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SARAJEVO DISTRICT COURT  
No. K 212/83  
Sarajevo, 20 August 1983

IN THE NAME OF THE PEOPLE!

The Sarajevo District Court in a chamber consisting of Judge Rizah HADŽIĆ as the presiding judge, Judge Asim KANLIĆ as chamber member, Judge Jurors Izet HADŽIMEHMEDOVIĆ, Jezdimir ĐORĐEVIĆ and Anto BOŠNJAK as chamber members, with Vesna ŠPILJAK as the court clerk in the criminal case against Alija IZETBEGOVIĆ and others for the criminal offence of association for the purposes of hostile activity pursuant to Article 136, paragraph 1, with reference to Article 114, paragraph 1 of the Criminal Code of the Socialist Federative Republic of Yugoslavia /SFRY/ and other, following the main public hearing, and partially in closed session, held in the period from 18 July to 19 August 1983 in the presence of the accused and their counsel Milorad KATIĆ, attorney from Sarajevo, Nikola MUSLIM, attorney from Zagreb, Nenad JOVANOVIĆ, attorney from Sarajevo, Fahrija KARKIN, attorney from Sarajevo, Avdo TATARAGIĆ, attorney from Sarajevo, Rajko DANILOVIĆ, attorney from Belgrade, Nezvatije ORHAN, attorney from Belgrade, Rasim OMANOVIĆ, attorney from Zagreb, Milosav JANJIĆ, attorney from Sarajevo, and Seid HADŽISMAILOVIĆ, attorney from Sarajevo, and the Sarajevo Deputy District Prosecutor Edina REŠIDOVIĆ, have, on 20 August 1983, rendered and made public the following

J U D G E M E N T

THE ACCUSED ALIJA IZETBEGOVIĆ (father Mustafa and mother Hiba nee Džabija), born 8 August 1925 in Bosanski Šamac, Muslim, citizen of the SFRY, retired attorney, married, father of three adult children, literate, with elementary and secondary school education, law school graduate, completed military service, registered in the military files of the Sarajevo municipal assembly, permanently residing in Hasana Kikića St., no. 14, sentenced for acts committed against the people and the state, in detention since 24 March 1983.

THE ACCUSED OMER BEHMEN (father Mustafa and mother Džemila nee Voljevica), born 10 June 1929 in Mostar, Muslim, citizen of the SFRY, construction engineer, employed in the Sarajevo railway-transport organisation, married, father of two children aged 11 and 14, literate with elementary and secondary school education and a university degree in construction engineering, completed military service, registered in the military files of the Sarajevo municipal assembly, owns no property, sentenced for acts against the people and the state, permanently residing in Sarajevo, Mjedenica Street no. 5, in detention since 24 March 1983.

THE ACCUSED HASAN ČENGIĆ (father Halid and mother Mejrema nee Lutvikadić), born 30 August 1957 in the village of Odžak, Foča municipality, Muslim, citizen of the SFRY, imam, single, literate with completed elementary school and Muslim secondary religious school /medresa/, graduate of the Islamic Faculty of Theology, was not drafted as he was declared unfit for military service, registered in the military files of the Foča municipal assembly, owns no property, permanently residing in Stolac, 25. Oktobra Street no. 36, in detention since 25 March 1983.

THE ACCUSED ISMET KASUMAGIĆ (father Osman and mother Džula nee Abadžić), born 21 July 1928 in Sarajevo, Muslim, citizen of the SFRY, metallurgical engineer, consultant at the Hasan Brkić Institute in Zenica and professor at the Faculty of Metallurgy, married, father of three children aged from 18 to 27, literate with elementary and secondary school education, graduate of the Faculty of Metallurgy, did not serve in the Yugoslav Peoples' Army /JNA/, declared permanently unfit for military service, sentenced by the Sarajevo Division Military Court for a criminal offence under Article 3, paragraph 8 of the ZKND /expansion unknown/, permanently residing in Zenica, Trg Oslobođenja Street no. 2, in detention since 24 March 1983.

THE ACCUSED EDHEM BIČAKČIĆ (father Asim and mother Saliha nee Handžić), born 17 January 1952 in Sarajevo, Muslim, citizen of the SFRY, electrical engineer in the Sarajevo branch of the Bosnia and Herzegovina *Elektroprivreda* enterprise, married, the father of one three-year-old child, literate, completed elementary and secondary school education, graduate of the Faculty of Electrical Engineering, completed military service, registered in the military files of the Stari Grad municipal assembly, owns no property, no prior convictions, permanently residing in Sarajevo, 6 Novembra Street no. 11, in detention since 25 March 1983.

THE ACCUSED HUSO ŽIVALJ (father Hamdo and mother Aiša nee Ajanović), born 2 April 1949 in the village of Živaljevići, Rogatica municipality, Muslim, citizen of the SFRY, mechanical engineer, employed in the Processing Technology Institute of the Sarajevo Mechanical Engineering Faculty, married, father of two children aged two and four, literate, completed elementary and secondary vocational school and a graduate of the Faculty of Mechanical Engineering, completed military service, registered in the military files of the Sarajevo municipal assembly centre, owns no property, sentenced for a criminal offence committed pursuant to Article 163, paragraph 3 of the Criminal Law of Croatia to pay a monetary fine of 5,000.00 dinars, permanently residing in Sarajevo, Mandrina Street no. 16-b, in detention since 5 May 1983.

THE ACCUSED SALIH BEHMEN (father Mustafa and mother Džemila nee Voljevica), born 12 February 1922 in Mostar, Muslim, citizen of the SFRY, mathematics teacher in the Franjo Kljuz Elementary School in Mostar, married, father of two children aged three and a half and seventeen, literate, completed elementary school and teachers' training college, did not serve in the military, declared permanently unfit for military service, name deleted from military records, owns no property, sentenced by the Mostar District Court and the Supreme Court of Bosnia and Herzegovina, no. Kž: 104/50 of 1950 to 12 years' imprisonment and compulsory labour and three years revocation of civil rights other than parental rights, for a criminal offence committed pursuant to Article 3, paragraph 8 of the ZKND

/expansion unknown/, residing in Mostar in Neimarovići Street no. 13, in detention since 24 March 1983.

THE ACCUSED MUSTAFA SPAHIĆ, aka Mujki (father Alija and mother Fatima nee Trakić), born 2 November 1950 in the village of Puhovac, Zenica municipality, Muslim, citizen of the SFRY, religious official, married, father of three children from four to nine years of age, literate, completed elementary school and *medresa* secondary school, graduate of the Faculty of Political Sciences, served in the army, registered in the military files of the Vogošća municipal assembly, no prior convictions, owns no property, permanently residing in the village of Ugorsko no. 1, z.p. Vogošća, in detention since 24 March 1983.

THE ACCUSED DŽEMAL LATIĆ, aka Džemaludin (father Sakib and mother Džemila nee Čalah), born 4 June 1957 in the village of Pridvorci, Gornji Vakuf municipality, Muslim, citizen of the SFRY, professor at the *Gazihusrefbeg* secondary religious school in Sarajevo, literate, completed elementary and secondary school, graduate of the Faculty of Philosophy, a fourth-year student at the Faculty of Engineering Technology, did not serve in the army, registered in the Ključ municipal assembly military files, owns no property, salary 16,000.00 dinars, no prior convictions, permanently residing in Sarajevo, 21 Maja Street, no. 18, in the home of Emina Heća, in detention since 7 May 1983.

THE ACCUSED MELIKA SALIHBEGOVIĆ (father Hakija and mother Nadžija nee Prohić), born 10 January 1945 in Sarajevo, Muslim, citizen of the SFRY, author, divorced, mother of a single twelve-year-old child, literate, elementary and secondary school education, graduate of the Faculty of Political Science, owns no property, no prior convictions, permanently residing in Sarajevo, Albanska Street no. 1, in detention since 24 March 1983.

THE ACCUSED DERVIŠ ĐURĐEVIĆ (father Fehim and mother Devlija nee Omerović), born 27 January 1948 in the village of Krajčinovići, Priboj na Limu municipality, Muslim, citizen of the SFRY, an attorney in the self-management community of interests /SIZ/ for science in Sarajevo, married, the father of two children, two months and two years old, respectively, literate, completed elementary school and teachers' training college, graduate of the Faculty of Law, completed military service, registered in the Novi Grad, Sarajevo municipal assembly records, owns no property, salary 18,000.00 dinars, no prior convictions, permanently residing in Sarajevo, Prnjavorska Street no. 114, in detention since 29 March 1983.

THE ACCUSED ĐULA BIČAKČIĆ (father Asim and mother Sabiha nee Handžić), born 19 August 1953 in Sarajevo, Muslim, citizen of the SFRY, technical secretary to the director of the Sarajevo *Prenos* power supply basic organisation of associated labour within the *Elektroprenos* enterprise system, single, literate with elementary and secondary school education, owns no property, salary 10,000.00 dinars, no prior convictions, permanently residing in Sarajevo, 6. Novembra Street no. 11, in detention from 24 March to 20 August 1983.

## THEY ARE GUILTY BECAUSE

I – Alija IZETBEGOVIĆ and Omer BEHMEN

1. In early 1974, obsessed with their idea of an Islamic renaissance and the Islamisation of Muslims, and having in the course of several preceding years discussed on a number of occasions the need of working to effect this idea in our country and the most acceptable way to realise it, they agreed that it was necessary to first formulate and articulate these concepts in writing, in texts that would be of interest to a broader circle of individuals and win them over to the common cause. After Alija IZETBEGOVIĆ had written and published several such texts, he wrote, taking into account the suggestions and comments of Omer BEHMEN, the text *The Islamic Declaration*, believing that such a text in the form of an appeal or manifesto, would represent the most effective way of awakening Islamic consciousness in individuals and would encourage the process of Islamic renaissance as they understood it. He gave the text of *The Islamic Declaration* to Omer BEHMEN, Hasib BRANKOVIĆ and Ešref AVDAGIĆ. The *Foreword* notes that “It /*The Declaration*/ is addressed to Muslims who know where they belong and who feel in their hearts which side they are on. For such individuals this *Declaration* represents an appeal to draw the necessary conclusions as to what such love and sense of membership require of them.” Furthermore, the novelty of *The Declaration* lies in the fact that “ideas and plans should be followed up by organised action for their implementation,” while the final text of *The Declaration* emphasises as its objective the “Islamisation of Muslims.” Its slogan is “to believe and to fight,” while “the creation and gathering of a new intelligentsia which would take up the banner of the Islamic movement, and together with the Muslim masses take action to achieve this goal,” is represented as the sole way Muslims can extricate themselves from their current situation. *The Declaration* emphasises the following principles of the Islamic movement and renaissance:

- “History does not know of any fundamental Islamic movement that was not simultaneously a political movement. This is because Islam is a faith, but at the same time it is a philosophy, a moral system, an atmosphere, in short, an integral way of life.”
- “The Islamic order represents the unity of faith and politics.”
- “The first and most important conclusion is certainly that of the incompatibility of Islamic and non-Islamic institutions. There can be no peace or coexistence between the Islamic faith and non-Islamic social and political institutions.”
- “Asserting the right to define its own world in its own way, Islam clearly excludes the right or possibility of action by any foreign ideology on its soil. Therefore, there is no lay principle, and the state must be the expression of and support the moral concepts of religion.”
- “Islam cannot accept the division and grouping of people according to external, objective standards such as that of class.”
- “The Islamic order represents the unity of faith and the social-political system.”

- "The Islamic renaissance cannot begin without a religious revolution, and it cannot be successfully continued and completed without a political revolution."
  - "In our case religious renewal signifies the 'Islamisation' of those who call themselves Muslims or who are generally referred to by others by that designation."
  - "Emphasising the priority of a religious and moral renaissance does not mean nor can it be interpreted as meaning that the Islamic order can be achieved without Islamic government. This position only means that the starting point of our path is not winning power, but rather people, and that the Islamic renaissance is primarily a revolution in the field of education, and only then in that of politics. We must, therefore, be proselytisers first, and only then soldiers."
  - "The Islamic movement should and can approach the assumption of power as soon as it is morally and numerically powerful enough not only to replace the existing non-Islamic authority, but also to establish a new Islamic authority."
  - "Under present-day conditions, this aspiration signifies the establishment of a large Islamic federation . . . this vision irritates certain people in our midst who call themselves realists, and we therefore emphasise this objective with even greater strength and clarity."
  - "Who will carry out this transformation, and how?"
  - "Every action exerted upon events is social action. Every successful struggle can only be a unified, organised struggle. The younger generation will be capable of carrying out its task of transformation only if its aspirations and idealism are channelled into an organised movement, in which the enthusiasm and personal value of the individual will be conjoined with methods of co-ordinated joint activity. The establishment of this movement with a unified basic goal and programme has proved to be the irrevocable condition and starting point of a renaissance in every Muslim country. This movement will gather those who are ready, educate those who are still not ready, arouse and rally people, define goals and find ways of reaching them. It will bring life, thought and action everywhere. It will become the consciousness and will of a world emerging from a long and profound sleep."
  - "In addressing this message to all the Muslims of the world, we clearly state that there is no promised land and there are no miracle workers or Mahdis. There is only the road of work, struggle and sacrifice."
- In the period from 1974 to 1983, this text of *The Declaration*, aimed at the counterrevolutionary undermining of the social order in the SFRY and with the intention of establishing a group of adherents in the country for the purposes of the counterrevolutionary undermining of the social order in the manner and with the objectives defined in *The Declaration*, was given (between 1976 to 1983 /as written/) to a large number of Muslim intellectuals in Bosnia and Herzegovina to read and use, including Husein DJOZO, Muhamed KUPUSOVIĆ, Huso ŽIVALJ, Hasan ČENGIĆ, Rusmir MAHMUTČEHAJIĆ, Mehmedalija HADŽIĆ, Melika SALIHBEGOVIĆ and Edhem BIČAKČIĆ, and with them and with Ismet KASUMAGIĆ, Salih BEHMEN and others its significance was discussed. Abroad, the text was given to Teufik

VELAGIĆ, Dr. Smail BALIĆ, Ešref AVDAGIĆ and other persons, and for this activity the support of Hasan ČENGIĆ, Ismet KASUMAGIĆ, Huso ŽIVALJ and Edhem BIČAKIĆ was gained, who joined the group as members, while Omer BEHMEN and ALIJA IZETBEGOVIĆ implemented the cited principles in practice. With this goal, Alija IZETBEGOVIĆ published several essays and articles further refining certain issues in *The Declaration*, of which some were used as lectures in the *Careva džamija* mosque and, in the period from 1978 to 1981, as lectures in the *Tabački mesjid*. In 1981, together with Husein DJOZO, he agreed to compile a collection of texts for publication entitled *Problems of the Islamic Renaissance*, which incorporated parts of *The Declaration* in their entirety, and he gave a copy of the manuscript to Husein DJOZO who used it with his students, while Hasan ČENGIĆ used it for his lectures in the *Tabački mesjid*. He gave another copy to Omer BEHMEN who, in turn, gave it to Edhem BIČAKIĆ, and another copy to Ejub HADŽIĆ.

2. In the summer of 1981 in Sarajevo, they agreed that Omer BEHMEN would draft a text which would deal with the question of "Muslims in Yugoslavia" and "The Structure of the Islamic Religious Community," with the goal of subsequently preparing a book based on the draft. Omer BEHMEN wrote the drafts, entitled "Muslims in Yugoslavia" and "The Structure of the Islamic Religious Community in Yugoslavia," and gave the texts to Alija IZETBEGOVIĆ at his request during his preparations for a congress of Muslim minorities in Canada. IZETBEGOVIĆ substantially revised the text "Muslims in Yugoslavia," and in early 1982 returned the texts to Omer BEHMEN, agreeing to postpone publication. In the text entitled "Muslims in Yugoslavia," they noted that the emergence of the partisans in World War II endangered the spiritual survival of Muslims and that after liberation the Islamic Religious Community was placed under the full control of the state authorities so as to prevent resistance to the open eradication Muslim religious consciousness. Furthermore, they asserted that a puppet of the regime had been appointed as the *Reis Ul-Ulema*, while open adherents of the Communist Party and often Party members were assigned to religious institutions. According to the text, "the Muslims experienced the greatest suffering at the hands of the communists when their units entered specific villages. The communists simply summarily executed, without investigation or trial, all potential opponents, and principally the most prominent individuals and intellectuals who were known to be believers." They stated that the resistance extended by *Hazret Alijina sablja* and the Young Muslim Organisation was of great significance for the position of Muslims and they glorified the members of these organisations, especially "The Young Muslims." They emphasised as typical the regime's attitude to Islam and the Islamic Revolution and the Iraqi-Iranian conflict, falsely depicting our country's position on the Iranian Revolution and the Iraqi-Iranian conflict. They stated that the Muslims of Yugoslavia regarded the Islamic Revolution in Iran as their own, and as the beginning of a true revival, and that such a stance showed who was a true Muslim, and they maliciously portrayed the attitude of the official Yugoslav organs and the mass media towards the Iranian Revolution and the Iraqi-Iranian conflict. In particular, they noted that the victory of Iran and the Islamic Revolution in the war, and the overthrow of corrupt regimes in the neighbouring countries, would represent a great encouragement for the Muslims of Yugoslavia who would thereby turn a new page in their history. In the text "The Structure of the Islamic Religious Community in Yugoslavia" they stated that the situation in the Islamic religious community was such that non-believers and corrupted individuals

were in charge in all leading positions, that the majority directly worked for the security services as intelligence agents, and they set out the content of these texts in discussions on the position of Muslims in Yugoslavia conducted with various individuals and in institutions in the country and abroad.

3. In the period from 1978 to 1981 in Sarajevo, they, on several occasions, contacted Hasan ČENGIĆ, a student at the Islamic Faculty of Theology and chairman of the debating club in the *Tabački mesjid*, and they distributed the texts for the preparation of lectures and discussions at the *Tabački mesjid*. Omer BEHMEN gave him *The Islamic Declaration* to read, while in their conversations, Alija IZETBEGOVIĆ pointed out the possibility of an Islamic renaissance in our country. He noted that the Islamic Community was unwilling to undertake anything, under our conditions, in terms of an Islamic revival, for it concerned itself only with the community's financial position. On several occasions, even though they knew of the position taken by the Islamic Community leadership which disapproved of the work of the *Tabački mesjid* where lectures and discussions went beyond the religious sphere and took on political overtones, they said that work in the *Tabački mesjid* was for the general good of the Muslims, and that it must become the practice and an example of how to raise and educate Muslim youth. At sessions of the Sarajevo Islamic Community Board, Omer BEHMEN supported such work by students, and after the leadership adopted a decision banning the work of the *Tabački mesjid*, he wrote an anonymous letter attacking the leadership's decision, photocopied it and gave a copy to Alija IZETBEGOVIĆ, sending the rest to members of the newly-formed Board of the Sarajevo Islamic Community.

## II. Alija IZETBEGOVIĆ, Omer BEHMEN and Ismet KASUMAGIĆ

In the summer of 1982 in Sarajevo, Alija IZETBEGOVIĆ and Omer BEHMEN agreed, with the help of Teufik VELAGIĆ, a member of a hostile émigré organisation in Vienna and a signatory of the New Democratic Alternative /Nova demokratska alternativa/, to contact the Iranian Ambassador in Vienna in order to make a copy of *The Islamic Declaration* available to the Iranian authorities and seek support for the positions set out in it. to establish contact with representatives of Iran's religious and political authorities with a view to seeking assistance and support for implementing the positions set out in *The Declaration* and changing the situation of Muslims in the SFRY. In September 1982, Alija IZETBEGOVIĆ informed Ismet KASUMAGIĆ of this agreement and suggested that he travel with them to Vienna to meet with the Iranian Ambassador, and later join their group during its visit to Iran, and KASUMAGIĆ accepted. Alija IZETBEGOVIĆ, Omer BEHMEN and Ismet KASUMAGIĆ, after Teufik VELAGIĆ had contacted them, arrived in Vienna on 23 October 1982, where they were put up in an apartment free of charge. There they agreed that Alija IZETBEGOVIĆ would acquaint the ambassador with the contents of *The Islamic Declaration*, and state his desire to have the text submitted to the Iranian authorities who, in turn, would express their views in the course of the group's forthcoming visit to Iran. They agreed that Omer BEHMEN would brief the ambassador on the unfavourable position of Muslims in Yugoslavia and the structure of the Islamic Community, and that they would discuss the possibility of a trip to Iran. With Teufik VELAGIĆ's help, they contacted the Iranian Ambassador in Vienna, to whom they submitted a copy of *The Islamic Declaration* in Arabic, along with the "Foreword to the 1982 Edition."

### III. Alija IZETBEGOVIĆ and Edhem BIČAKČIĆ

On 2 December 1982, after Edhem BIČAKČIĆ had accepted in November Omer BEHMEN's proposal that he travel with the group to Iran, Alija IZETBEGOVIĆ and he went to Vienna to meet the Iranian Ambassador, Muhamed KERESI, in order to agree on the timing of the visit and pave the way for the secret departure of the group of Muslim nationalist intellectuals from Bosnia and Herzegovina for Iran, with expenses covered by the Iranian Embassy in Vienna. On 3 and 4 December 1982, they were the guests of Teufik VELAGIĆ, member of a hostile émigré organisation and a signatory of the New Democratic Alternative, who in the course of their meeting pointed out the advantages of a multiparty system, remarking that Yugoslav intellectuals living beyond the borders of the SFRY were engaged in a struggle to establish a system in Yugoslavia which would, among other things, best suit the Muslims of Yugoslavia. With Teufik VELAGIĆ's help, they scheduled a meeting with the Iranian Ambassador with whom they met, in VELAGIĆ's presence, on 4 December 1982. On this occasion, Alija IZETBEGOVIĆ remarked to the ambassador that the Yugoslav press inaccurately depicted the Iranian-Iraqi war and the Islamic Revolution in Iran, that it devoted greater attention to Iraqi reports which it printed in boldface, and that consequently it was impossible to obtain an accurate picture of the Iranian Revolution. Edhem BIČAKČIĆ agreed with this assessment and gave the Ambassador a list of the individuals who would travel to Iran. They then asked the Ambassador for his help in not having their passports stamped or otherwise marked during their visit to Iran, because of possible unpleasant consequences in Yugoslavia. Ambassador Muhamed KERESI acceded to this request, informing them that their departure for Iran would take place after the New Year. Alija IZETBEGOVIĆ then presented him with a copy of his book, *Islam Between East and West*.

### IV. Omer BEHMEN, Ismet KASUMAGIĆ, Hasan ČENGIĆ, Edhem BIČAKČIĆ and Huso ŽIVALJ

In Sarajevo, in the course of November and December 1982, Omer BEHMEN informed Huso ŽIVALJ and Hasan ČENGIĆ about the visit of a group of Muslim nationalists from the Socialist Republic of Bosnia and Herzegovina to Iran, and its objectives. He suggested that they join the group, and Huso ŽIVALJ and Hasan ČENGIĆ accepted on condition that the visit be made in the greatest secrecy. BEHMEN suggested that Edhem BIČAKČIĆ read *The Islamic Declaration*, which was in safekeeping in his house, because it would be discussed during the journey, and BIČAKČIĆ read the text. They then came to an understanding that in order to keep their trip secret, Omer BEHMEN should be the first to travel to Vienna, where he would be joined by Edhem BIČAKČIĆ and Huso ŽIVALJ, and that Ismet KASUMAGIĆ and Hasan ČENGIĆ would join the group at Istanbul airport, which is what they did. On 1 January 1983, Omer BEHMEN, Edhem BIČAKČIĆ and Huso ŽIVALJ received from the Iranian Embassy in Vienna, through Teufik VELAGIĆ's efforts, special visas for entry into Iran and free round-trip air tickets. On 2 January 1983, Omer BEHMEN, Edhem BIČAKČIĆ and Huso ŽIVALJ set off by plane from Vienna, while Ismet KASUMAGIĆ and Hasan ČENGIĆ joined them in Istanbul. On their arrival at Teheran airport on 2 January 1983, Omer BEHMEN ensured, with the help of Iranian officials, that the passports of Ismet KASUMAGIĆ and Hasan ČENGIĆ were not stamped with the evidence of their sojourn in Iran.



– In the period from 2 to 14 January 1983, during their visit to Iran, in contacts with representatives of the Iranian government, Iranian Revolution activists, and guests of the Shiite and Sunni Unification Congress, they falsely portrayed the position of Muslims in the SFRY and the unequal status of believers. On 7 January 1983, preparing to meet with an Iranian official, they agreed on what they would say to him in Omer BEHMEN's room in Teheran. Omer BEHMEN said that they should start the conversation by inquiring about the Iranian Government's position on *The Islamic Declaration*, which had been made available to it earlier through the Iranian Embassy in Vienna. They further agreed to suggest that Iran encourage exchanges with the Islamic Community, the Islamic Faculty of Theology and the *Gazihusretbeg* library, with a view to changing the current state of affairs in the Islamic Community, and that the Iranians secure the quality of transmission of Radio Teheran broadcasts to Yugoslavia by constructing new and improving existing radio transmitters. Ismet KASUMAGIĆ remarked that with respect to economic co-operation with the SFRY, they should ask the minister to request the engagement of firms from Bosnia and Herzegovina, and that such firms be chosen since they employed large numbers of Muslims, in order to further influence, in this manner, a change in their status in the SFRY. They noted that Iran could use oil as a suitable means to this end. Ismet KASUMAGIĆ and Huso ŽIVALJ commented that during the talks, they should refer to the state of affairs in the Islamic Community in which individuals loyal to the regime held dominant positions. Hasan ČENGIĆ and Edhem BIČAKČIĆ entirely agreed with the above, and KASUMAGIĆ noted down the talking points for the discussion.

– On 8 January 1983 in Teheran, in a conversation with the Iranian official Gafari SELMAN, and in keeping with their earlier agreement, after they had introduced themselves as a group of Muslims from Yugoslavia, Omer BEHMEN, Ismet KASUMAGIĆ, Hasan ČENGIĆ and Edhem BIČAKČIĆ asked for the Iranian authorities' opinions concerning *The Islamic Declaration* and expressed the view that the Iranians could represent the interests of Muslims world-wide. Iran, they added, should not rely on the Islamic Community in Yugoslavia, because it included people loyal to the regime propagating the interests not of Muslims but of the authorities, and that believers were in an inferior position to that of other peoples and religions. They requested that Iran ensure the transmission of Radio Teheran broadcasts to Yugoslavia by building transmitters in the friendly countries of northern Africa, to provide better information and exert greater influence in the region. They further urged that Iran take advantage of its good economic relations with Yugoslavia and the economic impact of its oil to improve the position of Muslims in Yugoslavia.

– In the *Azadi* hotel in Teheran, in a conversation conducted with revolutionary guards and with their hosts, Omer BEHMEN said that Yugoslav law provided for religious freedom, but that such freedom was not exercised in practice. Yugoslavia, he added, was a communist country in which atheists had the advantages, while believers were in a subordinate position. The authorities exerted continual pressure on religious institutions, and employees in the Islamic Community served the interests of the state rather than those of Islam. He noted that Serbia held a dominant position in Yugoslavia, but that developments in Kosovo would lessen that influence. Ismet KASUMAGIĆ added that Iran should exploit its economic relations with the SFRY to

exert pressure on, and officially intervene with, the Yugoslav authorities to improve the lot of Muslims.

– During their stay in the *Huvejzi* hotel in Teheran, where they met with their hosts, Omer BEHMEN said that religious freedoms in Yugoslavia were threatened. He cited the example of an imam who had been sentenced because of pronounced religious activity. Ismet KASUMAGIĆ noted that both he and BEHMEN had been sentenced earlier because of their religious activities.

– In preparing for their trip to Iran, as he was speaking with Edhem BIČAKČIĆ in Sarajevo, Huso ŽIVALJ had said that when he met with the Iranian representatives he would bring up the problems faced by Muslims in Yugoslavia, the state of affairs in the Islamic Community in which individuals loyal to the regime safeguarded the interests of society rather than those of Muslims, as well as problems related to the special nutritional needs of Muslims. This he advocated in Iran as he spoke with Ismet KASUMAGIĆ, preparing for a meeting with the minister. On 2 January 1983, during their flight to Teheran, Edhem BIČAKČIĆ and Huso ŽIVALJ remarked that nationalists writings against Muslims were allowed in Serbia, and that all attacks against Muslims were initiated in Serbia since they had strong support in Belgrade.

– During his visit to Iran, in meetings with revolutionary guards, Hasan ČENGIĆ said that Muslims in Yugoslavia were threatened and disenfranchised, and that there were no religious freedoms even though they were constitutionally guaranteed. In his conversations with Huso ŽIVALJ, he remarked that Islam represented an integral way of life, that young Muslims were being trained in this direction in the *Tabački mesjid* and that such training served as a means of Islamic revival. However, the Islamic Community leaders had forbidden this activity, because they were under the influence of the authorities and served their interests. The leadership, he said, should be replaced and people brought in who would fight for increased Muslim rights. He added that mixed marriages should not be allowed, that nonbelievers should be shunned, that Muslim women had to wear veils and devote themselves to the home, and that Islam in our Republic was in jeopardy and had to be defended by all available means.

#### V. Alija IZETBEGOVIĆ

1. In Sarajevo, from the beginning of 1979 until 1983, and particularly during 1982 during encounters on the street, at work and at home, Alija IZETBEGOVIĆ asserted on several occasions in Ismet SERDAREVIĆ's presence that Islam should be the social system in all Muslim countries, and that the necessary conditions should be created to turn Bosnia and Herzegovina into an Islamic Republic with Islamic laws in the future. He emphasised that the prerequisite for this was the spreading and strengthening of Islam in Bosnia and Herzegovina with the ultimate goal of its Islamisation. He further said that in the SFRY Muslims were threatened by the Serbs, that they needed to "speak out" about this state of affairs, but that this would require a change in the leadership of the Islamic Community, which would confront the state. Muslims, he added, were underrepresented in terms of major positions in society. Before the war they had enjoyed greater freedom, and all necessary means should be used to regain these lost freedoms.

2. Speaking with Huso ŽIVALJ on several occasions in Sarajevo, from the beginning of 1978 to March 1983, he said that Islam was not merely a religion but an entire system of life, extending from politics to moral issues. He cited as an example the writing of his work, *Islam Between East and West*, and the fact that it was being read as the best way of educating young people in the spirit of Islam. IZETBEGOVIĆ advocated the need for Muslims from our country to establish ties with other Muslims in the world and provide information on the position of Muslims in Yugoslavia which would differ from the information falsely presented by the Islamic Community, thus effecting a change in the Muslim position.

3. In the summer of 1982 in Pazarić, at Vahid KOZARIĆ's summer home, and in his presence, and during other meetings in Sarajevo, IZETBEGOVIĆ said that our imams should be armed, and that they should interpret and apply Islam following the example of Iran's Shiite imams. He claimed that the Islamic Community leadership was subservient to the regime and bore responsibility for the stagnation of Islam in Yugoslavia, that the state interfered in the affairs of the Islamic Community, and that Muslims were lagging behind in history and literature as a result of Belgrade's greater Serbian policies. IZETBEGOVIĆ claimed that Serbs in Bosnia and Herzegovina behaved much as they did in Kosovo and had assumed key positions, ranging from the municipal to the republican level. He attacked our social and political system, asserting that it would be better to introduce a multiparty system in our country, which would offer the right to democratic life and freedom.

4. From 1978 to 1983, in Sarajevo, in numerous contacts and conversations with Hilmija ČERIMOVIĆ, he said that we did not enjoy sufficient democratic and religious freedoms, and that Muslims had to regain the religious rights they had enjoyed before the war. The demonstrators in Kosovo, he said, were right, brave and united, and that the Muslims of Bosnia and Herzegovina needed to follow their example. He advocated the need to create an Islamic state and social system based on Islamic principles, and cited Western parliamentary democracy as a democratic ideal, claiming that our system did not offer democracy but suppressed it instead.

#### VI. Omer BEHMEN

1. In April 1978, Omer BEHMEN wrote a reply to an article published in issue no. 233 of the journal *El Arabi* of April 1978. In his reply, he wrote that the Constitutional provisions on the equality of nations and freedom of religion were false and did not reflect the situation of Muslims living in Yugoslavia today. He further asserted that atheists enjoyed an advantage over believers who were subordinated to them. During World War II, he said, every attempt had been made to destroy the Muslims as a people and an ethnic group. The construction of mosques, he wrote, was prevented and the implementation of other Islamic regulations forbidden. If a young Muslim refused to eat pork, he was exposed to various forms of abuse and the most severe penalties. The reality experienced by Yugoslav Muslims and their struggle for their rights and survival as a Muslim nation represented a rejection of the policies of oppression and enmity and a categorical refusal to become assimilated in a society of nonbelievers and atheists. He added that religion was subject to state influence and pressure, and that the authorities continually interfered in the religious sphere, while

agents of the authorities, hypocrites, atheists and communist servants held office in the major Islamic centres, promoting and supporting communist activities and ideas in the country, and exercising propaganda in foreign policy on behalf of the governing communist clique. True imams were persecuted in the country while agents who "had sold their conscience to the devil and the communists" held most Islamic posts. He gave this text to the Sudanese student Abdul ABAZ, a member of the "Muslim Brotherhood" organisation, for him to publish it in *El-Arabia*, which ABAZ did, having first translated it into Arabic.

2. In the period from 1976 to 1983, in Sarajevo, in conversations with Huso ŽIVALJ, Omer BEHMEN stated that it was good that Huso ŽIVALJ had read *The Islamic Declaration*. He claimed that Muslims in Yugoslavia did not enjoy religious freedom, and that in Serbia there were many who wrote and worked against the Muslims. Commenting on events in Kosovo, he said they were the result of an Albanian revolt against long-standing Serbian policies, and expressed the hope that recent developments would reduce the current dominant Serbian influence on other republics, "because the Serbs would now have to deal with their own affairs and those events, and their pressure would weaken."

3. In the spring of 1982, speaking of the current economic and political situation in our country in his summer home in Pazarić and in Vahid KOZARIĆ's presence, he said that self-management was the greatest failure of our society, that Muslims were subservient to the Serbs and the other nations, and that the communist clique was trying to destroy the Muslims. Muslims, he noted, should counter this trend in an organised and open manner by closing their ranks, and especially young Muslims who bore the future on their shoulders and need to be thoroughly imbued with an Islamic orientation to defend Muslims from Serb assaults. In this respect, he emphasised the significant role played by the imams. In August 1982 in Pazarić, in Vahid KOZARIĆ's summer home, he stated that the Serbs' ultimate aim was to create a greater Serbia.

4. In the first half of December 1982, in his summer home in Pazarić, in the presence of Atif DELALIĆ, Seid SEJDOVIĆ, Ešref ČAMPARA and Vahid KOZARIĆ, he spoke of the subordinate position of the Muslims in our country. He said that with the victory of the Islamic Revolution in Iran, Islam and the Muslims had experienced a renaissance which would also have an impact on our country, and that it marked the beginning of an Islamic revival in the world and in our country. He claimed that our mass media misinformed the public, reporting unobjectively about the situation in Iran. Muslims in Yugoslavia, he said, had to work to gain better positions in society on a daily basis, because in this confusing political situation a general crusade, the organised persecution of and attacks against Muslims had begun. Finally, he added that it was necessary to mobilise the Muslim intelligentsia in a struggle against the Serbs, in the course of which they would have to rely on the economic and political strength of Iran and the Arab countries, and the fact that they produce oil and thus are in a position to influence the Yugoslav authorities to improve the lot of the Muslims.

5. In the autumn of 1982, in his summer home in Pazarić, he said in the presence of Atif DELALIĆ and Vahid KOZARIĆ that the economy was in a shambles, that the partisan clique had occupied all positions and were taking it easy, and that life was impossible because of the Serbs, since they had occupied all the major posts and were

suppressing the Muslims. He cited the example of marriages by Muslim women to members of other nations and religions, which represented a form of pressure on the Muslims. He insisted that mixed marriages diluted the Muslim nation and led to the assimilation of the Muslim national and religious identity. He further asserted that the majority of school teachers were Serbs who forced Muslim children to eat pork, "to turn them into Vlachs," and that the most flagrant pressure was exerted on Muslims in the countryside where the Serbs expelled Muslims and settled other nationalities. This had resulted in the general disorientation of Muslims, and the Serbs, who enjoyed political and economic supremacy in our society, he said, were conducting a well-planned and organised campaign.

6. At the end of March 1982, in his apartment in Sarajevo, he told Hasib BRANKOVIĆ that the Islamic Revolution in Iran would have a positive effect in terms of improving the position of Muslims in Yugoslavia, which would be incomparably better than at present. The authorities had attempted to assimilate the Muslims, but in the end they had been forced to recognise their national identity, wherein a significant role had been played by the "Young Muslims" organisation. In October 1982 in his summer home in Pazarić, speaking with BRANKOVIĆ, he said that members of the "Young Muslims" organisation were brave and good Muslims, who were not sorry to give their lives for the ideals of Islam, adding that their example should be a message to the young.

7. In late 1981, in Ahmed FEJZIĆ's house in Sarajevo, he said in Ahmet FEJZIĆ's and Seid SEIDOVIC's presence that most school directors and teachers were Serbs who pursued Greater Serbian policies and revenged themselves upon Muslim children, and that an imam had been arrested because he had resisted the pressure put upon Muslim children. The Yugoslav economy, he added, could not be saved, because the country's leadership spouted empty words and made undue demands on the poor. In his summer house in July 1982, speaking to Ahmed FEJZIĆ, he said that Serbian provincial politicians were still formulating policies for Bosnia and Herzegovina.

8. In October 1980, in his apartment, commenting to Seid SEIDOVIC on the trial of Aga ČUROVAC, he said that the State Security Service /UDBA/ had cooked everything up beforehand. "They are trying the Muslims," he added, "and yet they don't have enough food." In January 1982, he asserted in Seid SEIDOVIC's office that our economic situation was such that we would experience Poland's fate. There was great discord in the Federation, he noted, adding that the Muslims were disenfranchised and lacked leadership, and were being expelled from smaller towns.

9. In 1980, he received a copy of the journal *Islam and the West* from Teufik VELAGIĆ in Vienna, which contained hostile texts authored by Dr. Smail BALIĆ and Adil ZULFIRKARPAŠIĆ, and an open letter to the Synod of the Serbian Orthodox Church in Belgrade, accusing the entire Serbian people of hatred for the Muslims. He brought the journal into the country, reproduced the open letter in two copies, and gave the material to his brother Salih BEHMEN with instructions to send it to the Synod of the Serbian Orthodox Church in Belgrade.

## VII. Hasan ČENGIC

1. In Sarajevo, in the period from 1977 to May 1981 in Sarajevo, as a student in his final year at the *medresa*, and the Islamic Faculty of Theology, in the *Tabački mesjid*, as the leader of the Engineering Technical Faculty /ITF/ Students' Debating Society, during Faculty classes held by individual professors, in the *medresa* dorms, in talks and conversations with Sead SELJUBAC, Nermin JAŠAREVIĆ, Rešid HAFIZOVIĆ, Enes KARIĆ, Šefik KURDIĆ, Adnan SILAJDŽIĆ, Halil MEHTIĆ, Ahmet FETIĆ, Enver PAŠALIĆ, Radiša BRČIĆ and Ahmat ZATEGA, as well as with Džemal LATIĆ, in lectures which he himself authored or procured for the *Tabački mesjid* and the *Careva džamija* mosque, entitled "Fraternising and Friendship," "The Muslim Inferiority Complex," "First Lecture," "Islamic Discussions on God," "Rules on Islamic Marriage," "On Women," in material for the *mevlud* (Ode to Muhammad for his birthday) in the *Careva džamija* mosque and elsewhere, he continually emphasised the need to Islamicise Bosnia nad Hercegovina. He claimed that Islam was a religion, an economic system, a political system, a science, a moral code, a culture and a specific revolution, permanently imbued with a revolutionary spirit. In this respect, he claimed it was necessary to pursue religious instruction imbued with a political content through the original interpretation and practical implementation of Islam as an integral way of life. Warned by the Islamic Community leadership that the lectures in the *Tabački mesjid* were becoming extremist and political in character, he ignored these warnings and the warnings of some ITF students, and continued his work. Through his lectures, discussions and conversations, he asserted the following on numerous occasions:

- that Islam is not only a religion, but also a political system, an economic system, a science, a moral code, a culture and a specific revolution;
- that the revolutionary element is always present in Islam; revolution is the basis and essence of Islam;
- that Islamic theologians must first be proselytisers, and if need be soldiers and knights of the revolution;
- that the Muslim masses should be encouraged to raise their voice against alien authority, by-which he meant the Yugoslav Government;
- that an Islamic revival begins with a religious revival, and is brought to a successful conclusion with a political revolution and the establishment of an Islamic government;
- that the goal of the Islamic revolution in our country is the creation of a unified Islamic state comprising Bosnia and Hercegovina, Sandžak and Kosovo;
- that a *Jihad* should be pursued to its final outcome in order to exterminate the enemy and the infidel. "We should not wait for a challenge or a provocation. Muslims must devise that challenge themselves. They must be the ones who produce the challenge, and the goal will then disclose itself."
- that Muslims must confront all non-Muslims and communists;

- that “Muslims in a homogeneous Muslim community do not need nationalism, and where no such community exists, nationalism must be spread, because this is one of the ways of creating a homogeneous Muslim environment”;
- that Muslims must be prepared for self-sacrifice to achieve their goals;
- that the members of the “Young Muslim” organisation, without fearing death or torture, sacrificed themselves for the ideas of Islam and Muslims. They are a revolutionary force and as such should serve as an example to young Muslims in their conduct and work;
- that it is necessary to visit members of the former “Young Muslims” organisation and befriend them, and that Muslim intellectuals need to revive that organisation by continuing its activities;
- that the Koran *ayet*, “Oh believers, do not take an infidel as your friend,” and the *ayet*, “O believers, do not be friends with your fathers or your brothers, if they favour the absence of faith over faith,” should be implemented. The following actions should be advocated among the Muslim masses: not to greet the unfaithful, to kill the infidel, that is, all those who are not Muslims. He emphasised that marriages to non-Muslims should not take place, because this leads to the assimilation and destruction of the Muslim nation;
- that Muslim women should not nurse the children of non-Muslim women, and vice versa; a Muslim cannot receive the blood of, or give blood, to a nonbeliever; Muslims must be superior to all others, and every effort should be made to create an environment in which everyone will be of pure Muslim blood;
- that the Muslims are threatened by the regime and the communists; they are in an unequal position with regard to the other nationalities; that the Serbs and Croats exert constant pressure upon them and that as a result, the Muslims are lagging behind in their development, that they will be able to attain their goal only when they break the chain of oppression, that “reds,” people loyal to the regime and spies hold offices in the Islamic-Community leadership, working exclusively for the interests of the regime, and should be replaced by those prepared to struggle;
- that the economic situation in our country is a specific expression of God’s wrath at the disenfranchisement of Muslims, and that Poland represents a classic example of religion as the greatest strength possessed by a people, and that socialism whether of the Polish or Yugoslav type is a lost cause;
- the Islamic Revolution in Iran will directly influence the awakening of a revolutionary spirit in our country; that Iran must make the export of oil to Yugoslavia contingent on an improvement in the position of Muslims in Yugoslavia;
- he used the text “The Need for Revival,” by an anonymous author, in his discussions and gave the text to Omer BEHMEN, Džemal LATIĆ, Šefik KURDIĆ, Nermina JAŠAREVIĆ and others to read. The text states that a continual *Jihad* needs to be pursued, that political struggle is a religious duty and Islam a belief, an *ibadet*

/form of worship/ and a legal system; it rejects class struggle and makes it incumbent upon the Muslim movement to abandon all caution and hesitation.

### III. Ismet KASUMAGIĆ

1. In the period from 1975 to 1983 at the Hasan Brkić Institute in Zenica, and in the course of personal meetings with Haris PAŠALIĆ, Vasvije HRELJA, Edib POZDEROVIĆ, Muhamed PAŠIĆ, Besmin ŠKALJIĆ and Sulejman DRLJEVIĆ, he condemned the actions of Muslim men and women who married members of other nationalities, referred to them in derogatory terms and demanded that others influence them to desist from such ties.
2. In the period from 1975 to 1983, in Zenica, speaking with Vasvije HRELJA, Besim ŠKALJIĆ and Srato TOMAŠEVIĆ, he expressed a disparaging attitude towards League of Communists members, claiming a party membership card sufficed for appointment to high office. In his talks with Sulejman DRLJEVIĆ, he claimed that Muslims were ignored in the process of selecting personnel, particularly at a Federal level.
3. Speaking with Sulejman DRLJEVIĆ in Zenica, after Džemal BIJEDIĆ's untimely death, he claimed that a bomb had been placed on the plane in Belgrade because BIJEDIĆ was an annoyance to the Serbs. With respect to the census, he said to Sulejman DRLJEVIĆ and Besim ŠKALJIĆ that Muslims were the majority population in Bosnia and Herzegovina, and that since the Muslims in Bosnia Herzegovina were autochthonous and in the majority, Bosnia and Herzegovina should become ethnically pure.
4. In March 1983, in Srato TOMAŠEVIĆ's office at the Hasan Brkić Institute in Zenica, criticising the interference of the Reis in the election of the imam and in Koranic studies, he said that children should be given names which instantly differentiated them from others, adding, "When you say 'Srato', I immediately perceive you in a different way than if your name were 'Sead'."
5. In the summer of 1977, in his summer home in Kućani near Zenica, he said, in the presence of Hamzalija HUNDUR and Ismet TURALIĆ, that the Muslims were threatened by the Serbs, and that there were no religious freedoms in Yugoslavia, adding that children should not be allowed to fraternise with children from different ethnic backgrounds, so as to prevent the occurrence of mixed marriages.
6. In early 1981, in Hasib BRANKOVIĆ's house in Sarajevo, he told Ismet TURALIĆ that the Muslims lacked any prospects in Yugoslavia because the communists were in power, and that the Serbs had taken all the important positions in society. The Yugoslav government, he remarked, misrepresented the position of the Muslims to the Arab world, a fact that needed to be unmasked, and that the Islamic Community should have to confront the authorities and thus secure a more favourable position for the Muslims.

Thus, Alija IZETBEGOVIĆ and Omer BEHMEN created a group for the commission of criminal offences for the purpose of the counterrevolutionary undermining of the social system, and dispatched citizens of the SFRY abroad to engage in hostile



activities against the country. Hasan ČENGIĆ, Ismet KASUMAGIĆ, Edhem BIČAKČIĆ and Huso ŽIVALJ joined this group in order to send citizens of the SFRY abroad where they would engage in hostile activities against the country. In their writings and speech, Hasan ČENGIĆ and Ismet KASUMAGIĆ advocated the overthrow of the government of the working class, the destruction of the brotherhood and unity and the equality of the nations and nationalities, and maliciously and falsely depicted social and political conditions in the country.

#### IX. Salih BEHMEN

1. From 1979 to 1983, in meetings with Mustafa HADŽIOSMANOVIĆ in Mostar, he said that the Islamic Revolution in Iran marked the commencement of the creation of a united Muslim state, which would encompass all areas in the world where Muslims resided. The Iraqi-Iranian war, he added, was a continuation of that Revolution, and its failure thus far was related to the financial and other forms of assistance that Yugoslavia extended to Iraq, because it was less faithful to Islam than was Iran.
2. In April 1982 in Mustafa HADŽIOSMANOVIĆ's apartment in Mostar and elsewhere, speaking of religious freedoms, he said that the Muslims were in a less favourable position than the other nationalities, and did not hold high office, while those who did were not Muslims. The Muslims should have a united religious leadership and could thus change their position in a relationship of partnership with the state. In October 1982, speaking with Mustafa HADŽIOSMANOVIĆ, he said that our system did not permit true experts to conduct economic affairs.
3. In the course of 1982 and 1981, and on earlier occasions in Mostar, in his talks with Hivzija HASANDEDIĆ, he stressed that religious freedoms were restricted in Yugoslavia and that the Muslims needed to adopt a more unified stance towards the authorities, demanding that their current position be changed. He attacked the Islamic Community leadership as individuals loyal to the regime. He said that only believers were Muslims, whereas Muslim atheists had apostasised and were merely careerists who would attach themselves to any government in power. He further denied that the Muslims were a nation, saying that all those who believed in Islam were Muslims, and supported the unification of Bosnia, Sandžak and Kosovo on the basis of religious principles.
4. In 1982, he received a copy of the journal *Islam and the West* from his brother Omer BEHMEN in Sarajevo which he, in turn, had obtained from Teufik VELAGIĆ in Vienna and had brought into the country. It contained articles inimical to the government, authored by such émigrés as Dr. Smail BALIĆ and Adil ZULFIKARPAŠIĆ, and the open letter to the Serbian Orthodox Church Synod in Belgrade. The letter stated that the entire Serbian people accepted the positions held by Vojislav LUBARDA, seething with hatred towards Turks, converts to Islam, Muslims and their religion, and praised his stance. The letter incited readers to religious hatred and intolerance. Salih BEHMEN made two copies of the open letter with the objective of sending one to the Serbian Orthodox Church Synod in Belgrade, and in early 1983 informed Hivzija HASANDEDIĆ of the contents of the letter.
5. Speaking in 1980, 1981 and 1982 with Seid SEIDOVIĆ, in Mostar and Sarajevo, he spoke favourably of all pressures on the state, irrespective of which side they came

from. The Yugoslav economy, he said, was in ruins, and the leadership had experienced the utter failure of its own policies. It was only a matter of time before Yugoslavia became another Poland. A situation of confusion existed in the country as the result of a failed policies which was pushing the country into debt and ruin. He said the Muslims had to open their eyes to avoid being trampled upon and torn apart as they used to be. According to BEHMEN, a healthy tendency could be perceived among the young, and long-term plans needed to be drawn up on this basis. Commenting on developments in Iran, he said that the spiritual and economic forces of Islam had exerted a great influence on the Yugoslav Muslims, and that it was necessary to rally round the idea of Iran's Islamic Revolution.

#### X. Mustafa SPAHIĆ

1. In April 1982, in his house in the village of Ugorsko, he said, in the presence of two relatives, Muhamed DEDIĆ and Rušid PRGUDA, after PRGUDA had begun to discuss the difficult position of Muslims, that Bosnia must be Islamicised and that this could not be postponed any longer, that religious freedoms were denied every day, that we had a Russian regime, while socialism was pure utopia. "Socialism," he said, "is a hoax imposed upon the masses; what communism is in socialism, monopoly is in capitalism; it is an illusion to write that freedom of thought is allowed in socialism." The Muslims and the Albanians, he asserted, found themselves in the same position, unequal to others; the Albanians were right to seek a Republic and the Muslims should do the same. Bosnia had to become a pure Muslim country, and this idea should be fought for. The Croats had Croatia, the Serbs Serbia, the Slovenes Slovenia, and it followed logically that the Muslims were entitled to Bosnia. The autonomous provinces should become independent, with their own armies and flags. He added that the imams had a duty to work on Islamicising Bosnia, establishing mutual ties and protecting one other, and attacking the Islamic Community in which the regime's police held sway, because they were propagating brotherhood and unity, and Muslims needed no other brotherhood than the brotherhood of Islam.

2. In the period from 1978 to 1981, he claimed in Rašid BRČIĆ's presence at the Sarajevo *ITF* that Islam was both a religion and a political system, that is, an integral way of life which should be accepted by the Muslims and implemented as such, and that imams had to work on Islamicising Muslims and introducing authentic Islam in our lands.

3. In the period from 1978 to 1981, in conversations conducted at the *ITF* and in the *medresa* secondary religious school facilities, which Rešid HAFIZOVIĆ also attended, he stressed that it was indispensable to work on Islamicising Bosnia and Herzegovina and creating a unified Islamic state on the territory of Bosnia and Herzegovina, Sandžak and Kosovo. It was up to the imams, he said, to expedite the creation of basic conditions for winning over the Muslim masses and educating them in the Islamic spirit, in order to Islamicise Bosnia and Herzegovina and create an Islamic Republic. He attacked the Islamic Community, claiming that servants of the regime constituted its membership. Pressure, he said, was exerted on the Muslims and they were second-class citizens, and therefore the imams, since they were in touch with the masses, should work to weaken the system. No compromise should be sought with the communists, because they were enemies of Islam, and enemies need to be dealt with effectively. He said that the Islamic Revolution had echoed among

Yugoslavia's Muslims, and that Iran's oil should be taken advantage of in order to establish a compromise /as written/ between the Yugoslav and Iranian economies, so that Iran would sell its oil to us at cheaper prices, while our country would "unshackle" the Muslims and cease to oppress them.

#### XI. Džemal LATIĆ

In the period from 1978 to May 1983, as a professor of the Serbo-Croatian language in the *Gazihusretbeg medresa*, at lectures in the *Tabački mesjid*, in discussions and talks conducted at *ITF* facilities, in walks taken together and at various meetings, he emphasised the following in the presence of Rešid HAFIZOVIĆ, Nermin JAŠAREVIĆ, Sead SELJUBAC, Rašid BRČIĆ, Enes KARIĆ and Halid HADŽIABDIĆ:

- the need to Islamicise Bosnia and Herzegovina, stating that the process should not be rushed, although preparations for the basic conditions for beginning Islamisation should be expedited;
- that Islam is not only a religion but a political and economic system, a science and a specific type of revolution, and that revolution is the basis and essence of Islam;
- that Muslims cannot be nationalists in an ethnically pure environment, but that in a mixed environment it is necessary to propagate nationalism;
- that young imams must devote all their work to the Islamicisation of the Muslims and to bringing authentic Islam to Bosnia and Herzegovina, that they must first be proselytisers, and if need be the shock troops of the revolution;
- that in their struggle for Islam Muslims must be prepared to give their lives, and that in order to achieve the goals of the *Jihad*, more use must be made of the pen and the written word, and that Muslims intellectuals should be utilised to this end;
- that the Muslim people must be emancipated from fear, otherwise they would face extinction;
- that Muslims should not befriend non-Muslims, that Muslims should not marry non-Muslims, and that Muslim women should dress differently from other women, that they should veil themselves, that they should not work but should devote themselves exclusively to the family;
- that constant pressures are exerted on the Muslim population in our country, that religious freedoms are suppressed, that Muslims are in an unequal position in comparison with the other ethnic groups, and that it is vital to mobilise the Muslim masses and awaken their slumbering revolutionary consciousness.

#### XII. Melika SALIHBEGOVIĆ

1. On 2 September 1982 in Sarajevo, she addressed a letter to imam KHOMEINI, in which she wrote: "For 37 years now I have been living in a Christian environment and in atheistic Europe, in the heart of *jahiliyyat*, /amongst ignorance and non-

coreligionists/, in an environment where a handful of frightened Muslims live, surrounded by an atmosphere of lies and hypocrisy. It is therefore not surprising that my youth as well as the youth of thousands of my compatriots has been spent in wandering aimlessly down the paths of ignorance; it is no wonder that we are returning to Allah; the more submissive we are the greater our desperation . . . It is not just my loss (thanks to my continual and open Islamic orientation in the midst of a communist country) of basic living conditions, and my daily humiliation, it is the reason why I have decided to leave my home and my native land and go to Iran.”

2. In the period from 1980 to March 1983, in Sarajevo, speaking with Huso ŽIVALJ, she said on several occasions that the Islamic Community did not work for the benefit of the Muslims and Islam, but instead did what the authorities order it to do; that the *Reis* was controlled by the authorities, as was the president of the leadership; that the Muslims were unequal in status compared to the Serbs; that there was no freedom of writing in Bosnia; that our authorities did not allow religious freedoms, and that believers did not enjoy equality with atheists; that Muslim atheists were not Muslims at all, and could not be relied on, since they only had their own interests in mind. She criticised Huso ŽIVALJ for being friendly with nonbelievers, remarking that Muslims should not fraternise with the infidel, or even with believers who are sinful, and claimed that marriages between Muslims and non-Muslims should be prevented.

3. In the period from November 1981 to May 1982, speaking with Biljana KOPRIVICA on several occasions in her apartment, and at the Faculty of Philosophy in Sarajevo, she said that the country's leadership and party had brought the people to total moral bankruptcy, that the Muslims in our country were enslaved, that “they have no religious freedoms, while the League of Communists is an utter failure whose members are mere hypocrites, liars and sell-outs, and that this system must inevitably fail, because this is what its avant-garde consists of.” She asserted that the demonstrators in Kosovo were right to rebel. Commenting on the Iranian -Iraqi war, she remarked that “the history of Islam was bloody and that through that war a worldwide Islamic state would be created, extending from Teheran to Slavonski Brod, and encompassing Bosnia and Herzegovina, Kosovo, and other parts of our country where Muslims reside.”

4. In the course of 1980, speaking with Vedad JURIŠIĆ, she remarked that communists were toadies and hypocrites who worked for their own personal benefit and denied Muslims religious freedom, deprived them of offices and positions, and that the Muslims found themselves in a position of inequality. In a meeting in her apartment in Sarajevo in 1982, she claimed that the Islamic Community did nothing for Islam and that its leadership had sold itself to the Communists.

### XIII. Alija IZETBEGOVIĆ and Melika SALIHBEGOVIĆ

In March 1982 in Sarajevo, they wrote the “*Foreword to the 1982 Edition*,” in which they revised the positions set out in *The Islamic Declaration* concerning the role of priests in the Islamic revival, claiming that they would play an active role, and that the leaders of the Islamic clergy were weapons in the arms of the ruling regimes, imposing brotherhood with atheists upon the uneducated masses. Only Islam, they noted, could achieve the dignity of man. IZETBEGOVIĆ gave the “*Foreword*” to Husein ĐOZO to translate into Arabic, and to Vahid KOZARIĆ to translate into

German, as well as to Omer BEHMEN and others for their own use, and gave the text of the "Foreword", together with the *Declaration*, to the Iranian Ambassador in Vienna.

