

1 Tuesday, 3rd March 1998

2 (10.00 am)

3 JUDGE RODRIGUES: Please have the accused  
4 brought in.

5 (The accused entered court)

6 Good morning, ladies and gentlemen. We are  
7 here to continue our sitting in this case and simply  
8 for the transcript, I turn towards the Prosecutor. We  
9 all know each other very well, but still.

10 MR. NIEMANN: Yes, your Honours. If you  
11 please, my name is Mr. Niemann, I appear with my  
12 colleagues, Mr. Meddegoda and Mr. Marchesiello and  
13 Ms. Erasmus.

14 JUDGE RODRIGUES: For the Defence,  
15 Mr. Mikulicic.

16 MR. MIKULICIC: Good morning, your Honours.  
17 My name is Mr. Mikulicic and I appear together with my  
18 colleague, Mr. Joka, on behalf of the Defence.

19 JUDGE RODRIGUES: Thank you very much.  
20 I think that we can continue with yesterday's witness.

21 MR. NIEMANN: Your Honour, before the witness  
22 comes in, I would like to give an indication to your  
23 Honours at this stage in the proceedings of witnesses  
24 that we have left available this week.

25 At the moment, we anticipate having available

1 for the continuation of the week eight witnesses. We  
2 do not think that will be enough to consume the full  
3 time that we have available. I might indicate that we  
4 started off with a list of 24 and that has been  
5 depleted savagely to at least half of that, by  
6 a variety of reasons, but that is what we are left with  
7 despite our best endeavours.

8 I think we will proceed, probably with a full  
9 witness list, until Thursday. Then Thursday I think we  
10 may only have one witness on Thursday and on Friday we  
11 may only have two. I indicate that at this stage, your  
12 Honours.

13 JUDGE RODRIGUES: Will the testimonies be  
14 completed by Friday morning, Mr. Prosecutor? Will we  
15 have finished with the witnesses by then, that you have  
16 indicated for this week, because the Trial Chamber  
17 cannot sit on Friday afternoon?

18 MR. NIEMANN: I see, yes. Well, we can  
19 probably accommodate that, your Honours, if your  
20 Honours cannot sit Friday afternoon. That would be  
21 convenient from our point of view.

22 We will have further witnesses in the next  
23 section. We tried to bring -- there is a week in  
24 March, at the end of March, which we tried to bring  
25 some of those witnesses forward but we just cannot

1 achieve that, unfortunately. We will still be calling  
2 evidence in this week. This is eight witnesses for  
3 this week, it will conclude all the witnesses we  
4 intended to call and we will keep in mind that your  
5 Honours are not available on Friday afternoon. I think  
6 that will now make it that we will be able to be kept  
7 busy for the whole time, hopefully.

8 JUDGE RODRIGUES: That is fine, Mr. Niemann.  
9 Thank you.

10 MR. MEDDEGODA: Your Honours, before the  
11 witness is brought in, can we bring down the curtains?

12 JUDGE RODRIGUES: Mr. Usher, can you pull down  
13 the curtains, please?

14 (The witness entered court)

15 JUDGE RODRIGUES: Good morning, Witness H.

16 A. Good morning.

17 JUDGE RODRIGUES: We are going to continue to  
18 hear your testimony. I should like to remind you that  
19 yesterday you took a solemn oath, according to which  
20 you told us that you would tell us the truth, the whole  
21 truth and nothing but the truth.

22 Are you now in the same state of mind for us  
23 to be able to continue?

24 A. Yes.

25 JUDGE RODRIGUES: You are now going to answer

1 questions put to you by Mr. Mikulicic.

2 Mr. Mikulicic, you have the floor, please.

3 WITNESS H (continued)

4 Cross-examined by MR. MIKULICIC

5 MR. MIKULICIC: Thank you, your Honour. Good

6 morning, your Honours. Good morning, learned

7 colleagues, good morning, Witness H.

8 My name is Mr. Mikulicic, I am Defence counsel

9 for the accused in this case.

10 I am now going to ask you a number of

11 questions and I should kindly ask you to answer them to

12 the best of your recollection.

13 Mr. H, do you recall whether, about the middle

14 of April 1993, there was any fighting in the vicinity

15 of your village?

16 A. I do not recall with precision, but there was

17 fighting quite often.

18 Q. Can you tell us how far from your village was

19 the fighting, roughly?

20 A. Roughly about a kilometre or maybe even less

21 away.

22 Q. Well, that is very close.

23 A. Yes, it is, but it was advancing towards the

24 village.

25 Q. Mr. H, at the time, were you a civilian or

1 a military man?

2 A. I was a member of the army, but I was wearing  
3 civilian clothes and I was registered as a civilian.

4 Q. When you say you were registered as  
5 a civilian, you are referring to your registration in  
6 Kaonik?

7 A. Yes.

8 Q. Mr. H, when you were describing yesterday the  
9 events in your village, when soldiers in camouflage  
10 uniform came, you said that some of those soldiers were  
11 from Herzegovina; is that correct?

12 A. Yes.

13 Q. For the sake of clarity, and for the benefit  
14 of the Trial Chamber, could you please tell them, were  
15 the people from Herzegovina, are they from Herzegovina?

16 A. Yes.

17 Q. Is Herzegovina a part of Bosnia-Herzegovina?

18 A. Yes, it was, and I hope it will continue to  
19 be.

20 Q. Mr. H, were you registered when you arrived in  
21 Kaonik, and by whom? You just told us that you were  
22 registered as a civilian, by whom?

23 A. By the International Red Cross.

24 Q. When did the International Red Cross come in  
25 relation to your arrival at Kaonik, how many days

1 later?

2 A. I do not remember exactly the number of days  
3 that went by. I do not know exactly.

4 Q. You told us a moment ago that there were  
5 battles in the vicinity, in the village; when these  
6 soldiers came to your village, what were they looking  
7 for in the village?

8 A. Are you referring to HVO soldiers?

9 Q. Yes.

10 A. They were looking for weapons.

11 Q. Mr. H, you described to us yesterday that  
12 actually in the first half of 1993, in the area where  
13 you were living, there were two conflicts: there was  
14 one at the beginning of the year and another somewhere  
15 in April; is that correct?

16 A. I did not quite understand your question.

17 Q. Is it correct that in the area where you were  
18 residing, let us not mention that area, in the first  
19 half of 1993, there were two conflicts; that is one at  
20 the beginning of the year in January and another one in  
21 April; is that correct?

22 A. Yes.

23 Q. Can you tell us where you were in between  
24 these two conflicts?

25 A. I said yesterday that during the first

1 conflict, I was at home and during the cease-fire I was  
2 at home.

3 Q. So, between the two conflicts, you were in  
4 your village?

5 A. Yes.

6 Q. Did you go to work?

7 A. No.

8 Q. Tell me, were you in any way involved in  
9 civil defence?

10 A. No.

11 Q. Do you know whether anyone from your village  
12 participated in the work of the civil defence?

13 A. I do not know exactly, but, as far as I know,  
14 there was no organisation after the first conflict, as  
15 far as I can recollect. I am not quite sure again,  
16 because I was not involved in any of the more important  
17 organisations.

18 Q. Tell us, Mr. H, were you a member of any  
19 political party in those days?

20 A. No.

21 Q. Your village had a mixed population, if I am  
22 not mistaken?

23 A. Yes.

24 Q. So, there were Bosniak Croats and Bosniak  
25 Muslims?

1 A. Yes.

2 Q. Perhaps you could tell us, if you know, what  
3 the share of each group was?

4 A. I do not know exactly, because I never  
5 counted.

6 Q. So you cannot even tell us roughly?

7 A. It would be better for me not to answer the  
8 question than to make a mistake.

9 Q. That, you are probably right.

10 You told us yesterday, Mr. H, that during your  
11 stay in Kaonik you noticed that some elderly and sick  
12 people were released home?

13 A. Not home, but to the village of Skradno.  
14 These were elderly men and the sick.

15 Q. How many men were there, could you tell us,  
16 roughly?

17 A. Well, about 30. Something like that, I do  
18 not know the exact number.

19 Q. And how do you know about that?

20 A. Well, I was in the camp like the others and  
21 during my stay there they were released to the village  
22 of Skradno.

23 Q. I understand. Mr. H, let us go back to the  
24 day when a person fled, escaped from Kaonik.

25 You described the event for us yesterday, as

1 far as you were able to remember it. I just have  
2 a couple of questions in that connection, for the sake  
3 of clarification.

4 How many people, including this person that  
5 escaped, were outside the building? I think you said  
6 they were planting potatoes; how many of them were  
7 there?

8 A. There was a total of four of them.

9 Q. Do you know how many guards were watching  
10 over those four?

11 A. As far as I remember, Miro Maric took them  
12 out.

13 Q. But how much people were outside?

14 A. I could not see because I was in the cell.

15 Q. I understand. You were in cell number what?

16 A. Number 16.

17 Q. Who was with you in cell number 16, do you  
18 remember?

19 A. I do, but I would not like to name the  
20 people.

21 Q. But let us make it clear, do you not wish to  
22 name them because you do not wish to do it or because  
23 we are now in an open session and you do not want to  
24 cause any embarrassment to those people?

25 A. The latter.

1 MR. MIKULICIC: May I then ask the Trial  
2 Chamber to go into private session, as names may appear  
3 in the testimony which need to be protected? If the  
4 Prosecutor agrees, of course.

5 MR. MEDDEGODA: I fully agree to my learned  
6 friend's application to go into private session.

7 JUDGE RODRIGUES: Let us now go into private  
8 session. Is the audio visual department ready?

9 (In private session)

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(In open session)

1                   We can proceed now.

2                   MR. MIKULICIC: Thank you, your Honours.

3                   I should like to ask the usher to show  
4 Witness H a picture which has already been admitted as  
5 Prosecutor's Exhibit P54. (Handed).

6                   Thank you. Could the technicians move the  
7 projector so that we can see the whole photograph,  
8 please? Thank you.

9                   Mr. H, yesterday, describing this photograph,  
10 you marked the building with the letters A and B?

11                  A. Yes.

12                  Q. Could you explain what was the function of  
13 the other buildings that we can see on this photograph;  
14 are you aware of that?

15                  A. I am not.

16                  Q. Do you know what the building which is in the  
17 upper third of the photograph was used for? Next to  
18 the road. Do you see that building? Could you point  
19 to it? That is the building I had in mind.

20                  A. That was where most of the soldiers were.  
21 When we prisoners were going out, there were some  
22 soldiers there.

23                  Q. Do you know what kind of soldiers were there?

24                  A. The HVO army. That is all I know.

25                  Q. Do you know which unit?

1           A.    I am sorry, but I was a prisoner.  Aleksovski  
2 knows that best.

3           Q.    Mr. H, it is now you that are answering the  
4 questions.  If you do not know the answer, say that you  
5 do not know.

6           A.    Well, from my answer you can tell that I do  
7 not know.

8           Q.    Tell us, Mr. H, do you know where the four  
9 persons you were telling us about, who were planting  
10 potatoes, where they were doing that?  Could you show  
11 us that?

12          A.    I do not know, I was in the cell.

13          Q.    So, let us summarise: the building I was  
14 referring to, would you please mark it with the letter  
15 C?

16          A.    (Witness marked map).

17          Q.    You said that the HVO army was accommodated  
18 there.  Are you aware whether that building was used as  
19 part of the Kaonik prisoners?  Were prisoners put there  
20 as well?

21          A.    I do not know.  I stayed in these two other  
22 buildings.  I do not know about the other people,  
23 I mostly saw the military there.

24          Q.    In your opinion, was this building part of  
25 the Kaonik compound?

1           A.    Yes.  That was the closest building to the  
2 gate.

3           Q.    Mr. H, yesterday you said that  
4 Zlatko Aleksovski -- and I quote your words -- was "a  
5 commander of all forces within the barracks compound"?

6           A.    Yes, that is my opinion.

7           Q.    Very well, that is your opinion.  Is it also  
8 your opinion that Zlatko Aleksovski was also the  
9 commander of all forces that were stationed in the  
10 building C?

11          A.    I do not know that, but most probably.  
12 I think I already said that this is my opinion.

13          Q.    Do you have a reason for such an opinion  
14 which you could share with us?

15          A.    It is the way he introduced himself.  He said  
16 that he was Zlatko Aleksovski and that he was the  
17 warden of the entire prison.

18          Q.    So, in your opinion, he was also the  
19 commander of the forces which was in the building C?

20          A.    Excuse me, I told you that I made  
21 a difference between a warden and a commander.

22          Q.    Very well, Mr. H, I will rephrase my question:  
23 in your opinion, was Zlatko Aleksovski also the  
24 commander of the military which was in building C?

25          A.    You cannot say that -- you could say that he

1 was also a warden that also was in control of the  
2 military there.

3 Q. Mr. H, you saw the soldiers in this  
4 building C?

5 A. I saw them around the building.

6 Q. Very well, around the building. Did you see  
7 that these soldiers had different kinds of uniforms  
8 than the other soldiers around, and I would like to  
9 draw your attention to the belts?

10 A. I did not notice that, but I noticed several  
11 times that they wore shorts and T-shirts, so that  
12 I thought this is what they use for relaxing and rest.

13 Q. Did you also see them wearing white belts?

14 A. I only noticed soldiers wearing white belts  
15 at the gate and around that building there were  
16 different soldiers, but for the most part they were  
17 just regular soldiers.

18 Q. Mr. H, I only have one additional question:  
19 after the escape which we discussed, you said that you  
20 heard some moans coming from other cells?

21 A. Yes.

22 Q. Did you personally see that anyone was  
23 beating anyone else?

24 A. When I say that I heard it, it does not mean  
25 that I saw it.

1 Q. So would it be correct if I said that you did  
2 not see it?

3 A. Yes.

4 MR. MIKULICIC: The Defence has no further  
5 questions. Thank you.

6 Excuse me, just one additional question. It  
7 slipped my mind and my colleague just reminded me of  
8 it.

9 Mr. H, I will put this question to you in the  
10 following way: after all these difficult experiences,  
11 would a witness before court in a criminal case in --  
12 were you a witness in a criminal case in Bosnia?

13 A. No, but I was called before a court in  
14 Zenica.

15 Q. And you gave a statement there?

16 A. Yes.

17 Q. You said that you testified before a superior  
18 court in Zenica; was it also true that you also asked  
19 for damages at that time?

20 A. It was not my idea, it was a judge's idea.

21 Q. So what did you tell this judge? How much in  
22 damages did you ask for?

23 A. I said that it is not myself who asked for  
24 damages, that it was the suggestion of the judge and  
25 I was not hoping for any, and he said that he -- he

1 advised me that I could ask for damages.

2 Q. So can you tell me how much you asked for?

3 A. It was not my request, it was his request.

4 I do not know. I only know that I gave the same kind  
5 of a statement, but I know that underneath the  
6 statement, he put some number as the amount of damage  
7 that I could be entitled to.

8 MR. MIKULICIC: Your Honours, I have before me  
9 a report and I would like permission to show it to the  
10 witness so that the witness can identify it as the  
11 statement that he had given there and that it is the  
12 statement that he had signed.

13 MR. MEDDEGODA: Your Honours, may I have  
14 a copy of the statement which my learned friend is  
15 seeking to show to the witness?

16 JUDGE RODRIGUES: I beg your pardon,  
17 Mr. Meddegoda?

18 MR. MEDDEGODA: May the Prosecution be given  
19 a copy of that statement which my learned friend is now  
20 seeking to show the witness, your Honours?

21 JUDGE RODRIGUES: Mr. Mikulicic, can the  
22 Prosecution have a copy of this document?

23 MR. MIKULICIC: Of course, there is no problem  
24 in the Prosecution getting a copy of it. Right now  
25 I only have a single copy, so in the next break I will

1 make a copy and give it to the Prosecution, if that is  
2 satisfactory.

3 JUDGE RODRIGUES: In any event, before  
4 showing it to the witness, can you please show it to  
5 Mr. Meddegoda. Is that acceptable?

6 MR. MEDDEGODA: I wonder whether the document  
7 has been translated or whether it is in the Bosnian  
8 language or whether it is translated into one of the  
9 official languages of this court, your Honour?

10 MR. MIKULICIC: Your Honours, the document in  
11 question has not been translated because I did not know  
12 that I will be in a position to use it in  
13 cross-examination. However, if the Defence is allowed  
14 to use it in its own case, then it will be translated.  
15 However, at this stage we would just like the witness  
16 to identify his own signature and a portion of the  
17 text.

18 JUDGE RODRIGUES: Mr. Meddegoda, I think this  
19 is a question only of identification of the signature.

20 MR. MEDDEGODA: Very well, your Honour. In  
21 any event, may I see the statement, your Honours?  
22 (Handed). Thank you. (Pause).

23 Very well, your Honours.

24 JUDGE RODRIGUES: Excuse me, Mr. Meddegoda,  
25 are you asking for the document to be entered into the

1 record, or is it sufficient for the witness to see the  
2 document and identify it?

3 MR. MEDDEGODA: My learned friend is showing  
4 this document to the witness. It is a Defence  
5 document, your Honour. We have no objection to the  
6 document being marked for the purposes of  
7 identification of the signature, your Honours.

