

Prosecutor vs. Dražen Erdemović

Testimony of Defence Witnesses

(pp. 237-257 of official Court transcripts, November 20th, 1996, English version)

Defence Witness 1

MR BABIĆ [*Defence lawyer*]: Your Honour, [...] we can hear a witness first that Erdemović, when it was in his power, when he decided of his own freewill that he saved his life. That will be the first witness and then we will hear the second witness. [...]

[Witness] Examined by Mr BABIĆ

MR BABIĆ: I shall put my questions very directly and I shall also ask the witness to give very direct answers. My first question: Does the witness know the accused Dražen Erdemović?

A. Yes.

Q. Since when have you known him? If you could tell me on which occasion did he meet him? [...]

A. In November 1992. We were in the same Unit in the 115th Brigade of HVO military police.

Q. When you were together then in the HVO, can you tell the Court something about Dražen as a person, what was he like as a person?

A. We were not in that Unit together for a long time but he was like other people. He did not really distinguish himself in relation to others.

Q. Until when was Dražen in the HVO?

A. Dražen was in the HVO, I do not know the exact dates, I do not know the exact dates, about three months. Then because, because he transferred people of Serb nationality across the line, he was transferred to another Unit and then he was not on the same Unit with me any more.

Q. Do you know after that where Dražen was and what he did?

A. He was transferred to another Unit on the line. I did not meet him after that, until August 1994.

Q. Until August 1994. Where was that in August 1994? Where were you then and could you say in what capacity Dražen was there? Could you tell us everything about this meeting that took place?

A. That day I went to the battalion command to take weapons to go to the line.

Q. Belonging to what army?

A. The army of Bosnia-Herzegovina. This was on Mount Majeveca, it was not far away, and I saw Dražen and another soldier with him. They were by themselves. They stopped me. This army had a scorpio weapon and he wanted to shoot me and Dražen jumped up and said, "No, let the man go. Don't shoot him". Then another one came up from my back. Then I told Dražen, because I knew him, I did not know these other two men, "What are you doing there?" I saw him wearing a Serb Army uniform, and I said, "What are you doing there in that uniform?" and these people started explaining something in a very impudent manner, and he said, "(redacted), don't ask me too much, too many questions. I have to do this. I tried to run away to Switzerland. They would not let me", and that was it. [...]

Mr BABIC: On that occasion were you, frankly speaking, fearful for your life?

A. Of course I was. I did not have anything and they had weapons on them. This other man had a weapon too and I did not know what he would do. Of course it was only natural, it was only human, to be afraid in a situation like that. I was, frankly speaking, truly afraid that they would shoot me.

Q. Then what happened to you?

A. They detained me there for about two or three hours. I asked them to let me go, but these two would not but then it was strictly at Dražen's insistence that they let me go.

Q. And you?

A. Then he gave me a box of cigarettes, a pack of cigarettes, and he also gave me some pistol ammunition. He said, "Take care, comrade, be careful".

Q. Was this your last meeting with Dražen Erdemović?

A. Yes.

Q. Do you think that Dražen Erdemović saved your life?

A. Yes, at any rate he did.

JUDGE RIAD: [...] You mentioned that you knew Mr Erdemović during your service in the military police, that is right?

A. Yes.

Q. Which is the Serbian Croat police?

A. This was strictly HVO military police.

Q. Yes, the Bosnian Croat?

A. Yes.

Q. The Bosnian Croat, and he was dismissed from this police because he helped the Serbs to go out from Croatia to Serbia or to the Bosnian-Serb region, is that right?

A. Not from Croatia, from part of the federation that was under the control of the army of Bosnia-Herzegovina. He helped people of Serb nationality to go not to Serbia but to Republika Srpska.

Q. To Republika Srpska?

A. Yes.

Q. Did he help any others? Did he help Muslims to go back to Bosnia or did he help Croats to go back to the Croatian region?

A. I do not know if he could have helped Muslims then or Croats to go here and there because he was on territory that was held by the army of Bosnia and Herzegovina. Muslims were not going from the territory of the army of Bosnia-Herzegovina to the Serb entity.

Q. Were you alone when he tried to save you or did you have other people with you which he also tried to save?

A. No, I was alone that day.

Q. Do you think there is any special reason why he would have chosen to save you; in particular, the relationship, what kind of a relationship exactly did you have with him? Was it just because you belonged to the same country, let us say?

A. I do not know his reasons, but probably we were in the same Unit. He had known me for three or four months while we were together. [...]

Defence Witness 2

Mr BABIC: May I start with the same question again? Does the witness know Dražen Erdemović? Since when has the witness known Dražen Erdemović and how does the witness know Dražen Erdemović as a person?

A. I know Dražen Erdemović. I met him in January/February 1993. We were friends. That is all.

Q. This friendship, was this just a friendship between the two of you or with several other people of the same age, your classmates from school or from the neighbourhood?

A. This friendship was not between the two of us only. It was a multinational friendship with all acquaintances of ours, regardless of nationality, from school, our friends that we went out together with.

