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International Court
of Justice

THE HAGUE

Cour internationale
de Justice

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YEAR 2006

Public sitting

held on Thursday 23 March 2006, at 3 p.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 15 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

Present: President Higgins
Vice-President Al-Khasawneh
Judges Ranjeva
Shi
Koroma
Parra-Aranguren
Owada
Simma
Tomka
Abraham
Keith
Sepúlveda
Bennouna
Judges *ad hoc* Mahiou
Kreća
Registrar Couvreur

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

M. Couvreur, greffier

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as Deputy Agent;

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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,

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Ms Laura Dauban, LL.B (Hons),

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

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Mr. Amir Bajrić, LL.M,

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The PRESIDENT: Please be seated. The Court now meets to hear the evidence of the next witness called by Serbia and Montenegro, Mr. Vitomir Popović. The witness may now be brought into court, and the interpreter may now take her place.

I call upon Mr. Popović to make the solemn declaration for witnesses, as set down in Article 64 (a) of the Rules of Court.

Mr. POPOVIĆ [*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.

Mr. BROWNLIE: Thank you, Madam President. Mr. Popović, I would suggest that, when you answer questions and in general address the Court, you do not face towards counsel. Mr. Popović, if I could ask you to give your statement to the Court.

Mr. POPOVIĆ [*interpretation from Serbian*]: I am Vitomir Popović and I was born in 1956, in Bistrica in Banja Luka municipality. I graduated from the Faculty of Law in Banja Luka in 1980. I obtained my PhD from the Faculty of Law in Belgrade in 1991. From 1996 until the end of 2003, I was a judge and member of the Human Rights Commission of the Chamber of Human Rights of Bosnia and Herzegovina. From 1997 to 2002, I was a judge and Vice-President of the Constitutional Court of Bosnia and Herzegovina. Since February 2004, I have been serving as one of the three ombudsmen for human rights in Bosnia and Herzegovina. I was elected to the office by the Parliamentary Assembly of Bosnia and Herzegovina by a two-thirds majority vote. I teach international commercial law at a faculty of law in Banja Luka.

From 20 January 1993 to 18 August 1994, I was Deputy Prime Minister of Republika Srpska in charge of internal affairs. My chief task was to co-ordinate the work of several ministries, including the Ministries of Justice, Education, Science and Culture, and Religion. Being a professor of international law, I was also intensively involved in the harmonization of the legislation of Republika Srpska with the European Union. During my time in office and later, the

Government of Republika Srpska was completely independent in decision making and the implementation of its decisions. And it maintained partnership relations with other governments and institutions. It is my opinion that we controlled the overall situation in that period to the greatest extent possible, even the circumstances of war, and that we created the necessary conditions for the preservation of our territory, people and army. The Government maintained partnership relations with the Governments of Serbia and Montenegro, the Republic of Serb Krajina, Herceg-Bosna and the Autonomous Republic of Western Bosnia. Of particular importance was humanitarian aid that we received from a number of countries, for example, Yugoslavia, Russia, Greece, Germany and the United States, which mostly consisted of food and medicines. The aid was supplied and distributed by governmental and non-governmental humanitarian organizations. The entire Government devoted much attention to every peace initiative. For us in the Government the Vance-Owen peace plan had great importance. The Assembly of Republika Srpska first voted on the plan at a session held in Bijelina at the end of April 1993. The session was also attended by the then Foreign Minister of the Federal Republic of Yugoslavia, Mr. Vladislav Jovanović. Mr. Jovanović presented a joint request made by Slobodan Milošević, Momir Bulatović and Dobrica Čosić to the effect that the Vance-Owen plan had to be accepted. Given that the majority of Deputies were not satisfied with some of the solutions contained in the peace plan, particularly as concerned the territories that would belong to Republika Srpska, a decision was made to put the plan to a referendum in Republika Srpska. Following continued pressures to accept the plan, at the initiative of the then Greek Prime Minister, Mr. Mitsotakis, Radovan Karadžić accepted in Athens to sign the peace plan on 1 May 1993, on condition that a plan be also accepted by the Assembly of Republika Srpska. The Assembly's session was held on 5 and 6 May 1993. Given the importance of the issue discussed, the session was also attended by the President of Republika Srpska and the entire Cabinet. Also attending were special guests. Greek Prime Minister Constantine Mitsotakis, President of the Federal Republic of Yugoslavia, Dobrica Čosić, President of the Republic of Serbia, Slobodan Milošević, President of Montenegro, Momir Bulatović, President of the Chamber of Citizens of the Assembly of the Federal Republic of Yugoslavia, Radoman Božović, President of the Chamber of Republics of the Federal Republic of Yugoslavia, Milos Radulović, and President of the Assembly of the