#### XIV. Derviš ĐURĐEVIĆ

1. In the period from 1978 to late 1982, he stated on several occasions, in meetings and talks with Halil MEHTIĆ, in his own and in MEHTIĆ's apartment in Sarajevo and Zenica respectively, that religious freedoms in our country were restricted and that the Orthodox and Catholics enjoyed a privileged position compared to Muslim believers. He said that Muslims should not fraternise with individuals not sharing the same faith, nor marry non-Muslims, stressing that a Muslim must not even marry a Muslim woman who happens not to be a firm believer, let alone a woman who was not a believer. Fraternisation between Muslims and nonbelievers, he claimed, had a harmful impact on the upbringing of children who picked up bad habits. He therefore insisted that Muslim believers should not fraternise with adherents of other religions, or with Muslims who were not true believers. Serbs and Croats, he asserted, could not be brothers to Muslims, because only a Muslim could be brother to another Muslim. He advocated the need to establish special abattoirs and butchershops for Muslims, the veiling of adult Muslim women, and asserted that young Muslim girls should not take physical education classes in school unless a teacher who was also a believer was present.
2. In the course of 1980, 1981 and 1982 in Sarajevo, on several occasions at gatherings in his own and in the apartments of Rešad TIHIĆ, Suad FRLJ, Halil MEHTIĆ and Abdulfetah DŽIH, and in the presence of Emira DŽIH-DEDIĆ, he noted that Muslims were in a difficult and inferior position in comparison to other ethnic groups, and that unlike them they did not enjoy religious freedoms. He further said that Muslims were frightened and under pressure and were not free to say or write what they wanted, while this was tolerated in others. Muslims could improve their lot only if they were firm and unified, he claimed, adding that it was necessary to reintroduce the Sharia Law in our country, as it was more valid than Yugoslav law. He added that women should be veiled and return to their homes to devote themselves to raising their-children and living in the spirit of Islam. He criticised the sending of children to nursery schools, and claimed that in our country officials and their children enjoyed every possible benefit, while committing the largest number of criminal offences.
3. In the period from 1979 to late 1982, in several instances, on the occasion of social gatherings in Sarajevo and Zenica, and in Rešad TIHIĆ's presence, he claimed that in our country Muslim believers had limited religious freedom, were unequal to Christians, and that therefore Muslim believers should rally together and organise themselves so as to secure their religious rights. The Trade Union Alliance /Savez sindikata/, he asserted, served no purpose, since its membership consisted of loafers.
4. During the same period and in the same locations, in the presence of Rešad TIHIĆ and Suad FRLJ, he remarked that the goal of Muslim believers should be the creation of a united Islamic state, and that the oil-producing Arab countries and Iran should use their oil as a means of pressuring Yugoslavia to improve the lot of Muslims in Bosnia and Herzegovina.

5. In early 1982 in Sarajevo, in Suad FRLJ's apartment and in his and Faketa AŠČERIC's presence, commenting on television reports on a League of Communists Central Committee session, he remarked that self-management was nothing but platitudes and a complete waste of time, and had created disorder, indolence and lack of discipline in the country.
6. In the period from 1979 to late 1982, he stated on several occasions in his own and Suad FRLJ's apartment that Serbs were by nature a dirty people. He furthermore asserted that religious freedom was restricted in our country and that Christians enjoyed a more favourable position than Muslim believers. He stressed that Muslims should not fraternise with those who did not share their faith, that Muslims should not marry non-Muslims, and that Serbs and Croats could not be brothers to Muslims, because only persons sharing the same faith could be brothers. The Iranian Revolution, he added, should serve as an example to Muslims in our country in establishing their own state.
7. In early 1982, in his apartment in Sarajevo, after he had given Faketa AŠČERIC a book by S. KUTB, entitled *Islam – The Religion of the Future*, to read, he remarked that her documents of membership in the League of Communists posed the same danger, as did this book for which one could be sentenced. He advised her to attend party meetings only if she could gather and bring back information which he would then peruse with his "brothers in faith." He claimed that Islam was stronger than the League of Communists of Yugoslavia /LCY/, that leading Muslim officials had perceived that the LCY had no future and were actively joining with believers, and that Yugoslavia would collapse. True Muslims who were now in a minority would emerge victorious, he said, adding that Islam would prevail in Bosnia and Herzegovina and Yugoslavia, and that Sarajevo would be the centre of the Muslim Republic. On several occasions he said that Muslim atheists in our country were renegades and individuals lacking a perspective. Muslims, he asserted, must not marry Serb or Croat women, and he advocated marriages between Muslim women in Yugoslavia and Arab nationals.
8. In early 1982, visiting the parents of Faketa AŠČERIC in Tuzla, he demanded that Tito's photograph be removed from the room in which prayers were performed, claiming that Tito was an enemy to all Muslims because he opposed Islam, had unveiled Muslim women, and allowed them to seek and obtain employment, acts for which he did not deserved to be honoured.

Thus, Salih BEHMEN, Mustafa SPAHIĆ, Džemal LATIĆ, Melika SALIHBEGOVIĆ and Derviš ĐURĐEVIĆ called for, in their writings, speeches and elsewhere, the overthrow of working class rule, an anti-constitutional change in the socialist self-management social system, and the destruction of brotherhood and unity and the equality of nations and nationalities, presenting a distorted picture of social and political circumstances in our country.

#### XV. Đula BIČAKČIĆ

On 23 March 1983, after she found out that Omer BEHMEN had been summoned to the Secretariat of the Interior /SUP/, and with the intention of preventing the police

from discovering that Omer BEHMEN and her brother, Edhem BIČAKČIĆ, had been in Iran and possessed a large quantity of material of hostile content, she concealed, together with her younger sister Nermina and daughter-in-law Mubera, Omer BEHMEN's documents and propaganda material, which were located in the warehouse next to their house, as well as propaganda material of a hostile content belonging to her brother Edhem BIČAKČIĆ. After returning home from work, on 24 March 1983, after she had learnt during her interrogation in SUP that the law enforcement officers were interested in her brother Edhem's visit to Iran, which she denied, she burned Edhem BIČAKČIĆ's manuscript describing in detail the group's stay in Iran, in order to prevent his being identified as a group member.

Thus, she took action aimed at preventing the discovery of the following perpetrators, of criminal offences:

Alija IZETBEGOVIĆ and Omer BEHMEN – the criminal offence of association for the purposes of hostile activities, pursuant to Article 136, paragraph 1 and relating to Article 114, paragraph 1 of the Criminal Code of the SFRY; Hasan ČENGIĆ, Ismet KASUMAGIĆ, Edhmet BIČAKČIĆ and Huso ŽIVALJ – the criminal offence of association for the purposes of hostile activities, pursuant to Article 136, paragraph 2; Hasan ČENGIĆ and Ismet KASUMAGIĆ – the criminal offence of hostile propaganda pursuant to Article 133, paragraph 1 of the Criminal Code of the SFRY; Salih BEHMEN, Mustafa SPAHIĆ, Džemal LATIĆ, Melika SALIHBEGOVIĆ and Derviš ĐURĐEVIĆ – the criminal offence of hostile propaganda pursuant to Article 133, paragraph 1 of the Criminal Code of the SFRY, and Đula BIČAKČIĆ – the criminal offence of aiding and abetting a perpetrator after a criminal offence had been committed, pursuant to Article 137, paragraph 1 of the Criminal Code of the SFRY.

Therefore, the accused Hasan ČENGIĆ is SENTENCED TO A TERM OF IMPRISONMENT OF 6 /SIX/ YEARS for a criminal offence committed pursuant to Article 136, paragraph 2 of the Criminal Code of the SFRY, and a TERM OF IMPRISONMENT LASTING 6 / SIX/ YEARS for a criminal offence pursuant to Article 133, paragraph 1 of the Criminal Code of the SFRY.

The accused Ismet KASUMAGIĆ is SENTENCED TO A TERM OF IMPRISONMENT LASTING 8 /EIGHT/ YEARS for a criminal offence committed pursuant to Article 136, paragraph 2 of the Criminal Code of the SFRY, and a TERM OF IMPRISONMENT OF 3 /THREE/ YEARS for a criminal offence pursuant to Article 133, paragraph 1 of the Criminal Code of the SFRY.

On the basis of the provisions of Articles 38 and 41 of the Criminal Code of the SFRY, and with respect to the accused Hasan ČENGIĆ and Ismet KASUMAGIĆ, applying the provisions of Article 48 of the Criminal Code of the SFRY, and with respect to Đula BIČAKČIĆ, applying the provisions of Articles 42 and 43 of the Criminal Code of the SFRY,

THE FOLLOWING ARE SENTENCED:

THE ACCUSED ALIJA IZETBEGOVIĆ TO A TERM OF IMPRISONMENT LASTING 14 /FOURTEEN/ YEARS.

THE ACCUSED OMEH BEHMEN TO A TERM OF IMPRISONMENT LASTING 15 /FIFTEEN/ YEARS.

THE ACCUSED HASAN ČENGIĆ TO A SINGLE TERM OF IMPRISONMENT LASTING 10 /TEN/ YEARS.

THE ACCUSED ISMET KASUMAGIĆ TO A SINGLE TERM OF IMPRISONMENT LASTING 10 /TEN/ YEARS.

THE ACCUSED EDHEM BIČAKČIĆ TO A TERM OF IMPRISONMENT LASTING 7 /SEVEN/ YEARS.

THE ACCUSED HUSO ŽIVALJ TO A TERM OF IMPRISONMENT LASTING 6 /SIX/ YEARS.

THE ACCUSED SALIH BEHMEN TO A TERM OF IMPRISONMENT LASTING 5 /FIVE/ YEARS.

THE ACCUSED MUSTAFA SPAHIĆ TO A TERM OF IMPRISONMENT LASTING 5 /FIVE/ YEARS.

THE ACCUSED DŽEMAL LATIĆ TO A TERM OF IMPRISONMENT LASTING 6 /SIX/ YEARS AND 6 /SIX/ MONTHS.

In accordance with the provisions of Article 50 of the Criminal Code of the SFRY, the accused are entitled to have the time spent in detention pending trial taken into account - in the case of Alija IZETBEGOVIĆ, Omer BEHMEN, Ismet KASUMAGIĆ, Salih BEHMEN, Mustafa SPAHIĆ and Melika SALIHBEGOVIĆ from 24 March 1983 onward; Hasan ČENGIĆ and Edhem BIČAKČIĆ from 25 March 1983 onward; Derviš ĐURĐEVIĆ from 29 March 1983 onward; Džemal LATIĆ from 7 May 1983 onward; Huso ŽIVALJ from 5 May 1983 onward; and Đula BIČAKČIĆ from 24 March 1983 to 20 August 1983.

According to the provisions of Article 98, paragraph 3 of the Law on Criminal Procedure, the accused are obliged jointly to cover the costs of the criminal proceedings amounting to 11,750.00 dinars and, additionally, each of the accused must pay a lump sum of 500.00 dinars within 15 days of the day when the judgement becomes final.

According to the provisions of Article 69 of the Criminal Code of the SFRY, the items which were to be used with the intent of perpetrating the offence, that is, items obtained as a result of the criminal offences, shall be confiscated.

According to the provisions of Article 350, paragraph 3 of the Law on Criminal Procedure

THE ACCUSED OMER BEHMEN, THE ACCUSED SALIH BEHMEN, THE ACCUSED MUSTAFA SPAHIĆ AND THE ACCUSED DŽEMAL LATIĆ



ARE ACQUITTED  
OF THE FOLLOWING CHARGES:

Omer BEHMEN

That immediately before the 12th Congress of the League of Communists of Yugoslavia, he told Seid SEIDović that troubles were mounting, from the economic crisis to conflicts between the republics, that substantial polarising and discord would emerge at the Party Congress, that there would be no improvement afterwards because empty words and discussions could not drag the country out of its morass.

Salih BEHMEN

That during the past few years he spoke on several occasions with his brother Omer BEHMEN about the contents of *The Islamic Declaration* authored by Alija IZETBEGOVIĆ, commenting on the principles and goals he agreed with, and agreed, together with Omer BEHMEN, to compile and publish a collection of texts entitled *On the Road to Islam* with the intent of achieving an Islamic revival in our country.

Mustafa SPAHIĆ

That in the period from 1978 to 1981 in Sarajevo, in discussions in the *Tabački mesjid* and in conversations at *ITF* facilities attended by Nermina JAŠAREVIĆ and Enes KARIĆ, he emphasised that imams had the task of creating the necessary conditions for Islamisation, that the Muslims were a chosen people, that they should not befriend non-Muslims or communicate with them, that Muslims were second-class citizens in Yugoslavia and disadvantaged in comparison to other ethnic groups, that there were no religious freedoms in the country, and that the Islamic Community leadership worked exclusively according to government instructions, rather than in the interest of Muslims.

Džemal LATIĆ

That in his discussions and conversations in the *Gazihusrefbeg medresa*, he stated that the Islamic Community leadership represented an obstacle to achieving the interests of Muslims, that it had to be removed and replaced by young intellectuals who would know how to deal with the existing regime.

According to the provisions of Article 99, paragraph 1 of the Law on Criminal Procedure, the costs of the criminal proceedings relating to the acquittals shall be financed from the Court's budget.

STATEMENT OF REASONS

The Sarajevo District Court accused, in its indictment no. Kt: 118/83 dated 17 June 1983, Alija IZETBEGOVIĆ and Omer BEHMEN of the criminal offence of association for the purposes of hostile activities, pursuant to Article 136, paragraph 2 and with reference to Article 114, paragraph 1 of the Criminal Code of the SFRY; the accused Hasan ČENGIĆ, Ismet KASUMAGIĆ, Edhem BIČAKČIĆ and Huso ŽIVALJ of the criminal offence of association for the purposes of hostile activities,

pursuant to Article 136, paragraph 2 of the Criminal Code of the SFRY; the accused Salih BEHMEN, Rušid PRGUDA, Mustafa SPAHIĆ, Džemal LATIĆ, Melika SALIHBEGOVIĆ and Derviš ĐURĐEVIĆ of the criminal offence of disseminating hostile propaganda, pursuant to Article 133, paragraph 1 of the Criminal Code of the SFRY; and Đula BIČAKČIĆ of the criminal offence of aiding and abetting a perpetrator after a criminal offence had been committed pursuant to Article 137, paragraph 1 of the Criminal Code of the SFRY. However, at the main hearing, after all the evidence had been presented, the deputy prosecutor Edina REŠIDOVIĆ, pursuant to the provisions of Article 337 of the Law on Criminal Procedure, specified and established the final charges with regard to all of the accused, with the exception of the accused Rušid PRGUDA against whom separate proceedings would subsequently be conducted. The stopping of the proceedings resulted from Rušid PRGUDA's suffering a heart attack at the beginning of the main hearing on 18 July 1983. Once Dr. ZENINOVIĆ had expressed his opinion about PRGUDA's state of health, the parties suggested, in agreement, to separate the criminal proceedings against him, which this Court accepted, pursuant to the provisions of Article 33 of the Law on Criminal Procedure.

In conformity to the specified and final version of the indictment, the deputy public prosecutor Edina REŠIDOVIĆ accused Alija IZETBEGOVIĆ and Omer BEHMEN of committing the criminal act of association for the purpose of hostile activities in conformity with Article 136, paragraph 1 and with reference to Article 114, paragraph 1 of the Criminal Code of the SFRY and the counterrevolutionary undermining of the social system, in accordance with Article 114 of the Criminal Code of the SFRY; the accused Hasan ČENGIĆ, Ismet KASUMAGIĆ, Edhem BIČAKČIĆ and Huso ŽIVALJ of the criminal act of association for the purposes of hostile activities pursuant to Article 136, paragraph 2 of the Criminal Code of the SFRY; Hasan ČENGIĆ and Ismet KASUMAGIĆ of the criminal offence of hostile propaganda, pursuant to Article 133, paragraph 1 of the Criminal Code of the SFRY; and Đula BIČAKČIĆ of the criminal act of aiding and abetting a perpetrator after a criminal offence had been committed pursuant to Article 133, paragraph 1 of the Criminal Code of the SFRY. She asked that the accused be declared guilty of the offences committed and punished in accordance with the law. She further proposed that the items related to the perpetration of criminal offences be confiscated, but desisted in the written indictment desisted in the motion that the secondary punishment of property confiscation be imposed upon the accused.

In his defence, the accused Alija IZETBEGOVIĆ began by remarking that he considered himself an Islamic writer. Since his early youth he had been interested in Islam. He fell within the category of believers who did not view Islam merely as a religion, but also as an all-embracing view of the world culturally, philosophically, ideologically and otherwise. He expressed the opinion that believers were viewed in our country in a somewhat different manner than were atheists, and that anti-religious propaganda predominated. He remarked that he was interested in problems relating to Islam in the world and wrote on this subject, and also conducted discussions with students from Asian and African countries who were studying in Sarajevo. That was how he had met Nur SUAR from the Sudan, who was studying architecture in Sarajevo and often visited IZETBEGOVIĆ at his home. From SUAR he had obtained, ten years ago, material concerning the "Muslim Brotherhood" movement, namely, 13 typed pages of text in the Serbo-Croatian language. He had also met a medical student

named Fatih, whose last name he could not remember, and who was also Sudanese. This student had left our country eight years ago, but while he was studying in Sarajevo, he had often visited IZETBEGOVIĆ in his apartment. This former student currently lived in Kuwait. He had also met Abdulah ABAZ, who graduated from Sarajevo University with a degree in architecture five years ago and now lived in Saudi Arabia, as well as Muhamed TUN, a graduate of the Sarajevo Medical School currently living in Ugljevik where he worked as a doctor. In IZETBEGOVIĆ's assessment, these students had ideas and held views which were close to the ideas of the "Muslim Brotherhood." The student named Nuri from the Sudan recommended IZETBEGOVIĆ's book *Islam Between East and West* to professor Abdulah NAFISI from the University at Abu Dhabi. In the spring of 1981, Dr. NAFISI visited him in Sarajevo, where he stayed two to three days, and took IZETBEGOVIĆ's book *Islam Between East and West* back home with him. After some time had elapsed, Dr. NAFISI informed IZETBEGOVIĆ in writing that there was a possibility that the book would be published by an American publisher. Since he was eager to have the book published, he travelled to Abu Dhabi at the very beginning of 1983 to visit Dr. NAFISI. This occurred concurrently with Omer BEHMEN's trip to Iran with the rest of the group. Continuing his defence, Alija IZETBEGOVIĆ said that he had also met Haris KORKUT during his visit to Beirut in 1982. He learned of his address by accident, through a Lebanese student. He did not know where Haris KORKUT had been during the war, nor whether he had visited Yugoslavia after the war. All he knew was that KORKUT had studied at *Al Azhar* University in Cairo before the war. He also stated that he went on four official visits to Libya in the period from 1975 to 1981. In the period from 1970 to 1982 he travelled to Austria five or six times, and from 1980 on, he went to Vienna and Graz three or four times. Sometime in 1976, while visiting Vienna, he asked for the phone number of Teufik VELAGIĆ, who lived there as an émigré and had been sentenced earlier as a member of the "Young Muslims" organisation. He phoned that he would be coming to his apartment, and it was there that he met VELAGIĆ for the first time. He learned that VELAGIĆ was employed as an official in a refugee camp established by the UNHCR. In his initial conversations with VELAGIĆ, he discovered that VELAGIĆ was obsessed with the Bosniac idea. In their conversations, VELAGIĆ pointed out that the current status of Muslims in Bosnia and Herzegovina had not been resolved satisfactorily, that the term "Muslim" was not adequate because it designated religious rather than national affiliation, and that a true solution in national terms was the term "Bosnian" or "Bosniac", by which he meant the population of Bosnia and Herzegovina. During this discussion, he and VELAGIĆ engaged in a sharp polemic, because IZETBEGOVIĆ held contrary views. He explained to VELAGIĆ that his position regarding the Bosniac idea was not realistic, in view of the fact that neither the Serbs nor the Croats would accept the term if it meant renouncing their nationality. In early May 1980 he travelled to Vienna with his wife, where he looked for VELAGIĆ but did not find him at home. When he later met him, he learned from VELAGIĆ that in May 1980 he had gone to England. In his renewed meeting with VELAGIĆ, at which his wife Halida was also present, he gained the impression that VELAGIĆ was no longer preoccupied with the Bosniac idea. As far as his general political position was concerned, he advocated civil democracy in the European sense of the term, with Austria as an example. He remembered that in May 1982 he spent two days at VELAGIĆ's home, and Omer BEHMEN joined him. During that visit to Vienna, he called Smail BALIĆ in order to obtain more detailed information about certain publishers in order to publish his work, *Islam Between East and West*.

In his defence, the accused Alija IZETBEGOVIĆ particularly cited the fact that in the last months of 1969 and the first few months of 1970 he had written a text with which he wanted to influence the process of the Islamic renaissance, which he believed was already under way, and to put forward some solutions. The text bore the title *The Islamic Declaration*. It was a 44-page typed text in the Serbo-Croatian language. When his apartment was searched on 23 March 1983, the text was discovered and confiscated along with other material. He explained that the first part of the text diagnosed the state of relations in the Islamic world or, rather, proposed the sources of stagnation and weakness in Islamic countries. The second part of the text offered the implementation of Islam in the integral sense of that word, that is, the Islamisation of the Muslim masses, as a way out of this situation. Namely, the work advocated an Islamic order in the Muslim countries, which meant the introduction of Islam in all spheres of life. *The Islamic Declaration* advocated the process of uniting the Muslim peoples, a process which would be gradual and as a result would be conducive to the creation of an extensive Muslim confederation. The third part of the text dealt with social problems to be confronted in resolving these issues. It was IZETBEGOVIĆ's desire to suggest through *The Declaration's* theses a more contemporary approach to the present-day problems of Islam, such as, for example, the revision of *shari'ah* norms relating to a country's position, the question of improving the social situation of the masses and the republican principle. He claimed that the text did not pertain to Yugoslavia, as was clearly reflected in thesis 16 of *The Declaration*. Namely, thesis 16 clearly indicated that the Islamic order could be achieved only in those countries where Muslims constituted a majority of the population. Without this majority an Islamic order would be reduced to power merely. *The Declaration* advocated an Islamic order only where Muslims were a majority nation. He stressed that according to the latest census, Muslims constituted 39% of the population in Bosnia and Herzegovina, and only 14% in Yugoslavia. Having in mind these percentages, and in view of all the other theses of *The Declaration*, it would be absurd to think that the text pertained to Yugoslavia or Bosnia and Herzegovina. IZETBEGOVIĆ claimed that he did not hand out the text for others to read in Yugoslavia, but that he only gave a copy to Omer BEHMEN sometime in 1972 and to Rusmir MAHMUTČEHAJIĆ ten years later. On the contrary, *The Declaration* had been translated into four languages – German, English, Arabic and Turkish, and this indicated that it was intended for the Islamic world. He claimed that the indictment had no basis for asserting that he had given the text to other individuals to read, because if other persons had read the text, this had to do with ensuring that it was translated or sent outside Yugoslavia. For example, Đozo HUSEIN translated the *Foreword* to *The Declaration* into Arabic. IZETBEGOVIĆ had asked Mehmedalija HADŽIĆ, sometime in 1971, to translate *The Declaration* into Arabic, but HADŽIĆ had refused. As far as Melika SALIHBEGOVIĆ was concerned, he had collaborated with her on the *Foreword* in March 1981. It was on this occasion that Melika SALIHBEGOVIĆ had glanced through the text in his presence. Excerpts from *The Declaration* were published in *Takvim* under the titles "The Backwardness of the Muslim Peoples," "The Islamic Renaissance – a Religious or Political Revolution," and "Nationalism and Internationalism in Islam." He claimed that he had never given *The Declaration* to Hasan ČENGIĆ, and hence was being unjustly accused of having had *The Declaration* read in the *Tabački mesjid*. In fact, the discussions which had taken place in the *Tabački mesjid*, according to the indictment, had had an entirely different spirit than that of *The Declaration*, that is, than its spirit of tolerance. Furthermore, he was

not aware that parts of *The Declaration* had been read in the *Careva džamija* mosque in Sarajevo. As far as Edhem BIČAKČIĆ was concerned, IZETBEGOVIĆ stressed that he had no knowledge of whether BIČAKČIĆ had read *The Declaration*, but he claimed that he personally had not given it to him. However, as a result of some conversations he had had with Edhem BIČAKČIĆ, he gained the impression that he had in fact read *The Declaration*. As far as he could remember, Husein ĐOZO had returned *The Declaration*, which he had given to him in the Arabic language. He also remembered that Rusmir MAHMUTCEHAJIĆ had returned the text of *The Declaration* after reading it, while the copy he had given to Omer BEHMEN was not returned to him. With respect to the texts entitled "Muslims in Yugoslavia" and "The Structure of the Islamic Religious Community," he claimed that he had not participated in writing these texts nor did he know who had authored them.

He said he had written another text entitled "Muslims in Yugoslavia" which he had read as a paper at a symposium in Canada, but that text was in English. The symposium was held in the city of Sherburg /as written/ in Canada, while the organiser was the University of Jidda. However, he was not the author of the Serbo-Croatian text "Muslimani u Jugoslaviji" /Muslims in Yugoslavia/ which was referred to during the pre-trial proceedings, but he recognised that the first four pages of that text, relating to the history of the Muslims in Bosnia and Herzegovina from the 15th century to the end of World War Two, were almost identical with his paper. When he returned from the symposium in Canada sometime in February 1982, he gave Omer BEHMEN a text in the Serbo-Croatian language entitled "Muslims in Yugoslavia." This was in fact the text which had served as the basis for the paper authored for the symposium in Canada. As far as the paper "The Structure of the Islamic Religious Community" was concerned, he categorically denied ever having read it. He denied the prosecution's claims that *The Islamic Declaration* was in fact a formulation of the programme of the earlier "Young Muslims" organisation. He had never possessed the programme of the "Young Muslims" organisation, which was found in the organisation's archives in the course of 1949. The programme was formulated in 1946 and 1949, but at that time he was serving a prison sentence, so there was no way he could have participated in the programme's formulation, or have known of the content of the programme of the "Young Muslims" organisation. He considered that the prosecution was basing its position on the parallel it drew between generalisations in *The Declaration* and the "Young Muslims" programme, without citing specific instances where the texts matched. With reference to the collection of articles entitled "Problems of the Islamic Renaissance," IZETBEGOVIĆ stressed that the articles were published in *Takvim* in 1972, and that it was actually a collection of his articles, including two articles by Husein ĐOZO, as well as a translated article from the London-based journal *Impact*. These articles dealt with the programme of the Islamic Revolution in the world. He did not deny that he had once given a lecture entitled "How to Read the Koran" to Hasan ČENGIĆ after Hasan ČENGIĆ, as his daughter's student, had asked him for a lecture for the *Tabački mesjid*. He claimed that this lecture was purely religious in nature. He had also given out another text for a lecture, but as far as he could remember, he gave it to someone from the *medresa*, and it was to have been read in the *Careva džamija* mosque at some sort of celebration. This lecture dealt with certain aspects of *hicret* /New Year/, and was also of a purely religious character. He gave Hasan ČENGIĆ his book *Islam Between East and West*, which ČENGIĆ used as a reference source for his thesis. This occurred in 1982, when ČENGIĆ's work in the *Tabački mesjid* ceased. He claimed that beyond these contacts

he conducted no other conversations with Hasan ČENGIĆ, nor did he give him any other texts for the *Tabački mesjid*. He categorically denied that he had discussed these matters with Hasan ČENGIĆ with the manner in which he was being unjustifiably charged in the indictment. He could not remember having received a letter from Omer BEHMEN, which Omer had allegedly sent to the Islamic Community leadership, relating to its decision to ban the work of the *Tabački mesjid*.

With respect to *The Islamic Declaration*, the accused Alija IZETBEGOVIĆ claimed that he had never made copies in the Serbo-Croatian language. He claimed that in 1970 he had typed *The Declaration* in two or three copies in the Serbo-Croatian language, and that he had done so again in 1975 or 1976. It could not be said that he made copies of *The Declaration*, because these retypings in just a few copies had been made for the purposes of translation into other languages. He allowed for the possibility that in 1971 he gave a copy of *The Declaration* in the Serbo-Croatian language to Hasib BRANKOVIĆ to take to Istanbul to be translated into Turkish, and in 1975 he had to have a copy of the text in Serbo-Croatian so it could be translated into German. Since giving a copy of *The Declaration* to Omer BEHMEN at some point in 1973, he had never spoken with BEHMEN about *The Declaration* up until 1982. Neither had he discussed *The Declaration* or its contents with Ismet KASUMAGIĆ. He said it was possible that during the trip that he, Ismet KASUMAGIĆ and Omer BEHMEN had taken to Vienna there was some discussion of *The Declaration*, the text of which they had taken to Vienna, but that text was in Arabic. As far as Huso ŽIVALJ was concerned, he had known him over the past three years, and could remember him coming to visit him at his home on a single occasion, when his daughter Sabina got married. He did not know whether Huso ŽIVALJ had a copy of *The Declaration*, or whether he had read it.

With reference to the group's preparations for their trip to Iran and the trip itself, the accused Alija IZETBEGOVIĆ said that the goal of their visit to Iran was exclusively to gain an understanding of life in Iran following the Revolution, since contradictory stories were circulating in the information media concerning events in Iran. Namely, there was talk of secret trials, the persecution of minorities, conflict between Suniis and Shiites, the glorification of imam Khomeini, and so forth. As the author of *The Islamic Declaration*, he was particularly interested in the situation in Iran at that time. Together with the other group members travelling with him to Iran, he wanted to meet with some of Iran's officials or public workers to discuss problems related to the further course of building up the country. The idea of going to Iran was mooted in the summer, not in the spring of 1982. In October 1982 he travelled with Omer BEHMEN and Ismet KASUMAGIĆ to Vienna. During that trip they had not anticipated that Teufik VELAGIĆ would be their liaison for contacts with the Iranian Ambassador in Vienna. That need arose only when, having arrived in Vienna, they called the Iranian Embassy from VELAGIĆ's apartment, and a secretary answered in German. They then asked VELAGIĆ to speak with the secretary. After the conversation, VELAGIĆ informed the three of them that the Iranian Ambassador spoke only one of the European languages, that is, German, a language that only Teufik VELAGIĆ knew. During their visit to Vienna, a certain Ali, who was probably Sudanese, took them to an apartment in Vienna, in which they spent two days – Saturday and Sunday. During their stay in the apartment, Ali and his wife were their hosts. He could remember seeing on a table in the apartment a copy of *The Declaration* in Arabic, which they had brought with them when they came to Vienna. However, he could not remember

whether he or Omer BEHMEN had brought it with them. Since Ismet KASUMAGIĆ could not stay in Vienna any longer, he left for Yugoslavia on the Sunday, while IZETBEGOVIĆ and Omer BEHMEN stayed in Vienna the following Monday and Tuesday. He said that on Tuesday morning he had gone out to shop, and when he returned to the apartment, Omer BEHMEN objected angrily that he had not been present when the Ambassador arrived. However, to this day he was not certain whether the Ambassador had really come and spoken with Omer BEHMEN while he was in town shopping. They /Alija IZETBEGOVIĆ, Omer BEHMEN and Ismet KASUMAGIĆ/ had not agreed on who of the three would speak with the Iranian Ambassador. Their exclusive goal in Vienna was to organise their visit to Iran with the Iranian Ambassador's assistance. He claimed that it was his intention on that occasion to give the Ambassador a copy of *The Declaration* together with the *Foreword* to the Persian edition, so that the Ambassador could forward it to an institution or official in Iran for their perusal. Then, upon their arrival in Iran, IZETBEGOVIĆ, as the author of *The Declaration*, could discuss the text, find out what the Iranian view of it was, and explore possibilities for having it published in Iran. He especially wanted his views on the Islamic movement to be read in the Islamic world, especially since some parts of *The Declaration* diverged from what was being said about the Iranian Revolution. That Tuesday he returned with Omer BEHMEN to Yugoslavia. After perhaps a month, IZETBEGOVIĆ met with Omer BEHMEN in Sarajevo, who informed him that he intended to send Edhem BIČAKČIĆ to Vienna, to visit the Iranian Embassy in order to determine the conditions under which the group would travel to Iran. At that time, he learned from Omer BEHMEN that he had included several other persons in the group that would be travelling to Iran. After their return to Sarajevo, he did not question Omer BEHMEN as to whether he had really submitted a copy of *The Declaration* in Arabic to the Iranian Ambassador while they were in Vienna together with Ismet KASUMAGIĆ in October 1982. When Omer BEHMEN informed him that Edhem BIČAKČIĆ would be travelling to Vienna, he in turn told Omer BEHMEN that he also intended to go to Vienna in order to revise the English version of his book *Islam Between East and West*. BEHMEN suggested that they travel together with Edhem BIČAKČIĆ and visit the Iranian Embassy in Vienna in order to determine the dates for their trip to Iran, as well as the conditions under which they would travel. And, in fact, at the beginning of December 1982, he travelled with BIČAKČIĆ to Vienna and stayed at Teufik VELAGIĆ's home. The following day, VELAGIĆ, at their request, called the Iranian Embassy and set up a meeting the following morning at 10.00 hours. The two of them went to the Embassy at the agreed time. On that occasion, VELAGIĆ only acted as an interpreter for German, while he, together with BIČAKČIĆ, spoke with the Iranian Ambassador about Sarajevo. He mentioned that there were several mosques that were full during Ramadan, which pleased the ambassador. They then discussed the possibility of a visit to Iran. The ambassador said it would not be a problem for three or four persons to travel to Iran. The Iranian Ambassador suggested that they take advantage of the forthcoming celebrations in Iran and schedule their trip for that period. IZETBEGOVIĆ asserted that the fact the trip would be free of charge was not discussed on that occasion, although he thought the Iranian Embassy would provide free travel since several trips had been organised through the Iranian Embassy in Belgrade at the Embassy's expense. They did not discuss the issue of not having their passports stamped upon crossing the Iranian border. A specific discussion of this issue occurred later in Vienna when Omer BEHMEN, Edhem BIČAKČIĆ and Huso ŽIVALJ arrived in Vienna, in order to travel to Iran. IZETBEGOVIĆ stressed that

when they paid a call on the Iranian Ambassador, he did not notice whether Edhem BIČAKČIĆ gave the Iranian Ambassador a list of the individuals who would be travelling to Iran. However, he did learn that the number of those supposed to travel had increased, which he was unhappy about, so he began to hesitate about whether to go to the above-mentioned celebrations in Iran at all. It is true that he had certain personal reasons which on the one hand represented an obstacle for his departure to Iran at that time, since his son was getting married on 25 December 1982. He had certain obligations in this regard, but the essential reason was that the number of travellers to Iran had increased, and, as a result, he decided not to go on the trip. Namely, he decided not to travel with this group to Iran, but he did want to make this journey alone, and so on 3 January 1983 he travelled by plane to Istanbul where he remained four to five days. There he met Ismet KASUMAGIĆ's wife and daughter who informed him that the two of them had travelled by car to Istanbul with Ismet KASUMAGIĆ and Hasan ČENGIĆ. They told him that Ismet had said that he was going to tour several steel works in the Istanbul vicinity. In fact, at that time he was in Teheran, together with Omer BEHMEN, Hasan ČENGIĆ, Huso ŽIVALJ and Edhem BIČAKČIĆ. He too had the intention of travelling to Teheran from Istanbul. However, the airplane connections were bad, so he flew to Abu Dhabi to visit Dr. NAFISI, planning to catch a flight to Teheran from Abu Dhabi. However, Dr. NAFISI advised him not to travel to Iran because at that time relations between Iran and the United Arab Emirates were poor. He therefore gave up the idea of travelling, and after five or six days spent in Abu Dhabi, he left for Yugoslavia. IZETBEGOVIĆ claimed that he and Omer BEHMEN did not create or establish any kind of group which would be active against Yugoslavia in Iran, or pursue that kind of activity in Yugoslavia. He stressed that he had not participated at all in forming such a group prior to his trip to Iran. He could only have been one of the travellers within this group, and he did not even go on that trip. The visit of the aforementioned persons to Iran occurred spontaneously on the basis of conversations; however, the visit was not preceded by any agreements on potential hostile activities to be conducted in Iran against Yugoslavia.

With respect to the incriminating acts which the prosecution based on the statements of witnesses Ismet SERDAREVIĆ, Vahid HOZARIĆ, Hilmija ČERIMOVIĆ, and the statement of Huso ŽIVALJ, the accused Alija IZETBEGOVIĆ categorically denied that he had conducted the conversations with the given individuals in the manner in which they had interpreted them. He claimed that in the presence of the abovementioned individuals he had never made comments inimical to the fundamental values of our system, or had he ever expressed a nationalistic view. With respect to the conversations he had had with these persons, he especially emphasised that Article 133 of the Criminal Code of the SFRY was interpreted in an anti-constitutional manner in our judicial practice. Namely, he expressed the view that discussions conducted between friends in the presence of their wives, within four walls, could not be interpreted as hostile propaganda, especially if one bore in mind that the Constitution guaranteed freedom of thought, speech and writing, which meant that one could hold and express different opinions from what the information media said. Finally, he said that he had not in any manner harmed Yugoslavia, which he had always loved as his country. He was a Muslim and would forever remain one, and felt himself a fighter for the Islamic cause in the world. For him, Islam constituted everything noble and good, and represented the promise and hope of a better life for the Muslim peoples in dignity and freedom, in short, everything worth living for.



In his defence, the accused Omer BEHMEN said that since an early age he had been interested in Islamisation and a renaissance in the Islamic world, as well as in emancipating the Muslim masses which he considered backward. As far as the *Declaration* was concerned, the prosecution's central concern, he claimed that it was illogical to think that the *Declaration* could be applied in Yugoslavia in view of the composition of the population, that is, the existence of different nationalities. Namely, the circumstances were inappropriate for its application in Yugoslavia or in Bosnia and Herzegovina. The *Declaration* in fact represented a contribution to the discussion about the revival of the rest of the Islamic world, where Muslims represented a majority, and did not pertain to Muslims living in Yugoslavia. He could remember that sometime in 1972 or 1973 he had received a text entitled *The Islamic Declaration* from Alija IZETBEGOVIĆ and, while reading the text, had noted down some criticisms mainly pertaining to statistical data. The two of them had then discussed whether the *Declaration* should take the form of a book or an appeal, that is, a call. In those discussions, Alija IZETBEGOVIĆ had stressed that *The Declaration* would have greater effect as an appeal. He received from Alija IZETBEGOVIĆ another copy of the *Declaration* in the Serbo-Croatian language, and both copies remained with him. At the time IZETBEGOVIĆ told him that he was interested in having the *Declaration* translated into Turkish, German, Arabic and English. He subsequently received from IZETBEGOVIĆ copies of the *Declaration* in Turkish, Arabic and English. In 1974 he went to Libya to work, where he remained until 1977. On his departure for Libya he left the copies of the *Declaration* and other literature in Edhem BIČAKČIĆ's basement. He remembered that on his return from Libya he received yet another copy of the *Declaration* in the Serbo-Croatian language, and, at the same time, two or three copies in Arabic, and he also left this material in Edhem BIČAKČIĆ's basement. He did not know whether Alija IZETBEGOVIĆ gave the *Declaration* to any other person to read. However, he learned that Smail BALIĆ from Vienna had translated the *Declaration* into German, which meant that BALIĆ must have obtained a copy of the *Declaration* in the Serbo-Croatian language beforehand. He did not know whether Hasib BRANKOVIĆ had received a copy of the *Declaration*, but he did remember that he had travelled to Turkey. However, in the pre-trial proceedings Omer BEHMEN specifically stated that Hasib BRANKOVIĆ had in fact taken a copy of the *Declaration* intended to Ešref AVDAGIĆ in Turkey. He knew that Teufik VELAGIĆ in Vienna knew of the *Declaration*, because in speaking with him he had heard him refer to the *Declaration*. He therefore concluded that Teufik VELAGIĆ had probably read the *Declaration*, but he did not know whether VELAGIĆ actually had it in his possession. He had had these discussions with VELAGIĆ on the occasions of his departures for Vienna. With respect to the texts entitled "Muslims in Yugoslavia" and "The Structure of the Islamic Religious Community," he said that he had previously composed an outline or, rather, jotted down theses for this text, and given them to Husein ĐOZO who, in turn, gave him the final version after two or three months, consisting of nine pages in the Serbo-Croatian language. He claimed that he had kept this text and given it to no one, not even Alija IZETBEGOVIĆ. The content of that text matched that interpreted in the indictment, which means that the text contained almost everything cited in the indictment. Sometime later, Alija IZETBEGOVIĆ had given him the English text "Muslims in Yugoslavia," but he did not receive any text in Serbo-Croatian. With respect to "The Structure of the Islamic Religious Community," he stated that he had also formulated the theses for that text, and had given them to Husein ĐOZO who, in turn, after two to

three months, gave him the complete and final version of "The Structure of the Islamic Religious Community," together with the text "Muslims in Yugoslavia." He claimed that he had not given this text to anyone else either, but kept it at home. He did not know who had authored the English text "Muslims in Yugoslavia," which he had received from Alija IZETBEGOVIĆ, but he was unsure whether IZETBEGOVIĆ had given him that text prior to or upon his return from Canada. However, in the pre-trial proceedings he stated, with reference to the text "Muslims in Yugoslavia," that he had shown the completed 12-page outline of the text to Alija IZETBEGOVIĆ who told him it could serve as a framework for a more extensive and serious study, for which the appropriate reference works should be used. In the pre-trial proceedings he had not once said that he had given the text to Husein ĐOZO. He claimed that he had not even informed his brother Salih about it. He left the text together with other material in Edhem BIČAKČIĆ's basement where it was discovered when his home was searched. He denied the prosecution's claims that he had given the *Declaration* to Hasan ČENGIĆ, but he admitted the possibility that Hasan ČENGIĆ used excerpts from the *Declaration* in the *Tabački mesjid* which were published in *Takvim*, while some of them were also read at lectures in the *Careva džamija* mosque. He said he was a member of the Islamic Religious Community Board and remembered the time when discussions were held concerning the lectures in the *Tabački mesjid*. These discussions were conducted at the leadership's request, as there had been some criticism of the lectures. He claimed that he had advocated continuing the work of the *Tabački mesjid* in the period when certain individuals were pointing out that lectures in the *Tabački mesjid* were acquiring political overtones. He met Hasan ČENGIĆ accidentally in the course of 1980. From 1981 ČENGIĆ used to come to his house and they grew closer, especially concerning the project of constructing a family home, which Hasan ČENGIĆ's father was building. With respect to the charges brought against him, related to a reply written in response to an article published in the journal *El Arabi*, he claimed that a Sudanese student named Abaz had shown him the translation of an article from this journal. Since he considered that certain information in the article was inaccurate, he wished to refute it. He had given the information to the student, and on the basis of the same a response to the article had been published in *El Arabi*.

Regarding the charges relating to persons before whom he allegedly expressed a nationalist stance towards other Yugoslav nationalities, he claimed that he did have some of the conversations mentioned with the given individuals, but they did not have the connotations as understood by the witnesses. He claimed that at the time cited in the indictment, he had had no contact whatsoever with some of these individuals. With respect to the journal *Islam and the West* in the German language and the open letter to the Orthodox Church Synod, he said that he had not received the journal from Teufik VELAGIĆ in Vienna, nor had he given it to his brother Salih BEHMEN upon his arrival in Sarajevo. However, in the pre-trial proceedings, he had admitted that he had received the journal from Teufik VELAGIĆ and had given it to his brother Salih, together with the open letter to the Synod of the Orthodox Church. When this was pointed out to him, he explained that in the pre-trial proceedings the investigators had told him that Salih had confessed to having received the journal from him, and under the given circumstances he had defended himself in the appropriate manner /as written/. He did not deny that he disagreed with the activities of the Islamic Community in Sarajevo, and had therefore written two anonymous letters, in one of which he had attacked the Community's work, and in the other criticised a certain

individual. He had made several copies of the first letter and left them on the table in the *Renaissance* /Preporod/ Club. In his second letter he had also referred to activities in the *Tabački mesjid*. He had also drew a political cartoon of Reis Kemura in 1972, of which he made several copies, and likewise left them in the *Preporod* Club. He especially emphasised that on a certain occasion he had told Edhem BIČAKČIĆ to take the *Declaration* from his basement and read it, but he could not say for certain whether Edhem BIČAKČIĆ had indeed read the *Declaration*. As far as the collection "Problems of the Islamic Renaissance" was concerned, he had not given it directly to Edhem BIČAKČIĆ but had told him that the collection was in his basement and that he was free to read it. In connection with Huso ŽIVALJ, he said that in a conversation, Huso ŽIVALJ mentioned that he had read the *Declaration*, but he was unaware as to how ŽIVALJ had obtained his copy.

With respect to his trips abroad, the accused Omer BEHMEN said that in the course of 1982 he had travelled to Vienna a total of four or five times, twice in the company of Alija IZETBEGOVIĆ. As far as he could remember the two of them had stayed with Teufik VELAGIĆ twice during their trips to Vienna in the course of the spring. He thought that he had encountered Alija IZETBEGOVIĆ in Vienna in March 1982, and this is when he first met him. During their stay in Vienna in May 1982, he remembered that it was then that Teufik VELAGIĆ had suggested that the *Declaration* be given to the Iranian Ambassador. Following his talk with VELAGIĆ, he gained the impression that VELAGIĆ had the *Declaration* in his possession at the time, but he did not see it. In October 1982 the two of them, together with Ismet KASUMAGIĆ, stayed in Vienna. After having arrived in Vienna from Sarajevo, the three of them went to Teufik VELAGIĆ's apartment where they encountered Alija IZETBEGOVIĆ. Ali suggested that they be his guests, since VELAGIĆ's apartment was rather small, and they accepted. Ali took them to an apartment which the prosecution claims was luxurious. During their stay in this apartment, Ali and his wife prepared their food and put themselves at their service. KASUMAGIĆ and IZETBEGOVIĆ occasionally left the apartment, while he himself spent the entire time in the apartment. When Teufik VELAGIĆ came to the apartment at their invitation, they discussed various matters; however, there was no discussion whatsoever about getting in touch with the Iranian Ambassador in Vienna, because at that point that was not their intention. He therefore considered that the prosecution's assertion that in the apartment, the three of them discussed who would be the one to speak with the Iranian Ambassador, was completely unfounded. He also refuted the prosecution's claim that they had stayed in the apartment at the Iranian Embassy's expense. He explained that in June of that year he had visited Vienna with his family as Teufik VELAGIĆ's guest. It was then that VELAGIĆ mentioned that he had been invited to a celebration of the Revolution in Iran, which was to be held at the end of January or the beginning of February 1983. VELAGIĆ also mentioned that there would be another ceremony in Iran around New Year. When VELAGIĆ asked him whether he would attend that celebration, he said yes, and remarked that he would probably take someone with him. It was for this reason that during this stay in Vienna in October 1982, he again discussed with KASUMAGIĆ and IZETBEGOVIĆ the possibility of leaving for Iran around the New Year. However, they made no attempt whatsoever to be received by the Iranian Ambassador in Vienna. He remembered that Ismet KASUMAGIĆ had left Vienna somewhat earlier, while Alija IZETBEGOVIĆ and he had stayed for a further day or two, and then flown back home to Sarajevo. After perhaps a month he met Edhem BIČAKČIĆ and asked him whether he too

would be travelling to Iran, and BIČAKČIĆ said yes. He suggested that BIČAKČIĆ leave for Vienna where he would set the date for their departure for Iran. He also told him that during his stay in Vienna, he should call Teufik VELAGIĆ and work out all the details with VELAGIĆ through the Iranian Embassy. It was at that time that he met Alija IZETBEGOVIĆ in Sarajevo and informed him that he would be going with Edhem BIČAKČIĆ to Vienna to make the definitive arrangements for their departure for Iran. Alija IZETBEGOVIĆ said that he too had some business to conduct in Vienna, and that he would accompany BIČAKČIĆ to Vienna. In November the two of them made the trip. After they had returned from Vienna, BIČAKČIĆ and IZETBEGOVIĆ explained to him that the celebration in Iran would begin sometime before the New Year, and that they needed to be in Iran sometime around the New Year or right after it. They also informed him that they had managed to make contact with the ambassador in Vienna through VELAGIĆ. He then got in touch with Huso ŽIVALJ and Hasan ČENGIĆ and explained the facts concerning the celebration in Iran around New Year. He asked whether they would travel to Iran, and they accepted the idea. He then told them that the trip had been arranged through the Iranian Embassy in Vienna. He claimed that Alija IZETBEGOVIĆ had not involved himself in having ŽIVALJ and ČENGIĆ join the group on their trip to Iran. Somehow, within that same time period, he informed Ismet KASUMAGIĆ as to when the trip to Vienna should be made so they could fly from there to Teheran. KASUMAGIĆ had already expressed his desire to travel along with them to Iran. KASUMAGIĆ then said that he would travel with his family by car to Turkey, and that he would be accompanied by Hasan ČENGIĆ. They agreed that the two of them would catch the same plane in Istanbul on which the three of them – Omer BEHMEN, Edhem BIČAKČIĆ and Huso ŽIVALJ – would arrive from Vienna, and that they would continue the trip to Iran in their company. The accused Omer BEHMEN denied that the Iranian Embassy had promised them in advance that it would cover the trip's expenses, but they assumed that the celebration organisers in Iran would bear all the expenses incurred. However, he told ŽIVALJ and BIČAKČIĆ to bring along with them, just in case, some money to cover the airfare and other essential expenses. When the three of them arrived in Vienna, they immediately got in touch with Teufik VELAGIĆ and went to the Iranian Embassy with him. The following day they obtained their visas, prepared their money /as written/, and he borrowed some money from Teufik VELAGIĆ. He also got some money from Ali, who took them to the airport the following morning. While they were at the Embassy in Vienna, he told Teufik VELAGIĆ that it was their wish not to have their passports stamped upon entry into Iran, and he said this also applied to KASUMAGIĆ and ČENGIĆ who would be joining the three of them in Istanbul. Teufik VELAGIĆ arranged this matter for the three of them with an Embassy official, and promised that there would be no problem for the other two. He said that they were told at the Embassy in Vienna that an Iranian official would greet them at Teheran airport. However, once they arrived at the airport they had problems with KASUMAGIĆ's and ČENGIĆ's visas, but everything was settled after an hour. Then four Iranians arrived and took them to a Teheran hotel. He claimed that during this visit to Iran they had no contact with revolutionary guards, and in particular no discussions were held as cited in the indictment. The persons who accompanied them were security personnel, and merely provided certain explanations regarding travel to various places in Iran. He categorically denied that they conducted discussions in the *Azadi* hotel in Teheran, as alleged without foundation in the indictment. It is true that they spoke with two students, who were their escorts for almost the entire time. They discussed Iran and the students explained various things, and they, for their part,

answered the questions asked by the two students who inquired about Yugoslavia, religious communities in the country, the number of Muslims, and so forth. However, the discussions were not conducted in the manner described in the indictment. He denied that the discussions alleged in the indictment to have been held in the *Huvejzi* hotel had taken place. Those conversations were held with war disabled and those wounded at the front who had been put up at the hotel. They discussed the Iranian Revolution with them. These individuals, disabled in the war, were particularly interested in their views of the Iranian Revolution, and they stated their views in this context. As far as the conversation conducted on 8 January 1983 was concerned, they claimed that that discussion was not conducted with the Minister, but with some official in a Ministry. This official asked them about their impressions and perceptions of the Iranian Revolution, and they spoke about it in glowing terms. In the conversation, they told the official that it would be desirable if students at the *medresa* and Islamic Faculty in Sarajevo were to receive scholarships from Iran, and that Yugoslav companies should be given as much work as possible in Iran, because they employed large numbers of Muslims. They also told the official that it would be desirable if Radio Teheran had a programme in the Serbo-Croatian language, so that Yugoslavs could obtain the most up-to-date information about Iran. He claimed that there was no mention of the construction of a transmitter in North Africa to ensure better transmission by Radio Teheran, nor was it proposed that only companies from Bosnia and Herzegovina be hired to work in Iran. He remembered that reference was made to the drawbacks of the Islamic Community because those within the Islamic Community were preoccupied only with themselves and their own personal interests, and barely concerned themselves with Muslims at all. The accused Omer BEHMEN then said that during the conversation with the official GAFARI, he spoke about the *Declaration*, asking him whether he knew anything about it. However, GAFARI said he was unfamiliar with the text. With respect to the other offences with which they were charged, relating to their sojourn in Iran, the accused Omer BEHMEN noted that Ismet KASUMAGIĆ and Huso ŽIVALJ took some notes in their hotel room with regard to the approach they needed to take in their contacts with the Iranian official with whom they had an appointment for the following morning. This was in fact GAFARI, with whom they conducted a conversation. He claimed that he had heard what KASUMAGIĆ and ŽIVALJ had jotted down and, furthermore, KASUMAGIĆ had read him the notes. He remembered that those notes dealt with themes cited in the indictment, but not in the form and to the extent represented by the prosecution. In the notes there was a reference to the need to relate some details of Islamic life in Yugoslavia, and to mention certain individuals from the Islamic Community. He remembered that at one point, when ŽIVALJ was preparing his notes together with KASUMAGIĆ, he said that the *Declaration* should be discussed, and that he /Omer/ agreed. The notes also mentioned that a suggestion should be made to Iran to encourage the exchange of students at the Islamic Faculty, as well as co-operation between libraries. There was no mention in the notes of anyone suggesting to Iran that it make use of oil as a means of pressure to improve the position of Muslims in Yugoslavia, nor did anyone speak about this matter during their conversations with GAFARI. Essentially, what was cited in the notes was set out during the conversation with the Iranian official.

However, in the pre-trial proceedings, Omer BEHMEN had said, in connection with his visit to Vienna in October 1982, that Alija IZETBEGOVIĆ submitted the *Declaration* in Arabic to the Iranian Ambassador. On that occasion, Alija

IZETBEGOVIĆ spoke with the Ambassador about his perceptions of an Islamic revival and emphasised the main premises of the *Declaration*. He /Omer BEHMEN/ took advantage of the situation to speak to the Ambassador about the position of Muslims in Yugoslavia, as described in the article "Muslims in Yugoslavia" as well as in the essay "The Structure of the Islamic Religious Community." He also stressed that the meeting with the Ambassador lasted some two and a half hours. The Ambassador invited them to visit Iran and familiarise themselves with the achievements of the Iranian Revolution and the true state of affairs in Iran. In the pre-trial proceeding he had also emphasised that on the preceding day he had spoken with Alija IZETBEGOVIĆ in the apartment about what each of them would say to the Iranian Ambassador. KASUMAGIĆ was present when they discussed this, but he had to depart for Yugoslavia and so did not wait for the meeting with the Iranian Ambassador, set up with Teufik VELAGIĆ's help, scheduled for the following day at 9.00 hours. When his statements from the pre-trial proceedings were pointed out to him, Omer BEHMEN said, among other things, that he had given the *Declaration* in Arabic to Teufik VELAGIĆ during his visit to Vienna in October 1982, but that it was not true that Alija IZETBEGOVIĆ had given the *Declaration* to the Iranian Ambassador. He categorically asserted that KASUMAGIĆ was not present when he gave the *Declaration* to Teufik VELAGIĆ. He thought that KASUMAGIĆ did not even know that Alija and he had taken the *Declaration* with them upon leaving Sarajevo for Vienna.

In his defence, the accused Hasan ČENGIĆ said that when he applied for admission to the Islamic Faculty in Sarajevo, he wanted, after graduation, to devote himself to the interpretation of Islam as a religious official of the Islamic Community. While still a student in the fifth grade of the *medresa* he had given a lecture about the *namaz* (Muslim prayer). He had been exceptionally active in extracurricular activities. He collaborated with the student paper in the *medresa* and participated in the publication of two collections of poetry and short stories. Even then, as a student at the *medresa*, he manifested a serious interest in Islamic issues and the practical application of teaching methods and other subjects which would be helpful in the work of religious teaching. He had worked for a year and a half as a teacher of religion in the *Pod takišom* mosque and gained some experience. In the course of his studies he did his best to prepare himself for the profession which awaited him upon graduation, thinking that he would thus be able to return the funds which had been invested in his education to the Community. In December 1979 he received a scholarship from the Board of the Sarajevo Religious Community for his third and fourth years of studies. He was bound by an agreement to place himself at the disposal of the Board, upon graduation, to work on religious teaching and other activities conducted by the Islamic Community. A debating society was active on Faculty premises for a while, and was visited by students from other faculties. Officials at the Dean's Office in the Faculty were concerned that the talks in the debating society could lead to certain undesirable consequences which could compromise the Faculty. They therefore banned the use of facilities for the debating society at the Faculty. Together with other first-year students, he sent a written request to the Dean's Office for an explanation as to why the Dean's Office had adopted such a stance, and this could be verified on the basis of existing documents. Within a one-month period, several lectures were held in the *Careva džamija* mosque, after which the Board of the Sarajevo Islamic Religious Community placed the *Tabački mesjid* at the students' disposal. These facilities had

been used previously for religious instruction for adults. This was the case in the fall of 1978. He was elected leader of the debating society at the annual assembly that school year. At the beginning, discussions were held in the *Tabački mesjid* on the basis of one or more *ayets*, chosen by the society. In that period, two or three students appeared in the audience and raised certain questions which could be described as departing from the religious framework and contents of the lectures in the *Tabački mesjid*. He claimed that he, together with some other members of the society, had admonished these individuals and reacted strongly to their statements. However, they were not in a position to physically remove the individuals from the lectures in the *Tabački mesjid*. Because of these statements made in the *Tabački mesjid* the Republican Leadership sent a letter to the Board of the Islamic Religious Community, drawing its attention to the work of the *Tabački mesjid*. After the Islamic Religious Community Board had discussed the matter, it was decided that in future the lecture programme for a six-month period should be submitted in written form to the Board for verification. Therefore, both the programme, and every written lecture, had first to be submitted to the Board for its approval, eight days in advance, so that the Board could have sufficient time to go through the lectures and offer its comments. It was also decided that a Board member would attend each lecture in the *Tabački mesjid*, in order to gain a better idea of its work. As a result, there was no possibility whatsoever that the lectures and discussions held in the *Tabački mesjid* would exceed religious bounds or acquire political overtones. He claimed that he had been given the role of finding lectures for the *Tabački mesjid* which had been envisaged in the programme. He, together with other members of the debating society, had drawn up the programme and it had received the Board's approval. He therefore asked Husein ĐOZO to give him some lecture texts which would conform to the programme adopted, and ĐOZO in turn suggested that he speak with Alija IZETBEGOVIĆ. This probably occurred in March or April 1979, while the lecture programme at the *Tabački mesjid* had been drawn up already in February 1979. Alija IZETBEGOVIĆ acceded to his request and gave him a text entitled "How to Read the Koran and Understand It." The text was about seven to eight pages long. He received another text from Alija IZETBEGOVIĆ for the *Tabački mesjid*, but could not remember its title. As far as Omer BEHMEN was concerned, he never received any texts from either Omer BEHMEN or Husein ĐOZO for his lectures at the *Tabački mesjid*. He remembered that he had received a text from Alija IZETBEGOVIĆ, entitled "The Meaning of *Hicret*," but this text was used for the *mevlid* in the *Careva džamija* mosque and had no connection with the work of the *Tabački mesjid*. He also received the book *Islam Between East and West* from Alija IZETBEGOVIĆ which he needed for his thesis, in late 1981 or early 1982. He claimed that the prosecution alleged without foundation that he had received the text "Muslim Women and Mothers" from Alija IZETBEGOVIĆ, for he had read that text in a journal. He had read some other texts written by Alija IZETBEGOVIĆ in other journals, but did not know at that time that he was the author. A text devoted to morals appeared in the *Takvim* in 1978, and he knew that it had been authored by Alija IZETBEGOVIĆ, although the article was signed only with his initials, and not his full name.

