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2 THE INTERNATIONAL CRIMINAL TRIBUNAL CASE NO. IT-94-2-R61

3 FOR THE FORMER YUGOSLAVIA

4 IN THE TRIAL CHAMBER

5 Wednesday, 11th October 1995

6

7 Before:

8 JUDGE JORDA

9 (The Presiding Judge)

10 JUDGE ODIO BENITO

11 JUDGE RIAD

12

13 THE PROSECUTOR OF

14 THE TRIBUNAL

15 -v-

16 RAGAN NIKOLIC

17

18

19 MR. GRANT NIEMANN and Mme TERESA MCHENRY appeared on behalf of the

20 Prosecution

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24

25 Wednesday, 11th October 1995.

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1 THE PRESIDING JUDGE: [Original in French] We will restart. Counsel

2 for the

3 Prosecutor, you have the floor.

4 MR. NIEMANN: Thank you. Your Honour, might the witness Sead

5 Ambeskovic be brought in, please?

6 SEAD AMBESKOVIC, recalled

7 THE PRESIDING JUDGE [Original in French]: Mr. Ambeskovic,

8 please be seated. Can you hear the interpretation? Are

9 you hearing everything clearly?

10 THE WITNESS [Original in Bosnian]: Yes.

11 THE PRESIDING JUDGE: [Original in French] Did you have a good night's

12 sleep?

13 THE WITNESS: [Original in Bosnian] Thank you very much. I had a very

14 good night.

15 MR. NIEMANN: Mr. Ambeskovic, can you recall that back in

16 September/October of last year that Miss Hollis and

17 Mr. Paepen from the Prosecutor's office came to you and

18 took from you a statement?

19 A. Yes, I remember that.

20 Q. During the course of taking that statement did those two

21 people from the office of the Prosecutor ask you to

22 complete for them a sketch of the camp at Susica and,

23 I think, also at Batkovic as well?

24 A. Following my explanation and following my description of

25 the map of Susica, I myself decided to make a sketch and

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1 then they said: "Well, go on and make a sketch so as to

2 make it clearer what the layout was".

3 Q. Thank you very much. Would you look at the document that

4 I now give to you? (Handed). Is that a photocopy of the

5 plan that you yourself drew?

6 A. Yes, it is. This is the copy of what I drew myself,

7

8 following the making of my statement.

9 Q. With the assistance of Mr. Dixon, if it pleases your

10 Honour, could you place that on the machine and I would

11 like you to, going from the numbers that you have there,

12 point to each number with your pen, and when you place

13 your pen on the part of the plan where the number is,

14 would you just explain to the Tribunal what each part

15 represents? Could you do that for me?

16 A. Yes. I will show you. Let me see. Here this was the

17 entrance, that is No. 8, and this is the camp itself.

18 This was the electricity pole. This is where we were

19 brought and beaten, tied to the poll and beaten. This

20 building here was the, rather, this was something like a

21 bunker and there was a machine gun, a heavy machine gun,

22 pointed towards the door of the hangar, so this No. 7.

23 Then this is the guard house, the guard house. This

24 was Dragan Nikolic's office, one might say. This was the

25 hangar in which we were placed and held. There were two

Page 380

1 doors, one door here. This was the entrance door and this

2 door, the back door, was locked. This was the hangar,

3 No. 4 now, this was the hangar next to it, some 10 to 15

4 metres away from the hangar in which the detainees were

5 held.

6 Under No. 5, No. 5 was, as I said yesterday, this was

7 a shed, a utility shed, for unused or disused parts and

8 material left by the territorial army. So there was some

9 equipment there.

10 No. 6 was the toilet, that was where we were taken

11 and we were allowed to go out to the toilet.

12 At the circles, little circles, are the guard posts

13

14 or sentry posts. This is during our stay. That is where

15 the sentries were placed.

16 Q. It is not clearly shown on that plan, but could you just

17 indicate the direction of where the Susica River is,

18 please?

19 A. The river was down there, outside, outside the camp. It

20 flows under the bridge and it goes this way, so this is

21 the river. There was not enough paper when I was drawing

22 this so I could not locate that.

23 Q. I understand. Thank you. I have finished with that

24 exhibit.

25 THE PRESIDING JUDGE: [Original in French] I would like to draw your

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1 attention and

2 the witness's attention to the fact -- do you hear me?

3 MR. NIEMANN: Yes, your Honour.

4 THE PRESIDING JUDGE: [Original in French] Fine -- it is the first time

5 that you

6 mention the presence of the machine guns. I think that is

7 a rather important element, and the witnesses could not

8 have seen it before. So it is not in Rule 61 to carry out

9 an investigation. I just want to point it out for your

10 further investigation. I want to have the witness confirm

11 the presence of point 2, item 2, on the map which seems to

12 be the stationing point of the machine gun.

13 MR. NIEMANN: Yes, your Honour. Perhaps the witness might be

14 shown the plan again? I am not sure that No. 2 was the

15 machine gun. I may have said that was the -- I think it

16 is No. 7 but I will check with the witness.

17 THE PRESIDING JUDGE: [Original in French] Sorry, that is right, but my

18 question

19 remains the same.



20 MR. NIEMANN: Yes, your Honour.

21 THE WITNESS: [Original in Bosnian] Let me repeat this. At No. 7, that

22 was the

23

24 placement for a heavy machine gun pointing towards the

25 entrance door to the hangar.

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1 THE PRESIDING JUDGE: [Original in French] Any other machine guns in

2 the sentry

3 posts? Were there any other guns in those guard places?

4 THE WITNESS: [Original in Bosnian] No, this was the only machine gun,

5 heavy machine

6 gun, but of course the sentries in their sentry posts,

7 they had their own weapons, of course.

8 MR. NIEMANN: The guards were armed at all times that you were

9 able to observe?

10 A. Yes, yes, they were armed all the time, all the time while

11 they were there.

12 Q. This machine gun place, where the heavy machine gun was

13 placed, was that there from your recollection the whole

14 time that you were in the camp?

15 A. Yes, it was there all the time as long I was there. There

16 was always one man manning -- one of the guards was

17 manning the placement and the machine gun day and night.

18 Q. Thank you. Your Honour, I am finished with that exhibit.

19 Another thing about the statement that you gave,

20 Mr. Ambeskovic, to the investigators from the office of

21 the Prosecutor, I think in that statement you said that

22 you were taken to the Susica camp on 13th June 1992, but

23 I think yesterday in your evidence you said it was

24 11th June. Was 13th June the wrong date or was 11th June

25 the wrong date?

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1 A. The 13th June was wrong because I was making my statement

2 in Tuzla, and when the statement was being read to me

3 there was a mistake, an error was made in the writing, and

4 I then corrected myself, and I think this was corrected

5 eventually. The 11th June is correct the date, the 11th

6

7 at 1830, eighteen hours and 30 minutes, 6.30 p.m.

8 Q. Turning now to the events that took place in the camp at

9 Susica, Mr. Ambeskovic, I am wondering if you could recall

10 an incident when you were taken out of the hangar with a

11 man called Mr. Osmanovic?

12 A. Yes, I remember that incident. This was in the morning

13 hours, around 8 o'clock. Dragan Nikolic came in and also

14 Majstorovic. They told us to get out, the two of us,

15 myself and Osmanovic, and then they took us to that

16 electricity pylon, the A pylon, the A electricity pole.

17 They ordered us to kneel down and to put our hands behind

18 our heads like this, so that is what they asked us to do,

19 to kneel down and put our hands behind our heads. Then

20 after that they said: "Where are your weapons? Who has

21 weapons?" They asked us again to identify people who had

22 weapons and they started beating us.

23 They had rifles in their hands, also batons or

24 truncheons. They started hitting us but I could not

25 answer anything because I did not know anything about any

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1 weapons. I had no weapons myself so I just could not

2 answer their question.

3 Q. How long did they beat you for at that place?

4 A. This was about 30 minutes, if I can remember correctly,

5 some 30 minutes, that the beating went on until

6 we actually fainted.

7 Q. Where did they hit you, can you remember at all?

8 A. Well, they hit us on the head, all over the body, the

9 upper part of the body, kidneys, legs, and as we fell down

10 they also continued kicking us with their shoes, trampling

11 on the chest or hitting on the head, and I lost three

12

13 teeth on that occasion.

14 Q. In addition to losing three teeth, did you suffer any

15 other injury at that time?

16 A. I had some injuries or wounds on the head. There were

17 cuts on -- this was from the gun, the rifle hitting. Also

18 I had -- I was full of bruises in the area of my kidneys

19 and on the chest.

20 Q. Did you have any broken bones at that stage as a result of

21 that beating?

22 A. Yes, three -- my three ribs were broken. That was later,

23 the second time when we regained consciousness. When we

24 regained consciousness they started hitting us again and

25 then my three ribs broke in this part here. (Indicating)

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1 [Pointing to that part] Here. The three lower ribs.

2 After that they started hitting us again, as I said, and

3 we -- I fainted again.

4 They brought water, they poured water over us and we

5 came back, regained consciousness, and then they left

6 towards Suad Mahmutovic, Nurija and Mirsad who were

7 standing by the hangar facing in our direction.

8 Q. What did they do with those other people you have just

9 mentioned, Suad Mahmutovic and Nurija, what happened to

10 those men?

11 A. They started asking them again. I did not quite hear what

12 they asked them. They again started beating them. That

13 is what I could see. They started beating them, in the

14 same way as I us with the rifles, with the rifle butts,

15 with the batons and truncheons.

16 Q. Was that three men, was it, that were being beaten?

17 A. Yes, that was Suad, Mirsad and Nurija, three brothers, in

18

19 fact. They actually were standing by the door of the

20 hangar and they were leaning with their backs against the

21 hangar wall.

22 Q. Was there another man there by the name of Zekic?

23 A. Yes, there was. He was also, he was standing next to us.

24 This was again, this was by the door of the hangar in

25 which we were kept. He was surrounded or he was in the

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1 company of two people who started beating him.

2 Q. Who was involved in the beating of the three brothers,

3 Suad, Mirsad and Nurija Mahmutovic? Who was involved, who

4 was doing those beatings?

5 A. Dragan Nikolic was there, then Goran, Goce, he was there.

6 When there was Luka Majstorovic and Golijan, Nedeljko

7 Golijan.

8 Q. What was involved in beating the man Zekic?

9 A. They were two people, as far as I could judge. They were

10 from Sekovici. Those were the people I did not know. I

11 only heard that they came from the village of Sekovici.

12 Q. Did you actually see them beating the man Zekic?

13 A. Yes, I saw that very well. When they left us they came to



14 Nuriya, Suad and that group, they were beating them and

15 they were beating Zekic.

16 Q. What happened then? What happened next after that?

17 A. After that they -- after four or five minutes, they took

18 us back to the hangar, back to the hangar.

19 Q. Were you able to walk on your own or did you have to be

20 assisted?

21 A. No, we could not walk on our own. We needed assistance,

22 so they invited -- they asked two people, of the inmates,

23 from the hangar to take us into the hangar.

24

25 Q. What happened when you were taken back into the hangar?

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1 A. We were, we came to our positions, to our assigned places,

2 not far from the door, some two to three metres from the

3 door. We lay down on the concrete floor. I saw as we, as

4 I was returning to my place, I saw a bus driving by full

5 of people, and then another vehicle, another -- an

6 excavator, a digging machine, that came after behind the

7 bus and they went in the direction of Tisca.

8 Q. You saw this bus and the excavator on the road outside of

9 the camp, did you?

10 A. Yes, that was outside of the camp because the road passes

11 by the main gate. The gate was open and I could see the

12 road, although I was inside the camp.

13 Q. What happened?

14 A. Please clarify what you mean by "what happened"?

15 Q. What did you see or hear in relation to that bus as it

16 drove past with the excavator? Did you just merely see it

17 go past and that was the end of the matter?

18 A. No, after that I was in the hangar, not far from the door,

19 about some 15 to 20 minutes later we heard bursts of fire

20 not far from the hangar, some two to three kilometres

21 away. That was the kind of distance which I judged

22 because you could hear the shooting. And following the

23 shooting, some 15 minutes later, the bus came back and the

24 excavator came back following the bus and they returned

25 along the same road on which they came.

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1 Q. Was that at the time immediately after you were taken in

2 after this beating or was it at some other time that this

3 happened, that you made this observation in the bus?

4 A. That was some, let us say, 20 minutes, 20, 25 minutes,

5

6 following the beating and following our return to the

7 hangar.

8 Q. The three men, the three brothers, Suad, Mirsad and Nuriija

9 Mahmutovic, did you see them come back into the hangar?

10 A. Yes, they were returned into the hangar, let us say, an

11 hour after us. So, Suad, all three of them, were brought

12 back and Zekic, the fourth, was also brought?

13 Q. Were they able to be walk in on their own account or were

14 they carried in or how were they brought back into the

15 hangar?

16 A. They could not walk, they were very badly beaten. Three

17 people left the hangar and they brought them in. They

18 carried them in, first, Mirsad, then Zekic.

19 Q. What condition were they in?

20 A. They were badly beaten, you could see that, and in this

21 situation, I was not there, I was very close to them to

22 see how badly beaten they were, whether they were

23 unconscious, but I think they were conscious, in fact.

24 Q. Do you remember two men at the camp, Dzevad Saric and

25 Smajlovic?

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1 A. Yes, I remember them. I know them very well.

2 Q. Can you remember anything happening to them at the time

3 when you were in Susica camp?

4 A. Yes, they were taken out. One day Dragan Nikolic came,

5 opened the door of the hangar, entered, called the names

6 of Dzevad Saric and Smajlovic and asked them to come out.

7 After that they were in front of the hangar and they --

8 the guards started beating them. We heard -- I was close

9 to the door -- I heard their screaming and wailing, and

10 some 30 minutes later these people were carried into the

11

12 hangar because they could not walk on their own. They

13 were carried by two people who were close to the door.

14 Q. Do you recall some time later, some three or four days

15 later, the guards, Majstorovic and Dragan Bastah, coming

16 to the hangar in order to take people out for work duty?

17 A. Yes, they came in the morning, at about 10 o'clock in the

18 morning. Dragan Bastah came and took out 10 men to take

19 them to forced labour. Mirko Majstorovic was there. In

20 his presence that happened. He chose 10 men and took them

21 to a car. His car was parked on the road next to the

22 bridge. It was a refrigerator truck.

23 He put them in the refrigerator truck and drove them

24 in the direction of Vlasenica. At about 6 o'clock in the

25 evening he came back, brought them back, and I could see

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1 looking at these men, and one of them was next to me, they

2 had been beaten at their work. They had been beaten as

3 they were doing forced labour.

4 Q. Can you also remember when you were at Susica camp a man

5 with the first name "Reuf"?

6 A. I cannot remember Reuf -- Reuf?

7 Q. Reuf?

8 A. Yes, I do remember Reuf. I know him very well. He worked

9 with me in the same company. He was a car mechanic.

10 I remember him quite clearly.

11 Q. Can you recall anything happening to him at the time you

12 were in Susica camp?

13 A. Yes, one day he came -- Dragan Nikolic also came. They

14 started to beat him inside and then he took him out. He

15 swore at him. He cursed him, abusing him, his religion.

16 He probably had something to ask him and he asked him

17

18 about his brother. He took him out. I knew Reuf from

19 before. He was a weak man. His arm had been broken prior

20 to that and he had not quite recovered by that time.

21 He was beaten outside the hangar about five or six

22 metres from the door. We could see that. He kept beating

23 him and asking him where his brother was. He did not know

24 where his brother was. He could not answer that

25 question. He kept saying: "I do not know where he is."

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1 Q. When you say "he kept beating him", who was beating him?

2 A. Dragan Nikolic personally, himself.

3 Q. Did you see this man Reuf when he came back into the

4 hangar?

5 A. Yes, he could not walk on his own. The two men carried

6 him in. He was beaten up. He was badly beaten. There

7 was blood running out of his nose. His face was covered



8 with bruises from the blows. He had also been kicked. He

9 had difficulty breathing. It is only -- it was only three

10 or four hours after that that he came round. He had

11 fainted.

12 Q. Some days later, or some day later, were you again called

13 out with Hajrudin Osmanovic?

14 A. Yes, yes, I was. Osmanovic and myself were taken out.

15 Hajrudin Osmanovic, his first name is Hajrudin. We were

16 taken outside.

17 Q. Who took you outside?

18 A. Dragan Nikolic came again. There was also Majstorovic

19 there. They took us out just in front of the hangar.

20 They again cursed at us: "Have you remembered where are

21 your rifles?" they asked. "Who has weapons?" However, we

22 could not answer that question because during the prior

23

24 beatings we could not say anything because we did not know

25 anything.

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1 Q. How long did this beating last for?

2 A. As far as I can remember, about 10 or 15 minutes.

3 Q. Can you remember how long after in terms of days or hours

4 this beating took place from the beating where you had

5 your ribs broken and your teeth knocked out, how long

6 after was this beating?

7 A. It happened two days after the first beating.

8 Q. Do you recall there being two men in the camp by the name

9 of Asim Zildzic and Durmo Handzic?

10 A. Yes, I do remember these people quite well. I knew them

11 personally.

12 Q. Can you recall a particular incident in relation to

13 something that happened to them?

14 A. Yes. They were taken out in the evening, I cannot quite

15 remember the time because I did not have a watch on. They

16 were taken out in the evening, Durmo Handzic and Asim

17 Zildzic.

18 Q. Who took them out?

19 A. Dragan Nikolic came accompanied by Majstorovic. They came

20 in. They called Durmo Handzic's name and Asim Zildzic's

21 name too. They took them out. As far as I could hear, it

22 was just down the hill from the hangar because we could

23 hear that. We could hear their screams and moans.

24 Q. What happened then?

25 A. They remained there for a long time. The beating went on

Page 393

1 for a long time. In my opinion, it lasted for about an

2 hour or an hour and a half. After that people from the

3 hangar, they called some people from the hangar to take

4

5 them in. First, they brought Durmo and then they went

6 back to fetch Asim. They put Asim right next to me, where

7 I was. So one eye was sticking out, completely gouged

8 out. His face could not be recognised from the beating.

9 It was completely blue.

10 Q. When you say his eye was "gouged out" can you be a bit

11 specific as to what happened to his eye and which eye it

12 was?

13 A. It was the left eye. It had come out of the cavity. It

14 was simply not there, not in its place.

15 Q. Was it still connected or was it gone altogether?

16 A. Yes, there was some tissue and it hung on this tissue just

17 beneath the eye, the eye socket.

18 Q. What happened then?

19 A. A few minutes after that, after they were taken in, he

20 died. He died, and remained there until the following

21 morning.

22 Q. He was beside you when he died, was he?

23 A. Yes. In fact, he died in my arms. After that we just

24 moved him about half a metre from there and we covered

25 him. Then in the morning, as far as I can remember, about

Page 394

1 4 a.m. they carried him out.

2 Q. What about Durmo Handzic? What happened to him?

3 A. Durmo Handzic that night survived that night until the

4 morning. Asim was carried out and buried. They called

5 Hasim and his brother. They carried him and buried him.

6 While Durmo remained there, his body remained there until

7 about 9 o'clock, I cannot quite remember, 9.00 or 10.00.

8 Majstorovic -- he asked Majstorovic to let him out, but he

9 said that he could not do that without Dragan Nikolic's

10

11 approval, and would not speak to him any more.

12 Perhaps 20 minutes after that Dragan Nikolic came.

13 Durmo asked him: "Please let me out so I can catch some

14 fresh air". He told him: "You are going to die slowly,

15 you will never go out", and kicked him in the chest and

16 knocked Durmo over. Five or six minutes after that Durmo

17 died.

18 Q. What happened after Durmo died? What did they do with his

19 body?

20 A. They took out the bodies later, since they had closed the

21 door immediately, there was the sound of a car

22 approaching, and they also took him away to bury him.

23 Q. Some days later do you recall Dzevad Saric and Nusret

24 Zekic being taken out again?

25 A. Yes, I do remember that. That was during the night about

Page 395

1 1.30 a.m.. Dragan Nikolic came in. Mirko Majstorovic was

2 there too. They came in. They started shouting, cursing

3 us, and asking: "Who tried to escape?" After that they

4 had Dzevad Zaric stand up and Kolarevic and another man

5 from Papraca whose name I do not remember. Also on the

6 way out they picked up Zekic Nusret who was in the corner

7 right next to the door.

8 Perhaps five or six minutes after that we could hear

9 the sound of a shot, of a gun shot, and there was another

10 shot just down the hill from the hangar.