Republic of Serbia, Zoran Lilić. The introductory speech was delivered by the President of the Republic, Dr. Radovan Karadžić, who explained that he had put his signature on the Vance-Owen plan conditionally and that the final decision on that matter rested with the National Assembly and emphasized strongly that consequences of acceptance or rejection would be very great. Following the speech of the President of the Republic, Dr. Radovan Karadžić, the Assembly was also addressed by special guests — Mr. Constantine Mitsotakis, Mr. Dobrica Čosić, Mr. Slobodan Milošević and Mr. Momir Bulatović. In addressing the National Assembly, the special guests urged the Deputies to accept the plan. In their speeches, however, the MPs argued that the plan was unacceptable, that instead of 64 per cent of the territory in which the Serbs constituted the majority population, it offered only 44 per cent and that of the ten industrial centres in which 70 per cent of the assets of Bosnia and Herzegovina were concentrated, only one, namely Banja Luka, would remain in Republika Srpska. Of the 65 MPs who were present at the session of the National Assembly when it took the vote, 51 Deputies voted for the proposed conclusion to reject the plan and put into effect the decision made by the Parliament in Bijeljina on 25 April 1993, according to which the decision on the Vance-Owen plan was to be made at a referendum scheduled for 15 and 16 May 1993. Two Deputies voted against the proposal and 12 abstained.

Following that session of Parliament, the Cabinet held its 69th meeting. One of the main items on the agenda concerned an agreement on how the Government of Republika Srpska should work in extraordinary circumstances. After a long debate in which almost all Ministers took part, it was assessed that the situation in Republika Srpska was very complex and that it would further deteriorate given the rejection of the Vance-Owen plan by the National Assembly. Since the possibility of bombardment of Republika Srpska was also mentioned during the parliamentary debate, a series of measures and activities needed to be undertaken in order to prevent panic and the situation getting out of control, while simultaneously making all the necessary preparations for possible forms of resistance and protection of the population and property. It was agreed, to organize the work of the Government so as to enable it to continue to function throughout the territory of the Republic in all conditions. To this end, the Ministers were assigned to take action on behalf of the Government, in specific regions and municipalities in order to ensure that the laws

were respected and that the authorities were functioning. It was agreed that I should be the co-ordinator of such activities in the area of Krajina. Each of the Ministries was instructed to prepare a programme of measures and activities in their respective sectors.

The Government predictions were proved correct by the fact that on that very day, on 6 May 1993, the Federal Republic of Yugoslavia introduced sanctions against Republika Srpska. All forms of earlier partnership and co-operation were stopped, and all Ministers and MPs were prohibited from entering the Federal Republic of Yugoslavia. All forms of economic assistance were also stopped. Even goods destined for Republika Srpska that only transited through the Federal Republic of Yugoslavia were seized. The treatment of the wounded in medical and rehabilitation centres proceeded with difficulty, and humanitarian co-operation was to a great extent suspended, the result of which was that the overall situation in Republika Srpska became even more complex and difficult.

