

Prosecutor vs. Dražen Erdemović

Testimony of accused Dražen Erdemović (Excerpts)

(pp. 178 – 204, 221-236 and 258-309 of original Court transcripts of November 19th and 20th, 1996, English version)

THE PRESIDING JUDGE: Mr Erdemović, [...] Would you please tell us under what conditions you came about to be involved in the crimes which were committed at the farm where you found yourself. [...]

THE WITNESS: I joined the 10th Sabotage Detachment 25 approximately on 1st April 1994. Before that, together with my wife, I left Tuzla [*Federation of Bosnia and Herzegovina*] and came to Republika Srpska, more precisely, to Bijeljina on 3rd November '93. So from that day until April '94 I was not a member of the army of the Republika Srpska, although I was under an obligation to do so. I kept hiding in Serbia as long as I could and as long as me and my wife had enough money for that. When the money ran out, when problems started in Serbia and Republika Srpska and in Bosnia and Herzegovina, I went back to my wife's uncle in Foča. When we arrived in Foča, and I am a Croat, I went to report my nationality. I went there to tell them the story how it came about that I ended up in Republika Srpska. They told me that my wife could stay in Foča because she is a Serbian. They told me that I should go back to Bijeljina because I had come there. They also told me that they could not guarantee my safety in Foča because there were only Serbs living there. So I asked my wife's uncle what it was all about, and he told me certain stories. I accepted that as a fact, so I had to leave Foča and go back to Bijeljina. When I arrived in Bijeljina, I went around, I went to the town hall. I went to register myself because the only document I had was my identification card which was issued in Tuzla. So when I got there, they immediately requested to see my papers, papers from my Unit, so that I could report myself to get some accommodation and everything else that I needed. There was a police raid that day in Bijeljina and I was with a friend of mine who is a Serb and the police approached us and they wanted to see our laissez passers, military passes. I did not have anything but, luckily, this man who was with me had some papers and he told me - he told them that I was a Croat from Tuzla, but I had helped many Serbs to leave Tuzla and reach the Republika Srpska. But they told me to go to the military department because I had no rights

whatsoever because I was a Croat and I did not possess any document issued by the Republika Srpska. So [...] I went there alone. I was not taken there by the police. So I went to this military department [...] They presented me with two options: the 10th Sabotage Detachment, which had several Croats in it, one Slovenian and one Muslim. They also told me about another Unit, a Unit in which there were people who later on - who wanted to kill me when I went - when I left Tuzla. So I chose this other Unit. It was - it appeared more safe for me. I went to an interview with the Commander of that Unit and he asked certain Croats who had known me from before, he asked them about my character, and they told him that I was a good and honest person and that is how he admitted me to the Unit. So, I asked him what was the task of that - what was the mission of that Unit, and they told me it was mostly exclusively reconnaissance tasks. We were not securing any front lines. We did not - we were not doing other things, as the army of Republika Srpska. So I thought [...] that that was the only option for me and my wife who at that time was pregnant. I had nowhere else to go. Everything was all right with that Commander. We got along very well. He gave me the rank of sergeant, and while he was in charge I, unfortunately, saved only one life. It is the man who was given pseudonym X and who will testify I saved his life. So that Commander - I told him that story. I told him that I had saved one life and he said it was all right and he said that is what I should have done. After that, in October there was a change in the command and the Unit was extended. The Commander of our Unit became Lieutenant Milorad Pelemiš. The relations were suddenly changed and certain nationalists amongst soldiers were becoming more important and only those people who thought as Pelemiš were approved of. They did not think about honesty of other people and so on. So, as I said, I had a conflict with Pelemiš after an operation that I refused. I was in charge of that group, I was its Commander and I was given an assignment. They provided me with all the necessary information and I left to carry out that task together with three other colleagues. They had to obey me because I was their Commander at the time. I was in charge and we had to go to the territory which was under the control of the army of the Republic of Bosnia and Herzegovina. So I refused to carry out that task, because I told them that I had been given false information and that some civilians could get hurt, lots of civilians, both - and also that some soldiers, many soldiers of the army, of the Bosnian Army, could get killed and our soldiers as well. So that was the report that I submitted and my colleagues confirmed that report. They were very good people. On several days after from the main headquarters Colonel Petar Salapura arrived. He was the main intelligence officer in the headquarters. We were invited, myself and other Commanders who were there, and the meeting was mainly about my behaviour and the behaviour of certain other individuals. They told me that I was lying, that I could not behave that way, that I had let a prisoner go, that I had saved one prisoner's life [...], that I was refusing orders and so on. That is when I was demoted. They took away my rank and I said, "OK, you think that I am lying, so please go and

try to carry out that task", and that was all. My colleagues, [...] I think they are grateful to me because I never ever allowed to expose them to some shady deals, difficult operations.

After that, as I told you, problems started with Pelemiš. I was being threatened, abused. There were all kinds of things happening. I do not remember all of them. So, as I told you, my rank was taken off, and then came the month of July when everything happened in Srebrenica, and I was assigned together with other soldiers - I was a simple soldier at that time - to go there. They did not tell us where we were going. They just told us to pack our things and to go. So when we arrived there, they told us, "You are in Srebrenica. Tomorrow you should get ready and you will be given assignments". So they told us some details. They just told us that, "It is probably going to be very tough", and so on. They also told us that Muslims were very extreme in that area and things like that. So the next day we set off. Yes, there was an order that we should not harm civilians, that soldiers should not harm civilians. So, as I could see it at that time, soldiers were not shooting at civilians who had surrendered. So we set off that morning and around 11 o'clock, 11.15 - I remember the hour because NATO planes bombed the artillery of the army of the Republika Srpska at that time - we entered the area with no resistance whatsoever, and I was surprised to see only maybe 100 of civilians in the town, only 100. So when we reached the centre of the town, they told us that everything was over and that we should stop and wait for the next command. Then Pelemiš arrived. So he gathered us and he told me and four of my colleagues to go back and to report to him when Commander Mladić is coming to town. So that is what we did. We left to the southern area of Srebrenica. I did not know it was that area, but that was what Mr Ruez explained to me when I got here. He told me that that was the southern part of the town. That day went smooth and, yes, I did see something. I did see when Pelemiš ordered a soldier to kill a civilian who was approximately 30 years old. That was all I saw that day. The next day [July 11] we spent the night in the southern part of the town, in a house, and the next day there was an order [...] - that is what Pelemiš told us - to go back, that everything has been - that everything had been completed and that there was nothing else to do. So we went away in our vehicles, but our vehicle who was the last one in the column broke down and caught fire. That is why we were very late. We arrived in Vlasenica. There was a base in Vlasenica of the Vlasenica platoon and we learned when we got there that an APC had overturned and that a soldier was killed. Nothing really happened that day. It was already evening. We spent the night there, and the next morning when I got up I said that I would go to the funeral of that soldier who had got killed because he used to be in my group. So I went to his funeral. We buried this comrade and we came back to Vlasenica. The next day in the morning when we got up I got a new order. They told us that there was a task to be accomplished. The Commander of the group was Brano Gojkovic. I was a member of that group, a soldier, and seven other soldiers were also members of that group. We were told to report in Zvornik. Well, apparently, they told Brano where we were going, but

