

1 Wednesday, 9 October 2002

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.30 a.m.

5 JUDGE AGIUS: [Microphone not activated] My apologies to all of
6 you. It was an unexpected commitment that I had to deal with.

7 THE INTERPRETER: Microphone, please.

8 JUDGE AGIUS: So any preliminaries before we bring the witness in?
9 All right. So please, Madam Registrar, could you call the case, please?

10 THE REGISTRAR: Yes, Your Honour, this is case number IT-99-36-T,
11 the Prosecutor versus Radoslav Brdjanin.

12 JUDGE AGIUS: Thank you. Mr. Brdjanin, can you hear me in a
13 language that you can understand?

14 THE ACCUSED BRDJANIN: [Interpretation] Good morning. I hear and I
15 understand.

16 JUDGE AGIUS: Thank you and good morning to you. Appearances for
17 the Prosecution?

18 MS. RICHTEROVA: Good morning, Anna Richterova and Ann Sutherland
19 for the Prosecution, assisted by Denise Gustin.

20 JUDGE AGIUS: Good morning to you.

21 Appearances for accused Brdjanin.

22 MR. ACKERMAN: Good morning, Your Honours. I'm John Ackerman
23 along with my colleagues Milan Trbojevic and Marela Jevtovic.

24 JUDGE AGIUS: Just for the record. I have not yet received any
25 communication from Mr. Rohde regarding the matter raised by the Defence

1 and that is why I have not mentioned it again. As soon as I am -- I
2 receive the memo, then we will discuss the matter or we will act upon it,
3 if necessary.

4 So Mr. Usher, we ask you to bring the witness in, please.

5 [The witness entered court]

6 WITNESS: SAMIR DEDIC [Resumed]

7 [Witness answered through interpreter]

8 JUDGE AGIUS: Good morning to you, Mr. Dedic.

9 THE WITNESS: [Interpretation] Good morning.

10 JUDGE AGIUS: I apologise to you on behalf of the Tribunal for
11 starting late or bringing you late in this courtroom. It was an urgent
12 matter that I had to personally -- personal urgent matter that I had to it
13 attend to and that is the reason. Before we continue with your testimony
14 it, may I ask you to repeat the solemn declaration that you entered
15 yesterday, please? Thank you.

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

18 JUDGE AGIUS: I thank you. You may sit down. Ms. Sutherland will
19 be proceeding with her examination-in-chief which shouldn't last long and
20 then it will be followed by the cross-examination. Ms. Sutherland.

21 MS. SUTHERLAND: Thank you, Your Honour.

22 Examined by Ms. Sutherland: [Continued]:

23 Q. Mr. Dedic, I want to go briefly back to an area I asked you
24 questions about yesterday. You described your detention in the Nikola
25 Mackic elementary school. When you entered the school, what if anything

1 did you see on the walls?

2 A. I saw that the walls were covered with blood and the floor as
3 well. That was the first thing I noticed.

4 Q. I asked you yesterday whether you'd been questioned, and this is
5 at LiveNote page 80 and you answered as to how they would take someone for
6 questioning and that they wanted people to confess things. You then said
7 many people had to confess because of the torture and mistreatment. Can
8 you please tell Their Honours what happened to you during your
9 questioning?

10 A. Yes, I can. These were their usual questions about weapons. They
11 asked about things I didn't know about, how many rifles there were in the
12 village, who fired at -- and so on. First of all, he asked me when I was
13 born and then when I said it was in 1974, he said I was the youngest
14 butcher from that village of mine, Crljeni and up until that time I didn't
15 even kill a chicken, so it wasn't clear to me this question, it was
16 frightening to me. I didn't know what to say. Then I was brought into a
17 room. This is where the inspector was and they repeated the same
18 questions. If I had a rifle, who had weapons, but this was accompanied by
19 torture, by beatings. They would hit me on the legs, on my head. I
20 received a very powerful blow to the back of my head and to this day I
21 have problems with that. I have headaches. So this didn't last too
22 long. And then I was returned to the hole again.

23 Q. What were they hitting you with?

24 A. Soldiers' boots, batons, with their fists. Whatever they would
25 hit me with.

1 Q. Now, moving on it to the Sitnica elementary school, yesterday you
2 told the Court were you detained there for six or seven days. And that's
3 at LiveNote page 81. Were you ever told during these six or seven days
4 why you were being detained?

5 A. No. They didn't tell me personally. There was a lot of
6 uncertainty, waiting. Nobody said anything. And then on that last day
7 that we were there, they just told us that we were going to be exchanged
8 for some Serb soldiers, but this was just a trick in order to give us a
9 little morale, but actually, the trip was completely different. We were
10 being taken to the Manjaca camp.

11 Q. How did you -- how were you taken to the Manjaca camp?

12 A. It was a very difficult trip. They brought us out of that
13 school. They lined us up on the asphalt road and this took quite a
14 while. There was mistreatment by the soldiers and also the villagers from
15 that village, they all gathered there and they were throwing stones, and
16 it was incredibly awful. Then they ordered us to go. It was a large
17 group of people, over 350 persons. We were surrounded by their soldiers
18 and policemen. We had to keep our hands always behind our backs and we
19 set out on foot for Manjaca. That morning we didn't get anything to eat.
20 We started out along forest roads and it was very strenuous. As we were
21 walking through their villages, all the villagers would come out and
22 insult us, curse us, call us balijas. It was the first time that I had
23 heard that word. I didn't know what it meant. And they also threw
24 stones. When we came through the woods, whoever was in front of us, we
25 had to place our hands on the shoulders of the person in front of us so it

1 was impossible to walk. People lost their shoes, their boots, whatever it
2 was that they had on their feet. So that at the end of the trip, many
3 people were without footwear and their feet were bloody from the stones.
4 It was quite hot so that many people fainted during the trip. They
5 ordered then that other people who were still on their feet, who were
6 still walking, should carry these people who had fainted, and it was
7 really terrible. Then we reached Dobrnja -- I think that's what the
8 place was called, near Manjaca where their soldiers were stationed and
9 that was the worst part to pass. They stopped the convoy, the soldiers,
10 there were quite a few of them, and they simply wouldn't let us pass.
11 They wanted to get their knives out to cut our throats, to kill. So the
12 police officers who were escorting us started to fire into the air and
13 only then did we manage to pass that point, pass those soldiers.

14 And then at around 4.00, we reached the Manjaca concentration
15 camp.

16 Q. What time did you leave Sitnica?

17 A. Well, I wasn't -- I'm not exactly sure about the time but it was
18 early, maybe it was 10.00, 10.30.

19 Q. Did you take the route that one would have normally travelled
20 from Sitnica to Manjaca?

21 A. No. I took that road maybe once or twice on my way to Banja
22 Luka. For a part of the trip we were walking on asphalt roads but
23 the rest of the trip or most of the trip we took forest paths or roads and
24 it was very strenuous and it was a road that I had never taken before.

25 Q. What was the distance between Sitnica and Manjaca, if you know?

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1 A. Later, in the stable where we were placed, we discussed this
2 amongst ourselves. There were some older colleagues who worked before the
3 war so it was -- they estimated that it was between 35 and 40 kilometres,
4 but I'm not sure. This is what I heard.

5 Q. Besides yourself, how many other underage persons were amongst
6 you?

7 A. When I was released, another five or six people were released with
8 me of my age, but according to my estimate, there were about 15 of us who
9 were detained in the camp.

10 Q. So there was approximately 15 young men with you on the trip. Do
11 you know where they were from?

12 A. I know about two persons who were released with me. They were
13 from a village.

14 THE INTERPRETER: The interpreter didn't get the name.

15 A. One of them was not 16 yet and the other one was the same age as
16 me but we were not allowed to go around all the different stables and talk
17 amongst ourselves.

18 MS. SUTHERLAND:

19 Q. I'm sorry, can you just repeat what village they were from?

20 A. About the two persons, I can say. They were from the village of
21 Crljeni and they were released together with me.

22 Q. Were there any elderly people on the trip between Sitnica and
23 Manjaca?

24 A. Are you talking about the others? They were also from the
25 municipality of Kljuc.

1 Q. Approximately how many elderly people were there in the convoy of
2 350?

3 A. There were a few, there were quite a few, quite a few people who
4 were over 50 [Realtime transcript read in error "350"] and there were also
5 from 15 to 20 people who were over 60, perhaps even more. There were
6 people who were not able to walk. They couldn't walk for more than one
7 kilometre.

8 Q. I think you testified a moment ago that those people, the others
9 had to carry; is that correct?

10 A. Yes. This is quite true. Some would carry these people for a
11 stretch and then others would take over and carry them in order to help.

12 JUDGE AGIUS: Yes, Mr. Ackerman?

13 MR. ACKERMAN: Page 7, line 1, I'm sure he didn't say that there
14 were people whose age were over 350.

15 MS. SUTHERLAND: Over 50.

16 JUDGE AGIUS: Over 50, yes. Thank you, Mr. Ackerman.

17 MS. SUTHERLAND:

18 Q. Mr. Dedic, you said there were quite a few people who were over 50
19 and there were also approximately 15 to 20 people who were over 60,
20 perhaps even more; is that correct?

21 A. Yes, that's true.

22 Q. What happened when you arrived at the camp, Manjaca camp?

23 A. When we got there, they took us into this walled in area, it was a
24 large area. There were some stables there and they lined us up in front
25 of them. Then there was a roll call and a head count. At that point, the

1 sun was so strong that people started to faint, since we had been walking
2 all day, we didn't have anything to eat. We didn't get any water. So
3 that many people just fainted. Then they would just bring a bucket of
4 water and throw it over that man who had fainted. And then after the
5 names were taken down in that procedure, they ordered us to turn and face
6 the stables and then they said who should go into which stable. This was
7 accompanied by beatings and there were a lot of people on all sides. They
8 brought us into those stables as if we were animals. You had to go in
9 very quickly.

10 Q. When they took -- when you said that they took your names down,
11 what other information did they obtain from you?

12 A. First name, last name, date of birth, and our -- the place where
13 we came from, but they already had all that. They just had the list and
14 then they went and covered the list.

15 Q. Did you provide your father's name?

16 A. Yes. You had to give your father's name.

17 Q. Which stable were you put into?

18 A. I was placed in the first line. There were three stables so I was
19 in the second stable.

20 Q. How many men were in that stable?

21 A. There were over 600 men.

22 Q. I want to ask you some questions now about the conditions of the
23 camp. How often were you provided food and what did it consist of?

24 A. We didn't get anything the first day. They just shut us in. That
25 first day was terrible. Night was falling so only the guards remained.

1 Then they, at least in my stable and I think they did that in -- for each
2 one, quite a lot of them came into the stable, they started to shout, to
3 insult us, they told to us lie down on our stomachs with our head facing
4 down, and to place our hands on our back. So these were stables where
5 they kept livestock before, so it stank of manure even though it had been
6 cleaned a couple of days before that so the smell was quite unpleasant.
7 And then they went down along this concrete hall and whoever they wanted
8 to take out, they would hit him on the head and they would tell him to get
9 up and to leave. They took about five or ten people and started to
10 mistreat them. Whoever from us others tried to raise their head to look,
11 they would take that person out too. So we didn't dare to look at what
12 they were doing. We could just hear the moans and screams of the people
13 who were out there. This is how the first night passed. They stayed
14 there perhaps for about an hour or so.

15 Q. How long were you detained in Manjaca for? Approximately?

16 A. Since we didn't have anything to tell time by or the date by, we
17 didn't have watches, so it was difficult in all that fear to estimate the
18 passage of time but I got home in the first half of July, perhaps by the
19 15th of July.

