

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

Case No. IT-09-92-T

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Date Filed: 12 August 2014

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC
WITH PUBLIC ANNEX A

**DEFENCE MOTION PURSUANT TO RULE 92TER TO ADMIT THE WRITTEN
TESTIMONY OF RADE JAVORIĆ**

The Office of the Prosecutor:

Mr. Dermot Groome
Mr. Peter McCloskey

Counsel for the Accused:

Mr. Branko Lukić
Mr. Miodrag Stojanović

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

I. Introduction

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

2. Herein this application is made to tender one written witness statement of the witness, without any associated exhibit. At this time the Defence estimates that the evidence-in-chief of this witness will last up to 30 minutes.

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

II. Applicable Law

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

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

6. In addition to meeting the requirements for admission under Rule 89, these “associated exhibits” must form an “inseparable and indispensable” part of the witness’s written evidence.³ A document falls into this category if the witness discusses the document in his or her written statement or transcript and if that written statement or transcript would become incomprehensible or have lesser probative value without its admission.⁴

III. Arguments and Submissions

a. The Chamber Should Admit the Witness Statement

7. The Defence seeks leave of the Chamber to call Rade Javorić as a witness pursuant to Rule 92ter. The Defence submits that the proffered statement, (attached hereto as Annex A) meets the requirements of Rule 92ter, and thus should be admitted under that Rule.

8. Witness Javorić’s statement is relevant, reliable and probative, as set forth in greater detail herein below. A copy of said statement is attached as **Public Annex A**, with

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

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

³ *Id.*

⁴ *Prosecutor v. Lukic & Lukic*, Case No. IT-98-32/1-T, “Decision on Prosecution Motion for Admission of Evidence pursuant to Rule 92bis,” 22 August 2008, para. 21

corresponding 65ter number for the statement. Although there are no exhibits, Annex B sets forth the 65ter Number of the statement.

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

10. Witness Rade Javorić is a history and defence teacher by profession.⁵ Javorić was the Chief of Staff of the 5th Kozara Brigade before September 1991.⁶ On 16 September 1991, Javorić was appointed Commandeer of the Prijedor ŠTO (Territorial Defence Staff), position that he held when the war in BiH started.⁷

11. The Defence submits that due to the nature of the Witness's testimony 30 minutes will be necessary in order to conduct a limited and focused direct examination of the witness to clarify, expand on, and contextualize aspects of his evidence directly relevant to the defence case.

12. Witness Javorić's testimony is relevant to the Defence in that it will, among other things, establish the following:

- a.** The ethnic issues that arose in Prijedor after the multiparty elections.⁸
- b.** The military units of the JNA stationed in Prijedor and the Prijedor SJB.⁹
- c.** The structure of the staff, the system and control of command of TO.¹⁰
- d.** The mobilization process in Prijedor and the creation of ethnically clean units.¹¹
- e.** The movement of the entire Prijedor TO Staff command to the Barracks and the destruction of the entire documentation of the Staff.¹²
- f.** The establishment of a parallel TO Staff by the SDS.¹³

⁵ Statement, para.1

⁶ Statement, para.2

⁷ *Id.*

⁸ Statement, paras.3-6, 10, 21

⁹ Statement, paras.4-5

¹⁰ Statement, paras.6-7

¹¹ Statement, paras.8-9, 11-12, 14, 30

¹² Statement, paras.15-16

¹³ Statement, paras.17, 31

- g. The preparation of the Muslims for the war.¹⁴
- h. The blocking of the regional road Banja Luka and Prijedor.¹⁵
- i. The presence of paramilitaries in the area and the killing of JNA members by them at the Hambarine check point.¹⁶
- j. The military did not secure investigation and collection centres in and around Prijedor.¹⁷
- k. The preparation and the battalion formation in the breakthrough of the corridor and the further conduction of it in accordance with military rules an instructions.¹⁸
- l. The emphasis by General Mladić to act in accordance with the military rules.¹⁹

III. CONCLUSION

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

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

Word Count: 1,099

RESPECTFULLY SUBMITTED BY:



Branko Lukić
Lead Counsel for Ratko Mladić



Miodrag Stojanović
Co-Counsel for Ratko Mladić

¹⁴ Statement, paras.19, 22-23

¹⁵ Statement, para.20

¹⁶ Statement, paras.19, 22

¹⁷ Statement, paras.25-26

¹⁸ Statement, paras.27-30

¹⁹ Statement, para.32

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Case No. IT-09-92-T

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PUBLIC

ANNEX A

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

WITNESS STATEMENT

WITNESS INFORMATION:

