  
18 that when people speak too fast, interpreters can't follow anymore, and  
19 our court reporter, this person at the back of the room, is trying to  
20 write down everything we're saying, and if he can't catch what we said,  
21 he puts a carat. And then we have to slow down. But otherwise, we don't  
22 have to.

23 Mr. Seselj, you can continue.

24 MR. SESELJ: [Interpretation]

25 Q. During the examination-in-chief, you stated that

**Page 8072**

1 Rusmir Hamalukic's body was -- that a postmortem was conducted on it, and  
2 that was in 1994; right?

3 A. Correct.

4 Q. You said you recognised him because of the red pants he was  
5 wearing?

6 A. Whether they were red or not, I don't know, but the  
7 identification was done in the presence of his mother and wife.

8 Q. Was DNA analysis done?

9 A. There was no need, because the relatives, both his wife and his  
10 mother, were there and they recognised him.

11 Q. All right. Now, how did you manage to come by Rusmir Hamalukic's  
12 body?

13 A. Rusmir Hamalukic's corpse, I think whether it was exchanged or  
14 however, I don't really know, but perhaps a month later.

15 Q. So the Serb Army gave up his body, right, handed over his body?

16 A. The Army of Republika Srpska.

17 Q. The Serbian army handed over the body of Zivko Krajisnik and this  
18 other man, Robert, whatever his surname was; right?

19 A. Kahrmanovic, yes.

20 Q. The Army of Republika Srpska handed over their bodies, too, and  
21 an autopsy was conducted. Now, when you talked to The Hague  
22 investigators, did you tell them this autopsy had taken place, because I

23 can't see that from your statement?

24 A. I did not say "autopsy," I said -- not "autopsy," autopsy is one  
25 thing. What I said was identification on the basis of -- you're a better

**Page 8073**

1 lawyer than I am, I assume, or perhaps I'm better than you. I don't  
2 know. But, anyway, identification was conducted on the basis of certain  
3 elements which the family --

4 Q. We dealt with identification. You took part in the  
5 identification process. Now, when those bodies were handed over,  
6 ex officio, an autopsy had to be conducted; that's always done.

7 A. Don't involve me in political matters.

8 Q. Did an autopsy take place? Do you know about that?

9 A. I don't know that and I'm not interested.

10 Q. Autopsies aren't political, usually. Right, you say you don't  
11 know whether an autopsy was conducted.

12 But, Judges, the Prosecutor has not taken the trouble to access  
13 the autopsy findings to see whether they were killed by explosion, by a  
14 rifle, if they were killed on the spot, or whether any of them had their  
15 throats slit.

16 JUDGE ANTONETTI: [Interpretation] Witness, Mr. Seselj is  
17 addressing an important technical matter.

18 In 1994, a long time after these people passed away, when corpse  
19 were exchanged, because unfortunately at the time corpses were exchanged,  
20 three corpses were shown to the relatives of Mr. Rusmir Hamalukic, and  
21 you're saying that the body [as interpreted] the body. Well, in the  
22 past, you know, I've seen a number of -- you say the family recognised

23 the body, and so I've seen a good number of bodies in my own time, and I  
24 would like to know what could be recognised in this body. There could  
25 have been an autopsy, maybe, but if you only have the skeleton left,

**Page 8074**

1 well, sometimes if you've got bullet holes, you might determine the  
2 impact of the bullets on the bones, but if you only have a skeleton and  
3 if the bullet hit no bone, then it's extremely difficult to determine the  
4 cause of death. There's a good number of problems here. Then,  
5 furthermore, after months or years, the face is changed or is gone. It's  
6 very difficult to recognise a body. That's a first problem.

7 Now, according to you, the family recognised it 100 per cent?

8 How were they so sure?

9 THE WITNESS: [Interpretation] Zivko Krajisnik was recognised --

10 well, you can check this out through the commission searching for --

11 state commission searching for missing persons of Amor Masovic, on the  
12 basis of which if, because I don't deal in medicine, if it was indeed an  
13 autopsy, then it was conducted, and judging by the bones, they could see  
14 that some 20 bullets had pierced the body, mostly through the bones.

15 Now, Rusmir Hamalukic's body was identified on the basis of,

16 first and foremost, well, his relatives. That is to say, his wife and  
17 mother recognised him, recognised his corpse. And my contribution was

18 only inasmuch as in that mass of bodies that were there, I possibly  
19 managed to recognise something which reminded me of Rusmir Hamalukic

20 because Robert Kahrmanovic was identified by his family while I was

21 still in the camp. So that I can't go into medical details. Don't ask

22 me about those.

23 Q. But this is an important point. You said at least 20 bullets had  
24 hit Robert Kahrmanovic and you could see that based on the traces on the  
25 bones?

**Page 8075**

1 A. I didn't say that.

2 Q. The people who conducted the autopsy did that?

3 A. I'm talking about Zivko Krajisnik. I saw Copo kill him before my  
4 very own eyes.

5 Q. I'm not interested in what you saw. I'm interested in the  
6 results of the autopsy. First of all, you said that you didn't know  
7 whether an autopsy had been conducted and that was a political question.  
8 Now we see that an autopsy was indeed carried out and that the traces of  
9 20 bullets were found in a body.

10 THE ACCUSED: [Interpretation] Judges, it is scandalous that the  
11 Prosecution should bring in a witness testifying about alleged killings,  
12 whereas autopsies were carried out on those bodies without the autopsy  
13 findings being presented to us, because if the people were killed by hand  
14 grenades, offensive hand grenades, they have several thousand metal  
15 pieces, many of which must have lodged in the bones, and therefore should  
16 be found on the basis of an autopsy.

17 Now the witness says, first of all, he doesn't know whether or  
18 not an autopsy was conducted. Then he tries to renege and say that it's  
19 a political issue, and then he says, yes, there was an autopsy and that  
20 allegedly traces of bullets were shown. Well, I don't know. What is all  
21 this?

22 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

23 MR. FERRARA: Here we have an eyewitness, and here we have an  
24 accused that says that he doesn't want to know what the witness watched  
25 but want to know what the witness know about autopsy of somebody.

**Page 8076**

1 Mr. Koblar is not an expert in forensic medicine, so I don't know -- I  
2 don't understand why he's asking a question on autopsy and not on what he  
3 watched when he was there.

4 JUDGE ANTONETTI: [Interpretation] Witness, I thought I understood  
5 that when the bodies were brought back, at one point in time you were  
6 involved in the identification process. Is it true, yes or no?

7 THE WITNESS: [Interpretation] I was called to the identification  
8 by the State Commission for Exchange.

9 JUDGE ANTONETTI: [Interpretation] You saw the bodies?

10 THE WITNESS: [Interpretation] Yes. Apart for  
11 Robert Kahrmanovic, who was identified earlier on while I was still in  
12 the camp. He was identified by his family.

13 JUDGE ANTONETTI: [Interpretation] Very well. Could you tell us  
14 what state the bodies you saw were in? What was left; hair, bones, some  
15 flesh, rotten flesh? This is horrible, of course, but what did you see?

16 THE WITNESS: [Interpretation] Well, how can a corpse look a year  
17 after death? I think the question should be addressed to  
18 Mr. Amor Masovic or someone from the State Commission, somebody that  
19 deals with medicine and is better versed in medicine.

20 JUDGE ANTONETTI: [Interpretation] [Previous translation  
21 continues]... the body of this person a year after his death, what was  
22 left? Was it just a skeleton or was there some flesh left? What did the

23 body look like?

24 THE WITNESS: [Interpretation] What remained were parts of the  
25 uniform, what remained on them. There was something there. But the

**Page 8077**

1 body, well, it was a skeleton, although there were some other pieces  
2 there as well, bodily parts, parts of -- now, let me repeat, I'm not an  
3 expert, I'm not an expert in medicine, so I can't really explain it.

4 JUDGE ANTONETTI: [Interpretation] Very well. But you were not  
5 alone. There must have been a forensic officer with you or a police  
6 officer who was there to make reports, to note that on this body, for  
7 example, there are bullet holes, that maybe the femur is fractured, and  
8 so forth and so on. Was there a person noting everything down.

9 THE WITNESS: [Interpretation] A forensic pathologist, as far as I  
10 remember. Yes, the forensic pathologist, the president of the  
11 State Commission, Amor Masovic, his two deputies, the relatives of the  
12 people. I can't remember the name now of the pathologist from the  
13 Faculty of Medicine. Patogija, I think his surname was, Patogija.

14 JUDGE ANTONETTI: [Interpretation] So reports must have been  
15 drafted, and this report must be somewhere. Maybe Mr. Seselj has it. If  
16 the report exists, the conclusions in this report must be there, so to  
17 know whether they were killed by a bullet or rather killed by a grenade  
18 or something else. The Bench has nothing. You know, that's the  
19 difficulty.

20 So, Mr. Seselj, please continue.

21 MR. SESELJ: [Interpretation]

22 Q. Who killed Robert Kahrmanovic?

23 A. I don't know. I never saw the man.

24 Q. In the statement given to The Hague investigators, you said that  
25 he was killed by a soldier of the Army of Republika Srpska. Somebody who

**Page 8078**

1 didn't belong to Brne's unit, then?

2 A. We were lying down in a position like this [indicates]. Just  
3 imagine yourself.

4 Q. I'm not interested in your lying-down position. All I'm  
5 interested in is on page 6 of your statement to The Hague Tribunal, you  
6 said that Robert Kahrmanovic was killed by a soldier of Republika Srpska  
7 and four Chetniks jumped up to prevent the killing; right? Four of  
8 Brne's soldiers, right, that you call Chetniks?

9 A. How else can I call them?

10 Q. Well, all honourable Serbs are Chetniks. There's no doubt about  
11 that. I'm not defending myself from that. But, anyway, four of Brne's  
12 soldiers jumped up to prevent the soldier from another unit from killing  
13 Robert Kahrmanovic, but he nonetheless killed him because he shot him in  
14 the spine with a bullet?

15 A. I don't know if it was four of them who jumped up or ten of them  
16 who jumped up.

17 Q. That's not important. The important thing is that you stated  
18 that he was killed by a soldier of Republika Srpska?

19 A. Didn't you say a moment ago that they were killed by hand  
20 grenades?

21 Q. I'm talking about your statements and pointing out the  
22 contradictions in them now. How was Rusmir Hamalukic killed, then?

23 A. I cannot say, because I didn't see it happen.

24 Q. In the statement you gave here to the military security organs,

25 you state that at that moment, one of the Chetniks shot a burst of

**Page 8079**

1 gunfire and killed Zivko and Rusmir, and that is on page 4 of that

2 shorter statement of yours to the Muslim authorities.

3 May we have it on the overhead projector, please, so that you

4 Judges can see how the witness is lying.

5 A. You seem to use the word "lie" every other word.

6 Q. This is the first time I've used the word since you've been

7 testifying.

8 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, Mr. Seselj, just a

9 minute. Mr. Seselj, the Trial Chamber has told you over and over again

10 that you're not supposed to say that a witness is lying. You can say

11 that there are contradictions, but as to drawing the conclusion of lying

12 or not, this is up to the Judges to do so. Right now, the witness is

13 giving up his version of the facts. You might have another one. Give

14 him your version of the facts, and according to his answers we will try

15 and determine where the truth really lies.

16 MR. SESELJ: [Interpretation] Please, could page 4 from the

17 shorter version of the statement given to the Muslim authorities be put

18 on the overhead projector.

19 The witness has just stated that he didn't see how

20 Rusmir Hamalukic was killed, whereas in the statement he says he did see

21 it. And that is somewhere in the middle of the page, a little above the

22 middle perhaps.

23 Do we have it on our screens now? It hasn't appeared on my yet.

24 Ah, here it is.

25 Q. Now, he says: "At that moment ..."

**Page 8080**

1 Do you see where it says that, Mr. Koblar?

2 "At that moment," it's where the arrow is, "one of the Chetniks

3 shot a burst of gunfire and killed Zivko and Rusmir."

