



1 Monday, 3 November 2003

2 [Sentencing Proceedings]

3 [Open session]

4 [The accused entered court]

5 --- Upon commencing at 9.05 a.m.

6 JUDGE SCHOMBURG: Good morning, everybody. Please be seated.

7 May I ask Madam Registrar, please call the case.

8 THE REGISTRAR: Good morning, Your Honours. Case number

9 IT-94-2-S, the Prosecutor versus Dragan Nikolic.

10 JUDGE SCHOMBURG: Thank you.

11 And may we have the appearances, please, for the Prosecution.

12 MR. YAPA: May it please Your Honours, I appear for the

13 Prosecution. I'm Upawansa Yapa, with Ms. Patricia Sellers and Mr. Bill

14 Smith. Ms. Diane Boles is our case manager.

15 JUDGE SCHOMBURG: Good morning.

16 Good morning, to the Defence, please.

17 MR. MORRISON: Good morning, Your Honours. Howard Morrison and

18 Tanja Radosavljevic for the accused Dragan Nikolic. I do understand that

19 he is not receiving the commentary and translation at the moment.

20 JUDGE SCHOMBURG: So then we have to wait a second until it's

21 functioning.

22 May I ask you, Mr. Nikolic, can you now follow the proceedings in

23 a language you understand?

24 THE ACCUSED: [Microphone not activated]

25 THE INTERPRETER: There was no microphone for the accused when he

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1 answered.

2 JUDGE SCHOMBURG: Now the microphone is switched on.

3 I ask you, can you follow the proceedings in a language you

4 understand? No?

5 So could you please exchange the microphone.

6 May I try a third time. Can you now hear me in a language you

7 understand?

8 THE ACCUSED: [Interpretation] Yes, I can.

9 JUDGE SCHOMBURG: Then let me take immediately the opportunity to

10 ask you if you have any health problems today. Everything is fine with

11 you, in this regard?

12 THE ACCUSED: [Interpretation] Your Honours, I have no problems at

13 present. I had some minor complaints in the previous days, but they do

14 not affect my ability to follow the proceedings.

15 JUDGE SCHOMBURG: Thank you.

16 May I just take the opportunity for some clarification. On

17 Friday, the Prosecution filed a submission of a further amendment of the

18 third amended indictment. This incorporates that what was discussed

19 during the last hearing on the plea agreement, especially in paragraph
20 2.

20 It says that Counts 1, persecutions; count 2, murder; count 4, torture;

21 that you are charged for having committed these crimes; whereas, count
22 3,

22 it's limited to aiding and abetting. And in addition to this, in

23 paragraph 36, it reads now "widespread and systematic attack" instead of

24 "or systematic attack." I think - please object if you think otherwise.

25 It's not necessary to repeat the entire plea procedure because it's just

1 the same we discussed the last time. You understand that it is charged
2 that the crimes you admitted have been committed in the framework of a
3 widespread and systematic attack directed against the civilian
population;

4 is that correct, Mr. Nikolic?

5 THE ACCUSED: [Interpretation] Correct, Your Honour.

6 JUDGE SCHOMBURG: Thank you.

7 May I ask the Defence, any objections that from now on this
8 further amendment of the third amended indictment forms part of the
9 proceedings?

10 MR. MORRISON: Your Honour, no.

11 JUDGE SCHOMBURG: Thank you.

12 Then for the purpose of clarification, this indictment forms now
13 the only basis for the now-following hearing. The mere purpose of this
14 hearing is to receive, pursuant to Rule 100, information that may assist
15 the Trial Chamber in determining an appropriate sentence. This means
16 completing the picture, mitigating factors, aggravating factors as we
all

17 know of it from the settled jurisprudence of this Tribunal. However, it
18 might be that the testimony might be -- go beyond this indictment. In
19 this case, the Trial Chamber does not want to intervene. This does,
20 however, not mean that the factual basis of the plea agreement can or
will

21 be broadened or limited. In case a witness should testify beyond the
22 scope of the indictment, it's not necessary to object respect vis-a-vis
23 especially a victim, as it is the special mandate of this Tribunal also
to

24 assist in reconciliation and finding the truth and this may forbid and
it

25 goes without saying that it's the respect, vis-a-vis the victim, not to

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1 intervene.

2 Today it is announced that we will hear three witnesses. May I

3 ask beforehand that we can clarify this immediately for the

4 purpose -- also of our technicians. The first witness will testify

5 without any protective measures; the second one under pseudonym and image

6 distortion; the third one under pseudonym, image, and voice distortion
and

7 private session. Is this correct?

8 MR. YAPA: If I may inform Your Honours. In respect to have third

9 witness, it will be pseudonym, image, and voice distortion, but not

10 private session.

11 JUDGE SCHOMBURG: Okay. Then this has been changed; we can delete

12 it. Thank you for this clarification.

13 And last week and under the submission in the sentencing brief

14 annex it was planned to hear Ms. Maria Zepter, an expert. Now we have in

15 front of us dated the 31st of October this statement under Rule 94 bis

16 (C). May I ask the Defence, are you in agreement with this envisaged

17 procedure?

18 MR. MORRISON: Your Honour, yes. The Defence is confident that if

19 in any statement, expert or otherwise, there is a opinion stated which

20 goes so far beyond the scope of the indictment that it would be improper

21 to take it into consideration, that that is a matter that can properly
be

22 left to the discretion of the Judges, and I am confident it will be so

23 dealt with.

24 JUDGE SCHOMBURG: Coming back to the statement under Rule 94 bis

25 of Maria Zepter. You've got this document? Was it filed last week? And

1 the question would be: Pursuant to Rule 94 bis (B) (i), do you accept the
2 expert witness statement without request for the foreseen time limit and
3 without the necessity to testify in person?

4 MR. MORRISON: Your Honour, yes. The only caveat that the Defence
5 would always have in those circumstances is it may be necessary to
comment

6 on the statement in conclusion, specifically to identify those areas
where

7 the Defence would say it goes beyond or may go beyond the scope of the
8 indictment. But as to the generality of the statement, it seems, with
9 great respect, to the Trial Chamber's view of her expertise, that most of
10 it falls into the category of what one might call common sense.

11 JUDGE SCHOMBURG: Thank you for this clarification. So I take it
12 that you accept it, and no doubt it has to be discussed if you so want.
13 Finally, we had Annex B to the sentencing brief of the OTP, that
14 we can clarify also these matters; there were three statements included.
15 May I ask: Is it the intention of the Prosecution still to tender these
16 three statements under Rule 92 bis?

17 MR. YAPA: It is, Your Honours. I have had discussions with my
18 learned friends on the opposite side in respect of these statements. The
19 position is that we will be moving to have only the statements of two of
20 those witnesses, that is, number 1 and 2. Attached to those statements
21 were some of the statements that had been taken during the time of the
22 investigations. Those will not be tendered. It will be only the impact
23 statements, not the others. So that is in respect of those two
witnesses,

24 the first two witnesses.

25 If Your Honours would please, to see Annex B, the witnesses are -

1 JUDGE SCHOMBURG: SU-115 --

2 MR. YAPA: SU-115 and SU-230.

3 JUDGE SCHOMBURG: So in other words you withdraw SU-025.

4 MR. YAPA: That's right.

5 JUDGE SCHOMBURG: As regards the two first one, your intention is

6 to tender all the statements?

7 MR. YAPA: Not all the statements but --

8 JUDGE SCHOMBURG: But could you specify.

9 MR. YAPA: Yes, Your Honour. I would have been -- I would have

10 clarified this position in my present opening remarks, but I can
straight

11 away inform Your Honours that the statements that we will tender for

12 admission would be in respect of SU-115, the statement made on the 8th
of

13 October, 2003. And in respect of Witness SU-230, the statement made on

14 the 9th of October, 2003. Those two statements only.

15 JUDGE SCHOMBURG: [Microphone not activated] -- They are

16 withdrawn -- just to repeat because my microphone was not switched on,

17 unfortunately -- the other parts of SU-115 and SU-230 are withdrawn.

18 For the remaining two statements of 8 October and 9 October

19 respectively, may I ask the Defence, as it is a matter on the acts on

20 conduct of the accused, does the Defence waive the right of

21 cross-examination and accept the mere statements as they are before us?

22 MR. MORRISON: Your Honour, yes, this is a matter which I

23 discussed with my learned friend last Friday. It seems to the Defence

24 that if it's limited to those matters which my learned friend has now

25 indicated, there would be neither profit nor sense in calling for those

1 witnesses to be called and unnecessarily distressed.

2 JUDGE SCHOMBURG: Thank you.

3 Then the scope of today's hearing is clarified. We know about

4 tomorrow. On Wednesday we will hear the professor from the Max Planck

5 Institute in Freiberg and on Thursday we'll start with the expert,

6 Dr. Grosselfinger. May I ask the parties to be prepared if time so allows

7 to start and hopefully even to conclude the final submissions on
Thursday.

8 Let's give it a try. But it's premature finally to decide on this.

9 Let's now go medias in res, and may I ask the Prosecution to

10 start. The floor is yours.

11 MR. YAPA: May it please Your Honours. The proceedings in this

12 case have reached the stage at which Your Honours must determine the

13 appropriate sentence that should be imposed on the accused. This case
has

14 certain special features. It is not a case that has gone to trial; the

15 accused has pleaded guilty to the indictment in its entirety; the

16 Prosecution and the Defence have entered into a plea agreement. The

17 Statute of the Tribunal makes provision for the punishment of offenders

18 and the Rules of Procedure and Evidence, in accordance with the Statute,

19 provide for certain guidelines for the purpose of sentencing. Your

20 Honours have decided to call two -- call for two reports, one dealing
with

21 the range of sentences for the crimes in the indictment in the former

22 Yugoslavia, in the states of the Council of Europe and other major legal

23 systems. It was also ordered that a report be furnished on the
sentencing

24 practice developed in the states on the territory of the former

25 Yugoslavia, international courts and other courts.

1 The second report as named by Your Honours was to do with the
2 accused's socialisation. The Prosecution in this instance is performing a
3 duty of assisting Your Honours by placing before you certain relevant
4 material and also by making submissions on the matter of sentencing. The
5 duty cast on the Defence as respected by my learned friends will not be
6 any different. We are not aiming to present a case any graver than or
7 different from what has been admitted to by the accused. In fact, it
8 could be said that there is no contest between the Prosecution and the
9 Defence on the central issue in the proceedings that commences today.
10 What I propose to do now is to indicate to Your Honours very
11 briefly the agenda of the Prosecution presentation today. I think that
12 it is the right moment to clarify certain matters in the Prosecution
13 sentencing brief. The Prosecution -- this has been already inverted to
14 in answer to your questions, in answer to Your Honours's questions, but I
15 will repeat my answers. The Prosecution is not calling the psychologist
16 to testify on the psychological impact on the victims and the witnesses.
17 Instead, we have filed a statement of Dr. Zepter under Rule 94 bis.
18 In respect of the statements we have filed, I wish to inform Your
19 Honours that we would seek to admit only two of those statements; the
20 statements I refer to are in Annex B of the Prosecution brief and are of
21 issue 115 and issue 230. We wish to withdraw the statement of issue 025.
22 There's a further qualification, if I may: Especially the two statements
23 are dated 8 October 2003 and 9 October 2003. Documents --
24 [Trial Chamber confers]
25 JUDGE SCHOMBURG: In order to save time, the Trial Chamber

1 convened briefly. Those documents you tendered and as there were no

2 objections by the Defence, are admitted into evidence.

3 MR. YAPA: Thank you, Your Honour.

4 Documents in Annex D will not be made use of. That's another

5 information that I wish to present to Your Honour. We propose to call

6 three witnesses today. They will not be providing any additional

7 information as such but will confirm the salient features of the case
that

8 have been admitted by the accused. Some significant photo stills will be

9 introduced, which I feel confident will give Your Honours a better and a

10 clearer understanding of the circumstances of the case.

11 I informed Your Honours that there will be three witnesses. The

12 first witness will be led by my learned friend here, Mr. William Smith.

13 The second witness will be led by me. And the third witness will be led

14 by Ms. Patricia Sellers.

15 May I now ask my learned friend, Mr. William Smith, to lead the

16 first witness. I thank Your Honours.

17 [Prosecution counsel confer]

18 MR. YAPA: I'm informed that my learned friend will do a short

19 presentation in respect of the evidence to be tendered by the first

20 witness.

21 I thank Your Honours.

22 MR. SMITH: Good morning, Your Honours, my learned friends.

23 Your Honours, just to further continue with what Mr. Yapa has

24 said this morning, there will be presentations today, as discussed last

25 Friday, in relation to the widespread and systematic nature of the
attack

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1 that surrounded Susica camp and how Susica camp fitted in the context of

2 that attack, as well as some presentations in relation to the sexual

3 violence count and also a short presentation in relation to the murder
4 count.

5 The first presentation hopes to put Susica camp and the role that
6 the accused played in it into a context which will help Your Honours
judge

7 this case accordingly. This presentation, Your Honour, will take about 25
8 minutes.

9 The third purpose of this presentation is to provide some visual
10 aids to assist in the understanding of the testimony that will come
today.

11 For example, the first witness has poor vision, and she is unable to see
12 any photos or videos, and hopefully this presentation will put her
13 evidence and the other witnesses' evidence into some context.

14 If I ask Your Honours to place your computer monitors into
15 computer evidence mode as there'll be some visual photographs and maps
16 that will be seen on the screen as -- as this presentation or submission
17 continues. And at the end of this submission, Your Honours, there'll be
a

18 five-minute video of Susica camp to help further understanding the
19 witness's testimony and the indictment even further.

20 The accused has already admitted to the crimes he committed at
21 Susica, that they related to a widespread and systematic attack directed
22 at the civilian population, specifically the Muslim and non-Serb
23 community. He also admitted that from May 1992 until September 1992 all
24 those Muslims and other non-Serbs that did not flee to other areas
before

25 the takeover of the town, they were forcibly transferred from the

1 municipality, leaving virtually no Muslim or non-Serb in the Vlasenica
2 area. How did this attack happen and what was the function of Susica camp

3 in the ethnic cleansing of Vlasenica? A look at the geography, ethnic
4 mix, and political policies of the area in 1992, with a brief chronology
5 of events, will provide the answers.

