



United Nations  
Nations Unies



International  
Criminal Tribunal  
for the Former  
Yugoslavia

Court  
Management and  
Support Services  
Section

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

Section des  
Services  
d'administration et  
d'appui judiciaire

**CASE/AFFAIRE NO.** IT-95-5/18-T (R. KARADŽIĆ) **DATE** 03 February 2014

**FROM/DE** RAM DORAISWAMY, COURT OFFICER

**TO/A**

<input checked="" type="checkbox"/> President/Président	<input checked="" type="checkbox"/> Prosecutor/Procureur	0 Defense Counsel/Conseil de la Défense
<input checked="" type="checkbox"/> Vice President/Vice-Président		
0 Appeals Chamber/ Chambre d'appel	<input checked="" type="checkbox"/> Case Manager/ Commis aux affaires	<input checked="" type="checkbox"/> Self-representing Accused/ Accusé assurant lui-même sa défense <b>MR. R. KARADŽIĆ (1)</b>
0 Trial Chamber I/ Chambre de 1ère instance I		<input checked="" type="checkbox"/> Legal Advisers/ Conseillers juridiques <b>MR. P. ROBINSON</b> <b>MR. M. SLADOJEVIĆ</b> <b>MR. A. STEVANOVIĆ</b> <b>MR. A. VUJIĆ</b>
0 Trial Chamber II/ Chambre de 1ère instance II		
<input checked="" type="checkbox"/> Trial Chamber III/ Chambre de 1ère instance III		<input checked="" type="checkbox"/> Standby Counsel <b>MR. R. HARVEY</b>
0 Embassy/Ambassade		
<input checked="" type="checkbox"/> Pro Se Legal Liaison Officer/Juriste chargé de la liaison avec l'accusé <b>MS. V. TASEVA</b>		
0 Other/Autre		
<input checked="" type="checkbox"/> Registrar/Deputy Registrar/Greffier/Greffier adjoint	<input checked="" type="checkbox"/> VWS Coordinator/Coordinateur de la SVT	
<input checked="" type="checkbox"/> Senior Legal Officer/Juriste hors-classe <b>MS. N. GUIBERT</b>	0 UNDU /QPNU	
<input checked="" type="checkbox"/> Communications Service/Service Communication	<input checked="" type="checkbox"/> OLAD	

**PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT**

0 Order/Warrant/Decision issued by Appeals Chamber or Trial Chamber or a Judge on/ Ordonnance/Mandat/Décision émis(e) par la Chambre d'appel ou les Chambres de 1ère instance ou un Juge le ___/___/___
0 Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ___/___/___
<input checked="" type="checkbox"/> Motion/Request/Application submitted by Prosecution/Defence Counsel/Accused on/ Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense/ Accusé le <u>03/02/2014</u>
0 Response/Reply/Brief submitted by Prosecution/Defence Counsel/Accused on/ Réponse/Réplique/Mémoire présenté(e) par l'Accusation/le Conseil de la défense/ Accusé le ___/___/___
0 Decision of the Registrar on/Décision du Greffier le ___/___/___
0 Other/Autre

RECEIVED/RECU	FILED/ENREGISTRE
<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 03/02/2014	<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 03/02/2014
0 Outside Office hours/en dehors des heures ouvrables Date: ___/___/___ Time/Heure: ___h___	0 Outside Office hours/en dehors des heures ouvrables Date: ___/___/___ Time/Heure: ___h___

For guidelines regarding filing procedures, please see the Directive for the Court Management and Support Services Section Judicial Services Section Registry, IT/121/Rev.2, Part XI: Provision of Documents.  
Pour les procédures concernant le dépôt des documents, voir la Directive relative à la Section d'administration et d'appui judiciaire, Services judiciaires, Greffe, IT/121/Rev.2, Titre XI: Communication des documents.

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands  
Churchillplein 1, 2517 JW La Haye. B.P. 13888, 2501 La Haye. Pays-Bas  
Tel.: 31-70-512 5738 Or 512 8751 Fax: 31-70-512 8558

Notice of  
confidentiality  
applicable to fax

This facsimile transmission contains United Nations proprietary information that is strictly confidential and/or legally privileged, and is intended solely for the use of officials of the United Nations and/or the named recipient hereof. Any unauthorized disclosure, copying, distribution or other use of the information herein is strictly prohibited. If you have erroneously received this facsimile transmission, please notify the United Nations immediately.