With reference to the *Declaration*, the accused Hasan ČENGIĆ claimed that he had never obtained it or read it and consequently could not have used it in his work at the *Tabački mesjid* as the indictment alleged. However, in the pre-trial proceedings, he had stated the opposite, and when this was pointed out to him at the main hearing, Hasan ČENGIĆ explained that the investigator in the pre-trial proceedings had asked

him whether Omer BEHMEN had given him a copy of *the Declaration* in his apartment, to which he had replied that he was not sure, but that he thought he might have done so. Omer BEHMEN had said, "Here, read this." The text was untitled and consisted of some eight to ten pages, although he told the investigator, at his insistence, that it was possible that the text had 10-12 pages. He said that the text was entitled "Declaration", and that he had read it in Omer BEHMEN's apartment and left it there. He also gave Omer BEHMEN a text entitled "The Necessity of Renewal." With regard to the work of the *Tabački mesjid*, he said that he had not obtained the material for preparation of the lectures by himself, but was helped by other students who were in charge of conducting the affairs of the *Tabački mesjid*. A large number of books, textbooks and texts published in various journals, both religious and secular, were used for this purpose. All activities in the *Tabački mesjid* were voluntary and he had no reason to pressure someone to work in the *mesjid*. He considered the prosecution's assertion that the work of the *Tabački mesjid* was banned in May 1981 as unjustified, because the *Tabački mesjid* had operated in both May and June that year, with lectures held every Wednesday. Once he had graduated from the Faculty in June 1981, he knew nothing further about the work of the *mesjid*. He claimed that in the period from February 1979, when the Republican leadership sent its letter to the Board of the Sarajevo Islamic Religious Community, there had been no excesses at the *Tabački mesjid*, nor had any official written or oral criticisms been made in that period. With respect to the statements of the witnesses, on which the prosecution founded its charges, he pointed out in particular that the witnesses at the pre-trial proceedings had interpreted in an inaccurate and distorted manner the conversations he had conducted with them on Faculty premises, whether in the *Tabački mesjid* or in other locations while engaging in private conversation. The majority of the witnesses interviewed who stated their views on the work of the *Tabački mesjid* had directly participated in preparing lectures for the *mesjid*. It was therefore completely illogical to have them accuse him of adding a political dimension to discussions at the *Tabački mesjid* and exceeding the permissible religious limits. He claimed that the prosecution's allegations that the *Islamic Declaration* was used and studied at the *Tabački mesjid* were absurd. On the contrary, the *Tabački mesjid* had its own conception, formulated exclusively by the students who were in charge of its work, and took into account the requirements and suggestions of their audience. Therefore, there had been no in-depth study of the basic theses of the *Islamic Declaration* at lectures in the *mesjid*, and this could be verified by a perusal of the lectures, copies of which were located in the archives of the Islamic Religious Community Board.

With respect to the detailed charges set forth on pages 11, 12 and 13 of the indictment, the accused Hasan ČENGIĆ stressed that the prosecution's allegations relating to written material were based on excerpts taken out of context, and even on incomplete citations. He claimed that he had never asserted the necessity of Islamising Bosnia and Herzegovina, and especially not in private conversation, nor had he advocated the establishment of Islamic political institutions, or the creation of an ethnically pure Muslim Republic of Bosnia and Herzegovina at lectures and discussions at the *Tabački mesjid*. It was true that he stressed that Islam represented a culture, a science and an economic and political system, that is, an integral way of life, an idea deriving from the Koran and a good deal of Islamic literature. He claimed that he had never said that Islamic theologians should be proselytised first and if need be soldiers and knights of the revolution. He claimed that he had never used the term "theologians" but rather "imams". He categorically denied the prosecution's charges that he had



preached and interpreted the Koranic *ayet*, "God will not change the situation of a people until that people changes itself," nor had he ever expressed a position or interpreted the *Jihad* in the manner alleged in the indictment. He denied the prosecution's allegations that he had spoken about the need to preserve the Muslim identity. Rather, he had stressed the need to preserve the identity of believers. To advocate nationalism would have meant overstepping the boundaries of Islamic teaching. Instead of national determination, Islam advocates a religious, spiritual community, namely, the "*umma*". He claimed that the prosecution alleged without any basis that he had paid tribute to members of the "Young Muslims" organisation, and had said that members of that former organisation should be visited and befriended, as well as that Muslim intellectuals needed to revive the organisation by continuing its activity. These allegations by the prosecution were completely unfounded. With respect to the text "The Necessity of Renewal," he said he had given it to Džemal LATIĆ for him to make linguistic comments on the text. However, he did not remember whether he had given the text to Nermina JAŠAREVIĆ and Šefik KURDIĆ to read, although he allowed for the possibility that the two of them had read the text.

The accused Hasan ČENGIĆ did not deny the prosecution's allegations that he was visited by Hasib BRANKOVIĆ in his village of Odžak near Foča. However, on that occasion, he had not discussed a trip to Iran with BRANKOVIĆ. He claimed that BRANKOVIĆ merely conveyed to him Omer BEHMEN's invitation to visit his house when he next visited Sarajevo. He remembered that this was sometime in November 1982. At that time he went to Sarajevo to purchase construction material for the family house, and visited Omer BEHMEN's home. They spoke about the fact that he was waiting for his call-up papers, but no one mentioned a trip to Iran. Only after a month, when he met Omer BEHMEN in Sarajevo, and after he had informed BEHMEN that he had been freed from the obligation of doing military service, did BEHMEN mention the possibility of travelling to Iran. Omer BEHMEN told him that he should not speak about the trip at his house, but in the end he left it to ČENGIĆ to decide whether to conceal this information from his family. He said that Omer BEHMEN had suggested that he get in touch with Huso ŽIVALJ who was also supposed to travel to Iran. He did get in touch with him, and after this contact he got in touch with Ismet KASUMAGIĆ and agreed upon the way in which they would travel to Iran. Namely, he and KASUMAGIĆ agreed that the two of them would travel by car to Istanbul, together with Ismet KASUMAGIĆ's family. In Istanbul they would join the remaining passengers who were travelling to Iran via Vienna. He claimed that he first saw and met Edhem BIČAKČIĆ in the plane at Istanbul airport. After they had landed in Teheran, KASUMAGIĆ and he had some trouble over the stamping of their passports. The matter was, however, finally resolved so that the two of them were given permission to enter Iran without having their passports stamped, which had already been arranged for the other three passengers, that is, Omer BEHMEN, Edhem BIČAKČIĆ and Huso ŽIVALJ. He claimed that he, too, personally intervened at the airport so as not to have his passport stamped, and that he insisted on this so that he would not have any problems once he returned to Yugoslavia. As far as their stay in Iran was concerned, Hasan ČENGIĆ claimed that he was not present in the Teheran hotel room when a certain Ministry official supposedly came and informed Omer BEHMEN and the rest of the group that they would be seen by a Minister or another official. He remembered that the following day an official of some Ministry came by car, and accompanied them to a building which to him did not appear to be a Ministry. He believed that they had not been

brought to see a Minister, but perhaps an official of the given Ministry instead. Huso ŽIVALJ had not accompanied them to the Ministry since he was injured and had remained in his hotel room. Before the official came to pick them up and drive them to see the supposed Minister, they discussed the question of what they would talk about with the Iranian official in their hotel room. He remembered that he personally suggested that something be said about Islam and the Islamic Community in Yugoslavia, and he suggested that he speak with the Minister on these matters since he was best acquainted with them. On that occasion they also agreed that Ismet KASUMAGIĆ would first express their thanks for the hospitality extended to them, and that an *ayet* from the Koran would be read in Arabic. He remembered that Omer BEHMEN, Ismet KASUMAGIĆ, Edhem BIČAKČIĆ and Huso ŽIVALJ also discussed what should be said at the meeting in the Ministry. However, he did not hear what they had agreed on, because in the meantime he went to another part of the room and started making his own notes. When they arrived at the Ministry and began their discussion with an official, in a room measuring only four square metres, he said what he had intended to say before the official. Among other things, he informed him that there were 2,000 mosques and *mesjids* in Yugoslavia, that there were 3.5 to 4 million Muslims and Albanians in Yugoslavia, but that it was not known how many of them were believers. He recalled that the Ministry official suggested that he pursue graduate studies in Iran, whereupon he expressed his thanks. He suggested to the official that co-operation be instituted between faculties in Iran and the Islamic Faculty and *medresa* in Sarajevo, and that literature on Shiism be sent from Iran to the address of the Islamic Faculty in Sarajevo. He said that Ismet KASUMAGIĆ initiated the conversation with this official, thanked him for his hospitality, and read an *ayet* from the Koran, so as to convince this official that they were true believers. They told him that they had come from Yugoslavia and did not officially represent any institution. They explained that they were Muslim believers and therefore interested in Iran, because of its past and its culture, as well as because of current developments. Ismet KASUMAGIĆ and Omer BEHMEN conducted most of the conversation with the Iranian official in English, but he succeeded in largely following their discussion. He remembered that among other things, Ismet KASUMAGIĆ said that political and economic relations between Yugoslavia and Iran were good, that both countries were non-aligned, and that such relations would probably continue in the future. He remembered that KASUMAGIĆ emphasised that Iran should communicate with the Islamic Community in Sarajevo as well as with all official state representatives when inquiring about the position of Muslims in Yugoslavia and the problems they faced. As far as he could remember, KASUMAGIĆ said that Iran imported *halal* meat from Yugoslavia, but that Yugoslav Muslims had no guarantees of that kind. He could not remember what Omer BEHMEN had said on this occasion, but he asserted that BEHMEN occasionally interrupted the conversation between KASUMAGIĆ and the Ministry official.

He did not remember Edhem BIČAKČIĆ joining in the conversation at any point. The conversation ended in a rather odd manner, because at one point the official got up, thanked them for their visit and left probably to perform a *namaz*. The conversation in the Ministry lasted about 45 minutes. As far as their contacts with revolutionary guards were concerned, he claimed that they had not conducted discussions of the nature described in the indictment, but that those individuals served as guides and provided various explanations of a purely technical nature. They explained what was where, what could be purchased, and so forth. No one said a word about Muslims

being endangered or disenfranchised in Yugoslavia, as was alleged without foundation in the indictment.

In his defence, the accused Ismet KASUMAGIĆ asserted that he often travelled aboard on official business, primarily to various symposiums, or on business that had to do with bilateral co-operation and such. He covered practically the whole of Europe, the Near East, the Middle East and Northern Africa. He had visited Iraq as a United Nations expert from 15 March 1981 to 5 April 1982. Sometime in the summer of 1982, after he had returned to Yugoslavia, he heard in Sarajevo one day that a *bula* /Muslim religious teacher/ from Sarajevo had gone to Iran with her husband and returned deeply impressed. This information about Iran heightened his desire to visit the country. In September 1982 he went to Alija IZETBEGOVIĆ for some legal advice. He told him, among other things, that he was supposed to travel to Vienna in connection with his future work for the United Nations. Alija IZETBEGOVIĆ then suggested that they travel together, because he too intended to visit Vienna to explore the possibility of a group visit to Iran through the Iranian Embassy in Vienna. The two of them, together with Omer BEHMEN, travelled to Vienna in October 1982. He said he caught the same train in Zenica on which IZETBEGOVIĆ and BEHMEN had set out from Sarajevo, but that no discussions were conducted about the *Declaration* in the train, nor did anyone mention it. They had not discussed anything relating to what they would say if they were to meet with the Iranian Ambassador in Vienna. He claimed that he was not at all pleased when he learned in Vienna that they would first call upon Teufik VELAGIĆ, because he knew that he was an émigré, and had not seen him fully twenty years. However, IZETBEGOVIĆ and BEHMEN persuaded him, so they went together to VELAGIĆ's apartment. VELAGIĆ phoned some individual, who subsequently arrived. He remembered that the man was swarthy, around 40 years old, and had a beard. He had the impression that he was Iranian. This man took them to another apartment where the three of them remained, while this individual and his wife looked after them and put themselves at their disposal. He remembered that Omer BEHMEN spoke twice with someone over the phone, and that someone subsequently called him. His impression was that the telephone conversations were conducted between BEHMEN and VELAGIĆ. The following day, in this apartment, Alija IZETBEGOVIĆ mentioned the *Declaration*, and at that moment he noticed a copy of the book on the table. He remembered that the book was in Arabic. He did not notice whether Alija had taken the *Declaration* out of his bag, or whether the book had been there earlier. He claimed that Alija then said that he wished to give that copy of the *Declaration* to the Iranian Ambassador, and to set forth the basic premises of the *Declaration*, as well as to find out to what extent they conformed with the Shiite view of Islam. He remembered that someone then said that the Ambassador might be interested in the Muslims in Yugoslavia, and it was agreed that Omer should say a few words on the matter. In that interval, Alija noted down what needed to be discussed with the Ambassador. He then copied these notes, to have them with him if they happened to meet with the Iranian Ambassador. He could not remember whether the theses included anything else besides the *Declaration* and the position of the Muslims in Yugoslavia, and the second issue was to be discussed only if the Ambassador himself raised it. Since he had his own official business to conduct, he could not wait in the apartment for a meeting with the Ambassador, and so he left for Yugoslavia, while Omer BEHMEN and Alija IZETBEGOVIĆ remained in Vienna. He did not know whether they met with the Iranian Ambassador. He recalled, however, that a

month later in Sarajevo, he saw Alija IZETBEGOVIĆ and that they talked briefly. Alija told him there would be some developments, and he understood that Alija was speaking about their trip to Iran. He was in a great hurry and could not stay longer to ask Alija whether he and Omer had met with the Ambassador and had a conversation with him. In mid-December 1982, in Sarajevo, Omer BEHMEN informed him that he would be travelling to Iran on 2 January 1983. BEHMEN gave him his telephone number so they could talk again prior to his departure. Omer BEHMEN also gave him the number of VELAGIĆ's apartment in Vienna, while he, in turn, gave BEHMEN the number of his relative in Turkey, Ešref AVDAGIĆ, so that they could get in touch by phone. They exchanged these numbers because Omer BEHMEN was supposed to travel, together with Edhem BIČAKČIĆ and Huso ŽIVALJ, to Iran via Vienna, while he himself was supposed to travel with Hasan ČENGIĆ to Istanbul, where they would all meet. He told his wife and daughter, who were also going to Istanbul with him, that he would have to tour certain metal works and institutes in Turkey, and that the two of them should stay in the hotel during that time. He did not want to tell them that he was going to Iran because he feared that they would both want to join him, since they always travelled together. He claimed that there was no special reason for concealing the trip to Iran from them, but that it was merely a question of money and travel expenses. From Istanbul he called Omer BEHMEN in Vienna, who informed him that there were still some problems remaining in connection with organising the trip and securing seats on a plane from Istanbul to Teheran. However, the following day, Omer BEHMEN called the number at Ešref AVDAGIĆ's apartment and informed him that tickets had been booked for both ČENGIĆ and him. However, when ČENGIĆ and he went to the Iranian company it was closed, so the two of them had to arrange the reservations themselves. When they boarded the plane in Istanbul, both his and ČENGIĆ's passports were stamped, and they were stamped yet again when they flew back to Istanbul. When they arrived at Teheran airport together with BEHMEN, BIČAKČIĆ and ŽIVALJ, they noticed that all three had special permits bearing their photographs, which ČENGIĆ and he did not possess. These permits served as entry visas to Iran and bore a stamp, so there was no need for their passports to be stamped. He claimed that Omer explained that he had tried to arrange such permits for the two of them in Vienna, but he that he had not had their photographs and this had posed a problem. After some time, the same permits were arranged for the two of them, so their passports were not stamped. Then certain persons came to the airport, who were on duty and probably in charge of receiving guests coming to attend the celebration. They took them by car to the *Azadi* hotel, where they checked into their rooms. At the hotel reception they talked briefly with these officials, but not in the manner alleged in the indictment. Namely, these persons, who were guides of some sort, were surprised to learn that there were Muslims in Yugoslavia. Omer BEHMEN explained to them that there were about four million Muslims in Yugoslavia. During their stay in Iran they toured several sites. One day, while they were in a hotel room, a Ministry official came by and talked to Omer BEHMEN at the entrance to their suite. When the conversation was done, BEHMEN explained that they would have an opportunity to visit the Ministry. However, to this day he did not know whether Omer BEHMEN had proposed the meeting in the Ministry to the official, or whether this was an initiative coming from the Ministry. He noticed that ČENGIĆ and BIČAKČIĆ occasionally approached Omer BEHMEN and the official as the two of them spoke, but he did not hear ČENGIĆ or BIČAKČIĆ speaking with the official. After the Ministry official had left the hotel room, and once Omer BEHMEN had informed them about the visit they were to pay to the Ministry,

BEHMEN began to talk about what they needed to discuss at the Ministry. They had an intense discussion, and certain suggestions were made. His impression was that Omer BEHMEN, Hasan ČENGIĆ and Edhem BIČAKČIĆ could not agree, so he came out of the bedroom and joined in the discussion. Huso ŽIVALJ remained in bed and did not join them. He said that he thought that Omer BEHMEN and the rest of the group who started the discussion were not prepared for the meeting at the Ministry and had no experience of such situations. Omer BEHMEN recapitulated their discussion and suggestions, and stressed, among other things, that the Ministry should be informed that a copy of *The Islamic Declaration* had been submitted to the Iranian Government through the Iranian Ambassador in Vienna. He added that they should inquire about the Iranian view of *The Islamic Declaration*. In addition, BEHMEN said that an exchange between Iran and the Islamic Religious Community, the Islamic Faculty and the *Gazihusrefbeg* library in Sarajevo should be proposed. He also said that they should inform the Ministry that their radio station could not be heard in Yugoslavia, and that they should propose an improvement in the quality of transmission. He then suggested to Omer BEHMEN that economic co-operation, the hiring by Iran of Yugoslav experts, should also be suggested to the Ministry. During this conversation in the hotel room, they further said that the Islamic Community and its problems should be mentioned at the Ministry. However, they had not agreed to attack the Islamic Community or label the Community employees as individuals loyal to the regime. He also claimed that no one mentioned oil or anything that could be connected with a desire to change the situation in the SFRY, as alleged in the indictment. The following day they were taken to the Ministry, although the building reminded him of a police station. He simply could not believe that it was a Ministry, or that they had been brought to meet with a Minister, especially since the room was very modest, measuring four square metres in size. As soon as they entered the room of this Ministry, they were criticised for not speaking Arabic. He then thanked the official for the hospitality, explained that they were Muslim citizens of Yugoslavia, not an official delegation, and that they had come there with the assistance of the Iranian Ambassador in Vienna who was supposed to have made available a copy of *The Islamic Declaration* and that they were interested in the views of Iranian theoreticians, in view of possible differences of approach concerning Islam. He also said that they had come to see what an Islamic Republic was like after the monarchy's overthrow. He said he would be glad if Yugoslavia and Iran, as non-aligned countries, were to expand their economic co-operation, and if Iran were to hire Yugoslav experts to help in developing the country. At one point the official looked at him questioningly, and Omer BEHMEN added the word "petrol," meaning oil. He then explained to the Iranian official that countries which possess oil have no difficulties in establishing economic co-operation with other countries. After he had finished, the Ministry official immediately said that he had not received a copy of the *Declaration*. He subsequently asked how they had come to Iran for this celebration since they were not imams. Omer BEHMEN interrupted at this point and explained that Yugoslav Sunni imams were not interested in events in Iran. Omer BEHMEN also pointed out that there was an Islamic Faculty in Sarajevo, in which the official expressed interest. Then Hasan ČENGIĆ, speaking in Arabic, described the programme and activities of the Islamic faculty. For this reason he had not been able to understand what ČENGIĆ said in this discussion, but from the manner in which he was speaking, he gained the impression that the topic was the programme of activities pursued by the Islamic Faculty in Sarajevo. Omer BEHMEN then pointed out that Radio Teheran could barely be heard and suggested that Iran build a relay station in some friendly country,

for instance Libya, which would improve the quality of transmission of Radio Teheran to Europe. He remembered that BEHMEN said that a dual approach existed in the Islamic Community in Yugoslavia, which created certain problems for the Community. He claimed that no one had said that Muslims were endangered in Yugoslavia, that they were in a subordinate position, that those employed in the Islamic Community were people loyal to the regime, nor had anyone proposed that Iran use oil as a means to put pressure on Yugoslavia with the purpose of improving the position of Muslims in the country. At one point the Ministry official, who the prosecution alleges was a Minister, interrupted the discussion and told them he would do everything within his means. During the conversation, the official took no notes, and neither did the official who had taken them to the Ministry from the hotel. As far as their stay in Iran was concerned, the accused Ismet KASUMAGIĆ noted that Omer BEHMEN expressed the desire, at the reception desk of the *Azadi* hotel, that their presence not be made public, that is, they did not wish to make any statements or have their photographs taken. At the reception desk, no discussions of the kind alleged in the indictment had been conducted. If any such discussion had taken place, neither ČENGIĆ, nor ŽIVALJ nor BIČAKČIĆ could have followed that alleged discussion which Omer BEHMEN and he conducted with the officials at the reception desk. because there was a lot of noise in the hotel and a mass of delegations from many Asian and African countries. In the pre-trial proceedings, among other things, the accused Ismet KASUMAGIĆ /illegible/, in his discussion with the Ministry official, pointed out /illegible/ to use economic power in order to improve the position of Muslims in Yugoslavia, and that the Iranians could represent the interests /illegible/ of Muslims in the entire world. When this was pointed out to him at the main hearing, he explained that he had in fact spoken to the Ministry official in this regard, but he had not said that Iran should use its oil as a means of putting pressure on Yugoslavia, which was an unfounded allegation in the indictment. After returning from Iran, he visited Alija IZETBEGOVIĆ in his apartment. Alija IZETBEGOVIĆ told him he was annoyed that they had not met in Teheran. He said that Alija told him that he had wasted a great deal of time trying to go to Teheran, but in the end had not succeeded in realising his wish. Finally, he said that he had not become a member of the group in the sense of pursuing activities in the spirit of *The Islamic Declaration*, and regarded his trip to Iran as purely touristic in nature. The trip to Iran had not been planned or agreed upon in Yugoslavia, and the travellers did not even know one another at the time of their departure from Yugoslavia. The author of the *Declaration* had not been present during their sojourn in Iran, so this trip would represent a failure, if the prosecution's allegations were to be accepted that the group went to Iran to learn what the Iranian views of the *Declaration* and its basic premises were. He had never read the *Declaration* or had it in his hands. Assessing the contents of the *Declaration*, about which he had learned upon reading the indictment, he considered that the text was not acceptable in the conditions that prevail in our country and could not in any way be applied in our circumstances.

With respect to the charges in the indictment that were based on witness statements, the accused Ismet KASUMAGIĆ said those statements were unacceptable. Some of the witnesses were members of the former organisation "The Young Muslims" organisation, and were older people unwilling to go to prison. For that reason, he asserted, they had agreed in the pre-trial proceedings to make any kind of statement against those who were already in detention. As far as the other witnesses were concerned, he said they had inaccurately recapitulated the substance of the discussions

he had conducted with them. Most of those witnesses had made their statements on the basis of their own conclusions and impressions, and not on the basis of what they had heard from him directly in their discussions. He therefore categorically denied all the charges which were based on the statements of those witnesses. He claimed that he was never a nationalist. It was his conduct in his private life that could have led others to the view that he was a dogmatic person or a fanatic. He said that the allegations in the indictment were unfounded with respect to the charge that he had pursued the ideals of the "Young Muslims" from the day he left prison to the present day. He particularly denied the charges that his activities had noticeably increased under the influence of the Islamic Revolution in Iran. Principally, he did not have the time for the kind of activities alleged in the indictment, since he was extremely busy in his work, both as an assistant professor at the Faculty of Metallurgy in Zenica, as a United Nations expert, and so forth.

The accused Edhem BIČAKČIĆ said that of the accused, he knew Omer BEHMEN, who was his uncle, as well as Alija IZETBEGOVIĆ, whom he had met in November 1982 prior to the trip they took together to Vienna. He had met ČENGIĆ and KASUMAGIĆ when they travelled to Iran, and ŽIVALJ in mid-December 1982, just before they set out for Iran. Likewise, he knew Salih BEHMEN, Omer's brother, only superficially. Of course he knew his own sister, Đula BIČAKČIĆ. With regard to Omer BEHMEN, he said that he had lived in his house from 1966 to 1974, when he obtained an apartment from his company and moved from BEHMEN's house. He knew that Omer BEHMEN had a library, and when he departed he had left some of his books in the shed. The books were stored in a canvas suitcase and in two cardboard boxes. He had in fact learned about the books in the shed some two to three years before when his mother had complained about Omer BEHMEN's occasionally coming to the shed for his books. He acknowledged that he had obtained the text "Problems of the Islamic Renaissance" from Omer BEHMEN in mid-1982, and that he had read it at BEHMEN's suggestion. He had left the book on his shelf among his other books. He had not given this book to anyone to read, nor had he discussed its contents with anyone, not even Omer BEHMEN. Omer BEHMEN had also given him several journals, including *The Echo of Islam /Eho islama/* and a *Monograph on the Iraqi-Iranian War /Monografija o Iračko-Iranskom ratu/*, numbering about 50 to 60 pages. This book and the journals were discovered in his apartment when it was searched, although he was not present at that time. Furthermore, in his defence, he said that in mid-November 1982, his uncle Omer BEHMEN had said there was a possibility they would be travelling to Iran, and asked him if he would like to go. Since he had travelled to Iran in 1978 together with his mother and sisters, before the Revolution, he wanted to see the country again. He therefore accepted Omer BEHMEN's suggestion, never thinking that one day he would be held accountable for the trip. Several days later BEHMEN and he again discussed the trip to Iran, and that was when BEHMEN told him not to tell anyone about it. Omer BEHMEN suggested that he should travel to Vienna on 29 November 1982, and determine the exact date for the journey in the Iranian Embassy. Then BEHMEN gave him a list of six persons supposed to travel to Iran, as well as several phone numbers of Teufik VELAGIĆ in Vienna, whom he was supposed to call upon his arrival there. The list included his name, and those of Omer BEHMEN, Alija IZETBEGOVIĆ, Ismet KASUMAGIĆ, Hasan ČENGIĆ and Huso ŽIVALJ. Alija IZETBEGOVIĆ went with him on his trip to Vienna, in order to revise his book *Islam Between East and West*. He remembered that in one of their discussions, Omer BEHMEN told him to go to the shed, find *The*

*Islamic Declaration*, and read it. When he went through BEHMEN's books and other material in the shed, he could not find *The Islamic Declaration*, so he did not read it. He later informed Omer BEHMEN of this, who replied that it was not important. He claimed that he first saw *The Islamic Declaration* in the pre-trial proceedings, when a copy was shown to him. In the pre-trial proceedings he was also shown copies of the *Declaration* in Arabic and Turkish, and he then remembered that he had seen those copies of the *Declaration* in the shed when looking for a copy in the Serbo-Croatian language. He claimed that Huso ŽIVALJ's statement that he had read the *Declaration* prior to leaving for Teheran was inaccurate. However, he allowed for the possibility that he had said in Huso ŽIVALJ's presence that Omer BEHMEN had suggested that he read the *Declaration*, and that Huso ŽIVALJ had misunderstood what he meant. He said that Omer BEHMEN had given him the money for the deposit, when he was supposed to go to Vienna with Alija IZETBEGOVIĆ to determine the time when they would be travelling to Iran. With regard to the conversation at the Iranian Embassy in Vienna, conducted in late November 1982, he said that the discussion was for the most part conducted between Teufik VELAGIĆ and the Iranian Ambassador Muhamed KERESI, in German. When the conversation was over, VELAGIĆ explained that he had learned from the Ambassador that there would be numerous celebrations in Iran around the New Year, but he could not specify the exact time when the travellers from Yugoslavia could go to attend one of those celebrations. In response to IZETBEGOVIĆ's question, VELAGIĆ explained that these individuals would obtain special visas and that their passports would not be stamped. On the occasion of this meeting in Vienna, he transmitted the list of names, given to him by Omer BEHMEN upon his departure from Yugoslavia, to the Iranian Ambassador. During the meeting with the Ambassador, he remembered that IZETBEGOVIĆ spoke with the Ambassador in English, and as far as he could understand IZETBEGOVIĆ mentioned his book *Islam Between East and West*. He understood that IZETBEGOVIĆ also said something about the fact that reports from the Iraqi-Iranian front were carried by the Yugoslav press on a daily basis, but that he had noticed that on occasion the reports on Iraq were printed in boldface in the newspaper *Oslobodenje*. He claimed that during this visit to Vienna, IZETBEGOVIĆ said that he should tell no one that they had been to VELAGIĆ's place and had met with the Iranian Ambassador. The accused BIČAKČIĆ also said that prior to going to see the Ambassador, they had stayed in VELAGIĆ's apartment. He remembered that, while watching the news on television, VELAGIĆ had spoken of the superiority of the system in Austria. After he returned from Vienna, he met with Omer BEHMEN and informed him about the results of his conversation with the Iranian Ambassador. BEHMEN protested and was not pleased that celebrations would be held during their planned trip to Iran, because officials from the Islamic Community might be invited, which would be undesirable since they might meet them there. He claimed that during their initial conversation about the possibility of going to Iran, BEHMEN stressed to him the importance of not letting anyone know about the trip.

In the pre-trial proceedings, Edhem BIČAKČIĆ said, among other things, that VELAGIĆ, commenting on the news, had said that a multi-party system such as the one Austria had would be more appropriate for Yugoslavia. He further added that Yugoslav intellectuals living outside the country were exerting efforts to have such a system established, which would better suit the Muslims of Yugoslavia. Furthermore, in the pre-trial proceedings, he said that during the conversation with the Ambassador in Vienna, IZETBEGOVIĆ had said that the Yugoslav press devoted more attention



to reports from Iraq, which were printed in boldface. When this part of his defence from the pre-trial proceedings was pointed out to Edhem BIČAKČIĆ, he said that what he had said at the main hearing was true. As far as the relevant section from his defence in the pre-trial proceedings was concerned, he explained that the investigator had inaccurately interpreted his statements relating to those circumstances, and that they therefore acquired a different meaning and content.

With respect to his trip to Iran, the accused Edhem BIČAKČIĆ said that one day, after he had returned from Vienna, he phoned Omer BEHMEN and told him that everything had been arranged concerning the trip, and a definite date had been set. He gave him Huso ŽIVALJ's telephone number so that the two of them could get in touch, and discuss the exact date when they would leave Sarajevo together for Vienna. Subsequently, ŽIVALJ and he agreed to meet one day at the Cathedral in Sarajevo. This is when they first met each other and discussed the trip. ŽIVALJ said that in Iran he would express his opinion about the President of the Islamic Religious Community, Ahmed SMAILOVIĆ, and about the problems relating to *halal* meat. He claimed that during this conversation, he did not tell ŽIVALJ that he had read *The Islamic Declaration*, but he allowed for the possibility that he had told him that Omer BEHMEN had suggested that he read the *Declaration* before travelling to Iran. During this meeting they agreed to meet at the railway station in Sarajevo on 30 December 1982, from where they travelled by train to Zagreb and then on to Vienna. They arrived in Vienna the following day at 7.00 hours, where Omer BEHMEN and Teufik VELAGIĆ met them at the station. At the station he immediately called his wife in Sarajevo and told her not to worry, that he had had a good trip and was calling from Slovenia. They then set out from the railway station in the direction of the Iranian Embassy. When they arrived at the Embassy, they were informed by the reception clerk that Ambassador KERESI was not available. After several minutes, they were approached by a young man wearing a revolutionary guard uniform who took them to the second floor of the Embassy. There they met the Ambassador's deputy, and Teufik VELAGIĆ was the only person who spoke with him. VELAGIĆ explained that they had come from Yugoslavia and were supposed to travel to Iran to attend one of the celebrations, and that this trip had been agreed on earlier with the Ambassador. The Embassy official then explained that Ambassador KERESI was in Holland or Hungary. After speaking with KERESI on the phone, the Ambassador's deputy became more forthcoming and told them to come the next day at 11.00 hours, and to bring two photographs each in order to obtain Iranian visas. He said that they would receive their plane tickets at the airport, at the offices of the Iranian airline company. He said that Omer BEHMEN suggested to VELAGIĆ that he ask the Ambassador's deputy to have special visas issued on separate pieces of paper so that no one would know they had gone to Iran. When VELAGIĆ conveyed this to the Ambassador's deputy, he said that everything would be all right and that there would be no problems. From the Iranian Embassy they went to VELAGIĆ's apartment, and he gave VELAGIĆ the package which Alija IZETBEGOVIĆ had sent him. He remembered that while they were in VELAGIĆ's apartment, Omer BEHMEN was continually expecting Alija IZETBEGOVIĆ to arrive. At one point, BEHMEN said that Alija would probably come to Istanbul. The following morning they went to the railway station where they had their photographs taken. They took the photographs to the Iranian Embassy, where they arrived at around 11.00 hours. Embassy officials took their photographs and passports and told them to wait. After an hour, everything was finished, and they got their passports and papers bearing their photographs and

entry visa stamps. The Ambassador's deputy told them they would be travelling the following morning, that is, on 2 January 1982, at 10.00 hours. They returned to Teufik VELAGIĆ's apartment again, where they spent the night. From the apartment, VELAGIĆ and BEHMEN called a certain Alija by phone, who informed them that he would pick them up the following morning at 7.00 hours to drive them to the airport, which is what happened. When their plane landed in Istanbul, they were joined by KASUMAGIĆ and ČENGIĆ, who had travelled to Istanbul by car. He remembered that in the course of their flight from Istanbul to Teheran he spoke with Huso ŽIVALJ about LUBARDA and his writings. ŽIVALJ said, among other things, that Serbs in their writings denigrate the Muslims and do not suffer any consequences, since they enjoyed the strong backing of Belgrade. Upon their arrival at Teheran airport, ČENGIĆ and KASUMAGIĆ had problems regarding their entry visas to Iran, but after a three to four hour wait things were settled. Subsequently, two revolutionary guards arrived by car at the airport and took them to the *Azadi* hotel where the remaining guests were accommodated, namely, the participants in the Congress of Reconciliation Between the Shiites and Sunnis. The following morning they went by bus to tour the city of Qom, and they spent the next two days touring other places in Iran. One afternoon, a revolutionary guard named MOKTAR came to their suite at the hotel. KASUMAGIĆ and BEHMEN spoke to him at the door, and the conversation lasted several minutes. Then Omer BEHMEN explained that they would be received in one of the Ministries the next day at 10.00 hours. Omer BEHMEN, Huso ŽIVALJ and Ismet KASUMAGIĆ started talking about what they needed to discuss at the Ministry, and BEHMEN said they should ask whether they had received a copy of *Bejan*, meaning the *Declaration*, and that their views on the text should be obtained. KASUMAGIĆ and ŽIVALJ then discussed what should be mentioned at the Ministry. KASUMAGIĆ started drafting an outline. He said that they should first express their thanks for the hospitality extended to them, and then draw the Iranian officials' attention to the possibility of intensifying co-operation between the Faculty, the *medresa* and the library in Sarajevo with similar institutions in Iran. ŽIVALJ mentioned President Ahmed SMAILOVIĆ, and the problems relating to *halal* meat. In connection with these suggestions made by KASUMAGIĆ and ŽIVALJ, he remembered that Omer BEHMEN expressed the view that nothing bad should be said about the Islamic Religious Community, since an Iranian delegation had visited Sarajevo, and they were probably acquainted with the work of the Islamic Religious Community in Sarajevo. He also remembered that during this conversation in the suite, KASUMAGIĆ had said that they should suggest that Iran seek the expert assistance of Yugoslav specialists and companies, to make it possible for Bosnian companies to get plenty of work in Iran. This would enable people from Bosnia and Herzegovina to go to Iran. Furthermore, Omer BEHMEN said that a suggestion should be made to the effect that the Iranian radio station increase the quality of transmission of its broadcasts by setting up transmitters in North Africa so that their radio broadcasts might be heard in Europe. In this way, they would be able to counter American propaganda. However, in the pre-trial proceedings, the accused Edhem BIČAKČIĆ had said, regarding this conversation in the suite prior to their departure for the Ministry, that Ismet KASUMAGIĆ and ŽIVALJ had discussed out loud, among other things, the topics which should be brought up and discussed in the Ministry aloud. He had thus overheard the two of them say that the character of the Islamic Religious Community in Yugoslavia and its President should be mentioned, and that people loyal to the regime worked in the Islamic Community, and were of no help to Muslims.

Further in his defence, Edhem BIČAKČIĆ said that the revolutionary guard MOKTAR came to pick them up the next day and took them to the Ministry, but that Husein ŽIVALJ stayed in the hotel because he had hurt his eye. In the Ministry, they were received by Salman GAFARI, who spoke to them in Arabic, which created a slight misunderstanding, since they had expected the discussion to be conducted in English. They were criticised by Salman GAFARI for not speaking Arabic. He claimed that the entire conversation was conducted with the assistance of the revolutionary guard MOKTAR, who translated everything Salman GAFARI said from Arabic into English. Only Hasan ČENGIĆ spoke with Salman GAFARI directly in Arabic for a brief period of time. The discussion began with Ismet KASUMAGIĆ reading out an *ayet* from the Koran, and then expressing his thanks for the hospitality extended to them. MOKTAR translated everything KASUMAGIĆ said in English to Salman GAFARI into Arabic. Although he speaks English rather poorly, he understood that KASUMAGIĆ said that their great desire was to see imam KHOMEINI. Subsequently he said a few more words about his trip to Iraq, and set out his impressions. Omer BEHMEN then spoke of the number of Muslims in Yugoslavia, and the number of mosques, citing by name the various places that had over ten mosques. He also spoke about the Islamic Religious Community and the fact that the exact number of Muslim believers in Yugoslavia was not known. He claimed that he did not mention the *Declaration*, and that Omer BEHMEN mentioned it only as they were driving back to the hotel. After BEHMEN, Hasan ČENGIĆ spoke in Arabic, and informed the Minister about the Islamic Faculty in Sarajevo, and about its programme and curriculum. No one else joined in this conversation with the Minister, which lasted almost an hour. The Minister himself abruptly interrupted the conversation, explaining that he had certain commitments and had to go. However, in the pre-trial proceedings, Edhem BIČAKČIĆ had said that during this conversation with the Minister, Omer BEHMEN said that the *Declaration* had been sent via the Iranian Embassy. He asked the Minister if he had read the *Declaration*, to which the Minister responded that he had not, but that he had heard of it. In the pre-trial proceedings, he had also said that during their conversation in the suite, Ismet KASUMAGIĆ said that they should suggest to the Minister that Bosnian companies be chosen from among various Yugoslav companies to work in Iran because Muslims mostly lived in Bosnia and Herzegovina. In that manner, a larger number of Muslims would be able to visit Iran, and this would be conducive to an improvement in the position of Muslims in Yugoslavia.

With respect to the conversations conducted between the hosts and the group during their stay in the *Azadi* and *Huvejzi* hotels, he said that he remembered that at the *Huvejzi* hotel BEHMEN and KASUMAGIĆ spoke with people wounded at the front, and that these individuals had related events that had occurred on the front lines. It is true that he had not heard everything that KASUMAGIĆ had said to the wounded, but he supposed that he too spoke about the same matters. No conversation of any kind was conducted which could be characterised as inimical towards Yugoslavia. Rather, the conversation mainly pertained to the accounts of the wounded concerning events on the front, and their explanations relating to the Iranian Revolution. He denied that in the course of his visit to Iran, he conducted any kind of conversation with Hasan ČENGIĆ about the Islamic Revolution in Iran, or the influence of the Revolution on Yugoslavia. During their sojourn in Iran, ČENGIĆ did not say, in his presence, that infidels should be killed, that they should not be greeted, that *Jihad* should be pursued

to the end so as to exterminate the enemy and infidels and thus create a pure Muslim state. Upon his return from Iran, some ten days later, Omer BEHMEN visited his house and asked him to write down a chronology of events and the locations they had visited. He also suggested that he jot down some of his impressions of the trip, but that there was no hurry. In about ten days, he did in fact write a chronology and gave it, in manuscript form, to Omer BEHMEN. In early March 1983, BEHMEN brought a manuscript describing his impressions of their trip to Iran, and he gave the text to his sister Đula to type. Đula typed the text, which numbered five pages. Several days later, Omer BEHMEN brought to Đula a manuscript containing further impressions of their trip to Iran, and said that it urgently needed to be typed. Đula typed the text, and the following morning BEHMEN came to collect it and took it with him. The text was 16 pages long. He said that he had given his sister Đula a text which set forth the chronology of events during their trip to Iran. However, Đula did not succeed in typing this text. He claimed that the text was identical with the results of the lie detector texts performed during the pre-trial proceedings. In the end, he said that he had never joined any group, nor had he in any way acted in a hostile manner against Yugoslavia. All the charges contained in the indictment related to a period of two months, that is, from mid-November 1982 to mid-January 1983. In that period, he had, for the first time, met Alija IZETBEGOVIĆ, Hasan ČENGIĆ, Ismet KASUMAGIĆ and Huso ŽIVALJ. Taking all of the above into account, including the fact that he had never read *The Islamic Declaration*, and particularly the exemplary life he had led in the past, he considered that the prosecution had not proved its allegations.

The accused Huso ŽIVALJ stressed in his defence that he had gone to Iran unexpectedly and quite by chance. He did not know the persons he was travelling with, or he knew them very little. For example, he met Edhem BIČAKČIĆ immediately before their departure. He only had one brief conversation with Ismet KASUMAGIĆ in KASUMAGIĆ's house in Zenica before they left for Iran. As for Hasan ČENGIĆ, they had had two or three chance encounters while praying in mosques. The only person he occasionally met with was Omer BEHMEN, which meetings were not accidental. He had had a great desire to travel to Iran, especially in view of the recent developments in that country, so he had seized the opportunity offered. It had never occurred to him that the journey could have any other purpose than that of attending religious celebrations. This was, after all, what Omer BEHMEN had told him. This clearly indicates that he could not have become a member of certain group, and that he was only their travelling companion. He explained that he had met Omer BEHMEN sometime in mid-December. BEHMEN told him they had a chance to travel abroad, but he did not specify that the country in question was Iran. BEHMEN also told him that the journey could take place at the end of December, and that he would inform him later on about the exact date and other details. After checking with his company, ŽIVALJ found out that he still had seven days of vacation left. So, he went to Omer BEHMEN's place one day and told him he accepted the proposal. It was then that Omer BEHMEN told him they were travelling to Iran to take part in religious celebrations, and that they might be travelling free of charge, stressing that he should still bring some foreign currency with him. He claimed that, on this occasion, Omer warned him not to tell anyone about the trip, including his family. He met Omer again two or three days later, who informed him that Ismet KASUMAGIĆ, Hasan ČENGIĆ and Edhem BIČAKČIĆ would also be travelling with them. Omer gave him Edhem BIČAKČIĆ's telephone number,

suggested he call Edhem and get acquainted with him, and added that BIČAKČIĆ would inform him about the date of departure. He met Edhem BIČAKČIĆ near Sarajevo cathedral one day, and BIČAKČIĆ asked him if he had read *The Islamic Declaration*. This question came as a surprise, because he had read a text with that title two years before. He had got the text from Muhamed KUPUSOVIĆ and it discussed Muslims and Islam in some 20 pages. At one point, it referred to Islam as a method of political struggle. He felt this was a tricky part and told this to Muhamed KUPUSOVIĆ when returning the text to him. He asked Muhamed KUPUSOVIĆ where he had obtained the text, but KUPUSOVIĆ did not give him an answer. He maintained that Edhem BIČAKČIĆ told him on this occasion that he too had read the *Declaration* and wanted to read it again. At the meeting, they agreed to meet at Sarajevo railway station on 30 December 1982. That day they departed for Vienna, and Omer BEHMEN and Teufik VELAGIĆ met them at the railway station there. He saw Teufik VELAGIĆ for the first time. He remembered that, while still on the train, Edhem BIČAKČIĆ had told him that they would probably stay with Teufik VELAGIĆ in Vienna. However, BIČAKČIĆ did not tell him who Teufik VELAGIĆ really was, and that he had visited him before. That same morning they went straight to the Iranian Embassy, where an official informed them that the Ambassador was absent. He advised them to come again the next morning. He found out then that their passports would not be stamped and that they would get special visas - cards with their photographs. He remembered that Omer BEHMEN had telephoned someone in Istanbul from VELAGIĆ's flat during their stay in Vienna. He knew that KASUMAGIĆ and ČENGIĆ would join the three of them in Istanbul. In Vienna, he also discovered that Alija IZETBEGOVIĆ was supposed to travel with them, information which Omer BEHMEN had not shared with him in Sarajevo before they left on this trip. He noticed that Omer BEHMEN was upset because Alija IZETBEGOVIĆ did not arrive as he was awaiting him impatiently. When they landed at Tehran airport, ČENGIĆ and KASUMAGIĆ had problems because the passport control refused to let them through because they had no visas. However, after Omer BEHMEN had intervened, and after waiting for three hours, everything was arranged. Meanwhile, Omer BEHMEN had telephoned VELAGIĆ in Vienna in order to solve this problem and get visas for ČENGIĆ and KASUMAGIĆ, after which two officials arrived and drove them to the *Azadi* hotel. While they were sitting in the lobby waiting for rooms, an Iranian approached them and began asking questions, most of which Omer BEHMEN answered. He asked them how many Muslims there were in Yugoslavia, and Omer BEHMEN replied that there were between three and four million, but of different nationalities. While answering these questions, Omer BEHMEN also said that Yugoslavia had a different system, in which atheists on the whole enjoyed preferential treatment, that there were few religious people in executive positions, that the Islamic Religious Community was under the influence of the authorities and that they had problems in attaining religious freedoms. They set off to visit certain places in Iran by bus the next morning. Sitting next to Ismet KASUMAGIĆ on the bus, he noticed that KASUMAGIĆ was holding a piece of paper and taking notes. During the ride, KASUMAGIĆ was asking him questions about the curriculum of the Islamic Faculty in Sarajevo, and this surprised him greatly because he knew that Hasan ČENGIĆ was a theologian and KASUMAGIĆ could have obtained more detailed information from him. While on the bus, Ismet KASUMAGIĆ also told him that co-operation with the Iranians could be developed through companies whose workers would be able to come and work in Iran, including Muslims who would be provided with an opportunity to get to know Iran. He added

that such co-operation could also be pursued by faculties, by means of student and library exchanges. In this context, he mentioned Gazihusrefbeg's Library in Sarajevo. KASUMAGIĆ did not suggest that Iran should use petroleum as means of imposing pressure on Yugoslavia. During this conversation, he told KASUMAGIĆ that the Islamic Community should publish a translation of the *Koran* instead of getting it from a publishing house in Zagreb. Further in his defence statement, he said that he had injured himself near a drinking-fountain the next day, and so stayed in the hotel almost all the time. He occasionally went to a clinic in Tehran to be bandaged. He shared a hotel room with BIČAKČIĆ, while BEHMEN, KASUMAGIĆ and ČENGIĆ were accommodated in a suite. Edhem BIČAKČIĆ often visited the suite, while he remained in bed because of the injury to his eye. Once when he went into the suite he heard BEHMEN and the others talking about a forthcoming meeting at the Ministry. He heard Omer BEHMEN say that he was not sure if the Iranians had received certain materials, but not specifically mentioning the *Declaration*. Omer said they should prepare for the coming meeting and KASUMAGIĆ suggested they should draft some notes. He stayed in the suite only for a couple of minutes and overheard this part of the conversation, which was already going on. He did not know then that an official of the Ministry had been to the suite and informed them about the meeting. When he returned from the University Clinic the next day, where he had spent 4-5 hours, nobody was in the hotel room, so he lay on the bed. Edhem BIČAKČIĆ arrived after a while and told him that they had been at the Ministry. When he asked what had happened at the meeting, Edhem BIČAKČIĆ replied that he had understood very little of what had been said because his English was not good enough. His impression was, he said, that they had not been enthusiastic about the reception of the Iranians during the meeting. Apart from these facts which came up at the trial, Huso ŽIVALJ said in the preliminary proceedings that, when discussing the preparations for the trip to Iran in their conversation near the Cathedral, Edhem BIČAKČIĆ had said that the Islamic Community should be presented in Iran in its true light because it did not do its job properly, and that *halal* meat could not be bought in shops. In connection with the conversation of Omer BEHMEN and one of their hosts in the hotel, he said in the preliminary proceedings that Omer BEHMEN had claimed that the riots that had broken out in Kosovo were of a political, not a religious, nature and an outcome of Serbian policy towards the Albanian people, and that Serbia had the dominant position and the greatest influence in Yugoslavia, but that the events in Kosovo were likely to diminish that influence. Concerning the conversation with Hasan ČENGIĆ, he stressed in the preliminary proceedings that he had become better acquainted with ČENGIĆ during their stay in Iran, and that he had noticed his extremist and one-sided interpretations of certain Islamic rules. He emphasised that ČENGIĆ had said during their stay in Iran that the Muslims in Yugoslavia were not equal to the other nationalities, but endangered and deprived of their rights, and that the Serbs dominated the country. He mentioned the events in Kosovo to illustrate this point, and added that the Albanians had been forced to rebel because of many years of pressure. In his opinion, the Albanian demands were therefore justified. He added that Hasan ČENGIĆ had told him during their stay in Iran that Dr. Ahmed SMAILOVIĆ had prohibited the work of the *Tabački Mesjid* by orders of others and that SMAILOVIĆ worked under the influence of the authorities. He also said that the lectures at the *Tabački Mesjid* had marked the beginning of the true work of educating Muslim youth, but that people like SMAILOVIĆ impeded such progress on the part of Islam. He argued that they should be replaced by younger and more capable people who would not be brought and influenced by the authorities, and who would know better

how to fight for the Muslims. In addition to this, ČENGIĆ said that marriages between Muslims and non-Muslims should not be allowed, and that Muslims should not associate with Muslims who were non-believers. In this connection, in the preliminary proceedings, he further maintained that Hasan ČENGIĆ had often talked to *pazerdans* /guardians of the revolution/ during their stay in Iran and had argued that the Muslims in Yugoslavia were threatened and deprived of their rights and that, although guaranteed by the Constitution, there were no religious freedoms in the country. In the part of his statement given in the preliminary proceedings where he talked about Ismet KASUMAGIĆ he stated that, while talking to their hosts in the *Azadi* hotel, KASUMAGIĆ had proposed that Iran impose economic pressure on Yugoslavia in order to improve the status of the Muslims. In the *Huvejza* hotel, KASUMAGIĆ said that Omer BEHMEN and he had been convicted because of religious activities. When Huso ŽIVALJ was informed of these defence statements in the preliminary proceedings, he explained that, during their meeting in Sarajevo, BIČAKČIĆ had never said he would raise the issues of the Islamic Community or *halal* meat during their stay in Iran. With regard to Omer BEHMEN, he explained that Omer BEHMEN had spoken with the Iranian exactly as he /ŽIVALJ/ had explained during the trial. Concerning Hasan ČENGIĆ and his contacts in Iran, he said that ČENGIĆ had stressed that SMAILOVIĆ worked under the influence of the authorities. As far as the other discussions between ČENGIĆ and the *pazerdans* were concerned, their content was as he had described during the trial. Also, regarding the part of his defence statement referring to Ismet KASUMAGIĆ, he explained that, in the hotel, KASUMAGIĆ had spoken about the issues in question in the way he had explained in his defence statement during the trial.

In his defence statement at the trial, the accused Huso ŽIVALJ said that he had met Melika SALIHBEGOVIĆ two and a half years before. He had noticed that she always criticised everything and was always displeased about something. At that time, she had been unemployed, and had a child, so he offered to help her, but she refused. He maintained that Melika had said that the Muslims of Sarajevo were not Muslims at all, that Islam could disappear for all they cared, that the Islamic Community did not do anything, and that the Reisul-Ulema and Dr. Ahmed SMAILOVIĆ were mere figureheads. She also criticised his wife for not veiling herself, and for being employed. It was because of such behaviour and her critical attitude that they had stopped associating in the spring of 1982. However, Melika telephoned one day in March 1983 and invited him to her flat and he agreed to go. On this occasion, Melika told him about her dealings with Alija IZETBEGOVIĆ, adding that he had tricked her, and that she would stop IZETBEGOVIĆ and people like him from writing any *Islamic Declarations*. She asked him to go to Alija IZETBEGOVIĆ and tell him this, but he refused. He further maintained that during this conversation Melika reproached him for socialising with infidels, adding that one should not even associate with believers who sinned. She said that believers were discriminated against compared to atheists, and that there was insufficient freedom of the press in BH. Melika also told him that the Islamic Community operated under the influence of the authorities, that Muslims were not treated as equal to the other nationalities, especially to the Serbs. In the part of his defence statement in the preliminary proceedings referring to Melika SALIHBEGOVIĆ, Huso ŽIVALJ also said that she had told him that marriages between Muslims and non-Muslims should be prevented, and that Muslims who were Communists should not be counted as Muslims because they did not act in the interest of all the Muslims. In his defence statement given in the preliminary proceedings he

also stated Melika had stressed that one could write freely in Serbia and Croatia, and mentioned examples of nationalistic writing in the Belgrade and Zagreb press. She emphasised that the situation was quite otherwise regarding freedom of the press in BH. In his defence statement in the preliminary proceedings, he further maintained that he had concluded that Alija IZETBEGOVIĆ was the author of *The Islamic Declaration* from his conversation with Melika. He had thought even earlier that Alija could have been the author of *The Islamic Declaration*, especially since he was acquainted with some of Alija's other works, such as his book *Islam Between East and West*.

In his defence statement, the accused Salih BEHMEN said that he had never heard of *The Islamic Declaration* and that he had never read the whole text. He had never discussed *The Islamic Declaration* with his brother Omer. He heard about *The Islamic Declaration* for the first time when they detained him in prison. He also said that Đozo HUSEIN, editor of *Preporod /Rebirth/*, when he was still alive, had suggested that he make his own selection of the best articles, published in *Takvim* and *Preporod*, in order to compile a collection entitled *On the Road to Islam*. So, he gave ĐOZO a few articles for this collection, including *A Few Words About Our Mosques*, *On Some of Our Bad Habits* and *Our Shame*. It was for ĐOZO then to decide whether the articles would be published in the collection *On the Road to Islam* or individually in *Preporod* or *Takvim*. However, after Husein ĐOZO had ceased to be editor of *Preporod*, the texts never got published. He said that one of the allegations in the indictment was that he had planned to compile and publish the collection *On the Road to Islam* together with his brother Omer. He explained that his brother Omer had come to visit him in Mostar last year and seen on his desk a list of texts sent to Husein ĐOZO for publishing. Omer BEHMEN then said that it would be good to compile a collection and try to publish it in *Preporod* or another paper. Omer BEHMEN had taken the list of articles with him, and Salih did not know what had happened to it. He did not know whether the collection of articles entitled *On the Road to Islam* had ever been published. With regard to the text *A Vision of an Islamic State*, he said that he had started this text seven or eight years ago, but had never finished it. He had been prompted to do so at the suggestion of Husein ĐOZO, who had said that he found it incomprehensible that Libya and Egypt were constantly getting into conflict and that he could never understand the problems between the two countries. He expected a moral pressure to come from below, from the people, which would force their governments not to come into conflict. On the basis of this discussion with Husein ĐOZO, he felt prompted to write something to that effect. He wanted to present his views on the conflict and suggest a solution in a text. However, while working on the text, he realised that he would have to engage in political reflections which he did not want to enter into, so he gave it up altogether. This single page of text was found in his house when it was searched. The text *Notes and Sketches* deals with his childhood memories, where he presented his views on the actions and destiny of Muslims during World War II. Amongst other things, he said that the Muslims in BH were divided on all matters because they were looking for solutions outside Islam. This and another text entitled *A Vision of an Islamic State* were not to be included in the collection *On the Road to Islam*. Concerning the verbal offence he had been charged with, the accused Salih BEHMEN denied the truthfulness of the statement of witness Mustafa HADŽIOSMANOVIĆ concerning their conversation detailed in count 5 of the indictment. In addition to this, he absolutely denied the allegations referred to in count 6 of the indictment, because he had never discussed such issues with Mustafa



HADŽIOSMANOVIĆ. He maintained that he had not talked about the issues detailed in count 7 of the indictment before the witness Hivzija HASANDEDIĆ either. He denied the indictment allegations based on the witness statement of Seid SEIDOVIĆ as he had not discussed the matter with the witness. His meetings with the witness were very brief, and the conversation had focused on the procurement of children's textbooks for schools. Regarding the *Islam and the West* magazine, he claimed he found it in his mailbox, wrapped in paper. The magazine contained the Open Letter to the Synod of the Serbian Orthodox Church and two separate photocopies of the letter. After leafing through it, he left the magazine in his library along with his other books. It is, therefore, clear that he did not give anybody the magazine or the photocopies of the Open Letter to read, including Hivzija HASANDEDIĆ. Therefore, the allegations of the indictment with regard to this incrimination were absolutely groundless.

In his defence, the accused Mustafa SPAHIĆ said that he had never heard of *The Islamic Declaration* or familiarised himself with its contents. He maintained that he had never used the terms "Islamisation of Muslims", "Islamisation of BH" and so on. He had graduated from the Faculty of Political Sciences and had been working as an imam in Vogošća for almost seven years. During this period, no one had ever criticised him for being a nationalist or a chauvinist, or showing any animosity to other nationalities, or to the country's fundamental values. With regard to the witnesses and the allegations concerning himself set out in the indictment, he stressed that the Prosecutor's Office had diplomatically referred only to the witnesses they considered useful, disregarding other witnesses who had been present when the discussions in question had taken place. He argued that Muhamed DEDIĆ had been in his house only once in the course of 1982, and that the witnesses Muradif ČELIKOVIĆ and Refik BEGANOVIĆ could confirm this. He said that the expression "Islamisation of BH", mentioned in the allegation, had been based on the witness statement of Muhamed DEDIĆ. With regard to this expression, the accused Mustafa SPAHIĆ said that three Slavic peoples had been living on the territory of BH for a thousand years, namely Serbs, Croats and Muslims, since 1971 when the Muslim nationality was established /as written/. It is well known that Turkey ruled these regions for 446 years and that, during that period, it failed to create an ethnically clean Islamic community. To be fair, Turkey had never aspired to achieve this because this is absolutely contrary to Islamic rules. At a meeting held at the Sarajevo City Conference of the SSRN /Socialist Alliance of the Working People/, chaired by Dr. Razija FETAHAGIĆ, he had argued that the society had distanced the Islamic Community from itself without ever distancing itself from the Islamic Community. He also said that the leaders of the Islamic Community had been acting in a self-willed manner, that they showed no respect for relevant enactments, that there were no elections or re-elections to specific posts, that there were no public advertisements for jobs, but that positions in the Islamic Community were simply awarded. He had also pointed out at the meeting that the construction of mosques was not allowed in newly erected urban areas, such as the Novi Grad Municipality or the Novo Sarajevo Municipality where about 250,000 people lived. What he had said at the meeting was later twisted and put into witnesses' mouths and now formed part of the indictment against him. He categorically denied that he had ever said that this country had a Russian regime, that socialism was sheer utopia and a deception of the masses. Regarding the allegations of the indictment pertaining to his statement that the people sitting in the Islamic Community were policemen of the regime, and that brotherhood should be propagated along the Islamic lines, he said that we in BH had to live

together in brotherhood, tolerance and peace. He denied having said that young imams should become involved in the Islamisation of BH. According to the allegations of the indictment, his approach to the interpretation of Islam was extremist, but he said, in this connection, that he would like someone, especially the witness Rašid BRKIĆ, to explain what an extremist approach in the interpretation of Islam meant exactly. In relation to the work of the *Tabački Mesjid*, he said that had only taken part in discussions after the lectures and that all the debates there were in the domain of theoretical knowledge and theological issues. He maintained that he had never lectured at the *Tabački Mesjid*, but he admitted to writing about 50 articles published in the magazines *Takvim*, *Preporod* and *Zem-Zem*. He had no information as to who used the articles. In any case, all the articles were still available for anyone to read, and they would demonstrate beyond any doubt that he had never advocated the idea of Islam as a future political system in our conditions. He categorically denied ever having discussed with Rašid HAFIZOVIĆ the matters he was charged with in the indictment, on the basis of the statement of this witness. He positively maintained that in the presence of this witness he had never called KHOMEINI the only true leader or said that the Islamic revolution in Iran had made an impact in our regions. However, he did say he was not a psychologist and had no way of knowing what was going on in human minds and souls regarding the Islamic revolution in Iran. He said that the allegations of the indictment that he had suggested that Iran should use petroleum to impose pressure on Yugoslavia in order to improve the status of Muslims were not true. In this connection, he added that nobody had succeeded so far in exerting such pressure on Yugoslavia, or in blackmailing it by any other means. Neither Iran nor any other country could impose any kind of pressure on another sovereign country. Regarding allegations under count 4 of the indictment, he said that it should be checked first whether he had ever discussed the issues referred to in the indictment in the presence of witnesses Nermina JAŠAREVIĆ and Enes KARIĆ. It was true that he had discussed things with Enes KARIĆ from time to time, but these were operational issues which had no meaning or content referred to in the indictment. In his defence statement, he pointed out in particular that the indictment has charged him with offences which had nothing to do with any of the other eleven individuals accused, and yet, for more than a month now, he had been in the dock together with them.

