

1 Wednesday, 3 October 2007

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

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

6 JUDGE MOLOTO: Sorry about that late delay, little delay.

7 Good afternoon, everybody.

8 Madam Registrar, can you please call the case.

9 THE REGISTRAR: Good afternoon, Your Honours. This is case number  
10 IT-04-83-T, the Prosecutor versus Rasim Delic.

11 JUDGE MOLOTO: Thank you very much.

12 Could we please have appearances, starting with the Prosecution.

13 MR. MUNDIS: Thank you, Mr. President.

14 Good afternoon, Your Honours, counsel and everyone in and around  
15 the courtroom.

16 For the Prosecution, Daryl Mundis and Kyle Wood, assisted by Alma  
17 Imamovic, our case manager.

18 JUDGE MOLOTO: Thank you very much.

19 And for the Defence.

20 MS. VIDOVIC: [Interpretation] Good afternoon, Your Honours. Good  
21 afternoon to my learned friends from the OTP. Good afternoon to everyone  
22 in and around this courtroom.

23 I'm Vasvija Vidovic, with Nicholas Robson, appearing on behalf of  
24 General Rasim Delic. Our case manager is Ms. Lana Deljkic.

25 JUDGE MOLOTO: Thank you very much.

1 Good afternoon, sir. Mr. Marinkovic, good afternoon.

2 THE WITNESS: [Interpretation] Good afternoon, good afternoon.

3 JUDGE MOLOTO: Could you please stand up and make the declaration.

4 THE WITNESS: [Interpretation] I solemnly declare that I will speak  
5 the truth, the whole truth and nothing but the truth

6 WITNESS: KRSTAN MARINKOVIC

7 [The witness answered through interpreter]

8 JUDGE MOLOTO: Thank you very much. You may be seated.

9 Mr. Wood.

10 MR. WOOD: Thank you, Your Honour.

11 Examination by Mr. Wood:

12 Q. Mr. Marinkovic, can you tell the Court your full name, please?

13 A. Sure. Krstan Marinkovic. I was born in the village of Crkvena,  
14 Prnjavor Municipality on the 18th of January, 1947.

15 Q. What is your father's name, sir?

16 A. Petar. Marinkovic, Petar Marinkovic.

17 Q. And your mother's name?

18 A. Mladja.

19 Q. What's your ethnicity, sir?

20 A. I'm a Serb.

21 Q. What is your current occupation?

22 A. I'm into agriculture.

23 Q. Mr. Marinkovic, were you working in agriculture in July 1995?

24 A. Yes, ever since I was born, as a matter of fact.

25 JUDGE MOLOTO: Do you hear the question, Mr. Marinkovic? The

1 question was "in July 1995".

2 THE WITNESS: [Interpretation] Yes, yes, yes. That's right, in  
3 July 1995 as well.

4 MR. WOOD:

5 Q. Mr. Marinkovic, I want to ask you some questions about July 1995  
6 now.

7 Where were you in July 1995?

8 A. In July 1995, I was in servitude, and on the 13th of June  
9 [as interpreted] I had left my home.

10 JUDGE MOLOTO: Sorry, Mr. Wood. The interpretation said "on the  
11 13th of June," and the script says "July."

12 MR. WOOD: Yes, Your Honours, I was going to clarify that with the  
13 witness, with Your Honour's leave.

14 Q. Mr. Marinkovic, could you clarify, please, you said you were "in  
15 servitude, and on the 13th of July, I left my home." This is what the  
16 transcript says.

17 A. I had been captured on the 21st of July. The 21st of July, I was  
18 captured.

19 Q. Where were you captured on the 21st of July, sir?

20 A. I was captured in Krcevine, at Ozren.

21 Q. Just for clarity's sake, the 21st of July of which year were you  
22 captured, sir?

23 A. 1995.

24 Q. Why were you in Krcevine at the moment when you were captured?

25 A. Because I was, how should I put it, a soldier of the Serb

1 Republic, and I was taken there. The front line was there. I didn't go  
2 there of my own free will.

3 Q. How long had you been there, sir, before the 21st of July, 1995?

4 A. Well, how long. Ever since -- since the 30th of June, and all the  
5 way until the 21st of July. I had left home on the 30th of June. I was  
6 captured on the 21st -- the 19th -- the 21st of July.

7 Q. Now, you say you were taken to the front line. Who took you  
8 there, sir?

9 A. The police.

10 Q. Which police?

11 A. The Serb Republic police.

12 Q. And when you got to the front line, what unit were you in?

13 A. The Prnjavor Light.

14 Q. What exactly were your duties with the Prnjavor Light Brigade  
15 between 30 June 1995 and 21 July 1995?

16 A. Well, I was taken to a trench. I was in a trench. That's all I  
17 know. That was my duty.

18 Q. Sir, if you could describe this trench a little bit. When you're  
19 in the trench, which way were you facing?

20 A. Well, I can't quite -- well, I can tell you the way I saw it, but  
21 I should assume that I was facing more in a westerly direction. My trench  
22 was facing west, which means I was facing Podsijelovo.

23 Q. And for the record, sir, what's Podsijelovo?

24 A. Well, relatively speaking, it would be some sort of a mountain.  
25 That's as much as I know, or a place, Postjelevo.

1 Q. I'm going to ask you some more questions specifically about the  
2 21st of July now, sir. Were you in the trench on the 21st of July?

3 A. 21st, all right. The evening of the 21st, we were in the trench.  
4 But on the 21st, we sort of walked around the woods, looking for a way  
5 out. I was scared to death, that sort of thing.

6 Q. Okay. Let me ask a more specific question. What time did you  
7 wake up on the 21st of July, 1995?

8 A. Well, sometime around half past 3.00, thereabouts.

9 Q. And why did you wake up at half past 3.00?

10 A. Because somebody woke me and told me that we had been attacked.

11 Q. And what did you see when you woke up, sir?

12 A. Well, we saw that -- well, that's what I noticed. I wasn't at the  
13 line itself. It was just this, maybe a total of about 19 days, not that I  
14 really knew about that, but the others told me that we had just been  
15 attacked. And then the shooting started, more and more shooting. And  
16 then above my trench somebody had been wounded, somebody was moaning,  
17 somebody was doing God knows what, and somebody said, "Run, run," so I  
18 ran.

19 Q. Now, you said the shooting started. Could you tell, sir, where  
20 the shooting was coming from?

21 A. Well, more towards my trench from Podsijelovo, in our direction.

22 Q. Was the shooting coming from across your front line or where your  
23 trench was?

24 A. Yes, yes, yes, but this was the nearest to me, and then it was  
25 coming from the left.

1 Q. Was the shooting coming from what you knew to be enemy territory,  
2 sir?

3 A. Not at the time. Later on, I don't know. It was all sort of  
4 mixed up already. You didn't know what was what anymore.

5 Q. So going back, you said that somebody said you should run, and why  
6 is it that you decided to run?

7 A. Well, why? What else could I possibly have done? We were all  
8 running, so I ran too.

9 Q. What did you think would happen to you if you didn't run?

10 A. I think I would have been killed.

11 Q. After the shooting started, sir, where did you run to?

12 A. To the Command, our command. How shall I put it?

13 Q. How far from your trench was the Command?

14 A. Well, about not that far. Maybe 100 metres as the crow flies.  
15 But this way, perhaps 300, 400 metres. I don't know. I didn't exactly,  
16 you know ...

17 Q. And what did you do once you got to the Command?

18 A. Well, you know, I realised that everybody was running, and then I  
19 continued running from the Command towards the woods. There was a  
20 neighbour with me, Petko Maric. He had been at the Command during the  
21 time I was in the trench, and then we sort of met up. We headed through  
22 the woods this way and that, and then I was told to go home. But until  
23 the operation started, I don't think I would even have been able to go  
24 home on my own. This was the first time. I found myself in the area. I  
25 wasn't familiar with it. I didn't know which way to turn and where to go.

1 Q. I want to ask you something to clarify things, sir. It says in  
2 the transcript that you were told to go home.

3 A. If somebody had told me to go home when I was at the  
4 line, "Krstan, there you go, off you go, go home, no need for you to be  
5 here," funny thing, I don't think I would have been able to go home, to  
6 find my way back home, to leave the place at all.

7 Q. Thank you, sir. Were you alone when you were running through the  
8 woods?

9 A. Petko Maric was with me, a neighbour.

10 Q. And in which direction did you flee when you went into the woods?

11 A. Well, believe me, I have no idea where we fled to. If it wasn't  
12 Vozuca -- that's what was in front of us. Was it Vozuca? I don't know  
13 those places. We were just moving about the woods. We had no idea where  
14 we were going, and we bumped into a man, Totic, Velibor, and then the  
15 three of us spent the entire day walking around the woods. And then in  
16 the evening, we sort of decided that there was no choice but to surrender  
17 and ...

18 Q. So you said in the evening, you said, there was no choice but to  
19 surrender. Did you, in fact, surrender, sir?

20 A. We did, we did surrender. I think it was 7.00, half past 7.00  
21 perhaps, thereabouts. I wasn't wearing a watch. Well, I was, but it was  
22 seized. But I assume that it could have been sometime about half past  
23 7.00.

24 Q. Where were you when you decided to surrender?

25 A. We were moving about the woods. I don't know where. We had just

1 reached Krcevine, just past the Command -- where our Command used to be,  
2 and then from the woods we had a view of the command post, and there were  
3 soldiers milling about there, coming and going, on horseback, horses,  
4 carrying goods, and we were just observing this, thinking, "What shall we  
5 do?" I wasn't really optimistic about our surrender, but it just happened  
6 that way.

7           The other two -- Petko actually was saying, "Let's surrender," and  
8 I said, "No, I don't think so. If we surrender, we'll be tortured and  
9 killed just the same." We'd be better off -- I wasn't carrying anything.  
10 I used to have a rifle, but I lost it somewhere along the way. I had  
11 stumbled on a tree stump, and I had a grenade. I decided to kill myself,  
12 but Petko said, "No," and then Totic said, "Krlle, whatever you think is  
13 best," which means that he had already agreed. But Petko was adamant we  
14 should surrender, "We shall survive." And then it was touch and go,  
15 should we surrender, should we not surrender. We were right there in the  
16 middle of the woods. All it took was a step forward into the field. As  
17 soon as we were out in the field, they would have seen us. "Shall we not  
18 tug-of-war?" We walked out. They ran in our direction immediately, and  
19 we immediately put our hands up in the air above our heads and walked in  
20 their direction.

21           They encircled us, started hitting us and kicking us and that sort  
22 of thing down where our Command used to be. And then they told us to lie  
23 down on the ground, hands on our backs. They tied our hands. They beat  
24 us and kicked us. It was all full of dust, vehicles, light vehicles  
25 passing by, I kept my head down to keep my head from all the dust, and



1 then a soldier came down and took my head and stuck it in the dirt.  
2 That's the way it had to be, and then two Mujahedin and one Bosnian were  
3 told to take us away.

4 Can I tell -- do you mind if I tell you about this, what exactly  
5 happened after we'd surrendered?

6 Q. Yes, I do plan to ask you about that, sir, but I want to ask you a  
7 few questions about something you've already said.

8 You said that you were encircled as soon as you stepped out of the  
9 forest. Could you determine who it was who encircled you?

10 A. I said we came out of the woods and they were near our Command.  
11 They ran in our direction. We walked in their direction, and then they  
12 encircled us and started hitting us immediately down near our Command.

13 Q. And when you say "they," sir, who do you mean by "they"?

14 A. Well, I mean those who captured us. That's who I mean. The  
15 Bosnian Muslims and the Mujahedin, that's who I mean. I can't possibly  
16 mean my own, can I?

17 Q. And when you say "the Bosnian Muslims and the Mujahedin," could  
18 you describe, sir, how you could tell the difference between the Bosnian  
19 Muslims and the Mujahedin?

20 A. Well, the difference is neat. Those people were black and those  
21 people were more blue. I never saw any black Muslims.

22 Q. Now, the transcript says "those people were more blue." Is that  
23 what you said? And if so, what do you mean by that, sir?

24 JUDGE MOLOTO: The transcript says "Those people were more black  
25 and those people were more blue."

1           A.    Well, that's the distinction, the way I see it.  You could say  
2   white, then black.  I'm not sure how I could possibly explain this.  I  
3   don't think I'm able to explain it in a different way.

4           MR. WOOD:

5           Q.    Could you tell, sir, what was the proportion of people you deemed  
6   to be Mujahedin versus those you thought to be Bosnian Muslims in the  
7   group that had surrounded you?

8           A.    Well, the proportion might be 50/50 there.  I didn't exactly count  
9   them, did I?

10          Q.    When these soldiers surrounded you and took you prisoner, could  
11   you hear what they were saying?

12          A.    Well, they were swearing at us, mentioning our Chetnik  
13   mothers, "We will kill you all," and, well, just after I'd headed out, the  
14   loudspeakers at the Muslims, they were using loudspeakers and they told us  
15   to surrender, so maybe that prompted us to do just that, hoping that we  
16   would be exchanged for the Srebrenica people.

17          Q.    Could you hear what the Mujahedin were saying?

18          A.    Well, we could, but we didn't understand.  I didn't understand --  
19   understand.

20          Q.    During the process of your surrender, sir, did you sustain any  
21   injuries?

22          A.    Well, yes.  I received a blow by a rifle-butt right here  
23   [indicates].  I still have a mark.  My lip was split, and something on my  
24   head -- somebody cracked me over the head with a rifle, the tip of the  
25   rifle, and then somebody perhaps didn't like them to hit me like that, but

1 somebody just went ahead and did it anyway. Well, this is merely an  
2 assumption.

3 Q. For the record, I'd like the record to reflect that when the  
4 witness said he was hit "right here," he held his right hand to the back  
5 of his head.

6 JUDGE MOLOTO: Can we establish what the assumption is?

7 MR. WOOD:

8 Q. Mr. Marinkovic, you said in your testimony that -- you spoke of an  
9 assumption, your assumption. Could you explain what you mean by that?

10 A. I assume that somebody wouldn't let them hit me, and then somebody  
11 hit me over somebody else, and that's why I got hit by the tip of the  
12 rifle barrel. That's the assumption. If it had been an open blow, no,  
13 but they had to actually lean over somebody else to do that.

14 MR. WOOD: Could the witness please be shown, well, it's Exhibit  
15 P06072. I believe we can call that up in Sanction. And for the record,  
16 this is a video clip.

