

1 Thursday, 12 June 2003

2 [Open session]

3 [The witness entered court]

4 --- Upon commencing at 9.04 a.m.

5 [The accused entered court]

6 JUDGE AGIUS: Yes. Madam Registrar, call the case, please.

7 THE REGISTRAR: Yes, Your Honour. Good morning, Your Honours.

8 This is case number IT-99-36-T, the Prosecutor versus Radoslav Brdjanin.

9 JUDGE AGIUS: I thank you. Mr. Brdjanin, good morning to you.

10 THE ACCUSED: [Interpretation] Good morning.

11 JUDGE AGIUS: I take it you can follow the proceedings in a  
12 language that you can understand?

13 THE ACCUSED: [Interpretation] Yes, I can do that.

14 JUDGE AGIUS: Please be seated. Appearances for the Prosecution?

15 MS. RICHTEROVA: Good morning, Your Honours, Anna Richterova, Ann  
16 Sutherland, assisted by Denise Gustin, case manager.

17 JUDGE AGIUS: I thank you and good morning to you. Appearances  
18 for Radoslav Brdjanin? And I see new faces.

19 MR. ACKERMAN: Good morning, Your Honours, I'm John Ackerman and  
20 I'm here with David Cunningham and our new case manager/legal assistant,  
21 Mr. Aleksandar Vujic.

22 JUDGE AGIUS: I thank you and welcome, Mr. Vujic. You come at a  
23 crucial time in this trial when we are approaching the beginning of the  
24 case for the Defence and both Mr. Ackerman and Mr. Cunningham will need  
25 your help immensely. So I count on your cooperation.

1 Yes. Any preliminaries? No. We have some.

2 Mr. Ackerman, I know you have had problems and I know that you  
3 still have problems. I am just reminding you that we are expecting still  
4 from the Defence your response to 92 bis motions filed by the Prosecution  
5 with regard to Bosanska Krupa, a motion filed on the 8th of April; Sipovo,  
6 a motion filed on the 8th of May; Kotor Varos, a motion filed on the 6th  
7 of June; and Bosanski Novi, a motion filed on the 28th of November of last  
8 year. Now, this one we had already handed down a decision regarding one  
9 witness statement. I think we decided that on the 17th of January but you  
10 can check. And then there was disclosure to you of statements regarding  
11 other witness -- another witness, sometime in February or March of this  
12 year and you can check on that. We would like you to, if possible, file  
13 your response on all these by the beginning of next week so that you  
14 enable us and the Prosecution to proceed without any major problems,  
15 because obviously if there are objections which we uphold then obviously  
16 the Prosecution would have to bring over the witnesses, all right?

17 MR. ACKERMAN: Your Honour, yes. I'll do the best I can. The  
18 issue with regard to Sipovo, that was not filed because the witness was  
19 apparently not coming and without a viva voce witness, then there can't be  
20 a Rule 92 bis witness if the issue is cumulative.

21 JUDGE AGIUS: At least we need to know. I am -- I and my  
22 colleagues, my two judges, we are never informed of these things unless  
23 you tell us, you or the Prosecution.

24 MR. ACKERMAN: Well, I still don't know if there is going to be a  
25 witness from Sipovo. The schedule indicates the possibility of that and I

1 think that's the best the Prosecution has right now is the possibility of  
2 that so I suppose it makes sense that in honour of that possibility, I  
3 should go ahead and try to file that.

4 JUDGE AGIUS: Yes.

5 MR. ACKERMAN: Your Honours must understand that the body of work  
6 to be done between now and the end of the Prosecution's case exceeds our  
7 ability to do it. So there are parts of it that are simply not going to  
8 get done. I can't tell you what's going to have to drop off the edge, but  
9 something is going to have to because we are just not physically capable  
10 of doing all the work that has to be done by the middle of August. We  
11 have now been reduced to two weeks to file our brief. It's not possible,  
12 can't be done so you're going to get something less than what ought to be  
13 filed and that's going to be the way it is from now on, as near as I can  
14 tell, until we get to the middle of August. And I regret that. I regret  
15 it terribly. I wish my health was better so that I could do a better job.

16 JUDGE AGIUS: I don't think there are options, Mr. Ackerman. I'll  
17 discuss it with my colleagues but I don't think there are options.

18 MR. ACKERMAN: I don't understand why --

19 JUDGE AGIUS: Especially when you consider that our Rules consider  
20 that seven days is enough for a 98 bis brief.

21 MR. ACKERMAN: I think, Your Honour --

22 JUDGE AGIUS: We gave you double.

23 MR. ACKERMAN: Your Honour, I think if you look at the history of  
24 the Tribunal, that no Defence has ever been given less than 30 days and --

25 JUDGE AGIUS: For 98 bis?

1 MR. ACKERMAN: Yeah, it's significantly more.

2 JUDGE AGIUS: Oh, you're wrong. You're wrong.

3 MR. ACKERMAN: And significantly more.

4 JUDGE AGIUS: You're wrong. You're way wrong.

5 MR. ACKERMAN: You know I mean it's -- I concede that I may be but  
6 I know that in, especially in the more difficult cases, that that time has  
7 exceeded 30 days in a number of cases and this is the most difficult case  
8 ever tried here yet and to reduce that time and we started out we had a  
9 month and then yesterday, because apparently --

10 JUDGE AGIUS: You had a month because -- I mean, you had a month  
11 and you didn't have a month. You had a month because it happened to  
12 coincide with August.

13 MR. ACKERMAN: Well, what we had, I'm looking at the schedule,  
14 what we had was from the end of the Prosecutor's case until September 5th,  
15 our motion was due on September 5th and now all of a sudden it's due on  
16 August 15th which takes away three weeks.

17 JUDGE AGIUS: Thank Ms. Korner for that.

18 MR. ACKERMAN: Why should I be punished for what she did?

19 JUDGE AGIUS: I'm not punishing you, Mr. Ackerman.

20 MR. ACKERMAN: I'm feeling pretty punished, Your Honour.

21 JUDGE AGIUS: I'm not punishing you. I mean, basically, as it is  
22 you would have worked the whole of August, now you only have to work half  
23 of that.

24 MR. ACKERMAN: Well, that is not a gift. And actually I shouldn't  
25 say you're punishing me, you're punishing Mr. Brdjanin.

1 JUDGE AGIUS: I am not punishing Mr. Brdjanin either. We think  
2 that 15 days, 14 days, for preparing the Rule 98 is enough. If you  
3 convince us that it is not enough, we are open on that and we can try and  
4 review it. But that would mean still that you would have to work in  
5 August.

6 MR. ACKERMAN: I've already resigned myself to that, Your Honour.  
7 I told you this in our meeting the other day, that I'd given up on that  
8 issue. I probably should file a formal motion instead of talking about  
9 this with you in court.

10 JUDGE AGIUS: I think you ought to.

11 MR. ACKERMAN: I think it's probably the thing for me to do.

12 JUDGE AGIUS: I think you ought to.

13 MR. ACKERMAN: I've noticed that Mr. Sebire is here. No one  
14 informed me that he was coming back this morning. Fortunately, I did  
15 bring my materials and I will go ahead and proceed with my cross but it  
16 would have been nice to have had at least 20 minutes' notice.

17 JUDGE AGIUS: My last words yesterday to the Prosecution was that  
18 if -- to liaise with you if Mr. Sebire was going to come over this  
19 morning.

20 MR. ACKERMAN: That didn't occur, Your Honour when he walked in  
21 the courtroom this morning it was a total surprise to me but I can go  
22 forward, I think.

23 JUDGE AGIUS: We can cut the other problem short. Would three  
24 weeks be enough for you?

25 MR. ACKERMAN: I'd hesitate to ever say that any amount of time is

1 enough but it is better than two, Your Honour. I'd prefer to file at the  
2 end of August. That would be my preference. The original schedule, the  
3 one that we were handed in your chambers, showed my motion due on  
4 September 5th.

5 JUDGE AGIUS: But you also -- that was taking account of the court  
6 recess as being a court recess, particularly since you had shown a desire  
7 to be able to rest as well in August.

8 And by allowing a whole month for the filing of the Rule 98 bis  
9 motion, we were taking that into consideration.

10 MR. ACKERMAN: I think -- just, Your Honour, if I were to file on  
11 September 5th, as has been set out originally, it doesn't change anything  
12 with regard to the balance of the plan with regard to concluding this  
13 case.

14 JUDGE AGIUS: Of course it does, Mr. Ackerman. Of course it does.  
15 We are working an extra week when we were not scheduled to work and that's  
16 in July. And that changes everything. Moves everything by one week  
17 forward.

18 MR. ACKERMAN: Well, I understand that. I'm just talking about  
19 the end game, that if I were to file on September 5th as planned in this  
20 original schedule that you handed out to us that changes nothing with  
21 regard to the balance of the case.

22 JUDGE AGIUS: But I also told you in the meeting that we had that  
23 this is a desperate attempt to conclude by the end of August. And it  
24 allows for no space at all in case we have a calamity, no space at all,  
25 and that is my problem. So each time I can find even one day which I can

1 gain, I will go for it. Anyway, I would suggest you file a motion and  
2 we'll see exactly what has happened in other cases. I have a report  
3 actually on all the other cases that have been here on 98 bis, and what  
4 was recommended to me originally, that we would give you two weeks and  
5 that would be more than enough compared with other cases. But if you're  
6 not happy with that, I think we can move to three weeks without any  
7 difficulty.

8 Mr. Sebire, welcome back. Usher, please -- yes, go ahead with the  
9 solemn declaration.

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

12 WITNESS: NICHOLAS SEBIRE [Resumed]

13 [Witness answered through Interpreter]

14 JUDGE AGIUS: And I think Ms. Sutherland or Madam Richterova at  
15 least an apology in public to Mr. Ackerman is due if no one informed him  
16 that Mr. Sebire was coming this morning.

17 MS. RICHTEROVA: I apologise but it was our understanding that  
18 because Mr. Ackerman wasn't feeling well yesterday that it was postponed  
19 to today so I apologise.

20 JUDGE AGIUS: All right. Let's proceed, Mr. Ackerman. Your  
21 microphone, please.

22 MR. ACKERMAN: Thank you, Your Honour.

23 Cross-examined by Mr. Ackerman:

24 Q. Good morning, Mr. Sebire.

25 A. Good morning.

1 Q. Welcome back.

2 A. I thank you.

3 Q. I think as we broke the other day we were talking about that  
4 paragraph on page 4 of your report of 28 August, 2002, which was S281-E in  
5 the Stakic case and I had gone through that paragraph dealing with the  
6 purpose of the report and what you said in there about the purpose of the  
7 report, and it talks, among other things, about the different approach  
8 that the Bosnian authorities had from that of the OTP forensic people.  
9 The question that I want to ask you next about that is this: If the  
10 Bosnian authorities were undertaking these exhumations and even welcoming  
11 observers and cooperation from the OTP as was the case, for instance, at  
12 Jakarina Kosa why was it the OTP found it necessary to independently  
13 conduct exhumations and go to the expense of putting together teams to do  
14 that? Why was that felt necessary?

15 A. The cooperation which was provided to the Bosnian authorities in  
16 the case of some exhumations took place after the forensic programme of  
17 the OTP had already ended, that is we did not have a full team -- full  
18 teams on the site to conduct all the exhumations and post-mortems of the  
19 individuals in them.

20 Q. Well, are you saying that these exhumations would not have been  
21 done but for the OTP putting together a team to do them?

22 A. No. That's not quite what I said.

23 Q. So the exhumations would have been done in any event by the  
24 Bosnian authorities and my question is why the OTP felt it necessary to  
25 become involved in this process beyond simply in an observer and assistant



1 status to the Bosnian authorities. That's what I'm trying to find out.

2 A. When you conduct investigations, when you collect information  
3 about a crime, if the victims of that crime have not been discovered, then  
4 it is quite normal to try to find them, to find their bodies, where they  
5 were buried, and the OTP tried as much as possible to take care of the  
6 exhumations, that is, the disinterment of the bodies and up to the  
7 forensic analysis. It was later that it was decided if we were -- did not  
8 integrally conduct this because they were not capable of doing all that  
9 and therefore we sought to seek assistance in forensic -- in the forensic  
10 work.

11 Q. So is it your position that that to some extent, the work done by  
12 the Bosnians was deficient, certainly in the forensic realm and the OTP  
13 felt that needed to be enhanced to some degree?

14 A. No. This is not what I'm trying to say. I do not think that what  
15 I'm saying is being misinterpreted. You're quoting the example of  
16 Jakarina Kosa and this is a very interesting example because the day when  
17 the exhumations were finished, there were 330 bags with body remains were  
18 taken out of that site. At that time, the number of -- from the documents  
19 that were found there, it was clear since I was there, that we were faced  
20 with a place where there were victims coming from different places, that  
21 is, from different places within the municipality of Prijedor and that it  
22 had happened at different times. So in order to identify them we had to  
23 conduct -- it was important for us to conduct the forensic examination at  
24 that time and we had two forensic pathologists from Bihac but we needed to  
25 expedite the whole process of the forensic examination.

1 Q. Okay. I'd like you to in that same report --

2 THE INTERPRETER: Can the witness slow down, please?

3 MR. ACKERMAN:

4 Q. They want you to slow down. Did you hear that?

5 JUDGE AGIUS: Mr. Sebire, the interpreters from the French or  
6 English booth have asked me to draw your attention if possible you could  
7 slow down the speed at which you are answering the questions. Thanks.

