

Tadić (IT-94-1)

**6 (Closed Session) – Confidentiality lifted by Trial Chamber II
on 29.07.96**

7 THE PRESIDING JUDGE: We are now in closed session and I will ask the

8 audio visual director to confirm that this proceeding at this point is

9 not being released to the media at this time? Very good. Thank you.

10 MR. KEEGAN: The Prosecution will call witness H, your Honour.

11 WITNESS H, called.

12 THE PRESIDING JUDGE: I will ask that the witness please take the oath

13 that is being handed to him.

14 THE WITNESS [In translation]: I declare that I will speak the truth, the

15 whole truth and nothing but the truth.

16 (The witness was sworn)

17 THE PRESIDING JUDGE: Thank you. You may be seated.

18 Examined by MR. KEEGAN

19 Q. Mr. H, you were born in 1968?

20 A. Yes.

21 Q. Are you married?

22 A. Yes.

23 Q. Do you have children?

24 A. Yes.

25 Q. How many?

1 A. Three, three sons.

2 Q. What is your ethnic group?

3 A. Muslim.

4 Q. Were you born and raised in the Kozarac area?

5 A. Yes.

6 Q. Did you attend primary and secondary school in Kozarac and Prijedor?

7 A. Yes.

8 Q. After your schooling did you work in the construction field?

9 A. Yes, I have.

10 Q. Did you complete your compulsory military service?

11 A. Yes.

12 Q. In what year?

13 A. '87, '88.

14 Q. After you returned home from your compulsory military service, did

15 you ever participate in any reserve training?

16 A. No, never.

17 Q. Were you ever a member of a TO?

18 A. No.

19 Q. Did you ever participate in politics?

20 A. No, never.

21 Q. Did you work out of the Kozarac area for several years before the

22 war?

23 A. Yes.

24 Q. Did you return home on weekends and holidays?

25 A. Yes.

1 Q. Do you know a man named Dusko Tadic from Kozarac?

2 A. Yes.

3 Q. How do you know him?

4 A. I know him from Kozarac, from the town, and when I trained for one

5 year karate and he was my instructor.

6 Q. Do you know whether he was married?

7 A. I know.

8 Q. Do you know his wife's name?

9 A. Mira.

10 Q. Do you know whether his wife worked?

11 A. Yes.

12 Q. Do you know where?

13 A. In the hospital in Kozarac.

14 Q. In addition to training for a year in karate, did you ever see the

15 man you know, Dusko Tadic, around the village of Kozarac?

16 A. Yes.

17 Q. Do you know what he did for a living?

18 A. I do not know that. I know that he trained karate. Maybe he made

19 money from that.

20 Q. Before the war had you ever seen the man Dusko Tadic with a beard?

21 A. Yes.

22 Q. Had you seen him on occasions without a beard?

23 A. Yes.

24 Q. Were you at home in the Kozarac area when the attack on that area

25 started?

1 A. Yes, I was.

2 Q. When did that attack start?

3 A. May 24th 1992.

4 Q. Do you recall approximately what time of the day?

5 A. Around 2.15 in the afternoon.

6 Q. How did the attack start, what happened?

7 A. First, the shelling started.

8 Q. When the shelling began what did you do?

9 A. I got scared.

10 Q. Did you leave your house?

11 A. Yes.

12 Q. Where did you go?

13 A. I did not know where to go and what to do.

14 Q. So where did you end up going first?

15 A. To the next village.

16 Q. How long did you stay in the next village?

17 A. The first night.

18 Q. Did you return home the next day?

19 A. Yes.

20 Q. What did you do at home?

21 A. Nothing. I was with the family.

22 Q. Did you stay at your home for the rest of the time during the attack?

23 A. Not all the time.

24 Q. What would you do?

25 A. We ran all over.

1 Q. Why were you running all over?

2 A. Because there was shooting from all sides.

3 Q. At some point did you go to the village of Sivci?

4 A. Sivci, yes.

5 Q. How long did you stay there?

6 A. That was Tuesday evening, the whole night and then early in the

7 morning.

8 Q. Why did you leave Sivci?

9 A. Because it also started there, the shooting and grenades.

10 Q. Where did you go when you left Sivci?

11 A. I went back home.

12 Q. Were you captured at your home?

13 A. Not right away.

14 Q. Can you explain how you were eventually captured?

15 A. We returned that morning with the family, and some of our neighbours

16 with a tractor and a trailer, the wife and children. We came home and

17 we found the cattle, the livestock, outside. Then we tied them, then
18 we fed it, then had lunch and then we bathed and we did the laundry,
19 and then we were at home until again the shelling started and the
20 ordnance started falling in the yard.

21 Q. What did you do when that happened?

22 A. Then I fled to a crevice, to a ravine, with my wife and children.

23 Q. What was in this ravine that you fled to?

24 A. It was a very small ravine.

25 Q. Was there a stream in it?

1 A. No, not at that time.

2 Q. When you were in that ravine what happened?

3 A. I heard some noise, and I went over to see what it was about. I left

4 the child. I turned it over to either my mother or my wife and

5 started uphill to a point where I could have a good view of what the

6 noise was about.

7 Q. What did you see when you got up there?

8 A. I saw a column of people, my neighbours and one soldier who was

9 escorting them.

10 Q. Did your neighbour saying anything to you?

11 A. Yes, the soldiers beckoned to me and they also shouted that we were

12 going to some kind of a meeting. I agreed to come along and I did.

13 Q. Was there, in fact, any meeting?

14 A. No.

15 Q. Did this group of people you were with, the soldiers, eventually make

16 your way to the town of Kozarac?

17 A. Yes.

18 Q. When you got to the entrance of Kozarac, what happened?

19 A. There was a lot of military there, and more people, civilians, our
20 civilians.

21 Q. Were the military that you mentioned saying anything to the people
22 you were with?

23 A. Yes.

24 Q. What were they saying?

25 A. They cursed us, our balija mothers.

1 Q. What was the ethnic group of this group of civilians that you were

2 with, the ethnic background?

3 A. Muslims.

4 Q. Did you recognise any of the soldiers?

5 A. Hardly. They were Serbs.

6 Q. When you were in Kozarac where was your group taken?

7 A. Towards Prijedor. We came to Limenka.

8 Q. What is Limenka?

9 A. That was a bus stop that was called Limenka.

10 Q. Was it on the Prijedor/Banja Luka road?

11 A. Yes.

12 Q. Was that the new road or the old road?

13 A. New, the new road.

14 Q. What happened when you arrived at Limenka?

15 A. There we were separated, women and children from men.

16 Q. What happened to the men?

17 A. We were separated out down the hill on the other side of the road and

18 they searched us, and the women and children remained on the other

19 side, the upper side.

20 Q. Did the Serb soldiers say anything to you, any of the male prisoners?

21 A. When we started climbing on to the buses a man was walking next to

22 me, and a soldier stopped him and asked him how many Serbs he killed,

23 and he remained behind and I went on to the bus.

24 Q. When you got on the bus, what happened after you were on the bus?

25 A. We got into the buses and started towards Prijedor.

1 Q. Where did the buses end up?

2 A. In Keraterm.

3 Q. What happened to you once the buses arrived at Keraterm?

4 A. We were brought to the grounds, to the enclosure, those buses, and

5 waited for sometime.

6 Q. How long did you wait in those buses?

7 A. I am not sure how long.

8 Q. What time of the day was it now when you arrived at Keraterm?

9 A. Afternoon.

10 Q. When you got off the buses was it still afternoon or was it now

11 evening?

12 A. At dusk, it was not night yet.

13 Q. What happened when you got off the buses?

14 A. The soldier escorting us told us to -- for us from that village to

15 stand aside.

16 Q. The soldier you are referring to, is that the same soldier who had

17 escorted your group from your village?

18 A. Yes.

19 Q. When you mention he told those of you from that village, do you mean

20 that group that you had been in, that same group?

21 A. Mostly, we were mostly from that village.

22 Q. So that guard was separating you out from the others on the buses?

23 A. No, he said that we should step aside.

24 Q. What happened when he told you to do that?

25 A. People began to join us, and then he returned and indicated back.

1 Q. When the guard returned, you say he "indicated back", what does that
2 mean?

3 A. On to the bus again, all.

4 Q. How was he acting when he came back and saw that the group had not
5 been separated?

6 A. Well, he was agitated, angry, and he left.

7 Q. Why do you think the other prisoners who had not been originally part
8 of your group tried to join with your group when the guard had told
9 you to be separated?

10 A. Well, I do not know. They probably thought it meant some ----

11 Q. Had that guard who had escorted you treated your group differently
12 than some of the other guards had treated other people?

13 A. He behaved quite all right.

14 Q. Once you were all told to get back on the buses, where did the buses
15 go?

16 A. A column was formed, whether it was around midnight or after

17 midnight, I would not know, and we were taken somewhere.

