

CR 2006/28

**International Court  
of Justice**

**THE HAGUE**

**Cour internationale  
de Justice**

**LA HAYE**

**YEAR 2006**

*Public sitting*

*held on Monday 27 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)*

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**VERBATIM RECORD**

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**ANNÉE 2006**

*Audience publique*

*tenue le lundi 27 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)*

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**COMPTE RENDU**

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*Present:* President Higgins  
Vice-President Al-Khasawneh  
Judges Ranjeva  
Shi  
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  
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. Amir Bajrić, LL.M,

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*comme assistants.*

The PRESIDENT: Please be seated. The Court will now hear the next witness called by Serbia and Montenegro, Mr. Vladimir Milićević. The witness may now be brought into court.

[Witness enters and takes his place at the rostrum]

I take this opportunity to explain to the Parties that Judge Koroma, for reasons that have been explained to me, is unable to sit with us this afternoon.

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

Mr. MILIĆEVIĆ [*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: I now give the floor to Mr. Cvetković to begin his examination of the witness.

Mr. CVETKOVIĆ: Thank you, Madam President. Good afternoon, Mr. Milićević. Would you please begin your testimony by reading the statement you have prepared.

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Madam President, distinguished Members of the Court, my name is Vladimir Milićević and I was born on 15 October 1947, in Vlajkovci, a village in Brus municipality. After high school, I went to the teacher training college in Kosovo, from which I graduated as a teacher. In 1970, I started work in the Ministry of the Interior, in the crime prevention department of the public security branch of the Kosovo police. I worked in the crime prevention department until 1987, when I became head of the section for border affairs, foreign nationals, travel documents and weapons of the district of Rasina. I was in this position until I retired in 2000.

At the beginning of August 1995, a large number of people crossed over from Bosnia and Herzegovina into the territory of the Federal Republic of Yugoslavia. It was later established that these people were members of the army of Bosnia and Herzegovina and were mostly between 18 and 55 years of age. They were first accommodated in the Braniško Polje reception centre, which everyone called Šljvovica. Since there was not enough room in Šljvovica for all of them, it

was decided to form another reception centre to house and feed half of the fleeing Muslim soldiers in the territorial defence training centre in Mitrovo Polje in Aleksandrovac municipality.

On 4 August 1995, the first group of the Muslim who had fled arrived in the reception centre under police escort. All the others arrived during the next two to three days until the Mitrovo Polje reception centre, which could accommodate 450 people, was completely full. The identity of these people was established on admission on the basis of the sparse documentation they had on them. From conversations I had with the Muslims, I learned that they were poorly educated and had completed only elementary school or not even that, and had been on various courses to learn trades such as carpentry, bricklaying and concrete work. All the people who came to Mitrovo Polje were in a very poor psychological and physical state. It was clear that they had been starving for a long time and that it had been some time since they had bathed and changed their clothes. They were immediately given baths and a change of clean clothes. Food was provided for them with the help of the territorial organs of the civilian authorities of Kruševac municipality and the district of Rasina. Food and personal hygiene items were provided in this way for the first month, and after this aid began to arrive from the UNHCR and the ICRC.

The Serbian Ministry of the Interior decided to form a staff in the Mitrovo Polje reception centre whose tasks were to ensure that the people in the centre were safe, had food, their health was looked after and they had all other forms of assistance needed for decent accommodation and their further transfer with the help of the international community to countries which were willing to receive them and allow them to stay in their territories. I headed the staff of the Mitrovo Polje reception centre following a decision of the Administration for Foreign Affairs, Foreign Nationals and Travel Documents of the Ministry of the Interior of the Republic of Serbia.

Madam President, Your Honours, the conditions at the Mitrovo Polje reception centre were good. The facility had toilets and lavatories, drinking water, bathrooms and oil-fired central heating. I would add that the members of the Serbian police were in charge of security at the reception centre and the people who had been members of the Muslim army were served from the same kitchen, except that food for the members of the Muslim army was prepared by their cooks. The grounds of the Mitrovo Polje reception centre did not have any special fencing. The Muslims were able to walk and move freely in all parts of the grounds and they spent a lot of time on the

basketball, five-a-side football and volleyball pitches. The centre was guarded by uniformed members of Serbia's Ministry of the Interior. The guards and the Muslims did not come into direct contact because the policemen were given a written order prohibiting this. The guards and other members of the police were warned that any conduct which infringed the police rules of service would be punished most severely.