Surname: JAVORIĆ

Name: Rade

Father's name: Novak

Date of birth: 15 February 1948

Ethnicity: Serb

Date of interview: 17 March 2014

Interview conducted by: Branko Lukić, Mikajlo Mitrović

Language used during the interview: Serbian

Signature of the Witness: _____

WITNESS STATEMENT BY RADE JAVORIĆ

1. My name is Rade JAVORIĆ, father's name Novak. I was born on 15 February 1948 in Jutrogošte village, the Municipality of Prijedor. I am a Serb, married with two children, and have no criminal record; I am a history and defence teacher by profession. I am currently employed as the Director of the Social Welfare Centre in Prijedor and have permanent residence in Prijedor.
2. On 16 September 1991, I was appointed Commander of the Prijedor ŠTO */Territorial Defence Staff/*, and I held this position when the war in BiH started. Prior to this, I had been the Chief of Staff of the 5th Kozara Brigade. I held the rank of Captain First Class.
3. Ethnic tensions in Prijedor began to rise immediately after the multi-party elections in BiH. At that time, I personally was not a member of any national party. Since I was at the head of the TO */Territorial Defence/*, i.e. the Commander of its Staff, I was under huge pressure by the representatives of national parties with regard to the ethnic composition of the Staff members, as well as the ethnic composition of the units.

MILITARY UNITS IN PRIJEDOR

4. As regards the military units of the JNA in 1991, the following units were stationed in Prijedor: the 143rd Motorised Brigade, which was stationed at the Žarko Zgonjanin Barracks, located in the Urije settlement of Prijedor. At the beginning of war in BiH, this brigade was renamed into the 343rd Motorised Brigade, and later into the 43rd Motorised Brigade. In addition to this brigade, the main part of the 5th Partisan Brigade was stationed at the same Barracks, with weaponry and equipment. The name of the 5th Partisan Brigade was also changed in the course of the war into the 5th Kozara Brigade. As regards the units of the TO in Prijedor, there was the Dr Mladen Stojanović Detachment, which was equal to a battalion in strength, and a special Reconnaissance and Sabotage Detachment equal to a platoon in strength. There were also numerous TO units of local communities and enterprises. The size of these units depended on

the size of local communities and enterprises, and varied from the size of a section to a company.

5. Besides the military units in the territory of the Municipality of Prijedor, there was also the Prijedor SJB */Public Security Service/* (the Police) with its police stations in Ljubija, Omarska and Kozarac.

6. With regard to the TO Staff, after I had been appointed its head on 16 September 1991, the TO Staff structure was as follows: the Chief of Staff was Mile Tešinić; the Assistant Commander for Logistics was Major Aziz Selimbegović; the Chief of Security was Iso Bučan; Vahid Cerić was the Assistant to the Chief of Organisation, Mobilisation and Personnel Services, which included a service member named Milenko Kostić; the Chief of Operations and Educational Organ was Rajko Macura; Kemal Terzić and Vlado Motl were operations personnel; Mihajlo Brdar was the Assistant Commander for Morale; in the Logistics Organ, the MTS */Material and Technical Equipment/* was headed by Goran Bikić and Bogdan Sarajlić; Ismeta, whose maiden name was Šarić, was in charge of finances; Drina Kojić worked at the General Affairs Office; and there was a cleaning lady named Mara Stojanović.

7. Until the relocation to the Barracks, the system of command and control */rukovođenje i komandovanje/* functioned as follows: we received all commands concerning implementation of actions from the Banja Luka TO Regional Staff headed by Milan Krneta, a Colonel by rank. In that period, the Staff premises were located at Maršala Tita Street, in the Officers' Club.

8. As regards the Mobilisation Order of September 1991, acting on this Order, the TO Staff issued an order to the Prijedor National Defence Secretariat to mobilise people and MTS by formation, which pertained to the men belonging to the 5th Partisan Brigade, the Dr Mladen Stojanović Detachment, the Reconnaissance and Sabotage Detachment, and a certain number of units from local communities and enterprises, which were covered by the Order of the Banja Luka TO. The 5th Partisan Brigade was under the Banja Luka Regional Staff, from which they received orders. We performed the role of logistics support.

9. The mobilisation response rate was very high in this initial period. Everyone who responded to the mobilisation call received equipment and weapons.

