

1 Tuesday, 19 October 2004

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.20 p.m.

5 JUDGE ORIE: Madam Registrar, would you please call the case.

6 THE REGISTRAR: Case number IT-00-39-T, the Prosecutor versus  
7 Momcilo Krajisnik.

8 JUDGE ORIE: Thank you, Madam Registrar.

9 There was still a few issues. Ms. Loukas, you asked yesterday  
10 special access to the public gallery. I did understand that it's not at  
11 this moment urgent any more. I don't know whether you still would like to  
12 have a decision on it for days to come.

13 MS. LOUKAS: Your Honour, perhaps for some subsequent occasion, in  
14 view of the fact that the witness today is protected, and also I think my  
15 niece decided spending the day with her Dutch friends would be more  
16 interesting.

17 JUDGE ORIE: Let me say the following: The Chamber was inclined  
18 to grant your request, so whenever it becomes relevant again, please  
19 address us and then we'll then most likely allow it.

20 MS. LOUKAS: Thank you, Your Honour.

21 JUDGE ORIE: Then there was one other issue, communication between  
22 the parties in respect of Prosecution Exhibits 200 to 203. Mr. Harmon.

23 MR. HARMON: Yes. Good afternoon, Mr. President, Your Honours,  
24 counsel. That's an issue that initially was raised and Mr. Resch was the  
25 lawyer who led those exhibits. I'm informed that Mr. Hannis is dealing

1 with that issue. I'm trying to resolve that issue so I can report to Your  
2 Honours this afternoon. Mr. Hannis will be in a position to report  
3 tomorrow about that particular issue.

4 JUDGE ORIE: Then we'll wait until tomorrow. It's not that  
5 urgent, but I just didn't want to lose it out of sight.

6 Then if there are no further procedural issues -- yes, Ms. Loukas.

7 MS. LOUKAS: Your Honour, in fact there are some procedural  
8 issues. Just in relation to this witness, there are a number of matters I  
9 wish to place on the record.

10 JUDGE ORIE: Yes.

11 MS. LOUKAS: Firstly, I received the 89(F) summary by e-mail  
12 today, at 1.13, which I would submit is unacceptably late for the current  
13 purposes. I would indicate that upon receipt, I indicated to Mr. Margetts  
14 the paragraphs, the 89(F) summary, that I objected to, which at this stage  
15 I haven't received a response. But in view of the lateness of time, I  
16 appreciate that that would not have been easy in the circumstances. I  
17 would also indicate that I received a supplemental information sheet at  
18 12.35 today, in relation to this witness. Again, unacceptably late, in my  
19 submission.

20 The other aspect is that, in relation to the receipt of material  
21 in relation to this particular witness, I can also indicate that I made a  
22 number of objections to the statement. The Prosecution have agreed to a  
23 number of the paragraphs being redacted, but there's still a number of  
24 paragraphs outstanding. And also, further in relation to the question of  
25 material on this witness, I would indicate that initially a CD was

1 disclosed last week in relation to this witness, indicating some 86  
2 exhibits, and an e-mail was received last night at 9.00, reducing it to, I  
3 think, approximately 26.

4 I do place those matters on the record, Your Honour, because  
5 there's been, I would submit, lateness in terms of the selection of the  
6 number of exhibits, lateness in terms of the 89(F) summary, and the  
7 lateness in terms of the supplemental information sheet.

8 Now, I spoke to Mr. Margetts prior to Your Honours coming on to  
9 the Bench, and he indicated that he thought that he'd be about two hours  
10 with this witness. In the circumstances, I indicate to Your Honours that  
11 it's unlikely that I would be in a position to proceed to cross-examine  
12 this witness immediately upon the completion of the evidence in chief.

13 So I place those matters on the record, Your Honours.

14 JUDGE ORIE: Yes. Mr. Margetts, any response?

15 MR. MARGETTS: Yes, Your Honour. Some substantial response, in  
16 fact.

17 In respect of the alleged lateness of the 89(F) summary, my  
18 learned friend in fact has provided some general complaints in relation to  
19 the statement that indicated that she objected to a very substantial  
20 portion of the statement. I had requested that she detail the exact  
21 paragraphs, which in fact she did, and late yesterday evening I advised  
22 that it was not possible for us to provide an 89(F) summary until the  
23 discussions between the parties were complete in respect of what that  
24 summary would refer to. As soon as it was clear, in fact, what paragraphs  
25 we intended to submit in the form of 89(F), we provided the 89(F) summary

1 to the Defence.

2 In respect of the alleged lateness of the supplemental information  
3 that was provided at 12.35 today, the witness completed providing that  
4 supplemental information at 11.30 today. Immediately that was put in a  
5 form that could be provided to the Defence and was provided to them.

6 In regard to the paragraphs that the Defence says they object to,  
7 we have a response in respect of each one of those specific paragraphs.  
8 It's our submission that they're entirely appropriate for the 89(F)  
9 procedure.

10 And in regard to the 86 exhibits that were provided to the Defence  
11 almost a week ago, one, they've had substantial time to review them; two,  
12 the witness only was in for proofing yesterday and we managed to go  
13 through each of those exhibits with the witness; and immediately upon  
14 reducing that to a list of 26, we provided that list, that reduced list,  
15 to the Defence at 9.00 p.m. last night, the proofing finishing at  
16 8.00 p.m.

17 The nature of those 86 exhibits are in most instances documents  
18 that have been disclosed to the Defence for quite some time, and brief  
19 documents, one-page minutes of Crisis Staff meetings or War Presidency  
20 minutes. So we did not consider that burdensome. In fact, in preparation  
21 for this witness we would have considered that advantageous to the  
22 Defence.

23 So we do contest any representation that there's been any lateness  
24 from the Prosecution.

25 Thirdly, it has been indicated to the Defence that this would be

1 an 89(F) witness. In our view, that's in the interests of justice that we  
2 do expedite these proceedings. The statement was adequate, and in our  
3 view, there was no necessity for this witness to go through that evidence  
4 and take the Court's time. In light of that, we are surprised that the  
5 Defence would not be ready to cross-examine, given that the substantial  
6 part of the witness's evidence is going to be produced in written form,  
7 and for some time they've had notice of that.

8 That's all we have in response.

9 JUDGE ORIE: Yes.

10 MS. LOUKAS: Your Honour, I might briefly respond to Mr.  
11 Margetts' --

12 JUDGE ORIE: Yes.

13 MS. LOUKAS: -- assertions.

14 JUDGE ORIE: But before doing so, Ms. Loukas, I'd like to make one  
15 observation. That's the following: I think that the Prosecution is not  
16 criticised for waiting too long after they have -- they had their proofing  
17 sessions with the witness, that they waited too long to provide the  
18 Defence with the results of that, but perhaps that the proofing sessions  
19 take place too late, so that finally if you would finish your proofing  
20 sessions a quarter of an hour before the hearing starts, then of course  
21 you might do it in one or two minutes. But nevertheless, it's 15 minutes  
22 before we start. So I think that's the problem. And of course we should  
23 ask ourselves, as a matter of efficiency, whether, if we spend 20 minutes  
24 on these kind of debates on what's late and what's not late, that is 25 of  
25 us or 20 minutes, that's 500 minutes of Registry, interpreters, judges,

1 parties. So if we would have to strike a balance, whether it would be  
2 acceptable that the witness would arrive one day earlier and to do  
3 everything at least 24 hours early stage, we should consider that. Of  
4 course, it's not up to the Chamber to control the budget of the OTP, and I  
5 do understand that there are some budgetary restraints, but at the same  
6 time we have some time constraints, and we have on average 25 human beings  
7 in court listening to debates on the late delivery of summaries,  
8 statements, et cetera.

9 Ms. Loukas.

10 MS. LOUKAS: In fact, Your Honour has taken up my point in  
11 relation to the late arrival of the witnesses, and that is in fact  
12 precisely the point. And I have nothing further to add in relation to  
13 that.

14 JUDGE ORIE: Thank you. We'll see what's possible this afternoon,  
15 what is not.

16 Mr. Margetts, are you ready to start the examination of  
17 Witness 144?

18 MR. MARGETTS: Yes, Your Honour. We're ready to proceed.

19 JUDGE ORIE: Then we first have to pull the curtains down, because  
20 Witness 144 is protected by face and voice distortion, and we use a  
21 pseudonym in respect of him.

22 Would it be a solution if I suggest to the parties that we would  
23 not start with the 89(F) summary, but keep that perhaps for a later moment  
24 and that the parties have an opportunity -- first of all, we'll then know  
25 what subjects have been dealt with in viva voce examination. And of

1 course, the Chamber is not aware of what specific paragraphs are subject  
2 of the Defence complaints. So therefore, it's difficult for us too. So  
3 let's see if the parties can agree on that, and if not, the Chamber would  
4 like to be informed about the character of the objections and the -- we  
5 then give a decision.

6 MS. LOUKAS: Just in relation to that, Your Honour, I can indicate  
7 that as I indicated earlier, there are outstanding objections in the 89(F)  
8 summary, and I'm happy to deal with them in the manner suggested by Your  
9 Honour, and the objections related to the substantive statement we can  
10 deal with at some later time as well.

11 JUDGE ORIE: Yes.

12 [The witness entered court]

13 JUDGE ORIE: Good afternoon, Witness 144. I call you Witness 144  
14 because protective measures have been granted in respect of you. That  
15 means that we'll not use your name, but call you Witness 144, and that the  
16 outside world will not see your face and will not hear your voice. Both  
17 will be distorted when your testimony is broadcasted to the outside world.

18 Before giving evidence in this court, the Rules of Procedure and  
19 Evidence require you to make a solemn declaration that you'll speak the  
20 truth, the whole truth, and nothing but the truth. May I invite you to  
21 make that solemn declaration of which the text will now be handed out to  
22 you by Madam Usher.

23 WITNESS: WITNESS KRAJ 144

24 [Witness answered through interpreter]

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

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

2 JUDGE ORIE: Thank you. Please be seated, Witness 144.

3 The curtains may be pulled up again.

4 Mr. Margetts, you may proceed.

5 MR. MARGETTS: Your Honour, I'd like to present the first exhibit  
6 to the witness. If that could be presented under seal.

7 JUDGE ORIE: Madam Registrar, that would be --

8 THE REGISTRAR: Prosecution Exhibit number P324, under seal.

9 JUDGE ORIE: And that's a pseudonym sheet, I expect.

10 MR. MARGETTS: Yes, Your Honour. This pseudonym sheet, you'll  
11 note, is not in the typical form of a pseudonym sheet. It has the  
12 background of the witness in terms of the witness's employment history.  
13 The reason for placing that additional information on this sheet is so  
14 that we don't have to go into private session to receive this information.  
15 So we'd like that exhibit marked and given a number.

16 JUDGE ORIE: Ms. Loukas, I take it that you have been provided  
17 with this bit of special --

18 MS. LOUKAS: No, Your Honour.

19 JUDGE ORIE: Perhaps then when you could read it at the same time  
20 when the witness reads it.

21 MS. LOUKAS: Thank you, Your Honour.

22 JUDGE ORIE: And tell us whether ...

23 Witness, would you please take your time to read the B/C/S part of  
24 this document, and also to verify whether your name is on that document.  
25 And wait for a second to confirm, because we'll first give an opportunity



1 to Ms. Loukas to verify.

2 MS. LOUKAS: I can indicate, Your Honour, I have no problem with  
3 that document.

4 JUDGE ORIE: Yes. You may proceed, Mr. Margetts.

5 Examined by Mr. Margetts:

6 Q. Witness 144, can you see your name on this sheet that is before  
7 you?

8 A. Yes.

9 JUDGE ORIE: I'd like to instruct the parties to always put their  
10 microphones off when the witness starts answering your questions, because  
11 otherwise the voice of the witness would come through the other microphone  
12 to the public. So therefore, once you've put the question, please turn  
13 your microphone off.

14 MR. MARGETTS: Yes, Your Honour.

15 Q. In the right-hand column of that document is a listing of your  
16 experience and your personal details. Is that listing in the right-hand  
17 column in Bosnian correct?

18 A. Yes.

19 MR. MARGETTS: Thank you, Your Honour. If the pseudonym sheet  
20 could be -- thank you, Your Honour. If the pseudonym sheet could be  
21 returned.

22 Your Honour, I'd like to present the next exhibit to the witness,  
23 and that is the ICTY witness statement of this witness. That too will be  
24 presented under seal.

25 THE REGISTRAR: Prosecution Exhibit number P325, under seal.

1 MR. MARGETTS:

2 Q. Witness, you have before you a Bosnian version of the statement  
3 provided to the Office of the Prosecutor in July 1997. Is that the  
4 statement that you provided to the Office of the Prosecutor?

5 A. Yes.

6 Q. Since you've arrived in The Hague, have you had the opportunity to  
7 review this statement, and are the matters set out in the statement true  
8 and correct?

9 A. Yes.

10 MR. MARGETTS: Your Honour, if that statement could be returned.  
11 In the ordinary course, I would ask to proceed with the oral summary of  
12 the statement, but in light of the objections, we'll proceed at the end of  
13 the witness's evidence.

14 JUDGE ORIE: Yes. You now may continue the examination viva voce.

15 MR. MARGETTS: Thank you, Your Honour. Your Honour, I'd like to  
16 present the next three exhibits to the witness. They are three maps. The  
17 first two maps, I imagine, will be uncontroversial. The first map depicts  
18 where the municipality of Kotor Varos lies in Bosnia. The second map  
19 depicts the municipality of Kotor Varos. If the Defence has no objection  
20 to those maps, then there's no need for them to be presented to the  
21 witness.

22 MS. LOUKAS: There's no objection to the maps, Your Honours. I've  
23 seen them.

24 THE REGISTRAR: Map number 1 will be Prosecution number P326. Map  
25 number 2, P327. And map 3, P328.

1 MR. MARGETTS: If the third map, the map of Kotor Varos city and  
2 surrounds, could be provided to the witness.

3 Q. Witness 144, do you recognise this map, and is this a map that you  
4 pre-marked yesterday?

5 A. Yes.

6 Q. Could you refer to the numbering set out on that map, the numbers  
7 that run from south to north, 1 through 5, and describe to the Court the  
8 various structures that those numbers depict.

9 A. Number 1 depicts the house that I used to live in.

10 JUDGE ORIE: Mr. Margetts, if you're asking for protective  
11 measures, is this a question that should be dealt -- could we ask for  
12 redaction?

13 MR. MARGETTS: Yes, Your Honour. If that map could not be  
14 displayed on any external monitor, and if the map could be provided under  
15 seal.