All governmental and bodies, including those on the local level, each and every one, would feel their competence and powers, were forced to seek a way out of the situation. We developed co-operation with the Government of Herceg-Bosna and the Government of the Autonomous Republic of Western Bosnia, with the diaspora and with a number of governmental and non-governmental humanitarian organizations from abroad. Of particular importance was co-operation with the Government of Herceg-Bosna and the Government of the Autonomous Republic of Western Bosnia. In my capacity of Deputy Prime Minister, I took part in talks with representatives of the Governments of Herceg-Bosna and the Autonomous Republic of Western Bosnia. Owing to that co-operation we secured 10,000 tons of oil derivatives and enabled our population to complete the autumn and spring sowing, thus securing food for the people and army of Republika Srpska. Co-operation with the Government of Herceg-Bosna and the Government of the Autonomous Republic of Western Bosnia was no secret. The media knew about these contacts and reported them to the public. At the time and in addition to a co-operation with the two entities that I spoke about — the Croat entity of Herceg-Bosna and the Bosniak entity of the Autonomous Republic of Western Bosnia — we also endeavoured to the extent possible, to intensify other forms of economic co-operation, especially in the area of foreign investments. We were also intensively involved in the implementation of a number of projects of non-governmental organizations and

other organizations which specialized in rendering aid in difficult situations, like the one we faced. I was personally very much involved in the implementation of a project of the Danish NGO Caritas for the expansion of the medical centre in Banja Luka. The project was successfully completed, and the hospital rendered medical assistance to *all* who needed it, irrespective of their ethnic or religious background.

Thank you, Madam President.

The PRESIDENT: Thank you. Mr. Brownlie.

Mr. BROWNLIE: Madam President, I would thank Mr. Popović for his statement to the Court. I have just one question to put to this witness. He referred to the Vance-Owen plan. Would he please tell the Court what he knows about the peace plan relating to the Contact Group?

Mr. POPOVIĆ [*interpretation from Serbian*]: Immediately after the rejection of the Vance-Owen Plan, the International Community proceeded to draft a new peace plan, which was better known as the Contact Group plan. The members of the Contact Group included the United States, Germany, France and Russia. The plan was presented to the public of Republika Srpska in July 1994. The plan was submitted for approval to the National Assembly of Republika Srpska on 18 and 19 July 1994. The introductory speech at that session was delivered by the Speaker of the National Assembly who said that, a day before, he had discussed the plan with the leadership of the Federal Republic of Yugoslavia, and that the FRY leadership suggested that the plan should be accepted.

Following a debate in the National Assembly of Republika Srpska, the plan was rejected. The MPs argued that, like the previous plan, the new plan also did not reflect the interests of Republika Srpska because under the new plan, in the territory of the Federation of Bosnia and Herzegovina, which was established at the end of March under the Washington Agreement, there would also now be some towns that at the time were in Republika Srpska. This primarily concerned parts of the municipalities that were in Republika Srpska at the time — the municipalities of Ključ, Sanski Most, and Prijedor. And also the municipalities of Brod and Šamac. The plan did not envisage any links between the eastern and western parts of Republika Srpska, save for a 4-km wide corridor. Out of the 67 per cent of the territory that was controlled by

Republika Srpska, the plan offered to Republika Srpska 46 per cent of the territory. After the plan was rejected, the Federal Republic of Yugoslavia imposed a total embargo on Republika Srpska. International monitors and observers were placed on the border, and all forms of assistance and co-operation were put into question or suspended.

I was a member of the Government until 18 August 1994, following which I returned to my academic career. But irrespective of that, I know that this total embargo imposed by the Federal Republic of Yugoslavia remained in force until the signing of the Dayton Peace Accords on 14 December 1995.

Mr. BROWNLIE: Thank you very much. Madam President, that concludes the examination-in-chief. Thank you.

The PRESIDENT: Thank you, Mr. Brownlie. You have the floor, Ms Korner.

Ms KORNER: Thank you, Madam President. Mr. Popović, is it your case that no aid at all was received from the Federal Republic of Yugoslavia after the rejection of the Vance-Owen plan?

