

1 Monday, 24 January 2011

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.11 a.m.

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

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

9 JUDGE HALL: Thank you, Madam Registrar.

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

12 MR. DEMIRDJIAN: Good morning, Your Honours. On behalf of the
13 Prosecution, Alex Demirdjian, with Tom Hannis and Crispian Smith.

14 MR. ZECEVIC: Good morning, Your Honours. Slobodan Zecevic and
15 Eugene O'Sullivan appearing for the Stanisic Defence this morning. Thank
16 you.

17 MR. KRGOVIC: Good morning, Your Honours. Dragan Krgovic and
18 Aleksandar Aleksic appearing for Zupljanin Defence.

19 JUDGE HALL: Thank you.

20 Are there any matters which arise before we call the -- we have
21 the witness brought in?

22 MR. DEMIRDJIAN: Surprisingly not, Your Honours, but just wanting
23 to sure that everybody in the courtroom received the notice we sent last
24 night about the additional adjudicated fact that the witness may cover.
25 This was supposed to be covered by Witness ST-252, but since he has been

1 withdrawn, this witness can address the issue of destroyed churches and
2 mosques.

3 So I just wanted to make sure if there was any objection to that
4 or...

5 [Trial Chamber and Legal Officer confer]

6 JUDGE HALL: Mr. Aleksic, you were about to rise, yes.

7 MR. ALEKSIC: [Interpretation] Thank you, Your Honours.

8 We object to the adjudicated fact 1219 being testified by the
9 next witness.

10 The next witness, 008, was in contact with the Prosecution back
11 in 1999. Then, again in 2000, and then in 2003, and probably last year
12 when they included him in their 65 ter list.

13 JUDGE HALL: If I might interrupt Mr. Aleksic briefly to go back
14 to Mr. Demirdjian.

15 MR. DEMIRDJIAN: Yes, Your Honours.

16 JUDGE HALL: You said that this witness could testify, et cetera.
17 And you referred to the witness who was withdrawn. The way it is phrased
18 is as an observation. Is there a clear application from the Prosecution
19 to which Mr. Aleksic has already began -- to enter his objection, but
20 could I hear precisely what your application is.

21 MR. DEMIRDJIAN: Yes, Your Honours.

22 This witness is called to deal with adjudicated facts 504, 509,
23 934 and 936. What the Prosecution is asking at this moment is for the
24 witness to be able to testify also in relation to adjudicated fact 1219,
25 which also deals with partially -- some of the adjudicated facts he is

1 already supposed to cover are kind of included in adjudicated fact 1219
2 as it deals with Serb paramilitaries being and killing people in the town
3 of Teslic. That's already covered by the first four adjudicated facts I
4 mentioned. It's the second part of that adjudicated fact which says
5 that, "destroyed and damaged Muslim and Croat property, including mosques
6 and Catholic churches." So that would be our application.

7 JUDGE HALL: And you had said something about 252 having been
8 withdrawn.

9 MR. DEMIRDJIAN: Yes.

10 JUDGE HALL: Wouldn't the implication of that being that the
11 Prosecution had abandoned the intention of -- of leading the fact to
12 which he was going to speak.

13 MR. DEMIRDJIAN: No. Your Honours, if you remember this was the
14 witness that we were intending to subpoena and in the end we withdrew our
15 application. This is another crime base witness from the municipality of
16 Teslic. And as we were about to -- we did submit a subpoena but we
17 withdrew that application. However, we are still relying on the
18 evidence. Most of the evidence that 252 could have covered have been
19 covered by the first witness who testified about Teslic a few months ago.
20 And the rest are also covered by the current witness. We're just left
21 with this one adjudicated fact, which is 1219.

22 JUDGE HALL: Thank you.

23 Please, continue, Mr. Aleksic.

24 MR. ALEKSIC: Thank you, Your Honours.

25 Since 1992, the -- witness was in contact with the Prosecution

1 for a number of years and he never mentioned at all the adjudicated fact
2 that the Prosecution would like him to testify to. This witness was
3 scheduled to testify in late November or early December last year, which
4 was a good opportunity for them to notify us through a proofing note or
5 in any other way that he wished to testify that.

6 Then we were informed that this witness is unable to appear in
7 person and that a videolink was to be established on the 24th of January.
8 So there was another contact that they had with him but nothing happened.

9 Now, with relation to this adjudicated fact, Witness 252 should
10 have testified. In their motion submitted on the 28th of October, they
11 informed both the Chamber and the Defence that ST-252 would be testifying
12 in the week beginning the 1st of November, and according to their notice
13 it was scheduled for this witness 252 to appear on Friday, the 5th of
14 November. Only one day before, on the 4th of November, Ms. Pidwell on
15 transcript page 16927, said that they would withdraw their motion asking
16 for the subpoena and that they would also withdraw the -- ST-252 witness
17 from their list. Therefore, it seems to me that it was a decision made
18 by the OTP to give up on the evidence to be given by this particular
19 witness and his covering this adjudicated facts. However, if the Chamber
20 allows the next witness, ST-008, to give evidence on this adjudicated
21 fact as well, I have to tell you that I haven't prepared myself for any
22 questions in that relation. I may not have any questions, though, but I
23 will let you know in due course.

24 MR. ZECEVIC: Well, we join the Zupljanin Defence's position on
25 this. Thank you.

1 JUDGE HALL: Anything in reply, Mr. Demirdjian.

2 MR. DEMIRDJIAN: Very quickly, Your Honours.

3 Mr. Aleksic was mentioning at the end of page 3 that the witness
4 never mentioned at all the adjudicated fact. In fact there is an
5 information note which was provided to the Defence with the ERN 00768078,
6 and at the last page there's a mention: "All the mosques in Teslic were
7 destroyed, as were Catholic churches, and the witness heard," et cetera,
8 et cetera.

9 So that's for the first point.

10 The second point is that clearly that Mr. Aleksic is not caught
11 by surprise. It appears that he had already prepared for ST-252 to
12 address this issue and as he said that witness was supposed to testify on
13 the 5th of November and only withdrawn the day before. So, clearly, this
14 is not a new topic. This is something that he had prepared for
15 cross-examining ST-252, obviously. He just hasn't prepared in terms of
16 this witness.

17 That would be my submission.

18 [Trial Chamber confers]

19 JUDGE HALL: The Chamber having considered counsel's application
20 and response is of the view that the application should be denied, for
21 the reason that the evidence is -- appears to be repetitive, and in any
22 event deviates from the principles to which we have adhered in terms of
23 these witnesses called to deal with denied adjudicated facts.

24 MR. DEMIRDJIAN: Much obliged, Your Honours.

25 One last reminder that the witness has protective measures of

1 pseudonym, face and voice distortion, thank you.

2 MR. ZECEVIC: Your Honours, one information. We have been able
3 to finally identify the book where the 1D MFI documents which I tried to
4 introduce into the evidence during the -- the -- the cross-examination of
5 expert Brown, we located which book it is. It the book of -- written by
6 Mr. Slavko Lisica, actually the author of these documents. It is called,
7 "The Commander Without a Need." It was published in 2000. On page 5 of
8 the -- of the preface, the Colonel Lisica acknowledges that the documents
9 are his own -- the documents which are put in the book. We copied the
10 book and we sent the copy to our learned friends to review that, and I
11 just talked to Mr. Hannis before the -- before the beginning, and he said
12 that he would need another day or so to review that and give us back his
13 opinion on it.

14 JUDGE HARHOFF: Thank you, Mr. Zecevic.

15 Which document is it exactly?

16 MR. ZECEVIC: It's -- I believe, Your Honours, it is 1D263 MFI
17 and 1D264 MFI. But there is -- as you remember, there's -- there 's
18 another set of maybe seven or eight documents which are -- which have the
19 same -- the same problem actually. We wanted them introduced into the
20 evidence and the Office of the Prosecutor opposed that.

21 So hopefully we will resolve the matter and inform the
22 Trial Chamber accordingly.

23 I just wanted to inform you on that.

24 JUDGE HALL: Thank you. Mr. Hannis, you had something to add?

25 MR. HANNIS: I just wanted to indicate that the Prosecution

1 indeed does have a continued objection to this. I need a little further
2 time to address it because Ms. Korner was present when it first came up
3 and is more familiar with it.

4 But it's my understanding at the time, I think on the 19th of
5 January when this was discussed, Ms. Korner raised the issue that this
6 document appeared to be from a book because it had the number 137 at the
7 bottom of the documents, and at that time Mr. Zecevic said, "I don't have
8 any indication nor I can say that this is a book. This might be, as far
9 as I'm concerned, might be the archive."

10 Now it appears that it's clearly a book, and our position is, in
11 essence, this is not much different than a media report or else it's an
12 attempt to get around Rule 92 and put in the written evidence of a
13 witness who's not present in court and the requirements of Rule 92
14 haven't been complied with.

