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YEAR 2006

Public sitting

held on Thursday 23 March 2006, at 10 a.m., at the Peace Palace,

President Higgins presiding,

*in the case concerning the Application of the Convention on the Prevention and Punishment
of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*

VERBATIM RECORD

ANNÉE 2006

Audience publique

tenue le jeudi 23 mars 2006, à 10 heures, au Palais de la Paix,

sous la présidence de Mme Higgins, président,

*en l'affaire relative à l'Application de la convention pour la prévention et la répression du
crime de génocide (Bosnie-Herzégovine c. Serbie-et-Monténégro)*

COMPTE RENDU

Présents : Mme Higgins, président
M. Al-Khasawneh, vice-président
MM. Ranjeva
Shi
Koroma
Parra-Aranguren
Owada
Simma
Tomka
Abraham
Keith
Sepúlveda
Bennouna
Skotnikov, juges
MM. Mahiou,
Kreća, juges *ad hoc*

M. Couvreur, greffier

The Government of Bosnia and Herzegovina is represented by:

Mr. Sakib Softić,

as Agent;

Mr. Phon van den Biesen, Attorney at Law, Amsterdam,

as Deputy Agent;

Mr. Alain Pellet, Professor at the University of Paris X-Nanterre, Member and former Chairman of the International Law Commission of the United Nations,

Mr. Thomas M. Franck, Professor of Law Emeritus, New York University School of Law,

Ms Brigitte Stern, Professor at the University of Paris I,

Mr. Luigi Condorelli, Professor at the Faculty of Law of the University of Florence,

Ms Magda Karagiannakis, B.Ec, LL.B, LL.M., Barrister at Law, Melbourne, Australia,

Ms Joanna Korner, Q.C., Barrister at Law, London,

Ms Laura Dauban, LL.B (Hons),

as Counsel and Advocates;

Mr. Morten Torkildsen, BSc, MSc, Torkildsen Granskin og Rådgivning, Norway,

as Expert Counsel and Advocate;

H.E. Mr. Fuad Šabeta, Ambassador of Bosnia and Herzegovina to the Kingdom of the Netherlands,

Mr. Wim Muller, LL.M, M.A.,

Mr. Mauro Barelli, LL.M (University of Bristol),

Mr. Ermin Sarajlija, LL.M,

Mr. Amir Bajrić, LL.M,

Ms Amra Mehmedić, LL.M,

Mr. Antoine Ollivier, Temporary Lecturer and Research Assistant, University of Paris X-Nanterre,

Le Gouvernement de la Bosnie-Herzégovine est représenté par :

M. Sakib Softić,

comme agent;

M. Phon van den Biesen, avocat, Amsterdam,

comme agent adjoint;

M. Alain Pellet, professeur à l'Université de Paris X-Nanterre, membre et ancien président de la Commission du droit international des Nations Unies,

M. Thomas M. Franck, professeur émérite à la faculté de droit de l'Université de New York,

Mme Brigitte Stern, professeur à l'Université de Paris I,

M. Luigi Condorelli, professeur à la faculté de droit de l'Université de Florence,

Mme Magda Karagiannakis, B.Ec., LL.B., LL.M., *Barrister at Law*, Melbourne (Australie),

Mme Joanna Korner, Q.C., *Barrister at Law*, Londres,

Mme Laura Dauban, LL.B. (Hons),

comme conseils et avocats;

M. Morten Torkildsen, BSc., MSc., Torkildsen Granskin og Rådgivning, Norvège,

comme conseil-expert et avocat;

S. Exc. M. Fuad Šabeta, ambassadeur de Bosnie-Herzégovine auprès du Royaume des Pays-Bas,

M. Wim Muller, LL.M., M.A.,

M. Mauro Barelli, LL.M. (Université de Bristol),

M. Ermin Sarajlija, LL.M.,

M. Amir Bajrić, LL.M.,

Mme Amra Mehmedić, LL.M.,

M. Antoine Ollivier, attaché temporaire d'enseignement et de recherche à l'Université de Paris X-Nanterre,

Ms Isabelle Moulrier, Research Student in International Law, University of Paris I,

Mr. Paolo Palchetti, Associate Professor at the University of Macerata (Italy),

as Counsel.

The Government of Serbia and Montenegro is represented by:

Mr. Radoslav Stojanović, S.J.D., Head of the Law Council of the Ministry of Foreign Affairs of Serbia and Montenegro, Professor at the Belgrade University School of Law,

as Agent;

Mr. Saša Obradović, First Counsellor of the Embassy of Serbia and Montenegro in the Kingdom of the Netherlands,

Mr. Vladimir Cvetković, Second Secretary of the Embassy of Serbia and Montenegro in the Kingdom of the Netherlands,

as Co-Agents;

Mr. Tibor Varady, S.J.D. (Harvard), Professor of Law at the Central European University, Budapest and Emory University, Atlanta,

Mr. Ian Brownlie, C.B.E., Q.C., F.B.A., Member of the International Law Commission, member of the English Bar, Distinguished Fellow of the All Souls College, Oxford,

Mr. Xavier de Roux, Master in law, avocat à la cour, Paris,

Ms Nataša Fauveau-Ivanović, avocat à la cour, Paris and member of the Council of the International Criminal Bar,

Mr. Andreas Zimmermann, LL.M. (Harvard), Professor of Law at the University of Kiel, Director of the Walther-Schücking Institute,

Mr. Vladimir Djerić, LL.M. (Michigan), Attorney at Law, Mikijelj, Janković & Bogdanović, Belgrade, and President of the International Law Association of Serbia and Montenegro,

Mr. Igor Olujić, Attorney at Law, Belgrade,

as Counsel and Advocates;

Ms Sanja Djajić, S.J.D., Associate Professor at the Novi Sad University School of Law,

Ms Ivana Mroz, LL.M. (Indianapolis),

Mr. Svetislav Rabrenović, Expert-associate at the Office of the Prosecutor for War Crimes of the Republic of Serbia,

Mme Isabelle Moulier, doctorante en droit international à l'Université de Paris I,

M. Paolo Palchetti, professeur associé à l'Université de Macerata (Italie),

comme conseils.