8 Mr. Ackerman, please.

9 MR. ACKERMAN: Thank you, Your Honour.

10 Q. I want to direct your attention now to page 10 of the same report,  
11 the Stakic report. Underneath the first table on that page, the following  
12 language appears: "It should be mentioned that in April and May of 2002,  
13 an OTP monitoring team conducted excavations with the assistance of the  
14 Bosnian authorities in the area of the Tomasica mines and the Benkovac  
15 barracks. Several locations were excavated within both areas and did not  
16 reveal evidence of any individual or mass graves. Hugh Tuller,  
17 archeologist, is currently preparing the reports detailing these  
18 operations." Now, as I understand it you basically went out in those  
19 areas, the Tomasica mines and the Benkovac barracks and dug holes looking  
20 for bodies. And failed to find any. True?

21 A. Absolutely.

22 Q. And I take it that you had some information that caused to you  
23 believe that you would find bodies there?

24 A. Yes, indeed.

25 Q. Can you tell us where that information came from? What was that

1 information?

2 A. It was information that was obtained either from witnesses or by  
3 other means.

4 Q. As regards witnesses, in other words, what you're saying is people  
5 who claimed to know told you that you would find individual or mass graves  
6 at these locations and directed you to the specific area where you should  
7 conduct your excavation? Correct?

8 A. The persons claimed in one hand that there were mass graves on a  
9 site and that we should check, but we thought that there was a probability  
10 that -- but we have not found any one or anything in places which were not  
11 indicated with utmost precision.

12 Q. Also, what you said in answer to my first question about where  
13 this information came from, either from witnesses or by other means. What  
14 other means?

15 A. It was mostly the information which proceeds from Article 70 of  
16 the Statute of the Tribunal, as said.

17 Q. And that information apparently turned out to be incorrect also?

18 A. Indeed, because we found nothing.

19 Q. Page 43 of that same report, sir, and this is a section of the  
20 report where you're setting out in some detail links between parts of the  
21 Stakic indictment and the results of exhumations and in this particular  
22 section you're talking about the allegation in the Stakic indictment about  
23 the killing of a number of men in Trnopolje camp between 28 May and  
24 October of 1992, and what you said in that report was that as of that day,  
25 the date of that report, no links between exhumations and crimes committed

1 in Trnopolje camp have been established. Does that remain the case today?

2 A. Yes, that's right.

3 Q. All right. Thank you. I want to talk now about some information  
4 contained in the addendum of 16 May, 2003, that is Exhibit P2008. And I  
5 want to refer you to page 9. And the information I'm referring to here is  
6 found throughout, I think, in various places in all three of the reports  
7 but you talk about the ethnicity of persons exhumed and there is one  
8 person you refer to of another nationality but I couldn't find in any of  
9 the reports that you had identified that nationality. Can you tell us  
10 what it was?

11 A. Yes. I didn't mention the precise nationality of the person who  
12 had been exhumed, in that the exhumations were on going and you couldn't  
13 exclude the possibility of discovering people in these grave sites of  
14 other nationality. In this case, it has connection with the municipality  
15 of Kljuc and if I'm not mistaken, the exhumation that took place at  
16 Laniste 1, this person was of German nationality, who remained in the  
17 village of Biljani and died around the 10th of July, I think, in 1992.

18 THE INTERPRETER: He comes from the Second World War.

19 MR. ACKERMAN:

20 Q. Oh, okay.

21 JUDGE AGIUS: What do you mean? Who comes from the Second World  
22 War?

23 MR. ACKERMAN: Doesn't make sense.

24 JUDGE AGIUS: You said -- this person or the remains were of a  
25 person of German Nationality who remained in the village of Biljani and

1 died on the 10th of July, I think in 1992. And then the interpreter came  
2 forward with saying he comes from the Second World War. Who came from the  
3 Second World War, Mr. Sebire?

4 THE WITNESS: [Interpretation] I'm sorry, to be more clear,  
5 according to information I was provided with about this person, it was a  
6 German soldier who remained in ex-Yugoslavia after the Second World War  
7 and lived in this village, lived there until the 10th of July, 1992. I  
8 apologise for not being clear.

9 JUDGE AGIUS: That makes sense now, thank you, Mr. Sebire, thank  
10 you the interpreter for highlighting the matter. Thank you.

11 Mr. Ackerman, I apologise for interrupting you.

12 MR. ACKERMAN: I'm glad you did, Your Honour.

13 JUDGE AGIUS: Please go ahead.

14 MR. ACKERMAN: There was a little mystery there, wasn't there?

15 Q. With regard to Jakarina Kosa I want to talk to you about that.  
16 You were present throughout virtually all of that exhumation process,  
17 weren't you?

18 A. Yes, I was.

19 Q. And what was the role that you played there? What specifically  
20 did you do?

21 A. I noted all elements that were discovered in the course of the  
22 exhumation, the number of bodies and body parts. I did this on a daily  
23 basis. The exhibits, the evidence that was found such as gas masks,  
24 plastic cans, explosives, or what appeared to be explosives later on. The  
25 names that we could discover on the papers that were found there. This

1 was done in order to have a daily record of everything that had been  
2 discovered.

3 Q. Now, a lot of things were found in addition to bodies and  
4 skeletons and things of that nature. You found, as you just mentioned,  
5 identity papers; right?

6 A. Yes. Certain identity papers were found, that's true.

7 Q. You found watches and jewellery of various forms?

8 A. Yes, we did.

9 Q. With the usher's assistance, I would like you to look at some  
10 exhibits and look at each one and then put it on the ELMO so we can all  
11 see it and describe what it shows, if you will. Now, these come from --  
12 Your Honour and Prosecution, from P2010 and the ERN numbers of each of the  
13 photographs of course appear on them and I'll ask the usher to give them  
14 to you. When you've looked at the first one and you're satisfied you can  
15 talk about it, then put it on the ELMO for us, would you?

16 JUDGE AGIUS: Put them on the ELMO, please and then we can try and  
17 follow up from there.

18 MR. ACKERMAN: This one is 02130100; is that correct? Is that the  
19 number that shows in the upper right-hand corner?

20 A. Yes.

21 Q. And what we see there is a gas mask?

22 A. Yes, that's right.

23 Q. And it's basically resting where it was found at Jakarina Kosa;  
24 correct?

25 A. Yes, that's correct.

1 Q. Look at the next photograph, then. This one is from P2010, its  
2 number is 02130298. What do we see there?

3 A. Ammunition.

4 Q. It looks like military unexpended ammunition, doesn't it?

5 A. According to this photograph, this is ammunition that wasn't used  
6 in fact.

7 Q. Yes. Let's look then at the third photograph, again from P2010,  
8 and it's 02120968, is it?

9 A. 9968.

10 Q. 02129968. And what we see in that photograph is a soldier's  
11 helmet; correct?

12 A. Yes, that's correct.

13 Q. Thank you. You can bring those photographs back now. I believe,  
14 Your Honour, these photographs are all part of the record. I think they  
15 are contained on one of the CD's that's P2010 that's already in evidence?

16 JUDGE AGIUS: Thank you, Mr. Ackerman. I think it is like that.  
17 Thank you.

18 MR. ACKERMAN:

19 Q. I want to speak to you now just very briefly about the exhumation  
20 at Redak and you were involved also in that excavation, weren't you?

21 A. Yes, I was.

22 Q. And again, during that excavation, other than bodies and  
23 skeletons, other items were found such as watches and jewellery and  
24 identity papers; correct?

25 A. Yes, that's right. As well as ammunition. In this case, they

1 were used cartridges, rounds.

2 Q. Several expended rounds there; correct?

3 A. As far as I can remember, the forensic report said that there were  
4 a minimum of 300, about 300 gunshot wounds to the bodies, yes.

5 Q. All right. I'd like to go now back to your testimony from the  
6 30th of May, page 16733.

7 JUDGE AGIUS: While Mr. Ackerman is looking into the document, is  
8 Witness BT56 informed that his testimony is being delayed?

9 MS. SUTHERLAND: Yes, Your Honour.

10 JUDGE AGIUS: Okay. Thank you. Yes, Mr. Ackerman?

11 MR. ACKERMAN: Thank you, Your Honour.

12 Q. I believe that you're talking generally, sir, about the exhumation  
13 process here. And you're talking about the -- how one determined the  
14 ethnicity of persons who are exhumed. You gave this answer on page 16732,  
15 line 24: "As far as the ethnicity of the victims is concerned, the main  
16 source of information was obviously the identification of the victim."  
17 And then there is some more of that answer that apparently didn't make it  
18 into the transcript. Judge Agius then asked the analysis points to which  
19 direction? This is the answer I'm interested in, sir: "With regard to  
20 all the bodies that were exhumed for which we tried to determine the  
21 ethnicity, 1300 were Muslims from Bosnia, 10 were Bosnian Croats, 3 were  
22 Serbs from Bosnia and in one case, the person was of another nationality,  
23 a nationality that differed from the three previous ones mentioned. And  
24 in other cases we weren't able to determine the ethnicity, we didn't have  
25 enough information that would allow us to determine the ethnicity. In 55



1 cases, we didn't have such information."

2 Just briefly, you certainly cannot determine nationality by  
3 looking at the skeleton of a person, can you, in the instance of these  
4 cases?

5 A. No, you can't determine the nationality of the person just by  
6 looking at the skeleton.

7 Q. So one way you could determine nationality is if there was  
8 clothing associated with the body and in that clothing were identity  
9 papers? That was -- that would be a way?

10 A. That would be an indication. Finding papers on a person, does not  
11 necessarily mean that this person, the person mentioned on the papers, is  
12 the person, is the actual body.

13 Q. That's true, not necessarily. If there were clothing on the body  
14 that was very distinctive like a hand-knitted sweater that a relative  
15 could identify as having been worn by that person when last seen, that  
16 could be useful in determining identification; correct?

17 A. Once again, it would be an indication.

18 Q. For instance I noticed with regard to the exhumations done at the  
19 Vrhpolje Bridge that there were numerous photographs of very distinctive  
20 sweaters, very distinctive designs that appeared in the data base from  
21 that exhumation and I assume their purpose was to try to promote  
22 identification of persons who were found there.

23 A. Since you're going back to the exhumation at Vrhpolje Bridge, I'd  
24 like to remind you that with regard to this exhumation, I wasn't present  
25 for part of it, and for the other part, I consulted documents that I

1 received about this exhumation. In addition to the fact that the Bosnian  
2 authorities proceeded to identify the bodies, 12 on one side of the  
3 bridge, 13 on the other, some of the bodies had been identified on the 3rd  
4 of June, 1992 in the course of the investigation conducted by --

5 Q. Mr. Sebire, I'm not interested in all that or I would have asked  
6 you. The only thing I asked you was I assume that the numerous  
7 photographs from that exhumation of distinctive clothing with distinctive  
8 designs were there to try to promote identification of the persons found  
9 there. That's all I'm asking you, nothing more. And I think you can say  
10 yes or no.

11 A. Yes, in fact that's true.

12 Q. All right. The same page of your testimony, down in line 19, you  
13 say this, about identification of ethnicity, "In the case -- in cases in  
14 which an unidentified individual in a grave site was exhumed, at a site  
15 where other members of that ethnicity were exhumed, in such cases, that  
16 individual would be taken to belong to the same ethnic group." Correct?

17 A. Yes, in such cases, but if we have a clear indication at the same  
18 time that there were no attempts to change the state of the exhumation  
19 site.

20 Q. In your report in the Stakic case, and again that's Stakic Exhibit  
21 S281-E, page 5, you say roughly the same thing: "In some instances, the  
22 ethnicity was determined even though the victims were not identified. The  
23 main reason being that these unidentified bodies were exhumed from graves  
24 where other bodies identified as Bosnian Muslims were recovered."

25 Correct?

1           A.    Yes, that seems to be correct to me.

2           Q.    And then you said, "It is more likely that the large majority of  
3   the 760 bodies for which the ethnicity was not determined are of Bosnian  
4   Muslim ethnicity."

5           A.    That's correct, yes.

6           Q.    Now, it's correct, isn't it, that with regard to these ethnicity  
7   determinations, based upon the basis we have been talking about, you're  
8   engaging in a presumption, aren't you?  You're presuming that if A is  
9   true, then B follows?

10          A.    If in the course of an exhumation at a particular site here, you  
11   find a certain number, a number X of bodies, and you've identified them,  
12   and you've identified the number of victims in this site corresponds to  
13   information on the number of people who died in this incident and in  
14   addition the site has no traces of the -- having been attempts to change  
15   the site, none of the bodies were moved, since they were buried there.  In  
16   such cases, one does assume that it's more likely that these people are  
17   other victims from the same incident than from other incidents.  And that  
18   is the reason for which I have said that it is likely that these people  
19   belonged to the same ethnicity, without affirming this of course.

20          Q.    Well, but my question remains and I'd like you to answer it:  
21   You're engaging in a presumption, the presumption being that if A is then  
22   B follows?  And I think you can tell me --

23                    JUDGE AGIUS:  I think he's explained it clear enough,  
24   Mr. Ackerman.  And the Chamber can draw its own conclusions.

25                    MR. ACKERMAN:

1 Q. And so the numbers of Muslims that you are listing as having been  
2 discovered, a number of non-Serbs that you're listing as having been  
3 discovered in these various exhumations, that number is actually enhanced  
4 by this presumption that you engage in regarding if A is true then B  
5 follows; isn't that true?

