

1 Wednesday, 27th August 1997

2 (10.00 am)

3 JUDGE JORDA: Please be seated. Madam Registrar, please  
4 have the accused brought in.

5 (Accused brought in)

6 JUDGE JORDA: Allow me, Mr. Prosecutor and Mr. Hayman, before  
7 continuing with your witness, to indicate that today is  
8 our last day for the month of August, and we will  
9 conclude work at 5.45. The afternoon will begin at  
10 3.00, so I would like both sides to seek to end work  
11 today at a convenient point. I think we are meeting  
12 again on 24th September.

13 I wish to remind you that the Appeals Chamber is  
14 going to deal with an appeal, the appeal of Croatia in  
15 this same case of Blaskic, the question of subpoenas.  
16 That is what I am asking, that at 5.45, we interrupt the  
17 proceedings at a coherent point in the case. That is  
18 all.

19 Mr. Prosecutor, you can have your witness brought  
20 in, Mr. Kavazovic.

21 MR. HARMON: Thank you, Mr. President, good morning  
22 Mr. President, your Honours, counsel.

23 At the conclusion of yesterday's session, your  
24 Honour, one housekeeping matter I would like to bring to  
25 the court's attention, and that is Mme. Fauveau brought

1 to my attention that when I had asked Mr. Kavazovic to  
2 circle the SDK building in the colour pink on  
3 Prosecutor's exhibit 45C, he marked the SDK building and  
4 circled it in the colour orange. For the record, the  
5 Prosecutor's exhibit 45C has orange markings circling  
6 the SDK building and the initials SDK.

7 JUDGE JORDA: Thank you Mme. Fauveau for your vigilance and  
8 for indicating the mistake in the colour used. Please  
9 have Mr. Sulejman Kavazovic brought in.

10 (Witness entered court)

11 JUDGE JORDA: Good morning, Mr. Kavazovic. Can you hear me?

12 A. Yes, I can. Good morning.

13 JUDGE JORDA: Please be seated. You are still under oath  
14 and you will continue to be questioned by the  
15 Prosecution whose witness you are.

16 SULEJMAN KAVAZOVIC (continued)

17 Examined by MR. HARMON (continued)

18 MR. HARMON: Thank you, Mr. President. I would ask the usher  
19 initially, your Honour, to please place on the easel  
20 Prosecutor's exhibit 45C.

21 While that exhibit is being placed on the easel,  
22 Mr. Kavazovic, at the conclusion of yesterday's  
23 testimony, you brought to my attention an error that you  
24 had made on Prosecutor's exhibit 45C.

25 A. Yes, I made an error. I marked a position below the

1 road, a couple of centimetres to the left instead of to  
2 the right.

3 MR. HARMON: Your Honour, may I approach that exhibit?

4 I cannot see that exhibit because of the fold on the  
5 left side.

6 JUDGE JORDA: Yes, please, Mr. Harmon.

7 Of course, if the Defence wants to approach, it is  
8 welcome to do so.

9 MR. HARMON: I am sorry, your Honour, it should be exhibit  
10 56C that should be mounted. Mr. Usher, if you would take  
11 that clip on the left-hand side top and move that,  
12 because it covers the marking made by the witness.

13 Mr. Kavazovic, can you explain the error and can  
14 you correct it on the Prosecution's exhibit 56C?

15 A. I can. I can correct the error, and indicate the error  
16 that I have made. I made the error here, because I was  
17 digging trenches not to this side of the road, but on  
18 the other side of the road, so this is wrong and this is  
19 right. This is where I was digging the dugout in  
20 Rijeka.

21 Q. Would you take the dark pen that is in front of you and  
22 cross out the pink mark on the left where you have made  
23 the error? Thank you, Mr. Kavazovic, you can have a  
24 seat.

25 For the record, your Honour, the pink mark on

1 prosecutor's exhibit 56C on the right is where  
2 Mr. Kavazovic was digging trenches.

3 Mr. Kavazovic, you indicated that while you were on  
4 the front lines in Kratine, you saw the military police,  
5 the MUP, the HVO and the Jokers working along those  
6 lines. Did it appear to you that those units were  
7 working together?

8 A. Yes, they were working together since they were in the  
9 same area. They were linked one to another along the  
10 same line, so they were working together.

11 Q. Now if I can ask the usher to please place on the easel  
12 Prosecutor's exhibit 29G.

13 Mr. Kavazovic, could you approach Prosecutor's  
14 exhibit 29G and mark the area of Kratine where you were  
15 digging trenches? Could you use a pink pen, please?

16 A. This is the area where I was digging trenches, Kratine.

17 Q. You can remain standing there for one minute.

18 Mr. Usher, I am going to ask that one additional  
19 image be placed on the easel. It will be Prosecutor's  
20 exhibit 51C.

21 JUDGE RIAD: Mr. Harmon, may I ask you? I missed something.

22 You asked whether the HVO and the Jokers were working  
23 together with someone; who was the third?

24 MR. HARMON: The HVO, the Jokers, the MUP and the military  
25 police.

1 THE REGISTRAR: We do not have a document 51C.

2 JUDGE RIAD: What is the MUP?

3 MR. HARMON: Let me ask Mr. Kavazovic to explain what the MUP  
4 is?

5 A. The MUP stands for the Ministry of Internal Affairs. It  
6 is the civilian police, the Ministry of Internal  
7 Affairs, MUP. The civilian police.

8 MR. HARMON: I ask that that exhibit be marked as  
9 Prosecutor's exhibit -- is it C?

10 THE REGISTRAR: It will be 51A.

11 MR. HARMON: Mr. Kavazovic, could you take a look at  
12 Prosecutor's exhibit 51A and can you locate any  
13 particular trenches on that photograph that you dug?

14 A. On this photograph, I can see the trenches that were dug  
15 by us, the imprisoned civilians. These were the  
16 trenches used by the Croatian fighters and the Croatian  
17 army.

18 Q. Would you please mark those trenches with the colour  
19 pink.

20 A. The Bungalow at Nadioci, so from Nadioci we went to  
21 Kratine, this is Kratine, and we were digging trenches  
22 here (indicates).

23 Q. In the centre of that circle you have drawn, does one of  
24 the trenches that you dug appear to be visible?

25 A. Yes, I think so. Here it is. You can see the trenches;

1           you can see the path. They could not pass, so we had to  
2           dig the trenches so they would not be hit by the  
3           Territorial Defence and the Defence forces of the  
4           Republic of Bosnia-Herzegovina.

5           Q. Thank you, Mr. Kavazovic. You can have a seat.

6                     I would ask that the usher please place on the  
7           ELMO Prosecutor's exhibit 29C.

8           JUDGE JORDA: Could you please, Mr. Prosecutor, and I address  
9           myself to the Defence as well when their time comes, to  
10          give notice to the Registrar of the exhibits that you  
11          will need in the necessary order: "I will ask for  
12          exhibit 50, then 29", et cetera; which will save us some  
13          time. Continue please.

14          MR. HARMON: Yes, Mr. President.

15          JUDGE JORDA: Thank you.

16          MR. HARMON: Mr. Kavazovic, can you take a look at  
17          Prosecutor's exhibit 29C and can you, in looking at that  
18          exhibit, inform the court how far away Kratine is from  
19          the hotel Vitez. First of all, can you point to  
20          Kratine. (Witness indicates). How far away is that  
21          from the hotel Vitez?

22          A. The distance from the hotel Vitez is 5 to 6 kilometres.

23          Q. Thank you very much. Thank you, Mr. Usher. I am  
24          finished with that exhibit.

25                     Mr. Kavazovic, while you were at the front lines

1           during the seven to eight days that you said you were  
2           there, did you have an opportunity to see any  
3           communications equipment in the possession of the HVO  
4           units that were there?

5           A. While I was there, Mr. Ivica Vujica, the commander of a  
6           part of the Jokers, had radio equipment on him from the  
7           former JNA. It is a green radio receiver which is  
8           carried over the shoulder. It has an earphone on the  
9           side; I do not know exactly the time or model, but it is  
10          a radio receiver and transmitter and he used it, he  
11          spoke over it. I saw that others who were also  
12          commanders and leaders of platoons and detachments  
13          carried these Motorolas or radio stations as a means of  
14          communication.

15          Q. You said a portable Motorola. Did you see a portable  
16          telephone as well?

17          A. Yes, it is at the same time a telephone. It is actually  
18          a radio station, some kind of radio. It was green with  
19          a shoulder strap, and I think it is equipment of the  
20          Yugoslav People's Army.

21          Q. Did it appear to you, Mr. Kavazovic, that the units at  
22          that line were able to communicate with each other?

23          A. Yes, they did communicate in fact. When I reached Ivica  
24          Vujica, commander of the Jokers -- he is from Busovaca  
25          -- he was called up over this radio. The words were

1 "Idol is calling Sardina", which is probably some kind  
2 of code language used in radio communication, and the  
3 question was, "Idol have you received men for digging?"  
4 He answered, "Sardina, yes, I have got the men." I do  
5 not know who was Idol and who was Sardina but those were  
6 the words used.

7 Q. Did it appear to you, based on that conversation, that  
8 units on the enemy line were able to communicate with  
9 units behind that particular line?

10 A. Yes.

11 Q. Mr. Kavazovic, while you were at that particular line for  
12 those number of days, were you threatened?

13 A. Yes, there were threats. We had to do what we were  
14 told. We did not dare, of course, run away. There was  
15 always a guard, depending on where we were digging. If  
16 we were digging at the HVO lines, one of the soldiers  
17 would stand by, armed, and he would threaten, "Do not  
18 dare try and run because we will kill you all", so we  
19 had to have our heads bowed looking downwards. Rarely  
20 were we allowed to look elsewhere, where we were not  
21 supposed to look, so we had to do heavy labour. We had  
22 to dig for a whole day sometimes. Once I had to dig a  
23 rock to remove the rock so that it would serve as a  
24 shield for them.

25 Q. Were you ever forced to place mines in the ground?



1       A. Yes, on one occasion, actually on the fourth or  
2       fifth day, Mr. Anto Furundzija came amongst the eight of  
3       us, together with four members. Two belonged to the HVO  
4       and two were Jokers, like Anto Furundzija himself, who  
5       was a Joker. Then he asked which one of us knew how to  
6       lay mines. We were all silent. Then he asked again,  
7       "Does anyone know who is a pyrotechnician", that is  
8       persons dealing with explosives, who understand  
9       explosives. We all bowed our heads and nobody gave any  
10      answer. Then he pointed at me and said, "Kavaz, you are  
11      coming with me." I was terrified; I wondered why me?

12             Then I went to a stream where mines had to be  
13      laid. They were also JNA mines. He asked me whether  
14      I knew how to lay them and I said, "I have no idea." He  
15      told me to try. However, while working in the army as a  
16      corporal, I did come across these mines, but for  
17      training purposes, not combat. I knew the procedure for  
18      laying a minefield.

19             So I started working on it. When I got the fuses,  
20      they were training lighters; the lighters were not the  
21      real ones. I do not know what the reason was. I told  
22      them that the difference between training lighters,  
23      which are yellow -- and the combat lighters are red.  
24      I explained to this man the difference, that it was not  
25      a lighter for combat mines. So he brought some others.

1 I do not know whether they were doing this to check  
2 whether I knew how to do it or not, so I placed them  
3 there and I left.

4 Q. Where did you lay those mines?

5 A. I laid the mines at Kratine on the left-hand side  
6 alongside a stream, along the dividing line between the  
7 HVO and the army.

8 Q. Approximately what date, Mr. Kavazovic, did you leave the  
9 Kratine area?

10 A. I went around 30th April, the 28th or 30th.

11 Q. Why did you leave the front lines?

12 A. Having worked so hard -- I worked all the time; I had  
13 very little rest -- I could not eat fish. I just cannot  
14 stand it and throughout the period I was there I had to  
15 eat this fish. Sometimes I was forced to eat it. Being  
16 exhausted, I fainted, I lost consciousness, and upon the  
17 orders, or at least I heard that Bralo Mladen, Cicko,  
18 ordered that I be taken away from the area, and two of  
19 my comrades who were with me, captured civilians, were  
20 told to put me in a van and drive me to Busovaca and  
21 that is what they did. The same driver, known as Zabac,  
22 put me in this van, together with the two civilians  
23 Cengalovic Jasmin and Adnan Piric, I was driven to the  
24 first aid station at Busovaca, where I was given medical  
25 treatment, I got an injection and I came to. My muscles

1           were stiff, I had serious inflammation of the muscles  
2           and both my legs and arms had gone stiff.

3       Q.   When you said Mladen Cicko, you mean Bralo, Miroslav  
4       Bralo, also known as Cicko?

5       A.   Bralo Miroslav, known as Cicko.

6       Q.   After you were given this medical treatment, where were  
7       you taken?

8       A.   After medical treatment -- they treated me correctly;  
9       I was given an infusion and an injection -- the same van  
10      waited for me and they took me back to Kaonik, the camp  
11      there at Kaonik.

12      Q.   If I could have the usher place the following exhibit  
13      which is a copy of the previous exhibit, number 59 on  
14      the easel, your Honour. I believe that will be  
15      Prosecutor's exhibit 59A.

16      THE REGISTRAR: Yes, exhibit number 59A.

17      MR. HARMON: Mr. Kavazovic, would you first of all take the  
18      pointer and can you point out where you were taken,  
19      where Kaonik is on that particular photograph.

20      A.   Here these are shelters of the Territorial Defence of  
21      the former JNA warehouses, former military warehouses,  
22      and I was taken there from the medical centre.

23      Q.   Can you take a pink pen and just put a circle around  
24      that location, please. You can have a seat again.

25      After you were taken there by the HVO, where were you

1 placed in that particular facility?

2 A. I was placed in a building which had small premises  
3 about 2.5 metres long and 2 metres wide. They were  
4 warehouses, storage space, and these premises had  
5 numbers, so I was in room number 5.

6 Q. Did you have access in and out of that room freely or  
7 were you guarded by somebody?

8 A. The rooms were locked. I was put in room number 5 and  
9 if I wanted to go out, I had to knock; there was an  
10 opening on the door. I would say, "Room number 5."  
11 Then he would ask me, "What do you want?" I would say,  
12 "I need to go to the toilet", he would open and  
13 accompany me to the toilet and bring me back. That was  
14 the only time we were outside. When I was given lunch,  
15 the door would be opened so that I could see while  
16 eating and then they would be closed again.

17 In the camp, I was given two meals a day for the  
18 two days I was there. In the morning there was a cooked  
19 meal, cooked rice at 9.00, and at 4.00 again there was  
20 rice and potatoes, so anyway the food was much better  
21 than on the frontlines where we were digging.

22 Q. Were you able to identify by particular military unit  
23 the guards that were guarding you?

24 A. The guards that were guarding us at the entrance were  
25 military policemen, and inside the building they were

1 members of the HVO.

2 Q. You said you remained at Kaonik for two days. Where did  
3 you go after you left Kaonik?

4 A. On the third day, or rather the third day in the  
5 morning, Mr. Zabac came because he had promised that he  
6 would come for me the next day; he did not come the next  
7 day but the day after. He came with a van and two  
8 members of the HVO military police, and he drove me  
9 again to the SDK building, where I had been before.

10 Q. When you arrived at the SDK building, what did you see?

11 A. When I got to the SDK building, the people whom I had  
12 left behind were there, and then I met with people who  
13 had also been digging trenches like me, so we talked to  
14 each other, where we had been, where we had done the  
15 digging, and I was waiting for the exchange.

16 Q. Where did the people you talked to say they had been  
17 digging trenches?

18 A. During the conversations we had, and judging from the  
19 people who came to Kratine, I learned that people had  
20 been digging trenches in Krcevine, Dubravica, Sivrino  
21 Selo, from all the camps in Vitez; people were rounded  
22 up and taken to dig trenches.

23 Q. How many other detainees were with you in the SDK  
24 building at that time?

25 A. 62. I was the 63rd. Anyway they were all there when

1 I came back. There was eight of us, I was the ninth,  
2 that were taken away, but the others did not go anyway.  
3 We waited for the exchange which had been promised us.

4 Q. Were you in fact exchanged?

5 A. Yes, the exchange took place. The Red Cross came; they  
6 brought buses and then we went to sign statements there  
7 that we did not wish to stay in Vitez. Even the people  
8 who wanted to stay did not dare say so because the  
9 situation was terrible for Muslims under the control of  
10 the HVO, so that we all had no other choice but to say  
11 that we wanted to leave Vitez to go to Zenica or  
12 Travnik, somewhere where the BH-Army was in control, and  
13 then the Red Cross would call out the names  
14 individually. The HVO military policemen were there who  
15 took us out in groups of five. Then we waited to be  
16 called out and to sign this statement, that we did not  
17 want to live in Vitez but that we wanted to go to  
18 Zenica.

19 This was not something that we wanted.  
20 I personally did not want to go to Zenica. I like  
21 Vitez, I prefer Vitez, but I was forced to leave Vitez  
22 and go to Zenica because if I had signed to say that  
23 I wanted to stay in Vitez, I would probably have been  
24 captured again or even something worse could have  
25 happened, because the Muslims in areas under Croatian

1 control were insulted, mistreated, harassed, so that  
2 I had to sign this statement to say that I wanted to go  
3 to Zenica, that I did not want to live in Vitez.

4 Then I got into this bus organised by the  
5 Red Cross. We were escorted by UNPROFOR and taken to  
6 the UNPROFOR base in Nova Bila. We waited there for  
7 three or four hours to be allowed passage to Zenica,  
8 because at the checkpoint near the railway station under  
9 the control of the HVO we were not allowed to pass.  
10 They wanted to search the buses, but the Red Cross would  
11 not allow it. They did not agree with that. So we had  
12 to wait for two hours for the commander of the UNPROFOR  
13 -- their names were Stewart and Anderson -- to come to  
14 an agreement with them to allow us to pass to Zenica.

15 After two or three hours, I cannot remember  
16 exactly, the bus set off towards Vitez, the railway  
17 station, via Vjetrenice to Zenica, and that is how I got  
18 to Zenica. I gave the Red Cross the address I wanted to  
19 go to. The condition was that I must have some  
20 relatives in Zenica, to have an address there, to be  
21 able to leave Vitez. My wife had an uncle and I gave  
22 his name and address and that is how I managed to go to  
23 Zenica. So I could not leave Vitez unless I had someone  
24 in Zenica.

25 Q. Mr. Kavazovic I am going to show you Prosecutor's next

1 exhibit, which I would ask be marked Prosecutor's  
2 exhibit 99 and I am going to ask you to identify that in  
3 just a moment. Before you say anything about that,  
4 Mr. Kavazovic, first of all can you identify the  
5 document? Then I am going to ask you a question about  
6 it.

