



Page 3301

1 Wednesday, 22 May 2002

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.17 p.m.

5 JUDGE SCHOMBURG: Good afternoon, everybody. Could we please hear
6 the case.

7 THE REGISTRAR: Yes, good afternoon. This is Case Number

8 IT-97-24-T, the Prosecutor versus Milomir Stakic.

9 JUDGE SCHOMBURG: Thank you. And appearances.

10 MR. KOUMJIAN: Good afternoon, Your Honours. Nicholas Koumjian

11 with Ruth Karper for the Prosecution.

12 JUDGE SCHOMBURG: Thank you.

13 MR. LUKIC: Good afternoon, Your Honours. Branko Lukic and Mr.

14 John Ostojic for the Defence.

15 JUDGE SCHOMBURG: As indicated yesterday, we have first of all to
16 decide on the request of the Defence to admit into evidence two former
17 statements of Witness O. The Trial Chamber decided not to admit these
18 statements into evidence. But if the Defence so wants, the Trial Chamber
19 will give a certificate in case of appeal because it's a principal
20 question. The reasons for our decision are that we considered that
21 witness evidence under our Rules of Procedure and Evidence is the live
22 testimony of a witness in court, or alternatively, witness testimonies or
23 statements under specific rules such as 71, 89 [F], and 92 bis. We also
24 considered that the Trial Chamber of the Tribunal does not possess any
25 knowledge as to the conditions, circumstances, and context in which a

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1 witness interview statement has been obtained and whether or not such
2 statements were taken by legal experts of national or international
3 authorities according to international recognised procedural standards.
4 We have to consider that the witness' live testimony in reaction to being
5 challenged by confrontation with former interview statements will
6 represent the evidence, and that the witness interview statements only
7 serves the purpose to aid in the challenge of specific parts of live

8 testimony and do not by themselves represent such evidence.
9 We also have to consider that the challenged part of the witness
10 testimony is clearly reflected in the trial transcript and that it will be
11 taken into account by the Chamber when making their findings. Therefore,
12 it's up to the parties to take care that the special parts of a former
13 statement will be reflected in the transcripts, and this can only be done
14 by quoting an entire paragraph in the transcripts. In addition, it is
15 true what the OTP contributed yesterday when referring to Article 90 [H].
16 Indirectly, one can conclude from this rule -- these rules on
17 cross-examination that this is a place where the parties may, and have to,
18 find out whether or not there was any discrepancy between formal statement
19 and that what the witness said or the party believes he said during the
20 examination before us. And therefore, it would be unfair vis-a-vis both
21 the witness, being absent now, and unfair with respect to the trial
22 itself, to come later, trying to identify possible contradictions between
23 former statements and available transcripts. Whenever a party believes
24 that it's necessary to find out such discrepancy, the only available space
25 is the courtroom. And therefore, it is not possible to admit additional

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1 material into evidence. Not only to be said in addition, this would open
2 Pandora's box starting with such statements. We would end by coming back
3 to former transcripts and, no doubt, there will be discrepancies between
4 that what a witness said five years ago, two years ago, and possibly
5 today. The evaluation of such discrepancies is for the Chamber, if there
6 are any such discrepancies.
7 And therefore, we can only regard that what has been said in the
8 courtroom and is transferred into the transcripts as evidence available
9 for us when making our findings.
10 As mentioned before, witness interview statements, therefore, also
11 in future not covered by Rule 71 or 92 bis, notwithstanding if they were
12 established by the Prosecutor's office or the Tribunal or local authority
13 in the former Yugoslavia shall not be admitted into evidence unless, in
14 extraordinary cases, the Chamber rules otherwise as it has been in the
15 past in the example where there was a discrepancy, a formal discrepancy,
16 when a witness evidently signed a statement only years after the statement
17 was given. So far the reason for this decision. In case the Defence
18 wants to appeal, the certification will be given.

19 To turn to a second point of clarification: As regards the very,
20 very difficult Rule 68 in connection with former transcripts, may I take
21 the comments given yesterday by the Defence as such declaration that they
22 withdraw formally their possible right that the OTP especially emphasises
23 or highlights the parts of a former transcript as exculpatory material if
24 only they have access to all former transcripts in case a witness has been
25 heard in the past, in another case. And then it would be up to you to

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1 find out what you, yourself, regard as exculpatory. This is restricted,
2 of course, only to the transcripts, and it's not in connection with
3 additional material, for example, exhibits, mentioned in these documents.
4 If the OTP has the impression that exhibits mentioned there may be
5 exculpatory material, they have under Rule 68 also to disclose this
6 material and, in doubt, on the request of the Defence. But as we have
7 Rule 68, I understand that what was said yesterday by the Defence as a
8 withdrawal of their right to be -- that the transcripts be specially
9 marked. Is that correct, this understanding?

10 MR. OSTOJIC: Good afternoon, Your Honours. Unfortunately, it is
11 not. We would not like to waive our right to have the OTP, pursuant to
12 Rule 68, highlight or show at least the page number or pagination within
13 the transcripts where Rule 68 exculpatory material may be applicable to
14 our client. If I did make that comment, it was said, perhaps, in haste.
15 What I tried to emphasise was that perhaps the OTP and the Defence can get
16 together and work through that to the extent that there were some
17 exculpatory materials. We have always felt and insisted that Rule 68 is
18 an obligation that must be complied with, and is a protection given to the
19 accused in this case, as well as Defence counsel. So unfortunately, Your
20 Honour, we would ask that the OTP does emphasise within the transcripts,
21 as well as the other exhibits and documents the Court referenced, to
22 identify that exculpatory material.

23 JUDGE SCHOMBURG: Any observations from the OTP?

24 MR. KOUMJIAN: Yes, Your Honours. The Rule 68 actually requires
25 in its English version that the Prosecution disclose to the Defence the

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1 existence of material known to the Prosecutor which tends to suggest, in a
2 sense, or mitigate, guilt or the affect the credibility of witnesses. And
3 throughout the history of this Tribunal in every other case that I'm aware

4 of, providing the document to the Defence is sufficient to comply with
5 Rule 68. I should say that there was some discrepancies between Trial
6 Chambers as to whether or not the Prosecutor had to identify which
7 documents were being provided pursuant to Rule 68 and which were not. And
8 this Trial Chamber adopted the procedure which we agreed with from that
9 date on one of our Pre-Trial Conferences all documents that were pure Rule
10 68 would be identified as such when provided to the Defence. But, not in
11 this case or any case that I know, inform the Tribunal has it been a
12 burden on the Prosecution to identify which areas of a document are --
13 would tend to indicate -- suggest innocence or mitigate guilt. The
14 problems with doing that are two-fold. One is just resources. But
15 secondly -- as we would have to find someone through and mark these up.
16 But also it would create a tremendous opportunity for error on appeal.
17 Because the Defence would say: "Here's a 70 page transcript, and in page
18 49, line 3, it wasn't identified as potentially mitigating of guilt, and
19 we think it is. It's an issue on appeal." The Defence undoubtedly doing
20 their duty, the Defence counsel are going to read the entire transcript.
21 And I don't think it should be or the rule requires that the Prosecutor
22 indicate, in any way, how a document or material suggests innocence or
23 mitigates guilt. The rule only requires that the Prosecutor disclose to
24 the Defence existence of the material known to the Prosecutor.
25 JUDGE SCHOMBURG: Thank you. On the basis of these contributions

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1 given by the parties, the Trial Chamber hereby decides that it is, under
2 Rule 68, sufficient if all the former transcripts are given as existing
3 material under Rule 68 to the Defence, and it is not necessary to
4 highlight special parts of this former transcript. As it was said before,
5 this is not true for additional exhibits. They have to be highlighted and
6 they have to be disclosed as existing material in the sphere of the Office
7 of the Prosecutor, because the Trial Chamber is of the opinion that the
8 rationale of Rule 68 is to grant access for the Defence for material being
9 in the sphere of the Office of the Prosecutor. And we believe that the
10 Office of the Prosecutor has fulfilled the obligation by giving the entire
11 transcript, and then the Defence may find out whether or not it's in part
12 or in toto exculpatory in the sense of Rule 68. For the fundamental
13 importance of this decision, the Trial Chamber is prepared to grant also,
14 as regards this in case of an appeal the necessary certification.

15 One third point of major concern is the protection of witnesses.
16 Here, evidently, the parties are more close together, but we regard it as
17 necessary to protect the private life of witnesses. It's in the interest
18 of the witness that their private life is protected, and it's in the
19 interest of justice that there is not another additional deterrent effect
20 that a witness has, not only to testify in a dangerous situation, but in
21 addition, has to be aware that he has to be -- that he will be or might be
22 confronted with additional questions related only to his or her private
23 life, being not relevant at all for the outcome of the case before us. If
24 you have a comparative view on different European legal systems, you will
25 find out that we have different approaches. In some countries, the duty

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1 to mention former incidents, sanctions, expires after five or ten years.
2 In other countries, you have even the explicit right of a person being
3 sanctioned, for example, in Germany, on a fine exceeding or being not
4 higher than three months' income, that person may say "I have never got a
5 sentence. There was no sanction at all." Even though the sanction was
6 handed down yesterday. It's the protection of the private sphere of a
7 witness as regards minor offences. And therefore, the Trial Chamber will,
8 in future, allow only questions related to serious offences and to such
9 offences having an impact on the credibility. For example, false
10 testimony, forgery, fraud. But we would really ask both parties to
11 refrain from asking intimidating questions to a witness.
12 I think for today, there are enough preliminary remarks. Any
13 observations from the parties?

14 MR. KOUMJIAN: I just have one more preliminary matter, very
15 unrelated to Your Honours' remarks. And that is the Court asked us to
16 have translated Document 50A and 50C, and these translations are now
17 ready. We can hand those to the registry.

18 JUDGE SCHOMBURG: 50A and 50C?

19 MR. KOUMJIAN: C being the French version. We had the original in
20 B/C/S, 50B, and the English and French translations are now available.

21 JUDGE SCHOMBURG: You tender this.

22 MR. KOUMJIAN: Yes.

23 JUDGE SCHOMBURG: Any objections for the admission into evidence
24 of the two translations?

25 MR. OSTOJIC: None other than those previously stated, if any,

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13 English transcripts.
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1 Judge. Thank you.
2 JUDGE SCHOMBURG: Then those documents are admitted into evidence
3 as 50A and 50C. C for the French version.
4 Anything else before we start hearing the witness?
5 MR. KOUMJIAN: Just in regards -- sorry. In regards to the next
6 witness, this witness does have a pseudonym. We need to assign a
7 pseudonym to him, please, Your Honours, and facial distortion.
8 JUDGE SCHOMBURG: So it would be Witness P and facial distortion.
9 MR. OSTOJIC: Your Honour, if I may return to one issue on the
10 Court's third preliminary or administrative point, protection of

11 witnesses, just to touch upon it, perhaps we can take some time later in
12 the week on our scheduled Pre-Trial Conference to discuss it at length, is
13 the Court or -- I have a couple of questions if I may. Is the Court also
14 going to grant us the necessary certificate for appeal on this issue if we
15 decide to address it at a later point? We haven't decided on any of the
16 issues to be perfectly frank, but I'm not sure, just so that I understand
17 it, if the Court is giving or willing to grant a certificate on that issue
18 as well.

19 JUDGE SCHOMBURG: Here it's more or less a question in abstracto.
20 The other two points were practical, related to events yesterday, to your
21 request. And it was in concreto. I'm hesitant -- better said, we are
22 hesitant to give a certification where there are some doubts on the
23 admissibility already, because when there is not a concrete case before
24 us, you may ask what is the prejudice? As I said in the beginning of the
25 procedure, vis-a-vis, for example, the OTP when challenging the right of

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1 the accused to make a statement whenever he wants in the rules given
2 during the Pre-Trial Conference. We also said that only when it will be
3 the case that your client wants to make a statement, and he is, of course,
4 still invited to make such statements if he so wants, only then there
5 would be the attempt to appeal, and then we have to decide whether or not
6 to give the certificate. And I would say in an appropriate case in the
7 future, we should come back to this point.

8 MR. OSTOJIC: I do have one issue, perhaps, for clarification
9 related to this, Your Honour, if I may.

10 JUDGE SCHOMBURG: Yes.

11 MR. OSTOJIC: And I recognise the reasoning behind the Court's
12 ruling, and you know we accept it naturally, although respectfully, may
13 raise an issue with it later. If the Court allows only serious offences,
14 which jurisdiction and how would the Court like us to proceed if potential
15 future witnesses are brought up and we do have information or material
16 about it? And if I may just elaborate on it, for example, the Court lists
17 three although not exclusive items, false testimony, forgery, and fraud as
18 examples. But if, for example, this same witness O was asked in a prior
19 trial about any offence such as the one that we attempted to touch upon,
20 and he answered falsely, even though it may be a minor offence, and I
21 don't know that it is or really don't want to comment on that, would we be

22 able to, despite the fact that it was a minor offence, show that that was
23 false testimony given before? Because, honestly, we feel the Defence and
24 respectfully that we are being confined in our Defence, and we truly
25 believe that a witness is going to lie about something insignificant and

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1 minor that only speculation will lead us to believe whether or not some of
2 the more important and critical areas that he's called upon to testify,
3 whether or not there's much truth or any truth to the testimony. We
4 understand that ten years has passed, but for us even under Rule 68, the
5 Prosecutor is obligated to give us information that may be exculpatory or
6 may go to the credibility of the witnesses. We would like to know for
7 them if they've done, because I know, in other jurisdictions that's what
8 the Prosecutor does, look at the history of the various witnesses
9 determine both their past and testimony. We haven't received any such on
10 any witnesses. I don't know that the Prosecution endeavours to do
11 anything like that, but we certainly believe that those issues, if the
12 witness answers honestly and truthfully, we wouldn't go into the detail of
13 the offence. Have you ever been charged, yes or no? What was the result
14 of that charge? And he tells us honestly. In a situation where a witness
15 denies because, perhaps, and I'm saying it respectfully to the witness
16 that was just here, perhaps believing that we wouldn't have access to that
17 information, it's easy for a witness to come and say: "I've never been
18 charged for anything, major, minor or moderate-type level crimes and I
19 have never been incarcerated or I have never committed forgery, false
20 testimony, or fraud." So it's in those instances we would like some
21 clarification, if we may. And if not, we will proceed accordingly.
22 JUDGE SCHOMBURG: I think this is a totally different problem. If
23 you can find out or you believe that you can find out a discrepancy
24 between that what a witness has said in the past and this issue was
25 already -- formed already past part of a former interrogation or

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1 statement, and you want to prove that it was not true what a witness said
2 in the past, this is a totally different problem. But our point is you
3 should not start to go into details of the private life not relevant for
4 the outcome of the case. So this is, I think, a quite clear distinction
5 and it's in a way linked to the first issue we decided today. Whenever
6 you want to find out an alleged distinction, an alleged discrepancy, then

7 please quote once again to the record the entire paragraph of the previous
8 statement that we can avoid the additional problems. I think this is now
9 enough on this point. I see you nodding, and therefore we shouldn't
10 hesitate to start with Witness P.

