

**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: 20 May 2014

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DEFENSE MOTION PURSUANT TO RULE 92TER TO ADMIT THE WRITTEN
TESTIMONY OF ŽELJKA MALINOVIĆ**

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 92ter 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 92ter of the Rules of Procedure and Evidence are to be filed at least 30 days before the anticipated testimony of a given witness. Witness Željka Malinović is currently scheduled to testify the week starting 20 June 2014 and thus the Defense 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 92ter. 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, without any associated exhibits. At this time the Defense estimates that the evidence-in-chief of this witness will last up to 30 minutes.

3. The Defense 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 Malinović'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 92^{ter} will be fulfilled, and fairness to the Prosecution will be observed. The statement attached as Annex A is unsigned, due to the unforeseen natural disaster in the region, which has led to flooding and disruptions in travel and communications, which has prevented the witnesses from signing their statements. Signed copies will be provided to the Prosecution as soon as they are available.

8. The Defense submits that due to the nature of the Witness's testimony 30 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 Defense case.

9. Witness Malinović lived in Sarajevo until the outbreak of the war and was a medical technician in dispensary in Novi Grad, Sarajevo. She enlisted as a volunteer for the Army of Republika Srpska in 1992 and was assigned to the medical service of the Nedžarići Battalion.

10. Witness Malinović'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. Prior to the outbreak of the war in 1992 inter-ethnic tensions developed in Sarajevo between the Croats and the Muslims and the Serbian population.³
- b. Barricades were set up on major roads throughout Sarajevo by all ethnic groups. In March 1992 the barricades were manned by uniformed

³ Statement para. 3

members of the Muslim paramilitary groups known as the Patriotic League and the Green Berets who conducted ID searches of the Serbian civilians.⁴

- c. The conduct of the paramilitary members of the Patriotic League and the Green Berets was threatening and abusive towards Serbian civilians. They conducted searches of Serbian civilian apartments, arrested Serbian civilians and subjected detainees to physical mistreatment and interrogation. Serbian civilians were also killed by the paramilitary units.⁵
- d. The paramilitary forces used civilian buildings in Alipašino Polje to set up prisons and interrogations rooms.⁶
- e. The *Otoka* dispensary in the *Otoka* Health Centre was used by the paramilitary forces to fire at the *Viktor Bubanj* barracks where a JNA unit was deployed.⁷
- f. Muslim soldiers used sexual violence against Serbian women.⁸
- g. Civilian buildings in Vojiniko Polje, Mojmiło settlement, Dobrinja V and Stupsko Brdo were used by Muslim snipers to fire at civilians and cause casualties amongst Serbian civilians. Indiscriminate fire was also used to target Serbian civilian houses in Nedžarići.⁹
- h. Muslim soldiers targeted ambulances displaying the Red Cross insignia, injuring Serbian medical service members.¹⁰
- i. Nedžarići had no electricity or water through the war as supplies were cut off by Muslim forces.¹¹

⁴ Statement para. 4, 5

⁵ Statement para. 8, 9, 10, 11

⁶ Statement para. 9, 10

⁷ Statement para. 13

⁸ Statement para. 16

⁹ Statement para. 18

¹⁰ Statement para. 20, 22

¹¹ Statement para. 23

- j. All truces were violated by the Muslim forces in a planned manner by firing shots at the Serbian territory to provoke retaliation. This usually happened when there were journalists present.¹²

III. CONCLUSION

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

- a. Granting the Defense leave to call Željka Malinović as a witness pursuant to Rule 92ter.
- b. Granting the Defense leave to admit the proffered statement, (attached hereto as Annex A) under Rule 92ter.

Word Count: 1000

RESPECTFULLY SUBMITTED BY:



Branko Lukić
Lead Counsel for Ratko Mladić



Miodrag Stojanović
Co-Counsel for Ratko Mladić

¹² Statement para. 24

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ANNEX A

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

WITNESS STATEMENT

WITNESS INFORMATION:

Last name: MALINOVIĆ

First name: Željka

Father's name: Uroš

Date of birth: 23 March 1965

Ethnicity: Serbian

Interview Date(s): 14 May 2013, 25 December 2013 and 3 April 2014

Interview(s) conducted by: Milenko DUNĐER, Miodrag STOJANOVIĆ

Languages used in interview: Serbian

Signature of witness: _____

WITNESS STATEMENT

1. My name is Željka MALINOVIĆ, daughter of Uroš, née RAKANOVIĆ. I was born on 23 March 1965 in Sarajevo. I am married, my husband's name is Dragan. I have one daughter. I am a medical laboratory technician by occupation. I currently reside at Gavril Principa Street no. 10 in Bijeljina.
2. Until the outbreak of war conflicts in BH and the city of Sarajevo, I lived in Sarajevo at ZAVNOBIH Square no. 27a, apartment no. 4, with my father Uroš, mother Zora and younger brother Veljko.
3. With the inauguration of the multi-party political life in BH, the ethnic parties came into power, which caused the first inter-ethnic discord in Sarajevo. At their rallies held in Sarajevo and the surrounding area, the Muslims and the Croats tied in a knot their party and ethnic flags and justified, or rather celebrated, the struggle of the secessionist forces in Croatia. This presented an open front against the third ethnic group in BH, i.e. the Serbs, who began to feel fear and concern about the future life and coexistence in the territory of BH.
4. I remember that one morning in the early spring of 1992, barricades appeared on all major roads in Sarajevo and the surrounding area due to inter-ethnic tensions. In places where the Muslims were the majority, they were the ones who put up the barricades. In the parts of the city where the Serbs were the majority, they put up the barricades. The Croats put a couple of their barricades in places where they had the absolute majority, but that was a small part of the city (the Stup junction) and they were mostly on the barricades together with the Muslims. At some point in early March 1992 these barricades were partly removed from the roads, but groups of armed Muslim civilians remained present next to all major intersections. Some of them wore some strange camouflage uniforms and I learned from neighbours and friends that they were members of the Patriotic League and Green Berets. Both in daytime and at night, these armed persons checked the IDs of the civilians who were passing at night through the streets which they controlled. These checks were very unpleasant for us, the Sarajevo Serbs, as they were conducted by the Muslim paramilitary formations, in a provocative and threatening manner. For example, before the war they twice brought in my father as he was returning home from work, kept him in custody for three hours and questioned him, even though he was just an ordinary elderly citizen who suffered from epilepsy.
5. As for the Serbian barricades which I mentioned, the Serbs organised themselves and set them up after a member of a Serbian wedding party had been murdered in Baščaršija. As far as I remember, in some parts of Sarajevo there were also mixed patrols composed of the police, who were mainly Muslims, and the army (the JNA /Yugoslav People's Army/), who were Serbs. These mixed patrols patrolled jointly for a while, but when the Muslims

attacked an army convoy near Skenderija and killed the soldiers, the mixed patrols ceased to exist.

