

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Date: 16 October 2013

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION TO RECALL DEFENCE WITNESSES

The Office of the Prosecutor:
Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused:
Radovan Karadzic

1. Dr. Radovan Karadzic respectfully moves for leave to recall 46 defence witnesses to give testimony relevant to Count One.

2. Although it is not clear that permission of the Trial Chamber is needed to recall a party's own witness while it is still presenting its case, Dr. Karadzic has deemed it prudent to seek leave from the Trial Chamber to do so.

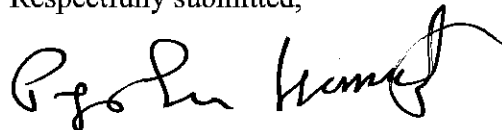
3. This Trial Chamber has held that when a request to recall a witness is made, it should consider (1) the purpose of the evidence that the requesting party expects to elicit from the witness; and (2) the party's justification for not eliciting that evidence when the witness testified.¹

4. In this case, the purpose of the evidence expected to be elicited from the witnesses is to show that the crimes committed in the 7 municipalities which are the subject of Count One were not committed with genocidal intent and that there was no joint criminal enterprise to commit genocide in these municipalities.

5. The reason the evidence was not elicited when the witnesses testified is that Count One had been dismissed at that time.

6. A summary of the anticipated testimony of the witnesses to be recalled is attached as Annex "A".

Respectfully submitted,



Radovan Karadzic

¹ *Decision on Accused's Motion to Recall Harry Konings for Further Cross Examination* (11 February 2011) at para. 8; *Decision on Accused's Requests in Relation to Notes Taken by Witness Adrianus Van Baal* (17 February 2011) at para. 7; *Decision on Accused's Motion to Recall Eleven Sarajevo Witnesses* (5 October 2011) at para. 7; *Decision on the Accused's Motion to Recall Johannes Rutten* (26 April 2012) at para. 8

ANNEX "A"

Defence Witnesses to be Recalled

Bratunac municipality:

1. Branimir Tesic: He was the Deputy Commander the police station in Bratunac from April 1992.² He was present in the village of Hranca during the incident charged in schedule A3.1 in which it is alleged that 12 people were killed.³ He will testify that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. He was not present during the attack on the village of Glogova during the incident charged in schedule A3.2, in which it is alleged that 65 men were killed. However, he heard about that event at the time.⁴ He will testify that from what he had heard, the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. He will also testify that as Deputy Police Commander, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Bratunac were ever done with such intent.

2. Aleksandar Tesic: Aleksandar Tešić was the Secretary of the Municipal Secretariat for National Defence in Bratunac from May 1992 and a member of the Bratunac Crisis Staff.⁵ He was informed event in the village of Hranca charged in schedule A3.1 in which it is alleged that 12 people were killed.⁶ He will testify that it is his information that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. As a member of the Crisis Staff, he was present at discussions in which the operation at Glogova which are charged in schedule A3.2 was planned and discussed.⁷ He will testify that from what he had heard, there was no intent to destroy the Bosnian Muslims as such, in whole or in part. He was present when about 20 bodies of Muslims were recovered from the hangar adjacent to the Vuk Karadzic school and received information about who had committed those killings, which are charged in schedule B4.⁸ He will testify that from what he had heard, there was no intent to destroy the Bosnian Muslims as such, in whole or in part. He will also testify that as a member of the Crisis Staff, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Bratunac were ever done with such intent.

² Exhibit D3115, para. 2

³ Exhibit D3115, paras. 22-23

⁴ Exhibit D3115, para. 25

⁵ Exhibit D3118, paras. 2,19

⁶ Exhibit D3118, paras. 20,23

⁷ Exhibit D3118, para. 21

⁸ Exhibit D3118, paras. 27-28

3. Jovan Nikolic: Jovan Nikolic was a member of the Board of the SDS for Bratunac municipality and later a member of the Bartunac Crisis Staff.⁹ He was informed of the event in the village of Hranca charged in schedule A3.1 in which it is alleged that 12 people were killed.¹⁰ He will testify that it is his information that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. As a member of the Crisis Staff, he was present at discussions in which the operation at Glogova which are charged in schedule A3.2 was planned and discussed.¹¹ He will testify that from what he had heard, there was no intent to destroy the Bosnian Muslims as such, in whole or in part. He will also testify that as a member of the SDS board and Crisis Staff, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Bratunac were ever done with such intent.