11 Witness P, under 65 ter, number 87, with face distortion, and we
12 have a very short summary telling us, once again, two hours, but already
13 yesterday you indicated that it won't be enough. So probably when we have
14 time, we can go through the entire list of the estimated time, that we can
15 come to a realistic expectation on the envisaged time for the OTP's
16 presentation until the end of July.

17 While we are waiting, do you already know when we have the
18 advantage of hearing the witnesses by videolink?

19 MR. KOUMJIAN: No, I don't. I'll try to have an answer for Your
20 Honour by Friday's meeting.

21 JUDGE SCHOMBURG: Okay. Thank you. The witness is being brought
22 in.

23 [The witness entered court]

24 JUDGE SCHOMBURG: Good afternoon, Witness. You can hear me in a
25 language you understand?

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1 THE WITNESS: [Interpretation] Yes.

2 JUDGE SCHOMBURG: First of all, my apologies that, for your
3 protection, you will be addressed only with the name "Witness P" to avoid
4 that your real name is mentioned in the courtroom. You understand?

5 THE WITNESS: [Interpretation] Yes.

6 JUDGE SCHOMBURG: So may we please hear your solemn declaration.

7 THE WITNESS: [Interpretation] I solemnly declare that I will speak
8 the truth, the whole truth, and nothing but the truth.

9 JUDGE SCHOMBURG: Thank you. You may be seated, and the
10 examination may start.

11 WITNESS: WITNESS P

12 [Witness answered through interpreter]

13 Examined by Mr. Koumjian:

14 Q. Witness P, can you tell the Trial Chamber where you were born.

15 A. I was born in Kozarac, the Prijedor municipality.

16 Q. Where did you go to school and grow up?

17 A. I went to school in Hrnici four years, and then four years in

18 Kozarac. That's elementary school. And the four years of the electrical
19 engineering school in Prijedor. I have lived -- I lived in Kozarac, and
20 that's where I grew up.

21 Q. (redacted)

22 A. (redacted)

23 Q. Can you tell us -- briefly describe to us Kozarac, the area, and
24 what towns and villages it's made up of.

25 A. Kozarac is an area the size of 10 by 15 square kilometres. There

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1 are quite a few villages, Kamicani, Kozarusa, Susici, Brdjani, Babici, and
2 then up until the border boundary between the Banja Luka and Prijedor
3 municipalities, that's how far the Kozarac municipality extended.

4 Q. What municipality is Kozarac in?

5 A. Kozarac belonged to the Prijedor municipality.

6 MR. KOUMJIAN: Your Honours, I have a map I would like marked as
7 an exhibit and displayed on the ELMO for the witness. It's entitled
8 "Kozarac/Omarska overview," and for the record, the ERN number on the top
9 right is 02166503.

10 JUDGE SCHOMBURG: So this will be S51. Objections?

11 MR. LUKIC: No objections, Your Honour.

12 JUDGE SCHOMBURG: Then admitted into evidence as S51.

13 MR. KOUMJIAN:

14 Q. Witness P, we're going to -- if you look at the monitor, you
15 should have the map displayed. Perhaps we can --

16 MR. KOUMJIAN: It's very small. Perhaps we can zoom on it a bit.

17 Is it possible to go any closer to the map on the ELMO? On the video?

18 No, okay.

19 Q. Witness P, can you indicate on this map where Kozarac is? Perhaps
20 you can turn to the map that's to your right and just point to it with a
21 marker. There's a marker in front of you.

22 A. Kozarac is on the main road leading from Prijedor to Banja Luka,
23 12 kilometres from Prijedor in the direction of Banja Luka.

24 Q. Witness P, can you put on the map -- can you point to where your
25 home was in 1992?

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1 A. Here, where there's this small village of Gutici, about a hundred
2 metres further down from it.

3 Q. That's marked on the map, Gutici, just below Kozarac. Is that
4 correct?

5 A. Yes.

6 Q. How many people were living in Kozarac in 1992 before the
7 conflict?

8 A. I don't know the exact data, but around 25.000 people.

9 Q. What were the ethnicities of the people that lived in Kozarac?

10 Can you give us an idea of the mix of ethnicities?

11 A. In the very centre of Kozarac and in some villages, 95 to 98 per
12 cent of the population was Muslim. But around Kozarac, there were
13 villages which were -- which had a majority Serb population. And also a
14 small number of Ukrainians - Galijani, as they were called - they were
15 scattered throughout the territory of the Kozarac area.

16 Q. Can you describe prior to the conflict in 1992, what was your
17 occupation?

18 A. I was a driver.

19 Q. What kind of property and life did you have prior to the conflict?

20 A. I had my own company. I was the only employee in that company. I
21 had a trailer truck that I used for timber and for construction material.
22 I had a house, a few acres of land, some large garages. So I was a
23 self-employed financially independent person.

24 Q. As part of your work, did you travel outside of the Prijedor
25 municipality?

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13 English transcripts.

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1 A. I mostly travelled to Bosanski Novi, Bosanska Krupa, Banja Luka,
2 in the -- places in the vicinity. I was transporting timber to the
3 various companies in the area. So I did travel in a wide area.

4 Q. Did you spend much time in the town of Prijedor?

5 A. No.

6 Q. Were you a person who closely followed political events prior to
7 the conflict?

8 A. Well, at one point, everybody was forced to follow these
9 developments. That was in the period leading to these events.

10 Q. Were you active politically yourself?

11 A. No.

12 Q. Were you a member of any political party?

13 A. No.

14 Q. Had you done military service when you were younger?

15 A. Yes. I did my military service in the Yugoslav People's Army in
16 1980 and 1981.

17 Q. In 1992, prior to the conflict, were you a member of any reserve
18 force?

19 A. The entire population of Kozarac at one point, between the
20 takeover in Prijedor and the actual attack on Kozarac, were put on the
21 list of the army of Bosnia and Herzegovina. That was done by Captain
22 Sead Cirkic.

23 Q. Thank you. We'll come back to that in more detail very shortly.

24 But prior to the takeover on the 30th of April, were you a member of any

25 Territorial Defence, police reserve, any kind of military reserve or

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1 police unit?

2 A. Until that time, I had my wartime assignment in Banja Luka as a
3 reserve driver in a tank unit. I was a truck driver, not a tank driver.

4 And that was the last wartime assignment that I actually had.

5 Q. Is it correct -- can you explain to us, legally, did you have your
6 residence outside of Prijedor? And if so, can you explain briefly why
7 that was. Perhaps the map could remain because we'll come back to it
8 shortly.

9 A. Officially, I lived in Kozarac, but I did have an address --
10 another address in another municipality where also my company was
11 registered.

12 Q. And was that done for tax purposes?

13 A. Yes, it was more favourable for tax purposes because the tax rate
14 was different in other municipalities. It was lower than in Prijedor.

15 Q. Where did you actually spend your nights? Where did you sleep in
16 1992 before the conflict?

17 A. I slept in my family home in Kozarac, if I happened to be there,
18 because sometimes I would sleep in a hotel if I happened to be on the
19 road, travelling. But mostly, I spent my nights in Kozarac.

20 Q. Can you tell us, sir, Witness P, were you married in 1992 or prior
21 to 1992?

22 A. Yes, I was married, both until 1992 and in the year of 1992
23 itself.

24 Q. Did you have any children? And if so, can you tell us the years
25 of birth of your children.

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1 A. I had two children. One was born in 1987 and one in 1983.

2 Q. Witness P, can you tell the Judges what you knew up to 1992 about
3 the name Milomir Stakic? Were you familiar with that name at all?

4 A. Well, at the multiparty elections that were held for the first
5 time in the entire Yugoslavia and in Bosnia and Herzegovina, I know that
6 he was the vice-president of the Prijedor municipality.

7 Q. Did you recall seeing him on TV or hearing him on radio?

8 A. No.

9 Q. Is it correct that you told me you would not recognise him if you

10 saw him? Is that correct?

11 A. Yes.

12 Q. Sir, you mentioned about, at one point, everyone became aware of
13 politics and to follow it. Can you tell us a little bit about the events
14 and the atmosphere that led up to the takeover on the 30th of April. In
15 particular, I think you have the perspective of being a person who
16 travelled throughout the region, so tell us what your experience was
17 throughout the region of the Bosnian Krajina in the events leading up to
18 the takeover in Prijedor on the 30th of April.

19 A. Well, the situation from the time when the takeover happened in
20 Banja Luka and most of the towns in the Banja Luka region which followed,
21 and everything was geared towards Banja Luka instead of Sarajevo. Banja
22 Luka became the centre. Some payment transactions went to Serbia, so
23 Sarajevo was totally left out of the loop. There were checkpoints manned
24 by the army and by the police. Until that time, it was called the
25 "Yugoslav People's Army" and when the takeover started to happen, then

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1 the red berets started appearing. Some different insignia were worn on
2 uniforms. A tank would happen to -- would appear, and it was no longer
3 olive-drab in colour but blue because now it belonged to the police. So
4 there was this feeling that everything was under control. People's
5 movements were followed. It was impossible to get into Banja Luka without
6 passing through checkpoints, and the same thing went if you tried to exit
7 from Banja Luka. Everything was controlled by the army and by the police.

8 Q. When you say "the army and the police," did these forces appear to
9 be allied with any political group?

10 A. Well, at a checkpoint, it was difficult to notice that on the
11 spot. But on the radio, the politics affected people. General
12 mobilisations were declared. People had -- all the people had to report
13 to the military departments. So the people who manned the checkpoints who
14 were armed at that time, they were subject to the politics that was
15 present in the media campaigns. And at that time, all the information
16 from the outside world, except from the information coming from Banja
17 Luka, Prijedor, the radio stations there and the TV stations there, it was
18 cut off. There were no other media present.

19 Q. You talked about a takeover in Banja Luka and other
20 municipalities. Who took over power? Was there any symbols that you saw

21 or flags that were different than those that existed before?

22 A. The Serbian tricolour flag appeared. At one point, it was flown
23 everywhere. At one point, people started wearing the red berets, those
24 manning the checkpoints at the access roads to Banja Luka, in Celinac,
25 Manjaca, and from all other directions. Several uniformed people would

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1 stand there together, the army and the police.

2 Q. Did you become aware on the 30th of April that there was a change
3 in government or in authority in Prijedor? And if so, can you tell the
4 Trial Chamber how you became aware of that.

5 A. Well, the access to the town of Prijedor, all the Muslims who
6 worked in Prijedor at that time had to get off the buses on the 30th of
7 April. That happened in Orlovci, and they had to go back home, which
8 means that they automatically lost their jobs. And it was quite clear
9 that these people were no longer welcome in the town of Prijedor.

10 Q. Prior to the takeover on the 30th of April, which person was
11 the -- in the highest position in Prijedor, to your knowledge? Who had
12 the top political position?

13 A. As far as I know, the Party of Democratic Action won the most
14 votes on the 1992 elections. And it was entitled to select the president
15 of the municipality, and that was Mr. Cehajic. He was a Muslim.

16 Q. Do you know who replaced Mr. Cehajic after the takeover on the
17 30th of April?

18 A. Well, according to the stories that we heard after the liberation
19 of Prijedor, from what the fighters for the Serbian republic of Bosnia and
20 Herzegovina were saying, Mr. Stakic took over.

21 Q. What happened? How did life change for you and for others in the
22 Kozarac area, your neighbours, after the takeover on the 30th of April?

23 A. Well, we became prisoners. It became a ghetto in a territory, the
24 telephone lines were cut off from the rest of the world. Physically, we
25 were also cut off because all the roads were blocked. So we felt this

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1 insecurity. We felt that we were in some kind of a prison.

2 Q. On the -- on one day did you become aware of an attack on
3 Hambarine?

4 A. Well, before the attack on Kozarac, allegedly there was an
5 incident. It was on the radio that the -- a Serb military vehicle was

6 attacked, that a man was killed, and that everybody had to come in and
7 surrender. What happened in fact, there was an incident. I don't know
8 who really got killed and how many people got killed. But at that time,
9 the shelling of Hambarine began.

10 Q. Were you in the area of Kozarac? You said you lived close to
11 Gutici. Is that correct? Am I pronouncing it correctly?