17 JUDGE MOLOTO: Mr. Wood, P06?

18 MR. WOOD: Yes, P06072. That is ERN V005672

19 [Videotape played]

20 MR. WOOD:

21 Q. Mr. Marinkovic, do you recognise the people depicted in that  
22 video?

23 A. Yes. This is Krstan Marinkovic. That's me. Petko Maric and  
24 Velibor Tasic.

25 Q. And for the record, at the end there, there were the three people

1 standing in a row. Which one of those was you?

2 A. The middle one.

3 Q. And which was the person to the right, as you're looking at the  
4 screen?

5 A. Petko Maric, Petko.

6 Q. Could you describe for the record what Petko Maric was wearing  
7 when you saw him in the video?

8 A. What he was wearing? Wearing. What exactly do you mean? The  
9 sweater and olive-grey trousers.

10 JUDGE MOLOTO: Mr. Robson.

11 MR. ROBSON: Your Honour, while we're conducting this exercise,  
12 I'm wondering if it might be possible to get the video back up on screen  
13 and pause it so we can see who we're talking about. It's just a  
14 suggestion.

15 JUDGE MOLOTO: Thank you very much. I was going to ask the same,  
16 but I thought Mr. Wood wanted to do something before the witness sees the  
17 thing again.

18 Would you like to consider that request?

19 MR. WOOD: Yes, that's an excellent suggestion. I see that it's  
20 on the screen now.

21 Q. Mr. Marinkovic, do you see that on the screen?

22 A. Yes, yes, yes, I see it well.

23 Q. So there are three men. You identified yourself as the person in  
24 the middle. Petko Maric is the person --

25 A. Yes, to the right from where I'm standing, like this, Tosic, the

1 one behind me on the left.

2 MR. WOOD: And for the record, what he's looking at now is at time  
3 code two minutes 30 seconds point four.

4 Q. Do you recall, sir, when this video might have been taken?

5 A. I can't be sure, but I assume it was that day, the day we were  
6 captured, but I can't be certain.

7 Q. Now, where were you taken after you were captured?

8 A. They took us from Krcevine towards Podsijelovo, to a place called  
9 Livade, but I don't know these places. All I heard was that we were in  
10 Livade.

11 Q. How long did it take you to get to the place that you know as  
12 Livade?

13 A. I assume that we walked for an hour or an hour and a half. We  
14 couldn't go then. We stopped a bit. They were sitting and we were  
15 standing. Then we would start moving again and so on.

16 Q. Do you know about how far it is you walked from Krcevine to  
17 Livade?

18 A. I think it was about four kilometres.

19 Q. Who was with you when you were being taken to Livade?

20 A. There were two Mujahedin and one Bosnian. Each one had his own.  
21 Actually, the one next to me was the Bosnian, and then these two  
22 Mujahedin. I know we came up to a kind of little canal, and it was nice,  
23 clean water and we were thirsty, so the man who was next to me, he  
24 said, "Well, if it were up to me, I would let you, but I really don't dare  
25 because of the others."

1 Q. And what do you believe he meant by, "but I really don't dare  
2 because of the others"?

3 A. Well, believe me, I really wouldn't know why he said that, why he  
4 was afraid of them enough not to let us drink water. I mean, I can't -- I  
5 don't know.

6 Q. Did you see any other soldiers between Krcevine and Livade?

7 A. Yes. Then we went towards Livade. We were intercepted by  
8 Bosnians, Mujahedin. A man passed by on a motorcycle, a Mujahedin, very  
9 strong-built, large man. He got off the motorbike. Petko was in front,  
10 then Totic, then me. Then he hit or punched Petko, then Totic, then  
11 myself. And the punch was so strong that I ran across the road, and then  
12 I was hit by a soldier with a butt of his rifle, and that's where I got a  
13 cut lip. Then we were beaten by all of them. It's a long story, but by  
14 the time we reached Livade, we were beaten a lot.

15 Q. You said you were beaten by all of them. Do you mean both the  
16 person who came and the people who were escorting you and the other two?

17 A. No, not the ones who were escorting us. They didn't beat us. I  
18 assume that their Command was somewhere in Livade and they were moving  
19 around. There were constantly vehicles, cars passing. There were  
20 civilians. We encountered a large group of soldiers, civilians,  
21 women. "The Chetniks are coming." This Bosnian said, "Mother, the  
22 Chetniks are here." This woman was holding a pitchfork, taking hay to the  
23 cows, and she began with the pitchfork, and we thought, well, now we are  
24 done for. But then she plunged them into the ground, and then she took a  
25 pole used to hold up bean shoots, and then she started beating us with

1 that, saying, "You killed my son." And then this Bosnian moved to get us  
2 away, but then we encountered even worse evil as we continued. We were  
3 encountered by women, civilians, soldiers, as we were going towards  
4 Livade, close to that house.

5 And then I was hit -- I had to go under the wire. I was asked to  
6 come up. I couldn't do it. Somebody pulled me out. Somebody jumped on  
7 me, and some grandmother said, "Children, don't, Allah sees it." And then  
8 somebody grabbed me and took me to this house.

9 Q. Mr. Marinkovic, where was this house that you're talking about?

10 A. I don't know. I mean, it was in Livade. I don't know more than  
11 that.

12 Q. And the people escorting you, what did they do when these other  
13 people were beating you and mistreating you?

14 A. They stopped us, but then later I could see that preparations were  
15 being made. The soldier from the Command, a Bosnian, told me to bend down  
16 more, more, more. He was holding a child by the arm. The child was about  
17 10 or 11 years old. He was wearing a multicoloured uniform and military  
18 shoes. And then the child really broke my nose. There was blood all over  
19 my face. But the Bosnian kept saying to him, "Faster, faster, faster," so  
20 that this boy would get it all out on me.

21 Q. You said earlier in your testimony that you were taken to the  
22 house. Who took you to the house?

23 A. Those three that were escorting us.

24 Q. And was there anybody in the house when you got there?

25 A. Velibor Trivicevic, Branko Cucic and Samac. There were four of

1       them. Then the two of us, there was six, and then by the end of the night  
2       there were a total of 12 of us.

3           Q.     Were there any enemy soldiers in the house?

4           A.     There was a Mujahedin at the entry door to the house, and he would  
5       punch everybody once or twice.

6           MR. ROBSON: Your Honour, my colleague has just drawn to my  
7       attention a potential translation error. I'm referring to page 15, line  
8       number 23. In the transcript, it states "but the Bosnian kept saying to  
9       him, 'Faster, faster, faster,' so that this boy would get it all out on  
10      me." Mrs. Vidovic understands that the Bosnian was speaking to the  
11      witness when he was saying, "Faster, faster, faster." So I wonder if this  
12      matter could be clarified, please.

13          JUDGE MOLOTO: Mr. Wood.

14          MR. WOOD:

15          Q.     Mr. Marinkovic, if you could explain, please, the Bosnian who kept  
16      saying, "Faster, faster, faster," --

17          A.     Yes, yes. While the boy was getting ready to hit me, I was  
18      bending down. And then when the child hit me, then I raised my head. And  
19      then the Bosnian said, "Faster, faster, faster," that we should get out of  
20      there because there was a crowd of soldiers, people, children,  
21      grandmothers, grandfathers. All of them were saying, "Where are the  
22      Chetniks?" They were all saying, "Killed my son," and so on.

23                He told me -- he told us because he wanted to get us out of there.

24          Q.     Thank you for that clarification. When you got to the house,  
25      where were you -- where were you placed within the house?



1           A.    A room.  There was a room.  There were a few entrance stairs, a  
2    veranda, a corridor, and then a room.

3           Q.    Were you detained in that room, restrained in any way?

4           A.    No.  When we got there, a Mujahedin tied our feet and hands.  I  
5    had a sweater that I was wearing, and he placed it over like this  
6    [indicates], and some -- he bound some of their eyes.

7           Q.    How long did you remain in this room in the house, Mr. Marinkovic?

8           A.    We stayed there that night and then the following day.  We got  
9    there in the evening, and then the next day, and then the day after we  
10   left there.

11          Q.    Did you remain restrained in this way the entire time you were in  
12   Livade?

13          A.    Yes, yes.  I said that that night, the next day, then a night, and  
14   then the second day -- I don't know how that would be, the second day  
15   after or the third day.  Well, I don't know.  I'm going to put it like  
16   this and then you can see how you understand it.

17                We arrived that evening, then the day, then another night, and  
18   then that was -- yeah, the second or the third day that we left.

19          Q.    Did you sustain any injuries as a result of your time in Livade?

20          A.    No.  We had scars from the wire and so on, and there was bleeding  
21   in some places.

22          Q.    Did you have contact with the enemy soldiers when you were in  
23   Livade?

24          A.    Yes.  They came to us, cursed us, insulted us, "We're going to  
25   kill you," we'll do this, we'll do that.  Some women also came.  We had

1 our eyes bound. They told us, "You killed my son." She hit us with  
2 something, struck us. Everyone hit us. Somebody kicked us. They used  
3 their feet. Some used sticks.

4 Q. Were you given any food or water when you were in Livade?

5 A. Nothing. Yes, someone asked, but we didn't get anything. I  
6 didn't get anything. I don't know about the others. They asked if we  
7 would eat "burek." I mean, I hardly think that, but, anyway, I didn't get  
8 anything.

9 Q. You said you stayed in Livade a few days. Where were you taken  
10 after that?

11 A. We were taken, but we don't know. They came, they untied our  
12 legs. Our hands were still tied. We still had blinds. And we were  
13 taken, I assume, to something that was a truck. It was difficult to climb  
14 up. Our hands were tied. Then we were just thrown into the truck, and we  
15 went like that.

16 It was a longer trip. They stopped by somewhere. Maybe it was on  
17 the lines of the army. You could hear a lot. They said all sorts of  
18 things to us. They took us off the truck at one point. I tried to  
19 wriggle out. I couldn't. Then I fell, and then I assume that it was a  
20 machine-gun, an 84 or a 53, next to my head. Some shots were fired, and I  
21 was strewn with earth, and then again we were thrown back into the truck.  
22 And then we came to Gostovici. I guess we got there maybe at 10.00 --  
23 well, if we left Livade at 10.00 or 11.00, we could have been up there  
24 maybe at noon or 3.00 or 4.00.

25 Q. And what happened immediately when you got to Gostovici?

1           A.    What happened was that we were sitting somewhere that was a road,  
2           at the edge of the road. Our blinds were taken off, and we sat down. And  
3           there was some cars, there was some insignia of the Red Cross. And then  
4           we were thinking, well, it's a good thing we're going to the Red Cross  
5           then. And then the Mujahedin and the Bosnians gathered around. There  
6           were all kinds of curses, insults, and we were sitting there.

7                    A Mujahedin came and he was walking among us. He had two knives,  
8           and he was sharpening one against the other. He was doing something like  
9           rolling up his sleeves, and this had the effect on me that he knelt, he  
10          rolled his sleeves up. I was sitting, and I know that he pulled me to the  
11          left side by my hair, and he kneeled down and placed a knife on my neck.  
12          And then they were talking, saying something. The Bosnian came up and  
13          took that knife from his hand and said, "Doctor." And then the Mujahedin  
14          said, "Doctor, Doctor." And then Sikanic, Branko Sikanic, called back.  
15          That was him. He was the doctor. He was captured with us. He responded,  
16          and then that Mujahedin went up to him. The Bosnian gave Branko the  
17          knife, that Branko should cut my throat and if he did not cut my throat,  
18          he would cut his throat. And Branko refused that. He said, "Sir, I was  
19          taught to help people. I cannot do that." And then he gave the knife to  
20          the Mujahedin, and then in the same way that he bent me to the side, I was  
21          able to look a little bit. And that's what happened to him, to Branko.  
22          He was in the same position.

23          Q.    If I could ask you something, sir. You said in your statement  
24          here "he was captured with us," and I wonder if you could clarify. You're  
25          referring to Branko Sikanic, and in the video we saw --

1 A. Yes.

2 Q. -- the three of you that had been captured. At what point did you  
3 see the doctor, Branko Sikanic?

4 A. I said that the three of us were captured, Petko, Tosic and  
5 myself, in Krcevine. We found this guy, Sikanic, Trivicevic, Cucic and  
6 Samac in Livade. They had been captured before, and then we came to  
7 Livade.

8 MR. ROBSON: I apologise for interjecting again. It's the same  
9 matter as last time, a potential translation error.

10 My colleague, in listening to the witness, understood that in  
11 relating about what happened involving this knife, that nothing happened  
12 during the incident, so Mrs. Vidovic's understanding is that the witness  
13 used words to the effect that nothing happened, and that is not reflected  
14 in the transcript. So I wonder if perhaps this matter could please be  
15 clarified.

16 JUDGE MOLOTO: Mr. Wood.

17 MR. WOOD:

18 Q. Mr. Marinkovic, were you cut with a knife during this incident?

19 A. No, no.

20 Q. Was Dr. Sikanic cut with a knife during this incident?

21 A. No, no.

22 Q. What happened after this incident in which you were -- the knife  
23 was held to your throat?

24 A. Nothing. He went away. Sikanic also. I think it was just  
25 intimidation. Nothing happened, but I didn't know that it would go like

1 that, will it happen -- would it happen, would it not happen.

2 Q. Where exactly were you when this happened, sir? You said you'd  
3 been taken off the truck. Were you outside or inside?

4 A. Outside. I said that there was a road and we were sitting on the  
5 curb. Some were sitting here. They were walking between us or among us,  
6 talking, speaking insults.

7 Q. When you say "they," who do you mean, sir?

8 A. I am thinking of the Mujahedin and the Bosnians.

9 Q. Do you understand what some of the people were saying, some of the  
10 enemy soldiers?

11 A. Yes, we heard the Bosnians. Of course we understood them. They  
12 cursed our mothers, "Your throats will be cut," this will happen, that  
13 will happen, insults.

14 Q. How long were you in that position after being taken off the  
15 truck?

16 A. We were like that for about two hours, something like that.

17 Q. And where were you taken after that?

18 A. To a house, a house that was all hit by shells. It was  
19 demolished. There was nothing inside. Everything inside was burned. We  
20 were brought to a room, and they put some blankets down, and that's where  
21 we were that night.

22 In the morning, you could hear something banging in the other  
23 room. They placed a floor there and they boarded the windows up, and then  
24 they moved us to that room which was right next-door.

25 Q. You say the house was demolished, sir. Could you describe

1 specifically what the house looked like?

2 A. The house looked knocked down. There was no roof. There were  
3 only a couple of chimneys standing. There was no door -- there were no  
4 door frames or window frames.