6 Vlasenica municipality was located in Eastern Bosnia about 30
7 kilometres west of the Serbian border. Before the takeover of Vlasenica
8 in 1992 by Bosnian Serb forces, about 34.000 people lived there,
belonging
9 to two ethnic groups, Muslims and Serbs. Slightly over half the
10 population was Muslim and slightly under half was of Serb ethnicity. The
11 political and administrative centre of the municipality is the town of
12 Vlasenica. 7.500 citizens lived in the town, of whom two-thirds were
13 Muslim and one-third Serb. Notably, in other towns and villages almost
14 all had an absolute majority of one ethnic group over another. Each
15 village, therefore, had an ethnic identity. These identities became a
16 source of tension in the early 1990s as ethnic and national sentiment--
17 THE INTERPRETER: Could you please read more slowly.

18 MR. SMITH: Thank you. Your Honours, I will slow down. I
19 apologise to the people in the booth.

20 With the disintegration of the former Yugoslavia, political
21 loyalties became divided along ethnic lines. In tandem to the political
22 divisions, military separation commenced and movements for independence
23 developed along ethnic lines. Bosnian Serbs of Vlasenica formed
irregular
24 paramilitary units in Milici and Misari. At this time, elements of the
25 JNA became aligned with the national Serbian cause and in mid-1991 the

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1 Muslim refusal to join the mass mobilisation for the outbreak of
2 hostilities in Croatia helped to consolidate the Serb dominance of the
3 JNA. Ethnic tension further increased in Vlasenica in late 1991 with the

4 political developments at a country-wide level. By the 21st of November,
5 1991, Bosnian Serb leaders had declared the formation of the Serb
6 autonomous regions. Vlasenica was included in the Romanija-Birac region
7 along with other neighbouring municipalities. Outside of strict military
8 formations, some Serb citizens of Vlasenica were being secretly armed by
9 Serbian leaders. This weapons distribution intensified and became more
10 open in early 1992.

11 Some Muslims distributed weapons as well, but not enough to resist
12 the Serb forces in the takeover to come. Exactly five months after the
13 declaration of the Serb regions, Serb forces, including local Serb units
14 and a Serb-dominated JNA corps swiftly took over the town of Vlasenica
on
15 the 21st of April, 1992. These forces encountered virtually no Muslim
16 resistance. JNA tanks were stationed around the city and blocked the
17 streets; the largest hotel in town, the Hotel Panorama, was taken over
by
18 the army as well as other key government, social, and commercial
19 buildings. Muslims were ordered to surrender weapons they had to the JNA
20 and local Serbs. They generally complied. On the day of the takeover, a
21 new Serb municipal government was imposed. Parliament was disbanded and
22 the already-formed Serb crisis staff took over the power in the
23 municipality. The Serb authorities took control of the police and its
24 station, the court and its building, and other civic institutions. Serb
25 individuals were placed into leading political positions, which in some

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1 cases, like the chief of police and president of court, were formerly
held

2 by Muslims.

3 Only days after the takeover, Serbian men who were not otherwise

4 involved in military activity like the accused were mobilised and placed
5 into either army or police units. Some 20 days later, about mid-May, with
6 the Serb takeover of the town successfully achieved, the JNA left
7 Vlasenica, leaving behind its equipment, vehicles, and ammunition for
8 local Serb forces to use.

9 Following the takeover and at a greater pace as time passed, the
10 policy of the new Serb authorities designed to remove Muslims and
11 non-Serbs from the municipality became manifest. The practical
12 implementation of this policy broadly occurred in three phases, namely
13 the
14 disarmament and restriction of Muslim civilians; the arrest,
15 interrogation, and detention of Muslims; and attacks on Muslim villages
16 within the municipality. Neither activity happened independently of the
17 other but occurred as three linked operations designed to expel Muslims
18 and non-Serbs from the municipality.

19 It's not the purpose nor the scope of this submission to detail
20 the destruction, the beatings, the killings, and the sexual assaults
21 that
22 accompanied the ethnic cleansing of Muslims in the town and surrounding
23 villages in Vlasenica from April to September 1992, but suffice to say
24 that the human cost was severe.

25 During the initial four-week period after the takeover,
26 military-age men were usually the target of intimidation and harassment
27 by
28 Serb forces, whether police or army. Muslim men were taken for

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1 interrogation at the police station and detained there, or alternatively,
2 transferred to the courthouse jail around the corner. Both the police and
3 court cells were jam-packed with Muslim men. Many were brutally beaten.

4 Most of these men, if not released beforehand, were later transferred to
5 Susica camp when it opened in early June 1992. Although this process of
6 targeting Muslim males for arrest, interrogation, detentions, and
beatings
7 occurred before the main attacks on the villages surrounding the town, it
8 continued in parallel with the attacks and in conjunction with the
9 operation of the main Vlasenica detention facility, Susica camp, until
its
10 closure in late September or early October 1992.

11 The attacks on Muslim towns and villages were unlawful. These
12 villages were full of women, children, elderly, as well as men of
military
13 age. These attacks began in May 1992, and -- at the latest and continued
14 until September 1992, when Muslim civilians from a vast area of
Vlasenica
15 had been completely expelled and transferred to other places. In this
16 process, significant numbers of Muslim civilians were killed and their
17 houses destroyed. Only isolated and minimal resistance was met during
18 these assaults.

19 THE INTERPRETER: Mr. Smith, please be asked to read slower.

20 Thank you.

21 MR. SMITH: -- Were done in an organised way. Typically, Serb
22 forces physically entered the villages after prolonged shelling and then
23 looted and burned houses. Serb forces captured, killed, and otherwise
24 maltreated Muslim residents. They also searched surrounding forests for
25 Muslims who were in the process of escaping. These attacks were carried

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1 out by hundreds of Serb men from the army and the police. If not killed
2 or injured in these attacks, residents either fled east, towards Cerska,
a

3 Muslim-controlled village in Vlasenica, or west towards Kladanj,
4 attempting to leave the municipality with whatever means they had
5 available. Or they were placed on the buses at the bus station in the
6 centre of town and transferred to another municipality. Or they were
7 captured and taken to Susica camp. Some of the most violent attacks
8 occurred in mid-May, with the most brutal one being in the village of
9 Zakoplaca, where 16 Muslim civilians were murdered. On the map, you can
10 see the attacked village by the red shading.

11 Another round of attacks occurred in radio late May in the village
12 of Gradina and the surrounding area. As you can see from the map,
Gradina
13 as well as Zacoplaca was on the main road route to Serb-dominated areas
14 such as Valici in the east of the municipality. Further and more
15 far-reaching attacks against Muslim villages occurred in as late as June
16 1992. The biggest concentration of the Muslim population was in the
17 process of being removed from Vlasenica. The village attacks continued
18 further north into the municipality through to August 1992, resulting in
19 the destruction of Muslim homes and tremendous grief for entire
families.

20 At this time, a line of defence was finally formed between the
21 Serb forces and the newly-formed Muslim resistance. However, the
majority
22 of the Muslim population from these villages had already been driven
out.

23 In the town of Vlasenica, whilst these village attacks were
24 occurring, the Muslim residents were being targeted. Unlike the
villages,
25 there was less destruction of Muslim property in the town, with the

1 exception of looting that occurred after residents were arrested or had

2 fled their homes. However, the harassment and general persecution of
3 Muslims in the town was intense. After the initial period of targeting
4 Muslim men specifically by June 1992, no age or gender was spared from
5 persecution. Families were arrested and taken to Susica camp to wait for
6 orders to be transferred to other municipalities. Houses were searched,
7 vacated homes looted and occupied by Serb forces carrying out the ethnic
8 cleansing. Those not detained had their movement restricted and many were
9 forced to sign loyalty oaths. By the end of July, the Muslim workforce
10 was severely diminished. The only Muslims that were working were doing
11 so
12 by force, whilst they were being detained at Susica camp.
13 Large numbers of Muslims from other nearby municipalities, such as
14 Sekovici and Rogatica were also brought to Vlasenica and detained first
15 at
16 the high school, in the case of the men from Sekovici, and then at
17 Susica
18 camp. Not only was the camp being used as a focal transit point for the
19 removal of Muslims in the municipality, but it was also used as a
20 detention facility for others.
21 Those not detained at Susica and then transferred were forced to
22 leave from the bus station or other places on buses provided by the
23 newly-formed Serb authorities. Many Muslim civilians did leave this way,
24 but military-age men were often arrested, detained, and taken to Susica
25 while attempting to do so.
26 Around August 1992, the mosque in the town of Vlasenica shared the
27 same fate as other Muslim buildings in many villages; that is to say it
28 was destroyed. In late September 1992, there were virtually no Muslims

1 left in the municipality, other than Muslim detainees at Susica camp

2 numbering over a hundred men. The context in which the accused committed
3 his crimes is made clear by considering that Muslim civilians were
4 completely expelled from Vlasenica. Their homes were destroyed, and over
5 700 Muslim civilians were killed and/or are still missing and who are
6 presumed dead. Of those, approximately 200 were last seen alive at Susica
7 camp.

8 The accused was well aware that his crimes were part of this
9 broader attack against the civilian population because he participated in
10 the attacks on numerous villages before he accepted his position of
11 command at Susica camp. The Prosecution are saying that the accused is
12 not the sole commander of the camp but he had some command
responsibility

13 there. The very nature of Susica camp itself makes this connection
14 apparent.

15 The camp played a central role in the ethnic cleansing of
16 Vlasenica, as mentioned earlier, its use as a transit facility
facilitated

17 the removal of Muslim civilians from the municipality. It was run by the
18 police and the army, whose headquarters were only 2 kilometres away.

19 Despite the closeness to those ultimately responsible for the camp, it
was

20 well hidden in a valley at the edge of town.

21 As a commander of Susica camp, the accused played a significant
22 role in the forced transfer of detainees displaced from their lawful
23 places of residence and expelled to other parts of Bosnia. The

24 Prosecution accepts that the accused was not the orchestrator nor the
25 planner of this policy but submits that he was significant and active

1 contributor to its implementation. The camp itself, an old army training

2 ground consisted of two warehouses, Muslim civilians being held in the
3 large empty one, often referred by witnesses as the hangar, which you can
4 see on the left-hand side of the photo. The accused and the camp guards
5 used a small white house separated from the hangar by about 15 metres,
6 which you can see in the front of the hangar in the photo. These -- these
7 buildings were in a small compound which formed a yard which was fenced.
8 This photo depicts a side view of the hangar where Muslim
9 civilians were detained. The camp operated for four months, from June to
10 the end of September 1992. The length of time Muslims were kept varied
11 from a few hours to several months. Over the four-month period, between
12 2.000 and 8.000 non-Serb civilians were detained at the camp. Those that
13 were detained were almost exclusively Muslim. At any one time, over 500
14 people were imprisoned in that hangar, although the numbers in the camp
15 fluctuated.

16 The accused was present almost every day once he started his
17 duties there in early June. He can be seen in this photo patrolling the
18 perimeter fence on the 2nd of September, 2000, one month before the camp
19 closed, when the first and only international monitoring delegation
20 visited it. The accused and other guards controlled detainee movements
by
21 keeping them in the hangar for almost the entire 24 hours of the day.

22 The guardhouse, with window views onto the front entrance of the
23 hangar, was well placed to ensure that the accused and other guards
24 stopped any detainees from escaping. Most if not all of the detainees,
25 were civilian, which included at times large numbers of women, babies,

1 young children, and the elderly. Sick, injured, and handicapped people
2 were also detained at the camp. Few, if any, male detainees were active

3 members of any armed resistance to the Serb attacks, nor were they
4 captured in their involvement in armed conflict. There was no lawful
5 reason for the detention; they weren't alleged criminals, threats to
state
6 security, nor was their own security under threat.
7 Ove Bring, an international representative from the conference
8 for security and cooperation in Europe, who was on the Monitoring Mission
9 to the camp on the 2nd of September, 1992 reported, "Susica was a unique
10 facility among the detention sites that we visited. It was just an empty
11 shed that people were put into. There was no structure for receiving
12 internees and the arbitrariness seemed overwhelming."
13 As a commander at the camp, the accused played an important role
14 in these detentions. He, with others, was responsible for detainees'
15 confinement and security of the compound.
16 The conditions at the camp were appalling. Usually the number of
17 detainees was between 300 to 500; however, it fluctuated as people were
18 arrived and were transferred out. At 35 metres long and 13 metres wide,
19 the detainees were packed tight against each other. If 400 people were
20 detained at the camp at one time, each detainee would have had about
21 square metre to sit in. Sleeping facilities were inadequate. Detainees
22 slept on the concrete floor of the hangar with little or no bedding.
23 Apart from blankets, former JNA uniforms were given to some women and
24 children. The floor was usually wet or damp, often there was not enough
25 space to lie down or stretch out. At times detainees often slept sitting

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1 up, leaning against fellow detainees.

2 THE INTERPRETER: Mr. Smith, just a little more slowly, please.

3 MR. SMITH: I'll slow down, Your Honour.

4 On several occasions the accused took bedding such as blankets
5 from a detainee then beat or mistreated people who had given these men
6 blankets. Detainees exhibited constant exhaustion. Food was both of
7 little quantity and poor quality. It was distributed only once per day
8 and was often spoiled and did not meet basic nutritional needs. Detainees
9 were constantly hungry, becoming emaciated and often sick. Muslims
10 outside the camp tried to bring detainees food, but the Serb guards
often
11 took these supplies for their own consumption. Food and water was often
12 withheld and seen as a form of punishment for the detainees, especially
13 for those detainees who were constantly beaten.
14 The CSCE delegation, visiting on the 2nd of September, noted in
15 their report, "Detainees appear to be haggard, pale, and thin. There can
16 be little doubt that most are hungry." The heat, poor ventilation, and
17 hygienic conditions, lack of opportunity to shower, or use toilet
18 facilities or change clothes produced an overpowering and rancid odour
in
19 the cramped hangar. Detainees were allowed to go to the toilet outside
20 the hangar at one or two scheduled times in the day. If a detainee
needed
21 to relieve him or herself at times, they had to use a bucket -- at other
22 times they had to use a bucket as a toilet in the open hangar with no
23 privacy. No medical care was provided to sick detainees, they were not
24 separated, and were forced to remain in the hangar in close contact with
25 others.