15 So I have further submissions to make and I would like an
16 opportunity to be able to do that either later today or tomorrow, after
17 I've had a further chance to research it.

18 Thank you.

19 JUDGE HALL: Thank you. So we will have to return to this.

20 Thank you.

21 [The witness entered court]

22 [Trial Chamber confers]

23 JUDGE DELVOIE: Good morning, Witness.

24 THE WITNESS: [Interpretation] Good morning.

25 JUDGE DELVOIE: You may be seated, if that's more comfortable for

1 you.

2 THE WITNESS: [Interpretation] Thank you.

3 JUDGE DELVOIE: So I -- I take it from your answers that can you
4 hear me in a language that you understand?

5 THE WITNESS: [Interpretation] Yes, I can.

6 JUDGE DELVOIE: Thank you for coming for -- to the Tribunal to
7 give your testimony. You are about to read the solemn declaration by
8 which witnesses commit themselves to tell the truth. I need to point out
9 that the solemn declaration that you are about to make does expose you to
10 the penalty of perjury, should you give misleading or untruthful evidence
11 to this Tribunal.

12 Now, then, would you please be kind enough to read aloud the
13 solemn declaration?

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

16 JUDGE DELVOIE: You may sit down.

17 THE WITNESS: [Interpretation] Thank you.

18 JUDGE DELVOIE: Thank you, sir.

19 The usher will now show you a piece of paper with your data, your
20 date of birth, your name and surname, and so on. Please verify the data
21 are correct, and, if so, we would like to you sign the paper.

22 MR. ZECEVIC: I'm sorry -- I'm sorry, I think there's a mistake
23 on -- on that paper. Can I see it again, please?

24 The surname was misspelled.

25 [Trial Chamber and Registrar confer]

1 MR. DEMIRDJIAN: Your Honours, we'll get another one printed and
2 brought down and then --

3 JUDGE HALL: Yes.

4 MR. DEMIRDJIAN: Yes.

5 JUDGE DELVOIE: [Microphone not activated] Thank you, Witness.
6 There will be another of these sheets for you to sign but there was an
7 error in this one.

8 My next question, Mr. Witness, and I should add, that we refer to
9 you not with your name but with either saying Mr. Witness or saying
10 Witness ST-008, that is your pseudonym, and that's not a sign of
11 disrespect but that is because of -- we want to avoid to give your name
12 to the public. We decided to do so.

13 Is this the first time you testify before this Tribunal?

14 THE WITNESS: [Interpretation] Yes.

15 JUDGE DELVOIE: Okay. Let me then explain to you briefly how the
16 proceedings will unfold here.

17 You have been called as a witness by the Prosecution, who is
18 sitting to your right, and the Prosecution has asked for, altogether, two
19 hours to examine you in-chief. After that, the counsel for Mr. Stanisic,
20 sitting to your left, has asked for two-hours to cross-examine you. And
21 when Mr. Zecevic is through with his cross-examination, Mr. Krgovic, who
22 is directly behind Mr. Zecevic, will cross-examine you as well, and he
23 asked for one hour. And when Mr. Krgovic is through, we will give the
24 floor back to the Prosecution who will have a chance to put some final
25 questions to you in light of the answers you have been given during

1 cross-examination. And during all that, and even after that, the Judges
2 may have questions for you as well.

3 Now, as a practical matter, the recordings here are taken on
4 videotape on and tape and these tapes have to be changed every 90
5 minutes, which means that every hour and a half, we will have a break of
6 20 minutes. But if, for any reason you need an additional break or you
7 have some kind of trouble, please, tell us and we will try to accommodate
8 you.

9 That's all I have to say for the moment.

10 Mr. Demirdjian, your witness.

11 MR. DEMIRDJIAN: Thank you very much, Your Honours.

12 WITNESS: ST-008

13 [Witness answered through interpreter]

14 Examination by Mr. Demirdjian:

15 Q. Good morning, sir.

16 A. Good morning.

17 Q. I would like to start with some questions about your background.
18 Can you indicate to the Court what is your ethnicity?

19 A. I'm a Muslim.

20 Q. Very well. And in which town were you born?

21 A. In Teslic.

22 Q. And it is correct to say that you lived your entire life in
23 Teslic, until you had to leave in 1992; is that right?

24 A. That's right.

25 Q. Is it also correct to say that you went through your military

1 service in 1975 and 1976?

2 A. Yes.

3 Q. And can you tell the Court what was your profession prior to the
4 war?

5 A. I was a property developer, until 1988. In 1988, I had an
6 accident and fell off my house, so I had to go to hospital in Zagreb and
7 then after that, to Varazdinske Toplice spa and all together I spent
8 about a year in a wheelchair, and after that, I had to use crutches that
9 can you see me walking with today.

10 Q. As a result of this accident, was there an assessment as to your
11 medical condition?

12 A. Yes. I was declared 80 per cent disabled, but up to this date, I
13 did not receive any final decision. That was a provisional decision, and
14 it -- it defined me as an 80-per cent invalid.

15 Q. Following this accident, is it correct to say that you had a
16 grocery store in Teslic and this is where you remained?

17 A. I stayed there, because the shop was registered in my wife's
18 name, and it was on the ground floor of my house. It was a convenience
19 store, and everybody from the former Yugoslavia knows exactly what that
20 means. I don't know how you call it around here.

21 Q. Very well. Now, I'd like to take you to the year 1992, and I'd
22 like to take you to the time where you were arrested.

23 Just a few days before your arrest, did you notice any activity
24 in your town?

25 A. Not only a few days before. You could notice even it months

1 before that. Officially, however, on 2nd of June, in the morning, I was
2 awoken by loud noises on the street, and when I looked in that direction
3 I saw tanks. Then I woke up my wife. I told her, Get up. This is
4 something very unusual.

5 Then we went up to the terrace and watched the tanks move up to
6 the barracks. Close to my house, there used to be some sort of a
7 barracks for the reserve army forces. And then there was also another
8 barracks, JNA barracks, down the street. So my wife and I were watching
9 them from our terrace and those tanks and trucks went up to that
10 barracks. We couldn't understand why that was happening, where they are
11 going, or anything like that. Up to that point, I used to watch all
12 that. It seemed normal to me. There was a war in Croatia, so you would
13 expect that to happen. But, then, at the moment, nothing was clear to
14 me. Why would those tanks come to our barracks?

15 Q. Now, is it correct to say that the very next day, on the 3rd of
16 June, 1992, you were arrested?

17 A. Immediately, the following day. I was sitting in front of my
18 store. There was an uncle and a neighbour of mine there as well, and
19 even one Serb from Gornji Teslic. The place is called Zorani. So we
20 were all sitting in front of the store and drinking rakija. And we all
21 talked about things in general and then suddenly we saw two cars moving
22 towards the house. The first was a red Golf. There were no registration
23 plates on it. Behind it, there was also a Golf in regular police
24 colours, so they came in front of the house. There's about 20 or 30
25 metres between the road and the house itself.

1 We continued sitting down, and then they got out from the red
2 Golf. There were three of them. They were wearing uniforms and red
3 berets. And from the blue police car, four men got out. As soon as they
4 were out of the car, they cocked their weapon -- they are weapons and
5 stood by the car. (redacted)
6 (redacted) And they told me, You have to
7 come with us. Where? To the station.

8 MR. DEMIRDJIAN: Could we redact that last part, Your Honours.

9 JUDGE HALL: Yes.

10 MR. DEMIRDJIAN:

11 Q. And just to be careful not to mention your name, Witness.

12 A. Excuse me.

13 Q. No problem. Please carry on.

14 A. So I said, Can I get my crutches? Because if you are taking me
15 to the station I won't be able to get into the station over the stairs if
16 I don't have the crutches or somebody would have to help me. I know how
17 it looks like.

18 They told me, No. You can't take your crutches because you're
19 not going to need them.

20 So I got into the car, as instructed. It was the red car.

21 Q. Sir, you told us a moment ago that four men got out of the police
22 car. Can you tell the Court if you recognised any of these men?

23 A. Yes, of course, I recognised two of them. They used to be active
24 policemen during the former Yugoslavia. I recognised Mirko Bubic. The
25 other two were the reserve policemen in the former Yugoslavia. So I used

1 to know those two people because they were policemen for quite a long
2 period.

3 So I got into the car on the back seat. Then they drove
4 backwards, the police car, and the red car made a U-turn in front of my
5 car -- in front of my house. They went back to the road that goes to
6 Banja Luka and started driving towards Teslic. We went to a place called
7 Baric. You could see tank obstacles there. That same day, in the
8 morning, I was in town, because I had to fetch milk and bread for my
9 store. There were no obstacles then. And then when they took me there,
10 there were already obstacles at the cross-roads that leads to Barici.
11 While they were driving, they opened the car window, they played Chetnik
12 songs, people at the check-points simply raised their hands with three
13 fingers and we were allowed to continue.