11 Q. What happened after that?

12 A. In the morning at about 5 o'clock we heard the sound of a

13 car because nobody could sleep that night. I personally

14 heard the sound of a car, of an engine. The car came

15 right outside the hangar. The engine was turned off and

16

17 maybe 15 minutes after that the car was started again and

18 drove away. I know that they called out Hasim from the

19 hangar -- Hasim Ferhatovic -- because his brother was

20 outside so he was taken out too. Probably they took them

21 to bury the body.

22 Q. Did you ever see those men again?

23 A. No, no, I did not. I never saw them again. Hasim told me

24 that they had been killed since he was with me in the

25 camp. In the morning when we got out to go to the toilet,

Page 396

1 next to the A tower I saw a big puddle of blood, and right



2 underneath the hangar where we went by, as we were going

3 to the toilet, I could see for myself and I was convinced

4 that the men had been killed.

5 Q. Had you ever seen whether or not that they had beaten the

6 man Kolarevic before this day, Kolarevic before that day?

7 A. Kolarevic -- I did not see Kolarevic being beaten and they

8 had not taken him out prior to that time. He kept staying

9 in the hangar.

10 Q. What about the man from Papraca?

11 A. That man who was not far away from me, they did not beat

12 him either. I do not know if they had beaten him prior to

13 that time. He was in a very bad condition. We were all

14 dirty, of course. I do not know if he had been beaten

15 before that time. I could not see him beaten during the

16 time I was there.

17 Q. Do you remember a female being in the hangar called Saha

18 Berbic?

19 A. Saha Berbic, yes, I do remember her.

20 Q. How old was she approximately?

21 A. She could have been about 18, 19 years old.

22

23 Q. Do you remember something in relation to her?

24 A. Yes, I do. Early evening, in one day in the early

25 evening, Dragan Nikolic came himself, called Saha Berbic's

Page 397

1 name and she was there right next to the door. There were

2 some other women with her there. She stood up thinking

3 that he was going to ask her a question, but he told her

4 to accompany him.

5 Q. What did she do? What did she do when he said to

6 accompany her?

7 A. She tried to resist. She said she would not go; "Please",

8 she said, "do not separate me from the other women". He

9 came in, grabbed her by the arm and took her out. She

10 resisted and also cried during that time.

11 Q. What happened after that?

12 A. After that, about an hour after that, he brought her back

13 to the hangar. Her hair was tussled and her clothes were

14 torn. She was not far from me and the women asked her

15 what had happened to her. She said that Dragan Nikolic

16 had raped her.

17 Q. How far were you from the women so that you could overhear

18 this conversation?

19 A. I was, perhaps, a metre, one and a half metres perhaps.

20 Q. Apart from saying she was raped, did she say anything else

21 had happened to her?

22 A. Yes, after that she was taken out regularly every evening

23 for two to three nights in succession, and after that she

24 never returned to the hangar again.

25 Q. When you say "she never returned to the hangar again", do

Page 398

1 you say you never saw her again or she just never came

2 back to the hangar?

3

4 A. Well, she was just not returned, and on one occasion when

5 we were walking towards the toilet I saw her outside the

6 guard house and she was washing the dishes. This was the

7 last time I saw her, and never after that.

8 Q. Did you know Dragan Nikolic's brother?

9 A. Yes, I knew him.

10 Q. What was his name?

11 A. I cannot remember at this moment, but I did know him. We

12 were not very close but I knew him.

13 Q. Did you ever see him at the camp site, at Susica camp?

14 A. Yes, he was a guard. He was a guard and I saw him at

15 sentry post not far from the guard house.

16 Q. How long did you stay in the Susica camp?

17 A. I stayed there from 11th June to the 3rd July.

18 Q. Can you explain the circumstances of how it is that you

19 came to leave the camp?

20 A. One morning, it was on 3rd of July, we heard the door open

21 around 7 o'clock in the morning. We heard the sounds of

22 an engine, of a car engine, and outside the hangar we saw,

23 near the bridge we saw a vehicle. Then Dragan Nikolic

24 walked in, and Basic, I do not know his first name. They

25 both walked in. They brought lists of people who were in

1 the hangar, and they said: "You will be exchanged." And

2 they started reading the names.

3 They said: "As soon as your name is called you shall

4 go out of the hangar". That was the order, so they

5 started calling the names, and in front of the hangar

6 there was a file of people, the file of soldiers in

7 camouflage uniforms. They were lined from the hangar to

8 the entrance into the bus.

9

10 When my name was called I came out, and as I walked

11 past the file of soldiers they started hitting me and they

12 hit with the rifle butts, with truncheons and batons up to

13 the point of entrance into the bus.

14 Q. Did Dragan Nikolic participate in this?

15 A. Dragan Nikolic had the lists of people in the hand, in his

16 hands, and he was reading the names, so he was at the

17 door, at the door just outside the hangar.

18 Q. But he did not participate in the beating as you went down

19 through the cordon of men on either side towards the bus

20 door?

21 A. No, no. He was at the door and was busy reading the

22 names, calling the names of people.

23 Q. Can you describe the circumstances -- where did you go

24 then go? Where did the bus then go?

25 A. We -- the bus moved towards Vlasenica, and then we crossed

Page 400

1 the city and went towards Sekovici. The bus stopped at

2 the bus station at one point and several more people who

3 had been in the municipal prison were brought into the

4 bus. This was Kemal Mutapcic and another man whose name

5 I do not recall now. So they were brought into our bus.

6 Q. From there where were you taken?

7 A. The bus proceeded towards Sekovici and we had to be --

8 actually our hands were to be held behind our heads and

9 our heads were to be down. We were not allowed to look

10 out. As soon as we raised our heads we would be beaten

11 immediately because there were six guards in the bus.

12 They were sitting in the front of the bus and watching,

13 and as soon as a head would emerge they would immediately

14 start beating them. So they would beat us as soon as we

15

16 raised our heads.

17 Q. Apart from beating you, did they force you to do anything

18 else?

19 A. Yes, they forced us all the time to sing their Serbian

20 nationalistic songs until we left the bus at Batkovic, so

21 we were asked to sing all the time.



22 Q. What happened when you left the bus at Batkovic?

23 A. As we stepped down, as we got off the bus, there were

24 nets, iron nets, which prevented you from walking normally

25 or from running, because again there was a lineup of

Page 401

1 soldiers from the door of the bus to the hangar, and again

2 they were beating us as we were passing.

3 Q. When you say nets, iron nets, can you just describe that a

4 bit better so that we understand what that means?

5 A. They were reinforced concrete wires which were otherwise

6 used for making reinforced concrete, and these were very

7 thin -- very, very thick, rather, nets which would make it

8 difficult for you to walk because your foot would get

9 caught and you could fall, and as we fell we were beaten.

10 Q. The nets were on the ground and you had to walk over the

11 top of them; is that what you are saying?

12 A. Yes, yes, we had to walk on them. They were rather flat

13 on the ground.

14 Q. Are you saying that they were then people on either side

15 of the nets who were beating you as you walked through?

16 A. Yes, they were lined up and from both sides, and they held

17 batons and truncheons, various kinds of plastic pipes,

18 also baseball bats, rifles. So these were the utensils

19 with which they beat us as we walked past. Especially if

20 you fell, when you fell then there was enough time for

21

22 them to actually beat you so that you could not walk any

23 further and people had to be carried, some of them.

24 Q. Could you briefly outline the experience that you had for

25 the time that you were in the camp at Batkovic?

1 A. I can describe that briefly. As we entered into the

2 hangar, since we were the second group to arrive, before

3 us there was another group from Kalesije and from

4 Papraca. So, as we entered we found our places in the

5 hangar but all the time we were beaten until we came to

6 our places.

7 We were not allowed to move within the hangar. We

8 were not allowed to move at all or to change the position,

9 because in the middle of the hangar by the door there was

10 a heavy machine gun which again was pointed at us in the

11 hangar, so that we actually were not allowed to move, not

12 allowed to make any movement whatsoever.

13 Q. Were you beaten when you were in Batkovic?

14 A. Yes, like everybody else, we would be taken out, and as

15 soon as you were close to anybody who could beat you, they

16 would beat you. For instance, when we -- each time that

17 people came from Brcko, for instance, Zvornik, when these

18 groups arrived, they were beaten and we were beaten.

19 Q. Did you suffer an injury to your finger when you were in

20 Batkovic?

21 A. Yes, this was two days after my arrival. We were taken

22 out to be interrogated, and the main person responsible

23 for the camp was there. He -- and there was a pole

24 outside the camp. We were taken to that pole and were

25 interrogated. During the interrogation he actually cut my

Page 403

1 finger on my right hand. This was done with a knife.

2

3 Q. I understand you still have the scar from that injury

4 today, do you?

5 A. Yes, one can see it still. I do not know whether you can

6 see it like this, but it is there. (Indicated).

7 Q. How long were you in Batkovic for?

8 A. I was in Batkovic until 20th, 21st July 1993, and also for

9 a certain amount of time we went to work for -- to do

10 forced labour at Lopare, Piper, Ugljevik, Stup.

11 THE PRESIDING JUDGE: [Original in French] What was the type of forced

12 work that you

13 had to do? What sort of work did you have to do?

14 A. This was mostly heavy manual labour, cutting wood, felling

15 trees, dragging lumber, timber, also weeding, weeding

16 maize fields, agricultural work.

17 MR. NIEMANN: Did you have to do any work at any particular

18 time when you were at Batkovic in relation to the

19 military?

20 A. Yes, they took us also to dig trenches, trenches for their

21 army, and this was on the battle front.

22 Q. Is there anything else that you would wish to mention now

23 about the time that you were in Batkovic?

24 A. Maybe I could mention a few items, such as the first thing

25 that happened when we arrived after the beating in the

Page 404

1 hangar, two people died actually as a result of that

2 beating. They were the men that I used to know, and they

3 died from this beating and were taken towards Bjelina in a

4 car. This was Idriz Gopic, and again I do not remember

5 the second name. At the moment it escapes me. Then after

6 that there were other people who were beaten on arrival,

7 even when the International Red Cross arrived, and these

8 were people hidden from the International Red Cross.

9

10 Also, there were children and elderly people with us

11 -- elderly people, I mean over 60 -- and when the Red

12 Cross was due to arrive, they would be taken in a bus away

13 from the camp until the representatives of the

14 International Red Cross left and when they left the people

15 were returned back to the hangar where they were with us.

16 MR. NIEMANN: I have no further questions, your Honour.

17 THE PRESIDING JUDGE: [Original in French] Thank you, counsel for the

18 Prosecutor.

19 I look at my colleagues to see what questions they have.

20 JUDGE ODIO BENITO: Thank you. Mr. Ambeskovic, you told us 11

21 yesterday that after you were taken to the Susica camp

22 where you were beaten, you were taken to the hangar; is

23 that correct?

24 A. Yes, that is correct. From the moment of entry into the

25 camp area we were beaten. Then we were also taken to the

1 office of Dragan Nikolic. This was the guard house and

2 his office. After that -- there they asked our name,

3 surname, year of birth, and they took us to the hangar

4 where they also searched us. That is when they took all

5 our belongings, money, and things like documents,

6 valuables.

7 Q. According to your drawing, this hangar is pointed out as

8 No. 1?

9 A. Yes, this is No. 1, exactly.

10 Q. You also told us that when you entered this hangar you saw

11 children, women and elderly people there; is that correct?

12 A. That is correct. They were very close to the entrance to

13 the gate, to the door to the hangar. They were just by

14 the door, and they remained in that place for the whole of

15 the time that I was there.



16

17 Q. Close to the entrance door, because there are two doors

18 here; one is the locked door, the other is the entrance

19 door. They were close to the entrance door?

20 A. Yes, yes. I can show you on this drawing. This was the

21 entrance door and this door here in the back was locked,

22 and locked with chains even, and you could not open that.

23 But these women and elderly people were here, next to the

24 door or entrance door.

25 Q. Did you know the children?

Page 406

1 A. I did not know the children. I did not know their names,

2 not every child, but I knew the women who were there and

3 again I did not know every woman, but I knew most of them.

4 Q. Yes, I am going to ask you about the women, but I would

5 like to know the children, how old they were, little kids,

6 young people, boys, girls?

7 A. They were about 10 or 11 years old, children.

8 Q. Boys, girls, only boys, only girls?

9 A. They were both boys and girls.

10 Q. Were they allowed to go out to the toilet or they could

11 remain inside the hangar all the time?

12 A. They did let them out from time to time during the day,

13 and go to the toilet and come back.

14 Q. The women were the mothers of these kids?

15 A. Yes.

16 Q. So they went out with their mothers or alone?

17 A. They went out with their mothers. They allowed their

18 mothers to accompany them.

19 Q. Their mothers of these kids, did you know them?

20 A. Yes, not quite closely, but I did know them, almost all.

21 There was a woman there too of about 90 years of age, very

22

23 old lady, together with these other women.

24 Q. What happened to them, because you told us about a young

25 woman that was raped, according to her testimony to you,

Page 407

1 by Nikolic, but what happened with the others? That case

2 of rape was one case, or you knew about other cases?

3 A. He did not take out the other women. They were there too

4 but he did not take them out. He came once and took her

5 out, and the second time when he took her out she did not

6 come back to the hangar and did not stay in the hangar

7 after that.

8 Q. Do you know if something happened to that old lady who was

9 there in the hangar, something special?

10 A. Dragan Nikolic on a couple of occasions came and abused

11 the old lady, told her that he would like to make love to

12 her. Several times he came, cursed at her when she asked

13 for water or something else. After I left I do not know

14 what happened to that lady, after my departure from the

15 Susica camp to the Batkovic camp.

16 Q. She remained there in Susica camp?

17 A. Yes, she did. I do not know what happened to her later.

18 Whether she was released, whether she ended up in free

19 territory, I do not know.

20 Q. What about the other women, did they also remain there?

21 A. They remained there too, the women and the children. I do

22 not know if they were transferred to the free territory,

23 because only the men were transferred to the Batkovic

24 camp, and the women remained behind.

25 Q. Did the women, elderly people and children receive better

1 food than you or not?

2 A. No, no, they did not.

3

4 JUDGE ODIO BENITO: Thank you, Mr. Ambeskovic.

5 JUDGE RIAD: To your knowledge, was there somebody else

6 responsible for the camp than Mr. Nikolic?

7 A. I think that Dragan Nikolic was there. He was in charge

8 of the camp. He was the number one person in charge of

9 the camp. He was connected with the people who were

10 responsible to him. I cannot quite remember their names.

11 I cannot remember the name. He was in charge of the camps

12 and the military in Vlasenica.

13 Q. So everybody was under his orders?

14 A. Yes.

15 Q. When there were these beatings you mentioned, was he

16 present? You said he would be reading the lists sometimes

17 of the people going out and they would receive beatings

18 all the way. Was he there?

19 A. He came from time to time. He read the lists of people

20 who were in the hangar, and also when the when new groups

21 were brought he would read the names to check if all the

22 people were there.

23 Q. In these groups which came, what was the average age of

24 most of them and where did they come from?

25 A. A group of people came who said they had come from the

Page 409

1 central prison in Vlasenica. The average age was about

2 between 28 years and 35.

3 Q. You mentioned also there were children among them, were

4 there many children and women?

5 A. In the beginning, when the women from Vlasenica came there

6 were a lot of women and children and, perhaps, one or two

7 days after that they were transported in the direction of

8 Kladanj, and I do not know what happened, but most of the

9

10 women remained in the hangar where we stayed.

11 Q. While bringing these groups, was there any announcement of

12 the things they committed, whether they thought it was

13 certain acts or crimes, was there a specification of the

14 acts they committed or were they just brought in for no

15 reason?

16 A. No, they did not say anything about their acts. They just

17 brought the people in -- the women and the children too.

18 They brought them to the camp. After that they would take

19 but the women and the children and the men stayed behind

20 in the camp.

21 Q. But they were all Muslims?

22 A. Yes, they were all Muslims.

23 JUDGE RIAD: Thank you very much.

24 THE PRESIDING JUDGE: [Original in French] Mr. Ambeskovic, when you

25 related the

Page 410

1 death of Asim Zildzic, you are the only one who mentioned

2 this particular barbaric act of the eye that fell out of

3 the socket. I suppose you were next to him when Asim came

4 back to the hangar?

5 A. Yes. They brought him right next to me because on the way

6 to his sleeping place was available, was free, he was

7 practically right next to my feet. Then I approached him

8 to see if he was still alive. At that moment I felt that

9 he was still alive, maybe five or six minutes. I could



10 see everything, everything that had happened to him, and

11 five or six minutes after that he died.

12 THE PRESIDING JUDGE: [Original in French] Thank you. I look towards

13 the counsel

14 for the Prosecutor who is aware of this incident which is

15 the first we hear of this nature. There are a lot of

16 other witnesses and we will not hear all the witnesses. It

17

18 is not right now my responsibility of saying what

19 information you have received from the other witnesses.

20 I would just like to draw attention to the fact that this

21 incident of the eye out of its socket must be confirmed

22 through other witnesses as well. That is the first

23 comment I wish to make.

24 JUDGE ODIO BENITO: Excuse me, Mr. President, it is also the

25 first time we heard about the rape, the other incident

Page 411

1 that we heard this morning for the first time, the rape of

2 this young woman. Thank you.

3 THE PRESIDING JUDGE: [Original in French] Thank you. So these are

4 points which

5 must be confirmed, must be verified. I would like to draw

6 your attention to it, unless you, counsel of the

7 Prosecutor, would like to add some supplementary

8 information right now?

9 MR. NIEMANN: Your Honour, it depends upon what witnesses see

10 and observe; not all witnesses see the same things. I can

11 only rely upon the evidence of the witnesses and what they

12 tell us. There may be another witness that gives some

13 evidence of the eye incident, but we are in the hands of

14 the evidence of the witnesses. If one witness says he saw

15 something and other witnesses did not see it, it may or

16 not be that it happened; it could well be that the other

17 witnesses did not see it.

18 THE PRESIDING JUDGE: [Original in French] I understand and not

19 everybody -- we are

20 aware of what you are saying, but if I ask for this

21 confirmation in addition to the information of my

22 neighbour judge, when we heard of the death of these

23 unfortunate detainees, the different testimonies are

24 relatively similar of Asim who was going to die. They

25

Page 412

1 were all relatively close to him. It seems to me common

2 sense dictates that if you have an eye that has dropped

3 out of its socket, it is something you remember.

4 I do not wish to further the investigation. It is

5 merely a comment which the Tribunal, just like the one of

6 the rape, wishes to make after hearing this testimony.

7 I would like to ask Mr. Ambeskovic another question which

8 is more general in nature.

9 (To the witness): Firstly, do you have any other

10 points you wish to raise or add to what you have said

11 about the time when you were in the detention in the two

12 camps lasting for about a year? Do you want to add

13 something which you think is important to give us more

14 information on the situation?

15 THE WITNESS: [Original in Bosnian] Yes. I would mention again the

16 Susica camp where

17 we stayed from the 11th June to 3rd of July. The

18 conditions were horrible; you could hardly call them

19 conditions. For instance, in 15 minutes 700 people had to

20 go out to the toilet and come back; and the maltreatment,

21 the shooting in the hangar itself; the closing of the

22 windows that could have been used for ventilation,

23 practically it was strangulation and suffocation because

24 there was not enough air for the 700 people in the hangar;

25 the food we did not get, we received very, very small

Page 413

1 quantities of food, it was bad most of the time; the

2 conditions, the lack of cleanliness, the dirt; we had

3 gotten lice, all of us, at one point in time because we

4 had nowhere to wash, to change our clothes, and it went on

5 the whole time while we were in the camp.

6 THE PRESIDING JUDGE: [Original in French] Before completing your

7 testimony, the

8

9 Tribunal would like to know what feelings you have now

10 more than two years after the event, what do you feel

11 now? What are your strongest feelings?

12 A. I feel like all my other men who were with me. I came to

13 testify so that this injustice to the people that was

14 committed to be punished in some way or other. It was

15 only after that that I will be satisfied and I will feel

16 better.

17 THE PRESIDING JUDGE: [Original in French] Mr. Ambeskovic, we thank you

18 very much.

19 We are very grateful that you have come. We are fully

20 aware of the difficult conditions, psychological

21 difficulties above all, making you come here to give your

22 testimony. I hope that when you go back you will find

23 some inner peace and serenity. I think our investigation

24 of this witness has now completed and I think he can now

25 leave the room and go to the room specially reserved for

Page 414

1 him.

2 (The witness withdrew)

3 THE PRESIDING JUDGE: [Original in French] I suggest to all of you that

4 we will

5 adjourn right now and start again at 11.45. We stand

6 adjourned.

