

1 Wednesday, 5 December 2007

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.01 a.m.

6 JUDGE MOLOTO: Good morning, everybody.

7 Mr. Registrar, can you please call the case.

8 THE REGISTRAR: Thank you and good morning, Your Honours. This is  
9 case number IT-04-83-T, the Prosecutor versus Rasim Delic.

10 JUDGE MOLOTO: Thank you very much.

11 Could we have the appearances, starting with the Prosecution.

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

13 Good morning, Your Honours, Counsel, and everyone in and around  
14 the courtroom. Daryl Mundis for the Prosecution, assisted by my case  
15 manager, Alma Imamovic.

16 JUDGE MOLOTO: Thank you very much.

17 For the Defence.

18 MS. VIDOVIC: [Interpretation] Good morning, Your Honours. Good  
19 morning to my learned friends, everyone in and around the courtroom.  
20 Vasvija Vidovic and Nicholas Robson for General Rasim Delic. Our case  
21 manager is Lana Deljkic.

22 JUDGE MOLOTO: Thank you very much.

23 May the witness please be sworn in. Make the declaration.

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

1 WITNESS: PW-12

2 [Witness answered through interpreter]

3 JUDGE MOLOTO: Thank you very much.

4 Good morning, sir. You may sit down.

5 THE WITNESS: [Interpretation] Good morning to you.

6 JUDGE MOLOTO: Thank you very much.

7 Mr. Mundis, I believe this is a protected witness.

8 MR. MUNDIS: Yes, it is, Your Honour. I believe last week, the  
9 Trial Chamber granted an oral decision granting the witness protective  
10 measures in the form of facial distortion and pseudonym.

11 JUDGE MOLOTO: Thank you very much.

12 MR. MUNDIS: I would ask now that the witness be shown the  
13 document PT06241, which is the pseudonym sheet for the witness, please,  
14 and I would ask that we do that in private session.

15 JUDGE MOLOTO: May the Chamber please move into private session.

16 [Private session]

17 (redacted)

18 (redacted)

19 (redacted)

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11 Pages 6563-6577 redacted. Private session

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5 [Open session]

6 THE REGISTRAR: Your Honours, we're now in open session.

7 JUDGE MOLOTO: Thank you very much.

8 MR. ROBSON: And, Your Honours, just so that you're aware, during  
9 the course of this cross-examination I will be confronting this witness  
10 with the statements of one or two other witnesses, and when I do so, I  
11 will obviously follow the guidelines that the Trial Chamber issued in  
12 connection with that.

13 JUDGE MOLOTO: Thank you, Mr. Robson.

14 Cross-examination by Mr. Robson:

15 Q. Good morning, Witness. My name is Nicholas Robson, and I'll be  
16 asking you questions today on behalf of General Rasim Delic. If at any  
17 time you don't understand your questions -- my questions, please, could  
18 you let me know, and I'll either repeat the question or try and clarify  
19 the question. Is that clear?

20 A. Yes.

21 Q. Now, Witness, your statement, given to the Office of the  
22 Prosecution, has been admitted into evidence. In making that statement,  
23 you were interviewed on two different occasions. On the first occasion,  
24 you were interviewed on the 10th of March, 2000, and then the second  
25 occasion was one year later on the 8th of March, 2001. According to your

1 statement, you met with two different investigators.

2 Can you explain to the Trial Chamber why there was such a big gap  
3 between the interviews when you gave your statement?

4 A. Those weren't different investigators. They were different  
5 interpreters, though. When I -- they weren't different investigators.  
6 They were different interpreters. The statements that were taken and the  
7 investigation that was conducted at the police station in Banja Luka, same  
8 investigator.

9 Q. Okay. But the question was: Was there any reason why the  
10 interview stopped in the year 2000 and you had to wait nearly one whole  
11 year before you met again with the investigator to complete your  
12 statement?

