

1 Thursday, 4th October 2007

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 2.18 p.m.

6 JUDGE MOLOTO: Good afternoon, everybody.

7 Madam Registrar, could you please call the case.

8 THE REGISTRAR: Good afternoon, Your Honours.

9 This is case number IT-04-83-T, the Prosecutor versus Rasim Delic.

10 JUDGE MOLOTO: Thank you very much.

11 Could we have appearances for the day, starting with the
12 Prosecution.

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

14 Good afternoon, Your Honours, Counsel, and everyone in and around
15 the courtroom.

16 Daryl Mundis for the Prosecution. I'm assisted today by my case
17 managers Alma Imamovic and Fraser McIlwraith.

18 JUDGE MOLOTO: Thank you very much.

19 For the Defence.

20 MS. VIDOVIC: [Interpretation] Good afternoon, Your Honours. Good
21 afternoon to my learned friends. Good afternoon to everyone.

22 Vasvija Vidovic and Nicholas Robson on behalf of General Delic.
23 Our case manager is Lejla Gluhic.

24 JUDGE MOLOTO: Thank you very much, Madam Vidovic.

25 Good afternoon, sir. Will you please stand up.

1 THE WITNESS: Good afternoon.

2 JUDGE MOLOTO: Good afternoon. Will you please make the
3 declaration.

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

6 WITNESS: VELIBOR TRIVICEVIC

7 [The witness answered through interpreter]

8 JUDGE MOLOTO: Thank you very much. You may be seated. Thank you
9 so much.

10 THE WITNESS: [Interpretation] Thank you.

11 JUDGE MOLOTO: Mr. Mundis.

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

13 Examination by Mr. Mundis:

14 Q. Sir, for the record, can you please state your full name?

15 A. Velibor Trivicevic.

16 Q. And, Mr. Trivicevic, can you please state your date of birth and
17 place of birth?

18 A. 25th of April, 1970, Prnjavor.

19 Q. Mr. Trivicevic, can you please tell the Trial Chamber how you were
20 employed when the war in Bosnia and Herzegovina began?

21 A. At the beginning of the war, I was doing my regular military term,
22 the former JNA.

23 Q. And when did your term of service in the JNA come to an end?

24 A. My term of service came to an end the 17th of January, 1992.

25 Q. Mr. Trivicevic, following the 17th of January, 1992, were you

1 gainfully employed, and if so, in what capacity?

2 A. I started working at the Prnjavor Health Centre as a paramedic. I
3 was working with the ambulance.

4 Q. Did there come a time, sir, after the 17th of January, 1992, when
5 you joined a military force, and if so, which military force did you join?

6 A. I had been called up by the Prnjavor sector of the Defence
7 Ministry, and I joined the Army of the Republika Srpska on the 28th
8 [Realtime transcript read in error "20th"] of June, 1992.

9 Q. And, sir, what unit of the Army of the Republika Srpska did you
10 join?

11 A. It was the 1st Light Infantry Brigade in Prnjavor.

12 Q. How long, sir, did you continue serving in the VRS 1st Light
13 Infantry Brigade of Prnjavor?

14 A. I continued serving in the Brigade until the 1st of January, 1993,
15 when I left the unit and again joined the 1st Light Infantry Brigade on
16 the 4th of August, 1994.

17 Q. When you rejoined that unit on the 4th of August, 1994,
18 Mr. Trivicevic, what were your military duties or responsibilities?

19 A. My duties, in purely civilian terms, was to work as a paramedic
20 with the medical unit of the 1st Light Infantry Brigade. I was attached
21 to the medical unit.

22 Q. In July 1995, Mr. Trivicevic, can you please tell us where you
23 were deployed?

24 A. It was at a position held by the 3rd Battalion of our unit.

25 Q. And, sir, where was this position held by the 3rd Battalion of the

1 1st Light Infantry Brigade?

2 A. It was near the Krcevine hamlet, Lozna village, Banovici
3 municipality, in the Ozren theatre of war.

4 Q. I'll return to that in just a moment, sir, but I believe there
5 might be an error in the transcript. It indicates on line 8 of page 3
6 that you joined the VRS on the 20th of June, 1992. Is that, in fact, the
7 correct date, 20 June 1992?

8 A. The 28th.

9 Q. Thank you. Now, Mr. Trivicevic, at the time the 3rd Battalion of
10 the 1st Light Infantry Brigade of the VRS was near the Krcevine hamlet,
11 what armed force or unit was on the other side of the front line?

12 A. According to our information at the time, facing us on the other
13 side of the front was the BH Army, led by the El Mujahedin Detachment.

14 Q. Can you specifically tell the Trial Chamber, sir, the location
15 where you personally were in the month of July 1995?

16 A. At the time I was captured, I was at Radovan Todorovic's house in
17 Krcevine hamlet, about 300 metres behind the front line. I believe that
18 was the name of the man that the house belonged to.

19 Q. And, Mr. Trivicevic, what were you doing in Radovan Todorovic's
20 house in Krcevine hamlet in July 1995?

21 A. There had been an action by the Mujahedin on the 27th of May,
22 1995. Our part of the unit was cut off as a result of this action, and
23 the wounded couldn't be helped in a timely manner, so we were forced to
24 set up a forward medical post in order to help those people, the wounded.
25 I was working as a paramedic at this forward post.

1 Q. And at this forward medical post in Radovan Todorovic's house in
2 Krcevine in July 1995, were you the only person with medical training at
3 that forward medical post?

4 JUDGE MOLOTO: Just before the witness answers, can I just check
5 something? The previous answer said the witness said: "There had been an
6 action by the Mujahedin on the 27th of May, 1995."

7 The next question said:

8 "Now, at this forward medical post in Radovan Todorovic's house in
9 July 1995." Is it May or July?

10 MR. MUNDIS: We can ask the witness to again clarify that, but I
11 believe he said as a result of the 27th of May, 1995, his unit was cut
12 off, and as a result they established the forward medical post.

13 JUDGE MOLOTO: Okay, I'm sorry.

14 MR. MUNDIS: Is that clear from the record, Your Honour?

15 JUDGE MOLOTO: I accept your explanation.

16 MR. MUNDIS:

17 Q. Mr. Trivicevic, let me return, then, to the forward medical post
18 in Radovan Todorovic's house in Krcevine. During the month of July 1995,
19 other than yourself, were there any persons at that medical post with
20 medical training or experience?

21 A. There were just three of us at the house, the doctor, Branko
22 Sikanic, a medical student, second-year student, Miroslav Knezevic, and I.

23 Q. Now, Mr. Trivicevic, you told us a few moments ago that you were
24 captured. Can you tell the Trial Chamber the date that you were captured?

25 A. On the 21st of July, 1995. It was a Friday, as a matter of fact.

1 Q. Can you please briefly tell the Trial Chamber what you recall
2 happening on 21 July 1995, beginning from the time you woke up on that
3 day?

4 A. We were awoken by sounds of shooting on that day, small arms
5 firing and shells going off. We, the medical unit, got ourselves ready.
6 We went down to the cellar of that house in which we were staying in order
7 to be ready to take in any wounded, and it was obvious that there would be
8 wounded people. Soon the first wounded started coming in, and we tried to
9 help them. We gave them first aid.

10 After that, I came out of the cellar, stepped out in front of the
11 house, and I saw the column of people moving from the front line and in
12 the direction of our house. I assumed that those were people from our
13 side of the front line, our end of the front line, trying to retreat in an
14 organised manner, so I told Branko Sikanic, the doctor, that we should go
15 back to our rooms, get our equipment, get the wounded, and that those
16 people would help us get the wounded out of the area.

17 We went back into the house. However, as soon as we were back
18 out, we dashed out of the house and straight into a group of Mujahedin
19 standing there. Actually, we were right in front of them when we stepped
20 out of the house.

21 Q. Let me interrupt you at this point, sir, and ask a couple of
22 follow-up questions.

23 You told us, as reflected on page 6, line 9: "We were awoken by
24 sounds of shooting on that day." Do you recall, Mr. Trivicevic,
25 approximately what time the shooting began on 21 July 1995?

1 A. I can't remember the exact time, but I think it was --

2 THE INTERPRETER: Can the witness please repeat the time? The
3 interpreter didn't understand the time.

4 MR. MUNDIS:

5 Q. Sir, you've been asked by the interpreter to repeat the time,
6 because the interpreters didn't understand what you said.

7 A. It could have been quarter to or 10 to 4.00 in the morning.

8 Q. Now, Mr. Trivicevic, you also told us, as reflected on page 6,
9 line 23: "We dashed out of the house and straight into a group of
10 Mujahedin standing there." My first question, sir, is: When you say, "We
11 dashed out of the house," whom are you referring to?

12 A. I was referring to myself and Dr. Sikanic, because we were the
13 only people who went back to the house to get the stuff that was there.

14 Q. And, sir, when you say you ran straight into a group of Mujahedin
15 standing there, can you tell us about this group of Mujahedin, in terms of
16 how many, what they were wearing, what type of weapons, if any, they were
17 carrying, et cetera?

18 A. At the time, they were standing some 30 metres away from me. I
19 realised that they were a group of about ten. I don't know exactly how
20 many there were, though. There were two or three men standing there who
21 were talking in a language that we understood, that was intelligible to
22 us. They were carrying automatic rifles, and for the most part they were
23 carrying sabres, axes, and other such sharp implements.

24 Q. Now, I'm not sure if the record -- or the transcript accurately
25 reflected what you said. The language that they were speaking, could you

1 understand that language or not?

2 A. This was a group of ten, and there were two or three in that group
3 who spoke in a language that we understood. The remaining part were using
4 a language that we did not understand.

5 Q. This group of approximately ten people, what type of clothing were
6 they wearing?

7 A. They weren't all wearing the same type of uniform. They even were
8 wearing some civilian clothes, bits and pieces of civilian clothing items,
9 in a manner of speaking, different types of uniforms. Those weren't
10 standard-issue military uniforms. They were wearing all sorts of
11 different military uniforms.

12 Q. Do you recall, sir, seeing any type of insignia on any of the
13 items of military uniforms that were worn by these people?

14 A. No, I don't remember any of that.

15 Q. Now, you told us a few moments ago, as reflected on line 23 of
16 page 7, that they were standing "some 30 metres away from me." Can you
17 tell us what happened after you saw them standing some 30 metres away?

18 A. I came running out of that room in which we were helping the
19 wounded. However, there was no one outside that room. They probably
20 noticed that a Mujahedin unit had arrived, and they left the place. The
21 Mujahedin started shouting in an unintelligible language, shouting for us
22 to surrender. I realised that there was no way out for me, that I had no
23 choice but to surrender, so I put my hands up in the air, which was a
24 token of surrender.

25 JUDGE MOLOTO: Can I just ask one little question. I know I

1 should have asked it a little earlier.

2 Sir, at page 7, lines 17 to 18, in response to a question to who
3 you were referring when you said, "We dashed out of the house," you said
4 that it was yourself and Dr. Sikanic. Can I just ask, what became of
5 Miroslav Knezevic? Was he not with you at the time?

6 THE WITNESS: [Interpretation] Miroslav Knezevic stayed back with
7 the wounded in the room in which we were helping them. When we went back
8 into the house, there were all the people that were being helped, who were
9 being treated, and all those taking care of them, and then they all left
10 the place. He's still listed as missing to this very day.

11 Some of the people who left the house on that day are still alive
12 and well, fortunately.

13 JUDGE MOLOTO: Thank you very much. You may proceed, Mr. Mundis.

14 MR. MUNDIS: Thank you, Your Honour.

15 Q. Now, sir, you told us that you placed your hands above your head,
16 up in the air, "I put my hands up in the air, which was a token of
17 surrender." What happened after you put your hands up in the air?

18 A. Well, in the meantime Dr. Sikanic came running out of the house.
19 He realised what was going on, too. He ran straight to the cellar,
20 probably to conceal our lists and everything else that he was keeping at
21 the time. Their interpretation of this, however, was that he was
22 commencing combat, and that's why they opened fire. The firing went on
23 for some time before the doctor decided to surrender, and he came out of
24 the house together with me, and they were shouting, "Surrender,
25 surrender." I said, "What else should I do, put my hands up in the air?"

1 For me, that was tantamount to surrender.

2 There were Bosnians in that group, and they started saying that in
3 the Arab world, in order to surrender, one lies down on the ground and
4 places one's hands at the nape of one's neck, which as a result of that
5 instruction, we did.

6 Q. Let me again, sir, interrupt you and ask a couple of follow-up
7 questions.

8 You told us: "They were shouting, 'Surrender, surrender.'" Do
9 you recall, sir, who was shouting, "Surrender, surrender," to you?

10 A. The handful of men from that group were shouting something in a
11 language that we didn't understand. However, there were two or three men
12 in that group who spoke in Serbian, and those were telling us that what
13 the other men were shouting, "Men, surrender, surrender." They repeated
14 this a couple of times, suggesting that we should surrender as ordered by
15 those other men.

16 Q. At this point in time, sir, when you lay down and put your hands
17 at the nape of your neck, do you know where Miroslav Knezevic and the
18 wounded men were?

19 A. At this point in time, I did not see any of these people.

20 Q. And just so that the record is clear, Mr. Trivicevic, where was
21 Dr. Sikanic at the time you lay down and placed your hands at the nape of
22 your neck?

23 A. We did that together. Just moments before he had raised his arms,
24 he had come out of the cellar, and he was now standing next to me, which
25 means that we both lay down on the ground together.

1 Q. Mr. Trivicevic, as members of the medical profession serving in
2 the VRS, what distinctive insignia, if any, did you wear on your uniforms
3 indicating that you were members of the medical profession?

4 A. None. There was a red cross that we drew on a wall of the house,
5 which meant there was a medical station in the house, but we wore no
6 insignia at all distinguishing us from anybody else as members of a
7 medical unit.

8 Q. Now, Mr. Trivicevic, are you in a position to indicate or to
9 approximate the time of day on 21 July 1995 that you and Dr. Sikanic
10 surrendered to this group of ten Mujahedin?

11 A. This was sometime at daybreak, quarter past 4.00, half past 4.00
12 in the morning, but I can't be more accurate than that.

13 Q. Can you describe for the Trial Chamber, to the best of your
14 recollection, the weather conditions, including visibility, at the time
15 you surrendered on 21 July 1995?

16 A. It was a clear day. Visibility, 50/50, you could say. This was
17 daybreak, so as far as visibility was concerned, this was a point in the
18 day that was neither day nor night, in a manner of speaking.

19 Q. After you and Dr. Sikanic surrendered on 21 July 1995, did the
20 persons to whom you surrendered take you somewhere, take you and
21 Dr. Sikanic somewhere?

22 A. There were several places at which we stopped provisionally, but
23 then eventually they took us to the village of Livade.

24 Q. Now, Mr. Trivicevic, in a few moments I'm going to ask you about
25 the village of Livade, but you've told us that you stopped at several

1 places, you stopped provisionally. Can you just, at this point in time,
2 tell the Trial Chamber the locations where you stopped while being taken
3 to Livade?

4 A. We first stopped outside the house where the Battalion Command
5 used to be and then outside a trench on our end of the line, and then near
6 the medical unit on the other side, the Mujahedin medical unit.

7 Q. Sir, when you say "the house where the Battalion Command used to
8 be," do you know or can you tell us which battalion you're referring to
9 when you say "the house where the Battalion Command used to be"?