14 Q. Sorry to interrupt you. Just a couple of matters I'd like to go
15 back to.

16 You said that you were put into the red car. These are the man
17 in camouflage and the red berets.

18 Did you know any of the men in that car?

19 A. Yes. No, no, no. Nobody in the car.

20 Q. And the policemen; you mentioned the name of Mirko Bubic. And
21 you said four men in total in the police car. What were they wearing on
22 that day?

23 A. They wore normal blue police uniforms, the way they used to look
24 before the war. That was the regular police. The reserve police used to
25 wear blue camouflage uniform.

1 Q. And besides Mirko Bubic, did you recognise the other three men?
2 Did you know their names?

3 A. The ones in the red car? No. No, I didn't know them at the
4 time.

5 Q. And the ones in the police car?

6 A. I told you, I recognised Mirko Bubic, Aleksa Petrovic, and the
7 guy, I think his name is Celar. I know that his nickname is Celar. I
8 don't know his name. I also know where he used to live. But I wouldn't
9 know his name, his nickname is Celar.

10 Q. Very well. When I interrupted you, you were talking about them
11 playing Chetnik songs and driving along. Where did they take you to?

12 A. They took me to the police station. When they turned towards the
13 police station, I knew that place. I was born there. This is a
14 roundabout right in front of the police station, and there is also a park
15 there and a big pine tree right in the middle of the roundabout.

16 You could see lots of policemen there, various kinds camouflage
17 uniforms. You couldn't really know who those people were. And I simply
18 observed what was going on.

19 Q. And just before we get into the next phase. When you were
20 arrested and put into that car, were you given any reasons for your
21 arrest?

22 A. No, no. They didn't tell me anything. When they took me, I told
23 team that I needed my crutches, and they simply told me, You are not
24 going to need them. What their plans were, that, I didn't know.

25 Q. Can you explain to the Court what happened when you reached the

1 police station?

2 A. That red Golf in which I was was then stopped in front of the
3 station and then they pushed me out and I told them, I can't get out so
4 simply. It was a two-door car so it wasn't easy to get out. I needed
5 help for that. I had to take out my legs one by one and one of them told
6 me, Faster, and I told him, No, I can't go faster. I don't have my
7 crutches. He told me, Get in there. And I told him, I cannot go inside
8 without my crutches. You can kill you if you want but I can't. He
9 started swearing my mother and I told him, You can just kill me right
10 here because I cannot go up the stairs unless I crawl. I cannot walk up
11 the stairs.

12 Then one of them, I don't know which one, pulled me by the hair
13 and pushed me, and I told him again, You can kill me if you want, that's
14 all. Then I could hear that somebody slapped him on the hand. That's
15 what I heard. And then he released me. And he ordered me to get in. I
16 came to the stairs and then I couldn't get in. On top of the stairs
17 there was another policeman. He also told me, Get in. And I said, I
18 can't unless you help me. And then that man helped me. I got inside.
19 When I was getting inside, to the right side was the new duty room and to
20 the left was some sort of waiting-room and in the middle there was a
21 staircase leading up to the upper floor. I don't remember quite whether
22 there was one or two upper floors.

23 So, this policeman told me to go to the waiting-room, on the
24 left. And when I went there, I saw a man standing by the wall with his
25 hands in the air. He was showing three fingers, like this, his legs were

1 spread, and he was standing by the wall. That policeman ordered him to
2 do that.

3 I told them, Well, I cannot possibly go through things like that.
4 You can kill me if you want, but I can't. And then he went out towards
5 the duty room, and the guy by the wall turned and I say that that was the
6 man who used to be a trading standards officer in the Teslic
7 municipality. I asked him, Why did you come here? I don't know. He
8 asked me, Why did you come here? I don't know. Can you help me?

9 They ordered me to empty pockets and I told them that I couldn't
10 possibly do that, because I cannot bend. If I sit, maybe then I could do
11 it. Then I asked Asir to help me and then we took off my shoelaces, we
12 took out my keys, car keys and my house keys and gave all that to the
13 policeman, which he took to the duty room.

14 After that, he came back and told us to go, so we followed him.
15 We went out, Asir helped me to get down the stairs. He took us to
16 another building. That's where the jail was, in the basement. Again,
17 there was stairs, I don't know how many stairs. That was the first time
18 that I entered the jail. I didn't know that before. The stairs were
19 quite wide so two or three people abreast could go down the stairs.

20 So when the two of us, Asir and I got in, the policeman unlocked
21 the doors, and we saw four or five people inside.

22 Now, I recognised Fadil Rasulovic, deputy bank manager, then his
23 brother, they used to call him Fiko [as interpreted] but I don't quite
24 remember his name. I know that he used to be his brother and they used
25 to call him Fiko.

1 I thought that I had to be very close to the microphone but, all
2 right, thank you.

3 So there was an elderly man, probably older than 70. His name
4 was Mandzukic. They used to have patisseries, burek shops and things
5 like that. So his name was Mandzukic. Then there was another guy called
6 Gilic, and Anto Tabak. He was a photographer and he was a well known
7 person there. And then there was also me and Asir.

8 So there were people coming in and out, people taken in, taken
9 out. They used to hit us. They used to hit those who were taken out.
10 You could hear some screams. I hope that I won't go through something
11 like that in my life again.

12 Q. Sir, you mentioned to us that you saw the people you just named,
13 about four or five people. Did that number vary eventually?

14 A. Every day, every hour, every 10 or 15 minutes they would come and
15 bring some people and take some other people out. There were four to 50
16 of us in that room. At some point we couldn't sit. We had to stand up.
17 People used to sit each in the -- used to stand up even in the toilet.
18 You could smell the ammonia from the urine. So it was quite unbearable.
19 The tears used to come out of our eyes because of the smell of the
20 ammonia. We used to shout, Give us some air or kill us, because we
21 needed some air.

22 So I think on the 12th day, we heard some sort of noise and then
23 a policeman came in and he told us, You should go out in a column up with
24 by one. So we got out --

25 Q. Sir, just before we get to that point, I have a few questions

1 about the prison building.

2 You first told us there was another building. Where was this
3 located in relation to the police station?

4 A. Well, how should I tell you? It's close to the main road but
5 it's separate from the building of the police station. There's maybe
6 five, six, or ten metres between them. I can't be very precise about it.
7 So there's maybe 10 metres between that building and the police station
8 building, or maybe even less. It's an L-shaped complex. Also the Teslic
9 Radio used to be there. Political parties used to have their offices
10 there. I don't quite remember everything. And in the basement was the
11 jail.

12 Q. And the transcripts don't record the numbers correctly. You gave
13 the number of people that were held with you in total. Can you repeat
14 that answer, please?

15 A. Well, the number would vary. From four to 50, 40 to 50 maybe.
16 There were 40 to 50 of us when they put us into the bus. How big was
17 that room four by four or three by four, I wouldn't know. We had to
18 stand up. I myself I lied down because I couldn't bear to stand up all
19 the time and then other people used to trample on me. There was simply
20 not enough room, not enough room to sit and let alone to lay down. The
21 floor was made from the concrete and there were many of us. But, still,
22 there was simply not enough space.

23 Q. Now, you mentioned to us that on the 12th day you were ordered to
24 be put on the bus. Before that, during those 12 days, were you provided
25 any food?

1 A. Let me tell you; I don't remember exactly which day it was. I
2 think it was the fourth or the fifth day. It was Bajram. And that day
3 we received one sandwich each. It was the fourth, the fifth day; I'm not
4 sure. It was the first day of Bajram. That's when we received the
5 sandwich each. Sometimes they would give us a canister of water and it
6 was simply one drop of water per each person because there were 50 of us,
7 40 or 50 to us and you had to divide ten litres of water to 50 people.
8 Everyone would scream, Give me water, Give me water. We were hungry but
9 we still needed water to freshen up.

10 Q. And you told us that as people were being brought in and out of
11 the cell they were hit. How often did the hitting occur?

12 A. Not only when people were taken out, also when people were
13 brought in. When there were just a few of us they would get in, one,
14 two, or three of them, and to tell you the truth as soon as they appeared
15 in the door, we would have to stand up and start singing songs. Izet
16 Mandzukic and I - he used to be a teacher - and also Fadil's brother,
17 Frke, they knew the songs. I never heard of those songs, so they were
18 quite helpful, because then we were not beaten as much. If you didn't
19 know the song, it was a different story. He would appear at the door, he
20 would tell you, Go, sing, and I've never heard the song before.

21 So Frke and Izet Mandzukic knew the songs. I don't know how come
22 they knew the songs so they would start and we would follow them singing.
23 And then we would receive less beatings if we were singing. But we had
24 to turn our backs to them so it could be your own brother behind and you
25 wouldn't be able to know. However you would be able to sometimes

1 recognise voices. So in a space of a few days, I was able to recognise
2 voices of the people who would come there.

3 Q. Now you told us that this would mean when you were singing that
4 you would receive less beatings. Does that mean that you personally were
5 beaten too inside the police station?