4 And now you say that you didn't see when Rusmir Hamalukic was

5 actually killed, so what's the truth of it?

6 A. I don't remember this statement.

7 MR. SESELJ: [Interpretation] Could you move down the page so we

8 can see the bottom.

9 Q. Is that your signature, or perhaps the Prosecution forged it, at

10 the end -- the bottom of the page?

11 A. You don't have to move this. I can see it.

12 Q. Do you understand Serbian? It's at the bottom, the bottom of the

13 page. Is that your signature down there?

14 A. Yes, it is.

15 Q. So you signed this statement which you don't recall, and you said

16 in it that one of the Chetniks shot a burst of gunfire and killed Zivko

17 and Rusmir; is that correct? Zivko and Rusmir.

18 A. Could you remind me of the date of the statement?

19 Q. The date is the 19th of February, 1994, in the official premises

20 of the Security Service of the 101st Motor ised Brigade.

21 A. Two days after I fled from the camp, the minefield, and you want

22 me to remember what I said, what I said exactly at that time? I told

23 The Hague Tribunal, to the OTP, that I saw with my very own eyes who and  
24 in what way killed Zivko Krajisnik. And now this statement and this  
25 investigation was conducted by Cedec, Sacir, Sacir Cedec, a man who held

**Page 8081**

1 me in custody and detention, because he asked me to sign some statements  
2 because I fled, or rather crossed sides rather than escape.

3 JUDGE ANTONETTI: [Interpretation] Witness, we shall not waste  
4 time. We have a document here that has been signed by you, and the text  
5 is unambiguous.

6 You say they were both killed by a burst of gunfire, which means  
7 that you saw them, when you made your statement before the investigators  
8 in 1994. This is very clear and very accurate. Now you have come here.  
9 You have not said the same thing. This is a problem which the accused  
10 has highlighted.

11 When you gave this statement, you were not sure of what you were  
12 saying and you said that, or is it that you were very sure and now you're  
13 not so sure? This doesn't mean that you're lying. You can be sure of  
14 something today and in a week's time be less sure about it. This can  
15 happen to anyone.

16 What do you say to the contradiction that Mr. Seselj has  
17 highlighted? This doesn't mean that you're a false witness and that you  
18 are lying. There is a contradiction here, and I'm sure you have an  
19 explanation for it. What is it?

20 THE WITNESS: [Interpretation] As for this statement and the  
21 military authorities, in an article that I wrote in Sarajevo, I never had  
22 the opportunity of reading. As far as this statement is concerned, I had

23 15 minutes' time. I was given 15 minutes to sign all the pages, because  
24 all I wanted was to go home to see my mother, my sister, my brother, and  
25 not to --

**Page 8082**

1 JUDGE ANTONETTI: [Interpretation] So the explanation you provide  
2 is as part of the investigation, the investigator typed up this  
3 statement, and you signed it quickly, without reading it again? That is  
4 the explanation you give?

5 THE WITNESS: [Interpretation] In 2000, in the year 2000 -- or,  
6 rather, in 1999 or 2000, I'm not quite sure which, I asked to see -- to  
7 be shown this statement. This same man, Sacir Cedic, told me that I had  
8 voluntarily spent the time in detention and that I can't -- they wouldn't  
9 give the statement to me because it was given voluntarily.

10 THE ACCUSED: [Interpretation] If you understood something from  
11 what the witness just said, well, good luck to you.

12 JUDGE ANTONETTI: [Interpretation] Just a moment. We'll get back  
13 to this point after the break.

14 We must have a break now, and we're going to have a 20-minute  
15 break.

16 --- Recess taken at 4.20 p.m.

17 --- On resuming at 4.47 p.m.

18 JUDGE ANTONETTI: [Interpretation] As far as the countdown is  
19 concerned, you have one hour left, Mr. Seselj.

20 MR. SESELJ: [Interpretation]

21 Q. Now, Mr. Koblar, we are going to look at the statements of the  
22 people who took you prisoner at Golo Brdo together.

23 Could we please have document number 1 on the ELMO so that the  
24 witness could see the statement and the public as well, because this  
25 should be broadcast over the internet so that the public could see it.

**Page 8083**

1 This is a statement of Miroslav Skoric, nicknamed Zuti, that's  
2 the man who was addressed as "Major" that you mentioned.

3 MR. FERRARA: Your Honour, I want to put on the record that the  
4 OTP has received the statement about two hours ago, or maybe less, in  
5 Serbian, and that's all.

6 JUDGE ANTONETTI: [Interpretation] Thank you.

7 Mr. Ferrara, I notice, and this is something you're able to see  
8 also, that this was sent by Mr. Seselj's associates on the 11th of June  
9 at 11.54, which would explain why you received it two hours ago.  
10 Is that right, Mr. Seselj, number 1?

11 THE ACCUSED: [Interpretation] No. This is the document that I  
12 received yesterday at two minutes past 2.00. It is the document marked  
13 with a Roman numeral I. I got it yesterday at two minutes past 2.00, and  
14 I had to read it first in order to decide whether I should use it or not.  
15 Last night, after finishing my work, I waited for one hour and  
16 fifteen minutes for transportation. So I could read the document only  
17 this morning, and it was then that I decided I would use it in  
18 cross-examination.

19 Today, when I came to court, I gave it to the Registrar straight  
20 away so that it could be copied and distributed. So the speed was  
21 maximum, it couldn't have been any faster.

22 JUDGE ANTONETTI: [Interpretation] Very well. Please proceed.

23 THE ACCUSED: [Interpretation] We don't have it on the first  
24 screen. Have you put it properly? Oh, so that's what is not broadcast  
25 to the public.

**Page 8084**

1 Q. In these first paragraphs, so that we don't waste any time,  
2 please follow it, you have it in front of you, he says that he took part  
3 in the armed conflicts in Bosnia-Herzegovina from the very beginning,  
4 that his nickname is Zuti, and that he is well known by that nickname,  
5 and that Ilidza, Blazuj and Hadzici were fired at by the Muslims, as were  
6 other parts of Serb Sarajevo, and he talks about this big action of the  
7 Army of Republika Srpska.

8 You see that in the statement, don't you? Then Miroslav Skoric,  
9 nicknamed Zuti, says of himself:

10 "At the time, I was commander of the Intervention Company of the  
11 Tomo Veljancic Igman Brigade, military post code 7006."

12 This unit that you called Brne's Chetniks, that was an informal  
13 name, whereas this is its formal name. Are you challenging that, do you  
14 doubt that?

15 A. Of course I doubt that.

16 Q. He says that he commanded that unit, and he said that it was a  
17 unit of the Army of Republika Srpska. And then he said:

18 "There were no volunteers from elsewhere, from other republics or  
19 from Serbia, or volunteers of the Serb Radical Party."

20 Was it your impression that some of those soldiers who had taken  
21 you prisoner were from elsewhere, not from Bosnia-Herzegovina?

22 A. Pajkovic, himself, is not from Bosnia-Herzegovina.

23 Q. Pajkovic is from Berane, like you, but he lived in Sarajevo.  
24 Pajkovic is from Berane, and that is why he treated you so badly,  
25 considering you to be a traitor, because the Bozovics are a famous Serb

**Page 8085**

1 family in Berane and your mother is from the Bozovic. Your mother comes  
2 from the Bozovics; right?

3 A. Yes. She's Montenegrin.

4 Q. What about Pajkovic?

5 A. From Brne's unit, the only thing I knew was that Brne was from  
6 Sarajevo. And I recognised another man, who's name I'm not going to  
7 mention now, of course I won't, he still lives in Sarajevo and he just  
8 gave me an eye signal showing me that there was no chance of survival for  
9 me.

10 Q. Why didn't you want to mention his name?

11 A. Because he lives in Sarajevo.

12 Q. What does that have to do with anything? Is the situation there  
13 civilised?

14 A. Of course they're civilised, but what about the situation for  
15 Bosniaks in Republika Srpska?

16 Q. They were always more civilised than in Sarajevo for Serbs.

17 Didn't you kill 6.000 Serbs in Sarajevo during the war? It's in official  
18 documents.

19 A. Have you forgotten mathematics?

20 THE INTERPRETER: Interpreters note, we cannot keep up with the  
21 speed of the questioning.

22 JUDGE HARHOFF: Mr. Witness, you have to allow the interpreters

23 to catch what you say, so please observe a small pause. You have been  
24 doing that very well until now, but I see that you get carried away  
25 sometimes. But try and respect the pause.

**Page 8086**

1 THE INTERPRETER: Interpreters note, the questions have to come  
2 slower.

3 THE ACCUSED: [Interpretation] Just go on praising the witness. I  
4 join you in praising the witness, Judge.

5 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, no one is saying  
6 that we are complimenting the witness. This is in your mind. You are  
7 confounding him on a number of issues, which I think is extremely  
8 important, and I shall address this, because this cannot be set aside.  
9 Witness, this Zuti makes a statement. For Mr. Seselj, we will  
10 see what it contains. But in this statement, something technical is  
11 mentioned, something which he cannot have made up, the fact that his unit  
12 was number 7066. This can be checked on the VRS lists. This is  
13 something that can be checked. He can't have made this up, not something  
14 like that.

15 If, in fact, his unit was an official VRS unit, why did you say  
16 that on the one hand, there was the VRS and, on the other hand, there was  
17 the Chetnik unit?

18 THE WITNESS: [Interpretation] Mr. President, in addition to  
19 myself, three other men were taken prisoner. They are alive.  
20 Dragan Despotovic, who crossed over to the Army of Republika Srpska in  
21 camp; then Hasib Krslak and Hilmiya Numic. They were taken prisoner by  
22 the military police of the Republika Srpska. They survived. As for

23 myself and my three fellow combatants, we were taken prisoner by the  
24 Chetnik unit of Branislav Gavrilovic. I stated that clearly because,  
25 after all, I do make a distinction between Chetniks and Serbs. I never

**Page 8087**

1 identified or did I allow other people to identify Serbs with Chetniks,  
2 Croats with Ustashas, or Muslims with balijas.

3 JUDGE ANTONETTI: [Interpretation] Thank you.

4 Mr. Seselj, on several occasions today, I don't know what the  
5 matter is, you call the Judges into question. You say that we are on the  
6 witness's side. We don't take anyone's side. The witness answers the  
7 questions, you put your questions, and we shall see, in the end, what we  
8 believe the witness is saying. This is how it works.

9 Please stop accusing all the time. If you do not agree, file a  
10 request for impeachment. If you -- otherwise, just stop saying that we  
11 are taking sides.

12 My colleague has put a question which is of a purely technical  
13 nature, and you turn around and say, "He's taking the witness's side." I  
14 don't understand.

15 You have noticed that we put questions to the witness. We try to  
16 understand, with the help of the Prosecution, with the help of the  
17 witness, and with your help. We try to be completely neutral. We try to  
18 understand. The Prosecution has its case to present, you have your case  
19 to present. We shall see, in the end, where the truth lies. This is why  
20 there are legal proceedings like these.

21 Please proceed.

22 THE ACCUSED: [Interpretation] I do hope that you noticed the two

23 substantive answers given by the witness. First of all, the witness did  
24 not manage to identify a single soldier in this unit that took him  
25 prisoner as a soldier outside -- from outside the territory of

**Page 8088**

1 Bosnia-Herzegovina, except for this Pajkovic, who was born in Ivangrad.  
2 But my information says that he lived in Sarajevo, too, just like this  
3 witness was born in Ivangrad, called Berane beforehand, and now he lives  
4 in Sarajevo. That is one thing.

5 Secondly, when I put to him the official name of the unit that  
6 was popularly known as "Brne's Chetniks," he said that that's not true,  
7 he said that that was a lie, whereas the official name of the unit was  
8 the Intervention Company of the Igman Brigade, Tomo Veljancic, military  
9 post code 7066. The OTP can check that out, and I think that the  
10 Trial Chamber has the right to instruct the OTP to check that out, and  
11 that will simplify matters.