10 A. The Command of the 3rd Battalion of the 1st Light Infantry Brigade
11 of Prnjavor.

12 Q. And that's the VRS unit that you belonged to; is that correct?

13 A. Correct.

14 Q. Can you briefly tell the Trial Chamber what, if anything, happened
15 while you were at this house while being escorted to Livade by the ten
16 Mujahedin?

17 A. We were being escorted by three of the Mujahedin. The others had
18 already left. They took us outside the house and threw us down on the
19 ground. They used a pair of scissors that they had previously found among
20 our medical tools, and they shored my hair off, saying they were doing this
21 to distinguish a dog from one of their brethren.

22 They took all of the stuff that we were wearing off us, the silver
23 chain that I was wearing, the money, German marks, the dinars. They seized
24 everything, my driving license, my military identification booklet,
25 because there were photographs inside. They wanted to show me how I would

1 end up burning in hell because I stood up against Allah [Realtime
2 transcript read in error "a law"].

3 One of the Bosnians in that group walked back to where we were
4 standing. He had a wound to his lower leg. I asked to help him, to dress
5 his wound, and they said I wouldn't be allowed to help one of their
6 brothers. And he just put a bandage around his leg saying, "Allah has
7 been merciful on me," and he just walked on.

8 JUDGE MOLOTO: Is that -- just a clarification. You said they
9 said, "You're going to burn because you stood up against ..."?

10 THE WITNESS: [Interpretation] They were burning my documents, my
11 driving license, my military identification booklet, because my
12 photographs were inside. Those, they set fire to those to show us how we
13 would end up burning in hell because we stood up to or against Allah.

14 JUDGE MOLOTO: Thank you very much.

15 You may proceed, Mr. Mundis.

16 MR. MUNDIS:

17 Q. Mr. Trivicevic, you told us at line 2 of page 13: "They shorn my
18 hair off, saying that they were doing this to distinguish a dog from one
19 of their brethren."

20 What did that mean to you?

21 A. Since I had the same sort of beard that I -- then that I have now,
22 and all the Mujahedin wear a beard, I needed to look different from them.
23 That's how I understood that at that time.

24 Q. Now, you also told us, sir, that one of the, as you put it,
25 provisional stops was at a trench. Can you tell us -- you said "outside a

1 trench on our end of the line." This is line 12 of page 12.

2 Can you describe or tell us what happened at this trench on "our
3 end of the line," as you put it?

4 A. When they brought us to the pine woods near a trench and a dugout,
5 there was a body in front with its head cut off.

6 Q. Did you see anything next to this body with the head cut off?

7 A. Yes. There was a large axe next to the body.

8 Q. Do you know whose body that was that you saw near this trench?

9 A. I don't know whose body it was, although they were showing
10 documents belonging to Bogomir Danicic. However, that day, that man had
11 escaped. He saved himself, leaving his documents behind. I thought that
12 that was that man until I was released, but actually it turned out that he
13 was alive. So I don't know who the dead body belonged to.

14 Q. While you were at this location near the trench, sir, did anything
15 else occur or happen while you were there?

16 A. Next to the body with the cut-off head, they knocked me down first
17 to the ground, and then also they did the same thing to Igor Sikanic
18 [as interpreted]. One of the Mujahedin who was escorting us took the axe,
19 shouting, "Allah Ekber." He struck the axe into the ground immediately
20 next to my head.

21 Q. Again, sir, on line 25, continuing on to line 1 of page 15, it
22 indicates "they did the same thing to Igor Sikanic." Is that correctly
23 reflected in the transcript?

24 A. No. Igor is not "Sikanic." The first name of Sikanic
25 is "Branko." It's "Dr. Sikanic."

1 Q. Thank you. Now, finally, sir, you told us again, and this is
2 reflected on lines 11 through 13 of page 12, that you made a provisional
3 stop near the medical unit on the other side, the Mujahedin medical unit.
4 Can you tell the Trial Chamber what, if anything, happened when you made a
5 stop at that location?

6 A. We stayed for a long time at that place. All kinds of things
7 happened there. I don't know specifically what you are thinking of so
8 that I can respond precisely.

9 Q. How were you treated while you were temporarily at this location?

10 A. First, they brought us, and then the doctor came from the medical
11 unit who was wearing green surgical scrubs. He had a stethoscope, and
12 when we said that we were colleagues, the doctor came out and he slapped
13 us in front of everybody.

14 Q. And who was this doctor that you're referring to wearing the green
15 surgical scrubs?

16 A. I don't know. I think that that was the doctor from the El
17 Mudjahedin Detachment. I never saw that man again later, so I don't know
18 exactly who it was.

19 Q. And after this incident where you were slapped, did anything else
20 happen?

21 A. Then they knocked us all down onto a pile of gravel. They tied
22 our hands and -- legs and hands to our back, and then somebody who was
23 there from the medical unit brought out a medical knife, and in front of
24 us he wrote on a piece of paper, "This is the end of Chetniks," and then
25 he stuck that piece of paper onto the small knife.

1 Q. And just so that we're clear, Mr. Trivicevic, when you say, "They
2 knocked us all down," who are you referring to?

3 A. Us. Every time I say "us," it refers to myself and to
4 Dr. Sikanic.

5 Q. Now, this piece of paper that said, "This is the end of the
6 Chetniks," did it remain on the small knife?

7 A. Having seen that they did not achieve the effect that they wanted
8 to of frightening us with that small knife, later they brought a large
9 knife and stuck it into the sand, and then stuck the piece of paper on
10 that. Later, when we were transported in the car, they stuck that same
11 piece of paper onto Dr. Sikanic's back, and he arrived at Livade with that
12 same piece of paper stuck to his back.

13 Q. Let's turn now, sir, to your arrival in Livade. Do you recall
14 approximately what time you arrived in that village on that day?

15 A. I don't know the exact time. In my estimate, it could have been
16 around 7.00.

17 Q. In the morning or in the evening?

18 A. In the morning.

19 Q. And what was the date?

20 A. The 21st of July, the same day that we were captured.

21 Q. In which year, sir, just for the record?

22 A. 1995.

23 Q. And when you arrived in Livade, can you tell the Trial Chamber
24 where you were taken to in that village?

25 A. We were placed into a warehouse where there were many boxes and

1 tins of food.

2 Q. And just for the record, sir, how long did you eventually remain
3 in this warehouse in Livade?

4 A. We stayed there until noon that same day.

5 Q. Did you see -- other than Dr. Sikanic, did you see any other
6 people in this warehouse?

7 A. In that warehouse, there was a group. I don't know the exact
8 number. It was about 10 or 11 people. I'd forgotten the number, Muslims,
9 who were on our side, who were captured by the Mujahedin during an
10 action. But since they didn't know exactly who they were, they brought
11 them there just in case so they could just check them out.

12 Q. Did you know any of these 10 or 11 Muslims that you saw in this
13 house -- in this warehouse in Livade?

14 A. I knew one of them very well. As for the rest, I knew them by
15 sight, from seeing them around the town of Prnjavor.

16 Q. Do you remember the name of the one that you knew very well?

17 A. His last name was Djodjic. I forgot his first name.

18 Q. And when you say, sir, "These Muslims were on our side," what were
19 they doing on your side, if you know?

20 A. These were people who had refused the summons to join the Army of
21 Republika Srpska, and they were mobilised by going to the lines, to dig
22 trenches, to bring food, so they were doing some auxiliary tasks.

23 Q. You told us, sir, as reflected on line 12 of page 17, that you
24 remained in the warehouse until noon. What happened or where were you
25 taken at noon on 21 July 1995?

1 A. Just one moment. Before that, I just want to emphasise that in
2 the meantime, maybe an hour after we got there, Igor Guljevatej was
3 brought to the warehouse. He was our soldier on our line. So from that
4 point in time on, there were three of us.

5 Q. And let me just -- let me just ask you at this point, sir: Do you
6 know what unit Igor Guljevatej was in?

7 A. Yes. He was in our units. He was a fighter in the 3rd Battalion
8 of the Light Infantry Brigade.

9 Q. And, sir, now can you tell us where Dr. Sikanic, Igor Guljevatej
10 and yourself were taken around noon on 21 July 1995?

11 A. At around noon, they transferred us to a nearby house. It was an
12 older house that was a house on two floors, or the ground floor -- it had
13 a ground floor and a first floor.

14 Q. And for how long in total, sir, did you remain with the other two
15 men in that house?

16 A. We stayed in that house until the morning of the 23rd of July,
17 until Sunday, in 1995.

18 Q. Can you tell the Trial Chamber what happened to you while you were
19 in that house from noon on the 21st of July until the morning of 23 July
20 1995?

21 A. I can tell you everything that happened.

22 First, the man came who actually brought us there. He removed
23 shoes and socks from all of us, so all we wore were trousers and a
24 T-shirt. Then first I was taken into a room where, before that, the
25 Muslims who had been captured were taken. In front of them, he knocked me

1 down to the floor. He took a sabre or a sword. He sat on my back, and he
2 lifted my head in order to explain to them how Serbs and Chetniks should
3 be treated, to demonstrate how to cut their throat.

4 Q. Let me, sir, stop you at this point in time, briefly.

5 You just mentioned that the Muslims who had been captured were in
6 this room. Were these the same 10 or 11 Muslims that you'd seen earlier
7 in the warehouse or were they different Muslims?

8 A. No, they were the same people.

9 Q. Can you please continue describing what happened?

10 A. Then he took my T-shirt and rolled it back over my head, and he
11 placed a rope and tied it over the T-shirt, around my neck. Then he
12 tightened the binding on my arms on my back. Then he bent my legs to the
13 back and tied them to the hands. And then after that, he again tied my
14 hands on my back. He did the same thing with the other two.

15 He came several times to touch our hands, and for as long as they
16 were soft, he went away. But when the hands hardened because of the
17 swelling, he came, he untied us. He placed us in a corner of the room
18 opposite from the place where the people who were in the room were
19 sitting.

20 Q. And, sir, do you know what, if anything, happened to Dr. Sikanic
21 or Igor Guljevatej while they were with you in this house in Livade?

22 A. The same thing was repeated. The same thing that was done to me
23 was done to them.

24 Q. Did you receive, sir, any food while you were detained in this
25 house?

1 A. Yes. At one point, the Mujahedin came, and they brought food for
2 the Muslims. They asked them if they received anything to eat while they
3 were with us, and when they answered affirmatively, they gave us also some
4 fish and a can of food.

5 Q. Did anything happen while you were eating the fish?

6 A. No.

7 Q. Can you tell us, sir, what else happened or what else you observed
8 while you were in this house in Livade?

9 A. After what happened, you could hear shouting and noise in front of
10 the house. I didn't know what was happening, with shouts "Allahu Ekber."
11 One of the Mujahedin who was guarding us ran out of the room, and very
12 quickly he came back to the room where we were, carrying in his arms the
13 cut-off head of a person who I knew before. His name was Momir Mitrovic.

14 Q. Can you tell us, Mr. Trivicevic, whether Momir Mitrovic during the
15 war was a civilian or a soldier?

16 A. Momir Mitrovic was a soldier in the 1st Battalion of the 1st
17 Infantry Brigade of Prnjavor.

18 Q. Can you tell us, sir, what happened when this person brought Momir
19 Mitrovic's head into the room?

20 A. He entered carrying the head in both of his hands in front of
21 him. He was holding the head in front of us and asked if we knew that
22 man. I obviously knew him from before, but I didn't dare say that. I
23 said that I didn't know him, and the other two repeated the same thing.
24 He placed the hand [as interpreted] in a fruit cardboard box and took it
25 outside.

1 Q. Now, excuse me for interrupting, sir, but the record again, I
2 believe, has an error. It indicates on line 8 of page 21: "He placed the
3 hand in a fruit cardboard box." Is that correct?

4 A. He placed the head of Momir Mitrovic into a cardboard box and took
5 it out of the room.

6 Q. What happened after the head of Momir Mitrovic was taken out of
7 the room in a cardboard box?

8 A. The same man returned to the room carrying a different head that
9 had fresh blood pouring from it, and again he held it in front of us and
10 asked us if we knew the person. I didn't know that man, but I recollect
11 every single feature on his face. And later, when I was freed, a woman,
12 that man's sister, was carrying photographs around, asking if I knew
13 anything about that man. And in those photographs, I recognised the man
14 whose head had been cut off. That was Predrag Knezevic. He was also a
15 member of the 1st Battalion of the Prnjavor 1st Light Brigade.

16 Q. What happened to the head of Predrag Knezevic?

17 A. The procedure was repeated. He placed that head also into a box
18 and carried it out of the house. I don't really know what happened after
19 that with the bodies and the heads.

20 Q. Mr. Trivicevic, after this scene where these two heads were
21 brought into the room, what happened to you and the other two men,
22 Dr. Sikanic and Igor Guljevatej?

23 A. We stayed there for a while, and then some people came who settled
24 into the room next-door. The Muslims who were there took us by impaling
25 our tied limbs on a stick, and that's how they carried us off for

1 interrogation.

2 Q. You just told us, sir, that your tied -- "our tied limbs on a
3 stick." How long did you remain with your limbs tied on a stick?

4 A. There were two ways of tying us up. One of them was when we had
5 bindings around our neck and our head was thrown back and our arms and
6 legs were tied around the back. The other way was to have a pole inserted
7 behind our knees, and then our head would be bent forward. So it
8 depended. Over those two days, they would change the way they tied us.
9 When they got tired of tying us in one way, they would tie us in another
10 way. It wasn't specific. Later, they untied us, and however they tied
11 us, that's how we remained throughout that first night. I remember that.

12 Q. And can you explain to us, sir, when you say: "The other way was
13 to have a pole inserted behind our knees and then our head would be bent
14 forward," what would they do with your head when you were in that position
15 with the stick beneath or behind your knees?

16 A. Nothing. They would simply slip the rope around our neck, and
17 then they would tighten that towards our knees, and we would remain tied
18 to this pole the whole night. And then they would alternate periodically
19 the way in which they tied us.

20 Q. Other than these means of tying you, sir, were you in any other
21 way or were you or the other two men mistreated in any way?

22 A. Occasionally, they would let the civilians from the village into
23 the house, meaning young men, even elderly grandmothers came to look at
24 the Chetniks. They even allowed them to take the poles that they used to
25 tie us up with to beat us with.

1 Q. Sir, while you were at this house in Livade, were there guards
2 guarding you and the other two men?

3 A. We were never left alone in the room. There would always be
4 someone of the Mujahedin with a rifle at the ready.

5 Q. And did the people who guard you speak your language or a
6 different language?

7 A. They did not speak our language.

8 Q. Now, Mr. Trivicevic, you mentioned a few moments ago that you were
9 taken while tied on this pole to be interrogated. Can you describe or
10 tell us about this interrogation?

11 A. Two men from the room who were with us picked us up on those poles
12 and carried us to this other room, where there were two men. I remember
13 one of them very well. I saw that man later at the Zenica detention
14 facility. The other one, all I recall of him is that he had a moustache.
15 So I really remember him sitting down and talking to me, but I really
16 don't know who he was or if I would recognise him.

17 Q. These two men that you've just told us about, do you remember what
18 they were wearing?

19 A. They were uniforms, classic uniforms, nothing else.

20 Q. What language did these two men speak, if you remember?

21 A. They spoke our language.

22 Q. This interrogation that you've told us about, was that the only
23 time you were interrogated while being detained in Livade or were you
24 interrogated on more than one occasion?