I had no idea. So Brano reported to Lieutenant Colonel, to a headquarters with those military police units. So 10 minutes later this Lieutenant Colonel got out. He was in the company of two military policemen and he told our driver to follow his vehicle. The Lieutenant Colonel took us to a farm. I did not know the name of that farm. I just explained the location. I knew that the village of Pilica was there, but it was only when we got there that I learned what was happening. They told us that a bus load of civilians would come from Srebrenica. I said immediately that I did not want to take part in that and I said, "Are you normal? Do you know what you are doing?" But nobody listened to me and they told me, "If you do not wish to, if you - you can just go and stand in the line together with them. You can give us your rifle." I told you last time, if I had been alone, if I had not had my wife and a son, I would have fled and something else would have happened. I had to do that. I was forced to do that. Then buses started arriving. They took out people in groups of 10. They took them to the meadow. So we started shooting at those people. I do not know exactly. To be honest, I could not follow. It was simply I felt sick. I had a headache. I tried to avoid it as much as I could, try to avoid taking part in it. I wanted to save one man, but they would not let me. This man told me that he had helped many Serbs to leave Srebrenica and go to the Federal Republic of Yugoslavia. So I knew that this man - I told them that this man had helped Serbs but that did not help. They told me, Brano told me that he did not want to have any witness to the crime. I kept silent and then a group of soldiers from Bratunac arrived and, as I told Mr Ruez, they were just taking it out on those people. They beat them with iron bars. They cursed them. As for my group, nobody beat them with iron bars, but Stanka Savanović, Brano were those who killed most of those people and Savanović told us the reason why. He said that Muslims had killed his brother who had been 17 years old at that time. I do not know about Brano. After that, around 3 o'clock, I do not know the exact time, but I believe it was around 3.00 p.m., this Lieutenant Colonel came again together with those two military policemen and he told us that in the culture hall in Pilica there were, and that is what he said, that there were around 500 Muslim prisoners who were about to break out and flee. I said that I no longer wished to do it and then I am nobody's robot for killing. I just want to tell one more thing. If anyone had told me at that moment to kill that Lieutenant Colonel, I would have done so. Three of my colleagues stood by me and they refused to go. So they gave up the idea. However, those people from Bratunac went there. We heard some shots. We heard some explosions and Brano Gojković said that the Lieutenant Colonel had told us to come to a meeting, and the meeting was supposed to take place in a cafe across of the culture hall. I was not really paying attention to what the Lieutenant Colonel was saying. I was not interested at all. So, while I was there in that cafe, I was just listening to those shots and explosions. After that, after those people from Bratunac came to the cafe, the Lieutenant Colonel said that we were finished and that he wanted to talk to them alone. So, we got up and left. I said that I wanted to go home to see my child. That was it. So we went back to Vlasenica and in the

evening we were bussed to Bijeljina. I got home. I wanted so much to see my child and my wife and when I got home I simply could not, I do not know, I cannot describe it. I could not sleep. Those days after that I started drinking. I just hated myself. I went out. I did not want to be at home. I was afraid to be home. I wanted to be among people. I just wanted to drink. My wife asked me what was happening with me and I said, "Nothing, nothing is happening". She noticed something. She knew because she had known me from before. I used to be very cheerful. I used to take her out down town together with my son. [...] I stopped doing all that. [...]

After that something happened which I knew was going to happen. Kremenović came to see me. I met with him and he told me that he had refused an assignment which was ordered by Pelemiš and Salapura, and he told me he had had a conflict with them and Pelemiš, apparently, told him that, "You and I will have to clear certain things and we will have to know who the Commander of the Unit is". So, on the next day, on 23rd July, there was a meeting about, concerning, orders that were issued by the command and concerning some other matters, something about us soldiers, soldiers of the Sabotage Detachment. But during the night of 22nd, as I said, I was down town. I had been drinking. That evening Savanovic, Stanko, who particularly enjoyed killing, shot at myself, Kremenović and another colleague. I was hit by two bullets, one in my stomach and one in my lungs. I suffered very serious consequences. I had to undergo two operations of my stomach, two operations of my lungs on the left side of my chest. Kremenović and this other friend sustained some minor injuries. I stayed one month in hospital, I do not know exactly how long, in the Federal Republic of Yugoslavia in Belgrade at the Military Academy Hospital. So when I went back to Bijeljina I went home. I knew what could happen to me. I told my wife to go back to her parents, to Tuzla, and to take our son with her. That is what happened. I managed at the very last moment to send my wife and my son to her parents and that is how I started my journey to The Hague, to tell what had happened to those miserable people. But when I gave an interview to a journalist of the NBC network, we were arrested in Yugoslavia. We were questioned there. [...] I told them how it all happened, how I was forced to do that, I had to do it. [...] that is what I have told here and that is all I have to say.

Witness Examined by the Court

JUDGE ODIO BENITO: [...] Mr Erdemović, after being a member of the 10th Sabotage Unit, were you a member of other army or paramilitary groups in Bosnia-Herzegovina?

A. No.

Q. So this was your first experience as a soldier in Bosnia-Herzegovina?

A. No. When I was in Tuzla, I was in the army of Bosnia-Herzegovina and I was also in the HVO. These were regular units in Bosnia.

Q. Why did you leave the HVO?

A. [...] Because when I helped a group of Serb civilians, most of them were women and children, they arrested me. Soldiers from the HVO arrested me, and they beat me up and they harassed me as if I had killed the entire world. I helped women and children, that is why.

Q. Women and children coming from where?

A. Some were from Dragunja, from my village. There were of Serb nationality and from the surroundings of Tuzla, because their husbands had left and gone to Republika Srpska beforehand and they left them there on the territory under Muslim control or Croat/Muslim control.

Q. So you were beaten because you were helping Serb people?

A. Yes.

Q. Being a member of this Sabotage Unit, did you receive any salary?

A. Yes, but not regularly.

Q. Did you sign any contract to be a member of this army?

A. Yes, I think, I do not know exactly, but the authorities from the Federal Republic of Yugoslavia had that contract and my membership card, a card stating that I belonged to that Unit. I do not know if they sent it in with all my other papers. I do not know that exactly. It was taken away from me in the Federal Republic of Yugoslavia when I was arrested.

Q. Do you remember who signed this contract between you and the Serbian Army, the name of the official who signed beside you?

A. The contract was signed by [...] Pelemiš [...] and General Ratko Mladić.

Q. Do you remember what this contract said in order to your duties?

A. That contract said that I would be treated as a soldier until 1997. I do not know exactly what it said, but, how shall I put this, it is not that it had something to do or - how should I explain this - something that was against the law. It is not that there was something that was against international law or any other kind of law. [...]

Q. What were the missions this Sabotage Unit was asked to perform?

A. As I already said, reconnaissance in enemy territory, placing explosives in the artillery of the army of Bosnia-Herzegovina. Of course, also intelligence. That is part of reconnaissance. [...]

Q. Do you remember when you were in Pilica farm at what time did you start to shoot the people?

A. I cannot remember exactly, but I think it was about 10 o'clock, 10.30 [*in the morning*]. I do not know exactly. I think that is the way it was.[...]

Q. At what time did you stop in the afternoon?

A. I will tell you, it was all completed, I mean, it all stopped at 3 o'clock in the afternoon, I think. I do not know exactly. Yes, 3 o'clock, but we did not take part in it until the end. The people came from Bratunac. That is what I told the people from - the gentlemen from the Prosecution. They were the ones who finished it. I do not know exactly when it stopped, but I think it was about 3 o'clock.

Q. How many people were shooting at the same time?

A. At the same time? I can tell, as far as my own people are concerned, the people I was with, eight people were shooting at the same time, eight of us, and I cannot say anything about the people from Bratunac because I do not know. I was not shooting with them. I do not know.

Q. What kind of weapon were you wearing or using?

A. I personally had an automatic rifle, kalashnikov, and some people had pistols, 7.62 millimetre calibre pistols. [...]

Q. Did you know at the time of anyone who was shot for having disobeyed orders?

A. You know, I will tell you, I am sure that I would have been killed had I refused to obey because I remember that Pelemiš had already ordered one man to slaughter another man, and I am familiar with some other orders, I mean, what a Commander was entitled to do if he

was disobeyed; he could order this person's liquidation immediately. I had seen quite a bit of that over those few days and it was quite clear to me what it was all about.