20 Q. And you went to Manjaca around the first week in June; is that
21 correct?

22 A. That's correct.

23 Q. So during this five or six week period, can you just describe to
24 the Court what sort of food you were provided?

25 A. Yes, I can. Practically nothing. The following day, we received

1 something, the meals consisted of breakfast, lunch, and dinner but it was
2 quite minimal. We would get a plastic beaker with some tea, a little bit
3 of tea on the bottom but it wasn't really tea. It was just warm water.
4 It wasn't sweet or salty it just had a pale colour like it was weak tea
5 and then we would get a small piece of bread. The bread was so hard that
6 it was probably at least a week old or more. And then lunch was perhaps
7 two or three spoonfuls of soup, sometimes beans. You get bread but the
8 slice was so thin that you could see through it. Dinner was the same. If
9 somebody tried to ask for more food, they would just be beaten more. The
10 person would be so beaten that they had to be carried back to the stable.
11 So that when people saw a couple of such cases, it didn't even cross their
12 minds to ask for more food because they would only get a beating. This
13 would be repeated the same day. There was no drinking water in the
14 stables for five days. Running. When it was very hot, and the roofs of
15 those stables had -- were of corrugated tin so it would get very, very hot
16 and people would be thirsty and when we did get water it would be like
17 rain water. It was cloudy and it almost smelled so that you couldn't
18 really drink it. Because then later we would have stomach problems
19 because of that.

20 Q. You mentioned yesterday that you weighed around 60 kilograms.
21 What was your weight when you left the camp?

22 A. 49.

23 Q. Kilograms?

24 A. Yes.

25 Q. During your detention, what were the hygiene conditions like?

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13 English transcripts.

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1 Were you able to bathe?

2 A. The hygiene wasn't up to much. I had a bath only once and that
3 was outside. And this was maybe after about 20 days. There were ten
4 people at the same time. There was one shower and ten people had to
5 have a shower in two minutes so that many people didn't even manage to
6 take their clothes off, and they had already then said that we needed to
7 go back outside.

8 Q. You mentioned that you had a bath only once and that was outside.
9 Are you referring to the shower?

10 A. Yes, yes, yes, yes, while I was there.

11 Q. Were the detainees ever addressed as a group by anyone in
12 authority?

13 A. Not by the authorities, but a person introduced himself as the
14 camp commander. He didn't say his name. He just said that he was the
15 camp commander. So he addressed us once when I was there.

16 Q. What did he say?

17 A. At the beginning, he pointed out to us that by coming to the camp,
18 to the Manjaca camp, we had lost all our civil rights, our human rights,
19 and that we would be treated like animals from that point on, that we
20 didn't have the right to ask for anything or request anything, that we
21 were only supposed to do what we were ordered to do. If anyone should
22 request anything or ask for something, they would only be beaten. That's
23 what he said.

24 Q. Can you describe this man?

25 A. I remember him vaguely. It was not a very tall person. He was a

1 bit overweight. He had a mustache and he had a high voice. A
2 high-pitched voice and he wore a camouflage uniform. This is what I
3 remember. And I think that he was maybe a colonel by rank.

4 Q. What was the colour of his hair?

5 A. Grey hair.

6 Q. Just one more question on hygiene. What toilet facilities were
7 you provided with?

8 A. It was inside. There was a metal -- a tin barrel. The stable was
9 divided into three parts. On the left and the right were people, and then
10 in the middle there was a kind of cement floor, a concrete floor, so each
11 of those sections had a barrel of its own so this is where we had to go,
12 at least at night, because they wouldn't allow us to go outside at night.

13 Q. Do you recall the names of any of the guards?

14 A. I remember two of them, at least I understood that they were
15 commanders of the guards, there was a person called Spaga and Fadil, Bula.
16 These were maybe nicknames. I only remember the two of them.

17 Q. Can you give a physical description of Spaga?

18 A. Medium height. He was not thin or fat. He was balding. He wore
19 a black embroidered waist coat and probably that why they called him
20 Spaga, Spaga meaning string.

21 Q. How often were you addressed by the camp commander?

22 A. While I was there, twice, as far as I remember.

23 Q. What happened during the night in your stable?

24 A. I already said at the beginning, almost every night the guards
25 would enter, take people out, and the scene was repeated every night,

1 beatings, mistreatment.

2 Q. Do you recall the names of anyone that was taken, called out from
3 your stable?

4 A. I remember two of them. Mirsad -- I can't remember his surname.
5 He was a taxi driver in Kljuc. And Zaim, a vet, also in Kljuc. They were
6 taken out most often and beaten up so that we remembered them well.

7 MS. SUTHERLAND: Could the witness be shown document marked P1110,
8 please? It was disclosed under Witness 7.105.

9 Q. Does your name appear on that document?

10 A. Yes, it does, under number 54.

11 Q. Are any of these other names familiar to you, the other 54 names?

12 A. Yes, I do know them. I know Filipovic Omer, Leopold Flat, Bilic
13 Alija, Filipovic Muhamed. And I may know quite a number of them by sight
14 but I don't recognise the names.

15 Q. Do you recall any of these family names being called out, either
16 at the Nikolic -- Nikola Mackic school or at Sitnica school or at Manjaca?

17 A. I do remember. There were quite a number. For example,
18 Kujundzic, Kumalic, Ticevic, Begic. Quite a number of family names.
19 Egrlic.

20 Q. Thank you. I've finished with that document. Do you recall if
21 any organisations visited the camp?

22 A. Yes. This was shortly before I left. It was Merhamet from Banja
23 Luka. I remember well. There were two men, I think. They came. They
24 toured the stables. But they were advised not to talk to the detainees at
25 all, just to pass through. So that it was just a formality. At one

1 point, I heard the guards say to them, "Would you like to us keep you here
2 for a while too, to see what it's like?" Even though this was a
3 humanitarian or charitable organisation. They were there briefly and they
4 left.

5 Q. Do you know whether Merhamet was aware that there were underage
6 people being detained in Manjaca?

7 A. I don't know, because I couldn't communicate with them.

8 Q. Did the ICRC, the International Red Cross, did they visit Manjaca
9 camp while you were there?

10 A. Not while I was there.

11 Q. So what happened to you after your visit -- after the visit of
12 Merhamet to the camp?

13 A. A day or two after their visit, a guard entered my stable. This
14 was about mid-day, 11.00 or 12.00, and he called out my name and these
15 other two young men, Esad Kablic and Fahrudin Omerovic and we got up and
16 left the stable. He took us with him. We followed him. We reached the
17 room where detainees were interrogated. It was a small room. We were
18 each taken into different rooms then. This was a kind of formal
19 interrogation by this interrogator, and as soon as I entered, he said to
20 me, "Do you know you're going home?" I was surprised. And he said that
21 when we got home, we should report and do our service in the Serbian army,
22 and then a couple of other questions and then he said that we would be
23 given some kind of certificates in Kljuc once we returned, and after this
24 interrogation, we were taken back to the stable. We were not told when we
25 would be going home. And the next day, in the afternoon, they again came

1 to fetch us in the stable and they took us out. And they took us to a
2 kind of minibus, a small bus, which came from Kljuc and it had the
3 inscription elementary school Velegic. They took us inside. There were
4 two policemen and the driver. He was also wearing a camouflage uniform.
5 We were not told anything, what was happening, where we were going, so
6 that it was absolutely vague. Again, we had to keep our heads down with
7 our hands behind our head, and then they set off with us. After a certain
8 period of time, we stopped at a checkpoint, a checkpoint held by their
9 army, and it was being manned with people wearing olive-grey uniforms and
10 I noticed through the window they were showing with their hands to the
11 driver that he should bring us out for them to slaughter us, so that we
12 were terribly frightened. We only just survived that trip, never mind
13 that he showed them some sort of a certificate. They held us there for a
14 while.

15 And then we started up again. There were another couple of
16 checkpoints, which we passed through more easily than this one, and then
17 we arrived in Kljuc. It was already dusk. They drove us to the police
18 station in Kljuc and we were told to wait in the bus. We were there
19 alone. However, the town seemed deserted.

20 Q. Were you -- I'm sorry, were you provided at the police station
21 with this certificate?

22 A. Yes. After sometime, we waited in the bus. People were banging
23 on the windows, that is soldiers, they were threatening to kill us, to
24 slit our throats. We were alone in the bus. Then after sometime, this
25 policeman came, carrying some papers, and he handed out those papers to

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1 us. Then the three of us were driven to the bridge at Kljuc on the exit
2 from the town. There is an intersection. One road leading to my village
3 from that bridge it's about 11 kilometres to my village and he simply said
4 that from there on we should go on foot.

5 We didn't know at all what the situation was like in the town, and
6 in the environs because we had been at Manjaca. It was only later that I
7 realised why they released us in the nighttime and let us go on foot
8 alone. We had our heads shaved already at Manjaca. They put some powder
9 on our heads, allegedly for hygienic purposes and then they released us
10 there and we set off on foot towards our village.

11 Q. Just going back to the police station and the certificate that you
12 received, what did it state on the certificate?

13 A. It is only once I got home that I read it. It was compiled in
14 such a way as to conceal those crimes, the fact that they had detained
15 minors and elderly people and it just said that on that day, when we were
16 released from Manjaca, that we had been taken into custody in our own
17 homes and interrogated in the police station in Kljuc and released the
18 same day. So the entire period we had spent at Manjaca is not mentioned
19 anywhere. It was concealed. So that certificate didn't mean anything.
20 You couldn't prove that you had spent any time there because there was no
21 mention of Manjaca. Simply this taking into custody and release on the
22 same day.

23 Q. And what happened to that certificate?

24 A. I lost it at home, due to the fear and everything else. I
25 couldn't find it.

1 Q. Who else was released with you on that day? You mentioned the
2 three underage persons. Was there anyone else that was released with
3 you?

4 A. There were the three of us from my village, myself and another
5 two, and another two or three minors. Five or six minors and as many
6 elderly people, so a total of some ten men were released. I only remember
7 the names of these two because they are from my village.

8 MS. SUTHERLAND: Can the witness be shown a document which has
9 been marked P1111? I'm sorry, excuse me. I'm sorry, Exhibit P330.

10 Q. Prior to yesterday, had you ever seen that document before?

11 A. No.

12 Q. What is the date of the document and the title of the document?

13 A. The date is the 1st of October, 1992, and it coincides with my
14 date of birth. I never saw this before. The request for the abolition
15 of Muslim detainees put up in Manjaca. I don't know what kind of
16 rebellion they mentioned, against which republic.

17 Q. Can you just read the first paragraph, please?

18 A. "The Republika Srpska assembly of the Autonomous Region of
19 Krajina, Banja Luka."

20 Q. I'm sorry, after, to the Presidency of Republika Srpska, request
21 for pardon for Muslim prisoners kept at Manjaca. Can you read the
22 paragraph below that?

23 A. Yes. "We are requesting that you pardon and release the following
24 detainees kept in Manjaca, because it has been established that they did
25 not take part in the revolt against Republika Srpska."

1 Q. Does your name appear on that document?

2 A. It does, under number 12.

3 Q. Were you aware of anyone else detained in Manjaca that had the
4 same name as you?

5 A. No, I was not.

6 Q. Who is the document signed by, if you are able to read the typing?

7 A. It's rather black, Vojo Kupresanin.

8 Q. Thank you.

9 MS. SUTHERLAND: If the witness could now be shown the document
10 marked P1111?

11 A. May I say something else in connection with this document?

12 Q. Yes.

13 A. The date, the 1st of October, on top, and on the bottom, on the
14 9th of October, by then I was already in the Republic of Slovenia, staying
15 with relatives. And from there, I went to Germany to stay with my father.

