

1

Thursday, 2nd October 1997

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(10.00 am)

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JUDGE JORDA: Please be seated, we are resuming the

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hearing. Registrar, have the accused brought in,

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please.

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(Accused brought in)

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JUDGE JORDA: Are the interpreters ready? Good morning,

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good morning everybody. Does Mr. Blaskic hear? Does the

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Defence, the Prosecutor, my colleagues? Then we can

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resume the hearing and hear the new witness, called in

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by the Prosecutor.

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Mr. Kehoe, before we have him brought in, this is a

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witness that you plan to ask him questions about how

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long.

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MR. KEHOE: I would say, your Honour, that it would probably

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run about two and a half hours.

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JUDGE JORDA: As your colleagues did for your other

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colleagues, the judges would like you to go as directly

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as possible to those questions which are substantive for

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the Prosecution in the proceedings against

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General Blaskic. Now we can have the witness brought

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in.

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MR. KEHOE: For the record, Mr. President, the witness is

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Elvir Ahmic.

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(Witness entered court)

1 JUDGE JORDA: Do you hear me?

2 THE WITNESS: Yes.

3 JUDGE JORDA: Could you first give me your first name and
4 your last name? Repeat it, please.

5 THE WITNESS: Elvir Ahmic.

6 JUDGE JORDA: The usher is going to give you a statement
7 which you are going to read, the statement you take
8 before the judges.

9 ELVIR AHMIC (sworn)

10 JUDGE JORDA: Thank you, Mr. Elvir Ahmic, you may be seated.
11 You are before a Tribunal, before judges who are going
12 to hear you, because the Prosecutor wanted you to be
13 heard as part of a trial which is being conducted
14 against General Blaskic for events which apparently you
15 were witness to. You must speak without fear, you have
16 nothing to be afraid of in front of the judges here.

17 First you will have questions from the Prosecutor,
18 who must have explained this to you, therefore I can ask
19 you to relax. This is a trial and there is an accused,
20 presumed to be innocent, which means that his guilt has
21 not yet been proved. Then you must hear the Defence
22 attorneys who will also ask you questions and then, of
23 course, throughout the hearing or at the end, the judges
24 reserve the right also to ask you questions. If you
25 have anything at all that you need, any problem, do not

1 hesitate to say so. We can now continue, or rather
2 begin, the examination.

3 Mr. Kehoe, you will be the one to begin.

4 Examined by MR. KEHOE

5 Q. Thank you, Mr. President, your Honours. Good morning,
6 Elvir.

7 A. Good morning.

8 Q. Elvir, how old are you now?

9 A. 18.

10 Q. On 16th April 1993, how old were you --

11 JUDGE JORDA: I am being told that the French booth cannot
12 hear you, Mr. Kehoe.

13 MR. KEHOE: The microphone is on, Mr. President.

14 JUDGE JORDA: Very well, everything is fine now.

15 MR. KEHOE: Elvir, you said you are now 18. How old were you
16 on 16th April 1993?

17 A. I was 14.

18 Q. In April 1993, where did you live?

19 A. In Ahmici.

20 Q. In what part of Ahmici did you live?

21 A. I do not understand the question.

22 Q. Did you live in the area of the lower mosque or did you
23 live in Gornji Ahmici?

24 A. Yes, near the lower mosque.

25 Q. In April 1993, who did you live with, who was in your

1 house?

2 A. There was my father, my mother, my brother, a younger
3 brother and a sister.

4 Q. What is the name of your younger brother and how old was
5 he on 16th April?

6 A. His name was Semir Ahmic and he was eight years old.

7 Q. Your sister, what was her name and how old was she?

8 A. Her name was Enisa Ahmic and she was four years old.

9 Q. Elvir, let us move back to that day or the day before.
10 Were you going to school in April 1993?

11 A. Yes, I was.

12 Q. Where were you going to school?

13 A. To the elementary school in Vitez.

14 Q. In your class, Elvir, did you have Bosnian Croats and
15 Muslims and Serbs all in the same class?

16 A. Yes.

17 Q. After school, when you went home, or just after school
18 generally, did you and your other friends, your Croat
19 friends and Serb friends, play together?

20 A. No, we did not.

21 Q. How about football games? Did you play football games
22 together?

23 A. On 15th April, we played without them, they did not
24 come.

25 Q. But before 15th April, had you played football games

1 very often with your Croat friends?

2 A. Yes, we did.

3 Q. The football game was different on 15th April, was it
4 not, because you said your Croat friends did not show
5 up.

6 A. Yes, it was.

7 Q. Elvir, in addition to your Croat friends not showing up
8 for the football game, did you notice any activity among
9 the Croats in your neighbourhood on the afternoon of
10 15th April?

11 A. I did.

12 Q. Can you tell the judges what you saw.

13 A. I saw my next door neighbours, they were sort of
14 panicking, there was a lot of movement, they were moving
15 around with their families. They were taking away their
16 family members to Vitez and Busovaca and when they came
17 back, they came back without their families.

18 Q. So who was taken away and who came back? Were women and
19 children taken away and the men came back?

20 A. Yes, the women and children were taken away and the men
21 returned.

22 Q. How long a period of time did this go on?

23 A. Maybe three or four hours.

24 Q. You were at home that night from the 15th going into the
25 morning of the 16th, were you not?

1 A. Yes.

2 Q. Can you tell the judges what happened on the morning of
3 16th April 1993?

4 A. I can.

5 Q. Could you do that, Elvir?

6 A. In the morning of 16th April, my younger brother woke me
7 up because he was awakened by the sound of shooting. In
8 the meantime, my mother spoke to her father on the
9 telephone, and I heard her father telling her to get
10 ready to run, to flee, because the war had gun. She
11 told him that we were all on our way. After this talk
12 on the phone, she came into our room, and told us to get
13 dressed and to seek shelter, so we got up and went into
14 the hallway. When we reached the hallway, the entrance
15 to our house was open. I stood there next to the door
16 and my younger brother went off with my mother. It was
17 quite by chance that I looked towards the door and I saw
18 somebody's hand throwing into the house quite a large
19 bomb. It fell close to me and it rolled off in the
20 direction of my mother.

21 My mother grabbed it into her right hand, and she
22 tried to throw it out, but it went off in her hand and
23 her hand was cut off, and this bomb killed her and my
24 brother also.

25 Q. Excuse me, Elvir. You say the bomb killed your

1 brother. Did it kill your mother at that point also, or
2 did your mother live for a while?

3 A. From the explosion, she only suffered heavy injuries.
4 She was still alive.

5 Q. But that explosion killed your young brother Semir?

6 A. Yes, it did.

7 Q. Continue on.

8 A. I turned around towards them and I saw that my brother
9 had been hit, but I did not know that he was dead until
10 I checked for myself. Then I tried to put on my sweat
11 suit, but next to my feet, I saw a bomb in front of me.
12 However, it exploded, and I suffered light injuries all
13 over my body. Then I ran away into my own room, I hid
14 behind the door. However, a Croatian soldier came into
15 the house and followed me into my room. He threw in
16 another bomb. The bomb exploded and he came in and he
17 started pushing the door towards me.

18 When he saw that I was alive, he said -- he told
19 me to come out of the room. I did, I came out, and the
20 first thing he asked me was whether I had any matches,
21 and "where is your father?", he said. I said that I did
22 not know. He then asked me whether there was anybody
23 else upstairs. I said there was not. Then he went
24 upstairs and he threw two bombs and while he was
25 upstairs, I picked up my younger sister and carried her

1 into the cellar and I helped my mother to come down with
2 us.

3 My mother asked where my brother was and I said he
4 was in the kitchen and that he was dead. She asked me
5 to bring him over, and so I went to fetch him. When
6 I came out of the cellar, I saw that the house was in
7 flames and that my brother was in the middle of the
8 fire, so I went back to the cellar and I said that he
9 was in the kitchen, and the kitchen was burning
10 already. Then she asked me to get him out of the
11 kitchen, so that he would not burn. When I tried to do
12 that, I could not, because there was a lot of smoke, so
13 I took a deep breath and rushed through the flames to
14 reach him. I grabbed him by his feet and dragged him
15 into the hallway. I called my mother and sister,
16 telling them to get out of the house, because it was no
17 longer possible to stay there.

18 Mummy was the first to walk out of the house, but
19 at my neighbours, Husein Ahmic, there were four or five
20 of them still there, Croatian soldiers --

21 Q. Elvir, let me stop you there for a second. You
22 mentioned that a Croatian soldier came into your house
23 and threw the two bombs upstairs, and then you mentioned
24 the Croatian soldiers outside. What type of soldiers
25 were these?

1 A. HVO.

2 Q. Continue on.

3 A. And my mother was hit by them again in the stomach, and
4 she fell on her back, and she said to me that I should
5 carry my brother to the outdoor kitchen that we had, but
6 that kitchen was locked, so I carried him to the stable,
7 and I left him there in a corner which we never used.
8 Then I came back for my sister and I put her also in the
9 trough and then I tried to help my mother because she
10 was very badly wounded. When I saw her, she was already
11 following us, she was crawling on her hands and feet,
12 she was propping herself up with her broken right arm.
13 I asked if I could help her and she said there was no
14 need. I tried, but she did not want me to help her.
15 She also got in and lay down next to my brother.

16 Then she told me to look after my sister and to
17 take the money which was in the house. Half an hour
18 later, she passed away. My sister and I got up and we
19 blocked the door so that it could not be opened. I took
20 my sister back into the cow trough, and in the stable,
21 we still had a cow and a lamb. I would lose
22 consciousness repeatedly because I had lost a lot of
23 blood.

24 About midnight I came to, and I heard some
25 soldiers who were there near the house, and one of them

1 started pushing the door of the stable open --

2 Q. Elvir, let me ask you a question before you go into the
3 soldiers. You said that you fainted because you were
4 losing a lot of blood. How many wounds did you have at
5 this time?

6 A. Eighteen.

7 Q. Where were those wounds?

8 A. All over my body, from my head to my heel.

9 Q. You also said that when your mother went out of the
10 house first that she was shot by one of the HVO
11 soldiers. Did you see which soldier shot her?

12 A. Yes. I recognised only one of them, and his name was
13 Andjelko Vidovic and his nickname was Acko.

14 Q. How did you know Acko?

15 A. He was my neighbour.

16 Q. Did Acko have any type of white band or any band at all
17 around his left arm?

18 A. He had a white band on his left shoulder.

19 Q. Did the other soldiers that were with him also have
20 bands on their shoulders?

21 A. Yes, they did. One of them had an orange band and the
22 others had white bands.

23 Q. Again, I just want to ask you a couple of questions
24 about the soldier that came into your house the first
25 time. Did you recognise that soldier, or was he

1 disguised in some way?

2 A. He was painted over with black, some kind of black paint
3 on his face, and he was carrying an automatic rifle with
4 a double frame and another weapon on his back.

5 Q. What was the weapon --

6 A. RPG.

7 Q. Again, what was the weapon that he had on his back?

8 A. It is a weapon for destroying carriers, personnel
9 carriers or bunkers, a RPG.

10 Q. You said that this soldier asked where your father was.

11 A. Yes.

12 Q. Did you know where your father was at that time?

13 A. He was, on the evening of the 15th April, he was due to
14 be in the patrol, but I was not sure whether he had left
15 or whether he had stayed home. In any case, I did not
16 see him that evening. I was not quite sure whether he
17 was on patrol or whether he was hiding some place.