Mr. POPOVIĆ [*interpretation from Serbian*]: After the rejection of the Vance-Owen plan on 6 May 1993, Republika Srpska was put into a blockade. All economic contacts between companies in Republika Srpska and companies in the Federal Republic of Yugoslavia were reduced to a minimum. All forms of humanitarian assistance were also reduced to a minimum. Immediately after the imposition of sanctions, virtually a few days later — and this is something I personally know happened — the wounded were returned from the Raja border point and this also happened on other border points.

Ms KORNER: I am sorry, I do not want to interrupt you, but I have a very limited amount of time to ask you questions. Can I just ask you very simply: are you saying that you received *no financial assistance* from the Federal Republic of Yugoslavia after the beginning of May 1993?

Mr. POPOVIĆ [*interpretation from Serbian*]: To my knowledge, we received no financial assistance, and humanitarian assistance was reduced to a minimum. And, again to my knowledge, we actually never received any financial assistance from the Federal Republic of Yugoslavia.

Ms KORNER: So, as far as you are concerned, it is not financial assistance for the military to be paid through the 30th and 40th Personnel Centres in Serbia — set up, I should add, in November 1993.

Mr. POPOVIĆ [*interpretation from Serbian*]: Absolutely not. We, as I said, had partnership relationships, and the Government of Republika Srpska had invested all efforts to pay its own members of its own army and police and it could have happened — it is possible — that some of the former JNA officers who remained in Bosnia received part of their salaries in that way, but I simply cannot tell whether that happened or not. The Ministry of Defence was not the sector of which I was in charge, and there was no information to that effect at any of the government sessions.

Ms KORNER: I want to change, please, the subject slightly. On 7 April 1993 your Government passed the decision on establishing the Commission for International Law, did it not?

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

Ms KORNER: And you were made the President of the Commission?

Mr. POPOVIĆ [*interpretation from Serbian*]: Correct.

Ms KORNER: And the decision was signed by the Prime Minister, Mr. Lukić. That is right, is it not?

Mr. POPOVIĆ [*interpretation from Serbian*]: Probably, because the Prime Minister signed the decisions.

Ms KORNER: What was the purpose of this Commission?

Mr. POPOVIĆ [*interpretation from Serbian*]: The purpose of establishing this Commission was to enable full implementation of international law in the territory of Republika Srpska. To a certain extent it also applies to the obligation to apply the provisions of the European Convention for the Protection of Human Rights. One of the conclusions proposed to the Government for adoption was that, where it concerned the former JNA officers and members of the former JNA who left the territory of Republika Srpska, to enable them to have unhindered access to their property. Or, more specifically, to have unhindered access to the flats whose tenancy rights they obtained from the former JNA.

Ms KORNER: Did you, yourself, do work on this Commission?

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

Ms KORNER: Was one of its stated aims the participation in the work of competent bodies on preparing a reply to the lawsuit on alleged genocide which was committed by the Federal Republic of Yugoslavia?

Mr. POPOVIĆ *[interpretation from Serbian]*: I cannot remember that.

Ms KORNER: Madam President, this is one of the times . . .

Mr. POPOVIĆ *[interpretation from Serbian]*: But if you permit, I know that one of the main conclusions for the work of this Commission was to collect information and present information to the international public about the crimes committed against the Serb population. And that following that a special War Crimes Commission was set up.

Ms KORNER: Yes, but can we stick, please, with the part I have just put to you? The lawsuit referred to is this case, is it not?

Mr. POPOVIĆ *[interpretation from Serbian]*: I told you that I do not remember. So I do not rule out either possibility. But in any case, that was not the primary task of this Commission.

Ms KORNER: You say that. I think it is only right, Madam President — and this is the only document I want to show the witness: there are copies for the Court and for the other side. Because I think it is important enough that he sees this. Could we hand them out? They are both in his language and in English. At the back you will see the version in Serbian. I would like you to have a look, please, Mr Popović, at Article 2. You need not read it aloud, but just refresh your memory and then tell us, please, what it refers to. It is the second task. You have now had a chance to read it, Mr. Popović. Can you tell us, please, does this not refer to the case that is being heard now at this Court?

