

1 Friday, 5 November 2010

2 [Open session]

3 [The Accused Zupljanin not present]

4 --- Upon commencing at 9.10 a.m.

5 THE REGISTRAR: Good morning, Your Honours. Good morning to
6 everybody in and around the courtroom.

7 This is case IT-08-91-T, the Prosecutor versus Mico Stanisic and
8 Stojan Zupljanin.

9 JUDGE HALL: Thank you, Mr. Registrar.

10 Good morning to everyone. May we have the appearances, please.

11 MS. PIDWELL: Good morning, Your Honours. Belinda Pidwell,
12 Crispian Smith, Roseanna Morton and Tom Hannis for the Prosecution today.

13 MR. ZECEVIC: Good morning, Your Honours. Slobodan Zecevic and
14 Ms. Lacey, appearing for Stanisic Defence this morning. Thank you.

15 MR. KRGOVIC: [Interpretation] Good morning, Your Honours.
16 Dragan Krgovic, Igor Pantelic, and Aleksandar Aleksic, appearing for
17 Zupljanin Defence. Our client is not present. He already signed a
18 waiver.

19 JUDGE HALL: Thank you.

20 Before we begin this morning's work, there are two matters that
21 the Chamber would raise. One is, lest I forget to do it at 10.20 for
22 certain procedural reasons -- well, there are certain procedural matters
23 with which we have to deal, and therefore the first break will be 30
24 minutes, not 20 minutes.

25 The second matter is that yesterday there was filed a motion for

1 the testimony of a witness to be heard via videolink and because that
2 witness is scheduled to begin -- to testify on the 1st of December, we
3 would respectfully respect expedited responses from the Defence by today
4 week.

5 MR. ZECEVIC: Your Honours, I have -- I announced that I have a
6 brief matter before we start. But, first, I would like to say that we do
7 not oppose the motion for videolink. We understand the reasons for --
8 for that. And I believe I'm talking on behalf of both -- both Defences,
9 and we will not oppose that, therefore.

10 JUDGE HALL: Thank you.

11 MR. ZECEVIC: The second thing is, Your Honours, you are aware
12 that we filed yesterday the notice of adjudicated facts. However, as you
13 are aware, we are still talking about the exhumation issue, and it's --
14 it's a pretty complicated because of the sheer volume of the data that
15 is -- that has been provided to the Defence.

16 We believe that, if we could have a day off, perhaps the week
17 after the week of the 15th, we would -- it will help us to resolve some
18 of the matters with our friends from the Prosecution in respect of these
19 exhumations. There is possibly also some talks about some addition
20 stipulations, but this is in the -- in the pipeline.

21 Now, Your Honours, I talked with my friends from the Office of
22 the Prosecutor, for that week, the 15th, they have one witness who is --
23 who is scheduled to come on Wednesday for two days, Wednesday and
24 Thursday. And they don't have any more witnesses -- basically they have
25 but they are flexible about it. So what we were -- what we would like to

1 propose is that we get that Friday off so we can discuss -- which is, I
2 believe, the 19th of November, so we can discuss these issues concerning
3 the exhumations.

4 JUDGE HALL: Actually, in terms of the question of a non-sitting
5 day there were a number of dates kicked around internally, and the 19th
6 is one of those days, so everything may fall into place, in that respect,
7 Mr. Zecevic. But we would ...

8 [Trial Chamber confers]

9 MR. ZECEVIC: Thank you.

10 JUDGE HALL: Where we were, and again, I'm speaking internally,
11 is that we were looking at the 17th, would the 19th in fact be more
12 convenient?

13 MR. ZECEVIC: Well, Your Honours, it is entirely up to -- to the
14 Trial Chamber. We can have it either the 17th or the 19th. So whatever
15 is -- whatever is the preference of the Trial Chamber, if I may say so.
16 We will -- we will abide by that, but all means.

17 MS. PIDWELL: We have had discussions before court on this issue,
18 and the -- it would be preferable if we could take the non-sitting day on
19 the Friday. The only reason I say that is that the witness is confirmed
20 to come on the Wednesday. I'm not sure how long his testimony is going
21 to be or the cross-examination, in light of the fact that the
22 cross-examination estimates are usually an overestimate. And
23 accordingly, from the witness's perspective, if he could start on the
24 Wednesday, finish on the Thursday, and then from whatever time he
25 finishes we could finish for the week. From a scheduling perspective

1 that would be better rather than have him run over the weekend.

2 But, Your Honours, we're in your hands. I can amend his travel
3 dates if Your Honours prefer to sit on the other day.

4 JUDGE HALL: Thank you.

5 MR. KRGOVIC: [Interpretation] Your Honours?

6 [Trial Chamber confers]

7 MR. KRGOVIC: [Interpretation] Your Honours, speaking about the
8 witness Ms. Pidwell mentioned, we give our initial assessment at the
9 outset, but I don't believe that I will need more than an hour or an hour
10 and a quarter for the cross-examination. So I think that we can deal
11 with him in one day. I'm not sure how much time the OTP think they will
12 need, but the cross-examination by the Defence probably will not last
13 longer than one session.

14 JUDGE HALL: Well, it now looks very much like Friday, but we
15 would confirm that in the course of today, we hope. Thank you.

16 [Trial Chamber confers]

17 JUDGE HALL: So if there are no other housekeeping matters, we
18 would need to lower the blinds in order to have the witness escorted in.

19 [Trial Chamber and Legal Officer confer]

20 JUDGE HALL: I'm sorry, there is one other matter that I intended
21 to -- something that Mr. Zecevic said that I meant to have clarification
22 on.

23 The -- when you talk about stipulation, in terms of the -- sorry,
24 not stipulation, exhumations, did I understand to you say that both sides
25 are still talking about this?

1 The reason why I asked for clarification there is that you would
2 recall that just before the site visit, we had reached the point where
3 the written motions and responses having been in, counsel on both sides
4 had responded to invitation to expand on this orally, and we have
5 actually been looking at that material. So I do correctly infer that we
6 could -- as it were, suspend our work on this, pending a further joint
7 report from counsel?

8 MR. ZECEVIC: Well, Your Honours, you're putting me in a -- in a
9 pretty awkward position. Let me -- let me explain what is -- what is the
10 essence of our talks.

11 Your Honours, before you there is one -- there is one legal
12 matter, one legal question. Whether the -- the -- the Prosecutor is
13 allowed to add additional victims which are not in the schedules. Is
14 that the -- that is the question and we're not talking about that. That
15 is a question which we made our submissions to the Trial Chamber and we
16 expect the Trial Chamber to rule on that.

17 Now, what we are talking is a step further. I requested -- or,
18 actually, the Defence has requested all the underlying material
19 concerning the exhumations, and we are concentrating only on the victims
20 that are in the schedules. At the moment, of course, because that's our
21 position.

22 Now, we are now trying to find out the solution if we can agree
23 to a number of -- of these victims from the -- from the exhumation
24 reports for the number of victims which are now in the schedules to the
25 indictment. And that is the task that we are undertaking at this point.

1 I hope have I been --

2 JUDGE HALL: Yes. Thank you. So we will continue our analysis
3 and we will wait to hear from counsel.

4 MR. ZECEVIC: Thank you very much.

5 JUDGE HALL: Thanks.

6 Could the witness make the solemn declaration, please.

7 [Microphone not activated]

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

10 WITNESS: ST-241

11 [Witness answered through interpreter]

12 JUDGE DELVOIE: Good morning, Mr. Witness. First of all, do you
13 hear me in a language you understand?

14 THE WITNESS: [Interpretation] I do.

15 JUDGE DELVOIE: Thank you for coming to the Tribunal to give your
16 testimony.

17 I need to point out to you that the solemn declaration that you
18 just made does expose you to the penalty of perjury, should you give
19 misleading or untruthful evidence to this Tribunal.

20 Could we begin by asking you to state your full name and your
21 date and place of birth, please.

22 MS. PIDWELL: Your Honours, are we in closed session? This
23 witness has full protective measures.

24 JUDGE DELVOIE: I'm sorry.

25 [Private session]

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

11 Pages 16936-16938 redacted. Private session.

1 (redacted)
2 (redacted)
3 (redacted)
4 (redacted)
5 (redacted)
6 (redacted)
7 (redacted)
8 (redacted)
9 (redacted)
10 (redacted)
11 (redacted)
12 (redacted)
13 (redacted)
14 (redacted)

15 [Open session]

16 THE REGISTRAR: We're back in open session, Your Honours.

17 MS. PIDWELL:

18 Q. Sir, we're in open session now. Sir, just please be aware if I
19 ask you any questions not to name any members of your family or other
20 people who could identify you.

21 Do you recall being called up for active duty in May or
22 June 1992?

23 A. I was called up around 2.00 a.m., and I responded. There's a
24 pharmacy and a court building, and behind them there was the rally point.
25 I waited until 6.00 a.m. I was the only one to report there, but when

1 nobody else came, the duty officer entered my name on the list and then I
2 went to the factory. But afterward, nobody called me again. We were
3 supposed to go to Banja Luka to get weapons, but I didn't go with them.
4 I went to work, and I wasn't called again.

5 On the same day another unit went to Banja Luka, and weapons were
6 brought to the stadium there and it was distributed to the TO. But they
7 were all Serbs. That's all.

8 Q. Sir, when you were the only one who turned up, do you know why
9 that was?

10 A. I don't know why. But I know that I was responded to call-ups
11 even for exercises and I was always on time. There was a courier to
12 alert me. I dressed in my uniform and arrived there around 2.00, but
13 there was no one. Around 6.00, in front of the fire-fighters building,
14 there were some people, but they were all Serbs. I don't know why nobody
15 else came.

16 Q. You also mentioned that these weapons were brought to the stadium
17 and distributed to the TO. Were you given a weapon?

18 A. No. I wasn't called again.

19 Q. I want to ask you now some questions about the events which took
20 place in Kotor Varos on the 11th of June, 1992.

21 Firstly, can you please explain the significance of the date of
22 the 11th of June. It's a special day, and can you please explain that.

23 A. I'm a Muslim, and that day was a religious holiday called
24 Kurban-Bajram. We go to the mosque to pray. We have two holidays, the
25 other is Ramadan-Bajram, then we go to the mosque too. And I went to the

1 mosque on that day, because only there can the religious ceremony be
2 held.