6 A. If you're referring -- if you have a look at the last report that  
7 I made you'll see on the last page that it has to do with the people  
8 identified a given number with reference to date of the report, if I can  
9 go to this page, it's the 16th of May, 2003, you'll see that the  
10 unidentified bodies were excluded from the final number, from the total  
11 number.

12 Q. So the presumption doesn't even come into play with regard to the  
13 total number of 1872, is that what you're saying to us?

14 A. Out of the 1872, a certain number were identified. The 588  
15 were -- remaining bodies were taken from the sites and they were linked to  
16 the incidents on the basis of testimony and other evidence. Page 12, you  
17 can see that these 584 bodies that have not been -- unidentified, it's an  
18 approximate number because in certain cases, some bodies were identified,  
19 others were exhumed, so we provided a number and we wanted to exclude the  
20 problem that you have mentioned, the problem that you have raised.

21 Q. All right. Thank you. Another issue now. I was reading the  
22 transcript of your testimony in the Stakic case and I ran across a part of  
23 it that causes me to ask you the question. There was some discussion, in  
24 fact there was a question from Judge Schomburg, about it, about a list of  
25 missing persons maintained by the Red Cross and I take it you're familiar

1 with that list?

2 A. It wasn't established by the Red Cross.

3 Q. Well, I have to read you what appears at page 8866 of the Stakic  
4 transcript, a question by Judge Schomburg, because now with your answer,  
5 I'm totally confused. Judge Schomburg said to you, and I think dealing  
6 with a list of alleged victims that came from Bosnian authorities, I'm not  
7 certain. I can look if you don't remember. But anyhow, Judge Schomburg  
8 asked you this: "Did you compare this list of missing persons with the  
9 last update of the Red Cross list of missing persons?" And your answer  
10 was, "No, I received that list only recently. I saw it only recently.  
11 And therefore I had no time to either compare it or go through that."  
12 Now, I conclude from that that there is a Red Cross list of missing  
13 persons that you had recently received when you testified in Stakic. Am I  
14 correct or not?

15 A. No. Unfortunately that's not what is at stake. The list that I  
16 received was a list that had been updated on persons who were missing in  
17 the municipality of Prijedor. Earlier on I was referring to a list that  
18 was published in April of 2002 by this same association that referred to  
19 the list of missing people and when I was testifying we had just received  
20 a new list in an electronic form which we couldn't read and it caused many  
21 problems at the time.

22 Q. Well, what is the Red Cross list of missing persons that Judge  
23 Schomburg is talking about?

24 A. As far as I know, the International Red Cross has lists of missing  
25 persons for Bosnia and for many other countries. The question that was

1 put to me was whether I had compared the new list received from the  
2 association that listed missing people in the municipality of Prijedor  
3 with the list of missing people that the Red Cross

4 Q. Okay. Let me ask you a question, now that you've had a lot more  
5 time, have you done that? At the time you said you hadn't had time to do  
6 it. Have you been able to do it since the -- I guess the 6th of  
7 September?

8 A. On that date, if I'm not wrong, I produced tables listing all  
9 people who had been recorded.

10 Q. I'm not sure that's an answer. What you told Judge Schomburg was  
11 that you hadn't made a comparison with the Red Cross list because you  
12 hadn't had time and that was the 6th of September. I'm wondering in the  
13 several months since then, if you have had time to make that comparison.

14 A. Not with regard to the 3.200 individuals that are listed, the  
15 3.200 missing persons.

16 Q. All right. Let's now go back to the addendum that you filed with  
17 regard to this case, P2008, 16 May, 2003. Under, "Considerations," you  
18 talk about the various aspects that were taken into consideration with  
19 regard to each of these persons. It's page 6 of the report. It's 7894,  
20 the last four numbers of the ERN number. You talk about the ethnicity of  
21 the victims, the status of those exhumed at the time of their death, the  
22 cause of death of the persons exhumed and the time and location of the  
23 death. What I'm interested in talking to you about now is the status of  
24 those exhumed at the time of their death. When you speak of status, I  
25 take it what you're speaking of is whether the person was military or

1 civilian?

2 A. Yes, very precisely, when at the time of death a person was a  
3 combatant or not.

4 Q. And one of the things that you indicate under B, status, is  
5 clothing recovered in the course of the exhumation. In that regard, does  
6 that mean that if they are not found wearing a uniform or in the presence  
7 of a uniform, you conclude that they're non-combatants?

8 A. No. Quite the contrary, the discovery of military clothing could  
9 perhaps tell us that persons perhaps were combatants at some point in  
10 time, as I have said it was an indication. One needs more than just the  
11 clothing to come to a conclusion, but that is an indication, that is not  
12 the only element that is taken into account. As you can see, there is  
13 also other testimonies of witnesses or the next of kin of the victims, if  
14 the victims have been identified, who can provide us with information  
15 about the status of that person at the time of that person's death. So  
16 that helps us to establish whether a person at the time of death was a  
17 civilian or a person who was a combatant but who was then arrested and  
18 subsequently executed or was it a person who died in the course of combat.

19 Q. Well, what role does clothing recovered in the course of the  
20 exhumation play?

21 A. I'd say that in the first -- at first, it helps to -- towards the  
22 identification of a person, but in addition to clothing, there are all the  
23 other elements which are found near a victim, such as the wallet or shoes  
24 or things which belonged, which are specific to an individual and so on.

25 Q. Would you conclude from the presence or absence of military

1 uniform that someone either was a combatant or not a combatant?

2 A. No, not only on the basis of that. You have to take into  
3 consideration --

4 Q. Everything just stopped.

5 JUDGE AGIUS: Yes.

6 THE WITNESS: [Interpretation] I'm sorry, I thought you interrupted  
7 me.

8 JUDGE AGIUS: No, no, not at all, okay. Let's go ahead.

9 MR. ACKERMAN: I'm sorry.

10 JUDGE AGIUS: Sorry about that.

11 MR. ACKERMAN:

12 Q. The question that you were answering, would you conclude from the  
13 presence or absence of military uniform that someone either was a  
14 combatant or not a combatant and then you started answering that question.  
15 So please continue.

16 A. What I was saying was, if you exhume a body, an individual who  
17 only has a skeleton and you have no other information concerning --  
18 allowing to identify that person and you cannot draw any conclusions until  
19 the time of identification through other procedures which are more  
20 scientific, such as DNA analysis. At an exhumation site where you have a  
21 large number of bodies, for instance, we can take Redak, which you already  
22 mentioned sometime ago, all the bodies could not be identified. Some  
23 skeletons had the remains of clothes, and some bodies which were not  
24 identified were related to incidents which happened in July of 1992, at  
25 the football pitch in Ljubija and then along the mining road from Ljubija



1 to Stari Majdan, that was another place of incident. The number of  
2 victims at the exhumation site we did not see any attempts to alter the --  
3 to alter the site, and there were these skeletons without any clothing or  
4 any other identification elements but it is nevertheless highly likely, if  
5 not positive, that these persons were victims of those incidents and  
6 elsewhere you can also receive the testimony of the survivors.

7 Q. Well, there are a couple of things in that answer that I want to  
8 ask you about. One of the things that you mentioned was that clothing  
9 wasn't enough. You sometimes would get DNA analysis. How does DNA  
10 analysis help you decide whether someone was a combatant or a  
11 non-combatant?

12 A. The DNA analysis makes it easier to identify somebody on the basis  
13 of this identification, you try to communicate either with members of  
14 families or witnesses who can provide you with information with regard to  
15 the circumstances under which that person died, and it's the basis of this  
16 information which is collected that we tried to establish what happened to  
17 that particular person.

18 Q. But these would be the same kinds of witnesses who told you to go  
19 dig up Benkovac barracks and you'd find bodies there? This is not  
20 necessarily reliable information, is it?

21 A. I think that you are slightly wrong there, when you speak about a  
22 member of a family who saw somebody who had been taken out by the police  
23 or the army or had been exited. I don't think that such a person can make  
24 such a mistake. If you have information from a person who says, "I  
25 believe that a particular place you have a mass grave," then that is

1 another matter and then the investigation allows to you either corroborate  
2 or not the information received. The fact that we go to a place as you  
3 have mentioned which is Benkovac or Tomasica for instance, where indeed we  
4 did not find anything but it doesn't mean that there is nothing there, we  
5 are simply saying that there was nothing at the place which we were told  
6 about.

7 Q. Well, let me just be clear of my concern, sir.

8 If what we were doing here was dealing in an exploration to try to  
9 come up with our best guess about what we can tell, that's one thing. But  
10 you must understand that what's going on here is a criminal trial, where  
11 there is a presumption of innocence and where it's the burden of the  
12 Prosecution to prove guilt beyond a reasonable doubt and my concern is  
13 that you are engaging in a number of presumptions with regard to your  
14 testimony that are presumptions in favour of the Prosecution and against  
15 the defendant rather than the other way around. It would seem to me that  
16 if you're going to make a presumption, that the presumption would have to  
17 be that the person is a combatant unless you could prove beyond a  
18 reasonable doubt otherwise. But you're presuming just the opposite, it  
19 seems to me. Am I wrong about that?

20 A. What I just said, there are elements which allow you to draw  
21 certain conclusions, at a moment when one is capable of identifying the  
22 bodies and when you have the testimony of witnesses, then it is very  
23 difficult to -- unless you have the testimony, then it's very difficult to  
24 speak with such certainty as you are as spiring to and if you look at the  
25 general comment at the end of my report, you once again can see that we

1 excluded bodies which were not identified. From 58 sites of graves, 13  
2 further individuals were exhumed and all these related to 30 incidents  
3 which are mentioned either in the indictment or which were mentioned by  
4 witnesses in their testimonies before this Court. So I would not say that  
5 these were simply presumptions. I think that would be going too far.

6 Q. Well, in many cases, what you're giving us is your best guess  
7 based upon the information available and that's a far cry from proof  
8 beyond a reasonable doubt, it seems to me, isn't it?

9 A. If that is how you understand it, unfortunately I cannot say  
10 anything more on the matter.

11 Q. I want to go to another subject now and talk about how you  
12 establish date of death. To some extent you used the same kind of  
13 methodology when you made determinations about when it was that the people  
14 found in these graves were killed, and I'm looking now at -- it's your  
15 progress report dated 13 August, 2001, Exhibit P2007 and I'm on page --  
16 the ERN number is 02090497. And again, you engage in what you call a  
17 logical conclusion or which might be a presumption again, that if you're  
18 able to -- if you're able to prove by independent sources that -- you're  
19 still paging around. I better wait until you find your spot. The ERN  
20 number at the top right-hand corner of the page is 02090497. It's section  
21 2.6 of that report.

22 JUDGE AGIUS: Yes, he's found it, Mr. Ackerman.

23 MR. ACKERMAN:

24 Q. And you're engaging pretty much the same kind of exercise there,  
25 if you find persons in a grave that you can establish were killed say in

1 July of 1992, what you're saying is it's then logical to conclude that  
2 everyone else you find in there was killed at about that same time. And  
3 you're saying that that would -- you'd also have to establish the grave  
4 site had not been disturbed to draw that conclusion; correct?

5 A. Yes.

6 Q. Now, the other problem, of course, that you don't talk about  
7 there, which you have in fact encountered is that the bodies put in a  
8 particular grave site don't necessarily all come from the same place. For  
9 instance a grave site might be a place where bodies are taken from several  
10 locations and re-interred and therefore you couldn't make the conclusion  
11 that you talk about as being logical, could you?

12 A. Yes. You are quite right. You already mentioned the example of  
13 Jakarina Kosa.

14 Q. Unless you actually know the date of the burial, it's quite  
15 difficult to estimate a date of death after the passage of a number of  
16 years, isn't it?

17 A. As I have said, as for the date -- for establishing the time of  
18 death, it is the first thing you need is the identification of the victim  
19 and the tracing of the last moments. This is basic importance to  
20 establish where that person -- when the person -- when the person died.  
21 So, for instance, if we take this Jakarina Kosa, the information that we  
22 received on the site was pointing towards the summer of 1993, and then the  
23 evidence that we collected in the meantime showed us that those were  
24 actually persons who died in 1992, that these persons who died at  
25 different times in 1992.

1           JUDGE AGIUS: I think we are running at a tangents here. First of  
2 all, Mr. Sebire, your terms of reference in the task that you had over  
3 there, did it include also establishing the time of the death of these  
4 persons or was that left in the hands of other forensic experts?

5           THE WITNESS: [Interpretation] At the moment -- when a person is  
6 identified, that is my task, to go through the evidence which has been  
7 collected meanwhile by the OTP if we can find any information regarding  
8 the death or the disappearance of a person. In some forensic reports,  
9 there was a probable delay, that is, it could have been because there was  
10 a delay from the time. They could have been done five or six years later.

11          JUDGE AGIUS: You haven't answered my question. Were you in  
12 charge also of establishing the date of the interment, of the death, or  
13 was that exercise left in the hands of someone else, some other forensic  
14 expert? That's my first part of the question. And then I come to  
15 Mr. Ackerman's question. Were you in charge only of the exhumation stage  
16 and the preservation of the evidence or were you also tasked to then carry  
17 all the analysis, scientific and otherwise, to establish the  
18 identification and also the date of the death and possible interment of  
19 that person, those persons?

20          THE WITNESS: [Interpretation] With regard to the date of death or  
21 disappearance of the exhumed person, yes, indeed, that is an integral part  
22 of my work, yes.