13 A. I don't know that, but I can assume. During the investigation, I  
14 was promised that I would not have to testify. That was as far as the  
15 investigator was able to make any promises of that kind. And then maybe  
16 the next year there was more information that was needed, maybe some  
17 refining the statement. I don't really understand much about the process,  
18 myself.

19 Q. Could it be that the reason the interview was halted in the year  
20 2000 was because you couldn't remember much about the events in September  
21 1995?

22 A. I still can't. I probably couldn't back then, not every single  
23 detail. It wasn't possible to remember every single little thing. The  
24 circumstances back then were not normal. That was more like a chimera  
25 mirror. You felt you were half asleep but still stuck in the middle of a

1 nightmare. It was difficult to remember details. You may at one time or  
2 another skip a thing or two, just forget about something.

3 Q. Now, when you were interviewed in the year 2000, you would agree  
4 with me that that was approximately five years after the events that took  
5 place in Vozuca?

6 A. Yes.

7 Q. You've told us that it wasn't possible to remember everything,  
8 every single detail. Would you accept that when you gave your interview  
9 in the year 2000 and the year 2001, your recollection of events were not  
10 so clear?

11 A. Some were, some weren't.

12 Q. Is this the first time that you've ever testified before a court  
13 about the events in September 1995?

14 A. Yes.

15 Q. Now, if we can consider what you've said in your statements to the  
16 Office of the Prosecutor, you explained that in September 1995, you were a  
17 member of the VRS and you were deployed to the Ozren region near to  
18 Vozuca. You then explain how, on the 10th of September, 1995, the ARBiH  
19 launched an attack and that you and several other members of the VRS tried  
20 to pull back and escape; is that so?

21 A. Yes.

22 Q. You then go on to explain how you met up with other VRS soldiers  
23 and how you all wandered around the region during the following days. You  
24 explained that after six or seven days, your group decided that if you  
25 came across any Muslim soldiers, you would surrender; is that correct?

1 A. Yes.

2 Q. In the statement that you gave to the Office of the Prosecutor,  
3 you said that there were nine soldiers in your group in total, including  
4 yourself. Today, you've mentioned that there were ten people. Can I  
5 confirm, which is correct, were there nine members or were there ten  
6 members of your group?

7 A. Ten.

8 Q. So, again, when you gave your statement in the year 2000 and 2001,  
9 you couldn't recall clearly how many people were with you, and again this  
10 is an indication that your recollection of events was not so clear?

11 A. That's right.

12 Q. In your statement, you go on to describe how a truck came along  
13 and that your group surrendered to local Muslims. You said that those  
14 people treated you in a fair manner; is that right?

15 A. Yes.

16 Q. You then go on to explain that you were taken to a school or a  
17 local community centre, where you were detained for two or three hours,  
18 and then taken by truck to a Mujahedin camp. Do you have any idea  
19 approximately what time of day it was when you surrendered? Do you  
20 remember?

21 A. It was in the morning. When we came across those three soldiers  
22 on that road, about 10.00, 10.00.

23 Q. And then you spent some time at this local school or community  
24 centre, and then you were transported to the Mujahedin camp. Could it  
25 have been afternoon or even evening by the time you arrived at the

1 Mujahedin camp?

2 A. It was still daytime, afternoon.

3 Q. Now, concerning the total length of time that you spent in the  
4 Mujahedin camp, in your statement you say the following:

5 "I am not able to tell how many days we spent at this camp. Most  
6 probably seven to ten days."

7 Again, is this an indication that you didn't have a clear  
8 recollection of the events that took place at the camp?

9 A. Not only did I not have a clear recollection, I wanted no  
10 recollection at all. As for the other persons who were there with me,  
11 we're not in touch at all so we never talk about it, not even when we just  
12 happened to bump into each other like that.

13 Q. Okay.

14 A. As for the dates, the truth about that, I said what I said without  
15 having prepared myself, having thought it over, just like I'm telling you  
16 today. I hadn't prepared in order to tell the exact dates, the exact  
17 minute, the exact facts. You can talk to the remaining ten people if you  
18 want to know about the dates, if you want to know about morning,  
19 afternoon, or whatever.