7 A. This is a document of the Red Cross that we received  
8 once we were identified in Vitez, and after that, with  
9 these papers in the Red Cross office, we had our dates  
10 of birth et cetera sent to Zagreb and then these papers  
11 were sent back to us. However there is a problem with  
12 registration. 24th September 1993 is the date written  
13 here. However, I was taken out to dig trenches on the  
14 22nd, and my father-in-law was at the SDK, then, when  
15 the Red Cross came to identify all these people who were  
16 in there and to register them and to make these lists,  
17 knowing my name, he gave my name.

18 So that is how I was listed, and my place of birth  
19 and date of birth et cetera, and that is how these  
20 people who were there gave these data about us so that  
21 we could be registered with the Red Cross too. When  
22 I came to the SDK, when I was returned to the SDK on the  
23 30th , or rather on 3rd May, I got a paper from the  
24 Red Cross which my father-in-law had actually filled out  
25 for me. I did not even see these Red Cross people, nor



1           did I see any of this before. My father-in-law did all  
2           of this for me. This is the day they came to the SDK,  
3           but I was not there, I did not see anyone. Fortunately  
4           my father-in-law was there, so he got these papers for  
5           me.

6           Q. Mr. Kavazovic, you may have mis-spoken, because on the  
7           transcript it says -- the line that says "was registered  
8           by ICRC delegates on ...", your testimony was "on  
9           24th September 1993" and what is written there is "April  
10          26th 1993". Do you see that? Is that correct?

11          A. The 26th April 1993, that is when they made this  
12          registry of people in the SDK in Vitez.

13          Q. That is the date that your father-in-law gave the  
14          Red Cross your name?

15          A. Yes.

16          Q. Thank you.

17          A. He gave my personal data, and on the basis of these  
18          personal data, he got the card that he obtained, so when  
19          I came, I got the card and I did not see any of these  
20          people myself.

21          Q. Mr. Kavazovic, after you were released to the Red Cross,  
22          did you receive medical treatment?

23          A. When I got out, I had to report to Dr Mujezinovic.  
24          I went to see him. In the evening when I would go to  
25          bed, I felt very stressful. I had heart trouble,

1           probably because of everything that I had experienced.  
2           My courage had also gone down, so I went for treatment  
3           to Mujezinovic.

4                     It was not real treatment; I went to talk to him  
5           so he would encourage me, he would help me. He is a  
6           doctor of internal medicine and he is also good at  
7           psychology, so he recommended me to Dr Sestic, a  
8           neuropsychiatrist in Zenica. I went to see him several  
9           times and then from a psychological point of view he  
10          explained to me that it was only natural after  
11          everything that I had lived through -- that this would  
12          heal, but it would take a year or two for this fright of  
13          mine to disappear. It was only a normal reaction, he  
14          said, because all that time I was tense, I was afraid.  
15          Now I am fine, I have no problems.

16        Q. You saw Dr Mujezinovic at some point in time in Zenica;  
17          is that correct?

18        A. Yes.

19        Q. After your release from the Vitez area, did you join the  
20          Armija?

21        A. After a month and a half again I joined a formation of  
22          the army of Bosnia-Herzegovina. I was appointed head of  
23          the transportation service in the brigade.

24        Q. Are you currently serving as a member of the Armija?

25        A. Yes, I am an active officer. I am a lieutenant. I am

1 in charge of the transportation service.

2 MR. HARMON: Thank you very much, Mr. Kavazovic. I have no  
3 additional questions of you but the Defence lawyers will  
4 be asking you some questions and the judges will be  
5 asking you some questions.

6 Your Honours, I would ask to move into evidence  
7 the following Prosecutor's exhibits; 45C, 29G, 56C, 50C,  
8 51A, 59A and 99.

9 JUDGE JORDA: No objection?

10 MR. NOBILO: No, your Honour.

11 JUDGE JORDA: Mr. Hayman, no objection? No objection.

12 Very well, Mme Fauveau, these exhibits will be  
13 admitted into evidence according to the statement of the  
14 Prosecutor.

15 Now you are going to be asked a certain number of  
16 questions by the Defence counsel, the lawyers of  
17 General Blaskic. I do not know whether it is going to  
18 be Mr. Nobile -- yes, it is Mr. Nobile. You have the  
19 floor, sir.

20 Cross-examined by MR. NOBILO

21 Q. Thank you, Mr. President. Good morning, Mr. Kavazovic.  
22 As you have heard, I am Anto Nobile, the attorney of  
23 General Blaskic and I would like to put a few questions  
24 to you.

25 Tell me, in the JNA, you got a certain rank. Did

1           you attend reserve officers' school or how did this  
2           happen?

3           A. I did my military service in Delnice in Croatia.  
4           I attended a course for corporals and after that,  
5           I completed my military service.

6           Q. Were you a reserve officer after that and were you asked  
7           to attend additional courses and exercises?

8           A. Yes, in Turbe once I went for exercises and that was  
9           all, nothing more than that.

10          Q. You said that in 1992, you joined the Territorial  
11          Defence. I would like to know whether this was  
12          voluntary or were you called up?

13          A. It was voluntary, I was not called up.

14          Q. Who did you report to?

15          A. I reported in Vitez. Zenada Causev was the woman who  
16          was in charge of the people who were volunteering to  
17          join the Territorial Defence.

18          Q. Tell me, you reported to Zenada. Did you immediately  
19          get a uniform and arms?

20          A. No, we did not have arms then. I was wearing civilian  
21          clothes and for about 15 days, we were coming in just  
22          like that in civilian clothes. We reported in, and at  
23          that time in Zljeme the Yugoslav People's Army were  
24          creating problems, they were supposed to leave  
25          warehouses so we were just told to report in every other

1 day and that is what we would do, and then we would go  
2 back again.

3 Q. Did you participate in the actions in Zljeme?

4 A. No.

5 Q. When did you get an uniform?

6 A. I did not get a real uniform. From Soko Mostar, we got  
7 blue overalls, I think from the airport. I do not  
8 know. We got this from Kresevo, so we got these  
9 overalls that are usually worn by aircraft mechanics.  
10 The Territorial Defence first had these blue uniforms,  
11 so it was not camouflage uniforms, but these were  
12 two-piece uniforms, overalls and matching blue jackets.  
13 That is all the Territorial Defence had until June,  
14 I think, from April to June. We wore them for about two  
15 months.

16 Q. But otherwise in the Territorial Defence were uniforms a  
17 problem?

18 A. Yes.

19 Q. So there were members who did not have uniforms?

20 A. Yes.

21 Q. When you were first arrested by the HVO, you said that  
22 you were questioned about the Territorial Defence, and  
23 that you did not tell them anything; you did not know  
24 anything or you did not want to tell them anything?

25 A. This was not my responsibility. I simply was not

1 responsible for that. I did not have any answers to  
2 give them.

3 Q. I do not understand. Did you know how to answer some of  
4 their questions and you did not want to answer them or  
5 did you simply not know how to give an answer?

6 A. I did not know how to answer some of these questions.  
7 I did not understand some of these questions. When they  
8 asked me what Territorial Defence was and why it was  
9 there, how could I explain that? How could I know?

10 Q. Do you agree with me when I say that you had a  
11 relatively important position already in 1992 in view of  
12 your age, that you were head of transportation? Can you  
13 tell me, in 1992, for example in the second half of  
14 1992, how was the Territorial Defence in the  
15 municipality of Vitez organised? Where were its  
16 headquarters and what were the units that existed?

17 A. The headquarters of the Territorial Defence in Vitez in  
18 1992 were in the high school in Vitez, Boris Kidric high  
19 school in Vitez.

20 Q. Was there a staff platoon or someone else who was  
21 guarding you?

22 A. I do not know, I have no idea.

23 Q. You do not know; you were the driver of Hakija Cengic  
24 right?

25 A. Yes.

1 Q. And you do not know?

2 A. No, I really do not know. I was not involved. I do not  
3 think there was that kind of platoon because we did not  
4 have uniforms. People asked for uniforms and we did not  
5 have any. We could not give them any, so we would come  
6 to Vitez, report in and then we would go back after two  
7 days as I said.

8 Q. That is what you did say for the first half of 1992, but  
9 the second half, when you got those blue overalls, in  
10 the second half of 1992, was there a platoon that was  
11 protecting the command?

12 A. I do not know, I really do not know.

13 Q. Was there a battalion of the Territorial Defence in  
14 Vitez?

15 A. No, there was not.

16 Q. Was there a detachment of the TO in Visoko with Hakiija  
17 Dzelilovic?

18 A. I do not know.

19 Q. Was there one in Preocica?

20 A. I do not know.

21 Q. Was there a TO detachment in Poculice?

22 A. I do not know.

23 Q. You have never heard of it?

24 A. I have heard of Poculice.

25 Q. But the TO detachment?

1 A. No.

2 Q. Was there a TO detachment in Dubravica?

3 A. Dubravica, that means Croat population.

4 Q. I am asking you whether it was there in 1992?

5 A. I do not know.

6 Q. Was there one in Hanka Panija?

7 A. I do not know about Hanka Panija.

8 JUDGE JORDA: Mr. Nobile, you have already said, because you  
9 know the language, you are going very fast, but could  
10 you please slow down for the benefit of the  
11 interpreters.

12 MR. NOBILLO: Certainly.

13 Was there a TO detachment in Stari Vitez?

14 A. I do not know.

15 Q. Was there a TO detachment in Kolonija in Vitez?

16 A. No.

17 Q. Was there a TO detachment in Kruscica?

18 A. I do not know.

19 Q. Was there a TO detachment in Vraniska?

20 A. I do not know.

21 Q. Was there a logistics centre of the Territorial Defence?

22 A. Logistics centre of the Territorial Defence, yes. In  
23 the municipal headquarters in Vitez, in a private house,  
24 there was a logistics base, but it was not really a  
25 logistics base. Flour and food were there.



- 1 Q. Were there weapons there?
- 2 A. Some weapons that I mentioned.
- 3 Q. Was there a communications unit then?
- 4 A. No.
- 5 Q. Anti-aircraft platoon -- antisabotage platoon?
- 6 A. Could you please repeat what you said.
- 7 Q. Antisabotage platoon?
- 8 A. No.
- 9 Q. As the head of transportation unit for the Territorial  
10 Defence, what was your task?
- 11 A. As head of the transportation section, first of all  
12 I only had four vehicles. My task was to provide a  
13 vehicle when the Commander was supposed to go and talk  
14 to the HVO and he was supposed to attend joint  
15 meetings. I was the one who would have to take care of  
16 who would drive him when I stopped driving his vehicle;  
17 then I appointed two new drivers for him. They would  
18 alternate every other day. So when the Commander would  
19 have this meeting, for example he would tell me, "I have  
20 a meeting at the hotel Vitez and I need a vehicle to  
21 take me to the hotel Vitez." I had to make sure that  
22 the Commander could always have one of these four  
23 vehicles for his purposes.
- 24 Q. These four cars, were all of them passenger cars?
- 25 A. There was a private van and there were two that belonged

1 to the former joint Territorial Defence headquarters.

2 Q. What did you do with the van? What did you transport in  
3 it and where did it go?

4 A. When flour was supposed to be brought in, when food was  
5 supposed to be prepared, the van would go and collect  
6 that. We would simply carry out the Commander's orders.

7 Q. Food. Where did you bring food in from and where did  
8 you take it?

9 A. What place? From the store for instance from Princip we  
10 would get nine meals at one point in time. That is  
11 where the HVO also obtained their breakfast from, and if  
12 they did not have a vehicle to bring in the breakfast to  
13 the school or to another building, we would send our van  
14 in to bring in breakfast or lunch or whatever.

15 Q. Did you ever drive the Commander to certain villages of  
16 the Vitez municipality?

17 A. No, we did not get out of town at all while I was  
18 driving, and after that, I do not know.

19 Q. But towards the end of 1992 when you became head of the  
20 transportation service, your drivers, did they go to  
21 some villages and other places in the Vitez  
22 municipality?

23 A. No, I think that you have as evidence these papers  
24 giving instructions where to go, for example Vitez  
25 Lokava; from the high school to his home, which was

1 nearby, and then for example from the high school to the  
2 police department down there or to the hotel.

3 Q. So we can conclude that you were head of the  
4 transportation service, your drivers, your vehicles were  
5 driving around Vitez.

6 A. Yes, in that part of town and Stari Vitez for example.

7 Q. So it is within the town of Vitez. So that is the  
8 service you headed?

9 A. Yes.

10 Q. All right, thank you. You were the driver of the  
11 Commander. How many people were there in the  
12 headquarters of the Territorial Defence?

13 A. I do not know about that. I did not have access to  
14 that.

15 Q. Do you know the names of these people? Do you know some  
16 of the people who were members of the headquarters?

17 A. I knew Sajic Jelko.

18 Q. In the second half of 1992?

19 A. In the second half of 1992. I knew the Commander and  
20 I knew Zenada Causev.

21 Q. So two persons?

22 A. I knew two persons.

23 Q. And you were head of the transportation service?

24 A. I was head of the transportation service. I am sorry,  
25 I knew my boss at logistics, but logistics is something

1 different from the headquarters. There were different  
2 commanders at the headquarters and different commanders  
3 at logistics.

4 Q. All right, I asked you about the headquarters, the  
5 staff. You knew two people.

6 Tell me, this conflict in October in Ahmici, when  
7 that occurred, did you have any contact with someone  
8 from Ahmici or somebody else in your presence, either by  
9 radio or by telephone?

10 A. I do not know. I do not think so; I do not know.

11 Q. You do not think so or --

12 A. I do not know, I simply do not know. At any rate,  
13 I know what I saw.

14 Q. I am asking you: did someone in your presence speak over  
15 the radio with someone in Ahmici?

16 A. No.

17 Q. Before the morning when you went to Visoko, when you  
18 were coming back from Ahmici, when were you coming back  
19 from Ahmici, at what time?

20 A. About 1.30, I think.

21 Q. All right. At 1.30, was the conflict over?

22 A. No, the conflict had only started. I got into the fire,  
23 I was passing through Ahmici, I saw one house burning,  
24 another house burning, a third house burning. I did not  
25 understand what was happening. When I came to Vitez

1 people were standing there in uniforms, by the  
2 buildings, and I went to logistics. I managed to reach  
3 logistics and nobody stopped me, I do not know why.

4 Q. Did you hear shooting when you were passing through  
5 Ahmici?

6 A. Yes, I heard shooting.

7 Q. Did you see any roadblocks?

8 A. There was a checkpoint but it was moved aside.

9 Q. In the morning, did you go to Visoko the same day when  
10 you came back?

11 A. I went in the morning.

12 Q. What did you see in the morning as you were passing to  
13 Visoko?

14 A. I saw houses, normal houses.

15 Q. Was there a checkpoint there, a roadblock? What did it  
16 consist of?

17 A. Of tyres and also two rails from a railroad that were we  
18 welded together so that you cannot pass with a heavy  
19 truck; you cannot move very fast. That is what I saw.

20 Q. Did somebody guard that roadblock?

21 A. Yes, I knew his name; I cannot remember it now. It was  
22 a member of the HVO, and also there was a similar  
23 roadblock at the railway station, so in Ahmici, a member  
24 of the HVO guarded this point.

25 Q. That is what you are saying?

- 1 A. Yes, he was sitting there on a chair. I imagine he was  
2 guarding it.
- 3 Q. So whose checkpoint was it, of the HVO?
- 4 A. Yes.
- 5 Q. Thank you. Did you have any offers to switch to the HVO  
6 at the beginning of 1992?
- 7 A. Yes.
- 8 Q. Who made the offer?
- 9 A. Anto Furundzija on one occasion told me that I could be  
10 transferred to the HVO, that I would have a higher  
11 salary, because our earnings were low. I cannot  
12 remember exactly. Those were the first BH dinars, very  
13 little anyway, and he told me, "Why do you not join with  
14 us? You will have a much better salary in  
15 Deutschemarks", but I did not want to.
- 16 Q. Why did you not? It is normal to go where you are  
17 better paid?
- 18 A. That depends on the individual.
- 19 Q. What was your opinion?
- 20 A. I had my opinion. I did not think money was everything.
- 21 Q. What was your opinion?
- 22 A. That is my private view; I do not think that big money  
23 seems so much. To this day I do not think it is  
24 everything.
- 25 Q. So you do not want to explain to us?

1 A. No.

2 JUDGE JORDA: Mr. Nobile, you have asked the same question  
3 four times. You have been given an answer. He answered  
4 your question. It is his point of view.

5 MR. NOBILO: Yes, I was going to go on to another question.

6 When you were arrested for the first time, was any  
7 reference made to this fact that you had refused to join  
8 the HVO?

9 A. The first time? A little bit, yes. Vlado Santic asked  
10 me why I would not joint the HVO and I had to say that  
11 I just did not want to.

12 Q. Do you know that a general mobilisation was proclaimed  
13 and a state of war in Bosnia-Herzegovina?

14 A. I do not know what you mean. For the whole population  
15 or for certain segments?

16 Q. Do you know that the President of Bosnia-Herzegovina,  
17 Alija Izetbegovic, the President of the whole state, had  
18 proclaimed a state of war and a general mobilisation?

19 A. No, I did not know.

20 Q. The day you saw the roadblock at Ahmici held by the HVO,  
21 which road did you take to Visoko from Vitez to Ahmici  
22 and from Ahmici -- where?

23 A. I was going to Lasva then Bila Selo (?), from Bilesevo  
24 to Kakanj, from Kakanj to Mostar and Visoko.

25 Q. Was it not closer to take the road from Busovaca and

1 Kiseljak to Visoko?

2 A. Yes, but you had to be able to pass along that route.

3 Q. What was the problem?

4 A. It was a dangerous road.

5 Q. You mean there were potholes or curves or what?

6 A. It is a very dangerous road, there were lots of curves.

7 Q. So that was the only reason?

8 A. Yes.

9 Q. Why were you driving from Visoko to Vitez and what  
10 was -- which location in Visoko did you go to?

11 A. I went to Mostre near Visoko.

12 Q. What was situated there?

13 A. The Muslims were there who had gone there because the  
14 attack had started on Visoko. The JNA had attacked.  
15 They had attacked Bosnia-Herzegovina and I do not know  
16 under whose orders people were told to go there to be in  
17 a state of alert.