5 Q. Mr. Marinkovic, you're being handed some photographs. I'd like  
6 you to take a look at those, and perhaps we can put those on ELMO. And  
7 while you do, the Prosecution would like to tender that clip from P06072,  
8 Your Honour. That would be from time code 00.01.52.5 to 00.02.39.15.

9 JUDGE MOLOTO: The problem I have with that clip, sir, is that  
10 it's not marked who's who on that, and this witness testified about those  
11 people on the clip. You didn't even get him to say who's who on that, to  
12 write down who's who. Or are you going to be able later to identify those  
13 people?

14 MR. WOOD: Well, he did make the record, Your Honour, of where  
15 they were standing in relation to himself. Let me check just one moment.

16 We could, Your Honour, time permitting, bring up a still for him  
17 to write on the photograph to make it absolutely clear.

18 JUDGE MOLOTO: That's fine, you can do that later.

19 P06072 is admitted into evidence. May it please be given an  
20 exhibit number.

21 THE REGISTRAR: Your Honours, this will be Exhibit number 540.

22 MR. WOOD:

23 Q. Mr. Marinkovic, looking at those photos, do you recognise the  
24 house in which you were held in Gostovici?

25 A. I don't recognize anything here. It looks like the one with the

1 two chimneys, but how can I tell now? But at the time, it was knocked  
2 down, with only the two chimneys standing.

3 Q. Sir, there are a few photographs there. Are you speaking of each  
4 of the photographs or just the one that's showing on the ELMO right now?

5 A. I am looking at the one in front of me. I mean, it has the  
6 appearance. I don't know if it looked like this or not.

7 Q. Perhaps if you could look at the other photographs as well, sir.

8 A. Same case. That's what it looked like. There are the two  
9 chimneys again.

10 Q. And, sir, I wonder if you could -- if you could be given a pen and  
11 write -- circle the house which you're referring to with the two chimneys.

12 A. [Marks].

13 Q. Thank you, sir. If you could look at the next photograph.

14 A. The same thing, the same case. The two chimneys, but I cannot  
15 recognise anything else other than the two chimneys. I knew that there  
16 was no roof, but how can I tell now?

17 Q. And could you again, sir, circle the building you're referring to  
18 with the two chimneys?

19 A. Yes, of course I can. [Marks].

20 MR. WOOD: Thank you, sir. If I could have those two photographs  
21 admitted into evidence, Your Honour, the two on which he made marks.

22 MR. ROBSON: Your Honour.

23 JUDGE MOLOTO: Yes, Mr. Robson.

24 MR. ROBSON: I oppose the admission of the photographs. We've  
25 heard from the witness in respect of all three of the photographs and also

1 in respect to two that he circled the chimneys, that he cannot recognise  
2 them, so we would submit that there is no probative value to these  
3 photographs.

4 JUDGE MOLOTO: Yes, Mr. Wood.

5 MR. WOOD: Your Honour, he did indicate that this is a house that  
6 looked like the house that he could have been in. I believe that is  
7 sufficient for these to be admitted into evidence.

8 JUDGE HARHOFF: Mr. Wood, who took the photographs and who took  
9 the video that we admitted just a while ago? Where do these exhibits come  
10 from?

11 MR. WOOD: Well, Your Honour, at the risk of having to testify, to  
12 lay the foundation for this, I can tell you that these photos are on our  
13 exhibit list, that from the previous video that was entered into evidence,  
14 P06072, I believe that was taken from ABH Archive. And as to this video,  
15 the video from which this particular still is taken, I don't have that  
16 information at my fingertips, Your Honour.

17 JUDGE MOLOTO: Mr. Robson.

18 MR. ROBSON: Just to make the Defence's position clear, Your  
19 Honour, in respect of the second video, the latter video just mentioned by  
20 my learned friend from which these photographs were produced, the Defence  
21 do contest the authenticity of elements of that video, so we're certainly  
22 not accepting where these photographs were taken.

23 JUDGE MOLOTO: Are you telling us that these photographs come from  
24 a video, because I am not aware of that. You are putting that on the  
25 record --



1 MR. WOOD: Yes, Your Honour, these are from a video, and for the  
2 record that is P06032 on the Prosecution's exhibit list.

3 This is an instance, Your Honour, where I believe we will have  
4 more testimony as to this exhibit from witnesses later on, and that's  
5 really all I have to say about this matter.

6 JUDGE MOLOTO: What are you suggesting now? Are you suggesting to  
7 mark them for identification, to mark it for identification?

8 MR. WOOD: I believe that's an excellent suggestion, Your Honour,  
9 that we have these marked for identification and then --

10 JUDGE MOLOTO: You are going to call a witness who can identify  
11 it?

12 MR. WOOD: Yes, Your Honour, that's the Prosecution's plan.

13 JUDGE MOLOTO: Thank you very much.

14 The photos are admitted into evidence to be marked for  
15 identification. May they please be given an exhibit number.

16 THE REGISTRAR: Your Honours, these photos will be Exhibit Number  
17 541 marked for identification.

18 JUDGE MOLOTO: Thank you very much.

19 [Trial Chamber confers]

20 JUDGE MOLOTO: Yes, Mr. Wood, you may proceed.

21 MR. WOOD: Thank you, Your Honour.

22 Q. Mr. Marinkovic, with whom were you placed into that room in the  
23 house that we were just speaking about?

24 A. We were all there, all 12 of us, at Livade. We were all assembled  
25 there. There were 12 of us in that house.

1 Q. For the record, could you please say the names of those 12  
2 people -- actually, the 11 other people?

3 A. Sure.

4 JUDGE MOLOTO: I'm getting -- sorry, if I may interrupt.

5 I'm not sure whether I'm getting lost. Are we still in Livade or  
6 are we in Gostovici?

7 MR. WOOD: No, Your Honour, I think as the transcript indicates,  
8 he's indicated they were taken to Gostovici, thrown off the truck. He  
9 describes the incident with the knives and then the house in which they  
10 were at.

11 JUDGE MOLOTO: And then you say, page 26, line 9, says: "We were  
12 all there, all 12 of us, at Livade." I'm not sure now where we are.

13 MR. WOOD: Yes, Your Honour, I'll clarify that with him, Your  
14 Honour.

15 Q. Mr. Marinkovic, with whom were you transported from Livade to  
16 Gostovici?

17 A. All 12 of us.

18 Q. And what were the -- what were the names of the 11 other people  
19 with whom you were transferred?

20 A. Without me, you mean? All right. Branko Sikanic, Totic, Velibor,  
21 Trivicevic, Velibor, Samac, Miodrag.

22 JUDGE MOLOTO: Slow down, Mr. Marinkovic.

23 A. I'm not sure I can remember all of them now. Should I start all  
24 over?

25 JUDGE MOLOTO: Please do, sir.

1 Yes, Mr. Robson.

2 MR. ROBSON: Your Honour, the witness has what appears to be a  
3 notebook in front of him, and he's lifted it up. I don't know if there's  
4 anything written on there or not, but I just thought I better alert the  
5 Court.

6 JUDGE MOLOTO: Okay. Mr. Marinkovic -- Mr. Marinkovic.

7 THE WITNESS: [Interpretation] Yes.

8 JUDGE MOLOTO: Look at me.

9 What do you have in front of you?

10 THE WITNESS: [Interpretation] I have some sort of a notebook, free  
11 for all to have a look, if you like, but I don't have all the names. I'll  
12 just try to do it like this.

13 JUDGE MOLOTO: Yes, do try to do it like that, Mr. Marinkovic.

14 The procedure in this forum is that you don't look at notes unless you are  
15 given notes to look at.

16 THE WITNESS: [Interpretation] No, nothing, nothing at all. Fine.

17 Sikanic, Branko. Velibor Trivicevic, Velibor Tosic, Petko Maric,  
18 Vlado Cucic, Dusko Pejicic -- how many so far? Gojko Vujicic. How many  
19 so far?

20 JUDGE MOLOTO: Seven. Eight, with you.

21 THE WITNESS: [Interpretation] All right.

22 JUDGE MOLOTO: It's not an exam. If you don't remember, don't  
23 worry.

24 MR. WOOD: Yes, Your Honour.

25 THE WITNESS: [Interpretation] It's difficult to remember all the

1 names.

2 JUDGE MOLOTO: That's perfectly understandable.

3 MR. WOOD:

4 Q. If I could ask you, sir, of those you mentioned, you mentioned  
5 someone named Gojko Vujicic. Do you recall what happened to him?

6 A. Yes, I remember all too well. But you know something? Were you  
7 to ask me about the date now, the exact day, well, I know it was when we  
8 reached --

9 THE INTERPRETER: The interpreter didn't get the name of the  
10 place.

11 A. It was the first or the second night we were there. The old woman  
12 then took us to the cellar, and then that night --

13 MR. WOOD:

14 Q. Mr. Marinkovic, I need to interrupt you just for a moment here. I  
15 need to make sure that the record is clear.

16 You say you don't remember the exact day, but you said, "I know it  
17 was when we reached ...," and then the interpreter didn't catch your  
18 answer.

19 A. Was it the day before, the day after? I just --

20 JUDGE MOLOTO: The day before what or the day after what?

21 THE WITNESS: [Interpretation] I don't understand the question.

22 JUDGE MOLOTO: Okay.

23 MR. WOOD:

24 Q. Let me ask, then: You're describing something that's going on  
25 with Mr. Vujicic. If you could just be clear, where exactly did this

1     happen?

2           A.    At Gostovici.

3           Q.    Thank you, sir.  And if you could please continue your answer of  
4     what happened to Gojko Vujicic.

5           A.    This was the second or third evening there, the second let's say.  
6     Someone came over that evening, a Bosnian man.  Gojko was standing next to  
7     the door.  He untied his legs, and then a Mujahedin brought something in a  
8     bowl, some fish and bread.  He cut his restraint loose.  He fed each of us  
9     a morsel of bread and a little fish.  We tried to chew and swallow to the  
10    extent that we could.  And then he brought us a litre of water and fed  
11    each of us some water.  Those were his orders.

12           We were there, and then 15 or 20 minutes later, and I think it was  
13    sometime around half past 8.00 -- it was dark by this time.  This was some  
14    sort of dinner for us, I suppose.  But then someone came over, freed our  
15    hands and feet.  Was it that house, the playground behind?  I'm not really  
16    sure, but we were nearby.

17           And then somehow I was thrown to the ground.  I ended up lying  
18    face down on the ground, and most probably the rest of us, too.  And then  
19    someone came over and tied our feet up again.  I'm not sure what they  
20    used, but it felt like some sort of a hose.  They tied our feet up, and we  
21    were all moaning.

22           There was a Bosnian man there, and he said, "Stay still."  He  
23    mentioned my mother, and he said, "I'll finish you, I'll beat you with a  
24    pole."  And then the -- the restraint round my feet sort of started  
25    loosening, and it went on like that throughout the night.

1 I didn't really see that, because I was all tied up, but this man  
2 was standing near me, and then --

3 Q. When the restraint was tight, sir, how did that feel?

4 A. That he would cut my feet off. It was so tight -- the restraint  
5 was so tight that I thought my feet would just fall off. So Gojko was  
6 moaning, and we were all lying down. We all wanted water. Some of us had  
7 fever, and, "Water, water." And then the Bosnian said, "Want some water,"  
8 I said, "Sure," and he brought a bottle and he put it in my mouth, and I  
9 realised it was urine so I turned my head away and then he spilled it all  
10 over my face, and that kind of thing.

11 When we were still on the ground and Gojko was moaning, and he  
12 said, "Bring us some water. I am parched, and these people are killing  
13 me. I can't hold out anymore." And then he cursed at him, "But bring me  
14 some water, because I can't do this anymore." It was nighttime. I heard  
15 a rifle shot near me, but I had no idea what was happening.

16 So it was like that throughout the night, and then the next  
17 morning -- the next morning -- well, morning or night, but someone came up  
18 to me and helped me to turn around and sit up, and then someone took my  
19 blindfold off and put Gojko's head in my lap. I flinched. They pulled  
20 him by the hair and pulled his head up level with mine, and they  
21 said, "Kiss your brother." This was the Mujahedin. And then they took us  
22 away, this way and that.

23 Someone struck me right here [indicates]. I was bleeding. I was  
24 thinking everyone else has been killed already, now it's my turn. So they  
25 were taking me there, and when we got near the house, I realised everybody

1 was there but Gojko.

2 And then later on the Mujahedin came --

3 JUDGE MOLOTO: Can I just ask a question, sir?

4 When you say, "Someone struck me here," and you indicated, where  
5 did you indicate?

6 THE WITNESS: [Interpretation] There were two men taking me away,  
7 held me by the arm, and I couldn't walk on my own because my legs had been  
8 bound throughout the whole the previous night, so they were numb.

9 JUDGE MOLOTO: My question is: Where were you struck on your  
10 body?

11 THE WITNESS: [Interpretation] When they turned me around, they  
12 threw my head, kissed my head, and then I was pulled up. And then they  
13 took me to the house, where we were. And near the house, someone struck  
14 me, and the other two were holding me back.

15 JUDGE MOLOTO: Thank you. Where on your body?

16 THE WITNESS: [Interpretation] At my temple.

17 JUDGE MOLOTO: Okay, on your temple. Thank you so much.

18 You may proceed, Mr. Wood.

19 MR. WOOD: I see it's almost time for the break. I do have maybe  
20 one or two more questions, and then maybe that would be the appropriate  
21 time, with Your Honour's leave.

22 Q. Mr. Marinkovic, if you could please -- could you describe what  
23 condition Gojko Vujicic's head was in when it was shown to you in the  
24 morning?

25 A. Gojko's head, I know Gojko head cut off, stuff dangling loose,

1 head all blue, dead man's head. What should I say?

2 Q. Did you notice if there were any wounds on the head, for example?

3 A. Well, we did see that in the room, not right then. When I was  
4 brought to the room, then later the Mujahedin came, and there was some  
5 sort of hook, the head like that, and they put it on the wall. So the six  
6 of us were there next to the wall, five over there [indicates], and then  
7 this wall facing us [indicates], the head dangling with a gunshot wound to  
8 the temple.

9 MR. WOOD: And for the record, the witness was indicating with his  
10 right hand to his right temple.

11 That is an appropriate time for a break, Your Honour. I have  
12 maybe 15 -- 10, 15 minutes remaining.

13 JUDGE MOLOTO: Okay. Just one question by me before we go.

14 Just so that we are absolutely clear, sir, you say the head was  
15 put before you. Where was the body?

16 THE WITNESS: [Interpretation] How should I know? Never saw the  
17 body.

18 JUDGE MOLOTO: So it was the head without the body? The head was  
19 not attached to its body; is that what you are saying?