20 Q. Okay, I understand. It's a long time ago, and I understand that  
21 your recollection is not so good. But I appreciate you trying to answer  
22 the questions.

23 At the time when you arrived at the camp, would you agree with me  
24 that combat activities were still going on in the Ozren-Vozuca area and  
25 further north in Central Bosnia?



1           A.    No, not as far as I know.

2           Q.    And during the time that you were in the camp, would you accept  
3           that there was a lot of activity going on that you could see? For  
4           example, in the video that we saw today, we saw that there were a lot of  
5           men that appeared to be training, moving around, preparing for combat; is  
6           that right?

7           A.    You obviously can't comprehend the situation that we found  
8           ourselves in. We weren't exactly walking around that camp. We were  
9           keeping our heads down, walking around with no shoes on, dirty shirts on,  
10          bleeding, hands and legs restrained, lying on the floor in that room, all  
11          covered in blood, our ribs broken. We were certainly no tourists in that  
12          place, if that's what you're thinking.

13                 We did emerge from that building a couple of times, but only  
14          keeping our heads down, and yet we could still notice that. Those were  
15          the observations that we had, and the same applies to all the other men.

16          Q.    I'll come to the times that you came out of the building in a  
17          moment, but if I could ask you about something else at this stage.

18                 According to your statement, you were taken to a house, where you  
19          were put in a room on the left-hand side, next to the entrance. If I can  
20          ask you about the building in which you were placed.

21                 You were shown some photographs today, and you said that you were  
22          95 per cent certain that that was the building in which you were placed.  
23          Did the building in which you were placed have a roof, do you remember?

24          A.    No, it didn't.

25          Q.    So the photographs we saw today, it looks similar, but you can't

1 be certain, you can't be sure, that that was the place that you were put  
2 in; is that correct?

3 A. Correct.

4 Q. Were all members of your group, in other words, all ten men,  
5 placed into the same room in the building?

6 A. Yes, apart from Mile Gojic, who after about two or three days  
7 converted to Islam, so he was put in some other room.

8 Q. And the room in which you were placed, was that the room that we  
9 saw in the video clip, the room where you were all sitting around and you  
10 pointed out yourself and Mile Gojic as being people on the video clip?

11 A. No, no, no, no, no. No, no, no. That's the room under that one,  
12 five by five, four by four, windows boarded up.

13 Q. Sorry, just to clarify, you were kept in a room underneath the  
14 room we saw on the video clip; is that right?

15 A. Yes, yes.

16 Q. And when you were in the room where you were detained, were all  
17 the nine men in your group in close proximity to each other? In other  
18 words, would you have all been able to see and hear the same things that  
19 were taking place within the room?

20 A. Ten, ten, not nine. Ten, and then in addition to those, another  
21 three or four for a day or two from the Ozren unit, and we could all hear  
22 it, we could all see what was going on, notice.

23 Q. In your statement, you said that there were already four Serb  
24 prisoners in the room when you arrived. Now you've just mentioned that  
25 there were three or four others. Could you be mistaken about there being

1 other men in the room when you arrived there?

2 A. I don't think I could, it's not possible, but -- it's not  
3 realistic to expect me to remember every single thing. I don't think it's  
4 even respectful, in a way.

5 Again, there are ten other people out there for you.  
6 Cross-reference their statements, use them to establish the facts. You  
7 can get an investigator to do that for you, and I'm certain that you'll  
8 easily arrived at what you're after.

9 Q. I appreciate that you may find this difficult, but I can assure  
10 you that your testimony is very important, and I'm trying not to make you  
11 uncomfortable in putting these questions to you.

12 I'd like to turn to the part of the statement where you talk about  
13 the person in the room who was next to you. You said that you spoke to  
14 that person. In your statement, you didn't mention the name of that man.  
15 Am I correct in saying that you didn't find out his name?

