

STAMP AND SIGNATURE

TO THE PROSECUTION OF BOSNIA & HERZEGOVINA

Based on Article 214 and 215 LCP of Bosnia&Herzegovina, injured Novak Đukić, submits a

CRIMINAL CHARGE

Against:

BERKO ZEČEVIĆ from Sarajevo, employed at Machine faculty – University in Sarajevo, Vilsonovo Šetalište No. 9, born on 13 December 1949.

-because he as acting expert witness, and by Order for expertise of B&H Prosecution, Special Department for War Crimes, Regional team 3 No. KT-RZ-169/07 from 27 November 2007, in case led against Novak Đukić, injured here, in front of B&H Court under Bus.No. X-KR-07/394, premeditated, as an expert witness, in state of accountability, aware of his action, and that the action is forbidden, at which he wanted its implementation, given a false statement in main hearing from 02 December 2008, in front of B&H Court, against the rules of science and praxis, as well as Criminal Law of B&H, consciously disregarding case documentation and evidence given at his disposal, forged evidence which he adduces, by covering up and falsely presenting the facts, and that:

-by showing untrue and incorrect data about Golf Mk1 car position at the moment immediately before the explosion, and which data was shown to Court as true, during testimony, as well as in his written Finding and opinion and during reconstruction of the event, stating that Golf Mk1 was at a distance of 47cm from NIK building wall and 130cm from South-West building corner at the moment of the explosion, although from the evidence in case records it follows that the vehicle during critical event was 115 to 120cm away from NIK building, because based on data from Tuzla city cadastre, sidewalk width at the time of the event was 115cm to 120cm, and vehicle was next to the sidewalk, which comes out also from other derived evidence which place subject vehicle at a distance of 90 to 120cm from building facade and that is after the explosion, and all of that to achieve Angle of Fall of 62° , according to which he determined distance of firing, and by that- elements of alleged Firing Position, and which is more or less compatible with arrival of long-range 130mm projectile from the West,

-by determining crater size based on unchecked data, at which he did not take into account data which follows from Record of investigation from the scene with belonging photo-

documentation and Police authorities' sketches, but by need he used two different points of fall of the same projectile, all of that so he could achieve desired direction of projectile arrival by manipulating crater coordinates,

-by showing unchecked and mutually opposed claims that minimal firing distance at which subject Angle of Fall of 62° is achieved, distance of 26,500m in relation to determined Center of Explosion on "Kapija" square, as he states it in his written Finding and opinion, so that in the Finding on page 75 of his analysis he would deny that by entering calculated data which shows that for a distance of 26,500m Angle of Fall is lower than this value, which he confirmed during testimony on main hearing where he stated that at Angle of Fall of 62° , range was 27km 128m but he also showed that in his expertise on page 76, on Figure 90, in order to show that his allegedly found position within defined sector,

-by stating different calculations, at which the original calculation which gave him the distance of 26,500m was conducted without taking into account atmosphere condition, so that he would, aware of the fact that disregarding atmosphere influence compromises his Finding, later calculate trajectory taking into account atmosphere condition at which he determined that projectile fired from a distance of 26,507 has an Angle of Fall of 59.8412° , which is by 2 degrees less than calculation achieved without influence of real atmosphere parameters;

-by stating that minimal projectile Angle of Fall is 62° , and that at a lower angle projectile would explode on Golf 1 car, and not next to it, which is diametrically opposite to his Finding that projectile was fired from a distance of 26,507 had Angle of Fall of 59.8412° , because in that case it would explode on the car,

-by stating in his study a detailed description of manner at which he determined projectile Angle of Fall with several photographs attached, at which he did not give a photograph which would show the value of measured projectile Angle of Fall, and the fact that he did it without any base in material evidence is obvious,

-by stating in his study, on page 85 beneath the Table labeled Figure 104, subheading that within it are deviations of range due to change in parameters which affect the range of M79 projectile fired from a 130mm cannon, although in the Table he listed data for Russian OF482M projectile with obsolete Russian fuze V-90, which is incompatible with M79 projectile,

-by stating on pg. 85 of his Finding and opinion Table-Figure 103 which is not related to subject, but arbitrarily chosen projectile OF482M-V-90, by falsifying which he exchanges whole 12 pages of valid Firing Tables for 130mm cannon,

deriving that way incorrect, incomplete and false conclusions in his Finding and opinion, at which he remained on main hearing in front of B&H Court, and which are related to ballistic calculations, which he based on arbitrarily chosen, physically unfounded and nowhere proven parameters and assumptions, and those:

-that height difference of Firing Position in relation to alleged point of fall on "Kapija" square is only +30m, which makes all of his further calculations harshly wrong,

-that he calculated arrival azimuth based on crater coordinates

all of that with the goal of hiding real perpetrators of this criminal act, i.e. real causes of tragedy on “Kapija” square from 25 May 1995, at 20:55h and misleading the Court that Republic of Srpska Army is responsible for it, i.e. general Novak Đukić, injured, so based on his Finding and opinion, as well as testimony from main hearing Court completely based their final condemning judgment, which pronounced injured Novak Đukić guilty for committing a criminal act War crime against civilian population, from Article 142. Heading 1. of CL SFRY and convicted to prison in a period of 20 years, so in that manner to injured Novak Đukić appeared especially heavy consequences, by which he committed

- criminal act Giving false statement from Article 235 paragraph 4 of CL B&H

RATIONALE

Prosecution of Bosnia&Herzegovina, Special Department for War Crimes, Regional team 3 has, in the investigation procedure which was led against accused Novak Đukić, gave an Order for expertise No. KT-RZ-169/07 from 27 November 2007, which entrusted the expertise to the expert of ballistics Prof. Dr. Berko Zečević, the suspect here. At the same time numerous documentation and pieces of evidence, gathered in the investigative process, were delivered. Subject of expertise was (***** to determine the cause of explosion- type of weapon, its Firing Position and type of ordnance, direction from which the projectile, which caused the explosion, flew-in, and projectile Angle of Fall by which the distance of firing could be determined*****) (***** if something else then transcribe from the Order or Finding and opinion*****). Suspect created his Finding and opinion, titled “Analysis of conditions that led to the massacre of people on “Kapija” square on 25 May, 1995. at 20:55“, in less than a month, which is unusually quick, considering the complexity and weight of the subject of expertise, so this is the first in line of indicators which show unconscionable, biased, malicious and tendentious actions of the suspect.

Proof: “Analysis of conditions that led to the massacre of people on “Kapija” square on 25 May, 1995 at 20:55“, Prof. Dr. Berko Zečević

The suspect has, although he had at his availability all the documentation from the case, as well as evidence, entered into his expertise, as true, other arbitrarily taken technical, topographic-spatial and ballistic data and parameters, and not the ones which existed in reality and which come out of documentation and evidence which the suspect had available. The suspect has, on the grounds of such falsified data, incompletely, falsely and incorrectly given his Finding and opinion, in his written expertise and in his testimony given at the main

hearing in front of Bosnia&Herzegovina Court, and based on that Finding and testimony the acting Court has brought a condemning judgment, taking as determined and completely proven - the facts which the suspect has established in his Finding and opinion.