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1 Detainees were becoming ill because of lack of good food and
2 hygiene facilities. They suffered from severe toothaches, head lice, and
3 fell sick from illnesses such as dysentery. The accused, in his role as

4 commander, provided no medical care or medicine to those who suffered
from
5 illness or to those who were constantly beaten. For those well enough,
6 many were forced to work picking vegetables in the field from the camp,
7 harvesting crops, providing other skills or unskilled labour. Others were
8 ordered to bury other Muslim civilians who did not survive in the village
9 attacks. These inhumane conditions at the camp made it almost impossible
10 for detainees to cope with the active mistreatment that the accused,
other
11 guards, and other soldiers directed towards them, their families, and
12 their friends.

13 At the camp the accused brutally mistreated male detainees,
14 causing at least nine of them to die. Some men were beaten inside the
15 hangar at an area known as the punishment corner, and others were
16 assaulted outside at the A-pole, which can be seen in the photo.

17 This second photo shows the detainees' view of the A-pole from
18 inside the hangar. Many of those that didn't survive the beatings were
19 left to die in the punishment corner, which was inside the hangar. They
20 were in the full view of other detainees. Some men disappeared after
21 beatings. Often the accused deprived beaten detainees of food and water.

22 At the camp, many of the detained women were subjected to sexual
assault,
23 including rape. Camp guards and other men entered the camp and took
women
24 out of the hangar night where they were raped and sexual assaulted at
25 other locations.

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1 Detainees were told to remain silent in the hangar and feared
2 being singled out and abused if they made a noise. On other occasions,
3 detainees were terrorised by the accused when he cocked his pistol and

4 thrust it into a detainee's mouth and pulled the trigger of an unloaded
5 weapon. The accused also subjected detainees to cruel and arbitrary
6 punishments, such as ordering one detainee to sit in water for a length
of
7 time. Similarly, the accused refused detainees to go to the toilet on
8 some occasions.

9 The accused also humiliated and verbally abused detainees with
10 insulting terms, such as "baliya" or other references to their Muslim
11 religion or ethnicity. These acts were committed within the sight and
12 earshot of fellow prisoners. The cumulative mistreatment, especially
13 horrified and anguished detainees, because it was meted out to their
14 family members, their friends, and their acquaintances.

15 This criminal conduct committed by the accused, guards, and other
16 soldiers created an atmosphere of terror at the camp. Detainees wondered
17 whether they or a family member would be the next victim. Mothers hushed
18 their children, while women hid their faces and attempted to look older
19 and uglier for fearing to be selected as the next rape victim. Detainees
20 kept silent and lowered their heads and eyes, dreading that they would
21 draw attention to themselves and be abused. This fear agonised detainees
22 throughout their detention at Susica camp. Ove Bring reports from his
23 visit on the 2nd of September, 1992.

24 "The atmosphere within the main building was extremely tense and
25 overbearing. It was also very quiet. No one of the detainees said

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1 anything. It was obvious that the detainees were very scared and they
2 dared not speak with us and they avoided us. The fact that the detainees
3 at Susica appeared very scared and subdued gave me an eerie feeling."

4 The accused contributed to this atmosphere of terror

5 substantially. Not solely by his own direct physical acts on the
6 detainees but because of his significant influence as a commander at the
7 camp over the detainees, the way that they were treated. The accused told
8 detainees that is he had absolute control over them and that they were at
9 his mercy. He told them that he was their God and that in the camp he was
10 the God, the stick, and the law. He was constantly heavily armed with an
11 automatic gun, a pistol, a bayonet, a baton, knife, and one or more hand
12 grenades. The accused, in his position as a commander at the camp, had
13 responsibility to ensure the proper treatment of the detainees. Rather
14 than doing so, the accused chose to actively and brutally mistreat
15 detainees by his own criminal acts, which thereby formed a form of
16 encouragement to those under and alongside of him to do the same.
17 Those fortunate enough to leave Susica camp alive in 1992 were not
18 resettled back to the homes in which they left as many of those homes
19 were destroyed, looted, or occupied by Serb residents. More importantly, they
20 were not welcome into the municipality of which they once formed an
21 essential part. It was never the case that Susica camp was a safe haven
22 for those non-Serbs that would have otherwise been in danger in
23 surrounding villages; there was simply no safe place for them, neither
24 or outside of the camp. Women, children, and elderly detainees were
25 expelled to Bosnian-Muslim-held territory around Kladanj and Cerska.

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1 Military-aged men and some women were transferred to other places of
2 detention in Bosnia, respectively Batkovic camp in Bijeljina municipality
3 and Pelemis, a village in Serb-held territory in Kladanj municipality.
4 Following the killing of the last group of 100 or more detainees
5 at a site near Susica camp called Debelo Brdo, the camp was disbanded,

6 having fulfilled its role in eliminating the Muslim and other non-Serb
7 population from Vlasenica municipality.

8 Your Honours, I would now like to show a short video clip of
9 Susica camp, if you think it will be of assistance to you, with the
10 witness's testimony. As I said previously, the next witness has very
poor
11 vision, so she can't refer to any visual aids. But I'm in Your Honours'
12 hands in relation to the length of time, whether you'd like to see that
13 short five-minute video.

14 JUDGE SCHOMBURG: Of course it's for -- as the Prosecution to
15 present its case, however, we should take care that the witnesses have
the
16 necessary time to give their testimony.

17 MR. SMITH: Thank you, Your Honour.

18 [Videotape played]

19 MR. SMITH: Your Honour, on this video, you'll see now - it's just
20 being called up now - you'll see the front of Susica camp, looking
towards
21 the hangar in which they were detained. It should be coming up in one
22 moment.

23 MR. SMITH: That's the front of the hangar. And now we're looking
24 back towards Vlasenica. And that pole there is the A-pole where a number
25 of people were beaten, especially a number of the victims in the counts
in

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1 the indictment. This is view looking at the back of the Susica camp away
2 from Vlasenica town, bearing in mind that Vlasenica was about
3 one-and-a-half kilometres away.

4 This is outside of the camp. That's the warehouse that was right
5 next to the one which the detainees -- sorry, that's looking towards

6 Vlasenica -- Here is the hangar. This is where the detainees were kept.
7 And this is back of the hangar. It's full of military equipment now, but
8 at that time the hangar was completely empty. This video was taken in
9 1996 by Tribunal investigators.
10 The corner that you're looking at now is the back corner of the
11 hangar, and this is what witnesses may refer to as the punishment
corner,
12 where a number of the victims in the indictment subsequently died after
13 being beaten.
14 That's not the front door, that's a side rear door and that wasn't
15 used as an entry or exit point at the camp in 1992. It was generally
16 locked. And now the camera is panning towards the front of the hangar
17 from the back. Again, those chairs, et cetera, weren't in the hangar
when
18 the detainees were kept there. It was completely empty.
19 The hangar is quite large. As I stated earlier, it could fit
20 about 4 to 5 hundred people in it. This is the side wall of the hangar,
21 going up towards the entrance to the hangar. There's largely one
entrance
22 to the hangar that was used. Obviously the truck wasn't there at the
23 time.
24 That's the front door of the hangar. There's a small door and two
25 very large double doors. Again, this is the sole place where the

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1 detainees were kept during their detention at the camp. This is looking
2 out towards -- now we're look out towards the A-pole, which are those two
3 wooden posts which can be seen there, which is what the detainees would
4 have seen if they were trying to look at the beatings that were occurring
5 outside of the hangar. The hangar is, as I said, about 35 metres by 13

6 metres.

7 We'll now cut to some footage of the guardhouse. This -- there's
8 the A-pole again. That's the entrance to the compound. That's where
9 people were brought in and were taken out. It's looking at the front door
10 of the hangar again and panning back. There's the A-pole in view. I
11 think it's about 17 metres from the front door of the hangar and about
20
12 metres or so from the guardhouse.

13 We're now looking into the front door of the guardhouse, which is
14 about 15 metres away from the camp. There's two rooms in it. That room
15 faces away from the hangar. And this room here which we walk into now,
16 that window directly faces onto the front of the hangar, and that's
about

17 11 metres. This is where the guards stayed, and this is where the
accused

18 slept often at the camp. Although the lighting is dark, it's just
panning

19 around this room where the accused slept, and this is where detainees
were

20 brought in and interrogated.

21 That's a bed in the room. It's very difficult to see. Again,
22 this was taken in 1996, so the set-up, we can't guarantee that it was
23 exactly the same as in 1992. There's a side window looking towards the
24 hangar there, and here is a front window that looked towards the
entrance

25 of the camp and also the front of the camp. And that's coming out of the

Page 225

1 room now. There's just a small hallway between the two rooms.

2 Now, this is the second room, the second room that's away from the
3 hangar. And this was a room where there appeared to be some kitchen
4 facilities.

5 That's the end of the video, Your Honours.

6 Now I'd like to call the first witness. Or would Your Honours like
7 a short break?

8 JUDGE SCHOMBURG: No. Let's start immediately.

9 And may I ask the usher please to escort the first witness into
10 the courtroom.

11 What is the estimated time you would need for the first witness?

12 MR. SMITH: I think, Your Honours, we had planned about 30 to 40
13 minutes for each witness, and then that would allow Your Honours 15 or
14 20

15 minutes for questioning. If Your Honours would like the testimony to be
16 shorter, as far as Prosecution witnesses are concerned, we're happy to
17 oblige as well. We'll be dictated by Your Honours' views.

18 JUDGE SCHOMBURG: We are limited until 1.30 today, and so we have
19 to make for technical reasons the next break at 10.30.

20 MR. SMITH: Yes. I'll take that into account.

21 JUDGE SCHOMBURG: So if you could take this into account and maybe
22 the questions are limited. But let's see.

23 [The witness entered court]

24 JUDGE SCHOMBURG: So once again, to be on the safe side, no
25 pseudonym needed; right?

26 MR. SMITH: Sorry, Your Honour, I didn't --

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1 JUDGE SCHOMBURG: No pseudonym?

2 MR. SMITH: No pseudonym. No protective measures, thank you.

3 JUDGE SCHOMBURG: Madam Habiba Hadzic, a very good morning to you.

4 Can you hear me in a language you understand?

5 THE WITNESS: [Interpretation] I can hear you.

6 JUDGE SCHOMBURG: Could you please be so kind and give us your
7 solemn declaration. I intend to read it, and if you'd please be so kind,
8 repeat it.

9 Rule 90 of our Rules of Procedure and Evidence provide that the
10 solemn declaration reads as follows: "I solemnly declare that I will
11 speak the truth, the whole truth, and nothing but the truth." Would you
12 please --

13 THE WITNESS: [Interpretation] Shall I answer? I can speak. I
14 have a sore throat, but I still can speak.
15 I will speak the truth and only the truth.

16 JUDGE SCHOMBURG: And you solemnly declare to do so; correct?

17 THE WITNESS: [Interpretation] Yes.

18 JUDGE SCHOMBURG: Thank you very much. You may be seated.

19 WITNESS: HABIBA HADZIC

20 [Witness answered through interpreter]

21 JUDGE SCHOMBURG: Should you have any problems, please tell the
22 Bench immediately that we can take the necessary measures.

23 The Prosecution will now start questions to you.

24 MR. SMITH: Thank you, Your Honours. Just to be clear, the

25 witness statements of this witness have been tendered into evidence. Do
I

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1 understand that correctly?

2 JUDGE SCHOMBURG: Not yet.

3 MR. SMITH: Okay. Perhaps with the indulgence of the Court and my
4 learned friends, what I would like to do in relation to this examination,
5 because of the shortness of time, lead the witness in a number of areas,
6 apart from a couple of key issues. And I hope my friend understands the

7 reason for that approach.

8 Questioned by Mr. Smith:

9 Q. Good morning, Ms. Hadzic. Can you please tell us your name, how
10 old you are, and what ethnicity you are.

11 A. My name is Habiba Hadzic. I was born on the 15th of March, 1943,
12 and I'm a Muslim.

13 Q. I'm going to ask you some questions about what happened to you at
14 Susica camp, what you saw, and what you -- how it made you feel then and
15 now. Do you understand that?

16 A. I do.

17 Q. And Ms. Hadzic, you have very poor eyesight, and it makes it
18 difficult for you to read and see small detail; is that correct?

19 A. Yes. I can't see well enough to read.

20 JUDGE SCHOMBURG: Sorry, just to interrupt, to clarify. On the
21 transcript, it reads that your birthday is the 15th of March; whereas,
22 in

22 your statement it reads 5 March, 1943.

23 THE WITNESS: Yes.

24 JUDGE SCHOMBURG: Thank you. You may continue, please.

25 MR. SMITH:

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1 Q. And on Saturday, Ms. Hadzic, we met. And one of your statements
2 was read out to you, a statement taken by a Tribunal investigator in 1994
3 and 1996. Do you remember that statement being read out to you?

4 A. Yes.

5 Q. Was there anything in that statement that you couldn't remember or
6 you felt was incorrect as to what you experienced at Susica camp?

7 A. All that I said, that I stated, is true.

8 Q. From your statement, Ms. Hadzic, you were at Susica camp for
9 about two months; is that correct?

10 A. Well, perhaps a bit longer.

11 Q. And when you first arrived at the camp, where were you taken?

12 A. To the hangar.

13 Q. Were any other members of your family taken to the hangar as
14 well?

15 A. First the children were taken there, then me, my sister-in-law,
16 her husband, and her two children.

17 Q. And can you tell the Court what your two children's names are.

18 A. Enis Hadzic, and Bernis Hadzic.

19 Q. And how old were they?

20 A. Enis was born on the 18th of September, 1961; and Bernis Hadzic
21 was born on the 4th of April, 1963.

22 Q. What did you see when you got into the hangar when you first
23 arrived at the camp? Who was in there?

24 A. There were a lot of people, and women and children.

25 Q. Was the camp full or empty or half full? Can you describe?

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1 A. It was jam-packed.