16 A. Yes, you're right.

17 Q. And is that because you only spoke to that man for a very short  
18 period of time?

19 A. A couple of sentences, possibly.

20 Q. And you've told us today that there were three or four people in  
21 the room when you arrived. Am I correct in saying that you didn't find  
22 out the names of the other two or three men in that room when you arrived  
23 there?

24 A. I didn't find the name out, the first or the last name, and there  
25 was no time for that, either.

1 I would like to clarify that a bit for you. These were members of  
2 this Ozren unit which was a casualty in that camp. The next day, because  
3 of all of that, they were moved to another room next to ours. After that  
4 we didn't have any contact.

5 Q. And you said in your statement that the next day they were taken  
6 out of your room sometime before noon; is that right?

7 A. I don't know. I cannot remember.

8 Q. During your period of detention at the camp, in your statement you  
9 describe how you were taken by jeep back to the Vozuca area to collect a  
10 heavy machine-gun. Do you remember describing that?

11 A. Yes, I do.

12 Q. Do you remember when you paid that visit to the Vozuca area? Was  
13 it the same day that you arrived or was it on a later stage during your  
14 detention?

15 A. The same day.

16 Q. So this was one of the occasions when you were taken outside of  
17 the building and you could see something of the camp; am I right?

18 A. Yes, up to a point.

19 Q. Now, you mentioned that there were occasions when you were allowed  
20 outside the building. Is it correct that you were allowed outside on two  
21 other occasions during your period of detention? One other occasion was  
22 when you and the other men were tasked with picking up rubbish around the  
23 camp; is that so?

24 A. Yes.

25 Q. And on another occasion, you were all allowed out of the room to

1 wash yourself with soap and cold water?

2 A. Yes, before the filming. It was on the upper floor, because we  
3 were all stinking of urine and so on.

4 Q. So during those different occasions when you were outside of the  
5 building, you did have an opportunity to see something of the camp?

6 A. Yes, yes.

7 Q. Did you notice whether there were any horses around the camp?

8 A. No.

9 Q. Did you see any Serb prisoners of war looking after any horses? It  
10 obviously follows that you didn't, from your last answer, but am I right?

11 A. No, those who were captured, those four from the Ozren unit, one  
12 of them was somebody who took care of horses, and in the hills or  
13 mountains the military transport is always using horses. I assume that  
14 they were separated from the Ozren groups because they were  
15 horse-handlers. I don't know.

16 THE INTERPRETER: Could the witness please speak up.

17 JUDGE MOLOTO: Mr. Witness -- sorry, sir. Witness, Witness --

18 THE WITNESS: [Interpretation] Yes, yes.

19 JUDGE MOLOTO: Try to get closer to the microphone. The  
20 interpreters don't hear you very well when you're sitting very far from  
21 the microphone. And try to speak a little louder.

22 Thank you. You may proceed, Mr. Robson.

23 MR. ROBSON:

24 Q. And during the period of your detention, would you agree with me  
25 that at no time did you see any Serb prisoners of war cooking or preparing

1 food for either your group or Mujahedin?

2 A. No, I didn't, I definitely didn't.

3 Q. Now, I want to ask you about what you said in your statement about  
4 what this man told you, the man next to you, when you arrived in the room.

5 You have told us that you have difficulties recollecting the  
6 events. You've told us that you only spoke to this man for a couple of  
7 sentences. In your statement --

8 A. Yes.

9 Q. -- you describe how the man next to you said that he and the other  
10 men with him had been caught in the Vozuca area and that the Arabs were  
11 taking people out of the house to be executed. According to your  
12 statement, the man said that they were cooks or horsemen so that was the  
13 reason why they were saved up 'til that moment.

14 Can you explain for us what you meant in the statement? You've  
15 told us that there weren't any horses at the Mujahedin camp, and you've  
16 told us that these men were not being used to cook food for anybody else.  
17 Is there any explanation?