3 Q. Do you recall what time you went to the mosque on this morning?

4 A. Around a quarter to 5.00. But at 5.00 I was in the mosque.

5 Q. Without saying any names, did you go alone, or did somebody else
6 accompany you?

7 A. I went up to the mosque alone, on foot, from my home to the
8 mosque. It's -- the distance is about 800 metres to 1 kilometre, maybe.
9 I walked alone.

10 Q. Approximately how many people were in the mosque with you that
11 morning?

12 A. About two dozen. I didn't count. But thereabouts, not more than
13 that. It was not prayer time yet. The time for Bajram prior had not yet
14 come, only the Sabah prayer had begun. But we didn't -- or, rather, I
15 wasn't even able to finish the Sabah prayer.

16 Q. Why was that?

17 A. Then -- may I state the name?

18 Q. [Previous translation continues] ...

19 A. Muhamed Sadikovic arrived with weapons. He was wearing a blue
20 camouflage uniform. That was a police uniform. He was a police officer.
21 He entered the mosque with weapons and said, The police has been taken by
22 the Serbs. Whoever wants to join the fight can go with me over the
23 river, and who doesn't want to can go home. And I went home.

24 Q. When Mr. Sadikovic arrived with these weapons and -- and made
25 this announcement, did that come as a surprise to you?

1 A. Yes. Because the situation was so tense that it could be
2 expected at any moment.

3 However, I didn't expect it on that day. A curfew was imposed
4 and there were guards on the streets, but I didn't expect it to happen on
5 Bajram day.

6 Q. I want to show you now a photo, sir.

7 MS. PIDWELL: If we could have 65 ter 3419.81, please. It's
8 tab 11.

9 MR. ALEKSIC: [Interpretation] Your Honours, if I'm well-informed
10 by my assistants, the last four photographs are not on the 65 ter list.
11 I'm referring to tabs 8, 9, 10, and 11.

12 MS. PIDWELL: Your Honours will recall at the beginning of the
13 trial, we submitted a high tech compilation of photographs. When we
14 started with the municipality of Kotor Varos, we had some maps which then
15 zoomed in onto different locations in the municipality, and that was
16 tendered under 65 ter 3419. And there's a whole lot of subpoints in
17 that. These photos are part of that. The photo disclosure covers a
18 whole lot of other photos we have various different angles of the same
19 shots, but they're all on our 65 ter list.

20 JUDGE HALL: Please proceed.

21 MS. PIDWELL:

22 Q. Now, sir, please just be careful with your answers, but do you
23 recognise this photograph?

24 A. Yes.

25 MS. PIDWELL: I wonder if the usher could assist the witness.

1 Q. I'm going to ask you to make some markings on the photograph.
2 And there's a pen there that you can use.

3 Now, firstly, with the number 1, could you mark the Catholic
4 church?

5 A. [Marks]

6 Q. With the number 2, could you mark, please, the administration
7 building of the Pilana, the sawmill?

8 A. That is here.

9 Q. And there's a restaurant section to that administration building.
10 Are you able to mark that with the number 3?

11 A. Yes, yes. You can't see it, because the corner is here and
12 there's a new building that was constructed, so one cannot see it.

13 Q. So what you have marked with the number 2 is the restaurant
14 portion where it should be; is that correct?

15 A. Yes. Because it's the same building, only administration is on
16 the first floor, and on the ground floor is the restaurant.

17 MS. PIDWELL: Can we now go into private session, please,
18 Your Honours.

19 [Private session]

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

11 Pages 16944-16945 redacted. Private session.

1 (redacted)
2 (redacted)
3 (redacted)
4 (redacted)
5 (redacted)
6 (redacted)
7 (redacted)
8 (redacted)
9 (redacted)
10 (redacted)
11 (redacted)

12 [Open session]

13 THE REGISTRAR: And we're back in open session.

14 MS. PIDWELL:

15 Q. Sir, when you said "gate," which gate were you referring to?

16 A. It was the Proleter hide factory.

17 Q. Do you see it on the photograph there?

18 A. It was right here, on this street. This street leads directly to
19 the gate.

20 Q. Was this the first occasion that you'd seen soldiers outside of
21 that gate?

22 A. Yes.

23 Q. Did they say anything to you?

24 A. Let me note that while I was leaving to go to the mosque, nobody
25 was there. So when I left to go to the mosque. When I was on my way

1 back some of them were there.

2 As from the gate of the sawmill and below the gate, they were
3 five or six of them going. The street was full. They were also armed
4 and going towards them. And I tried to move to my brother's house.

5 Q. [Microphone not activated] ... and as you tried to divert, did
6 they intervene in any way?

7 A. As soon as I tried to divert and made a few steps they said,
8 Stop, all three of them, and, Come here. Because we had nothing, arms or
9 anything, so we had to retrace our steps and go back to them.

10 Q. And when you went back to them, what did they say to you?

11 A. There were two others with them who used to work at the leather
12 processing factory, one from Vagani and another one from Kotor Varos. I
13 do not know that names, and I didn't know any of the others. They
14 searched all three of us. They frisked us to see if we had any weapons.
15 When they saw that we didn't carry any weapons, they took us to a room
16 down there which had already been prepared for prisoners. It was empty
17 except for the straw mats that were on the floor and the three of us were
18 the first who were brought in there.

19 Q. When you say you were brought into a room, sir, where was that?
20 What factory or building did that belong to?

21 A. That was with within the Proleter complex. To the right was the
22 administrative building and straight was what used to be the mechanic
23 work-shop and then it was changed. The new building was built and empty
24 remained there. They also had some sort of a depot. It was all part of
25 the Proleter complex.

1 Q. Did you remain in that room with --

2 JUDGE DELVOIE: Ms. Pidwell, it is not really clear to me what
3 the Proleter complex is, the same way I was struggling with the witness's
4 testimony about the gate he was talking about. He also mentioned
5 Proleter complex. Can we eventually show that on the map and tell us
6 what that is? It's a leather factory, so it's not a sawmill?

7 MS. PIDWELL: I'll clarify that Your Honour.

8 Q. Referring back to the photograph, do we see the Proleter factory
9 complex here on the photograph?

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 MS. PIDWELL: Can we please redact lines 1 and 2.

16 Q. Perhaps I can assist if we make some more markings on this
17 photograph.

18 Can you -- do you see the gate of the Proleter factory on the
19 photograph?

20 A. Could I do it?

21 Q. You've marked it with a red circle. And can you indicate --

22 A. Yes.

23 Q. -- exactly what this factory was? Can you tell us what this
24 factory was?

25 A. It was a complex of six factories. There was an electrical

1 plant, there was the Bosna Shoe Factory, the Mladost shoe factory, Galko,
2 Boksvel, and also a clothing factory. So that was the complex called
3 Proleter. And the sawmill is a separate one, up there.

4 MS. PIDWELL: I'll tender that image now, Your Honour, if I may.

5 JUDGE HALL: Admitted and marked.

6 THE REGISTRAR: As Exhibit P16 -- sorry Your Honours. As
7 Exhibit P1686.

8 MS. PIDWELL:

9 Q. When you were taken into this factory complex, which particular
10 factory were you taken into?

11 A. Proleter.

12 Q. How long did you stay in the -- in this building?

13 A. Hardly ten minutes. Then they called out just my name, so I went
14 out. We called them the specialists. The camp mates call them the
15 specialists. Those who wore green camouflage uniforms and green -- or,
16 rather, Red Berets and the policemen had the other ones, though they used
17 to swap uniforms, and it would depend whichever somebody had -- this they
18 wore. He called out my name, he put handcuffs on my hands, and took me
19 to the administrative building of the Proleter factory.

20 Q. What happened at the administrative building?

21 A. He took me in. He made me lean against the wall turned to him.
22 He hit my mouth with his rifle. He split my lip. He also asked me
23 whether I had any money. I said I didn't. Then he hit me another two or
24 three times and then, though I was all bloody, he took me outside. He
25 also knocked out one of my teeth on this occasion.

1 When I went outside, he took me to the gate, and up at the gate,
2 was already one man. Can I say his name?

3 Q. Yes.

4 A. Dzevdo Turan. He also handcuffed and he was standing up there,
5 and the two of us were taken together to the sawmill.

6 JUDGE HALL: Ms. Pidwell, if I may interrupt briefly. I don't
7 know if you intend to return to it, but just in the event that we lose it
8 later, the witness referred to there practice of swapping uniforms. I'm
9 curious to hear more about that. If it is something with which you
10 intend to deal, I'm content to wait until you come back to it.

11 If not, perhaps we can deal with it now.

12 MS. PIDWELL: Certainly, Your Honour.

13 JUDGE HALL: Yes, Mr. Witness, you referred to the Red Berets on
14 the policemen. They used to swap uniforms.

15 Could you tell us some more about that, please.

16 THE WITNESS: [Interpretation] I'll just mention Dule Vujicic, who
17 was an active-duty police officer. He had a blue camouflage uniform and
18 a blue cap. When he would go to mopping up operations and when he was
19 returning, he would come with a green camouflage uniform and a green cap.
20 Is that enough or should I say more?

21 This is just one example.

22 JUDGE HALL: Could you tell us the colour cap again, please. You
23 said he came back with a green uniform and a green cap.

24 THE WITNESS: [Interpretation] A red cap.

25 JUDGE HALL: What I am wondering is whether -- how widespread

1 this pattern was from your observation, if you're able to assist with
2 that. How common was this?

3 THE WITNESS: [Interpretation] These days it was raining
4 practically every day. And if people got wet - was that intentional or
5 not - if they had some sort of uniforms, they would put them on. I
6 cannot say what the reasons were, but I can just say that I did see them
7 in different uniforms. I know that they changed them. Was it according
8 to their needs or was it the same to them, that's something I don't know.
9 But the same people would wear both kinds of uniforms.

10 JUDGE HALL: Thank you, sir.

11 Thank you, Ms. Pidwell.

12 MS. PIDWELL:

13 Q. Before we carry on with -- with what happened to you, do you know
14 what happened to the two boys who initially accompanied you from the
15 mosque?