Le Gouvernement de la Serbie-et-Monténégro est représenté par :

M. Radoslav Stojanović, S.J.D., chef du conseil juridique du ministère des affaires étrangères de la Serbie-et-Monténégro, professeur à la faculté de droit de l'Université de Belgrade,

comme agent;

M. Saša Obradović, premier conseiller à l'ambassade de Serbie-et-Monténégro au Royaume des Pays-Bas,

M. Vladimir Cvetković, deuxième secrétaire à l'ambassade de Serbie-et-Monténégro au Royaume des Pays-Bas,

comme coagents;

M. Tibor Varady, S.J.D. (Harvard), professeur de droit à l'Université d'Europe centrale de Budapest et à l'Université Emory d'Atlanta,

M. Ian Brownlie, C.B.E., Q.C., F.B.A., membre de la Commission du droit international, membre du barreau d'Angleterre, *Distinguished Fellow* au All Souls College, Oxford,

M. Xavier de Roux, maîtrise de droit, avocat à la cour, Paris,

Mme Nataša Fauveau-Ivanović, avocat à la cour, Paris, et membre du conseil du barreau pénal international,

M. Andreas Zimmermann, LL.M. (Harvard), professeur de droit à l'Université de Kiel, directeur de l'Institut Walther-Schücking,

M. Vladimir Djerić, LL.M. (Michigan), avocat, cabinet Mikijelj, Janković & Bogdanović, Belgrade, et président de l'association de droit international de la Serbie-et-Monténégro,

M. Igor Olujić, avocat, Belgrade,

comme conseils et avocats;

Mme Sanja Djajić, S.J.D, professeur associé à la faculté de droit de l'Université de Novi Sad,

Mme Ivana Mroz, LL.M. (Indianapolis),

M. Svetislav Rabrenović, expert-associé au bureau du procureur pour les crimes de guerre de la République de Serbie,

Mr. Aleksandar Djurdjić, LL.M., First Secretary at the Ministry of Foreign Affairs of Serbia and Montenegro,

Mr. Miloš Jastrebić, Second Secretary at the Ministry of Foreign Affairs of Serbia and Montenegro,

Mr. Christian J. Tams, LL.M. PhD. (Cambridge), Walther-Schücking Institute, University of Kiel,

Ms Dina Dobrkovic, LL.B.,

as Assistants.

M. Aleksandar Djurdjić, LL.M., premier secrétaire au ministère des affaires étrangères de la Serbie-et-Monténégro,

M. Miloš Jastrebić, deuxième secrétaire au ministère des affaires étrangères de la Serbie-et-Monténégro,

M. Christian J. Tams, LL.M., PhD. (Cambridge), Institut Walther-Schücking, Université de Kiel,

Mme Dina Dobrkovic, LL.B.,

comme assistants.

The PRESIDENT: Please be seated. The sitting is open and today the Court will begin the hearing of the witnesses and witness-experts called by Serbia and Montenegro. A number of these witnesses and witness-experts will speak in Serbian. In accordance with Article 70, paragraph 2, of the Rules of Court, Serbia and Montenegro has made arrangements for consecutive interpretation from Serbian into one of the official languages of the Court, English or French. The Registry of the Court will then provide simultaneous interpretation into the other official language. The statements and questions of the Agents and counsel of the Parties in English or French will be interpreted into Serbian for the benefit of the witness or witness-expert. The same procedure will be followed, *mutatis mutandis*, for any instructions I may wish to give to the witness or witness-expert and for questions that may be put, in English or French, to the witness or witness-expert by the President on behalf of the Court or by individual judges. Pursuant to Article 70, paragraph 2, of the Rules of Court, the Registry will verify the interpretation carried out by the interpreters appointed by Serbia and Montenegro.

I now request the interpreters appointed by Serbia and Montenegro to make the declaration provided for in Article 70, paragraph 4, of the Rules of Court. Ms Končar-Nikolić.

Mme KONČAR-NIKOLIĆ : Je déclare solennellement, en tout honneur et en toute conscience, que mon interprétation sera fidèle et complète.

The PRESIDENT: Je vous remercie. Ms Kraljević.

Ms KRALJEVIĆ: I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete.

The PRESIDENT: Thank you. Ms Nikčević.

Ms NIKČEVIĆ: I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete.

The PRESIDENT: Thank you. Mr. Pavlović.

M. PAVLOVIĆ : Je déclare solennellement, en tout honneur et en toute conscience, que mon interprétation sera fidèle et complète.

The PRESIDENT: Je vous remercie.

The first witness to be called by Serbia and Montenegro is Mr. Vladimir Lukić. The witness may now be brought into court. I would also request the interpreter to take her place next to the witness.

[Witness enters and takes his place at the rostrum]

I call upon Mr. Lukić to take the solemn declaration for witnesses, as laid down in Article 64 (a), of the Rules of Court.

Mr. LUKIĆ [*interpretation from Serbian*]: I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth.

The PRESIDENT: Thank you. I would like to remind the witness to pause regularly, in order to allow for the consecutive interpretation. I now give the floor to Mr. Brownlie to begin his examination of the witness.

Mr. BROWNLIE: If I could invite the witness to address the Court, make his statement and I would propose that he speaks directly to the Court and not towards me.

Mr. LUKIĆ [*interpretation from Serbian*]: Madam President, honourable judges, thank you for having given me this opportunity to make my statement. I wish to offer to you my most cordial greetings.

The PRESIDENT: Please continue.

Mr. LUKIĆ [*interpretation from Serbian*]: My name is Vladimir Lukić. I was born in 1933, in the village of Tabar Sanski Most municipality. I graduated at the Department of Geology of the Faculty of Architecture, Civil Engineering and Geology in Zagreb in 1961. I attained my PhD at the Faculty of Civil Engineering in Sarajevo in 1990. I am one of the founders of the Faculty of Architecture and Civil Engineering in Banja Luka and was the Dean of that faculty from 1996 to 2002.

On 1 July 1992, until 19 December 1992, I was the representative of Republika Srpska to UNPROFOR in Sarajevo and as of 20 January 1993 to 18 August 1994, I was the Prime Minister

of Republika Srpska. As an expert, I participated in the peace negotiations in Dayton in 1995. I am a member of the Commission on the Delimitation of the boundaries of Bosnia and Herzegovina and neighbouring States.

In my statement today I shall seek to present my perception of the events which took place in Bosnia and Herzegovina during the war. I will also speak about the work of organs of Republika Srpska, about our relations with the Federal Republic of Yugoslavia and with other entities within the framework of Bosnia and Herzegovina. I hope that my statement today, which I am making as the former Prime Minister of Republika Srpska and today a citizen of Republika Srpska and of Bosnia and Herzegovina, will assist the Court to establish the full truth about the events which transpired in the past in Bosnia and Herzegovina.

Ever since its inception in 1992 Republika Srpska, then under the name of the Serbian Republic of Bosnia and Herzegovina, featured all elements of statehood except for international recognition. Throughout its entire territory it had its bodies of government, its national assembly, its government, its local and/or municipal bodies of government, its judiciary, its health and educational systems. Also Republika Srpska had its own banking and financial systems reflected in the existence of a national bank, its own currency, budget, payment operation service. Republika Srpska also had its army and police with a complete system of command and logistical support to those structures. The statehood of Republika Srpska was not disputable during the conducting of numerous international negotiations. Republika Srpska was recognized also through the Washington Croat and Muslim Agreements and received final recognition under the Dayton Paris Peace Accords.