12 Here we are questioning witnesses without any kind of  
13 investigation taking place beforehand. We don't even have the autopsy  
14 findings of the three men who got killed at Golo Brdo, so all sorts of  
15 stories can be bandied about. We would know the cause of death had a  
16 proper postmortem been carried out.

17 Now I'm going to continue --

18 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, I don't disagree on  
19 what you've just said, but I must say that if you feel that after what  
20 Mr. Zuti wrote to you, that his unit was part of the Company number 7066,  
21 which is a code name, what would have prevented you and your associates  
22 from sending a letter to the authorities to ask them officially that this

23 be confirmed, i.e., that this unit was a member of the VRS at the time?  
24 Why haven't you done this? They would have responded by giving you a  
25 list, and you would have brought this list as evidence.

**Page 8089**

1 I'm not saying that what you are saying needs to be dismissed.  
2 The best proof of it is that I put the question myself to the witness, to  
3 clearly emphasise it, and say, "Be careful, there might be a problem  
4 here," the problem which you raised yourself. The witness challenges  
5 this, but technically speaking you can say that this unit, first of all,  
6 was made up of people who were locals and not from Serbia, this is what  
7 you've said, and they were a part of the chain of command of the VRS.  
8 So that's it. There's no point in getting all worked up and  
9 getting irritated. All we're asking you to do is put questions of a  
10 technical nature and not be biased and think that the Judges are not  
11 listening to what you are saying. It's quite the opposite. We do  
12 listen.  
13 Please proceed.

14 THE ACCUSED: [Interpretation] Mr. President, for years now the  
15 Army of Republika Srpska has not been in existence. Its entire  
16 documentation was transferred to Sarajevo. That is where the occupiers  
17 set up a unified Army of Bosnia-Herzegovina, and we do not have any  
18 possibility of addressing the occupying forces or the forces that are  
19 under the control of the occupiers. Bosnia-Herzegovina is still a state  
20 under occupation. Formally, it is internationally recognised, but it is  
21 not an independent state. A Western governor is in power there, Lajcak.  
22 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you are right to

23 say this. We know that the archives of the VRS have been transferred to  
24 Sarajevo. You are saying that Bosnia-Herzegovina is in a very specific  
25 legal situation. Fine, but why -- what prevents you from writing a

**Page 8090**

1 letter to the High Representative if you believe that he's the competent  
2 person so that this person, you know, would intervene with local  
3 authorities in order to provide you with the lists? You can do this, you  
4 can write a letter. And if you run into any difficulties, then you can  
5 seize the Trial Chamber so that the Trial Chamber can step in. First  
6 thing.

7 Second thing now, and you said it yourself. Bosnia-Herzegovina  
8 has an army at the moment, so why can't you just write to the Minister of  
9 Defence, asking him to have access to the archives? If he doesn't answer  
10 your letter, seize the Trial Chamber, and then we will request these  
11 documents to be disclosed to you. And they have to do it because of the  
12 cooperation agreements.

13 This is the procedure that exists. You can do this. If for your  
14 defence, for cross-examination purposes, you run into problems, seize the  
15 Trial Chamber of these problems.

16 THE ACCUSED: [Interpretation] Mr. President, the basic problem of  
17 this trial, and many other trials before this Tribunal, is the fact that  
18 the OTP doesn't really carry out any investigations. All of this was  
19 supposed to be done in the investigation stage, so if an assertion is  
20 made that three soldiers of the Muslim army were killed, then all the  
21 postmortem findings should be brought here.

22 Secondly, I would rather die than write a letter to Lajcak. I'm

23 certainly not going to do that. But a few years ago, I asked the  
24 Trial Chamber, and you were a member, I asked that documents be provided  
25 to me under subpoena, all the documents pertaining to my name from the

**Page 8091**

1 archives of the secret police, military and civilian, from the  
2 Federation, and from Croatia, America, England, France and Germany. And  
3 the Trial Chamber denied me that, and that is a fait accompli, as far as  
4 I'm concerned. So now I'm continuing my work in the knowledge that I  
5 will never receive this material. Of course, had I received this  
6 material, I would have had a lot more documents, whereas this way I am  
7 compelled to look for eyewitnesses.

8 I was not on the spot. I had to find people who were on the  
9 spot. I had to find the people who took this man prisoner, this witness,  
10 and to hear their side of the story, and that is what I'm using now. I  
11 cannot humiliate myself and ask the enemy of the Serbian people for help  
12 in the proceedings that are instituted against me, and I'm not going to  
13 do that. So, please, let me continue now.

14 JUDGE ANTONETTI: [Interpretation] Very well, continue. At least  
15 I gave you my answer, as far as procedure is concerned. I told you that  
16 you have the possibility of seizing the Trial Chamber. You don't want to  
17 do this. You told us why. Everything is on the transcript. I'm not  
18 going to comment on this. But you know that in terms of the procedure,  
19 you have the possibility of seizing the Trial Chamber.

20 Please continue.

21 MR. SESELJ: [Interpretation]

22 Q. Again we are going to skip this part where Mr. Skoric explains

23 how this unit, as an elite unit, was used to break through enemy lines  
24 and take strategic positions, and so on and so forth. Then he describes  
25 this attack against Golo Brdo, and he says:

**Page 8092**

1 "The order for this operation was given to me by Colonel  
2 Spasoje Cojic, the staff of the Igman Brigade. The following units took  
3 part with us: The Intervention Platoon of the Igman Brigade; the  
4 Armoured Mechanised Company of the Ilidza Brigade, better known as the  
5 Serb Guard, Ilidza; the Reconnaissance/Sabotage Platoon Munja of the  
6 Igman Brigade. Have you heard of the names of these units?

7 A. I only heard of the unit of the Igman Brigade.

8 Q. Only of the Igman Brigade, as such?

9 A. Yes, only that.

10 Q. Do you doubt that Mr. Skoric was in the Intervention Company,  
11 Tomo Veljancic, of the Igman Brigade?

12 A. In the BH Army, we also have about 50.000 people who are  
13 registered as belonging to the BH Army from Day 1, and in actual fact  
14 they were outside, out of Bosnia, or in basements, or who knows where.  
15 If this is Plavi, he could have been registered I don't know where, but,  
16 I mean, he couldn't have been a member of the Army of Republika Srpska.

17 Q. Why did you never mention in your statements to the Muslim --  
18 don't interrupt me. If the Judges are not going to warn you, I'm going  
19 to warn you persistently. You are not supposed to interrupt me.

20 A. I said --

21 THE INTERPRETER: Interpreters note, we cannot interpret this.

22 JUDGE ANTONETTI: [Interpretation] Witness, Mr. Seselj does not

23 need to intervene. I already told you that as far as procedure is  
24 concerned, you are here to answer the questions put to you by the  
25 accused. The procedure is very different from the procedure that exists

**Page 8093**

1 in your country. The legal proceedings are different in your country,  
2 but here the accused is asking the question and you're supposed to just  
3 answer his questions, and nothing else. This is, of course, under the  
4 control of the Trial Chamber, because we want to make sure that no time  
5 is wasted and that the questions are relevant. And he's also supposed to  
6 ask you questions that are not offensive. This is the only control we  
7 have. Otherwise, he's entitled to ask all questions he wishes. And your  
8 right is to answer the questions, even if you don't agree with them, even  
9 if you're not happy with them, if you feel hurt. The question was put to  
10 you, and you must absolutely answer the question, either by "yes," "no,"  
11 "I don't agree," "You're right," "You're wrong." That's the rules of the  
12 game here. The people who invented these rules of procedure decided that  
13 it would work this way. There was another possibility, which was to  
14 allow the Judges to have a major role, but that was not chosen, so this  
15 is the rules of the game.

16 Defence is asking questions to you. You're supposed to answer  
17 these questions, even if you don't like them. These are the rules that  
18 were designed, and we have to play by the rules.

19 So, Mr. Seselj, continue.

20 MR. SESELJ: [Interpretation]

21 Q. Answer my question. Why, in neither of these two statements to  
22 Muslim military authorities, did you mention that the soldiers who

23 captured you had signs with skulls and bones? Why isn't it in any of  
24 these two statements?

25 A. It has to be there.

**Page 8094**

1 Q. Well, it's not. Let the Prosecution help you and find it. It's  
2 not there. One statement is more than 30 pages long, the other one is 9.  
3 This is not there. The Prosecution can use its technology to find that  
4 very quickly, whether there is any reference to skull and bones.  
5 You claim, if I understand you correctly, that you mentioned  
6 these signs with skulls and bones, and you claim it's in the statement?

7 A. It should be there.

8 Q. So you're not that sure anymore?

9 A. It should be there. I will repeat what I said a moment ago. I  
10 know what should be in the statement, but I had no occasion, neither with  
11 the Prosecution or the investigative authorities of my unit, to reread it  
12 before signing it.

13 Q. So let's see how Zuti describes this action on Mount Igman. He  
14 gives a brief overview of your whole story about your capture at  
15 Mount Igman. This is the other side of the story:

16 "The action on Mount Igman began with artillery preparation, and  
17 I --"

18 JUDGE ANTONETTI: [Interpretation] Just a minute, Mr. Seselj. I  
19 don't want to cut you off, but you asked a question earlier that's  
20 extremely important and I wish to come back to it.

21 Mr. Seselj justly noted that in your statement, a 1994 statement  
22 made to the authorities of your country, and when you escaped and came

23 back, you did not mention the skull-and-bones insignia. This is quite  
24 surprising. Why is that? The investigators who met with you and tried  
25 to find out what happened, you know, any investigator must absolutely ask

**Page 8095**

1 the victim, and you were the victim in this case, whether he had any  
2 elements to identify the perpetrators. And when you carry out this kind  
3 of investigation, you have to ask the victim how the perpetrators were  
4 dressed, what kind of weapons they had, whether they had emblems,  
5 insignia, patches, and so on. These were the questions that they were  
6 supposed to ask, and apparently these questions were not asked.

7 Now, was it because they were so convinced that these were  
8 soldiers from Republika Srpska and not from a Chetnik unit that there was  
9 no doubt about this, because that could explain why no questions were put  
10 to you on identification, or maybe they were in a frame of mind and they  
11 just were not concerned at the time to know exactly who did what.

12 Now, after that, you met with people from the OTP. In your  
13 statement of 2004, April 22nd and 23rd, there we have mention of the  
14 skull-and-bones emblem. When I saw this, I wondered. You know, I'm  
15 fully transparent, contrary to what Mr. Seselj believes, I'm neither for  
16 one side nor the other. I don't side with anyone. I just want to get to  
17 the truth. So when I saw this, I said to myself, why is it that  
18 suddenly, when the witness has his -- is bringing us his document for the  
19 Red Cross and his injuries and so on, why is it that we have this  
20 document suddenly? So this is my question to myself: Did the witness  
21 volunteer this to the OTP or is it the OTP who showed the emblem to the  
22 witness so that -- to ask him, "Did you see this," or, "You did see this

23 emblem?"

24 So please tell me. When the investigator, in 1994, put questions  
25 to you, did he mention this emblem to you? Did he address this problem

**Page 8096**

1 of the skull and bones?

2 THE WITNESS: [Interpretation] While I was under investigation and  
3 in detention in my own unit, there was one, quote/unquote, "truth" that I  
4 was supposed to sign; namely, that the platoon of 20 Serbs betrayed  
5 Golo Brdo, and I mentioned that in the statement. But in that statement,  
6 there should also be --

7 JUDGE ANTONETTI: [Interpretation] Very well, thank you. This  
8 hadn't escaped me. I really wondered why was it that he is going to be  
9 detained by his own friends. That was one problem, and obviously no one  
10 thought about this. Maybe Mr. Seselj was going to address this, but up  
11 until now nobody had addressed this.

12 You are detained because your own side believes that maybe  
13 people -- there were traitors, and you're suspected of having betrayed.  
14 And you're saying now that you believe that the investigation was very  
15 biased. Thank you, you're being very specific now. So their purpose was  
16 to find out whether there had been betrayals or not, rather than trying  
17 to find out who were the perpetrators of these crimes; is this what you  
18 were trying to say?