18 Q. So obviously you went to take something there?

19 A. I did not go to take anything. I just went there by  
20 orders of the Commander to see whether any vehicles were  
21 necessary there, and on my way back to Visoko, the  
22 factory at Kovin -- I think it is a steel mill mostly --  
23 the TO at the time had some shells, 120 millimetre,  
24 I think. I do not understand them very well, but they  
25 did not have additional charge and they were literally



1           confiscated from the JNA without fuses and without  
2           additional charge and by orders of somebody called  
3           Mevludin from Breza. He was a commander there; I do not  
4           know his surname. Mevludin was his name. He told me to  
5           take that back to Vitez, to the Princip Selo factory so  
6           they can try and manufacture what was necessary.

7           So I transported 34 or 35 shells, not I but people  
8           loaded these shells into the Fiat van that I was  
9           driving. It was in private property; it did not belong  
10          to the army. I do not remember the owner's name; the  
11          man was living in Germany and he lent it to the TO, so  
12          I loaded these shells and set off.

13        Q. So you picked up those shells by chance? Where did you  
14          take them?

15        A. I took them to the house where the logistics was. That  
16          is where I arrived with the van.

17        Q. Was it just a van or was it a convoy?

18        A. No, there was no convoy.

19        Q. You said that when you arrived, the city was blocked.

20        A. Yes.

21        Q. What do you imply when you say "blocked"?

22        A. In my view, when I say "blocked", it means when  
23          civilians do not walk the streets, when they are  
24          prohibited from walking, when there is only the military  
25          in the town, when civilians cannot move freely. I did

1 not see a single civilian walking in town. The shops  
2 were not working, the cafes and restaurants were not  
3 working, it was not a Saturday or a Sunday, holiday day;  
4 it was a working day, as far as I remember. There were  
5 checkpoints: at Rijeka there was a checkpoint; this is a  
6 kind of blockade. There was a checkpoint at the railway  
7 station. That is a blockade too, as well as this one in  
8 Ahmici.

9 Q. So there were three HVO checkpoints that you saw?

10 A. Yes.

11 Q. Very briefly, this Motorola that you mentioned, is it  
12 the small hand-held radio station?

13 A. I did not mention a Motorola.

14 Q. You mentioned a Motorola several times during your  
15 testimony.

16 A. As a device.

17 Q. Motorola is a trademark. It can imply anything so what  
18 I am asking is, what do you call a Motorola? What is it  
19 you mean when you say Motorola?

20 MR. HARMON: Excuse me, your Honour, there seems to be a  
21 fairly vigorous debate going on between counsel and the  
22 witness but I do not think the translators are getting  
23 any part of it. I certainly am not. I ask that  
24 Mr. Nobile ask his question and give the witness time to  
25 answer the question.

1 JUDGE JORDA: Objection sustained. Please, think of the  
2 interpreters, the Prosecution and, of course, the  
3 judges.

4 MR. NOBILO: I am referring to the question put to you by the  
5 Prosecution when you spoke of a Motorola. Is it a hand  
6 radio station, a portable radio station?

7 A. Yes.

8 Q. You are a professional military man. What is the range  
9 of a portable radio station if there is no relay?

10 A. It depends on the model. It depends on the type. Some  
11 such radios have 12 kilometres, 8 kilometres; it depends  
12 on the model.

13 Q. You were asked about Mujahedins in Stari Vitez. Were  
14 there any Mujahedins in Stari Vitez?

15 A. No. I do not know whether you know what a Mujahedin is.

16 Q. I am asking you. In prison with you was Patkovic  
17 Muhamed and Ahmic Cazim. Were they members of the TO?

18 A. Yes, they were with me in the rear. They worked with me  
19 in the rear.

20 Q. What were their positions?

21 A. Muhamed Patkovic was an officer for logistics. Cazim  
22 Ahmic was an officer for logistics, communications,  
23 organisation of the rear.

24 Q. You said that the Muslims did not have free access to  
25 the hotel Vitez.

- 1 A. Yes.
- 2 Q. Could Croatian civilians enter the hotel Vitez?
- 3 A. No.
- 4 Q. Therefore civilians could not enter the hotel?
- 5 A. No, it was a command-post. It was the headquarters.
- 6 Q. In 1992 and 1993, did the discotheque in the Vitez hotel
- 7 operate in the basement?
- 8 A. No.
- 9 Q. What about the brewery?
- 10 A. I do not think so, but I do not know.
- 11 Q. And the restaurant?
- 12 A. I do not know about that either.
- 13 Q. Did you ever see Tihomir Blaskic in 1992?
- 14 A. No.
- 15 Q. Did you see him in Vitez ever?
- 16 A. No.
- 17 Q. On 15th April, let us take that date, do you know what
- 18 the deployment of BH-Army units was around Vitez?
- 19 A. Could you please repeat the question?
- 20 Q. On 15th April 1993, let us take the period around that
- 21 date, do you know, in Vitez municipality, where units of
- 22 the BH-Army were located?
- 23 A. No.
- 24 Q. Have you ever heard of the 325th Mountain Brigade of the
- 25 BH-Army?

1 A. I have heard of it.

2 Q. Where did the fighters of this brigade come from and  
3 where did the brigade operate in 1993?

4 A. I do not know, I was a member of the TO staff.

5 Q. On 15th April 1993, did you have any weapons in your  
6 house?

7 A. No.

8 Q. None at all?

9 A. No.

10 Q. You said that you had to take off your uniform and leave  
11 your weapons in the headquarters when you went home to  
12 Vitez because it was under HVO control. Why? Why did  
13 you have to take your uniform off?

14 A. Because I did not dare move around as a member of the  
15 TO. I was not allowed to by the HVO. Not just I but  
16 no one. Under HVO control, it was prohibited for  
17 members of the TO to wear a uniform. Even the Commander  
18 himself did not dare go in the area under HVO control  
19 because he would be either captured or shot at. We did  
20 not dare and we were not allowed to.

21 Q. Could HVO members walk around in uniform?

22 A. Yes, they could.

23 MR. NOBILO: Mr. President, do you think this would be a  
24 convenient moment for the break? Are you planning the  
25 break now or shall I pass on to a document? Perhaps

1           this might be a suitable moment before I pass on to this  
2           document.

3           JUDGE JORDA: Yes, that is exactly the question that I was  
4           going to ask you. Do you still have many questions to  
5           put to this witness?

6           MR. NOBILO: Yes, I do.

7           JUDGE JORDA: Very well then, let us have the break as usual  
8           and resume at 11.40.

9           (11.20 am)

10   (A short break)

11           (11.40 am)

12           JUDGE JORDA: The hearing is resumed. Please bring in the  
13           accused.

14   (Accused brought in)

15           JUDGE JORDA: Very well. Mr. Nobilo?

16           MR. NOBILO: I would like to ask the usher for his  
17           assistance. I should like a document to be shown to the  
18           witness. (Handed).

19                       Mr. President, your Honours, unfortunately we do  
20           not have the translation into English because during the  
21           cross-examination, the need suddenly arose for showing  
22           this document. It is very brief.

23           JUDGE JORDA: There is no translation?

24           MR. NOBILO: English or French, because we suddenly realised  
25           we need this document. It is a brief document and

1 I will read it.

2 JUDGE JORDA: Mr. Prosecutor, any comments? The judge cannot  
3 make any comments because we do not have a French  
4 translation. What do you think about it.

5 MR. HARMON: I am in the same position, your Honour; I cannot  
6 make any comments about it.

7 JUDGE JORDA: Very well. We will have confidence in the  
8 Defence and in the interpreters, so we are not going to  
9 deprive the Defence of submitting this document during  
10 the cross-examination.

11 Mr. Nobile, please read slowly so that everyone can  
12 understand the meaning and the impact of this document.  
13 Let us continue.

14 MR. NOBILO: Thank you, Mr. President. Let me just remind the  
15 court that we ended with the statement, before the  
16 break, made by the witness that he was not allowed to  
17 wear uniform as other members of the BH-Army were not  
18 allowed to wear uniforms, whereas HVO people could wear  
19 uniforms.

20 The document in the heading says:

21 "The Republic of Bosnia-Herzegovina, the Croatian  
22 Community of Herceg-Bosna, the Croatian Defence Council,  
23 the Command of the Viteska Brigade. Defence military  
24 secret, strictly confidential."

25 The number is 01/117/93; Vitez, 8th April 1993.

1           Heading:

2                   "Prohibition of movement of uniformed persons  
3           wearing arms in inhabited areas."

4           The text:

5                   "Due to the frequency of disturbances of public  
6           law and order, murders, wounding, threats with force of  
7           arms, opening fire on settlements, as well as due to the  
8           deterioration of the overall security situation, on the  
9           basis of the orders of the Commander, Colonel  
10          Tihomir Blaskic, I hereby order:

11                   "(1) in all inhabited areas and roads, the  
12          movement of persons wearing uniforms and carrying  
13          weapons should be prohibited if military personnel are  
14          not performing official duty, except in the course of  
15          their departure for the battle front or their return  
16          from the frontlines;

17                   "(2) officers of the HVO military police shall be  
18          obliged to disarm all armed men, to make a record of the  
19          weapons and store it in the brigade warehouse, and  
20          report to the command of the same;

21                   "(3) in the event of opposition, the person shall  
22          be taken to the premises of the military police, a  
23          statement shall be taken from him, and, if necessary, he  
24          shall be remanded in custody and charges placed against  
25          him with the corresponding military court;



1                   "(4) short-barrelled weapons (pistols, revolvers  
2                   and the like) may be worn by persons only with the  
3                   appropriate permits, and long-barrelled weapons by  
4                   members of the military police and the civilian police.

5                   "(5) This order shall be carried out in inhabited  
6                   areas and communication lines by seeking IDs and  
7                   searching individuals and M through V" -- I am not aware  
8                   of what that means, probably motor vehicles.

9                   "(6) Any person who opens fire in inhabited areas  
10                  without authorisation shall be immediately captured,  
11                  disarmed, regardless of any permit, and charges brought  
12                  against that person to the competent commander.

13                  "(7) All subordinate commanders shall be held  
14                  responsible for the implementation of these orders."

15                  Signed: Commander of the Brigade, Mario Cerkez.  
16                  Copies submitted to the Commander Anto Bertovic, to the  
17                  commanders of independent units, one copy to the  
18                  Commander of the military police and one copy to the  
19                  archives or the records.

20                  JUDGE JORDA: Yes, so obviously this exhibit needs to be  
21                  translated into English and French.

22                  MR. NOBILO: It will be done subsequently.

23                  JUDGE JORDA: Thank you.

24                  MR. NOBILO: Mr. Kavazovic, have you heard of an order of this  
25                  kind?

1 A. No.

2 Q. Now that you have seen it, do you still claim that only  
3 members of the TO could not walk around in uniforms?

4 A. Yes. In this order, reference is made only to units of  
5 the HVO. Where is the TO staff? Does it exist here?  
6 Has the order been issued that no one should move around  
7 in uniform outside his working place? Is there any  
8 mention of the TO staff in Vitez? How can I know that  
9 the HVO gave these orders that I am not allowed to move  
10 around in uniform when it was not submitted to the TO  
11 staff at all?

12 Q. But did you not tell us a moment ago that you knew that  
13 you were not allowed to move around in uniform?

14 A. I knew as far as I personally was concerned. We all  
15 knew, because the HVO disarmed only Muslims, not  
16 Croats. Croats could carry long-barrelled guns. How is  
17 that, if I as a Muslim was not allowed to carry such  
18 guns according to these orders -- how is it possible  
19 that HVO and Croats could carry such weapons? Not just  
20 the police, but many other people outside the police.  
21 I knew this as far as I personally was concerned, and  
22 I apologise to the court, but I must explain.

23 Your Honours, I have to explain something a moment  
24 ago when I was asked by Mr. Nobile regarding my job, the  
25 duties I performed. I do not agree, I was head of the

1 transportation service, but only for the municipal staff  
2 of Vitez; that is for the town. I was not head of the  
3 whole transportation service. I only had four vehicles,  
4 and I was not responsible for the rest of the  
5 transportation. I have to explain this, so that it  
6 should not be understood that I was responsible for  
7 transportation as a whole. I was responsible only for  
8 the town of Vitez. As for other transportation, that  
9 was not my responsibility.

10 JUDGE JORDA: Mr. Kavazovic, the court thanks you for this  
11 clarification which I think you made clear already  
12 during your testimony. We have all understood that you  
13 had four vehicles.

14 Now let us go back to the question of Mr. Nobile.  
15 Have you finished with that question or do you wish to  
16 continue? I think the witness has answered. Do you  
17 wish to pursue that question further? You can put it in  
18 some other way. If not, please proceed to another  
19 question.

20 MR. NOBILLO: Just one more question. Despite these orders,  
21 you saw HVO members in uniform and carrying  
22 long-barrelled guns. Does that mean that the order was  
23 not respected?

24 A. No, it was not.

25 Q. In connection with the statement that you just made on

1           your own initiative regarding the municipal TO, was it  
2           responsible for the town of Vitez or the municipality of  
3           Vitez?

4       A.   Only the town of Vitez, not the municipality. The  
5           municipality is something else and the TO for Vitez  
6           applies only to the town itself.

7       Q.   Why was it called the municipal staff of TO if it is not  
8           responsible for the municipality of Vitez?

9       A.   I do not know; do not ask me that. I do not know how to  
10          answer that question, why it was called that.

11      Q.   You said that there was tension on the 15th and the city  
12          was blocked. In your Territorial Defence headquarters,  
13          did you receive any information in that connection, in  
14          terms of mounting tension or something?

15      A.   That day, the gentlemen from the HVO and the army had a  
16          meeting at the fire brigade building in Mahala. The  
17          atmosphere was normal, they talked, I do not know what  
18          they were talking about. I completed my work and I went  
19          home. When I came back, I heard that my Commander came  
20          in. He said, "It is over, the meeting. I had a  
21          meeting." I asked him with whom and he said he had a  
22          meeting with the HVO. That was on the 15th. Then  
23          I went home. However, nobody told me a thing and I did  
24          not know anything, believe me. I did not know what was  
25          going on, I just knew that I had to change in order to

1           get home safely. This was for the sake of my personal  
2           safety.

3       Q. In the TO headquarters, were senior officers on duty all  
4       the time?

5       A. I do not really understand your question. Could you  
6       please repeat it?

7       Q. On the day of the 15th or the night between the 15th and  
8       16th April 1993, in the headquarters of the Territorial  
9       Defence, were there senior officers who were on duty and  
10      was this extraordinary? Were they on duty all the time?

11      A. No.

12      Q. In Stari Vitez, do you know how many soldiers there were  
13      in the night before the conflict?

14      A. I do not know.

15      Q. Did the Territorial Defence in Stari Vitez have a  
16      military police?

17      A. It had 13 military policemen, something like that. At  
18      any rate, I know there were 13 military policemen in  
19      Stari Vitez.

20      Q. Was there any civilian police?

21      A. There was civilian police. I do not know how many of  
22      them, but there was a civilian police, and after they  
23      were moved out of the MUP by the HVO, they were located  
24      up there.

25      Q. As concerns the tensions that you noticed: did you know

1           that Zivko Totic, the Commander of the HVO brigade from  
2           Zenica, had been abducted?

3       A. No.

4       Q. Do you know Darko Kraljevic the Commander of the  
5       Vitezovi?

6       A. Yes.

7       Q. Did you hear about the ambush that the BH-Army had laid  
8       for him near Vitez on 13th April?

9       A. Could you repeat the date for me?

10      Q. 13th April.

11      A. No.

12      Q. Two or three days before the conflict.

13      A. No.

14      Q. Did you hear about the attack on Darko Kraljevic in  
15      Novi Travnik on 12th April?

16      A. Darko Kraljevic was attacked in Novi Travnik? I did not  
17      hear about that.

18      Q. Did you hear about the abduction of four officers, HVO  
19      officers, in Novi Travnik on 13th April?

20      A. No.

21      Q. Did you hear about the burning of ten Croatian flags in  
22      Travnik, in Novi Travnik?

23      A. No.

24      Q. When you mentioned that you came with that van of yours,  
25      when you were arrested, and when there was a roadblock

1           in Ahmici, you mentioned that you arrived in the village  
2           of Mostre. Where is Mostre?

3           A. Near Visoko.

4           Q. Near Visoko? How far away from Visoko?

5           A. I do not know exactly, perhaps 500 metres away or a  
6           kilometre away; I cannot tell really.

7           Q. When you saw this tense situation, you said that you  
8           went for a walk with your wife.

9           A. Yes.

10          Q. What was the reason for doing this, in order to observe  
11          the situation or just for the sake of going for a walk?

12          A. I just wanted to see what was going on in town. I did  
13          not understand what was going on in town.

14          Q. When you realised what was going on in town, did you  
15          report your observations to the TO headquarters in Vitez  
16          because you were a military person?

17          A. I did not have any way of reporting because I was a  
18          civilian.

19          Q. A telephone?

20          A. A telephone where there was HVO command? No Muslims  
21          could have telephones that day from 10.00 to 3.00 or at  
22          other times, only a certain number of Croats in Vitez  
23          had access to telephones. Nobody else, all other  
24          telephone lines were cut off.

25          Q. On 16th April 1993, did you consider yourself to be a

1 military man or a civilian?

2 A. A civilian.

3 Q. You described mortar shelling on the 16th. Did you hear  
4 any other shooting, any other signs of a battle?

5 A. Yes, I did; they were shooting all over the place. It  
6 is very hard to tell. I could watch the place where the  
7 shooting was going on. I could not see a great deal,  
8 but there was a lot of shooting going on and it was very  
9 loud, but from what sides, I do not know.

10 Q. Was Vitez shelled on the 16th, the part that was held by  
11 the HVO?

12 A. I do not know -- no, I do not think so. I do not know  
13 what you are actually referring to, what positions.

14 Q. The positions of the HVO in Vitez: were they shelled by  
15 artillery or mortars on 16th April 1993?

16 A. My father-in-law lived in the centre of town, so there  
17 was shooting, but I do not know whether it was  
18 shelling. I cannot tell, because the lines were  
19 removed -- they were not in the centre of town where my  
20 father-in-law lived, so I did not know exactly.

21 Q. On 17th April, was Vitez shelled then, a day later?

22 A. I do not know again.

23 Q. On the 18th and 19th until you were arrested, was Vitez  
24 shelled?

25 A. Where I lived, in that part of town, there were not any



1 shells, but I heard -- people told me that shells fell  
2 near the pharmacy and elsewhere. I heard about this  
3 from people, Croats, from when I was still there until  
4 I was taken to the SDK.