10. After the mobilisation and manning performed on the order of the Regional TO Staff, the Mladen Stojanović Detachment was sent to the Urije Airport and placed at the premises of the aircraft hangar; its main task was to intervene in the case of an inter-ethnic conflict in the territory of Prijedor. At that time, the Commander of the Detachment was Nenad Vujanić, a Captain First Class.

11. Other units were mobilised based on our assessment and engaged on securing facilities of special importance, such as water supply systems, bridges, the power station, enterprise facilities, the biscuit factory, the cellulose factory, etc.

12. The equipment, weaponry and ammunition for the 5th Kozara Brigade and the TO were located at one place – the hangar at the Žarko Zgonjanin Barracks in Prijedor, so that during the mobilisation the men were given weapons and a certain number of combat ammunition sets, as was required by the Order.

13. I cannot recall the date, but after a certain period, on the order of the Banja Luka Regional Staff, the Mladen Stojanović Detachment was moved to the facilities of the Benkovac Youth Camp, at Mrakovica on Kozara Mountain, so that it could intervene in different directions: Gradiška, Dubica, etc., while an IDO */Reconnaissance and Sabotage Detachment/* platoon was working in the field on gathering the information of importance for the security situation in Prijedor. As far as I remember, they were given more tasks and duties by the Banja Luka Regional Staff headed by Major Mizdrak, since they were a unit of special importance.

14. Following the mobilisation and manning process, the 5th Partisan Brigade and the 343rd Motorised Brigade were sent to the war theatre in Western Slavonia in Croatia, where they stayed until the spring of 1992.

15. In November 1991, we received a preparatory order from the Banja Luka Regional Staff to move to the Žarko Zgonjanin Barracks, and in December 1991 the Order itself from the Garrison Command, which was, I believe, signed by Radmilo Zeljaja, to move the entire Prijedor TO Staff command, including the supporting company and logistics. Due to the lack of technical conditions in the Barracks, the above Order was implemented at the end of December or beginning of January 1992. Within the preparatory order, we received a form that was to be

filled in and returned to the Staff, which contained a statement reading as follows: “I will continue to work in the TO, at the Prijedor Garrison, under the command of JNA”, and another statement reading as follows: “I will no longer work in the TO, at the Prijedor Garrison, under the Command of JNA”. Vahid Cerić signed neither of the above statements and he did not move to the Barracks, while Iso Bučan did not sign any of the statements, but he moved to the Barracks; all other members signed the statement confirming that they want to work in the TO under the command of JNA. At this point I do not understand why we had to sign these statements as everyone could continue working in the TO whether he signed the statement or not. Vahid Cerić was later one of the organisers of the attack on Prijedor on 30 May 1992.

16. The Order of the Regional TO Staff to move to the Barracks also required us to leave the entire documentation of the Staff with the local police for safekeeping. The next day I saw that everything was torn down and demolished, while the documentation was destroyed.

17. In addition to this TO Staff, a TO Staff established by the SDS also operated for a while. The Commander of this TO Staff was now deceased Slobodan Kuruzović. When we moved to the Barracks, there were people of Slobodan Kuruzović at the entrance of the Barracks, who headed the Serbian Prijedor TO Staff, and these same people in civilian clothes checked me and other members of the Prijedor TO Staff I headed.

18. On 31 March 1992 I received an order to demobilise people, and on the next day, 1 April 1992, I received an order from Radmilo Zeljaja to hand over all MTS, equipment, ammunition and weaponry of the TO and the 5th Partisan Brigade to the Prijedor Garrison, to the MTS operators Sergeant Major Marković and Sergeant First Class Radetić, which we did.

THE BEGINNING OF CONFLICTS IN PRIJEDOR

19. Afterwards, I visited the Dr Mladen Stojanović Detachment at Mrakovica, and on my way back I was warned through communications means not to return via Kozarac since the Green Berets had set up their check points there. Despite the warning, together with my driver Goran Vidović, who now lives in Pašinački Put, I went to the settlement of Rajkovići, to the entrance to Kozarac from the direction of Kozara, where I found a trench with a breastwork and

a wooden ramp. I was stopped there and ordered by a uniformed person armed with an automatic rifle to get out of my vehicle, which I did. When I got out of the vehicle the commander of the check point recognised me and ordered the guard to let me go, including all other guards on the following check points, whom I did not see afterwards. From that day on, until the return of the detachment to Prijedor, we performed our visits using a bypass road. I would like to emphasise that the rifle in the possession of the said guard was not from the TO storage, since we had issued only M-48 rifles to the TO Staff formations in local communities.