Q. Do you have any idea how many people did you kill?

A. I do not know how many people I killed, nor would I like to know how many people I killed, but I did tell Mrs Vanessa Vasic Janeković that I killed 70 people. That is what I told her and that is what I told the Court in Novi Sad, but I wish to tell you, it destroyed me, it killed me. I simply thought that my life was worthless after that. I lost everything I had. Finally, I lost my wife, my child. We parted. I just wanted the truth to be known and for someone to understand that this actually happened and how these people had lost their lives because, as we heard today, nobody knew about the place of Pilica, that a crime had happened there and what kind of a crime. Perhaps that is where most people were killed. To have someone believe me that I really had to do it, that I did not want to do it. That is why.

Q. Were they all men, young men?

A. I said - I told the investigator that I think - I do not know, I did not check - that they were from age 17 to 60, only men.

JUDGE RIAD: Mr Erdemović, I would like to proceed with you chronologically, according to what you have been testifying. You went to Republika Srpska on 3rd November 1993. What did you do before that?

A. Before that I was at home and, as I said, before that I was in the army of Bosnia and Herzegovina. When the HVO was established in Tuzla, I was asked to join the military police of HVO. I was a soldier.

Q. So you changed sides several times. What forced you to go from the Bosnia-Herzegovina to the Croat military and then afterwards to go to the Republika Srpska?

A. First of all, I did not want that. I did not wish to do so. I wanted to get away from the war as much as I possible. I went to the HVO because I was called upon to join the military police, because they stayed behind the front line and they were securing the control points, checkpoints, rather.

Q. You joined the military police, the Croat military police?

A. Yes.

Q. And yet you are a Croat?

A. Yes.

Q. But you also joined the Bosnia-Herzegovina and then you joined the Republika Srpska?

A. Yes, I said under what circumstances, how I joined the army. I want to explain this. I did not want to fight a war. I could not leave Bosnia. I did not have a passport. I did not have anything, no papers, and I needed quite a few papers. First of all, in the army of Bosnia-Herzegovina I was there because I was asked to join. I was mobilized and I did not commit any crimes, and I could never dream of what would happen to me in the Republika Srpska. I was in the HVO. I did not commit any crimes there. I did not do any harm to anybody. I did not go to Republika Srpska so that I would join the army. I went there because a man, a Serb, had promised me; he has three sons in Switzerland, that he would transfer me to Switzerland, not that I would stay in Republika Srpska. As far as the army of Republika Srpska is concerned, I joined them six months after I got out. I got out on the 3rd November '93 and after six months, in April '94, I had to join the army of Republika Srpska.

Q. When you say you had to, you were forced to because you needed money or did they force you to join this Unit?

A. No, not because of the money, because of my life. I did not have any documents. Careful, a Croat, I mean it is not important a Croat, but even a Serb, if he was not in the army of Republika Srpska, he did not have freedom of movement. He did not have anything, nothing. Where could I go? They could simply catch me in the street and say that I was a Croat spy and kill me without passing a verdict, nothing. Is it my fault that I tried to save my life - not only my own, but also of my wife and of my child? [...]

Q. Please make clear, did you have any choice to go back to Croatia, to your country, or you were forced, you were urged to come into the 10th Unit of Sabotage? Did you have the choice to go back to your country?

A. I told you, I told the distinguished lady Judge that I was beaten up by the Croats, not the Muslims, but the Croats because I helped the Serbs. So where could I go back to? To go back to get killed, right? I did not have any choice. Had I had a choice, I did not want to fight a war. I did not vote for any national party. [...] I lost different friends of various nationalities. I did not want any of that; all of that because of that Mafia that led us, all of us, the ordinary people, that led us into a war, and that is why I am testifying here today and that is what I am living for.

Q. When you chose to go into the 10th Sabotage Unit, were you aware of exactly the mission this Unit had? [...]

A. Yes. 100 per cent. I was 100 per cent aware of what the missions were and that is precisely why I decided to stay on in that Unit because it did not involve the loss of human lives. It involved artillery, old iron. [...]

Q. You mentioned that in the beginning you refused to take action under Pelemiš, I suppose he was your superior. The result was that you were degraded. Was that right?

A. [...] Pelemiš came in October and I was there from April '94 in that Unit and Pelemiš came in October '94. The first Commander we had, I agreed with him. He saw that I was an honest man and that I was the only soldier who was married. I was the youngest soldier and I was the only one who was married and I was supposed to get a child soon. I was honest. [...] I was not a nationalist. [...] I did not hate Muslims or Croats or Serbs. Honest people, but those who are dishonest I cannot like or love them. Of course I am not going to kill them, but I am going to say anything against them. When Pelemiš came, that is when these things started taking place. I tell you now, I mean, some kind of orders that I did not like. They were related to the loss of human lives. That is it. That is why I had problems with Pelemiš and not only me, but also others who agreed with me; Kremenović also who was his deputy, he also had problems.

Q. So you were able to refuse the orders under Pelemiš and then you mentioned also that after the executions in Pilica you also refused to go on and kill the 500 who were in this hall, is that right?

A. Yes, but I wish to explain to you. I mean, my refusal of previous orders, I refused Pelemiš's orders when I was the Commander and when I was the one who submitted reports, not when somebody else was the Commander, because when somebody else was the Commander I was not allowed to refuse orders because if I would create problems, then he would be killed immediately, and if I was in command, then I would reach agreement with these other people who were soldiers, and it is on those conditions that I refused an order of Pelemiš's. The rest, you said that I refused to go to this public building. That is true, yes. I was fed up. I do not know. I cannot explain, describe, how I felt then. I had really had enough, and simply, as I said a few minutes ago, that this Lieutenant Colonel - had this Lieutenant Colonel said that we had to, I mean, I really would have killed him immediately and it would not matter what would happen to me after that. I said, "Was there not enough blood? Was there not enough dead people?" That is what I said.

Q. My question is, you refused twice to execute the orders and you went out of it degraded at the maximum but not hurt. Why did you not also refuse to participate in the execution at Pilica farm? Was it any different? Was there more danger there?

A. Your Honour, I have to apologise now, especially to the ladies present, and I will show you what I got because I refused this order in Pilica. Please, with your permission, I am going to show you this. (The witness pulled up his shirt). That is it.

Q. You mentioned after the café, after the day you went to the café, and you were shot there with other people, was that right?

A. No, not only me, but those people who explicitly rebelled against Pelemiš, those people, not only me. [...]

Q. How many people were chosen for the execution in Pilica farm?

A. Eight people.

Q. Did they choose you among them for any personal reason, for any special reason? Why were you selected among these eight people?

A. I do not know. Pelemiš knows.

THE PRESIDING JUDGE: Mr Erdemović, I have a comment I would like to make first. I understand that it is painful for you, but you must know that you are before a Tribunal which must take into account a man who participated in the murder of dozens of people. All of us are accountable here. We understand that you were caught in a storm, but that is not a reason, neither because you pleaded guilty, nor because you are a person who carried out something as part of a great tragedy, for us just like that to say that these many, many people who were killed simply will be written off. This is what the Presiding Judge of this Trial Chamber would like to recall here within the confines of these walls. [...] I would like to ask you that if between 13th and 16th July, while you were on site in Srebrenica, did you have any news that you heard over the radio, either over the military radio or the radio from the headquarters, did you hear any news? You told us, Mr Erdemović, that during the 61 hearings against Messrs Mladić and Karadzic that you yourself had recognised several facts, perhaps you had even seen General Mladić. I am asking my question again: do you know anything specific about what happened, anything with your comrades or other comrades in your Unit were saying that "We are killing Muslims", that "We are massacring Muslims". Are you aware of that? Were you aware of that? I would like you to be very specific in your answer.

A. That is what I was told.

Q. Did you know anything at any given moment between 13th and 16th July? You say that there was nobody in Srebrenica any more, but your Unit was there. There were other comrades, there were other groups there. You had heard at one point people saying, "We are killing Muslims, we are getting rid of the Muslims"? This is a very specific question I am asking you. Did you hear that?