Immediately after the Mitrovo Polje reception centre was formed, representatives of the international community and international organizations began to visit it and register all the members of the Muslim army who were in the centre. The representatives of the international community — the Ambassador of Australia, the First Secretary of the United States Embassy in Belgrade — and the representatives of international organizations — the Red Cross from Geneva and the United Nations — were able to speak to anyone they liked without the presence of any member of the Mitrovo Polje staff. The representatives of the embassies and international organizations arranged their visits directly with the Serbian Interior Ministry's Administration for Border Affairs and Foreign Nationals. Letters were also exchanged with the families through these representatives. The representatives of the embassies and international organizations never made any complaints about conditions in the centre except for proposing that the kitchen be enlarged because its capacity was insufficient for the number of people who were registered to be fed from it. They promised to provide funds for its enlargement but never kept this promise for as long as the centre was there.

During the time that the centre was in operation it was visited by a total of 43 foreign delegations: 17 representing the ICRC, 23 representing the UNHCR, and three representing the foreign embassies in Belgrade. Health care was provided when a dispensary was established at the centre, where a doctor and a dentist from the Aleksandrovac Health Centre were on duty. A request to see a doctor was submitted each day to the senior person in the dormitory, who was one of the people staying in the centre. People with more serious medical problems were immediately taken to Kruševac Hospital, or the health centres in Druz or Aleksandrovac. During their stay, there was an outbreak of enteric typhoid fever which doctors from Belgrade confirmed. They also established that the typhoid — the contagious disease — had been brought from Bosnia. Current medical and hygiene measures successfully overcame the outbreak of typhoid and prevented a

wider and more serious epidemic. One person died while staying at the reception centre; he died in the Druz Health Centre, with a diagnosis that he had an intestinal obstruction. Outside investigation was performed by the investigating judge of the Aleksandrovac municipal court and an autopsy was performed by the Forensic Medicine Institute of the medical faculty in Niš, which made a record of the autopsy and gave its findings and opinion on the cause of death. The representatives of the international community asked the people in the reception centre which country they would like to go to, because none of them wanted to return to Bosnia and Herzegovina. Most of them were able to go to the countries they had chosen. Buses of the Ministry of the Interior of Serbia took the people from Mitrovo Polje to Belgrade Surčin Airport, from where they were transferred to third countries. Representatives of the international community were always at the airport to witness their departure. The people left Mitrovo Polje during January and February 1996 and the centre was closed in February 1996. The opening of the Mitrovo Polje centre coincided with the arrival of a large number of Serb refugees from the Knin Krajina in Croatia. Some of these refugees were accommodated near the reception centre in separate locations, where the conditions were far worse than in the centre where the Muslims were staying. On several occasions living conditions of the Serb refugees provoked revolt among the refugees and local people from Mitrovo Polje. Fortunately, this revolt was not widespread and had no serious effect.

The PRESIDENT: Thank you. Mr. Cvetković, do you wish to proceed with examination?

Mr. CVETKOVIĆ: Yes, Madam President, I have a couple of questions.

Mr. Milićević, you mentioned that in addition to the reception centre you were in charge of, there was another centre, called Šljivovica. Could you tell the Court if you have some knowledge about the other centre and, in particular, was there any difference between the two centres?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Yes, there was another reception centre at Šljivovica near Užice. The reception centre actually occupied the grounds of the construction company from Belgrade. Judging by what I had seen, accommodation conditions there were somewhat different from the conditions at Mitrovo Polje. While primarily it was reflected in the

fact that that facility had no central heating: and other conditions of accommodation were similar or identical to the ones in Mitrovo Polje.

Mr. CVETKOVIĆ: Could you tell us, please, was there any difference in status of the people accommodated in *your* reception centre and the reception centre of Šljivovica?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: I think that the status was absolutely identical for people who were accommodated in both centres. And I think also that the representatives of the international community visited both Šljivovica and Mitrovo Polje.

Mr. CVETKOVIĆ: You said in your statement that one of the Bosnian Muslims died during his stay in the centre. Could you give us some more details on the circumstances of his death?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, yes. Unfortunately one person died with the diagnosis that he had obstruction of the intestines. It was a young man who had terrible stomach pain and he was taken by car at 2 a.m. to the hospital in Brus. Unfortunately by the time they arrived there it was all over and there was nothing that could be done to save his life. In the same car with him was his cousin who was actually staying in the same dormitory at the reception centre, with the man that I am speaking about, and his name was Šečer Dizdarević, and he was actually a Muslim medical worker who communicated, who actually helped the communication between the doctors and refugees in the centre.

Mr. CVETKOVIĆ: One last question. Mr. Milićević, you also mentioned in your statement that all the Bosnian Muslims in your centre were members of the armed forces. How do you know that, how do you know that they were members of the armed forces, and do you know under whose command they were in Bosnia and Herzegovina?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, it is absolutely indisputable, because from conversations that I had with a large number of them they had stated that they were members of the 1st Light Brigade from Žepa. When they arrived at the centre, a smaller number of them wore military uniforms. And almost all of them had army shoes when they arrived in the centre, or boots. Also from conversations with them, they learned that there were seven companies in this brigade. And they all stated unswervingly that their chief military commander was Naser Orić. And their brigade commander was a person whose name was Palić — as far as I can remember.