Mr. POPOVIĆ *[interpretation from Serbian]*: Probably.

Ms KORNER: What work did you do in preparation for the case that was being launched by Bosnia against the Federal Republic of Yugoslavia?

Mr. POPOVIĆ *[interpretation from Serbian]*: Are you referring to the one in 1993?

Ms KORNER: I am referring to the one that began in 1993. What work did you do?

Mr. POPOVIĆ [*interpretation from Serbian*]: We did not at the time specifically address ourselves to this Application. It was a just a matter of informing the public that such a place did indeed exist. It had never been submitted to the Government of Republika Srpska, or to any other competent organ. We mainly dealt with these issues that I just talked about, mainly the crimes committed against the Serb population in the territory of the former Bosnia and Herzegovina.

Ms KORNER: Could you look, please, at the penultimate sentence at the end of Article 2, which begins “Co-operation with legal experts from the Federal Republic of Yugoslavia”. Just read that to yourself.

Mr. POPOVIĆ [*interpretation from Serbian*]: That sentence certainly stands, but as I have said we did not specifically address ourselves to that particular issue.

Ms KORNER: So when I asked you whether you had done any work for the Commission, and you said “yes”, you did no work along the lines set out in the second task, or the penultimate task?

Mr. POPOVIĆ [*interpretation from Serbian*]: Not at the time and, as I have said — let me just incidentally recall that this decision was adopted on 20 May 1993 —, after the Vance-Owen plan situation, I personally and other members of the Commission, the Ministers, were forbidden entry into the Federal Republic of Yugoslavia.

Ms KORNER: So you say, Mr. Popović, and I have to say formally on behalf of those I represent that we challenge that statement. Thank you very much. You can put that document away. I want now to ask you about another part of your life.

Mr. POPOVIĆ [*interpretation from Serbian*]: Well, I absolutely claim that what I said is true.

Ms KORNER: It is right, is it not, that in 1992 you were a member of the SDS party?

Mr. POPOVIĆ [*interpretation from Serbian*]: Yes, it is.

Ms KORNER: And in 1992, were you appointed as a judge to the Lower Court in Banja Luka?

Mr. POPOVIĆ [*interpretation from Serbian*]: No, I was not. It is true that I had been a judge, but many years before that. In 1992, I was appointed President of the Lower Court in Banja Luka. And as a judge, I exclusively dealt with civil law cases.

Ms KORNER: It is right, however, is it not, Mr. Popović, that during the course of 1992, as a result of decrees, in particular from the Crisis Staff of the Autonomous Region of Krajina, all non-Serb judges were removed from the Lower Court?

Mr. POPOVIĆ [*interpretation from Serbian*]: I think that is not correct. A number of judges of other ethnicities remained at their posts to work unhindered in the Banja Luka court, as well as in other courts. Regrettably, some of them left because of the fact that their families had left. And the main judge in the investigation part of the procedure, which was in fact very much the order of the day — I mean the investigation procedure — was a judge, Zoran Lipovac, of Croat ethnicity. Some of the judges left in 1994. Judges not only of other ethnic groups left the court, but judges who were of Serbian ethnicity also left that court.

Ms KORNER: There are two questions, I am sorry. First of all, if a judge is removed, do you as the President of the court have to authorize it?

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

Ms KORNER: Does the President have any influence over whether or not a judge is removed from office?

Mr. POPOVIĆ [*interpretation from Serbian*]: The Registrar of the court, Mr. Hilmija Hadžić, who was a Bosniak and who worked at the court until 1993 actually kept records on the attendance of all employed at the court and this was part of his job description. According to the labour law which is still today in force, if someone failed to show up at work for five consecutive days that person's employment would be terminated by dint of law. So it was a case of termination of employment by dint of law. And the President of the court, according to other bases of the need that had arisen, could then propose to the National Assembly the appointment of new judges. But the Assembly had its own special commission for elections which was a sort of a personnel commission and the President of the court did not influence the decision making of that commission.