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 MS. PIDWELL: Could we redact the line -- sorry page 22, line 6,
23 please.

24 JUDGE HALL: [Microphone not activated] ... yes.

25 MS. PIDWELL:

1 Q. Could you now please describe what happened when you came to the
2 Pilana sawmill.

3 A. Dzevdo and I were brought into a room there. Where it was in the
4 restaurant, there were between 15 and 20 people there, including women -
5 the wife of our president, Ante, was there - they were sitting in it
6 corner. This so-called command, I don't know what they were, but you had
7 to address them, and Dzevdo and me were brought in front of them and they
8 wanted to take off our handcuffs and said that they were not guilty, but
9 they were looking for the keys and couldn't find them. So they took us
10 both outside and in front of the gate of the sawmill towards the main
11 road, I was standing there with handcuffed hands, and Dzevdo was beaten
12 in front of me. I had a feeling that it was like squeezing a sponge,
13 that was how they hit him, so when you would let the sponge, then it
14 would extend and this was how he started to swell. Then they came along
15 to me and one of them hit me and I became unconscious. When I came to,
16 they told us to board a jeep and that they would move us to the SUP, but
17 that not a single drop of blood should fall anywhere inside the jeep.

18 Q. Sir, you mentioned this so-called command. How many people were
19 there in positions of authority at the Pilana sawmill on this day?

20 A. When I say the command, there was just a desk there and a few of
21 them sitting there, but I didn't dare to look them in the face. I just
22 hung my head. Whenever they said anything, they would hit with you a
23 baton or a rifle or anything. So I was just standing like that and they
24 were shouting. It was not a command. I'm not sure how to call them at
25 the moment, because anything like that never existed before. In the

1 corner of this building, the men who brought us there addressed them and
2 then when they took us outside they ...

3 Q. Were these people in uniforms?

4 A. Yes, yes. Green camouflage ones with red berets. There was not
5 a single one there wearing a blue uniform at the moment.

6 Q. Did you recognise anyone -- any of them as being local people
7 from your municipality?

8 A. No.

9 Q. The -- did anyone accompany you in the jeep?

10 A. Dzevdo and myself sat at the back, and in front there were four
11 of them with rifles - the driver and three others - and we were at the
12 back. The jeep was kind of opened at the back. You lowered this thing
13 down and we were sitting there, and that was how we arrived to the
14 police.

15 Q. Do you know if the jeep was a military or a police vehicle?
16 Or -- if you don't know, just please say you don't know.

17 A. Not at the moment. I couldn't be sure and say for certain. I
18 know that ... that the jeep --

19 THE INTERPRETER: Could the witness please repeat the last part
20 of his answer. Something about the jeep.

21 MS. PIDWELL:

22 Q. Sir, the interpreter missed the last part of your answer. You
23 said something about the jeep.

24 A. It was higher. It wasn't a simple car, but what was the colour
25 or what was the make, this is something that I don't know.

1 Q. Up until this point in time, had anyone told you why you had been
2 handcuffed and detained in this manner?

3 A. Nobody said anything. No one said a thing.

4 Q. And of the people who were -- who you saw at the sawmill, what
5 was their ethnicity, the ones who were being detained, not the -- not the
6 soldiers or the police?

7 A. Only Muslims and Croats.

8 Q. Before we carry on, sir, I just want you to look at another
9 photograph, please.

10 MS. PIDWELL: It's P38. It's tab 2.

11 Q. Do you recognise this building, sir?

12 A. Yes, yes. That is the gate and the restaurant and the
13 administrative building of the sawmill as seen from the main road.

14 Q. And you described being beaten outside the sawmill, can we see
15 from this picture where that occurred?

16 A. Yes, yes. Here, at the gate. Should I draw it?

17 Q. Yes, please. Please mark with the letter A.

18 A. [Marks]

19 Q. And do you recall where the jeep was parked?

20 A. Yes.

21 Q. Can you please mark with the letter B.

22 A. [Marks]

23 Q. Were there other vehicles there; do you recall?

24 A. I wasn't able to see anything at the moment. I know that I was
25 brought to the gate when they were beating us, and the jeep was parked.

1 MS. PIDWELL: If I could tender that at this stage, please.

2 JUDGE HALL: Admitted and marked.

3 THE REGISTRAR: As Exhibit P1687, Your Honours.

4 MS. PIDWELL: I now have another photograph, it's P50. It's
5 tab 4. Sorry, my apologies, I'm wanting tab 5, P49.

6 Q. Do you recognise this building, sir?

7 A. Yes. It's the police station.

8 Q. When you arrived at the police station in the jeep, what happened
9 as you -- as you got out of the jeep?

10 A. Here, in front of the police station, there was a line of reserve
11 guys, both in olive-drab uniforms and in blue camouflage uniform. We
12 were taken out of the vehicles and they led us to the building, and those
13 that were standing in line beat us. And when we entered the building, to
14 the right, there was a room, and that's where they threw us in. We had
15 already been badly beaten. And there was some 15 or 16 people in there
16 already.

17 Q. How many people do you estimate were standing outside the police
18 building in uniforms at this time?

19 A. Twenty to 30, at least. I was in no position to count them
20 though.

21 Q. And the men who accompanied you from the sawmill to the police
22 station, were they the same ones who had initially brought you to the
23 sawmill, or were they different people?

24 A. The one that had brought us from the sawmill, they told us,
25 You're going inside. And as we started walking, nobody ever asked us

1 anything. They simply started beating us. I don't know what they had
2 been ordered to do. But that's how it turned out anyway.

3 Q. And am I correct to infer different guards brought you from
4 Pilana to the SJB building?

5 A. We were taken from the leather processing plant to the sawmill.
6 There were five or six. And then people brought us from the sawmill to
7 the police station. I didn't look at their faces, so I can't say whether
8 they were the same guys or others. But they were wearing the same kind
9 of uniforms.

10 Q. And just to confirm, what uniforms were they?

11 A. Green camouflage uniforms with red berets. And the man who hit
12 me in the leather processing plant wore the same kind of uniform. I
13 later found out that he was from Laktasi.

14 Q. As you left the jeep and walked to the -- into the SJB building,
15 and you've described the crowd of people who were there, were there any
16 other people like you, people who were being detained there at the time,
17 to your knowledge, or were you not aware of that?

18 A. When I was taken out of the jeep, my hands were still tied and
19 his too. We were both beaten. And when we reached the entrance of the
20 building they said they would throw us in, and then they untied us both.
21 They removed our cuffs and simply pushed us inside, as I said.

22 Q. Do you recall seeing any other vehicles outside the police
23 station at this time?

24 A. There were two APCs. I saw them in front of me. They told us,
25 Come out. And we did, and the people were already standing there. The

1 APCs were blue. They were police APCs.

2 Q. Could you mark on the photograph, please, where in the building
3 the room was that you were initially taken into. Please mark it with a
4 letter A.

5 A. Here, through the door, and then to the right. A.

6 Q. Before you entered that room, were you able to see what was
7 happening down the corridor in the other areas of the entrance way?

8 A. I was there for eight days. The hallway was full all the time.
9 People were leaning against the wall with three fingers, and it -- people
10 were coming and going all the time. I couldn't really look at their
11 faces to see who was who. But there was constant screaming and beating.
12 And then -- but they threw me in that small room in which there were only
13 Croats and Muslims who I knew.

14 Q. Did you see police officers in regular police uniform present
15 during your -- this time?

16 A. In that room which you enter when you come in, I know there was
17 police officer from Travnik. He was a bit overweight. But nobody wore a
18 regular police uniform. They were all wearing camouflage blue. And I
19 don't know if I saw anybody else while they were taking me there. There
20 wasn't really time to look around much.

21 Q. Did you ever see any police officers that you personally knew
22 there during your detention?

23 A. Later on, yes. Dule, Vujicic. Sejdo was a police officer, too.
24 I saw him. There was one guy just across the road. What's his name? I
25 can't remember his name now. He is also a police officer. He has a

1 house. I saw about half a dozen of them at that moment while I was
2 there. We were in the police building for seven or eight days.

3 Q. During those seven or eight days, were you processed in any way?
4 Were you -- did you have to fill in some forms and provide your personal
5 details to the people who were detaining you?

6 A. Somebody came to call somebody's name approximately once in two
7 hours. But during these eight days, we were lost in time. We didn't
8 know whether it was day or night. The window was closed with boards, so
9 it was dark inside all the time. Zdravko Samardzija was one of those who
10 interrogated people, and those who were interrogated by him were
11 released. I was taken from the small room to another room. There was my
12 brother and other neighbours, all of them Croats and Muslims, and we
13 stayed there for seven or eight days. Whoever was taken to be
14 interviewed by Zdravko Samardzija was released, but not us. We weren't
15 taken there. We were taken to the building behind the pharmacy.

16 Q. Looking at that photograph again, sir, can you - using the police
17 building as a reference point - please describe where the building was
18 behind the pharmacy?

19 A. Well, if you set off from the police toward Dobož there's the
20 corner storage, then there's a building, then the pharmacy, and the court
21 building. There was a road between them, and then there was the TO
22 warehouse with the weapons. They had cleaned it out. And they took us
23 there.

24 Q. Just before we go on to that in more detail, I want to ask you
25 some questions about what happened during the seven or eight days while

1 you were in the police building.

2 How did you -- how were you fed?

3 A. We got maybe a slice of bread or some fish or a -- or some canned
4 food once a day. Nobody really asked questions about that. As long as
5 they didn't beat us, but they did beat us regularly.

6 Somebody called Dinko's name, I later on heard from the camp
7 inmates that he was from Laktasi or thereabout, I taken to the room near
8 the -- near the gate, near the entrance, and one of them asked me about
9 my family, beat me with his pistol, he kneeled down on me and he asked
10 where was my family, and I said, At home. He said -- he asked me who
11 else have I got, and I said, My brother is in the other room and my
12 father, he is in the country. But then he told the guard, Let him stand
13 there. I'll bring his brother. And he did, and he beat him too. And he
14 asked me where I was. I said, At the mosque. What you did you do there?
15 I said, I went to pray, and then he started, What do you need to pray
16 for? And started cursing and swearing. And then he said he would go and
17 check whether I had spoken the truth, whether I was really in the mosque
18 or at the front line, but he didn't come back and he didn't beat me
19 anymore.