12 A. Yes.

13 Q. From your home near Gutici or from the area of Kozarac, could you
14 see any of the attack on Hambarine?

15 A. Well, at night, one could see the shells. Sometimes you would be
16 able to hear it quite well, and sometimes you would see the tracer shells
17 that would fall quite slowly. These were -- they had some kind of a
18 parachute, and they would light up the entire area. They were fired
19 either from mortars or from Howitzers. I'm not a military expert to
20 really assess that.

21 Q. Do you recall the date of that attack on Hambarine?

22 A. I think one day or two days before the attack on Kozarac.

23 Q. Do you recall the date that the attack on Kozarac started?

24 A. The 24th -- no. The 24th of May.

25 Q. Do you remember what day of the week that was, the 24th of May

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1 when the attack began?

2 A. Well, it was Sunday, as you said yourself.

3 Q. Before the attack on Kozarac, was there any announcements on the
4 radio or other communication from authorities in Prijedor to the people in
5 Kozarac?

6 A. The Serbian radio made some broadcast. The Crisis Staff, war
7 staffs, various groups were asking for loyalty, asking for people to
8 surrender their weapons, to surrender and to express their loyalty to the
9 Serbian Republic of Bosnia and Herzegovina. There were all kinds of
10 options, and there were contacts between the political leadership in
11 Kozarac and political leadership in Banja Luka.

12 Q. A few moments ago, when we were talking about whether you were a
13 member of reserve, you said at one point everyone in Kozarac became a
14 member of the BH army. Is that correct?

15 A. Yes.

16 Q. Can you explain to the Judges what defence or armed forces were

17 organised in Kozarac before the takeover on the 30th of April, and after
18 the takeover on the 30th of April.

19 A. There were people who called themselves green berets, self-styled
20 green berets. There was also a group of Kole's men. He was a criminal.
21 Then also a group of Ramiz's men. Ramiz was also a man who had spent most
22 of his life in prison. There was also a man who was expelled from Germany
23 because of drug-related offences. They collected a small number of people
24 around them, they walked around Kozarac armed, wearing green berets. This
25 did not have any kind of political support of the official BH governments

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1 or authorities. People simply did it on their own initiative.

2 Q. Did this have the support of a lot of people in Kozarac? What did
3 the majority of people that you knew? Were they arming themselves and
4 becoming members of armed groups?

5 A. Well, sometimes somebody would join such a group, either without a
6 rifle or he would buy a rifle from the Serbian reservists passing through
7 Kozarac and offering weapons for sale. So somebody would buy a rifle.
8 But there was no general support. But on the other hand, there was no
9 other option. If we complied with the Serbian -- with the Serb requests,
10 we would have to take a rifle and fight against our fellow Muslims in
11 Bihac, because that's where they would send us. There was no other
12 solution. People didn't know what to do.

13 Q. The groups that you were talking about walking around Kozarac
14 calling themselves green berets, was that prior to the takeover on the
15 30th of April?

16 A. I think that up until that time, there was a very, very small
17 number.

18 Q. And tell us how this changed over time with the takeover on the
19 30th of April and the attack on Hambarine.

20 A. Well, it was quite clear to us that such an attack would happen.
21 In Kozarac, too, it was just a matter of time because the political
22 solution offered by the politicians in Kozarac was not accepted by the
23 people in Prijedor, which means that the other side did not want to find a
24 solution.

25 Q. Well, you mentioned at one point everyone became a member in

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1 Kozarac of the Bosnian-Herzegovinian army. Can you explain that to the
2 Judges, what happened?

3 A. Well, the captain reservist of the former JNA had been dismissed
4 from the army. He was jobless, and he came willy-nilly. "We are on the
5 other side, and the other side is the army, BH army. We have some
6 ammunition, some weapons," and then one of the policemen said jokingly:
7 "Well, we can defend ourselves for five minutes because that's how much
8 ammunition we had." Then the entire population from the ages 15, 16
9 onwards were put on those lists in villages. This happened in all the
10 villages, in the streets. So there were groups, and there were 400
11 rifles, all in all, at the disposal of the people.

12 Q. You mentioned a remark by a policeman about "we can defend

13 ourselves for five minutes." Can you explain a little more about that
14 remark and what value you give to it, whether you agree with it or not?
15 A. Well, for someone, 400 rifles was a lot because he was better
16 informed about firing from machine-guns. On the basis of the number of
17 guns, number of bullets, we could make calculation as to the speed, as to
18 how many bullets could be fired from those guns. And we laughed when we
19 heard that. He confronted us with the facts.

20 Q. The fact what? Please just explain a little further. I think we
21 all understand, but just to be clear on the record. How much ammunition
22 was available?

23 A. I don't know the amount, but the policeman said that we could fire
24 five minutes with the rifles. I suppose it was about a thousand.

25 Q. Were there any, to your knowledge, any weapons such as Zoljas,

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1 hand-held rockets, in the possession of those who were defending Kozarac?

2 MR. LUKIC: Excuse me, Your Honour, I think that we have the wrong
3 translation. If my learned friend can ask the witness again about the
4 number of ammunition.

5 JUDGE SCHOMBURG: In English, I can read what I heard. But
6 probably in B/C/S, there was a mistake.

7 Could you please repeat your question, and then we have it in
8 B/C/S as well.

9 MR. KOUMJIAN:

10 Q. Witness P, there just was a small technical problem regarding your
11 answer. If you can repeat it, I asked you how much ammunition was
12 available.

13 A. Well, I don't know the exact number.

14 JUDGE SCHOMBURG: Could the usher please go to the microphone of
15 the witness and put on both of them, and a little bit louder. Thank you.

16 MR. KOUMJIAN:

17 Q. Witness P, sorry, but again, the question is how much ammunition
18 was available to those defending Kozarac, to your knowledge?

19 A. I don't know the number. The 400 rifles could fire that
20 ammunition in five minutes.

21 Q. Were you aware of other weapons such as Zoljas, hand-held rockets,
22 being available to those defending Kozarac?

23 A. There were some Zoljas, which were bought from the reservists

24 coming back from Croatia and sold in different cafes along the roads,
25 although some of them could not really be operated because they had

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1 already been activated in the battlefields in Croatia.

2 Q. I see the microphone went off again for some reason. Perhaps the
3 witness is touching it without realising it.

4 A. No.

5 JUDGE SCHOMBURG: Thank you for your assistance, Witness P.

6 MR. KOUMJIAN:

7 Q. Did those defending Kozarac have Howitzers and artillery?

8 A. Absolutely not.

9 Q. Were there any tanks or other armoured vehicles?

10 A. No.

11 Q. Were you aware of whether there was any military forces of the
12 former JNA in the Prijedor region?

13 A. They were around Kozarac, Kozarac and Prijedor. They were
14 deployed there.

15 Q. Prior to the attack on Kozarac, was there any attack from the
16 people in Kozarac on Serbian positions or Serbian civilians, to your
17 knowledge?

18 A. No, there weren't.

19 Q. At one point, was there an ultimatum or an order communicated to
20 the people in Kozarac regarding a -- some vehicles that were going to come
21 through the road, through Kozarac?

22 A. Well, over the radio or in some other way, I'm not sure, it was
23 announced that a column of vehicles was to pass through the Prijedor/Banja
24 Luka Road or the other way around. There was a checkpoint in Jakupovici
25 another one in Kozarusa, Koncari. It was ordered that those checkpoints

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1 should be removed to a depth of a few hundred metres from the main road so
2 that the column could pass without any problem.

3 Q. Was it indicated that this was a column of army vehicles?

4 A. Yes. Yes, it was said that a convoy of army vehicles was to pass.

5 Q. How did the people in Kozarac who had set up the checkpoints or
6 barricades respond to those radio announcements?

7 A. I don't know exactly. Anyway, those checkpoints had been removed
8 as was ordered, and the column was coming, one from Banja Luka, the other

9 to Prijedor, and their aim was not -- their aim was not to go through
10 Kozarac, but when they were approaching Kozarac, they started firing at
11 the houses and the checkpoints, one could see at a depth of 100 or 200
12 metres with machine-guns from armoured vehicles, trucks, and shelling
13 started from the nearby hills. On the civilian part of Kozarac, the
14 houses there, the religious buildings, shells were falling all over the
15 place. There was no particular order. When the people were in panic and
16 started to the woods and the forest to find salvation there, the shells
17 were fired at them, too, so they were returned -- they returned to the
18 inhabited areas, to their homes, so that the population went around in
19 circles without any particular aim and without knowing what to do. And
20 not knowing what the solution was. No one felt secure. No one knew how
21 to act. It was general chaos.

22 Q. Was this shelling, did it appear to be directed to any particular
23 military position? Can you describe what was being shelled?

24 A. Well, shelling was, in a general sense, everywhere. This lasted
25 two or three days, until the 26th when it was ordered that the people had

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1 to leave the territory of Kozarac. Everyone had to leave to go to
2 Prijedor to be able to mop up the terrain. I never heard this word
3 before, cleaning the terrain. I heard about cleaning an area from
4 garbage, but cleaning non-Serb population from the area of Kozarac is
5 something that I hadn't heard before.

6 Q. This word that you hadn't heard before, can you tell us what that
7 word is in your language, of course?

8 A. Well, it was later known as ethnic cleansing, which was carried
9 out all over Bosnia, wherever Serbs took over power, in different villages
10 and places, and then we understood what that word actually meant.

11 Q. What was the actual word used? Was it "ciscenje"?

12 A. Yes.

13 Q. Did you first start hearing this word "ciscenje" around the time
14 of these events that you're talking about in 1992?

15 A. Well, the term was heard even before that. But it was never used
16 for that purpose.

17 Q. And the use of that word of cleansing to mean ethnic cleansing,
18 who was using it in that sense? Was that the Muslim people that you knew,
19 or was that the Serbian authorities?

20 A. Well, the Serbian authorities cleansed the terrain of non-Serb
21 residents.

22 Q. Sorry. My question is, when you first started hearing the word,
23 you said you first started using the word at this time used in this sense,
24 who was using the word like that?

25 A. Well, when a military patrol came in front of our house and told

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1 us that we had to all leave to Prijedor because the terrain had to be
2 cleansed. Then we were sort of confused by that term and how it was being
3 used.

4 Q. Can you describe the kinds of weapons or shells, to the best of
5 your knowledge, that were used during the attack on Kozarac over those two
6 or three days that you talked about?

7 A. Well, first, the two military columns that were attacking Kozarac
8 from two directions used carriers. On the carriers, there were heavy
9 machine-guns, anti-aircraft guns, and they were used to fire at
10 everything, at houses, at any other building, from the road given the
11 range of these rifles. And there was the infantry, which followed the
12 vehicles, a hundred metres from them. And everyone would run away, and
13 then they would set fire to the houses in both directions from the side of
14 Prijedor and from the side of Banja Luka. So that a great part of
15 Jakupovici and Koncari was razed to the ground. And also, there was air
16 fire from the launchers, from the neighbouring hills. So these were two
17 parallel operations.

18 Q. Perhaps you could turn to the map, S51, to your right and use the
19 pointer, point out the areas that were under attack. And if you know, if
20 you can, from where the attack was coming, or the attacks.

21 A. Well, one column came from the direction of Banja Luka to Prijedor
22 in the place of Kozarusa, and the other column from the place called
23 Jakupovici. With the neighbouring Serbian villages, Babici, a part of the
24 artillery was located in Tomasica, a part of the artillery was located on
25 a hill in a place called Orlovci and artillery fire was going on from

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1 there against the whole territory of Kozarac.

2 Q. You circled an area of the map, and just so the transcript is
3 clear, that circle went around Kozarac and extended as far north as
4 Rakovici as, and as far south as Sivci and as far east as Kamicani, and as
5 far west as Kozarusa? Would that be correct?

6 A. Jakupovici -- Kozarusa, to the west, up to Jakupovici, up to the
7 Trnopolje/Trnovo railroad.

8 Q. I see on our map, there are two Jakupovicis marked, one with the
9 letter "G" Jakupovici and one "D" Jakupovici. Which of these do you mean?

10 A. Both places. Upper Jakupovici were taken over very quickly. This
11 is the old road, Prijedor/Banja Luka. And here the army was stationed
12 nearby, and so upper Jakupovici was taken over, and then they went in the
13 direction of Kamicani using the old road.

14 Q. By the way, on the map, there's a couple photographs marked
15 numbers 11 and 10. Do you recognise those photographs?

16 A. Number 11 used to be a mosque in Kozarac called Mutnik. Number 10
17 is the church, Serbian church. It used to stand there, and it remains in
18 Kozarac today.

19 Q. What about the mosque? Did that remain in Kozarac?

20 A. What can be seen on the picture remained.

21 Q. Was the mosque damaged?

22 A. It was destroyed.

23 Q. You said that -- by the way, during this shelling that was going
24 on for two or three days, was there any outgoing fire, outgoing rifle
25 fire, weapons fire, from people defending Kozarac?

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1 A. I was never there on the outside lines. I heard that there was
2 sporadic shooting leading to Kozarusa and Jakupovici. To how great was
3 the extent of that firing, I do not know.

4 Q. Where were you actually, you and your family, during the shelling?

5 A. Home, in my family home in Gutici.

6 JUDGE SCHOMBURG: Would it be appropriate to have a break now.

7 Then the trial stands adjourned until 5 minutes past 4.00.

8 --- Recess taken at 3.35 p.m.

9 --- On resuming at 4.06 p.m.