6 A. In the police station I only received one blow with a baton. I
7 mean, I don't know how that happened. But when we were in the
8 Territorial Defence, we were beaten more and later on even more. To be
9 fair, I was only hit once with a baton on my back. I always used to
10 stand by the wall. I knew exactly what my health was and I knew that I
11 wouldn't be able to go through that. So whoever was closest to the door
12 would get hit the most.

13 Q. And did you recognise any of the men who were bringing in
14 detainees?

15 A. Well, I'm telling you, it could be your own brother but they were
16 behind you, and you had to stand facing the wall. So you could only
17 recognise voices, if you knew some people. I only recognised one of them
18 by his voice because he used to be my neighbour on Zuc. I have no idea
19 how I ended up in the reserve police. He was a ruin of a man, a failure.
20 I don't know whether he managed to finish any schools or whether he
21 managed to finish any apprenticeship. He was a problem child. He used
22 to steal from his mother and his father. And then he would spend that
23 money on us, who didn't have any money.

24 So when he appeared in the police I really didn't know how that
25 happened. (redacted)

1 (redacted)
2 (redacted)
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9 MR. DEMIRDJIAN: Page 21, line 15, Your Honours, can we redact
10 the witness's first name.

11 JUDGE HALL: Yes.

12 MR. DEMIRDJIAN:

13 Q. Very well. I'd like to take you back to the point where you told
14 us that after 12 days you were put on a bus. Can you explain to the
15 Trial Chamber --

16 JUDGE HARHOFF: I guess we should also redact the name of the
17 neighbour.

18 MR. DEMIRDJIAN: Yes. The nickname, yes, yes, I agree.

19 Q. Very well, sir. Could you explain to the Trial Chamber where you
20 were taken when you were put on the bus.

21 A. Well, we didn't know where they were taking us. We wondered
22 about it. We were driven in the bus for some 15 to 20 minutes, and the
23 bus stopped in front of the hangar of the Territorial Defence. That's
24 where the Territorial Defence used to be before the war. When we were in
25 the bus we had to keep our heads down below. Nobody was allowed to raise

1 their heads above the seats. I myself, of course, couldn't resist so I
2 was trying to look to see where they were taking us and when I saw that
3 we were going towards Gomjenica, I thought that they were going towards
4 the Vlajic and the mines; I didn't know they were taking us to the TO
5 building. And when we took turn towards the hangar, that's when I saw
6 where we were. Then they ordered us to go out from the bus and to line
7 up. So we lined up in the front of the hangar. We went out one by one.
8 I saw various vehicles, military, civilian. It's as if there was some
9 sort of a meeting and so many cars arrived there. So that's where we
10 lined up and then they ordered us to enter the hangar.

11 And then we went through some sort of a corridor and then we
12 entered the hall. Inside the corridor there was police. On both sides,
13 left and right, there were members of the police. There was a table
14 where their guns were and they held batons in their hands. So some of us
15 were hit; some of us were not. And then we entered this huge hangar. I
16 have never been there before. I knew that was a TO building but I had no
17 idea that it was so big. In the police station, we didn't have enough
18 space; in hangar, it was a different situation. It was a huge place and
19 it was very cold. In the police station, it was very hot and there was a
20 stench of ammonia; and in the hangar it was huge and cold. So that's how
21 it was. We remained there and then all the time, various vehicles and
22 vans would bring more people, four, five, ten people would be brought to
23 the hangar. So, in the end, there was about 200 or 250 of us.

24 Now, at that point, we weren't that cold anymore because of
25 respiration. However, we did have to sleep on the concrete floor.

1 Q. Sir, you told us that when you arrived there was a lineup of
2 policemen inside in the corridor. Did you recognise any of the policemen
3 inside the TO warehouse?

4 A. At that point in time, I didn't recognise any of them. As far as
5 I recall.

6 Q. And can you tell the Court -- you just told us there were about
7 200 or 250 people held in the TO warehouse. Did you notice or did you
8 know what was the ethnicity of these people?

9 A. We all knew that the people in there were all Muslims and Croats.
10 There wasn't a single Serb there with us. There was no reason for them
11 to be there, as they were Serbs.

12 Q. You told us that when you arrived there was this corridor and
13 policemen with batons, some were hit, some were not. Were there other
14 occurrences of beatings throughout your detention in the TO warehouse?

15 A. There were such situations. When we were inside, three, four, or
16 five of them would come in at a time and start hitting people randomly.
17 When they got tired, then they would start shouting, All of you, Balijas
18 and Ustashas should be killed, and then they would leave. Then they
19 would leave us in peace for an hour or two, or, at times, even a day or
20 two. It all depended on their mood and what the plan was at that moment.

21 Q. Now, could you tell the Court if you recognised any of the men
22 who were beating the detainees?

23 A. Having in mind my health, I wasn't in a very good position to be
24 able to abide by their rules. On one occasion I simply fell to the
25 ground because my legs cut off and I was lying on the concrete. I was

1 able to see them then but I was told to cover my head with my hands. In
2 any case, I managed to peep sometimes; on other occasions I didn't dare.

3 It depended on how I felt. (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

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11 (redacted)

12 (redacted)

13 (redacted)

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15 (redacted)

16 (redacted)

17 A. How could I know? They could put on whatever they wanted. They
18 seemed to have some ranks, but I don't know what the titles or the ranks
19 were. It was their internal arrangement between Marinko, Tomo, and
20 Predrag.

21 Q. Do you know if he had any role in the T0 warehouse?

22 A. He probably did, because he beat us the most. After I left,
23 though, I don't know whether he resumed that practice or whether it was
24 taken up by someone else. But as far as I could see, he beat the people
25 there the most. They all did, but he seemed to be the most bloodthirsty

1 of all of them.

2 Q. Can you describe to the Trial Chamber individual instances of
3 beating that you witnessed, that you were able to see?

4 A. They all came in and left. I don't know why this Gilic person
5 stood out. He used to be a high school teacher in Teslic. They all
6 seemed to be looking for him, but Tomo expressly asked for Sandzaklija.
7 In any case, they beat him the most by that point in time I wasn't able
8 to stand, but they seemed to have taken him out of the line, put him
9 against a wall, and beat him there. Tomo beat him the most. He had a
10 wooden stick and a chain which he used to hit him. I don't know how he
11 managed to find such an item. Whenever a person would be hit with that
12 chain over the head, it would sound as -- a concrete, a piece of concrete
13 was struck. They beat everyone, but he seemed to beat Gilic the most.
14 Then he was taken outside. Whether it was that he died at that point in
15 time or later on, I don't know. But I just saw him being taken out. I
16 don't know whether he died on the spot or not. In any case I never saw
17 him or heard of him again.

18 There was a Croat too who worked in the electrical utility
19 company. When they hooked my house into the network he was there, and
20 that's how I knew him. They tried to patch me in. He used to be a
21 private entrepreneur, and he did some work for the utility company. He
22 was their contractor.

23 There was another person from Barici with him whose last name I
24 can't recall but he was another Croat. The two of them came to do the
25 electrical wiring in the house, and I saw them in the warehouse again.

1 Tomo also singled him out, calling him Ustasha, asking him what he was
2 doing there, threatening to show him what he deserved. Tomo beat that
3 Croat a lot. After a beating, he would leave for quarter of an hour,
4 then come back, and he would say -- he said, Is Tudjman dead? Referring
5 to the Croat. He was about 10 metres away from me, so I couldn't see
6 whether he was dead or not. In any case, he was taken out the way Gilic
7 was. I don't know whether he succumbed to the wounds at that point in
8 time or later on; I wasn't close enough to see. But, in any case, no one
9 heard of him later on or saw him again.

10 Q. Was there any other instances of beatings that you witnessed?

11 A. There were. If I had the time to sit down and write it all, I
12 would remember things much more clearly, and if I had been able to do
13 that at the time, it would have been better. But it is very different to
14 put all the pieces of the puzzle in their right place. A lot of things
15 happened.

16 I think Himzo Jasarevic was with us and his brother was some kind
17 of commander in the former Yugoslavia. I don't know whether he was a
18 captain or something of the sort. In any case, he was a military
19 officer. He was in Tesanj, in the Bosnian army at the time. Brane
20 Milicic had a group we called Sarenjaci and whenever they came in, the
21 worse things happened. Four of five of them would pick on a single
22 person and it was dreadful.

23 I used to know Brane because I used to sell some stuff in the
24 black market and Brano used to buy things from me and he would re-sell it
25 at a higher price later. So we had known each other from before, from

1 the early 1990s. I recognised his voice when he shouted, but he didn't
2 care. He didn't care we were acquaintances. He didn't strike me,
3 though, because I was down on the concrete. The rest of the group asked
4 me, Why are you on the floor, Baliija? And then they would kick me, if
5 they felt like it.

