

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

WITNESS STATEMENT

WITNESS INFORMATION:

Name: **Smajlovic** **Muhamed**
Last First Middle

Nickname/Alias: **Hamed**
Last First Middle

Address: **ABO Zusterhuis, 21 Zusterweg, 7765 AX , Weiteveen, Netherlands**

Telephone: **+31-052-4542331** Date of Birth: **25th September 1970** Gender: **Male**

Ethnic Origin: **Bosniac** Religion: **Muslim**

Occupation: Current: **Unemployed** Former: **Farmer**

Language(s) Spoken: **Bosnian, Dutch and Russian**

Language(s) Written: **Bosnian, Dutch and Russian**

Date(s) of Interview(s): **First interview on 18th May 2000 and second on 28th May 2000.**

Interviewer: **Bruce Neil Bursik**

Interpreter: **First interview is Alma Delic and second interview is Marc Jeffery**

Language(s) Used in Interview: **English and Bosnian**

Names of all persons present during interview(s): **All persons mentioned above**

Signed/Initialed: *Smajlovic Muhamed*

Mr. Cantor

WITNESS STATEMENT:

My name is Muhamed Smajlovic, son of Meho. I was born in the village of Jagličići, which is about 18 or 19 kilometers North East of Srebrenica and lived there until I left on 11th July 1995. I earned a living as a farmer on my own farm as well as on that of others, until the outbreak of war. I served in the former Yugoslavian Army (JNA) from 1988 to 1989 as part of the Yugoslavian National Service program. After the outbreak of war in Croatia at the end of 1991, I volunteered to defend my village from possible attacks. We were just patrolling the village and did not have weapons. This was an initiative taken by ourselves to protect ourselves from possible attacks at night. We had received information that the Serbs in the neighbouring villages had received arms and we saw this as a threat. For this reason, we decided to patrol our village. I became a member of the Territorial Defense in April 1992. As time passed, most of the people in my village left and went to the UN safe area of Srebrenica, but I told my wife that we would only leave once I was no longer able to defend them.

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The time to leave my village came on the 11th July 1995 at about 22:00. We were ordered by our commanders to leave the trenches about two hours before. We met to decide what to do as we had received word that Srebrenica had already fallen. The women, children and elderly were advised to go directly to Potočari, as it was felt that they would be safe there due to the presence of the UN soldiers. The remaining group was advised to gather at Sušnjari, where an attempt would be made to walk to free territory. I went with the group to Sušnjari whilst my wife and 13 month old child went to Potočari. In Sušnjari, it was decided, at about 22:00, that we would form a column and proceed to free territory towards Tuzla.

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The column comprised of between approximately 17000 and 18000 people. The ages of the persons ranged greatly and there were old people as well as young. There were also women and children (both boys and girls) among the people. It was decided that the people in the column who were armed would lead the column. As I was not armed, I took up position at the rear of this column. There were a few people at the rear who were armed, but only with hunting rifles.

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The column began trek towards free territory at midnight on the 11th July 1995. We had been told not to resist the "Chetniks" as our women and children were in Serb hands in Potocari and any resistance on our part may result in retaliation by the "Chetniks." As the column was so big, it took some time before the rear started the trek. My portion of the column began to trek at about 02:00 the following morning (12th July 1995). The times I mention are not exact, as I did not have a watch.

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The same day, the 12th July 1995, at about 08:00, the column was ambushed about 500m behind me, near to Bare, below the hill of Buljim. I rushed back to offer assistance to the wounded. The ambush had taken place near a stream and I, together with others, pulled some of the wounded up the steep banks of this stream. We covered the dead with leaves and left the area. I estimate that about 30 people were killed in that ambush and at least 45 injured. We walked for about another 3 kilometers to just above Kamenica. I discovered that the "Chetniks" had surrounded us so we decided to wait until it became dark before attempting to cross the asphalt road. This is the road which runs between Konjević Polje and Kravica. At about 21:30, an explosion occurred near us and we came under fire from all directions. I