18 A. Of course, I don't know how you are connecting the horses with  
19 these instances of people having their hands and feet bound by wire. When  
20 we came, there were four. Upstairs, there were people who were still  
21 alive. I think he said ten, seven or ten, something like that. I saw  
22 about 10 to 15 people upstairs on the first floor at that time when we  
23 were being interrogated. My question was, "What are our chances of  
24 surviving," to which he told me to keep quiet and said that they were  
25 bringing people out, killing them, massacring them. So obviously those

1 four were eyewitnesses of those events.

2 One of them was totally crazy. He had gone mad. He was talking  
3 to himself. People were stressed out, just like we were, of course. But  
4 these four were completely out of their mind.

5 The next day, they were taken off to a separate room, and the last  
6 time we saw them was when they brought out that old man who died in the  
7 room where we were. And then two or three days later, we heard how they  
8 were being hit, beaten, and that's how we could tell they were still  
9 alive. Well, I assume what their fate was if they were eyewitnesses.

10 Q. Okay. So just in relation to the person that you spoke to, you've  
11 told us that the four in the room were out of their mind. This man was  
12 talking about horses and he was talking about being cooked. Am I right in  
13 saying that this man was not talking any sense?

14 A. It did make sense. You are not correct. They were just in that  
15 state. The one who was sitting next to me, he was still relatively  
16 normal, although he was under stress and very disturbed and upset. He was  
17 telling me to keep quiet, and a couple of minutes later that he kept  
18 telling me to be quiet, not to say anything, not to ask anything, that we  
19 weren't allowed to talk, after a couple of minutes, five or six of those  
20 Mujahedin came in again, and then the kicking started and so on and so  
21 forth.

22 I don't want to bother you with all of that and take up your time.

23 Q. You mentioned that there were some prisoners upstairs. In your  
24 statement you don't say how many persons you saw. Today, you've mentioned  
25 a figure, 10 to 15. Could you explain? Why did you not mention the

1 figure of 10 to 15 when you gave your statement? Could you be -- could  
2 you be mistaken when you mention those figures?

3 A. I don't know the exact figures. I saw those people up there for a  
4 minute.

5 Q. Am I right in saying that at no time were you able to ascertain  
6 the identities of those people?

7 A. Their identity was told to me by that person that I sat next to in  
8 the room downstairs, that those were members of the Ozren unit that had  
9 been captured at Vozuca.

10 Q. You didn't find out any names of those people, though?

11 A. Which ones, the ones upstairs or the ones downstairs? The ones  
12 upstairs, of course I couldn't find out their names. At the time when I  
13 was being taken upstairs for interrogation, I noticed, just in passing in  
14 a couple of seconds, 10 or 15 people sitting down, with their hands behind  
15 their backs and their heads bowed between their knees, sitting on the  
16 floor. At that point in time, I was given a blow, a kick to my stomach,  
17 and I fell and so on and so forth. My hands were tied behind my back. I  
18 was barefoot, so I couldn't really pay attention and count how many there  
19 were. I couldn't even raise my head, never mind anything else.

20 MR. ROBSON: Your Honours, I see the time. This would be an  
21 appropriate moment to take a break.

22 JUDGE MOLOTO: We'll take a break and come back at quarter to  
23 11.00.

24 Court adjourned.

25 --- Recess taken at 10.17 a.m.



1                                    --- On resuming at 10.45 a.m.

2                    JUDGE MOLOTO: Yes, Mr. Robson.

3                    MR. ROBSON: Thank you.

4            Q. Now, Witness, I'd like to turn to the part in your statement where  
5 you describe the second day of detention, and you say that a certain time  
6 in the day, you heard noises coming from the stairs. Later on, you heard  
7 the noise of what sounded like pistol shots.

8                    As I understand your statement, you only heard noises and you  
9 could not see what was happening outside your room. Is that right?

10            A. Yes, that's right.

11            Q. It follows that you could not tell who was moving around outside,  
12 and you couldn't tell how many people were out there, could you?