2 Q. When you left the camp some two months later, was the camp still
3 jam-packed, or were there less people in there?

4 A. Well, sometimes there were fewer, sometimes more. Most of the
5 time there were a lot of people inside.

6 Q. Whilst you were in the hangar and you were staying at the camp,
7 were you allowed to move freely outside of the hangar in the compound
8 area?

9 A. No. Only when Jenki would order so, only when he would tell us

10 what to do. Those were the only times we were able to move around.

11 Q. And can you tell the Court who Jenki is.

12 A. Nikolic.

13 Q. And what's his first name?

14 A. I can't remember now. I know that he's Nikolic, also known as
15 Jenki.

16 Q. You said that he -- you said that he would -- only he would
17 allow -- excuse me. You said that you were only allowed to move freely
18 outside of the hangar when Jenki would allow. Who was -- who was in
19 charge at the camp?

20 A. Yes.

21 Q. I'm asking you who was in charge at the camp.

22 A. He was, Jenki. He was in command. Nikolic, also known as Jenki.

23 Q. Now, you mention in your same another person that had some
24 command responsibility at the camp, and his name was Veljko Basic. Did
he
25 also --

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1 A. Basic, yes.

2 Q. Did he also have some command at the camp, some control?

3 A. Well, he would come in the morning, in the afternoon.

4 Q. And who was at the camp more often? Was it Jenki or was it
5 Veljko Basic?

6 A. Jenki.

7 Q. Who guarded the people at the camp? How many -- how many people
8 were making sure that yourself and the others were not leaving the
hangar?

9 A. Well, sometimes there would be ten of them or eight, twelve,
10 depending on how they are assigned by Jenki.

11 Q. So you've mentioned that Veljko Basic had some -- a command at
12 the camp and Jenki had some command at the camp. Was there anyone else
13 in

13 the guards -- was there anyone else in the guards that showed some
14 command

14 or authority over other guards, other than Jenki and Veljko Basic?

15 A. No. Jenki held everything under his control and issued orders.

16 Q. How often was Jenki at the camp? Was he there every day or every
17 second day or once a week?

18 A. Every day, for most of the time, both in the evenings and in the
19 afternoons. He was there most of the time.

20 Q. Do you know where Jenki slept at night?

21 A. Sometimes when we wanted to fetch water, there was this
22 guardhouse where his bed was, where he slept. It was a small guardhouse.

23 Q. You said --

24 A. That's where he was accommodated, where he spent his time.

25 Q. How often did he stay at -- stay at the camp? How often did he

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1 sleep there? Was it weekly, or was it more than that?

2 A. Well, I can't know everything. I would see him often coming
3 back, coming around midnight. I would see him when he would come up to
4 the hangar. But otherwise, we were closed in in the hangar, and I
5 couldn't see whether he had gone somewhere to spend the night or he was
6 still there.

7 Q. You said that the bed in the guardhouse was his bed. Did -- did
8 anyone else use the bed?

9 A. Well, sometimes maybe another guard would use it, but for the
10 most part it was Jenki.

11 Q. Did Veljko Basic ever sleep at the camp?

12 A. Not that I saw.

13 Q. Where did you sleep in the camp?

14 A. I slept between my two children in the hangar. And when Jenki

15 would give us orders to that effect, we would even go outside the camp
to

16 the houses nearby. Sometimes I would sleep in a lorry, together with one
17 of my children.

18 Q. You said that you stayed at the camp for about two months and
19 that sometimes you slept outside of the camp. About how many nights did
20 you sleep outside of the camp?

21 A. Well, every time Jenki would order us, we spent the night in one
22 of those nearby houses.

23 Q. You said that when Jenki ordered that you sleep outside of the
24 camp. Did any other guards or Veljko Basic order you to sleep outside of
25 the camp?

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1 A. No.

2 Q. When you slept in the camp, what did you sleep on? Were there
3 any mattresses or anything to make your sleep comfortable?

4 A. No. No. For the most part, we slept on bare concrete or wooden
5 boards. But when he would be angry, he wouldn't even allow us to lie on
6 those wooden boards. They would be taken out. They would be removed.

7 Q. Did you have much space to sleep in? Could you stretch out
8 without touching other detainees?

9 A. Sometimes yes; sometimes not. Sometimes there were too many
10 people and you had to squeeze. Sometimes you could even fall asleep.

11 Q. How comfortable were you when you slept?

12 A. Awful.

13 Q. How often did you eat at the camp? Did you eat three times a
14 day, once a day?

15 A. Once a day. We got one meal a day.

16 Q. And can you tell the Court what you ate, what you were given to
17 eat.

18 A. Well, for the most part, it was food that had gone bad.

19 Sometimes we would be given tins that had turned bad and we would have
20 trouble going to the toilet.

21 Q. When you were at the camp, did you receive enough food or did you
22 want more?

23 A. We did, but we didn't get it.

24 Q. Who got it? If you didn't get it, who got it?

25 A. Well, people would sometimes bring us food, and Veljko Basic

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1 would not allow us to receive it. When Veljko Basic would go away, Jenki
2 would issue orders that food be given to those to whom it was brought.

3 Q. You mentioned in your statement that you saw the mistreatment of
4 a number of detainees by the accused, and I'm referring to Mevludin
5 Hatunic, Durmo Handzic.

6 A. Yes.

7 Q. Muharem Kolarevic.

8 A. Muharem Kolarevic, and a man from Papraca, Rasid, and the other
9 one was Zekic.

10 Q. Can you explain why on the one hand the accused was involved in
11 the beating of these men and at the other time was providing detainees
12 with more food?

13 A. Well, he did not exactly provide more food. Jenki would take
14 those men out and then would bring them back to the hangar when they had

15 already been beaten up.

16 Q. When you left -- when you left the camp, had you lost weight?

17 A. Yes. Yes, I did.

18 Q. Were you able to wash your clothes at the camp?

19 A. No. I asked for permission from time to time to go home, but very
20 soon somebody would turn up and tell me, "Come on. Come on. Come back."

21 Q. Were you able to wash yourself at the camp, to make a shower or
22 bathe?

23 A. No.

24 Q. Were you provided any hygienic products like toothpaste or soap or
25 deodorant so that you wouldn't smell?

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1 A. No. No, we were not.

2 Q. You mentioned in your statement that many people were beaten at
3 the camp by the accused and others; is that correct?

4 A. It is.

5 Q. In relation to the beatings generally by the accused or others,
6 about how often was that occurring? Was it occurring once a week, daily,
7 a couple of times a week? Can you give us a feeling of how often people
8 were beaten at Susica camp.

9 A. During my stay there, at the Susica camp, Mevludin Hatunic, Durmo,
10 were beaten up; both died. Asim Zildzic was beaten up and once when we
11 were lined up to go to the toilets, I saw him carried on a stretcher.
His

12 eye was knocked out; I'm talking about Asim Zildzic. I often used to see
13 Djidje being beaten by Jenki. He would spill water on the concrete and
14 make him sit there, hungry, not giving him any food.

15 Q. Now, you mentioned a person called Fikret Arnaut who was at the

16 camp; is that right?

17 A. Which Fikret?

18 Q. I think in your statement you referred to him --

19 A. Yes. Yes. His name is Fikret, and the other man's name is

20 Fadil Huremovic. The two of them died; they were ill.

21 Q. Were they given any medical care, the two of those men that died?

22 Did any doctors visit the camp, or were they taken to the hospital in

23 town?

24 A. No. No.

25 Q. Can you tell us how Fadil Huremovic died. What did he die of?

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1 A. Well, he was simply unable to stand up on his feet. His wife was

2 abused and he was no longer able to suffer that. He just couldn't get up.

3 He was bedridden.

4 MR. SMITH: Your Honour, bearing in mind the shortness of time, I

5 would like to spend another ten minutes with this witness. I don't know

6 whether Your Honour wants to break now or to come back following the

7 break.

8 JUDGE SCHOMBURG: I think it's appropriate to have a break. May I

9 ask all participants to understand that the break will be shorter than

10 usual. We will resume ten minutes to 11.00.

11 --- Recess taken at 10.29 a.m.

12 --- On resuming at 10.50 a.m.

13 JUDGE SCHOMBURG: May I ask you just to focus during the next ten

14 minutes on the core issues of the testimony, and especially what is

15 included in the indictment. Thank you. So you have the floor until

16 12.00.

17 MR. SMITH: Thank you, Your Honour.

18 Q. Witness, Ms. Hadzic, I mean, you mentioned that Fikret died at the
19 camp. Is that Fikret Arnaut or is that someone else? In your statement,
20 you mentioned a person called Cice, who has -- who had a nickname of
Cice
21 and his name was Fikret Arnaut. Is it the same person, or are you
22 thinking of someone different?
23 A. That is Kuljancic Fadil and Huremovic died. Whereas, Cice,
24 succumbed to the beating in the camp. His name is Cice. That's how I
25 know him.

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1 Q. You said that --

2 MR. SMITH: Your Honours, just for Your Honours's information,
3 Cice is Fikret Arnaut in the indictment. It's referred to there.

4 Q. You said that Cice succumbed to the beating at the camp. What do
5 you mean by "succumbed"? Did he die at the camp, or was he still there
6 when you left?

7 A. He died while I was there, Cice did.

8 Q. Did you see who was doing the beating of Cice?

9 A. I did not see. I only saw Jenki bring him onto the wet concrete
10 floor. He sat there. But who beat him there is something I did not see.

11 Q. How often was Cice beaten even though you didn't see it? Did you
12 see the effects of any beating on Cice whilst you were at the camp? And
13 if so, how often did you see those signs?

14 A. A few times; two, three times. He could not sit down, let alone
15 stand up. That is how badly they would beat him.

16 Q. You said that you saw Jenki bring Cice onto the wet concrete
17 floor. Where was Cice brought from? Was it -- are you saying from
outside
18 of the hangar?

19 A. Yes. From outside the hangar he brought him into the hangar, and
20 he sat on that wet concrete floor, and he said, "You raped my mother,"
and

21 then he cursed and things like that.

22 Q. Did you ever try and help Cice, in relation to the beatings he
23 received?

24 A. He asked me to give him some cookies. I threw some cookies, but I
25 did not see Jenki at the door. He walked up, and he crushed the biscuits

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1 with his boot, and he ordered me to go outside to the external toilet and
2 he slapped me once, and I didn't do anything about it. The second time,
3 he hit me with a rifle butt, and my arm is wounded because of that. I
4 passed out and somebody tried to help me but Jenki kicked him and told
him

5 to go away. Then I came to by an old lady, who was 93 years old and who
6 was telling me, "Things will get better. Things will get better." And he
7 was shouting, "She did not die. She did not die. She's alive."

8 Q. Why did Cice ask you for the biscuits -- the cookies? Why didn't
9 he get them himself?

10 A. They wouldn't let him have any. He was hungry and he asked me,
11 "Could you give me one?" And I threw it across the floor, but he did not
12 eat it. Jenki came and stomped on it. It was hard and it wasn't any good
13 really, but he was hungry and he would have appreciated whatever he
could
14 have gotten.

15 Q. In your statement, you said that you did some work at the camp.
16 Can you tell the Court what work you did inside the camp.

17 A. What Jenki ordered me to do. I would scrub his room, and then he
18 would stretch his feet out so that I'd wash them and put cream on them,

19 things like that. Then I'd wash the dishes when there was this one lunch.

20 Well, at any rate, I had to do whatever he ordered me to do. I did not
21 dare say no.

22 Q. Were there any other guards ordering you to do any work at the
23 camp?

24 A. No. There was a blondish one, one of his -- there was something
25 wrong with one of his eyes. He cursed at me. My daughter-in-law came and

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1 brought one of the children so that I could see them, and then he said,
2 "Your daughter-in-law is good-looking." And then he cursed her. And
3 then the -- when the guard cursed my daughter-in-law, then I said, "My
son

4 will curse your wife," and then Jenki walked up and said, "What was all
of

5 this about?" And I told him and he said, "You said the right thing."

6 Q. You said that you had to wash the -- Jenki's feet. Was there a
7 problem? Was there a medical problem with his feet?

8 A. No. Just like that, by way of refreshment. That's what he
9 wanted.

10 Q. And how often did you have to do that?

11 A. Well, I was not the only one. Sija Zepco was there, Nesiba, Saha
12 Berbic, so I did not have to do everything on my own.

13 Q. Now, these people that you've just mentioned, are they women that
14 had to do work at the camp as well?

15 A. Yes.

16 Q. You mentioned Sija and Nesiba and Saha. When you left the camp,
17 were they still there? At the end?

18 A. Yes.

19 Q. Have you ever seen them again or do you know of them having been
20 alive --

21 A. No.

22 Q. -- in the camp?

23 A. Well, I heard - I did not see - that they were sent to Pelemis and
24 killed.

25 Q. And when you say "Pelemis," do you know what was at Pelemis?

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1 A. I don't know.

2 Q. You've explained -- or perhaps -- sorry, I'll ask another
3 question. You mentioned that you received an injury from Jenki. You said
4 he hit your arm with a rifle butt and it caused you some pain. Has that
5 pain gone away?

6 A. No. I shall remain disabled, as far as this arm is concerned. If
7 necessary, I can show it to you. I'm supposed to have it x-rayed right
8 now.

9 Q. No, there's no need to show it to us. But can you explain, tell
10 us which elbow it is, is it the left or right, and basically explain the
11 injury.

12 A. The right one. The right elbow, the one here. It's as if there
13 were a hole in it. It hurts me. I can't take a bath on my own. Let me
14 put it this way: It hurts really bad.

15 Q. Other than the injury to the arm, were there any other
16 conditions -- health conditions that developed after you left Susica
17 camp
18 that you believe are related to your stay at the camp and the conditions
19 that you suffered?

19 A. Afterwards, when I left, I had a bit of high blood-sugar level but

20 then it got much higher, so I really had this problem. I also have some
21 heart trouble, that angina thing, and I have all my findings that can
22 prove that. Now that my children are no longer there.

23 Q. When you say that your children are no longer there, when you left
24 the camp on the last time, was your son Enis and Bernis still at the
camp?

25 A. Yes.

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1 Q. And have you seen either of your sons ever again?