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: 3 February 2014

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

---

MOTION TO ADMIT TRANSCRIPT  
PURSUANT TO RULE 92bis:  
RANKO MIJIC

---

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

The Accused:  
Radovan Karadzic

1. Dr. Radovan Karadzic respectfully moves, pursuant to Rule 92 *bis*, for admission of the transcript of the prosecution's interview of Ranko Mijic, the former Chief of the criminal department of the Prijedor Police Department and the person in charge of the police investigators working at Omarska Camp.<sup>1</sup>

2. Mr. Mijic's task in conducting interrogations at Omarska was to ascertain the existence of crimes and to submit criminal reports. The Prosecutor and the Investigative Judge were also involved in this at the beginning.<sup>2</sup> He affirmed that they worked according to the law as much as they could.<sup>3</sup> In their interrogations they were interested in identifying who were responsible for crimes that had been committed in Prijedor. These crimes included the murder of a policeman, which started everything off in Prijedor, the attack on the JNA members at the Hambarine check point, the attack on the military column in Jakupovici near Kozarac, and the attack on Prijedor town itself.<sup>4</sup> A large number of people were released from Omarska when it was determined that they had not been involved in any crimes.<sup>5</sup>

3. Mr. Mijic stated that he held a meeting almost every morning, and warned all the interrogators from the Criminal Department to behave in the correct manner, and not to touch anyone.<sup>6</sup> Mr. Mijic also stated that he had warned the camp commander to stop the guards from physically abusing prisoners, but the guards were so out of control that even the camp commander had no authority over them.<sup>7</sup> Mr. Mijic stated that the guards at Omarska were not under any kind of control and that even he, as a police official, was afraid of these people.<sup>8</sup>

4. The evidence of Ranko Mijic is relevant to show that higher authorities such as him were not in favor of mistreatment of prisoners and tried to stop it, and that the mistreatment was committed, not as part of some policy or joint criminal enterprise by the State or Dr. Karadzic, but by individuals acting outside of the control of the authorities.

---

<sup>1</sup> The transcript of this interview can be found in e-court at #1D09634. A summary of the interview is attached as Annex "A" to this motion.

<sup>2</sup> P. 20

<sup>3</sup> P. 21

<sup>4</sup> P. 24

<sup>5</sup> P. 29

<sup>6</sup> P. 35

<sup>7</sup> P. 37

<sup>8</sup> P. 24

5. While the Trial Chamber set a deadline of 27 August 2012 for the submission of Rule 92 *bis* motions, Dr. Karadzic has good cause for not having made such a motion as to Mr. Mijic before that date as wished to call Mr. Mijic to give oral testimony at his trial. However, Mr. Mijic subsequently declined to testify,<sup>9</sup> and the Trial Chamber declined to issue a subpoena for his testimony.<sup>10</sup>

6. The Trial Chamber has set forth the requirements for admission of evidence pursuant to Rule 92 *bis*. The proposed evidence must be (1) relevant; (2) its probative value must not be substantially outweighed by the need to ensure a fair trial; (3) it must not relate to the acts and conduct of the accused; and (4) it must be capable of meeting the certification requirements.<sup>11</sup>

7. Even where evidence is admissible under Rule 92 *bis*, the Trial Chamber has discretion not to admit it. The main factors in the exercise of this discretion seem to be whether the evidence is of a cumulative nature, whether it involves conduct close to the accused, and whether it touches a live and important issue in the case,<sup>12</sup>

8. The Trial Chamber, upon deciding to admit evidence pursuant to Rule 92 *bis*, may require that the witness appear for cross examination. Many of the same factors used to decide whether to exercise discretion to admit the testimony also apply to the issue of whether a witness should appear for cross examination.<sup>13</sup>

9. An analysis of Mr. Mijic's proposed evidence demonstrates that the criteria for admission pursuant Rule 92 *bis* are met and that the Trial Chamber should exercise its discretion to admit the evidence. The evidence may be ordered admitted pending completion of the certification requirements by the Registrar.<sup>14</sup>

10. The evidence of Ranko Mijic is relevant to the allegations of the indictment of crimes in Omarska camp. Mr. Mijic's testimony is of probative value because, as an official of the Prijedor Police Department and a person who was present at the camp on a daily basis, he was in a position to have personal knowledge of the dispute events. In its subpoena decision, the Trial