16 Q. If you could now look at P1111, what is the date of that document?

17 A. 7th of October, 1992.

18 Q. And this is a list of released and pardoned persons. Does your
19 name appear on that document?

20 A. It does, under number 7.

21 Q. Could you read the paragraph below the names, please?

22 A. Do I have to? "Pursuant to the decision of the Presidency of
23 Republika Srpska, number 01-1074/92, of 2nd October" -- this is probably
24 1992, but it's black -- "on abolition, the above named persons were
25 released from prison and according to the same decision, they should be

1 allowed to leave the territory of Republika Srpska through the
2 International Committee of the Red Cross in Banja Luka."

3 Q. And again, who is that document signed by?

4 A. The same person, Vojo Kupresanin.

5 Q. Thank you. I've finished with that document.

6 I now want to ask you some questions about when you were released
7 from Manjaca camp.

8 A. Just a moment, please. The International Red Cross never took me
9 anywhere. As it says here.

10 Q. Thank you. I now want to ask you some questions about when you
11 returned to your village after you were released from Manjaca. You said
12 that were you dropped at the crossroads and made your way back to the
13 village. What was the condition of your house when you returned in
14 mid-July?

15 A. May I go back a little to this intersection of the road? Because
16 I haven't finished that.

17 Q. Please.

18 A. From that crossroads, we headed home, not knowing what the
19 situation was like. Of course, looking forward to our going home, but the
20 situation was quite the opposite. That night, when we left, we probably
21 would not have arrived home alive. It was our good fortune that a man, a
22 Muslim, there was a village called Zgon, a hamlet called Mehmedagici,
23 right next to the crossroads and a man waved to us and told us to come to
24 him. Though I may not have mentioned this in my statement but later on, I
25 remembered. And then he took us to his own house and first he asked us

1 who we were, where we were coming from, and he assumed that we had been in
2 some sort of detention because we had our heads shaved. And then he asked
3 us where we were heading and we said that we were from the village of
4 Crljeni and that we were going home, and he said at this time of night,
5 it's not advisable to go there, because from the Separacija which was a
6 company manufacturing concrete and along the road, there were their
7 trenches and their soldiers, and if you go, they will shoot at you as soon
8 as you approach, and this was all planned for them to release us in the
9 nighttime and let us go and then we would get killed and nobody would
10 know what had happened to us. So he saved us from that and we spent the
11 night there. And the next morning, about 9.00, he told us to go ahead, so
12 that at Suknjiste, a couple of houses along the Sana River, as they are
13 called, we already came across the first checkpoint. And they stopped us
14 there. They asked us a few questions, we showed them these certificates,
15 and they let us go on.

16 We even came across two or three of their soldiers sleeping next
17 to the trenches. So it was rather ridiculous, but we didn't dare do
18 anything. I don't know what kind of an army they were. So we just simply
19 went along our way.

20 Q. And at some point, you reached your house; is that correct?

21 A. Yes.

22 Q. What was the condition of your house?

23 A. It was like all the other houses, riddled with bullet holes. The
24 roof was damaged. Most of the windows broken. And I heard later from my
25 mother that they had shelled the village from the other side of Plamenica,

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1 and the villages where they had fired shells and opened fire. I saw that
2 many things were missing from the house. They had been taken. Many
3 houses were damaged, almost all of them.

4 Q. Had your house been looted?

5 A. Yes. Mostly, yes, I said mostly.

6 Q. Your mother, your younger brother and sister were there. Did you
7 stay in the house with them?

8 A. Yes. That first day, I stayed with them. Already in the evening,
9 when it became dark, at least that was the situation in the village, and
10 the other villagers said it was dangerous for men to spend the night at
11 home. So that we, together with the others, there were another ten or so
12 elderly men and the three of us, so we spent the night outside of the
13 village, though maybe this was even more dangerous, but we felt safer
14 because if they came and they would come to the village often during the
15 day and the night, they would search the house and if they found anyone,
16 there was a high probability of them being taken away in an unknown
17 direction.

18 Q. When you say they would come to the village often during the day
19 and night, who are you referring to?

20 A. The Serbs, the Serb soldiers. There was no one else in the
21 village. The men were in detention. Everyone, the birds knew that they
22 were Serbs. Who would be shooting.

23 Q. How would they come?

24 A. In vehicles.

25 Q. What sort of vehicles?

1 A. I remember most, a red bus, and when it arrived, we knew it would
2 take someone from the village and we all hid when we saw the bus arriving.

3 Q. Was this a big bus?

4 A. No, it was a small, a minibus.

5 Q. Were any of the religious buildings in Kljuc damaged or destroyed
6 between May and September, 1992, that you are aware of?

7 A. Yes. The mosque was completely destroyed to the foundations, the
8 mosque in my village was also quite damaged.

9 Q. Do you know -- do you recall when the mosque in Kljuc was damaged,
10 in Kljuc town?

11 A. Yes. It was in August, I don't remember the date.

12 Q. Do you know how it was damaged?

13 A. This happened during the night. I was close to the village, in a
14 little wood, maybe about 100 metres away from my house. The house of my
15 two uncles was there as well, not too far away. At one point I decided to
16 go to my uncle's house because it was empty. He was in Slovenia with his
17 family. I wanted to drink some water. While entering the house, the
18 window faced the town of Kljuc, and it was -- there was moonlight so it
19 was possible to see the old town quite well. At one point, the house
20 shook as by an earthquake. The glass shook and some of the glass
21 shattered. At that moment, I saw a big flash from the valley where the
22 town of Kljuc is. It was a flash, a very big flash. I immediately
23 assumed that it was some big building. Later, I heard from my mother, who
24 was in Kljuc that night, she was spending the night at a relative's, so
25 near the mosque where she was, this house was about 500 metres away from

1 the mosque so when she came back to our house, she said that that night
2 the mosque had been knocked down, that it was a very powerful blast, that
3 she was quite close and the next day on her way back home she saw the
4 surrounding buildings, they were apartment buildings around the mosque,
5 made of brick, so she could see a lot of rubble and shattered glass around
6 those buildings. Perhaps the rubble had been thrown about 150 metres
7 away. The mosque was completely destroyed together with the minaret.

8 Q. What was the name of this mosque, if you know?

9 A. I don't know the name. The Kljuc mosque, something like that. I
10 don't know.

11 Q. Where was it situated? What street? Do you know?

12 A. I don't remember the street. It was on the way to Haribacic
13 [phoen] which is a settlement in Kljuc. And maybe about 200 metres to the
14 left of the mosque is the medical centre. It's still there today, the
15 Kljuc medical centre.

16 Q. When did you leave the Kljuc municipality?

17 A. It was in early September or perhaps mid-September. It was
18 September in any case.

19 Q. And how did you leave?

20 A. In a convoy.

21 Q. Who organised this convoy?

22 A. I don't know. They probably organised it, the Serbs. There was
23 nobody else to help those people. It wasn't possible to live there any
24 longer. And they wanted to cleanse that area of Muslims and Croats. And
25 that's probably why they did it.

1 Q. How did you get on to the convoy? What steps did you have to take
2 in order to leave?

3 A. It was a fairly difficult process. My mother went to Kljuc. I
4 think she went to the municipal office. There was a long line in front of
5 the municipal building and according to what she said, they were
6 mistreated, cursed at. She had to sign a document that she was
7 voluntarily giving up the house and everything that we owned, voluntarily,
8 although she didn't really feel that way, but this is what she had to do
9 in order to get a ticket for the convoy. So if you didn't sign, you
10 couldn't leave. So you had to give up everything that you owned.

11 Q. How many people left Kljuc when you did? The day you left.
12 Approximately how many people were on that convoy?

13 A. There were a lot of people. There were about seven buses and
14 three or four large trailer trucks, carrying men, women, children, the
15 elderly, packed together like sardines. We were practically one on top of
16 the other. It was impossible. It was as if they were loading potatoes.

17 Q. Where did the buses and trucks end up? Where did the convoy go?

18 A. At the end of the journey, which took all day, when it was almost
19 night, we got to a pretty high plateau. I'm not sure where that was. We
20 weren't able to see where we were. I was in the truck under the tarpaulin
21 so I wasn't able to see anything. We were hit with stones. Any place
22 that we passed through, we were hit by stones. So a lot of people in the
23 convoy were injured. The tarpaulin is pretty thin so people did get hit.
24 So when we got to that plateau, we were let out from the buses and the
25 trucks, and brought to a large precipice, a high precipice, and from the

1 top you could see the canyon. And they told us to proceed slowly. There
2 were many people there, men, women, children, the elderly and the road
3 itself was rocky and it was very difficult to walk along it, particularly
4 for the elderly, the path was very narrow so that many women and children
5 and the elderly slipped and fell so we had to help them. Because each
6 person had one or two bags, what they managed to take with them. So it
7 was very difficult to walk down the canyon. At one point, when we -- when
8 I reached the precipice I heard one of the soldiers say to another
9 soldier, "Look at how many young people we are releasing. And we could
10 have killed them all here and thrown them down from these rocks and nobody
11 would know." I was just waiting for the moment when somebody would fire
12 in my back but thank God this didn't happen.

13 Q. Do you know the name of the plateau?

14 A. Later, when I reached Travnik, I found out that this was a plateau
15 of Mount Vlasic close to the town of Skender Vakuf. That was the last
16 stop. This is what I found out when I got there, so --

17 Q. I'm sorry?

18 A. So this town of Travnik, where we ended up was in a valley at the
19 bottom of the canyon. That was our last -- our destination.

20 Q. Was anyone injured or killed on your convoy?

21 A. I've already mentioned injuries that they threw stones, quite
22 large stones, at the tarpaulin so that a lot of people were struck in the
23 face. A person had two or three teeth knocked out right away, lips were
24 cut. Before we reached the plateau at one point, the convoy was stopped.
25 They opened each trailer-truck and they lifted up the tarpaulin. They

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1 were looking for one person. And I remember his last name was Potic [as
2 interpreted] and they asked whether he was in our truck. He wasn't in our
3 truck. So they went along further asking about him. And then later, only
4 two shots were heard, maybe one or two shots were heard, after two or
5 three minutes or maybe five minutes after they had started to look for
6 this man. I found out from his family in Travnik that that man never
7 reached Travnik and he was in this convoy.

8 Q. You mentioned the name Potic is that correct?

9 A. Yes. No, no. The correct name is Hotic.

10 Q. After you arrived in Travnik, did any other convoys from Kljuc
11 municipality arrive in Travnik?

12 A. Yes. Convoys went before ours and after ours, until they cleansed
13 everything. I don't know how many people remained behind but very few of
14 them did remain behind. People who couldn't leave because they were too
15 old or they simply couldn't afford to buy this ticket which cost 50 marks
16 or something like that, so they were unable to leave. The entire town was
17 -- people left from that whole town.

18 Q. My final question to you: Was there any armed resistance in your
19 village that you are aware of?

20 A. I don't remember. I don't know anything about that. I went to
21 school, like I said a few times before. I didn't have any weapons. I
22 only saw those seven soldiers being taken through the village because my
23 house is close to the road. They were not mistreated. I saw that with
24 my own eyes. They were treated properly and I found out about that and
25 they were handed over to the UNPROFOR in the -- in the village of --

1 THE INTERPRETER: The interpreter didn't hear the village.

2 A. But they were treated correctly. Some of those people who were
3 captured, they are good people everywhere, so in the camp, they would give
4 a packet of cigarettes to some people from our village where they had been
5 detained because they were treated nicely by those people. This is what I
6 heard from people from the village who had this happen to them.

7 MS. SUTHERLAND:

8 Q. Just going back to when you said that the soldiers had been
9 captured and were handed over to UNPROFOR. The interpreter missed the
10 village. Which village did you say?