The Government of Republika Srpska that I was the Prime Minister of from 20 January 1993 until 18 August 1994 was the highest executive organ of government. During my premiership, we held 44 sessions. For the duration of the tenure of this government in the area of Bosnia and Herzegovina there was an ongoing war.

The basic task of the Government was to enable the bodies of Republika Srpska to function and to ensure the protection of and basic living conditions for its population. The situation was very difficult due to the international embargo. Republika Srpska was flooded by refugees from the areas of the Federation of Bosnia and Herzegovina as well as from Croatia.

Even in the difficult conditions of war, the Government found ways to also deal with other matters, those of legislation, the work of the economy of the health and educational systems and special attention was devoted to transport and communications.

We also sought to combat crime which in the existing war setting and given the difficult economic situation constituted one of the major problems that Republika Srpska was confronted with. A large number of volunteers arrived in the territory of Republika Srpska among whom a number of individuals who capitalized on the war for personal gain and the commission of criminal offences. Within the ambit of our powers we sought to fight against such practices but regrettably were not entirely successful.

The Government worked pursuant to the Constitution and laws. In its work the Government was independent. As the Prime Minister, I can say that there was absolutely no interference in the work of the Government on the part of any individual or organ from Serbia or Yugoslavia.

The autonomy and the recognition of Republika Srpska were also reflected in the negotiations conducted with representatives of the international community. All the negotiations that were conducted with a view to stopping the war in Bosnia and Herzegovina were conducted by authorized representatives of Republika Srpska with the Government being regularly informed about their course at sessions of the Assembly of Republika Srpska.

The negotiations for a peaceful settlement of the crisis in Bosnia and Herzegovina that lasted for a number of years started with a Cutiliero plan which was rejected owing to the negative position of Alija Izetbegović, whereby the chance to avoid war in Bosnia and Herzegovina was lost.

A second peace plan which led to serious conflicts in relations with the Federal Republic of Yugoslavia as well as to numerous adverse consequences for Republika Srpska was the Vance-Owen peace plan which the Assembly of Republika Srpska rejected.

The consequences of this decision of Republika Srpska on our relations with the Federal Republic of Yugoslavia were obvious. After the rejection of the Vance-Owen plan, political leaders of Republika Srpska were not allowed to travel in the Federal Republic of Yugoslavia and the level of economic co-operation was significantly reduced.

Only a year later when the Assembly of Republika Srpska rejected the Contact Group peace plan as well, sanctions were imposed on the Drina River, overseen by United Nations observers, and they made the functioning of Republika Srpska and the life of its citizens exceptionally difficult. During the sanctions, it was only humanitarian aid that we received from the Federal Republic of Yugoslavia.

Ms KORNER: I am sorry, there is one procedural matter.

The PRESIDENT: Yes, Ms Korner.

Ms KORNER: The witness is reading his prepared statement at speed. The interpreter clearly has an English translation and is reading that at speed. I am totally unable to take proper notes of what he is saying, some of which may be important. I wonder if it would be possible for me to have a copy of the statement in English?

The PRESIDENT: Thank you. Does such a copy exist? It does not, but I will ask, as it does not exist, if the witness can speak more slowly, so that counsel for Bosnia and Herzegovina can indeed take a note. It may not be necessary for the witness to speak more slowly, but for the interpreter so to do. Thank you.

Mr. LUKIĆ [*interpretation from Serbian*]: During the sanctions, it was only humanitarian aid that we received from the Federal Republic of Yugoslavia.

I believe that at this point I should mention that it has never been possible to forbid the citizens of Serbia to have their relatives living in difficult conditions on the territory of Bosnia and Herzegovina. The fact is that 90 per cent of the aid which came from Serbia came from places where settlers originating from Bosnia and Herzegovina lived. Even today there is no doubt that in Serbia there lived more Serbs hailing from Bosnia and Herzegovina than there live Serbs in Bosnia and Herzegovina itself. For example, in Bosnia and Herzegovina, many renowned scholars, public figures, as well as eminent representatives of Serbia were born: such as the late Prime Minister of the Republic of Serbia, Mr. Zoran Djindjić, or the current President of Serbia, Mr. Boris Tadić.

Until the proclamation of the independence of Bosnia and Herzegovina, as well as its international recognition in April 1992, the Serb people in Bosnia and Herzegovina considered the Yugoslav People's Army its army. At that time the Yugoslav People's Army was mainly composed of officers and soldiers of Serb ethnicity from the area of Bosnia and Herzegovina. This

situation was the result of earlier decisions of Presidents Tudjman and Izetbegović for all Croat and Muslim soldiers and officers to lead the Yugoslav People's Army and join the newly formed National Army. After the decision of the Federal Republic of Yugoslavia for the Yugoslav People's Army to withdraw from the area of Bosnia and Herzegovina the Assembly of the Serbian Republic adopted on 12 May 1992, in Banja Luka, the decision to form the army of Republika Srpska. The army of Republika Srpska was established only after the two other peoples in Bosnia and Herzegovina had established their armies. After the withdrawal of the Yugoslav People's Army, most of the former Yugoslav People's Army officers from the area of Bosnia and Herzegovina joined the newly formed army of Republika Srpska.

The army of Republika Srpska was the army of the Serb people in Bosnia and Herzegovina, and its work and activities were entirely managed by organs of Republika Srpska in accordance with the Constitution of Republika Srpska and other laws regulating this subject-matter. No one else could have, and to my knowledge, did not even attempt to command the army of Republika Srpska.

As regards the armaments of the army of Republika Srpska, it is known that the Socialist Federal Republic of Yugoslavia's strategic plan of defence envisaged that its focus should be in the area of Bosnia and Herzegovina. That is why there was in Bosnia and Herzegovina a huge quantity of weaponry and combat hardware, and especially so, after the withdrawal of the Yugoslav People's Army from Slovenia, Croatia and Macedonia. Apart from that, there existed in Bosnia and Herzegovina also considerable production capacity for military equipment and armament. Despite the fact that they were leaving Bosnia and Herzegovina in the month of May 1992, the Yugoslav People's Army had taken with it a significant quantity of armament and equipment. A good part of those armaments were made in Bosnia and Herzegovina and constituted the basis for the armies of all the three peoples.

Throughout the war, the Republika Srpska manufactured weapons in its production facilities, a part of which, the semi-finished product would be finished in the Federal Republic of Yugoslavia and as such, exchanged with the Federal Republic of Yugoslavia. According to data at my disposal, the army of Republika Srpska mainly paid for the military materiel which it obtained from other States. It is a fact that the army of Republika Srpska was supplied from different sources

outside Republika Srpska, including but not limited to the Federal Republic of Yugoslavia. I need not particularly emphasize that there existed different smuggling channels supplying all the three warring parties in Bosnia and Herzegovina. When Trnovo, a small town some 20 km south of Sarajevo, was liberated, ammunition manufactured in the Prvi Partizan plant from Užice in Serbia was found at Muslim positions. At the beginning of the war, Muslims shelled the position of the army of Republika Srpska, with shells manufactured in the Pretis factory from Vogošća in Republika Srpska, in fact, manufactured only two days prior to their use.