18 Q. Where did the buses finally stop?

19 A. In Omarska.

20 Q. Once you arrived at Omarska what occurred when you first got off the

21 buses?

22 A. They forced us to run off the buses and there were soldiers lined up

23 on both sides along the road.

24 Q. What happened when you ran between those soldiers?

25 A. Those soldiers hit us, they kicked us with their hands or with their

1 rifle butts as long as we were running between them.

2 Q. Were you put in a building after you ran through that cordon of
3 guards?

4 A. Yes.

5 Q. Which building was that?

6 A. We ran through a door, then we went up the stairs, right, right and
7 then right again to a room.

8 Q. Mr. H, at this point could you please stand and using the pointer
9 move around to the model and using the pointer would you please
10 indicate the room that you were placed in when you first arrived at
11 the Omarska camp?

12 A. Yes, I can.

13 THE PRESIDING JUDGE: Do you want the witness to stand in front of the
14 witness desk?

15 MR. KEEGAN: Yes, Ma'am, he is aware.

16 THE INTERPRETER: Could the microphone be switched on for the witness,

17 please?

18 MR. KEEGAN: Mr. H, when you speak you are going to need to ----

19 A. From somewhere here there was a path to the door.

20 Q. Just a moment, please. Can we have the camera switched on, please?

21 OK. It is on. Thank you.

22 A. Shall I go on?

23 Q. Just a moment, please. Yes, please, could you indicate where you

24 were taken out of the buses?

25 A. The bus stopped somewhere here, and this part we had to run across

1 between those guards who hit us, to this door here.

2 Q. Then up the stairs, and to which room were you taken?

3 A. Up the stairs to the left. We went then to the right and then to the

4 right to a room.

5 Q. OK. Could you point to that room, please?

6 A. (The witness indicated on the model).

7 Q. Can you identify which room you are pointing to by the letter and

8 number designator that is in there?

9 A. B7.

10 Q. I notice that in that area of the room B7 there also would appear to

11 be two smaller rooms. Do you know what was in those smaller areas?

12 A. There were some tin wash basins or tubs.

13 Q. Did the prisoners who were in the camp consider that entire area,

14 including those two smaller rooms, to be one single room?

15 A. Yes.

16 Q. Thank you. If you could return to your seat? How many days did you

17 end up spending in that room?

18 A. Five or six.

19 Q. During the first few days, two or three days, were you allowed out of

20 the room?

21 A. Only if someone had to go to the WC.

22 Q. How crowded was that room?

23 A. It was overcrowded. There were very many people.

24 Q. Was there enough space for each person to be able to lay down and

25 sleep?

1 A. There was no room to sit down.

2 Q. When did you receive your first meal?

3 A. The third day.

4 Q. How did you feel after those first three days?

5 A. Scared, hungry, complete uncertainty.

6 Q. Were people being taken out for interrogation?

7 A. Yes.

8 Q. How were people called out of the room?

9 A. By name and surname.

10 Q. When did you go for interrogation?

11 A. On the fifth or sixth day.

12 Q. Where were you taken for interrogation?

13 A. A soldier came, and it was that everyone had to go for interrogation

14 and I decided to go. I was taken to a room, the kitchen where the

15 restaurant was.

16 Q. What part of that building were you taken to?

17 A. I was taken into the building, up the stairs, and up there when I

18 mounted the stairs, there was a soldier standing to the left side on

19 the corridor.

20 Q. Were you taken into a separate room for interrogation?

21 A. No, no.

22 Q. Where were you interrogated?

23 A. In the corridor.

24 Q. What type of questions were you asked during the interrogation?

25 A. Whether I had any money, whether I had a rifle, to empty my pockets.

1 Q. Any other types of questions?

2 A. Afterwards there was where I worked, what did I do, how did I travel.

3 Q. Were you beaten during your interrogation?

4 A. No.

5 Q. Did you know who your interrogator was?

6 A. I do not know.

7 Q. What type of clothes was he wearing?

8 A. Civilian.

9 Q. After the interrogation was over where were you taken?

10 A. I was returned back to the same building, but downstairs in the

11 ground, on the ground floor. I did not go back to where I had come

12 from.

13 Q. If you could please again approach the model and point to the room

14 where you were taken after interrogation?

15 A. Yes.

16 Q. When you returned where were you taken, please?

17 A. We entered here, through this door, crossed this here in this room.

18 This is where I was brought.

19 Q. If you could please use the pointer again and indicate inside the

20 room, point to the inside of the room, please? Could you identify

21 that room by the letter and number designator, please?

22 A. A15.

23 Q. In that room did you go upstairs or did you remain on the ground

24 floor?

25 A. It was all full already so I stayed close to the door.

1 Q. Thank you. You can return to your seat, Mr. H.

2 JUDGE STEPHEN: Would you ask the witness, are those glass doors?

3 MR. KEEGAN: Yes, sir, I am going to get to that right now. If I could

4 have this photograph marked as the next Exhibit in order which is 261

5 and then hand it to the witness, please? I am going to need the Elmo.

6 Mr. H, do you recognise that picture, Exhibit 261?

7 A. Yes.

8 Q. If that could be placed on the Elmo, please? Thank you. What is that

9 picture, please?

10 A. This is the room in which I was, where I was brought after the

11 interrogation.

12 Q. Could we have the lights dimmed, please, while this picture is on the

13 Exhibit? I guess not. Is this photograph taken from the landing of

14 the stairway down into the room?

15 A. From the landing at the top of the stairs downward, to the room.

16 Q. What is different in this picture from when you were in the room?

17 A. The metal lockers on both sides are gone and this was not here, these

18 boots, these hammers and these clothes.

19 Q. If you could indicate, please, with the pointer generally the area

20 where you spent your time in that room?

21 A. (The witness indicated on the picture) About here.

22 Q. So as we look at that picture it would be on the left side where the

23 wheelbarrow is?

24 A. About that.

25 Q. You indicated there were lockers along the walls in that room?

1 A. Yes, on both sides.

2 Q. Were you on the floor or on the lockers?

3 A. On the floor -- on the tiles, as a matter of fact.

4 Q. So would your back have been up against the locker?

5 A. Yes.

6 MR. KEEGAN: Your Honour, I would offer Exhibit 261, please.

7 THE PRESIDING JUDGE: Any objection?

8 JUDGE VOHRAH: Mr. Keegan, would you find out from the witness what sort

9 of lockers these were, what are their shape?

10 MR. KEEGAN: It is coming up, your Honour.

11 MR. KAY: Your Honour, there is no objection but we would like a copy of

12 it which we have not been supplied with.

13 THE PRESIDING JUDGE: Exhibit 261 will be admitted. Please provide the

14 Defence with a copy.

15 MR. KEEGAN: Yes, your Honour, I believe they have been provided with a

16 black and white copy but not a colour copy yet. If we could next

17 bring up on the computer picture No. 18-15?

18 (To the witness): Mr. H, you see the photograph on the screen in front

19 of you?

20 A. Yes.

21 Q. There are lockers on the left-hand side of that picture as you look

22 at it?

23 A. Yes, yes, they were tin lockers.

24 Q. Are those similar to the lockers which lined the walls of the room in

25 which you stayed?

1 A. Identical.

2 Q. Thank you. Your Honour, I would offer that Exhibit as No. 262.

3 THE PRESIDING JUDGE: Any objection?

4 MR. KAY: No objection, your Honour, but please may we have a copy as

5 well?

6 THE PRESIDING JUDGE: Exhibit 262 will be admitted. Provide them with a

7 colour copy ---

8 MR. KEEGAN: Yes, your Honour.

9 THE PRESIDING JUDGE: -- of both, 261 and 262.

10 MR. KEEGAN: If we could now have photograph 58-12 brought up on the

11 computer, please? (To the witness): Mr. H, do you see the photograph

12 in front of you on the screen?

13 A. Yes.

14 Q. Do you recognise what that is, please?

15 A. The door to the room in which I was.

16 Q. This photograph was taken from the garage area looking at the doors?

17 A. Yes, yes.

18 MR. KEEGAN: Your Honour, I would offer this photograph as the next

19 Exhibit No. 263.

20 THE PRESIDING JUDGE: Any objection?

21 MR. KAY: No objection, your Honour, but please may we have a copy as

22 well?

23 THE PRESIDING JUDGE: Mr. Keegan?

24 MR. KEEGAN: I was going to ask can that be marked and handed to the

25 Court?

1 THE PRESIDING JUDGE: Exhibit 263 will be admitted and a copy will be
2 provided to the Defence, please.

3 MR. KEEGAN: Yes, your Honour. It is my understanding that they have
4 black and white copies now. We are in the process of trying to get
5 colour copies, your Honour.