25 A. That was the only time we were interrogated at Livade.

1 Q. And when you say, sir, "we were interrogated," can you tell the
2 Trial Chamber who you mean by "we"?

3 A. I mean the three of us; Dr. Sikanic, Igor Guljevatej and myself.

4 Q. You told us, sir, that you remained in this house until the
5 morning of Sunday, 23 July 1995. At the time you left this house in
6 Livade, were there any other prisoners detained in that house?

7 A. Yes. During that first night of our captivity, nine more soldiers
8 from our unit were brought in.

9 Q. Mr. Trivicevic, do you recall the names of these other nine
10 soldiers from the 1st Light Infantry Brigade of Prnjavor who showed up in
11 that house?

12 A. I remember all their names. I can name everyone for you, if you
13 want me to.

14 Q. Can you please do that, sir?

15 A. Miodrag Samac, Goran Stokanovic, Vinko Aksentic, Vlado Cucic,
16 Gojko Vujicic, Velibor Totic, Krstan Marinkovic, Petko Maric and Dusko
17 Pejicic.

18 Q. These other nine men that you've just mentioned, Mr. Trivicevic,
19 how long did they remain in the house in Livade?

20 A. They remained with us. When we were taken away, they were taken
21 away too.

22 Q. Do you remember -- I'll ask you about being taken away in a
23 moment, but do you remember anything happening shortly after this group of
24 nine men arrived in the house? Did anything unusual happen?

25 A. Well, perhaps I should mention the incident involving Vinko

1 Akseptic. He was brought into a room, hands tied behind his back. They
2 showed him a place to sit down, instead of which he leapt backwards and
3 out through a window. The Mujahedin were petrified, unable to react for a
4 moment. Soon they all came running outside the house. We heard sounds of
5 shooting and we thought that they were firing at Vinko and that they had
6 killed him. However, they soon brought him back in, and he was still
7 conscious.

8 Then they started beating him unconscious, and I mean that quite
9 literally. At one point, he fainted, he started slurring. He was saying
10 things that didn't make any sense.

11 I can also give you an example of a young lad who was a
12 Mujahedin. He tore Vinko's shirt off, brought it back on his leg, and had
13 previously taken his boot off and he used his teeth to bite Vinko
14 Akseptic's toes.

15 Q. Mr. Trivicevic, you mentioned a few moments ago, as reflected on
16 line 4 of page 25: "We were taken away, they were taken away too." To
17 where were you taken and by whom?

18 A. By the Mujahedin. We were still prisoners of this detachment.
19 They took us as far as a van. It was outside this van that they tore our
20 shirts to bits and used these shreds to blindfold us so that we couldn't
21 see where they were taking us.

22 If I remember well, my number was number 8 in that particular
23 line, and when it was my turn to go, there was no shred of cloth waiting
24 for me. There was some sort of a cup made of linen that they used to pull
25 over my head. They sat me down next to the door of the van so I could see

1 where we were going on the way, because the cloth was transparent to some
2 degree. I recognised on the way some buildings in Zavidovici. When they
3 eventually stopped, it was at a place that I didn't know, that none of us
4 recognised, but this was the Mujahedin camp.

5 Q. Do you know, Mr. Trivicevic, approximately how far this location
6 was from the town of Zavidovici?

7 A. Well, roughly speaking, I reckon between 10 and 15 kilometres.

8 Q. Can you describe, sir, the geographic features in the immediate
9 vicinity of this place that you have called "the Mujahedin camp"?

10 A. This was a plateau on the side of a road, where there were two
11 houses. At the far end of the plateau, there was a river with an enormous
12 hill just behind it, behind which the sun takes a very long time to
13 emerge. This is the best description I can provide. West of the road,
14 there was the camp. South of the road, there was the river, and behind
15 the river there was this enormous hill.

16 Q. Do you know, Mr. Trivicevic, the name of the river that was near
17 the camp?

18 A. As far as I know, the name of the river is the Gostovic. We
19 learned that when one of the Mujahedin threatened one of the prisoners
20 there, saying, "Careful what you do. Otherwise, the Gostovic River might
21 just have to carry your head away."

22 Q. Can you describe for the Trial Chamber what you observed in this
23 location that you've called "the Mujahedin camp"?

24 A. At the time that I saw this clearly, there was a house there that
25 had burned down, and there was -- they picked another peculiar feature,

1 what we refer to as a weeping willow in my language. There was a
2 particular place where the Mujahedin unit would be lined up. They used
3 this as a football pitch when they weren't, in fact, lining up. And then
4 there was a large number of tents all around.

5 At the entrance to the camp, there were two flags. To the left of
6 the entrance, a black flag with a round coat of arms right in the middle
7 and a writing in Arabic. To the right, it was a green flag or a black
8 flag, I can't quite remember, with some Arabic lettering.

9 Q. Mr. Trivicevic, I'm wondering if you can help clarify something
10 for us. On page 26, lines 20 and 21, you say: "This was a plateau on the
11 side of a road where there were two houses." Then on page 27, at line 9,
12 you say: "At the time that I saw this clearly, there was a house that had
13 burned down."

14 Do you remember, sir, how many houses there were at this place
15 that you have called "the Mujahedin camp"?

16 A. Two, but at the time, the moment that I was describing, there was
17 a tent behind which we stood, and the tent was in our line of sight, so we
18 couldn't see the other house. So when I talked about the one house, I
19 meant I couldn't see the other house at the time from where I was
20 standing, so that's why.

21 Q. Now, do you recall, sir, the approximate time and date that you
22 arrived at this place, the Mujahedin camp?

23 A. The 23rd of July, 1995. The time, about noon, Sunday.

24 Q. Can you tell the Trial Chamber what happened upon your arrival at
25 this location?

1 A. They opened the van door, grabbed us by the restraints around our
2 ankles, so they pulled us out by our feet, in a manner of speaking, our
3 heads bumping against the ground. They were towing us, two each, along
4 the gravel and the dust all the way up to the gate, the camp gate. We were
5 starved and parched. It was unbearably hot in the van and outside, so we
6 asked to have some water.

7 The man brought a jerry can filled with water. We were lying face
8 down on the ground, so he poured the water into the dirt and the dust, and
9 he said, "If you can use this, all right, drink some. If not, there's
10 nothing else I can do for you."

11 Q. And how many -- how long, sir, were you in this place that you've
12 called "the Mujahedin camp"?

13 A. Until the 23rd of August, 1995.

14 Q. And how many people were in your group on the date that you
15 arrived?

16 A. When we got there, there was a group there containing the 12 men
17 whose names I just mentioned a while ago.

18 Q. And when you left, sir, on the 23rd of August, 1995, how many of
19 you left?

20 A. Eleven.

21 MR. MUNDIS: Mr. President, I note the time. This might be a
22 convenient place for the break.

23 I do have one request.

24 This witness, on a previous occasion in giving testimony or giving
25 a statement to local authorities, drew a very detailed sketch of this

1 camp. I would ask, with the Trial Chamber's leave, that he be permitted
2 to draw such a similar sketch during the break, which would save us some
3 time, some in-court time, and then we should show that to the Defence and
4 then question the witness about the sketch after the recess.

5 JUDGE MOLOTO: Madam Vidovic.

6 MR. ROBSON: Your Honours, we can accept that.

7 JUDGE MOLOTO: You can accept that.

8 MR. MUNDIS: I would then ask if the witness could be provided
9 with a blank piece of paper, perhaps a couple of pieces in case he needs
10 two or three pieces.

11 I would also indicate, with the Trial Chamber's leave, that I do
12 expect that my direct will take a little bit longer than the one hour and
13 30 minutes that I'd anticipated. I do have a few more questions to put to
14 the witness, a few documents to show him, two video clips and some still
15 photographs. I think I can finish in perhaps 30 to 45 minutes. I think I
16 have about 15 minutes left of my -- of my expected time, but I am asking
17 that I be allowed to continue until the conclusion of the direct
18 examination.

19 JUDGE MOLOTO: Thank you very much.

20 And is that a convenient time?

21 MR. MUNDIS: It is, indeed.

22 JUDGE MOLOTO: Then we will take a break and come back at 4.00.

23 Court adjourned.

24 --- Recess taken at 3.30 p.m.

25 That you have called "the Mujahedin camp"?

1 A. Two, but at the time, the moment that I was describing, there was
2 a tent behind which we stood, and the tent was in our line of sight, so we
3 couldn't see the other house. So when I talked about the one house, I
4 meant I couldn't see the other house at the time from where I was
5 standing, so that's why.

6 Q. Now, do you recall, sir, the approximate time and date that you
7 arrived at this place, the Mujahedin camp?

8 A. The 23rd of July, 1995. The time, about noon, Sunday.

9 Q. Can you tell the Trial Chamber what happened upon your arrival at
10 this location?

11 A. They opened the van door, grabbed us by the restraints around our
12 ankles, so they pulled us out by our feet, in a manner of speaking, our
13 heads bumping against the ground. They were towing us, two each, along
14 the gravel and the dust all the way up to the gate, the camp gate. We were
15 starved and parched. It was unbearably hot in the van and outside, so we
16 asked to have some water.

17 The man brought a jerry can filled with water. We were lying face
18 on the ground, so he poured the water into the dirt and the dust, and he
19 said, "If you can use this, all right, drink some. If not, there's
20 nothing else I can do for you."

21 Q. And how many -- how long, sir, were you in this place that you've
22 called "the Mujahedin camp"?

23 A. Until the 23rd of August, 1995.

24 Q. And how many people were in your group on the date that you
25 arrived?

1 A. When we got there, there was a group there containing the 12 men
2 whose names I just mentioned a while ago.

3 Q. And when you left, sir, on the 23rd of August, 1995, how many of
4 you left?

5 A. Eleven.

6 MR. MUNDIS: Mr. President, I note the time. This might be a
7 convenient place for the break.

8 I do have one request.

9 This witness, on a previous occasion in giving testimony or giving
10 a statement to local authorities, drew a very detailed sketch of this
11 camp. I would ask, with the Trial Chamber's leave, that he be permitted
12 to draw such a similar sketch during the break, which would save us some
13 time, some in-court time, and then we should show that to the Defence and
14 then question the witness about the sketch after the recess.

15 JUDGE MOLOTO: Madam Vidovic.

16 MR. ROBSON: Your Honours, we can accept that.

17 JUDGE MOLOTO: You can accept that.

18 MR. MUNDIS: I would then ask if the witness could be provided
19 with a blank piece of paper, perhaps a couple of pieces in case he needs
20 two or three pieces.

21 I would also indicate, with the Trial Chamber's leave, that I do
22 expect that my direct will take a little bit longer than the one hour of
23 30 minutes that I'd anticipated. I do have a few more questions to put to
24 the witness, a few documents to show him, two video clips and some still
25 photographs. I think I can finish in perhaps 30 to 45 minutes. I think I

1 have about 15 minutes left of my -- of my expected time, but I am asking
2 that I be allowed to continue until the conclusion of the direct
3 examination.

4 JUDGE MOLOTO: Thank you very much.

5 And is that a convenient time?

6 MR. MUNDIS: It is, indeed.

7 JUDGE MOLOTO: Then we will take a break and come back at 4.00.

8 Court adjourned.

9 --- Recess taken at 3.30 p.m.

10 --- On resuming at 4.03 p.m.

11 JUDGE MOLOTO: Yes, Mr. Mundis.

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

13 Q. Mr. Trivicevic, during the break did you have an opportunity to
14 draw a sketch of the location that you've called "the Mujahedin camp"?

15 A. Yes, I did. I did the best I could.

16 MR. MUNDIS: My understanding is the usher has that sketch.

17 Perhaps it could be shown to the Defence and then placed on the ELMO.

18 Q. Mr. Trivicevic, perhaps if you could start by simply, with a pen,

19 if you have a pen, if you could perhaps -- first of all, I would ask you

20 if you could describe what you've placed on this sketch. And I'll stop

21 you at certain points and ask you to put identifying information on, so if

22 you could please go very slowly.

23 A. In this sketch, the first thing I drew was the road [indicates].

24 The river is on the other side of the road. I think it is the Gostovic

25 River. This is where the entrance to the camp was, flags on either side.

1 Not far from there, a large tent where the Mujahedin said their prayers.
2 This is the weeping willow [indicates]. And this is the house in which we
3 were being held [indicates]. This is the other house right behind
4 [indicates]. This is the Mujahedin commander's tent whom they
5 called "Emir" [indicates]. This is the ground where they would line up
6 and play football [indicates], and all around were the tents in which they
7 probably slept.

8 Q. Okay. Now, Mr. Trivicevic, the first thing that you indicated was
9 the road. I would ask you now, with a marker, if you could please place
10 the number "1" on what you have identified or drawn as the road.

11 A. [Marks].

12 Q. Thank you. The next thing you mentioned was the river on the
13 other side of the road. Could you please the number "2" on the sketch to
14 denote the river.

15 A. [Marks].

16 Q. The next place or feature that you described was the entrance to
17 the camp. Please place the number "3" on the entrance.

18 A. [Marks].

19 Q. You also mentioned flags on either side. Where were the flags,
20 sir?

21 A. The flags were to the left of the entrance, the black flag with a
22 round coat of arms in the middle. To the right was the other flag. As I
23 said, I don't exactly remember what colour it was, but it had a writing on
24 it in Arabic.

25 Q. Can you please, sir, place the number "4" next to where you saw

1 the black flag with a round coat of arms in the middle? Place the
2 number "4" by where the black flag was.

3 A. [Marks].

4 Q. And place the number "5" near where you saw the flag with the
5 Arabic writing on it.

6 A. [Marks].

7 Q. Now, the next thing that you mentioned, this is line 2 of page
8 31: "Not far from there, a large tent where the Mujahedin said their
9 prayers." Can you please place the number "6" next to the large tent
10 where the Mujahedin said their prayers?

11 A. [Marks].

12 Q. Thank you. Next, you described or mentioned a weeping willow.
13 Please place the number "7" next to the weeping willow.

14 A. [Marks].

15 JUDGE MOLOTO: May I suggest that that "7" be written outside that
16 willow, because it doesn't read like a "7" inside.

17 A. [Marks].

18 JUDGE MOLOTO: Thank you very much.

19 MR. MUNDIS:

20 Q. Next, sir, you said: "This is the house in which we were being
21 held." Please place the number "8" inside the house where you were held.

22 A. [Marks].

23 Q. You then said: "This is the other house right behind." Please
24 place the number "9" in the other house.

25 A. [Marks].

1 Q. Next, you said, line 5, page 31: "This is the Mujahedin
2 commander's tent whom they called 'Emir.'" Please place the number "10"
3 on the tent you described as the Mujahedin commander's tent?

4 A. [Marks].

5 Q. Next, Mr. Trivicevic, lines 6 and 7 of page 31, you said: "This
6 is the ground where they would line up and play football." Please place
7 the number "11" in the area where they would line up and play football.

8 A. [Marks].

9 Q. And finally, sir, you said: "All around were the tents in which
10 they probably slept." Can you please place the number "12" next to the
11 tents where they probably slept?

12 A. [Marks].

13 Q. Now, sir, there are a number of other what appear to be the same
14 type of figures that you've drawn as reflecting the tents below number 11
15 and above number 11. What, to the best of your knowledge, were those?

16 A. Those were tents as well, it's just I couldn't get them all under
17 the same number.

18 Q. Perhaps, then, if you could place the number "12" above -- on the
19 tents that are above number 11 so that we know that those are all the
20 same.

21 A. [Marks].

22 MR. MUNDIS: Thank you very much.

23 JUDGE MOLOTO: There is a feature -- if the sketch could be
24 centralised, please. There is a drawing to the right of number 6. What's
25 that, a rectangular drawing?