23          JUDGE AGIUS: All right. And the part of the question that is  
24 highly relevant coming from Mr. Ackerman is this: Short of or in the  
25 absence of direct and specific information as to the exact date of death

1 of the persons that have been identified, is there a scientific test that  
2 you can resort to in order to establish the date of the death based only  
3 on the remains and the surroundings in which those remains are? Or do you  
4 have to base yourself on circumstantial evidence?

5 THE WITNESS: [Interpretation] If I may respond briefly, I'm an  
6 investigator, I'm not a scientist, I'm not an anthropologist.

7 JUDGE AGIUS: That's why I'm asking you. Why was -- why were you  
8 tasked with doing all this when you're not a scientist and you're just an  
9 investigator? Who was supposed to establish the death of a person, based  
10 on the remains found in a grave or the -- the forensic expert, the  
11 forensic scientist or the investigator?

12 THE WITNESS: [Interpretation] It all depends on the bodies which  
13 are found. A forensic pathologist can give you a period, for instance, a  
14 body was found in the year 2000 and then perhaps on the basis of tests  
15 that are conducted, one can say that they have been there for ten or 15  
16 years, on the basis of various information. When a post-mortem are  
17 conducted we attempt the identification. In this the role of investigator  
18 is of course to act on the information received, to try -- about the  
19 person, to find the next of kin and all the rest that has to do with that  
20 particular individual. As for role of the forensic pathologist, he can  
21 give us the cause of death and on the basis of that, we can try to find  
22 witnesses and establish the circumstances under which that person died.

23 JUDGE AGIUS: I thank you, Mr. Sebire. I give him back to you,  
24 Mr. Ackerman.

25 MR. ACKERMAN: Yes, thank you, Your Honour.

1 Q. What you're saying, sir, is this: If you find somebody in a  
2 grave, who you're able to identify, as a certain human being with a name,  
3 and you're able to establish by some independent source, either by a  
4 relative or an eyewitness that that person disappeared on July 4th of 1992  
5 and was never seen again, that you conclude then that that person must  
6 have met their death in 1992 and based upon that conclusion, you then say  
7 to us it's logical to conclude to the other persons buried in the same  
8 grave died around the same time. I mean that's basically what you're  
9 telling us, isn't it?

10 A. Well, no. That is not what I said. If you go back to what I said  
11 previously, I made a certain nuance and said what I was saying -- because  
12 I tried to give you more explanation as to the time when one could really  
13 make very serious assumption that bodies found at the same site. At the  
14 time we could not do it, so I cannot really answer yes or no to your  
15 question because I need to give you a much more nuanced answer and I do  
16 not know whether I should now go into this explanation or not.

17 Q. I'm trying my best to rely on what you have written in your  
18 various reports and we had referred, sir, to that report entitled,  
19 "Progress report dated 13 August, 2001," Exhibit P2007, and what I read  
20 and I'm going to read it again, that you said was this: "In these cases,"  
21 and you make an exclusion here, "When the exhumation does not indicate  
22 that the grave site has been disturbed," then you say this, "It is logical  
23 to conclude that the unidentified individuals have been killed at the  
24 approximately same time as those identified." And I conclude from that,  
25 if you're able to identify someone from a grave or someones from a grave

1     having been killed at a certain time, then you presumed that everyone else  
2     in there was killed at the same time. Isn't that what you're saying? And  
3     if I'm wrong, please tell me how I'm wrong.

4           A.   Well, I will allow myself to go back to the exhumations at Redak,  
5     if that will help answer your question better, and if you allow me that  
6     perhaps will be the most telling example. In the case of that exhumation,  
7     we found 63 bodies that -- a limited number of bodies that were found at  
8     the site were identified. They all -- it all comes on from -- on the  
9     basis of the information from survivors of the same incidents where these  
10    people fell victim and they gave us an approximate number of the victims  
11    of that incident. The information given us by those witnesses, that is  
12    the gunning down of these people and that would for instance, correspond  
13    to the information that we were provided by the pathologists. Then we  
14    take the -- then if you look at what was found on the skeletons, that is  
15    the wounds that were found on the skeletons and it showed that there were  
16    four or five bullet shots per person, and we found some 300 bullets,  
17    projectiles in the bodies. At the same time, we -- and there was nothing  
18    that we found that that site was disturbed after those bodies were put  
19    there. So we base our conclusions on the integral body of information  
20    that we receive collected -- either collected from the site itself or the  
21    testimonies and if all that tallies, then it is logical to conclude that  
22    all the persons found in that mass grave were victims of one and the same  
23    incident and naturally, not all the bodies from that same site were  
24    identified, when we were able to communicate with members of family and  
25    witnesses to -- in order to verify whether they knew the names of these



1 persons.

2 Q. Okay. And that's -- you've described Redak, which is not a  
3 typical exhumation. That analysis you just gave us doesn't work at all  
4 for Jakarina Kosa. It doesn't work at all for Hrastova Glavica, for  
5 example, does it?

6 A. At Jakarina Kosa, yes it was much more complicated because we had  
7 victims who -- of different incidents and different places.

8 Q. And Hrastova Glavica, two of the bodies found there were from the  
9 Second World War; correct?

10 A. According to the documentation that we received, yes.

11 JUDGE AGIUS: Mr. Ackerman, how much more time do you require?

12 MR. ACKERMAN: It looks, Your Honour, like a half hour, a little  
13 bit less.

14 JUDGE AGIUS: All right. We'll break now, then, if it's  
15 convenient for to you break now, and we will resume in 25 minutes from  
16 now. That's 5 to 11.00.

17 And Ms. Sutherland, I rely on you on trying to get the Registrar  
18 to explain to the next witness that this is not being done capriciously.

19 MS. SUTHERLAND: Yes, Your Honour, I'll speak to the witness  
20 myself. I informed him yesterday that his testimony may be delayed for  
21 about an hour.

22 JUDGE AGIUS: It's important that someone does explain to him.  
23 Thank you.

24 --- Recess taken at 10.30 a.m.

25 --- On resuming at 11.00 a.m.

1 JUDGE AGIUS: Yes, Mr. Ackerman. Mr. Brdjanin is here.

2 Incidentally, Mr. Ackerman -- let's proceed. Let's proceed.

3 MR. ACKERMAN: Thank you, Your Honour.

4 Q. Sir, I want to talk to you now about cause of death, and I begin  
5 on your Stakic report, S 281-E page 11, you say in that report, describing  
6 the killings that were committed in the municipality of Prijedor: "As a  
7 general rule, as a general result" - I'm sorry - "As a general result, it  
8 appears that the majority of victims exhumed was of non-Serb ethnicity and  
9 did not die as a result of combat activity." Please tell the Chamber the  
10 criteria you used to determine whether or not a person died of combat  
11 activity.

12 A. The evidence and the information allowed us, allowed me to  
13 determine whether a person had died as a result of combat activity or not.  
14 This evidence was testimony from witnesses, from family members, the  
15 declarations, the declarations of death, concerning persons who were still  
16 recorded as missing at the time of the declaration. This is the evidence  
17 used.

18 Q. So it had nothing to do with the kinds of injuries that appeared  
19 on the bodies that were exhumed?

20 A. The types of injuries discovered on the bodies are important in  
21 that they can corroborate parts of information provided by witnesses or by  
22 family members who can talk about the time when the person was killed. In  
23 certain cases witnesses mentioned people who had been detained in certain  
24 camps, they mentioned the fact that people had been beaten, they described  
25 beatings, there were autopsy reports established by forensic scientists

1 that indicated whether there were any fractures to the ribs or to the  
2 upper or lower body parts. When someone talks about a person who was  
3 executed, it is obvious that part of the work consists of verifying  
4 whether this is corroborated by the forensic report.

5 JUDGE AGIUS: Basically why you -- it's a sort of a jigsaw puzzle  
6 that you try to build up or bring -- put together, no?

7 THE WITNESS: [Interpretation] Yes, in that all of these elements,  
8 if you take them individually, they provide indications but not an  
9 explanation. When you take all these elements together, view them as a  
10 whole, this allows one to corroborate one hypothesis rather than another.

11 JUDGE AGIUS: But if we take an example, I don't recollect now the  
12 details of your report, but if you were given an indication that in a  
13 particular site you should be able to find the bodies, the remains, of X,  
14 Y and Z, and you are further given an indication that X, Y and Z were  
15 killed or died, were charred to death, were burnt to death, I would take  
16 it that you would expect in the exhumation to find some indication that  
17 those remains were -- are the remains or were the remains of someone who  
18 was burnt to death or who was burnt, anyway; is that correct?

19 THE WITNESS: [Interpretation] Yes. If the forensic examination  
20 allows one to find such elements. In this case, I would use a particular  
21 example. An exhumation site which concerns -- which is in the  
22 municipality of Kljuc, it concerns the village of Kurevo. Three  
23 exhumation sites were related to the incident in the village of Kurevo, in  
24 the municipality of Kljuc. One of the witnesses described that when he  
25 was taken from Kurevo some of the people from the village were killed and

1 then on the road to Peci the convoy stopped, another part of the people  
2 were killed in a field, and then the survivors ended up in the village of  
3 Peci where they all had their hands tied with wire and were beaten. One  
4 of the individuals, who survived this walk, to Peci died in the course of  
5 the night. The body was taken to the place where he was found a few years  
6 later he was exhumed and these -- this wire with which his hands had been  
7 attached and which had been described by the witness was found. Such  
8 elements are taken into consideration in order to corroborate the version  
9 of a given witness with regard to a certain incident. This is one of many  
10 examples.

11 JUDGE AGIUS: As I said, it's a jigsaw puzzle which you bring  
12 together various pieces which could be material facts resulting from the  
13 exhumation as well as information and details for which you have to rely  
14 on others, because you -- I take it that you did not or you were not  
15 involved in the investigation of any of these crimes or any of these  
16 killings, if there were killings.

17 THE WITNESS: [Interpretation] In this particular case, yes, that's  
18 correct.

19 JUDGE AGIUS: Mr. Ackerman, he's back in your hands.

20 MR. ACKERMAN: Thank you, Your Honour.

21 Q. Sir, some of these bodies that were exhumed, as you've just told  
22 us, showed -- exhibited injuries that you described as resulting from  
23 blunt trauma; correct?

24 A. Yes. In certain cases, the forensic report indicated that there  
25 were such injuries.

1 Q. And I think you would agree that in a body found in a grave like  
2 that, that that blunt trauma -- it's virtually impossible to tell whether  
3 it's pre-mortem or post-mortem, whether it occurred before death or after  
4 death, isn't it?

5 JUDGE AGIUS: If you don't think that you are qualified enough to  
6 answer that question, then ask me to excuse you from answering it.  
7 Because this is a technical matter. It falls within forensic pathology.

8 THE WITNESS: [Interpretation] The answer requires a forensic  
9 knowledge. With regard to a large number of autopsies I could be  
10 mistaken. For instance, a forensic scientist might make a distinction  
11 between injuries that seemed to be pre-mortem or post-mortem to him. In  
12 cases when he can't determine that there was an injury that occurred  
13 before death, then he will say that the cause of death wasn't determined.  
14 Naturally this is the role of the forensic scientist to determine such  
15 matters. It's his role rather than mine.

16 MR. ACKERMAN:

17 Q. Actually, sir, I'm referring to something you said in your Stakic  
18 report, S281-E at page 33. On that page you're talking about the Hrastova  
19 Glavica exhumation. And what you told us in that report, "In addition to  
20 the fatal injuries, a number of bodies showed evidence of blunt trauma  
21 injuries. The examining pathologists were unable to determine whether  
22 these injuries were ante-mortem or post-mortem, before death or after  
23 death," and that was certainly the case with regard -- you understood that  
24 was the case with regard to Hrastova Glavica?

25 A. As I said, as far as determining the cause of death is concerned,

1 one relies on the autopsy reports established by the forensic pathologist.  
2 When it's possible to determine the cause of death, precisely, this is  
3 indicated in the report and when this isn't possible, this is also  
4 indicated. A body does not always have just one injury. A body can have  
5 several injuries, a gunshot wound, wound caused by blunt object as well as  
6 fractures in which cases the forensic pathologist can't determine the  
7 cause. In that case, you can say that you can have a body with gunshot  
8 wounds to the head or fractures to the upper or lower parts of the body  
9 and the forensic pathologist will perhaps not be able to determine whether  
10 these injuries were inflicted before or after death.

11 Q. Well, for instance, a couple of incidents come to my mind just  
12 sitting here, the -- I'm sure you're familiar with the events that  
13 occurred on Mount Vlasic when some people were shot and went over the edge  
14 of a deep ravine or I know you're familiar with a -- we talked about it  
15 earlier today, the mine shaft in which the World War Two bodies were found  
16 or bodies were dumped into a mine shaft. One would expect, I take it, in  
17 both of those instances if you were to recover those bodies, that you  
18 would probably find evidence of blunt trauma that occurred from the  
19 post-mortem or probably post-mortem injuries resulting from falling over a  
20 cliff or down the mine shaft. That makes sense, doesn't it?

21 JUDGE AGIUS: Only answer the question if you think you're  
22 qualified to answer that question.

23 THE WITNESS: [Interpretation] I can only rely on the examination  
24 conducted by the forensic pathologist. The examination conducted of the  
25 bodies.

1 MR. ACKERMAN: I'll leave that alone now.

2 Q. In your progress report of 13 August, 2001, Exhibit P2007, you're  
3 talking about what you describe as your proof of death projects. And in  
4 the first paragraph, this sentence appears, "All the individuals for whom  
5 proof of their death was received, are non-Serbs." You see that?

