

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-09-92-T

IN THE TRIAL CHAMBER

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr. John Hocking

Date Filed: 5 May 2014

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DEFENCE MOTION PURSUANT TO RULE 92TER TO ADMIT THE WRITTEN
TESTIMONY OF MIODRAG BATINIĆ**

The Office of the Prosecutor:

Mr. Dermot Groome
Mr. Peter McCloskey

Counsel for the Accused:

Mr. Branko Lukić
Mr. Miodrag Stojanović

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The Accused, **RATKO MLADIĆ**, by and through his counsel of record, respectfully submits the instant Motion pursuant to Rule 92*ter* of the Rules of Procedure and Evidence, and in support thereof states as follows:

I. INTRODUCTION

1. Pursuant to the Guidance previously expressed by the Trial Chamber, motions offering written statements under Rule 92*ter* of the Rules of Procedure and Evidence are to be filed at least 30 days before the anticipated testimony of a given witness. Witness Miodrag Batinić is currently scheduled to testify the week starting 2 June 2014 and thus the Defence hereby files the instant motion in compliance with the Chamber's guidance, and applying for the evidence of this witness to be heard pursuant to Rule 92*ter*. This Motion is filed publicly, as the witness does not require protective measures.

2. Herein this application is made to tender one written witness statement of the witness, with one associated exhibit. At this time the Defense estimates that the evidence-in-chief of this witness will last up to 45 minutes.

3. The Defence does not otherwise seek to deviate from the Chamber's Guidelines in tendering this witness' evidence.

II. APPLICABLE LAW

4. Under Rule 92*ter* of the Rules of Procedure and Evidence (hereinafter "Rules") a Trial Chamber is permitted to admit the evidence in whole or in part in the form of a witness statement or transcripts of a proceeding before the Tribunal, under the following conditions: i) the witness is present in court; ii) the witness is available for cross-examination and any questioning by the Judges; and iii) the witness attests that the written statement or transcript accurately reflects the witness's declaration and what the witness would say if examined.¹

5. A party calling a witness pursuant to Rule 92*ter* may seek to admit into evidence documents that have been discussed by the witness in his or her witness statement of previous testimony.²

III. DISCUSSION OF ARGUMENTS

A) The Chamber Should Admit the Witness Statement

6. Witness Batinić's statement is relevant, reliable and probative, as set forth in greater detail herein below.

¹ Rule 92*ter* of the Rules of Procedure and Evidence.

² *Prosecutor v. Karadzic*, Case No. IT-95-5/18-T, "Decision on Prosecution's Submission regarding Additional Transcript Pages from Momcilo Mandic's Stanisic and Zupljanin Testimony for Admission into Evidence." 8 September 2010, para. 5

7. The witness will be present at trial, and thus will be able to attest to the evidence and will be available to be cross-examined by the Prosecution. Thereby the requirements of Rule 92ter will be fulfilled, and fairness to the Prosecution will be observed.

8. The Defence submits that due to the nature of the Witness's testimony 45 minutes will be necessary in order to conduct a limited and focused direct examination of the witness to clarify, expand on, and contextualize aspects of his evidence directly relevant to the Defence case.

9. Witness Batinić was assigned to the Igman Brigade, part of the Sarajevo-Romanija Corps of the VRS in 1992 and was stationed in Zenik. Later he was assigned as a translator at the command of the Igman Brigade, and later was appointed to translate for the UN. In this role he accompanied an UNMO team that visited Serb defence positions from Mount Igman, through Zenik, and all the way to Ilidža.

10. Witness Batinić's testimony is relevant to and probative of salient and material issues pertaining to the Indictment. The Defense is confident in that it will, among other things, establish the following:

- a. General Mladić communicated and cooperated with UNMO members.³
- b. The positions held by the ABiH in Sarajevo in 1993 that were the only positions with a lines of sight that could be used to fire at the Post Office (PTT).⁴
- c. 250 Serbs were killed by sniper fire, rifle propelled grenades and shells fired by the ABiH on the areas of Sarejevo controlled by VRS forces.⁵

³ Statement para. 14

⁴ Statement para. 16

⁵ Statement para. 17

- d. In August 1992 French soldiers using UNPROFOR transporters were illegally transferring ABiH soldiers from Sarajevo through the VRS controlled territories and then back to the ABiH controlled territory in Sarajevo. The ABiH soldiers were disguised wearing French UNPROFOR uniforms amongst a contingent of French soldiers.⁶
- e. Military gunpowder and military equipment was smuggled to the ABiH inside medical equipment, which UNMO observed being stored at the Žica factory.⁷
- f. The incident at the bread queue in Sarajevo was caused by claymore mines and not artillery shells attributed to Serb positions, as indicated by the report from a pathologist at Koševo hospital.⁸
- g. For the Serbian forces to have fired any shells on the Markale market the Serbian positions would have had to be no more than one kilometer from Markale. At the time the Serbian forces were positioned 3.5 kilometers from the impact.⁹
- h. The military observers from the Sierra Whisky 1 Team who were arrested by Serbian forces were not treated as hostages.¹⁰

B)The Chamber Should Admit the Associated Exhibits

11. The associated exhibit is directly relevant to the case, and is inseparable and indispensable to the witness's statement, and can be contextualized and explained most effectively through this witness. It constitutes an essential component of the witness' evidence, and is also of importance to the Defense case, and therefore it is submitted that it is in the interests of justice that they be admitted.