8 JUDGE RODRIGUES: In that case, Mr. Mikulicic,  
9 the document can be admitted into the record. Are we  
10 agreed?

11 MR. MIKULICIC: The Defence agrees, of  
12 course.

13 JUDGE RODRIGUES: Mr. Mikulicic, you can  
14 continue with your cross-examination.

15 MR. MEDDEGODA: Your Honours, if I may  
16 interrupt at this stage. My learned friend is seeking  
17 to show this document only for the purpose of  
18 identification of the signature of this witness. If  
19 the document is admitted only for that limited purpose,  
20 I think, your Honours, the Prosecution has no objection  
21 to such admission; only for the limited purpose of  
22 identification of the signature, as my learned friend  
23 is seeking to elicit at this very moment, your  
24 Honours. The document is not translated and has not  
25 been provided to the Prosecution before. Therefore,

1 for that reason, I respectfully urge that your Honours  
2 be pleased to admit the document only for the purposes  
3 of identification of the witness's signature.

4 JUDGE RODRIGUES: Mr. Mikulicic, I beg your  
5 pardon, your aim is simply to show the witness his  
6 signature on the document; is that correct?

7 MR. MIKULICIC: Your Honours, my objective is  
8 to show the signature on the document and ask the  
9 witness to authenticate it, if it be possible, and also  
10 for him to authenticate a portion of the text relating  
11 to the damages request on page 3.

12 If we are allowed to translate that portion  
13 of the document on page 3, this is actually the  
14 objective of the Defence.

15 JUDGE RODRIGUES: That was what I was going  
16 to suggest to you. You can put the document under the  
17 ELMO; you can read the document and it will be  
18 translated to the Trial Chamber and the Prosecution,  
19 regarding the content. Are you all in agreement? We  
20 are going to put the document under the ELMO.  
21 Mr. Mikulicic will read the document, it will be  
22 translated. In that way, we will be familiarised with  
23 its contents; is that acceptable?

24 MR. MIKULICIC: Thank you, your Honours. The  
25 Defence agrees with it and it is a very short paragraph

1 on page 3 of the statement that is in question.

2 JUDGE RODRIGUES: Mr. Meddegoda, you have an  
3 objection?

4 MR. MEDDEGODA: Your Honour is aware of the  
5 Prosecution's position. Your Honours have ruled that  
6 the document should be admitted in that way. The  
7 Prosecution has no objection to your Honours' ruling on  
8 that, but the Prosecution position is that the document  
9 has not been provided to it before and it has not been  
10 provided with the translation of the document and that  
11 the Prosecution is unaware of the authenticity of the  
12 document which is now being produced, which my learned  
13 friend is seeking to produce before your Honour's  
14 court. The Prosecution will go along with the ruling  
15 your Honour made on this matter.

16 JUDGE RODRIGUES: In that case, the Trial  
17 Chamber has decided to admit the document by placing it  
18 under the ELMO and read by Mr. Mikulicic. This will be  
19 an element of the testimony, but not an official  
20 document. Therefore, Mr. Mikulicic, you may continue.

21 MR. MIKULICIC: Thank you, your Honours.

22 Mr. H, I think we should go into the private  
23 session since we can see the name of the witness on the  
24 document on the ELMO.

25 JUDGE RODRIGUES: The witness is protected

1 and I think we must go in closed session because we are  
2 going to see his signature. Therefore, we are now  
3 going into closed session. Is that possible, or  
4 private session?

5 THE REGISTRAR: It would be preferable to  
6 have a closed session.

7 JUDGE RODRIGUES: A closed session, thank you  
8 very much, Mr. Dubuisson.

9 (In closed session)

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2 (In public session)

3 Thank you, Mr. Mikulicic. Mr. Meddegoda, have  
4 you any additional questions?

5 MR. MEDDEGODA: No questions in  
6 re-examination, your Honours.

7 JUDGE RODRIGUES: Thank you, Mr. Meddegoda.

8 Witness H, I have a question for you: in your  
9 culture, in your language, and even in a situation of  
10 conflict that you lived through, a commander and  
11 a director; are they one and the same, or are they two  
12 different words to express a different reality? Have  
13 you understood my question?

14 A. Yes. In my opinion, a director or warden is  
15 a civilian with such duty and such a post and the  
16 commander would be a military person. From what  
17 I know, this was a military installation.

18 JUDGE RODRIGUES: And how did Mr. Aleksovski  
19 introduce himself to you; as a director or as  
20 a commander?

21 A. He introduced himself as a warden of the  
22 prison, Zlatko Aleksovski, but his soldiers in the  
23 compound addressed him as "Mr. Commander".

24 JUDGE RODRIGUES: When he introduced himself  
25 was he in civilian clothes or camouflage uniform?

1           A.    In civilian clothes.  Later on he also wore  
2 both the camouflage uniform and civilian clothes.  He  
3 often went to Busovaca, I do not know for what purpose,  
4 but he was for the most part within the compound.

5                   JUDGE RODRIGUES:  Thank you very much,  
6 Witness H.  You have completed your testimony.  The  
7 International Criminal Tribunal thanks you for coming.  
8 We wish you a safe journey.

9           A.    Thank you.

10                                   (The witness withdrew)

11                   JUDGE RODRIGUES:  Mr. Prosecutor, who is the  
12 next witness?

13                   MR. MARCHESIELLO:  Good morning, your  
14 Honours.  The next witness is Mr. Garanovic Rasim.  He  
15 did not ask for any protective measures, so he will be  
16 taken and he will answer our questions with his real  
17 name.

18                   JUDGE RODRIGUES:  Please have the witness  
19 brought in.

20                   MR. MARCHESIELLO:  May I ask the court, how  
21 much time shall we have before the interruption, so to  
22 choose when?

23                   JUDGE RODRIGUES:  The break is envisaged for  
24 11.20 am.

25                   MR. MARCHESIELLO:  Thank you.

1 (The witness entered court)

2 I am afraid this is the wrong witness.

3 JUDGE RODRIGUES: Excuse me, Mr. Prosecutor.

4 Could we have the break now, perhaps. Then you can  
5 regulate everything in the meantime?

6 MR. MARCHESIELLO: That is what I suggest  
7 too. It would be a very good idea.

8 JUDGE RODRIGUES: The interpreters in  
9 agreement with that?

10 THE INTERPRETER: Yes, thank you, your  
11 Honour.

12 JUDGE RODRIGUES: In that case, we will have  
13 the break and we will resume at 11.20. Thank you.

14 (11.00 am)

15 (A short break)

16 (11.25 am)

17 JUDGE RODRIGUES: Before beginning, or rather  
18 resuming, it should be said that the document that we  
19 discussed is going to be admitted into the record,  
20 under which number?

21 THE REGISTRAR: It is Exhibit D2.

22 JUDGE RODRIGUES: This was an exceptional  
23 situation because, as you know, Article 3 of the Rules  
24 requires documents to be translated into official  
25 languages. For the moment, this document was only

1 partly translated, but this is really going to be an  
2 exception.

3 Mr. Prosecutor, you have the floor.

4 MR. MARCHESIELLO: I think we are now ready to  
5 have Mr. Garanovic. I hope it will be the right witness  
6 this time.

7 JUDGE RODRIGUES: Very well.

8 (The witness entered court)

9 Good morning, sir. You are going to read the  
10 declaration given to you by the usher, please.

11 A. Good morning. I solemnly declare that I will  
12 speak the truth, the whole truth, and nothing but the  
13 truth.

14 JUDGE RODRIGUES: You may be seated. What is  
15 your name, please?

16 A. My name is Rasim Garanovic.

17 JUDGE RODRIGUES: Thank you, Mr. Garanovic,  
18 for coming. You are going to answer the questions that  
19 the Prosecutor is going to put to you.

20 RASIM GARANOVIC

21 Examined by MR. MARCHESIELLO

22 Q. Good morning, Mr. Garanovic. May I ask you to  
23 state --

24 A. Good morning.

25 Q. May I ask you to state, again, your full

1 name, age, date and place of birth, please?

2 A. I am Rasim Garanovic. Born on 7th May 1950  
3 in the village of Serici, municipality of Zenica.

4 Q. What is then your nationality and your faith?

5 A. I am a Bosniak by nationality. My ethnic  
6 origin is Muslim and my religion is Islam.

7 Q. What is your job, Mr. Garanovic? What was  
8 your job in the beginning of 1993?

9 A. I was a professional stone-cutter.  
10 I processed stone and marble, that sort of thing.

11 Q. Did you have workers under your -- at your  
12 disposal that worked with you and under you?

13 A. Yes, I did.

14 Q. How many of them and of which nationality?

15 A. Sometimes there were more, sometimes less  
16 workers. But as a rule, I had five workers.

17 Q. And in April 1993, did you have five workers  
18 under you?

19 A. Yes.

20 Q. How many of them were Croats and how many  
21 Muslim?

22 A. Two were Muslims and three were Croats.

23 Q. Were there, at that time, or had there been  
24 at that time problems as to these two different  
25 ethnicities within the same context working, the same

1 context and the same situation of work?

2 A. I did not understand the question very well.

3 Are you referring to the place where we were living,  
4 whether there were any problems among the different  
5 inhabitants, is that what you mean?

6 Q. I am referring both to the place in general  
7 and the situation that was existing in your shop.

8 A. No, there were no problems at all. Actually,  
9 we all lived in harmony. My village of Krcevine,  
10 a village near the town of Vitez, it was inhabited  
11 mostly by Croats and Muslims, Bosniaks.

12 Ninety per cent of the population were  
13 Croats, 10 per cent were Bosniaks. We lived together;  
14 we rejoiced together. We worked together, we helped  
15 each other in various activities. We built our homes  
16 together, our roads, telephone lines, we celebrated our  
17 religious holidays, Christmas, Bajram, all of us  
18 together, really together.

19 Q. Did --

20 A. Sorry.

21 Q. Did something in this situation that you are  
22 describing, did something start changing and how is it  
23 -- did things change actually in the beginning of  
24 1993?

25 A. In 1993, things started to change. Something

1 strange began to happen. Simply I do not know where  
2 from, most probably from Zagreb. The Croats were given  
3 a sign telling them that they were in jeopardy, and  
4 through the HVO, the HVO police, they started to ignore  
5 their neighbours, Bosniaks. They had less and less  
6 contact with the Bosniaks and those who wanted to  
7 communicate with them did not dare do that for some  
8 reason.

9 Q. Were there HVO forces in your village?

10 A. Yes, yes. There was a checkpoint right next  
11 to my house.

12 Q. Now, let us go to the 14th April 1993. What  
13 happened to you on that day?

14 A. On the 14th April, I came early from Zenica.  
15 I went there to see a doctor, my doctor, and I had to  
16 be close to a doctor and he was in Zenica, but I had to  
17 go on a business trip, to Jablanica, which is about 120  
18 kilometres from Vitez in Herzegovina.

19 In the morning, my wife and I got into our  
20 car, we reached our company in Vitez, next to the flat  
21 where we lived in. With a worker of mine, I started  
22 off on the trip to Jablanica.

23 Q. Was this worker a Croat and what was his  
24 name?

25 A. Yes, this worker was a Croat. His name was

1 Ratko Strukar.

2 Q. What happened on your way?

3 A. We started off before 7.00 in the morning,  
4 about 6.45 in the morning, or maybe 6.40, I am not  
5 quite sure. We got as far as Stojkovici, which is  
6 a suburb of Novi Travnik. We noticed a large number of  
7 trucks there, that were parked in an unusual manner.  
8 Then there were many passenger vehicles which were open  
9 as well. There were small children crying in those  
10 cars. In some cars the parents were there not and it  
11 struck us as a strange situation.

12 The police stopped us there, the HVO police.

13 Q. And what happened to you?

14 A. They asked for our ID cards, our  
15 identification papers. We showed them. We had passes  
16 issued by the HVO and the BiH army, giving us permission  
17 to go on this business trip. We showed them all this,  
18 I and my worker.

19 Q. Nevertheless, were you arrested?

20 A. Yes. They immediately said: "Get out. You  
21 are arrested", and they told my worker to go back where  
22 he had come from, which meant to go back home.

23 Q. Who were those who arrested you? In which  
24 kind of insignia, how were they dressed?

25 A. They were dressed in camouflage uniforms,

1 with HVO insignia. It was the HVO police.

2 Q. Where were you taken after having been  
3 arrested?

4 A. They took me about 300 metres to the right,  
5 to a military warehouse which used to be the warehouse  
6 of the Yugoslav army. That was where an airport,  
7 a military airport was to be built, and this warehouse  
8 was built for that purpose. They took me there to this  
9 warehouse, to the warehouse compound.

10 Q. Where did they put you into?

11 A. There was a kind of container. They opened  
12 it and they put me in the container. The container was  
13 partitioned. It is the kind of container that is  
14 loaded on to trucks. There was a partition of about  
15 1 metre 30 and that is where they shut me up.

16 Q. Were you alone in the container -- in that  
17 area of the container?

18 A. No. At the time there were several men  
19 there. I did not count, but in my estimate there were  
20 at least 15, at least 15 persons there. They simply  
21 pushed us in. We were standing next to one another,  
22 face-to-face, we could hardly breathe.

23 Q. How long did you stay in that container, in  
24 that situation?

25 A. We stayed there in that situation from 7.00

1 in the morning until the evening, about nightfall, when  
2 they took out some people. I do not know where they  
3 took them. Several men were taken out, so that we had  
4 a little more space. So we could sit in between each  
5 other's legs and sleep a little.

6 Q. You said that you had been visiting a doctor  
7 in Zenica. What were your physical conditions at that  
8 time?

9 A. I had undergone surgery in April 1992, in  
10 Belgrade. I operated my stomach and oesophagus. My  
11 physical condition was very serious, due to the  
12 consequences of the operation. That is why I took my  
13 worker to accompany me, for him to drive and to help me  
14 on the business trip.

15 Q. Now, can you describe what subsequently  
16 happened to you and how you were transported away from  
17 that area to Kaonik?

18 A. We were there on the 14th. There was no  
19 conflict there at the time, there were no military  
20 operations. They arrested us there, they shut us up  
21 about 7.00 in the morning, that is me. We stayed there  
22 the 14th and then the 15th until the evening.

23 On the 15th, in the morning, they gave us  
24 something to eat. There was something -- a kind of  
25 lunch package received through charity organisations.

1 Then they ordered all those with trucks -- that is the  
2 drivers -- and whose trucks had stayed behind on the  
3 road, to come out. Then they did get out these  
4 drivers, several minutes later they drove those trucks  
5 into the compound.

6           These were trucks loaded with goods, mostly  
7 food stuffs, or they were on their way to collect  
8 goods, either in Croatia or somewhere else.

9           Q. Now, let us return to your personal  
10 situation. What happened to you and your fellows on  
11 the morning of April 15th, 1993?

12          A. On 15th April, that is what I am talking  
13 about now, they took us out of the container around  
14 10.00. They took us in front of a shed and the HVO  
15 police were there. They required statements from us,  
16 that is to tell them where we were going, who we were,  
17 what we were doing, why we were travelling, why we were  
18 going where we were. Then when that was over, they  
19 took us back to the container and we stayed there until  
20 nightfall.

21           Late in the evening -- I do not know what  
22 time it was, I really do not know , we were in such  
23 a situation that we did not know -- the buses came.  
24 I saw two buses there when I came out. This was the  
25 HVO police who had called us to come out, to get out of

1 the container and to raise our hands, lean them against  
2 the bus for them to search us. They searched us. They  
3 did not seize our personal belongings, only if someone  
4 had a knife or something like that.

5           They ordered us to get into the bus. We got  
6 into this first bus that I got into and I sat down.  
7 The buses started towards the gates.

8           Q. Now, please, if you could go to the moment  
9 which will probably be most interesting for us, when  
10 you did arrive at Kaonik. Will you describe the  
11 arrival of the buses in Kaonik?

12          A. I would like to ask you to allow me to go  
13 back just for a second to the 14th, if possible,  
14 please?

15          Q. No, go ahead, if you do not mind.

16          A. We started with the buses towards the gates,  
17 then the buses went further on. I knew roughly, or  
18 I assumed where they were taking us, to a camp  
19 probably, some sort of a camp. I was afraid that we  
20 might turn right because turning right meant going to  
21 Herzegovina. Fortunately, we went left, which meant  
22 towards Vitez. The buses went as far as the cross-roads  
23 known as "Okuka", or "the bend", and I saw a checkpoint  
24 there held by the Croat army.

25           They had RPGs facing the bus and other

1 inventory weapons. We passed that checkpoint and  
2 turned right. We passed through Vitez and from there  
3 on to Busovaca.

4 MR. MARCHESIELLO: I think you have a very  
5 good memory of those events, and I understand the  
6 reason for this. Now I would like you to concentrate  
7 on the camp, on the moment you did arrive to the camp.

8 You spoke -- can I introduce as evidence, the  
9 aerial photograph you already know, of the camp? Can  
10 I have it shown to the witness, please? (Handed).

11 THE REGISTRAR: It is exhibit number 55.

12 MR. MARCHESIELLO: Can you put it on the ELMO,  
13 please? Thank you.

14 Now, Mr. Garanovic, do you recognise the camp  
15 where you have been taken with the buses?

16 A. Yes. This is the camp where we were taken  
17 with the buses. The buses came along this road, they  
18 got to here, then they turned right. This is the road  
19 to Busovaca. Turned right. There is a military  
20 barracks here. (Indicating on photograph). Then they  
21 went on towards this wood --

22 Q. May I interrupt you? You mentioned before  
23 the gates of the camp; were there gates and where were  
24 they, at the entrance? Was there a gate to the camp?

25 A. We were waiting there for the gates to be

1 opened. There was a gate, but it was night-time, so it  
2 was about midnight by the time we got there. We did  
3 not see that too well. I cannot describe the gate.