20 THE WITNESS: [Interpretation] I never saw the body. They just  
21 dropped the head in my lap. I had blood on my jeans still when I came  
22 home six months later.

23 JUDGE MOLOTO: Thank you very much.

24 We'll take a break and come back at 4.00.

25 Court adjourned.



1 --- Recess taken at 3.33 p.m.

2 --- On resuming at 4.02 p.m.

3 JUDGE MOLOTO: Yes, Mr. Wood.

4 MR. WOOD:

5 Q. Mr. Marinkovic, before the break you were talking about this place  
6 you were kept in. You had been referring to it as "Gostovici." How did  
7 you come to know that this was the place called Gostovici?

8 A. Well, we talked among ourselves. Some people knew, I guess. I  
9 didn't. I don't know. I still believe that the place was Gostovici.

10 Q. Who exactly was guarding you when you were at Gostovici?

11 A. The Mujahedin standing at the door with an automatic rifle.

12 Q. And when you say "Mujahedin," could you describe this person, what  
13 he looked like?

14 A. I can't. A soldier.

15 Q. Did you see any soldiers at Gostovici who were not Mujahedin or  
16 who you did not perceive to be Mujahedin?

17 A. Yes.

18 Q. And how often would you see those other soldiers?

19 A. Well, not that often, but they did come around, and we heard them  
20 saying, at the door, "Let me go in and show them." And then he mentioned  
21 our Chetnik mother. To the right of the entrance to the house, there's  
22 some sort of pantry there and bathroom. Probably there was a tool shed,  
23 too. And we heard some noise from there. I think they were getting some  
24 tools, some implements, and then a Bosnian walked in with a hoe, a spade,  
25 or something. He came in. We kept our heads down, hands on knees, and he

1 poked everybody in the chest and then whacked everybody over the spine,  
2 over the back. But he hit me on the head, too. He caught my head. I had  
3 a cut, a wound. A piece of my skin and hair on it came apart, so I still  
4 have a scar there.

5 Q. Did you ever speak with any of these -- these men whose language  
6 you understood?

7 A. No. We didn't dare. They were going in and out all the time,  
8 telling us all sorts of things, but we weren't supposed to answer back.

9 Q. How long did you remain in this place called Gostovici?

10 A. We remained until the 24th of August.

11 Q. And what happened on the 24th of August that ended your stay at  
12 Gostovici?

13 A. On the 24th of August, we were taken away in those chains, in a  
14 single chain, the 11 of us. The Bosnian had brought some sort of a  
15 chain. It was nighttime, but I heard his voice. He wasn't saying much.  
16 They were just mumbling among themselves. They chained our feet and  
17 locked our feet, put a bolt on it. It was an empty chain, and then all  
18 the way to the other side, the six of us, and the five of them over there,  
19 and then linking the five of them. And then some more length of chain all  
20 the way to the door.

21 And then the 24th, when they took us away, when they took us out  
22 to wash every day, the same chain, we walked in line. And then if one  
23 misstepped, he would pull everybody else along, and then there was a lot  
24 of jerking and shaking. So we sat with our backs turned to the wall of  
25 that house over there. We were just sitting there. I don't know what

1 this is about, but the Mujahedin came, and it was probably the Bosnian who  
2 told us -- Totic, this Totic, he was a small man, a rather small man, and  
3 he stammered a lot, and they asked him all sorts of questions because they  
4 were laughing at him all the time, said, "You bark like a dog, what do you  
5 mean a dog," and we all remained silent because we --

6 Q. I want to interrupt you. I just want to make sure I'm clear here.  
7 When you're describing this incident with Totic, is this on the 24th that  
8 this happened?

9 A. Yes.

10 Q. And were any other of the POWs treated similarly to Mr. Totic?

11 A. Well, that's what I was about to say. They started with him,  
12 barking like a dog, and then he would come out, hit each and every one of  
13 us, and made us all bark like dogs, but not just like dogs. We were made  
14 to imitate the sounds of all sorts of animals; horses, swine, pigs. We  
15 had no choice.

16 Q. How soon after this were you taken away from the Gostovici camp?

17 A. We stayed for a couple of hours, and then someone came over and  
18 blindfolded us. And then they came and brought chains and locks. That  
19 was the day we left, the same day. And then walked up to me and said --  
20 the Bosnian did, no key to my lock. And then they used the hammer to  
21 break the lock on my foot. And then behind us, one by one, they took them  
22 away, and then we came -- well, most probably it was a bus, and  
23 said, "Raise your foot, there's a step, mind the step," and then we just  
24 headed for Zenica.

25 And then we came in, they threw us in. We were falling over each

1 other. They were hitting people, the Mujahedin, the Bosnians, what do I  
2 know, they hit everybody over their backs with a rifle-butt, and they  
3 threw us in the bus. And then we were off and got somewhere, and then the  
4 Bosnian walked onto the bus and said, "Good grace, we finally reached free  
5 territory, lads. You all have one, two, three, four German mark each.  
6 Let's have some coffee." How should we have any money on us that they  
7 taken everything away from us previously, and "When we come to a certain  
8 place and I say heads down, you just keep your heads down," so that's my  
9 assumption. If we were driving past the Mujahedin, we were supposed to  
10 keep down, and if not, meaning he allowed us to remain in our seat. And  
11 so we were off somewhere. I had no idea where we were being taken to.  
12 Maybe to be exchanged, I said.

13 And then we realised, once we'd reached Zenica, we got to this  
14 place, they made us face the wall, they took our blindfolds off one after  
15 the other, and then we went to the correctional and penal institute. I  
16 think it was the KP Dom. Lined up against the wall, and then one by one  
17 we walked straight in.

18 Q. The people who were on the van and driving you, could you  
19 understand what they were saying? That is, could you understand their  
20 language?

21 A. Yes, yes. They were Bosnians, weren't they? Yes.

22 MR. WOOD: If the witness could be shown P02436, please.

23 Q. Do you see that document on the screen, Mr. Marinkovic?

24 A. Well, I do, but I can't read it.

25 Q. Is the type too small? Perhaps if we can zoom in a little bit.

1           A.    Zoom in, yes. I still can't see. Well, all right. Actually,  
2   that might -- right.

3           Q.    Mr. Marinkovic, do you see the names written on that document?

4           A.    No.

5           Q.    I want to make sure we're looking at the same document. Do you  
6   see numbers 1 through 11 written on this document?

7           A.    Yes, yes, I do see that.

8           Q.    And can you see, after each numeral, there's a name? Can you read  
9   those names?

10          A.    Well, yes. Maybe I should try and put my glasses on. Yes.

11          Q.    What do those names mean to you, sir?

12          A.    Of course they do. Of course they do. These are people who were  
13   with me.

14          Q.    People who were with you at what time, Mr. Marinkovic?

15          A.    From the day we were captured to the day we left captivity.

16          Q.    Do you see the name of "Gojko Vujicic" on this document, sir?

17          A.    A little bit.

18               MR. WOOD: If I could have this tendered into evidence, please,  
19   Your Honour.

20               THE WITNESS: [Interpretation] I can't see --

21               MR. WOOD:

22          Q.    Please continue, sir.

23               JUDGE MOLOTO: You said you can't see, sir?

24               THE WITNESS: [Interpretation] No.

25               JUDGE MOLOTO: What can't you see?

1 THE WITNESS: [Interpretation] I can't see Gojko's name there. He  
2 was number 12, and as far as I can tell, there are only 11 names here.

3 JUDGE MOLOTO: You are tendering the document, sir?

4 MR. WOOD: Yes, Your Honour.

5 JUDGE MOLOTO: The document is admitted into evidence. May it  
6 please be given an exhibit number.

7 THE REGISTRAR: Your Honours, this will be Exhibit Number 542.

8 JUDGE MOLOTO: Thank you very much.

9 Yes, Mr. Wood.

10 MR. WOOD: Could the witness please be shown Exhibit P02508.

11 Q. Mr. Marinkovic, can you see this document?

12 A. I see the document, but I can't see what it says.

13 MR. WOOD: Perhaps if we could zoom in a little bit on the  
14 numeral "1" on the first page of that document.

15 JUDGE MOLOTO: Mr. -- Yes, thank you very much.

16 MR. WOOD:

17 Q. Mr. Marinkovic, does that help? Are you able to see more of that  
18 document?

19 A. No, no, nothing at all.

20 Q. I see that it's appearing larger on the screen now. Can you read  
21 it at this point, Mr. Marinkovic?

22 A. Yes, a little.

23 Q. Can you please read, sir, the names that follow 1, 2 and 3 on the  
24 screen in front of you?

25 A. Sure. Guljevatej, Igor, and Stokanovic, Goran. Sikanic, Branko.

1 JUDGE MOLOTO: Sorry, I'm getting interpretation which is not  
2 English, and I am on Channel 4.

3 THE INTERPRETER: Is Your Honour receiving the English  
4 interpretation now?

5 JUDGE MOLOTO: Now I'm receiving the English interpretation.

6 MR. WOOD:

7 Q. And, Mr. Marinkovic, can you see what's next to the -- the name  
8 written next to the black dot near the bottom of the page as it appears on  
9 your screen? I think you read number 3, Sikanic, Branko. What's the next  
10 name?

11 A. "Krstan Marinkovic."

12 Q. And again, sir, what do these names mean to you?

13 A. These are the people who were with me.

14 MR. WOOD: I would ask to tender this document into evidence, Your  
15 Honour.

16 JUDGE MOLOTO: The document is admitted into evidence. May it  
17 please be given an exhibit number.

18 THE REGISTRAR: Your Honours, this will be Exhibit Number 543.

19 JUDGE MOLOTO: Thank you very much.

20 MR. WOOD: Now, I think we can come back to the video still, Your  
21 Honour. You wished that perhaps it be marked a little bit better for the  
22 record. I do have a still from that video that can be handed to the  
23 witness, and he can make proper marks on it to make a more clear record.

24 And for the record, this still is at time code 00.02.30.4 from  
25 video P06072 which has been admitted into evidence.

1 Q. Now, Mr. Marinkovic, if I could have you turn to the actual  
2 document that's been placed on the ELMO. It's just to your right there.  
3 And I see that you have a pen in your hand. Can you please put a "1" next  
4 to the one that you identified earlier as Tosic.

5 A. This is Tosic [indicates]. Where should I write? [Marks].

6 Q. And if there's room, could you please write that person's name  
7 next to where he's standing?

8 A. Very well. [Marks].

9 Q. And the next person standing next to the person you've identified  
10 as Mr. Tosic, can you write the name of that person in the same relative  
11 position?

12 A. Yes, I can. [Marks].

13 Q. And could you please do the same for the third person shown in  
14 this video still, please.

15 A. [Marks].

16 MR. WOOD: And if this could be admitted into evidence, Your  
17 Honour.

18 JUDGE MOLOTO: Just for consistency's sake, could you write a "2"  
19 next to the person in the center and "3" next to the person on the right.

20 MR. WOOD: Yes. Thank you, Your Honour.

21 THE WITNESS: [Marks].

22 JUDGE MOLOTO: Thank you very much. The document is admitted into  
23 evidence. May it please be given an exhibit number.

24 THE REGISTRAR: Your Honours, this will be Exhibit Number 544.

25 JUDGE MOLOTO: Thank you very much.



1 MR. WOOD: The Prosecution has no further questions at this time,  
2 Your Honour.

3 JUDGE MOLOTO: Thank you very much, Mr. Wood.

4 Mr. Robson.

5 MR. ROBSON: Thank you, Your Honours.

6 Cross-examination by Mr. Robson:

7 Q. Good afternoon, Mr. Marinkovic. My name is Nicholas Robson.

8 A. Good afternoon.

9 Q. I'll be asking you some questions today on behalf of General  
10 Delic.

11 Now, Mr. Marinkovic, over the years you've made several statements  
12 relating to the events following your capture at Krcevine; is that  
13 correct?

14 A. Yes.

15 Q. You've made a statement to an Investigative Judge at Prnjavor  
16 Lower Court; is that right?

17 A. Yes, a statement was given, but I cannot really remember it well.  
18 But if there is something, I will -- I will remember.

19 Q. Thank you. And you've also made several statements to  
20 investigators of the Office of the Prosecutor of this International  
21 Tribunal?

22 A. I only know of one, and that's this one.

23 Q. Now, in your evidence, you told us that since the 30th of June,  
24 1995, you were a member of the Prnjavor Light Brigade. Do you recall  
25 saying that?

1 A. Yes, yes.

2 Q. It's correct, isn't it, that you were a soldier before that time?  
3 You actually served in the local defence at Potocani from September 1991?

4 A. Correct.

5 Q. You explained to the Trial Chamber what happened to you on the  
6 21st of July, 1995, and how you and two other men ran away from your  
7 trench and eventually you surrendered to a group of men. You remember  
8 telling us that?

9 A. Yes, yes.

10 Q. Now, what I'd like to refer you to is one of the statements that  
11 you gave to the Office of the Prosecution, dated the 12th of December,  
12 1999. I am able to show it to you, if you would like to see the  
13 document. But if I could just, at this stage, remind you of what you  
14 said.

15 You told the investigator that on the 21st of July: "I was  
16 captured in a battle by Mujahedin soldiers." Do you remember telling the  
17 investigator that?

18 A. This question is quite unclear to me now. I was captured, and I  
19 said that, and I stand by that, that I was captured.

20 Q. Okay. The point that I want to make is that the people who  
21 captured you, you would agree with me that they were Mujahedin soldiers?

22 A. I said how we were escorted by two Bosnians and one Mujahedin, so  
23 we were captured by Mujahedin.

24 Q. Just to clarify that with you, Mr. Marinkovic, when you are  
25 referring to the Bosnians who were with the Mujahedin that captured you,

1 these were local Bosnian men who were also people who were Mujahedins;  
2 they had similarities to Mujahedins and they were clearly with the foreign  
3 Mujahedin men?

4 A. This question is not clear to me. The question is not clear to  
5 me.

6 Q. Okay. I'll try and clarify it with you a little more.

7 You've told us that you gave a statement to an Investigative  
8 Judge, although you can't recall very well what you said to that Judge.  
9 But if I could refer you to part of that statement, what you told the  
10 Investigative Judge was:

11 "During capture, I spotted that Mujahedin were also present  
12 there, along with the Muslim soldiers."