4. Vujadin Stevic: Vujadin Stevic was a member of the Bratunac TO who participated in the Glogova events which are charged in schedule A3.2.¹² He will testify that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. Mr. Stevic was also a member of the Board of the SDS in Bratunac municipality and the Bratunac Municipal Assembly.¹³ He will testify that as a member of the SDS board and Municipal Assembly, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Bratunac were ever done with such intent.

5. Rodoljub Djukanovic: Rodoljub Djukanovic was a member of the Crisis Staff of Bratunac Municipality in 1992 and the President of the Bratunac Executive Committee.¹⁴ He was informed of the event in the village of Hranca charged in schedule A3.1 in which it is alleged that 12 people were killed.¹⁵ He will testify that it is his information that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. He was also informed that some Muslims were mistreated at the stadium and killed in the hangar adjacent to the Vuk Karadzic school, which is the event charged in schedule B4 and C6.¹⁶ He will testify that from what he had heard, these killings and mistreatment were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. As a member of the Crisis Staff, he was present at discussions in which the operation at Glogova which are charged in schedule A3.2 was planned and discussed.¹⁷ He will testify that from what he had heard, there was no intent to destroy the Bosnian Muslims as such, in whole or in part. He will testify that as a

⁹ Exhibit D3126, para. 27

¹⁰ Exhibit D3126, para. 43

¹¹ Exhibit D3126, paras. 44-46

¹² Exhibit D3174, paras. 16-23

¹³ T36033

¹⁴ Exhibit D3194, para. 2

¹⁵ Exhibit D3194, para. 39, T36206

¹⁶ Exhibit D3194, paras. 40, 43

¹⁷ Exhibit D3194, paras. 41-42

member of the Crisis Staff and Executive Committee, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Bratunac were ever done with such intent.

6. Dusan Micic: Dušan Micic was a military policeman in the Bratunac TO from May 1992.¹⁸ He observed Muslims being held prisoner at the Vuk Karadzic school and received information about killings in the hangar adjacent to the school, which are charged in schedule B4.¹⁹ His commander was Savo Babic, who has been charged with responsibility for those killings. He will testify that from what he had heard, there was no intent to destroy the Bosnian Muslims as such, in whole or in part and that his commander acted correctly during the war. He will testify that as a member of the TO, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Bratunac were ever done with such intent.

7. Ljubislav Simic: Ljubislav Simic was President of the Bratunac Municipal Assembly.²⁰ He was informed of the event in the village of Hranca charged in schedule A3.1 in which it is alleged that 12 people were killed.²¹ He will testify that it is his information that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. He was also informed that some Muslims were mistreated at the stadium and killed in the hangar adjacent to the Vuk Karadzic school, which is the event charged in schedule B4 and C6.²² He will testify that from what he had heard, these killings and mistreatment were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. As President of the Assembly, he was present at discussions in which the operation at Glogova which are charged in schedule A3.2 was planned and discussed.²³ He will testify that from what he had heard, there was no intent to destroy the Bosnian Muslims as such, in whole or in part. He will testify that as President of the Municipal Assembly, he knew of no order, policy or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Bratunac were ever done with such intent.

Foca municipality:

8. Milutin Vujicic: Milutin Vujicic was involved in guarding Muslim prisoners in the Partizan sports hall in Foca municipality in May 1992.²⁴ The mistreatment of prisoners there is charged in schedule C10.5. He will testify that the authorities

¹⁸ Exhibit D3196, para. 2

¹⁹ Exhibit D3118, paras. 27-28

²⁰ Exhibit D3398, para. 3

²¹ Exhibit D3398, para. 56

²² Exhibit D3398, paras. 59-64; T37289-91

²³ Exhibit D3398, paras. 57-58; 37316-17

²⁴ Exhibit D2767, para. 11

instructed that the prisoners be treated properly and that the conditions in that detention facility were not calculated to destroy the Bosnian Muslims as such, in whole or in part. He was also mobilized and took part in operations against Muslim armed groups within Foca municipality.²⁵ He will testify that he knew of no order, policy or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Foca were ever done with such intent.