7 (Short Adjournment)

8 (11.45 a.m.)

9 THE PRESIDING JUDGE: [Original in French] We can resume the hearing,

10 counsel for

11 the Prosecution.

12 MR. NIEMANN: If your Honour pleases, just before we call the

13 next witness whom will be taken by my colleague

14 Miss McHenry, there are two matters I would like to raise,

15 if I may. Firstly, your Honours, I noticed when I came to

16 court this morning that there was a photographer in the

17

18 court who was taking what appeared to be close up

19 photographs of the witnesses. Your Honours, this is

20 perhaps an oversight on my part, but in so far as any

21 -----

22 THE PRESIDING JUDGE [Original in French]: Yes, quite right.

23 I saw that as well. Please carry on.

24 MR. NIEMANN: Your Honours, in so far as the non-disclosure

25 order may not apply to someone taking photographs like

Page 415

1 that, I would ask it be extended to that because I do not

2 think it is appropriate that witnesses should be

3 photographed at such close range by people over whom we



4 have no control. I realise that these witnesses are being

5 videoed, but we have full control of that. I would ask

6 that the order for non-disclosure be extended in all cases

7 in respect of all witnesses so as to exclude photographers

8 taking photographs in the court.

9 THE PRESIDING JUDGE: [Original in French] We have been discussing

10 very, very

11 briefly this particular point and I would like to now tell

12 you what we both think about this point. This is a public

13 hearing. We have stated that clearly. We were very

14 concerned with the important question regarding the

15 conditions in which the testimonies of the witnesses would

16 take place.

17 All the witnesses agreed and said that they would

18 like to make public statements, public testimonies, and

19 this is the reason why all the pictures from this hearing

20 are made available from our cameras distributed throughout

21 any TV network wherever in the world.

22 Based on that particular consideration, we do have to

23 recognise that the question of witnesses' protection as

24

25 they wish it is not, in fact, assured as such, since the

Page 416

1 pictures from the video screen can themselves be

2 photographed by photographers.

3 So, the first conclusion that the Tribunal draws here

4 is that it is not more dangerous for the witnesses when

5 they are figured on TV screens throughout the world on the

6 basis of the pictures made available from us. Let me

7 correct you here, counsel for the Prosecution, on the

8 question that we control the pictures in the Tribunal; we

9 do not because they are made fully available to any TV

10 station which is interested in them.

11 This is fully available knowledge To the witnesses

12 because they have all wished so far to appear

13 unconcealed. So, that is the first point.

14 It is not normal to prohibit access of photographers

15 to the Tribunal. However, we are sensitive and we are

16 aware of the importance of the points you have made

17 regarding the presence of photographers. This can be a

18 point of disturbance. These photographs are taken behind

19 the back of the witnesses.

20 This is a public hearing. It is accessible to the

21 whole of the media in as far as any witness may not have

22 objected to that point, and we think, the Trial Chamber,

23 the Tribunal, is of the opinion that it is better,

24 therefore, to prohibit the access of photographers during

25 the testimony of the witnesses, however, remaining valid

Page 417

1 all the provisions that have been made public prior to the

2 hearing. Subject to the control of the Registrar, the

3 photographers may take photos at the beginning of the

4 hearing. Is that correct Registrar?

5

6 THE REGISTRAR: Yes.

7 THE PRESIDING JUDGE: [Original in French] Good. So in that case if

8 the

9 photographers wish to take pictures either of the public

10 gallery or within the public gallery, they have to do that

11 at the beginning of the hearing and then the hearing

12 starts. So let me summarise the position as it is now.

13 From the point at which a witness has accepted, and

14 we are very aware of the importance of this question, on a  
15 case by case basis to appear unconcealed, then prohibiting  
16 photographers would be an illusion because in any case  
17 these pictures are made available throughout the world and  
18 without control of the Tribunal -- I would like to repeat  
19 that point -- without control, so video screens can be  
20 photographed.

21 However, I think that the presence of photographers  
22 during the hearing can disturb the witness. The witness  
23 himself has made a great effort in accepting to be  
24 photographed by the cameras of the Tribunal. In that  
25 case, I think the conclusion would be that it would be

Page 418

1 better to prohibit photographs being taken during the  
2 testimony, during the hearing.

3 That is difficult. It is a psychological problem.

4 It is not very good and it is very unpleasant for the

5 witness to have the feeling that they are being

6 photographed from behind their back. So I would like to

7 ask the Registrar to get in touch with security services

8 to ensure that throughout the whole of the testimony of

9 any witness there are no photographs taken.

10 MR. NIEMANN: If it please your Honour. Your Honours, you also

11 raised another matter with the respect to the evidence of

12

13 the last witness which I would like to touch upon, if

14 I may? That deals specifically with the two issues raised

15 about the evidence concerning the eye socket and the eye

16 being out of the socket and the evidence pertaining to the

17 young lady who was taken out by Nikolic.

18 If your Honours please, in our submission, I was

19 reluctant to go into too much detail in the presence of

20 the witness in response to your Honour's questions for

21 fear that the witness may feel that we in some way or

22 other doubted his testimony on both those issues. But, if

23 I may, I would like to say that, in our submission, this

24 evidence does not require corroboration on our submission

25 for the purposes of either proof beyond reasonable or,

Page 419

1 indeed, and less so for this hearing, either of those

2 issues do not go directly to proof of the charge. They

3 are mere evidence surrounding the circumstances.

4 In relation to that, may I say that the conditions

5 under which these unfortunate witnesses found themselves

6 were such that their recollection of events would vary

7 among them and themselves would probably from time to time

8 have faded or changed or may have been affected by what

9 they saw. It is, indeed, a well recognised fact that a

10 group of people looking at an incident can see a whole

11 range of things happening. It does not in any way, in my

12 submission, affect the credibility of what they say; it

13 merely means that some people see some things that other

14 people do not see.

15 Indeed, when that is overlaid by terror, by a feeling

16 of imminent death, by a feeling that if one raises one's

17 head to look at what happens that could bring upon them

18

19 consequences of the most horrible kind, then it is

20 perfectly understandable, in our submission, that some

21 witnesses would see some things which other witnesses

22 would not see.

23 Finally, in my submission, it is regrettable that



24 this issue arose in the presence of the witness because,

25 indeed, there are three other witnesses who speak of the

Page 420

1 incident with relation to the eye socket. It would be

2 regrettable if the witness felt that somehow or other just

3 because he came first in time and ahead of these other

4 three witnesses that somehow or other what he said was not

5 regarded as truthful.

6 Indeed, a similar situation may well apply with

7 respect to Nikolic taking the lady out, because this

8 witness gave evidence of his proximity to the people, to

9 the women, and his ability to hear the conversation. It

10 is perfectly conceivable that he is the only witness that

11 heard this conversation. Indeed, if he is the only

12 witness that heard the conversation, there is no

13 requirement of corroboration and, in my submission, there

14 is no reason, having regard to the circumstances, that

15 that evidence should in any way be doubted. Thank you,

16 your Honour.

17 THE PRESIDING JUDGE: [Original in French] Counsel for the Prosecution,

18 that

19 possibility of asking questions must be limited, do

20 I deduce it from your statement?

21 MR. NIEMANN: Not at all, your Honour. I am merely responding

22 to what your Honour raised with respect to that matter.

23 THE PRESIDING JUDGE: [Original in French] Thank you. I would like to

24 point out

25 that the Tribunal, according to our rules of procedure,

Page 421

1

2 wants to ask all the questions which we think are

3 necessary so that we can fully evaluate the fact. If

4 I and Madam, the judge, would like to ask that question,

5 it is because we felt that it was relevant.

6 Of course, I understand your concern, you say we

7 still have three witnesses, and the witnesses might deduce

8 or, rather, find out what is going on after that

9 testimony, but counsel for the Prosecutors, the witnesses

10 all know each other, they live together, they are

11 neighbours. So, I am sure for a long time they have

12 talked at length of what they are going to say to the

13 court.

14 However, I do feel in order to fully understand the

15 facts, it is important that the Tribunal can ask questions

16 of such a significant nature, because this could lead to

17 other questions which might, indeed, help you, counsel for

18 the Defence. Perhaps the next time you might ask

19 questions asking for further specification relating to the

20 hangar. I am sure not everyone is seeing the same

21 things. What you see is very personal and we are well

22 aware of that.

23 We looked at two points which we felt were

24 particularly relevant in a place or in a space which is so

25 restricted, where terror reigned, events like rape or an

Page 422

1 eye out of its socket are incidents that will not remain

2 unobserved. That is why we felt it was necessary to ask

3 for further clarifications.

4 If the next witnesses change their statements, the

5 Tribunal cannot help it, but I do feel for good

6 proceedings we could help the Prosecutor, because there

7

8 are many other witnesses for everyone who listens to us

9 today, we only are listening to 13 witnesses but there are

10 many, many other witnesses, and I think it is normal that

11 we must point it out to the bureau for the Prosecutor that

12 some points need more information, because you could draw

13 conclusions from that for further questions in this

14 Tribunal and, perhaps, during other hearings.

15 Thank you. Perhaps we can call upon the next witness

16 whenever you think it is necessary.

17 MISS McHENRY: Your Honour, with respect to the next witness,

18 he does not wish to have any additional protection

19 measures other than his address. Therefore, as with the

20 other witnesses, I would ask that the protective order be

21 lifted with respect to the Prosecution's next witness.

22 15 THE PRESIDING JUDGE: [Original in French] I ask the Registrar to take

23 note of this

24 request from the bureau of the Prosecutor. The answer of

25 the Tribunal, which is the same which we have had for the

Page 423

1 other witnesses, save the address and the photographs

2 during the hearing of the witness. So as from now I would

3 like to say which is the next witness that will be in the

4 court?

5 MISS McHENRY: The Prosecution calls **Elvir** Pasic.

6 ELVIR PASIC, called.

7 THE PRESIDING JUDGE [Original in French]: Mr. Pasic, first of

8 all, have you got the right language? Yes. Is it OK?

9 Can you hear me clearly? Mr. Elvir Pasic, do you

10 hear me? Please stand and read the oath which has been

11 submitted to in your mother tongue.

12 THE WITNESS [Original in Bosnian]: I solemnly declare that

13 I shall speak the truth, the whole truth and nothing but

14

15 the truth.

16 (The witness was sworn)

17 THE PRESIDING JUDGE: [Original in French] Thank you. You can sit

18 down, Mr. Pasic.

19 Before starting your testimony to the Prosecutor which has

20 called you to come to give your evidence, the Tribunal

21 would like to thank you. We are fully aware of the

22 difficult conditions you had to face, a long travel and

23 the psychological impact which meant you had to relive the

24 memories of things, perhaps, you wish to forget. So thank

25 you very much.

Page 424

1 Furthermore, we would like to tell you that you can

2 give your evidence knowing that you are protected by the

3 international court. At any moment during your testimony

4 if you face any difficulties whatsoever, please inform us

5 and we will try to do our utmost for you.

6 Madam Prosecutor, you have the floor.

7 MISS McHENRY: Thank you, your Honours.

8 (To the witness): Sir, would you please tell the

9 court your full name?

10 A. I am Elvir Pasic.

11 Q. How old are you?

12 A. 28 years.

13 Q. Before the war where was your home?

14 A. I used to live at Rogatica.

15 Q. Is Rogatica an Opstina bordering the Opstina of Vlasenica?

16 A. Yes.

17 Q. How long did you live in Rogatica?



18 A. I lived at Rogatica for 25 years.

19 Q. In the period beginning around 1992, do you know

20 approximately how large the population of Rogatica was?

21

22 A. Rogatica as a municipality or Opstina had some 26,000

23 inhabitants or citizens. The town itself had a population

24 of about 8,000.

25 Q. Am I correct that within the Opstina of Rogatica there was

Page 425

1 also a town called Rogatica?

2 A. That is correct. The Opstina of Rogatica includes also

3 various villages surrounding the town.

4 Q. Do you know the approximate percentages of Muslim persons

5 versus Serb persons versus Croat persons versus others

6 within Rogatica?

7 A. The percentages were roughly 70 per cent were Muslims,

8 some 30 per cent were Serbs and others, other

9 nationalities.

10 Q. Before the war what was your employment?

11 A. Immediately before, on the eve of the war, I was a waiter.

12 Q. During that period did you have any connection with the

13 police?

14 A. I used to work as a reserve policeman.

15 Q. Can you explain to the court how often you worked as a

16 reserve police officer and whether there came a time when

17 your police work increased?

18 A. In the period just before the war I used to work every day

19 as the same as a regular police. I used to work for eight

20 hours every day.

21 Q. Before that time where you worked every day, how often did

22 you work as a reserve police officer, approximately?

23 A. At that time following my army service, I was invited to

24 military drilling or training once a year as a policeman.

25 Q. When was it that you started work working full time as a

Page 426

1 police officer?

2

3 A. It was in early September 1991.

4 Q. When you started work full time, did you ask to start work

5 full time or were you called upon to do that? Can you

6 explain how that works?

7 A. They asked me. They asked me to do that, to work full

8 time for them.

9 Q. Who is "they"?

10 A. As a reserve policeman, I was under the authority of the

11 Ministry of the Interior of the Republic of

12 Bosnia-Herzegovina and somebody from higher up asked that

13 all reserve policemen should work full time.

14 Q. During the period when you first started working full time

15 as a police officer, were there both Muslim police

16 officers and Serb police officers working together?

17 A. Yes, we worked together.

18 Q. Did there come a time when that changed?

19 A. Later that changed altogether. The reserve policemen and

20 even active policemen of the Serbian nationality refused

21 to work with us, Muslims.

22 Q. Can you explain what happened after they refused to work

23 with the Muslim police officers?

24 A. They refused to work with us in the same building. They

25 refused to do the same kind of work and duties that we

Page 427

1 had, and soon after that they actually established their

2 own police station which they called the police station of

3 the Republic of Srpske, the Republic of Serbia.

4 Q. Then were there two Police Forces working within Rogatica?

5 A. At that time, yes, there were two Police Forces.

6 Q. Can you explain how the two Police Forces worked

7 separately, in particular?

8

9 A. One of the police stations, the Muslim station, was

10 reporting to the Secretariat for the Interior of

11 Bosnia-Herzegovina, and we tried to do all our normal

12 tasks that we would be doing under normal conditions in

13 normal times. The second police station was the police

14 station of the Republic of Srpske which controlled parts

15 of the town by force. They decided that these were the

16 parts of the town, the districts in the town, to be

17 controlled by them, and it was very complicated to work

18 under such conditions.

19 Q. Did the complications and tensions result in your making

20 any decisions about future police work?

21 A. The two Police Forces could not remain; something had to

22 be done to change this.

23 Q. Did you continue working for the Police Force after the

24 separation happened?

25 A. After that division of the two Police Forces, I continued

Page 428

1 to work for two to three days and then I stopped.

2 Q. What did you do once you stopped working full time as a

3 police officer?

4 A. Then I starting working as a waiter again.

5 Q. Do you know approximately when it was that you stopped

6 acting as a police officer?

7 A. It was towards the end of March or beginning of April

8 1992.

9 Q. Starting in the early spring of 1992, did you observe

10 either during your police work or outside of your police

11 work any activity involving the JNA?

12 A. On several occasions I saw columns of army vehicles

13 passing through the town, and then stopping and billeting

14

15 not far from the town.

16 Q. Did you notice anything about the areas where they would

17 stop and billet?

18 A. They would be stopping mostly in areas where the

19 population was predominantly Serb. So they would spend

20 sometime there, two to three hours, and then they would

21 leave again.

22 Q. Was there a time where you saw some evidence of arms being

23 transferred or being moved? Weapons?

24 A. No, I was not present at any point where there would be

25 some kind of transfer of arms, but whenever the trucks,

Page 429

1 army trucks, spent sometime in Serbian villages, when they

2 left one could hear heavy shooting which meant that some

3 weapons had remained in the villages. That was our

4 conclusion.

5 Q. Was there an incident while you were still working as a

6 police officer where at a checkpoint you stopped a vehicle

7 not from Rogatica?

8 A. Yes, there was one incident of this kind. I stopped a

9 vehicle that had Macedonian licence plates, which was very

10 surprising and unusual to see such cars with such licence

11 plates in our town. When I stopped that vehicle the



12 vehicle had five passengers; all five of them I knew

13 personally. They were the residents of my town. Four of

14 them were dressed in camouflage military uniforms and they

15 had military regulation weapons, automatic submachine

16 guns. The driver was the only one who was in civilian

17 clothes.

18 My first task as a reserve policeman was to ask for

19 their documents, for the car driver's licence and the

20

21 registration licence. The driver did not have the

22 driver's licence, had no other documents -- no documents

23 about the vehicle to prove the ownership of the vehicle.

24 I asked him to get off -- to get out of the vehicle.

25 I asked him where he was going. He said he was going to

1 Borika. Borika is a village not far from Rogatica, mainly

2 inhabited by the Serb population.

3 I asked him to open the luggage compartment of the

4 car, and when he did I saw a certain quantity, a larger

5 quantity, of weapons and ammunition for which he had no

6 papers or documents, which means that he was not allowed

7 to drive such weapons on public roads.

8 At that moment one of the uniformed passengers from

9 the car also stepped out of the car, and I thought since

10 he was armed that he would oppose me or that he would do

11 something to me, and I was somewhat worried about my

12 personal security. I told him to go back into the car.

13 Then I released the driver as well and they drove off

14 towards Borika.

15 Q. Can you tell us more specifically if you remember anything

16 about the quantity or the kind of weapons that were in the

17 trunk of the car?

18 A. The quantity of weapons was roughly some 50 automatic

19 submachine guns for infantry fighting; some two to three

20 crates of ammunition for these submachine guns; there were

21 also a few anti-tank grenades and a crate of hand

22 grenades. All the weapons were new and, actually, this

23 was the kind of weapons that I used in the Yugoslav

24 National Army, JNA, at the time when I was doing my

25 military service, so I concluded that this was the JNA

Page 431

1

2 weapons.

3 Q. What, if anything, happened in Rogatica in late May of

4 1992?

5 A. In late May 1992, Rogatica came under fire, under shelling

6 by Serbs from the surrounding hills.

7 Q. What happened?

8 A. Well, the shelling lasted continuously for two to three

9 days. Most of the population in the town was Muslim at

10 that time, and they were trying to hide. They were in the

11 centre of the City with more solidly built buildings so

12 that they could find shelter from those -- from the

13 shelling.

14 Soon after that, electricity was interrupted, the

15 electricity supply was interrupted. There was no

16 telephone and no water supply. Then seven days later,

17 five to seven days later, the so-called Serbian forces of

18 Republic of Srpske, these were mainly people from

19 Rogatica, Serb nationals of Rogatica, they came into the

20 town asking the Muslim population to surrender to them, to

21 become loyal to their government, until they, what they

22 said, would clear the town from the so-called green beret

23 and Muslim extremists, but there were no Muslim extremists

24 in the town anyway.

25 Q. When the Serb military forces came into the town of

Page 432

1 Rogatica, did you see anything about any equipment they

2 were using or operating?

3 A. They all were very well armed and well equipped with

4 various kinds of weaponry, and this was the kind of

5 weaponry that the JNA had used. They came with a

6 transporter, with a personnel, armed personnel carrier,

7

8 and the vehicle had the insignia of the JNA, and this was

9 the olive green, drab olive green colour. They all had

10 the uniforms which were practically identical with the

11 uniforms of JNA.

12 Q. What happened after there was this call to surrender and

13 pledge loyalty?

14 A. The local population did not trust them because even

15 before the call was made, while the electricity supply was

16 still there, we were actually able to see on television

17 what had happened in Zvornik, Bijeljina, Foca and other

18 Muslim places, what happened to the Muslim population

19 which had responded to the invitation of the Serbian

20 authorities in those locations. So, and we saw that very

21 -- so that very few people responded, some two to three

22 families responded, usually of mixed marriages or those

23 that had some Serbian member in the family.

24 Q. What did the other people or families do?

25 A. Well, they were all very excited and did not know quite

1 what to do. For the most part, they were prepared to run

2 away, to flee if an attack came, because we expected an

3 attack, and some people barricaded themselves in their

4 cellars thinking that, perhaps, the Serbs will not be able

5 to destroy their houses or their cellars.

6 Q. Was there any organised armed resistance during this

7 period or any other period?

8 A. From the Muslim side, there was no organised formation or

9 armed formation that would, that could offer resistance to

10 the possible aggressor, that is, the Serbs. At that time

11 the town had some 50 to 70 men of Muslim nationality, who

12 were armed with personal weapons, side weapons, maybe

13

14 rifles which they used for hunting or for sport.