6 A. Yes.

7 Q. And what I'm wondering is, is why you only received proof of death  
8 information regarding non-Serbs. What happened to the proof of death  
9 information regarding Serbs? Why didn't you receive that? Did you not  
10 ask for it? Or what?

11 A. As far as proof of death is concerned, I would just like to remind  
12 you that it's to be distinguished from the exhumations. Proof of death  
13 concerned persons who had been declared dead by municipal courts and who  
14 at the time, when they were declared dead, were still considered to be  
15 missing persons. What I also point out in my report is that these rulings  
16 declaring missing people as people who were dead, come from two municipal  
17 courts, the municipal court of Sanski Most and the Kljuc court. These  
18 courts receive people who used to live in Prijedor, Kotor Varos and  
19 Bosanski Novi and they received declarations from family members, requests  
20 asking them to declare their family members who were missing as being  
21 dead. As far as these elements are concerned, these rulings declaring  
22 that people were dead, I only received declarations that concerned persons  
23 who were non-Serbs, persons who weren't Serbs, from Bosnia.

24 Q. Well, that part I knew and I was I probably should have been a  
25 little more clear in my question.

1           JUDGE AGIUS: I think so too because that's the answer I expected  
2     from him.

3           MR. ACKERMAN:

4           Q. The concern that I have, the question that I have is this: Aren't  
5     there such court judgements from courts in Republika Srpska, for instance,  
6     dealing with declarations of death for Serbs who disappeared during the  
7     war? And if there aren't, I don't know why, and if there are, why don't  
8     you have them and why don't you report them to us? That's what I'm really  
9     trying to find out.

10          A. I understand your question. I would just like to refer you to the  
11     investigations I conducted to obtain information on exhumations of Serb  
12     victims. For the moment I've only been able to obtain general figures but  
13     I haven't been able to receive specific detailed documents.

14          Q. I'm going to get to that a little later so let's save that for a  
15     little later. The answer is you don't have any of that kind of  
16     information?

17          A. That's right.

18          Q. Okay. If you turn just a couple of pages, to the ERN number 0502,  
19     there is a table regarding these death declarations, these proof of death  
20     project death declarations for the year 1992, these being declarations  
21     from courts. You'll notice in the table that's called figure 03 that for  
22     Banja Luka, we see eight people; correct?

23          A. Yes.

24          Q. And for Celinac, we see zero?

25          A. That's correct. Celinac isn't mentioned.



1 Q. The vast majority of the numbers in that particular table actually  
2 are from Prijedor, aren't they? It's over a thousand.

3 A. Yes, that's quite right.

4 Q. And the only other municipality that's even close is Sanski Most  
5 with 226; right?

6 A. Yes. It's the second municipality in terms of the number of  
7 declarations.

8 Q. Do you have any idea with regard to these court declarations of  
9 death what the standard of proof is that's required by the judges before  
10 they make a declaration that someone is dead? Do you have any idea? And  
11 if not, that's okay. You can just say you don't.

12 A. I'm not familiar in detail with the law that allows an individual  
13 to request that a court, a municipal court, in ex-Yugoslavia, declare that  
14 one of their family members is deceased. I can try to summarise this  
15 procedure on the basis of my memory but it's not really my field. If a  
16 family asks for one of its family members to be declared dead, the date  
17 when the person went missing is taken into consideration. It seems that  
18 there is a time period that is required to show that the person has not  
19 appeared since disappearing, and then basing itself on these indications  
20 provided by witnesses and family members before the Court, in such cases,  
21 the person is declared dead, a ruling is issued and after a certain period  
22 of time, which I am not sure of, if this person has not yet appeared, the  
23 person is declared dead. Very briefly, if I'm not mistaken, that is the  
24 procedure that is followed in such circumstances.

25 Q. If we -- I want to look now at your most recent addendum, 16 May

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12 Blank pages inserted to ensure pagination corresponds between the French and

13 English transcripts. Pages 17415 to 17424.

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1 of 2003. And go to page 5, we are still dealing with proof of death data  
2 base, and this gives us, I think, your latest figures, and that would show  
3 that for 1992, the proof of death data base shows 774 cases of persons who  
4 died or disappeared during the year 1992 in the ARK region, 1.774;  
5 correct?

6 A. Yes, that's right.

7 Q. Now, you reduced then this figure by deaths that resulted from  
8 combat or from natural causes and by those that have been exhumed and  
9 identified and accounted for then elsewhere. You finally come down to  
10 1.277 declarations of death for those who died or disappeared in 1992;  
11 correct?

12 A. Yes, that's right.

13 Q. Now, in your -- back again to your first report. In that first  
14 report, that being P2007, 13 August, 2001, and the ERN number page ends  
15 with 0496, there are three commissions, I believe, that are concerned with  
16 the tracing of missing persons; is that correct?

17 A. Yes. I think there are only two now, the federal commission which  
18 has a branch for the Bosniak Muslims and a branch for the Bosnian Croats  
19 and a commission from Republika Srpska.

20 Q. At the time you wrote this first report, there was the Bosnian  
21 state commission, the RS commission, and the Croat branch of -- I think  
22 you called it the Croat branch of the federal commission, and what you  
23 said about those commissions was that basically they were each concerned  
24 with and in charge of exhuming individuals of their own ethnicity. So the  
25 Bosnian state commission for Muslims, the RS commission for Serbs and the

1 Croat branch for Croats. That's true, isn't it?

2 A. In generally speaking, yes, that's true.

3 Q. And the Republika Srpska commission on tracing missing and  
4 detained persons, I think the figure at the present time that you're aware  
5 of is that they have exhumed 1.793 bodies?

6 JUDGE AGIUS: Are you aware of that?

7 THE WITNESS: [Interpretation] Yes. These exhumations which were  
8 conducted throughout the territory of Bosnia and Herzegovina, from 1996 to  
9 2000. It's not just the Autonomous Region of Krajina so it's necessary to  
10 bear in mind that these are general figures, not just figures, for the  
11 Autonomous Region of Krajina.

12 MR. ACKERMAN:

13 Q. Yes, I understand that. And the other part of that is that you're  
14 presumption based upon what we just talked about, was that these 1.793  
15 bodies exhumed are bodies of Serbs?

16 A. Yes.

17 Q. And you have not gathered together, and I'd like to know why, the  
18 kind of detailed information regarding these deaths that you have gathered  
19 together from the Bosnian authorities, have you?

20 A. No. I didn't -- we didn't request to have declarations of death  
21 concerning people who died in the region of Krajina.

22 Q. And I think you have learned, you've been told by a member of that  
23 RS commission, I think it was, that of the 1.793 exhumations done by RS,  
24 that 1.076 of those have been identified as military personnel; correct?

25 A. Yes. This is information that I obtained on the basis of the

1 publication of an article that had to do with a report of a group of  
2 experts that the three commissions had.

3 Q. And have you made any inquiry, or do you know, the basis upon  
4 which that RS commission concluded that 1.076 of these individuals were  
5 military personnel?

6 A. If you have a look at two paragraphs lower down in the report,  
7 you'll see that in fact I required all -- I requested all the information  
8 that concerned the exhumations conducted by the Republika Srpska  
9 commission in the Autonomous Region of Krajina, and I didn't only ask for  
10 the date when the person died and the circumstances under which the person  
11 died and all the documents, I asked for all the documents that I asked  
12 with regard to other exhumations and I still have not received a response  
13 to this day. And that is why the figures are mentioned but unfortunately,  
14 I was not able to go into all the details.

15 Q. And because you don't have any detail regarding these matters,  
16 this information was basically excluded from your data bases, wasn't it?

17 A. There is no information concerning the places of exhumation, the  
18 exhumation dates, the information concerning the bodies, whether they were  
19 men, women or anything else. I have not received anything. I only have a  
20 general figures, and therefore, there was nothing to put into the data  
21 base.

22 Q. I want you to look now at -- it's the same report, the ERN number,  
23 page is 0495 and you have a table of the figures from the Bosnian state  
24 commission for tracing missing persons. And this table apparently has to  
25 do with exhumations done by the Bosnian authorities under guidance of the

1 Bosnian state commission and lists the number of sites and the number of  
2 individuals for several municipalities. Do you see the table I'm  
3 referring to?

4 A. No. I don't have that copy. Are you talking about paragraph 2.3?

5 Q. Yes. You have it? All right. If you look at Banja Luka, it says  
6 that from two sites, five individuals were recovered; correct?

7 A. Yes.

8 Q. And if you look at Celinac, it says from one site, three  
9 individuals were recovered?

10 A. Yes.

11 Q. And that's out of a total of 1.781; correct?

12 A. Yes, once again.

13 Q. Big numbers of course are Prijedor, 535; Kljuc, 463; Sanski Most,  
14 430; right?

15 A. Right, once again, yes.

16 Q. All right. Now we are going to go to your most recent report, and  
17 that's P2008 and I want to go to page 6. And this would give us the most  
18 recent numbers and I'm now referring to numbers from the exhumation data  
19 base. Numbers relevant to the indictment in this case. You tell us at  
20 the very top of page 6, 419 graves, 1.872 bodies.

21 A. Indeed, yes.

22 Q. Now, of these 1.872, if we look at the table on page 9, the vast  
23 majority of those 1.872 are male, by my calculations, 91.2 per cent?

24 JUDGE AGIUS: There is a table somewhere, Mr. Ackerman, that  
25 specifies precisely how many were male, how many were female.

1 MR. ACKERMAN: Page 9, Your Honour.

2 JUDGE AGIUS: Yeah.

3 MR. ACKERMAN:

4 Q. Is that correct?

5 A. It is.

6 Q. The vast majority were persons of military age, by my calculation  
7 81.7 per cent.

8 A. There were 2.200 [As interpreted] persons.

9 THE INTERPRETER: Could the witness repeat his answer, please?

10 JUDGE AGIUS: Mr. Sebire, the interpreter could not hear you. I  
11 may ask to you come nearer to the microphone and could I ask to you repeat  
12 your answer, please?

13 THE WITNESS: [Interpretation] Yes, of course, I'm sorry. I am  
14 saying that there were 1261 persons aged 17 to 60.

15 JUDGE AGIUS: 1261? Is that the correct figure that you're giving  
16 us, 1.261?

17 THE WITNESS: [Interpretation] Yes, individuals aged 17 to 60, that  
18 is indeed the figure that I gave.

19 JUDGE AGIUS: All right. Does that satisfy you, Mr. Ackerman?

20 MR. ACKERMAN: Yes, Your Honour. I think Mr. Sebire would agree  
21 with me that that figure may be increased by as much as 28 because there  
22 were 28 people who it was impossible to tell they ranged anywhere from 20  
23 to 80 or 25 to 80 years old so that 1261 figure could actually be enhanced  
24 by 28 if we knew the answer to those other 28.

25 Q. Isn't that true?

1           A.    Yes.  If you take into account then, yes, the number of persons in  
2   addition to those, then, yes, that would be, yes, you could indeed  
3   increase that figure, you're quite right, yes.

4           Q.    If you now turn the page, I think it's either a different table or  
5   the same one continued, it talks about injuries.  The vast majority of  
6   cause of death of these people was gunshot wounds or explosive devices, by  
7   my calculation that accounts for 92.7 per cent of the deaths.

8           A.    Yes.  Indeed.  The vast majority of bodies had gunshot wounds,  
9   1.341, in this particular case.

10          Q.    And you have to add another 23 that died of explosive devices,  
11   according to this, and I suggest to you if you do that, you find that 92.7  
12   per cent of the deaths resulted from gunshot wounds or explosive devices.

13          A.    I can merely take you for your word that that is the correct  
14   percentage.  I do not have one myself.

15          Q.    Now, these are the kind of wounds, gunshot wounds and wounds from  
16   explosive devices, these are the kind of wounds you would expect to result  
17   from military combat, aren't they?  That's how people die in combat,  
18   gunshot wounds and explosive devices; right?

19          A.    Generally speaking, yes, but in our particular instance, let me  
20   remind you once again that the majority of the bodies that were exhumed  
21   did indeed show such injuries and in the majority case in 1.305 cases we  
22   found those that indicated -- therefore it was concluded that they were  
23   not the result of the combat.  That is you do not -- you can see the cause  
24   of death, that is what you can establish but you cannot say how that  
25   particular wound was inflicted.  The explosive device, the deaths caused



1 by explosive devices need not be the result of combat only.

2 JUDGE AGIUS: This part of the transcript, Mr. Ackerman, and  
3 Ms. Sutherland or Mrs. Richterova needs a little bit of fine-tuning  
4 because particularly the first four lines are not clear enough. So will  
5 you go through it later on or perhaps we could have it cleared up now.  
6 The witness started by saying: "Generally speaking, yes, but in one  
7 particular instance let me remind you once again that the majority of the  
8 bodies that were exhumed did indeed show such injuries and the majority in  
9 1305 cases we found those that indicated there is something missing, there  
10 are -- it was concluded that they were not the result of combat." This  
11 needs to be cleared up. And you need to specify at least for the purposes  
12 of the transcript because I know that you did say it, for the purposes of  
13 the transcript, you need to specify on what basis it was concluded that in  
14 these cases, the wounds or the gunshot wounds and wounds from explosive  
15 devices were not the result of combat activity. Because basically that's  
16 the essence of the question that Mr. Ackerman was putting to you.