9. Veljko Maric: Veljko Maric was a doctor at Foca Hospital.²⁶ During 1992, he treated prisoners from KP Dom Foca and visited the prison on one occasion.²⁷ Mistreatment at the prison is charged in schedule C10.1. Dr. Maric will testify that the conditions in that detention facility were not calculated to destroy the Bosnian Muslims as such, in whole or in part.
10. Radojica Mladjenovic: Radojica Mladjenovic was President of the Executive Committee and Chief of the Crisis Staff of the municipality of Foča during 1992.²⁸ He was aware that Muslims were imprisoned at the Livade warehouse, KP Dom, and Partizan Sports Hall for which killings and mistreatment is alleged in schedule A5, C10.1, 10.5, and 10.6.²⁹ He will testify that the conditions in those detention facilities were not calculated to destroy the Bosnian Muslims as such, in whole or in part. He was aware of the events in the village of Jelac, for which the killing of a number of civilians is charged in schedule A5.2. He will testify that it is his information that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. He will testify that as Chief of the Crisis Staff and President Executive Committee, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Foca were ever done with such intent.

Vlasenica municipality:

11. Savo Celikovic: Savo Celikovic was a logistics support officer in the territorial defence in Vlasenica.³⁰ He was familiar with the events in which the Susica camp was established.³¹ Killings and mistreatment at the Susica camp are charged in Schedule B18.1 and 18.2 and C25.3. He will testify that the conditions in Susica were not calculated to destroy the Bosnian Muslims as such, in whole or in part.

²⁵ Exhibit D2767, para. 15

²⁶ Exhibit D3128, para. 1

²⁷ Exhibit D3128, paras. 17-19; T35601

²⁸ Exhibit D3314, para. 1

²⁹ Exhibit D3314 para. 37

³⁰ Exhibit D2922, para. 17

³¹ Exhibit D2922, para. 27

12. Tomislav Savkic: Tomislav Savkic was President of the SDS party of Vlasenica and a military commander in the Vlasenica area.³² He was familiar with the events in which the Susica camp was established and the killings which followed the funeral at which President Karadzic spoke.³³ Killings and mistreatment at the Susica camp are charged in Schedule B18.1 and 18.2 and C25.3. He will testify that the conditions in Susica were not calculated to destroy the Bosnian Muslims as such, in whole or in part and the killings there were not committed with that intent. He was also familiar with the events in the village of Drum where it is alleged in Schedule A15.1 that 20 men were killed.³⁴ He will testify that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. He was also familiar with the events in the village of Zaklopaca where it is alleged in Schedule A15.2 that 60 people were killed.³⁵ He will testify that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part.
13. Zoran Durmic: Zoran Durmic was an inspector for the Crime Prevention Police in the SJB Vlasenica.³⁶ He was familiar with the events in the village of Zaklopaca where it is alleged in Schedule A15.2 that 60 people were killed.³⁷ He will testify that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part.
14. Momir Deuric: Momir Deuric was a security guard of Sušica camp.³⁸ Killings and mistreatment at the Susica camp are charged in Schedule B18.1 and 18.2 and C25.3. He will testify that the conditions in Susica were not calculated to destroy the Bosnian Muslims as such, in whole or in part and the killings there were not committed with that intent.
15. Milenko Stanic: Milenko Stanic was President of the Vlasencia Municipal Assembly and Vlasenica Crisis Staff.³⁹ He was familiar with the events in which the Susica camp was established⁴⁰ Killings and mistreatment at the Susica camp are charged in Schedule B18.1 and 18.2 and C25.3. He will testify that the conditions in Susica were not calculated to destroy the Bosnian Muslims as such, in whole or in part. He will testify that as President of the Crisis Staff and the Municipal Assembly, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Vlasenica were ever done with such intent.

