

CR 2006/27

**International Court  
of Justice**

**THE HAGUE**

**Cour internationale  
de Justice**

**LA HAYE**

**YEAR 2006**

*Public sitting*

*held on Monday 27 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)*

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**VERBATIM RECORD**

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**ANNÉE 2006**

*Audience publique*

*tenue le lundi 27 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)*

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**COMPTE RENDU**

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*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

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*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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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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Mr. Amir Bajrić, LL.M,

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*comme assistants.*

The PRESIDENT: Please be seated. The sitting is now open.

Today, the Court will hear the evidence of the next witness called by Serbia and Montenegro, Mr. Dušan Mihajlović. The witness may be brought into court.

[Witness enters and takes his place at the rostrum]

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

Mr. MIHAJLOVIĆ [*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 into English. I now give the floor to Mr. Brownlie to begin his examination of the witness.

Mr. BROWNLIE: Thank you, Madam President. Mr. Mihajlović, would you give your opening statement to the Court, please.

M. MIHAJLOVIĆ [*interprétation du serbe*] : Je suis né en 1948 à Valjevo en Serbie. J'ai eu mon diplôme de la faculté de droit de Belgrade. Dans ma jeunesse j'étais un boy-scout actif et le fondateur des jeunes chercheurs. En 1978, je suis devenu le suppléant du maire de la municipalité de Valjevo et en 1980, le président du conseil municipal. Je l'ai été jusqu'en 1986, où j'ai été élu maire de Valjevo. La ville de Valjevo était jumelée avec les villes de toutes les républiques dont la République fédérative socialiste de Yougoslavie. En Bosnie-Herzégovine la ville jumelée a été Jajce. C'est ainsi que j'ai eu l'occasion de me familiariser avec la situation dans cette république, où je me suis fait de nombreux amis de tous les trois peuples : musulmans, serbes et croates. J'ai signé personnellement l'accord d'amitié avec la ville israélienne Rehovot et la ville néerlandaise Sittard dans l'espoir que nous nous retrouverions bientôt dans la maison commune européenne. Maire efficace de la ville de Valjevo, j'ai été élu, vers la fin de 1989, vice-président du premier Gouvernement de transition de la République de Serbie dont la mission a été de mettre en œuvre les réformes du système politique et économique. Il relevait de nos ressorts l'administration d'Etat et les questions juridiques. Au début de l'année 1990, j'ai organisé une

table ronde du pouvoir et de l'opposition où nous avons harmonisé les projets de loi sur les partis et sur les élections et créé ainsi les conditions pour un système pluraliste en Serbie. Je peux affirmer que le gouvernement entier a été orienté vers les réformes et que nous construisions un système nouveau d'économie de marché et de démocratie parlementaire pluraliste en Serbie que je voyais déjà en l'époque, ensemble avec les autres républiques de Yougoslavie, dans l'Union européenne. J'en parlais publiquement et je persuadais de nombreux diplomates avec lesquels j'ai eu des contacts de ces intentions parce que, dans le gouvernement, je couvrais ce ressort également. Je me souviens qu'on en parlait spécialement en Israël, à l'occasion de la visite du président du gouvernement, le docteur Stanko Radmilović, parce que nous voulions qu'Israël soutînt la Serbie en transition. Le Gouvernement de la Serbie coopérait normalement avec les gouvernements des autres républiques de même qu'avec le gouvernement fédéral. A l'époque, vers la fin de 1989 et au début de 1990, il y avait des troubles au Kosovo et Metokia. Là-bas, l'ordre était maintenu par l'unité du ministère de l'intérieur fédéral, que constituaient les éléments des polices de toutes les républiques. C'était ici que j'ai visité les éléments de ce détachement fédéral stationné à Ajvalija, près de Priština ensemble avec le vice-président du gouvernement fédéral Živko Pregl, qui est slovène. Il a tenu un discours aux éléments de la compagnie slovène et leur a dit qu'il ne défendait pas seulement la paix au Kosovo et Metokia et en Serbie, mais qu'au Kosovo et Metokia, il défendait également la Slovénie. Pendant l'ensemble des mes activités dans la municipalité de Valjevo et dans le Gouvernement de la République de Serbie, je n'ai jamais participé ou entendu que quelqu'un autre l'avait fait dans les préparatifs pour de quelconques activités de guerre ou quelconques violences à l'encontre des minorités nationales en Serbie ou dans d'autres républiques. Le cours des réformes du gouvernement s'écartait du changement de la politique que Milošević avait fait vers le milieu de l'année 1990 en créant le SPS et en conservant la catégorie de la propriété socialisée dans la nouvelle Constitution de la Serbie. Les changements, d'après mon estimation, sont intervenus après que Milošević eut compris que ses efforts de conserver la Yougoslavie où il aurait tenu le rôle d'un nouveau Tito ne bénéficiaient pas du soutien des Slovènes et des Croates. L'échec des réformes et la montée du nationalisme sont intervenus non seulement en Serbie mais également dans les autres républiques. Mais, dans chacune d'elles, ça a été un processus authentique, au fond, indépendant des événements dans les autres Républiques.