6. In April 1992, barricades were once again set up in the city, according to the same principle, i.e. a demarcation line was already being established between the parts of the city that were controlled by the Muslims and Croats and those controlled by the Serbs.
7. Up until 2 May 1992 I was employed as a medical laboratory technician at the Novi Grad – Otoka dispensary. This dispensary is located around three to four kilometres from the city centre. The medical personnel at the dispensary was ethnically mixed. However, as from the autumn of 1991, inter-ethnic relations among the employees were damaged to such a degree that the Muslims and Croats would go to have rest or hold meetings in an office located on the upper floor but would not allow us Serbs to enter this room. This put us in a subordinated position to them, and this harassment lasted until I left the dispensary.
8. As I already stated, it was only the paramilitary formations of the Patriotic League and the Green Berets that checked the citizens' movements in the city. The procedure itself, once they saw from the identity card that a person was a Serb, was cynical and very abusive, with frequent warnings: "Where are you Serbs heading, we'll bring you in line very quickly." In addition to mistreating and checking people in the streets, in certain parts of the city and buildings the members of these Muslim paramilitary formations made lists of apartments in which the Serbs lived and then searched these apartments, explaining that they were looking for hidden radio sets and weapons. I also know that they sometimes entered the Serbs' apartments by force. I can mention as an example the VUKOVIĆ family and the KULINA family. In the latter incident, Srećko KULINA was unlawfully brought into custody, i.e. unlawfully arrested, and he has not been found to this day.
9. In mid-April 1992, three armed members of the Green Berets searched our apartment at the above address. My whole family was in the apartment during the search. They totally ransacked everything in the apartment, and all this with the explanation that they were looking for hidden weapons. They were very rough with all of us during the search, they cursed our Serbian mother and threatened to kill us all. Even though we were in great fear, we had no one to ask for help as in this part of the city the members of the Patriotic League enjoyed full authority and power. In this way they also searched all other Serbs' apartments in the settlement, which I learned in conversation with my neighbours. The Serbs were in great fear and most were considering how they could get away for a while until this madness subsided, i.e. go and seek shelter in the parts of the city with a majority Serbian population. In addition to the searches and the checking of IDs, whether in the street or in the apartments, members of the Patriotic League and the Green Berets also began to forcefully arrest and bring in the Serbs. The arrested Serbs were subjected to questioning, accompanied by physical mistreatment and threats. Interrogations were usually

conducted in improvised areas of building hallways or business premises which the paramilitary forces selected for this purpose. They would sometimes keep the people there for several hours on end. All this that the Muslims were doing, the harassment and the unauthorised arrests accompanied with physical torture, aroused in the Sarajevo Serbs a great fear for their lives.

10. If a Serb complained to the members of the MUP /Ministry of the Interior/ in Sarajevo that the Muslim paramilitary formations subjected them to mistreatment and harassment, this person would not be given any protection, but on the contrary, after reporting such an incident, he or she would be harassed and mistreated even more, and often also labelled as a "sniper", regardless of whether such a person was a man or a woman of Serbian ethnicity. Thus characterised as a "sniper", such a person would be taken to one of the improvised prisons (store warehouses, basement rooms and other parts of buildings). There was such an illegal prison in my building too, set up by the Muslims. This illegal prison was located in the basement and the Muslims from Juka PRAZINA's unit ran it. The main man in the prison was a person from Sandžak, and the prison was used for unlawfully bringing in and mistreating Serbs, as I have already described. All the prisons I have mentioned were located in Alipašino Polje. That is where the initial questioning and mistreatment took place, and after that some people were also taken to the central prison. The Serbs hardly ever returned to their homes from prison. This is an example which shows the collusion between the legal MUP forces and the illegal paramilitary formations of the Patriotic League and the Green Berets. One could see that the MUP was making it possible for the Muslim paramilitaries to do whatever they wanted. There were instances of Muslims who held something against a Serb man or woman since before the war. The Muslim would report the Serbian person to the MUP as an alleged "sniper" and the Serbian man or woman would be taken to the local commune on the ZAVNOBIH Square, where the Muslim paramilitaries' headquarters was, and maltreated there.
11. In late April 1992, Slaviša KRAVLJAČA, a civilian, was brought in and mistreated in this way. Members of the Green Berets drove nails under his fingernails. My colleague Slobodan told me this, as he was the one who took the nails out of his fingers. After this maltreatment, they took Slaviša KRAVLJAČA into ZAVNOBIH Square and the Muslim women and men who gathered there stoned him. I was around 100 metres away and one of the women from the group came up to me and asked me why I did not stone him too. I realised from this question that Slaviša KRAVLJAČA was stoned.
12. Late at night on the same day, the Green Berets summoned all of us who were on duty into a room and began to question us about our ethnicity. When it was my turn to state my ethnicity, my colleague Sanja BILIĆ, who was a Croat, quickly reacted and said instead of me that I was a Croat, which probably saved my life at that moment. Simultaneously, in addition to the fact that my life had been saved, another thing happened. The Green Berets, having verified that there were no Serbs in the room, began firing at the *Viktor Bubanj*

barracks. They also cursed the Serbs, announcing that they would soon raze to the ground the Serbian settlement Nedžarići and sow wheat where the Serbs' houses now stood.

13. On 1 May 1992, I was on duty together with four or five colleagues, as part of the duty team at the *Otoka* dispensary. I want to clarify that around 10-15 members of the Green Berets were in the *Otoka* Health Centre practically every night and that they fired in the evening hours, during the night duty shift which lasted from 1900 hours to 0700 hours. The mere presence of the Green Berets in the dispensary caused me to feel fear and concern, as I was the only Serb there. All members of the Green Berets were armed with automatic rifles. During the afternoon and evening, the Green Berets would come down to the high ground floor of the dispensary and shoot bursts of fire towards the *Viktor Bubanj* barracks, where a JNA unit was deployed.
14. The firing from the dispensary building was in itself so horrible and loud that all of us employees were afraid, and when the unit from the barracks returned fire after it had been provoked, all our lives were in danger. I remember that a Muslim doctor reacted in this situation and requested from the Green Berets not to shoot at the JNA unit from the dispensary building, to which the Muslim soldiers replied that he should mind his own business and continued firing in the direction of the *Viktor Bubanj* barracks. This is an example showing how members of the Patriotic League and the Green Berets used medical facilities, i.e. buildings in Sarajevo, as their firing positions.
15. After my duty shift and the agony I had experienced, when I arrived at my apartment I decided not to return to work anymore, and on the same day, together with my mother, I left the part of the city that was under Muslim control and went to our relatives in Nedžarići. My father Uroš, who had a serious condition, being an epileptic, and my brother Veljko continued to live in the apartment. We all believed that this lawlessness and the Islamic extremism would soon be behind us, that the situation would calm down, the legal government organs would establish order and that we would all return to normal life. My brother remained with our father for another 15 days or so, as it was impossible for us all together to leave the apartment in Alipašino Polje. There were bars and Muslim guards at the entrance to the building, and after several attempts my brother managed to get to Nedžarići, whereas my father did not. He stayed in the apartment, and as he suffered from a serious condition, as I have described, he believed that it was better for him to stay where he was, but he was wrong about that, as I explain in the following paragraphs of my statement.
16. I know that during the war, a Muslim unit of brigade size, under the command of Juka PRAZINA, who had been a notorious criminal and convict before the war, controlled the part of the city in which I lived, i.e. the general area of Alipašino Polje. Juka PRAZINA's soldiers were mostly people from criminal circles, i.e. with a criminal past. When this is taken into account, namely that the Muslim authorities engaged people of this profile to settle accounts with