20 Then the guard was told to call Samardzija. Samardzija --

21 THE INTERPRETER: Could the witness please repeat his last two or
22 three sentences. He is going rather fast.

23 MS. PIDWELL:

24 Q. Sir, the interpreter couldn't quite keep up with you. Could you
25 please repeat the last three sentences. Just -- we have from ... you

1 said that he was asking you whether you were really in the mosque:

2 "Or at the front line, but he didn't come back and he didn't beat
3 me anymore.

4 "Then the guard was told to call Samardzija."

5 And then could you please carry on from what -- from there.

6 A. The guy didn't go to fetch Samardzija, and when that one returned
7 he continued to beat us. We were both beaten for about an hour and a
8 half. And then he ordered us -- or, rather, he took us to that room to
9 stay there and that he would check, and unless we were speaking the truth
10 he would come and kill us. But he -- he didn't.

11 Q. What uniform was this guard wearing?

12 A. He was wearing a blue camouflage uniform, a police officer. He's
13 from Kotor Varos. I don't know his real name. I know roughly where he
14 lives. About -- his house is about 100 metres from the police station,
15 toward Banja Luka, right by the Serbian church.

16 JUDGE HALL: Ms. Pidwell, if this is a convenient point, we'll
17 take the break now.

18 Yes, so the witness could be escorted out.

19 [The witness stands down]

20 JUDGE HALL: So we return in 30 minutes.

21 --- Recess taken at 10.28 a.m.

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

23 JUDGE HARHOFF: While the witness is being brought in, the
24 Chamber has a few decisions to communicate to the parties.

25 First of all, as for the day in which we would not sit, the week

1 after the coming, the Chamber has decided to declare Friday, the 19th of
2 November, a dies non, so as to allow the parties to complete the
3 negotiations on the stipulation and, notably, the death certificate
4 database.

5 Next thing is a response to -- or a decision on two Prosecution
6 motions, of which the Chamber has been seized on 15th and 21st of
7 October, requesting the Chamber to admit the evidence of Witness ST-221,
8 pursuant to Rule 92 ter and to grant the Prosecution leave to examine him
9 for 30 minutes. And, secondly, seeking leave to reinstate on its 65 ter
10 exhibit list a photograph of ekonomija farm, Rule 65 ter 2289; and also
11 to add two maps of the Zvornik which are the 65 ter 3680 and 3681; and a
12 video footage of the ekonomija farm and the Gero slaughter-house which is
13 Rule 65 ter 3682; and, finally a photograph of the old town area of
14 Prijedor which is Rule 65 ter 3683.

15 Neither Defence team has responded to these motions.

16 As to the first amendments of the Rule 65 ter exhibit list, the
17 Chamber is satisfied that the proposed items are prima facie relevant and
18 have probative value. As visual aids, they will assist the Trial Chamber
19 in its deliberations and the Chamber considers the nature of these items,
20 the Defence have been on sufficient notice and that no prejudice is
21 suffered by the Defence by adding these item to the 65 ter exhibit list.

22 Accordingly, we grant the Prosecution leave to add the Rule 65
23 ter numbers 2289, 3680, 3681, 3682, and 3683 to the 65 ter exhibit list.

24 Turning then to the other request to admit the evidence of
25 Witness ST-221, pursuant to Rule 92 ter, the Trial Chamber finds that the

1 requirements of this rule are met and that it is in the interests of
2 justice and in the interests of judicial economy to hear his evidence
3 purpose to this rule. Nevertheless, the Trial Chamber will only consider
4 the actual admission into evidence of Witness 221's statements at the
5 conclusion of his testimony which is the normal practice that we have
6 applied in this trial.

7 Furthermore, the Chamber is persuaded that, in particular,
8 because of the video footage that the Prosecution seeks to show him, an
9 additional ten minutes are added to the 20 minutes set forth in the
10 Trial Chamber's guide-lines on admissibility and presentation of
11 evidence, so we grant the Prosecution altogether 30 minutes to take this
12 witness through his statement.

13 Finally, the Prosecution has also filed a motion regarding the
14 time set aside to examine Witness ST-222 in-chief, and if I'm not
15 mistaken, the Prosecution has asked for altogether two and a half hours
16 to have this witness examined in-chief.

17 Witness ST-222 is going to be called viva voce, and the Chamber
18 has considered the matter and has decided that the Prosecution can have
19 one hour to take Witness ST-222 through his examination-in-chief as viva
20 voce.

21 But, Mr. Hannis, when that hour has been used, it looks as if the
22 Prosecution is very close to having exhausted the time it was given for
23 completion of its case. We are working to find out exactly how much time
24 there is left, and we will have this figure ready by Monday, but this is
25 a clear indication from the Chamber to the Prosecution that, in the

1 Chamber's view, the Prosecution is, indeed, very close to having
2 exhausted the time that it has been given.

3 So we will revert to this matter on Monday. And I hereby give
4 the floor back to Ms. Pidwell.

5 [The witness takes the stand]

6 MS. PIDWELL: Thank you, Your Honours.

7 Firstly, can I seek to tender the photograph that was previously
8 on the screen and marked by the witness. That wasn't done previously.

9 JUDGE HALL: Yes. Admitted and marked.

10 MS. PIDWELL: Thank you.

11 THE REGISTRAR: As Exhibit P1688, Your Honours.

12 MS. PIDWELL:

13 Q. Sir, I just want to ask you a follow-up question from something
14 you said before the break.

15 You mentioned that during your time in detention in the police
16 station in this room, somebody called names out every two hours. Can you
17 tell us who that somebody was?

18 A. They just called people -- the names of people that came to their
19 minds. There was no system in it.

20 Q. And the person who came to call the names out, was that person in
21 a uniform?

22 A. Yes.

23 Q. What was the uniform of that person, or those -- the variety --
24 the people who came to call the names out?

25 (redacted)

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 MS. PIDWELL: Can we please redact the last sentence please.

6 Thank you.

7 Q. Sir, we're still in open session so if would you please be
8 careful with names.

9 You've spoken a little bit about there man called Samardzija. Do
10 you know who he was, or what his position was?

11 A. We only know that all that he and Sejdo Tatar communicated with
12 the people in all surrounding villages telling them that there was a
13 truth -- truce, that they shouldn't shoot and they visited those
14 villages. When we were in the police station, we felt safer and didn't
15 think that anybody would beat us because he was their superior.

16 Q. Were you beaten during your time in the police station?

17 A. Hardly an hour or two could elapse without somebody coming in and
18 beating you or taking you to the hallway and beating you there. So it
19 went on non-stop.

20 MS. PIDWELL: Your Honour, if we could go into closed session for
21 this next section, please. Closed and private.

22 [Prosecution counsel confer]

23 MS. PIDWELL: Private session, sorry.

24 [Private session]

25 (redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11 Pages 16965-16970 redacted. Private session.
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 (redacted)
2 (redacted)
3 (redacted)
4 (redacted)
5 (redacted)
6 (redacted)
7 (redacted)

8 [Open session]

9 MS. PIDWELL: We're back in open session, sir, so just be careful
10 with names with this series of questions.

11 Q. After your --

12 THE REGISTRAR: And we're back in open session, Your Honours.

13 MS. PIDWELL:

14 Q. After this period of seven or eight days that you were detained
15 at the SJB building in Kotor Varos, were you taken somewhere else?

16 A. During the eight days I was there, and then later on, they took
17 me to the prison there behind the court-house.

18 Q. Were you told why you were taken to the prison?

19 A. No one was telling anyone anything. They would just take you
20 with guards. There were about 15 or 20 of them and eight of us. We had
21 small containers for food, and on foot we went all together to the
22 prison, and they accommodated us in room number 3. And there were six
23 rooms in total.

24 Q. If can I ask you to look at a photograph, please. It's tab 9, 65
25 ter 3419.79.

1 If can you take a moment, please, sir, to look at this
2 photograph. Are you able to identify some of the buildings on there;
3 and, in particular, are you able to identify the municipal prison in
4 Kotor Varos?

5 A. Here is the prison. Should I mark all that?

6 Q. Yes, please. Mark with the letter A the prison.

7 A. [Marks]

8 Q. Can you mark the court-house with the letter B?

9 A. [Marks]

10 Q. Are you able to tell us how far the prison was from the SJB
11 building and in which direction you walked?

12 A. From the police building. The police building is down there, and
13 it's about 700 or 800 metres.

14 Q. Just for the record, the arrow pointing to the left in the
15 photograph is what the witness was referring to.

16 MS. PIDWELL: If that could be admitted and marked, please,
17 Your Honours.

18 JUDGE HALL: Admitted and marked.

19 THE REGISTRAR: As Exhibit P1689, Your Honours.

20 MS. PIDWELL:

21 Q. Now, you said, sir, that you were taken by about 15 or 20 guards
22 by foot to the prison. Do you recall what uniform the guards were
23 wearing when they accompanied you?

24 A. They were coloured uniforms, both the blue camouflage uniforms,
25 and the green camouflage uniforms.

1 Q. The -- how long did you stay in the prison there?

2 A. The 11th ... almost five or six months. I don't know exactly.
3 On the 13th of November, I was transferred to Manjaca.

4 Q. Do you recall who was in charge of the prison when you first
5 arrived?

6 A. It was one Zaric but I don't know his first name. I know that
7 his nickname was Djiba. He was an active-duty police officer. There was
8 also Aleksa Vucenovic and Ljubo Arsenic and there was also one Tesic,
9 from Ripiste, who used to work in the sawmill. The four of them were
10 guards for three, three and a half or four months, until they were
11 relieved.

12 Q. Do you know a name by the name of Slobodan Dubocanin?

13 A. I know Slobodan Dubocanin. He was escorted by one man called
14 Kubura and another man. I used to see them. They visited us on three
15 occasions. Once it was maybe three and a half months after we had
16 arrived to the prison. They had beaten us every day, every night, until
17 Slobodan told them one evening that nobody would be beat us anymore, and
18 after that, no one beat us.

19 Q. And what did you understand his authority to be in the prison?
20 You said he came and told hem to stop beating you and they did. What was
21 his position in relation to the prison, if you know?