19 THE WITNESS: [Interpretation] Roughly, or maybe in other words,  
20 but in the same sense, to maintain the truth that 20 Serbs betrayed  
21 Golo Brdo, and that was later covered in the press and it was --

22 JUDGE ANTONETTI: [Interpretation] Very well, yes, but the Judges

23 are here to understand. Otherwise, they wouldn't be Judges.  
24 The second thing: When you met with the OTP, people from the  
25 OTP, in 2004, tell us whether it is the OTP who showed you this

**Page 8097**

1 emblem [indicates] on the photocopy that you signed, or did you volunteer  
2 this photocopy and bring it yourself?

3 THE WITNESS: [Interpretation] I brought an article that ran in  
4 series that also carried some photographs. That's a liberty I gave to  
5 the editor of "Vecernje Novine" newspaper, to insert some photographs.  
6 And in that article there is one photo, I don't know where it comes from,  
7 depicting Chetniks carrying weapons, and the first time I saw these  
8 photos was perhaps a month ago, when I got into contact with the OTP to  
9 decide whether I should come here to testify or not. Nobody imposed it  
10 on me or showed it to me.

11 JUDGE ANTONETTI: [Interpretation] Very good, very well.  
12 So you're saying that the skull and bones thing, this  
13 skull-and-bones insignia, is something you volunteered, and no one told  
14 you anything about it; you spoke about it?

15 THE WITNESS: [Interpretation] I spoke about it from my memory.

16 THE ACCUSED: [Interpretation] Mr. President, I hope that you,  
17 too, have before you this long statement of the witness, some 30  
18 densely-typed pages. Perhaps it would be even 100 pages with different  
19 spacing. It must be translated into English. The Prosecution gave it to  
20 me.

21 JUDGE ANTONETTI: [Interpretation] No, I don't have it.

22 Now, Mr. Seselj, once again, I think sometimes there are

23 misunderstandings, because you don't know what we have on the Bench.  
24 Today, for this witness, the Prosecutor gave us a file with all the  
25 exhibits that were to be shown to the witness, and in this file there was

**Page 8098**

1 the written statement of 2004. But as to the statement made to the  
2 Muslim authorities in 1994, which was disclosed to you, it was not  
3 disclosed to us. We don't have it on the Bench. This is how things  
4 stand.

5 You know many things, because the Prosecutor sent many documents  
6 to you and disclosed them to you, and if you think that we have it, we  
7 know about it also, but we don't. The only thing we have is what the  
8 Prosecution gave us, and the Prosecutor did not give us the 1994  
9 statement. I just don't have it.

10 So I believe that this is why we have such misunderstandings.

11 I'm trying to give you as much information as I can. I'm telling you  
12 exactly what we do, what problems we run into, what questions we would  
13 like to ask. We are fully transparent here on the Bench.

14 You raised your hand. What did you want to say, sir?

15 THE WITNESS: [Interpretation] I just wanted to draw your  
16 attention, Mr. President, that you are taking over the terminology of the  
17 accused, referring to Muslim authorities. This is a statement or  
18 statements that I gave to legal investigative authorities of the Army of  
19 Bosnia and Herzegovina before the Dayton Accords.

20 JUDGE ANTONETTI: [Interpretation] I agree with you, I agree with  
21 you. I fully agree with you, but we mention Muslim authorities because  
22 at the time when you escaped, you escaped from Kula and went back to the

23 101st Motorised Brigade. It's not a Serbian unit; it's a Muslim unit.  
24 We have three components; Croat units, Muslim units and Serbian units.  
25 This is how you must interpret the way we use "Muslim." On the field,

**Page 8099**

1 there are three sides, Croats, Serbs or Muslims, which is why I use this  
2 terminology.

3 Mr. Seselj, please resume. I apologise for having cut you off,  
4 but I wanted to really address the skull-and-bones insignia problem,  
5 because I believed it was very important. I wanted to get to the bottom  
6 of this and understand what really happened, but resume.

7 MR. SESELJ: [Interpretation]

8 Q. In this long statement on 34 densely-typed pages, that's about  
9 100 pages of journalistic typing, you describe in detail all the soldiers  
10 who captured you, and the emblems they wore, and you mentioned cockades  
11 with two-headed eagles. Why didn't you mention the skull and bones  
12 anywhere?

13 The Prosecution had time to check it. They didn't find it,  
14 either, and now we see it's not there. I have no time to read it all to  
15 you here, but it is absolutely not there. You did not mention that any  
16 of these soldiers had the skull-and-bones sign. Why?

17 A. In that statement, there has to be even the name, the Chetnik  
18 unit of Brne Gavrilovic, Plave, Copo and Pajkovic.

19 Q. It's not Plave, it's blue. It's Zuti, yellow. A man with blonde  
20 hair is Zuti.

21 A. That's what you say. He was referred to as "Major," actually.

22 Q. Yes, it is there that it was the Chetnik unit, but there is no

23 reference to skull-and-bones emblem. There is no dispute that they were  
24 called Chetniks and they called themselves Chetniks. That's not in  
25 dispute, but there is no reference to the skull and bones.

**Page 8100**

1 A. Well, it's not my problem. If it's the Chetnik unit of  
2 Brne Gavrilovic, if Copo, Pajkovic and Major are mentioned, there should  
3 be also a detailed description - you say there is - of these people, plus  
4 the other one whom I didn't name here. It has to be there in the  
5 statement.

6 THE ACCUSED: [Interpretation] The Prosecution had more than half  
7 an hour to find the reference to skull and bones. I can only note they  
8 didn't find it. I really cannot dwell on this.

9 THE INTERPRETER: Microphone, please.

10 MR. FERRARA: There is no reference to skull and bones, and there  
11 is no reference to cockade with two eagles, as the accused says. So  
12 there is no reference to any kind of insignia in this statement, so the  
13 accused is misunderstanding the statement of the -- it's on line --  
14 page 59, line 1 and 2. He didn't describe any kind of insignia.

15 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara, I don't really  
16 understand. Mr. Seselj says based on the 1994 statement, that the  
17 witness mentioned cockades and gave details. And in the document which I  
18 don't have, unfortunately, but which you must have and which must have  
19 been translated into English, I hope, you say that there is no mention --  
20 Mr. Seselj said that --

21 THE INTERPRETER: Interpreter's correction.

22 JUDGE ANTONETTI: [Interpretation] Mr. Seselj says that there's no

23 mention of the skull and bones there. This is what he's saying, anyway,  
24 but you have the document, so you can check. I can't check because I  
25 don't have the document.

**Page 8101**

1 MR. FERRARA: Your Honours, Mr. Seselj said a different thing.

2 He said the witness described soldiers with cockade, two eagles, so  
3 soldiers that were not SRS member of Chetniks unit. It did not describe  
4 people with skull and bones. The truth is that the witness didn't  
5 describe any kind of insignia in the statement. There is no description  
6 of eagles, of an insignia, badge, skull or bones. There's nothing to do  
7 with the description of their uniform.

8 JUDGE ANTONETTI: [Interpretation] Very well. Please resume.

9 MR. SESELJ: [Interpretation]

10 Q. Since we established there is no reference to skulls anywhere, I  
11 will look for the cockades later. I'm really not interested in that now.  
12 It's important that the Prosecutor confirmed there is no reference to  
13 skull and bones, which was the point the witness made in  
14 examination-in-chief.

15 I started to summarise for you the description of the situation  
16 given by Miroslav Skoric, nicknamed Zuti, in the course of the action on  
17 Mount Igman. He says:

18 "The operation on Igman started with artillery preparation ..."

19 That's where you agree:

20 "... and I led my unit in an attack against fortified enemy  
21 positions on Golo Brdo elevation. Some 200 metres away from enemy  
22 bunkers, we were waiting for the artillery preparation to finish. In

23 order to approach as unobserved as possible, I selected four soldiers,  
24 whom I led, to capture the bunker. I decided on this tactic after  
25 reconnoitering the terrain, when I noticed that everything was mined with

**Page 8102**

1 directional fragmentation mines."

2 You noticed that as well, these mines:

3 "When we got to the bunker, we saw three dead enemy soldiers."

4 That's what Zuti says:

5 "We saw some more dead in the trench that was part of the bunker.

6 Since the bunker was closed, we didn't know if there was anyone inside."

7 In your opinion, is this a truthful description given by Zuti,

8 who captured you at Golo Brdo?

9 A. I did not say that the Major had captured me, but Pajkovic. And

10 in this statement from the other side of Igman, from the side that they

11 had come, because they came from the direction of Ilidza, they could

12 see -- they could see, because on Golo Brdo there were just two

13 directional fragmentation mines, and they could not see any dead

14 soldiers, because they had captured them and they were alive when

15 Pajkovic brought me. All three of them were alive.

16 Q. Now turn to the second page, please, and we'll go through the

17 statement further on.

18 Zuti goes on to say:

19 "After my call to surrender, from the bunker a rifle was thrown

20 up."

21 That's the bunker where you were:

22 "And immediately afterwards, a man came out, and I asked him

23 whether there was anyone else in the bunker. He said that he was alone  
24 and that his name was Perica Koblar. He added that he was a Croat by  
25 ethnicity, although nobody asked him that."

**Page 8103**

1 Is it true that you declared yourself as a Croat?

2 A. No, it isn't. And let me repeat, I was not captured by the Major  
3 but by Pajkovic.

4 Q. All right. The Major says he captured you. And did you ever  
5 declare yourself as a Slovene?

6 A. Well, I suppose he got a medal for that.

7 Q. Did you ever declare yourself as being a Slovene?

8 A. Yes.

9 Q. When was that? When did you declare yourself as being a Slovene?

10 A. I think that was in 1997, when I was at the elections, and I  
11 didn't declare myself; it was other people who wrote that in, who made  
12 that entry, and said that my ethnicity was Slovenian. I was at the  
13 independent candidate selection.

14 Q. So they put that entry there against your will, against asking  
15 you your opinion?

16 A. Right.

17 Q. But you never publicly declared yourself a Slovene?

18 A. After 2000, I did, yes.

19 Q. And in 1996, you did not?

20 A. Well, I don't know why I would do that in 1996. The only  
21 document that you can obtain from 1996 or that you could find in 1996 was  
22 the OSCE document, when I was head at the electoral staff of the late

23 Vladimir Srebrov.

24 Q. I haven't got any documents. I'm just leafing through some  
25 papers. All I'm interested in is: When was it that you declared

**Page 8104**

1 yourself a Slovene?

2 A. I can't remember.

3 Q. Or was that in 1996? That was the first year after --

4 A. Not in 1996.

5 MR. SESELJ: [Interpretation] I received a fax earlier on, and  
6 could this be shown to the witness. It is a report from the Founding  
7 Assembly of the Inmates Association of Bosnia-Herzegovina, camp inmates.

8 Q. Do you remember the founding meeting of the detainees of  
9 Bosnia-Herzegovina?

10 A. Well, since you're that informed, do you know what happened  
11 before that?

12 Q. There was a big scandal. A Muslim evinced hatred to everybody  
13 who was not a Muslim.

14 A. Well, then it should become clear to you, why I declared myself a  
15 Slovene.

16 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you have just told  
17 us that you have received a document. Maybe you got it during the break.  
18 In that case, the Prosecution has not been made aware of it. You should  
19 and must disclose to the Prosecution any document you're going to be  
20 using.

21 Mr. Ferrara, you didn't get this document?

22 MR. FERRARA: No, Your Honours.

23 THE ACCUSED: [Interpretation] Mr. President, I use this just by  
24 chance now, because the witness claimed that he did not declare himself  
25 in 1996 as a Slovene, and here on page 2, if you turn it over to

**Page 8105**

1 page 2 -- I'm not interested in the document at all. This woman doesn't  
2 seem to understand me either. [In English] Turn on the second page in  
3 this document.