1 THE WITNESS: [Interpretation] It's a shack, a wooden shack made of
2 planks. There were two or three bathrooms inside or something like that,
3 and a toilet.

4 JUDGE MOLOTO: Can we then place number "13" on that.

5 THE WITNESS: [Marks].

6 JUDGE MOLOTO: Then to the left of the first "12" that you wrote,
7 in very faint lines there's something that looks like a road coming to the
8 road that is number 1. What is that, the faint line --

9 THE WITNESS: [Interpretation] This is a small creek [marks], a
10 rather small creek. This is the confluence between the creek and the
11 Gostovic River. I think there was a small bridge here [indicates] with
12 some pipes, insulated pipes, which we assumed were used to heat water
13 inside the camp.

14 JUDGE MOLOTO: Can we put number "14" next to the creek.

15 THE WITNESS: [Marks].

16 JUDGE MOLOTO: Then on the area marked as number 11, there's that
17 jagged line. I don't know whether it was used just to say -- to denote
18 the entire area or whether it means anything.

19 THE WITNESS: [Interpretation] No, I just drew this to mark off the
20 area of the level ground. The tents all around were slightly elevated in
21 relation to this central portion, so that's all I used it for.

22 JUDGE MOLOTO: Thank you very much.

23 Mr. Mundis.

24 MR. MUNDIS: Thank you, Mr. President. We'll hold on to this map
25 or this sketch. I might have the witness mark one or two other places as

1 the testimony progresses, and then of course we'll tender this into
2 evidence.

3 Before we do that, I would ask that a clip be shown from P06032.
4 This is approximately four minutes' long. We will play it without the
5 audio, and I'll ask the witness some questions about what he observes on
6 the tape once we've had a chance to look at this tape. It's approximately
7 four minutes' long.

8 JUDGE MOLOTO: And are we going to hear the audio at some stage?

9 MR. MUNDIS: Your Honour, it's -- again, it's a tape that
10 basically consists of narration. I'm not in a position to indicate who
11 made the narration or when the narration was made, so we probably will not
12 be playing the audio, unless, of course, we have subsequent witnesses who
13 have relevant information concerning it. We're simply showing the images
14 so that the witness, if he's in a position to tell us what the video
15 depicts, can do so, and then we'll show him some stills from that.

16 JUDGE MOLOTO: Mr. Robson.

17 MR. ROBSON: Your Honour, you may or may not be aware, but today
18 the Defence filed a response in respect of the audio clip that the
19 Prosecution had previously filed a motion in respect of, and in that
20 response we have strongly suggested that video evidence should not be
21 altered, so that we should see both images and sound together. And I
22 adopt the same position in respect of this clip now.

23 JUDGE MOLOTO: I had anticipated that objection. That's why I
24 asked the question, "Are we going to hear the audio at some stage,"
25 because you have made this objection before.

1 MR. ROBSON: Yes. We're being consistent.

2 JUDGE MOLOTO: That's right, and I was trying to anticipate it.

3 MR. MUNDIS: We're fine. If the Defence wants the audio played,
4 we'll play the audio as well. I will --

5 JUDGE MOLOTO: It goes with that argument of no changes or
6 deletions to an exhibit, let's get the entire exhibit as it is.

7 MR. MUNDIS: That's fine. And I take it, then, from the Defence
8 position, as reflected on what my learned colleague said, that there will
9 be no more objections to any video that has labelling on it, because of
10 course that goes to the same issue in terms of whether evidence is --
11 material on evidence is redacted or otherwise altered. There might be
12 some of the photos today that we're showing that have redactions that were
13 previously done because of Defence concerns that were raised earlier, but
14 henceforward we will no longer make such redactions to either the
15 videotapes or to the stills derived therefrom.

16 JUDGE MOLOTO: Thank you very much, Mr. Mundis.

17 MR. MUNDIS: We'll go ahead and play this audio clip. I do
18 apologise to the language booths. I don't believe that they have the
19 transcripts. It's a relatively short clip, and there is likely to be some
20 language spoken that is not in B/C/S, so --

21 JUDGE MOLOTO: And there are no subtitles?

22 MR. MUNDIS: There are no subtitles on this tape.

23 JUDGE MOLOTO: Okay, you may proceed.

24 [Videotape played]

25 MR. MUNDIS:

1 Q. Mr. Trivicevic, can you please comment on the videotape that we've
2 all just seen, in terms of what was depicted on that tape?

3 A. The footage shows the camp where we spent a month in captivity.
4 What is shown here are most of the things that I mentioned in my sketch,
5 in my diagram, and that I marked with numbers.

6 MR. MUNDIS: I would ask, first of all, that that video clip be
7 admitted into evidence, and second of all, I do have a number of still
8 photographs taken from this video, and I would ask that those be shown to
9 the witness and that he be allowed to explain to us what's on the still
10 photos.

11 JUDGE MOLOTO: Yes, Mr. Robson.

12 MR. ROBSON: Your Honour, the witness has stated that the video
13 clip shows the camp as which they were held, so I would concede there is a
14 basis upon which this document could be admitted into evidence. However,
15 I would like to state for the record that just because the video clip had
16 the heading "El Mujahedin" on it doesn't mean that we, as Defence, concede
17 that this document was prepared by the El Mujahedin Detachment. We
18 reserve the right to challenge the authenticity or we would expect the
19 Prosecution to call further evidence to establish the authenticity of this
20 document in due course. But we don't oppose its admission.

21 JUDGE MOLOTO: Thank you very much.

22 The video clip is admitted into evidence. May it please be given
23 an exhibit number.

24 THE REGISTRAR: It will become Exhibit 546, Your Honours.

25 JUDGE MOLOTO: Thank you very much.

1 MR. MUNDIS:

2 Q. Now, Mr. Trivicevic, a number of photographs, still photographs
3 taken from this video clip that we've just observed, have been placed on
4 the machine to your right. I'm wondering, sir, if you can explain to us
5 what's visible in this first photograph that's actually on the machine to
6 your right or visible on the screen in front of you. Can you describe for
7 us what you see in this photograph?

8 A. The shot was taken from the place where we were, the playground
9 and the review area, and you can clearly see the weeping willow, you can
10 see the house where we were held, and you can see the other house behind.
11 You can see the flag that was at the entrance to the camp, to the right
12 side.

13 MR. MUNDIS: Okay. Now, perhaps for ease -- to make this as
14 simple as possible, if the sketch that the witness drew could be placed in
15 front of him or perhaps on the ELMO as well. If they could both -- I want
16 to show him both so that he can put the same numbers on the photograph
17 that he marked on the sketch. I think that might be the best way to do
18 this.

19 Q. Now, sir, you mentioned that you could see in the photograph the
20 weeping willow. On the sketch, you've marked the weeping willow, I
21 believe, with the number "7". Could you place the number "7" on this
22 photograph to reflect the weeping willow?

23 A. [Marks].

24 Q. And the house that you were kept in, what number is that on the
25 sketch?

1 A. Number 8.

2 Q. You've marked that on the photograph. And the other house, sir?

3 A. [Marks]. The other house is number 9.

4 Q. Thank you very much. Can you please look at the next photograph.

5 Can you tell us what's visible in this photograph, sir?

6 A. It's a shot taken in the same place and then of the markers
7 mentioned, all you can see is the weeping willow and the house marked with
8 the number "8".

9 Q. And again, sir, if you could please mark the same numbers on the
10 photograph as you've marked on the sketch so that the numbers are
11 consistent.

12 A. [Marks].

13 MR. MUNDIS: Thank you. If we could please then go to the next
14 photograph.

15 Q. Can you describe for us what's visible in this photograph, sir?

16 A. You can see the field where the reviews were held. You can see
17 the playground. You can even see the goal posts here [indicates]. And
18 then behind, to the back, you can see the tents.

19 Q. Let's start, sir, with the tents. Can you please place the
20 number "12" on the tents that you see in this photograph?

21 A. All the tents together are marked by number 12 [marks].

22 Q. And the area that you've described as the field or the playground,
23 could you place the number "11" on that area of the photograph?

24 A. [Marks]. Number 11 is here, indicating this whole area where the
25 soldiers are, as well as the clear parts.

1 Q. And you also, sir, mentioned the goal posts. Could you please
2 place an "X" on the goal post or goal posts?

3 A. [Marks].

4 Q. And what was that goal post made of?

5 A. Just plain wood.

6 MR. MUNDIS: Thank you. Could we please go to the next
7 photograph.

8 Q. Can you describe what is visible in this photograph?

9 A. The photograph again shows the two houses marked with numbers 8
10 and 9, and you can see a member of the El Mudjahedin Detachment who the
11 Mujahedin described to us as a 12-year-old boy who had come from Saudi
12 Arabia to fight. He personally cut my ears with a pocket knife at the
13 house in Livade.

14 Q. Sir, can you please mark -- you started out by saying that the
15 photo shows the houses marked with the numbers "8" and "9". Can you
16 please write the numbers "8" and "9" on the appropriate houses in this
17 photograph?

18 A. [Marks].

19 Q. Can you please circle the person that you told us was described to
20 you as a 12-year-old boy, the person who cut your ears with a pocket
21 knife, circle that person?

22 A. [Marks].

23 MR. MUNDIS: Thank you. Can you please go to the next photograph.

24 Q. What's depicted, sir, in this photograph?

25 A. Again on the photograph you can see a number of tents and you can

1 see the field where the reviews were held and where they played soccer in
2 their free time.

3 Q. Again, Mr. Trivicevic, I would ask you to place the number "12" on
4 the tents.

5 A. [Marks].

6 Q. The number "11" on the field.

7 A. [Marks].

8 Q. And "Xs" on what you have described as the goal posts.

9 A. [Marks].

10 MR. MUNDIS: And finally if we could go to the last photograph in
11 this bundle, please.

12 Q. Do you recognise anyone in this photograph or anything in this
13 photograph?

14 A. The photograph shows a man who was introduced as "Abu Hamza," and
15 you can see the flag that was to the right side of the camp entrance.

16 Q. Can you please, sir, write the name "Abu Hamza" on the person who
17 you have told us was introduced as "Abu Hamza?"

18 A. [Marks].

19 MR. MUNDIS: Thank you very much.

20 Your Honours, we'd ask that this bundle of photographs be admitted
21 into evidence and it be given a single exhibit number.

22 JUDGE MOLOTO: The bundle of photographs is admitted into
23 evidence. May it please be given a single exhibit number.

24 THE REGISTRAR: It will be Exhibit 547, Your Honours.

25 JUDGE MOLOTO: Thank you very much.

1 Yes, Mr. Mundis.

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

3 Q. Now, Mr. Trivicevic, immediately before the break you told us, and
4 this is reflected on line -- page 28, line 23, through page 29, line 5,
5 that you were in this Mujahedin camp until the 23rd of August, 1995, and
6 that there were 11 of you who left on that day.

7 Can you tell us, sir, what happened to the 12th person who'd
8 entered the camp with you on the 23rd of July, 1995?

9 A. On the night of the 23rd and the 24th of July, 1995, we were taken
10 out of the house where we were. Emir and a number of other Mujahedins
11 were at the door, and they asked our prisoners who was the man who had
12 tried to escape. But we didn't know what they were talking about at that
13 point, and they took us one by one, with blindfolds on, to someplace in
14 the camp where we were tied up with our legs raised so that we were in a
15 sort of semi-hanging position. We stayed there all -- until morning, and
16 then in the morning this 12th person, Gojko Vujicic, was killed in front
17 of my eyes, and his head was cut off.

18 Q. Let me -- I hate to do this, sir, but let me interrupt you at this
19 point. Can you again return to the sketch that remains on the machine to
20 your right?

21 Can you indicate, if you recall, the location where you were taken
22 on the sketch or in the camp and this location where you've told us Gojko
23 Vujicic was killed in front of your eyes?

24 A. According to my estimate, this was near the big tent where the
25 prayers were held. It was a little bit above the room where the shower

1 and the toilet were. It was not a room, it was just an area.

2 Q. Okay. So this is not a building; is that what you're saying? It's
3 simply --

4 A. That's right, it's not a building.

5 Q. Can you please place the number "15" at this location where Gojko
6 Vujicic was killed in front of your eyes?

7 A. [Marks].

8 Q. Can you describe the terrain at that location that you've just
9 marked as number 15?

10 A. It was just an area with soil, without grass. It was dust and
11 pebbles or stones mixed together.

12 Q. Can you describe, sir, to the best of your recollection, what
13 happened on that night, 23-24 July 1995, when Gojko Vujicic was killed?

14 A. I was brought to that place, when they then raised my legs to the
15 back. Our faces were facing the ground. It was very difficult to
16 breathe. At one point, the Mujahedin that I knew called "Habib," who was
17 in that group that had captured me, ran up to help me. He brought a piece
18 of cardboard and placed it under my face so that I could breathe. He
19 brought me a cup of coffee so that I could drink. And at one point, he
20 untied my hands as if to help me. I couldn't move my arms or hands
21 anywhere. They just simply dropped alongside my body. They were so numb,
22 my arms, that I couldn't control them.

23 And then after a while, I fell asleep. I remember very well that
24 in my dream, when I could sense that I could control my arms again, I
25 ripped away the tape that was blindfolding me and that was all around my

1 head. Habib at that point approached me and took a single layer of gauze
2 and tied that over my eyes so that I would look like all the other
3 prisoners, so I could actually see through that layer of gauze everything
4 that was going on. He tied my hands to my back and let my legs down, and
5 he warned me not to even think of trying to get away.

6 I fell asleep, and I slept all the way until morning, until the
7 Mujahedin prayers began. This woke me up, and at that point I looked to
8 my left side and I saw Gojko Vujicic, who I don't know how, managed to
9 turn on his back during the night. Since he was wounded in the groin area
10 and was suffering a lot of pain, he begged to be given some water, to be
11 helped, or to have his arms or legs untied because he really couldn't
12 stand it anymore, everything that was happening.

13 The Mujahedin strictly had warned us that there could be no
14 swearing in their presence. He started to swear, and amongst other
15 things, he mentioned God in those curses. And one of the Mujahedin who
16 were in the tent at prayer came out of the tent, took an automatic rifle
17 that was right next to the entrance, and he cocked it on his way. And
18 then walking, he stopped next to Gojko's head, and Gojko could see him
19 coming up, and he just turned his head towards me, to his left.

20 And then going along, he stood next to Gojko's head and coolly
21 fired a shot to Gojko's right temple and then went back to the tent. And
22 then I just looked at Gojko and I could see his little finger still
23 twitching as if he were alive. The Mujahedin went to the tent, and then he
24 took a sword, came back to Gojko, and in several strokes he severed
25 Gojko's head. He tried to place this head on the chest, but since the

1 body was tilting backwards, the head wouldn't stay there. He tried it
2 several times, and when that didn't work, he placed the head on the
3 stomach. Then it rolled off again. He put it back on the stomach, and
4 then it stayed there.

5 He approached me. He raised me and turned me, and he was showing
6 me Gojko's head that was resting on Gojko's stomach and that was facing me
7 at that point in time.

8 Q. Mr. Trivicevic, how long did you and the other ten men who were
9 still alive remain at this place that you've marked as number 15 on the
10 sketch after Gojko Vujicic was killed?

11 A. I was there. I was the one that they untied first, and
12 immediately after that they took me into the house where we had been
13 captured, and then one by one, immediately one after another, they took
14 all the prisoners.