22 A. Well, they were talking about some mopping up and something but
23 we didn't know much about that in the prison. It was wartime already and
24 I had been taken in on the very first morning. But, in any case, I know
25 that he was from the special unit, the special forces, this is how they

1 called themselves. In the camp they would just say specials and we would
2 try to run and hide because we knew that they would beat us and he was
3 whether the commander or what, I cannot say.

4 MR. ZECEVIC: Sorry to interrupt. Just -- I confirm that the
5 Stanasic stipulates to 521, 523 and 525.

6 Thank you.

7 JUDGE HALL: Thank you.

8 MS. PIDWELL:

9 Q. And when you saw Slobodan Dubocanin at the prison, what uniform
10 was he wearing?

11 A. A green camouflage uniform and a red beret.

12 Q. There was an occasion when the Red Cross came to the municipal
13 prison in Kotor Varos in early October.

14 Can you please tell us about that visit and the events of that
15 day?

16 MR. KRGOVIC: [Interpretation] Your Honour, I don't know how we
17 arrived to this line of questioning and why this is relevant in terms of
18 the adjudicated facts, and which specific adjudicated fact.

19 MS. PIDWELL: The adjudicated fact is Adjudicated Fact 1201 which
20 stated that the Kotor Varos elementary school and the municipal prison
21 were run by the Serb special police. That is the fact that was denied.
22 The witness will give evidence about a visit to the prison by people in
23 authority, including one of the accused, and in my submission that is
24 directly relevant to his relationship with the prison and authority over
25 it.

1 JUDGE HALL: Yes, please proceed, Ms. Pidwell.

2 MS. PIDWELL: Thank you.

3 MR. KRGOVIC: [Interpretation] Yes, Your Honour, but if this
4 witness is about to talk about the activities and the conduct of the
5 accused, then it is outside the bounds of this testimony. We were not
6 notified that this witness would talk about this, and I believe the
7 decision of the Trial Chamber is that when we deal with adjudicated facts
8 that these witnesses can only talk about these adjudicated facts and this
9 is why they were called, rather than to introduce in this way testimony
10 about the activities and conduct of the accused, because the Defence has
11 not been notified that this would be discussed.

12 MS. PIDWELL: Your Honours, this is in the proofing note. And it
13 is also in his statement, although portions of it are. The issue -- the
14 issue is: Who was in charge of the Kotor Varos prison? That's the issue
15 which the Trial Chamber considered and denied -- considered in denying
16 this previously adjudicated fact. It's the Prosecution's position that
17 the prison was run by the police, special police, who, we say, were under
18 the command of the accused.

19 So the fact that I'm leading evidence that the accused was
20 present at a prison is directly relevant to who had authority over it.

21 JUDGE HALL: Please proceed, Ms. Pidwell.

22 MS. PIDWELL: Thank you.

23 MR. KRGOVIC: [Interpretation] But, Your Honour, the witness
24 replied who was responsible. He responded to that. So what is the
25 point?

1 The question was clear: Who was the commander and who were the
2 guards? And the witness answered that question. So where does the
3 special police fit in? And where does this adjudicated -- or, rather,
4 offered fact arise? The witness was clearly asked, Your Honours: Who
5 was the prisoner warden? Who was in charge of the prison, and what the
6 position of other persons? So what else is there to ask?

7 Not in one of his previous statements did this witness mention
8 the accused. It was only yesterday that in the proofing note, we
9 received notification from the OTP that he has changed his testimony now.
10 So had we been aware of this fact, we would have included that in the
11 cross-examination of some of the witnesses whom we have examined about
12 this earlier. If the Trial Chamber allows this is line of examination,
13 then I will request that some of the witnesses who have been
14 cross-examined be re-called here so that I could cross-examine them once
15 again about this adjudicated fact.

16 JUDGE HALL: There is always the question, the next question,
17 these adjudicated facts in terms of context, but I'm concerned,
18 Ms. Pidwell, about Mr. Krgovic's complaint that this particular point was
19 new to them and only became apparent when they saw the proofing note of
20 yesterday.

21 MS. PIDWELL: I'm going to have to ask the witness to take off
22 his head phones, please.

23 JUDGE HALL: [Microphone not activated] ... thank you.

24 Yes. Yes, Ms. Pidwell.

25 MS. PIDWELL: Your Honours in the witness's -- this witness has

1 not testified before. In his statement that he gave to the OTP in 2000,
2 he named a variety of people during the course of his statement. He
3 spoke about a delegation coming to the Kotor Varos prison on this day,
4 and he named certain people who were present.

5 Now, in his statement the refreshes he makes is to
6 Slobodan Zupljanin. Now, we know there is a man who existed by that
7 name. Throughout his -- his statement, he interposes first names and
8 last names. For example, there's a reference to Dubocanin in his
9 statement. And he puts the wrong first name. He puts Samardzija first
10 name with that person and interposes them throughout. Now in proofing, I
11 asked him some questions about this delegation who came to the
12 Kotor Varos prison and he told me that it was Stojan Zupljanin who
13 attended on that day because his brother had told him that. That is as
14 much as he is going to say. That is the evidence that came out of
15 proofing and that is what is in the proofing note.

16 JUDGE HALL: But if this clarification, for want of a better
17 word, only became apparent yesterday, and bearing in mind the explanation
18 that you have given, and reminding myself and, with respect, you, that
19 counsel can't give evidence. It's the witness who -- who -- who gives
20 the evidence, the -- aren't we left with the position that, for the first
21 time, yesterday, it was apparent -- I was going to use the word "clear,"
22 but from what you said isn't clear, but was apparent that it was the
23 second accused of whom the witness spoke. And, therefore, the --
24 Mr. Krgovic's claim about being caught by surprise is valid. And if I
25 may add, if this is a new dimension to the Prosecution's case, then he,

1 as he said, it's something which not having had the opportunity to
2 address with relevant witnesses before, he would have to -- may have to
3 go so far as to make an application to have those witnesses re-called.

4 With all of that, is it a matter that you would wish to press,
5 Ms. Pidwell?

6 MS. PIDWELL: Firstly, Your Honour, the proofing note was sent on
7 the 2nd of November; it wasn't yesterday.

8 Secondly, there is a risk when we call these witnesses viva voce
9 that new evidence will come out at a late stage. We only meet with them
10 a couple of days before, and once we know that there's something new, it
11 goes out in a proofing note at the earliest opportunity.

12 The issue is: Who ran the Kotor Varos prison? When he was asked
13 about that, this is the information he gave us to, and, in my submission,
14 it is wholly relevant to the issues before the Trial Chamber, and
15 Mr. Krgovic can deal with it in cross-examination, but that's about as
16 far as I can I take it.

17 If Your Honours want to hear the evidence, the witness is here,
18 and he can be cross-examined on it right now. I'm not aware that any
19 other witness has given this evidence before, so I'm not sure which
20 witnesses Mr. Krgovic is referring to when he says he wants them
21 re-called.

22 [Trial Chamber confers]

23 JUDGE HALL: It appears to the Trial Chamber that it is
24 unavoidable that this evidence, from the witness who is presently on the
25 stand, could be led. And we're not unmindful of the concerns Mr. Krgovic

1 has expressed. But, of course, we -- it is something that he would deal
2 with in cross-examination and we will see where we go from there. We are
3 alerted to the possibilities of this, but the evidence which the OTP
4 wishes to lead at this point is clearly relevant and, as I said, we see
5 no reason why we could or should seek to prevent her from leading it.

6 More than that, we wouldn't say at this point.

7 MS. PIDWELL: As Your Honour pleases.

8 Q. Sir, I'll go back to my question, which was there was a -- a day
9 in early October that the Red Cross came and visited the municipal prison
10 in Kotor Varos. Can you please tell us your recollection of that day.

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted) Zdravko Pejic. There was Slobodan Zupljanin, and five
23 or six to the extent that we could see. I didn't know everybody so well.
24 I knew Slobodan well. He worked in the factory. He [Realtime transcript
25 read in error "I"] was a director there. Whereas --

1 THE INTERPRETER: Could the witness please repeat this part of
2 his answer.

3 MS. PIDWELL:

4 Q. Sorry, sir, the interpreter has asked if you could repeat the
5 last part of your answer.

6 We have: "I knew Slobodan well. He worked in a factory. I was
7 a director there."

8 And then if could you continue, please.

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 Q. What was your understanding of why these people were at the
15 prison on this day?

16 A. Since the Red Cross came on the first day, where they had come
17 from and how, I really don't know. But we knew that we would all be
18 registered. That was probably -- that information was probably forwarded
19 because the guards, the active-duty police officers were only there to
20 let us go to see the toilets, and so on. But when there were people in
21 green camouflage uniforms with red berets, they couldn't prevent them
22 from doing anything until Slobodan Dubocanin banned them from entering.

23 Q. Sorry, I think you slightly misunderstood my question, sir, and I
24 wasn't clear and I apologise.

25 What was your understanding of why these other people were there

1 this day? You mentioned Djekanovic, Slobodan Zupljanin, Stojan Zupljanin
2 and a couple of others. Why were they present at the prison on this day?

3 A. I simply understood that their intention was to prevent our
4 registration. Some people were taken to the basement of the court for
5 that purpose. We had been there for months. One man --

6 THE INTERPRETER: The interpreter again didn't catch all of the
7 witness's answer.

8 MS. PIDWELL:

9 Q. Could you please repeat your last sentence, sir, "One man ..."

10 A. Now I'm not sure what exactly I said.

11 Q. That's all right. Did you personally see this delegation of
12 people?

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 Q. I am aware that there has been a couple of names are slipping
22 out, but I believe the Court Officer has caught them. Thank you.

23 MS. PIDWELL: Your Honour, I think it's time for the regular
24 break now, and that would be an appropriate time.

25 JUDGE HALL: Thank you. 20 minutes.

1 [The witness stands down]

2 --- Recess taken at 12.10 p.m.

3 --- On resuming at 12.39 p.m.

4 JUDGE HALL: For the record, we reconvene for the final session
5 under Rule 15 bis; Judge Delvoie being absent.

6 And I paused after saying final session, because I understand
7 that -- from the Court Officer that the Prosecution has a concern about
8 completing this witness.