In his defence statement, the accused Džemal LATIĆ said that the indictment contained allegations which had not been derived from witness statements. There were certain allegations in the indictment that he was not sure were actually based on the statements of witnesses interviewed in the preliminary proceedings. Among the witnesses mentioned, he admitted knowing Rešid HAFIZOVIĆ, Nermina JAŠAREVIĆ, Sead SELJUBAC, Rašid BRČIĆ and Enes KARIĆ. As far as his acquaintance with Rešid HAFIZOVIĆ is concerned, they had been schoolmates at the *medresa*. As for Nermina JAŠAREVIĆ, he denied ever taking a walk with her or discussing any issues. If he had ever talked to her, it had been in the company of other people. He had never been a friend of Sead SELJUBAC because he was envious of him (LATIĆ) because he believed him to be a better student, and for being a talented poet. He has never had any private discussions with Rašid BRČIĆ nor with Enes KARIĆ. Concerning Enes KARIĆ, he said that he had engaged in open controversy with him in the Islamic press, after Enes KARIĆ had insulted him in the press, wishing publicly to defend himself. He stated that Enes KARIĆ had produced two papers on the *Jihad*, and that both were problematic. He admitted to his activities at

the *Tabački Mesjid*. To the best of his knowledge, the *Tabački Mesjid*'s activities dated back to 1978 or 1979. At the beginning, discussions were organised at the Islamic Faculty, where students engaged in debates. The activities of the students' Debating Society later continued at the Careva mosque. He remembered that Sead SELJUBAC brought printed texts, excerpts from the *Koran*, to be discussed at the Islamic Faculty and the Careva mosque. He admitted that he had revised a few texts for the *Tabački Mesjid*, and that a performance based on one of his texts, entitled *A Narrative About Adem, a.s. /aleyhi selam - peace be upon him/*, had been staged at the *Tabački Mesjid*. He maintained that his job had been that of language editor. Therefore, he had not concerned himself with the essential meaning of the text but had only provided technical assistance, revising texts at the request of students of the Faculty of Theology in Sarajevo. He was aware of the fact that the texts used as lectures at the *Tabački Mesjid* had been first submitted to the Board of the Islamic Community for approval. He remembered that rumours had reached the Leadership that the boys and girls were not behaving well during the lectures, that they hugged and even kissed, but he did not know if the Leadership or the Board of the Islamic Community had officially prohibited the activities of the *Tabački Mesjid*. On one occasion, Hasan ČENGIĆ had complained that he had been summoned to the SUP /Secretariat of the Interior/ because of his work at the *Tabački Mesjid*. When asked why he had been summoned to the SUP, Hasan ČENGIĆ had replied that this was because of fabrications about the *Tabački Mesjid*. As far as the witness could remember, this happened in the spring of 1981. The activities at the *Tabački Mesjid* ended at around the same time. However, that same year and the year after that, lectures were still organised during Ramadan. He claimed that Hasan ČENGIĆ had brought certain texts to be read at the *Tabački Mesjid*. However, he did not know anything about the origin of the texts, nor who had given them to Hasan ČENGIĆ. Some students, who had listened to these texts at their lectures, thought that he was the author and came to congratulate him, but he explained that he was not. The students then suggested that he ask Hasan ČENGIĆ who the author was, and they themselves also posed this same question to ČENGIĆ. ČENGIĆ replied that this did not concern them. At least, this is what the students interested in the origin of the texts told him. Nermina JAŠAREVIĆ, sometimes Rašid BRČIĆ and in most cases Sead SELJUBAC read the texts that Hasan ČENGIĆ brought to the *Tabački Mesjid*. In addition to this, all of them participated in the ensuing debates. They were very much involved in the preparation and writing of lectures for the *Tabački Mesjid*. He stressed that he went through some of the texts as language editor and that, in his view, the lectures he saw were of a theoretical and theological nature. True, he had never bothered with the meaning and content of the lectures while revising them, he had merely corrected grammatical and lexical mistakes. He maintained that he had never really read the texts brought by Hasan ČENGIĆ, but that he had only listened to them as visitor to the *Tabački Mesjid*. He said that Hasan ČENGIĆ had introduced him to Alija IZETBEGOVIĆ in 1979 because one of his religious poems published in *Islamic Thought*. After then seeing Alija IZETBEGOVIĆ, who praised his writing, he met him again four years later, together with Hilmo NEIMARLIJA. It follows that Alija IZETBEGOVIĆ and he had not contacted each other or discussed any issues after this first meeting. He argued he did not know Omer BEHMEN at all, but that he had only revised some of *hadiths* for him at Hasan ČENGIĆ's request. After correcting them, he had returned them to Hasib BRANKOVIĆ who took them to Omer BEHMEN. With regard to the text *The Need for Revival*, he stressed that there was something unacceptable in the text because it referred to KHOMEINI and the

Iranian revolution, so he considered that it should not be read at the *Tabački Mesjid*. But once Hasan ČENGIĆ had read parts of it from the *sofa* in the *Tabački Mesjid*. He also remembered another occasion when Hasan ČENGIĆ had brought him a text to revise which was intended for a the lecture. He noticed that there was something in it that would be dangerous in a lecture, so he told Hasan ČENGIĆ, Ahmed FETIĆ and Sead SELJUBAC to exclude these parts from the text, which they did. Thus modified, the text was used in a lecture at the *Tabački Mesjid*. He argued that he has been groundlessly charged with taking part in lectures during a *mevlid* at the Careva mosque, where an *ayet* from the *Koran* was quoted, which students who had participated in the preparation of the *mevlid* later discussed and commented upon. He especially stressed in his defence that he had never advocated the Islamisation of BH. In his opinion, it was illogical to advocate something like that, for the simple reason that it was absurd to carry out the Islamisation of Muslims who had already embraced Islam, or the Islamisation of a society that had not accepted Islam. He explained that he was no preacher, and that , if he had ever spoken about Islam, it was to followers of Islam. He knew Islamisation only as a historical category and believed that the process had been completed in these regions in Turkish times. It was not clear to him what fundamental prerequisites were needed to begin a process of Islamisation. As for the alleged "special revolution" mentioned in the indictment as the basis and essence of Islam, he said that it did not follow from the statements of the witnesses interviewed, and that the allegation was, therefore, groundless. The statements of the witnesses interviewed in the preliminary proceedings did not corroborate the allegations of the indictment accusing him of saying that a Muslim cannot be a nationalist in an ethnically pure community, but that nationalism should be propagated in an ethnically heterogeneous community. He also denied the other allegations of the indictment based on the statements of witnesses referred to in the indictment ,because the witnesses did not confirm these allegations in the preliminary proceedings, which made them insupportable. Regarding his alleged statement that Muslim women should not work and that they should only devote themselves to their families, he particularly stressed that these allegations of the indictment were groundless. In the first place, his wife was attending a secondary school herself, and would get a job after graduation. Secondly, woman were in any case duty-bound to devote themselves to their families, as were men also.

In her defence statement, the accused Melika SALIHBEGOVIĆ said that some allegations of the indictment include words she has never used in her statement in the preliminary proceedings. For example, according to the allegations of the indictment, she had said in the preliminary proceedings that she had read the *Islamic Declaration* and that she had taken part in writing the *Foreword* to the Persian edition, although she had given a completely different defence of herself regarding this matter. Concerning the letter which the indictment alleged she wrote to the imam KHOMEINI, she argued that the content of the letter had been misinterpreted in the indictment. In fact, many circumstances preceding her decision to write this letter had induced her to take this step. She explained that her religious beliefs and her return to the *Koran* dated back to 1979, when she had been searching for absolute values. Then, when she recognised herself in Islam and when the *Koran* became almost the only topic she could talk about, she had decided to return her membership card to the Central Municipal Committee of the League of Communists, and had announced then that she had become a believer and could no longer be a member of the League of Communists, but had emphasised that she would continue to support the self-

management and humanitarian principles of the country. At the Municipal Committee, they had told her that she would have no problems or experience any harassment because of this, but in fact the opposite happened. At her place of work she began to experience many humiliations and psychological pressures, harder to bear than any physical abuse. Her interests as a mother had been threatened, as well as her interests as an author, because she was unable to establish contact with readers. In brief, they jeopardised virtually all of her interests, and, above all, her self-management interests pertaining to her work. She was dismissed in September 1980. This decision was annulled three and a half months later. She was fired again because she had been absent from work for longer than three days. This happened in December 1980. She argued that certain irresponsible individuals, who had usurped their positions, deprived her of her basic rights guaranteed by the Constitution. In view of everything she had been through, she had decided to write a letter to the imam KHOMEINI, in which, among other things she wrote that her loss of basic living conditions and her daily humiliations were one of the reasons for her decision to leave her home and the country of her birth and come to Iran. This shows that she had come to realise that she had been deprived of all basic living conditions because of her religious beliefs. As it happened, certain events, i.e. the Islamic Revolution had taken place in Iran at that time. That was why, in the letter, she wrote: "Then you appeared, you and the Islamic revolution came to restore my strength and hope that it is still possible to live somewhere in this world in the wholeness of Islamic life." In the letter she had also said that she lived in an atmosphere of lies and hypocrisy, meaning amongst the Muslims of Sarajevo, who called her a spy because she had provoked them by going back to Islam. She explained that she had been brought up according to traditional Islamic customs in her family, but that she had been through a period, an atheistic drama, in the middle of her life only to commit herself totally to religion again in 1979. She stressed that she had travelled legally to Iran. After spending 40 days in Iran, she had returned upset and disappointed with the attitude of official Iranian institutions, which had no understanding for her desire to stay and live in Iran. After giving this part of her defence statement at the trial, the accused Melika SALIHBEGOVIĆ explained that, contrary to what she had said in her defence statement in the preliminary proceedings, she had actually never sent this letter to the imam KHOMEINI. She said that in the preliminary proceedings she had seen such a confession as an opportunity to inform a forum like the court about the dramatic conditions and drastic situation she had been brought to after leaving the League of Communists because of her religion. She maintained that, when she was arrested on 23 March 1983, she had told the security officers that she had not sent the letter to the imam KHOMEINI. However, when they took her to official premises for questioning, it occurred to her to confess that she had sent the letter in order to gain the opportunity she was longing for to tell the court what she had been through after leaving the League of Communists. When searching her flat, the officers of the Security Service found a copy of the letter. As for the original letter, she said she had put it in an envelope because she had intended to send it to the imam KHOMEINI with the help of Mensura NOSRAT, the wife of the *Irna* correspondent in Belgrade, but she had nevertheless decided to tear it up, and so she had never sent it.

Regarding the allegation based on the statement of Huso ŽIVALJ given in the preliminary proceedings, she said that his accusations that she had attacked the Islamic Community were not true. She had only critically analysed the work of the President of the Leadership, Dr. Ahmed SMAILOVIĆ. In fact, she had written a letter

in the hope that it would be published in *Preporod*. She supposed that Huso ŽIVALJ had heard certain rumours that were rife in Sarajevo about the content of the letter, but these were nothing but arbitrary fabrications. On the basis of these rumours, Huso ŽIVALJ had said in his statement that she had personally said these things to him in their conversations. She said she considered Huso ŽIVALJ one of the most consistent and honest Muslims she had ever met and that she doubted that those were really his words that were recorded in the preliminary proceedings. She did not deny she had told Huso ŽIVALJ that he was closer to her than a brother, and that religious ties were superior to blood ties if the blood ties proved an insult to values holy to her. She denied having said in his presence that marriages between Muslims and non-Muslims should not be allowed, stressing that her own child came from a mixed marriage. It would be hypocritical of her to accuse others of the sin she had committed herself. Regarding this allegation, she emphasises that the indictment contained some illogical accusations such as that she was a nationalist. For, Huso ŽIVALJ alleged that she attacked Muslims who felt themselves to be Muslims /as written/, in other words who were non-believers. The question is, then, from the standpoint of which nationality had she attacked Serbs. She denied criticising Huso ŽIVALJ because his wife did not veil herself and was employed. In fact, both Huso ŽIVALJ and she had together criticised his wife's attitude to religion, which had not been a reason to create any animosity between her and the wife of Huso ŽIVALJ. She denied the allegations of the indictment based on the statement of the witness Biljana KOPRIVICA. She explained that she had indeed formed a close friendship with this witness, so that the witness had very often visited her at home. In her opinion, part of Biljana KOPRIVICA's statement was in contradiction with the content of the letter she had intended to send to the imam KHOMEINI, because the witness argued that she had advocated the establishment of a global Islamic state, stretching from Tehran to Slavonski Brod, while in the letter she had said the letter says that the Islamic revolution had restored her hope that it was still possible to live somewhere in the world in the wholeness of Islamic life. Since in the letter she had clearly expressed a desire to live in that Islamic country, why would she support the establishment of an Islamic state stretching from Tehran to Slavonski Brod? Regarding the allegations of the indictment supported by the statement of the witness Vedada JURIŠIĆ, she said that the statements of this witness were only partly true, but that in general the witness misinterpreted their discussions. Among other things, she stated that she had not said in her presence that Muslims were in a position of inequality, that Communists were poltroons and hypocrites, and so on. She had mentioned the Islamic Community to this witness only in connection with the letter she had sent to Dr. Ahmed SMAILOVIĆ. With this witness she had usually talked about Sufism, Islamic mysticism and Shiism. Concerning the allegation that she had told Asima BOJIĆ that the League of Communists consisted only of hypocrites and two-faced people, that we had no religious freedoms, and that believers were treated as second-rate citizens, she said that Asima BOJIĆ was not at all a person with whom one would discuss serious topics. Regarding the witnesses Bisera and Salih TURKOVIĆ and the allegations that she had told them that believers were in a disadvantaged position in this society, and that Muslim women should veil themselves, she said that she had personally found the witness Bisera TURKOVIĆ veiled with a scarf in her house and even in town. She said that the witness Bisera TURKOVIĆ had come to see her of her own free will, as had Biljana KOPRIVICA and Vedada JURIŠIĆ. The question was then how she could have subjected them to a hostile propaganda. She felt deeply offended that the Prosecution had called her a nationalist because, in her opinion, that was the worst

thing a person could be. She maintained that her books, scripts and other materials written for television and theatre clearly refuted the Prosecution arguments. She claimed that, by turning to religion, she had only changed the circles she mainly socialised with, because they shared a common interest in the *Koran*. However, she had continued to maintain good relations with her friends of different nationalities. According to the allegations, Alija IZETBEGOVIĆ had visited her and brought a text for her to see sometime in March 1982. He had told her that the text was entitled *Bejan*, but she did not recall how many pages it had. After a cursory reading, she had found a few grammatical mistakes and noted them down. She stressed that she had never written a *Foreword* to it, for it was illogical that she should write a *Foreword* to a text the entire content of which she was not acquainted with. She had seen this *Foreword* for the first time during the preliminary proceedings. Among the accused, she admitted knowing Alija IZETBEGOVIĆ, Omer BEHMEN, Hasan ČENGIĆ, Ismet KASUMAGIĆ, Huso ŽIVALJ and Džemal LATIĆ. With the exception of Alija IZETBEGOVIĆ and Huso ŽIVALJ, she had been in contact no more than two or three times with each. She had had more contact with Džemal LATIĆ because they both wrote poetry, and their contacts had been in connection with poetry. She said that she had neither attended nor prepared any lectures for the *Tabački Mesjid*, but she allowed for the possibility that one of her texts on Sufism could have been used there. She gave such a text to Alija IZETBEGOVIĆ because he had asked her to write something about Sufism. She said that she had never mentioned *The Islamic Declaration* to anybody, including Huso ŽIVALJ, and that she had first heard of it in the preliminary proceedings. She said that she had not given Omer BEHMEN any propaganda materials and that her relations with him had been of a strictly private nature. The magazines found in her flat when it was searched contained no hostile materials, they were publications she had received from Iran. She denied that the text *The Need for Revival* was found in her flat during the search. She had never made any corrections to that text.

In his defence statement, the accused Derviš ĐURĐEVIĆ said that, as a believer, he considered Islam a faith he practised as his own private affair. He definitely did not consider Islam an all-embracing system of living. He had never advocated views pertaining to the Islamisation of BH, or the creation of an Islamic state on the territory of BH and beyond.

With regard to allegations of the indictment based on the statement of the witness Halil MEHTIĆ, he said that only certain things mentioned in the witness statement were true. He denied ever discussing religious freedoms with the witness, or telling him that Serbs and Croats could not be brothers to Muslims, since only a Muslim could be another Muslim's brother, as written in the *Koran*. On the contrary, the *Koran* said that all believers were brothers. The allegations of the witness that he had said that special slaughter houses and butchers' shops should be introduced for Muslims, that Muslim women should veil themselves and that Muslim girls should not perform gymnastics in the presence of a teacher unless that teacher was a Muslim woman, were total fabrications. He denied the rest of the statement, stressing that the witness had interpreted their discussions absolutely arbitrarily and erroneously. Regarding the allegations under count 2 of the written indictment, he said he had never compared the Sharia code with our law. Such a comparison would be inappropriate because the Sharia code was a religious code and could not be compared with our legal provisions. As for the allegations under count 3 of the written

indictment, they were absolutely false, since Emir DŽIHA-DEDIĆ and he had never visited any of the witnesses referred to in this part of the indictment. Regarding the allegations under count 4 of the indictment, he says that he did contact Rešad TIHIĆ in the period referred to, although not in Zenica but only in Sarajevo. He remembered that he had mentioned the Trade Union in one of these discussions, but not in the way the witness implied. He did not discuss any of the other issues the witness mentioned. Regarding the allegations under count 5 of the indictment, he said that that he had talked about these issues to the persons in question in a different manner and in a completely different sense. He emphasised in particular that he had never mentioned to these people any pressure on Iran's part by means of petroleum. Regarding the allegations under count 6 of the indictment, he said that he had discussed self-management agreements with these particular witnesses, but not in the way presented in their statements. He maintained that there had been no mention of sloppiness, idleness or the lack of discipline. In connection with the allegations under count 7 of the indictment, he said that he had met the witness Suad FRLJ only in 1981. They had talked every day, but he had never mentioned his dislike of Serbs, and had never said that Serbs were dirty people. In addition to this, he had never told the witness that he disapproved of mixed marriages, but had only said that mixed marriages were one of the reasons for so many divorces. Regarding the allegations under count 8 of the written indictment, he said that he had been in a common-law marriage with Faketa AŠĆERIĆ from 22 January to 16 March 1982, when her parents had taken her to Tuzla, when they told him that they would take revenge on him because of the way he had treated Faketa AŠĆERIĆ during their co-habitation. It was for these reasons, out of a desire for revenge, that Faketa AŠĆERIĆ had given her statement, accusing him falsely in every respect. He had met Faketa on 15 January 1982, and they started dating because they liked each other very much. They had entered on a common-law marriage on 22 January 1982, because at that time he was not living with his lawful wife from whom he intended to get divorced. He maintained that Faketa had kept many facts about their common-law marriage from her parents, which they later found out. This led to quarrels and conflicts which eventually ended their common-law marriage. No court decision could be based on the statement of this witness because it was false from beginning to end. Regarding allegations under count 9 of the written indictment, he particularly emphasised that he had never said anything in the presence of Faketa AŠĆERIĆ against President Tito, and had certainly never requested his picture to be taken out of the room where he performed his prayers. These allegations in the statement of the witness Faketa AŠĆERIĆ were also completely groundless and false.

The accused Đula BIČAKČIĆ said in her defence statement that her uncle Omer BEHMEN had asked her to type some texts for him, namely the translations of certain hadiths, sometime in the second half of February 1983. She remembered typing 22 or 23 pages. She claimed that Omer BEHMEN paid her 50,000 old dinars for this work. Sometime in the middle of March 1983, her brother Edhem BIČAKČIĆ had told her to type something very urgent for Omer BEHMEN and gave her some 10 pages of BEHMEN's hand-written text, adding that BEHMEN would drop by in the evening to collect the type-written text. She remembered that, while typing, she had noticed that the text was about his impressions of his visit to Iran. The text consisted of five type-written pages. Omer BEHMEN had brought the rest of his hand-written notes of the impressions of Iran the next day, and asked her to type them quickly by the next morning when he would come to get it. That evening, her brother Edhem had given



her another five or six pages of hand-written text to type, but she had not managed to finish it. She finished typing the second part of Omer's impressions of Iran, totalling 13 type-written pages. She had left the text in the corridor because Omer BEHMEN was supposed to collect it the following morning since he needed it urgently. She remembered that the text mentioned places visited during the trip to Iran. While typing, she came across the words, "the system of applauding among Communists and Fascists". She had not wanted to type this so she had omitted this part of the text without telling Omer BEHMEN. As for the notes her brother Edhem BIČAKČIĆ had given her, she said she had glanced at them hurriedly and that they did not contain any information about talks with Iranian officials. They were rather a diary of their stay in Iran. She threw them into the stove and burned them after returning from being questioned in the SUP. She said this had been a rash and thoughtless act on her part, but she had done it after her sister-in-law had asked her what had happened to the notes of Edhem BIČAKČIĆ which she had first hidden under a flower pot. She also said that after she had found out that Edhem had been arrested, she had decided to hide all the things Edhem brought from Iran, as well as BEHMEN's texts which were suggested by Nermina or Mubera. In any case, they had agreed to collect all these things and take them to Mubera's friend Emina BARUČIJA in Vogošća. Mubera and Nermina had collected the items and took them to Vogošća to the above mentioned Emina BARUČIJA. Only when Mubera and Nermina had left for Vogošća, did she take her brother Edhem's hand-written notes from a folder, read them hastily, and hide them under a flower pot. She had later burned the notes in a stove after returning from being questioned in the SUP.

During the trial, the Court heard the evidence from the following witnesses: Šaćir ČERIMOVIĆ, Vahid KOZARIĆ, Ismet SERDAREVIĆ, Halil MEHTIĆ, Hilmiya ČERIMOVIĆ, Halid ČAUŠEVIĆ, Ahmed FEJZIĆ, Hasib BRANKOVIĆ, Atif DELALIĆ, Haris PAŠALIĆ, Muhamed PAŠIĆ, Edib POZDEROVIĆ, Vasvija HRELJA, Fadil BUKVIĆ, Mahmut TRALJIĆ, Ismet TURALIĆ, Seid SEIDOVIĆ, Muhamed DEDIĆ, Besim ŠKALJIĆ, Džemaludin ŠESTIĆ, Sulejman DRLJEVIĆ, Sreto TOMAŠEVIĆ, Sead SELJUBAC, Rešid HAFIZOVIĆ, Vehbija MAKIĆ, Adnen SILAJDŽIĆ, Mustafa HADŽIOSMANOVIĆ, Asima BOHĆ, Ešef DŽAMKIĆ, Ramiz JELOVAC, Amir ČUKOVIĆ, Šefik KURDIĆ, Nermina JAŠAREVIĆ, Stevan TONTIĆ, Enes KARIĆ, Ferhat ŠETA, Rašid BRČIĆ, Halil ĐULIĆ, Nevzeta GODUŠEVIĆ, Vedada JURIŠIĆ, Midhat ČELEBIĆ, Faketa AŠČERIĆ, Suad FRLJ, Rešad TIHIĆ, Emira DŽIHA-DEDIĆ, Salih TURKOVIĆ, Bisera TURKOVIĆ, Šefik BEGANOVIĆ, Biljana KOPRIVICA, Halid HADŽIABDIĆ, Mirko MARINOVIĆ, Milica JUVAN, Ahmed ZATEGA, Ismet VELAĐIĆ and Muhamed KUPUSOVIĆ. Subject to prior approval of the parties, the statements of the following witnesses given in the preliminary proceedings were read: Nimet KARAĆI, Hivzija ĐOZIĆ, Emina BARUČIJA, Bećir ĐAKA, Mujo ZAKOMAC, Mohamed REFAL, Enes DURAKOVIĆ and Hivzija HASANDEDIĆ. The handwriting expert Prof. Esad BILIĆ, and the psychiatrist Prim. Dr. Ismet CERIĆ, also gave testimonies at the trial. The integral text of *The Islamic Declaration* was read at the trial, including the 1970 and 1982 *Forewords*. Other texts which were read at the trial included documents in which the Islamic Religious Community and its Leadership criticised the activities at the *Tabački Mesjid*, the letter of Melika SALIHBEGOVIĆ addressed to the imam KHOMEINI, the text on sincerity from the preliminary proceedings written by Edhem BIČAKČIĆ, a summary

presentation of the book *Problems of the Islamic Renaissance*, the letter addressed to "brother Abdul" by Ali. The texts *Muslims in Yugoslavia* and *The Structure of the Muslim Religious Community* were also read and the text *The Need for Renewal* was briefly presented. The Court was informed about the brochure *The Bosnian Muslims*, the magazines *Islam and the West*, *New Croatia* and *Journal*. Vehbija MAKIĆ's letter to Hasan ČENGIĆ sent from Split on 7 July 1978 was also read. The Court was informed about the magazine *Naša Reč /Our Word/*, the leaflet entitled *Croatian Public Figures Speak*, the *1957 Annual* and the text *The Muslim Brothers Movement*. The letter of Teufik VELAGIĆ addressed to Ahmed, Omer and others, of 5 June 1974, was read together with an anonymous letter found at Emina BARUČIJA's home, and another type-written, anonymous one-page letter written by Omer BEHMEN. The Court was informed of the cartoons satirising the Reisul-Ulema's, the open letter discussing the situation in the IZ /Islamic Community/, the texts *The Ilmiye /Muslim priesthood/ Today and Its Role Tomorrow*, *Islam and the Muslims in the Slavic Russia*, *The Islamic Way*, *Muslim Woman - Wife and Mother*, the book *Islam, Religion of the Future*, the text *Our Shame*, and the text *For the Islamic Revolution*. The introduction to a lecture given in the Careva mosque in 1981 was read, and the Court was informed of the texts *Characteristics of the Islamic Concept*, and presented with an outline of the magazine *Takvim*. The following texts were also read: *Islamic Discussions on God*, *The Need to Discuss God II*, *The Inferiority Complex of the Muslims*. The Court was informed about the texts *The Goals of Islam* and *O, Islamic People*, the books *The Islamisation of Bosnia and Herzegovina* by Mehmed HADŽIĆ and *The Jihad* (in English), as well as the text *Fornication*, while the text *Socialising and Friendship* was read. The Court was briefed about the text *The Culture of the Bosniaks* (in German and Serbo-Croatian), and about an anonymous letter sent to the editor of the newspaper *Oslobođenje/Liberation/*. The Judgement of the Mostar District Court no: K 235/49 of 7 December 1949 was presented, and the Court was briefed about the scholarly works and distinctions of the accused Ismet KASUMAGIĆ.

The statement of witness Šaćir ČERIMOVIĆ indicated that the family of Alija IZETBEGOVIĆ visited him frequently as their doctor and that they also visited each other at their homes. On the occasion of one visit to Alija IZETBEGOVIĆ's home, the witness leafed through an English edition of the book *Islam and the West*. he judged that the book was an historical outline of the life of Muslims in these regions. The book had been printed abroad, as he had learned from Hasan KARAČI, President of the Islamic Committee in Canada. His statement also indicated that the previous autumn he and Omer BEHMEN had been witnesses to Alija IZETBEGOVIĆ's wish to symbolise his emotional relationship with Melika SALIHBEGOVIĆ in a Sharia-law marriage. For, Melika insisted that Alija had said in the presence of both of them that he considered her his wife before God.

Witness Vahid KOZARIĆ said that neither Alija IZETBEGOVIĆ nor Omer BEHEM had ever, in his presence, advocated the establishment of an Islamic Republic in BH, the Islamisation of Bosnia, etc. He had often met Omer BEHMEN, especially after 1978, after the construction of his holiday cottage in the village of Osenik near Hadžići, where they frequently met and discussed various issues. He remembered sitting in front of BEHMEN's holiday cottage one day in the summer of 1982, when BEHMEN had argued that self-management had been the trump card of the Communists and that its present result was the general sloppiness and disorder of

society, that self-management was our greatest failure and had brought about the current catastrophic situation in the country. He further maintained that the Muslims were subordinated to the Serbs and the other nations, saying that the Communist ruling clique was trying to destroy the Muslims. He said this should be opposed openly and in an organised manner by the Muslims closing ranks, and especially the Muslim youth, because the future of the Muslim religious and national rested with them. He also said that the Muslim youth must be fully committed to Islam, as the only way of defending the Muslims against Serbian assaults. At the end of the previous year, BEHMEN had spoken enthusiastically about the Iranian revolution, saying that KHOMEINI would not stop with the conquest of just Iraq, but would continue conquering all the countries inhabited by Muslims. He said that this war had finally shown who the true Muslims were. The witness went on to say that in a discussion which took place in his holiday cottage the previous August, Omer BEHMEN had said that the ultimate goal of the Serbs was to create a Greater Serbia, just as Israel wanted to expand on Arab territory. He also recalled that they had discussed the country's economic situation in the presence of Atif DELALIĆ in late September or early October of the previous year, when Omer BEHMEN had said that the economy could not be saved because the partisan clique was in charge and was lazy. On that occasion, he had also talked about Serbian pressure on the Muslims, saying that the Serbs made life impossible. They had taken all the executive positions and were repressing the Muslims. He quoted as an example Muslim women marrying infidels which was, in his opinion, a deliberate pressure on the Muslims, planned by the Serbs and their politicians. He said that he was an inveterate adversary to mixed marriages because they were a threat to the traditional Muslim family. He said that the regime had deliberately planned and advocated mixed marriages so that Muslims would lose their national and religious identity through assimilation with other nations. According to the witness, Omer BEHMEN said that most school teachers were Serbs, forcing Muslim children to eat pork in their school meals in order to turn them into "Vlachs" /persons of different religion/. He said that the most obvious pressure on the Muslims was occurring in the provinces in such places as Gacko, Stolac, the villages around Trebinje, and some other places in Herzegovina, where Serbs were evacuating Muslims and settling other nationalities, thus dispersing the Muslim community. Hence the lack of leadership amongst Muslims in all parts of BH. BEHMEN also said on this occasion that Serbs largely dominated the political scene. They provided one another with preferential treatment and top level posts, thus ensuring themselves the greatest influence in society. Muslims, on the contrary, were an underprivileged group without representatives in top positions. The witness went on to that Atif DELALIĆ had been present during their last meeting in the middle of December 1982, when Omer BEHMEN had again brought up the issue of the subordinate position of Muslims in this country, and had said that a renaissance of Islam and the Muslims was bound to follow the victory of the Islamic revolution in Iran, and reflect itself in this country too. He said that Iran was both the focal and the starting point of a world-wide Islamic revival which would certainly affect our country, where an Islamic renaissance would have to begin with the Muslims being properly and accurately informed about the Islamic revolution, its achievements, and the greatness of the "old man" KHOMEINI. He went on that recently in this confused political situation, a general Crusade and organised assault on the Muslims had begun. As an example he quoted the book entitled *Nož (The Knife)*, and commenting on its publication, he said that Serbs in top positions had made its publication possible. The witness alleges that, speaking about the events in Kosovo, Omer BEHEM had said

that the Albanians were absolutely right in demanding their own Republic, because the Serbs had been oppressing and depriving them of fundamental human rights for a long time. Concerning Alija IZETBEGOVIĆ, the witness said that Alija had visited him several times in his holiday cottage in the summer of 1982. IZETBEGOVIĆ had talked about the "shi'ite" religious sect in Iran with great enthusiasm, saying that their imams were fanatics in interpreting, propagating and practising Islam, that they were armed, and that our imams should follow their example. He said that the leaders of the Islamic Community in Sarajevo were pro-regime, appointed and dismissed by the authorities, which suited the existing Communist regime in Yugoslavia perfectly. He said that, by interfering in the affairs of the Islamic Community, the regime prevented the development of Islam in the country. An example of this was the fact that the appointment of the Reisul-Ulema could not be made without the approval of the authorities. He said that the Muslims must be united in order to resist the view that they were an artificial entity which should belong either to the Serbs or to the Croats. Commenting on the events in Kosovo, he said that they were the result of Serbian chauvinism, and defended all the activities of the Albanian demonstrators and irredentists, saying that the Albanians were right in demanding a Republic because the Serbs dominated the leadership of the Province and wanted to maintain this state of affairs. He said that Serbian nationalists behaved in a similar way in BH, where they had taken the key positions which, in turn, enabled them to have privileges which were not enjoyed by members of other ethnic groups in BH. Discussing our socio-political system, Alija said that it was similar to the regimes of Libya and the Eastern-European countries, and that he was opposed to one-party systems on principle, because they suppressed freedoms. He said that the socio-political leaders of Muslim nationality were pro-Serb which, in his opinion, was a consequence of their education in Belgrade, where they were exposed to Serbian influence and lost their feeling of national identity. The witness Vahid KOZARIĆ added that Alija IZETBEGOVIĆ had telephoned him one day at the beginning of autumn 1982, and asked him to come to his office during the day. When he went there, Alija IZETBEGOVIĆ asked him to type a text and translate it into German. The text was entitled *Foreword to the 1982 Edition*. The witness performed this task for Alija in a separate room in Alija's flat, while Alija's wife, two daughters and a son were in another part of the flat. He could not remember what the text was about, but it discussed the more active involvement of Islamic priests in the countries inhabited by Muslims. The witness Vahid KOZARIĆ emphasised in particular that Atif DELALIĆ had been present for only a part of the conversation which had taken place in BEHMEN's holiday cottage in October and December 1982.

In his statement given at the main hearing, witness Ismet SERDAREVIĆ said that he had occasionally met Alija IZETBEGOVIĆ and some of the other accused, and that they had discussed various issues. He respected Alija IZETBEGOVIĆ as an eminent intellectual, theorist and an outstanding speaker. Alija IZETBEGOVIĆ had told him that the countries with majority Muslim populations should have an Islamic social system, but he had not said that this system should be established in BH, or that BH should be an ethnically pure Islamic community. He said that in his presence Alija IZETBEGOVIĆ had never said that the Muslims were endangered, but he had said that the Muslims were not sufficiently represented in executive bodies. He had said that the leadership of the Islamic Religious Community did not have enough qualified or distinguished individuals, that they were incapable of organising themselves or of gaining certain position in society. He believed that the leadership of the Islamic

Religious Community should gain a status which would ensure that certain religious rules were put into effect. He probably had in mind religious education and dietary laws, etc. He could not say for sure whether Alija IZETBEGOVIĆ had remained faithful to the principles of the *Young Muslims* organisation, but he regularly engaged in religious worship and expressed pan-Islamic feelings, and did not agree with the work of the leadership of the Islamic Religious Community. These considerations suggest that IZETBEGOVIĆ could have remained loyal to the views of the *Young Muslims* organisation. However, in the statement given in the preliminary proceedings, witness Ismet SERDAREVIĆ said that in his presence Alija IZETBEGOVIĆ had argued that Islam had to become the state system in all the countries with Muslim populations, and that efforts should be made to create conditions so that BH in the future became an Islamic state with Islamic laws, the first prerequisite for which was to strengthen and expand Islam in BH, with its Islamisation as the ultimate goal. In his statement given during the preliminary proceedings, he also said that in his presence Alija IZETBEGOVIĆ had said that, in this country, the Muslims were endangered by the Serbs, and that they should "speak out" about this, but that first the Islamic Religious Community should, in his opinion, acquire a new leadership which would confront the state, and that only then would the status of Muslims, i.e. believers, improve. During the preliminary proceedings, the witness also said that Alija IZETBEGOVIĆ had told him several times that Muslims were not equally represented in leading positions, that they were inadequately represented in the workforce, and in research and educational institutions. He also said that Muslims had enjoyed more religious freedoms before World War II, when they had had their own kitchen and special treatment in the army. He said that the Muslims should fight with all the available means for their lost religious rights and freedoms. When reminded of his statement given during the preliminary proceedings, the witness Ismet SERDAREVIĆ said that it was the same as the statement given at the trial, except that Alija IZETBEGOVIĆ had been thinking of Muslim believers when talking about Muslims. True, some parts of his statement in the preliminary proceedings were not in the way he had expressed them, and had entered the record in the form of conclusions he had made together with the investigator who had questioned him. The witness argued, for example, that in his statement in the preliminary proceedings he had never said that Alija had told him that BH should in the future be an Islamic Republic with Islamic laws. However, the record of his interview in the preliminary proceedings contained such a statement.

The witness Halil MEHTIĆ said at the main hearing that Hasan ČENGIĆ had been the head of the debating society of the Islamic Faculty, whose activities the *Tabački Mesjid* later took over. Before the debating society began its work at the *Tabački Mesjid*, they had organised several lectures in the the Careva mosque. Hasan ČENGIĆ, Džemal LETIĆ, Ahmed FETIĆ, Sead SELJUBAC, Šefik KURDIĆ, Nermina JAŠAREVIĆ and others were in charge of preparing the lectures. ČENGIĆ had insisted they made maximum efforts to prepare these lectures, and for this purpose offered them numerous books to read. He said that Hasan ČENGIĆ when talking about mixed marriages had said that such marriages were not advisable, but that he had not said they should not be allowed. He had said that it was for the young imams, with the aid of other Muslim intellectuals, to work for the preservation of Islam. He had once said that *Jihad* was the form the struggle to preserve Islam should take, meaning the conversion of oneself to Islam, then a struggle by word and pen, and finally, if necessary, the pledging one's own life, i.e. as a soldier in a battle. The

witness also remembered that, after a lecture at the faculty given by Prof. Husein DOZO, Hasan ČENGIĆ had said that the *hilafet* /hierarchy/ was an institution established by religion and desired as such by all the Muslims of the world, and had also said that Islam was not only a religion but an all-embracing system of living. He also remembered that, speaking of mixed marriages, ČENGIĆ had emphasised that many of these marriages ended in divorce, and set Muslims further apart. As for the activities of the *Tabački Mesjid*, the witness maintained that one of the members of the Leadership had said that they were not happy about the way Islam was being interpreted in the lectures at the *Tabački Mesjid*. He had discussed this with Hasan ČENGIĆ and suggested that these activities be stopped, but Hasan ČENGIĆ had replied that that would be a cowardly thing to do, and that it would be to admit an error which had not been made. Lectures at the *Tabački Mesjid* had kept to the religious sphere and had not been politicised. When Halid TULIĆ had gone a step further, on one occasion, and shown certain English newspapers and magazines featuring the imam KHOMEINI, ČENGIĆ and LATIĆ had immediately reacted and prevented Halid TULIĆ from engaging in further discussion of those magazines or the imam KHOMEINI. The witness remembered a *mevlid* which was held in the Careva mosque in April 1981, concerning which several students had later to give statements. He said he had personally taken the whole programme for the *mevlid* to Prof. ČEMERLIĆ, and one criticism, or rather excision, was made, specifically of the word "kill" in the translation of a *hadith*. He then returned the material to Hasan ČENGIĆ who had previously given it to him. He did not know whether this word was left out when the lecture was read at the above-mentioned *mevlid* in the Careva mosque. Concerning Derviš ĐURĐEVIĆ, the witness Halil MEHTIĆ stated that in his presence Derviš ĐURĐEVIĆ had said that conditions for the preservation and expansion of Islam should be created, without mentioning whether this also applied to BH. Derviš ĐURĐEVIĆ had also said that a Muslim believer should be careful whom he associated with, and that only Muslims were brothers in faith. However, Derviš ĐURĐEVIĆ had never said to him that religious freedoms were limited in this country. What he had said was that people of other confessions were better off in respect of diet and women's dress. During the preliminary proceedings, the witness Halil MEHTIĆ said that ČENGIĆ and he had had a disagreement during their work at the *Tabački Mesjid* because of ČENGIĆ's approach to the discussion of certain topics, and his divergence from the topics prepared. In fact the lectures did occasionally acquire political overtones. In his statement given during the preliminary proceedings, the witness said that ČENGIĆ had told him that the Islamic Community had no capacity to fully establish Islam in our country. According to ČENGIĆ, Muslim intellectuals would play the leading role in awakening the Islamic consciousness of the Muslim masses who would be enabled by the militant spirit of Islam to establish Islam, based on the Sharia code, throughout BH. He said that ČENGIĆ had emphasised that Islam implied a constant need to struggle for the establishment of Islamic principles, and that any advance and revival of Islam started with the full adoption of the faith. Political, economic and all other changes would subsequently develop from this. He added that Hasan ČENGIĆ had said that mixed marriages should not be allowed, as they further divided the Muslim population, and that it was the duty of the imams to prevent mixed marriages, or otherwise Muslims would assimilate into the other nations. In his statement in the preliminary proceedings, the witness Halil MEHTIĆ said that in his presence Derviš ĐURĐEVIĆ had said that Muslims should not socialise with people of other religions, or marry people of other confessions. He advocated marriages between true believers only, and said that a

Muslim should not marry even a Muslim woman who was weak in her faith, let alone a woman who was not of Islamic religion. He maintained that ĐURĐEVIĆ had said that association with infidels was detrimental to children's upbringing because it led to bad habits, and had said that Serbs and Croats could not be brothers to Muslims since only a Muslim could be another Muslim's brother. He said that Muslims should fight for the right to their own slaughter houses and butchers' shops where they would be able to obtain meat from animals slaughtered according to Sharia rules. He said that ĐURĐEVIĆ had also said that Muslim girls should not do gymnastics at schools in their shorts in front of male or female teachers who were infidels. In his statement in the preliminary proceedings, the witness also stated that ĐURĐEVIĆ had told him that the duty of imams was to create conditions for introducing Islam throughout BH and beyond. He also advocated the consistent implementation of the Sharia code in our country because, in his opinion, the Sharia code was superior to the country's existing legislation. When reminded of his statement in the preliminary proceedings, the witness said that his statement given at the main hearing was accurate.

Witness Hilmija ČERIMOVIĆ said at the trial that he knew Alija IZETBEGOVIĆ had been preoccupied with the destiny of the Muslims of the world for many years, and that his basic thesis was that they had to unite and return to genuine Islam, because this was the only way which would enable them to achieve their freedom. He did not specify if it was the Muslims in Yugoslavia that he had in mind, but he did not exclude them either. He stressed that Alija IZETBEGOVIĆ had criticised the Islamic Community for its inactivity, because of which religion was suppressed more in practice than because of the Law. Regarding the events in Kosovo, Alija IZETBEGOVIĆ had said in his presence that the Kosovo Albanians were compact and persistent in their struggle for their rights, in contrast to the Muslims of the world. Alija IZETBEGOVIĆ had also said in his presence that the Islamic Community, in its publications, should discuss not only religious issues but also other topics which were not of a strictly religious nature, such as the question of diet. His impression of Alija IZETBEGOVIĆ was that he was a person whose wishes and ambitions had outgrown the Yugoslav framework. He was hoping for an Islamic awakening in all Islamic countries, and in addition to the Islamic religion, he also wanted to see Islamic governments established in such communities. The witness Hilmija ČERIMOVIĆ said at the main hearing that Melika SALIHBEGOVIĆ had asked him to translate a letter addressed to imam KHOMEINI into English. He had noticed how indignant Melika was because of her Yugoslav situation, but also by the attitude of the Iranian police who had declared her a spy when she had been in Iran. He did not know if Melika had sent the letter to KHOMEINI, but was under the impression that she hadn't. In his statement in the preliminary proceedings, the witness also said that, when discussing the events in Kosovo, Alija IZETBEGOVIĆ had said that the demonstrators were in the right, that they were brave, united and, unlike others, unafraid to speak up about the things they were struggling for, and said that the Muslims in BH should follow their example. When reminded of this, the witness said that the statement he had given at the trial was correct, i.e. that Alija IZETBEGOVIĆ felt that the Muslims in BH should follow the example of the Kosovo Albanians only in terms of their homogeneity, nothing else.

The witness Halid ČAUŠEVIĆ said that the former director of Gazihusrebeg's Library had brought him a book entitled *Islam Between East and West* by Alija IZETBEGOVIĆ to read in March 1981. He says that, after reading it, he had

concluded that the book was hostile, conveying an unacceptable message based on pan-Islamic ideas. In a very perfidious way, the book advocated the creation of a *hilafet* - an all-Islamic state and indirectly called for the unification of all the Islamic nations. He noticed that the content was reactionary and nationalistic, showing no tolerance for the other religions and nations in our country. For all these reasons, the publishers rejected the book. He emphasised that the book was a typical theoretical work.

From the statement of the witness Ahmed FEJZIĆ it followed that Omer BEHMEN and Seid SEIDović had come to his house one day in late autumn 1981. After watching the TV news, Omer BEHMEN had said that principles and teachers in our schools were usually Serbs, who were carrying out a greater-Serbian policy, and were avenging themselves on our children. He mentioned a village near Nemila, where Serbian teachers had forced Muslim children to eat pork. The witness added that BEHMEN had said in the presence of Seid SEIDović and himself in the middle of July 1982, that it was a great pity that the Islamic Community was not encouraging young and educated imams, capable of challenging the opponents of Islam. As an example, he mentioned Vojislav LUBARDA who had been, he said, appointed by Serbian political circles to provoke Muslims with his writing and to belittle them as inferior nation. He claimed that, commenting on the emigration of the Serbian and Montenegrin population from Kosovo, BEHMEN had said that a great fuss was made when a number of Serbian and Montenegrin families left Kosovo, but that nobody mentioned the 300,000 Albanians who had emigrated to Turkey. He also said that in his opinion Omer BEHMEN had not been justifying the events in Kosovo, but rather explaining the reasons behind these events.

Hasib BRANKOVIĆ stressed at the trial that he had been in such a state of mind while giving his statement during the preliminary proceedings that he had not been able to control what he had been saying or how his words had been formulated in the record. He said that, in the summer of 1973, Omer BEHMEN had asked him to take the *Islamic Declaration* and the Statute of the *Young Muslims* organisation to Ešref AVDAGIĆ in Turkey. He had told him to take good care of these texts, and keep them hidden on the way to Istanbul. He said he had taken and given the texts to Ešref AVDAGIĆ who had told him: "Let one of them come, and then we shall discuss the matter", meaning Omer BEHMEN and Alija IZETBEGOVIĆ. When he returned to Sarajevo he conveyed this message to Omer BEHMEN and Alija IZETBEGOVIĆ. He said that Omer BEHMEN had covered the costs of the trip. He also said that Omer BEHMEN had given no explanation for sending *The Islamic Declaration* and the Statute to Ešref AVDAGIĆ, but that when he had asked Omer why he was sending the Statute, Omer had replied: "Let him have it for safekeeping." He also said that *The Islamic Declaration* was written in our language. Regarding other contacts with Omer BEHMEN, the witness said he had never heard Omer BEHMEN discuss the Muslim situation in Yugoslavia, or the events in Kosovo, or the dominant role of Serbs in this country. He did not recall Omer BEHMEN and he ever discussed any members of the *Young Muslims* organisation who had been executed. However, he did recall their discussions about the revolution in Iran, when they both agreed that this revolution was bound to affect the Muslims in Yugoslavia. However, in his statement given in the pre-trial proceedings, the witness Hasib BRANKOVIĆ had said that Omer BEHMEN had told him that the Islamic revolution was spreading, that the "old man" was advancing, and that Saddam HUSEIN could not stop him. This only confirmed the



fact that the Islamic idea was vital, realistic and that it was winning. In his statement in the preliminary proceedings, he had said that he had heard Omer BEHMEN argue that he knew what the Serbs wanted in Kosovo, that they would like to abolish it entirely and establish a Greater Serbia at the Muslims' expense, which was so typical of them. He also said that Omer BEHMEN had told him in his flat in March 1982, that the recent victory of Islam in the Near East would improve the status of the Muslims in Yugoslavia, and also that the *Young Muslims* organisation had accelerated the entire process of recognising the Muslims as a nation. Omer BEHMEN had also told him that he was not satisfied with the current status of Muslims in Yugoslavia, and that the Serbs were still very influential. He said that Omer BEHMEN had said that Hasan BIBER, Adil KAJTAZ, Nusret FALZIBEGOVIĆ and Omer STUPAC, the members of the *Young Muslims* organisation who had been executed, had been brave and good Muslims who had willingly sacrificed their lives for the Islamic cause, and that their example should be a lesson to the young and to all who wanted to fight for genuine Islamic ideas. In his statement in the preliminary proceedings, this witness had said that Omer BEHMEN had come to his house sometime in October 1982 and asked him to go find Hasan ČENGIĆ in Ustikolina, near Foča, and tell him to come to BEHMEN's house when he came to Sarajevo. He said he would cover all the costs of the trip, if necessary. As a favour to Omer BEHMEN he had conveyed the message to Hasan ČENGIĆ. He found him in the village of Odžak, near Ustikolina. In the part of his statement in the preliminary proceedings referring to Ismet KASUMAGIĆ, the witness said that KASUMAGIĆ had spoken to him about the continuing opportunities of expanding the Islamic revolution in October or November 1982, and that this victory would be an incentive to all Muslims.

When reminded of this part of his statement given in the preliminary proceedings, the witness Hasib BRANKOVIĆ said that the statement he had given at the main hearing was the true one. With regard to this part of his statement, he said that he had been in such a state of mind at the time that he had not been able to control how his statement had been formulated in the preliminary proceedings. However, he stated that everything he had said in the statement in the preliminary proceedings regarding his visit to Hasan ČENGIĆ in the village of Odžak, and his contacts with Omer BEHMEN in relation to the visit, was true.

The witness Atif DELALIĆ said that he had visited Omer BEHMEN in his holiday cottage in Pazarić many times and that they had often watched the TV programme and discussed various issues. He remembered that when they were discussing the country's economic situation on one occasion, Omer BEHMEN had said that the situation was serious, that it was for the most part in the hands of incompetent people who only made matters worse. When they were discussing the situation in Kosovo, Omer BEHMEN had said that the Albanians should get a Republic within Yugoslavia, thus diminishing the influence of Serbian nationalism in the Republic of Kosovo. He did not remember that Omer BEHMEN had used the term "partisan clique" when they were discussing our difficult economic situation. He said that Vahid KOZARIĆ had also been present in the course of the two discussions which had taken place in Omer BEHMEN's holiday cottage in October 1982 and in January 1983. However, in the part of his statement given in the preliminary proceedings referring to the discussions about the Yugoslav economy, the witness said that Omer BEHMEN had argued that the economy could not be saved, that the partisan clique had taken the top positions and was idle, and that when they were commenting on the events in Kosovo, Omer

BEHMEN had approved the demand of the Kosovo Albanians for a Republic within Yugoslavia, because this would diminish the power and influence of Serbia in Yugoslavia. According to him, Omer BEHMEN had also said that the Serbs in Belgrade constantly imposed pressure on certain Muslim intellectuals in BH with the aim of diminishing the power and significance of the Muslim nation in Yugoslavia. In his statement in the preliminary proceedings, he had also said that, speaking about the Iranian revolution, Omer BEHMEN had said that the Renaissance of the Islamic world and of KHOMEINI's Republic had affected the attitude of our rulers towards the Muslims in Yugoslavia, adding that the Muslims should take advantage of the economic power of the Arab countries and their petroleum reserves to influence the Yugoslav authorities and thus improve the position of Muslims in Yugoslavia. When reminded of this part of his statement in the preliminary proceedings, the witness said at the main hearing he had mentioned things he clearly remembered from these discussions and as for his statement in the preliminary proceedings, he said he had been under psychological stress and confuse, so that the things he had not been really aware of could have entered the record.

In his statement, the witness Haris PAŠALIĆ said that in their contacts over the past five or six years, Ismet KASUMAGIĆ had criticised him for eating pork and drinking alcohol, saying that such a behaviour was not appropriate for a true Muslim, and that it was not in accordance with the norms of the Islamic religion. He said Islam was the purest faith. He also said that in his presence KASUMAGIĆ praised experts of Muslim nationality, and that he never spoke well of experts of other nationalities, even if they had the same qualities as experts of Muslim nationality. The witness said that he had been troubled by the fact that KASUMAGIĆ had not kept his religious beliefs to himself, but had imposed a certain pressure on him, insisting that he not eat pork or drink alcohol, and that he oppose mixed marriages. In his presence, KASUMAGIĆ had never said that employees of Muslim nationality were more cultured, diligent and professional than the employees of other nationalities. However, in his statement in the preliminary proceedings the witness had said that KASUMAGIĆ had told him several times that employees of Muslim nationality were more intelligent and accomplished than employees of other nationalities, and that he had condemned Muslims who married people of Serbian or Croatian nationality, quoting the case of Sajma SULJIĆ, an engineer at the Institute, who had married Branko TODIĆ. He said that she, as a Muslim woman, had committed an unpardonable sin by choosing a Serb amongst so many nice young Muslims. He claimed that on one occasion, when Sajma SULJIĆ was walking in front of them, Ismet KASUNOVIĆ said: "Look at that shrew who married a Vlach."

In his statement, the witness Muhamed PAŠIĆ said that Ismet KASUMAGIĆ had criticised him several times in 1982 for not going to the mosque, and had invited him to attend lectures organised by the Islamic Community Board. When on one occasion he had asked Ismet KASUMAGIĆ if he was related to Fikret KASUMAGIĆ, he had replied that they were closely related, but that they did not speak to each other because of his marriage to Ksenija. The witness emphasised in particular that it was not his impression that KASUMAGIĆ's comments and discussions were aimed at influencing him, although KASUMAGIĆ gave him a strange look every time he met him in the street in a company of persons of different nationalities.

The witness Edib POZDEROVIĆ said that Ismet KASUMAGIĆ had not attempted to influence him to behave in accordance with Islamic rules. It was true, however, that he had given him *Preporod* to read a few times. In his presence, Ismet KASUMAGIĆ had never shown that he opposed mixed marriages, although there had been an incident which might have suggested this. Namely, Ismet KASUMAGIĆ had once refused to enter his house because he had learned that Sanja, the daughter of his wife's sister Sena, who was married to a Serb, was there. The witness claimed that Ismet KASUMAGIĆ had said on this occasion: "How can you allow your wife's sister Sena, who is married to a Serb, to enter your house?" The witness added that Ismet KASUMAGIĆ had told him that special kitchens should be introduced for Muslims in the army, as had been the case in the past.

In her statement, the witness Vasvija HRELJA said that Ismet KASUMAGIĆ had on a number of occasions in her office criticised the marriage of Sajma SULJIĆ to Branko TODIĆ, because Sajma SULJIĆ was a Muslim and Branko TODIĆ was a Serb. She had worked with Ismet KASUMAGIĆ for several years at the *Hasan Brkić* Institute in Zenica, and concluded from their contacts that Ismet KASUMAGIĆ was generally opposed to mixed marriages, and that he considered employees of Muslim nationality as more diligent, professional and cultured than employees of other nationalities. She also came to the conclusion that Ismet KASUMAGIĆ thought the Muslims should be more compact, in order not to fall under Serbian, Croatian or atheistic influence. However, in her statement in the preliminary proceedings, the witness had said that Ismet KASUMAGIĆ had directly made such statements, not that these were her own conclusions based on her contacts with Ismet KASUMAGIĆ. When reminded of this, the witness said these had been only her conclusions about Ismet KASUMAGIĆ's ideas. She said that she had formulated her statement in the preliminary proceedings together with the investigator who had interviewed her, and that she had also told him these had been her conclusions.

The witness Fadil BUKVIĆ said that Omer BEHMEN had told him that in this country Muslims who were believers could not rise to executive positions, as a result of the usual clause in job advertisements that a candidate had to be morally and politically suitable. Talking about the Islamic revolution in Iran, Omer BEHMEN had said that it in fact marked the beginning of an Islamic revolution in all the countries with a predominantly Muslim population. This revolution should lead to the unification of all the Muslims, from the Atlantic to India. He said he had been acquainted with Salih BEHMEN, who had several times said in his presence that the Islamic revolution in Iran meant a return to Islamic ideas, and that it would spread to other countries with predominantly Muslim populations until the final unification of all Muslim countries.

The witness Mahmut TRALJIĆ said in his statement that Omer BEHMEN had come to him in his library sometime in 1972, asking to borrow the book *The Muslims in Soviet Russia* by Mustafa BUSULADŽIĆ. A year later, Omer BEHMEN had returned the book, in which there was a four-page letter starting with "Dear Ahmed, Omer and others", signed by Teufik VELAGIĆ. He stressed that he had not noticed the letter when Omer BEHMEN had returned the book, but had returned it to the shelves and not lent it to anyone else, and only when his flat was searched was the letter found in that book.