4 Q. Where were you taken?

5 A. We got there, along this road. (Indicating  
6 on photograph). They drove us to this hangar here.

7 Q. Can you put a circle around it and mark it  
8 with the letter "A", please?

9 A. (Witness marked photograph).

10 Q. Thank you. Go on.

11 A. They brought us here, the buses stopped. The  
12 bus stopped, the one I was in. It stopped in front of  
13 the building, about the middle of the building. There  
14 is about -- about the middle of the building, there is  
15 an entrance into the hangar, so we entered. The light  
16 was very poor. The HVO policemen -- the police told us  
17 immediately to go up to the wall, the length of the  
18 building -- that is the other side of the entrance --  
19 to raise our hands up, to lean them against the wall  
20 and to stay there. Nobody should move.

21 Q. You refer to HVO police; were they policemen  
22 or military, according to your experience?

23 A. There was both policemen and HVO military.  
24 They did not differ very much anyway.

25 Q. How did they differ, if there was any

1 difference?

2 A. They did not differ in terms of their  
3 behaviour.

4 Q. But in terms of their attire?

5 A. The HVO police, those who were policemen, had  
6 the word written on it, "police". Those who were  
7 soldiers had just the HVO insignia.

8 There at the entrance to the right, as we  
9 were passing, I noticed a pile and I did not really  
10 know what it was at first. It was quite dark. To the  
11 right here -- actually those were people who had been  
12 brought there before us, so we must have been a second  
13 group to get there.

14 Q. Sorry to interrupt you. Were they and were  
15 you all civilians?

16 A. We were all civilians, until the last one.

17 Q. You did not see any BiH military held as  
18 prisoner in the camp?

19 A. No, I did not see -- at that time I did not  
20 see them. These were all civilians, who later told me  
21 that they were working their fields and that the HVO  
22 soldiers arrived, or the police, that they rounded them  
23 up and took them from the fields to the prison.

24 Q. How long were you forced to stay standing up  
25 with your hands raised against the wall?

1           A.    A very long time. That was very difficult.  
2 It was cold. I was cold, I was very cold. My hands  
3 were cold from that wall. It was also some kind of  
4 weapons depot from the JNA.

5                    We stood there for maybe 40 minutes, more or  
6 less. These people over there were discussing  
7 something, I think it had to do with the organisation.  
8 Then they ordered that all our personal belongings,  
9 everything -- even a small piece of paper could cost  
10 your life, if you did not produce it and if you did not  
11 place it next to your feet.

12                   So, indeed, all my personal belongings, I was  
13 afraid that something would stay on me, so I placed all  
14 these things next to my right foot and when we did  
15 this, they told us to place our hands against a wall  
16 again, facing the wall, which is what we did.

17           Q.    Were your belongings given back to you after  
18 that?

19           A.    No. At that moment -- partially, yes. At  
20 that moment the HVO soldiers came. They took the  
21 belongings, the money, gold, if anybody had rings,  
22 watches, valuables. As far as I am concerned, they  
23 took my money, they took my free movement certificate  
24 which I had from the HVO. I did not have that many  
25 valuables on me.

1 Q. Did you have -- how much -- did you have  
2 a sum of money on you?

3 A. I was supposed to buy some material, two  
4 cubic metres of stone, so I had 4,000 German marks on  
5 me. I also had 300 marks for expenses, so I had  
6 a total of 4,300 German marks, maybe some change  
7 additionally.

8 Q. And they were not given back to you?

9 A. No. They also took away my car, my -- the  
10 things that I had in the car and then later they took  
11 my house away and everything.

12 Q. During your being held in the hangar, were  
13 you registered -- were your names written down on some  
14 documents? Who did it, if so?

15 A. Yes. As we were standing against a wall,  
16 they ordered us again to take out every single piece of  
17 paper from our pockets, everything we had put back,  
18 anything from our shoes, from the hair, so that nothing  
19 would be found on anyone. I think that they probably  
20 were not satisfied enough with what they got, so then  
21 the whole situation repeated itself. We took  
22 everything out and placed it at our feet.

23 I forgot to say they did not take my watch  
24 because one soldier said that this was a Russian watch  
25 so it was not good enough quality. However, it was not

1 Russian, it was actually a Swiss watch.

2           Then, again, we placed all our belongings  
3 next to our feet, so that process was faster now, it  
4 took about 15 minutes. They reviewed all of it and  
5 then they said: "Pick up your garbage and put it back  
6 in your pockets", so we took all the belongings that  
7 were left there and put them in our pockets. Then they  
8 ordered us to turn around.

9           Q. Now, Mr. Garanovic, I would like to know if  
10 and to whom you did give your personal data, your name,  
11 your family name, and so on, on that occasion?

12          A. Yes. They told us to turn around and to walk  
13 one by one towards a desk which was placed there, and  
14 there was some sawdust there in the corners, so that is  
15 where this desk was placed.

16           An HVO soldier sat at this desk. He had  
17 a logbook of some kind and then he was entering the  
18 data which we gave him, the first and last name, basic  
19 data.

20          Q. How did you spend the night there?

21          A. The night was nearly fatal for me. It was  
22 very cold and I got cramps, very bad cramps in my  
23 chest. Given my condition and the cold, the HVO  
24 soldiers allowed that several wooden pallets be brought  
25 in from outside, so a few wooden pallets were brought

1 in. They are used for loading goods on to trucks.

2 I did not have the strength to bring it by myself, so

3 I remained on concrete.

4           Some people then were sitting on those  
5 pallets but most people sat on the concrete. Then they  
6 put some kind of a line, which was really an imagined  
7 line, they did not draw it, and they said that whoever  
8 crossed this line would be shot, so nobody, of course,  
9 did it. Nobody wanted to cross it.

10         Q.    What happened the next morning? Were you  
11 brought some food, some water?

12         A.    In the morning, sometime around 8.30/9.00,  
13 they brought some food. There were no toilets. Maybe  
14 a few persons were let to go out to relieve  
15 themselves. I do not know where these people went to  
16 the toilet. In the morning, they brought some food, it  
17 was a soup and a slice of bread. We ate that.

18         Q.    Did you ask for a doctor at that moment? If  
19 so, to whom?

20         A.    At that moment, I really felt fairly bad and  
21 I felt I had not much to lose any more, so I told my  
22 fellow inmates that I was going to seek medical  
23 attention. They said it would be funny to ask for such  
24 a thing if it was not sad. However, I said I was going  
25 to do it anyway, so I started to look around to see

1 whom I could approach. I singled out one and I did not  
2 like the way he looked and then the second one, it  
3 was -- there was a second one, so he was somebody who  
4 was still in civilian clothes, but he had just joined  
5 the police, and so I approached him and said: "Can  
6 I ask you something?", he said: "What is it?", I said:  
7 "I really need to see a doctor urgently".

8           He asked if I had big problems and I told him  
9 I had very big problems. Then immediately another  
10 fellow came over and also complained about epilepsy.  
11 This civilian man said: "I will come back in about 15  
12 minutes".

13           After about 15 minutes, the civilian --  
14 the -- he wore this sports or track suit, so he came  
15 back escorted by a couple of soldiers and he said:  
16 "Where are the two men who reported to go and see the  
17 doctor?"; the ones around me said: "You are finished".  
18 I said "I do not care".

19           So, I reported and the other person did not  
20 report. However, this soldier insisted that the second  
21 person also step out. I guess he was afraid, so he had  
22 not reported. So, then we started -- he went ahead,  
23 I followed him and two soldiers were -- one to each  
24 side. We came outside to this road. It is really  
25 a paved road --

1 Q. Can you sign on the photograph you have on  
2 the ELMO actually where you were taken?

3 A. (Indicating on photograph).

4 Q. From there?

5 A. Here we exited and we went to here, in front  
6 of this building. (Indicating on photograph).

7 Q. Can you circle it with a pen and sign it with  
8 the letter "B", please?

9 A. (Witness marked photograph).

10 Q. Thank you. Whom were you taken in front of?

11 A. Here in front of this building, so we were  
12 brought in front of the entrance to this building and  
13 an officer was standing there and two soldiers. There  
14 were, I think, maybe more additional two soldiers,  
15 I guess they were with him. So the person who brought  
16 us to this man who was standing in the middle and he  
17 told him: "Commander, these men have health problems  
18 and they are seeking medical attention."

19 Q. Did you recognise the men to whom the soldier  
20 was asking to take care of you?

21 A. I recognised a man, I did not know his name,  
22 but I knew him from somewhere. I knew him by sight.  
23 Later they said -- at that time I did not know who the  
24 commander was around there. I did not even know where  
25 I had arrived.

1                   This man said -- he first asked the man who  
2 was next to me with epilepsy, he asked him: "What is  
3 wrong with you? What is your complaint?" This person  
4 who was seeking help said: "I am an epileptic" and he  
5 mentioned another condition, for which maybe there is  
6 no real cure. Then the commander said: "No, you are  
7 just pretending. You are pretending that you are sick  
8 from what you are complaining about, so you are really  
9 acting". He said that he should be immediately taken  
10 back to where he was brought from.

11           Q.    Did this man show to the commander any  
12 document concerning his health situation?

13           A.    Yes, yes, some documents -- he produced some  
14 documents, some papers, I do not know what it was, and  
15 the gentleman just looked at his papers and said -- how  
16 shall I put this -- that he was just pretending that he  
17 was sick, so that he should be taken back. .

18           Q.    What about you?

19           A.    Then the commander asked me: "What is wrong  
20 with you?" I told him that I had surgery just a couple  
21 of months ago. I said that I had undergone surgery in  
22 Lubjane, because I did not dare mention the word  
23 "Belgrade". He said: "What kind of surgery?" I told  
24 him that I got cramps, that I was in pain, that I was  
25 very cold, and I showed him the scar from my surgery.

1                   He said: "These pains that you feel and the  
2 cramps, are due to the cold, because where you spent  
3 the night is quite cold." He turned to one of the  
4 soldiers and he told him: "What do you think? What  
5 about number 12?" He nodded. I did not know what "12"  
6 meant, it was around 11.00, what was going to happen at  
7 12, so believe me I was quite afraid. He told me to  
8 follow the soldier.

9                   I followed the soldier. I entered this  
10 building. (Indicating on photograph). That means in  
11 here. We went -- we came into the hallway and the  
12 hallway went in two directions, left and right.

13                  MR. MARCHESIELLO: Just for the record, the  
14 witness is signing building B as the one he was  
15 accompanied into.

16                  Now, let us stop for a moment and go back to  
17 the commander. Did you later learn who the commander  
18 was and which was his name?

19                  A. Yes, I found that out very quickly. I was  
20 told when I arrived to cell number 12. In fact, this  
21 "12", this was the cell number, that is where I was  
22 assigned to go by the commander. When I came into that  
23 cell, I immediately learned who this gentleman was.  
24 There were two soldiers there who had been punished,  
25 I think that they were punished, they were soldiers,

1 they were HVO soldiers. They told me that this was  
2 Zlatko Aleksovski, the camp commander.

3 Q. You said before that you had had that person  
4 before. Can you remember when you had him --

5 A. Yes, on one occasion. This was maybe two or  
6 three years -- maybe two years prior to that.

7 I remember I went to a restaurant with a friend and  
8 this restaurant was on the premises of the correctional  
9 centre in Zenica. It was a restaurant where civilians  
10 went in the evenings. I went there during the day to  
11 meet with this friend who was working at the  
12 correctional centre.

13 This friend of mine greeted the gentleman.  
14 At that time he told me -- how did he put it --  
15 a corrections officer, that he was a corrections  
16 officer in the prison. I must have seen this man  
17 a number of times, you know, this was a small town,  
18 Zenica, so I never contacted him, but I remembered him  
19 as the person from Zenica.

20 Q. Can you describe this man to the court?

21 A. This is a man of about my height, maybe  
22 slightly shorter. Maybe slightly receding hair, maybe  
23 I would say -- put his height at 165 to 170 metres, so  
24 relatively short.

25 Q. Could you recognise him if you had an

1 opportunity to see him again?

2 A. Given that a lot of time has passed, I am not  
3 sure, but if I saw him I think that I could recognise  
4 him.

5 Q. Can you recognise him in this courtroom?

6 A. Yes. I recognise him. It is the gentleman  
7 sitting over there. (Indicating Mr. Aleksovski).

8 JUDGE RODRIGUES: Please will it be entered  
9 into the record that the witness pointed in the  
10 direction of Mr. Aleksovski.

11 MR. MARCHESIELLO: Going to the moment in  
12 which you met Mr. Aleksovski and the commander of the  
13 camp in front of the second hangar, how was he dressed  
14 at that moment, when he sent you to the cell number 12?

15 A. He wore a camouflage uniform, a hat,  
16 a military hat, so he was dressed in military garments  
17 with a camouflage uniform.

18 Q. You were taken into the building, into a cell  
19 within that building; is that so?

20 A. Yes, in the cell number 12.

21 Q. Were you taken during the time of your  
22 staying at Kaonik, did you stay always for the whole  
23 time in the same cell or did you change it?

24 A. I stayed in the same cell the whole time.  
25 I was in there for 31 days.

1                   MR. MARCHESIELLO: Now, I am introducing in  
2 evidence a -- which has already been introduced,  
3 a photograph of the building, of the hallway. Can it  
4 be shown to the Defence? (Handed).

5                   THE REGISTRAR: It is exhibit number 56.

6                   MR. MARCHESIELLO: I tender in evidence the  
7 aerial photograph.

8                   JUDGE RODRIGUES: Mr. Prosecutor, do you have  
9 copies for us, please?

10                  MR. MARCHESIELLO: They are not in colour,  
11 they are black and white, I am sorry. (Handed).

12                  Now, Mr. Garanovic, do you recognise the  
13 hallway, the corridor of the building where you were  
14 detained?

15                  A. Yes.

16                  Q. Can you locate cell number 12 for us?

17                  A. You cannot see cell number 12 in this picture  
18 but it is behind this stove here. That is where cell  
19 number 12 is. (Indicating on photograph).

20                  Q. Would you please circle it and sign with  
21 letter "A"?

22                  A. (Witness marked photograph).

23                  Q. Do you recognise other particular features of  
24 that place? For example, the table at the end of the  
25 hallway, which was its use?

1           A.    This is where we received food.  In other  
2 words, we ate at this table.

3           Q.    Did you have other opportunities to leave  
4 your cell during the day?

5           A.    Only if we went to the toilet and that was  
6 it, there was no other opportunity.  Maybe to get  
7 water.

8           Q.    Can you locate the entrance to the building?

9           A.    In the hallway.  Here is the entrance.  
10 (Indicating on photograph).  This is where the entrance  
11 to the building is.

12          Q.    Can you trace an arrow to locate that part of  
13 the building?

14          A.    (Witness marked photograph).

15          Q.    An arrow, just to show where the entrance  
16 door was.

17          A.    (Witness marked photograph).

18          Q.    Was there an office in the same building,  
19 according to your experience?

20          A.    Yes, there was an office at the entrance.  To  
21 the left there was an office which was the commander's  
22 office.  To the right was a room which was used for  
23 soldiers as relaxation space, that is where they  
24 watched television.

25          Q.    Could you please sign with your pen and sign

1 with the letter "B", the commander's office, please?

2 A. (Witness marked photograph). With the letter  
3 "B"?

4 Q. Yes, with the letter "B".

5 Thank you. Did you have any opportunity from  
6 within your cell to see what was happening along the  
7 hallway?

8 A. Yes, I was able to see.

9 Q. I suppose the door was locked, I suppose.

10 A. The door was locked, but one could hear  
11 everything, people talking in the corridor,  
12 conversations in the corridor, who was coming or  
13 going. Then there was a peephole on the door through  
14 which they looked at us. When they were not spying on  
15 us, we spied on them.

16 In this way, we had, in a sense, contact with  
17 the camp; that is the camp over there, further away.

18 Q. Were you ever taken into Aleksovski's office?

19 A. No, I was not. No.

20 Q. Would you look at the office and how it was  
21 organised?

22 A. Yes, I could look at the office, not really  
23 properly. When you go to the toilet you have to go by  
24 quickly. When you are going for water also you have to  
25 pass quickly, because there were soldiers in the

1 corridors. They could provoke you and they could beat  
2 you up.

3 I saw the office. There was a computer in  
4 the office. I saw that. Then there was a secretary,  
5 a young lady. There was a table, like any other  
6 office.

7 Q. Were you -- you said you stayed there for 31  
8 days; is that correct?

9 A. Yes.

10 Q. During this period, were you ever taken out  
11 of the cell and out of the camp and by whom and for  
12 which reason, if any?

13 A. I did not leave for 31 days. I did not leave  
14 my cell, nor did I go outside at all, which means that  
15 all that time I was in the cell.

16 Q. Were you alone in the cell or were there  
17 other prisoners with you during this period?

18 A. The soldiers, the Croats, after four or five  
19 days they left and then they brought other prisoners,  
20 other inmates to the cell and to the other cells.

21 Q. To your knowledge, were prisoners taken away  
22 for forced labour, for trench digging, for example?

23 A. This was done on a daily basis. Almost  
24 everyone was taken to do forced labour. There was no  
25 possibility of questioning it.

1 Q. How was this organised? Who did actually  
2 call out the prisoners who had to be taken trench  
3 digging daily?

4 A. Let me tell you. The system of taking  
5 people, taking prisoners to dig trenches, was as  
6 follows: in the morning or in the afternoon or in the  
7 evening, a soldier, a policeman called Ljubo, would  
8 call out the names of people. He had a piece of paper  
9 on him and he read out the names of the people who had  
10 to go to dig on the front-lines.

11 However, not only that, but sometimes the  
12 list was extended by the door being opened and them  
13 picking out people and taking them to the front-line.