6 MR. WLADIMIROFF: We do not.

7 MR. KEEGAN: It is my mistake, I apologise.

8 THE PRESIDING JUDGE: Do you need to hold on to the Court's copy of 261
9 and 262 at this point? You may, if the Registrar will allow that, if
10 they are not being used.

11 MR. KEEGAN: To ensure that, the question raised by Judge Stephen, could
12 Exhibit 260 -- actually it is a photograph, it looks like 1924, if
13 that could be brought up, please, which I believe is Exhibit 260? (To
14 the witness): Do you recognise that picture, Exhibit 260, Mr. H?
15 A. Yes, it is the same door.
16 Q. Those are the doors to the room in which you stayed?

17 A. Yes.

18 JUDGE STEPHEN: While we are being architectural, would it be possible

19 through this witness or somebody else to explain these canals that are

20 always referred to?

21 MR. KEEGAN: It will be coming up, your Honour.

22 JUDGE STEPHEN: Thank you.

23 THE PRESIDING JUDGE: While we are being architectural, it would be

24 helpful to me for the witness to give me an estimate of the height of

25 the bottom panel on these doors.

1 MR. KEEGAN: Yes, your Honour. (To the witness): Witness H, do you see

2 in the photograph the metal at the bottom of the doors, the bottom

3 panel which is painted red?

4 A. I do.

5 Q. Do you recall and can you approximate about how tall the panel was?

6 A. Well, about 40 centimetres, not more than that.

7 Q. Thank you. How full was that part of the room where you stayed at

8 the bottom of the stairs?

9 A. It was filled to capacity. I looked for a place somewhere further

10 away from the door, but I could not find it. There were people

11 already on top of the lockers.

12 Q. When you were sitting on the floor, was there room for you to spread

13 your things out and for you to spread out?

14 A. At night we would lie down, we stretched our legs one across the

15 other.

16 Q. The people who were on top of the lockers, did they have to sleep up

17 there as well?

18 A. They were there all the time, both day and night.

19 Q. What about the stairs, were the prisoners on all of the stairs?

20 A. Full, everything was full.

21 Q. What about the room at the top of the stairs?

22 A. Upstairs likewise, everything full.

23 Q. In that room that you were in, the downstairs and then the stairway

24 and the area at the top of the stairs, the room at the top, was that

25 whole area considered one room by the prisoners?

1 A. Yes.

2 Q. So both the ground floor and the upstairs were considered part of
3 the same room?

4 A. Yes, yes.

5 Q. Was each prisoner's space recognise as belonging to that prisoner?

6 In other words, if a prisoner left the area, could they return to
7 their own space?

8 A. Everyone knew where his place was.

9 Q. The other prisoners would respect that?

10 A. You had to -- there was nothing else to do.

11 Q. Were there ever guards posted as a regular guard post upstairs?

12 A. Inside?

13 Q. Yes, inside.

14 A. No.

15 Q. What was the ethnic group of all of the prisoners in your room?

16 A. Mostly Muslims and there were some Croats.

17 Q. I would like to show you a series of photographs and ask you if you
18 can identify any of the people. I would like this marked as one
19 exhibit, 264 and then A through K, please? Copies of these have been
20 provided to the Defence, your Honour.

21 I will need the Elmo. (To the witness): Mr. H, what I would
22 like you to do, please, is to look at each photo and place it on the
23 Elmo and indicate if you recognise any of those people and what their
24 names are.

25 THE PRESIDING JUDGE: I gather that is A?

1 MR. KEEGAN: Yes, your Honour.

2 A. I know this young man, Sakib Jakupovic.

3 Q. Was he in your room?

4 A. Yes.

5 MR. KEEGAN: I would ask the record to reflect that he is pointing to the

6 young man who is basically in the centre of the picture, appears to be

7 wearing some type of sweater, jacket, with a red and white stripe.

8 THE PRESIDING JUDGE: Yes, the record will so reflect.

9 MR. KEEGAN: Thank you, and B? If you could lower the lights again,

10 please?

11 A. This is Bahunjic and the first one is Grozdanic.

12 Q. The first name mentioned would be the second man in the picture in

13 the line. Thank you. And C -- excuse me, were both those men in your

14 room?

15 A. Yes.

16 THE PRESIDING JUDGE: Mr. Keegan, we wish to enquire where you are going

17 with this testimony, I suppose, and 50 minutes now almost -- I think

18 we began at 2.15 -- is this relevant and, if so, are you going to tie

19 it up with something?

20 MR. KEEGAN: You mean this particular naming of prisoners?

21 THE PRESIDING JUDGE: Yes.

22 MR. KEEGAN: Yes, your Honour. We believe it is relevant to what is most

23 likely to be a required element of proving that if there was a

24 widespread and systematic attack it was against a particular civilian

25 population. This is evidence to go to affirm that element.

1 THE PRESIDING JUDGE: So he is going to identify by the names and then
2 their religion?

3 MR. KEEGAN: Correct, and where they are from generally.

4 THE PRESIDING JUDGE: OK, move along. I have not heard anything in 45
5 minutes.

6 JUDGE STEPHEN: We have already heard endlessly that there were Muslims
7 with, perhaps, a few Croats. Do you want more than that? Do you
8 really want 20 or 30 names? Is that going to do any good -- names
9 which mean nothing to us?

10 MR. KEEGAN: Except that as opposed to saying that generally they were
11 Muslims in the camp, it was our feeling that it might be helpful to be
12 able to actually pin point that, have them specifically identified,
13 individuals.

14 THE PRESIDING JUDGE: What you might do, you have A through K -- of
15 course, we are taking time discussing this and you try the case any
16 way you want -- and there are pictures of numerous people. I guess he

17 is going to identify them. Ask him if he has looked at those

18 pictures, does he know the individuals in those pictures and then ask

19 what is their ethnicity or religion. Depending upon

20 cross-examination, that may not even be challenged.

21 MR. KEEGAN: Yes, your Honour.

22 THE PRESIDING JUDGE: If it is challenged, then you can come back and we

23 can spend 20 minutes and we can go through and name all of them.

24 MR. KEEGAN (To the witness): Mr. H, if you would, please, look through

25 the rest of the series of photographs, simply look at each photograph

1 in the pile.

2 A. There is a Croat, there is one Croat on this picture and then Sefer

3 and Emir and Mujo, Jakupovic, a young man of 15.

4 Q. If you would just look through the rest of the pictures first. Did

5 you recognise some or all of the people in those photographs?

6 A. Yes, I have, I have.

7 THE PRESIDING JUDGE: How many did you recognise and what is their

8 religion?

9 A. Perhaps not all of them but most, mostly they are Muslims.

10 Q. How many people would you estimate, from looking at this stack of

11 pictures, 264A through K, did you recognise?

12 A. At least 15.

13 Q. Were those pictures taken at Omarska camp?

14 A. Yes.

15 THE PRESIDING JUDGE: Finished, are we?

16 MR. KEEGAN: I would tender that Exhibit now, your Honour.

17 THE PRESIDING JUDGE: 264A through K will be admitted. Do not get upset,

18 Mr. Keegan. Really, I have heard almost 55 minutes of testimony; I

19 have not heard a thing really that helps me at all with any of the

20 issues in the case.

21 MR. KEEGAN: Yes, your Honour.

22 MR. KAY: No objection to the Exhibits, your Honour.

23 THE PRESIDING JUDGE: They will be admitted. 264A through K.

24 MR. KEEGAN (To the witness): From that room where you were sitting, Mr.

25 H, on occasion did you witness any beatings of any prisoners?

1 A. There was inside two.

2 Q. First, did you observe the beatings of prisoners out in the hangar

3 area?

4 A. I could not look.

5 Q. What do you mean you could not look?

6 A. While they are beating, especially if it is right in front of you, a

7 metre away, you just drop your head down.

8 Q. What would happen if you were caught looking while someone was being

9 beaten?

10 A. Then they would beat me too.

11 Q. Did you ever witness someone in your room being beaten for exactly

12 that, having been caught watching someone else being beaten?

13 A. Yes.

14 Q. Did you witness the death of any prisoners in your room?

15 A. I saw when they brought back the President of HDZ from interrogation

16 and he succumbed from the wounds he sustained.

17 Q. He was the President of the HDZ Party from where?

18 A. Prijedor, from Prijedor.

19 Q. On the day of the incident that you were forced to take part in, what

20 is the first thing that you remember happening that day?

21 A. They were playing music too loud.

22 Q. What type of music was being played?

23 A. Mostly it was those Serb nationalist songs.

24 Q. What else was happening?

25 A. Then you could hear, as they beat some people outside, you could hear

1 noises of different objects.

2 Q. What was going on inside the rooms?

3 A. People were -- people got upset, they were scared.

4 Q. What did they do or try to do?

5 A. Mostly what one, the best one could do was to get away from the door,

6 not to be close there.