12. There is a total of one Associated Exhibits to this witness statement, as set out in the table that is attached at **Public Annex B**.

⁶ Statement para. 18

⁷ Statement para. 19

⁸ Statement para. 20

⁹ Statement para. 22

¹⁰ Statement para. 24

13. The Associated Exhibit is a photo showing Batinić receiving an award for his contributions to the cooperation with UNPROFOR.¹¹

III. CONCLUSION

WHEREFORE, for the foregoing arguments, the Defense respectfully requests that the Chamber issue an order:

- a. Granting the Defense leave to call Miodrag Batinić as a witness pursuant to Rule 92*ter*.
- b. Granting the Defense leave to admit the proffered statement, (attached hereto as Annex A) under Rule 92*ter*.
- c. Granting the Defense leave to admit the list of associated exhibits, (attached hereto as Annex B) under Rule 92*ter*.

Word Count: 988

RESPECTFULLY SUBMITTED BY:



Branko Lukić
Lead Counsel for Ratko Mladić



Miodrag Stojanović
Co-Counsel for Ratko Mladić

¹¹ Statement para. 23

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ANNEX A

**INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS
RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL
HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE
FORMER YUGOSLAVIA SINCE 1991**

WITNESS STATEMENT

WITNESS INFORMATION:

Surname: BATINIĆ

Name: Miodrag, nicknamed Lola

Father's name:

Date of birth: 13 February 1957

Ethnicity: Serb

Date(s) of interview(s): 26 March 2013, 8 April 2013, 14/16 February 2014

Interview(s) conducted by: Milenko Dunder, Boris Zorko, Saša Lukić

Languages used during the interview(s): Serbian

Signature of the Witness: _____

WITNESS STATEMENT

1. My name is Milorad Batinić nicknamed Lola, born on 13 February 1957 in Osijek, Croatia. I finished high school in Sarajevo, and then the Faculty of Philosophy in Sarajevo. I graduated in 1986 from the Department of History. I lived in Sarajevo from 1965, i.e. since the elementary school and spent all that time in Sarajevo.
2. After graduation, I worked at the elementary school in Hadžići where I taught history; from 1987 I worked at the Vraca Memorial Park, and then at a museum on Mount Igman, while the war found me in Vraca.
3. During the war, I lived at the Mostar intersection (Kovačevac), while my parents were in the part of the city controlled by the ABiH.
4. In early April 1992, we received information that the Muslims organised paramilitary formations, specifically the Patriotic League and the Green Berets; later I learned that these formations had been operating secretly even before the war only to become active in early 1992. I would indicate the murder of the best man (*stari svat*) at a wedding at Baščaršija in 1992 as their first action. For that reason, we started organising village guards so that we would not suffer the fate of our ancestors who were taken for slaughter and execution during World War II. Therefore, the village guards had only one purpose – to protect people and property.
5. The quarter I lived in was inhabited predominately by Serbs, though across the road lived people of the Muslim faith. We had a fair agreement, which we all observed. We agreed that at night no one should enter the village – they were not to come to us and we were not to come to them – while during the day we socialised and communicated with each other. At that time of chaos, there prevailed a sense of uncertainty, fear, and helplessness.

6. We all thought that these village guards were just a temporary solution; I believed that the tension that was rising among the three peoples was some momentary state that would not last long, because we had faith in the JNA and we thought that it, as the only legal army, would resolve the situation. Although it was uneasy, I regularly went to work those days, just like everyone else. However, as the situation in the city was increasingly deteriorating, the feuding sides first started setting up barricades until the Muslim forces blocked the city completely. Because of those barricades, I was cut off from my parents as they lived in the inner city controlled by the Muslims and I could not reach them. I was trying to find a way to reach my parents since my mother was immobile and very ill, and my father was old – and they needed my help. I explored all the possibilities to reach them but still did not manage. All this was happening in early May 1992.
7. That things turned sour we realised at the end of April and in early May 1992, when the JNA started withdrawing. We watched from a hill the JNA units withdrawing and taking all the equipment and armaments with them. At that time, it was already clear that the war was looming. It became obvious right after the massacre at Dobrovoljačka Street and the massacre of unarmed, young JNA soldiers in Tuzla who were peacefully withdrawing from Sarajevo and Tuzla. As far as I know, the attack on the column at Dobrovoljačka Street, as well as the attack in Tuzla, were executed by the Green Berets and the Patriotic League paramilitary formations.
8. At the very beginning of the conflict we still had the possibility to follow news from Sarajevo on TV, and telephone lines still worked so we could communicate with the part of the city controlled by the Muslims. This was important for me because my parents lived in that part of the city controlled by the Muslims. My mother was disabled and in a wheelchair, and my father was old and because of their health condition and the threats they were receiving from the Muslims I was trying to get them out of the city. They wanted to kill my father because he was a Serb and a former JNA officer; the Muslims even claimed that my father was guiding artillery shells on the city through a radio station; I also found out from my father that he was on a list for liquidation because he stated in an interview for the Sarajevo daily *Oslobođenje* that he knew about a pit where the murdered Serbs had been thrown.