The witness Ismet TURALIĆ said he knew Ismet KASUMAGIĆ, and that they had frequently engaged in conversation. He remembers that Ismet KASUMAGIĆ had told him that Muslim believers were wrong not to utilise their religious freedoms as provided by law, because he was not sure what would happen to those freedoms in the future once the country stopped being dependant on the Arab and Western countries. In his presence, Ismet KASUMAGIĆ had also said that at his place of work he had for a while been in an inferior position to a female manager who had been a Serb. On one occasion, he had asked KASUMAGIĆ why he had allowed his daughter to marry before graduating from the university, and KASUMAGIĆ had replied: "I am happy that she married a Muslim. That solved one of my problems." However, in his statement in the preliminary proceedings, the witness Ismet TURALIĆ had said that, in the summer of 1977, Ismet KASUMAGIĆ had talked about the inferior position of Muslims in Yugoslavia in the presence of Hamzalija HUNDUR, stressing that Muslims were imperilled by Serbs who had seized all the power. He had also said that there were no real religious freedoms in Yugoslavia, especially in the case of Muslims and pure Islam. Of the existing religious freedoms in Yugoslavia, KASUMAGIĆ had said that they were only temporary, and that the Communists allowed them only because of pressure from the Arab world, which provided Yugoslavia with exceptional economic assistance. He said that the Western countries were also putting pressure on Yugoslavia, requesting more religious freedoms, and that Yugoslavia had to yield to this pressure because of its economic dependence on the West. KASUMAGIĆ had argued that the Communist regime in Yugoslavia would immediately abolish all Muslim religious freedoms as soon as the country ceased to be dependant on the assistance of the Arab world. He had told him that Muslim children should be brought up not to socialise with children of other nationalities. They should be brought up in a Muslim spirit, so that later they would not enter mixed marriages. In his statement in the preliminary proceedings, he had also said that KASUMAGIĆ had argued that Muslims in Yugoslavia had no prospects because the Communists were in power. He had also said that all the important positions were held by Serbs who did not allow Muslim intellectuals to rise to better positions. He had added that the Yugoslav government falsely presented the Muslim situation in Yugoslavia, especially to the Arab world, and that the Muslims should expose this and tell the world the real truth about their situation. He also said that Islam was jeopardised in BH, and that every means should be used in the struggle to save it, regardless of the consequences. He also said that the Islamic Community should confront the Yugoslav authorities. When reminded of this part of his statement in the preliminary proceedings, he claimed that his statement given at the main hearing was the true one, and that his statement in the preliminary proceedings had been given under special circumstances. He explained that he had told the same thing to the investigators who had questioned him. However, after several hours of lengthy questioning, and after the investigators had told him that Ismet KASUMAGIĆ and Hasib BRANKOVIĆ had stated otherwise, he agreed to the formulation of his statement made in the preliminary proceedings, and had signed as his own.

The witness Seid SEIDOVIĆ said that he knew Omer and Salih BEHMEN, and that they had had a number of contacts, and had discussed various issues. He remembered that he had visited Omer BEHMEN's flat in October 1980 and that, on that occasion, Omer BEHMEN had commented on the trial of Muharem HASANBEGOVIĆ and Aga ČUREVAC. Omer BEHMEN said that the UDB's /State Security Administration/ had cooked all that up in advance, and added: "They are sentencing

Muslims, while there is no food in the country.” Ten days after the conversation, on the subject of education, Omer BEHMEN had said that our school principals and teachers were mostly Serbs who implemented a pro-Serb policy and took revenge on Muslim children. As an example, he mentioned a village near Nemile where teachers were forcing Muslim children to eat pork. Omer BEHMEN also talked about the economic situation in the country and said that our economy could not recover while the leadership talked empty words. The leaders provided for themselves, yet were now asking the poor to tighten their belts. The statement of this witness showed that Omer BEHMEN had come to his office in January 1982, and that they had discussed the social and economic situation. Omer BEHMEN had said that the Muslims were deprived of their rights and disoriented. The injustice done to Muslims was especially evident in small towns, where there was no Muslim community any more because they had evacuated the Muslims and brought others in instead. He said that these were a tactics of the ruling clique, who wanted to shatter the Muslims. He said this had to be destroyed at the root, adding that the Muslims could stay on the surface and resist the various assaults only if educated and emancipated in the spirit of progressive Islam. Discussing the events in Kosovo in his office, Omer BEHMEN had said that, especially in Serbia, Montenegro and BH, there was a wide campaign against the Albanians, presenting them as monsters in order to provoke the people’s hatred. He added that the Serbian nationalistic politics was hypocritical and perfidious, because no one was chasing Serbs out of Kosovo. They were selling land and leaving, although it was they who had taken that same land from the Albanians after World War I. During this same discussion, in talking about the pressures on Muslims, Omer BEHMEN had said that the marriage of Muslim women to infidels was the deliberate work of Serbian and Catholic policies, and added that a general Crusade had been launched against Muslims in this country. The witness added that, at the beginning of this year, in one of the discussions which took place in his flat, Omer BEHMEN had said that he was not surprised at the way Vojislav LUBARDA and Vuk DRAŠKOVIĆ wrote, because the Serbs and Croats were using the confusion in the country to attack everything Muslim. With regard to the accused Salih BEHMEN, the witness Seid SEIDOVIC said that in a discussion which took place sometime in July or August 1980, Salih BEHMEN had said that we, Muslims, must get organised, and that there was no success without a persistent struggle. Commenting on the appearance of Milovan ĐILAS in foreign radio broadcasts, he said that it suited us too, because all pressures on the state were good whatever direction they came from. In a discussion in January 1981, Salih BEHMEN said that KHOMEINI had shown the whole world his own and Islam’s strength. He also said that all our forces should be focused on the idea of the Islamic revolution in Iran. When discussing the conflict between Iraq and Iran, he said all this was the work of the vile reds, because Yugoslavia was building factories in Iraq and providing financial support to that country. When reminded that in the preliminary proceedings he had said that, in October 1982, Salih BEHMEN had told him that the country’s leadership had become an object of hatred in the eyes of the people, because they had started the robbing, corruption and all other problems the people were faced with, the witness said he did not remember that Salih BEHMEN had said this in his presence.

The witness Muhamed DEDIĆ said in his statement that his relative Muhamed, Rušid PRGUDA and he had visited Mustafa SPAHIĆ’s house in Ugorski village near Vogošća in 1982. When Rušid PRGUDA began to talk about the difficult situation of the Muslims, Mustafa SPAHIĆ had said that Bosnia had to be Islamised, and that they

could no longer go on as they were, or wait to be deprived of religious freedoms. He added that half of the imams were regime's policemen, and that we had a Russian regime. On this occasion, SPAHIĆ stated that socialism was sheer utopia, saying: "Socialism is a deception of the masses, what communism is to socialism, monopoly is to capitalism. To write that the freedom of thought exists in socialism is a delusion." SPAHIĆ also said that Muslims and Albanians were in the same position, for they were not equal to the other nationalities. He added that the Albanians were absolutely right to rebel and ask for a Republic, independence and freedom. This was what Muslims too should seek for Bosnia had to become an exclusively Islamic country. He said that the Croats had Croatia, the Serbs had Serbia, and the Slovenes had Slovenia, so by all the rules the Muslims were entitled to Bosnia. SPAHIĆ said that the Socialist Republic of Serbia should be unitaristic, and that the autonomous provinces should become independent entities with their own governments, armies, police, flags and the rest. SPAHIĆ also said that imams were duty-bound to work on the Islamisation of Bosnia, and that they should establish closer contacts amongst themselves, show greater solidarity, and protect one another, because only united, with joined forces, could they contribute to the Islamisation of Bosnia. The witness also said that, during this conversation, Mustafa SPAHIĆ had said they should attack the leadership of the Islamic Community because they were servants and police of the regime, and they did nothing to propagate Islam, but propagated brotherhood and unity instead, whereas Muslims needed no other brotherhood but that of Islam. The witness Muhamed DEDIĆ emphasised that he had visited Mustafa SPAHIĆ's house only once, at the end of April 1982, when this conversation took place, after which he and his relative, also named Muhamed DEDIĆ, after consulting each other, had gone to the SUP and reported the discussion, which was officially recorded. He stressed that he firmly stood by every word he had said.

The witness Besim ŠKALJIĆ said he had known KASUMAGIĆ from high school days. They had visited each other very often, admittedly less often recently, and during these meetings, they discussed numerous issues, so that he did not remember Ismet KASUMAGIĆ saying that Muslim names were beautiful and that they should give them to their children. He also said that Muslims should have separate kitchens, referring to young men serving the Army. He also said in his presence that the members of the SK /League of Communists/ were favoured in comparison with other people, and that the Muslims did not have enough representatives in top positions. Concerning the Islamic Community, he said that the law provided them with more opportunities to publish certain Islamic works, but that the people in the Islamic Community did not do all that they should to publish Islamic literature or hold lectures. He praised imam KHOMEINI, saying that he had carried out an unarmed revolution in Iran, and that some other predominantly Muslim countries should follow this example. Speaking of the events in Kosovo, KASUMAGIĆ said he saw no reason why the Albanians should not be allowed to have a Republic in Kosovo, and he compared the number of Albanians with the number of Montenegrins, who had a Republic of their own. He said that the events in Kosovo were an outcome of certain pressures on the Albanians by Serbs. Ismet KASUMAGIĆ had never said in his presence that Bosnia should be Islamised, that an ethnically pure Muslim community should be created, that an Islamic Republic should be established in BH, and so on. However, in his statement in the preliminary proceedings, the witness Besim ŠKALJIĆ had said that KASUMAGIĆ had told him several times that Muslims should not marry non-Muslims, that they should not give non-Muslim names to their

children, and that the leadership of the Islamic Community was pro-regime. He said that Ivo ANDRIĆ was anti-Muslim and that he portrayed them in a false light in his works. When reminded of this part of his statement in the preliminary proceedings, the witness said he did not recall that KASUMAGIĆ had ever told him in any conversation that the leaders of the Islamic Community were "pro-regime", but he allowed for the possibility that he might have used the expression while giving the statement in the preliminary proceedings which he had signed.

The witness Džemaludin ŠESTIĆ said that he had known KASUMAGIĆ for a number of years and that they had frequently engaged in discussions, especially while watching TV programmes or reading the newspapers. He remembered that on one occasion Ismet KASUMAGIĆ had said that our economic situation was difficult due to the mistakes of certain business managers. He said that in his presence KASUMAGIĆ had not criticised the leaders of the Islamic Community. When reminded of his statement in preliminary proceedings where he had said that the Islamic Community was led by pro-regime men appointed by the politicians, mentioning specifically SMAILOVIĆ, MUJIĆ etc., the witness Džemaludin ŠESTIĆ said he had never said that during the preliminary proceedings, but was unable to explain how such a statement could have entered the record, which he had read and signed.

The witness Sreto TOMAŠEVIĆ said that through his contacts with Ismet KASUMAGIĆ at their place of work, he had got the impression that KASUMAGIĆ was religious to the point of fanaticism. He showed it in the way he acted. For example, it really upset him that Nadija HASENICA had been in frequent contact with him (the witness), so he had tried to transfer Nadija to another organisational unit. When discussing the war between Iraq and Iran, KASUMAGIĆ had said that Iraq would lose the war in seven days if it were not for the support of other countries, including Yugoslavia. He attacked leaders of the Islamic Community, saying that the the Reisul-Ulema did not act in the spirit of the Islamic holy book, and that he had even gone as far as to criticise certain students of the Islamic Faculty for studying chauvinistic chapters of the *Koran*. He said that the ignorance of the *Koran* went so far that today people were giving their children names such that one was unable to tell who was Muslim and who was of another religion. Once he had told the witness: "When you say your name is Sreto, I immediately see you differently than if you had said your name was Sead." The witness had been shocked to hear this. The witness also said he had noticed that KASUMAGIĆ ignored League of Communists meetings, which he did not attend although, as an executive, he ought to have attended the lectures, which were open to all.

In his witness statement, Rašid HAFIZOVIĆ said that Hasan ČENGIĆ had never said in his presence that conditions should be created for the Islamisation of BH, the Sandžak and Kosovo, thus creating an ethnically pure territory with an Islamic population. Regarding the lectures at the *Tabački Mesjid* he said he had attended only two or three lectures because he had been burdened with obligations at the faculty and, on the other hand, the discussions of some people at the *Tabački Mesjid* were strange. He mentioned Halid TULIĆ, whose discussion after a lecture had gone beyond the framework of the envisaged topic. What Halid TULIĆ had said was that the Iranian revolution should mark the beginning of an era that could be of major importance for all the Muslims of the world, and that it would be a good idea to ride

through Sarajevo on horseback with a turban on one's head to revive the old times. He said that ČENGIĆ had warned him then about such discussions. He did not remember any other improprieties during lectures at the *Tabački Mesjid*, especially not by ČENGIĆ, LATIĆ or SPAHIĆ. All the students who participated in the activities at the *Tabački Mesjid* were of the opinion that Islam was not only a faith, but that it should also be implemented in culture, politics and economics, in other words that it was an entire system of living. In talks and discussions, Hasan ČENGIĆ had said that the *Koran* contained a revolutionary element. He was interested in the way in which Bosnia had been Islamised, and therefore he wanted to learn more about the Islamisation of Bosnia from the time of the Turkish advance, so, he had asked Prof. Nijaz SUKRIĆ to give him certain explanations about the process of Islamisation. When this professor, among other explanations, mentioned that missionaries and religious teachers had come to the Balkan area first, and prepared the ground for the arrival of military forces, Hasan ČENGIĆ had concluded: "So, first as religious teachers, but then also, and then, when the situation demands, as soldiers and knights." ČENGIĆ was fascinated by the historical period when the Turks invaded these regions, and asked the professor how the process could be repeated here in the future, that is in the area of Bosnia. As far as he could remember, on that occasion Hasan ČENGIĆ had said something about Kosovo and Sandjak. The witness added that, when an argument took place in the correspondence columns of the *Glas Koncila* /a Catholic weekly/, Hasan ČENGIĆ said how wonderful it would be if Muslims had a *hilafet* which would be a spiritual centre for all the Muslims of the world, ensuring a balance of religions in the world. Discussing the former *Young Muslims* organisation, Hasan ČENGIĆ also said that their members had nice children, well brought up. Concerning the work of the *Tabački Mesjid*, the witness said that one day he decided not to attend these lectures any more, because he could no longer bear anyone influencing him and imposing his opinion on him. This was exactly what Hasan ČENGIĆ wanted to do, not by virtue of lectures and discussions at the *Tabački Mesjid*, but through the medium of their friendship and private discussions. He knew that sometime in 1979, the Leadership of the Republic intervened in order to halt the activities at the *Tabački Mesjid*, but he did not know for what reason. He found out later that the Board of the Islamic Community had given its "green light" to the *Tabački Mesjid* to continue its activities. This followed after a conflict between the Board of the Islamic Community and the Leadership of the Republic. They decided at the time that each lecture should be first sent to the Board for approval. Hasan ČENGIĆ then left his post of teacher in the *medresa* and obtained a scholarship from the Board of the Islamic Community, and said he would work at the *Tabački Mesjid*, work for which the Board had awarded him this scholarship. At the lectures he attended at the *Tabački Mesjid* he noticed that Hasan ČENGIĆ loved to quote these *ayets* from the *Koran* which showed a revolutionary spirit. A lecture of this kind was held at the Careva mosque, after which the Reisul-Ulema severely criticised the organisers of this *mevlid* lecture. Concerning Hasan ČENGIĆ, the witness added that during one of the lectures at the *Tabački Mesjid* Hasan ČENGIĆ quoted the opinions of some Arab lawyers, great authorities on Islam, forbidding mixed marriages despite the fact that the *Koran* permitted mixed marriages. He said that Hasan ČENGIĆ maintained that God created one's destiny, and that a man played no part in shaping his own destiny, and when he /the witness/ expressed the opposite opinion, Hasan ČENGIĆ called him an unbeliever, an atheist. The witness knew that Hasan ČENGIĆ did not want to accept a scholarship from the Leadership of the Republic, saying that he did not want to be under the influence of Prof. Ahmed SMAILOVIĆ with whom he



had frequently come into conflict. Concerning Džemal LATIĆ, the witness Rešid HAFIZOVIĆ said that during a discussion in the Students' Services Section, Džemal LATIĆ had mentioned the Islamisation of Bosnia. They were discussing literary works dealing with the Islamisation of Bosnia during the Turkish invasion. Referring to an idea of Lenin's, Džemal LATIĆ said: "One should be neither early nor late with the revolution." Of Mustafa SPAHIĆ, the witness said he had seen him at the lectures held at the *Tabački Mesjid*, where he had participated in discussions. Others had told him that Mustafa SPAHIĆ was interested in the Islamisation of Bosnia, and that he was enthusiastic about the Iranian Revolution. Mustafa SPAHIĆ himself had never said to him that he was interested in the Islamisation of Bosnia, or that he was enthusiastic about the Iranian revolution, but rather he had heard others say these things about SPAHIĆ. However, in his statement during the preliminary proceedings, the witness Rešid HAFIZOVIĆ had talked about certain circumstances which he failed to mention in his statement at the trial. In his statement during the preliminary proceeding he had said that, after attending a few lectures at the *Tabački Mesjid*, he had felt that the lectures and discussions had become extremist, which he had found unacceptable as they reminded him more of political than of religious activities, so he had decided to stop attending the lectures. However, ČENGIĆ had persuaded him to change his mind, telling him to stop pursuing dull scholarship. ČENGIĆ said that the real task of a theologian was to go to the masses and work with them. Moreover, in his statement in the preliminary proceedings the witness said that ČENGIĆ had stressed that the Muslims could not and should not tolerate the current activities of the Islamic Community, whose attitudes were destroying Islam. Such an Islamic Community should be completely wiped out and abolished. He said that God's messenger had said many things which should be applied immediately and without alimitation, stressing that women should veil themselves, and that Muslims should develop affection only amongst themselves. He also said that ČENGIĆ was delighted with the following statement of Halid TULIĆ at the *Tabački Mesjid*: "It would be good to find a turban of some kind and ride through Sarajevo on a horseback, to bring back the times of true Islamic life." According to his statement, in the preliminary proceedings, Hasan ČENGIĆ had said in his presence that the Muslims were imperilled by the regime and by the Communists, and that they should make an effort to create the conditions for making BH, the Sandjak and Kosovo Islamic, and making this territory ethnically purely Islamic. He said that ČENGIĆ had insisted that Islam was not only a faith, but also a politics, an economics, a science, a culture, and a revolution, and that the revolutionary element was immanent to Islam, and that revolution was the foundation and essence of Islam. He emphasised that the revolutionary spirit of Islam came to the surface only when the conditions for it had been prepared, and that those conditions included the propagation of religious teachings among the masses, the attracting of new believers and educating them in the spirit of Islam, and the achievement of independence in the political sphere. He also said that Islamic theologians should in the first place be preachers, but if necessary also soldiers and knights of the revolution. In his statement during the preliminary proceedings, he also said that in his presence Hasan ČENGIĆ had mentioned several times that the ultimate goal of the Islamic revolution in this country was to create a unified Islamic state, encompassing the regions of BH, the Sandjak and Kosovo. In his presence, ČENGIĆ had often cited the following *ayet* from the *Koran*: "God will not change the situation of a nation until that nation changes itself", explaining that the position of Muslims in this country could be changed and improved only by engaging Muslim intellectual circles. He added that the Muslim masses should be taught the

following: not to greet infidels, to kill infidel - and infidels were all who were not Muslim. He said that a Muslim should not marry a non-Muslim, receive blood from an infidel, or give blood to an infidel, that a Muslim woman should not breast-feed a non-Muslim woman's child and vice versa, insisting that a Muslim must be better than all others, superior, and worthier citizen than any other. He said that Hasan ČENGIĆ interpreted the notion and essence of *Jihad* as an all-out war for the extermination of enemies and infidels to last man, saying that the Muslims should not wait for a provocation or a cause, but that they should invent the provocation themselves. In the preliminary proceedings, he had said that Hasan ČENGIĆ had emphasised on several occasions that the Muslims were backward because of the pressure the regime subjected them to, and that only when they had got rid of the regime and broken the chains of oppression would the Muslims be able to take action in order to achieve their goal of an Islamic revolution, i.e. the establishment of an Islamic state. Commenting on the the events in Kosovo, ČENGIĆ had said in his presence that it was not fair or right that the Serbs should put such pressure on the Albanians and terrorise them, saying that the Albanians in Kosovo were even more underprivileged than the Muslims. Speaking of the country's economic situation, Hasan ČENGIĆ interpreted it as a result of God's wrath against Yugoslavia for neglecting justice and jeopardising the status of the Muslim nation. Discussing the events in Poland, he said they were a proof of the triumph of faith over socialism itself. In his statement given during preliminary proceedings, the witness Rešid HAFIZOVIĆ also said that ČENGIĆ had presented himself as someone knowledgeable about the history of the *Young Muslims* organisation, and had said that the children of their members were well brought up. He had invited him several times to go and visit former members of the *Young Muslims* organisation, whom ČENGIĆ visited. Regarding the accused Mustafa SPAHIĆ, Rešid HAFIZOVIĆ said in his statement in the preliminary proceedings that he had met him many times, that SPAHIĆ used to say that it was up to the imams to speed up the arrival of the basic conditions for the Islamisation of BH, and the creation of an Islamic Republic. These basic conditions, he said, included persuading the Islamic masses to their cause and educating them in the spirit of Islam. He also said that SPAHIĆ had said in his presence that the Islamic Community consisted of Reds, i.e. servants of the regime, adding that it was necessary to settle accounts with the leadership of the Islamic Community and to appoint young people in their place, in order to move the Muslim masses towards the creation of an Islamic state. He also mentioned that Mustafa SPAHIĆ had often said that the Muslims were repressed and deprived of leadership, and that they were second-rate citizens, and that this situation had to be brought to an end. He stressed that there must be no compromise with the Communists, because they were the enemies of Islam, and that one must settle accounts with one's enemies. He added that the echo of the Islamic revolution in Iran also affected the Muslims in Yugoslavia, and that imam KHOMEINI was the only true leader of the Muslims of the world. He said that Iran should seek a compromise with Yugoslavia, using petroleum as a tool, and giving it to Yugoslavia at lower prices, while Yugoslavia would untie the Muslims' hands and ease the pressure. Concerning the accused Džemal LATIĆ, the witness Rešid HAFIZOVIĆ said in his statement in the preliminary proceedings that Džemal LATIĆ had taken an active part in the discussions after the lectures at the *Tabački Mesjid*. His discussions had shown that he completely accepted the views of Hasan ČENGIĆ, especially regarding the Islamisation of BH. LATIĆ was of the opinion that one should not be too hasty but wait for the conditions which would ensure the onset of the Islamisation of BH and

beyond. The witness said that LATIĆ argued that Islam was not only a faith, but that it was a politics, an economics, a science, and a specific revolution, and that Islam always bore within itself a revolutionary element, and that revolution was always present in Islam, as its foundation and essence. LATIĆ had also said that a Muslim could not be a chauvinist in an ethnically pure Muslim environment, as nationalism was not necessary in such a situation, but that nationalism developed where such an environment was lacking. In his presence LATIĆ had also said that Muslims must not greet or communicate with other ethnic groups, and that marriages between Muslim men and non-Muslim women, and vice versa, were undesirable. Muslims had to be different from others in the way they dressed and behaved, and Muslim women should veil themselves, dedicate themselves only to their families, and not enter employment. When reminded of this part of his statement in the preliminary proceedings, Rešid HAFIZOVIĆ said that he had told the real truth to the court during the main hearing, while concerning these parts of his statement in the preliminary proceedings, he said that he had given this statement under special circumstances, and that things he had never said had entered the record.

The witness Vehbija MAKIĆ said that, in the summer of 1979, upon his return from Riyadh, where he had completed the first year of university, he had spent a month doing practical work at the *Tabački Mesjid* together with Džemaludin LATIĆ and Sead SELJUBAC. At that time, ČENGIĆ was selecting suitable texts to be read at the lectures and followed by discussions. He remembered that the following lectures were given at the *Tabački Mesjid*: *Courtship*, *Nature Speaks of God* and *Abortion*. Regarding his studies in Riyadh, he said that Hasan ČENGIĆ had suggested that he study in this country, explaining that he might alienate himself in Riyadh, and that the overall level of culture in Saudi Arabia was lower than in Yugoslavia. When reminded of the letter he had written to Hasan ČENGIĆ, the witness said he had written it while carried away by youthful zeal and enthusiasm, so that it consisted mainly of phrasemongering. He said that at one point in the letter he had said he had talked to Hasan, but that this was not Hasan ČENGIĆ, but another Hasan whom ČENGIĆ knew.

The witness statement of Adnan SILAJDŽIĆ showed that he had not had frequent contacts with Hasan ČENGIĆ. When they met during lectures and generally during their studies, Hasan ČENGIĆ had never shown any hostile feelings towards our system, our togetherness etc. He argued that Hasan ČENGIĆ belonged to a school which took an orthodox approach to the interpretation of certain Islamic issues, believing that the *Koran* should be interpreted integrally rather than analytically. In accordance with such an approach, Hasan ČENGIĆ asked people to practise Islam in their lives, but he never had said that Islam should be an entire system of living. He maintained that Hasan ČENGIĆ had never said in his presence that he was against mixed marriages, against giving blood to people of a different religion, or receiving transfusions from them. However, in the preliminary proceedings, the witness Adnan SILAJDŽIĆ had said, among other things, that after hearing certain extremist statements during lectures at the *Tabački Mesjid* he had left in protest because ČENGIĆ had interpreted certain issues and problems discussed at the *Tabački Mesjid* in an orthodox and conservative manner, for example, quoting an *ayet* from the *Koran*, saying: "Oh, ye faithful, do not befriend those who do not believe." He had liked such an interpretation and understanding of Islam. It was not in line with his rational orientation and he had not wished to be present during such discussions. After all, it was because of such discussions during the lectures that the faculty administration had

disassociated itself from the work of the debating society, so that the Islamic Faculty had nothing to do with the activities at the *Tabački Mesjid* afterwards. In his statement given during the preliminary proceedings, he had also stated that Hasan ČENGIĆ had said several times that one should go out and explain Islam to the Muslim masses, telling them how Muslims should treat infidels. He considered people of other confessions to be infidels, and said that Muslims should cease all communication with them. He said that the Muslims in our country needed a radical change in their theoretical approach, and in their daily living in accordance with Islamic rules. The imams would play the most important role in this context because of their work in the field. He also said that believers were only those people who accepted Islam, the only true faith. The Catholic and Orthodox religions were not true faiths, because they were not based on God's books. In this respect he emphasised that Islam was not only a faith, but a whole system of living. When reminded of this part of his statement given during the preliminary proceedings, the witness Adnan SILAJDŽIĆ stated that he had never given this statement and that he had signed the record without reading it. He argued that he had not been able to take part in formulating his statement in the preliminary proceedings due to the lack of concentration and psychological stress .

The witness Mustafa HADŽIOSMANOVIĆ said that he had known Salih BEHMEN from much earlier on, and that they had maintained frequent contacts. He remembered that in the past few years Salih BEHMEN had said several times that the Islamic revolution in Iran marked the beginning of a unified Muslim state which would encompass all the regions of the world inhabited by Muslims. He had said that the Islamic revolution in Iran was based upon the principles of a pure and genuine Islam, which all true Muslims should strive for , regardless of the country they lived in. Salih BEHMEN always saw the war between Iran and Iraq as a continuation of the Islamic revolution, which after winning in Iraq, would continue to spread to the other Arab countries until the final unification of a single Muslim state encompassing all the regions and areas inhabited by Muslims. Discussing the position of Muslims in Yugoslavia, Salih BEHMEN had told him that Muslims were in a subordinate position in relation to the other nationalities, explaining that there were no Muslims holding any social, economic or political positions of importance. He maintained that religious freedoms were limited, especially when Muslims were in question, and that they should struggle for new privileges. He added it was a great pity that Muslims did not have a unified religious leadership like the Vatican, which would put pressure on the Yugoslav authorities. He said that Salih BEHMEN had attacked the Leadership of the Islamic Community and most of the imams, saying that they were materialists and pro-regime people who did little for the ideas of pure Islam. He emphasised the need to change the Leadership by appointing young imams to leading positions in the institutions of the Islamic Community. Speaking of the economic situation, he blamed all the problems on our state leadership and their incompetence. He said they did not give true information about the situation in the country, and that for that reason one should read the press between the lines. He also said that self-management had not proved itself in practice. Discussing the situation in Kosovo, he stressed that the problems in Kosovo dated from earlier times, that they had accumulated, and had inevitably led to the events we all knew about. He said that the Muslims in the Province had always been, and were today, subordinated to the Serbs, and that this was one of the main reasons for the demonstrations. In his statement given during the preliminary proceedings, the witness Mustafa HADŽIOSMANOVIĆ added that Salih BEHMEN had said in his presence that the country's socialist system was supporting

Iraq precisely because Iraq was less Muslim-oriented than Iran. When reminded of this during the trial, he remembered that Salih BEHMEN had indeed made such a statement in his presence.

In his statement, the witness Enver PAŠALIĆ said that his friendship with Hasan ČENGIĆ dated back to 1979, and that Hasan ČENGIĆ had often given him advice on how to behave. He attended lectures at the *Tabački Mesjid* when the following topics were discussed: *Courtship*, *Companionship*, *Choosing a Spouse*, *Abortion* and some others whose titles he could not remember. He recalled that, when they had discussed the topics *Courtship* and *Companionship*, Hasan ČENGIĆ had said that all of us who came to the *mesjid* should mainly associate with each other and that we seek our friends above all amongst believers, that Muslim believers should only marry other believers. Some boys and girls had opposed these views, but there were individuals who supported Hasan, and the discussion ended without a conclusion. He said that Hasan ČENGIĆ had given him photocopies of some of the lectures. As far as he could remember these were the following: *Companionship*, *Courtship*, *Choosing a Spouse*, and *Drugs and Alcohol*. He needed them for his own development as a religious teacher. These lectures were based on the principles of the *Koran* and Islam, and on the life of God's representative. He said that these lectures had contained nothing which could be deemed hostile to our system, to brotherhood and unity, etc. He said that Hasan ČENGIĆ had never mentioned the Islamisation of Bosnia, the creation of an Islamic Republic etc. either at the *Tabački Mesjid* or in their private discussions, and neither had he argued against mixed marriages either. However, the witness Enver PAŠALIĆ had said during the preliminary proceedings that Hasan ČENGIĆ had told him several times that as a future imam he should not only learn to recite the *Koran*, but also to use it practically in the field by fighting to spread Islam, by getting an increasing number of believers and children into the mosques and *mektebs* /Muslim primary schools/, and by acquainting them with genuine Islamic values. It was necessary that Muslims in this country restore the practice of adhering to Islamic rules with regard to marriage, lifestyle and other forms of behaviour. ČENGIĆ had told him that he should be an example to other believers, and that he must avoid all vices such as, for example shaking hands with women, and that he must carefully choose his future wife who must have been properly raised in the spirit of Islam, etc. He said that people should not enter into mixed marriages, because this reduced the number of Muslims, and stressed that greater attention should be devoted to giving genuine Muslim names to children. When reminded of this part of his statement from the preliminary proceedings, he said that what he had stated then did not essentially differ from the statement given at the main hearing. He said, however, that he had been in a special psychological state when giving his statement during the preliminary proceedings.

The witness Šefik KURDIĆ said in his statement that Hasan ČENGIĆ had been in charge of religious teaching at the *Tabački Mesjid*. The teaching was organised in such a manner that usually Hasan ČENGIĆ himself would briefly announce the topic of the text to be read, and would give a short introduction to it. After the reading, the audience would engage in debate and pose questions, which were usually answered by ČENGIĆ, and sometimes by one of his close associates, Sead SELJUBAC, Nermina JAŠAREVIĆ, Džemal LATIĆ and others. Together with ČENGIĆ, these were the most active at the *Tabački Mesjid*. Ahmed FETIĆ, Rešid HAFIZOVIĆ, Halil MEHTIĆ and Rašid BRČIĆ also worked at the *Tabački Mesjid*. He did not know who

had written the texts that were read at the lectures read at the *Tabački Mesjid* or where they had been written, but remembered that ČENGIĆ had boasted in public at the faculty and outside that he spent more time on preparing and organising religious teaching at the *Tabački Mesjid* than on exams at the faculty. In his discussions at the *Tabački Mesjid*, Hasan ČENGIĆ had said that it was necessary to return to genuine Islam, as many shortcomings had accumulated in the course of time, and had to be eliminated. The dust had to be wiped off the old books - the *kitabs* - to get an insight into true Islam. He had said that the Islamic revolution in Iran was a true Islamic revolution, and a foundation stone for bringing together and uniting all the Muslims of the world. He had said that Islam was the true religion, while the other religions had become distorted over time. He said that Islam was an all-encompassing system of living. Of Muslim women, he said that they were not equal, but that they had their own separate rights, emphasising that a woman should devote herself more to her home and to bringing up her children, and should be her child's first teacher. With regard to the employees of the Islamic Religious Community, he had said on one occasion that they were pro-regime and that they did not do their work properly. When discussing the *Jihad*, he said that there was a spiritual *Jihad* and the *Jihad* fought with weapons. Speaking of the spiritual *Jihad*, he mentioned a *hadith* of Muhamed a.s./peace be upon him/, which says "We return from the small to the great battle." Concerning this *hadith*, Hasan ČENGIĆ had said that we, above all, had to work on our own development. In truth, ČENGIĆ mentioned that a *Jihad* waged with weapons was acceptable only if Muslims were oppressed, that is, if their religious freedoms were taken away. When discussing mixed marriages either at the *Tabački Mesjid* or privately, ČENGIĆ had said that a Muslim woman should not marry a man who was not a Muslim because he was not obliged to provide for her all the conditions to enjoy her religious freedoms. However, a Muslim could marry a woman who was not a Muslim, but then he was obliged to provide all the conditions for her to perform her acts of religious worship, as prescribed by the *Koran*. He said that, at the *Tabački Mesjid*, Hasan ČENGIĆ several times had cited the *ayet*: "God will not change the situation of a nation until that nation changes itself". Concerning the text *The Need for Revival*, the witness said he did not remember whether he had got it from Hasan ČENGIĆ or Ahmet FETIĆ, but he had leafed through the text, read parts of it, and returned it the next day. However, during the preliminary proceeding, Šefik KURDIĆ had said, among other things, that he had noticed Hasan ČENGIĆ make hostile statements during lectures at the *Tabački Mesjid*. In fact, in one of the introductions which he wrote himself, Hasan ČENGIĆ had stressed that religious teaching was the only chance to improve the situation of Muslims, and the only way out of the unenviable position in which they found themselves. He added that in their talks Hasan ČENGIĆ had said that the Islamic revolution in Iran would gradually affect other parts of the world inhabited by Muslims, with the aim of uniting all the Muslims of the world in a single entity to be governed by a *hilafet* as the central authority for all the Muslims of the world, comparing it to the the Vatican. ČENGIĆ had emphasised that the Islamic revolution confirmed that Islam was not only a religion but a coherent whole, encompassing religion, culture, economics, politics and morality. When reminded of this part of the statement given during the preliminary proceedings, and the fact that he had then explicitly stated that Hasan ČENGIĆ had given him the text *The Need for Revival*, the witness Šefik KURDIĆ said that even in the preliminary proceedings he had not been sure who had given him the text, but that he had finally told the investigator that it had been Hasan ČENGIĆ.

The witness Sead SELJUBAC gave his first statement to the Trial Chamber on 3 August 1983. This statement was in complete contradiction to the statement he had given during the preliminary proceedings, which served as a basis for certain allegations in the indictment. However, this witness appeared again before the Trial Chamber on 5 August 1983 and requested to be allowed to give his statement anew, in order to tell the real truth. He explained that Nedžad LATIĆ (Džemal LATIĆ's brother) and Nusret ČANČAR had put pressure on him before he gave his statement of 3 August 1983. In fact, ČANČAR approached him and said that Nedžad LATIĆ was threatening to shoot all the witnesses who incriminated his brother Džemal LATIĆ during the trial. ČANČAR told him that Nedžad LATIĆ had made a list of witnesses whom he was threatening to kill should they falsely testify against his brother Džemal. ČANČAR suggested that he contact Nedžad LATIĆ and that they discuss the matter. During his talk with Nedžad LATIĆ, the latter told him that he had also contacted some of the other witnesses in order to prevent them from accusing his brother Džemal. So, he had promised Nedžad LATIĆ that at the trial he would change the statement he had given during the preliminary proceedings, bearing in mind that he had just read in the papers that certain witnesses had deviated from their previous statements given during the preliminary proceedings. He had given his statement on 3 August 1983 under such circumstances and pressure, but now he wanted to give another, true statement to the Court and to sincerely say everything he knew about all that had happened. He said that he had made his decision to make his statement to the Court anew on the same afternoon, 3 August 1983, that he had made his first statement. In view of all the circumstances mentioned, and the insistence of the witness to be allowed to be heard again at the trial, the Court ruled it would hear this witness again.

In the statement which the witness Sead SELJUBAC gave to the Court on 5 August 1983, he said that ČENGIĆ had brought written texts and topics for certain lectures at the *Tabački Mesjid*. However, he had not said who had given him the materials, and kept this secret. He said that Hasan ČENGIĆ said many times in his presence that he disliked the socio-political system of Yugoslavia, arguing that our religious freedoms were limited, that atheists constantly broadcast propaganda through the mass media, that the Islamic leadership did not fight against such propaganda, that the people working for the Islamic Community were servants of the regime and that such behaviour would ruin Islam in Yugoslavia. He had emphasised that we should struggle to enable Islam in Yugoslavia to stand on its own two feet, that we should be ready to sacrifice our own lives in that struggle, that young and educated people ready to struggle and sacrifice themselves should be appointed leaders of the Islamic Community. He had said we must plant the seeds of Islam among the Muslim people, free them from fear and show them the road to a better future. He had said that in our work we must always rely on the young who were increasingly attending the mosques, predicting that the Muslims would be exterminated in Yugoslavia and perish without a trace unless they took concrete steps to awaken their Muslim consciousness. In this context, he had emphasised the role of young and educated imams in awakening national consciousness, concluding that, with their support, the young generations would successfully carry out the revival of Islam. He had also said that the Islamic revolutionary moment would come once the conditions had been prepared by propagating religious teachings among the people and educating them in an Islamic spirit so that, when necessary, they would become soldiers of the revolution. He had said that we must raise our voices against alien rule, as he called our socio-political

system, because in his opinion the Islamic revival would start with a religious revival which could be successfully achieved only by political revolution and the introduction of Islamic rule. The witness added in his statement that Hasan ČENGIĆ had said in his presence that the Muslims were neglected in Yugoslavia, and that they were second-rate citizens in comparison to Serbs and Croats, and claimed that the status and position of the Muslims in Yugoslavia could be improved only through the involvement of Muslim intellectuals who needed to tell the Muslim masses not to greet infidels, that all people who were not Muslims were infidels, that they should make efforts to create an ethnically pure Muslim community, and so on, but that he had not mentioned the establishment of BH as an Islamic republic. In his presence Hasan ČENGIĆ had also said that the Muslims should confront all non-Muslims and Communists, that a Muslim man should not marry a non-Muslim woman, that a Muslim could not receive blood from an infidel, or give his blood to an infidel, that a Muslim woman should not breast-feed a non-Muslim child and that a non-Muslim woman should not breast-feed a Muslim child. Hasan ČENGIĆ had several times in his presence mentioned the members of the *Young Muslims* organisation as exemplaries, saying that they were true Muslim intellectuals, consistent in their struggle for a genuine Islam to be practised in all spheres of life and work, in the domain of awakening the Muslim nation, etc. He had said that the *Young Muslims* organisation had marked an epoch in spite of the fact that it had not carried out its programme to the end, and Muslim intellectuals should revive the organisation and continue the struggle to achieve their goals and ideas. He claimed that ČENGIĆ had told him that he had frequent contacts with Alija IZETBEGOVIĆ, Omer BEHMEN, Munir GAVRANKAPETANOVIĆ, a person called Rašid, Ismet KASUMAGIĆ and Salih BEHMEN, all of whom had been tried as members of the *Young Muslims* organisation. The witness knew that ČENGIĆ had taken foreign and Yugoslav books, magazines and other publications from them. When working on his graduation paper, ČENGIĆ had borrowed from Alija IZETBEGOVIĆ the manuscript of his unpublished book, *Islam Between East and West*. ČENGIĆ had said of this book that it was "excellent". The witness said that Hasan ČENGIĆ had said and repeated all the things mentioned in his statement many times in their discussions and contacts in the period between 1977 and 1980. He said that these statements by ČENGIĆ became especially extreme during the first and the second years of their studies at the Islamic Faculty, when he had concluded that ČENGIĆ was a dangerous person, and had begun avoiding contact with him. He considered ČENGIĆ a domineering person who did not allow anybody to oppose his views, ideas and arguments. With regard to Mustafa SPAHIĆ, the witness Sead SELJUBAC said that he had seen him at lectures at the *Tabački Mesjid* where he had actively participated in discussions and debates and, as far as he remembered, had prepared the lecture on marriage. He said that in his discussions SPAHIĆ had completely agreed with ČENGIĆ's views, emphasising that they should be realised in practice. With regard to Džemal LATIĆ, the witness said that LATIĆ had been more actively engaged in the domain of spreading Islam. This was especially so during his activities at the *Tabački Mesjid*. Namely, LATIĆ had made treasonable comments in discussions at the *Tabački Mesjid*, and also in the topics he wrote about for the debating society, and later in conversations outside the *Tabački Mesjid*. He claimed that LATIĆ had always taken an active part in the activities of the *Tabački Mesjid*, and that he had supported ČENGIĆ in all his statements. He remembered that ČENGIĆ had said that atheists were constantly conducting propaganda campaigns against religious freedoms, and that then Džemal LATIĆ had said that Muslims should struggle to put Islam back on its two feet, that



one should be ready to sacrifice one's own life in that struggle, and that the pen and the written word should be increasingly used to attain the goal of the Islamisation of Muslims in Yugoslavia as an integral part of the *Jihad*. LATIĆ had emphasised that one should struggle to write about the topics which would plant the seeds of genuine Islam among Muslims and that Muslim intellectuals, capable of attaining this goal, should engage in publishing activity. He said that they should free the Muslim people from fear and show them the way to a better future, that the Muslims in Yugoslavia were threatened with extermination, and that they would disappear without a trace unless concrete measures were taken to awaken Islamic consciousness, and that they should recommend the Muslim people to read the basic literature about the Muslim spirit, and about Islam not only as a religion, but also as a system of politics, economics, science and a global process. The witness went on to say, concerning Džemal LATIĆ, that when ČENGIĆ commented on how the Muslims had been neglected in Yugoslavia, LATIĆ had said that writers and other Muslims prominent in public and cultural life had been neglected in the curricula and the educational process, and that the Muslims should raise their voice against the authorities because of their subordinate position. He had said that the Muslims would succeed in their Islamic renaissance if led by genuine Muslim intellectuals. He had stated that Muslims should not socialise with non-Muslims, that Muslim women should be veiled and freed from all the obligations which had been imposed on them by the society. According to the statement of this witness, Džemal LATIĆ had said to him that the leaders of the Islamic Community had become servants of the regime, that they were not fighting for Muslim rights or their endangered religious freedoms, emphasising that the Muslims should replace this leadership with people who would struggle for their true interests. Concerning the *mevlid* at Careva mosque which the the Reisul-Ulema had left in protest, and criticised afterwards, the witness said that ČENGIĆ and LATIĆ had organised the *mevlid* in question and that he /the witness/ had been entrusted with reading a few *ayets* in Arabic. All the lectures given at the *Tabački Mesjid* had been sent to the Board of the Islamic Community for approval, and as far as he could remember, the Board had never made a single objection regarding the texts of the lectures. At the end of his statement, the witness Sead SELJUBAC said to the Trial Chamber that he had told the truth and that he firmly stood by his statement.

At the main hearing, the witness Nermina JAŠAREVIĆ said that a debating society had been established at the faculty sometime in April 1978. The idea was for it to include only students of the Islamic Faculty. However, students from other faculties started coming to the faculty to attend the lectures of the debating society. The administration of the *medresa* forbade the activities of the debating society on faculty premises. The debating society then continued its lectures in the Careva mosque, but after a while moved again to the *Tabački Mesjid*, when she too had started attending the lectures. At the beginning, they had not prepared them in advance, but had simply read parts of the *Koran*, so there had been no discussions. When Hasan ČENGIĆ started bringing texts for the lectures at the *Tabački Mesjid*, she had asked him out of curiosity where he got the texts from. Hasan ČENGIĆ had replied: "It's better you don't know. The less you know the better." The texts ČENGIĆ brought were of various lengths, some 6, some 9, some 13 and some as many as 25 pages long. She remembered that the lecture about the rules of Islamic behaviour had been of 25 pages. ČENGIĆ usually brought the texts typed, but some were hand-written, so they sometimes had to be prepared for lectures at the *Tabački Mesjid*. Hasan ČENGIĆ, Ahmed FETIĆ, Sead SELJUBAC, Halil MEHTIĆ, Džemal LATIĆ and she had

participated in this work. During the preparation of these lectures, as well as the actual lectures and discussions, she had never heard Hasan ČENGIĆ make any hostile statements about our system, against brotherhood and unity, etc. She had never known other participants to cause trouble either, but did recall that in his discussion of one of the lectures, Halid TULIĆ had said something which was not in line with the text, and that Hasan ČENGIĆ had reacted strongly and warned TULIĆ to stop saying such things. She said that she never noticed any hostile remarks about other nations, or against Yugoslav society, in the texts she had read. However, the text *Socialising and Friendship* had come to her attention because it could be deemed unacceptable in our conditions and times, especially if interpreted with bad intentions. However, if one took into account the reason for publishing the *ayets* quoted in the text, then the text would not be unacceptable. She said that Hasan ČENGIĆ had seriously criticised the Islamic Community, but that his criticism was largely focused on the fact that the Islamic Faculty did not provide good working conditions. ČENGIĆ had said, and she agreed, that Islam should be lived, not only believed in and talked about. They had discussed a religious revival, seeing it as a revival of future imams, and of the people they would subsequently work with. She said that in her presence Hasan ČENGIĆ had never connected the Islamic revolution in Iran with our circumstances and conditions. Hasan ČENGIĆ had given her the text *The Need for Revival* to read, and she had then given it to Ahmed FETIĆ, as Hasan ČENGIĆ had suggested. She remembered that the text *The Need for Revival* discussed the "Islamic Brothers" and the "Islamic Community in Pakistan", and there had been some other subheadings in most cases about Islamic communities. As far as she could remember, she had read the text in 1979. However, in her statement given during the preliminary proceedings, the witness Nermina JAŠAREVIĆ had said, among other things, that ČENGIĆ's lecture *Socialising and Friendship* delivered at the *Tabački Mesjid* had remained fixed in her mind because it was unacceptable in today's living conditions. Hasan ČENGIĆ had brought the lectures and Džemal LATIĆ had revised them grammatically. She said that ČENGIĆ, LATIĆ and SPAHIĆ had criticised the work of the Islamic Community saying that they were "Reds", spies and pro-regime people, and ČENGIĆ had insisted that the Leadership of the Islamic Community had betrayed the Islamic idea. They considered that the people from the Islamic Community prevented and made impossible the revival of Islam and Muslims. She said that ČENGIĆ and LATIĆ had said that the right people, who would know how to move the Muslim masses to action, should be appointed to the posts of Islamic Community leaders, and that then there would be results. ČENGIĆ and LATIĆ had also said in her presence that, in their work, young theologians should devote themselves to the Islamisation of Muslims and the introduction of true Islam to BH and beyond. ČENGIĆ had said that the true Muslims were under the ground, but that true Islam remained in their books which we should immediately return to. During his studies, ČENGIĆ had said several times that the Muslims were neglected, second-rate citizens and threatened by the regime, and had advocated his ideas for the Islamisation of the Muslims and the establishment of genuine and orthodox Islam in Bosnia and beyond. In her statement given during the preliminary proceedings, the witness Nermina JAŠAREVIĆ had also said that, in their contacts, Hasan ČENGIĆ had said that members of the *Young Muslims* organisation had sacrificed their lives for the cause of Islam and the Muslims, and that one should look up to them as true Muslims. Džemal LATIĆ had absolutely agreed with him and supported his views. She said ČENGIĆ had suggested they visit members of the *Young Muslims* and socialise with their children. He had also said that one could develop one's personality and contribute to the revival and

Islamisation of Muslims, and the establishment of authentic orthodox Islam in BH, only by emulating Muslims of this kind. She further stated that ČENGIĆ had said that the Islamic revolution should be primarily religious in nature, because the Islamic revival would begin with a religious revival, but that the revival would be successfully completed only by means of a political revolution, and that in order to achieve this, conditions had to be created by means of ideological education and the education of people who, brought up in this spirit, would urge the Muslim masses to action with the ultimate goal of ensuring their Islamisation and restoring genuine Islam to BH. She claimed that both ČENGIĆ and LATIĆ had said that Muslim intellectuals in various disciplines should be involved in the Muslim revival, thus accelerating the Islamisation of Muslims and restoring Islam to its former glory in these regions. She added that ČENGIĆ and LATIĆ had frequently said that Muslims should not marry non-Muslim women and vice versa, that Muslims should not receive blood from infidels, or give blood to infidels, that Muslim women should not breast-feed non-Muslim children and that non-Muslim women should not breast-feed Muslim children. They said that the Muslims should undertake a total *Jihad* exterminating enemies and infidels. With regard to the country's economic situation, ČENGIĆ had said it was an outcome of God's wrath against Yugoslavia for neglecting justice and jeopardising the position of Muslims. When reminded of this part of her statement from the preliminary proceedings, Nermina JAŠAREVIĆ said that she had said some of these things to the investigator, but that some others had been suggested to her, and that part of her statement had not been recorded during the preliminary proceedings the way she had given it. She said that at the main hearing she had told the truth about everything she knew.

At the main hearing, the witness Enes KARIĆ said that he had attended very few of the lectures at the *Tabački Mesjid*. To his knowledge, the activities at the *Tabački Mesjid* were first introduced in the autumn of 1978. The debating society had begun its activities earlier at the Islamic Faculty, but it had ceased to function in the Faculty when students from other faculties started coming, and for a while, had organised its activities at the Careva mosque, moving to the *Tabački Mesjid* in the autumn of 1978. Hasan ČENGIĆ had co-ordinated all activities there, and other students had assisted him in the preparation of lectures, namely Sead SELJUBAC, Ahmed FETIĆ, Šefik KURDIĆ and others. He remembered a discussion which had taken place at the *Tabački Mesjid* when somebody had said that Muslim believers should marry among themselves, because otherwise the structure of Islamic morality would loosen and they would lose part of their religious identity. He had heard from other students who went to the *Tabački Mesjid* that Halid TULIĆ had said on one occasion that it would be good to ride through Sarajevo on a camel and remember the good old times. He had been present at the faculty when Hasan ČENGIĆ had challenged some of the views of Prof. Husein ĐOZO. ĐOZO had argued that the Muslim world should become more open, not to stay isolated, while Hasan ČENGIĆ had pleaded for a cautious approach to such an opening to the world, fearing that this might cut the umbilical link with older Islamic tradition. On this occasion, Hasan ČENGIĆ had mentioned a *hadith* to the effect that a believer should not allow a snake to bite him twice from the same hole. When Husein ĐOZO talked about Islamic countries in the world, mentioning the lack of uniformity and the variety of their curricula, and their backwardness, Hasan ČENGIĆ had said that one could not speak of the Islamic, but only of Muslim countries. Hasan ČENGIĆ had frequently cited the *ayet* which said that believers were brothers to one another and friends to one another, and that pure women were

intended for pure men, thinking of Islamic marriage. ČENGIĆ had also often said at the faculty that the *Koran* was alive and that it was the whole of life, while Prof. Husein ĐOZO maintained that certain things in the *Koran* could be neglected. He claimed that Hasan ČENGIĆ had never mentioned the Islamisation of Bosnia or the establishment of an Islamic republic in BH, etc. in his presence. However, in his statement given during the preliminary proceedings, the witness Enes KARIĆ had said, among other things, that together with the students Rešid HAFIZOVIĆ and Adnan SILAJDŽIĆ, he had turned against ČENGIĆ's ideas and method of work at the *Tabački Mesjid* after a while because they felt the lectures and discussions had gone beyond the scope of religion, and that they were unacceptable in the context of the living and working conditions in this country. Hasan ČENGIĆ had distanced himself from them from that time. Generally speaking, ČENGIĆ was authoritarian, expecting everything to be done according to his will and as directed by him, which they had refused to accept. Hasan ČENGIĆ had said in his presence that a Muslim woman should veil herself according to Muslim custom, that she should not shake hands with anybody and that she should not participate in social activities, and he insisted that the Muslims should not greet infidels, even saying that they should hate infidels, and that there should be no compromise with people of other confessions and nationalities, and that one should disassociate oneself from any work at the Socialist Alliance. In his statement during the preliminary proceedings, the witness Enes KARIĆ had further stated that ČENGIĆ had been in the habit of saying that an imam's duty was to go amongst the Muslim masses and disseminate the ideas of true Islam among them. All who did not share these views he called infidels. He said he had often seen Hasan ČENGIĆ in the company of Omer BEHMEN, Rušid PRGUDA, Alija IZETBEGOVIĆ and Melika SALIHBEGOVIĆ. ČENGIĆ considered them real Muslim intellectuals who had worked and were still actively working for the interests of Islam and the Muslims. ČENGIĆ had said in his presence that the advance of atheism and the regime's constant pressure were endangering the Muslims in BH, that one should work on the Islamisation of believers, initially by galvanising the Muslim masses, following Islamic customs and reviving religious teachings. He had said that the Islamic revival should be essentially religious because it had developed exclusively from religious foundations, but that it could be successfully completed only by means of a political struggle, and as an illustration of his argument he quoted the Iranian Revolution. In this connection, Hasan ČENGIĆ had frequently quoted an *ayet* from the *Koran* which says: "God will not change the situation of a nation until that nation changes itself", explaining that the position of the Muslims in this country would improve only through the active involvement and struggle of Muslim intellectuals. ČENGIĆ had said that the struggle for Islam should include all areas of life, and that it should be waged by word of mouth, propaganda texts and political struggle. He said that the ultimate objective of the Islamic revival in this country was the establishment of a purely Muslim BH. He opposed mixed marriages, saying that it was impermissible for a true Muslim to marry a woman who was not Muslim, as this would lead to the loss of religious and national identity. He understood the notion and essence of *Jihad* in an extremely orthodox manner, saying that a *Jihad* should be waged until the last infidel was exterminated. In his presence, ČENGIĆ had strongly insisted that Muslims must struggle for special shops and butchers shops to sell the meat of animals killed according to Islamic rules. With regard to Mustafa SPAHIĆ, in his statement given during the preliminary proceedings, the witness Enes KARIĆ had said that Mustafa SPAHIĆ had had an extremist approach to interpreting Islam. SPAHIĆ had argued that the Muslims should take the *Koran* as it was, and that people

should behave in accordance with its rules. He believed that everyone should first wage a *Jihad* in their own homes, and then in the wider world, urging its use in Muslim daily life. He said that imams were the moving force of the Muslim masses, and the best qualified to accelerate the creation of conditions for the Islamisation of the Muslims and the establishment of pure and orthodox Islam on our territory. He said that the imams were in touch with the Muslim masses, and that by raising their national consciousness, they should create the basis for the future process of Islamisation. SPAHIĆ had said in his presence that the Muslims were second-rate citizens, in a difficult and subordinate position in relation to others, that their religious freedoms were limited, that they were deprived of their rights, that there were no Muslims in executive positions. Discussing the writings of Vojislav ŠEŠELJ, SPAHIĆ said that ŠEŠELJ had powerful Serbs behind him and that therefore nothing would happen to him in spite of the fact that he had openly attacked Muslims in his writings. With regard to the events in Kosovo, SPAHIĆ had said that Serbian nationalism and pressures on the Albanian population had caused the demonstrations, and that Kosovo was in a difficult economic situation in spite of its mineral resources. During the activities at the *Tabački Mesjid*, SPAHIĆ in his talks had advocated the establishment of true Islam, the broad propagation of religious teaching, and the nurture of all Muslims in the Islamic spirit, saying that the Muslims had become so passive that their voice was not heard at all. He said that in his presence SPAHIĆ had commented on the Islamic revolution in Iran with sympathy, emphasising that it had echoed all over the world, and that it had also had an impact among the Muslims in Yugoslavia. He had attacked the Islamic Community, saying that the people there had been appointed by the regime, and that they did not fight for the interests of Muslims and Islam, but did what the regime ordered them to do. Regarding Džemal LATIĆ, the witness Enes KARIĆ had said during the preliminary proceedings that Džemal LATIĆ had frequently visited the *Tabački Mesjid* and participated in lectures and discussions. He remembered that in his talks LATIĆ had said that the Muslims here had to fight and put Islam back on its own two feet, that such a struggle also entailed sacrifice, and that we should increasingly use the written word for attaining the objective of Islamising the Muslims and raising their awareness, since the written word was an integral part of the concept of *Jihad*. He advocated that we should write about topics which would offer Muslims the seeds of genuine Islam, and study Islamic theorists and intellectuals. He stressed the role of imams in the process of Islamic revival in Yugoslavia, pointing out that many imams were not doing their job properly, but merely repeating a few religious phrases like parrots. He believed that every *ayet* in the *Koran* should be mentioned in lectures, regardless of whether they reflected the spirit of the times, or whether they served humanisation in general. When reminded of his statement during the preliminary proceedings, the witness Enes KARIĆ said that he had told the truth at the main hearing, and that the record of his statement given during the preliminary proceedings contained things he had not said as a witness. It was true that, while giving the statement during the preliminary proceedings he had not felt well and he was in a peculiar psychological state. Certain parts of his statement had been formulated by the investigator alone.