Ceci est illustré le mieux par le fait qu'uniquement dans l'espace ethnique serbe il n'y a pas eu de création de parti politique homogène sur la base nationale, comme ça a été le cas avec le SDA (parti de l'action démocratique) qui a rassemblé les Musulmans et avec le HDZ (l'union démocratique croate) qui a rassemblé les Croates, qui déployaient leurs activités sur l'ensemble du territoire de l'ex-République fédérative socialiste de Yougoslavie, partout où vivaient les ressortissants de leurs nations respectives. D'autre part, les Serbes en Bosnie-Herzégovine et en Croatie n'avaient jamais leur propre parti indépendant qui aurait eu une direction commune et leur centrale n'a jamais été à Belgrade. En désaccord avec le changement du cours de la politique de Milošević, j'ai rejoint les jeunes qui ont créé l'un des premiers partis politiques de Serbie : la nouvelle démocratie. L'essentiel de son action politique était la modernisation de la Serbie et son intégration dans l'Union européenne et dans l'OTAN, ensuite la politique contre la guerre ferme et les efforts pour que tous les problèmes soient réglés de manière pacifique, démocratique et par les moyens politiques. La nouvelle démocratie a été fermement opposée au nationalisme et à sa prolifération sur le territoire de l'ex-Yougoslavie. C'est pourquoi nous n'avons eu aucun contact avec les partis organisés sur la base nationale ni en Serbie, ni dans les autres Républiques, y compris les partis politiques en Bosnie-Herzégovine et en Croatie. Je trouve que le conflit de Bosnie-Herzégovine avait ses causes sur place et qu'il était conséquence des aspirations nationales prononcées des trois peuples constitutifs qui vivaient en Bosnie-Herzégovine. Je sais que, peu après le commencement du conflit, pendant le mois de mai 1992, la JNA a retiré ses troupes du territoire de Bosnie-Herzégovine et qu'après ce retrait, d'après les données auxquelles j'avais accès, la Serbie, voire la République fédérale de Yougoslavie, n'a pas participé dans le conflit sur le territoire de Bosnie-Herzégovine.

En 1993, il y a eu une détérioration grave des relations entre la Republika Srpska et la République fédérale de Yougoslavie. Le divorce définitif entre la Republika Srpska et la République fédérale de Yougoslavie est intervenu après que l'Assemblée de la Republika Srpska eut refusé en mai 1993 le plan Vance-Owen, dont l'acceptation était prônée par la République fédérale de Yougoslavie. Suite à cet événement la République fédérale de Yougoslavie inflige les sanctions à la Republika Srpska. La décision des dirigeants de Pale a été complètement autonome et opposée complètement aux objectifs pour lesquels s'employait la République fédérale de