7 Q. So where were people trying to go?

8 A. Up the stairs.

9 Q. Were many successful in doing that?

10 A. Well, those around the door, yes, they left.

11 Q. Did you manage to get up the stairs?

12 A. No.

13 Q. What was the next thing that you recall happening?

14 A. I remember when they called out people.

15 Q. Who do you remember being called out?

16 A. I remember Emir Karabasic, Jasmin Hrnica, Eno Alic.

17 MR. KEEGAN: If I could have this photograph marked as the next exhibit,

18 please? It will be Exhibit 265. (To the witness): Mr. H, do you

19 recognise the people in that picture?

20 A. Yes.

21 Q. Could you point to those people and indicate their names, please?

22 A. This man is called, his name is Jasmin Hrnica and the man next to him

23 is Emir Karabasic.

24 MR. KEEGAN: Can the record reflect that the man indicated as Jasmin Hrnica

25 as the tall man on the extreme right hand side of the picture and Emir

1 Karabasic is the man immediately to his left, a shorter man, who

2 appears to be in a black coat, shirt?

3 THE WITNESS: Yes.

4 MR. KEEGAN: I would offer 265, your Honour.

5 THE PRESIDING JUDGE: Any objection?

6 MR. KAY: No, your Honour.

7 THE PRESIDING JUDGE: 265 will be admitted.

8 MR. KEEGAN: Mr. H, what do you remember about when Jasmin Hrnica was

9 called out?

10 A. I remember that he was called out. First they said "Asko Hrnica"

11 several times.

12 Q. Excuse me, the translation of your answer says: "First they called

13 out Jasko Hrnica", is that what they said, "Jasko"?

14 A. No, Asko Hrnica, first it was Asko Hrnica.

15 Q. OK, beginning with an "A", A-S-K-O, Asko?

16 A. Yes, yes.

17 Q. Then what happened?

18 A. And that is how it remained, they kept calling Asko until he

19 responded.

20 Q. Do you know where Jasmin Hrnica was in the hangar building?

21 A. He was right below where I was, the room where I was.

22 Q. OK. When you say "below", do you mean in the room next to yours?

23 A. It was not the first next.

24 Q. So two rooms away?

25 A. There was our room and then sort of below it.

1 Q. What do you remember about Eno Alic being called out? How was he

2 called out?

3 A. His father came for him.

4 Q. Did they have to go past you on the stairs?

5 A. First Meho passed alone, and then he returned with Eno.

6 Q. Could you see any of the soldiers who called these prisoners out?

7 A. You could see, but very briefly.

8 Q. Which guard could you see?

9 A. The one that was calling out.

10 Q. Calling out who?

11 A. Asko, Jasko Hrnica that is.

12 Q. What type of uniform did that man have on?

13 A. He had a blue shirt on and police trousers and white belt around

14 those trousers.

15 Q. Had you ever seen that man in the camp before?

16 A. Yes, I have.

17 Q. Did you know his name?

18 A. I do not.

19 Q. Do you recall ever seeing him in the camp after this incident?

20 A. I do not remember him afterwards.

21 Q. After the three men were called out, Jasmin Hrnica, Emir Karabasic and

22 Eno Alic, could you hear anything?

23 A. I heard inside in the room human wails as they screamed out and then

24 you could hear the blows, the noises.

25 Q. What could you hear them screaming?

1 A. They just screamed very loud, "My mother, don't beat me, why are you
2 beating me?"

3 Q. Did you hear the prisoners being ordered to do anything?

4 A. I heard that they were forcing someone to eat a pigeon.

5 MR. KEEGAN: Your Honour, we are about to get into a point in the

6 testimony where the witness is going to talk about his particular

7 participation. I would rather do it in one sequence. I am happy to

8 either continue on -- it should take 20 minutes.

9 THE PRESIDING JUDGE: We had planned on recessing, I suppose, at 3.45

10 since we started at a different time today because of the lunch. Is

11 that acceptable to you?

12 MR. KEEGAN: That is fine, your Honour. I just was not sure because of

13 the different schedule. I did not want it broken.

14 THE PRESIDING JUDGE: At 3.45 we will recess.

15 MR. KEEGAN (To the witness): Mr. H, at some point were you and Mr. G

16 called out of your room?

17 A. Yes.

18 Q. How did that occur?

19 A. After that the noise, the beating abated somewhat and one of the

20 guards, a young man, came and called for two men to take some men out.

21 Q. Did you see this guard who came and called out for two volunteers?

22 A. Yes.

23 Q. Can you describe them?

24 A. He was young and he was trembling with fear, in a uniform.

25 Q. Did you recognise him as a regular guard in the camp?

1 A. Yes.

2 Q. Did anybody respond to his order for two volunteers?

3 A. No, nobody, nobody stepped out.

4 Q. What happened next?

5 A. Then somebody, a bearded person, came and shouted and said, "You and

6 you".

7 Q. What happened?

8 A. I probably looked at him at that moment and then he called me out.

9 Q. Mr. H, if you could please go again to the model for the next few

10 questions? Mr. H, after you left your room which way did you go?

11 A. From the room to the left.

12 Q. What was the first thing that you noticed when you left the room?

13 A. A lot of blood, puddles of blood, all over.

14 Q. When you came out of the room where were you looking? Were you

15 looking around the garage area or where?

16 A. Down.

17 Q. After you saw the blood what was the next thing that you recognised?

18 A. I saw the body of Emir Karabasic.

19 Q. With the pointer can you indicate generally where you saw that body?

20 A. Here.

21 Q. That was generally as we look at the model between the canals Z and

22 Y, close to the canal marked Z?

23 A. Yes.

24 Q. Can you just indicate in which direction was the head of Emir

25 Karabasic pointing?

1 A. This direction here, in the direction of WC.

2 Q. OK. For the record, that would be in the direction on the model of

3 the building, the administration building, in that direction on the

4 model?

5 A. Yes.

6 Q. Once you saw Emir's body what then happened?

7 A. Then somebody asked, "Whom are we going to take? What do we have to

8 do? Who is it?"

9 Q. Was there an answer?

10 A. Yes, "Come over here".

11 Q. Where did you have to go to?

12 A. Again in the direction of the toilet.

13 Q. Where did you go to? What spot?

14 A. We passed by this canal here and we stopped here.

15 Q. Which canal is that, which letter, canal Y?

16 A. Y.

17 Q. With the pointer, if you could indicate what you saw when you got to

18 that canal and where you were?

19 A. (Indicated).

20 Q. Let the record reflect the witness is pointing adjacent to the letter

21 designated the piece of paper Y?

22 THE PRESIDING JUDGE: The record will reflect.

23 MR. KEEGAN: What did you see when you got to that spot?

24 A. Two more bodies.

25 Q. Did you recognise the bodies?

1 A. Yes.

2 Q. Who were they?

3 A. The first one was Jasmin Hrnica and the other body was Eno Alic's.

4 Q. Where were those bodies positioned?

5 A. Here.

6 Q. For the record, in what direction were the heads of those bodies

7 pointing?

8 A. In the direction of this large garage door.

9 Q. Were the bodies next to the canal marked Y?

10 A. Yes.

11 Q. Whose body was closest to the canal?

12 A. Jasmin's.

13 Q. Thank you. You can return to your seat, Mr. H. When you reached the

14 area next to canal Y where the bodies were, what were you ordered to

15 do?

16 A. To carry Eno Alic.

17 Q. Did you get a look at the man who ordered you to pick up the bodies?

18 A. Yes.

19 Q. Can you describe that man, please?

20 A. He had a military uniform on, a green one.

21 Q. Was he tall or short?

22 A. Medium height, neither short nor tall.

23 Q. Did he have light hair or dark hair?

24 A. Dark.

25 Q. Did he have a beard?

1 A. Yes.

2 Q. Was that the man who had picked you to come out of the room?

3 A. Yes.

4 Q. When you tried to pick up Eno's body what happened?

5 A. I tried to pick him up under his arms and he was slipping, slipping

6 out. He was still alive and he was fighting back.

7 Q. So what happened next?

8 A. Then that man put his foot on Eno's throat, on Eno's neck, and was

9 pushing it up and down, so that his head was turning backwards and

10 forwards.

11 Q. You indicated the man put his foot on Eno's throat and neck?

12 A. No, no, Jasmin's.

13 Q. So it was Jasmin's head that turned backwards and forwards?

14 A. Yes.

15 Q. Was he dead?

16 A. Most likely.

17 Q. So what were you told to do?

18 A. We were told to carry him away.

19 Q. Could you pick him up?

20 A. No.

21 Q. So what were you told to do?

22 A. Then we were again told, ordered, to grab him one by one foot and

23 another one by the other foot and to drag him out.

24 Q. Where were you to drag him to?

25 A. Out of that garage.

1 Q. Did you drag him down to the garage door?

2 A. Yes.

3 Q. Was that garage door open?

4 A. Yes.

5 Q. Were there other soldiers around in the garage?

6 A. Yes.

7 Q. Do you know where they were?

8 A. There were also some inside the garage and out of it and in the

9 doorway. They were moving about.