16 JUDGE ORIE: Yes. Because -- I don't know where the map is, where  
17 it's visible or not for the outside world. Or if not, then it has not  
18 been put on an ELMO. So therefore, the damage is limited, because no one  
19 knows what 1 stands for. And then P328, was that under seal or not?

20 MR. MARGETTS: Your Honour, we would like it to be under seal.

21 JUDGE ORIE: Yes. You'd like it to be under seal.

22 MR. MARGETTS: Yes.

23 JUDGE ORIE: Okay. Perhaps you could continue with the witness as  
24 long as the map is not on an ELMO or in whatever other form of electronic  
25 display to the outside world. You can continue.

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13 English transcripts.

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1 MR. MARGETTS: Thank you, Your Honour.

2 Q. Witness 144, if you could just start again to describe what each  
3 of those numbers mark on the map.

4 A. Number 1 marks the house in which I lived. Number 2 marks the  
5 Municipal Assembly building. Number 3 marks the municipal court and  
6 prison. Number 4 marks the police station building. Number 5 marks the  
7 elementary school building in which we were detained.

8 Q. Thank you. Could you estimate for the Court the distance along  
9 the road from your house to the building marked 5, which is the school.

10 A. Yes. The distance is between 1.2 and 1.5 kilometres. Therefore,  
11 between 1.2 and 1.5 kilometres. That would be the distance.

12 Q. Thank you. How far is it from the city of Kotor Varos to the city  
13 of Celinac that lies in the north?

14 A. The distance between Kotor Varos and Celinac is about 15  
15 kilometres.

16 Q. How far is it from the city of Kotor Varos to the city of  
17 Banja Luka that lies further north along the same road, through Celinac?

18 A. The distance between Kotor Varos and Banja Luka is about 31  
19 kilometres.

20 MR. MARGETTS: Thank you, Your Honour. We've finished with that  
21 exhibit.

22 If the witness could be shown the next two exhibits. That is a  
23 document setting out the ethnic composition of Kotor Varos and an  
24 assessment of the security situation in the area of Kotor Varos.

25 THE REGISTRAR: They will be P329 and P330.

1 MR. MARGETTS:

2 Q. Witness, could you please refer to the document that is  
3 headed "national structure of the population according to local communes."

4 A. Yes.

5 Q. Can you look at the last row on that table, where, in the total  
6 percentage of Croats, Muslims, and Serbs from the municipality of  
7 Kotor Varos is set out. Can you tell me whether or not that represents  
8 the demographic of the municipality of Kotor Varos before the conflict in  
9 1992.

10 A. Yes.

11 MR. MARGETTS: Thank you. I've finished with that document.

12 Q. If you could look at the next document, which is  
13 headed "assessment of security situation in the area of Kotor Varos."  
14 Could you read the second paragraph of that document, which  
15 commences: "Since 11 June 1992." And ends: "72 per cent Serbs." And  
16 could you tell me whether the percentages set out in that paragraph  
17 represent the demographics in Kotor Varos as at around May 1993.

18 A. These data are consistent with the demographic picture in the area  
19 at the time.

20 Q. Thank you. Could you read the third paragraph --

21 MS. LOUKAS: Your Honour, just prior to moving on with this  
22 document, I'd just like to -- the way in which it's been used thus far, I  
23 would object to any further use of the document, firstly, in terms of the  
24 fact that it is not the witness's own document. It's not a document that  
25 he's apparently had any association with. There's been no foundation laid

1 for the use of this document via this witness, and I would be objecting on  
2 that basis. I'd also indicate, Your Honour, of course we usually deal  
3 with objections in relation to documents at the end, but just for the  
4 record, again, the document is not signed, it's not -- there's no stamp,  
5 there's nothing to indicate its authenticity.

6 JUDGE ORIE: Mr. Margetts.

7 MR. MARGETTS: Your Honour, this is a document that purports to  
8 set out the situation in Kotor Varos as at May 1993, and it purports to  
9 record events that took place from the middle of 1992, events that are  
10 pertinent to the indictment in this case. This witness is not able to  
11 vouch for the authenticity of this document, and that's not what we  
12 present this document to him for. We present this document to him as  
13 someone who was present in Kotor Varos from the middle of 1992 and to the  
14 middle -- throughout the period to the middle of 1993, and is someone who  
15 will be able to assist the Court in assessing whether the information set  
16 out in this document is accurate and correct.

17 JUDGE ORIE: Yes. But will you present any evidence or any  
18 further information as to the source of this document? Because if the  
19 witness can confirm the correctness of some of the content of this  
20 document, of course, that means that the witness has some personal  
21 knowledge if the document is an authentic document or at least if we know  
22 where it comes from, then it -- you could expect some mutual support of  
23 the two sources of information. But the complaint of Ms. Loukas is that  
24 we do not know where this document comes from.

25 MR. MARGETTS: Yes, Your Honour. This is another matter of the

1 order in which the evidence is presented.

2 JUDGE ORIE: We'll hear from you later on what the origin of this  
3 document is.

4 MR. MARGETTS: Yes, Your Honour.

5 JUDGE ORIE: So then we'll first wait and see what information  
6 comes to the Chamber in this respect.

7 Please proceed. I noticed, Mr. Margetts, that the copy we  
8 received of the map is a bit different from the original. All the legends  
9 are missing.

10 Ms. Loukas, there are some legends on the original one which do  
11 not appear on the copy.

12 MS. LOUKAS: That's correct, Your Honour. The copy that we've  
13 received does not have a legend either.

14 JUDGE ORIE: Yes. Can you do without? I mean, most of it -- what  
15 a tree is on the map, even without a legend -- the scale is on the map,  
16 which is most important.

17 MS. LOUKAS: I don't think we have a problem --

18 JUDGE ORIE: Okay. Fine.

19 MS. LOUKAS: -- with the absence of a legend.

20 JUDGE ORIE: Yes. Then, Mr. Margetts, in general terms, if  
21 there's a scale on the map and the whole distance is on the map, the  
22 Chamber is perfectly able to read distances. And even when it says  
23 Celinac is approximately 14 kilometres, then there's no need to ask the  
24 witness again, unless there's any reason to believe that's not correct.  
25 Banja Luka, however, is not on the map.



1           Please proceed.

2           MR. MARGETTS: Thank you, Your Honour.

3           Q.   Witness 144, I'd like to read to you the second paragraph of the  
4 document that is before you, and I will ask your comment in respect of a  
5 number of matters.

6           The second paragraph reads as follows: "Referring to the  
7 situation from 11 June 1992 that states: "Croats remained in the villages  
8 of Zabrdje, Podbrdje, Sibovi, Bastina, Novo Selo. There is a small number  
9 of them in Vrbanjci and Orahova and very few in Kotor Varos. These are  
10 predominantly elderly people who do not pose any real threat. Out of a  
11 total number of Muslims who remained in the municipality, most of them are  
12 in Siprage and the surroundings village of Dunici, Denici, Crepovi,  
13 Kovacevici, Zuhrici and Palivuk, where they number about 3.500. They are  
14 also in Garici and Curkici. A very small number of them live in Vrbanjci  
15 and some in Kotor Varos itself. The elderly and children are also  
16 predominant in this category, but there are also a good number of  
17 able-bodied men. We assess that around 400 people are up to 35 and  
18 another 250 to 300 up to 55 years old."

19           Witness, does that set out an accurate representation of the  
20 demographic of Croat and Muslim people who had remained in Kotor Varos up  
21 to May 1993?

22           A.   Yes. These demographics are consistent with the situation in the  
23 municipality of Kotor Varos in this period of time.

24           Q.   Witness, I'd like to refer you to the next paragraph in this  
25 document, and I'll read this paragraph into the record as well. It

1 states: "Muslims in Garici, Curkici and Vrbanjci were disarmed in July  
2 and August 1992. People in the area of Siprage and other villages were  
3 disarmed at the end of January and February of the current year. Thus,  
4 318 legally and around 90 pieces of illegally bought weapons, mostly  
5 automatic and semi-automatic rifles and several pistols were temporarily  
6 confiscated in the area. According to operative information there could  
7 be another 15 to 20 pieces of illegal weapons which should not jeopardise  
8 the safety of our forces and citizens."

9 Witness, is that consistent with your understanding of what  
10 occurred in Kotor Varos in terms of disarmament of the population?

11 A. Yes, it is.

12 MR. MARGETTS: Your Honours, I've finished with that document. If  
13 the next document could be presented to the witness, and this is a  
14 document dated 27 March. And if this document could be presented under  
15 seal.

16 THE REGISTRAR: Prosecution Exhibit number P331, under seal.

17 MR. MARGETTS: Your Honour, for the next couple of questions,  
18 could we go into private session.

19 JUDGE ORIE: We'll turn into private session.

20 [Private session]

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

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11 (redacted)  
12 (redacted)

13 [Open session]

14 JUDGE ORIE: We are in open session. Please proceed,  
15 Mr. Margetts.

16 MR. MARGETTS: Your Honour, could the witness statement be  
17 returned to the witness. That's Exhibit numbered 325. And could that  
18 remain with him throughout the duration of the examination.

19 JUDGE ORIE: Ms. Loukas.

20 MS. LOUKAS: Your Honour, if I might just ascertain from  
21 Mr. Margetts if the statement is there for the purposes of the witness  
22 reading his statement prior to giving answers or if it's there just in  
23 case he wants to refer to it.

24 MR. MARGETTS: Your Honour, the purpose of the statement being  
25 there is that when we are referring to specific topics and there are

1 undisputed paragraphs between the Defence and the Prosecution, so it's  
2 clear to the witness what matters I am asking him about and what matters  
3 are already referred to in his statement, I intend to refer him to his  
4 statement and then ask him in relation to further relevant matters.

5 JUDGE ORIE: So it's rather to have a starting point than to seek  
6 refreshment of his memory.

7 MR. MARGETTS: Yes, Your Honour.

8 JUDGE ORIE: Yes. Ms. Loukas.

9 MS. LOUKAS: Thank you, Your Honour. I'm grateful for that  
10 clarification.

11 MR. MARGETTS:

12 Q. Witness, could I refer you to paragraph 108 of your statement. At  
13 paragraph 108, you detail a meeting between yourself, Zdravko Samardzija,  
14 Momcilo Komljenovic, and another gentleman, wherein they ordered that all  
15 weapons be handed over. Komljenovic told you that the SDS had taken over  
16 Kotor Varos --

17 MS. LOUKAS: Your Honour, this is precisely what I wanted to  
18 avoid. Mr. Margetts is reading out the paragraph as opposed to referring  
19 up to the point of a particular meeting and then allowing the witness to  
20 give his answer.

21 JUDGE ORIE: Of course, it depends on what questions will come.  
22 If, for example, which I do not expect Mr. Margetts would ask the witness  
23 to describe those persons present or what they were wearing, then of  
24 course it's a good introduction. If however, other questions -- so let's  
25 just wait and see. I think I made it quite clear that the Chamber

1 understands the position of Mr. Margetts to be that he introduces the  
2 questions and not brings into the mind of the witness what he'd like to  
3 hear from him.

4 MS. LOUKAS: Precisely, Your Honour, yes.

5 JUDGE ORIE: Mr. Margetts, please proceed. And, well, you heard  
6 both the objection and the understanding of the Chamber of the way you're  
7 proceeding.

8 MR. MARGETTS: Thank you, Your Honour.

9 Q. Mr. Komljenovic stated that the SDS had taken over Kotor Varos and  
10 that the town was now considered as part of the Serb Republic. You're  
11 also told that a Crisis Staff had been formed in order to deal with  
12 civilian matters until a proper legal body had been established.

13 Following this meeting with Mr. Komljenovic, which you referred to  
14 as a meeting in around mid-June 1992, did you have any further contacts  
15 with Mr. Komljenovic in 1992, or did you hear of other contacts that were  
16 made with him?

17 A. I had no further contacts with Komljenovic, and I never heard of  
18 anything else that he was involved in. On that day, he came together with  
19 Zdravko Samardzija and a couple of other people I did not know, who wore  
20 camouflage uniforms. There was a man with them that was familiar to me,  
21 Dusko Skoric, who hailed from Kotor Varos. What they told us was that  
22 Kotor Varos was now part of the Republic of Srpska, that a Crisis Staff  
23 had been established and that people who lived in my neighbourhood were  
24 supposed to hand over their weapons, their legally owned weapons.

25 Q. Thank you, Witness. When you were detained --

1 MS. LOUKAS: Your Honour, just in relation to that again, it's  
2 clear that --

3 JUDGE ORIE: Yes, yes. Ms. Loukas, I noticed two things. First  
4 of all, that Mr. Margetts asked what happened after this meeting, and that  
5 the answer of the witness was, apart from a very brief answer to that  
6 question, that he then started to describe the meeting again, which was  
7 already read out. It was not Mr. Margetts who asked for that. So if I  
8 would give any instruction at this moment, Mr. Margetts, I think your  
9 question was fully in line with what you were expected to do, but the  
10 witness described again what you had already put to him in reading. So  
11 perhaps then you could guide the witness just to limit himself to answer  
12 the question and not to repeat what you had stated already.

13 MR. MARGETTS: Thank you, Your Honour.

14 MS. LOUKAS: And indeed an additional point, Your Honour, is of  
15 course that the witness in answering not the question that Mr. Margetts  
16 had asked was in fact reading from his statement.

17 JUDGE ORIE: Yes.

18 MS. LOUKAS: So I put a marker here in relation to 89(F) and how  
19 careful we need to be with it.

20 JUDGE ORIE: Witness 144, Mr. Margetts just read to you a part of  
21 your statement concerning a meeting you had and asked then whether there  
22 were any further contacts. You answered that question but then returned  
23 to the meeting and described it again, and it was already read out to you.  
24 We are under some time constraints. May I instruct you, first of all, to  
25 carefully listen to what exactly Mr. Margetts' question is and then to

1 answer that question, because of course we have your statement. And  
2 second, not to -- when you answer a question, not to further read from  
3 your statement, but tell us what you know. Yes?

4 Please proceed, Mr. Margetts.

5 MR. MARGETTS: Thank you, Your Honour.

6 Q. Witness, when you were detained, was Mr. Komljenovic mentioned to  
7 you by anyone whom you were detained with?

8 A. Yes. Yes.

9 Q. What was said to you?

10 A. In relation to Komljenovic, I know that together with me in prison  
11 there were two of his brothers-in-law. One of them was called Anto and  
12 the other, Ilija Zeba. Komljenovic's wife, who was a Croat, came to the  
13 prison to visit the husbands of her sisters, and she told him that  
14 Komljenovic had said that they could not be released and go back to  
15 Kotor Varos. The only thing that could be done was to take them to  
16 Travnik, in a convoy. That was what I heard from Ilija Zeba, who is  
17 Komljenovic's brother-in-law.