5 Q. Please help us, the pharmacy, is that the part of Vitez  
6 which was under HVO control?

7 A. Yes.

8 Q. Above the SDK?

9 A. No, not above the SDK, next door to a cafe which is  
10 called Benz.

11 Q. Was there a siren that went off in Vitez?

12 A. Yes, the sirens were alerted, two or three of them.

13 Q. Again I wish to draw your attention to something. You  
14 are a military man. Can you recognise signals?

15 A. Yes, these were sirens of general danger.

16 Q. You said that together with you there were people from  
17 the age of 12 onwards.

18 A. Hrustipasic Edin was 12 years old, together with his  
19 brother who was about 19. Hrustipasic Muharem and  
20 Hrustipasic Enver, their father. The three of them were  
21 from the same building that my father-in-law lived in.  
22 I only knew my father-in-law and the neighbours who  
23 lived next door; they knew that I was his son-in-law so  
24 when they were taken away, this 12-year-old boy was  
25 taken away too. His mother cried and she tried to

1 explain, but this colleague of mine said that he would  
2 have to come along with us, that he would be safer in  
3 the SDK than over there, but the other thing proved to  
4 be true, that it was not safer at the SDK rather than at  
5 home.

6 Q. Your departure to the SDK, was this a service that your  
7 friend did to you? How do you explain this?

8 A. In a way, it was a service, but in a way, it was also  
9 forcible. You know, when you dare not stay some place  
10 because -- if you know that you will be arrested, that  
11 you will be taken away from that place, somebody who  
12 does not know you will come and there will be problems,  
13 but then on the other hand, if you look at it, if this  
14 is a friend of mine, he is going to protect me, so this  
15 colleague of mine helped me in one way, but in this  
16 other way in which he could not help me, it is not his  
17 fault.

18 Q. Were you informed that you were the person they were  
19 looking for because you were a TO officer?

20 A. Yes, I did have such information. This colleague of  
21 mine told me that too. He guarded the building. You  
22 know, Vitez is a small town and we all knew each other  
23 there. Everybody knew about me, that I worked in the  
24 Territorial Defence, that I was a member of the  
25 Territorial Defence, so that was a major reason for

1           being afraid, knowing that people from all quarters came  
2           into the town of Vitez. I was not afraid of the people  
3           who knew me from Vitez, but I was afraid of those people  
4           who did not know me.

5           Q. The young boy aged 12, was he in the SDK all the time?

6           A. Yes, he was at the SDK all the time. He did not go  
7           anywhere. He did not go out to dig trenches, no.

8           Q. Now we have come to the digging of trenches. You showed  
9           us where trenches were dug and now I am trying to ask  
10          you to try to reconstruct where HVO lines were. I am  
11          going to place a map on the easel now, so let us try to  
12          see where HVO lines were, what you saw on the left-hand  
13          side and the right-hand side, and where did the people  
14          from the BH-Army see you from and where did they  
15          possibly shoot from.

16          MR. HARMON: Mr. President, may I approach?

17          MR. NOBILO: Mr. President, this is an identical map to the  
18          one we had before, that is to say made by the JNA, 1 to  
19          50,000, and this is a general map that was used in the  
20          former Yugoslavia, in the JNA, the TO, et cetera.

21                    Let us move on to Kratine, please. You said that  
22          you saw four HVO units in a defence line. In your  
23          opinion, where did they hold this defence line?

24          A. Perhaps I will not be able to indicate this exactly on a  
25          map. I cannot say exactly whether it was here, but

1 approximately over here (indicates).

2 MR. HARMON: Excuse me, Mr. President. If a mark is going to  
3 be made on the map it may be more accurate if the  
4 witness marks the map instead of counsel, because  
5 I think the witness is in the best position to make the  
6 marks on the map. I would ask that that be the modus  
7 operandi.

8 JUDGE JORDA: I agree.

9 MR. NOBILO: Please draw the line where it was. I think you  
10 can see this approximately. To the left-hand side and  
11 to the right-hand side, as far as you could see, so you  
12 were not only digging trenches but you could also see  
13 these lines. Thank you. Could you tell us now, as  
14 opposed to that, at what distance were BH-Army lines?

15 A. This part is covered by forest (indicates). There is a  
16 forest here, and here you can see it, but they were in  
17 Kuber, here. All of this is Kuber. I cannot tell  
18 exactly what the distance is, that is impossible, but in  
19 these clearings, I could personally see it, for example  
20 here (indicates), the line is about 2 kilometres away.  
21 I am not sure because I could not really count, so, as  
22 far as the Territorial Defence is concerned, that is  
23 what I can approximately say. I do not know what the  
24 distance is.

25 Q. Can you approximately show us where Kuber is, which part

1           was held by the BH-Army. Just approximately; it is not  
2           that important at this point.

3           A. Over here (indicates). It is hard to explain that.

4           Q. On the left-hand side and on the right-hand side from  
5           this area; who held what? Did you see anything?

6           A. I could not really watch because we all had to do what  
7           we were told. We did not have much time to think who  
8           was left and who was right, but this is the only thing  
9           I could see. When I went to dig here, for example, the  
10          Jokers were on the left and another unit was there, I do  
11          not know exactly which one, and then on this part over  
12          here, this is where the Jokers were for example on the  
13          left-hand side.

14                 Then when we built part of the -- when we dug part  
15          of the trenches they needed, they -- we moved on to the  
16          MUP part. That is where we were guarded by a person  
17          from the MUP and then we were supposed to go and cut the  
18          forest further for the military police. Then we were  
19          covering dugouts for the military police and we finished  
20          by working for the HVO, and Ivica was there. He was  
21          realistic, he was very kind to us; he even allowed us to  
22          smoke a cigarette. He simply did not behave like the  
23          rest of them, and that is how I managed to see which  
24          unit it was, because when I was working for the Jokers  
25          I was guarded by a Joker guard, and then, when I went to

1 dig further on, then I was guarded -- not only I but  
2 all the rest of us were guarded by one of their men.

3 Q. This first location, can you show me where HVO positions  
4 were there at Rijeka?

5 A. Yes, at Rijeka.

6 Q. Which way were they facing?

7 A. Up here. They were facing Kruscica; I do not know  
8 where.

9 Q. Can you indicate where the BH-Army was?

10 A. No, I could not see that. You can see it in the other  
11 picture. There is a forest there, and our person told  
12 us, "Your people are out there and if you start running  
13 away, they will start shooting at you too", so we were  
14 just digging those trenches and I really do not know  
15 where they were.

16 Q. But in what direction did he show when he said, "Your  
17 people are over there"?

18 A. They showed this direction.

19 Q. Can you mark it please?

20 MR. HARMON: Objection, your Honour. Are we marking the  
21 direction where they were or are we marking what is  
22 supposed to be the positions of the ABiH? The witness  
23 has testified twice he did not know where the positions  
24 of the ABiH were. He has indicated --

25 JUDGE JORDA: Will Mr. Nobile be more precise in his

1 question? It is the direction. The other witness  
2 referred to this too, before this witness, so please be  
3 more specific in your question.

4 MR. NOBILO: So please indicate the direction in which they  
5 showed you the BH-Army was, the BH-Army positions.

6 Okay.

7 JUDGE JORDA: Let us make it clear in the transcript: this  
8 is not a real military assertion; it is indirect  
9 testimony. Are we agreed? The witness is indicating  
10 what he was told. He was told this.

11 A. Yes, that is what I was told, so I cannot warrant that.

12 MR. NOBILO: Can we conclude that you are precisely stating  
13 what HVO lines were and you only know the direction in  
14 which BH-Army units were?

15 A. Let me tell you, this is not very precise either. I am  
16 showing you approximately where we were digging, so this  
17 is not very precise. I cannot do anything very  
18 precisely: this is a map.

19 Q. Can we mark this with the date of 24th April 1993?

20 A. Yes -- let me think. The 23rd.

21 Q. Which date shall we put here?

22 A. The 28th, but over here, please, the 22nd, not the  
23 23rd and up here you can put the 27th or the 28th. It  
24 is not the entire period of time I spent there; these  
25 are just two dates.

1 Q. On that day, do you know any other positions of the  
2 BH-Army or the HVO as they were on that date?

3 MR. HARMON: Excuse me, your Honour, I am not sure which day  
4 we are referring to. There are two dates referred to on  
5 the map, 22nd April and 28th April.

6 MR. NOBILO: This position by Rijeka is on 22nd April 1993.  
7 The position near Kratine and Kuber is on 28th April  
8 1993.

9 JUDGE JORDA: Do you agree? Does the Prosecutor agree with  
10 the Defence?

11 MR. HARMON: Your Honour, I agree those are the dates  
12 indicated on the map. I do not know what the question  
13 is.

14 JUDGE JORDA: You are the person who asked the question,  
15 Mr. Harmon.

16 MR. HARMON: I agree.

17 MR. NOBILO: The next question: do you know of any other  
18 positions of the HVO or the BH-Army in April 1993?

19 A. I do not, but I know for example -- I know the area  
20 where people were digging trenches, where they were  
21 taken to dig trenches. I was not there, but when I came  
22 back to the SDK, I talked to people who were taken out  
23 to dig -- let me just explain this to you. They were  
24 taken to Dubravica, Sivrino Selo, Krcevine. I do not  
25 know whether this is a line but this is where they were



1 taken out to dig canals, people from the SDK, just as  
2 I was taken to Kratine and Rijeka.

3 Q. Do you agree that that which you heard about, that  
4 people were digging trenches for the HVO, that we only  
5 mark that area that you heard about with a circle, so we  
6 just circle the area.

7 A. Yes, but this circle can only show the place where they  
8 were digging trenches. Pirici, Sivrino Selo, Dubravica,  
9 somewhere round there.

10 Q. Yes, please encircle it.

11 A. I cannot, because I do not know which part.

12 Q. Just circle it --

13 A. Because we are circling only the area where they were  
14 digging, not the actual trenches.

15 Q. So we are indicating with a circle the area in which you  
16 heard trenches were being dug there. In addition to  
17 that, do you know of any other position of the HVO or  
18 the army of the BH in April 1993?

19 A. No.

20 MR. NOBILO: Thank you.

21 Mr. President, we should like to tender this as  
22 evidence.

23 MR. HARMON: No objection, your Honour.

24 JUDGE JORDA: It will be admitted into evidence. It will be  
25 exhibit -- Mme Fauveau, which number?

1 THE REGISTRAR: It will be D50.

2 MR. NOBILO: Do you know who gave permission for people to be  
3 taken to dig trenches?

4 A. Somebody's approval had to be given. On the 21st, they  
5 came for men to take them for digging and the policeman,  
6 Dragan Calic, asked for approval, so that Zabac should  
7 write this approval. He wanted a piece of paper to be  
8 able to take people. He needed it from Zabac but  
9 I heard him personally when he said, "Let Zabac give me  
10 a piece of paper with this permission." I do not know  
11 whether this was instructions, but anyway there was  
12 something that was given, and on one occasion they did  
13 not give anything, when the first group was taken, and  
14 it was said that they would provide a piece of paper  
15 later, but anyway they selected the people as they  
16 wanted. There was not a list of people indicated, but  
17 they simply hand-picked them.

18 Q. Which unit did Zabac belong to?

19 A. He belonged to the military police.

20 Q. The line facing Kuber, you said that the HVO was there.  
21 What do you mean? Were they Home Guards?

22 A. It was the regular Croatian Defence Council with the  
23 insignia of the HVO and nothing more. The patch said  
24 "HVO" and two crossed rifles. That was their patch.

25 Q. Were they local people?

1 A. They were people from Vitez.

2 Q. You were given some military training before the war, as  
3 you have explained. In the process, were you trained  
4 how to place antipersonnel mines?

5 A. I was an infantryman, 11,101 was the unit and I worked  
6 with training ammunition and weapons.

7 Q. But you were trained?

8 A. Yes.

9 Q. Did Furundzija know your rank?

10 A. Well he worked with me in the municipal staff until he  
11 deserted it.

12 Q. You said you were forced to go to Zenica. Let us  
13 clarify that point. Did anyone from the Red Cross force  
14 you to go to Zenica or was it the situation that forced  
15 you to go there?

16 A. The situation. No, no one from the Red Cross, but the  
17 situation in Vitez. Let me explain if I may. When  
18 I went to sign for the Croatian authorities -- not the  
19 Red Cross, the Croatian authorities -- where it said  
20 Republic of Bosnia-Herzegovina, Croatian Republic of  
21 Herceg-Bosna, number, date and then statement,  
22 "I declare that I am voluntarily leaving for Zenica  
23 where I will continue to live and sojourn", but this was  
24 against my will.

25 I did not want to do that, but, considering that

1 I was imprisoned in town, I was not a civilian who could  
2 freely move around the town, I was forced by the  
3 situation to choose Zenica, to go and live in Zenica,  
4 though I did not like Zenica, I liked Vitez. It is a  
5 much more attractive town and it has a higher standard  
6 of living. People were much better off, life was fine  
7 there. I had to go to Zenica where I had no  
8 accommodation, where I hardly knew anyone except this  
9 woman, this aunt of mine. So I was not in a position to  
10 stay in Vitez because of the situation that existed  
11 there at the time.

12 Q. Briefly, were you by the Red Cross or these HVO  
13 officials -- did you tell them that you did not wish to  
14 go or did you just make this statement?

15 A. I did say that to a woman working in the Red Cross. Her  
16 name was Alma, she was an interpreter, and somebody  
17 called Drita. I know they called her Drita; I do not  
18 know her exact name. I asked: is there any  
19 responsibility for me to stay in Vitez, with guarantees  
20 that tomorrow somebody will not come and evict me and  
21 force me to go and dig trenches? She answered, "I do  
22 not know", and then a woman called Gordana Badro -- she  
23 stood in for Zenada occasionally and she was there when  
24 I came to sign this piece of paper.

25 Q. You said that you knew Darko Kraljevic. What do you

1 know about him and his unit?

2 A. I know he was born in Vitez. He lived at the crossroads  
3 with Kruscica, a suburb of Vitez; he was a Bosnian  
4 bully.

5 Q. What do you mean?

6 A. A man who liked to fight, who had a group that he  
7 headed. He had a cafe so he was quite well off. On one  
8 occasion I sat in that cafe. It was called Benz. He  
9 was sitting there at table, talking to somebody. I do  
10 not know who it was. He was in civilian clothes like  
11 me. He was the owner of the cafe.

12 Q. Do you know anything about his unit and his wartime  
13 activities?

14 A. No.

15 Q. When you came to Zenica, you joined the BH-Army?

16 A. I apologise, when I got to Zenica, for a month I had  
17 leave. I went to see a doctor because I was in a  
18 condition of stress, but after that, about a month or  
19 maybe 40 days, I went to the unit, I went to Istok  
20 377th unit.

21 Q. As head of transportation?

22 A. Yes.

23 Q. You said 377th unit. In the course of 1993 when you  
24 were its member, did it have any positions in relation  
25 to the HVO?

1 A. I do not know; I had only just arrived, so I do not  
2 know.

3 Q. But after a month, two, three, four months of work, by  
4 the end of 1993, what positions did the unit have?

5 A. I do not know; it was difficult to know. I did not  
6 enquire; I was not interested. I did my own work.  
7 There were two of us working there; my colleague was  
8 sick and then there was some replacements and I started  
9 working there, so I did not think about these things,  
10 which positions it held.

11 Q. I am asking you again, but what was your specific task?

12 A. My task was, when something is necessary to transport  
13 something, only within the scope of this unit, this  
14 particular unit, just as before I had duties limited to  
15 the municipal staff. When the Commander had to go to a  
16 meeting with the HVO I had to have a car and a driver  
17 ready to take him there, so similarly in this brigade,  
18 in the 377th, when food had to be transported or  
19 something, I was told and I took care of it. I had a  
20 superior who was in charge, who gave me the orders.

21 Q. So let me put it this way: where did you drive this  
22 food? Where were the locations you drove to?

23 A. Zenica, within the town of Zenica. Only within Zenica,  
24 the stadium, the bakery and things like that.

25 Q. So you never transported weapons?

- 1 A. No, I did not, I never transported weapons while I was  
2 in that brigade.
- 3 Q. Yet you were chief of transport?
- 4 A. Let me explain. You say "chief of transport" as if it  
5 meant something important. I do not agree with that,  
6 because this was a small unit in the HVO in the  
7 92nd brigade. There was a chief of transport too, but  
8 he knew nothing about what the Third Guards Brigade was  
9 doing. The same applies to me. So that you must bear  
10 this in mind.
- 11 Q. Can I put it to you differently? When you were a member  
12 of the 377th brigade, did you know where the positions  
13 of the BH-Army were and of the HVO in the municipalities  
14 of Busovaca and Vitez?
- 15 A. No. What I have encircled, that is what I know, nothing  
16 else.
- 17 Q. So you know nothing beyond this map?
- 18 A. What else could I know when I left for Zenica? Zenica  
19 was a town like Vitez and the chief of the  
20 92nd regiment, the chief of transport in the  
21 92nd regiment, did not know what others were doing.
- 22 Q. When did you first make a statement about these things  
23 to any official body?
- 24 A. I cannot remember --
- 25 MR. HARMON: Excuse me, your Honour, I am going to object.

1 "These things" is vague.

2 JUDGE JORDA: Mr. Prosecutor, what is your objection?

3 MR. HARMON: The question was: when did you first make a  
4 statement about these things to anybody? That is a  
5 vague question. "These things" is not precise, and the  
6 witness --

7 JUDGE JORDA: Will you be more precise, Mr. Nobilo, please?

8 MR. NOBILO: Did you make a statement about the events you  
9 have been telling us about to any official body of the  
10 BH-Army?

11 A. I do not think so. I think not.

12 Q. Did you make a statement to anybody of the Ministry of  
13 the Interior, the civilian police?

14 A. No.

15 Q. Did you talk about these things that you have been  
16 talking about today with representatives of the secret  
17 service of the army?

18 A. No.

19 Q. Did you talk to representatives and the investigators of  
20 the OTP, of the Hague Tribunal?

21 A. No.

22 Q. Never?

23 A. I spoke to Ole only, the person I gave a statement to.  
24 I do not know who he is. Ole was his name, and I made a  
25 statement.



1 Q. How many times, once or several times?

2 A. Only once.

3 MR. NOBILO: Thank you, Mr. President. As we did not have  
4 time to consult one another, with your permission  
5 Mr. Hayman would like to continue the cross-examination.