A. Yes, and I will try to give you an answer as much as I can. First of all, I did not know. I told you, I was surprised when we entered Srebrenica that I did not see more than 100 people there. However, I realised many things here and through BBC, and I learned where people had been in the UN camp in Potocari, and I did not see that at the time and I do not know where Potocari exactly is. I did not know what was going on. Of course, I did not know - I do not see a reason why anybody from the command would tell me that Muslims were being killed.

Q. You yourself, did you not ask any questions? This was a safe area, a protected enclave. You knew that. It was a safe area and suddenly you are there and there is no one there. Did you not wonder?

A. Yes, of course, I kept asking myself what was going on. Of course. I told you, when we started they told us that there were civilians there, that there were some heavily armed extremists there, and when I realised that nobody was there, of course, I asked myself what was going on. [...]

Q. On the way to the farm, what did you see by the side of the road?

A. Along the road, well, there were - all the way from Vlasenica to the vicinity of Zvornik soldiers were deployed along the road. They were securing the road and you could hear shots coming from the woods. That is what I noticed.

Q. When you shot the people who were brought out of bus, [...] what were those people doing? Were they looking at you? Did they have their hands tied behind their backs? Were they dressed in civilian dress or were they wearing military clothes? Were you there when they were buried? Did you have the feeling there were any survivors?

A. Well, I do not know how precise I can be. First of all, I was in a very bad emotional state. I do not know. It was horrible. It was so difficult for me, but I had no choice. I had no choice. Whether those people were looking at me, I do not know. I did not check whether they were dead.

Q. Were their hands tied behind their back?

A. I remember that on the first bus, and that is what I told in the investigation, some people had their hands tied behind their backs and they were blindfolded. I remember the first bus only. Mr Ruez asked me whether there had been any other such people in other buses, and I told him I do not know and I cannot answer that question because such was my emotional state. I cannot explain that to you. It cannot be explained.

[...]

JUDGE RIAD: Mr Erdemović, I gathered from your answer to Judge Odio Benito that most of the victims or all the victims were Muslims, was that right?

A. I apologise, I do not know exactly. I did not check, but it was told that people were from Srebrenica. That is all.

Q. You said you tried to save some of them. You saved some?

A. I said that I had tried to save one man, but I did not succeed because Brano Gojković said that he did not want to have any witness to that crime. He was the Commander of the Unit and he probably had received such an order from the Lieutenant Colonel. I do not know exactly, but I assume.

[...]

Q. You said you tried to save the life of the person who will testify, so you saved him?

A. Yes, but he was not in Srebrenica. It happened on the mountain of Majevisa in the vicinity of Tuzla. He was not there in Srebrenica. I saved him in August 1994, I believe, one year before the events in Srebrenica, almost a year before that. [...]

Testimony continued on November 20th, 1996

MR DRAŽEN ERDEMOVIĆ, recalled. Examined by the Court, continued.

THE PRESIDING JUDGE: [...] In your testimony yesterday, Mr Erdemović, you said that you had served in the army of Bosnia-Herzegovina, you had served in the Croatian army of Bosnia-Herzegovina and you had served in the Serb Army. The point is that before joining the HVO, the Croatian army of Bosnia-Herzegovina, you were in the Bosnia-Herzegovina army. Can you please give us some further information about this, that is to say, more specifically, when did

you join the army of Bosnia-Herzegovina? When did you leave that army and why did you leave it?

THE WITNESS: I do not know the exact date when I joined the army. I joined that army when I received call up papers from the military department in Tuzla. I went to the Local Commune building, to the Territorial Defence building at that time, and I was first there and then later on I was with the Mortar Unit. The army of Bosnia and Herzegovina, I left it somewhere in 1992, in November, I believe. I left the army of Bosnia and Herzegovina because, as I told you yesterday, I wanted to avoid any possible participation in combat operations because I did not care about fighting. I just wanted to have some lighter tasks and I carried out tasks that were normally carried out by the military police. I was securing the headquarters and some checkpoints.

Q. So, you joined the army of Bosnia-Herzegovina exactly when [...]?

A. When I received call up papers by the government. [...] sometime in the end of May when the conflict between the former JNA and members of the MUP in Tuzla broke out, at the end of May 1992.

Q. Yesterday, Mr Erdemović, you said that you were not a member of the army of the Serbs of Bosnia-Herzegovina, but that you were obliged to serve therein. Does that mean that military service was obligatory there?

A. Bosnian Serbs, yes, of course, there was an obligation to serve; only those who had enough money and who were able to buy up their lives and avoid the military obligation, they were free, and those people were well off. [...] If I did not do it of my own will, they would have taken me. They would have beaten me, and they used to do it, they used to beat you. They used to give you a uniform and simply take you to the front and the punishment was to stay one month at one of the worst front lines. [...] I voted for the reform forces in Tuzla who won only in Tuzla. Tuzla was not in favour of a war option, but nobody asked me whom I voted for, because I was against the war and I proved it by voting for that party. [...]

Q. Now, with regard to mitigating circumstances and, in particular, with regard to the duress that you have mentioned - you have touched on that point several times - the Tribunal is wondering what your level of information was, because it is not quite clear to us how in this territory of Republika Srpska with all these events going on that you were not more informed as to what was going on through the media etc.. [...] When you went to Republika Srpska, what kind of information did you have as to the policies being pursued by the political and military leaders there? As a soldier, did you have access to any information, in particular as

regards the policies and the practices of the Serbian Army and, in particular, the notion of a greater Serbia and the issue of ethnic cleansing? So please make an effort. This is very important to us.

A. [...] I was not involved in politics, but I will do my best. Of course I used to watch TV. I listened to the news. To be frank, ethnic cleansing was not publicly discussed that much. I do not believe that any TV of any country would do that, that they would show their own government, their own army who is in charge of the country, that they show them ethnically cleansing a particular territory. Whether they really planned to do so, whether that was their objective, I do not know. I had a very low rank. I had a very low, unimportant position. I could not know anything about their plans, but I used to watch TV, for example, at the moment a conflict between Croats and Muslims broke out and then I asked myself, why, why such a conflict between Muslims and Croats because they were together at the beginning of the war, fighting against the Serbs? I kept asking myself, but I did not know the answer and I still do not know the answer, but probably Croatian and Muslim authorities do know the answer. Then I used to watch Fikret Abdic, for example, and his Muslims fighting against other Muslims, Muslims from Bihac, the Fifth Corps of Bosnia-Herzegovina. Why? I do not know why. That is what I used to watch on the TV of Republika Srpska. They just showed at that time when I was there, they just showed the conflict between Croats and Muslims and Croats between Muslims and Muslims. Muslims calling Fikret Abdic to help them fighting Serbs - fighting Muslims from the Fifth Corps of Bosnia and Herzegovina in their fight against the Serbs. So I kept asking myself, why are they fighting each other if the war is between Croats and Serbs, Muslims and Serbs? I kept asking myself, how come all of a sudden there is a conflict between Muslims and Croats? I do not know the answer. [...]

Q. Let me put another question to you, just to see what kind of knowledge you had about the general environment. There are some things that are not clear to us with regards to how you were spending your time.[...] So what happened on 14th and 15th [*of July, 1995*] [...]

A. [I]n the evening of 12th, we came to Vlasenica from Srebrenica to the base and I learned that our Commander had overturned, had had a traffic accident, in an APC and a soldier, a colleague of ours, was killed in that accident and who was in that APC. So on in the morning of 13th I was assigned to go to the funeral together with several other colleagues, to Trebinje. So we stayed, we spent one day travelling to Trebinje and there were some war operations going on, so you had to take a longer route from Vlasenica to Trebinje. We spent the whole day travelling. We arrived in Trebinje in the morning around 4 o'clock. So on 14th we buried our comrade and we came back on 15th. Do you now understand those dates?