At the main hearing, the witness Rašin BRČIĆ said that in their contacts at the faculty and in the course of discussions at the *Tabački Mesjid*, Hasan ČENGIĆ had advocated an orthodox approach to the interpretation of Islam and religion. He had striven to restore religion to its original teachings. He believed that one should live one's life in accordance with Islamic principles. Hasan had said in his presence that he should

choose the friends he associated with, and avoid people who often lied, and who did not value time, etc. The witness concluded that Hasan ČENGIĆ was a supporter of Islamic marriages, but he had never shown his opposition to mixed marriages in the witness's presence. He also said that Hasan had never said in his presence that an ethnically pure Muslim BH should be created, that it should be Islamised or that the Muslims in BH were imperilled. It was true that Hasan ČENGIĆ had publicly criticised the work of the Islamic Community, attacking its officials for not working in the interests of Islam. Concerning Mustafa SPAHIĆ and Džemal LATIĆ, the witness Rašid BRČIĆ stated that he did not know them well, but that he had the impression that these were people who strictly adhered to Sharia rules, since they were devout believers who practised their religion. He had seen them both at the *Tabački Mesjid*, but had not conversed with them. However, in his statement given during the preliminary proceedings, the witness Rašid BRČIĆ had stated that in mutual contacts and discussions, ČENGIĆ had said that the chief task of the imams was to work in the field with the Muslim masses in order to awaken their dulled consciousness, and advocated the popularisation and revival of religious teaching. He had said that the Muslim masses should be urged into action with the ultimate goal of ensuring the Islamisation of the Muslims and returning to the principles of original Islam in BH and beyond. He had said that the imams, like all Muslims, were intimidated and fearful due to ignorance and pressure by the regime, and that they should be enlightened not only in the field of religion but also politically, in order to enable them to fight for the rights that they had been denied. In his presence, ČENGIĆ had also cited a sentence from the *Koran* which reads: "God will not change the situation of a nation until that nation changes itself", saying that the position of Muslims in Yugoslavia would not improve until they ensured an improvement themselves through more active involvement. He had stressed the superiority and purity of Muslims in comparison with other confessions and nations, and advocated the application of the orthodox Islamic practice of Muslim women veiling themselves and dressing in accordance with Muslim custom. He had said that a true Muslim believer must be careful who he socialised with, made friends with, and dated, and that a Muslim believer should avoid all contacts with non-Muslims and keep himself at a distance from them. With regard to mixed marriages, ČENGIĆ had said they were impermissible, arguing that they led to a loss of Muslim religious and national identity. He stressed that Islam implied constant action, which was reflected in the awakening of the spirit of revival in the Muslim masses, their Islamisation, the bringing of believers closer together and their unification with the aim of creating an Islamic society with an Islamic way of living, i.e. the establishment of a total Islam in BH, based on the Sharia code. In this context, he had said that all Muslims were brothers, and that universal brotherhood should reign among them. The witness emphasised in particular that in the work of the *Tabački Mesjid* and in everyday communication with other students ČENGIĆ had been authoritarian, considering himself an untouchable authority. Those who did not accept his views he called infidels. The witness said that ČENGIĆ treated him in this way for a while, ignoring him and refusing to greet him. With regard to Džemal LATIĆ, the witness Rašid BRČIĆ had said during the preliminary proceedings that he was personally acquainted with the fact that Džemal LATIĆ favoured an orthodox interpretation to Islam and Islamic practice, saying that a Muslim woman should veil herself and dress according to Islamic rules, that she should not shake hands with men, that her only role was that of a mother, that she should not work or engage in public social activities. He supported the thesis that a true Muslim had to take into account whom he associated

and socialised with, that a Muslim had to avoid any contact with non-Muslims, and that he must keep himself at a distance from persons of other confessions and nationalities. With regard to Mustafa SPAHIĆ, the witness Rašid BRČIĆ had said during the preliminary proceedings that Mustafa SPAHIĆ had visited the *Tabački Mesjid*, where he had expressed his views, and that he had seen SPAHIĆ in the company of ČENGIĆ and LATIĆ. In his contacts with SPAHIĆ, he had noticed that he advocated and argued for a more extreme approach in the interpretation of Islam, and that he often stressed that Muslims had to accept and practice the *Koran* as it was, that Muslims had to behave in the spirit of the *Koran* rules. He especially insisted on the need for consistent efforts on the part of the imams in the Islamisation of Muslims and the establishment of pure and true Islam in these parts. When reminded of this part of his statement given during the preliminary proceedings, Rašid BRČIĆ said that his questioning during the preliminary proceedings had been long and detailed, and that for this reason he had not been able to follow what was entered the record, or always participate in formulating the statement. He claimed that he had told the truth at the main hearing.

From the statement of the witness Nevzeta GODUŠEVIĆ at the main hearing it followed that she had gone to the house of Edhem and Đula BIČAKČIĆ the same day the house was searched. Edhem's mother had told her that their warehouse had been searched the previous day and that some of Omer BEHMEN's books had been there. When she asked Edhem's and Đula's mother why they had searched the house, she had not been able to explain the reasons behind this unexpected search. Meanwhile Đula BIČAKČIĆ and, later, Mubera had come home, and Đula had mentioned Omer BEHMEN, saying that he had paid her for everything she had typed. Mubera entered the house in tears and cried "My God, what will happen to Edhem?". She explained that the SUP organs /police officers/ had searched a drawer in her desk and found a book. Then someone in the house suggested that they should burn certain papers, but there was no mention of a diary. She had seen Đula and Mubera leave the room and get some papers, but she had not seen them put the papers in the stove and burn them. However, during the preliminary proceedings, the witness Nevzeta GODUŠEVIĆ had stated, among other things, that as she entered the house weeping Mubera had cried "My God, what will become of Edhem if he too was a member?" She also said that, after entering the house, Mubera remembered that Edhem's diary had not been found during the search, and that she immediately left the room they were sitting in, and that Đula followed her. Soon the two of them had returned, Đula holding a batch of papers and Mubera holding a diary with a black or dark blue cover. Đula had then approached the stove, thrown in the papers she had been holding, and set fire to them with a lighter. Meanwhile, Mubera had destroyed the diary, tearing the pages out and throwing them into the stove to burn. While doing this, Mubera and Đula had said that it would have been very bad if they had found the papers during the search, and that the only solution had been to destroy the papers. When reminded of this part of her statement given during the preliminary proceedings, she stated that her answers to the investigator's questions had been formulated differently from what she had said, and that some of her answers had even been forced on her. She claimed that she told the real truth at the main hearing.

The witness Vedada JURIŠIĆ said she had met Melika SALIHBEGOVIĆ three years before in Zenica. They had met at Ibrahim NUMANAGIĆ's house. On that occasion, Melika had come in the company of *Sheik* /head of dervish order/ Halid SALIHAGIĆ

from Sarajevo. She had heard that Melika was an intelligent woman, and very knowledgeable about Sufism. A few months later, while talking to a member of the Islamic Community in Zenica, she had learned that Melika had sent a letter to Dr. Ahmed SMAILOVIĆ to be published in *Preporod*. On that occasion, the above-mentioned member of the Islamic Community had given her the letter to read, and at the same time asked her if she knew Melika, and when she had said that she did, he had asked her to go to Melika and warn her against writing such letters in the future. She remembered that the letter had read as follows: "Dr. SMAILOVIĆ, you have been travelling abroad and talking about the democratic religious freedoms in Yugoslavia, but what have you done for Muslim believers in this country, our children are eating pork in restaurants." She did not remember the rest of the letter. After this, she went to Sarajevo and found Melika in her apartment where they discussed the above-mentioned letter. She noticed that Melika was depressed and in a disturbed psychological state. Melika had complained that she had been under great pressure in her firm since she became a believer, and said that everyone in her enterprise was a poltroon, and that a Muslim believer could not rise up the ladder even if he was more able than persons of other nationalities. At one of their next meetings, Melika had praised imam KHOMEINI and said that she belonged to the Shiite sect, and that KHOMEINI would ideologically unite all the Muslims of the world on the basis of the unique teaching of the *Koran*. She claimed that in her presence Melika had also said that the Communists prevented Muslim believers from rising to executive positions. In January 1983 she had met Melika again, and Melika had been desperate and weeping, and had said at one point: "If I pick up the receiver I will put all the Muslims in jail." The witness Vedada JURIŠIĆ had stated in the preliminary proceedings that during their first meeting in Melika's flat in Sarajevo, Melika had said she had been a member of the League of Communists and had returned her party book. She said that the Communists were real poltroons and hypocrites, fighting only for positions and for their personal interest and status. She said that the Communists did not give Muslims religious freedoms, that they denied them status and access to executive positions, that the Serbs had seized all the power in their hands, that the Muslims were underprivileged in relation to Serbs and other nations, that they were imperilled and neglected in spite of the fact that they were more capable than the others. In the preliminary proceedings, the witness Vedada JURIŠIĆ had also said that at their second meeting, Melika had criticised the Islamic Community and its leadership, saying that they had done nothing for Islam in this country, and that they travelled abroad and talked about the freedom of religion in Yugoslavia because they had sold themselves to the Communists. When they had met again in Sarajevo at the end of 1982, Melika had said that imam KHOMEINI would liberate the world from the influence of the East and the West with the Islamic revolution, and unite Muslims in a single state based on the Sharia code. When reminded of this part of her statement in the preliminary proceedings, the witness said that Melika had always had in mind Muslim believers when she spoke of the Muslims, and that it was Muslim believers who were in a subordinate position in relation to the Serbs and other nationalities, as she had said in her statement at the main hearing.

The witness Midhat ČELEBIĆ said that in the period from January to July 1980, the Board of the Islamic Community had entrusted him with supervising the work of the *Tabački Mesjid*. In this capacity he had read the lectures sent to the Board for approval. He claimed that in the few lectures he had read he had not noticed anything which trespassed outside the religious sphere. He said that he had attended one or two



lectures at the *Tabački Mesjid* when, again, he had not noticed anything which could be deemed compromising for the *Tabački Mesjid*. After May 1980 he had not gone to the *Tabački Mesjid* at all, and had not been in any way involved in the lectures, but he had heard that the Leadership had banned the work of the *Tabački Mesjid* because of certain discussions. In respect of Mustafa SPAHIĆ, he said that SPAHIĆ was rather severe in his discussions and that he made efforts to solve problems completely. When SPAHIĆ and he had discussed the events in Kosovo on one occasion, SPAHIĆ had said that these Albanian nationalistic riots had deep roots and mentioned the pressure of the Serbs which went back a long way. In his conversations and contacts with Mustafa SPAHIĆ, he had never heard SPAHIĆ say anything against our socio-political system, our society, etc. SPAHIĆ had criticised the people in the Islamic Community who he said abused their positions. With regard to Mustafa SPAHIĆ, the witness knew that SPAHIĆ had given a lecture at the Ferhadija mosque, where he said that many lies had been put forward in Parergon /word unknown/. However, in the preliminary proceedings, the witness Midhat ČELEBIĆ had stated that Mustafa SPAHIĆ had said in his presence that the state always interfered in the affairs of the Islamic Community, and that the Muslims were more threatened by such actions than the Catholic Church was threatened. Regarding the events in Kosovo, he said that SPAHIĆ had told him that the demonstrations had been caused by the Serb reign of terror which had been going on for a long time, especially since the times when RANKOVIĆ had been in power, and a strong Serbian nationalism in relation to the Albanian people /as written/. When reminded of this part of his statement given during the preliminary proceedings, the witness said that they had asked him to give an outline of conversations he had had with SPAHIĆ, instead of specifying what SPAHIĆ had explicitly said in their conversations, and emphasised that SPAHIĆ had really said, of some people in the Islamic Community, that they had sold their souls.

The witness Faketa AŠĆERIĆ stated that on 22 January 1982 she had entered a common-law marriage with Derviš ĐURĐEVIĆ, and that they had lived together in Sarajevo until 16 March 1982, when she had left Sarajevo and gone to her parents in Tuzla. She had lived with Derviš ĐURĐEVIĆ at Sedrenik in Sarajevo, in a rented flat where they had married according to the customs of Islam and the *Koran* in the presence of about 10 Arab students whom Derviš had called "brothers in faith". During the month and a half they had lived together, she had had to stay in the flat most of the time, sometimes even locked inside. He had forbidden her to leave the flat on her own, and at his request and command she had to read translations of the *Koran* and other Islamic books. One evening, when they were watching the TV coverage of a meeting of the CK SK SR BH /Central Committee of the League of Communists of the Socialist Republic of Bosnia and Herzegovina/ on the TV News, Derviš had said that in this country we attended a lot of meetings but did little, that self-management was a waste of time which led to idleness, sloppiness and lack of discipline. He said he regretted having studied law in this country, saying that the Sharia code was much more sound and better than the law in force in this country, because it prescribed that women should take care of the house and raise children in the spirit of Islam and that all men should be employed, which was not the case here as there were many unemployed men. One day, Derviš had threatened to tear up her League of Communists membership book and her other Party papers, saying that he could get into trouble with his "brothers in faith" if they found out that he was living with a member of the Communist Party. He had said in her presence that true Muslims, who were today a minority, would eventually win and argued that Islam would soon

prevail in BH and the whole of Yugoslavia, with Sarajevo as the capital of this Muslim republic. Once when he was performing his prayers he requested that she take Tito's picture off the shelving units, claiming that Tito had been an enemy to all the Muslims because he had unveiled Muslim women and had allowed them to work, and therefore, he deserved no respect. She also said that, with the prior approval of Derviš ĐURĐEVIĆ, she had in February 1982 obtained the Serbo-Croatian edition of the book *Islam, Religion of the Future* from Suad FRLJ's wife. Concerning this book, she said that Derviš had once told her that the book was as dangerous as her party documents, because the authorities could put him on trial because of it. He had demanded she bring information from the League of Communist meetings for discussion with his "brothers in faith". He had also said in her presence that the League of Communists had no future at all, and that the future lay with Islam. She also said that Derviš had said on several occasions that Muslim atheists in this country were apostates without perspective. Concerning marriage, he said that Muslims should not marry Serb or Croat women, and advocated the marriages of Yugoslav Muslim women to Arab nationals. The witness Faketa AŠĆERIĆ emphasised that the only reason why she had abandoned this common-law marriage was the fact that Derviš ĐURĐEVIĆ was a fanatic who demanded that she behaved in the same way as he, which she could not accept. The fact that she had subsequently discovered that he was married, that he had a child, that he was not as well off financially as he had pretended, had not influenced her whatsoever in ending the common-law marriage, and it especially had not affected her statement given in the preliminary proceedings and at the main hearing. She said she had no reason to avenge herself upon ĐURĐEVIĆ, because she was now a happily married woman, but she had wanted to tell the authorities everything that she clearly remembered about her life with Derviš ĐURĐEVIĆ.

The witness Suad FRLJ stated he had met Derviš ĐURĐEVIĆ at the beginning of 1981 when ĐURĐEVIĆ had been living in his neighbourhood in a rented flat. He had not engaged in occasional conversations with Derviš, and he could remember the content of some of their discussions. For example, Derviš had said on one occasion that in a village in the region where he had been born there were some Serbian inhabitants, and that they were dirty, unhygienic people. On the occasion of a TV broadcast about self-management, Derviš had said that self-management was a waste of time. He had also said in his presence that Muslims had problems attending the Friday prayer because it occurred during working hours, and compared the situation with the situation of persons of other religions, who were in a more favourable position. He said that in his presence Derviš had not expressed his opposition to mixed marriages, and that they had never discussed the status of Muslims in Yugoslavia. However in the preliminary proceedings, he had clearly and unambiguously stated that in his presence Derviš ĐURĐEVIĆ had said that he was against mixed marriages, that for him neither Serbs nor Croats could be his brothers because they were not Muslims, and that only Muslims could be each other's brothers because they were of the same religion. He also said that Derviš had said that the subordinate position of Muslims in this country could be improved through Iranian economic pressure on Yugoslavia. He had said that the Serbs were holding the top positions and that the Muslims were not equal in this respect. When reminded of this part of his statement given during the preliminary proceedings, the witness stated that he had indeed said these things, but that he had not been able to remember right away everything that Derviš ĐURĐEVIĆ had said in their conversations.

The witness Rešad TIHIĆ said that he had known Derviš ĐURĐEVIĆ five or six years, and that they had frequently visited each other, socialised and talked. In his presence, Derviš had said that the best thing would be if Muslim men married Muslim women, mentioning the example of a relative married to a woman of Christian faith, and the problems they had had in choosing a name for their child. When they had discussed oil-producing Arab countries, Derviš had said that these countries should help us by giving us oil, and that they could also support certain African countries, which were struggling with famine. Derviš had also stated in his presence that our Trade Unions did nothing. In one conversation, he had said that the Christians had an easy time because their religion did not manifest itself publicly and that, therefore, a Christian could become an executive because he was in a position to conceal his religious beliefs. However, in the preliminary proceedings, the witness had stated that in his presence Derviš ĐURĐEVIĆ had said that a Muslim believer, regardless of the level of his professional expertise, could never rise to an executive or managerial position in a company, etc. in this society, unless he were a member of the League of Communists. He said that Muslim religious freedoms had been curtailed, that the Muslims were underprivileged, and that the Islamic oil-producing countries should exert pressure on Yugoslavia, thus improving the status of the Muslims. Derviš had also said that all the Muslim believers of the world should aspire towards the establishment of a single Islamic state, and that Islam would eventually prevail all over the world. In the preliminary proceedings, the witness Rešad TIHIĆ had also said that Derviš ĐURĐEVIĆ had told him that Muslim men should marry only Muslim women, and Muslim women only Muslim men, and that Muslims should socialise only among themselves. When reminded of this part of his statement given during the preliminary proceedings, the witness said that everything he had said during the preliminary proceedings was true, but that one should take into account that, when discussing Arab countries and oil, Derviš ĐURĐEVIĆ had not referred only to the Muslims in BH but to the Muslims in Yugoslavia as a whole.

It is evident from the statement of the witness Emira DŽIHA-DEDIĆ that Derviš ĐURĐEVIĆ had told her once in her flat that she should leave her job, take the child out of the kindergarten, and bring him up at home, and that she should start wearing a scarf. Her husband had told her that Derviš ĐURĐEVIĆ had told him that the Muslims were in a difficult and subordinate position, that they were deprived of religious freedoms and that their religion had been suppressed, in contrast to the Catholics who had much more freedom in propagating their religion in the press and at various religious gatherings. Her husband had also told her that Derviš had said that the Muslims were intimidated, that they did not dare say or write a thing, that they were under pressure, and that only their steadiness and unity could improve the situation. In her husband's presence, Derviš had also said that the Sharia code should be reinstated because it was better than our law, that the children of our executives were badly brought up and perpetrated the largest number of criminal offences, and that they misused the state-owned cars of their parents. However, in the preliminary proceedings, the witness had stated that she had heard these things not from her husband, but from Derviš himself, who had talked about these issues also in her presence. When reminded of this at the main hearing, she said that she had also told the investigator who had questioned her that she had obtained the information from her husband Abdul FETAH.

The witness Šefik BOGDANOVIĆ stated that, as far as he could recall, he had paid a visit to Mustafa SPAHIĆ once in April 1982. He had found Mustafa's brother-in-law and two other men in Mustafa's flat. Mustafa SPAHIĆ had told them on that occasion about what he had said at a meeting of religious teachers, which had been organised by the SSRN /Socialist Alliance of the Working People/. According to the witness, Mustafa SPAHIĆ had said that he had argued at this meeting that the people sitting in the Islamic Community had been appointed by society, that religion and the state had not been separated in reality, that the erection of places of worship had been banned in the urban areas of Sarajevo. However, in the preliminary proceedings, the witness had said that Mustafa SPAHIĆ had indeed mentioned on that occasion that he had attended the meeting of religious teachers, but after that he had had a conversation with Rušid PRGUDA in which SPAHIĆ had said that there were no Muslims in top governmental bodies, and that it had never been so important for Muslims that imams and their *Ilmija* organisation did their job properly. During this conversation, he had also said that politicians had placed their own people in the leadership of the Islamic Community, and mentioned Reisul-Ulema KEMURA, FEJIĆ, MUJIĆ, etc.

The witness Biljana KOPRIVICA said that she had known Melika SALIHBEGOVIĆ since November 1981. The two of them had attended the Department of Oriental Studies at the Faculty of Philosophy in Sarajevo. They had spent a lot of time together and they had met at least two or three times a week. She had often visited Melika in her flat, where she had also met certain Asima from Jajce. She said that Melika had treated her cautiously during the first two months of their friendship, but later had gradually introduced topics of a political nature into their conversations, such as the League of Communists, the events in Kosovo, the economic situation, the leadership, etc. She remembered that, in one conversation, Melika had asked "What kind of a leadership and what kind of a Party is it, that have brought the people in their country to total moral collapse?" In other conversations, Melika had said that Islam was the only true religion, and that it would conquer the world one day, mentioning as examples its spread in the U.S.A., Western Europe and the U.S.S.R. Melika added that Islam had been spreading in our country in the past 2-3 years too, and that this was far more important for the Islamic movement than we realised. She had blamed the leadership of the Islamic Community for the general misconception concerning the Islamic movement. Like all others struggling for power, they too were a classical example of a political struggle for power. She had said that many honest Muslim heads always fell before a Reisul-Ulema was installed, but that, in fact, the Central Committee and the Security Service agents appoint the Reisul-Ulema. On one occasion, in spring of 1982, commenting on the war between Iran and Iraq, Melika had said that the war marked a beginning in the creation of a global Islamic state, that war was the only way to establish such a state, that the entire history of Islam was bloody, that the global Islamic state would stretch from Tehran to Slavonski Brod, and that BH, Kosovo and other parts of Yugoslavia inhabited by Muslims would be part of it. She also said that Melika had told her that the Muslims in this country lived in a state of slavery, that they had no religious freedoms, that they were forced to eat food which the Sharia code forbids and that, if injured, they had to receive blood from infidels. Of the League of Communists she said that it was a lost cause, that its members were all hypocrites, careerists, liars, persons who only struggled for power, and people who had sold themselves, and that this system was doomed. Commenting on the events in Kosovo, Melika had said that the counter-revolutionaries were right, that they were rebelling with good reason and that Kosovo was exploited by Serbia.

Referring to Comrade Tito, she said he was praiseworthy as an international figure, but not so praiseworthy for the progress of our society.

The witness Halid HADŽIABDIĆ, teacher at the medresa, said that he had been sitting in the teachers' common room reading a newspaper sometime in March or April 1982, when he heard one of his colleagues, he could not remember who, say that seven million Muslims emigrated from Yugoslavia to Turkey, after which Džemal LATIĆ had said that there would have been 11 million Muslims in Yugoslavia today, in other words that there would be as many Muslims as there were Serbs and Croats. LATIĆ had added that, regardless of the fact that there were 4 million Muslims in Yugoslavia, it was important to work for the Islamisation of Bosnia, the spreading of Islam in Bosnia, and the professional education of imams in the domain of Islam, which was bound to ensure them great success among the Muslim masses, and to contribute to the Islamisation of Bosnia. When on one occasion the witness attended a lecture by Prof. Džemal SALIHSPAHIĆ at the *Tabački Mesjid*, Džemal LATIĆ had said in his discussion that this way of presenting lectures and discussing topics led to their dilution. In his opinion, Muslims should return to authentic and orthodox Islam in these debates, to Islam as it had been in the first centuries of its existence, aggressive and militant to the maximum. LATIĆ had also stressed that Muslim believers were the only truly great men, and that there had been no great men among infidels.

It emerged from the statement of Mirko MARINOVIĆ, Director of the Mechanical Engineering Educational Centre in Sarajevo, that in his numerous contacts with Huso ŽIVALJ, he had never realised or even guessed that ŽIVALJ was a nationalist. He had never said anything against our system, our community, etc. The witness had gained the impression that Huso ŽIVALJ had been preoccupied with his professional work, as he had recently been much engaged in writing his master's thesis. ŽIVALJ had spent a half of his time at the Mechanical Engineering Educational Centre, and the other half at the Institute. In their private contacts at the office, Huso ŽIVALJ had never shown his religious feelings, and there have never been any criticisms to his work.

The witness Milica JOVAN said that she had been Ismet KASUMAGIĆ's boss at the Institute in Zenica in the period from 1956 to 1977. They had co-operated professionally all that time, and had stayed in touch later after she had moved to the Faculty of Metallurgy in Zenica, since Ismet KASUMAGIĆ was a visiting professor at the same faculty. Ismet KASUMAGIĆ had never expressed any views which could be characterised as nationalistic or hostile to the regime in any way. She had known that Ismet was a believer, and that he performed all the religious rituals, but he had never hesitated to co-operate with her. She had never noticed that he had any different attitude to non-Muslim colleagues or students.

The witness Ahmed ZATEGA, a religious teacher from Konjic, stated that Hasan ČENGIĆ and a group of students from a Sarajevo religious school had visited Konjic in August 1979, and had given a performance at the mosque. After the performance, there had been no discussions, but he and Hasan ČENGIĆ had talked after the lecture. On that occasion, ČENGIĆ had said that the Muslims were in a subordinate position in relation to Serbs in his region. When they had talked about imams, ČENGIĆ had told him that imams should not be friendly with politicians.

The witness Ismet VELADŽIĆ stated that the pupils at the medresa had never objected to the work of the teacher Džemal LATIĆ. He said that he had been class teacher to ĆURKOVIĆ, DŽAKMIĆ and JELOVAC and that none of these students had ever come to him as a class teacher to complain about the actions or lectures of Džemal LATIĆ. He knew of an incident when Halid HADŽIABDIĆ's notebook was found in the medresa. In it Halid had presented the work of some teachers in the medresa in a biased light. A meeting of the Teacher's Board had been held because of this incident, at which most teachers were in favour of dismissing Halid HADŽIABDIĆ as a teacher from the school. He said he could not remember if the notebook had contained Džemal LATIĆ's name.

It emerged from the statement of Muhamed KUPUSOVIĆ that he had worked with Alija IZETBEGOVIĆ and Omer BEHMEN at the Traffic Institute in Sarajevo before he left for Kenya. One day, BEHMEN had given him a folder with a text entitled *The Islamic Declaration*. He remembered that the heading read: "Our slogan is *Believe and fight*". Omer BEHMEN had told him to look at the text and read it. After a cursory reading, he had left the text among other books in his house. He had read this *Declaration* again in March 1980, and noticed that certain things in the text had been underlined. Huso ŽIVALJ, who visited him from time to time, had come at that moment and he asked ŽIVALJ if he knew anything about the *Declaration*. He had told ŽIVALJ that there was something wrong with this text and ŽIVALJ had agreed when he came to his house two days later and returned this *Declaration*. In their discussion, they had concluded that this was not a political suitable text for our circumstances, and he had burned the *Declaration* after this. During this conversation, he had not told ŽIVALJ who had given him the *Declaration*. He had asked ŽIVALJ if he knew who the author of the *Declaration* was, and ŽIVALJ had replied that he had no idea.

The statement of the witness Fevzija ĐEZIĆ, given in the preliminary proceedings, was read at the main hearing. He stated that his father Jusuf ĐOZIĆ had emigrated to the Lebanon at the end of World War II, because he had collaborated with the enemy. Throughout his studies at the Law School in Zagreb, his father regularly sent him cheques, and-sometimes also money, through certain persons who travelled to Beirut and made contact with his father. In such cases, his father would inform him beforehand by letter who would bring the money. He did not remember the names of these people any more, but it was possible that Alija IZETBEGOVIĆ too had brought him money because he had not received some money through the Sarajevo Post Office in 1972.

From the statement of the witness Nimet KARAČIJA it enabled that Alija IZETBEGOVIĆ had visited her and her husband in Ontario, Canada, in the winter of 1981, and stayed two days with them as their guest. Alija's wife Halida had accompanied him. She was not acquainted with the purpose of Alija IZETBEGOVIĆ's journey to Canada, but Alija and his wife had told her that they had already visited Montreal and Toronto. She had next seen Alija IZETBEGOVIĆ at the end of 1982, when he had stayed with them seven days. Alija IZETBEGOVIĆ had not explained reasons for his visit. She had seen him again in March 1983, when she had come to visit the family of her husband, Hasan KARAČI. When she arrived at the *Evropa* hotel, Alija IZETBEGOVIĆ had appeared and invited her and her children to

be his guests, and offered to show them the Sarajevo sights. On this occasion, she had given Alija a letter and presents that her husband Hasan KARAČI had sent. She did not know what had been in the above-mentioned envelope, but she said that her husband had always financially supported his family in Sarajevo, that he had sent contributions for the renovation and construction of mosques all over the world, including Sarajevo, and that he had also sent certain sums of money to his religious teacher Hadžihafiz SMILFAZLIĆ in Sarajevo. Her husband had not told her whether he had sent any money to Alija IZETBEGOVIĆ too.

The witness Mohamed REFAI stated that he had arrived to Yugoslavia in August 1977 and enrolled in a faculty in Sarajevo. Fifteen months later, he had moved to Tuzla and enrolled in the Mining Faculty. Abdulfetah DŽIHA, who had arrived earlier to Yugoslavia to study, had introduced him to Derviš ĐURĐEVIĆ. In a conversation they had had in Tuzla, Derviš ĐURĐEVIĆ had asked him to find him a girl who would be a real Muslim and would obey all the laws of authentic Islam. He was familiar with the fact that Derviš ĐURĐEVIĆ had lived for some time with Faketa AŠČERIĆ and he said that in his presence Derviš ĐURĐEVIĆ had told Faketa to veil herself and not to work, which Faketa had refused. When he had once met Derviš ĐURĐEVIĆ on the street in Tuzla, Derviš had told him that Faketa had left him under the influence of her relatives.

The witness Mujo Zakomac stated that in March 1983 he and his wife had visited the Bičakčić family. Beforehand, in front of the building where the Bičakčićs' apartment had been searched, so they were told by Amra Rizvanović that Bičakčićs' apartment had been searched, so he and his wife had not immediately entered the building, but had gone into town, and only then had visited Sabiha Bičakčić in order to learn why this search had taken place. While Sabiha was explaining to them why the search had been conducted, Đula Bičakčić arrived and informed her mother Sabiha that she, too, had been questioned and that a notebook had been taken away from her. He recalled that at one point Mubera Bičakčić had asked Sabiha whether any other documents had been left in the apartment after the search, and that Sabiha told her that some texts had been left behind, after which Mubera had suggested that these texts should be burned. Then Đula Bičakčić had got up and left the room, and when she came back she had been carrying some folded sheets of paper in her hand, which she had thrown in the stove and burned.

The witness Emina Baručija stated that she and her husband had been in Edhem Bičakčić's apartment in late January 1983, and that on that occasion she had noticed some photographs of Mecca on a cover of a brochure. In March 1983, around 21:00 hours, she had received a telephone call by one of Mubera's sisters-in-law who had told her that Mubera needed her, after which Mubera had telephoned her and asked whether she could bring some things over to her and hide them there, to which she had agreed. Forty-five minutes later, Mubera and her younger sister-in-law had arrived at her door with two bags. They had explained that the bags contained books by Omer Behmen. After the two of them had left the house, she had transferred the bags to a closet. Out of curiosity, she had opened one of the bags and noticed a book entitled *Politics as Destiny* by Esad Ćimić. She said that her contacts with Mubera Bičakčić had become more frequent after October 1982 when they had both attended a course in Arabic orthography.

The witness Bećir Džaka stated that he had known Melika Salihbegović since 1981 when she had enrolled as an extra-mural student of Arabic and Persian at the Philosophy Faculty in Sarajevo. Since that time, he had had several contacts with her and had given her advice on her writing, and on publishing her translations of certain Oriental works for the publishers *Logos* in Split. Melika had often complained to him that passers-by gave her contemptuous looks and despised her because of her religious style of dressing and her conversion into a true believer. He knew that Melika had written a letter to the president of Islamic Community, a copy of which she had shown him in person. On one occasion, Melika had asked him to help her meet someone who was an Iranian citizen who could help her to get an invitation to go to Iran, so he had telephoned Nosrat Mohamed, the IRNA correspondent in Belgrade, and had arranged that Melika meet Nosrat Mohamed in Belgrade.

The witness Hivzija Hasandedić stated that he had known Salih Behmen for a number of years and said that, in conversations in his presence, Salih had said that religious freedoms in Yugoslavia were restricted and that the Muslims in Yugoslavia needed to be more unified in their dealings with the authorities. He attacked the leadership of the Yugoslav Islamic Community, saying that it did not pay attention to the religious education of the young and that it did what the authorities told it to do, and that it should be replaced with new people who would fight for Islam. Regarding the events in Kosovo, Salih Behmen had said in his presence that that situation was rooted in the past, that that people had now gained self-awareness, and was fighting for its survival and its rights. He had also said in front of him that the Muslims in Bosnia, Sandžak, Kosovo and part of Macedonia should unify on the basis of their faith. In early February 1983, Salih Behmen had told him that he had written a protest letter which had been sent, or would be sent to the Synod of the Orthodox Church in Belgrade and which was a response to the publishing of Lubarda's book *Transformation*.

According to the findings and opinions of the expert psychiatrists Dr. Ismet Cerić, Dr. Slobodan Loga and Dr. Dušan Kecmanović, who had carried out a psychiatric examination of Mustafa Spahić and Melika Salihbegović, Mustafa Spahić has a personality deeply preoccupied with the circumstances and events of his religious life, he has a neurosis of conservative type which has developed on the basis of a premorbid introverted and sensitive personality. Otherwise, they concluded that Mustafa Spahić may be considered a mentally sound person. Regarding Melika Salihbegović, the experts stated that for about ten years she had been suffering from a neurotic disorder which was clinically manifested primarily as a conversive psychoneurosis, and that this psychoneurosis developed reactively on the basis of a premorbid extroverted sensitive and intelligent personality. They conclude that Melika Salihbegović may be considered a mentally sound person. These expert opinions are based on the findings in their written report submitted in the pre-trial proceeding, and fully reaffirmed by the expert Dr. Ismet Cerić during the trial.

According to the finding and opinion of the handwriting expert Professor Esad Bilić, who conducted an expert analysis of the typewritten and handwritten texts in question, the signature on the letter addressed to Imam Homeini belongs to Melika Salihbegović and was executed in her handwriting. The handwriting expert also affirms that the corrections in the text of *The Islamic Declaration* were also made in Melika Salihbegović's handwriting, and that the letter to Imam Homeini was typed on Melika Salihbegović's typewriter. As far as the texts *Preface to the 1982 Edition*, *Foreword*



to the Declaration of July 1970, *The Islamic Declaration* and *The Movement of the Islamic Brothers*, the expert stated that they were most probably typed on the typewriter owned by Sabina Berberović, daughter of Alija Izetbegović. On the basis of his analysis, the handwriting expert further stated that the text of the *Preface to the Persian Edition* was in Alija Izetbegović's handwriting, as was the text *For An Islamic Revolution*, the notes of the *Translation from English*, a letter in English *To Brother Abdulah*, and the handwriting on the cover of the manuscript of *The Islamic Declaration*. The nine-page Serbo-Croatian text *Muslims in Yugoslavia*, and a six-page English version of the same text were typewritten, and the expert did not exclude the possibility that these texts had been written on Alija Izetbegović's typewriter. Further, the handwriting expert's findings show that the handwriting in the manuscript of *The Necessity of Renewal*, *The Inferiority Complex Among Muslims* and *Faith and Superstition* was that of Hasan Čengiđ, and the words on the manuscript of the lecture 24 džuz were in Džemal Latić' handwriting.

The text of *The Islamic Declaration*, which was read in its entirety during the trial, is clearly divided into four sections. The first section of *The Islamic Declaration* has the title *The Underdevelopment of the Muslim Peoples*, the second section is entitled *The Islamic Order*, the third *Problems of the Islamic Order Today*, and the fourth section offers the conclusion. At the very start of the *Declaration*, the following is quoted: "Our goal - the Islamisation of Muslims, our motto - believe and fight". This text of *The Islamic Declaration*, which is in Serbo-Croatian, consists of 44 pages, and before the first section, *The Underdevelopment of the Muslim Peoples*, there is an introduction which states that the history has clearly demonstrated the fact that Islam was the only idea capable of stimulating the imagination of the Muslim peoples and instilling in them the requisite amount of discipline, inspiration and energy. This introduction states the goal of implementing Islam in all fields, in people's personal lives, in their families and in society, by means of a renewal of Islamic religious thought, and the creation of a unified Islamic community from Morocco to Indonesia. It says that this goal may appear incredible and far-fetched, but that it is real. At the end of the introduction, the alternatives are offered: either a movement toward Islamic renewal, or passivity and stagnation. For the Muslim peoples, there is no third possibility.

The first section of *The Islamic Declaration* entitled *The Underdevelopment of the Muslim Peoples* basically points out the negative consequences for the Muslims and for Islam of the reception and implementation of the conservative and modernist ideas, and stresses that, in the long run, the only way out is "the creation and concentration of a new intellectual elite" which would take up the banner of the Islamic order and, together with the Muslim masses, start working for its realisation.

In this section, the causes of impotence and indifference among the Muslim peoples are presented, and it is pointed out that the idea of Islamic renewal, based on the idea that the Islam is capable not only of maturing the individual but also of ordering the world, has two kinds of adversaries, i.e. those who advocate old models, and those who advocate foreign models. It says that both kinds of adversary view Islam as a religion only. The second section, entitled *The Islamic Order*, points out, among other things, that one cannot believe in Islam without working, doing business, entertaining oneself or governing in an Islamic way. The Islamic order is defined as a unity of faith and law, upbringing and authority, voluntariness and coercion. It points out that

Islamic renewal means an Islamic society and Islamic authority. This second part of the *Declaration* says that there is a multitude of laws in this society which is a clear sign that "something is rotten," and that we should stop passing new laws and start educating people. On the basis of the view that Islam is not merely a religion, the important conclusion is drawn that Islam and non-Islamic systems are incompatible, because there can be no peace or co-existence between "*the Islamic faith*" and non-Islamic social and political institutions. When the issue of struggle is addressed in this section of the *Declaration*, it is stated that, short of crime, any means are allowed including the possibility of a controlled and necessary use of force. In this section of the *Declaration* it is further stated that Islam strives for the unity of all Muslims in a unified religious, cultural and political community, and states that Islam is both a nationality and supra-nationality for this community, with Islam defining its internal relations and Pan-Islamism its external ones. It is stressed that Islam is the ideology of this Muslim community, while Pan-Islamism is its policy. In this section of the *Declaration*, in point 16, it is stated that an Islamic renewal is only possible in countries where Muslims constitute a majority of the population and that, without this majority, the Islamic order is reduced to rule only and could turn into violence, and as regards Muslim minorities in non-Islamic countries, point 16 states that they need to remain loyal provided these minorities have religious freedoms and all protections, but it also says that Muslim minorities are not obliged to be loyal or to fulfil any obligations which are damaging to Islam and to the Muslims. The third section of the *Declaration* entitled *Some Problems of the Islamic Order* says that an Islamic rebirth cannot begin without a religious revolution, but that it cannot continue without a political one, and it also states the need for a religious renewal in the form of "Islamisation" of people who call themselves Muslims or who are called so by others. This section also says that the starting point should be the winning over of people, and that an Islamic rebirth involves in the first place a revolution in the sphere of upbringing, and then in that of politics, and states: "Therefore, in moral terms, be prophets first, and then soldiers." It says that the Islamic movement must and can start taking over power as soon as it is morally and numerically strong enough not only to overthrow the existing non-Islamic government but also to build a new Islamic one. Throughout this section of the *Declaration* an aspiration is expressed for the bringing together of all the Muslims, and all the Muslim communities, in the world, and to fight for the creation of a "great Islamic federation from Morocco to Indonesia, from tropical Africa to Central Asia". In this section of the *Declaration*, the Islamic order is offered as a third way, as opposed to the Marxist economy which is less and less a science and more and more a servant to politics, and that the development of capitalism in the last thirty years has demonstrated the faults in the basic concepts of Marxism /as written/. In the conclusion of *The Islamic Declaration*, it is stated that the young generation will be able to carry out its task of renewal only if its aspirations and idealism are transformed into an organised movement in which individual enthusiasm and personal worth are joined by methods of working together. It says that only in this manner can the rebirth be realised in each Muslim country. In the preface to the 1982 edition, it is stated that the Islamic revolution in Iran has in the best way disproved our doubts about the ability of the Muslim clergy to play an active role in the renewal of Islam in this century, and also that, with honourable exceptions, leaders of Islamic clergy are tools in the hands of ruling systems, that they are corrupted by material and other privileges, and that the Islamic clergy in the countries of the Islamic diaspora is selling to the uneducated masses the idea that brotherhood with atheists is a principle of the K'uran. The *Conclusion* of this *Declaration* ends as follows: "In sending this

lesson to all the Muslims of the world, we clearly state that there are no promised land, miracle workers or *Mehdis*. There is only the road of work, struggle and sacrifice. In moments of temptation, let us always keep in mind two things: supporting us are God's blessing and the support of our people."

The text *Muslims in Yugoslavia* contains a general overview, and then a brief historical sketch, which deals with the Ottoman period, the period of Austro-Hungary, Yugoslavia between the wars, and World War II, followed by the chapters *Post-War Yugoslavia - the Current Situation* and *Resistance*, while an appendix to this text is called *The Structure of the Islamic Community in Yugoslavia*. The general and historical overview is four pages long and contains basic geographical information on Yugoslavia, census numbers, particularly data on the number of Muslims in Yugoslavia. In the chapter *World War II*, it is stated among other things that *partisans* appeared, in fact armed units of the Communist Party of Yugoslavia. Under the guise of calming and stopping the inter-ethnic strife, they managed to win over a large part of the common people, but in fact, by skillfully using the slogan "Brotherhood and Unity," they gradually forced upon people what was to become the communist order in Yugoslavia, so that the physical survival of Muslims was no longer in question. What was threatened was their spiritual survival. In the chapter *Post-War Yugoslavia - the Current Situation*, it is stated that the end of World War II and the communist takeover in Yugoslavia meant a complete change of conditions for the Muslims in this region. The Communists proclaimed a so-called "people's democracy," religion was separated from the state and became "the private affair of individuals," but in practice this meant the dissolution of *šarijat* courts which until then had regulated issues in the area of marital and hereditary law for Muslims.

The text *Muslims in Yugoslavia* further states that the Muslims suffered most at the hands of communists when their troops entered certain settlements. All potential opponents, mainly prominent people and intellectuals known to be believers, were executed by the communists without trial or investigation. The text goes on to mention the Krajina revolt, and the revolt around Tuzla, which were ruthlessly put down, the *Hazreti Alija's Sword* organisation is mentioned, and the *Young Muslims* organisation is singled out as having offered a most significant resistance to the Communist authorities. It refers to the treachery and servility of the Islamic Religious Community leadership which was brought under the full control of the state, and says that the Community leaders give political speeches extolling the regime. This text states that the Muslims in Yugoslavia view the Islamic revolution in Iran as their own and look upon this event as the beginning of a true renewal of the Islamic world, while imam Homeini is called *deda*, a nickname given to a older man who is loved and respected. It says that his attitude toward the Islamic revolution is commonly used to distinguish a sincere Muslim from an unbeliever. It adds that the victory of the Iranian revolution and the fall of the corrupt non-Islamic regimes in the surrounding countries would provide encouragement for the Muslims in Yugoslavia, and that they would then turn a new page in their history. In the text *The Structure of the Islamic Religious Community* which is actually an appendix to the text *Muslims in Yugoslavia*, among other things the following is stated: "This is the formal structure of the Islamic religious community. In practice, the situation is such that all leading positions are occupied by unbelievers and corrupt people, and that the majority of them actually directly work for the security service (as intelligence agents). In this text, Reis Ul-Ulema Naim Hadžiabdić is described as a man without initiative, primitive and uneducated, and clearly entirely under the orders of the authorities, while Dr. Ahmed

Smailović is said to have been recruited by the police, and to control all official contacts with delegations from the Islamic world.

From the text which was published in Kuwaiti magazine *El Arabi*, and which is a response to a previous article in this magazine, it is clear that the authors of this text are trying to offer a more accurate and clear picture of Islam and the Muslims in Yugoslavia, arguing that the previously published article by Nezir Munir contained many inaccuracies. In this response to the above-mentioned article, it is stated that the authors want to provide true information about Islam and the Muslims in Yugoslavia for all Muslim brothers throughout the world. It says that the previous author incorrectly stated that members of all the ethnic groups had equal rights and that this did not reflect the situation of the Muslims in Yugoslavia. It says that the Muslims were declared a nationality only after all attempts to negate them as an ethnic group in the country and to prevent them from building mosques /as written/, and that the Muslims have been struggling and doing their utmost to realise their legal rights. This text further states that all governing positions in the country have to be occupied by Party members, so that the atheists come first, while citizens who are believers take second place. It says that religion is under pressure from and influenced by the state, that the authorities meddle in religious life, and try to hinder its progress and restrict its activity. The text claims that government agents, hypocrites and communist servants occupy leading positions in the Islamic centres, and promote communist activities, and support the communist regime's propaganda in their political dealings abroad. It claims that the true imams are persecuted, and that the majority of Islamic posts are filled by agents who have sold their souls to the devil and the communists, and that the communist authorities work at filling the leading Islamic posts with persons on whom they can rely, and who will serve the ruling communist movement. The text comments on Hamdija Čemerlić, president of the Supreme Islamic Assembly, on Ahmed Smailović, president of the Islamic Leadership for Bosnia and Herzegovina and on Abdurahman Hukić. Of Hamdija Čemerlić it says that he is a veteran agent, deeply immersed in these activities; of Ahmed Smailović it says that he has no political past which the authorities have exploited very well, using him for political propaganda abroad, especially in the Arab world, for the benefit of the ruling system; while of Abdurahman Hukić, it claims that his main job is spying, controlling and passing to the security service and investigating bodies very sensitive information regarding the views and activities of certain imams and officials at the Islamic Community and, in addition, finding future spies among the Medresa students. The text ends: "And now, after having inflicted great damage on us and having failed to destroy us as Muslims living in an atheist society, they want us to thank them, and you, Muslim-Arab brothers, are providing them with help, so that they can be stronger in their tyranny, you are helping them in their attempts to bring about our final destruction. We are still here, thanks be to Allah, not because the communists wish it but because we have fought, we are still fighting, and we shall fight until Judgement Day, with our heads unbowed, for the survival of Islam in this country, God willing. At the end of the text it is stated that it was written by a group of Muslims in Yugoslavia.

The text *Problems of the Islamic Renaissance* is actually a collection of articles in which it is stated, among other things, that one of the causes of backwardness amongst Muslims is the "theological interpretation of Islam" which reduces Islam to its religious message only, neglecting and ignoring its role in organising and changing

the outside world. One passage in the text reads: "What could be more logical for the Muslims in a non-Muslim environment than to be at the forefront of revolt against alien rule, alien ideas, and political and economic coercion?" Other articles in this collection include *Why Are Muslims Underdeveloped*, which has a number of similarities with the introductory section of *The Islamic Declaration*, and an article entitled *A Muslim Woman - Wife and Mother*, which actually develops the topic *Woman and Family* from the *Declaration*. The contents of the first chapter of the *Declaration* have been used in the article *The Present Moment of the Muslim Peoples - the Problem of Underdevelopment and Rebirth*. The subject of the article *Are We Educating Muslims or Subjects* is about the revolt against foreign rule, and about Muslims as leaders of this revolt.

A letter which was sent to Abdulah Nafisi in Abu Dabi says amongst other things that nowhere should the origins of the Manifesto /the *Declaration*/ be mentioned and that, if necessary, it could be said that the Manifesto was drafted by an international group which included four Yugoslavs, one Muslim from Syria, a Pakistani and a Sudanese. The letter repeats that the provenance of the Manifesto should be kept secret.

The text *The Necessity of Renewal*, says amongst other things that there should be no distinction between religion and politics, church and state, that the Islamic Community is not a community whose goal is nationalism, but that its mission is international in character and that its goals are international. The text extols the person of imam Homeini, and stresses the need to fight to overthrow coercion.

In the magazine *East and West* /as printed/ /Islam und der Westen/, which carries an editorial in German by the émigré Dr. Smail Balić, there is an article entitled *Journey to Foča* by Adil Zulfikarpašić, which includes the statement that comrade Tito, together with the partisans, approved a Chetnik massacre of Muslims in eastern Bosnia. In this magazine there is an *Open Letter* to the Synod of the Serbian Orthodox Church in Belgrade, and the letter states that the novel *Transformation* by Vojislav Lubarda has been embraced by the Serbian population, which leaves an impression of a universal and unified position, and accuses the Serbian people of expressing in this way their hatred for Turks, converts to Islam, Muslims and their religion.

The article, *Reflections on the 1,400th Anniversary of the K'uran*, states that the future revolution in the Islamic world must be primarily a religious revolution, and that once this revolution has taken place in the souls and hearts of people, it will then be possible to achieve a miracle and realise what now seems impossible. The article, *For an Islamic Revolution*, states that the Islamic revolution means the lifting of the negative burden of the past, that Islam means moving toward the future on the basis of our conditions, our good traditions, our mores and outlooks, while a communist revolution means the destruction and obliteration of this very past, and represents an overthrow from outside, a breaking of continuity, a mechanical process of destruction.

In the letter of Teufik Velagić beginning *Dear Ahmed, Omer and Others*, sent from Vienna in 1964, Teufik Velagić says that he is pleased that they have more specific work in mind and that it is important to inform all the important persons about the overall situation in Yugoslavia, and especially about the situation of the Muslims in Bosnia. Teufik Velagić's letter says that it would be necessary to inform important persons about the history, especially the Austrian period and from 1941 to the present,

about the position of religion, to expose the communist bluff about freedom and economic success, and especially to expose the Reis and his entourage. In the letter, Velagić advises Ahmed, Omer and the others to push their way to the top of the Islamic Religious Community, and to prepare this by studying, living properly, and taking care not to be compromised.

In the text *Visions of the Islamic State*, Salih Behmen says that every authority demands of Muslims conformity to its policies and loyalty to the implementation of its programmes, and worst of all is the fact that Muslims are reconciled to this situation. In the text, *Our Shame*, Salih Behmen criticises all Muslims who do not adhere to Islamic principles, and says that these Muslims delude themselves that they are free, when in fact they are slaves to the whims and vicissitudes of the times which are completely beyond their control. In his notes and drafts entitled *What Is Deeply Engraved In My Memory*, Salih Behmen presents his memories of the formation of the Mostar *Young Muslims* organisation. A passage in these notes reads: "We soon established contact with Sarajevo, with the MM /Young Muslims/ branch. We have been visited by two /members/, Alija Izetbegović and Edhem Šaković, they have spoken with us. The intensity of Alija's anti-Communist views very noticeable."

In the lecture *The Inferiority Complex Among Muslims*, given in the *Tabak mesdžid*, it is stated that the concept of Islam cannot be reduced to that of a religion. This concept is too narrow and one-sided to denote Islam. In its views of the world and the life of people, Islam is much broader than any other religion or ideology. It is all-encompassing and complete in its teaching. It does not recognise "this world" or "that world," or any such separation. It views the whole of human life, all human activity and, ultimately, man's death, as one whole with a complete meaning. It has a judgement for every human action. Another passage in this text states that morals have always been closely linked to faith, that faith cannot exist without the morals or morals without faith. In the text of a lecture *Companionship and Friendship* it is stated that those who believe in Allah and the other world should not have loving feelings toward those who oppose Allah, even if those are their fathers or sons or brothers or cousins. It further states that there are those who accept and those who do not accept Allah's ordering of the world, and in another passage it says: "Believers should not take non-believers for their friends when there are believers available." In the lecture *Islam on God*, also given in the *Tabak mesdžid*, it says: "And the opportunity for every Muslim, that is for every generation, to test itself and its preparedness to live in Islam is constantly offered, because every time and every generation has its own darkness, its own challenge, as an opportunity for self-affirmation". Another passage reads: "When a man is so empowered, it will be possible to speak of the emergence of a Muslim community capable of entering the arena of life, of struggling with its passions, but also with the external adversary. It must be underscored that this is not just a battle for the mere cultural improvement of Muslims, because there are enough cold insight and knowledge which remain shackled in the domain of reason and mere culture. Such and similar writings aim at enriching the reader by new knowledge which inevitably leads to action. What is sought is knowledge which will be transformed into a driving force of life". A lecture entitled *Fornication* has a following passage: "But the things that are happening in our own times, things we see or do not see, but know very well are happening, have indeed gone beyond all limits, and probably no moral eclipse in history is comparable to the one we are experiencing today. Finding themselves in this degeneration, in the

quagmire of European godlessness, the Muslims of our country are slowly but gradually losing their Muslim purity which until only yesterday had put them at the forefront of religious culture". Another passage reads: "For the most part, this plague has sneaked into Muslim backyards, sundered Muslim marriages, thrown a thousand Muslim girls down upon the gynaecological table, led thousands of Muslim young men and girls into lives of meaninglessness and hopelessness, into the insufferable pain of venereal disease and agonising death, filled prisons, insane asylums and juvenile corrective institutions". The text also says: "Thus, under various guises and by furtive or tried and tested means, in kindergartens, and especially in the elementary and high schools and at university, our young are being alienated from Islam, from their mosques, from their morality just as they reach puberty, the most powerful and dramatic phase in the development of our entire personality, and of all the changes to which our body and spirit are subjected the sexual one is the most important - it must be admitted, the most obvious and the most alarming one - so that the young, with no shame, no instruction, no ability clearly to distinguish the false from the true, with no knowledge of the consequences, reach the crossroads of the road of virtue and good, the hard but honourable road of purity, Allah's road, or the road of sin, sweet in the short run, but the lethally perilous road of dalliance, conception, abortion /suicide/, venereal disease - and death, Satan's road". Another part of the text reads: "When a woman matures and menstruates for the first time, her whole body must be covered except for her face and her hands". The text *Characteristics of the Islamic Concept* tries to say that the Islamic concept embraces all spheres of life, including the political organisation of life, and states: "Out of pity, Allah has not left man, who does not even know the truth about himself, to determine by himself his own way of life, his political order, his customs and law". In the text of a lecture entitled *Islamic Marriage Regulations*, a passage reads: "What is meant here is primarily a shared set of ideas. From the quoted *ajet* we have seen that a woman believer may not marry a non-believer", and earlier in the text it is pointed out that the marriage of a Muslim woman to a non-Muslim is strictly prohibited. The text of a lecture entitled *The First Lecture*, and an address from a *mevlud* held in the Careva Mosque in Sarajevo, says amongst other things: "When in battle you encounter infidels, beat them on their backs until you weaken them, and then bind them", and later in the same text the following appears: "Why don't they go out into the world to see their predecessors ended up, they were exterminated by Allah, and the same awaits all other infidels. For those who do not believe - annihilation".

A memo of the Islamic Community Leadership of 16 February 1979 makes it clear that the Leadership had warned the Board of the Sarajevo Islamic Community that the meetings and lectures at the Tabak *mesdžid* were assuming a political character and it was told that in future lectures in the Tabak *mesdžid* could not be given without the presence and control of an official and representative of the Board of the Sarajevo Islamic Community. In a memorandum of 20 February 1979, the Islamic Community Leadership warned the Islamic Faculty in Sarajevo that meetings in places of worship could only be held if they were religious in character. In this memorandum, it was pointed out that the students had been using the Tabak *mesdžid* for illegal purposes, which had the appearance of an abuse of the Islamic Community, its institutions and religious activities, by utilising religious feelings for political ends. A memorandum of the Islamic Community Board to the Republican Leadership of 23 February 1979 shows that a meeting was held on 21 February 1979, attended by Hasan Čengiđić and some other students from the Faculty, and by Muhamed Hadžijamaković and others

from the Islamic Community Board, and that at this meeting it was agreed that the texts of lectures would be submitted in writing to the Board seven days before a lecture was given and that discussions after the lectures would stay within the parameters of the topic. The Lecture Program for 1979 shows that even after the above-mentioned warning by the Republican Leadership, the following topics were included in the program: *Choice of Spouse, Why I Have Chosen Islam as a Way of Life, The Role of the Mosque in the Islamic World, Courtship, Marriage and Family, Fornication, Drugs and Alcohol, The Inferiority Complex of the Muslims, How to Read the K'uran and How to Understand It, etc.*

An anonymous letter sent by Omer Behmen to the newly elected members of the Islamic Community Board shows that he had attacked the members of the previous Board, and among other things says: "In January last year, president Hadžijamaković was ordered to close the Tabak *mesdžid*. The reason: Provocative questions are being asked". The question was asked: "If there was a war with a Muslim country, would we Muslims fight?" This was asked by Ismet Bušatlić, technical editor of the magazine *Islamic Thought*. ČengiĆ, the student in charge of the meeting, refused to have it discussed because it was not part of the topic. Another student, Silajdžić, then impudently insisted that this question be discussed. Silajdžić is very poor student at the Islamic Faculty and among the students he is considered to be Smailović's informer. The Board issued an official statement that the Tabak *mesdžid* would not be closed, but that it would be desirable for one of the professors to come and answer the young people's "provocative questions." To date, neither Smailović nor anyone else has come to *mesdžid* with a lecture /except for Bušatlić who is a provocateur/. On 16 February 1979, the Board received a memorandum, number 806/79, which ended by saying that the Leadership had nothing to do with what was happening and would not be responsible for any consequences.

In a letter sent to Hasan ČengiĆ by Vehbija Mekić during his military service, the following is stated: "All attempts made by our students are blocked or interfered with. For instance, the debating club which was a pure joy, a meeting place for hundreds of students from all the Sarajevo Faculties, has recently been dissolved. It met in the Faculty, and discussed Kuranic topics which were interesting and well attended. But what can we do? "Freedom and equality" crowd us from all sides, but our students are not firm or as full of spirit as they should be. This is why, knowing that one must remain unwavering and persistent, for which you need firm and intrepid persons, souls who give everything for Islam, ČengiĆ and Sead are not letting me even think about going to Riyad". Later in this letter, the roles of Hasan ČengiĆ and the group around him at the Tabak *mesdžid* is discussed, and it continues: "You will probably agree with the assertion that the quality of studies in an Islamic country is higher than here, and that it provides a better training ground for tomorrow's battle. Here, we are too boxed-in and restricted. And what little free /ideas/ we get, who is serving them? It is well-known who the professors are and what they give us, what they are allowed, and what they are supposed to say. It is true that a few of you mean a lot, that you can do a lot, and I am convinced that you will accomplish a great deal, but you will also need our help when we return fully charged and bursting with energy. Let us remain united and support one another. When, God willing, our studies have been completed, we will be richer and more able to provide a more solid launching ground". This letter was sent by Vehbija Mekić to Hasan ČengiĆ at the village of Odžak near Ustikolina, and it is dated 6 July 1978.



A letter sent by Rešid Hafizović from Leskovac on 13 October 1982, during his military service, to Hasan Čengić at his address in Odžak near Ustikolina, states the following: "As for me, thanks be to Allah, I am well and in good health, even though I always hope for something better and firmly believe that there are better things beyond the current situation in which I find myself because, you know, I am impervious to the fairy tales of the local demagogues who loudly talk about the existing system which provides true happiness, and so-called "socialist morals." You know, Hasan, people here have too much of a sense of humour, even though I would rather scream than laugh /as written/. However, I somehow manage to control myself, knowing that I have to deal with ape-men with whom it is very hard to reach any sort of agreement. But, advanced as these people are, I have still managed to make them give me a certificate reducing my service to one year. It seems that they did so in order to get rid of me as soon as possible because, early on, I "screwed them up," as they say, in the politics class, so that they did not know their arses from their elbows. Now that they have given me this certificate, I have shut up and don't provoke them any more".

The passport of the accused Alija IZETBEGOVIĆ which was examined by the Court shows that Alija IZETBEGOVIĆ travelled to Austria five times during 1982, on 18 February, 19 March, 21 September, 23 October and on 3 December 1982. The passport of Omer BEHMEN shows that he also travelled five times to Austria in 1982, on 19 March, 21 May, 10 June, 23 October and 30 December 1982.