13 A. Correct, correct.

14 Q. "There were more Mujahedin than Muslim soldiers who were also  
15 called the Mujahedin."

16 A. No, I didn't say that. I said half, half. I didn't say if there  
17 were more of the ones than the others.

18 Q. Okay. I accept what you're saying, the proportion was half-half,  
19 but the point that I'm trying to make is: During the statement that you  
20 gave to the Investigative Judge, you referred to the Muslim soldiers, and  
21 you said that those Muslim soldiers were also called the Mujahedin?

22 A. Incorrect. I never said that they were called Mujahedin. These  
23 were Mujahedin, that was the Mujahedin, and the others I  
24 called "Bosnians." I don't remember saying that.

25 Q. Well, perhaps we can put it on the screen. It's Defence document

1 D449, and it's page 2 in both the English and the B/C/S that I'm  
2 interested in. And in the B/C/S version, it's about halfway down the  
3 page. It's the third paragraph. Similarly, in the English it's the third  
4 paragraph as well.

5 Mr. Marinkovic, do you see the paragraph that begins with: "During  
6 capture, I spotted that Mujahedin were also present there"?

7 A. Is that here or there? I don't see -- I don't see it.

8 Q. So we're looking for a paragraph that begins: "During capture, I  
9 spotted that Mujahedin were also present there ..."

10 A. I see it, I see it.

11 Q. You can -- could you read out the first two sentences of that  
12 paragraph for us, please?

13 A. "During capture, I spotted that Mujahedin were also present there,  
14 along with the Muslim soldiers. There were more Mujahedin than Muslims."  
15 Is that enough?

16 Q. No. If you can carry on reading, please, the next bit.

17 A. "There were Mujahedin than Muslim soldiers, who were also  
18 carrying -- wearing or carrying Mujahedin. After capture, tied with our  
19 hands behind our backs --"

20 Q. Mr. Marinkovic, could you please read that second sentence out  
21 again, please?

22 A. The second one?

23 Q. Yes.

24 A. "Besides the Mujahedin, there were also Muslim soldiers. There  
25 were more Mujahedin than the Muslims, who were also called the

1 Mujahedin --"

2 THE INTERPRETER: The interpreter does not understand what the  
3 witness is reading.

4 MR. ROBSON:

5 Q. Let me just read back what you've just told us.

6 A. Very well.

7 Q. So according to what you told the Investigative Judge back in  
8 1997, you said:

9 "There were more Mujahedin than Muslim soldiers, who were also  
10 called the Mujahedin."

11 Do you agree with me that that is what your statement says?

12 A. I did not say that. I don't agree. Perhaps it is there, but I  
13 didn't say it. That there were more there and that they were carrying  
14 insignia, I didn't say that. That's something in the translation.

15 Q. Okay. What about the part --

16 JUDGE MOLOTO: The witness is saying he didn't say they were  
17 carrying insignia. I don't think there's "insignia" on the sentence.  
18 Maybe that's why there's a cross-purpose between the two of you. If you  
19 can just clear that, unless there is an insignia mentioned which I am not  
20 seeing in that sentence.

21 MR. ROBSON:

22 Q. Mr. Marinkovic, would you agree with me that what you've read out  
23 to the Tribunal, to the Court a moment ago, mentions nothing about  
24 insignia?

25 A. I don't know. What insignia? They didn't have any insignia.

1 That the Bosnians had insignia, I didn't say that. I didn't see that. I  
2 don't recall that.

3 Q. Okay. You don't recall the Bosnians had any insignia. Let me go  
4 back to my question.

5 What I'm interested in, in this sentence, is what you told the  
6 Investigative Judge where, when you referred to the Muslim soldiers, you  
7 said they were also called the Mujahedin. Can you explain to us what you  
8 meant when you told the Investigative Judge that?

9 A. I didn't say that. It's incorrect. I don't recall that at all.  
10 I was not -- I couldn't -- I don't know if they were carrying anything in  
11 particular. I didn't see that, really. Something was done, I didn't say  
12 that. I would see it with them. I was with the people -- the Mujahedin  
13 and the Bosnians. I would have seen some insignia similar to that. I  
14 didn't see that.

15 Q. Right, yes. I understand, okay. Let me rephrase it a different  
16 way.

17 It's right, isn't it, Mr. Marinkovic, that you told the  
18 Investigative Judge that those Muslim soldiers were also named the  
19 Mujahedin, so I'm not interested in what their individual names were. But  
20 collectively, those local Bosnians were part and parcel of the Mujahedin,  
21 weren't they?

22 A. No, I didn't say that. I don't recall that.

23 Q. Okay.

24 A. Maybe there is something here, but it wasn't done like that. But  
25 in the action, everybody was saying, "Allahu Akbar," and perhaps that's

1 what it was. The Muslims were also saying "Allahu Akbar," so perhaps we  
2 thought that all of them were Mujahedin. That's what it could have been,  
3 perhaps.

4 Q. So if we can clarify your evidence, and now I'm not interested in  
5 the document on the screen in front of you. When you were captured, did  
6 you think that all of the men who captured you, both foreigners and local  
7 Bosnians, were the Mujahedin?

8 A. No. I'm repeating the same thing again. In the action, when we  
9 heard all of them shouting "Allah Ekber," and when the action was, we  
10 thought those were the Mujahedin. But then again this is my assumption.  
11 I was thinking that the Muslims, too, if they were saying "Allah Ekber,"  
12 we then could have thought that they were all Mujahedin. Maybe that's  
13 what this is about.

14 Q. So you thought that they all could have been Mujahedin?

15 A. That's what -- at least that's what my thinking was.

16 Q. And when you were interviewed by the Office of the Prosecutor back  
17 in 1999, you told the investigator: "On 21 July, I was captured in a  
18 battle by Mujahedin soldiers."

19 A. Yes.

20 Q. So the men who captured you, they then took you to a village which  
21 you've told us is Livade?

22 A. Yes.

23 Q. You didn't know the name of that village at the time; is that  
24 right? Somebody told you --

25 A. No, no. We heard that. Maybe one of those people of mine, maybe

1 they knew that that village was called Livade, but I didn't.

2 Q. And you mentioned earlier that accompanying you were two Mujahedin  
3 and a Bosnian. Apart from those persons, who else was with you?

4 A. Petko, myself, and Totic, other than the people who were escorting  
5 us. I didn't understand the question.

6 Q. You've answered it.

7 A. I didn't understand the question well. Who it was, I said it was  
8 the three of us, Totic, Maric and myself. And who was escorting us, two  
9 Mujahedin and one Bosnian, so the three of them and the three of us, it  
10 was.

11 Q. Thank you, Mr. Marinkovic. That's clear. And when you arrived in  
12 Livade village, you mentioned that there were Mujahedin there, civilians,  
13 and you mentioned there were Bosnians. Would you agree with me that in  
14 the village, apart from the local civilians, all the others were members  
15 of the Mujahedin?

16 A. I didn't understand this quite -- the question is not clear to  
17 me. Can you please repeat it? As you wish.

18 Q. When you arrived in Livade village, you found civilians there; is  
19 that so?

20 A. I didn't say "civilians," I said civilian soldiers, these and  
21 those. Everyone was mixed up.

22 Q. You've explained how, when you arrived in that village, you were  
23 attacked by members of the civilian population of the village; is that  
24 right?

25 A. Yes, but the soldiers were there. The civilians, elderly men,



1 elderly women, were swearing at us, insulting us, "You killed my son, my  
2 child." That was the story. Someone was beating us. They would run up.  
3 And I told the story of how a soldier, a Bosnian soldier, told me to bend  
4 forward. I was bending forward as much as I could, and how this child  
5 broke my nose with his foot.

6 JUDGE MOLOTO: A Bosnian soldier of which army, sir?

7 THE WITNESS: [Interpretation] Most probably the B and H Army. I  
8 don't know how else I could call it. Theirs of Bosnia-Herzegovina.

9 You have to understand that I only completed four years of  
10 elementary school, and I am trying to speak precisely, exactly, but please  
11 just put the questions in such a way that I can understand that. That's  
12 all I ask.

13 MR. ROBSON:

14 Q. Would you agree with me, when you refer to a Bosnian soldier, that  
15 Bosnian soldier could, in fact, have been a local Bosnian who was a member  
16 of the Mujahedin group?

17 A. I don't know that, if he was a local or -- this is something that  
18 I really -- I can't tell. I don't know.

19 Q. Okay. And you were quite clear in your evidence earlier that the  
20 men you called soldiers helped you, didn't they, they protected you from  
21 the attack from the local villagers?

22 A. I didn't say that like that. What I said was that the Bosnian who  
23 was next to me and the other Mujahedin were escorting Petko and Tomic, and  
24 when they started to beat us and when that child broke my nose, then the  
25 Bosnian was telling us, "Go, go, faster, faster," as if he was trying to

1 get us out.

2 There was a crowd of people there. They were about to beat us  
3 more, so the Bosnian did a good job and I am grateful to him for that.

4 Q. And when they got you out, they took you to a room, you mentioned,  
5 but where was it? What was the building that you were taken to?

6 A. Correct. It was a house. The house was not demolished. There  
7 was a roof. I didn't see any damage on it, but how can I know?

8 Q. And you went into that house with your two colleagues, and you  
9 told us that you saw three other men there, Velibor Trivicevic --

10 A. Four.

11 Q. Who did you see?

12 A. Trivicevic, Sikanic, Guljevatej, and Trivicevic. There were four  
13 of them, in any case. And then the three of us arrived, so there were  
14 seven, and then by evening there was a total -- or there were a total of  
15 12 of us.

16 Q. And while you were held in that room, you told the Court that  
17 local people, you mentioned women, came into the room and they mistreated  
18 you; is that right?

19 A. Correct, yes.

20 Q. Can you be sure how long you were actually in that room? In your  
21 evidence, you mentioned it was the second or the third day after that you  
22 left. Are you uncertain how long --

23 A. And I stand by that. I said we were brought in the evening, so  
24 that night, then the next day, then another night, and then the -- that's  
25 how it was. On the third day, we left for Gostovici. I don't know why --

1 well, that's what I know. I don't know any different. I think it was two  
2 nights and two days. In any case, we spent two nights there. So two  
3 nights, let's stay with that, that we remained there for three days, two  
4 nights and three days.

5 Q. Then you've explained to us how you were taken by a truck from  
6 Livade to another place. You were blindfolded during that journey; is  
7 that so?

8 A. Yes, that's right.

9 Q. Now, the place that you've referred to as Gostovici, you didn't  
10 know -- you didn't know that that was the name of the place when you  
11 arrived there; is that correct?

12 A. No -- yes.

13 Q. So somebody told you that that was the name of the location?

14 A. Yeah. We just found out like that while we were there, Gostovici,  
15 like Zavidovici. That's how I remember it. That's the reason it remains  
16 lodged in my memory.

17 Q. So that's not an area that you're familiar with yourself; you've  
18 never been there before?

19 A. No, no, never, never in the area, never in Zavidovici, never.

20 Q. You told us how you were put into a room in a house and given  
21 blankets; is that right?

22 A. No, no. They put blankets on the floor. The whole place had  
23 burnt down, it was charred, full of dust, and it was just for us to lie  
24 down on the floor until they got that other room ready.

25 Q. And on your arrival, it's right, isn't it, that you were given

1 food and water?

2 A. That was the next evening.

3 Q. Now, during the time that you were at the camp, would you agree  
4 with me that you only saw both the foreign and local Mujahedin members  
5 staying at the camp?

6 A. Well, yes, I think so.

7 Q. Now, I want to ask you some questions about Gojko Vujicic.

8 A. Sure.

9 Q. You've explained to us what happened to this man. Am I right  
10 in -- can I try and clarify when it was that he was killed? In your  
11 evidence, you said it was the first or second night. By that, did you  
12 mean it was -- this happened either the first or second night after  
13 your --

14 A. The second night.

15 Q. So this was the second night after your arrival in the camp?

16 A. That's right, that's the way I remember it. Whether it was the  
17 second or not, well, yes, but I do imagine it was the second night.

18 Q. Yes. It's right, isn't it, that Gojko Vujicic had been seriously  
19 wounded during the attack on Krcevine? He'd been hit by a bullet in the  
20 groin; is that so?

21 A. I don't know about that.

22 Q. Well, you were with him for some time.

23 A. No, no, that's not right. I was with Gojko that evening, when we  
24 all got together at Livade. That's when I first set eyes on him. I had  
25 no idea he'd been wounded. I hadn't known him previously.

1 Q. Well, if I can refer you to a statement given by Velibor  
2 Trivicevic on the 14th of December of 1999 --

3 JUDGE MOLOTO: Yes, Mr. Wood.

4 MR. WOOD: Your Honour, the Prosecution does object to the Defence  
5 leading the content of a statement that another witness gave previously.  
6 That witness will come and testify at a later date. The Prosecution does  
7 not believe that this is appropriate to confront this witness with another  
8 witness's testimony.

9 JUDGE MOLOTO: Mr. Robson.

10 MR. ROBSON: Your Honour, I'm not seeking to confront this witness  
11 with another witness's testimony. I'm seeking to confront this witness  
12 with a statement made by another witness. It's like a document or piece  
13 of -- any other piece of evidence that we see in this case, and I see no  
14 reason why I shouldn't be allowed to put that statement to the witness.

15 JUDGE MOLOTO: What do you say? I'm looking for the appropriate  
16 Rule here which I know deals with this point, and I'm trying to remember  
17 which Rule it is. If anybody can remind me.

18 MR. ROBSON: Your Honour, I believe the guidelines are silent as  
19 to putting statements about a witness.

20 JUDGE MOLOTO: Yes, the guidelines, but I'm thinking of a Rule.  
21 I'm not finding the Rule. In the meantime, I'll allow the question.

22 MR. ROBSON: I'm grateful, Your Honour.

23 Perhaps if we can also bring it up on the screen. It's Defence  
24 exhibit -- Defence document D501. We can find that on page 6 of the  
25 English and page 7 of the B/C/S version. It's right at the very bottom of

1 the English text. There's only two words on this page, unfortunately, but  
2 we'll scroll over. It's on the middle of the page in the B/C/S version.

3 It's the next page in the B/C/S version. I apologise. It's the  
4 next page in the B/C/S version.

5 Q. Can you see the screen, Mr. Marinkovic?

6 A. [No interpretation].

7 Q. Now, in the top paragraph, do you see the final sentence of that  
8 paragraph?

9 On the English version, if we can scroll down to the bottom,  
10 please.

11 Do you see there, Mr. Marinkovic, where it says:

12 "Two men were wounded. Stokanovic had been shot in the lower  
13 right leg, and Vujicic was hit by a bullet in the groin."