11 A. I think they were handed over to UNPROFOR in the village of
12 Krasulje. This is what I heard. And then they processed them after
13 that.

14 Q. And so during your whole detention, you were never, ever informed
15 as to why you were being detained?

16 A. No. I would like to go back a little bit. When the commander
17 spoke to us, it was very humiliating. He said that our bones would be
18 left up there, that we would be killed, that we were dirtying the Serb
19 land. That's what he said. Because we were Muslims.

20 MS. SUTHERLAND: Your Honour, I have no further questions.

21 JUDGE AGIUS: Thank you, Ms. Sutherland. We have two options.
22 Either Mr. Trbojevic starts the cross-examination right away and then we
23 break after ten minutes or we break now and he starts the
24 cross-examination soon after the break. It's your choice.

25 MR. TRBOJEVIC: [Interpretation] I'm in your hands.

1 JUDGE AGIUS: So you make it my choice?

2 MR. TRBOJEVIC: [Interpretation] That's right.

3 JUDGE AGIUS: All right. We break now. We give the interpreters
4 a break because it has been quite a difficult morning for them. I could
5 notice from behind the glass here. We will resume -- you will start your
6 cross-examination immediately after the break. May I suggest to you, with
7 your indulgence that we have a shorter break than usual, 20 minutes
8 instead of 30? All right? Okay. So it's 20 minutes.

9 --- Recess taken at 10.50 a.m.

10 --- On resuming at 11.12 a.m.

11 JUDGE AGIUS: So Mr. Dedic, as I tried to explain to you
12 yesterday, now it's the turn of the Defence attorney for Radoslav Brdjanin
13 to cross-examine you. Mr. Trbojevic, I understand, will be
14 cross-examining you.

15 MR. TRBOJEVIC: [Interpretation] Yes.

16 JUDGE AGIUS: So please, Mr. Trbojevic, go ahead.

17 Cross-examined by Mr. Trbojevic:

18 JUDGE AGIUS: Do you want to hand it over?

19 MR. TRBOJEVIC: [Interpretation] No, it won't be necessary.

20 JUDGE AGIUS: All right.

21 MR. TRBOJEVIC: [Interpretation]

22 Q. I would like to go back to the beginning of these events, to the
23 26th and the 27th of May. You told us that you saw captured Serb
24 soldiers?

25 A. Yes, I did.

1 Q. But you didn't tell us who captured them?

2 A. Since I wasn't there, I'm not able to say who it was.

3 Q. In the statement that you provided to the Prosecution on the
4 4th of June, 2001, you say that you saw them passing from a distance of
5 about 50 metres?

6 A. Yes, that is true.

7 THE INTERPRETER: Could the speakers please slow down.

8 JUDGE AGIUS: Yes, every time I have to take care of this.

9 Mr. Trbojevic and Mr. Dedic, you both speak the same language. And you're
10 not giving each other time enough -- enough time between answer and
11 question. You're just firing an answer which is immediately followed by
12 question and then answer and then question. You're not being nice to the
13 interpreters. The interpreters have to translate into English and into
14 French. So when Mr. Trbojevic puts a question to you, Mr. Dedic, please
15 allow some time before you answer, just a short interval of time, to give
16 the interpreters time, a chance to translate to us. And the same applies
17 to you, Mr. Trbojevic, and this is not the first time I'm pointing this
18 out. When the witness has finished his reply, his answer, please allow an
19 interval. Otherwise we will have to do it otherwise and I wouldn't like
20 to intervene unless it is absolutely necessary. So Mr. Trbojevic,
21 question.

22 MR. TRBOJEVIC: [Interpretation]

23 Q. The last question was who was taking these -- who was in charge of
24 these soldiers?

25 A. The people from the village were.

1 Q. Were these people armed?

2 A. I didn't see that.

3 Q. I'm asking you is it possible that a group of soldiers is being
4 escorted by another group of people and that you don't know whether this
5 other group of people was armed or not? Is that possible?

6 A. I said I didn't see it, so if I didn't see it, I didn't see it.

7 Q. You said that after these soldiers were captured, there was fear
8 in the village and this was the reason why the whole village moved across
9 the river. Is this true?

10 A. Yes, it is.

11 Q. Can you explain to us why there was this fear?

12 A. There was fear simply because these soldiers had been captured.
13 They had an objective. This is what I heard later, an attack on the
14 village, so it's normal for panic to come about.

15 Q. Were you afraid of reprisal?

16 A. I personally wasn't, because I didn't take part in this. This was
17 an attack on the village, against the population, which was just carrying
18 out its every day duties.

19 Q. Were these soldiers captured during an attack on the village?

20 A. I can't say because I didn't take part in that.

21 Q. But you were in the village.

22 A. I was in the village, in my house, maybe about one kilometre away
23 from the place where they were captured.

24 Q. Was there any shooting that you heard?

25 A. Yes. I could hear it but I couldn't determine from which

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1 direction it was coming from. There was shooting every day. There was
2 shooting from Serb villages.

3 JUDGE AGIUS: You're being good for precisely two minutes and a
4 half. And now you're falling back to what I tried to convince you to
5 avoid. Please, Mr. Trbojevic.

6 MR. TRBOJEVIC: [Interpretation] I apologise, Your Honours.

7 Q. I wanted to ask whether anybody was wounded during this capture.

8 A. As far as I could see, no, no one was injured.

9 Q. Did you maybe hear about it later?

10 A. No. I didn't hear later that anybody had been wounded.

11 Q. Later, you told us that through the window of the house, you saw
12 several different uniforms. Do you remember that?

13 A. This was in the village of Plamenica.

14 Q. Yes. You said camouflage uniforms, olive-grey uniforms, police
15 uniforms. So I'm asking you whether the police uniforms that you saw were
16 the regular blue uniforms as well as the camouflage uniforms.

17 A. Well, I don't know. I'm not a military analyst. I know that
18 there were blue uniforms, blue police uniforms, then camouflage uniforms.
19 I don't know whether they were army or police camouflage uniforms. And a
20 lot of uniforms belonging to the police reserves, blue uniforms, but they
21 were different from the regular blue police uniforms.

22 Q. You also mentioned red berets?

23 A. Yes. In the town of Kljuc.

24 Q. And what were the men with the red berets -- what kind of uniforms
25 were they wearing?

1 A. Camouflage uniforms also.

2 Q. Green or blue?

3 A. I would say they were blue, although this was a long time ago but
4 I think that they were blue.

5 Q. You said that you heard that this was supposed to be some kind of
6 special police force from Banja Luka?

7 A. Yes, that's right.

8 Q. Can you explain to us how you found this out?

9 A. While talking to some people in the town on my way to school, to
10 the station, we saw them constantly, so at one point we asked who they
11 were, why were they firing in the town, why were they frightening the
12 people. So we simply concluded that they appeared around the town
13 suddenly, they had to have -- had to have come from somewhere so that's
14 what we heard.

15 Q. Were you able to see military units going towards Kupres or
16 towards Croatia?

17 A. On one occasion, on my way from school to the bus station, I saw a
18 large convoy of buses and trucks going through town.

19 Q. Did you know which units these were?

20 A. Yes. We knew. Mostly it was the Serb army reserve units. We
21 were familiar with the uniforms, olive-grey uniforms, and they also fired
22 into the air from the bus windows. They raised three fingers in the air
23 so it could be clearly seen whose units they were.

24 Q. Did you have the opportunity of seeing these units when they were
25 coming back from Kupres and Croatia?

1 A. Yes, yes. We could all feel that, since we knew when they would
2 be coming to Kljuc, they rioted throughout the town. They fired. Most of
3 them were drunk. They simply installed a reign of terror.

4 Q. Were these local reserve forces or were there recruits from other
5 parts of the former Yugoslavia?

6 A. There were quite a number that I knew and others that I didn't
7 know, of course. There were a lot of men.

8 Q. One of the witnesses told us where those seven captured prisoners
9 were from, soldiers were from. Had you heard perhaps where they were
10 from?

11 A. I didn't hear exactly where they were from but according to what
12 people said, much later, I heard that they were from the region between
13 Sitnica and Banja Luka. That area. That is at least what I heard. And
14 that -- I seem to remember that there was one from Montenegro but who
15 lived in Banja Luka.

16 Q. Could you tell me, please, when they interrogated you at the
17 Mackic elementary school, who interrogated you?

18 A. I just know that the man was wearing a uniform. I don't know his
19 name and I didn't know him.

20 Q. What kind of uniform?

21 A. Camouflage uniform.

22 Q. Green or blue?

23 A. In a green uniform was the one who questioned me but I saw quite a
24 number wearing blue and all kinds of uniforms.

25 Q. You mentioned insignia on those uniforms. Were they insignia that

1 you saw at the time or were they insignia that you noticed later?

2 A. One could notice them at the time. Mostly on the shoulder, there
3 was the Serbian flag, and the four Cyrillic S's.

4 Q. Could you describe in what greater detail this flag on the
5 soldier?

6 A. A small badge, like an emblem, stuck on to the shirt or whatever.

7 Q. And those four S's?

8 A. The flag, on the flag there was a cross and the 4 S's in the four
9 corners.

10 Q. The Prosecutor asked you yesterday about Mr. Omer Filipovic in
11 Sitnica.

12 A. Yes.

13 Q. In your statement to the OTP, you described how you saw him. It
14 seems to me that yesterday you didn't quite repeat that in the same way.

15 A. Because she didn't ask me.

16 Q. Very well. I'm asking you. How did you see him?

17 A. He was rather beaten up and he was covered in blood. That is how
18 I saw him.

19 Q. Are you sure of that?

20 A. I am sure.

21 Q. If I tell you that his brother claimed that in Stara Gradiska when
22 they met, he told him that he hadn't been beaten, do you still say that
23 you saw him in Sitnica bloodied?

24 A. Yes, I do. I saw the man who was black and blue in the face.

25 MS. SUTHERLAND: Your Honour, I object to Mr. Trbojevic putting

1 what other witnesses say to the witness.

2 JUDGE AGIUS: I wouldn't sustain your -- because first the
3 witness -- I wouldn't sustain your objection, because it's perfectly
4 legitimate. He is trying to confront the witness with the statement that
5 he has just made now, that he stands by his written statement to the
6 Prosecution that he saw Omer Filipovic.

7 MS. SUTHERLAND: Your Honour, I think he can still make the same
8 point in cross-examination without referring to other witnesses who have
9 testified previously.

10 JUDGE AGIUS: He's perfectly entitled to do that. Provided he
11 does not mislead something that has already been in the record of the case
12 and provided he's not misleading the witness he's perfectly entitled to do
13 it. Yes, Mr. Trbojevic.

14 MR. TRBOJEVIC: [Interpretation] It's in the record. And I just
15 told the witness this. And asked him whether he stood by what he said.

16 JUDGE AGIUS: Do you want to say anything, Mr. Ackerman?

17 MR. ACKERMAN: I probably shouldn't but I should say the only care
18 that needs to be exercised is the names of protected witnesses are not
19 mentioned but this was not a protect witness, so that's -- I think that's
20 what Ms. Sutherland is concerned about.

21 JUDGE AGIUS: That's your concern. I don't think that's her
22 concern. It's a procedural matter that the witness should not be told
23 what other witnesses have stated. But I see nothing wrong with that.
24 It's accepted in several jurisdictions and in several systems and I would
25 allow it. Yes, Mr. Trbojevic.

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1 MR. TRBOJEVIC: [Interpretation].

2 Q. In your statement to the OTP, you mention the bad conditions at
3 Manjaca. Among other things, you said that there was typhoid fever and
4 yellow fever widespread among the detainees there?