18 Q. Tell us about these patrols in Ahmici. What did they
19 do?

20 A. Their task was to patrol the village of Ahmici, to
21 provide protection and security against the Serb army.

22 Q. Were these patrols part of the Territorial Defence?

23 A. Yes, they were.

24 Q. Did your father participate with some other men with
25 these nightly patrols?

1 A. Yes, he did.

2 Q. You said that, just moving ahead, you said that you were
3 in the barn at about midnight when you woke up. Tell
4 the judges what happened when you woke up, what did you
5 hear, what did you smell and what happened?

6 A. Around midnight, I woke up, and I could feel that the
7 roof of the barn was on fire and that there were some
8 Croatian soldiers around the house. One of them tried
9 to force the door open, but he could not, because it was
10 blocked. Then he called his colleague by name, "Mirko,
11 come here", he said, "I cannot open this door. Will you
12 help me?" Then he came and they started forcing the
13 door open. They managed, they succeeded and they opened
14 the door, but not altogether, just far enough so as to
15 be able to throw in a bomb through the opening. When
16 they threw the bomb in, it went off and then they also
17 pushed through their rifles and started shooting all
18 over the shed. I put my hand over my sister's mouth and
19 told her to keep quiet, that she must not say anything.

20 When they stopped shooting, they peeped in and
21 they saw my mother and my brother lying there, and they
22 said, "we have killed a woman and child", and my mother
23 and younger brother had already been dead before that.
24 Then I am not quite sure, but their commander -- anyway
25 they told him that in the stable there was still a cow

1 and a lamb and he ordered them to get the cow and lamb
2 out, so that they would not burn. They refused to do
3 that, because they did not want to lead the cow and lamb
4 out over dead bodies. And then he said, "all right, do
5 whatever you want", and then they went round the back
6 and broke a window and then they threw in one bomb and
7 the cow immediately fell to the concrete. Because the
8 bomb did not kill her, they fired another three or four
9 bullets into her, into the cow, and then they also
10 killed the lamb with their rifle.

11 Then they later came by, bringing their colleagues
12 to show them.

13 Q. Tell us about that, Elvir. What did they bring their
14 colleagues to show?

15 A. They showed them how, as if they had killed my brother
16 and mother.

17 Q. Were they bragging about it, or were they sad and upset
18 about it?

19 A. They were bragging about it, they were proud of it.

20 Q. Through this shooting and the bombs, you and your sister
21 were not hurt any further. How did you protect yourself
22 in the barn?

23 A. Before that, when we had just arrived in the stable, we
24 lay in the concrete cow trough, which was on the ground,
25 and that is how we were protected from the shelling, the

1 bombs.

2 Q. You said that these were Croatian soldiers. When you
3 say Croatian soldiers, are you talking about HVO
4 soldiers?

5 A. Yes.

6 Q. Approximately how many soldiers did you see and hear
7 around that barn?

8 A. Around ten or fifteen of them.

9 Q. Elvir, after these HVO soldiers called their colleagues
10 over to brag about killing your mother and your brother,
11 what happened next? Did they make any calls on the
12 radio?

13 A. They used a Motorola to inform their command that by the
14 lower mosque in Ahmici everything was slaughtered and
15 killed, and that they were moving towards the upper
16 mosque, towards Gornji Ahmici.

17 Q. Had many Muslims fled towards Gornji Ahmici from lower
18 Ahmici?

19 A. Yes, a few of them had fled there.

20 Q. After you heard this radio communication about everybody
21 slaughtered down in lower Ahmici and that they were
22 heading towards upper Ahmici, what happened?

23 A. Then they left and I stayed on after them, I was still
24 conscious. I got up to see what was going on around my
25 house and I saw that many houses were on fire and that

1 no one was there, none of the Muslim owners of these
2 houses were there. After that, I returned to the cow
3 trough and that is where I lost consciousness, and on
4 17th April, I woke up in the afternoon.

5 Q. Elvir, before we talk about you waking up in the
6 afternoon, the houses that you saw on fire, were they
7 Muslim houses or were they Croat houses?

8 A. Muslim houses.

9 Q. You said when you went back into the barn and you got
10 back in the trough, you lost consciousness. Was your
11 sister still with you, and what was your sister doing?

12 A. She was terrified, and she did not move.

13 Q. Your sister -- at this time Enisa was four years old?

14 A. Yes.

15 Q. Let us move ahead on the 17th. You said that you lost
16 consciousness early in the morning on the 17th and you
17 woke up in the afternoon. Tell us what happened after
18 you woke up?

19 A. When I regained consciousness, I got out of the stable,
20 I took a ladder and I brought it into the stable. There
21 was an opening on the roof, and I used the ladder to
22 climb up to the top of the stable with my sister, and
23 I left her up there, and I went back with the intention
24 of going into the house and finding something to eat.
25 My sister and I were very hungry, because we had not

1 eaten anything for two days.

2 I went to the house, but everything was still
3 burning, it was too hot. I took a pair of slippers and
4 I walked into the house, though. The lower floor had
5 burned down, my room, but the bathroom, the bedroom and
6 the staircase was still there. I walked into the
7 bedroom, I took some clothing, money, and I started
8 leaving the house. As I started leaving the house,
9 I turned towards the staircase, accidentally, and I saw
10 a body lying there.

11 I wanted to go back to the stables, but our
12 neighbour's house was set on fire then, and that drew my
13 attention. I accidentally looked towards a house that
14 was owned by a Bosnian Croat, and I saw the owner of
15 that house standing there by his house. He was watching
16 Gornji Ahmici, he was wearing a black uniform, his name
17 was Ivo Papic. I was looking around my house, and I saw
18 my neighbour Sejad Ahmic lying dead, and I saw Melisa
19 Zec, who was around seven years old, I saw her lying by
20 her dead mother.

21 I called out to her and asked her to come with
22 me. She did not want to, she just told me that she
23 would not go away from her mother and that her mother
24 was asleep. She said, "I do not want to leave my
25 mother".

1 I saw her mother, Hajrija Ahmic, and I realised
2 she was dead, because she was just lying there and
3 bleeding from the mouth, and from the stomach. Then
4 I saw my neighbour, Husein Ahmic, lying in his yard. He
5 was also dead. Then I asked Melisa Zec where her father
6 was and she said, "he is over here", in a garden.
7 I invited her to come with us towards Gornji Ahmici and
8 she did not want to. I tried in vain to talk her into
9 coming with us, but she wanted to stay with her dead
10 mother.

11 Then when I set out for Gornji Ahmici, I came
12 across some soldiers --

13 Q. Elvir, before we talk about your seeing some soldiers,
14 you said that Melisa Zec was sitting next to her dead
15 mother and that her father was nearby. Was her father
16 dead as well?

17 A. Yes.

18 Q. You mentioned that when you went into your house, you
19 saw a body on the landing near the staircase.

20 A. Yes, on the staircase.

21 Q. Did you think that person was dead at that point?

22 A. Yes, but I was surprised. How come another person in my
23 house? But this was my schoolmate, whose name was Adnan
24 Ahmic. He was wounded in the morning of April 16th by a
25 Croat soldier, and during the cease-fire he came to see

1 me in Zenica, and he told me about everything that had
2 happened.

3 According to his statement, he managed to dodge
4 one Croatian soldier, but when he came across another
5 one, this one told him that no one would get out of this
6 place alive. He wounded him in his upper leg, and
7 I wounded his foot. He remained lying there in the yard
8 of the house owned by Mehmed Trako, who was also dead.
9 Later, some soldiers came up to him, checking whether he
10 was alive or dead, but he stopped breathing and they did
11 not realise that he was alive.

12 When they left, he got up and walked up to my
13 house, because the roof of the stable and also of the
14 room where there was fire wood, all of that was on fire,
15 so he went up to there to get dry, because he was wet
16 from the rain. When he got dry, he went upstairs in my
17 house, because the upper floor was not burned down, but
18 then he went, weakened, he remained lying there.

19 Q. Was he ultimately picked up by UNPROFOR?

20 A. Yes, after seven days, through the window, he saw
21 UNPROFOR by the mosque in Donje Ahmici. He crawled up
22 to them, they took him in, and took him to the hospital
23 in Travnik.

24 Q. Elvir, you said when you woke up on the 17th that your
25 neighbour's house was burning. Whose house was that?

- 1 A. That was the house of Mustafa Ahmic, and his old barn,
2 and an old house that was owned by Abdulah Ahmic, and
3 also his old barn.
- 4 Q. Did you see Abdulah Ahmic?
- 5 A. (Not interpreted).
- 6 Q. You also mentioned that you saw the body of Ahmic
7 Husein?
- 8 A. Yes.
- 9 Q. How old was Ahmic Husein?
- 10 A. Husein Ahmic was about 70 years old.
- 11 Q. You saw him dead on the afternoon of the 17th?
- 12 A. Yes.
- 13 Q. Just moving ahead, you asked Melisa to go with you and
14 then you got your sister from the barn and you headed
15 towards Gornji Ahmici. Why were you heading towards
16 Gornji Ahmici?
- 17 A. Because up there I had my grandmother and my uncle. As
18 we were walking we came across Croat soldiers who were
19 members of the military police, the so-called Jokers.
20 His leader called out to me and he asked me to come
21 over. I stopped where I was, because I did not know
22 what to do. He told me to come up to him, that they
23 would not hurt me, that I should not be afraid,
24 I started moving towards him and the first thing he
25 asked me was, "how old are you?" , and I said that I was

1 14. In response, he said, "you are still a child".
2 When I came up to him, there were other members of the
3 military police with him, about 30 of them. He asked
4 me, "where are you going?" I said that I wanted to go
5 to my grandmother in Gornji Ahmici, and he said, "you
6 cannot go to Gornji Ahmici, you will be killed by the
7 HVO, because they cannot tell a child apart from a grown
8 man".

9 After that, he asked me, "would you like to go to
10 Zenica and Travnik or wherever else you want to with
11 UNPROFOR, or would you like to go with your own
12 people?" I said, "I want to go with my own people", and
13 he told five of his men, he ordered five of his men to
14 take me to my own people, to Zume, where they were. We
15 started going through the forest and I saw a woman who
16 was lying on the ground, not far away from us, and
17 I asked, "who is that woman?", and they told me, "that
18 is none of your concern, just go on walking. Do not
19 fall too so we will not have to carry you too". They
20 were carrying my sister, you know.

21 We came to the lower mosque, and they all sat on a
22 fence that had not been finished yet, and they asked me,
23 "is there anyone else over here who is still alive,
24 that you know is still alive?", and I said, "in Ahmici,
25 there is a little girl Melisa who is by my house". They

1 went to pick her up and they brought her there. Then
2 one of them used a Motorola to call the others who were
3 at Zume, and he asked, "what shall we do with the three
4 children we have up here? Shall we bring them there or
5 should we take care of them?" The other person said
6 that we should be brought there.

7 We started walking, but one of them went to the
8 other side, took the car of a neighbour of mine, and he
9 rode off on his own, I do not know where. We continued
10 on foot.

11 Q. Elvir, let me ask you a question before you continued on
12 foot. He asked whether or not, the Joker that got on
13 the Motorola, asked whether they should bring you and
14 Melisa and your sister Enisa to Zume or "take care of
15 them". What did you understand them to mean by the
16 words "take care of them"?

17 A. To kill us.

18 Q. You said that these men were part of the Jokers. Did
19 you see a Joker insignia on their uniforms?

20 A. Yes, they had black insignia, on which it was inscribed
21 in white letters, "Vojna Polizia", "military police",
22 and down there "Jokers", "Jokeri" and in the middle
23 there was a joker's head.

24 Q. Just continuing, you began to walk towards Zume, after
25 this Joker took your neighbour's car. Tell the judges

1 what happened then.