9. I made a couple of unsuccessful attempts to get my parents out of the city, and only after the third attempt, in June 1992, did I manage to carry out this intention. Through a good friend of mine, who was of the Muslim faith, I succeeded in getting them out. My Muslim friend risked his life trying to get my parents out and I am forever grateful to him for that. From the place where they lived to the separation lines they passed through numerous Muslim checkpoints. At the last Muslim checkpoint, on the separation line, I watched through my binoculars a heated argument between my friend and the Muslim soldiers standing on the checkpoint, and I even saw weapons pulled out. They were fighting over my parents because the Muslim soldiers did not allow anyone to leave the city. They kept the whole city under blockade.
10. I also managed to get my best friend out of the city of Sarajevo. I got her out when I started to work for the UN as an interpreter. One day – I think it was in 1993 – I knocked on her door with the UN members and told her she had five minutes to get ready. She was ready in two minutes. We set in the UN vehicle. We had a crazy luck we were not controlled thoroughly as she was hidden in the back part of the vehicle so we managed to pass all controls and take her to the Serb side. She told me she tried a hundred ways to get out of Sarajevo. She tried through the municipal authorities in Sarajevo controlled by the ABiH and through the ICRC and the UN, but with no success. This example, as well as the example of my parents, clearly show that the city was under the blockade by the Muslims and that the Muslims were not allowing anyone to leave the city.
11. After the VRS had been established, I was mobilised in June 1992 and assigned to the Igman Brigade that was part of the Sarajevo-Romanija Corps (SRK). My company, composed of the village guard members from my village, kept the line at the place called Zenik, towards the place called Kobiljača. It was then that I dug trenches together with several of my fellow companions to make shelter for ourselves as we had only tents and no other shelter, and as we were constantly under fire we had to find a way to protect ourselves. The others did not want to participate in this job because there was no one to order them to do so. This company was characterised by a total lack of any organisation and discipline. The following fact best describes the unit: on 28 June 1992, the Muslim forces attacked our positions; in this exchange of fire, my machine-gun got stuck and I had nothing to defend myself with. There were no weapons. It was not until the morning after that I managed to get the company commander's permission to go

to the Brigade headquarters and take my machine-gun for repair or get another weapon; luckily I managed to get my machine-gun repaired.

12. While I waited for my machine-gun to be repaired and for the head of the storage facility to give me ammunition, a UN transporter came by and three officers and a woman interpreter got off. When they passed by me I greeted them in English. Members of my command remembered that and asked me if I spoke English, to which I replied affirmatively. I was then called by the Commander, General Blagota Kovačević, who appointed me as his interpreter. On that same day, UNPROFOR asked for my photograph and identification documents so they could issue me a UN card. The next day I got my UN card and started working as a UN interpreter. I was still wearing the VRS uniform at the time, as well as an automatic rifle; together with the UN forces I started touring the RS territory and visiting the VRS defence lines in UN military vehicles.
13. We visited the VRS defence lines with a team called UNMO 2. This team that toured the terrain was comprised of three UNMO members, and we visited Serb defence positions from Mount Igman, through Zenik, and all the way to Ilidža.
14. On one occasion – I remember it was in the autumn – when General Mladić came to visit the units of the Igman Brigade, the UNMO members were visited by the military police. The observers were accommodated at the Igman Brigade command at the time. There were a military observer from Gana with the rank of Captain, and there was a Slovak, Dušan Sabalčik, who had the rank of Lieutenant Colonel. On that occasion, General Mladić entered the premises occupied by the UNMO. Lieutenant Colonel Dušan Sabalčik immediately got to his feet when General Mladić entered so that he could greet him, while the UNMO member from Gana remained lying in bed. General Mladić immediately asked for refreshment for all of us and asked me to interpret the conversation with the UNMO officers. General Mladić was interested in where the observers were from, if they had any problems, and if so, he wanted them to raise their concerns so that they could resolve them together. He was also interested in their health, the relations with the Brigade Command personnel, etc.

15. When I stopped working as an interpreter at the Command of the Igman Brigade and when I started working for the UN observers I was able to enter the city of Sarajevo. At the very beginning, I was moving only as far as the Post Office (PTT) building where the UN Main Staff was based. I had to pass a Muslim checkpoint in order to get there.
16. In 1993, I entered the city of Sarajevo itself and I was able to see for myself the places from which the ABiH members were opening fire and from which side the sniper fire was coming. Only the ABiH was able to fire from either side towards the Post Office (PTT) building, where the UN Main Staff was based. The only lines of sight that provided opportunity for firing at this target were the points under the control of the ABiH.
17. I know that numerous civilians got killed by sniper fire – specifically, my uncle was killed by the ABiH sniper fire and his name was Milovan MARKOVIĆ. Also, my uncle Marinko VUJIĆ died in the same way. Approximately 250 Serbs were killed and around 800 persons were wounded by sniper fire in Nedžarići. Yet, the Serbs were not killed by sniper fire only, but also by rifle propelled grenades and shells fired copiously by the Muslims on the parts of the city controlled by the Serbs.