15 Q. Did those 50 to 70 men try to launch any sort of attack

16 against the occupying forces?

17 A. No, they did not try to do anything at all, no attack.

18 Their only objective was to stand in front of buildings

19 where the Muslim population was heavily concentrated, and

20 they said that if at one point the Serbian forces should

21 try to attack or assault the building, that they would

22 then try to defend the people who were in the building.

23 Q. What happened?

24 A. So after that the shelling of Rogatica continued. Larger

25 and larger grenades fell and much of the city was

Page 434

1 destroyed or damaged. Seven -- after seven days I was

2 captured. I was captured by the Serbian army.

3 Q. Can you explain the circumstances surrounding your

4 capture?

5 A. At the moment when I was captured I was in the cellar of



6 my house in the building where I lived. The town had been

7 heavily shelled, and at one point I noticed somebody,

8 I heard steps, I heard somebody walking round the

9 building. I was quite sure that there could not be any

10 Muslim units and through the little window of the cellar

11 I saw a Serbian soldier.

12 Then they came into the cellar. There was some 50

13 Muslims in that cellar and they started shouting at us,

14 shooting, and told us to get out of the building. As soon

15 as we came out of the building, everything was clear. We

16 were fully under their control.

17 Q. Then what happened after you were brought out of the

18 building?

19

20 A. When we came out of the building all women and children,

21 some 25 of them, were put aside on one side and men, some

22 20 to 25, had to lie on the ground, lie on their stomachs

23 and chests, put their hands behind their heads, and the

24 soldiers who captured us started hitting us with whatever

25 they could, kicking us, hitting us with rifle butts, with

Page 435

1 fists.

2 They asked about our weapons which we did not have.

3 Since I was in -- I was a part of a reserve Police Force

4 and people who captured me knew me, they asked me to hand

5 in my weapons, but I had given my weapons to the police

6 when I have left the police. One of them wanted to cut my

7 throat and then I said: "Well, I only have one, my

8 personal pistol and I will give it to you", I told him.

9 I went into my apartment accompanied by a soldier.

10 I gave him my pistol and when I came back the children and

11 the women were no longer there in front of the building,

12 only my mother, my grandmother and my aunts were waiting

13 for me while all the men were still lying on the ground

14 with their hands tied behind their backs.

15 Then I was the only man, the only man, perhaps

16 because I handed in my weapon, they allowed me to go with

17 the other women, with my mother, grandmother and aunt to

18 go to the secondary school where all the women had been

19 placed who were captured.

20 Q. How long did you stay at that school?

21 A. I stayed at the school 20 days.

22 Q. Were you free to leave this school or were you being kept

23 there forcibly?

24 A. Nobody could leave the school because that was very well

25

1 secured by guards. The only thing we could do was go to

2 the toilet and the central hall in the building.

3 Q. Who was in charge of administering that school and keeping

4 you and the other detainees there?

5 A. All the men who guarded the school, I knew them personally

6 because I had seen them in the town previously, and the

7 man in charge of the school was Vlado Markovic who used to

8 be an active policeman before the war in the police

9 station in Rogatica.

10 Q. Do you know what his function was at this time in addition

11 to being in charge of the school?

12 A. When I was captured a group of soldiers who had come to

13 take me, they were under his command. That is what I knew

14 at the time, but I now know that he was commander in chief

15 of the entire unit that had been prepared and armed

16 especially for cleansing the town of Muslim -- of the

17 Muslim population which meant either deport or kill the

18 Muslims.

19 Q. How do you know that this was part of a special unit and,

20 if you know, do you know what this unit was called?

21 A. That unit had no special label, name, but I do know it was

22 a special unit because I had contact with people from that

23 unit after I had left to the farm where I spent 20 days,

24 and they told me that they were not under control of any

25 big institution, but that Vlado was the chief and he was

Page 437

1 the one who decided what they should do. Their only task

2 was to work around the town.

3 Q. Can you describe how it was that after 20 days you left

4 the school and were brought to the farmhouse?

5 A. After 10 days in the school the man in charge,

6

7 self-appointed man in charge, of the Serbian forces, Rajko

8 Kusic, in Rogatica came accompanied by his bodyguards and

9 said that all of us Muslims who had been captured in the

10 school must go to a territory where we had family, and

11 this was the territory under the control of the Muslim

12 forces, in fact, of the armed forces of

13 Bosnia-Herzegovina. Some people had relatives, others did

14 not.

15 A list was to be made where each person would go, the

16 name of the relatives, place, the address and the

17 telephone number. The organisation was not so good, so

18 the list was never drawn up. So next time they came, they

19 just forced us to -- on to lorries and buses and drove us

20 out of the town telling us that we were going to the free

21 territory, that is, territory controlled by the army of

22 Bosnia-Herzegovina.

23 Q. Were you brought to the free territory?

24 A. Unfortunately, as we were leaving the town all the

25 vehicles were stopped and the soldiers in our escort made

Page 438

1 it clear to us that all the men over 18 years of age and

2 under 60 years had to leave the vehicles. Unless they did

3 it on their own, they would be killed, they said.

4 Q. So then what happened?

5 A. We got off the lorries. There were 28 men, we were 28 in

6 the convoy. The convoy continued on its way. I did not

7 know at the time where they were heading, and we were held

8 on the farm at the exit of the town. The main reason was

9 to take care of our documents so we could go to the free

10 territory.

11 Q. Was that the reason or is that what they told you the

12

13 reason was?

14 A. That is what they told us. Of course, there was no reason

15 to keep us there.

16 Q. Let me go back for a minute. You just indicated that --

17 excuse my pronunciation -- Rajko Kusic, I believe you

18 said, was in charge of the Serbs in the town after the

19 attack and takeover; is that correct?

20 A. Yes.

21 Q. Had he played any role in the incident you described with

22 the car full of weapons that you stopped at the

23 checkpoint?

24 A. His role was to come out of the car, without my approval,

25 having weapons in his hands, that means my life was at



1 risk, and all he said was: "What is this young man

2 bothering us with?"

3 Q. Going back to the farmhouse that you were taken to after

4 you left the school, how long did you stay at the

5 farmhouse?

6 A. I stayed in the farmhouse 18 days.

7 Q. Approximately how many other, if any, detainees were kept

8 at this farmhouse?

9 A. In addition to us, 28 of us, that stayed at the farm,

10 there was a special room where there were three or four

11 inmates, I am not quite sure. We did not have any contact

12 with them.

13 Q. In addition to the detainees, was the farmhouse used for

14 any purpose other than keeping you and the other detainees

15 there?

16 A. Part of the farm was used to accommodate a special unit

17 that was tasked to do work around the town. One room was

18

19 for sleeping and rest of those soldiers; another one was

20 like an office where they planned their activities, and

21 there was another room where they kept their weapons and

22 equipment.

23 Q. What happened such that you left the farmhouse?

24 A. One day without any previous announcement they came with

25 one lorry, brought a family, they came in a bus, brought a

Page 440

1 family in that bus, and told us to get on to the bus, so

2 we could go to the free territory to be exchanged.

3 Q. Then what happened?

4 A. One of the men in the bus knew the road that we were

5 following quite well. He claimed there was no way that we

6 could reach the free territory going along that road.

7 I could not believe him personally, because I was

8 convinced that we were headed towards the free territory.

9 However, he was right. We came to Vlasenica. Outside the

10 police station we waited for two hours in Vlasenica for a

11 decision to be made what to do with us. After that we

12 headed towards Kladanj. It was already getting dark.

13 Twelve kilometres from Vlasenica at the cross roads going

14 to Sekovici and Kladanj, and the name popular name of that

15 cross roads is Tisica, we were stopped by Serbs, Chetniks,

16 whom I did not know. They got on the bus and wanted

17 simply to kill us all off without any argument, without

18 talking to us.

19 After about an hour of waiting an argument between

20 the Serbs stopped us and those who escorted us, it was

21 decided that we should go back to the Susica camp in

22 Vlasenica.

23 Q. Who were the soldiers who were escorting you, in other

24

25 words were they from the farmhouse?

Page 441

1 A. Yes. They were the same soldiers who had captured me

2 personally, and who watched us in the school, who watched

3 us at the farm. They escorted us along the way.

4 Q. Let me go back actually because I forgot to ask you

5 before. When you were at the farm and you said it was

6 used for these special forces, did you learn anything

7 about exactly what these special forces would do or how

8 frequently this special unit, how frequently they would

9 leave to perform their work?

10 A. Since I knew most of them or most of the men in the  
11 special unit, I had the opportunity as their captive to  
12 speak to them in a more relaxed environment. They went  
13 roughly every day or every other day to work. When they  
14 came back they were happy and they were telling stories  
15 how they had cleansed certain parts of the town of  
16 Muslims, how they had killed this and that individual in  
17 that street, how they set fire to a house, a house of one  
18 person or another, and similar activities.

19 Q. These people who were part of the special unit do you know

20 what they had done before the war?

21 A. They had different occupations. Some of them were

22 farmers, others were activity policemen, some were

23 workers, factory workers, or shop assistants. It was a

24 mix of different occupations.

25 Q. Do you know how were they dressed? Did they dress in

Page 442

1 civilian clothes or in some sort of uniform?

2 A. They had camouflage uniforms, military uniforms, with a

3 lot of pockets and space for different kinds of weapons

4 and other equipment that they needed in their work.

5

6 Q. Let me bring you to where you were, which was you said you

7 were being brought to the Susica camp; is that right?

8 A. Yes.

9 Q. Can you tell me first what happened when you were brought

10 to Susica?

11 A. On the way out of the bus which took us to the camp we

12 were searched thoroughly, and everything that remotely

13 resembled a weapon and anything that could help us to

14 escape or some such activity was seized, and all the

15 valuables were seized from us too; money, rings, watches

16 or any similar objects and articles.

17 Q. Can I interrupt you to ask where the valuables were taken.

18 Were they ever returned to the people from whom they were

19 taken?

20 A. We never saw them again.

21 Q. Go on, please, with what happened?

22 A. After that we were taken into the actual camp, into the

23 camp itself. The special unit from Rogatica had come that

24 had brought us and we were handed over to the personnel

25 that was in charge of the camp. They put us in a line, in

Page 443

1 a column in the camp. We were 29 men and two women. We

2 had to stand there for about half an hour. There were in

3 the camp about 200, maybe more than 200, previously

4 captured women and men, many more women than men. After

5 that a man came with two persons in his company. He

6 looked like he commanded greater authority than the other

7 two because he was in the middle, he was surrounded by

8 them. He took a list of our names and said that we should

9 find a place for ourselves and then he left.

10 An hour after that, about an hour after that he came

11

12 back to the room. He shouted really very loudly and had a

13 knife in his hand and asked everybody whose knife it was.

14 Of course nobody answered because the knife did not belong

15 to any of those present, any of the inmates present there.

16 Q. Did the person who was yelling and appeared to be in

17 charge, did he at any point identify himself in any way?

18 A. Yes, a little later he did identify himself. When he

19 started hitting whatever he had in his hands, mostly it



20 was the rifle butt, he kicked, he hit with his hands, he

21 punched people and also using the blunt side of the knife

22 he said he was, his name was Dragan and he was going to

23 cut our throats.

24 Q. You just mentioned that he said this while he was

25 beating. Can you describe how the beating was conducted?

Page 444

1 A. He came up to me, asked my name and then when I told him

2 what my name was he started using very ugly words about my

3 nation, and hit me first with a slap, slapped me on the

4 face, then he punched me, then he kicked me into my

5 genitals, in my genitals. I was about to fall. One of

6 the men in his company hit him in the chest with the rifle

7 butt, and as I was bending he kicked me several times in

8 the head. I fell down and he went on.

9 Q. Do you know whether -- were you able to see whether or not

10 any of the other detainees were beaten?

11 A. All of us, the 28 men who came that night, were beaten up

12 very, very badly. Others he did not hit at the time but

13 he did beat them later.

14 THE PRESIDING JUDGE: [Original in French] Counsel for the Prosecution,

15 I would like

16 to ask the witness what exactly was Dragan Nikolic saying

17 to you, what sort of insults? Did he, for example, defame

18

19 or blaspheme against your religion? Can you tell us more

20 precisely what exactly Dragan Nikolic said in terms of his

21 insults?

22 A. He said like this: "I fuck your mother", Balija is a

23 derogative term, "You Muslims never existed, you never

24 existed or will never exist. I will eradicate you, I will

25 cut your throats, I will butcher you all" and similar

Page 445

1 abusive language.

2 MISS McHENRY: Can you go on? What happened next?

3 A. When we were beaten up he went out, the man who had

4 introduced himself as Dragan and his two companions. In

5 about an hour he came back again. He did not address us,

6 but he walked up to the women who were captured, who were

7 in the camp, mostly women between 25 and 30 years of age.

8 He took out three of them outside. Of course they did not

9 dare resist. He laughed and kept saying: "Don't worry you

10 will have a good time with me." Those women came back

11 maybe in about two, two and a half hours. They looked

12 miserable, traumatized, depressive. They kept weeping.

13 They did not dare tell anyone what had happened. It was

14 clear to me that they had been sexually assaulted.

15 Q. What happened next?

16 A. After that Dragan returned with his two companions and he

17 entered the camp, and simply called two names which I do

18 not remember at this moment; these were the names of

19 inmates who had been there before we came. There were two

20 young men, maybe my age. They looked very innocent. And

21 he said that they had used to attack him before the war

22 started, that he had some accounts to settle with them

23 from before the war, such as: "You did not pay for my

24

25 drinks in the cafe, you did not get up for me to sit down

Page 446

1 on the bus", or whatever.

2 Then he came to them and then he beat them for a long

3 time, a long time, and I could not watch -- believe me,

4 I could not keep my eyes open. They remained on the  
5 floor, but I did not even dare to ask whether they were  
6 still alive or not. I do not know whether they were alive  
7 at the end.

8 Q. Then what happened?

9 A. After that he left and there was a lull, dawn was  
10 approaching, and I was simply waiting for the Rogatica  
11 special police, so because they promised they would come  
12 and get us in the morning and take us somewhere else. But  
13 before the special unit from Rogatica came, Dragan entered  
14 the room about 9 o'clock in the morning and, pointing his  
15 finger at 15 men who had been in the camp before we  
16 arrived, and he told them to go out and do work. They  
17 will be sent out to work. They put them on a small van  
18 and the van drove away.

19 The women started weeping and sobbing as they left

20 because they felt that the men would never come back. An

21 hour after that, the special Rogatica police unit came who

22 wanted to take us and to transport us and again Dragan was

23 there. He was the one who read our names. That was the

24 list that was prepared the night before. Each one of us

25 had to go past him, say "Yes, that is my name", and at

Page 447

1 that moment he would either spit into our faces or would

2 hit us with a fist, slap us in the face or do something

3 like that, and said: "You can go now". So we sat in that

4 car and when we were on the bus the bus proceeded on its

5

6 way.

7 Q. Did any of the other detainees who had been there ever

8 tell you anything about the knife that Dragan had come in

9 with and accused someone in your group of having?

10 A. Everything was so tense when he left the room after he had

11 come with that knife and said somebody wanted to kill him

12 with the knife and so on, we were all so frightened. But

13 there were people who were brave enough to tell us: "Do

14 not worry about this knife. This knife he has, he had

15 already used 10 times always showing the same knife,

16 Dragan showing the same knife, and always having the same

17 story, 'This is the knife with which somebody wanted to

18 kill me', so this was just a pretext for him to come to be

19 able to beat us".

20 Q. How did you feel when you were leaving Susica when you got

21 on the lorry to leave?

22 A. Although I did not know where the bus was taking us, I was

23 happy to have left and be -- and that I was no longer in

24 the hands of the man called Dragan. That was the only

25 feeling I had at that time.

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1 Q. Where, in fact, were you brought when you left Susica?

2 A. When we boarded the bus, the Rogatica special unit

3 soldiers told us that we would be exchanged. But on the

4 way we were held at Sekovici for three to four hours. We

5 were held up by the Serbian army control in Sekovici, the

6 Sekovici region. So we waited for a long time and then it

7 was decided that somebody from the Sekovici unit, together

8 with the Rogatica soldiers, should accompany somewhere,

9 but nobody told us where. In fact, we ended up in the

10 Batkovic camp near Bijeljina.

11

12 Q. How long were you at Batkovic?

13 A. One year and five days.



14 Q. Am I correct that you were at Susica July 15th, and then

15 from July 16th for the next period of time you were at

16 Batkovic?

17 A. Yes, yes. I arrived in the Batkovic camp on 16th July in

18 the afternoon, around 5 o'clock p.m.

19 Q. Can you describe generally whether or not you witnessed

20 any mistreatment while you were at Batkovic?

21 A. Yes, I did.

22 Q. Can you describe generally the kinds of mistreatment that

23 you witnessed?

24 A. First of all, I saw mass beatings by the Serbian soldiers

25 who would be taking one, two to three people, detainees,

Page 449

1 and that they would take them out not far from the camp,

2 and they would, some 10 people would be beating one person

3 who was in no position to defend himself. Some of them

4 died during the beatings.

5 Q. Did you know any of the people who died as a result of

6 beatings at Batkovic?

7 A. A man from Bijeljina who was kept in the camp, everybody

8 called him "Professor". I do not know his name, first or

9 last name, but he died some eight hours after having been

10 beaten. Two men, two elderly men, from Rogatica, from my

11 native town, also died two days after having been beaten.

12 Q. Did you perform any work while you were at Batkovic?

13 A. Yes, I had to do a lot of work.

14 Q. Can you describe what kinds of work you did?

15 A. First, instance of forced labour was collecting wood for

16 the elite units in Bijeljina. We had to go to a town

17

18 called Lopare, and we were accommodated in the local

19 school, and every day we were taken to cut, to fell trees,

20 to cut wood and so on. So we would work in the forest all

21 morning, all day, rather, from 7.00 in the morning until

22 5.00 in the evening as long as daylight was there. Then

23 we were taken back to the school and the following day the

24 same procedure.

25 Also, I was sent to the front lines to dig trenches

Page 450

1 for Serb soldiers, and I spent three months there.

2 Otherwise, we were also asked to do some heavy work in the

3 fields, in factories, where we were loading flour, sugar

4 and similar things.

5 Q. Did the International Red Cross ever visit any of the

6 places where you were detained?

7 A. The International Red Cross came to the Batkovic camp in

8 late August or early September. That was the first visit

9 -- in 1992, I mean.

10 Q. Can you tell us, did anything happen prior to the Red

11 Cross's visit?

12 A. Since the camp had a number of women over the age of 60

13 and under the age of 18, these people were always taken

14 away just before the arrival of the Red Cross

15 representatives. There were two buses and these people

16 were taken away in these buses, together with them some 10

17 to 15 people who had been beaten more than others were

18 also taken away, because they still had bruises, they had

19 cuts, well, you could see the effects of beating, so they

20 were taken with elderly and the young so, and to be

21 returned after the departure of the Red Cross

22 representatives.

23

24 Q. The elderly and young, were they men, women or both?

25 A. Mostly men.

Page 451

1 Q. When were you finally released from detention?

2 A. On 21st June 1993. Sorry, the 21st July.

3 Q. After your release did you receive any medical care?

4 A. Yes, after leaving the camp I spent five and a half to six

5 months in the hospital, for the pulmonary diseases

6 hospital, in Zagreb, Croatia. I had tuberculosis of the

7 lungs.

8 Q. When did you first realise you were sick; was it after you

9 were released or while you were still being detained?

10 A. I felt pain for the first time, the pain in my chest, in

11 the beginning of January 1993. I was still in the camp at

12 that time. I did not know it was tuberculosis but I had

13 pain in the chest, and the pain was getting worse from

14 day-to-day. Later I was told this was TBC.

15 Q. When were you told that you had tuberculosis?

16 A. When I came to Zagreb two days after the release.

17 Q. While you were still being detained and you were feeling

18 ill, did you attempt to seek medical treatment?

19 A. At the moment when I could hardly move the pain was so

20 severe, I did ask for medical help. The medical help

21 consisted in me seeing a doctor in the army barracks of

22 Bijeljina. There was a doctor there. I came to that

23 doctor. He did not allow me to come closer to him than

24 three metres. He asked me why I was reported and sent to

25 him. I said: "I feel pain in my chest, in lungs". He

Page 452

1 gave me an injection and said that I should be receiving

2 an injection for seven consecutive days. But I was not a

3 civilian, I could not come out of the camp to get my

4

5 injection every day. So, for the remaining six

6 injections, I took them with me and a colleague actually

7 in the camp administered one injection. He was the man

8 who had never had anything to do with medicine or

9 anything, but he was -- actually, I asked him and he

10 agreed to give me these injections.

