

**The Association of the Prisoners and the Descendants of the Prisoners of  
the Camps of Genocide in the Independent State of Croatia from 1941 to 1945**  
11000, Beograd, Savska street no.9/IV, SCG

to  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
Civil Action No.05-CV-3735(RJD/KAM  
Plaintiffs,

MEMORY FILM PRODUCTIONS, :  
BARRY LITUCHY, JOE FRIENDLY, :  
ALEKSANDAR MOSIC and :  
JASENOVAC RESEARCH :  
INSTITUTE, INC., :  
:

Defendants: :  
PETAR MAKARA and WANDA :  
SCHINDLEY a/k/a :  
DALLAS PUBLISHING, :  
:

To the Honorable Court,

The Association of the Prisoners and the Descendants of the Prisoners of the Camps of Genocide in the Independent State of Croatia from 1941 to 1945 (hereafter "The Association") welcomes every action of well-meaning citizens of the world- either individuals or institutions, who are willing to give their personal contribution in order that the world discovers the truth about this horrible genocide committed against Serbs, Jews and Roma by the Ustasha in the Independent State of Croatia during the World War II.

In our opinion, if this truth about horrors of Jasenovac concentration camps came out in the world much earlier, the same evil would not have happened again at the end the 20<sup>th</sup> century, only because the culprits of these monstrous crimes against hundreds of thousands of innocent civilians, were never exposed and punished by the world.

In the name of truth and justice, the members of the Association are taking the liberty, much Esteemed Court, with this text, to point out and call Your attention to some vital facts related to the above mentioned law suit.

We hope and plead with the Court to take them into consideration when passing the judgment.

The facts are:

1. The first in a series of International Conferences on Jasenovac was held at the Kingsborough Community Collage in New York, October 29-31, 1997.

The initiators and main organizers of the conference were Prof. Dr. Bernard Klein, New York and Dr. Milan Bulajic, the director of the Museum of the Victims of Genocide, Belgrade (who has been researching genocide in the territory of Yugoslavia for over 40 years and is the author of many books on the topic)

The second international conference with the topic on Jasenovac was held in May 8-10, 2000. (The proceedings from that second conference were published in 2001).

The main organizer of that conference was again Dr. Milan Bulajic.

The third international conference on Jasenovac was held in Jerusalem, at the Hebrew University, December 29-30, 2002. The proceedings from that conference are in works and will be published soon. That conference was organized with joint efforts of Dr. Klein and Dr. Bulajic.

On the occasion of the 60<sup>th</sup> anniversary of victory against the fascism and the break through to freedom from the Jasenovac camp, April 22, 1945 (out of more than 1000 prisoners who participated in the break through, only 87 survived), a three day symposium, from 22-24 April, 2005 was held in Belgrade, with the topic: 'The truth about genocide, the preamble of peace and stability in the Balkans'.

Mr. Petar Makara and Dr. Wanda Schindley attended the gathering at their own expense and presented papers. While in Belgrade, Mrs. Wanda Schindley, with the cooperation of our Association, recorded new memories of the camps survivors. She also attended and filmed the commemoration for the victims of genocide at the places of the largest execution sites of Serbs, Roma and Jews in the Balkans- at Donja Gradina on April 17, and in Jasenovac, April 24, 2005.

2. The First International Conference, was attended by 12 (twelve) of the survivors of the concentration camps of Jasenovac, members of our Association: Savo Petrovic, Cedomir Huber Josip Erlih, Mara Vejnovic, Ljiljana Ivanisevic, George Zivkovic, Boza Svarc, Milos Despot, Cadik Danon, Stefica Serdar-Sabolic, Eduard -Edo Sajer and Savo Delibasic.

In the meantime seven of the survivors died: Savo Delibasic, August 22, 1998, Cedomir Huber, February 02, 1999, Edo Sajer November 30, 2000, Savo Petrovic, February 06, 2003, Ljiljana Ivanisevic, August 08, 2003, Milos Despot

July 27, 2005 and Stefica Serdar-Sabolic, August 21<sup>st</sup>, 2005. Fortunately their testimonies were published in the book "Jasenovac- proceedings of the First International Conference" held in New York, October 1997.

3. The survivors, our members, who participated at the New York conference tell us that Vladimir Bibic was the only cameraman who also conducted long

interviews with them, after the Conference hours, in hotel rooms. He is the only author of these significant interviews that became part of 12 tape series, and which we now see printed in the book published by Dallas Publishing.