Mr. CVETKOVIĆ: Thank you. Thank you, Madam President. This concludes our examination-in-chief.

The PRESIDENT: Ms Korner, you have the floor for cross-examination.

Ms KORNER: Thank you. Mr. Milićević, you were able to give the Court very accurate figures for how many and which international organizations had visited the camp that you ran: 43 foreign delegations, 23 from UNHCR, and so on and so forth. Can I take it that, in preparation for testifying before this Court, you checked the records which still exist of this camp?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, in preparation for this brief statement, I have checked no documentation, because this documentation was in the hands actually of the Ministry of the Interior. The only document that I actually had insight to which I took was the post-mortem record from the investigating judge of the municipal court in Aleksandrovac.

Ms KORNER: Are you telling us that in your accurate recounting of these figures you are relying on your memory?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Yes, I exclusively relied on my own memory and on conversations that I had with the colleagues with whom I had worked.

Ms KORNER: Can you tell us please, how many people were in the camp that you ran, until it was closed down in 1996.

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: I think that I have given very precise figures about that; I said that there were 450 people there at the centre.

Ms KORNER: Right. And again, that is from your recollection.

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, I don't see how the figures that I have already read out in my statement — I mean, what would be so difficult about remembering this figure.

Ms KORNER: And those 450, each and every one of those people — you tell us — was a member of the BiH army, aged between 18 and 65.

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Yes, because it was according to the statements that I had made, that they had been mobilized for the 1st Light Brigade, from Žepa.

Ms KORNER: Mr. Milićević, I want you to be quite clear on this. You conducted investigations of who these people were, using their identity documents. Is that correct?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, to be very precise, these were the documents that were collected by members of the Užice police when these people crossed over to their territory, and when they were actually received there.

Ms KORNER: Were you aware that the Bosnia and Herzegovina Government conducted, or had a commission investigate the facts of what happened in Srebrenica in July 1995?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, yes. But I read about this only in the papers and I could not testify on what I have read in the papers. I could not give you any more concrete details, given the nature of the work that I performed.

Ms KORNER: I understand that. But I want to know this: were you aware that the Minister of the Interior supplied the lists of persons who were held in your camp and the other camp, for the purposes of this commission? Were you aware of that?

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

Ms KORNER: Because I am going to suggest to you, and I suggest that you were fully aware of this: that many of the men in that camp were under the age of 18. Do you agree with that?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: In my centre, of all the people in my centre, there were only eight boys under that age and according to the testimony, or statements by those who were members of that brigade, they were actually couriers in the brigade.

Ms KORNER: You were able to remember all of this from your memory, without having checked a single document about the matters that occurred in 1996?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, I've already said that twice. And I would not like to repeat it for a third time.

Ms KORNER: Yes. Well, I am going to suggest to you that many more than eight were under the age of 18. But I want to turn, please to your description of these people. Do you agree that you told the Court that they were poorly educated?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: No. What I said in my statement is what I have learned from conversations with them, because each of them had a personal file and there was

a column in that file on their educational background that had to be filled in. And these are also the information and the data that was also available to the ICRC.

Ms KORNER: In a poor psychological and physical state?

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

Ms KORNER: Starving for a long time?

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

Ms KORNER: These were people, weren't they, who were refugees from the events that had taken place in Srebrenica and Žepa.

Mr. MILIĆEVIĆ *[interpretation from Serbian]*: Well, from conversations with them, it was learned that they had crossed over unlawfully to the territory of Yugoslavia and that they had left the territory of Bosnia and Herzegovina, where war was waged.

Ms KORNER: Are you trying to avoid answering the question, Mr. Milićević? Because I am suggesting to you that those people who were in your camp were refugees from the killings that took place when Srebrenica and Žepa were overrun in July 1995.

Mr. MILIĆEVIĆ *[interpretation from Serbian]*: They never actually mentioned it in the conversations that we had with them.

Ms KORNER: Did you ever draw any connection between what had happened in Srebrenica and Žepa and these refugees all arriving on the doorstep of Serbia at the beginning of August?

Mr. MILIĆEVIĆ *[interpretation from Serbian]*: No, it was not actually my duty to establish any such connection. My duty was to receive the refugees and provide accommodation and food for them and provide decent living conditions for them.

Ms KORNER: In order to get into Serbia, these people had to swim the Drina River, did they not?