the Serbs, the result becomes clear – many Serbs from this part of the city were taken away and killed. I heard from the neighbours who remained in the Muslim-controlled part of the city how Muslim soldiers forced their way into apartments, robbed and expelled the Serbs, and if they entered an apartment in daytime, they would announce that they would come back when the night fell and that they would then particularly process the Serbian women, i.e. rape them. This is the reason why in the first days of the conflict all Serbian women and girls resolved to flee to the Serb-controlled territory where they would be safe. This resolve turned out to be justified, if we take into account the suffering that the Serbian women who remained in the Muslim-controlled part of the city had to go through. I know this because I remember one incident concerning a 17-year-old relative of my friend Gordana LALOVIĆ. The Muslims raped her and she became pregnant, so she tried to commit suicide by hanging herself. I saved her at the last moment together with my friend. This was not the only such case, and I know this because I welcomed many Serbian girls who were exchanged and who had been raped by the Muslim forces and only exchanged when they were seven or eight months pregnant, so that they could not have abortions.

17. The VRS /Army of Republika Srpska/ was established on 12 May 1992, and on 13 May 1992 it launched an offensive along the Alipašino Polje-Stup-Butmir-Nedžarići axis. The Serbs had many dead and wounded on their side, and I enlisted in the army as a volunteer and was assigned to the medical service of the Nedžarići Battalion. The head of the medical service was Novo BRATIĆ, a biologist by occupation, and I want to emphasise this in particular, that we had no doctors in the medical service, nor the basic conditions for providing medical assistance. For a short while we were stationed in the dormitory of the Nedžarići barracks and after that we moved to the living quarters of the Franciscan monastery, when the Franciscans, at their own initiative and in agreement with the Serbian authorities, left the monastery in Nedžarići. The Muslim forces were firing at the monastery and the Franciscans asked to move for security reasons. I remained in the medical service until 5 May 1993, i.e. until the moment when I married and moved to Bijeljina.
18. While I worked for the VRS medical service in the Nedžarići area, we had interventions every day, i.e. we had to take care of the injured and the dead on the Serbian side. Based on the records for one year, my medical team took care of more than 350 dead and wounded. The great majority of these dead and wounded were civilians from Nedžarići who had remained and lived in the settlement. Most of those I that I cared for had sustained injuries to their head or the upper part of their body, caused by the Muslim soldiers' sniper fire coming from the tall buildings in Vojničko Polje, from the Mojmiło settlement, students' halls of residence, Dobrinja V and Stupsko Brdo. Another type of injury was caused by the Muslim artillery's indiscriminate fire directed at Nedžarići. The residential buildings in Nedžarići were mostly one-storey houses, and as such were not resistant to Muslim artillery fire. Most of these civilian houses were razed to the ground and the civilians who were inside the

houses that were hit lost their lives in most cases. As for the Serbian civilians who were killed or hurt and whose last names I can remember, they were members of the KOVAČ, IVANOVIĆ, LALE and ŠUĆUR families.

19. The Serbian forces deployed at the Nedžarići part of the front were in a more disadvantageous position than the Muslim forces. On the Muslim side there were multi-storey buildings, from which they had a grandstand view of the Serbian part of Nedžarići and could target both civilians and soldiers without any hindrance, like clay pigeons, which caused numerous casualties on the Serbian side. We did not move around much during the day and so all activities of both soldiers and civilians mostly took place during the night, but they fired at us then too, which indicated that the Muslims also had the equipment for night firing.
20. As I have mentioned examples showing how the Muslims violated the customs of war, i.e. targeted civilians, I also need to note that at this section of the front the Muslim forces fired shots at our ambulance, which had the regular Red Cross insignia, whenever they had an opportunity to do so. In one year of work at the front, eight out of the 11 medical service members were wounded during interventions and extraction of the wounded.
21. With regard to the wounded members of the medical service, I wish to mention my colleague Gordana LALOVIĆ who was hit by a bullet in her lungs, and if I had not been there and administered first aid to her, she would have passed away. Other members of the medical service who were wounded are Novo BRATIĆ, ambulance driver ŠEKARA, Ljiljana RADOVANOVIĆ and Slavica SAMARDŽIJA, and these were all my colleagues. The ambulance was always properly marked, and we, the medical service staff, wore conspicuous white coats with Red Cross insignia. When transporting the wounded from Nedžarići, we moved through Kasindolska Street, and then through Ilidža along the road to Blažuj, where the *Žica* /Wire/ hospital was located. When we had cases of serious wounding, i.e. when the wounded person's life was in danger, we had to ask UNPROFOR for permission to cross the airport runway and head for the Kasindol hospital.
22. Whenever we were transporting the wounded, the Muslim soldiers fired at us. At some point in mid-June 1992, I was escorting an injured VRS soldier on the route across the Sarajevo airport runway. The Muslim soldiers fired at our vehicle, hit it with several bullets and also hit the wounded man, who succumbed to his wounds. Members of UNPROFOR noticed the incident, quickly engaged their armoured vehicles, and protected our ambulance which had already been hit, thus preventing an even greater tragedy, i.e. the death of the rest of us who were in the vehicle. Now that I am talking about this incident, in which the Muslims fired at an ambulance driving across the airport, I want to point out that this happened as a rule, but we had to take this route because the seriously wounded persons could only be saved if we quickly arrived at the Kasindol hospital.

23. My unit's position in Nedžarići was totally disadvantageous as compared to the enemy's position. We were almost completely encircled by the Muslim forces. The only travel rout we had at our disposal was the Kasindolska Street – Ilidža road. It was only possible to move along this road at night, as it was exposed to direct fire from the Muslim forces. Throughout the war, Nedžarići, which were controlled by the Serbs, had no electricity or water. The Muslims had cut off the supply, as the supply lines passed through their territory. This means that the inhabitants of Nedžarići lived in inadequate conditions throughout the war, and they were the only victims of this humanitarian disaster.
24. I state categorically that the Muslim side violated all truces in a planned manner. In the media, the Muslim side attributed these violations to the Serbian side. When I say in a planned manner, I mean that they would always fire shots to provoke our side, so that it would return fire. This mostly happened when international forces or foreign journalists were present on the line. Whenever they attacked, this would be reported in the media as a Serbian attack. With regard to the Muslims violating truces, the most striking instance of this which I remember was an incident in which I was the potential victim. On 21 March 1993, a sniper fired at me from Vojničko Polje and the bullet passed next to my ear. This was around 1300 hours, I was wearing a white coat, and I believe I just happened to move my head, which saved my life.
25. As I said, I learned from my fellow-fighters and persons who had crossed over to our side that Juka PRAZINA's Muslim brigade was deployed on the positions facing us, and that it was assisted by parts of a special unit called *Laste* /the Swallows/, commanded by Dragan VIKIĆ whose soldiers were trained sharpshooters. This was all at the beginning of the war and these were the specials, and that was when we heard the name of this special unit, *Laste*.
26. During the exchanges, at the section of the front where my unit was deployed, I talked with the Sarajevo Serbs who had been exchanged, hoping I would learn something about my father. All the Serbs who came to our territory by exchange painted the same general picture and they were all starved and that members of the Muslim formations had physically abused them. They all had unpleasant experience from the Muslim prisons, but they were happy to have been exchanged alive. I note the examples of the VELJOVIĆ family (husband and wife who were imprisoned at the *Viktor Bubanj* barracks and had been taken from an apartment in Vojničko Polje), Goran KNEŽEVIĆ and his mother Nevenka (who were taken from Buća Potok and Goran was imprisoned at the central prison), and my father's colleague ŠKOBO who was also imprisoned at the *Viktor Bubanj* barracks. It is generally known that after each attack of the Muslim units on the Serbian positions, the warring parties organised an exchange of the dead once the combat operations had died down. The Serbs delivered the bodies of the Muslim soldiers who had been killed, and, in exchange, they usually received from the Muslims the bodies of Serbian civilians whom the Muslims had killed in the numerous prisons in Sarajevo that were under their control.