14 Q. Where did Ljubo take the list from? Who did  
15 give Ljubo the list of the prisoners?

16 A. Let me see. The office was there, from where  
17 the whole system was managed. I personally saw once  
18 Ljubo entering, passing along the corridor, taking  
19 a piece of paper. What was on that paper, I do not  
20 know. I was going to get water and Ljubo was calling  
21 out the names. That was the time when, in order to  
22 save myself from going to the front-line and to avoid  
23 the possibility of me being picked out when he opened  
24 the door, this was the way for me to save myself, by  
25 not being in the cell. But if he called out my name,

1 then there was no escape, regardless of the fact that  
2 I was outside in the corridor.

3           So that we roughly envisaged when Ljubo would  
4 come. Then we knocked on the door. Ljubo was rather  
5 loud, because we could hear him entering from the  
6 outside even. So we would knock on the door to ask to  
7 fetch water or to go to the toilet. Then the guard  
8 would open the door. I would go out. I can say that  
9 I did that very often, while, in the meantime, Ljubo  
10 would go in, call out the names, or simply open the  
11 door and hand-pick people for digging trenches and  
12 working on the front-lines.

13           Q. Let us go back to the list. Where did Ljubo  
14 take that list from when you saw him entering the  
15 office, Aleksovski's office?

16           A. He entered the office. There is no question  
17 about it. I said I just saw him once from a kind of  
18 a window with a glass in it, taking this list through  
19 the window. Whether this was the list of names,  
20 I could not read it, but he would say the names of the  
21 people who had to come out. He would call out those  
22 names every morning. I would be going from this  
23 direction towards the toilet, (indicating on  
24 photograph) to get water and Ljubo would come in and go  
25 in that direction. He would go along the corridor and

1 call out the names.

2 Q. I have another question: how did you succeed  
3 in never being called off for work? That work,  
4 I suppose, was very dangerous.

5 A. Well, you see, I was in such a condition that  
6 I took advantage of every possibility to avoid being  
7 taken there. Because I was not afraid for myself, but  
8 I was afraid that when Ljubo handed me over, up there  
9 on the front-line, because of my condition, I would not  
10 be able to work and there was a possibility of them  
11 executing me over there.

12 Q. Did some of the prisoners who were taken  
13 trench digging not come back, and for which reason?  
14 How did they explain that to you? Was that explained  
15 to you?

16 A. From my cell, one man was killed. He was  
17 killed on the front-lines. His name was -- should  
18 I give you his name?

19 Q. Yes.

20 A. Omer Lugonic. He was from Teslic. The Serbs  
21 forced him to go to Tesanj. He was captured on the  
22 road and he was killed while digging on the  
23 front-lines.

24 Q. This did you learn from other prisoners?

25 A. Yes. And Ljubo came to collect some of his

1 things, if anything was left. When Ljubo came back --  
2 because Ljubo probably did not go to the front-lines, he  
3 probably handed over these prisoners to someone else.  
4 He would hand them over at the front to other soldiers  
5 and that was where the danger was.

6 Q. You spent most of the time in your cell,  
7 night and day. Did you ever see or hear or remember  
8 seeing or hearing something unusual during your stay at  
9 Kaonik; beatings, screams, sounds, speeches?

10 A. Very frequently, or relatively frequently.  
11 I did hear beatings rather far away in the other  
12 cells. Some people were tortured then in the  
13 corridor. We just listened when this was happening,  
14 when they were beaten up. But from my cell, two guys  
15 were taken out and beaten up.

16 Q. Do you remember their names?

17 A. Mustafa Hodzic and Almir Hodzic, Almir  
18 Hodzic. That has been imprinted in my memory because  
19 they beat them so fiercely that Almir had a serious  
20 spine injury. He is still alive, but he is suffering  
21 from the consequences of this spine injury.

22 Q. Did he tell you anything about what has  
23 happened to them?

24 A. You see, after such cries, we did not talk.  
25 We were quiet for hours. When a man comes in, he does

1 not talk. He has suffered terrible torture and fear.  
2 We hardly talked at all straight away, but afterwards  
3 then he would say that somebody had beat him using  
4 karate blows or judo hits and among other things this  
5 young man told me that even Zlatko had hit him once or  
6 twice as he passed by.

7 Q. What about you, were you personally beaten  
8 and mistreated, and by whom, if so?

9 A. I was mistreated every single moment. We  
10 were all mistreated. For instance, you see, a man  
11 comes in at 3.00 am. He wakes you up like a ghost  
12 demanding gold, "give me your gold", what do you do  
13 then? All this was mistreatment. I personally was not  
14 physically abused. I was not beaten, I was not  
15 beaten. I was not hurt by beating.

16 Q. You told us the commander's office was near  
17 to your cell. Who usually worked with Aleksovski? You  
18 mentioned a woman, was she a part of the staff or was  
19 she a prisoner, or what?

20 A. No, she was a woman employed there. She was  
21 the secretary in that office. She probably used the  
22 computer as well. Perhaps Zlatko did not know how to  
23 use it.

24 Q. Was there a Dzemo who did help Aleksovski as  
25 well in his job?

1           A.    Among others, there was this Dzemo.

2           Q.    What was he supposed to do in that context?

3           Which was his role?

4           A.    I do not know what his role was, but I do  
5 know that he mistreated people, that he provoked them,  
6 that he sang some songs which we did not like. You  
7 know, he kept the situation tense.

8           Q.    Which kind of songs?

9           A.    The songs -- the Croats do not have many  
10 songs. They have: "Here is the dawn, here is the day",  
11 we have Dzure and Boban, they just have two many songs,  
12 they just have folk songs that they know how to sing.

13          Q.    Did you remember listening to speeches or  
14 other hymns being played or being given, delivered in  
15 the camp?

16          A.    I did not listen to any hymns, but, you see,  
17 late at night when everything is quiet, they would  
18 sometimes send out very loud sounds or signals which  
19 would wake us up. These signals are unknown to me, was  
20 probably some kind of a loud speaker which produced  
21 this sound.

22                    All this was intended to intimidate us, to  
23 frighten us, to exhaust us, so as to prevent us from  
24 having a quiet sleep.

25          Q.    Were you registered by the Red Cross, and

1 when, if so?

2 A. Yes. I think it was on 24th April that the  
3 Red Cross registered us. I think it was 24th April.

4 Q. When were you released and in which  
5 circumstances?

6 A. We were civilians, and it was under those  
7 conditions that we were released. Those of us who  
8 registered as civilians.

9 However, the HVO soldiers were sitting there,  
10 Dzemo among them, in the evening, and they were  
11 talking, that in Zenica they only wanted soldiers for  
12 an exchange and not civilians, so who registered as  
13 a soldier, he would be exchanged and who did not, he  
14 would be lost. Some fell for this and so they stayed  
15 longer in this camp. They were probably afterwards  
16 exchanged even though they were not soldiers but were  
17 civilians.

18 MR. MARCHESIELLO: I have no more questions,  
19 your Honours. Thank you, Mr. Garanovic.

20 JUDGE RODRIGUES: I should like to ask the  
21 technicians to put on the screen the document which is  
22 on the ELMO, please. Can we see it on the screen?  
23 Thank you. I think we have to make it clear that the  
24 letter "A", the one next to the letter "B", is worth  
25 nothing, to avoid any confusion. I think this should

1 be done, do you not think?

2 MR. MARCHESIELLO: I fully agree with you,  
3 your Honour.

4 JUDGE RODRIGUES: Thank you.

5 Mr. Registrar, which exhibit number is it?

6 THE REGISTRAR: It is exhibit number 56.

7 JUDGE RODRIGUES: Very well, thank you.

8 I think there is no point in asking  
9 Mr. Mikulicic whether he wishes to begin the  
10 cross-examination now. We thank the Prosecutor for  
11 being so punctual, so we shall now have our lunch break  
12 and have a good lunch everyone.

13 (12.55 pm)

14 (The luncheon adjournment)

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1 (2.30 pm)

2 JUDGE RODRIGUES: After a week of work, we  
3 are well into half of this week, and I think that  
4 perhaps all of us are quite tired, but also satisfied  
5 with the work we have done. I think that these are two  
6 parameters of high quality work, but, at the end, we  
7 will be judged too. So we are going to resume our  
8 sitting and I think that we have to have the witness  
9 brought in, please, Mr. Usher.

10 (The witness entered court)

11 Good afternoon, sir. This morning you  
12 answered questions from the Prosecution. Now, you are  
13 going to answer questions put to you by the Defence  
14 counsel of Mr. Aleksovski.

15 Therefore, Mr. Mikulicic, you have the floor,  
16 sir.

17 MR. MIKULICIC: Thank you, your Honours. The  
18 cross-examination of Mr. Garanovic will be conducted by  
19 my learned colleague, Mr. Joka.

20 Cross-examined by MR. JOKA

21 Q. Your Honours, may it please the court, I am  
22 Mr. Joka, one of the counsel for the accused.

23 I would like to ask you some questions and  
24 I would like you to respond to them shortly and  
25 succinctly.

1                   First, I would like to correct -- I would  
2 like you to correct me if I misunderstood any of your  
3 statement given during your testimony.

4                   Is it true that in Stojkovici, when you were  
5 arrested, it was the HVO police who arrested you?

6           A.    Yes.

7           Q.    Is it true that you were also searched there  
8 by the HVO police?

9           A.    Yes.  When we were boarding the buses.

10          Q.    Is it also correct that you were escorted to  
11 the Kaonik facility by the HVO police?

12          A.    Yes.

13          Q.    Is it also correct that the HVO police took  
14 away your personal belongings there?

15          A.    Yes.

16          Q.    Is it correct that the person in charge in  
17 the hangar -- that is the HVO police was also in charge  
18 of the hangar where you were first brought in?

19          A.    I do not know that the HVO police was in  
20 charge of it.  It was not just a hangar, it was a camp  
21 and the person in charge there, by the logic of things,  
22 was the commander.

23          Q.    Let us leave alone the logic of things -- no,  
24 I am talking about the first night when you were told  
25 to put your hands against a wall and things like that.

1 A. Yes, that was the HVO police who did this.

2 Q. Is it also true that the HVO police also  
3 registered you when you first arrived in the camp?

4 A. Yes. There were the HVO police and the HVO  
5 military there, so they were all there.

6 Q. In other words, we are talking about the HVO  
7 units?

8 A. Yes.

9 Q. Very well, now that we have determined that,  
10 I would like to take you to the place where you  
11 described how this compound looked. You talked about  
12 the bend and the building around the bend to the  
13 right. You also mentioned the HVO in that connection?

14 A. You probably refer to the barracks building,  
15 when you turn towards Busovaca. There to the right, on  
16 the right-hand side, there was a barracks where the HVO  
17 soldiers were stationed.

18 MR. JOKA: That is correct.

19 Could we please see the photograph which was  
20 offered into evidence by the Prosecution, where the  
21 witness marked the buildings under "A" and "B"?

22 If we could use that picture for the witness  
23 to also identify these barracks. Thank you.

24 (Handed).

25 If you could, please show us on this

1 photograph this building.

2 A. (Indicating on photograph). The barracks is  
3 on the road from Kaonik to Busovaca and there is  
4 a right turn off and this is the barracks here.

5 Q. Could you, please, mark it and put the next  
6 letter in the alphabet -- that is the letter "C" --  
7 next to it?

8 A. Shall I circle it?

9 Q. Yes, please.

10 A. (Witness marked photograph).

11 Q. You can also mark it with the letter "C".  
12 Thank you.

13 Could you tell us, do you know which units  
14 were in these barracks?

15 A. The HVO.

16 Q. Thank you, I am finished as far as the  
17 photograph is concerned. I would like to move on to  
18 the next area.

19 Except for the HVO units, regardless of  
20 whether it was the military or police, did you see any  
21 guards around this building?

22 A. During my stay, I was unable to see anyone  
23 there because it was around the bend and I never left  
24 to see it.

25 Q. Very well. Where you were staying, did you

1 see any guards there, in the building where this cell  
2 number 12 was?

3 A. The guards were always there.

4 Q. Now, were these the guards or the HVO troops,  
5 the soldiers?

6 A. These were the soldiers who were assigned to  
7 control this area, to guard posts, to guard duties  
8 there. Those were the HVO soldiers.

9 Q. So these were the HVO soldiers exclusively?

10 A. Yes, there were no prison guards. Not in the  
11 civilian sense of the word.

12 Q. Very well. You constantly use one term, you  
13 use the term "commander". Do you distinguish between  
14 "commander" and "warden" or "director"; is there  
15 a difference between the two?

16 A. Yes.

17 Q. Could you please describe it to us?

18 A. If he is a director he is like director of,  
19 let us say, a school. If he is a commander, he is  
20 a commander of some kind of military unit or military  
21 organisation. A director can be -- if you will, in  
22 this case, something like a civilian prison, as in this  
23 case.

24 Q. Very well, thank you. You explained how you  
25 understand it.

1                   You told the Trial Chamber how you knew of  
2 the commander, that you saw him in the garden of the  
3 correctional centre?

4           A.    No, it was not in the gardens. I saw him in  
5 passing in the hallway on the way to this garden.

6           Q.    Did you go to that garden?

7           A.    Yes. That is a very nice restaurant the  
8 there, so a lot of people went there to have coffee and  
9 such.

10          Q.    Now, who all went there?

11          A.    Citizens.

12          Q.    Do you know that the employees of the  
13 correctional centre, the police and the members of the  
14 secret police, can have access to this garden by  
15 showing their ID cards; in other words, it was not open  
16 to the public?

17          A.    No, that is not true. This was a public  
18 premise which was owned by the correctional centre and  
19 you, too, could go in there when you came to Zenica to  
20 have a cup of tea.

21          Q.    Let us go back to Zlatko Aleksovski. You  
22 said that when you first saw him that he was wearing  
23 a uniform?

24          A.    Yes, in the camp.

25          Q.    Of course, in the camp. Did he have any

1 insignia on his uniform?

2 A. I really do not remember that. I really do  
3 not recall.

4 Q. Do you know whether Zlatko Aleksovski had any  
5 kind of a conflict with any of the soldiers or guards  
6 regarding their visiting the prisoners, given that they  
7 were armed? Are you familiar with that or not?

8 A. I believe that Zlatko disproved -- disagreed  
9 with some actions of these soldiers, because any HVO  
10 soldier had a right to come there and say: "You know,  
11 somebody of my own was killed", then he could enter  
12 those cells and go and beat up on anyone. I think that  
13 there were times when Zlatko did not agree with such  
14 actions.

15 Q. When you said that you were not feeling well  
16 and you asked to be taken to the director to complain  
17 to him, he was not a director. When you went to Zlatko  
18 Aleksovski and when you complained about your surgery  
19 and the effects of it, was there discussion about  
20 getting a physician then?

21 A. Yes. I said that I needed a doctor. May  
22 I continue?

23 Q. Yes, please, go ahead.

24 A. I said: "Sir, commander, I need to see  
25 a physician. I have terrible pains, I have cramps in

1 my chest." He told me: "What was the surgery about?"  
2 Then I showed him the scar. He said: "You cannot get  
3 assistance here for your condition. There is not such  
4 a doctor here who can help you with this, so nobody  
5 here can give you the right assistance".

6 Then he turned to the soldier and he also  
7 told me: "You have this cramps and these pains because  
8 of the cold".

9 Q. Yes, you already mentioned that.

10 A. Then he told everything else that I related.

11 Q. And this is how you ended up in cell  
12 number 12?

13 A. Yes.

14 Q. Were you able to sleep there, and if you  
15 were, where did you sleep?

16 A. There were some boards -- in fact, there was  
17 more like these pallets and there was some kind of  
18 a fabric on top of these boards and one blanket, just  
19 a single blanket. That is where I slept, on those  
20 boards.

21 Q. So was that like an improvised bed?

22 A. Yes, an improvised bed.

23 Q. Was that a little better, better or  
24 significantly better than the conditions that you had  
25 previously?

1           A.    These presented better conditions because  
2 I do not think that I would have survived. I think  
3 that I would have committed suicide in the other  
4 there.

5           Q.    You said that there were also two Croats  
6 there, two soldiers, two HVO soldiers?

7           A.    Yes, two soldiers.

8           Q.    Did they have different conditions from you  
9 in that cell?

10          A.    Our conditions did not intersect there.

11          Q.    So you had, what, the same treatment? Could  
12 you please explain?

13          A.    I was a prisoner. I was outside of the law.  
14 I think that they were protected by law. I was not  
15 protected by law.

16          Q.    No, no, no. My question was about the living  
17 conditions. Did you have -- did they have beds --

18          A.    No, no, no, we had the same conditions.

19          Q.    You mean food and everything else?

20          A.    No, the conditions were the same.

21          Q.    Very well, thank you. You told us about the  
22 little window through which you observed them a little  
23 bit and they observed you a little bit. Did you see  
24 through that little opening the guards in the hallway?

25          A.    The guards were always there, around near the

1 door.

2 Q. So there was not a moment when there were no  
3 guards in the hallway?

4 A. I never saw that there were no guards in the  
5 hallway.

6 Q. Very well, let us go back to your cell. Were  
7 the doors to your cell locked -- I mean closed?

8 A. How do you mean?

9 Q. In such a way that they could not be opened  
10 by anyone.

11 A. The door could not be opened from inside.

12 Q. Did you know how they were closed from the  
13 outside?

14 A. There was like a metal bar or a metal handle  
15 that would be opened.

16 Q. Was it like a sliding bar or something?

17 A. Something like that.

18 Q. So there was no lock?

19 A. No, there was no lock.

20 Q. Was there a key?

21 A. No, there was no key.

22 Q. Do you know where people who remained in the  
23 hangar received their food?

24 A. While they were in the hangar, they received  
25 their food in the hangar and when they went to dig at

1 the front-lines, I think that that is where I suppose  
2 they were getting their food.