The facts which expert Dr. Berko Zečević, the suspect here, has established based on aforementioned falsified and arbitrarily taken data and parameters are:

- A. Cause of the explosion: type of weapon, its Firing Position and type of ordnance;**
- B. Direction from which the projectile, which caused the explosion, flew-in;**
- C. Projectile Angle of Fall, by which the distance of firing could be determined.**

Day after the tragedy on “Kapija” square in Tuzla, Joint Investigative Commission formed of government representatives from Sarajevo and UNPROFOR personnel, determined that the cause of the explosion was a 130mm M-46 cannon with the corresponding HE projectile, fired from a distance of over 17km, which fell at an Angle of Fall of 31.16° and most likely from a distance of over 21km, because the line of separation of RSA forces and B&H Army was approximately at that distance, (otherwise, it would be insinuated that the B&H Army has fired upon the city under its own control).

However, Prof. Dr. Berko Zečević, the suspect here, to whom the subject expertise was entrusted, 12 years after the event in question, has found that not one of the aforementioned conclusions of the Joint Investigative Commission is valid (except the suggested and orchestrated, and unfounded direction of alleged projectile arrival), because there was one additional disruptive spatial-physical factor.

Near the Center of Explosion there was (not at all by chance) several years unregistered car-brand Golf Mk1, whose owner was not determined during the trial nor ever later, and which the alleged 130mm HE projectile flew-over while arriving from the West (left) side, and exploded in immediate proximity of the front right wheel, while the vehicle was partially damaged. That cannot happen at any earlier set scenario weapon-projectile-target, because it requires such a high Angle of Fall which can only be achieved if the projectile was fired from maximum or close to maximum range. For that reason prosecution expert Prof. Dr. Berko Zečević, the suspect here, rejected earlier investigative findings which did not take into account that vehicle and its position, and decided to look for a place where possible Firing Position was, so he, as he himself claims, found it with “high probability”, so he marked it on a topographic map 1: 25000 by a white asterisk in the area of Panjik hamlet.

That the suspect had the intention of, considering the Angle of Fall, consciously misleading the acting Court, shows the example of Figure 73 on page 61 of his expertise. Namely, he connected by straight lines, on this Figure, some penetrations on the right fender of “Golf 1” car, and in the comment he stated that: “the tilt angle of fragments at one line is higher than 60° ”, that way suggesting that the projectile, at the moment of explosion, was at an angle higher than 60° . This is another manipulation by the suspect, because TTC Belgrade has determined that the lines drawn by the suspect are at an angle of 65.3° , and not 60° as he claims, and they connected other penetrations on the same Figure by parallel lines at an angle

of 41° , which shows that based on methodology of drawing lines through penetrations in the fender, one cannot even approximately determine projectile Angle of Fall.

Besides, the suspect intentionally disregarded the fact which negates his thesis about the cause of tragedy on “Kapija” square, and which relates to that- that the front bumper of “Golf 1” car is completely undamaged and lifted upwards, which can clearly be seen on the Figure No. 9 in photo-documentation, made by Police. Suspect stated in his Report that 130mm High-Explosive projectile after the explosion bursts into 4000 to 6800 fragments, but he did not explain how it could happen that not a single fragment hits the bumper of Golf 1 car, which according to him was about 400mm away from the projectile.

Proof: “Analysis of conditions that led to the massacre of people on “Kapija” square on 25 May, 1995, at 20⁵⁵“, Prof. Dr. Berko Zečević, pg. 74 and 78, 70 paragraph 4; 12. Shelling-Tuzla Kapija 2- MIA B&H, District secretariat for internal affairs Tuzla, photo-documentation Tuzla-Kapija, 25/26 May 1995, No. 20-1/02-3-9-7-175/95, Figure No. 10, pg. 8, Figure No. 13a, page 9.

Distance to that Firing Position, and in relation to alleged place of projectile fall, is **26,650m** (measured on map), and OCH (height difference of Firing Position and the target) over alleged **place of fall 45m**.

Such a result did not match neither topographically nor ballistically, so the expert widened the zone of possible Firing Positions by direction and distance, defining it as a sector determined by azimuth of projectile arrival of **$271^{0+-2,5}$** and **depth $D_m=27,100+-380m$, i.e. from 26,720 to 27,480m (including)**.

Right here it is visible that the position, found by expert Zečević, the suspect here, is completely out of the sector, in the nearer side, and this sector was simultaneously calculated by him and set as a reference frame.

In order to “analytically” determine the distance from alleged Firing Position to the point of fall, he needed Angle of Fall approximately compatible with the depth of the sector which he presented as analytically achieved values, so he determined that the subject **minimal “Angle of Fall is 62° or several degrees higher”** (page 64 of the expertise, 3rd paragraph from the top), **in order to be able to prove the location (distance) of the Firing Position.**

However, although he described in detail, in his Report, the method by which he determined projectile Angle of Fall and gave several photographs, he **nowhere gave a photograph which would show the value of measured Angle of Fall of the projectile.**

The suspect has stated in his Finding and opinion that the angle of 62° is minimal Angle of Fall, at which 130mm HE projectile could hit the ground of granite cubes on 25 May 1995, at which he specially accentuated that minimal Angle of Fall is the lowest angle at which the projectile could hit the point of fall and projectile explosion next to the car. Further it means that if a projectile has lower Angle of Fall than measured Angle of Fall, it will hit the car and explode on it, and if that angle is equal or higher than minimal Angle of Fall of 62° it will fall and explode on the road next to the car.

Proof: “Analysis of conditions that led to the massacre of people on “Kapija” square on 25 May, 1995, at 20^{55c}, pages 63, 64, Figure 76, page 63.

All of his further calculations are closely tied to the position of the mentioned subject Golf Mk1 car. At which, suspect’s conclusion about **the position of the Golf Mk1 car before the explosion** shows malicious and deeply conscious manipulation of evidence, which the suspect committed with the intention of tuning the results of expertise.

So, during reconstruction of the event, 12 years after the tragedy and on architecturally completely changed place, suspect put the subject car next to the new “sidewalk” at a distance of **47cm from NIK building wall and 130cm from building South-west corner**. Bearing in mind that the suspect, based on the data from cadastre (Urban plan) of Tuzla city, earlier determined that sidewalk width at the time of the event was **115 to 120cm**, it is obvious that by moving the car towards building facade by whole **68 to 73cm and that before the explosion**, suspect consciously changed the fact based on which he has given his further calculations, all of that with the goal of tuning the results which would suit the Prosecution. **Bearing in mind that any movement of the car forward or backward in driving direction or laterally, left or right, and for a value measured by several centimeters, in any case less than 0.5 decimeters, can confirm or completely reject the possibility that the projectile throws over the car and falls at the place irrefutably determined according to Court records,** it is clear that suspect has by falsely showing the facts, more precise by forging the evidence, consciously and premeditatedly given not only a false, unclear, incomplete and contradictory Finding and opinion, on which in no way could a Court decision be made, but he has consciously given a false statement directed to Novak Đukić, the accused, being convicted of a criminal act he did not commit. By bending reality, conscious manipulation of evidence by the suspect, against the rules of not only science and praxis, but also the Criminal Law, even the reconstruction of the event at the site, considering it was accomplished with significant violation of regulations of criminal proceeding, is legally wrong and cannot be used as evidence.

Proof: “Analysis of conditions that led to the massacre of people on “Kapija” square on 25 May, 1995, at 20^{55c}, Prof. Dr. Berko Zečević, pgs. 56 and 57.