13            A. Perhaps I would need to clarify that a little bit for you.

14                    This happened on the second or the third day. I don't know  
15 exactly which day. I don't know the exact time, either. I know it was  
16 daytime. Suddenly, you could hear shouts and a stampede down the stairs  
17 leading to the first floor, and there were shouts and cries in a foreign  
18 language, in Arabic. I assume that the stampede was people quickly coming  
19 down these stairs, and then after --

20            Q. Witness, I appreciate that you wish to tell your story, but if  
21 perhaps I could just explain to you your statement of evidence has already  
22 been admitted into evidence, which explains your account of what you saw  
23 and what you heard.

24            A. Yes.

25            Q. The Trial Chamber has read that, so are aware of your account. I

1 am seeking to clarify certain aspects of your account today, so I'd be  
2 very grateful if you could please focus on the questions that I'm putting  
3 to you.

4 But staying on this topic, what I would like to put to you is part  
5 of a statement given by another person who was detained with you. I will  
6 not reveal the name of that person to you, but what this person said is:

7 "While walking freely in the camp, I could not see the Mujahedin  
8 having military training, but I could hear that they had an area where  
9 they went to train, shooting."

10 Now, that person has said in a statement to the Office of the  
11 Prosecutor that he could hear that there was an area that the Mujahedin  
12 went to train at shooting. You have told us that you went outside of the  
13 building on several occasions. Do you accept that there was an area where  
14 the Mujahedin went to train at shooting?

15 A. I would, yes.

16 Q. So it would follow from that that it was not -- that it was normal  
17 or there was nothing special to hear shooting from time to time while you  
18 were detained at the camp?

19 A. You couldn't hear it every day, and then from this you could  
20 derive -- if I may come out with an assumption of my own, after five to  
21 ten minutes, and this is was systematic. After five to ten minutes, I  
22 assumed that people were being taken for execution. You could hear  
23 bullets from a pistol. After each shot, 10 or 15 seconds, you would hear  
24 pistol shots, because a rifle, a pistol, an automatic rifle, make  
25 different sounds. So after each shooting, 10 or 15 seconds later -- I

1 mean, I don't know if somebody would be practicing shooting from a pistol,  
2 but they wouldn't wait 10 or 15 seconds between each individual firing,  
3 between each shot. So this would be my assumption, because after that  
4 nothing would be heard more from these people. And to tell you the truth,  
5 there was also some sort of yellow loader there, so it was my assumption,  
6 if you --

7 Q. You've been fair by saying --

8 A. -- allow me --

9 Q. I'm correct in saying that you did not hear any shouts, or cries,  
10 or anything like that, did you, at the time that you heard these shots  
11 outside?

12 A. The shooting was some 50 to 100 metres away. I didn't hear any  
13 cries. I heard the cries at the point in time when those 10 or 15 people  
14 would start from upstairs. I would hear the shouting in Arabic, the fast  
15 descent down the stairs, the stampede.

16 Q. Okay. I want to move to a different topic now.

17 In your statement, you mention that you received food and water  
18 whilst you were in detention. Am I correct in saying that water was  
19 provided to you in plastic containers, oil bottles, or whatever was  
20 available to hold water, different types of things?

21 A. On the second day, it was in a tin pail or bucket, and only on the  
22 third day we received a bowl of rice and one head of cabbage.

23 Q. So in your statement you say that "During the second night, an old  
24 man was brought into our room. His name was probably Nenad Jovic."

25 Can you explain why you say his name was "probably Nenad Jovic"?

1 Did he not tell you his name?

2 A. In those kinds of moments, you cannot really remember somebody's  
3 first and last name, but I'm sure that his name was not Jovic but Galic.  
4 Either his first name was Nenad or his last name was Galic, and he was an  
5 elderly man, in age from 70 to 80 years old.

6 Q. You said that he drank water mixed with oil and got ill. Was this  
7 the tin pail or the bucket that you'd mentioned a moment ago that he drank  
8 from?

9 A. Yes.

10 Q. Would you agree with me that the Mujahedin would give you whatever  
11 they had available to hold water, and that this bucket or pail had been  
12 used to carry oil or diesel at some earlier stage; in other words, it just  
13 had traces of oil on it?