6 In any case, Brane beat up Himzo in the meantime. They used to
7 be neighbours in Barici towards Ruzevici or Ruzevacke Bare whatever the
8 place is. They had known each other. He beat Himzo heavily. He shouted
9 and hit him, saying, You're here, and your brother is killing Serbs right
10 now. I'm going to send a couple of shells down there. And I have you,
11 while they're attacking us.

12 Himzo was covered in blood. He even peed blood. He was able to
13 withstand that for a day or two, but Brane kept coming back and he
14 finished him off. He was then taken out.

15 MR. DEMIRDJIAN: Before we carry on with this after the break, I
16 received a copy of the pseudonym sheet, if we can have the witness sign
17 it again with the correct spelling of his last name.

18 JUDGE HARHOFF: And, Mr. Witness, could I put a question to you.

19 These chaps that you have mentioned, Tomo and Brane, and others,
20 were you able to distinguish by their uniforms or by your knowledge,
21 whether they belonged to the police or to the army or whether they were
22 paramilitaries? Do you know under whose authority they were acting?

23 THE WITNESS: [Interpretation] Perhaps you are familiar with the
24 uniforms by now. In any case, the people hailing from that area know
25 uniforms, especially those who had served their military service or

1 whoever came into contact with the police, and people could tell apart
2 regular policemen from reserve policemen. We knew which uniforms were
3 worn by soldiers and which by the reserve force of the military or the
4 military police.

5 Brane Milicic had a camouflage military uniform, similar to an
6 American camouflage combat fatigue. It was similar.

7 The other one had camouflage blue uniform of the reserve force
8 and also an olive-drab reserve uniform. That's as far as uniforms go.
9 It's very simple to tell them apart if you are from that part of the
10 world. No further explanation is needed usually as to who wore what.

11 JUDGE HARHOFF: Thank you, sir.

12 You may proceed with the signature of the sheet.

13 JUDGE HALL: So it's now admitted and marked under seal.

14 THE REGISTRAR: As Exhibit P1801, under seal, Your Honours.

15 JUDGE HALL: [Microphone not activated] and we take the break now
16 and return in 20 minutes.

17 [The witness stands down]

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

19 --- On resuming at 10.58 a.m.

20 [The witness takes the stand]

21 MR. DEMIRDJIAN: May I carry on, Your Honours?

22 JUDGE HALL: Yes, please.

23 MR. DEMIRDJIAN: Thank you.

24 Q. Sir, I'd like to go back to the last topic that the Judge was
25 asking you about.

1 You mentioned the uniform of Mr. Milicic and the transcript is
2 not perfectly clear as to what Mr. Tomo Mihajlovic was wearing. Could
3 you clarify that for us, please.

4 A. Tomo Mihajlovic wore a blue uniform of the reserve police force,
5 a camouflage blue uniform.

6 Q. And earlier today you told us that -- you mentioned
7 Mr. Mihajlovic in the context of Mr. Predrag Markocevic and
8 Marinko Djukic.

9 Can you tell us anything about the relationship of
10 Tomo Mihajlovic with these two men?

11 A. Predrag Markocevic, before the elections, used to be an
12 inspector. I don't know what kind of inspector though, I think a crime
13 inspector. Marinko Djukic was a policeman, who had a fire-fighting
14 certificate so he worked as a fire-fighting inspector.

15 Tomo worked in Teslic in a raw material warehouse or dump.
16 That's where he worked. I don't know how the three of them banded
17 together; perhaps by party line. In any case, they were doing their
18 utmost to prove themselves, and that's why I believed -- believe they
19 grouped together.

20 Q. You just told us that you don't know how they banded together.
21 What is it that you saw that leaded [sic] you to the conclusion that they
22 banded together?

23 A. Well, we could see it. I could see them moving about town. They
24 were uniforms, especially in the evening when we went out. They wore the
25 Chetnik hats with the -- with kokades. That's how they stood out and you

1 could see them together. You could see them in the afternoon, after
2 office hours walking about town together. I wasn't only the only one who
3 saw them; many people in Teslic saw them walking around in uniform and
4 with the insignia.

5 Q. You told us earlier about Brane Milicic coming into the TO
6 warehouse with a man called Sarenjaci. Could you tell us who else was
7 accompanying him, when coming to the TO warehouse?

8 A. I didn't know those guys. There were four or five of them who
9 came as part of that group. They had camouflage uniforms of the reserve
10 military force, not the police. They were our nightmare, so to say.

11 After we learned that -- after that, we learned that Brane and
12 his group destroyed all of the mosques there were. We heard it from
13 others. I didn't see that myself, and I didn't see them destroying them.
14 I only heard rumours from others.

15 Q. And did you know the names or the nicknames of the men who
16 accompanied Brane when they came to the TO warehouse?

17 A. No, just Brane. I only knew him, because we were in the
18 market-place together, and we basically smuggled goods. We used to get
19 such goods and warehouses and re-sell it to make a penny or two.

20 Q. And you mentioned to us now that Brane was there, he was wearing
21 a camouflage uniform. You also mentioned the police. Were there any
22 other groups of men coming into the TO warehouse?

23 A. I didn't know at the time, but Piko came in, as well as Rakic.
24 Later, when I was released, those who managed to get out, like myself,
25 talked among themselves, and I learned subsequently that it was Piko and

1 Rakic who also came in from the so-called Red Berets.

2 I don't know how it came about that Piko who was from Doboј, and
3 Rakic to join the Red Berets in Teslic, I don't know under whose orders
4 and who organised it all. The executive authorities should know better.
5 Piko and Rakic could not have come from Doboј without someone from Teslic
6 approving it first, and they were unfamiliar with me and my colleagues
7 who were teachers, directors, or private entrepreneurs. So someone must
8 have kept a list of people specifying who was engaged in what.

9 Q. During your detention at the TO warehouse, did you have to have
10 any dealings with Piko or Rakic?

11 A. Not in the TO hangar. Later on, when I was taken for
12 interrogation to the police station, it was Aleksa Petrovic who took me
13 there, as well as Slobodan Radocic and Mirko Buba. They took me in a
14 vehicle and to the police station for interrogation. Before that, I was
15 taken to the hospital - or, rather, to an outpatient clinic that was
16 there. It's not a hospital - because of my health. All of the doctors
17 knew me from earlier. They knew my condition -- excuse me. I was
18 received there. I was seated on a bench in -- in a -- in -- the duty
19 office. There was a screen in the room. Some people from the TO came to
20 the building. Raka and Piko were with them and another tall man. I
21 never managed to find out who he is. I was told what his name was but I
22 forgot. He was tall and dark-haired, but I didn't bother to memorize his
23 name.

24 They came in and asked whether Adil Isic -- sorry, Fadil Isic was
25 there. He used to be the SDA president. Somebody said he was there

1 behind the screen. Piko removed the screen and went in. I saw him pull
2 out a handgun from his belt. He put the screen back, we heard a shot,
3 and he left. The doctor came and said that I should go out through a
4 side door. I was taken back to the TO, and then after an hour or two,
5 they came for me again to take me to the station for interrogation. What
6 I omitted to say was that Brane came in in the meantime and he beat Ramo,
7 from Stenjaci. I can't recall his last name. He used to own horses.
8 That's how he earned his livelihood. He was caught by someone up there
9 in Stenjaci and taken to the TO. He came in and beat him heavily.

10 When I was taken for interrogation, I saw a person tied to a tree
11 in front of the station. 2 or 3 metres away there was a body covered in
12 blood, and I recognised Ramo. Brane was there next to them. I don't
13 know who the person who was tied to the tree was. He was -- Brane was
14 still moving around, hitting him, after which I was taken inside.

15 Aleksa Petrovic told me, You saw nothing, and I had to keep
16 quiet. Although my conscience telling me it wasn't right not to tell
17 anyone. In any case, I had to, to save my life.

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5 (redacted) redacted. Perhaps the witness should be

6 reminded to avoid - unless it is wholly unavoidable for context -

7 identifying himself.

8 MR. DEMIRDJIAN: Yes.

9 Q. Sir, you heard the Judge's comment. Just make sure not to
10 mention your first name or your last name.

11 You can carry on, please.

12 A. Very well. I'll do my best.

13 All right, he said, it's up to you. If you don't give us 70.000
14 German marks, you won't be here by tonight. I just looked at him,
15 wondering how can a man whom you know can look you in the eyes and tell
16 you something like that, but I had to accept it. And it made me
17 thinking, what to do.

18 Then I asked Vlado for another cigarette, so, in five minutes, I
19 think I had two or three cigarettes, because I was so nervous and so
20 afraid. If I gave them money, they would kill me so that there would be
21 no witnesses; if I didn't give them money they would kill me anyway.
22 Therefore, I decided to give them the money, and I hoped that would
23 extend my life for another two or three days, and that's why I agreed to
24 give them the money.