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estimate that between 500 to 1000 people were killed in this ambush. I tried to get to higher ground and hid behind a tree to avoid being shot. I remained there for about 5 to 6 minutes until the shooting stopped. I then managed to find my cousin Šefik Smajlovic, but could not find any other family. My cousin had a cigarette lighter, which we used to illuminate the faces of the dead in an attempt to find our relatives, but failed to find them. After about an hour, we left and then found my brother Ahmedin and some of my other relatives about two hundred meters away. We made stretchers out of wooden poles and blankets and used them to carry the wounded. Not long after setting off again, we were again ambushed. This time I saw the attackers. They appeared on my right and comprised of a group of men armed with M53 firearms. I cannot describe the men or their clothing as it happened very suddenly and it was a little dark and although there was a moon, there were trees which blocked our view. This ambush occurred at about 22:30. They opened fire on us and I fell to the ground. Others fell on top of me. I was not sure if I was wounded or not at that stage. All those on the stretchers as well as the stretcher-bearers were killed except me. After the shooting stopped, I got up and discovered that although I was covered in blood, I was not wounded. I walked for about another 150 meters and found a group of people, from the column, in a field. We gathered on this field discussing which way to go. As the group began to move, I noticed the shape of a few heads and rifles amongst the bushes. I told Enver Alispahić, one of the leaders, and at that moment we came under fire again. We ran to the woods and slipped down a steep embankment. I estimate that about 200 people died in that ambush.

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The same night, 12th July 1995 at about midnight, we were shelled and shells were exploding amongst us. The smoke generated by these explosions was very thick and I became afraid that they may contain some kind of chemical poison. I therefore warned those around me to wet their shirts and cover their mouths with the wet clothing. People began to act strangely after this and I saw people commit suicide by detonating hand grenades and I even saw other people shoot each other for no apparent reason. Some people fell asleep there and would not continue. I later heard from another group who passed there later that those people left behind had been killed. It was during this stage that I lost my brother. We decided to go to Sandići and attempt to cross the asphalt road there. There was a clearing just before the road and it was decided to cross the road at this point. We came under fire and were being shelled. The people continued to move forward in an attempt to cross the road, even though they were being killed. I estimate that about 200 people were killed in this incident. This was then on the 13th July 1995. We moved about two to three kilometers further on to make another attempt to cross the asphalt road.

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Near the road, we came under fire again and I managed to get an automatic firearm off a dead body. We managed to cross the road at this point. We then went into the woods and walked up a hill. At about 05:00 dawn broke. It was foggy and we met up with others from the column there. I was able to see the surrounding area well, including the asphalt road, which runs from Konjčić Polje to Bratunac. I was on the hill on the right side of the road looking from Bratunac towards Konjčić Polje, near Sandići. At about 08:00 I could clearly see the "Chetniks" on the road. They were calling the people to surrender. The Serb soldiers were shouting to the people saying that they would not be harmed and would be taken by bus to Tuzla. They were also telling the people that if they did not surrender, the women and children in Potocari would be harmed. I was about a hundred meters from the Serb soldiers on the road. I saw a large group of about 200 civilian people surrender to the "Chetniks" at this road. There were military vehicles and tanks on the road as well. These military vehicles looked like the ones used by the former JNA. These vehicles included tanks, lorries and

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armored personal carriers (APC). The "Chetnicks" were lined up on the road and were stopping those surrendering. The persons surrendering were those who had not crossed the road as we had done.