Ms KORNER: Thank you. Just one last question on that. As you put it, a number of Muslim and Croat judges were removed and you put it on the grounds that they did not show up for work for five days. Have I understood that correctly?

Mr. POPOVIĆ [*interpretation from Serbian*]: And Serbs, and Serbs.

Ms KORNER: Thank you. I want to move to a different topic again. You were in Banja Luka on 12 May 1992, were you not?

Mr. POPOVIĆ [*interpretation from Serbian*]: Probably. I cannot say. I do not know what took place on 12 May.

Ms KORNER: Did you attend the Assembly of the Serbian People held on 12 May when the VRS was established and Karadžić announced the six strategic goals?

Mr. POPOVIĆ [*interpretation from Serbian*]: I was not a cabinet member. I did not attend the Assembly session because I was not a member of the Government at that time.

Ms. KORNER: When did you first hear about the six strategic goals?

Mr. POPOVIĆ [*interpretation from Serbian*]: I did not deal with these matters at all, as I have already explained, and the military, the army was exclusively within the ambit of the Ministry of Defence. Of course I was aware of the fact that the army of Republika Srpska had been established, probably at that session of the Assembly.

Ms KORNER: No, but I asked about the six strategic goals, please, enunciated by Karadžić. When did you first hear about those goals?

Mr. POPOVIĆ [*interpretation from Serbian*]: Well, I have to be frank, I really do not remember these six goals.

Ms KORNER: When you were in the Government in 1993, you presumably had to read the *Official Gazette* of the Government?

Mr. POPOVIĆ [*interpretation from Serbian*]: I said in my introductory remarks that I was in charge of specific Ministries. The Ministry of Defence, the Ministry of the Interior and a whole series of other Economic Ministries were not within my sphere of competence. The Government had another Vice-President. And he was in charge of economic affairs. These Ministries, these two Ministries, which would be of relevance in respect of the goals that you mention were not within his ambit nor within my sphere of competence either.

Ms KORNER: The simple question, which I do not believe you have answered, Sir, is this. Were you as Deputy Prime Minister obliged to read the *Official Gazette* of the Government?

Mr. POPOVIĆ [*interpretation from Serbian*]: Well, I shall repeat this so that it might be quite clear. What I was under the obligation to do was to deal with regulations and issues which

were exclusively within my sphere of competence. That is actually written in so many words in the law on the Government.

Ms KORNER: So, are you saying — just so we all understand it finally — that you were unaware that Karadžić had set six strategic goals for the Bosnian Serbs to achieve?

Mr. POPOVIĆ [*interpretation from Serbian*]: There were many goals from the very beginning of war operations until the end of the war, until the signature of the Dayton Accords. But I am not ruling out the possibility that these six were among them but I did not address myself to them, deal with them nor was I under any obligation to do so.

Ms. KORNER: So you did not see the publication — and this is the final question — in the *Official Gazette* on 26 November 1993?

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

Ms KORNER: During the course of your time in government, in August 1994, there was a decision, was there not, to change the names of places in municipalities?

Mr. POPOVIĆ [*interpretation from Serbian*]: These decisions were taken on several occasions, in several instances, so if I could please see what particular decision or what particular influence you are referring to . . .

Ms KORNER: No, it is not the particular I want, it is the concept. What was the purpose of changing the names of villages and, indeed, municipalities?

Mr. POPOVIĆ [*interpretation from Serbian*]: Well I ask you this previous question because I myself was a member of the Government until 18 August 1994, so I was asking whether you refer to any decisions made to that effect prior to that date or after it?

Ms KORNER: I want to know — you have just said this happened on many occasions — what I want to know is why the Bosnian Serb Government, just in your time, decided to change the names of villages and municipalities?

Mr. POPOVIĆ [*interpretation from Serbian*]: Can you please tell me when was the decision taken?

Ms KORNER: I can, but it is not a difficult question, please, Sir. I will certainly tell you, this was taken on 16 August and it was to change the name of something in the Milići municipality. Does that remind you?