5 A. Yes, that's right.

6 Q. Were you a witness of that, an eyewitness of that?

7 A. While I was there, there were already cases among the men who had
8 yellow fever. They were sent to Banja Luka to hospital, something like
9 that. While I was there, and typhoid fever developed later. I heard that
10 when after I left, talking to colleagues, I heard about that, but I was an
11 eyewitness of yellow fever.

12 MR. TRBOJEVIC: [Interpretation] Could the witness be shown Exhibit
13 P1110, please?

14 Q. It's the list of detainees from Kljuc. You told us that among the
15 detainees, there were about some 15 minors, people underage; is that
16 right?

17 A. Yes.

18 Q. Could you please look at the date of birth of the people there and
19 see how many you can find who were underage? I was not able to find
20 anyone else except you.

21 A. Yes. But this is a list of 54 men, and from the Kljuc
22 municipality, as far as I know, there were 1.300 detainees.

23 Q. We don't need it any more. Thank you. You spoke of the need to
24 sign a statement renouncing all rights to property as a precondition for
25 leaving Kljuc.

1 A. Yes, that's right.

2 Q. Is there any such statement to be found? Do you have one?

3 A. I don't have one because at the time all that was important was to
4 save one's life. As for documents which didn't really mean anything, they
5 only meant something for the authorities in Kljuc who required them.
6 Nobody cared about them.

7 Q. Do you know exactly what that statement said?

8 A. I do know exactly.

9 Q. Could you tell us, please?

10 A. As I saw the statement which my mother brought for our family, and
11 it stated that she has to renounce all property that she owned and the
12 land as well, voluntarily. Otherwise, we would not be allowed to buy
13 these tickets and to leave Kljuc.

14 Q. All of that was in that statement?

15 A. Yes, all this was stated in that statement, as it probably also
16 our names, my mother's, my own, my brother's and my sister's, because all
17 four of us were on this list.

18 Q. If I tell you that there are certain regulations as to how
19 property rights can be transferred and that they cannot be done in that
20 way, would you agree with me that that statement had no legal validity?

21 A. The authorities in Kljuc who required this and who forced us to do
22 that, to save our lives --

23 Q. You said that the Serbs wanted to cleanse the area of Muslims and
24 Croats.

25 A. That's what they in fact did, too.

1 Q. The demand to leave the dangerous area, as you said, in a convoy,
2 were they designed to save your lives or to cleanse the area?

3 A. As far as we were concerned, we wanted to save our lives. I don't
4 know what they meant, because we didn't know where we were going.

5 Q. You told us that some persons stoned the convoy as you went by.

6 A. Yes. That is quite true.

7 Q. Trucks that were covered with tarpaulin?

8 A. Yes.

9 Q. Were you able to see who those people were?

10 A. No, I didn't see who they were.

11 Q. Could we please go back to another event very briefly? You told
12 us that your village was about 13 kilometres from Kljuc. Is that right?

13 A. That's right.

14 Q. You said that you went to your uncle's house to take some water
15 when there was an explosion in Kljuc; is that right?

16 A. That's right.

17 Q. And that the windows shook and some broke as a result of that
18 explosion, on that house. That's what you said.

19 A. That is what I said.

20 Q. If I tell you that at a distance of 13 kilometres it is impossible
21 for the windows to shake because in that case, nothing would be left of
22 Kljuc, do you still stand by what you said?

23 A. I do.

24 MR. TRBOJEVIC: [Interpretation] I have no further questions, Your
25 Honours. Thank you.

1 JUDGE AGIUS: Thank you, Mr. Trbojevic. Is there re-examination?

2 MS. SUTHERLAND: No, Your Honour.

3 JUDGE AGIUS: So that brings us to the end of your testimony here
4 as I expected and told you yesterday it would be. On behalf of the --
5 this Tribunal, I would like to thank you for having accepted to come here
6 and give evidence. You will now be attended to, escorted out of the
7 courtroom and given all the necessary attention you require in order to be
8 able to return to your country. I thank you once more.

9 THE WITNESS: [Interpretation] Thank you too.

10 [The witness withdrew]

11 JUDGE AGIUS: Is the next witness already in line, Madam
12 Richterova?

13 MS. RICHTEROVA: I hope so.

14 JUDGE AGIUS: Do you think we will finish with him today?

15 MS. RICHTEROVA: I also hope that we will finish.

16 JUDGE AGIUS: I now am asking you a very simple question because
17 the one after this, the next one is still open, the one after is not, if I
18 remember well.

19 MS. RICHTEROVA: Yes, you're right.

20 JUDGE AGIUS: I think we would need to advise a little bit the
21 technicians. Any way, if they need to attend to that today or whether
22 they need not bother about it today. All right? It's being taken care
23 of? Okay. I thank you. So let's bring in the next witness. The usher,
24 I suppose, will do that.

25 Yes, Mr. Ackerman?

1 MR. ACKERMAN: While we are waiting may I just take care after
2 little business?

3 JUDGE AGIUS: Yes.

4 MR. ACKERMAN: I'm not sure it's been filed yet but there is a
5 document in the Appeals Chamber -- maybe you're not even the person, I
6 think you are though. There is a document filed in the Appeals Chamber
7 requesting that the portions of the transcripts of this week, which deal
8 with the Randal matter be released to counsel for Randal.

9 JUDGE AGIUS: And that's because most of it was in private
10 session, I suppose.

11 MR. ACKERMAN: Yes, and I have no objection to that.

12 JUDGE AGIUS: All right. I thank you, Mr. Ackerman. I suppose
13 there is no objection forthcoming from the Prosecution either?

14 MS. RICHTEROVA: No objection.

15 JUDGE AGIUS: Okay. But this, I don't like. I am not used to
16 receiving communications directly from the lawyers to the Honourable
17 Judges. There should be a document -- this is not -- this is created by
18 the office? But this is a letter which is sent directly from the law firm
19 to the Honourable Justices, whoever they may be, and I do not frankly know
20 whether it's just the three of us and if - you can bring in the witness,
21 please - whether it's just the three of us here in this trial or whether
22 it's the Honourable Justices in the Appeals Chamber and in any case, there
23 should be a proper motion and not a letter directed -- addressed straight
24 to the Judges. But they file a motion. I mean, because this is a direct
25 communication with the Justices and I don't like it. You don't write a

1 letter and say, "Please consider this correspondence as a motion or
2 request by Jonathan Randal for a release of the transcript to this firm
3 and counsel for Mr. Randal only." They file a proper motion. So we will
4 not entertain it, for sure. We will take -- we have taken notice of the
5 non-objection from either side but --

6 MS. SUTHERLAND: Your Honour, at the moment the Prosecution
7 doesn't have a copy of the correspondence.

8 THE REGISTRAR: It's being filed at the moment so I can give you
9 one.

10 JUDGE AGIUS: It needs to be a proper motion filed in the proper
11 Chamber with an ad hoc request addressed to who is in a position to accede
12 or reject that request.

13 MS. SUTHERLAND: Your Honour, I'm sorry, the Prosecution can
14 contact the instructing solicitors and ask them to file the requisite
15 motion.

16 JUDGE AGIUS: Okay. Thank you. I thank you for cooperating,
17 Ms. Sutherland.

18 [The witness entered court]

19 JUDGE AGIUS: So good morning to you.

20 THE WITNESS: Good morning.

21 JUDGE AGIUS: And welcome to this Tribunal.

22 THE WITNESS: [Interpretation] Thank you.

23 JUDGE AGIUS: You know the reason for your presence here. You're
24 going to give evidence.

25 THE WITNESS: [Interpretation] I do.

1 JUDGE AGIUS: And it is my duty as the Presiding Judge to tell you
2 before you start giving evidence that our rules require that you first
3 enter -- make a solemn declaration to speak the truth, the whole truth,
4 and nothing but the truth during your testimony. The text of this solemn
5 declaration which for all intents and purposes is the equivalent of an
6 oath is contained in a piece of paper which the usher is going to hand to
7 you now. And could you please be kind enough to read that solemn
8 declaration? And that will be your undertaking to this Tribunal to tell
9 us the truth and the whole truth.

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

12 WITNESS: RAMIZ SUBASIC

13 [Witness answered through interpreter]

14 JUDGE AGIUS: I thank you. You may sit down. Very simply I'll
15 try to explain what's going to happen. We are the three judges dealing
16 with this case and we will ultimately be the ones to decide this case.
17 The case has been instituted by the Prosecutor against Radoslav Brdjanin,
18 and you will be examined first by means of a series of questions by the
19 Prosecution. The officer -- senior officer from the Prosecution who will
20 be conducting the examination-in-chief, what we call the
21 examination-in-chief, is the lady who is sitting in the middle at your
22 right, Madam Richterova, who I suppose you've met already. When the
23 examination-in-chief is over, then, as of right, the Defence for the
24 accused, the lawyers for the accused, have a right to cross examine you.
25 In other words to put questions to you as well. You have no right to

1 distinguish between questions forthcoming from the Prosecution or
2 questions coming from the Defence. Your duty is to answer each and every
3 question as truthfully as possible. And as accurately as possible.

4 Unless we tell you not to answer the question.

5 We are here to hear your story. We are also here to protect you
6 if need be. So we will stop anyone putting to you any questions that
7 could potentially harass you but I can assure you that that has not
8 happened so far in the ten months that this case has been going on. So
9 you don't need to worry. Just sit down, relax, and we can start with the
10 examination-in-chief.

11 Madam Richterova, the witness is in your hands.

12 MS. RICHTEROVA: Thank you, Your Honour, but before I start I
13 would like to ask you when you plan the next break.

14 JUDGE AGIUS: We started at ten past 11.00. So we will break at,
15 I suppose, half 12.00 or -- yeah. Any way, let's go on and we'll see.

16 MS. RICHTEROVA: I just wanted to know approximately how to plan.

17 JUDGE AGIUS: You calculate an hour and a half from when we
18 started. So it will be between half 12.00 and quarter to one. Whenever
19 it's convenient for to you stop at that time.

20 Examined by Ms. Richterova:

21 Q. Good morning, Witness. At the beginning I need to apologise that
22 we kept you waiting for such a long time because I know that you arrived
23 already at 9.00. Can you please state your full name for the record?

24 A. My name is Ramiz Subasic.

25 Q. And you were born on --

1 A. I was born in Donji Biljani, Kljuc municipality.

2 Q. You were born on 6th of May, 1954?

3 A. Yes, that's right, 6th of May, 1954.

4 Q. Your ethnic origin is Bosniak and you are of Islamic faith?

5 A. Yes.

6 Q. The Judges have had the opportunity to hear a great deal about the
7 political and military development in the Kljuc municipality, so I would
8 like to focus only on the events in May and June, 1992, in your village
9 and about the events which happened to you. In which village or hamlet
10 you lived in May, 1992?

11 A. I lived in Donji Biljani, hamlet of Polje Jabukovac.

12 Q. What was the ethnic makeup of this hamlet or the village of Donji
13 Biljani?

14 A. I think that there were only two Serbian households that hadn't
15 been moved into yet, and the rest were Bosniaks. There were about 130
16 houses in all.

17 Q. In the period between May and June, 1992, are you aware of any
18 announcement for surrender of weapons?

19 A. That's right. They went in a small van and they spoke on the loud
20 speaker, warning people who had any weapons, to surrender them and if they
21 didn't surrender them they would start shelling in a couple of days. They
22 gave us a deadline.

23 Q. You stated they went in a small van. Who are you referring to?

24 A. The Serbs who were wearing camouflage uniforms, carrying automatic
25 rifles.

1 Q. Did you recognise any of these Serbs or these soldiers?

2 A. I couldn't recognise any. I think that they may have been from
3 the surroundings. Some may not have been. So I really didn't look
4 closely.