18 Q. Following your receipt of that information, did the  
19 brothers-in-law remain detained or were they released?

20 A. They were taken in a convoy to Travnik.

21 Q. Thank you. I've finished with that exhibit of 27 March.

22 MR. MARGETTS: If the witness, Your Honour, could be provided with  
23 the next exhibit, which is dated 7 April 1992, and if that exhibit could  
24 be provided under seal.

25 THE REGISTRAR: Prosecution Exhibit number P332, under seal.

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13 English transcripts.

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1 MR. MARGETTS:

2 Q. Witness, in your statement you refer at paragraphs 97, 98, and 99,  
3 to your membership at the National Defence Council. I'm not asking you to  
4 refer to that now, but just reminding you that that is in the statement.  
5 I refer to this excerpt from the minutes of the National Defence Council  
6 of Kotor Varos of 7 April 1992. Can you look at item 2, the entry for  
7 item 2, and tell me whether you were present at that meeting.

8 A. Yes.

9 Q. Can I refer you again to item 2, where it says that there was a  
10 reference to a problem of unfair treatment of Muslim and Croatian staff.  
11 Could you explain to the Court what that problem of unfair treatment was.

12 A. I held a post as one of the leaders in that company. In that  
13 period of time, the managing director came to see me and told me that I  
14 would no longer stay in my position as manager, but he said, "You would  
15 not be out of a job. You will stay on as an advisor."

16 Those sub-managers who were subordinate to me would take over what  
17 I used to do, he said. I asked to have a decision in writing, because a  
18 thing like this could only be decided by an official body within the  
19 company. Needless to say, I never received any decision in writing. A  
20 similar situation arose also in relation to one of the foremen at  
21 Brigadirnica [phoen], who was a Croat by ethnicity. His name was Nedeljko  
22 Brgic [phoen]. I asked my manager whether he had received any orders from  
23 anyone to dismiss Croats and Muslims from leading positions. The  
24 situation was similar in other companies too at the time. He avoided  
25 answering me in relation to my question, who the orders had come from.

1 But all of us who had been dismissed knew what the real truth behind that  
2 was, that Croats and Muslims could not hold managerial posts in the  
3 company.

4 Q. Thank you. Could you refer to the paragraph that lies above the  
5 heading item 2 and commences after remarks by Savo Tepic. This paragraph  
6 continues and states that: "After the remarks by Savo Tepic, chief of the  
7 SJB in Kotor Varos on the conclusions of the meeting held on 6 April 1992  
8 at the security services centre in Banja Luka, others also took part in a  
9 discussion on the transformation in the Kotor Varos SJB, and it was agreed  
10 that a meeting would take place with Stojan Zupljanin."

11 Can you describe for the Court what you observed in terms of the  
12 transformation in the Kotor Varos SJB.

13 A. Already by that date, the public security service of the  
14 Banja Luka region was cut off from Sarajevo in terms of communication  
15 lines. The surrounding municipalities that were within the Serbian  
16 autonomous district, that is, within the Serbian Republic, received their  
17 commands from Banja Luka and they started wearing their insignia. The  
18 public security service in Kotor Varos did not agree with the idea of  
19 joining the security services centre in Banja Luka, although it continued  
20 communicating with the services there because it had no choice. And the  
21 public security service in Kotor Varos bore the insignia of Bosnia and  
22 Herzegovina.

23 Q. Did that change at any time; that is, did the Kotor Varos SJB  
24 continue to bear the insignia of Bosnia and Herzegovina or did it at some  
25 time change its insignia?

1 A. No. It kept the insignia that it had from before.

2 Q. The takeover of Kotor Varos took place on the 11th of June, 1992.  
3 After this date, what insignia did the police in Kotor Varos wear?

4 A. Following the 11th of July 1992, the police in Kotor Varos started  
5 wearing the insignia of the Serbian Republic.

6 Q. Witness, could you again tell the Court -- or could you please  
7 tell the Court what date Kotor Varos was taken over.

8 A. The takeover took place on the 11th of June in 1992. Yes,  
9 exactly. 11th of June, 1992. It was my mistake before.

10 Q. Just for clarity then: Is it your answer that after the 11th of  
11 June, 1992, the police in Kotor Varos started wearing the insignia of the  
12 Serbian Republic?

13 JUDGE ORIE: Ms. Loukas.

14 MS. LOUKAS: Yes. Thank you, Your Honour. Just a marker again,  
15 Your Honour. It really is an inappropriate way of asking a question to  
16 include in it the assertion in that leading format the takeover of  
17 Kotor Varos took place on the 11th of June. Interestingly enough,  
18 Mr. Margetts didn't get the response he wanted. He got the 11th of July  
19 and is still trying to sort of clarify that. But it really is better  
20 letting the witness giving the answer than telling them in the question  
21 when the takeover took place.

22 JUDGE ORIE: Mr. Margetts, objection is about leading too much.

23 MR. MARGETTS: Your Honour, the reason for the clarification is  
24 that the witness statement contains references to the date of the  
25 takeover, and that will be admitted into evidence. Accordingly,

1 non-leading questions were asked to clarify the matter, which the witness  
2 did eminently by himself. And finally, a leading question was asked  
3 merely to repeat what the witness clearly intended by his prior answer.

4 JUDGE ORIE: I'll just have a look. Yes. I do understand why you  
5 did it. In general terms, I would say that using a witness statement when  
6 we examine a witness viva voce we should refrain to just ask him to repeat  
7 what is in his statement but this is not exactly what happened here. So  
8 therefore, if you would please keep in mind the objection and what I just  
9 said and then you may now proceed.

10 MR. MARGETTS: Thank you, Your Honour.

11 Q. If I could refer you, Witness, to the first paragraph in the  
12 minutes dated 7 April 1992, there is a reference there to a Lieutenant  
13 Colonel Peulic. Do you know this person, and if so, could you describe  
14 who he is to the Court.

15 A. Yes, I do know the person. He was commander of the Yugoslav  
16 People's Army for the area of Skender Vakuf, Kotor Varos, and Celinac. He  
17 attended twice the meetings of the -- of national defence, where I was  
18 present as well.

19 Q. Witness, if I could refer you to the next paragraph, and there is  
20 a reference to Slobodan Zupljanin. Could you please describe to the Court  
21 when you first met Slobodan Zupljanin and who he is. And could we go into  
22 private session for the answer to this question.

23 JUDGE ORIE: We'll turn into private session.

24 [Private session]

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23 [Open session]

24 MR. MARGETTS: Your Honour, could the witness be shown the next  
25 two exhibits, that is, an exhibit dated 24 May 1992 and an exhibit dated

1 1st June 1992.

2 Q. In regard to the exhibit dated 1st June 1992, I note that that  
3 already has a Prosecution exhibit number, and that is P188.

4 JUDGE ORIE: Yes. There's no [Realtime transcript read in error  
5 "I'll"] need to assign another number.

6 THE REGISTRAR: P333.

7 JUDGE ORIE: Yes. Perhaps I expressed myself poorly when I said  
8 I'll need to assign. I said no need to assign another number.

9 MR. MARGETTS:

10 Q. Witness, do you have before you a document headed "meeting of the  
11 Garici branch office," which is in handwriting?

12 Witness, could you look at the first -- or the second paragraph on  
13 that document, which is marked with the number 1, and states: "The  
14 commander of the Maslovare military unit, Slobodan Zupljanin, informed the  
15 citizens." Is that accurate? Was Slobodan Zupljanin the commander of the  
16 Maslovare unit?

17 A. Yes.

18 Q. Could I refer you further down in the minutes of this meeting to  
19 comments made by one Ibrahim Nusinovic wherein he asked what the role of  
20 the military unit stationed at Maslovare would be if Kotor Varos were  
21 united with the Krajina and if the party leaderships did not reach an  
22 agreement.

23 Witness, what was the situation in the Krajina and what was the  
24 organisation of this unit at that time, and did you see any role for that  
25 unit at that time?

1 MS. LOUKAS: Your Honour, it might be better if that question is  
2 broken up one at a time rather than giving the witness a compound question  
3 of that nature.

4 JUDGE ORIE: Mr. Margetts, would you follow that suggestion, or  
5 would you think the question should be put in the way that you did?

6 MR. MARGETTS: Your Honour, I was content with the question. I  
7 think the witness could understand it and provide a reasonable answer, but  
8 I'm happy also to abide by my learned friend's suggestions.

9 Q. Witness, what -- as at 24 May 1992, what role did you think the  
10 Maslovare unit could play?

11 A. This unit was mobilised mostly from the ranks of ethnic Serbs.  
12 There were only few Muslims and Croats there who mostly came from mixed  
13 marriages. The role of this unit was to ensure peace and security in the  
14 area of Kotor Varos municipality.

15 Q. In light of the situation in the Krajina, if agreement was not  
16 reached between the parties, what role may have this unit composed chiefly  
17 of Serbs played?

18 MS. LOUKAS: Your Honour, I object on the basis of -- it's  
19 speculative and it's also -- has the danger of being rather a tendentious  
20 question in the sense of looking back as opposed to the view at the time.  
21 The witness has given his view at the time, but I would object, both on  
22 the basis of the speculative nature of the question and the inherent  
23 danger of forming conclusions based on subsequent events.

24 [Trial Chamber confers]

25 JUDGE ORIE: Witness 144, you've seen and it has been read to you

1 what Mr. Ibrahim Nusinovic asked at that time about the role of the  
2 military units stationed in Maslovare. Did you at that time have an  
3 answer to the question that was put by Mr. Nusinovic? Would you know an  
4 answer to that question? If so, please give it to us. If not, please  
5 tell us.

6 THE WITNESS: [Interpretation] At this period of time, in the  
7 surrounding municipalities that had not joined the Serbian Republic, we  
8 heard some information over Radio Zagreb that there were clashes between  
9 the army and the Muslim and Croat populations. And this citizens [as  
10 interpreted] put this question quite rightly, because he was concerned  
11 that the same role would be assumed by this particular army unit that was  
12 there.

13 JUDGE ORIE: Please proceed, Mr. Margetts.

14 MR. MARGETTS: Thank you, Your Honour.

15 Q. What specific role was he concerned that this army unit would  
16 perform?

17 A. This unit could have been used for the purposes of the Serbian  
18 army and not as a Yugoslav People's Army.

19 Q. Was this unit later used for the purposes of the Serbian army?

20 A. Yes.

21 MR. MARGETTS: Your Honour, I'd like to refer the witness to the  
22 next exhibit that he has before him, which is Exhibit 188.

23 Q. Witness, I'd like you to look at the last page of the document,  
24 and moving backwards, refer to the fourth paragraph from the bottom of the  
25 document. This paragraph reads as follows. It refers to the positions of



1 the 122nd Light Brigade and states: "Some of the forces from this unit  
2 sealed off Kotor Varos where division had occurred within the SDA ranks.  
3 Some of the armed extremists want armed operations, while some of the  
4 decent Muslims are in favour of peaceful coexistence with the Serbs."

5 As at 1 June 1992, was there division within the SDA ranks?

6 A. No.

7 Q. As at 1st June 1992, did some members of the SDA want armed  
8 operations or did they not?

9 MS. LOUKAS: Well, perhaps, Your Honour, we also require there "to  
10 your knowledge."

11 JUDGE ORIE: Yes. Of course, if you ask a question to a witness,  
12 if it's not about himself, it's always to the witness's knowledge. So I  
13 think that that goes without saying. If not really needed, I would rather  
14 you to let Mr. Margetts put the questions he wants. And if there's really  
15 some technical issue that of course you can object, but this was one which  
16 was not really necessary.

17 Please proceed, Mr. Margetts.

18 MS. LOUKAS: I don't mind losing the occasional one, Your Honour.

19 MR. MARGETTS:

20 Q. Witness, I'll restate the question. As at 1st June 1992, were  
21 there members at the SDA in Kotor Varos who wanted armed operations to  
22 begin?

23 A. No, there weren't.

24 Q. Why was that?

25 A. The Muslims wanted to have peace in Kotor Varos.

1 Q. As at 1st June 1992, what was the situation for the Muslims in  
2 Kotor Varos in terms of their association with neighbouring  
3 municipalities?

4 A. You mean the relations among the Muslims?

5 Q. No, not the relations among the Muslims, but in terms of the  
6 preceding question relating to the desire of the Muslims to avoid armed  
7 operations, what did the Muslims anticipate if armed operations occurred  
8 in the area of Kotor Varos?

9 A. The Muslims in Kotor Varos were afraid of possible armed conflicts  
10 around Kotor Varos. That's why we suggested that the municipality of  
11 Kotor Varos remain neutral until such time as the final solution is found  
12 in Bosnia and Herzegovina. Because we're a small municipality that  
13 doesn't mean anything to anyone.

14 MR. MARGETTS: Your Honour, the next exhibit is a video exhibit,  
15 and there are various excerpts that I'd like to play from the video.  
16 We may be able to play one of those excerpts prior to the break.

17 JUDGE ORIE: Yes. If you think you could do that in the next five  
18 minutes, we'll start then with the first excerpt.

19 MR. MARGETTS: Yes, Your Honour. Let's proceed, then, if we can,  
20 with the next video extract, which is the next exhibit listed.

21 THE REGISTRAR: Prosecution Exhibit number P334.

22 JUDGE ORIE: Would that be for the whole of the video or just for  
23 the first excerpt?

24 MR. MARGETTS: Your Honour, as I understand, currently we have  
25 five excerpts, so if they could be numbered .1 through to .5.

1 JUDGE ORIE: So this one then would be -- the whole of it would  
2 be P334 and the first part to be played would be P334.1

3 MR. MARGETTS: Yes, Your Honour. I'm just corrected on that.  
4 There are in fact six excerpts.

5 JUDGE ORIE: Yes. 1 to 6 then. Well, during the break I take it  
6 that some solution will be found by Madam Registrar, your case manager.  
7 We'll play the first video part.

8 [Trial Chamber and registrar confer]

9 JUDGE ORIE: I have to ask to stop this playing of the video. We  
10 need the translation to be read as well, because it will be then  
11 translated into French. But if it's just on our screen, we'll only have  
12 the B/C/S, no English appears in the transcript. So could we restart  
13 that. And did you provide the interpreters with the text of the --  
14 otherwise they can read it on the bottom of the -- of course, they can  
15 listen and read it at the bottom of the video, although it's always to be  
16 preferred if they have a hard copy in front of them.

17 MR. MARGETTS: Yes, Your Honour. They have been provided with a  
18 hard copy.

19 JUDGE ORIE: Yes. Perhaps you should have interrupted me  
20 immediately and said yes, they have been provided with that. So the  
21 explanation why it's important was not needed, therefore, any more.