27. According to our neighbours, on 31 May 1992 the Green Berets arrested my father Uroš, who had a serious condition, i.e. epilepsy, and took him, like most Serbs from that part of the settlement, to an improvised prison set up on the premises of the local commune on ZAVNOBIH Square. There they questioned him and abused him physically, i.e. beat him, for three hours just because he was a Serb. I specify that on 13 May 1992 he was questioned on the premises of the local commune which this Muslim unit also used as its headquarters. On 2 June 1992, armed Muslim soldiers once again arrested my father Uroš in his apartment and took him, tied, to the improvised Muslim prison located on the premises of the *Belje* butcher's shop on ZAVNOBIH Square. My father, a civilian, was beaten, or rather savagely beaten up there by Muslim soldiers who were under the command of Juka PRAZINA. They beat him with wooden bats, so savagely that during the "questioning" they broke most of his ribs and both his legs. On the following day, the Muslim soldiers brought my father, beaten up like this, to the frontline, i.e. the demarcation line, and forced him to call loudly to me and my brother Veljko and tell us to surrender. Most of my fellow-fighters who were on the line at the time saw and heard this vile scene, but they did not want to tell us about it immediately. We only heard about the torture to which my father was subjected on the demarcation line later on, from Slaviša VUJIČIĆ who was on the frontline at the time.
28. After maltreating and tormenting my father on the frontline like this, the Muslim soldiers escorted him to the central prison in Sarajevo, where he was beaten, and then transferred him to the *Viktor Bubanj* prison where he died on 11 November 1992.
29. My father Uroš was a civilian, a Serb, an inhabitant of Sarajevo, and seriously ill with epilepsy, which is the reason why he had never served the army. He trusted his Muslim neighbours, but they tortured and killed him in an atrocious manner just because he was of a different religion and ethnicity.
30. I learned all the facts about my father's torments in the Muslim prisons from my Serbian fellow-townsmen and neighbours who were imprisoned at the same time as my father, including our *kum* /close family friend/ Goran KNEŽEVIĆ, who was imprisoned at the *Viktor Bubanj* prison together with my father. My *kum* and other Serbs who had been imprisoned told me that the well-known goons at *Viktor Bubanj* included Almedin BRZIKA, the ŠKORO brothers, etc.
31. My unit, in which I had my wartime assignment, only conducted defensive combat operations, striving in this way to protect all the civilians in its rear. The Muslim forces were constantly provoking us, firing, and striving, by offensive combat operations, to take control of the part of the territory which we were guarding. I remember two vicious attacks which the Muslims launched against our positions on 15 May 1992 and 2 June 1992. In these attacks, the Muslim forces had the support of their artillery and tanks. The fighting was so fierce that the Serbian soldiers, making superhuman efforts,

put up a stiff resistance to the Muslim forces, and hand-to-hand fighting ensued. So many Serbian soldiers were injured and killed in these battles that we provided for them by evacuating them from the frontline in trucks, as we could not fit them all into ambulances. All of this indicates who was attacking and who was defending oneself on the Sarajevo frontlines.

32. I searched for the truth about my father's fate for 15 years, and on 28 September 2006, the Commission for Identification of the Dead identified his remains on the basis of the DNA analysis of the mortal remains excavated at the *Lav* cemetery in Sarajevo. During the post-mortem examination it was established that all my father's ribs, both arms and both legs were broken and that the lower jaw was missing from the body.
33. For the needs of the proceedings before ICTY, I have already submitted a certificate from the ICRC, the DNA Report, the Identification Report, the Report on the Handover of the Body and a copy of the death certificate.

WITNESS ACKNOWLEDGEMENT

I have read this Statement consisting of _____ pages and it contains everything I have said and is true to the best of my knowledge and recollection. I have given this statement voluntarily and am aware that it may be used in legal proceedings before the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991, and that I may be called to give evidence in public 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: MALINOVIĆ

Ime: Željka

Ime oca: Uroš

Datum rođenja: 23.03.1965.

Nacionalnost: srpska

Datum(i) razgovora: 14.05.2013., 25.12.2013. i 03.04.2014.

Razgovor (e) vodili: Milenko Dunder, Miodrag Stojanović

Jezici korišćeni u toku razgovora: srpski

Potpis svedoka: _____

IZJAVA SVEDOKA

1. Zovem se Malinović Željka, kći Uroša, devojčko prezime Rakanović, rođena 23.03.1965. godine, u Sarajevu, udata, suprug Dragan, majka jednog ženskog djeteta, po zanimanju medicinski laborant, trenutno nastanjena u ul. Gavрила Principa br. 10, Bijeljina.
2. Do početka izbijanja ratnih sukoba na prostoru BiH, odnosno, grada Sarajeva, sa ocem Urošem, majkom Zorom, i mlađim bratom Veljkom, živjela sam u Sarajevu, na adresi Trg ZAVNOBIH-a br. 27a, stan br. 4.
3. Uspostavljanjem višestranačkog političkog života, na prostorima BiH, vlast preuzimaju nacionalne stranke, što dovodi do prvih međunacionalnih nesuglasica u gradu Sarajevu. Na mitinzima Muslimana i Hrvata u gradu Sarajevu i okolini, svoje stranačke i nacionalne zastave vežu u čvor i opravdavaju, odnosno veličaju borbu secesionističkih snaga u Hrvatskoj, što dovodi do otvorenog fronta prema trećem narodu u BiH, odnosno Srbima, kod kojih se razvija strah i zebnja za dalji život i suživot na prostorima BiH.
4. Sjećam se, da su u rano proljeće 1992. godine, u gradu Sarajevu i okolini, usled međunacionalnih tenzija, jedno jutro osvanule barikade, na svim važnijim saobraćajnicama. Tamo gdje su Muslimani bili većina, oni su postavljali barikade. U dijelovima grada gdje su Srbi bili većina, oni su postavljali barikade. Hrvati, gdje su imali apsolutnu većinu, a to je bio manji dio grada (Stupska petlja), postavili su svojih par barikada, ali su uglavnom bili na barikadama zajedno sa Muslimanima. Ove barikade su negdje početkom trećeg mjeseca 1992. godine, djelimično sklonjene sa puta, ali su pored svih važnijih raskršća bile i ostale grupe naoružanih civila muslimanske nacionalnosti, jedan dio njih je imao neke čudne maskirne uniforme, a od komšija i prijatelja sam saznala da su to pripadnici „Patriotske lige“ i „Zelenih beretki“. Ovi naoružani ljudi su danju i noću legitimisali civile koji su noću prolazili ulicama, koje su oni kontrolisali. Kontrole su bile vrlo neprijatne za nas Srbe u Sarajevu, jer su ih vršile muslimanske paravojne formacije, na provokativna i preteći način. Na primer, mog oca su prije rata, privodili dva puta, u povratku sa posla, zadržavali tri sata i ispitivali, iako je on bio samo običan stariji građanin, koji je bolovao od epilepsije.
5. Kada sam spomenula srpske barikade koje se uspostavljaju, one su bile posljedica samoorganizovanja srpskog stanovništava, a poslije ubistva srpskog svata na Baščaršiji. Po mom sjećanju, u nekim dijelovima grada Sarajeva su bile i mješovite patrole koje su bile sastavljene od policije koju su uglavnom činila lica muslimanske nacionalnosti, i od vojske (JNA) koju činili Srbi. Ove mješovite patrole su jedno vrijeme zajedno patrolirale, a kada je napadnuta vojna kolona kod Skenderije, gdje su Muslimani izvršili napad i pobili vojnike, tada su te mješovite kontrole prestale da postoje.