20. The road between Banja Luka and Prijedor was cut off at the time in the settlement of Kozarac, wherefore the bypass road via Petrov Gaj was used.

21. By the order of 29/30 April 1992, I appointed Iso Bučan, a Muslim, as Operations Duty Officer. Since there was not enough sleeping room in the Barracks, I introduced a schedule based on which a certain number of people who are not on duty could go and sleep at home. The next morning, when I came to the Barracks, I asked the Operations Duty Officer Iso Bučan whether there was anything new, to which he responded: "Don't you see that the SDS took over the power in Prijedor?". We sat down, had coffee, and to my question if there were any losses, he responded negatively and that everything had been done in a peaceful manner.

22. In May 1992, I was at the Barracks when I, and the Staff, was informed by the Barracks' Operations Duty Officer that the members of the Green Berets killed two JNA soldiers at the Hambarine check point; the soldiers' surnames were Lukić and Milojica. The next day, as far I remember, there was an artillery attack on Hambarine, but I did not know who ordered it or who participated in it. Besides me, there was also Niko Drinčić at the Barracks' operations room, who also did not know anything about the attack, so we were surprised when we heard artillery shell detonations. A company of the Dr Mladen Stojanović Detachment was sent that same night to secure the crossroad at Hambarine.

23. The killing of soldiers Lukić and Milojica at Hambarine was a complete surprise for me and all the Serbs in Prijedor. An ultimatum was given to the illegally armed Muslims to surrender weapons, which was not observed. The ultimatum was sent by the Crisis Staff of the Prijedor Municipality. A search of Hambarine aimed at seizing weapons followed since it was

obvious that the Muslims had armed themselves additionally with automatic weapons from separate sources, outside the TO Staff.

24. After the attack on Hambarine, the Muslim forces also attacked a military column in Kozarac.

INVESTIGATION AND COLLECTION CENTRES IN PRIJEDOR

25. As regards investigation centres in the territory of Prijedor, I claim that I did not participate in the preparations for their establishing or operation, although I heard at the time that Srđo Srđić had had a role to organise and establish, together with the police, investigation and collection centres in the territory of Prijedor; likewise, there was no word about this at the TO Staff.

26. I claim that the military did not secure investigation and collection centres in and around Prijedor.

BREAKTHROUGH OF THE CORRIDOR

27. In mid-May 1992, as the TO Commander, I was given a task by Major Zeljaja to prepare the villages and look for people there who would join Slijepčević's Battalion that was tasked with opening the corridor. The final preparations were conducted in Gornja Lamovita, from which we departed on 25 May 1992 to break the corridor. After the 43rd Motorised Brigade was established, the Dr Mladen Stojanović Detachment and the Reconnaissance and Sabotage Detachment were in effect merged with this brigade in line with the territorial principle.

28. A battalion was formed from volunteers, and Zeljaja, Vlado Motl, Stojan Aleksić and I were tasked by the Corps Command, i.e. General Talić, to lead it to the corridor.

29. After the breakthrough of the corridor, I practically did not go back to Prijedor, but was sent to the Sarajevo war theatre, to Orašje, to Vozuća, and then to Trnovo, Grahovo, Glamoč,

and other war theatres. I am proud to have taken part in the breakthrough of the corridor, because it saved the Serbs from the encirclement, ensured the supply of medicines, oxygen and food from Serbia, so that babies did not have to die anymore. So far, no one from this honourable "Breakthrough of the Corridor" operation has been processed or accused, which confirms that the operation was conducted strictly in accordance with military rules and instructions.

30. I would say that by refusing to respond to the mobilisation call, the Muslims and the Croats contributed to the creation of ethnically clean units. The unit commanders had a legal duty to ensure the units were manned to a certain degree and they had to fulfil that duty. Therefore, the places that had to be filled because the Muslims and the Croats had not responded were filled by the Serbs, who responded to the mobilisation call.

THE RELATIONSHIP WITH THE CIVILIAN AUTHORITIES IN PRIJEDOR

31. I emphasise that I have never been a member of the SDS or the Crisis Staff or the War Presidency of the Municipality of Prijedor. A part of the then municipal authorities did not have confidence in me. The then municipal civilian authorities did not have trust in me, which is why they established another TO Staff headed by Slobodan Kuruzović.

GENERAL MLADIĆ

32. I met General Mladić in the Sarajevo war theatre, during my stay in the 12th Special Brigade. During our stay in the Sarajevo war theatre, General Mladić often emphasised that all actions should be carried out strictly in accordance with the military rules. I think the best of him as a man and as a soldier.