22 Could we restart, and could I ask the interpreters to read aloud  
23 for the transcript the English text.

24 MR. MARGETTS: Your Honour, this is taking a little bit longer  
25 than I had anticipated.

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13 English transcripts.

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1 JUDGE ORIE: Let's finish this first one then and have a break.

2 [Videotape played]

3 THE INTERPRETER: [Voiceover] The mopping up operations in the area  
4 around Kotor Varos continued today. In a lightning operation, members of  
5 a special detachment of the Banja Luka security services centre and the  
6 army of the Serbian Republic of Bosnia and Herzegovina took Bilice, one of  
7 the best fortified strongholds of the Croat extremists. The specials and  
8 the army had only one person injured in this operation whereas the enemy  
9 had some 50 fatalities and a large number of wounded. The mopping up  
10 continues, and there are only three entrenched strongholds of the Croat  
11 Muslim outlaws left. In the town itself the situation is gradually  
12 returning to normal. Although movement is still allowed only from 9 to  
13 11.00, life is slowly returning to the streets of Kotor Varos.

14 Yesterday Muslim and Croat forces allegedly wanted to negotiate  
15 with the Serb side about the cessation of war and establishing peace in  
16 these parts. The army of the Serbian Republic of Bosnia and Herzegovina  
17 and the police accepted the invitation and set off for the meeting,  
18 believing that an understanding was possible. Only a few kilometres from  
19 Kotor Varos, our concealed hosts, Muslim extremists, waited hidden in  
20 ambushes and treacherously and perfidiously opened fire on the army and  
21 police troops.

22 In this perfidious attack one person was killed and a number of  
23 specials and soldiers wounded. Today Captain Slobodan Zupljanin is also  
24 in the Banja Luka hospital. We first went to visit Captain Zupljanin, who  
25 is currently ...

1 MR. MARGETTS:

2 Q. Witness, you've seen that segment. Were you aware of any armed  
3 combat operations that were taking place between Muslim and Serb forces in  
4 Kotor Varos in 1992, and if so, how did you become aware?

5 A. Yes. From the area in which I lived, I saw the village of Bilice  
6 being attacked, which was referred to in this excerpt that we have just  
7 seen. Likewise, you could see clashes, or rather, the shelling of  
8 villages along the slopes of the mountains surrounding Kotor Varos itself.  
9 Those were Muslim villages.

10 Q. Thank you, Witness. I have no further questions on that matter.

11 JUDGE ORIE: Yes. Then we'll have a break until a quarter  
12 past 4.00.

13 --- Recess taken at 3.49 p.m.

14 --- On resuming at 4.21 p.m.

15 JUDGE ORIE: I was informed that as far as the exhibit number  
16 concerns, that the video, in contradiction to what I said before the  
17 break, will have one number, and the transcript will have that same  
18 number, and the letter "A" added. Madam Registrar, that would then be  
19 number?

20 THE REGISTRAR: Prosecution Exhibit number P334 for the CD and  
21 P334.A for the transcript.

22 JUDGE ORIE: Yes. I also do understand that the transcript has  
23 been provided to us now in a different form and that we'll get the B/C/S  
24 version in a similar form. But only by today. Although the text as such  
25 is already available now to Mr. Krajisnik.

1 Yes, please proceed, Mr. Margetts.

2 MR. MARGETTS: Yes, Your Honour. It's the English translation  
3 that is in the appropriate form.

4 JUDGE ORIE: Yes.

5 MR. MARGETTS: And it is the B/C/S transcript that is -- will be  
6 replaced tomorrow in the appropriate form.

7 JUDGE ORIE: Yes.

8 MR. MARGETTS: Thank you, Your Honour. Your Honour, I'd like to  
9 play the second part of the video, if I could.

10 [Videotape played]

11 THE INTERPRETER: [Voiceover] To be quite frank, I supposed that it  
12 could happen and we could be waylaid, but we never expected it at that  
13 place because the place we were supposed to go to, we were to meet at, is  
14 much better for an ambush. So that it came as a surprise. I am aware,  
15 though, after all the situations in the West Slavonian theatre of war from  
16 which I had come that the enemy will resort to any method, any means, any  
17 way to destroy and liquidate us systematically, step by step."

18 MR. MARGETTS:

19 Q. Witness, do you recognise the man depicted on that segment of the  
20 video?

21 A. Yes, I do. That is Slobodan Zupljanin.

22 Q. You've previously described to the Court who Slobodan Zupljanin  
23 is. After June 1992, and before December 1992, did you at any time meet  
24 with Slobodan Zupljanin?

25 A. Yes.

1 Q. Where were you at the time, and could you describe to the Court  
2 the meeting.

3 A. At that time, I was detained in the municipal prison behind the  
4 court building in Kotor Varos. Ahmed Cirkic and myself were placed in  
5 front of the bars in the prison itself, and on the other side of the bars  
6 there was Slobodan Zupljanin and Muhamed Sadikovic. It was then that I  
7 found out that Muhamed Sadikovic and those who opposed the Serb army had  
8 handed over their weapons, that they would be taken to Travnik. Zupljanin  
9 brought Sadikovic there for him to see that both myself and Ahmed Cirkic  
10 were still alive.

11 Q. At approximately what date did that meeting occur?

12 A. It may have been in late November. I can't remember the exact  
13 date.

14 Q. Whilst you were detained from July 1992 through to December 1992,  
15 did any of the guards mention to you Slobodan Zupljanin, and if so, in  
16 what context?

17 A. Yes, there was a reference to him. In the elementary school  
18 building, where I was first detained, on several occasions, groups of  
19 Muslims were brought in from the Vrbanjci area, more specifically,  
20 Hanifici and Dabovci. Guards would enter the hall. It was a gym. And  
21 whatever they were told, the rest of us could hear too. The guards told  
22 the people assembled there that their release or their transport by  
23 convoys would be decided by Slobodan Zupljanin and that it hinged upon his  
24 decision.

25 Q. Thank you.



1 MR. MARGETTS: Your Honour, we'd like to play the third part of  
2 the video.

3 JUDGE ORIE: Please do so, with the assistance of the technicians.

4 [Videotape played]

5 THE INTERPRETER: [Voiceover] On this occasion, I want to point out  
6 that we have met with outstanding cooperation even among those people, but  
7 unfortunately, our experience in two villages where we managed to reach an  
8 understanding was that units of the interior ministry of the Serb Republic  
9 of Krajina and members of my unit were fired on from these villages so  
10 that we had to respond appropriately.

11 MR. MARGETTS:

12 Q. Witness, do you recognise the person depicted in that segment?

13 A. Yes, I do. This is Lieutenant Colonel Peulic.

14 Q. You've previously described to the Court who Lieutenant Colonel  
15 Bosko Peulic was. Was any reference made to him by anyone during the  
16 course of your detention in Kotor Varos?

17 A. Yes. The detainees who were being brought in from the Vrbanjci  
18 area said that this Serb unit in the Kotor Varos area was commanded by  
19 Peulic, that he was the main commander of that unit.

20 Q. Thank you.

21 MR. MARGETTS: I'd like to play the next part of the video.

22 [Videotape played]

23 THE INTERPRETER: [Voiceover] Mr. Brdjanin, tell us: Why did you  
24 come and how do you see the latest developments in the Kotor Varos  
25 municipality? Mr. Brdjanin: Let me tell you, my duty as the president of

1 the Crisis Staff of the autonomous region is to visit all the fronts. I  
2 must admit that most of the time I was in the corridor leading to Serbia,  
3 but simply, my visit, the reason for my coming here is that every Monday I  
4 must inform the presidents of all the crisis staffs about the political  
5 situation in this area. We must clean up our area, which unquestionably  
6 includes Kotor Varos and Jajce. And the most important battle which is  
7 under way and which I attended yesterday is the breakthrough to Serbia.  
8 Simply, we can see for ourselves that there can be no more negotiations  
9 with those waging war against us. Those who took up arms must be  
10 defeated, hand themselves over, and total Serb authority must rule here.

11 MR. MARGETTS:

12 Q. Do you recognise the person depicted in that segment?

13 A. Yes. That is Radoslav Brdjanin.

14 Q. Did you ever meet with Radoslav Brdjanin?

15 A. No. I know him from the media.

16 Q. At the conclusion of his comments, he said that "total Serb  
17 authority must rule here," referring to the area of Kotor Varos. As at  
18 July 1992, was that the situation in Kotor Varos?

19 A. Yes.

20 MR. MARGETTS: I'd like to play the next segment of the video.

21 JUDGE ORIE: Please do so.

22 [Videotape played]

23 THE INTERPRETER: [Voiceover] We requested the political structures  
24 to do whatever is necessary to avoid possible conflicts when facilities  
25 could be destroyed, where people could get killed and so on. However, I

1 must say that the other side has accepted this activity of ours, at least  
2 in part. A number of extremists, however, have taken to the woods and  
3 refuse to place themselves under control or to return weapons.

4 MR. MARGETTS:

5 Q. Witness, do you recognise the speaker in that segment, and if so,  
6 can you describe who he is and what he is role was.

7 A. Yes, I recognise the speaker. The speaker is Stojan Zupljanin. Up  
8 to the conflict, he used to be the chief of the security services centre  
9 in Banja Luka. He hails from Maslovare local commune, Kotor Varos  
10 municipality.

11 Q. After the conflict began, what was his role?

12 A. I believe he retained his previous position, the one that he had  
13 held up to the beginning of conflict, as chief of the security services  
14 centre in Banja Luka.

15 MR. MARGETTS: Your Honour, I'd like to play the final segment of  
16 the video.

17 JUDGE ORIE: Please do so, Mr. Margetts.

18 [Videotape played]

19 THE INTERPRETER: [Voiceover] This surprise visit by the Krajina  
20 leadership to the Serbian soldiers testifies to a synchronised  
21 cooperation. The officers and men of the Serbian armed formations, in  
22 addition to activities for the liberation of the Serb territories, are  
23 also directly involved in the establishment of a corridor to Serbia as one  
24 of the greatest operations in the history of the Serb people.

25 MR. MARGETTS:

1 Q. Witness 144, the camera in that segment panned from right to left,  
2 and there were a number of people sitting at the table. Did you recognise  
3 any of those people, and if so, who did you recognise?

4 A. Yes. First of all, I recognised Radoslav Brdjanin. Next to him,  
5 there was a person seated that looked to me like Radovan Karadzic.  
6 Further, there was a person called Savo Tepic, and next to him, Mane  
7 Tepic, his brother.

8 Q. Who was Savo Tepic?

9 A. Before the beginning of the clashes in Kotor Varos, Savo Tepic was  
10 chief of the public security service in Kotor Varos, a position in which  
11 he remained following the outbreak of clashes. But by then, it was a Serb  
12 police force.

13 Q. Who was Mane Tepic?

14 A. Before the outbreak of clashes in Kotor Varos, Mane Tepic was the  
15 chief of the Territorial Defence.

16 Q. After the outbreak of clashes, do you know what role Mane Tepic  
17 occupied?

18 A. I don't know exactly.

19 Q. Before we leave the video, I would just like to refer you to the  
20 concluding remarks in the segment that depicted Captain Slobodan Zupljanin  
21 and ask for your comment in respect of those remarks. Zupljanin stated  
22 that: "The enemy would resort to any method, any means, any way to  
23 destroy and liquidate us systematically, step by step."

24 As at July 1992, were you aware of any systematic plan to  
25 eliminate the Serbs in Kotor Varos?

1           A.    No.

2                   JUDGE ORIE: Mr. Margetts, could you replay the last excerpt from  
3 the video?

4                   MR. MARGETTS: Yes, Your Honour.

5   [Videotape played]

6                   THE INTERPRETER: [Voiceover] This surprise visit by the Krajina  
7 leadership to the Serbian soldiers testifies to a synchronised  
8 cooperation. The officers and men of the Serbian armed formations, in  
9 addition to activities for the liberation of the Serb territories, are  
10 also directly involved in the establishment of a corridor to Serbia as one  
11 of the greatest operations in the history of the Serb people.

12                   JUDGE ORIE: The Chamber asked for it, Mr. Margetts, because the  
13 Chamber wanted to understand the testimony, especially in respect of  
14 recognition of Mr. Karadzic. Could you perhaps have that replayed and  
15 perhaps stop it at the place where the witness thinks he recognises  
16 Mr. Karadzic, so that we can at least follow his testimony in more detail.

17                   MR. MARGETTS: Yes, Your Honour. We will attempt to do so.

18                   JUDGE ORIE: Yes. I know that it's sometimes difficult, but ...

19                   Witness, could I ask you: Whenever the point comes that you see  
20 the person you said you thought you recognised as Mr. Karadzic, would you  
21 then please say "stop" so that we can try to stop the video picture so  
22 that you can explain which person you thought you recognised as  
23 Mr. Karadzic.

24   [Videotape played]

25                   THE WITNESS: [Interpretation] Now.

1 JUDGE ORIE: Yes. I do understand that your testimony is that the  
2 person we just saw in the middle of the video picture where it stopped,  
3 that, in your opinion, you recognised Mr. Karadzic.

4 THE WITNESS: [Interpretation] Yes. I said it appeared to me that  
5 this might be Karadzic, which means I'm not 100 per cent certain.

6 JUDGE ORIE: Yes. I understood that, that you were not certain,  
7 but you thought it was him. Thank you very much.

8 Please proceed, Mr. Margetts.

9 MR. MARGETTS: Thank you, Your Honour.

10 Your Honour, I'd like to present to the witness the next exhibit,  
11 which is the exhibit dated 15 August.

12 THE REGISTRAR: Prosecution Exhibit number P335.

13 MR. MARGETTS: Your Honour, could I just ask the registrar to  
14 check that exhibit and see that it is the 54th session of the War  
15 Presidency dated 15 August.

16 JUDGE ORIE: We received, and I see Madam Registrar has the same  
17 document.

18 MR. MARGETTS: Thank you, Your Honour.

19 JUDGE ORIE: Mr. Margetts, I noticed that in many, many  
20 translations, names are in capitals, where they do not appear in the  
21 original as capitals. I'm not asking you to change all that, but even in  
22 one of the documents we see that -- and I'm referring to P332, under  
23 item 2, that even what seems to be the family name is not in capitals, but  
24 the first name. So even mistakes are made in making the family names in  
25 capitals. It's not a major issue, but we don't need any changes in the

1 translation, especially because you do not recognise any more where in the  
2 original capitals are used.

3 MR. MARGETTS: Yes, Your Honour. Thank you. We will take note of  
4 those comments and --

5 JUDGE ORIE: Not to change everything, but it doesn't add  
6 anything. It confuses only.

7 MR. MARGETTS: Thank you, Your Honour.

8 Q. Witness 144, this document that is before you is the extract from  
9 the minutes of the 54th session of the War Presidency, held on 15 August  
10 1992, and it's signed by Nedjeljko Djekanovic. Could you describe for me  
11 who Nedjeljko Djekanovic is.