6 MR. HAYMAN: Only with respect to some prior English  
7 statements, your Honour.

8 MR. HARMON: I am going to object to that, your Honour.

9 JUDGE JORDA: First of all, Mr. Hayman, you wish to continue  
10 the cross-examination. We have said several things:  
11 first that we will have one counsel per witness. Then  
12 the Trial Chamber reflected upon it and, on condition  
13 that we gain time, we may, exceptionally, but only  
14 exceptionally, go back on that principle. Do you have  
15 exceptional reasons, Mr. Hayman, for asking this  
16 departure from the rule, after which I will consult my  
17 colleagues. This is the same question on which the  
18 Prosecutor is objecting?

19 MR. HARMON: That is correct, your Honour.

20 JUDGE JORDA: Let us hear Mr. Hayman, then the Prosecutor,  
21 then I will consult my colleagues.

22 MR. HAYMAN: We did not expect that it would be necessary for  
23 me to conduct any cross-examination of this witness and  
24 we did not plan for that to occur, but in light of the  
25 witness's testimony just this morning, there are four

1 passages in his two prior written statements that must  
2 be brought to the attention of the Tribunal. Those are  
3 in English, and it is simply not practical for Mr. Nobile  
4 to cross-examine or seek to impeach this witness using  
5 an English statement, because you have two BSC people  
6 with an attempted impeachment going on with a statement  
7 in a foreign language of which neither one of them has  
8 command.

9 That is the reason we seek, unexpectedly, that  
10 I be able to enquire into four limited areas. I can  
11 make an offer of proof as to exactly what those areas  
12 are; the court can determine how important they are, if  
13 that is necessary.

14 JUDGE JORDA: Let us hear Mr. Harmon.

15 MR. HARMON: Mr. President, the Trial Chamber made an order  
16 that in extraordinary circumstances, where circumstances  
17 could be well articulated, and that was supposed to be  
18 in rare circumstances, there could be double  
19 cross-examination. In this case, your Honour, no such  
20 circumstances were articulated before the  
21 cross-examination.

22 Secondly, your Honour, this witness has been on  
23 the stand since yesterday. He has testified since  
24 yesterday.

25 Thirdly, we have had in respect of Defence

1 exhibit, I believe, 49 where a whole document was read  
2 from Croatian and translated for the witness, that those  
3 particular passages can certainly be read in English, be  
4 translated for the witness and then Mr. Nobile can  
5 continue cross-examining.

6 If we proceed, your Honour, with double  
7 cross-examination where there are not extraordinary  
8 circumstances, this examination of witnesses will  
9 protract the proceedings. So my objection is, your  
10 Honour, the circumstances that have been described are  
11 not exceptional and I would ask that Mr. Nobile continue  
12 with the examination and the request be rejected.

13 JUDGE JORDA: I am going to consult with my colleagues.

14 (Pause).

15 Mr. Hayman, this statement, was it in Croatian  
16 originally? Has it been translated into Croatian, the  
17 statement whose four passages you wish to refer to in  
18 your cross-examination? That is a question we are  
19 putting to you.

20 MR. HAYMAN: There are a total of four statements, three in  
21 English, one in BSC. The two English statements are  
22 nine pages --

23 JUDGE JORDA: Three statements in English?

24 MR. HAYMAN: Three in English, one in BSC and of the English  
25 statements, one has nine pages of single-spaced text,

1 the other also has nine pages, so there is a total of 18  
2 pages of single-spaced English text, and those are the  
3 principal statements I need to enquire to, but quite  
4 frankly there are only four specific items, they are  
5 narrow; I think I can do them quickly.

6 JUDGE JORDA: (Pause). Regarding the three statements in  
7 English, Mr. Hayman will put the questioning and for the  
8 one in Serbo-Croatian, it is Mr. Nobilo who would  
9 question the witness. Perhaps Mr. Nobilo could finish  
10 his part of the cross-examination.

11 MR. NOBILLO: Thank you, Mr. President. I will complete my  
12 part.

13 From the Office of the Prosecution, we received a  
14 part of a statement made on 7th May 1993 in the sector  
15 of security of the BH-Army, so it is a statement made by  
16 witness Kavazovic to the security body of the BH-Army,  
17 so I would like to ask him to look at it and to tell us  
18 whether on that date, he made such a statement.

19 (Handed). We will not enter into the contents of the  
20 statement.

21 A. I apologise, your Honours, this is not my handwriting.  
22 I may have spoken to somebody, but I never wrote a  
23 statement. There is no signature, there is no name or  
24 surname and this is not my signature, so I cannot stand  
25 behind this statement. I may have spoken to somebody,

1 but I did not write this statement.

2 Q. The question is whether you spoke to the security body  
3 or you did not speak to anybody. The question is not  
4 whether you wrote the statement. The question is: did  
5 you talk to anybody on this date?

6 A. I answered your questions to the best of my ability.  
7 I said I did not because I know I did not. Then you ask  
8 me about the international investigators from The Hague,  
9 and I did make two statements for Ole, one for Ole and  
10 somebody else; they changed while we were working.  
11 I knew they were investigators from The Hague; they came  
12 to see me and I made two statements for them.

13 You caught me unawares; I did not have time to  
14 think about it when you asked me whether I had made  
15 those statements. Then you asked me whether I had made  
16 a statement to MUP. Why would I make a statement to  
17 MUP? MUP is not interested in that. MUP did not have  
18 time. I did speak to a colleague and this statement for  
19 the security sector; I did not make a statement to the  
20 security sector.

21 Q. I am going to repeat my question. On 7th May 1993 did  
22 you make a statement to the security body?

23 MR. HARMON: Objection, your Honour, he has already answered  
24 the question.

25 JUDGE JORDA: Mr. Harmon?

1 MR. HARMON: Your Honour, the question has been asked and  
2 answered by the witness.

3 JUDGE JORDA: The question has been asked; the witness has  
4 answered. This is simply to recognise a statement. It  
5 is a statement that the court does not have, so this is  
6 some kind of an imaginary exchange between you and the  
7 witness as we do not have the exhibit. You have asked  
8 the witness to recognise the statement. If that is all,  
9 we do not need to have it. If we have to go further  
10 regarding that statement, then the Trial Chamber must  
11 have it. You have asked whether he recognises this  
12 statement and the witness said that he did not recognise  
13 it.

14 MR. NOBILO: Mr. President, my question was whether he made a  
15 statement to the security body of the BH-Army. This  
16 paper was meant simply to refresh his memory. He said  
17 many things, but he has not answered my question,  
18 whether he made a statement to that security body or  
19 not.

20 A. No, I have already said no.

21 I apologise, your Honours.

22 JUDGE JORDA: Mr. Kavazovic, you have said that you did not  
23 make a statement to officials of the BH-Army; is that  
24 so? Mr. Nobilo, let us make it quite clear.

25 MR. NOBILO: Yes, exactly that, I have received my answer,

1 I have finished my cross-examination.

2 JUDGE JORDA: Very well. I think we are going to stop  
3 there; we will resume work at 3.00 pm. I wish to remind  
4 you, to hear Mr. Hayman. Mr. Nobile?

5 MR. NOBILO: Mr. President, I forgot to enter these orders  
6 which were sight-translated as evidence under the same  
7 conditions as all the other exhibits have been  
8 tendered.

9 MR. HARMON: Exhibits have been tendered under two different  
10 sets of conditions. I take it, your Honour, the  
11 condition that counsel is talking about is that he does  
12 not want to identify the source of that document at this  
13 time. Is that correct? If he is able to --

14 JUDGE JORDA: That is a pertinent question, Mr. Nobile. You  
15 have not identified this exhibit. We are getting a bit  
16 impatient. If it is so important, it has to be  
17 identified. I propose that we adjourn, think about the  
18 identification of this exhibit and we will see what we  
19 will do after the break.

20 (1.00 pm)

21 (Adjourned until 3.00 pm)

22

23

24

25

1 (3.00 pm)

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

4 (Accused brought in)

5 JUDGE JORDA: Is that right, madam Registrar: there is only  
6 going to be one guard for General Blaskic now? I have  
7 been told, General Blaskic, that you will be guarded by  
8 a single guard. Just one guard is going to be next to  
9 you to provide security and I hope that will not affect  
10 the hearing.

11 We can continue. We ended with the statement in  
12 Bosnian Serbo-Croat and I think there are also three  
13 statements in English for which, exceptionally, the  
14 Trial Chamber has allowed Mr. Hayman to intervene,  
15 instead of Mr. Nobilo.

16 Mr. Hayman, it is up to you now.

17 MR. HAYMAN: Thank you, your Honour, and firstly, to clarify  
18 our request with respect to exhibit D49, that is the  
19 order of Mario Cerkez dated April 8th 1993, the witness  
20 was not able to authenticate the document, so, although  
21 we believed it should be marked for identification, if  
22 the Prosecution objects on the grounds of  
23 authentication, we agree, we concede that it has not yet  
24 been authenticated and should not yet be admitted.

25 JUDGE JORDA: Mr. Prosecutor? I remind you, it is the



1 document of the 8th April.

2 MR. HARMON: Yes, your Honour. Unless the Defence is able to  
3 authenticate these documents and identify the source, we  
4 will object to the admission of this document and we  
5 would move to have any reference to it in the transcript  
6 stricken.

7 MR. HAYMAN: I do not think there is a basis for that.  
8 I think there is a basis for it not to be admitted yet  
9 at this time but we are free to use any documents in  
10 cross-examining witnesses.

11 JUDGE JORDA: You think, Mr. Hayman, that at a certain point  
12 in the proceedings, you will be able to authenticate  
13 this exhibit, or not at all?

14 MR. HAYMAN: We hope to, your Honour. In our case, of  
15 course, we will have the opportunity to call witnesses.  
16 Who we will be able to call, who will appear remains to  
17 be seen. We hope to authenticate all documents that we  
18 will produce in this court for your Honours.

19 JUDGE JORDA: That still poses a problem, so I am going to  
20 consult my colleagues. There is a problem of  
21 organisation. It is something that we have discussed  
22 for maybe twenty minutes and then we are apparently not  
23 going to admit it into evidence. I have to consult my  
24 colleagues; I need their counsel. (Pause).

25 The Trial Chamber will not accept this document



1                   We will offer this document, your Honour. It  
2                   appears to be a summary of a report of interview. It is  
3                   titled "Official Report, Information on Witness, name",  
4                   then the name of this witness, and I believe his birth  
5                   date is given, and then, "Information on the Statement",  
6                   which is about halfway down the page, "Date of  
7                   interview: 7th May 1993; Place of interview: security  
8                   section of the BH army."

9           MR. HARMON: Mr. President, this is a summary apparently of  
10           the document that the witness was shown earlier this  
11           morning, the document that was in Serbo-Croatian which  
12           the witness said he could not identify as his  
13           statement.

14           MR. HAYMAN: I do not know what the import of that is, your  
15           Honour. This is offered as impeachment of the witness's  
16           earlier answer that he never gave a statement to the  
17           security section of the army of BiH. I do not intend to  
18           ask him any questions about it but I ask that this be  
19           marked and we offer it in evidence.

20           JUDGE JORDA: The problem of authentication, does it arise  
21           here too, Mr. Prosecutor? What is the source? It is an  
22           official report? What does that mean?

23           MR. HAYMAN: You would have to ask Mr. Harmon, your Honour; we  
24           got it from him.

25           JUDGE JORDA: Exactly.

1                   Mr. Harmon, can you indicate the source, unless you  
2                   consider it is not up to you, but you must understand  
3                   that the Chamber requires the identification of the  
4                   source before admitting it into evidence. It is an  
5                   exhibit coming from your own information. It is not a  
6                   question of asking the witness, but asking the  
7                   Prosecution now.

8           MR. HARMON: Your Honour, I do not have that information at  
9           my fingertips. We have literally thousands of documents  
10           we have furnished to the Defence and I cannot identify  
11           right now the source of this particular document.

12          JUDGE JORDA: Then, with the agreement of my colleagues, we  
13           will postpone its possible admission to later. Do you  
14           have any other documents to present, Mr. Hayman?

15          MR. HAYMAN: I do, your Honour, although the position of the  
16           Defence would then be as to all of the documents the  
17           Prosecution have given us, they should identify the  
18           source to us, so we will not be held, in essence, in  
19           limbo, not able to use the very materials that they were  
20           compelled under the Rules of the Tribunal to give to  
21           us. I will move forward, your Honour.

22                    If the usher could assist?

23          JUDGE JORDA: It will be admitted into evidence, but when  
24           the source has been identified. Next document, please.

25          MR. HAYMAN: Yes, your Honour, it has been placed on the

1 ELMO, and should have been distributed.

2 Let me first ask a prefatory question of the  
3 witness. Lieutenant, I believe you said you were  
4 interviewed by representatives of the Office of the  
5 Tribunal Prosecutor on two occasions; is that correct?

6 A. Yes.

7 Q. At the conclusion of those interviews, was a statement  
8 that had been prepared in written form read to you in  
9 your own language?

10 A. Yes.

11 Q. Did you have the opportunity at that time to make any  
12 corrections or revisions to the statement?

13 A. No. I am sorry, could you repeat your question? I did  
14 not understand your question.

15 Q. Were you asked if the statements that were read to you  
16 in your own language, if they were true and accurate?

17 A. Yes, I was asked.

18 Q. Did you answer yes on both occasions, that the  
19 statements read to you in your own language were  
20 accurate?

21 A. Yes.

22 Q. Did you sign both of those statements?

23 A. Yes, I think I did. I am not sure. Most probably  
24 I did.

25 Q. You were asked by my colleague Mr. Nobile whether on

1           20th October 1992 you heard any radio communications  
2           with persons in Ahmici during the conflict that occurred  
3           there. Do you recall that question?

4           A. Yes, I recall that question.

5           Q. Do you recall answering no to that question.

6           A. Yes.

7           Q. Let me direct your attention to the document that is on  
8           the ELMO. If you would like to turn to the last page --  
9           the usher may need to assist -- but if you wish to go  
10          ahead you may. If you could just flip to the last page,  
11          to the page with the signatures, do you recognise your  
12          signature in the upper portion of that last page?

13          A. Yes, it is my signature.

14          Q. Is this one of the two written statements that was read  
15          to you by the OTP representative?

16          A. It is my signature and my statement.

17          Q. Thank you.

18                 Turning back, Mr. Usher, to the first full page of  
19          text, the page marked 2 at the bottom.

20                 This, your Honour, for the record, is the  
21          statement on the face page identified as having been  
22          taken on 2nd September 1995. That appears on the face  
23          page. Turning our attention to the first full page of  
24          text, the beginning, lieutenant, references the date of  
25          the events in that paragraph as 20th October 1992. Do

1           you see that on the first line ? If you go up to the  
2           first line of that paragraph?

3           A. I cannot see it.

4           Q. The next one down. That is the first paragraph on the  
5           page. I am referring to the second paragraph.

6           JUDGE JORDA: The second paragraph towards the middle of the  
7           page, Mr. Kavazovic.

8           MR. HAYMAN: May I read that first sentence to orient the  
9           witness, your Honour?

10          JUDGE JORDA: Yes, but slowly please.

11          MR. HAYMAN: "On 20th October 1992, I had been organising the  
12          transportation of the BiH to Visoko and I was driving a  
13          VW golf to Visoko."

14                        Do you recall that day?

15          JUDGE JORDA: Excuse me, yes, I am asking my interpreter.

16                        The transport of what?

17          MR. HAYMAN: I believe it reads --

18          JUDGE JORDA: The problem of the interpreter is the problem  
19          of the judge too. It says "the transport of  
20          Bosnia-Herzegovina" -- of the Bosnia-Herzegovina to  
21          Visoko. I suppose that is the way to translate it.  
22          Perhaps when you continue it will be clearer. Continue,  
23          please.

24          MR. HAYMAN: I understand your point, your Honour. It could  
25          hardly fit in the car. At the time, your duties

1 involved transportation on behalf of the army of BiH;  
2 correct?

3 A. For the headquarters of the Territorial Defence. At  
4 that time there was no army of Bosnia-Herzegovina. The  
5 headquarters of the Territorial Defence in Vitez.

6 Q. Thank you for correcting me. On the day you went to  
7 Visoko and returned you were conducting official  
8 business in that capacity; correct?

9 A. Yes.

10 Q. Now I would like to ask you to skip down to the lower  
11 portion of this page and I would like the usher to  
12 assist by moving the page on the ELMO. I would like to  
13 call your attention to the point in time where you have  
14 said you returned back to the high school in Vitez.

15 I will read several statements:

16 "While I was in the high school, I could hear  
17 shooting coming from Ahmici. Ahmic Mustafa, 'Sudzuka',  
18 was on the radio in Ahmici and called us. He told us he  
19 was under attack and asked what to do. We could not  
20 help him because we were surrounded by about 70 HVO who  
21 were all well armed with RPGs. There were only 37 of us  
22 in the headquarters."

23 Did you make that statement?

24 A. I apologise, your Honours, there are two mistakes here.  
25 The first mistake is here where the word "transport" is



1 in my statement. I listened to the statement and  
2 I signed the statement, but that which is written down  
3 here, that I accompanied the transport of troops of the  
4 army of Bosnia-Herzegovina, that is something I did not  
5 say. I went to Visoko to accompany two buses full of  
6 civilians. They were not people in uniform, so these  
7 were two buses that I accompanied. It was not a  
8 convoy. A convoy is something bigger. These were  
9 people from the municipality of Vitez. They were going  
10 to Visoko, to Mostre, to support the people there, the  
11 Muslims, Bosnia-Herzegovina actually. That is one  
12 mistake.

13 The second mistake is here. I do not remember  
14 having mentioned the high school at all, that I was  
15 watching this from the high school. I just said that  
16 I saw the house of Ahmic Mustafa called Sudzuka burning  
17 on my way back. That is the mistake here so when I came  
18 from the headquarters I heard from Muhamed Patkovic that  
19 this Sudzuka called and asked for someone to help him  
20 save his house and family, so that is what that is  
21 about. I do not know what this is.

22 This is what I had stated, and also in the  
23 statement is another thing: when I was testifying about  
24 mining, about laying mines, it is not as I had said it.  
25 It has been said that the village was there and that

1 I had laid mines, but it was not said that I was taken  
2 to another minefield and they asked me at that other  
3 minefield what mines these were, so some of the things  
4 were not fully quoted in the statement.

5 Q. Your testimony then is that, with respect to the  
6 statement "Ahmic Mustafa, 'Sudzuka', was on the radio in  
7 Ahmici and called us. He told us he was under attack  
8 and asked what to do", that is not a statement you ever  
9 made to the OTP representative; is that your testimony?