3 Q. So that is an assumption?

4 A. Yes.

5 Q. In the future, I would just like you to stay  
6 within the realm of what you know positively and about  
7 what you just conjecture, please just say that you do  
8 not know.

9 A. Well, you asked me, so I answered the way you  
10 asked me.

11 Q. Very well. We are moving now to the forced  
12 labour issue. You talked about Ljubo, the policeman,  
13 who called people out and who selected them. Do you  
14 know unequivocally who put together these lists?

15 A. I do not know who compiled these lists.

16 Q. Thank you. Thank you.

17 A. But it was done in the office.

18 Q. No, my question was just who made them, not  
19 where they were made.

20 You also mentioned the tragic fate of  
21 Omer Lugonic; he was killed at the front-line?

22 A. Yes.

23 Q. Do you know that unequivocally?

24 A. I know that for sure.

25 Q. Is it something that others told you or you

1 have first-hand knowledge?

2 A. We knew quite a bit there, --

3 Q. Please, just answer. Was it something that  
4 you heard about or something that you actually  
5 observed?

6 A. On that day, Omer was taken -- Ljubo had  
7 selected me to go to the front-lines. However,  
8 a soldier engaged Ljubo in a conversation for a little  
9 while and I knew that I was unable to work, it would  
10 have been too hard for me, so I used those several  
11 moments that I had while this soldier was talking to  
12 Ljubo --

13 Q. Very well, Mr. Garanovic, you already told us  
14 this.

15 A. But I did not say this: I pulled back, by two  
16 metres about -- when Ljubo came back, I was not in the  
17 same place where I was when Ljubo first called me out.  
18 Then he turned around and he saw a man reading a book  
19 and this was Omer Lugonic. He was probably annoyed by  
20 that. He said: "You who are reading this book, you are  
21 coming with us". Then Omer told me that it was  
22 terrible on the front-lines, that the snipers were  
23 shooting there --

24 Q. No, I am just trying to ask you whether you  
25 know how he was killed, the circumstances in which he

1 was killed, not how he left.

2 A. Ljubo came back and he asked for Ljubo's  
3 belongings. The word came that he was killed by the BiH  
4 army.

5 Q. You are saying that you know about his death  
6 from what other people said?

7 A. Yes.

8 Q. You also said that at night you could hear  
9 screams, something that would be related to  
10 mistreatment or torture?

11 A. This was all part of the intimidation, part  
12 of driving people crazy.

13 Q. Were these screams from cells or from some  
14 audio tape?

15 A. I see.

16 Q. Just if you know this.

17 A. They had -- how can I call it -- they had  
18 loud speakers, so they would play some tapes very loud  
19 when it was very quiet, when it was silent.

20 Q. And you could distinguish between when this  
21 was played back and when it was alive?

22 A. No, these were horrible sounds. These were  
23 like dying sounds --

24 Q. Yes, but the first, second, third times, was  
25 it always the same?

1           A.    I do not know.  Once I could make out sounds  
2 like "cut his throat", "slit his throat".  I do not  
3 know whether it was the guard saying --

4           Q.    So you do not know whether this was going on  
5 for real or if this was a play-back?

6           A.    I think it was a play-back and it was done in  
7 order to intimidate us.

8           Q.    Do you know whether the guards, including  
9 this Ljubo, was at one point mobilised to go to the  
10 front-lines; do you know this?

11          A.    I think that they did go to the front-lines.  
12 Directly.

13          Q.    When was this?

14          A.    They went there often.  Among them, at the  
15 front-line, Anto Cakic was wounded.  I know that he was  
16 wounded at the front-line and I heard of others, both  
17 from the men in the cells that they were taken to the  
18 front-lines.

19          Q.    If I understood you correctly, that would  
20 also mean that some of the guards were wounded too?

21          A.    You mean in the front-lines of the guards?

22          Q.    Yes.

23          A.    Yes, they were.

24          Q.    Were any of the guards wounded in the Kaonik  
25 itself, if you know?

1           A.    I do.  There was a shell -- a shell was  
2 lobbed near the barracks and two of the guards were  
3 slightly wounded.  One I think had a head injury.  
4 I think the other had a leg injury.

5           Q.    Very well.  Thank you.

6                    I only have a couple more questions for you.  
7 You mentioned a certain Dzemo.  Do you know what his  
8 status was at Kaonik?  Was he an HVO member; was he  
9 a guard; a prisoner or something else?

10          A.    He was a bad guy who was their runner.  He  
11 probably had something in Zenica --

12          Q.    I am not asking whether he was a positive or  
13 negative character.  Do you know what his status was at  
14 Kaonik?

15          A.    I do not know what his status was.  I know  
16 that he was constantly provoking, intimidating,  
17 mistreating the inmates and he was driving us all  
18 crazy.

19          Q.    Do you know what his ethnic background is?

20          A.    I think he was a Bosniak.

21          Q.    Do you know what his religion is?

22          A.    He is nothing, but I think that he would be  
23 of -- that his religion would be Islam.

24          Q.    Could you please tell the Tribunal, do you  
25 still have a stone-cutting company?

- 1           A.    Now, I do.
- 2           Q.    Did you sell the one that you used to have
- 3 before?
- 4           A.    I sold it, but at a much lower price.
- 5           Q.    What year did you sell it, please?
- 6           A.    Excuse me, I did not understand that.
- 7           Q.    What year did you sell it?
- 8           A.    This was last year.
- 9           Q.    To whom did you sell it?
- 10          A.    To the person who was there, to Ratko
- 11 Strukar.
- 12          Q.    Is that the same young man you mentioned
- 13 before?
- 14          A.    Yes.
- 15          Q.    Were you an eye-witness or in a way present
- 16 when the first conflicts occurred in Travnik in October
- 17 1992?
- 18          A.    In October?
- 19          Q.    Yes, when the first conflicts broke out
- 20 between the HVO and the BiH army?
- 21          A.    I did not travel to Travnik very often.
- 22 I usually went to Zenica. I did not belong to the BiH
- 23 army or any other military organisation.
- 24          Q.    Did you ever wear a camouflage uniform?
- 25          A.    No.

1 Q. Of not a single military formation?

2 A. Not a single one.

3 Q. Will you please tell us, after having told us  
4 how, for almost a month, you managed to avoid going for  
5 forced labour?

6 A. Yes, indeed I managed to avoid it.

7 Q. Very well. Tell us, did that have anything  
8 to do with your health?

9 A. I used that too, in a sense, as an excuse.

10 Q. Let me ask you for your assessment. Did you  
11 manage not to engage in forced labour for a month  
12 because you were skilful or because you were so sick?

13 A. Both.

14 MR. MARCHESIELLO: Objection. This  
15 questioning requires a judgement. I am sorry, your  
16 Honours, I have to object to this sort of question  
17 which implies a judgement on the witness.

18 JUDGE RODRIGUES: Yes, I think that we should  
19 avoid any judgement on the testimony and the witness, so  
20 you can put the question but without any judgement.

21 MR. JOKA: Thank you, your Honour. I shall  
22 rephrase the question.

23 Did you go to cell number 12 because of your  
24 physical condition?

25 A. Yes.

1 Q. One further question only, does the name  
2 Rozika Kordic mean anything to you?

3 A. I think that people were saying that she was  
4 a doctor, but I really do not know. No, I do not  
5 know.

6 Q. You do not know that person?

7 A. No.

8 MR. JOKA: Your Honours, I have no further  
9 questions. Thank you.

10 JUDGE RODRIGUES: Thank you too. Any  
11 additional questions?

12 MR. MARCHESIELLO: Your Honour, yes, I have  
13 some additional questions related to the  
14 cross-examination we have heard now.

15 Re-examined by MR. MARCHESIELLO

16 Q. First of all, Mr. Garanovic, I know you  
17 already answered that, but I would like you to state  
18 again, after having been cross-examined, from whose  
19 office was the sheet of paper taken by Ljubo before he  
20 went to the cell to call off the names of those who had  
21 to go trench digging. Whose office was that, can you  
22 say it again to the court, please?

23 A. From the office of the commander,  
24 Mr. Zlatko Aleksovski.

25 Q. Thank you.

1                   Second question: you told the court about  
2 sounds that were heard and, according to you,  
3 intentionally transmitted during the night in order to  
4 intimidate and disturb the prisoners. Particularly,  
5 you said you had an opportunity to hear the sounds of  
6 somebody being slaughtered and voices saying:  
7 "Slaughter him, slaughter him".

8                   Again, can you say whether this was real or  
9 recorded -- whether all was recorded -- were these  
10 noises relating to something that was really happening  
11 that moment or whether they were registered and just  
12 transmitted for the same reasons you had mentioned  
13 before?

14           A.    I think that this was broadcast at that  
15 moment, but that the soldier who was in the corridor  
16 was saying: "Slaughter him, slaughter him". This was  
17 to frighten the inmates.

18                   JUDGE RODRIGUES: Excuse me for the  
19 interruption, but I think you want to say something.  
20 You have an objection?

21                   MR. JOKA: Yes, precisely, your Honour.  
22 I have an objection of the same nature. This time the  
23 witness is being asked something that we were overruled  
24 to ask; that is, his assessment of the situation.

25                   JUDGE RODRIGUES: Yes, I think it is

1 necessary to put a precise question regarding the facts  
2 rather than the opinions. I think that this applies to  
3 both the Defence and the Prosecution. Therefore,  
4 I think it is not a good idea to ask: "what is your  
5 opinion", but: "what do you know about" this or that.

6           Would you please continue, Mr. Prosecutor.

7           MR. MARCHESIELLO: Thank you, your Honour.

8 I agree and I will fully comply with what you say. Let  
9 me only underline that one thing is to ask a witness  
10 about an opinion about facts and the other thing is  
11 asking a witness about something that affects his  
12 morality and his moral attitude towards what he is  
13 experiencing.

14           Anyway, I will fully comply. I do understand  
15 and I share what you suggested.

16           My question can be restated in this way: were  
17 these sounds, these voices, and these phrases,  
18 transmitted through a microphone?

19           A. Through a loud speaker, a large, loud  
20 speaker, through a sound system.

21           Q. And could he hear other voices during his  
22 stay there in the night saying phrases different from:  
23 "I will slaughter him, slaughter him"? Did he have an  
24 opportunity to hear other voices saying something very  
25 precise as to Muslims, for example?

1           A.    Yes.  I was listening to a voice, a voice  
2 very similar to Kordic's voice, very similar.  That was  
3 at the very beginning.  I think this was --

4           MR. JOKA:  Objection, your Honour.  This goes  
5 beyond the cross-examination, the scope of the  
6 cross-examination.

7           JUDGE RODRIGUES:  The question goes beyond  
8 the scope of the cross-examination, Mr. Prosecutor.  So,  
9 please withdraw that question.

10          MR. MARCHESIELLO:  Thank you.  I will withdraw  
11 the question.  Thank you, Mr. President.

12          Another question relates to cross-examination  
13 and it is concerning the cell where the witness was  
14 taken after having shown his scar and explained his  
15 physical situation to Aleksovski.

16          The question is this: were those taken to  
17 that cell, all of them in bad physical conditions, did  
18 they have any problems with health?  First question.

19          A.    No.  Most of them did not have any health  
20 problems, aside from the mental condition, though there  
21 were people who were sick.  There was a man who needed  
22 haemodialysis, he was not in my cell but in another  
23 cell.  That was the situation, so that there were some  
24 people who were ill, but they were not given medical  
25 attention.

1 Q. People from your cell, was it people in your  
2 cell, were they taken to trench digging as well as  
3 people from other cells?

4 A. Yes. Mostly -- most of them, more or less  
5 all of them.

6 MR. MARCHESIELLO: Thank you. No other  
7 questions.

8 JUDGE RODRIGUES: Mr. Garanovic, the noise you  
9 referred to that was reminiscent of a loud speaker or  
10 a tape being played, did it always come from the same  
11 direction and from the same spot?

12 A. Yes, from the same direction and from the  
13 same spot. It was there somewhere within that hangar.

14 JUDGE RODRIGUES: Therefore, the direction  
15 from which it came did not change, or did it change  
16 sometimes?

17 A. No, it did not change, it did not change. It  
18 always came from the same direction.

19 JUDGE RODRIGUES: Thank you.

20 You have completed your testimony. We thank  
21 you very much for having come and a safe journey home.

22 A. Thank you.

23 (The witness withdrew)

24 JUDGE RODRIGUES: Mr. Meddegoda, I think you  
25 are getting ready for the next witness.

1                   MR. MEDDEGODA: Your Honours, before the next  
2 witness is brought into the court, I am compelled to  
3 make an application on behalf of the witness. The  
4 witness, your Honours, is witness number 6 on the  
5 inventory of witnesses filed, dated 23rd February.

6                   On his behalf, your Honours, I am seeking  
7 protective measures; I am seeking, your Honours, that  
8 the witness be assigned a pseudonym and also that the  
9 image of his face be distorted during the course of his  
10 testimony. We have indicated that we would be applying  
11 for these protective measures to Mr. Mikulicic and  
12 I understand -- I believe that learned Defence counsel  
13 has no objection to my application and, therefore,  
14 I submit that your Honours be pleased to grant the  
15 protective measures I am seeking in respect of this  
16 witness.

17                   JUDGE RODRIGUES: Mr. Registrar and the usher,  
18 will you wait for a moment, we still have not decided.

19                   I want to ask you, Mr. Mikulicic, whether you  
20 have any objection or not to this application?

21                   MR. MIKULICIC: Your Honour, the Defence has  
22 no objection.

23                   JUDGE RODRIGUES: In that case, Mr. Registrar  
24 and the usher, you may continue to take the necessary  
25 steps, please.

1 (The witness entered court)

2 Good afternoon, sir.

3 A. Good afternoon.

4 JUDGE RODRIGUES: It is the president who is  
5 speaking to you. You are going to read the statement  
6 that the Registrar is going to give to you, please.

7 A. Yes. I solemnly declare that I will speak  
8 the truth, the whole truth, and nothing but the truth.

9 JUDGE RODRIGUES: You may be seated. You can  
10 put your headphones on like this, on top of your head.

11 A. That is better now, thank you.

12 JUDGE RODRIGUES: Thank you for coming here  
13 to appear before the International Criminal Tribunal.  
14 You are going to answer questions put to you by the  
15 Prosecutor, Mr. Meddegoda.

16 MR. MEDDEGODA: May I proceed, your Honours?

17 JUDGE RODRIGUES: Yes.

18 WITNESS I

19 Examined by MR. MEDDEGODA

20 Q. Witness, before you testify, I would ask you  
21 to look at the sheet of paper and confirm whether the  
22 name which appears on this is your name or not.

23 May this be shown to the witness, your  
24 Honours? Thereafter it may be shown to learned counsel  
25 for the accused. (Handed).

1 A. Yes, that is my name.

2 THE REGISTRAR: It is exhibit number 57.

3 MR. MEDDEGODA: I tender that exhibit under  
4 seal, your Honours.

5 JUDGE RODRIGUES: Please continue,  
6 Mr. Meddegoda.

7 MR. MEDDEGODA: Witness, in the course of  
8 these proceedings, you will be referred to as  
9 "Witness I".

10 Witness, could you please state to this court  
11 what your ethnicity is?

12 A. I am a Bosniak, of Muslim faith.

13 Q. What is your age?

14 A. I am 50.

15 Q. Thank you. Witness, I am taking you to the  
16 events of April of 1993. Do you remember the 14th day  
17 of April 1993?

18 A. Yes, I remember.

19 Q. Do you remember what you did on that day?

20 A. On the 14th in the morning at 6.00, six of  
21 us, six trucks went towards Metkovic for goods, trucks  
22 with trailers.

23 Q. Were you able to reach Metkovic that  
24 morning?

25 A. No, we were not.

1 Q. How far were you able to proceed?

2 A. Thirty kilometres from Zenica.

3 Q. And where would that be, 30 kilometres from  
4 Zenica, where would that be?

5 A. We were stopped just outside Novi Travnik,  
6 locality called Stojkovici.

7 Q. Who stopped you in Stojkovici?

8 A. We were stopped at Stojkovici by the army of  
9 the HVO, the HVO army.

10 Q. How did you know it was the HVO army?

11 A. They were in camouflage uniforms and wore HVO  
12 insignia.

13 Q. Do you remember, about how many soldiers were  
14 there at the point you were stopped?

15 A. There were four to five soldiers.

16 Q. At about what time was it in the morning when  
17 you were stopped?

18 A. It was exactly 6.50 am.

19 Q. What happened after you were stopped by the  
20 HVO soldiers?

21 A. When we were stopped, we were ordered to park  
22 the trucks on the left-hand side of the carriageway.  
23 There were large meadows there and we parked the  
24 trucks. We got out and, under escort of those  
25 soldiers, we were taken up to a place called Kace.

1                   These were sheds of the former army. There  
2 was a compound with a big gate to it and we were taken  
3 there.

4           Q.    Were all of you taken to this compound?

5           A.    Yes, all of us were taken there.

6           Q.    What happened after you were taken to that  
7 compound?

8           A.    When we got there, we were shut up in  
9 a container and there were some civilian prisoners  
10 there already.

11          Q.    How many civilian prisoners were there in the  
12 container at the time you were taken there?

13          A.    The container consisted of two parts: one  
14 part was narrower and the other was wider. In the  
15 wider part, one could hear voices of people who were  
16 imprisoned there and when we were brought there, there  
17 was about seven of us.

18          Q.    In which part of the container were you  
19 detained? Was it in the wider part or the narrower  
20 part of the container?