15 Q. And again, sir, if need be, relying on the sketch to your right,
16 when you say: "They took me into the house where we had been captured,"
17 can you tell us which number on your sketch you're referring to?

18 A. I'm thinking of the house marked with the number "8".

19 Q. Can you tell us what happened after all the members of your group
20 were returned to that house?

21 A. When everybody was brought back to the house, one of the
22 Mujahedin, I don't recall which one, brought Gojko's head, hanging on a
23 butcher's hook in the shape of a letter S, and as he was coming in from
24 the door, he threw the head. I don't remember the order. He either threw
25 it to Krstan Marinkovic or Igor Guljevatej. One of them held the head on

1 their lap. And then there were all sorts of excesses going on, and then
2 they took the head from one detainee to another, saying, "Kiss your
3 brother." And then after a while, they hanged this head on this hook on
4 the wall in the room, in other words, for Gojko to remain there with us.

5 Q. How long did the head remain hanging on the hook on the wall in
6 that room?

7 A. The head stayed there until the afternoon. In the afternoon, Emir
8 entered, and when he noticed the head on the hook, he simply took it
9 down. He turned around and said something sharply in an angry voice at
10 the guards. He took the head out, and after that I don't know what
11 happened to it.

12 Q. And when you say, sir, "the guards," can you tell us who it was
13 that was guarding you and the other ten men in this room?

14 A. They were members of the El Mudjahedin Detachment. They would
15 shift or switch every two hours. It wasn't anyone specific who was
16 guarding us. There were a number of people doing that.

17 Q. Mr. Trivicevic, can you please tell the Trial Chamber how -- or
18 the circumstances by which you and the other men eventually left the camp
19 on 23 August 1995? Tell us what happened on that day.

20 A. We were in a room that was covered with planks and the doors and
21 the windows were boarded over. And we were also chained and padlocked
22 together. Several times, we would be taken out to the playground for --
23 where they lined us up, and this happened that day as well. That day, we
24 were taken outside, and there were unusually more people than on the other
25 days when we were taken out.

1 They took one by one from our line and took them away. I recall
2 well that Goran Stokanovic and Dr. Sikanic were hit. They were given
3 electric shocks. They were beating others as well, and they were forcing
4 us to make the sounds like pigs, dogs. Amongst others, they took Igor
5 Guljevatej. They took him to the other end, where the tents were, and
6 they fired shots there. We thought they killed him, but after a while
7 people were simply coming and they unlocked the padlocks. They placed
8 blindfolds on our eyes, and they brought us to a bus, where we were not
9 allowed to sit on the seats but were pushed between the seats. And from
10 there, that day they transferred us to the KP Dom in Zenica.

11 Q. Mr. Trivicevic, when you say "they transferred us to KP Dom in
12 Zenica," who are you referring to? Who is the "they" that you're talking
13 about?

14 A. I'm talking about the 3rd Corps of the Army of Bosnia and
15 Herzegovina Military Police.

16 Q. And how do you know, sir, that it was the 3rd Corps of the Army of
17 Bosnia and Herzegovina Military Police that took you to KP Dom Zenica?

18 A. At the KP Dom in Zenica, I was tied with ropes. The others had --
19 were handcuffed. One of the guards came to untie the rope on my hands and
20 legs before I was brought into the interrogation room in order to give my
21 particulars, and he told one of his colleagues, "Look, when I tie somebody
22 up, not even a bear could get loose." He tied me up in the Mujahedin
23 camp, and he must have been the one, and then he untied the bindings when
24 we got to the KP Dom in Zenica.

25 Q. Perhaps my question, sir, wasn't clear. How do you know -- you

1 told us it was the 3rd Corps of the Army of Bosnia and Herzegovina
2 Military Police that took you to KP Dom, and my question to you, sir, is:
3 How do you know that? How do you know it was the Military Police of the
4 3rd Corps of the ARBiH who took you to KP Dom Zenica?

5 A. On the way, they talked to us. They spoke Bosnian, and they were
6 telling us at check-points manned by the Mujahedin to hide ourselves and
7 not to complicate things and get killed in the end. When we were going
8 for bathing at the KP Dom Zenica, we would pass by an area that was marked
9 with the sign "The 3rd Battalion Police," something like that. I don't
10 know what the exact sign was. That could be all that I could say in
11 response to that question.

12 Q. How long, sir, did you remain in KP Dom Zenica?

13 A. I stayed at the KP Dom in Zenica until the 7th of January, 1996.

14 Q. Was there ever a time, sir, between your arrival there in late
15 August until your release on the 7th of January, 1996, late August 1995,
16 that you spoke to other persons who had been at the place you've described
17 as "the Mujahedin camp"?

18 A. I don't know the exact time, but --

19 JUDGE MOLOTO: Yes.

20 MR. ROBSON: Your Honour, that's a blatantly leading question, and
21 I object to that.

22 JUDGE MOLOTO: What's the leading, sir? Okay, I'm with you.

23 Mr. --

24 MR. MUNDIS: I'll rephrase the question.

25 Q. Mr. Trivicevic, other than the group of people that you were

1 detained with at the Mujahedin camp and who went with you to the KP Dom
2 Zenica, do you know anyone else who was detained at the Mujahedin camp?

3 A. I know people who were detained at the Mujahedin camp after the
4 fall of Vozuca in an action that was carried out in September. I don't
5 know the exact number. They were brought to Zenica, and they stayed in
6 the cell with us.

7 JUDGE MOLOTO: Sorry, Mr. Trivicevic, to interrupt you. May I
8 suggest, when you see that gentleman stand up, just stop talking.

9 MR. ROBSON: Your Honour, the first objection related to the fact
10 that the -- my learned friend was inviting the witness to comment about
11 other people who were at the same Mujahedin camp. That was the substance
12 of my objection, and then when the question was repeated, the same leading
13 aspect was put to the witness yet again.

14 JUDGE MOLOTO: Sorry, I need to understand. The substance of your
15 second question says: "Do you know anyone else who was detained at the
16 Mujahedin camp?" Okay. Mr. Mundis.

17 MR. MUNDIS: I disagree that that's a leading question, Your
18 Honour. I think certainly --

19 JUDGE MOLOTO: I'll tell you how I suspect the Defence thinks it's
20 leading. You're suggesting that there were some other people, other than
21 these 12, who were detained at the camp.

22 Is that it? And have we heard that evidence?

23 MR. MUNDIS: Okay, fair enough.

24 Q. Mr. Trivicevic, during the time period, sir, that you were
25 detained in KP Dom Zenica, were other persons from the VRS brought in to

1 KP Dom?

2 A. During our detention at the KP Dom, there were several dozens of
3 members of the VRS who had been captured in different areas of the front
4 in Bosnia.

5 I also apologise to the kind gentleman from the Defence for not
6 noticing him standing up.

7 Q. And, Mr. Trivicevic -- Mr. Trivicevic, these other persons, these
8 several dozens of men from the VRS who had been captured in different
9 areas of the front in Bosnia, did you speak to those people?

10 A. We were all together in our cells the whole time, so we talked
11 about everything that had happened along the front line and the conditions
12 of our capture.

13 Q. Based on these discussions, sir, do you know if anyone else had
14 been at this same Mujahedin camp that you were at?

15 JUDGE MOLOTO: Yes, Mr. Robson.

16 MR. ROBSON: Your Honour, my learned friend seems determined to
17 get to this point, and I'm objecting once again, because he's steering the
18 witness in a certain direction, trying to suggest an answer.

19 MR. MUNDIS: I appreciate that. I'll approach this from a
20 different perspective.

21 I'm going to ask that the witness now be shown another clip from
22 PT06032.

23 [Videotape played]

24 MR. MUNDIS:

25 Q. Mr. Trivicevic, can you comment upon the video clip that you've

1 just seen, in terms of what was depicted, place, persons that were
2 depicted in that tape?

3 A. This group of men who surrendered to the Mujahedin after the fall
4 of Vozuca, they remained their prisoners for about two weeks, I believe,
5 and later they were brought to the KP Dom in Zenica, where we were. I was
6 released along with a couple of other men from that group.

7 During our time there, we had a chance to exchange our experiences
8 while being held by the Mujahedin. Among other things, I recognise in
9 this footage Gojko Macanovic, Ljubomir Sikiric, Radivoje Rajic, Boro
10 Glavic, Drago Gajic and Mile Gojic. The remaining two or three persons I
11 noticed in the footage, I can't really say who they were.

12 What that told me at the time was that at one point in time
13 footage was taken of them for an Arab TV station. They hadn't eaten or
14 drunk anything for a week before this.

15 And then in this house where they were being held, they took them
16 to the first floor. They put some almonds and dates and some drinks on
17 the table in front of them, and they filmed the whole thing just in order
18 to show to the world how humanely they were treating their prisoners.

19 Q. Do you know, Mr. Trivicevic, where this video was taken?

20 A. I can't say with certainty, but based on what I heard from them,
21 this was filmed in a room on the first floor of the same house in which
22 we, too, had been held.

23 Q. And again, sir, having the benefit of the sketch that's on the
24 machine next to you, can you tell us the number of the building that you
25 believe this video was taken in?

1 A. Number 8.

2 MR. MUNDIS: Your Honour, we would ask that the video clip be
3 admitted into evidence.

4 JUDGE MOLOTO: Yes, Mr. Robson.

5 MR. ROBSON: Your Honour, we're happy for the video to be admitted
6 into evidence. We would object with the same caveat before, that we have
7 doubts about the --

8 JUDGE MOLOTO: We understand that, and if you are not objecting,
9 may I ask you just not to stand. We have heard what you said about the
10 caveat.

11 The video clip is admitted into evidence. May it please be given
12 an exhibit number.

13 THE REGISTRAR: It will become Exhibit 548, Your Honours.

14 JUDGE MOLOTO: Thank you very much.

15 MR. MUNDIS: I would now ask, with the assistance of the usher,
16 that again a small number of photographs taken from this Exhibit 548 be
17 shown to the witness, and perhaps if he can identify any of the persons in
18 these still photographs.

19 And while that's being placed on the ELMO, I would at this point,
20 Your Honours, ask that the sketch be admitted into evidence and that it be
21 given an exhibit number, please.

22 JUDGE MOLOTO: The sketch that was drawn by the witness is
23 admitted into evidence. May it please be given an exhibit number.

24 THE REGISTRAR: It will become Exhibit 549, Your Honours.

25 JUDGE MOLOTO: Thank you very much.

1 MR. MUNDIS:

2 Q. Mr. Trivicevic, I apologise in advance for the quality of some of
3 these photographs taken from this video. Some of them are not
4 particularly clear. But I would ask you, sir, if you can recognise the
5 person or persons depicted in these photographs. I'm going to ask you if
6 you could please write their name directly onto the photographs on the
7 machine next to you.

8 So if we could go through the photos one by one, if you recognise
9 the person or persons, please tell us. Tell us the name, and then we'll
10 ask you to write the name on the photographs, please.

11 A. This is Gojko Macanovic.

12 Q. Again, sir, if you recognise someone, tell us the name, and then
13 please write the name directly onto the photograph on the machine next to
14 you.

15 A. [Marks].

16 Q. The next photograph, please.

17 A. This is Mile Gojic, a prisoner [indicates] who converted to Islam
18 in the Mujahedin camp, and that is why, in this photograph, he enjoys a
19 privileged position in relation to the remaining prisoners.

20 Q. Can you explain that, sir, perhaps having recourse also to the
21 video that you watched, could you explain that answer, sir?

22 A. Based on the accounts of other people, the group who eventually
23 arrived in the KP Dom in Zenica, at one point he asked to speak to one of
24 the Mujahedin leaders. He decided to convert to Islam, and they accepted
25 this. Because of what he did, he started enjoying some privileges. His

1 hands were no longer tied. He was no longer in the same room with the
2 other prisoners. He would now go with them to learn all the prayers and
3 to pray. He ate with them, he drank with them. In the evening, he would
4 be brought back to sleep with the other prisoners, but that was all. He
5 was brought to the KP Dom in Zenica with the other prisoners, and twice or
6 even three times the Mujahedin came to visit him. They brought him a copy
7 of the Qur'an with a gilded binding.

8 He left the KP Dom with me. Before he left, there was a guard who
9 read out his name, called out his name, saying that he would be released.
10 And then he gave him the Qur'an. And then the guard asked him, "What,
11 you don't actually have the courage to take this back with you to Serbia,"
12 and then the man said, "No, I would have the courage and I would be free
13 to take this back to Serbia, but there is absolutely no reason, because
14 this book has served its purpose."

15 MR. MUNDIS: Can we go to the next photograph, please.

16 JUDGE MOLOTO: Yes, Mr. Robson.

17 MR. ROBSON: Your Honour, obviously the quality is very poor. I
18 wonder if it could be established, first of all, whether the witness is
19 able to make out any of the features of these people depicted on the
20 photograph.

21 JUDGE MOLOTO: I thought you were going to tell us just that,
22 whether he sees anybody that he knows.

23 Yes, Mr. Mundis.

24 MR. MUNDIS: Well, We're attempting to find the time code, and
25 we'll replay this part of the video and ask the witness if --

1 Q. First, sir, can you recognise or identify anyone in this
2 photograph?

3 A. I can identify the first man on the right. Again, this is Gojko
4 Macanovic, the same person from the previous photograph.

5 MR. MUNDIS: Perhaps if we could set that photograph aside to the
6 right. We're going to try to find the time code on that.

7 Q. Do you recognise, sir, anyone in this photograph?

8 A. The man in the middle, this is Drago Gajic. I recognise him
9 because he has a lot of hair and he has a large moustache.

10 Q. Can you please, again, take the pen and write "Drago Gajic" right
11 on it?

12 A. [Marks].

13 Q. Do you recognise anyone else in that photograph, sir?

14 A. There's another man that I see in this photograph, but I cannot
15 identify him. There were two men who looked very much alike, Major
16 Vuckovic and Major Pecanac. Therefore if I'm not certain, I really prefer
17 not to say.

18 Q. That's fine. Can you please look at the next photograph.

19 A. Close up, we see Mile Gojic again, and then in the background we
20 can see Gojko Macanovic.

21 Q. Please again, sir, write their names directly onto their images on
22 the photograph.

23 A. [Marks].

24 Q. Go to the next photograph, please. Do you recognise any of the
25 individuals on this image?

1 A. It's too blurry to really tell.

2 MR. MUNDIS: Could we put that one aside, please, and go to the
3 next.

4 A. Again, the man on the right, this might be Gojko Macanovic, the
5 same person as before.

6 MR. MUNDIS: Let's put that one aside as well.

7 I think in light of the time, Your Honours, I would ask that the
8 photographs that the witness marked, in the sense of being able to
9 identify someone, be admitted into evidence. The remaining photographs
10 that were either too blurry or in which he couldn't identify anyone, we'll
11 exclude those from the bundle.

12 JUDGE MOLOTO: The photographs which are stills of the video clip,
13 Exhibit 548, which the witness has been able to identify people on are
14 herewith admitted into evidence. May they please be given an exhibit
15 number.

16 THE REGISTRAR: The set of documents will become Exhibit 550, Your
17 Honours.

18 JUDGE MOLOTO: Thank you very much.

19 And how many are those photographs? I guess is it four out of
20 seven or is it five out of seven?

21 MR. MUNDIS: Four, I believe. Perhaps the Registrar can assist.
22 I believe it was four. Four.

23 JUDGE MOLOTO: Thank you.

24 MR. MUNDIS:

25 Q. Mr. Trivicevic, thank you for answering our questions.

1 MR. MUNDIS: The Prosecution has no further questions, and we
2 again thank the Trial Chamber for their indulgence with respect to the
3 time allocated to us.