10 A. I did not. I say that I did not say that Mustafa Ahmic  
11 asked for help on the radio. I am saying that when  
12 I came to logistics, I said that five houses were  
13 burning. Patkovic Muhamed, I said, and he said I know,  
14 Mustafa had asked for help because his wife was in his  
15 house, so I do not know how this happened. The  
16 statement was read to me in the Bosnian language, so  
17 I do not know. At any rate --

18 JUDGE JORDA: Excuse me for asking this question. I have  
19 the impression that we are going to come up against this  
20 problem very frequently. When you heard the statement  
21 in your language, was it like this or was it said  
22 differently, if I understand you well? When it was read  
23 to you -- you first read it in Serbo-Croatian, did you  
24 not?

25 A. It was read to me in Serbo-Croat.

1 JUDGE JORDA: And what they read to you does not correspond  
2 to what has been translated into English; is that what  
3 you are saying, at least regarding these two points?

4 A. Yes, that here two or three words were added which I did  
5 not say.

6 JUDGE JORDA: Perhaps I can turn to the Prosecution. I am  
7 sorry for dwelling on it for a couple of minutes because  
8 we are going to have the same problem with each  
9 statement. I am asking the Prosecution: is it a  
10 translation error? Do we have this statement in  
11 Serbo-Croatian? It must exist somewhere in your  
12 archives, Mr. Prosecutor. It would be interesting to see  
13 whether it is a translation error, or are we going to  
14 have systematic errors of this kind when we retranslate  
15 these declarations? Because this goes far beyond this  
16 statement. I think we are going to come up against it  
17 regularly.

18 In your archives, do you have anywhere a statement  
19 in Serbo-Croatian. It would be interesting to see  
20 whether this is a gross error by the translator, which  
21 can happen to anyone, or is it something else. He did  
22 not read it in Serbo-Croatian, at least what is stated  
23 here in the English version. What is your opinion,  
24 Mr. Prosecutor?

25 MR. HARMON: Mr. President, my answer is I do not believe we

1 do have a statement in Serbo-Croatian. I will check,  
2 but I do not believe we have one and there are  
3 oftentimes errors in translation. That is an  
4 unfortunate fact of life in these cases.

5 JUDGE JORDA: Mr. Hayman?

6 MR. HAYMAN: Yes, your Honour.

7 Lieutenant, so I take it your testimony here today  
8 is that you were told by someone else after you arrived  
9 back in Vitez that this individual, Sudzuka, had called  
10 on a radio; is that right?

11 A. Muhamed Patkovic, the Assistant Commander for Logistics,  
12 told me, because I asked him what was happening when  
13 I came in -- I saw houses burning in Ahmici and he told  
14 me, "Yes, I know. Mustafa Ahmic called me." I do not  
15 know how he called him. He said that he needed help  
16 because he said that his family was on fire in that  
17 house. That is what I said.

18 Q. Is it your testimony now that you were never told that  
19 this individual Ahmic Mustafa called on a radio?

20 MR. HARMON: Your Honour the question has been asked and  
21 answered.

22 JUDGE JORDA: Yes, but, Mr. Harmon, I agree with you. I am  
23 the first to question putting the same question several  
24 times, but the position of the Defence is awkward  
25 because they have a statement which is several months if

1 not years old, and we are now faced with making an  
2 investigation, but that is not the objective of the  
3 hearing. I understand the substance of your objection,  
4 but we must admit that the Defence has reason to refer  
5 to this, because obviously we are going to have the same  
6 problem very often.

7 MR. HAYMAN: The radio, were you ever told that this  
8 individual Ahmic Mustafa used a radio to contact the TO  
9 in Vitez on 20th October 1992?

10 A. Nobody told me that. Patkovic Muhamed, the Assistant  
11 Commander for Logistics, he just told me that Sudzuka  
12 called him and told him his house and his family were on  
13 fire, nothing else. He did not say if it was radio,  
14 some other form of communication, I do not know; those  
15 were the words he used.

16 Q. Were there 37 persons in the TO headquarters on this  
17 occasion?

18 A. In the TO headquarters, together with the police and  
19 with the leadership of the TO headquarters, there were  
20 37 people altogether including the military police.

21 Q. Just a couple more questions on this incident, then  
22 I will move on. I take it after several days of  
23 negotiations an agreement was reached whereby the TO was  
24 to be allowed to evacuate this position; is that right?

25 A. Yes.

1 Q. Were they going to evacuate to Stari Vitez; was that the  
2 agreement?

3 A. Yes.

4 Q. Was the agreement that a certain route would be taken,  
5 that is a traffic route, outside of town, or at least  
6 that at some point it went out of town in order to  
7 accomplish that evacuation or movement?

8 A. I do not know what agreement was reached for the high  
9 school centre. At any rate, I do know that on the  
10 orders of the then commander, Sefkija Djidic, who  
11 replaced Hakija Cengic, we received orders from the  
12 school that, first of all, the school had to be  
13 evacuated as the headquarters, towards the stadium, the  
14 kindergarten, and then Mahala, Stari Vitez. That was  
15 done.

16 We remained behind, then we received orders that  
17 we do the same thing, that we withdraw towards Mahala,  
18 but as we started moving towards Mahala, we were  
19 prevented from doing so. The agreement was that we  
20 could freely withdraw, that there would not be any  
21 problems in our withdrawal. However, something  
22 completely different happened when we were withdrawing,  
23 so they let the command go and the police, these people  
24 who were with the staff, but when I left with these  
25 people, these five or six people, we were captured.

1 Q. Is it your testimony that no particular route or path  
2 was specified to you that you were supposed to take in  
3 moving from your location to Stari Vitez?

4 A. We were only told that we could freely go to  
5 Stari Vitez.

6 Q. If you could look and if the usher could assist on  
7 page 3 of your statement, several lines down from the  
8 line I stopped at a few moments ago, a little bit up  
9 from that -- if you move the page down slightly and if  
10 the technical staff could zoom in slightly on the  
11 highlighted double line at the top.

12 Let me read you this sentence, lieutenant:

13 "I drove the van filled with grenades through the  
14 town instead of the road which the HVO told me to take  
15 because I was afraid the HVO would shoot at the van."

16 Did you make that statement in one of your earlier  
17 interviews, specifically this interview with the OTP?

18 A. I said this, but before leaving the high school centre,  
19 I can explain that on the map, we were not allowed to  
20 move towards the elementary school and the clinic, so  
21 they let us pass between the cinema and Vitez; that is  
22 to say we went towards another group of people who  
23 stopped us and blocked us.

24 Q. In Mr. Nobile's examination, he asked you whether at your  
25 apartment in Vitez you had any weapons. Do you recall

1           that question?

2           A. Yes.

3           Q. Do you recall that your answer to that question was no?

4           A. Yes.

5           Q. If I could draw your attention to the next page of your  
6           statement, page 4, and if Mr. Usher could assist by  
7           turning to that page, I will read the first couple of  
8           sentences of this paragraph to help orient you,  
9           lieutenant, to the point in time that is referred to.  
10          I am reading for the record from the first full  
11          paragraph on page 4 of the statement of the witness  
12          dated 2nd September 1995:

13                        "On 15th April 1993 I was living in Vitez amongst  
14                        the Croats. I was returning to my apartment at about  
15                        2130."

16                        Then I would like to skip down two sentences and  
17                        draw your attention to the sentence which is highlighted  
18                        in yellow on the screen:

19                        "I had my weapons from when I was with the JNA in  
20                        my apartment."

21                        Did you make that statement when you were  
22                        interviewed on this occasion by the OTP?

23           A. I made this statement, but not concerning 15th April  
24           1993. On 14th April 1993, these weapons were taken to  
25           the municipal headquarters of Vitez and that is where it



1 stayed on.

2 Q. Is that what you told the interviewer on this occasion?

3 A. Yes, that is what I said and the time period over here  
4 is 2130, which is to say 9.30 in the evening, that is to  
5 say that I could not have been there at 9.30 on  
6 15th April, but only on 14th April could I have been at  
7 home at 2130, not on 15th April.

8 Q. I have completed my work with that exhibit, your Honour,  
9 but I have another exhibit, if the usher could assist?

10 JUDGE JORDA: This exhibit: it comes from the Prosecution;  
11 it has just been identified. You want to tender it into  
12 evidence, Mr. Hayman, I assume?

13 MR. HAYMAN: My request would be that those portions read or  
14 noted be admitted. Again I object to the procedure of  
15 admitting the entire document and I am not offering the  
16 entire document, but I have provided the entire document  
17 in case that is the ruling of the court. It is already  
18 here and it can be conveniently handled in either  
19 manner, your Honour.

20 JUDGE JORDA: Very well, thank you. For the moment, we are  
21 going to give it a number at least.

22 Mme Fauveau?

23 THE REGISTRAR: It will be D53.

24 JUDGE JORDA: D53 for the totality of the document, but the  
25 Defence has required only the parts that have been

1 underlined and on which it has cross-examined the  
2 witness. Mr. Hayman?

3 MR. HAYMAN: Yes. May I proceed?

4 JUDGE JORDA: Yes, of course.

5 MR. HAYMAN: Thank you. The next exhibit, your Honour, is  
6 another English language statement of the witness. This  
7 statement is dated 26th January 1997, and perhaps first  
8 if, Mr. Usher, you could assist the witness in finding  
9 the last page, the signature page, page 10 of the  
10 exhibit? That is the last page of the witness's text;  
11 there are some attachments. I believe it is the  
12 page that ends in 483 of the stamped numbers.

13 Lieutenant, do you see your signature on this  
14 document?

15 A. Yes, I see it. It is my signature.

16 Q. Is this also a written statement that was provided to  
17 the OTP by you?

18 A. Yes.

19 Q. Let me ask the usher then to turn us to page 9, and  
20 while that is being done, let me ask you, lieutenant: do  
21 you recall being asked by Mr. Nobile if you could tell us  
22 anything more about Darko Kraljevic other than what you  
23 provided in your testimony. Do you recall that  
24 question?

25 A. I remember the question.

1 Q. Let me read to you the portion that is in yellow on the  
2 screen and then I will ask you about it. This is from  
3 page 9 of the witness's statement dated January  
4 26th 1997:

5 "Kraljevic Darko: he was an addict dealing with  
6 drugs and a maniac. He was HOS commander in the  
7 beginning of the war in Rijeka area. The local term for  
8 his unit was Crnokosoljasi (Black Shirts) as they were  
9 in black uniforms. This was an exclusive unit - a kind  
10 of private army - they only took orders from the  
11 Commander and no one else."

12 First let me ask you lieutenant: do you agree with  
13 the statement I have just read?

14 A. I agree.

15 I am sorry, your Honours, may I explain this now?  
16 When I was asked by Mr. Nobile -- when he asked me what  
17 I knew about Darko Kraljevic, he confused me a bit.  
18 I could not say all that I knew, but I support all of  
19 this that I said that he was a commander et cetera, so  
20 the fast questions of Mr. Nobile got me confused, so  
21 I could not prepare my answers properly. I kindly  
22 request the gentleman to speak slowly so that  
23 I understand the questions better, nothing else. Thank  
24 you.

25 MR. HAYMAN: Am I speaking slowly enough, lieutenant?

1 A. Yes.

2 Q. Thank you. Let me ask you, the last sentence of this  
3 statement which reads:

4 "This was an exclusive unit - a kind of private  
5 army - they only took orders from the Commander and  
6 no one else."

7 Is the reference in that statement to "Commander"  
8 a reference to Darko Kraljevic?

9 A. Yes.

10 Q. Let me also ask you to think back to before the luncheon  
11 break, when you were making one map and being asked a  
12 series of questions by Mr. Nobile concerning the relative  
13 positions of the HVO and the army of BiH or other BiH  
14 forces?

15 MR. HARMON: Excuse me, Mr. President, I am going to object to  
16 this line of questioning. When Mr. Hayman asked to  
17 cross-examine this witness after Mr. Nobile had concluded  
18 his examination, he said he was going to cross-examine  
19 him on three paragraphs that were in English. We have  
20 now gone through six portions of paragraphs in English  
21 and now we are about to go into Mr. Nobile's use of  
22 maps. My objection is that this is beyond the scope of  
23 what Mr. Hayman assured this court he was going to limit  
24 his examination to, and we are now going beyond that and  
25 we are going to be taking an undue amount of time

1 revisiting Mr. Nobile's cross-examination.

2 JUDGE JORDA: Just a moment, the objection is sustained. It  
3 is true you are not here to complement the  
4 cross-examination done by your co-counsel. You are here  
5 to clarify certain statements in the statement in  
6 English, so either rephrase your question regarding the  
7 Commander Darko Kraljevic, or proceed to another  
8 question relating to this statement.

9 On the other hand, Mr. Prosecutor, we have never  
10 said that Mr. Hayman could put three or four questions,  
11 I do not know how many, so please go on and try to  
12 abridge this additional cross-examination, please.

13 MR. HAYMAN: I will proceed in a different manner, your  
14 Honour.

15 JUDGE JORDA: Yes, but you know which port you are heading  
16 for, I hope, Mr. Hayman. You know which direction you  
17 are going to. I hope we are going to reach the harbour  
18 very soon.

19 MR. HAYMAN: Your Honour, I said I had three or four items to  
20 raise with this witness. I think if one looks at these  
21 statements and what was highlighted and what was  
22 discussed, there are three or four groupings of areas.  
23 I am on the fourth one. It is a map. It was attached  
24 to this statement; it was attached to an English  
25 language statement. I understand the Prosecution's

1           distress about this map, but I would like to proceed and  
2           ask the witness about it. May I?

3           JUDGE JORDA: I am not here to register the reciprocal  
4           distresses of the Prosecution and the Defence. I am  
5           here to ensure an equitable debate. The  
6           cross-examination, having been completed, I do not wish  
7           to enter into a new cross-examination. Please produce  
8           your map, but the judges will be very vigilant as to  
9           what you are going to draw from that map.

10          MR. HAYMAN: Lieutenant, have you seen this document before,  
11          on the ELMO? For purposes of the court, this map is  
12          attached to the statement which is before each of you,  
13          and it should be stamped W1/00488. The question,  
14          lieutenant, was whether you recognise this map.

15          A. Yes, I marked this.

16          Q. You drew it in your own hand, did you?

17          A. Yes, my own hand.

18          Q. Was that in response to a question or series of  
19          questions posed to you by the representatives of the OTP  
20          at or about the time of this interview in January of  
21          this year?

22          JUDGE JORDA: Please repeat your answer from the beginning,  
23          because the interpreters could not hear you well; the  
24          microphone was too far away. Could you please restart  
25          your answer. I know it is a little hard for you, but

1 the interpreters did not hear you properly.

2 A. When I was marking this map, I did this with Ole who was  
3 questioning me. He also asked me to approximately mark  
4 the line where the army of the BH and the HVO were  
5 separated, so it is not that I knew it. He told me just  
6 like Mr. Nobile today, "Draw this line approximately  
7 where you were digging trenches and where the BH-Army  
8 positions were", so that is what I did, approximately  
9 I drew this line, so this is an approximate map showing  
10 these positions approximately.

11 MR. HAYMAN: As of what date does this map reflect your best  
12 knowledge concerning the relative positions and  
13 frontlines of the HVO and the army of BiH; that is the  
14 date on which these positions were held?

15 A. I do not know the date. We did not talk about the  
16 date. We only talked about this approximately, the  
17 parts of the HVO and the army, which parts were held by  
18 the HVO and which positions were held by the army of  
19 Bosnia-Herzegovina. I did not say that I knew for  
20 sure. I said, as I did to Mr. Nobile today as well, that  
21 over here approximately that is where they were so that  
22 was the answer and the date, I do not know the date.  
23 Actually, this concerned the dates of my trench-digging,  
24 where I was digging too, so that is the period.

25 Q. So the map refers to the period in April 1993 when you

1           were forced to dig trenches; is that right?

2           A. Yes, something like that, 1993, April, May; that is  
3           where the lines were approximately.

4           Q. Did you write or cause to be written inside the finger,  
5           if you will, the letters HVO?

6           A. Yes, they asked for it. He asked me for the HVO  
7           territory and Bosnia-Herzegovina approximately so that  
8           I could approximate the zone where the Croats were and  
9           the zone where the Muslims were; that was all.

10          Q. What you drew indicated that the HVO positions were  
11          inside this finger, if you will, that you have outlined,  
12          whereas all territories outside the finger on this map  
13          you indicated as being held by the army of BiH; is that  
14          correct?

15          A. That is the area with Muslim population and with the  
16          BH-Army, naturally. That is where they were. Try to  
17          understand one thing.

18                 May I explain this, your Honours? I could not say  
19          exactly where this line was, but I did know that Kaonik  
20          was held by the HVO, or Vitez, Vitez was also held by  
21          HVO, so was Zenica, and that is how I marked it because  
22          he asked me to mark it.

23          MR. HAYMAN: Thank you, lieutenant, you may be seated.

24          A. Thank you.

25          MR. HAYMAN: Your Honour, I believe this statement will be



1 D54.

2 THE REGISTRAR: Yes, D54.

3 JUDGE JORDA: Let us see, what was the intervention of the  
4 Defence? It is the map only, but the document will be  
5 admitted as well as the map. Have you completed,  
6 Mr. Hayman?

7 MR. HAYMAN: I have, your Honour. Thank you for the court's  
8 patience.

9 JUDGE JORDA: Fine, thank you.

10 I think the Prosecutor may have some  
11 clarifications to contribute.

12 I would like to make a comment, a personal comment  
13 which does not commit my colleagues. It is in my own  
14 name only. I think that we have seen the limits of  
15 asking the participants in these tragic events to draw  
16 lines of defence of the HVO, of the Bosniak army at such  
17 a date, at such a place, even at such and such an hour,  
18 because these are events that happened four years ago,  
19 and I am not just speaking specifically regarding this  
20 witness, but others too.

21 We are asking them about events that took place  
22 two years ago and to redraw graphic presentations, eight  
23 months, eight or ten months after he made the  
24 statement. This is the comment that I am making, that  
25 I wanted to make in the interest of the continuation of

1           our proceedings.

2                   I assume, Mr. Prosecutor, that you have a comment  
3           regarding this particular case as well? It is up to you  
4           and up to your party to respond to the observations of  
5           the Defence. Do you intend to ask the witness to make  
6           more drawings, Mr. Prosecutor?

7   MR. HARMON: I do not, your Honour.

8   JUDGE JORDA: Thank you. Go on then, please.

9                   Re-examined by MR. HARMON

10   Q. Mr. Kavazovic, I only have a few questions to ask you and  
11       preliminary to those questions, you indicated you were  
12       released from custody from the SDK building on 5th May;  
13       is that correct?