This group of people were ordered to take off their shirts by the Serb soldiers and asked if there were any more of them in the area. The people were told to put their shirts in a big pile and were lined up into rows. As soon as the people had lined up into the rows, the "Chetniks" opened fire on them from these military vehicles. The weapons used in this execution were automatic firearms including anti-aircraft machineguns. While this was happening, there were a great deal of tanks and trucks full of soldiers passing on the road towards Konjevici Ploje. The shooting continued for some time. We then left and hid ourselves, for fear the guns would be turned on us. My brother, Ahmedin, was among this group that surrendered, however, he was able to escape as the shooting started as he was on the edge of the meadow and slipped away into the long grass and down to a stream. He escaped with another man and was able to reach the woods by following the long grass and bush. I found my brother, together with two others at about 16:00 that day. I know these other two by sight only. There were others who also managed to escape, but they went off in a different direction. The group I was in then numbered about twelve people. We were lost in the hills and I suggested that we climb to the top of the hills to see where we were. We just wondered around the whole night, half-asleep. We heard vehicles passing nearby and realised that we were near an asphalt road. This was still in the evening. We decided to try to cross this road. I did not know where we were at that stage, and were in actual fact trying to cross the same asphalt road that we had crossed earlier. I saw some houses on the other side of the road. I also saw about 35 corpses of people who had probably tried to cross earlier, lying on the roadside. The corpses were "smashed" and it looked to me as though they had been driven over by military type vehicles. When I returned to the group, I told them what I'd seen and advised them not to cross at that point as people had been killed there. Whilst talking to the group we came under fire from persons within the houses. About half of the group decided to surrender, whilst the others and I decided to continue. When the one group surrendered, we decided to run away from that area, as we were sure that they would be questioned about our whereabouts. I think we were near the area called Pervani, but not the village of Pervani, but rather the houses near to the asphalt road. We then walked for a long time and eventually arrived at Konjevici Polje. We tried to cross the road there that night. We did not know the area well and eventually found ourselves in front of a school, which was used by the Serbs as a military barracks. We came under fire there and many from my group were killed. A few others and I managed to escape and we proceeded in the direction of Zvornik. We eventually arrived at some cliffs, which were about 20 meters high. We could not go any further as we had no means to climb down the cliffs safely. We then went to a nearby village, called Kušlat. This village was burnt out. We managed to find some electrical wire, which we used to make a wire rope. We then went back to the cliffs and used this wire rope to climb down to the base of the cliffs. We then crossed the Drinjaca river at Kušlat. A few others and I managed to get across the river, but those who were unable to swim were washed away by the current and we never saw them again. Our aim at this stage was still to reach free territory. We planned to do so with least resistance, as we were worried about our women and children in Potočari.

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We managed to find mushrooms in the woods to eat and one of the men made a type of flat cake. We continued towards Snagovo and came across an asphalt road. We tried to cross the road but retreated when we came under fire. Early the next morning we crossed the road at Snagovo. My neighbour Alija Zukić was killed, as well as a man called Mevludin from the village of Zilići in the county of Vlassenica, whilst crossing the road.

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This was about the 16th July 1995. I am not too sure of the dates at this stage as we had not slept for a long time and were losing track of the days. I could see corpses near the road which were very swollen and black in colour. I did not know what had happened to these people.

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We then went on to Baljkovici, where we met about a thousand people from the column. These people said that it was impossible to go further and the majority of the group turned and went back towards Zepa. I was exhausted and decided to continue with 21 other people through the "Chetnik" lines. I also saw many corpses at Baljkovici which were black and swollen. That night, I tied myself to my brother, as I was scared we would be separated in the darkness. We then walked through the night and were very tired.

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When our group attempted to cross the line, we came under fire. This was the reserve line and was on the 17th July 1995 in the afternoon. Luckily no one in the group was killed. We decided to walk about 5km further and cross the line at a different point. We decided to wait until the next morning before crossing the line. We hid in the grass and eventually fell asleep, as we were so tired. I woke up when I heard the "Chetniks" shouting at us to surrender and they were pointing their guns at us. This was about 14:00 on the 18th July 1995. I am not absolutely sure of this date, but it was the 18th or 19th. I was very tired and had lost track of exactly what day it was. Ibrahim Mesanovic, "Delija", Velaga Zukić, Fahrudin Zukić, Saib Ademović, Mehmed Mujić, Mirsad Alispahić, Hajrudin Mesanović and my brother Ahmedin Smajlović were near me at the time. I told them that the "Chetniks" were near. The "Chetniks" opened fire on us from about 20 meters away. The "Chetniks" repeated their demand and fired at us two more times. On the forth time that they called out to us, Sahib Ademovic, Mirsad Alispahic, Hajrudin Mesanović, Ibrahim Mesanović and "Delija" decided to surrender. They went towards the "Chetniks" and I kept my rifle ready in case the "Chetniks" started killing those surrendering.