Having analysed all the evidence presented to the court, and having taken into account the defence of the accused, the Court ruled as in disposition, for the following reasons:

It is not disputed that the accused Alija IZETBEGOVIĆ wrote the text entitled *The Islamic Declaration*. It is also not disputed that the accused Omer BEHMEN contributed certain suggestions and comments, which were included in the above-mentioned text. It has been established beyond doubt that Alija IZETBEGOVIĆ had previously written a number of texts whose aim was to arouse interest in an Islamic renaissance among the wider public. After this, in late 1969 and early 1970, Alija IZETBEGOVIĆ and Omer BEHMEN decided that another text should be written, in the form of an invitation, a manifesto, which would have greater impact. An integral part of the *Islamic Declaration*, and of all its editions in Serbo-Croatian and other languages, is the foreword which contains the following words in its title: "Our goal - the Islamisation of the Muslims, our slogan - to believe and to fight". At the end of the document are the words: July 1970. The foreword already clearly shows that the *Declaration* pertains both to the Muslims of Yugoslavia and to Muslims throughout the world. In 1970, that is, at the time when the *Declaration* was written, there were 654,544,088 Muslims in the world, while in the countries where Muslims constituted more than 50% of the population, there were only 472,540,886 Muslims (data from the *Takvim*, 1969). Thirteen years later (in 1982), the number of Muslims in the countries where Muslims are in the majority still did not amount to 700,000,000, which can be seen in the 1982 *Takvim*. These data refute Alija IZETBEGOVIĆ's claim that the *Declaration* did not pertain to Yugoslavia. On the contrary, it is clear that he referred to every Muslim in the world by quoting the number of 700,000,000 Muslims. This conclusion is also supported by the very end of the *Declaration* where it is stated that this message is being sent to all the Muslims of the world. On the other hand, it is noticeable that Alija IZETBEGOVIĆ endeavours in the text not to mention

Yugoslavia and BH, although he mentions even Japan, the USSR, Sweden and ancient Carthage, but the words "we", "the Muslim peoples", "our peoples", "our generation", "our society" occur very frequently in the text of the *Declaration* from which it inevitably follows that the *Declaration* is addressed to all Muslims, including those who live in Yugoslavia. Furthermore, the Court has clearly established that Alija IZETBEGOVIĆ and Omer BEHMEN gave the *Declaration* to a large number of people in Yugoslavia to read, which also points to the same conclusion. With regard to the thesis 16 of the *Declaration*, it should be pointed out that the Muslims in BH constitute a majority of the population with 39.7%, and from the text of the *Declaration* it follows that this thesis can be applied to the circumstances in BH. In connection with thesis 16, which speaks of the loyalty of Muslims being conditioned on guarantees of religious freedom and other norms of life, excepting those societies which are harmful to Islam and Muslims, it is necessary to emphasise that Alija IZETBEGOVIĆ, in his paper presented at a symposium in Canada, mentioned the Muslim minority in Yugoslavia as constituting 18% of the whole population, although according to data in *Takvim* this percentage is 15%. The aforementioned paper and Alija IZETBEGOVIĆ's lecture at the symposium in Canada reveal Alija IZETBEGOVIĆ's desire and intention to create a situation in BH in which it will be possible to apply the *Declaration* on that basis in our circumstances. In their texts *Muslims in Yugoslavia* and in their reply to the *El-Arabi* magazine, Alija IZETBEGOVIĆ and Omer BEHMEN raise the alarm about the endangerment of religious and national liberties, and this is also expressed in their contacts and conversations with other people, which at the same time represents an appeal, as in thesis 16 of the *Declaration*, to Muslims to resist such state of affairs. From the defence of the accused Omer BEHMEN it undoubtedly emerges that the *Declaration* was hidden and deposited in safe places. When asked by the Court why he did not publish the *Declaration*, as he did his earlier texts, Alija IZETBEGOVIĆ gave the explanation that he was afraid of malicious readers. During these proceedings, it was clear that all of the accused were trying to prove that they had had no contact with the *Declaration* and that they had not read it. The witness KUPUSOVIĆ, having read the *Declaration* that was given to him by Omer BEHMEN, immediately recognised its danger in our social circumstances. KUPUSOVIĆ also said that Huso ŽIVALJ, who was given the *Declaration* by KUPUSOVIĆ and returned it after two or three days, also arrived at this same conclusion about the *Declaration*. Furthermore, when Omer BEHMEN gave the *Declaration* to Hasib BRANKOVIĆ to take it to Ešref AVDAGIĆ in Istanbul, he emphasised that the *Declaration* should be well hidden. All these proven facts, and this kind of behaviour on the part of the accused and other people regarding the *Declaration*, point to the sure conclusion that the *Declaration* pertains to both BH and Yugoslavia. Therefore, claims that this *Declaration* has no connection whatsoever with our country and our circumstances are unacceptable. The accused IZETBEGOVIĆ asserts that the *Declaration* has nothing to do with the programme of the former "Young Muslims" organisation. However, a comparison between the programme and goals of the MM /Young Muslims/, and the basic premises of the *Declaration*, reveals many similarities and sometimes even identical views, and Omer BEHMEN himself has stated that the *Declaration* reflects the programme and goals of the MM organisation in all its basic premises. Some time in 1973, Omer BEHMEN in agreement with Alija IZETBEGOVIĆ, sent both the *Declaration* and the programme of the MM organisation to Ešref AVDAGIĆ in Istanbul, through Hasib BRANKOVIĆ. Omer BEHMEN paid for Hasib BRANKOVIĆ's trip. On that occasion, Hasib BRANKOVIĆ relayed Ešref

AVDAGIĆ's message that he wanted Omer BEHMEN or Alija IZETBEGOVIĆ to visit him in Istanbul. In view of all this, as well as the sketches and notes of the accused Salih BEHMEN, which contain some information about Alija IZETBEGOVIĆ as one of the main leaders of the youth section *El-Hidaje* which was part of the MM organisation, it is then not difficult to conclude that Alija IZETBEGOVIĆ knew of the programme of the MM organisation, and that the *Declaration* and its basic premises have very much indeed in common with the programme of the MM. It is not in dispute that the *Declaration* has been translated into several languages and also distributed abroad, which reflects Alija IZETBEGOVIĆ's desire to offer to the peoples of those countries a programme of political action. Alija IZETBEGOVIĆ has been in frequent contact with students from Afro-Asian countries, some of whom are members of the Muslim Brotherhood organisation. He seeks the establishment of Islamic governments in those countries as well, arguing that people should first be taken over, and an Islamic renaissance effected, before the establishment of Islamic institutions and government. However, for this criminal case what is important is what the goal of writing the *Islamic Declaration* was in relation to BH and Yugoslavia. The extensive text of the *Declaration* shows that, among other things, it advocates first dramatic changes in the sphere of education, and only then in the sphere of politics, also, that one should be first a preacher and then a soldier. The *Declaration's* premises also support a recipe for the take-over of power, and state that the Islamic movement can and must begin to take power as soon as its moral strength and numbers ensure that it can not only overthrow the existing non-Islamic government, but also build a new Islamic government, with the warning that "It is as dangerous to be too early as to too late". The pan-islamistic ideology in its domestic version, according to the authors of the *Declaration* and their sympathisers, seeks to adapt itself to the changed circumstances, that is to modern conditions. Such an ideology, which has basically run its course in the region where once it could have had certain socio-political motives and real religious influence, has emerged again in circumstances of socialist self-management, in a completely different socio-economic, political, cultural and civilisational environment. In our circumstances, supporting such an ideology means going back to the positions of fratricidal war, negating our independence and the policy of non-alignment. There is no doubt that such ideology (national and religious separation, the establishment of an Islamic state in Bosnia, a political system based on Islam etc.) could not come into being in a socialist self-managed Yugoslavia, in an environment which is ethnically and religiously so mixed that the predominance or total domination of one of the existing national groups is simply unimaginable, unless it were based on terror or even on foreign intervention and the use of coercion. The *Declaration* clearly seeks to demolish the concept and practice of socialist self-managed togetherness, and brotherhood and unity, which is particularly obvious in the slogan "to be first preachers and then soldiers", and then to overthrow the existing non-Islamic and build a new, Islamic government. The ideology and premises of the *Declaration* further seek to obliterate the ethnic identity of Muslims, to eliminate the revolutionary class dimension of the Muslim national emancipation, to annihilate the Bosnian-and-Herzegovinian Muslims as a nation, to reduce them exclusively to their religious affiliation, and to link their fate to some self-proclaimed centres of Islamic revolution. It utterly neglects the atheists, the members of the League of Communists, as well as the majority who see and find their destiny, their only way of living, and their general human emancipation in the brotherly, socialist, self-managed, equal community of nations and nationalities - Bosnia and Herzegovina and Yugoslavia.

Concerning the text "Muslims in Yugoslavia" and "The Structure of the Islamic Religious Community", which supplement the previous text, the Court has established beyond doubt that Alija IZETBEGOVIĆ and Omer BEHMEN agreed in the summer of 1981 that Omer BEHMEN would prepare the draft of a text which would examine the question of the position of Muslims in Yugoslavia and the structure of the Islamic Religious Community. The accused Alija IZETBEGOVIĆ asserts that he prepared the text "Muslims in Yugoslavia" in Serbo-Croatian for a symposium in Canada. The first four pages of that text contain an historical outline of the position of Muslims in our country and the subheadings and the text are identical to those in the text "Muslims in Yugoslavia" which was found in the possession of Omer BEHMEN. He also claims that, in order to facilitate the preparation of his text, Omer BEHMEN gave him the English text "The Bosnian Muslims" which was found in his possession, and says that that text, after four pages of history, contained an outline of the present economic position of Muslims in our country. Because of the length of that text, IZETBEGOVIĆ claims that he decided to abbreviate the historical part, so that his lecture at the symposium in Canada comprised only six pages, instead of the nine which was the length of the previous text in Serbo-Croatian. He further says that, after his return from Canada, he gave the first nine page draft to Omer BEHMEN, and that he also gave BEHMEN the English text "Muslims in Yugoslavia" which he had received from Husein ĐOZO. However, Omer BEHMEN stated in the preliminary proceedings that Alija had asked him to draft a text about the Muslims in Yugoslavia and about the structure of the Islamic Religious Community, but that he was not certain whether it was for the preparation of a book the two of them had discussed, or for the lecture at the symposium in Canada. Omer BEHMEN also stated in the preliminary proceedings that, upon his return from Canada, Alija had given him the text "Muslims in Yugoslavia" in Serbo-Croatian, which was found in his possession, and which was nine pages long. At the same time, in preliminary proceedings, Omer BEHMEN claimed that on the same occasion Alija IZETBEGOVIĆ also gave him the text "The Structure of the Islamic Religious Community", and that both of these texts were typewritten. He also explained which parts of the text were written by Alija IZETBEGOVIĆ, and what was the nature of the corrections of his hand-written draft that he had previously given to Alija IZETBEGOVIĆ. However, during the trial, Omer BEHMEN said that he had given that draft to Husein ĐOZO, and that ĐOZO had made all the amendments and corrections to the draft. He denied that he had received Serbo-Croatian any text titled "Muslims in Yugoslavia" from Alija IZETBEGOVIĆ, or that he had given the book "The Bosnian Muslims" to IZETBEGOVIĆ. Of these contradictory claims of the accused IZETBEGOVIĆ and BEHMEN, the Court has accepted as credible what Omer BEHMEN stated in the preliminary proceedings when he described in detail his and IZETBEGOVIĆ's role in the writing of the text. For it is understandable that IZETBEGOVIĆ would repudiate that part of the text which pertains to post-war Yugoslavia - the present situation - because that part of the text contains the largest number of incriminating statements which are described in more detail in the wording of the judgement concerning these texts. That part of the text contains a serious attack on the socio-political system of our country, and an untruthful and malicious interpretation of the position of Muslims in Yugoslavia. The fact that Omer BEHMEN changed his earlier defence, made in the preliminary proceedings, means that he sought to shift the responsibility to a deceased person (Husein ĐOZO), and to help Alija IZETBEGOVIĆ to avoid criminal responsibility for the incriminated text, a change which does not aggravate Omer

BEHMEN's position. For this text was found in his possession, and we have his confession that he participated in the writing of that text, and he also made similar allegations about the position of Muslims in Yugoslavia in his reply to the article in the *El-Arabi* magazine. Because of these established facts, Omer BEHMEN could not aggravate his position before the Court by the change in his defence at the trial, but his desire to help Alija IZETBEGOVIĆ regarding his responsibility for the incriminating text is obvious. Also in connection with the text "Muslims in Yugoslavia", it is important to emphasise that the accused Edhem BIČAKČIĆ, in his defence, especially in the preliminary proceedings, reported that Alija IZETBEGOVIĆ had said, during their meeting with the Iranian ambassador in Vienna, that our media were biased in favour of Iraq. Such a view also clearly follows from the text "The Muslims in Yugoslavia", which is another confirmation that Alija IZETBEGOVIĆ is the author of the entire text "The Muslims in Yugoslavia". Regarding the text "The Structure of the Islamic Religious Community", the point of this text is not that it insults the leaders of the Islamic Religious Community, as the defence says, but that it presents the situation in our country in an untruthful and malicious way, saying that the Islamic Religious Community is completely subservient to the regime, i.e. to state organs and institutions. This is clearly visible in the incriminating part of this text which is set out in some detail in the disposition of this judgement. Concerning the reply to the article in the *El-Arabi* magazine, which also contains an untruthful and malicious representation of the position of Muslims in our country, the accused Omer BEHMEN stated in the preliminary proceedings that he received the translation of a text published in the *El-Arabi* magazine from Abdul ABAZ, a foreign student and member of the Muslim Brotherhood organisation. This text spoke positively about the position of Muslims in Yugoslavia, so after a few days he prepared a written account of his view of the position of Muslims in Yugoslavia. At the trial, Omer BEHMEN claimed that he was in fact answering questions put to him by that foreign student and gave him certain data about the position of Muslims in Yugoslavia, and after that never had any contact with him again, and that he also never saw the text that was published in the *El-Arabi* magazine as a reply to the previous article. However, the Court has accepted what Omer BEHMEN said about the text in the preliminary proceedings, because there he explained in detail, clearly and logically how it was that he came into contact with that student, how he wrote the reply to the article published in the aforementioned magazine, and under what circumstances he gave the text to Abdul ABAZ to be translated and published in the *El-Arabi* magazine. On the other hand, the basic views and information contained in the reply about the position of Muslims in Yugoslavia after the Second World War, about Muslim resistance to the socialist regime, about the structure of the Islamic Religious Community, and about the people who work in the top positions in the Community are entirely identical with the information and positions expressed in the text "The Muslims in Yugoslavia" and "The Structure of the Islamic Religious Community", which was co-authored by Omer BEHMEN. So, it is clear that, without Omer BEHMEN writing the reply, the foreign national Abdul ABAZ could not have written the contents of the text. Omer BEHMEN's open letter, in which he attacked the work of the leadership of the Islamic Religious Community in Sarajevo, his cartoons and verbal statements, all reflect the same views of Omer BEHMEN expressed in the incriminating text published in the *El-Arabi* magazine. As regards the text "The Problems of an Islamic Renaissance", this is a collection of texts published by Alija IZETBEGOVIĆ and it actually represents the realisation of Alija IZETBEGOVIĆ's idea that the interest of a wider audience should be stimulated in the views expressed in the *Declaration*, and his

desire to organise a religious revival, i.e. the Islamisation of people as a prerequisite for a political renaissance, as stated in the *Declaration*. The defence of Omer BEHMEN also points to that. He has stated that he and IZETBEGOVIĆ wanted, by writing these texts, to interest a wider audience in a religious renaissance.

As regards the charge described in more detail on page 8 of the judgement, the Court has established beyond doubt that, during the period between 1978 and 1981, on a number of occasions, Alija IZETBEGOVIĆ and Omer BEHMEN contacted Hasan ČENGIĆ, leader of the debating club of the *Tabački mesjid*, and gave him texts for the preparation of lectures and debates in the *Tabački mesjid*. Omer BEHMEN thus gave him the *Islamic Declaration* to read, as Hasan ČENGIĆ confirmed in his defence during the preliminary proceedings, which he partially changed at the trial. Bearing in mind that Hasan ČENGIĆ pointed out in the preliminary proceedings that he had had a conversation with Alija IZETBEGOVIĆ about the *Declaration*, and that Alija had asked him whether Omer BEHMEN had given him some sort of declaration, it can be accepted that it has been established with certainty that Hasan ČENGIĆ received the *Islamic Declaration* from Omer BEHMEN to read. It is understandable that Hasan ČENGIĆ wanted to deny any contact with the *Declaration*, and especially having read it, because he, and many other of the accused, are aware of the contents of the *Declaration*, of its messages and its hostile character in our circumstances and our environment. The Court has also established beyond doubt that Alija IZETBEGOVIĆ also had contacts with Hasan ČENGIĆ, and that he gave him the texts for lectures in the *Tabački mesjid* on "How to Read the Koran", "Reflections on the 1400th Year of the Hijra", "Muslim woman - wife and a mother" and others, and that Alija IZETBEGOVIĆ also had conversations with Hasan ČENGIĆ pointing out the prospects for a Muslim renaissance in our country and emphasising that the Islamic Community is, in our circumstances, not willing to do anything towards an Islamic renaissance, because it is concerned only with its financial circumstances, and although both Alija and Omer knew the attitude of the Leadership of the Islamic Religious Community regarding the work of the *Tabački mesjid*, they kept telling Hasan ČENGIĆ that the work in the *Tabački mesjid* was beneficial to the Muslims in general, that it should become a regular practice, and an example of how to work on education and the upbringing of the Muslim youth etc. The contents of their conversations and contacts emerges from the very defence of the accused Hasan ČENGIĆ in the preliminary proceedings (pages 13 and 14). The contents of the anonymous letter sent by Omer BEHMEN to the newly elected members of the Board of the Islamic Community clearly shows that Omer BEHMEN supported the work of the *Tabački mesjid* although the Leadership had already decided to ban the work of the *Tabački mesjid* because the lectures and debates had acquired a political nature and were going beyond the religious sphere.

Concerning the *Tabački mesjid*, it has been established beyond doubt that the students of the Islamic Faculty, at the beginning of 1978, established a debating club of an internal nature, whose aim was to expand the knowledge acquired at the Faculty through conversations and debates. However, already at the very beginning this concept of debating club was changed, students from other faculties and high school pupils were invited, and at the same time, the debates began to acquire a political and even hostile overtones. This is shown beyond doubt by the statement of the witness Adnan SILAJDŽIĆ given in the preliminary proceedings, who stated that he immediately informed dean ČEMERLIĆ when the lectures and debates in the *Tabački*

*mesjid* began to acquire an undesirable character. That is why the Deanery banned the work of the debating club on the faculty premises, and Hasan ČENGIĆ went to the Board of the Islamic Community of Sarajevo, where, as he stated in the preliminary proceedings, he already knew Omer BEHMEN and the president of the Board, and they agreed that the Board should make premises available for the work of the debating club. An agreement was made, and several lectures were held in *Careva mosque* continuing in the latter half of 1978 in the *Tabački mesjid*. In the beginning, the work of the debating club in the *Tabački mesjid* consisted of reading ayets and discussing them, but later, the leadership of the debating club headed by ČENGIĆ began to prepare lectures and debates which propagated the thesis proposed by the lectures. During this period, ČENGIĆ's demands for an extremist interpretation and implementation of the Koran became obvious, meaning that the Islam, as a complete system of life, should be implemented in its entirety, regardless of the fact that certain parts of the Koran are in contradiction our socio-political and legal system. In this way, through lectures and debates, the views contained in the *Declaration* about a religious renaissance, and the Islamisation of Muslims which should precede a political renaissance and revolution, began to be propagated in the *Tabački mesjid*. The accused Hasan ČENGIĆ, in his defence at the trial, stated that the *Tabački mesjid* had its own concept, and he could not have propagated the views contained in the *Declaration* through the *Tabački mesjid* because he did not know the contents of the *Declaration*. He also particularly emphasised that he had not known Omer BEHMEN and Alija IZETBEGOVIĆ at that time. However, in the preliminary proceedings, during his interrogation on 30 April 1983, Hasan ČENGIĆ described in detail when and under which circumstances he had met Omer BEHMEN and Alija IZETBEGOVIĆ, and he clearly and with certainty stated that, in the autumn of 1978, when he sought to organise the subsequent work of the debating club, he had gone to the Board of the Islamic Community where he knew Omer BEHMEN and the president of the Board. He claimed that he met Alija IZETBEGOVIĆ some time in 1978, but that he had heard of him before, because he read some of his texts. In his interrogations of 1 April 1983 and 25 May 1983, ČENGIĆ stated that Omer BEHMEN had given him the text *The Islamic Declaration* to read in his apartment, and that he had read it, and that after that, on one occasion, Alija IZETBEGOVIĆ had asked whether he had received the *Declaration* from Omer BEHMEN to read. These statements given in the preliminary proceedings establish beyond doubt that he had had occasional contacts with Alija and Omer ever since 1978, that is from the beginning of the work of the *Tabački mesjid*, and that he had had conversations with them, and that even before the reading of the *Declaration* he knew the basic premises of the *Declaration* from these conversations. Furthermore, the defence of the accused ČENGIĆ in the preliminary proceedings shows that Omer BEHMEN helped him with organisational matters in the work of the *Tabački mesjid*, while Alija IZETBEGOVIĆ in their conversations emphasised and pointed out the prospects of an Islamic renaissance in our country and in the world. Hasan ČENGIĆ read parts of the *Declaration* which were published in *Takvim* in 1972, and in this way was influenced by the basic idea of Alija IZETBEGOVIĆ and Omer BEHMEN that written texts should be utilised to arouse interest in a wider audience for the problems of an Islamic renaissance (in the way the *Islamic Declaration* treats the problem). Hasan ČENGIĆ stated in his defence in the preliminary proceedings on 25 May 1983 that these texts were used for the preparation of a number of lecture topics, conversations and debates in the *Tabački mesjid* in the period 1979-1980. The text "Why Muslims are backward" was used for a number of lectures and debates, and the lecture "Why I Chose Islam as

a Way of Life" was directly based on it. A number of witnesses confirmed that Hasan ČENGIĆ used to bring texts for the preparation of lectures in the *Tabački mesjid*, whose origin was unknown to them. When some of these witnesses asked where they came from, Hasan ČENGIĆ would say that it was better if they did not ask, and the less they knew about it the better. The basic concept of the work of the *Tabački mesjid*, which was founded on the same principles as the *Declaration*, can be seen in the lecture held in the *Tabački mesjid* entitled "The Inferiority Complex in Muslims", where it is also stated, on page 2, that Islam is an all-encompassing system of life and should be implemented as such, and where a number of examples from everyday life are given. The basic concept of the *Tabački mesjid* is clearly revealed in the lecture "Characteristics of the Islamic Concept" as well as "Islam on God III", which were, as lectures from the *Tabački mesjid*, found in the possession of Džemal LATIĆ. For, the lecture "Characteristics of the Islamic Concept", which is basically an outline of the Islamic concept contrasted with various philosophical, scientific, religious and ideological ways of thinking, clearly supports an Islamic concept which is supposed to encompass all segments of life, including political organisation of life. This lecture disposes of Marxism, which is said to "induce disgust in anyone who uses his reason", while Islam is offered as a third way between capitalism and socialism. This is also clearly shown in the chapter "Capitalism and Socialism" of the *Declaration*, and in even more detail in Alija IZETBEGOVIĆ's book *Islam Between East and West*. The lecture "Islam on God III" clearly shows support for the attitude to reality which the first generation of Muslims had. Namely, it emerges from this lecture that one should train not only to interpret and recite Koran, but also to apply it, and on the subject of survival of the Muslim community, it is emphasised that it should be ready to fight an outside enemy as well. Similarly, on page 10 of the *Declaration*, the accused Alija IZETBEGOVIĆ, commenting on too much reciting of the Koran, points out the necessity of implementing it. The aforementioned lecture clearly has the goal which was the aim of the work of the *Tabački mesjid* as well, and that is a call to action. This corresponds to the concept of the *Declaration* that a religious renaissance should precede political action. This lecture also advocates the creation of ummas, i.e. Islamic, that is, purely Muslim environments, as well as the setting up of a purely Islamic order as the final objective, which is seen as a need to transform the Koranic concept into reality, into life of the individual and the community. The statements of the witness Sead SEJUBAC in the preliminary proceedings, and at the trial on 5 August 1983, which were accepted by the Court as credible, clearly show that the accused ČENGIĆ advocated, through lectures and debates at the *Tabački mesjid*, and in their conversations, the creation of an ethnically pure (Muslim) environment, by demanding that Muslims should associate with, marry and befriend only Muslims. Such communities of Muslims demanded by ČENGIĆ are advocated by the *Islamic Declaration* as well, in the part entitled "The Islamic Regime", where the question "What is a Muslim Society?" is answered with "This is a community composed of Muslims". This lecture contains a number of ayets from the Koran, which are supposed to show that the first generation Muslims - and this is the implementation of the Koran demanded by the accused ČENGIĆ - were the only ones who could discern and properly understand the meaning of Allah's words, and this is done by quoting and mentioning only those ayets which mean a call to action, that is a *Jihad*, an armed struggle, while all the ayets which refer to spiritual a *Jihad* are omitted. This lecture entirely disproves the defence of ČENGIĆ and the statements of witnesses who changed their statements at the trial, saying that ČENGIĆ, in his interpretation of *Jihad*, advocated a spiritual *Jihad*. This lecture, written by ČENGIĆ, exactly confirms



those parts of the witness statements from the preliminary proceedings and the allegations of the judgement, where ČENGIĆ called for a *Jihad*, and in which the witnesses emphasised that ČENGIĆ demanded of them, as future imams, that they be preachers first and then knights of the revolution. The attitude of the accused ČENGIĆ towards *Jihad* is clearly visible in the introduction and the programme of the *mevlud* held in the *Careva* mosque in March 1981. By describing the message of God's representative as addressed to all generations, accompanied by the question "Is there anyone who will receive the message?", the programme mentioned a number of ayets and hadiths from the Koran which call for a struggle against the infidels, for hatred and which demand their destruction etc. The whole programme, according to the witness Halil MEHTIĆ, ended with the words "Kill the Infidel". Incidentally, the Reis Ul-Ulema demonstratively left this event. Some of the students later gave statements because of the nature of the event. The accused ČENGIĆ, as well as Džemal LATIĆ who took part in the preparations of the programme, by isolating individual ayets from the Koranic text as a whole, and from the historical and other circumstances in which they came into being, offered these ayets to the Muslim believers in the mosque, stoking thus the hatred towards others, in fact, striking at the foundations of the brotherhood and unity of our peoples regardless of their ethnic or religious affiliation. The lecture "The Islamic Rules of Marriage", written and given by Hasan ČENGIĆ in the *Tabački mesjid*, advocates marriage between Muslim men and women only, and makes a difference in religion an absolute impediment to marriage, which directly contravenes the Constitutional freedom of every citizen in choice of spouse. The programme of some of the lectures in the *Tabački mesjid* clearly shows that they were not religious titles or contents, but rather dealt with wider problems of society, in effect implementing the concept that there is a need to advocate conduct in contravention of our legal system, regardless of the fact that these topics are regulated by the Constitution and laws. For instance, there were discussions about socialising, friendship, courtship, fornication, good manners, marriage etc. The danger of such treatment of these topics was exacerbated by the fact that the accused ČENGIĆ introduced the slogan "Listen and Obey" in the *Tabački mesjid*, as he admitted in his defence in the preliminary proceedings and at the trial, and as can be clearly seen in the statements of a number of the witnesses heard, that is Sead SELJUBAC and Halil MAHTIĆ given at the trial and Adnan SILAJDŽIĆ in the preliminary proceedings. Under the influence of this interpretation of certain issues of life and this slogan from the *Tabački mesjid*, a number of female listeners at the *Tabački mesjid* began to veil themselves and behave in the way advocated in the lectures and debates. Dealing with the subject of socialising and friendship through lectures, debates and conversations with other people, Hasan ČENGIĆ advocated that Muslims socialise only with other Muslims, distancing themselves from and feeling hatred for members of other religions and atheists. This intolerance is especially pronounced in the lecture "Socialising and Friendship", where ČENGIĆ attempts to present to the believers his views about the creation of a pure Muslim environment as the word of God, mandatory for believers. To this end, he isolates certain ayets (parts) from their historical and textual context, searching only for the ayets which speak of hatred and intolerance, of struggle, i.e. *Jihad*, omitting hundreds of pages of the Koran, to corroborate his views on choice of comrade and friend. This lecture entirely confirms the statements in the preliminary proceedings of witnesses Adnan SILAJDŽIĆ, Nermin JAŠAREVIĆ, Rešid HAFIZOVIĆ and others, which say that the accused ČENGIĆ advocated the practical implementation of Islam as an all-embracing system of life, and the taking of *Jihad* to its utmost limits in order to

exterminate enemies and infidels, as well as the need for Muslims to confront all non-Muslims and infidels. In view of the contents and message of this lecture, the Court could not accept the statements of the witnesses Nermina JAŠAREVIĆ, Adnan SILAJDŽIĆ, Rešid HAFIZOVIĆ and some others given at the trial, because their statements in the preliminary proceedings had presented Hasan ČENGIĆ's views in the manner in which Hasan ČENGIĆ had presented them through writing and giving the lecture "Socialising and Friendship". Namely, the statements of these witnesses given in the preliminary proceedings fully correspond to the text and the message of this lecture. It should be especially emphasised that, through this lecture, Hasan ČENGIĆ, in a clever way, and manipulating with certain facts and data from the history of Islam and passages from Koran, offered to his listeners in the *Tabački mesjid* the answer to the question how to find a friend or a comrade, forbidding Muslims to maintain close contact even with their fathers and mothers, their brothers or their wives, if these are infidels; he claimed that only Muslims are brothers, that believers should not befriend infidels because God will punish them, that only those who are your own should be close friends, because others wish for your destruction; he stirred up hatred among them saying that friendship can be created and implemented only through Islamic socialising. This is why there is no foundation to Hasan ČENGIĆ's claim that he never advocated *Jihad*, meaning struggle against others, but that he only advocated a spiritual *Jihad* whose aim is to remove messages from every individual /as printed/. Besides the witness statements from the preliminary proceedings, the lectures "Socialising and Friendship", "Islam on God III" and others clearly show that ČENGIĆ called for *Jihad* in its extremest form, for confrontation and hatred towards non-Muslims and infidels, meaning atheists, and for the creation of a purely Muslim environment. That the lectures in the *Tabački mesjid* went beyond religious bounds and acquired a political, even hostile character, is clearly visible from the warning of the Leadership of the Islamic Community and the correspondence with the Board of the Islamic Community in Sarajevo, as well as from the anonymous letter of Omer BEHMEN addressed to the newly elected members of the Board, which points out the reasons why the Leadership distanced itself from the work of the *Tabački mesjid*. This letter also contradicts ČENGIĆ's defence that he opposed the excesses which were allegedly caused by others at the *Tabački mesjid*. Namely, this letter of Omer BEHMEN says that the question was posed in the *Tabački mesjid* whether the independence of this country should be defended if it was attacked by an Islamic country, and that no answer was given in the *Tabački mesjid*. It is indisputable that Hasan ČENGIĆ managed the *Tabački mesjid*, so it is strange that neither he or any of his associates in the *Tabački mesjid* answered that question. This incident also has a significance for the evaluation of the work of the *Tabački mesjid*, and the concept that was implemented through it. Therefore, the crime with which Hasan ČENGIĆ is charged is proven beyond doubt by examination of the aforementioned lectures, and especially the lectures "Islam on God III", "The Nature of the Islamic Revolution", "The Inferiority Complex in Muslims", and, of course, by examination of the aforementioned documents of the Leadership of the Islamic Community and the programme of the lectures which were given even after warnings were received about the work of the *Tabački mesjid*. On the other hand, the allegations contained in the charge have been proved by witness testimonies, some in the preliminary proceedings and others given at the trial. Namely, witnesses Sead SEJUBAC and Halil MEHTIĆ made the same statements at the trial as they had given in the preliminary proceedings, while witnesses Nermina JAŠAREVIĆ, Rešid HAFIZOVIĆ, Adnan SILAJDŽIĆ, Enes KARIĆ and Rašid BRČIĆ completely

changed their statements at the trial, and witnesses Šefik KURDIĆ and Enver PAŠALIC partly changed their statements given in the preliminary proceedings. The count with which the accused Hasan ČENGIĆ is charged in respect of the criminal offence of hostile propaganda contains a number of paragraphs. Having considered all the evidence submitted, the Court has accepted as established beyond doubt that the first three paragraphs are proven on the basis of the testimony of the witness MEHTIĆ, as well as the written lectures "Islam on God III" and "The Inferiority Complex in Muslims". These allegations have also been confirmed by the witnesses Nermina JAŠAREVIĆ, Rešid HAFIZOVIĆ, Adnan SILAJDŽIĆ and, in part, Rašid BRČIĆ, albeit in their statements in the preliminary proceedings. As regards paragraph 4 in the aforementioned count, it has been proven on the basis of the statement of the witness Rešid HAFIZOVIĆ given in the preliminary proceedings, and paragraph 5 by the statements of witnesses Nermina JAŠAREVIĆ, Rešid HAFIZOVIĆ, and, in part, Halil MEHTIĆ, albeit given in the preliminary proceedings. This paragraph is also based on the written lecture "Islam on God III". Paragraph 6 of this count has been proven by the witness statements of Rešid HAFIZOVIĆ and Nermina JAŠAREVIĆ given in the preliminary proceedings, whose statements also prove paragraph 7 of the aforementioned count, because these witnesses in the preliminary proceedings confirmed the manner in which Hasan ČENGIĆ interpreted the ayet from Koran "God will not change the situation of a nation until that nation changes itself". Paragraph 8 undoubtedly stems from the witness statement of Halil MEHTIĆ, and the witness statements of Rešid HAFIZOVIĆ and Nermina JAŠAREVIĆ, in the preliminary proceedings, but also stems from the programme of the celebration in the *Careva mosque*. Paragraph 9 has been proven on the basis of the statement of the witness Sead SEJUBAC given at the trial, as well as the preliminary proceedings, and on the basis of the statements of Nermina JAŠAREVIĆ and Rešid HAFIZOVIĆ from the preliminary proceedings. It also stems from the lecture "Socialising and Friendship", as well as the programme performed in the *Careva mosque*. Paragraph 10 undoubtedly stems from the witness statement of Halil MEHTIĆ given at the trial, and the statements of Nermina JAŠAREVIĆ and Rešid HAFIZOVIĆ given in the preliminary proceedings, while paragraphs 11 and 12 are proven by the statements of the witnesses Nermina JAŠAREVIĆ and Rešid HAFIZOVIĆ in the preliminary proceedings, and the statement of the witness Sead SEJUBAC given at the trial as well as in the preliminary proceedings. Paragraph 13 of the aforementioned count stems from the programme performed in the *Careva džamija*, as well as from the lecture "Islamic Regulations for Marriage". On the other hand, this paragraph has been proven by the witness statement of Halil MEHTIĆ, and by those of Nermina JAŠAREVIĆ and Rešid HAFIZOVIĆ in the preliminary proceedings. Paragraphs 14, 15, 16 and 17 stem from the statements of witnesses Nermina JAŠAREVIĆ and Rešid HAFIZOVIĆ from the preliminary proceedings, and from the statements of witnesses Sead SEJUBAC and Ahmet ZATEGA given at the trial. The judgement begins by stating what was said by which witness at the trial, and what in the preliminary proceedings. The judgement also contains the explanations given by the witnesses who changed the statements they had given in the preliminary proceedings. Consequently, there has been no need to repeat in this section of the judgement what has already been said in more detail about the statements of these witnesses. The explanations of the witnesses who changed their statements basically argue that the interrogations in the preliminary proceedings were long, and that they were tired as a result of this, so they could not carefully follow the wording of their statements which were being entered in the

record. The witness Adnan SILAJDŽIĆ claimed that he signed the record of the preliminary proceedings without reading it first. Such explanations on the part of the witnesses pertaining to the changes in their statements could not be accepted by the Court for the following reasons: First of all, the statements of these witnesses given in the preliminary proceedings correspond to the text of the incriminated lectures held in the *Tabački mesjid*, through which Hasan ČENGIĆ propagated his views and reinforced them through debates and conversations with these witnesses. Therefore, the statements of these witnesses given in the preliminary proceedings are in accordance with the objective evidence, and what they said at the trial cannot be accepted. On the other hand, the witnesses' explanations that the interrogation in the preliminary proceedings was prolonged, that they were exhausted, and that their statements were formulated for the record without their direct participation and control etc., are unacceptable. Namely, the testimony of some of these witnesses before the Court also lasted three to four hours, due to the complexity and nature of the case. It is normal that during the preliminary proceedings there is insistence on the facts being established, and the record of the interrogation of the witnesses clearly shows that the proceedings were conducted in lawful manner. In any case, the records of the preliminary proceedings clearly show when the interrogation of a witness began and when it ended, and every record contains a declaration that witnesses read their statements and then signed them. Furthermore, the witnesses gave their statements in the preliminary proceedings in the presence of the deputy public prosecutor, so they could point out to him any irregularities in the conduct of the security organs during the proceedings. Therefore, the Court does not accept the explanation given by witnesses as logical or credible. On the contrary, the Court has arrived at a different conclusion about the change in witness statements. Namely, from everything that Sead SELJUBAC said at the trial on 5 August 1983, the Court formed the firm opinion that all these witnesses changed their statements either under the influence of the brother of the accused Džemal LATIĆ (or some third persons interested in this criminal proceedings), or because of their own consideration for the accused Hasan ČENGIĆ and other accused persons, in order to create a more advantageous position before the Court for the accused Hasan ČENGIĆ and others. The witness Sead SELJUBAC was entirely convincing when he pointed out all circumstances under which he gave his statement at the trial on 3 August 1983, so the Court accepted as credible his statement given at the trial on 5 August 1983. In truth, the witness Sead SELJUBAC was categorical in all his assertions, those which pertained to the giving of his statement on 3 August 1983, and especially his claims concerning the work of the *Tabački mesjid*, Hasan ČENGIĆ's statements at the lectures and debates, and in mutual conversations. It is necessary to emphasise that a string of witnesses confirmed before the Court that Hasan ČENGIĆ often emphasised that no questions should be asked about the origins of the texts that he brought for the lectures in the *Tabački mesjid*, and that it was better if students knew nothing about the origin of those texts. The basic premises of the *Declaration* were promulgated through those texts and, in the incriminating time of the work of the *Tabački mesjid* ČENGIĆ had frequent contacts with the author of the *Declaration* Alija IZETBEGOVIĆ, as well as with Omer BEHMEN, who very much supported the work of the *Tabački mesjid*. These circumstances are also, in the opinion of the Court, very significant for the finding of this Court that the accused Hasan ČENGIĆ, through the work of the *Tabački mesjid* and in conversations, acted in the way that witnesses described in the preliminary proceedings, and that the witnesses Sead SELJUBAC and Halil MEHTIĆ stated at the trial.

Concerning Hasan ČENGIĆ, the Court has established beyond doubt that the text "The Necessity of Revival" by an unknown author was given by him to Omer BEHMEN, Džemal LATIĆ, Nermina JAŠAREVIĆ and Šefik KURDIĆ to read. He also used this text in his debates and conversations. These facts also stem from the accused Hasan ČENGIĆ's own defence, and from the statements of the witnesses Nermina JAŠAREVIĆ and Šefik KURDIĆ.

As regards the verbal statements of the accused Alija IZETBEGOVIĆ in the period 1978 to 1983, with which he has been charged, the Court has, on the basis of the evidence submitted, established beyond doubt that Alija IZETBEGOVIĆ also committed these incriminating acts, in the manner and at the time described in the disposition of this judgement. Namely, the witnesses Ismet SERDAREVIĆ, Vahid KOZARIĆ, Hilmija ČERIMOVIC and the accused Huso ŽIVALJ have confirmed these allegations of the Prosecution. It is true that at the trial the witnesses SERDAREVIĆ and ČERIMOVIC partly retracted their statements from the preliminary proceedings at the trial, while the witness Vahid KOZARIĆ confirmed at the trial everything he said during the preliminary proceedings about the contents of the conversations he had with the accused Alija IZETBEGOVIĆ. As regards the accused Huso ŽIVALJ, at the trial he also retracted in part what he had said in the preliminary proceedings about his conversations with Alija IZETBEGOVIĆ, and emphasised that Alija IZETBEGOVIĆ, speaking about the Islamic Religious Community, in fact protested that the Islamic Community did not give due care to its publishing activities, and that people abroad should be informed that the Islamic Community did not support publishing activities. As regards the rest, at the trial, ŽIVALJ confirmed everything he had said in the preliminary proceedings, which is already stated elsewhere in the judgement and need not be analysed again. The witness Hilmija ČERIMOVIC retracted at the trial his statement given in the preliminary proceedings to the extent that he explained that Alija IZETBEGOVIĆ, speaking about the events in Kosovo, actually said that the BH Muslims should admire the Albanians in Kosovo for their solidarity, but not for anything else. The witness SERDAREVIĆ retracted at the trial his statement given in the preliminary proceedings in that he pointed out that Alija IZETBEGOVIĆ, as an ideologist, wished for the victory of the Islamic idea in our part of the world as well, but Alija IZETBEGOVIĆ did not, in front of him, say that, in the future, BH should be an Islamic republic with Islamic laws. He also said that Alija IZETBEGOVIĆ did not, in front of him, say that Muslims should fight using all available means, and that if he mentioned Muslims he was referring to Muslim believers. However, the Court has accepted as credible what the witnesses and the accused Huso ŽIVALJ said in the preliminary proceedings, because the explanations they gave at the trial about the changes in their statements at the preliminary proceedings are unacceptable and illogical. These witnesses, that is Ismet SERDAREVIĆ, Vahid KOZARIĆ and Hilmija ČERIMOVIC, and the accused Huso ŽIVALJ, gave their statements in the preliminary proceedings without any suggestions, everything they said was dictated aloud into the record, and they signed these records after reading them. As regards the objections of these witnesses that they were in a special psychological state and that they were exhausted, it is necessary to point out that the record contains the beginning and ending time of the interrogation of each witness. On the other hand, the security organs, which conducted the preliminary proceedings, made every effort to ensure that

the witnesses said truthfully everything they knew from their contacts and conversations with Alija IZETBEGOVIĆ.

Regarding the verbal declarations of the accused Omer BEHMEN with which he is charged, the Court has likewise accepted that Omer BEHMEN, in conversation with Huso ŽIVALJ and the witnesses enumerated in the charges, said everything that is outlined in more detail in the wording of the judgement. These witnesses are Vahid KOZARIĆ, Seid SEIDOVIĆ, Atif DELALIĆ, Hasib BRANKOVIĆ and Ahmet FEJZIĆ. The first part of the judgement contains what each of these witnesses said in the preliminary proceedings, and what they said at the trial, about the conversations they had with Omer BEHMEN. The witnesses Vahid KOZARIĆ, Seid SEIDOVIĆ, Ahmet FEJZIĆ and Hasib BRANKOVIĆ, and to an extent Atif DELALIĆ, confirmed at the trial what they had stated in the preliminary proceedings. Namely, the witness Atif DELALIĆ, testifying at the trial, was not sure that Omer BEHMEN had once said in a conversation with him that "the partisan clique" had grabbed power in Yugoslavia, while, as regards other statements by Omer BEHMEN during that conversation, he repeated his statements from the preliminary proceedings. It is true that the witness Hasib BRANKOVIĆ also retracted his previous statement at the trial, saying that he had never talked with Omer BEHMEN about the "Young Muslims" organisation and its members who had been executed. As regards the accused Huso ŽIVALJ, he stated both in the preliminary proceedings and at the trial that Omer BEHMEN, in a conversation, had said everything that is outlined in more detail in the wording of the judgement, that is the charge which is based on what Huso ŽIVALJ had said. Therefore, the statements of the aforementioned witnesses and of the accused Huso ŽIVALJ show beyond doubt that Omer BEHMEN, during the aforementioned period, in conversations with these people, acted in the way described in more detail in the wording of the judgement. As regards the partial retractions of the witnesses BRANKOVIĆ and DELALIĆ of their statements given in the preliminary proceedings, and the explanations they gave at the trial, the Court could not accept them for the same reasons which have been given in regard to the other witnesses who retracted the statements they had made in the preliminary proceedings. The Court is satisfied that witnesses BRANKOVIĆ and DELALIĆ deliberately omitted certain things about Omer BEHMEN at the trial, trying in this way to diminish his criminal responsibility before the Court.

The Court has established beyond any doubt that the accused Alija IZETBEGOVIĆ and Omer BEHMEN were previously acquainted with Teufik VELAGIĆ, a Yugoslav emigré in Austria, who emigrated there in 1964, and is now a member of a hostile emigré group and a signatory to *The New Democratic Alternative* (the signatories are emigrants who advocate changing the social-political system in SFRY by introducing a multi-party system). In 1964, Teufik VELAGIĆ wrote a letter beginning, "Dear Ahmed, Omer and others," in which VELAGIĆ indicated the need to continue the struggle of the "Young Muslims" organisation and to inform international public opinion of the allegedly unfavourable status of Muslims in this country, stressing his willingness to support such activities in the future. There is no doubt that the addressee in the letter, "Omer", is Omer BEHMEN, although Omer BEHMEN denies this, because, first, Omer and VELAGIĆ were childhood friends, they were convicted and served their prison sentences together until 1960, and it is evident from the statement of the witness Mahmut TRALJIĆ that this letter was left behind in a book he had lent to Omer BEHMEN at his request several years before, and that, after Omer had returned the book to him, he did not lend it to anyone else until it was found

in this witness's library when his flat was searched. The accused Alija IZETBEGOVIĆ stayed with Teufik VELAGIĆ as his guest on several occasions after 1975, as can be seen from his passport, and from his own admission that, whenever he was in Vienna, he stayed with VELAGIĆ. On several occasions, Alija IZETBEGOVIĆ and Omer BEHMEN stayed together with Teufik VELAGIĆ in Vienna, and it follows from Alija's own admission, as well as from his passport and the passport of Omer BEHMEN, that they were in Austria together in March 1982. In the preliminary proceedings, Omer BEHMEN said that during this joint visit, VELAGIĆ proposed that a copy of the *Islamic Declaration* be handed to the Iranian Embassy in Vienna, and during their visit in May 1982, VELAGIĆ also suggested they should travel to Iran. BEHMEN changed this part of his defence at the main hearing, claiming that these conversations had taken place between him and VELAGIĆ alone, and that he had informed Alija IZETBEGOVIĆ about the trip to Iran in the summer of 1982. In contrast to this, IZETBEGOVIĆ stated in his defence that he had made the decision to go to Iran on his own, and explained the reasons for this decision. He then claimed that in the summer of 1982, he had suggested the trip to Iran to Omer BEHMEN because he did not want to go alone. He said he had chosen the route via Vienna because he did not want it to be known that he was going to Iran, and because the fare from Vienna was somewhat cheaper. From the very beginning, IZETBEGOVIĆ has tried to conceal the role of Teufik VELAGIĆ in planning and organising the trip to Iran. The defence put forward by IZETBEGOVIĆ is unfounded, because it has been established beyond doubt that Alija IZETBEGOVIĆ drafted his preface to the Iranian edition of the *Declaration* as early as March 1982. Therefore, he drafted the preface after it was agreed that the *Declaration* should be handed over to the Iranian ambassador, as described by Omer BEHMEN in his defence. Later, IZETBEGOVIĆ wrote the final version of the preface to the 1982 edition together with Melika SALIHBEGOVIĆ. The preface shows that the *Declaration* was addressed to the Iranian government, and reveals the aim of the planned trip by drawing attention to the fact that "top Islamic religious leaders in the countries of the diaspora are foisting on the unenlightened masses the principle of brotherhood with atheists as a Koranic principle", commenting that it is indisputable that only Muslims are brothers. The defence of Omer BEHMEN as it relates to this matter establishes beyond doubt that Teufik VELAGIĆ was directly involved as the initiator of the group's trip to Iran, and the handing of the *Islamic Declaration* to the Iranian ambassador in Vienna. Thus IZETBEGOVIĆ's defence as it relates to this matter is unfounded, which proves the prosecution's allegation that IZETBEGOVIĆ and BEHMEN made the final plans for the trip, and agreed on its aim, in the summer of 1982. The inclusion of the accused Ismet KASUMAGIĆ in the group, as follows from his defence at the preliminary proceedings, which he changed slightly at the main hearing, started with his conversation with Alija IZETBEGOVIĆ concerning the joint departure of Alija IZETBEGOVIĆ, Omer BEHMEN and Ismet KASUMAGIĆ to Vienna on 23 October 1982 to meet the Iranian ambassador. The role of Teufik VELAGIĆ in organising the meeting in Vienna has been established on the basis of the defence of Ismet KASUMAGIĆ, which was fully in accordance with part of the defence of Omer BEHMEN at the preliminary proceedings, but from which Omer BEHMEN deviated when last questioned during the preliminary proceedings. KASUMAGIĆ's claim that they were to meet the Iranian ambassador in Vienna and give him a copy of the *Declaration* is also borne out by the defence of Alija IZETBEGOVIĆ. For this reason, the altered defence of Omer BEHMEN, in which he said that on that occasion he had gone to Vienna for personal reasons, and that

IZETBEGOVIĆ had gone there to arrange for the translation of his book and to meet Dr. EMIN from London, is unacceptable, because it is evident from IZETBEGOVIĆ's defence at the main hearing that he had last seen EMIN in 1978, and that there was no need for them to meet in Vienna in October 1982. The claim in Omer BEHMEN's altered defence that he alone delivered the *Islamic Declaration* to the Iranian ambassador through VELAGIĆ is also unfounded, because the accused IZETBEGOVIĆ and KASUMAGIĆ also spoke of the need to have it delivered. However, the part of IZETBEGOVIĆ's defence in which, constantly attempting to avoid mentioning the role of VELAGIĆ, he stated that he had contacted the Iranian ambassador directly, is totally contradicted by KASUMAGIĆ's defence. At the main hearing, and especially during the preliminary proceedings, KASUMAGIĆ stressed that on the occasion of this trip, VELAGIĆ was waiting for the three of them in Vienna and that Teufik VELAGIĆ was in contact with them throughout this time. The Court had given full credence to the defence of Ismet KASUMAGIĆ with reference to his stay in Vienna in October 1982, since he stated of his own accord that, in the flat in which they stayed free of charge while waiting for the Iranian ambassador, they made some notes in preparation for their talk with him. He made a copy of these notes for himself, because he thought he might have to interpret part of the conversation with the ambassador, so he remembers this part of his stay in Vienna well. This is why the Court accepts the statement of Omer BEHMEN in the preliminary proceedings concerning this sojourn in Vienna, because it is fully in line with KASUMAGIĆ's defence. For this reason, the statement made by IZETBEGOVIĆ about these circumstances is not acceptable. The fact that the *Declaration* was actually given to the Iranian ambassador on the occasion of their sojourn in Vienna, in order that it might be forwarded to the Iranian government, so that it could adopt a position with respect to the *Declaration* and inform them of that position during their planned visit to Iran, has been established on the basis of the following statements: the defence of Omer BEHMEN; the part of the defence of Alija IZETBEGOVIĆ in which IZETBEGOVIĆ claimed that he had not handed over the *Declaration* personally, but that while they were still in Vienna, Omer BEHMEN had told him, in a fit of anger, that this had been done; and the part of the defence of Ismet KASUMAGIĆ in which KASUMAGIĆ claimed that when they met briefly in Sarajevo after their return from Vienna, IZETBEGOVIĆ told him that Omer and he had contacted the ambassador. The Court's conclusion is supported by the established fact that the accused Omer BEHMEN, Ismet KASUMAGIĆ, Edhem BIČAKČIĆ, Hasan ČENGIĆ and Huso ŽIVALJ, when preparing for their meeting with an Iranian representative, planned to begin by asking him if the *Declaration* had been delivered to the Iranian government by their embassy in Vienna, and what the government's view of the *Declaration* was. It is evident from Ismet KASUMAGIĆ's defence that this question was in fact asked during the talks with the official Iranian representative in Teheran. With regard to the purpose of delivering the *Islamic Declaration* to the Iranian government, IZETBEGOVIĆ's defence, according to which he wanted to contribute in some way to the development of Islamic rule in Iran, which was still being created, is unfounded because it is indisputable and logical that a people who had been able to carry out a revolution also possessed the ability and wisdom needed to evolve a government that suited them, without the help of someone like Alija IZETBEGOVIĆ. On the contrary, in addition to what is implied in the preface to the 1982 edition, the purpose of delivering the *Declaration* is clearly indicated in the text itself. It was written by the accused IZETBEGOVIĆ and BEHMEN under the title *Muslims in Yugoslavia*, and shows that they expected the Islamic revolution to influence the status of Muslims in



this country. This is also evident from the verbal statements made by IZETBEGOVIĆ and BEHMEN, as established by the testimony of the witnesses Vahid KOZARIĆ, Hilmija ČERIMOVIC and others, and referred to in the wording of the judgement. These statements indicate that IZETBEGOVIĆ and BEHMEN wished and expected Iran to help bring about changes in the status of Muslims in this country by means of economic and other relations with Yugoslavia. Therefore the trip to Iran was, in fact, merely a logical continuation of their hostile activity in this country over the past few years. The defence of Edhem BIČAKČIĆ and Omer BEHMEN, as well as part of the defence of Alija IZETBEGOVIĆ, also shows beyond doubt the way in which the accused Edhem BIČAKČIĆ joined the group in order to participate in the trip to Iran. During the preliminary proceedings, BIČAKČIĆ said several times that, especially during their sojourn in Vienna in late November 1982, first Omer BEHMEN and then Alija IZETBEGOVIĆ repeatedly enjoined him not to speak to anyone about the trip, to keep it secret, and not to talk about visiting Teufik VELAGIĆ in Vienna. Such statements made by the accused Edhem BIČAKČIĆ during the preliminary proceedings are completely acceptable, as is the part of his defence in which he stated that during his and IZETBEGOVIĆ's sojourn in Vienna in late November and early December 1982, their meeting with the Iranian ambassador was arranged by Teufik VELAGIĆ, who visited the Iranian ambassador together with him and IZETBEGOVIĆ, and talked with the ambassador throughout the meeting. In the course of the conversation with the Iranian ambassador, Alija IZETBEGOVIĆ said that the Yugoslav press was not covering the war between Iran and Iraq objectively, giving greater importance to Iraqi reports. On that occasion a list of six persons (Omer BEHMEN, Alija IZETBEGOVIĆ, Ismet KASUMAGIĆ, Edhem BIČAKČIĆ, Hasan ČENGIĆ and Huso ŽIVALJ) who were to travel to Iran was handed to the ambassador. This was the list he had received from Omer BEHMEN in late November 1982. It follows further from the credible defence of the accused Edhem BIČAKČIĆ that, during the above-mentioned sojourn in Vienna, Alija IZETBEGOVIĆ requested of the Iranian ambassador that stamps and other evidence of the sojourn in Iran should not be entered into their travel documents, because this might have undesirable consequences. Ambassador KEREŠI agreed to this. On that occasion, Teufik VELAGIĆ said there was no need to ask whether their travel expenses would be met, since this was indisputable, and added that the ambassador knew what he was doing. This is why the court could not accept that part of IZETBEGOVIĆ's defence which runs counter to such convincing statements by Edhem BIČAKČIĆ, nor could it accept that part of IZETBEGOVIĆ's defence in which he claimed that he had told the ambassador about the positive way in which Yugoslav television was reporting on the situation in Iran. Had IZETBEGOVIĆ said this to the ambassador, Edhem BIČAKČIĆ would certainly have heard it, in view of the fact that the entire conversation was interpreted by Teufik VELAGIĆ. It has also been established beyond doubt that Omer BEHMEN informed Hasan ČENGIĆ and Huso ŽIVALJ about the trip to Iran, the arrangements for their departure, and the aim of the visit. After this they agreed to go to Iran. It follows beyond doubt from the defence of the accused ČENGIĆ and ŽIVALJ in the preliminary proceedings, that they knew that this trip was to be kept strictly secret, that it was to be paid for, and that their travel documents would not be stamped, but that they would be issued with special visas. BIČAKČIĆ told Huso ŽIVALJ about this, and Ismet KASUMAGIĆ told Hasan ČENGIĆ. For this reason, the explanations given at the main hearing by BIČAKČIĆ, ČENGIĆ and ŽIVALJ as to why they kept the trip secret, even from their families, are not believable. The court has established further that Omer BEHMEN, Edhem

BIČAKČIĆ, and Huso ŽIVALJ arrived in Vienna in late December 1982. Edhem BIČAKČIĆ and Huso ŽIVALJ arrived one day after Omer BEHMEN, and they were met at the railway station in Vienna by Teufik VELAGIĆ and Omer BEHMEN. The court has established beyond doubt that the accused Omer BEHMEN, Edhem BIČAKČIĆ, and Huso ŽIVALJ obtained special entry visas for Iran, and free return air tickets to Teheran, in the manner described in greater detail in the wording of the judgement. They obtained the visas and tickets at the Iranian embassy in Vienna through the mediation of Teufik VELAGIĆ. The tickets for ČENGIĆ and KASUMAGIĆ had been booked at the Iranian airline agency in Istanbul, but this agency was closed when ČENGIĆ and KASUMAGIĆ sought their tickets at the airport in Istanbul, so they were obliged to buy tickets themselves, bearing in mind the promise made to them that the money would be refunded. It was not possible to obtain special visas for ČENGIĆ and KASUMAGIĆ at the Iranian embassy in Vienna, because Omer BEHMEN did not have their photographs and passports, so, with the help of Omer BEHMEN, the visas were obtained for them later at the airport in Teheran. It follows beyond doubt from the defence of all the accused who travelled to Iran, and from their passports, that their sojourn in Iran in January 1983 was not registered in their passports. The court has established beyond doubt that on their arrival in Teheran on 2 January 1983, escorted by *pazerdan* (revolutionary guards), the accused were provided with accommodation at the *Azadi* Hotel in Teheran. It has been established from the defence of BIČAKČIĆ and ŽIVALJ in the preliminary proceedings that talks with the Iranians were held as soon as they arrived in the hotel lobby. The content of these talks, described in greater detail in the wording of the judgement, was established on the basis of ŽIVALJ's defence at the preliminary proceedings. The court could not give credence to the deviation from this defence at the main hearing, when ŽIVALJ said that Omer BEHMEN had, in fact, told him those things during their previous conversations in Yugoslavia, and that the statements quoted had been made by Ismet KASUMAGIĆ in a conversation he had had with him on a bus, since the accused ŽIVALJ had talked about the content of the talks in the lobby of the *Azadi* Hotel consistently and repeatedly during the preliminary proceedings, both before the investigating judge and before the officers entrusted with the investigation, and there need be no dilemma about the contradictory statements regarding the time and place at which these conversations were held, all the more so because ŽIVALJ had never had such conversations with Omer BEHMEN and Ismet KASUMAGIĆ, and during the preliminary proceedings ŽIVALJ stated clearly and decidedly that it was BEHMEN and KASUMAGIĆ who had done the talking at the meeting with the Iranians in the *Azadi* Hotel. The court was of the same opinion about the defence of the accused ŽIVALJ presented at the preliminary proceedings with regard to the talks at the *Huvejza* Hotel, because at that time he stated categorically that this conversation had taken place at the *Huvejza* Hotel, and not in the way described in greater detail in the wording of the judgement. The court has established on the basis of the defence of Edhem BIČAKČIĆ and Huso ŽIVALJ that these two discussed the trip to Iran when they met near the Cathedral and went for a walk in Sarajevo in December 1982. On that occasion, BIČAKČIĆ told ŽIVALJ that he had been to Vienna with IZETBEGOVIĆ and talked about the planned trip to Iran and how they were to travel. ŽIVALJ said that during their sojourn in Iran he would draw attention to the problems facing Muslims in Yugoslavia and the situation in the Islamic Community, which was being run by people loyal to the régime who were not protecting Muslim interests, as well as the problem of Muslim dietary needs. It has also been established on the basis of the defence of Huso ŽIVALJ that on that

occasion he found out from BIČAKČIĆ that he had read the *Islamic Declaration*. It has also been established from the defence of both accused that during the flight to Teheran they discussed nationalist texts, and from the defence of Huso ŽIVALJ it follows beyond doubt that they agreed that nationalist writings against the Muslims were being permitted in Serbia, and that such attacks were coming from Serbia because their authors had strong backing in Belgrade. The accused Huso ŽIVALJ also presented the status of Muslims, their problems, and the situation in the Islamic Religious Community, in this way in his conversation with Ismet KASUMAGIĆ on the bus to Qom. During the preparations for the meeting with the official Iranian representative in their hotel room, the accused ŽIVALJ insisted that these matters should also be raised at the meeting in the Ministry. Since Huso ŽIVALJ was categorical, clear and confident in the preliminary proceedings, and also described in detail the circumstances in which these talks were held, the court could not accept the part of Edhem BIČAKČIĆ's defence in which he referred to their conversation when they met near the Cathedral in Sarajevo, and their conversation on the flight to Teheran. On the contrary, the role of Huso ŽIVALJ in drafting the notes for the talks at the ministry has been established on the basis of the defence of Edhem BIČAKČIĆ, who described ŽIVALJ's role in detail both at the preliminary proceedings and at the main hearing. With respect to the conversations between ŽIVALJ and ČENGIĆ during their sojourn in Iran, the court has established beyond doubt on the basis of the defence of Huso ŽIVALJ, especially at the preliminary proceedings, that ČENGIĆ had discussed with him the method of operation of the *Tabački Mesjid* and its role in the Islamic revival, as well as the leadership of the Islamic Community, which he said was under the influence of the authorities, for which reason it should be dismissed and people should be brought in who would fight for Muslim rights. He opposed mixed marriages, advocated social intercourse only among Muslims, and the veiling of Muslim women, claiming that Islam was imperilled in this Republic and that it had to be defended by every means. The court also established on the basis of ŽIVALJ's defence that Hasan ČENGIĆ had also had conversations with the revolutionary guards, and that in one of these conversations he had said there was no religious freedom in this country although it was guaranteed by the Constitution, and that Muslims were imperilled and deprived of their rights. The defence of the accused ČENGIĆ, who said that ŽIVALJ could not have understood his conversations because he did not speak Arabic, while his English is very poor, is unfounded because Huso ŽIVALJ stated that he had understood only the conversation ČENGIĆ had had in English, and that he understood English well enough to grasp the real meaning and the essence of the conversation in question. ŽIVALJ is absolutely certain of this.