<sup>9</sup> *Motion for Subpoena to Ranko Mijic* (15 November 2012) at para. 4

<sup>10</sup> *Decision on Accused's Motion to Subpoena Ranko Mijic* (11 January 2013)

<sup>11</sup> *Decision on Prosecution's Third Motion for Admission of Statements or Transcripts of Evidence in lieu of Viva Voce Testimony Pursuant to Rule 92 bis (Witnesses for Sarajevo Municipality)* (15 October 2009) at paras. 4-6,9

<sup>12</sup> *Id.*, paras. 7-8

<sup>13</sup> *Id.* at para. 10

<sup>14</sup> See *Decision on Third Motion* at para. 9: It is permissible for a party to propose statements for provisional admission pending their certification under Rule 92 *bis* (B). Dr. Karadzic believes that despite Mr. Mijic's unwillingness to give live testimony, he would be willing to certify the transcript of his interview pursuant to Rule 92 *bis*.

Chamber found Mr. Mijic's information to be relevant and of material assistance to the defence case.<sup>15</sup>

11. Mr. Mijic's evidence does not go to the acts and conduct of the accused.

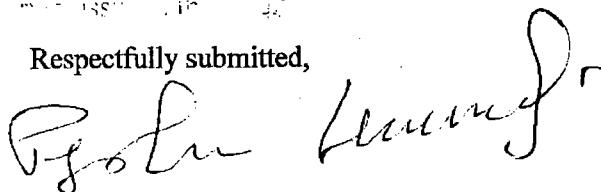
12. Mr. Mijic's evidence on the events in Omarska overlaps with to the evidence of other defence witness, including Witness KW609, Zeljko Mejakic, Miroslav Kvocka, and Momcilo Gruban. Therefore, his evidence would be cumulative.

13. Dr. Karadzic notes that the Trial Chamber admitted the prior evidence of KDZ048, KDZ074, and KDZ392 concerning Omarska events on behalf of the prosecution, and took judicial notice of a large number of adjudicated facts concerning the events at Omarska.

14. Therefore, it is respectfully requested that the Trial Chamber admit the transcript of the prosecution's interview of Ranko Mijic pursuant to Rule 92 *bis*.

Word count: 914

Respectfully submitted,



Radovan Karadzic

---

<sup>15</sup> *Decision on Accused's Motion to Subpoena Ranko Mijic* (11 January 2013) at para. 9

**ANNEX "A"**

**Rule 92bis Package**

<b>Witness Name:</b>	244. Ranko MIJIĆ
<b>Municipality/Category:</b>	Omarska
<b>Time:</b>	(92bis witness)
<b>65ter Summary</b>	<p>Ranko MIJIĆ was born on 30<sup>th</sup> of October 1954 in Banja Luka. After finishing from Gymnasium, he graduated from the Faculty of Economics. He finished his compulsory military training in 1981. In 1992 until 1995 he acted as Chief of the Criminal Department of the SJB Prijedor.</p> <p>Ranko MIJIĆ came to Omarska camp according to an order of the current Chief of the SJB at the time, Simo DRLJAČA. Aside from approximately 10 people from the Criminal Department of the SJB Prijedor in Omarska camp, there were people from the State Security and there were also members of the Military Security. Mirko JEŠIĆ was the Chief of State Security investigators and Lieutenant Colonel MAJSTORVIĆ was the Chief of Military Security investigators. These services had different fields of action and different interests. They all had their own tasks.</p> <p>Ranko MIJIĆ was the highest-ranked inspector of the SJB Prijedor, working at Omarska camp. When they were given the order, they were told they would be doing interrogations for about 10 to 15 days, but it continued until the beginning of August. Also they were told that this investigation centre was of a temporary nature. He personally never performed interrogations at Omarska. His job was to read statements and to look for material that had to do with crime and incriminating activities, in order to file criminal reports. The only person he needed to report to, was Simo DRLJAČA. Related to his field of operation, he reported every evening or the next morning, in other words, how many people they had interrogated, and which data they came by. Mirko JEŠIĆ did the same from his jurisdiction.</p> <p>When the conflict in Kozarac broke out, the security forces first started bringing the prisoners to Prijedor SUP. His impression was that this had been done chaotically. However, as these activities developed, more and more prisoners ended up in Keraterm. A meeting was held among the members of the Criminal Department of SJB Prijedor, the members of the State Security, Military Security, representatives from Banja Luka, some politicians and inspectors were told what they were going to do and what they were supposed to find out. They were tasked to ascertain what the sources of weapons were, the information about the paramilitary units, financing and ideological leaders and to submit criminal reports. This meeting was held in Keraterm.</p> <p>Inspectors would come to Omarska by organised transport and they would interrogate the prisoners on the working days, during working hours and after that they would return home. They would come by bus at 9am and leave around 4 or 5pm. In Omarska they had specific tasks and they had nothing to do with the camp itself, with the way life was and the way it was organised. They had no jurisdiction over the others except for ascertaining what had happened during the conflict on the territory of Prijedor. The security in the camp was the task of the Omarska Police Department. The Special Unit from Banja Luka was there for a while as well.</p> <p>Almost every morning, the meeting was held and Ranko MIJIĆ would warn all the inspectors, all the interrogators, especially those</p>