10 JUDGE SCHOMBURG: We may continue immediately.

11 MR. KOUMJIAN:

12 Q. Witness P, can you tell us what happened at the end of the attack
13 on Kozarac?

14 A. There was a mass exodus of the population in the direction of
15 Prijedor, and we, from our garage and from our home, we went in the
16 direction of Prijedor. We took an unusual route to Prijedor, an unusual
17 direction, so that we arrived at the crossroads of Kozarac/Prijedor, from
18 the south direction, south of Trnopolje, along with a convoy of vehicles
19 consisting of several trucks, cars full of women and men. We came to the
20 crossroads, Kozarac. At the crossroads, Kozarac --

21 Q. I'm sorry, Witness, I want to come to that a bit later. I want to
22 go back to the end of the attack. At some point did the shelling stop, or
23 did it slow down?

24 A. Well, in the meantime, in the days during the shelling, I went to
25 the police station which was moved out of Kozarac and placed into a house

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1 under a hill. And I found out that it had been agreed that the population
2 would surrender, that all would be surrendered and that a delegation from
3 the police went to Prijedor. And there, it was to take us, some of the
4 soldiers of the BH army to Prijedor. This wasn't done. The captain, the
5 commander of the police in Kozarac, someone by the name of Osman, who was
6 from Petrovac, he went to Prijedor for the second time, and he never
7 returned.

8 The people was very confused, what was happening, what about the
9 surrender? No one was able to tell them, "you should go there." The
10 people systematically went in the direction of Prijedor in large columns
11 by foot. Some of them went to the highway from Kozarac, the other part of
12 the people went from Kamicani, took the main way on foot. Many of them
13 went from Susici to the main road, Kozarici, generally the population took
14 the main road to Prijedor.

15 Q. Before we discuss in more detail the exodus and your trip out of
16 Kozarac, I think we need to cover a bit more in detail what you just
17 talked to us about regarding the police station. This police station you
18 went to, where was it?

19 A. It was on the road Kozarac/Mrakovica, above Kozarac, 2 or 3
20 kilometres above Kozarac, at the foot of the hill almost. It was actually
21 an abandoned hotel or motel.

22 Q. How many policemen or other armed men were in the police station
23 when you visited it?

24 A. Well, all the policemen who could no longer work in Prijedor,
25 until the takeover, were there and used to live in Kozarac. They were in

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1 the police station, and then the people who worked and lived in Kozarac
2 earlier were there, too. There was a number of reserve policemen. I
3 don't know the exact number. I can say there were about up to 15 active
4 policemen.

5 Q. The policemen that you're talking about, were they all from one
6 ethnic group?

7 A. Yes, they were, with the exception of one reserve policeman who
8 was from the Ukraine, a Ukrainian.

9 Q. The other reserve policemen, were they Muslim, Bosniaks?

10 A. Yes, they were Bosnian Muslims. On the eve of the attack, there
11 were those of other ethnicities, but they had disappeared that very night

12 from amongst the ranks of the Kozarac police.

13 Q. These other ethnicities the night that the attack began on Kozarac
14 Kozarac?

15 A. Yes, they withdrew to the Serb villages and they sided with the
16 Serb police.

17 Q. You said at -- what happened after you came back from the police
18 station? Before the exodus, before you actually left, tell us what led
19 you to take your family and leave.

20 A. I went through Kozarac. Some of the houses had already been
21 destroyed and set on fire by the shells. I didn't go to the main
22 intersection of Kozarac/Prijedor Road. I went using an auxiliary road to
23 my street. And I assumed that the tank was already parked at the main
24 intersection in Kozarac and that the army was already there. I came to my
25 house, and I told the men standing in front of it that it seemed that

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1 the -- there was the surrender and that we had to go to Prijedor. They
2 asked me why. I didn't know what to tell them and where to go. I didn't
3 know what to tell them. A few minutes after I arrived, a military vehicle
4 with two or three armed soldiers, who were unknown to me, came there and
5 told us that we all had to go to Prijedor and that during the -- a few
6 days' period, the cleanup of the terrain had to be conducted, and that
7 then we would be able to go back. They didn't use force. They didn't
8 discharge their weapons. They simply peacefully asked us whether there
9 were any people in the houses further down from our houses. We said that
10 there were. They went on. We went to our vehicles, to the tractors, and
11 we went to the intersection on the access route to Kozarac.

12 Q. When you say "soldiers in a military vehicle" did you understand
13 this to be a former JNA army vehicle, now the army of the Serbian
14 authorities?

15 A. It was a Jeep that was still painted in the former JNA colour.
16 The insignia that the persons on the vehicle wore I didn't see. They
17 mostly wore their hats either in their pockets or on their shoulder bands,
18 so we couldn't tell what the unit was that they belonged to.

19 Q. But did you understand that to be a unit, part of the army that
20 was attacking Kozarac, as opposed to being part of the Defence Forces for
21 Kozarac?

22 A. Yes. It was -- the difference was there, because there were no

23 such units armed in that manner and having that kind of vehicles in
24 Kozarac, so it was quite clear that these were the troops that actually
25 carried out the attack on Kozarac.

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1 Q. In the garage where you were staying, were there people besides
2 your immediate family, your wife and children, staying with you?

3 A. There were the children of my neighbours, people from villages
4 quite far away, some people who had fled the upper Jakupovici had also
5 found refuge there the night before, or maybe two nights before. They
6 slept on the bare concrete floor. There were a lot of us, and it wasn't
7 possible to provide any extra accommodation for these people.

8 Q. After the Jeep came by, what did you, and those who were staying
9 with you, do?

10 A. We got into our vehicles, into the tractors, and headed towards
11 Kozarac.

12 Q. What vehicle were you yourself using at that time?

13 A. I was in my car.

14 Q. Who travelled in your car with you?

15 A. There was my wife, my two children, and a neighbour of ours, a
16 woman.

17 Q. Turning back to the map, S51, can you show us the direction that
18 you took and the journey that you took when you fled your home near
19 Kozarac.

20 A. If my house is here, below the village of Gutici, I had to go to
21 this road here to the north. That was the main road. That was the route
22 that I would have had to take. But we decided to take a circuitous route
23 so approach Kozarac from the direction of Trnopolje, this intersection
24 here. So we took a longer road, and we reached the intersection from the
25 southern direction. That's the intersection here depicted on figure 3

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1 here. So we approached the intersection from this direction. That was
2 the convoy of vehicles approached the intersection from that direction.

3 Q. Witness P, could you take a marker -- I believe there's one in --
4 to your right; if not, you can use this pen -- and just draw a small box
5 in the approximate location where your house was and put the letter "P"
6 next to it.

7 A. [Marks].

8 Q. Okay. Now, you said -- going back to the pointer, can you show us
9 the -- perhaps you can use the marker. Draw with the marker the route
10 that you took.

11 JUDGE SCHOMBURG: Sorry, what about -- we are in open session.

12 Indicating the house, I think shouldn't it be redacted from the
13 transcript?

14 MR. KOUMJIAN: I think it's a large enough scale that the witness
15 would -- is basically just indicating a village. But perhaps in the
16 interests of caution, it should be redacted.

17 JUDGE SCHOMBURG: Yes. Please, let's do it.

18 THE REGISTRAR: Yes, the AV technician just informed me, it won't
19 be shown on the public film, this part.

20 JUDGE SCHOMBURG: Could you please repeat.

21 THE REGISTRAR: Yes. This part where the witness just drew the
22 box will not be shown on the public record.

23 JUDGE SCHOMBURG: Okay. Thank you.

24 MR. KOUMJIAN:

25 Q. Witness, using the pointer, can you point again to the route that

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1 you took and where you first stopped on your journey fleeing Kozarac.

2 A. [Indicates].

3 Q. So it would be correct to say you first went north up towards

4 Kozarac, to the main road?

5 A. Slightly to the south.

6 Q. You never went into Kozarac, you went south of Kozarac. Is that

7 correct?

8 A. No, to the south. We approached it from the south.

9 Q. And then where did you go?

10 A. From the intersection -- is that what you mean?

11 Q. Yes.

12 A. At the intersection, we were met by a tank that was already

13 standing there with a lot of troops wearing black uniforms, olive-drab

14 uniforms, blue uniforms, camouflage uniforms, the blue ones belonged to

15 the police. They started shouting at us. Why did we come from that

16 direction? We said that we didn't know why we didn't come from any other

17 direction, that this was the road that we took. They told us that we had

18 to leave all the vehicles there, and that the men would be separated from

19 the women, and that we would be bussed to another location. But since it

20 was getting dark, the column from Kamicani on the main road was increasing

21 in size, and the number of buses that was available for the transportation

22 was too small. And an active police officer, I knew that man, in fact,

23 managed to persuade this group of various troops that we should continue

24 towards Prijedor on our own vehicles just the way that we were.

25 Q. This intersection where you stopped, can you describe that? Did

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1 it have a name, or can you give it some description so we can be sure of

2 what we're talking about?

3 A. It was the intersection on the main road, Prijedor/Banja Luka main

4 road. On one side, there was Kozarac, and on the other there was the road
5 to Trnopolje. And there was a press, a printing press, on that road to
6 Trnopolje a few hundred metres from the intersection. And in front of the
7 printing press, there was a parking lot for the cars of the people who
8 worked there. And there, on the parking lot, I saw some bodies in police
9 uniforms lying around the parking lot to the right-hand side of the road
10 and to the left-hand side of the road on the road leading to Kozarac. I
11 recognised one of the men, the dead bodies, lying there. He was an active
12 police officer. His last name was Klipic. His first name, I don't know.
13 Sajidik or Sanidik, I really couldn't say. I knew him at any rate,
14 because he was a strong man. He was slightly fat. And I could see his
15 face. All the other police officers were lying on their faces, face down.
16 Some of them had the active police officer uniforms and some had the
17 reserve uniforms.

18 Q. These police officers that you saw, you said that they were all in
19 uniform. Could you tell or have any way of knowing the ethnicity of these
20 deceased people that were lying by the side of the road?

21 A. Well, according to the stories that I heard during my stay in the
22 Trnopolje camp, a reserve police officer told me that when they approached
23 the intersection in Kozarac, the whole group of people were put on a
24 stadium in Kozarac, and the army or -- I don't know who it was, in fact,
25 came to the stadium and told them that all police officers were to leave

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1 the group of people assembled there. My colleague, who was also a reserve
2 police officer, he wasn't wearing his uniform, and he didn't want to
3 leave. And when the police officers left the ranks of the people
4 assembled there, they were taken from Kozarac in the direction of the main
5 road leading from Prijedor to Banja Luka. The people assembled on the
6 stadium were able to see that, because the stadium was right at the side
7 of the road. And after a short period of time, there was a lot of
8 shooting further down from the intersection, which is an indication that
9 these men were killed there on the parking lot of this cardboard factory.
10 In other words, that the group of police officers who had been taken away
11 from the stadium, from the great mass of people assembled there, that's
12 where they were killed.

13 Q. Going back to the one person that you recognised, the police
14 officer whose -- the deceased police officer you recognised, what was his

15 ethnicity?

16 A. He was a Muslim.

17 Q. The recounting of events that you just told us about where the
18 policemen were separated out of the stadium, who told you -- where did you
19 learn this? Is it correct you told us you learned this while you were in
20 the Trnopolje camp? I'm not asking you for the name of the person at this
21 point. Just where did you learn this?

22 A. In the Trnopolje camp where I met this man who was himself on the
23 stadium, together with the police officers who were taken away. And I saw
24 them lying there scattered all over the place. So we simply put these two
25 events together, and the -- it turned out that what I said and what he had

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1 said was, in fact, true, that these were the police officers and the
2 reserve police officers.

3 Q. Were the police officers' uniforms distinct from army uniforms?
4 Were they different?

5 A. The police uniform was blue, and the military uniforms were of a
6 dark colour, black or olive-drab or camouflage. So they used any colour
7 but blue, but the police used only blue, either in a camouflage pattern or
8 just plain blue, but it was always blue.

9 Q. How many corpses in the police blue uniforms did you see, to the
10 best of your recollection today, in that parking lot along the side of the
11 road there at the intersection where you first stopped?

12 A. At least ten dead bodies.

13 Q. How many people were in your group that came from the area where
14 you lived?

15 A. Well, I can't give you the exact figure, but it was over a hundred
16 people, in all kinds of tractors, vehicles, cars. Perhaps even more than
17 that.

18 Q. You mentioned that other groups came from different directions.
19 Is that correct? Can you, again, point on the map and indicate where
20 these groups came from that met at this intersection.

21 Sorry, you have to use the one to your right so we can see where
22 you're pointing.

23 A. As we travelled from Gutici onwards, we went through a part of
24 Hrnici, and a part of Suhi Brod. And cars and tractors joined our group
25 with a lot of people so that the convoy increased in size and in length

1 until the time when we reached the Kozarac intersection from the south.

2 Q. Did more groups continue to arrive at that intersection as the
3 hours went by?

4 A. A large column came from Kamicani to the Kozarac intersection.

5 And as they let us go on our vehicles to Prijedor, we could see this
6 endless column heading towards Banja Luka.

7 Q. What kind of people were these? Were these men that appeared to
8 be soldiers, young men of military age? What kind of people were in the
9 convoys?

10 A. These were people of all ages. There were the elderly, the
11 infirm, the disabled that were carried in wheelbarrows. So men, women,
12 children, all the population from Kozarac was heading towards Prijedor.

13 Q. Was everyone in a vehicle, or were there people on foot?

14 A. Apart from our convoy that approach the intersection from the
15 south, all the rest were on foot.

16 Q. Had the authorities from Prijedor, the SDS authorities from
17 Prijedor, did they arrange any transportation for this group, to your
18 knowledge?

19 A. Transportation was organised by Autotransport from Prijedor and
20 Rudnik Ljubija from Prijedor. These were the only two companies that had
21 buses. Some other companies had buses for their own purposes, but all of
22 these vehicles were used to transport people from Kozarac. Men were taken
23 to one accommodation, and women and children were taken either to the
24 sports hall in Prijedor, their families in Prijedor, or to the village of
25 Trnopolje.