5 Q. So you didn't know any of these Serb people?

6 A. No.

7 Q. So they announced, they asked you to surrender your weapons and
8 they stated a deadline. Where were you supposed to surrender these
9 weapons and what was the deadline?

10 A. The deadline at first was in two days time and then some other
11 people came from Sanica, persuading people, and then this happened the
12 next day when weapons were handed over.

13 Q. Can you help us and tell approximately when you heard this
14 announcement or this order to surrender the weapons?

15 A. This was in May, when the Serbs occupied the local police station
16 in Sanica.

17 Q. Did you surrender -- did you in your village surrender the
18 weapons?

19 A. I personally surrendered mine, and the people in the village did
20 also, as far as I know.

21 Q. What kind of weapons did you have?

22 A. I had a hunting rifle. I was a hunter. I had a shot gun and a
23 hunting carbine, 857, manufactured by Zastava.

24 Q. Do you know what kind of weapons were in your village?

25 A. I knew that there were other hunting weapons, all the hunters had

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1 these hunting rifles. Some also had pistols with a licence and I knew of
2 about three automatic rifles.

3 Q. After you surrendered these weapons, until the 25th of June, did
4 any soldiers come to your village?

5 A. Yes. There was a military unit that arrived. I think they came
6 from Petrovac, the municipality of Petrovac. I learned then from them
7 because they came by. I had a small shop in my village and they dropped
8 in for a drink and they said -- I don't know why they asked us to come
9 here because everything is peaceful. And that's how I learnt that they
10 were from Petrovac.

11 Q. Do you remember what kind of uniforms did they wear?

12 A. I do. They were -- some in camouflage military uniforms, some in
13 olive-green uniforms, the former JNA uniforms. Some had helmets with a
14 five-cornered star on it and with insignia of the former JNA.

15 Q. Apart from the insignia of the former JNA, did you see any other
16 insignia?

17 A. I also saw them wearing in front a Serbian flag with the four
18 Cyrillic S's, and they also had ribbons round their arms.

19 Q. So you stated that this unit probably from Petrovac, came to your
20 village. What did they do? How long did they stay in the village?

21 A. They went through the village quickly, in front of the column
22 there were five or six of our men and they took them to the Sanica bridge
23 where there was a coffee bar and I later learnt that they beat up two of
24 them, but at the time, nothing happened.

25 Q. After these soldiers left, did anyone else enter your village

1 until the 25th of June?

2 A. They regularly -- these people came in the small van. They first
3 took away people who were officers in reserve of the Territorial Defence,
4 and they also took away some wealthier people. They took them in for
5 interrogation. I don't know where.

6 Q. You are again referring to these people. Can you be more
7 specific? Who were they?

8 A. They were Serbs, Serbs in military camouflage uniforms.

9 Q. And did you know where they were from?

10 A. I didn't know where they were from.

11 Q. And did you know where they took these people?

12 A. I later learnt -- at the time I didn't know -- they took them to
13 the -- to Sanica, to Kljuc, for interrogation, something like that.

14 Q. And you said that it happened before 25th of June, and I am still
15 repeating this date because it was the day when you personally were
16 arrested. So before this date, the people who were taken away from your
17 village, did they return?

18 A. They returned, usually they were beaten up, and they didn't dare
19 say much about what had happened it to them, because they had been
20 threatened not to.

21 Q. On 25th of June, 1992, you were arrested at your home. Can you
22 describe the circumstances of the arrest? And who did it?

23 A. On the 25th of June, I heard some unusual shooting from the
24 direction of Sanica, which is about a kilometre and a half from my village
25 and I went out and I saw black smoke in the direction of Sanica, and

1 bursts of fire which were unusual could be heard. Not long after that,
2 some soldiers appeared, passing through the village two soldiers came to
3 my house. They banged on the door, opened the door, entered and asked my
4 wife, "Are there any men here?" And she said I was there. And the two
5 children. Then they ordered me to come out and that I had to go with
6 them. One of them hit me with his automatic rifle in the back and told me
7 to go to the main road. My house is 150 metres away from the main road.
8 When I reached the road, I saw some 40 men in a line, two by two, with
9 soldiers around them, Serbian soldiers, and I simply joined that column.
10 Then they led us --

11 Q. I will stop you here for a moment. You were talking about these
12 two soldiers who came to your house and about the soldiers who were at the
13 main road. Can you be again a little bit more specific about these
14 soldiers? What did they wear? Did you see any insignia?

15 A. These two soldiers were in camouflage uniforms, and they had red
16 ribbon on their arm, tied to tear arm and they were carrying automatic
17 rifles.

18 Q. What kind of camouflage uniforms? Which colour?

19 A. It was green, brown, several colours. There are similar uniforms
20 today.

21 Q. These soldiers, did -- were you able to recognise any of these
22 men?

23 A. I couldn't recognise them. I think that they were not from the
24 area.

25 Q. And were you able to say which nationality were these soldiers?

1 A. The soldiers were Serbs.

2 Q. And when you say they were Serbs, how did you come to this
3 conclusion?

4 A. By the way they spoke. When he was forcing me out, he used
5 certain words that were slightly different from Bosniak words, and also
6 the accent is slightly different.

7 Q. So you were stating that they gathered people from your village on
8 the main road. After they -- did they gather only men or also other
9 inhabitants from your village?

10 A. No. They gathered only men, and they took them from Sanica
11 towards Kljuc by road.

12 Q. So these men -- I'm sorry, I didn't understand. The men who were
13 on the road were from Sanica, not from your village?

14 A. No, no. These were men from my village. I live in the middle, in
15 the centre of the village, but they started gathering people from the
16 Sanica bridge and by the time they got to the centre of the village, they
17 had gathered about 40 men by the time they got to my house.

18 Q. After you all gathered, what happened then?

19 A. They took -- continued. Other people joined us. They stopped us
20 on the bridge between Jabukovac and Polje. This is a little river called
21 Mala Biljanska [phoen]. This is where they stopped us. And then one
22 soldier took me out and asked me where the rest of the men were, and I
23 said, "I don't know. You're the one who is are gathering all the men
24 together. And I see that most of them are here." Then another Serb
25 soldier came by and that other soldier asked this soldier, "Do you know

1 this man?" And he said, "Take that man back."

2 THE INTERPRETER: The interpreter didn't understand what the
3 witness said.

4 MS. RICHTEROVA:

5 Q. Excuse me, the interpreter didn't get what the other soldier said.

6 JUDGE AGIUS: Yes, can you repeat it, please?

7 A. When this other Serb soldier came by, this one asked him whether
8 he knew me, and he said, "Take this man back to the line," and he cursed
9 my mother basically. He said, "Fuck his mother [as interpreted]." So he
10 then took me back to the line.

11 MS. RICHTEROVA:

12 Q. So after you returned to the line, did you move on or what
13 happened?

14 A. We were still standing there. They took out another two men and
15 brought them back to the column, and then they asked, "Where is the son of
16 that carpenter?" They probably found him. He was behind me in the line.
17 And then they ordered us to continue moving towards Kljuc.

18 JUDGE AGIUS: Yes, Mr. Ackerman?

19 MR. ACKERMAN: I'm sorry, I didn't mean to stop his answer.

20 JUDGE AGIUS: All right. You're not stopping.

21 MR. ACKERMAN: I'm told that at line -- at page 50, line 5, the
22 witness did not say that the soldier cursed his mother. Which is what the
23 transcript says. Meaning that he didn't say that the soldier cursed the
24 witness's mother.

25 JUDGE AGIUS: Have you heard what Mr. Ackerman has just stated?

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1 THE WITNESS: [Interpretation] I heard -- he didn't curse my
2 mother. He just cursed -- he literally said, "Take this man back to the
3 line. Fuck him."

4 JUDGE AGIUS: Thank you.

5 MS. RICHTEROVA:

6 Q. So we interrupt you --

7 JUDGE AGIUS: The question was -- I'll tell him the question:
8 "The question was so after you returned to the line, did you move on or
9 what happened?" And were you saying, "We were still standing there. They
10 took out another two men brought them back to the column and then they
11 asked where is the -- that carpenter?" They probably found him. But it's
12 not here. I recall him saying --

13 MS. RICHTEROVA: "Then they ordered us to continue moving towards
14 Kljuc."

15 JUDGE AGIUS: Yes.

16 MS. RICHTEROVA:

17 Q. So we finished with this. You said that they took out two other
18 men. Do you recall what happened to these two men?

19 A. I remember that these two men were returned to the column but the
20 son of the carpenter did not come back to the column, and then we
21 continued further along the road towards Kljuc.

22 Q. Did everybody proceed towards the Kljuc or did anyone stay at that
23 bridge?

24 A. The carpenter's son stayed behind, Tehvid Omanovic.

25 Q. And do you know what happened to him?

1 A. I don't know. I didn't see him again later.

2 Q. And did you hear from anyone else what happened to this person?

3 A. I found out later from my wife that he was found dead about 200
4 metres on the road towards Kljuc, along -- on the bank of a small river,
5 the Biljanska River.

6 Q. And did you find from your wife whether they found somebody else
7 next to Tehvid Omanovic?

8 A. Yes. They found Abid Dzaferagic there as well.

9 Q. Did you see Abid Dzaferagic in your column or did you see him
10 when you were gathered in -- on that main road?

11 A. We moved away from the bridge. Next to the house of Arif
12 Omeredzic and they stopped us there again and then from the direction of
13 Kljuc, towards Sanica, a group of Serb soldiers, six Serb soldiers, was
14 taking Abid Dzaferagic with his hands in hand cuffs in front. I could see
15 that he had a cut on his forehead and that blood was pouring from the cut.
16 They passed by us then and then I never saw him again after that.

17 Q. So apart from this incident did anything happen which would
18 struck your attention?

19 A. Not there. They directed us to Palize. This is a hill above that
20 house, in the direction of the village of Botonjici. They lined us up in
21 a column one by one and the Serb soldiers, with automatic rifles pointed
22 at us were on each side, and they brought us to a kind of -- a field. It's
23 called Previija. Before that we came up, passed by a very small wood and
24 there was a sign there, "mines," so we had to bypass this wood. They
25 placed us there in a field. We were sitting there. They told us to sit

1 down and they stood around us.

2 Q. How long did you stay there?

3 A. About an hour and a half or two hours.

4 Q. And after these two hours, where were you taken?

5 A. After two hours, we were taken back along the same road, about one
6 kilometre back. Then they turned us through the village of Jabukovac, to
7 the main road. And back through my village towards Sanica.

8 Q. I will stop you here and I would like to show you a map. This map
9 was already exhibited as P1070, and if I can be any assistance, if we can
10 put it on the ELMO? Can you show us where -- can you assist the Judges
11 and show where your village, Polje Jabukovac is on this map?

12 A. [indicates]

13 Q. For the record, the witness is pointing to the village Jabukovac?
14 From Jabukovac, you were taken towards Botonjici. Can you show, please
15 the village of Botonjici on this map?

16 A. [indicates]

17 Q. For the record the witness is showing the Botonjici. And you said
18 that from Botonjici or the field near the Botonjici, you were taken to
19 Gornji -- to Sanica. Can you be more specific whether it is the town of
20 Sanica or what was exactly the name of the place you were taken?

21 A. It was called Gornja Sanica. It's a Serb village.

22 Q. So if you would be so kind and point?

23 A. [Indicates]

24 Q. For the record, the witness is pointing at Gornja Sanica. On the
25 way back, you stated you passed again your village, Polje Jabukovac, is it

1 correct?

2 A. Yes.

3 MS. RICHTEROVA: I'm done with the map.

4 Q. When you passed your village, what did you see?

5 A. On the way back, I saw it was deathly silent. There was only
6 black smoke coming out from certain places. I think barns and hay stacks
7 were burning and maybe some houses but we didn't dare look around too
8 much. You could sense this deathly silence and just see the smoke.