21          A.    We were put in the narrower part of the  
22 container and there were 13 or 14 of us in that  
23 narrower part.

24          Q.    Do you remember the approximate size of this  
25 part of the container that you were put into?

1           A.    Well, the width could not have been more than  
2 one metre 30 and in lengths perhaps it was 180, not  
3 more than that.

4           Q.    Thank you. How long were you locked up in  
5 this part of the container?

6           A.    We spent the whole day there, so that in the  
7 evening one really could not stand it any more because  
8 the only way one could stay there was standing straight  
9 up, upright. Then in the evening I and another one of  
10 the prisoners, who was director of the mines in Zenica,  
11 went into a bus and we spent the night there, so that  
12 we left the container about eight o'clock in the  
13 evening. That was the first time we left it.

14          Q.    When you left the container, where were you  
15 taken to?

16          A.    When we went to the bus to spend the night,  
17 in the morning the drivers came for us and we were  
18 ordered to drive the trucks into the compound where we  
19 were.

20          Q.    What happened after the buses were driven  
21 into the compound where you were?

22          A.    Could you please repeat the question?

23          Q.    What happened after the buses were driven  
24 into the compound where you earlier were detained?

25          A.    Transport -- city transport bus was brought

1 there that evening, probably to provide more space for  
2 those people in the container, so that they could sit  
3 there instead of standing upright, as I said. So we  
4 spent the night in that bus. Then in the morning, we  
5 were told to fetch our trucks and drive them into the  
6 compound of the barracks, which was the barracks of the  
7 former Yugoslav army.

8 Q. About how many people were taken to the  
9 barracks of the former Yugoslav army?

10 A. There was at least 50 of us in that  
11 container, at least 50 there was.

12 Q. And do you know where these barracks were  
13 situated?

14 A. If you are referring to the sheds of the  
15 Kaonik prison, but I am talking about the container  
16 where we were held.

17 Q. Yes, so from the container, were you taken  
18 elsewhere?

19 A. Yes. In the evening the bus came, after  
20 midnight this must have been. We were loaded on to the  
21 bus and from there we were taken to Kaonik, to the  
22 former barracks, also a military barracks. They took  
23 us there.

24 Q. Those were the barracks in Kaonik?

25 A. Yes.

1 Q. Who brought you to the barracks in Kaonik?

2 A. Well, of course, you know who; the HVO army.

3 Who else?

4 Q. Was the bus in which you were transported to  
5 Kaonik escorted?

6 A. Yes, it was.

7 Q. Who escorted the bus?

8 A. There was a car in front with HVO soldiers  
9 inside and behind us there was another car with HVO  
10 soldiers also.

11 Q. About what time of the night did you reach  
12 Kaonik barracks?

13 A. About 1.00.

14 Q. What happened upon reaching the Kaonik  
15 barracks, witness?

16 A. The bus stopped just in front of the shed and  
17 we were told to get out and enter. Inside there were  
18 at least 150 people held prisoner.

19 Q. What happened when you entered this building  
20 in the Kaonik barracks?

21 A. As soon as we got there, we were told to line  
22 up against the wall; to raise our hands up for them to  
23 search us to see whether we had any weapons or knives,  
24 and that is what we did.

25 Q. Were you searched as well?

1 A. I was.

2 Q. And after the search, what happened?

3 A. After we were all searched, we were pulled  
4 aside, we were told to move to the side and that is  
5 what we did.

6 Q. Were your personal details taken down at the  
7 barracks thereafter?

8 A. Yes, they were taken.

9 Q. Who took down your personal details?

10 A. This was just a regular person in uniform,  
11 I guess. He was a soldier and he was sitting at a desk  
12 and taking down our data.

13 Q. Did you see any others in HVO uniform at that  
14 moment?

15 A. No. As he was taking our data, there were  
16 two men in front of the door and when we got there,  
17 there were at least seven or eight there.

18 MR. MEDDEGODA: Your Honour, may I seek  
19 permission to show the witness an aerial photograph of  
20 the camp, which is already admitted into evidence, your  
21 Honours? (Handed).

22 JUDGE RODRIGUES: Number?

23 THE REGISTRAR: It is exhibit number 58.

24 JUDGE RODRIGUES: It is Exhibit 58; right?

25 THE REGISTRAR: Yes.

1 JUDGE RODRIGUES: Thank you.

2 MR. MEDDEGODA: Witness, would you please look  
3 at the exhibit on the ELMO and point out the place  
4 where you were ordered to get off the bus when you were  
5 brought to Kaonik that night?

6 A. How shall I show it?

7 Q. You may use one of the highlighters --

8 A. Here. (Indicating on photograph).

9 Q. I would ask you to circle the building to  
10 which you went in first.

11 A. This is where we were brought. (Indicating  
12 on photograph).

13 Q. Could you please circle that and please place  
14 the letter "A" beside that building?

15 A. (Witness marked photograph).

16 Q. So it was to that building that you were  
17 first brought upon reaching Kaonik camp?

18 A. Yes.

19 Q. And it was in that building that you were  
20 searched -- you, together with the others -- and  
21 registered?

22 A. Yes.

23 Q. Now, witness, could you tell this court, you  
24 were brought in the night; what happened the following  
25 morning?

1           A.    As soon as we arrived there, and after we  
2 were registered and our belongings were taken away from  
3 us, they immediately took us -- not all of us but about  
4 20 or 30 of us, we were placed in a vehicle and we were  
5 taken to dig trenches.

6           Q.    How many of you were taken to dig trenches?

7           A.    In my group, it was one truckload, that was  
8 25 to 30 persons. This was a village called Jelinak  
9 and that is where I went to dig throughout this  
10 period.

11          Q.    For how long did you have to dig trenches  
12 upon being taken to Jelinak?

13          A.    We always went digging early in the morning,  
14 pre-dawn, and until it was dark, so that means if we  
15 left early in the morning, we would come back after  
16 dark. If we went early in the morning, that would be  
17 before the dawn, we would just dig all day long.

18          Q.    On how many occasions were you taken to  
19 Jelinak for trench digging?

20          A.    I was taken there almost daily, until the  
21 moment when I was wounded on the front-line.

22          Q.    On all those occasions, were a group of  
23 prisoners taken together with you?

24          A.    They were simply coming and selecting people  
25 who they wanted to -- first they would go for -- ask

1 for volunteers. If there were none, they would say:  
2 "You, you, you, you and you". We would have to go and  
3 dig.

4 Q. Who would select the prisoners in that way?

5 A. He would simply come in, he would approach us  
6 as we were sitting on those pallets and he would say:  
7 "you, you and you". He would select a group and we  
8 had to follow him.

9 Q. Who is it that would say: "You, you and you",  
10 approaching the prisoners?

11 A. Of course, this would be a soldier, their  
12 soldier, an HVO soldier in a camouflage uniform, and he  
13 would select us and take us to dig.

14 Q. You said that you were taken daily until the  
15 day you got wounded.

16 A. Yes.

17 Q. Could you describe to this court the incident  
18 in which you got wounded when you were taken trench  
19 digging?

20 A. In the night between 20th and 21st, we went  
21 digging with that group and it was four of us, at this  
22 location we were supposed to dig. Two of them were  
23 separated out from us, or put us about 20 metres  
24 apart. This was on the edge of the village of  
25 Jelinak.

1                   They told us to dig a trench about two by  
2 three metres and we spent digging it almost the entire  
3 night, until we started hearing shells, the shelling  
4 was starting. So, at that moment, we started running.  
5 We came into the village of Jelinak and I guess their  
6 command post was there -- you know, some kind of panic  
7 ensued. An HVO soldier came up and he said: "Just line  
8 them up against a wall. We have nothing else to do  
9 with them, let us shoot them".

10                   Then an old man said: "Please do not, for  
11 Christ's sake, do not." He swore at Christ but then he  
12 changed his mind. He said: "turn around". We did. He  
13 told us to sit down and we did. He told us to sit  
14 down.

15                   Then another soldier came and gave us a pack  
16 of Corona cigarettes: "I know that you drivers like to  
17 smoke Marlboro, but we do not have it, so Corona will  
18 do". We each took a cigarette, lit it up, asked for  
19 some water because we were not receiving water over  
20 there. That is there was some water where we were  
21 digging, but there were, among the soldiers, those who  
22 allowed us to drink water, but certain soldiers in  
23 this -- I noticed one in a camouflage uniform and  
24 I noticed that they were afraid of him.

25                   So, when we would ask of him to drink water,

1 he would never give us, but when he would move away, 15  
2 or 20 metres, they told us: "Go on now, drink".

3           At that time when they did not shoot us, they  
4 took us down towards Loncari and back towards the camp  
5 and there was a vehicle coming, Praga coming from the  
6 direction of Loncari with this fragmentation bullets.  
7 At that time they said: "lie down, because it is  
8 dangerous". At that point I was hit and wounded in my  
9 hand.

10         Q.    You said you were wounded on your hand, is  
11 it?

12         A.    Yes.

13         Q.    On which hand were you wounded?

14         A.    The right hand.

15         Q.    What happened after you were wounded on the  
16 right hand?

17         A.    After I was wounded, the HVO soldier took  
18 a bandage and bandaged my hand. When we reached the  
19 barracks, we were taken to where the cells were.  
20 I later heard that these were the solitaries and  
21 I spent about three or four hours there with another  
22 wounded person who was also wounded as I was, but over  
23 on the other side.

24                When it dawned -- when the morning came  
25 around 8.00 or 9.00 o'clock, I was taken to the

1 infirmary.

2 Q. You said you were brought back and you were  
3 taken to the cells. Now, could you -- would you be  
4 able to identify the building in which the cells were,  
5 looking at the photograph that is on the ELMO?

6 A. Yes, sure.

7 Q. Would you please look at the photograph,  
8 witness, and, using the pointer, could you please point  
9 out the building to which you were taken after being  
10 wounded?

11 A. Should I circle it?

12 Q. Yes, please. Go ahead. Using a highlighter  
13 marker pen could you please circle the second building  
14 to which you were taken to after being wounded?

15 A. Right. It is this one. (Witness marked  
16 photograph).

17 Q. Could you please mark that building with the  
18 letter "B"?

19 A. (Witness marked photograph).

20 Q. In the cell that you were put into, were  
21 there others detained in that cell?

22 A. No, it was only the other person who was  
23 wounded and myself, and the cell in which we were put  
24 was the solitary cell and that is where I was and the  
25 person who was wounded in the back.

1 Q. Do you know the name of the person who was  
2 wounded in the back?

3 A. I do not, but I know that he is somewhere  
4 from the Tesanj area. I used to know his name, but  
5 I cannot recall it any more.

6 Q. Do you know the circumstances under which he  
7 was wounded in the back?

8 A. It was always during the digging and while  
9 they were withdrawing, he was hit with a shell fragment  
10 and wounded in the back.

11 MR. MEDDEGODA: May I have your Honour's  
12 permission to show the witness an extract from P4?  
13 These have been exhibited before. There are copies for  
14 your Honours and my learned friend. (Handed).

15 THE REGISTRAR: It is exhibit number 59.

16 MR. MEDDEGODA: Could you please place that on  
17 the ELMO, usher?

18 Witness I, could you please look at the map  
19 that is on the ELMO. Carefully look at that map.  
20 Could you, please, point out the place, the village  
21 Jelinak where you said you were taken for trench  
22 digging?

23 A. (Witness marked map).

24 Q. Could you please circle that area and mark it  
25 with the letter "A"?

1 A. (Witness marked map).

2 Q. It was whilst trench digging in that area  
3 that you got wounded in your right hand?

4 A. Yes, as we were withdrawing. I was wounded  
5 in the village of Loncari, as we were already going  
6 back to the camp.

7 Q. Thank you. Thank you, Mr. Usher.

8 Witness, you said you were brought back to  
9 the camp and put into a cell; what happened after you  
10 were put into that cell?

11 A. When the time came, that is when the HVO  
12 soldier came to get me and the other person who was  
13 there with me. He took us in a vehicle to Busovaca, to  
14 this health centre. I was put in a cast, on my open  
15 wound, and I was told to go back into the vehicle, that  
16 I was not allowed to walk around. I had to wait for  
17 this colleague of mine.

18 They could not find the shrapnel in his back,  
19 so they did not do anything to him. When we came back  
20 I was placed in cell number 5.

21 JUDGE RODRIGUES: Mr. Meddegoda, is there  
22 a chance of you finishing the examination-in-chief by  
23 four o'clock?

24 MR. MEDDEGODA: Your Honours, I may go  
25 a little beyond four o'clock. Maybe five or 10 minutes

1 beyond four o'clock, not more than that, if your  
2 Honours would permit me.

3 JUDGE RODRIGUES: Very well. I think that it  
4 would be a good idea to have a break for the benefit of  
5 the interpreters and ourselves as well. We will resume  
6 work at 4.10 pm.

7 (3.50 pm)

8 (A short break)

9 (4.10 pm)

10 JUDGE RODRIGUES: Mr. Mikulicic, would you  
11 like to take over -- no, no, I am sorry. I beg your  
12 pardon, we had not finished with the examination in  
13 chief. Mr. Meddegoda.

14 MR. MEDDEGODA: Thank you, your Honour.  
15 I will not take very long, your Honours.

16 Witness I, before the recess, in answer to my  
17 question, you said to this court that from the health  
18 centre you were brought back and put into cell  
19 number 5?

20 A. Yes.

21 Q. You were put into cell number 5; were there  
22 others in that cell?

23 A. Yes, there were two soldiers of the BiH army  
24 imprisoned there.

25 Q. Do you remember the condition of those two

1 soldiers who were in that cell?

2 A. Yes, I remember. They were beaten up more or  
3 less, beaten up.

4 Q. Did you have occasion to speak to the two  
5 soldiers in that cell?

6 A. No, they did not want to talk. They did not  
7 trust me, they did not know who I was.

8 Q. Where did you observe injuries, or where were  
9 they beaten, on which part of their bodies were they  
10 beaten, from what you saw?

11 A. Their back, their face, their arms, their  
12 whole body.

13 Q. So, for how long were you in that cell,  
14 witness, in cell number 5?

15 A. Five or six days.

16 Q. Do you remember anything in particular  
17 happening to you whilst you were in that cell?

18 A. When I came from the health centre my hand  
19 was in a cast and the next day, or maybe even the day  
20 after, the door opened and a soldier in uniform  
21 entered. He just looked at me and he hit me real hard,  
22 so that I had a bruise, black eye, for almost two  
23 months.

24 Q. Who was the soldier who hit your eye?

25 A. He was their soldier but I do not know his

1 name. They asked me if I could recognise him, but I do  
2 not know.

3 Q. Who asked you if you could recognise the  
4 soldier?

5 A. One morning a guard came, the guard of the  
6 cells and he told me that the commander needed me, so  
7 I went -- he was taken -- I was taken to the place  
8 where the gentleman was sitting and he asked me whether  
9 I had hit myself while digging with a shovel or with  
10 a pickaxe. "No", I said, "I was hit in the cell".

11 Q. How did you know that the person who  
12 questioned you was the commander?

13 A. The guard who came for me, he said that we  
14 had to go -- I had to go and see the commander, he  
15 wanted to see me.

16 Q. Did the commander introduce himself to you?

17 A. No. As soon as I entered the office, I know  
18 where it was I entered, and the man who brought me  
19 said: "There you are. You have to go and see so and  
20 so".

21 Q. In relation to your cell, to cell number 5,  
22 where was the commander's office? Was it in the same  
23 building or was it in a different building?

24 A. In the same building. In the same building,  
25 off the corridor.

1 Q. So, how did you respond to the commander's  
2 question?

3 A. He asked me whether I had hit myself with  
4 a shovel or a pickaxe while digging and I said: "No",  
5 that I had not hit myself, but that I had been hit by  
6 one of the HVO soldiers who simply entered the cell and  
7 hit me.

8 Q. Did the commander ask you any further  
9 questions?

10 A. No, he did not.

11 Q. Now, witness, would you be able to describe  
12 the physical appearance of the commander whom you saw  
13 in that office that day?

14 A. Of course I would.

15 Q. Could you please, to this court?

16 A. The man who received me?

17 Q. Yes, the man who received you in the  
18 commander's office.

19 A. There he is over there, sitting there.

20 JUDGE RODRIGUES: Mr. Registrar, has it  
21 entered the record that the witness has pointed in the  
22 direction of Mr. Aleksovski?

23 JUDGE VOHRAH: Mr. Prosecutor, I do not think  
24 you clarified how the witness was hit by the soldier  
25 who entered the cell, was it by his fist --

1                   MR. MEDDEGODA: Very well, your Honour, I will  
2 go back to that issue.

3                   Now, witness, I will take you back to the  
4 incident where you were hit by a soldier. Would you  
5 tell this court -- now, you said you were in cell  
6 number 5 that day; is that right?

7           A. Yes. I came from the health centre and they  
8 took me to cell number 5. The next day, or the day  
9 after, the door opened. This HVO soldier entered. We  
10 were sitting down on these planks nailed together, and  
11 he simply entered and hit me with his left hand against  
12 my right eye.

13          Q. Thank you, witness.

14                   Witness, when you were in the commander's  
15 office, you said to the commander -- that is the  
16 accused, to whom you pointed out a while ago -- that  
17 you were hit by a soldier; is that right?

18          A. Yes.

19          Q. To your knowledge, do you know whether any  
20 action was taken against the soldier who hit you in the  
21 cell, inside the cell?