It should especially be mentioned that out of all collected evidence, photographs, video-footage and sketches created by authorized Police personnel, it comes out that the subject car was at a distance of 90 to 120cm from building facade and, which is especially important, **after the explosion, and not before it.**

Defense team of general Novak Đukić, injured, has conducted, during last two years, over 30 experiments with real, technically correct vehicles, real ammunition and additionally, with explosives, based on which domestic and foreign experts created their written expertises which completely negate Finding and opinion of expert Dr. Berko Zečević, the suspect. Out of those, 12 experiments were conducted as “first level” 8 of which were conducted on realistic (and by statements of foreign experts, of very high quality) reconstructed scene of Kapija square, and by the scenario of Prof. Dr. Berko Zečević. All experiments were followed by TV and other cameras, as well as ultra-fast cameras and drones, at which extensive written,

photo and video documentation was created. In each of those 8 mentioned experiments, 4 technically correct vehicles of the same brand and type were destroyed, except in the case of vehicle 125 PZ which was replaced by Zastava 101 vehicle (32 vehicles in total).

Other than that, 4 additional experiments were conducted, 2 by settings of defense expert, one by UNPROFOR setting and one by setting of Prof. Dr. Berko Zečević, but on a separate scene and with only one vehicle Golf Mk1. Separately, 7 experiments with vehicles and different amounts of diverse types of projectiles were conducted.

Level of manipulation conducted by suspect Dr. Berko Zečević is pointed out by conclusions of foreign and domestic experts who have, after studying Court records and conducted experiments, given their stance about correctness and foundation of work and conclusions from the expertise of Prof. Dr. Berko Zečević, completely overthrowing his findings and claims.

That the suspect Dr. Berko Zečević has manipulated with evidence and that he has in his expertise, as well as during hearing, given made up data, was proven by subsequent expert findings.

So, in the study by Czech authors – experts from University in Brno, **it was proven that other than intentional moving of the car towards NIK building, done by Prof. Dr. Berko Zečević, it is impossible to throw over the subject car by a projectile fired from the West, not with an Angle of Fall of 74⁰, and not even with an Angle of Fall of 86⁰** (depending on if the Center of Explosion is taken from the sketch of the scene created by inspector Nedim Mutapčić or crim. technician Irfan Džinović). It is extremely important to point out that ***by firing from the subject weapon and projectile such high Angles of Fall cannot be achieved*** (see corresponding Firing Tables).

Proof: Professional expertise of circumstances and earlier determined facts about the case of explosion on “Kapija” square in Tuzla on 25 May 1995, Finding and opinion, 2014, Poparić Mile M.Sc.M.E., pgs. 24-31; Assoc. Prof. Jan Komenda, Dr. Ludek Jedlička, Dr. Roman Vitek: Expert report on Tuzla’s 20:55, 25th May 1995 event, University of Defence, Faculty of Military Technology, 2015, pgs. 20-22, 23-24.

In order for the mutual position of the car and crater to be such as presented by the suspect, the projectile would have to be placed vertically in a way which is simply not possible from a ballistic point of view, unless the projectile was used as an IED (Improvised Explosive Device).

Proof: Pierre Laurent, Technical Assessment Explosion at Tuzla May 25th, 1995, page 10.

From given it follows that there is not one reason or argument which would justify placing the Golf brand car half-way on the sidewalk, as expert Prof. Dr. Berko Zečević, the suspect, did in his Report and during “reconstruction”. But it is also observed that placing the car the way he did it is the only way to achieve Angle of Fall more or less compatible with arrival of long-range 130mm projectile, from the West.

Proof: Laurent, Technical Assessment Explosion at Tuzla May 25th, 1995, page 14; col.

Other than that, as explicitly claimed by other foreign expert, when vehicle is placed exactly as sketches, photographs and video records about the real event show, Dr. Zečević's version of projectile arrival from the West would be completely denied, because the projectile arrived from the West at an Angle of Fall of 62 degrees according to him. However, if it were so, **the projectile would have to pierce the hood of the car before exploding, or even more, if according to crater, by Dr. Zečević's version, direction of arrival is calculated properly (by method which he stated as reference in Court), it could not even have fallen on the subject place without, first piercing North-West, and then South-East NIK building facade.**

Proof: Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995, page 19.

Other, domestic experts, who have proven that documents from the scene completely deny claims of the Prosecution, agree on that.

Trajectory, originating West, which would result with such subject ending, and with an Angle of Fall of 62⁰, is not possible to present by ballistic calculation or graphically.

On the other hand, and from the evidence from the scene, it can be noted that distance of the car from the wall is larger than 47cm even after the explosion, and that any incoming projectile with an Angle of Fall of 62⁰, or even much higher, **would hit the engine compartment from above.** Simultaneously, **this thesis by the suspect about car position before the explosion is contrary to the physics of explosion** (even by understanding of layman, but also etymologically), because as a consequence it has a fact that the distance of the car from the Center of Explosion is lower than before it, and nature of explosion is such that it does not attract objects towards the Center of Explosion, but the other way around, pushes them away.

Experimentally (in 8 experiments), and strictly according to scenario by the suspect Zečević, **an irrefutable fact was determined, that 130mm projectile explosion in subject conditions pushes the car at least 47cm towards the wall and 45cm backwards,** but the subject car even after the real explosion remained with its left side next to the sidewalk, so minimally 115cm from NIK building facade. If a projectile arrived under those conditions with an Angle of Fall of 62⁰-67⁰ (last number marks maximum Angle of Fall according to Firing Tables), **engine and passenger compartment of such a parked car would be completely devastated by the explosion. That did not happen, and from that follow diametrically opposite conclusions in relation to what the Prosecution submitted.**

Proof: Professional expertise of circumstances and earlier determined facts concerning the case of explosion at "Kapija" square in Tuzla on 25th of May 1995, Court case No. X-KR-07/394 of the B&H Court in Sarajevo, Findings, opinion and professional conclusion, Analysis of "Kapija" case, pg. 74, gen-lieutenant colonel ret. Ilija Branković.

Simultaneously, all possible Firing Positions in the sector determined by Prosecution expert, and within range of azimuth from 268.5^0 to 273.5^0 by topographic distance, Dt, in interval from $Dt=27,100\pm 380m$, have OCH Δ_z , within range from +45m to +208, which is visible from topographic map (and not +30m as Prof. Dr. Zečević inputs) which consequentially has that Angle of Fall is always lower than 62^0 , which in no way, not even as minimum, **does not provide overshooting the engine compartment of Golf Mk1 car.** Also, Prosecution expert conducts all of his ballistic calculations with nowhere proven assumptions that **OCH of Firing Position in relation to alleged point of fall on “Kapija” square is only +30m, which makes all of his calculations harshly wrong.**

Proof: Professional expertise of circumstances and earlier determined facts concerning the case of explosion at “Kapija” square in Tuzla on 25th of May 1995, Court case No. X-KR-07/394 of the B&H Court in Sarajevo, Findings, opinion and professional conclusion, Analysis of “Kapija” case, pg. 48, gen-lieutenant colonel ret. Ilija Branković

1. From aforementioned expert findings, as well as from case records and acquired evidence, it unambiguously follows:
 - that the suspect Zečević has given to B&H Court, consciously, in mentally capable state, incorrect and false data about Golf Mk1 car position at the moment of the explosion, and which data was shown to Court as true and founded;
 - that witness’s Angle of Fall of 62^0 , according to which he determined the distance of firing, and by that the elements of alleged Firing Position location, as a foundation at which the Court obviously based its decision, in subject conditions, is impossible;
 - that from the whole depth of that sector, defined by distances of $27,100\pm 380m$, such Angle of Fall cannot be achieved, which the whole sector which was determined as such by expert Zečević, the suspect, completely and irrevocably discredits the conclusion under 4. from page 93. of Prof. Dr. Berko Zečević’s expertise, but also the conclusion No. 7 from the same page, making them legally null and void, and all of that

because he committed conscious change of the real state and manipulated data, with intention to create false expert conclusions (under 4. and 7. from page 93. of Dr. Zečević’s expertise), which confirms that the suspect has acted with direct premeditation, aware that in that manner he commits a crime of giving false statement, which he wanted.