WITNESS CONFIRMATION

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

Signature: _____

Date: _____

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

IZJAVA SVEDOKA

PODACI O SVEDOKU:

Prezime: JAVORIĆ

Ime: Rade

Ime oca: Novak

Datum rođenja: 15.02.1948.

Nacionalnost: Srbin

Datum(i) razgovora: 17.03.2014.

Razgovor(e) vodili: Branko Lukić, Mikajlo Mitrović

Jezici korišćeni u toku razgovora: Srpski

Potpis svedoka: _____



IZJAVA SVEDOKA – JAVORIĆ RADE

1. Zovem se JAVORIĆ RADE, sin Novaka, rođen sam 15.02.1948.g. u Selu Jutrogošte, SO Prijedor. Srbin sam, oženjen sam, otac dvoje dece, neosuđivan sam, po zanimanju sam profesor istorije i odbrane. Trenutno sam zaposlen kao direktor Centra za socijalni rad u Prijedoru, stalno sam nastnjen u Prijedoru.
2. 16.09.1991. g. postavljen sam za komandanta ŠTO Prijedor , te me je na toj dužnosti zatekao i rat u BiH. Do tada sam bio Načelnik Štaba 5. kozarske brigade. Imao sam čin kapetana I klase.
3. Odmah nakon višestranačkih izbora u BiH u Prijedoru, nacionalne tenzije su porasle. Ja lično u tom periodu nisam bio pripadnik niti jedne nacionalne stranke. Kako sam u to vreme bio na čelu TO odnosno Komadant štaba, imao sam jako velike pritiske od strane predstavnika nacionalnih partija, koji su se odnosili na nacionalni sastav članova štaba , kao i na nacionalni sastav jedinica.

VOJNE JEDINICE U PRIJEDORU

4. Što se tiše vojnih jedinica JNA u 1991. godini u Prijedoru su bile stacionirane sledeće jedinice: U Kasarni Žarko Zgonjanin, koja je locirana u naselju Urije u Prijedoru, bila je stacionirana 143. Motorizovana brigada. Ova brigada se početkom ratnih dešavanja u BiH preimenuje u 343. Motorizovanu brigadu, a nakon toga se preimenuje u 43. Motorizovanu Brigadu. Osim ove brigade, glavni deo Pete partizanske brigade je takođe bio stacioniran u istoj kasarni, sa naoružanjem i opremom. Peta partizanska brigada će u ratu biti preimenovana u Petu Kozarsku brigadu. Od jedinica Teritorijalne odbrane u Prijedoru je postojao odred Dr. Mladen Stojanović, jačine Bataljona, te specijalni izviđačko-diverzantski odred jačine voda. Postojale su i brojne jedinice TO mesnih zajednica i preduzeća. Veličine ovih jedinca su zavisile od veličine mesnih zajednica ili preduzeća, a bile su veličine od odeljenja do čete.



5. Osim vojnih jedinica na području opštine Prijedor postojala je i SJB Prijedor (Policija), sa policijskim stanicama u Ljubiji, Omarskoj i Kozarcu.

6. Što se tiče štaba TO nakon mogla postavljenja na čelo istog 16.09.1991 godine, njegova struktura je izgledala ovako; Načelnik Štaba je bio Mile Tešinić, Pomoćnik komadanta za pozadinu major Aziz Selimbegović, Načelnik bezbednosti je bio Iso Bučan. Vahid Cerić je bio pomoćnik Načelnika za Organizacijsko Mobilizacijske i Personalne službe, sa službenikom Kostić Milenkom. Načelnik Operativno Nastavnog Organa je bio Rajko Macura. Terzić Kemal i Motl Vlado bili su operativci. Mihajlo Brdar je bio pomoćnik komadanta za moral. U pozadinskom organu rukovodilac MTS su bili Bikić Goran i Sarajlić Bogdan. Za finansije je bila zadužana Ismeta, devojčako prezimena Šarić. Drina Kojić je radila u kancelariji opštih poslova, te čistačica Mara Stojanović.

7. Sistem rukovođenja i komandovanja do prelaska u kasarnu je bio sledeći: Sve komande za izvršenje radnji smo dobivali od Okružnog štaba TO Banja Luka na čijem čelu je bio Milan Krneta, pukovnik po činu. U tom periodu prostorije štaba su se nalazile u ulici Maršala Tita, u Domu oficira.