³² Exhibit D2932, para. 2; T33751-52

³³ Exhibit D2932, paras.42-44,98

³⁴ Exhibit D2932, paras. 58-61

³⁵ Exhibit D2932, paras. 63-65

³⁶ Exhibit D2944, paras. 5-6

³⁷ Exhibit D2944, paras. 30-31

³⁸ Exhibit D2967, paras. 4-5

³⁹ Exhibit D2982, para. 1

⁴⁰ Exhibit D2982, paras. 28, 41

16. Zoran Jovanovic: Zoran Jovanovic was Chief of the Communications Center in the Vlasenica Brigade and director of the radio and television stations in Vlasenica.⁴¹ He was familiar with the events in which the Susica camp was established and visited the camp.⁴² Killings and mistreatment at the Susica camp are charged in Schedule B18.1 and 18.2 and C25.3. He will testify that the conditions in Susica were not calculated to destroy the Bosnian Muslims as such, in whole or in part. He also attended the funeral at which Dr. Karadzic spoke,⁴³ and will testify that the killings which followed in Susica had nothing to do with that speech or an intent on the part of the authorities to destroy the Bosnian Muslims as such in whole or in part. As a journalist who followed the events in Vlasenica municipality closely, he will testify that he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of the killings or mistreatment of Muslims in Vlasenica was ever done with such intent.
17. Bozidar Trisic: Bozidar Trisic was a member of the Vlasenica Brigade. He lived in Zaklopača and before the war he worked as a teacher at the local primary school.⁴⁴ He was present during the events in Zaklopaca where it is alleged in Schedule A15.2 that 60 people were killed.⁴⁵ He will testify that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part.
18. Mane Đuric: Mane Đuric was the Acting Chief of SJB Vlasenica and was a member of the Crisis Staff of Vlasenica Municipality throughout 1992.⁴⁶ He received information about the events in the village of Drum where it is alleged in Schedule A15.1 that 20 men were killed.⁴⁷ He will testify that the killings were not done with the intent to destroy the Bosnian Muslims as such, in whole or in part. He was familiar with the condition under Muslims were held at the SJB building in Vlasenica.⁴⁸ Mistreatment of those held at that location is charged in Schedule C25.1. He will testify that the conditions for prisoners at the SJB building were not calculated to destroy the Bosnian Muslims as such, in whole or in part. He was also familiar with the condition under Muslims were held at the prison building in Vlasenica.⁴⁹ Mistreatment of those held at that location is charged in Schedule C25.2. He will testify that the conditions for prisoners at the prison building were not calculated to destroy the Bosnian Muslims as such, in whole or in part. He was familiar with the events in which the Susica camp was established.⁵⁰ Killings and mistreatment at the Susica camp are charged in

⁴¹ Exhibit D3007, para. 1

⁴² Exhibit D3007, para. 29

⁴³ T34190

⁴⁴ Exhibit D3048, para. 2

⁴⁵ Exhibit D3048, paras. 10-27

⁴⁶ Exhibit D3093, paras. 3,10

⁴⁷ Exhibit D3093, para. 44, T35006-07

⁴⁸ Exhibit D3093, paras. 45-47,67

⁴⁹ Exhibit D3093, paras. 48-49

⁵⁰ Exhibit D3093, paras. 50-55,72

Schedule B18.1 and 18.2 and C25.3. He will testify that the conditions in Susica were not calculated to destroy the Bosnian Muslims as such, in whole or in part. He will testify that as SJB Chief and a member of the Vlasenica Crisis Staff, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Vlasenica were ever done with such intent.