To fully refute claims of suspect Zečević about the place of alleged Firing Position, it is necessary to additionally consider the direction of projectile arrival as well as the whole sector defined by azimuth of projectile arrival $271^{0\pm 2.5}$ as determined by Prof. Dr. Berko Zečević.

The suspect has, as can be seen from his study, determined the projectile arrival direction by analysis of crater, and after that arc sector of abovementioned dimensions.

Namely, for determining projectile arrival direction he used one furrow in road, for which he claims it was created by projectile fragments and which was obviously widened afterwards.

By claiming this furrow was created by fragments, suspect made one big expert error, because such furrow cannot be created due to projectile explosion, as suspect claims.

Proof: “Analysis of conditions that led to massacre of the people on “Kapija” square on 25 May, 1995, at 20^{55c}, Prof. Dr. Berko Zečević, pg. 20, Figure 25; Professional expertise of circumstances and earlier determined facts about the case of explosion on “Kapija” square in Tuzla on 25 May 1995, Finding and opinion, 2014, Poparić Mile M.Sc.M.E., point 6.2.6.4.

Crater in question became disputable only several hours after the explosion, because it was filled and re-dug during the time immediately after the explosion. Expert Zečević did not personally see it, but does not heed unequivocal sketches by Police authorities and photographs which were taken at the scene (Record of investigation from the scene with belonging photo-documentation and other evidence), but based on un-checked data he manipulates the crater in order to determine direction of projectile arrival. On Judge’s question how is that that the number of thrown out cubes from the road significantly exceeds volume of the crater, Prof. Dr. Zečević answers: *“Look, I watched that and there is no answer to that from one reason – we must observe that access to the scene was made only after tending to people’s wounds and removing 71 dead body. I mean, you can imagine the chaos which ensued: somebody could have carried this, move it, hit it, running away, Army coming ... Nobody alive can confirm such a state anymore. So, this is not a photograph of the scene immediately after the explosion, but from next morning – when it dawned, when traces of bodies were removed etc., and started analysis. And I couldn’t tell you, it would be unfair from my side to give any answer.”*

It can be accepted that suspect’s claim that furrow on granite cubes was created by projectile fragments is only one wrong conclusion, but facts as well as well as derived evidence indicate that this claim of suspect that furrow was created by fragment action on “Kapija” square was intentionally done to manipulate the acting Court, with the goal to artificially find some evidence which would indicate direction of arrival from Republic of Srpska Army positions. Nature of this action can very easily be spotted on Figure 65 from suspect’s Report, i.e. photographs No. 10 and No. 13a, from photo-documentation created by Police during investigation.

On these photographs it is clearly noted that furrow in the road is in front of explosion site, which means that projectile was not over this furrow by any of its parts at the moment of the explosion, and all fragments created after explosion on that direction were pointed towards the sky, and not towards the ground. Suspect has, here also, avoided to give any explanation on the question how the fragments pointed towards the sky could make this furrow in the ground, because such an explanation does not exist, which is another example of obvious manipulation with facts by the suspect.

Proof: Audio recording from the trial from 02 December 2008, 1:57:20-1:58:20; 12. Shelling-Tuzla Kapija 2- MIA B&H, District secretariat for internal affairs Tuzla, photo-documentation Tuzla-Kapija, 25/26 May 1995, No. 20-1/02-3-9-7-175/95, Figure No. 10, pg. 8, Figure No. 13a, page 9.

Besides that, suspect has manipulated also with explosion site. Namely, although the Police have given the exact position of explosion site (crater), he disregards it, so first he takes for explosion site a point which is more than 1m away from the car and in his Report marks it with a note “Place of projectile impact”. As the suspect in his analysis could not prove that

projectile which hit this point could have only been fired from Republic of Srpska Army positions, because Angle of Fall is low, he suddenly as place of fall takes completely different point (crater), which the Police labeled with "0". Intention to prove that the projectile could have been fired only from Republic of Srpska Army positions is basic reason that he in further part of his work takes as projectile place of fall a point (crater) which Police labeled as "0".

In this manner, suspect in his work uses two different points of fall of the same projectile, and uses them as needed, which certainly is not a mistake, but intention of the suspect to achieve result of reconstruction as he wants it and not the one as comes out of material evidence.

On Figure No. 68 from suspect's Report, i.e. Figure No. 10 from photo-documentation, furrow direction in granite cubes is easily noted, which the suspect took as direction of projectile arrival, touches the crater at explosion site, which Police labeled as "0", and does not pass through crater center, which would be the case if the furrow was created by projectile explosion. This means that furrow in granite cubes does not represent direction of projectile arrival. In relation to that, it should be pointed out that suspect intentionally disregarded the fact that projectile arrival direction does not pass through crater center, caused by projectile explosion, and by that the furrow cannot be in any relation to projectile explosion.

Proof: 03-annex A-MIA B&H, District secretariat for internal affairs Tuzla, Sketch of the scene, page 4 and 9, Drawing of the scene – shelling Sketch of the crater, MIA B&H, Center of Security Services Tuzla, No. 20-1/02-3-9-7-175/95; "Analysis of conditions that led to massacre of people on "Kapija" square on 25 May, 1995, at 20⁵⁵", Prof. Dr. Berko Zečević, pg. 58, Figure 62, pg. 58 Figure 68; Technical Test Center Belgrade, "Expert examination of material impact of 130mm TF /contact-fuse/ projectile" from 31 March 2010, pg. 13 Figure 11.

Subsequent professional expertises, unlike theoretical speculations of Prof. Dr. Zečević, have experimentally proven diametrically opposite, showing unprofessionally carried out original subject expertise by Prof. Dr. Zečević.

Expert finding by **expert Pierre Laurent** created after carried out experiments and analysis of experimentally received data, and their comparison to subject scene, amongst others contains the following quotes:

"We cannot agree that it was possible to determine any direction of arrival. Photos are of poor quality and non-isometric. Traces on the granite blocks are multidirectional. The "furrow" is not aligned with the crater center, which means it is not a "furrow" in the first place (even assuming that a projectile with an angle of fall as steep as 62⁰ still creates a furrow). **Besides, Prof. Berko ZEČEVIĆ uses the coordinates of the crater to compute an azimuth from his "furrow", which is not correct from a mathematical standpoint.**"

Proof: Pierre Laurent, Technical Assessment Explosion at Tuzla May 25th, 1995, page 50.

By analyzing the manner at which Prof. Berko Zečević conducted his expert task during "reconstruction" on the scene when he arbitrarily placed Golf car, and not according to measurements, sketches, photographs and recordings by Police, expert at Appeal Court in Paris and International Criminal Court, expert Pierre Laurent, in his Finding claims that **such a setting of Golf car by Prosecution expert makes arrival of long-range 130mm**

projectile from the West simply impossible. “Computation of an arrival azimuth is then performed from a non-obvious “furrow” that he sees on photos and that he mixed with the coordinates of the crater. And the “furrow” is not even aligned with the crater?”