Q. Does that mean that, in your company, among your friends, there were Muslims, Croats and Serbs?

A. Yes.

Q. In this company of friends, did anybody ever ask questions as to religion, nationality, etc?

A. No.

Q. Do you know Dražen's views and did Dražen ever present his views on these matters?

A. Yes, I know that Dražen was not a nationalist at all. It was not important to him who was what nationality. It was only important for him that we knew how to be friends and that we had a sense of humour.

Q. Does that mean that in your company of friends nobody ever raised that question?

A. Nobody. That is right.

Q. Is it the same now?

A. Yes.

Q. Did Dražen like this company of friends?

A. Yes.

Q. Did his friends like him?

A. Yes.

Q. What was his character like? Was he a vivacious person, good natured or did he like to pick a fight?

A. He did not like to pick a fight. He was a vivacious person. He was always outgoing.

Q. Do you know Dražen well?

A. Yes.

Q. Do you know anything about where Dražen went during the war?

A. Yes.

Q. Do you know that Dražen was mobilized and went into the Croat army, the Muslim army? Do you know when he left the territory of Bosnia-Herzegovina under the control of the Muslim army and the Croatian army, when and where did he go to? [...]

A. I did not know Dražen when he was in the army of Bosnia-Herzegovina, but I know him when he was in the HVO. I know that he left it on 3rd November and then he went over to Republika Srpska. He spent two months there without joining any army and then he had to join the Serb Army.

Q. How did he join the Serb Army? Was he mobilized?

A. Yes. Yes, everybody had to go to the army regardless of who and what he was, so he had to. He tried to avoid it. He tried to find a way out. He tried to get out but it was not possible. He had to join the army.

Q. Did Dražen ever tell you something about the war, what his attitude towards the war was and what his attitude towards the army and these armies in general was?

A. Dražen did not enjoy the war at all, and I am certain that he hated the war and that he hated the army, but he simply had to do all of it.

Q. Do you know what the consequences were for a person who did not respond to mobilization by any army?

A. There were fateful, if you know what that means, fateful consequences, yes, yes.

Q. I am going to address a question to you belonging to the present. In the environment in which you live today, in the narrower or broader sense of the word, are people commenting on the trial of the accused Dražen Erdemović? Could you say how people are commenting on this? Did you comment on this in the company of your friends or what kind of company did you comment upon this? Was this a multinational company of people and what do people think about this and how do they assess Dražen's role before this Court?

A. It is only natural that people are commenting upon his trial. However, regardless of the nationality they belong to, everybody says that Dražen was not that kind of person and that Dražen had to do this under pressure that he would not kill of his own freewill but only if he was forced to do so.

Q. Is this being commented upon by Croats, Serbs and Muslims?

A. Yes, mostly by people who are in the environment in which I live, who are important people there, who hold important posts.

Q. Are these people Serbs?

A. No, Muslims.

Q. You said that Dražen was against the war, against the army?

A. Yes.

Q. Did he try to do something in order not to go into the war or not to join the army?

A. Yes. At first he tried to find a way out of the federation to get out to Republika Srpska. However, this was only in passing so that he would go abroad, but the situation was such that nobody managed to get out, especially if he was a male. Everybody had to go to the army and the consequences were fateful, disastrous.

Q. Did you know about the fact that the accused Erdemović was wounded?

A. Yes.

Q. Is it known in the environment in which you live that this happened and why this was done?

A. Yes.

Q. Could you tell us about it?

A. Everybody comments on this in the same way. He was wounded only so that he would be eliminated so that he would not testify about the acts, the terrible things that took place there.

Q. These comments, do they continue until the present day?

A. Yes.

Q. Do you read newspapers? Do you watch television?

A. Yes.

Q. The mass media, do they comment on this trial and in what way?

A. I do not know. It depends. If we watch Serb television then Dražen is a traitor, and if we watch Muslim television then Dražen is a witness who will corroborate war crimes of higher people in the Serb Republic, so it differs. [...]

JUDGE RIAD: You said that you met Mr Erdemović in January 1993. Where was that exactly?

A. In a disco club.

Q. Yes, was it in Republika Srpska or was it not there?

A. No, it was in the federation of Bosnia-Herzegovina. [...]

Q. Then he went after that to Republika Srpska. What forced him to go there?

A. I do not know. Republika Srpska was just supposed to be in passing. He was supposed to go abroad, to a better life abroad.

Q. He stayed from November '93 to April '94 in Republika Srpska without any job or any work, is that right, and then he joined, after he joined the Bosnian Serb Army. What did he do during this period before joining the Bosnian Serb Army?

A. He was moving from one place to another then. When things would become critical in one place, then he would move to another place, just to dodge the army.

Q. You said that when you met him he had friends from every, let us say, nationality - Croatian, Serbs and Muslims?

A. Yes.

Q. Did his feelings change during the war gradually towards some of them?

A. No.

Q. Did he remain friends with the Muslims or were there some quarrels off and on during the period of fighting?

A. No, Dražen remained a friend. We have an example. In Republika Srpska, we had two friends who were girls, Muslims, and now they are in Tuzla. I am still friends with them. Now, when I was leaving they told me to give their best to Dražen.