6. U četvrtom mjesecu 1992. godine, ponovo se postavljaju barikade u gradu, po istom principu, odnosno već se uspostavlja linija razgraničenja između dijelova grada, koji su pod kontrolom Muslimana i Hrvata, i dijelova grada koji su pod kontrolom Srba.
7. Do 02.05.1992. godine, ja sam bila zaposlena kao medicinski laborant u dispanzeru Novi Grad – Otoka. Ovaj dispanzer o kome govorim, je udaljen 3-4 km od samog centra grada. Radno medicinsko osoblje dispanzera je bilo nacionalno mješovito, međutim, već od jeseni 1991. godine, međunacionalni odnosi u kolektivu, su do te mjere narušeni, da su Muslimani i Hrvati odlazili na odmor i sastanke u kancelariju na gornjem spratu, a da nama Srbima nisu dozvoljavali ulazak u tu prostoriju, što nas je dovodilo u potčinjeni položaj u odnosu na njih, i ovo šikaniranje je trajalo sve do mog napuštanja dispanzera.
8. Kao što sam već izjavila, kretanje građana u gradu su isključivo kontrolisale paravojne formacije „Patriotske lige“ i „Zelenih beretki“. Sami postupak kontrole, pošto bih iz lične karte vidjeli da se radi o Srbinu, ili Srпкиnji, bio je ciničan i pun omalovažavanja, uz česte prozivke: „gde ste vi Srbi krenuli, vrlo brzo ćemo vas dovesti u red...?“. Pored maltretiranja i kontrolisanja po ulici, pripadnici ovih muslimanskih paravojnih formacija, po dijelovima grada, odnosno po zgradama, su pravile spiskove stanova u kojima žive Srbi, i iste pretresali uz obrazloženje da traže skrivene radio-stanice i oružje. Takođe mi je poznato, da su se dešavali upadi u srpske stanove, i mogu da navedem slučaj porodice VUKOVIĆ, kao islučaj porodice KULINA, gdje je bespravno pritvoren KULIN Srećko, tj. bespravno lišen slobode, i do dan danas nije pronađen.
9. Naš stan na pomenutoj adresi, sredinom aprila 1992. godine, su pretresla tri naoružana pripadnika „zelenih beretki“. Prilikom pretresa, cijela moja porodica je bila u stanu. Izvršili su totalnu premetačinu svih stvari u stanu, a sve uz obrazloženje da traže skriveno oružje. Prilikom pretresa bili su vrlo grubi prema svima nama, psovali su na spsku majku, i pretili da će nas sve pobiti. Mi, iako smo bili u velikom strahu, nismo imali kome da se obratimo za pomoć, jer su u ovom dijelu grada ti pripadnici „Patriotske lige“ imali punu vlast i moć. Na ovaj način su vršili pretrese i svih ostalih srpskih stanova u naselju, što sam saznala iz razgovora sa mojim komšijama. Srbi su bili u velikom strahu, i većina je razmišljala kako da se skloni sa ovih prostora na neko vrijeme, dok se ovo ludilo ne smiri, odnosno otići i potražiti spas u dijelovima grada gdje su Srbi u većini. Uz ove pretrese i legitimisanja, bilo to na ulici ili u stanovima, dolazi do nasilnog privođenja i odvođenja građana srpske nacionalnosti, od strane pripadnika „Patriotske lige“ i „Zelenih beretki“. Privedeni Srbi bivaju podvrgnuti ispitivanjima, uz fizička maltretiranja i pretnje. Ispitivanja se obično vrše, u improvizovanim dijelovima haustora i nekih lokala, određenih za tu namjenu od strane ovih paravojnih formacija. Zadržavanja bivaju i po više sati. Sva ova maltretiranja, neovlašćena privođenja uz fizičku torturu od strane Muslimana, kod građana srpske nacionalnosti u gradu Sarajevu izazivaju veliki strah za život.
10. Ako bi se neko od Srba, žalio pripadnicima MUP-a u Sarajevu, na maltretiranje i šikaniranje, od strane paravojnih formacija Muslimana, ne bi dobio nikakvu zaštitu, već naprotiv, poslije prijave, taj bi bio još više šikaniran i maltretiran, a često i etiketiran kao „snajperista“, bilo da se radi o muškoj ili ženskoj osobi srpske nacionalnosti. Tako prikazan kao „snajperista“, bio bi odveden u neki od

improvizovanih zatvora (magacini prodavnica, podrumski prostori, kao i druge prostorije u okviru zgrada). Takav ilegalan zatvor je bio i u mojoj zgradi, formiran od strane Muslimana. Ovaj ilegalni zatvor je bio u podrumu moje zgrade, i taj zatvor su takođe držali Muslimani iz jedinice Juke PRAZINE. Glavni u tom zatvoru je bio jedan Sandžaklija, gdje su bili, kako sam već rekla, bespravno privođeni i maltretirani Srbi. Svi ti zatvori koje sam maloprije pomenula, su bili na Alipašinom polju, gdje su se prva ispitivanja i maltretiranja sprovodila tu, a poslije, su neki odvođeni u centrali zatvor. Iz zatvora Srbi se gotovo nikad nisu vraćali svojim kućama. Ovo je primer koji pokazuje spregu između legalnih snaga MUP-a i ilegalnih paravojnih formacija „Patriotske lige“ i „Zelenih beretki“. Moglo se vidjeti, da MUP omogućava muslimanskim paravojkama, da rade šta hoće. Bilo je primjera, da ukoliko bi se Srbin ili Srpkinja zamjerili nekom od Muslimana prije rata, taj Musliman ili Muslimanka, bi tu srpsku osobu prijavila MUP-u, kao navodnog „snajperistu“, i taj Srbin ili Srpkinja, bi bili odvedeni i maltretirani u mjesnu zajednicu, Trg ZAVNOBIH, gdje su muslimanske paravojske imale svoj štab.