2 A. No. No. When I was sent as a messenger to Cerska, 14 of us
3 messengers came bearing the same message. I was running there to see
4 where my children were, what they were doing, how they were, things like
5 that, but I did not see them.

6 Q. Do you believe that your sons are alive today? If they are alive,
7 would they have contacted you?

8 A. No, they are not alive. Jenki knows that. I just wish he knew in
9 which mass grave they were so that their mother could give them a
10 dignified funeral, so that their mother would know where they are
buried.

11 But I don't know. I've never found out. They took away their personal
12 IDs. They have nothing in order to prove who they were. He's the only
13 one who knows, and I would like to ask him if he knows to tell us.

14 Q. Perhaps, Mrs. Hadzic, if I can ask you a couple questions first:

15 You were at the camp -- I know this is very upsetting for you.

16 A. What can I do about it?

17 MR. SMITH: Your Honour, if I can just take two minutes to finish
18 the last two questions with the witness. Thank you.

19 Q. You mentioned that you were at the camp for about two months. You
20 mentioned that the sleeping conditions were terrible, you couldn't wash,

21 you couldn't shower, you couldn't keep clean, the food was terrible, you
22 were forced -- you were forced to --

23 Q. Yes. Yes.

24 Q. If I can just finish the question; you were beaten, you saw the
25 beatings of other people. How did it feel staying in the camp night
after

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and

13 English transcripts. Pages 241 to 245.

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1 night --

2 A. What I would see was less. I mean, he would take people out and

3 bring them back beaten up and then Koljevic, Zekic from Popica [phoen]
and

4 then Mujkic, he would take them out. I did know see who they were, but I

5 heard three gunshots and the hangar was closed. And the morning, when

6 they lined us up at the toilet, men on one side, women on this side, and

7 then Muharem - I know him, because he's my friend's brother, and his son

8 was there too - and then my children were whispering to me, "Mama,
there's

9 Muharem."

10 There was a small TAM truck and they were lying dead on that

11 truck. Now, where they drove their bodies to, I don't know.

12 Q. Mrs. Hadzic, I've just got two last questions for you. So if you

13 could listen to them. I know it's difficult. What was the feeling like

14 in the hangar? What was the atmosphere like, bearing in mind all the

15 conditions you suffered and the other detainees suffered and the
beatings

16 that were occurring? What was the atmosphere? What did it feel like to

17 stay in that camp at night and during the day?

18 A. What did it feel like? The stench was the worst possible, and you

19 had to suffer it. In the morning and in the evening, people went to the

20 toilet. There were buckets there by the door. People would have to go.

21 The food was bad. It went foul. It was terrible.

22 Q. And I'd like to ask you: What is it like today? It's about 11
23 years or so since you were at the camp and you went through a lot of
24 experiences there and you saw a lot. Has it affected you psychologically
25 today, or do you feel fit and well and able to get on with your life and

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1 not think about Susica camp? Does it affect you at all today?

2 A. How it affects me? There are two wounds that are there: Sadness,
3 pain, everything I went through in the camp. My children were innocent
4 and they lost their lives. They were killed. I could not even remember
5 his proper name a few minutes ago. Dragan Nikolic, nicknamed Jenki. He
6 killed them just because they were Muslims.

7 That is what I have to say. I can't say anything else.

8 Q. And one last question: Is there anything that you'd like to say
9 to the Judges about the impact that your stay at Susica camp has had on
10 you? If not, that's --

11 A. Everything. If I were to tell you everything, what could I tell
12 you? I am a sick woman now. I have high blood sugar. I have a weak
13 heart. It is so bad. My feet went numb while I've been sitting here. I
14 have nothing to hope for. This mother cannot take it much longer. You
15 will see. I will die of sadness and sorrow. My husband is also sick and
16 he cries often. He hides from me when he cries, but then I follow him
and

17 then we cry. What can we do? I would just like to ask Dragan to tell me
18 where they are, in which mass grave, so that their mother could give
them

19 a dignified funeral. I want to give them a proper burial, and then I can
20 go away myself. That is what I have to say.

21 Q. Thank you, Mrs. Hadzic. Thank you very much for coming today. I
22 know it's been very difficult for you. But we appreciate your efforts.

23 MR. SMITH: No further questions, Your Honour.

24 THE WITNESS: [Interpretation] You're welcome.

25 JUDGE SCHOMBURG: Thank you. May I ask the Defence.

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1 MR. MORRISON: Your Honour, the witness is plainly in a very
2 distressed state at the moment. I don't want to add to that distress, but
3 I am conscious of the passage of time. But it may be better that she's
4 allowed to recover her composure before I ask her any questions.

5 JUDGE SCHOMBURG: I think it's appropriate to have a break of
6 about five minutes, and this would also allow you to contact your client,
7 whether or not he wants to answer the question the witness put to him.

8 Thank you.

9 The trial stays adjourned for five minutes.

10 --- Break taken at 11.10 a.m.

11 --- On resuming at 11.15 a.m.

12 JUDGE SCHOMBURG: Please be seated.

13 Mr. Morrison, please.

14 MR. MORRISON: Thank you.

15 Questioned by Mr. Morrison:

16 Q. Madam, I just want to ask you a few questions related to a number
17 of incidents in the camp and to get your reaction to a number of names
18 that I'm going to put to you. And please forgive me if my pronunciation
19 is not exact. Do you recall a man called Kraljevic, Mico?

20 A. Mico Kraljevic. Yes, I do. He had his own specials from
21 Rogosija.

22 Q. He's a person that would occasionally come to the camp whilst you
23 were there; is that correct?

24 A. Yes. Yes.

25 Q. And indeed, you understood from Dragan Nikolic himself that this

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1 man was Dragan Nikolic's superior, his commander?

2 A. They cooperated. Often they would roast a lamb or two. Kraljevic
3 would come. He would stay there with his specials. The music would be
4 blaring. They'd corral us in that hangar. That's the way it was.

5 Q. But to answer my question, and I'm simply repeating something from
6 your statement, that Dragan Nikolic said to you that he had to do what
7 Mico said.

8 JUDGE SCHOMBURG: Just for the record, may I ask Defence counsel
9 to --

10 THE WITNESS: [Interpretation] Well, they cooperated, Mico and
11 Dragan. Nevertheless, Dragan had the main say.

12 MR. MORRISON: For Your Honours's reference, it's on page 3, on
13 the third paragraph from the -- the full reference number ends with the
14 last four digits 1494 on the ...

15 JUDGE SCHOMBURG: Okay. The first statement.

16 MR. MORRISON: Yes.

17 JUDGE SCHOMBURG: Okay. Thank you.

18 MR. MORRISON:

19 Q. You've also mentioned somebody called Basic or -- is that correct?
20 Veljko Basic?

21 A. Yes, Veljko Basic. Before he was a policeman and while I was up
22 there, he was warden of the camp. When Dragan ordered me to wash the
23 dishes, Veljko was sitting there where Dragan would usually rest, and he
24 pretended to bring a doctor to examine the civilians. And there was a
car

25 there in front of the fountain, and Elvis sat there, Raco, who had lost
a

1 brother in Cerska. And then Veljko asked me whether I had seen who had
2 taken this man away. When Pejac took Nazif, "Sikara" out, behind that
3 third building he hit him once and he said, "Ah." And then the second
4 time, "Ah." And the third time, in the manger. And then they drove them
5 off. Veljko asked me whether I saw this. I did see it, but I didn't dare
6 say so. He would have beaten me until nightfall. And I said, "No. See,
7 Dragan is forcing me to wash the dishes. Why didn't you tell me to
8 watch?" And he said, "Well, his wife asked me or called me and asked me
9 where Nazif was." Well, that's what Zeljko said to me later.

10 Q. So you've said already in testimony to this Trial Chamber that
11 Veljko Basic on occasion stopped Jenki from giving food that had been
12 brought for the prisoners. Is that food that was brought to the camp
13 from

14 relatives of the detainees?

15 A. Yes. Yes. Veljko would not allow it. He chased them away. I'm
16 telling the truth. Jenki would say, "Wait for him to leave and then take
17 this food." What is true is true.

18 Q. And once Basic had left the camp, Jenki could allow that food to
19 be given to the prisoners, would he not?

20 A. Yes. Yes.

21 Q. So it seems to follow from that that this man, Veljko Basic, had
22 authority over what Dragan Nikolic sometimes did at the camp.

23 A. That's what I heard when he said that. So I don't know. They
24 know.

25 Q. Do you recall a man called Car, spelled C-a-r?

26 A. Yes. Yes. I remember him well. I saw him just recently now in

1 Vlasenica. His face has changed a bit, but I know Car. I know that he is
2 freely walking about. I went there in relation to my mother-in-law's
3 house, when I went to see this at the MUP there. His hands were all
4 bloody and he turned towards the house of Sacir Izetbegovic and he said,
5 "Oh, didn't I cut them up there in the basement?" And I left and Fikret
6 did this and said, "Go, woman. Go to Dragan Savcic" - that's my
7 director - "and go see Ljubisa Burlica. Have him get me out of here."

8 Q. On one occasion when Car came --

9 A. This was before the camp.

10 Q. Yes. I wanted you now to think back to an occasion when this man
11 Car came to the camp. This was an occasion when Dragan Nikolic, or
Jenki,

12 was going to give a pillow to Fadil Huremovic.

13 A. Yes.

14 Q. Do you recall?

15 A. I remember that well. I went up there and I found a pillow, and I
16 found the chamois of the old woman. And Car gave me an order, "Go down
to
17 the car." And Dragan - what is true is true - said, "What do you mean?"
-

18 I mean, Dragan said because this man would have taken me and killed
19 me - and he said, "What do you mean? A baby needs a blanket and a
20 pillow? Well, let her take it." Well, he did save me. Otherwise, Car
21 would have taken me to his car.

22 Q. So it's your view that Jenki on that occasion saved your life.

23 A. Yes.

24 Q. And, indeed, expressed the view that a child should be allowed to
25 have a pillow and a blanket.

1 A. Yes, he did. And then Car agreed, "Go and take it." And I took
2 it to Fadil instead of the child because that man was very sick indeed.

3 Q. Now, you spoke a few moments ago about -- when we were talking
4 about the man Mico, you made reference to a doctor. Is that doctor's name
5 Roncevic?

6 A. Yes. Yes.

7 Q. Now, on occasion, that doctor would come to the camp; is that
8 correct?

9 A. I saw him only once. Whether he came more often, I don't know.
10 Veljko Basic was there, and he was searching some civilians who were
11 there.

12 Q. You say in your statement that prisoners would come to what you
13 referred to as Jenki's house and that Roncevic, the doctor, would
14 allegedly examine them there. Was that your understanding? That was your
15 understanding?

16 A. Yes.

17 Q. And as you very fairly say, if you were locked up in the hangar
18 for extended periods, you wouldn't know how often the doctor or indeed
19 anyone else might come to the camp; is that fair?

20 A. I saw him that time when I was washing dishes, after that one
21 meal. I didn't see him again.

22 Q. But I think you would agree that if there were -- if you were in
23 the hangar for extended periods, you were not in a position to state how
24 often any one individual might come to the camp because you simply
25 wouldn't be there to see it. Is that -- is that a fair observation?

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1 A. Well, you would hear things. For instance, in the evening, when a
2 white van would come to collect people, people would be loaded inside.

3 You would hear orders, "Remove this. Remove that. Take this knife away.
4 Throw it onto the ground." You would hear those orders.

5 And there was also a white minivan that they used when one of
6 theirs would get killed. Then they would take a full van of people and
7 take them away, and they would never be seen or heard of again.

8 Q. Do you remember at least one occasion when Dragan Nikolic ordered
9 milk to be distributed to the children detained in the camp?

10 A. Yes. Often he would take milk from the neighbour, Ahmad [phoen]
11 and distribute it. Before Dragan, there was another man; he had a scar
12 on his cheek from a knife wound, and he was Jenki's predecessor.

13 Q. Yes. Thank you very much, madam. I have no more questions.

14 JUDGE SCHOMBURG: May I ask the Prosecution once again the same
15 question: Is your client prepared to answer the desperate question put
16 to your client as a witness?

17 MR. MORRISON: Your Honour, there are developments. It would be
18 perhaps better, because of the context of those developments, if we went
19 into private session while I answered that question.

20 [Trial Chamber confers]

21 JUDGE SCHOMBURG: Private session, please.

22 [Private session]

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)

2 (redacted)

3 (redacted)

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14 (redacted)

15 (redacted)

16 (redacted)

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18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 [Open session]

23 MR. MORRISON: Your Honours, I'm grateful for that conference.

24 JUDGE SCHOMBURG: Just that you're please aware, we are now once

25 again in open session.

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1 MR. MORRISON: Yes. Well, I don't think that will cause any

2 difficulty.

3 As a result of a conversation I have just had with

4 Dragan Nikolic - and it must be for the purposes of this interlude alone

5 that he waives lawyer-client privilege as to that conversation, because
it

6 doesn't make any sense not to - he informs me that he would be happy to
7 answer that question as directly as he can to the Prosecution witness
now.

8 How that is to be done, of course, is another matter.

9 JUDGE SCHOMBURG: We are prepared to give your client the floor
10 if he so wishes.

11 MR. MORRISON: Thank you. Well, I think that probably the best
12 thing may be, because this is not in the nature of giving testimony, but
13 in a sense what is happening here: I act as an advocate as all advocates
14 do as the mouthpiece of the client. There is no -- as I see it, no
15 fundamental difficulty in the jurisprudence of this Tribunal as if -- if
16 for the purposes of this question alone the defendant and I take on a
dual

17 role for that purpose; in other words, I ask -- I take his instructions
in

18 open, as it were, and he gives his answers. So it's -- it's as if I had
19 taken his instructions prior to coming into court and then put a
question

20 in respect of those instructions in the normal way that a lawyer would
21 work.

22 JUDGE SCHOMBURG: I think also the Prosecution agrees that there
23 is always the possibility to give a statement if your client so wants.

24 MR. MORRISON: Well, I don't see any -- I don't see any objection
25 from the ranks of the OTP.

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1 Can I address this question, then, please to the defendant
2 himself: Mr. Nikolic, you heard the request of the witness in this case
3 as to the whereabouts of the bodies of her sons; is that correct?