1 But at any rate, this was organised. It was not just one bus.

2 There were columns, lines of buses waiting for people to board them, for
3 women, children, and men.

4 Q. You said at one point there were some places men were separated.

5 When did that occur that men were separated from women, children, and
6 others?

7 A. In Kozarac itself, men were separated from women. Then in Susici
8 and in Kozarusa, they were again separated so that just a very, very few
9 men, including our convoy, managed to get to Trnopolje with everybody on
10 it. Because in other groups, men were taken away, separated from the

11 women, children, and the elderly. Men were then taken to Keraterm. Some
12 were taken to Brezicani, to a community hall or a school there. So that
13 when we got to Trnopolje, the next day, we learned that these men were
14 either in Brezicani or in Trnopolje, and also in Omarska. That people
15 were already being taken from Brezicani and Keraterm to Omarska, to the
16 buildings that were used by the iron ore mining company in Omarska.

17 Q. Understanding that it would have been impossible for you to have
18 counted, how many people would you estimate you saw during your flight
19 from Kozarac that day?

20 A. We're talking about people coming from two or three directions.

21 At that time, I think we're talking about 10.000 people who were
22 transported during that night either to Trnopolje or to Prijedor,
23 Keraterm, Brezicani, Omarska. So during that night, most of the people
24 were taken away. The greatest number of people were taken away that
25 night, although it continued during the next two days, the 26th -- after

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1 the 26th. But at a smaller scale. During the first day, that is, in the
2 night from the 26th to 27th, the largest number of people were taken away.

3 Q. During your trip to Trnopolje, did you see any houses or buildings
4 destroyed in the Kozarac area?

5 A. As we drove from Kozarac to a village further away from Kozarusa,
6 that was the route that we took to Trnopolje using some local roads, from
7 the main road, from what we could see from the main road, to the left and
8 to the right, we saw a lot of houses that had been burned down.

9 Q. You say -- first, I'd ask you to turn again to the map to your
10 right and show us the route that you took and where you saw the burned-out
11 houses.

12 A. This is where we got to the main road, and then we turned left to
13 Prijedor. And in the village of Koncari, which is further down from
14 Kozarusa, we took a local road lead to go Trnopolje. We were led that way
15 by a police or a military vehicle. I'm not quite sure which vehicle took
16 the lead there, because I was not at the head of the column. But from
17 this place, from Kozarac to this place, we could see a lot of houses that
18 had been burned down from the main road.

19 Q. You say the houses were "burned down." Do you distinguish in your
20 mind between how a house looks that was hit by a shell and a house that
21 was burned? Do you have any information that they were hit by shells or

22 burned by people setting fire?

23 A. Houses that had been hit by shells, in most cases, the shell would
24 detonate inside the house. And the first thing that would happen would be
25 for the window panes to fly out, and then it was not highly probable that

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1 the house would burn down due to that. Most of the houses that I saw
2 during my journey was blackened from the outside, which meant that they
3 were either set on fire by incendiary rounds or using some kind of
4 gasoline-based cocktails. I don't know what. But at any rate, the houses
5 that were hit by shells, their roofs would not be burned totally. And
6 houses that had been set on fire, their roofs would also be completely

7 black, burnt. And that's how I was able to make the distinction between a
8 how that was hit by a shell and a house that had been burnt.

9 Q. You indicated that many of the men were separated out, but that
10 your group was allowed to go on to Trnopolje. Can you explain what
11 happened and why you were not arrested that night?

12 A. The idea that I had, my assumption was that at that time, there
13 was -- there were too many people coming in, and that it wasn't -- there
14 weren't enough buses to take them away, and it was already getting dark.
15 And that's why the decision was made to allow the convoy go through
16 towards Prijedor, and then to take a shortcut, so to speak, to Trnopolje.
17 And that's how it was done.

18 Q. And again, we're talking about your smaller convoy of about a
19 hundred people, you said. Is that correct?

20 A. The convoy that set off from my yard and the convoy that joined us
21 enroute to the intersection. Perhaps we're again talking about a few more
22 hundreds of people who had joined us.

23 Q. You arrived at Trnopolje, and you spent a couple days in
24 Trnopolje. Is that correct?

25 A. Yes.

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1 Q. What would be the day -- the date that you arrived?

2 A. I arrived in Trnopolje on the 26th. In fact, on the night between
3 the 26th and the 27th, very late that night. There was also a sports
4 field next to a sports hall and a cinema hall and the school. It was
5 guarded on all sides by the army. There was no way out for the men. Men
6 could not leave that camp. We could move freely within the perimeter that
7 was defined by the patrol points. The women and the elderly were able to
8 go to Prijedor, provided they obtained a permit for it, they could go to
9 their families or friends. Although, two or three days later, even that
10 was banned, and then women and children were also unable to leave. At
11 that time, a train, a cattle train, was set up, and many women and elderly
12 were put on the cattle train and were taken to the territory controlled by
13 the Bosnian government.

14 Q. When you say a "cattle train," what do you mean? Was this a train
15 that was normally used to carry passengers? What do you mean by "cattle
16 train"?

17 A. It was a train without any chairs, without any windows. There is

18 a door, and when people are put in, the doors are closed, and it has a tin
19 roof, a metal sheet roof. And the people have to survive the trip,
20 several hundreds of kilometres, without any water, without enough air, in
21 very hot weather, until they reach the free territory.

22 Q. During the time that you were at Trnopolje, going back to the
23 burnt-out houses that you saw earlier, during the time you were in
24 Trnopolje, did you see fires from where you were in the camp?

25 A. In the course of the -- during the night and during the day, since

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1 Trnopolje was slightly -- on slightly elevated ground, you could see
2 flames and smoke from the houses burning. At that time, there was no
3 shelling any more, which meant that this was done -- all done by hand,
4 that houses were burnt by hand.

5 Q. What kind of accommodation did you receive in Trnopolje, you and
6 your family?

7 A. I did not seek accommodation. I slept in my car. Others slept in
8 the school, in the gym, in the community hall. There were small tents or
9 people slept under the trucks. Everything was full.

10 Q. How many people would you estimate were in Trnopolje during the
11 days that you were at the camp?

12 A. During the two days that I spent there, the number of people would
13 increase. I estimate that there were between a thousand and 2.000 people.
14 And if the place started to fill up, then the train would come and take
15 away a certain number of women, children, elderly and disabled people,
16 thus making room for new refugees that arrived in the course of the next
17 two or three days, I mean arrived in Trnopolje.

18 Q. Witness P, you were told that Serbian authorities said that
19 Trnopolje was a refugee centre, and that no one was detained there, they
20 were there of their own free will and simply protected by the Serbian
21 authorities, what would your reaction to that statement be?

22 A. Well, if you had any brain, you would not be discussing this with
23 any of the guards. I had my own opinion, and they had their own opinion.
24 As far as I'm concerned, I felt that I was imprisoned.

25 Q. Were there any guns placed around the camp?

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1 A. Yes, there were several machine-gun nests. There were well-armed
2 points where people observed if anyone was trying to escape or approaching

3 the camp. Everything was under control from all sides.

4 Q. If you recall, were the machine-guns pointed in any direction?

5 Were they pointed out from the camp or in towards the camp?

6 A. Towards the camp.

7 Q. Who was the commander of the Trnopolje camp?

8 A. The commander of the Trnopolje camp was someone, Kuruzovic, who
9 was wearing a military uniform. His name was Kuruzovic. I don't know
10 anything more about him.

11 Q. What kind of food was provided to you and your family in the
12 Trnopolje camp?

13 A. My family and I, we received no food during the two days I spent
14 in Trnopolje. We had some reserve food from the car. During the day, a
15 vehicle would come with a bit of milk in cartons, and a bit of bread, and
16 this was distributed quickly amongst the people. And mostly, the women
17 asked to be let -- to leave the camp, to go in search of food in the
18 neighbouring houses in Trnopolje so as to provide food for people in the
19 camp. There was no organised food provided.

20 Q. What happened when you -- that you left the camp?

21 A. Well, it was not my decision. It was the decision of other
22 people. Some two brothers, some twins, who were drivers, messenger boys,
23 they came with notes in their hands and looked for a number of people by
24 name and surname. They said these people should follow them to be
25 examined, questioned, in Omarska or in Keraterm. They didn't know

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1 exactly. They found me and another two acquaintances, and they took us to
2 the Omarska camp where we were questioned on the same day.

3 Q. Before we move on to the Omarska camp, I want to ask you a few
4 more questions about Trnopolje. When you left Trnopolje, did other
5 members of your family remain?

6 A. My wife remained another nine days after me. And my two brothers
7 and father, they remained until the camp was closed down in Trnopolje.
8 October 1st, 1992.

9 Q. Your wife left after nine days. Do you know how she received
10 permission to leave?

11 A. The southern part of the road of the territory under the main
12 road, below the main road, Prijedor/Banja Luka, was proclaimed a free
13 zone, some kind of free zone. And all the people who lived at those

14 addresses were able to leave the camp and take along with them some
15 members of their family, friends, to their homes. And thus, my wife asked
16 for such permission from the Trnopolje camp and took several members of
17 her family and acquaintances to our home, and they remained there until
18 July 10 or 11 when they -- all the people that were accommodated in my
19 home were deported a day or two before Petrovdan, they were taken to
20 Trnopolje, and then deported definitely from the territory of Prijedor.
21 This was the last group of women and children and residents who were
22 distributed in the different homes, houses, and 99 per cent of the cases
23 Kozarac was abandoned. And those who were not in Trnopolje, they were
24 taken and deported to Trnopolje and the other camps.

25 Q. You said your wife left about nine days after you were taken to

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1 Omarska, she went back to your home. What about your father and your
2 brothers? Did they go with her, and if not, why not?

3 A. Men of an average age were not allowed to mix with the women,
4 children, and the weak, and they remained there in Trnopolje until the
5 camp was closed.

6 Q. Do you know how many people your wife had living at your house
7 during the time between her release from Trnopolje and her expulsion from
8 Prijedor?

9 A. Well, the house is a fairly large one. I think there were more
10 than 50 people for that period of time of one month or so.

11 Q. Had your house, did your wife tell you, had your house been
12 destroyed or damaged or looted in any way?

13 A. Well, according -- when she left the house, the house was in a
14 fairly good shape, with the exception of technical goods that had been
15 taken out. The vehicles had been taken away, the spare parts, the fuel,
16 the oil. On several occasions, several groups of soldiers of the Serbs,
17 they were the ones who took those goods away.

18 Q. Did your wife attempt to bring any food to your father and
19 brothers in the Trnopolje camp?

20 A. During her stay in our house, she went either every day or at
21 least every other day to take them some milk, because there was nothing
22 else they had with the exception of some cows that they had caught in the
23 meadows. They took them, and they milked them, and the only thing they
24 could take was the milk and some dairy products, some cheese. So that she

25 took care of them during their stay of one month in my house.

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1 Q. Was it dangerous for your wife to go to Trnopolje?

2 A. It was dangerous. Any form of movement was dangerous. There were
3 many drunk soldiers along the road who were not subject to any control or
4 command. There were cases of rapes, women, of murders of people passing
5 by. It was always a risk.

6 Q. I'm going to move on now to the Omarska camp. Do we go to about
7 5.15, Your Honour, before the next break?

8 Going on to the Omarska camp, and, Witness, I'm not going to ask
9 you about all the conditions at Omarska. Let me begin by asking you, on
10 the first day, were you interrogated while you were there?

11 A. Well, when I arrived in Omarska, we were taken to the premises of
12 the camp, that is to say, the iron ore mine. I had never been there
13 before. They told us to wait in a corridor on the first floor. Then we
14 found out this was the kitchen, that they were looking for premises where
15 we could be interrogated. A large door was opened, and the two guards who
16 escorted us to the Omarska camp, there I saw a very large group of people
17 who were sitting around many tables in a large room. They were discussing
18 about something. I don't know what the subject was. I recognised some
19 Serbs amongst them who had been active police officers, reserve police
20 officers, worked in the Criminal Investigation Department of the Prijedor
21 police. And they said they had brought some criminals, and that some of
22 these people had to interrogate them. The people from that room said that
23 the door should be closed, and that they should wait and that three people
24 would come to interrogate the three of us. And that is what happened.
25 We were questioned that night, before that night. And we were

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1 then placed in the premises of the camp.

2 Q. During your questioning, were you beaten at that time?

3 A. During the interrogation, there was a civilian standing. I had to
4 sit on a chair the wrong way around so that my back would be free for
5 beatings. During the interrogation, there was a civilian standing behind
6 me, and a young person in uniform was questioning me. The other one was
7 taking down notes. He wasn't interfering in the conversation. And when
8 the person interrogating was dissatisfied with my answer, then he would
9 give a sign to the civilian to beat me with a rubber baton.

10 Q. Did you hear anything going on in the next room during your
11 interrogation?

12 A. At a given moment, we were silent. They were waiting for an
13 answer. And I heard screams from the next room. It was my colleague who
14 was also beaten at the time. His ribs had been fractured during the
15 interrogation.

16 Q. I want to ask you now about two specific incidents that you
17 witnessed at the Omarska camp. Are you aware of a holiday that's
18 celebrated among Serbian people on the 12th of July?

19 A. This holiday is called Petrovdan, Peter's Day, and they usually
20 rejoice the night before. On the 11th, there was a lot of rejoicing,

21 singing. This was what happened in times of peace when such holidays were
22 celebrated. But on this occasion, also I must mention that fire, that
23 fire -- there is fire also during that celebration. On that occasion,
24 tyres are set fire to on that night. I don't know how this happened.
25 Some were selected to go to the white house. During our stay, and

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1 according to the stories of those who had spent time in the Omarska camp,
2 the white house meant death. A day or two was the maximum one would stay
3 there. And then a group of people who were in the white house during the
4 bonfire which was set -- the fire that was set as a bonfire.