Q. Fine. With regard to duress which you have invoked, you said that you were opposed to the orders from your superior. So maybe you could give us some information. Our fellow Judges and myself have a few questions on this score. You said that there was this Lieutenant Colonel who was giving you orders. You did not, however, identify him. You know that well. At the same time you said that you were under the orders of Gojkovic, Brano. My question is, can you give us some further information as to the identity of the superiors who were there where the execution was taking place? You had some reluctance as regards executions. Who did you address yourself to? This is the key question. You said, "I was under physical and moral duress". You were under orders and you had to obey them. That is what your defence is built around. Who was there? Who were your superiors? What are their names and who did you express your reluctance to co-operate to?

A. I shall begin with who the Commander of our Unit was, the Unit I was a member of, a former Unit. The Commander was Lieutenant Milorad Pelemiš. He used to be Lieutenant First Class but then he was promoted and became Lieutenant, Lieutenant Milorad Pelemiš. On 16th July, the Unit in which I was, the Unit which carried out the executions of Muslims from Srebrenica, that Unit was commanded on that day by Brano Gojkovic. He was from the Vlasenica platoon. When you ask me whom I said that I did not wish to participate in the killings. I said that openly in front of Brano and other soldiers, but nobody gave me his support. [...] Later on when Lieutenant Colonel arrived, Brano did not say anything, but the Lieutenant Colonel said that there were 500 Muslims in the culture hall who were about to escape and that we should go there. I said loud and clear to the Lieutenant Colonel that I do not wish to participate in this any longer and that I was nobody's robot for killing, and if he had told me that I had to, I would have shot him. It was at that occasion that I received support of several of my colleagues, but that is how it was. I knew I would have problems because of that. I knew that there would be a report against me and that is what happened later on. I was shot by a man who had bragged about having killed the majority of Muslims that day, and that is Savanovic, Stanko.

Q. [...] The next question. This has to do with the wounds which you showed the Tribunal yesterday. Could you Explain more in detail the circumstances of that incident? Could you tell us who shot you? "It was because of my reaction to the Colonel". This is part of your defence. [...]

A. Yes. As I indicated yesterday, Kremenović was with another group who had refused an assignment and I did not know that. We were in Vlasenica at that time, and Pelemiš together with Salapura went there trying to convince them to carry out the assignment, but they refused to do it. They did not want to take part in this dirty business, because Kremenović knew Salapura very well and he knew about dirty business he was involved in. So, Kremenović came

back with his Unit on 22nd July 1995 and we also arrived in Bijeljina from Vlasenica, and I met with Kremenović at that time. I told you yesterday that I was drinking heavily in those days after Srebrenica and that I did not spend much time with my family at home. So Kremenović told me what had happened. I did not tell him everything about what had happened, but he told me, "They are not going to take me - they are not going to use me for their dirty business", and I just started crying because I was thinking to myself, "I have been abused". So we were discussing that and Kremenović told me that on 23rd at 12 o'clock there was supposed be a meeting and that we would request to separate from the Vlasenica platoon from those people who were nationalist, that we would request a replacement of Pelemiš and so on. I do not know. All kinds of things could have happened before that meeting. But on that night, myself, Kremenović and another colleague were shot by Stanko Savanovic. [...] When we got out of the cafe it was already midnight. It was closing time, and I was quite drunk. I wanted to go home, but Kremenović told me, "Come with me, let's have a chat. God knows what will happen tomorrow. Let's see what we can do tomorrow" because he trusted me. He saved my life two times. He saved me when I was injured. [...] I did not want to make any trouble for that man who is now living in the federative Republic of Yugoslavia. So, Stanko Savanović fired at me and another member of our Unit and at Kremenović also. This other member of our Unit was a Muslim. I am a Croat. Kremenović is a Serb. He is a Lieutenant and he is Deputy Commander of our Unit. I will tell you how come I know that it was ordered by Salapura and Miso. I can show this to you if I – I could show this to you if I had a newspaper. Each incident that takes place in a cafe or in the street is prosecuted by military tribunal in Bijeljina, but investigating Judges established that Stanko Savanovic, without any cause, without any reason whatsoever, had attempted a triple murder. He had attempted to kill three persons. I again asked for an explanation. Well, OK, I am a Croat, there is nothing I can do about it, Ustasha, he would not be held responsible for me. He would not be held responsible for this Muslim either. When I asked him, "Are you going to bring a charge against him?" He told me, "Well, what for? I can talk but nobody will listen to me". A simple soldier shooting at an officer trying to kill him, attempting a murder, and not be held responsible for that - and you know why, because he was protected by Colonel Salapura who is the Chief Intelligence Officer of the main headquarters of the army of Republika Srpska. That is my explanation. He was under his orders and that is what Kremenović confirmed to the journalist.

Q. You were wounded. Did you take any legal action? Were there any proceedings? Did the military police take down a report or what happened?

A. No, I was in a very serious condition. My wife was told to get ready for the worst because they did not believe that I would survive. I had two serious injuries to the stomach and one injury to my lungs. I had two operations at the same time in Bijeljina. It was all at Kremenovic's

intervention. The operation at Bijeljina did not succeed. So, thanks to Kremenović and some other colleagues from my Unit, I was transferred to Belgrade and I am grateful for doctors from the Belgrade hospital because I survived. After the operation I was in a very difficult state again. I could not talk and so on. Investigators from Bijeljina arrived then, and they asked me whether I wanted to testify as a witness and whether I wanted to say whether Stanko Savanović really wanted to kill us. Of course that was his defence. He said that he was not going to kill, it was not his

intention to kill anyone. Well, I could accept an explanation of a friend or a colleague. I could accept the explanation of a stray bullet; but three bullets, one Muslim as a victim, Kremenović and myself, I simply cannot understand. Nobody can explain that to me. So I said, "I do not wish to bring charges" because I can tell about the result right away. How was I supposed to confront them? I knew that it would be to no avail. That is what they told me, some authorities, when they visited me in the hospital in Belgrade. So I was called to the Court to testify, but nobody was there. They just enquired, they interviewed this owner of the cafe and he said that Savanović simply took out his pistol and started shooting at his colleagues, colleagues from his Unit.

Q. Thank you. You had said that your military contract was going to expire in 1997. Under what circumstances did you stop being a soldier?

A. When I was wounded and I was not receiving my salary regularly. I really do not know when was the last time I received a salary. A year and a half has passed after I was wounded. I have not received any salary.

Q. Coming back to the facts themselves, the last question which the Tribunal would like to ask you. This is a technical problem, unfortunately, but we would like to have your opinion about this. You had a kalashnikov. This is a kind of a machine gun which shoots bursts of fire. You also stated during the Karadzic hearing or yesterday that you had also shot individual shots. I had asked you whether you had seen your victims. We do not know whether it was bursts or fire or whether you were aiming specifically at the civilians there, aiming at their backs?

A. I will tell you. I said I shot single shots. I was not aiming. When I was pulling the trigger, I would close my eyes and I would turn around so as not to see those people falling down. That is how it happened. [...]

Continuation of testimony on mitigating circumstances

Mr Dražen Erdemović, recalled. [...]

THE PRESIDING JUDGE: So we would like to hear you speak your mind and to put forward evidence in connection with mitigating circumstances. Now, there are several elements involved here. There are superior orders, there are threats, there is duress, be it moral or physical in nature. You said that you wanted to address these issues. [...]