9 MS. PIDWELL: Your Honours, it's just really a reserve position.
10 I inquired of the Court Officer of the possibility to have an extended
11 session to ensure that we complete the witness today. I have been
12 assured by my learned friends that it is likely that we will finish
13 within this session. But the extension maybe is a reserve position just
14 in case he runs over for a few minutes thereafter.

15 JUDGE HALL: So the Court Officer will make the necessary
16 inquiries and we'll see where we go.

17 Before we continue, the matter with which we sought to deal
18 earlier about the new evidence coming -- the new -- new evidence coming
19 from this witness, the -- to the extent that either side may have a
20 concern as to whether the ruling that we made allowing the Prosecution to
21 lead this evidence qualifies or contravenes the extant rulings on 92 bis
22 and the Rules, generally. That is not the position. This, as we see, is
23 a situation determined in its own circumstances arising from the fact
24 that there appeared to us to be relevant evidence which only came to the
25 attention of the Prosecution just before the witness was about to lead

1 his evidence. And I repeat what I said earlier, that there are
2 procedural remedies which may have to be applied by the Chamber to remedy
3 any disadvantage which counsel for the Accused Zupljanin would have
4 experienced as a result of this. And, in any event, to state the
5 obvious, the Trial Chamber would have to determine the relevance and
6 weight of -- of this evidence in -- at the end of the exercise.

7 So I trust that both sides are -- have a clear understanding as
8 to where we are with this evidence, which was -- which only came about
9 because of the gateway, as it were, of the context of the adjudicated
10 fact in question and in respect of which the Prosecution was permitted to
11 lead this evidence.

12 Yes, Ms. Pidwell, please continue.

13 [The witness takes the stand]

14 MS. PIDWELL: Thank you, Your Honour.

15 Q. Sir, before the break, you were telling us about a day when a
16 group of people came to the Kotor Varos prison, and, on this day the
17 Red Cross were there.

18 Do you recall how long this group of people stayed at the prison
19 for, on this day?

20 A. They stayed only for about two or three minutes in our room.
21 They took him out to the office where the guards were and they stayed at
22 least two hours in that office. And then the man from the Red Cross
23 returned and continued registering us.

24 Q. And when you say "they took him out," are you referring to the
25 man who had come from the Red Cross?

1 A. Yes.

2 Q. And were you, in fact, registered by the Red Cross on that day?

3 A. Yes. It was on the 3rd of October.

4 Q. During your time at the municipal prison in Kotor Varos, did the
5 guards change at any time, or did they remain the same?

6 A. There was this group headed by Djiba for at least four and a half
7 months. And then three Croats escaped from the pig farm where we had to
8 go to work. And then they were replaced and another group arrived in
9 their stead.

10 Q. And the other group that arrived, do you know if they were police
11 officers or what their positions were?

12 A. Zdravko Rutic, he was commander then, otherwise he worked at the
13 Proleter leather processing company. Then there was Radenko Keverovic.
14 There was Dule Vujicic, but he didn't see us often, he was an active-duty
15 police officer. There was Kretic, who was an active-duty police officer
16 from Skender. And then there was a guy from Vagan whose name I don't
17 know. Then there was also Radenko Djukic.

18 Q. Thank you, sir. I want now to ask you to watch a video.

19 MS. PIDWELL: And if I can have, please, P1579. It's tab 7 in
20 Sanction.

21 I'm not going to ask the interpreters to interpret what is going
22 on. I'm going to ask the witness to identify people on the video and
23 make some comments so I don't think we need any commentary or the sound
24 to be played.

25 If we could play it, please.

1 [Video-clip played]

2 MS. PIDWELL: And pause.

3 Q. Sir, do you recognise this building?

4 A. Yes, the police station.

5 [Video-clip played]

6 MS. PIDWELL:

7 Q. This first portion is very dark.

8 Do you see -- you see the men standing there. Are you able to
9 comment on --

10 A. I do.

11 Q. Are you able to comment on -- or do you recognise any of them or
12 what they're wearing?

13 A. I don't recognise them. But the uniform is a green camouflage
14 uniform.

15 [Video-clip played]

16 MS. PIDWELL:

17 Q. Do you recognise this room?

18 A. I think that I was taken to this room once to be interrogated.

19 [Video-clip played]

20 MS. PIDWELL: Sorry. For the record, that was 5:49.

21 [Video-clip played]

22 MS. PIDWELL: The quality gets a little better now.

23 Q. If you can just look at this person in civilian clothes.

24 [Video-clip played]

25 MS. PIDWELL: Sorry, it was -- we've skipped it. That's all

1 right. We'll just carry on.

2 [Video-clip played]

3 MS. PIDWELL: Just pause there.

4 [Prosecution counsel confer]

5 MS. PIDWELL:

6 Q. Do you recognise that man?

7 A. I know his face.

8 Q. Why do you think you know his face?

9 A. Because, on one occasion, I asked the guard to take me home. I
10 had some gold. And he sat me in a car and drove me home. We took the
11 gold and we were on our way back. And somewhere by the sawmill, or
12 between the sawmill and the church he caught up with him and he sat in
13 the front and I was sitting in the rear. And then when he asked the
14 guard whether anybody had talked to the prisoners and he said no. When
15 I -- he -- he left the car in front of the pharmacy because he had to go
16 elsewhere and when we drove on he told me, This is their boss. But I
17 don't know his name.

18 I was driven by Aleksa Vucenovic who told me so then.

19 Q. And this, what you just said, was that during your detention in
20 the SJB building or in the Kotor Varos prison?

21 A. The prison.

22 [Video-clip played]

23 THE WITNESS: [Interpretation] And that's an APC.

24 MS. PIDWELL:

25 Q. And are you able to tell us where -- where that is?

1 THE WITNESS: [Interpretation] Yes, yes.

2 [Video-clip played]

3 MS. PIDWELL: Can we go to 17:30 please.

4 [Video-clip played]

5 MS. PIDWELL:

6 Q. Do you recognise that man?

7 A. Yes, yes. He was guarding me at the police station. He was
8 Djaja from Laktasi.

9 [Video-clip played]

10 MS. PIDWELL: If we can go to 19:15, please.

11 [Video-clip played]

12 MS. PIDWELL:

13 Q. Do you recognise this house?

14 A. Yes, that's in Vrbanjci.

15 Q. Do you know who lived there?

16 A. Nisko Kovacevic, Ramo's son. He used to sell leather goods.
17 This is by his house.

18 Q. What was his ethnicity?

19 A. He was a Muslim.

20 MS. PIDWELL: If we can go to 22:20, please.

21 [Video-clip played]

22 MS. PIDWELL:

23 Q. Do you recognise this gentleman?

24 A. That's Dzevdo Turan, who was taken together with me from the gate
25 of the leather processing factory to the sawmill, and then from the

1 sawmill to the police building. Dzevdo was a neighbour of mine.

2 Q. Are you able to comment on whether this footage was taken -- or
3 when this footage was taken of him, what date?

4 A. He was first brought there to the police, together with me, and
5 as they were in the little room when they called out his name he was
6 taken to Banja Luka and he was also questioned there and then released
7 from Banja Luka. He returned through the woods on foot to his home, and
8 then they imprisoned him again in his home and brought him to the prison
9 behind the court, next to the pharmacy. I'm not sure if this was at that
10 moment. I don't think so. Because, at the time, he was all, as you can
11 see, he is all black and blue. Look at his eyes.

12 [Video-clip played]

13 MS. PIDWELL:

14 Q. Thank you, sir.

15 MS. PIDWELL: I appreciate that was a little disjointed,
16 Your Honour, but in order to expedite the process, I just wanted to show
17 you certain clips of that. That is already in evidence.

18 Q. Thank you, sir, I have no further questions for you today.

19 MR. ZECEVIC: I'm sorry, could we have the date of this video or
20 approximate date, if possible.

21 MS. PIDWELL: Another witness will come and -- who was featured
22 on the video and will give it the exact date.

23 MR. ZECEVIC: Thank you, Ms. Pidwell.

24 In order to expedite the cross-examination of this witness,
25 Mr. Aleksic will lead, then ...

1 JUDGE HALL: Thank you.

2 Cross-examination by Mr. Aleksic:

3 Q. [Interpretation] Good day, sir.

4 Before I begin asking you questions, I wish to tell you that
5 personally I really regret what you have gone through and what you have
6 suffered, both you and your family. But as my learned friend and the
7 Judges ask you questions, this is our job. We are professionals and I do
8 have certain questions for you.

9 You gave your first statement to the investigators of this Court
10 on the 12th of August, 2000; correct?

11 A. Yes.

12 Q. You have a wait a little bit, especially as we speak the same
13 language and because of protective measures as well. Please make a pause
14 and then answer my questions.

15 The interpreter who was present at the time interpreted the
16 statement to you. You said that to your knowledge and recollection, it
17 was true and accurate, and you signed it; correct?

18 A. Yes.

19 Q. And then, on the 29th of May, 2001, you met, again, with the
20 representatives of the OTP and the Registry of this Court, in order to
21 sign formally a declaration as a witness in accordance to Rule 92. And
22 on that occasion, before signing the declaration, you were again given
23 the opportunity read the statement in your language, and you said that
24 you wished to make some corrections and changes to the statement. Did it
25 happen that way?

1 A. Yes.

2 Q. If necessary, I do have copies of these statements here for you,
3 if you want it review them. But, believe me, what I will read is
4 correct.

5 I just want to remind you.

6 As for the changes on the 29th of May, 2001, you introduced five
7 very specific and minute, very detailed changes. Number one, on page 3,
8 paragraph 7 of your original statement, in the statement whiskey,
9 light-haired sergeant, you corrected the word "whiskey" into the word "a
10 tallish man" because in B/C/S it is "viski" and "visoki," and it was an
11 obvious error so you wanted it corrected; correct?

12 A. Yes.

13 Q. The next correction was that in a sentence words -- something in
14 the sentence of should be left out of the sentence when in the sentence
15 when said something in the sense of [as interpreted], I'll kill them and
16 so on, you said that this part of the sentence should be deleted;
17 correct?

18 MR. ALEKSIC: [Interpretation] Your Honours, I have copies of
19 these statements here together with the changes for the witness, so if he
20 could perhaps have a look at that. Maybe the usher could provide him
21 with the statements.