Zvornik municipality:

19. Witness KW317: Witness KW317 was a municipal official in Zvornik municipality.⁵¹ He can testify that the killings in Zvornik in early April 1992,⁵² which are charged in Schedule A16.1, were not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that those authorities had no intent to destroy the Bosnian Muslims as such in whole or in part. He also received information about killings at the detention facility at the Karakaj technical school.⁵³ Those killings are charged in Schedule B20.3 and mistreatment there is charged in Schedule C27.2. He will testify that those killings and/or mistreatment were not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that those authorities had no intent to destroy the Bosnian Muslims as such in whole or in part. As a person who had a great deal of contact with Radovan Karadzic and the Bosnian Serb leadership and Assembly during the war, he can testify that from all of those contacts, he never had any indication that President Karadzic or other Bosnian Serb leaders, desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
20. Jovan Ivanovic: Jovan Ivanovic was chairman of the Executive Committee of the Zvornik Municipal Assembly from 1990 to 1992, and one of the initiators and founders of the SDS in Zvornik.⁵⁴ He can testify that the killings in Zvornik in early April 1992,⁵⁵ which are charged in Schedule A16.1, were not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that those authorities had no intent to destroy the Bosnian Muslims as such in whole or in part. He also received information about killings at the detention facility at the Karakaj technical school.⁵⁶ Those killings are charged in Schedule B20.3 and mistreatment there is charged in Schedule C27.2. He will testify that those killings and/or mistreatment were not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that those authorities had no intent to destroy the Bosnian Muslims as such in whole or in part.

⁵¹ Exhibit D3654, para. 24

⁵² Exhibit D3654, para. 49

⁵³ Exhibit D3654, paras. 55-56

⁵⁴ Exhibit D3692, paras. 3-4

⁵⁵ Exhibit D3692, para. 23

⁵⁶ T39875-77

21. Marinko Vasilic: Marinko Vasilic was Police Station Commander in Zvornik in 1992.⁵⁷ He was informed of the killings in Zvornik in early April 1992,⁵⁸ which are charged in Schedule A16.1, and will testify that they were not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that those authorities had no intent to destroy the Bosnian Muslims as such in whole or in part.
22. Cedomir Zelenovic: was a member of the Crisis Staff of Zvornik Municipality at the time of the killings in Zvornik in early April 1992, which are charged in Schedule A16.1.⁵⁹ He will testify that they were not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that those authorities had no intent to destroy the Bosnian Muslims as such in whole or in part.
23. Branko Grujic: Branko Grujic was President of Zvornik Municipality and the Crisis Staff.⁶⁰ He will testify that any killings in Zvornik in early April 1992,⁶¹ which are charged in Schedule A16.1, were not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that the authorities had no intent to destroy the Bosnian Muslims as such in whole or in part. He will testify that the mistreatment of detainees at the Alhos factory,⁶² as charged in Schedule C27.3, was not part of any plan, order, or joint criminal enterprise by the authorities of Zvornik and that the authorities had no intent to destroy the Bosnian Muslims as such in whole or in part. He will testify that as President of the Crisis Staff, he knew of no order, policy, or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part and that none of his actions or those of the authorities of Zvornik were ever done with such intent. He will testify that he had personal contact with Radovan Karadzic and the Bosnian Serb leadership and Assembly during the war,⁶³ and from all of those contacts, he never had any indication that President Karadzic or other Bosnian Serb leaders, desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.

Witnesses on Genocidal Intent:

24. Sveto Veselinovic: Sveto Veselinovic, who served on the Executive Committee of Rogatica municipality,⁶⁴ will testify that Radovan Karadzic never made the statement that Witness KDZ051 attributed to him—that one third of Muslims would be killed, one third would be converted to the Orthodox religion and a third will leave on their own.⁶⁵ This statement was relied upon by the

⁵⁷ Exhibit D3693, para. 4,30

⁵⁸ Exhibit D3693, paras. 33-38

⁵⁹ Exhibit D3723, para. 13

⁶⁰ Exhibit D3724, para. 36

⁶¹ Exhibit D3724, paras. 35,59

⁶² Exhibit D3724, para. 50

⁶³ Exhibit D3724, para. 44

⁶⁴ Exhibit D2950, para. 1

⁶⁵ Exhibit P3404, para. 95

Appeals Chamber as evidence of genocidal intent when reversing Dr. Karadzic's acquittal on Count One.⁶⁶