During my term of office as the Prime Minister of Republika Srpska, I had numerous contacts with representatives of the Autonomous Republic of Western Bosnia, at the helm of which was President Fikret Abdić. We were not at war with him, but rather had good relations and co-operated. I met with Mr. Abdić twice: once in Velika Kladuša, at the meeting also attended by the President of Herceg-Bosna, which is the Croat entity, Mr. Jadranko Prlić.

My second meeting with Mr. Abdić was at Vojnić. The topics at these meetings concerned primarily humanitarian issues, medical treatment of the wounded and of citizens generally, as well as the promotion of economic relations between the Autonomous Republic of Western Bosnia and Republika Srpska. We did as much as we could to help the population of the Autonomous Republic of Western Bosnia.

During my term of office, from June 1993, we also established relations with the Government of Herceg-Bosna, the entity of the Croat people in Bosnia and Herzegovina. In relation to these relations a large number of meetings were held namely, at Livansko Polje, Kupres, Livlno, Banja Luka and in other places. In the difficult conditions following the severance of our relations with the Republic of Serbia, Herceg-Bosna made it possible for us to import a considerable quantity of fuel which was necessary for agricultural work, as well as for the needs of the army of Republika Srpska. On its part, the Republika Srpska made it possible for several tens of thousands of Croat refugees from Vareš, Kakanj, Central Bosnia and Usora who had left their homes during the Croat-Muslim conflict in 1993, to be saved from almost certain death. After the Muslim offensive that had expelled them from the area of Central Bosnia, these refugees were taken in and accommodated in the area of Republika Srpska and those who so wished were enabled

safe passage to the territory of the Republic of Croatia. A very important agreement concerned the exchange of prisoners on the “All for All” principle as well as a ceasefire.

The objective of all negotiations with representatives of the autonomous Republic of Western Bosnia and of Herceg-Bosna, was to stop the war in Bosnia and Herzegovina. Regrettably, the Muslim side did not respond to this initiative and sought a solution in continuing the war conflict.

The PRESIDENT: Thank you very much. Mr. Brownlie, do you wish to examine now.

Mr. BROWNLIE: Thank you, Madam President. Mr. Lukić, I thank you for your statement. I have one or two questions to ask and the first is: could you please describe to the Court the financial sources of Republika Srpska?

Mr. LUKIĆ [*interpretation from Serbian*]: If I were to be truly sincere, I would say that we had . . . that they were from all over the place. However, the basic sources of finance were taxes, contributions and customs duties. Also it was exports of different raw materials, namely, forestry products, mining products, as well as exports of electrical energy, electrical power. Specifically speaking, we sold electrical energy to Serbia, Montenegro and Croatia. We also floated loans. In addition to that we received donations, both from our own citizens as well as from our friends the world over. We also exported a number of processing industry products to four or five European countries. And, as I have already said, there were donations from our citizens; there was assistance which was forthcoming from different individual countries, and so on. I would just like to mention that during the war our industrial plants, in fact, operated at a much higher level capacity than was the case for many years following the end of the war.

Mr. BROWNLIE: Thank you. Mr. Lukić, would you please describe your role in the peace negotiations at Dayton?

Mr. LUKIĆ [*interpretation from Serbian*]: Talking about Dayton, let me first say that our overall situation in Republika Srpska was exceptionally difficult.

Let me not go into a description of all the forces that we lost significant territories to. Republika Srpska was swamped by refugees of whom about 80,000 from the Bosnian Krajina. And also from the Serbian Krajina — that is, from Croatia — over 200,000 Serbs fled. And

although of that number, except for perhaps 40,000, all left for Serbia. It was nevertheless an enormous burden for Republika Srpska.

However, the Contact Group requested that Republika Srpska decide who would represent it at Dayton. The Assembly of Republika Srpska decided that Republika Srpska was to be represented at Dayton by Slobodan Milošević. Representatives of Republika Srpska should form part of the single Yugoslav delegation. The Speaker of the Assembly, the Minister for Foreign Affairs, the Vice-President, two jurists and two outside experts on different fields.

The negotiations themselves in Dayton were quite lengthy and, in my opinion, the basic reason for that is that everybody there actually advanced maximalist requests. There were even some requests which were based on aspirations and unrealized in the war, which parties sought to realize in Dayton. The negotiations were lengthy. All options were on the table. There was intensive diplomatic and lobbying activity and, as far as I know, in the end the United States delegate imposed an agreement that no one was actually happy with and perhaps it is good that no one was satisfied with it.

Mr. BROWNLIE: Thank you. My last question is that I am instructed that you spent the year 1992 in Sarajevo. Could you please explain to the Court your view of the situation in Sarajevo in that period?

Mr. LUKIĆ [*interpretation from Serbian*]: As the entire Yugoslavia, so was Bosnia and Herzegovina and Sarajevo, in particular, a beautiful and tranquil place until national parties were established. After that rifts, divisions, along ethnic lines could be felt. That situation was fuelled by the Islamic Declaration of Alija Izetbegović as well, and also by his statement when he said that he would sacrifice peace for the independence of Bosnia and Herzegovina.

Unfortunately the first killing started of citizens in the streets, of troops in their barracks, in the streets, in the army hall, in the hospital, etc. The killing of a five-member family — of course you know who that is — only added fuel to the fire. I am not going to indicate the actual places where the different killings took place, where people got killed. I am sure that you have heard very much about that.

One more date I believe it was 16 May I happened to be on the slopes, the northern slopes of Vrace. I looked on as police forces and other military units were attacking the settlement of Gornja

Pofalići and on that day they expelled 6,000 Serbs, and 100 villagers went missing, and their destiny is not known to this day.

Given the profession that I have, I know Sarajevo and I know the whole of Bosnia and Herzegovina well. I was the director of three institutions there and as the Director of the Geodesy administration, I was also the founder of the Chair of Geodesy at the faculty there and worked as a teacher in that department from 1976. I, of course, have the map of Sarajevo in front of me to consult and look at. Sarajevo at the time was a divided city and shooting had already begun.

The PRESIDENT: Mr. Lukić, I can see your interpreter would like you to pause.

Mr. LUKIĆ [*interpretation from Serbian*]: Among the things I could see there was one which was the saddest of all and which evoked an experience from my early childhood when I was only eight years old, and could witness for myself the execution by firing squad of 5,000 Serbs, Jews and Roma, and it occurred to me, not once, that it was indeed a privilege to die by a bullet given the circumstances which obtain in the Sarajevo of that day.