Neither Barry Lituchy nor Joe Friendly tried to interview any of our members, most probably because they do not know the Serbian language, which is the mother tongue of all the survivors.

We are going to repeat that the survivors gave their interviews to Vladimir Bibic personally, and NOT to some film company "Memory Film Production" which we understand did not even EXIST at that time.

Later on Mr. Bibic was invited to film the proceedings of the Second (Banja Luka 2000) and the Third (Jerusalem, 2002) international conferences.

In relation to these facts, we suggest that the Court summons Mr. Vladimir Bibic, the cameraman-director, who has told the undersigned that he is ready to be a witness only if summoned by the Court.

4. The first plaintiff Barry Lituchy was not able to work with the information and edit our testimonies given at the New York conference as he does not speak the Serbian language.
5. Aseksandar Masic was not the prisoner of the concentration camps Jasenovac, and we do not know the reasons behind his appearance as the third plaintiff.
6. The Association is aware through the direct conversations with the participants of the First/ New York conference and the prisoners of the camp, that during the month of July 2003, Mr. Barry Lituchy took some written declarations – the non-exclusive agreements to publish the material from the conference.
7. To our knowledge for the past 8 years, Mr. Barry Lituchy has done nothing more in order to publish the materials from the First Conference, regardless of the fact that he was urged by our Association, by Dr. Milan Bulajic and others. Up to this very day neither JRI nor he himself has done that.
8. After the book of proceedings was finally published at the beginning of 2005, most of all thanks to Dr. Wanda Schindley – Dallas Publishing, Mr. Lituchy started the law suit claiming to wish to protect his authorship rights! The facts given in this statement prove his claim unfounded.
9. The Association participated in the preparation of the material for printing in direct cooperation with Dr. Wanda Schindley, Mr. Petar Makara, Dr. Milan Bulajic and with the participants of the Conference – the surviving prisoners.
10. The book of proceedings has been printed in limited edition and the Association has actively taken part in the distribution of this book, that was given free of charge to all the surviving participants of the conference held in New York, to some prisoners of the camp and to their descendents, the historians and other public figures that deal with the problem of genocide and

holocaust, the museums (Yad Vashem, Jerusalem and so on) in order to further and facilitate the study of these camps of horrors .

11. During the month of September 2005, the Association took written statements from the surviving prisoners of the Jasenovac camps –the participants of the conference – in the format requested by the Court, with their personal information noted- like the number of the identity card, personal number -, which is the guarantee of the authenticity. Those written statements were delivered to the Honorable Court.
12. At the beginning of November 2005, as the President of the Association, I have personally spoken to those surviving prisoners- the participants to the Conference. They have declared that the written statements (affidavits) they have signed in September, were signed out of their own good will, that they reflect their convictions and that they are abiding by the signed statements.
13. According to the direct knowledge of the Association, the third plaintiff .Mr. Aleksandar Masic from Belgrade, during the month of October 2005, directly and personally tried to influence the witnesses (Mara Vejnovic, Josip Erlih) by showing them the statements typed on 3 pages that they have never neither seen nor signed before.  
To Mrs. Vejnovic, who is bed ridden, he told fabricated stories about Dr. Wanda Schindley's presumed dishonesty. Than, abusing her advanced age and fragility, he tricked Mrs. Vejnovic, by saying that the falsified documents he brought were supposedly filed at Court by the defendants. After that, he asked her to renounce, in writing, both the text and her signature on that falsified document, which she did. Mr. Masic went even further with Mr. Josip Erlih, as he presented him for signature a clean sheet of paper.

We suggest that the Honorable Court finds out the truth about these illegal acts by Mr. Masic, the third plaintiff, who in our opinion, acted in this manner in agreement and at the request of the first plaintiff Mr. Barry Lituchy, who does not shy away from anything, in order to achieve his goals.

14. The demand of the plaintiffs for the banning of the book of proceedings from the First-New York conference would represent a new crime against the surviving prisoners and their descendants, a crime against a historical truth.

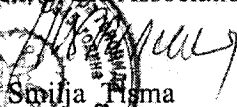

The Ustasha victims in the concentration camps of Jasenovac were also the children, who were taken prisoners with their parents, and were tortured and killed in many ways. (One of the surviving boys-prisoners, Dragoje Lukic, has identified by name and last name 19,432 – children, from one day to 14 years old. The children camps, the only ones in the world, were located in Sisak and Jastrebarsko.)

It is important to point out that the signatory of this statement, as a nine years old girl, with her two sisters and one brother, suffered through Bjelovar, Jasenovac, Sisak and Jastrebarsko camps!