12 A. I met Nedjeljko Djekanovic (redacted)  
13 (redacted). He became president of the SDS. Nedjeljko Djekanovic was a  
14 Kotor Varos deputy to the Republican Assembly. Nedjeljko Djekanovic also  
15 became president of the Crisis Staff following the outbreak of clashes in  
16 Kotor Varos. Up to the outbreak, he had been a delegate in the Municipal  
17 Assembly of Kotor Varos also.

18 Q. After the elections in late 1990, who was elected to be the deputy  
19 in the republican assembly from Kotor Varos?

20 A. Nedjeljko Djekanovic.

21 Q. After the assembly of the Serbian people was formed at the  
22 republican level, did Nedjeljko Djekanovic join that assembly?

23 A. I don't know exactly.

24 Q. I'd like to refer you to item 2 in this document that is before  
25 you, and you will see the last two paragraphs of this document refer to a

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1 report from battalion commander Zupljanin. He refers to an attack by  
2 extremists. In the final paragraph it reads as follows: "As regards the  
3 group of civilians taken out of the Vrbanjci area, instructions were given  
4 that they be transported to Vlastic in the course of the day and sent  
5 towards Travnik."

6 Is that consistent with anything you heard during 1992?

7 A. Yes.

8 Q. I'd also like to refer you to the first paragraph of item 2, where  
9 it refers to Savo Tepic and the fact that he spoke of the situation in the  
10 SJB, public security station, or, more precisely, about the security  
11 situation, as at August 1992. You've previously described to the Court  
12 who Savo Tepic was. Between July and August 1992, did you see Savo Tepic,  
13 and if so, where did you see him and what was he doing?

14 A. Yes, I did see him. I saw him the next day after my arrest, at  
15 the Kotor Varos public security station. I saw him, and he came to our  
16 place of detention in the school building. They would take us from the  
17 school building to clean the toilets at the public security station. So  
18 while I was doing that, I saw Savo. He was going about his duties as  
19 chief of the public security station.

20 Q. During the course of your detention at the school, did you see him  
21 present in the school building?

22 A. Yes. On one occasion, he came to visit the guards as we were  
23 cleaning the guards' room. They would take us out to clean their room.

24 Q. What was the nature of the relationship between Savo Tepic and the  
25 guards?

1 A. I assume that he gave them orders.

2 Q. I'd just like to refer you back to the final paragraph of item 2,  
3 wherein it commences: "As regards the group of civilians taken out of the  
4 Vrbanjci area." You stated that you heard about this matter. Can you  
5 describe the group of civilians and what nationality they were?

6 A. There was a group of civilians that was brought to the elementary  
7 school in Kotor Varos from the Hanifici area. This group stayed with us  
8 for several days. They told us that their wives and children had been  
9 arrested separately and taken to a different place, after which they had  
10 been deported to Travnik.

11 Q. What nationality was this group of civilians?

12 A. They were Muslims.

13 MR. MARGETTS: Your Honour, I'd like to present the next exhibit  
14 to this witness. It's the document dated 8 August 1992.

15 THE REGISTRAR: Prosecution Exhibit number P336.

16 MR. MARGETTS:

17 Q. Witness, this is a precis of the minutes of the 51st meeting of  
18 the War Presidency, held on 8 August 1992 in Kotor Varos. At item 4, the  
19 second matter reads as follows. It states: "Savo reported on the  
20 unsanitary conditions in the prison." Can you tell the Court who you  
21 think Savo would be.

22 A. I assume this must be Savo Tepic.

23 Q. The reference refers to unsanitary conditions in the prison.  
24 Whilst you were detained in the prison, were the conditions unsanitary,  
25 and if so, could you describe them to the Court.

1           A.    Yes.  The conditions were unsanitary.  We were put up in the  
2 elementary school building.  There were over a hundred detainees there.  
3 There was no running water.  It wasn't possible for us to wash ourselves.  
4 We were taken to the toilet by the guards, and the pipes didn't work  
5 properly.  We were given drinking water every second day.  We would share  
6 among ourselves whatever we were given.  We were given a crate of fruit  
7 juice which amounted to about two decilitres per day per prisoners.  We  
8 slept rough on the floor.  I had traces of blood on my body, because I had  
9 been beaten and tortured.  I was unable to wash these off for more than  
10 two months, simply because there was no water.  This would be a thumbnail  
11 sketch of the unsanitary conditions in the prison.

12                 Once in this prison in the elementary school building, there was a  
13 man who came and walked into the hall in which we were detained.  He told  
14 us that he was stationed with his unit at the medical centre, a building  
15 which was just behind the school building.  He did not beat us, but he  
16 realised what our situation was, and he had a word with the guards,  
17 telling the guards to allow us to at least wash ourselves, because there  
18 was a danger.  He told them that we could infect them too.

19                 He stated his name.  I did not remember his name, but I remember  
20 precisely that he said he was from Krusevac, which is a town in Serbia.  
21 He said, "I can hardly wait to leave this place and go back to my wife and  
22 children, and I wish you could do the same as soon as possible too."

23           Q.    Your answer describes the conditions in the elementary school  
24 building.  What were the conditions like in the prison?

25           A.    After I had spent two months at the school, we were transferred to

1 the building of the municipal prison there, situated behind the building  
2 of the court. Upon our arrival there, I was put up into room number 1,  
3 where there was some 50 detainees. The area of the room was some 4.5 by  
4 6.5 metres. There was no room for us to lie down. The doors were locked.  
5 We were taken to the toilets by the guards when they thought or saw it  
6 fitting. There was no water at all in the prison, and the water was  
7 supplied to us in the same way as in the school when we were detained  
8 there. There were many detainees in the prison, a great many of them.  
9 Those who were in room number 1 before I had arrived there told me that  
10 there was some 80 of them. We slept on the floor. We used the little  
11 space that we had. We were crowded like sardines. Preferably someone had  
12 to stand up in order for the others to lie down.

13 MR. MARGETTS: Your Honour, I'd like to present to the witness the  
14 next two exhibits, the first exhibit being the document dated 15 June  
15 1992, and the second dated 20 June 1992. And if the second document could  
16 be provided under seal.

17 THE REGISTRAR: The first document will be P337, and the second  
18 document, P338, under seal.

19 MR. MARGETTS:

20 Q. Witness 144, could I refer you to the first document with the  
21 cover page stating "decision permitting citizens freedom of movement in  
22 the town from 9.00 a.m. to 11.00 a.m." And I note that this is a decision  
23 of the Crisis Staff of Kotor Varos dated 15 June 1992. I'd like to refer  
24 you to the first paragraph, and it states that: "Citizens are hereby  
25 permitted freedom of movement in the town from 9.00 a.m. to 11.00 a.m."



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11 [Open session]

12 JUDGE ORIE: You may proceed, Mr. Margetts.

13 MR. MARGETTS:

14 Q. In your statement, Witness 144, you refer to various meetings with  
15 Zdravko Samardzija. You refer to a meeting with Komljenovic was present.  
16 That's at paragraph 108. You refer to his presence at the police station.  
17 That's paragraph 114. And you refer to him ordering confinement at  
18 paragraph 119. Can you describe to the Court who Zdravko Samardzija was  
19 and what his role in Kotor Varos was.

20 A. I saw Zdravko Samardzija for the first time several days after the  
21 outbreak of clashes in Kotor Varos, when he came with Tomjenovic [phoen]  
22 to Kotor Varos, to Cepak, where he stated his full name and he said that  
23 he was a lawyer and worked at the Security Services Centre in Banja Luka,  
24 and that the residents of Cepak were supposed to hand over their weapons  
25 and that nothing would happen to them, that the process would be carried



1 out quickly and that life would return to normal in Kotor Varos.

2 The second encounter was the one I just described, when I was  
3 given a permit for the freedom of movement by him.

4 The third encounter with Zdravko Samardzija was on the occasion of  
5 my second arrest, when I was arrested and taken to the police station. It  
6 was then that I realised that Zdravko Samardzija was in command of all the  
7 Special Forces, special police forces that were present in the area.

8 As I was being taken out of the truck that took me there, because  
9 a truck took me from my home, because I had again returned home, and that  
10 was the next time I saw Zdravko Samardzija again. And he asked me, "Well,  
11 what are you doing here?" His subordinate, Nenad Kajkut, grabbed me by my  
12 hair, the back of my hair, and hit me in the head very strongly. Then he  
13 took me into the police station, to the first room on the right. There  
14 were several other detainees standing in the corridor with their backs  
15 facing the wall. They were actually -- the palms of their hands were  
16 leaning against the wall, just with three fingers stretched out. They  
17 took me into this room, where I saw two members of the Serb Special  
18 Forces. They started beating me, and it went on for hours. Amidst the  
19 beating and the strikes, they kept asking me about my colleagues from the  
20 SDA, about what I knew about them, what I knew about the neighbours who  
21 left their homes and took to the woods.

22 This went on for hours. At a certain point, Zdravko Samardzija  
23 appeared at the doorstep and told the other two - one of them was Ostoja  
24 Verbica [phoen], the other Danko Kajkut. I learnt their names later on.  
25 I did not know them from before. Samardzija told them, "Don't kill him.

1 I need limb alive because I need to interrogate him."

2 They continued beating me upon Samardzija's departure. In some 15  
3 minutes, the doors opened again and Zdravko Samardzija appeared holding a  
4 pistol in his hand, pointed the pistol at them and said, "Did you hear  
5 what I said? I need him alive." And he went out again.

6 I saw Samardzija Zdravko once again the following day, or rather,  
7 I failed to say that on that same day at 10.00 in the evening, Zdravko  
8 Samardzija took us to a room that was that same solitary cell where they  
9 locked me the first time. Now there were 17 people in that room that was  
10 of an area of maybe 1 by 1.5 metres. There was no air there, because  
11 there were only a few holes in the wall. We started suffocating and  
12 banging against the door.

13 Later on they transferred us to an office in the police station,  
14 where we spent the night. Zdravko Samardzija told us, "You will spend the  
15 night here and then we'll see what we're going to do with you tomorrow."

16 The following day, we spent the whole day standing in front of the  
17 police station under an awning that was basically a parking place for a  
18 police vehicle. I had the opportunity of seeing many Serbs from  
19 Kotor Varos, including Zdravko Samardzija, who kept entering and leaving  
20 the building, whereas the members of the Special Forces who were in  
21 command of Zdravko Samardzija would come, approach us, beat us, and then  
22 go away, return, beat us again. And this was an eternal day of suffering  
23 for us.

24 Q. Witness, could I just stop you there. You stated that the Special  
25 Forces were under the command of Samardzija. Whilst you were detained in

1 the school, following your detention in the police station, and whilst you  
2 were detained in the prison, subsequent to your detention in the school,  
3 did you see Samardzija or did you see the members of the Special Forces?

4 A. The members of the Special Forces came to the school where we were  
5 detained and to the prison when I was subsequently transferred there.  
6 Zdravko Samardzija came only in the first couple of days. Later on, we  
7 didn't see him any more. One of the guards, we knew these guards because  
8 these guards used to be our workmates, we learnt from them that Zdravko  
9 Samardzija went to Jajce, the town of Jajce, and Zdravko Samardzija's role  
10 was taken by Slobodan Dubocanin. Slobodan Dubocanin frequently came to  
11 the school where we were detained, accompanied by several members of the  
12 Special Forces, calling out individuals into the corridor to beat them,  
13 including myself. And this went on for two months, for the duration of  
14 our detention at the school, the elementary school.

15 Q. Thank you. When you were detained at the police station, you  
16 referred to --

17 THE INTERPRETER: Microphone.

18 MR. MARGETTS: Sorry. Microphone is now on.

19 Q. When you were detained at the police station, you referred to  
20 several other detainees. What was the nationality of the detainees?

21 A. The first day, the first time I was taken to the police station,  
22 that was on the 7th of July, I saw several persons in the corridor who  
23 were also brought in, who were ethnic Croats, and there were also two  
24 Muslims.

25 MR. MARGETTS: Your Honour, I'd like to present --

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1 THE INTERPRETER: Microphone, please.

2 MR. MARGETTS: Sorry. Your Honour, I'd like to present the next  
3 two exhibits to the witness. They're the conclusion on resettlement dated  
4 18 June 1992, and the statement of Safet Smajlovic dated 21 August 1992.

5 JUDGE ORIE: Madam Registrar.

6 THE REGISTRAR: Prosecution Exhibit numbers P339 and P340.

7 MR. MARGETTS:

8 Q. Witness, the document dated 18 June 1992 is a conclusion of the  
9 Crisis Staff of Kotor Varos, and it refers to arrangement for the  
10 resettlement of Rasim Mehmedovic to Zagreb through the resettlement  
11 agency. Did you know Rasim Mehmedovic?

12 A. Yes, I did.

13 Q. Did he leave Kotor Varos?

14 A. Yes.

15 Q. When did you first hear of the resettlement agency?

16 A. I heard when the vehicle drove by, that I described before, where  
17 there was a PA system mounted, saying that all citizens of Croat and  
18 Muslim ethnicity who wished to leave Kotor Varos municipality and had done  
19 nothing against the Serb people were free to do so by registering with the  
20 Red Cross office. This was probably a reference to this agency. But I  
21 was not familiar with the existence of this specific agency.

22 Q. What was the nationality of Rasim Mehmedovic?

23 A. He was a Muslim.

24 Q. I'd like to refer you to the next document, dated 21 August 1992,  
25 which is a statement from Safet Smajlovic in relation to his departure

1 from Kotor Varos. And it states at the second substantial paragraph,  
2 under the numbered points 1 to 11: "I wish to move away and I leave  
3 behind my land in Kotor and my destroyed house." And then states that  
4 he's taking with him various members of his family.

5 Did you hear, as at August 1992, about conditions that may have  
6 been imposed on those that wished to leave Kotor Varos?

7 A. During that period of time, and specifically, on the 21st of  
8 August, I was in detention. But before I was detained, I had heard of  
9 people who wished to do just that, and they had to get themselves  
10 registered, and the condition imposed was that they voluntarily hand over  
11 all their property to the Serbian Republic. And they were supposed to  
12 leave the key to their flat or house at the centre to which they were  
13 supposed to report. And they had to cover the transport charges as far as  
14 wherever it was that they wished to go.