4 JUDGE MOLOTO: Thank you very much.

5 Mr. Robson.

6 MR. ROBSON: Thank you, Your Honours.

7 Cross-examination by Mr. Robson:

8 Q. Good afternoon, Mr. Trivicevic. My name is Nicholas Robson. I'm
9 going to be asking you some questions today on behalf of General Rasim
10 Delic.

11 Now, Mr. Trivicevic, it's right to say, isn't it, that you have
12 given several statements in connection with the events that followed the
13 attack on Krcevine?

14 A. I'm not sure which statements you mean.

15 Q. Well, it's right, isn't it, that you made a statement to an
16 Investigative Judge at Prnjavor Lower Court in May of 1997? Do you
17 remember that?

18 A. I remember an investigation where I made a statement to a judge in
19 Prnjavor. That was an investigation that followed my statement to the
20 investigators of the Hague Tribunal in February 2000. I had not released
21 any statements to anyone previously, not to judges from Prnjavor. Someone
22 from The Hague Tribunal office, the Belgrade-based one, came over to speak
23 to me, though.

24 On one occasion, they even -- I don't remember the exact date, but
25 we were in Belgrade and ...

1 Q. Thank you Mr. Trivicevic. So you remember giving statements to
2 investigators from the Office of the Prosecutor of this Tribunal, but you
3 don't recall giving a statement to an Investigative Judge in 1997; is that
4 right?

5 A. The investigative Judges were not from Prnjavor. This was the
6 Office for Cooperation with The Hague Tribunal, the Belgrade-based one.
7 The statements were taken in Prnjavor.

8 Q. We'll perhaps come back to the statements to the Investigative
9 Judge in due course, but first of all you told us from 1991 you served
10 with the JNA. Could you tell us, whereabouts did you serve?

11 A. I didn't do my military service in 1991. It was from the 15th of
12 December, 1990, and I served in the Bileca barracks.

13 Q. And for the benefit of the Trial Chamber, could you tell us where
14 Bileca barracks is?

15 A. That's in Bileca town. How else should I put it? It's in
16 Republika Srpska territory, and coincidentally it remained part of
17 Republika Srpska even after the war.

18 Q. Now, in your evidence you told us that in July 1995, you were
19 working as a medic in the 3rd Battalion of the Light Infantry Brigade, the
20 1st Light Infantry Brigade. I'd like to ask you about the events that
21 occurred in July.

22 If I can take you to the attack on the 21st of July, 1995, would
23 you agree with me that when that attack took place, you had no idea which
24 units were attacking you?

25 A. That's right. It was on the other side of the hill, on the other

1 side of the line, and we didn't know who was there at all. However, based
2 on our intelligence, information provided by our intelligence, and the
3 results that came on the 27th of May, we knew full well that those people
4 were Mujahedin. There were even certain situations where Mujahedin who
5 were killed, for example, in an attack remained on our side, their bodies,
6 that is, so we sometimes found bodies of dead Mujahedin.

7 Q. It's right to say, isn't it, that when the attack took place on
8 the 21st of July, initially you had no idea who was involved in that
9 attack; you didn't know it was the Mujahedin? Would you agree with me?

10 JUDGE MOLOTO: Isn't that the same question as the first one, just
11 slightly -- couched slightly differently? First it was the units, now
12 it's the Mujahedin. I'm not quite sure I'm following.

13 MR. ROBSON:

14 Q. Well, Mr. Trivicevic, in your evidence you've told us that the
15 attack was carried out by the BH Army, led by the El Mudjahedin
16 Detachment. At the time that the attack was taking place, you didn't know
17 that it was being carried out by the BH Army, led by the El Mudjahedin
18 Detachment, did you?

19 A. Just beforehand, there had been some conspicuous activity by the
20 BH Army, led by the El Mudjahedin Detachment, in that particular part of
21 the front. We didn't know exactly who it was that was attacking us, but
22 we assumed that it was the El Mudjahedin Detachment.

23 Q. So has somebody told you at a later stage that this attack was led
24 by the El Mudjahedin Detachment? Am I right in saying that this is not
25 something that you knew at the time of the attack?

1 A. I didn't know this for the first half hour of the attack. After
2 that, it all dawned on me.

3 Q. So you didn't know this for the first half hour. You've told us
4 how you were captured by ten or so Mujahedin, and within those Mujahedin
5 there were two or three local Mujahedin as well, weren't they?

6 A. Yes, that's right.

7 Q. You've explained how -- and let's just clarify this. Before you
8 saw those ten or so Mujahedin, you hadn't actually seen any of the action
9 involved in the attack; is that right?

10 A. I'm not sure I understand your question. Can you please clarify
11 what it is exactly you want me to say? I'll be glad to accommodate you.

12 Q. Sure. It's the case, isn't it, that you were woken by a shooting,
13 you mentioned that wounded people started coming into the medical centre.
14 Am I right in saying that you attended to those wounded people?

15 A. Yes, you're quite right, you're quite right.

16 Q. And so for the first time that you actually left the medical
17 centre and walked outside, that was when you walked straight into the
18 group of the Mujahedin standing there?

19 A. Not quite. If you can spare some time, I'll be glad to explain,
20 clarify the situation.

21 JUDGE MOLOTO: Okay. Could we spare the time after?

22 MR. ROBSON: Yes, Your Honour.

23 JUDGE MOLOTO: Thank you very much.

24 We'll take a break and come back at quarter to 6.00.

25 Court adjourned.

1 --- Recess taken at 5.16 p.m.

2 --- On resuming at 5.46 p.m.

3 JUDGE MOLOTO: Mr. Robson.

4 MR. ROBSON: Your Honours, I'll try to speak as slowly as
5 possible, and if I go too fast, please let me know.

6 Q. Mr. Trivicevic, if I could recap on your evidence. Please correct
7 me if I misunderstood you.

8 On the morning of the 21st of July, 1995, you were awoken by
9 shooting; you got up?

10 A. Correct.

11 Q. Not long after, wounded people started coming into the medical
12 post?

13 A. Yes.

14 Q. At one point, you went outside, where you saw a column of people,
15 and you assumed that they belonged to the Army of Republika Srpska?

16 A. Yes, precisely.

17 Q. You went back inside the medical post, and at some point not long
18 after, you went outside and walked straight into a group of Mujahedin who
19 were standing there?

20 A. That now is not quite correct. I did not enter back into the room
21 where we were providing assistance, but I entered the room that was a
22 floor higher, where we were sleeping, where our personal items were, and
23 lists of the battalion members who were being recorded as wounded or
24 away. And not long after that, Dr. Sikanic and I went inside to pick up
25 all of those things.

1 When we left those rooms, it was one building, the room downstairs
2 where we were providing medical assistance, and the room upstairs where
3 our personal things were. When I went out, I saw a group, and then it was
4 clear to me that it was a group of Mujahedin, and they were some 30 metres
5 away from me.

6 Q. You've explained to the Trial Chamber how you and the doctor
7 surrendered, and then at that stage the Mujahedin took you away, and
8 during that journey you stopped on several occasions; is that so?

9 A. Yes.

10 Q. And you've explained how you arrived in Livade village. Let me
11 ask you this: Based on what you told us, you were not in the position to
12 know that the El Mudjahedin Detachment was leading the Bosnian Army during
13 that attack that morning, were you?

14 A. During that trip, we can call it that, on one side of the line and
15 on the other side of the line the Mujahedin, who were going with us,
16 tried, as much as they were able to speak our language, to clarify and
17 explain how many of them there were. They told us that there were 62
18 participants on the radio connections at the time who belonged to the El
19 Mudjahedin Detachment, amongst other things.

20 Q. Well, it's a little bit strange that you say that "as much as they
21 were able to speak our language," because you've told us that amongst the
22 Mujahedin, there were Bosnians who were able to communicate with you.

23 A. That is correct, and I also correctly stated in my statement that
24 five of us returned. There were three Mujahedin. One was walking in
25 front. Then I was going behind. Then there was another Mujahedin in the

1 middle, and then there was Dr. Sikanic, and then there was the third
2 Mujahedin in the back. All of them were from the El Mujahedin unit from
3 the Arab countries. I mentioned one of the Bosnians who had come back in
4 front of the house, because he was wounded in the lower leg. He bandaged
5 that, and then he continued.

6 Q. I'd like to show you a document, please, if I may. It's document
7 D510. If we could look at the first page in both English and B/C/S
8 versions, please. Perhaps if we could just, yes, close in on the top
9 parts of both documents.

10 Mr. Trivicevic, would you agree with me that this document is
11 headed "Record of Witness Statement"? Can you see that?

12 A. Yes.

13 Q. And would you agree with me that it states it was made on 22 May
14 1997 before the Investigating Judge of the Lower Court in Prnjavor, in
15 criminal proceedings against an unknown perpetrator? Do you see that?

16 A. I do.

17 Q. And would you agree that we can see there that the witness is
18 Velibor Trivicevic?

19 A. Yes.

20 MR. ROBSON: If we can please look at the bottom of the B/C/S
21 version.

22 Q. On the very last line, Mr. Trivicevic, do you agree that that is
23 your signature?

24 A. Yes, it's my signature.

25 Q. Now that I've shown you this document, do you now recall giving a

1 statement to an Investigating Judge in Prnjavor Lower Court in May 1997?

2 A. The only statement that I recall, and I stand by what I said, is
3 what I gave to the investigators of the Prosecutor's Office of The Hague
4 Tribunal, at the offices in Belgrade. I agree that the person who was
5 recording the statement in this case was Mira Andjelic, but I do not
6 remember the presence of the Investigating Judge, Savo Music.

7 Q. Can you explain to us what this document is in front of us? It's
8 an official document and it has your signature. How can this be?

9 A. I don't know. I cannot explain it.

10 Q. What about the details on the document? We can see your name, and
11 it says "Father's name: Mirko." Is that your father's name?

12 A. The information is correct.

13 Q. And you accept that that is your signature?

14 A. I accept that it is my signature, yes.

15 Q. So do you agree with me that you must have signed this statement
16 at some stage, having given it to an Investigating Judge?

17 A. The document that is in front of us shows, without doubt, that I
18 signed that document. However, I do not recall, I really do not recall.
19 On the 20 -- I do not recall the 22nd of May and Mr. Savo Music in that
20 investigation or of having provided a statement of this kind to anyone.

21 Q. So am I right in saying that you accept that you signed this
22 statement, but you just have no recollection of making the statement and
23 then subsequently signing it?

24 A. The signature is mine, but the document and what is contained in
25 the document is something that I really do not remember. I have no idea

1 what this is about. I don't know what case it is related to.

2 Q. Let's have a look at what the -- a particular part of the
3 statement. It's page 3 in the English, and in the B/C/S I suspect it's
4 page 2.

5 So in the English versions and the B/C/S, it's the third
6 paragraph. So if we can please close in on that at the top of the page.

7 Mr. Trivicevic, can you see the paragraph which reads as follows:

8 "At about 3.50 on 21 July 1995, Muslim armed forces launched a
9 heavy attack on our line and soon they broke through it."

10 Do you see that?

11 A. I do.

12 Q. And lower down the page, would you agree with me that you talk
13 about -- or you state:

14 "We were captured by a group of 12 Mujahedin"?

15 Do you see that?

16 A. I see that, too.

17 Q. So would you agree with me that when you spoke to the
18 Investigating Judge and explained what had happened on this particular
19 day, you told him that it was Muslim armed forces that launched the
20 attack, and you mentioned nothing about the El Mudjahedin Detachment
21 leading that attack?

22 A. I don't know what you mean when you say that. The question is not
23 clear to me. If a group of 12 Mujahedin is referred to here, then it is
24 clear that the group that attacked us were Mujahedin, and that's what it
25 says in the statement. And I confirm that, in the course of providing

1 other statements and in my testimony here before the Tribunal, in all the
2 statements that I have given so far.

3 Q. I accept that you were captured by Mujahedin. The point that I am
4 making is that in 1997, when you gave this statement, you made no mention
5 to the Investigating Judge that it was the El Mudjahedin Detachment that
6 was involved. Would you agree with me?

7 A. No, I would not, because I clearly mentioned that a group of 12
8 Mujahedin captured me. They were Mujahedin. At this point, I didn't
9 say "12", because it's been 12 years since the time that I was captured,
10 so I said "a group of approximately 10 Mujahedin," and I agree with that.
11 But I say, without any dispute, that I was captured by a group of
12 Mujahedin.

13 Q. And would you agree with me that it was after -- some point after
14 1997 that somebody told you that those Mujahedin were called "The El
15 Mudjahedin Detachment"?

16 A. No, I would not agree with that, in any event.

17 JUDGE MOLOTO: I don't understand the logic of that question,
18 Mr. Robson. The witness, in the sentence that you read halfway in the
19 statement that he made in 1997 to the Judge, says: "We were captured by a
20 group of 12 Mujahedin who belonged to the Mujahedin Detachment of the
21 Muslim armed forces."

22 MR. ROBSON: Your Honour, I'll move on. The point is about who
23 was leading who.

24 JUDGE MOLOTO: Fine. But when you say, "And would you agree with
25 me that it was after some point after 1997 that somebody told you that

1 those Mujahedin were called 'The El Mudjahedin Detachment,' I don't
2 understand that question, because he has mentioned it here in the
3 statement.

4 MR. ROBSON:

5 Q. Mr. Trivicevic, would you agree with me that in this statement
6 from 1997, on the page in front of you, at no point do you mention the El
7 Mudjahedin Detachment?

8 A. I would not agree with you, because the El Mudjahedin Detachment
9 is stated there clearly, and I repeated that several times. A group of 12
10 Mujahedin, the El Mudjahedin Detachment, captured me. They carried out
11 rituals. They were proud of that. They asked us to convert to Islam.
12 There is no doubt that that was that group, the El Mujahedin, and we
13 experienced that on our own skin while we were captives of that group.

14 Q. On this page, where does it mention "El Mudjahedin Detachment"?

15 A. I should have said the El Mudjahedin Detachment that belonged to
16 the 3rd Assault Group of the 3rd Corps and so on and so it would stand up
17 in court. The El Mujahedin was the entire corps. The Light Infantry
18 Brigade of Prnjavor was that, and I was captured as a member of the 3rd
19 Light Prnjavor Brigade. And the group of Mujahedin that captured us were
20 Mujahedin, and they were part of that detachment. Not the entire
21 detachment could have come out to that fight and to capture us.

22 MS. VIDOVIC: [Interpretation] Your Honours, I don't know if you
23 can hear me. I really need to say I can see now what the difference is.

24 If I can repeat, Your Honours, I am just now noticing, because I
25 don't see from the screen here that you have the wrong translation, that

1 in the Bosnian translation we're looking at something else than what you
2 have in your translation.

3 I would just like to ask the witness to read out loud the
4 sentence, or however that is done, because my colleague will not be able
5 to do that.

6 In the Bosnian version, in the original, it says: "We were
7 captured by a group of 12 Mujahedin who were members of the Mujahedin
8 unit." Nowhere is "the El Mudjahedin Detachment" mentioned. This is what
9 the misunderstanding is between my colleague and the witness. It's a bad
10 translation.

11 So, please, can you ask the witness to read this sentence?

12 JUDGE LATTANZI: [Interpretation] If I understood you right, it's a
13 unit. Detachment, unit, seems to be what it means.