14 JUDGE MOLOTO: What paragraph --

15 MR. ROBSON: If we can go over into the English so it's -- if we  
16 can -- Your Honours, you can see that "two men" appears on the English  
17 version. If we can scroll over to the English so you can see the  
18 remainder of the sentence. So if we can turn to page 7 in the English,  
19 please. It says:

20 "Two men were wounded. Stokanovic had been shot in the lower  
21 right leg and Vujicic was hit by a bullet in the groin."

22 JUDGE MOLOTO: And you say whose statement is this?

23 MR. ROBSON: This is the statement of Velibor Trivicevic.

24 Q. First of all, Mr. Marinkovic, Velibor Trivicevic was somebody who  
25 was with you during the camp, wasn't he?

1 A. Yes.

2 Q. He's somebody that you know?

3 A. Yes; not just him, all 11 of them, those who are still alive.

4 Well, Gojko, Gojko is no longer among us.

5 Q. So where he says that Gojko Vujicic had been hit by a bullet in  
6 the groin, do you have any comment on that? Do you agree? Were you aware  
7 of that?

8 A. No. As for Stokanovic, yes, but not about Gojko.

9 Q. Okay. You've explained how, on the evening that Mr. Vujicic died,  
10 he'd been calling out, he'd been asking for water. Do you remember saying  
11 that?

12 A. Yes.

13 Q. And it's right, isn't it, that he was cursing, he was calling out  
14 curse words?

15 A. That's right.

16 Q. And it's right, isn't it, that he cursed God, he referred to God?

17 A. That's right.

18 Q. And it was at that point that you heard the rifle shot?

19 A. No, no. I'll explain that.

20 Everything is correct but this: Gojko asked for water. We all  
21 were asking for water. And he said, "Give me some water to drink. Fuck  
22 the sun and every planet. Get me some water to drink, and then you might  
23 as well finish me off." And then the Bosnian was off to fetch us some  
24 water and brought back urine, and then they were telling me, "That's not  
25 right, the bullet right away, immediately, no." But that's our

1 assumption, because the Mujahedin had told us when we had been captured,  
2 he translated this into English, and this Samac knew some English and then  
3 he translated it for us.

4 THE INTERPRETER: The interpreter did not understand what the  
5 witness said.

6 MR. ROBSON:

7 Q. But you'll agree with me -- well, earlier on you had agreed with  
8 me --

9 JUDGE MOLOTO: Sorry. The interpreter did not understand what the  
10 witness said.

11 JUDGE LATTANZI: [Interpretation] I would like to remind, for the  
12 French, that the translation into French is about 30 seconds, even a  
13 minute later, after the English.

14 MR. ROBSON: We'll slow down.

15 JUDGE MOLOTO: Let me just go back to that point.

16 [Trial Chamber and registrar confer]

17 JUDGE LATTANZI: [Interpretation] I would like to say that the  
18 French interpreters has just said what I already knew, actually; that is  
19 to say that they do not translate from B/C/S, they interpret from  
20 English. Therefore, first you have the B/C/S, then after the English  
21 interpretation, and finally only the French interpretation. I would like  
22 to remind everybody of this.

23 JUDGE MOLOTO: Thank you, Judge. I didn't know that.

24 Two points I just wanted to raise with you.

25 The witness had said -- the interpreter said he didn't hear what



1 the witness said, and the guidelines on that point you were raising are  
2 not silent, actually. If you look at paragraph 4 and paragraph 11. But  
3 you can do that in your spare time.

4 All I want to say is that they forbid you telling the witness the  
5 name of the witness whose statement you are putting to him. And I think  
6 you have told him already.

7 MR. ROBSON: Okay, Your Honour, I'll take that on board.

8 Q. Mr. Marinkovic, if we could go back to what you were just telling  
9 us, because the interpreter didn't catch the last part of your answer.

10 Could you explain again what the Mujahedin said when he heard  
11 Gojko Vujicic cursing?

12 A. It's not about what the Mujahedin said. How should I know what he  
13 said, the Mujahedin? Maybe he was saying some --

14 THE INTERPRETER: Interpreter's note, could the witness please be  
15 asked to remove his hand from his mouth, because we can't hear him. Thank  
16 you.

17 MR. ROBSON:

18 Q. Mr. Marinkovic, please, could you remove your hand from your  
19 mouth? The interpreters are asking you to do so. Thank you, thank you.

20 Just so I can clarify this before I move on: You agreed with me  
21 earlier that Gojko Vujicic had been cursing God; is that right?

22 A. The sun. He was cursing the sun, God, no matter.

23 Q. Okay. And then at some stage later, after he'd done so, there was  
24 the rifle shot, and you learned that he'd been killed?

25 A. No, not right away. No, no, no, not right. The shot -- first he

1 asked for water and this and that, and sometime later a rifle fired. We  
2 had no idea what had happened. And then he never showed up again. We  
3 didn't know what had occurred until the next morning.

4 Q. Okay, thank you, thank you. So that happened on the second night  
5 that you were in the camp. What I'd like to ask you about is: After that  
6 event took place, do you remember a tall Mujahedin coming and visiting you  
7 and the other men in your room?

8 A. Yes, yes, they came. That's true.

9 Q. It's right, isn't it, that he told you that you would not be  
10 subjected to any more beatings, but you all had to avoid swearing?

11 A. No, that's not quite what I said. We were captured and taken  
12 there, and then this Mujahedin came. I never said he was tall. Was he  
13 tall, was he not tall? He was quite stout, barely. He said this in  
14 English, and then Miodrag Samac told us what he had said, "No swearing, no  
15 F word. As soon as one of you utters the F word, heads will be rolling."  
16 I don't know if he said that or not. That's what we were told. This man  
17 just came over. He was big, Mujahedin. Yeah, Mujahedin, I suppose.

18 Q. Now, would you agree with me from that point onwards, after that  
19 Mujahedin had visited you, there was a turning point and your treatment at  
20 the camp improved?

21 A. It never really improved, if I may. If not, not -- roughly  
22 speaking, but it's just my take on it, there was the camp, and then they  
23 went to the front line -- or came back from the front line. We would hear  
24 them coming back. This would normally be about half past 2.00. A  
25 Mujahedin cried out -- I don't know what they said, and then everybody

1 went, "Allah Ekber." It was like a whole platoon of them coming back from  
2 somewhere, and then they would take us all out, all of us Chetniks, as  
3 they said, to have a look at us, and then they would round us up, line us  
4 up. They would spit at us. We were literally dripping with their drivel.

5 MR. ROBSON: Your Honours, I have a statement of another witness  
6 who was there. I'm not going to reveal the identity. But I would like  
7 the Court's permission to put that statement -- refer to that statement to  
8 this witness.

9 I'm not sure what sense the witness will make of it, though, if  
10 I'm not permitted to reveal the identity of the maker of the statement.

11 JUDGE MOLOTO: I'm sorry, I don't know. What has the statement  
12 got to do with the name or what has the name got to do with the content?

13 MR. ROBSON: Well, Your Honour, I can front this witness with the  
14 statement of the other witness who was there --

15 JUDGE MOLOTO: You can confront him with a statement without  
16 mentioning the name. The guidelines specifically say don't mention the  
17 name.

18 But before you do that, what do you want us to do with D449?

19 MR. ROBSON: Your Honour, I'm not proposing to admit it into  
20 evidence.

21 JUDGE MOLOTO: Okay, fine. Thank you very much.

22 MR. ROBSON:

23 Q. Mr. Marinkovic, let me put to you the statement made by one of the  
24 other men who was with you in the camp. What he says is that:

25 "During our stay in the Kamenica camp, there was a kind of turning

1 point regarding our treatment on the 26th of July, 1995. On that day, we  
2 were given the opportunity to take a shower."

3 So, Mr. Marinkovic, one of the men with you has said that on the  
4 26th of July, only a short while after you arrived there, there was a  
5 turning point in the treatment and you were permitted to take showers. Do  
6 you agree with that?

7 A. That's not true. May I explain what it was like concerning  
8 showers. I don't know what that witness said. Ask him. If you ask me  
9 about these showers, I can tell you.

10 Q. Well, you obviously don't agree with that witness. Would you  
11 agree with me that you were given food and water each day after the  
12 incident involving Mr. Vujicic?

13 A. Yes, that's true. We were given breakfast and dinner every day.  
14 We sometimes got green cabbage, and then sometimes some canned food, but  
15 there were no spoons, so we got some bread, each of us a little. And when  
16 the sediment came up, we would scoop that up with our hands.

17 As for showers, if you want me to, I can tell you about that, too.

18 Q. Let me ask you this, Mr. Marinkovic: It's right as well that  
19 following the incident involving Mr. Vujicic, Dr. Sikanic was given  
20 medical supplies so he could treat the injuries of the men in the room,  
21 wasn't he?

22 A. There's some truth to that. That was several days later.  
23 Stokanovic had a wound just below his knee, and Petko and the other guy  
24 had wire marks on their hand. That was several days later. This began to  
25 stink, and then they threw something into a sack, some bandages,

1 something. There were no other medicines, just some bandages to dress  
2 wounds, of course, that sort of thing.

3 Q. And is it right that Vinko Aksentic, one of the other men, had a  
4 wound on his hand, and Dr. Sikanic was able to treat that as well?

5 A. I don't know. It wasn't just Vinko Aksentic, it was Petko too.  
6 They had wounds from the wire. They had had their tendons sliced. Those  
7 were wounds. It wasn't just Stokanovic. There were two or three people  
8 with those wounds. But it's not much of a question. If he had been in a  
9 position to treat anyone, he probably would have treated everyone alike.

10 THE INTERPRETER: The interpreter did not understand the last part  
11 of the witness's answer.

12 MR. ROBSON:

13 Q. Mr. Marinkovic, the interpreter did not understand the last part  
14 of your answer. Could you just repeat the last part? You said that he  
15 probably would have treated everyone alike.

16 A. Yes, yes, right. Most probably, Vinko, wounds on his hands, but  
17 not just Vinko. Petko, Vinko and Stokan [phoen], they all had wounds, so  
18 he wouldn't simply have treated Vinko without treating the other two as  
19 well. That's what I said. He would have treated all three of them. He  
20 dressed their wounds, all three of them, yes, that's true, but it's not  
21 like he discriminated between them. It's just that he couldn't, he  
22 couldn't at all.

23 Q. And it's right to say, isn't it, that just before you left the  
24 camp and travelled to Zenica, in the day or so before, a Mujahedin came  
25 who was a doctor, and he worked with Dr. Sikanic to give treatment to the

1 men in the room?

2 A. I know someone brought that, a Mujahedin or a Bosnian, some nylon  
3 that evening, chucked it inside, "Doctor, Doctor," talked to him, "Right,  
4 all right, fair enough."

5 Q. Well, it's the case, isn't it, that the Mujahedin doctor worked  
6 with Dr. Sikanic to prepare bandages, and Dr. Sikanic prepared -- treated  
7 the men?

8 A. No, I didn't see that. Someone may have, but I didn't, and I was  
9 there.

10 MR. ROBSON: Your Honours, I don't have many more questions, but I  
11 think this would be a convenient time to take a break.

12 JUDGE MOLOTO: Indeed.

13 We'll take a break and come back at quarter to 6.00.

14 Court adjourned.

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

16 --- On resuming at 5.48 p.m.

17 JUDGE MOLOTO: Yes, Mr. Robson.

18 MR. ROBSON:

19 Q. Mr. Marinkovic, you told us how you were transported from the camp  
20 to Zenica. At the time that you were transported, were there any visible  
21 signs of mistreatment on either you or the other men who had been at the  
22 camp?

23 A. I know that I had traces of -- or signs of mistreatment. As for  
24 the others, they bore the signs of what was in the camp from wire and  
25 other things. But I did have visible signs.

1 Q. What I'm particularly interested in is whether there were any  
2 visible signs, say, on your face or perhaps hands.

3 A. Not on the face. On the legs, yes, but I did have the signs on my  
4 face where -- after I was hit by the soldier, by the rifle-butt, where the  
5 tooth broke through. And on the head, I explained. And then on the leg,  
6 I have still to this very day an open wound. That was from when they had  
7 to break the padlock with the hammer to release my legs from the bindings.

8 Q. Just to be clear about that, you say that you had a sign of an  
9 injury on your face, but concerning the other men, you can't say whether  
10 or not they had?

11 A. I cannot say. I saw the marks from the wire on Petko, Stokanovic  
12 and on Vinko, what I saw. As for other signs, I don't know.

13 Q. Okay. I'd like you to have a look at a document now. It's P2471.  
14 Can you read the heading of that document, Mr. Marinkovic? Can  
15 you see what it says? Would you agree with me this is a document dated  
16 the 28th of August, 1995, and it has the heading "Official Note"?

17 A. I don't know anything about this.

18 Q. Now, I don't expect you to have seen this document before, but if  
19 you look at the first paragraph --

20 A. No.

21 Q. -- can you see that this is an official note that was compiled on  
22 the 28th of August, 1995, with you, Krstan Marinkovic?

23 A. First of all, I don't see it all that well. It's too small.

24 MR. ROBSON: It's not a very clear copy. Perhaps a hard copy  
25 could be given to the witness.

1 JUDGE MOLOTO: If we could scroll down the English, please, and  
2 let's read.

3 MR. ROBSON:

4 Q. Can you make out the paper copy of the document I've given to you,  
5 Mr. Marinkovic?

6 A. It's small, but, yes, I will try. Can I read it?

7 Q. There's no need to read it out loud, but would you agree with me  
8 that in the note, what we can see is information that you provided to the  
9 person who interviewed you --

10 A. It says here "Krstan Marinkovic." I don't know who the person  
11 it's -- you have to tell me. I'm really finding it difficult to find my  
12 way around here. All I know is "Krstan Marinkovic." But as for the  
13 person that I'm supposed to be meeting with, then that, you have to see.

14 Q. Well, let's just see what information is recorded here. It says:  
15 "Compiled on 28th of August following an interview with Krstan  
16 Marinkovic."

17 It then gives some details: "Son of Petar and Mladja." Are they  
18 your parents' names?

19 A. Yes.

20 Q. It gives a date of birth, the 18th of January, 1947. Is that your  
21 date of birth?

22 A. Eighteenth of January, 1947, is my date of birth. That's the  
23 way -- and what it says here, the 18th of January, yes, it's fine.