15 In 99 per cent of the cases, the destination was Travnik.

16 Q. Did you know Safet Smajlovic, and if so, do you know what  
17 nationality he was?

18 A. Yes, I knew him. He is a Muslim.

19 Q. I'd like to proceed to the next exhibit, Your Honour, which is a  
20 document dated 19 June 1992.

21 THE REGISTRAR: Prosecution Exhibit number P341.

22 MR. MARGETTS:

23 Q. Witness 144, this document before you is an extract from the  
24 minutes of the 26th session of the Kotor Varos Crisis Staff held on  
25 19 June 1992. In the second -- in the first item, in the second

1 paragraph, there is information provided by Mane Tepic as follows: "He  
2 informed the Crisis Staff on yesterday's activities by units that are in  
3 the Kotor Varos area and pointed out that the Rujika had been cleaned out  
4 and taken yesterday, that a soldier from the village of Tesic had been  
5 captured and taken away and that six soldiers had been surrounded because  
6 they had not retreated in time."

7 Do you have any information about events that took place in June  
8 1992 in Rujika?

9 A. Rujika, I mean the place, is at a distance of about 500 or 600  
10 metres from my house, as the crow flies. Therefore, standing at the  
11 window of my house, I could see clearly what was going on over there. In  
12 those days, I saw that an attack had been carried out, very similar to the  
13 one that had been launched against Cepak. And now it was Rujika. There  
14 was a blue APC with "police" written on it and it was used by special  
15 police forces to enter the Rujika area, or rather, Kotoriste.

16 Allow me to explain, to be more specific about this. There is a  
17 hillock behind the hotel in Kotor Varos, and the name of that hillock is  
18 Rujika. Behind that hillock, or mound, which was a favourite weekend  
19 destination in town, there is another neighbourhood that belongs to the  
20 town, and this neighbourhood is called Kotoriste. I could see clearly  
21 that some people were being taken out of their houses, that some houses  
22 had been set fire to, and that some of the inhabitants of Kotoriste had  
23 probably fled.

24 Q. Witness, can I just interrupt you for a moment. Was Kotoriste a  
25 Muslim or a Croat village?

1           A.    It was a Croat village.

2           MR. MARGETTS: Your Honour, I'd like to move to the next exhibit,  
3   and that is document dated 21st June 1992.

4           THE REGISTRAR: Prosecution Exhibit number P342.

5           MR. MARGETTS: This exhibit is an extract from the minutes of the  
6   31st meeting of the Kotor Varos Crisis Staff.

7           Q.    Witness, I'd like to refer you to the last paragraph under the  
8   heading "item 2," where it states: "It was concluded that Savo should  
9   invite Ljuban or Zdravko to the next Crisis Staff meeting and he was then  
10   given the task of briefing Stojan Z on problems we are experiencing and  
11   scheduling a meeting, attendance at which should be ensured from the  
12   following persons in addition to KS members: Brdjanin, Peulic, Zupljanin,  
13   and other competent people who might be able to help the KS in addressing  
14   these problems."

15           From the context of that paragraph, are you able to identify who  
16   Savo, Ljuban, and Zdravko were?

17           A.    I can assume that it is Savo Tepic. As for Ljuban, this could be  
18   a reference to Ljuban Ecim, who was a member of a special police unit,  
19   alongside with Slobodan Dubocanin, and he would come to the prison very  
20   often while we were detained at the school building.

21           The third person could have been Zdravko Samardzija.

22           Q.    When Ljuban Ecim came to the school building, what did he do?

23           A.    He was usually not alone. He would usually have several members  
24   of the Special Forces with him. They would take prisoners out, question  
25   them, beat them, and then send them back to their cells.



1 MR. MARGETTS: Your Honour, I'd like to proceed to the next  
2 exhibit, which is a document dated 24 June 1992.

3 THE REGISTRAR: Prosecution Exhibit number 343.

4 MR. MARGETTS:

5 Q. This document is the extract from the minutes of the 36th session  
6 of the Crisis Staff, held on 24 June 1992. I note that in the  
7 introductory paragraph it refers to the presence of Inspector Pejic, and  
8 under item 3, it states that Inspector Pejic informed the Crisis Staff  
9 about the work of the security service and the results of the questioning  
10 of the persons who had been brought in.

11 Witness 144, do you know who this Inspector Pejic is, and if so,  
12 when did you either meet with him or see him?

13 A. Inspector Pejic is Zdravko Pejic. A long time ago he used to work  
14 with the Kotor Varos SUP ministry of the secretariat of the interior. He  
15 worked on the issuing of identity cards and travel documents. He was then  
16 promoted and became inspector of the social security services. I can't be  
17 sure when, but it was probably 1980-something that he retired. Following  
18 the outbreak of clashes in Kotor Varos, he was appointed inspector with  
19 the public security station in Kotor Varos, and his authority was far  
20 superior to that of other inspectors. He was the one who interrogated  
21 prisoners. He was the one who approved their detention or release. He  
22 would take them away for interrogation, along with other police officers.  
23 The police officers would beat them, and meanwhile, he would interrogate  
24 them.

25 While he was at the prison, I met him. I can't give you the exact

1 number of times, but certainly very many times, once a week, at least,  
2 probably even more.

3 Q. Did the guards ever say anything to you in respect of Zdravko  
4 Pejic?

5 A. Yes. The guards used to tell us that our fate hinged on Zdravko  
6 Pejic. He took part in the negotiations for exchanges when prisoners were  
7 exchanged, as well as the last one, when we were eventually exchanged.

8 MR. MARGETTS: Your Honour, I'd like to present to the witness the  
9 next two exhibits. One is dated 26 June 1992, and the other is a lengthy  
10 document, headed "list of camp prisoners in Kotor Varos from 11 June 1992  
11 onwards."

12 JUDGE ORIE: Madam Registrar.

13 THE REGISTRAR: The first document will be Prosecution Exhibit  
14 number P344, and the second document, P345.

15 MR. MARGETTS:

16 Q. Witness 144, first of all, I'd like to refer you to the lengthy  
17 list. Is this a list that you prepared; and if so, can you describe to  
18 the Court when you prepared it and what it describes.

19 A. Yes. This is a list of prisoners in the elementary school prison,  
20 as well as the prison behind the court building. I was the one who drew  
21 it up. It contains the names of persons who were detained in those  
22 prisons that I was familiar with. I produced this list following my  
23 release, or rather, once I had been exchanged and taken to a transit  
24 centre in Karlovac, Croatia. All the names from Kotor Varos, from the  
25 centre, from Cepak, from Kotoriste, from Kukavica, from Donja Varos, all

1 these names were recorded by myself personally.

2 As for the other part, in reference to the village of Vrbanjci, I  
3 was assisted by (redacted), people who are actually  
4 from that area and were also detained with me in those camps.

5 Q. Witness 144, does this list represent a list of people that were  
6 detained and deported from Kotor Varos?

7 A. Yes.

8 Q. What is the nationality of the people on this list?

9 A. Muslims and Croats.

10 MR. MARGETTS: Your Honour, I've been alerted to the fact that  
11 this is a document that we should place under seal, if we can do that.  
12 And I apologise for not stating that earlier.

13 JUDGE ORIE: Madam Registrar, it's tendered under seal.

14 MR. MARGETTS:

15 Q. Witness 144, I'd like to refer you to the other document that's  
16 before you, dated 26 June 1992. And in particular, I'd like to refer you  
17 to the entry under item 1 that refers to information from Dr. Gajanin and  
18 Nedjeljko Djekanovic, and the information is as follows: Dr. Gajanin --  
19 and just for clarity, this is the extract from the minutes of the 40th  
20 session of the Crisis Staff of Kotor Varos on the 26th of June, 1992.  
21 Dr. Gajanin informed the Crisis Staff of the situation as regards  
22 casualties and reported on what had been done on the premises of the  
23 health centre by members of the special unit which he had tried to prevent  
24 but was driven away at gunpoint. Nedjeljko Djekanovic said that last  
25 night he had told Dubocanin about everything going on at the health centre

1 and in the town and had been assured by him that it would be prevented.

2 He also said that all these questions had to be cleared up and  
3 information provided on the behaviour of the members of the special unit  
4 at the meeting with S. Zupljanin, the chief of the CSB, scheduled for  
5 tomorrow. Zarko Mikic said the Crisis Staff had discussed the behaviour  
6 of the members of the special unit on several occasions and were unable to  
7 influence them, and he asked Lieutenant Colonel Peulic to help solve this  
8 problem."

9 Do you know what happened at the health centre, and if so, can you  
10 describe that to the Court.

11 A. What I know about what happened at the health centre I learned  
12 after I had been transferred from the elementary school building to the  
13 prison, which occurred in late August. In room 1, which was the room  
14 where I was detained, I met some acquaintances of mine, some of whom had  
15 witnessed this event on the 25th of June, 1992. It was Enes Terzic and  
16 Sevel Djuvelek who were there that told me what happened. A group of  
17 Muslims was brought to the health centre from a neighbourhood known as  
18 Kukavica. They were brought within the health centre compound, escorted  
19 by members of the Serb Special Forces, where they shot a number of them,  
20 while others were tortured.

21 Enes showed me his leg. They unleashed a dog on him. The dog bit  
22 him and he had deep scars from these dog bites. Sevel Djuvelek told me  
23 that his father had been killed there. That was how I learned about that  
24 event and what exactly happened at the health centre.

25 MR. MARGETTS: Your Honour, I'd like to present to the witness the

1 last two documents I wish to present to him, and they are, firstly, a  
2 document dated 30 June 1992; and secondly, a document dated 29 June 1992.

3 JUDGE ORIE: Mr. Margetts, could you give us an indication as well  
4 on the time the examination-in-chief still might take. Because we are now  
5 20 minutes to 6.00, would be the time for a break, unless you finish, it's  
6 just a matter of these two documents.

7 MR. MARGETTS: Yes, Your Honour. These are just two documents and  
8 there will be a brief comment asked for and then the examination will be  
9 finished.

10 JUDGE ORIE: Then, with the assistance of interpreters and  
11 technicians, we might finish before the break and have a break a bit  
12 later.

13 Please proceed.

14 MR. MARGETTS: Thank you, Your Honour.

15 THE REGISTRAR: The document dated 30 June 1992 will be  
16 Prosecution Exhibit number P346, and the document dated 29 June 1992 will  
17 be P347.

18 MR. MARGETTS:

19 Q. Witness 144 -- [French on English channel].

20 MR. MARGETTS: Your Honour, French translation is coming through  
21 on channel 4.

22 JUDGE ORIE: I do receive the French translation at this moment on  
23 channel 4, but it seems that now it's my own English voice again now I  
24 hear.

25 Please proceed. So I take it that it is corrected.

1 MR. MARGETTS:

2 Q. Witness 144, the first document I'd like you to look at is the  
3 extract from the minutes of the 48th meeting of the Crisis Staff of  
4 Kotor Varos, held on 30th of June, 1992. There's a reference to the  
5 attendance of Slobodan Dubocanin at this meeting, and the last item on  
6 item 1 states that Kajkut is to be assigned to a unit. You have  
7 previously mentioned two gentlemen by the name of Kajkut. What unit were  
8 they involved with, and what was their relationship to Dubocanin?

9 A. During my time in detention, I met the Kajkut brothers, Nenad and  
10 Danko. Nenad Kajkut had some sort of position of leadership. It is  
11 difficult to tell exactly what the hierarchy was, but he was subordinate  
12 to Zdravko Samardzija, and later on to Slobodan Dubocanin. Danko Kajkut,  
13 on the other hand, was an ordinary member of the Special Forces. He  
14 carried out their orders. And most of the time, he was beating us in the  
15 camp.

16 Q. Were you beaten by Nenad Kajkut?

17 A. Yes. The first time he hit me was when I was first brought in, as  
18 I've already described. He cracked me over the head.

19 Q. You've previously referred to the role of Savo Tepic as the police  
20 commander. What was the relationship between Savo Tepic and the special  
21 unit commanders Samardzija and Dubocanin?

22 A. They were all staying at the police station in Kotor Varos.  
23 Members of the Special Forces were on the third floor of the police  
24 station. And the Serb police, under the leadership of Savo Tepic, were  
25 also in the same building, in the same offices where police officers used

1 to be before. There was cooperation between them, and the way I see it,  
2 there were two different channels. There were some tasks that were  
3 carried out by members of the Special Forces with no control or  
4 supervision whatsoever from the ordinary police forces. Whenever we were  
5 taken to clean the lavatories of the police station, we would normally be  
6 beaten by members of the Special Forces. And whenever a member of the  
7 ordinary police forces tried to aid us, they would be driven away,  
8 invariably. That is what leads me to conclude that these were two  
9 separate formations.

10 Q. Who was the Special Forces answering to?

11 MS. LOUKAS: Well, Your Honour, rather than a question in that  
12 form, perhaps a question directed to what the witness actually witnessed,  
13 as opposed to that sort of generalised question. It's most important,  
14 Your Honour, to have the actual observations of the witness as opposed to  
15 a question of the nature of who was the Special Forces answering to.

16 JUDGE ORIE: Mr. Margetts, perhaps you'll first ask the witness  
17 whether he has any knowledge based on what -- as to hierarchical  
18 structures or practices.

19 MR. MARGETTS:

20 Q. Witness 144, did you observe the members of the special units  
21 answering to any other authority than that of Dubocanin or Samardzija, and  
22 what did you know about the relationship between Dubocanin or Samardzija  
23 and other authority figures in Kotor Varos?

24 A. What I witnessed myself was that Zdravko Samardzija, for as long  
25 as he was there, and then later Slobodan Dubocanin, had their own group of

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13 English transcripts.

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1 members of the Special Forces, and they had different clothes that  
2 distinguished them from the remaining police units. They had camouflage  
3 uniforms. Samardzija Zdravko, Dubocanin Slobodan, Kajkut, Nenad Kajkut,  
4 Vrbica and the others had camouflage caps, which was a mark of distinction  
5 in relation to their position in the hierarchy while all the other members  
6 of the Special Forces wore ordinary caps. I never saw them answer to  
7 anyone else for their actions, but the first time when I was brought in  
8 for a second time and beaten at the police station, I was interrogated by  
9 those members of the Special Forces and beaten by them. Whereas I was not  
10 beaten by members of the Serbian police. However, we were guarded at the  
11 camp by members of the Serb police, or rather, in the prison.

12 Q. Thank you. Just one brief question in respect of the next  
13 document, and that is extract from the minutes of the 46th session of the  
14 Crisis Staff held on 29 June 1992. Witness, you'll see on the agenda, at  
15 number 2, it's marked "tasks for members of the Crisis Staff," and you'll  
16 see the third paragraph from the bottom, it states: "Momcilo K and  
17 Nedjo Dj were given the task of finding appropriate premises for the  
18 accommodation of persons who have been arrested."