14 A. Yes, traces of oil. I also drank from there, and nothing happened  
15 to me. The others also drank from it. But what happened to him, to  
16 Jovic -- not Jovic but this Galic, either Nenad Galic or -- either his  
17 first name was Nenad or his last name was Galic. He was an old man of 70  
18 to 80 years old. They were looking for his son, who was in Doboje. And  
19 they took him out -- I would just like to clarify more how he died.

20 He was an elderly man, 70 to 80 years old. He didn't know where  
21 he was, actually. And they didn't tie his feet or his hands. He was  
22 banging on the door, asking them to let him out because he needed to go  
23 and feed the cattle, and at that point a Mujahedin came in, knocked him  
24 down, and hit him two or three times on the back and on his backside. He  
25 hit him with a black baton, but they were not blows that could cause his

1 death. But, I mean, I don't know, he was an elderly man, so I don't know  
2 what could have happened. All I know is that the next day, he died.

3 Q. And I know you're not a medical specialist, but you would agree  
4 that it's not possible to ascertain how this old man died?

5 A. I agree with that, yes.

6 Q. Now, earlier on today you were shown some photographs, stills  
7 taken from the video clip, where there was you and the other members of  
8 your group in the room, and we saw Mile Gojic wearing a yellow jacket. Can  
9 you tell us how long you had been detained at the camp, approximately,  
10 when that video was taken? Was it towards the end of your stay there?

11 A. This was three days -- three, four days -- two, three, four days  
12 before the military police came and before we were taken to the Zenica  
13 prison, this footage.

14 Q. And then if I can move towards concluding my questions. In all  
15 the time that you were detained in the camp, and you've described what  
16 happened to the old man, you never actually saw anyone being killed, did  
17 you?

18 A. Well [as interpreted], I just have to add something because of the  
19 Trial Chamber. I just remembered this.

20 When we came to the camp on the first day, one of the four that  
21 were already in that room not only told me that they were bringing people  
22 out, killing them and massacring them, but that there were seven of them  
23 were left upstairs, and that's what I put together with that other thing.

24 MR. ROBSON: Your Honours, if I could just correct a matter of the  
25 record.

1           On page 36, at line 12, the witness initially answered: "Correct,"  
2   and it's been recorded as "well."

3           Q.   Witness, can you just confirm that when I asked you the question,  
4   your initial answer was, "Correct," and then you went on to explain about  
5   the four other persons?

6           A.   I don't know. I'm sorry, you have to explain a bit more.

7           JUDGE MOLOTO: You have to put the question again to him and ask  
8   him to answer it again.

9           MR. ROBSON:

10          Q.   I'll put the question to you once again, Witness.

11           In all the time that you were detained in the camp, you never  
12   actually saw anyone being killed, did you?

13          A.   Correct.

14          Q.   Thank you. You've told us how on several occasions you went  
15   outside of the building, and we know that eventually you left the camp and  
16   were taken to Zenica. In all the times that you went outside, you didn't  
17   see any signs that people had been killed at the camp, did you?

18          A.   Yes, I didn't see any, other than the things that I was told.

19          Q.   And would you agree with me that the people -- the noises that you  
20   heard outside, the other people that you have told us about that were in  
21   the building, you cannot exclude the possibility that those people were  
22   taken away from the camp during the course of your detention there?

23          A.   I'm convinced that they were executed there, and this is why, if I  
24   can explain --

25          MR. ROBSON: Well, you've answered my question.

1           And, Your Honours, that was my final question, so ...

2           JUDGE MOLOTO: Thank you.

3           Any re-examination, Mr. Mundis?

4           MR. MUNDIS: I would ask that the witness be allowed to explain  
5 the basis for which he is convinced that the persons were executed.

6                               Re-examination by Mr. Mundis:

7           Q. Sir, I would ask you if you could please explain how you came to  
8 that conclusion or how you became convinced that these people were  
9 executed there, please.