14   A. Yes.

15   Q. The Defence has introduced an exhibit which is D52, a  
16       summary of an official report, and if the usher could  
17       please put that back on the ELMO? While that is  
18       happening, while that exhibit is being placed on the  
19       ELMO, Mr. Kavazovic, you described for us your physical  
20       state when you were released from the HVO custody and  
21       went to Zenica. You described, I believe, your physical  
22       state as one of exhaustion that required medical  
23       attention; is that correct?

24   A. Yes, I had psychological problems when I left. I had to  
25       go and see a doctor in order to recuperate from all of

1           that. Dr Mujezinovic treated me.

2           Q. Now if you take a look at Defence exhibit D52 on the  
3           line that says "Date of interview", do you see a date on  
4           that particular exhibit? Of course, you cannot read  
5           that, but if I can indicate --

6           A. 7th May 1993? That is the date of interview?

7           Q. Yes, that is correct. That was two days after your  
8           release from custody of the HVO; is that correct?

9           A. Yes.

10          Q. When you were released, Mr. Nobilo asked you a question  
11          as to whether or not you had been interviewed by a  
12          number of Bosnian government offices. He mentioned,  
13          I believe, the police and the military and the like. As  
14          you sit here today, do you have any recollection of  
15          being interviewed by anybody from the Bosnian military?

16          A. I am sorry, but I will have to respond to the court in  
17          connection with this question too. That is what  
18          happened to the statement that was written in the  
19          Bosnian language. The statement that was made in the  
20          Bosnian language -- I was in Zenica, I asked to see an  
21          doctor, and I went to see the doctor and as I was going  
22          back from the doctor to my aunt's house where I was  
23          staying, I met Ramiz Dugalic, a former colleague of mine  
24          who worked with me in the municipal headquarters of the  
25          Defence of Vitez. Then I went to a cafe to have a cup

1 of coffee with him and to smoke a cigarette. This man  
2 worked for the Third Corps of the army of  
3 Bosnia-Herzegovina.

4 He and I only talked in that cafe. He asked me  
5 various questions because he knew me. He asked me how  
6 I was, and then I told him the whole story, not all of  
7 it, but superficially. I explained the basic things  
8 that were happening to me, and I have a feeling this  
9 officer, Ramiz Dugalic, wrote that paper and I do not  
10 stand behind this paper because I did not make any  
11 statements to the security section of the army of  
12 Bosnia-Herzegovina and I see this date here and all that  
13 and I think that on the basis of what I told him, he  
14 wrote that paper. I do not know whether that is the way  
15 it actually happened, but that is what I feel, because  
16 I know that on the 7th, I had coffee with him and  
17 I talked to him and that can only explain the written  
18 statement in the Bosnian language. That is what I wish  
19 to say.

20 Q. Mr. Kavazovic, a point of clarification. When you were  
21 at Kratine on the front lines digging trenches, you  
22 testified earlier that you had seen Motorolas and a  
23 portable telephone; is that correct?

24 A. Yes. Mr. Nobile, when he asked me, he asked me only  
25 about Motorolas, so I could not fully express myself and

1           say that I saw that Mr. Ivica Vujica had a piece of  
2           equipment that he carried on his shoulder. This is some  
3           kind of radio telephone of the former Yugoslav Army and  
4           he was talking on that phone to someone. I do not know  
5           who he was talking to, but I saw it. It was a military  
6           device, the colour was green; it is held at the shoulder  
7           and you can talk through a receiver. I forgot to  
8           mention that in addition to Motorolas, I saw that as  
9           well.

10        Q. Motorola is different from a portable telephone?

11        A. No, Motorola is like what he has over there and this  
12        radio-telephone is different. It has a little handle  
13        which you turn and then you get through and then you  
14        talk to someone on the receiver, so a Motorola is in the  
15        Bosnian language what he has over there, and then this  
16        telephone is different and you turn the little handle  
17        and that is how you get in touch with the other person.

18        Q. I take it, Mr. Kavazovic, the portable telephone is  
19        different, a different device than a Motorola?

20        A. Yes, it is a different device; that is a communications  
21        device whereas a Motorola is something different.

22        Q. In respect of Motorolas, did the HVO commanders at the  
23        frontline in Kratine have Motorolas?

24        A. I am sorry, but I cannot hear the translation well.  
25        Could I hear it louder, please?

1 JUDGE JORDA: Usher, can you increase his volume?

2 A. Yes, they had Motorolas. Whoever was issuing orders had  
3 Motorolas.

4 MR. HARMON: I have no additional questions, your Honour.  
5 Thank you.

6 JUDGE JORDA: Thank you, Mr. Harmon. I turn to my colleagues  
7 now.

8 Judge Riad, do you have any questions to put to  
9 the witness?

10 JUDGE RIAD: Mr. Kavazovic, I have a few small questions to  
11 clarify a little bit what you were saying, to understand  
12 it better. We start when you spoke that on April 16th  
13 you saw smoke coming from Ahmici and from other Muslim  
14 villages. Where were you at that moment when you saw  
15 the smoke?

16 A. I was in the apartment of my parents-in-law and I saw it  
17 from the window.

18 Q. Where was this apartment?

19 A. My apartment was in the centre near the post office in  
20 Kolonija, a part of town behind the post office which  
21 faced the upper part.

22 Q. From there you can see all the other villages, if they  
23 are burning and smoke coming out?

24 A. I am sorry, I did not see the villages, but I said that  
25 from that direction, from the direction where these

1           villages were, I saw smoke. I knew approximately where  
2           these villages were, so from that direction I saw  
3           smoke. I did not say that I saw the villages, because  
4           you cannot see the villages, but you can see what  
5           direction these villages are.

6           Q. I am talking about the smoke. You could see the smoke?

7           A. Yes, I could see the smoke.

8           Q. Then if you go to 18th April, when a great explosion  
9           came from Mahala, you said a certain lady, Fatima,  
10          discovered that the explosion came from a truck sent to  
11          explode in the village of Mahala. How did she find out  
12          that it was a truck sent there?

13          A. I heard that from her. Actually, my mother-in-law heard  
14          about that from her and she told me about it, so it is  
15          not that I stand behind this statement. I heard a  
16          strong explosion and it actually blew up the windows of  
17          the apartment of my father-in-law, not only his  
18          apartment but the apartments of quite a few people in  
19          Vitez, so that is what I know about this particular  
20          matter.

21          Q. You mentioned that the HVO, the Jokers and the MUP and  
22          the military were working together. Was there any  
23          hierarchy? Who was controlling the others? Do you know  
24          or do you have no information about that? What was the  
25          controlling power in all this circle?

1 A. I do not know about that. I cannot say. I do not have  
2 an answer to that. I do not know what the hierarchy was  
3 and who had control over whom.

4 Q. I remember also noting down that you said that from all  
5 camps in Vitez people were taken to dig trenches in the  
6 frontlines. To your knowledge, did many people die in  
7 this procedure?

8 A. I heard about that, but I am not asserting that; I did  
9 not see it. When we came back to the camp, a young man  
10 from our camp had been hit in the spine, and he died.  
11 His name was Tuco Adis. I do not know how this  
12 happened, the HVO or the army; I do not know. At any  
13 rate, I know that a young man called Tuco Adis was  
14 killed while digging trenches; that is what I was told  
15 when we came back to the SDK. This young man was with  
16 us, not in my group, he went in a different group. My  
17 group was first, and then after that they came and took  
18 him away, and some other men, and we all came back and  
19 he did not come back, because he was hit straight in the  
20 spine with a bullet and he died. That is what I know,  
21 but I did not see any of it.

22 Q. You also said that before the exchange of the detainees  
23 everybody had to sign a statement that they did not want  
24 to go back to stay in Vitez. You said that you had to  
25 sign it because you were afraid to be arrested again.



1 Do you know anybody who refused to sign or who stayed,  
2 and what happened to them?

3 A. That day, when we were supposed to get out, when the  
4 Red Cross was supposed to get us out, we got from the  
5 Croatian authorities a diary and a statement, saying  
6 that we agreed that we do not wish to live in Vitez any  
7 more, but that we wanted to have permanent residence in  
8 Zenica or Travnik or wherever else we were going to.  
9 Gordana Badro worked on this protocol. I knew her  
10 personally and I asked her what would happen if I stayed  
11 on in Vitez because I did not want to go to Zenica.

12 I preferred Vitez; it was a nicer town and it was  
13 my town anyway. I never liked Zenica very much and  
14 I said I did not want to go to Zenica, that I preferred  
15 staying in Vitez and she said, "I cannot tell." I asked  
16 her, "Who can guarantee for my life if I remain in  
17 Vitez?" She said she did not know. When I realised  
18 that, and when I thought about it, that I had been taken  
19 away for no reason whatsoever, had I stayed on in Vitez  
20 further I would have been taken away again. I do not  
21 know whether anybody stayed on in Vitez. I cannot  
22 tell. I was just praying to God that I could get out,  
23 because I had had enough of it all. I did not like  
24 going to Zenica, but I was praying to God to get out of  
25 Vitez.

1 Q. You do not know who stayed or if somebody stayed in  
2 Vitez?

3 A. I do not know; I cannot tell because I do not know.

4 Q. None of your relatives or friends stayed?

5 A. I know three or four families who are still in Vitez,  
6 Karadza Jasminka and Karadza Ahro, friends of my  
7 father-in-law, but they were not even arrested in the  
8 camps, they stayed in their houses. They had Croats;  
9 they had a man called Butur who took care of them and  
10 that is why they were not taken to a camp, so they  
11 stayed in their houses throughout and they remained with  
12 the Croat population in Vitez. I know them. They  
13 stayed on in Vitez. I never saw them again.

14 Q. Were they collaborating with the Croats? Was that why  
15 they were accepted?

16 A. I do not know, believe me. I just know that Butur was  
17 their friend, a family friend, and he helped to prevent  
18 them from being taken to camp.

19 Q. This brings me to another question. You have been  
20 asked, as you said, you have been offered to join the  
21 HVO, and you refused, so was the HVO open also for  
22 Muslims to join?

23 A. To tell you, I do not know whether it was open to  
24 Muslims too. This was offered to me by a person who  
25 knew me. He said that the salary was bigger in the HVO

1 than in Territorial Defence, so that was the reason. At  
2 any rate, it was -- there were two or three Muslims in  
3 the HVO. I know that there were two or three Muslims in  
4 the HVO, but how did people take this, whether they were  
5 supposed to be here or there.

6 Q. Was the opposite also possible, that Croats would join  
7 the Territorial Defence?

8 A. People at the very outset, when the headquarters of the  
9 Territorial Defence were first established, there were  
10 30 Croats with me. They reported all the time. They  
11 would report in and Anto Furundzija was commander of a  
12 platoon of the military police until July 1992 when he  
13 left the Territorial Defence.

14 Q. Do you know how things turned out after that with these  
15 Croats who joined the Territorial Defence?

16 A. I heard that actually when Anto Furundzija left the  
17 Territorial Defence -- when he was leaving the  
18 Territorial Defence he said that he was threatened and  
19 he would have to join the HVO and he would have to leave  
20 the Territorial Defence. That is what he told me when  
21 I saw him and when I asked him, "Why are you not in the  
22 Territorial Defence?" He said, "I have to be in the  
23 HVO." I do not know whether it is true or not, but that  
24 is what he told me, the same person, Anto Furundzija.

25 Q. My last question: we saw the order which concerned the

1           weapons in paragraph 4. The order prohibited the  
2           carrying of weapons in Vitez, I think. In practice, did  
3           Croats still continue carrying weapons in the town; was  
4           this rule strictly applied?

5           A. This rule was applied only in the case of the  
6           Territorial Defence. They continued to carry arms, and  
7           on that piece of paper, in those orders, it does not say  
8           that a copy was also forwarded to the TO, to the  
9           Territorial Defence, so if this order did exist, we were  
10          not aware of it. We did not know we were not supposed  
11          to move around after working hours and we were not  
12          supposed to carry weapons although we had them. Nobody  
13          had warned us about the Territorial Defence. No one  
14          from the HVO had told us about this, so they would take  
15          into custody people who were carrying weapons, a rifle,  
16          a pistol or whatever, and they took their weapons away,  
17          but this strictly applied to the Territorial Defence.

18          Q. In other words, the Croats could be seen moving around  
19          with arms?

20          A. Yes, it was possible to see Croatian military police  
21          with rifles in town and you could not see Territorial  
22          Defence members anywhere in places under HVO control, so  
23          this order applied only to one side, to the Territorial  
24          Defence, and it did not apply to the other side at all.

25          JUDGE RIAD: Thank you very much.

1 JUDGE SHAHABUDDEN: Lieutenant, let us speak a little of the  
2 last order to which you referred, that is an order  
3 prohibiting the carrying of weapons. You say that order  
4 was not directed to the Territorial Defence. Do you  
5 know whether it was directed to what were called  
6 independent units?

7 A. I must try and explain one thing with regard to these  
8 orders. We were not aware of those orders as the  
9 Territorial Defence, that there was any prohibition on  
10 movement under arms. Some people did move around with  
11 arms and those that did were arrested by the HVO and  
12 their weapons were seized from them. As for others,  
13 members of the HVO, of the HOS, they wore weapons, but  
14 we could not.

15 Q. Let me talk to you a little about exhibit D53. You  
16 remember the document? It is your witness statement  
17 concerning Ahmic Mustafa, Sudzuka. You remember the  
18 statement?

19 A. Yes, I remember.

20 Q. All I want to ask you is whether you might have given  
21 that statement in the Croatian language as well.

22 A. I apologise. I did not make it in Croatian; I made it  
23 in Bosnian, which was translated into English. I did  
24 not make any statement in Croatian.

25 Q. Did you sign a statement in Bosnian?

1 A. Yes. The problem is that in Bosnia, the former  
2 language, Serbo-Croatian, still remains, but now in the  
3 Republic of Bosnia-Herzegovina we call it the Bosnian  
4 language because the country is Bosnia, but in the area  
5 under the control of the HVO, they use Croatian, so that  
6 we now have a separation. The Serbs use their own  
7 language.

8 Q. I understand you this way, to be saying that there were  
9 two forms of exhibit 53 which you signed. One was in  
10 English and one was in Bosnian; is that what you are  
11 saying?

12 A. No, that is not what I said. I said, regarding views on  
13 language in Bosnia-Herzegovina, I did not make any  
14 statements in Croatian. I only made a statement in  
15 Bosnian. I do not even know how to speak some words in  
16 Croatian.

17 Q. You made a statement in Bosnian. Did you make that  
18 statement in writing, and if so, did you sign it?

19 A. No, I did not make it in writing; I made it orally.  
20 I was questioned, I said what I knew and at the end,  
21 I just signed, so I did not make it in writing.

22 Q. Do I understand you this way then, that the only  
23 statement which you signed was this statement which is  
24 in English; is that right?

25 A. Yes, and there is another statement also in English

1           which I signed.

2           Q. Then I come to this sketchmap which is appended to  
3           exhibit D54. I see that there are two sets of lines on  
4           the map. Do you remember the map?

5           A. I do.

6           Q. One set of lines is in thick ink. The other set of  
7           lines is continuously traced, a connected series of  
8           straight lines. Do you see the two sets of lines?

9           A. (indicates).

10          Q. Right. Could you explain the set of lines which consist  
11          of a series of connected straight lines. That is  
12          right.

13          A. I apologise, your Honour, but these lines were like that  
14          on the map. I did not draw them. These were lines that  
15          were already on the map.

16          Q. I see. Just look above the lower reference to BiH.  
17          Just look above that. There is a word there which  
18          I cannot decipher. Is that "Kruscica"?

19          A. It says "Kruscica".

20          Q. Was that where you were also digging trenches?

21          A. No. I beg your pardon, these lines were on the map when  
22          I was asked to draw in these other lines. It is not a  
23          good copy.

24          Q. Thank you. Let us look at the part concerning Darko.

25          You remember learned counsel read out to you some lines

1 concerning Kraljevic Darko at page 9 of the document?

2 The particular sentence reads:

3 "This was an exclusive unit, a kind of private  
4 army. They only took orders from the Commander and  
5 no one else."

6 A. Darko Kraljevic.

7 Q. You have my apologies. Do I understand you there to be  
8 referring to the relations between Darko Kraljevic and  
9 the men who served under him, that they only took their  
10 orders from Kraljevic?

11 A. Yes.

12 Q. You were not referring there to any question as to  
13 whether Darko Kraljevic himself took orders from anyone  
14 above him?

15 A. No, I just said that it was known in Vitez when cafes  
16 were blown up owned by Muslims, the next day the report  
17 was in town that Darko Kraljevic can do what he likes,  
18 that whatever he wants to do he can do. He had his own  
19 private cafe where people were drinking day and night  
20 and this was a rallying place for his troops.

21 Q. I want to ask you about the Ludvig Pavlovic personnel to  
22 whom you referred yesterday. Do you remember you said  
23 that you were going towards Mahala when you saw some  
24 military people? According to your statement they all  
25 had HVO insignia, and you said that two soldiers also



1           had insignia saying that they belonged to the Ludvig  
2           Pavlovic unit. Do you remember that statement?

3           A. I do remember, and that is correct.

4           Q. So these two Ludvig Pavlovic soldiers also had some  
5           additional insignia?

6           A. No, they just had the words "Ludvig Pavlovic" on the  
7           left side, an oak leaf and beneath it the words "Ludvig  
8           Pavlovic". This unit came just before the outbreak of  
9           the conflict in 1993 somewhere in October. They came  
10          from Mostar and they were accommodated at the railway  
11          station near the Dubravica school. I do not know  
12          exactly how many they were, but they were there, and for  
13          a time, they caused great difficulties for Muslims in  
14          the cafes. They got drunk, they did not pay their bills  
15          and that sort of thing.

16          Q. Let me read your statement yesterday. You said in  
17          answer to the Prosecutor:

18                         "Yes, they all had HVO insignia. Two soldiers  
19                         also had insignia saying that they belonged to the  
20                         Ludvig Pavlovic unit."

21                         My question to you is: as regards these two  
22                         soldiers, the only insignia they had on their shoulders  
23                         were insignia concerning their membership of the Ludvig  
24                         Pavlovic unit?