that he had from the Criminal Department, to behave correctly and in the spirit of the laws, and not to touch anyone.

Interrogations were taking place in offices equipped with regular office furniture. Approximately fifty interviews were conducted per day. Interviews would last from 20 minutes up to 2 or 3 hours. During each interview, one inspector of the Public Security, one inspector of the State Security and one inspector of the Military Security would be present. Each of them were asking questions what they were interested in and according to that, notes were drafted and every interrogator was using what they needed. The lists were drafted on the basis of which interviews were conducted and official notes were made.

First day he arrived at the camp, there were a couple of hundred prisoners. They were locked up in the hangars. Inspectors never entered the hangars. He recognized some of the prisoners, but he never saw anyone injured or harmed. Once, he saw guards beating up the detainee. It was a broad day-light and the detainee probably wanted to run away.

The detainees were classified as follows: category A were the organisers, those who financed activities, ideological leaders and etc. The second category were those who owned weapons and who participated in combat activities. And the third category was for the people investigators had no information for. The methodology of classifying the prisoners came from the State Security.

Through the investigations they would come up with the names of people who had to be interrogated. The proposal in written form would be sent to the SJB Prijedor. Those were proposals with names of people who were within the chain of incriminating activities. With some of the people from the list the interrogations were conducted in the SJB and afterwards, those people were released to go home; however sometimes, a decision was made to send a person to Omarska.

From time to time, members of the Criminal Department could hear screams and moans coming from the rooms. Knowing that the guards were the ones who were causing this, the inspectors warned Željko MEJAKIĆ to forbid them and to ban them from doing this. Željko MEJAKIĆ was the Commander of the Omarska Station and at the same time the Commander of the security detail in Omarska. But, the guards were rather out of control that he had no authority whatsoever to forbid them anything. They were all reserve police officers from the surrounding villages. Ranko MIJIĆ never saw guards carrying baseball bats or metal pipes, just long-barrel weapons. It was very easy to go in and out of Omarska since the security was very poor, therefore all kinds of people were entering the camp, especially at night, according to his knowledge that he gained late.

As far as he knows, nobody was tied up during interrogation and he never saw blood stains on the wall or on the floor. Neither he nor his inspectors had ever seen any dead bodies.

In August, persons from categories A and B were transferred to Manjača and those from category C were released to Trnopolje. The Criminal Department inspectors left Omarska several days before the camp was disbanded. They came back to their regular duties.

Ranko MIJIĆ was aware that there were a number of women detained in Omarska camp. When the camp was disbanded all the women went to Trnopolje.



	Ranko MLIJC was not part of the Commission that made report on the camps. The report was written by Vaso ŠKONDRIĆ, but Ranko MLIJC did signed it.
Relevant Counts/Paragraphs	1, 3-8

Statement and/or Testimony to be Relied Upon

65ter # in IT-95-5/18-T (if any)	Description	Date	Complete Page Range (Transcripts = Page; Statements = ERN)	Comments
1D09634	Interview with Ranko MLIJC	3-Dec-2003		

Associated Exhibits

65ter# in IT-95-5/18-T (if any)	Description	Date	Where Referenced (Transcripts = Case -Page; Statements = ERN - Para. or Page)	Comments

Additional Exhibits to be Used with Witness

65ter# in IT-95-5/18-T (if any)	Description	Date	Comments