Proof: Pierre Laurent, Technical Assessment Explosion at Tuzla May 25th, 1995, page 52.

In the Finding of other foreign expert J. Sharon, confirmed by experimental research, contained is the following claim- **that prosecution expert Dr. Zečević based determining of Firing Position on a “furrow” found in granite cube surface, East of Center of Explosion, using methods and actions described in his study and details of those actions and methods are significantly accentuated in Court Judgment which accepted projectile arrival direction as determined by Prof. Dr. Zečević“.**

Proof: Col Joseph Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995, page 18 and 19.

Dr. Zečević used measurement which is contradictory even to the methods stated in his own Opinion. Evidence in Tuzla, which match the results of later test, prove that Dr. Zečević’s conclusions are fundamentally wrong, based on false, unproven and unchecked data.

Proof: Col Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995, page 19.

The largest manipulation of data committed by Prof. Dr. Berko Zečević is seen in his conclusions about projectile arrival direction and about subject Angle of Fall. From Figure 69 from his analysis it can be seen that he knows that sidewalk is 115 to 120cm wide, while at determining Angle of Fall he calculates with the distance of the car from NIK building wall of 47cm, which is a direct premeditated forgery.

Proof: Col Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995, page 31 and 32.

Suspect has not only led the acting Court astray by bending reality and falsely showing existing facts, but he has, within his Finding and opinion, put forward conclusions which are contradictory to themselves in such a measure that they are mutually exclusive. So, on page 74 in last paragraph of his study, he established that minimal distance of firing at which **subject Angle of Fall of 62⁰ is achieved, is the distance of 26,500m** in relation to determined Center of Explosion on “Kapija” square, so after that already on pg. 76 of the same Finding, on Figure 88 of his study he “calculated” and “proved” by ballistic calculation that at that distance in Standard conditions Angle of Fall is just slightly over 61⁰, (shaded row of the Table). On page 76 (calculated for real conditions as is only right and possible) he himself clearly shows that Angle of Fall of 62⁰ is achieved only at distance of 27,128m, **but in both cases under assumption that OCH of Firing Position over alleged target was equal +30m, although he knew, from topographical maps he had at his availability, that height difference is significantly more than +30m, because of what the Angle of Fall in reality is lower than he calculated it.**

That this is true is confirmed by his statement during cross-examination at Court on 02 December 2008, where he expressly states: “*Yeah look, we are here for different angles of*

launching 38, 39, 45 degrees, is that so, by calculation determined which are the Angles of Fall at the moment of projectile impact into obstacle starting from that that the weapon was 30 meters above horizon of explosion site and I asked from Hydrometeorological Institute to give us assessment what were parameters of atmosphere just precision, it does not play much of a role, but I also used that system. I used parameters from Firing Table and they allowed me to determine that at Angle of Fall of 62⁰, about 62, range was 27km 128m. That is it. “

About aforementioned, it should be noted that the suspect firstly calculated that minimal Angle of Fall of 62⁰ is compatible with place of projectile firing at a distance of 26,500m, but he did the calculation without considering state of the atmosphere. As he was aware that neglecting atmospheric influence compromises his Finding and opinion, he later calculates trajectories considering atmospheric influence for that day. That way, he reaches the following conclusion, which is that the projectile fired from a distance of 26,507m has Angle of Fall of 59.8412⁰, which is by 2⁰ less than the one achieved without influence of real atmosphere parameters. So, real Angle of Fall of projectile fired from 26,500m, where is the place which Dr. Zečević identified as Firing Position of 130mm cannon, is approximately 60⁰, from which it stems that projectile fired from this Firing Position would **definitely hit the “Golf 1” car**, and bearing in mind already stated that suspect in his Finding stated that if a projectile would have Angle of Fall lower than measured minimal which equals 62⁰, projectile would hit the car and explode on it.

During calculation which takes into account influence of atmosphere, Angle of Fall of 62⁰ is of a projectile fired from a distance of 27,172m, but suspect did not even calculate this correctly because he consciously disregarded corrections due to Earth rotation and the curvature of its surface, so he “fired” from South to North.

Based on calculations which the suspect conducted, he concluded that Firing Position was at a distance of 27,100± 360m, which is completely wrong, because the Firing Position could have only been at places behind 27,100m, because only projectiles fired from a distance of over 27,100m have Angle of Fall near minimal Angle of Fall of 62⁰, but only under the condition that the weapon was 30m above point of fall, and that is not the case at those distances because in subject case ground at those distances has altitudes over sea level higher than 350-400m, i.e. weapon would be above point of fall by even 150 to 200m, and in no way 30m.

Suspect intentionally skips this fact, because otherwise he would have to reject the place at a distance of 26,500m as possible place of projectile firing, at which he allegedly found some traces which show it was a Firing Position.

Besides, possible Firing Position, according to suspect’s analysis, could be only at a distance higher than 27,100m, and there are no appropriate places for placing the weapon there, because that area is inaccessible and forested, which suspect definitely knew which is the probable reason why he did not mention this in his Report. On the other hand, distances over 27,100m are not in the area of Panjik hamlet.

If suspect analyzed possible places of projectile firing objectively and un-biased, he would have brought the only possible conclusion that from Panjik area the projectile which could fall and explode next to “Golf 1” car on “Kapija” square in Tuzla- could not have been fired.

Contrary to that, he consciously and intentionally manipulates data and calculation results, so when he needs to verify some place as possible Firing Position, then he calculates the Angle

of Fall without influence of atmosphere which would lower that angle, and when he needs to show that he calculated correctly he takes into account parameters of atmosphere, but in the end without any comment unifies these two calculations and consciously widens possible area from which the projectile could have been fired, by which he misled the acting Court.

Proof: Audio recording from the trial from 02 April 2008, with statement start at 1h 29min.

The suspect had to know that at a distance of 27,128m or approximately 27,100m, as he rounds it off, only three places at which operational Firing Position of 130mm M46 weapon could be placed, but altitudes over sea level of those Firing Positions are as follows: North with altitude over sea level 350m, central (Vp_{-1}) 335m (Vp_{-2}) and South– 406m (Vp_{-3}), with OCH in relation to alleged point of fall on Kapija square of +121, 106 and 177m, respectively, i.e. **those height differences of Firing Position and target are 4 to 6 times higher than +30m used by Prosecution expert, due to which the Angle of Fall is way below 62⁰, and all ballistic calculations conducted by Prosecution expert undoubtedly point towards the fact that he consciously manipulates parameters of calculation, with the goal of giving a false statement.**

Proof: Professional expertise of circumstances and earlier determined facts concerning the case of explosion at “Kapija” square in Tuzla on 25th of May 1995, Court case No. X-KR-07/394 of the B&H Court in Sarajevo, Findings, opinion and professional conclusion, Analysis of “Kapija” case, pg. 55, gen-lieutenant colonel ret. Ilija Branković

Other than that, Firing Positions which would be located at firing distance of 27,100m are positioned (North) in region of village **Kosa** (not village Panjik), central in area of Muševina hamlet village **Mičijevići** (not and not close to Panjik hamlet), and South in area of **Tumare village**, so, again not in Panjik hamlet area (Panjik hamlet is actually a hamlet of **Vasiljevci village**, but **Prosecution expert intentionally deceives the Court by imputing incorrect data from the topographic map**), and all of that is diametrically opposite to what Prosecution expert states on pages 93 and 94 of his analysis as well as in the introduction, and also in conclusion Prosecution expert states it **by placing alleged Firing Position in the region of Panjik village.** So placing possible Firing Positions at distant positions with conclusion that they were in **Panjik village area is obvious manipulation with key facts.**

Besides, all practical and computational checks have shown that minimal Angle of Fall had to be above 67⁰ which is above theoretically possible Angle of Fall of 130mm projectile, which shows that 130mm projectile which would have been fired from positions of 130mm cannons in Panjik village area then, would hit the car and in no way could it fall and explode on the road, as claimed by expert Zečević, the suspect.