Otherwise, I was not a member of any party and, as of the 1990s, I was a university professor charged with the setting up of organs of government and it was my opinion that the organs of government should be established at a point from the pre-war deputies. I was assigned by a decision to be the representative of Republika Srpska to UNPROFOR and I went there in that capacity on 1 July 1992. I was confronted having assumed that position with a series of problems which I was not at all well prepared to address to resolve. For instance, I was to resolve the way of enabling people to exit Sarajevo, or to save people who were accused of different things, whereas the war had not even started. One of my tasks was to enable the exit from the city of different convoys, including those of the children's embassy, of the International Red Cross, the Jewish convoy, the Catholic Church convoy with nuns, and I must tell you that I did my utmost indeed to enable these people to leave. I received between 10 and 200 people daily and many of them were beaten up, many of them had been to prison, but all of them were very much afraid. So, this particularly referred to Serbs, because other people managed to find ways to leave Sarajevo, but the Serbs were not allowed to leave. And if they did leave, they only did so in various clandestine ways.

The PRESIDENT: We will pause there while there is a change of interpreters . . . Mr. Brownlie we have gone quite far from your question. We appear to be having a further statement.

Mr. BROWNLIE: Could I ask the witness to conclude his statement on the question I actually asked. Thank you, Madam President.

Mr. LUKIĆ [*interpretation from Serbian*]: What I want to say is that at that time many prisons were established in Sarajevo and some of them could be well described as camps. I was aware of the existence of many such prisons and camps, but a year ago, the Association of Former Prisoners and Inmates of such prisons and camps collected documentation that testified to the existence of 126 such prisons and institutions, and they submitted this documentation to Mrs. Carla del Ponte.

Sarajevo was a divided city from the very outset of the war, but it was not a blocked city as many are trying to say. The eastern part of Sarajevo was blocked by the army of Republika Srpska because there were some very important military points that it had to occupy in that part of the town. But on the other hand, the Muslim army had also a dominant position in the northern part, the north-western part, the southern part and the south-western part of the other western section of the city.

Mr. BROWNLIE: Yes, could I intervene. Madam President has indicated there are time constraints so if you could explain to our witness that he really must conclude quite soon.

Mr. LUKIĆ [*interpretation from Serbian*]: Well, I could go on speaking very, very long and for hours if I were to describe every single detail that I know about the events that took place in Sarajevo. But, instead, perhaps I can just mention that one very brave woman wrote a book about everything that happened there and the title of that book is *Don't cry for Sarajevo*. Perhaps that would be best read to see what happened there. But I think that I should better wrap up and close what I have to say. Yes, so thank you very much.

Mr. BROWNLIE: Madam President, I have concluded my examination-in-chief.

The PRESIDENT: Thank you, Mr. Brownlie. I now give the floor to Ms Korner for cross-examination.

Ms KORNER: Mr. Lukić, I want to make it clear to you out of fairness that there are many assertions that you have made in your written statement which are not accepted. But the time is limited and therefore I can only deal with a few of them. I would ask therefore because of the time limitations that you try and answer any questions I ask as shortly as possible. I want to start with where you ended — Sarajevo. Do you accept that Sarajevo was shelled by forces of the Bosnian Serb army over a period of years?

Mr. LUKIĆ [*interpretation from Serbian*]: Sarajevo was a protected area. But from that area Serb positions around Sarajevo, and especially one settlement which my family comes from — and I have mentioned it and its name is Grbavica — came under incessant fire from Sarajevo.

Well, as I was trying to explain, different institutions came under fire, such as the hospital, the children's care centre, the faculty where I taught. And I intervened on many occasions with UNPROFOR that it was unacceptable that a car that was approaching would start firing only to attract the fire from the other side. If we take into account that about 50,000 soldiers were then in Sarajevo, that there were also other armed groups, paramilitary groups, a terrorist group called Seve or Larks that was formed on the direct orders of Alija Izetbegovic in May . . .

The PRESIDENT: May I interrupt you, Mr. Lukić? Do you understand that counsel has to be allocated equal time for cross-examination and that means that the questions should be answered as succinctly as is possible, and you were asked a very specific question . . . Thank you. I give the floor now to Ms Korner.

Ms KORNER: Mr. Lukić, that was a very simple question which admits of an answer "yes" or "no". And I will ask it once more and ask for a simple answer: do *you* accept that Sarajevo was shelled by Bosnian Serb forces over a period of years?

Mr. LUKIĆ [*interpretation from Serbian*]: As a rule, the Bosnian Serb army shelled only military targets in the city. Contrary to the rules of war, the authorities in Sarajevo had never separated military from civilian targets and because of that, on several occasions, there were errors in shelling.

Ms KORNER: So, you do not accept that at any stage the Bosnian Serb forces deliberately fired on civilians. Is that right? And the answer should be yes or no, please.

Mr. LUKIĆ [*interpretation from Serbian*]: Well, thank you for the advice, but I think that nobody in Sarajevo, on either side, had been able to assess, or measure, or say afterwards that this shell should have been fired and this one should not have been fired.

Ms KORNER: Alright. Well, I want to move on to a different topic. Madam President, I have forgotten at what time you would be taking a break?

The PRESIDENT: We will continue right through your cross-examination.

Ms KORNER: I want to turn to the topic of finance. You told the Court in your prepared statement that Republika Srpska had its own banking system, budget — and you went so fast that I did not catch the rest — but that is what you are saying, is it?

Are you saying that your financial system was wholly independent of any support from the Federal Republic?

Mr. LUKIĆ [*interpretation from Serbian*]: Well, I have to say that I regret the fact that Republika Srpska had no other possibility, or no other ways, of financing itself, unlike the Muslim State which, on 8 June 1992, received a donation from King Fahd to the amount of 8 billion dollars for the war in Bosnia and Herzegovina. And we did not have recourse to such resources and we had no other source of financing and we had to rely on our own sources; and because of that we found that we had huge inflation because of what we could do at the time to make ends meet.

Ms KORNER: Mr. Lukić, I did not ask you how the government in Bosnia and Herzegovina financed itself, I asked you whether or not you were saying that you were independent of the Federal Republic. Do I take it from your answer that the answer is no: that you were dependent on them?

Mr. LUKIĆ [*interpretation from Serbian*]: Yes.

Ms KORNER: It may be my fault: he said yes and you said yes. But you were dependent on the Federal Republic of Yugoslavia, were you not?

Mr. LUKIĆ [*interpretation from Serbian*]: No.

Ms KORNER: Alright. Do you remember your budget in 1993, published in the *Gazette* in 1994, 25 March?

The PRESIDENT: The answer is clearly no. Are you going to provide the witness with a sheet?

Ms KORNER: I am going to provide the interpreter, because I have got the English translation, once I have put the figures to him.

The PRESIDENT: Yes, but the interpreter will only be able to answer what the witness says, and the witness needs to see the document.

Ms KORNER: I will give the document; as I say, it is the English translation.