11. Krajem aprila 1992. godine, Slaviša KRAVLJAČA, civil, je na taj način bio priveden i maltretiran, pri čemu su mu pripadnici „Zelenih beretki“ zabijali eksere pod nokte na rukama. To mi je rekao moj kolega Slobodan, jer je on lično njemu vadio te eksere. Nakon ovog maltretiranja, su Slavišu KRAVLJAČU izveli na Trg ZAVNOBIH, kojom prilikom su ga okupljene žene i muškarci muslimanske nacionalnosti kamenovali. Ja sam bila udaljena 100-nak metara od tog događaja, i jedna žena iz te skupine, mi je prišla i pitala me, zašto ga i ja ne kamenujem? Ja sam iz tog pitanja shvatila da su Slavišu KRAVLJAČU kamenovali.
12. Istog dana, negdje u kasnim noćnim satima, pripadnici „Zelenih beretki“ su sve nas, koji smo dežurali, pozvali u jednu prostoriju, i počeli nas ispitivati koje smo nacionalnosti. Kad je došao red na mene da se izjasnim, koje sam nacionalnosti, brzo je reagovala moja kolegica sa posla, inače Hrvatica, Sanja BILIĆ, i umjesto mene, rekla da sam ja Hrvatica, što mi je vjerovatno, u tom momentu, spasilo život. Istovremeno, osim što mi je bio spasen život, a „Zelene beretke“ se uvjerile da su prostoriji nema Srba, otpočele su vatru prema kasarni „Viktor Bubanj“. Takođe su tom prilikom psovali Srbe, i najavili da će uskoro srušiti sa zemljom srpsko naselje Nedžarići, i tamo umjesto srpskih kuća, posejati pšenicu.
13. Dana 01.05.1992. godine, u okviru dežurnog tima dispanzera Otoka, ja sam dežurala zajedno sa još 4-5 kolega sa posla. Pojašavam, da su pripadnici „Zelenih beretki“, faktički svaku noć bili u Domu Zdravlja Otoka, kojih je bilo 10-15, i da su oni otvarali vatru u večernjim satima, kada je bilo noćno dežurstvo, koje je trajalo između 19 časova uveče i 7 ujutru. Samo prisustvo pripadnika „Zelenih beretki“, u dispanzeru kod mene, kao jedine Srpkinje, je izazivalo strah i zebnju. Svi pripadnici „Zelenih beretki“ su bili naoružani automatskim puškama. U tim popodnevnim-večernjim satima, pripadnici „Zelenih beretki“ su silazili u visoko prizemlje dispanzera, i kroz prozorske otvore otvarali rafalnu paljbu u pravcu kasarne „Viktor Bubanj“ gdje je bila razmještena jedinica JNA.
14. Samo otvaranje vatre iz zgrade dispanzera, je bilo toliko strašno i bučno, da smo svi, mi uposleni, bili u strahu, a kad je jedinica iz kasarne uzvratila na provokacije, svima nama životi su bili ugroženi. Sjećam se da je ovom prilikom reagovao jedan doktor muslimanske nacionalnosti, odnosno tražio od pripadnika „Zelenih beretki“ da ne

pucaju iz objekta dispanzera na jedinicu JNA, na šta su mu muslimanski vojnici odgovorili da gleda svoja posla, i nastavili su i dalje da otvaraju vatru u pravcu kasarne „Viktor Bubanj“. Ovo je jedan primjer, kako su pripadnici „Patriotske lige“ i „Zelenih beretki“ koristili medicinske objekte, odnosno zgrade u Sarajevu, kao svoje vatrene položaje.

15. Poslije dežurstva, i torture koju sam preživjela, ja po dolasku u stan, odlučujem da se više ne vraćam na posao, i istog dana, zajedno sa majkom napuštam dio grada pod kontrolom Muslimana, te odlazim kod familije u Nedžariće. U stanu ostaje da živi otac Uroš, inače teško bolesnik – epileptičar, i brat Veljko. Svi smo vjerovali, da će ovo bezakonje i ovaj islamski ekstremizam brzo biti prevaziđen, da će se stanje smiriti, da će legani organi vlasti uspostaviti red, i da ćemo se svi vratiti normalnom životu. Moj brat, ostaje još 15-tak dana sa ocem, jer je bilo nemoguće da svi zajedno napustimo stan, na Alipašinom polju, jer su na ulazu u zgradu bile rešetke, i gdje je bila muslimanska straža, i moj brat, poslije više pokušaja, uspijeva da se prebaci u Nedžariće, a otac ne uspijeva, i ostaje u stanu, i pošto je bio težak bolesnik, kako sam opisala, on je smatrao da je bolje da ostane tu gdje jeste, ali je u tome pogrešio, što sam objasnila u narednim paragrafima moje izjave.
16. Poznato mi je, da dio grada gdje sam živjela, odnosno širi rejon Alipašinog polja, u ratno vrijeme kontroliše muslimanska jedinica ranga brigade, pod komandom Juke PRAZINE, poznatog predratnog kriminalca i robijaša. Vojnici Juke PRAZINE, su mahom bili ljudi iz kriminogenog miljea, odnosno kriminogene prošlosti. Kad se voo uzme u obzir, odnosno da su muslimanske vlasti angažovale ovakve profile da se obračunavaju sa građanima srpske nacionalnosti, onda je jasno da je rezultat veliki broj odvedenih i pobijenih Srba iz ovog dijela grada. Od komšija, koji su ostali u dijelu grada pod kontrolom Muslimana, čula sam da su muslimanski vojnici upadali u stanove, vršili pljačku i progon Srba, a ako bi upad bio po danu, najavljivali bi da će doći kad padne noć, te će tada posebno obrađivati žene srпкиnje, odnosno da će ih silovati. Ovo je razlog što su u prvim danima sukoba, sve žene i djevojke srpske nacionanosti, težile da pobjegnu na teritoriju pod kontrolom Srba, gdje bi bile sigurne. Ova težnja se pokazala opravdanom, kada imamo u vidu kako su, odnosno, kroz kakvu torturu su prošle žene srпкиnje koje su ostale u dijelu grada pod muslimanskom kontrolom. Ovo mi je poznato, jer se sjećam jednog slučaja, gdje je moja prijateljica, LALOVIĆ Gordana, imala rodicu od 17 godina, koju su Muslimani silovali, te je ostala trudna, i pokušala je da se ubije, na taj način što bi se objesila, i ja sam zajedno sa mojom prijateljicom, u posljednjem momentu je spasila. Ovo nije bio jedini slučaj, a znam i to zbog toga, što sam dočekala mnoge djevojke srпкиnje koje su razmjenjene, a koje su bile silovane od strane Muslimanskih snaga, i razmjenjene tek kada su bile u 7 ili 8 mjesecu trudnoće, kako ne bi bile u mogućnosti da abortiraju.
17. Po formiranju VRS, 12.05.1992. godine, a pošto 13.05.1992. godine, otpočinju ofanzivu na pravcu Alipašinog polja-Stup-Butmir-Nedžarići, prilikom čega dolazi do većeg broja poginulih i ranjenih na strani Srba, ja se dobrovoljno javljam u vojsku, i bivam raspoređena u sanitet bataljona Nedžarići. Šef saniteta je bio Novo BRATIĆ, koji je bio biolog po zanimanju, i to hoću posebno da istaknem, da nismo imali ljekara u sanitetu, niti smo imali osnovne uslove za pružanje medicinske pomoći. U jednom kratkom periodu, smo bili u spavaoni kasarne u Nedžarićima, a poslije toga smo se preselili u dnevni boravak franjevačkog samostana, kada su franjevci samoinicijativno i u dogovru sa srpskim vlastima, napustili samostan u Nedžarićima, jer su

muslimanske snage djelovale po samostanu, i franjevci, su zbog bezbjednosti, tražili da se premjeste. U sanitetu ostajem sve do 05.05.1993. godine, odnosno do momenta moje udaje, i preseljenja u Bijeljinu.