Yougoslavie. Et l'on doit conclure de cela que la Republika Srpska était autonome dans la prise de ses décisions, notamment du fait qu'en cette occasion les représentants de la Republika Srpska ont refusé la proposition de Slobodan Milošević et de Dobrica Ćosić qui passaient pour les autorités suprêmes dans le peuple serbe, de même que la proposition du premier ministre de la Grèce, M. Mitsotakis. Compte tenu de cette politique de paix du Gouvernement de Serbie, la nouvelle démocratie a accepté vers la fin de 1993 l'invitation du SPS à constituer un gouvernement de l'unité nationale et, jusqu'à l'année 1997, la nouvelle démocratie a participé au Gouvernement de la République de Serbie. La première condition fondamentale de l'entrée de la nouvelle démocratie dans le gouvernement a été la continuation conséquente et responsable de la politique de paix, ensuite la levée des sanctions internationales et la coopération avec la communauté internationale, et aussi le soutien au programme des réformes économiques, le programme dit de Avramović, par lequel la fin a été mise à l'hyperinflation et le dinar librement convertible a été introduit. Je peux confirmer qu'à l'époque où la nouvelle démocratie était dans le Gouvernement de la République de Serbie, les relations avec la Republika Srpska étaient à un niveau extrêmement bas et ne dépassaient pas l'acheminement occasionnel de l'aide humanitaire, et qu'en 1994 était introduit et mis en œuvre le blocus sur la Drina qui était supervisé par les observateurs étrangers. Pendant cette période, dans l'Assemblée de la République de Serbie, ni moi ni les autres représentants de la nouvelle démocratie ne recevions d'informations sur ce qui se passait en Bosnie-Herzégovine. Ces questions n'étaient jamais discutées pas plus que les décisions n'étaient prises à leur sujet pendant les sessions du Gouvernement de la République de Serbie. Le Gouvernement de Serbie s'occupait de nombre de problèmes intérieurs de la Serbie et mettait en œuvre la politique dont la mission principale — comme je l'ai déjà dit — était la levée des sanctions et la normalisation des rapports économiques dans notre pays. La nouvelle démocratie a quitté le Gouvernement de Serbie en 1997 après la constitution de la coalition du SPS avec le parti radical serbe et avec le JUL (l'union gauche yougoslave) et après la nouvelle aggravation des relations de la République fédérale de Yougoslavie avec le monde, qui s'est confirmée plus tard par le règlement inapproprié de la crise au Kosovo et Metokia. Pendant la période de 1997 à 2000, la nouvelle démocratie était dans l'opposition. Après les changements du 5 octobre 2000, pendant la période de 2001 à 2003, j'étais nommé vice-président du Gouvernement de la République de

Serbie et ministre de l'intérieur au Gouvernement de la République de Serbie. A l'époque où j'ai commencé à exercer cette fonction, dans le cadre du ministère de l'intérieur de la République de Serbie, il n'y avait pas de relation particulière avec la Republika Srpska. A ce propos, en plaisantant, j'ai dit une fois que nos relations étaient meilleures avec la police de la Hongrie qu'avec nos collègues de Republika Srpska. Durant ma fonction de ministre avait commencé aussi la coopération avec le Tribunal pénal international pour l'ex-Yougoslavie. Au fil de cette coopération, un grand nombre de personnes accusées des crimes commis pendant le conflit sur le territoire de l'ex-Yougoslavie, et parmi ces nombreuses personnes qui ont été accusées pour les crimes commis pendant la guerre en Bosnie-Herzégovine, soit ont été arrêtées, soit se sont rendues de leur propre gré au Tribunal de La Haye. Parmi ces personnes figurait l'ancien président de la République fédérale de Yougoslavie, Slobodan Milošević, que nous avons arrêté et livré à La Haye. Merci de votre attention.

Mr. BROWNLIE: Madam President, I would now ask a few questions. I am conscious of the time factor.

The PRESIDENT: There is no problem on that, we have been advised as to your needs.

Mr. BROWNLIE: Thank you very much. Mr. Mihajlović, could I ask you just to remind the Court which periods you formed part of the Government; those periods when you held government office?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: I was the Vice-President of the Republican Government twice: the first time from the end of 1989 until the end of 1990 and the second time from the year 2001 until 2003. Otherwise the political party that I was President of, New Democracy, formed part of the Government from 1993 to 1997, but I personally held no office in that Government in that period.