2 A. We reached the house of Hasim Ahmic, and then someone
3 started shooting at us. We ran away, we hid in a ditch
4 before the shooting subsided, and then we went to Hasim
5 Ahmic's house, where we hid. We spent some time there
6 and some of them took my sister to the house of a
7 Croatian schoolmate of mine, his name was Dario Cerkez.
8 Then they also took Melisa there, and only one of them
9 stayed behind with me.

10 I had a bag with clothing in it, and he asked me
11 to take the most important things out of my bag. I took
12 money and gold, jewellery, all of it wrapped in a
13 handkerchief. I took that out and started putting it
14 into my pocket, and he asked me, "what is that?"
15 I said, "money and jewellery", and he asked me, "how
16 much do you have?" I said that I did not know. He took
17 the money and counted it and told me not to tell anyone
18 about it, that he and I would later agree on the money,
19 which I accepted, because I had no other way out.

20 Q. Elvir, how much money was this?

21 A. According to what my father told me, there was about
22 2,000 German marks.

23 Q. Continue on. After he took this money, what happened?

24 A. We headed towards Cerkez's house and when we got there
25 I saw many Croats standing with rifles, but they were

1 not in uniform, they were in civilian clothes. Among
2 them was another schoolmate of mine, Nenad Kristo, who
3 had a semi-automatic rifle, and he was ordered to take
4 the three of us to my people, where they were. Since
5 this was quite far, if we went along roads, he headed
6 across the meadows and the vegetable gardens. When we
7 got there, many women and children could not recognise
8 me, because I was all covered in blood, my face was
9 covered in blood, and they told me to go and wash and
10 then to come and get something to eat, so I did. We
11 started eating, but we could not eat, because we were
12 too hungry, so we just could not eat, we had no appetite
13 so we left it.

14 We spent the night there and on Sunday morning a
15 Croatian soldier took us to the elementary school in
16 Dubravica. He told us that we could not stay there, as
17 there would be an exchange on Monday, that we should
18 just spend the night there. When we got to the
19 elementary school in Dubravica, there was there a
20 brigade known as the Croatian Defence forces, the HOS,
21 and the men were separated from the women and children,
22 and they were put in a gym and the women and children in
23 smaller class rooms.

24 Q. Elvir, you said that you went to the school where there
25 were Croatian Defence force, that was HOS?

1 A. Yes.

2 Q. Do you know whether HOS became Vitezovi prior to that?

3 A. Yes.

4 Q. When you got into the Dubravica school, what happened?

5 A. When we got there, I was told to go with the men to the
6 gym, but a woman asked them not to separate me from my
7 sister, because I only had her left. Then he approved
8 and I went with my sister to where the women were. When
9 we reached these class rooms, they gave us lunch, and
10 they told us not to move around too much, and they told
11 the women to determine our places, because the corridors
12 in the elementary school were very dirty and that they
13 had to be cleaned. Some women immediately started
14 working. This happened on a daily basis.

15 In the evening, many could not sleep, because
16 there were the -- above us were the bedrooms, the
17 dormitories, where they would sit, drink, break bottles
18 and glasses, and one evening, two soldiers came. One
19 was a member of the military police, because he had a
20 white police force belt, and a white pistol holster. So
21 they took out a woman and told her to find two young
22 Muslim women that would suit them. The woman came back
23 crying. She came back crying, and started to do what
24 she was told to do. As nobody wanted to go, they came
25 in again, took her out and said, "if you do not find

1 them, then you will come with us". Then the woman came
2 back and sat on a bed, telling the other women what she
3 had been told. Then they came in again and took her out
4 and they said to her, "if you do not find them now, we
5 will come in and pick them ourselves".

6 That is what actually happened. They came in, and
7 with a lamp, (redacted)

8 (redacted)

9 (redacted) An hour later she came
10 back crying, telling the women that she had been raped
11 in the car, and that she would never forgive them for
12 this.

13 A day or two later, two soldiers came, asking
14 whether there were any wounded among the women and
15 children and that they should get ready and that they
16 would be taken to hospital. I and another woman went
17 with them. We were put in a stolen car and taken
18 towards the hospital, but we were not going towards the
19 hospital in Travnik, but we went by Vitez, and we were
20 taken to the basement of the youth centre, where there
21 was a wartime improvised infirmary. There were many
22 stretchers, blood-stained stretchers there, so this
23 woman and I were given injections against infections and
24 some other medicaments.

25 Then we went back to the elementary school in

1 Dubravica, and stayed there.

2 Q. Elvir, let me ask you a couple of questions. What kind
3 of wounds did this woman have, that went to the clinic
4 with you?

5 A. She had in the area of her right shoulder a very large
6 wound with a fragment, a grenade fragment inside.

7 Q. You also mentioned that the HVO picked you up in a
8 stolen car and took you to the clinic; how did you know
9 that car was stolen?

10 A. Yes. The car -- because they did not use keys to start
11 it, but they used wires to get it started.

12 MR. KEHOE: The soldiers that you said came in and selected
13 the woman to take out and rape --

14 JUDGE JORDA: Just a moment, please. (Pause). It had to do
15 with the disclosure of a name which needs to be
16 protected.

17 MR. KEHOE: Yes, your Honour.

18 JUDGE JORDA: Go ahead, please.

19 MR. KEHOE: The soldiers that came in to take the people to
20 the clinic, were they HVO soldiers?

21 A. They were soldiers of the Croatian Defence forces. They
22 belonged to the units of the HOS.

23 Q. Elvir, when you say HOS, are you talking about HOS and
24 Vitezovi as the same organisation?

25 A. Yes.

1 Q. The woman that was taken out to be raped, you said that
2 one of those soldiers was a member of the military
3 police, because you could describe him with the white
4 belt?

5 A. Yes.

6 Q. Did you see what the other soldier was wearing?

7 A. He only had a camouflage uniform.

8 Q. Elvir, after you received this injection with the other
9 woman at the clinic, you then were brought back to the
10 Vitezovi school, is that correct?

11 A. Yes.

12 Q. During that time you were at the Vitezovi school, did
13 you see anybody, any soldiers that you knew?

14 A. I do not understand the question.

15 Q. Do you know a man by the name of Goran Godzic?

16 A. I do.

17 JUDGE JORDA: Perhaps, Mr. Prosecutor, the witness must be a
18 little tired, perhaps we could break for 20 minutes
19 now.

20 MR. KEHOE: Yes, Mr. President.

21 JUDGE JORDA: You agree?

22 MR. KEHOE: Yes, Mr. President.

23 JUDGE JORDA: Yes, we will have a 20 minute break.

24 (11.20 am)

25 (A short break)

1 (11.40 am)

2 JUDGE JORDA: The hearing is resumed, please have the
3 accused brought in.

4 (Accused brought in)

5 JUDGE JORDA: Mr. Kehoe?

6 MR. KEHOE: Thank you, Mr. President, your Honours.

7 Elvir, at the break we were talking about you
8 coming back to the school after you had finished in the
9 clinic. What happened when you got back to the school?

10 A. When I got back to the school, I went out into the
11 corridor, and I saw through the window my teacher
12 carrying an automatic rifle, and taking away Muslim men
13 to do forced labour. His name was Goran Godzic. He was
14 my music teacher.

15 Q. Did he have a uniform on, a HVO uniform on as well?

16 A. Yes, he did, and he carried the insignia on his uniform
17 of the Croatian Defence forces.

18 Q. What happened after that?

19 JUDGE JORDA: Just a moment, please. Mr. Registrar, what is
20 it that we hear, the works going on? It is a bit
21 disturbing.

22 Please continue.

23 MR. KEHOE: Elvir, after you saw Goran Godzic taking these
24 men out for forced labour, what happened after that?

25 A. Together with them, he got into a small van which had on

1 its window the flag, a white flag, with the sign of the
2 Red Cross, and they were taken off for forced labour to
3 dig trenches and that sort of thing.

4 Q. So Goran Godzic put these men into a van with the
5 Red Cross and took them out to do forced labour?

6 A. Yes.

7 Q. Continue on, Elvir. Did anything happen after that
8 before you were released?

9 A. Members of the UNPROFOR came, and they demanded from the
10 command of the Croatian Defence forces that they should
11 separate the wounded civilians, and that they should
12 take them to hospital for treatment. The woman who went
13 with me to the infirmary in Vitez, they tried to extract
14 the fragment from her shoulder, but they could not do
15 it. They could not do that there in the school, she
16 needed to go to hospital. The Croatian Defence forces
17 allowed that woman and her children to go to hospital
18 when UNPROFOR asked that I should go to; they also
19 allowed that, but without my sister. They insisted that
20 my sister stayed behind and I would not accept that, so
21 I stayed behind.

22 When that woman was taken to the hospital in
23 Zenica, and when the fragment was extracted she
24 contacted my relatives and told them that I was in the
25 elementary school in Dubravica, and my father's sister

1 called the elementary school in Dubravica up on the
2 phone, and asked them to talk to me, whether she could
3 talk to me, and they let her. When I answered the
4 phone, they did not know in Zenica whether I was alive
5 and whether my brother was alive. They did not know who
6 had survived. She told me that my father was alive and
7 that he was in Zenica, not to worry, and that there
8 would be an exchange soon, and that is the whole
9 conversation we had.

10 When May 1st came, the exchange was carried out on
11 that day, and we were exchanged. I went to Zenica,
12 where I met up with my father. And before the exchange,
13 UNPROFOR asked for my permission to take Melisa Zec from
14 the elementary school in Dubravica to her grandfather
15 and grandmother, and I agreed, and after the truce was
16 signed I learned that she reached her grandparents, that
17 she is alive and well and that she is all right.

18 Q. Elvir, have you gone back to live in Ahmici since you
19 were exchanged on 1st May 1993?

20 A. No, I have not.

21 Q. Elvir, during your time when you grew up there, did you
22 know most of the houses in your area that were owned by
23 Muslims and that were owned by Croats?

24 A. Yes, I did.

25 Q. Before we came to court today, did you and members of

1 the Prosecutor's office go through a series of
2 photographs and then ask you to identify the photographs
3 and place a mark where that house was on the map that is
4 on the easel to your left?

5 A. Yes.

6 MR. KEHOE: Mr. President, at this time, using Prosecutor's
7 exhibit 47, and if we could obtain the assistance of the
8 usher, I would like to go through a series of
9 photographs that Mr. Elvir Ahmic has identified, and
10 their location in the Ahmici area. It has been
11 pre-marked, the map that is on the easel I believe is
12 50H, if I am not mistaken, Mr. Dubuisson. We would just
13 like to go through these photographs to demonstrate the
14 photographs that we have in evidence and their
15 particular location in the village.

16 JUDGE JORDA: Mr. Ahmic, do you feel capable of identifying
17 these strategic points or the houses that are on the
18 map? Do you feel strong enough to do that? Can you do
19 that?

20 A. I can.

21 JUDGE JORDA: Very well. Go ahead, please.

22 MR. KEHOE: Yes, Mr. President. I believe that I have handed
23 to Mr. Dubuisson a redacted copy of the area that is
24 being highlighted on 50H for the Defence as well as for
25 the judges.

1 JUDGE JORDA: I would like to ask just for a moment, I would
2 like to consult with my colleagues. (Pause).

3 Mr. Kehoe, the Tribunal considers that with its
4 double purpose of protecting the witness, not to have
5 him repeat what he already said very courageously, and
6 also to speed up somewhat the proceedings, we would like
7 to suggest that the Defence examine this document, here
8 it is (indicates), and if this type of document does not
9 become a source of challenge for the Defence, if you
10 have no intention of challenging anything, it can be
11 filed as a record, an exhibit. If the Defence is
12 reserving the right to object to something on the
13 document, at that point, of course, the witness will be
14 asked for clarifications, but the judge will ask that
15 you go through this quickly.