4 THE ACCUSED: [Interpretation] Is that a question?

5 MR. MORRISON: Yes. You -- I'm asking you if you've heard the
6 request of the Prosecution witness in this case. You heard and understood
7 the request she made of you; is that correct?

8 THE ACCUSED: [Interpretation] I did.

9 MR. MORRISON: Has it come to be within your knowledge that you
10 can answer that question as to the whereabouts of those bodies?

11 THE ACCUSED: [No interpretation]

12 MR. MORRISON: And I understand that you are willing to -- you
13 have already indicated to the Office of the Prosecutor that information;
14 is that correct?

15 THE ACCUSED: [No interpretation]

16 MR. MORRISON: And if this witness desires it, you are willing to
17 give that information now from where you sit; is that correct?

18 THE ACCUSED: [Interpretation] Yes.

19 MR. MORRISON: Yes. Can you do so, please.

20 THE ACCUSED: [Interpretation] Even earlier I expressed my desire
21 to meet certain persons, including victims, and people like Mrs. Hadzic
in
22 order to provide them with some of the information that I have and tell
23 them what I know. Certain things I only heard about, and other things I
24 know for a fact. As far as her sons are concerned, as far as I
25 heard - because I wasn't there when it happened - on the 30th of

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1 September, I believe, together with a group of about 40 people, they were
2 taken to Debelo Brdo and liquidated. From that group, I remember - and I
3 can say this because I know this lady and her sons and I remember that
4 group of people - I remember that this group included mainly people who

5 had previously said that they wanted to stay in Vlasenica. Most of them
6 were locals from Vlasenica, people whom I knew and some of them were my
7 friends. That's why I remember them. And it was in this group of people
8 that Enis and Bernis, this lady's sons, were. I knew them well. And from
9 what I heard, there were liquidated -- they were liquidated on that site.
10 I don't know how far the exhumations have gone. And as the lady says,
all
11 their ID's were removed. I don't know if anything was found on the
12 bodies; maybe some clothing. And if I remember her sons well, one of her
13 sons was wearing a denim jacket and trousers. And should there be an
14 exhumation, perhaps he could be recognised by his clothes. And if an
15 exhumation takes place, I believe that's where her sons would be found.
16 I wanted to tell this lady even before, but the circumstances
17 were not favourable. I wanted to speak to her even before this, because
I
18 knew that she was anxious to know the fate of her sons, as some other
19 people were to find out about their relatives. It is absolutely certain
20 that this happened on that day, in fact, that night, and that they were
21 taken away in that group of about 40 people to Debelo Brdo. Some stories
22 circulated later about people being taken to different places,
elsewhere,
23 but I later found out that they were not true, that they were in fact
24 taken to Debelo Brdo. And I can say with a great degree of certainty
that
25 their bodies should be there together with the bodies of those other 40

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1 people.

2 MR. MORRISON: Thank you.

3 Your Honours, as I understand it, that is the -- the full extent

4 of the information which this accused is able to provide.

5 JUDGE SCHOMBURG: Thank you. I understood that you have
6 concluded your examination. Are there any inevitable questions to put to
7 the witness now by the Prosecution, or can we stop the examination right
8 now, which I believe would be the most appropriate solution?

9 MR. SMITH: Thank you, Your Honour. There would just be a couple
10 of questions I'd like to clear up. It would probably just take less than
11 two minutes, if I can have your indulgence on that, just because of a
12 few
13 matters that were raised by the Defence.

14 JUDGE SCHOMBURG: Please take into account the state of the
15 witness, and I -- I ask you on purpose: Do you have inevitable,
16 mandatory
17 additional questions?

18 MR. SMITH: Your Honour, I understand your point. I'll just seek
19 instructions.

20 [Prosecution counsel confer]

21 [Trial Chamber confers]

22 MR. SMITH: Thank you, Your Honour. Bearing in mind the witness'
23 and your sentiments, I would just ask -- perhaps one matter can clear
24 this
25 up. I would ask the statement of Ms. Hadzic be tendered into evidence so
26 that the questions put by my friend, especially in relation to the
27 position of command and relative influence at the camp, in relation to
28 Mico Kraljevic, can be put into context. Either that, or can I read out

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1 the full quote, which would put it in further context.

2 JUDGE SCHOMBURG: Any objections by the Defence to proceed this
3 way?

4 MR. MORRISON: Well, I can only say what would be my reaction if

5 this was to happen in my own jurisdiction, which is to say the whole
6 purpose of bringing a witness to give oral evidence is to prevent the
7 statement from in full going to the Court. And I don't wish to be
8 uncooperative, but if that is to be the procedure that's adopted, then I
9 don't see why this witness was called to give oral evidence.

10 MR. SMITH: Your Honour, if I can just briefly respond and perhaps
11 I can clear this up quite quickly. I would just like to put into the
12 record the full statement in relation to Mico Kraljevic and the relative
13 influence that he and both Mr. Nikolic had at the camp by just reading
14 out
15 the full statement made by the witness and have that in evidence.

16 JUDGE SCHOMBURG: I think the appropriate -- if you insist on
17 this, please, I think you're referring to page 3, and the Chamber is
18 aware

19 that Defence counsel didn't quote totally the sentence from the
20 testimony.

21 Is it this part you're referring to?

22 MR. SMITH: That's correct, Your Honour. As long as that's taken
23 into account.

24 JUDGE SCHOMBURG: If you, instead of giving your own testimony,
25 ask the witness whether the entire sentence is referenced correctly on
26 page 3 of the statement and limit it to this.

27 MR. SMITH: Thank you, Your Honour.

28 Further questioned by Mr. Smith:

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1 Q. Ms. Hadzic, just one last question. You were asked about
2 Mico Kraljevic and the fact that Mr. Nikolic, the accused, said that
3 Mr. Kraljevic was his commander. Did you say in a statement to the
4 Prosecution that on one occasion that the accused -- "Jenki used to tell

5 us, 'I have to do what Mico tells me to do. He is my God and I am
6 yours''"; Is that what the accused said to you at one stage whilst you
7 were

7 at the camp?

8 A. Yes.

9 Q. Thank you.

10 MR. SMITH: No further questions, Your Honour.

11 [Trial Chamber confers]

12 JUDGE SCHOMBURG: I can see no request for further questions.

13 Madam Hadzic, I know it was a very difficult period of time for

14 you. We're very grateful that you came to The Hague and gave this

15 important testimony. I hope that you will know better in the future
16 about

16 the fate and the whereabouts of the remainders of your beloved ones.

17 Thank you for your testimony.

18 May I ask the usher to escort madam out of the courtroom.

19 [The witness withdrew]

20 JUDGE SCHOMBURG: For the Prosecution, what is the estimated time

21 you would need for the next witness? And please take into account that

22 our time is limited today until 1.30.

23 MR. YAPA: I would say, Your Honour, half an hour.

24 [The witness entered court]

25 JUDGE SCHOMBURG: Good morning. It's not due to unpoliteness that

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1 we don't want to call you by name; it's on the request of the Prosecution

2 that your name is not mentioned, and therefore you are called by

3 pseudonym, that would be SU-202. It's only for your own protection.

4 May I ask you to please give the solemn declaration.

5 THE WITNESS: [Interpretation] I solemnly declare that I will speak

6 the truth, the whole truth, and nothing but the truth.

7 WITNESS: WITNESS SU-202

8 [Witness answered through interpreter]

9 JUDGE SCHOMBURG: Thank you.

10 Mr. Yapa --

11 You may please be seated.

12 May I ask you, Mr. Yapa, to continue until 12.20.

13 MR. YAPA: If Your Honour will pardon me, I will wait to hand

14 over a piece of paper to the witness.

15 Questioned by Mr. Yapa:

16 Q. Witness, I've given you a piece of paper. Please look at it. On

17 it you will see your name written. Don't read it out. Please indicate to

18 Their Honours whether that is your name.

19 A. Yes.

20 Q. You will be referring to -- you will be referred to --

21 Witness 202, in the course of these proceedings, you will be addressed
by

22 me and by the others who will be questioning you as Witness 202. Do you

23 understand that?

24 A. I understand that.

25 Q. Yes.

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1 MR. YAPA: Your Honours, before I proceed to ask some questions

2 from the witness, I have to make a few comments on the testimony that he

3 will provide. It will not be inappropriate for the witness to be present

4 but it is only in respect of the evidence that the witness will provide
to

5 Your Honours at this stage.

6 Your Honours will be pleased to see the indictment -- in the

7 indictment to which the accused has pleaded there are the counts of
8 persecutions, then there is the count of murder, there is a count of
9 sexual violence, and the fourth count is a count of torture. This
10 particular witness, who is present before you, is able to speak of the
11 facts relating to Counts 1, Count 2, and Count 4, but he also has
12 knowledge in respect of Count 3.
13 I must also mention that his evidence that would be placed before
14 Your Honours will be supplementary to the evidence that was given by the
15 first witness, because he himself was an inmate of the camp and he had
16 opportunity to witness the incidents that were taking place in the camp.
17 On the material available, or the information provided by him, by this
18 witness, he was in the camp for a period of very nearly one month, that
19 is --
20 JUDGE SCHOMBURG: May I ask the Prosecution, please not to
21 anticipate the testimony of the witness. Rather, do it by leading
22 questions. Thank you.
23 MR. YAPA: I thank Your Honour. I could go ahead with asking
24 questions, but I wanted to shorten the period that I would take to ask
25 these questions.

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1 Q. Witness 202, can you tell Their Honours at this time as to where
2 you reside.
3 A. I reside in Vlasenica -- in (redacted), rather. Right now I live in
4 (Redacted). But I was born in Vlasenica.
5 Q. Yes. You referred to Vlasenica, and you said now that you are
6 residing at present in (redacted). Did you at any time reside in
Vlasenica?

7 A. From my childhood until 1992.

8 Q. Now, there was occasion for you in 1992 to shift from Vlasenica.

9 You left Vlasenica; is that correct?

10 A. Correct.

11 Q. And was it under compulsion or was it on your own volition?

12 A. Under compulsion.

13 Q. Yes. Now, you said that you were from Vlasenica, that you were

14 born there.

15 A. Yes.

16 Q. I would like to ask you about certain events that took place in

17 Vlasenica in 1992.

18 A. That's all right.

19 Q. In 1992, sometime in the year 1992, did you have to move to a

20 place called the Susica camp?

21 A. Yes.

22 Q. Now, that was in June 1992.

23 A. Yes.

24 Q. Can you remember the exact date, if you can remember the date on

25 which you shifted to that camp.

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1 A. The 2nd of June, 1992.

2 Q. The 2nd of June 1992. There again I would like to ask you

3 whether it was -- whether you were taken there or whether you went on
your

4 own.

5 A. Taken there.

6 Q. Yes. Briefly can you explain the circumstances under which you

7 were taken to that camp or the circumstances that made you go to that

8 camp.

9 A. It was in 1992, on the 2nd of June. Two soldiers came, took me
10 and my wife and my daughter to the camp that was called Susica. Not only
11 me, but all the people who lived on my street, on that day.

12 Q. Yes. Now, when you say "all the people in the street," was it so
13 in respect of a particular side of the street or was it from both sides
14 of

14 the street?

15 A. I spoke about one side of the street, actually, the right-hand
16 side of the street. They did not take the left-hand side of the street.
17 They took everybody, from the children up to the old people.

18 Q. Yes. Now, that right side of the road, was there any particular
19 reason as to why the people of that right side of the road were taken to
20 the camp?

21 A. As if we were feeding the Green Berets. There was a forest
22 nearby, and they said that we are feeding the Green Berets from the
23 forest. But no way; that's not the way it was. But they said that during
24 the night, they would come to our houses and get food. Visilac is the
25 name of the forest. It's right there on the right-hand side.

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1 Q. Now, you mentioned that "they" said. Who are the "they" that you
2 are speaking of?

3 A. Serb soldiers, Serb paramilitary forces.

4 Q. Were the people who were taken from the side of that street
5 belonging to any ethnic group?

6 A. Bosniaks, Muslims. Nobody else.

7 Q. And what were you told when -- when you were asked to go to the
8 camp or to that spot?

9 A. That we were supposed to go to some kind of a meeting, that there
10 was supposed to be some kind of a meeting.

11 Q. And were you taken by bus, or did you have to walk to that place?

12 A. We had to walk.

13 Q. So did you anticipate a meeting to take place at the place that
14 you were told that you were being taken?

15 A. I did not expect that. When I saw the street that led to the
16 Susica camp, when I saw old people who could not make it on foot being
17 driven in cars, then everything became clear to me.

18 Q. Yes. Before that, did you ask the people who were taking you any
19 questions in respect of this meeting, as to why the people were being
20 asked to go there?

21 A. I did ask.

22 Q. What did you --

23 A. And they said that we men would be exchanged, that allegedly the
24 Muslims had taken their prisoner -- their people prisoner in Tuzla and
25 that they were forcing them to eat grass in the stadium and that then we

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1 would be exchanged for them. But nothing came out of it.

2 Q. Now, when -- when you went up to the place which is called

3 Susica, as you say, what -- what took place?

4 A. They took away our ID's and also the driver's licences of people
5 who had them, as well as the licences for their vehicles. And then they
6 took us into the hangar. Women and children were placed on one side and
7 men on the other. If anybody had a sharp object, they had to take it out
8 there.

9 Q. But how many were there at the time that you went into the
10 hangar, how many inmates of the building?

11 A. Well, perhaps about 50. These are not people from Vlasenica but
12 from the surrounding villages, whom they had captured and brought there.

13 Q. About how many of you were admitted at that time?

14 A. About 150.

15 Q. About 150. That is from the street that you spoke of; is it
16 correct?

17 A. Yes.

18 Q. So in all, at that stage, there were about 200 people in the
19 hangar.

20 A. Yes.

21 Q. Now, you spoke of this hangar. Were you familiar with this
22 hangar?

23 A. I had made that hangar. My company had made it. It was of the
24 TO, and I personally worked on it.

25 Q. You say that your company built that hangar. Is it to say that

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1 you were employed by your company as a construction worker?