10 Q. Were you looking around in the garage and looking at these soldiers?

11 A. Only in so far as I could while we went up and down trying to pick up

12 and drag Jasmin's body just for a moment.

13 Q. After you brought Jasmin's body to the door, what were you told to

14 do?

15 A. To take him back.

16 Q. Back to where you had picked him up from?

17 A. Yes.

18 Q. Were you forced to repeat this a couple of times, back and forth?

19 A. Yes.

20 Q. Then what were you ordered to do?

21 A. There between this back and forth, somewhere midway, they told us to

22 let him go, and to lie down and stand up, to do push ups.

23 Q. When you say somewhere midway told you to let him go, would that be

24 midway along canal Y?

25 A. Yes, yes.

1 Q. After you did this lie down, stand up and push ups, what were you

2 told to do?

3 A. Come to the canal, to the edge of the canal.

4 Q. If I could have photograph 18-2 brought up, please, on the computer?

5 Mr. H, do you see that picture in front of you on the monitor?

6 A. Yes.

7 Q. What is that, please?

8 A. This is a mechanical canal.

9 Q. Is that a picture of a canal like the one that you now are describing

10 in your evidence, canal Y?

11 A. This one is nearer to this side.

12 Q. But were the canals basically identical?

13 A. Yes.

14 MR. KEEGAN: If I could have this handed to the Registrar and marked as

15 266, please, Exhibit 266, and then handed to the Bench? I would offer

16 Exhibit 266, your Honour.

17 THE PRESIDING JUDGE: Any objection?

18 MR. KAY: No objection, your Honour.

19 THE PRESIDING JUDGE: Exhibit 266 will be admitted.

20 MR. KEEGAN: If we could have picture 16-11 brought up, please? Mr. H, do

21 you recognise that picture?

22 A. Yes.

23 Q. Is that representative from the upstairs in the garage how the canals

24 are situated in relation to the garage doors?

25 A. Could you repeat the question, please?

1 Q. Is that a picture of the canals inside the garage?

2 A. Yes.

3 MR. KEEGAN: I would offer 267, your Honour.

4 THE PRESIDING JUDGE: Any objection?

5 MR. KAY: No objection, your Honour.

6 THE PRESIDING JUDGE: 267 will be admitted.

7 MR. KEEGAN: Mr. Bos, if that could be handed to the Bench, please?

8 JUDGE STEPHEN: Can you identify canal Y, just to locate ourselves?

9 MR. KEEGAN: I believe so, your Honour. (To the witness): Mr. H, in this

10 photograph would canal Y be the one that is on the right as you look

11 at this photograph? It appears to have some type of screen on it?

12 A. I cannot hear the interpretation.

13 Q. In this photograph would canal Y, the canal we are talking about, be

14 the canal on the right-hand side of the picture as you look at it?

15 A. Yes.

16 Q. At the time that you were involved in this incident, that screen item

17 that appears on the canal, was that there?

18 A. No.

19 JUDGE VOHRAH: It is more like a trolley.

20 MR. KEEGAN: Actually when you look at the photograph, what it is, it is a

21 grease trap, when they change the oil and they catch things. It is

22 removable.

23 (To the witness): When you were ordered to stand on the edge

24 of the canal, what could you see in the canal?

25 A. I saw oil and water in them.

1 Q. Could you tell how deep that oil and water was?

2 A. No.

3 Q. What were you thinking as you were standing there on the edge of that

4 canal?

5 A. I thought it was deep, so deep that we would sink down and that they

6 would push us down with their feet.

7 Q. When you jumped in how deep, in fact, was it?

8 A. When we jumped in it was a hard bottom and then I realised it was

9 not, that it was not deep.

10 Q. The whole canal itself, approximately, how deep is it? Where on your

11 body did it come up to, the walls of the canal?

12 A. Well, I was ordered immediately to lie down, perhaps up to here, when

13 I jumped down.

14 MR. KEEGAN: Let the record reflect that witness indicated at about

15 shoulder level.

16 THE PRESIDING JUDGE: About?

17 MR. KEEGAN: Shoulder level, the neck.

18 THE PRESIDING JUDGE: I saw him touch his clavicle, is that it?

19 MR. KEEGAN: Clavicle, then fine, your Honour.

20 THE PRESIDING JUDGE: I do not know that it makes a significant

21 difference. OK.

22 MR. KEEGAN: After you were told to lie down, what were you told to do?

23 A. To lie down and crawl through that oil.

24 Q. What end did you crawl to?

25 A. I was crawling, the first towards this large garage door.

1 Q. When you got to the end, what were you ordered to do?

2 A. To turn on our back and back again.

3 Q. Then what were you ordered to do?

4 A. To drink oil and water that were in there.

5 Q. Did you drink that oil and water?

6 A. No, I just put my face down into it.

7 Q. What happened next?

8 A. I heard him call, "Hari, come here".

9 Q. Then what happened?

10 A. And somebody came and jumped down in with us.

11 Q. At the time did you recognise that person?

12 A. No.

13 Q. Were you later told what his name was?

14 A. Yes.

15 Q. What was the name you were told?

16 A. Fikret Harambasic.

17 Q. Did you know Fikret Harambasic before the war?

18 A. Yes.

19 Q. Why is it that you did not recognise him on that day?

20 A. He was all battered, bloody, black.

21 Q. Was he naked when he jumped into the canal?

22 A. Yes.

23 Q. What were you ordered do at that time? Were you ordered to lick his

24 arse, Mr. H?

25 A. Yes.

1 Q. Was Mr. G ordered to suck his penis?

2 A. Yes.

3 Q. What was the next order?

4 A. Yes.

5 Q. Was the next order for Mr. G to bite his testicles?

6 A. Yes.

7 Q. At that time what were the people around the canal yelling?

8 A. They were yelling "Bite, harder, harder".

9 Q. What was the next order?

10 A. A knife was put against my eye, and I was ordered to hold his mouth

11 with my hands and if they heard his voice they would gouge both my

12 eyes, not only one, and the other one to go on biting.

13 Q. Were you first ordered to get out of the canal?

14 A. Yes, yes.

15 Q. Why did he tell you to get out of the canal?

16 A. As if he could not see what was happening down there.

17 Q. When you got out of the canal what position were the three of you in?

18 A. My feet were against the big garage door and the two of them were

19 there, more inside the garage.

20 Q. Were all three of you laying down in a laying down position?

21 A. Yes.

22 Q. You were closest to the garage door?

23 A. Yes.

24 Q. Fikret Harambasic in the middle?

25 A. Yes.

1 Q. Mr. G between Fikret Harambasic's legs?

2 A. Yes.

3 Q. Is that when a knife was put against your eye?

4 A. Yes.

5 Q. Could you see or did you look at the person who put the knife against

6 your eye?

7 A. I do not think so. I did not see.

8 Q. What was happening at that point after you were ordered to hold

9 Fikret Harambasic's mouth closed?

10 A. Could you repeat it, please?

11 Q. What happened after were you ordered to keep Fikret Harambasic's

12 mouth closed, what was happening?

13 A. Then somebody put his foot on my neck and began to trample me, so

14 that my chin was rubbing against the concrete and it got all sore.

15 Q. What was Mr. G doing?

16 A. And he was doing whatever he was being ordered to, whatever he was

17 ordered to, he did it.

18 Q. What were they telling him to do at that point?

19 A. To strike this one, to curse his Turkish mother for trying to fend

20 off, to defend himself. That was it.

21 Q. Was Fikret Harambasic trying to cover himself?

22 A. Yes.

23 Q. What did Mr. G do?

24 A. He pulled his legs apart and his hands because he had his hands down

25 on his genital, on his organ, and he was striking at him, cursing, as

1 he had been told to, and went on doing it.

2 Q. At that time were people in the garage around you yelling things?

3 A. Yes.

4 Q. What were they yelling?

5 A. "Look at them, mother, what they are doing to each other. Can you

6 think what they would do to us if they are doing to each other this?"

7 Q. Were there a lot of people in the garage yelling at that time?

8 A. Yes.

9 Q. At one point did you say anything to Mr. G?

10 A. I told him to stop, not to do it.

11 Q. Did Fikret Harambasic say anything?

12 A. He was saying, "He's not normal, he really wants to do it".

13 Q. Then what happened?

14 A. Then he implored them to kill him, Fikret did, with a rifle. He

15 said, "Don't, kill me with a pistol. Don't torture me like that", he

16 said.