14 MR. ROBSON:

15 Q. Mr. Trivicevic, I'll put the question again. Would you agree with
16 me that nowhere in this -- in the page in front of you does it refer to
17 the El Mudjahedin Detachment?

18 A. It states very clearly that a group of 12 Mujahedin, who belonged
19 to the Mujahedin unit, part of the Muslim armed forces. This is what I
20 see in my -- I don't know what the name of that group was. It's not clear
21 to me what their name was. I don't know what the name of that unit was,
22 but they were what they were. I could not have found out -- and now
23 you're going to ask me, as evidence, to issue an -- or to provide an order
24 where that is stated that this is so-and-so. I cannot do that.

25 Q. You've told us you did not know what the name of that unit was.

1 Also in this statement you gave to the Investigating Judge, would you
2 agree with me, you do not say that the Mujahedin led the attack?

3 A. I disagree. The Mujahedin were the crack force. They were 62
4 participants alone in the radio network connection. Each group had one
5 radio device covering a number of soldiers. They, themselves, said that
6 on that day they had 64 participants in the radio network. I mean, not
7 the whole group came out, surely, to arrest me and Dr. Sikanic.

8 Q. Would you agree with me that what you've just said about the 62
9 participants, each group having a radio device, none of this information
10 is contained in this statement, is it?

11 A. Yes, it is correct that it's not there, but it's also correct that
12 I gave a much shorter statement here than I was able to because of
13 limitations, for many reasons.

14 Q. You do now recall giving this statement?

15 A. What I have said just now did not refer to this statement, but to
16 the statement -- or to my testimony in front -- before the Trial Chamber
17 which has been -- which started early this afternoon.

18 Q. I'll move on.

19 You told us that on one of the stopping points to Livade village,
20 you came to a medical unit which belonged to the Mujahedin. And you told
21 us that a note --

22 A. Correct.

23 Q. And you told us that a note was written which said, "This is the
24 end of Chetniks." Do you remember saying that?

25 A. I do.

1 Q. Which language was that written in?

2 A. It was written in Serbian, Bosnian, Bosniak, however you like it,
3 but it was understandable to me at that point in time.

4 Q. And thereafter you were taken to Livade village. Can you tell us,
5 how far was that place from your medical post?

6 A. I don't know which place you mean. Are you thinking of the
7 medical post of the Mujahedin or the place where I was captured to Livade?

8 Q. I meant the place that you were captured, the medical post of the
9 Army of Republika Srpska.

10 A. From that unit to the place where the Mujahedin medical post was,
11 in my estimate, the distance was approximately between 1.5 to 2 kilometres
12 from the medical point of the Mujahedin. The drive, in an all-terrain
13 vehicle, took between 15 to 20 minutes. I am unable to give you the
14 number or the distance in kilometres.

15 Q. So you're saying that you were taken in a vehicle from the
16 Mujahedin medical post to Livade village?

17 JUDGE MOLOTO: I'm sorry, you're losing me, Mr. Robson. I thought
18 you were still talking about the -- I thought you were still talking about
19 where the witness was captured to a medical facility of the Mujahedin. Is
20 that --

21 MR. ROBSON: No. What I'm trying to ascertain is the approximate
22 distance from the medical post, where the witness was captured, to Livade
23 village.

24 JUDGE MOLOTO: Oh, from where he was captured, not to the medical
25 post of the --

1 MR. ROBSON: No.

2 JUDGE MOLOTO: Okay. And is the answer that it is 1.5 to 2
3 kilometres?

4 THE WITNESS: [Interpretation] Please believe me when I say that
5 this is not clear to me.

6 JUDGE MOLOTO: Okay. The question that I understand the lawyer to
7 be asking is: From the point where you were captured next to your medical
8 post, the medical post of the VRS, to Livade, what would you estimate the
9 distance to be?

10 THE WITNESS: [Interpretation] I cannot give you an exact answer to
11 that question, because we were taken from our medical post to the
12 Mujahedin medical post on foot. Then from that medical post of the
13 Mujahedin, we were taken to Livade in a car or a vehicle.

14 JUDGE MOLOTO: That was my problem.

15 MR. ROBSON:

16 Q. So, Witness, you're not able to estimate the distance?

17 A. No, I'm not.

18 Q. And just before I ask you about Livade village, you told us that
19 at one of the places you stopped at, you saw a trench in which there was a
20 soldier whose head had been cut away from his body. Is that right?

21 A. No, it's not. We stopped next to a trench, and then next to that
22 trench was the body with its head cut off, not in the trench.

23 Q. Thank you. When you arrived at Livade village, did you recognise
24 that place or did somebody tell you that the name of the village was
25 Livade?

1 A. I had never been to the village of Livade before, so there was no
2 way for me to recognise it. However, from the conversation of the
3 Mujahedin, I learned that the name of that place was Livade, because they
4 had a dictionary with them and they were trying to learn Serbian, Bosnian,
5 and among other things. There was the sentence there, "I was in Livade, I
6 will be going to Livade, I am in a place called Livade," and that was how
7 they were trying to learn Serbian, and that is how I learned that the name
8 of the place was Livade.

9 Q. When you arrived in the village, it's right, isn't it, that a
10 group of local villagers surrounded you and started attacking you, you and
11 the doctor?

12 A. Correct.

13 Q. One of the villagers started kicking you; is that right?

14 A. He didn't start to kick me. He kicked me only once in my left
15 eye.

16 Q. And one of the Mujahedin who was with you got angry when he saw
17 this, didn't he, and asked the villagers why they were beating you; is
18 that so?

19 A. He asked that old man why he had done that.

20 Q. Was the name of that Mujahedin "Habib"?

21 A. Yes.

22 Q. And then he took you away from the villagers who were attacking
23 you and took you to a warehouse in the village; is that so?

24 A. Yes, that's correct.

25 Q. You've told us how in the warehouse there were 10 or 11 Muslims

1 who had been working with the Army of Republika Srpska. Do you remember
2 saying that?

3 A. I do.

4 Q. Is it right to say that those Muslims had been acting as human
5 shields during the attack, and that was the reason why they'd been with
6 the Army of Republika Srpska?

7 A. As for the human shields, this is not a question that I am
8 knowledgeable about, but they were not used as human shields in any
9 conditions, because they were in a house that was very close to the
10 Command of the 2nd Battalion, so it was even a kilometre behind the lines.

11 Q. What I'm talking about is the purpose that they had been used for
12 prior to being liberated by the Mujahedin.

13 A. Before that, the purpose was not as human shields. The purpose
14 was to build trenches, to bring food, and to do some auxiliary tasks on
15 the front line. They were not used as human shields. But, really, I
16 don't see how this question has anything to do with me.

17 Q. The purpose that you've told us these Muslims were used for, you
18 would agree with me that those Muslims were forced to carry out those
19 tasks? They weren't carrying them out voluntarily; is that right?

20 A. You want me to tell you the truth about myself? I was forced to
21 go to the front. They refused the summons to join the army. Since we
22 were in a state of war, they had to do something. They had refused to go
23 to the trenches and take up their weapons, so they were mobilised to
24 perform these auxiliary tasks.

25 But I do have to say this: I don't see where I fit in. This is

1 probably a different investigation that you are pursuing here.

2 Q. I'll ask you about your experiences, Mr. Trivicevic. You've told
3 us how, at a certain point, you were taken to a house with two floors, and
4 after a while a third army member arrived, Igor Guljevatej. Do you recall
5 that?

6 A. I don't recall that.

7 Q. Well, you told us in your evidence earlier that you were taken
8 from the warehouse at one point to a two-storey house. Is that not so?

9 A. I do recall that, yes.

10 Q. And in the house, you've explained how you were fed some food?

11 A. Correct.

12 Q. And then at one point a Mujahedin came in carrying the head of
13 somebody that you recognised as Momir Mitrovic; is that so?

14 A. That's right, too, but now we're leaving the previous question.
15 Before entering the house, was Guljevatej brought there? No. He had been
16 taken to the warehouse previously, before all three of us were taken to
17 that house. It wasn't a two-storey house. It only had a ground floor and
18 an upper floor.

19 Q. Okay. So he arrived at the warehouse. Now, I'm concerned with
20 the events in the house, and you told us that at a certain moment in time,
21 the Mujahedin came in carrying a second head. Am I right in saying that
22 you did not recognise that person, that you did not recognise who the head
23 belonged to?

24 A. You're quite correct, yes.

25 Q. You told us that at some stage later, you met a lady who had a

1 missing brother?

2 A. That's correct, too, not in the way you put it, though.

3 Q. How long after the event was it that you met the lady who told you
4 about this missing brother?

5 A. This lady came to see me when I started working after I was
6 released, working at the health centre in Prnjavor. She came to see me
7 with a photograph. I looked at the photograph, and I recognised the man
8 that this woman was looking for.

9 Q. Can I suggest to you that you could not be certain that the head
10 that you saw was that of the lady's brother?

11 A. You can suggest whatever you like, but I will not accept this.

12 Q. And this was the 21st of July, wasn't it, when you saw the two
13 heads, the day that the attack took place?

14 A. That's right.

15 Q. Would you agree with me that it wasn't far from Livade village to
16 the area where the fighting was taking place?

17 A. I would agree it wasn't that far. On the morning of the 22nd, at
18 daybreak, shells started falling that were being fired from our side, so
19 this was within the range of our mortars, the mortars belonging to our
20 brigade.

21 Q. You hadn't seen these -- either of these two men that day before
22 they were killed, did you?

23 A. That's right.

24 Q. They weren't taken to the village with you and Dr. Sikanic in the
25 vehicle, were they?

1 A. They weren't.

2 Q. And you hadn't seen them in either the warehouse or the two-storey
3 house?

4 A. In the two-storey house, the only thing I did see was their two
5 severed heads.

6 Q. Now, during your evidence, you told us about how you saw the Serb
7 soldier lying next to the trench who had been decapitated. Would you
8 agree with me that these two men may well have been killed on the
9 battlefield, and for whatever purpose, perhaps to intimidate you, their
10 heads were collected and brought to that warehouse?

11 A. Again, I'm not sure what you're talking about. Now you are
12 mentioning a trench with a body next to it and a severed head, and then
13 you tell me about two severed heads that were taken to a warehouse. None
14 of that is actually true.

15 The body that was lying there next to that trench --

16 Q. Earlier that day, you had seen a body with a severed head laying
17 next to a trench; is that so?

18 A. Yes, that's right.

19 Q. Now, it's right, isn't it, that these two heads that were brought
20 to you in the warehouse, those heads could also have been cut off in the
21 battlefield and brought to you at the warehouse? Would you agree?

22 JUDGE MOLOTO: I'm sorry, Mr. Robson. You're inviting this
23 witness to speculate. You're not asking him facts. Both questions are
24 asking for speculation, unless you are saying -- you're calling witnesses
25 to say that's what happened and you want -- that's a fact you want to

1 establish.

2 MR. ROBSON: Your Honour, this witness has given an explanation
3 during examination-in-chief from which the Trial Chamber may deduce
4 certain facts, and what I'm trying to do is explore what the witness told
5 the Trial Chamber earlier on. I believe I am entitled to put these sort
6 of questions to him.

7 Perhaps if I can put it in a more focused fashion.

8 JUDGE MOLOTO: I think your questions are speculative, unless you
9 say, look, you have contrary evidence to contradict what he told the
10 Chamber. But if you say, "you cannot dispute that they may have been cut
11 off in the field to intimidate you," how is he to know that?

12 MR. ROBSON: Well, Your Honour, he can -- let me ask another
13 question. I withdraw that last one.

14 JUDGE HARHOFF: But if I may just follow up on Judge Moloto's
15 observations, I have a problem of relevance of this, because what
16 difference would it make if the persons were decapitated in the
17 battlefield and brought to intimidate? I mean --

18 MR. ROBSON: Your Honour, with respect, it would make a world of
19 difference, because if the witness -- if the persons that had their heads
20 cut off in the battlefield, there would be no way of telling who had
21 committed that act, and therefore the Chamber would be unable to impute
22 those acts to the Mujahedin.

23 JUDGE HARHOFF: But wherein lies the crime, then? Is it the
24 decapitation or is it the intimidation of this witness which is really at
25 stake?

1 MR. ROBSON: Well, Your Honour, the indictment pleads that these
2 two men were killed by the Mujahedin, and that is really -- that's the
3 issue here. If the witness can't say who killed them or in what
4 circumstances ...

5 JUDGE HARHOFF: But I think the witness has testified already to
6 the fact that he didn't see the killings, so he is, in any case, unable to
7 tell you who killed them.

8 MR. ROBSON: Okay, I'll move on.

9 JUDGE HARHOFF: So you won't get any further along this road. I
10 think you should move on.

11 MR. ROBSON: Okay, I will -- I will do so.

12 THE WITNESS: [Interpretation] If I may -- if I may just put in a
13 word. I apologise.

14 I was crystal clear in my statement. The heads that were brought
15 into that room were still gushing blood all over the ground, all over our
16 legs. If this had been done somewhere along the front line, and it had
17 taken them 15 to 20 minutes to get me there from the front line, if they
18 had arrived all the way from the front line, I don't know how much blood
19 would have still been left in those heads to gush forth like that.

20 MR. ROBSON:

21 Q. Mr. Trivicevic, you didn't tell us earlier that these heads were
22 still gushing blood and that it had gone all over the ground and all over
23 your legs. This is something new. The fact is you could not say how
24 those men were killed or where they were killed, could you?

25 A. If it is true that I failed to mention that, if it is true, I

1 apologise. I'm about to tell you, the three of us were sitting in that
2 room facing the Muslims, those who -- and those people who were sitting
3 against the wall, those who had been imprisoned. At one point in time we
4 heard firing --

5 Q. Mr. Trivicevic, I appreciate that you feel the need to explain,
6 but if you could please concentrate on the question that I asked you.

7 It's right to say that you cannot say where those men were killed
8 and, indeed, how they were killed; do you agree with me?

9 A. The fair thing to say would be this: I'm certain that they had
10 not been killed at the front line and then brought over. As I said, there
11 was blood dripping from those severed heads, and those heads had obviously
12 been freshly severed.

13 Q. Now, I want to ask you about the Mujahedin camp.

14 You've told us in your evidence that you --

15 JUDGE MOLOTO: Yes, Mr. Mundis.

16 MR. MUNDIS: Sorry. I rise simply to point out something my
17 learned colleague just said a moment ago, and I draw the Trial Chamber's
18 attention to page 21, lines 16 through 18, before he moves on to a new
19 subject. This relates to what the witness said earlier concerning the
20 second of the two heads that were brought into the room. I simply want to
21 put that on the record at this point in time, in light of what Mr. Robson
22 has just said.

23 JUDGE MOLOTO: Thank you, Mr. Mundis.

24 You saw that, Mr. --

25 MR. ROBSON: Yes, yes, Your Honour, I saw that.

1 Q. Mr. Trivicevic, you told us that you travelled to the camp in a
2 truck, and in your evidence you've stated that you were able to see that
3 you passed through Zavidovici. Is that right? You told us that a
4 blindfold was on you but you were still able to see; is that so?