25 This is how the interrogation ended. I was sent back to the TO

1 warehouse, but -- yes, I -- I came back on the same day. Aleksa Petrovic
2 and Rakic came in a Golf car to pick me up. They took me out of the TO
3 warehouse. Rakic said, you should go and take the money that you
4 promised. I said, I don't have the key to my house or the key to my car.
5 They're all at the police station. And he said, All right. He went to
6 the police station, brought my car keys, but no other belongings such as
7 my watch and things like that. He also brought the key to my house.

8 When we reached my house, I asked him if I could take my crutches
9 out of the car because I cannot climb up the stairs without them. He
10 said it was okay. I entered the house, went to the upper floor. I had
11 money in a number of bags. I counted the money. In the meantime, after
12 I had promised the money and then went to the TO warehouse, a colleague
13 of mine asked me, Ramo, do you have any money, and I said, Well, I used
14 to have money in the house, unless it had been taken away. And he asked
15 me, Would you give me some money to get out? And I said, If there's
16 anything left, no problem.

17 So I counted all the money, gave it to Rakic. I had some money
18 left. Aleksa Petrovic was standing in front of my store, and I counted
19 the money to Rakic inside the store, and they left.

20 After half an hour, a colleague -- this colleague of mine came.
21 He was brought by Rakic and he asked me, Do you have the money? And I
22 gave him 5.000 German marks. He was immediately released, and this man
23 paid this money back to me. He was the only one who paid the money back
24 to me of all the others to whom I lent money, and he is currently living
25 in the Netherlands and he was extremely grateful for the money that I

1 gave him.

2 Q. [Previous translation continues] ... Sir, this person by the name
3 of Rakic. You also earlier mentioned a person by the name of Raka. Are
4 these one and the same person or are they two different persons?

5 A. Somebody called him Rakic; others used to call him Raka. When
6 these berets came again to ask for money, I was looking for him, because
7 I knew I gave the money to him, and he didn't give me any receipt
8 whatsoever. I managed to find him, and I said, Rakic, people are coming
9 asking for money but you took the money. I have no more money. And he
10 started cursing and said, Tell them that you gave the money to Raka.

11 So I heard it from him, calling himself Raka and cursing their
12 mothers. He started writing a receipt and he took a piece of paper, just
13 like I'm doing it now, and before he could finish it, he just decided to
14 throw it away and told me, Just tell them that you gave the money to
15 Raka. That was all he said.

16 Q. Now, after this event, did there come a time when you were
17 released from the TO warehouse?

18 A. I was released the following day. That day when I was
19 interrogated and when I gave the money, it was the next day that I was
20 released, but I was constantly under threat because they used to come
21 repeatedly asking for money, but I finally solved this matter with Rakic.
22 Then they took me to --

23 THE INTERPRETER: The interpreters didn't hear the name of the
24 place.

25 A. Because Rako told me at the intersection in Teslic when I

1 complained about not being able to sustain the pressure of asking for
2 money, he used to tell me, You socialized too much with Pero Krgic [as
3 interpreted] an inspector from Doboј this -- this Pejo Krnic investigated
4 a fire that broke out in the youth centre and on that occasion, Pejo
5 Krnic used to come to my place very often. That's when he told me, I'm
6 not finished with you yet, because you were friends with Pejo Krnic.

7 Q. [Previous translation continues] ... If I could stop you there
8 for a moment. Could you give us, if you know, the date of your release
9 from the TO warehouse?

10 A. I cannot remember now. No, no, I can't remember.

11 Q. Could you maybe tell us how long you were detained in the TO
12 warehouse?

13 A. All in all, I spent 50 days in Tribinjes [as interpreted] and TO
14 and in the jail and I know that very well, because I added all the days
15 up. I don't know the dates though. I said that at one point I wanted to
16 write my memoirs, something about the events that I experienced, but if I
17 did that, it would have had to be very accurate because I would have had
18 time to recall everything accurately. As it is, at this moment, I cannot
19 remember any of those dates.

20 Q. Sir, there's a term in the transcript that is not clear. You
21 said you spent 50 days in the TO and in Tribinjes. That seems to be a
22 wrong term. Can you clarify that for us.

23 A. [No interpretation]

24 Q. And when you were detained there and for how long?

25 A. I was twice in Pribinic. First, I was taken by Raka, the second

1 time I was taken by Dragan Babic; the latter asked for 6.000 German
2 marks. I didn't have any money at that time. You used to go around to
3 borrow some money and try to avoid being taken to Pribilic [as
4 interpreted] but I did not have enough money that they asked for.

5 So when we were detained in Pribilic [as interpreted] you
6 couldn't distinguish between daylight and night-time. All the windows
7 were boarded up and you could just try to keep track of time and date and
8 the number of days that one spent there.

9 Q. But if you can give the Judges a rough indication perhaps of how
10 many days were spent in the TO warehouse and how many days were spent in
11 the Pribinic. Roughly. If you're able to give that figure.

12 A. I spent in Pribinic -- but the problem is I can't remember the
13 dates but I think it was, all together, 12 or 15 days. We were taken
14 from the Teslic jail to the TO, and the rest of the time I spent in the
15 TO warehouse. And I spent two days from -- in the period between the 3rd
16 of June and the 23rd of July I spent at home, because they let me go for
17 those two days.

18 So I was free for two days only.

19 When they released me from the TO, I was taken to Pribinic, but I
20 would have to calculate the individual portions of my detention. I just
21 had a total figure in my head always.

22 Q. That's fine. And what does the 23rd of July signify? What is
23 that date?

24 A. Well, because this man Babic took me home and he told me to stay
25 away out of their sight, that I would be killed otherwise, or detained

1 again at Pribinic.

2 So I used to hide in various villages up there, staying in the
3 houses of my mother and other relatives. There were refugees from
4 Darovar in my house, which was ordered by the civilian protection.
5 Miro Cukovic was in charge of the civilian protection. He issued a paper
6 which prevented me from collecting my prothesis and all the other aids
7 that I needed, because I had no access to my own home.

8 Q. Very well. When you say you didn't have access to your own home,
9 what happened to -- to your home exactly?

10 A. The house was confiscated and a certain Miso moved in from
11 Darovar. I know that he was from Darovar. I didn't know that actually.
12 When I came one day, I tried to unlock the door but it was impossible,
13 and there was no tractor behind the house. I wondered what this was all
14 about. I thought that someone had broken in. Then this man appeared and
15 said, My name is Miso. I don't remember his last name; it was some 18 or
16 19 years ago. I asked him where he was from, and he said he was a
17 refugee from Darovar and I asked him, How come that you are staying in my
18 house? And he said that he had been given a paper by the civilian
19 protection. He showed me the paper, which specified that I had no right
20 to enter my house because everything had been confiscated. I wasn't even
21 allowed to take my own personal belongings from the house. So what else
22 could I do? I went back to my brother's house in Gornji Teslic. I
23 tried, through the people I considered to be my friends, my Serb friends
24 who turned out not to be my friends in fact, and I wanted to ask them to
25 help me retrieve my house and move back again. They tried to go and see

1 this Danilo Savic, the chief or the commander and there was another one
2 called Kuzmanovic, I don't know which position they held of the two in
3 order to have my house back, but they told me that for my own security it
4 wouldn't be a good idea to go back to my home, that if I am fine living
5 with my relatives, I should stay there.

6 So it was a very difficult and very uncomfortable situation.

7 JUDGE DELVOIE: Mr. Demirdjian, are we still within the denied
8 adjudicated facts?

9 MR. DEMIRDJIAN: I'm just concluding that with my last question,
10 Your Honours.

11 JUDGE DELVOIE: Thank you.

12 MR. DEMIRDJIAN:

13 Q. And, sir, after your release, did there come a time when you had
14 to leave the municipality of Teslic?

15 A. Well, yes, I had to leave Teslic because I received a threatening
16 letter, and this letter was handed over to the police station. There was
17 a request in the letter for 35.000 German marks; otherwise, my house
18 would be demolished. And I thought it was very risky, so I thought, if
19 they're going to kill me in the place where I was born or in front of my
20 mother's house, then I don't care. I got into my Skoda car and I drove
21 through the so-called corridor and reached Raca.

22 I was lucky, because they couldn't believe that a Muslim would
23 dare drive a car along the Serbian corridor that was exclusively under
24 their control and nobody else used it, so I really risked my life doing
25 that and managed to reach Raca. And I entered Serbia and then I went to

1 Croatia via Hungary. My wife and children were in Croatia because my
2 brother had a flat in a place near Sibenik; the place is called Pirovac.
3 When I reached Pirovac, there was more activity than in Bosnia because
4 the front line was some 8 kilometres away, and we managed to stay there
5 until September.

6 Q. Very well. And just to be clear, when exactly did you leave
7 Teslic? Which month and year.

8 A. On the 28th of December, in the morning, of 1992. There was some
9 10 centimetres of snow but I decided - it was a Monday, the 28th - that I
10 would go no matter what, and I consciously took this risk and I'm still
11 aware of this risk knowing that I could have been killed. So I ended up
12 in hospital, this time because I took a risk again by coming here.