SMUGGLING THROUGH THE UNPROFOR

18. As an interpreter and someone who worked for the UN, I witnessed illegal transfers of Muslim soldiers from Sarajevo through the Serb territories and then back to the territory of Sarajevo controlled by the ABiH. This was happening in August 1992, and the action was carried out by the French soldiers using the UNPROFOR transporters to transfer about 250 to 270 ABiH soldiers dressed in uniforms of the French UNPROFOR personnel, without weapons, together with a part of the French contingent of soldiers, which was even recorded by cameras.
19. I also witnessed an event that took place at the Hospital in Blažuj, which was set up at the Žica factory that had been turned into a war hospital. It was in 1994

when Dr Milan Pejić, the head of the Kasindol Hospital, called me to come with the observers and verify the situation. When we came there, oxygen bottles were in the basement of the Žica factory. These bottles were opened in the presence of the observers and we could see that they were full of gunpowder, and some of them contained 203 howitzer shell fuses. This means that weapons were made in the city itself. We could never have guessed who supplied the Muslims with these oxygen bottles were it not for the VRS which, during a control at the Siera 1 checkpoint twenty days earlier, confiscated oxygen bottles filled with gunpowder and howitzer shell fuses from the UNPROFOR that were intended for the Muslim army.

MARKALE I

20. I was an interpreter at a meeting held about 29 May 1992 between the foreign observers and the Commander of the Igman Brigade Spasoje Čojić, in relation to the event that had taken place at Vase Miskina Street in Sarajevo, when civilians were killed while standing in a line for bread in front of a bakery. It was concluded at the meeting that the people standing in the line for bread had suffered injuries caused by claymore mines (MRUD), and not by artillery shells coming from Serb positions. This conclusion was reached after taking into account the report by a pathologist from the Koševo Hospital, according to which the injuries were caused by two claymore mines, which pointed to a staged event. Even General MacKenzie expressed doubts in his book about Sarajevo that the people standing in the line for bread in Vase Miskina Street had been killed by a shell coming from the Serbian side.
21. In February 1994 I was at Ilidža with Major Jan Pedersen, an officer from Denmark and a member of the UNPROFOR. Major Jan Pedersen of Denmark requested an urgent meeting with General Galić regarding the information we had received about the shelling of the Markale market. At that moment, General Galić was in a meeting at the Serbia Hotel at Ilidža, but he confirmed that Colonel Marko Lugonja would attend the meeting with us on his behalf.
22. At the meeting, Major Jan Pedersen informed Colonel Marko Lugonja that a shell had fallen at the Markale market, to which Colonel Marko Lugonja replied that

the Serbian side had nothing to do with the incident at Markale. Colonel Marko Lugonja said he did not believe the shell had come from the Serbian side and added that the Serbs were not that stupid to do something like that while the negotiations concerning the resolution of the situation in Bosnia were ongoing. At that moment, the Sarajevo TV station was broadcasting a footage from Markale and Colonel Marko Lugonja invited us to see the report together. The TV footage clearly showed, which Colonel Marko Lugonja pointed to us, plastic legs and pyramid-shaped piles of potatoes that had not fallen off the stall as a result of a detonation. He further noted that the Muslims had not been burying their deceased in the last few days and that their morgues were full of bodies. Colonel Marko Lugonja then asked: "Why is that, what do you think?", to which we shrugged our shoulders and he added: "We intercepted the ABiH communication in which one man says to another 'Bring me some more icicles'." Colonel Marko Lugonja further added that for a shell to have come from the Serbian side and fallen at Markale, the Serb positions would have had to be no more than one kilometer from Markale, which was not the case as the nearest Serbian positions were 3.5 kilometers away from the point of impact.

23. After the incident at Markale, my pancreas ruptured and I was sent to Ancona, Italy, for treatment. After that, I was rewarded by General Jan Cot – the award was presented to me by a high UN official, General De La Presle, for the contribution to the cooperation with the UNPROFOR. I enclose a photo of this as proof (65ter #1D0200).

HOSTAGE CRISIS

24. Now I would like to describe certain events that took place in 1995, during the so-called arrest of military observers and the alleged hostage taking. I was with the military observers of the Sierra Whisky 1 Team, whose leader was Olivier Novitzki. Our Staff was located at the Mostar intersection in the former Mediteran Café. On that occasion, three or four military observers were arrested, if one can call it detention or arrest, bearing in mind that they were guarded by only one guard, who had a piece of weapon on him the first day only, while on the remaining days the guard sat with the military observers, drinking and eating together. The guard kept his weapon in a corner of the room and anyone could access it. I was tasked with providing food for them.

25. One of those days I travelled with Novitzki towards Kiseljak, when we were intercepted by members of the Canadian Battalion, who intended to stop us. We were stopped and they told us they had orders to stop all vehicles. They even stopped the French legionnaires. After that, some Serb military vehicles came and took us to Pale via Mrkovići. Once we arrived in Pale, near the hospital, we went to Mount Koran. It was then that I got the information that all personnel would be released, which happened as announced. From there, the UN personnel had further transportation, so we had to say goodbye. I have maintained good relations with all the people from the UN I worked with. I would like to point out that I met with Novitzki again, sometime in 1996, and that we have stayed in touch. I will take the liberty to say that we are still good friends.

26.

WITNESS CONFIRMATION

I have read this statement comprising _____ pages, and it contains all that I said to the best of my knowledge and recollection. I have given this statement voluntarily, and I am aware that it can be used in the proceedings before the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1992, and that I may be called to testify publicly before the Tribunal.