Mr. BROWNLIE: Thank you. Can you tell the Court, Mr. Mihajlović, whether during your time in government office the idea of a Greater Serbia was proposed or supported in any way?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: No, the idea of a Greater Serbia was never proposed, never considered, nor ever supported by either the Government or any other body of the Republic of Serbia.

Mr. BROWNLIE: Thank you. Would you tell the Court whether the concept of Greater Serbia was supported by Mr. Milošević?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: No, Mr. Milošević never advocated the idea of a Greater Serbia; he was a staunch champion of Yugoslavia and, in fact, retained that name for the State, even when the State was reduced to Serbia and Montenegro.

Mr. BROWNLIE: Thank you. Mr. Mihajlović, when in 1995 your party was part of the Government and the Dayton Agreement was signed, could you explain the role of the FRY delegation?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: The peace conference in Dayton was of paramount importance, not only because it secured peace but because it also resolved all disputable issues which emanated as a result of the conflict in Bosnia and Herzegovina. What makes the Dayton Accords especially important is the fact that in it was rightly and properly characterized the nature of the conflict in Bosnia and Herzegovina. The Dayton Accords never used the word "aggression" or the word "genocide", the only word which is used in them is "conflicts". Thereby a foundation was created for the reconciliation of the three peoples and for durable peace in these areas. The delegation of the Federal Republic of Yugoslavia and Milošević personally contributed to the success of the Dayton conference by accepting, by agreeing to, a series of compromises, including the cession of parts of territory that were under the control of the Bosnian Serbs. I suppose that had Karadžić been in his place that he would not have agreed to such concessions.

Mr. BROWNLIE: Thank you very much. Madam President, Mr. Mihajlović is now available for cross-examination.

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

Ms KORNER: Mr. Mihajlović, you were not at Dayton, were you?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: No, I was not.

Ms KORNER: I want to go back to what you told us about your political career, please. You told us that you were the Vice-President of the first transitional Government of Serbia between 1989 and 1990. Is that right?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: That is right.

Ms KORNER: Were you asked by Milošević if you would actually take on the task of composing the Serbian Government?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: No, I was the Vice-President of that Government.

Ms KORNER: One of the people who was delivered, I think, by you, personally, to The Hague during the course of your time of office later, after 2000, was Admiral Jokić. That is right, is it not?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Admiral Jokić voluntarily surrendered to The Hague and I personally escorted him as far as the Amsterdam airport.

Ms KORNER: Admiral Jokić was charged in relation to the events in Dubrovnik, was he not?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Yes, but that had nothing whatsoever to do with his role in the Government. It was actually after retirement that he was reactivated as a member of the JNA (Yugoslav People's Army) and he was held answerable for those events as a member of the JNA and not as a member of Government.

Ms KORNER: Mr. Mihajlović, can I just ask you to concentrate on this: I have a limited amount of time to ask you questions. If you can, could you answer my questions without giving further detail. Admiral Jokić in fact pleaded guilty and subsequently gave evidence, did he not, at the trial of Strugar, who was also charged with the events at Dubrovnik? That is right, is it not?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I have no comment on court judgments and Court procedures.

Ms KORNER: I am asking you whether you knew that Admiral Jokić eventually pleaded guilty and gave evidence in the trial against Strugar. There are two questions: first, did you know that he pleaded guilty? Second, that he gave evidence?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Admiral Jokić is a personal friend of mine and I cannot be objective in his regard. I cannot help you there.

Ms KORNER: I am sorry, why can you not tell me whether you knew about it?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I do not see how Admiral Jokić is relevant to the topic.

Ms KORNER: Believe you me, if I am asking you irrelevant questions, I will be stopped. The reason I am asking you about this, Mr. Mihajlović, is that he gave some evidence about your role. Were you aware of this?