25          A. Yes.

- 1 Q. They had no HVO insignia?
- 2 A. No, I did not see those insignia of the HVO.
- 3 Q. Let us turn a little to the question of uniforms. Do  
4 I understand you to be saying that in the period 14th,  
5 15th, 16th April 1993, you felt you could not wear your  
6 uniform in public whether you were on duty or not on  
7 duty?
- 8 A. Yes, we could not wear uniforms as of that date, because  
9 all members in the TO Defence who would enter the area  
10 under HVO control, populated mostly by Croats, were  
11 mistreated by units of the HVO or other units who were  
12 in town, so that the unit from Herzegovina caused  
13 problems to our members of the TO.
- 14 Q. Let me turn to another aspect of your testimony. Vitez  
15 is a small town, is it not, about 5,500 people?
- 16 A. Yes. Before the war, I think it had up to 10,000 or  
17 11,000. Now it may be less, 5,000 or 6,000. I do not  
18 know the exact number, but it was a small town.
- 19 Q. Could you tell of your own knowledge whether any shells  
20 fell within Vitez?
- 21 A. I apologise, could you please repeat the question? What  
22 part of town are you referring to?
- 23 Q. Any part of Vitez, not Stari Vitez, but Vitez.
- 24 A. Yes, shells did fall. One could hear explosions, very  
25 strong explosions.

1 Q. You mentioned Ivica whom you saw at Kratine. Do forgive  
2 me in case I do not pronounce the name correctly. He  
3 was a member of the HVO?

4 A. Ivica -- just a moment, I cannot recall his surname. He  
5 was from Busovaca; he was a commander of a section of  
6 the Jokers. His surname was Vujica and his first name  
7 Ivica. He was a commander of a part of the Jokers.

8 Q. You said he was rather well disposed towards you or  
9 something to that effect?

10 A. We are not referring to the same thing. There was an  
11 Ivica, a member of the HVO, a fighter of the HVO, who  
12 was a good man and he let us smoke a cigarette, he let  
13 us take a rest. He was very kind. But I was thinking  
14 of another Ivica, somebody else called Vujica Ivica.

15 Q. Now we have clarified that point, you know which Ivica  
16 I am talking about. Was there another gentleman who was  
17 kindly disposed towards you, Mirko Mares?

18 A. Yes, there was. Mirko Males who helped me when they  
19 came to our building to ask whether there were any  
20 able-bodied Muslims in the building and he would not let  
21 some of them come in. The people he did not know, he  
22 would not let them come into the building.

23 Q. He was a HVO guard and a Croat?

24 A. Yes, and he was a good man anyway. He saved people as  
25 much as he could, but when the time came that we could

1 not stay there we were forced to be taken away by a  
2 colleague of mine, (redacted), who took us to  
3 the SDK. I also forgot another man, a young man, his  
4 name was Zoran; he also belonged to the HVO.

5 Q. He was a Croat?

6 A. Yes he was in the Croatian Defence Council, he wore a  
7 camouflage uniform, he had HVO insignia. On one  
8 occasion, he even took out a can of liverpaste and gave  
9 it to us. "Hide it", he said, "so you will have it for  
10 later." He was awfully kind; he also gave us  
11 cigarettes. He did not force us to work. He would say,  
12 "Rest and when one of the commanders appears, then you  
13 get up and work." Whenever any of the guards were there  
14 we had to work and when the guards were not there we  
15 took a rest.

16 Q. So there were some Croats who were kind to you although  
17 they were in HVO uniforms; is that right?

18 A. Yes, there were quite a number of Croats whose behaviour  
19 was exemplary. There were some who were sorry for us.  
20 There were friends of mine who apologised to me for what  
21 happened. Somebody called Mladen Prsan, he went to  
22 school with me in Vitez. He also was a member of the  
23 HVO and when he saw me, he asked me why I was there and  
24 I just shrugged and said, "I have no idea." He came up  
25 to me, said hello. He gave me a box of filter 160

1 Croatian cigarettes. He said, "Put this in your  
2 pocket. That is how things are, I am sorry; it is  
3 neither your fault nor mine", but there were such good  
4 Croats.

5 Q. Do you know of other cases in which Croats in the HVO  
6 were well disposed to other Muslims?

7 A. I heard when I went back to SDK after digging that in  
8 Pirici, above Ahmici, there was somebody called Dragan,  
9 I do not know his surname, who helped the Muslims a  
10 lot. He was a commander but the Muslims did not dig  
11 under his command. He even sheltered them. He just  
12 said, "You stay there until someone else comes to take  
13 you over." He would not even let them do any work and  
14 I heard this from people who went to Pirici to do the  
15 digging and I heard it when I returned to the SDK.

16 Q. Since leaving Vitez, have you returned?

17 A. No, I never went back. I would like to very much, but  
18 the process of return of refugees has still not  
19 started. I hope that it will be possible to return  
20 because it is the town I was born in.

21 Q. Answer me on a last little point. My impression is that  
22 you told the International Red Cross that you were a  
23 civilian. You remember Mr. Nobilo's questions on the  
24 point?

25 A. Yes, I remember.

1 Q. You were in the Territorial Defence; is that correct?

2 A. I was, yes.

3 Q. You wore a uniform, at least when on duty; is that  
4 correct?

5 A. Yes, I wore a uniform when I was on duty and after  
6 working hours I did not wear a uniform.

7 Q. My recollection is that yesterday you described yourself  
8 as a soldier; was that correct?

9 A. I apologise. Could you explain that a little bit? How  
10 did I explain myself as a soldier?

11 Q. You were answering the Prosecutor and you said this:

12 "When I joined the Territorial Defence, I did not  
13 have any special duties; I was a plain soldier."

14 Did that continue to be your understanding of your  
15 status in later years?

16 A. In 1992 when I joined voluntarily the Territorial  
17 Defence, we did not have any clothing. We did not have  
18 anything; we just reported to the TO staff which was in  
19 the process of organisation, because of the JNA  
20 aggression against the Republic of Bosnia-Herzegovina.  
21 I was an ordinary soldier; I had no assignments.  
22 I simply reported every other day like everyone else.  
23 I would report today, then after two days I would report  
24 again. We were waiting for all these blue uniforms from  
25 the Soko factory in Mostar. We were in civilian clothes

1 even though the HVO already had uniforms, and we also  
2 wanted uniforms so we could at least resemble soldiers.

3 Q. Should it be my understanding of your position that you  
4 considered yourself to be a soldier if you were in  
5 uniform but a civilian if you were not in uniform?

6 A. Yes, at least that is how I understand it. When I wore  
7 a uniform, I was a soldier, and when I was in this kind  
8 of clothes, then I am a civilian. At work, one wears a  
9 uniform; when I finish work, I wore civilian clothes.

10 JUDGE SHAHABUDDEN: Thank you, lieutenant.

11 JUDGE JORDA: I think I am going to give the floor to  
12 Judge Riad once again. I think there is a correction to  
13 be made at the request of the Defence.

14 Mr. Registrar -- shall we have a private session  
15 for two seconds?

16 Mr. Hayman, yes?

17 We are now in private session. If we are in  
18 private session?

19 MR. HAYMAN: Are we in private session, your Honour? That  
20 last comment was a question.

21 JUDGE JORDA: Are we? Yes.

22 (In private session)

23 (redacted)

24 (redacted)

25 (redacted)

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page 2454 redacted - private session



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10 (In open session)

11 JUDGE RIAD: Lieutenant, in one of your answers to Judge  
12 Shahabudden, you spoke of Darko Kraljevic who had his  
13 group and were some kind of freelance who worked for  
14 themselves and did not obey orders from other sides. Do  
15 I understand correctly?

16 A. Yes, you understood correctly. I cannot say that they  
17 did not listen to some other orders as well, I just know  
18 what was happening in Vitez. If Darko Kraljevic tells  
19 his men to do something then they do it. Then he is  
20 behind it and nobody could oppose him.

21 Q. So it was not submitted to the authority of the HVO or  
22 the military police or of anybody?

23 A. No, he was separate.

24 Q. Good. Were there other groups like Mr. Darko Kraljevic  
25 working on their own?

1       A. I do not know whether there were any other groups. I do  
2       not know who Ludvig Pavlovic belonged to, the Ludvig  
3       Pavlovic unit. They also made some problems in Vitez  
4       for a time. Them too I could not understand; I always  
5       wondered how come nobody was held accountable, because  
6       when a Muslim cafe was blown up, then people would say  
7       it was either the Ludvig Pavlovic unit or Darko  
8       Kraljevic's unit, so I do not know under whose control  
9       they were.

10      Q. In the order we saw, paragraph 4, no one was supposed to  
11      carry weapons unless the soldiers were going to the  
12      front. So how were they supposed to carry weapons  
13      around and use them and nobody would control them  
14      although the order subjected them to control and to  
15      punishment? Were they over the law?

16      A. I think that nobody dared control them. For instance, a  
17      member of Darko's group, nobody -- the civilian police  
18      or the MUP -- did not dare control them or ask for any  
19      ID papers, even if they wore long-barrelled weapons. As  
20      soon as they saw they were in black uniforms and they  
21      belonged to Darko Kraljevic's unit, everybody avoided  
22      them. I was always terrified of them. I tried to avoid  
23      them whenever I could, because I was afraid, having  
24      heard the rumours that were going around town about  
25      them.

1 Q. Were they so strong that they scared the HVO and the  
2 military police, or were they just left to do their job  
3 with the blessing of the HVO?

4 A. I think that the HVO did not fear them, but they just  
5 let them do the things they were doing. They had no  
6 fear that the HVO would seize them or take their weapons  
7 away from them. I think they let them do it, so that --  
8 to make it clear to the Muslims, the civilians and the  
9 TO that they should be afraid and they wanted to cause  
10 panic amongst the civilian population and among us as  
11 the Territorial Defence, that they were the ones who had  
12 the power to regulate things, and the people in Vitez  
13 feared most Darko Kraljevic's men, because nobody dared  
14 dispute them or in cafes where they were drinking; they  
15 could shoot, they could do all kinds of things. The  
16 civilian police, whether they did not want to or did not  
17 dare, but anyway they did not react.

18 JUDGE RIAD: Thank you very much.

19 JUDGE JORDA: Mr. Kavazovic, rest assured, I have no  
20 questions following the examination and  
21 cross-examination you have been subjected to. So the  
22 Tribunal wishes to release you. I know the suffering  
23 you have gone through, this was a trial for you; thank  
24 you very much for coming to The Hague.

25 Now the Registrar is going to ask the usher to

1 accompany you out. We wish you return to your country  
2 and your town and greatest serenity and tranquility in  
3 your future life. Please, Mr. Usher, accompany the  
4 witness out.

5 A. I wish to thank you all. I am glad that things went  
6 well, it was a bit tiring and I wish you every success  
7 in your work. Goodbye, thank you.

8 (The witness withdrew)

9 JUDGE JORDA: Very well, we are now going to have a break of  
10 30 minutes, we will resume at 5.30.

11 (5.00 pm)

12 (A short break)

13 (5.30 pm)

14 JUDGE JORDA: The hearing is resumed. Madam Registrar,  
15 please have the accused brought in.

16 (Accused brought in)

17 JUDGE JORDA: Mr. Prosecutor, you have submitted a request  
18 today to the colleagues in the Tribunal for protective  
19 measures. The Chamber approved them, if I have  
20 understood you correctly.

21 There is translation; can you hear me?

22 Mr. Hayman does not hear me. Mr. Hayman, you are  
23 not the object of protective measures, but you cannot  
24 hear me.

25 Mr. Nobile, can you hear me?

1 MR. HAYMAN: Your voice is distorted, your Honour.

2 JUDGE JORDA: Maybe I need to be protected too. Very well.

3 Mr. Registrar. Do you hear me? Can you hear me  
4 now? Can you hear me?

5 Mr. Nobile? With a different voice, a distorted  
6 voice?

7 Mr. Dubuisson?

8 I am told that the button which says minimum and  
9 maximum should be reduced to the minimum, should be  
10 switched down to the minimum. Is that better now? Can  
11 you hear my voice normally now?

12 You hear me, Mr. Hayman.

13 MR. HAYMAN: Yes, we are getting an English translation.

14 There is some background distortion, but that may be  
15 normal for this procedure. I can hear you now, your  
16 Honour.

17 JUDGE JORDA: Very well. As we are going to adjourn at 6.00  
18 pm because the interpreters are very tired, let us ask  
19 the technical service to make sure that tomorrow morning  
20 everything is fine.

21 Is it Mr. Nobile who cannot hear now?

22 MR. HAYMAN: He states he is not getting any translation on  
23 channel 6, BSC translation.

24 JUDGE JORDA: That is another problem. What about the booth  
25 responsible for channel 6? Is everything okay there?

1 Mr. Nobile?

2 Mr. Blaskic is going to help us apparently. Let me  
3 repeat my questions.

4 Mr. Hayman, Mr. Nobile, can you hear me in your  
5 language?

6 Yes, Mr. Blaskic, you can hear me too, can you?

7 MR. BLASKIC: Yes, your Honour.

8 JUDGE JORDA: Everyone can hear me? In that case,

9 Mr. Prosecutor, you have the floor. You have informed  
10 the Trial Chamber of a request for protective measures  
11 which were granted by the Trial Chamber. It is a  
12 witness, Witness D. You have taken the necessary  
13 measures which you will quickly describe before the  
14 witness is brought in. I think we have to pull down the  
15 curtains.

16 Mr. Prosecutor, you have the floor. Have you  
17 anything to add to what I have just said?

18 MR. KEHOE: No, Mr. President, it is a facial and voice  
19 distortion, as well as, as your Honour pointed out, a  
20 name that the witness will be using, which is  
21 Witness D.

22 JUDGE JORDA: That is it? In that case, just as I have done  
23 for other witnesses, I would like a piece of paper to be  
24 given to him with his name and surname, so that he can  
25 just say: yes, that is my name. Has that been done?

1 MR. KEHOE: Mr. President, I have that sheet of paper in my  
2 hand. After consultation with Mr. Dubuisson and Mme  
3 Fauveau, I have been instructed to, with the assistance  
4 of the usher, give this to the witness after he has come  
5 in and been sworn in.

6 JUDGE JORDA: Very well, but the witness must not himself  
7 give his name. We must be careful. Perhaps  
8 Mr. Registrar you should warn the witness.

9 I am saying this for the benefit of the gallery:  
10 we are going to bring down the curtains until the  
11 witness comes in and as soon as he is protected by the  
12 screens, the curtains will be lifted. I think that is  
13 sufficient, just on this side. We do not need to do it  
14 on the other side.

15 Perhaps you could stay there to make sure that the  
16 witness does not pronounce his name. That is not the  
17 witness, it is a jurist from the Trial Chamber.

18 (Witness entered court)

19 JUDGE JORDA: Witness D, can you hear me?

20 THE WITNESS: Yes.

21 JUDGE JORDA: Will you please check without saying anything  
22 at all, before taking your oath that the paper given to  
23 you corresponds to your identity. It is going to be  
24 shown to you. Do not say anything; just tell me yes or  
25 no.

1 THE WITNESS: (Nodded).

2 JUDGE JORDA: Stay there for another second. You are going  
3 to be given the solemn declaration and you are going to  
4 read it, the declaration given to you by the Registrar.

5 WITNESS D (sworn)

6 JUDGE JORDA: Very well. Witness D, you may be seated. The  
7 blinds are going to be lifted, but you are fully  
8 protected in terms of your voice, your identity and your  
9 face, in accordance with the decision taken by the Trial  
10 Chamber at the request of the Prosecutor.

11 Mr. Prosecutor, you may begin.

12 Examined by MR. KEHOE

13 Q. Thank you, Mr. President.

14 Good afternoon, sir. Mr. Witness, you are going to  
15 have to speak a little louder into those microphones, if  
16 you could maybe bend them towards you a little bit. The  
17 interpreters cannot hear you. Sir, can you tell the  
18 judges where you were born and what year you were born  
19 in?

20 A. I was born in 1960 in Vitez.

21 Q. Basically, until the outbreak of the conflict, did you,  
22 for most of your life, live in the Vitez area?

23 A. All my life I lived in Vitez.

24 Q. You said you were born in 1960. Did there come a time  
25 when you went into the Yugoslav People's Army and served



1           your compulsory year of service?

2           A. Yes, I did my military service in 1970.

3           Q. Sir, you are going to have to speak up just a little  
4           into those microphones because the interpreters cannot  
5           hear you, okay? Can you tell us again when you did your  
6           military service in the JNA?

7           A. I did my military service in 1979.

8           Q. Did you stay in the JNA for a year?

9           A. One served longer than 15 months. Until December 1980  
10          I stayed in the army.

11          Q. After you left the JNA, did you come back to the Vitez  
12          area?

13          A. Yes, I came to Vitez and I got a job there and I went on  
14          living there.

15          MR. HAYMAN: Your Honour, we are not getting a translation.  
16          I do not know if I am hearing what everyone else is --  
17          it is very loud and difficult to follow.

18          JUDGE JORDA: Mr. Witness, are you speaking normally? Could  
19          you speak a little louder, please?

20          A. I can speak loudly; I am speaking loudly.

21          MR. HAYMAN: I think I can more specifically identify one  
22          problem, your Honour, and that is to get the English  
23          translation, I need to turn my volume way up and then  
24          I am also hearing over the same channel the witness's  
25          distorted voice at an extremely high volume, so I am

1 hearing a faint English and a very loud distorted live  
2 voice of the witness. It is very difficult. I regret  
3 the delay, but I need to be able to hear it.

4 JUDGE JORDA: Can the technical service do something?

5 Mr. Registrar? What about the English booth?

6 THE REGISTRAR: I think tests were done this morning with  
7 the voice of the witness. These tests provided us with  
8 the result this morning. Apparently now there is a  
9 problem. We need five or ten minutes for a test of the  
10 voice.

11 JUDGE JORDA: Yes, and the judges wanted to continue with  
12 this testimony. I fear that, due to technical  
13 circumstances, we will have to postpone this hearing.  
14 Witness D has to come back again. Can we ask Witness D  
15 -- we apologise to you -- could he come back on  
16 24th September at 10.00, hoping that this will allow the  
17 technical services to make the necessary arrangements,  
18 so these problems of interference of the protective  
19 measures do not arise, so that all the parties can hear  
20 well and Witness D will be able to testify normally.

21 First of all, I would like the witness to be  
22 accompanied out, and before adjourning, we are going to  
23 pass into a private session because the Trial Chamber  
24 has something to say to the parties.

25 Witness D, thank you for coming. You will be

taken out and asked to come back on 24th September, and

2 we apologise for this inconvenience.

3 A. Thank you.

4 (The witness withdrew)

5 (In private session)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

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page 2466 redacted - private session

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page 2467 redacted - private session

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4 (5.55 pm)

5 (Court adjourned until Tuesday, 23rd September 1997)

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