Signature:

Date:

**MEĐUNARODNI SUD ZA KRIVIČNO GONJENJE OSOBA ODGOVORNIH ZA TEŠKA KRŠENJA
MEĐUNARODNOG PRAVA NA TERITORIJI BIVŠE JUGOSLAVIJE OD 1991**

IZJAVA SVEDOKA

PODACI O SVEDOKU:

Prezime: BATINIĆ

Ime: Miodrag, nadimak „Lola“

Ime oca:

Datum rođenja: 13.02.1957.

Nacionalnost: Srbin

Datum(i) razgovora: 26.03.2013., 08.04.2013., 14/16.02.2014.

Razgovor(e) vodili: Milenko Dunđer, Boris Zorko, Saša Lukić

Jezici korišćeni u toku razgovora: srpski

Potpis svedoka: _____

IZJAVA SVEDOKA

1. Zovem se Milorad Batinić, nadimak „Lola“, rođen sam 13.02.1957. godine, u Osijeku, Hrvatska. Srednju školu sam završio u Sarajevu, zatim Filizofski fakultet u Sarajevu. Diplomirao 1986. godine, na odseku za istoriju. U Sarajevu sam živio od 1965 godine, od osnovne škole, i za sve to vreme sam bio u Sarajevu.
2. Po diplomiranju, radio sam u osnovnoj školi u Hadžićima, gde sam predavao istoriju, a od 1987. godine radim u spomen parku – Vraca, zatim u muzeju na Igmanu, a rat me je zatekao na Vracama.
3. Tokom rata sam živio na mostarskom raskršću (Kovačevac), a roditelji su mi bili u delu grada pod kontrolom ABiH.
4. S početka aprila 1992. godine, su do nas dolazile informacije da su muslimani organizovali paravojne formacije Patriotsku ligu i Zelene beretke za koje sam kasnije čuo da su pre izbijanja rata radile u ilegali da bi se aktivirale s početkom 1992. godine. Možda bih kao njihovu prvu akciju mogao da označim ubistvo Starog svata na Bašćaršiji marta 1992. godine. Iz tog razloga smo počeli da organizujemo seoske straže kako ne bi doživeli sudbinu naših predaka koji su tokom Drugog svetskog rata odvođeni na klanje i streljanje. Dakle, seoske straže su imale samo jednu namenu, zaštita imovine i ljudi.
5. U naselju gde sam živio srpsko stanovništvo je bilo većinsko, ali preko ceste su živeli ljudi koji su bili muslimanske veroispovesti. Imali smo vrlo korektan dogovor i istog smo se svi pridržavali. Sa njima smo imali dogovor da noću niko ne ulazi u selo, niti oni kod nas niti mi kod njih, a po danu smo se družili i međusobno komunicirali. U to vreme haosa, preovladavao je osećaj neizvesnosti, straha, bespomoćnosti.
6. Svi smo smatrali da su ove seoske straže bile samo prelazno rešenje, a tenziju koja je rasla između sva tri naroda sam video kao neku trenutnu situaciju koja neće potrajati, jer smo imali poverenja u JNA i mislili smo da će ona kao jedina legalna vojska rešiti

nastalu situaciju. Iako je bilo napeto, tih dana sam kao i svi ostali redovno išao na posao. Međutim, kako se situacija u gradu sve više zaoštravala zavađene strane su prvo počele da postavljaju barikade po gradu, da bi potom muslimanske snage blokirale grad u potpunosti. Zbog tih barikada sam bio odsečen od mojih roditelja, s obzirom da su moji roditelji živeli u užem gradskom jezgru koji su kontrolisali muslimani i ja nisam imao pristup njima. Pokušavao sam da nađem način da dođem do svoji roditelja, pošto mi je majka bila nepokretna i veoma bolesna, a otac star čovek, bila im je neophodna moja pomoć. Iako sam na sve načine pokušao da dođem do njih to mi nije pošlo za rukom. To se sve dešava početkom maja 1992. godine.

7. Da je vrag odneo šalu videli smo krajem aprila početkom maja 1992. godine, kada je JNA krenula u povlačenje. Sa brda smo posmatrali povlačenje jedinica JNA koja je sa sobom izvlačila kompletnu opremu sa naoružanjem. Tada je već bilo jasno da je rat na pomolu. To je bilo jasno odmah nakon masakra u Dobrovoljačkoj ulici i masakra u Tuzli nad nenaoružanim i golobradim vojnicima JNA koji su se mirno povlačili iz Sarajeva i Tuzle. Koliko mi je poznato, napad na kolonu u Dobrovoljačkoj ulici, kao i u Tuzli izvršile su paravojna formacija Zelene beretke i paravojna formacija Patriotska liga.
8. Na samom početku sukoba još uvek je postojala mogućnost da pratimo vesti iz Sarajeva putem tv, a i telefoni su još uvek radili, tako da smo mogli da se čujemo sa delom grada koji je bio pod kontrolom muslimana. meni je to bilo bitno zato što su u tome delu grada pod kontrolom muslimana živeli moji roditelji. Majka mi je bila invalid u kolicima, a otac star iz zbog njihovog zdravstvenog stanja, kao i zbog pretnji koje su dobijali od muslimana pokušavao sam da ih izvučem iz grada. Oca su hteli da ubiju zato što je bio Srbin i bivši oficir JNA, čak su muslimani govorili da preko radio stanice navodi granate na grad, a od oca sam saznao da je bio i na listi za likvidaciju zato što je jednom intrvjuu u sarajevskom dnevnom listu Oslobođenje izjavio da zna za jamu u koju su bačeni ubijeni Srbi.
9. Imao sam par neuspešnih pokušaja da roditelje izvučem iz grada i tek nakon trećeg pokušaja, krajem juna 1992. godine, sam uspeo u toj nameri. Preko mog dobrog prijatelja koji je bio muslimanske veroispovesti, krajem juna sam uspeo da ih izvučem. Moj prijatelj musliman je tom prilikom rizikovao svoj život kako bi izvukao moje roditelje i na tome sam večno zahvalan. Od mesta gde su živeli, pa do linija razdvajanja prošli su mnogo muslimanskih punkntova. Na poslednjem muslimanskom punktu na liniji razdvajanja, preko dvogleda sam posmatrao i video da moju majku i oca vodi jedna žena