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

Ms KORNER: So, you never followed the trial of Strugar or listened to anything that Mr. Jokić had to say?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: No, I did not.

Ms KORNER: Can you think, however, from your knowledge of Admiral Jokić and from your own part in the events you have described, why he should have said that you were given the mandate of composing the Serbian Government by Slobodan Milošević?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I believe that you are confusing two things. It is quite true that I proposed Admiral Jokić, whom I considered to be one of the cleverest officers of the then JNA, for the post of Minister of Defence. I only proposed him for the Minister of Defence. I was not the Prime Minister designate, mind you. So that proposal of mine was accepted and Admiral Jokić was indeed installed as Minister of Defence for a while, but was subsequently replaced by Milošević: he was retired. As I said before, he was later reactivated as a member of the JNA and took over as Commander of the *zone* down there, where the previous Commander had been killed. That is how he got involved in the events which took place in the Dubrovnik conflict.

Ms KORNER: Can you just, please, concentrate on one simple point: what I am asking you — and I am quoting from what he said — is why he should have said that *you* were given the mandate of composing the Government in 1989 and when the Government was formed you became the first Deputy Prime Minister.

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: Well, these are easily verifiable facts. It is known who the Prime Minister designate at the time was, and I believe that Admiral Jokić was referring to the fact that I had personally proposed him for the post of Minister of Defence, which proposal was later accepted, and which post he indeed filled.

Ms KORNER: All right. I am going to move on, because I think we have spent too much time. Can I just ask, did you say that you proposed Admiral Jokić as the Defence Minister to Milošević?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: To the Prime Minister designate who took him as a member of his Government, and that was Dr. Stanko Radmilović.

Ms KORNER: All right. I want to move please to another topic. You were the Vice-President between 1989 and 1990. What did you do, and could you tell us, please very briefly, between 1990 and 1993?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: Well, I was in opposition. I was the opposition.

Ms KORNER: I'm sure you were, but were you still a Deputy?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: No, not at that time.

Ms KORNER: But you became a Deputy again in 1993, didn't you?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: No, I was not a Deputy in parliament. I became one after the 1993 elections.

Ms KORNER: Yes, I am sorry, that is what I just asked you. In 1993, you became one?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: That is right.

Ms KORNER: And also Deputy Prime Minister?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: No, as I said, I personally was not part of that Government. It was only in 2001 that I was again elected to the Cabinet, and became a member of the Cabinet at that time.

Ms KORNER: So you weren't Vice-President of the Government — or Deputy Prime Minister — between 1993 and 1996 or 1997?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: No. I wasn't.

Ms KORNER: Now, you told the Court in your prepared statement that you can assure the Court that after the withdrawal of the JNA from Bosnia in 1992, in May, Serbia and the Federal Republic of Yugoslavia took no part at all in the conflict.

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: Yes I said so, but I said: according to data accessible to me, available to me. And I consider myself to be one of the better informed citizens of Serbia.

Ms KORNER: Can I take it that the data, that you were supplied with then, did not tell you anything about the joint operations that were conducted by the Federal Republic of Yugoslavia and the troops of the Bosnian Serb army and also the Republic of Serb Krajina?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: That is exactly so.

Ms KORNER: Can I take it that the data that you looked at told you nothing about the 30th and 40th Personnel Centres which were set up by Mr. Lilić?

Mr. BROWNLIE: I do hesitate to intervene. I would like her to clarify what she means by the “data that has been supplied” to the witness. Thank you.

The PRESIDENT: Yes, I think that would be helpful. If you could that.

Ms KORNER: I am using the expression he used. He said: “the data that was available to him”.

The PRESIDENT: It would be useful for the Court to understand that reference.

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: It was all the data that was available to both the National Assembly and the Government of the Republic of Serbia, both public and secret.

Ms KORNER: And that did not tell you about the payment and supplies that the Federal Republic of Yugoslavia provided to the Republika Srpska during the period that we are discussing?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: Neither I, nor any Deputy, nor any activist of the party that I belonged to had any information about that.

Ms KORNER: How did you get access to secret data?