19 Could you assist the Court by telling them who you knew in the  
20 Serbian authorities who had names consistent with the first name, Momcilo,  
21 and the first initial of the surname K, and the first name Nedjo, and the  
22 first initial of the surname Dj.

23 A. I know of only one Momcilo, Momcilo Komljenovic. I know of no  
24 other Momcilo in Kotor Varos whose family name starts with a K. It can  
25 therefore only be Momcilo Komljenovic.

1           The second person, Nedjo Dj, from among the Serbian leaders, it  
2     can be Nedjo Djekanovic. I know of only one other Nedjo Dj. That is  
3     Nedjo Djukic, who was one of the guards at the camp where I was held.

4           Q.     Thank you, Witness 144.

5           MR. MARGETTS: And thank you, Your Honour. That completes the  
6     examination-in-chief.

7           JUDGE ORIE: Thank you, Mr. Margetts.

8           Ms. Loukas, after the break, we would have another 50 minutes.  
9     Would you be able to start to cross-examine the witness?

10          MS. LOUKAS: Well, Your Honour --

11          THE INTERPRETER: Microphone for the counsel.

12          JUDGE ORIE: Please put on your microphone.

13          MS. LOUKAS: Yes. In fact, Your Honour, I indicated this morning  
14     that in view of the circumstances, I didn't think that I would be doing  
15     that.

16                 I must say, Your Honour, we're already moving way ahead of  
17     schedule this week. This witness was actually on the schedule I think for  
18     today, tomorrow, and the day after. So -- and I actually think my  
19     cross-examination won't be that long, but I'd like to finish looking at  
20     the additional material before I start it, and I can assure Your Honour it  
21     won't be a very long cross-examination tomorrow.

22          JUDGE ORIE: What would you have approximately in mind?

23          MS. LOUKAS: I would think no more than an hour, in all the  
24     circumstances.

25   [Trial Chamber confers]

1           JUDGE ORIE: The Chamber will allow you to start your  
2 cross-examination tomorrow and has taken notice of the time that would be  
3 needed, approximately, for that.

4           We have two items, I would say, on our agenda still, although,  
5 Mr. Margetts, they do not specifically concern you. One of them is that  
6 we would still hear about the exhibits where it was expected to hear about  
7 that this afternoon. We could do that after the break. There are another  
8 number of 92 bis statements to be read into the transcript. I think there  
9 were six still pending. We could use our time for that. I think  
10 Mr. Gaynor sent us -- or sent recently copies of the 92 bis summaries.

11           MR. HARMON: Yes, Your Honour. I don't have them at hand. I will  
12 retrieve them during the break.

13           JUDGE ORIE: Yes. If that would be possible. Even if you're  
14 ahead of schedule, Ms. Loukas, the Chamber prefers not to give that up and  
15 to stay ahead of schedule.

16           Mr. Margetts.

17           MR. MARGETTS: Your Honour, in light of the time that may be  
18 available today, it may be fruitful for us to continue our discussions in  
19 respect of the 89(F) summary, but also the witness statement of 144, and  
20 maybe we could resolve that this evening as well.

21           JUDGE ORIE: Yes. Since I take it that the 92 bis summaries are  
22 now relatively short, that hearing the submissions in relation to the  
23 P exhibits, 300 up to 303 I think it was -- no, 203. It might not take  
24 that much time. Do the parties think that they would be able to reach any  
25 conclusions as far as the 89(F) summary is concerned, well, let's say in

1 half an hour? Would that do?

2 MR. MARGETTS: That would be adequate for the Prosecution, Your  
3 Honour.

4 JUDGE ORIE: Yes. I see Ms. Loukas is nodding as well. So we'll  
5 then adjourn until 25 minutes past 6.00.

6 And Witness 144, we would like to see you back tomorrow, in the  
7 afternoon, a quarter past 2.00, in this same courtroom. And I would like  
8 to instruct you not to speak with anyone about the testimony that you've  
9 given thus far and that you're still about to give tomorrow.

10 We'll adjourn for half an hour.

11 --- Recess taken at 5.57 p.m.

12 --- On resuming at 6.32 p.m.

13 JUDGE ORIE: I notice that we received the B/C/S version of the  
14 video transcript.

15 Then have the parties agreed upon the 89(F) summary?

16 MR. MARGETTS: Your Honour, we have agreed in respect of the 89(F)  
17 summary, insofar as two of the paragraphs that were objected to, we found  
18 a compromise for. A third paragraph, whether or not it goes in, depends  
19 on the resolution of which paragraphs remain within the statement, and we  
20 still haven't reached an agreement on that.

21 JUDGE ORIE: Yes. Do you expect that you would reach an agreement  
22 on the statement? I notice that especially in the statement there is a  
23 lot of detail and background, and I don't know whether you consider it  
24 feasible to reach an agreement on that.

25 MR. MARGETTS: Your Honour, we have reduced those background

1 paragraphs substantially. We've taken out a further nine paragraphs in  
2 the document we've circulated today, which amounts probably to at least  
3 three to four pages. However, we have decided that the other paragraphs  
4 should remain, and it seems that the Defence is not persuaded to that  
5 view.

6 JUDGE ORIE: Okay. Would it be possible that the parties inform  
7 the Chamber on what paragraphs are still in dispute, so that the Chamber  
8 could look at those paragraphs specifically tomorrow morning, if there  
9 would be any need to explain why or whether there are any specific  
10 reasons, I would say half a word would do. At least we hope, to  
11 understand the concerns of the Defence.

12 MS. LOUKAS: Yes. Thank you, Your Honour. The information that  
13 Mr. Margetts has conveyed to the Court in respect to the 89(F) summary and  
14 the outstanding objections in relation to the statement, I concur with.  
15 The only issue outstanding is that there's a certain section of the  
16 statement that begins at paragraph 18.

17 JUDGE ORIE: Yes.

18 MS. LOUKAS: And its titled --

19 JUDGE ORIE: 18 is blackened already in my version, so I don't  
20 know ...

21 MS. LOUKAS: Yes. That was subsequently blackened. That's 18,  
22 19. But I had actually objected to the entire section from 18 until 48, I  
23 think it was.

24 JUDGE ORIE: 48.

25 MS. LOUKAS: 46, in fact, yes.

1 JUDGE ORIE: 46.

2 MS. LOUKAS: And in answer to my objection, the Prosecution had  
3 removed 18, 19, 23, 24, 25, 26, 33, 35 --

4 JUDGE ORIE: You said 24. That's not out yet on my list.

5 MR. MARGETTS: Yes.

6 JUDGE ORIE: It is?

7 MR. MARGETTS: Your Honour, no. 24 is not out. I have a listing  
8 here of --

9 MS. LOUKAS: Sorry. Did I say 24? No. 23, 25, is what I meant  
10 to say.

11 JUDGE ORIE: 26. What I have on my -- then I see 33, 34, 35 are  
12 out.

13 MS. LOUKAS: Yes.

14 JUDGE ORIE: 37, 38, 39, and then it continues until 46. So the  
15 Defence would like to have 18 up to and including 46 out.

16 MS. LOUKAS: The entire section, Your Honour.

17 JUDGE ORIE: The entire section, yes.

18 MS. LOUKAS: My -- I don't intend to go into any detail on that.  
19 I just would submit that there is a lot of surplusage in this statement  
20 that I would submit is not necessary for the Trial Chamber.

21 The other aspect in terms of objections was the last sentence of  
22 paragraph 60, which I would submit is in the form of a conclusion or  
23 opinion.

24 JUDGE ORIE: That's where it reads "the proclamation of"?

25 MS. LOUKAS: Yes.

1 JUDGE ORIE: That's clear. That's because it's opinion, yes.

2 MS. LOUKAS: Paragraph 63, the second-last sentence in relation

3 to, again, opinion. This indicated --

4 JUDGE ORIE: Ballot papers? That line?

5 MS. LOUKAS: Sorry, Your Honour?

6 JUDGE ORIE: The Ballot papers?

7 MS. LOUKAS: In relation to the ballot papers, precisely, yes.

8 JUDGE ORIE: Okay. So these two lines or all four?

9 MS. LOUKAS: No, just the line that begins --

10 JUDGE ORIE: And ends with "discrimination". Okay. Opinion.

11 MS. LOUKAS: The next paragraph is paragraph 66.

12 JUDGE ORIE: Yes.

13 MS. LOUKAS: The last sentence.

14 JUDGE ORIE: This case made. Is that the last sentence?

15 MS. LOUKAS: Sorry. It's the second-last sentence.

16 JUDGE ORIE: The threat. Yes?

17 MS. LOUKAS: Yes.

18 JUDGE ORIE: And including the last one or -- I mean the last two

19 or just the previous -- just the --

20 MS. LOUKAS: Yeah. Just --

21 JUDGE ORIE: Where do we stop? At "assembly" or at "wider"?

22 MS. LOUKAS: Well, in essence, it's the first sentence, Your

23 Honour.

24 JUDGE ORIE: Okay. So we stop after "assembly". And that's for

25 reason of --

1 MS. LOUKAS: In view of the fact that that sentence follows on the  
2 comparison, perhaps both sentences might be the appropriate course there.

3 JUDGE ORIE: And that's because of opinion or conclusion or --

4 MS. LOUKAS: Indeed, Your Honour. Comparisons, Your Honour, that  
5 I think can be drawn if need be by the Trial Chamber, but not  
6 appropriately drawn by the witness in the circumstances, I would submit.

7 JUDGE ORIE: The line only reads that this can be compared with  
8 something else. It doesn't compare it --

9 MS. LOUKAS: Well, indeed, Your Honour.

10 JUDGE ORIE: Of course you always can compare to things, isn't it.  
11 So but I'll write it down.

12 MS. LOUKAS: Well, Your Honour, the reason I went back to  
13 paragraph 66 was because I was objecting to, in addition, 67 in its  
14 entirety.

15 JUDGE ORIE: Yes.

16 MS. LOUKAS: I mean, the statement of Radovan Karadzic in the  
17 republic assembly is something that Your Honours have before you and I  
18 would submit is not relevant to the statement given by the witness.

19 JUDGE ORIE: Yes. Any further paragraphs, please.

20 MS. LOUKAS: And there's just one further one, I think,  
21 paragraph 90.

22 JUDGE ORIE: 90. Yes.

23 MS. LOUKAS: Just in relation to description of events in other  
24 places that are basically obviously drawn from television.

25 JUDGE ORIE: Yes. That's it?



1 MS. LOUKAS: And there was one more, if I remember correctly, and  
2 that's in relation to 99. This was the second sentence in paragraph 99.

3 JUDGE ORIE: Starting with "the statement"?

4 MS. LOUKAS: Yes.

5 JUDGE ORIE: Ending --

6 MS. LOUKAS: And it meant something like -- again, I would submit  
7 that's -- Your Honours can draw the conclusions in relation to what the  
8 statement meant or didn't mean.

9 JUDGE ORIE: Yes.

10 MS. LOUKAS: And that, Your Honour, concludes the objections.

11 JUDGE ORIE: Okay. We'll have a look at that and ... And then I  
12 do understand that the parties will subsequently agree on the summary,  
13 because it follows from -- I take it that it's especially the long section  
14 of 18 that would influence the summary. Is that correct?

15 MS. LOUKAS: Precisely, Your Honour.

16 JUDGE ORIE: Yes.

17 MR. MARGETTS: Your Honour, that's the case. Your Honour, would I  
18 be able to very briefly respond to --

19 JUDGE ORIE: Yes.

20 MR. MARGETTS: -- the comments? In regard to the first section,  
21 we have taken out many paragraphs, as --

22 JUDGE ORIE: Yes.

23 MR. MARGETTS: -- has been indicated, and you can see blackened on  
24 your statement. Our major observation is this: That these conclusions  
25 that are drawn on the basis of the observations and the information that

1 this witness received in Kotor Varos effectively the way in which he  
2 perceived this information; and secondly, how this information affected  
3 the citizens and was reflected in the comments and the discussions that  
4 were taking place in Kotor Varos. So it's our submission that that really  
5 is the essence of why we bring the evidence of these republican-level and  
6 higher Serbian political statements. And that is because of the effect  
7 that these have on the ground level and --

8 JUDGE ORIE: Do you mean whether true or not? I mean, if I  
9 broadcast something on television and say that another village was  
10 attacked, you would say the perception would still be there even if the  
11 witness couldn't tell us whether it's true or not what is shown on  
12 television?

13 MR. MARGETTS: Yes, that's true, Your Honour. And in this  
14 particular witness's statement, the importance of the transmit is on  
15 Vlastic mountain and the redirection of those transmitters towards Serbia  
16 and the effect that had on this municipality is an issue, and the fact  
17 that these matters are true or not is something I think this witness  
18 himself may dispute, and by their very nature, the message is that --  
19 intended to be messages of propaganda. That's the point we would make in  
20 respect of the first section.

21 We'd also make the point that there is the opportunity for Defence  
22 counsel to assist the Court in assessing the strength or otherwise of  
23 these observations and the information received by this witness during the  
24 course of cross-examination. If it is the fact that there is ambiguity as  
25 to whether this represents an opinion or just a summary of the matters

1 that this witness observed, then Defence counsel has the opportunity to  
2 test it. And for that reason, we'd say that those paragraphs that we have  
3 retained should be tested in that way rather than being struck.

4 Also, these paragraphs go to the essence of the manner in which  
5 the control over the governmental organs, the armed forces, was initiated,  
6 built, and eventually utilised by the leaders at the republican level.

7 In regard to the other paragraphs, I won't take the Court's time  
8 in making a submission on those unless the Court does invite me to, but we  
9 do have a response in respect of each of those, if necessary.

10 JUDGE ORIE: Yes. Well, that's just a couple of lines here and  
11 there. Would it be possible for you just to write down on each of the  
12 objections one line? I mean, Ms. Loukas has been very brief in saying  
13 this is opinion, that is opinion. If you could do it right away, then  
14 I'll give you an opportunity to do that. And if not, the first one would  
15 be the last sentence of 60, the proclamation of the so-called illegality  
16 of the --

17 MR. MARGETTS: Yes. This witness is someone who is a  
18 representative in the Municipal Assembly and his evidence is that they  
19 sought to put this matter on the agenda of the Municipal Assembly meetings  
20 and the HDZ and the SDA rejected that, for the very basis of the illegal  
21 or alternatively, treasonous nature of the SAOs. This evidence has been  
22 produced in respect of a lot of other municipalities and goes to the  
23 essence of what the real intent of those SAOs was. And accordingly --

24 JUDGE ORIE: I have to be fair. Ms. Loukas used one or two lines  
25 and that was it. And now you start -- I wouldn't say whole speech but --

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13 English transcripts.

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1 MR. MARGETTS: Yes.