11 Q. Is it fair to say, given that you later had to seek

12 treatment, that these injections did not cure your

13 tuberculosis?

14 A. No, personally, I must say, I felt no effects. The pain

15 remained the same and I was breathing very heavily and I

16 do not think that the injections had any medical effects

17 at all.

18 MISS McHENRY: I do not have any additional questions.

19 THE PRESIDING JUDGE: [Original in French] Judge Odio Benito, shall we

20 break here?

21 Good. We would like to ask Mr. Pasic to come back to the

22 Tribunal at 2.30. The hearing is adjourned.

23 (Luncheon adjournment)

24 (2.30 p.m.)

25 THE PRESIDING JUDGE [Original in French]: Mr. Pasic, just 21

Page 453

1 before the break you completed your testimony at least as

2 far as answering questions put to you by the Prosecution.

3 I will continue. Mr. Pasic, do you hear me?

4 THE WITNESS [Original in Bosnian]: Yes, I can hear you.

5 THE PRESIDING JUDGE: [Original in French] Before the break your

6 testimony came to

7 an end, at least as regards your answers. The Tribunal,



8 I think, would like to take the opportunity of asking you

9 some additional questions. Madam judge, do you have any

10 questions you wish to put?

11 JUDGE ODIO BENITO: Yes. Thank you, Mr. President. Could you

12

13 help me, please? Could you show this To the witnesses?

14 (To the witness): Mr. Pasic, could you hear me?

15 A. Yes.

16 Q. Thank you. Do you recognise that place?

17 A. Yes, I do.

18 Q. Thank you. Could you tell us if you know why what the two

19 large buildings were?

20 A. The first building held the prisoners and I was there too

21 in the -- I never entered the other building.

22 Q. Thank you. You told us that you went in that building.

23 You saw more women than men. Is that correct?

24 A. Yes.

25 Q. Could you please tell us when that happened because

Page 454

1 I could not take a note of the date?

2 A. On 15th of July in 1992 at 10 o'clock in the evening.

3 Q. Thank you. You also said that the women were mostly

4 between the ages of 25 and 30; is that correct?

5 A. Yes, most women who were there, between 20 and 25 years of

6 age.

7 Q. Were there children also?

8 A. Yes, there were children too.

9 Q. Small kids or young?

10 A. The children were mostly between three and seven years of

11 age.

12 Q. Were there elderly people also?

13 A. I did not see many elderly people.

14 Q. Could you tell us if you saw any of the women getting

15 beaten or the children, or the women and children?

16 A. No, they did not beat the women. They only took them

17 out. I do not know what they did once they took them out.

18

19 Q. You said that Nikolic himself took out three young women

20 one night; is that correct?

21 A. Yes, that is correct.

22 Q. The same happened other nights or only one night?

23 A. I spent only one night in the camp and that happened the

24 night I was there.

25 Q. Thank you. Going back for a moment to the school where

Page 455

1 you were first taken, you also said that they were mostly

2 women and children; is that correct?

3 A. Yes, in the beginning they were mostly women and children

4 and later a small number of men came there too.

5 Q. Did you see any beatings of them of any kind, things

6 against them, at that time in the school?

7 A. They did beat some of the men.

8 Q. Not women?

9 A. No, they did not beat the women.

10 JUDGE ODIO BENITO: Thank you very much.

11 JUDGE RIAD: I would like to ask Mr. Pasic about what he said

12 concerning the cleansing of the town by a special unit

13 under the chief, chief Vlado. If you remember, you

14 said that he went and put house on fire and destroyed

15 things and they came back very joyful. Now was this under

16 Mr. Nikolic's supervision or was it completely independent

17 from Mr. Nikolic?

18 A. It was independent of Mr. Nikolic, what happened in my

19 town of Rogatica.

20 Q. It was independent? Was it systematic? Were they doing

21 things in an orderly way or was it just an act of violence

22 with no purpose in itself? Did they have the purpose of,

23 as they said, cleansing the town completely from Muslims?

24

25 A. There were acts of violence most likely planned

Page 456

1 beforehand, because they cleansed the town of everything

2 Muslim, not only of the population, but also their houses,

3 mosques, places of worship. They wanted to destroy

4 everything that belonged to Muslims.

5 Q. When you were a police officer, you said you stopped a car

6 which was full of JNA weapons, and then you had to let

7 them pass by. Where do you think this car of JNA weapons

8 came from?

9 A. The car came from the Serbian part of the town and the

10 weapons probably came from the JNA, because in that part

11 of the town where the car came from, military trucks

12 stopped very often, the JNA trucks stopped very often at

13 that part of town.

14 Q. Where did these JNA trucks come from?

15 A. The JNA trucks mostly came from the direction of Pale,

16 north of my town.

17 Q. From Pale. Then you mentioned that at the camp in

18 Batkovic there have been mass beatings by Serbian

19 soldiers. Were they official soldiers, Serbian official

20 soldiers, or citizens disguised as soldiers?

21 A. They were civilians disguised as soldiers who were tasked

22 with guarding the camp. Anybody who was in a military

23 uniform and stopped in the camp, stopped by, was allowed

24 to go in and beat the prisoners and even kill them if he

25 wanted to.

Page 457

1 Q. They were not under the orders of Mr. Nikolic?

2 A. The soldiers in the Batkovic camp were not under the

3 orders of Mr. Nikolic.

4 JUDGE RIAD: Thank you very much.

5

6 THE PRESIDING JUDGE: [Original in French] Mr. Pasic, before ending I

7 would like to

8 ask you some questions: First of all, could you perhaps

9 recall more specifically Dragan Nikolic? What did he look

10 like physically?

11 A. Yes, I can. Dragan Nikolic was a middle aged man, about

12 30, 32 years of age. He was about 190 centimetres tall.

13 He was not fat but he was well built and had a lot of

14 muscles. He had dark brown hair. He did not wear a

15 moustache or a beard and his eyes were bloodshot probably

16 because of lack of sleep.

17 Q. During the time when you were in Susica, do you remember

18 the lighting at night? Was there a light on or was the

19 hangar in complete blackness?

20 A. I spent only one night in the Susica camp, not a month,

21 not one month. The lighting ---

22 Q. You are right, I am sorry.

23 A. -- the lighting within the hangar was very weak, very

24 poor, but outside, especially around the wire that

25 surrounded the hangar, the lighting was extremely good --

Page 458

1 probably to prevent escape.



2 Q. Mr. Pasic, do you wish to add anything to your testimony?

3 Do you feel you have said everything you wanted to to this

4 court and, if not, the Tribunal is fully prepared to hear

5 anything you wish to add to your testimony in addition to

6 what we have already heard from you.

7 A. I think I have nothing else to say. What I have said is

8 what I intended to say.

9 MISS McHENRY: Your Honour, may I be permitted to ask one

10 question, maybe a clarification, from a prior question

11 asked by your Honours?

12

13 THE PRESIDING JUDGE: [Original in French] Absolutely. Go ahead.

14 MISS McHENRY: Thank you. (To the witness): Mr. Pasic, when

15 you were describing that you believed at least the

16 soldiers who came into, I believe, Batkovic were civilians

17 disguised as soldiers, could you explain exactly what you

18 mean by that? For instance, did you mean that they never

19 wore these uniforms other than to come into the camp, or

20 do you mean they did not perform any military duties?

21 A. As far as I could see, during my time in Batkovic, all the

22 civilian men between 18 and 65 years of age mostly wore

23 military uniforms and weapons, military weapons,

24 regardless of the time of the day or whatever their

25 activity they were engaged in.

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1 All the male population was activated, was made

2 ready, for fighting except that their tasks differed from

3 one person to another. So they were not, in fact,

4 civilians; they were soldiers who had fewer obligations

5 than the soldiers on the front line and so they had more

6 time to come to the camp and beat us.

7 MISS McHENRY: Thank you, your Honours.

8 THE PRESIDING JUDGE: [Original in French] Mr. Pasic, you have finished

9 your

10 testimony. The Tribunal thanks you once again for having

11 come here and for your testimony which you have brought to

12 us at the request of the Prosecution. Accompanied by the

13 clerk, you can go back to the room that awaits you. Thank

14 you.

15 THE WITNESS: [Original in Bosnian] Thank you.

16 (The witness withdrew)

17 THE PRESIDING JUDGE: [Original in French] Counsel for the Prosecution,

18 the next

19 witness?

20

21 MISS McHENRY: Your Honours, with respect to the next witness

22 I spoke with him just prior to the break and he has

23 indicated that he wishes to testify publicly, other than

24 his address not be given. So, as with the prior

25 witnesses, I would ask that the protective order be lifted

Page 460

1 with respect to the next witness.

2 THE PRESIDING JUDGE: [Original in French] Of course. We will take

3 the same

4 provisions as we have done for the previous witnesses,

5 that is to say, we will know the identity and, please,

6 then bring him into the room.

7 MISS MCHENRY: The Prosecution call Hasim Ferhatovic.

8 HASIM FERHATOVIC, called.

9 THE PRESIDING JUDGE [Original in French]: Good afternoon,

10 Mr. Hasim Ferhatovic. Please remain standing for the

11 moment so that you can read the oath which has been given

12 to you in your mother tongue.

13 THE WITNESS [Original in Bosnian]: I solemnly declare that

14 I will speak the truth only the truth and nothing but the

15 truth.

16 (The witness was sworn)

17 THE PRESIDING JUDGE: [Original in French] Mr. Ferhatovic, please be

18 seated. Please

19 do sit down.

20 As I have told the previous witnesses, you are before

21 the International Criminal Tribunal which is judging

22 crimes against humanity committed in ex Yugoslavia, so you

23 can express yourself and feel comfortable because you are

24 within a legal centre. We fully understand the material

25 and psychological difficulties linked to your testimony

1 and, therefore, we will bear that in mind. If you have

2 any difficulties at any moment during this hearing, please

3

4 let us know.

5 Madam counsel for the Prosecution, you have the

6 floor.

7 MISS McHENRY: Thank you. (To the witness): Sir, would you

8 please state your full name?

9 A. My name is Hasim Ferhatovic. I was born in Vlasenica on

10 18th December. I lived there until the day when on

11 2nd June I was taken to the Susica camp.

12 Q. Sir, do you have a nickname that you go by?

13 A. "Zoka" is my nickname.

14 Q. I believe you gave your birth date, but does that mean

15 that right now you are 46 years of age?

16 A. Yes.

17 Q. Prior to the war what was your employment?

18 A. I was employed in the construction, Radnik Construction

19 Company at Vlasenica.

20 Q. That was your full time job, am I right?

21 A. Yes, it was full time.

22 Q. In addition to working construction, before the war did

23 you do any other kind of work on a regular basis, even if

24 not on a full time basis?

25 A. I buried my neighbours in my free time. Sometimes I even

Page 462

1 had to ask for a day off to bury a friend, when a friend or

2 a local resident died or when a neighbour of mine or a

3 relative died, I would bury them.

4 Q. You indicated you lived in Vlasenica your entire life up

5 until you were arrested and brought to Susica; is that

6 right?

7 A. Yes, that is right.

8 Q. Did you live with your wife and children in Vlasenica?

9

10 A. Yes, I lived with my wife and my children and parents.

11 Q. With respect to your family, other than your wife and

12 children, can you describe -- you have indicated you had

13 parents -- did you also have brothers and sisters who

14 lived in Vlasenica?

15 A. In Vlasenica, there were five of us, five brothers and two

16 sisters.

17 Q. Did any of your family members help prior to the war when

18 you would bury neighbours or friends?

19 A. Yes, my brother, Alija, and my father and I was there.

20 Sometimes we needed a fourth man so Dzermal was also

21 involved.



22 Q. Your brother Alija does he have a nickname?

23 A. Yes, he was called "Gico".

24 Q. Can you tell us about when you were living in Vlasenica

25 and were arrested?

Page 463

1 A. I was at home with my family, with my wife and daughter.

2 My house was a little further away from my father's house,

3 and when they came to pick us up a soldier, two actually,

4 two soldiers arrived, Zoran Geguric, known as "Gegura" and

5 Andjelko, "Kopitar", I know him by nickname only, but he

6 used to be our postman and I would see him on a daily

7 basis. So they told me, they said: "Who else is in the

8 house?" I said, well, there was just myself, my wife and

9 my daughters.

10 Then they called me "Zoka", using my nickname. They

11 said: "We must go to Luka, Luka, Susica. There is a

12 meeting there", and I said: "Now, what will the women do

13 if there is a meeting? Why would women go? Men should go

14 alone". They said: "No, no, the women must come as

15

16 well". So we went on. We marched in front of them. We

17 came to a main street leading towards Susica, and when

18 I saw that, the main street, I saw quite a number of

19 people, large numbers of people, and behind our district,

20 our part of the town, I saw lots of men having their hands

21 behind their heads. And we were all walking towards

22 Susica.

23 When we came to Susica we were met by soldiers in

24 different kinds of uniform, the uniforms of the former

25 JNA, the uniforms of our police, the same kinds of

1 uniforms that they had during the former Yugoslavia. Then

2 women and children were immediately separated from us, and

3 we men were searched, and they took from our pockets

4 everything we had in the pockets. After that they threw

5 us into the hangar.

6 There I found my brothers, my daughters-in-law, my

7 sisters-in-law, rather, children, my brothers' children.

8 So we were locked there, and as we were entering the

9 hangar we found people, women, and men in the hangar. I

10 do not know exactly how many. I cannot give you the

11 precise figure, but there were quite a number of people.

12 We were not the first people to be brought there. That

13 was the first day.

14 Q. With respect to the people there, of the people you

15 recognised, did you know their religion or ethnic origin?

16 A. They were Muslims, nobody but Muslims, and those that

17 I met in already in the hangar, and I knew them, many of

18 them. I saw them there as I entered the hangar.

19 I recognised some people, and so we all of us felt very

20 unhappy. We did not know what was happening.

21

22 Q. When you say you met your brothers at the camp, how many

23 of your brothers were at Susica?

24 A. Me and three -- and my three brothers. The only brother

25 that was missing was my youngest brother who actually

Page 465

1 never left Vlasenica, but it was myself and my three

2 brothers, Hajrudin, Dzermal and Alija.

3 Q. Of your immediate family, meaning your wife and children,

4 who was at the camp?

5 A. There was my father, my mother and my two sisters-in-law,

6 and their children, the children of my sisters-in-law.

7 Q. Were your wife and children also at the camp?

8 A. Yes. My wife and one daughter, while my son had escaped

9 towards Tuzla before that whole business started.

10 Q. Can you describe physically what Susica was like?

11 A. Well, this was a hangar belonging to the former JNA. It

12 was used as a warehouse or an army depot usually for the

13 weapons of territorial defence units. In fact, the hangar

14 had been built by my company and I, in fact, as a worker,

15 as a builder, was involved in the building of that

16 hangar. This was simply a warehouse. There were two

17 large doors of about four metres wide. There was a ramp,

18 a loading ramp, when the trucks brought material or

19 weapons, so they could approach that ramp and then

20 unload. The building was about 40 metres long and about

21 20 metres, I would say.

22 Q. Do you know who was commander of Susica camp?

23 A. Yes, the commander of the Susica camp was Dragan Nikolic.

24 Q. Had you known Dragan Nikolic before you got to the camp?

25 A. Yes. I knew Dragan from his childhood, from his birth.

Page 466

1 I knew him. I knew his whole family. He worked in the

2

3 Alpro factory at Vlasenica, he was a foreman, and we often

4 were in touch. We would meet in the cafe in town. We

5 were playing cards or billiards. He liked company and he

6 liked the Muslim company.

7 Q. Did Dragan Nikolic while you were at the camp ever make

8 any reference to your prior relationship?

9 A. Never, never. He pretended he had never seen me before.

10 Actually, on one occasion when we were there at Susica in

11 the camp I used an opportunity or, rather, before, before

12 coming to Susica, I actually buried his father when his

13 father had died. His father was the slaughterhouse

14 manager and I used to work there part-time, so we knew him

15 and then I actually buried his father. And then he called

16 me "Zoka", and he said: "Do not think that because you

17 buried my father that you will have special privileges for

18 that reason".

19 Q. This is something he said to you while you were at the

20 camp; is that right?

21 A. Yes, quite.

22 Q. How long did your wife and children remain at the camp?

23 A. After four or five days the women, a certain number of

24 women, they brought a book, somebody brought a book, and

25 they asked the women to sign that they are leaving

1 Vlasenica of their free will. Some of the women rebelled

2 or refused, but then they threatened them with beating or

3 killing unless they did that. So that they actually had

4 to sign -- each woman had to sign that book. This was

5 brought in by a Serbian clerk. I did not know him.

6 There was a table at the exit from the camp. The

7 book was there on that table, and there was a name of

8

9 every woman, and she had to sign stating that he was

10 leaving Vlasenica of her own free will. Then they were

11 boarded on buses and trucks and lorries, and we heard that

12 they were taken towards Kladanj, to the point, to the

13 checkpoint of Luka. There they were left -- there they

14 left the buses and they had to walk towards Kladanj on

15 foot.



16 Some people, like my father and other elderly people

17 over the age of 60, these people were placed on trucks,

18 also allegedly to be taken to Luka and to be sent to

19 Kladanj but, unfortunately, they were not sent to Kladanj,

20 rather, they were brought to the Srpske hamlet near

21 Vlasenica, and that was controlled and surrounded by the

22 Serbs, and these elderly people were sort of left there to

23 die because there was no food there and so on.

24 Q. Do you know whether or not before she left, your wife had

25 to give up any property at the camp, any valuable

Page 468

1 property?

2 A. Yes. I only learned that when I was exchanged. I knew

3 that she had to give her earrings, she had to take them

4 from her ear lobes -- my daughter as well -- but I did not

5 see when this was happening. I only learned that from

6 them, from my wife and daughter, when I was released, when

7 I was exchanged.

8 Q. Am I correct that you did not have any valuable property

9 while you were at Susica, so you did not give up any

10 valuable property?

11 A. I had something, I had my wedding ring, I had my wedding

12 ring, and it was taken. It was taken from me when I was

13 being transported to Batkovic. Then the ring was taken

14

15 from my finger and money, I had some money, and this was

16 taken away by a Seholje patrol which was escorting us to

17 Batkovic. This was after leaving Susica towards Batkovic.

18 Q. After your wife and children and some of the women left,

19 were you and your three brothers still left at the camp?

20 A. Yes, I remained in the camp and my three brothers. But

21 the fifth brother, the last brother, was in the Vlasenica

22 SUP prison, Vlasenica Interior Department prison.

23 Q. Did there come a time at Susica camp where you witnessed

24 an event involved Durmo Handzic and Asim Zildzic?

25 A. Yes.

Page 469

1 Q. Can you tell us what happened?

2 A. This was on 21st June, sometime about 11.30 in the

3 evening, during the night, then Dragan Nikolic and Goran

4 Tesic, called "Goce", they actually walked into the hangar

5 and brought out and took out Durmo Handzic and Asim

6 Zildzic. We had no reason why they were taken out. We

7 only heard later because I was not far from the door of

8 the hangar, the door was ajar, and they took them into --

9 towards the electricity pole. This was floodlit.

10 First, they asked them questions and then they  
11 started beating them. As far as I could understand and  
12 hear, they asked Durmo: "Where is your son?" He said  
13 that his son had long lived in Ljubljana in Slovenia, and  
14 they asked him: "Where is your Kalashnikov rifle?" When  
15 I heard that, then after these words, suddenly there was  
16 thumping and beating.

17 Dragan had a truncheon hanging from his belt which he  
18 used to beat people on frequent occasions. So, on that  
19 electricity pole there was a table plaque, there was a  
20

21 plaque, and there was a cup, there was a bucket and there  
22 was a spade, and so this was hanging from there. And then  
23 he was left, he broke the handle of the spade and with  
24 that handle, of the broken handle, of the spade, he would  
25 beat people on the back, on the head, until they fell on

1 the ground.

2 Q. When you say, "he" are you referring to Dragan Nikolic or

3 Goran Tesic?

4 A. Both. Both, in fact, both of them were beating them. You

5 see, Goran took the spade and the other one used the

6 pipe. He had a semi-automatic rifle which he left on the

7 side, so he took the spade and he hit Durmo with the spade

8 until the spade broke, so to speak. So the lower part

9 fell off.

10 Then later he took the -- Jenki Dragan took the pike

11 and took the handle of the pike and then beat him, and

12 then when he was finished he just threw the handle away,

13 and then he went to sit at a table because there was a

14 table there with chairs. Then they beat them also, kicked

15 them also while they were lying on the ground.