Alright. Because of the timing, can I put it to you that the budget amounted to some 732 million Dinars, of which 731 was credit from the Federal Republic of Yugoslavia? I should have said billion, I said million. Do you agree with that?

My suggestion is very simple, which can be seen on the document: it is that the total budget published in the *Gazette* on 30 March 1994 was slightly in excess of 732,000 billion Dinars. Of which credit — do you agree with this, Mr. Lukić — of which credit, from the National Bank of Yugoslavia in Belgrade amounted to over 729,000 billion Dinars.

The PRESIDENT: Mr. Lukić, are you in a position to respond to the question?

Mr. LUKIĆ [*interpretation from Serbian*]: First of all I have to say, and note, that it was not taken into account when quoting such figures that there was hyper, hyper inflation at the time. On the other hand you adopt a budget a year earlier than . . . And this is a restructuring of the budget.

The PRESIDENT: Let us pause because we want to get the exact words you are saying.

Mr. LUKIĆ [*interpretation from Serbian*]: I cannot say, just by looking at the figures. It is not sufficient for me to say whether or not this was truly the case because I cannot say by just simply looking whether this was the case of hyper-inflation or whether we just printed the money — which we, in effect, did all the time — or whether it was the money that we have already spent, because in 1993 we had to live on something. You cannot expect anybody to live on air or just on water. I cannot say whether these were credits from the National Bank of Yugoslavia because, simply, we did not need to take the credits because, as I explained, we printed money all the time.

Ms KORNER: Is your answer “no”. From what you can recall, you did not get credit to the sum I mentioned?

Mr. LUKIĆ [*interpretation from Serbian*]: Well, it would not be the amount. We also took credit from other countries that were granting us such credit.

Ms KORNER: I do not want to ask the question a third time. Please, Mr. Lukić, did you or did you not accept credit to that amount from the National Bank of Yugoslavia?

Mr. LUKIĆ [*interpretation from Serbian*]: No, because we had no need to take the credits from Yugoslavia, with the exception of some sporadic credit lines, because we had sufficient products and goods to exchange with Yugoslavia.

Ms KORNER: Can I have the document back, please. Mr. Lukić, one last question. On finance.

In February of 1994 did you give a press conference in which you announced that the Assembly of Republika Srpska had made a decision for the Republika Srpska to join the monetary system of Yugoslavia?

Mr. LUKIĆ [*interpretation from Serbian*]: It is partly true, but there is something else that should be borne in mind. The National Bank of Yugoslavia made the Dinar convertible. Which in effect meant that it would print the quantity, or the amount of Dinars that would correspond to the deposits in the National Bank of Yugoslavia that were made in German Marks. And it is true that I had talks with the Governor — at the time the Governor — of the National Bank of Yugoslavia. And it meant that Republika Srpska could take from the National Bank of Yugoslavia the amount in Dinars that would correspond to the deposit that it had already made in German Marks. And the conditions and terms were very strict and the sum had to be exact. And the Republika Srpska then conducted its own affairs and businesses but with the convertible Dinars that it bought from the National Bank of Yugoslavia.

Ms KORNER: One last question. Were you aware of the arrangement between the three banks — that is the Bank of the RSK, the RS — that the Republika Srpska Bank was subordinated to the National Bank of Yugoslavia. Did you know about that? Either yes or no, please.

Mr. LUKIĆ [*interpretation from Serbian*]: No and no.

The PRESIDENT: Do I understand from that that you didn't know, and you don't agree? Is that what we are . . . I'm simply trying to understand what your "no and no" were directed to.

Mr. LUKIĆ [*interpretation from Serbian*]: Well, we were masters of our own destiny to the degree or measure that we had the money actually to cover our expenses, because we used in

day-to-day operations the convertible mark, and the situation, especially after the sanctions that I mentioned, was very strict in that regard.

Ms KORNER: Yes, alright. Can we move to an allied topic? Is it your assertion that the army of the Republika Srpska, the VRS, required no aid in either material or money from the Federal Republic of Yugoslavia?

Mr. LUKIĆ [*interpretation from Serbian*]: What I said is that, owing to circumstances and the decisions made by Presidents Tudjman and Izetbegović, in the hands of the soldiers of the JNA who were of Bosnia and Serb origin, what remained there were large quantities of materiel and arms.

Ms KORNER: I'm sorry, leaving aside what was left behind by the JNA, do you accept that huge quantities of materiel were provided to the VRS by the Federal Republic of Yugoslavia?

Mr. LUKIĆ [*interpretation from Serbian*]: For the most part, I underline "for the most part", without paying for it, the army of Republika Srpska did not receive assistance in equipment or arms.

Ms KORNER: I didn't ask you whether it was *paid for*. I asked whether or not it had been *supplied* by the Federal Republic of Yugoslavia.

Mr. LUKIĆ [*interpretation from Serbian*]: A negligible quantity, given our successes in the war. And if you allow me to add just this: at the start of the war we had more pieces of arms than population. And you are certainly aware of the fact that we sold some quantities of arms to Herceg-Bosna, which was a Croat entity; and also to the Autonomous Republic of Western Bosnia, and you wouldn't expect us to sell the arms and then go and procure them from somebody else, would you?

Ms KORNER: Were you present at the fiftieth Assembly session in April of 1995 at Sanski Most?

Mr. LUKIĆ [*interpretation from Serbian*]: No, I was not present there, because I was no longer a member of the Government, and so it happened after my term of office expired.

Ms KORNER: You've spoken about the 12 May Assembly in Banja Luka, when it was decided to create the army of the Serbian Republic. Were you present at that Assembly?

Mr. LUKIĆ [*interpretation from Serbian*]: No, because I joined the Government only in January 1993.

Ms KORNER: Yes I understand that, but that was a major, major Assembly, wasn't it? An important one. Wasn't it? It was an important Assembly?

Mr. LUKIĆ [*interpretation from Serbian*]: Yes, it was important. It was important in the sense that at best at that session a third army was formed in Bosnia and Herzegovina, the army of Republika Srpska, and that army was in effect constituted a month later. And the idea and the purpose was that this army should defend the people of Republika Srpska, because at that time that was the condition for the biological survival of the Serb people.

Ms KORNER: Yes, quite. Karadžić set out, didn't he, the six strategic goals of the Serbian people at that Assembly? The answer to that is "yes" or "no", please.

Mr. LUKIĆ [*interpretation from Serbian*]: First of all, I was not present at that session so I cannot say, because I do not know who said what, who proposed what and who commented what.

Ms KORNER: Please, Mr. Lukić, are you telling us you did not know about the six strategic goals?