17 Q. Then what happened?

18 A. Well, he did and then pulled it out, his testicle.

19 Q. Mr. G bit off one of Fikret Harambasic's testicles?

20 A. Yes.

21 Q. Immediately after biting off the testicle, what did Mr. G do?

22 A. He spit it out and that ball had fallen through the grate that was at

23 this big garage door which served for sewage, to drain the water out,

24 and it had fallen through and a vein or something stayed, got stuck in

25 the grate and remained like that.

1 Q. What was Mr. G told after doing that?

2 A. That he was free to go, that he could go inside now.

3 Q. What about you?

4 A. And I remained lying down.

5 Q. What were you then ordered to do?

6 A. I was told to drag him to the table, the desk that was there.

7 Q. What was that table normally used for?

8 A. That is where the guards used to sit.

9 Q. After you dragged Fikret Harambasic over there, what happened?

10 A. I pulled him up to that place, let him go and stood behind him.

11 Q. Did he say anything to you?

12 A. Yes, he asked me to get him water.

13 Q. What did you have to tell him?

14 A. "I cannot bring it to you, I cannot move away from you".

15 Q. Then what were you told to do?

16 A. And a soldier, one of these who had hit me with a rifle before while

17 we were dragging him to and fro, he told me to get lost because they

18 would kill me if I stayed there. That is what I did and I skipped

19 upstairs.

20 THE PRESIDING JUDGE: We will stand in recess for 20 minutes.

21 (4.05 p.m.)

22 (Short Adjournment)

23 (4.25 p.m.)

24 THE PRESIDING JUDGE: Mr. Wladimiroff?

25 MR. WLADIMIROFF: Yes, your Honour. There is a matter I want to raise

1 before Mr. Keegan continues, that is, there is some confusion on our
2 part since we changed not having the witness in a separate room with
3 his image scrambled, voice scrambling, all that, but having him here,
4 we thought the voice would be outside so people could follow what is
5 going on here and, apparently, that is not the case.

6 We thought that that was not exactly what we figured. I think
7 the translation, there is no confusion if that would be broadcasted,
8 there is no possible recognition whatsoever. So if the version in
9 French and English will be broadcasted, people are able to follow.

10 THE PRESIDING JUDGE: That is ESP. Mr. Wladimiroff, if I did not know
11 that you could not have been with us, with the Judges (and you were
12 not), we have been discussing the same matter.

13 JUDGE STEPHEN: He probably would not know what "ESP" means.

14 THE PRESIDING JUDGE: Extra sensory perception, or whatever. We have been
15 just discussing that very point. Thank you. Let me hear what Mr.
16 Keegan has to say.

17 MR. KEEGAN: Yes, your Honour. We understood that it was going to be a
18 closed session, but we would be happy to have an accelerated release
19 of the transcript.

20 THE PRESIDING JUDGE: The point, and the reason that motivated our
21 discussion, was a desire, in principle, to have these proceedings as
22 open as is possible, because (1) the accused is entitled to a public
23 trial, and (2) the public may have some interest and in some national
24 systems there is a right on the part of the public to have access, in
25 some national systems. Of course, we do not have that in our Rules,

1 but the accused is entitled to a public trial, and that component is
2 going out.

3 If you have no objection, I presume we can make an arrangement
4 to have just the voice, just the testimony go out, but again with no
5 image, with no image of the witness testifying. There has been no
6 French translation, but Miss Featherstone says that can be done.
7 Fine. We will make the necessary arrangements to assure that the
8 audio of the testimony is released to the public as soon as we can
9 have a French translation as well, but otherwise the protections will
10 remain as is.

11 MR. KEEGAN: That would be only the English and the French translation --
12 the translations basically, not the witness's original statement voice
13 because he is an anonymous witness.

14 THE PRESIDING JUDGE: He did ask for voice alteration originally?

15 MR. KEEGAN: Originally, but his agreement working in the courtroom was he
16 agreed to waive that, but that was in terms of all of the people

17 present in the courtroom, not release to the general public. So if,

18 in fact, the only thing released is the interpreters's voice, that is

19 fine, then there is no disclosure. That is the only point I am trying

20 to make clear.

21 THE PRESIDING JUDGE: That is what we were thinking about.

22 MR. WLADIMIROFF: That is exactly what we are thinking about too but, your

23 Honour, would there be a problem not having a French interpreter but

24 starting with the English who are available?

25 THE PRESIDING JUDGE: It would not be a problem with me, but my French

1 colleagues in the Tribunal might have a problem with me doing that.

2 MR. KEEGAN: Your Honour, if I might, just to be clear, as I may be a

3 little confused, we are talking about not simultaneous broadcast.

4 THE PRESIDING JUDGE: No, it will all be delayed, our delayed procedures,

5 half hour delay, as well as with the redaction, is that not so?

6 MISS FEATHERSTONE: I think that is only available in connection with the

7 video recording and not in the connection with the audio channels.

8 Maybe we should ask Gert Jan.

9 MR. KEEGAN: Because again he is an anonymous witness with full

10 protection, I would be very concerned about -----

11 THE PRESIDING JUDGE: What we can do in an effort to let the public know

12 is to complete, at least, the direct and the cross-examination. We

13 will then have the audio. We will then release it after the parties

14 have had an opportunity to review the audio, to assure that there have

15 been no slips. That can be done very quickly, perhaps today, so then

16 we would have the audio. That would only be the audio in English.

17 I do not know how we would then be able to get the translators

18 to then listen to it and do the translation. I imagine that would take

19 the same amount of time that we heard his testimony -- no?

20 MR. KEEGAN: You would have to produce a whole new audio record.

21 THE PRESIDING JUDGE: I am the one who always believes that there is a

22 solution to everything. If the desire of both parties is to have the

23 audio released in English and French, but at the same time protecting

24 the voice of the witness, we will endeavour to talk with the technical

25 people and see how and whether it can be done. Is that acceptable?

1 MR. KEEGAN: Yes, your Honour, that is fine.

2 THE PRESIDING JUDGE: Before we take any decision, we will tell you

3 exactly how it will be done. We would do that this evening and advise

4 you tomorrow.

5 MR. WLADIMIROFF: Right, your Honour. Thank you.

6 THE PRESIDING JUDGE: That is the best we can do, Mr. Wladimiroff, unless

7 you can help me in some other regard?

8 MR. WLADIMIROFF: We have a little preference in having the English

9 broadcasted. I would say that the right of the public to know, as you

10 described, is of a different standard than I do accept more or less a

11 sensible feeling of one of the Judges about the matter.

12 THE PRESIDING JUDGE: OK.

13 JUDGE STEPHEN: It is not just the Judges; the French Foreign Minister has

14 strong views and so has the whole French nation.

15 MR. WLADIMIROFF: Absolutely, your Honour, but so far I have found that

16 since my French is not that excellent, everyone I spoke to in the

17 context of this Tribunal, French or not, they all speak English.

18 JUDGE STEPHEN: But they do not admit it.

19 MR. WLADIMIROFF: That is not the point.

20 THE PRESIDING JUDGE: We will get it done, Mr. Wladimiroff, I really will

21 -----

22 MR. WLADIMIROFF: May I raise just in the context of this, I also learned

23 that having transcripts for the public is quite a difficult issue.

24 Whether that is true or not, I have been told it will take up to three

25 months before you will have that. That is in the context we are

1 talking now also a problem I may draw your attention to.

2 THE PRESIDING JUDGE: The transcript situation -- I do not know whether it

3 is three months. I think I would like to be proud of our Trial

4 Chamber. I think that we do a pretty good job. I do not know about

5 three months, though, but excuse me one minute.

6 Mr. Wladimiroff, what I am told is that we do not have a three

7 month delay, at least this Trial Chamber. It takes approximately a

8 week but, on the safe side, a week to 10 days. To go from the

9 transcript that we get after this proceeding, it is then looked at to

10 correct any errors and then after that the clean copy or the final

11 copy is prepared and the Registry usually has that in a week. The

12 Registry then has the transcripts and then the Registry makes the

13 determination about their dissemination. Have you been having a

14 problem getting the final?

15 MR. WLADIMIROFF: We do not have a problem at all. I am just passing to

16 you what we have heard from people from the audience. If there is no

17 sound, no image and also not a transcript available, you see, that is

18 the context why I brought this message to you.

19 THE PRESIDING JUDGE: I appreciate that. I will check into that, perhaps

20 talk with Mr. Chartier since he would have the contact with some of

21 those people in the audience. By tomorrow morning we will tell you

22 what can be done technically to achieve this purpose, to reach this

23 purpose, reach this solution.

24 MR. WLADIMIROFF: Thank you.

25 THE PRESIDING JUDGE: I do not know. We just have to talk to a couple of

1 people and see if it can be accomplished, but it is our desire also

2 for as much as possible to go out. OK.

3 MR. WLADIMIROFF: We appreciate your efforts.

4 THE PRESIDING JUDGE: For the record, I should make a statement -- I did

5 not want to interrupt Mr. Keegan -- by a majority decision of the

6 Trial Chamber the accused, who is in the court and has been in the

7 court from the beginning of the testimony of witness H, has not been

8 viewing the witness while the witness is testifying, but the accused

9 is hearing his testimony.