4 THE WITNESS: [Interpretation] It's also on the web page.

5 THE ACCUSED: [Interpretation] You see, I have to speak that  
6 odious language.

7 Q. You see here, your statement is being quoted, where you say:

8 "First of all, I'm a Slovene, a Catholic, but that did not  
9 prevent me ..., " et cetera, et cetera.

10 JUDGE ANTONETTI: [Interpretation] Just a minute, Mr. Seselj. One  
11 always has to be wide awake in your presence, because you say so many  
12 things.

13 You just said -- you just mentioned this awful language. Which  
14 language are you referring to?

15 THE ACCUSED: [Interpretation] English. The usher doesn't  
16 understand me, and to save time I had to speak up in that horrible  
17 language. What can I do? I didn't want to do that. It just escaped me,  
18 Mr. President, and I withdraw everything I said in that hateful language.

19 JUDGE LATTANZI: [Interpretation] So you understand English?

20 THE ACCUSED: [Interpretation] I don't.

21 JUDGE ANTONETTI: [Interpretation] Let's not go into a discussion  
22 on language.

23 Proceed, Mr. Seselj.

24 MR. SESELJ: [Interpretation]

25 Q. At that Assembly, did you declare yourself, publicly, that you

**Page 8106**

1 were a Slovene and a Catholic?

2 A. A Catholic, yes; a Slovene, no.

3 Q. So is what it says on this web page not true?

4 A. Not where it says that I'm a Slovene, no.

5 Q. All right. Return the document. I'm not interested in what you  
6 are at all.

7 A. Well, I don't know why you're asking me.

8 Q. Because you said didn't declare yourself that way in 1996, where  
9 we see that you did, in fact?

10 A. So you're playing around you, playing around with me?

11 Q. Listen, you're such a useful witness as far as I'm concerned that  
12 even if I'd wanted to invent you as a witness, I couldn't have done a  
13 better job. You've been god-sent here and serve my purpose perfectly.

14 But let's go back to page 2 of the statement of Mr. Miroslav Skoric. He  
15 goes on to say they took you back to hand you over to the military  
16 police, and now he describes an interesting moment, an interesting  
17 detail. He says -- have you put the document back to page 2, page 2 on  
18 the ELMO? Is it on the ELMO?

19 He says:

20 "My unit left the positions taken control of and it was replaced  
21 by units from the other echelon, whose sole task was to take control and  
22 retain the positions gained. Within the composition of those units were

23 people from Blazuj, and they were exposed to sniper fire from Golo Brdo.  
24 In order to avoid possible problems in escorting the prisoners, we put a  
25 flak-jacket on him."

**Page 8107**

1 Is that true, that they put a flak-jacket on you so that when the  
2 other soldiers went down from Igman with you, you wouldn't be threatened,  
3 your life wouldn't be threatened?

4 A. Did you use the singular or the plural?

5 Q. I am asking you whether the Serb soldiers who had captured you  
6 put on a flak-jacket to -- for your safety.

7 A. But you said "prisoners," you used the word "prisoners" in the  
8 plural.

9 Q. I am using the second-person plural as an individual, as --  
10 that's a mark of my good behaviour. I said: Did they place a  
11 flak-jacket on you? I didn't say "flak-jackets," as relating to more  
12 people. I said "flak-jacket" in the singular, so don't waste my time.

13 A. Brne did that, the Major did that, Copo did that and Pajkovic.

14 The flak-jacket, a transportation sack, a military sack - I don't know  
15 what it's called - and I had to carry an M-84 or the sower of death, as  
16 we used to call it in Sarajevo, over my left shoulder.

17 Q. So that I could -- you could resemble a Serb soldier?

18 A. Well, wearing a black shirt and black trousers, could I have  
19 resembled a Serb soldier?

20 Q. Well, you could have appeared like a Serb soldier because they  
21 gave you a flak-jacket and a powerful weapon. There were other Serb  
22 soldiers who did not have the proper uniform.

23 THE INTERPRETER: Could the speakers kindly slow down, and could  
24 the witness repeat his answer? It's too quick to translate. Thank you.  
25 MR. SESELJ: [Interpretation]

**Page 8108**

1 Q. That's not an answer to my question. Did they provide you with a  
2 flak-jacket to torment you or to protect you or, rather, to camouflage  
3 you if you came across somebody who wanted to take revenge on you? So  
4 were you given a flak-jacket to wear and heavy weapons to torment you or  
5 to save you? Just answer me that.

6 A. To carry as a mule.

7 Q. So you served for carrying a machine-gun and a flak-jacket, so  
8 that was a form of torture, was it? Say that, then. So they tortured  
9 you by giving you a flak-jacket, whereas they say they gave you a  
10 flak-jacket to wear to protect you. You say it was torture. All right,  
11 fine. The Dutch police provide me with a flak-jacket here. They say  
12 they're protecting me. I consider that they are torturing me with that  
13 flak-jacket, but that's a matter of personal opinion.

14 Anyway, you got the flak-jacket before you met

15 Branislav Gavrilovic?

16 A. That's not true.

17 Q. All right. You say it's not, then it's not. It says here --  
18 Zuti says that Branislav Gavrilovic, Brne, at that time was being treated  
19 from the serious wounding in his abdomen and spine, and he found it  
20 difficult to move. So in the company, he dealt with the training of new  
21 soldiers. Did you ever notice that Branislav Gavrilovic was a man who  
22 had been seriously wounded? By the way he moved and walked, his

23 behaviour, did he give the impression of somebody who had been seriously  
24 wounded?

25 A. I told you yesterday and I'll repeat that again today. When he

**Page 8109**

1 was introduced, the Major introduced him, and he said, "This is  
2 Branislav Gavrilovic, Brne, a Chetnik vojvoda of Vojislav Seselj's, for  
3 whom we thought, we, the BH Army, thought that he was dead, was left  
4 lying dead at Zeljo Stadium."

5 Q. Where you surrounded his volunteer unit at the beginning of the  
6 war?

7 A. No, I'm talking about November 1993, when an attack was launched  
8 on --

9 THE INTERPRETER: The interpreter didn't catch the attack on  
10 what.

11 MR. SESELJ: [Interpretation]

12 Q. That wasn't the attack on Grbavica; it was April/May 1992; is  
13 that right? They were different battles?

14 A. I don't know what you're talking about.

15 Q. All right, fine. You thought he was dead. Well, luckily, he  
16 survived. And, finally, not to spend too much time on Miroslav Skoric's  
17 statement, he goes on to say the following:

18 "After the war, I heard and read quite a different version of the  
19 events linked to Golo Brdo as presented by Perica Koblar. I was  
20 unpleasantly surprised, especially as the enemy side also knows that in  
21 addition to Koblar, in previous actions and later actions I behaved in a  
22 soldierly fashion towards all the prisoners, seven or eight of them,

23 which was the total number. They are alive and well. In conformity with  
24 military procedure, they reached their homes."

25 And at the end of the statement, he says that he agrees that I

**Page 8110**

1 use his statement in the Court and that he was ready to be a witness of  
2 mine.

3 A. The Major can come in, you can face him here in person. Brne is  
4 the only man who can claim something, who can state something, whereas  
5 everything that the Major states in that statement, the flak-jacket was  
6 put on me after Krajisnik had been killed and Rusmir had been killed, and  
7 then Brne took me away to the military police.

8 Now --

9 JUDGE ANTONETTI: [Interpretation] Witness, yesterday, when you  
10 answered the questions put to you by the Prosecution, I was very  
11 surprised by them, in terms of their logic. Sometimes in life, there are  
12 irrational things that happen, but if you address it from a purely  
13 logical standpoint, some people were captured and a number were executed.  
14 Strangely enough, you were not executed, so this raises a question: Why  
15 was he not executed like the others? Out of the four, three died, and  
16 the fourth miraculously spared. Why is that the case? This is what a  
17 reasonable judge may well ask.

18 After that, we find out, this is something you've said already,  
19 that this group will protect you, since when you were taken to the  
20 premises of the military police, Gavrilovic says to the others that you  
21 should not be mistreated and so on and so forth, even though you were  
22 mistreated. This is what you said. And then something else crops up.

23 Zuti, I don't know if what he -- if he's telling the truth or  
24 not, but whatever the case may be, this flak-jacket is mentioned, and you  
25 confirmed this. You say "yes." So I don't understand anymore.

**Page 8111**

1 You were one of the four men that were captured in the bunkers,  
2 and strangely enough, you are spared. And after that, you are given a  
3 flak-jacket to protect you from whom? Who can shoot at you, since you  
4 have just said that there were no Muslim units on the spot? So why were  
5 you given a flak-jacket? I find this difficult to comprehend. I'm sure  
6 you are going to shed some light on this, but how is it?

7 Of course, when the police arrests an individual, this individual  
8 is being protected and given a flak-jacket because one is afraid that  
9 some people might want to take a shot at him. This is a well-known  
10 technique. At the time, who could have made attempts at your life, since  
11 three were killed by members of the group and it's that same group which  
12 kills those three men who, strangely enough, are going to protect you by  
13 giving you a flak-jacket? I don't understand. Please tell us.

14 THE WITNESS: [Interpretation] Mr. President, let me repeat.

15 At Golo Brdo, one co-fighter of mine was killed straight away.

16 Down there in front of Brne, two others were killed. I was spared  
17 because I brandished a pistol, whereas the flak-jacket and all the rest  
18 of it wasn't given to me to protect me, but so that they could see how  
19 much I could take. Who would they be protecting me from? There were no  
20 snipers over there, because that's the area of Mount Igman and the  
21 BH Army -- not the BH Army, but the de-miners started arriving in the  
22 region after the reintegration of the Sarajevo municipalities, only after

23 that. And what the accused is trying to emphasise, that's obviously a  
24 way of making little of the witness and the Court, to put a flak-jacket  
25 on to torture.

**Page 8112**

1 JUDGE ANTONETTI: [Interpretation] That's another question. You  
2 are saying that you were given a flak-jacket to test you, to see how  
3 much time you could wear it. I don't know. I have worn a flak-jacket,  
4 like many people, in special circumstances, but it doesn't weigh 100  
5 kilos or 50 kilos. It's bearable by any standards, so I don't  
6 understand.

7 If they wanted to test you, what does this mean?

8 THE WITNESS: [Interpretation] Let me repeat again.

9 In the context of what it says, I didn't say that somebody  
10 tortured me. I said that it was put on me to see how much I could take,  
11 not for Brne, or Copo, or I don't know who else, the Major, to torture  
12 me, because that white Golf car -- well, we stopped off and had a break,  
13 to have a cigarette, and then we continued on our journey to the military  
14 police.

15 Now, what the gentleman, the accused, is trying to highlight this  
16 torture business, I assume you're torturing him here in Scheveningen.

17 JUDGE ANTONETTI: [Interpretation] If what you're saying is true,  
18 namely, that when you were captured the group killed four people --

19 THE INTERPRETER: Three people, Interpreter's correction.

20 JUDGE ANTONETTI: [Interpretation] -- I find it difficult to  
21 understand how the fourth is spared, for what reason. Why is he given  
22 cigarettes? I think you even said that you were given coffee and you are

23 being pampered, you are being given a flak-jacket. I don't understand.

24 Why did they do all this just for you, why?

25 THE WITNESS: [Interpretation] I don't know whether this was

**Page 8113**

1 interpreted to you yesterday, when I was saying that Brne kicked  
2 Zivko Krajisnik twice, and after that, with his fingers, he hurt his  
3 nostrils, and after that he gave him a pistol to kill the Ustasha, as he  
4 said. And when he didn't do it, then he gave me the pistol, and I took  
5 the pistol. And that very same second, Brne took the pistol and ordered  
6 the execution. In other words, it's not that I'm trying to portray  
7 myself here as a super hero or this or that. Quite simply, the man, and  
8 I'm talking about Brne --

9 JUDGE ANTONETTI: [Interpretation] Here again, this is not  
10 understandable. You are being asked to kill your comrade. You are being  
11 given the pistol. Logically, he would have just waited for you to pull  
12 the trigger, but you say, strangely enough, he picked up the pistol  
13 instantly. That's not very logical, either. Why? Because he was afraid  
14 that you might shoot at him and shoot him. Maybe he was right, maybe you  
15 were going to shoot him. We don't understand. He gives you the pistol,  
16 asks you to shoot, and then in a split second takes the pistol away  
17 again?