5 Q. Okay, so on the night of the 11th of July, did you see a fire set
6 by camp guards celebrating the holiday?

7 A. Yes. We could see that from our room which was on the first floor
8 of the building in which we were accommodated. If the guards were looking
9 at us closely, we had to crouch. We were not allowed to look through the
10 window because it was fairly low, up to let's say a metre. So there were
11 some holes, however, through the tin, and we could see what was happening.
12 Not everything, but we could see people move, and we could hear the
13 screams and the shrieks of the drunk guards, the songs, the shooting,
14 whether it was -- whether people were targeted or not, we do not know. We
15 had a picture of what was going on in front of the white building and the
16 bonfire.

17 Q. When you looked out, do you recall seeing one particular incident
18 around the fire?

19 A. Well, I saw a concrete incident when a person, a man, was pushed
20 into the fire. People started shrieking and yelping. And a person who
21 was standing next to me and sitting next to me, he said that this was a
22 family of the captain of our army, Cirkic. I don't know if this is true
23 or not. I don't know if it was about that person. But I can say that I
24 had seen the person disappear in the fire, and then I escaped from that
25 window. I no longer watched what was going on, and my colleague told me

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1 that at least ten people on that night ended in that bonfire, and the big
2 truck tyres had been set fire to and who had been selected for the white
3 house.

4 Q. Did you actually see one man in the fire?

5 A. He was pushed into the flames.

6 Q. You said you yourself couldn't recognise the person, but someone
7 next to you told you a name. Did you know the person that he had named?

8 A. By name, I didn't know him personally. But when he said that he
9 was the brother of the captain, then I knew who he was referring to.

10 Q. Okay. Had you seen that person -- this is the brother of Captain
11 Cirkin. Is that correct?

12 A. Cirkic. Cirkic's brother.

13 Q. Do you remember the first name of this person who was in the fire?

14 A. No, I don't know. I don't know his name.

15 Q. Did you know this Cirkic well enough to know -- to recognise him
16 if you saw him? My question is: Did you see him after that day and if
17 you could have recognised him?

18 A. His neighbours, who said that it was about him, he told me that he
19 was not there and that no one had ever seen him after that.

20 Q. He told you that this Cirkic was never seen after the fire. Is
21 that correct?

22 A. That's correct. And this is true even now.

23 Q. Going on to the next incident, do you recall some men from
24 Hambarine arriving at the camp?

25 A. Yes. A group of -- a larger group of people, perhaps 200 persons,

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1 two or three busloads of people, and they were accommodated in all the
2 buildings of the camp. The camp was fairly full at the time. There were
3 about three or three and a half thousand people in the camp at that
4 moment. Once these people were accommodated, then the guards came to the
5 doors again and said "all the people who have entered the rooms a few
6 minutes before, that they should leave those rooms and should go to some
7 other place." Most of the people went out, and they were accommodated in
8 the white house allegedly for further transportation. This was being said
9 in front of the door.

10 Nothing happened in particular until the moment, 2.00 or 3.00 at
11 night when I was woken up by shots fired by pistol. I got up slowly and
12 looked through the window. And next to some lemon tree, which was fairly
13 high, I could see many dead people. Some were alive, though, who were
14 lying in a circle around the white house, in front of the white house, in
15 the direction of the red house. So these people were lying around, and
16 the guards who were on duty on that night went to -- from one person to

17 another, and they would shoot another shot in the head of the persons who
18 were lying on the ground. This lasted for a -- until they had visited all
19 those people, and everyone was given an extra bullet that was shot in
20 their heads. After the end of this shooting, a truck was started which
21 was parked in the lower part of the building. Then loading truck was also
22 parked and also started. They came in front of the white house. They
23 took a few prisoners from amongst the people who were sleeping in what we
24 called -- a premise called the hangar. They had to load these people on
25 to the truck, and the truck would four or five times throw -- it was an

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1 like an excavator. The people were loaded on to the truck. This was done
2 four or five times. Then they were taken somewhere, and then the truck
3 would return.

4 I didn't count how many rounds were made. I think there were at
5 least four or five truckloads of times. And then the truck had to be
6 cleaned because of the blood that was there. I don't know which people
7 were there until I arrived at Manjaca. Then a person said that these were
8 people from Hambarine, that he, too, had been in that group. But when the
9 people were ordered to leave the premises again, he didn't want to leave.
10 He remained, and that is how he survived. And that the group that was
11 with him was liquidated on that night and taken somewhere else. And in
12 the neighbourhood, in the vicinity of the camp, because the truck didn't
13 stay away for a long time after having driven the group of people that
14 were loaded on to it. On that occasion, I heard from -- I recognised from
15 one of the guards, Marmat, Zivko, was his name, who went along with that
16 group of guards and who was shooting a bullet in the heads of the people
17 who were lying around in a circle around the white house and around the
18 red building, too, in the field around the building.

19 Q. Could you tell us an approximate date or at least the month when
20 you witnessed these killings?

21 A. The killings took place on July 16th and 17th, very early in the
22 morning, 3.00 or 4.00 a.m. Everything has already been done, so the
23 people getting up in the morning were not able to see what had been going
24 on previously.

25 Q. You said the bodies were loaded first into an excavator. Is that

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1 the type of machinery with a very large shovel in the front?

2 A. Yes.

3 Q. And then they were put on to a truck. Can you describe the truck?

4 A. Yes, I can. It was a FAP truck of the 1921 type which had a
5 volume of about 8 to 9 cubic metres. And the excavator was a Radoje Dakic
6 excavator. The shovel was about 2 cubic metres, so four or five people
7 could fit into that shovel which was then lifted and then loaded on to the
8 truck.

9 Q. Based upon the bodies that you saw behind the white house and the
10 number of loads put on to the trucks that you observed, do you have any
11 estimate of how many people were killed that night? Are we talking about
12 10, 20? Can you give us some estimate?

13 A. My estimate would be about 180 people.

14 MR. KOUMJIAN: Your Honour, this would be an appropriate time for
15 a break. Could we break now.

16 JUDGE SCHOMBURG: The trial stays adjourned until 5.45.

17 --- Recess taken at 5.15 p.m.

18 --- On resuming at 5.46 p.m.

19 MR. KOUMJIAN: Your Honour, before we begin, just one thing
20 occurred to me: Is it possible to redact? In the beginning of the
21 witness's testimony, I asked him for his year of birth, and he gave the
22 exact date. And I would suggest in a public transcript that that be
23 redacted.

24 JUDGE SCHOMBURG: Objections?

25 MR. OSTOJIC: No objection, Your Honour.

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1 JUDGE SCHOMBURG: It may be redacted. Unfortunately, it's too
2 late, the 30 minutes have expired, but on the version to be distributed,
3 it shall be redacted. Thank you.

4 MR. KOUMJIAN:

5 Q. Witness, you told us about two killings you witnessed in Omarska,
6 one involving Petrovdan, and the other one the 16th, 17th of June, that
7 night. Were you aware of other killings that happened in the Omarska
8 camp?

9 A. As for the disappearance of people from the camp, let me put it
10 that way, I do know about many such cases, although the Tribunal is not
11 really very interested in me speaking about these incidents except to
12 mention the names of the persons who were taken away from some rooms and

13 never -- to the white house and never came back. And indeed, have never
14 been seen since.

15 JUDGE SCHOMBURG: May I briefly interrupt. Of course, this
16 Tribunal is interested, and please feel free to say whatever you want also
17 spontaneously.

18 MR. OSTOJIC: Your Honour, I have a quick comment on the record.
19 Just for clarification, I think when my learned friend the Prosecution
20 asked on the date of some of the killings, he mentioned the month of June.
21 It was my recollection, although I haven't scrolled back it was July the
22 witness was referencing. With all due respect, if you could just clarify
23 that, and let me know what it is, that would be fine. Sorry for
24 interrupting.

25 JUDGE SCHOMBURG: Once again, I want to emphasise and invite the

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1 witness whenever he wants to express, he may do so spontaneously.
2 THE WITNESS: [Interpretation] Once again, the events that I was
3 talking about, the murder, the killing of people from Hambarine, took
4 place in July, 16th and the 7th of July. So just to clear that up. As
5 for the other killings, I can mention the killing of Jasmin Hrnica, Eno
6 Alic, and Emir Karabasic, who was also an active police officer from
7 Kozarac. They were killed in front of our rooms in a large hall. All the
8 rooms on the first floor could hear -- everybody in those rooms could hear
9 these people being tortured and the way that they were killed. And later
10 on, they disappeared on that day from those rooms in the camp. That is as
11 regards those three people. And I can also mention some other people who
12 were also taken away in the same way and never came back. I don't know
13 where they were taken to. I would really like these people to be alive
14 here, and it would be easier for me if I could say sorry. There was Vasif
15 Kahrmanovic who had a sawmill, Enver -- Ekrem Melkic. I will mention
16 some drivers such as Mehmed Hodzic, nicknamed Medo, a driver that worked
17 in the mine -- Ljubija mine. Hare Dautovic, he used to be the manager's
18 driver, chauffeur. Then a cafe owner, Sivac Sefik. He was beaten up and
19 killed. I saw his dead body lying next to a hedge near the red house.
20 This is what I saw as we went -- or rather, ran to the kitchen where we
21 had to line up.

22 And then at one point, we were able to run to the kitchen, eat
23 there, and then come back to the -- stand next to the wall, and we were
24 able to see some bodies lying next to the hedge. And Sefik Sivac, who was
25 one the owner of one of the cafes was also there. And many of the active

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1 police officers who were held in the Omarska camp were taken away to be
2 exchanged as they called it. The exchanges never materialized, and these
3 people never came back, were never since. There's Hamdija Arifagic. He
4 was a police officer. Then also Senad Sarajlic, who was also a police
5 officer. Alic, Esad, a police officer. Kevljanin, a man whose first
6 name, I don't know. He was a police officer. Ismet Taras from Ljubija,
7 police officer. And I think only one or two active police officers, in
8 fact, survived. One of them had a mixed marriage, and also my physical

9 education teacher. And the other one survived by mere chance. All the
10 other active police officers were killed, and so were many of the reserve
11 police officers including their commander Osman, who disappeared on the
12 first day when Kozarac fell.

13 MR. KOUMJIAN:

14 Q. You said you saw a body by the hedge. I believe you said that
15 was --

16 A. I saw Sefik Sivac's body next to the hedge.

17 Q. Did you see other bodies besides Sefik Sivac's body, other bodies
18 while you were in the Omarska camp?

19 A. Frequently during the day, people who died due to the beatings,
20 the injuries that they sustained or due to natural causes would be
21 deposited next to the hedge, and then the next night they would be taken
22 away somewhere in an unknown direction. At least, at that time we didn't
23 know where they were taken to.

24 Q. Do you know someone by the name of Dr. Jusuf Pasic?

25 A. I do know him. He was a general practitioner in Kozarac, and he

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1 was also the director of the clinic in Kozarac.

2 Q. Did you see him in the Omarska camp, and do you know what his fate
3 was?

4 A. I saw him in the Omarska camp. They were held in a room close to
5 the kitchen. He was taken away, together with a large group of
6 intellectuals. There were also Dr. Eso Sadikovic, a lot of managers from
7 various companies, people who were politically active. And they were
8 taken away on one occasion from Omarska, and their fate remains unknown to
9 this day.

10 Q. Did you know someone named Mirsad Alisic?

11 A. I knew Mirsad Alisic. He was with me in the same room. And he
12 was taken away in that group of people that included also Dr. Pasic and I
13 think also Mr. Cehajic, the president of the municipality, was also there.
14 But people were shouting: "Listen to these lists, to the names of these
15 lists. It's -- now the time has come for the intellectuals to be taken
16 away."

17 Q. What was Mr. Alisic's position, profession?

18 A. I think he was an inspector in the criminal investigations
19 division in the Prijedor police station.

20 Q. You mentioned on this particular occasion there was a list. Was
21 it common for the guards and the personnel at Omarska to have lists of the
22 prisoners?

23 A. In the first days when the camp was set up, the investigation
24 centre as they called it, when it was set up, there were no lists. But
25 then one day, on our way back from the kitchen, everybody had to supply

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1 their personal details to one of the guards who noted down all the
2 information into a big book. And every room had its own book, and if
3 somebody, a guard or somebody who had anything against anyone, if they
4 came looking for somebody, they would know from these books where that
5 person is. And they would really make an effort to find that person and
6 to abuse that person, beat him. Or even on some occasions, even so assist
7 that person. All kinds of things happened.

8 Q. Did the camp personnel, the guards, inspectors, and others,
9 actually look at your identification? Did they take information from
10 identification that you were carrying?

11 A. When I came, I had to show my ID card for the purpose of
12 interrogation, so I was registered by the interrogation commission. And
13 they had the proper information for the people. And most of the people
14 had to show their ID if they had any ID.

15 Q. You talked about many of the people that you knew are missing from
16 the Omarska camp. Did you notice any pattern or any criteria for the
17 selection of those people who were particularly targeted for abuse or for
18 killing?

19 A. All the people who had any money were in a high-risk group,
20 because various groups of people took an interest in them. It was their
21 task to collect the money from the prisoners. All the people who were
22 politically active were also on the lists for the white house where they
23 were subjected to beatings and all kinds of special treatment including
24 their being put in the white house and also their eventual disappearance.
25 Also, the police officers.

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1 Q. What about professional people and those who were highly educated?