Mr. MILIĆEVIĆ *[interpretation from Serbian]*: Well, we learned from conversations that we had with them that they did not swim over; that they used make-shift rafts to cross the River Drina.

Ms KORNER: But if they tried to cross on the bridges or they were caught crossing the river, it was the policy, was it not, of the border police to return them to Republika Srpska?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: To my knowledge, they made an illegal crossing because they did not use the regular border point where the border police were stationed, which meant that they had made an illegal entry into the territory of the Federal Republic of Yugoslavia.

Ms KORNER: Quite. Within your knowledge is it not, Sir, as a member of the border police, that people who were caught in July fleeing Srebrenica were returned to Republika Srpska?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: I never made any such comments and no such information is known to me.

Ms KORNER: So, are you saying that even though you were the head of the section for border affairs in Rasina, you were unaware of people who were caught being returned to the Republika Srpska.

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: No, because the district of Rasina does not border on Republika Srpska.

Ms KORNER: But the district of — let me get this name right — Bajina Bašta does, does it not?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Yes it does, but I was not working in the district of Bajina Bašta.

Ms KORNER: How far is that from where you were operating?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: I cannot say exactly, but it is between 350 and 400 km.

Ms KORNER: 350 to 400 km from where you were operating?

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

Ms KORNER: And you never heard anything about any hand-backs from that particular municipality?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: I am sorry . . .

Ms KORNER: You never heard anything about any hand-backs that took place in Bajina Bašta, returning them to the Republika Srpska?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: No, I did not. And I think that I am giving you this answer for the second time.

Ms KORNER: Fine. Just one more question. Did you not have some of the people in the centre who had been picked up at Bajina Bašta?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: No, I am not aware of anything like that. All the refugees crossed over to the territory of our country at a place called Perućac. At least this is what they stated in their statements. There they surrendered to the army of Yugoslavia and then the police and the International Red Cross immediately got involved in their reception. Not all of them surrendered to the army of Yugoslavia, which they did in mostly smaller groups of about ten people or so. This is what I gathered from their accounts, because I was not personally present when they crossed over the border into the territory of the Federal Republic of Yugoslavia.

Ms KORNER: You could have given us, could you not, completely accurate information about all of this if you had asked the Minister of the Interior in Serbia if you could have a look at the records?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, I am not sure what the documentation contained and if any such records were actually submitted by the secretariat of the Interior from Užice to the Ministry of the Interior of Serbia. I do know that I myself submitted such data for the centre in Mitrovo Polje.

Ms KORNER: Just one last thing on Šljivovica: how often did you go there?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Actually, I was there only once.

Ms KORNER: So, anything you have told us about that is based on one visit?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: It is based on what I personally saw as well as on the daily conversations that I had with my colleagues — and we had such conversations on a daily basis, talking about the conditions of life and stay in these centres. The topics of these conversations mostly were the difficulties that we had to overcome in providing the food, the clothing, the toiletries, required for the people in the centres, and these difficulties were pronounced until the UNHCR came to our assistance.

Ms KORNER: Thank you.

The PRESIDENT: Mr. Cvetković, do you wish to re-examine?

Mr. CVETKOVIĆ: Yes, Madam President, two short questions. Mr. Milićević, could you repeat, please, how long was the reception centre open?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: You are referring to Mitrovo Polje? It was open from 4 August 1995 until 9 February 1996, and a number of people remained after the closure. Their number was actually 194. They were then, in agreement with the UNHCR, transferred to Šljivovica, the idea being to reduce the costs incurred for the accommodation and food and a larger number from both centres having already been transferred to third countries.

Mr. CVETKOVIĆ: And for those six months, a few days more than six months, that the centre was open, how many hours per day were you spending in the centre?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: Well, I spent very long hours at the centre, as a matter of fact. I had a place to sleep there at the centre, although I had a room for me at a nearby hotel. I was responsible for everything that happened in the centre. I was to know even if a bird flew over the centre, I was to immediately inform in a timely manner — or forthwith if the Ministry of the Interior asked — Serbia about all such developments, more specifically the Administration for Border Affairs, Foreign Nationals and Travel Documents.

Mr. CVETKOVIĆ: One last question. Having in mind that the centre was open for that long and that you spent that much time in the centre, and in addition that you were responsible and in charge of all affairs at the centre, would you agree that it is rather normal that you remember, even now, ten years later, most of the details about the centre?

Mr. MILIĆEVIĆ [*interpretation from Serbian*]: But of course, then it is not as if they were details that one could not easily recall.

Mr. CVETKOVIĆ: Thank you very much indeed, Mr. Milićević. Thank you, Madam President.

The PRESIDENT: Thank you. 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 4.20 p.m.*

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