18 THE WITNESS: [Interpretation] The same pistol was first in  
19 Zivko Krajisnik's hands. At one moment, I nodded to Zika, in order to  
20 avoid Pajkovic's knife, and Brne noticed that, I guess, then he took the  
21 pistol and proffered it to me. I pointed it at Krajisnik, Brne took the  
22 pistol from me because if we were to apply logic to this, if you were to

23 give a prisoner of war a loaded pistol, then he'd use it. I would use it  
24 against myself, if nothing else. That is what the police of Republika  
25 Srpska knows, the Major knows, Pajkovic knows, Copo knows, as mentioned

**Page 8114**

1 by the accused, and he said that I was the only one that Brne got off his  
2 knife.

3 JUDGE ANTONETTI: [Interpretation] Proceed.

4 MR. SESELJ: [Interpretation]

5 Q. You should know, since you did your military service, and I see  
6 that you even got a degree in Political Science from the university, that  
7 everyone who took part in this war knew full well that according to the  
8 Criminal Code of the former Yugoslavia, it was strictly prohibited to  
9 kill civilians and to kill prisoners of war; isn't that right?

10 A. The only thing that I can hold against Brne is --

11 Q. Is that an answer to my question? I am asking you whether you  
12 know that everyone had to know that the Criminal Code strictly prohibited  
13 the killing of prisoners of war.

14 A. Yes.

15 Q. So Brne had to know that, like all the other men from his unit,  
16 that the law strictly prohibited this; right?

17 A. Just like you.

18 Q. That's not an answer to my question.

19 A. Dusan Domazet taught you something, I think.

20 THE ACCUSED: [Interpretation] Judges, what kind of an answer is  
21 this?

22 JUDGE ANTONETTI: [Interpretation] Who is Dusan Domazet? I don't

23 know who this person is.

24 The question Mr. Seselj has put to you is this: Whether

25 according to the Criminal Code in force, they could try war criminals; do

**Page 8115**

1 we agree?

2 THE WITNESS: [Interpretation] Yes.

3 MR. SESELJ: [Interpretation]

4 Q. In your view, Branislav Gavrilovic, Brne, Miroslav Skoric, Zuti,

5 and all the other members of this Intervention Company of Tomo Veljancic,

6 knew that it was a crime to kill a prisoner of war; did they know that?

7 A. Why are you asking me that?

8 Q. Well, what do you think about that? Were they aware of the fact

9 that this was a crime?

10 JUDGE ANTONETTI: [Interpretation] He's putting a question to you.

11 If prisoners of war are killed, this means there can be a penalty; is

12 this right?

13 THE WITNESS: [Interpretation] Mr. President, however the accused

14 asks me whether Brne, Major, Copo and Pajkovic knew that. How could I

15 know what four other men knew or thought?

16 JUDGE ANTONETTI: [Interpretation] So you say, then, that you

17 can't answer the question. Very well.

18 MR. SESELJ: [Interpretation]

19 Q. Did all the people in your army know that it was prohibited to

20 kill prisoners of war?

21 A. Yes.

22 Q. Yes. Is it then a sound proposition that if all the Muslims in

23 the army knew that it was prohibited to know -- that it was forbidden to  
24 kill prisoners of war, that all Muslims and all Croats knew that as well?  
25 A. I don't deal in suppositions.

**Page 8116**

1 Q. All right. If your story were true, namely, that Brne's men  
2 really killed three prisoners of war after they were taken prisoner, and  
3 now they have a fourth one, how crazy should a man be if he already  
4 committed a serious crime that even carries the death sentence, according  
5 to Yugoslav law, to leave the only witness alive, give him safe passage  
6 to the military police, and then visit him for another six days in prison  
7 and bring him cigarettes and other gifts? Look, any criminal who'd kill  
8 three men would kill a fourth one so as not to leave an eyewitness  
9 behind. Now, explain this.

10 Why did they kill three prisoners and then they left you alive so  
11 that you could testify about the crime some day? What's the logic in  
12 that?

13 A. Ask Brne, because Brne is the one who sent me greetings during  
14 1997 and 1998, during the election campaigns, from one of your presidents  
15 from the Dobrinja municipality. I mean, president of one of the  
16 municipal committees of the Serb Radical Party who saw Brne and who sent  
17 me greetings in Sarajevo through this man.

18 Q. So what does this have to do with anything? Did he consider you  
19 to be a friend? Is that why he sends greetings?

20 A. Well, ask Brne.

21 Q. Well, Brne gave me a statement, too, and I left it as the fourth  
22 one for today. So I have Brne's statement about this same event, except

23 that I left it for the end as a real treat. So if you don't eat up too  
24 much of my time, I hope that we get to this treat.

25 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, for your

**Page 8117**

1 information, you have approximately 30 minutes left.

2 THE ACCUSED: [Interpretation] Did you plan a break,

3 Mr. President, because it's already 6.00 now.

4 JUDGE ANTONETTI: [Interpretation] One moment. We might not have

5 to have a break. One or two breaks. One, it's so riveting that I forget

6 about the breaks, and the interpreters need breaks.

7 I've been here since 6.00 in the morning, and I can go on through

8 the night.

9 We shall now have a 15-minute break and resume at a quarter past

10 6.00, because we have to finish with this witness today. We shall resume

11 again at a quarter to [as interpreted] 6.00.

12 --- Recess taken at 6.00 p.m.

13 --- On resuming at 6.17 p.m.

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

15 I believe that you have 30 minutes left, not a minute more. This

16 is what the Registrar just told me.

17 THE ACCUSED: [Interpretation] I will do my best, that we finish

18 before 7.00, but you know that that doesn't depend on me only.

19 Could we please see on the ELMO this document number II, Roman

20 numeral II.

21 Q. You know who Rajko Golijanin is; right?

22 A. The surname is familiar, the name not.

23 Q. He states here that he knows you well. He gave you a  
24 statement -- he gave me a statement that arrived yesterday, and he  
25 describes there -- let's try to move through this statement faster, if

**Page 8118**

1 you don't mind, and all of this in order to finish today so you don't  
2 have to come back tomorrow. Now, you deal with that.

3 He describes here when he was mobilised in the Army of  
4 Republika Srpska, that he was trained for reconnaissance, and then he  
5 says in the second paragraph, during the fight for Golo Brdo, he was at  
6 the communications centre, the barracks in Blazuj. He also says that  
7 Branislav Gavrilovic at that time was in very poor health, and he asked  
8 him to drive him and to help him on that day.

9 Do you remember the driver who drove Brne to you?

10 A. No, because Brne was perfectly healthy. The way he kicked  
11 Zivko Krajisnik twice so forcefully, an ill man, a wounded man, could not  
12 do that.

13 Q. I'm asking you: Do you know who drove Brne to you when you were  
14 being taken down Igman?

15 A. No.

16 Q. All right. Golijanin tells us here that Brne was mostly  
17 interested in what was going on with his co-fighters from the unit under  
18 the command of Zuti, and he told him to drive him to the road, "to the  
19 road that our fighters are going to reach when they come down from  
20 Igman," because he wanted to greet them.

21 Now could you please show the third paragraph on the ELMO.

22 Now, Golijanin says:

23 "The fighters were arriving but I realised that they were  
24 bringing a person who had a flak-jacket and was not carrying a weapon.  
25 This caught my attention, and then I realised that it was an enemy

**Page 8119**

1 prisoner of war. I didn't understand then why he wore a flak-jacket, but  
2 when I looked at him, he seemed familiar. I remembered he was a waiter  
3 from a Sarajevo cafe, but I didn't remember which one. Only later, I  
4 realised that Miroslav Skoric, Zuti, had taken off his own flak-jacket or  
5 taken another soldier's and that he gave it to the prisoner in order to  
6 keep him safe."

7 That is what he says, and you don't remember this man, that he  
8 was in Brne -- with Brne when you got down there?

9 A. No.

10 Q. All right. In paragraph 4, he says:

11 "Since all the soldiers from the unit that was commanded by  
12 Miroslav Skoric, Zuti, gathered together, he decided that we transfer the  
13 enemy soldier to the barracks in Blazuj. In the car with me were  
14 Miroslav Skoric, Zuti, Branislav Gavrilovic, Brne, and the enemy prisoner  
15 of war.

16 THE INTERPRETER: The interpreter cannot keep up with this pace.

17 MR. SESELJ: [Interpretation]

18 Q. So you claim that Brne was driving, and this man states that he  
19 was driving and that Zuti, Brne and you were in the car?

20 A. Brne was driving. It's a Golf, with two cars [as interpreted].

21 JUDGE ANTONETTI: [Interpretation] Slow down, both of you, slow  
22 down. The interpreters are having a hard time.

23 MR. SESELJ: [Interpretation]

24 Q. This is why this statement is interesting. He describes that he  
25 took you to the barracks in Blazuj, that Zuti handed you over to the

**Page 8120**

1 officer in charge, and that he, Golijanin, took Brne to Ilidza, and then  
2 he says, and this is important, this is particularly important in his  
3 statement, the last paragraph on the first page and then we are going to  
4 turn to the second page:

5 "I saw Perica Koblar another time after the war. That happened  
6 in 1996, at the time of the first elections in Bosnia-Herzegovina after  
7 the war. As a representative of the Serb Renewal Movement, I took a  
8 helicopter that belonged to the international forces from Sarajevo to  
9 Banja Luka, where there was a political meeting that was organised by the  
10 OSCE. Perica Koblar was in the same helicopter, who had set out to the  
11 same meeting in the capacity of an independent candidate for the  
12 Parliament of the Federation of Bosnia-Herzegovina."

13 Do you remember this helicopter flight to Banja Luka?

14 A. In 1996, I flew to Banja Luka as head of the Election Staff of  
15 Vladimir Srebrov.

16 Q. Possibly, but do you remember the helicopter flight? Did you  
17 take this helicopter?

18 A. Yes.

19 Q. Do you remember that Golijanin was in the same helicopter with  
20 you?

21 A. No.

22 Q. All right. He remembers you and he says that you were in the

23 same helicopter. I would not have known of this helicopter had Golijanin  
24 not written to me about this. We haven't mentioned the helicopter here  
25 yet. All right.

**Page 8121**

1 Now, this is what Golijanin says:

2 "Since Koblar's statements to Sarajevo newspapers that I read do  
3 not correspond to the truth at all, and I am an eyewitness to that truth,  
4 I asked him why he gave the journalist that response. He answered me,  
5 'It had to be that way. What can you do?' The following persons were  
6 also in the helicopter, and they can confirm these words:

7 Mirnes Ajanovic, president of the BOS party, and his vice-president whose  
8 name I do not remember, as well as Fadil Hadzic, president of the Workers  
9 Party, as well as a few representatives of other parties."

10 Do you remember this conversation with Golijanin on the  
11 helicopter?

12 A. Not the conversation. The only conversation I remember, and I  
13 don't remember the last name, was the one with Todor, who was president  
14 of the Municipal Committee of the Serbian Radical Party in Sarajevo. I  
15 don't remember Golijanin.

16 THE INTERPRETER: The interpreter did not hear the question.

17 THE WITNESS: [Interpretation] On that helicopter, there were  
18 usually at least 15 of us, the representatives of all political parties.

19 MR. SESELJ: [Interpretation]

20 Q. Do you know this Mirnes Ajanovic?

21 A. Yes.

22 Q. Was he with you in the helicopter?

23 A. I think he was.

24 Q. Do you know Fadil Hadzic, president of the Workers Party?

25 A. I cannot recall Fadil.

**Page 8122**

1 Q. Rajko Golijanin claims that; that you were in the same  
2 helicopter, that you talked about it, and that that is the explanation  
3 you gave him. It had to be that way. What can I say?