Mr. POPOVIĆ [*interpretation from Serbian*]: Well, you see, both in the Republika Srpska and in the Federation of Bosnia and Herzegovina decisions were taken to change the pre-war names of places. For instance, a town in the Federation which used to be called Gornji Vakuf became Uskoplje. I know that for such purposes, or rather in such instances, special commissions were set up comprising linguists and historians and they proposed changes of names and designations of places to the National Assembly. Practically, it was regulated by the law on self-government. As for Milići I cannot really recall what exactly happened in respect of Milići: Milići has always been Milići as far as I can remember.

Ms KORNER: Was it not, in fact, to eradicate the Muslim and the Croat names from the area that the Serbs were claiming as theirs?

Mr. POPOVIĆ [*interpretation from Serbian*]: No. Absolutely not. What is the connection between Croat and Muslim names and the designation of Milići? Of course this law did not change the names and the surnames of Croats and Muslims, it was only changing the names of places in both the Federation and Republika Srpska. I claim responsibly here that not a single name, first name or last name, was changed, nor was that possible.

The PRESIDENT: Ms Korner, even when I allow a time-out for translation control, you are coming towards the end.

Ms KORNER: Yes I am, I just, one more very quick topic.

The PRESIDENT: Yes.

Ms KORNER: Mr. Popović, you received letters, didn't you, from Bishop Komarica, complaining about the destruction that was taking place in areas where there was no fighting, to Catholic churches.

Mr. POPOVIĆ [*interpretation from Serbian*]: That is correct.

Ms KORNER: You did have responsibility for culture and religion, didn't you?

Mr. POPOVIĆ [*interpretation from Serbian*]: Yes, I did.

Ms KORNER: Did you take any steps to protect the Catholic monuments, churches and indeed the Catholic people from the abuses?

Mr. POPOVIĆ [*interpretation from Serbian*]: We did everything possible, everything that we could possibly do about it.

Mr. POPOVIĆ [*interpretation from Serbian*]: I had several meetings with Bishop Komarica, and we worked together on the programme of the Danish Caritas organization for our medical establishments in Banja Luka.

Mr. POPOVIĆ [*interpretation from Serbian*]: So after, Komarica, and the representative of the Danish Caritas had put their signature on this agreement, I actually put it into practice. Immediately after that, I received a high honour from the Papal Nuncio, from the Vatican, primarily on account of the protection of human rights and freedoms. This citation is in my briefcase, which is outside and I can show it to you. Regrettably the greatest problems for the Croats actually ensued after the Croatian regular army had expelled some 80,000 Serbs from the areas of Glamoč, Grahovo, Drvar, Petrovac, and some other places. This took place in 1995, in the course of 1995, when I was not a member of the Government. But even had I been a member of the Government, I would not have been able to actually do anything. Eighty thousand people, refugees and displaced people in a lengthy column which was also bombed on the way into the . . .

Ms KORNER: I am sorry. Please, may I stop you there because we have gone right away from the subject. You've explained what you did.

The PRESIDENT: Put your final question, please.

Ms KORNER: I am going to. Did you take any steps such as ordering the police to guard the nine major mosques that were blown up in Banja Luka in 1993?

Mr. POPOVIĆ [*interpretation from Serbian*]: At that time, namely, on 5 and 6 May 1993, I was attending a session, as I explained a while ago, of the National Assembly of Republika Srpska at Pale. Initially, together with representatives of the religious communities, the police did guard the different places of worship. But the need to despatch a number of the people of the police force to the battlefields and to the zones where combat operations were taking place actually diminished the number available to perform routine police duties, including guarding such structures.

Ms KORNER: Thank you.

The PRESIDENT: Thank you. I now ask Mr. Brownlie if he wishes to re-examine?

Mr. BROWNLIE: There is no re-examination, Madam President.

The PRESIDENT: Thank you, Mr. Brownlie. 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 rose at 4.25 p.m.