17 THE WITNESS: [Interpretation] I can only go back to what was  
18 already said in this courtroom. Once that the forensic pathologist  
19 established the cause of death, if the following investigation allows us  
20 to check whether that injury was caused during an execution or in the  
21 course of a combat but if I go back and give you the most practical  
22 example and I'm therefore going back to the exhumations at Redak, then --  
23 the testimony indicates that we were dealing with an execution there and  
24 the use of automatic rifles to fire at persons who got off a bus. These  
25 persons when the autopsy was used we found four or five wounds per person.

1 And the fact that we found gunshot wounds corresponds to what the  
2 witnesses said. The identification also showed us that they were indeed  
3 the persons who were killed on that date and at that particular location.  
4 As you mentioned, Mr. President, a moment ago, it was -- it was like a  
5 jigsaw puzzle that you mentioned before, where you have to put pieces  
6 together. If we have 100 --

7 JUDGE AGIUS: That's enough. Mr. Ackerman?

8 MR. ACKERMAN: Thank you, Judge.

9 Q. I want to take you just very -- well, I'm going to skip this part,  
10 Your Honour, because I think we need to finish?

11 JUDGE AGIUS: Yes, I would invite to you bring your  
12 cross-examination to an end if possible, Mr. Ackerman.

13 MR. ACKERMAN: I've just got about 2 or 3 more questions, Judge,  
14 and then I'm finished.

15 JUDGE AGIUS: Thank you.

16 MR. ACKERMAN:

17 Q. I want you to look at your annex 1. Your annex one attached to  
18 your addendum of 16 May, 2003. And that's at ERN number ends with 7901.  
19 It's page 1 of annex 1. And the first three entries therein have to do  
20 with exhumations in the municipality of Banja Luka. You see those?

21 A. I do.

22 Q. Now, somewhere else, let me see if I can find it real quickly,  
23 yes. You also have an annex BO 1. So in annex 1 you speak of three  
24 exhumations in Banja Luka, Culumi, Kostici, two exhumations, five bodies;  
25 Banja Luka cemetery, two exhumations -- one exhumation, two bodies, total

1 of seven from Banja Luka; correct?

2 A. Yes, correct, seven in total, yes.

3 Q. Now if we go to annex BL 1, which is ERN number 7928, of the five  
4 bodies that were exhumed at the two Culumi, Kostici exhumations what we  
5 learn is that these were five people who were apparently killed by the  
6 Sugic brothers; correct? Certainly the Sugic brothers --

7 A. Let me find the annex.

8 Q. Okay. It's annex BL 1 and the ERN number is 02927928.

9 A. Yes, indeed, that's right.

10 Q. Okay. And the indication is that these people were killed by the  
11 Sugic brothers; correct?

12 A. Yes, it is.

13 Q. If you go to the next page, 7929, that gives us information about  
14 the other two of the seven that were exhumed from the Banja Luka cemetery  
15 and those people actually were Esad Bender and Omer Filipovic who it's  
16 contended were killed during the time they were confined in Manjaca?

17 A. Yes, indeed.

18 Q. So that would account for all seven of the Banja Luka exhumations,  
19 wouldn't it?

20 A. It would.

21 Q. If you go then back to annex 1, the second page of annex 1, and  
22 that would be page 2 of annex 1 or ERN number 7902, we see an entry for  
23 Celinac, the location of the exhumation being Bastasi. It indicates three  
24 bodies but it's greyed out and I don't think there is any further  
25 information in the other annexes about that exhumation and I'm not sure

1 you've ever told us why but I want to know why. Why don't we have more  
2 information about that?

3 A. When I testified on the 30th May, I said that in annex 1, all the  
4 locations which are grey were excluded from the report, either because the  
5 exhumations took place in municipalities which were not taken into  
6 consideration in our investigations or because we had not received any  
7 information that would have allowed us to relate these exhumations to  
8 our -- to the -- to our investigation. So in Celinac, as you can see,  
9 since it is grey, that means that these results, the results there were  
10 not considered in the report which was prepared.

11 Q. So you have no information about how, when or anything else  
12 regarding the death of these three people in the Celinac exhumation;  
13 correct?

14 A. Correct. I did not receive any information regarding this  
15 exhumation, that is right.

16 Q. Mr. Sebire, thank you very much for your patience. You've been a  
17 very patient witness. I appreciate it. And thank you for trying to deal  
18 with my questions as best you could and I'm finished with you now. Thank  
19 you?

20 JUDGE AGIUS: Thank you, Mr. Ackerman. Mr. Sebire, that means  
21 that basically, unless there are some -- is there a re-examination? All  
22 right. So.

23 MS. RICHTEROVA: It will be very brief.

24 JUDGE AGIUS: Take your time, Madam Richterova. There is a  
25 re-examination. So it's only a couple of questions from Madam Richterova

1 and then you are free to go.

2 Re-examined by Ms. Richterova:

3 Q. Mr. Sebire, on 10th of June, you were asked by the Defence about  
4 Jama Lisac exhumation site and about the people who were identified, and  
5 you mentioned among others Edna Dautovic, and Sadeta Medunjanin. And the  
6 Defence question was and the two cases were cause of death was not  
7 established, do you know if that would have been Ms. Dautovic and  
8 Ms. Medunjanin and you were unable to answer this question. I would like  
9 to submit autopsy reports and identification reports of these persons.  
10 There are four copies for the judges and one copy for the Defence, if you  
11 would be so kind. These autopsy reports were also on the CD which was  
12 disclosed to the Defence, but they haven't been exhibited. So I would  
13 like to tender these three documents into evidence?

14 JUDGE AGIUS: Yes. You're tendering these in hard copies, in  
15 other words?

16 MS. RICHTEROVA: In hard copies.

17 JUDGE AGIUS: Okay. For the record I think we need to identify  
18 them. We have been given first autopsy report bearing date 28th July of  
19 the year 2000 and starting with the ERN number 01049433. This is being  
20 marked what?

21 MS. RICHTEROVA: This will be marked P2024.

22 JUDGE AGIUS: 2024. Yes. The second document is dated 27th July,  
23 2000. It's also an autopsy report and it starts with the ERN number  
24 01049790. And this is being tendered and admitted as P?

25 MS. RICHTEROVA: 2025.

1           JUDGE AGIUS: 2025. Thank you, Madam Richterova. And the third  
2 of these documents is a report which has four numbers on the genetic  
3 identification of bodies found in Bosnia-Herzegovina, issued, I assume, by  
4 the Instituto Nacional de Toxicologia in Madrid on the 1st of September,  
5 2000, and it has ERN number -- the first page bears ERN number 01033936.  
6 And that will be given exhibit number P2026.

7           MS. RICHTEROVA: Yes, Your Honour.

8           JUDGE AGIUS: Thank you.

9           MS. RICHTEROVA: I would like to show also these three documents  
10 to the witness.

11          Q. And if we could have a look at the autopsy report for the case 42  
12 B which we can read then later from the identification report was  
13 identified as Edna Dautovic and if you could read us on the page 1.

14          JUDGE AGIUS: I'll adopt the system that we adopt in my  
15 jurisdiction, Ms. Richterova. If these documents speak for themselves, we  
16 leave it at that. I mean, --

17          MS. RICHTEROVA: Thank you, Your Honour, of course I would adopt  
18 your suggestion.

19          JUDGE AGIUS: I can assure you that there will not be a single  
20 document that has been tendered in evidence that we will not go through  
21 thoroughly. I can assure you of that.

22          MS. RICHTEROVA: Thank you, Your Honour. Just I will really just  
23 summarise the cause of death in both cases were gunshots and it's what I  
24 want to clarify from the -- your testimony on 10th of June, 2003.

25          The other thing which I wanted to clarify and we have had some

1 problems with numbers and translations, and this has something to do with  
2 Kasapnica, when we were talking about the witness who claimed 18 bodies,  
3 and you put into your report 0 bodies, and in the transcript, and I will  
4 read it, it says, "As you just pointed out, there was no way to determine  
5 the number of victims, and that's why we put in the number 18." Was it  
6 what you stated at that date? Did you really add 18 bodies or 0 bodies?

7 A. I'd say that I'm almost sure that we considered the figure of zero  
8 and we did not consider the figure of 18, but the figure of zero in so far  
9 as Kasapnica is concerned.

10 Q. So to be absolutely sure, these 18 bodies mentioned by the witness  
11 were excluded from your report?

12 A. That's right.

13 MS. RICHTEROVA: That's all what I have.

14 JUDGE AGIUS: Thank you.

15 MR. ACKERMAN: Your Honour, in cutting off a series of questions,  
16 I also cut off an exhibit which I intended to present.

17 JUDGE AGIUS: Yes.

18 MR. ACKERMAN: So I'd like permission to do that. It doesn't  
19 require any testimony from the witness but I intended to present it during  
20 his testimony and so let me hand this to the usher, for distribution.  
21 Please give one to the Prosecutor and I've got one for each of the Judges  
22 and the rest for... It's marked DB141A. And it's an article from the  
23 June 11th, 2003, edition of the International Herald Tribune, Your Honour  
24 and I would ask that it be admitted into evidence.

25 MS. RICHTEROVA: I'm sorry, but I can't see the relevance of this

1 document for our case.

2 JUDGE AGIUS: Yes, perhaps before admitting it, Mr. Ackerman,  
3 because just even for purposes of the publicity of the hearing itself,  
4 this speaks about Iraq, toll of civilians put at 3.240 and it's extracted  
5 from the International Herald Tribune of June 11, 2003. What do you  
6 intend to prove by means or to show by means of this newspaper report?

7 MR. ACKERMAN: Your Honour, I think it gives us perspective. We  
8 are talking here about an almost a year's worth of activity in the ARK  
9 area of Bosnia-Herzegovina as compared with one month of war in Iraq, and  
10 the number of civilians killed in Iraq is dramatically greater than what  
11 appears to have been killed in this war in Bosnia-Herzegovina. I think it  
12 gives us perspective, especially with regard to the allegations of  
13 genocide or crimes against humanity.

14 JUDGE AGIUS: I take it will be admitted for that purpose only,  
15 and I do notice that sometimes you too rely or choose to rely on newspaper  
16 reports, Mr. Ackerman, and bring them forward.

17 MR. ACKERMAN: As Mr. Cunningham would say, it comes from the  
18 famous case of goose versus gander.

19 JUDGE AGIUS: Yes. Thank you. The witness can now leave.  
20 Mr. Sebire, may I express the Chamber's gratitude and appreciation for  
21 your patience which was also pointed out by Mr. Ackerman? Thank you. And  
22 you may now leave the courtroom.

23 Mr. Ackerman, may I also take the opportunity to thank you  
24 publicly for the exemplary cross-examination, which I wish could be made  
25 available to students, because it's an education.



1 [The witness withdrew]

2 MR. ACKERMAN: Thank you. I appreciate that. I would like to be  
3 excused so I can go not to rest but today to work.

4 JUDGE AGIUS: But you can rest on your own laurels now.

5 MR. ACKERMAN: I'm going to go work, Your Honour, thank you very  
6 much and I'll take my laurels with me.

7 JUDGE AGIUS: Yes.

8 MS. RICHTEROVA: Your Honour, may I be excused as well?

9 JUDGE AGIUS: Before I excuse you as well, Madam Richterova, let's  
10 organise our schedule for today and tomorrow. Now, we have got two  
11 witnesses. One is BT56, which is the next one and then we also have BT55.  
12 Do I take it that you are handling BT55? Who is handling 55?

13 MS. RICHTEROVA: It is the witness for tomorrow, yes, I'm handling  
14 that witness.

15 JUDGE AGIUS: Yes. And who will be taking BT55 tomorrow for  
16 cross-examination, you Mr. Cunningham?

17 MR. CUNNINGHAM: I am, Your Honour.

18 JUDGE AGIUS: Also BT56?

19 MR. CUNNINGHAM: Yes.

20 JUDGE AGIUS: So more or less and I know this is not exactly a  
21 question that can get a clear, straightforward answer, but more or less  
22 basing yourself on what you have read in the statements of these two  
23 persons, how long do you anticipate your cross-examination to last in both  
24 cases.

25 MR. CUNNINGHAM: With respect to the witness today, I don't

1 anticipate it will be very long at all simply because of the subject  
2 matter. I anticipate maybe 15, 20 minutes at most.

3 JUDGE AGIUS: All right and the other one?

4 MR. CUNNINGHAM: Tomorrow it will be a little bit longer. When  
5 I've talked to the Prosecution, they indicated to me, maybe about a hour's  
6 worth of testimony on their presentation in chief. I would think  
7 approximately that much on cross.

8 JUDGE AGIUS: Another hour, an hour on this. So you think you  
9 will require what, one hour for the direct, Madam Richterova with BT55?

10 MS. RICHTEROVA: Your Honour, I again want to take your advice and  
11 I am going to submit his previous statement, tender his previous statement  
12 into evidence and really go very briefly through his statement.