Mr. LUKIĆ [*interpretation from Serbian*]: Madam President, honourable judges and Members of the Court, only two months ago, or maybe three months ago, I read the text of these strategic goals. I really do not know how it came about that these goals should be formulated, but what I knew is that I discussed at one point these issues with General Mladić. Because he was asking me and asking the Government, in effect, to give them the idea, the goals, for the army to follow, meaning how far they should go — the army. Of course, I immediately reported it to Mr. Karadžić but he simply, actually, did not say anything about it. He said nothing and he did not actually inform me that something of that sort existed, so I remained unaware of these goals until two months ago.

Ms KORNER: So, you never saw them when they were published in the *Official Gazette*?

Mr. LUKIĆ [*interpretation from Serbian*]: Only two months ago.

Ms KORNER: Right. I want to move then to something else. When you took office in 1993, did you give an interview to the newspaper called *Glas Srpski*? This time I do have it.

Mr. LUKIĆ [*interpretation from Serbian*]: Well, I would have to see.

Ms KORNER: I just want to ask you about one sentence. Did you say that one of the priorities of your Government was to protect property and goods . . .

The PRESIDENT: I am going to interrupt you there, Ms Korner. I have the impression that the financial document had not only not been provided to the witness, but to the Agent for Serbia and Montenegro and I do not believe it has been provided to the Bench either. I think we are now in the same situation again. Mr. Obradović, do you wish to speak to that?

Mr. OBRADOVIĆ: Thank you, Madam President. That was just my objection. We would like to see it, in order to be prepared eventually for re-examination and to see and estimate the admissibility of those documents. Just that.

The PRESIDENT: Thank you. I think you have some problem continuing your cross-examination on this line.

Ms KORNER: Madam President, Mr. Lukić came here and came out with a lengthy — lengthy — statement full of assertions, none of which was provided to us at all and which I have great difficulty in dealing with. All I could deal with was a guess at some of the things that he was going to deal with. The documents in themselves are not suggested that they should go in. I have got them here purely so that if the witness asks — as did Mr. Riedlmayer when Ms Fauveau-Ivanović was cross-examining — “well, can I see the document?”, that we had it there so there was no suggestion there was a trick. I just want him to confirm one line. It is not that we are trying to put the document in. This is to assist the witness, in fairness, because we think that is the proper way to do it.

The PRESIDENT: I will allow this one line and then I would like to move away from documents that have not been provided.

Ms KORNER: Can you confirm, Mr. Lukić, it is very simple, that you told *Glas Srpski* in January 1993 that it was a priority to protect property and goods?

Mr. LUKIĆ [*interpretation from Serbian*]: This is what I have always been saying.

Ms KORNER: Could we just very quickly, was it a priority of your Government to protect property and goods? Yes or no, could you say that?

Mr. LUKIĆ [*interpretation from Serbian*]: People first and then everything else.

Ms KORNER: Did you get a number of letters from the Bishop of Banja Luka complaining about the destruction of Catholic churches?

Mr. LUKIĆ [*interpretation from Serbian*]: The answer is no, because I met the Bishop on several occasions. He came to me so we discussed matters in a direct contact and he personally had no need to address me in a written form.

Ms KORNER: Alright, when he came to see you, did he complain about the destruction of Catholic churches? Yes or no?

Mr. LUKIĆ [*interpretation from Serbian*]: Well, there is not a single person that did not complain that something of their property had been destroyed, so he probably complained too. But I cannot remember what particularly he complained about and to which locations he referred.

Ms KORNER: Can I give you one example? Did he complain to you about the razing to the ground of a Catholic church in Bosanska Gradisvka in February 1993?

Mr. LUKIĆ [*interpretation from Serbian*]: We heard it before and there was no need for him to complain about it and, in that context, I have to repeat again that, regrettably and unfortunately, the demolition of religious objects in Bosnia and Herzegovina or the tradition to demolish such objects goes back to centuries ago. There was not a single war in these areas that did not at its outset also begin as a civil and religious war. In the Second World War, for example, Serbian Orthodox churches and mosques were destroyed — heavily — and in the war that we are talking about other churches were also demolished and not only religious objects and institutions but also cultural and historical objects and institutions. Well, after the demolition of the tomb that marked a location where an entire village was demolished during the Second World War at Prebilovci . . . And particularly after the demolition of the Serbian Orthodox monastery of Zitomislići in the Neretva River valley . . . And particularly after the demolition of almost all religious objects in Mostar . . . The events simply were going in the direction that could no longer be controlled — by me anyway.

And just one more sentence. A church in which I was baptized had been demolished in World War II. And in this war it was demolished and burnt down and we are now actually trying to rebuild that church.

The PRESIDENT: Ms Korner, you are coming towards the end of your allocated period.

Ms KORNER: With the greatest of respect, Madam President, he didn't finish until 20 past . . .

The PRESIDENT: Please continue.

Ms KORNER: Alright, I'll make my point afterwards. Please, Mr. Lukić, just answer the question that I ask, because I am being stopped from questioning you because of time limits. Did you take any steps to protect the mosques in Banja Luka which were blown up during 1993?

Mr. LUKIĆ [*interpretation from Serbian*]: Well, imagine a Prime Minister having to see to the protection of every individual structure, including places of worship. But I do have to say in this context that I have a special, different kind of attachment to Banja Luka and I am deeply sorry that all that happened but, having said this, let me add that we had proper parties of government, we had a Ministry of Religion, we had police and, of course, they were instructed to take the proper measures to protect all buildings, including places of worship. And they were concerned with that in particular. So, it was war, developments evolved at an intensive pace, overtaking one another as it were, so perhaps we did not see to the protection of every individual structure on time because of such circumstances, but they were certainly instructed in principle to do so.

Ms KORNER: I have one last topic and one last question — or two — on it. On 7 April 1993, did your Government pass a decision on establishing a commission for international law?

Mr. LUKIĆ [*interpretation from Serbian*]: I do not know. I would have to consult the agenda of that particular session to give you an answer. Possibly it is true. If the gentleman claims that it is, he has probably read it somewhere and I have no reason not to believe him that that is so. But seeing that we had about 38 items on the agenda per session, it is only understandable that I really cannot remember all of them.

Ms KORNER: Can I jog your memory, perhaps. Was one of its aims participation in the work of competent bodies on preparing a reply to the lawsuit on the alleged genocide which was committed by the Federal Republic of Yugoslavia?

Mr. LUKIĆ [*interpretation from Serbian*]: That is not true; that is absolutely untrue. I had not heard about this claim, this application, during the entire period of the war, nor did I hear about

it in Dayton. Had we known about that application, I guarantee you that we would have conducted ourselves differently in Dayton.

Ms KORNER: So, you never, ever, established such a commission with one of the reasons for it being what I have just read to you.

Mr. LUKIĆ [*interpretation from Serbian*]: Well, I am asking *you* this question: how would I have set up a commission for some sort of an activity that I am unaware of?

Ms KORNER: Because any lawsuit against the Federal Republic of Yugoslavia had nothing whatsoever to do with Republika Srpska, did it?