2 A. Those people were held in a room next to the kitchen, and most of
3 the people from that group were in that room next to the kitchen. And a
4 part of people that were housed in some other rooms, they were taken away

5 one afternoon and their fate remains unknown.

6 Q. Did you know someone named Becir Medunjanin?

7 A. Yes. He was my physics teacher in the school.

8 Q. Did you see Mr. Medunjanin or any members of his family in the

9 camp, and do you know, if so, what their fate was?

10 A. Becir Medunjanin was beaten in the camp, and he died as a result

11 of his injuries and the blows that he took. He died in the white house.

12 On one occasion, as we came back from lunch, I saw him lying close to the

13 white house. He was still showing signs life. He was taken and brought

14 in that afternoon, and then we knew nothing about him. Safeta Medunjanin

15 [as interpreted], his wife, was taken to an exchange. The exchange never

16 took place. Her bones were found in a communal grave between Sanski Most

17 and Bosanska Krupa. So that also speaks to the fact that the group in

18 which Medunjanin's wife, Safeta Medunjanin [as interpreted], was, that its

19 fate was really the worst.

20 Q. I'm not sure about the first name that you're using for the wife.

21 Can you tell us, is that Safeta with an F, or Saneta, with an N?

22 A. I think her name is Sadeta?

23 Q. With a D? The third letter is D?

24 A. Yes. Another woman who had been politically active, a wife of a

25 dentist, Velida -- I can't recall her last name -- met the same fate in

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1 the Omarska camp. She disappeared in unknown circumstances.

2 Q. Did you lose any weight while you were in the Omarska camp?

3 A. During my stay in the camp, we were given one meal a day. If we

4 were in the last group, in most cases, we would get nothing to eat that

5 day. We were given a piece of bread for the day and some really very thin

6 gruel, cabbage soup. In two and a half months, I lost almost 30 kilos in

7 the Omarska camp.

8 Q. Were you weighed when you got to the Manjaca camp?

9 A. Not upon our arrival, but when the international organisations,

10 the Medecins Sans Frontieres and the Red Cross when they registered us, we

11 were weighed. And on that occasion, I weighed 46 kilos.

12 Q. What was your approximate weight before you went to the Omarska

13 camp?

14 A. Around 75, 76 kilos. That was my weight before I came to the

15 camp.

16 Q. When did you leave the Omarska camp?

17 A. On the 6th of August, during the night, we were taken to the
18 Manjaca camp on the buses of the Prijedor transport company, Autoprevoz.

19 Q. Sorry. I want to return for one last question on Omarska. Did
20 you see how the bodies were removed of those who were killed in Omarska
21 besides the one night you talked about involving the people from
22 Hambarine?

23 A. If we were awake early in the morning, we were able to see a small
24 truck. That was driven by Serb guards or uniformed workers. They would
25 load the few bodies, four or five bodies, on to it, and they would take

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1 them away before most of the people woke up. But at any rate, we didn't
2 sleep really well, so everybody was awake at any given time. And a lot of
3 things were observed. We could hear vehicles coming in and going out, and
4 this small vehicle was used to transport the dead bodies from the hedge,
5 which is quite close to the red house that I had already described, very
6 early in the morning in an unknown direction.

7 Q. Now, I want to ask you about your trip to Manjaca. Take your
8 time, and please describe to the Judges what happened, what that trip was
9 like, your trip from Omarska to Manjaca.

10 A. In the camp itself, I mean in Omarska, we were divided into
11 groups, three groups. We didn't know where each group was going to, but
12 at any rate, we were divided. Later on, it turned out that a group
13 remained in Omarska for a week or two after we had left. Another group
14 was taken to Trnopolje. And my group had to go to the Manjaca camp. We
15 were put on to buses, about a thousand and five hundred people. I don't
16 know how many buses there were exactly. I think there were about 20 of
17 the buses. We all had to, during the trip, not at first, but during the
18 long part of the trip, the last part of the trip, we all had to go to the
19 back of the bus. We all had to lie on our stomachs, and we were not
20 allowed to look out of the window to see where we were going and what was
21 being done. The guards sat in the front of the bus, the drivers drove the
22 buses very slowly. And during the trip, some people were called out by
23 their full name. Among others, Dedo Crnalic, a well-known tailor from
24 Prijedor was called out, but he did not respond to the calls from the
25 people who were looking for him. As we passed through the Serb villages

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1 such as the villages enroute to Manjaca, the buses would stop in front of
2 cafes or on the road. People would get out drunk out of the cafes and hit
3 us, spit on us, shouting various slogans, singing songs. Some of them of
4 nationalist nature so that I felt that the trip lasted for an eternity. It
5 may have been about a hundred kilometres, but it lasted for a long time.
6 When we got in front of the Manjaca camp, the commander of the camp, a
7 captain -- in fact, I don't know his exact rank. He didn't allow the
8 people to get into the camp during the night when the lights were on. He
9 said that everybody had to spend the night on the buses, and then when
10 the day broke, that people would be taken into the camp where they would
11 be examined by doctors, where their personal identification documents

12 would be taken away, when they would be registered. And only then could
13 they enter the camp alive.

14 During that night, my bus, the people -- my group on the bus had
15 to make room for the guards who slept on the bus while the other guards
16 stood guard around the buses on a large meadow, an open space in front of
17 the barracks, or rather the camp, because the camp itself was a set of
18 barns that had been used for cattle. And that's where we were housed the
19 next day. The next day, when we got up and when we were separated from
20 the people from the other buses, we had to sit in a valley, and the people
21 who escorted the buses, the guards -- I don't know what term to use --
22 came there, and picked out a few people from the great mass of people that
23 was there, took them away to a place not far from us. These people were
24 killed. I don't know how they were killed, but I do know that one of the
25 guards who was engaged with Dedo Crnalic, who was dealing with Dedo

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1 Crnalic, wiped his bloody knife against his shirt -- Dedo Crnalic's shirt,
2 and he came to us whether he asked us that he knew whether Manjaca was the
3 largest Serb village in Yugoslavia. Nobody said anything to these words,
4 to what this soldier said. He then said that Tito had destroyed the
5 village and had set up the farm there, and the largest tank training area
6 in Yugoslavia. He said that the village would once again become the
7 biggest Serb village in Yugoslavia, and he said: "We will expel all of
8 you and liquidate all of you who wanted to destroy Serbs in this area."
9 After these men were killed quite close to us, the camp commander
10 saw himself that something was going on. He didn't want to leave the camp
11 itself. He said that the dead bodies -- that he refused to accept the
12 dead bodies into the camp, so the dead men were loaded on to the buses
13 that were returning to Banja Luka empty. And then from there, to
14 Prijedor. According to what we heard in the Manjaca camp and on the basis
15 of the information from Banja Luka that reached us one way or another, the
16 dead people were found in the Vrbas River, caught in a dam or nets that
17 were placed in front of a hydro electric plant near Jajce, so they were
18 thrown into the river. We were registered and allowed to enter the barns
19 in the Manjaca camp. It happened that day.

20 Our transfer to the camp itself took almost the whole day. In the
21 camp, we found four barns that were already full of people from other
22 municipalities such as Kljuc, Sanski Most, Doboje, so that at the time when

23 the six barns were full of people, there were about 4.000 people in the
24 camp, prisoners, I mean. Until the final closing down of the camp in
25 December.

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1 Q. Let me ask you a few questions about the trip before we go to
2 Manjaca briefly. What was the temperature like on the buses during that
3 trip?

4 A. I forgot to tell you that the heating on the buses was on, turned
5 up to the maximum, although during the summer you would usually -- you
6 would usually turn it down. And one of the men on my bus, Kemal
7 Jakupovic, in fact, died because of the intense heat on the way to
8 Manjaca.

9 Q. Were you provided with water or food during the journey?

10 A. We didn't get anything during the trip until we entered the
11 Manjaca camp. That was the first time that we were given any water.

12 Q. The people that were escorting you, the guards, do you know where
13 they were from?

14 A. These were people I didn't know, but according to the stories of
15 people from Prijedor or the town of Prijedor, it appeared that these were
16 people from Prijedor, who used to live in Prijedor.

17 Q. Were they wearing army or police uniforms, do you recall?

18 A. I'm not sure about that.

19 Q. You mentioned Dedo Crnalic. I may be mispronouncing his last
20 name. Just to be clear, was he killed that night or that morning when you
21 arrived in the camp?

22 A. On that morning, before we entered the camp, he had been killed.

23 Q. You said he was a well-known tailor. Why was Dedo Crnalic well
24 known?

25 A. He had a very modern shop, one of the first boutiques that

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1 appeared in the region. He owned such a boutique in Prijedor. He was a
2 rich man. He was good at his job.

3 Q. While you were detained in Manjaca, can you tell us approximately
4 how many people, if you have any idea, were from Prijedor municipality
5 that were detained there, or what percentage of the prisoners were from
6 Prijedor?

7 A. You mean from the municipality? Well, about a thousand five

8 hundred people from Omarska came, and all this were people from the
9 municipality of Prijedor.

10 Q. You said you were released in December. Was your release
11 facilitated by any organisation, any international organisation?

12 A. Our release was organised by the Red Cross, the Association of
13 Refugees, the UNHCR, Doctors without Borders, and other organisations that
14 used to visit us and that cared for us, brought food for us and medicine
15 for us during our stay at Manjaca.

16 Q. Prior to your release, do you recall if you had to sign any
17 documents?

18 A. I remember very well. I signed a document. I don't know what I
19 signed. The people from the foreign countries, they said: "It's not
20 important what you're signing. Sign it. You're going to be released, and
21 that's the most important thing." Now, what these documents were all
22 about, I really don't know. I'm sure that everyone signed such a
23 document.

24 Q. Your release and those who were released with you, where were you
25 taken? Were you taken to the territory controlled by the Bosnian and

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1 Herzegovinian army, or were you taken to a third country?

2 A. Well, one of the conditions for our release from the Manjaca camp,
3 that we should leave the territory of ex-Yugoslavia, which in fact means
4 that all those countries accepted a certain number of refugees along with
5 their families. This was the condition put by the Serb authorities for us
6 to be released, that is, to leave the borders of the former Yugoslavia in
7 a short period of time.

8 Q. Sometime later, you were reunited with your wife and family and
9 children. Is that correct?

10 A. Yes.

11 Q. From your wife and other family members, did you learn -- you told
12 us about what happened to her and when she was released or put on a train
13 out of Prijedor. Is that correct?

14 A. Yes.

15 Q. And I'm sorry, can you mention again the date that she was
16 transported out of Prijedor.

17 A. I think it was on the day of Petrovdan and passing the border area
18 which was under Serbian control, and then there was much commotion why the

19 convoy was passing through on a holiday. It hadn't been announced. And
20 they were being told of this during the trip, which, in fact, implies that
21 they were deported on July 12th.

22 Q. What about your father and your brothers? Do you know what
23 happened to them?

24 A. About their fate, well, I only learned about that when I left the
25 camp and when I reached Karlovac. It was then that we found out that they

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1 had been released about October 1st, and we had been released a month and
2 a half later through different organisations. Then we were able to
3 contact them and my wife.

4 Q. Up until October, from the attack on Kozarac until October, were
5 they detained in the Trnopolje camp?

6 A. Yes. They were in that camp, in Trnopolje camp.

7 Q. When we began your testimony, you described some of the property
8 and lifestyle that you had. And you mentioned, for example, also in your
9 testimony that you drove a car to the Trnopolje camp. What happened to
10 that car?

11 A. That car, a few days after I left for Manjaca, that car was seized
12 by some people. And then later on, my brother had to sign a document in
13 the name of my wife, because the car was owned by my wife, that he was
14 giving the car in the name of my wife to Puhalic Slavko from Cirkin Polje
15 for further use. An employee from Prijedor came, who dealt in such
16 business, who saw to the signing of these papers, and this was taken to
17 the camp where my brother signed this. He was not allowed to refuse.

18 Q. By the way, this document indicating that your brother had given
19 away the car to this man, did you give that to the Tribunal, and did you
20 see a copy of it today before you testified?

21 A. I gave a copy of that document to the Tribunal. I have the
22 original at home. And today, I looked at it again. It was signed by Mr.
23 Slavko Puhalic. His address is on that document. Information about him,
24 his ID number, and all the rest that was required.

25 Q. Is that the name of the person that received this generous gift?

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1 A. Yes. And that car -- well, I saw it quite often at the Omarska
2 camp. What it was doing there, who was driving it there, I never saw it
3 in motion. I saw it very often parked in front of the kitchen near some

4 water where some of the prisoners had to wash it while it was at the
5 Omarska camp.

6 Q. The person that asked to have the car donated by your brother, who
7 asked for the car, do you know his ethnicity?

8 A. Yes. He was a Serb by ethnicity.

9 Q. Did you know him before, or did your brother?

10 A. I didn't know him. I think my brother didn't know either.

11 Q. You also mentioned that you had your own business, and I believe
12 you said you owned a truck. Is that correct?

13 A. Yes.

14 Q. What happened to your truck during the conflict in 1992?

15 A. During the conflict, my truck was parked in front of the Lignosper
16 factory in Bosanski Novi. And until then, until the war days, I could
17 always park the car on the premises of the company. And the last time, we
18 were ordered that the trucks could no longer remain within the premises of
19 the company, but that they had to be left on a public parking area. When
20 the conflict -- when the attack on Kozarac began, these trucks were taken
21 by the army, and they were driven to Prijedor, Banja Luka later on, so
22 that I was able to see my truck on several occasions in Manjaca. I could
23 see that it was transporting heating wood for the bakery in Banja Luka
24 from Manjaca.

25 Q. You said you had a family house outside of Kozarac. What happened

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1 to that house?