18. Radeći u sanitetu VRS, na prostoru Nedžarića, svakodnevno smo imali intervenciju, odnosno zbrinjavanje povređenih ili poginulih na strani Srba. Na osnovu evidencije za godinu dana, moja medicinska ekipa je zbrinula nešto više, od 350 što poginulih, što ranjenih. Velika većina ovih poginulih ili ranjenih su bili civili iz Nedžarića, koji su ostali da žive u Nedžarićima. Većina nastradalih koje sam imala priliku da zbrinem, su imali povrede glave, i gornjeg dela tijela, nastale usled snajperske vatre muslimanskih vojnika sa visokih zgrada u Vojničkom polju, iz naselja Mojnilo, studentskih domova, Dobrinje V, Stupskog brda. Druga vrsta povreda, je nastala uslijed neselektivnog dejstva muslimanske artiljerije po Nedžarićima. Stambene kuće u Nedžarićima, uglavnom su bile jednospratnice, i kao tavke, nisu bile otporne na dejstva muslimanske artiljerije, veliki dio tih civilnih kuća je bio srušen sa zemljom, a civili u pogođenim kućama, su u većini slučajeva smrtno stradali. Kada je riječ o poginulim ili stradalim srpskim civilima, to su civili iz porodica KOVAČ, IVANOVIĆ, LALE, ŠUČUR, koliko se njihovih prezimena mogu poimenično sjetiti.
19. Srpske snage na dijelu bojišta u Nedžarićima, su bile u podređenom položaju u odnosu na muslimanske snage, odnosno, na muslimanskoj strani su bile raspoređene višespratnice, odakle su srpski dio Nedžarića, imali kao na dlanu, te nesmetano gađali civile i vojnike kao glinene golubove, što je i dovelo do velikih žrtava na strani Srba. Mi se nismo mogli kretati danju, te su se sve aktivnosti, kako vojnika, tako i civila, odvijale uglavnom noću, ali smo i tada bili gađani, što je ukazivalo da Muslimani imaju i opremu za noćno gađanje.
20. Kao što sam gore navjela primjere, kako Muslimani krše običaje ratovanja, odnosno gađaju civile, potrebno je i naglasiti, da su muslimanske snage, na ovom dijelu ratišta uvijek, podvlačim uvijek, kada su bile u prilici, gađali naše sanitetsko vozilo, koje je imalo propisane oznake Crvenog krsta. Prilikom intervencija i spasavanja ranjenih, od nas 11 članova saniteta, biva ranjeno 8 članova za godinu dana rada na liniji fronta.
21. Kada pričam o ranjenim pripadnicima saniteta, želim da pomenem moju koleginicu LALOVIĆ Gordanu, koja je bila pogođena metkom u pluća, i da nije bilo mene da joj pružim prvu pomoć, ona bi izdahnula. Ostali članovi saniteta koji su ranjeni su Novo BRATIĆ, vozač sanitetskog vozila ŠEKARA, Ljiljana RADOVANOVIĆ i SAMARDŽIJA, Slavica, a to su sve moje kolege. Sanitetsko vozilo je uvijek bilo propisno obilježeno, a mi koji smo bili u sanitetu smo imali vidljive bijele mantile sa oznakama Crvenog krsta. Sa ranjenicima koje smo prevozili iz Nedžarića, smo se kretali kroz Kasindolsku ulicu, kroz Ilidžu putem prema Blažuju, gdje je bolnica „Žica“. Teži slučajevi ranjavanja, odnosno kada je postojala opasnost po život ranjenih, su bili slučajevi kada bi morali da tražimo dozvolu od UNPROFOR za prelaz preko aerodromske piste, za bolnicu u Kasindol.
22. Svaki put kada smo prevozili ranjene, bivamo gađani od strane muslimanskih vojnika. Negdje polovinom juna 1992. godine, prilikom transporta povrijeđenog vojnika VRS, preko piste aerodroma Sarajevo, u pratnji povrijeđenog sam išla lično ja. Muslimanski vojnici su otvorili vatru na naše vozilo, pogodili sanitetsko vozilo sa više metaka, i

tom prilikom, pogađaju i ranjenika, te ranjenik podliježe ranama. Ovaj incident su uočili pripadnici UNPRPOFOR, te brzim anagžovanjem svojih okolopnih vozila, zaštićuju naše sanitetsko vozilo, koje je već bilo pogođeno, i tako sprečavaju da dođe do veće tragedije, odnosno pogibije i nas ostalih u vozilu. Kada pričam o ovom događaju gdje su Muslimani otvorili vatru na sanitetsko vozilo koje je išlo preko aerodroma, to se dešavalo po pravilu, ali smo mi morali da idemo tim putem, jer jedino brzim dolaskim u bolnicu u Kasindol, ti teški ranjenici su mogli biti spašeni.