i video sam žučnu raspravu između mog prijatelja i muslimanskih vojnika koji su stajali na punktu, čak je bilo i potezanja oružija. Svađali su se zbog mojih roditelja, jer muslimanski vojnici nisu dozvoljavali da bilo ko izađe iz grada. Čitav grad su držali u blokadi.

10. Iz grada Sarajeva sam izvukao i svoju najbolju drugaricu. Izvukao sam je u vreme kada sam počeo da radim kao prevodilac za UN. Jedan dan sam, mislim da je to bilo 1993. godine, sam sa pripadnicima UN pokucao na njena vrata i rekao joj imaš 5 minuta da se spremiš. Bila je spremna za dva minuta. Seli smo u vozilo UN. Imali smo ludu sreću da nas nisu kontrolisali detaljno, pošto je ona bila sakrivena u zadnjem delu vozila, tako da smo uspešno prošli sve kontrole i uspeali smo da je izvedemo na srpsku stranu. Ispričala mi je da je na stotinu načina pokušavala da izađe iz Sarajeva. Pokušavala je preko opštinskih vlasti iz Sarajeva pod kontrolom ABiH i preko MKCK i UN, ali bez uspeha. Muslimani nisu dali, a međunarodne snage i organizacije nisu smele od muslimanskih valsti. I ovaj primer, kao i primer mojih roditelja jasno pokazuje da je grad bio u blokadi od strane muslimana i da muslimani nisu dozvoljavili da bilo ko izađe iz grada.
11. Nakon osnivanju VRS, juna meseca 1992. godine sam mobilisan u Igmanu brigadu koja je bila deo SRK. Moja četa, koja je bila sastavljena od pripadnika seoske straže iz mog sela, je držala liniju u mestu koje se zove Zeniku, prema mestu Kobiljača. Tada sam zajedno sa par mojih saboraca prvi put kopao rovove kako bi sebi napravili zaklone jer su tu bili samo šatori i nikakvi drugi zakloni nismo imali, a s obzirom da su stalno pucali po nama morali smo da nađemo način da se zaštitimo. Ostali nisu hteli da učestvuju u tom poslu jer nije imao ko da im naredi. Tu četvrti jekrasilo totalno odsustvo bilo kakve organizacije i discipline. Kakva je to jedinica bila govori i sledeći podatak. 28. Juna 1992. muslimanske snage su napale naše položaje. U toj razmeni vatre sa muslimanskim snagama mi se zaglavio mitraljez i više nisam imao čime da se brani. Nije bilo oružja. Tek sutradan ujutro sam uspio da izdejstvujem od komandira čete da me pusti do komande brigade kako bi mogao da odnesem moj mitraljez na popravku ili eventualno uzmem drugo oružje, ali srećom popravljam svoj mitraljez.
12. Dok sam čekao da mi poprave mitraljez i dok sam čekao šefa magacina da mi iz magacina da municiju naišao je transporter UN iz kojeg su izašla tri oficira i jedna žena prevodilac. U momentu kada su naišli kraj mene ja sam ih pozdravio na engleskom jeziku. To su zapamtili i članovi moje komande, pa su me pitali da li ja to govorim engleski jezik, na šta sam potvrdno odgovorio. Tada me je pozvao komandant genereal Blagota Kovačević i postavio me je za svog prevodioca. Istog dana UNPROFOR mi je tražio fotografiju i moje isprave da kako bi mogli da mi izvade karticu UN. Sutradan sam dobio

karticu UN i počinjem da radim kao prevodilac UN. tada sam još uvek nosio uniformu VRS i automatsku pušku (AP) i sa snagama UN se krećem po teritoriji RS i obilazimo linije odbrane VRS sa vojnim vozilima UN.