16 I am now turning to the Defence, and asking
17 whether on this type of a document, which shows the
18 places where houses are located, is this a document that
19 you would have comments to make, or even something to
20 challenge? Answer very frankly and the Tribunal, of
21 course, will take this into account. (Pause).

22 Mr. Hayman?

23 MR. HAYMAN: We do not know exactly what the testimony sought
24 is. If it is that the houses in green were destroyed or
25 burned at some point between 16th and 17th April, I do

1 not think that is in dispute or is going to be in
2 dispute. If the testimony is the specific owners or
3 occupants of each house, that may well not be in
4 dispute, but we have to be told beforehand what that is
5 and then we could probably stipulate and it would simply
6 be agreed. But we have not been shown the exhibit
7 beforehand, nor given what the testimony is to be, and
8 that would be necessary if we were to agree in a
9 vacuum. We do not expect any disputes, so we would
10 encourage this to be handled as quickly as possible.

11 JUDGE JORDA: Mr. Kehoe?

12 MR. KEHOE: Mr. President, this particular document reflects a
13 joining of this particular overhead with the photographs
14 that are in evidence. For instance, you can see each
15 particular location has 47 and then, slash, a number.
16 For instance 47/74, on the right side of the photograph,
17 means that it comes from exhibit 47, and the designation
18 that it has been given by the Registrar is 74, so this
19 is exhibit 47 and this is the 74th photograph. If we go
20 back to the record and those that are on the easel,
21 those numbers are on the back. What this witness will
22 testify is that all these houses are depicted in these
23 particular photographs, that they were Muslim houses and
24 that they were destroyed on 16th or 17th April.

25 JUDGE JORDA: I think that the Tribunal is not here in order

1 to force the parties to move things forward quickly, any
2 more than the parties wish to do. What we are going to
3 ask you to do is for you to continue your examination,
4 but we might ask you, if you could find a method for
5 going quickly, both out of humanitarian reasons, not to
6 have the witness repeat everything, and then with a
7 desire for synthesis, to show the diagram, to show the
8 photograph, make the correspondence with the photographs
9 and try to have the witness say whether he recognises
10 all these elements, with the point of going more quickly
11 through this presentation. Let us continue on that
12 basis.

13 MR. KEHOE: Yes, Mr. President. Let us begin with the first
14 photograph, and I believe that the first photograph is
15 47/4. You can stay right there at this point, Elvir.
16 Do you recognise that house, sir?

17 A. I recognise it.

18 Q. Is that a Muslim house?

19 A. Yes.

20 Q. Have you placed the location of that house on the map
21 that is to your left?

22 A. Yes.

23 Q. Let us go to the next photograph, 47/5. Do you
24 recognise that house?

25 A. I recognise it.

- 1 Q. Is that a Muslim house?
- 2 A. Yes.
- 3 Q. Have you placed that designation on the map to your
4 left?
- 5 A. Yes.
- 6 Q. Let us turn to 47/9, the next photograph. Do you
7 recognise that house?
- 8 A. I recognise it, it is also a Muslim house.
- 9 Q. Have you also placed that designation for that location
10 on the map to your left?
- 11 A. Yes.
- 12 Q. Let us turn ahead to 47/12. Do you recognise that
13 house?
- 14 A. I recognise it.
- 15 Q. Again, a Muslim house?
- 16 A. Yes.
- 17 Q. You have identified it on the map?
- 18 A. Yes.
- 19 Q. The next photograph is 47/17.
- 20 A. I recognise it, it is also a Muslim house and we
21 identified it on the map too.
- 22 Q. Next photograph is 47/18.
- 23 A. I recognise it, it is also a Muslim house and we marked
24 that on the map too.
- 25 Q. How about the next photograph, 47/22.

- 1 A. The same, it is a Muslim house, I recognise it, and we
2 marked it.
- 3 Q. 47/23.
- 4 A. I recognise it, it is a Muslim house, and we also marked
5 it on the map.
- 6 Q. On this particular photograph, Elvir, do you know the
7 family that was in this photograph and do you know
8 whether or not anybody stayed behind after the 16th?
- 9 A. I recognise it, it is the house of Zekerijah Ahmic, my
10 colleague, together with his mother, father, sister and
11 brother. He managed to get out, but his grandfather and
12 grandmother remained in the house.
- 13 Q. Why did they remain in the house?
- 14 A. Because they thought that it would be the same, like the
15 first time, that whoever stayed on, nothing happened to
16 them. That is why they stayed on.
- 17 Q. What happened to these two grandparents?
- 18 A. They burned in there.
- 19 Q. How do you know that?
- 20 A. I know.
- 21 Q. Let us go to the next photograph, which is 47/24.
- 22 A. I recognise it, that too is a Muslim house, we also
23 marked that on the map.
- 24 Q. Next photograph, 47/26.
- 25 A. I also recognise it, it is a Muslim house, we marked it

- 1 on the map too. No one lived in it, it was not
2 completely built yet.
- 3 Q. 47/28.
- 4 A. I recognise it, it is a Muslim house. We also marked it
5 on the map.
- 6 Q. 47/34.
- 7 A. I recognise it, it is a Muslim house, we also marked it
8 on the map.
- 9 Q. 47/35.
- 10 A. I recognise it, also a Muslim house, Muslim houses. We
11 also marked them on the map.
- 12 Q. 47/38.
- 13 A. I recognise it, it is a Muslim house, and we also marked
14 it on the map.
- 15 Q. 47/40.
- 16 A. This was the garage and barn of the previous house.
- 17 Q. Owned by a Muslim?
- 18 A. Yes.
- 19 Q. Likewise designated on the map?
- 20 A. Yes.
- 21 Q. 47/54.
- 22 A. This is the elementary school, the first four grades.
- 23 Q. Again, that is also designated on the map?
- 24 A. Yes, we marked it.
- 25 Q. There were a series of photographs of the school, but

1 this is just one of the photographs, is that not
2 correct?

3 A. Yes.

4 Q. Let us turn to the next one, 47/57.

5 A. I recognise it, this was the house that was intended for
6 the Hodza and his family. We also marked that house on
7 the map.

8 Q. Is that home in the general location of the lower
9 mosque?

10 A. Yes, right by the lower mosque.

11 Q. The next photograph, 47/59.

12 A. I recognise it, it is a Muslim house, and we marked it
13 on the map too.

14 Q. This is right next door to the mosque, is it not?

15 A. Yes.

16 Q. The next photograph, 47/63.

17 A. Also a Muslim house, I recognise it, and we marked it on
18 the map.

19 Q. This series of photographs are located in the general
20 area of your house, are they not, these homes?

21 A. Yes.

22 Q. Let us turn to the next one, 47/64.

23 A. I recognise it, also a Muslim house, and we marked it on
24 the map too.

25 Q. 47/65?

- 1 A. Also a Muslim house, we marked it on the map too.
- 2 Q. 47/66?
- 3 A. I recognise it, also a Muslim house, we marked it on the
- 4 map too.
- 5 Q. 47/67?
- 6 A. Also a Muslim house, we marked it on the map too.
- 7 Q. 47/69.
- 8 A. Also a Muslim house, we marked it on the map too.
- 9 Q. 47/71.
- 10 A. Also a Muslim house, we marked it on the map too.
- 11 Q. 47/73.
- 12 A. Also a Muslim house, we marked it on the map too.
- 13 Q. 47/74.
- 14 A. (Not interpreted).
- 15 MR. KEHOE: Mr. President, I did not get a translation on that
- 16 particular answer.
- 17 A. It is also a Muslim house, I recognise it. I also
- 18 recognise it, it is a Muslim house and we marked it on
- 19 the map too.
- 20 Q. Elvir, whose house is this?
- 21 A. My house.
- 22 Q. The next photograph, 47/78.
- 23 A. I recognise it, also a Muslim house, we marked it on the
- 24 map too.
- 25 Q. 47/81.

- 1 A. Also a Muslim house, we marked it on the map too.
- 2 Q. 47/83.
- 3 A. Also a Muslim house, we marked it on the map too.
- 4 Q. 47/84.
- 5 A. I recognise it, it is also a Muslim house, we marked it
- 6 on the map too.
- 7 Q. 47/86.
- 8 A. Also a Muslim house, we marked it on the map too.
- 9 Q. 47/91.
- 10 A. Also a Muslim house, we marked it on the map too.
- 11 Q. Elvir, you saw other photographs, did you not, in
- 12 addition to these?
- 13 A. Yes.
- 14 Q. You were unable to identify some of those buildings, is
- 15 that right?
- 16 A. Yes.
- 17 Q. If you had gone to the location with that particular
- 18 photograph, are you confident that if you were back in
- 19 Ahmici you could also identify the rest of the destroyed
- 20 structures in Ahmici?
- 21 A. Naturally I would.
- 22 Q. When were these homes destroyed, Elvir?
- 23 A. On 16th and 17th April 1993.
- 24 MR. KEHOE: Elvir, I next want to show you a series of
- 25 photographs that have been premarked, Mr. President and

1 your Honours, as exhibit 110, but before we move to that
2 point, I would like to move into evidence Prosecutor's
3 exhibit 50F, which is the designations on the map to
4 Elvir's left.

5 If we can move to exhibit 110, if you could take
6 that apart, Mr. Usher, it would be helpful, and if you
7 could put the first photographs on the ELMO.

8 Elvir, do you know the people in this photograph?

9 A. I do.

10 MR. KEHOE: I am sorry, Mr. President.

11 JUDGE JORDA: Go ahead, I am sorry.

12 MR. KEHOE: Do you know the man and the woman in this
13 photograph, Elvir?

14 A. I do.

15 Q. Who are they?

16 A. It is my mummy and my father.

17 Q. Your mother died on 16th April 1993?

18 A. Yes.

19 MR. KEHOE: For the record, Mr. President, that is 110/1.

20 The next photograph is two photographs, 110/2. We
21 will go with the top photograph first. Do you know
22 these two individuals?

23 A. I do.

24 Q. Who are they?

25 A. This is Ahmic Ramo and his wife.

- 1 Q. How about the three men in right below that?
- 2 Mr. Usher, if you could move the photograph down.
- 3 Do you know those three men?
- 4 A. These are his sons.
- 5 Q. Were all these five people killed during that same time?
- 6 A. Yes, only the son of Nazif Ahmic is missing.
- 7 Q. So the man to the left there, Nazif Ahmic, has not been
- 8 found since 16th April 1993?
- 9 A. His son, Nazif's son has not been found.
- 10 Q. Let us go to the next photograph, 110/3. Do you know
- 11 those two men?
- 12 A. Ahmic Islam and Ahmic Ismail. They were also killed.
- 13 Q. The next photograph 110/4.
- 14 A. This is Ahmic Hasim and his son Fahrudin.
- 15 Q. You are talking about the top photograph there?
- 16 A. Yes, Hasim Ahmic. On the lower photograph is his son.
- 17 Q. What happened to them?
- 18 A. They were killed too.
- 19 Q. The next photograph, 110/5b.
- 20 A. I know, this is Ramic Zenur and Ramic Naim. They were
- 21 taken away on 17th April in order to bury the dead
- 22 Muslims, and they never returned.
- 23 Q. Naim is the young man on the right side of that
- 24 photograph, is that correct?
- 25 A. Yes.