Mr. MIHAJLOVIĆ *[interpretation from Serbian]*: First of all I had access to such data as a member of Government, initially. And when just the party “New Democracy” was a member of that Government, I as the President of the party, was privy to such information which was conveyed to me by members of my party who were in the Government. And later on, as the

Vice-President of the Government and especially the Minister of the Interior, I had access to such data, and I had access to such data for the past period as well.

Ms KORNER: Finally, on this topic of your knowledge. You've told us that after the Assembly meeting where the Bosnian Serbs rejected the Vance-Owen Plan, only humanitarian aid was provided to Republika Srpska. In 1994, you were in government, were you not?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Yes, I was. Not me personally, but my party.

Ms KORNER: So, your access to data, both public and secret did not disclose to you that in 1994, for example, a great deal of ammunition and weaponry was provided by the Federal Republic of Yugoslavia to the Drina corps, for example?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: No, I have no such data.

Ms KORNER: I want to move to a different topic now, and that is the question of Sarajevo. In June 1995, were you interviewed for television news? I put it to you, but I am sure you were interviewed on many occasions. Did you talk about a Muslim offensive around Sarajevo, which is under the veil of liberation of humanitarian roads and the de-blockade of Sarajevo?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Well, I did give countless interviews and if I spoke about Sarajevo as I was, in principle, resolutely against the war and also, *ipso facto*, against the siege of Sarajevo, in all my statements I spoke along those lines and I always insisted that there was a need to stop the war and to stop the war events in Bosnia and Herzegovina.

Ms KORNER: Yes, it is a simple point. You agree, as you have just said, there was a siege of Sarajevo being conducted by the Bosnian Serbs?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Well, it is a generally known fact that for a while Sarajevo was under a blockade.

Ms KORNER: Can I move now, please, to what you did as Minister of the Interior in 2001. I think in 2001, you, as the Interior Minister announced the formation of the special police unit.

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Yes, we set up the gendarmerie as a special police formation.

Ms KORNER: And that took in, did it not, what used to be called the "special operations unit", the JSO?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: No, that was at that time a separate unit of the State security service.

Ms KORNER: Yes, but your new unit, as it were, took over the old unit and the people in it, did it not?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: That will require a lengthy explanation because after the murder of the Prime Minister, Mr. Djindjić, this unit was disbanded, it was dismantled.

Ms KORNER: Yes, I know it was, but I am talking about when *you* formed the new unit in 2001. Did the officers of that new unit include a man generally known as Legija?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: No, because actually when I became Interior Minister, I inherited Legija as Commander of the JSO but he was never appointed a commander of the gendarmerie, nor was he a member of the police of Serbia.

Ms KORNER: So, if you gave an interview to a newspaper or a publication called *Večernje Novosti*, in which you stated that one of the officers, Colonel Luković, also known as Legija, would be the second in command, that was an error was it?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I could have stated nothing of the kind because it had never been planned for Legija to be an officer in the gendarmerie.

Ms KORNER: Legija, can we just get this straight, was the nickname for a man who went by the name of Milorad Luković and Milorad Ulemek, among others, is that right?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: He also had other names that he used in his original Croatian passport, for instance, Vukmanović, Cema, and so on and so forth.

Ms KORNER: We are going to look in a moment, because we can see you knew quite a lot about him but it is right, is it not, that he was a paramilitary who began his career as a commander in Arkan's Serb volunteers?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I can correct you some there. After escaping from the Foreign Legion, he first began as a volunteer in some volunteer units and later joined the units of Arkan.

Ms KORNER: Thank you very much, Mr. Mihajlović. As I said, I thought you knew quite a lot about him. And you knew quite a lot about Arkan himself, did you not?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Actually, Arkan was not at all a subject of my interest because, when I became Minister he had already been murdered, so that I did not actually address myself to the question of Arkan very much.

Ms KORNER: Are you saying that you had no connections with Arkan?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I never even had occasion to meet him.

Ms KORNER: All right. In 2005 did you write a book called *Problems, Mists and Horizons*?