10 The accused's counsel and the Judges and the Prosecution can

11 both see and hear witness H while he is testifying. So I just wanted

12 to read that into the record, particularly if there was going to be a

13 question about, now there may not be a question about the audio, but

14 only we would know what was happening and so I wanted to make that

15 statement. Mr. Keegan, would you like to continue with direct?

16 MR. KEEGAN: Thank you, your Honour. (To the witness): Mr. H, from the

17 time that you were told to put down the body of Jasmin Hrnica and go to

18 the canal and through the rest of the incident, did you look around

19 the room to try to identify who else was in that garage?

20 A. No, I did not.

21 Q. Where did you focus your gaze, if you will, where did you look,

22 during the time you were out in that garage area?

23 A. Mostly downwards.

24 Q. Why is that?

25 A. I was afraid.

1 Q. What were you afraid would happen if you were caught looking around?

2 A. I thought that if anyone would see me looking at them that I would

3 not fare very well.

4 Q. You testified that it was the man with the beard whom you described

5 earlier who gave you the order to carry the bodies?

6 A. Yes.

7 Q. After the time that you were ordered to jump into the canal and for

8 the rest of the incident, do you know for certain who was giving you

9 orders? Did you ever look to see who was giving you orders?

10 A. No, I did not dare look.

11 Q. Do you have generally any idea of how many people were in that

12 garage? How many Serb guards or soldiers were in that garage during

13 this incident?

14 A. There were quite a few of them.

15 Q. From what you could tell, were those people, those soldiers, those

16 guards, the ones who were doing the yelling and screaming during the

17 incident?

18 A. Yes.

19 Q. Did you see Dusko Tadic in the garage that day?

20 A. No.

21 Q. When did you leave Omarska camp?

22 A. On August 6th we left Omarska and the next day we went to ----

23 Q. Could you repeat where you went to?

24 A. On August 6th we left Omarska and on the 7th we entered through the

25 fence.

1 Q. To what camp?

2 A. To Manjaca.

3 Q. How long were you in Manjaca camp for?

4 A. From 7th to December 14th the same year, '92.

5 MR. KEEGAN: Nothing further, your Honour.

6 THE PRESIDING JUDGE: Cross-examination?

7 MR. KAY: Your Honour, yes. I know we are concluding at 5 o'clock this

8 evening, are we?

9 THE PRESIDING JUDGE: We do have another matter at 5.30, I guess. How

10 long do you estimate for cross, Mr. Kay?

11 MR. KAY: I estimate that it will be somewhere towards 25 minutes to half

12 an hour.

13 THE PRESIDING JUDGE: Let us see if we can finish then, but you take your

14 time.

15 MR. KAY: Yes.

16 Cross-examined by MR. KAY

17 Q. Mr. H, as you told the Court, you knew Dusko Tadic as a man who lived

18 in Kozarac, is that right?

19 A. Yes.

20 Q. The place that you lived, was that part of Kozarac? Am I saying

21 something -----

22 MR. KEEGAN: Your Honour, if I might, part of the anonymity, of course,

23 is anything that might give away the identity. As the Court knows,

24 some of these villages are very small and it might be very easy, which

25 is why I referred to Kozarac area.

1 THE PRESIDING JUDGE: In the report that you have given the Defence

2 regarding witness H, was there some mention of that, where he lived?

3 MR. KEEGAN: I do not have the statement in front of me, but it should

4 have been redacted, your Honour.

5 THE PRESIDING JUDGE: Let me see. The witness has already testified that

6 he knew Mr. Tadic and that he took lessons for a while, karate

7 lessons. I suppose that does not mean that he had to live in that

8 area.

9 MR. KEEGAN: He admits to living in the Kozarac area, your Honour. My

10 fear is that if he names the village, it is going to make it very easy

11 to identify who the witness is. That is my concern.

12 THE PRESIDING JUDGE: OK. The question has gone. What was the question?

13 MR. KAY: Your Honour, it was an obvious place for me to start at and

14 perhaps I can circle around in a different way. I apologise for

15 entering territory that we did not want.

16 (To the witness): If I can start again, Mr. H: It would be

17 fair to say that you knew Kozarac area well, it was your local area?

18 A. Yes.

19 Q. You gave a description of seeing Dusko Tadic on occasions with a

20 beard and without a beard, is that right?

21 A. Yes.

22 Q. So you had seen his appearance in two forms during the time that you

23 had known him?

24 A. Yes.

25 Q. When you were in Omarska you spent your time in this area which is a

1 hallway beneath the stairs, is that right?

2 A. Next to the door and not under the staircase.

3 Q. Excuse me, if could I have that relayed back to me as I was put on to

4 a different channel?

5 THE PRESIDING JUDGE: Would you please play that back or repeat it?

6 THE INTERPRETER: Repeat it verbally? "Next to the door and not

7 underneath the staircase".

8 THE PRESIDING JUDGE: Go ahead, Mr. Kay.

9 MR. KAY: Yes, thank you, your Honour, lost my channel.

10 THE PRESIDING JUDGE: It should be 4.

11 MR. KAY: Yes, it can get knocked. (To the witness): In that part of the

12 building where you were confined, were there other people from your

13 region also held there?

14 A. Yes, for the most part.

15 Q. Were you able to go upstairs to the place upstairs where people were

16 also held?

17 A. There was no room for that.

18 Q. As I understand it from the model that we have seen, there is, in

19 fact, a long corridor at the top of the stairs which then leads to a

20 bigger room, did you know that?

21 A. But that was all filled with people, one person on top of the other.

22 Q. Did you ever have the opportunity to go up the stairs and see the

23 rooms there?

24 A. After the incident I had I went upstairs.

25 Q. When you went up those stairs did you go down the corridor to a

1 large room at the end of the corridor?

2 A. I went through the door and went up the stairs over people and I

3 stepped over somebody's head or foot or hand.

4 Q. Was that the first time that you had been upstairs during your stay

5 in this part of the building?

6 A. Yes.

7 Q. Can you remember about how many days you had been held in this place

8 before this incident happened?

9 A. I am not sure.

10 Q. Can you remember how many days later it was before you left Omarska?

11 A. Somewhere midway, somewhere in the middle.

12 Q. Thank you. On this occasion when you and the man we call G were

13 selected to leave that area at the bottom of the stairs, it was a man

14 with a beard who came and told you to come out of the room, is that

15 right?

16 A. Yes.

17 Q. Can you remember what he was wearing?

18 A. A military uniform, a green one.

19 Q. Would that be a camouflage uniform?

20 A. No, no. SMB.

21 Q. SMB, the old style army uniform, is that right?

22 A. It is an old expression from that army.

23 Q. Yes. At that stage you left that room and went out into the hangar

24 and there you noticed the bodies that you indicated to us, is that

25 right?

1 A. Yes.

2 Q. Was the man with the beard who took you out of that room on his own

3 or was he with someone?

4 A. They were near him.

5 Q. About how far away were the other soldiers who were in the hangar?

6 Were they grouped anywhere?

7 A. More grouped but they moved about, they moved around.

8 Q. Can you recollect which part of the hangar they were, generally?

9 A. At the big garage doors, a little bit inside and then outside of the

10 garage.

11 Q. So, they were down at the other end of the garage?

12 A. It is all closed but they were at the door.

13 Q. What exactly were those soldiers doing? I am asking this from the

14 time that you first entered the hangar, having left your room.

15 A. I saw a group. I did not see what they were doing.

16 Q. You saw Emir Karabasic's body by one of the canals and were you shown

17 that or did you happen to see it as you moved through the hangar?

18 A. I recognised those.

19 Q. Did you have to do anything with that body or did you just walk past

20 it?

21 A. Just passed it.

22 Q. At this time the man called G was with you as well, you were

23 together, is that right?

24 A. Yes.

25 Q. Still with the man with the beard?

1 A. Yes.

2 Q. Was he taking you then to the position of the other two bodies where

3 Jasko Hrnica and Eno Alic lay?

4 A. He asked us to come there and he was leading us and we were

5 following.

6 Q. He took you to the place where those two bodies were, and gave you

7 orders in respect of one of those bodies, the body of Eno Alic, is

8 that right?

9 A. Can you repeat the question, please?

10 Q. First of all, he gave you an order in relation to the body of Eno

11 Alic, is that right?

12 A. Yes, yes, to carry him.

13 Q. So he was talking to you and you were having to listen to his

14 instructions?

15 A. Yes.

16 Q. The body that you actually had to drag around, that was the body of

17 Jasmin Hrnica, is that right?

18 A. Yes.

19 Q. You told us about going up the garage to the doors and back again

20 because another guard told you to take it away, is that right?