25. Momir Bulatovic: Momir Bulatovic, former President of Montenegro,⁶⁷ will testify that from all of his contacts with Radovan Karadzic and the Bosnian Serb leadership in 1991, 1992, and thereafter, he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. President Bulatovic was present on 20 September 1994 at a meeting with President Milosevic and General Mladic.⁶⁸ He will explain the statement of President Milosevic that Krajisnik wanted to kill all the Muslims and Croats in Bosnia in the political context at the time, and testify that he did not understand Milosevic to mean it literally. This statement was relied upon by the Appeals Chamber as evidence of genocidal intent when reversing Dr. Karadzic's acquittal on Count One.⁶⁹
26. Milan Martić: Milan Martić, former President of the Republic of Serbian Krajina, will testify that from all of his contacts with Radovan Karadzic and the Bosnian Serb leadership in 1991, 1992, and thereafter, he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. From his own knowledge and experience, he will testify that the killings and infliction on serious harm committed in the municipalities in the Bosnian Krajina (Prejidor, Sanski Most, and Ključ) were not committed with the intent to destroy the Bosnian Muslims as such in whole or in part, but, as in Croatia, were the result of individuals acting out of revenge, fear, and criminality.
27. Vitomir Zepenic: Vitomir Zepenic, former Deputy Minister of Interior, will testify that he was privy to a great deal of information collected by the Ministry of Interior on the actions and intentions of the political party leaders, including Dr. Karadzic and the SDS leaders, during the lead-up to the war in 1991 and 1992.⁷⁰ He never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. He was also well aware of the statement made by Dr. Karadzic at the Assembly of Bosnia and Herzegovina in October 1991 in which Dr. Karadzic warned of the consequences if war broke out in Bosnia and that he did not understand Dr. Karadzic to be stating the intention of the Bosnian Serbs to destroy the Muslims, but understood Dr. Karadzic to be trying to persuade the Muslims not to opt for war. This statement was relied upon by the Appeals

⁶⁶ *Judgement* (11 July 2013) at para. 97

⁶⁷ Exhibit D3051, para. 2

⁶⁸ Exhibit P1487, p.17

⁶⁹ *Judgement* (11 July 2013) at para. 98

⁷⁰ Exhibit D2923, para. 29

Chamber as evidence of genocidal intent when reversing Dr. Karadzic's acquittal on Count One.⁷¹

28. Slobodan Avlijas: Slobodan Avlijas, an official of the Republika Srpska Ministry of Justice and member of the Commission on Exchange of Prisoners of War⁷² will testify that he investigated the prison conditions in the Prijedor area, Sanski Most, Vlasenica, and Zvornik.⁷³ He will testify that the conditions in these prisons had not been calculated to destroy the Bosnian Muslims as such in whole or in part. He will further testify that the leadership of Republika Srpska including Dr. Karadzic never evidenced a desire, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. From the beginning of the war they supported the exchange of Muslim and Croats, rather than their destruction.
29. Trifko Komad: Trifko Komad was a member of the Main Board and Executive Board of the SDS party and worked closely with President Karadzic and the Bosnian Serb leadership from the beginning.⁷⁴ He attended numerous meetings, strategy sessions, and had many private conversations with Dr. Karadzic and other leaders.⁷⁵ He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
30. Dusan Kozic: Dusan Kozic was a member of the Serbian Assembly and later Prime Minister of Republika Srpska.⁷⁶ He will testify about the nature of the speeches made in the Assembly and that he never understood Dr. Karadzic or other Bosnian Serb leaders to have desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. He will specifically comment on statements made by Dr. Karadzic and others at Assembly sessions relied upon by the Appeals Chamber as evidence of genocidal intent when reversing Dr. Karadzic's acquittal on Count One.⁷⁷
31. Milorad Dodik: Milorad Dodik, the current President of Republika Srpska, was a leader of the opposition in the Republika Srpska Assembly.⁷⁸ From the perspective of an opposition leader, he will testify about the nature of the speeches made in the Assembly and that he never understood Dr. Karadzic or other Bosnian Serb leaders to have desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. He will specifically comment on statements made by Dr. Karadzic and others at Assembly

