

## **Sniper Instructor Testifies in Karadzic Trial**

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Witness in Karadzic trial presents analysis of targeted shootings during the siege of Sarajevo.

An expert witness testified this week in the trial of Radovan Karadzic about several sniper attacks that occurred in Sarajevo during the Bosnian war, including one that killed a seven-year-old boy.

Prosecution witness Patrick van der Weijden, who has testified in three previous trials, is a trained sniper and sniper instructor in the Dutch special forces.

He told the court that in 2006 and 2009 he visited Sarajevo to analyse the sites of various sniping incidents in order to determine the origin of fire, the weapon used, and whether the shooter had had an opportunity to identify the target. Van der Weijden prepared a report for the prosecution based on his findings on 17 such incidents, which was referred to throughout his testimony.

Prosecutors allege that Karadzic, the president of Bosnia's self declared Republika Srpska from 1992 to 1996, planned and oversaw the 44-month siege of Sarajevo that left nearly 12,000 people dead. Karadzic's army is accused of deliberately sniping and shelling the city's civilian population in order to "spread terror" among them.

The indictment - which lists 11 counts in total - alleges that Karadzic was responsible for crimes of genocide, persecution, extermination, murder and forcible transfer which "contributed to achieving the objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory". He was arrested in Belgrade in July 2008 after 13 years on the run.

During questioning, prosecuting lawyer Fergal Gaynor asked Van der Weijden about the rules of engagement during wartime.

"Could you tell the court what the rules of engagement say about sniping at someone who appears to be a civilian? In what circumstances is that permitted?" Gaynor asked.

"Sniping [can] only be permitted if the civilian poses an immediate threat to yourself or your comrades," Van der Weijden said, adding that a civilian might be considered a threat if he or she was in possession of a gun or explosives.

"If you're not sure that the target poses a threat, what do the rules of engagement normally require?" Gaynor asked.

"There's no use of force allowed," the witness answered. He said that in the system he was familiar with, anyone who shot a civilian without reason would be court-martialed immediately.

Since Van der Weijden visited the incident sites several years after the sniping attacks occurred, Gaynor asked if this "passage of time" affected his ability to make a judgement regarding the origin of fire.

"Besides for the construction of new buildings... not much," Van der Weijden answered.

"Why was that?" Gaynor asked.

"Because the lines of sight - which are very important in my reports - are still there," he said.

Van der Weijden said that, although he was given witness statements which sometimes suggested an origin of fire, these did not have much bearing on his own conclusions.

"Sometimes the locations [the witnesses] state and what I think is possible, they don't coincide," he said.

"Were you being led by witness statements or exercising independent judgement in each case?" Gaynor asked.

"Independent judgement," Van der Weijden answered. He said that on some occasions the sniping victim was present during his visit to the site.

"What effect did the absence of the victim's body have on your ability to determine origin of fire?" Gaynor asked.

"From my point of view, since I strictly looked at lines of sight, the distances [from which] I believed the victims were hit ... in my opinion, it didn't matter that much," the witness said.

During his testimony, Van der Weijden only indicated which direction the fire had most likely come from and did not give his opinion on whether or not those areas were under Bosnian Serb army control.

However, judges in the trials of Bosnian Serb army generals Stanislav Galic and Dragomir Milosevic established in their respective judgements that the sniper fire in each of these incidents came from areas within Bosnian Serb territory. Galic was subsequently sentenced to life in prison, while Milosevic was given a 29 year jail term.

When it was Karadzic's turn to cross-examine the witness, he said that Van der Weijden had been "misled" by information given to him by the prosecution.

"No, that's not correct," the witness said.

Karadzic asked Van der Weijden about several of the incidents he analysed, including one in which a seven-year-old boy was killed and his mother wounded as they walked home together on November 18, 1994. According to the indictment, when Dzenana Sokolovic was shot in the stomach, the bullet passed through her and hit her son, Nermin, in the head.

"Are you aware of contradictions at the incident site?" asked Karadzic, adding that the boy's mother first stated she was shot before she stepped onto the pedestrian crossing, but then later said she was hit when she stepped onto it.

Karadzic also said there was a discrepancy in the medical reports. One of them states that the bullet passed through the mother and then hit her son, Karadzic said, but in another, it says that the bullet hit the boy first, and then his mother.

Van der Weijden said that he was not aware of these alleged contradictions.

Karadzic went on to ask about another sniping incident included in his indictment, concerning a 16-year-old girl who was shot and wounded in her right shoulder while walking with a friend in west Sarajevo on June 26, 1994.

"The two girls accused the Serbs and said the shots were fired from the Institute for Blind Children, is that correct?" Karadzic asked.

Van der Weijden confirmed that the alleged sniper position was the institute for the blind, and that it was "first mentioned" to him by the prosecution.

"You were expected to confirm what [the prosecution] thought was correct?" Karadzic asked.

Van der Weijden responded that he went to the incident site to "see what the possibilities were". He said he took into account the school of the blind, but other locations as well.

"In my opinion, the shot was fired from the school of the blind," he said.

The court also heard testimony this week from prosecution witness Milomir Soja, an electrical engineer, who spoke about the use of aerial bomb launchers by Bosnian Serb forces in Sarajevo.

After Soja completed his testimony, the court was adjourned because Karadzic was feeling ill, though details of his ailment were not disclosed in public session.

The trial will continue on October 5.

### **Rachel Irwin is an IWPR reporter in The Hague .**

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