9 Q. I forgot to ask you it at the beginning, was there -- were there
10 any Muslim religious buildings in Polje Jabukovac?

11 A. There was a meitef in the village of Jabukovac. It's a religious
12 facility.

13 Q. Can you just help the judges and explain what this facility is
14 used for?

15 A. We belong to the Biljani Dzemat. That's where the mosque was.
16 And sometimes during the month of Ramadan, during the month of fasting, in
17 the -- and it's in the winter, and it's too far for some elderly people to
18 go, then they would go to this Meitef to pray and sometimes the imams
19 used to in order to teach small children.

20 Q. So to return back to your statement, you stated that you pass
21 through Polje Jabukovac and was taken in the Serb village of Gornja
22 Sanica. Where in Gornja Sanica you were taken?

23 A. We faced -- we went in Donja [as interpreted] Sanica. It was a
24 small local school. It only had two classrooms. That's where we were
25 taken.

1 Q. Excuse me, did you say that you went to Donja Sanica?

2 A. Gornja Sanica.

3 Q. Because in the transcript it was Donja Sanica?

4 A. No, no, Donja Sanica is a Muslim village.

5 Q. So you were taken to the elementary school in Gornja Sanica?

6 A. Yes.

7 Q. How many of you were taken in this school?

8 A. There were about 150 of us, and also we saw that there were people
9 there from the local community of Sanica, on our way there we were lined
10 up -- when we got there, we were lined up in front of the school and
11 that's when I found out that Milan Basara said to us, since we had
12 behaved well, that he had saved our lives, and then they detained us in
13 those two classrooms.

14 Q. Who was this person who introduced himself as Basara, Milan?

15 A. He said that he was the commander of that unit and that he had
16 saved our lives. He had spared our lives. Because of our good conduct.

17 Q. In this school, you were taken inside and you stated that you were
18 detained. Can you only briefly describe where you --

19 A. Yes.

20 Q. -- where you were kept?

21 A. There were two classrooms there, that's where they kept us. There
22 was also a corridor and there were two toilets. They kept us in the
23 classrooms.

24 Q. How long did you stay in this school?

25 A. I stayed in that school until Sunday afternoon.

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1 Q. And you were taken there which day?

2 A. They took us to the police station in Sanica, from the school.

3 Q. No. My question was on which day you were taken to this Gornja
4 Sanica school?

5 A. It was the 25th of June, maybe at around 3.00 in the afternoon.

6 Q. And it was --

7 A. Friday.

8 Q. It was Friday. So you spent two days. Where did you sleep?

9 A. We slept on the floor. There were ceramic tiles on the floors of
10 the classrooms.

11 Q. Were you provided with any blankets?

12 A. No, no. We didn't get anything. They just detained us there.
13 There were guards around. There was shooting at night, provocations.

14 Q. And during these two days, were you provided with any meal?

15 A. I didn't get anything. Some people worked together at the factory
16 in Sanica so perhaps some colleagues who knew them brought them something
17 to eat but I didn't receive anything.

18 Q. The guards or the people who -- the soldiers who brought you
19 there, they didn't provide you with any meal?

20 A. No, no. I didn't get anything.

21 Q. During these two days in Gornja Sanica school, were you
22 interrogated?

23 A. I was interrogated on Sunday morning.

24 Q. Who interrogated you?

25 A. I was called out on Sunday morning, to come out. There was a desk

1 or a table outside. It was a classroom desk. And a younger man, dark
2 haired, in a camouflage uniform, was sitting at the desk. He said that he
3 was an inspector. And he interrogated me.

4 Q. What were the questions he asked?

5 A. First, he asked me what weapons I had, and I said that I had a
6 hunting rifle and a hunting carbine and that I handed that over when they
7 asked for them. I showed him a piece of paper which I had received from
8 the soldiers who had taken the weapons from me. Then he asked me if I
9 knew how many automatic weapons were there in my village. I said that I
10 had seen three automatic rifles. Then he hit me with a wooden lath on the
11 back. A soldier hit me who was standing behind me. He hit me across
12 the back and across the legs and he asked me, "Everybody knows that there
13 were nine and you're saying there were three." And I answered that that
14 was how many I had seen. Then they asked me what I knew about snipers. I
15 said that I knew something about hunting snipers but that I didn't have
16 one because it was too expensive for me. I couldn't afford to buy it.
17 Then again I was hit across my back and then he said, "Those who know
18 about hunting snipers also know about military snipers." I didn't say
19 anything to that. Then they took me back to the corridor and they said,
20 "Wait in the corridor and you'll find out everything."

21 Q. So how long did you stay in the corridor?

22 A. This was at about 9.00 in the morning, perhaps, and I waited until
23 1.00.

24 Q. And where were you taken from the corridor?

25 A. A large trailer-truck arrived first and this was at around 12.00

1 maybe. Then they said the following. "The person whose name is called
2 out has to run to the truck and jump into the truck." There was a
3 gauntlet made up of soldiers and Serb civilians from that area. So as
4 soon as the person's name was called out, he was kicked, hit by fists, by
5 rifle butts and they jumped into the trailer-truck. In my estimate, they
6 loaded about 120 people into that trailer-truck, and about 30 of us
7 remained in the corridor. Some people also remained in the classrooms.
8 After that, Tomic came. He was the commander of the local Sanica police,
9 with a small bus, with about maybe 30 seats, and they transported us in
10 front of the police station in Sanica.

11 Q. You stated that this truck arrived around 12.00, and that the
12 detainees were ordered on the truck. Were you still in the corridor?

13 A. Yes. I was in the corridor, but the door was open so I could see
14 everything. I saw them running to the trailer-truck and I saw them being
15 beaten.

16 Q. You stated you were taken in front of the police station in
17 Sanica. What happened there? Were you taken inside of the police
18 station?

19 A. No. They again read out the names there. They read out the names
20 of seven of us, and they took us and locked us up in a cell, in the police
21 station. The rest were issued with some sort of certificate stating that
22 they were free to go home. My father was among them. So he was released.

23 Q. So you stated you were -- your seven were taken in the cell.
24 Can you briefly describe the cell?

25 A. It was a room of dimensions three by four. There was nothing

1 there, just the floor. And the door. It was a prison.

2 Q. Was it the cell inside of this police station?

3 A. Yes. It was on the left side from the entrance to the police
4 station, and on the right side was the police officer on duty.

5 Q. In the cell, were you provided with any blankets? Were you
6 provided with meal?

7 A. No. We didn't get anything. We were hungry and we asked the
8 policemen and duty to buy bread for us or something, and he said that he
9 didn't dare to do that. So that we stayed locked up inside until night
10 fall maybe, until about 5.00 or 6.00 in the afternoon.

11 Q. And so what happened then?

12 A. Then the doors opened and I saw military police officers in
13 camouflage uniforms. The doors opened. The -- this -- one of the men
14 cursed our Ustasha mothers and he said, "Who was the last person on the
15 list should be the first to come out. And to go in that order." I was
16 the last person on that list so I had to go first. He said we should
17 place our hands like this on the back of our neck. I went out and as soon
18 as I did that, I think it was an electric truncheon, and he hit me, and my
19 knees buckled and I just dropped. Another man who was standing nearby
20 said, "Well, look at this one, knows karate" so he started to kick me with
21 his soldiers boots in my ribs. I fainted. Afterwards, I came to as I was
22 being dragged. The van was parked about 30 metres away from the police
23 station. So as they were dragging me along the road by my hands. So I
24 recovered consciousness on the way back -- on the way to the van. They
25 placed me inside the van. When they were hitting me, I could also see

1 that they were hitting Hilmo Hodzic with a rifle butt in the head. It was
2 a metal rifle butt. And I could see that he was all bloodied. And when
3 they put us all into the van, we were down on the floor of the vehicle,
4 the five of them sat in the seats, and that's when a fight -- when they
5 started beating us. They were driving us. At that point, I didn't know
6 where they were driving us, in which direction, because they kept beating
7 us so we couldn't see. They were -- they were playing some cassettes,
8 audio cassettes, with Chetnik songs and we had to sing, those of us who
9 could sing. Those on the floor had to sing while those on the seats were
10 moaning from the blows. Since we had to hold our hands on the backs of
11 our necks, I was beaten with a machine-gun, a machine-gun that had a metal
12 tripod. That's when they broke the bones in my fingers. They -- my nail
13 was ripped off and also a part of this finger.

14 Then they stopped us at a checkpoint near the Sanica bridge and a
15 Serb then got into the van and said, "Why are you taking these Ustashas?
16 Why don't you just kill them?" They then stopped us again next to Plavi
17 Most we called that area Rijeka, near Kljuc. Hilmo Hodzic was taken out
18 there and they wanted to cut his throat there. I don't know why they
19 didn't do it -- do that, but they brought him back again.

20 Q. I will stop you here for a moment. You stated that five Serb
21 military policemen or officers enter the cell and ask you to go out. How
22 do you know that they were military police officers?

23 A. They wore those white military belts and pistols.

24 Q. And you --

25 A. With crossbars.

1 Q. And you described the beating in the hall and in the van. You
2 stated that your fingers were broken. Did you suffer any other injuries?

3 A. Some ribs were broken from the kicks I received with boots in the
4 rib cage area.

5 Q. So they threatened Hilmo Hodzic but they took him back to the
6 van. Where were you taken?

7 A. Then we continued along the road to Kljuc, and we reached the
8 police station in Kljuc.

9 Q. Were you taken in the police station?

10 A. No. They opened the door and said -- told us to get off, and as
11 each one of us got off, we had to climb up the steps into the police
12 station, and again there was a gauntlet formed by Serbs and some other
13 soldiers who were there, and as I was the last one now, I was the last one
14 this time, and as I came out, they said, "You're legs have gone stiff so
15 shake them up," because I couldn't stand on them so I shook my legs and he
16 hit me here with a truncheon, here in the chest, and said, "May Alija fuck
17 your mother and run up those steps." I could hardly walk up the steps.
18 Again I received blows, some kicks, and then suddenly someone from the top
19 of the steps cried out, "Leave that man alone." And when I reached the
20 top, they stopped beating me. This man was a school friend of mine called
21 Petar Mihic. I recognised him. He was in the reserve police force, and
22 he was standing there at the top of the staircase. Then they shut us up
23 in a cell in the basement. It was a small room. There was a kind of bed
24 made with wooden planks. Four of us lay on those planks and three of us
25 on the floor. And they locked us up there.

1 Q. How long did you stay in this cell?

2 A. We were in that cell until Monday, after mid-day.

3 Q. And again, were you provided with any meal?

4 A. No. Again, there was a policeman on duty in the corridor and we
5 asked him to buy us some bread or anything and he said that he was not
6 allowed to do that. They did give us water throughout.

7 Q. At any of these places, Gornja Sanica school, Sanica police
8 station, or Kljuc police station, were you informed why you were there or
9 were you charged with any crime?

10 A. They didn't explain anything to me. Probably because of my name.
11 That's why I was there.

12 Q. And what do you mean by when you stated, "By my name"?

13 A. In those days, the Serbs would detain only Bosniaks, beat them up,
14 round them up, and that is why I think it was just the name that was
15 indicative or maybe some political aims they had in mind.