2 A. Yes.

3 Q. When was it built?

4 A. I can't remember the exact date. It could have been around 1987,
5 1988.

6 Q. Now, when you all were taken in, into the -- into the camp and
7 also separated, what happened thereafter? Were you all provided with
8 food?

9 A. No. Nobody gave us a thing. Only the next day, only the next
10 day they sort of brought some food, but it had all gone sour. These were
11 the leftovers of their soldiers who were on the front line. It had all
12 gone sour. You couldn't eat it.

13 Q. Witness 202, if you can remember, what time of the day on the 2nd
14 of June were you admitted to the camp?

15 A. In the afternoon, around 3.00.

16 Q. And at what time was the food provided - whatever food was
17 provided - the next day?

18 A. Around 10.00 the following day.

19 Q. Was it the same for the children, for the old women, and for the
20 old men?

21 A. For all.

22 Q. Yes. Now, did you know at that time that you all went in as to
23 who was in charge of the camp?

24 A. When we came then, on that first day, it was Veljko Basic.

25 Q. Veljko Basic was in charge. And --

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1 A. A retired policeman.

2 Q. Did anyone subsequently come in as a person in charge?

3 A. I think three days later Mr. Nikolic came, Dragan Nikolic.

4 Q. Yes. Now, you referred to the name Dragan Nikolic. Did you know
5 this person?

6 A. Yes.

7 Q. Can you tell the Court as to how you knew him?

8 A. We lived together in the same town. We were born there, grew up
9 there. We saw each other every day. He lived in one part of town; I
10 lived in another part of town. The distance between us was about 2
11 kilometres.

12 Q. So would you say that you had a close association with him?

13 A. Yes. Yes.

14 Q. Yes. Now, did you have anything -- any contact with his family?

15 I mean, whatever contact that you have had with him.

16 A. My father was a gravedigger in that town of mine, both for Muslims

17 and Serbs, so then I dug the grave for his late father and I put him in
on

18 that day. I don't remember exactly which date this was, but it was just

19 before the war.

20 Q. Now, did this incident -- not the incident, actually -- did this

21 function performed by you and your father come to be referred to by

22 Dragan Nikolic while you were in the camp?

23 A. Yes.

24 Q. Can you describe the occasion?

25 A. I had a nickname -- and I'm not giving up on that nickname, even

Page 269

1 now. It was (redacted)- and he said, "(redacted), nobody is going to have
any

2 privileges here, you included."

3 THE INTERPRETER: The interpreters note (redacted).

4 MR. YAPA:

5 Q. Yes. About the position that Dragan Nikolic had in the camp, what

6 can you say?

7 A. In my opinion, as I stayed there from the 5th and 6th, when he

8 came to the camp, until the 30th of June, when I went to the Batkovic

9 camp, I went to work in Vlasenica every day. I was preparing corrals for

10 livestock and I worked in the wheat fields, the maize fields -- I did
all

11 sorts of things, so I couldn't see anything during the day. But during

12 the night I saw that Dragan was the man in charge. I no longer saw

13 Veljko Basic there. Dragan was the man in charge.

14 Q. Did Dragan Nikolic indicate as to what authority he had there in

15 the camp on any occasion?

16 A. Yes. Yes.

17 Q. What -- how did he do that?

18 A. "I am the commander here now." I heard that myself with my very
19 own ears.

20 Q. I would like to refer you to the certain incidents in the camp

21 between -- during the period that you were in the camp. Did you happen
to

22 see any killings - I'm putting it straight away - killings in the camp?

23 A. Yes.

24 Q. Now, would it be correct to say that you were an eyewitness to the

25 killing of Durmo Handzic?

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1 A. I was an eyewitness, and I personally buried them.

2 Q. I'll come to that, yes.

3 A. Also, I dug them out later, when the Tribunal asked for that to be
4 done.

5 Q. Yes. I'll read out the names. I read the name of Durmo Handzic.

6 Then Asim Zildzic, did you see him being killed?

7 A. Yes, the same day, the same evening, together with Durmo. Asim
8 lived for about 40 minutes after the beating, and then he died; whereas
9 Durmo died the next day, around 2.00 because of the beating.

10 Q. Who was, so far as you saw as an eyewitness, responsible for the
11 killing of Durmo Handzic and Asim Zildzic?

12 A. Dragan was there, and Tesic -- Goce, nicknamed Goce. Then there
13 was Djuro; I don't know his real name. I know they called him Djuro. He
14 worked at the Finale company. There were some other soldiers there.

15 That's where they beat them, and then we carried them from there into
the

16 hangar. They were wet because they were throwing water on them, and they
17 had all passed out.

18 Q. Did you see Dragan Nikolic assaulting them?

19 A. Yes. They were all there. They were all there, at A, that is
20 where the shovels were and the bucket. That is for fire emergencies. And
21 then I saw Dragan beating them with a truncheon and the others used
shovel

22 handles.

23 Q. Yes. Then I also would refer you to some other names: Rasid

24 Ferhatbegovic, Muharem Kolarevic --

25 A. Kolarevic.

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1 Q. Kolarevic?

2 A. Muharem Kolarevic.

3 Q. Then Saric, then Ismet Zekic. These are the names.

4 A. Yes.

5 Q. Did you see them being killed?

6 A. Yes.

7 Q. Did you have -- did you have -- were you instructed by anyone to
8 bury their bodies as well?

9 A. Yes.

10 Q. Who gave you the instructions?

11 A. Mr. Nikolic.

12 Q. In respect of Durmo and Asim, also the instructions were given by
13 the accused, Dragan Nikolic?

14 A. Yes. Yes. As a matter of fact, he had ordered an undertaker's
15 vehicle to be there.

16 Q. And who else assisted you in the burial of these people?

17 A. My brother, and some other men.

18 Q. What is the name of the brother that you're referring to?

19 [Prosecution counsel confer]

20 MR. YAPA: Yes, yes. Please do not answer that question.

21 Q. But your brother assisted you. Your brother assisted you?

22 A. Yes.

23 Q. One other incident that I would like to refer you to. Did you see

24 a person by the name of Fikret Arnaut being dealt with by Dragan
Nikolic?

25 Did you see?

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1 A. Yes.

2 Q. What was the specific incident that you saw?

3 A. On that day, when he forced him to kneel, he kept saying, "You
4 wanted to rape my mother," and then he put a knife into his mouth -- or
5 rather, the bayonet from a rifle. And he was -- his mouth was bleeding,
6 and none of the inmates dared to walk up and give him water, because if
7 you dared to do that, then you would be mistreated as well; that's it.

8 But I saw this with my very own eyes. I saw him being beaten, and I saw
9 how he suffered.

10 Q. Yes. Now, in regard of the inmates of the camp, were they -- in
11 your view, were they all non-Serbs?

12 A. All of them.

13 Q. And after you went there, were any people removed from the camp?

14 A. I don't think I understood this question.

15 Q. After you -- after you were admitted to the camp, were any people
16 removed from the camp? Were they taken out of the camp?

17 A. This happened later. This happened afterwards. They were taken

18 up there and they never returned. And these people who I know were taken
19 away are no longer among the living.

20 Q. Now, when you were admitted to the camp, you went with your wife
21 and your daughter?

22 A. Yes.

23 Q. And they left the camp about two or three days after your entry?

24 A. Yes.

25 Q. Subsequent to that, women were also brought into the camp.

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1 A. Yes.

2 Q. Did you know of any incidents or did you see any incidents
3 relating to the women who were in the camp?

4 A. I know of about two or three incidents. They would take the young
5 girls away in the evening, and in the morning they'd return them; where
6 they took them, I don't know. Judging by their faces and the way they
7 looked, they came back sad, in tears, but I cannot make any assertions as
8 to where they took them and what they did. However, they were not there
9 during the night. They would take them away in the evening, and they
10 would bring them back in the morning.

11 Q. Until the time you left on the 30th of June, was it Dragan Nikolic
12 who was in charge of the camp?

13 A. Yes.

14 Q. Now, during that period that you stayed there, did you have
15 sufficient food?

16 A. I didn't eat it in the camp at all. Where I went to work is where
17 I got food.

18 Q. Why did you say that you did not eat the food that was supplied in
19 the camp?

20 A. Because it was inedible. Because it had gone sour.

21 Q. You were there -- what were the sleeping facilities in the camp?

22 A. It's a hangar, perhaps 50 by 15 metres. There was an asphalt
23 floor, nothing else. Nothing else. There was nothing else there. Bare
24 floor.

25 Q. Was there an occasion when Dragan Nikolic came into the hangar and

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1 used a firearm?

2 A. He was shooting all over the wall. Yes, he said that the Green
3 Berets were attacking the camp. He was shooting all over the wall. All
4 of us lay on the floor. He fired his entire magazine, and then he left.

5 Q. Was he in the habit of coming into the hangar regularly in the
6 course of the night?

7 A. Quite often. Most often during the day.

8 [Prosecution counsel confer].

9 MR. YAPA: Your Honours, the questions that I wanted to ask him, I
10 have concluded. But there is one matter that I wish to bring to your
11 notice. I think in the course of his evidence, he -- the nickname was
12 mentioned and the place --

13 JUDGE SCHOMBURG: It's already redacted from the transcript.

14 MR. YAPA: I thank Your Honours.

15 JUDGE SCHOMBURG: The Defence, any questions?

16 MR. MORRISON: Your Honour, no.

17 JUDGE SCHOMBURG: This is not the case.

18 [Trial Chamber confers]

19 JUDGE SCHOMBURG: No questions from the Bench.

20 We have to thank you for your short but very precise and clear
21 testimony. Thank you for coming to The Hague and providing us with the

22 important information. We wish you a good trip home.

23 THE WITNESS: [Interpretation] Thank you very much.

24 JUDGE SCHOMBURG: For technical reasons, the trial stays adjourned
25 for another ten minutes in order to prepare the additional distortion.

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1 [The witness withdrew]

2 --- Recess taken at 12.25 p.m.

3 --- On resuming at 12.37 p.m.

4 JUDGE SCHOMBURG: Please be seated.

5 [The witness entered court]

6 JUDGE SCHOMBURG: Good afternoon, Witness. First let me apologise
7 for calling you "Witness" or only "32". It's only for your own
protection.

8 It was requested by the Prosecution in order to protect your identity.

9 It's not a question of unpoliteness.

10 Can you hear me in a language you understand?

11 THE WITNESS: [Interpretation] Yes.

12 JUDGE SCHOMBURG: Would you give the solemn declaration.

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

15 THE INTERPRETER: The interpreters cannot actually hear the
16 witness.

17 JUDGE SCHOMBURG: You may sit down, please.

18 And may I ask the usher to connect the microphone that the
19 interpreters can understand.

20 WITNESS: WITNESS SU-032

21 [Witness answered through interpreter]

22 JUDGE SCHOMBURG: So let's give it a try.

23 Madam Sellers, the floor is yours.

24 MS. SELLERS: Thank you, Your Honours. Good afternoon.

25 Questioned by Ms. Sellers:

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1 Q. I would like to witness to look at a piece of paper in front of
2 her and please tell the Trial Chamber if that is your name on the first
3 line.

4 A. Yes.

5 Q. During this session, we will refer to you as Witness 032.

6 Witness, did you live in Vlasenica in 1992?

7 A. Yes.

8 Q. Are you a Bosnian Muslim?

9 A. Yes.

10 Q. Would you please describe to the Trial Chamber the circumstances
11 of your life in June and July of 1992.

12 A. Yes, of course I will. I will say that I lived with my husband
13 and son in Vlasenica and I worked until the 8th of July, 1992 in
14 Vlasenica.

15 On the 8th of July, 1992, unknown men came. They had socks over
16 their heads, and they took me, my husband, and my son out. We were
17 frightened. We did not know where they were taking us. I went there --
18 or rather, we were put in a van and taken to the Susica camp. They took
19 us out, women and children, and they took the men in an unknown
direction.

20 Among these men was my husband too.

21 Q. Have you ever seen your husband since the day he was taken out the
22 van?

23 A. Never again. Never again. I never saw him again after that

24 night. I never found out where he was.

25 Q. Have you ever seen your uncle since the last time when you saw him

Page 277

1 in the van with your husband?

2 A. No, never again. They were taken together in an unknown

3 direction.

4 Q. Prior to going to Susica camp, you worked at a location. Could

5 you please tell the Trial Chamber about how many Muslims worked at the

6 location with you.

7 A. [No interpretation]

8 JUDGE SCHOMBURG: We can't hear any interpretation. Can you please

9 try again.

10 MS. SELLERS:

11 Q. Would you please tell the Trial Chamber about how many Muslims

12 worked at that place with you prior to the war.

13 A. You mean before the Muslims were taken away from Vlasenica?

14 Q. Yes, that's what I mean.

15 A. About 400 Muslims worked in my factory, where I was employed.

16 Q. And by the time you were taken to Susica camp, how many Muslims

17 worked in the factory with you?

18 A. I worked in an office, and there were only three Muslims who

19 worked with me.

20 Q. I would like to direct your attention back to the camp. When you

21 arrived, where were you taken immediately?

22 A. When we arrived outside the camp, we were taken inside. There I

23 found about 200 people. Among them, 50 elderly people, about 50
children,

24 aged from 1 to 12 and 12 to 18. The rest were men.

25 Q. Now, you mentioned that your son was taken to the camp with you.

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1 Would you please tell the Trial Chamber the age of your son when he
2 arrived at the camp.

3 A. My son was eight years old when we arrived at the camp.

4 Q. Witness, in reference to the detainees who were at the camp, would
5 you please tell us whether any of them might have been weak or sick or
6 infirm.

7 A. Yes, certainly. The people were for the most part Muslims,
8 unarmed. Even infirm people, they were there just because they were
9 Muslims. They suffered from various diseases and illnesses. They were
10 given no food. They lay on bare concrete, and they were wishing for
death

11 to come to stop their suffering. One-year-old children cried. When
Dragan

12 Nikolic would come in and yell, a child would stop screaming. I held my
13 son on my -- in my lap.

14 Q. Would you please tell the Trial Chamber if there were guards.

15 And if so, were the guards armed in the camp?

16 A. Yes, certainly. The guards were Serbs. They were armed. They
17 had a variety of weapons, including machine-guns, knives, et cetera.