13 Q. Thank you very much, sir.

14 MR. DEMIRDJIAN: I have no further questions, Your Honours.

15 JUDGE HALL: Yes, Mr. Aleksic.

16 Cross-examination by Mr. Aleksic:

17 MR. ALEKSIC: [Interpretation] Thank you, Your Honours.

18 Q. Good afternoon, sir.

19 A. Good afternoon.

20 Q. I have a few questions for you.

21 I know that a long time has elapsed since the events that we are
22 discussing but I would appreciate your help in clarifying some of your
23 evidence given today.

24 You gave your first statement to the OTP investigators in
25 August of 2000; and then in July of 2003, you met them again, and, on

1 that occasion, you wanted to make some corrections in your original
2 statement. Do you remember that?

3 A. Yes. I remember that even today. I can make some corrections
4 because it depends on one's memory.

5 As I said, if you want to be accurate and write a book about it,
6 then you should do it immediately.

7 Q. I agree with you.

8 In your statements, as well as today, you described these men who
9 used to come there while you were detained, and you said that -- you
10 called Brane Milicic and the men who surrounded him, Sarenjaci. Then you
11 mentioned the Red Berets, Piko and Rakic, i.e., Raka.

12 Did these two groups have identical uniforms? Did they all wear
13 camouflage uniforms and red berets?

14 A. No, they didn't.

15 Q. Can you tell us what the difference was.

16 A. Piko and Raka wore olive-drab uniforms; whereas, the others had
17 camouflage army uniforms, similar to the ones worn nowadays by the US
18 troops. That's what Brane used to wear, and that's why we called them
19 Sarenjaci.

20 We were terrified whenever they would burst into the warehouse,
21 TO warehouse.

22 Q. So you didn't see any other paramilitary formations there in
23 Teslic, apart from the ones that you mentioned.

24 A. Well, Piko, that was Red Berets. They were the people who did
25 not come from the Teslic territory. Piko and Raka and their

1 organisation. They were from outside, not from Teslic.

2 Q. You saw no Arkan's units at that time in Teslic.

3 A. As far as I know, I didn't see any of them, and I don't know
4 about them. I didn't see any Arkan insignia.

5 Q. You mentioned Dragan Babic and the guards in Pribinic. Can you
6 tell us what uniforms and what insignia they had?

7 A. How should I tell you? Dragan Babic used to have five or six of
8 his men and they would go around the village, around the villages and
9 arrest people. If they knew that there was a person with some money,
10 they would take that person to Pribinic, they would beat them up, break
11 bones and force them in various means. He also used to wear a military
12 uniform -- excuse me. And his people took from Saban Mesinovic a car,
13 Ascona [Realtime transcript read in error "Skoda"]. Saban Mesinovic used
14 to be a taxi driver. He used to have an Ascona, which for us at the time
15 was a very good car. So they took the car and they would use it. Not
16 Skoda, Ascona. You have to correct this thing here. It is not Skoda.
17 All right, yeah.

18 Q. In relation to your arrest and that taking of money from you, in
19 November 1992, you were interviewed by an investigative judge from the
20 basic court in Teslic as a victim of a crime.

21 A. Yes, I remember that. I don't know his name. Aha,
22 Nenad Kovacevic. Yes, it was him. So I think there was some sort of a
23 hearing and not only me but many other people as well were interviewed.
24 People who had to hand over their money and other things. People who
25 were forced to do that.

1 Q. And at that occasion, you stated -- you basically repeated part
2 of what you said today and you said that you gave the money to Raka.
3 However, you also said that you gave 1400 billion at the time or 140.000
4 dinars at the time of the giving of the statement. Was there some sort
5 of a change in the money system meanwhile?

6 (redacted)s

7 (redacted)

8 (redacted) I myself also wouldn't say it if I
9 were you. I would also be afraid to say it. This Nenad is still alive
10 and is very familiar with the case. He handled the case in a very
11 correct way and currently he is a practicing lawyer.

12 MR. ALEKSIC: [Interpretation] Your Honour, we should redact the
13 transcript. Page 45, line 11.

14 Q. Sir, you probably did not see the decision to open investigation
15 and detain Raka and others. You are, however, aware that they had been
16 detained because they took part in that proceedings in which you
17 testified.

18 A. I knew very well that they were "detained," in inverted commas, I
19 have to say. You know, that was the sort of practice they had there at
20 the time. Because if you detain someone whom you had organised in the
21 first place to go there and do these things, well ...

22 Q. Now when Piko, Raka and other members of the Red Berets were
23 arrested, do you know that there -- at the time two people were killed
24 during the arrest?

25 A. Two people were killed? I don't know. Maybe I heard it and now

1 I can't remember.

2 Q. You mentioned that judge told you that. But you didn't see the
3 original request to start the investigation by the competent prosecutor
4 and the decision to start the investigation. We have here both
5 documents, and both documents contain the names of those person who
6 committed numerous crimes. And, among other names, your name is
7 mentioned as well.

8 However, as opposed to other people who were also forced to hand
9 over cars, money and valuables, you can find the following amounts.
10 Mujo Sahic?

11 A. No, no. Not Sabic, Sahic.

12 Q. Mujo Sahic, 2.000 German marks; Slavko Vidic, 7.000 German marks;
13 Jozo Martinovic, 34.500 German marks, 3.000 Swiss francs, 23.000 Austrian
14 schillings. And, at the end, there's your name as well, I'm not going to
15 mention it. And the amount is 140.000 dinars.

16 So these people while they were interrogated, they gave the
17 correct amounts and those amounts were entered into the record. Both in
18 the original request and the subsequent decision to start the
19 investigation.

20 A. Well, let me ask you? Why did they break Martinovic's hand later
21 on? You know, he used to be a carpenter. And then Mujo Sahic, how much
22 did he give? I know him. I used to be there with him and this other
23 guy.

24 Q. I have to interrupt you, I'm sorry. I'm simply telling you that
25 other names have certain other amounts and not only dinars but also

1 foreign currency, while you said to that judge only that you gave this
2 amount in dinars without any further explanation.

3 So let us proceed.

4 A. Can I ask you something, sir?

5 Q. Here I am asking the questions.

6 A. But I want to ask you something.

7 Q. No, that's not allowed.

8 A. All right.

9 MR. DEMIRDJIAN: [Previous translation continues] ... the
10 transcript here says - I don't know if this is an error in the
11 transcript - that Mr. Aleksic said, "You said to the judge what you
12 gave..." But we don't know what the witness said at the time. What we
13 have is the document only. So not to mislead the witness as to what is
14 said and what was written.

15 What you have a document and what's written on it is all we can
16 say. And perhaps it would be easier to show it to the witness, if you
17 wish.

18 MR. ALEKSIC: [Interpretation] All right. It's P1363. And in
19 B/C/S, it's the last page. In English, it's page 160 and 161.

20 MR. DEMIRDJIAN: Which tab is this in your list, please?

21 MR. ALEKSIC: [Interpretation] It's your tab number 3.

22 MR. DEMIRDJIAN: Thank you.

23 (redacted)

24 (redacted)

25 (redacted)

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

8 MR. ALEKSIC:

9 Q. [Interpretation] Can you see, it says here at the bottom of the
10 page: "When we reached my house, I told Raka that, as I did not supply
11 the goods myself, I would raise the amount to 140.000 billion. So I gave
12 him the money. Nowadays the amount is 140.000 dinars. Raka left me at
13 home and my detention was over on that day. That was on the 12th of
14 June, 1992."

15 Do you see that that is what you stated at the time?

16 A. You mean before that court? Before Nenad Kovacevic? Well, I
17 know Nenad. We know each other very well. He was rather careless when
18 he drafted this text and it was his decision. That's what he said, in
19 order for me not to have any other problems.

20 You know, when I was sitting in his office he even brought out
21 some rakija for the two of us to drink, if you really want to know all
22 the details about the case. So I also sued that Miso for my house, I
23 wanted him to return my house. And Nenad told me, Let it lie. Other
24 better times will come.

25 So Nenad and I agreed on some sort of friendly solution. It

1 wasn't a actual act.

2 Q. Did you state that you were released on the 12th of June?

3 A. No, it was the 12th of July. That's when I gave the money,
4 that's when they took two vans full of goods from my store. I didn't see
5 that, but my aunt and my uncle saw it. And also another relative; he was
6 deaf and dumb. And they were watching all this happening from their
7 houses.

8 Q. All right. But today you stated that you were released the day
9 after.

10 A. Yes, I was released the day after. I wasn't released on the same
11 day. On that day I gave the money. I told you that this is some sort of
12 a friendly indictment, so that they could show that they did something in
13 relation to those people and those events. That's how it was. I really
14 want to explain you what exactly happened there. And this Nenad maybe
15 even saved me. He told me, I am going to pronounce a positive judgement
16 if you want to sue for the return of your house, but somebody is going to
17 kill you later on. You have to be careful with those Serbian soldiers.