22 Q. I will find you where the changes are, just to facilitate matters
23 for you.

24 Please have a look at this. Are these the changes that you
25 wished to introduce at the time?

1 A. Yes.

2 Q. All right. Let us not go through these five minute changes.

3 After that, you signed the witness declaration, and you said that
4 the first statement with the additions, which included the changes, was
5 true and accurate, to the best of your knowledge and recollection;
6 correct?

7 A. Yes.

8 Q. In addition to that, sir, on the 18th of August this year, you
9 were interviewed as a witness before the federal organs in
10 Bosnia-Herzegovina, in connection with the same events that you talked
11 about today; correct?

12 A. I'm not sure if they were federal or state organs, but they came
13 from Sarajevo, from SIPA.

14 Q. Maybe this is my mistake. You know what I mean.

15 A. Yes.

16 Q. When you gave this statement, you were cautioned about your
17 rights and obligations from the Law on Criminal Procedure; namely, that
18 you have to speak the truth because you might be held accountable to
19 perjury then that you were entitled not to answer a certain question if
20 you or a close relative would be incriminated by that; is that correct?

21 A. Yes.

22 Q. And after that, you said that you had understood all the legal
23 cautions. And then you began giving your statement, something that I
24 noticed, which is under tab 4, if necessary. At the beginning of the
25 statement which you gave to the organs in Sarajevo you said:

1 Before I begin giving the statement about the circumstances which
2 I am familiar with, I wish to state that about these same circumstances,
3 I was interviewed by investigators of ICTY two weeks ago and we then
4 talked about events from the relevant period, and, on that occasion, we
5 agreed that we would continue our conversation about these events after I
6 returned to the country where are you now living, after my vacation.
7 Apart from that, we discussed the same matters in the said country on two
8 occasions.

9 Did you say what I just read out to you?

10 A. Yes.

11 Q. Did you say yes or no?

12 A. Yes.

13 Q. It was wrongly recorded and it wasn't the same.

14 Will you tell me, if this took place on the 18th August, when
15 approximately did you meet with the representatives of the Prosecutor's
16 office of this court this year?

17 A. We did not meet, but we talked on the phone. But I consider this
18 to be a sort of meeting.

19 Q. All right. That is sufficient. Thank you. Because it follows
20 from this that you had met them.

21 A. No, no, I didn't.

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)

2 (redacted)

3 (redacted)

4 JUDGE HARHOFF: That should be redacted.

5 MR. ALEKSIC: [Interpretation] My apologies, Your Honour.

6 Q. You then said, and you repeated this today, that Slobodan
7 Zupljanin was the direct of the Galko factory and was a captain of the
8 JNA. You said that from the colleagues from your factory you heard that
9 he was in Maslovare and that he commanded a unit of the Army of
10 Republika Srpska. You knew who Mr. Slobodan Zupljanin was and how he
11 looked; correct?

12 JUDGE HARHOFF: Mr. Aleksic, all right. I thought there was a
13 mistake in the transcript, but it has been corrected. Thank you very
14 much.

15 MR. ALEKSIC: [Interpretation]

16 Q. Now, did you agree to everything that I asked you in my previous
17 question?

18 A. Yes, I did.

19 Q. Now, at the moment when you said these soldiers stopped you in
20 the street, they were wearing green camouflage uniforms and they were
21 armed with automatic rifles. In your statement, in the penultimate
22 paragraph on page 3, if necessary, you say the following:

23 "I saw that the soldiers coming from the direction of the sawmill
24 were wearing green camouflage uniforms and that they were carrying
25 automatic rifles. These were regular soldiers from Banja Luka. This was

1 the first occasion that I had seen these soldiers in Kotor Varos. I
2 referred to these soldiers as specials. All of the specials that I
3 referred to were previously unknown to me and they all wore the same
4 green camouflage uniform."

5 Is what I just read out to you correct?

6 A. Yes, it is.

7 Q. As both you and I served this one and the same army, when you say
8 "regular soldiers," do you consider that these were the soldiers who were
9 serving their compulsory military service?

10 A. No. Because there was no regular compulsory military service any
11 longer.

12 Q. All right. Can you then explain to me what you implied by this
13 phrase "regular soldiers from Banja Luka"?

14 A. I considered when I used the word "regular" that they were
15 regular because they came from down there but we called them, like,
16 specials because there was interruption with regular army. There was no
17 army. There was Republika Srpska and ...

18 Q. Now a few questions about the period of time which you spent at
19 the police station.

20 You talked today - and you also mention in your statement - that
21 when Sejdo Tatar and Zdravko Samardzija were present that you felt safer
22 and that they practically protected you from any unpleasant thing, let me
23 put it that way; am I correct?

24 A. Yes, you are right. But I will also add that, when they left,
25 always, after their departure, there would be beatings.

1 Q. And am I right if I say that Sejdo Tatar questioned you for
2 several hours while you were there and that during this interrogation,
3 before or after the interrogation or during it, nothing happened to you,
4 as far as he was concerned and as far as the interrogation itself
5 development?

6 A. Sejdo Tatar interrogated me after four and a half months from the
7 prison to the SUP. But while I was at the SUP, Sejdo did not interrogate
8 me.

9 Q. When he interrogated you in the prison was the way I said, that
10 before, during, or after that, nobody as much as laid a hand on you while
11 you were giving your statement or - I don't know what to call that -
12 interview?

13 A. I have to say that Dule Vujicic took me from the prison and took
14 me up there that he cuffed my hand behind my back and immediately beat me
15 very badly so I can't stretch my arms even now. And they took me to the
16 unit at Bilica, about 20 of them, and they immediately gathered. They
17 wanted to beat me.

18 Then Sejdo stepped out the door and pulled out his pistol and
19 said, Whoever touches him, I'll shoot him. And then he interrogated me
20 for about two hours but it was really an interrogation. He wrote
21 everything. We were friends from school. And then Zdravko Pejic brought
22 a guy from Maslovare to guard me. Two times, in the meantime, people
23 came to the door because they wanted to beat me but he didn't allow it.
24 And then for a while nobody beat me, and Sejdo sent for Dule; and Dule
25 apologised to me and added that it wasn't his fault though, and that's

1 how it was.

2 THE INTERPRETER: Interpreter's correction, he said that I wasn't
3 to blame.

4 MR. ALEKSIC: [Interpretation]

5 Q. Tell us the ethnicity of the Sejdo Tatar?

6 A. He is a Muslim. But his wife is a Serbian woman from Maslovare.

7 Q. And he was a member of the regular police in Kotor Varos.

8 A. Yes.

9 Q. You said that he interrogated you for three or four months, since
10 you were first arrested on the 11th of June?

11 A. Yes.

12 Q. Today you were saying --

13 MS. PIDWELL: I wonder if that could be clarified. I'm sure that
14 my learned friend didn't mean to say that this man was interrogated for
15 three or four months. I think he meant to say months after his arrest.

16 MR. ALEKSIC: [Interpretation]

17 Q. Can you tell us whether it may have been October 1992 when
18 Sejdo Tatar interrogated you?

19 A. September, October, I can't give you the exact date, but ...

20 Q. You spoke about those guards in that building in the old prison
21 at Kotor Varos. You mentioned that in your statement given to the OTP
22 and in the statement that you gave in Bosnia-Herzegovina. And you said

23 (redacted)

24 (redacted)

25 (redacted)

1 (redacted)
2 (redacted)
3 (redacted)
4 (redacted)
5 (redacted)

6 Is what I read out to you correct?

7 A. Yes, it is. And I must add that during those three months, they
8 didn't have any authority. They were simply there. Whoever came in from
9 outside wearing a green camouflage uniform and a red hat could come and
10 go as he pleased and beat us and do anything. We were beaten every
11 evening for a long time.

12 Q. For the sake of the transcript, you said that they had no
13 authority while they were practically, right?

14 A. Authority in the sense of preventing any Serb from coming. Who
15 wore a green camouflage uniform could come whenever he pleased. They
16 were only in a position of authority toward us. They didn't leave us --
17 or, rather, they didn't let us go and they allowed us to go to the
18 restrooms, that's what I mean. But at least they didn't beat us.

19 Q. In your evidence today, you mentioned that Mr. Dubocanin also
20 came several times, or a few times, and I needn't read out everything to
21 you. It follows from what you mentioned that he was the boss over
22 everybody else who wasn't a guard; right?

23 A. Slobodan Dubocanin had an escort. He was called Kubura. So
24 Kubura and another man, whose name I don't know, they were the people who
25 everybody was afraid of. They would come to our room and beat us. But I

1 also mention Dule Maksimovic. And Djukic, I think Nedjo is his first
2 name; he was a police officer. And another Djukic, Milorad, who came.
3 Dule Maksimovic's brother was killed. And then he came and they started
4 beating us all. We had to look down and they beat us with the baton,
5 each one of us, and there was blood all over the floor. That's when
6 Slobodan Dubocanin came and said nobody will beat you anymore.

7 At the same moment he removed the boards from the windows because
8 before that we never saw the light of day. And after that we were no
9 longer beaten in that room. That's room number 3.

10 Q. Just two more little things, sir.

11 [Defence counsel confer]

12 MR. ALEKSIC: [Interpretation]

13 Q. About the visit of the ICRC. In your statement from 2000 that
14 you gave to the OTP, you say the following:

15 "On the 3rd of October, in the Kotor Varos prison, the ICRC
16 attended the prison of Kotor Varos and all the detainees were registered.
17 On this day, the president of the SDS, Djekanovic and Zdravko Pejic and
18 Slobodan Zupljanin attended the prison. I saw them meet with the" --

19 MR. ALEKSIC: [Interpretation] I apologise. It is not Stojan. It
20 is Slobodan Zupljanin:

21 Q. "On this day, the president of the SDS, Djekanovic and
22 Zdravko Pejic as well as Slobodan Zupljanin came to the prison. I saw
23 them meet with the ICRC representative in the guards room. The ICRC man
24 returned and continued with the registration."

25 Please wait a moment. In your statement that you gave on 18

1 August 2010 to the BH authorities, you also say about this event:

2 "We were registered by the ICRC at some time in September 1992.
3 On that occasion, I saw Slobodan Zupljanin and Nedeljko Djekanovic. They
4 complained to the ICRC representatives because they wanted to register
5 us. The registration was briefly interrupted and was continued after an
6 hour or two."