22          A. I do not know that.

23          Q. Now, after that conversation with the  
24 commander, were you brought back to the cell?

25          A. I was.

1 Q. Were you brought back to the same cell that  
2 you were in earlier?

3 A. Yes.

4 Q. And what happened to you thereafter?

5 A. I was in the cell until I was released home.

6 Q. Witness, do you know when you were released  
7 from custody?

8 A. I think I was released on the 26th or the  
9 27th April 1993.

10 Q. Do you know the circumstances under which you  
11 were released from custody?

12 A. One of my colleagues, who is also a driver,  
13 he was wounded on the 22nd, and seriously wounded, so  
14 that he was transferred from Busovaca to Zenica to the  
15 hospital there and when the report came that he was in  
16 the hospital in Zenica, people started asking where we  
17 were, because nobody knew where we were, and when he  
18 told them that we were at Kaonik, the Red Cross came  
19 and the next day, or the day after, they released us,  
20 the six of us were released. But this driver who had  
21 been wounded, he was already in Zenica by then.

22 Q. Witness, do you know how this colleague of  
23 yours -- do you know how he was wounded?

24 A. He was also wounded in his right arm, but it  
25 was a very serious wound, so that his arm was in

1 special wires for five months. It was a very serious  
2 injury and that is why he was transferred to Zenica in  
3 the first place.

4 Q. Witness, I am taking you back to the hangar  
5 building that you were originally detained in. Do you  
6 remember the conditions in that building, the building  
7 which you marked with the letter "A"?

8 A. It is a hangar which is about 35 metres long  
9 and wide, between 18 and 20 metres, which has  
10 absolutely no partitions, just supporting concrete  
11 pillars. The floor was concrete too, but there was  
12 quite a bit of earth over the concrete and we had  
13 nothing to sit on.

14 We would go out to fetch these pallets.  
15 These are things used for transportation of goods, when  
16 loading on to trucks, and we would sit or lie on these  
17 pallets.

18 There was no toilet. The toilet was outside  
19 the building, across the path. It was made there. It  
20 was made by us prisoners as a latrine. There was no  
21 water. There was a barrel and a pail and that is how  
22 we drank water.

23 Q. Did you have heating inside the hangar  
24 building?

25 A. No, we had no heating. At the end of the

1 building was this barrel with holes in it and sometimes  
2 we could make a fire in it. One cannot certainly  
3 describe it as having been comfortable and warm.

4 Q. Witness, what about the conditions in the  
5 cell in which you were detained, the building which you  
6 marked with the letter "B"?

7 A. In this cell, the conditions were far better  
8 because when we were in that upper building there were  
9 a lot of people imprisoned there. When food was  
10 brought, there was a table of about two metres in  
11 length, and we would be given a fixed amount of time to  
12 eat. For instance, they would say: "In 20 minutes you  
13 have to finish your meal". Can you imagine, 200 men,  
14 when they rush to the table. I was in that building  
15 for maybe four or five days and all that I managed to  
16 get would be a piece of bread, as a meal.

17 Q. What facilities did you have for sleeping in  
18 the cell?

19 A. Those were just boards, nailed together, from  
20 one wall to the other. They were about 40 or 50 metres  
21 above floor level. They were like wooden boxes, and  
22 that is what we slept on.

23 Q. Witness, you said you were released from  
24 detention on 26th or 27th April 1993; and where were  
25 you taken to upon your release?

1           A.    To Zenica.

2                   MR. MEDDEGODA:  I have no further questions,  
3 your Honours.

4                   Before I wind up, I would like documents  
5 Exhibit 58 and 59, I would move that those documents be  
6 admitted into evidence, your Honour.

7                   JUDGE RODRIGUES:  Excuse me, Mr. Meddegoda,  
8 I did not understand your question.  Could you repeat  
9 it, please?

10                   MR. MEDDEGODA:  I marked two documents, your  
11 Honours, P58 and 59.  I move that those documents be  
12 admitted into evidence, your Honours.

13                   JUDGE RODRIGUES:  Yes, thank you.

14                   MR. MEDDEGODA:  Thank you.

15                   JUDGE RODRIGUES:  Mr. Mikulicic, we seem to  
16 have developed a habit to start with you, so you have  
17 the floor now.

18                   MR. MIKULICIC:  The Defence counsel is  
19 grateful, but colleague Joka will be cross-examining  
20 this witness.

21                                   Cross-examined by MR. JOKA

22           Q.    Your Honours, may it please the court.  First  
23 I would like that the witness be shown the exhibit  
24 number 58, the photograph of the Kaonik camp.  I would  
25 like to start my questioning by showing this photograph

1 first. (Handed).

2           May we now -- in this photograph, you  
3 identified two buildings?

4           A. Yes.

5           Q. You marked them with letters A and B and, as  
6 you can see, there are additional buildings here. Can  
7 you identify any additional buildings here?

8           A. No.

9           Q. You have a building by the road and you have  
10 several buildings behind the buildings A and B. You  
11 cannot identify a single one of them?

12          A. No.

13           MR. JOKA: Thank you. We have no further use  
14 for the exhibit number 58.

15           You stated to the Trial Chamber that it was  
16 six drivers who were arrested?

17          A. Yes.

18          Q. Among them was a driver named Cajdric?

19          A. Yes.

20          Q. Did he have money on him?

21          A. We all had money.

22           MR. MEDDEGODA: Your Honours, if I may  
23 interrupt my learned friend, may I submit to your  
24 Honours that because the witness has protective  
25 measures that the court be pleased to move into private

1 session with the names of the other colleagues being  
2 divulged in cross-examination, which would mean, in  
3 turn, that the witness's own identity might get  
4 revealed?

5 JUDGE RODRIGUES: Yes. Thank you,  
6 Mr. Prosecutor. I was aware of that. If we need to  
7 cite names, we better have a private session.

8 MR. JOKA: Your Honours, I think we can reach  
9 our desired statements without going into the private  
10 session. I think that I can ask my questions in such  
11 a way as not to reveal ... I am saying this for  
12 simplicity's sake.

13 JUDGE RODRIGUES: Yes. If we respect the  
14 requirement to protect the witness, we can continue in  
15 public session, can we not, Mr. Prosecutor?

16 MR. MEDDEGODA: Very well, your Honour, we  
17 could continue.

18 JUDGE RODRIGUES: In that case, you may  
19 continue, Mr. Joka.

20 MR. JOKA: I thank you for your drawing  
21 attention to the matter, and I will try to present in  
22 a manner where no names are mentioned.

23 Was there a colleague among the ones who were  
24 arrested with the money who gave his money to the  
25 safe-keeping of a Croat soldier?

1           A.    You see, we were over 200 in this hangar.  
2 I know what you are trying to ask me. 150 people were  
3 robbed, 150 people. They even took their clothes and  
4 footwear. I know what you are trying to ask me, sir.  
5 Let me tell you, when they placed me against a wall and  
6 started searching me, this man, Cajdric, he was  
7 a colleague of mine --

8           Q.    Just please do not mention his name. If I do  
9 not, please you do not.

10          A.    Very well, yes.

11                I do not know who this person was, whether he  
12 was a policeman or a soldier, but I know him. He asked  
13 him: "what are you doing here?" He said: "I was going  
14 to get some merchandise". It is true that this man  
15 said: "I have some extra money on me". He gave him the  
16 money and it is true that this money was then returned,  
17 but do not forget 150 people were robbed completely.

18          Q.    Could you tell us what amount that was?

19          A.    You mean how much money the driver gave to  
20 this man of yours?

21          Q.    It was not my man, it was just a man.

22          A.    I think it was 10 to 12,000 German marks.

23          Q.    Thank you. I will move on.

24                When you described the situation when you  
25 were digging trenches, you said to the Trial Chamber

1 that the HVO soldiers behaved in a different manner,  
2 for instance, some allowed you to drink water. But  
3 when there was a particular man present there, it  
4 seemed as if they, themselves, were afraid of him.

5 A. Yes. You understood that correctly.

6 Q. Do you know who that was?

7 A. No. I do not know who it was. I do not know  
8 this man, he was not a local.

9 Q. Was there anything special about this man  
10 that you can recall?

11 A. No. There was nothing like that. When we  
12 went digging, there were two or three guards who  
13 guarded us. It was -- most of it was done during the  
14 night-time.

15 Q. You said during the night of the 20th to 21st  
16 there was a shelling and everybody fled?

17 A. Yes. Everybody fled.

18 Q. Right. Did anybody stop you, you who were  
19 digging, were you prevented from fleeing in that  
20 initial phase?

21 A. Nobody stopped us because they were fleeing  
22 themselves. We just collected the shovels and ran.

23 Q. You said that after you were wounded you were  
24 placed in a cell and that two men who were there were  
25 BiH army soldiers?

1 A. Yes.

2 Q. How do you know they were BiH army soldiers?

3 A. You could not have had an HVO soldier in  
4 there.

5 Q. Is that an assumption of yours?

6 A. That is not an assumption, it is certainty.

7 Q. But did they tell you that?

8 A. Yes, they were told -- they told me this  
9 later.

10 Q. But you said that nobody wanted to talk to  
11 you?

12 A. At first nobody talked to me, but later when  
13 I was told that I would go, I even -- I even got some  
14 phone numbers to call people to tell them were certain  
15 people were.

16 Q. Were these two people in civilian clothes or  
17 in uniform?

18 A. They were dressed, sort of, sloppily.

19 Q. Can you explain to the Trial Chamber what  
20 "sloppily" means?

21 A. He has trousers -- shoes without laces, some  
22 kind of trousers and camouflage -- and a jacket.

23 Q. You know that a soldier and a civilian can be  
24 dressed sloppily. Can you explain what it was -- what  
25 it meant?

1           A.    Well, I think that it can happen to both the  
2 civilian and the soldiers.

3           Q.    I do not know what "sloppy" means.  In your  
4 sense of the word, what does it mean?

5           A.    Well, it is unmatched, it can be camouflage  
6 top or camouflage trousers and torn sweater or  
7 something.

8           Q.    Were there any insignia of rank there?

9           A.    No.

10          Q.    After you were wounded, were you, again,  
11 taken to dig trenches?

12          A.    No.

13          Q.    I would like to move on to the episode with  
14 the director or warden.  Did the director ask you  
15 explicitly whether you could recognise the HVO soldier  
16 who hit you?

17          A.    First of all, he was not my director and  
18 I did not know him.  Only the turnkey came to me.

19          Q.    I know that.  What did the man ask you?

20          A.    He told me: "Did you hit yourself while you  
21 were digging trenches with a shovel or a pickaxe?".  
22 I said: "No.  No, I was not hit with either a shovel or  
23 a pickaxe, but I received a blow from a soldier who  
24 opened the door, who entered and he hit me with his  
25 right arm" --

1 Q. But did the director ask you whether you  
2 could identify this soldier?

3 A. I told him that I could not identify him.

4 Q. So he did ask you?

5 A. Yes.

6 Q. Did the director ask you other things or was  
7 the discussion just regarding your injury?

8 A. He probably --

9 Q. Let us not deal in probabilities. Did he ask  
10 anything else?

11 A. He did not ask me anything else. He said:  
12 "can you recognise the man who hit you?". I said  
13 I could not, even though I could have recognised him,  
14 but for my own safety, I told him that I could not.

15 Q. Now, for my own sake, I am not sure whether  
16 I had understood this correctly, when you talked about  
17 your colleague who received the severe injury in his  
18 arm, did you say that he was transferred to the health  
19 centre at Busovaca and from there to the Zenica  
20 hospital?

21 A. I do not know where he was transferred,  
22 whether it was to the health centre in Busovaca or to  
23 the Zenica hospital, but once he was in the hospital,  
24 and when our people found out --

25 Q. Excuse me, what hospital?

1 A. The Zenica hospital.

2 Q. Very well. I would like now to move on to  
3 the conditions in the cells. How much food did you  
4 receive there?

5 A. When we were in the cells, we received food  
6 regularly.

7 Q. Where did you take your meals?

8 A. In the hallway.

9 Q. Sitting or standing?

10 A. Sitting down, at a table.

11 Q. How was the hygiene?

12 A. There was a toilet there.

13 Q. Were you prevented from going to relieve  
14 yourselves?

15 A. No.

16 Q. Were you able to wash up, wash your hands?

17 A. Yes, we could.

18 Q. Could you perform religious rights?

19 A. That I do not know.

20 Q. Were you ever present when anybody was  
21 mistreated, when anybody was beaten?

22 A. No.

23 Q. In the end, when you were exchanged, was the  
24 director present there?

25 A. Yes.

1 Q. Did you greet each other?

2 A. We did.

3 Q. How did you do that?

4 A. We shook hands. Everybody shook hands.

5 Q. Does the name Sehovic mean anything to you?

6 He is a merchant.

7 A. No.

8 Q. Apparently he was exchanged at the same time  
9 when you did?

10 A. That is probably the man who was among us in  
11 these six vehicles. He is probably their in-law.

12 Q. I think that is who you have in mind?

13 A. Yes, that is who I have in mind. He was  
14 there and he was released with us.

15 Q. It was another prisoner?

16 A. Yes, he was a civilian imprisoned.

17 Q. Whose in-law was he?

18 A. You know, the six of us who went to get that  
19 merchandise, he was, sort of, our escort and our guide  
20 and in charge of -- for getting this merchandise.

21 Q. Do you know whether this Sehovic, during the  
22 release, was taking some things to the director's  
23 mother-in-law?

24 A. That I do not know.

25 MR. JOKA: Your Honour, we have no further

1 questions to this witness.

2 JUDGE RODRIGUES: Mr. Meddegoda?

3 MR. MEDDEGODA: No further questions in  
4 re-examination.

5 JUDGE NIETO NAVIA: Someone hit you in your  
6 eye. You said he was an HVO soldier. After that,  
7 a guard came to ask you about that. Which was the  
8 difference between a soldier and a guard?

9 A. Not after that. That could have been a day  
10 or two later.

11 JUDGE NIETO NAVIA: What I want to know is:  
12 which was the difference between a soldier and a guard?

13 A. There was absolutely no difference. They all  
14 wore camouflage uniforms with the HVO insignia, and  
15 this turnkey who was there, I do not know if he was  
16 wounded, but he had it in a sling or something, so he  
17 was the guard of our cell.

18 JUDGE RODRIGUES: We have no more questions  
19 for you, sir. Thank you for coming. We wish you  
20 a safe journey home. Thank you.

21 A. Thank you too.

22 JUDGE RODRIGUES: Mr. Usher, can you please  
23 bring down the curtains?

24 (The witness withdrew)

25 MR. MEDDEGODA: My learned friend will be

1 taking the next witness, your Honours.

2 JUDGE RODRIGUES: Is he also a protected  
3 witness, Mr. Prosecutor?

4 MR. MARCHESIELLO: No, your Honour, he is not  
5 a protected witness.

6 JUDGE RODRIGUES: In that case, we should  
7 open the curtains and everything else. Thank you,  
8 Mr. Registrar.

9 MR. MARCHESIELLO: Can I ask your Honour's  
10 kindness, how many minutes I have left to start  
11 examining the witness?

12 JUDGE RODRIGUES: Well, we can begin, but we  
13 plan to end at 5.30. That is the usual time.

14 MR. MARCHESIELLO: Fine.

15 JUDGE RODRIGUES: Thank you for your concern,  
16 Mr. Prosecutor.

17 MR. MARCHESIELLO: I am sorry, I was wrong in  
18 thinking that the court would be sitting until 5.00.  
19 5.30 is all right.

20 JUDGE RODRIGUES: There is no problem.  
21 I make mistakes too. Never mind.

22 (The witness entered court)

23 Good evening, sir. Can you hear me well?

24 A. Yes, I do.

25 JUDGE RODRIGUES: You are going to read the

1 statement given to you by the usher, please.

2 A. I solemnly declare that I will speak the  
3 truth, the whole truth and nothing but the truth.

4 JUDGE RODRIGUES: You may be seated. Thank  
5 you for coming. You are now going to answer questions  
6 put to you by the Prosecutor, please.

7 A. Yes.

8 MEHO SIVRO

9 Examined by MR. MARCHESIELLO

10 Q. Good afternoon, Mr. Sivro, do you feel  
11 comfortable?

12 A. Good afternoon.

13 Q. Is it all right with you?

14 A. Yes.

15 Q. Can we start by stating your name, age, date  
16 and place of birth, please?

17 A. Yes. My name is Meho Sivro. I was born on  
18 15th October 1946 in Sivrino Selo, in the Vitez  
19 municipality.

20 Q. What is your nationality and faith, religion?

21 A. I am a Muslim. My religion is Islam.

22 Q. Would you please outline briefly for the  
23 court which kind of education you did have, which  
24 schools did you attend?

25 A. I completed the technical school in Zenica

1 for metals.

2 Q. Did you perform any military service and, if  
3 so, in which army and with which ranks?

4 A. Yes. I served in the JNA. Upon release,  
5 I was a sergeant, a reserve sergeant.

6 Q. Would you please give us a summary of your  
7 professional experiences after that, after you  
8 completed your studies. In which fields, which tasks  
9 and responsibilities, in which factories?

10 A. After I completed technical school, I worked  
11 in the corporation called Bratstvo and I was involved  
12 in the various jobs. Towards the end I was the  
13 co-ordinator of a group for mechanical research.

14 Q. Where is Bratstvo factory located?

15 A. It is in Novi Travnik, maybe 500 metres  
16 beyond Novi Travnik in the direction of the south.

17 Q. What do they produce there?

18 A. There are several plants; a plant of  
19 castings, then a plant for hydraulics, a plant for  
20 tractors and a special purpose factory.