16 Then Dragan Nikolic called my brother, Alija. They

17 asked him to pour a bucket of water over the two people to

18 bring them back to consciousness. So he said to my

19 brother, Alija: "Call somebody else from the hangar and

20 carry them into the hangar" because they could not walk.

21 Since I was close to the door, my brother actually called

22 me and there was Ekrem Pasic and one more person whose

23 name -- oh, yes, Smajlovic, Mirsad Smajlovic. So, the

24 four of us, we took them by the arms and the legs and we

25 brought them into the hangar.

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1

2 They had spent some half hour outside the hangar, but

3 when we brought them back, I saw that Asim's head was all

4 beaten. His eye was -- came out of his socket, so to

5 speak. Blood, he was spitting blood and he was gurgling.

6 He was suffocating. He lived for some 40 minutes after

7 that and then died. While some 20 metres away from me

8 other people were taking care of Durmo. They were wiping

9 blood stains. They had some pieces of cloth to wipe him,

10 and they put some compresses on him, cold compresses, but

11 he was moaning and sobbing, so we had to tell Dragan that

12 Asim had died.

13 Then he said: "Well, you see, now, now you bury him

14 according to your custom, you know how to do this". So we

15 said: "We cannot do anything now; it was one hour after

16 midnight. We will wait until morning". So we sat round

17 him, around Asim, all night until the following morning.

18 In the morning the door opened and Dragan Nikolic

19 appeared in the door, and then he ordered me and my

20 brother, Alija, to take the stretcher, the army stretcher,

21 to take Asim out, carry Asim out of the hangar. So we

22 took him out. We brought him to a warehouse, a nearby

23 warehouse, where the packaging materials were loaded, and

24 we wanted to bury him.

25 Then I heard, while we were doing, he said to Mico

Page 472

1 Gojgolovic: "Go to the hangar and find a neighbour,

2 Asim's neighbour, so that he would be sent to notify

3 Asim's wife that Asim had died". So they found the first

4 neighbour, the next door neighbour, of Asim, Meho Durmic,

5 and together with Mico Gojgolovic, in his car, they sat in

6 his car, and drove towards Asim's house to notify his wife

7

8 of his death. They told the wife and she was told that

9 that was a heart attack, and that he would be buried.



10 So they came back. In the meantime, before they  
11 returned, we were waiting for the funeral car because they  
12 ordered -- they ordered the normal funeral car so that  
13 people would not feel what was happening, and Meho was not  
14 allowed to tell anybody that Asim had been beaten and that  
15 he had been actually killed because Mico Gojgolic was  
16 with him, the Serb.

17 So the wife came and stealthily, I was standing next  
18 to Asim, Dragan Nikolic was next to me, and when we saw,  
19 I said: "Let's see" -- this is Asim's wife -- she could  
20 not go into the camp, she was some 10 metres away from us,  
21 she was stopped. He would not allow her to come any  
22 further. She called my name, and said: "Hasim, has he  
23 suffered a great deal?" According to Dragan's orders,  
24 because he realised now, he said: "Tell her that he had

25 not suffered at all, that it was a heart attack". So

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1 I said what he told me. I could not lie but I had to lie

2 because I was forced for my own safety.

3 So the woman left. She asked me to bury him in the

4 Muslim cemetery not far from their house. I did that and

5 when the funeral car came, the undertaker's car came,

6 myself, my brother Alija, Mirsad Smajlovic and Ekrem

7 Pasic, I think, but I am not sure, we went with that

8 undertaker car. Four policemen followed us in the next

9 car, and these four policemen, of these four policemen

10 I only knew one which was Perica because he had his own

11 private retail store in Vlasenica, so I knew him but I had

12 not seen him here in the camp before.

13

14 So they took us to the cemetery, the Muslim cemetery,

15 in Vlasenica and they told me: "Now you do it according  
16 to your custom". So we buried the grave -- we dug the  
17 grave and, in the meantime, when we took Asim out, they  
18 say: "Just try to find a coffin or some kind of crate in  
19 the mosque". We could not find anything but we found a  
20 crate, an old box, wooden box. So we put Asim in there  
21 complete with his clothes, fully clothed. We buried him.  
22 We did not mark the grave at all. We simply covered the  
23 grave. They put us into the car again and returned us to  
24 the camp.

25 While we were returning Perica stopped by at his

Page 474

1 retail store. He took about half a loaf of bread and some

2 salami and gave us to eat. He said: "Do not eat here.

3 You can eat when you come to the camp. There you can

4 eat." While we were sitting outside, we just started

5 eating the bread that we were given. We heard noise in

6 the hangar. At that moment Durmo stripped to the waist,

7 swollen all over his face, bare footed, no shoes on his

8 feet, he was about to go to the entrance, to the way out

9 of the hangar.

10 The other people tried to stop him, not to get out,

11 because Dragan was sitting outside, because he would

12 otherwise beat him. At that moment Durmo fell down,

13 collapsed on the floor. I came back to near the

14 ammunition, the chest with ammunition, and I heard noise,

15 they said: "He died".

16 They immediately informed Dragan. Dragan was sitting

17 in the shade near the guard house. He telephoned, Dragan

18 telephoned the undertaker's vehicle and told us that we

20 should go back and bury Durmo as well. We had no coffin.

21 We just wrapped him in a blanket, a JNA blanket, and put a

22 folium, olive coloured, and wrapped him and brought him to

23 the cemetery and buried him, came back and that is how it

24 happened.

25 Q. You referred to a Serb who was there part of the time, at

Page 475

1 least, I believe when you were waiting -- or who was

2 involved in going to tell Asim Zildzic's wife, Mico

3 Gojgolic, was he a guard at the camp?

4 A. Yes, Mico Gojgolic was a guard.

5 Q. Do you know whether or not there was a Dzevad Saric at the

6 camp?

7 A. Yes.

8 Q. Can you tell us what, if anything, you saw happen to him?

9 A. It was during the night, between the 23rd and the 24th

10 June. Also, again Dragan Nikolic and Tesic Goran Goce,

11 "Koke", they also called out Dzevad Saric and Muharem

12 Kolarevic, also at the A post. I did not quite know why

13 they had taken them out.

14 Q. Could you hear anything after they were taken out?

15 A. I cannot quite remember. I know they were taken out. Why

16 they were taken out, I cannot remember at this point. My

17 memory is failing me at the moment. They were taken out

18 and they were beaten, beaten, beaten until almost they

19 were made unconscious, and I saw that with my own eyes

20 because the door was ajar, and I peeped through and I saw

21 them shoot them dead with a machine gun, with a submachine

22 gun.

23 After they had killed them, then, as ordered by

24 Dragan Nikolic, Koke came in to call me and my brother,

1 Alija. We went out. I saw the men lying down. He also

2 ordered us to take the stretcher and take them behind the

3 hangar to remove them from there. We did so. First, we

4 carried Dzevad Saric and then we came back and then

5 Muharem Kolarevic too. Because the place where they were

6 beaten was bloody, was covered with blood, he ordered us

7 to take bucket fulls of water and wash away the blood.

8 Because we could not wash away the blood because there was

9 plenty of blood around, he ordered us to take sand, some

10 sand, used for masonry work to cover it, and we covered

11 everything, wherever there was traces of blood.

12 We kept Dzevard on the stretcher. When we had

13 finished all that, we asked them to go to the tap and wash

14 our hands. Dragan was in the guard house. He had a  
15 military bed made of metal. His feet were on the bed. He  
16 was lying on the bed. Koke allowed us to wash our hands  
17 but he said: "Wait a little; there will be some more work  
18 for you." We had to stand by that guard house.

19 He ordered my brother to go to the hangar and call  
20 out Zekic Ibro, nicknamed "Musa". I remember him  
21 clearly. He was also from the suburbs of Vlasenica.

22 I knew him quite well. He was brought there. He came.

23 He offered him a chair to sit on. He sat down, and he

24 said: "Now tell us how you cut Milonja's throat". He

25 starting swearing, by everything that he knew nothing

Page 477

1 about that, that he was drunk, that he was caught, that he

2 is innocent, he knew nothing about it. "Now you will know

3 whose throat you cut."



4 There was a guard sitting next to him, an older man,

5 about my age -- a little bit older than I am -- he had in

6

7 his lap old German machine gun. He took that German

8 machine gun and just emptied the barrel, the cartridge

9 completely and riddled him with bullets and he just fell

10 down from the chair. He said: "Go and get the

11 stretcher".

12 Q. When you say "he did this", do you mean Goran Tesic?

13 A. Yes, Goran Tesic ordered us to bring the stretcher.

14 Q. Is Goran Tesic the one who fired the shots shoots into

15 Zekic?

16 A. Yes, it was Goran Tesic was the one who shot the bullets

17 into Zekic.

18 Q. Where was Dragan Nikolic at this time?

19 A. Dragan Nikolic was inside, he was lying on the bed. It

20 was a low window. There was a parapet of about 50

21 centimetres from the ground. That is where the guards

22 lived, the guards who watched the prisoners.

23 As we were on our way towards that place where he had

24 -- we had left Dzevad Saric and Muharem Kolarevic, when

25 we came there, we were stupified, we were shocked.

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1 Muharem Kolarevic was not the stretcher bearer, and we

2 knew that we had left him there. I know that he was

3 bloody, he was beaten up, badly beaten. I had seen that

4 all with my own eyes, but he was not there. We came back,

5 all in panic, and said we had not seen Kolarevic. They

6 jumped up like wild wolves.

7 Q. When you say "they jumped up", who is "they"?

8 A. Dragan, Koke and all the other soldiers who were there.

9 Dragan even jumped out of the window and, because they

10 were panicked. Then they used flood lights to search for

11 him and one of the Serbs then said: "You have hidden

12

13 him." The other one said: "Where would they hide him?

14 They cannot hide him in their pocket. They were there all

15 the time". "It does not matter", he said.

16 So we came back with the stretcher and picked up,

17 lifted Zekic's body and took him next to Dzevard Saric's

18 body.

19 Q. Can I interrupt you for one minute? How far away was the

20 spot from where Musa Zekic was killed and then fell down

21 from the guard house, approximately?

22 A. He was sitting in the chair in front of Golan Tesic two

23 metres from him, two metres from him.

24 Q. How far away was the guard house where Dragan Nikolic was,

25 approximately?

Page 479

1 A. The table was right next to the guard house. He was

2 leaning with his back against the guard house and there

3 was a chair in front and the other -- if you sat there,

4 your back was against the wall of the guard house.

5 Q. I see. Please go on. What happened after you put the

6 body of Musa Zekic on the stretcher?

7 A. We came back, we came back from that place. "Can we go

8 back to the hangar?" we asked. They said: "Yes". He

9 offered us some brandy. We could not, we were not -- we

10 were afraid to say no, so we washed our hands. We had

11 some brandy, washed our hands. As we were washing hands,

12 we heard them saying: "We should call the police".

13 Allegedly Dzevad and the other guy were supposed to

14 be running away. He told us to go into the hangar and

15 cover ourselves and, because the police were coming. Just

16 as we entered the hangar I told everybody in hangar to lie

17 down, not to sit down, the police were coming. We heard

18

19 the noise of a car engine. The police were there. First

20 there was silence and then the door was opened with a

21 great noise.

22 One of the policemen -- Dragan Nikolic came in, Koke

23 and one of the policemen, whose names I do not know, who

24 had come, who had -- whom Dragan and Koke had called.

25 They said: "Which of you have tried to escape?" Nobody

Page 480

1 raised their heads. At the last moment an older man

2 said: "Rasid Ferhatbegovic from Papraca". He could have

3 been about 60 years of age. At that moment he was dozing

4 off. He was scared and lifted his head.

5 The policeman said at that moment: "Is that the

6 one?" and Koke immediately responded: "Yes, he is the

7 one". "Bring him over here". They took him out and we

8 heard the sound of a gun shot. The door was closed. We

9 could not see who did the killing. The door was closed

10 again. There was silence until 5 o'clock in the morning.

11 When dawn came at 5 o'clock in the morning, Dragan

12 and Koke came to the door and said that I and my brother

13 Alija should go out. We went out. "You know where the

14 tools are for digging". We got the tools ready. They

15 offered us a cigarette. We smoked a cigarette while

16 waiting for a car which was supposed to come there. We

17 thought we would drive them to the same place where we had

18 driven Asim and Durmo to our cemetery.

19 While we were smoking a small lorry came. It was

20 driven by a manic named "Cadjo", which really means

21 chimney sweep. He brought the car. In the meantime,

22 I forgot to say, when we got up that morning, Tesic Goran

23 told us: "Take the stretcher so you can see where that

24

25 body is, the missing body is". We took the stretcher as

Page 481

1 we were going along the road where he was, we saw the

2 blood and we saw wire, and then there was an outhouse.

3 Muharem managed to where we had put him down and walk to

4 the toilet to the outhouse, and the wire was mounted on

5 concrete pillars, and beyond the wire there was forest and

6 hill.

7 He tried to go under that wire and walk out into the

8 forest, at least that is my reconstruction. Then he  
9 bled. He must have got entangled in the wire and was  
10 hanging from that wire when we came there. I think he  
11 was dead already. Tesic, using the submachine gun with 36  
12 bullets, round one way, one round the other way while he  
13 was dead. "Now", he said, "you can take him off; he will  
14 not run away any place".

15 We barely managed to disentangle him. We tore some  
16 of his clothes in doing so and brought him to near where

17 Dzevad Saric's body was and Musa Zekic's. Rasid

18 Ferhatbegovic was also lying there. I just saw a hole, a  
19 small hole, in the forehead and it was black around that  
20 hole, and the part behind the forehead was not there at  
21 all. It was gone, disappeared.

22 "Can we load him?" we asked, and they said: "Yes".

23 A piece of the skull was there. He said: "Pick it up".



24 He had a Russian beret on his head. I had to put

25 everything in his hat. Everything, all pieces of his

Page 482

1 skull. When we loaded him, we asked him to go to the tap

2 to wash our hands because our hands were bloody. They let

3 us to do that. We got in the van, on the lorry, on the

4 small lorry, and I thought we were headed towards the same

5

6 place where we had buried Asim and Durmo, but the lorry

7 turned into another direction.

8 We kept driving. I know where it is. The place is

9 called Mracni Do towards a village called Salokavja.

10 I know, I know that area because I had walked around that

11 area once. When they came to the curve at Mracni Do, "Now

12 find a good place. You do not have to dig separate

13 holes. You can put them all in one pit". It is woods, it

14 is hard to find an area because there are a lot of roots.

15 It is hard to find a place where you can put four bodies

16 one next to another, because there is rock, there are

17 roots, and we do not have the proper tools to do that.

18 But they kept insisting and pushing us on and saying:

19 "Hurry, hurry, hurry up". Wherever we started digging

20 it was too hard to dig.

21 Then I remembered at that place, at that area, they

22 used to have quarries for limestone because they made

23 limestone the traditional way from stone, and I knew that

24 there was to be a cauldron there. Wherever there was

25 metal there must have been a cauldron there. I found the

Page 483

1 cauldron. We cleaned it, maybe it was about 80

2 centimetres deep and one and a half metres and two metres

3 in the sides.

4 We asked if we can put him there. They said:

5 "Yes". First, we put Dzevard's body and then Kolarevic's

6 body and then later Zekic's body and Ferhatbegovic's. We

7 put the earth on top of them, the ground. We found a tent

8 of the olive green colour. We covered them with this

9 tent -- the canvas, and then put the ground, and there was

10 a little mound. We made a little mound. There were some

11

12 trees around. I also put the trees on top of the mound.

13 It was raining, it was driving rain. It was

14 pouring. They told us to go back to the car. When we

15 came to the Susica camp again, they gave us a hose to

16 clean the blood on the lorry. When we finished washing,

17 they gave us some of their own breakfast. I could not eat

18 after what I had experienced. I just could not eat.

19 I took what they gave me and gave it to somebody else.

20 That roughly will be everything concerning this

21 incident.

22 Q. Was Pasic a guard at the camp?

23 A. Yes. He was, I might say, the right arm of Dragan

24 Nikolic. They would never be separated. They never

25 actually left the camp. It was only occasionally that

Page 484

1 they would leave during the day, but one of them was

2 always left behind and the other would return very soon.

3 Q. While you were at Susica, in addition to the events that

4 you have already told us about, did you witness any other

5 acts of mistreatment?

6 A. Yes. While I was in Susica, I saw a bus, a blue bus.

7 Birac was the forestry company and they had a bus for

8 their workers, so I knew their blue bus, so that was the

9 Birac forestry bus. The bus came once, stopped at the

10 entrance to the camp. There is a little bridge there

11 because the River Susica flows under that bridge. The bus

12 stopped at the bridge and the bus was full of people. And

13 Nezir Boric, Mevludin Hatunic, Hadzan, whose name I know

14 only, I do not know his second name, he was the bus driver

15 at the Bauxite Company, and Avdo who was the waiter at the

16 bus station restaurant. So, these four or five people

17

18 came and out.

19 When they entered -- and the bus continued towards

20 the place where I had buried Dzevard and Murahem. After

21 some 10 to 20 minutes the bus came back empty. Later, an

22 excavator, the yellow tractor excavator, also drove in

23 that same direction towards that place, and when we asked

24 Aldov and other people: "Who are these people?" Then

25 they started telling us, they said: "They were the people

Page 485

1 who were in prison in the SUP Vlasenica", the police

2 station of Vlasenica, "and we do not know what happened to

3 them". I remember some of the names mentioned; Muharem

4 Telalovic and his two sons, (indecipherable). Now, these

5 were the names that we heard from these. Then there was a

6 man, an Albanian man, who was a forester in our town.

7 Some 35 people were actually in that bus. We heard later

8 that they were killed, shot, and buried up there.

9 Q. With respect to inside Susica camp, did you ever see

10 besides the incident you have already told us about, did

11 you ever see Dragan Nikolic mistreat people in addition to

12 the events you have already testified about?

13 A. Yes. There are witnesses, I think, the brothers Misad and

14 Nurija. There were three brothers, the brothers Amir and

15 Jakoop, Osmo and Bec, and he accused them of being the

16 members of the SDA, the independent Muslim party, and he

17 accused them of having weapons and said: "Where are the

18 weapons? I will kill you if you do not tell me."

19 So they were beaten every day, two to three times, on

20 two or three occasions, and this was done by Dragan in

21 person. He would use a truncheon. He had heavy boots,

22 army boots. He would hit them and kick them and broke

23

24 their ribs.

25 Also, I saw him taking a knife, a bayonet, of an M45

Page 486

1 rifle, and he would push that towards their throat to

2 frighten them, and said: "Speak out, say where are the

3 weapons?" or "Where is your brother?" In general, he

4 always found some kind of reason to actually beat people.

5 Q. Were people sometimes tied up outside the hangar?

6 A. That was the kind of punishment he would give. He would

7 tie your two thumbs and you had to have your hands outside

8 in the sun, and he would tie their hands by the drain, and

9 the drain was higher up and the person would stand like

10 this until he fainted. And then there were sharp stones

11 on the ground and they had to kneel with bare knees. Then

12 they would kneel, having their hand behind their heads

13 until Dragan said that was enough.

14 Dragan would just be sitting at his desk beating the

15 time, so to speak, and waiting for the time to pass,

16 whatever his pleasure was, so to speak.

17 Q. At Susica camp, besides sometimes acting as grave digger,



18 did you have to do any other sort of work?

19 A. Yes, yes. We would leave around 7 o'clock in the

20 morning. Goran would come, Goran Viskovic known as

21 "Vjetar", nicknamed "Vjetar". He would come with the

22 refrigerator, refrigerator lorry that had been used in

23 peaceful times to transport meat in Vlasenica, and he

24 said: "We need 20 people today. They have to do some

25 work". So he would come into the hangar, Dragan followed

Page 487

1 and he just pointed the finger and said: "You, you, you

2 and you" because he knew people from Vlasenica.

3 So he would collect 22 people, he took 22 of us, and

4

5 put us into the refrigerator, lorry but the lorry was not

6 refrigerating. It was simply suffocating but not cold.

7 He would take us to a farm near Vlasenica where we  
8 gathered livestock, built fences for livestock so that  
9 livestock would not escape. Then we also have to work in  
10 our gardens. We had to dig, to work in the gardens so  
11 they could collect and harvest the produce.  
12 All kinds of things we did. Some people worked.  
13 There is a place call Lage where they were building a new  
14 barracks. That was done by a group of people. It was  
15 always like this. We started around 7.00 in the morning  
16 and were brought back about 5.00 or 6.00 in the  
17 afternoon. So they would come again at 7.00 the following  
18 morning, took us to work. We were given a slice of bread,  
19 and only if the guards were more merciful they would give  
20 us some of their food, but otherwise we just got a slice  
21 of bread for 24 hours -- today at 10 o'clock in the  
22 morning and then again tomorrow at 10.00.