⁷¹ *Judgement* (11 July 2013) at para. 98

⁷² Exhibit D3105, paras. 3,19

⁷³ Exhibit D3105, paras. 21-29

⁷⁴ Exhibit D3198, para. 9

⁷⁵ Exhibit D3198, paras. 3-13

⁷⁶ Exhibit D3364, paras. 1,11

⁷⁷ *Judgement* (11 July 2013) at para. 98

⁷⁸ T36841

sessions relied upon by the Appeals Chamber as evidence of genocidal intent when reversing Dr. Karadzic's acquittal on Count One.⁷⁹

32. Vladimir Lukic: Vladimir Lukic was Prime Minister of Republika Srpska from December 1992.⁸⁰ He attended numerous meetings, government sessions, and had many private conversations with Dr. Karadzic and other members of the alleged joint criminal enterprise. He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
33. Nenad Kecmanovic: Nenad Kecmanovic was a Serbian member of the Presidency of Bosnia and Herzegovina in 1992.⁸¹ He had several meetings with members of the Bosnian Serb leadership in 1991-92 and followed the political developments very closely.⁸² He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
34. Dobrislav Planojevic: Dobrislav Planojevic was Assistant Minister for Crime Prevention and Detection of the Republika Srpska Ministry of Interior in 1992.⁸³ As such he was aware of the attitude and efforts of the Ministry leadership and political leadership of Republika Srpska towards killings and infliction of serious harm. He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
35. Goran Macar: Goran Macar was coordinator of the Republika Srpska Ministry of Interior's Crime Prevention and Detection Administration in 1992.⁸⁴ As such he was aware of the attitude and efforts of the Ministry leadership and political leadership of Republika Srpska towards killings and infliction of serious harm. He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
36. Milenko Karisik: Milenko Karisik was Commander of the Special Police Brigade of Republika Srpska during 1992.⁸⁵ As such, he was deployed in various municipalities, including those which are the subject of Count One. He will testify that the killings and infliction on serious harm committed in those were not committed with the intent to destroy the Bosnian Muslims as such in whole or in part or as part of a plan or joint criminal enterprise of the Republika Srpska leaders to destroy the Bosnian Muslims as such in whole or in part. If there had

⁷⁹ *Judgement* (11 July 2013) at para. 98

⁸⁰ Exhibit D3563, para. 6

⁸¹ Exhibit D3645, para. 2

⁸² Exhibit D3645, paras. 16-23

⁸³ Exhibit D3197, para. 2

⁸⁴ Exhibit D3663, para. 2

⁸⁵ Exhibit D3749, para. 23

been such a plan or enterprise, his unit would have been the first to have been used as a tool of such destruction as they were the most powerful force that the RS had. He will also testify that from his contacts with President Karadzic, he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.

37. Savo Ceklic: Savo Ceklic was one of the founders of the SDS party, a member of its Main Board, and also a member of the Executive Committee of the party.⁸⁶ He met with Dr. Karadzic and the SDS leaders on many occasions before the war. He never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
38. Bozidar Vucurevic: Bozidar Vucurevic was elected to the SDS Main Board in 1990 and remained active in the party and political affairs throughout the war.⁸⁷ He met with Dr. Karadzic and the SDS leaders on many occasions before the war. He never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
39. Novak Todorovic: Novak Todorovic was President of the Supreme Military Court in 1992.⁸⁸ As such, he was familiar with the details of killings and infliction of serious harm inflicted on Muslims by members of the VRS. He will testify that he saw no indication that the perpetrators of those crimes acted with the intent to destroy the Bosnian Muslims as such in whole or in part. He also saw no evidence that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a policy or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
40. Savo Bojanovic: Savo Bojanovic was a Judge of the VRS Military Court.⁸⁹ As such, he was familiar with the details of killings and infliction of serious harm inflicted on Muslims by members of the VRS. He will testify that he saw no indication that the perpetrators of those crimes acted with the intent to destroy the Bosnian Muslims as such in whole or in part. He also saw no evidence that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a policy or joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
41. Dusan Kovacevic: Dusan Kovacevic was an Army officer who became Minister of Defence of Republika Srpska in January 1993.⁹⁰ He attended numerous meetings, government sessions, and had many contacts with Dr. Karadzic and