7 Is what I've just read out correct?

8 A. It is possible that I make mistakes with names. There is
9 Zdravko Krsic [phoen], there's Zdravko Samardzija, there are four or five
10 more men by the name of Zdravko, there's Slobodan Zupljanin, there's
11 Slobodan Dubocanin, I may have misspoken sometimes. I didn't do it on
12 purpose. I may have put it that way. But I know that Zdravko Pejic was
13 there, and so was Slobodan Zupljanin and so was Stojan Zupljanin and
14 Djekanovic. You know how it is in prison. You cannot raise your head
15 and look people in the eye. But beside me there was my brother who was
16 ten years older. Now he is now in America. He said Ahmed Cirkic -- or,
17 rather, Ahmed Cirkic was also there and others who confirmed that. I
18 don't know Stojan well, but I know Slobodan. He worked at the factory.
19 We were all in the same complex. There were many men with the name of
20 Zdravko or Slobodan.

21 Q. But you didn't know what Stojan Zupljanin looked like?

22 A. The brother, Bejbac, and he don't look much different. Slobodan
23 may have been the one who was closest to me standing in the door, I'm not
24 sure. It was like -- I just caught a glimpse of their heads. They took
25 out the man and sat with him in that room for two hours. I wasn't

1 present, as is said here, because I couldn't leave the room. But,
2 anyway, the man returned and registered all of us.

3 Q. Sir, I understand. You provided a logical explanation of making
4 a mistake with names. But today you said that both Slobodan and
5 Stojan Zupljanin were there and some other persons. This is the first
6 time we hear this version. Because so far, you were saying only that
7 Slobodan Zupljanin was there. You never mentioned Stojan before. But
8 according to you, this version, both were present?

9 A. And they were. When I speaking -- or that is when I was speaking
10 and they were making notes of it, I may have mentioned one name or the
11 other, but now I'm certain that both of them were there. There were five
12 to six people in all.

13 Q. Are you sure that you saw Stojan Zupljanin on that day; that is,
14 the 3rd of October, in Kotor Varos?

15 A. On the 3rd of October, in the prison, Stojan Zupljanin,
16 Slobodan Zupljanin, Zdravko Pejic, Nedjo Djekanovic and some others
17 appeared in the door. I personally don't know Stojan Zupljanin. That's
18 what I said. But my brother and the others know him. My brother worked
19 at the university. He knew the man. He spoke about him. He was a
20 Communist, I wasn't. And he told me, Oh, there's Stojan, too. He has
21 also arrived.

22 Q. So you personally did not see Stojan Zupljanin. You didn't see a
23 man of whom you know that he was Stojan Zupljanin?

24 A. I'm saying even now and every time I have repeated, I couldn't
25 raise my head. Do you know what it means when are you beaten for four to

1 five months? You don't recognise your own father.

2 Q. Just tell me yes or no.

3 A. Yes.

4 MR. ALEKSIC: [Interpretation] Can we just briefly replay the
5 video-clip that we saw today. 1579P.

6 [Video-clip played]

7 MR. ALEKSIC: [Interpretation]

8 Q. Sir, the man entering wearing boots, what kind of a uniform is he
9 wearing?

10 A. A regular green military uniform. I had such a one.

11 [Video-clip played]

12 MR. ALEKSIC: [Interpretation]

13 Q. Sir, what kind of hat is this person wearing?

14 A. Well, it looks black to me, at least from what I can see here.

15 Q. But do you see the insignia on the left and right sides of his
16 chest? Are these military insignia of a reserve soldier?

17 A. No.

18 [Video-clip played]

19 [Trial Chamber and Registrar confer]

20 MR. ALEKSIC: [Interpretation]

21 Q. Sir, the man in the background with the hat, what kind of hat is
22 that?

23 JUDGE HARHOFF: Mr. Aleksic, sorry. If this is of any importance
24 to your cross-examination, I suggest we try and find a better copy of the
25 video-clip, because what we have on our screen is basically green and

1 black. It is impossible to discern any colour. Maybe the Prosecution
2 could assist, or the Registrar. If this is important to your
3 cross-examination.

4 MS. PIDWELL: Your Honours our version is much clearer.

5 JUDGE HARHOFF: Say again?

6 MS. PIDWELL: Our version is much clearer, if you want our
7 Case Manager to play it in Sanction.

8 MR. ALEKSIC: [Interpretation] Thank you for the assistance. It's
9 the fifth minute and 40 -- 42 seconds.

10 [Video-clip played]

11 MR. ALEKSIC: [Interpretation]

12 Q. What colour is this cap behind the man who is wearing no cap?

13 A. It looks green, because it's a camouflage uniform. It's not the
14 regular olive-drab one.

15 JUDGE HALL: Mr. Aleksic, if I might interrupt at this point.
16 When do you think you would be finished with this witness?

17 MR. ALEKSIC: [Interpretation] Yes, yes, yes. Absolutely,
18 Your Honour. By the end of this session. Perhaps another ten minutes.

19 JUDGE HALL: Thank you.

20 And, Mr. Zecevic.

21 MR. ZECEVIC: We will have no cross-examination for this witness.

22 JUDGE HALL: And re-examination?

23 MS. PIDWELL: None so far.

24 JUDGE HALL: Thank you.

25 [Trial Chamber and Registrar confer]

1 JUDGE HALL: So we are looking at not having to have an extra
2 session this afternoon. And looking towards a few minutes after, if
3 necessary, after 1.45.

4 Thanks.

5 MR. ALEKSIC: [Interpretation]

6 Q. So, sir, you said that judging by the uniform, by the pattern,
7 that was the kind of cap he had, a matching one.

8 A. Yes. That's how I see it.

9 Q. Today you talked about Dule Vujicic in connection with the
10 uniforms and the swapping of uniforms. You said that he was local
11 policeman from Kotor Varos and that he wore a blue camouflage uniform
12 with a matching cap while sometimes he wore a green camouflage uniform
13 and a red beret. Is that what you said?

14 A. That is what I said. When he came to fetch me to be interrogated
15 by Sejdo, he came wearing a green camouflage uniform and a red cap.

16 Q. And you said that that was perhaps in September or October 1992,
17 to the best of your recollection?

18 A. Thereabouts. Because we were already not beaten at the time,
19 so ...

20 Q. And did you see any other local policemen whom you knew from
21 Kotor Varos who also wore green camouflage uniforms occasionally and red
22 berets as well. Can you remember any other name?

23 A. Well, I didn't walk around much. I just talk about what happened
24 and what I personally saw.

25 Q. Thank you, sir.

1 MR. ALEKSIC: [Interpretation] Thank you, Your Honours, I have no
2 more questions for this witness.

3 MS. PIDWELL: I have no re-examination.

4 JUDGE HALL: Thank you, Mr. Witness. Your testimony is at an
5 end. We thank you for coming to give your testimony before the Tribunal,
6 and we sympathise with the indignities and harm that you suffered at the
7 time.

8 We wish you a safe journey back to your home, and you are now
9 released as a witness.

10 THE WITNESS: [Interpretation] Thank you.

11 [The witness withdrew]

12 MR. KRGOVIC: [Interpretation] Your Honours, if I may, in this
13 way, Stojan Zupljanin's Defence requests that for the purpose of
14 cross-examination, Witness Nedeljko Djekanovic be re-called because this
15 witness mentioned that he was present during the ICRC visit so that we
16 might cross-examine him about the circumstances about which this witness
17 just testified.

18 JUDGE HALL: We've noted your application and we will rule on it
19 in due course.

20 My recollection from the last version of the calendar that I saw
21 is that we reconvene on Monday morning in this courtroom.

22 So we rise and I wish -- yes, Ms. Pidwell.

23 MS. PIDWELL: Just for the record, Your Honour, while you're
24 considering that issue, I do note that Nedeljko Djekanovic's name is in
25 the witness's original statement that he made about this, so that's not a

1 new issue. That was in the witness's original statement, and that
2 statement -- well, correct me if I am wrong, but I think this witness was
3 probably an original witness for ours which we subsequently dropped. So
4 it was probably disclosed years ago. It's not a matter that is new to
5 the Defence at this juncture. I just state that for the record.

6 JUDGE HALL: Yes. Thank you.

7 MR. KRGOVIC: [Interpretation] Yes, Your Honour, but it was not
8 disclosed that Stojan Zupljanin was present. Because the witness's
9 statement says that it was Djekanovic and Slobodan Zupljanin. The name
10 of Stojan Zupljanin is not there. This is the first time, the day before
11 yesterday, that the witness changed his testimony with regard to the two
12 statements he had given earlier and this was the first time that he
13 mentioned that in addition to Djekanovic and Slobodan Zupljanin,
14 Stojan Zupljanin was also there. Had the Defence known this fact, we
15 would have cross-examined Mr. Nedeljko Djekanovic about these
16 circumstances. And this is precisely why, when I said that in case that
17 leading this evidence is allowed -- would request that some other
18 witnesses be re-called. I had in mind specifically Nedeljko Djekanovic.
19 He has testified before this Court, and he never mentioned anything like
20 this, nor did the Defence have the information that in any way whatsoever
21 the name of Stojan Zupljanin was mentioned in connection with this
22 incident dated the 3rd of October about which this witness testified.

23 So this is a new fact which requires -- because the witness
24 mentioned that Djekanovic was present, and now in the same context he
25 mentioned Stojan Zupljanin as well. And he never earlier -- even at the

1 time when Djekanovic testified about this, was it disclosed to us that
2 the position of the Prosecutor was that Stojan Zupljanin was also
3 present, and therefore this is quite a legitimate request for another
4 examination of Mr. Nedeljko Djekanovic in connection with these
5 circumstances.

6 [Trial Chamber confers]

7 JUDGE HALL: Thank you. So we will take the adjournment until
8 Monday. We wish everyone a safe weekend.

9 --- Whereupon the hearing adjourned at 1.45 p.m.,
10 to be reconvened on Monday, the 8th day
11 of November, 2010, at 9.00 a.m.

12
13
14
15
16
17
18
19
20
21
22
23
24
25