- 1 Q. The next photograph is 110/6. There are two
2 photographs, starting with the top photograph.
- 3 A. I recognise them, this is Mustafa Dedic, he was also
4 killed.
- 5 Q. Which individual in that top photograph is Mustafa
6 Dedic?
- 7 A. On the right-hand side.
- 8 Q. You are pointing to the man on the right. How about the
9 bottom photograph?
- 10 A. This is son Fariz.
- 11 Q. Did he also get killed?
- 12 A. Yes.
- 13 Q. The next photograph, 110/7. The top photograph?
- 14 A. This is Pezer Osman and Pezer Kasim.
- 15 Q. How about the bottom photograph?
- 16 A. Pezer Osman.
- 17 Q. What happened to them?
- 18 A. They were also killed.
- 19 Q. The next two photographs is 110/7. Do you recognise
20 them, Elvir?
- 21 A. I do. On the left is Pezer Nezira and her husband Pezer
22 Aziz. They were both killed too.
- 23 Q. The next photograph is 110/8.
- 24 A. This is their son, Pezer Sinad. He was also killed.
- 25 Q. And the next photograph, 110/9.

1 A. I know them too, but I forgot their names. They were
2 also killed as they were trying to escape.

3 Q. They are Muslims as well?

4 A. Yes.

5 MR. KEHOE: Your Honour, at this time the Prosecutor will
6 offer into evidence Prosecutor's exhibit 110.

7 JUDGE JORDA: All right, that has been given the number
8 110.

9 MR. KEHOE: Elvir, many more people were killed in that area
10 other than the photographs that you have identified, is
11 that correct?

12 A. Yes.

13 Q. In addition to your mother and your brother and the
14 other people you saw dead, approximately how many people
15 were killed around your village on 16th, 17th,
16 18th April 1993?

17 A. About 100, 120 people, together with my mother and the
18 rest of the people who are in these photographs.

19 MR. KEHOE: Mr. President, if I might have one moment?

20 (Pause). Mr. President, your Honours, we have no further
21 questions of Mr. Ahmic.

22 JUDGE JORDA: Mr. Ahmic, it is now the Defence turn to ask
23 you the questions that it wishes to. Are you all
24 right? Are you okay?

25 A. Okay.

1 JUDGE JORDA: I believe it will be Mr. Nobilo who is going to
2 ask you these questions.

3 Cross-examined by MR. NOBILO

4 Q. Good day. I am Anto Nobilo, as you have heard from the
5 President, I am the attorney of General Blaskic and on
6 behalf of my co-counsel and my own name, I am going to
7 put a few questions to you. We are not going to put too
8 many questions, we like to clarify some things from your
9 statement so that we would better understand what
10 happened on the day of the 16th in Ahmici.

11 Tell me, your father, how old was he in 1993?

12 A. Forty.

13 Q. You said that on the 15th, he went out on the patrol in
14 1993, at about what time?

15 A. I do not know, I just know that he was on the night
16 patrol.

17 Q. The night patrol?

18 A. Yes.

19 Q. Tell me, what was customary? How long would your father
20 stay on the patrol, how long did this shift last?

21 A. I do not know.

22 Q. Did he ever go out on patrol before the 15th?

23 A. Yes.

24 Q. How long would he usually stay away from home?

25 A. I do not know.

- 1 Q. You never saw him leave and come back from the patrol?
- 2 A. You know, it was not my affair, it was not up to me to
- 3 check on him.
- 4 Q. Of course, but would you see your father go away and
- 5 come back from the patrol? Did you ever see that?
- 6 A. Yes.
- 7 Q. How much time would elapse from the time he left to the
- 8 time he came back?
- 9 A. About three hours.
- 10 Q. About three hours. How often would he go, every day or
- 11 every few days?
- 12 A. Every few days, when his shift would come, when his time
- 13 would come.
- 14 Q. Tell me, when did these patrols start? When did your
- 15 father start going on these patrols? What month, what
- 16 year?
- 17 A. I do not know.
- 18 Q. How much before this terrible event of the 16th?
- 19 A. I cannot remember.
- 20 Q. You said they went out on patrols in order to defend
- 21 themselves from the Serbs. Who told you that?
- 22 A. We would not expect something like that from the Croats.
- 23 Q. Did someone tell you that patrols are there out of fear
- 24 from the Serbs?
- 25 A. Yes.

- 1 Q. Who told you that?
- 2 A. My father.
- 3 Q. Your father. Where would he be on patrol, round Ahmici?
- 4 A. Yes, in Ahmici.
- 5 Q. Are there Serbs in Ahmici?
- 6 A. No.
- 7 Q. Are there Serbs in Santici?
- 8 A. I do not know.
- 9 Q. And in Nadioci?
- 10 A. I do not know.
- 11 Q. Where was the closest point where the Serb army was?
- 12 A. They were at Vlasici. They could not come to Ahmici, so
- 13 there could not be some kind of sabotage. That is why
- 14 they were patrolling.
- 15 Q. How much is there from Vlasici to Ahmici?
- 16 A. I do not know.
- 17 Q. Did your father have an uniform?
- 18 A. No.
- 19 Q. And weapons, when he would go out on patrol?
- 20 A. We did not have a lot of weapons. You had weapons
- 21 issued to you.
- 22 Q. So did your father have weapons issued to him?
- 23 A. Naturally.
- 24 Q. What kind of weapons?
- 25 A. I do not know.

- 1 Q. Can you distinguish between a Kalasikov and a rifle?
- 2 Was it a Kalasikov or a rifle?
- 3 A. I do not know.
- 4 Q. Where did he have weapons issued to him?
- 5 A. I do not know.
- 6 Q. Would he bring the weapons home?
- 7 A. For the children.
- 8 Q. Why?
- 9 A. So that the children would not touch it by accident,
- 10 that is why he did not bring the weapons home.
- 11 Q. Who went out on patrol with him, do you know these
- 12 people?
- 13 A. I do.
- 14 Q. Can you tell me some of the names of the people who went
- 15 out on patrol with him?
- 16 A. Ahmic Sejad, Ahmic Nedzib, Ahmic Zijad.
- 17 Q. Are they your neighbours there near the lower mosque?
- 18 A. Yes.
- 19 Q. Who was in command, who commanded these people, your
- 20 father, who was their superior?
- 21 A. I do not know.
- 22 Q. And the neighbours you mentioned, did they have a
- 23 uniform?
- 24 A. No.
- 25 Q. And they also had weapons issued to them?

- 1 A. Yes.
- 2 Q. Tell me, who used the school prior to this event, the
3 primary school with four grades across the road to your
4 house?
- 5 A. A cleaning lady lived there. She used it as her
6 apartment.
- 7 Q. And no one else?
- 8 A. No one else.
- 9 Q. And did soldiers go there, these people from the
10 patrols?
- 11 A. I do not know.
- 12 Q. Was there a radio station in that school?
- 13 A. I do not know.
- 14 Q. Your father is fortunately alive. What did he tell you,
15 where was he that night and that morning when these
16 things started happening on 16th April 1993?
- 17 A. He was near the lower mosque.
- 18 Q. What was he doing there?
- 19 A. He was on patrol.
- 20 Q. And when the fighting started, where did he find
21 shelter?
- 22 A. He hid behind the closest building.
- 23 Q. And which was that?
- 24 A. The house of Ahmic Ilmija's daughter.
- 25 Q. Could you show us that house on this map? So you have

1 marked it on the map as the house carrying the number
2 47/83, is that correct? Is that the house immediately
3 next to the mosque?

4 A. No.

5 Q. But it is the closest one marked next to the mosque.
6 There are no other houses marked closer to the mosque?

7 A. There are.

8 Q. Whose house is the one between the mosque and the one
9 you have just shown, who is the owner?

10 A. Ahmic Unja.

11 THE INTERPRETER: I am sorry.

12 MR. NOBILO: And after that comes the mosque?

13 A. The house 47/83, then Ahmic Ilmija and then this one.
14 (Indicates).

15 Q. Did your father put up any resistance from that place,
16 did he fight?

17 A. According to his stories, according to what he told me,
18 he did not, because when he looked up towards our house,
19 it was already in flames.

20 Q. How did he save himself? Did he tell you that?

21 A. He moved from the mosque in the direction of our house
22 but he could not, because they were shooting at him, so
23 he tried a round about way to reach our house and he
24 could not, and then these people who were fleeing
25 established some kind of a position, and they stayed

1 there until they had no more ammunition left.

2 Q. Where did they establish their position?

3 A. Between two Ahmic houses.

4 Q. Could you show them on the map?

5 MR. KEHOE: Excuse me, counsel.

6 MR. NOBILO: So please show us these Defence lines that were
7 established there. Next to the markings 47/66 and
8 47/65, that is where the defence line was established.

9 Q. Thank you. So for the transcript, was the
10 line established between buildings 47/66 and 47/65?

11 A. Behind those buildings.

12 Q. 47/66 and 47/65?

13 A. 46 and 45 -- sorry, 47/66.

14 Q. Let us try again. Into the microphone, will you tell us
15 the buildings where the line was established?

16 A. 47/66 and 47/65.

17 MR. NOBILO: Behind those buildings, fine, thank you.

18 JUDGE JORDA: Just for a point of clarification, this is the
19 line which the father of the witness told him about, we
20 are in agreement over that, are we not?

21 MR. NOBILO: Yes, which the father told the witness. The
22 father told him about this, yes.

23 What did your father tell you, who was with him
24 when they set up this Defence line?

25 A. Zijad Ahmic and Bilic Hazrudin.

- 1 Q. Was Mirsad Ahmic with them?
- 2 A. He was with Ahmic Zijad and Mirsad.
- 3 Q. About what time was this line established?
- 4 A. About 7.00 in the morning.
- 5 Q. What else did you your father tell you about the
- 6 fighting?
- 7 A. Like any other battle.
- 8 Q. Yes, but they retreated from there. When did they
- 9 retreat?
- 10 A. I do not know.
- 11 Q. And in what direction did they pull out?
- 12 A. Towards Gornji Ahmici, upper Ahmici.
- 13 Q. Do you know when it was that they started towards upper
- 14 Ahmici?
- 15 A. Probably when night fell, when darkness fell.
- 16 Q. So they stayed and maintained that line from 7.00 in the
- 17 morning until nightfall and then they withdrew?
- 18 A. I do not know.
- 19 MR. KEHOE: I object, because that is not what the witness
- 20 just said, that the Defence counsel tried to
- 21 paraphrase. That was not the witness's testimony. He
- 22 said that he got the information that it was 7.00 and he
- 23 did not know. He said they retreated towards Gornji
- 24 Ahmici, but he did not know anything else.
- 25 MR. NOBILO: Mr. President, if I may?

1 JUDGE JORDA: Yes, Mr. Nobile.

2 MR. NOBILO: The witness -- I do not see what the problem
3 is. The witness said that they established this combat
4 line at 7.00 and when darkness fell they withdraw
5 towards Gornji Ahmici. I just wanted to summarise that
6 in one sentence. Does this summary suit you, Mr. Kehoe?

7 MR. KEHOE: It does not, Mr. President, because it was not a
8 combat line and it was not any defence line, it was
9 three guys that apparently shot back until their
10 ammunition ran back --

11 MR. HAYMAN: Please, your Honour, if counsel is going to make
12 representations of fact it should be outside of the
13 witness's presence.