2 A. After my wife had left the house, the house was looted. The roof,
3 the windows, the furniture, the floor, all this had been taken. Also, the
4 garage and everything that was in the garage. And this was the situation
5 which lasted until 1995, until refugees from Croatia, Serbs who sought
6 refuge from Croatia moved in. Mr. Mile Martić had given the house to
7 refugees. They were given building material to repair those houses, and
8 these people lived there until last year.

9 Q. When you say Mr. Martić, you're speaking of the former president
10 of the Republika Srpska Krajina that was set up in Croatia. Is that
11 correct?

12 A. Yes. When Krajina, the SAO, MAO, I don't know what its exact name
13 was, disappeared from the territory of Croatia, all the Serbs from there
14 moved into Bosnia and Kozarac was -- the intention was to build Knin in
15 Kozarac. The names of the roads were renamed to names of Knin streets.
16 Then, Martić moved away from his refugees in search of greater business
17 possibilities in Serbia. I believe that he has reached the Tribunal now
18 so that his Knin on the territory of Kozarac failed.

19 Q. We want to move back to this case. Sir, after Dayton, after the
20 peace, did you ever return to Kozarac?

21 A. Well, in 1997 was the first time I went to Kozarac. And there, I
22 found the people that were living in my house.

23 Q. What did Kozarac look like when you went back in 1997?

24 A. Only the houses that were populated by refugees, Serb refugees,
25 were in a fairly good shape. But the other houses that had not been

1 populated and no one was living in them did not exist. This was organised
2 by the Serb authorities in Prijedor who began to collect old iron, and the
3 refugees had to take this iron from concrete and to sell it in Prijedor to
4 be able to buy themselves food. And they also bought copper from the
5 cables, building blocks, construction blocks so with the aim of destroying
6 everything that had not been destroyed until then, until 1995, 1996, 1997.
7 So that this was the second phase of destruction of Kozarac.

8 Q. Were there any mosques left in Kozarac when you went back in 1997?

9 A. Well, of the 16 mosques that had existed in Kozarac, there was not
10 a single mosque that was intact.

11 Q. Witness P, you've told us over the past several hours about many
12 things that you witnessed leading up to the conflict, the attack on
13 Kozarac, your experiences at Trnopolje, Omarska, and Manjaca, and the
14 convoys that were organised to take people out of Prijedor. From your
15 perspective of a person who was there during those events, did these
16 appear to you to be random events, or did they seem connected to you, in
17 some way?

18 A. The deportation, rounding of people, taking them to camps,
19 interrogation, liquidation of people, all that was very well organised.
20 Who organised that, I cannot say. These are not things that could have
21 happened accidentally at the time. To my mind, this came from a higher
22 level municipal republican state. It was something that had been designed
23 at that level.

24 Q. Did it appear to have a purpose behind it, as far as what did they
25 intend to accomplish through these destructions of the mosques, the

1 houses, the detentions, the killings, and the deportations?

2 A. My idea was that all the non-Serb population should be expelled
3 from the territory that the Serbs thought should belong to them, and those
4 territories they thought of connecting up to form a greater Serbia, parts
5 of Bosnia, parts of Croatia, Serbia, Montenegro, this is my vision of that
6 war.

7 Q. Thank you, Witness P.

8 MR. KOUMJIAN: And thank you, Your Honours. I have no further
9 questions on direct.

10 JUDGE SCHOMBURG: Two, more or less, technical questions: The

11 witness said a few minutes before that he had given a document on the
12 seizure of the car to the Tribunal. Could the OTP please provide us with
13 the document.

14 MR. KOUMJIAN: Would Your Honour like a copy? The original is in
15 evidence. Actually, I believe he indicated he gave us a copy of the
16 document.

17 JUDGE SCHOMBURG: He said he had the original at home and provided
18 the Tribunal with a document. And I believe it goes without saying that
19 it is for all the parties as well, and the Bench.

20 MR. KOUMJIAN: Your Honour, I have a group of documents here. I
21 know the witness can identify which one -- they are all in B/C/S -- he is
22 talking about. Perhaps the usher can give the witness the documents.

23 THE WITNESS: [Interpretation] The first page of the document is
24 missing.

25 MR. KOUMJIAN: I'm not sure if this is it.

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1 JUDGE SCHOMBURG: Would the registry please present the document
2 first to the Defence.

3 MR. KOUMJIAN: Your Honours, the actual document that Defence
4 counsel is looking at which they should also have in the proofing binder
5 that they got with this witness, this document has some writing on it
6 that's put on by the people that prepare the proofing binding, that do the
7 all-systems search. There is another copy we could print which would not
8 have that extra writing. It would be the copy of the document as
9 presented by the witness.

10 I stand corrected. The Defence did not get a copy of this
11 document. I also haven't seen which documents the witness selected. If I
12 could just have them, I could also read into the record the ERN numbers.
13 Apparently the witness selected -- there are two pages, and it's ERN
14 number 00174177 and 4178. Also, if the Court is going to use this, this
15 should be marked confidential because it has the witness's name on it.

16 JUDGE SCHOMBURG: No doubt.

17 MR. KOUMJIAN: And there is -- the writing on the top, as I
18 mentioned, is not part of the document. If the Court wants to accept this
19 simply with that understanding, that's fine. Otherwise, we could provide
20 a clean copy.

21 JUDGE SCHOMBURG: I think we should take the document as it is and

22 take it confidential for the protection of the witness. And we have it in
23 the record for the better understanding that something was added later.
24 MR. KOUMJIAN: Just for the record, to be clear, the writing at
25 the top that's added begins "Selection of Personal Identification" and

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1 it's three lines and ends with pages -- it lists the page numbers, 1 to 6,
2 9, 13, 15, 17. That is added.

3 JUDGE SCHOMBURG: It is the understanding that this document is
4 tendered by the OTP?

5 MR. KOUMJIAN: I'd be happy to do that if Your Honours would find
6 it helpful. To be honest, I didn't tender this simply because it would
7 require translation into two languages and the basics would be covered by
8 the witness's testimony. I didn't think the document itself was at issue.
9 But if it would be helpful to the Trial Chamber, I would be happy to offer
10 it into evidence. It is part of his testimony.

11 JUDGE SCHOMBURG: Yes. And therefore, it's provisionally marked
12 S52B. Objections?

13 MR. OSTOJIC: Excuse me. Not at this time, Your Honour. But if
14 we could be provided with a copy of it as well. And tomorrow in due
15 course, we may or may not. But it doesn't look like it at this point, at
16 least provisionally.

17 JUDGE SCHOMBURG: So we decide on the admission of this piece
18 tomorrow. But I think it would be only fair if the examination-in-chief
19 would not be concluded without touching upon the document S51 once more
20 connected with the question what comes into the mind of Witness P when
21 seeing the sights on this document? Because there must be some intention
22 from the side of the OTP providing us with these photographs not yet
23 mentioned until now 1 to 9. As recollected correctly, we discussed only
24 10 and 11, and numerous places, not only Omarska, were mentioned by the
25 witness. And I think it would only be fair that the witness has the

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1 possibility to tell us what comes to his mind when seeing these
2 photographs. Therefore, it may be put on the ELMO once again, please.

3 MR. KOUMJIAN:

4 Q. Witness P, you discussed pictures 10 and 11. Can you go through
5 the photographs starting at the photograph labelled number 1 on the
6 left-hand side of S51, and tell us whether you recognise the photograph,

7 and if so, what is depicted in those photographs.

8 A. This is the police station in Kozarac which was destroyed.

9 Q. What about photograph 2?

10 A. Photograph number 2 is the railway station in Trnopolje.

11 Q. Was that railway station used during the transport of people, to
12 your knowledge?

13 A. People were deported from this railway station.

14 Q. What about photograph number 3?

15 A. Photograph number 3 shows the regional Prijedor/Banja Luka Road,
16 the intersection in Kozarac, and this road here leads from Trnopolje.

17 This building here is the sawmill in Kozarac, and that's all I can see on
18 this picture.

19 Q. Is this the intersection where you saw the bodies of the
20 policemen?

21 A. No. Before this intersection, from the direction of Trnopolje,
22 perhaps 150 metres away from this place.

23 Q. Okay. What about photograph number 4?

24 A. Photograph number 4 depicts the building of the mine in Omarska
25 where we were located. This is the kitchen, the white house, the red

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1 house, and the building where the people were housed.

2 Q. What about photograph number 5?

3 A. The photograph number 5 shows a view from an airplane, or an
4 aerial view of a youth settlement called Benkovac, a youth camp which was
5 on the Kozara mountain just a few kilometres down from the Kozara
6 mountaintop which was also above Kozarac.

7 Q. What was the -- this Benkovac used for at the time of the
8 conflict, to your knowledge?

9 A. Before the conflict, the army was stationed there ostensibly for
10 the purpose of a drill of some kind or an exercise. But the exercise
11 never took place. The war broke out.

12 Q. So at the time that Kozarac was attacked, was this an army
13 barracks, to your knowledge, or army camp?

14 A. Yes. It was used by the Serb forces withdrawing in the few months
15 before the conflict from Croatia. They didn't go to Serbia as they were
16 supposed to. They were deployed in various locations in Croatia, and one
17 of those areas was Benkovac.

18 Q. Is Benkovac depicted on the map in the northeasterly area of the
19 map, the last blue dot?

20 A. Yes, in the right hand part.

21 Q. What about photograph number 6? Do you recognise what's depicted?

22 A. I don't know exactly where this photograph was taken from. It was
23 taken from an airplane or from a helicopter. It shows the wider area of
24 Kozarac.

25 Q. How about photograph number 7? Do you recognise this?

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12 Blank page inserted to ensure pagination corresponds between the French and

13 English transcripts.

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1 A. This is the TV transmitter Lisina, which was also shifted in such

2 a way that it could only receive Serb programmes, Serbian programmes,

3 after the takeover in Banja Luka.

4 Q. Where was that transmitter in relation to Kozarac?

5 A. If you head towards Banja Luka from Kozarac, it was at a distance
6 of about 10 kilometres, and then you turn left again for some 10 or 15
7 kilometres to the top of the Kozara mountain. That is the highest point
8 in the area, and that's where the transmitter was.

9 Q. Do you recognise photograph number 8, what's depicted there?

10 A. This is the Trnopolje camp, the school in Trnopolje. This here is
11 a large hall. This is where a shop used to be here on the corner. And
12 this is where the people were housed, in these premises here, in a
13 compound here.

14 Q. Okay. And just for the record, you indicated as the area where
15 people were housed, there appears to be a road running horizontally across
16 the photograph at about the middle. Was that one of the boundaries for
17 people of the camp?

18 A. Between this road and -- actually, on this meadow, this is where
19 the machine-gun placements were so that people could never reach the
20 road. That's the southern road leading to Prijedor from Trnopolje.

21 Q. Do you recognise photograph number 9?

22 A. Photograph number 9 depicts the hospital in Kozarac.

23 Q. Do you know if that was damaged during the shelling or the attack
24 following the shelling?

25 A. It was destroyed later, and it hasn't been repaired and is not in

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1 use at this time.

2 MR. KOUMJIAN: Thank you, Your Honours.

3 JUDGE SCHOMBURG: Thank you. Can it be agreed that we take this
4 document in the form it has now with the additional remark where the house
5 of the Witness P is located as in a method we used before, as S51P, and
6 this be treated confidential.

7 MR. KOUMJIAN: Thank you.

8 MR. OSTOJIC: The Court is referring to this document we just went
9 over. Correct? I have no objection to it. My only comment, if the Court
10 can assist us, on some of the pictures, namely, 1, 2, 3, 11, 10, and 9,
11 there seems to be a date on the bottom right-hand corner. I don't know
12 that the witness can identify the date. I certainly can't. And perhaps
13 the OTP would be kind enough to provide us with the dates. Pictures 4, 5,

14 6, 7, and 8, which are aerial shots, do not seem to have those dates. Or
15 they can clarify to us if they do or not, so I don't have to ask the
16 witness because I certainly can't make that out. Thank you, Your Honour.
17 MR. KOUMJIAN: I'm not sure I can help. I know the witness cannot
18 help. But I can tell counsel that the witness who I expect can provide
19 that information is Mr. Anayat [phoen], the team leader for this
20 investigation. And he will testify and can provide counsel with that
21 information.

22 JUDGE SCHOMBURG: So to conclude, this document in the form of a
23 copy including the mark prepared by the witness is admitted into evidence
24 as S51P. The remaining decision on 52 will follow tomorrow.
25 I don't think it's appropriate to start the cross-examination

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1 today. Therefore, I want to ask you, Witness P, tomorrow to hear and
2 answer the questions of the Defence counsel and, of course, also questions
3 put forward by the Judges. Thank you for today.

4 MR. KOUMJIAN: I'm sorry, can I ask the Court, perhaps ask the
5 Court if it wants to ask to the admonition today, because the next witness
6 is also present, ask the witness not to communicate with the next witness
7 regarding his testimony today.

8 JUDGE SCHOMBURG: Did you hear the request from the counsel of the
9 Office of the Prosecutor, and do you agree not to communicate with anybody
10 regarding your testimony of today until tomorrow?

11 THE WITNESS: [Interpretation] Yes, I agree.

12 JUDGE SCHOMBURG: Thank you for this understanding. Any
13 observations?

14 MR. OSTOJIC: No, Your Honour. Thank you.

15 JUDGE SCHOMBURG: Then hereby we conclude this session, and we
16 meet tomorrow.

17 [The witness stands down]

18 --- Whereupon the hearing adjourned at
19 6.54 p.m., to be reconvened on
20 Thursday, the 23rd day of May, 2002,
21 at 2.15 p.m.

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