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

Ms KORNER: In two volumes, running to over, I think, 1,000 pages.

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: There will be more where that came from.

Ms KORNER: And I'm not going to ask you about all of those thousand, and some, pages, but I want to ask you about some of the things that you said. We have for you a marked copy in your own language — it's a photocopy — we also have a copy in English and in Serbian for the other side.

Could you look please at the first marked passage which is on page 21, where you talk about Legija; it should be marked for you. You said

“I do not count Milorad Ulemek who is chieftain of the specialists of the Department of State Security of the Ministry of Interior of Serbia, brilliant actor, who is capable of playing many roles at the same time. On the first meeting he superbly played the role of top loyal professional on whom you can count on in any moment. Today, we know that beside that role he had other spare roles as well. He certainly has them even today.”

My simple question is, what other roles?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I was referring to his roles which reflected in the fact that today he is sitting in the central prison in Belgrade as the person charged with different crimes: first the political crime of the attempted murder of Vuk Drašković, the former leader of the Serbian opposition, which took place on the Ibarska highway and also as the person charged with the murder of the former President of the Republic of Serbia, Ivan Stambolić, and the person charged with the murder of the former Prime Minister of the Republic of Serbia, Mr. Zoran Djindjić.

On 5 October we brought down Mr. Milošević, but we did not change the system; we inherited the criminal legacy of the Milošević era and Legija was part of that criminal legacy that we did not manage so quickly to get rid of.

Ms KORNER: Could you look please now at a small passage marked for you, page 326. You said there, is this right — you were talking about the military call-up —: “not even one member of New Democracy belonged to any of the volunteer, paramilitary or para-police formations which mainly caused problems even to the regular army in performance of their tasks”.

And you describe about stories of the battlefields and then you say “the regular military units were not making problems” — do you see that?

And when you describe some of the stories that you had been told had been happening, you said this: “What would happen to me if I had seen with my own eyes a child roasted in the oven, a pregnant woman impaled with a child from torn apart intestines?” These were stories you had heard, were they?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: These stories that I had heard mainly concerned Serbian victims.

Ms KORNER: The baby in the oven, as far as you understood, was a Serbian victim?

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

Ms KORNER: Can you move then, because we are running short of time, to page 451 where you talked about Jovica Stanišić. You said, I do not agree with what he was doing for Milošević's politics in Croatia and Bosnia. What was he doing for Milošević in Bosnia?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Well, Milošević you can take as being referred to here conditionally. The question is what he was doing there for the service that he was head of and for the State to which he belonged?

Ms KORNER: The question was, what was Stanišić doing in Bosnia?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I will tell you. War was raging on the borders of Serbia and it was only normal for the State security service, that of the Republic of Serbia to be collecting intelligence on that war.

Mr. Stanišić, according to stories, was a very good intelligence officer and he was very good at his job and he kept Mr. Milošević very well informed from the aspect of the intelligence information on the events that were taking place on that particular territory. But that activity of his could perhaps have given rise to a sort of impression that I myself did not agree with because I belonged to an option that was pursuing a different policy, and that policy had, for its objective, the stopping of the war and the securing of peace on the borders of our country.

Ms KORNER: Very simply, because I have got very little time left and I want to . . . You are saying that it could have given the impression that Stanišić was involving himself in the affairs of Bosnia.

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: No, but that he was doing his job, which was collecting intelligence and information that was from the intelligence aspect of relevance of interest to the security service of Serbia.

The PRESIDENT: I think you are coming to the very end?

Ms KORNER: I understand that, Madam President. Can I do it this way? There are two passages more that I would like to put to him. I can tell the Court that the cross-examination of the next witness will be very, very short indeed. If I can take some of the time from that to add to this, because this is important.

The PRESIDENT: I think there still remains an issue of parity of the parties as regards this witness. You have one more question.