14 JUDGE JORDA: Mr. Hayman, everybody makes comments.

15 Mr. Nobile makes comments, the Prosecutor made comments
16 and the judge is soon going to make some comments.

17 For the future, when you summarise things,
18 Mr. Nobile, you are not arguing now, under the control of
19 the Prosecution and the Tribunal, we have to know
20 exactly what is being said. The Prosecutor made an
21 objection, saying that you made comments which did not
22 match the reality as expressed by the witness. For the
23 last time, before you go to your next question, would
24 you make the very brief comment of what the witness said
25 before I ask him questions myself. Go ahead. The

1 witness said, or answered, that his father and two or
2 three other people withdrew around 7.00 in the morning
3 as they were going to Gornji Ahmici. Is that what we
4 agree on?

5 MR. NOBILO: No, at 7.00 in the morning they established the
6 defence and in the evening they withdrew. That is what
7 he said, and I do not see what the dispute is about.
8 I have nothing more to say, it is in the transcript.

9 JUDGE JORDA: Mr. Prosecutor, this is the last objection,
10 otherwise I am going to ask the questions myself of the
11 witness, but go ahead, quickly please.

12 MR. KEHOE: Mr. President, I think you should ask the question
13 of the witness, because he said he did not know, but
14 I think you should ask the question.

15 JUDGE JORDA: This witness has experienced great suffering
16 and in saying to you what he did. In this case he is
17 reporting what his father said. I do not think we
18 should have him repeat it another time. You made your
19 objections, which have been recorded in the transcript,
20 Mr. Nobilo commented on what he got from this transcript,
21 that is his point. Now I would like to go on to the
22 next question, the issue is now settled.

23 Mr. Nobilo.

24 MR. NOBILO: Very well, Mr. President. I only have one
25 further question in this segment and then I am going to

1 proceed to a different area.

2 Did I remember well that you said that your father
3 was left -- spent all his ammunition and he had no more?

4 A. Yes.

5 Q. Could you speak up a little louder?

6 A. Yes, he was left without any ammunition and they
7 withdrew. They did not stay there behind those houses,
8 they were retreating. But they could not defend
9 themselves on their own.

10 Q. Let us go on to another area, I will not bother you with
11 this any more.

12 Tell me, when you saw that your Croat neighbours
13 were taking away their families, when was this, when did
14 this start, about what time?

15 A. Towards evening.

16 Q. On what date?

17 A. On the 15th April 1993.

18 Q. Tell me, how many families did you see?

19 A. All the nearby neighbours.

20 Q. Can you list them, name them?

21 A. Ivo Papic, Kupreskic Zoran, all the nearby neighbours.

22 Q. Yes, you know them, but we do not know them, the court
23 does not know. Papic, Kupreskic ...

24 A. I am not trying to remember their names, you see.

25 Q. I understand, but do you know any other names?

- 1 A. I know them, but I cannot recall their names.
- 2 Q. How many inhabitants were there in Ahmici according to
- 3 your assessment at the time, do you know?
- 4 A. I do not.
- 5 Q. Tell me whether young men older than you were joining
- 6 units of the BH army and having weapons issued to them?
- 7 A. They belonged to the TO, they did not go to the
- 8 front-lines.
- 9 Q. And where was the TO command that they belonged to?
- 10 A. I am not sure, was it Poculica or Preocica, I am not
- 11 sure.
- 12 Q. That was the TO command?
- 13 A. Yes.
- 14 Q. And they did not go to any other front-lines?
- 15 A. No.
- 16 Q. And your father and his group, did they belong to the TO
- 17 or were they village patrols?
- 18 A. They were TO.
- 19 Q. Where was your father's command?
- 20 A. I do not know, Poculica or Preocica, I do not know.
- 21 Q. When you climbed up stairs in your house, were the
- 22 windows open upstairs?
- 23 A. I do not understand the question.
- 24 Q. When the bomb had already been thrown in and when you
- 25 climbed upstairs later on in your house -- did you go

1 upstairs?

2 A. No, I did not.

3 Q. When you were in the barn, can you remember what time of
4 day that was, when you first lost consciousness?

5 A. It was about 5.30, 6.00 in the morning, the first time.

6 Q. Tell me, the two men who killed the cow and the lamb and
7 they thought they had killed your mother and sister, did
8 you see what they looked like?

9 A. They did not kill my sister, they killed my brother.

10 Q. I am sorry, it was your brother, not your sister. You
11 said that the Muslims had fled towards the upper
12 mosque. How many people did you see moving towards the
13 upper mosque?

14 A. I did not see them, because our house was the first to
15 be attacked, so I did not have time to see.

16 Q. How did you know that they had fled towards the upper
17 mosque?

18 A. Because they were saying that.

19 Q. So they told you about it after the event?

20 A. Yes, naturally if you are not armed, there is nothing
21 you can do if they are coming to kill you.

22 Q. So we have come to the command of the Jokers. Do you
23 remember his appearance, his face?

24 A. No.

25 Q. You could not recognise him if you were to be shown his

1 photograph?

2 A. No.

3 Q. Can you remember with precision -- I know there must
4 have been torment in your mind -- what exactly did that
5 commander say? In your view, were the Jokers part of
6 the HVO? Did they belong to the HVO, the Jokers?

7 A. You mean whether they were part of the HVO units?

8 Q. Yes, did the Jokers belong to the HVO army?

9 A. No, they did not.

10 Q. And who did they belong to?

11 A. They probably came from outside, from elsewhere.

12 Q. From what part do you think they came?

13 A. From Croatia. But they are not from Bosnia.

14 Q. So they are not from Bosnia. Could you please speak
15 more into the microphone so we can hear you better? Can
16 you remember what that commander of the Jokers said to
17 you, which exact term did he use when he said "they make
18 no distinction between children and adults"? Did he use
19 the HVO or some other expression?

20 A. He said, "you cannot go up there, you will be killed by
21 the HVO because they make no distinction between
22 children and men".

23 Q. Why do you think the Jokers came from Croatia?

24 A. Probably as reinforcements.

25 Q. But why did you conclude that they came from Croatia?

1 A. Because we had no such units in our area, because they
2 came before 16th April, and mined Muslim cafes and other
3 properties.

4 Q. When was this?

5 A. Before 16th April.

6 Q. How many months before?

7 A. A month or two before.

8 Q. Are you sure that they were Jokers?

9 A. I am not sure that they were Jokers, but some people
10 like them who came from somewhere else.

11 Q. What do you mean, "somewhere else"? Do you mean outside
12 your municipality or outside Bosnia-Herzegovina?

13 A. Outside Bosnia-Herzegovina.

14 Q. And what led you to conclude that they came from
15 Croatia?

16 A. One can distinguish between the Croatian language and
17 the Bosnian.

18 Q. And you noticed this among the Jokers?

19 A. Yes.

20 Q. You noticed that they spoke in a different way?

21 A. Yes.

22 Q. Can Bosnian be distinguished from Herzegovinan?

23 A. I do not know.

24 Q. When you and your sister were going with those five
25 Jokers, you said you were fired at. Was fire directed

- 1 against the Jokers as well?
- 2 A. I do not know.
- 3 Q. Were you together in one group?
- 4 A. Yes.
- 5 Q. Where was the fire coming from?
- 6 A. From our right.
- 7 Q. Can this be seen on this map, could you show us that on
- 8 the map? Please show us where you were, and your
- 9 sister, when they fired at you.
- 10 A. Here. (Indicates).
- 11 Q. Can you show us the direction from which the fire came?
- 12 A. This is on the main road to Vitez.
- 13 Q. What direction?
- 14 A. From here, from here. (Indicates).
- 15 Q. You have shown us this on the map and it is clear to us,
- 16 but for the benefit of the record, could we describe
- 17 this position where you were on the main road? It was
- 18 near which house?
- 19 A. Near Hasim Ahmic's house.
- 20 Q. Close to the house of Hasim Ahmic on the main Vitez to
- 21 Busovaca road. And they were shooting from the hill?
- 22 A. I do not think so.
- 23 Q. From what distance, roughly?
- 24 A. I could not assess that.
- 25 Q. What hamlets are nearby?

- 1 A. Zume.
- 2 Q. What locality does Zume belong to?
- 3 A. I do not know.
- 4 Q. Does it belong to Santici or Ahmici, do you know that?
- 5 A. I do not.
- 6 Q. So from the direction of Zume to the main road. Who was
- 7 shooting?
- 8 A. I do not know.
- 9 Q. Were they shooting at the Jokers or just at you?
- 10 A. I do not know.
- 11 Q. Mr. Ahmic, have you made statements prior to this one
- 12 about these same events?
- 13 A. I have.
- 14 Q. To whom and when?
- 15 A. I do not exactly know the date. Two representatives
- 16 from The Hague.
- 17 Q. This question of who was shooting and at whom, did you
- 18 describe that differently to the investigators of the
- 19 Office of the Prosecutor?
- 20 A. No. I do not remember.
- 21 Q. I would like to read to you now what you said to the
- 22 investigators, and after that I would like to ask you
- 23 whether that is correct. Let me try and read it in
- 24 English:
- 25 "We continued down to the Vitez Busovaca road when

1 someone began shooting at us or the soldiers with us
2 from the direction of Santici. I think it was big
3 soldiers, because Croat soldiers would not have shot at
4 their own soldiers."

5 Now that I have read this to you, is this what you
6 told the investigators?

7 A. Probably.

8 Q. Is that how it was?

9 A. I do not know, I do not remember.

10 Q. Could you remember better then a couple of years ago or
11 now?

12 A. I do not know.

13 JUDGE RIAD: Excuse me, you read "I think they were big
14 soldiers". What is the meaning of that.

15 THE INTERPRETER: BiH.

16 MR. NOBILO: Bosnian and Herzegovinan soldiers.

17 JUDGE RIAD: Thank you.

18 JUDGE JORDA: Mr. Nobile, it is almost 1.00, I do not want to
19 be indiscreet, but how much longer do you have about?

20 MR. NOBILO: Fifteen minutes, not more than 15 minutes.

21 JUDGE JORDA: Mr. Ahmic, we are going to take our lunch
22 break. We will stop for a bit and start again at 2.30.
23 You will then be asked the last question that the
24 Defence want to ask and the judges will certainly have
25 some questions as well. The hearing is now adjourned

1 (2.30 pm)

2 JUDGE JORDA: The hearing is resumed. Mr. Registrar, have
3 the accused brought in, please.

4 (Accused brought in)

5

6 JUDGE JORDA: Mr. Ahmic, the testimony is coming to its end.
7 You are going to be asked a few more questions from
8 Mr. Nobilo. Are you feeling well, have you rested well?

9 A. Yes, I am fine.

10 JUDGE JORDA: If you have the slightest problems, ask us to
11 stop and the Tribunal will take an appropriate
12 decision.

13 Mr. Nobilo, please continue with your
14 cross-examination.

15 MR. NOBILO: Mr. President, when the witness and I were by the
16 map showing the house where his father was hiding at
17 first, I think the transcript is not very precise in
18 that respect, so with your permission, I would like to
19 repeat that question.

20 Did you say that your father was hiding behind the
21 house 47/83 owned by Ahmic Hilmija, is that true?

22 A. He was hiding behind the house of Ilmija Ahmic's
23 daughter.

24 Q. Ilmija Ahmic's daughter. On the map is that number
25 47/83. 47/83, is that the house?

1 A. Yes.

2 Q. Fine, thank you. That is all. It was not accurate in
3 the transcript.

4 Tell me, when you saw your neighbours driving
5 their families away, did you tell your mother and father
6 about this?

7 A. I did not.

8 Q. Was there any discussion about that in your house or
9 with a neighbour, did you comment on that?

10 A. Me, did I comment on that?

11 Q. Yes, did you?

12 A. No, I did not.

13 Q. Tell me, among your neighbours, from Donje Ahmici, do
14 you know Elvedin?

15 A. His last name?

16 Q. Ahmic.

17 A. I do.

18 Q. Did he live near you?

19 A. He lived near the upper mosque.

20 Q. And Ramiz, do you know him?

21 A. His last name?

22 Q. Also Ahmic.

23 A. The one who was killed?

24 Q. I do not know. Do you know him?

25 A. I know him.

1 Q. And Sejo Ahmic?

2 A. I do not know him.

3 Q. Sejo is probably a nickname from Sejad.

4 JUDGE JORDA: Mr. Nobilo, allow me to remind you that the

5 witness was 14 years old at the time. He was very

6 young.