Based on the above, we expect that the Honorable Court will come to a just decision that will protect the book that tells it all, as well as the people that wholeheartedly, with their hard work, dedication and without any personal gain, disclosed these important stories of the surviving prisoners of the concentration camps of Jasenovac. With this valuable book of testimonies they have given the voice to all the victims of genocide on the territory of the Independent State of Croatia and thus immortalized their sufferings.

We plead with the Court not to punish them, but rather to recognize their courage and integrity.

In Belgrade , November 6, 2005

President of the Association  
  
Sanja Pisma  


THE ASSOCIATION OF THE PRISONERS AND DESCENDANTS OF THE PRISONERS OF THE CAMPS OF  
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Defendants:  
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DALLAS PUBLISHING

This is an adendum to the letter of the Association, dated Nov. 6, 2005.

To the Honorable Court,

Aleksandar Masic from Belgrade visited Mara Vejnovic, prisoner of the Jasenovac concentration camp and participant of the First International Conference held in October 1997 in New York and submitted to her a three page text in Serbian and a short one page letter in English, dated **September 24th**, 2005. Ms. Vejovic, as stated in her hand written statement of **October 21**, made a claim that her signature had been forged on the documents he presented to her. The submitted texts from Mr. Masic Ms. Vejnovic did not read because, according to her own words, she was "concentrating on the signature".

Previously, Ms. Mara Vejnovic gave a signed statement, dated **September 26th** 2005 in Serbian, and a short one page letter written in Serbian and English in support of Mr. Makara and Ms. Schindley.\*<sup>1</sup>

The Association got the statement of Ms. Mara Vejnovic signed on the request of Mr. Masic, dated **October 21**, 2005. Ms. Smilja Tisma, the president of the Association, visited Ms. Vejnovic and presented to her **both** documents – her statement signed on **September 26th**, 2005 and her written statement dated October 21, 2005. The statement dated

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<sup>1</sup> The Association collected signed statements of the 1997 Conference participants over the course of a for few days due to the fact that some participants were of poor health or absent. This is the reason why members of the Association visited some participants in their apartments. Thus, for example, Ms. Mara Vejnovic had signed her statement in her apartment on September 26th 2005 in the presence of Mr. Ostoja Slijepcevic, member of the Executive Committee and repeated the same statement in the presence of the president of the Association Ms. Smilja Tisma, on November 12th 2005.

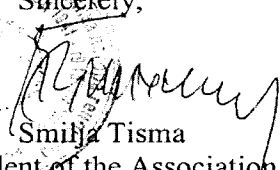
**September 26th**, Ms. Vejnovic signed again, putting her signature on each page of the statement, both Serbian and English version. The signatures of Ms. Vejnovic are accompanied with the date (**November 12th**), thus acknowledging each page of the document to be her own.

With this endorsement dated **November 12th**, 2005, it is clear that the statement of Ms. Vejnovic dated **September 26th**, 2005 was not a forgery, because she acknowledged the document as her own, signing the same document again. It is also clear that Mr. Aleksandar Masic had deliberately deceived not only Ms. Vejnovic, but also this Honorable Court and therefore forced the Association to engage in additional and unnecessary efforts.

At the time we collected signatures from our members for the Honorable Court, we knew that some originals (and personal letters to Mr. Lituchy, in particular) will be sent to the Court or to Mr. Lituchy. Therefore we asked our members to sign **two originals**. We kept the **SECOND** originals, also signed between September 18th and September 28th 2005, for our records. Our members Ms. Vejnovic and Mr. Erlih have signed the second originals **ONCE AGAIN**, with a new date. As you can verify, all the texts signed are **IDENTICAL** to the texts sent to the Court before. Only the position of the signature and ID numbers vary. These second, now re-signed, originals from the Association are the ones we scanned and are sending to you at this time.

Enclosed please find the scan of the repeated statement of support for Mr Makara and Ms Schindley now dated November 12, 2005 on which the signature of Ms. Vejnovic's is clearly visible. Also, enclosed please find the repeated version of the statement of Mr. Josip Erlih, the initial statement being signed on **September 25th**, 2005. On the repeated statement, dated **November 15th**, 2005, each page is signed by Mr. Erlih, both in the Serbian and English versions.

In Belgrade November 15, 2005.

Sincerely,  
  
Smilja Tisma

President of the Association  
of the Prisoners and Descendants of the  
Prisoners of the Camps of Genocide in the  
Independent State of Croatia from 1941 to  
1945