8. Što se tiče Naredbe za mobilizaciju u septembru 1991. godine, po osnovu iste Štab TO je Sekretarijatu Narodne Odbrane Prijedor izdao naredbu za mobilizaciju ljudstva i MTS prema formaciji, a to se odnosilo na ljudstvo koje je pripadalo Petoj partizanskoj brigadi, odred Dr Mladen Stojanović, Izviđačko diverzantski odred, kao i određeni broj jedinica iz mesnih zajednica i preduzeća, a koje su bile obuhvaćene Naredbom TO Banja Luka. Peta partizanska brigada je pripadala Okružnom štabu Banja Luka, od koje su primali naređenja. Mi smo imali ulogu pozadinske podrške.

9. U tom početnom periodu mobilizacije odazivanje je bila jako veliko. Svi koji su se odazivali na mobilizaciju dobijaju opremu i naoružanje.



10. Odred "Dr Mladen Stojanović" nakon mobilizacije i popune po naredbi Okružnog štaba TO, je upućena na aerodrom Urije i smešten u prostorije avio hangara sa ciljem izvršenja glavnog zadatka: intervenisanja u slučaju međunacionalnog sukoba na području Prijedora. U tom periodu komadant odreda je bio Nenad Vujanić kapetan I klase.

11. Druge jedinice su mobilisane prema našoj proceni a iste su bile angažovane na obezbeđenu objekata od posebnog značaja, kao što su: vodovodi, mostovi, trafostanica, privredni objekti, fabrika keksa, fabrika celuloze i drugi.

12. Oprema, naoružanje i municija za Petu kozarsku brigadu i TO su bile na jednom mestu, u hangaru koji se nalazio u kasarni "Žarko Zgonjanin" u Prijedoru, tako da je izvršenom mobilizacijom, ljudstvu dodeljeno naoružanje i određeni borbeni kompleti municije kako je naredbom naređeno.

13. Ne mogu da se setim datuma, ali nakon određenog perioda odred "Dr Mladen Stojanović" se po naredbi Okružnog štaba Banja Luka prebacuje u objekte omladinskog naselja Benkovac, na Mrakovici na planini Kozara, sa ciljem da može intervenisati u raznim pravcima: Gradiška, Dubica, i dr, dok vod IDO radi na prikupljanju informacija na terenu koje su interesantne za bezbednost u Prijedoru. Po mom sećanju istima je više zadataka i obaveza izdavao Okružni štab Banja Luka na čalu sa majorom Mizdrakom, jer su oni bili jedinica od posebnog značaja.

14. Nakon izvršene mobilizacije i popune, Peta Partizanska i 343. Motorizovana brigade se upućuju na ratište Zapadne Slavonije u Hrvatsku, gde ostaju sve do proleća 1992. godine.

15. U novembru 1991. godine od Okružnog štaba Banja Luka smo dobili pripremnu naredbu za preseljenje u Kasarnu "Žarko Zgonjanin", a u decembru 1991. godine i samu Naredbu od Komande garnizona za koju mislim da je potpisao Radmilo Zeljaja, a ista se odnosi na kompletno preseljenje komande štaba TO Prijedor, kao i sa pratećom četom i pozadinom. Zbog nepostojanja tehničkih uslova u kasarni, navedena Naredba je realizovana krajem decembra ili početkom januara 1992. godine. U sklopu pripremne naredbe, dobiven je obrazac kojeg treba



popuniti i vratiti u štab sa izjavom koja glasi; "Radit ću i dalje u TO, u garnizonu Prijedor, pod komandom, JNA" i druga izjava "Neću više raditi u TO, u garnizonu Prijedor, pod komandom JNA.". Od navedenih izjava Vahid Cerić nije potpisao niti jednu, i nije prešao u kasarnu, dok Iso Bučan nije potpisao, ali je prešao u kasarnu, a svi ostali su potpisali da žele raditi u TO i raditi pod komandom JNA. Nije mi ni sada jasno zašto smo to morali potpisivati jer svi koji su to potpisali ili ne i dalje su mogli raditi u TO. Vahid Cerić, kasnije bio jedan od organizatora napada na Prijedor 30.05.1992. godine.

16. Naredbom Okružnog štaba TO za prelazak u kasarnu, naređeno nam je da kompletnu dokumentaciju štaba ostavimo na čuvanje lokalnoj policiji. Drugi dan sam vidio da je sve polupano i rastureno, a sama dokumentacija uništena.