Such a difference in measurement could not have been caused as a result of an error in measurement, but it's obvious that suspect consciously stated wrong Angle of Fall value with intention to put responsibility for the crime on “Kapija” square on Republic of Srpska Army, i.e. General Novak Đukić, because otherwise, if he acted by rules of profession and based on real measured value of projectile Angle of Fall, which equals over 68⁰, he would have to bring only possible conclusion, which is that on “Kapija” square on 25 May 1995 did not arrive and

explode a 130mm projectile. All of that, bearing in mind the fact that 130mm projectile never falls at angles of 68^0 and 73^0 .

For firing distances from 27,100 to 27,480, only points which have OCH of 30m in relation to alleged point of fall on “Kapija” square are located **deeply in river Bukovica canyon, without any possibility to lower or to act with 8-ton weapon from that position.** There is no access road or proper pedestrian path, which is diametrically opposed to all previous claims by Prosecution expert, some of which follow: “130mm M46 cannons are weapons which are pulled by trucks or tracked vehicles. Weapon mass is about 8t, so they can be transported only over very solid ground and Firing Position has to be near a road.”

“From topographic map of land in given zone and at azimuth range of $271^{\pm 2,5}$, it can clearly be seen that in immediate proximity there is only one road and village named Panjik “.

Proof: “Analysis of conditions that led to massacre of people on “Kapija” square on 25 May, 1995, at 20⁵⁵”, Prof. Dr. Berko Zečević, pg. 73 and pg. 93.

That given claims by Prof. Dr. Berko Zečević about locations of alleged Firing Positions and about conditions are the same, as stated above, is clearly seen from aforementioned study of his as well as numerous transcripts from the trial which were collected during analysis of subject Court process.

Proof: Professional expertise of circumstances and earlier determined facts concerning the case of explosion at “Kapija” square in Tuzla on 25th of May 1995, Court case No. X-KR-07/394 of the B&H Court in Sarajevo, Findings, opinion and professional conclusion, Analysis of “Kapija” case, pgs. 49 to 55, gen-lieutenant colonel ret. Ilija Branković

By upper statements Prosecution expert proves that alleged (most likely) Firing Position, at altitude over sea level of 260m, which is obviously within river Bukovica canyon, is at the same time there (in village Tumare region), but also in region of distant Panjik hamlet (Vasiljevci village) immediately next to road, and that to these positions with heights which match heights of Bukovica riverbed leads some (solid) road.

That the suspect has misled the Court by giving aforementioned untrue data, is shown by the topographic map.

Proof: topographic map _____(attached to evidence)_____

Further, it is obvious **that no critical condition** within original framework thesis, which for Firing Position location, needed Angle of Fall of 62^0 and OCH of Firing Position of +30m were set by Prosecution expert Prof. Dr. Berko Zečević, could not be and cannot be fulfilled, because **conditions for such a thing physically do not exist.**

Projectile could not have been fired, or arrive from any Firing Position from above defined Western firing sector ($271^{0\pm 2,5}$), and from a Firing Position within interval of 27,100±380m and in conditions set by Prosecution, as “proven” in his expertise by the suspect.

Bearing in mind abovementioned and described **falsifying of ballistic, calculative and topographically-spatial entry data and key facts**, all claims by Prosecution expert, the suspect here Prof. Dr. Berko Zečević about subject mutual relations, **alleged weapon-alleged Firing Position-alleged target**, should be rejected as **onthologically and physically unfounded and ungrounded**.

- 2. Evidence that Firing Position could not have been within subject defined sector, and not within Panjik hamlet region, completely annul point 8. from conclusion of expertise by Prof. Dr. Berko Zečević: “Analysis of conditions that led to massacre of people on “Kapija” square on 25 May, 1995, at 20⁵⁵”, from page 93, but also negate and deny point 1. and point 2. from the same page, which completely makes subject study legally void, because it not only isn’t substantiated by evidence, but it is in opposition with other evidence, while it is based on falsified data which had the goal for the subject study to achieve results going in Prosecution’s favor on a fraudulent manner.**

Point 2. from conclusion of aforementioned expertise is additionally refuted by finding of the suspect from page 68, where he determines that on “Kapija” square exploded a **M79 projectile with a fuze provided in Firing Tables**.

From those same Tables on page 46 point 64, it can clearly be seen that the only impact fuze which completes M79 projectile is UTIU M72 fuze, so that **former is factory screwed onto projectile** and packaged in a crate that way, which means that it is not meant to be changed.

That’s why in point 2. from conclusion of expertise by Prof. Dr. Berko Zečević, from page 93 shouldn’t have been alternative “projectile 130mm or OF482M (Russian label for the same projectile)”, as was written on the beginning of the study in data for bibliographic card, which shows that **his determining of projectile type (M79 with fuze provided by Firing Tables) was not at all “undeniable”, nor even unambiguous**.

About point 13. from the same conclusion (page 94), it represents an **obvious forgery** and by its essence it is worthless, but it is harmful and malicious and represents a classic example of direct premeditation. In his study, the suspect on page 85 offers Table marked as Figure 104. Beneath the Figure-Table stands a subheading that within it are deviations of range due to change of parameters which affect the range of **M79 projectile fired from a 130mm cannon**.

That is a rough and **easily noticeable forgery by Prosecution expert**, because data in that Table are for Russian OF482M projectile with outdated Russian pyrotechnical delay fuze V-90, which is incompatible with M79 projectile (see Firing Tables, page 40 point 46), which is clearly seen in Firing Tables heading on stated pages (the margins of which are colored in dark blue), and in no way that is data for then, incriminated domestic M79 projectile, nor for Russian OF482M with adequate contact fuzes (pages 106-115, orange color).

Proof: Firing Tables for 130mm M46 cannon, SSNO, UA-156/2, Military Publishing Institute 1984, pages 166 to 171, and 106 to 115.

Projectile with fuze, the data of which Prof. Dr. Berko Zečević states on Figure 104, has terminal range by 939 meters less than M79 projectile, but also from Russian OF482M projectile with appropriate contact fuzes RGM-2 and V-429 (compare pg. 114 with pg. 170 of Firing Tables).

Other than that, last series of OF482M projectiles with delayed fuze V-90 was spent in 1985, after adoption of domestic proximity fuze BU-130-M83.

After he has given arbitrarily chosen parameters projectile-fuze (Of482M-V-90) to domestic projectile M79 by harsh forgery, he later falsifies what he just falsified. Above the Table (Figure 104, on pg. 85 of his study), he gives those falsified parameters to M79 projectile, but not at terminal distance for a projectile (OF482M-V-90) from 26,542m, but completely arbitrarily at a distance of 27,450m taking data from columns 14 and 12 (4x95 and 4x14, to achieve intervals of 380m and 56m by distance and direction, respectively), as can be seen in paragraph above Figure 104, which he repeats also in point 13 from conclusion (page 93 of suspect's expertise).