Mr. LUKIĆ [*interpretation from Serbian*]: I do not know what lawsuit you are referring to.

Ms KORNER: Yes, thank you.

The PRESIDENT: Thank you very much. Mr. Brownlie, do you wish to re-examine?

Mr. BROWNLIE: Mr. Lukić has presented his evidence at length. There is no re-examination. Thank you.

The PRESIDENT: The Court will now retire, but the Parties and the witness should remain in the vicinity of the Great Hall of Justice. If the Court wishes to pose questions to the witness, it will return to the courtroom within the next 15 minutes. If the Court does not wish to put any questions to the witness, it will not return to the courtroom and the Registry will inform the Parties and the public accordingly. The Court now rises.

The Court adjourned from 12.15 to 12.35 p.m.

The PRESIDENT: Please be seated. We would invite the witness and the interpreter to be brought into Court.

Judges Ranjeva, Simma, Tomka and Bennouna will have questions for the witness. I first call Judge Ranjeva.

Le juge RANJEVA : Merci bien, Madame le président.

The PRESIDENT: Un instant. Please proceed, Judge Ranjeva.

Le juge RANJEVA : Merci, Madame le président. Monsieur le professeur Lukić, vous est-il possible d'exposer à la Cour très brièvement les attributions que le chef du Gouvernement de la

Republika Srpska exerce dans le domaine des relations internationales ? Je vous remercie, Madame le président.

M. LUKIĆ [*interprétation du serbe*]: Les relations internationales relevaient de la compétence surtout du président de la République et de ses collaborateurs plus proches.

The PRESIDENT: Thank you. I now call Judge Simma.

Judge SIMMA: Thank you, Madam President. I have a very specific question to Professor Lukić. Who, in your view, was responsible for the shelling with incendiary ammunition of both the National Library and the Oriental Institute in Sarajevo?

Mr. LUKIĆ [*interpretation from Serbian*]: I am not at all aware of the fact that such institutions were specifically targeted. I know that the city library was not set on fire by any ammunition or shells of the army of Republika Srpska. Any so-called instances of shelling did not actually come from the side of Republika Srpska, but were produced inside Sarajevo in order to sensitize the international public. But this is a much broader topic and I am quite sure that you have heard lots about it. I am aware that there existed an order of the most responsible leaders of Republika Srpska to the effect that cultural monuments and historical monuments should be preserved. However, probably in the exchange of fire that transpired a number of such monuments were also affected.

The PRESIDENT: Thank you. I now call Judge Tomka.

Judge TOMKA: Thank you, Madam President. Professor Lukić, in your introductory statement you, *inter alia*, said that you were appointed one of the two experts of the delegation of Republika Srpska in the negotiations in Dayton in 1995. And you also discussed the composition of the delegation which consisted of the Speaker of the Parliament, of the Deputy Prime Minister, the Minister for Foreign Affairs of Republika Srpska, two lawyers, and two experts, you being one of them. The question is: could you please explain to us what was the reason — or what were the considerations — that led the National Assembly, Skupština, of Republika Srpska to appoint the then President of the Republic of Serbia, Mr. Milošević, to represent Republika Srpska at the Dayton negotiations? Thank you very much.

Mr. LUKIĆ [*interpretation from Serbian*]: I should first of all like to make a correction: it was not the Vice-Premier, but it was the Vice-President of the Republic, Mr. Koljević. At the

session at which the National Assembly was deciding the composition of the delegation to go to Dayton, I was a professor in Banja Luka and I myself did not attend that session. If I am informed well, the choice was between Mr. Milošević, Mr. Tudjman and Mr. Izetbegović and we opted for Mr. Milošević as our representative because he enjoyed the reputation of a peacemaker, of a person that had contributed to the hammering out of various peace agreements in the area.

The PRESIDENT: I now call finally upon Judge Bennouna.

Le juge BENNOUNA: Merci, Madame le président. J'ai la question suivante pour le professeur Lukić. Monsieur Lukić, étiez-vous au courant vous-même ou votre gouvernement des décisions du Conseil de sécurité des Nations Unies, au cours de l'année 1993 en particulier, exigeant de la République fédérale de Yougoslavie (Serbie-et-Monténégro) de cesser immédiatement la fourniture d'armes, d'équipements et de services de caractère militaire aux unités militaires et/ou paramilitaires serbes de Bosnie, les unités de la République serbe de Bosnie-Herzégovine ? Et si votre réponse est positive, donc si vous répondez oui — je vous demanderais d'être aussi clair que possible —, je vous demanderais aussi de nous dire, de dire à la Cour, quelles dispositions vous auriez prises, vous-même ou votre gouvernement, en tant que destinataire de cette assistance prohibée.

M. LUKIĆ [*interprétation du serbe*] : D'abord, je ne pourrais pas accepter que nous avons été destinataire de cette aide dans ce sens aussi général. Il est notoire que la Republika Srpska fabriquait elle-même certains semi-produits de nature militaire. Une bonne partie de ces semi-produits étaient échangés avec l'industrie de la République fédérale de Yougoslavie, c'est-à-dire nous leur laissions en contrepartie une partie de ces semi-produits contre le produit fini qu'ils nous fournissaient. Il est notoire également que nous assurions le service des moteurs pour les avions de combat. Il est également notoire qu'une partie de ces moteurs réparés étaient acheminés vers la Grande-Bretagne, la Serbie et encore certains autres pays. Il est également notoire que différents produits comme les produits forestiers par exemple étaient échangés contre d'autres différents produits de provenance de Yougoslavie. Vous avez pu entendre dans mon exposé d'introduction qu'il existait différents groupes qui armaient les armées des trois peuples en Bosnie. L'armée musulmane, par le truchement de la Croatie, armait les enclaves de l'est. Ce qui était également interdit aux termes de la décision du Conseil de sécurité. Mais cette décision du Conseil de

sécurité, nous l'avons éprouvée le plus après le rejet du plan Vance-Owen. Vous aurez du mal à me croire, probablement, mais moi-même, j'ai été renvoyé de la frontière en 1995, moi, en tant que professeur. Tout simplement parce que j'avais été premier ministre. Et un détail personnel, peut-être déplaisant, en accompagnant mon fils blessé au champ de bataille, j'ai été arrêté à la frontière pendant deux heures, et ainsi de suite. Et pire encore, si j'en parle déjà, un des blessés a été sorti du véhicule et retenu à la frontière.

The PRESIDENT: Thank you. That brings to an end the hearing of the witness and I thank Mr. Lukić for appearing before us. Mr. Lukić may now be escorted out of the Great Hall of Justice.

Mr. LUKIĆ [*interpretation from Serbian*]: Thank you, Your Honours.

The PRESIDENT: The Court now rises and will resume the hearing of evidence this afternoon at 3 o'clock.

The Court rose at 12.55 p.m.