18 Q. Who was in charge of those guards at the camp while you were
19 present?

20 A. The main commander of the camp was Dragan Nikolic, nicknamed
21 Jenki.

22 Q. Would you please tell the Trial Chamber, did you know Mr. Nikolic
23 prior to coming to the camp? And if so, how?

24 A. Yes, I knew him. He used to work in the same company where my
25 husband was employed. My mother also knew him personally, and I knew him

1 as a resident of the Vlasenica municipality.

2 Q. While you were at the camp, did Dragan Nikolic hold in his hand
3 the survival of the detainees?

4 A. Yes, he did.

5 Q. Would you please explain to the Trial Chamber what you mean by
6 that.

7 A. What I mean is that from what I saw with my own eyes, he beat
8 people, mistreated them. He took girls out of the hangar, threatened them
9 and blackmailed them just because we were Muslims.

10 Q. Did it appear to you that Dragan Nikolic enjoyed the power that
11 he had over the detainees?

12 A. He did. He enjoyed himself while he was beating people. I know
13 firsthand that he enjoyed beating Arnaut Fikret. He used to beat him up
14 to five times a day. We were all watching, the children and grown-ups
15 saw
16 him, and we thought the same might happen to us.

17 Q. Sometime did detainees ask or beg for him to stop beating
18 them -- him?

19 A. Yes, they did. They implored, and they begged, "Shoot me. Don't
20 let me suffer any more," and he used to reply that "A bullet is too
21 expensive to be spent on a Muslim."

22 Q. Now, Witness 032, you've mentioned that girls and women were
23 taken out of the hangar at night. Would you please tell the Trial
24 Chamber

25 who took the girls and women out of the hangar.

26 A. Dragan Nikolic took girls and women out of the hangar. In the
27 evening, he would take girls out, and they would return in the morning,

1 dishevelled, sad. They were not allowed to speak to the rest of us. They
2 would have them seated on those cases that used to hold ammunition. But
3 eventually each of them would confide in her sister or mother and tell
4 them what had happened to them the previous night.

5 Q. Would you please tell the Trial Chamber the types of things they
6 confided to their mothers or sisters. What had happened to them the
7 previous night?

8 A. You can imagine what happened to them. They were removed against
9 their own will, and they were unable to resist. They could not defend
10 themselves, and they had to do what they were told and ordered to do.
11 They were forced to - and I don't know how to put it - to have
intercourse

12 with strangers or sometimes men they even knew. They had to do every
13 single thing they were told to do.

14 Q. Did Nikolic ever remove you from the hangar at night?

15 A. Yes, he did. On the second night of my stay in the Susica camp,
16 Dragan Nikolic came in and took me out. I was wondering where he was
17 taking me. My son was crying, and he was left behind me inside the camp.
18 He took me to the guardhouse. Inside the guardhouse, I found
19 Mico Gojkolovic, one of the guards in the camp. Dragan left again and
20 left me together with Mico in the guardhouse. Mico started talking to
me,

21 and he was about to rape me. I resisted, but I couldn't do much. He came
22 up to me and took off my shirt, and then he took off his undershirt. I
23 cried. I begged him. And I said to him, "Mico, what if the situation
24 were reversed? What if your wife were in my shoes and my husband were in
25 yours?" And then I told him that I had my period. And then he wanted to

1 have oral sex. I had no way of resisting. I just thought to myself that

2 if I didn't do it, I would never see my son again. Every woman, every
3 girl who has gone through that experience would know that what I'm saying
4 is true. If they resisted, they would be liquidated.

5 And then he released me. He told me to wait for him on the
6 bridge the next night, that he would come to pick me up in a red car. I
7 left, and already then thinking of the night that followed, I cried. He
8 told me to go back to the hangar. When I came into the hangar, I found my
9 son crying. Everybody stared at me. I felt miserable. I felt so
10 humiliated, so degraded. I felt I was no longer anybody's mother
11 and -- or anybody's wife. The things that I went through cannot really
12 be
13 told.

14 Then when the next night came, I had already spent the whole day
15 thinking of what was coming. I did not dare speak to anyone. And the
16 same thing was repeated the next night. He forced me to have oral sex
17 with him again. And I had to comply.

18 Q. I would like to ask the witness: On that first night, did
19 Nikolic come and take you back to the hangar after Mico had finished?

20 A. Yes, he did.

21 Q. And on the second night, did Dragan Nikolic again take you out of
22 the hangar, deliver you again to Mico?

23 A. Yes.

24 Q. And on that second night, did Dragan Nikolic pick you up from the
25 guardhouse after Mico had finished and take you back to the hangar?

26 A. Yes, he did.

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1 Q. Witness, I would like to ask you: During the rest of your stay
2 at the camp, what effect did these incidents have on you as a detainee at

3 Susica?

4 A. I felt miserable, degraded. I wanted to be a good mother, the
5 best I could. I wanted my child to grow up in a beautiful family, but
6 that couldn't be any more. I felt humiliated as a woman and as a mother
7 by the very fact that I was there in that camp in that situation.

8 Q. Witness 032, you testified that your son was eight years old when
9 you arrived at the camp. It's now been a bit over ten years. Would you
10 please explain to the Trial Chamber the effect that those incidents and
11 the camp have had on your son.

12 A. It's been 11 years now, but my son is still pensive, introverted,
13 sad, and he knows what had happened to me. He is withdrawn. He doesn't
14 like talking to anyone. He's sad. He often tells me that he doesn't like
15 living any more. He tells me that he often thinks of suicide.

16 Q. So is it your testimony that because of the camp the relationship
17 between you and your son has changed?

18 A. Yes. Yes, it certainly did.

19 Q. Thank you. Right now, witness, I would like to show you a
20 picture. Please look at the monitor in front of you.

21 MS. SELLERS: I understand people have to go on computer mode or
22 evidence mode.

23 Q. Would you tell me the things that you recognise in this picture,
24 please.

25 A. I recognise Dragan Nikolic. I recognise the dog.

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1 Q. Why do you recognise -- I'm sorry, why do you recognise the dog?

2 A. I recognise the dog because it used to belong to my uncle. My
3 uncle had two dogs named Astra and Aris, and I recognise the dog.

4 Q. Did Dragan Nikolic take these dogs to the camp?

5 A. Yes.

6 Q. Were these trained guarddogs that were trained to be vicious in
7 case anyone attacked the owner?

8 A. Yes, they were. Those were Dobermann dogs, trained as guarddogs.

9 Q. Thank you. The next question, witness: Is it hard for you to
10 imagine that Nikolic, who you knew, who your mother knew, could treat
you

11 and the detainees so cruelly?

12 A. Yes, of course.

13 Q. Did you know Dragan Nikolic's brother at the camp?

14 A. I did. He was so different from his brother, a complete
15 opposite.

16 Q. Did Dragan Nikolic's brother ever try and stop him from beating
17 the detainees or inflicting such cruelty?

18 A. Yes, he did. He would often tell him, "Don't beat people,
19 Dragan. They are to blame for nothing. Why are you doing this?" But he
20 wouldn't listen. He went on beating and mistreating people.

21 Q. Would you please tell the Trial Chamber how long did you and your
22 son stay at Susica camp.

23 A. We spent about a month there.

24 Q. And under what circumstances did you finally leave, did your son
25 leave Susica camp?

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1 A. One day -- you mean the circumstances inside the camp? Could you
2 please repeat the question.

3 Q. I'm sorry. Just the manner in which you left the camp. What
4 type of transportation? What happened to you immediately after leaving
5 the camp?

6 A. Buses came and took us up to the barricades in a place called
7 Luke. The buses drove up to there. There were a lot of women and
8 children on the buses. And when we came to the checkpoint at Luke, to the
9 roadblock, there were armed men with beards manning the roadblock, and
10 that's where the buses were unloaded. There were about 80 girls or young
11 women in the buses who were in the camp with me. They were taken off the
12 buses, and I was in that group as well, and they told us that we would
be
13 taken to work, collect hay and things like that. But since I had had an
14 accident that permanently damaged my hand -- my arm, I showed my arm to
15 them and said I couldn't work, so they put me back on the bus. But among
16 the women and girls who stayed there, there were young girls aged 15 or
17 16. They were never seen again.

18 Q. Did Dragan Nikolic ever eventually detain your mother and your
19 sister at Susica camp?

20 A. Yes, he did. On the 15th of September, when they cleansed
21 Vlasenica from Muslims, my mother was among the last people who stayed
22 there. They brought them to the camp, my mother and sister too. My
23 sister was put on a lorry. She was separated from my mother and put on a
24 lorry and she was never seen again.

25 Q. To your knowledge, was your sister taken to Pelemis?

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1 A. I didn't see her there, but I heard that she was at Pelemis.

2 MS. SELLERS: I would like to thank the witness, and I would like
3 to have one final question.

4 Q. Witness 032, is there anything that you would like to tell the
5 Trial Chamber?

6 A. I have a lot to say. But first of all I thank this Tribunal

7 because it exists. But it's terrible that something like this could have
8 happened to Muslims in the twentieth century and that people like
9 Dragan Nikolic are still alive. There is no penalty, no punishment bad
10 enough to make up for the death of a single child, for the rape of a
11 single girl, let alone all the things that actually happened.

12 MS. SELLERS: Your Honour, I have no further questions.

13 JUDGE SCHOMBURG: Thank you.

14 May I ask the Defence.

15 MR. MORRISON: Your Honour, very little.

16 Questioned by Mr. Morrison:

17 Q. Witness, right at the end of the Prosecution examination-in-chief
18 you were asked about your mother. I think your mother wasn't initially
19 taken to Susica but lived in a house not far away from the camp; is that
20 correct?

21 A. Correct.

22 Q. And for most of the time that Susica camp existed as a camp, in
23 fact Dragan Nikolic would visit your mother and take her brandy; is that
24 correct?

25 A. Yes. He often went there, because that house was about 50 to 100

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1 metres away from the camp. So he went there often. My mother had
2 home-made brandy, and he visited her, often taking brandy and whatever
3 else he fancied from her house.

4 Q. And it was your mother, I think, who told you when your sister was
5 taken away, that it was a man called Dragan Bastah, B-a-s-t-a-h, who was
6 responsible for taking your sister.

7 A. That's right. Dragan Bastah, also known as Car, as my mother told

8 me, was outside the camp on that day, on that occasion, and he was the
9 one

9 who put my sister on that lorry that took her away.

10 Q. Thank you.

11 MR. MORRISON: I have no further questions.

12 JUDGE SCHOMBURG: The Prosecution?

13 MS. SELLERS: Your Honour, no redirect.

14 JUDGE SCHOMBURG: Just for clarification.

15 Questioned by the Court:

16 JUDGE SCHOMBURG: We saw on the picture of Mr. Nikolic together
17 with the dog and wearing a uniform. Was he also armed? And if so, what
18 arms did he wear?

19 A. Yes, he did carry a weapon. He had knives, machine-guns, and
20 other kinds of weapons.

21 JUDGE SCHOMBURG: Did you ever ask Mr. Nikolic why they had
22 brought you to the camp?

23 A. We did not dare ask any questions, not at all. We simply didn't
24 dare. Of course we were brought there only because we were Muslims.

25 JUDGE SCHOMBURG: I think it's only -- it's also for the Chamber

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1 to clarify one issue. Did you know of any superior to Mr. Nikolic?

2 A. Not that I know of. All I knew was that Dragan Nikolic was there
3 at the camp and did whatever he wanted to do, whatever he pleased.

4 JUDGE SCHOMBURG: Did Mr. Karadzic play any role in these crimes,
5 to your knowledge? Please, only if you know.

6 A. Well, as far as politics are concerned, what can I say? Of course
7 Karadzic and Republika Srpska had a role in it, but I couldn't tell you
8 anything specific about this. I suppose he did play a part.

9 JUDGE SCHOMBURG: So I take it that you never saw him personally?

10 A. No, I haven't.

11 JUDGE SCHOMBURG: You told us a lot about crimes committed by

12 Dragan Nikolic. Had you ever the impression that these crimes were

13 committed under a strong influence of alcohol?

14 A. I wouldn't know about that. I don't think so, because very early

15 in the morning, when Dragan would come in and beat people, I don't think

16 that was under the influence of alcohol.

17 JUDGE SCHOMBURG: And what about the occasions when you told us

18 that you were brought to the guardhouse? Did you have the impression
that

19 he was under the strong influence of alcohol?

20 A. No, I did not have that impression, because a drunken person does

21 not have the strength, the physical strength that he had. It was

22 something unimaginable that a man would be capable of beating another

23 person so hard that the person would later die from the beating.

24 JUDGE SCHOMBURG: Did Mr. Nikolic ever try to contact you or one

25 of your remaining relatives in order to apologise or to express remorse?

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1 A. I don't know about that. He never expressed remorse.

2 JUDGE SCHOMBURG: I have no further questions.

3 Judge Mumba?

4 Judge Agius?

5 It's not the case.

6 The Prosecution, please.

7 MS. SELLERS: Excuse me, Your Honour. I would like to move the

8 picture of Dragan Nikolic with the dogs into evidence for purposes of the

9 sentencing hearing. Could we have a designated number for it, please,

10 Prosecution exhibit.

11 JUDGE SCHOMBURG: The exhibit number, please. We have already the
12 statements in evidence.

13 THE REGISTRAR: This will be -- the picture will be Exhibit P3,
14 Your Honours.

15 MS. SELLERS: Thank you.

16 JUDGE SCHOMBURG: Admitted into evidence as Exhibit P3.

17 Any further questions? Anybody else want to take the floor? This
18 is not the case.

19 I have to thank you for coming to The Hague, giving us this
20 testimony. This Trial Chamber is aware how difficult it is for you to
21 testify; however, as you yourself noted, it is the attempt to bring some
22 justice. We know there are things that can't be cured, but you assisted
23 us in coming a little bit closer to the truth. Thank you for this, and
24 have a safe trip home.

25 The trial stands adjourned until tomorrow, 9.00.

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1 THE WITNESS: [Interpretation] Thank you.

2 [The witness withdrew]

3 --- Whereupon the hearing adjourned at 1.17 p.m.,

4 to be reconvened on Tuesday, the 4th day

5 of November, 2003, at 9.00 a.m.

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