17. Pored ovog Štaba TO, jedno vreme funkcionisao je i Štab TO koji je formirala SDS. Komandant tog Štaba TO je bio pokojni Kuruzović Slobodan. Po prelasku u kasarnu ja sam u istoj zatekao ljude od Kuruzović Slobodana koji je bio na čelu Srpskog TO Prijedor, a ti isti ljudi su na ulazu u kasarnu u civilnoj odeći kontrolisali kako mene, tako i ostale pripadnike TO Prijedor na čijem sam ja bio čelu.

18. Dana 31.03. 1992. godine dobio sam naredbu o domobilizaciji ljudstva, a sledećeg dana 01.04. 1992. dobivam naredbu od Radmila Zeljaje da se sav MTS, oprema, municija i naoružanje TO i Pete partizanske brigade preda u garnizon Prijedor, rukovodcima MTS zastavniku Markoviću i starijem vodniku Radetiću, što smo i uradili.

POČETAK SUKOBA U PRIJEDORU

19. Nakon toga ja sam otišao da obiđem odred Dr Mladen Stojanović, na Mrakovici, te sam u povratku preko sredstava veze upozoren da se ne vraćam preko Kozarca jer su Zelene beretke postavile svoje punktove. I pored upozorenja ja sam sa svojim vozačem Goranom Vidovićem, koji sada živi u Pašinačkom putu, otišao do naselja Rajkovići, ulaza u Kozarac iz pravca Kozare, gde sam naišao na uređeni rov sa grudobanom i postavljenom drvenom rampom. Tu sam zaustavljen i naređeno mi je od strane uniformisanog lica naoružanog sa automatskom

puškom da izidem iz vozila , što sam i uradio. Izlaskom iz vozila komandir tog punkta me je prepoznao, te je naredio stražaru da me puste, kao i svim ostalim na nižim punktovima, koje ja posle nisam primetio. Od toga dana pa nadalje, sve do povratka odreda u Prijedor obilazak smo vršili obilaznim putem. Napominjem da automatska puška koju je pomenuti stražar imao nije iz magacina TO, jer smo po formaciji ŠTO mjesnih zajednica dijelili samo puške M-48.

20. U tom periodu je bila zaprečena i komunikacija Banjaluka-Prijedor u mjestu Kozarac pa se išlo obilaznim putem preko Petrov Gaja.

21. Naredbom od 29/30.04. 1992. godine za operativnog dežurnog sam postavio Isu Bučana, Muslimana. Pošto u kasarni nije bilo dovoljno mesta za spavanje u raspored sam uveo da određeni broj ljudi koji nisu na službi mogu ići kući na spavanje. Sledećeg jutra, dolaskom u kasarnu, dežurnog Isu Bučana sam upitao da li ima šta novo, na što mi je odgovorio: „Pa zar ne vidiš da je preuzeta vlast od strane SDS-a u Prijedoru“. Seli smo, te popili kafu, i na moje pitanje da li je bilo gubitaka on mi je odgovorio da nije, da je sve urađeno mirnim putem.

22. U maju mesecu 1992. godine ja sam se nalazio u kasarni kada je meni, ali i štabu, od strane operativnog dežurnog kasarne javljeno da su pripadnici Zelenih beretki na punktu u Hambarinama ubili dvojicu vojnika JNA, a prezivali su se Lukić i Milojica. Sledeći dan koliko me sećanje služi bio je artiljerijski napad na Hambarine, a o tome ko je to naredio, i ko je u istom učestvovao ja nisam znao. Osim mene u toj operativnoj sali kasarne je bio Niko Drinčić koji takode nije ništa znao o napadu, tako da smo se iznenadili čuvši eksplozije granata. Istu noć upućena je jedna četa iz odreda "Dr. Mladen Stojanović" na obezbeđenje raskršća u Hambarinama.

23. Ubistvo vojnika Lukića i Milojice u Hambarinama bilo je potpuno iznenađenje, kako za mene lično, tako i za sve Srbe u Prijedoru. Tada je postavljen ultimatum ilegalno naoružanim Muslimanima o predaji oružja, koji nije ispoštovan. Ultimatum je poslao Krizni Štab opštine Prijedor. Kasnije je usledio i pretres Hambarina radi oduzimanja oružja, jer je bilo očito da su se Muslimani naoružali i automatskim oružjem iz posebnih izvora, mimo štaba TO.