Q. The Defence asked you about the echo of his being here on trial. You mentioned that the Serbs consider him as a traitor. Why do they consider him as a traitor?

A. Well, because he agreed to tell the world about the crimes over there, and that in the long run it was the small fry who were held responsible and that those who were responsible for issuing commands are not being exposed.

Q. From the Muslim side, is it not mentioned, no mention of his participation in the executions?

A. It is being mentioned, but all of them say that Dražen was only an executor of orders and that the main culprits should be found and those who issued these orders.

THE PRESIDING JUDGE: [...] throughout these journeys which took the accused from one camp to another, did your relationship with him remain?

A. Yes.

Q. Were you always in a relationship with him? Did you ever give him any advice? Were you afraid for him? [...] Would he call you, for example, sometimes, let you know what was going on with him? Would you say something to him? What did you say to him about all this moving about that he was doing, this dangerous moving about? [...] If I am not being indiscreet, what kind of advice were you able to give him or did you give him? Would you say, "Things are all right" or "You cannot do anything else" or did you say, "Be careful" or "I do not agree"? Did you have the freedom to express your opinion and, if it is possible, could you tell us what that opinion was? For example, when he was wounded, these serious wounds that he received, you knew about them? What did you know about the circumstances surrounding the wounds that he received? Did you see him then in the hospital? Were you able to find something out? What could you tell the Tribunal about that?

A. I only found out that these were his comrades at arms from Republika Srpska and that one of them had wounded him, but this was all according to the orders of his Commander because they had suspected Dražen, because of the case from 1994, I think. There was a suspicion concerning Dražen as far back as then.

Q. Going back to you, [...] what image do you have of this journey across the war through the area controlled by Croats, then to Republika Srpska, then dozens of Muslims are killed? What is your feeling about it, your own feeling?

A. I think that Dražen is not the kind of person who would enjoy killing. I think that he was ordered to do that and that he had to do that, and he had to do it because of his family which was then in Republika Srpska.

Q. When one receives an order, do you believe that these orders must always be obeyed? What do you feel about that, you personally, you [...]?

A. That is the situation in Republika Srpska, that orders have to be obeyed and carried out otherwise the consequences are fateful for the family and, in this particular case, the accused, Dražen Erdemović too.

Q. Throughout this period did he keep you informed about his moods, about his opinions? Could you say something to us about that or about common friends that you had? Did he tell you, "This is a dreadful war" or, on the contrary, did he say, "I just cannot do anything else" or that "You have to be too brave to do something else. I have no way of being other than I am"? Could you tell us what his mood was, his mental state?

A. He was fed up and that he wanted to get out, not to participate in the war at all in the former Yugoslavia.

Q. The accused told us that at one point he began to drink. Did he drink before that? What could you answer about that?

A. Dražen, I mean, before we would all drink depending on our mood and if we were celebrating something we would all have a drink, and when he would return from his assignments Dražen starting consuming more alcohol and he withdrew. He did not want to talk about anything. He was nervous. He sought comfort in alcohol.

Q. Since the beginning of this trial, even before that, ever since the accused has been here in The Hague, have you received any threats? Do you receive any threats? Do you feel that you are in danger?

A. I do not know. There were some conflicts but nothing terrible.

JUDGE RIAD: [...] you mentioned (and we have all evidence) that Mr Erdemović joined the Bosnian Serb Army in April 1994 after having spent five months almost in Republika Srpska without doing anything. That is right, from November 1993, I think, to April 1994 he was in Republika Srpska and you said going from one place to another to avoid trouble, and [...] in 1994 he was forced to join the Bosnian Serb Army. Would it not have been possible for him during these six months before to go back to the Croatian part where he belonged and to avoid joining the Republika Srpska army?

A. I do not know.

Q. You do not know. In that time were you in Republika Srpska?

A. Yes.

Q. Was it known what their execution squads, or what they called the Sabotage Units and so on, were doing? Was the idea of ethnic cleansing in the information media or was it completely put aside?

A. The media did not speak of this at all. I know the case of Srebrenica. The Serbs were saying that the Muslims had moved out and that Srebrenica was empty and that the Serbs simply walked into an empty town. Nobody had any idea of the killings and of the torture of Muslims.

Q. You also mentioned that it was inevitable to obey the orders and to execute the orders given to kill. It so happened that Mr Erdemović was brave enough, apparently from the evidence that he refused the action once under Pelemis and he was degraded. But he could refuse; and then another time he refused to go to the hall, the school, and kill the 500 Muslim prisoners there. He could do that. Then it was possible, in your opinion, to avoid executing the killings?

A. The only way to avoid this killing was for him to stand in line with them, for him to be a victim too as well as his family, which was then in Bijeljina. That was the only way.

Q. So the family would have been in danger, according to the system in Republika Srpska?

A. Yes. [...]