24 Q. And then we can say -- we can see there are more details. It says  
25 that Marinkovic is married, the father of one, a farmer by occupation



1 who --

2 A. Correct.

3 Q. "Completed four grades of primary school."

4 A. Correct.

5 Q. "Permanently residing in Crkvena village"?

6 A. Correct.

7 Q. Are you happy that this document is talking about you?

8 A. Correct.

9 Q. And it's right, isn't it, that when -- once you arrived in KP Dom  
10 in Zenica, you were interviewed by a member -- members of the Bosnian  
11 Army; is that so?

12 A. Correct.

13 Q. And if we look further down the note, would you agree with me that  
14 here you provide information about your father, Petar, your wife, your  
15 daughter, you give information about the --

16 A. Most probably, all right.

17 Q. We can see there's information about your daughter's husband; is  
18 that so?

19 A. Yes.

20 Q. If we move down through the document on to page 2 in the English  
21 version, we can see there that you continue to talk about your family, and  
22 then you talk about a very rich Croat, Petar Sombrski, a person who had  
23 brought Muslims to work in his fields.

24 A. Yes. It's not correct that I said that. That is not correct. Go  
25 ahead, and I will tell you whether it is or not, but this is incorrect.

1 Q. Okay. Well, I don't think we need to dwell too long on that piece  
2 of information, but you would agree with me that in the document, you then  
3 go on to explain to the interviewer about how you were assigned to your  
4 platoon, and you give military information about your unit; is that so,  
5 Mr. Marinkovic?

6 A. No, no, this is not correct. It's not correct that Petar Sombrski  
7 brought Muslims to work at his place. I said that that is not correct.

8 JUDGE MOLOTO: Has the witness accepted that this is information  
9 provided by him or this is just information from this document? I keep  
10 hearing you saying, "You provided this," "You said this to the  
11 interviewer."

12 MR. ROBSON:

13 Q. Mr. Marinkovic, from what you've seen from the document, and  
14 please feel free to look through it further, if necessary, there's a lot  
15 of detailed information in that document about you and your family  
16 members. Do you agree with me?

17 A. I agree that he asked me who I had, brothers, Radivoje, father,  
18 mother, I agree with that.

19 Q. And you would agree that in this document, we can see that  
20 somebody has recorded information about your family, your father, mother,  
21 daughters, et cetera?

22 A. I don't know that, I don't know.

23 Q. Well, would you -- well, you have the document in front of you.  
24 It's true, isn't it, that the document contains information about --  
25 detailed information about your family members; you agree?

1 A. Yes, I agree.

2 Q. So do you agree with me that the reason that the person that  
3 prepared this document was able to write down that detailed information  
4 about you and your family members was because you provided that  
5 information to him?

6 A. Believe me that I don't know that. I mean, who could that be?  
7 It's probably the person that I provided it to did that. Everything  
8 else -- everything about my family and everything is correct, but what it  
9 says about Petar Sombrski, that is something that is incorrect. I don't  
10 know about that.

11 Q. Okay. You agree that you were interviewed whilst you were  
12 detained in Zenica?

13 A. Most probably, most probably.

14 Q. And would you agree with me that when you were interviewed, the  
15 person interviewing you, or persons interviewing you, made a note of the  
16 information you provided?

17 A. How can I know what they were doing? How could I know that?

18 Q. Okay. Well, perhaps you could know that because now, in front of  
19 us, there is a document containing very detailed information that says  
20 that an interview took place on the 28th of August, 1995.

21 A. Cannot know what date it was.

22 Q. I'm going to ask you to look at a specific part of this document.

23 If we can turn to page 3 in the English version, I'll just try and  
24 ascertain what it is in the B/C/S version.

25 Mr. Marinkovic, if you could take the document in front of you --

1 I apologise for this, Your Honour. This is our only copy. Could the  
2 usher please return it to us? I think that will be the quickest way to  
3 deal with this point.

4 We've located it. If the document could please be returned to the  
5 witness. And in the English version on page 3, it's the text -- it's just  
6 below the halfway section, and it concerns the Mujahedin.

7 Mr. Marinkovic, could you just read that last page to yourself and  
8 try and identify the section that talks about the Mujahedin?

9 A. I'm not particularly proficient at reading, anyway, but I'll just  
10 take it slowly and see how far I get. Am I supposed to read this out loud  
11 or --

12 Q. If you can read it, you can read it out. What I'm interested in  
13 is the -- it's the part that begins: "In his statement, the interviewed  
14 person said he did not know that they had been attacked by the  
15 Mujahedin." Do you see that section?

16 A. In my statement -- ah, right.

17 Q. Perhaps I should read it to you, Mr. Marinkovic. It says --

18 A. Sure.

19 Q. "In his statement, the interviewed person said he did not know  
20 that they had been attacked by the Mujahedin. Otherwise, he would have  
21 not surrendered, because they were told, after the 27 May 1995 operation  
22 that the Mujahedin have no mercy and that they kill, do not take  
23 prisoners. He said that the survivors of the operation told him harrowing  
24 stories, but he says that he sees that he was lucky and the stories are  
25 not completely true."

1 Do you see that?

2 A. First of all, I find this a little unclear. It is like not clear.

3 Q. Could you please answer the question? Do you see the section in  
4 your text that I've just read out to you?

5 A. I did see it, yes.

6 Q. Would you agree with me, then, that what you told the interviewer  
7 on that day was, in effect, that you'd heard bad things about the  
8 Mujahedin, but the reality was that the Mujahedin were not so bad as you  
9 had been led to believe? Is that fair to say?

10 A. No, not true. I have nothing to do with this. This is not true.

11 Q. And would you agree with me -- you've just read the section  
12 relating to the Mujahedin, you've had a chance to look at this document.  
13 There is no other information about the Mujahedin in this document, is  
14 there?

15 A. I can't read this, to begin with. I don't know, but I'm listening  
16 to you and your questions, and I can only tell you that I don't quite  
17 understand this and I don't understand this question. About me hearing  
18 bad words and this not being that way, I didn't say that. That was  
19 added. I don't know. Nor did I provide this sort of information anywhere  
20 ever, what the Mujahedin were like, nothing to do with that.

21 Q. But you would agree with me or you would take it from me that this  
22 is the only reference to the Mujahedin in this document in which you've  
23 provided detailed -- detailed information has been provided about you and  
24 your family?

25 A. I don't know about this document, and I've got nothing to do with

1 it, believe me. I don't remember this. I don't know that anyone ever  
2 asked me that question.

3 Q. Thank you, Mr. Marinkovic. The final point, if I may, you'll  
4 recall earlier on today you were shown three photographs showing damaged  
5 houses. Do you recall that?

6 A. Yes.

7 Q. Would you agree with me that what we saw in those photographs,  
8 those types of houses, damaged, with two chimneys, were a common sight in  
9 that part of Bosnia and Herzegovina?

10 A. Yes.

11 Q. You could see those sort of houses in many different places?

12 A. That is true.

13 MR. ROBSON: Thank you very much, Mr. Marinkovic. I have no  
14 further questions for you.

15 THE WITNESS: [Interpretation] Thank you, too.

16 MR. ROBSON: Your Honours, before I sit down, please, could that  
17 last document be tendered into evidence.

18 JUDGE MOLOTO: The document P2471 is admitted into evidence. May  
19 it please be given an exhibit number.

20 THE REGISTRAR: Your Honours, this will be Exhibit Number 545.

21 JUDGE MOLOTO: Thank you very much.

22 And Mr. Wood.

23 MR. WOOD: The Prosecution has no further questions, Your Honour.

24 JUDGE MOLOTO: Thank you.

25 Judge.

1 JUDGE LATTANZI: Yes.

2 Questioned by the Court:

3 JUDGE LATTANZI: [Interpretation] Witness, please, could you tell  
4 us how the Bosnian soldier, the one you called a Bosnian soldier when you  
5 were captured, the one that was with the two others which you called the  
6 two Mujahedins, so could you tell us how the Bosnian soldier was dressed,  
7 if you remember?

8 A. I'm sorry, I can't. I didn't look closely. All three of them  
9 wore uniforms, the camouflage uniform, the olive drab one, that sort of  
10 thing.

11 JUDGE LATTANZI: [Interpretation] But all three were dressed in  
12 uniforms?

13 A. Sure.

14 JUDGE LATTANZI: [Interpretation] What about the soldiers who were  
15 going in and out, off and on, in the house where you were in Gostovici; do  
16 you remember how those soldiers were dressed, the ones you called Bosnian  
17 soldiers?

18 A. Yes. The Bosnian soldiers wore camouflage uniforms. The  
19 Mujahedin, I don't know what they wear when they go into action. But when  
20 they were there, they would drape themselves in something and wear  
21 slippers and something, I don't know, like a skirt or something. It  
22 certainly was no uniform.

23 JUDGE LATTANZI: [Interpretation] Thank you.

24 JUDGE HARHOFF: Thank you, Mr. Marinkovic.

25 This case, as you will understand, has to do with the activities

1 of the Mujahedin, and so I have a question regarding some of the  
2 activities which you have not testified about.

3 My question is: Do you recall if the Mujahedin came to register  
4 you when you had been taken prisoner?

5 A. No.

6 JUDGE HARHOFF: Does that mean that you don't recall or does it  
7 mean that you know for sure that you were not registered?

8 A. Either we weren't registered or I don't remember. But as far as I  
9 know, we were not.

10 JUDGE HARHOFF: Proper registration would have been if someone had  
11 come to you and asked for your name and your rank, and the --

12 A. I think it was the Bosnians then, not the Mujahedin. How could we  
13 possibly have understood them, how? If he, for example, asked me -- no,  
14 no, I don't remember that. Maybe in the presence of a Bosnian, but the  
15 Mujahedin, no.

16 JUDGE HARHOFF: Fair enough. So a Bosnian soldier then came to  
17 register you, is that -- but do you recall giving your name and your date  
18 of birth and your rank to anybody after you'd been taken prisoner?

19 A. Well, most probably, we had to be listed, but I think it was the  
20 Bosnians who did that. How could we possibly have communicated with the  
21 Mujahedin? There had to be some sort of a list, but ...

22 JUDGE HARHOFF: Very well. When you were then transferred from  
23 the Kamenica camp to Zenica, were you then in some way exchanged later on  
24 with other prisoners or ...

25 A. I left on the 23rd, 24th of August for Zenica, and I left Zenica



1 on the 25th. On the 25th, I arrived home, December.

2 JUDGE HARHOFF: So you sat for four months or so in Zenica?

3 A. Yes, I suppose. The front line, Gostovici, Zenica. A total of  
4 just under six months, I believe. Actually, I left home on the 30th of  
5 June, and I was back home on the 25th of December, 1995. Five days under  
6 six months, according to my simple calculation.

7 JUDGE HARHOFF: After the war had ended, you were released.

8 A. Yes, that's right. The 21st of November, at Zenica, there was a  
9 "tanoj" [phoen] and it was announced over the "tanoj" that the Dayton  
10 Accord had been signed, so we knew about that. But again --

11 JUDGE HARHOFF: But the aspect that I'm interested in, if you  
12 know, that is, how the transfer from the Kamenica camp was arranged to  
13 Zenica. You were held by the Mujahedin in the Kamenica camp, and then you  
14 were transferred to the Bosnian Army's detention centre in Zenica. Do you  
15 know how this transfer was made, how it was arranged?

16 A. I said that, didn't I, but I'll repeat. On the 24th, the  
17 afternoon of the 24th at Gostovici, we were taken out and chained.  
18 Someone blindfolded us. And then from there, we got to Zenica.

19 JUDGE HARHOFF: I understand how it happened, but what I'm asking  
20 is if you know the arrangements that were made between the El Mujahid  
21 Detachment and the Bosnian Army.

22 A. No, no, I don't know about that, no, no. I don't.

23 JUDGE HARHOFF: I have no further questions.

24 JUDGE MOLOTO: Thank you, Judge.

25 JUDGE HARHOFF: Except --

1 JUDGE MOLOTO: Sorry, go ahead.

2 JUDGE HARHOFF: No. I just wish to express our compassion with  
3 the suffering that you have endured. Thank you.

4 JUDGE MOLOTO: Mr. Marinkovic, just a few questions.

5 When you were in the trench on the 21st of July, 1995, against  
6 which army were your units fighting?

7 A. I don't know that, either. Most probably -- I don't know. I find  
8 the question unclear. I was on one side, then most probably that belongs  
9 to the Serb Republic, and these other guys, the Federation or something.  
10 Which army was there? I do know that. The Bosnian Army and the  
11 Mujahedin.

12 JUDGE MOLOTO: Okay. It was the Bosnian Army and the Mujahedin  
13 that was there. Okay, thank you very much.

14 You may find the next one perhaps still unclear.

15 You've talked about soldiers being in uniform when you were  
16 somewhere in a house. Do you know which army those uniforms belonged to?  
17 Of which army were those uniforms, if you do know?

18 A. You know something, it was difficult to tell uniforms at the  
19 time. Was it olive drab, as back in Tito's time, the camouflage? The one  
20 or the other. Who on earth could have known what belonged to who. No,  
21 no.

22 JUDGE MOLOTO: You say you don't know. Thank you very much, sir.

23 A. I don't know.

24 JUDGE MOLOTO: You kept on saying, during cross-examination by  
25 Mr. Robson, that, "If you want me to tell you about showers, I can tell

1     you." I would like to hear about showers.

2           A.    Are you asking me?

3                    JUDGE MOLOTO:  Yes, sir.

4           A.    Say, for example, the story about washing up, we were in a chain  
5    from Gostovici down a road, across that road, went down a riverbank,  
6    crossed some river. I think it was called -- I'm not sure what. I used  
7    to know what it was called. It's full of pebbles and stones, large  
8    stones. It's not very deep. Line us up next to the river, and then face  
9    down into the water, chained up. We go back, we dry up. It takes us  
10   until next Thursday to dry. We have chains on our feet. And we were like  
11   that all the way to Zenica. Every time we went to that river to wash, we  
12   always had to dry like that, no changing clothes, no nothing. So much for  
13   the showers.

14                   JUDGE MOLOTO:  Finally, and that is if you so wish, and if you  
15   don't wish, I'm quite prepared to back off, would you be prepared to show  
16   us the wound on your foot?

17           A.    Yes, yes, I am prepared.

18                    JUDGE MOLOTO:  Please do so.

19           A.    How will I do that? Can you see it? Do I take a photo of it and  
20   leave a photo behind when I leave?

21                    JUDGE MOLOTO:  Thank you very much.

22                    Any questions on the questions -- arising from the questions from  
23   the Bench?

24                    MR. WOOD:  Just one question arising from some of the questions  
25   put by Judge Harhoff. I think the record might be a little unclear.