13 JUDGE AGIUS: I'm trying to cover Ms. Sutherland as much as I can  
14 so as not to make her life difficult.

15 MS. RICHTEROVA: When I said one hour, it's really maximum one  
16 hour.

17 JUDGE AGIUS: So we take it we require roughly two clear hours  
18 tomorrow for BT55, which leaves us with an hour and a half roughly  
19 tomorrow, an hour and a half, or an hour and a quarter, plus we have half  
20 an hour plus another hour and another three-quarters of an hour. So more  
21 or less out of the one hour and a quarter that we have today, and a hour  
22 and a half that you will -- or another hour and a quarter that you have  
23 tomorrow minus the 15 minutes or 20 minutes, make it 30 minutes that  
24 Mr. Cunningham will require, you need to finish your direct in -- that  
25 means two hours and a half -- in two hours. So adjust yourself

1 accordingly. I have gone through the witness's statements, both of them,  
2 and unless we really -- you really have information that you will require  
3 from the witness, that goes beyond what is stated in the statement, or  
4 unless you need to clarify what is stated in the statements, and there is  
5 one point I will come to straight away, I would ask you to refer to the  
6 statement as much as you can and try to limit your direct to that as much  
7 as you can. Because otherwise, I know that if you go beyond that, you  
8 will not make it in two hours.

9 MS. SUTHERLAND: Your Honour, I've been instructed to take the  
10 witness through the statement and not lead him.

11 JUDGE AGIUS: All right. Okay. So then there is one point that I  
12 want to point out to you before he comes in straight away, something that  
13 I have noticed. When he speaks of Lieutenant Colonel Zijad Selimovic, he  
14 speaks about this person in both statements. In the latter of the two  
15 statements on page 3, and he says, "We carried his body to the gymnasium  
16 in Petar Kocic school and on the following day we buried him," and he also  
17 speaks about him on several parts of the previous statement. On page 5,  
18 he says that, "Selimovic was shot and killed after he was ordered to go  
19 sit in the anti-aircraft gunner and then a Serb from the unit shot him."  
20 And then there is: "I did not see this happen but Selimovic son-in-law  
21 did. He later disappeared." I want to know who disappeared, whether it's  
22 the son-in-law that disappeared, because it's not clear, or whether it's a  
23 contradiction with what he said in his previous statement, that is that  
24 they carried his body and buried him. All right?

25 MS. SUTHERLAND: Yes, Your Honour.

1 JUDGE AGIUS: That's one part I definitely want to you clarify.

2 MS. SUTHERLAND: Your Honour, I'll be doing my best to go through  
3 his testimony as quickly as I can.

4 JUDGE AGIUS: I thank you. I appreciate that.

5 MS. SUTHERLAND: Just on your mathematics I thought we had three  
6 hours for this witness.

7 JUDGE AGIUS: My mathematics are not --

8 MS. SUTHERLAND: An hour and a quarter today, an hour and a  
9 quarter tomorrow which is 3 and a half hours, Mr. Cunningham requires 15,  
10 20 minutes -- which would leave me three hours in chief, not two hours; am  
11 I correct?

12 JUDGE AGIUS: More or less. But anyway, I told you my mathematics  
13 are not -- have never been impressive. And they still aren't, not like  
14 yours, Mr. Brdjanin, I suppose, being an engineer.

15 MS. SUTHERLAND: Your Honour, we will need the blinds down before  
16 the witness comes in.

17 JUDGE AGIUS: But initially only, he's not in closed session.

18 MS. SUTHERLAND: No. Pseudonym and image distortion.

19 JUDGE AGIUS: So while we bring the witness in, we will have the  
20 blinds down. So thank you, Mr. Ackerman, we will see you tomorrow, I  
21 suppose, unless -- and incidentally, Simic case, they had two weeks for  
22 the Rule 98 and the last case, again two weeks, so that seems to be a real  
23 maximum.

24 MR. ACKERMAN: [Microphone not activated]

25 JUDGE AGIUS: It went for over -- yeah, but anyway, we will talk

1 about that later. So, usher, you can bring the witness in, please. So  
2 this one, bring me -- update me, please, Ms. Sutherland, he's got a  
3 pseudonym?

4 MS. SUTHERLAND: And image distortion.

5 JUDGE AGIUS: And image, not voice distortion?

6 MS. SUTHERLAND: No, Your Honour.

7 JUDGE AGIUS: All right. And I'll explain the protective measures  
8 myself to him. Don't bother about them yourself.

9 [The witness entered court]

10 JUDGE AGIUS: Good morning to you, sir. Good morning to you, sir.

11 THE WITNESS: [Interpretation] I can't hear very well.

12 JUDGE AGIUS: Can you raise the sound level, usher, please?

13 Good morning to you, sir. I see you with a smiling face now so I  
14 take it you have finally succeeded in having interpretation of what I am  
15 saying in a language that you can understand. So I welcome you to this  
16 Tribunal and to this case that we are handling. You will soon be giving  
17 testimony and our rules require that before you do so, you enter a solemn  
18 declaration, stating that in the course of your testimony, you will be  
19 speaking the truth, the whole truth, and nothing but the truth. The text  
20 is contained in a piece of paper that is being handed out to you. Please  
21 read that text aloud and that will be your solemn undertaking with this  
22 Tribunal.

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

25 WITNESS: WITNESS BT56

1 [Witness answered through Interpreter]

2 JUDGE AGIUS: I thank you, sir. Please take a chair. I suppose  
3 the usher can pull the curtains up, draw the curtains up again.

4 And sir, I will try and explain to you the basics of what's going  
5 to happen. First of all, I am pleased to inform you that the protective  
6 measures that you asked from us, that is that you will not be referred to  
7 by your name and that no one would be able to see an image of yourself, of  
8 your face, we have granted. We have agreed to grant you these protective  
9 measures. The idea being in order to hide and protect your identity for  
10 reasons that were made clear to us by the Prosecution and which were also  
11 accepted by the Defence.

12 That's number 1. So basically, if -- usher help him, please, and  
13 may I ask the cameras to focus on the witness? And put his video monitor  
14 on video screen, on video? Well, that's how others will be seeing you.  
15 In other words, no one should be able to identify your face behind those  
16 cubes. That's what we call a distorted image of yourself.

17 You are also going to be referred to by a number, and that's BT56.  
18 No one will refer to you by your name here, in order again to protect your  
19 identity, but you must also help us. There will be moments when you will  
20 be asked certain questions which will require us or require from you to  
21 give us certain details and for those we will go into private session.  
22 And that means that no one will be able to hear what you will be telling  
23 us outside of this courtroom. But when we are not in private session, you  
24 ought to be careful yourself not to mention your name, your family name or  
25 the names of your family members or other facts or indications that could

1 reveal your identity. You understand me?

2 THE WITNESS: [Interpretation] Yes.

3 JUDGE AGIUS: Okay. You will first be asked a series of questions  
4 by Ms. Sutherland, who I'm sure you've met already, and she will then be  
5 followed by Mr. Cunningham for Radoslav Brdjanin, who is the accused in  
6 this case. We won't finish today. We will finish with you tomorrow. And  
7 before you start giving evidence, may I on behalf of the Trial Chamber  
8 offer you our apologise for having kept you weighing for so long before  
9 you could start your testimony. This was not done through the fault of  
10 anyone or capriciously. It's just that we couldn't finish with the other  
11 work that was scheduled before. So I'm sorry for that and I hope we have  
12 your understanding.

13 Ms. Sutherland, he's all yours.

14 MS. SUTHERLAND: Thank you, Your Honour.

15 Examined by Ms. Sutherland:

16 Q. Sir, I'd like you to look at this piece of paper which will be  
17 handed to you by the usher. Can you please confirm by saying yes or no  
18 whether that is your name?

19 A. It is.

20 MS. SUTHERLAND: Usher, if you could show that to the Defence and  
21 then the Trial Chamber?

22 JUDGE AGIUS: Thank you.

23 MS. SUTHERLAND: Your Honour, may we go into private session for a  
24 few background details.

25 JUDGE AGIUS: Yes, let's go -- it's exhibited under seal.

1 MS. SUTHERLAND: Yes, Your Honour, as P2027.

2 JUDGE AGIUS: Yes, thank you. Yes, let's go into private session  
3 for a while, please.

4 [Private session]

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4 [Open session]

5 JUDGE AGIUS: We are in open session now. Thank you.

6 MS. SUTHERLAND:

7 Q. Sir, please remember that we are now in open session. I want to  
8 turn now to the attack on Bosanska Krupa town. Do you recall when this  
9 occurred?

10 A. Yes. On the 22nd of April, 1992.

11 Q. Do you recall what day of the week it was?

12 A. Yes. It was on Tuesday.

13 Q. Were you told that the town would be attacked?

14 A. No. We found out about it half a day earlier perhaps.

15 Q. How did you find out?

16 A. Well, there were rumours, citizens spoke about it, they said that  
17 there would be shooting this evening, and it happened around 6.00 p.m. So  
18 that's how we heard about it.

19 Q. The people that told you this, were they of Serb or Muslim  
20 ethnicity?

21 A. They were Muslims.

22 Q. In the area where you lived, were the Serb population still in  
23 their houses?

24 A. No. That's why I felt it. They were leaving the town on the  
25 whole. Some snipers remained in the houses with light machine guns.

1 Q. How was the town attacked?

2 A. They simply started shooting at about 6.00 in the evening, both  
3 sides started shooting. I don't remember who first opened fire. It's not  
4 clear to me.

5 Q. Was there any shelling?

6 A. Yes, there was.

7 Q. Where were you during the attack? Without naming the place where  
8 you were, the person's place.

9 JUDGE AGIUS: Unless you prefer to go to private session  
10 Ms. Sutherland for the purposes of this question.

11 MS. SUTHERLAND: No, Your Honour. I think --

12 JUDGE AGIUS: All right. Okay.

13 THE WITNESS: [Interpretation] I was in my house, that would be my  
14 answer.

15 MS. SUTHERLAND:

16 Q. Were you able to see from which direction the attack was coming  
17 from?

18 A. From the direction of Vranjska.

19 Q. What is the ethnicity of the people that live in the village of  
20 Vranjska?

21 A. Serbs.

22 Q. Did you stay in your house that evening?

23 A. No. I went into another house which was 50 metres away. I went  
24 to see what the situation was like, to find out what they knew.

25 Q. What happened the next day?

1 A. Well, it continued on the following day. The attacks continued.

2 And in the course of that day, I was arrested in the morning.

3 Q. Were you arrested by yourself or with other people?

4 A. There were another three civilians, citizens.

5 Q. Where were you taken?

6 A. To Jasenica, about 18 kilometres from Bosanska Krupa, to the  
7 so-called Serbian municipality.

8 Q. Where in Jasenica were you taken?

9 A. To the Jasenica school. That's where we were taken.

10 Q. Approximately how many other people were at the school when you  
11 arrived?

12 A. When I got there, there were perhaps between 10 and 11 people but  
13 as time passed, more and more people kept arriving.

14 Q. Approximately how many people were there in total?

15 A. I don't know exactly when they occupied the town, there were about  
16 65, 60 of us detainees who remained but there were also civilians who were  
17 sent to the municipality of Sanski Most.

18 Q. Were you taken from the school for questioning?

19 A. Yes. Some of them, but those who stayed in that camp or whatever  
20 it was had to go through that court.

21 Q. When you say that court, where was this building?

22 A. The building was in Jasenica, not far from the school. It was the  
23 building of the museum.

24 JUDGE AGIUS: Whenever it's convenient.

25 MS. SUTHERLAND: Yes, Your Honour. Yes, it's convenient.

1 JUDGE AGIUS: So we will break for 25 minutes here, thank you.

2 --- Recess taken at 12.31 p.m.

3 --- On resuming at 1.04 p.m.

4 JUDGE AGIUS: Yes, Mr. Brdjanin.

5 Yes, Ms. Sutherland.

6 MS. SUTHERLAND: Thank you, Your Honour, may I just make a quick  
7 apology to you in relation to your mathematics. For some reason I was  
8 thinking that one and a quarter hours and two and a quarter hours gives me  
9 three and a half, but you were right, it's two hours. So I will --

10 JUDGE AGIUS: It seems -- still I confirm that mathematics is not  
11 my forte, or my arithmetic. It's not mathematics because algebra and  
12 geometry

13 MS. SUTHERLAND:

14 Q. Sir, again I would just like to remind that you we are in open  
15 session, just before we broke I asked you a question in relation to the  
16 Court that you said that you were taken to which was in a museum building  
17 not far from the school.

18 A. That's right.

19 Q. Do you know what else was housed in the museum building at that  
20 time?

21 A. No. I don't know that there was anything except that individual  
22 who was there, I mean those judges.

23 Q. Was there a military command unit headquarters in the area?

24 A. Yes, there was.

25 Q. And whereabouts was that?

1           A.    It was in a different building.  I think that there was a small  
2   motel nearby.

3           Q.    So getting back to this court where you were taken for  
4   questioning, who conducted these court sessions?

5           A.    Those were Mladen Drljaca as the Presiding Judge, Mitar Ciganovic  
6   and Mirko Orelj was there and there was a woman there who was a recording  
7   clerk.

8           Q.    Taking these three individuals, first Mladen Drljaca, who was his  
9   position before the war?

10          A.    For a while he was the secretary of the municipality.  Then he was  
11   misdemeanour authority and that was it.

12          Q.    What was his ethnicity?

13          A.    He was a Serb.

14          Q.    Mitar Ciganovic, is that the person you mentioned?

15          A.    Yes.

16          Q.    And his occupation?

17          A.    He worked for a company called Brazda.  It had a butcher's shop so  
18   he worked as a butcher in one of those shops.

19          Q.    And what is his ethnicity?

20          A.    A Serb too.

21          Q.    Third person, Mirko Orelj, what was his occupation before the war?

22          A.    He also worked for Brazda, for Brazda cooperative and I think he  
23   was either an accountant.  At any rate, he worked for the accountancy  
24   department there.