⁸⁶ Exhibit D3854, para. 6

⁸⁷ Exhibit D3146, para. 4

⁸⁸ Exhibit D2986, para. 2

⁸⁹ Exhibit D3076, para. 4

⁹⁰ Exhibit D3671, para. 18

other members of the alleged joint criminal enterprise. He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.

42. Bogdan Subotic: Bogdan Subotic served as Minister of Defence of RS from April 1992 to 19 January 1993.⁹¹ At that time, he was appointed Chief Inspector of the VRS and Military Advisor to the Republika Srpska Supreme Command. He also served as Military Advisor to President Karadzic through the end of the war.⁹² He attended numerous meetings, government sessions, and had many personal contacts with Dr. Karadzic and other members of the alleged joint criminal enterprise. He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.
43. Milan Ninkovic: Milan Ninkovic was a member of the Serb Assembly.⁹³ He will testify about the nature of the speeches made in the Assembly and that he never understood Dr. Karadzic or other Bosnian Serb leaders to have desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. He will specifically comment on statements made by Dr. Karadzic and others at Assembly sessions relied upon by the Appeals Chamber as evidence of genocidal intent when reversing Dr. Karadzic's acquittal on Count One.⁹⁴ He will also testify that it was never one of the military goals of the VRS to destroy the Bosnian Muslims as such in whole or in part.
44. Vladislav Jovanovic: Vladislav Jovanovic was FRY and Serbian Minister of Foreign Affairs from 1991-95.⁹⁵ He will testify that he was in frequent contact with Dr. Karadzic and members of the Bosnian Serb leadership and frequently participated in frank and sensitive negotiations with them, particularly in 1992. He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part. He will explain the political context of the statement of President Milosevic in September 1994 that Krajisnik wanted to kill all the Muslims and Croats in Bosnia and testify that he did not understand Milosevic to mean it literally. This statement was relied upon by the Appeals Chamber as evidence of genocidal intent when reversing Dr. Karadzic's acquittal on Count One.⁹⁶
45. Aleksandar Vasiljevic: General Aleksandar Vasiljevic was head of the Department for Security for the JNA until May 1992.⁹⁷ As such, he was privy to

⁹¹ Exhibit D3695, para. 46

⁹² Exhibit D3695, para. 2

⁹³ Exhibit D3733, para. 26

⁹⁴ *Judgement* (11 July 2013) at para. 98

⁹⁵ Exhibit D3015, paras. 5-6

⁹⁶ *Judgement* (11 July 2013) at para. 98

⁹⁷ Exhibit D3065, para. 1

the most classified intelligence information in the possession of the JNA and was receiving detailed information concerning the intentions and activities of the political party leadership in Bosnia, including on Dr. Karadzic and the SDS leaders. He will testify that he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.

46. Vojislav Seselj: Dr. Vojislav Seselj was the President of the Serb Radical Party.⁹⁸ His party had volunteers who are alleged to have participated in crimes in Zvornik municipality as well as other locations in Bosnia.⁹⁹ He will testify that the volunteers from his party were never given any instructions to kill or inflict serious harm on Muslim civilians and that he never had any indicated that they had any intention of destroying the Bosnian Muslims as such in whole or in part. He will further testify that from his contacts with Dr. Karadzic, he never had any indication that Dr. Karadzic or other Bosnian Serb leaders desired, ordered, or had a joint criminal enterprise to destroy the Bosnian Muslims as such in whole or in part.

⁹⁸ Exhibit D3665, para. 10

⁹⁹ Exhibit D3665, paras. 45-52