18 Q. All right. Now, you stated that you were released on the 13th.

19 A. Yes, on the 13th. On the 12th I gave the money, on the 12th,
20 they took the goods, and then the day after they released me. Raka came,
21 took me out, and brought me to the house the following day.

22 Q. So if you were arrested on the 3rd and released on the 13th, it
23 means that, in that first period, you spent ten days there. Is that so?

24 MR. DEMIRDJIAN: I apologise, the witness said the 12th of July,
25 not June. He just said July. Page 49, line 4: "No, it was the 12th of

1 July."

2 MR. ALEKSIC: [Interpretation] So, page 49, I asked was it on the
3 12th of June? And then he said, No, it wasn't on the 12th of July but
4 the day after. And in the statement you can find it was the 12th of
5 June. That's what the witness confirmed.

6 THE WITNESS: [Interpretation] No, no.

7 MR. DEMIRDJIAN: I don't know what you're reading. But I see
8 here, "Did you state that you were released on the 12th of June?"

9 And he replied, "No, it was the 12th of July."

10 THE WITNESS: [Interpretation] June. June. Not July, now I --
11 now I see. I didn't have my spectacles on. It's a mistake.

12 MR. ALEKSIC:

13 Q. [Interpretation] Sir, at the end of this statement, you say:
14 "This is all I have to say. There is no need for read out aloud the text
15 to me because I listened while it was dictated and I can state that it is
16 correct."

17 And the date here is the 12th of June.

18 MR. ALEKSIC: [Interpretation] In English, it's the following
19 page.

20 Q. And you had no comments, no comments to what the investigative
21 judge wrote at the time.

22 A. I told you, it was a friendly agreement. The purpose was to show
23 that something was being done about the Red Berets, you know, as if they
24 had been arrested and as if a real indictment had been brought forward.
25 You can accept that. You don't have to. But I can guarantee that that's

1 exactly what happened.

2 MR. ALEKSIC: [Interpretation] Your Honours, perhaps this is a
3 convenient time for the break?

4 JUDGE HALL: Very well, Mr. Aleksic.

5 We will return in 20 minutes.

6 [Trial Chamber confers]

7 [The witness stands down]

8 --- Recess taken at 12.06 p.m.

9 --- On resuming at 12.30 p.m.

10 [The witness takes the stand]

11 JUDGE HALL: Mr. Aleksic, it has been brought to our attention by
12 the interpreters that the exchange between yourself and the witness
13 shortly before the break, as regards the date, the answer that the
14 witness gave, that it is unclear as to whether the witness, at the end --
15 at the end of it said June or July, so it would assist if you could
16 return to clarify that.

17 Thank you.

18 MR. ALEKSIC:

19 Q. [Interpretation] Sir, you have your statement before you, you
20 provided to the investigating judge on the 19th of November.

21 Before the break, I read to you that you purportedly said that
22 that was all had you to say and no records had to be read back to you,
23 because you were following the process of typing it in and that it is
24 correct.

25 Then, in 1992, you stated that you were released on the 12th of

1 June of that year. Do you agree?

2 A. I do. However, what were the circumstances under which I managed
3 to achieve that? That's what remains to be said.

4 THE INTERPRETER: Interpreter's correction: What were the
5 circumstances under which I had to say that.

6 MR. ALEKSIC:

7 Q. [Interpretation] Sir, before the break, you said that it was a
8 friendly conversation because you shared a glass of brandy with the
9 judge.

10 A. Well, I explained the conditions to you, and if you failed to
11 understand it, then who will?

12 MR. ALEKSIC: [Interpretation] Your Honour, over the break I
13 consulted with my learned friend Mr. Krgovic. Save for this explanation,
14 I have no further questions of the witness.

15 Q. Thank you, sir.

16 JUDGE HALL: Thank you.

17 Mr. Zecevic.

18 MR. ZECEVIC: We have no questions for this witness. Thank you.

19 JUDGE HALL: Re-examination.

20 MR. DEMIRDJIAN: Yes, Your Honour, very short topic.

21 Re-examination by Mr. Demirdjian:

22 Q. Sir, can we just go over the sequence of events just to clarify
23 to the Judges.

24 You told us earlier that were detained in total 50 days; is that
25 correct?

1 A. Yes.

2 Q. Very well. Could you clarify to the Judges does that 50 days
3 include your entire period of detention, including the police station,
4 the TO, and Pribinic? Or is it something else?

5 A. It includes the entire period. It lasted 50 days, including the
6 TO, the station, and -- and Pribinic.

7 Q. So this was starting the 3rd of June until somewhere in the
8 middle of July, 50 days in total. Is that what we have to understand?

9 A. Yes.

10 Q. Very well.

11 MR. DEMIRDJIAN: That's all I ask, Your Honours.

12 [Trial Chamber confers]

13 JUDGE HALL: That concludes your testimony, sir. We are grateful
14 for your assistance to the Tribunal. You are now released, and we wish
15 you a safe journey back to your home.

16 THE WITNESS: [Interpretation] Thank you.

17 [The witness withdrew]

18 [Trial Chamber and Registrar confer]

19 [Trial Chamber and Legal Officer confer]

20 JUDGE HALL: Mr. Krgovic, we've been alerted that you have a
21 matter that you wish to raise.

22 MR. KRGOVIC: [Interpretation] Yes, Your Honour.

23 I reviewed the list of documents marked for identification to see
24 which ones were still missing translation. I would kindly ask that the
25 next -- the following documents be removed from the MFI list. It is

1 2D32, 2D39, 2D40, 2D67, 2D122, 2D123, 2D124, 2D125. They were all
2 previously MFI'd.

3 MR. HANNIS: Your Honours, I have been given a list by
4 Mr. Krgovic earlier this morning and but I would request an opportunity
5 to check the transcripts and be sure that there wasn't some other
6 objection that we had besides the fact that it was missing a translation
7 and inform the Court of such objection, if any that we might have.

8 JUDGE HALL: So we would defer a decision on that application
9 until we next reconvene. And since you're on your feet, Mr. Hannis,
10 where does the Office of the Prosecutor wish to take us from here?

11 MR. HANNIS: Yes, Your Honour, I wanted to address that with you.
12 We also have some marked for identification documents in e-court.
13 We intended to file something in writing indicating which ones we sought
14 to remove the MFI from and the reasons therefore. We know we're supposed
15 to rest by Thursday this week. We don't have any other witnesses
16 scheduled. We have a couple of matters pending with counsel to work out.
17 Mr. Zecevic has proposed certain documents relating to Doboje be admitted
18 and we can agree about some of those, the others we need to discuss.

19 I would like to propose perhaps that we adjourn shortly and not
20 resume before Wednesday and that will give us the time to discuss any of
21 those matters we can resolve between ourselves. I think there are still
22 perhaps a handful of pending motions that you have that we would like to
23 have resolved before we finally and formally rest. And so that's my
24 proposal, recess now until either witness or Thursday, to finally
25 complete any remaining housekeeping matters and then rest later this

1 week.

2 JUDGE HALL: Well, it goes without saying that those outstanding
3 motions of which the Chamber is seized, we would have to dispose of
4 before you formally close. But could you enlighten me as to what we
5 would be -- for what purpose we would be reconvening on Wednesday as you
6 propose.

7 MR. HANNIS: Perhaps we don't have to reconvene until Thursday.
8 I just said Wednesday out of an abundance of caution. If we realise
9 that, oh, there are some serious matters that are going to take lengthy
10 discussion or submissions or arguments before we can resolve them, to be
11 sure that we can be done by Thursday. And that's the only reason I did
12 it.

13 Perhaps, since we do have space on the calendar, we can kind of
14 keep that open, if something arises between now and the end of the day
15 tomorrow that we need it, we can make use of it. If not, we'll just say
16 okay, we'll meet on Thursday instead of Wednesday. That's my proposal.

17 JUDGE HALL: I see. There is a phrase which I find particularly
18 useful which I owe to one of your countrymen who conducted a workshop in
19 my country some years ago, and he warned against what he called Hello to
20 the Judge meetings; that's what I'm trying to avoid. If we're going to
21 do something, all well and good.

22 So we adjourn ... so we take the adjournment to Wednesday
23 morning. Does the Defence concur with that? Or, Mr. Demirdjian [sic]
24 also suggested Thursday. Wednesday or Thursday.

25 MR. KRGOVIC: [Interpretation] Your Honours, we believe Wednesday

1 is fine.

2 [Trial Chamber confers]

3 JUDGE HALL: So Wednesday morning at 9.00 in this courtroom.

4 Thank you.

5 MR. HANNIS: Thank you.

6 --- Whereupon the hearing adjourned at 12.45 p.m.,
7 to be reconvened on Wednesday, the 26th of January,
8 2011, at 9.00 a.m.

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