4 A. That's not true, and in 1996 I did not give any statements to any  
5 newspaper in Sarajevo in relation to the war.

6 Q. You made statements already in 1994 and 1995?

7 A. Not in 1994 -- yes, in 1994, a statement was recorded about the  
8 escape, and that is the only thing that is there, and then also what was  
9 published by a Catholic weekly. There was a report.

10 Q. So it was on TV and in the Catholic weekly. See? So  
11 Rajko Golijanin is very well informed. Tell me, so you were in Serb  
12 imprisonment for seven months?

13 A. From the 17th of July, 1993, to the 17th of February, 1994.

14 Q. Is that seven months? Was my math right?

15 A. Yes.

16 Q. Was any Muslim prisoner in prison for more time than you?

17 A. Well, as for those that I found there, it is certain that at  
18 least 70 stayed on after I left --

19 Q. Who were there?

20 A. -- that I found at Kula and who were there after I escaped.

21 Q. Is it true that the Muslim authorities didn't want to exchange  
22 you at all, although the Serbs were offering you for an exchange?

23 A. Vladimir Srebrov and I both had our suspicions that this was a  
24 political question, namely, that the Serbs would not release us, because  
25 allegedly later on after the escape, it was said whenever

**Page 8123**

1 Vladimir Srebrov and I were requested, and these exchanges, the Serb  
2 authorities asked for 50 or 100 Serbs from Sarajevo respectively.

3 Q. Isn't it true that you never escaped from Kula, but the Serb  
4 authorities let you stroll over to the Muslims?

5 A. Do you realise how -- how senseless this question is?

6 Q. I think that what is far more senseless is that they should keep  
7 you there in prison for a long time and nobody expressed any interest in  
8 you, and nobody needed you, and why would the Serbs keep you in prison  
9 forever and the Muslims didn't want to exchange you?

10 A. In that case, why would they bring me to the Muslim positions if  
11 they knew that they would kill me? I'd have to explain who I was and  
12 what I had done with all the messages of the International Red Cross.  
13 Probably somebody would have broken my back.

14 Q. You weren't sent to the Muslim positions, you were sent to  
15 UNPROFOR positions, to the positions of the UN forces, and then the UN  
16 forces took you in and handed you over to the Muslim authorities; isn't  
17 that right?

18 A. That is not right. General Smith was at the airport then, and  
19 then the Serbs, after my escape, asked General Smith -- allegedly, they  
20 said that I was a Serb soldier who got lost and reached the airport, and  
21 then my messages sent to the Red Cross saved me from having UNPROFOR  
22 return me to Kula. And they contacted the International Committee of the

23 Red Cross to check my identification number, the one that you saw  
24 yesterday.

25 Q. What I have here is your birth certificate, too, and your

**Page 8124**

1 mother's certificate. I have found everything about you.

2 A. You obviously have everything, but still there's still something  
3 lacking, as far as you're concerned.

4 Q. Don't be rude. Behave yourself here. You know, you cannot make  
5 statements like that.

6 JUDGE ANTONETTI: [Interpretation] Witness, no comments, please.

7 Refrain from comments. Let the accused put questions to you. Refrain  
8 from comments. It's useless. When Mr. Seselj makes comments, we also  
9 tell him to refrain from it.

10 THE WITNESS: [Interpretation] Well, you are giving him a lot of  
11 latitude in harassing witnesses and victims and turning them into guilty  
12 parties.

13 JUDGE ANTONETTI: [Interpretation] Witness, the cross-examination  
14 procedure is such that the accused is entitled to check your credibility.  
15 This is what the procedure allows. He can ask you very embarrassing  
16 questions. This is provided for in this procedure, and we have to live  
17 with it. He's not insulting you. As long as he's not attacking the  
18 honour of your family and so on, he can ask all the questions he wants.  
19 He can ask questions to you as to how you escaped. He can put questions  
20 to you regarding the ensuing detention after that to try and prove his  
21 case. He's entitled to it.

22 Please proceed, Mr. Seselj.

23 MR. SESELJ: [Interpretation]

24 Q. And then when the United Nations turned you over to Muslim

25 authorities, you were so suspect that the Muslim military authorities

**Page 8125**

1 arrested you?

2 A. They did not arrest me. That's one. And, two, concerning my

3 escape, you already saw an official document from the International

4 Red Cross. You saw the official document of the state commission, and

5 you can check, because you have so many connections. You can also check

6 with Skiljevic, who was then director of the Kula Prison.

7 Q. I'm not interested in those things. I'm interested -- to whom

8 did the UN forces turn you over?

9 A. At my personal request, because General Smith insisted that I

10 must wait for the morning and that in the morning I go to a third country

11 by plane, with mediation of the International Red Cross --

12 Q. I really don't want to know about this. Tell me, briefly, to

13 whom did the UN forces turn you over? What Rupert Smith told you, I

14 don't want to know.

15 A. To the BH Army.

16 Q. To whom, your unit, 101 Brigade?

17 A. No, to the Dobrinja Brigade that was close to the airport.

18 Q. And who took you in there?

19 A. The security officer on duty.

20 Q. And where did they put you up?

21 A. First I called my mother on the phone, and then they locked me up

22 in the basement.

23 Q. They locked you up in the basement?

24 A. Yes.

25 Q. And you were not arrested?

**Page 8126**

1 A. No, they shut me there, and nothing was said to me.

2 Q. Well, usually when somebody is locked up in the basement, it's a  
3 form of arrest. If you don't want to call it arrest, let's say that they  
4 deprived you of liberty as they locked you up in the basement.

5 A. Well, if you want to use legal terminology they deprived me of  
6 liberty for that night.

7 Q. Well, deprivation of liberty, in legalese is called arrest. And  
8 after that night, where did they take you?

9 A. The next day, men from my unit came, but prior to that I showed  
10 Ismet Hadzic where the Serb positions were.

11 Q. And where did they take you then?

12 A. To my unit.

13 Q. And where did they put you up then?

14 A. In the room where the police was stationed.

15 Q. And how much time did they spend talking to you?

16 A. I really don't know. You have that statement. I think there is  
17 a date on that statement, when it was completed, when the investigation  
18 was completed.

19 Q. I'm asking you how much time you spent in the interview with the  
20 investigative authorities, the military police of the 101 Brigade.

21 A. 15 to 20 days.

22 Q. You escaped on the 7th of February; right?

23 A. Yes.

24 Q. For 12 days, you were locked up, plus that 1 day in that unit

25 from Nedzarici -- where did you say they were from?

**Page 8127**

1 A. Dobrinja.

2 Q. Okay, Dobrinja Brigade. That's 21 days. From the 7th of

3 February, if you add 21 days, that's 10th of March. Did I do the sums

4 right? That was not a leap year.

5 So on the 10th of March, the interviews with you were completed,

6 and the statement is dated 19th February, so it was ante-dated?

7 A. Which statement do you mean?

8 Q. The one you gave to the Muslim military authorities, the one we

9 showed here.

10 A. I've already said I don't know what the date on that statement

11 is, but at least 15 or 20 days I spent writing.

12 Q. Very well, very well. I believe you now, unlike what you said

13 earlier.

14 Where were you accommodated while the interviews were going on?

15 A. By day, the first few days I was in those rooms with Sacir Cedic,

16 and then I was taken over by two investigators. And by day I would be

17 outside of the barracks and in the evenings I wrote my statement.

18 Q. Where?

19 A. In the apartment.

20 Q. Which apartment?

21 A. Mine.

22 Q. Where is that apartment?

23 A. In the building where you said you were as a student.

24 Q. 27 July, 61?

25 A. Yes.

**Page 8128**

1 Q. That's not where I lived when I was a student.

2 A. You said yesterday you lived there.

3 Q. It's not a students' hostel, you know. So when the interviews  
4 were all over, you signed that statement?

5 A. Yes.

6 Q. So on that statement, there should be -- the date should be the  
7 10th of March or thereabouts, but we see, on the first page of the  
8 statement, "19 February." On that day, 19 February, you gave the  
9 statement voluntarily and with your full mental capacity; is that  
10 correct? That's written on the first page of the statement.

11 A. No, no, it's not that statement.

12 Q. This other one in small lettering, this is 34 densely-typed  
13 pages, it couldn't be any denser. You signed that statement; that's your  
14 signature?

15 A. Yes.

16 Q. Is that the statement you wrote in hand and then they retyped it?

17 A. Yes.

18 Q. So this statement, I suppose, took two days only to type; there  
19 are only -- there are 100 standard pages?

20 A. It took me ten days to write. It was in agreement with the  
21 investigators.

22 Q. Why, then, does it say that on 19 February, you see it in the

23 preamble, on the premises of the Service of Military Security of the  
24 101st Motorised Brigade, you gave voluntarily and in your full mental  
25 capacity to the authorised officer, et cetera, when it was completed

**Page 8129**

1 within 20 days?

2 A. That's something you should ask of the commander of the  
3 Security Service and the officer in charge in the 101st Brigade.

4 Q. Even that is a satisfactory answer. Now, explain, why are there  
5 two statements with different texts, but dated the same day, 19th  
6 February, 1994, and you signed both of them? One statement has a larger  
7 spacing. I can show it on the ELMO. You signed it. You signed every  
8 page and you signed at the end. And the other page is 34 densely-typed  
9 pages, also signed by you. The date on both of them is 19 February. Why  
10 were two statements made? I can't understand this.

11 A. This second statement was given to the Commission for  
12 Investigation of War Crimes.

13 Q. When?

14 A. End of February -- sorry, not end of February. Not before the  
15 20th of March.

16 Q. But it doesn't say it was made on the 20th of March. It says it  
17 was made on the 19th of February. There's no such date in March.

18 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, you have ten  
19 minutes left.

20 THE ACCUSED: [Interpretation] Mr. President, I hope you noticed  
21 that I did not waste this time for nothing, although ten minutes are  
22 left. You see very mysterious things are happening, things that we did

23 not know before. That's why I devoted some attention to that, concerning  
24 the statements given by this witness. Everything is so mysterious, it  
25 couldn't be any more mysterious.

**Page 8130**

1 Since only ten minutes are left, I have here a statement by  
2 Mladen Popovic, who also --

3 Q. Have you heard of him? Is that Copo?

4 A. No.

5 Q. Who is he, then?

6 A. I've never heard that name.

7 Q. You don't know Copo's name?

8 A. No.

9 Q. He gave a statement here. We can show it on the ELMO, although I  
10 don't want to spend time on it. I want to move on to  
11 Branislav Gavrilovic, Brne's statement, and finish with that. His  
12 statement is completely identical to Zuti's statement concerning the way  
13 you were captured and transferred to the military police.

14 Do you want to see it?

15 A. No need.

16 Q. You don't doubt that it's identical?

17 A. Why would I doubt it? If it's identical to the Major's, it can't  
18 be -- what Major said that he found, three dead men, can't be true.

19 Q. Okay. Let's move on to the statement of Branislav Gavrilovic,  
20 Brne. I have two of his statements, but we can't go through both of  
21 them.

22 You can put the first page on the ELMO. Branislav Gavrilovic,

23 Brne. Number 4. [In English] First page.

24 [Interpretation] He makes a distinction between the time when he

25 was a volunteer of the Serbian Radical Party and, on the other hand, when

**Page 8131**

1 he joined the unit Tomo Veljancic at Ilidza. I don't suppose it's very

2 interesting for you. We'll leave it aside.

3 Let's move on to page 2. You see here the details of

4 Branislav Gavrilovic, his career during the war, until the time he joined

5 the unit Tomo Veljancic, and he says due to poor health, injuries to his

6 spine and stomach, the command of the unit was taken over by Zuti. We

7 see that on the second page.

8 On the following page, number 3, paragraph number 2, he says:

9 "In the unit, there were no volunteers of the Serb Radical Party.

10 The unit was made up of the Serbs from that part of Sarajevo and those

11 who had fled from the Muslim part of Sarajevo and became duty-bound to

12 join the military."