THE ACCUSED: First of all, I would like to tell you that while I was a child, when I went to school, the elementary school, and later on I went to secondary school, I have never ever been a nationalist. I have never ever hated anyone. That is the way how I was brought up and educated at school by my parents. The environment in which I lived was a multinational environment where Serbs, Muslims and Croats lived together. So I was not a nationalist. I cannot say, I cannot tell you, I do not know why things happened the way they did in the former Yugoslavia. This country was known to the world as a country in which many people lived together, people who got along well with each other. Nobody hated anyone. People used to visit each other, visit them for family reunions. When we would go to do our military service in the JNA, it was a special occasion for everybody in Bosnia. It meant that you were able, you were healthy enough, to do your military service in the former JNA. That is how it was in Bosnia. I do not know about the rest of the country. It did not really matter whether you were a Serb or a Croat. That is how it was in the area where I lived, as far as I know. After the death [...] of comrade Tito, several years after that, everything went the wrong way in Yugoslavia. You could tell it from the fact that this conflict, this war, broke out. The first conflict broke out in Slovenia between the JNA and the Slovenian Territorial Defence, and then the conflict moved down to the territory of Republic of Croatia in 1990/91. Later in '92, as you know, it broke out in the area where I lived, in my Republic, the Republic of Bosnia and Herzegovina. So, I am speaking frankly. I know I am under oath. I served my military service in December 1990. I joined the JNA. I went to do my military service because I believed in the former Yugoslavia. I used to love that country and that army. I thought that they were honest, but later I realised that things had changed. So I went to do my military service and did it in Belgrade. I was with the military police and in 1991 I was sent - [...] Later I was transferred to Slavonia - believe that is the name of the area - in the vicinity of Vukovar, to be precise. I was a member of the military police. I was securing a checkpoint. I will explain to you what kind of assignments we had. We were in charge of checking vehicles that were passing by, relevant papers, weapons, because there was a war there. So we had to check who issued the permission for carrying weapons and things like that. Then at that time certain paramilitary units appeared. They were causing lots of problems in Belgrade. That is why we, the JNA, were in charge of controlling that. [...] So I did my military service in an honest way, the way I believed in, and I was not a nationalist. [...] I had Slovenian colleagues in the JNA, Serbs, Hungarians, and I do not know who else,

you name it, Albanians. You know how many different nationalities live in Yugoslavia. We never ever discussed politics and background of other soldiers. We were only discussing those paramilitary units because those people caused us problems, and how they had been established, I do not know. I was just a regular soldier. Even the officers did not know. We were even fired at by them once when we tried to stop them. Thank God I returned home safe and sound from my military service but, unfortunately, I did not spend much time with my parents and the conflict soon broke out in BH and then in Tuzla on 15th May 1992. Then I was called to the army - and I forgot to tell you last time; when I came back from Belgrade I received call up papers from the barracks in Tuzla which was controlled by the JNA. I received that paper, and I went there together with - I took the paper and I told them, "Well, gentlemen, I do not want to go to any army. I do not want to take part in any war. I have seen a war. I do not know what it is. I have done my military service. I have done my year", so I just throw away that paper and I left. But nobody came to arrest me because at that time problems started between the JNA and the Ministry of the Interior of Bosnia and Herzegovina - at least that is what they were showing on TV in BH. So after that, as I told you, general mobilization started. So I received again call up papers. I reported, and I reported to the Territorial Unit in my area, the area of the Donja Dragunja Local Commune. There were Serbs there, Croats, Muslims. There was a kind of defence from so-called aggression against the Republic of Bosnia and Herzegovina. That is what they told us. They told us that they were setting up units. After that the war started in Bosnia and Herzegovina. You no longer simply defended yourself, your home and your town, but we were sent outside Tuzla, for example, to the Brcko area. Those were the assignment, they deployed units there. But I knew what the war was all about. I had seen it back in '91 when I was with the JNA. I had seen many things that other people had not seen. I saw people getting killed. I was at that checkpoint and I could see wounded soldiers being transported, hundreds of them. Some of my colleagues were burnt alive in their tanks and I was telling those stories when I returned home. I was in favour. I was supportive of the reformist party in the area of Tuzla. They said that they were in favour of peace, that they did not want war. Unfortunately, the war happened in Tuzla and in Bosnia-Herzegovina as well. So, as I said, I was in with the army of Bosnia and Herzegovina, but after that, wishing to avoid the war, because I had lost four of my very best friends, people with whom I had spent more time than with my own brother, one of them was a Muslim, one of them was a Croat, one Serb and one Albanian who lived in Bosnia, four very good friends of mine. So I joined the HVO, and I will tell you this. I was a member of the military police and we received orders to arrest people, to put uniforms on them and to send them to the front line. I rebelled at that time at the command. I told them that I did not want to arrest anyone. I did not want to be responsible for the death of anyone. [...] So, one other incident; there was an offensive in the area of Brcko, and some of my colleagues and some other people whom I did not know were killed in Brcko,

five of them. This is what hurts most and this will hurt me for the rest of my life. The Commander of this HVO Unit, HVO Brigade, came to see our Commander who was in charge of the military police, and he said that he needed four men to go to the exchange with the Serbian side so that they can get back the bodies. [...] [T]he exchange took place in Brcko, I cannot remember exactly where - maybe later. Then this friend of mine from the military police told me, "Dražen, could you please come and see whether this is the person? Let us not make a mistake", because those people did not have any kind of identification papers with them. They were naked. They did not have anything. So I went there. I recognised the man. I found the fifth person as well, the fifth HVO member who had been killed. So the Commander of the HVO had forgotten one of his men, one of his men who was killed in Brcko. [...] So, as I told you, I did not go to the Republika Srpska because in order to join their army and stay there. It was just supposed to be a stop over on my way to Switzerland because I did not want to take part in that war; I did not want to. I simply could not bear seeing my former neighbours committing such crimes. I simply could not understand how such things could happen. [...] So, as I already told you, in the Republika Srpska I was first in Bijeljina and then I went for Janja. Then some soldiers from a paramilitary unit tried to arrest me in Janja. They wanted to kill me. They knew I was a Croat. They wanted me to report in their unit and all kinds of things happened. So I fled to Serbia together with my wife. We just kept moving about Serbia from one place to another, and then this general mobilization of Bosnians took place in Serbia. They wanted all Bosnians in Serbia to go back to the Republika Srpska. That was a government's order. So I was afraid, I was afraid of everything, and I did not know what to do. I kept thinking it would have been easy if I had been alone, but I did not know what to do with my wife who was pregnant at that time. It would have been easy for me to flee across the border, even without papers, but I knew that if I got caught they would kill me because I was a Croat and I did not have any identification papers, except for my ID from Tuzla. I did not have any passport. So I went back to Republika Srpska and I went to a cousin of my wife. We went to Foča. When we got to Foča - I told you about that yesterday - when we got there, I had to register myself somewhere. I had some kind of paper from Republika Srpska and, being a Croat, it was difficult. This man told me, "Dražen, OK, you have been with the army of Bosnia and Herzegovina. You admitted that. You have been with the HVO. You did not commit any crimes. You helped Serbs. Just don't stay in Foča. It is not safe for you, you, a Croat". That is all he had to tell me, because they could not guarantee that I would survive there. The wife could stay, that is what they told me, but I could not. That was his advice. So I took his advice and I went back to Bijeljina. As I told you, I was stopped by the civilian police in Bijeljina. They requested some kind of permission which I did not have, but this Serb who was with me at the time confirmed that I was the person I was. He told them everything about me. He knew certain details about me. So they told me that I should immediately report to the town hall and that I should be given a green card, a green refugee