2 JUDGE ORIE: I do understand that you -- when Ms. Loukas says this  
3 is opinion, that you say the witness was in a perfect position to give his  
4 judgement on the situation and then I can still imagine that the first  
5 part of the line was illegal, it's even different from the second, I would  
6 say, historical assessment, that it was a step forwards to the creation  
7 of.

8 MR. MARGETTS: Yes. And maybe we could agree that the final part  
9 of that sentence could be struck.

10 JUDGE ORIE: Yes.

11 MR. MARGETTS: But the initial part could remain.

12 In respect of 66, I'll try and be brief.

13 JUDGE ORIE: 63, the ballot papers first.

14 MR. MARGETTS: 63. Yes. The fact of the ballot papers  
15 discriminating on the basis of race is set out in the first part of that  
16 sentence. So that observation seems to be quite legitimate, in our  
17 submission.

18 In regard to 66, I'm not entirely clear as to -- so this is the  
19 sentence which starts "the threat can also be compared to a statement  
20 given by Karadzic."

21 JUDGE ORIE: Yes, and then the statement from Karadzic comes.

22 MR. MARGETTS: Yes.

23 JUDGE ORIE: Next line.

24 MR. MARGETTS: So we say in respect of 67, that is important.  
25 That's something that the people in Kotor Varos observed, and the effect

1 that that had on the people in Kotor Varos is described by this witness.  
2 In fact, in the final sentence, he says: "This statement contained a  
3 threat and blackmail directed at Muslims and undoubtedly the statement  
4 caused fear among the Muslims."

5 So that would be why we say this is relevant, because that is an  
6 event that takes place within Kotor Varos.

7 We'd further say that that having happened on the 15th of October,  
8 and in paragraph 72, at the end of October, a similar threat being made by  
9 Djekanovic, who is a deputy in the Assembly at the republican level, has  
10 some resonance. And the fact of those two matters going together means  
11 that it's quite a legitimate observation.

12 JUDGE ORIE: The Chamber will see, of course, there's still  
13 another way out, that we ask one or two questions limited to the factual  
14 information the witness is -- has available, so that we perhaps take a  
15 final decision after the examination as a whole. But it's clear to me.

16 And now we still have 90. That's that the sources is mainly TV  
17 knowledge.

18 MR. MARGETTS: Yes, Your Honour. My previous submission in  
19 respect of the earlier paragraphs applies for 90.

20 JUDGE ORIE: Yes.

21 MR. MARGETTS: And in regard --

22 JUDGE ORIE: So you very much emphasise that it is important to  
23 know what people saw on television, whereas I do understand that the  
24 objection by Ms. Loukas is mainly that it -- the facts described could not  
25 say more than that he saw it on television. So as a matter of fact, both

1 parties agree to the extent that what this witness sees on television, of  
2 course, he would not know whether it's true or not, but you think it's  
3 important because it had some impact on the population, whereas Ms. Loukas  
4 says more or less the same, that it's relevant for us to hear, since the  
5 witness cannot testify whether it's true or not what he saw on television.

6 But is it also in dispute, Ms. Loukas, that it may have some  
7 importance that the witness saw these things on television? True or not?

8 MS. LOUKAS: Well, Your Honour, I don't take issue with that.  
9 Your Honour is quite correct in that. But I also find in quite a number  
10 of the Prosecution statements that there's a lot of extraneous material  
11 and including that people saw on TV, Ms. Biljana Plavsic and what happened  
12 in Bijeljina. It's hardly, I would have thought, sort of a high point of  
13 the Prosecution case, and I'm merely trying to ensure as much as possible  
14 that the Trial Chamber has before it relevant material in relation to the  
15 case rather than what I would consider is often surplusage and repetitive  
16 evidence.

17 JUDGE ORIE: Yes. I do understand that Mr. Margetts may be saying  
18 not what was broadcasted, but that it was broadcasted, was the most  
19 important issue.

20 MR. MARGETTS: Yes, Your Honour. We're not suggesting that this  
21 evidence goes to the truth of the matters that were presented on  
22 television. We're just -- we're saying that this material that was  
23 broadcast had an effect in Kotor Varos, and this witness can describe that  
24 impact.

25 JUDGE ORIE: I do see that the parties are not that far apart.

1           We'll look at it further, especially, of course, paragraphs 18 and  
2 following, because --

3           MS. LOUKAS: There's just one further point --

4           JUDGE ORIE: Yes.

5           MS. LOUKAS: -- that I would make, Your Honour, and again just  
6 briefly. We're running out of time for 92 bis, I think, in the  
7 circumstances. Mr. Margetts made one point in relation to the fact that,  
8 well, if there are ambiguities in the statement, well, the Defence can  
9 cross-examine. But the whole point of the introduction of 89(F) is in the  
10 interests apparently of time efficiency. And of course, if there were to  
11 be a proper evidence in chief through non-leading questions in important  
12 areas, then the -- it wouldn't be incumbent upon the Defence to  
13 cross-examine upon ambiguities. Those matters would have been dealt with  
14 appropriately in an appropriate evidence in chief. So I think we do find  
15 ourselves in a somewhat different area. So to merely say or assert any  
16 ambiguity can be cleared up by the Defence in the circumstances of an  
17 89(F) procedure is, I would have thought, a fundamentally flawed argument  
18 in the circumstances. We're dealing with evidence that's not dealt with  
19 in the normal fashion, and it's not normally incumbent upon the Defence to  
20 clarify what should have been dealt with in an appropriate evidence in  
21 chief.

22           JUDGE ORIE: The question, of course, is whether it's  
23 inappropriate, yes or no. We'll deal with it tomorrow.

24           Then we have -- yes. Then we have the issue of the P exhibits  
25 still on the list. Mr. Harmon, could you inform us already on P202, P203.



1 MR. HARMON: Yes. As I said earlier, Your Honour, Mr. Hannis will  
2 be dealing with that issue tomorrow.

3 JUDGE ORIE: Yes. I apologise. I noticed that we would deal with  
4 that later on, but I had forgotten that it would be tomorrow.

5 Then we could still read - perhaps not all - available 92 bis  
6 witnesses. Does the Prosecution have any preference in which order to  
7 start? We might not finish them all.

8 MR. HARMON: Your Honour, I'll start in the order in which they  
9 are found in the stapled --

10 JUDGE ORIE: Yes, I printed them out from my computer, so it's --  
11 I have not staples. Which will be the first one?

12 MR. HARMON: I will start with Vlasenica with a witness by the  
13 name of Hasim Ferhatovic.

14 JUDGE ORIE: He is as far as I understand not a protected witness,  
15 and his 92 bis statement was admitted, Madam Registrar. That's 175,  
16 Ferhatovic. Yes. Admitted 12th of May.

17 Please proceed with the summary, and perhaps I explain again to  
18 the public, these are written statements admitted into evidence, and the  
19 Chamber deems it important that the public knows what is admitted into  
20 evidence. So therefore a summary is read.

21 Please proceed, Mr. Harmon.

22 MR. HARMON: Yes, Your Honour. This is a witness from Vlasenica,  
23 named Hasim Ferhatovic, with the code of KRAJ 175.

24 This witness describes killings and beatings of detainees and  
25 forced labour at Susica detention camp, which was a former JNA facility.

1 He also describes beatings and forced labour at Batkovic camp.

2 The witness was detained in a hangar at Susica from 2 June 1992 to  
3 30 June 1992. The camp commander was Dragan Nikolic. The witness's wife  
4 and children were also detained at Susica. The women were released after  
5 they signed a book to confirm that they were leaving Vlasenica of their  
6 own free will. Those women who refused to sign the book were threatened  
7 with beating or death unless they signed. The witness's wife and daughter  
8 were forced to surrender their valuables, including their earrings.

9 On the night of 12 June 1992, the witness saw Nikolic and other  
10 guards beat two old prisoners with a shovel and a police baton and kick  
11 them. The witness was told to bring the two prisoners inside after they  
12 had been beaten. One of the prisoners, bleeding from his mouth and ears,  
13 died, lying next to the witness, about 40 minutes later. The witness was  
14 sent to bury the dead man and was ordered to tell the dead man's wife that  
15 he had died of a heart attack. The other prisoner was alive, but his eyes  
16 were swollen shut and his entire body was swollen. He suffered from  
17 delirium and survived in this state for about 12 hours before he too died.

18 On the night of 23 June 1992, two other prisoners were called out  
19 from the hangar. The witness later heard cries of pain and gunshots. He  
20 was then ordered to go out and bring inside the hangar the bodies of the  
21 two prisoners, who were dead with gunshot wounds in their chests. A guard  
22 who then called another prisoner put him on a chair outside a guardhouse  
23 and then shot him repeatedly, killing him. Nikolic was drunk, on a couch,  
24 inside the guardhouse at the time.

25 Serb police arrived following a call that prisoners had attempted

1 to escape. When the Serb police demanded to know who had escaped, one of  
2 the prisoners lifted his head. That prisoner was taken outside. The  
3 witness later heard one shot and found the prisoner's body the following  
4 day with a single bullet hole in the centre of his forehead. The witness  
5 was forced to bury the bodies of the prisoners whose deaths are described  
6 above. He describes several other beatings of prisoners by Nikolic and  
7 camp guards.

8 After his detention at Susica, the witness was detained for 13  
9 months in Batkovic. He describes the beatings and gross mistreatment to  
10 which he was subjected during his detention there.

11 JUDGE ORIE: Mr. Harmon, looking at the clock, I think we could do  
12 one more, but then perhaps a short Vlasenica -- would be 178 perhaps? 178  
13 is the relatively short one. Otherwise we have some Brcko -- or 1 --

14 MR. HARMON: Yes. I can do 178, Your Honour.

15 JUDGE ORIE: Yes. Madam Registrar, 178 was admitted into  
16 evidence?

17 THE REGISTRAR: On the 12th of May, 2004.

18 JUDGE ORIE: Yes. Any protective measures? No protective  
19 measures, as far as I know, Mr. Harmon. Then you'll read the 92 bis  
20 summary of the statement.

21 [Trial Chamber and registrar confer]

22 JUDGE ORIE: Madam Registrar doesn't know for sure, so let's --  
23 mainly his name not of course.

24 MR. HARMON: I will refer to him as KRAJ 178.

25 JUDGE ORIE: Yes. Please proceed.

1 MR. HARMON: And this refers to the municipality of Vlasenica.

2 This witness describes the quality of life and good inter-ethnic  
3 relationships in the village of Drum in Vlasenica municipality before  
4 1992. In April 1992 he noted the arrival in the municipality of troops of  
5 the JNA Novi Sad Corps. He says that Serb police came to Drum in early  
6 May 1992, confiscating hunting rifles held by Muslims and calling over  
7 megaphones that if Muslims did not hand over weapons their homes would be  
8 burnt down.

9 On 2 June 1992, the witness saw heavily armed men in military  
10 uniforms, lying in grass around the village. An APC arrived and a soldier  
11 on the APC opened fire. Soldiers emerged from both sides of the road and  
12 started to go through the village, kicking doors in and dragging people  
13 out. The witness describes several separate incidents, where he saw  
14 soldiers fire bursts of machine-gun fire into villagers. The witness  
15 recognised one of the soldiers as a Serb woman who worked in a local  
16 factory. She allowed him to leave the village in a bus filled with women,  
17 children, and two old men. From the bus, the witness saw 20 bodies of  
18 villagers killed in the attack on Drum, and he names ten of those  
19 villagers. The witness says that he recognised several of the soldiers as  
20 employees of the local bauxite mine.

21 The witness was driven to Susica camp just outside Vlasenica town,  
22 where he was put in a warehouse with 1.000 other detainees. He says that  
23 he overheard one soldier ask another if Vlasenica had been cleaned, and  
24 the other replied in the affirmative.

25 During the first three days at Susica, there was only some water

1 and no food. The single toilet in the warehouse was soon overflowing. He  
2 says that the camp commander was Veljko Basic, who was replaced after the  
3 first three days by Dragan Nikolic. He describes abuse of detainees at  
4 the camp.

5 After three days, men from Vlasenica municipality came to issue  
6 permits to those detainees who agreed to sign a statement saying that they  
7 were leaving the municipality voluntarily. 800 detainees signed, were  
8 loaded onto buses and driven away.

9 That concludes the summary of KRAJ 178, Your Honour.

10 JUDGE ORIE: Thank you, Mr. Harmon.

11 It's time, approximately. One more question to you, Mr. Harmon.  
12 Is the next witness after we will have finished the cross-examination of  
13 Witness 144, ready to testify?

14 MR. HARMON: He is, Your Honour.

15 JUDGE ORIE: Is there any problem as far as new exhibits are  
16 concerned for the next witness? I'm not talking about 144.

17 MS. LOUKAS: Well, Your Honour, while I've been in court this  
18 afternoon, we've just received a further supplemental information sheet, I  
19 think, and the list of exhibits, an updated list of exhibits.

20 JUDGE ORIE: Yes. No great surprises or are there?

21 MS. LOUKAS: While we've been in court, we've been receiving  
22 material that we've checked briefly during the breaks in relation to the  
23 following witness, but at this stage I don't know that there's a problem  
24 because I haven't actually looked at that material. I assume there's not.  
25 I just wonder, perhaps the Prosecution could give an indication now how

1 long they think they might take with the subsequent --

2 JUDGE ORIE: Next witness, so you are aware whether you have to  
3 prepare to start your cross-examination. Let's just assume that  
4 cross-examination and questions of the Judges would take us until the  
5 first break, and then we would have another two and a half hours left.  
6 Would the next witness take in chief more than two and a half hours?

7 MR. HARMON: I don't have a time estimate in front of me. I think  
8 he's estimated more than three hours.

9 JUDGE ORIE: Yes. Six hours comes down to --

10 MR. HARMON: Usually, Your Honour, we've been reducing these as  
11 much as we can, so it's entirely possible that tomorrow we will finish  
12 before the end of the normal session.

13 JUDGE ORIE: And who will examine the next witness?

14 MR. HARMON: Mr. Hannis.

15 JUDGE ORIE: Mr. Hannis. Perhaps you can get in touch with  
16 Mr. Hannis so that you will know more or less whether or not to --

17 MS. LOUKAS: Yes, Your Honour.

18 JUDGE ORIE: -- there is any need to prepare to start your  
19 cross-examination. Yes.

20 MS. LOUKAS: The problem is of course that I deal with all three  
21 witnesses while the Prosecution have a different lawyer each one, but  
22 there you go.

23 JUDGE ORIE: Yes. So you keep the overview.

24 We'll adjourn until tomorrow morning, quarter past 2.00, same  
25 courtroom.

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--- Whereupon the hearing adjourned at 7.04 p.m.,  
to be reconvened on Wednesday, the 20th day of  
October, 2004, at 2.15 p.m.