24. Nakon izvršenog napada u Hambarinama, muslimanske snage su napale i vojnu kolonu u Kozarcu.

ISTRAŽNI I SABIRNI CENTRI U PRIJEDORU

25. Što se tiče istražnih centara na području Prijedora tvrdim da nisam učestvovao u pripremama za njihovo formiranje, kao ni postojanje, ali sam u to vreme čuo da je Srđo Srdić imao ulogu zajedno sa policijom da organizuje i formira istražne i sabirne centre na području Prijedora. U kasarni, a i u štabu TO o tome nikad nije bilo reči.

26. Tvrdim da vojska nije obezbeđivala istražne i sabirne centre u i oko Prijedora.

PROBOJ KORIDORA

27. Kao komadant TO, polovinom maja 1992. godine, dobio sam zadatak od Majora Zeljaje da po selima izvršim pripremu i trijažim ljude, koji će ući u sastav Slijepčevićevog Bataljona koji je određen da ide na proboj koridora. Poslednje pripreme su bile u Gornjoj Lamovitoj odakle smo 25.05.1992. otišli na proboj koridora. Praktično odred Dr. Mladen Stojanović i Izviđačko diverzantski odred su formiranjem bataljona 43. Motorizovane brigade ušli u njihov sastav po teritorijalnom principu.

28. Od dobrovoljaca je formiran bataljon, a Zeljaja, Motl Vlado, Stojan Aleksić i ja dobijamo zadatak od komande korpusa, tj. Od generala Talića da bataljon vodimo na Koridor. Ponosan sam što sam učestvovao na proboju koridora ,jer su spašeni Srbi iz okruženja, dobiveni lijekovi, kisik I hrana iz Srbije I da bebe više nisu morale umirati. Do sada iz ove časne operacije "Proboj koridora" niko nije procesuiran I optužen, što potvrđuje da se operacija vodila po strogo vojničkim pravilima i upautstvima.



29. Posle proboja koridora, ja se faktički nisam vraćao u Prijedor, već sam upućen na sarajevsko ratište, na Vozuću, zatim na Orašje, Trnovo, pa na Grahovsko, Glamočko i druga ratišta.

30. Rekao bih da su Muslimani i Hrvati odbijanjem da se odazovu na pozive za mobilizaciju doprineli stvaranju etnički čistih jedinica. Starešine jedinica su imale zakonsku obavezu da obezbede popunjenost jedinica do određenog stepena i bili su dužni da tu obavezu ispunjavaju. Zbog toga su se upražnjena mesta zbog neodazivanja Muslimana i Hrvata popunjavala Srbima, koji su se odazivali na mobilizaciju.

ODNOS SA CIVILNIM ORGANIMA VLASTI U PRIJEDORU

31. Ističem da nikada nisam bio član SDS-a, da nisam bio ni član Kriznog štaba niti ratnog Predsedništva opštine Prijedor. Dio tadašnje opštinske civilne vlasti nije imala poverenja u mene. Radi toga su i formirali drugi Štab TO sa Slobodanom Kuruzovićem na čelu.

GENERAL MLADIĆ

32. Generala Mladića sam upoznao na sarajevskom ratištu boraveći u 12. specijalnoj brigadi. Za sve vrijeme našeg boravka na sarajevskom ratištu general Mladić je često isticao da se sve radnje izvršavaju po strogo vojničkim pravilima i uputstvima. O njemu kao čoveku i vojniku imam samo najbolje mišljenje.



POTVRDA SVEDOKA

Pročitao sam ovu izjavu od 8 strana i ona sadrži sve što sam rekao, po svom znanju i sećanju. Izjavu sam dao dobrovoljno i svestan sam da se može upotrebiti u sudskom postupku pred Međunarodnim sudom za krivično gonjenje osoba odgovornih za teška kršenja međunarodnog prava počinjena na teritoriji bivše Jugoslavije od 1991, kao i da mogu biti pozvan da javno svedočim pred Sudom.

Potpis: 

Datum: 26.06.2014.

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

Case No. IT-09-92-T

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

ANNEX B

JAVORIC Rade			
Witness Statement to be admitted pursuant Rule 92ter			
Statement	Date	65ter Number	Closed Session / Under seal
Witness Statement of JAVORIC Rade	26 June 2014	1D01697	/
No Associated Exhibits wich the Defence seeks to tender pursuant to Rule 92ter			
Description	Paragraph Number	65ter Number	Doc ID (BCS/ENG)
Signed witness statement of JAVORIC Rade		1D01697	1D18-1148 1D18-1157