card, with all details of my whereabouts, and people I was living with and so on. I think that that green card should have been obtained from the Federal Republic of Yugoslavia, if you have that document from that country. However, nothing, no accommodation, no papers were possible, it was possible to obtain them because I was not a member of any army. So I had to join the army. Why? To survive. So this man who was working in the military department who was in charge of deploying, assigning, people to various units, asked me about my name, "Dražen Erdemović, who are you? What are you?" and I did not hide it. I told him I was a Croat. So he kept staring at me, "How did you get out? Who let you out?" Then I started my story from the beginning; how I helped Serbs in Tuzla, how I am not a criminal. But I had to be a member of an army so I went to all kinds of details to make my story believable. So after that he told me that there was this Unit and there is one Muslim in this Unit, one Slovenian, one Croat, and there is another unit which is a paramilitary Unit, and some people from that unit wanted to kill me after I left Tuzla and if I had not fled to Serbia they would have probably killed me at that time. So I joined this first Unit and the first thing that I asked was when I saw those two people, two Croats, "What is the task of this Unit? What are they in charge of? Is there any dirty business that they are supposed to do?" They told me, "Dražen, the Commander is a very good man and he has never ever issued any order to liquidate anyone". That is what they told me. I talked to this Commander and he had talked with those Croats whom he trusted more. He wanted to know more about myself and so on, because I told my story to the authorities of the Ministry of the Interior, how I arrived in Republika Srpska, and this Commander never issued me with an order to kill anyone. We were in charge of reconnaissance and intelligence activities. I was even praised by this one person when I let Mr X, the witness, when I let him go, he told me that is what I should have done anyway. After that this Pelemiš arrived in October and everything changed. The Unit was extended and some nationalists joined the Unit. It was horrible for me. It was a horrible experience for me. I will tell you exactly what happened. I could not do it yesterday but I can do it now. So Pelemiš introduced himself and he said, "Well, I am your new Commander", and he said he was a hero of Republika Srpska. "OK, you are a hero. I am nobody, but that is fine with me". He said he was from the main staff, that he was working for the intelligence service and that we were to obey strictly his orders. Well, what was I supposed to do? I just kept silent, everybody else did. So after that I had been given my rank from the former Commander and Pelemiš said, "OK, you can continue with your rank". He had heard that I was an honest man, that I was not a liar and so on. OK. I got my assignments. At that time I received a report which was to help me for that assignment. They had everything written down, the type of vehicles, the route to be taken and the description of the person we were supposed to arrest. They were even going to give us a helicopter for that kind of action. So I did not undertake anything before I checked it all myself, together with four other colleagues. So when I got there, when I got to the site, I realised that the report was not

true. It was not true that it was not dangerous, because they were assuring me that the civilian population would not be harmed. That is what was stated in the report that I had been given which had been signed by Pelemiš. So I sat down with my colleagues. I could talk to them. I knew them, and I told them, "Well, is this the kind of situation that we have seen? Is this what it says in the report? Can you see these people here in these meadows, women and children? They are Muslims. They do not care about fighting. They are just working on their fields in order to survive", and none of my soldiers ever pointed a gun at those Muslims and I do not think their names will ever appear before any Tribunal, thanks to me, because Pelemiš would have exposed them to the same trouble I have been exposed to. So we came back from that assignment and I told them that the report was not true, and at that time I would like to emphasise that - I would like you to understand me, your Honours - at that time I was the Commander of the 1st Sabotage Unit which was part of the Bijeljina platoon. I am emphasising this because you have mentioned two of my refusals to carry out Pelemiš's orders. [...] So I went back to Bijeljina. I was debriefed and I had agreed with those four comrades who were all Serbs, and I was a Croat and I was the Commander of that Unit because I knew the area and that is why I had been given the assignment in the first place. So we agreed that the task could not be carried out because people could get killed, both members of the Muslim army, Muslim civilians and my colleague soldiers. I believe that none of us would have survived. So I went back. I reported to my superiors in writing. [...] Several days later, Colonel Salapura arrived from the main intelligence centre and convened a meeting. So he had the floor and he knew that I had saved this witness X, but Pelemiš did not know about that at that time. So Salapura tells me, "Mr Erdemović, what do you think, what kind of behaviour is that? Do you know who the Commander is here? Do you know who is in charge of issuing orders? What do you think? What kind of an attitude is that? You are a Commander. You should co-operate with the command not with your soldiers". I told him, "Well, I prefer my soldiers to you because you are sitting comfortably in your armchairs while we are freezing to death in mountains", and so he just looked at me, but that is what I told him. So he said, "OK, I know, you are lying. We have our people working for us. They have been informing us. We know what you have been doing". When he said "you," he meant Croats, because there were two Croats and one Slovenian there. I said, "OK, I am prepared to answer, to be accountable, for everything that I did". So I came to work the next day, because I was under a contract - I would like to emphasise that - I had a regular job. I had to be there at 7 o'clock and I worked until 3 o'clock in the afternoon in the barracks in Bijeljina. I could not move without permission. So that is when I was taken off my rank and that is when the abuse started. My wife gave birth in October, on 21st October. I had a very small child. My wife fell sick. So I went to the barracks and I had no time [...] to shave. Pelemiš was there, and he said, "Half of you are not - haven't shaved" and then Pelemiš said, "Erdemović, who are you trying to fuck here?" I apologise for this

expression. He said, "You should be ashamed of yourself. You forgot to shave this morning and only yesterday you were in charge here, you were a Commander". I thought I was going to ask him to go home because my wife was sick, but then I realised that I could not ask for anything any more because I could even be sent to a prison. So, several days later we were sitting here, this friend of mine and myself, four of us, we were sitting in the corridor and talking, and Pelemiš comes by and nobody stands up to greet him. He is an officer. We were supposed to stand up and greet him but nobody did. Then again, "You, Erdemović", but then again, "You mother fucker" - I apologise once again - "Who do you think you are? Who do you really think you are?" I just kept silent. "Why don't you get up?" I said, "Well, my colleagues did not get up either". "You used to be their Commander. That is what you have taught him. You have just taught them disrespect for their superiors". I just kept silent. I thought it was just better for me not to say anything then, to talk. After that nothing, I did not have any contacts with Pelemiš whatsoever. I only had contacts with this other Commander and Pelemiš would not hear about me any more. He was not interested about me, but I knew that he was up to something. [...]

After that comes Srebrenica. I tell you, I came to work in the morning. The Commander of the platoon said, "Get ready, you are off to an assignment". So what could I do? I took my rifle and I went off to this assignment. I do not know where, only Pelemiš knew and probably the Commander of the platoon. As I said, we came on 10th in the evening, I cannot tell, above the town of Srebrenica. It was the first time in my life that I had seen Srebrenica. Pelemiš said, "OK, you are going to sleep there". We slept outdoors. We did not have anything. We slept on the ground. He went some place, probably to a bed. "I will come back tomorrow and I will issue your orders". I kept silent and I was not anything, and he was talking to the Commanders and I was not interested. I was no longer a Commander. In the morning he came and said that we had got orders to go to Srebrenica, to go down to Srebrenica as a Sabotage Unit and that we would be joined by some of the soldiers from the Drinski Corps, and that is the way it was. About 9.00, 9.30, I do not know exactly, we went down to a town. Of course they prepared us. They said that there would be heavy resistance and that there were, I do not know how many armed soldiers, and that they were extreme Muslims. That is what they explained. But we went into town. Not a single shot was fired at us, not a single bullet was shot at us. It was really strange to me. I was wondering, what is this? Where are these people? What is going on? We came to what I think was the centre of the town. [...] Nothing - our orders were to stop, not to go anywhere before General Mladić would come. Pelemiš said, "Dražen" - no, not to me, he told somebody else, "Take four men and go back to the southern part". [...] "When General Mladić comes into town, let us know by radio communication that he is entering town". From then onwards I have no idea what happened in Srebrenica and elsewhere. I saw some of it on BBC, here on television, and I talked about this with the investigating gentleman. He asked me about certain details in connection with these films. I told him what I knew and what I did not

know, I did not know, but when I saw those people in the camp I was really surprised. How could that happen, that I could be there and not see these people? I do not know. I wondered myself. I probably do not know why. That is the way it was. We spent the night - that night in Srebrenica. Pelemiš came again the next day and he said, "We are packing up, we are going. There is nothing else to be done. Our assignment has been completed." OK, fine. We all crowded into our vehicles and went back to our homes. Then, of course, in the vehicle we would talk and I asked a man from Vlasenica, "What is going on? Where are these people? Is this the Srebrenica that was surrounded for four years?" He said, "I do not know. I do not know". [...]