10          A. I already said that, because of the shooting, but number 1, the  
11 first contact on the first day with those four, one of those four told me  
12 that they were killing, cutting throats, massacring, that they were  
13 eyewitnesses, that people were crazed from having seen that. And next to  
14 that, the other fact is that when this elderly man died, they brought a  
15 wheelbarrow and we put him in the wheelbarrow, stiff as he was, and we  
16 thought that they would allow us to bury him somewhere.

17                       After that, we were brought back to that room, and they brought  
18 out those four who were in the other room, and they then probably took  
19 that old man in the wheelbarrow to bury him. I assume so. I assume that  
20 they didn't want to allow us, because they decided that we were to be  
21 exchanged and because they decided to keep us alive or to let us live, I  
22 assume that they did not want to show us the place where the people who  
23 were killed were actually buried, where the place of burial was.

24                       I don't know if you understood me. Maybe I can explain some more.

25                       Those four who had already witnessed the executions before, they

1 took that old man to the place where people were being buried. We were  
2 not allowed -- the group of ten of us were not permitted to do that so  
3 that the next day we wouldn't be able to point out this gravesite.

4 MR. MUNDIS: Thank you, PW-12.

5 The Prosecution has no further questions.

6 JUDGE LATTANZI: I have no questions.

7 JUDGE MOLOTO: Witness, I just have one question for you.

8 Questioned by the Court:

9 JUDGE MOLOTO: The gentleman who was sitting next to you, one of  
10 the four that you found in the room when you arrived, who you thought --  
11 or who you told us, you said, they were cooks or horsemen, did they tell  
12 you where they were cooking or keeping horses?

13 A. That area, it's a hilly area. Horses were used to transport items  
14 and kitchen items.

15 JUDGE MOLOTO: Used by who?

16 A. The army. It was a mountainous area with an elevation of over  
17 1.000 metres, so transport of items and kitchen items was done with  
18 horses. These were just paths. There were no roads.

19 JUDGE MOLOTO: Which army was using horses?

20 A. All of them had to use horses.

21 JUDGE MOLOTO: Okay. Now, my original question was: Where did  
22 they do this cooking or keep the horses? Can you just answer that part,  
23 that question? Not even where. My question was: Did he tell you where  
24 they cooked and where they kept horses?

25 A. No, no, he didn't tell me anything like that. There was no time



1 for a conversation like that.

2 JUDGE MOLOTO: That's what I wanted to find out.

3 Any questions arising?

4 MR. MUNDIS: No, thank you, Your Honour.

5 JUDGE MOLOTO: From the Defence?

6 MR. ROBSON: No, Your Honour.

7 JUDGE MOLOTO: Thank you very much.

8 Sir, thank you very much. This brings us to the end of your  
9 testimony here. May I take the time to say thank you very much for coming  
10 to testify. You are now excused, you may stand down, and please travel  
11 well back home.

12 THE WITNESS: [Interpretation] Thank you.

13 [The witness withdrew]

14 JUDGE MOLOTO: Now, may we lift the curtain, please, or the blind.

15 Mr. Mundis.

16 MR. MUNDIS: Your Honours, as previously indicated to the Defence  
17 and to the Chamber's legal officer, the next witness is not available to  
18 testify until tomorrow, so we have no further witnesses for today. We  
19 have one witness tomorrow and then one witness on Friday.

20 JUDGE MOLOTO: And that's the end?

21 MR. MUNDIS: For now, there is a possibility perhaps of a witness  
22 for Monday, the 10th, but we have nothing further for today. We have just  
23 the remaining two witnesses scheduled for this week.

24 JUDGE MOLOTO: Court adjourned, and we'll come back tomorrow at  
25 9.00 in the same courtroom, Courtroom II.

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Court adjourned.

--- Whereupon the hearing adjourned at  
11.10 a.m., to be reconvened on Thursday, the  
6th day of December, 2007, at 9.00 a.m.