13. Obilazili smo linije odbrane VRS sa timom koji je se zvao UNMO 2. Taj tim koji je obilazio teren su činila dva do tri pripadnika snaga UNMO, a obilazili smo srpske odbranbene poožaje od Igmana, Zenika, pa sve do Ilidže.
14. Jednom prilikom, sećam se da je bila jesen, kada je Gen. Mladić došao u obilazak jedinice Igmanske brigade, kod pripadnika UNMO je došla vojna policija. Tada su su posmatrači bili u smešteni u komandi Igmanske brigade. Tu su bili prisutni vojni posmatrač iz Gane po činu kapetan i bio je jedan Slovak, Dušan Sabalčik, ppuk. po činu. Tom prilikom je u prostorije u kojoj su boravili pripadnici UNMO ušao i general Mladić. Ppuk. Dušan Sabalčik je odmah ustao kada je ušao general Mladić kako bi se pozdravio sa njim, dok je pripadnik UNMO iz Gane ostao da leži u krevetu. General Mladić je odmah zatražio osveženje za sve nas i od mene je tražio da prevodim razgovor sa oficirima UNMO. Generala Mladića je interesovalo odakle su posmatrači, da li imaju nekih problema, ako imaju da iste iznesu te da pokušaju zajednički da ga reše. Takođe, interesovalo ga je i kakvog su zdravlja, odnosi sa komandnim kadrom brigade itd.
15. Kad sam prestao da radim kao prevodilac u komandi Igmanske brigade i kada sam počeo da radim za posmatrače UN ulazio sam u grad Sarajevo. Na samom početku sam se kretao samo samo do zgrade PTT-a gde je bio smešten Glavni štab (GŠ) UN. Do te zgrade sam morao da prođem kroz jedan muslimanski kontrolni punkt.
16. Tokom 1993. godine ulazio sam i u sam grad Sarajevo i tada sam neposredno mogao da se uverim sa kojih mesta su pripadnici ABiH otvarali vatru i sa koje strane dolazi snajperska vatra. Do zgrade PTT gde je bio smešten GŠ UN, jedino je ABiH mogla pucati i to sa sa obe strane. Jedno vidno polje za gađanje na tu tačku su bile tačke pod kontrolom ABiH.
17. Poznato mi je da su mnogi civili ginuli od snajperske vatre, konkretno moj tetak je poginuo od snajperske vatre ABiH, zvao se Milovan MARKOVIĆ. Takođe, od snajperske vatre mi je ubijen i tetak Marinko VUJIĆ. Ubijen je na Dobrinji. U Nedžarićima je oko 250 Srba ubijeno, a ranjeno je oko 800 lica od snajperske vatre. Ali nisu Srbi samo ginuli od

sjaperske vatre već i od tromblona koji su se ispaljivali sa pušaka, kao i od granata koje su muslimani sipali po delovima grada pod kontrolom Srba.

ŠVERC PREKO UNPROFORA

18. Kao prevodilac i neko ko je radio za UN, bio sam svedok nelegalnog prebacivanja muslimanskih vojnika iz Sarajeva, preko srpske teritorije pa ponovo na teritoriju Sarajeva koji je bio pod kontrolom ABiH. To se desilo u avgustu 1992. godine, akciju su izveli francuski vojnici kada su transporterima UNPROFORA prebacili oko 250-270 vojnika ABiH koji su bili obučeni u uniforme, bez oružja, francuskih pripadnika UNPROFOR. sa delom kontigenta vojnika koji su bili u sastavu f, u uniformama, bez oružja, što je čak i snimljeno.
19. Takođe sam svedok događaja koji se odigrao u Bolnici u Blažuju, koja je bila organizovana u preduzeću Žica, a koja je za potrebe rata pretvorena u bolnicu. Bila je 1994. godine kada me je pozvao šef bolnice u Kasindolu, Dr. Pejić Milan, da na licu mesta sa posmatračima se uverimo o čemu se radi. Kada smo došli tamo, u podrumu preduzeća Žica su bile locirane boce za kiseonik. U prisustvu posmatrača su otvorene boce i na licu mesta smo se uverili da su boce za kiseonik bile pune baruta, a neke od boca su sadržale 203. upaljača za haubičke projekte. To znači da se u samom gradu pravilo oružje. Ne bi mogli ni da pretpostavimo ko je muslimanima doturio ove boce sa kiseonikom da davdesetak dana pre ovog događaja VRS, prilikom obavljanja kontrole na kontrolnom punktu „Siera 1“, nije konfiskovali boce sa kiseonikom od UNPROFOR-a koje su bile punjene barutom i upaljačima za haubice, a što je bilo namenjeno muslimanskoj vojsci.