1 Re-examination by Mr. Wood:

2 Q. At page 74, line 2, and again at line 9, Mr. Marinkovic, you say:

3 "It was the Bosnians who came to register us. If we were  
4 registered, it was the Bosnians who did it."

5 I just want to make clear, from that answer -- it might not be  
6 that clear. Were you, in fact, ever registered during your --

7 A. There is no way I can know, before Zenica. Perhaps we were. But  
8 I know about when we got to Zenica, the evening we arrived, one by one,  
9 into the office. I didn't even say, "Good evening." There was a man at  
10 the door, "Good evening, good evening," all right, then going back, "Good  
11 evening," listed, registered. And over there, I don't know. It's  
12 possible, but I don't know for sure. Maybe not.

13 MR. WOOD: That's the only question I had, Your Honour.

14 JUDGE MOLOTO: Thank you very much.

15 Mr. Robson.

16 MR. ROBSON: Just one issue, Your Honour.

17 Further cross-examination by Mr. Robson:

18 Q. Mr. Marinkovic, in response to Judge Lattanzi's question when she  
19 asked you about soldiers going in and out of the house, you said the  
20 Bosnian soldiers -- that the Bosnian soldiers wore camouflage uniform.  
21 Now, as I understand -- as I understood your evidence earlier on, you  
22 didn't really have the opportunity to look at these Bosnian -- these men  
23 you call Bosnian soldiers in any detail, did you?

24 A. You're not right. We had to keep our heads down, but then the  
25 Bosnians were right next to us. For example, their military boots, they

1 would step on everyone's toes with those boots. Well, I do see the  
2 trousers and uniform, don't I, stepping on everyone's toes,  
3 saying, "Anyone for a punch-up with me?" Well, of course, I stole a  
4 glimpse now and then. I wasn't supposed to, of course, but I did all the  
5 same.

6 Q. And these men you've referred to as soldiers were wearing  
7 different types of uniforms?

8 A. Yes, yes.

9 Q. You had to keep your head down?

10 A. Yes.

11 Q. You didn't see any insignia on them?

12 A. No, we didn't, because then you have to look up. But still  
13 there's this man standing right next to you, you keep your head down, you  
14 see him to some extent. But if you look up, no, no, I didn't do that.

15 MR. ROBSON: Okay, thank you.

16 No further questions.

17 JUDGE MOLOTO: Thank you.

18 Mr. Marinkovic, this concludes your testimony, and we take the  
19 time to say thank you to you very much for coming to testify. You are now  
20 excused, and you may stand down. But before you do so, we just want to  
21 express our hope that your wound does heal finally. I know it's been a  
22 long time, but let's hope it does for you.

23 You may now stand down. Thank you so much.

24 MR. MUNDIS: Mr. President, perhaps before the witness leaves, if  
25 he could be cautioned. There's a possibility that another witness might

1 be staying at the same hotel with this witness.

2 JUDGE MOLOTO: Okay.

3 Sir, I don't know whether you do know the next witness that is  
4 going to be called and whether you stayed in the same hotel. We caution  
5 you to please not discuss this case with that witness.

6 Yes, Madam Vidovic. Just a second.

7 MS. VIDOVIC: [Interpretation] Your Honours, I understand. I  
8 understand my colleague's concern, but we remain adamant that this witness  
9 not stay at the same hotel. It's totally meaningless -- it's pointless to  
10 keep them both at the same hotel, risking the possibility that they might,  
11 in fact, discuss the case.

12 THE WITNESS: [Interpretation] Can I be allowed to ask the Chamber  
13 a single question? May I?

14 Say, for example, this man was with me at the camp from day one,  
15 we're together there, right, how could I possibly affect him, how could he  
16 possibly affect me? We spent those six months together. I don't see what  
17 difference it makes. There is absolutely no logic to this. This is an  
18 educated person. I'm, you know, salt of the earth, four grades of  
19 elementary school. But there is absolutely no need for me. I don't get  
20 it. But if it's a problem, well, I can understand that, too.

21 JUDGE MOLOTO: Okay. We understand what you are saying. All  
22 we're saying is, from your side, if you can keep your side of the bargain  
23 and not talk to him.

24 And while you are there, Madam Vidovic, the question of the same  
25 hotel was raised by me for the first time, and I said, if I may quote

1 myself, "I don't know whether you do know the next witness that is going  
2 to be called and whether you stay in the same hotel." I don't know  
3 whether they do, ma'am, and unfortunately the arrangements of where  
4 witnesses stay is beyond this Chamber. I have not been able to -- I don't  
5 know how I can come to your rescue there, except from what I've just said  
6 to the witness. I don't know whether they stay in the same hotel. They  
7 may not be staying in the same hotel.

8 So thank you very much, Mr. Marinkovic. You may stand down. And  
9 have a pleasant journey back home.

10 THE WITNESS: [Interpretation] Thank you. You, too.

11 [The witness withdrew]

12 JUDGE MOLOTO: Mr. Mundis.

13 MR. MUNDIS: Your Honours, the Prosecution does not have any  
14 further witnesses for today. The witness scheduled to appear tomorrow  
15 will be made available tomorrow, and we anticipate that his evidence will  
16 take one full day and that we will be able to complete his evidence during  
17 the course of the day tomorrow.

18 JUDGE MOLOTO: Very well, then.

19 Court adjourned to tomorrow at quarter past 2.00 in the same  
20 courtroom. Court adjourned.

21 Sorry, Mr. Robson.

22 MR. ROBSON: Your Honours, if I could just raise two issues.

23 The first issue, perhaps I can deal with briefly.

24 There's no disrespect meant to the Bench, but the Defence just  
25 wishes to raise a slight concern about the way in which compassion is

1 expressed to the witness.

2 We appreciate, of course, that we're dealing with an emotive  
3 subject today, and obviously the witness spoke powerful evidence, but it  
4 could be said there may be a perception that perhaps the Bench -- I'm sure  
5 there isn't, but there could be said that there is a conception that the  
6 Bench has somehow pre -- made a pre-judgement as to the credibility of the  
7 witness. I'm not saying that you have, but the perception may be there,  
8 and hence we're just raising that. We feel it's our duty to do so.

9 JUDGE HARHOFF: May I respond?

10 MR. ROBSON: Please do.

11 JUDGE HARHOFF: I was the one who expressed the compassion, and I  
12 did it upon careful consideration, because I believe that in all cases,  
13 not only this trial but in all of the trials here, the witnesses who have  
14 also become -- or who were also victims are, in most cases, showing  
15 enormous efforts to come here and tell their stories again. It is a very  
16 exhausting and a huge sacrifice for most of them, and I feel that if the  
17 Tribunal doesn't in some way express some sort of feeling about what they  
18 have been through and acknowledge the courage they had to come and  
19 testify, then I think that the Tribunal would not be meeting its task in a  
20 satisfactory way altogether.

21 I find that it is really important for the Bench to show, not only  
22 in this trial but in all the trials, that we see the pain that they have  
23 been through, we feel compassion with them, and this, in my view, does not  
24 in any way express any sort of prejudicial attitude. It is simply meant  
25 out of respect from one man to another that I realise that he has been



1 through a lot of pain and he has taken the courage to come and explain  
2 this to me.

3 This is a very ethical issue, and I think not only that I will do  
4 it but I should do it.

5 MR. ROBSON: Your Honour, certainly no criticism is intended. I'm  
6 talking a perception. I'm not suggesting that the Bench has in any way,  
7 shape, or form made any pre-judgement, and I do appreciate the explanation  
8 that you've given, which certainly has set out your reasons in saying what  
9 you did to the witness.

10 JUDGE MOLOTO: Just to -- I also want to assert myself, because I  
11 also said something along those lines. I asked him to show his wound and  
12 I wished him recovery. But I just want to say, in addition to what Judge  
13 Harhoff has said, the fact of injuries is not a disputed fact in this  
14 case, is it? You didn't dispute it, you didn't dispute that he was  
15 injured. All you're saying is the accused is not to blame for that.  
16 That's what you are saying. I haven't heard this to be a disputed thing,  
17 so I'm not quite sure how pre-judging, even as a perception, begins to  
18 enter the picture.

19 However, I understand that that's your view, and I just want to  
20 say that it was a comment on an issue that is not disputed and it is said  
21 in the light of what Judge Harhoff has said, just like when the accused  
22 takes the witness stand or anybody takes the witness stand for the  
23 Defence, we've got to show that respect to them. We've got to show that  
24 compassion to both sides, and if any Defence witness comes in here and  
25 says, "They shot me," or what have you, the opposite side, we've got to

1 show that compassion.

2 MR. ROBSON: I appreciate that, Your Honour, and I'm grateful for  
3 the explanation that's been given. I wonder, however, if I could raise a  
4 second point. Again, I'll do so quickly.

5 It comes back to a procedural matter that arose during the course  
6 of the cross-examination, the issue of putting witness statements made by  
7 another witness to the witness who's testifying.

8 Your Honours, I've checked the guidelines, and it would appear to  
9 me that paragraph 4 -- paragraph 11 of the guidelines relates specifically  
10 to a situation where a party put witness testimony given by another  
11 witness in either the same case or a different case to the witness who's  
12 testifying in court and not witness statements.

13 The point that I would make is that if you have a person who sets  
14 down in writing their point of view on a particular issue, if they put it  
15 in a letter, then that letter could be shown to the witness without any  
16 problems. It would be the same thing if they wrote it down in a diary.  
17 That diary could be presented to the witness who's testifying in court  
18 without any difficulties.

19 However, because the witness has sat with an OTP investigator and  
20 they have put down that witness's statement onto a piece of paper, somehow  
21 it seems that what we've discussed today, that would prevent that witness  
22 statement being put to the other testifying witness, and in my submission  
23 that somehow doesn't quite make sense.

24 In the case of where a witness has sat down with an OTP  
25 investigator, they've done so having been warned of the risks of perjury

1 and that there could be serious consequences for not telling the truth, so  
2 in essence I would suggest that an OTP witness statement could be more  
3 valuable than something that's been reduced into writing in a letter, or a  
4 diary, or any other type of document. So based on the guidelines and  
5 based on what I've just mentioned, in my submission, Your Honours, I'd  
6 hoped that we would be able to put the witness statements of other  
7 witnesses to a witness who's testifying before us in court.

8 JUDGE MOLOTO: Let's read the part out.

9 THE INTERPRETER: Microphone, please, Your Honour.

10 JUDGE MOLOTO: Sorry. The parties are requested to avoid  
11 interpreting or paraphrasing what a witness has previously either stated  
12 or testified. The Trial Chamber considered that such interpreting of  
13 paraphrasing increases the risk of mis-characterising the prior statement  
14 or testimony. So it does deal with both, both statement and testimony. I  
15 thought you said -- in the beginning, you said that paragraph 4 and 11 do  
16 not deal with statement, they deal with testimony only.

17 MR. ROBSON: Your Honour, as I understand paragraph 4, it's  
18 dealing with misinterpretation or mis-paraphrasing what's contained in a  
19 statement or testimony. Therefore, I absolutely agree that if a witness  
20 statement is put to a witness who's testifying, it should state exactly  
21 what's written on the paper. It shouldn't mischaracterise it.

22 JUDGE MOLOTO: That's right. Paragraph 11 regulates that "don't  
23 tell him who this witness statement -- who the author of the other  
24 statement is."

25 MR. ROBSON: The difference with paragraph 11, Your Honour, with

1 respect, is that it only talks about testimony, so we would say that we  
2 would draw a distinction between a witness statement and testimony.  
3 Paragraph 11 contains the prohibition on confronting a witness with the  
4 testimony of another witness. It's silent as to a witness statement.

5 JUDGE MOLOTO: I hear your point.

6 JUDGE HARHOFF: Can I throw in something here?

7 It was actually Judge Lattanzi who drew my attention to it, and  
8 maybe she should take the floor here, but to show a witness who has  
9 testified already and will no longer testify here what other witnesses  
10 have testified is probably permissible, but it is complicated, to say the  
11 least, to show a witness who is currently testifying what other witnesses  
12 who will be called are going to testify about.

13 MR. ROBSON: In the -- with respect to one of the witness  
14 statements that I was seeking to confront this witness with, it was indeed  
15 a witness who will testify in the near future. But putting that to one  
16 side, with the other statement --

17 JUDGE MOLOTO: Is he a Defence witness?

18 MR. ROBSON: No, no. He's a Prosecution witness.

19 JUDGE MOLOTO: So you are not certain whether he may testify?

20 MR. ROBSON: Well, he may not, indeed, absolutely.

21 MR. MUNDIS: Just sorry to interrupt, but for purpose of  
22 clarification, with respect to Witness Trivicevic, he's testifying  
23 tomorrow. That's tomorrow's witness.

24 JUDGE MOLOTO: Fair enough. But for purposes of the discussion, a  
25 witness who has yet to testify, you may not testify -- even now you might

1       decide to withdraw him. That's all we are saying.

2               MR. ROBSON: In respect of one of the other witness statements  
3       that I was seeking to confront the witness with, he's not a witness in  
4       this case.

5               What I would also add is that I've spoken to other Defence counsel  
6       on other cases about this particular issue, and it seems there is a split  
7       practice in the Tribunal. And what I can tell you is that from my -- from  
8       speaking to Defence counsel in the Haradinaj case and the Boskoski case,  
9       in respect of those cases, certainly witness statements made by other  
10      witnesses who may or may not testify in the case are put to witnesses who  
11      are currently testifying in court as a matter of course. It happens with  
12      great regularity.

13              So essentially all I'm really inviting the Trial Chamber to do is  
14      really follow the practice that many of the -- well, that other Trial  
15      Chambers follow.

16              JUDGE MOLOTO: Well, I'm not quite sure whether we are bound by  
17      the practice of other Trial Chambers. Maybe parties might want to prepare  
18      submissions on the point, and we'll look at them and may decide whether or  
19      not to amend the guidelines. Wouldn't that be a neater way of dealing  
20      with the matter?

21              MR. ROBSON: I'd certainly be happy to take that course of action.

22              JUDGE MOLOTO: Thank you very much. Let's leave it on that basis.

23              Thank you very much.

24              Any other matter? Thank you very much.

25              Then that brings us to the end of the day. We'll adjourn until

1 tomorrow at quarter past 2.00 in the same court.

2 Court adjourned.

3 --- Whereupon the hearing adjourned at 6.43 p.m.,  
4 to be reconvened on Thursday, the 4th day of  
5 October, 2007, at 2.15 p.m.

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