23. Položaj moj jedinice u Nedžarićima, je bio totalno nepovoljan, u odnosu na položaj neprijatelja. Mi smo bili u skoro potpunom okruženju od strane muslimanskih snaga. Jedinu komunikaciju koju smo imali, je put Kasindolska ulica – Ilidža. Kretanje po tom putu je bilo moguće jedino noću, jer je put bio izložen neposrednoj vatri muslimanskih snaga. Nedžarići, pod kontrolom Srba, sve vrijeme rata nisu imali struju i vodu, jer su snabdijevanje spriječili Muslimani, preko čije teritorije su išli vodovi snabdijevanja. To znači, da su stanovnici Nedžarića živjeli u nehumanim uslovima za svo vrijeme rata, i oni su jedine žrtve te humanitarne katastrofe.
24. Odgovorno tvrdim, da su sva primirja planski kršena, od strane muslimanske strane. Putem medija, Muslimanska strana, ta kršenja, je pripisivala srpskoj strani. Kad kažem planski, mislim da su uvijek znali prethodno vatrom isprovocirati naše snage, ne bi li ovi uzvratili na njihovu vatru. To se uglavnom dešavalo kada su na liniji bile prisutne međunarodne snage, ili strani novinari. Kad god bi oni napadali, kroz medije bi to predstavili kao napad Srba. Kada pričam o kršenju primirja od strane Muslimana najupečatljiviji slučaj mi je ostao u sjećanju, da kada sam ja bila potencijalna žrtva, dana 21.03.1993. mene je gađao snajper sa Vojničkog polja i metak mi je prošao pored uha, ja sam tada bila u bijelom mantilu, to je bilo oko 13h, i mislim da sam tada slučajno pomjerila glavu i to mi je spasilo život.
25. Kao što sam rekla, od svojih saboraca, kao i lica koja su prebjegla na našu stranu, saznala sam da je frontom nama bila raspoređena muslimanska brigada Juke PRAZINE, i da je bila potpomognuta dijelovima specijalne jedinice, koje su se zvale „Laste“, pod komandom VIKIĆ Dragana, čiji su vojnici bili uvježbani snajperisti. To je sve bilo na početku rata i to su bili specijalci, a mi smo tada čuli za taj naziv te specijalne jedinice, „Laste“.
26. Prilikom razmjena, na dijelu fronta, gdje je bila moja jedinica, ja sam razgovarala sa razmijenjenim Srbima iz Sarajeva, u nadi da ću nešto saznati o mom ocu. Opšta slika svih Srba koji su razmijenom došli na našu teritoriju, je da su svi bili izgladnjeli, i fizički maltretirani od strane pripadnika muslimanskih formacija. Svi su imali ružna iskustva iz muslimanskih zatvora, ali su bili srećni što su živi razmijenjeni. Tu navodim primjere porodice VELJOVIĆ (muž i žena koji su bili zatvoreni u kasarni „Viktor Bujanj“, a izvedeni iz stana u Vojničkom polju), zatim KNEŽEVIĆ Goran i njegova majka Nevenka (koji su bili odvedeni iz Buća Potoka), a Goran je bio zatvoren i u centralnom zatvoru, zatim kolegu mog oca ŠKOBO koji je takođe bio zatvoren u kasarni „Viktor Bujanj“. Opšte je poznato, da poslije svakog napada, muslimanskih jedinica na srpske položaje, a po smirivanju borbenih dejstava, organizovana je razmijena poginulih, između zaraćenih strana. Srbi su u razmijenu predavali tijela poginulih muslimanskih vojnika, dok su obično od Muslimana dobijali tijela srpskih civila, pobijenih od strane Muslimana, u mnogobrojnim zatvorima u gradu Sarajevu koji su bili pod njihovom kontrolom.

27. Moj otac Uroš, teški bolesnik, odnosno epileptičar, dana 31.05.1992. godine, po kazivanju naših komšija, biva uhapšen od strane „Zelenih beretki“, i kao većinu Srba iz ovog dijela naselja, odvođe ga u improvizovani zatvor, formiran u prostorijama mjesne zajednice Trg ZAVNOBIH-a, gdje tri sata biva ispitivan i fizički maltretiran, odnosno tučen, samo zato što je Srbin. Tu preciziran da je on 13.05.1992. godine, ispitivan u prostorijama mjesne zajednice, koja se inače koristila i kao Štab te muslimanske jedinice. Dana 02.06.1992. godine, moj otac Uroš, ponovo biva uhapšen u svom stanu od strane naoružanih muslimanskih vojnika, i vezanog da odvođe u improvizovani muslimanski zatvor u prostorijama mesare „Belje“, na Trgu ZAVNOBIH. Moj otac, kao civil, tamo biva tučen, odnosno premlaćivan od strane muslimanskih vojnika pod komandom Juke PRAZINE. Tukli su ga drvenim palicama, takvom žestinom da mu prilikom „ispitivanja“ lome većinu rebara i obije noge. Sutradan, ovako prebijenog mog oca, muslimanski vojnici dovode na liniju fronta, odnosno liniju razgraničenja i tjeraju ga da glasno doziva mene i mog brata Veljka, da se predamo. Ovu mučnu scenu je čula i vidjela većina mojih saboraca, koji su u to vrijeme bili na liniji, ali nisu htjeli da nam to prenesu odmah, nego smo za torturu našeg oca na liniji razgraničenja, saznali tek naknadno od Slaviše VUJIČIĆA, koji je u to vrijeme bio na liniji fronta.
28. Poslije ovog maltretiranja i mrcvarenja mog oca na liniji fronta, muslimanski vojnici ga sprovode u centralni zatvor u Sarajevu, gdje biva tučen, a potom ga prebacuju u zatvor „Viktor Bubanj“ gdje 11.11.1992. godine, i umire.
29. Moj otac Uroš je bio civil, Srbin stanovnik grada Sarajeva, teški bolesnik-epileptičar, te iz tog razloga, ni vojsku nikada nije služio. Vjerovao je svojim komšijama Muslimanima, ali oni ga zvjerski mučiše i ubiše, samo zato što je druge vjere i nacije.
30. Za sve činjenice vezane za torturu mog oca u muslimanskim zatvorima, saznajem od sugrađana i komšija Srba, koji su u isto vrijeme bili zatvoreni sa mojim ocem, među kojima je i naš kum Goran KNEŽEVIĆ, koji je zajedno sa ocem bio u zatvoru „Viktor Bubanj“. Moj kum, i ostali zatvarani Srbi, su mi rekli da su poznati batinaši u Viktor Bubnju bila lica BRZIKA Almedin, Braća ŠKORO, itd.
31. Moja jedinica, u kojoj sam ja bila na ratnom rasporedu, je isključivo vršila defanzivna, odnosno odbrambena borbena dejstva, i težila je da na taj način, zaštititi sve civile u svojoj pozadini. Muslimanske snage su konstantno provocirale, gađale i težile napadnim borbenim dejstvima, da ovladaju dijelom teritorije koju smo čuvali. Sjećam se da su dana 15.05.1992. i 02.06.1992. godine, bila dva žestoka napada, od strane Muslimana na naše položaje. U tim napadima, muslimanske snage su imale podršku svoje artiljerije i tenkova. Borbe su bile toliko žestoke, da su srpski vojnici, uz nadljudske napore, pružile žestok otpor muslimanskim snagama, i borbe su se vodile „prsa u prsa“. U ovim borbama, toliko je bilo povrijeđenih i poginulih srpskih vojnika da smo iste zbrinjavali, odnosno evakuisali kamionima sa linije fronta, jer u sanitetska vozila nismo mogli sve da ih smjestimo. Sve ovo govori o tome, ko je napadao, a ko se branio na linijama fronta u gradu Sarajevu.
32. Nakon 15 godina traženja istine o stradanju mog oca, dana 28.09.2006. godine, na osnovu DNK analize posmrtnih ostataka iskopanih na groblju „Lav“ u Sarajevu, Komisija za identifikaciju poginulih, identifikuje posmrtnu ostatku mog oca.

Obdukcijom je utvrđeno, da su mom ocu bila polomljena sva rebra, obje ruke, obje noge, i da je lešu nedostajala donja vilica.

33. Ja sam već dostavljala za potrebe postupka pred MKTJ, potvrdu MKCK, DNK izvještaj, Zapisnik o identifikaciji, Zapisnik o primoredaji tijela, i Izvod iz MKU.

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

MALINOVIĆ Željka			
Witness Statement to be admitted pursuant Rule 92ter			
Statement	Date	65ter Number	Closed Session/Under seal
Witness Statement of MALINOVIĆ Željka	3 Apr 2014	RM 65ter 1D01636	/
NO Associated Exhibits wich the Defence seeks to tender pursuant to Rule 92ter			
Description	Paragraph Number in Statement	65ter Number	Doc ID (BCS/ENG)