21 Q. Did they produce military -- any weapons  
22 there?

23 A. That is what is implied when we talk of  
24 special purpose factory. It is weapons.

25 Q. Which was the proportion between Croats and

1 Muslims employees and workers there at Bratstvo?

2 A. Until the actual conflict, which means about  
3 12th April, we got on very well together. But already  
4 then, the Muslims were corrected in the way they spoke,  
5 they had to use Croat terms, and similar  
6 provocations of that kind.

7 Also, they had already loaded weapons and  
8 taken them away, but the other side was not allowed to  
9 do that because the managers, the sales managers were  
10 Croats, who enabled this to be done.

11 Q. How was the situation in your village, which  
12 I understand to be Sivrino Selo, as to the relations  
13 between the two groups?

14 A. Yes, it is called Sivrino Selo. Between the  
15 Muslims and the Croats in the area I lived in, Sivrino  
16 Selo leans partly on to Dubravice and I was very close  
17 with a Croat there, whose nephew is here in the  
18 Tribunal, he is called Furundzija, so you know him, and  
19 I would go there every week for a party and he would  
20 come to visit me.

21 We would talk, have drinks and we were really  
22 very close. The other women would come to visit the  
23 our women and we would exchange visits. Our relations  
24 were very good, even when I was captured. I think that  
25 this friend of mine wanted to help me and save me from

1 the camp, but he did not succeed.

2 Q. Thank you, Mr. Sivro. Can you tell the court  
3 what happened to you on April 14th 1993?

4 A. On 13th April I was not working because the  
5 situation had deteriorated and in the evening, about  
6 seven o'clock, a colleague of mine called me up,  
7 a Croat who used to work with me and said: "The  
8 situation has settled down and we can go to work".  
9 I believed him. However, in the settlement of  
10 Stojkovici, we were stopped by the HVO police. I am  
11 not sure whether it was the HVO army. Anyway, we were  
12 stopped. We all had to show our IDs.

13 Of course, the Muslims were separated to one  
14 side, the Croats to the other and I was among those who  
15 were separated and transferred to a nearby warehouse in  
16 Stojkovici which we are familiar with and we called it  
17 Kace. That is where I was imprisoned.

18 Q. Could you please explain, by which means were  
19 you travelling when you were arrested?

20 A. Every morning I went on foot for a kilometre  
21 from my village where the factory bus would come to  
22 pick us up and transfer us every day from Vitez, the  
23 railway station at Vitez to Novi Travnik.

24 Q. So the Croat which were travelling on the bus  
25 were able to reach the factory, they were allowed to go

1 on, on their way to Bratstvo?

2 A. No, no. They were returned.

3 Q. And where were you taken from, from there?

4 You say the same of the place --

5 A. You mean from the bus or from the camp?

6 Q. No, from the place where you were arrested.

7 You were taken to the camp. Which was the camp? Was

8 it a military camp?

9 A. Before the war, it was a military warehouse.

10 Since, they had already occupied it as their own, taken

11 possession of it as a military warehouse, probably.

12 Q. How -- did you recognise the soldiers or the

13 policemen who did arrest you and those who were at the

14 camp? If they were HVO, what kind of insignia did they

15 have and how were they dressed?

16 A. They were wearing camouflage uniforms with

17 HVO insignia but I did not recognise any one of those

18 who arrested me. I only recognised a soldier in the

19 camp. I would rather not mention his name for safety

20 reasons, but I think his name is mentioned in my

21 statement. He is a very well-known figure in Novi

22 Travnik.

23 Q. You mean his safety, not your safety,

24 I imagine?

25 A. My own. My safety. I am thinking of my own

1 safety.

2 Q. Did you find other persons detained on your  
3 arrival at the camp?

4 A. I did. But there were not many of them  
5 because I came there early, about 6.30. I did not look  
6 at my watch, so I do not know exactly, but as time went  
7 by more and more of them came so that by the evening on  
8 that day, there were about 50 of us.

9 Q. Were they all Muslims, were they all  
10 civilians?

11 A. I think they were, but not necessarily.  
12 There may have been a Serb among them.

13 Q. But anyway, they were all civilians, there  
14 were no soldiers among them?

15 A. All civilians.

16 Q. Can you tell us something about their average  
17 age?

18 A. I think between 18 and close to 70.

19 Q. So at the end of the day, how many of them  
20 did spend the night in the camp?

21 A. All of us. We all spent the night there.

22 Q. Yes, but how many, approximately?

23 A. Fifty-seven.

24 Q. Then what happened the day after? You spent  
25 all the day after at the camp?

1           A.    Yes.  We spent the whole day in a very  
2 crowded container.  There were a lot of us there.  The  
3 container was small, so that in the evening -- I think  
4 this was after midnight -- we were transferred by bus  
5 to Busovaca.  Seven of those people were released to go  
6 home.

7           Q.    From Busovaca, where were you taken?

8           A.    I was taken from the camp to dig trenches in  
9 the village of Jelinak.

10          Q.    After you left the camp and by bus, you said  
11 you were taken to Busovaca.  Would you be more precise  
12 about that, in Busovaca or near Busovaca?

13          A.    The camp in Busovaca, it is called Kaonik.

14          Q.    When did you arrive at Kaonik?

15          A.    It was after midnight.  I think it was about  
16 1.00 am, 10 or 15 minutes after 1.00.  They took all  
17 our watches away.  But anyway, it was after midnight.

18          Q.    Was it April 15th, the night --

19          A.    No.  If it was after midnight, then this was  
20 the 16th April.

21          Q.    So you arrived that night?

22          A.    Yes.

23                MR. MARCHESIELLO:  Now, Mr. Sivro, I am going  
24 to show you an aerial photograph of the camp.  Can it  
25 be introduced as usual?  Can it be numbered?

1 (Handed).

2 THE REGISTRAR: It is exhibit number 60.

3 MR. MARCHESIELLO: Will you put, please, the  
4 photograph on the ELMO, Mr. Usher?

5 So, Mr. Sivro, can you look at the photograph  
6 on your right?

7 A. Yes. I see it.

8 Q. So you said you arrived that night. Do you  
9 remember passing through a gate on entering the camp?

10 A. I do. We passed through the gate. We hardly  
11 stopped there at all and we reached a warehouse.

12 Q. Can you show us where that warehouse is on  
13 the map -- on the photograph?

14 A. I can. (Indicating on photograph). It is  
15 this one, this building here. This warehouse I am  
16 showing you with the stick.

17 Q. Can you mark it with the pen and put on it  
18 the letter "A", please?

19 A. (Witness marked photograph). I have marked  
20 the part in front of the building --

21 JUDGE RODRIGUES: Excuse me, Mr. Usher, could  
22 you please help the witness with his headphones, so  
23 that he can listen in comfort.

24 A. That is fine now, thank you.

25 MR. MARCHESIELLO: What happened then?

1           A.    All of us from the bus were put up in this  
2 hangar.  Of course, we had to immediately line up  
3 against the wall with our hands up and without saying  
4 anything at all or without moving.  We had to stand  
5 there for almost two hours, for roughly two hours.

6           Q.    Were you searched by the guards or the  
7 soldiers there?

8           A.    Yes, yes.  They ordered us to take out  
9 everything we had in our pockets; money, everything we  
10 had.  They threatened if anyone did not do as they were  
11 told, that they would be killed.

12          Q.    Did you have any money with you, or other  
13 personal belongings that you had to give to the  
14 soldiers?

15          A.    Yes.  I had some money.  I had a watch, a pen  
16 knife and a pencil.  They took all that.

17          Q.    Did you have rings on you?

18          A.    Yes, I said I had my wedding ring.

19          Q.    So, did you have to give it to the guards?

20          A.    We had to put it aside.  Of course, they took  
21 it for themselves.

22          Q.    When you say "they", you mean HVO soldiers --

23          A.    HVO soldiers, yes.

24          Q.    How were they dressing?  How did you  
25 recognise them as HVO soldiers?

1           A.    They had camouflage uniforms.  I did not see  
2 the HVO insignia because we did not dare look at those  
3 soldiers.  We had to turn our heads towards the wall  
4 with our hands up.  One of the soldiers shouted so much  
5 at us that we did not dare move an inch, not to mention  
6 turning our heads around to see -- at least I did not  
7 see.  I saw they were in camouflage uniforms, though.

8           Q.    Were there any other prisoners in the hangar  
9 when you did arrive there?

10          A.    Yes, yes, there were.  I think about 80 to  
11 100 prisoners were already there in the hangar.  They  
12 were almost all of them lined up against the wall.

13          Q.    Now I want to ask you, were you registered or  
14 were your names taken down and written down?

15          A.    Yes.

16          Q.    And by whom?

17          A.    There was some soldiers at a table and we  
18 moved one by one and they registered us.

19          Q.    Who did register you?  Who did take your  
20 names?

21          A.    HVO soldiers, but I do not know them.

22          Q.    In that occasion, were you given an  
23 opportunity to meet with the camp commander or warden?

24          A.    I was not, but this soldier who was shouting  
25 at us, he said, like this: "Whoever moves, don't you

1 dare move, because our commander is here. You have to  
2 be quiet". However, one of those in the previous group  
3 must have been on good relations with this soldier and  
4 he asked: "Who was the commander", all he answered, he  
5 was a fat man from Loncari, he just said "Aleksovski".  
6 I remember that name because it is a strange surname  
7 for us, it is usually a Macedonian surname. That is  
8 how it stuck in my memory.

9 Q. In saying that, did he point to somebody who  
10 was present in the hangar and was then supposed --

11 A. No, no. No, he did not.

12 Q. Can you describe more in detail, to whom you  
13 did give your name? Have you been -- did somebody  
14 interrogate you?

15 A. Yes, two soldiers were sitting there, one was  
16 writing things down, the other one was watching. They  
17 wrote down our names, first names, where we came from  
18 and that sort of thing. There was a great deal of fear  
19 amongst us so I do not remember very well all the  
20 things he asked us.

21 Q. Was the man who has been indicated as the  
22 commander sitting behind his desk?

23 A. I thought it was the commander, the one who  
24 was not writing down anything. I thought he must be  
25 the man in charge, so I did look at him a little. He

1 seemed to me to be fair, rather balding. I personally  
2 thought that he was the one.

3 Q. You do not think, or do you think you would  
4 be able to recognise him?

5 A. I would not.

6 Q. You have never had any other occasion to meet  
7 with the camp commander during those days?

8 A. I may have met him, but I did not know him.

9 Q. How long were you forced to stay in the  
10 hangar in that position, with your hands up and facing  
11 the wall?

12 A. I think for more than two hours.

13 Q. Then did you spend the night there in the  
14 hangar?

15 A. Yes. We spent it in the hangar in a corner,  
16 on the concrete. It was cold. I was not dressed very  
17 well, so I was freezing.

18 Q. Were you given food and if so, when?

19 A. Nothing until the next day.

20 Q. What happened the next day?

21 A. The next day they immediately took about 20  
22 men somewhere, but when they came back, they told us  
23 they went to dig trenches, because we did not know  
24 where they were taking them. Anyway, it was in the  
25 area of Bare.

1 Q. Who called the prisoners off in order to send  
2 them trench digging?

3 A. The names were called out by a soldier,  
4 a soldier.

5 Q. You mean an HVO soldier?

6 A. Yes.

7 Q. Did he read the names out of a list or just  
8 did he choose the prisoners at random?

9 A. The first time he read out the names and then  
10 the following days he did not read the names, he  
11 selected them.

12 Q. So, how long did you have to work trench  
13 digging that day?

14 A. I did not go to trench digging that day, but  
15 they went and they came back in the evening.

16 Q. Did all of them come back? Did all of those  
17 who had been chosen come back?

18 A. On that first day, I am not sure that they  
19 all returned, but the following days all of them did  
20 not return.

21 Q. You mean not all of them?

22 A. I did not understand the question.

23 Q. How many were missing?

24 A. The first time I do not know. But the  
25 following days, every time they came back someone was

1 missing. They said they were killed by a BiH army  
2 sniper or something like that.

3 Q. What do you mean by saying "they"?

4 A. The HVO.

5 Q. And how did the prisoners who had returned to  
6 the camp explain the fact that some of their fellows  
7 were missing?

8 A. They knew by name who was missing, so they  
9 would say, for instance, "those two were wounded and  
10 were transferred to the hospital at Nova Bila", so we  
11 thought that they were, indeed, transferred to Nova  
12 Bila; however, they are missing to this day.

13 Q. Now, let us go to your personal experience.  
14 How many times were you taken trench digging during  
15 your stay at Kaonik?

16 A. Twice.

17 Q. Where were you taken the first time?

18 A. I was taken to the village of Jelinak both  
19 times, both the first and the second time.

20 MR. MARCHESIELLO: May I introduce in evidence  
21 the map you already know, of the area, please?

22 (Handed).

23 THE REGISTRAR: It is exhibit number 61.

24 MR. MARCHESIELLO: Now, Mr. Sivro, would you  
25 please sign on the map the locations where you have

1 been taken trench digging with the pen?

2 A. (Witness marked map). Shall I mark it with  
3 the marker?

4 Q. Yes, mark it, please. While digging, or  
5 anyway working, were you exposed to fire from the  
6 opposing lines in the front?

7 A. Yes. On the first day while I was digging,  
8 we were led by a guard, an HVO soldier, through  
9 a clearing where five or six of us -- all of us could  
10 have got killed because a burst of fire was opened on  
11 us.

12 Q. Tell us about the second time you were taken  
13 trench digging. You said it was the same area, is it  
14 not?

15 A. Yes, it was the same village. On that day  
16 too, when we were in that village, the village was  
17 still burning. Some explosions could be heard. They  
18 said that they were bombs left behind by the Muslims,  
19 but it was obvious that it was the tiles or the  
20 concrete that was exploding.

21 I was close to a garage that was burning and  
22 there was coal inside. The concrete was red hot and  
23 obviously it was cracking too. They said that these  
24 were bombs that had been left behind by the Muslims.  
25 I mean the HVO soldiers said that, that these were

1 bombs and ammunition left behind.

2           The second time when I came to dig trenches  
3 it was during the night shift -- it was already dark,  
4 I do not exactly know what time it was -- until  
5 morning. If you want me to tell you all the details,  
6 I can.

7           Q. Yes, tell us the details.

8           A. When we got to the village of Jelinak on  
9 board of a truck, there were about 20 to 25 of us. We  
10 got off and then each of the guards or the soldiers  
11 would take two to three of us, as many as he needed.

12           My task was to dig trenches at the end of the  
13 village, together with another colleague, along  
14 a river. They told us not to dig a real trench, but  
15 like a hole, three by two metres and, with another tall  
16 man, I only know his first name -- so that we dug all  
17 night.

18           In the morning, maybe about 5.00 roughly, the  
19 BiH army started shelling the village. The Croats, the  
20 HVO, were prepared for defence, as if they knew, and  
21 they said that they knew that the BiH army would attack  
22 that morning. They were shelling. However, close to  
23 me not a single shell fell, but we asked if we could at  
24 least stop working so as to avoid being hit. However,  
25 they would not let us stop working, we had to go on

1 digging.

2                   In the morning, the attack started. The BiH  
3 army, we heard when they had brought what we call  
4 a tekbiyr. Panic started amongst the HVO soldiers. We  
5 were afraid too because if they came there, they would  
6 probably think that we were soldiers too and shoot us.

7                   So a guard who was responsible for us, he  
8 asked one of the commanders there: "What should I do  
9 with the prisoners?" Just then, another two arrived,  
10 probably from the nearby trenches. They were also  
11 digging. They joined us. I was the last to come out  
12 of this dug-out. Then the commander said that he  
13 should take us to Loncari and kill us all. I got  
14 frightened, of course. I thought it was the end, that  
15 we would all be executed and he took us through the  
16 village, the four of us.

17                   However, towards the end of the village of  
18 Jelinak a man stopped us and he asked this soldier who  
19 was escorting us what was his password. He sort of  
20 mumbled or he did not know, and he said that we should  
21 not be taken anywhere but executed right there next to  
22 a house: "Why should you waste time taking them  
23 anywhere else?" This house is not on the road, but it  
24 is slightly uphill and we reached that house and face  
25 turned towards the wall.

1                   But this man who was escorting us did not  
2 want to kill us there. However, from that house, a fat  
3 man emerged and he would not let him kill us. They  
4 quarrelled for about 10 minutes and then he ordered that  
5 we turn around. I am not sure whether it was this same  
6 man that gave the order because we were facing the  
7 wall.

8                   When we turned around, perhaps their command  
9 was there. Anyway, they apparently agreed not to kill  
10 us. He offered us cigarettes. I do not smoke. We  
11 asked for water. We were given water. We were there  
12 for about 10 minutes. Anyway, we were terrified. We  
13 thought that death was inevitable. One of us four --  
14 I do not remember exactly who it was -- he said to the  
15 rest of us to pray to God: "This is the end", and that  
16 is what we believed. However, the one who brought us  
17 there said we were going on.

18                   Since I had heard the previous order given to  
19 him, I kept thinking of how I could get out of this  
20 situation and a chance occurred --

21           Q.    I hate to interrupt you at this point, but --

22           A.    Never mind.

23                   MR. MARCHESIELLO: I think that -- it will  
24 probably -- I would like for him to go into details as  
25 to his personal experience and I would not like to

1 hurry him up. I hope your Honours will understand. It  
2 is not an easy story, even though it is short in terms  
3 of time, but I would like to --

4 JUDGE RODRIGUES: Yes, we understand very  
5 well.

6 I should like to say to the witness that we  
7 have to adjourn for the moment. Therefore, tomorrow,  
8 we will meet again here. I think it is 5.30 and it is  
9 time for us to adjourn until tomorrow.

10 (5.33 pm)

11 (The hearing adjourned until 10.00 am  
12 on Wednesday, 4th March 1998)

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