In considering the defence of the accused, the court further established that on their return from their visit to the war theatre and the holy places in Iran, on 7 January 1983, the accused Omer BEHMEN, Ismet KASUMAGIĆ, Hasan ČENGIĆ, Edhem BIČAKČIĆ and Huso ŽIVALJ were invited for talks with an official representative of the Iranian government at a ministry. After this, they agreed to prepare their presentation to the Iranian representative. It has been established beyond doubt that on the day in question, Omer BEHMEN received a message at the door to his hotel room inviting them to visit the Iranian ministry. During their preparations in the hotel room, all the accused participated in drafting the notes for the approaching meeting, and they all finally agreed on the issues referred to in the notes, which were to be raised and discussed with the official Iranian representative. For this reason the court could not accept ČENGIĆ's claim that he did not confer with the others on that occasion, and

that they did not explicitly express and harmonise their standpoints. There is no doubt that they all participated in drafting the notes, that several issues were raised before this was done, and that only a few issues remained for the approaching meeting. Neither BIČAKČIĆ nor ČENGIĆ had any objections to the draft drawn up in the hotel room, and they were all prepared to go together to the scheduled meeting with the drafted notes. This expresses their full agreement on the content and topics to be discussed at the forthcoming meeting. On the basis of the defence of Edhem BIČAKČIĆ, Huso ŽIVALJ, Ismet KASUMAGIĆ and Omer BEHMEN, the court has established that during these preparations they agreed that they should begin the talks by asking if the Iranian embassy in Vienna had delivered the *Islamic Declaration* to the Iranian government, and what the Iranian government thought of it. Then they would raise the issue of closer cooperation between the Islamic Faculty of Theology and Grazihusrefbey's Library, with a view to changing the current situation in the Islamic Community. Then they wanted to propose that the reception of Radio Teheran in Yugoslavia should be improved by the construction or upgrading of a radio transmitter. Finally, they wanted to request that, in its economic cooperation with Yugoslavia, Iran should choose companies from Bosnia and Herzegovina with a high proportion of Muslim employees in order to improve their status, suggesting that oil could be used for this purpose. The court has also established that the issue of the *Islamic Declaration* and cooperation with the Islamic Community was raised by Omer BEHMEN, that Ismet KASUMAGIĆ spoke about the use of economic cooperation to change the status of Muslims, while KASUMAGIĆ and ŽIVALJ drew attention to the need to raise the issue of the situation in the Islamic religious community. The court could not accept the defence of Omer BEHMEN that Huso ŽIVALJ had broached the issue of the *Islamic Declaration*, because all the other accused had stated categorically that this issue was raised by Omer BEHMEN. It is evident from BIČAKČIĆ's defence in the preliminary proceedings that none of those present responded to this suggestion of Omer BEHMEN's, so that it was clear to him that they all knew what *Declaration* was being referred to. This is yet another proof that all the accused had read the *Islamic Declaration* before travelling to Iran, that they knew it had been delivered to Iran, and that it was to be discussed. The fact that during the preparations for the trip Omer BEHMEN told Edhem BIČAKČIĆ, who had not read the *Islamic Declaration* before November 1982, that he should read the *Declaration* because he would need it on the trip, is further evidence for the conclusion reached by the court that the purpose of this trip to Iran was hostile activity against this country, and that the trip was not for religious tourism merely, as the accused have tried to tell the court. It has been established beyond doubt that on 8 January 1983, the accused BEHMEN, ČENGIĆ, KASUMAGIĆ and BIČAKČIĆ were received by an official representative of the Iranian government, while Huso ŽIVALJ missed the meeting due to an eye injury and an appointment for a medical examination. With respect to the meeting with an official representative of the Iranian government, the court had established beyond doubt, on the basis of the defence of the accused, that all the issues noted during the preparations for this meeting were raised, and it has also been established that the accused introduced themselves as a group of Muslims from Yugoslavia, and that they referred to the possibility of Iran representing the interests of Muslims worldwide, as well as broaching other issues which are not relevant to the content of this part of the judgement, and do not in themselves represent a criminal act. It is with respect to these less important questions and circumstances of the meeting that the accused differ in their defence. For example, they differ concerning the language used at the meeting with the Iranian representative, the way he was dressed, the appearance of his

office, etc., and with respect to who said what at the meeting. These differences certainly derive from the desire of the accused to play down their role and activity at this meeting and to shift responsibility on to others. It follows from the defence of Edhem BIČAKČIĆ, which was supported by Huso ŽIVALJ, that the accused Omer BEHMEN was not completely satisfied with the talks, which is additional proof of the fact that when they were preparing the group, and setting the aim of the trip to Iran, the accused Alija IZETBEGOVIĆ and Omer BEHMEN intended to obtain active support for their hostile activity. This was the reason for the reaction of Omer BEHMEN to this meeting. IZETBEGOVIĆ's decision not to go to Iran remains unexplained. However, the court is of the opinion that family reasons were not decisive, but rather the caution of Alija IZETBEGOVIĆ, due to the fact that he ran into Ismet KASUMAGIĆ's wife and daughter in Istanbul. It is evident that Alija IZETBEGOVIĆ wished to join the group travelling from Istanbul, although, according to BIČAKČIĆ and ŽIVALJ, Omer BEHMEN was awaiting him impatiently in Vienna. However, after running into Ismet KASUMAGIĆ's wife and daughter in Istanbul, he gave up the trip because he no longer had confidence that it could be kept secret, especially in view of the fact that, with the exception of BIČAKČIĆ, all the other accused had kept the trip even from their families. In fact, Edhem BIČAKČIĆ said at the preliminary proceedings that he had confided in his wife and uncle about the trip to Iran, while at the main hearing he said that he had concealed the trip even from them, and that when talking to his wife on the telephone from Vienna, he had told her he was on a business trip to Slovenia.

As regards the ideas expressed verbally by the accused Ismet KASUMAGIĆ in Yugoslavia, which are described in greater detail in the wording of the judgement, the court has established beyond doubt that Ismet KASUMAGIĆ disseminated hostile propaganda through his contacts and conversations with the persons mentioned in the wording of the judgement. Both at the preliminary proceedings and at the main hearing, the witnesses Vasvija HRELJA and Haris PAŠALIĆ stated very decidedly and confidently that Ismet KASUMAGIĆ had tried through them to influence the relationship between Sajma SULJIĆ and Branko TODIĆ. The witness Vasvija HRELJA said that KASUMAGIĆ had suggested to her that she should demand that the above-mentioned relationship be broken off, pointing out that Sajma should be able to find a Muslim. The witness Haris PAŠALIĆ claimed that on one occasion, when Sajma SULJIĆ was walking in the street in front of them, KASUMAGIĆ had said, "Look at that shrew who married a Vlach". It is true that the witness Vasvija HRELJA said at the main hearing that these were her own conclusions about Ismet KASUMAGIĆ's attitude toward mixed marriages and relationships. However, at the preliminary proceedings, Vasvija HRELJA, discussing her contacts with Ismet KASUMAGIĆ and his attitude toward mixed marriages, referred very confidently and decidedly to conversations she had had with KASUMAGIĆ, describing all the circumstances in which the conversations had taken place. She did not say then that these were her own conclusions, but only said this at the main hearing, so that the court could not accept this minor deviation of the witness Vasvija HRELJA from the statement she had made at the preliminary proceedings. The court therefore accepts as credible the statement she made very convincingly, clearly and decidedly, at the preliminary proceedings. The witnesses Besim ŠKALJIĆ, Sreto TOMAŠEVIĆ and Vasvija HRELJA all affirmed before this court that Ismet KASUMAGIĆ had expressed his repugnance for members of the League of Communists, and that he had said in their presence that all that was needed to be appointed to an executive post was

to possess a Party card. The witness Sulejman DRLJEVIĆ stated very convincingly that KASUMAGIĆ had said in his presence that Muslims were being passed over for promotion, especially at the federal level, and that on one occasion KASUMAGIĆ had claimed in his presence that a bomb had been planted in Belgrade because Džemal BIJEDIĆ was a problem for the Serbs. Both this witness and Besim SKALJIĆ affirmed that Ismet KASUMAGIĆ had said in their presence that the majority population in Bosnia and Herzegovina was Muslim, and that for this reason, and because the Muslims were indigenous, Bosnia and Herzegovina should be ethnically pure. It has been established on the basis of the statement by the witness Sreto TOMAŠEVIĆ that he was present when Ismet KASUMAGIĆ criticised the interference of the Reis in the election of imams and Koranic studies, and that he had said in his presence that children should be given names that would immediately set them apart, and, as an example of this, had said to his face, "When you say Sreto, I immediately see you differently than if you had said Sead." The witness TOMAŠEVIĆ was categorical in his statement about these circumstances, and also in his statement that KASUMAGIĆ had reproached him for having become a member of the League of Communists, adopting a stance of repugnance and disdain toward him and other members of the League of Communists. The witness Edib POZDEROVIĆ said at the main hearing that KASUMAGIĆ had not expressed his opposition to mixed marriages in his presence, but this witness stated that on one occasion KASUMAGIĆ had said to him, "How can you allow your wife's sister Sena, who is married to a Serb, to enter your house?" At the preliminary proceedings, the witness Ismet TURALIĆ stated categorically and in detail that in the conversations he had had with Ismet KASUMAGIĆ, the latter had made all the statements quoted in the wording of the judgement in sub-paragraphs 5 and 6, but he changed his statement completely at the main hearing, saying that at the preliminary proceedings he had been questioned for a long time and was exhausted and unable to participate in the formulation of his statements for the record, or to check the record. However, the record of his examination in the preliminary proceedings shows clearly that he was first examined in Doboj for one hour, and that the examination continued in Zenica at 1200 hours on the same day. The witness signed the record after reading it, as is stated therein. Evidently the witness Ismet TURALIĆ wanted to help the accused Ismet KASUMAGIĆ, and to present him to the court in a more favourable light, by altering his testimony at the main hearing. For this reason the court accepted as credible the statement made by this witness at the preliminary proceedings, in which he decidedly and specifically described all the circumstances in which the conversations in question had taken place, and the statements made by Ismet KASUMAGIĆ in his presence.

In considering the statements of the witnesses Mustafa HADŽIOSMANOVIĆ, Hivizija HASANDEDIĆ and Seid SEIDOVIĆ, the court has established beyond doubt that the accused Salih BEHMEN committed the criminal offences described in sub-paragraphs 1, 2 and 3 of the wording of the judgement, as well as those described in sub-paragraph 5, as shown by the statement of the witness Seid SEIDOVIĆ. It follows beyond doubt from everything these witnesses said in their statements that in these conversations, Salih BEHMEN advocated and stated everything mentioned in the wording of the judgement. The witness Mustafa HADŽIOSMANOVIĆ stated categorically, both at the preliminary proceedings and at the main hearing, that Salih BEHMEN had said in his presence that the Islamic revolution in Iran was the beginning of the creation of a single Muslim state which would encompass all the areas in the world inhabited by Muslims. He said the war between Iran and Iraq was

the continuation of that revolution, and that its failure so far had to do with the material and other assistance given by Yugoslavia to Iraq because it was less Muslim than Iran. This witness also stated decidedly and confidently that Salih BEHMEN had said in his presence that Muslims were in a subordinate position compared to other nationalities, that they were not to be found in the appropriate positions, and that those who held such positions were not Muslims. According to the witness, Salih BEHMEN said that the Muslims should have a united religious leadership, and that then they would be able to alter their status in partnership with the state. The other remarks mentioned by the witness in his statement have already been referred to in this judgement. The statement made by the witness Hivizija HASANDELIĆ at the preliminary proceedings was read out at the main hearing because for reasons of health he was unable to attend the trial, and there is medical documentation to support this in the file. In the statement he made at the preliminary proceedings, this witness said very convincingly, clearly and decidedly, that Salih BEHMEN had said in his presence that religious freedom was curtailed in Yugoslavia, and that the Muslims should be more united in their dealings with the authorities, and should demand a change in the current situation, and that BEHMEN had said that only believers were Muslims, that Muslims who were atheists had lost their national identity and that they were careerists who would give their allegiance to any government. This witness said that Salih BEHMEN had, in his presence, attacked the leadership of the Islamic Community as pro-régime and advocated the idea that Bosnia, Sandžak and Kosovo should unite because they shared a common religion. The witness Seid SEIDović testified very convincingly, both at the preliminary proceedings and at the main hearing, about all the remarks Salih BEHMEN had made and the ideas he had advocated in their conversations. This witness's statement has already been discussed in detail, so there is no need to reiterate its content here. Neither this witness, nor any of the other witnesses whose statements the court has accepted as credible, have any reason to incriminate the accused Salih BEHMEN without foundation. On the contrary, they testified to what they had actually heard during their conversations with Salih BEHMEN.

As regards the counts concerning the journal *Islam and the West*, after considering the defence of the accused Omer BEHMEN at the preliminary proceedings, and the statement of the witness Hivizija HASANDELIĆ, the court has established beyond doubt that Omer BEHMEN obtained the above-mentioned journal from Teufik VELAGIĆ in Vienna, and brought it to Yugoslavia. When the home of Salih BEHMEN was searched, two photocopies of the Open Letter to the Synod of the Serbian Orthodox Church in Belgrade were found inside the journal. It is quite certain that Omer BEHMEN gave the Open Letter to the Synod of the Serbian Orthodox Church in Belgrade to his brother Salih BEHMEN, together with the journal *Islam and the West*, because this follows from the defence of Omer BEHMEN at the preliminary proceedings, from which, it is true, he deviated at the main hearing. The statement made by Omer BEHMEN at the preliminary proceedings concerning the provenance of this journal and the above-mentioned letter, which the court considers credible, contradicts the statement by the accused Salih BEHMEN that he had found this material in his mailbox. This statement by the accused Salih BEHMEN is understandable, because he evidently wished to avoid criminal responsibility, in view of the hostile content of the above-mentioned journal and the content of the Open Letter to the Synod of the Serbian Orthodox Church in Belgrade.

In the opinion of the court, the counts against the accused Mustafa SPAHIĆ, described in detail in the wording of the judgement, have been proved in full by the statements of the witnesses Muhamed DEDIĆ, Rešid HAFIZOVIĆ and Rašid BRČIĆ. At the preliminary proceedings and at the main hearing, the witness Muhamed DEDIĆ described in detail all the circumstances in which the relevant conversation at the home of the accused Mustafa SPAHIĆ took place, and reported all the remarks made by Mustafa SPAHIĆ on that occasion. It follows beyond doubt from the statement made by this witness that he immediately reported this conversation to state security officers. This is evident from the statement he made at the time, which is attached to the criminal report in the file. The statement of the witness Muhamed DEDIĆ, both at the preliminary proceedings and at the main hearing, is completely convincing and there is nothing to cast doubt on it. It has therefore been accepted by the court as credible. With regard to the counts about which the witnesses Rešid HAFIZOVIĆ and Rašid BRČIĆ were examined, which are described in detail in sub-paragraphs 2 and 3 of the wording of the judgement, and which refer to the accused Mustafa SPAHIĆ, after considering the statements of these witnesses at the preliminary proceedings, the court believes that the accused Mustafa SPAHIĆ, in his conversations with these witnesses, made all the remarks and advocated all the ideas described in detail in the charges against him. At the main hearing, the witnesses Rešid HAFIZOVIĆ and Rašid BRČIĆ deviated from their statements, explaining that they were speaking the truth at the main hearing, and that their statements in the preliminary proceedings had been made when they were in a specific psychological state, and that they had not always been able to participate in the formulation of their statements for the record or to check them. It has already been mentioned that during the preliminary proceedings, these witnesses were cautioned by the official examining them that they must speak the truth, and it has been established from the records of their examination that they read and signed them. The court is fully convinced that these witnesses deviated from their statements only in order to help the accused Mustafa SPAHIĆ, and to present him in a more favourable light before the court. Therefore the court could not accept their statements at the main hearing as credible.

As regards the accused Džemal LATIĆ, it follows beyond doubt from the statements of the witnesses Rešid HAFIZOVIĆ, Nermina JAŠAREVIĆ, Sead SELJUBAC, Rašid BRČIĆ, Enes KARIĆ and Halid HADŽIABDIĆ that, in his discussions and conversations with them at the lectures held at the *Tabački Mesjid*, the accused Džemal LATIĆ advocated the standpoints described in detail in the wording of the judgement. There is no doubt that Džemal LATIĆ revised texts for the *Tabački Mesjid*, and that he wrote some of the texts himself. He took an active part in the lectures and discussions at the *Tabački Mesjid*, agreeing with many of the ideas propounded by Hasan ČENGIĆ. At the preliminary proceedings and at the main hearing, the witnesses SELJUBAC and MEHTIĆ said, among other things, that Džemal LATIĆ agreed completely with Hasan ČENGIĆ in his opinion that the pen and the written word should be placed at the service of the "Jihad", and that Muslim intellectuals should be active in this respect; that Muslims should fight to enable Islam in Yugoslavia to stand on its own feet, and that they should be prepared to sacrifice their lives in this struggle. The witness Sead SELJUBAC also stated categorically that LATIĆ had said in his presence that the Muslim people should be liberated from fear, that Muslims in Yugoslavia were in danger of being exterminated, and that all trace of them would be lost unless they took concrete measures towards the awakening of Islamic consciousness. Džemal LATIĆ also said in the presence of this witness and



Rešid HAFIZOVIĆ that Islam was not only a religion, but also politics, economics, science and, in its own way, a revolution, and that Islam contained a revolutionary element. From the statement of the witness Rešid HAFIZOVIĆ it follows, among other things, that on one occasion when LATIĆ was speaking about Islamisation he said, mentioning Lenin, that Islamisation should not be rushed or started prematurely, but that there was need for haste in preparing the fundamental conditions for the beginning of Islamisation in Bosnia and Herzegovina. The other allegations contained in the counts, described in detail in the wording of the judgement, are also supported by the statements of the above-mentioned witnesses, especially at the preliminary proceedings, when the witnesses Rešid HAFIZOVIĆ, Nermina JAŠAREVIĆ, Rašid BRČIĆ and Enes KARIĆ, describing the places and the circumstances in which Džemal LATIĆ had expressed particular opinions, explained what he had said in their presence, either in private conversations or in the course of the work of the *Tabački Mesjid*. They also explained what standpoints expressed by Hasan ČENGIĆ Džemal LATIĆ had fully agreed with and advocated. All this has been detailed in the above discussion of the statements of these witnesses. In their statements at the preliminary proceedings, the witnesses Rešid HAFIZOVIĆ, Nermina JAŠAREVIĆ, Rašid BRČIĆ and Enes KARIĆ confirmed what Džemal LATIĆ had, in fact, advocated in their presence. Many of the ideas advocated and propounded by LATIĆ are found in the written lectures that he read or revised for the *Tabački Mesjid*, and some of which he wrote himself. Therefore the court did not accept as credible the changed statements of these witnesses at the main hearing, when, in order to present him in a more favourable light before the court, they tried to suppress much of what they knew about the activity of Džemal LATIĆ at the *Tabački Mesjid* and the views he had expressed in their conversations and discussions. Their explanations concerning the circumstances in which they had made their statements at the preliminary proceedings are unacceptable, because they signed the records of their examination at the preliminary proceedings after having read them. In this judgment the court has already expressed its opinion about the objections raised by these witnesses, who allege that they were questioned for prolonged periods of time at the preliminary proceedings, and that they were exhausted. However, it should be noted here that, for example, the examination of the witness Nermina JAŠAREVIĆ at the main hearing lasted over three hours, and that she participated fully in the formulation of her statement for the record of the main hearing. The court is firmly convinced that at the preliminary proceedings, Nermina JAŠAREVIĆ and the other above-mentioned witnesses made reliable statements concerning everything they knew about the accused Džemal LATIĆ that was relevant to the counts described in the wording of the judgement, and that this was what was included in the record of the preliminary proceedings. When adopting this position concerning the changes these witnesses made in their statements at the main hearing, the court had in mind the circumstances under which Sead SELJUBAC had made his statement at the main hearing on 3 August 1983. The court accepts as credible the statements of the witnesses Rešid HAFIZOVIĆ, Nermina JAŠAREVIĆ, Rašid BRČIĆ and Enes KARIĆ at the preliminary proceedings, and the statements of the witnesses Sead SELJUBAC and Halid HADŽABDIĆ at the main hearing. Therefore the defence of Džemal LATIĆ, according to which he did not perpetrate the acts he is accused of, has no credibility whatsoever. This conclusion is supported by an event that occurred during the course of these proceedings, when a piece of paper was found in the possession of the accused LATIĆ on which was written: "We have brought all Yugoslavia to its knees, religion has been put on trial, the only two Islamic writers both on trial, isn't that something?" The accused LATIĆ

explained and admitted that he had written this text during the main hearing and had taken it with him to the premises of the Sarajevo District Prison, where it was found. Much can be concluded from these statements about the personality of Džemal LATIĆ that is relevant to the counts of which he has been found guilty.

As regards Melika SALIHBEGOVIĆ, it has been established beyond doubt that on 2 September 1982, she wrote a letter which she sent to Imam Khomeini through the Nosrat family in Belgrade. The contents of this letter have been described in detail in the relevant count. The statement of the accused Melika SALIHBEGOVIĆ at the main hearing, according to which she did not send the letter, but tore it up, is totally unacceptable. During the preliminary proceedings, she admitted on several occasions to writing the letter, describing how she had written it, who had translated it into English, and all the circumstances under which she had sent it. The explanation she gave at the main hearing, according to which she had not told the truth about the delivery of the letter at the preliminary proceedings because she wanted to have an opportunity to explain, sincerely and in detail, all the reasons that had prompted her to travel to Iran before a forum such as the trial chamber, is illogical and absurd. The accused Melika SALIHBEGOVIĆ evidently wished to avoid criminal responsibility with respect to this count by changing her defence at the main hearing. On the basis of the testimony of the accused Huso ŽIVALJ, especially at the preliminary proceedings, the court has established beyond doubt that the accused Melika SALIHBEGOVIĆ, in her contacts and conversations with Huso ŽIVALJ, put forward and advocated everything described in detail in sub-paragraph 2 of the wording of the judgement as it refers to Melika SALIHBEGOVIĆ. The court gave particular credence to the statement of the witness Biljana KOPRIVICA, and was therefore unable to accept the claims of Melika SALIHBEGOVIĆ, who said that she had not expressed the viewpoints described in the relevant count in the presence of this witness. And when confronted with Melika SALIHBEGOVIĆ, the witness Biljana KOPRIVICA was extremely convincing and remained categorical in her statements. With regard to the count about which the witness Vedada JURIŠIĆ was examined, the court also considers it established beyond doubt that Melika SALIHBEGOVIĆ expressed, in the presence of this witness, the viewpoints described in the relevant count, of which the accused has been found guilty. It is true that the witness Vedada JURIŠIĆ deviated from the statement she had made at the preliminary proceedings, explaining at the main hearing that when Melika SALIHBEGOVIĆ spoke of Muslims, she was referring to Muslims who were believers. However, it does not follow from her statement at the preliminary proceedings that during these conversations Melika emphasised she was referring to Muslims who were believers. Evidently, the witness was attempting to present Melika SALIHBEGOVIĆ in a more favourable light before the court, by changing part of her statement. Therefore the court has accepted as credible her statement at the preliminary proceedings. As regards the count alleged against the accused Melika SALIHBEGOVIĆ and Alija IZETBEGOVIĆ jointly, the court has established beyond doubt that in March 1982, Melika and Alija prepared the "preface to the 1982 edition", in which they modified the standpoint expressed in the *Islamic Declaration* about the role of the clergy in the Islamic revival. This change was made in consequence of the Islamic revolution that had occurred in Iran. The role of Melika SALIHBEGOVIĆ in writing this preface is clearly evident from the defence of Alija IZETBEGOVIĆ at the preliminary proceedings. It has also been established on the basis of the defence of the accused Alija IZETBEGOVIĆ that Melika SALIHBEGOVIĆ took part in writing the preface after a cursory reading of

the *Islamic Declaration* on the same day. The graphological analysis shows beyond doubt that the handwritten corrections, comments and suggestions on the text of the *Declaration* are in her handwriting. Therefore the court has established beyond doubt that Melika SALIHBEGOVIĆ, together with Alija IZETBEGOVIĆ, committed the act alleged in this count.

In considering the evidence presented with respect to Derviš DJURDJEVIĆ, and his defence, the court has established beyond doubt that the accused Derviš DJURDJEVIĆ committed all the acts alleged in the counts and described in detail in the wording of the judgement in sub-paragraphs 1, 2, 3, 4, 5, 6, 7 and 8, the part of the wording of the judgement which refers to Derviš DJURDJEVIĆ. The court considers it established beyond doubt that in the relevant period of time, the accused Derviš DJURDJEVIĆ expressed and advocated all the ideas described in detail in the counts alleged in sub-paragraphs 1, 2, 3, 4 and 6 of the wording of the judgement, in his conversations with Halila MEHTIĆ, Rešad TIHIĆ, Suad FRLJ, Emir DŽIHA-DEDIĆ, and Abdulfetah DŽIHA. The court has also established beyond doubt on the basis of the completely convincing statement of the witness Faketa AŠČERIĆ, that the accused Derviš DJURDJEVIĆ was guilty of the counts alleged in sub-paragraphs 5, 7 and 8 of the wording of the judgement. The statements of the above-mentioned witnesses have already been analysed in the judgement, so they need not be analysed again. At the main hearing, all these witnesses stated everything that follows from their statements in the preliminary proceedings, except that the witness Halil MEHTIĆ offered to clarify several points at the main hearing, claiming that Derviš DJURDJEVIĆ had not said in his presence that conditions should be created for the instituting of Islam in Bosnia and Herzegovina, but that conditions should be created for the spreading and preservation of Islam. He also pointed out at the main hearing that Derviš DJURDJEVIĆ had not said in his presence that religious freedom was curtailed in this country, but that people of other faiths were in a more favourable position, because they were able to conceal their faith and so rise to positions in society. However, when making his statement in the preliminary proceedings, the witness Halil MEHTIĆ reported the entire course and content of the conversations he had had with Derviš DJURDJEVIĆ clearly and decidedly, describing the places and circumstances in which these conversations had been held, so the court was unable to accept as credible this partial deviation from his previous statement, since it is evident that by changing his statement at the main hearing he wished to help Derviš DJURDJEVIĆ. It must be pointed out that Derviš DJURDJEVIĆ had frequent contacts and established close relations with foreign students, some of whom were members of the terrorist organisation The Muslim Brothers. His behaviour toward these students and their mutual attachment has been described in detail by the witness Faketa AŠČERIĆ. The accused alleged that this witness was incriminating him falsely and without foundation out of revenge, because he had broken off their common-law marriage, but the court is convinced that the witness Faketa AŠČERIĆ spoke nothing but the truth at both the preliminary proceedings and the main hearing. Her statement was consistent throughout the entire proceedings and it corresponds to the statement she made to the Tuzla District Committee of the League of Communists after the breaking up of the common-law marriage.

The count referring to the accused Djula BIČAKČIĆ has been established beyond doubt on the basis of the full confession of Djula BIČAKČIĆ both at the preliminary proceedings and at the main hearing. In her defence, she described all the

circumstances in which she organised the removal and concealment of documentation and propaganda material belonging to Omer BEHMEN, together with her sister Nermina and her daughter-in-law Mubera. She also described the circumstances in which she burned the manuscript of her brother Edhem BIČAKČIĆ in which he had written a detailed account of the group's sojourn in Iran. She did this to prevent discovery of the fact that he had travelled to Iran.

The counter-revolutionary activity of the accused Alija IZETBEGOVIĆ and Omer BEHMEN is also evident in the writing and dissemination of the *Islamic Declaration* since early 1974. The *Declaration* was disseminated persistently in several ways both in this country and abroad: certain people were given the *Declaration* to read, conversations were held about its content and goals, and individual parts were published in *Takvim* and similar publications. These texts did not always represent hostile activity in themselves, but they were always aimed at elaborating the fundamental standpoints of the *Declaration* regarding certain issues raised in the theses of the *Declaration* (articles about marriage, morality, and women, saying that women were not equal but different, an idea advocated by ČENGIĆ in his speeches at the *Tabački Mesjid*). The *Declaration* and its goals represent by their nature an act aimed at subverting the social and economic order established by the Constitution, the social and political system, the system of self-management, and other values of our system. The court has established beyond doubt, because this follows from the text of the *Declaration*, that fundamentally advocating another system represents an invitation to topple the social and political system of this country. The *Declaration* advocates the brotherhood of Muslims, thus attacking the basic achievement of the revolution and the fundamental value of our system, brotherhood and unity, or community. Any activity aimed against brotherhood and unity, equality and equal rights, is illegal and counter-revolutionary. The *Declaration* also advocates a pan-Islamic policy and Islam as an ideology, which is also an attack on the foundation of the internal and foreign policy of this country. The advocates of the *Declaration*, and those who attempted to make it politically effective, acted from positions of counter-revolution and nationalism, opposing the existing political order, the federal system and the self-managing national relations in this country. Islam to them is not only a religion, but also an economic and political system, and they do not recognise any system outside the Islamic order. They sought ways to realise the aims of the *Declaration* not only in their own community, where they created groups of like-minded people, but also outside the borders of Yugoslavia. They found their first connection in Vienna through members of hostile emigré groups, and from there they attempted to spread their network toward the Islamic world, to which they wished to pretend, falsely and maliciously, that all the Muslims in Yugoslavia were imperilled, seeking help and attempting to obtain support in achieving the aims of the *Islamic Declaration* in this society.

It follows clearly from the definition of the criminal act of conspiring to perpetrate hostile activity in Article 136 Paragraph 1 in connection with Article 114 of the Criminal Law of the SFRY, of which Alija IZETBEGOVIĆ and Omer BEHMEN have been found guilty, that each of the activities of which Alija IZETBEGOVIĆ and Omer BEHMEN have been found guilty constitutes this act, which is aimed at achieving a certain goal. This criminal act, in its nature, has been committed even if there has been no concrete danger. Therefore, the consequence of this act is contained in the very possibility of such danger arising, i.e., in an abstract danger. The best proof

of the fact that the *Islamic Declaration* is such a danger in itself is found in the defence of Omer BEHMEN as to why the *Islamic Declaration* was concealed, the defence of Huso ŽIVALJ as to the comments he and Muhamed KUPUSOVIĆ made after reading the *Declaration*, and the statement of the witness Muhamed KUPUSOVIĆ who, judging it to be dangerous, burned it, as well as the way it was carried out of the country, as revealed in the statement of the witness Hasib BRANKOVIĆ, who took it to Istanbul along with the programme of the "Young Muslims" organisation at the request of Omer BEHMEN and Alija IZETBEGOVIĆ. The fact that the *Islamic Declaration* and the above-mentioned programme were taken to Istanbul is yet further proof of the closest possible connection between the *Islamic Declaration* and the programme of the "Young Muslims" terrorist organisation which (according to the defence of Omer BEHMEN in the preliminary proceedings) was taken out of the country for safekeeping after the *Declaration*, which was an expansion of the "Young Muslims" programme, had been completed. By perpetrating the acts of which they have been found guilty (writing and disseminating the *Declaration*, writing texts with a hostile content, making verbal remarks, contacting hostile emigrés, organising a group to engage in such activities abroad and having dealings with a foreign official and representatives of a foreign power), the accused Alija IZETBEGOVIĆ and Omer BEHMEN gradually and persistently created a group of like-minded people prepared to take counter-revolutionary action on the same basis. Although this is not a required element for the existence of the relevant criminal act, they created a group engaged in hostile activities in the manner described in the wording of the judgement. The creation of the group was not a formal act, nor does it have to be from the standpoint of legal theory and jurisprudence. It was manifested in the actual situation, behaviour and activity of the accused, and in their stance toward the activities they were engaged in, although from a formal legal viewpoint the characteristics of the criminal act of hostile propaganda might be attributed to each particular activity of Alija IZETBEGOVIĆ and Omer BEHMEN. However, considering the comprehensive, systematic and prolonged way in which it was carried out, and the intensity of the attack on the higher values of our social and political system, the rights and freedoms of citizens, this activity assumed the proportions of a counter-revolutionary threat to the social order. Their long-cherished wish, clearly expressed by Omer BEHMEN in his defence, to interest a wider circle of people in these ideals and goals by perpetrating the acts of which they have been found guilty assumed the characteristics of the criminal act of creating a group to imperil the social order in a counter-revolutionary manner, as described in Article 136 Paragraph 1 in connection with Article 114 of the Criminal Code of the SFRY. Alija IZETBEGOVIĆ and Omer BEHMEN's unrelenting activity over the past ten years and more, consisting of a number of activities adding up to extended activity, led to the inevitable and natural result of the creation of a group, the members of which were Hasan ČENGIĆ, Ismet KASUMAGIĆ, Edhem BIČAKČIĆ, and Huso ŽIVALJ. The court has established beyond doubt that these persons were members of the group. Therefore the defence of KASUMAGIĆ, ČENGIĆ, BIČAKČIĆ and ŽIVALJ, in which they deny their membership of the group, cannot be accepted as credible. The accused KASUMAGIĆ knew that more than three people would travel to Iran, he was aware how the trip was to be made (secretly, paid for), and this, in view of his personal characteristics, was sufficient reason for him to know what the aim of the trip might be. Several conversations about the content of the *Islamic Declaration* were conducted with Ismet KASUMAGIĆ, as follows beyond doubt from the defence of Omer BEHMEN. In addition to this, in the course of his trip to Vienna,

KASUMAGIĆ saw a copy of the *Islamic Declaration*, he knew that it was to be handed to the Iranian ambassador, and it follows beyond doubt from his defence that he drafted the notes for the talks with the ambassador in Vienna, at which Alija IZETBEGOVIĆ was to acquaint the ambassador with the *Declaration* which was to be handed to him. Therefore, with regard to KASUMAGIĆ and the other accused, as members of the group, it is legally irrelevant whether they knew who the author of the *Islamic Declaration* was, or its exact title. What is important is that they knew its essential character its, goals, and the purpose for which it was being sent to Iran. During the group's sojourn in Iran they themselves acted on the same principles. ČENGIĆ, BIČAKČIĆ and ŽIVALJ, as members of the group, all knew the content of the *Declaration* because they had read it, and this has been established without doubt in these proceedings. In accepting the statement of the witness Muhamed KUPUSOVIĆ, ŽIVALJ admitted before the court that he had read the *Islamic Declaration*, and it follows clearly and unambiguously from ŽIVALJ's defence that Edhem BIČAKČIĆ had also read the *Declaration* and told him about it at their first meeting in Sarajevo before going to Iran. ŽIVALJ's statement is supported by the defence of Omer BEHMEN, who said that he had recommended Edhem BIČAKČIĆ to read the *Declaration* and explained to him where it was to be found. This contradicts the defence of the accused Edhem BIČAKČIĆ, according to which he had not read the *Islamic Declaration*. The court considers it established beyond doubt that Hasan ČENGIĆ had also read the *Declaration*, because he admitted as much in the preliminary proceedings. This is indicated by his texts and speeches at the *Tabački Mesjid*, and the fact that in the preliminary proceedings he admitted that he had discussed reading the *Declaration*, and the possibilities of an Islamic revival with Alija IZETBEGOVIĆ. It is logical that the *Islamic Declaration* is the only text he could have discussed with Alija IZETBEGOVIĆ, so ČENGIĆ's claim that he had read some other text in Omer BEHMEN's flat is not credible. The court has been led to the same conclusion by the defence of the accused Edhem BIČAKČIĆ, in which he described the content of the conversation in the hotel room, and the preparations for the meeting at the ministry in Teheran, when Omer BEHMEN said that they should ask about the standpoint of the Iranian government regarding the *Declaration*, on which occasion none of those present showed surprise or reacted to this suggestion by the accused Omer BEHMEN. It also follows from the defence of Edhem BIČAKČIĆ that he himself had the impression at that moment that they all had previous knowledge of the *Declaration*. The court has established beyond doubt that the accused KASUMAGIĆ, ČENGIĆ, BIČAKČIĆ and ŽIVALJ were all conscious of belonging to the group, they all knew that more than three of them would travel to Iran, and they were all told in advance that the trip was to be secret, that it was being organised by the Iranian embassy through the mediation of the emigré VELAGIĆ, that they would be issued special visas, that the trip was free, etc., so that, considering their personal characteristics, they all had reason to assume that the group was to perpetrate, or had the intention of perpetrating, hostile activity against the SFRY. It is immaterial, for the purpose of establishing their membership of the group, when they joined it or whether, as its members, they participated in any of the activities it was to carry out, or whether they were able to do so. It is also immaterial and legally irrelevant whether each of them knew of all the methods to be employed in the group's hostile activities against this country. What is material, and the court has established this beyond doubt, is that they had reason to assume that some kind of hostile activity against this country was to be perpetrated. Although each of them had explicitly expressed his willingness to participate in such hostile activity (reading the

*Declaration*, their conversations with each other, the talks some of them had with the ambassador in Vienna, their joint meeting as a group with official Iranian authorities, the fact that they explicitly introduced themselves as a group of Muslims from Yugoslavia, with the obvious intention of maliciously and falsely portraying the situation in Yugoslavia), for the criminal act described in Article 136 Paragraph 2 of the Criminal Code of SFRY to exist, it is immaterial from the standpoint of legal theory and jurisprudence whether this willingness was explicitly expressed, because for this crime to exist it is sufficient to participate in such activities in fact. For all these reasons, the defence of the accused, according to which they did not have the will or the intention of perpetrating hostile activity, cannot be accepted.

By perpetrating the acts of which they have been found guilty, Ismet KASUMAGIĆ and Hasan ČENGIĆ committed the criminal act described in Article 136 paragraph 2 of the Criminal Code of SFRY and the criminal act of hostile propaganda described in Article 133 Paragraph 1 of the Criminal Code of the SFRY.

It has been established beyond doubt on the basis of the statements of witnesses and the partial confession of the accused Ismet KASUMAGIĆ, that he carried out hostile propaganda by encouraging and fomenting hostile activity, and maliciously and falsely portraying the social and political circumstances in this country in the presence of the above-mentioned witnesses and, during his sojourn in Iran, in the presence of Huso ŽIVALJ, in the presence of revolutionary guards in Iran, during the preparations in the hotel room for the meeting at the ministry, and at the meeting with the minister. The court has established beyond doubt that KASUMAGIĆ spoke in the presence of Haris PAŠALIĆ, Vasvija HRELJA, Ediba POZDEROVIĆ, Muhamed PAŠIĆ, Besim ŠKALJIĆ and Sulejman DRLJEVIĆ, as well as Sreto TOMAŠEVIĆ, in the manner described in detail in the wording of the judgement, with the intention of convincing them that there was need for activities aimed at destroying brotherhood and unity, and the equality of the nations and nationalities (the demand that mixed marriages be prevented, the giving of names to distinguish Muslims from people of other nationalities, etc.). The court has also established that KASUMAGIĆ, in the presence of the persons named in the wording of the judgement, spoke maliciously and falsely about the status of Muslims and their representation in various posts, about religious freedom, about the death of comrade Džemal BLJEDIĆ, etc., thus also committing an act having the characteristics of the essence of the criminal act of hostile propaganda, which consists in the malicious and false portrayal of circumstances in the SFRY. Ismet KASUMAGIĆ continued the activity having the characteristics of this criminal act, as extended activity, during the sojourn of the group in Iran.

The accused Hasan ČENGIĆ also committed the criminal act of hostile propaganda in the manner described in detail in the wording of the judgement. The court has established beyond doubt that the texts ČENGIĆ wrote and expounded at the *Tabački Mesjid*, which have been analysed in detail in the judgement, were aimed at convincing his audience at the *Tabački Mesjid* that there was a need to destroy brotherhood and unity and the equality of the nations and nationalities, thus imperilling the foundations of the social and political system. Within the scope of this propaganda they impinged on the fundamental rights and freedoms of the working people and citizens (the right to work, the right to choose one's spouse, the right to choose friends and comrades, etc.). In his texts and utterances, as explained in detail in the judgement, ČENGIĆ advocated the practical implementation of Islam as a

comprehensive way of life pervading all areas, including those that fall outside the scope of religion, such as politics, morality, education, etc., calling for direct, active opposition to the social norms regulating these areas of life (this is evident in his remarks in which he advocated a "Jihad"). It has also been established beyond doubt that, in his conversations with the persons named in the wording of this judgement, ČENGIĆ encouraged these people to engage in hostile activity, that is, he attempted to convince them of the need for active efforts to effect a religious revival as a prerequisite for political struggle (saying, "We should first be preachers, and when the need arises we should also be knights of the revolution"). It has also been established on the basis of witness statements, as well as the defence of Huso ŽIVALJ, that in his verbal communications Hasan ČENGIĆ maliciously and falsely portrayed the status of Muslims in this country compared to the other nationalities, the influence of government bodies on the situation in the religious community and its work, and the role of the "Young Muslims" terrorist organisation in the history of the nations of this country, and especially the Muslim nations, advocating the need to implement the ideas of this organisation today.

By the acts of which he has been found guilty, the accused Salih BEHMEN maliciously and falsely portrayed the status of Muslims in this country compared to the other nationalities, spoke of the curtailment of religious freedom, the influence of the Islamic revolution on circumstances in this country, and the economic and social-political circumstances in this country, thus committing acts having the essential characteristics of the criminal act of hostile propaganda described in Article 133 Paragraph 1 of the Criminal Code of SFRY. These activities include the dissemination of a text with hostile content which was given to him by Omer BEHMEN, and which was found in his home when it was searched.

By the acts described in detail in the wording of the judgement, the accused Mustafa SPAHIĆ also attempted to create the conviction in his collocutors, and, in the case of some of them, to strengthen the conviction, that there was a need to carry out an anti-constitutional change in the self-managing socialist social system (in his call for the Islamisation of Bosnia, his approval of the demands for the creation of a Republic in Kosovo, etc.), and to destroy the brotherhood and unity of the nations and nationalities in this country, and he also maliciously and falsely portrayed the status of Muslims in Yugoslavia, and the influence of social-political bodies and governmental bodies on the situation in the Islamic Community and its work, thus committing, by word of mouth, acts having all the characteristics of the essence of the criminal act of hostile propaganda.

By the acts of which he has been found guilty, the accused Džemal LATIĆ also committed the criminal act of hostile propaganda. By his verbal communications in the presence of witnesses whose statements the court has analysed in detail, LATIĆ encouraged and strengthened their conviction that there was a need to carry out hostile activities by demanding that Islam should not be considered a religion only, but should also be practised and implemented as politics, economics, science and as a type of revolution. In the same vein, he advocated the necessity of the Islamisation of Bosnia and Herzegovina by introducing true Islam, the idea that imams should first be preachers, and then the spearhead of the revolution, and an open "Jihad" to change the social and political situation in this country. By advocating such ideas, and by the malicious and false portrayal of the status of Muslims and the situation regarding



religious freedom, LATIĆ committed acts having all the characteristics of the criminal act of hostile propaganda. Besides this, in the opinion of the court, Džemal LATIĆ supported the hostile standpoints of Hasan ČENGIĆ in the *Tabački Mesjid* throughout the entire time of his activity there, as confirmed beyond doubt by witnesses. He also participated in the writing of texts, and revised most of these texts. According to jurisprudence, taking into consideration the place, circumstances and duration of this activity, simply agreeing to hostile expressions of opinion or approving them can have the character of inciting and fomenting.

The acts of which the accused Melika SALIHBEGOVIĆ has been found guilty have all the characteristics of the essence of the criminal act of hostile propaganda perpetrated in speech and in writing. The court has established beyond doubt that in the letter she sent to Imam Khomeini, Melika SALIHBEGOVIĆ maliciously and falsely portrayed the status of Muslims in this country, the situation regarding religious freedom, and the general circumstances prevailing in the community we live in. In addition to this, the preface to the 1982 edition of the *Islamic Declaration* calls for the destruction of brotherhood and unity. In her conversations with the accused Huso ŽIVALJ and the witnesses named in the wording of the judgement, Melika SALIHBEGOVIĆ incited them to support changes which would have been anti-constitutional in respect of the social and political order (that is, advocating the creation of a worldwide Islamic state with parts of this country within its borders), and in addition, she maliciously and falsely portrayed the status of Muslims in this country, the situation as regards religious freedom, the status and attitudes of the League of Communists in our society, and the influence of governmental bodies on the situation in the Islamic Community and its work.

The actions of the accused Derviš DJURDJEVIĆ also have all the characteristics of the criminal act of hostile propaganda according to Article 133 Paragraph 1 of the Criminal Code of the SFRY. The court has established beyond doubt that on several occasions, in the presence of the witnesses named in the wording of this judgement, Derviš DJURDJEVIĆ attempted to convince them of the need to change the social-political system, drawing attention to the advantages of the Islamic system as compared to ours, advocating the establishment of a Muslim Republic of Bosnia and Herzegovina, etc. He attempted to create the conviction, and to strengthen that conviction, among a number of the witnesses that the brotherhood and unity of the nations and nationalities should be destroyed, advocating brotherhood only among Muslims, and demanding that socialising and marriage should take place only among Muslims. In addition to this, he spoke maliciously and falsely about religious freedom, the status of Muslims, self-management and the League of Communists, and spoke in an offensive and malicious way about the personality of comrade Tito, all in the manner described in detail in the wording of the judgement.

Thus, all those accused of this act used speech in the presence of one or more persons as a method of committing the criminal act of hostile propaganda, and the accused Hasan ČENGIĆ, Melika SALIHBEGOVIĆ and Džemal LATIĆ also used the written word. Through this activity, in the form of prolonged activity (this act can also be committed by a single hostile expression of opinion), they encouraged and incited others to carry out an anti-constitutional change of the socialist system, to destroy brotherhood and unity, and at the same time they all maliciously and falsely portrayed the social and political situation in this country. The court has therefore established

beyond doubt that they committed the criminal act of hostile propaganda described in Article 133 Paragraph 1 of the Criminal Code of the SFRY. Therefore there is no foundation for the defence of KASUMAGIĆ, ČENGIĆ, SPAHIĆ, LATIĆ, DJURDJEVIĆ, Melika SALIHBEGOVIĆ and Salih BEHMEN, according to which they did not give rise to or strengthen a conviction in individuals or groups, since it does not matter whether the conviction was created or strengthened, because the criminal act of hostile propaganda exists even when that propaganda fails to achieve the desired effect. This criminal act consists in imperilling, and thus creating an abstract danger, so the characteristics of the act obtain even when no concrete danger arises, because what is essential is the very possibility of such a danger arising. Even the possible premeditation of the accused, and there is no doubt that their actions were premeditated, is sufficient to make them fully responsible for the commission of this criminal act. However, the court has established beyond doubt that some of the actions by which these acts were committed, especially those that were repeated on several occasions, were also directly premeditated, and that the threat brought about by their continuous activity (especially in the *Tabački Mesjid* and their foreign activities) also had concrete effects in the direction of destroying brotherhood and unity as a fundamental achievement of the revolution, and tarnishing the reputation this country enjoys in the world, especially among the non-aligned countries.

The court has established beyond doubt that the acts committed by the accused Djula BIČAKČIĆ have all the characteristics of the criminal act of aiding a perpetrator after the commission of a criminal act according to Article 137 Paragraph 1 of the Criminal Code of the SFRY. The characteristics of this criminal act consist in any action helping to prevent discovery of the perpetrator of an act defined in Articles 114 to 136 and Article 138. 139 /as written/ of the Criminal Code of the SFRY. On the basis of the confession of Djula BIČAKČIĆ and other evidence, the court has established beyond doubt that she took part in the removal and concealment of Omer BEHMEN's belongings, and in the burning of the diary of Edhem BIČAKČIĆ, after she found out that organs of interior affairs /policemen/ were asking about his departure to Iran (and it was evident from the diary that he had been in Iran). Therefore it has been established beyond doubt that Djula BIČAKČIĆ carried out activities with the aim of obstructing the discovery of the perpetrator of an act, which have the characteristics of the essence of the criminal act described in Article 137 Paragraph 1 of the Criminal Code of SFRY.

The court has pronounced the accused guilty of the criminal acts committed and has sentenced Hasan ČENGIĆ to a preliminary prison sentence of 6 (six) years for the criminal act described in Article 136 Paragraph 2 of the Criminal Code of the SFRY, and also to a prison sentence of 6 (six) years for the criminal act described in Article 133 Paragraph 1 of the Criminal Code of the SFRY. The court has also sentenced Ismet KASUMAGIĆ to a prison sentence of 8 (eight) years for the criminal act described in Article 136 Paragraph 2 of the Criminal Code of the SFRY and a prison sentence of 3 (three) years for the criminal act described in Article 133 Paragraph 1 of the Criminal Code of the SFRY. Pursuant to the provisions of Articles 38 and 41 of the Criminal Code of the SFRY with respect to the accused ČENGIĆ and KASUMAGIĆ, and applying the provisions of Article 48 of the Criminal Code of the SFRY with respect to the accused Djula BIČAKČIĆ, and applying the provisions of Articles 42 and 43 of the Criminal Code of the SFRY, the court has sentenced the accused Alija IZETBEGOVIĆ to a prison sentence of 14 (fourteen) years, the accused

Omer BEHMEN to a prison sentence of 15 (fifteen) years, the accused Hasan ČENGIĆ to a consolidated prison sentence of 10 (ten) years, the accused Ismet KASUMAGIĆ to a consolidated prison sentence of 10 (ten) years, the accused Edhem BIČAKČIĆ to a prison sentence of 7 (seven) years, the accused Huso ŽIVALJ to a prison sentence of 6 (six) years, the accused Salih BEHMEN to a prison sentence of 5 (five) years, the accused Mustafa SPAHIĆ to a prison sentence of 5 (five) years, the accused Džemal LATIĆ to a prison sentence of 6 (six) years and 6 (six) months, the accused Melika SALIHBEGOVIĆ to a prison sentence of 5 (five) years, the accused Derviš DJURDJEVIĆ to a prison sentence of 6 (six) years, and Djula BIČAKČIĆ to a prison sentence of 6 (six) months.

Pursuant to the provisions of Article 50 of the Criminal Code of the SFRY, the accused are entitled to credit for time spent in detention as follows: Alija IZETBEGOVIĆ, Omer BEHMEN, Ismet KASUMAGIĆ, Salih BEHMEN, Mustafa SPAHIĆ and Melika SALIHBEGOVIĆ, from 24 March 1983; Hasan ČENGIĆ and Edhem BIČAKČIĆ, from 25 March 1983; Derviš DJURDJEVIĆ, from 29 March 1983; Džemal LATIĆ, from 7 May 1983; Huso ŽIVALJ, from 5 May 1983; and Djula BIČAKČIĆ, from 24 March 1983 to 20 August 1983.

In determining the sentences, the court bore in mind all the circumstances in which the criminal acts were committed, as well as all the other circumstances relevant to the length of the sentence. Except in the case of Djula BIČAKČIĆ, the circumstances considered aggravating were the following: the persistent and systematic way in which they carried out the acts over a prolonged period of time; in the case of the accused Alija IZETBEGOVIĆ, Omer BEHMEN, Ismet KASUMAGIĆ, Hasan ČENGIĆ, Edhem BIČAKČIĆ, and Huso ŽIVALJ, the fact that they established and maintained contact with a member of an emigré organisation, and in the case of the accused ČENGIĆ and LATIĆ, that they misused religious feelings in their work at the *Tabački Mesjid* because, in addition to the destruction of brotherhood and unity, they attempted to incite hatred in the highly sensitive circumstances of our coexistence. In the opinion of this court there were no mitigating circumstances in favour of the accused, with the exception of Djula BIČAKČIĆ. The court bore in mind that she had committed the criminal act, because of her relation to Omer BEHMEN, who is her uncle, and to her brother, Edhem BIČAKČIĆ, in a special state of mind and under the influence of her mother. Apart from this, her previous life had been exemplary and she had never been in conflict with the law. All these circumstances justify the application of the provisions of Articles 42 and 43 of the Criminal Code of the SFRY, so that a milder sentence than the one prescribed, i.e. a sentence of six months in prison, has been pronounced.

In the opinion of the court, these sentences reflect the gravity of, and the danger to society posed by, the criminal acts committed, as well as the threat to society posed by the perpetrators themselves. In pronouncing these sentences, the court feels that the purpose of punishment according to the provisions of Articles 5 and 33 of the Criminal Code of the SFRY will be fulfilled.

With respect to the accused Alija IZETBEGOVIĆ and Omer BEHMEN, the court has not accepted the legal description of the charges in the final indictment at the main hearing, because in the actions of the accused Alija IZETBEGOVIĆ and Omer BEHMEN, the court has found only and exclusively the elements of the criminal act

described in Article 136 Paragraph 1 in connection with Article 114 Paragraph 1 of the Criminal Code of the SFRY.

Pursuant to the provisions of Article 98 Paragraph 3 of the Law on Criminal Procedure, the court has decided that the accused shall share the cost of the criminal procedure to the total amount of 11,750.00 dinars and pay the court a lump sum of 500.00 dinars each within 15 days of the date of this judgement coming into force.

Pursuant to the provisions of Article 69 of the Criminal Code of the SFRY, the court has confiscated from the accused all the objects intended for use in the commission of criminal acts, or brought into being as a result of the commission of criminal acts.

Pursuant to the provisions of Article 350 Paragraph 3 of the Law on Criminal Proceedings, the court has acquitted the accused Omer BEHMEN, Salih BEHMEN, Mustafa SPAHIĆ and Džemal LATIĆ of the counts alleged in the indictment and described in detail in the acquitting part of this judgement, due to lack of evidence. The witness Seid SEIDović did not confirm the allegations of the prosecution that Omer BEHMEN had acted in his presence in the manner described in detail in the relevant count. Lacking other evidence, and bearing in mind that Omer BEHMEN denied this count, the court acquitted him pursuant to the provisions of Article 350 Paragraph 3 of the Law on Criminal Proceedings. The court was also unable to establish beyond doubt that Salih BEHMEN had discussed the content of the *Islamic Declaration* with his brother Omer on several occasions, and that he agreed with the principles and goals of the *Declaration*, or that he had agreed with his brother Omer to compile and publish a collection of texts to be entitled *On the Islamic Road*. Considering everything that Salih BEHMEN said in his defence with respect to the gathering of articles for this collection, and bearing in mind the role of Husein DJOZO in connection with this collection, and lacking other evidence, the court was unable to accept that Salih BEHMEN committed the act alleged in this count, and acquitted him pursuant to the provisions of Article 350 Paragraph 3 of the Law on Criminal Proceedings. With regard to the count of which the accused Mustafa SPAHIĆ has been acquitted, considering the statements of the witnesses Nermina JAŠAREVIĆ and Enes KARIĆ, the court could not accept that Mustafa SPAHIĆ had spoken about the alleged topics in the presence of these persons in the manner described in this count. The statements of these witnesses as they relate to this count were rather vague and unreliable, so bearing in mind the categorical denial of the accused that he had committed the act alleged in this count, the court could not, on the basis of such witness statements, accept that Mustafa SPAHIĆ had committed the act alleged in this count, and has thus acquitted him due to lack of evidence. With respect to Džemal LATIĆ regarding the count of the indictment of which he has been acquitted, the court did not have reliable evidence on the basis of which to find him guilty. None of the witnesses heard has reliably confirmed the content of the conversations and discussions in the places alleged, and so Džemal LATIĆ has been acquitted of this count due to lack of evidence pursuant to the provisions of Article 350 Paragraph 3 of the Law on Criminal Proceedings.

Therefore, pursuant to the provisions of Article 99 Paragraph 1 of the Law on Criminal Proceedings, the cost of the criminal proceedings relating to the counts of which the accused have been acquitted shall be at the expense of the budget of the court.

Clerk:  
Vesna ŠPILJAK

Presiding Judge:  
Rizah HADŽIĆ  
/signed and stamped/

INSTRUCTIONS: Any party dissatisfied with this judgement has the right to appeal to the Supreme Court of Bosnia and Herzegovina in Sarajevo through this court within 15 days of receipt of the judgement in writing. For the accused, this period shall begin on the date their defence counsel receive the judgement.