25          Q.    And what was his ethnicity?

1 A. Serb too.

2 Q. Was anybody else present?

3 A. From time to time, Pop Ilija and Dr. Stanko Obradovic would come  
4 in now and then to kind of supervise.

5 Q. You mentioned a person called Pop Ilija. What was that person's  
6 occupation?

7 A. He was a priest, so he was Priest Ilija. I don't know. They just  
8 came in and watched and listened but he was there. He did come in.

9 Q. Dr. Stanko Obradovic, was he a medical doctor?

10 A. Yes. He was a physician, and they had a small health centre there  
11 or something.

12 Q. What sort of questions were you asked?

13 A. Well, questions. Well, depends, what I knew about the war, and  
14 allegedly who was an extremist and whether we knew that fire would be  
15 opened, why hadn't we fled our houses and gone to the other bank and such  
16 like.

17 Q. How long did the questioning last?

18 A. Depends. I'd say half an hour, 20 minutes, half hour, sometimes  
19 longer. I'm not quite sure how long did it last for others.

20 Q. Were you ever told why you were being detained?

21 A. He didn't tell me. I don't know it.

22 Q. During the questioning by this so-called court, were you ever  
23 formally charged with any crimes?

24 A. I personally was not.

25 Q. After your questioning, did you return to the Jasenica school?



1           A.    Yes.  They took me back to the school to question about ten people  
2           and as soon as they would be questioned they would be sent on to Krupa to  
3           the Petar Kocic elementary school.

4           Q.    How long did you stay in the Jasenica school?

5           A.    From the 23rd of April, until the 2nd of May.

6           Q.    Where within the school complex were you detained?

7           A.    We were in class rooms, in the school.  We were in different  
8           classrooms.  But in the beginning, we were in its gym and later on, they  
9           took us to the classrooms.

10          Q.    You mentioned earlier that there were between 50 and 60 people  
11          detained there.  What was their ethnicity?

12          A.    They were Muslims and perhaps a few, a couple, I know of two  
13          Croats who were detained there but those Croats, one stayed on in the camp  
14          and I think that the other one was sent to Sanski Most, the municipality  
15          of Sanski Most.

16          Q.    Was there anyone of Serb ethnicity detained?

17          A.    No, not at that time.  But later on, there were Serbs there.

18          MS. SUTHERLAND:  Could the witness be shown Exhibit P2113.7, which  
19          is a photograph?  That has the ERN number 0326-5867.

20          Q.    Sir, can you take the pointer that's on the table and point on the  
21          machine to your right, first of all, what is shown in that photograph?

22          A.    It's the school in Jasenica.

23          Q.    Using the pointer, can you --

24          A.    I think, I think it's the school.

25          THE INTERPRETER:  Could the witness please come closer to the

1 microphone?

2 MS. SUTHERLAND:

3 Q. Could you point to where the gymnasium is located?

4 A. [Indicates]

5 Q. Can you place the pointer and just hold it there, put the pointer  
6 on to the actual machine?

7 JUDGE AGIUS: He needs to point to the photo on the ELMO, usher,  
8 please, not on the monitor.

9 MS. SUTHERLAND: No, Your Honour, he is pointing to the one on the  
10 ELMO.

11 Q. Sir, can you look at the photograph on the machine beside you and  
12 place the pointer on the photograph?

13 A. [Indicates]

14 MS. SUTHERLAND: For the record you're pointing to the building  
15 which is running perpendicular to the building we can see in the  
16 foreground of the photograph; is that correct?

17 A. It is.

18 MS. SUTHERLAND: Your Honour, I have another copy of that  
19 photograph. Would you like the witness to mark the photograph or is that  
20 sufficient?

21 JUDGE AGIUS: No, no. I think we can -- that's sufficient.

22 MS. SUTHERLAND: I've finished with that photograph. Your Honour  
23 can we go into private session for one moment?

24 JUDGE AGIUS: Yes, let's go into private session for a while,  
25 please.

1 [Private session]  
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4 [Open session]

5 JUDGE AGIUS: So we don't need to have this put under seal now,  
6 no? Because the way you conducted the questions, I think we have avoided  
7 having to put this document under seal.

8 MS. SUTHERLAND: I was hoping that is the case, Your Honour.

9 JUDGE AGIUS: That is the case but I want you to agree do that.

10 MS. SUTHERLAND: Yes.

11 Q. Sir, we are back in open session. How were you being guarded at  
12 the school?

13 A. Allegedly in the school where I was, there were some guards. One  
14 was -- of them was semi-civilian -- I mean, how shall I say it? He had an  
15 old rifle and the rest I don't know, and there were policemen at the  
16 entrance into the school.

17 Q. So, did you recognise any of the guards?

18 A. I only knew Jojo and he was semi-civilian. He had this military  
19 shirt.

20 Q. What were the conditions you were kept in? Were you provided food  
21 and water?

22 A. We were getting tin food.

23 THE INTERPRETER: Could the witness please repeat what he did?

24 JUDGE AGIUS: Yes. Ms. Sutherland, please, could you help me? He  
25 needs to -- witness, you need to speak out a little bit louder. The

1 interpreters are finding it a little bit difficult, and I can quite  
2 understand, because I myself can't hear what you are saying in your own  
3 language in any case. So if you come closer, please, to the microphones.

4 MS. SUTHERLAND: Your Honour, perhaps if the other microphone  
5 could be switched on?

6 JUDGE AGIUS: Yeah, as well. Thank you, Ms. Sutherland. And he  
7 needs to repeat what he said because the interpreter missed it. You were  
8 asked --

9 MS. SUTHERLAND: Your Honour, I was about to do that. I was going  
10 to repeat my question.

11 JUDGE AGIUS: Okay.

12 MS. SUTHERLAND:

13 Q. Sir, you said that you were provided with tin food. Was there  
14 anything else that you were provided with?

15 A. No. We had those tins.

16 Q. How many meals a day were you given?

17 A. Twice.

18 Q. Did you have bedding to sleep on?

19 A. No. In Jasenica we slept on the floor.

20 Q. Were you able to wash daily?

21 A. No. Not in Jasenica.

22 Q. Were there any female detainees in Jasenica?

23 A. There were two women in Jasenica, Semska Sepic and another one.

24 Now, her name escapes me right now, but I knew her. No, just can't

25 remember her name.

1 Q. After the initial questioning, were you ever interrogated again  
2 while you were detained in the Jasenica school?

3 A. No.

4 Q. Were you mistreated?

5 A. I was.

6 Q. On how many occasions?

7 A. Well, two, two, three times while we were in Jasenica.

8 Q. When was the first time, do you recall?

9 A. It was the very next day after I was arrested in the gymnasium in  
10 Jasenica.

11 Q. How were you mistreated?

12 A. There were a few of us in the gymnasium and the so-called Suha  
13 Rebra, "Spare Ribs" came, a few of them, and the woman, and they started  
14 pricking us with their knives on our legs, beat us with handcuffs on the  
15 head, stamping on us, so that some of us fainted.

16 Q. Did you know these people were from the Suha --

17 JUDGE AGIUS: Suha Rebra.

18 MS. SUTHERLAND: Thank you, Your Honour.

19 Q. Did you know they were from that unit or did you subsequently  
20 learn that?

21 A. We found out about that later.

22 Q. You mentioned that you were pricked with their knives and beaten  
23 with handcuffs on the head. What other implements or weapons did this  
24 group of people have?

25 A. They had automatic weapons, they had various knives, and I don't

1 know, they had various -- they had quite a few bombs, I don't know how  
2 they were able to carry them.

3 Q. When you say bombs, do you mean hand grenades?

4 A. Yes, yes.

5 Q. What if anything did they say when they first entered into the  
6 gymnasium?

7 A. Well, they said something but I can't remember what exactly. They  
8 said something like, "Do you want a state of your own?" They said  
9 something like that.

10 Q. Were any derogatory terms used?

11 A. It's difficult to know. As soon as they entered, they started  
12 doing those things, the bad things that they did, so given the situation,  
13 it's difficult to say.

14 Q. You also told us a moment ago that they were stamping on you so  
15 that some of you fainted.

16 A. Yes.

17 Q. What injury did you sustain from this beating?

18 A. I was jabbed in the leg with a knife twice. My ribs were broken  
19 and my skull was fractured.

20 Q. What area of the body were they stamping on you?

21 A. The kidneys, the fingers, they kicked us.

22 Q. Did you lose consciousness?

23 A. Yes, I lost consciousness for several minutes. I wasn't aware of  
24 anything.

25 Q. Did you receive any treatment for these injuries?



1           A.    Yes.  Dr. Stanko appeared later on and two nurses, and they  
2    bandaged me, they had to cut my hair a bit because of all the wounds that  
3    were there, in order to cleanse the wounds, and they put some sort of  
4    bandages, some sort of plasters over the wounds caused by knives and there  
5    was some Kurtic Becir there, too.

6           Q.    How many of you were beaten on that occasion?

7           A.    Seriously, there were four of us who were seriously wounded but  
8    there were another three who slapped people around.  One was hit with a  
9    gun, one person hit a detainee with a gun over the head.

10          Q.    Apart from this beating, are you aware of other detainees  
11   receiving the same or similar treatment?

12          A.    Yes.  Some people were in another room, in a classroom, they  
13   didn't -- they didn't jab them with knives but they beat them too.

14          Q.    Do you recall when were you beaten on the second occasion?

15          A.    Yes.  A day or two later, three or four men appeared.  They were  
16   wearing uniforms, Seselj's uniforms.  They hit me with the rifle butt and  
17   I was covered in bruises as a result of this.  They beat two or three of  
18   us.  There was an old man who was there too and he was also beaten by  
19   them.

20                JUDGE AGIUS:  Ms. Sutherland, perhaps he can describe what he  
21   means by Seselj's uniform.  That's number 1.  And secondly if he could  
22   give us the name of this elderly person, if he knows it.

23                MS. SUTHERLAND:

24           Q.    Sir, you heard the Judge's comment.  Are you able to tell the  
25   Court who --

1 JUDGE AGIUS: What distinguished Seselj's uniform? How would you  
2 recognise a uniform to be a Seselj's uniform? If you know.

3 THE WITNESS: [Interpretation] Well, they themselves claimed to be  
4 Seselj's men. That's what they declared themselves to be.

5 JUDGE AGIUS: All right.

6 MS. SUTHERLAND:

7 Q. How were they dressed? You said they were in uniform. What sort  
8 of uniform?

9 A. They weren't in camouflage uniforms. They had olive drab  
10 uniforms, summer uniforms.

11 Q. Did the uniforms have insignia?

12 A. Some did. But I couldn't see them that clearly.

13 Q. So you weren't able to see what was actually on the insignia; is  
14 that correct?

15 A. Only on one case I saw that one of them was an officer, a  
16 sergeant, a senior sergeant of some kind. He had an arm band. As for the  
17 other two who were there, I didn't notice any insignia on them.

18 Q. How long did the beating last?

19 A. I think it lasted for about 15 to 20 minutes.

20 Q. I forgot to ask you, how long did the first beating last that  
21 occurred a few -- a couple of days before this one?

22 A. I don't understand what you mean by the first beating.

23 Q. You said that some men and one woman from the Suha Rebra unit  
24 entered the school. How long did that beating last?

25 A. They did that very quickly. I can't tell you how long it lasted

1 exactly but it took maybe five to ten minutes. It wasn't just one man  
2 there. There were nine of them and a woman. Each one of them got hold of  
3 someone and beat the person.

4 Q. Going back to this second beating, did you lose consciousness  
5 during this beating?

6 A. No. I didn't lose consciousness during the second beating but I  
7 was badly beaten. And it was hard for me to sit.

8 Q. After being detained for ten days in Jasenica school, where were  
9 you then taken?

10 A. As I said earlier on, once we had been questioned we were all sent  
11 to Bosanska Krupa, to the Petar Kocic school.

12 Q. How long were you detained there?

13 A. If you're referring to the Petar Kocic school, well, up until the  
14 21st of August, from when we returned. That was in Bosanska Krupa. From  
15 the 2nd of May to the 21st of August.

16 Q. Approximately how many detainees were kept in the Petar Kocic  
17 school?

18 A. Up until the exchange, those that returned from Jasenica, 50 or 60  
19 people. I don't know the exact figure, then there were two exchanges and  
20 only 11 of them remained, but after, up until the departure for Kamenica  
21 near Drvar, there were up to 37 of them. Of those 37, 16 were killed, one  
22 person went missing, and 20 of us went to Kamenica. We went to a camp in  
23 Kamenica.

24 Q. Of the detainees that were in the Petar Kocic school, what was  
25 their ethnicity?

1           A.    They were all Muslims.

2           MS. SUTHERLAND: Your Honour, if that's a convenient moment?

3           JUDGE AGIUS: Thank you, Ms. Sutherland.

4           Sir, we have to stop here. We will continue tomorrow.

5           THE WITNESS: [Interpretation] Very well. Thank you.

6           JUDGE AGIUS: Thank you. I think so that we don't need to put the  
7 curtains down again? You still have to put the curtains down? No? So  
8 usher, please put the curtains down and we will leave the room once we  
9 have made sure that they are down.

10          All right. Good afternoon. See you tomorrow.

11                               --- Whereupon the hearing adjourned at  
12                               1.45 p.m., to be reconvened on Friday,  
13                               the 13th day of June, 2003, at 9.00 a.m.

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