23 Q. Can you describe while you were at Susica how you reacted

24 to this situation?

25 A. How do you react when you see it all happening; people

Page 488

1 being brought in, reading your names from lists, some

2 people, and then everything has to go to Dragan and then

3 it is said: "Now these people are called for

4 interrogation", but these people would be taken away and

5 never brought back. Where they ended, we just did not

6 know but they never came back.

7 Whoever was taken away, anybody that was taken away,

8 had to be approved by Dragan Nikolic. So for anything

9 that happened, any kind of, anybody being taken away, he

10

11 had to give his approval. I watched on a number of

12 occasions people being taken away and never brought back.

13 Q. Were you yourself frightened while you were at Susica?

14 A. When you see what is happening then you simply wait when

15 your turn will come. Will your turn come? You think all

16 kinds of thought. What I have done in my life? Have

17 I have ever done anything? Will somebody come who

18 remembers a long kind of history to torture you? But,

19 thank God, nothing happened to me.

20 Q. Did there come a time when some prisoners were sent from

21 Susica to Batkovic camp?

22 A. Yes, the first group left on the 27th June. That was the

23 first group for Batkovic. There were people from Kalesije

24 and Papraca, also some people from Vlasenica. They simply

25 wanted to fill one bus load. The second group left on

Page 489

1 28th June again for Batkovic. They were all people from

2 Vlasenica. I was in the third group on 30th June but

3 I was not in the hangar.

4 That morning, on 30th June, Goran Viskovic came and

5 took us to work in a field, in a corn field, and there

6 were 22 of us, including my two brothers, Alija -- sorry,

7 not Alija, Dzemel and Hajrudin. So we waited for this

8 piece of bread for our lunch, but instead of this a

9 policeman came with short sleeved shirt, said: "Leave

10 your tools there and go into the refrigerator truck" in

11 which we were transported. So we wondered what was

12 happening now. We knew there was another group to be sent

13 to Batkovic.

14 Q. How did you know that the groups of people leaving were

15 being sent to Batkovic?

16

17 A. I knew it from Mico Gojgolic. He told me personally.

18 He said: "This is your only salvation. If you can be

19 sent to Bijeljina, because if you remain in Susica", he

20 said, "you will all get killed", and fronts opened,

21 fighting began. Their people were also killed in the war,

22 and they would come as wild dogs into the Susica camp and

23 then took people away, they maltreated them, they beat

24 them, some people were killed, of course, and so they were

25 simply taking revenge upon us for their losses on the

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1 battle, in the battle field. So he told us: "The best

2 thing that can happen to you is to be sent to Batkovic".

3 That is what he told me.

4 Q. He was a guard at the camp; is that correct?

5 A. Yes, he was a guard, yes. He, in fact, was the only one

6 that you could approach and speak to him. I must say,

7 even to this High Court, he never beat anybody, he never

8 did anything to anybody. I cannot say but what is right.

9 He may be rich but that is another problem. He would go

10 with his own car and would bring cigarettes to us, but he

11 was despised by his other friends but he was not afraid.

12 He always quarrelled with them.

13 Q. You said the two brothers went with you when you were

14 brought to Batkovic; is that correct?

15 A. Yes. My two brothers Hajrudin and Dzemel.

16 Q. Besides you and your two brothers who was left at Susica

17 at that time?

18 A. At Susica, Alija and Maludin were left; Alija Gico and

19 Maludin, nicknamed "Mijka". They remained at Susica. My

20 sister, Alija, and my brother-in-law, Ibro, and I must say

21 until the present day we know nothing about them. We do

22

23 not know whether they are still alive or not -- nothing.

24 Q. Do you know anything about why any of them were not sent

25 to Batkovic with the other people?

Page 491

1 A. No, I do not know.

2 Q. Did you ever see your brother, Gico, scheduled to go to

3 Batkovic?

4 A. Yes, he was supposed to leave in the first group on 27th,

5 he was scheduled to go. He actually was in the bus

6 already, but there was somebody reading from a list of

7 names and Dragan Nikolic was there and, in fact, he read

8 my brother's name, and so as we entered the camp they had

9 the list of our names and it is from this list that they

10 decide who will go to Batkovic. So, my brother was

11 supposed to leave on 27th in the first group, so his name



12 was called and he sat in the bus. Then people said: "Oh,  
13 Gico is leaving". At that moment, Dragan Nikolic heard  
14 this, heard this "Gico is gone". And then he did not know  
15 my brother, he knew my brother not as "Alija" but as  
16 "Gico". So at that point he went into the bus again and  
17 took my brother out of the bus and said: "You are going  
18 to stay here", and so he did stay -- until today perhaps.

19 Q. How long did you stay in Batkovic?

20 A. I stayed in Batkovic for 13 months.

21 Q. Can you briefly describe the conditions at Batkovic?

22 A. Horrible, horrible conditions, especially for the first  
23 two months. Our arrival, when we came there, they were  
24 beating us, they mistreated us. They cut our hair, their  
25 shaved our heads, in fact. They kept us in the sunshine,

1 in a closed, in a camp with barbed wired, some five or six

2 rows of barbed wired, with sentry boxes and observation

3

4 points with machine guns, with search lights, and all of

5 this was pointed towards the camp where we were gathered

6 like ants.

7 So we were beaten, maltreated until the point when

8 the International Red Cross arrived. When the

9 International Red Cross arrived, then it was a bit easier,

10 I must say. The International Red Cross intervened. Then

11 they allowed us to come out accompanied. We went to

12 harvest their grains, and this was done for Serb peasant.

13 Anybody who had anybody in the Yugoslav army was entitled

14 to take requisition prisoners who would then be

15 collecting, harvesting maize, potatoes, hay, cutting hay,

16 drying hay. When we came to a farmer, we were given food

17 as we worked, and that was life until the 21st of July

18 1993 when I was exchanged and freed together with my

19 brothers and my father, because my father also came to

20 Batkovic later from Srpska. I did not say before.

21 My relatives, my mother and wife and children,

22 thought that my father was at Tuzla and they told us so.

23 But my father was not in Tuzla, but they were not allowed

24 to write the truth. We thought now my father was in

25 Tuzla, suddenly you see him in prison, a man aged 70, and

Page 493

1 then this was really shocking and horrifying. When they

2 left Srpske, he was captured there at Batkovic. Then he

3 was taken to Zvornik where he spent six months. When he

4 was supposed to be exchanged, then he was brought to

5 Batkovic instead. He stayed there between 8th February

6 1993 to 21st July 1993 when he was exchanged together with

7 me, the man of 70 years with heart attack, partially

8 paralysed. I had to take care of him.

9

10 MISS McHENRY: Your Honours, I do not have any additional

11 questions for this witness.

12 THE PRESIDING JUDGE: [Original in French] It is now 4 o'clock. I

13 suggest that we

14 adjourn for 30 minutes this time. So we will continue

15 with the witness at 4.30.

16 (Short Adjournment).

17 4.30 p.m.

18 THE PRESIDING JUDGE: [Original in French] We can resume the

19 hearing. Judge, would you like to raise some questions of

20 the witness?

21 JUDGE ODIU BENITO: Thank you, Mr. President. Mr. Ferhatovic,

22 if you do not mind I would like to know how is your family

23 right now? How is your mother, your wife, your

24 sisters-in-law, how are they all of them?

25 A. My mother died. I did not find her alive when I came back

Page 494

1 from the camp. My wife and my children are OK. They are

2 living with me. I visit also my two sisters-in-law, the

3 wives of my brothers whom I have lost. I also visit the

4 son of my sister who has also gone. They are of course

5 sad. My brother who was killed who is missing, the son

6 keeps asking me: "When will my father come?" and I said:

7 "He will come back. Probably he will be exchanged as

8 I was exchanged." We live on in Tuzla. We help each

9 other as much as we can. If I have anything extra I give

10 it to them and they give to me if they have anything they

11 can spare. We just co-operate very well, help each other.

12 JUDGE ODIO BENITO: Thank you very much.

13 JUDGE RIAD: Mr. Ferhatovoic, you mentioned that Nikolic used

14 to invent a pretext to torture people and to enjoy

15 watching the torture, but some torture was done by others

16

17 of course. Was it all the torture and the killing under

18 his command or do you think things were done sometimes

19 without his being involved?

20 A. As far as I know and as far as I could see everything that

21 happened in the camp, in the Susica camp, everything

22 derived from him. Whoever started doing something he

23 would be there to continue the beating, and I think

24 everything originated from him.

25 Q. My second question, you said that you went to work to

1 build fences and barracks. Were these barracks related to

2 the war activities and were you engaged to work in the

3 field of the battle or was it work independent from the

4 battlefield?

5 A. All the work related to the frontline was done while I was

6 in the Batkovic camp. I went to Miovica mountain and

7 chopped wood for the Serbian soldiers. While I was in

8 Vlasenica, when I worked there, when I did those fences

9 for the cattle, they gathered cattle, livestock, because

10 livestock was simply left to their own resources and they

11 would just close in all the livestock. But the force

12 labour in Batkovic was related to the military. I dug

13 trenches, loaded ammunition. I did all sorts of things.

14 I also worked on the transmission lines, everything. Even

15 we chopped wood for their families in their houses. They

16 did not want to chop their own wood. We had to chop wood

17 for them, firewood.

18 Q. Were you exposed to danger in this work, danger coming

19 from the battles?

20 A. Yes, I was. There were cases of people who got killed,

21 who were killed because he was hit by a sniper on the

22

23 other side, because he does not know who I am; he just

24 looks for somebody to kill and he does not know whom he

25 kills because a grenade does not chose where Serbs are.

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1 It just hits a place and whoever happens to be there gets

2 killed.

3 Q. So in fact you were on the frontline?

4 A. Yes, exactly so.

5 Q. Also you mentioned that anybody who had someone in the



6 Yugoslav army could take prisoners from your camp to use

7 whatever, to use them in whatever they wanted. When you

8 say "anybody who had someone in the Yugoslav army", which

9 Yugoslav army are you speaking of?

10 A. The former Yugoslav army, whoever had anyone in the

11 battlefield, old men and weak people remained behind, the

12 Serbian people, they went to the command, to the Serbian

13 command, and asked for permits for people, for 10 or 20

14 men to be taken out so that these people from the Batkovic

15 camp, that is us, we would help with the harvest, with the

16 potato harvest, chop wood, because he was old and his son

17 was on the frontline in the Serbian army.

18 Q. It was the JNA?

19 A. It was in the Serbian army, paramilitary army, controlled

20 by Karadzic.

21 Q. Last, there was some statement you said that when they

22 were transferring people you said they transferred old

23 people and left them at an unknown place for them to die.

24 Did I understand rightly that the old people were

25 transferred and were left and nobody found them after that

Page 497

1 and they were left to die? I noted it down.

2 A. When they transferred people from the Susica camp, women,

3

4 old people, 60, 65 years old and older, they took some of

5 them, drove them towards Kladanj and others they took

6 towards Cerska; it is a village called Cerska, which was

7 surrounded by Serb forces, Serbian forces, and Muslims

8 lived in Cerska itself in the village. There were people

9 who died there because they had no medication, not enough

10 food, they did not have a doctor around to protect them,

11 protect their health. I know, according to my father who

12 told me, who lived there in Cerska, he told me about,

13 individually about people who died because they could not

14 endure the conditions. Some of them lacked medicines and

15 no food or medicine could come because the village was

16 surrounded by Serbs.

17 Q. Who sent them there -- was it Nikolic?

18 A. Yes, Dragan Nikolic with his associates. There was a

19 commission set up headed by Dragan and they decided who

20 will go where.

21 JUDGE RIAD: Thank you very much.

22 THE PRESIDING JUDGE: [Original in French] Mr. Ferhatovic, was your

23 sister at the

24 camp at the same time as you? I believe that was the

25 case. Here is the question. What happened to the women

1 during the period when you were at the Susica camp? How

2 many women were there? What did you observe happening to

3 them? What was done to these women?

4 A. I was able to see two or three times while I was there

5 during the one month I spent there, they took the women

6 out, young women, I do not know their names. They took

7 them out in the evening and brought them back in the

8 morning. Where they took them, what they did, but judging

9 by the way they appeared, because they came back full of

10

11 tears, with their hair tousled and their clothes torn,

12 what they did I could not tell exactly, but I did see them

13 being taken about 8, 9 o'clock in the evening and bring

14 them back before 7 o'clock in the morning.

15 Q. During the time whilst your sister was with you was it

16 possible for you to communicate with her?

17 A. No.

18 Q. What was life like in the village before the war? Was

19 life peaceful or was it possible to note and feel the

20 tensions between the different communities?

21 A. Yes. I want to say where this hatred came from for us.

22 Although for years, as if we had hated each other for

23 years, but there had been no quarrels, no fighting or even

24 at various gatherings in dance halls there had never been

25 any fights, all of a sudden out of the blue for no reason

Page 499

1 whatsoever.

2 Q. So this was quite sudden? There was nothing which would

3 indicate this would happen?

4 A. This was totally mysterious. Why? We kept asking "Why?"

5 Because until previous day we used to visit each other,

6 socialise, had drinks together, ate food together. If he

7 bore a grudge against me I would have understood that, but

8 there was nothing of the kind. For him to hate me so much

9 that he can kill me, I just could not believe that.

10 Q. One final question. I would like to ask you now, given

11 what you have seen and all that you have suffered, you

12 have buried a lot of dead people, you have seen a lot of

13 death witnessed, a lot of suffering, you are now giving a

14 public testimony. What are your feelings here and now

15 today? What are your emotions and feelings at this

16

17 particular time?

18 A. At this moment I came here to tell the truth and it is a

19 painful truth because of my two brothers and my sister

20 mostly, and because of my entire nation which suffered,

21 which went through an ordeal to tell the real genuine

22 truth what these criminals did to us. I would not have

23 the courage to conceal anything.

24 THE PRESIDING JUDGE: [Original in French] Mr. Ferhatovic, the Tribunal

25 thanks you

Page 500

1 very much indeed for your appearance here in The Hague

2 before the International Tribunal. At this point your

3 testimony is complete, and the Clerk will show you out to

4 the room which is waiting for you. Thank you.

5 THE WITNESS: [Original in Bosnian] Thank you.

6 (The witness withdrew).

7 THE PRESIDING JUDGE: [Original in French] Counsel for the Prosecution.

8 MR. NIEMANN: Thank you, your Honour. We have spoken to the 17

9 next witness we propose to call. This witness has

10 indicated that he does not wish to have any orders made in

11 respect of concealing his identity or evidence. I would

12 ask that the order for non-disclosure in respect of this

13 witness be lifted, except in so far as it might apply to

14 his address being disclosed.

15 THE PRESIDING JUDGE: [Original in French] Yes. Mr. Registrar, please

16 note the

17 request and also the answer which is along the lines, the

18 same answer to the request made previously by the

19 Prosecutor for the previous witnesses. So please

20 introduce the next witness. Please tell us his name, his

21 family name and first name.

22 MR. NIEMANN: I call Suad Mahmutovic.

23 SUAD MAHMUTOVIC, Called.

24

25 THE PRESIDING JUDGE: [Original in French] Can you hear me?



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1 Mr. Mahmutovic, can you hear the interpretation? If so

2 please remain standing and read out the solemn declaration

3 which has been given to you. Please read it out to the

4 Tribunal.

5 THE WITNESS: [Original in Bosnian] I solemnly declare I will

6 speak the truth and only the truth.

7 THE PRESIDING JUDGE: [Original in French] Thank you very much. Please

8 sit down.

9 MR. NIEMANN: Your full name is Suad Mahmutovic?

10 THE PRESIDING JUDGE: [Original in French] Excuse me, Mr. Prosecutor,

11 if I could

12 speak directly To the witness. Mr. Mahmutovic, you have

13 appeared before the International Criminal Tribunal. We

14 would like to invite you to speak calmly in your testimony

15 and we would like to assure you that we can guarantee your

16 protection in this institution. If you have any

17 difficulties whatsoever please communicate these to the

18 Tribunal. We are very aware of the courage that you have

19 shown in agreeing to be a witness and coming to this

20 Tribunal to tell us about your experience during previous

21 months and years.

22 Counsel for the Prosecution, the floor is yours.

23 MR. NIEMANN: Thank you. Your full name is Suad Mahmutovic?

24 A. Yes, it is.

25 Q. You were born on 29th August 1955?

Page 502

1 A. Yes.

2 Q. Where were you born?

3 A. I was born in Zvornik but I lived in Vlasenica all my

4 life. All my live I lived in Vlasenica.

5 Q. What was your occupation in Vlasenica before 1992?

6 A. Before the aggression on Bosnia, I worked as a lorry

7

8 driver and also a shop owner. I owned a shop.

9 Q. Mr. Mahmutovic, I would ask you if you would to cast your

10 mind back to 4th May 1992 when you were at your residence,

11 and could you tell me the events that followed on that

12 day?

13 A. On 4th May 1992 I was at my home. Goran Viskovic,

14 Viskovic nicknamed Vjetar, took me to the police station.

15 When he brought me to the station he asked me how I had

16 armed Muslims in Muslim villages and gave me a piece of

17 paper to write on it. I said I did not do anything of the

18 kind. I can only confirm that I bought wood from Serbs in

19 a village called Zalicovic where I can say, I can confirm

20 that the only truth is that I bought wood from them when

21 he told me to take a piece of paper and write. I took the

22 piece of paper and wrote. When I wrote what I had in

23 mind, what I thought was true ----

24 Q. What did you write on the piece of paper?

25 A. I wrote that I had been buying wood from Serbs, that I had

Page 503

1 not engaged in any armament or nor did I sell any weapons,

2 because he said if I did not write the way it was I would

3 be killed. When I wrote that he took my statement, Goran

4 Viskovic nicknamed Vjetar, and left it there. They let me

5 go home, which I did.

6 Q. Can you tell me where was the police station that you were

7 taken to?

8 A. It was in the centre of the city; in the centre of the

9 town near the bus station.

10 Q. That is the centre of Vlasenica?

11 A. Yes, the centre of the town.

12 Q. So you went home. What happened after that?

13

14 A. On the same day in the evening, about 11 o'clock in the

15 evening, it could have been about 11 o'clock, I saw a car

16 that was parked outside my house. There were three

17 Serbian soldiers. One of them got out and cocked his

18 submachine gun. They were standing there and I was

19 frightened. I do not know how long they stayed there; it

20 could have been 15 or 20 minutes and then they left. The

21 following morning I was ordered to report at the police

22 station, which I did. When I came to the police station

23 I had to report to Ljuban Stanisic. I found him he took

24 me into his office. We sat at a table, at a desk. He

25 took out, he pulled out a drawer and took my statement out

Page 504

1 of it. "Suad, since I know you well, we went to school

2 together, I am going to tear up this statement because you

3 said you had no weapons. I will let you go home and don't

4 let anyone say anything against you." "You know me,

5 Ljuban", I said to him, "I have never done anything

6 wrong." I went home from there. I was of course

7 panicked. I came home. I told my wife that I had to get

8 a permit for us to leave the town. She said, "Go ahead."

9 I went with my relative called Naser Zildzic. I was told

10 to come there at 12 o'clock.

11 Q. Where were you told to go at 12 o'clock?

12 A. To the municipality building, to where those permits were

13 issued, those passes. I cannot remember his name. I went

14 home. I told my wife everything. I told her I was told

15 to go there at 12 o'clock. I went to my sister's place

16 with my cousin Naser to have coffee with her. We had

17 coffee and then left to go home. At that moment a car

18 came and there was a hoot, a horn of the car sounded, and

19

20 there was a Dragan Bjelanovic in it. He motioned to us

21 with his hand to come to him. We came up to him. He was

22 wearing camouflage uniform. "Who is Zildzic Naser?" he

23 asked, and "Mutacic Suad?" I said: "I don't know anything

24 about Mutacic Suad." He said: "Get into the car and show

25 him, point him out to me." "Can I see the paper?" He

Page 505

1 says: "It's not Mutacic. It's Mahmutovic Suad." "Well,

2 then we are looking for you exactly. Get into the car."

3 He started mistreating us.

4 Q. When you say "we got into the car", who was "we"?

5 A. It was myself and Naser Zildzic, my cousin.

6 Q. The man Rikanovic, what position was he? What was he, a

7 soldier, policeman or what?