Of course, I will tell you now while I was in Bijeljina - I forgot that - my next door neighbour was Muslim. We were on friendly terms [...]. I was also in touch with these girls, these two friends. These two girls were Muslims also. Nothing whatever happened. They came to my son's first birthday party and they bought him the most valuable of presents. [...] I do not know why - perhaps because I was bad or perhaps because I was good. Even now they are sending their regards to me and I thank them for it.

Now let me go on once again what happened. When I came back from the funeral on 16th in the morning, I tell you Pelemiš did not tell me directly but Brano Gojković came and said, "Erdemović, Kos Franc and Goronja Zoran, get ready. You going on to a mission". So what could we do? I asked when we would be going home. He said, "You are going on a mission. What kind of a home are you talking about?" So I had to go on this mission, I had to. [...] We were driven off to this farm. [...] then Brano said, "Now buses will be brought in with civilian population from Srebrenica, men." He emphasised civilians, that is to say, that they would be wearing civilian clothes. I said, "People, I do not want this, are you normal?" Nothing. "Mr Erdemović" - this is what Brano told me - "if you do not want to, stand with them so that I, so that we can kill you too or give them weapons so that they can shoot you". I was not afraid for myself at that point, not that much. [...] But what would happen to my child and to my wife? So there was this enormous burden falling on my shoulders. On the one hand, I knew that I would be killing people, that I could not hide this, that this would be burning at my conscience. [...] If I sacrifice myself and my family, again it would be the same; these people would be killed again because I am not deciding on their fate. So, as I said, what happened happened [...]; buses started coming in. There were two military policemen escorting these buses. They would bring out groups of 10 people out of the bus and, of course, they were looking into the ground. I remember the first bus. I remember the first bus. Their heads were bent downwards and their hands were tied and they were blindfolded. I remember the first bus, but all the rest is dimmed, as I told Mr Ruez. I do not know. Doctors, when they talked to me, when doctors talked to me, they asked me, "Dražen, perhaps out of this fear of yours, out of this psychological thing, I

mean, all the things that you lived through, experienced, did you say that there were 20 buses, that there were so many people?" I said, "People", I said that many because that is the way it seemed to me and I think that is the way it was. I did not count them, nor did I think it was right to count, but I think that that is how it was. If you look at the time that all of this had taken, it all fits into this mosaic. [...] The command was all should be dead and no witnesses. I did not even know when the end would come. Then this Lieutenant Colonel came in and he used the following words, "In the hall in Pilica there were 500 people", so the figure he used is the figure I used, 500. Then I had really broken down [...]. That means that I was distressed, psychologically, physically, I do not know what, and I said I would not do it any more. I do not know why I decided then that I would not do it, I do not know, I do not know, I am not aware of that, but had - he said that I would have to do it, and probably I was supported by some of my comrades. That is why I was so resolute perhaps. [...] But afterwards I was afraid. The next few days I was wondering, what had I done. I was afraid. I was afraid that they would try to liquidate me because of my behaviour at that farm. [...] I knew what Pelemiš had been doing to me before that, and now what will he do now? However, not much time had gone by and what I had expected came true. My colleague shot three bullets at me and two other friends. [...] [I]n the hospital I was only visited by one man from my unit, only one man from my unit. He also lived in the Federal Republic of Yugoslavia and he helped me stay alive, rather have me transported from Bijeljina to the military hospital in Belgrade. [...] He advised me to move my family away. I had been wounded so badly that I had been operated on and this stoma was removed only in the Netherlands. But when I came home I was wounded. I did not have a single dinar, not a single dinar. The medicine was exorbitant, the medicine I needed was exorbitant. Had it not been for some people who I had known who had cafés and who knew I was a good man and also some companies, had I not asked them for money for my medicine nobody would have given it to me. I would have died. There were no medicaments at the Bijeljina hospital and all of this is privately owned, pharmacies, everything. To tell you exactly, the only pharmacy in Belgrade that had my medicines and those stoma and other things I needed cost 150 DM and this was only to last me for 20 days, only 20 days. So wounded as I was, I would take the bus and go to Belgrade to buy my medicine. [...] After that I wondered: How could I transfer my wife and where do I transfer her? Problems again. I was being threatened. In the street they were saying loud and clear, "You're an Ustasha." Although I was in their army I was an Ustasha for them. My wife was Ustasha hoar for them because she had borne a Croat child. That is the kind of people they are. Why? Why, because Pelemiš had talked them into that. I suffered. I suffered. I had the strength to sustain all of that. Fortunately, IFOR came into Bosnia. Routes were being opened Orašje and Tuzla, the road between Oraci and Tuzla, going by the town of Brčko and I besieged my wife and child. I could not tell her what happened. She had assumed what had happened. She knew I was wounded and I said,

"Please, you and the child go there, go to our parents, so that you would stay alive at least and it does not matter what happens to me. Please just take my child away." I had such trouble talking her into it. She was wondering whether she would run into problems with the Muslim authorities there. I said: "Don't be afraid, (redacted). The people from the Muslim Ministry of the Interior know me. They know that I am not that kind of person. They know everything about me. They have my files. They know that I am not a criminal, that I never committed a crime. I did not even fight with anybody or quarrel with anybody, nothing." Then she agreed. A friend of mine, a Serb, drove her there by car, my wife and child, they went to Tuzla. I came back to Bijeljina. Then when I got out of this friend's car I did not know what to do. Where do I go now? I know the next day when people would find out that my wife went to Tuzla it would all be over. I was suspected even then. Then after that what could I do? [...] I went to a friend in the Federal Republic of Yugoslavia. I thought of getting in touch with you directly, the International Tribunal, but I did not have any contact. [...] Then this friend of mine understood what I was saying and helped me get in touch with journalists. Without any guesswork involved I told this lady journalist, I said that I was not asking for any money or for any services from her, any favours. I just asked her to help me get to The Hague. [...]

Mr OSTBERG [*Prosecutor*]: I think, your Honour, we have one question to Mr Erdemović. Mr Erdemović, you have read and heard the facts stated in this indictment many, many times. I am certain that you realise that there is one crucial question to which the Court needs to have an absolute clear answer. That is, from the moment on 16th July 1995 when you realised what your task was going to be and until around 3 o'clock in the afternoon when the shooting stopped, did you at any point have any possibility to avoid taking part in this shooting without jeopardising your life?

A. No. No, that is my most sincere and frank answer [...]

JUDGE ODIO-BENITO. Before these Srebrenica facts had you killed anyone in the war?

A. No. That is why I have been tormented by that so much when I have to talk about it. That was the first and the last time.

JUDGE RIAD: Mr Erdemović, in your long description of your life you have not mentioned anything about your profession. Could you tell us something about your profession, before the war at least?

A. Yes, I have mentioned that. I am a locksmith by occupation. I graduated from secondary, vocational secondary school in Tuzla in 1989. There was no work at that time in former Yugoslavia. It was very difficult to find a job. [...] Factories no longer worked, nothing.

Q. You were very clear in expressing to us your belief in the co-existence of all religious and racial factions in ex-Yugoslavia, and you pleaded very much the cause of peace. At the same time you happened to join all the fighting groups during this war. Was there not any other way to express your belief in co-existence?

A. [...] We were forced to join the army. I had received these call-up papers. [...]

Q. According to your observation during this period, was this the case of all the young people of your age in former Yugoslavia? Did they all have to pass through this ordeal?

A. [...] Some, for example people who were older than myself, they had a passport, but my generation, for example, we did not have a passport. We were minor at that time. Before you do your military service and if your parents did not work abroad you could not get a passport, such was the law at that time. You simply could not have a passport before you do your military service. Once you have done your military service you can make a request to be issued a passport and then they would do some checks, checking your record and then they would issue you a passport. But before I completed my military service the war broke out. So, who was supposed to issue me a passport? That was the problem.