My brother was about ten meters in front of me, but I could not see if he had surrendered or not. I heard the "Chetnik" commander order his soldiers to prepare their hand held rocket launchers to shell the whole area. I decided at that stage to surrender. I threw my rifle away and put my hands on my head. I walked forward and surrendered. I was searched by a Serb soldier and was asked if I had anything on me. I replied that I did not. One soldier assaulted me by kicking toward my stomach. I shielded the blows with my hands. Another Serb soldier then hit me on the back of my head with his rifle and I fell to the ground. Some of the group had elected to remain in the grass and they were fired upon by the Serb soldiers. I was forced to walk further on and came across five others who had surrendered just before me. They were all lying face down on the ground.

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The "Chetnik" commander asked me if I was a soldier. I did not know what to say and eventually told him that I was. He was about 37 years of age, well set and had a big stomach. He had black hair, which was combed in a side parting. His mannerism gave me the impression of a typical JNA officer. He interrogated me about whether or not I had ever received ammunition concealed in humanitarian aid packages. One of the other soldiers came to the commander and asked if he could use his bayonet to kill one of the captives. The commander told him that he could choose anyone. This soldier then chose me as the one he wished to kill. The Serb soldiers as well as the commander all wore camouflage uniforms. They had a badge sewn on their sleeve, but I cannot recall if it was the left or right sleeve. This badge had the three colours of the Serbian flag and above this was an Eagle. The eagle

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took on a "spread eagled" posture. I am not too sure of the colour of the eagle, but think it was white. I could also read some of the writing on the badge. It was in Cyrillic and contained the words "Army of the Republika Srpska". Some of the soldiers were armed with M-84 machine guns. A soldier asked me if I knew the name of the machine guns and I replied that they were called the M84's. The soldier replied that they called them "Cece's". There were others armed with automatic rifles and two or three had sniper rifles. One of them asked me if I knew where they were from and I answered "Serbia." The soldier told me I was wrong and said that they were Krajišnici. I was forced to lie down on the grass in a row next to the five others. The commander ordered the soldiers to take one prisoner at a time and shoot them in the back. This was then done. These executions took place about five meters in front of me and about two or three meters apart. Mirsad Alispahić was taken first and shot in the back by one of the soldiers with a single shot. I cannot recall who was next, but it was either Ibrahim or Delja, followed by Hajrudin. They suffered the same fate as Mirsad and were shot in the same fashion. Only myself and Saib were left. Saib was then led away and shot just like the others. After this I was at the end of the row and after a while it was my turn. I was being led away and thought of escaping and risk being shot rather than having my throat cut. The commander spoke on his radio and then ordered his men not to kill me as I could be taken to Zvornik and exchanged for Serb soldiers. The soldier who had wanted to use his bayonet was not pleased, but the commander explained that because I was a soldier I could be used to exchange for other Serb soldiers held captive. The commander spoke on his radio and referred to another commander by the name of Vuka Šinovic. I had the impression that the commander "Vuka Šinovic" was superior to the commander in front of me. I also had the impression that Vuka Šinovic was from the Drina Wolves, although I cannot recall what gave me this impression. It may have been something that was said over the radio, which gave me this impression.

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I was then taken to Zvornik by the military police, who were with the soldiers who captured me. These military police wore a badge on their sleeve. The badge consisted of the Serb three-coloured flag with a type of cross on it which contained a "S" in Cyrillic in each quarter of the cross. It also had the letters "VP" on the badge. I can remember the names of two of these military policemen only as "Zoran" and "Goran." I also heard these two men being referred to by the nicknames of "Zokie" and "Gokie." My hands were tied together with wire, I was blindfolded with a piece of white cloth and put in a black Mercedes Benz and driven to Zvornik. In Zvornik, I was taken to a toilet and handcuffed to a tap above my head. This was in a paint and wood varnish factory where the product called "Sandolin" was manufactured. The Military Police were also stationed at this factory. I was detained there with 39 other prisoners. All the while we were there, I was interrogated by drunk policemen on a regular basis. These policemen would also beat me to such an extent that I would not be able to move.