MARKALE I

20. Na sastanku stranih posmatrača i komandanta Igmanske brigade Čojić Spasoja koji je održan oko 29. maja 1992. godine, a povodom događaja u ulici Vase Miskina u Sarajevu gde su u redu za hleb ispred pekare poginuli civili, ja sam učestvovao kao prevodilac. Na tom sastanku učesnici su došli do zaključka da su ljudi u koji su stajali u redu za hleb ranjeni minama usmerenog dejstva, tzv. MRUD-ovima, a ne od granta sa sprskih položaja. Do tog zaključak su došli nakon što su uzeli u obzir izveštaj patologa iz Koševske bolnice, prema kojem su ranjavanja prouzrokovana sa dve mine usmerenog dejstva, a što je ukazivalo na isceniran događaj. Čak je i sam general Mekenzi u svojoj knjizi o Sarajevu izrazio sumnju da su ljudi u redu za hleb u ulici Vase Miskina nastradali od granate koja je došla sa srpske strane.
21. Februara 1994. godine sam bio na Ilidži sa majorom Janom Pedersenom oficirom iz Danske i pripadnikom UNPROFOR-a. Major Jan Pedersen iz Danske je tražio hitan sastanaka sa generalom Galićem povodom informacije koju smo dobili o granatiranju pijace Markale. U tom momentu general Galić se nalazio na sastanku u u hotelu „Srbija“ na Ilidži, ali da će pukovnik Marko Lugonja umesto generala Galića održati sastanak sa nama.
22. Na sastanku je major Jan Pedersen izneo pukovniku Marku Lugonji da je na pijacu Markale pala granata, na šta je pukovnik Marko Lugonja rekao da srpska strana nema veze sa tim incidentom na Markalama. Pukovnik Marko Lugonja je rekao da ne veruje da je granata došla sa srpske strane i dodao je da Srbi nisu toliko glupi da urade ovako nešto dok traju pregovori o rešavanju krize u Bosni. U tom momentu Tv Sarajevo je puštala snimke sa Markala, pa nas je pukovnik Marko Lugonja pozvao da zajedno pogledamo izveštaj. Na TV snimku su se jasno, a na šta nam je ukazao pukovnik Marko Lugonja, videle plastične noge, piramide krompira koje usled detonacije nisu popadale sa tezge. Dalje je naveo da su muslimani poslednjih dana uopšte nisu sahranjivali svoje mrtve, te da su im mrtvačnice pune tijela. Potom je pukovnik Marko Lugonja postavio pitanje „Šta mislite, zašto?“ Na šta smo mi slegli ramenima, a onda je dodao: „Uhvatili smo veze ABiH, gdje jedan drugom kažu „donesi mi još ledenica“.“ Pukovnik Marko Lugonja je još dodao, da bi granata uopšte mogla biti ispaljena sa sprskih položaja i da bi mogla pasti na Markale, srpski položaji od Markala moraju biti udaljeni jedan kilometar, što nije bio slučaj, jer su najbliži srpski položaji bili udaljeni 3,5 km od same tačke udara.
23. Nakon događaja na „Markalama“, imao sam pucanje pankreasa zbog čega sam upućen na lečenje u Italiji, u Ankonu. Nakon toga, nagrađen sam od strane generala Jean Cot-a, a nagradu mi je uručio takođe visoki zvaničnik UN, general De La Presle zbog zasluga u saradnji sa UNPROFOR-om. O tome prilažem i fotografiju kao potvrdu (65ter #1D02000).

TALAČKA KRIZA

24. Sada bih objasnio neke događaje iz 1995. godine, prilikom tzv. hapšenja vojnih posmatrača, i tzv. uzimanja talaca. Ja sam bio sa vojnim posmatračima u timu „Sijera viski 1“, Olivier Novitzki je bio šef tima. Štab nam ja bio smešten na mostarskom raskršću u bivšoj kafani „Mediteran“. Tom prilikom je uhapšeno 3. ili 4. vojnih posmatrača, ako se to može nazvati zarobljavanjem ili hapšenjem s obzriom da ih je čuvao jedan stražar i samo je prvi dan nosio naoružanje dok je narednih dana sedeo sa njima i zajedno su jeli i pili. Stražar je svoje oružje držao u ćošku sobe i svako je imao pristup tom oružju. Ja sam bio zadužen da idem u nabavku hrane.
25. Tih dana sam se kretao sa Novitzkim prema Kiseljaku kada su nas presreli pripadnici kanadskog bataljona, u nameri da nas zaustave. Zaustavili su nas i rekli nam da imaju naređenje da zaustave sva vozila. Zaustavili su i Francuze legionare. Nakon toga su došla neka vozila srpske vojske sa kojima smo se preko Mrkovića prebacili na Pale. Kad smo došli na Pale blizu bolnice, otišli smo na Koran. Tada sam dobio informaciju da će svi biti oslobođeni, što je i učinjeno. Odatle su pripadnici UN imali dalji transport, pa smo morali tu da se rastanemo. Sa svim ljudima sa kojima sam radio u UN sam ostao u dobrim odnosima. Posebno bih želeo da istaknem da sam se sa Novitzkim ponovo video neke 1996. godine, te da smo ostali u dobrim odnosima. Slobodan sam da kažem da smo ostali dobri prijatelji.

POTVRDA SVEDOKA

Pročitao sam ovu izjavu od _____ strana i ona sadrži sve što sam rekao, po svom znanju i sećanju. Izjavu sam dao dobrovoljno i svestan sam da se može upotrebiti u sudskom postupku pred Međunarodnim sudom za krivično gonjenje osoba odgovornih za teška kršenja međunarodnog prava počinjena na teritoriji bivše Jugoslavije od 1991, kao i da mogu biti pozvan da javno svedočim pred Sudom.

Potpis:

Datum: _____

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-09-92-T

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

ANNEX B

BATINIĆ Miodrag			
Witness Statement to be admitted pursuant Rule 92ter			
Statement	Date	65ter Number	Closed Session/Under seal
Witness Statement of BATINIĆ Miodrag	26 March 2013, 8 April 2013, 14 February 2014, 16 February 2014	65 ter 1D07028	No
Associated Exhibits with the Defence seeks to tender pursuant to Rule 92ter			
Description	Paragraph Number/page in Statement	65ter Number	Doc ID (BCS/ENG)
Photo of BATINIC Lola Miodrag	23/7	RM 65ter 1D02000	1D08-0001