Simultaneously even laymen can very easily determine that so combined group of ballistic data cannot be found anywhere in subject Firing Tables, and that those are completely fabricated data both for M79 projectile, and for Russian OF482M projectile with belonging contact fuzes, and can be achieved only by inappropriate interpolation which adds meters and seconds to achieve incriminated Firing Position.

Proof: Professional expertise of circumstances and earlier determined facts concerning the case of explosion at "Kapija" square in Tuzla on 25th of May 1995, Court case No. X-KR-07/394 of the B&H Court in Sarajevo, Findings, opinion and professional conclusion, Analysis of "Kapija" case, pg. 64-65, and Excerpt No. 2, gen-lieutenant colonel ret. Ilija Branković.

Manner, on which his expertise, in this domain, was led by Prof. Dr. Berko Zečević, was noticed also by foreign experts, who have pointed towards *completely wrong understanding of calculating procedure during artillery fire, as they have pointed out that it was manipulated with type of fuze and projectile.*

Proof: Assoc. Prof. Jan Komenda, Dr Ludek Jedlička, Dr Roman Vitek: Expert report on Tuzla's 20:55, 25th May 1995 event, University of Defence, Faculty of Military Technology, 2015: page 90. (Disqualifying Prosecution expert)

In the same manner the Table-Figure 103 on page 85 of expertise by expert-suspect, is a harsh forgery, because it does not relate to the subject but instead again on the same, arbitrarily chosen projectile (OF482M-V-90), by falsifying which he exchanges whole 12 pages of valid Firing Tables for 130mm cannon.

Partially summing his findings, expert Pierre Laurent, evaluating post-experimental data from experiment which he himself and additionally, together with his colleague from Israel, achieved, generalizes his conclusion with a claim that, no matter from which direction (West, East or Southwest) alleged 130mm projectile arrived, (from North,

Northwest and Northeast, cannot arrive due to presence of NIK building), despite its high killing potential, in no way can produce matrix by which wounding people and damage level to the objects would be even remotely similar to the one on Kapija square.

Proof: Pierre Laurent, Technical Assessment Explosion at Tuzla May 25th, 1995, page 54.

His Israeli colleague gives almost identical opinion.

Proof: Col Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995, page 165.

Summing results of the experiment and after studying subject records, he concludes **that Dr. Zečević's claim about causes of tragedy in Tuzla on Kapija square from 25 May 1995 at 20:55, is fundamentally wrong, based on false, unchecked and un-proven data.**

Findings, based on experiments conducted on 10 and 11 February 2016 and other tests regarding this incident, show, in his opinion, that damage to Golf car, NIK building and other objects on Kapija square, unequivocally and clearly that it could not have happened from a 130mm HE projectile explosion at a distance of 2m from NIK building, as it could not have for a consequence such victims and woundings as on Kapija square.

By stating that some victims in immediate proximity of subject CE show that either they suffered injuries which could be caused by a hand grenade and not artillery projectile, or some other explosion acted from a larger distance.

Proof: Col Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995, page 109.

Colonel J. Sharon explicitly claims that he has examined Dr. Berko Zečević's scenario from almost every possible angle, at which no conclusion from speculations and calculations by Prosecution expert Dr. Zečević cannot be confirmed theoretically or experimentally.

Proof: Col Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995, page 165.

All aforementioned forgeries and manipulations committed by suspect, mentioned experts have established and proved by separate and joint experiments on the scene, with real ammunition with presence of identical or similar cars.

A completely identical claim is stated by a team of Czech experts, who confirm that real density of deadly fragments on real square in Tuzla was 9 times higher than theoretical and experimental, which were enlarged 2 times (due to secondary fragments from damaged surrounding), and that on Kapija square did not explode a 130mm projectile

but different, much more powerful type of projectile or Improvised Explosive Device or even a larger number of Improvised Explosive Devices.

Proof: Assoc. Prof. Jan Komenda, Dr Ludek Jedlička, Dr Roman Vitek: Expert report on Tuzla`s 20:55, 25th May 1995 event, University of Defence, Faculty of Military Technology, 2015, page 119.

Besides, these experts **refute the conclusions** by expert Zečević, the suspect, considering **shown real lethality of device/s which acted on Kapija square, stating that the method used by expert Zečević to show that 130mm projectile could cause subject consequences, is useless for these purposes, in praxis, and that excerpts from data received in such a manner should not have been used in front of Court as arguments.**

Proof: Assoc. Prof. Jan Komenda, Dr Ludek Jedlička, Dr Roman Vitek: Expert report on Tuzla`s 20:55, 25th May 1995 event, University of Defence, Faculty of Military Technology, 2015: Disqualifying prosecution expert.

It is in complete tune with domestic experts Finding, who determined that found blast injuries on people at large distances, at which they can in no way be caused by 130mm projectile explosion, from reported CE.

Proof: Court expert Dr. Mirjana Andelković-Lukić, B.Sc. for area causes of fire, explosions and accidents-explosives: Finding and opinion, Professional and experimental consideration of the event which occurred on Tuzlan Kapija on 25 May 1995 at 20:55, Reconstruction of circumstances, under which the crime on Tuzlan Kapija has happened, has been done by request of attorney Ivošević Milorad from Banja Luka, head of the defense team of accused general of RSA Novak Đukić from 06 March 2014: Essence: events completely opposed to physics of explosion and wounding ballistics: Table No. 5, page 49, 50, 61 and 62, with special review on Table 8.

This is a very important testimony, because it comes from expert under whose supervision was projecting and quality control of explosives, filling the projectile body and shell with explosives and completing them, amongst which also for subject 130mm M79 projectile. Same expert completely agrees with team of experts from University in Brno, as well as with Israeli expert, concluding that multiple explosive devices exploded on Kapija square.

It is extremely important to mention that even during 2010, on request of defense team, while appeal deadline was still valid on judgment of B&H Court, Technical Test Center from Belgrade conducted an experiment on improvised scene with real Golf MK1 car and with activating real 130mm projectiles, then determining undeniably that the car cannot be overthrown by a 130mm projectile arriving from the West, as long as the car does not move to 35cm from NIK building wall, which is completely in tune with all later experiments and expert findings. On that occasion TTC determined **that expert Zečević`s scenario, the suspect, in Kapija case is completely wrong.** Whole experiment was thoroughly documented and available.

Such a Finding was the only experimentally checked Finding at that time, and was not received by theoretical speculations of Prosecution or Defense. That Finding was delivered to Court in valid appeal deadline, but Court did not accept it, rejecting it as redundant and needless, which proves that general Đukić did not have a just and fair trial.

As someone who declares as expert on a scientific field, in domain of external and especially terminal ballistics, Prof. Dr. Berko Zečević made a line of harsh oversights in his expertise.