16 Q. You stated that you stayed there until Monday after -- Monday
17 afternoon. Where were you taken then?

18 A. On Monday, around mid-day, Fadil Hadzic was released. They had
19 cut his veins with a knife during the journey from Sanica to Kljuc. And
20 the six of us were called out again and the chief of police was there,
21 called Vinko. He asked each one of us something, and at the end he asked
22 me, "Subasic, we don't have much information about you. It says here that
23 you were captured in the area of combat operations." My answer was that
24 if my house is in the area of combat activities, then that is true. And
25 that was the whole conversation we had. Then they put us on this same van

1 which had been washed, the blood had been washed away. And they let us
2 sit on the seats this time, but with our heads bowed. We would not --
3 were not allowed to look around. And there were two policemen and the
4 driver.

5 Q. And can you just say us where you were taken?

6 A. They immediately explained to us that we were being taken to
7 Manjaca, to the Manjaca camp.

8 Q. Thank you.

9 A. That we had to be quiet, that we mustn't try anything, because --

10 Q. We will have a short break now, and we will go on after the
11 break.

12 JUDGE AGIUS: All right. So we will have a break, 20 minutes.
13 20-minute break, and we will resume soon after. Thank you.

14 --- Recess taken at 12.40 p.m.

15 --- On resuming at 1.06 p.m.

16 JUDGE AGIUS: Yes. Let's proceed, Madam Richterova, please.

17 MS. RICHTEROVA:

18 Q. Before we adjourned, you told us that you were taken to Manjaca
19 camp and as I explained to you, we have already heard many evidence on
20 treatment of people in Manjaca camp so I won't ask you any questions, only
21 how long did you stay in Manjaca camp?

22 A. I was released from the camp on the 18th of December, 1992, in the
23 last group.

24 Q. While in Manjaca camp, were you charged with any crime?

25 A. At Manjaca, no one ever interrogated me about anything.

1 Q. And were you ever told why you were in Manjaca?

2 A. No, never.

3 Q. You said you were released on 18 of December, and you were in the
4 last group. How was you -- how were you released?

5 A. First of all, I should have been released in the first group,
6 according to the conditions of detention. All those who were captured on
7 the same day as I were released in the first group, but the lady from the
8 Red Cross said that my name was lost somewhere in the computer. And she
9 intervened and that is how I was released in the last group.

10 Q. You are talking about a woman. How was this woman involved in
11 your release?

12 A. I saw that my name was not being read out and when she entered the
13 camp, I approached her and I asked her, "What about me? All these have
14 left." And she took my card and read it and then she probably intervened.
15 So I was released within the last group.

16 Q. So was this release organised by International Red Cross?

17 A. Yes.

18 MS. RICHTEROVA: I would like to show the witness a document which
19 is called "Official note." And it is attachment to the witness
20 statement. And I would like to offer it as an exhibit P1112.

21 Q. This document, the title of this document is, "Official note" and
22 the date is 7th of July, 1992. I show you this document yesterday. Did
23 you see this document at the time when it was compiled?

24 A. No, never. I never saw it until yesterday for the first time.

25 Q. When it was compiled, as it says, on 29 -- 29th June, 1992, in the

1 offices of the Sanica branch police station, were you on 29th of June, in
2 the premises of Sanica police station?

3 A. At the time, I was in Manjaca. Monday, as far as I know, was the
4 28th.

5 Q. It says that you owned two hunting rifles which you had
6 surrendered. This -- is this statement correct?

7 A. It is correct that I did own two rifles and I surrendered them.

8 Q. It also says, "Information was discovered through operative work
9 that he was in league with Hasan Sivic in arming Donji Biljani." Do you
10 know the name -- do you know the person by the name Hasan Sivic?

11 A. I know Cemal Hasan. I think Sivic is his nickname.

12 Q. Did you arm people in Donji Biljani, together with this person?

13 A. No, never.

14 Q. And to your knowledge, did Hasan Cemal arm the people in Donji
15 Biljani?

16 A. I don't know. Nor could I notice him doing that.

17 Q. And last sentence states, "He also prepared a group of Muslim
18 extremists, training them in guerrilla warfare." Is this statement
19 correct?

20 A. That is also incorrect. All people had been through training
21 courses in the former JNA when they were doing their regular military
22 service, all men had been through that.

23 Q. In May, June, 1992, to your knowledge, was there any armed
24 resistance in your village, Polje Jabukovac or the surrounding areas?

25 A. In my village, and throughout Biljani, there was no resistance of

1 any kind, nor were there any kind of incidents, but I heard from Serbs
2 that there was an incident near Kljuc in Pusije, but that is about 15 or
3 16 kilometres away from me and our movement was restricted.

4 Q. And my last question: Did you ever resist the police or the army
5 with any kind of weapons in this period of time?

6 A. No, never. I never resisted. I acted the way they wanted.

7 MS. RICHTEROVA: Thank you, Witness. I don't have further
8 questions for this witness.

9 JUDGE AGIUS: I thank you, Madam Richterova. Who will be
10 conducting? Yes, Mr. Trbojevic, who is the co-counsel in the Defence team
11 for Radoslav Brdjanin, will be cross-examining you. Mr. Trbojevic.

12 Cross-examined by Mr. Trbojevic:

13 Q. [Interpretation] I only have a few questions. You told us that
14 before the 25th of June, you had had no problems.

15 A. I didn't understand the question well.

16 Q. Before this event and the 25th of June, when the two soldiers came
17 to arrest you, you said that you personally didn't have any problems?

18 A. Yes, that is right.

19 Q. Now, at the end, you said that your movements were restricted?

20 A. Movement was restricted because there were checkpoints. There was
21 one at the bridge at Sanica and another at Velagici and if I wanted to go
22 to Kljuc or Sanica, you had to have a special certificate issued by the
23 local community.

24 Q. You told us that you don't know anything about certain Bosniak
25 units being formed in some surrounding villages?

1 A. Yes, that is what I said.

2 Q. Are you claiming that there weren't any or that you didn't know
3 about them?

4 A. I think that in the area of Biljani and Sanica, there weren't
5 any. As for other places, I don't know.

6 Q. You said that you allowed your carbine to be used by patrols?

7 A. Correct, not the carbines but the hunting rifle. I would give it
8 to my neighbours because patrols had been organised together with the
9 Serbs from the village of Loncari and they patrolled jointly our village
10 and that Serb village.

11 Q. And later, when those patrols became single-ethnic --

12 A. Those patrols ceased and they didn't happen any more, and after
13 that, we had to surrender our weapons.

14 Q. Who issued the receipt for the weapons seized?

15 A. The Crisis Staff -- the Serbian Crisis Staff in Sanica, at the
16 former railway station, where the narrow track train used to pass in the
17 old times.

18 Q. Are you telling us that Sanica had its own Crisis Staff?

19 A. Yes, a kind of Crisis Staff. There was Nedjo Grabez was in it,
20 and five or six of them. I don't know who else, Mico Devic. I can't
21 remember the names of the others.

22 Q. Tell me, when you were describing the events on the bridge, when
23 Tehvid Omanovic was left on the bridge and you went on, could you explain
24 that a little for us?

25 A. We were moving from Sanica towards Kljuc and we were stopped at

1 the bridge. It Tehvid was behind me in line. When we got there, they
2 were looking for him there and probably they kept him there. I don't know
3 what happened to him. Any way, he didn't continue on the route with us
4 after the bridge.

5 Q. So these people at the checkpoint were looking for him?

6 A. No, no. The small bridge between Jabukovac and Polje. I said
7 there is the small river called Biljanska.

8 Q. Very well, but who was he left with?

9 A. There were some Serbian soldiers there and they kept him there.

10 Q. You told us that when you were crossing the Palez hill towards
11 Botonjici that the Serbs used you as human shields?

12 A. That is my opinion because they said, "If a shot is fired, if
13 anything happens, you will be killed." That's what those Serb soldiers
14 who were escorting us said to us.

15 Q. Was there any shooting nearby?

16 A. There was no shooting except for the shooting that they did.

17 Q. And when you were going back through your village again, you saw
18 some barns and haystacks and houses burning. Was there any shooting?

19 A. No, at the time there was deathly silence. You could just see the
20 smoke.

21 Q. Could you clarify a little? When you were arrested, you said that
22 you concluded from their speech that those soldiers were not from your
23 area. Were you able to identify them?

24 A. I could recognise them because I knew quite a large number of
25 Serbs in my area but these were people I didn't know.

1 Q. No. My question is whether, by their speech, you could tell
2 whether they came from Serbia proper, Vojvodina, Macedonia, Montenegro?

3 A. As soon as he walked in, one can tell. Serbian speech differs by
4 the use of certain words and also by the markings, I could see that they
5 were Serbs and they were carrying weapons, who else? No one else was
6 carrying weapons.

7 Q. But were you able to tell more specifically which area they came
8 from?

9 A. No. I could not.

10 MR. TRBOJEVIC: [Interpretation] I have no further questions, thank
11 you.

12 JUDGE AGIUS: I thank you, Mr. Trbojevic. Yes. Any
13 re-examination?

14 MS. RICHTEROVA: No re-examination.

15 JUDGE AGIUS: So, Mr. Subasic, that brings us to the end of your
16 testimony. You are free to go back and in fact you will be escorted out
17 of this courtroom and attended to. On behalf of this Tribunal, I should
18 like to thank you for having accepted to come and give evidence in this
19 case. You will now be escorted. Thank you.

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

21 [The witness withdrew]

22 JUDGE AGIUS: So we have 20 minutes. Do you have the next
23 witness?

24 MS. RICHTEROVA: Next witness is not ready yet, but he will be
25 here tomorrow.

1 JUDGE AGIUS: I mean today. I hope he will be here tomorrow.

2 MS. RICHTEROVA: We are sitting in the afternoon --

3 JUDGE AGIUS: No, tomorrow we are sitting in the morning.

4 MS. RICHTEROVA: I'm sorry. So he will be here at 9.00 sharp.

5 JUDGE AGIUS: All right. Yes, Mr. Ackerman. He's a protected
6 witness by the way tomorrow.

7 MR. ACKERMAN: We haven't gotten the exhibit lists. When might we
8 expect to get those?

9 MS. RICHTEROVA: I spoke with Ms. Korner and she said she would
10 come at 1.45. Unfortunately she didn't expect that we will be so fast so
11 you will have it within 20 minutes.

12 MR. ACKERMAN: I'll talk with the Prosecutor after we break, Your
13 Honour and make arrangements.

14 JUDGE AGIUS: Yes, in the meantime we were discussing -- do you
15 have any news for us with regard to Prijedor and -- you were supposed to
16 meet yesterday and discuss amongst yourselves.

17 MR. ACKERMAN: I can tell you this news. I have told the
18 Prosecutors who are here today that I am sending a proposed joint
19 memorandum to Ms. Korner this afternoon. I've been working on it.

20 JUDGE AGIUS: I appreciate it.

21 MR. ACKERMAN: It's nearly finished, it should be in her hands
22 sometime this afternoon and I think it will be totally acceptable to her.
23 It's very much what we all talked about here in court.

24 JUDGE AGIUS: I thank you, Mr. Ackerman. I thank you.

25 MS. SUTHERLAND: Your Honour, just on another topic, can I tender

1 P1110, which was the list of detainees from Kljuc and P1111, which is the
2 letter dated the 7th of October, 1992, signed by Vojo Kupresanin.

3 JUDGE AGIUS: And I suppose also P1112.

4 MS. RICHTEROVA: P1112.

5 JUDGE AGIUS: They are so being accepted. Anything else? Okay.
6 So we will meet tomorrow morning, this same courtroom, at 9.00. Thank
7 you. Ms. Korner has just arrived.

8 MS. KORNER: I'm not properly attired, Your Honour, but I do have
9 all the documents that had been requested. I did see it.

10 JUDGE AGIUS: I thank you.

11 --- Whereupon the hearing adjourned at
12 1.27 p.m., to be reconvened on Thursday,
13 the 10th day of October, 2002, at 9.00 a.m.

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