Ms KORNER: Could you turn please, and this is in the second volume of your writings, to pages 76 and 77, where you spoke about Arkan. What you said was this, was it not? "To me personally never was clear the connection and exceptional closeness of Slobodan Milošević and Željko Ražnjatović. [In other words, Arkan.] I knew Arkan but I never was close to him. Upon the order of Slobodan Milošević, I helped Arkan in channelling into legal flows one part of his business activities related to health treatment of wounded members of his guard . . ." Then you go on to talk about after his assassination, Slobodan Milošević called you and asked you to do something in relation to his son.

You are saying there, are you not, Mr. Mihajlović, that effectively you are money laundering for Arkan? Upon the orders of Slobodan Milošević?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: I hope that the distinguished Madam President and the honourable chamber will have a chance to see the text of this part of my book, and this particular statement, for themselves so that they can see that this is a statement made by Radomir Markovic, the former Chief of the Security Service of Serbia, which he gave to investigating organs, and I only took over and published it in my book. This is something which the other side is attributing to me, but I only published it in my book in order to precisely illustrate the criminal legacy that we inherited and had to grapple with.

The PRESIDENT: This is now at a conclusion, Ms Korner, thank you. Mr. Brownlie, do you wish to re-examine.

Mr. BROWNLIE: I do have one or two questions. First of all, Mr. Mihajlović, can you confirm to the Court that decision making in Republika Srpska, both political and military, was independent of decision making in Belgrade?

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: It was general knowledge that the Serbs in Bosnia and Herzegovina had their authentic political parties, State organs and army and all their decisions were autonomous, as I have already said, and independent of Belgrade, in fact, often contrary to decisions taken in Belgrade and often in opposition to the positions of both Milošević and of Dobrica Ćosić, the latter being an even greater authority among the Serbian people there. I believe that that story is associated with these volunteers who took part in the conflict in Bosnia and Herzegovina and who came from Serbia. In that connection I can say the following: that it is general knowledge that Serbs and Muslims lived together side by side in the former Socialist Federal Republic of Yugoslavia and that they both were constituent peoples in Bosnia and Herzegovina in their joint republic. And, when the civil war broke out, after the secession of Bosnia and Herzegovina from Yugoslavia, contrary to the will and without any say on the part of the Serbs there, who wanted Bosnia and Herzegovina to remain part of Yugoslavia, there was no

preventing the Serbs in Serbia, hailing from Bosnia and Herzegovina, from coming to the assistance of their brethren in Bosnia and Herzegovina.

The PRESIDENT: I would like the witness to understand that he is at this stage confined to responding to the question that Mr. Brownlie has put. So, probably now it is for Mr. Brownlie to put his next question in re-examination.

Mr. BROWNLIE: Thank you.

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Well, I just wanted to explain, if you will allow me, that this association is actually rooted in the fact that Bosnia and Herzegovina at that time was actually full of volunteers on all sides: there were volunteers, for example, as the mujahedin from Afghanistan who fought alongside the Muslims, or there were the Croatian army and the HVO units who fought with the Croats, and there were also various volunteer units — Bosnian Serbs originating from Bosnia who fought alongside the Bosnian Serbs.

Mr. BROWNLIE: Madam President, I can close this quite quickly now, because he has already moved on to the subject of volunteers. Is it correct that the question of volunteers within Republika Srpska was the subject of legislation? If he could just say “yes” or “no”.

Mr. MIHAJLOVIĆ [*interpretation from Serbian*]: Well, I am not familiar with the regulations and the legislation in Republika Srpska, so I simply cannot . . . I know that there was legislation that regulated the issue of volunteers joining the Yugoslav army.

Mr. BROWNLIE: Madam President, that concludes the examination. Thank you.

Ms KORNER: We have checked and he was right. He was quoting in the book. It is difficult with the translation to work it out, but he was quoting what Rade Marković had to say. And I think it is entirely right that you should know that it was not him: he was quoting what somebody else said.

The PRESIDENT: The Bench appreciates that clarification.

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. I wish to inform the Parties that, in either case, the Court will next meet at 3 p.m. to hear the next witness called by Serbia and Montenegro. The next witness will not be heard this morning. The Court now rises.

*The Court rose at 11.40 a.m.*

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