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On the 21st July 1995, I was blindfolded and, together with half of the prisoners was taken to another room where we were told that we would be exchanged. The other half of our group later joined us. We were loaded on trucks. There were about 39 people in my truck and we were very crowded. On the way, I pretended that I was wiping the sweat off my brow but actually shifted the blindfold so I could peep out and see where I was being taken. I also managed to free one hand and decided that I would escape if it looked like I was being taken for execution. We were taken to a "collective center" which we all knew was actually a concentration camp. The town near the camp was called Batković. I lost a great deal of weight and many died as a result of malnutrition, including my cousin, Ramo Mujić.

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I also know of another man who was only slightly wounded in the leg who died after he was taken to hospital.

We were forced to work on farms and in factories for five months before we were released. I was released on 24th December 1995.

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My brother Ahmedin, was still in the bush when I surrendered and I don't know what became of him, but that group was fired upon. To this day, I have never heard from him and presume that he is dead. Whilst I was being held in Zvornik, I was visited by a Serb soldier called Vuka Šinovic, who told me that I would be released with my brother if I confess to everything, but I really don't know what happened to my brother. VukaŠinovic was dressed in a black shirt and trousers and wore military boots. I cannot recall any badges on his uniform, but I saw rank epaulets on his shoulders, but cannot recall what his rank was. He was about 1,70 meters tall and had short black hair combed backwards. He was about 34 or 35 years of age. I will be able to recognise him if I were to see him again. When he entered the room, the soldiers said: "here is Vukašinovic, everybody out!" I hereby hand over a photocopy of a certificate from the International Committee of the Red Cross which confirms my detention at the camp in Batković, to be attached to my statement.

WITNESS ACKNOWLEDGMENT

This Statement has been read over to me in the Bosnian language and is true to the best of my knowledge and recollection. I have given this Statement voluntarily and am aware that it may be used in legal proceedings before the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991, and that I may be called to give evidence in public before the Tribunal.

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Signed: Imajlovic Muhamed

Dated: 18th May 2000

INTERPRETER CERTIFICATION

I, Marc Jeffery Interpreter, certify that:

1. I am duly qualified and approved by The Registry of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 to interpret from the Bosnian language into the English language and from the English language into the Bosnian language.
2. I have been informed by Muhamed Smajlovic that he speaks and understands the Bosnian language.
3. I have orally translated the above statement from the English language to the Bosnian language in the presence of Muhamed Smajlovic who appeared to have heard and understood my translation of this Statement.
4. Muhamed Smajlovic has acknowledged that the facts and matters set out in his statement, as translated by me, are true to the best of his knowledge and recollection and has accordingly signed his signature where indicated.

Dated: 28th May 2000

Signed: Marc Jeffery



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INTERNATIONAL COMMITTEE OF THE RED CROSS

BAZ-381038

Zagreb, 23.01.1996

P O T V R D A
C E R T I F I C A T E

Kojom se potvrđuje da se SMAILOVIC (MEHO) MUHAMED
Which confirms that family name (father's name) first name

Rodjen 25.09.1970 u Jaglicima, Srebrenica
Born on in

Nalazio dana 23.07.1995
Was notified as present on

U mjestu zatocjenja BATKOVIC
In detention place

Prema izjavi zatvorskih vlasti
According to the detaining authority

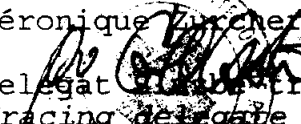
Te nakon toga
And after that

Registriran od delegata MKCK dana 26.07.1995
Was registered by ICRC delegate on

U mjestu zatocjenja BATKOVIC
In detention place

Redovito posjecivan od 26.07.1995 do 24.11.1995
Regularly visited from to

Oslobodjen dana 24.12.1995 prema izjavi vlasti
Was released on according to the authorities

Véronique 
Delegat 
Tracing 