7 MR. NOBILO: Yes, I am just asking. If he cannot remember,

8 he cannot remember, but he did confirm that he knew two

9 people. Do you know Sukrija?

10 A. I do.

11 Q. Where did he live? The best thing would be if you could

12 show it to us.

13 MR. KEHOE: One moment, please.

14 THE INTERPRETER: Interpreters cannot hear the witness.

15 MR. NOBILO: What do you call that part of Ahmici?

16 A. I do not know.

17 Q. Where would his house be, by what number?

18 THE INTERPRETER: The interpreters cannot hear the answers

19 of the witness.

20 A. All of it is far away.

21 MR. NOBILO: All right. Do you know Admir?

22 A. Admir?

23 Q. Yes.

24 A. No.

25 Q. Budo?

- 1 A. Ahmic?
- 2 Q. Yes.
- 3 A. Yes.
- 4 Q. And Nasko?
- 5 A. Yes.
- 6 Q. Hermin?
- 7 A. No.
- 8 Q. Naser?
- 9 A. No.
- 10 Q. And Alena?
- 11 A. No.
- 12 Q. Fine, thank you.
- 13 MR. KEHOE: Excuse me.
- 14 MR. NOBILO: Let us go back to the school in Dubravica, when
- 15 you went there. You said that your teacher was leading
- 16 Muslims. How do you know that they were being taken
- 17 away to forced labour?
- 18 A. Because they came back with bloody blisters and
- 19 complained about it.
- 20 Q. Did he always take them in the Red Cross or did you only
- 21 see that once?
- 22 A. I only saw that once.
- 23 Q. Then when you saw them on that occasion, do you know
- 24 that they were being taken to forced labour or to the
- 25 hospital?

- 1 A. They were being taken out to forced labour.
- 2 Q. In order to avoid any mistakes in the transcript, on
3 several occasions you mentioned the Croatian Defence
4 Forces. Are the Croatian Defence Forces the same thing
5 as HOS? Is HOS an abbreviation in the Croatian Bosnian
6 language for Croatian Defence Forces?
- 7 A. Yes.
- 8 Q. In Dubravica, how many women were there together with
9 you?
- 10 A. I am not sure, but around 20 to 30.
- 11 Q. Thank you. When the Prosecutor showed you those
12 photographs that you matched to this map, you said that
13 those houses were destroyed on 16th and 17th April 1993?
- 14 A. Yes.
- 15 Q. Did you see those houses and how do you know that they
16 were destroyed on 16th and 17th April?
- 17 A. I saw some of them, but many, many owners of those
18 houses saw their houses being destroyed.
- 19 Q. But you saw only some of them?
- 20 A. Yes.
- 21 Q. Which ones?
- 22 A. Of Bilic Hidajet, of Ahmic Emilija, of Ahmic Sahveta, of
23 Mehemed Traho.
- 24 Q. You saw those with your very own eyes?
- 25 A. Yes.

1 Q. The rest you did not?

2 A. No.

3 Q. Tell me, these 120 people who were killed, you say, in
4 Ahmici, apart from those that you described to the
5 judges here today, did you see some other dead bodies in
6 addition to the ones you mentioned today?

7 A. Yes.

8 Q. Which ones?

9 A. Of Ahmic Husein, Zec Hajrija, then Ahmic Zahid, Zec
10 Sabahudin, Zec Alisa, et cetera.

11 Q. You saw these people dead?

12 A. Yes, those who are not on these photographs.

13 Q. But I asked you, you mentioned 120 people who were
14 dead. In addition to the people you mentioned having
15 seen, did you see all 120 of them?

16 A. No.

17 Q. So only the ones you mentioned. And this number of 120,
18 who told you about that?

19 MR. KEHOE: Excuse me, Mr. President.

20 JUDGE JORDA: Yes, Mr. Prosecutor?

21 MR. KEHOE: Just looking at the statement, is that a
22 statement by counsel then followed by a question?

23 JUDGE JORDA: Yes, please check, Mr. Nobilo. Mr. Nobilo?

24 MR. NOBILO: I put two questions. Whether all the people you
25 saw were dead, that is one question, and the second

1 question is, where did he learn the number of 120, who
2 told him that number?

3 JUDGE JORDA: That is exactly what I understood.

4 MR. NOBILO: Now we have come to the question, who told the
5 witness about these 120 people being dead?

6 A. In Stari Vitez, there is a cemetery. All the people who
7 were found dead in Ahmici are buried in Stari Vitez.
8 I do not know how many are there, but it is over 50, and
9 there are many other people who are not on that list who
10 are missing.

11 THE INTERPRETER: Microphone, counsel, please.

12 A. I said it was approximately 120, because there are many
13 people, not only from Ahmici but also refugees from
14 Kroulici, Jajce.

15 MR. NOBILO: Did you add it up yourself or did someone tell
16 you that?

17 A. No one told me that.

18 Q. How did you reach this approximate figure of 120?

19 A. I said that roughly.

20 JUDGE JORDA: The witness has answered your question. It is
21 an approximate number. Remember, please, the conditions
22 under which the events took place. He said roughly in
23 answer to the question of the Prosecutor, he said 100 or
24 120 people. You are not asking him for any mathematical
25 calculations regarding the figure.

- 1 MR. NOBILO: Can you tell me what your father's name is?
- 2 A. Ahmic Mirsad.
- 3 Q. Did he have a nickname?
- 4 A. No.
- 5 Q. You mentioned Dedic Mustafa. Was he a member of the TO?
- 6 A. Dedic?
- 7 Q. Mustafa.
- 8 A. I do not know, I do not know if he was a member of the
- 9 TO.
- 10 Q. And Dedic Farez?
- 11 A. I do not know. That was not in my neighbourhood, it was
- 12 not near my house.
- 13 Q. But you identified these people as being dead. How do
- 14 you know that they are dead?
- 15 A. Because their wives say that they are dead.
- 16 Q. Pezer Osman? Was he a member of the TO?
- 17 A. Yes.
- 18 Q. Pezer Kazim?
- 19 A. He is an elderly man.
- 20 Q. Sivak Pezer?
- 21 A. He was mentally retarded.
- 22 Q. Nasif, Rasim and Asim Ahmic, were they soldiers?
- 23 A. I do not know.
- 24 Q. All right. You mentioned Kristo Nenad. How old was he
- 25 when these events occurred?

1 A. Fourteen to 15.

2 Q. And Miroslav Santic, how old was he?

3 A. About 18, 17 or 18.

4 Q. You told the investigators that Miroslav Santic was 16
5 and Nenad Kristo 14; would that be correct?

6 A. I did not look at his ID card, you know?

7 Q. Did they have uniforms?

8 A. Yes, Miroslav did.

9 Q. And weapons?

10 A. Yes.

11 Q. Both?

12 A. Yes.

13 Q. Were they members of the HVO?

14 A. Miroslav was, and I do not know about Nenad. He only
15 had a semi-automatic rifle.

16 MR. NOBILO: Just a moment, please. (Pause). Mr. President,
17 we have completed the cross-examination.

18 THE INTERPRETER: Microphone, please, your Honour.

19 JUDGE JORDA: Now it is the judges who will have some
20 questions for you, but first, yes, thank you, Judge
21 Shahabuddeen, I almost forgot you, Mr. Prosecutor, I am so
22 sorry. I thought that perhaps you might not have any
23 additional questions. Please forgive me. Now the
24 Prosecution has the right to re-examine you and after
25 that, the judges, and this is quite normal, so

1 Mr. Prosecutor, go ahead, please.

2 Re-examined by MR. KEHOE

3 MR. KEHOE: I will be very brief, Mr. President. You were
4 asked about Pezer Kazim by Defence counsel and you said
5 he was very old. Do you know how old he was?

6 A. About 60, in his 60s.

7 Q. I am going to ask you a couple of questions that were
8 asked by Defence counsel. He asked you questions about
9 what your father told you about him and three other men,
10 Mirsad and Zijad, that were shooting back at the HVO.
11 How many men did your father say were there?

12 A. What do you mean, how many men were there? You mean how
13 many men attacked the three of them?

14 Q. You just answered the question. There were three of
15 them?

16 A. My father and two more people.

17 Q. Okay. Did your father tell you -- in response to
18 questions by Mr. Nobilo, you said that your father told
19 you that they retreated because they did not have any
20 ammunition left, is that right?

21 A. Yes, they had no ammunition left, so they could not stay
22 on there because they were being shot at by
23 anti-aircraft guns over there where they were hiding.

24 Q. Did your father tell you how many bullets he had?

25 A. When the attack began, he had about 30 bullets. I am

1 not sure, around 30.

2 Q. That entire day on 16th and 17th, did you see Armija
3 soldiers, any Armija soldiers?

4 A. No.

5 Q. Did you see any Bosnian Muslim soldiers at all?

6 A. No.

7 Q. You were asked some questions by Defence counsel about
8 your house and whether or not the windows on the second
9 floor of your house were open. Do you recall those
10 questions?

11 A. Yes, I do.

12 Q. Was anybody shooting from the top floor of your house,
13 or any Bosnian Muslim men shooting from the top floor of
14 your house?

15 A. No.

16 Q. You also mentioned seeing the Jokers on the 17th.

17 A. Yes.

18 Q. You described their patch.

19 A. Yes.

20 Q. Did that patch, in addition to saying "Jokers", have the
21 term "military police"?

22 A. Yes.

23 MR. KEHOE: Mr. President, your Honours, I have no further
24 questions.

25 JUDGE JORDA: Judge Riad?

1 JUDGE RIAD: Thank you, Mr. President.

2 Mr. Elvir Ahmic, I just want to ask you some
3 general questions concerning what you have experienced.
4 You have seen a lot of killing, houses being burnt. Did
5 you notice any discrimination in the killing? Was
6 everything that was human killed, children, grown-ups,
7 old people, women, men, or was it concentrated on a
8 certain category of people?

9 A. There was killing. In my opinion, they did not want to
10 leave anyone, but fortunately for those who survived,
11 they did not manage to kill everyone.

12 Q. Including the animals? You said they killed the cow.

13 A. Yes.

14 Q. And the sheep. Why was that?

15 A. Because they did not want to take them out. He said,
16 "take the cow and the lamb out", this man said, and the
17 other one said "how are we going to do that over a dead
18 person?" The other one said, "okay, do whatever you
19 want with them", so he did not do that. But had he done
20 what the man had ordered him to do, I would not have
21 survived either, because the cow and the lamb were tied
22 by my feet, the lamb, and the cow by my head.

23 Q. So the cow saved you?

24 A. Yes.

25 Q. You saw many houses being burnt. Were there people

1 inside the houses while they were being burnt sometimes,
2 or always?

3 A. On the 17th, people were burned in Gornji Ahmici because
4 they remained in their homes.

5 Q. If you remember, you mentioned that while you were on
6 your way escaping, you heard a commander sending a
7 message and saying that everything, or all the people,
8 in the lower mosque part had been exterminated.