Namely, he completed his expertise in less than a month, at which he gave the least bit of attention to the exact part of his expertise which, as an expert of terminal ballistics, he should have put in foreground. So he did not notice or did, but failed to mention, the following:

- That number of killed persons in front of NIK building, around explosion ground zero, is the same as the number of killed at a distance of 17m from ground zero, at Gulam caffe, as well as that at the same caffe (fast-food object), number of killed by blast injuries is impossibly high (6 out of that 3 with heavy blast injuries) for such a large distance in relation to Center of Explosion, as noted by the suspect;
- That level of destruction to 5 objects around Gulam caffe (according to Court record), at a distance of 17m from explosion ground zero, is significantly higher than seen immediately around Center of Explosion (NIK building);
- That at the same caffe practically impossible hit density on small surface area was shown, at a distance of 17m from explosion ground zero, at which backrest of just one chair with surface about 0.25m^2 was hit 13 times, while metal table in front of caffe was pierced from below towards up, which completely topples assumption about source and origin of 130mm projectile explosion at NIK building, because chairs in front of that caffe were destroyed explosively, and not by fragments;
- That victims immediately in front and along Samoizbor building shopwindow were not noted, while 20m of glass on windows 20-ish on opposite sides of the same building were completely destroyed, while inside Samoizbor store all ceiling lights as side and upper windows were demolished, and goods were pierced by fragments (exactly according to expert Zečević's Report, the suspect). Foreign experts did not fail to notice it;
- That Kapija store facade was "marked" by numerous heavy damage, the shape and pattern of which are such that in no way they can originate from explosion of any projectile at NIK building;
- That PZ 125 car was undamaged, although it was within action radius of the most efficient lateral fragment beam, which topples assumption about 130mm projectile action and that in such a way that part of experts assumes the car could not even have been there during any explosion at NIK building;
- That there is visible use of non-standard (non-military) explosive which can be seen on at least three victims, which suffered complete destruction of their bodies, similar to suicide-bombers, and finally;
- That on Police and Court records there are noted damages at far places, i.e. on buildings out of line-of-sight, and on dead corners. So, for example, NIK building,

with almost undamaged front facade, while lateral facades are significantly damaged, which was noted by all experts, and specially French, to that level that they request for opening a new international investigation which should determine what really happened in subject case;

- That 40 people were wounded and three killed in front of Kapija cafe, at a distance of 36m from CE, at which half were wounded in feet and shin, and one person on 7 places and that in one shin only.

Proof: -Figure 31 from Police archives;

-Pierre Laurent, Technical Assessment Explosion at Tuzla May 25th, 1995, page 41, page 43, page 21-24, page 54

-Assoc. Prof. Jan Komenda, Dr. Ludek Jedlička, Dr. Roman Vitek: Expert report on Tuzla's 20:55, 25th May 1995 event, University of Defence, Faculty of Military Technology, 2015, page 41-42, page 140, page 119

Besides, expert Zečević, the suspect, gave only barely 30-ish pages to real event in Tuzla, while remaining 64 are transcribed from the Internet, and that completely un-critical and from wrong sources.

All 30 conducted experiments, the results of which are mutually and to small details in tune, repeatable and internationally checked by 10 experts from 5 different countries, were conducted with assistance of numerous auxiliary and highly-qualified technical staff.

None of those experiments did confirm even one of key spatial and terminal-ballistic findings presented to Court by expert Zečević, the suspect.

Furthermore, according to shown, as well as according to comprehensive later expertises and conducted experiments, Prosecution's evidence is completely wrong and unfounded, and that:

- **factually;**
- **legally;**
- **tactically;**
- **technically;**
- **topographically;**

from the standpoint of Firing Theory, and

- **ballistically-** from the standpoint of external ballistics, ballistics at target (terminal) and traceologically;

It is irrefutably and completely proven by conducted experiments and later expertises of domestic and foreign experts, that, wherever was subject artillery 130mm M46 cannon, in subject conditions, the same had the possibility to fire upon "Kapija" square, without the need to move and unmask taken, up to then undiscovered, Firing Position.

Due to that there was no need to, by tactically and by regulations forbidden action, on their own initiative, move a heavy weapon from earlier taken and well masked Firing Position, to harsh terrain and final range.

That would, by tactical regulations, would be a punishable action, conducted just to see if it is possible or not to overthrow the subject vehicle, the existence of which personnel could not have been and was not aware of, considering that possible task of firing upon Kapija square can be done from any of existing, taken, and tactically and technically more suitable, more favorable and considerably closer Firing Positions.

It is indisputable and completely proven that, wherever subject 130mm M46 weapon was, in subject defined sector, in subject meteo and material conditions, it could not, by firing, achieve projectile Angle of Fall of $O=62^{\circ}$, let alone couple of degrees higher, which, according to Prosecution expert, is minimal possible Angle of fall needed to overthrow Golf MK1 car.

Wherever 130mm M46 artillery weapon was in conditions set by Prosecution, it could not overthrow Golf car by firing.

From all of the above, it clearly stems that at critical event on 25 May 1995 at 20:55 on "Kapija" square in Tuzla, did not explode any fired projectile, especially not 130mm caliber.

Bearing in mind all of the above, authorized injured Novak Đukić,

SUGGESTS

That Public Prosecutor of Bosnia&Herzegovina places an Order for conducting investigation, within which will be suggested that for circumstances from Criminal charge, be conducted following actions:

- Hearing suspect **Dr. Berko Zečević** from Sarajevo, who should be invited over Machine Faculty of University in Sarajevo, St. Vilsonova No. _____;
- Reproduce audio recording from the trial from 02 December 2008, 1:57:20-1:58:20;
- Reproduce audio recording from the trial from 02 April 2008, with statement start at 1h 29min.

That as evidence in Criminal proceeding is put forward following written documentation:

- Finding and opinion by expert Berko Zečević "Analysis of conditions which led to massacre of people on "Kapija" square, on 25 May 1995 at 20:55 "
- Record of Higher Court in Tuzla No. Cri. 29/95 from 25 May 1995;
- Report about UNPROFOR investigation from 20 July 1995 with belonging additions and annexes;
- To officially obtain Book of investigations from local Police station in Tuzla from 25 May 1995;
- Verified translation of expertise by a team of foreign experts, Assoc. Prof. Jan Komenda, Dr. Ludek Jedlička, Dr. Roman Vitek: Expert report on Tuzla's 20:55, 25th May 1995 Event, University of Defence, Faculty of Military Technology, 2015;

- Verified translation of expertise by expert Pierre Laurent, Technical Assessment Explosion at Tuzla May 25th, 1995;
- Verified translation of expertise by expert Joseph Sharon, Col Joseph Sharon: Review of Dr. Zecevic expert opinion conclusions regarding the causes and results of the explosion occurred at Kapija square in the city of Tuzla on 25/05/1995;
- Topographic map ____ (1 : 25000 attached to evidence)_____
- Firing Tables for 130mm M46 cannon, SSNO, UA-156/2, Military Publishing Institute 1984, pages 166 to 171, and 106 to 115
- Verified translation of expertise by expert commission: Assoc. Prof. Jan Komenda, Dr. Ludek Jedlička, Dr. Roman Vitek: Expert report on Tuzla's 20:55, 25th May 1995 event, University of Defence, Faculty of Military Technology, 2015: Disqualifying Prosecution expert;
- Finding and opinion by Court expert Dr. Mirjana Anđelković-Lukić, B.Sc. for area causes of fire, explosions and accidents-explosives: Finding and opinion, Professional and experimental consideration of the event which occurred on Tuzlan Kapija on 25 May 1995 at 20:55,
- Access to Figure No. 31 from Police archives,
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- "Expert examination of material impact of 130mm TF /contact-fuse/ projectile" from 31 March 2010, Technical Test Center Belgrade

Attachment: Authorization for representation

FOR INJURED NOVAK ĐUKIĆ,

AUTHORIZED:

1. *Milorad P. Ivošević* SEAL AND SIGNATURE

2. *Konstantinović Milorad* SEAL AND SIGNATURE

3. *Bilić Slobodan* SEAL AND SIGNATURE

4. *Krstan Simić* SIGNATURE