8 A. Rikanovic was a Serb soldier.

9 Q. He had a list of names, did he, in the car with him?

10 A. He had the names of two of us. He was actually looking

11 for us.

12 Q. What happened after that?

13 A. He took us in his car to the police station where I told

14 him, "But why are you bringing me there? I have been to

15 the police station?" He says: "Well, we must check

16 something on you." So we started. When we came to the

17 second floor he brought us to Ljuban. So he first called

18 Naser Zildzic. I listened at the door. Ljuban Stanisic

19 told him: "Now what kind of weapons are you trading?" Now



20 Naser claimed that that was not true.

21 Q. Just for a moment, Ljuban Stanisic, what position was he

22 in? What position was his position?

23 A. He was in civilian clothes. I would say that he was the

24 main one who was actually interviewing Muslims when they

25

Page 506

1 were brought. He decided who was to be arrested or

2 imprisoned and so on.

3 Q. What did you think he was? Did you think he was a

4 policeman or a military person or what?

5 A. I think that he was an agent. It is difficult. I cannot

6 tell you really, but he was very powerful because he could

7 order people to be brought to the police station to be

8 detained. That was done on his orders.

9 Q. He was Serbian?

10 A. Yes, of course he was a Serb and a great Serb.

11 Q. I think he first started interrogating your cousin Naser

12 Zildzic; is that right?

13 A. Yes, that is correct. That is exactly the way it was.

14 Naser, when he finished interrogating Naser he called me

15 in. He said: "Listen, I let you go and now you continue

16 to trade in weapons." I said: "Ljuban, listen, I didn't

17 sell anything. I went to the municipality for the

18 permit. My child is sick. I want to leave the town.

19 Look at me." He said nothing. "I don't want to talk to

20 you. I thought you were a man, but you are not." I told

21 him: "Ljuban, come on, I didn't do anything at all and you

22 know it." So he picked up the telephone and called a

23 policeman and ordered him: "Take him". So the policeman

24 took me to the corridor where they had a cell, this was in

25 the police station. At that was the normal police station

Page 507

1 cell. They closed me there, they locked me up. The door

2 was black iron door, and there was only full board iron

3 door, and there was only a small hole through which I

4 could look inside. This was a small room, some two and a

5 half metres by two metres, and there were already 20

6

7 people there. Then there was a sort of impossible space

8 for 20 or 22 people to live.

9 Q. Ljuban Stanisic was a friend of yours before the war, was

10 he?

11 A. Yes, he was my school mate. I went to school together

12 with him, same class.

13 Q. What happened to you then?

14 A. I did not understand the question.

15 Q. What happened then?

16 A. I do not know. It is difficult to say. An awful thing

17 happened. The whole thing changed, people changed

18 suddenly as if we had not known each other. We were

19 looked down upon as the lower case. I do not know what

20 they wanted to do to us, who we were, what kind of nation,

21 with whom we had been living. We had lived together, we

22 went to school together. We shared good and bad in our

23 lives.

24 Q. Going back to the time you were put into that small cell

25 of 2.5 metres by 2.5 metres, what happened after you were

Page 508

1 put into that very small cell with the 20 people?

2 A. When they brought me to the cell I saw people there who

3 were not able to sit because there was no room. They were

4 standing. I knew some of these people. I did not know

5 others. There were some three to four people from

6 Bratunac who were taken off the bus heading for Tuzla. So

7 I asked people, "What happened to you? When were you

8 brought in?" I talked to people who I did not know but we

9 became sort of acquainted with each other. We asked

10 them: "What are you doing? What are they doing to you?"

11 They say: "Oh, my brother, keep quiet. If you open your

12

13 mouth you'll get killed." That is what they told me. We

14 could not sleep. If you lie down, if you lay down then

15 somebody had to lie on top of you or you on top of his

16 feet or legs, and if somebody pressed the lock or the door

17 knob we had to stand up immediately and lower our heads.

18 Two cousins beat us every day. We had to urinate in

19 that cell. If you asked to be taken out you would be met

20 by three to four Serbian soldiers who would beat you. So

21 it was better to simply urinate where we were, where are

22 closed and locked. It was better that than being taken

23 out.

24 Maltreatment happened on a daily basis. Of course we

25 could not even ask for cigarettes. We breathed in this

Page 509

1 room. This was a small opening, 15 by 20 centimetres.

2 That was the only ventilation, and for 15 days some 20

3 people were breathing the air that came through that hole.

4 Q. I think you just mentioned that during that time you were

5 mistreated during those 15 days. You were beaten during

6 that period, were you?

7 A. Oh, yes, yes, everybody and every day. I was beaten on a

8 daily basis by Serbian soldiers. Whether he was an

9 employee or a soldier, the door would open, they said:

10 "Let us see now who was there." They would open the door

11 and then without choosing young, older people, they did

12 not choose the tools. They kicked us. They had so-called

13 boxes, the iron grips which you put on your fingers and

14 they would hit you. This was horrible.

15 Q. When you say "iron grips", can you give us a more detailed

16 description of the iron grips they had on their fingers?

17 A. These were the knuckles that you put on your fingers and

18

19 there was a hole you put your fingers through the hole and

20 the metal was there on top, and then they would hit you;

21 they would hit you in the chest. Of course people would

22 faint. They were screaming and we could hardly hear. We

23 all shivered standing there and listening.

24 Q. Apart from punching you with their fists with iron grips

25 on their fingers, did they hit you with anything else?

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1 A. In this cell this was mainly beaten by kicking, and they

2 were the Serbian criminals. This was not a man like me

3 who was frail. They had to be very strong people and very

4 stout people so they could torture us as much as possible,

5 injure us as much as possible.

6 Q. Do you know whether these guards were soldiers or whether

7 they were police that were beating and the other people in

8 that cell?

9 A. Garic, the two cousins Garic, were Serb policemen. They

10 were called policemen or special policemen. They had

11 colourful masks, camouflage uniforms. When the Muslims

12 were brought for interview, not in the cell, but outside

13 of the cell. They would then say, "Now you Serbs be



14 careful the green berets are coming." At first I did not

15 understand this. This was the first time I heard the term

16 "green berets". Then they brought a man who was a

17 civilian person, never a soldier, and we asked him, "What

18 are you?" He said: "I am a Muslim and nothing else and who

19 are the green berets?" Well, nothing, they just wanted to

20 kill me because they called me a green berets.

21 Q. Did you ever understand later what was meant by the term

22 "green beret"?

23 A. I still do not quite know what they wanted to say. I had

24

25 never seen the green berets before that. You might have

Page 511

1 had a green beret or blue beret or white beret, I do not

2 know. I never realised whether they wanted to say.

3 Q. On one occasion were you beaten by, beaten with a baton?

4 A. I was beaten because first of all I spent 15 days in SUP

5 and then I was taken to prison which is across the street

6 from the SUP, next door to the court house, 100 metres

7 away from the police station. That is where I was beaten.

8 Q. Was that an occasion when you were beaten with a baton?

9 A. When I was brought to the prison I remember very well

10 there was a man called Amirkana, a person with whom

11 I spent a lot of my time. He was also a car owner or

12 lorry owner, and on one he asked the guard to open the

13 door for him. He asked me for my name, by my nickname

14 Gazija, and since we had spent a lot of time together

15 I was hoping that he would help me, to bring me

16 cigarettes, to see what he could do for me, but he

17 actually put his hands behind his back, then he revealed

18 his baton hanging from the belt, and he asked me to step

19 out and I did that. Then: "Give the gun, give the rifle

20 that you have." I said: "I have no rifle. I was at the

21 police station. They know I have no rifle." He said:

22 "Give the rifle and enter the toilet" and I had to do

23 this. But before that I told him, I said: Bastah, listen,

24 our friendship has been trampled on." He said "We have

25 never been friends at all."

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1 So I entered the toilet. This was a bathroom you

2 might say and this was a concrete trough, and he started

3 hitting me with the baton until I fainted. I did not

4 count, but people who were in the room, kept in the room

5

6 opposite that, two metres away, they heard all the

7 thumping, and a man told me later that I had been hit 85

8 times with the baton. I could hardly believe I could not

9 faint before. Then they gave me cold compresses and so on

10 because when we were beaten, myself or my neighbour or any

11 other Muslim man, we helped each other when they

12 returned. One had to watch through the hole in the door

13 to see that the guards were not in the front of the door,

14 but we were helping each other. We had water, cold water

15 we put on the part of the body which was injured so that

16 the swelling would be eased and would be less and so on.

17 People were beaten on a daily basis. It was horrible.

18 Unknown people came with masks or socks, stockings over

19 their faces, 45 people from Bratunac had been taken away,

20 and they were taken towards Nova Kasava. These people

21 were all shot and killed. One survived and I hope that he

22 can come to this court to testify about 45 people killed.

23 Q. Do you recall one day when the ICRC came to the prison?

24 A. I do not know the exact date, but a younger woman came and

25 a man. We heard them saying to the Serb soldiers: "Can we

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1 visit these people, the detainees?" and the Serb officer

2 said "Yes". When they entered they identified themselves

3 and they asked the Serb guard to leave the room so they

4 could talk to us in private. He left but when he closed

5 the door he remained at the door and tried to listen to

6 what was being said. We were asked why we were brought

7 here, by whom. We told them this was an aggression

8 against Bosnia-Herzegovina by the Serbs. We were asked

9 whether we were beaten, maltreated, whether we were

10 receiving food. When they saw that we were sleeping on

11

12 the concrete floor and so on, on naked floor, they said:

13 "Listen, we will try to protect you. We protect human

14 beings." So we told them: "Look at where we are living,

15 how we are sleeping."

16 Then Bjelanovic came, the former head of the local

17 police, and he said: "What are you doing here?" he said

18 turning to me. I said: "I have no idea. How do I know?

19 Can you do something for me to get me out?" He said: "But

20 I must see to it that you are released. Why you be

21 imprisoned?" I said: "I have no idea. How do I know?"

22 Kadija Subasic was also with me and he said: "Where do you

23 come from?" He said: "I am from Zepa". "Where do you

24 live? " There was the village called Yezora not far from

25 Vlasenica, and he says: "What is Jusuf?" "Jusuf is my

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1 brother." "Ah," he says: "That is the one, the Croatian

2 Ustasha defence forces slaughtering Serbs in Zepa." The

3 brother said: "No, I don't know anything." So they started

4 hitting him.

5 When the International Red Cross had completed the

6 interview and Bjelanovic left with them, they gave us a

7 pack of Camel cigarettes, I remember the brand. When they

8 left we had more problems. They said: "Now you are

9 looking for help and assistance. You balija fucking

10 mothers, nobody will ever help you." I then felt it might

11 have been better if the Red Cross had never come because

12 they asked us: "Now what did they ask you? What did you

13 tell them? You don't like us Serbs. You inform against

14 us." We said: "No, we just told them about our life and

15 so on."

16 Q. What happened you to after that? Were you beaten after

17

18 the Red Cross had come?

19 A. Well, as I told you, it was worse. When the Red Cross had

20 left the problems appeared, beatings, they beat me, and

21 everybody else in the room because there were in fact

22 three rooms in the prison. We told ourselves: Why did

23 they come at all? Had they not come it would have been at

24 least the way it was before and not so bad as it was now.

25 That day when the Red Cross had left Kadija had new

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1 problems. In the evening around 10 o'clock we had no

2 electricity in the prison. So then somebody knocked on

3 the door. Kadija and I were alone. There were some

4 shelves there and I tried to hide in the shelf, and Kadija

5 was invited to come out. Apparently his wife was there.

6 He said: Why the wife be coming to see him in at

7 10 o'clock in the evening? That is impossible. But they



8 took Kadija and I heard the guard say, "We will cut his

9 throat by Sekovici, the fucking bastard."

10 So I remained there alone. I groped my way and I was

11 simply listening for the door to open, but Kadija never

12 came back.

13 The following morning, I do not know what time it

14 was, they brought him back half alive, half dead. They

15 threw him into the room. He could not move his limbs and

16 when they left, the Serb soldiers left or Chetniks, then

17 we came to his help. We took his clothes and I asked him:

18 "Kadija, who beat you?" He said: "Well, Garic. They beat

19 me with the chains. They had trampled on my chest." He

20 was so weak that we only made his lips wet and did not

21 allow him to drink anything or swallow anything. This was

22 quite horrible. When I saw Kadija I was deeply shocked.

23

24 Q. How long did you stay in the prison?

25 A. I stayed in the prison I think it was the 10th, 15th June,

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1 but it was June, until June, June 15th. Then we were

2 transferred. I was transferred one day, it was in the

3 month of June when they came. They read the names, read

4 out the names, 20 of us, including my brother Nuriya who

5 had also been in prison with me, the same prison. They

6 read the names out. They took us outside and we saw

7 Czar with a flag. We were loaded on to the

8 car and the canvas was tied up and the car went on, the

9 truck, and we were brought to the SUP building. Then they

10 put Zekic on the same truck.

11 Q. Where did you go to then?

12 A. We were taken, we were driven, after they put Salih Zekic

13 on, we were taken to the Susica camp.

14 Q. When you arrived at the Susica camp, can you tell me what

15 you recall about the day you arrived at that camp?

16 A. When I came to the Susica camp, the car was parked within

17 the perimeter of the camp. I saw my neighbours. I knew

18 them all. I saw Dragan Nikolic. He had two hand

19 grenades, a submachine gun and a bayonet. When we got off

20 the truck we had to go in a single file to the place where

21 we were to be registered. It was like a registry, just up

22 from the hangar where they stayed. They had to write our

23 names. I saw Velko Basic, a former Yugoslav

24 policeman. He wrote our names and surnames. We go back

25 to the hangar. There I saw my neighbours from Vlasenica

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1 and also people from Croatia. The hangar was full was

2 crammed, about five or 600 people. It was horrible.

3 One day came -- one day went by and nobody touched

4

5 me. Well, then the next day came with many, many

6 problems. Dragan Nikolic came into the hangar and looked

7 for me.

8 Q. Do you know what position Dragan Nikolic had in the camp,

9 what position he held there?

10 A. He was commander of the camp.

11 Q. You were about to tell us about something that happened to

12 you when Dragan Nikolic came. Continue on.

13 A. When he came into the hangar he called my name, and two

14 brothers of mine, Mirsad and Nuriya: "Get out of here,

15 you Balijas mother fuckers" which we had to do. He took

16 us outside the hangar where there was some pebble --

17 gravel, and we had to kneel down on that gravel, very

18 sharp gravel, and put our hands behind our head .....

19 Q. I am sorry, we have a little technical problem and we 16

20 have missed a little part of your evidence. I am sorry

21 about this. Would you mind going back a little bit and

22 start telling us from the time you had to have your hand

23 behind your head? Thank you.

24 THE PRESIDING JUDGE: [Original in French] The French interpretation

25 was fine. But

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1 go ahead.

2 THE WITNESS: [Original in Bosnian] Yes, we had to put our hands behind

3 our head.

4 When he took us out in order of age, I was born in 1955

5 Nuriya in 57, and Mirsad was born in 59, and they told us

6 to stand according to our age, one next to another. They

7 said: "Kneel down" which, of course, we had to do, "Keep

8 your -- hold your hands behind your back" which we also

9 did. Yes, he told us to spread our feet. It was very,

10 very hard and rough on us because the gravel was very

11 sharp. We moved a little bit. They said: "Do not move,

12

13 I am going to slit your throats."

14 He started beating me. The chessboard, which is the

15 sign of the Croatian coat of arms, "Where is the

16 chessboard?" I said I had no chessboard. I do not know

17 what "Sahomnica" is. "Sahmonica" is the Croatian word for

18 the chessboard. "We will bring the door from the trucks

19 so you can see what a sahomnica is". If there is a

20 Sahmonica on my door, I will kill myself".

21 Q. Are you saying they were saying that on the door of your

22 truck was the Croatian symbol, is that what you were

23 saying? They were accusing you of having that on the door

24 of your truck?

25 A. Yes. Yes, they accused me, which was not true, and I was

Page 519

1 very, very definite about it, that it was not true.

2 I claimed with all responsibility it was not true.

3 Q. Who was accusing you of having the Croatian flag on your

4 truck door?

5 A. Dragan Nikolic was accusing me.

6 Q. I am sorry, I interrupted you. Continue on.

7 A. He started beating me. When he start beating my brother,

8 Mirsad, I pleaded with him: "Please do not hit him. He

9 has one kidney missing." Well, he enjoyed that almost.

10 "Show me where is that missing kidney?" Then he hit him

11 right there, and he immediately fainted. Then he

12 continued to walk over us, all the three of us.

13 Q. What parts of your body were you hit during this beating,

14 what parts of the body did they hit?

15 A. Here, here, you can see this is from his foot, he broke

16 seven of my ribs in this area. He pushed his -- the

17 barrel of his handgun, 7.62, and just got my teeth out

18

19 with the gun. Every day he beat me with his hands. He

20 kicked me. The method was when we fainted there was a

21 bucket full of water which they poured over you. If you

22 made the slightest move with your head, they would say:

23 "Oh, Baliya is still alive". When they had enough, he

24 ordered the guards to throw me back into the hangar.

25 Q. When he put the pistol into your mouth, did he do anything

Page 520

1 with the pistol other than just put it into your mouth?



2 A. When he held the barrel of the gun in my mouth he kept

3 pulling the trigger, and saying: "Tell me who has the

4 weapons" and cursing me all the time, offending me

5 nationally. I said: "I do not know. You can kill me but

6 I do not know."

7 Q. Do you remember a detainee from Kula-Grad?

8 A. Yes, I do quite well. But I do not know his name. But

9 I know he was from Kula-Grad near Zvornik. I remember the

10 guard, Bece(?) and Krune and Cane, two brothers, Krune and

11 Cane. I do not remember the date. They brought him.

12 Dragan Nikolic ordered that he be hit which they had to

13 do. They beat him. They kicked him with the -- they hit

14 him with the rifle butts. He watched several minutes. At

15 one moment he said: "What kind of Serbs are you, you

16 can't even kill him?"

17 Q. Who said that?

18 A. Dragan Nikolic. He uncocked the submachine gun and fired

19 a round of fire. Of course, he killed him with that.

20 Q. Was your uncle in the camp with you?

21 A. Yes, he was. My mother's brother.

22 Q. What was his name?

23 A. Asim Zildzic.

24

25 Q. Do you recall an incident with your uncle and a man called

Page 521

1 Durmo?

2 A. I remember quite well. I do not know the date, the exact

3 date, but it was about 11 o'clock in the evening, 12.00

4 maybe, when they took them out. They took them outside.

5 They beat them with handles, with axe handles. They

6 moaned, they screamed, they yelled. I do not remember for

7 how long it went on.

8 They brought them and dumped them back into the

9 hangar. When I saw that his eye had come out of his

10 socket, Ferhatovoic Hasim and somebody else came up to

11 him. They put him up against the wall because he could

12 not walk, he could not stand on his feet. I also walked

13 up to him and Hasim told me: "If they see you, they will

14 take you out and will kill you" and I did so. I think

15 about half an hour after that they say he died.

16 Q. When you say the person with the eye out of its socket,

17 who was that?

18 A. My mother's brother, Zildzic Asim.

19 Q. Do you know what happened to the other person, Durmo, who

20 was taken out?

21 A. Durmo survived that night -- he died, I am sorry, he died

22 in the afternoon about 2 p.m. the following day. He was

23 buried by Hasim Ferhatovic with his brother Alija,

24 nicknamed "Gico".

25 MR. NIEMANN: Is that -----

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1 THE PRESIDING JUDGE: [Original in French] Prosecutor counsel, it is as

2 you wish,

3 it is also up To the witness. I would like to explain

4 this To the witness now. Normally speaking, we finish at

5 5.30. If you would prefer to carry on for a little while

6

7 longer, that is fine, together with the Prosecuting

8 counsel, until quarter to six, otherwise we can come back

9 at 10 a.m. tomorrow morning, and in that way the witness

10 could have a restful evening this evening. It is really

11 up to you.

12 MR. NIEMANN: Perhaps the witness might indicate what his

13 preference would be?

14 THE WITNESS: [Original in Bosnian] It would be desirable for me to take

15 a rest.

16 MR. NIEMANN: Thank you.

17 THE PRESIDING JUDGE: [Original in French] Fine. Then we would like

18 you to come

19 back to see us tomorrow to continue your testimony, so

20 I thank you very much, Mr. Mahmutovic, we will come back

21 tomorrow for 10 a.m..

22 (The proceedings adjourned until the following day)

23

24

25