13 Then he speaks about the training in the Savo Derikonja Training

14 Centre, and then he speaks about the operation at Mount Igman. Brne says

15 he followed the operation from the communication centre of the Command of

16 the brigade and that he was there with Mile Staka, assistant commander of

17 the Igman Brigade. Have you heard of him?

18 A. No.

19 Q. He goes on to describe --

20 JUDGE ANTONETTI: [Interpretation] Mr. Ferrara.

21 MR. FERRARA: Yes. It's not very clear, the situation with these

22 statements of Gavrilovic. The accused disclosed to us two statements

23 just during the last break. On the first page of this statement is a  
24 statement of the 11th of June, 2008, so it's today, faxed today at 1.54.  
25 The second page of this statement is another statement faxed yesterday,

**Page 8132**

1 10 June 2008 at 2.00. That was given on the 9th of June, as you can  
2 check at page 4 of the statement, and I received this sort of  
3 authentication or something on the 10th of June. Page 5 of the  
4 statement.

5 So I don't understand how many statements we have, when they were  
6 given, when they were -- and also this first statement was -- sought  
7 authentication in a different date, also it's today.

8 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, can you explain  
9 this to us, these two statements?

10 THE ACCUSED: [Interpretation] [Previous translation continues]...  
11 said that there are two statements. First I got the longer one that  
12 begins with the second page marked "2" in hand, and then I asked for an  
13 additional statement and I got it on one page, where Branislav Gavrilovic  
14 stated very clearly when he was a volunteer of the Serb Radical Party and  
15 when he moved on to Ilidza, because I noticed it was missing from his  
16 main statement, and that was the only reason.

17 The larger statement arrived yesterday. This one -- the other  
18 one arrived today. I said that there were two statements.

19 JUDGE ANTONETTI: [Interpretation] So there are two statements,  
20 one which is dated the 10th of June, which comprises several pages, and  
21 today's statement, which is only one page long.

22 Proceed.

23 MR. SESELJ: [Interpretation]

24 Q. We are on page 3 now. Towards the bottom of that page,

25 Branislav Gavrilovic, Brne, describes how he went out to meet his fellow

**Page 8133**

1 combatants, to congratulate them on their victory, and he says that along

2 the whole way he was coming across various soldiers of various units of

3 the Army of Republika Srpska, and after a while Skoric and members of his

4 unit showed up. "I noticed," he says, "that they were leading a prisoner

5 wearing a flak-jacket."

6 So you got that flak-jacket before you met with him? You got it

7 already at Golo Brdo?

8 A. Not true.

9 Q. He says it's true. Brne is a greater man than I, and I believe

10 everything he says.

11 A. He's certainly a greater man than you, but this statement is not

12 true.

13 Q. How tall are you?

14 A. I'm speaking about human beings.

15 Q. I'm asking, how tall are you?

16 A. 172.

17 Q. You could be a little shorter than that. And he says:

18 "When all the fighting men gathered together, Skoric ordered that

19 they all return to base near Ilidza, and the fact that I came by car, I

20 used to transport the prisoner to the barracks in Blazuj. Skoric turned

21 over the prisoner to the military police in Blazuj, and I returned."

22 So he confirms in his statement what his other fighting man said,

23 so that's not true, I suppose.

24 A. It's not true, and I hope the Prosecution will call another two  
25 survivors who were there with me, who will confirm that Brne took me to

**Page 8134**

1 that prison. He threatened Despotovic, he didn't hit anyone, but he  
2 said, "If I had arrested you, you would not have lived."

3 Q. Who said that?

4 A. Brne.

5 Q. To whom?

6 A. Those three of my other fellows who were arrested by the military  
7 police of Republika Srpska.

8 Q. So why did he leave you alive so that you can testify how his  
9 fellow combatants killed three of your men?

10 A. You have to ask Brne. I have to say that again.

11 Q. You said in examination-in-chief that I commanded that unit;  
12 right?

13 A. I didn't say that you --

14 Q. What did you say?

15 A. I said I was captured by the unit of Branislav Gavrilovic, Brne,  
16 and that he, himself, said --

17 JUDGE ANTONETTI: [Interpretation] Witness, we have a statement by  
18 Mr. Gavrilovic which is worth what it's worth, but he says that when he  
19 arrived, you were already a prisoner and you were wearing a flak-jacket.  
20 This is what he says. And after that, you were taken to the military  
21 police. This is his version. Maybe he's telling the truth, maybe he's  
22 lying; I don't know. This is what we have.

23 Mr. Seselj is putting questions to you. You stand by your  
24 version?

25 THE WITNESS: [Interpretation] Of course, and I wish to repeat

**Page 8135**

1 again. The three other men are alive who saw Brne bring me to prison, to  
2 Blazuj, and he didn't mistreat those three men. He just said, "Had I  
3 captured you, you wouldn't be sitting there now." Those men are alive.  
4 I don't know about Dragan Despotovic, but the other two, my fellow  
5 combatants, are, thank goodness, alive and well.

6 MR. SESELJ: [Interpretation]

7 Q. During examination-in-chief, you said Branislav Gavrilovic, Brne,  
8 led a unit which was under my command. That's what you said in the  
9 examination-in-chief, and that must be in the transcript somewhere.

10 A. A Chetnik unit of Branislav Gavrilovic, whose god, whose  
11 number-one man is Vojislav Seselj, and when he threatened  
12 Zivko Krajisnik, he said that not Mladic, not Karadzic, not Krajisnik  
13 could save him, because you are the be-all, end-all, the god in Sarajevo  
14 and the Republika Srpska.

15 Q. First of all, we in the Serbian Radical Party and the  
16 Serbian Chetnik Movement never mention God's name in vain. There are no  
17 gods among us, and I would be very proud if this unit of Brne's and that  
18 Intervention Company was under my platoon. That would make me very  
19 proud. Unfortunately, it was not.

20 During the examination-in-chief, you said that Brne at one point  
21 in time swore at Mladic, Krajisnik and Karadzic; isn't that right?

22 A. Yes.

23 Q. Why didn't you say that in any other statement of yours, that he  
24 cursed Mladic's, Krajisnik's and Karadzic's mother?

25 A. Those words were addressed to Zivko Krajisnik, and when he swore

**Page 8136**

1 at Karadzic and Mladic and Krajisnik, that was in the context of the fact  
2 that Zivko Krajisnik couldn't be saved by anybody.

3 Q. I'm asking you now, if that is something very vivid, you have a  
4 Serb soldier, Serb officer, commander, who at a given point curses the  
5 mother of the main commander of the Army of Republika Srpska, the  
6 president of Republika Srpska and president of the National Assembly of  
7 Republika Srpska, as far as I'm concerned that is something that is  
8 lodged in one's memory. But you don't mention that in any of these two  
9 statements given to the Muslim authorities or in the statement that you  
10 gave in 2004 to The Hague investigators. You mention that cursing and  
11 swearing for the first time during yesterday's examination-in-chief.

12 A. It must be in the first statement after I fled from Kula.

13 Q. The cursing of these people's mothers is not mentioned in any of  
14 the statements.

15 MR. FERRARA: Your Honours.

16 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, your time is up.

17 Mr. Ferrara, what were you saying?

18 MR. FERRARA: That is exactly what the witness mentioned in the  
19 statement he gave to the ICTY investigator, page 5 of the statement,  
20 paragraph 12, where he says that Brne said:

21 "You Serb bastard, no Krajisnik, Karadzic or Mladic will save you  
22 now. In fact, Karadzic, Krajisnik and Mladic, they are nothing in

23 Bosnia ..."

24 And so on.

25 THE ACCUSED: [Interpretation] Mr. President, this is really quite

**Page 8137**

1 unbelievable. Nowhere in any of the statements does it say that this  
2 witness said that Brne swore at Mladic, Krajisnik and Karadzic and cursed  
3 their mother. That is the worst type of swear word that you can use in  
4 the Serbian language. It's quite another thing to say they could all  
5 fuck off, Krajisnik, et cetera. You can say that when you're having a  
6 sort of loose exchange with someone, but I'm afraid that this was not  
7 properly translated.

8 JUDGE ANTONETTI: [Interpretation] Mr. Seselj, we have to stop now  
9 because we are five minutes away from the end.

10 On paragraph 12 of the statement, what Brne would have said about  
11 Momcilo Krajisnik, Karadzic and Mladic, but you are right to say that  
12 nothing is mentioned about the mother. All right, that is --

13 THE ACCUSED: [Interpretation] I have to tell you one more thing.  
14 I'm afraid of this translation in English, and I'd like to know  
15 what expression was used in English. If the expression was used that  
16 begins with the letter "F," then that certainly doesn't have the same  
17 meaning in Serbian and English. In English, that is a swear word,  
18 something ugly is mentioned, whereas in Serbian this has become the  
19 vernacular. When you say "zajebancija," it means it's a joke, it's just  
20 joking around, and in fact in English you can use perhaps a more vulgar  
21 term for "joke." But if the word was used that I think was used was  
22 actually used, then it has quite a different meaning.

23 The witness did not say that Karadzic's mother was invoked and  
24 that the swear word cursed their mothers.

25 JUDGE ANTONETTI: [Interpretation] Very well. You are raising an

**Page 8138**

1 objection on a potential translation issue, so we shall ask the  
2 Translation Department to translate paragraph 12 of this statement, to  
3 translate from B/C/S into English.

4 Mr. Ferrara, do you have any redirect?

5 MR. FERRARA: No, Your Honours.

6 JUDGE ANTONETTI: [Interpretation] Witness, I'd like to thank you,  
7 since you've stayed here for two days. On behalf of the Bench, I would  
8 like to wish you a safe journey home, and I wish you all the best in your  
9 future endeavours and teaching.

10 I shall ask the usher to escort you out of the courtroom.

11 [The witness withdrew]

12 JUDGE ANTONETTI: [Interpretation] I'm now addressing the  
13 Prosecution.

14 We don't have time to bring the witness into the courtroom and  
15 ask him to take the solemn declaration. He was waiting outside, and we  
16 thought that he might be able to come in. So, Mr. Mundis, what about the  
17 witness for tomorrow?

18 MR. MUNDIS: The witness that's currently listed on the schedule,  
19 who was to start testifying today, will be available to testify tomorrow,  
20 Your Honours.

21 JUDGE ANTONETTI: [Interpretation] Very well, Mr. Mundis.

22 I believe you've asked to have two and a half hours. With all

23 the objections and interruptions, if you have two and a half hours and  
24 Mr. Seselj has two and a half hours, we will need at least two days,  
25 which means that the witness will have to stay on until Tuesday. Can you

**Page 8139**

1 check this with him, to see that he is available?

2 MR. MUNDIS: We will attempt to do so tomorrow morning,  
3 immediately prior to the witness testifying. I don't believe he's any  
4 longer in the building. We'll endeavor to do that first thing in the  
5 morning.

6 JUDGE ANTONETTI: [Interpretation] Very well.

7 For the time being, we have two and a half hours for the  
8 Prosecution and two and a half hours for Mr. Seselj, but experience has  
9 shown us that two and a half hours plus two and a half hours equals five  
10 hours, but it will be longer than that and the witness will have to stay  
11 on until next week.

12 It is now 7.00 and time to adjourn.

13 Mr. Seselj.

14 THE ACCUSED: [Interpretation] Just briefly, according to reliable  
15 information, that witness can't wait to stay in The Hague the whole  
16 weekend, over the weekend.

17 JUDGE ANTONETTI: [Interpretation] All the better. We will have  
18 no problems, therefore.

19 It is now 7.00. See you tomorrow.

20 Let me remind you that we shall start our hearing at 9.00

21 tomorrow morning, so make your arrangements, Mr. Seselj. Make sure  
22 you're here at 9.00 tomorrow.

23 --- Whereupon the hearing adjourned at 7.00 p.m.,

24 to be reconvened on Thursday, the 12th day

25 of June, 2008, at 9.00 a.m.