9 A. Yes.

10 Q. Do you remember what kind of commander he was? Was
11 he -- to which group he was?

12 A. I do not remember. He said over the Motorola that all
13 was exterminated, slaughtered by the lower mosque, and
14 that they were getting ready to move towards the upper
15 mosque.

16 Q. You do not recall if it was HVO or it was what you call
17 Jokers? Did they have any insignia, any way of
18 dressing, any accent which you recognise?

19 A. You have misunderstood me. I did not see him, but as
20 I was there in the stable, he was talking on the
21 Motorola. But I could not see him and he was speaking
22 nearby.

23 Q. But you heard him?

24 A. Yes.

25 Q. Did you hear any names, the name of the person he was

1 talking to?

2 A. No.

3 JUDGE RIAD: I think that is enough. Thank you very much.

4 JUDGE JORDA: Thank you, Judge Riad. I turn to Judge
5 Shahabuddeen. He has no questions. Then I wanted to ask
6 one or two. You were still very young before those
7 events of 16th April. Did you have the feeling that,
8 since you became a reasonable child when you were 7 or
9 8, did you ever think that that kind of hostility or
10 animosity could exist between the communities that you
11 belonged to, that is between Croats, Serbs and Muslims?
12 Did people speak about it, or was life serene, tranquil,
13 peaceful?

14 A. Everything was peaceful. It is not that there were any
15 quarrels or something. Things were normal, because had
16 we not been attacked by the Croatian army, the
17 Lasva Valley would not have felt the war at all.

18 Q. Did you have the feeling, during those events of
19 16th April, that they were specifically looking for your
20 father, or that that was an attack directed against
21 everyone in those two or three villages; that is the
22 Muslims? Did you have the feeling that it was your
23 father specifically that they were looking for?

24 A. No, I did not have any feeling that they were looking
25 for my father. If they were looking for my father, they

1 Programmes change and we have to adjust. It appears
2 that the month of October has been envisaged for the
3 second important trial that is taking place before this
4 Tribunal, so that it may speed up its work, so we will
5 meet again in November. It is not excluded that we may
6 have some time at our disposal in November and December,
7 but the secretariat will let us know about it -- the
8 Registry will let us know about it: Mr. Hayman?

9 MR. HAYMAN: I will be brief, your Honour, I just wanted to
10 share with the court some information Mr. Nobile and
11 I received from counsel in the Celebici case, and that
12 is, they expect the Prosecution case to conclude at or
13 about the end of October, and that the Defence will seek
14 a recess until the beginning of 1998 to prepare their
15 Defence presentation. We would simply ask that the
16 court direct both parties to stand by to be prepared to
17 be in trial continuously from November 10th to December
18 19th, should the court schedule allow that six week
19 block of time to be used productively.

20 JUDGE JORDA: Mr. Prosecutor?

21 MR. KEHOE: I appreciate the flexibility of the Defence.
22 Unfortunately, the Prosecution does not have such
23 flexibility. With regard to the witnesses that come
24 from Bosnia, now I think that in discussion with the
25 Victim and Witness Unit, there has to be some type of

1 lead time concerning whether or not we will proceed, so
2 we have the time to get those people here. It is a time
3 consuming, laborious task and we ask for some lead time
4 on that.

5 MR. HAYMAN: I am suggesting, your Honour, that as a
6 prophylactic measure, the court direct the Prosecutor
7 now to be prepared to be in trial from November 10th to
8 December 20th. If we get to 1st November and there is a
9 change, then we will have three weeks notice, so the
10 witnesses need not be inconvenienced and be here on the
11 24th, which would be our first dark day, according to
12 the present schedule.

13 JUDGE JORDA: Have you finished, Mr. Hayman?

14 MR. HAYMAN: The reason I ask the court to make an order is
15 that it seems that repeatedly now, the Prosecution is
16 not using all of the available time, and we would hate
17 to see a significant bulk of time later in the year
18 lost, so that is why we are asking that an order be made
19 so that preparations will be made and the time, precious
20 time that it is, will be available to us all. (Pause).

21 JUDGE JORDA: Allow me to remind you, Mr. Hayman,
22 Mr. Prosecutor, that we have to resume on 10th November,
23 that is clear. You remember that, Mr. Hayman, and
24 Mr. Prosecutor. It is 10th November until 21st November,
25 and I am also explaining to you the restraints of the

1 court. The week of 17th to 21st November is the week of
2 the arrival of the newly elected judges to the
3 Tribunal. I do not know exactly how that will be
4 organised, I am not the President or the chief
5 Prosecutor, but I assume that the day of 17th November
6 we will not be able to work. In any event, the
7 fortnight from 10th November on would be devoted to the
8 Blaskic trial. I think it is hypothetical and not
9 reasonable to envisage this trial from 3rd to
10 7th November.

11 On the other hand, we may work in the last week of
12 November and the first week of December. These are
13 possible hypotheses regarding our work.

14 May I also refer to some other restraints, and
15 that is that there is another trial that needs to begin,
16 and that is the trial of Mr. Aleksovski. I think it is
17 Mr. Andrew Cayley who is the head of the team, I think.

18 Am I right, you are in charge of the Aleksovski
19 case?

20 MR. CAYLEY: Mr. President, no, it is not me.

21 JUDGE JORDA: But I know that the pre-trial motions have
22 been completed, there were four rulings last week, and
23 therefore this trial needs to begin, and there are other
24 trials which have made further progress. The one that
25 has made most progress is the Aleksovski case and

1 I think it is difficult to envisage our work on those
2 two weeks, but perhaps we might be able to fit in some
3 hearings for the Blaskic trial.

4 The Prosecutor is in charge of bringing witnesses,
5 and therefore they have to be informed two or three
6 weeks in advance to know whether we can have the
7 witnesses come here on 24th November. In other words,
8 my question is: how much time do you need for us to be
9 able to sit from 24th to 28th November, or what is the
10 target date beyond which you can no longer organise
11 yourself?

12 MR. KEHOE: Mr. President, your Honours, it is not the Office
13 of the Prosecutor, it is the Victim and Witnesses Unit
14 that needs the lead time. During one of our pre-trial
15 conferences, I believe Mr. Bauduin from the Victim and
16 Witness Unit wanted a two week lag time, so working with
17 them, if he needs that kind of time, if he can find out
18 two weeks ahead of time that we have those weeks,
19 I think the Victim and Witness Unit can work with the
20 Chamber.

21 Your Honour, it is not the position of the
22 Prosecutor and, contrary to counsel's accusation that we
23 have repeatedly delayed this matter, on the contrary we
24 have tried to work closely with the Victims and
25 Witnesses Unit to get the witnesses here, and to do so

1 without causing extraordinary expense to the
2 organisation, which is obviously extremely taxed for
3 numerous expenses in any event. So that is what we have
4 been asked to do by the Victims and Witnesses Unit, so
5 work with us and with the Chamber to give them a little
6 bit of notice.

7 MR. HAYMAN: May I suggest, your Honour, if it is a matter of
8 notice to the Victims and Witnesses Unit, that some type
9 of brief status conference would be appropriate, the
10 subject of which would be whether the courtroom was
11 going to be available the weeks of November 24th and
12 December 1st, and if that status conference can be on
13 10th November and there be adequate lead time to make
14 arrangements on all parts and by all parties, so be it.
15 If we need to have it on Friday 7th or even Monday
16 3rd November, the Defence is at the court's disposal,
17 because every day that Mr. Nobile and I are here and we
18 are not in trial imposes costs and burdens on the
19 Defence. Every day this courtroom is not in use is a
20 tremendous overhead expense on the Tribunal. We, the
21 Defence, are putting ourselves at your disposal to have
22 whatever conferences or meetings would be helpful for
23 the purposes of efficiently using the available time.

24 JUDGE JORDA: Mr. Hayman, I must say, first of all, that let
25 us be quite clear about this. The duration of the

1 Blaskic case, if there are judges who are concerned
2 about it, it is the judges of this Chamber and we met
3 quite recently for a status conference, we have not at
4 all forgotten the conclusions of that status conference,
5 and we are able, from now for the future, to make sure
6 that this trial will not go on until 2003. That would
7 be a travesty of justice regarding the accused, the
8 judges, all the parties and of course the notion of
9 justice itself. That is the first point, that is that
10 the judges wish to speed up the trial, because they are
11 talking to you.

12 Then we need the tools to be able to do that, the
13 facilities, and we are all in the same boat, we only
14 have one Trial Chamber for the moment, one courtroom,
15 and this is certainly not very practical. I also, as
16 I noted at the status conference, I do not think that we
17 can continue to sit continuously from Monday morning to
18 Friday evening when we have motions, requests, a ruling
19 to make, legal briefings and so on, so that it is very
20 complicated. Therefore we must all keep calm and invest
21 efforts to that end.

22 The Office of the Prosecutor is not responsible at
23 all, there was to have been a plenary session, with a
24 very heavy agenda, and it is due to reasons quite
25 independently of the Prosecution that this plenary is

1 not being held. Up to the present, Mr. Hayman, there
2 have not been many days of this kind that were left
3 empty, in a sense, by reasons outside our control, and
4 the Prosecution has absolutely no responsibility as
5 regards what is going to happen tomorrow.

6 A third point, the question of a status
7 conference. We can perhaps complete the hearing a
8 little earlier and have a status conference on our first
9 day, to see whether we will have a few sittings at the
10 end of November or the beginning of December.

11 Would that suit you, Mr. Prosecutor?

12 MR. KEHOE: Yes, your Honour. We are perfectly amenable to
13 that solution and we are at the court's disposal.

14 JUDGE JORDA: Very well. Mr. Hayman? Once more and then we
15 will discontinue this debate. Go ahead, please.

16 MR. HAYMAN: Do you think it is helpful to have a
17 representative of the Victims and Witnesses Unit here?
18 We would urge that. I just note, even if we had gone
19 half days today and tomorrow, we still would not have
20 used the available time today, because we are ending at
21 3.00 or so on Thursday, so if it is helpful to involve
22 them, we would encourage the court to use its judgement.

23 JUDGE JORDA: Mr. Hayman, you know, the judges have a lot of
24 respect for the work of Defence counsel, and I know you
25 work very hard, but I wish to tell you that the judges

1 have a lot of work to do too, and please do not think
2 that if we do not have a hearing, we have nothing to
3 do. But I am going to consult my colleagues, as I do
4 always when there is an important decision to take.
5 (Pause).

6 Mr. Prosecutor, do you think that the head of the
7 Victims and Witnesses Unit could come in about ten
8 minutes to talk to us here?

9 MR. KEHOE: I assume as much. I think Franz Bauduin is
10 downstairs, I think. I do not know what his schedule is
11 at this point.

12 JUDGE JORDA: This is our decision. Most likely the head of
13 the Unit is at the Tribunal right now. We would ask him
14 to come, we are going to suspend the hearing until
15 3.45. If he were not available, then of course we would
16 not meet then at 3.45 and see everyone on 10th November,
17 but I think he is here -- the Registrar is trying to
18 tell me something. (Pause). Mr. Dubuisson is going to
19 get a conversation. The judges are not going to wait
20 too long here at the bench. (Pause).

21 I have just been told by the Registrar that
22 Mr. Bauduin is not here, but that his assistant is here.
23 The judges will now suspend the hearing and we will have
24 a status conference in a closed session in 15 minutes,
25 that is at 3.45.

1 (3.30 pm)

(A short break)

3 (3.45 pm)

4 (In closed session)

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13 Pages 3328 to 3339 redacted - in closed session

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