21 A. That is not what I said.

22 Q. Sorry, I thought that is what I understood. Perhaps you can tell us.

23 You were ordered to take the body up the garage, is that right?

24 A. Yes.

25 Q. When you had taken the body up the garage, what happened then with

1 it?

2 A. We were ordered again to bring it back.

3 Q. So did you take the body back to where you had originally ----

4 A. Not exactly. Somewhere around midway.

5 Q. Were the two of you carrying the body between you, one with the legs

6 and the other with the top part of the body or were you dragging it on

7 the ground?

8 A. Dragging it on the ground by its legs.

9 Q. The man with the beard, he had been the one who told you to take it

10 up the garage, but did he say where to and what you should do with the

11 body?

12 A. No.

13 Q. How many times did that happen that you went up the garage with the

14 body and down again?

15 A. Two or three times.

16 Q. Whilst you were doing that, no doubt you were able to notice the

17 soldiers who were there?

18 A. In that panic, on that fear, I do not know how much I could notice,

19 and one even hit me with a rifle butt as I was going back and forth.

20 Q. Those soldiers who were there, were there guards who were part of the

21 regular guards of the camp also at this place at that time?

22 A. There was a lot of them, there were guards. I knew the guards, as

23 much as I could see.

24 Q. Did you know if those guards were guards from a particular shift,

25 Krkan's shift?

1 A. Yes, yes, they were Krkan's.

2 Q. So you were familiar with the guards who were part of each particular

3 shift, is that right?

4 A. I knew for the most part.

5 Q. Can you remember which of the guards from Krkan's shift were there at

6 this time?

7 A. I remember the best this Bakal who was close to us all the time.

8 Q. Is that Bakal spelt B-A-K-A-L?

9 A. Yes, with a scar.

10 Q. A scar on his face?

11 A. Yes.

12 Q. Can you remember any of the other guards from Krkan's shift who were

13 there at this time by name?

14 A. No, I do not.

15 Q. If you did not know them by name, you were just familiar with them as

16 being part of that shift, would that be right?

17 A. Yes. I knew faces but not names.

18 Q. Would it be right to say that you looked at this man with the beard a

19 few times when he was giving you your orders, and you would also be

20 able to see those other people who were around him at that time?

21 A. It was all just for a moment, very briefly, in this panic, this fear.

22 Q. You, presumably, could not see everyone who was in the room but some

23 of them you could, would that be fair?

24 A. This Bakal was close. He stayed in my mind best.

25 Q. But one thing is sure, that the man with the beard giving you orders

1 was not Dusko Tadic?

2 A. I do not believe so.

3 Q. You never saw Dusko Tadic in Omarska, would that be right?

4 A. I did not see him.

5 Q. The last time you had seen Dusko Tadic he was wearing a beard, would

6 that be right?

7 A. You mean before the war?

8 Q. Yes.

9 A. Yes.

10 Q. How long were you in the hangar during this incident? Can you

11 remember how long the whole thing took from the time you entered and

12 the time you left?

13 A. I know it was just before the shift change and they changed shifts

14 at 7 o'clock, about an hour and a half before or two, I am not sure

15 exactly.

16 Q. You were there involved in this incident for how long?

17 A. I have no idea.

18 Q. The time that you were holding Fikret Harambasic's head, you had your

19 feet against the garage door, is that right?

20 A. Yes, not against the door, just next to the door. The door was open.

21 Q. G was down at the lower part of the man's body?

22 A. Yes.

23 Q. This time that he was biting the man's body, can you recollect how

24 long that took?

25 A. A long time, but I do not know exactly.

1 Q. Say some 20 minutes?

2 A. I do not know, I do not know exactly.

3 Q. At that stage were these guards and soldiers around watching what was
4 happening?

5 A. Yes.

6 Q. Was that in a circle?

7 A. You mean they were in a circle and we were in the middle?

8 Q. Yes, perhaps you can explain how they were placed when they were
9 watching what was happening?

10 A. How could I know since I was lying down on my stomach?

11 Q. But you were obviously aware that they were there and this was
12 something for their attention?

13 A. I heard their voices, how merry they were. They were saying, "Look
14 what you are doing to each other. Can you imagine what they would do
15 to us?"

16 Q. When you had to jump into the oil pit, again were they watching you?

17 Was this some sort of entertainment for them?

18 A. Yes, I was down -- yes, I believe it was entertaining to them, but I

19 was down in the canal, in the oil, in the water.

20 Q. When it had all finished you were allowed to go free. Was that the

21 man with the beard who set you free or one of the other guards?

22 A. Another one, it was another one.

23 Q. Did you know him?

24 A. I knew that he was a guard on a shift but I do not know his name and

25 his surname.

1 Q. You went through that door to your room and went to the level

2 upstairs, is that right?

3 A. Yes.

4 Q. When you were up there, were many people asking you because you were

5 face to face with the man with the beard, if it was Dule, meaning

6 Dusko Tadic?

7 A. They did ask, they all asked what had happened.

8 Q. Were they asking you if it was Dule, meaning Dusko Tadic?

9 A. Yes.

10 Q. You always told them that it was not him, is that right?

11 A. Yes.

12 Q. You did not know who that man was with the beard?

13 A. No.

14 MR. KAY: No further questions, your Honour.

15 THE PRESIDING JUDGE: Mr. Keegan?

16 Re-examined by MR. KEEGAN

17 MR. KEEGAN: Just one moment. One question, Mr. H. When you described

18 what happened after you got out of the canal and the three of you were

19 laying down, earlier you described that Fikret Harambasic was

20 struggling and that beating and force was having to be used. As a

21 result of that, were the three of you moving, do you remember that,

22 if that was the case?

23 A. Yes, we were moving. We were moving.

24 Q. Thank you. I have nothing further, your Honour.

25 THE PRESIDING JUDGE: Mr. Kay?

1 MR. KAY: Nothing arises, your Honour.

2 Examined by the Court

3 THE PRESIDING JUDGE: Mr. H, Mr. Kay just asked you if when you returned

4 the persons who were in the room asked you whether it was Dule Tadic,

5 and you answered that you did not know. Do you recall testifying to

6 that?

7 A. Not then, I did not see then that it was not him.

8 Q. When you returned to your room did the other prisoners ask you if it

9 was Dule Tadic?

10 A. Yes, they did.

11 Q. Did more than one prisoner ask you if it was Dule Tadic?

12 A. It was a group of people who were there in that section by the WC

13 where I had undressed and thrown off all my clothes and washed my

14 hands a little, and others gave me some clothes, so it was a rather

15 narrow circle of people who were around there. It was difficult to

16 move about because there was no room for that.

17 Q. Did they ask you if the person who did this, led you out, I guess, or

18 had participated in this incident, did they ask you whether this was

19 any other person by name?

20 A. They asked me if it was Dule.

21 Q. That was the only person's name they mentioned?

22 A. Yes.

23 Q. Do you know why they would ask you whether it was Dule Tadic?

24 A. No.

25 Q. You have probably testified to this but I do not recall, how many

1 persons were in, if you can recall, this area of the hangar when G was

2 forced to bite off the testicle of Mr. Harambasic?

3 A. There were about 20, 20. I would not know the exact number.

4 Q. Where were they located, if you can look at what is on your monitor?

5 I do not know what Exhibit this is. Is it 267? Look at that picture

6 on your monitor, where were these persons, if you can recall,

7 positioned? We know that the canal with the screen, as it has been

8 referred to, is Y, I think, is canal Y. Where were the soldiers and if

9 there were guards involved where were they positioned? How far were

10 they away from Y, canal Y?

11 A. At that moment when I got out, I saw half of them in the garage at

12 the big door and half of them were outside the garage. But where they

13 were after that, where they moved about, I do not know.

14 Q. So was the garage door open then when the incident occurred?

15 A. Oh, yes, yes.

16 Q. You have referred to many of these people as "soldiers". By that did

17 you mean that they were not the regular guards at Omarska?

18 A. Could you repeat it, please?

19 Q. When you refer to persons being "soldiers", by that did you mean that

20 they were not the regular guards at Omarska?

21 A. Not all of them. That one I had never seen before or after.

22 Q. So some were the regular guards and some were persons who, as far as

23 you knew, were not guards at Omarska camp, is that correct?

24 A. Yes.

25 THE PRESIDING JUDGE: I have no further questions. Mr. Keegan?

1 MR. KEEGAN: Nothing further, your Honour.

2 THE PRESIDING JUDGE: Mr. Kay?

3 MR. KAY: No, thank you, your Honour.

4 THE PRESIDING JUDGE: Is there any objection to witness H being

5 permanently excused?

6 MR. KAY: No, your Honour.

7 THE PRESIDING JUDGE: Witness H, you are permanently excused. You are free

8 to leave. Thank you very much for coming. We will adjourn until

9 tomorrow at 10 a.m.