5 A. Not quite. First of all, it wasn't in a truck. It was in a van.
6 Secondly, I clearly stated a while ago that all the other prisoners had
7 had their shirts shredded to bits, and these shreds were used to blindfold
8 them. When I was on my way into the van, they pulled a woolen cup over my
9 eyes, a knitted cup over my eyes. I didn't say I could see clearly. I
10 said that I could perhaps steal the occasional glimpse, and indeed I did.
11 I recognised some buildings on the way into Zavidovici, which is where we
12 were being taken, because at the Mujahedin check-point, they opened the
13 rear doors of the van in order to make it possible for whoever wished to
14 do to that to access the inside of the van and hit us, lash out at us.

15 Q. According to you, you could see part of the journey on the way to
16 the camp; is that right?

17 A. That is not what I said. I was thrown inside that van, lying on
18 my back. I could only see where we were passing through whenever they
19 opened the door of the van just because I was lying next to the door. I
20 did not see the journey itself, as you suggest, at all.

21 Q. So how were you able to see these places? I don't want to dwell
22 on this too long, but you mentioned to us in your evidence that you were
23 able to tell that you were travelling through Zavidovici --

24 JUDGE LATTANZI: [Interpretation] Witness, please calm down. The
25 Defence counsel is entitled to test your credibility. That's the job of a

1 Defence counsel. That's what he's doing as part of the
2 cross-examination. So please calm down, please be patient, and please
3 give answers according to what you know.

4 MR. ROBSON:

5 Q. Mr. Trivivic [phonetic], please, could I show you your statement
6 again to the Investigative Judge? It's page 7 of the English version that
7 I'm interested in?

8 I apologise, "Trivicevic."

9 And in the B/C/S version, it's page 5 in the last paragraph.

10 In the English, it's within the paragraph that begins: "After
11 that, they took us outside ..."

12 Mr. Trivicevic, can you see the paragraph that begins:

13 "After that, they took us outside the building, one by one, where
14 a crowd of civilians began to curse and insult us"?

15 Do you see that?

16 A. Yes, I do.

17 Q. Now, in this paragraph, you're explaining to the Investigative
18 Judge your journey to the camp, and in it what you state is: "They also
19 blindfolded us. A hood was placed over my head because they were out of
20 blindfolds."

21 Do you see that part?

22 A. Yes, I do see that too.

23 Q. Can you explain to us how you were then able to see the journey to
24 the camp if you'd had a hood placed over your head?

25 A. It's quite simple, actually. It was a knitted hood made by hand.

1 If you pull it over a person's head, the cloth itself stretches, the
2 material stretches. Therefore, it becomes, to some degree, translucent,
3 transparent. You can't see through it clearly, but you do recognise
4 shapes.

5 Q. You say it stretches and becomes translucent, but the next
6 sentence, if I can just read it out to you, says: "I almost suffocated."
7 That suggests that the hood did not stretch as you've just told us, and
8 are you able to help me?

9 A. I can help you. It's not that I nearly suffocated because of the
10 hood, but because we had ropes tied around our necks, hands and our backs,
11 and that's how we were being transported. We were left in that position,
12 seated on the floor and leaning against the wall. Therefore, my neck was
13 very tight, and that is why I nearly suffocated. I was also suffering
14 severe pain in my arms and legs because of the twine or because of the
15 bonds.

16 Q. You arrived at the camp. Would you agree with me that on arrival,
17 once you were taken out of the vehicle, you were provided with food, you
18 were given some rice?

19 A. That wasn't once we were taken out of the vehicle. We were first
20 taken out and pulled out of the vehicle. Then they poured water into the
21 dirt in front of us. We stayed there for some time and then were taken to
22 a tent that I believed at the time to be the Emir's tent. It was in that
23 tent that they fed us rice, if I remember correctly.

24 Q. The question was: Were you fed some food after your arrival at
25 the camp?

1 A. Not right after our arrival. It was some time later.

2 Q. And you would agree with me, concerning food, during your time in
3 the camp you were given food each day, weren't you? The Mujahedin fed
4 you?

5 A. No. The Mujahedin did feed us, but not every day.

6 Q. Well, it was twice a day, wasn't it, once in the morning and once
7 in the evening?

8 A. Sometimes it was three times a day, but sometimes they skipped
9 meals and water altogether. So, for example, this was sometime in
10 August. We would spend 36 hours at a stretch without a single drop of
11 water, and then after that they would bring a one-and-a-half litre bottle
12 of Coke to be shared by the 11 of us who were there.

13 Q. And if I can ask you about water, would you agree with me that the
14 Mujahedin would bring you water in whatever containers they had available,
15 so they used old plastic bottles, you mentioned a jerry can; is that so?

16 A. That is so.

17 Q. Okay. And it's right, isn't it, that some of the Mujahedin showed
18 you acts of kindness? You mentioned earlier about the Mujahedin
19 called "Habib" who untied your hands and legs when you were lying out in
20 the field; is that so?

21 A. Yes, and I'm immensely grateful to them for that.

22 Q. He gave you a coffee and he brought you blankets whilst you were
23 lying there; is that right?

24 A. Right.

25 Q. And would you agree with me that in the video that we saw today,

1 there was an elderly man who was pictured at some stage, and he too was
2 somebody who would bring you food and treat you properly? Perhaps if I
3 can show you this photograph.

4 Is this old man somebody that you recognise?

5 A. I believe that this is the man who, when he was on guard, we
6 wanted for nothing. Whenever he was on duty, he would bring us water and
7 food regularly. I must say that I feel a great debt of gratitude to this
8 man.

9 Q. Now, I just want -- I want to turn to Gojko Vujicic, and am I
10 right in saying that the incident during which he was killed occurred on
11 the 23rd or 24th of July, a day or so after your arrival at the camp? Is
12 that right?

13 A. Gojko was killed on the morning of the 24th of July, and our
14 arrival in the camp was on the 23rd.

15 MR. ROBSON: Okay, thank you.

16 Your Honour, before I proceed any further, could this photograph
17 please be entered as an exhibit?

18 JUDGE MOLOTO: Mr. Robson, before we deal with the photograph,
19 what happens to D510?

20 MR. ROBSON: Your Honour, it's a statement. I'm not asking that
21 it be admitted into evidence. The purpose was just to confront the
22 witness with it.

23 JUDGE MOLOTO: Okay. Now, this photograph, it's a photograph of
24 who?

25 JUDGE HARHOFF: Yes, is that Habib?

1 JUDGE MOLOTO: No, it's not Habib. Do we know the name of this
2 person?

3 THE WITNESS: [Interpretation] I don't know the person's name.
4 Habib, based on what he told me, was 17 years old at the time and was from
5 South Yemen, which appears to suggest that this is not the same person I
6 saw.

7 JUDGE MOLOTO: Certainly. Okay.
8 Anyway, whatever his name, that photograph is admitted into
9 evidence. May it please be given an exhibit number.

10 THE REGISTRAR: It will become Exhibit 551, Your Honours.

11 JUDGE MOLOTO: Thank you very much.

12 MR. ROBSON:

13 Q. Would you agree with me that Gojko Vujicic had been hit by a
14 bullet in the groin area during the attack on the 21st of July?

15 A. When Gojko was brought into the house at Livade on the 21st of
16 July, he had already sustained an injury. This was a gunshot wound, but I
17 don't know how and when it came about.

18 Q. Was it a serious injury?

19 A. No, one couldn't describe it as a serious one. It was an
20 entry-and-exit wound to the upper thigh, the inside of his thigh, but it
21 was no more than five centimetres deep.

22 Q. Is it right that he was in a lot of pain on the evening that he
23 died? Are you able to say?

24 A. I don't know what people were suffering, what they were feeling.
25 Therefore, it's very difficult for me to talk about what Gojko was feeling

1 during that particular night.

2 Q. You said that he called out and cursed God. Am I right in saying
3 that a Mujahedin took offence to that, and that was the reason why the
4 Mujahedin killed him?

5 A. I can't say that this was the principal reason. I do believe that
6 it was one of the reasons.

7 Q. Okay. Now, you mentioned that when you had been taken back to the
8 room and the head had been placed in the room, you said that the Emir took
9 the head down and he shouted sharply in an angry voice. Do you recall
10 saying that?

11 A. I do recall saying that, and this is indeed how it was.

12 Q. It was clear that the Emir was not happy with what had happened;
13 do you agree?

14 A. I agree with that, too.

15 Q. Now, it's right, isn't it, that a short time after this incident
16 involving Gojko Vujicic, the Emir returned to the room with an
17 interpreter; do you recall that?

18 A. The Emir entered the room with an interpreter, but believe me that
19 I am not really able to say whether it was that day or the next day and at
20 what time this was. In any case, when they came, it was already almost
21 dark.

22 Q. And he told you that you would all have warm water and clothes to
23 change into, and he said at some point the Red Cross would come and
24 register you; is that right?

25 A. Yes, it is.

1 Q. And would you agree with me that, to a degree, after that incident
2 the conditions did improve at the camp?

3 A. That is correct also.

4 Q. Now, I'll turn quickly to the 23rd of August, the day that you and
5 the other men were taken by bus to KP Dom.

6 When you got on to that bus, was there any visible sign of
7 mistreatment on your face or on your hands; do you remember?

8 A. There could have been scars from the chain that we were bound
9 with. There could have been scars on my hands from the ropes, and I
10 couldn't really -- I don't remember anymore how I looked at that time. I
11 don't think that there were any other visible wounds or injuries.

12 Q. If I can show you a document, please. I'll try and do this
13 quickly. It's P02480.

14 Oh, I apologise. It's Exhibit 4999 [sic].

15 JUDGE MOLOTO: Is it four triple 9 or four double 9?

16 MR. ROBSON: Four double nine.

17 Q. Would you agree with me, Mr. Trivicevic, that this is a document
18 dated the 29th of August, and the heading is "Taking over Members of the
19 So-Called VRS from the El Mujahedin Light Infantry Detachment"?

20 A. I see the document, but right now I really couldn't say what it
21 was all about.

22 Q. And we can see that there is 11 names on this document. Do you
23 agree with me? If we can turn to page 2 in the English version, please.

24 A. Correct.

25 Q. And one of those names amongst the 11 is your name at, well --

1 A. Correct, yes.

2 Q. If we can just look at the bottom of this document in both the
3 B/C/S and the English versions. If we can turn to the next page in
4 English. It's on the third page.

5 Would you agree with me that this paragraph says that there
6 were -- well, it states:

7 "No problems or obstacles emerged when the listed aggressor
8 soldiers were taken over and escorted under guard and they were all safely
9 escorted and brought to the centre for the intake of prisoners of war."

10 Do you see that?

11 A. That is correct, I see it.

12 Q. And in this document, there's no -- there's nothing written here
13 to indicate that either you or any of the other prisoners had any signs of
14 mistreatment; do you agree with me?

15 A. I agree, but there was nobody who could record the injuries and
16 note that in a document.

17 Q. Well, you've mentioned earlier in your evidence how you were
18 driven in the vehicle to KP Dom. Presumably, those men could have taken a
19 note, had they chosen to do so.

20 A. I think that they were military police, so it wasn't their job to
21 establish the degree of injury of the organs and the body of the
22 prisoners. In the centre, we had one person who was taking care of Goran
23 Stokanovic who had a gun-fire wound just below his knee, and Aksemtivic
24 [as interpreted] who had been seriously wounded in the house at Livade and
25 then bound with wire, due to which the circulation in his hands stopped,

1 and then gangrene set in.

2 So that man would come in and help and provide medical assistance
3 to those two men. He provided injections and so on, so that must have
4 been recorded somewhere. But there was nobody to record the injuries of
5 the prisoners of war.

6 Q. And my final topic, if I can turn to document P02460.

7 Mr. Trivicevic, can you make out that writing? It's rather --
8 it's rather faint. Can you see that this is an official note made in
9 Zenica on the 26th of August, 1995?

10 A. Yes, I can.

11 Q. And we can see it's from the 3rd Corps Security Service
12 Department.

13 Now, you told us earlier, Mr. Trivicevic, that you were
14 interrogated. Do you recall that?

15 A. I remember it very well.

16 Q. And the men who spoke to you, do you recall that they took a note,
17 there was a note taken of what you told the men?

18 A. I wrote this statement out myself.

19 Q. Okay. If we take a look through the document, if you -- do you
20 agree with me that here we can see information relating to you? It states
21 your name: "Velibor Trivicevic, son of Mirko and Cvijeta," and it gives
22 your date of birth. Do you see that?

23 A. Yes.

24 Q. We can then see that it states that you were in the 1st Prnjavor
25 Light Infantry Brigade, 3rd Battalion in the position of medical

1 technician. Do you see that?

2 A. I do, yes.

3 Q. And then as we go through the document, we can see that there's a
4 lot of details about your family. It mentions your mother, your sister?

5 A. That is correct.

6 Q. And then as we go further down the page, we can see that it
7 describes how you were mobilised and became a member of the Light Infantry
8 Brigade. You see that?

9 A. I do.

10 MR. ROBSON: If we can go on to the second page of the B/C/S
11 version, please.

12 Q. If you could look through this briefly, would you agree here that
13 you've given information about the different VRS units in your area? This
14 is what you described to the men interviewing you?

15 A. These are not different units. That's our unit.

16 Q. Okay. And then in the bottom half of that page, you can see that
17 you give information to the men about your knowledge of ARBiH military
18 units; is that right? We can see that you say, as regards ARBiH units,
19 you'd heard of --

20 JUDGE MOLOTO: Where are you reading from, Mr. Robson?

21 MR. ROBSON: Your Honours, if we could scroll down the page, it's
22 actually on page 3 of the English version. I apologise. And it's about
23 halfway in the B/C/S version.

24 Q. Mr. Trivicevic, do you see there where it says:

25 "As regards the ARBiH units, he had heard of Crni Labudovi,

1 Dzamijski Golubovi" that's the mosque pigeons, "and Mujahedin." Do you
2 see that?

3 A. I read it.

4 JUDGE MOLOTO: I don't see exactly where you're reading from,
5 sir. I'm sorry.

6 MR. ROBSON: Your Honour, it's towards the top of this page.

7 JUDGE MOLOTO: Okay, towards the top, and the sentence starts
8 with: "As regards ..."

9 MR. ROBSON: "As regards the ARBiH units ..."

10 JUDGE MOLOTO: Okay, fine.

11 MR. ROBSON: And the next sentence, he states that: "The Chetniks
12 fear the Mujahedins the most."

13 Q. Do you see that? Can you see that sentence, Mr. Trivicevic?

14 A. I can't find it.

15 Q. It's halfway down the page.

16 A. All right, I see it.

17 Q. Would you agree with me that those two sentences that I've read
18 out, those are the only references to Mujahedin in this document?

19 A. I would agree, yes.

20 MR. ROBSON: Your Honours, could this document please be admitted
21 into evidence.

22 JUDGE MOLOTO: The document is admitted into evidence. May it
23 please be given an exhibit number.

24 THE REGISTRAR: It will become Exhibit 552, Your Honours.

25 JUDGE MOLOTO: Thank you very much.

1 MR. ROBSON: Your Honours, I have no further questions.

2 JUDGE MOLOTO: Thank you very much, Mr. Robson.

3 Sir, we haven't finished with your testimony. We'll ask you to
4 come back tomorrow morning at 9.00 in this same courtroom for further
5 testimony. Okay?

6 THE WITNESS: [Interpretation] Very well.

7 JUDGE MOLOTO: Okay. The Court stands adjourned until tomorrow at
8 9.00 in Courtroom II.

9 Court adjourned.

10 --- Whereupon the hearing adjourned at 7.00 p.m.,
11 to be reconvened on Friday, the 5th day of
12 October, 2007, at 9.00 a.m.

13

14

15

16

17

18

19

20

21

22

23

24

25